

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

BOARD MEETING AGENDA

June 25, 2015

5:00 p.m.

A regular meeting of the Board of Directors will be held at **5:00 p.m.** on Thursday, June 25, 2015, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER
 - A. Roll Call.
 - B. Pledge of Allegiance.
 - C. Introduction of Special Guests.

2. PUBLIC HEARING
 - A. Proposed Fares for Warm Springs/South Fremont BART Station.*

3. CONSENT CALENDAR
 - A. Approval of Minutes of the Meetings of May 28, 2015 and June 11, 2015.* Board requested to authorize.

 - B. Extension of Labor Negotiations Review Ad Hoc Committee.* Board requested to authorize.

 - C. Appointment of Citizen Review Board Members* Board requested to authorize.

 - D. Award of Contract No. 15NU-120A, Station Access, Parking, Path and Wayfinding Improvements, Dublin/Pleasanton.* Board requested to authorize.

 - E. Award of Contract No. 20LZ-120, Train Control Room Battery Replacements.* Board requested to authorize.

 - F. Award of Invitation for Bid No. 8949A, Procurement of Anode Array Assemblies.* Board requested to authorize.

 - G. Award of Invitation for Bid No. 8954, Restraining Rail.* Board requested to authorize.

 - H. Award of Invitation for Bid No. 8956, Transit Rail Car Switchers, A, B, and C Cars.* Board requested to authorize.

 - I. Award of Invitation for Bid No. 8966, Procurement of Medium Voltage Cables.* Board requested to authorize.

 - J. Award of Invitation for Bid No. 8968, Hi Rail Swing Crane 360 Degrees.* Board requested to authorize.

 - K. Award of Invitation for Bid No. 8969, Hi Rail Swing Crane 180 Degrees.* Board requested to authorize.

 - L. Reject All Bids for Contract No. 15TF-121, Install Safety Barriers in Right-of-Way Systemwide.* Board requested to authorize.

- M. Reject All Bids for Contract No. 09EK-130, Oakland Emergency Generator System.* Board requested to authorize.
- N. Reject All Bids for Contract No. 11OG-130, Balboa Park Station East Side Connection Improvements Phase 2.* Board requested to authorize.

4. PUBLIC COMMENT – 15 Minutes

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

5. ADMINISTRATION ITEMS

Director Keller, Chairperson

- A. Agreement with Macias Gini & O'Connell LLP for Independent Audit Services to Provide Independent Audit Services to the District, the Retiree Health Benefit Trust, the Other Post Employment Benefit Trust and the Capital Corridor Joint Powers Authority (Agreement No. 6M2049).* Board requested to authorize.
- B. Warehouse Space at 2305 Chestnut St. in Oakland, Five Year Lease.* Board requested to authorize.
- C. Warehouse Space at 801 7th Street in Oakland, Five Year Lease.* Board requested to authorize.
- D. M-Line Offices at 150 California St in SF, Seven Year Lease.* Board requested to authorize.
- E. Proposed Fares for Warm Springs/South Fremont BART Station. For information.

6. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Contract No. 15TD-250, Procurement of Track Geometry Car.* Board requested to authorize.
- B. Award of Contract No. 6M3277, Procurement of Traction Motor Repair Services.* Board requested to authorize.
- C. Escalator Renovation Canopy Program.* For information.
- D. Underground Public Restroom Reopening Study.* For information.

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

Director Raburn, Chairperson

- A. BART Art In Transit Policy.* Board requested to adopt.
- B. 2015 State and Federal Legislative Recommendations.* Board requested to authorize.
- C. California Greenhouse Gas Cap and Trade Program Overview.* For information.

8. GENERAL MANAGER'S REPORT

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

9. INDEPENDENT POLICE AUDITOR'S REPORT

- A. Quarterly Report of the Office of the Independent Police Auditor. For information.

10. BOARD MATTERS

- A. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)

- B. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

- C. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

10. 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.)

**PROPOSED FARES FOR WARM
SPRINGS/SOUTH FREMONT
BART STATION**

Public Hearing

June 25, 2015



Warm Springs/South Fremont Station

- Warm Springs Extension adds 5.4 miles of new track from Fremont Station to new Warm Springs/South Fremont Station
- Station opening in December 2015

Warm Springs/South Fremont Station

Proposed Fares

- BART's existing distance-based fare structure applied to calculate proposed fares
 - All existing discounts will be given
- Title VI Report
 - Proposed fares would not change BART's existing distance-based fare structure, resulting in no adverse effect on riders
 - Public input confirmed finding: Approximately 70% of surveyed riders in 2011 and 2015 assessed the proposed fare as reasonable and not adverse
 - Report approved by Board on May 14, 2015

Sample Proposed Fares

	Fremont	Fare Increment	Warm Springs/ South Fremont	
			Proposed, Opening Dec 2015	Proposed, eff Jan 2016
Downtown Berkeley	\$4.60	\$0.40	\$5.00	\$5.15
Embarcadero	\$5.95	\$0.40	\$6.35	\$6.60
MacArthur	\$4.35	\$0.45	\$4.80	\$4.95
Richmond	\$5.15	\$0.45	\$5.60	\$5.75
Walnut Creek	\$5.60	\$0.40	\$6.00	\$6.20

Next Steps

- Public comment heard today
- July 23, 2015: Warm Springs/South Fremont Station proposed fares brought to Board for approval

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

Board of Directors
Minutes of the 1735th Meeting
May 28, 2015

A regular meeting of the Board of Directors was held May 28, 2015, convening at 5:06 p.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director McPartland entered the Meeting later.

President Blalock announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on Fiscal Year 2016 Budget, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public.

Mr. Rob Umbreit, Department Manager, Operating Budget and Analysis, presented the item.

The following individuals addressed the Board:

Mr. Jonathan Bair

Mr. Jerry Grace

There being no further public comment, the Public Hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 14, 2015.
2. Adoption of Fiscal Year 2016 Proposition 4 Appropriations Limit .
3. Resolution Authorizing the Manager of the Real Estate and Property Development Department to Sign Right-of-Way Certifications for Projects.
4. Award of Invitation for Bid No. 8957, Stainless Capped Aluminum Contact Rail.
5. Award of Invitation for Bid No. 8961, Sump Pumps.
6. Award of Invitation for Bid No. 8965, Loader, Heavy Duty, Wheel.

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

1. That the Minutes of the Meeting of May 14, 2015, be approved.
2. Adoption of Resolution No. 5294 which sets the District's FY16 appropriations limit at \$547,685,850.
3. Adoption of Resolution No. 5295 authorizing the Manager of the Real Estate Property Development Department to Sign Right-of-Way Certifications for Projects.
4. The General Manager is authorized to award Invitation For Bid No. 8957 for Stainless Steel Capped Aluminum Contact Rail to Trans Tech for an amount of \$591,759.89, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA Requirement related to Protests.
5. That the General Manager is authorized to award Invitation For Bid No. 8961 for Procurement of 50 Sump Pumps to Yeoman's Chicago Corp. for an amount of \$405,329.58, pursuant to notification to be issued by the General Manager.
6. That the General Manager is authorized to award of Invitation For Bid No. 8965 for the procurement of a Loader, Heavy Duty, Wheel, to Sonsray Machinery, San Leandro, CA for the bid price of \$237,450.75, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA requirements related to protests.

President Blalock called for Public Comment. Mr. John Caner addressed the Board.

Director Keller, Chairperson of the Administration Committee, brought the matter of Title VI Process for Major Service and Fare Changes, before the Board. Ms. Marcia deVaughn, Deputy General Manager and Mr. Wayne Wong, Department Manager Civil Rights, presented the item. The item was discussed.

Director Keller brought the matter of Late Night Bus Pilot Project Extension, before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budget and Mr. Bob Franklin, Department Manager, Customer Access, presented the item. The item was discussed.

Director McPartland entered the meeting.

Mr. Jerry Grace addressed the Board.

Director Keller brought the matter of Fiscal Year 2016 Annual Budget, before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budget, Mr. Rob Umbreit, Department Manager, Operating Budget and Analysis and Mr. Dennis Markham, Acting Manager Operating Budgets, presented the item. The item was discussed.

The following individuals addressed the Board:

Mr. Chris Finn

Mr. John Arantes

Director Mallett requested that his written comments on May 15, 2015, Comments on FY16 Budget, be included in the Minutes for the current Meeting.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15EK-125, Traction Power Substation Replacement RRY Installation, before the Board. Mr. Mark Pfeiffer, Group Manager, Electrical and Mechanical Engineering and Mr. Victor Austria, Electrical and Mechanical Engineering, presented the item.

Mr. Jerry Grace addressed the Board.

Director Blalock moved that the General Manager is authorized to award Contract No. 15EK-125, Traction Power Substation Replacement RRY Installation to Blocka Construction, Inc., for the amount of \$2, 478,000.00, 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. Director Murray seconded the motion, which carried by unanimous acclamation. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman and Blalock. Noes - 0.

Director McPartland brought the matter Earthquake Safety Program: Berkeley Hills Tunnel Alternatives, before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development, Mr. Thomas Horton, Group Manager, Earthquake Safety Program and Mr. Robert Mitroff, Manager of Fleet and Capacity Planning, presented the item.

The item was discussed.

Director Blalock called for the General Manager's Report.

General Manager Grace Crunican reported on progress in reducing outstanding Roll Call for Introduction items, steps she had taken and activities and meetings she had participated in, and she reminded the Board of upcoming events.

Director Blalock called for Board Member Reports and Roll Call for Introductions.

Director Murray reported that the Station Modernization Project at the Concord BART Station coordinated with the City of Concord has received an ABAG Growing Smarter Together Award. She highlighted that the modernization plan capitalized on downtown proximity to BART which serves as the red carpet entryway into the city and promotes increased transit use.

Director Saltzman reported that she attended the Board Rules and Labor Negotiations Ad Hoc Committees.

Director McPartland requests a report to the Board on Earthquake Disaster Planning which would include EOC Operations (i.e. staffing, communications, O/A LNO's, shops, lines, PD, OCC, Comm Drill), Damage Estimates (i.e. contingency plans, ID resource/emergency needs and shortfalls, show standing PO's for shortfalls), and Public Information (i.e. report standard boilerplate messages). Director Blalock seconded the request.

Director Blalock called for Public Comment. The following individuals addressed the Board.
Mr. Jerry Grace
Mr. Chris Finn

The Board Meeting was adjourned at 9:10 p.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,736th Meeting
June 11, 2015

A regular meeting of the Board of Directors was held June 11, 2015, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Directors Josefowitz, Raburn and Radulovich entered the Meeting later.

President Blalock called for Introduction of Special Guests.

Director Josefowitz entered the Meeting.

President Blalock introduced and presented Ms. Tess Lengyel, Deputy Director of Planning and Policy, Alameda County Transportation Commission with a letter of commendation for her selection as 2015 Women of the Year, Women's Transportation Seminar, San Francisco Bay Area Chapter.

Director Raburn entered the Meeting.

Ms. Lengyel addressed the Board.

President Blalock called for comment on Item 3 Only.

The following individuals addressed the Board.

Ms. Donna Gerber

Mr. Jeffrey Peckham

Director Radulovich entered the Meeting.

Mr. Michael Dieden

Mr. Peter Katz

Mr. Mark Farrar

Mr. Nathan Hong

Mr. Jason Crapo

Ms. Maureen Toms

Mr. Aram Hodess

President Blalock announced that the Board would enter into closed session under Item 3-A (Real Property Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 9:42 a.m.

The Board Meeting reconvened in closed session at 9:44a.m.

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

Absent: None.

The Board Meeting recessed at 10:34 a.m.

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

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

Absent: None.

President Blalock announced that the Board had concluded its closed session under Item 3-A of the Regular Meeting agenda.

President Blalock brought the matter of Extension of the Exclusive Negotiating Agreement with Pleasant Hill Transit Village Associates, LLC for Development at Pleasant Hill/Contra Costa Centre BART Station before the Board. Mr. Robert Powers, Assistant General Manager, Planning and Development and Mr. John Rennels, Project Manager Real Estate, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Peter Katz
Mr. Michael Dieden
Ms. Donna Gerber
Mr. Jerry Grace
Mr. Mark Farrar

Director Murray moved that the Board of Directors representatives to the Pleasant Hill BART Station Leasing Authority are authorized to vote in the affirmative to authorize a one year extension of the Exclusive Negotiating Agreement with Pleasant Hill Transit Village Associates, LLC, for development of Block C, commencing June 1, 2015, with a right to extend for up to two additional ninety-day periods. The Board encourages staff to work with the developer to develop a condominium overlay map in association with Block C and to ensure the additional unit count is consistent with the current development proposal of 200 units. Director Keller seconded the motion, which carried by unanimous roll call vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Consent Calendar items brought before the Board were:

1. Award of Invitation for Bid No. 8951, Procurement of Ribbon Rail Train System.
2. Extension of Term of the Reserve Fund/Risk Management Ad Hoc Committee.

Director Raburn made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

1. That the General Manager is authorized to award Invitation for Bid No. 8951 for the procurement of a Ribbon Rail Train System, to Modern Track Machinery, Elgin, IL, for the bid price of \$1,567,500, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA requirements related to protests.
2. That the Board approve the Extension of Term of the Reserve Fund/Risk Management Ad Hoc Committee.

President Blalock brought the matter of Roll Call For Introduction Items Deemed Not Complete by Directors. The item was discussed.

Director Keller moved that staff is directed to do no further work on items 1, 2, 3 and 6 of the memorandum from the General Manager dated June 5, 2015, Board Matters Agenda Item # 6A. Director Blalock seconded the motion.

Director Mallett moved a substitute motion that the item be continued to a future meeting concurrent with a Board Rules discussion. Director Radulovich seconded the motion. The motion passed by electronic vote. Ayes - 5: Josefowitz, Mallett, Mc Partland, Radulovich and Saltzman. Noes - 4: Keller, Murray, Raburn and Blalock.

Director Keller, Chairperson of the Administration Committee, brought the matter of Agreement with Mary Rowlands Paratransit Consulting for Program Coordinator Office Services for the East Bay Paratransit Consortium (Agreement No. 2015-1325), before the Board. Ms. Laura Timothy, Paratransit Program Manager, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to execute Agreement No. 2015-1325 for Program Coordinator Office services for the East Bay Paratransit Consortium with Mary Rowlands Paratransit Consulting for a five-year term for an amount not to exceed \$843,180, with BART's share of the cost to be 50%, not to exceed \$421,590. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

Director Keller brought the matter of Resolution Approving the Fiscal Year 2016 Annual Budget. Mr. Carter Mau, Assistant General Manager, Administration and Budget and Mr. Rob Umbreit, Department Manager, Operating Budget presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. Alan Smith

Mr. Chris Finn

Mr. Jerry Grace

Director Josefowitz moved the adoption of Resolution No. 5296 as amended in the matter of approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and authorizing expenditures for the fiscal year July 1, 2015 to June 30, 2016. Director Saltzman seconded the motion. Director Saltzman offered an amendment to the motion directing staff to proceed with recruitment and filling of the new position supporting the Art In Transit Program with the start of Fiscal Year 2016. Director Keller offered an amendment to the motion directing staff to report within 90 days of the start of Fiscal Year 2016 on progress with Union representatives regarding potential C-Car window retrofit. Directors Josefowitz and Saltzman (maker and seconder of the main motion) accepted the amendments. The motion, as amended carried by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

The Board Meeting recessed at 11:50 a.m.

The Board Meeting reconvened at 11:59 a.m.

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

Absent: None.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Sole Source Procurement of Alstom Signaling Vital Processor Interlocking Circuit Boards, Sole Source Procurement of Bombardier Transportation Gealoc Track Signaling Circuit Boards and Sole Source Procurement of General Electric Transportation Signaling Vital Harmon Logic Controller Circuit Boards, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented all three (3) items. The items were discussed.

Director Raburn made the following motions as a unit. Director Blalock seconded the motions, which carried by the required two-thirds majority by unanimous electronic vote. Ayes - 9: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Radulovich, Saltzman, and Blalock. Noes - 0.

1. Pursuant to the Contract Code Section 20227, the Board finds that Alstom Signaling, Inc. is the single source of the procurement of VPI circuit boards, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations and execute a contract with Alstom Signaling, Inc., for the procurement of VPI circuit boards, in the amount not to exceed \$2,382,444.40, plus applicable taxes.

2. Pursuant to the Contract Code Section 20227, the Board finds that Bombardier Transportation, is the single source for the procurement of Gealoc Track Signaling circuit boards, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations and execute a contract with Bombardier Transportation, for the procurement of Gealoc Track Signaling circuit boards, in the amount not to exceed \$578,464.00, plus applicable taxes.
3. Pursuant to the Contract Code Section 20227, the Board finds that General Electric Transportation Signaling is the single source for the procurement of VHLC circuit boards, and that the purchase is for the sole purpose of duplicating or replacing equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations and execute a contract with General Electric Transportation Signaling for the procurement of VHLC circuit boards, in the amount not to exceed \$367,147.64, plus applicable taxes.

Director McPartland brought the matter of Fleet of the Future: Semi-Annual Update, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations and Mr. John Garnham, Group Manager, Rail Vehicle Capital Program, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Strategic Plan Update, before the Board. Ms. Ellen Smith, Planning Division Manager, Mr. Val Menotti, Chief Planning and Development Officer – Systems and Mr. Robert Powers, Assistant General Manager, Planning and Development presented the item. The item was discussed.

President Blalock called for the General Manager's Report.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of June 17, 2015.

Mr. Paul Oversier, Assistant General Manager, Operations, gave a report on weekend track maintenance and the future Transbay Tube closure.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, and gave a report on the progress of outstanding Roll Call for Introductions items.

President Blalock called for the Controller/Treasurer's Report. Ms. Rose Poblete, Assistant Treasurer, gave a presentation on the Quarterly Report of the Controller/Treasurer. The item was discussed.

Director Radulovich exited the meeting.

Mr. Chris Finn addressed the Board.

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

Director Murray requested that instructions on how to obtain a Clipper Card be placed in BART Stations. Director Josefowitz seconded the request.

President Blalock called for Public Comment.

The following individuals addressed the Board.

Chris Finn
Jerry Grace

President Blalock announced that the Board would enter into closed session under Item 14 (Public Employee Employment/Appointment and Conference with Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon the conclusion of the closed session.

The Board Meeting recessed at 2:18 p.m.

The Board Meeting reconvened in closed session at 2:25 p.m.

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

Absent: Director Radulovich.

Director Saltzman exited the meeting.

The Board Meeting recessed at 2:59 p.m.

The Board Meeting reconvened in open session at 3:01 p.m.

Directors present: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn and Blalock.

Absent: Directors Radulovich, Saltzman.

President Blalock announced that the Board had concluded item 14 of the Regular Meeting Agenda. The Board of Directors voted in Closed Session to appoint Rose Poblete, Assistant Treasurer as Interim Controller/Treasurer effective upon the last day of service by the Controller/Treasurer and until the Board in its discretion takes action. The vote was 7-0 with Directors Radulovich and Saltzman absent.

President Blalock brought the matter of Compensation and Benefits for Interim Controller/Treasurer before the Board. Director Josefowitz moved that the base salary of Rose Poblete while serving as Interim Controller/Treasurer shall be at the annual rate of \$187,496. During this appointment her benefits will continue to be those applicable to non-represented managers generally. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn and Blalock. Noes - 0. Absent - 2: Directors Radulovich and Saltzman.

President Blalock brought the matter of Engagement of an Executive Search Firm for Recruitment of Controller/Treasurer, before the Board. Ms. Alison Picard, Assistant General Manager, Employee Relations, presented the item. Director Mallett moved that the General Manager or her designee is authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to assist the Board in identifying qualified candidates within and outside of California for the position of Controller/Treasurer. Director Mc Partland seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Josefowitz, Keller, Mallett, McPartland, Murray, Raburn and Blalock. Noes - 0. Absent - 2: Directors Radulovich and Saltzman.

The Board Meeting was adjourned at 3:04 p.m.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: June 19, 2015

FROM: District Secretary

SUBJECT: Extension of Labor Negotiations Review Ad Hoc Committee

The Labor Negotiations Review Ad Hoc Committee was ratified on January 2014 and was proposed for reappointment by President Blalock and ratified by the Board in 2015 with a 'sunset' date of June 30, 2015. Chairperson Saltzman is recommending extension of the Ad Hoc Committee through the end of 2015 and President Blalock has concurred.

Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, President Blalock is bringing the matter of extending the 'sunset' date for the Labor Negotiations Review Ad Hoc Committee through the end of calendar 2015.

MOTION:

That the Board of Directors ratifies the extension of the Labor Negotiations Review Ad Hoc Committee through December 30, 2015.

Please contact President Blalock, Chairperson Saltzman or me if you have any questions.

Thank you.



Kenneth A. Duron

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: June 17, 2015

FROM: Independent Police Auditor

SUBJECT: Appointment of Citizen Review Board Members

In accordance with Chapter 2-02 of the BART Citizen Oversight Model (Model), those members of the Citizen Review Board (CRB) appointed by BART Directors from Districts 2, 4, 6, and 8, as well as the member appointed by the BART Police Associations (BPMA/BPOA), shall have their terms of service expire on June 30, 2015. All appointments of new members, or reappointments of currently-seated members, shall be for two-year terms.

According to Chapter 1-05(G) of the Model, the Office of the Independent Police Auditor (OIPA) will facilitate the application process for seats on the CRB and will coordinate the selection process with the Office of the District Secretary and the Board of Directors (Board).

The BART Directors from Districts 2, 4, and 6 have indicated an intention to reappoint each of their current CRB appointees, respectively, and each of those current CRB appointees has indicated acceptance of such reappointment. The same is true of BPMA/BPOA and their appointee. The appointment of a CRB member to the seat representing District 8 presently remains pending.

Attached to this memorandum is a motion which, if adopted by the Board, will ratify the appointments of the BART Directors from Districts 2, 4, and 6, as well as the appointment of BPMA/BPOA.

Please contact me at (510) 874-7477 or oipa@bart.gov at your convenience if you have any questions about this matter.

Thank you,



Mark P. Smith

Attachment

cc: Board Appointed Officers

RATIFICATION OF CITIZEN REVIEW BOARD APPOINTMENTS

MOTION:

That the Board of Directors ratifies the appointment of the following individuals to the **BART** Citizen Review Board for the term of 2 years that expires on June 30, 2017:

Sukari Beshears – District 2
Darren White – District 4
Les Mensigner – District 6
Richard Knowles – BPMA/BPOA



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBecker</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>6/18/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carl Orman Dept:	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Carl Orman 6/10/15</i>	<i>MB 6/12/15</i>	<i>Arghita 6/10/15</i>	[]	<i>Paul Orman 6/15/15</i>
Status: Routed		Date Created: 05/21/2015		
TITLE:				

Award Contract No. 15NU-120A, Station Access, Path and Wayfinding Improvements, Dublin/Pleasanton

NARRATIVE:

PURPOSE: Authorize the General Manager to award Contract No. 15NU-120A Station Access, Path and Wayfinding Improvements, Dublin/Pleasanton to Bay Construction Co., Oakland California.

DISCUSSION: This Contract is designated as a Micro Small Business Entity ("MSBE") set aside Contract under the District's Small Business Disadvantaged Business Enterprise Program Elements ("SBE Elements"). Through this process, only firms certified by the District as an MSBE may compete to participate as a contractor in MSBE designated contracts. The scope of this Contract provides for, among other things, furnishing all labor, equipment, materials and services required for the Dublin/Pleasanton Station accessible parking, sidewalk and wayfinding improvements. The Work includes, but is not limited to, replacement of a bus shelter and concrete pavement at a bus loading area, asphalt pavement at the accessible parking area, and the addition of an accessible drop off; installation of signage, tactile strips and truncated domes; replacement of pavement markings and striping; and miscellaneous and incidental work. This scope of work addresses the findings of non-compliance outlined in the Federal Transit Administration (FTA) Americans with Disability Act (ADA) Rail Station Compliance Assessment report issued in September 2011.

