

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

BOARD MEETING AGENDA

June 25, 2020

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, June 25, 2020.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, which prevents all but essential travel, public participation for this meeting will be via teleconference only.

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may also join the Board Meeting via Zoom by calling 1-877-853-5257 and entering access code 790-512-1598.

If you wish to make a public comment:

- 1) Submit written comments via email to board.meeting@bart.gov, using "public comment" as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 9:00 a.m. in order to be included in the record.
- 2) Call 1-877-853-5257, enter access code 790-512-1598, and dial *9 to raise your hand when you wish to speak.

Public comment is limited to three (3) minutes per person.

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.

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>).

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>); at bart.legistar.com; and via email (<https://cloud.info.bart.gov/signup>) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website and bart.legistar.com no later than 48 hours in advance of the meeting.

Please submit your requests to the District Secretary via email to BoardofDirectors@bart.gov; in person or U.S. mail at 300 Lakeside Drive, 23rd Floor, Oakland, CA 94612; fax 510-464-6011; or telephone 510-464-6083.

Patricia K. Williams
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of June 11, 2020.*
Board requested to authorize.
- B. BART Police Citizen Review Board Appointments and Re-Appointments.* Board requested to ratify.
- C. Fiscal Year 2021 Proposition 4 Appropriations Limit.*
Board requested to adopt.
- D. Resolution Authorizing California State of Good Repair Program Funds for Fiscal Year 2020 -2021.* Board requested to adopt.
- E. Extension of Agreement No. 6M4299, Website Platform Management Software, with Acquia, Inc.*
Board requested to authorize.
- F. Award of Contract No. 54RR-330, Oakland Shops Vacuum System Replacement.* Board requested to authorize.
- G. Invitation For Bid No. 9086, Backhoes, Excavators, Telehandlers and Trailers.* Board requested to authorize.
- H. Invitation For Bid No. 9088, Aerial Lift Trucks, Dump Trucks and Stake Trucks.* Board requested to authorize.
- I. Reject All Bids for Contract No. 15EK-100, Traction Power Facility Replacements C, M, and K Lines.* Board requested to reject.
- J. Renewal of Lease Agreement with West Grand Adeline, LLC for Warehouse Space at 2305 Chestnut Street, Oakland, CA.*
Board requested to authorize.

3. 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.)
4. ADMINISTRATION ITEMS
Director McPartland, Chairperson
 - A. COVID-19 Update: Impact of and Responses to COVID-19.*
For information.
 - B. Resolution Approving the Fiscal Year 2021 Annual Budget.*
Board requested to adopt.
5. ENGINEERING AND OPERATIONS ITEMS
Director Dufty, Chairperson
 - A. Award of Contract No. 15EJ-180, 34.5 kV Cable Replacement and Fiber Optic Installation, A-Line, ACO to AUC.*
Board requested to authorize.
 - B. BART's Commitment to Progressive Policing.* For information.
6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Saltzman, Chairperson
 - A. Federal and State Legislation for Consideration.*
Board requested to authorize.
 - B. Resolution in Support of the Repeal of Proposition 209 and the Resumption of Affirmative Action in California. *
Board requested to adopt.
 - C. BART Headquarters Office Building (2150 Webster St., Oakland, CA).
 - a. Project Update.* For information.
 - b. Award of Contract No. 6M4706, Design-Build of BART Headquarters.* Board requested to authorize.
7. GENERAL MANAGER'S REPORT
 - A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. BOARD MATTERS

- A. Report of the Personnel Review Special Committee. For information.
- B. Board Member Reports.
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- C. Roll Call for Introductions.
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- D. In Memoriam.
(An opportunity for Board members to introduce individuals to be commemorated.)

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

Board of Directors
Minutes of the 1,865th Meeting
June 11, 2020

A regular meeting of the Board of Directors was held on June 11, 2020, convening at 9:04 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Simon presided; Patricia K. Williams, District Secretary.

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

Absent: None.

President Simon gave opening remarks and instructions on the virtual meeting, accessing presentation materials online, and Public Comment.

President Simon announced that the order of agenda items would be changed, noting that Item 6-A, Update on Fare Gates, would be heard immediately after the Consent Calendar.

President Simon 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 the final Fiscal Year 2021 Budget; that staff would give a brief presentation on the item; that the Meeting would then be opened for comments from the public; and that the Board would review the item under the Administration Committee portion of the agenda. President Simon requested that Board Members hold their questions and comments until the Public Hearing was closed.

Ms. Pamela Herhold, Assistant General Manager, Performance and Budget, and Mr. Christopher Simi, Director of Budgets, presented the item.

The following individuals addressed the Board via telephone:

Aleta Dupree
Molly Kennedy
Peter H.
Dylan
Anna Krasner
Simón Manganelli
Shawn Lee
Gigi Gamble
Victoria Fierce
Eden
BART Worker
Councilmember Lynette Gibson McElhaney
Pete Wyote

There being no further Public Comment, the Public Hearing was closed.

Consent Calendar action items brought before the Board were:

1. Approval of Minutes of the Meeting of May 28, 2020.
2. Extension of Software License Agreement with TriTech Software Systems for BART's Regional Anti-Terrorism and Integrated Law Enforcement System (RAILS) (Agreement No. 79HP-120).

President Simon called for Public Comment on the Consent Calendar. No comments were received.

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

1. That the Minutes of the Meeting of May 28, 2020 be approved.
2. That the General Manager or his designee be authorized to extend the software license support contract Agreement No. 79HP-120 for an additional three (3) years with TriTech Software Systems in an amount not to exceed \$926,139.00 for dispatch and records management software support.

Director Dufty, Chairperson of the Engineering and Operations Committee, brought the matter of Update on Fare Gates before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Ms. Mitra Moheb, Manager of Engineering Programs, Strategic Engineering; Ms. Herhold; Ms. Sylvia Lamb, Assistant Chief Engineering Officer, Maintenance and Engineering; and Mr. Carl Holmes, Assistant General Manager, Design and Construction, presented the item.

Director Dufty exited the Meeting and Director Raburn chaired the remainder of the Engineering and Operations Committee.

The following individuals addressed the Board via telephone:

Pat Piras of Sierra Club
Aleta Dupree
Peter H.

Director Raburn asked staff to comment on the BART Accessibility Task Force's feedback regarding Richmond Station and asked for clarification of bicycle access in relation to the new fare gate design.

The item was discussed, with the following highlights:

Director Li commented on BART's financial resources and law enforcement strategies, the fare gate prototype at Richmond Station, support for removing double-decker fare gates, the proposed funding strategy, proposed deferment of projects, and her desire for information about the impacts of proposed efforts to fund the new fare gates.

Director Saltzman commented on the proposed funding plan, flexibility with the project, funding for the project, allocation of operating funds to the project, her desire for information about the impact of deferring Maintenance and Engineering projects, and counties' prioritization of new fare gates; and requested that staff obtain feedback from funding sources regarding BART's receipt of funding and give informational presentations to county commissions to solicit feedback.

Director Allen commented on support for the project, constituents' requests for fare evasion to be addressed, ridership decline, safety, fare gates, BART Safety, Reliability and Traffic Relief Program (Measure RR) funding for projects, capital budget funding, the proposed funding sources, support for public outreach to agencies, her desire for the project to be completed in two to three years, and public safety; and requested that she be notified of public outreach presentations to agencies.

Director Ames commented on and/or inquired about support for the new fare gate design, contactless payment, mobile phone payments, de-coupling software, cost savings, the cost of the fare gates, grand jury reports, the project and funding needs timeline, support for requesting funding from counties, the project timeline, reprioritization of projects, riders' desire to feel safe, free transit, and the priority of projects.

President Simon requested that staff address Director Ames' question regarding the priority of projects in an e-mail.

Director McPartland expressed agreement with Board Members' comments and commented on utilizing one equipment manufacturer.

Vice President Foley commented on progress of the project, the lower cost of the project, BART's independence, agreement with the Contra Costa County Grand Jury's recommendation regarding fare gates, balancing the perception of safety and fear, the purpose of a fare gate, deferring elevator modernization projects, system access, and support for the recommended approach.

Director Raburn commented on and/or inquired about Alameda County funding sources, support for moving forward, whether the station modernization at 19th Street Station will include new fare gates if no funding is received from Alameda County, and funding for new fare gates in other stations.

President Simon called for general Public Comment.

Ms. Williams announced that in addition to the approximate 200 customer comments that were e-mailed to the Board on June 10, 2020 and the 50 public comments that were e-mailed to the Board on June 10, 2020 and June 11, 2020, three public comments had been received.

President Simon requested that the three written public comments be submitted to the Board via e-mail and made a permanent part of the Meeting file.

The following individuals addressed the Board via telephone:

Alan Dones
Aleta Dupree
Manan Shah
Mallory Wall
Julia Campbell
Peter H.
Vinta Iosemi

Director McPartland, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2021 Annual Budget before the Board. Mr. Robert Powers, General Manager; Ms. Herhold; and Mr. Val Menotti, Chief Planning and Development Officer, Systems Development, presented the item.

The item was discussed, with the following highlights:

Director Allen commented on and/or inquired about public comments regarding defunding the BART Police Department (BPD), presentation of the Fiscal Year (FY) 2021 budget to the public, the targeted ridership level on July 1, 2020 and the expected ridership level on June 30, 2021, presentation and characterization of budget information, recovery of expenses from the Santa Clara Valley Transportation Authority (SCVTA), other aspects of the FY 2021 budget, and her opposition to the presented budget.

Director Ames commented on and/or inquired about the presented budget's ability to address risks, employees' wages, reducing non-labor expenses by 10%, ridership, social distancing, reducing labor expenses to fund improvements, the ventilation system, new technologies, and her opposition to the presented budget; and requested a comparison of the FY 2020 and FY 2021 budgets.

Director Li thanked individuals who submitted written comments to the Board and commented on public comments, BPD reforms, public comments regarding defunding the BPD, her support for the presented budget, and other aspects of the FY 2021 budget.

Director Raburn commented on and/or inquired about the projected expense of power, the solar and wind projects, and the projects' incorporation in the FY 2021 budget.

Director Saltzman commented on and/or inquired about the current social climate and Board Members' responses to public comments, public comments regarding defunding the BPD, utilizing Ambassadors to monitor social distancing and compliance with the face covering requirement, and support for the presented budget excluding the additional Fare Inspector and Police Officer personnel; and requested information about staffing and the cost of utilizing Ambassadors to monitor social distancing and compliance with the face covering requirement at the next Board Meeting.

Director Raburn asked for information regarding the renewable energy projects and the impact of the projects on the FY 2021 budget, and requested an update on the projects.

Director McPartland commented on the current social climate, ridership and BART employees, work on capital projects, fiscal responsibility, public comments regarding fare gates and defunding the BPD, changes in law enforcement, developing a response that summarizes the need for law enforcement; requested a meeting with Director Allen to discuss finances; and requested a report from staff addressing a BART worker's comments on the 15 Step Welcome Back Plan.

Vice President Foley expressed support for the presented budget and commented on police reform, the BPD, and re-focusing priorities; and requested regular updates on the budget at Board Meetings in between the quarterly updates and an update on ensuring that additional staff is available to keep riders and employees safe.

President Simon expressed support for the presented budget and commented on police accountability, law enforcement and safety, and racism.

The Board Meeting recessed at 11:58 a.m.

The Board Meeting reconvened at 12:15 p.m.

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

Absent: Director Dufty. President Simon entered the Meeting later.

Director McPartland brought the matter of COVID-19 Update: Impact of and Responses to COVID-19 before the Board.