The Contract was first advertised on June 30, 2014 and the District received one (1) non-responsive bid. The Contract was re-advertised on April 13, 2015 in local publications. A total of eight (8) firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour were conducted April 30, 2015 with eight (8) prospective Bidders attending the meeting. Three (3) Bids were received. Bids were publicly opened on May 19, 2015. The Bids received and the Engineer's Estimate are shown below.

Bidder	Location	Total Base Bid Price
Sposeto Engineering Inc.	Livermore, CA	\$793,000.00
RMA Contractors & Consultants, Inc.	Discovery Bay, CA	\$867,500.00
Bay Construction Co.	Oakland, CA	\$903,000.00
Engineer's Estimate		\$731,347.00

The apparent low Bid submitted by Sposeto Engineering Inc. contained various irregularities on the Designation of Subcontractors, DBEs and SBEs Form rendering the Bid ambiguous and non-responsive to the solicitation. The apparent second low Bidder, RMA Contractors & Consultants, Inc., on its Designation of Subcontractors, DBEs and SBEs Form indicated that it intended to subcontract more than fifty percent (50%) of the Contract Work rendering the Bid non-responsive to the solicitation. The Contract Documents require that 50% or more of the Work be performed by a Contractors own forces.

Staff has determined that the apparent third low Bid submitted by Bay Construction Co. is responsive to the solicitation. Staff has also determined, upon examination of this Bidder's business experience and financial capabilities, that this Bidder is responsible and that the Bid price of \$903,000.00, is fair and reasonable based upon bid competition..

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

The Contract will utilize federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, the Federal Transit Administration (FTA), has concurred that implementation of the project will not have a significant impact on the environment and qualifies for a categorical exclusion as defined under 23 CFR 771.118 (c) (5), activities to promote transportation safety, security and access.

OFFICE OF CIVIL RIGHTS (OCR): Pursuant to the District's Small Business DBE Program Elements, this Contract was advertised as a Micro Small Business Entity (MSBE) Set-Aside. All Bidders are required to be a BART certified MSBE at the time of bid. The lowest responsive bidder, Bay Construction, is a BART certified MSBE.

FISCAL IMPACT:

Funding of \$903,000 for the award of Contract 15NU-120A is included in the total project budget for FMS #15NU001 – ADA Path – DP/NC/PB/SB Stations. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since April 2015 and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund Number	Fund Description	Source	Funded Amount
3002	FY11 Capital Projects 5307 UAF	Federal	3,251,332
352U	FY02 Capital Assistance Program	Federal	2,220
352X	FY05 Capital Assistance Program	Federal	404,530
352Z	FY07 Capital Assistance Program	Federal	722,367
6301	FY10-11 Project Match MTC Res#4013	MTC	412,833
8202	Sales Tax Revenue Bond	BART	3,649
850W	FY00-06 Capital Allocation	BART	94,130
851W	FY07-11 Capital Allocation	BART	1,721
8523	Capital Surcharge-Station to Station	BART	400,000
Total			5,292,782

As of June 1, 2015, \$5,292,782 is the total budget for this project. BART has expended \$931,528, committed \$429,344 and reserved \$1,130,000 to date for other actions. This action will commit \$903,000 leaving an available fund balance of \$1,898,910 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

There are two alternatives:

1. Reject all Bids and re-advertise this Contract for the third time. Re-advertising this Contract will delay construction six more months into 2016 rainy season. Re-advertising will result in additional administrative costs resulting from reissuing the Bid package and obtaining Bids. There is no assurance that with a resolicitation that the District would receive any responsive bids, or that the bids received would be lower than that of the responsive low bidder.
2. Reject all Bids and do not re-advertise. Rejecting all Bids and not re-advertising will result in deferral of correction of accessibility deficiencies discovered during an FTA audit at Dublin/Pleasanton Station. Additionally, Staff costs incurred to date may be required 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. 15NU-120A, Station Access, Path and Wayfinding Improvements, Dublin/Pleasanton to Bay Construction Co. for the Bid price of \$903,000.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: MacArthur Gines Dept. M & E <i>[Signature]</i> 6-16-15	General Counsel <i>[Signature]</i> 6/16/15	Controller/Treasurer <i>[Signature]</i> 6/17/15	District Secretary []	BART <i>[Signature]</i> 6/17/15
Signature/Date:		[]		
Status: Routed		Date Created: 06/11/2015		
TITLE:				

AWARD OF CONTRACT NO. 20LZ-120, TRAIN CONTROL ROOM BATTERY REPLACEMENTS

NARRATIVE:

PURPOSE:

To obtain the Board's authorization for the General Manager to award Contract No. 20LZ-120 for Train Control Room Battery Replacements to EXARO Technologies Corporation of Burlingame, CA.

This contract was advertised by the District as a Micro Small Business Entity (MSBE) set-aside contract. Bidders were notified that bids may only be submitted by firms certified as MSBE's prior to the bid opening date.

DISCUSSION:

The train control room battery systems provide emergency power to all the computer and control devices that are essential for train operations. The batteries are used to store energy as a part of uninterruptible power supply (UPS) to provide all necessary power to essential loads when the utility power is not available. The batteries have limited life between eight (8) to twelve (12) years. At the end of life, batteries can no longer hold a charge for a significant length of time, thus rendering them useless. At that time, any utility power disruption will cause a loss of train control computer operations, resulting in train control shutting down.

Most of the battery systems in the train control rooms across the BART system are at the end of life, requiring replacement of battery systems. This Contract will replace battery systems in sixteen (16) stations and train control huts. Last year, the District completed Contract No. 20LZ-110 which performed the same scope except no battery monitoring to 16 train control facilities.

In general, the work under Contract No. 20LZ-120 consists of dismantling and disposing of the existing battery systems, and replacing them with a new battery system with remote monitoring system of the same capacity. This Contract also includes replacement of disconnect switches, wiring/conduit and grounding, as needed.

The District provided advance notice to ninety-nine (99) prospective Bidders, and plans were sent to twenty-four (24) Plan Rooms. The Contract was advertised on May 20, 2015. A pre-bid meeting was held on May 29, 2015 with five (5) prospective Bidders in attendance. A site visit was conducted on May 29, 2015, with five (5) Contractors in attendance. Bids were opened on June 9, 2015. A total of two (2) Bids were received as follows:

<u>BIDDER</u>	<u>LOCATION</u>	<u>BID PRICE</u>
Nor-Cal Battery	Stockton, CA	\$951,408.80
EXARO Technologies Corporation	Burlingame, CA	\$1,384,712.00
Engineer's Estimate		\$1,400,000.00

The apparent low Bid, submitted by Nor-Cal Battery, was not responsive because the company is not a BART certified Micro Small Business Entity (MSBE). The second low Bidder, EXARO Technologies Corporation, submitted a responsive Bid. Upon review of the Bidder's business and financial capabilities, staff has determined that the Bidder is responsive and that its Bid of \$1,384,712.00 is fair and reasonable.

Pursuant to the District's Small Business Disadvantaged Business Enterprise (DBE) Program Elements this contract was advertised as a Micro Small Business Entity (MSBE) Set-Aside. All Bidders are required to be a BART certified MSBE at the time of bid. The lowest responsive Bidder, EXARO Technologies Corporation, is a BART certified MSBE.

FISCAL IMPACT:

Funding of \$1,384,712.00 for the replacement of train control room batteries is included in Project 20LZ100 - Battery Replacement for Train Control Rooms. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

The following table depicts funding assigned to the referenced project since October 2014, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund No.	Source	Fund Description	Amount
354R	Federal	FY10 Capital Projects	\$148,198.82
6017	Bridge Toll Alloc.	Bridge Toll FY09-10 Alloc. 10395402	\$ 24,824.18
8529	BART Alloc	FY15 BART Operating to Capital	\$2,000,000.00
		Grand Total	\$2,173,023.00

As of June 11, 2015, \$2,173,023.00 is the total budget for this project. BART has expended \$47,080.76, has committed zero dollars and has reserved zero dollars to date for other actions. This action will commit \$1,384,712.00, thus leaving an available balance of \$741,230.24 remaining in fund resources for this project.

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

ALTERNATIVES:

The Board may decline to authorize award of the Contract, in which case the entire BART system, including train operation, is vulnerable to power failure and could result in operational shutdown.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 20LZ-120, Train Control Room Battery Replacements, to EXARO Technologies Corporation for the Bid price of \$1,384,712.00, pursuant to notification issued by the General Manager, and subject to the District's protest procedures and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wesley DeLander</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Khawaja Zubair Dept: EAM Signature/Date: <i>K. Zubair 6/17/15</i>	General Counsel <i>MB 6/17/15</i>	Controller/Treasurer <i>[Signature] 6/17/15</i>	District Secretary []	BARC <i>[Signature] 6/17/15</i>
Status: Routed		Date Created: 06/11/2015		

TITLE:

Invitation for Bid No. 8949A - Procurement of Anode Array Assemblies

NARRATIVE:

PURPOSE:

To obtain Board authorization to award Invitation for Bid (IFB) No. 8949A to Corrpro Companies, Inc, San Leandro, CA, in the amount of \$444,478.10 (includes all taxes) for the purchase of anode array assemblies.

DESCRIPTION:

The purchase of these twenty (20) anode array assemblies will enable repair of the existing Cathodic Protection (CP) system. The CP anode array assemblies are connected to power supplies located inside the Transbay Tube (TBT). The CP system consists of 30 anodes, located on both sides of the TBT. Each anode is installed away from the TBT, 250 feet to over 1000 feet, depending on the location of an anode. The anode cable is routed from the TBT top hat to the anode sled on the bottom of the bay. The cable carries the necessary current to the anode and the return current charges the TBT's outer steel shell with a negative voltage which in turns protects the shell.

The first Invitation for Bid (IFB) No. 8949 was advertised on May 5, 2015 and bid requests were sent to four (4) prospective bidders. No Bids were received. The second, readvertised IFB No. 8949A was advertised on May 13, 2015 and Bid requests were mailed to two (2) prospective Bidders. Only one Bid was received, and the Bid was opened on May 26, 2015. The Bidder is:

<u>Bidder</u>	<u>Unit Price (Each)</u>	<u>Total (Plus 10% Sales Tax)</u>
Corrpro Companies, Inc. Hayward, CA	\$20,203.55	\$444,478.10

The Engineer's estimate was \$600,000.00. Staff has determined that the apparent low bidder, Corrpro Companies, Inc., Hayward, CA, submitted a responsive bid.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitation for Bid (IFB) contracts. Therefore, no DBE goal was set for this Contract.

FISCAL IMPACT:

The Contract total not-to-exceed amount of \$444,478.10 including applicable sales tax, is included in the total project budget for 09DJ003, Transbay Tube (TBT) Cathodic Protection. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since May 2006 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:

F/G 3701W - Federal CA-56-0003	\$ 914,584
F/G 3302 - Federal CA -96-X001	\$ 185,416
F/G 353M - Federal CA - 05 - 0248	\$ 1,520,000
F/G 8205 - BART 1995 Sales Tax Rev Bond	\$ 380,000
Total	\$ 3,000,000

As of June 08, 2015, \$ 3,000,000 is the total budget for this project. BART has expended \$1,818,065, committed \$237,136 and reserved \$0.00 to date. This action will commit \$444,478 leaving an available fund balance of \$500,321 in these fund sources for this project.

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

ALTERNATIVES:

The alternative is not to purchase the anode array assemblies at this time. This will result in not having anodes in stock to replace existing anodes, when or if an emergency need arises, for the TBT Cathodic Protection System. This risks leaving part of the TBT unprotected against corrosion due to lack of cathodic protection.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award this IFB No. 8949A for the Procurement of Anode Array Assemblies to Corrpro Companies, Inc. for an amount of \$444,478 pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the June 25, 2015 E&O Committee meeting		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tracy Johnson Dep: Maintenance & Engineering <i>[Signature]</i> 6/15/15	General Counsel <i>[Signature]</i> 6/14/15	Controller/Treasurer <i>[Signature]</i> 6/14/15	District Secretary <i>[Signature]</i> 6/17/15	BARC <i>[Signature]</i> 6/17/15
Status: Routed		Date Created: 06/11/2015		

Award of Invitation for Bid No. 8954: Restraining Rail

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation for Bid (IFB) No. 8954 to Atlantic Track & Turnout Co. for the bid price of \$635,294.00 including applicable sales tax, for the purchase of Restraining Rail.

DISCUSSION:

Restraining Rail is used to improve vehicle curving performance, to reduce the risk of flange climb derailment and to control wear between the vehicle wheel and the running rail. The restraining rail is used only in curved sections of the track. It runs parallel to and just inside of the running rail on the low side of the curve. Unlike the running rail, the vehicle wheel does not ride on top of the restraining rail. Instead the flange of the vehicle wheel brushes against the side of the restraining rail head. This keeps the wheel in line with the curve which results in a better balance of lateral forces between the running rail and the restraining rail and controls wear between the vehicle wheel and the rail.

The District currently has approximately 7000 linear feet of Restraining Rail which was installed during construction of the original system. This Restraining Rail is nearing the end of its useful life and needs to be replaced.

This is a three (3) 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 fifty percent (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 percent of the contract bid price, subject to availability of funding.

A notice requesting Bids was published on April 29, 2015 and Bid request were mailed to three (3) prospective Bidders. Bids were opened on May 19, 2015 and two (2) bids were received.

<u>Bidder</u>	<u>Quantity</u>	<u>Grand Total (Including 10.0% sales tax)</u>
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Atlantic Track & Turnout Wheaton, IL	1	\$635,294.00
Voestapline Nortrak, Inc. Cheyenne, WY	1	\$935,897.60

Independent cost estimate by BART staff: \$750,000.00

Pursuant to the Special Provisions, Bids were evaluated on the basis of the total Bid Price. Staff determined that the apparent low Bidder, Atlantic Track & Turnout Co. submitted a responsive Bid, based on comparison to the independent cost estimate. Staff also determined that the Bid pricing was fair and reasonable based on Bid competition and on comparison to the independent cost estimate.

Pursuant to the revised District's Disadvantaged Business Enterprise (DBE) Program, the Office of Civil Rights is utilizing race and gender neutral efforts for IFB's. Therefore, no DBE goal was set for this Contract.

FISCAL IMPACT:

Funding of \$635,294.00 is included in the total budget for Project 15CQ001 – Rails, Ties, Fasteners 2 FY06. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

The following table depicts funding assigned to the referenced project since March 2014, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund Group	Total Awarded
Various FTA Capital Improvement Grants	15,880,440.92
Local Area Bridge tolls including RM2	2,055,000.00
BART Operating Allocations to Capital	2,164,862.07
Grand Total	20,100,302.99

As of May 28, 2015, \$20,100,303.00 is the total budget for this project. BART has expended \$11,718,995.74, has committed \$2,363,541.04 and has reserved \$692,724.00 to date for other actions. This action will commit \$635,294.00, thus leaving an available balance of \$4,689,748.22 remaining in fund resources for this project.

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

ALTERNATIVE:

Award of Invitation for Bid No. 8954: Restraining Rail

Reject all Bids and re-advertise the Contract. This, however, is not likely to lead to increased competition or lower prices and will result in delay to the replacement of the existing Restraining Rail which is nearing the end of its useful life.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award Invitation for Bid No. 8954 for the procurement of Restraining Rail, to Atlantic Track and Turnout Co. for the bid price of \$635,294.00 including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and the FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delbrugge</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Luis Leon	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Henry J. [unclear] 6/15/15</i>	<i>[unclear] MB 6/17/15</i>	<i>[unclear] 6/16/15</i>	[]	<i>[unclear] 6/17/15</i>
Status: Routed		Date Created: 06/15/2015		

Transit Rail Car Switcher – A, B & C Cars

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation For Bid (IFB) No. 8956 to Shuttlewagon, Inc., Grandview, MO., in the amount of \$1,593,225.00, including applicable sales tax, for the purchase of three (3) Transit Rail Car Switchers – A, B & C Cars.

DISCUSSION:

Switchers are primarily used to move bad order cars, or those in need of inspection, repair or cleaning, in and out of rail yard maintenance shops in Hayward, Richmond, Concord and Daly City. Capable of towing up to ten (10) revenue cars at once, they are also used in rescuing disabled revenue trains from mainline locations, when third rail power cannot be used. The three (3) new switchers will be equipped with couplers that are compatible with type A, B and C revenue cars, enabling them to pull or push rail cars to build consists, or passenger trains. The new switcher meets the District's on track equipment clearance requirements, and is designed with a Tier four (4) final diesel engine that should reduce exhaust emissions by about ninety (90) percent.

The switcher, or rail car mover is an automotive type, diesel powered, hi rail vehicle weighing about sixty-six thousand (66,000) pounds, which can be operated on or off track, to assist in maneuvering legacy revenue fleet, train cars during main line, spur and rail yard operations. It is a four (4) wheel drive vehicle with rubber tires, retractable steel rail guide wheels, enclosed operator cab and front and rear vertical adjustable couplers.

The District currently owns eight legacy car switchers, the last one having been purchased fourteen (14) years ago. One of the three (3) new switchers will replace an older unit, while the two others are additions to the vehicle maintenance fleet. They will increase the District's capacity to move legacy rail cars, while next generation fleet cars are being phased in.

A notice requesting bids was published on May 13, 2015 and bid requests were mailed to five (5) prospective bidders. Bids were opened on June 2, 2015 and two (2) bids were received. Other potential bidders who declined to bid stated they lacked the engineering capacity to meet BART wide gauge and on track clearance requirements for a small quantity order.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total including 9.5 % Sales Tax</u>
*Yale Chase Equipment and Services, Inc. Whittier, CA	\$445,696.75	\$1,337,090.25
Shuttlewagon, Inc. Grandview, MO	\$531,075.00	\$1,593,225.00

Independent cost estimate by BART staff: \$ 537,754.50, including 9.5% sales tax.

*The apparent low bid, submitted by Yale Chase Equipment and Services, Inc., was deemed non-responsive due to six (6) exceptions to the technical specifications in IFB 8956, taken in the submitted bid.

Staff has determined that the low bidder, Shuttlewagon, Inc., Grandview, MO, submitted a responsive bid and the bid pricing is fair and reasonable based on independent estimates by BART staff.

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

FISCAL IMPACT:

The statement below is for two (2) switchers only purchased with funds from project 15TD000 only:

Funding of \$1,062,150.00 for executing this contract is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since May 2007, and is included in its 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 Group	Total Awarded
Various FTA Grants	31,698,914.63
Local Area Bridge tolls including RM2	4,488,919.71
BART Operating allocation to Capital	4,126,297.58
Bart Sales Tax proceeds	2,211.83
Grand Total	40,316,343.75

As of June 15, 2015, \$40,316,343.00 is the total budget for this project. BART has expended \$10,919,300.98, has committed \$3,695,017.24 and has reserved \$20,807,741.50 to date for other actions. This action will commit \$1,062,150.00, thus leaving an available balance of

\$3,832,134.03 remaining in fund resources for this project.

The statement below is for one (1) switcher only purchased with funds from project 79BJ001 only:

Funding of \$531,075 for PR 9989 will come from project budget 79BJ-001 Non-Revenue Vehicles Part II. The following table depicts funding assigned to the referenced project since 11/07/2014, and is included in its 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. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of June 15, 2015 \$3,875,315.39 is available for this project from the following fund sources:

FUND	DESCRIPTION	Amount
8525	FY2013 Operating Capital Alloc	485,315.39
8526	FY2014 Operating Capital Alloc	1,990,000.00
8526	FY2015 Operating Capital Alloc	1,400,000.00
TOTAL		\$3,875,315.39

BART has expended \$83,850.83 and committed \$102,538.35 to date for other actions. This action will commit an additional \$531,075 leaving an uncommitted balance of \$3,157,851.21 are in these fund sources.

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

ALTERNATIVE:

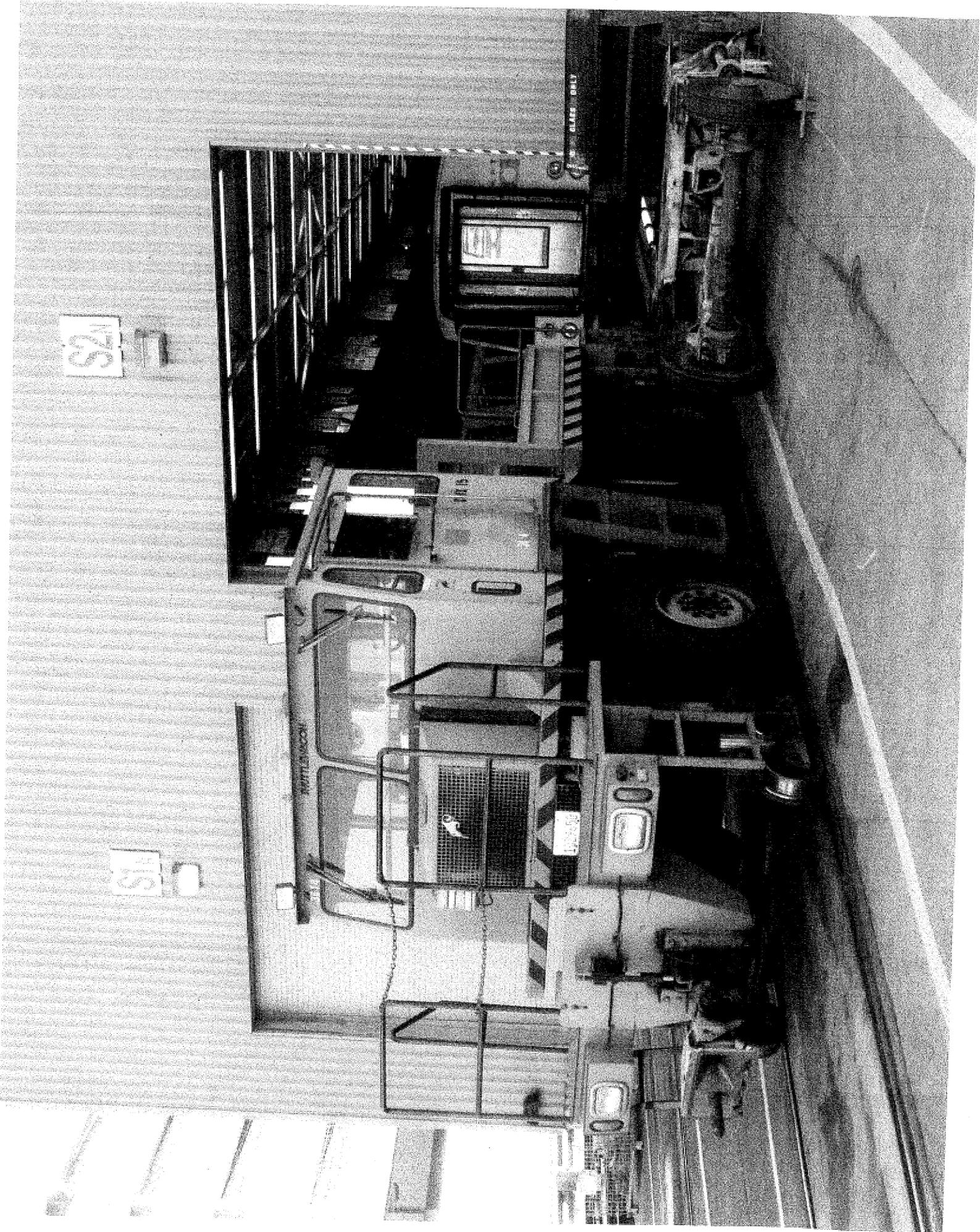
Reject all bids and re-advertise the Contract. This is not likely to lead to increased competition and would result in the District having less rail car switcher capacity, with increased travel and longer wait times to maneuver legacy rail cars for required maintenance throughout the District.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award Invitation For Bid No. 8956 for the procurement of Transit Rail Car Switcher – A, B & C Cars, three (3) each, to Shuttlewagon Inc., Grandview, MO, in the amount of \$1,593,225.00, including applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA requirements related to protests.





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Khawaja Zubair Dept: E+M <i>[Signature]</i> 6/17/15	General Counsel <i>[Signature]</i> 6/17/15	Controller/Treasurer <i>[Signature]</i> 6/17/15 []	District Secretary []	BOARD <i>[Signature]</i> 6/17/15
Status: Routed		Date Created: 06/11/2015		
TITLE:				

Invitation for Bid No. 8966 - Procurement of Medium Voltage Cables

NARRATIVE:

PURPOSE:

To obtain Board authorization to award Invitation for Bid (IFB) No. 8966 to Draka CableTeq, USA, Inc. of North Dighton, MA in the amount of \$599,726.60 (includes all taxes) for the purchase of Medium Voltage 4160V Cable.

DESCRIPTION:

The bulk purchase of this medium voltage 4160 volt cable of approximately 20,000 feet will enable replacement of one of two existing 4160V cables. The Medium Voltage 4160V cable is the main power cable supplying power into the Transbay Tube (TBT). The existing cables are close to 50 years old, and it is undersized. This cable could possibly fail when all the loads are fully energized for a long duration. The cable supplies power to life safety loads in the TBT such as pumps, fans, lights, communication and many other electrical and electronics equipment. The new replacement cable will support the additional loads that have been added over the years. The cable purchased by this procurement will be installed under a future contract.

The Invitation for Bid (IFB) No. 8966 was advertised on May 7th, 2015 and bid requests were mailed to eight (8) prospective bidders. Two Bids were received, and the Bids were opened on June 9, 2015. The Bids are:

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total (Including 10% Sales Tax)</u>
DRAKA CableTeq USA, Inc. North Dighton, MA	\$545,206.00	\$599,726.60
GRAYBAR Electric Company Inc., Dublin, CA	\$549,309.00	\$604,239.90

The Engineer's estimate was \$900,000. Staff has determined that the apparent low Bidder, DRAKA CableTeq, USA Inc., submitted a responsive Bid. Staff has also determined that the Bid pricing is fair and reasonable based on independent cost estimates and adequate price

competition.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitation for Bid (IFB) contracts. Therefore, no DBE goal was set for this Contract.

FISCAL IMPACT:

Funding of \$599,727 for the award of Invitation for Bid No. 8966 is included in the total project budget for FMS #15EK200 – Traction Power Substation - Procurement. 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.

As of June 10, 2015, \$34,463,931 is available for this project from the following sources:

Fund Number	Fund Description	Fund Source	Fund Source
226E	1998 S/T Rev Debt Serv	BART	329,454
226I	1999 S/T Rev Debt Serv	BART	80,000
3001	FY11 Capital Improve FG MOD	FTA	5,016,000
347W	FTA Grant No CA-03-0729	FTA	758,715
347X	FTA CA-05-0211-00 FY06	FTA	96,000
347Z	FTA CA-05-0216-00 FY07 FG MOD	FTA	2,940,081
352T	CA-90-Y054 FY01 Capital	FTA	267,195
352X	FY05 Capital Asst Program CA-90-Y339	FTA	320,000
353G	CA-05-0224-FY08 Cap Improvemnt	FTA	9,833,230
353K	CA-05-0236 FG MOD-FY09	FTA	1,726,186
353M	CA-05-0248 FG MOD-FY10 CAPITAL	FTA	1,401,262
3602	FY13 Cap Improve FG/SOGR 5337	FTA	4,856,333
3603	FY14 Cap Improve SOGR 5337F	FTA	620,000
6213	Regional Meas 2 08382301	Regional	437,379
6214	RM2 - Match to 53G, 54G, 54J	Regional	2,128,853
6301	FY10-11 Prj Match MTC Res#4013	Regional	847,895
6302	FY12-13 MTC AB664 resol #4080	Regional	120,000
801E	Installment Receivable	BART	189,679
850N	Capital Improvement Alloc	BART	23,604
850W	FY00-06 Capital Alloc	BART	35,014
850X	Capital Allocation - Seismic	BART	19,261
851W	FY07-11 Capital Allocation	BART	1,455,590
8523	Capital Surcharge -Station to Station	BART	807,199
8525	FY13 Operating Allocation to Capital	BART	155,000
Total			34,463,931

BART has expended \$10,120,581, committed \$15,842,552, and reserved \$126,575 to-date for other action. This action will commit \$599,727 leaving an available fund balance of \$7,774,496 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative is not to purchase the Medium Voltage 4160V cable at this time. A failure of the cable could result in an operational impact to the Transbay service.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award this IFB No. 8966, for the Procurement of Medium Voltage 4160V cable to DRAKA CableTeq USA, Inc. for the Bid price of \$599,726.60 pursuant to notification to be issued by the General Manager, subject to compliance with the District's and FTA's requirements related to Protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Luis Leon Dept: Signature: <i>[Signature]</i> Date: 6/15/15	General Counsel <i>[Signature]</i> 6/17/15	Controller/Treasurer <i>[Signature]</i> 6/17/15	District Secretary <i>[Signature]</i> 6/17/15	BARC <i>[Signature]</i> 6/17/15
Status: Routed		Date Created: 06/15/2015		

TITLE:

Hi Rail Swing Crane 360 Degrees

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation For Bid (IFB) No. 8968 to Swingmaster, Inc., Franklin Park, IL, in the amount of \$514,540.50, including applicable sales tax, for the purchase of a Hi Rail Swing Crane 360 Degrees.

DISCUSSION:

The Hi Rail Swing Crane is a rubber tire and rail wheel crane vehicle that can lift and carry loads weighing up to twenty thousand pounds (20,000), during on and off rail maintenance operations. Equipped with a three hundred sixty degree (360) rotating body, it is used to unload heavy materials, and load eighty foot (80) lengths of rail onto the ribbon rail train, in the Hayward rail yard. It also has the capacity to lift and relocate large buckets of other track materials throughout the rail yard. The crane swings laterally, but does not rotate separately from the operator's cab for enhanced safety, and is designated for use only in District rail yards, since it is not designed to meet on track equipment clearance requirements.

The crane body supports a rigid frame and swinging boom that can be reconfigured with optional attachments such as forks, a four yard bucket, extendable boom and tool circuit, when needed to perform diverse maintenance tasks. It is powered by a diesel engine, engineered with advanced emission control technology to comply with Tier four (4) final emission standards, which should reduce exhaust emissions about ninety (90) percent.

The new three hundred sixty (360) degree hi rail swing crane will supplement and eventually replace the District's current crane which was purchased twenty-eight (28) years ago, and is approaching the end of its life cycle, experiencing unacceptable downtime.

A notice requesting bids was published on May 14, 2015 and bid requests were mailed to four (4) prospective bidders. Bids were opened on June 2, 2015 and one (1) bid was received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total including 9.5 % Sales Tax</u>
Swingmaster Franklin Park, IL	\$469,900.00	\$514,540.50

Independent cost estimate by BART staff: \$ 551,880.00, including 9.5% sales tax.

Staff has determined that the apparent low bidder, Swingmaster, Franklin Park, IL, submitted a responsive bid.

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

FISCAL IMPACT:

Funding of \$514,540.50 for executing this contract is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since May 2007, and is included in its 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 Group	Total Awarded
Various FTA Grants	31,698,914.63
Local Area Bridge tolls including RM2	4,488,919.71
BART Operating allocation to Capital	4,126,297.58
Bart Sales Tax proceeds	2,211.83
Grand Total	40,316,343.75

As of June 15, 2015, \$40,316,343.00 is the total budget for this project. BART has expended \$10,919,300.98, has committed \$3,695,017.24 and has reserved \$21,546,091.50 to date for other actions. This action will commit \$514,540.50, thus leaving an available balance of \$3,641,393.53 remaining in fund resources for this project.

ALTERNATIVE:

Reject the bid and re-advertise the Contract. This is not likely to lead to increased competition and would result in the District having reduced crane lifting capacity, increased production inefficiencies, and unacceptable downtime.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award Invitation For Bid No. 8968 for the procurement of a for a Hi Rail Swing Crane 360 Degrees, to SWNG, Inc., Franklin Park, IL, in the amount of \$514,540.50, including applicable sales tax, pursuant to notification to be issued by the General Manager.





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Luis Leon Dept:	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Luis Leon</i> 6/15/15 Signature/Date:	<i>MB</i> 6/11/15	<i>[Signature]</i> 6/11/15	[]	<i>[Signature]</i> 6/17/15
Status: Routed		Date Created: 06/15/2015		

TITLE:

Hi Rail Swing Crane 180 Degrees

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation For Bid (IFB) No. 8969 to Swingmaster, Franklin Park, IL, in the amount of \$448,840.50, including applicable sales tax, for the purchase of a Hi Rail Swing Crane 180 Degrees.

DISCUSSION:

The Hi Rail Swing Crane is a rubber tire and rail wheel crane vehicle that can lift and carry loads weighing up to ten thousand pounds (10,000), during on and off rail maintenance operations. Equipped with a one hundred eighty degree (180) rotating body, it is mainly used for lifting and moving eighty foot (80) sections of rail, along with other track and yard materials, including switch point, rail anchoring swag, and concrete barriers, during maintenance operations. The crane body supports a rigid frame and swinging boom that can be reconfigured with optional attachments such as forks, a four yard bucket, extendable boom and tool circuit as needed to perform critical maintenance tasks.

The District currently owns four (4) one hundred eighty degree (180) hi rail swing cranes, two of which were purchased 15 years ago. The additional crane will support more efficient staging of track materials in the Concord and Hayward rail yards, reducing travel time to job sites on northern and southern sections of the rail system.

It is designed to operate within the District's on track equipment clearance requirements, underground and on aerial structures, and is powered by diesel engines engineered with advanced emission control technology to comply with Tier four (4) final emission standards, expected to reduce exhaust emissions about ninety (90) percent.

A notice requesting bids was published on May 14, 2015 and bid requests were mailed to four (4) prospective bidders. Bids were opened on June 9, 2015 and one (1) bid was received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total including 9.5 % Sales Tax</u>
Swingmaster Franklin Park, IL	\$409,900.00	\$448,840.50

Independent cost estimate by BART staff: \$ 499,868.00, including 9.5% sales tax.

Staff has determined that the apparent low bidder, Swingmaster, Franklin Park, IL, submitted a responsive bid.

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

FISCAL IMPACT:

Funding of \$488,840.50 for executing this contract is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since May 2007, and is included in its 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 Group	Total Awarded
Various FTA Grants	31,698,914.63
Local Area Bridge tolls including RM2	4,488,919.71
BART Operating allocation to Capital	4,126,297.58
Bart Sales Tax proceeds	2,211.83
Grand Total	40,316,343.75

As of June 15, 2015, \$40,316,343.00 is the total budget for this project. BART has expended \$10,919,300.98, has committed \$3,695,017.24 and has reserved \$21,258,901.00 to date for other actions. This action will commit \$488,840.50, thus leaving an available balance of \$3,994,284.03 remaining in fund resources for this project.

ALTERNATIVE:

Reject the bid and re-advertise the Contract. This is not likely to lead to increased competition and would result in the District having reduced crane lifting capacity and increased production inefficiencies.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award Invitation For Bid No. 8969 for the procurement of a Hi Rail Swing Crane 180 Degrees, to Swingmaster, Franklin Park, IL, in the amount of \$448,840.50, including applicable sales tax, pursuant to notification to be issued by the General Manager.





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeKorger</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the June 25, 2015 E&O Committee meeting		
DATE: c <i>6/18/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed T Tafaghodi Dept: Maintenance & Engineering <i>Hamed Tafaghodi</i> Signature/Date: <i>6/2/15</i>	General Counsel <i>[Signature]</i> Date: <i>6/5/15</i>	Controller/Treasurer <i>Chris Gan</i> Date: <i>6/3/15</i>	District Secretary <i>[Signature]</i>	BART <i>[Signature]</i> Date: <i>6/5/15</i>

TITLE:
REJECT ALL BIDS FOR CONTRACT NO. 15TF-121, INSTALL SAFETY BARRIERS IN RIGHT-OF-WAY SYSTEM WIDE

NARRATIVE:

PURPOSE:

To request that the Board reject all Bids for Contract No. 15TF-121, Install Safety Barriers In Right-of-Way System Wide.

DISCUSSION:

This Contract is for the installation of permanent physical safety barriers in the BART right-of-way. The permanent physical safety barriers must be compliant with the Roadway Worker Protection safety regulations which were promulgated by California Public Utility Commission General Order 175 (GO 175) and which have been incorporated into BART's new Safety Policy. Once installed, the permanent physical safety barriers will protect persons working in the right-of way behind the barriers from moving trains and will help to reduce the adverse impacts on train schedules resulting from maintenance work during revenue hours.

Advance Notice to Bidders was emailed and mailed on 1/14/15 to 148 prospective Bidders. Contract Books were emailed to 22 plan rooms. The Contract was advertised on 1/15/15. A pre-Bid meeting was held on 1/27/15 with 10 prospective Bidders attending the meeting. Eleven (11) entities purchased copies of the Contract Book. Two Addenda were issued.

The following two Bids were received and publicly opened on March 24, 2015:

BIDDER	LOCATION	TOTAL BID	SMALL BUSINESSES
Crusader Fence Co., Inc.	Rancho Cordova, CA	1,976,922.00	X
Valentine Corporation	San Rafael, CA	2,468,364.00	X
Engineer's Estimate		1,153,310.00	

After a careful analysis of the Bids received, Staff has determined that the Bids are unreasonably high, exceeding the project budget. In accordance with the new BART Safety Policy, the Contract Documents provide that for specified locations, the Contractor may perform work during Revenue Hours as long as it first installs a temporary physical barrier in the right-of-way.

REJECT ALL BIDS FOR CONTRACT NO. 15TF-121, INSTALL SAFETY BARRIERS IN RIGHT-OF-WAY SYSTEM W

The Engineer's Estimate had assumed that such barriers would be installed where permitted to allow for work during Revenue Hours. It appears, however, that the Bidders were uncertain about the requirements related to the temporary physical barriers and so they erred on the side of caution and assumed that all work would need to occur only during Non-Revenue Hours. This escalated their labor costs significantly and resulted in unreasonably high Bid prices.

Staff believes that there is an opportunity for the District to receive more competitive Bids at a lower, more reasonable price, in line with the available budget and a more prudent use of District's funds if the Contract is re-advertised. Staff believes that this can be accomplished by revising the Contract Documents to clarify the requirements related to temporary physical barriers in the right-of way and the responsibility of BART staff for approval of the temporary physical barriers. The revisions will also, to the extent possible, specify the hours of work rather than giving the Contractor a choice of performing the work during Revenue or Non-Revenue Hours. The revisions will also clarify the important and relevant safety related procedures that must be observed and performed by the Contractor, BART Safety, BART OCC and the Construction management team to allow work during regular work hours.

FISCAL IMPACT

There is no fiscal impact resulting from rejection of all Bids.

ALTERNATIVES:

The alternative is to award this Contract to the apparent low Bidder, Crusader Fence Co., Inc., at a cost of \$1,976,922.00. This will result in a substantial increase in the project cost, and a project budget deficit of more than \$800,000. As of this date, a funding source to cure this large deficit has not been identified.

RECOMMENDATION:

Adoption of the following motion

MOTION:

All Bids for Contract No. 15TF-121, Install Safety Barriers In Right-Of-Way System Wide, are rejected and the General Manager is authorized to readvertise the work.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: <i>6/18/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Khawaja Zubair Dept: <i>E+M</i> <i>K Zubair</i> Signature/Date: <i>6/17/15</i>	General Counsel <i>M B...</i>	Controller/Treasurer <i>...</i> 6/17/15 []	District Secretary []	BARC <i>Paul...</i> 6/17/15
Status: Routed		Date Created: 06/05/2015		
TITLE:				

REJECT BID FOR CONTRACT NO. 09EK-130, OAKLAND EMERGENCY GENERATOR (OEG) SYSTEM

NARRATIVE:

PURPOSE:

To request that the Board reject the Bid for Contract No. 09EK-130, Oakland Emergency Generator (OEG) System.

DISCUSSION:

The Oakland Emergency Generator System will provide power to the Transbay Tube (TBT) and the two Transition structures (San Francisco and Oakland Transition Structures) in the event of a utility power failure. In the event of an emergency condition when the utility power is not available, the generator will provide power to the life safety systems in the TBT.

The District provided advance notice to 123 prospective bidders. This Contract was designated as Security Sensitive Information (SSI) and therefore, all interested parties had to be security cleared before buying the Contract books and/or attending the Pre-Bid Meeting and Job walk. On January 16, 2015, Contract No. 09EK-130 for Oakland Emergency Generator System (the "Contract") was advertised. The pre-Bid meeting was conducted on March 20, 2015, with fifteen (15) prospective bidders in attendance. There were five (5) Addendums issued on this Contract. The only Bid was received and publicly announced on June 2, 2015. The only Bid is shown below, together with the Engineer's estimate:

On January 16, 2015, Contract No. 09EK-130 for Oakland Emergency Generator System (the "Contract") was advertised on Daily Pacific Builder, Examiner, and Daily Construction Services. The Oakland Emergency Generator System will provide power to Transbay Tube and the two Transition structures (San Francisco and Oakland Transition Structures) in the event of utility power failure. In the event of an emergency condition when the utility power is not available, the generator will provide power to evacuate passengers and personnel from the TBT. In addition it will power to operate pumps and fans in the TBT and the transition structures. Advance notice of the Contract was sent to 123 A,B & C10 licensed prospective bidders. This Contract was designated as Security Sensitive Information (SSI) and therefore, all interested parties had to be security cleared before buying the Contract books and/or attending the Pre-Bid Meeting and Job walk.

The pre-Bid meeting was conducted on March 20, 2015, with fifteen (15) prospective bidders in attendance. There were five (5) Addendums issued on this Contract. Only one (1) Bid was

received and publicly announced on June 2, 2015. The only (1) Bid is shown below, together with the Engineer's estimate:

<u>BIDDER</u>	<u>BID PRICE (Lump Sum)</u>
Shimmick Construction Company, Oakland, CA	\$12,355,000.00
Engineer's Estimate	\$7,700,000.00

The bid price is 69% higher than the engineer's estimate. This Bid greatly exceeds the available project budget.

Staff is reviewing the contract book for opportunities to reduce the price of the generator system. Staff also is reviewing the two step contracting process to increase competition. Staff recommends that the Board reject the Bid so staff can re-advertise the Contract.

FISCAL IMPACT:

There is no fiscal impact resulting from rejection of the Bid.

ALTERNATIVES:

The alternative is to award this Contract to Shimmick Construction at a cost of \$12,355,000.00. Awarding the Contract is not financially feasible at this time.

RECOMMENDATION:

Adoption of the following Motion.

MOTION:

The sole Bid tendered for 09EK-130, Oakland Emergency Generator System, is rejected.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Shirley J Ng</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shirley J Ng Dept: Planning, Development & Construction x-4927	General Counsel	Controller/Treasurer	District Secretary	BARG
Signature/Date: <i>szg</i>	<i>MB 6/18/15</i>	<i>[Signature] 6/17/15</i>	[]	<i>[Signature] 6/17/15</i>
Status: Approved		Date Created: 06/04/2015		

TITLE: **Reject All Bids For Contract No. 11OG-130, Balboa Park - Phase 2**

NARRATIVE:

PURPOSE:

To reject all Bids for Contract No. 11OG-130, Balboa Park - Phase 2.

DISCUSSION:

Contract No. 11OG-130 will modernize Balboa Park Station and consists of a base Contract and additive items, should funding be available. The base Contract scope of work will connect the west side walkway to the new east side walkway and SFMTA train platform and includes construction of a new eastside glazed head house over the north entrance. Additional additive items for Balboa Station improvements include: new lighting, ceiling treatment, wall finishes and a 5 feet high separation barrier between the free and paid areas.

An Advance Notice to Bidders was mailed on April 10, 2015 to 112 firms. The Contract was advertised on April 13, 2015 and Contract Books were sent to 24 plan rooms. A total of 9 firms purchased copies of the Bid Documents. A Pre-Bid meeting and site tour were conducted on April 29, 2015 with a total of 6 potential Bidders in attendance. One Addenda was issued during the Bid period. Two Bids were received and publicly opened on June 2, 2015. As discussed below, staff is recommending rejection of all Bids to allow a re-advertisement of the Contract.

Listed below is a tabulation of the Bids. It should be noted that the Bid submitted by West Bay Builders, Inc., was determined to have arithmetical errors in the Bid Item totals and/or in the total Bid Price. Paragraph 13.B, Evaluation, of the Instructions to Bidders in the Contract provides that item totals are provided by the Bidder for the convenience of the District, and that the District will independently calculate such prices based on the unit or lump sum prices bid. In the event of a discrepancy, the District's calculations shall govern. Accordingly, the tabulation below reflects the District's calculation of West Bay Builder's Bid.

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

BIDDER	LOCATION	BASE	ALT 3	ALT 4	ALT 5	ALT 6	TOTAL
1. Proven Management, Inc.	San Francisco, CA	\$9,295,000	\$850,000	\$500,000	\$170,000	\$55,000	\$10,870,000
2. West Bay Builders, Inc.	Novato, CA	\$8,530,000	\$2,111,000	\$590,000	\$292,000	\$100,000	\$11,623,000
ENGINEER'S ESTIMATE		\$7,048,480	\$1,559,038	\$785,132	\$162,379	\$97,916	\$9,652,945

Both Bids received exceed the Engineer's Estimate of \$7,048,480 and the project's budget of \$7,500,000 disclosed at Bid opening. The current Contract language provides that award would not be made above the available funding which was disclosed prior to opening the Bids. Therefore, the District must reject all Bids and re-advertise this Contract. As part of re-advertising, staff is identifying additional funding and will revise the Contract language to provide for award of the Contract to the lowest Bidder and will include options for additional work.

FISCAL IMPACT:

There is no fiscal impact by this action.

ALTERNATIVE:

The only alternative is to re-advertise.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

All Bids for Contract No. 11OG-130 Balboa Park Station - Phase 2 are rejected and the General Manager is authorized to re-advertise the Contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Macias Gini & O'Connell</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Christopher Gan Dept. Assistant Controller	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Chris Gan 6/11/15</i>	<i>MB 6/16/15</i>	<i>Christopher 6/16/15</i>	[]	<i>6/15/15</i>
Status: Routed		Date Created: 06/02/2015		
TITLE:				

Award of Agreement No. 6M2049 for Independent Audit Services

NARRATIVE:

Purpose: Authorize the Controller/Treasurer to award Agreement No. 6M2049 for Independent Audit Services to Macias Gini & O'Connell LLP for a five-year period from fiscal year 2015 to fiscal year 2019 to provide independent audit services to the District, the Retiree Health Benefit Trust ("RHBT"), the Other Post Employment Benefit Trust ("Other OPEB") and the Capital Corridor Joint Powers Authority ("CCJPA").

Discussion: The San Francisco Bay Area Rapid Transit District Act (California Public Utilities Code Section 28769) requires that an independent certified public accountant conduct an annual audit of all books and accounts of the District. As a recipient of federal, state, and local grants, in order to comply with funding agreements, the District is also required to submit annually, in addition to the annual audited financial statements, other financial reports such as the National Transit Database Report, Single Audit Report, Transit Development Act Report, Measure B and other compliance reports.