Ms. Tamar Allen; Chief of Police Ed Alvarez; Ms. Herhold; Ms. Alicia Trost, Chief Communications Officer; Ms. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations; Mr. Val Menotti; and Ms. Gia Ilole, Assistant General Manager, Administration, presented the item. The presentation contained sections on Front Line and Public Safety, Ridership, Advocacy, and Employee and Labor Partner Engagement.

President Simon re-entered the Meeting.

The item was discussed, with the following highlights:

Director Ames commented on and/or inquired about the potential costs of technologies, rebuilding ridership, system improvements, funding for fare gates and heating, ventilation and air conditioning (HVAC) systems, capital funding programs, and sending a letter of support requesting infrastructure funding to federal legislators.

Director Li expressed appreciation for BART employees and commented on ridership, rebuilding trust in the system, gratitude for Shanghai Metro's mask donation, and support for hiring additional Ambassadors to assist with compliance with the face covering requirement; and requested that information about Ambassadors' work regarding compliance be included in future COVID-19 Update presentations.

Director Raburn thanked BART employees and their families and commented on and/or inquired about efforts to provide assistance to the families of employees who have tested positive for the COVID-19 virus, providing personal protective equipment (PPE) to employees, ensuring social distancing among employees, heat maps, increasing service levels, and federal funding for transit; and requested that staff investigate new grant application programs that would be available to BART.

Director Saltzman thanked BART employees and commented on and/or inquired about outreach to employers and e-mails submitted by BART employees regarding the 15 Step Welcome Back Plan; and requested that staff update the Board on outreach to employers and respond to employees and provide feedback to the Board in a memo or at the next Board Meeting.

Director McPartland thanked Director Saltzman for her request regarding engagement with employees and commented on and/or inquired about online sale of personal hand straps, the online BART store, consumption rate and distribution of masks, availability of masks with increased ridership, daily decontamination of trains with fifteen-minute headways, psychological counseling for employees, criminal citation data, damage to property amidst civil disturbances, and BART Police Officers' stress levels.

Vice President Foley commented on and/or inquired about managing capacity of stations and platforms, sustaining social distancing guidelines, social distancing within the new BART Headquarters at 2150 Webster Street, Oakland, CA, and the supply of N95 masks.

The following individuals addressed the Board via telephone:

Roland Lebrun
Aleta Dupree
Joe Kunzler

President Simon called for Public Comment on Item 8-A, West Oakland BART Station Transit-Oriented Development Project.

The following individuals addressed the Board via telephone:

Alan Dones
Dirk Hallemeier
Victor MacFarlane
Jun Ji
Sarah Webster

Ms. Williams read a written comment submitted by Councilmember Lynette Gibson McElhaney into the record.

President Simon announced that the Board would enter into closed session and that the Board would reconvene in open session at the conclusion of the closed session.

The Board Meeting recessed at 1:26 p.m.

The Board Meeting reconvened in closed session at 1:28 p.m.

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

Absent: Director Dufty.

The Board Meeting recessed at 2:00 p.m.

The Board Meeting reconvened in open session at 2:02 p.m.

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

Absent: Director Dufty.

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

President Simon announced that the order of agenda items would be changed and brought the matter of Resolution in Support of the Establishment of a United States Commission on Truth, Racial Healing and Transformation before the Board.

Director Li moved that Resolution No. 5442, In the Matter of Support of the Establishment of a United States Commission on Truth, Racial Healing, and Transformation, be adopted. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes: 8 – Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 0. Absent: 1 – Director Dufty.

Director Saltzman, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of West Oakland BART Station Transit-Oriented Development Project before the Board. Mr. Sean Brooks, Director of Real Estate and Property Development, Systems Development, presented the item.

Director Ames commented on job development at the proposed West Oakland Transit-Oriented Development location and working with the developer to ensure job development in the ten-year development proposal.

President Simon made the following motions as a unit. Director Raburn seconded the motions.

1. That, after review and consideration of the environmental effects of the West Oakland BART Transit-Oriented Development Project as shown in the West Oakland Specific Plan Final Environmental Impact Report (WOSP EIR) and Addendum #1 adopted by the City of Oakland, the lead agency, on February 6, 2019, the Board adopts the City's CEQA WOSP EIR Findings

and Statement of Overriding Considerations that apply to this project, and the City's CEQA Findings in Addendum #1 and Standard Conditions of Approval Mitigation Monitoring and Reporting Program set forth in Addendum #1. (The City of Oakland's CEQA Findings are attached and hereby made a part of these Minutes.)

2. That China Harbour Engineering Company, Ltd.'s assignment of their Exclusive Negotiating Agreement with BART to Mandela Station Partners, LLC, be approved.
3. That the West Oakland Transit-Oriented Development (TOD) Project be approved.
4. That the General Manager or his designee be authorized to execute any and all agreements and other documents in order to effectuate the preceding motion.

Director Ames made a substitute motion with the first three motions as outlined above and proposed that the fourth motion be amended to state that any and all agreements and other documents in order to effectuate the third motion be presented to the Board prior to execution by the General Manager or his designee. Director Allen seconded the motions as proposed by Director Ames, which failed by roll call vote. Ayes: 3 – Directors Allen, Ames, and McPartland. Noes: 5 – Directors Foley, Li, Raburn, Saltzman, and Simon. Absent: 1 – Director Dufty.

The original motions brought by President Simon and seconded by Director Raburn carried by roll call vote. Ayes: 6 – Directors Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 2 – Directors Allen and Ames. Absent: 1 – Director Dufty.

President Simon exited the Meeting and Vice President Foley chaired the remainder of the Meeting.

Director Saltzman brought the matter of Update on BART and Valley Transportation Authority Phase I before the Board. Mr. Holmes and Ms. Trost presented the item.

Director Saltzman asked whether the online link for the ribbon-cutting ceremony livestream had been circulated and directed members of the public to BART's website and social media to find the link.

Roland Lebrun and Aleta Dupree addressed the Board via telephone.

Director Ames applauded staff for their work and commented on public comments regarding reducing the cost of Phase 2, collaboration between BART and the SCVTA on Phase 2, the tunnel for Phase 2, and revenue service decline; and requested information about meeting expectations.

Vice President Foley called for the General Manager's Report. Mr. Powers reported that staff would address BART's continuous commitment to police reform, oversight, and accountability at the next Board Meeting; that staff is developing a public document outlining reforms implemented over the past ten years and BART's continued commitment to anti-racism, community engagement, expanded training, and robust oversight; that BART has some of the strongest hybrid oversight models in the nation; that BART is engaged in the Government Alliance on Race and Equity (GARE) training series; that BART will be collecting and analyzing enforcement demographic data to screen for potential racial disparities; that BPD Police Officers receive training in fair and impartial policing, crisis intervention, and community-oriented policing; that BART exceeds state standards; that BDP Police Officers have

been and continue to be trained on use of force requirements; and that various stakeholders within the District are engaged.

Director Saltzman thanked staff for creating space for a discussion of policing at the next Meeting and asked for information about the upcoming Special BART Police Citizen Review Board (BPCRB) meeting.

Director Raburn applauded Chief Alvarez and the Office of the Independent Police Auditor for their joint statement of May 29, 2020, denouncing the killing of George Floyd.

Vice President Foley called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Director Allen clarified her previous comments related to defunding and eliminating the BPD.

Director Ames commented on police reform and defunding police, Tom Bradley, former police officer and mayor of Los Angeles, and the BPD.

Director Li reported that she had attended the Labor Negotiations Review Committee (LNRC) meeting on May 29, 2020, thanked staff and union leaders for attending the LNRC meeting, and commented on the feelings expressed by those affected by police brutality and racism.

Director McPartland commented on the public comments offered at the beginning of the Meeting, his experience in emergency management, law enforcement reforms, and control of fare evasion.

Director Raburn reported that he had attended a California Transit Association discussion of promoting well-being amongst front line workers, BART's Employment Assistance Program (EAP), resurgence of the COVID-19 virus, and combatting the spread of the COVID-19 virus.

Director Saltzman reported that the first Audit Ad Hoc Committee meeting was held on June 4, 2020 and that the Committee would meet prior to bringing recommendations to the Board.

Vice President Foley commented that Black Lives Matter and that George Perry Floyd, Jr.'s life mattered, and he addressed racial equality.

The Meeting was adjourned at 2:42 p.m.

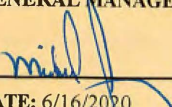
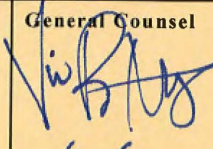
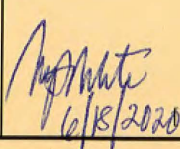
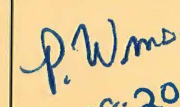
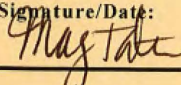
Patricia K. Williams
District Secretary

The City of Oakland's CEQA Findings

1. Although the proposed project adds project-level details to a site identified in the WOSP for development and leverages the State Affordable Housing Density Bonus Law (Government Code Section 65915 et seq., City of Oakland Municipal Code Chapter 17.107) to allow for the increased density and heights proposed, these project changes would not result in new significant environmental effect or substantial increase in the severity of impacts identified in the WOSP EIR.
2. Although the Environmental Checklist was completed to take into account current conditions, including updated Plan Area development, there would be no new significant environmental effect or a substantial increase in the severity of impacts identified in the WOSP EIR due to changes in circumstances.
3. Although the Environmental Checklist was completed to take into account new information, including updated transportation and emissions assessments per current guidelines and implementation of current Standard Conditions of Approval, there would be no new significant environmental effect or a substantial increase in the severity of impacts identified in the WOSP EIR due to new information.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/18/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/16/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Mag Tatum Dept: District Secretary	General Counsel  6/18/20 []	Controller/Treasurer  6/18/2020 []	District Secretary  6-18-20 []	BARC []
Signature/Date:  06/18/2020				
Status: Approved		Date Created: 6/16/2020		

BART Police Citizen Review Board Appointments and Re-appointments

PURPOSE:

Request the Board of Directors appoint Todd Davis and re-appoint Erin Armstrong, Christina Gomez, Kenneth Loo, George D. Perezvelez, and William White to the BART Police Citizen Review Board.

DISCUSSION:

The BART Police Citizen Review Board (BPCRB) was established by the BART Board of Directors (Board) to increase visibility for the public into the delivery of BART police services, to provide community participation in the review and establishment of BART Police Department (BPD) policies, procedures, practices and initiatives, and to receive citizen complaints and allegations of misconduct by BPD employees.

In accordance with Chapter 2-02 of the BART Citizen Oversight, those members of the BPCRB appointed by Directors from Districts 1, 3, 5, 7, and 9, as well as the Public-at-Large member, shall have their terms of service expire on June 30, 2020. All appointments of new members, or reappointments of currently-seated members, shall be for two-year terms.

The Directors from Districts 1, 3, 7, and 9, have indicated an intention to reappoint each of their current BPCRB appointees, respectively, and each of those current BPCRB appointees has indicated acceptance of such reappointment. The Director from District 5 has indicated an intention to appoint a new BPCRB appointment, and the new BPCRB appointee has indicated acceptance of such appointment. All Directors have indicated an intention to reappoint the Public-at-Large member. All new appointments, or reappointments of currently-seated members, if approved by the Board, will be officially installed as members

of the BPCRB for a term of two years, beginning on July 1, 2020.

FISCAL IMPACT:

None.

ALTERNATIVES:

Do not make the appointments/reappointments.

RECOMMENDATION:

Appoint Erin Armstrong, Todd Davis, Christina Gomez, Kenneth Loo, George D. Perezvelez, and William White, to the BART Police Citizen Review Board.