On March 6, 2015 the Request for Proposals ("RFP") No. 6M2049 was advertised in several Bay Area publications. Advance Notice to Proposers was sent to 45 prospective and past Certified Public Accounting Firms. A total of twenty four (24) firms received the electronic version of the RFP. A pre-submittal meeting was held on March 27, 2015 and attended by six (6) prospective firms.

The scope of the RFP requires an audit of the basic financial statements of the District, the RHBT, the Other OPEB, which is currently in the process of being set-up, and the CCJPA. It also includes audits of other financial reports required by government agencies, which provide grant funds to the District.

On April 21, 2015, four (4) proposals were received from the following firms:

1. Macias Gini & O'Connell LLP of Walnut Creek, CA ("MGO")
2. Vavrinek, Trine, Day & Company, LLP of Palo Alto, CA ("VTD")
3. Maze & Associates of Pleasant Hill, CA ("Maze")
4. Moss Adams LLP of Seattle, Washington. ("Moss Adams")

The proposals were reviewed by a Selection Committee (“Committee”) consisting of staff from the Office of Civil Rights and Finance Department and Contract Management (in a non-voting capacity). The submittals were first reviewed for responsiveness to the requirements of the RFP. All submittals were found responsive. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to technical qualifications of the proposing firms, key personnel, and depth of resources and experience in the audits specified in the RFP. The Committee then conducted oral interviews with each proposer to obtain additional information concerning their audit methodology and relevant experience. Based on the oral and written evaluations, the Committee ranked the four proposers and determined that MGO and VTD scored the highest overall scores.

The committee then reviewed the price proposals. The Committee evaluated the proposals using the best value methodology. Under this approach, the District evaluates not only the price of the proposals submitted, but also other criteria which when assessed together, identifies the proposer that best meets the District's needs. Based on the best value analysis, the Selection Committee unanimously determined that Macias Gini & O'Connell offered the best overall value to the District. MGO also offered the most diverse staffing among the four (4) proposers, with a sub-consultant being a local business enterprise.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. The bidder committed to subcontracting 100% MBE and 0% WBE. The bidder did not meet the WBE percentage, and therefore the bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the bidder, the Office of Civil Rights found no evidence of discrimination.

Accordingly, the Committee recommends award of RFP No. 6M2049 to MGO. The Office of the General Counsel will approve the Agreement as to form.

Fiscal Impact: The maximum compensation for this agreement by fiscal year is as follows:

		BART	RHBT	Other OPEB	CCJPA	Total
		-----	-----	-----	-----	-----
	FY 2015	\$147,174	\$14,966	\$14,966	\$32,189	\$209,295
	FY 2016	152,157	15,265	15,265	33,833	216,520
	FY 2017	155,200	15,570	15,570	33,490	219,830
	FY 2018	158,303	15,881	15,881	34,160	224,225
	FY 2019	161,469	16,199	16,199	34,843	228,710
		-----	-----	-----	-----	-----
	Total	\$774,303	\$77,881	\$77,881	\$168,515	\$1,098,580
		=====	=====	=====	=====	=====

Funding for the audits required of the District and for the Other OPEB audits for FY 2015 are included in the FY 2015 operating budget of the Controller-Treasurer's Office. Funding for each subsequent year will be included in the future operating budgets of the Controller-Treasurer's Office. The fees for the RHBT and CCJPA audits will be paid by RHBT and CCJPA.

Alternative: Annual audit of the District's books and records is a legal requirement and is also necessary to comply with reporting requirements imposed by various government agencies, which provides funds to the District. The annual audit of the RHBT is required under the Agreement and Declaration of Trust approved by the Board in 2004. The annual audit of CCJPA is required per the Fund Transfer Agreement between CCJPA and the State of California, Department of Transportation. The District could reject the proposals and re-solicit new proposals, which most likely will generate the same response from the same accounting firms.

Recommendation: It is recommended the Board adopts the following motion:

Motion: The Controller-Treasurer is authorized to award Agreement No. 6M2049 to Macias Gini & O'Connell LLP to provide independent audit services to the District, the RHBT, the Other OPEB Trust, and the CCJPA for audits covering a five-year period commencing with fiscal year 2015 through fiscal year 2019, for a total maximum compensation not to exceed \$1,098,580, subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Patricia Schuchardt</i>		GENERAL MANAGER ACTION REQ'D:			
DATE: <i>6/18/15</i>		BOARD INITIATED ITEM: No			
Originator/Prepared by: Patricia Schuchardt Dept: REAL ESTATE & PROP. DEV Signature/Date: <i>[Signature] 6/18/15</i>	General Counsel <i>[Signature] 6/18/15</i>	Controller/Treasurer <i>[Signature] 6/18/15</i>	District Secretary	BARC <i>[Signature] 6-18-15</i>	
TITLE:					

LEASE OF WAREHOUSE SPACE - 2305 CHESTNUT STREET, OAKLAND

NARRATIVE:

PURPOSE

To authorize the General Manager, or her designee, to enter into a lease with West Grand Adeline, LLC (Landlord) for approximately 6,000 square feet of warehouse space at 2305 Chestnut Street, Oakland for a five year term beginning July 1, 2015.

DISCUSSION

Around August 2012, the Board authorized staff to execute a three year lease at 2305 Chestnut Street to store fiber optic equipment until the Hayward Maintenance Complex facility expansion is complete. The current lease rate per month is \$2,722.00 per month or \$.45 per square foot. The lease expires on June 30, 2015.

Space for storage of construction equipment continues to be needed for a longer term.

Staff evaluated multiple spaces that could meet the District's storage needs. Six potential properties met those needs. After a detailed evaluation based on proximity to the Oakland Shop, cost per square foot, truck and dock access, common area maintenance, tenant improvement costs, age of facility, building classification and stability of ownership, staff determined that the existing location best meets the District's need. The average cost per square feet of the six properties was approximately \$.75 per square feet per month. The proposed warehouse space rental rate is below this average.

The term of the lease will be for sixty months commencing on July 1, 2015 and expiring on June 30, 2020.

The annual lease payment for all five years, excluding operating expenses, will be approximately \$39,600.00 or \$0.55 per square foot for the first year, with an annual escalation, based on the regional Urban Consumer Price Index, for each subsequent year.

The lease will be approved as to form by the Office of the General Counsel.

FISCAL IMPACT

Funding for the initial year's lease payment is included in the FY16 budget for the Real Estate and Property Development Department. Funding for each subsequent year will be included in

LEASE OF WAREHOUSE SPACE - 2305 CHESTNUT STREET, OAKLAND

the future operating budgets of the Real estate and Property Development Department. No moving costs are needed.

ALTERNATIVES

Do not lease the warehouse space at 2305 Chestnut Street, Oakland and continue to search for another location to store the equipment

RECOMMENDATION

Adopt the following motion:

MOTION

That the General Manager, or her designee, is authorized to execute a lease agreement with West Grand Adeline, LLC for 6,000 square feet of warehouse space at 2305 Chestnut Street, Oakland for a five year term for a first year rent amount of \$39,600, with an annual escalation based on the regional Urban Consumer Price Index for each subsequent year's rent amount.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Patricia Schuchardt</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patricia Schuchardt Dept: REAL ESTATE & PROP DEV Signature/Date: <i>Patricia Schuchardt</i> 6/18/15	General Counsel <i>MB</i> 6/18/15	Controller/Treasurer <i>MP</i> 6/18/15	District Secretary []	BARC <i>W</i> 6-18-15 []

TITLE: LEASE OF WAREHOUSE SPACE - 801 7th AVENUE, OAKLAND

NARRATIVE:

PURPOSE

To authorize the General Manager, or her designee, to enter into a lease with Donald and Laura Landreth (Landlord) for approximately 7,394 square feet of warehouse space at 801 7th Avenue, Oakland for a five year term.

DISCUSSION

In August 2012, the District entered into a three year lease for 4,400 square feet at this location to temporarily store elevator/escalator equipment until completion of the Hayward Maintenance Complex facility expansion. This space is located directly across the street from the Oakland shops. Before this lease, the equipment was being stored outside at the Oakland shops and exposed to the weather. The current lease rate per month is \$2,750.00 per month or \$0.63 per square foot. The lease expires on July 31, 2015, and we will holdover one additional month.

The District continues to need storage space for elevator/escalator equipment and now needs more square footage. The landlord offered to double the existing lease area, equaling the entire warehouse of 7,394 square feet plus a parking lot for eight cars.

Staff evaluated multiple locations that could meet the District's needs for storage. Six potential properties met the basic storage criteria. After a detailed evaluation of each site, based on proximity to the Oakland Shop, cost per square foot, truck and dock access, common area maintenance, tenant improvement costs, age of facility, building classification and stability of ownership, staff determined that staying in the same location best meets the District's need. The average cost per square feet of the six properties was \$0.75 per square foot per month.

The term of the lease will be for sixty months commencing on September 1, 2015 and expiring on August 31, 2020.

The annual lease payment for all five years, including operating expenses but excluding utilities, insurance, taxes, and related expenses, will be approximately \$72,000.00 or \$0.81 per square foot with no escalation in the following years.

The lease will be approved as to form by the Office of the General Counsel.

LEASE OF WAREHOUSE SPACE - 801 7th AVENUE, OAKLAND

FISCAL IMPACT

Funding for the initial year's lease payment is included in the FY16 budget for the Real Estate and Property Development Department. Funding for each subsequent year will be included in the future operating budgets of the Real Estate and Property Development Department. No moving costs are needed.

ALTERNATIVES

Do not lease the warehouse space at 801 7th Avenue, Oakland and continue to search for another location to store the equipment.

RECOMMENDATION

Adopt the following motion:

MOTION

That the General Manager, or her designee, is authorized to execute a lease agreement with Donald and Laura Landreth for 7,394 square feet of warehouse space at 801 7th Avenue, Oakland for a five year term for a total lease amount (including operating expenses but excluding taxes, insurance, and related expenses) not to exceed \$360,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> for GM		GENERAL MANAGER ACTION REQ'D:		
DATE: c		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patricia Schuchardt Dept: Real Estate and Property Development Signature/Date: <i>[Signature]</i> 6/18/15	General Counsel <i>[Signature]</i> 6/19/15 []	Controller/Treasurer <i>[Signature]</i> 6/19/15 []	District Secretary []	BARC <i>[Signature]</i> 6-19-15 []

TITLE:

M-LINE LEASE FOR OFFICE SPACE - 150 California Street, San Francisco

NARRATIVE:

PURPOSE:

To authorize the General Manager , or her designee, to enter into a lease with PPF OFF 150 California Street, LP, a Delaware Limited Partnership (Landlord) for approximately 3,024 square feet of office space at 150 California Street, San Francisco, for a seven-year and three-months term commencing August 1, 2015, with an option t renew for an additional five years.

DISCUSSION:

In May 2009, the District entered into a lease for approximately 2,797 square feet of office space at One Post Street, San Francisco, for a six year term commencing May 1, 2009. The current annual lease payment, operating expenses and amortization of a portion of tenant improvements at One Post Street is \$112,077.60. The owners are not renewing our lease because they have differently plans for the building.

The BART Transportation Department utilizes the current space, located on the third floor of the building, for the M-Line offices. A total of 15 staff are located there, including the Assistant Chief Transportation Officer, M-Line Manager, Senior Operations Supervisors, Operations Supervisors, System Service and Line Foreworkers. The office is occupied 24/7 for three shifts of employees.

BART staff initially looked at 10 different locations for a suitable new office space. Five spaces were further evaluated, based on District criteria. 150 California Street was determined to be location that best fit within the budget and criteria, with a \$47.00 per square foot rent proposal. The average base rent of all the others locations was \$61.00 per square foot.

The commencement date of the lease term will be August 1, 2015, and it will expire October 31, 2022. The first three months' rent on the premises is free. The lease provides for one option to renew for an additional five years.

The new annual base rent payment for the first year will be \$47.00 per square foot per year for 3,024 square feet (including operating expenses for the first year) and a 3% escalation for the next 6 years. The base rent excludes increases to operating expenses in subsequent years. The base rent for the remaining six years will be as follows:

M-LINE LEASE FOR OFFICE SPACE - 150 California Street, San Francisco

First year	\$94,752.00
Second year	\$146,391.81
Third year	\$150,776.64
Fourth year	\$155,312.64
Fifth year	\$159,969.60
Sixth year	\$164,777.76
Seventh year	\$169,706.88
Eighth	\$58,262.40
Total	\$1,099,949.73

The lease will be approved as to form by the Office of the General Counsel.

FISCAL IMPACT:

Funding for the rent payments during the first year is included in the FY 16 Preliminary Budget for the Real Estate and Property Development Department. Funding for each subsequent year will be included in the future operating budgets of the Real Estate and Property Development Department.

ALTERNATIVES:

Do not lease this space and seek another location

RECOMMENDATIONS:

Adopt the following motion:

MOTION:

The General Manager, or her designee, is authorized to execute a lease agreement with PPF OFF 150 California Street, LP, a Delaware Limited Partnership (Landlord) for 3,024 square feet of office space at 150 California Street, San Francisco for a seven-year and three-month term for a total rental amount, excluding operating expenses, not to exceed \$1,099,949.73, with an option to renew for an additional five years.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeLauder</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Original/Prepared by: Luis Leon	General Counsel	Controller/Treasurer	District Secretary	BARG
Signature/Date: <i>[Signature]</i> 6/18/15	<i>[Signature]</i> 6/18/15	<i>[Signature]</i> 6/18/15	[]	<i>[Signature]</i> 6/18/15
Status: Approved		Date Created: 06/17/2015		
TITLE: Award of Contract No. 15TD-250 for Procurement of Track Geometry Car				

NARRATIVE:

PURPOSE:

To request Board authorization for the General Manager to award Contract No. 15TD-250, Track Geometry Car, to MERMEC Inc., West Columbia, SC.

DISCUSSION:

The Track Geometry Car is a self-propelled, diesel electric powered rail vehicle equipped with state-of-the-art, digital recording, non-contact laser measuring equipment, and a high definition video and lighting system, instrumental for inspecting and recording the District's trackway, tunnel and rail conditions. The Car's primary function is to measure curvature, alignment, elevation, rail corrugation and wear, in addition to detecting the gauge accuracy of all tracks, including the third rail. The Car's measurement systems provide data for assessing the extent of clearances in tunnels and at train platforms. The Track Geometry car is an essential component in meeting Federal Transportation Administration (FTA) requirements for maintaining the District's track system in a state of good repair, and for performing rail repair and replacement projects.

BART Track Standards require that all mainline tracks be measured for defects and irregularities twice every year, and all yard tracks must be measured bi-annually. The California Public Utilities Commission (CPUC) periodically conducts operational audits of the District's performance regarding track inspection and measurement, to ensure compliance with applicable standards.

The District currently owns a thirty-two (32) year old track geometry car that uses older contact measuring systems, and was designed with proprietary components that are no longer generally supported by the vehicle's supplier. The car is nearly beyond economic repair and depends on a steel frame and four (4) wheel contact system that does not provide the accuracy and reliability of current laser based systems.

An Advance Notice to Bidders for Contract No. 15TD-250 was sent to seven (7) potential Bidders. The Contract was advertised on May 7, 2015 in various publications and newspapers. A total of seven (7) firms purchased copies of the Contract Documents. The pre-Bid meeting was held on May 20, 2015, with six potential bidders in attendance. Two Addenda to the Contract were subsequently issued. Bids were opened on June 16, 2015 and three (3) Bids were received. Two of the Bids were determined to be non-responsive due to exceptions taken in the bid documents, including non-acceptance of the Contract

payment structure, intellectual property rights issues, and systems performance required by the Technical Specifications.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total including 9.5 % Sales Tax</u>
MERMEC, Inc. West Columbia, SC	\$ 12,450,178.00	\$13,695,195.80
*Ensco Rail, Inc. Falls Church, VA	\$ 11,825,395.00	\$13,007,934.50
*Plasser American Corporation Chesapeake, VA	\$ 12,088,300.00	\$13,297,130.00

*These two (2) Bids submitted were determined by staff to be non-responsive.

The independent cost estimate by BART staff was: \$ 13,763,238.50 including sales tax.

Staff has determined that the apparent low Bidder, MERMEC Inc., West Columbia, SC, submitted a responsive bid. Staff has also determined the price to be fair and reasonable based upon the independent cost estimate by BART staff.

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

FISCAL IMPACT:

Funding of \$13,695,196.00 for executing this contract is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since May 2007, and is included in its 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 Group	Total Awarded
Various FTA Grants	31,698,914.63
Local Area Bridge tolls including RM2	4,488,919.71
BART Operating allocation to Capital	4,126,297.58
Bart Sales Tax proceeds	2,211.83
Grand Total	40,316,343.75

As of June 15, 2015, \$40,316,344.00 is the total budget for this project. BART has expended \$10,919,301.00, has committed \$3,695,017.00 and has reserved \$7,060,632.50 to date for other actions. This action will commit \$13,695,196.00, thus leaving an available balance of \$4,946,198.00 remaining in fund resources for this project.

ALTERNATIVE:

Reject the bid and re-advertise the Contract. This is not likely to lead to increased competition and would result in the District continuing to use its 1983 Track Geometry Car, until a Contract could be awarded for a new Car to be delivered, tested and accepted.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award Contract No. 15TD-250 for the procurement of a Track Geometry Car to MERMEC Inc., West Columbia, SC in the amount of \$13,695,195.80, including applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures and FTA requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Clara Selinger</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kirtland Smith Dept: <i>Transportation</i>	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 6.12.15	<i>MB</i> 6/13/15	<i>[Signature]</i> 6/12/15	<i>[Signature]</i>	<i>[Signature]</i> 6/15/15
Status: Routed		Date Created: 05/07/2015		

TITLE:
Award of Contract No. 6M3277 - Procurement of AC and DC Traction Motor Repair Services

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 6M3277 for the procurement of AC and DC Traction Motor Repair Services.

DISCUSSION:

Contract No. 6M3277 is a two-step procurement contract for the five (5) year procurement of all labor, material, equipment and services to repair Bombardier Type 1507C AC and Bombardier 1463B DC transit vehicle traction motors. The AC traction motor is used on the A2/B2 transit vehicle fleet and the DC traction motor is used on the C Car fleet. There is one traction motor per axle or four per car. These traction motors perform propulsion and braking functions. There are a total of 1,756 AC motors installed with 80 spare motors, and 920 DC motors installed with 110 spares.

Traction motors must be repaired when they fail or no longer perform within specifications. BART maintenance workers perform much of the required work at the Hayward Shop. This Contract covers all specialized repairs that cannot be performed by District personnel or are beyond current facility capacity and equipment capabilities.

This is an estimated quantities 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 fifty (50) percent of the contract bid price. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to one hundred fifty (150) percent of the contract bid price, subject to the availability of funding.

The Contract was advertised on March 31, 2015. An Advance Notice to Bidders was sent on March 31, 2015 to twenty one (21) prospective bidders based on a listing from the Sponsor and email requests from companies interested in this effort. A Pre-Bid Meeting was held on April 15, 2015 and was attended by eight (8) potential bidders. Eight (8) firms purchased plans.

Two (2) bids were received on May 05, 2015 from Swiger Coil Systems, LLC and Magnetech Industry Services, Inc. On May 06, 2015, a BART Technical Evaluation Committee reviewed the technical responses and determined that only Swiger submitted a responsive technical Bid. The Price Bid for Swiger was opened on May 12, 2015. The result is listed as follows:

<u>Name of Firm</u>	<u>Bid Amount</u>	<u>Including 10% Sales Tax</u>
Swiger Coil System LLC. Cleveland OH	\$15,699,400.00	\$17,269,340.00
Engineers Estimate	\$19,389,161.00 (Including sales tax)	

The Engineer's Estimate was based on prices on the previous contract for repair of AC and DC traction motors. Staff has determined that the bid submitted by Swiger Coil Systems LLC is responsive and that the bid price is fair and reasonable.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 10% for MBEs and 12% for WBEs. The bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

FISCAL IMPACT:

Funding for contract 6M3277 will be provided from the Rolling Stock & Shops (RS&S) operating budgets for Maintenance Contracts, account 680-230.

The motor repair services under this contract will require funding of \$3,453,868.00 (including sales tax) per year from fiscal years 2016 through 2020. The required funding is included in RS&S operating budget for FY 2016. The annual funding requirements from fiscal years 2017 through 2020 will be included in RS&S operating budgets for such years.

ALTERNATIVE:

The alternative to awarding the Contract would be to reject all Bids and re-advertise the Contract, which the Sponsor believes is not likely to lead to better prices or more competition.

RECOMMENDATION;

Adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 6M3277, an estimated quantities contract, for the Procurement of AC and DC Traction Motor Repair Services to Swiger Coil Systems LLC, for a five (5) year term for the bid amount of \$15,699,400.00, plus applicable taxes, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.

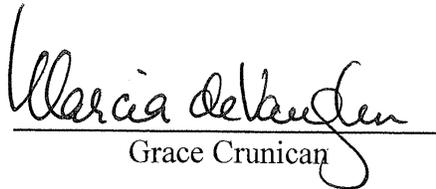
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** June 19, 2015
FROM: General Manager
SUBJECT: E&O Agenda Item #6.C Escalator Renovation and Canopy Program – For Information

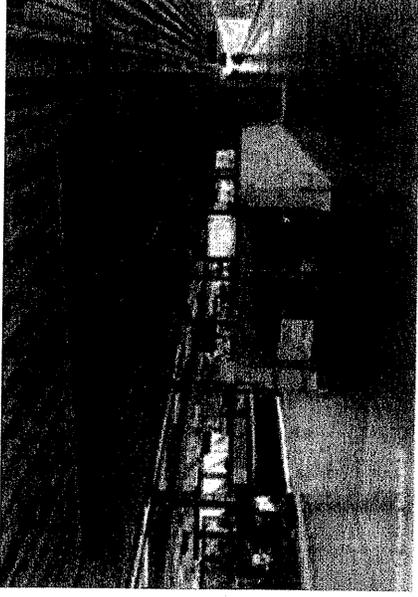
At the Board of Directors meeting on June 25, 2015, staff from Planning, Development and Construction and from Maintenance & Engineering will brief the Board on District plans to replace or renovate escalators as well as the funding status of the program. Staff will also discuss the status of plans to install station entrance canopies at some of the Market Street station entrances.