MOTION:

That the BART Board of Directors ratifies the appointment and reappointment of the following individuals for a term of 2 years, beginning on July 1, 2020, and expiring on June 30, 2022:

Erin Armstrong, Public-at-Large

Kenneth Loo, District 1

William White, District 3

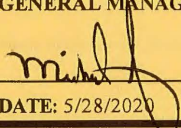
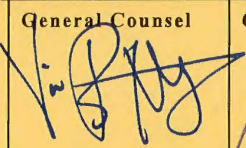
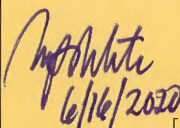

Todd Davis, District 5

Christina Gomez, District 7

George Perezvelez, District 9



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/17/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/28/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: David Covarrubias Dept: AGM - Performance & Budget CSS for DC Signature/Date: 6/16/20	General Counsel  6/16/20 []	Controller/Treasurer  6/16/2020 []	District Secretary []	BARC  6/16/20 []

FY21 Proposition 4 Appropriations Limit

PURPOSE: To approve the District's Fiscal Year 2021 Appropriations Limit, as required by State law pursuant to the Gann Initiative (Proposition 4, passed by the voters in 1979).

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

Section 7910 requires the Board of Directors to establish by resolution BART's annual appropriations limit "at a regularly scheduled meeting or noticed special meeting." Further, it requires that fifteen days prior to such meeting, documentation used in the determination of the appropriations limit shall be made available to the public. On June 10, 2020, the documentation was made available to the public.

Attachment 1 summarizes the FY21 appropriations limit calculation in accordance with the uniform Guidelines for Implementation of the Gann Initiative prepared by the League of California Cities and the information furnished by the State Department of Finance.

Attachment 2 is the calculation for the margin as it relates to the Proposition 4 limit. The margin is the difference between the appropriations limit and the expenditures subject to the

limit. Based on the calculations, the District will be below the limit of \$669,868,280.

FISCAL IMPACT: No fiscal impact. The FY21 appropriations limit is \$669,868,280.

Operating and Capital expenditures subject to the appropriations limit total \$552,265,521. As such, the District is \$117,602,759 below the subject FY21 appropriations limit.

ALTERNATIVES: None

RECOMMENDATION: Approval of the following motion.

MOTION: That the Board adopt the attached resolution which sets the District's FY21 appropriations limit at \$669,868,280.

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

In the Matter of the Establishment

Of the Fiscal Year 2021

Appropriations Limit

Resolution No. _____

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

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

WHEREAS, documentation used in the determination of the Fiscal Year 2021 appropriations limit has been available to the public for at least fifteen days prior to the date of this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the District's appropriations limit for Fiscal Year 2021 shall be \$669,868,280.

Attachment 1

Fiscal Year 2021 Appropriations Limit: Calculation

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

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

The District's appropriations limit for Fiscal Year 2021 is calculated on the basis of the urban consumer price index (CPI-U SF/Oakland/SJ) and Alameda County's population gains as it has the highest assessed valuation of the three counties. Steps in the calculations are as follows:

Relevant data, percent change:

- CPI-U SF/Oakland/SJ, 2.9060% (applies this year per option 1 above)
- Population Change, Alameda County, 0.0918% (applies this year per option 2 above)

District Population

	<u>As of 1/1/19</u>	<u>As of 1/1/20</u>	<u>% Change</u>
Alameda	1,669,301	1,670,834	0.0918%
Contra Costa	1,155,879	1,153,561	-0.2005%
<u>San Francisco</u>	<u>883,869</u>	<u>897,806</u>	<u>1.5768%</u>
Total*	3,709,049	3,722,201	0.3546%

FY21 Cumulative Adjustment Factor:

CPI-U SF/Oakland/Hayward	x	Population Factor	=	Current Adjustment Factor
(1 + 2.9060%)	x	(1 + .3546%)	=	1.0327
Current Adjustment Factor	x	Prior Year Adjustment	=	Cumulative Adjustment Factor
1.0327	x	3.5725	=	3.6894

FY21 Appropriations Limit:

FY87 Appropriations Base	x	FY21 Cumulative Adj Factor	=	FY21 Appropriations Limit
<u>\$181,568,000</u>	x	3.6894	=	<u>\$669,868,280</u>

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

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

ATTACHMENT 2
FY21 PROPOSITION 4 APPROPRIATIONS LIMIT

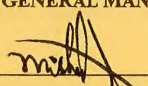
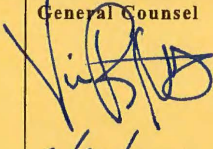
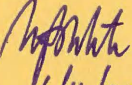
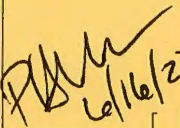
Whole Dollars, as of 05/01/20

<u>LIMIT</u>		<u>NOTES & COMMENTS</u>
CPI-U	2.9060%	CPI-U for SF/OAK/Hayward 2/20 vs 2/19
Per Capita Personal Income delta FY19>FY20	3.7300%	State DOF Price & Population Information, 1/1/20 (report released 5/1/20)
District Population Growth	0.3546%	Districtwide growth is based on Alameda Population Growth (highest valuation)
Annual Adjustment Factor	1.0327	[1+(CPI -U)]*[1+(District population growth)]
Cumulative Adjustment Factor	3.6894	(Current year factor)*(prior year cumulative factor)
Appropriations Limit	\$669,868,280	(FY87 base appropriations) x (cumulative factor)
APPROPRIATIONS		
Operating Budget		
Operating Expenses	850,853,163	FY21 Prelim Operating Budget
Operating Subtotal	850,853,163	
Operating Allocations		
Misc. Capital Allocations	1,592,674	FY21 Prelim Operating Budget
Other Capital Allocations	15,000,000	FY21 Prelim Operating Budget
Reverse Allocation To Operating	(40,000,000)	FY21 Prelim Operating Budget
Operating Allocations Subtotal	(23,407,326)	
Capital Budget		
Funded	1,506,672,143	FY21 Proposed Capital Budget
Unfunded	-	FY21 Proposed Capital Budget
Subtotal	1,506,672,143	
Less Funded Pass Through	(472,818,768)	FY21 Proposed Capital Budget
Less Unfunded Pass Through	-	FY21 Proposed Capital Budget
Subtotal	(472,818,768)	
Net Capital Expense	1,033,853,375	
Debt Service:		
Debt Service	47,407,197	FY21 Prelim Operating Budget
GO Seismic & RR Bonds	90,164,144	Per GO & RR Bond Series Debt schedule
Debt Service Subtotal	137,571,341	
Total Operating & Capital Appropriations	\$1,998,870,553	
EXCLUSIONS		
Allocation from Reserves	-	FY21 Prelim Operating Budget
ADA Mandated Service Expense	16,148,606	FY21 Prelim Operating Budget
Net Operating Revenue:		
Net Passenger Revenue	150,973,648	FY21 Prelim Operating Budget
Other Operating Revenue	34,124,566	FY21 Prelim Operating Budget
Subtotal	185,098,214	FY21 Prelim Operating Budget
Federal Operating Funds	271,000,000	FY21 Prelim Operating Budget
Federal Capital Funds:		
Funded	191,293,630	FY21 Proposed Capital Budget
Unfunded	-	FY21 Proposed Capital Budget
Subtotal	191,293,630	
Debt Service (GO Seismic & RR Bonds)	90,164,144	Per above, GO Bond Series Debt schedule
Capital Budget Funded from GO Bond Proceeds	38,951,436	FY21 Proposed Capital Budget
Capital Budget Funded from Measure RR Bond Proceeds	599,949,260	FY21 Proposed Capital Budget
Capital Budget Funded from Sales Tax Revenue Bond Proceeds	53,790,457	FY21 Proposed Capital Budget
BART Capital Funds	209,285	FY21 Proposed Capital Budget
Total Exclusions	\$1,446,605,032	
MARGIN		
Appropriations Limit	669,868,280	Per above
Appropriations Subject to Limit	552,265,521	Appropriations less exclusions, per above
Margin	\$117,602,759	Appropriations less expenditures subject to limit
RESIDENT POPULATION**		
Alameda		
Population	1,670,834	State DOF Price & Population Information, 1/1/20 (report released 5/1/20)
Percent Change	0.0918%	
Contra Costa		
Population	1,153,561	State DOF Price & Population Information, 1/1/20 (report released 5/1/20)
Percent Change	-0.2005%	
San Francisco		
Population	897,806	State DOF Price & Population Information, 1/1/20 (report released 5/1/20)
Percent Change	1.5768%	
District Total		
Population	3,722,201	Sum of population for BART counties
Percent Change	0.3546%	Percent increase

**Population Estimate as of 1/1/20. Population estimate is "total population" and includes military and other temporary residents. Per State Department of Finance, prior year City and County population estimates may be revised.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/17/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/8/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Grant Development CSS for DL Signature/Date: 6/16/20	General Counsel  6/16/20 []	Controller/Treasurer  6/16/2020 []	District Secretary []	BARC  6/16/20 []

Resolution Authorizing the Acceptance of FY20/21 California State of Good Repair Program Funds

PURPOSE: To obtain Board approval of a Resolution required for the receipt of Senate Bill 1 (SB-1) funds through the State Transit Assistance (STA) State of Good Repair (SGR) Program. For FY20/21, BART will be allocated \$6,471,025 in STA SGR revenue-based formula funds. BART staff will use these funds to perform critical maintenance and renovation work on elevators and escalators, electrical and mechanical systems, communication and computer systems, and traction power systems.

DISCUSSION: The STA State of Good Repair Program will provide annual funds to transit operators in California for eligible transit maintenance, rehabilitation, and capital projects. This program will benefit the public by providing public transportation agencies with a consistent and dependable revenue source to invest in the upgrade, repair, and improvement of transportation infrastructure; and improving transportation services. Caltrans requires the Board of Directors approve a resolution to formally accept the grant with associated terms and conditions and designate a District Officer authorized to execute all required documents for participation in the SGR program and any amendments to those documents.

BART staff proposes using the \$6,471,025 in FY20/21 STA State of Good Repair funds to perform critical maintenance work to renovate escalators and elevators at various District stations and facilities; maintain and renovate electrical and mechanical systems at various BART facilities; maintain and renovate BART's communication and computer systems at various BART facilities; and maintain and renovate elements of the traction power systems throughout the BART system. No grant match is required. These FY20/21 STA SGR funds are not expected be impacted by COVID-related issues.

FISCAL IMPACT: Approval of the Resolution of Local Support is a Caltrans requirement for the District to receive a FY20/21 formula allocation of State of Good Repair funds in the amount of \$6,471,025. These funds are already included in the adopted FY21 Budget to perform preventative maintenance work. The action will have no fiscal impact to unprogrammed District Reserves. No local match is required. These FY20/21 STA SGR funds are secure and will not be impacted by COVID-related issues.

ALTERNATIVES: Do not approve the Resolution of Local Support. If the Resolution is not approved, BART will risk the loss of STA State of Good Repair funds in the amount of \$6,471,025, and could lose the opportunity to perform crucial maintenance work to elevators and escalators, electrical and mechanical systems, communication and computer systems, and traction power systems.

RECOMMENDATION: Adopt the following motion.

MOTION: The BART Board of Directors approves the attached "Resolution Authorizing the Acceptance of FY20/21 California State of Good Repair Program Funds," and designates the General Manager, or an appointed designee, to execute all required documentation for participation in this program. This action will enable the receipt of funds in the amount of \$6,471,025 to perform critical improvements to escalators and elevators, electrical and mechanical systems, communication and computer systems, and traction power systems at various District stations and facilities.

ATTACHMENT I

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

**In the matter of authorizing
the acceptance of
Fiscal Year 2020-21
California State of Good Repair
Program Funds_____**

Resolution No. _____

WHEREAS, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (District) is an eligible project sponsor and may receive State Transit Assistance (STA) funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, the State Controller's Office has released the Fiscal Year 2020/21 SGR apportionments and the District is estimated to receive \$6,471,025 in SGR funds; and

WHEREAS, the District's elevator and escalator renovation, electrical and mechanical systems, communication and computer systems, and traction power systems projects are eligible projects per the SGR program guidelines; and

WHEREAS, Senate Bill 1 (2017) named the California Department of Transportation (Department) as the administrative agency for the SGR; and

WHEREAS, the Department has designated the Metropolitan Transportation Commission (MTC) as the regional entity responsible for coordinating the administration of all SGR projects and distribution of SGR funds to eligible sponsors (local agencies) within the nine-county Bay Area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT that the funds referenced above, namely the "FY20/21 California State of Good Repair Program Funds," are hereby accepted in the amount of \$6,471,025, and the District agrees to comply with all conditions and requirements set forth in the applicable statutes, regulations and guidelines for all SGR funded transit projects.

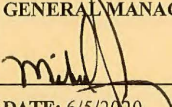
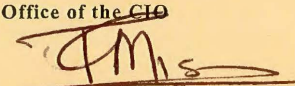
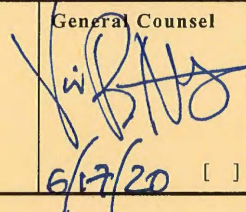
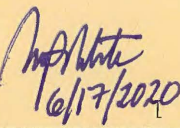
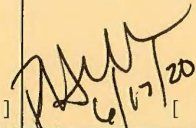
NOW THEREFORE, BE IT FURTHER RESOLVED that the District's General Manager, or an appointed designee, is authorized to execute all required documentation of the SGR program and any Amendments thereto with the Metropolitan Transportation Commission and California Department of Transportation.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT:

**BY: _____
President**



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/18/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/5/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Angie West Dept: Office of the CIO  Signature/Date: 6/17/2020	General Counsel  6/17/20 []	Controller/Treasurer  6/17/2020 []	District Secretary []	BARC  6/17/20 []

Authority to Renew Software Licensing with Acquia, Inc. for Website Platform Management Software

PURPOSE:

To obtain Board authorization for the General Manager for the renewal of licenses to Acquia, Inc. for Website Platform Management Software for a three-year term not to exceed \$558,000.03 through the issuance of a Purchase Order.

DISCUSSION:

The District's main website, www.bart.gov, generated more than 47 million page views in 2019. This was a 40% annual increase following a site redesign in December 2018. Other sites, including bartable.bart.gov, generate an additional 1.4 million page views a year.

In 2013 the District following a competitive procurement process entered into an agreement with Acquia, Inc., for Website Platform Management Software. The initial agreement was renewed in 2016 for an additional three (3) years and is scheduled to expire this year in 2020. The District requested quotes for the renewal from three (3) vendors in which Acquia's proposal of \$558,000.03 over three years, was \$36,458.46 less than the next highest proposal. There were no Small Businesses certified by the California Department of General Service (DGS) that were able to provide the Website Platform Management Software licenses. Additional quotes for the Website Platform Management Software licenses were received from:

1. Carahsoft \$594,458.49
2. SHI \$616,750.68

Acquia is a uniquely positioned commercial open-source software company providing software and services for the Drupal content management framework. The company has a proven track record managing high profile .gov clients and provides HIPPA, SOC 1, and FISMA compliance. Major transit agencies like New York MTA also rely on Acquia services.

Managing and securing the District's high-traffic, high-availability websites require a significant level of investment in commercial-grade infrastructure to accommodate the features and integrations that serve riders, stakeholders, and business partners. The infrastructure is physically located in a cloud data center outside of California to ensure availability during localized disasters (e.g. earthquake) and to minimize the security liability associated with hosting high-traffic Internet services on internal networks. Peak traffic loads are accommodated through redundant bandwidth connections that exceed in-house network capacity. The environment requires around-the-clock proactive monitoring, standby engineering expertise, and rapid provisioning capabilities that the District does not possess.

The District has made a significant investment in deploying web services to Acquia. The environment has been security, load, and penetration tested. District staff has been trained on Acquia-specific tools that simplify site administration.

The Office of the Chief Information Officer (OCIO) has evaluated these services and concluded that it would be in the best interest of the District to continue to utilize Acquia for these services.

It was determined that there were no certified Small Businesses certified by the DGS among the responsive Proposers and, therefore, the Small Business Prime Preference is not applicable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for MBEs and 2.8% for WBEs. Acquia will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

The Procurement Department will review the Contract to confirm compliance with the District's procurement standards.

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

FISCAL IMPACT:

Funding in the amount of \$196,400.01 in FY21 is included in the budget of the Office of the CIO. Funding in the amount of \$178,800.01 for FY 2022 and \$182,800.01 in FY 2023 will be requested in future operating budgets of the Office of the CIO, subject to board approval.

Funds will be budgeted in the Office of the Chief Information Officer's operating budget (Dept 0504463, Account 681355). This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Do not authorize this software renewal. As a result, OCIO would need additional budgetary resources to procure, redeploy, reconfigure, and retest existing web services in that new environment.

RECOMMENDATION:

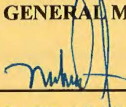
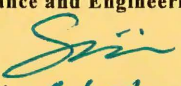
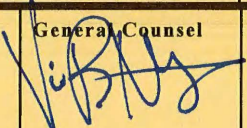
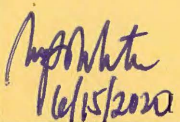

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to issue a Purchase Order for the renewal of licenses to Acquia, Inc. for Website Platform Management Software in the amount of \$558,000.03.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/17/2020		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors	
DATE: 3/20/2020		BOARD INITIATED ITEM: No	
Originator/Prepared by: Jin Cao Dept: Maintenance and Engineering  Signature/Date: 6/15/2020	General Counsel  6/25/20 []	Controller/Treasurer  6/15/2020 []	District Secretary []
		BARC  6.15.2020 []	

Award of Contract 54RR-330 ,Oakland Shops Vacuum System Replacement

PURPOSE:

To request Board authorization to award Contract No. 54RR-330 for Oakland Shops Vacuum System Replacement to Blocka Construction Inc., in the amount of \$639,300.00.

DISCUSSION:

The contract will replace and upgrade the existing vacuum system in the District's non-revenue vehicle shop at Oakland Yard (OKS). The equipment to be replaced includes rooftop ventilation fans, vehicle fume extractor, welding exhaust fan and related accessories. The duct work shall be re-sized for more efficiency and better performance. The new system will comply with the latest OSHA, Title 24, EPA and California Mechanical Codes and provide the shop workers a better working environment.

On January 17, 2020, Advance Notice to Bidders was emailed to one hundred eighty-one (181) prospective Bidders, and then published in various publications. On January 27, 2020 it was also posted to the BART Procurement Portal, and various Plan Rooms, to prospective Bidders with an A or B, or C10 and C20 Contractor License Classification, where thirty-two (32) prospective Bidders downloaded the Contract Book. A Pre-Bid meeting was conducted on February 1, 2020, where three (3) Bidders attended the meeting, and then went on the site tour.

Bids were opened on March 10, 2020, and the following three (3) bids were received:

<u>BIDDER</u>	<u>TOTAL BID</u>
American Air Conditioning, Plumbing & Heating (San Leandro CA)	\$ 739,874.00
Saboo, Inc. (Brentwood CA)	\$1,184,000.00
Blocka Construction, Inc. (Pleasanton CA)	\$ 639,300.00
Engineer's Estimate	\$ 734,400.00

All Bids were evaluated and Staff determined that the apparent low Bid price submitted by Blocka Construction, Inc., is fair and reasonable. A review of Blocka Construction, Inc.'s business experience and financial capabilities has resulted in a determination that they are a responsible Bidder, and that their Bid is responsive to the requirements of the Contract Book.

Staff reviewed the variance between the submitted bids and the Engineer's Estimate. The lowest bid (Blocka) is 13% lower than the Engineer's Estimate.

FISCAL IMPACT:

Funding in the amount of \$639,300 for Contract No. 54RR-330 is included in the total project budget for FMS# 54RR330 – Vacuum System (Non-Revenue Vehicle).

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

Proposed Funding	
F/G 802A – 2017 Measure RR GOB	23,240
F/G 802B – 2019 Measure RR GOB	1,126,828
TOTAL	1,150,068

As of April 6, 2020, \$1,150,068 is the total budget for this project. BART has expended \$147,306, committed \$0, and reserved \$14,955 to date. This action will commit \$639,300, leaving an available fund balance of \$348,507 in these fund sources for this project.

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

This action is not anticipated to have any Fiscal Impact on un-programmed District reserves.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises ("MBEs") and 9.3% for Women Business Enterprises ("WBEs"). The Office of Civil Rights has determined that the Bidder, Blocka Construction, has exceeded both the MBE and WBE Availability Percentages for this Contract at 69% for MBEs and 29.5% for WBEs.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. The lowest responsive Bidder, Blocka Construction, is not a certified Local Small Business and, therefore, is not eligible for the 7% Small Business Prime Preference but is still the lowest responsive Bidder.

ALTERNATIVES:

Reject all bids and re-advertise the Contract. It is staff's opinion that rejecting the Bids and re-advertising the Contract is not likely to result in better pricing, would increase the District's procurement costs and would delay the facility improvement for Oakland shop employees.

RECOMMENDATION:

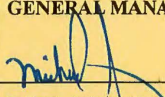

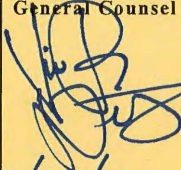
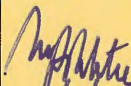
It is recommended that the Board adopt the following Motion:

MOTION:

The General Manager is authorized to Award Contract No. 54RR-330 – Oakland Shops Vacuum System Replacement to Blocka Construction, Inc. for an amount not to exceed \$639,300.00 pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/18/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/27/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Christopher Wasilewski Dept: Strategic Engineering  Signature/Date: 6/15/2020	General Counsel  6/15/20 []	Controller/Treasurer  6/15/2020 []	District Secretary []	BARC []
Status: Approved		Date Created: 5/27/2020		

Award of IFB 9086 for Backhoes, Excavators, Telehandlers, and Trailers

PURPOSE:

To request Board authorization for the General Manager to award IFB 9086 to Sonsray Machinery, San Leandro, CA, to provide backhoes, excavators, telehandlers, and trailers for an amount of \$1,118,219.98.

DISCUSSION:

The District needs to replace existing backhoes, excavators, telehandlers, and trailers, that are nearing or at the end of their useful life. This equipment is becoming less reliable due to normal deterioration and age, creating increased maintenance costs and an increased maintenance burden. Procuring new construction equipment is essential to providing support for the District's Track, Ground and Structures forces to maintain the system in a state of good repair.

This is a TWELVE (12) month estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on April 28, 2020. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to four (4) prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on May 19, 2020 and three (3) bids were received.

Bidder	Lot Price	Grand Total Including 9.25% Sales Tax
Sonsray Machinery San Leandro, CA	\$1,023,542.32	\$1,118,219.98
Pape Machinery* Newark, CA	\$1,007,473.33	\$1,100,664.61
RCE Equipment *	\$1,201,700.00	\$1,312,857.25
Engineer's Estimate	--	\$941,735.00

*Note: Denotes Non-Responsive Bidder

District staff determined that Pape Machinery, the apparent low bidder, was nonresponsive due to material defects in its bid. As a result, Sonsray Machinery was determined to be the lowest responsive bidder. Sonsray's total bid price of \$1,118,219.98 was found to be fair and reasonable based upon the independent cost estimate and a market survey of qualified suppliers.