If you have any questions about the attached presentation, please contact Robert Powers, AGM, Planning, Development and Construction at (510) 874-7410.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



BART Escalator Renovation and Canopy Program



BART Board of Directors, June 25, 2015



Escalator Renovation Program

Introduction

- System configuration
- Escalator state of good repair
- Escalator renovation program
 - Escalators
 - Canopies
- Funding
- SF Market Street canopy designs

Escalator Renovation Program

System Overview

- 177 escalators in the system today
- 54 street, 123 platform
- 120 units were installed prior to 1980
- 8 manufacturers – 4 prior to 1980
- Westinghouse, Montgomery, Otis, Montgomery-Kone, Fujitec, O&K, Kone, Schindler

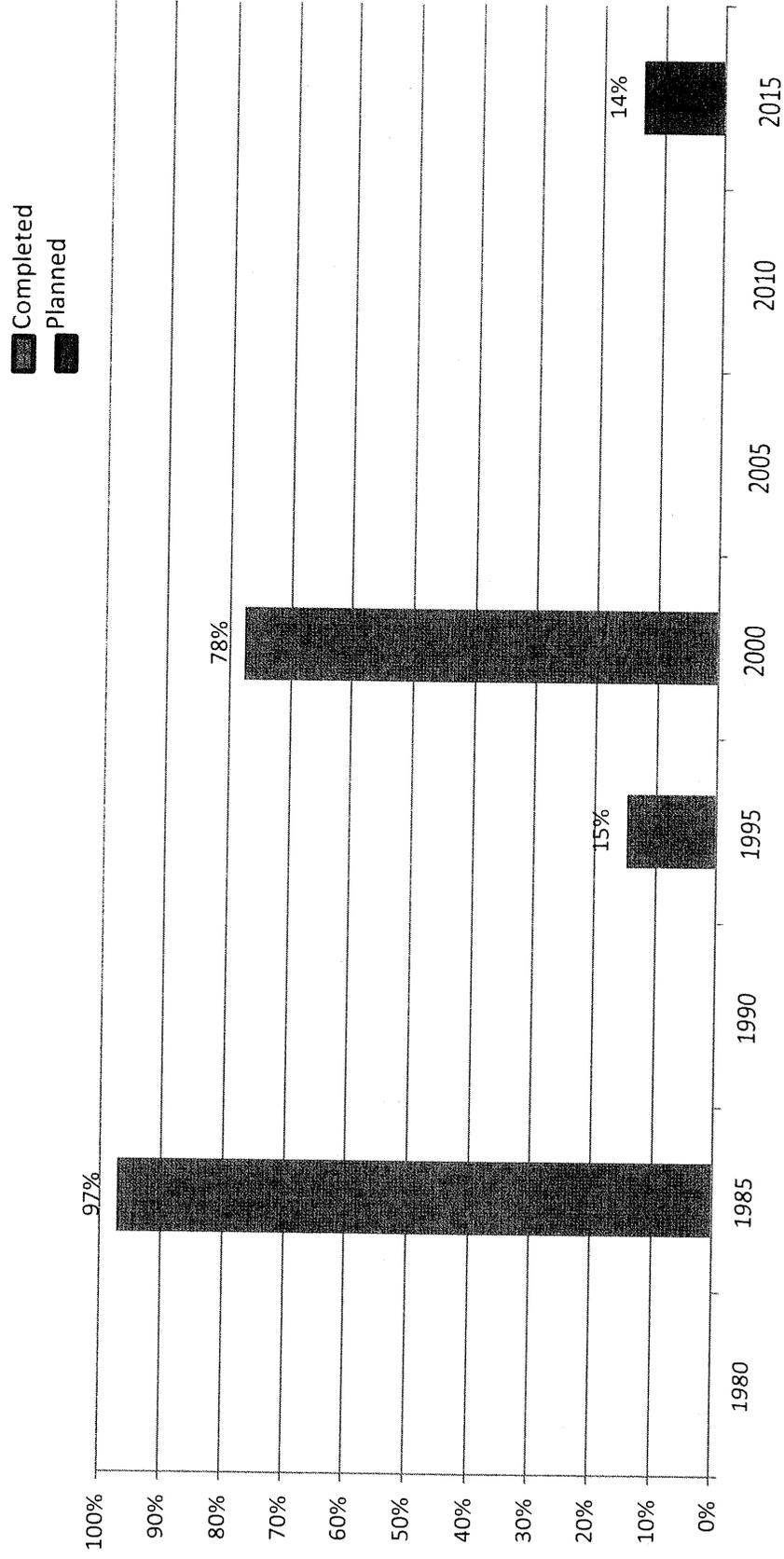
Escalator Renovation Program

Escalator life cycle

- 30 year design life
- 45 or even 60 years life could be achieved with overhauls at 10-15 years intervals
- Overhaul involves replacement of worn components (drive, chain, steps, rollers, brakes) and safety and Code upgrades
- Replacement is preferred when the overhaul is too extensive

Escalator Renovation Program State of Good Repair

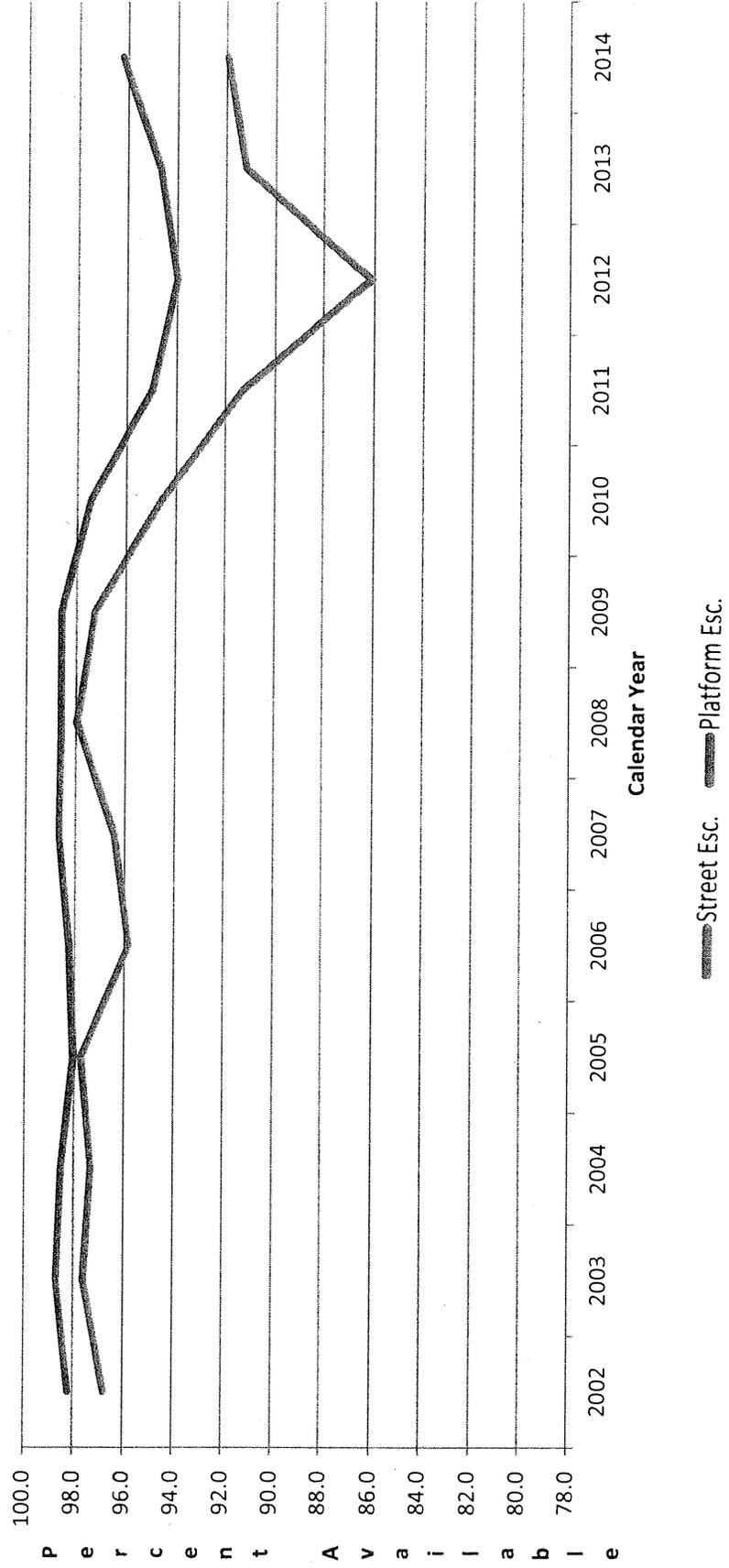
Percentage of Escalators Renovated



Escalators Renovation Program

Escalator performance history

Annual Escalator Availability
2002 Through 2014



Escalators Renovation Program Maintenance Challenges

- **Work force Certification**
 - Aug 2013 State enforced California Competent Conveyance Mechanic licensing requirement
 - Only 12 of 40 Technicians were licensed
 - Implemented a 4 year state-approved apprenticeship program approved
 - Today, 26 of 40 Technicians are licensed
- **Conveyance Permitting**
 - Contracted with NEIS to perform state-required inspections
 - Numerous deficiencies were identified as a result of 100% inspections

Escalators Renovation Program

Maintenance Challenges

- **Equipment end of life issues**
 - Repeat failures
 - Parts obsolescence
 - Extensive repairs
- **Operating Environment**
 - 30% increase in ridership since last overhaul
 - Homeless impacts

Escalators Renovation Program

Maintenance Strategy

- Implemented Maximo for escalators maintenance
- Implemented Reliability Centered Maintenance
- On-going revamping of the Preventive Maintenance Program
- Partnered with Procurement to correct inventory balances

Escalator Renovation Program

Scope

- Criteria used to prioritize escalator selection:
 - Reliability / availability
 - Number of riders
 - Vertical rise
 - Redundancy within the station
- Results indicated downtown San Francisco as highest priority
- Program implementation in 4 segments

Escalator Renovation Program

Segments 1 & 2

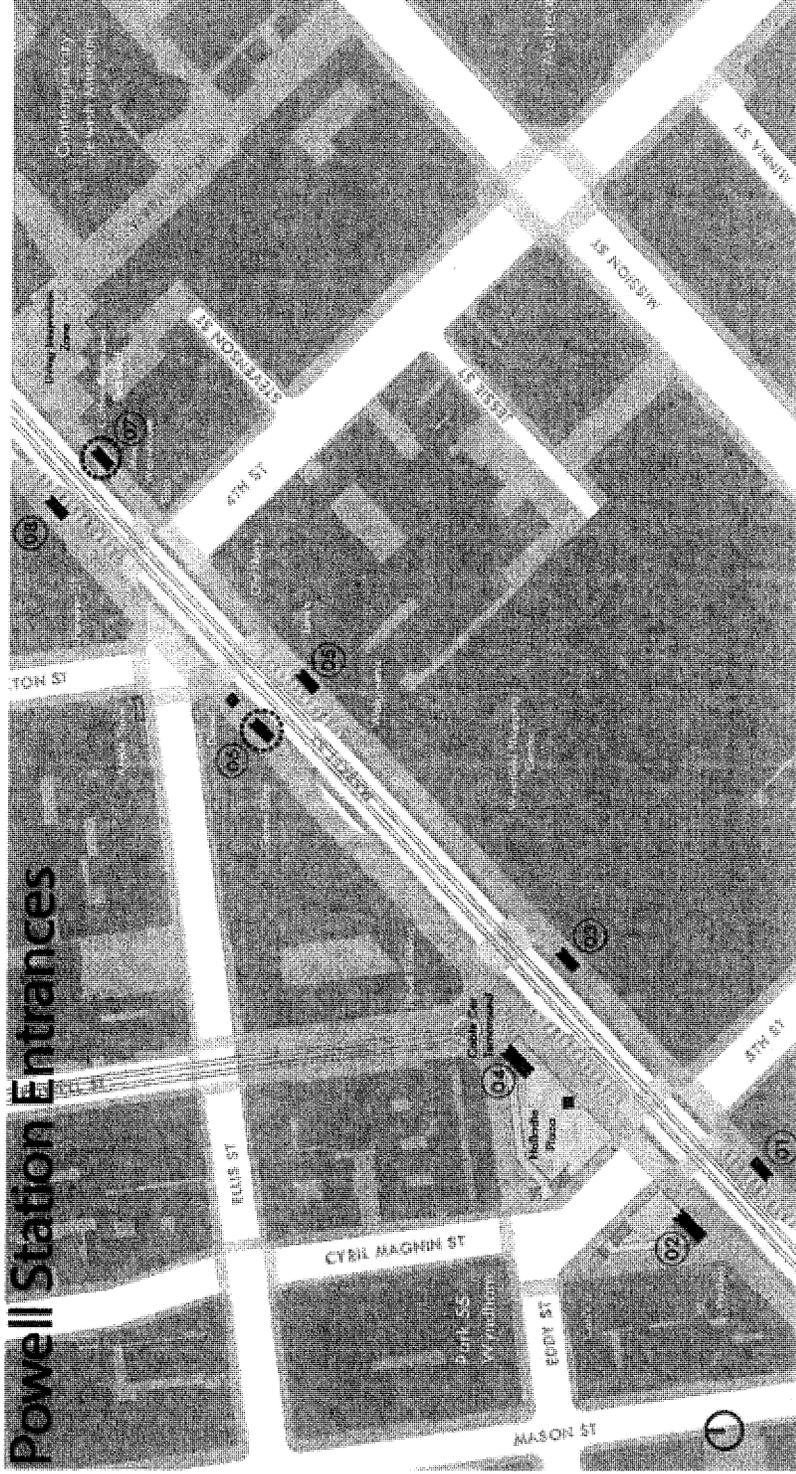
Segment 1: SF O&K Street escalators

- Replace controllers and perform limited renovation on 12 of 19 units at Embarcadero, Montgomery, 16th St. and 24th St. stations
- Scheduled completion Fall 2017

Segment 2: Downtown SF Platform escalators

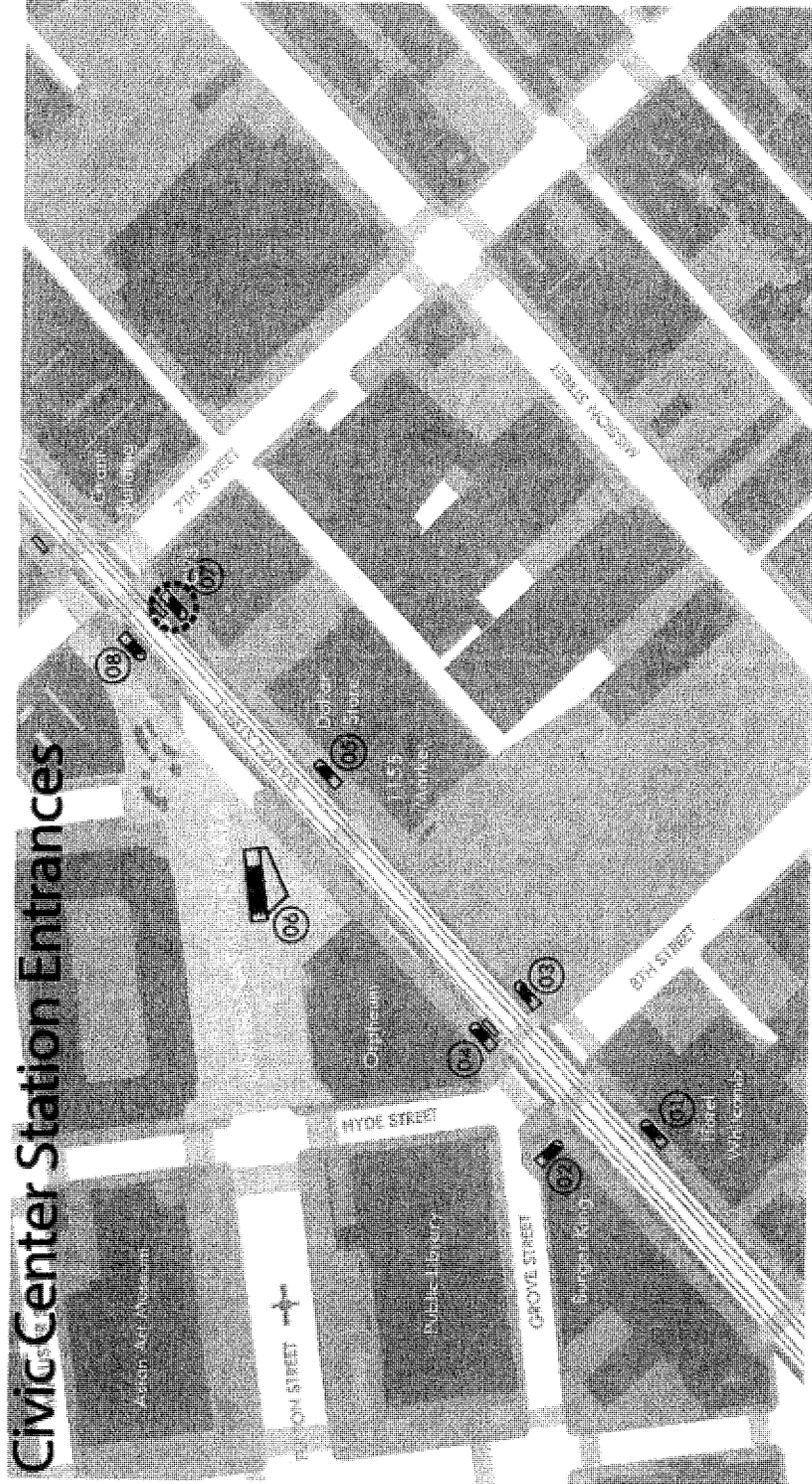
- Replace 3 units, overhaul 6 units at Embarcadero and Montgomery stations
- Scheduled completion Spring 2018
- Develop contract documents for the remaining 9 unfunded SF Platform escalators

Escalator Renovation Program Segment 3 – Powell Station



- LEGEND**
- Station entrance Ident for Improvement
 - 01 Nordstrom Rack Entr
 - 02 Payless Entrance
 - 03 Westfield Center Entra
 - 04 Cable Car Entrance
 - 05 Levi Store Entrance
 - 06 Apple Store Entrance
 - 07 Ross Entrance
 - 08 Starbucks Entrance
 - Station Entry Portal (Stair + Escalator)
 - Standalone Escalator
 - Station Elevator
 - Muni Stop/Sheiter
 - Street Tree
 - Bicycle Lane

Escalator Renovation Program Segment 3 – Civic Center

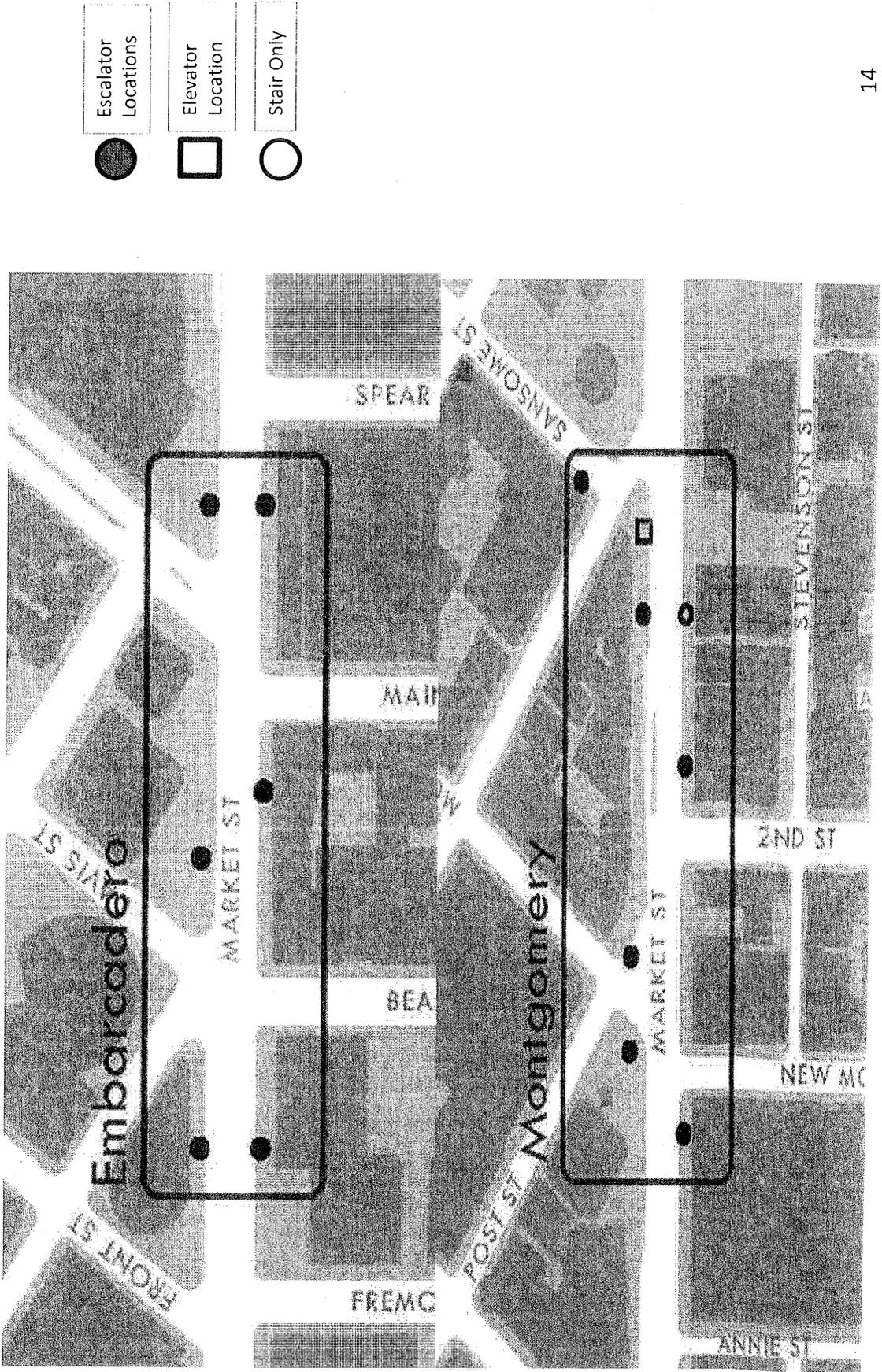


LEGEND

- Station Entrance Identified for Improvement
- ① Hotel Whitcomb Entrance
- ② Burger King Entrance
- ③ Trinity Plaza Entrance
- ④ Orpheum Theatre Entrance
- ⑤ Dollar Market Entrance
- ⑥ UN Plaza Entrance
- ⑦ CVS Entrance
- ⑧ Carl's Junior Entrance