The winning Bid from Sonsray which consist of 11 vehicles (4 different types), is above the Engineer's Estimate by 18.7%. The Engineer's Estimate was based on historical pricing, price escalation and evaluation of the cost of these various vehicles across multiple makes/models that would meet the technical specifications. Post-bid analysis shows significant price difference of the same equipment between bidders, suggesting equipment that meet the terms of the technical specifications have varying levels of quality and capabilities, depending on the model and the brand, and thus the difference in price point.

The funds shown below in the Capital Fiscal impact statement are allocated for various vehicle or equipment procurements. This funding will be used to support the replacement of the equipment nearing the end of its useful life. The FTA funds are from FY 2015 Capital Improvements, and the 20% match is from FY 2014 Operating Allocation to Capital and the local/regional funds such as MTC programs such as Bridge Toll.

This Invitation for Bid (IFB) was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this IFB and determined that there were no DBE or SBE subcontracting opportunities; therefore, no DBE or SBE participation goal was set for this IFB.

FISCAL IMPACT:

Funding in the amount of \$1,118,220 for Bid # 9086 is included in the total Project budget

for FMS #15TD000 – Wayside Equipment.

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

Fund Group	Amount
BART Operating Allocation to Capital	12,166,676
Federal Fund Sources	55,172,348
Local Fund Sources	3,291,572
Total	70,630,596

As of 06/15/2020, \$70,630,596 is the total budget for this project. BART has expended \$46,822,433, committed \$16,692,872, and reserved \$3,064,073 to date. This action will commit \$1,118,220 leaving an available fund balance of \$2,932,998 in these fund sources for this project.

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

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

ALTERNATIVES:

The Board could not award IFB 9086. However, by not awarding this contract the District will be unable to fully support critical operating and infrastructure initiatives which will increase the burden on Maintenance in maintaining the system in a good state of repair and will likely result in higher maintenance cost and increased downtime of current equipment.

RECOMMENDATION:

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

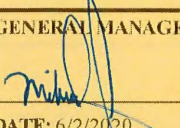
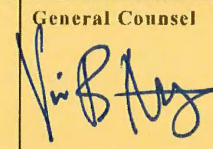
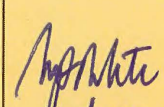
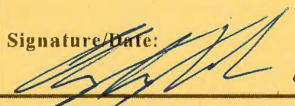
MOTION:

The General Manager is authorized to award IFB 9086 for backhoes, excavators, telehandlers, and trailers to Sonsray Machinery in San Leandro, CA for an amount of \$1,118,219.98, pursuant to notification to be issued by the General Manager, and subject to

compliance with the District's protest procedures, and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/17/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/2/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Christopher Wasilewski Dept: Strategic Engineering	General Counsel  6/11/20 []	Controller/Treasurer  6/10/2020 []	District Secretary []	BARC []
Signature/Date:  6/10/2020				
Status: Routed		Date Created: 6/2/2020		

To Request Board Authorization for the General Manager to Award IFB No. 9088 for Aerial Lift Truck, Dump Truck and Stake Trucks

PURPOSE:

To request Board authorization for the General Manager to award IFB No. 9088 to Golden Gate Truck Center, Oakland, CA, in the amount of \$739,967.73 (includes all taxes) for the purchase of Aerial Lift Truck, Dump Truck, and Stake Trucks.

DISCUSSION:

The District needs to replace existing aerial lift truck, dump truck, and stake trucks that are nearing or at the end of their useful life. This equipment is becoming less reliable due to normal deterioration and age, creating increased maintenance costs and an increased maintenance burden. Procuring new construction equipment is essential to providing support for the District's Track, Ground and Structures forces to maintain the system in a state of good repair.

This is a twelve (12) month estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on May 8, 2020. On the same day, this solicitation

was uploaded onto the BART Vendor Portal. Bids were opened on May 19, 2020 and two (2) bids were received.

Bidder	Lot Price	Grand Total Including 9.25% Sales Tax
Golden Gate Truck Center Oakland, CA	\$677,316.00	\$739,967.73
Sonsray Machinery * San Leandro, CA	No Pricing Submitted	No Pricing Submitted
Engineer's Estimate	--	\$852,983.58

*Note: Denotes Non-Responsive Bidder

District staff determined that Sonsray Machinery was nonresponsive due to material defects in its bid. As a result, Golden Gate Truck Center was determined to be the lowest responsive bidder. Golden Gate Truck Center's Bid of \$739,967.73 was found to be fair and reasonable based upon the independent cost estimate and a market survey of qualified suppliers.

The winning Bid from Golden Gate Truck Center, which consist of 5 vehicles (3 different types, all from the same manufacture) is below the Engineer's Estimate by 13.25%. The Engineer's Estimate was based on historical pricing of the existing mixed fleet, plus taking into consideration of price escalation and communication with potential vendors.

The funds shown below in the Capital Fiscal impact statement are allocated for various vehicle or equipment procurements. This funding will be used to support the replacement of the equipment nearing the end of its useful life. The FTA funds are from FY 2015 Capital Improvements, and the 20% match is from FY 2014 Operating Allocation to Capital and the local/regional fund from MTC programs such as Bridge Toll.

This Invitation for Bid (IFB) was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this IFB and determined that there were no DBE or SBE subcontracting opportunities; therefore, no DBE or SBE participation goal was set for this IFB.

FISCAL IMPACT:

Funding in the amount of \$739,968 for IFB No. 9088 is included in the total Project budget for FMS #15TD000 – Wayside Equipment.

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

Fund Group	Amount
BART Operating Allocation to Capital	\$12,166,676
Federal Fund Sources	\$55,172,348
Local Fund Sources	\$3,291,572
Total	\$70,630,596

As of 06/15/2020, \$70,630,596 is the total budget for this project. BART has expended \$46,822,433, committed \$16,692,872, and reserved \$4,182,293 to date. This action will commit \$739,968 leaving an available fund balance of \$2,193,030 in these fund sources for this project.

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

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

ALTERNATIVES:

The Board could reject all Bids. However, by not awarding this contract the District will be unable to fully support critical operating and infrastructure initiatives which will increase the burden on Maintenance in maintaining the system in a good state of repair and likely result in higher maintenance cost and increased downtime of current equipment.

RECOMMENDATION:

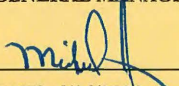
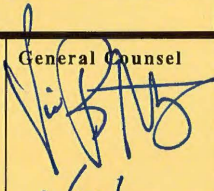
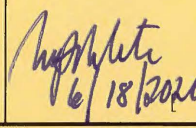
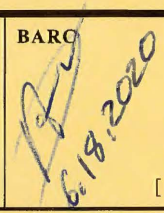

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award IFB No. 9088 for Aerial Lift Truck, Dump Truck, and Stake Trucks to Golden Gate Truck Center in Oakland, CA for an amount of \$739,967.73, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures, and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/18/2020		GENERAL MANAGER ACTION REQ'D: Reject Bid for 15EK-100		
DATE: 6/16/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steven Sims Dept: Maintenance and Engineering	General Counsel  6/18/20 []	Controller/Treasurer  6/18/2020 []	District Secretary []	BARO  6/18/2020 []
Signature/Date:  6/18/2020				
Status: Approved		Date Created: 6/16/2020		

Reject Bids for Contract 15EK-100, Traction Power Facility Replacements on the C, M, and K Lines

PURPOSE:

To obtain Board authorization for the General Manager to reject the single Bid for Contract No. 15EK-100, Traction Power Facility Replacements C, M, and K Lines.

DISCUSSION:

This Contract is for installation of Measure RR funded infrastructure renewal program equipment, for District Traction Power facilities on the C, M, and K Lines. One facility is located on the C Line, two on the K Line, and 5 on the M Line. The Contract includes options for 2 additional facilities on the M Line. The contract includes:

1. Removing old existing equipment
2. Furnishing, installing, and testing new equipment at facilities
3. Furnishing and installing some equipment at some associated facilities

The Contract was publicly advertised on September 11, 2019 in three publications. Notice to Bidders for this Contract was emailed on September 16, 2019 to eight prospective bidders. The Office of Civil Rights (OCR) notified approximately 800 firms in performance of their outreach. A Pre-Bid meeting was conducted on October 9, 2019 with representatives from approximately twenty-five firms in attendance. Prior to the Bid opening, the District issued four (4) Addenda for this Contract.

One bid was received from C3M Clark Cupertino A Joint Venture ("C3M Clark Cupertino")

on December 17, 2019. C3M Clark Cupertino's submitted Bid Prices and Engineer's Estimate are shown below:

Item	Name	Base Bid Amount	Total Bid Price (with all Options)
1	C3M Clark Cupertino A Joint Venture	\$ 182,558,586.00	\$ 197,625,144.00
2	Engineer's Estimate	\$ 121,690,775.00	\$ 139,071,754.00

The Base Bid Price, as submitted by C3M Clark Cupertino, of \$182,558,586 is 50% above the Engineer's Estimate of \$121,690,775. The Total Bid Price, which includes the Options, in C3M Clark Cupertino's submitted bid is \$197,625,144 and is 42% above the Engineer's Estimate of \$139,071,754. The Base Bid of \$182,558,586 is significantly over the Engineer's estimate and exceeds the project budget.

Staff conducted a detailed bid evaluation and determined that limited competition was greatest contributor to the high bid. This limited competition was due to:

1. Traction power is a specialty that few electrical contractors are well equipped to do due to the high current and voltage levels, specialty equipment, and work on operating railways;
2. There are active or advertised projects in two dozen localities nationwide and many contractors that are competent to do this work are operating at full capacity; and
3. Subcontractors are so busy that they do not need to compete vigorously for work, and subcontract work scopes are too small to benefit from economies of scale.

Staff recommends the Board reject the single bid. Staff will be re-evaluating the details of the Contract requirements, repackaging, and re-advertising in order to obtain bids more favorable to the District.

FISCAL IMPACT:

There is no fiscal impact as a result of rejecting the single Bid.

ALTERNATIVES:

Award the Contract to the single Bidder, which will involve expenditures beyond the project's budget.

RECOMMENDATION:

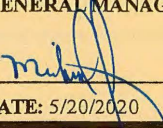
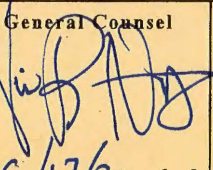
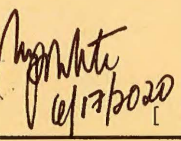
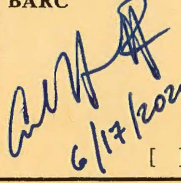
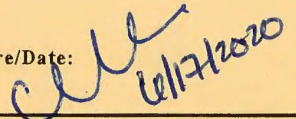
It is recommended that the Board adopt the following Motion:

MOTION:

The General Manager is authorized to reject the Bid for Contract No. 15EK-100, Traction Power Facility Replacements C, M, and K Lines.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/17/2020		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 5/20/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alesia Strauch Dept: Real Estate & Prop Development	General Counsel  6/17/20 []	Controller/Treasurer  6/17/2020 []	District Secretary []	BARC  6/17/2020 []
Signature/Date:  6/17/2020				

Authorization to Renew Lease for Warehouse Space at 2305 Chestnut Street Oakland, California

PURPOSE:

To authorize the General Manager, or their designee, to enter into a lease renewal with West Grand Adeline, LLC (Landlord) for approximately 6,000 square feet of warehouse space located at 2305 Chestnut Street Oakland, California for a five-year term beginning July 1, 2020.

DISCUSSION:

BART has leased the single-story warehouse building since August of 2012, with subsequent lease renewals in 2013 and 2015. The current agreement approved by the Board will expire on June 30, 2020.

The warehouse is utilized by the BART Office of the CIO staff and a contractor who services BART's commercial fiber optic and wireless leasing customers systemwide. The warehouse is used to store the equipment, copper and fiber optic cabling, tools and contractor's vehicles. The warehouse at 2305 Chestnut Street is located within a mile of the field office and yard used by the CIO on Clay Street in Oakland. This allows for efficiency in meetings between BART CIO staff and the contractor. The yard at Clay Street is also utilized for staging and laydown of materials from the 2305 Chestnut Street warehouse. The centralized location in Oakland allows the contractor to dispatch staff and materials systemwide within a reasonable and consistent response time, 24 hours per day, seven days per week and continues to be needed for a longer term.

Staff has evaluated other alternatives to meet the warehouse space needs including co-locating within an existing leased warehouse on Bates Avenue in Concord or relocation to the Hayward Maintenance Complex. The Office of the CIO is concerned that relocation outside

of Oakland may impact the response time systemwide for emergency repairs for BART's commercial fiber and wireless leasing customers. Relocation outside of Oakland would also increase travel time for meetings, as well as, cost to transport materials by truck to the Clay Street yard in Oakland for laydown and staging prior to dispatch to job sites.

Staff conducted a survey of similar warehouse spaces currently listed for lease in the Oakland market area. Seven alternative warehouse properties were analyzed ranging in size from 3,500 s.f. up to 17,400 s.f. Asking rental rates ranged between \$0.80 and \$2.85 per s.f. per month and averaging \$1.61 per s.f. per month (excluding pass through expenses like property taxes, insurance and Common Area Maintenance or CAM charges, etc.). The new monthly rental rate proposed for 2305 Chestnut Street is \$0.80 per s.f. per month and is at the lower end of current market lease rates for warehouse properties in the area. The landlord has indicated this rental rate is reflective of BART's long-term tenancy and good standing.

After a detailed evaluation based on proximity to the CIO's Clay Street facility, access to the fiber communication network throughout BART's district, cost per square foot, truck access, CAM charges, condition of facility, building classification and stability of ownership, staff determined that the existing location at 2305 Chestnut Street best meets the District's need.

FISCAL IMPACT:

The current monthly rent is \$3,783.00 per month or about \$0.63 per s.f. per month plus an additional percentage based Common Area Maintenance (CAM) charge that averages about \$100.00 per month for a total of \$3,883.00 per month or \$46,596.00 per year.

The proposed new rental rate is \$4,800.00 per month or about \$0.80 per s.f. per month. An additional \$100.00 per month is proposed to be included in the monthly rent payment to cover CAM charges (in lieu of multiple invoices to process payment of varying CAM charges). The total cost of the proposed lease over the first year would be \$58,800.00 with annual escalations based on the regional Urban Consumer Price Index. This is the same escalation rate approved by the Board in the 2015 lease agreement.

Term	Monthly Lease Payment	Est. Annual Increase	Annual Lease Payment	Estimated Annual CAM Cost	Total Annual Payment
July-June 2021	\$4,800.00	N/A	\$57,600.00	\$1,200.00	\$58,800.00
July-June 2022	\$4,992.00	4%	\$59,904.00	\$1,200.00	\$61,104.00
July-June 2023	\$5,191.68	4%	\$62,300.16	\$1,200.00	\$63,500.16
July-June 2024	\$5,399.35	4%	\$64,792.17	\$1,200.00	\$65,992.17
July-June 2025	\$5,615.32	4%	\$67,383.85	\$1,200.00	\$68,583.85

Total Estimated Lease and CAM payments over 5 Year Lease
Not To Exceed

\$317,980.18

Funds for the lease payment are included in the FY20 Operating Budget for the Real Estate and Property Development Department (REPD). Funding for subsequent years will come from: REPD Department No. 1011275, Operating Fund 0030, Account 680330 and will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Do not lease the warehouse space at 2305 Chestnut Street, Oakland and continue to search for another location to store the equipment. Relocation will also incur cost for the move of materials and equipment.

RECOMMENDATION:

Adopt the following Motion:

MOTION:

The General Manager, or their designee, is authorized to execute a lease agreement with West Grand Adeline, LLC for warehouse space at 2305 Chestnut Street, Oakland for a five-year term for a first year rent amount of \$58,800.00 with an annual escalation based on the regional Urban Consumer Price Index.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors
FROM: General Manager
SUBJECT: COVID-19 Update Agenda Item

DATE: June 19, 2020

At the Board of Directors meeting on June 25, 2020, BART's COVID-19 Update to the District will be presented for information.

In mid-May, the BART Marketing and Research Department conducted an online survey with riders who rode BART prior to the COVID-19 outbreak. A full report of the findings will be presented at the Board meeting.

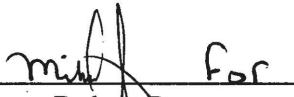
The invitation to participate in the survey was sent to 5,000 riders from the BART Research database and over 1,200 riders completed the survey. A few highlights of the survey results are below:

- 15% of the respondents reported they currently ride BART, 8% ride at least 3 days a week
- 62% of current riders identify as essential workers
- 70% of those not currently riding reported they are likely to ride within the next 12 months

Most notably, the results indicate 47% of people who are not currently riding expect to return to BART in the near term but ride less frequently. This data aligns with BART expectations of future ridership trends.

Also, those surveyed responded well to actions BART is currently taking to ensure the system is as safe as possible, such as more frequent cleaning of commonly touched surfaces in stations and requiring that BART staff and passengers wear face coverings while in stations or onboard trains.

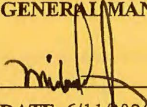
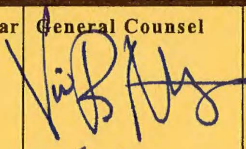
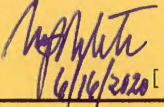
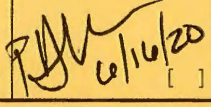
If you have any questions, please contact Rodd Lee, Assistant General Manager, External Affairs at (510) 464-6235.


Robert Rowers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff
David Martindale
Angela Borchardt



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/17/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/11/2020		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Katherine Alagar Dept: Budget CSS for KA Signature/Date: 6/16/20	General Counsel  6/16/20 []	Controller/Treasurer  6/16/2020 []	District Secretary []	BARC  6/16/20 []

Annual Budget Resolution for Fiscal Year 2021

PURPOSE:

Authorize adoption of the Annual Budget Resolution for Fiscal Year 2021 (FY21).

DISCUSSION:

Approval by the Board of Directors is required for the FY21 operating and capital budgets. The total proposed FY21 operating and capital budget is \$2.42 billion (B). The FY21 operating budget is balanced, with \$914.9 million (M) in uses, and the FY21 capital/reimbursable budget totals \$1.51B.

The proposed FY21 annual budget is summarized in Attachments 1, 2, 3 and Exhibit A. The attachments summarize the budget, including proposed reductions to costs and allocations that were included in the Working Budget Memo and reviewed in presentations to the Board of Directors during May and June.

FY21 Operating Budget

The FY21 Budget faces extraordinary new challenges due to the COVID-19 pandemic, in addition to the continuing challenges in declining ridership and fare revenue, aging infrastructure, and increased operating expense. The operating budget proposes FY21 expenditures of \$914.9M and funds 3,336.0 positions. The FY21 operating budget includes funding for the Silicon Valley Berryessa Extension, which opened on June 13, 2020. In addition, \$44M was added to the budget for additional labor and non-labor costs that may be needed for BART to respond to the COVID-19 pandemic, such as increases in service, disinfecting and cleaning cars, stations, and BART facilities. The budget includes expense reductions, primarily in position savings from eliminating vacant budgeted positions as well

as reducing operating funds to capital projects and other programs.

The FY21 budget includes an estimated \$363M reduction in revenue, primarily from the drop in ridership due to the March 2020 Shelter in Place orders issued across the Bay Area. Emergency Funding of \$271M was included in the budget to fill the gap; this includes anticipated CARES Act Assistance and FEMA reimbursement. Additionally, the budget includes a \$40M reversal of the FY20 rail car allocation, the payment for which will be moved to FY26.

The FY21 operating budget includes the following changes from the Working Budget that was presented at the budget hearing on June 11:

- \$2.6M decrease to operating revenue
- \$2.6M increase to financial assistance
- 10 ambassadors and 1 Community Outreach Specialist in lieu 5 police officers and 6 fare inspectors to be hired as part of COVID-19 related operating measures

Projected fare revenue from the Silicon Valley Berryessa Extension has been lowered by \$2.6M to reflect an updated view of COVID-19 pandemic impacts, and financial assistance from VTA has been increased by an equal amount, reflecting the terms of the BART-VTA O&M agreement for the Extension. Total revenues are unchanged.

On the expenditure side, a change has been made to the COVID-19 related measures. Upon further consideration, we believe the District's goal of encouraging physical distancing and the proper wearing of masks would be best served by 10 Ambassadors, one Community Outreach Specialist, and an additional \$0.4M for Police Department training in the areas of community engagement and outreach, at a total cost of approximately \$2M. The FY21 Budget thus proposes to replace the planned addition of six fare inspectors and five police officers with the above resources.

FY21 Capital & Reimbursable Budget

The capital/reimbursable budget proposes FY21 expenditures of \$1.51B and funds 1,001.7 positions. The FY21 capital/reimbursable budget is 6% higher than the \$1.42B FY20 capital budget.

The largest category of projects is System Reinvestment at \$1.14B (76% of overall capital budget), which includes replacement rail cars at \$412M, track and structures rehabilitation and traction power reinvestment at \$260M, new headquarters development and continued investment in the Hayward Maintenance Complex among other facilities at \$205M, Station Modernization at \$71M, and Train Control Modernization at \$194M. The capital budget also includes Earthquake Safety investments at \$67M (4%), Service & Capacity Enhancements at \$177M (12%), Safety & Security projects at \$65M (4%), System Expansion projects at

\$46M (3%), and Reimbursable expenses at \$8M (0.5%).

In November 2016, the capital program was provided with a substantial source of support with the passage of Measure RR and its authorization to issue up to \$3.5B in general obligation bonds to fund certain capital improvements. Measure RR has become more prominent in the mix of federal, regional, and local funds. Measure RR makes up \$600M (40%) of FY21 capital sources. Funding will continue to support investment focusing on traction power, track replacement, structural rehabilitation, station access, and station modernization.

Typically, the ongoing commitment of BART funds is an essential component of the capital program, particularly in delivering major capital projects such as rail car replacement and the Hayward Maintenance Complex. Other capital activities dependent on BART operating allocations are local match for grants, and funding grant-ineligible projects and initiatives, routine but necessary capitalized maintenance projects, emergent safety and security projects, and equipment and inventory.

However, due to the unprecedented pressures on the operating budget in FY21, the operating to capital allocations are substantially reduced from planned levels. The FY21 budget will fund required payments and local matching amounts needed to leverage federal capital funding. The result is a reduced investment in state of good repair, vehicle procurement, information technology, and infrastructure.

Most capital revenues are limited in their flexibility and many sources and grants are restricted to certain projects and/or activities as a condition of award. The FY21 capital budget contains contributions of federal funds matched to prior year capital allocations for state of good repair capital investment; additionally, state and local funds, including bridge toll allocations and county transportation sales tax funds, are earmarked for station modernization and grant match. Proceeds from the Earthquake Safety Program general obligation bond are dedicated exclusively to the Earthquake Safety Program. Additionally, there are smaller, defined purpose grants that are limited to specific projects.