Escalator Renovation Program

Segment 3 – Embarcadero and Montgomery



Escalator Renovation Program

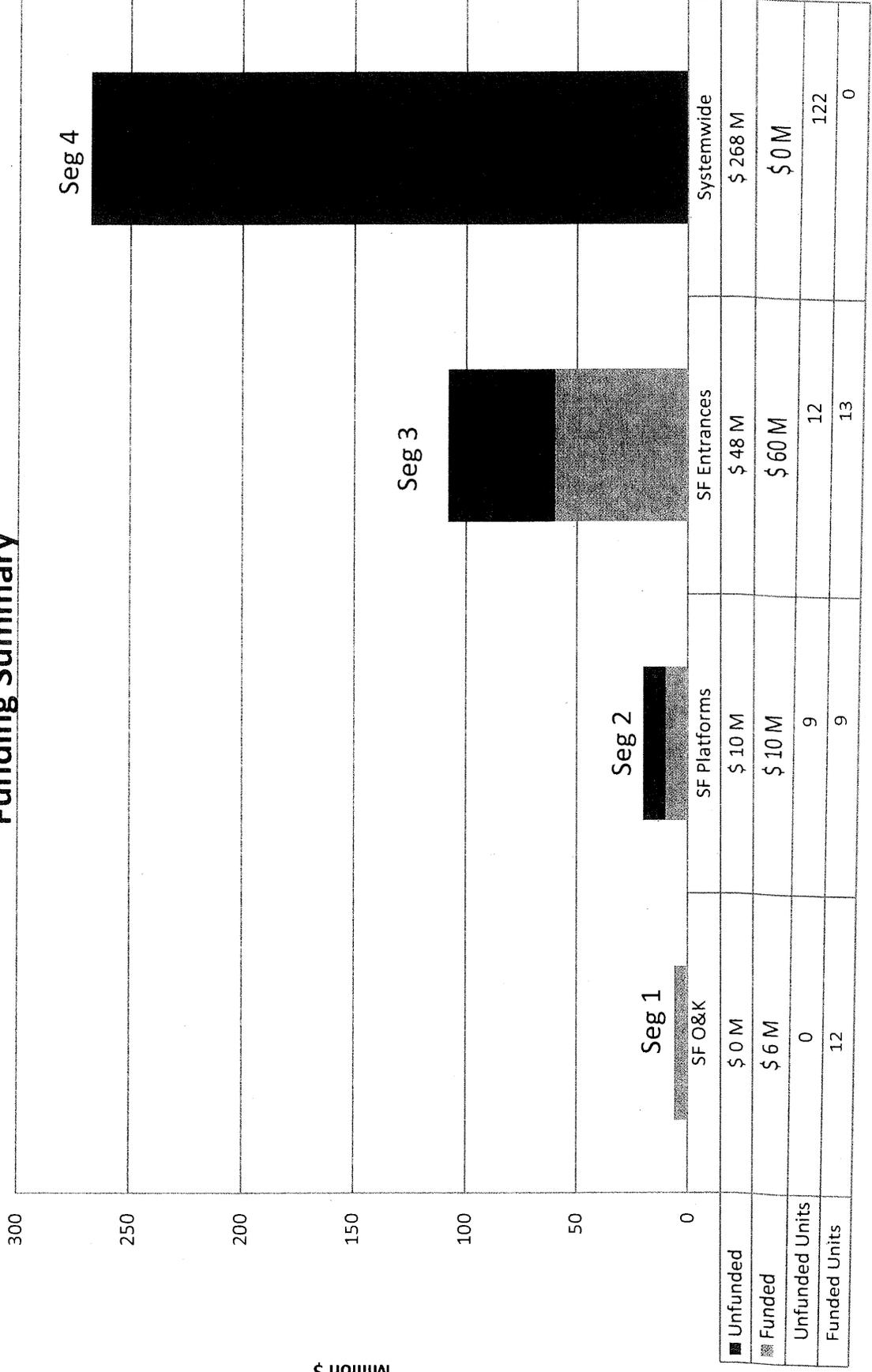
Segment 4

Segment 4: Remaining escalators system-wide outside Downtown SF

- 122 escalators unfunded
 - 17 Street escalators
 - 105 Platform escalators

Escalator Renovation Program

Funding Summary



Escalator Renovation Program

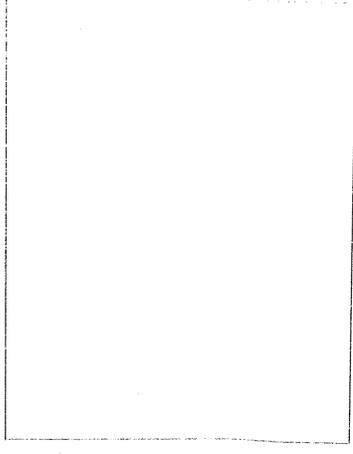
Funding opportunities

- SF Bond Measure - \$30M (Approved Nov 2014)
- Prop K – SF
- Future SF funds
- Prop 1B – BART match to SF funds - \$30M
- Station Modernization projects
- Prop 1B – future allocations
- Future grants/bonds
- Alameda Measure BB
- Future Contra Costa Measure J

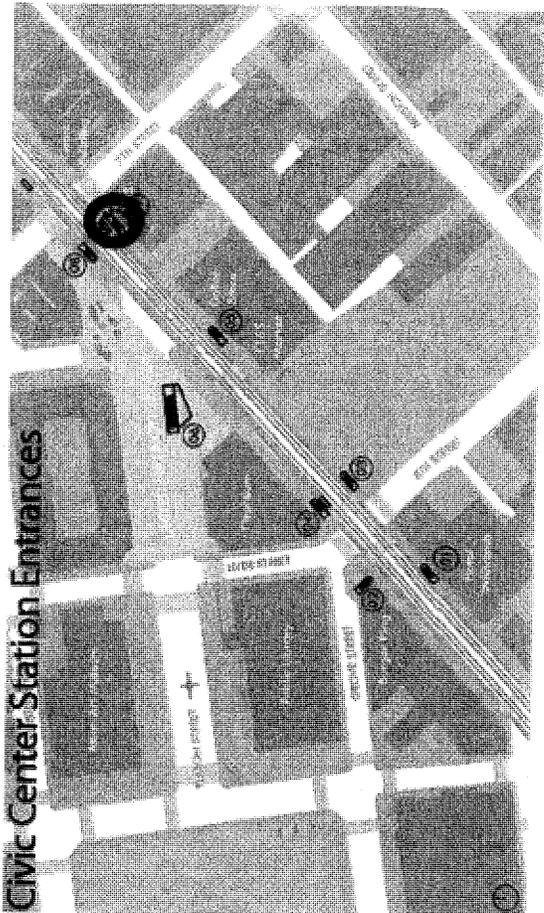
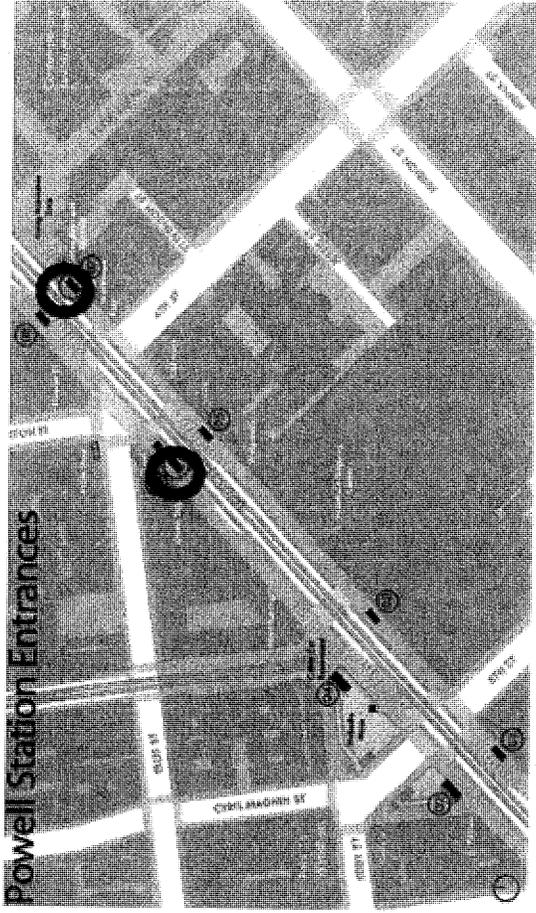
SF Market Street Canopy Modernization

- Design Competition ~ VIA Architecture selected
- Internal = Maintenance + Engineering, Transportation, Security, District Architect, Stations
- City = Public Works, SFMTA, Planning, Mayor's Office
- Monthly coordination meetings with internal and City Stakeholders
- Public outreach in December 2014 and April 2015

- Complete design (Fall 2015)
- Advertise (Spring 2016)
- NTP (Mid-2016)
- Project Completion (Late 2017)



SF Market Street Canopy Modernization



Phase 1 Scope

- Escalator Replacement
- Canopy
- Lighting
- Real Time Display and Maps

Implementation Plan

- Phase 1 = \$12M/3 entrances (BART Prop 1B)
- Phase 2 ~ \$48M/12 entrances (BART Prop 1B + SF Prop A)
- Phase 3 ~ Remaining entrances (TBD)



SF Market Street Canopy Modernization Design Requirements

- Safety + Security (lighting, locks at top)
- Performance
- Modularity
- Vandalism
- Climb ability
- Impacts to Businesses
- Ventilation
- Transparency/Visibility
- Pigeon Control
- Weather + Splash
- Finish Quality
- Structural
- Cost Value
- Maintenance + Operations
- Lifespan
- Repairability
- Art Opportunities
- Better Market Street
- Green Roof

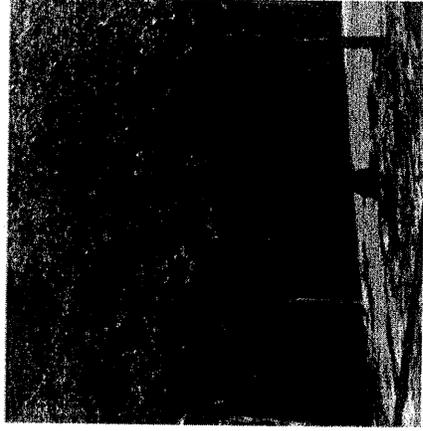
SF Market Street Canopy Modernization Market Street Context



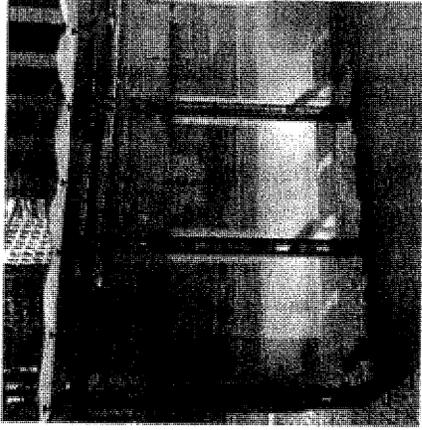
Bulletin Kiosk



Bike Share Station



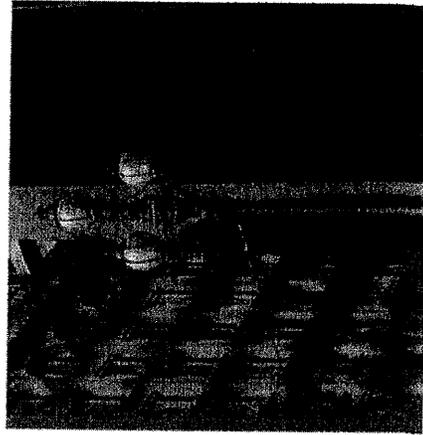
Street Tree



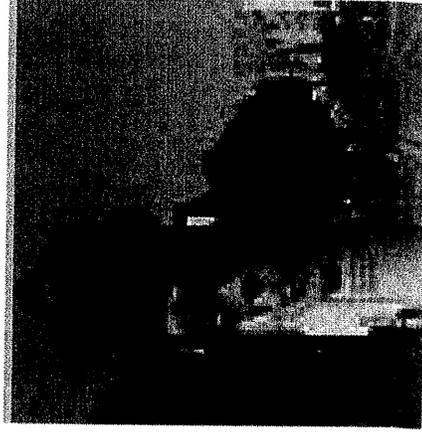
Transit Shelter



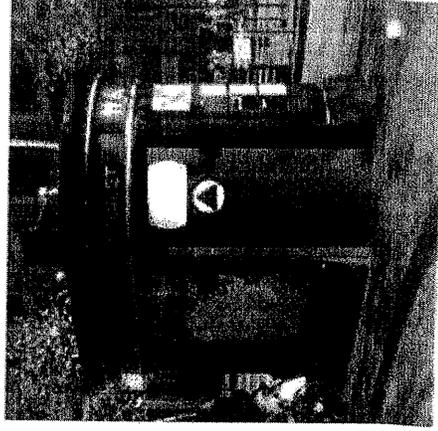
Newspaper



Lamp Post

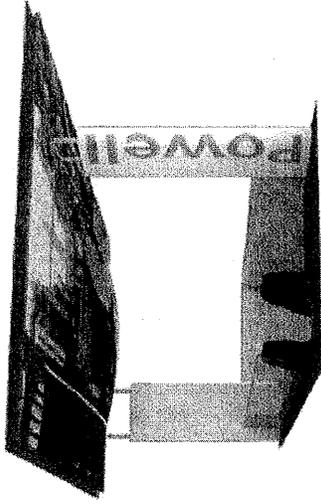


Poster Pylon

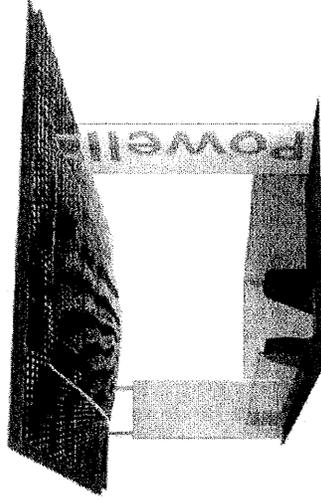


Toilet

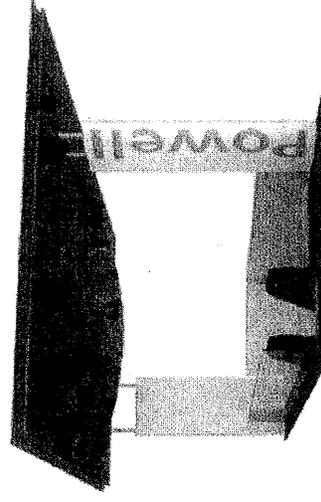
SF Market Street Canopy Modernization Art Opportunities



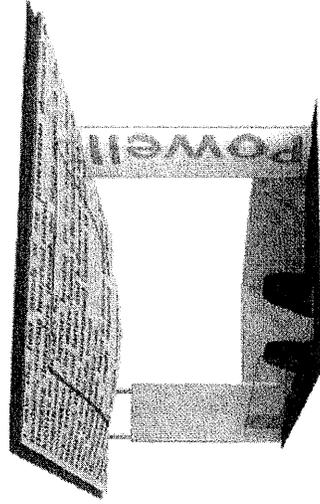
MARKET STREET THEN AND NOW



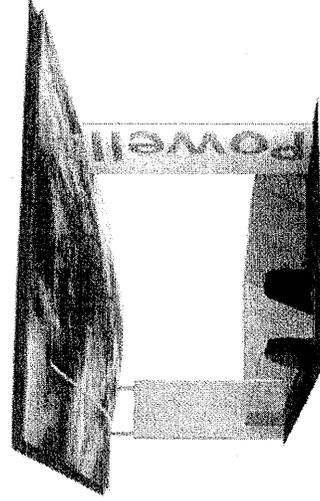
WHEN THE WIND BLOWS



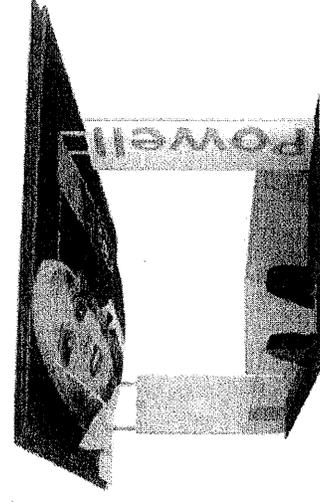
STREET REFLECTIONS



URBAN VERSE

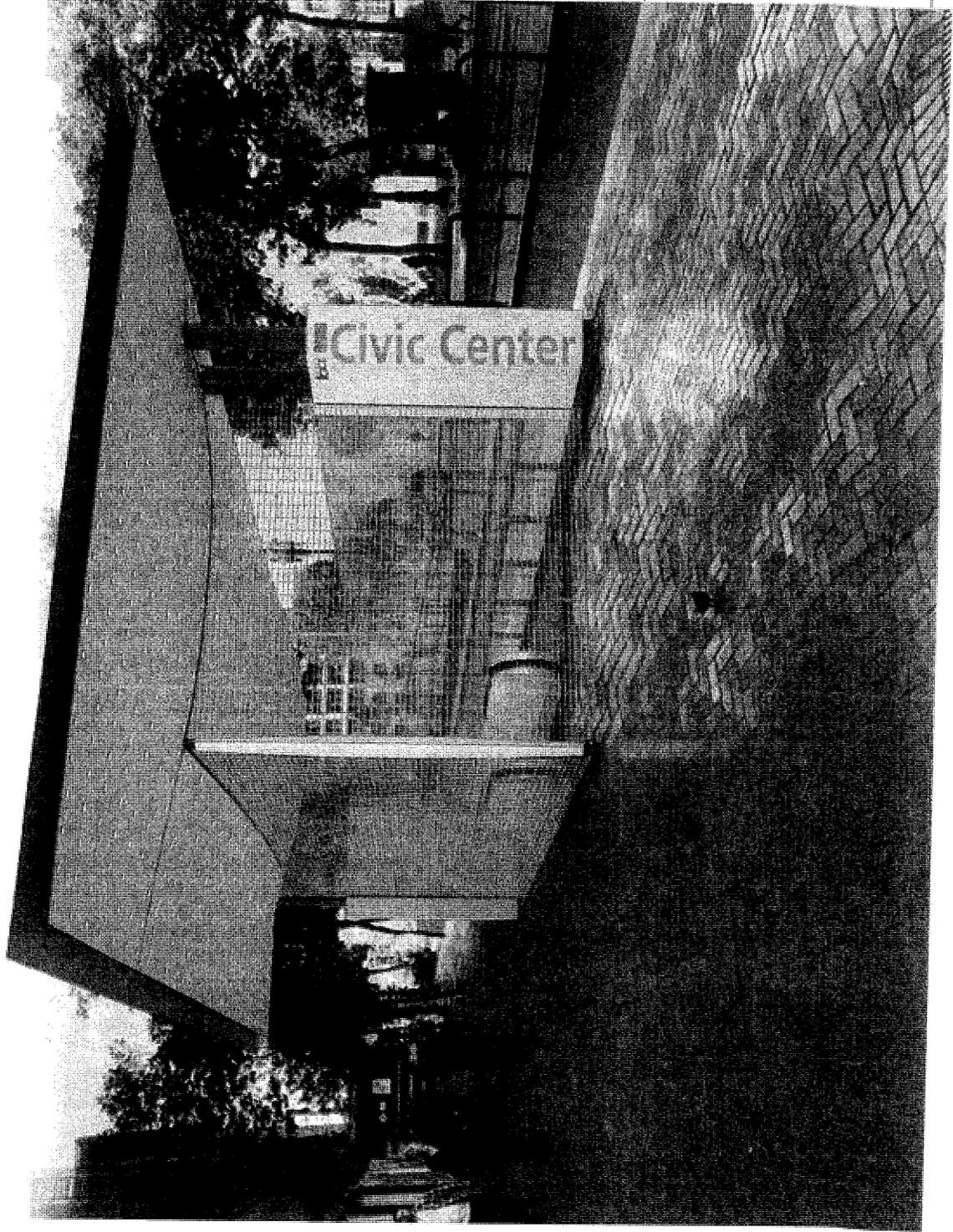


PLAY OF LIGHT

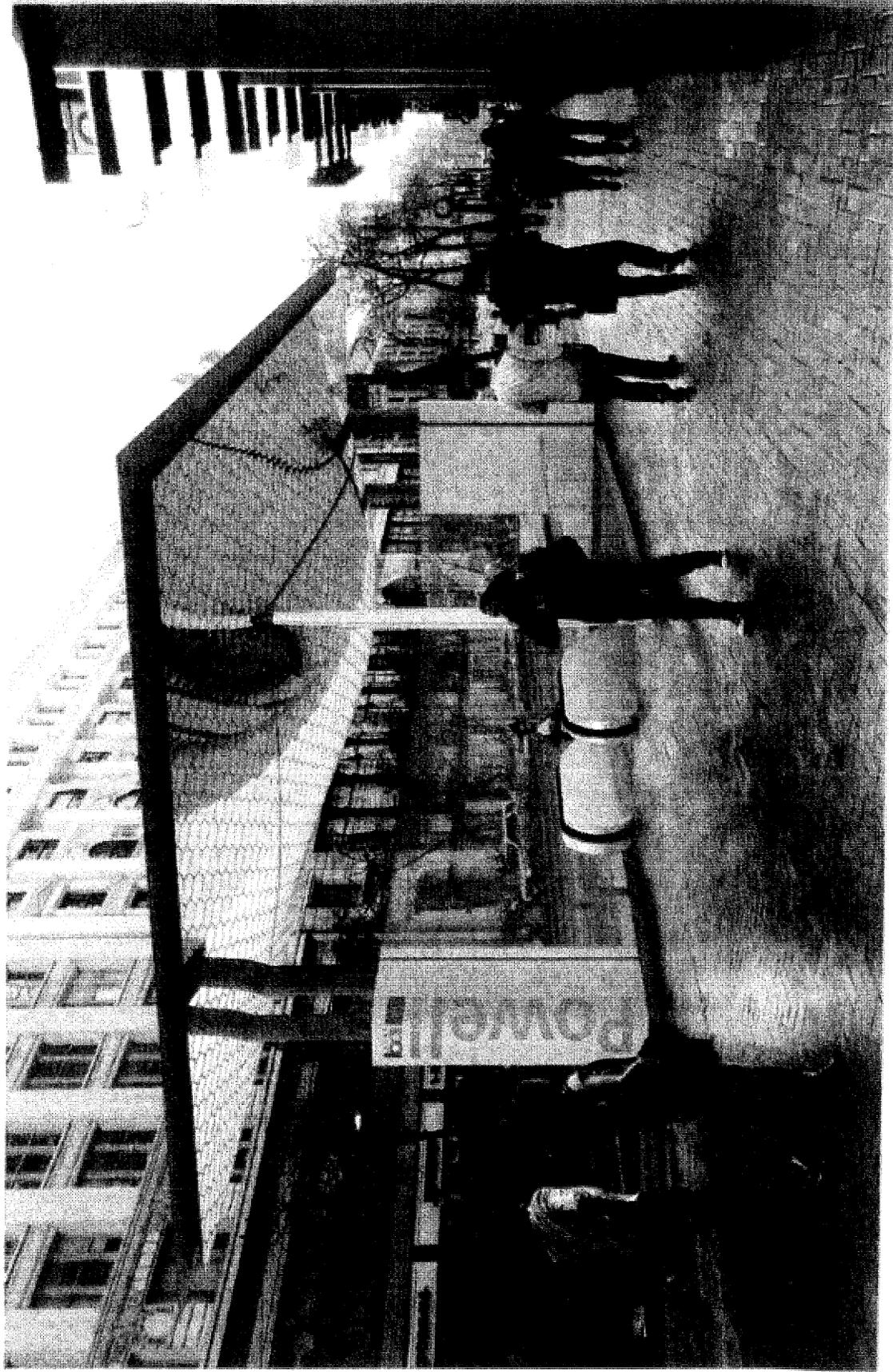


SILENT MOVIES

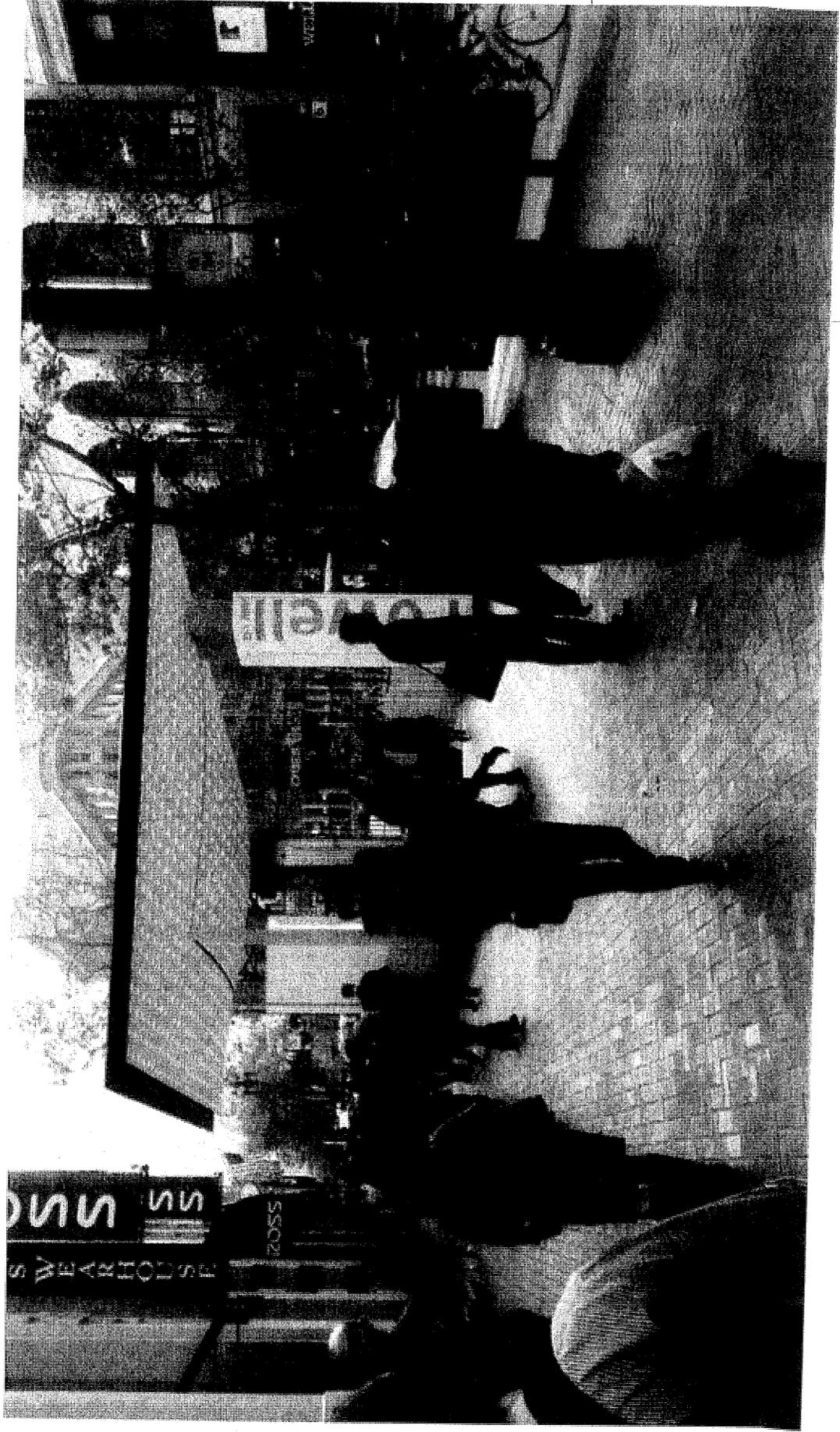
SF Market Street Canopy Modernization



SF Market Street Canopy Modernization



SF Market Street Canopy Modernization



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

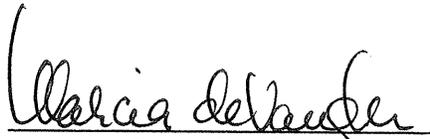
DATE: June 19, 2015

FROM: General Manager

SUBJECT: E&O Agenda Item #6.D Underground Public Restroom Reopening Study — For Information