FY21 Budget Resolution

Staff recommends approval of the attached Resolution to adopt the FY21 Annual Budget. As in previous years, the FY21 Resolution includes authorizations that allow the General Manager or the General Manager's designee to apply to different bodies for grant funds (including but not limited to Transportation Development Act, State Transit Assistance, Bridge Toll, Federal Emergency Management Agency, and Federal Transit Administration). It also includes authorizations that allow the General Manager or the General Manager's designee to execute agreements which may require payments to regional partner governments and agencies. The Resolution incorporates provisions referring to the SFO Extension and Silicon Valley extension service plans.

For FY21, the Budget Resolution includes language temporarily suspending certain previously-adopted Board policies and resolutions. These include the BART Low Carbon Fuel Standard Policy; Art in Transit Policy; and Pension Funding Policy. In addition, it includes a suspension of a directive in Board Resolution 5208 ("Renewal of Productivity-Adjusted Inflation-Based Fare Increase Program") that funds generated by inflation-based annual fare increases be dedicated to paying for capital improvements.

The FY21 Budget Resolution language was also updated to increase the General Manager's additional permanent position authorization from 50 to 100 positions. This increase provides the flexibility necessary to meet COVID-19 related operational needs as well as for other hiring needs since 671.6 positions (251.5 operating and 420.2 capital) were removed from the FY21 budget.

Exhibit A (attached) of the Budget Resolution summarizes operating and capital budget totals. Exhibit B (attached) reflects current hourly pay rates or base pay ranges, as applicable, and management incentive pay, if any, for non-represented employees.

FISCAL IMPACT:

The proposed FY21 Annual Budget is balanced. It may be revised as conditions and actuals change over the course of the fiscal year.

ALTERNATIVES:

Do not adopt the budget or adopt a budget that differs from what has been presented to the Board of Directors. Rules of the Board of Directors require that the budget be adopted prior to June 30th; adoption of the Budget Resolution by June 30th is required to authorize expenditures in FY21.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The Board adopts the attached Resolution in the matter of approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and authorizes expenditures for the fiscal year July 1, 2020 to June 30, 2021.

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

**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, 2020, to June 30, 2021**

Resolution No. _____

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District published notices on May 22 and May 26, 2020 in newspapers of general circulation in the County of San Francisco, the County of Contra Costa, and the County of Alameda of its intention to adopt an Annual Budget for the Fiscal Year July 1, 2020, to June 30, 2021; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District desires to adopt an Annual Budget for the Fiscal Year July 1, 2020, to June 30, 2021; and

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District is required by Public Utilities Code Section 28767 to determine and create, by resolution, such number and character of positions as are necessary to properly carry out the functions of the District; and

WHEREAS, the Transportation Development Act (TDA), Public Utilities Code §99200, et seq., provides for the disbursement of funds from the Local Transportation Fund of the Counties of Alameda and Contra Costa for use by eligible claimants for the purpose of operating assistance; and

WHEREAS, the State Transit Assistance (STA) fund makes funds available pursuant to Public Utilities Code Section 99313.6 for allocation to eligible applicants to support approved transit projects; and

WHEREAS, as attested to by opinions of the Office of the General Counsel, the San Francisco Bay Area Rapid Transit District is an eligible applicant for Net Toll Revenues and MTC Rail Extension Reserve bridge toll revenues pursuant to Section 30892 of the Streets and Highways Code; and is an eligible claimant for TDA and STA funds pursuant to Public Utilities Code Section 99260; and

WHEREAS, the agreement between the San Francisco Bay Area Rapid Transit District and San Mateo County Transit District, dated April 27, 2007, states that the San Francisco Bay Area Rapid Transit District will provide service on the San Francisco Airport (SFO) extension in a manner consistent with BART's system-wide operating policies; and

WHEREAS, the agreement between the San Francisco Bay Area Rapid Transit District and Santa Clara Valley Transportation Authority, dated May 22, 2020, states that the San Francisco Bay Area Rapid Transit District will provide service on the Silicon Valley Extension in a manner consistent with BART's system-wide operating policies; and

WHEREAS, the Federal Emergency Management Agency (FEMA) or its designee makes reimbursement funds available pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.); and

WHEREAS, the Federal Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act), (Pub.L. 116-136) makes emergency funding available to public transportation agencies through the Federal Transit Administration (FTA); and

WHEREAS, the system-wide operating plan for Fiscal Year 2021 was presented to the Board of Directors on May 28, 2020, in a presentation entitled Fiscal Year 2021 Budget Sources, Uses, Service Plan, and Capital Budget.; and

NOW, THEREFORE, BE IT RESOLVED that the attached Annual Budget (marked Exhibit A and incorporated herein as though set forth at length) is hereby adopted; and

BE IT FURTHER RESOLVED that, subject to the resolved clauses, said Annual Budget includes appropriations of monies expected to be available in the General Fund, Capital Funds including Construction Funds and existing and anticipated Federal, State and local grants, for expenditures in the amounts and for the purposes set forth in said budget; and

BE IT FURTHER RESOLVED that, subject to the resolved clauses, said Annual Budget includes a suspension of previously-adopted Board policies and resolutions for the duration of Fiscal Year 2021, including:

- (1) Board Resolution 5208 ("Renewal of Productivity-Adjusted Inflation-Based Fare Increase Program") passed February 28, 2013, directed that funds generated by inflation-based annual fare increases be dedicated to paying for capital improvements;
- (2) BART Low Carbon Fuel Standard Policy adopted July 27, 2017;
- (3) Art in Transit Policy adopted August 13, 2015, and revised June 28, 2018;
- (4) Pension Funding Policy adopted March 28, 2019; and

BE IT FURTHER RESOLVED that the General Manager is authorized to enter into services agreements (including professional, technical, maintenance and repair agreements) and lease or license agreements for District use of real property, facilities, equipment and software provided that:

- (1) The General Manager shall first determine that the work or services concerned, in the amounts authorized in a service agreement, cannot satisfactorily be performed by the officers or employees of the District;

- (2) Agreements that are let by public bidding, service, lease, and license agreements, and amendments thereto, between \$25,000 and \$100,000, shall be reported bi-monthly to the Board of Directors;
- (3) Prior authorization by the Board of Directors is required when:
 - a. The agreement, and amendments thereto, total in the aggregate \$100,000 or more in the fiscal year; or
 - b. Amendments total in the aggregate \$100,000 or more in any subsequent fiscal year;
- (4) The General Counsel is authorized to enter into services agreements in amounts up to \$100,000 with special counsel not previously designated by the Board without prior notice to the Board where the General Counsel determines that such immediate action is necessary to protect the legal interests of the District. Any such agreement shall be reported by the General Counsel to the Board within the calendar month thereafter.
- (5) The General Manager's authority to take immediate remedial measures, as defined in Section 20224 of the California Public Contract Code, and as authorized in Resolution No. 4834 shall remain unchanged; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exchange District goods and services for goods and services from others of approximately equal or greater value; and

BE IT FURTHER RESOLVED that all disbursements resulting from the exercise of authority granted to the General Manager pursuant to this resolution shall be reported to the Board of Directors in the District's quarterly financial report; and

BE IT FURTHER RESOLVED THAT that the General Manager is authorized to waive minor irregularities in bid documents prior to recommending contract awards to the Board; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file a Bridge Toll Application, a TDA Application and an STA Application along with necessary supporting documents, with the Metropolitan Transportation Commission for allocation of bridge toll revenues, TDA and STA funds in FY21; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file a reimbursement claim with FEMA or its designee for expenses incurred in FY2020 and FY2021; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute and file an application to the FTA for allocation of CARES Act funding in FY2020 and FY2021; and

BE IT FURTHER RESOLVED that the San Francisco Bay Area Rapid Transit District's system-wide operating policies shall be generally as set forth in the May 28, 2020, in a presentation entitled Fiscal Year 2021 Preliminary Budget: Sources, Uses, Capital, & Service Fiscal Year 2021 Budget Sources, Uses, Service Plan, and Capital Budget, subject to such adjustments that staff determines necessary to operate the service in the public's interest; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to execute agreements with regional transit operators to provide or receive transfer payments, such transfer payments being paid or received by the District to facilitate the coordination of transit service and to furnish incentives for providing of enhanced transfer services between San Francisco Bay Area Rapid Transit District and other operators' operations.

BE IT FURTHER RESOLVED that the General Manager is authorized to make expenditures and incur liabilities against said funds within the limits set forth in said budget and the provisions of this Resolution, and to act on behalf of the District in connection with contracts arising thereunder, by following the procedures provided by law, and by Board of Directors' Resolutions and Board Rules, except that no contractual obligation shall be assumed by the District in excess of its ability to pay, and provided further that all expenditures shall be in conformance with statutory and other restrictions placed on the use of said funds; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exceed Board Appointed Department/Executive Office budgets by more than ten percent (10%) ten (10) days after written notice of this intended action has been mailed to the Board of Directors, provided that the Total Net Operating Expense line item set forth in "Exhibit A" is not exceeded and such action is consistent with Board Rule 5-1.4 and provided further that the General Manager will prepare and send to the Board, a summary of Department budgets within approximately 30 days after the adoption of this budget; and

BE IT FURTHER RESOLVED that the General Manager is authorized to exceed the foregoing ten percent limitation for emergency expenditures which are made in accordance with Resolution No. 4834 and Public Contract Code Section 20224; and

BE IT FURTHER RESOLVED that the General Manager is authorized to act on behalf of the District, and to make expenditures and incur liabilities against all funds of the District as provided for in contracts which have been authorized by the Board of Directors of the District and that the Board's authorizations of such contracts also include the necessary appropriations for such contracts and change orders authorized by Rules approved by the Board, subject, however, to compliance with such specific appropriation resolutions as may be adopted by the Board from time to time; and

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee is authorized to issue free or discounted promotional tickets in FY21 for purposes of building ridership on the system, consistent with ridership development guidelines; and

BE IT FURTHER RESOLVED that effective July 1, 2020:

- (1) The total number of permanent full and permanent part-time positions ("full time equivalent") as of July 1, 2020, budgeted for the District shall be 4,337.75 (a part-

time position is counted as 0.625 positions). Additional permanent positions are authorized, as required, not to exceed 100 positions.

- (2) The character and salary ranges of such positions, including officers appointed by the Board pursuant to Public Utilities Code Section 28811 shall be as set forth in the agreements entered into with Service Employees' International Union, Local 1021, Amalgamated Transit Union, Local 1555, American Federation of State and County Municipal Employees, Local 3993, the BART Police Officers Association and the BART Police Managers Association as to the employees represented thereby, and with other Bargaining Units for employees that may later be represented thereby, and for all other employees as set forth in the attached "Exhibit B", incorporated herein as though set forth at length. The employment benefits for non-represented employees shall be administered by the General Manager in accordance with Board Rule 4-1.2.
- (3) The General Manager is authorized to make future adjustments to the Professional/Management Salary Ranges ("Exhibit B") for non-represented employees in accordance with applicable provisions of the Compensation Manual, which reflects the District policy and practice to evaluate such ranges on an annual basis and to establish the mid-points of the pay ranges for positions so that they approximate the 75th percentile of the average of salaries paid for similar jobs in the labor market and to promptly advise the Board of any and all such range adjustments. The General Manager is directed to initiate the annual review by October of each year.
- (4) The District Secretary shall ensure that an amendment to Exhibit B be prepared to reflect any adjustment to the hourly wage rates or professional/management pay bands as provided above or any adjustment to the Board appointed officers' salaries as a result of merit adjustments or scheduled increases provided in such officers' employment agreements that take effect during the fiscal year. The District Secretary shall attach any such amendment to Exhibit B as an addendum to this resolution.
- (5) The General Manager is authorized, at the General Manager's discretion, to pay non-represented employees on the merit plan who are eligible for a wage increase of up to 2.75% as of July 1, 2020, that portion of their merit increase which exceeds the top of the base salary range with no increase to the employee's "base wage" above the top of the salary range. The amount over the top of the salary range shall be paid over the following twelve month period in equal pay period installments and will be discontinued after the expiration of the twelve month period unless the pay range is adjusted in accordance with (3), above, to incorporate that portion that is over the top of the salary range. Employees must have been rated "effective" or higher overall in their most recent performance evaluation to be eligible for any merit increase.