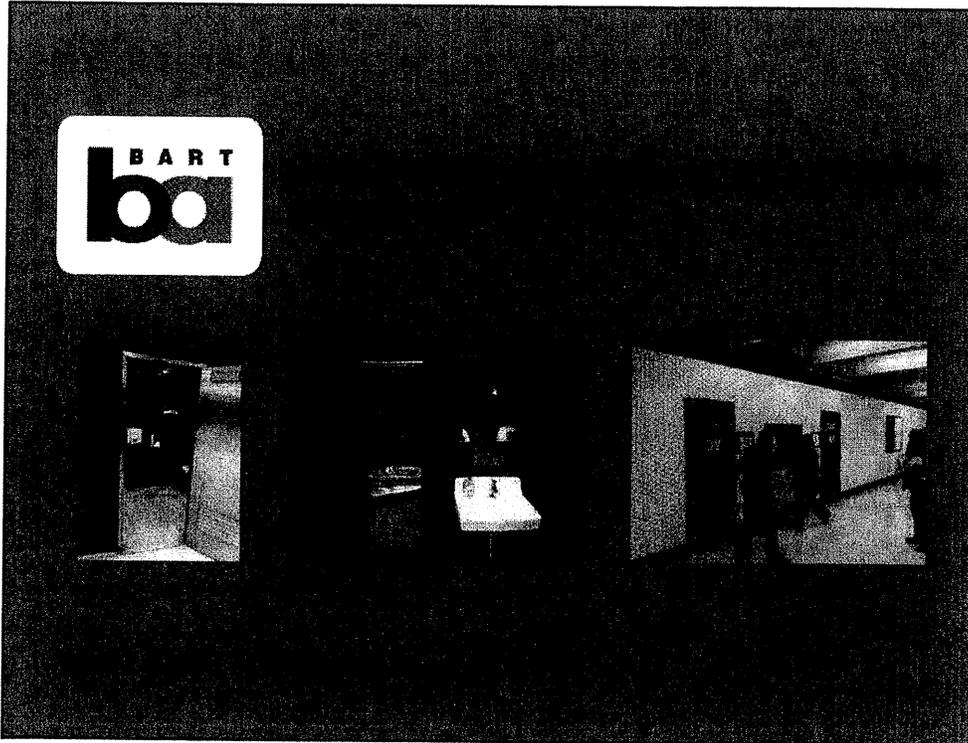
At the June 25th Board of Directors meeting, staff will present an information item on the status of closed underground restrooms in the BART system. The presentation will include discussion of the reason for closure, information regarding restrooms at other transit properties, and alternatives for consideration.

This presentation responds to Board Roll Call for Introduction Item #12-528, to evaluate potential solutions for reopening restrooms in underground stations. If you have any questions about the attached presentation, please contact Robert Powers, AGM, Planning, Development and Construction at (510) 874-7410.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

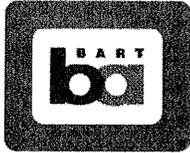


STATION CLOSURE RESUME OF TRAINING STUDY



➤ STUDY UNDERTAKEN ADDRESSING FOLLOWING:

- Reason for closure
- What others are doing
- What options are available
- How will Maintenance and Operations be affected
- Next Steps



RESTROOM REOPENING STUDY



➤ 10 STATIONS WITH CLOSED UNDERGROUND (UG) RESTROOMS

- 6 in SF - Embarcadero, Montgomery, Powell St, Civic Center, 16th St and 24th St Mission
- 4 East Bay – Lake Merritt, 12th St, 19th St, Downtown Berkeley

3



RESTROOM REOPENING STUDY

UG STATION RESTROOMS CLOSED FOR SECURITY RISK

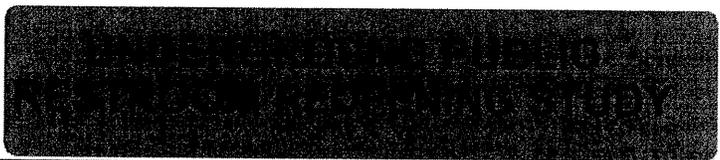
➤ BACKGROUND

- Sept 11, 2001 World Trader Center was attacked
- Public spaces with high concentration of people were vulnerable targets
- Department of Homeland Security recommended closing UG restrooms
- Areas difficult to monitor or offered concealment were identified
- BART removed trash containers at platform, added CCTVs, increased patrol, public awareness campaigns and closed restrooms

4



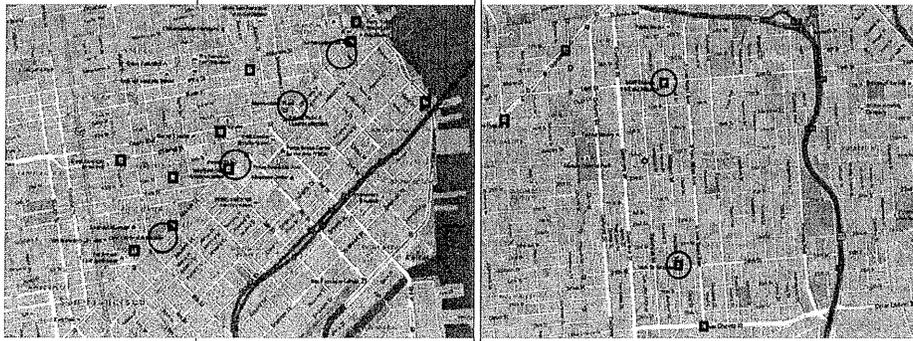
TRANSIT PROPERTY	ARE THE UG STATION RESTROOMS OPEN?
BART SAN Francisco, CA.	NO, UG restrooms closed since 9/11
CTA Chicago, IL.	NO, system built without UG restrooms
LA Metro Los Angeles, CA.	NO, system built without UG restrooms
MARTA Atlanta, GA.	YES/NO, select stations only, ask station agent, agent escorts person
MBTA Boston, MA.	YES/NO, some unlocked and some locked, ask station agent, agent escorts person
MTA (NYCT) New York, NY.	YES, not all UG stations have restrooms
WMATA Washington, D.C.	YES, ask station agent, agent escorts person



TRANSIT OUTSIDE US	ARE THE UG STATION RESTROOMS OPEN?
London Underground	YES, not all UG stations have restrooms
Madrid Metro	YES, not all UG stations have restrooms
Paris Metro	NO
Rome, Milan, Naples Metro	YES, not all UG stations have restrooms
U-Bahn, Germany	YES, not all UG stations have restrooms
Tokyo Metro Co Ltd	YES



ADVERTISING REVENUE STUDY



- Existing
- 500 ft radius from center

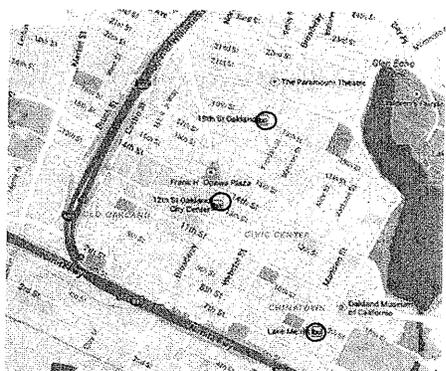
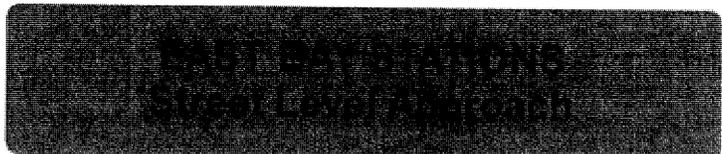
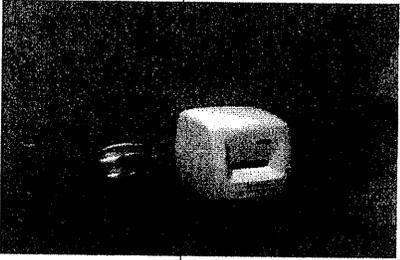
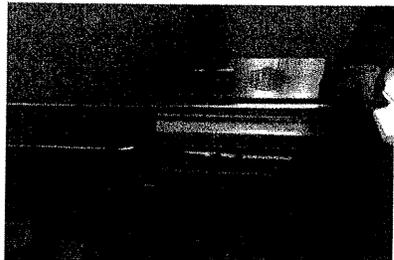
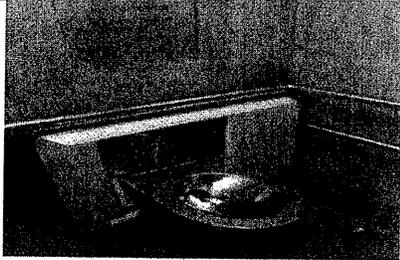


ADVERTISING REVENUE STUDY

SF'S AUTOMATED RESTROOMS OPERATIONAL SINCE 1998 - MANAGED BY SFPWD

- SYSTEM HIGHLIGHTS:
 - 25 JC Decaux units Citywide
 - Doors remain locked for 20 min
 - ADA compliant
 - Vendor inspects/maintains units daily
 - Most common technical issue: door jam
 - Most common social issue: occupant refuses to leave (occupant removal requires law enforcement)
 - Installation/operation is 100% funded by advertising
 - Current pilot at 16th street with attendant





○ None within 500 ft radius from center



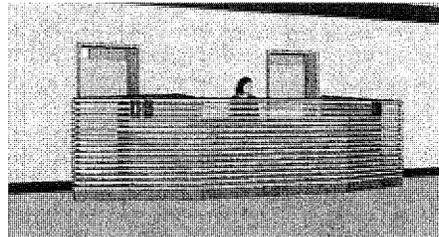
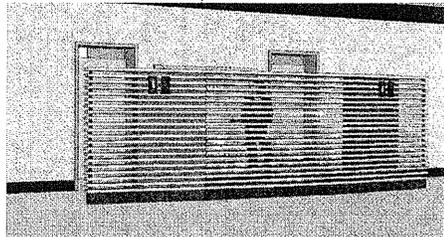
CHALLENGES WITH STREET LEVEL APPROACH FOR EAST BAY LOCATIONS

- Berkeley and Oakland have **no** current street level facilities planned
- Safety, visibility & unwanted activities concerns
- Need coordination with local businesses
- Maintenance and liability concerns
- Street level approach at East Bay UG stations is not feasible at this time



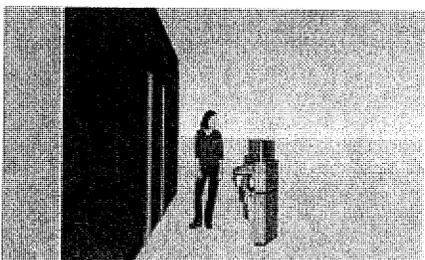
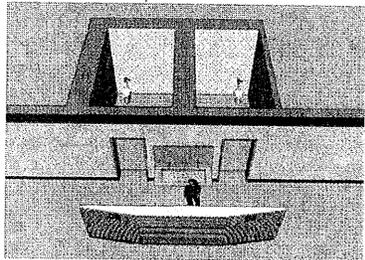
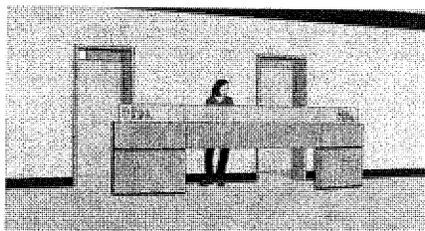
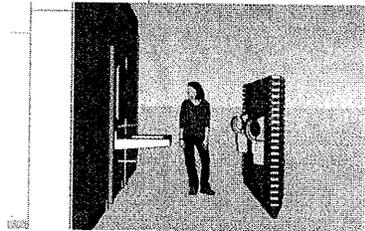
➤ OPEN APPROACH RESTROOMS

- Redesign with Crime Prevention Through Environmental Design (CPTED) principles to minimize privacy and unwanted behavior
- Single stalls converted to Unisex restroom
- Relocate sink & hand dryer
- Lockable partially opaque door with top/bottom openings
- CCTV monitoring in open area
- Secure lighting
- Modify fixtures to minimize vandalism
- ADA friendly





Public Waiting Study

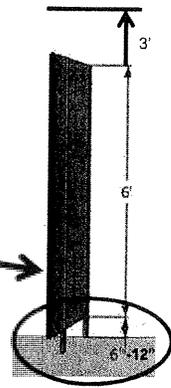
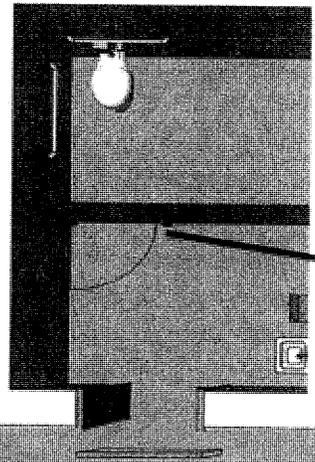
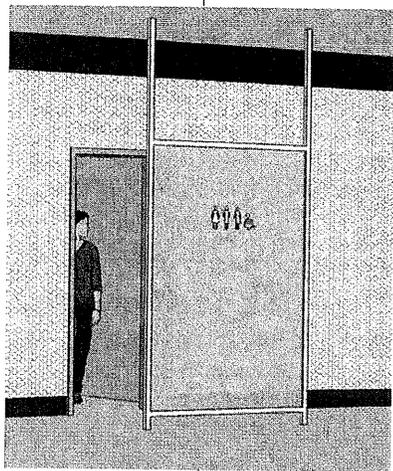


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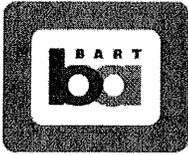


Public Waiting Study

Minimal Capital Investment - Utilize Existing Infrastructure



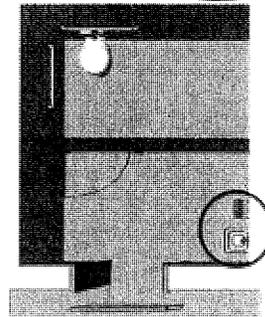
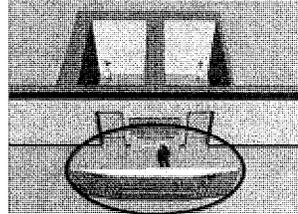
14



UNDERGROUND STATION RESTROOM REQUIREMENTS STUDY

➤ COST PER UG Station Restroom

- **Wash Basin in Concourse Area**
Est. \$225K - \$525K
- **Wash Basin in Existing Restroom**
Est. \$100K - \$150K



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UNDERGROUND STATION RESTROOM REQUIREMENTS STUDY

OPERATIONAL & MAINTENANCE CHALLENGES

- **Behavioral Issues:** washing clothing in toilet, needle disposal in toilet, bathing in sink, utilizing floor drain versus commode
- **Workload:** station agent workload to monitor unwanted and abnormal human behavior
- **Blockages:** can result in sewer backup which impacts Muni platform and service
- **Security:** previously, Station Agent's daily calls to Police in SF related to UG restrooms
- **Monitoring:** Embarcadero Station restroom in free area and difficult to monitor
- **Fare Evasion:** access to restroom in paid area may contribute to fare evasion

16

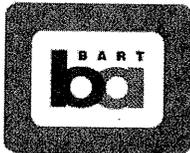


UNDERGROUND PUBLIC RESTROOM COST COMPARISON

OPERATIONAL & MAINTENANCE CHALLENGES (con't):

- **Staffing for 10 UG restrooms:** 6 additional system service workers and 3 additional maintenance personnel needed to monitor, clean and repair the restrooms (\$900k/year)
- **Maintenance Cost for 10 UG restrooms:** yearly budget of \$100k due to vandalism and drug paraphernalia removal

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UNDERGROUND PUBLIC RESTROOM COST COMPARISON



Estimated Cost per Restroom

	Street Level Units	vs	Underground Restroom
Installation	\$300K-\$400K		\$100K-\$525K
On-going Staff Cleaning & Maintenance	\$30K/yr		\$75K - 100K/yr *
Maintenance Cost			\$10K/yr

* Assumes 0.5 FTE in cleaning, maintenance

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NEXT STEPS



- Partnering with SF on an attended Pit Stop at 16th St Station by the end of June
- Continue conversations on partnering and additional delivery with SF
- If Board chooses to do a pilot, advance design for potential reopening of UG restrooms at Powell and 19th St stations



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Oberholzer</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: c <i>6/18/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shannon Hake Dept: Strategic & Policy Planning <i>Shannon Hake</i> Signature/Date: <i>6/17/15</i>	General Counsel <i>MB</i> Signature/Date: <i>6/17/15</i>	Controller/Treasurer <i>[Signature]</i> Signature/Date: <i>6/17/15</i>	District Secretary []	BARC <i>Dowels</i> <i>17 JUNE 2015</i> []

TITLE:

Art in Transit Policy

NARRATIVE:

PURPOSE: To request Board approval of a new Art in Transit Policy.

DISCUSSION: In April 2013, the Board directed staff to develop an Art in Transit policy establishing goals, vision and strategies for developing a robust art in transit program modeled on national and international best practices. As BART has over 50 works of art throughout the current system, BART staff and consultants undertook a rigorous process to understand the issues, opportunities and challenges of implementing art in BART. This process included interviews with BART staff from multiple departments including Planning, Customer Access, External Affairs, Maintenance and Engineering, and Operations, interviews with Directors, and evaluation of art opportunities and constraints in three stations undergoing major Station Modernization Efforts: 19th Street Oakland, El Cerrito del Norte, and Powell Street. BART staff and consultants then researched best practices both among other Art in Transit programs throughout North America, and elements of public art programs such as temporary art, partnerships, mural programs, and performance art, that could be applicable to BART. This included a survey of Arts in Transit programs, four Temporary Art and Partnership Roundtable Discussions with experts in Public Art throughout the district, and a roundtable discussion with visual, performance and cultural arts organizations near Civic Center and Powell Stations. The results of this work were presented to the BART Board as Informational Items at the January 22, 2015 and March 26, 2015 meetings.

Based on feedback from the BART Board at these previous meetings, BART staff have prepared the attached draft Art in Transit Policy for consideration of adoption at the June 25, 2015 Board meeting.

Subsequent to the Policy adoption, it is BART staff's intent to develop a work plan and guidelines for art. Staff have included a list of these items and a schedule for their development and implementation in the cover memorandum. As the policy includes retaining a full time professional Art Program Manager, these guidelines will be developed with this new position in place so that the program manager shapes the direction, vision, and implementation phasing of the new Art Program.

FISCAL IMPACT: The art policy will allocate 2% of the budget of capital projects in or adjacent to station facilities, and 0.25% of the budget of capital projects along trackways where

there is a visual impact on riders, within maintenance facilities where riders and employees may benefit from art, or as part of future revenue vehicle procurements. The art policy also establishes a full time permanent position for an Art Program Manager which is estimated to cost \$207,000 annually beginning in FY16, including salary and fringe benefits. Lastly, the art policy asks for \$10,000 - \$35,000 annually from the operating budget for art conservation and programming. However, this budget will not be allocated in FY16 as staff builds the program and implements art as part of the larger Station Modernization budget, which will include some art conservation.

There may be some positive fiscal impact as well. The Art Program Work Plan will establish private and grant fundraising target amounts each year, leveraging BART's commitment of funds to the program.

ALTERNATIVE: 1. Do not adopt the Art in Transit Policy. Staff would then continue to negotiate art budgets on an ad hoc basis, and art programming will be inconsistently implemented. This may negatively impact BART's ability to fundraise. The FY16 Budget nonetheless allocates funds for an Art Program Manager but this position would not necessarily be permanent and may be affected by future fiscal cycles.

2. Adopt a modified Art in Transit Policy, with changes to the percentage for art in the annual operating budget proposed for consideration. This may have implications for fully achieving the eight art goals described in the Policy document, as discussed at the March 26, 2015 Board meeting.

RECOMMENDATION: It is recommended that the Board adopt the attached Art in Transit Policy

MOTION: Approve the Attached Art in Transit Policy.

BART ART IN TRANSIT POLICY

VISION:

The San Francisco Bay Area Rapid Transit District (BART) seeks to implement an arts program that will enrich rider experience, strengthen station identity, connect to communities, and support a distinctive sense of place at stations and beyond. BART's art program will build on best practices, lead the field in community participation strategies, engage with arts and cultural organizations and artists, and make riding BART more delightful, vibrant, and welcoming.

GOALS:

Overall

- A. **Cohesion.** Create a cohesive and consistent art program.
- B. **Opportunity.** Proactively seek opportunities to implement art across the District.
- C. **Partnerships.** Maximize art in the system by leveraging BART's investments through partnerships with other organizations and agencies, and through grant writing and fundraising.

Make Transit Work

- D. **Make Transit Work.** Use arts programming to further BART's functional goals and enhance public perception of BART as a transit system that works well for its riders.
- E. **Showcase Art.** Maintain and make BART's art collection accessible through effective asset management and interpretive strategies.

Create Place

- F. **Integrated Design.** Utilize art to elevate the design of stations and affirm the distinct identity of the surrounding community.

Connect to Community

- G. **Transparency.** Establish a transparent and effective process for developing and implementing collaborative projects and programming.
- H. **Engagement.** Engage with communities throughout the BART system to enhance customer relations, support BART's positive impact in communities and create visible expressions of the unique characteristics of neighborhoods around stations and along tracks.