BE IT FURTHER RESOLVED that the General Manager or the General Manager's designee shall post all grant applications online to the public as they are submitted, except those that if made public would compromise the security of the system.

#

Attachment 1
Fiscal Year 2021 District Operating Budget
Sources and Uses Detail

	FY21 Working	FY21 Adopted	INCREASE (DECREASE)
Rail Passenger Revenue	\$ 150,721,899	\$ 148,104,356	\$ (2,617,543)
ADA Passenger Revenue	251,749	251,749	-
Parking Revenue	10,453,133	10,453,133	-
Other Operating Revenue	23,671,433	23,671,433	-
Subtotal - Operating Revenue	185,098,214	182,480,671	(2,617,543)
Sales Tax Proceeds	239,026,007	239,026,007	-
Property Tax Proceeds	50,622,254	50,622,254	-
SFO Ext Financial Assistance	41,742,600	42,476,726	734,126
VTA Financial Assistance	28,374,179	30,257,595	1,883,416
MTC Financial Assistance MBF Discount Program	1,600,000	1,600,000	-
Local & Other Assistance	5,958,180	5,958,180	-
State Transit Assistance	28,479,560	28,479,560	-
Low Carbon Transit Operations Program	8,534,543	8,534,543	-
Low Carbon Fuel Standard Program	14,417,500	14,417,500	-
Subtotal - Financial Assistance	418,754,823	421,372,365	2,617,542
CARES Funding (Round 1 – FY20 Remainder)	87,000,000	87,000,000	-
CARES Funding (Round 2 - Targeted)	164,000,000	164,000,000	-
FEMA Reimbursed COVID-19 Expenses	20,000,000	20,000,000	-
Deferment of FY20 Railcar Allocation	40,000,000	40,000,000	-
Subtotal – Emergency Assistance	311,000,000	311,000,000	-
SUBTOTAL - OPERATING SOURCES	914,853,037	914,853,037	-
Labor & Benefits	600,883,798	600,883,798	-
COVID-19 Labor Set-Aside	23,463,876	23,463,876	-
ADA Paratransit	16,148,606	16,148,606	-
Purchased Transportation	11,374,288	11,374,288	-
Power	48,085,280	48,085,280	-
COVID-19 Non-Labor Set-Aside	20,316,386	20,316,386	-
Other Non-Labor	130,580,931	130,580,931	-
Subtotal - Operating Expense	850,853,165	850,853,165	-
Bond Debt Service	47,407,197	47,407,197	-
Allocation - Capital Rehabilitation	15,000,000	15,000,000	-
Allocation - Priority Capital Programs	-	-	-
Allocation - Stations & Access Projects	-	-	-
Allocation - Other	1,592,674	1,592,674	-
Allocation - Sustainability from LCFS	-	-	-
Allocation - Pension	-	-	-
Allocation - Reversed Capital	-	-	-
Allocations	16,592,674	16,592,674	-
Subtotal - Debt Service & Allocations	63,999,871	63,999,871	-
TOTAL - OPERATING EXPENSE	914,853,036	914,853,036	-
NET RESULT	\$ -	\$ -	\$ -
Average Weekday Trips	122,000	122,000	
Rail Farebox Recovery Ratio	18%	17%	
Operating Ratio	22%	21%	

Attachment 2

FY21 Capital & Reimbursable Budget Headcount and Planned Expenditures Program Summary by Category

Program Category	FY21 Headcount*	FY21 Planned Expenditures
System Reinvestment		
Mainline	165.8	\$ 259,182,391
Rolling Stock	264.0	\$ 412,593,417
Stations	45.7	\$ 71,396,125
Controls & Communications	124.2	\$ 194,178,874
Facilities	131.4	\$ 205,287,715
Work Equipment	0.1	\$ 171,806
Total System Reinvestment	731.2	\$ 1,142,810,328
Safety & Security	41.9	\$ 65,414,419
Earthquake Safety	43.1	\$ 67,333,509
Service & Capacity Enhancement	113.6	\$ 177,542,662
System Expansion	29.4	\$ 46,019,650
SUBTOTAL CAPITAL	959.2	1,499,120,568.9
Capitol Corridor**	24.7	\$ 4,397,330
Reimbursable***	17.8	\$ 3,154,244
SUBTOTAL REIMBURSABLE	42.5	\$ 7,551,574
Cost Allocation Plan	48.0	
TOTAL CAPITAL & REIMBURSEABLE	1,049.7	\$ 1,506,672,143

* Total authorized permanent positions.

** All expenses for the Capitol Corridor service to be reimbursed as allocated to the Capital corridor Joint Powers Board in the Annual State Budget Act.

*** Positions fully reimbursed by Muni, Caltrans, and others for BART staff expenses incurred in performing services for the organizations.

EXHIBIT A
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
ANNUAL BUDGET - FISCAL YEAR 2021

<u>FUND SOURCES</u>	<u>TOTAL</u>
FUND SOURCES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Operating Revenue	\$ 182,480,671
Sales Tax	239,026,007
Property Tax	50,622,254
SFO Ext Financial Assistance	42,476,726
MTA Financial Assistance	30,257,595
State Transit Assistance	28,479,560
Low Carbon Fuel Standard Program (LCFS)	14,417,500
Low Carbon Transit Operations Program (LCTOP)	8,534,543
Measure B/BB, Other	4,977,195
MTC Financial Assistance MBF Discount Program	1,600,000
Caltrain - Millbrae Station Joint Use	980,985
Subtotal Operating Sources	603,853,036
CARES Funding (Round 1 – FY20 Remainder)	87,000,000
CARES Funding (Round 2 - Targeted)	164,000,000
FEMA Reimbursed COVID-19 Expenses	20,000,000
FY20 Railcar Allocation Reversal	40,000,000
Subtotal – Emergency Assistance	311,000,000
Total Operating Sources	914,853,036
FUND SOURCE FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY21	1,506,672,143
TOTAL ESTIMATED FUND SOURCES	\$ 2,421,525,179
<u>FUND USES</u>	
FUND USES FOR NET OPERATING EXPENSE BUDGET, DEBT SERVICE AND CAPITAL ALLOCATIONS	
Net Labor Expense ⁽¹⁾	\$ 624,347,674
Non-Labor Expense	226,505,491
Total Net Operating Expense	\$ 850,853,165
Revenue Bond Debt Service	47,407,197
Allocations to Capital - Rehabilitation	15,000,000
Allocations to Capital - Other	1,592,674
Total Operating Uses	\$ 914,853,036
FUND USES FOR CAPITAL BUDGET	
Capital Funds - Cash Flow FY20	\$ 1,506,672,143
TOTAL ESTIMATED FUND USES	\$ 2,421,525,179
NET FINANCIAL RESULT (DEFICIT)	-

⁽¹⁾ Total Authorized Permanent Positions as of 07/01/20 = 4,337.75

Attachment 3

FY21 Operating Budget Reduction (General Fund)

		<u>Op Pos. Reduction</u>	<u>Labor</u>	<u>Non-Labor</u>	<u>Total</u>
10% Challenge Reductions before Shelter in Place	Position Cuts, Op to Cap				
	Conversions, Downgrades)	37.1	5,896,315		5,896,315
	Overtime Reduction		101,404		101,404
	Non Labor Reduction			7,089,102	7,089,102
Labor Reductions	Unbudget Frozen Positions	251.5	32,320,521		32,320,521
	Executive Staff Wage Freeze		356,320		356,320
	Lump Sum Payment Removal		3,610,770		3,610,770
Non Labor Reductions	Travel			513,236	513,236
	Clipper Fees			3,373,328	3,373,328
	Power			8,000,000	8,000,000
	Purchased Transportation			4,000,001	4,000,001
	ADA Paratransit			1,300,000	1,300,000
Operating Allocation Reductions	Capital Rehabilitation				6,297,444
	Priority Capital Projects/Programs				61,849,074
	Stations/Access Projects				2,031,400
	MET Building Repayment				3,179,749
	LCSF Sustainability Reserves				9,033,585
	Pension Liability				10,000,000
OPERATING TOTAL REDUCTION		288.6	42,285,330	24,275,667	158,952,249

EXHIBIT B

**CHARACTER, BASE SALARIES, PAY BANDS, HOURLY WAGE RATES,
AND MANAGEMENT INCENTIVE PAY OF MANAGEMENT AND
NON-REPRESENTED CLASSIFICATIONS**

CHARACTER OF POSITION/PAYROLL
CLASSIFICATION TITLE

HOURLY WAGE RANGE

CLERICAL & HOURLY	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6
ADMINISTRATIVE TECHNICIAN	\$33.6321	\$ 35.1113	\$ 36.4823	\$ 37.8889	\$ 39.3322	\$ 39.8861
PARALEGAL	40.1300	41.8937	43.5270	45.2047	46.9259	47.5801
P/T SURVEY TAKER (SINGLE RATE)	38.6050					
ENGINEER INTERN	22.5000					

NOTE: The clerical rates are effective 7/1/2020

PROFESSIONAL/MANAGEMENT PAY BANDS

PAY BAND	MINIMUM	MIDPOINT	MAXIMUM
15	\$196,636	\$245,795	\$297,904
14	178,760	223,450	270,821
13	162,509	203,136	246,201
12	147,736	184,669	223,819
11	138,071	172,588	209,177
10	129,038	161,297	195,493
9	120,596	150,745	182,703
8	112,707	140,883	170,751
7	105,333	131,667	159,580
6	98,442	123,053	149,140
5	92,002	115,003	139,383
4	85,983	107,479	130,265
3	80,358	100,448	121,743
2	75,101	93,877	113,778
1	69,769	87,735	105,701

NOTE: The professional/ management pay bands were effective 6/30/2019.

MANAGEMENT INCENTIVE PAY (ANNUAL)	Amount
Assistant General Manager - Operations	\$4,800
Assistant General Manager - External Affairs	\$4,800
Assistant General Manager - Administration	\$4,800
Assistant General Manager - Technology/CIO	\$4,800
Assistant General Manager - Design & Construction	\$4,800
Assistant General Manager - Performance & Budget	\$4,800
Deputy General Manager	\$4,800
Managing Director - Capitol Corridor	\$4,800
Police Chief	\$4,800

Due to the unique nature of these jobs as executive management employees reporting directly to the General Manager, these classifications are eligible to receive Management Incentive Pay of \$4,800 annually (27 equal pay period installments of \$177.77).

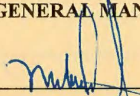

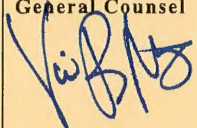
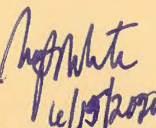

BOARD APPOINTED OFFICERS' ANNUAL SALARIES

	Base Salaries	Effective
DISTRICT SECRETARY	\$220,307.33	7/1/2020
CONTROLLER-TREASURER	\$279,829.28	7/1/2020
GENERAL COUNSEL	\$309,391.56	7/1/2020
GENERAL MANAGER	\$396,210.03	7/1/2020
INDEPENDENT POLICE AUDITOR	\$210,730.48	7/1/2020
INSPECTOR GENERAL	\$210,968.98	7/1/2020

Note: The Board approved the salary adjustments for the Board Appointed Officers on September 12, 2019.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/17/2020		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 4/30/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Avineet Garg