STRATEGIES:

Funding and Staffing:

1. **Percent of Capital Projects.** Allocate a share of capital budgets to art, as described below. As funding sources allow, art budgets may be pooled to maximize impact or when commissioning art is not feasible due to site restrictions or lack of public access and visibility. Funds may be also set aside for maintenance or administration.
 - 2% of improvements at stations and on BART property adjacent to station areas that have a visual impact on the community, including non-station infrastructure (e.g. power substations or ventilation structures, access enhancements)
 - 2% of expansion projects
 - 0.25% of trackway projects with that can be seen by surrounding communities
 - 0.25% of maintenance shops and yards, new train car procurements, and other areas that are regularly visited by either BART workers or riders

2. **Administration.** Provide for the administrative costs of ongoing policy implementation through both the Percent for Art set aside and operating budget. Maintain adequate staffing to effectively administer the art program.
3. **Leveraging External Resources.** BART staff will work with partner agencies and organizations to maximize funding opportunities from external sources. BART staff will also develop a fundraising strategy to leverage private dollars.

Program Elements:

1. **Master Plan.** Create a 15-year system wide arts master plan, focusing on the art vision for stations and the system as a whole, including the identification and prioritization of arts opportunities. The plan will serve as a valuable tool to guide the allocation of resources as they are available.
2. **Implementation Plan.** Create a five-year art program work plan to identify short term project workload, establish fundraising goals, and create a phasing and implementation plan for building up the program.
3. **Permanent Works.** Continue to add permanent works to the BART system, including station art works in the stations as well as murals on BART infrastructure visible in the public domain, to add visual appeal and abate graffiti.
4. **Integrated Art.** Maximize visual impact of arts funds by identifying opportunities to integrate art and artistic elements into the design of capital improvements.
5. **Temporary Art.** As funding is available, offer temporary art programming opportunities that appropriately activate public spaces and engage BART riders. This may include visual arts, rotating displays, performance, media, music, literature and poetry, and should provide opportunities for a diverse range of artists.
6. **Interpretation, Conservation.** Develop lively and effective interpretive strategies, including onsite signage, web-based resources and other guides to art throughout the system. This will increase art accessibility to BART riders and reinforce the connection between art and BART's functional priorities.

Process Guidelines and Procedures:

1. **Acquisition.** Establish guidelines to ensure that artworks are acquired and maintained in accordance with recognized standards and best practices in the field of public art.
2. **Engagement.** Design effective programs of ongoing engagement for the arts community and the community at large.
3. **Internal Protocols.** Establish an internal protocol to support BART staff in integrating art opportunities early in capital project development, and create tools to educate staff about the appropriate treatment of artworks in BART facilities.
4. **Internal Review.** Establish an internal BART review process to ensure that all works of art are compliant with BART policies, maintenance, safety and operational needs.
5. **Community Generated Projects.** Establish guidelines for the submittal and review of community-generated projects.
6. **Partnerships.** Establish an ongoing plan for cultivating collaborative partnerships with other public agencies, non-profit groups, and private organizations.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Fadelli Dept:	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Paul Fadelli</i>	<i>M. B. ...</i>	<i>...</i>	[]	<i>Powers</i> <i>17 June 2015</i> []
Status: Routed		Date Created: 05/21/2015		

TITLE:

2015 State and Federal Legislation

NARRATIVE:

PURPOSE: To review ongoing state and federal legislative activities that support goals of the BART Board of Directors.

DISCUSSION: In February of this year, the BART Board of Directors approved the following goals for state and federal legislative advocacy:

BART STATE GOALS:

- (1) Support Cap & Trade funding for transit
- (2) Protect existing and seek new state transit funding
- (3) Work to optimize BART's ability to generate renewable energy
- (4) Investigate/pursue issues raised by BART police
- (5) Begin discussion on "transit impact fees" in legislature

BART FEDERAL GOALS:

- (1) Participate in reauthorization effort of MAP-21
 - Support efforts to enhance: 1) overall funding, 2) State of Good Repair (SOGR) & formula funding, 3) transportation enhancements/livability, 4) core capacity, 5) safety
- (2) Seek assistance, if necessary, for new BART railcars
- (3) Seek funding for security needs
- (4) Support a permanent transit commuter tax benefit

A. State Legislation for BART Board Review

Staff is recommending a **SUPPORT** position from the BART Board for the state legislation listed below. In addition, staff has included a section of state legislation where **WATCH** positions are recommended.

Transit Revenue

AB 464 (Mullin) – Local Tax Levels

Under current law, cities and counties may levy a transactions and use tax subject to a requirement that the combined rate of all transactions and use taxes in a county may not exceed two percent. In

2013, the BART Board supported legislation (AB 210 – Wieckowski) that raised the cap on combined transactions and use taxes in Alameda and Contra Costa Counties to three percent. AB 464 would raise the cap from two to three percent for *all* counties in the state, thus allowing more local flexibility when generating revenue for local transportation needs and other services. The Metropolitan Transportation Commission (MTC) supports this bill because it will assist the transportation needs of other Bay Area counties.

ACA 4 (Frazier) -- Voting Threshold for Special Tax for Transit Projects

Similar to previous legislative efforts supported by the Board, ACA 4 would propose an amendment to the California Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects would require approval of 55% of voters instead of approval of two-thirds (67 percent) of voters.

SB 321 (Beall) – Gas Tax formula

SB 321 would make adjustments to previous legislation (known as the “gas tax swap”) to help stabilize the State Transit Assistance (STA) funding of which BART is a recipient. Recent gas price fluctuations have caused concern among transit agencies because current law requires that the Board of Equalization (BOE) annually adjust the gas *excise* tax so the state will not collect more than if it still charged a *sales* tax on gas. This annual calculation could dramatically reduce transit funding through STA and transit budget planning. SB 321 would require the BOE to adjust the excise tax rate based on the previous four fiscal years of fuel prices instead of only the previous year, and would authorize the BOE to adjust the rate up to every six months in order to reduce the volatility in revenue.

Energy/Environment/Affordable Housing

SB 502 (Leno) – BART Energy Authority (BART sponsored)

Energy costs for BART are approximately \$40 million annually. Recently there have been calls from a variety of sectors -- including the Governor and the BART Board – to use more renewable sources of energy. However, historically BART has had limited legal authority to seek new sources of renewable energy. Therefore, BART sponsored SB 502 to allow it to *directly* seek a wider range of renewable sources such as solar, geothermal, wind and small hydro. Even with the lowest carbon emissions for a transit system in the country, this bill will allow BART to reduce its carbon footprint even further, pursue a cleaner renewable energy portfolio for riders and taxpayers, and create greater price certainty. SB 502 has passed the State Senate without opposition and is moving in the Assembly with the support of many clean energy, environmental and transportation organizations.

AB 1335 (Atkins) The Building Homes and Jobs Act

AB 1335 would generate hundreds of millions of dollars to support a variety of affordable housing programs in the state through a \$75 fee imposed on real estate transactions. Speaker Toni Atkins says that while the bill would primarily address the current affordable housing crisis in the state, it would also create 29,000 jobs per year and provide new revenue to leverage \$2 - \$3 billion in federal, local and bank investments. Last session, the BART Board supported a similar bill (SB 391 – DeSaulnier) also introduced to support various affordable housing programs in the state. More

funding for affordable housing in the state could provide additional options for BART transit-oriented development (TOD) efforts.

Law Enforcement

AB 69 (Rodriguez) – Best practices for Police Camera Use

AB 69 would require law enforcement agencies to consider specified best practices when establishing policies and procedures for downloading and storing data from body-worn cameras. The bill specifies the best practices to be considered, such as specific measures to prevent data tampering, and a requirement to keep non-evidentiary video and audio from a body worn camera for a minimum of 60 days, and retain evidentiary data for a minimum of three years.

AB 71 (Rodriguez) – Criminal Justice Reporting

AB 71 would require each sheriff and police chief to annually furnish a report to the Department of Justice (DOJ) on any shootings that involve peace officers and result in the injury or death of an individual or a peace officer. The bill would also require the agency to report the number of cases that resulted in criminal prosecution when an individual is injured or killed. DOJ would be required to include a summary of the annual reports in its annual crime report.

SB 11 (Beall) -- Police Training, Mental Health

SB 11 would require the Commission on Peace Officer Standards and Training (POST) to include in its basic training course a behavioral health classroom training course to train law enforcement officers to better recognize, de-escalate, and refer persons with mental illness to the proper and adequate assistance. The BART Police Department (BPD) already trains its police force to enhance its interactions with citizens who may have mental health issues. Last month, on behalf of BPD, Chief Rainey testified at a state legislative informational hearing in support of legislation such as SB 11 which would require greater preparation for dealing with the mentally ill.

SB 29 (Beall) -- Police Training, Mental Health

SB 29 is the companion bill to SB 11. This bill would mandate POST to require that field training officers who are instructors have 20 hours of evidence-based behavioral health training. The bill would also require POST to require, as part of its field training program, 20 hours of field training relating to law enforcement interaction with persons with mental illness or intellectual disability, to be completed as specified.

SB 140 (Leno) – Vaporizing

SB 140 would change the “Stop Tobacco Access to Kids Enforcement” (STAKE) Act's definition of tobacco products to include electronic devices, such as electronic cigarettes, that deliver nicotine or other vaporized liquids. The bill would make furnishing such products to a minor a misdemeanor. E-Cigarettes would also be added to the “Smoke Free Act” which prohibits smoking on public transportation, among other locations. SB 140 is consistent with the BART ordinance that prohibits vaporizing on BART trains and property.

SB 391 (Huff) – Transit Worker Attacks.

SB 391 is sponsored by the Los Angeles County Metropolitan Transportation Agency, which is concerned about increasing attacks on its employees. This bill would make assault against a transit employee punishable by a fine of up to \$2000, or imprisonment in county jail for up to one year, or both. This bill was introduced to primarily address bus drivers but would impact all BART employees, including train operators and station agents.

SB 413 (Wieckowski)—Penal Code; Transit Crimes

Current law makes it a crime for a person to commit certain acts on a facility or vehicle of a public transportation system. Sponsored by the California Transit Association (CTA), this bill makes a variety of changes to the penal code to assist enforcement of public transit infractions. BART Police raised a specific concern that was accepted as an amendment to this bill by the author: to change the existing unreasonable noise provision so it would be easier to cite persons failing to comply with a transit official's warning against loud and unreasonable noise. In addition, SB 413 would make it an infraction for a person to fail to yield seating reserved for an elderly or disabled person, and would make a 3rd or subsequent violation of the prohibition against selling or peddling goods on transit a misdemeanor.

For Watch

AB 744 (Chau) – Minimum Parking/Affordable Housing

AB 744 seeks to enhance opportunities to develop additional affordable housing in the state. Existing state law requires cities and counties to provide a density bonus to developers that are willing to (1) build 10 percent of the total units of a housing development for lower income households, or (2) build 5 percent of the total units of a housing development for very low income households, or (3) build a senior citizen housing development. Existing law also prohibits a city, county, or city and county from imposing a specified vehicular parking ratio on a development that meets the criteria for a density bonus. This bill would additionally prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio in excess of 0.5 spaces per bedroom on a development that includes the maximum percentage of low- and very low income units, as specified, and is located within one-half mile of a major transit stop, as defined, and there is unobstructed access to the transit stop from the development. The bill would also prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio in excess of specified amounts per unit on a development that consists solely of units with an affordable housing cost to lower income households, as specified, if the development is within one-half mile of a major transit stop and there is unobstructed access to the transit stop from the development, is a for-rent housing development for individuals that are 62 years of age or older, or is a special needs housing development, as those terms are defined. BART staff advises that creating more flexibility on parking requirements near transit structures -- especially in those cases where it is likely local inhabitants are not drivers -- could encourage more affordable housing opportunities. The author said he is working with local government officials to meet some of their concerns with the bill and will likely amend the bill to change some definitions that could impact transit.

AB 1347 (Chiu) -- Claim Resolution Process

AB 1347 would establish a claim resolution process for public works contracts entered into on or after January 1, 2016. BART staff has identified three changes from our current claims resolution process which could be problematic:

1. Mandatory seven percent interest on payments of undisputed amounts made more than 30 days after the undisputed amount has been identified by the public agency.
2. Shortening the time to respond to contractor claims from either 45 days or 60 days (depending on the amount of the claim) to 30 days.
3. A requirement to submit the claim to non-binding mediation if the parties cannot resolve the claim through a meet and confer process.

The California Transit Association (CTA) is working with several state transit members to develop amendments to take care of these and other concerns. If concerns are not met BART Directors might want to consider an oppose position on this bill.

SB 9 (Beall) -- Cap & Trade Funding

Current Cap & Trade laws provide various sources of funding for transportation programs, including capital and operating funds for rail services, including intercity, commuter, and urban rail systems. One of these programs, the Transit and Intercity Rail Capital Program (TIRCP), receives 10% of the annual total proceeds of the Greenhouse Gas Reduction Fund as a continuous appropriation. SB 9 would change this program by requiring that the State Transportation Agency (CalSTA) adopt a multiyear program to fund public transit projects that are over \$100 Million. As amended 6/2/15, SB 9 would require that 30 percent of the total amount of TIRCP would go to transit projects under \$100 million with 70 percent reserved for grants to projects over that amount. This legislation has been modeled after the federal New Starts program.

As Chair of the Senate Transportation Committee, Sen. Beall is prioritizing this bill to establish a Cap & Trade program that supports bigger projects that reduce a greater amount of greenhouse gas emissions (GHG) than smaller transit projects can. Opponents of SB 9 have raised concerns that creative smaller projects (like bus proposals) might be at a funding disadvantage in the bill. There are provisions of SB 9 that could benefit BART such as the larger project funding amounts, the multiyear funding provision, and the use of "Letters of No Prejudice." However, the existing Cap and Trade program is an important component of the funding plan that BART has worked with MTC to secure. MTC is neutral on this bill. There is a possibility that altering the existing Cap & Trade programs, as SB 9 would mandate, could cause those BART funding plans to change.

SB 16 (Beall) -- Road Maintenance and Rehabilitation

SB 16 would create the "Road Maintenance and Rehabilitation Program" to address deferred maintenance on the state highway system and the local street and road system. The Governor and legislative leaders have suggested that this is the year to fix roads and highways. SB 16 would generate new revenue by increasing several taxes and fees over the next five years. The Governor's May Revised Budget prioritized the need to fix the state's highways and roads, but the Governor said he wanted to work with the Legislature to find specific ways to raise the needed revenues. SB 9 could be one of the vehicles. This bill would specifically:

Increase the excise tax on diesel fuel by 12 cents in year one;
Increase the excise tax on gasoline by 10 cents in year one;
Increase the vehicle license fee by 35 percent over five years;
Increase the vehicle registration fee by \$35;
Create a new vehicle registration fee of \$100 for zero-emission vehicles; and
Repay transportation loans.

The state estimates that it has a projected \$59 billion backlog of deferred maintenance on the state highway system, and roughly \$78 billion funding shortfall for maintenance of local streets & roads. SB 16 is one of what are likely to be multiple transportation funding proposals put forward by the Legislature and many, including the California Transit Association (CTA), suggest that in order for this bill to pass it will have to also include some new funding for public transit. CTA has said it will work to include such language and possible programs. This year, there is also a concerted effort by a broad coalition of transportation and infrastructure stake holders (both road and public transit interests) to work together to support each other's critical funding needs.

SB 757 (Wieckowski) – Fremont Transit Study

SB 757 states that it is the intent of the Legislature to require the Alameda County Transportation Commission (ACTC) to explore the feasibility of building a multimodal station in Fremont at a location that can be served both by BART and the Altamont Commuter Express, and to require the Santa Clara Valley Transportation Authority (VTA) to explore expansion of light rail service to Levi's Stadium in Santa Clara. ACTC has said they have communicated with the author about the potential study. The author's staff has said this is a "spot" – now a 2 year -- bill which could be amended next January and begin the legislative process again.

B. Federal Legislation for BART Board Review

All federal bills below are suggested for SUPPORT:

HR 680 (Blumenauer) – Gas Tax

HR 680 (Blumenauer – OR) would generate \$210 billion over 10 years by raising the gas tax an average of 5 cents a year over the next 3 years. While the gas tax was equal to 17 percent of the cost of a gallon of gas when it was set at its current level 22 years ago, it now only represents 5 percent. Agreeing on a funding mechanism for the reauthorization of MAP-21 to keep the Highway Trust Fund solvent remains a barrier to passage of long-term legislation, and the author believes, continues to threaten transit and highway infrastructure in the nation.

HR 990 (King) – Commuter Benefit Parity

HR 990 (King -- NY) would establish permanent parity between the parking and transit portions of the transportation tax benefit by setting the monthly caps for both at \$235/month. Commuters would be able to exclude from gross income, for income tax purposes, up to \$235 of transportation benefits provided by an employer for commuting either by car or by transit. The transit tax benefit was reduced last year from \$245 to \$130. The author believes *permanent* parity would assist commuters by creating an ongoing incentive to change the way they commute, moving toward increased

ridership of subways, trains and buses and reducing traffic congestion. This tax benefit also saves businesses of all sizes critical dollars through a reduction in payroll taxes that are reinvested in the economy to create new jobs and retain current employees.

HR 1046 (Norton) – Commuter Benefit Parity

HR 1046 (Norton -- DC) is similar to Rep. King's bill (above), but it would set the caps at \$175 for both transit and parking. Delegate Norton has said the disparity between the parking and transit tax breaks is negatively affecting ridership on the Washington, D.C. Metro subway system and other systems in the U.S.

HR 1102 (Johnson, Lee) Police Accountability Act

HR 1102 would expand the authority of the U.S. Department of Justice (DOJ) to investigate wrongdoing by police by making it a federal crime for police officers to commit murder and manslaughter. DOJ currently has the ability to conduct criminal civil rights investigations, but the standard of proof in these types of cases is high, making it very difficult to convict individuals for violating the civil rights of their victims. Expanding authority under the "Police Accountability Act" would enable DOJ to conduct murder investigations and bring charges in the event that a state fails to do so.

S 705 (Cochran/Cardin) – Active Transportation

MAP 21 established the federal Transportation Alternatives Program (TAP) with flexibility for states to maintain control of and access to federal transportation dollars for a variety of pedestrian and bike programs. In 2013, Governor Brown signed legislation creating the Active Transportation Program (ATP) in the Department of Transportation. The ATP consolidates existing federal and state transportation programs, including the Transportation Alternatives Program (TAP), Bicycle Transportation Account (BTA), and State Safe Routes to School (SR2S), into a single program.

S 705 puts forth bipartisan technical changes the authors say would improve the ability of local communities to make transportation infrastructure decisions and implement projects. Among the changes this bill would make include:

- Restoring funding for TAP to the 2012 funding levels that existed for the three consolidated programs (Transportation Enhancements, Safe Routes to School, and Recreational Trails) that were consolidated to create TAP;
- Ensuring that two-thirds of the program's funds are distributed in proportion to the eligible entity's relative share of the state population, so that rural areas, small towns and large cities are able to access appropriate shares of resources;
- Giving states the flexibility to meet federal cost-sharing requirements across the entire program, which would result in lower matching requirements for lower-resourced communities being offset by higher matches from larger communities within a state.

S 880 (Schatz/Markey/Merkeley) TOD Infrastructure Financing Act

S 880 would amend the Transportation Infrastructure Finance and Innovation Act (TIFIA) to make

TOD projects eligible for TIFIA funding. This bill is similar to legislation supported previously by the BART Board (S 2275 – Schatz) that was eventually included in a previous version of a MAP-21 reauthorization bill. It would make eligible for TIFIA funds any project within walking distance of and accessible to a fixed guideway transit facility, passenger rail station, intercity bus station, or intermodal facility, if the project promotes transit ridership, walkability, or increased private investment.

FISCAL IMPACT:

N/A

ALTERNATIVE:

The Board could decline to support the specific state and federal legislative recommendations listed for review.

RECOMMENDATION:

That the Board approves the following motions.

MOTION:

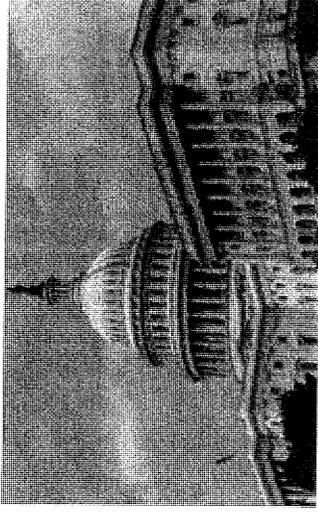
The Board supports the state legislation recommended by staff.

MOTION:

The Board supports the Federal legislation recommended by staff.

MOTION:

The Board supports the WATCH recommendations for specific state legislation recommended by staff.



2015 State & Federal Legislation

BART Board of Directors

June 25, 2015



BART STATE GOALS

- (1) Support Cap & Trade funding for transit
- (2) Protect existing and seek new state transit funding
- (3) Work to optimize BART's ability to generate renewable energy
- (4) Investigate/pursue issues raised by BART police
- (5) Begin discussion on "transit impact fees" in legislature

State Legislation for Support

Transit Revenue

- AB 464 (Mullin) – Local Tax Levels
- ACA 4 (Frazier) – Local Voting Thresholds for Special Transportation Tax
- SB 321 (Beall) -- Gas Tax Formula

Energy/Environment/Affordable Housing

- SB 502 (Leno) – BART Energy Authority (BART sponsored)
- AB 1335 (Atkins) The Building Homes and Jobs Act

Law Enforcement

- AB 69 (Rodriguez) – Best practices for Police Camera Use
- AB 71 (Rodriguez) – Criminal Justice Reporting
- SB 11 (Beall) -- Police Training, Mental Health
- SB 29 (Beall) -- Police Training, Mental Health
- SB 140 (Leno) – Vaporizing
- SB 391 (Huff) – Transit Worker Attacks
- SB 413 (Wieckowski) — Penal Code; Transit Crimes

State Legislation for Watch

- AB 744 (Chau) – Minimum Parking/Affordable Housing
- AB 1347 (Chiu) Claim Resolution Process
- SB 9 (Beall) -- Cap & Trade Funding
- SB 16 (Beall) – Road Maintenance and Rehabilitation
- SB 757 (Wieckowski) – Fremont Transit Study

BART FEDERAL GOALS

- (1) Participate in reauthorization effort of MAP-21:
Support efforts to enhance: 1) overall funding, 2) State of Good Repair (SOGR) & formula funding, 3) transportation enhancements/livability, 4) core capacity, 5) safety
- (2) Seek assistance, if necessary, for new BART railcars
- (3) Seek funding for security needs
- (4) Support a permanent transit commuter tax benefit

Federal Legislation for Support

- HR 860 (Blumenauer) – Gas Tax
- HR 990 (King) – Transit Tax
- HR 1046 (Norton) – Transit Tax Benefit Parity
- HR 1102 (Johnson, Lee) – Police Accountability Act
- S 705 (Cochran/Cardin) – Active Transportation
- S 880 (Schatz/Markey/Merkeley) – TOD
Infrastructure Financing Act

BART
BOO

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

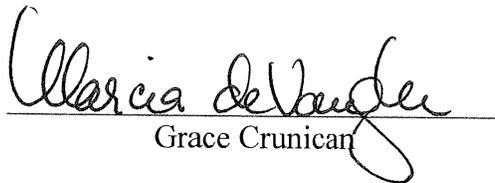
TO: Board of Directors **DATE:** June 19, 2015
FROM: General Manager
SUBJECT: PPAAL Agenda Item #7.C: California Greenhouse Gas Cap-and-Trade Overview – For Information

Over the past several years, the State of California has advanced multiple initiatives to address climate change, and reduce greenhouse gas (GHG) emissions. One such initiative is the California Cap-and-Trade Program, which was authorized by the AB32 in 2006, and administered by the California Air Resources Board (CARB).

CARB estimated that 38% of GHG emissions are from the transportation sector. Because of this, the program provides a significant opportunity to increase funding for GHG reducing investments, such as providing BART service as an alternative to driving.

At the June 25th Board meeting, staff will provide an overview of the program, with an emphasis on transportation related funding categories.

If you need additional information, please contact Bob Powers, at RPowers@bart.gov or (510) 874-7410.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff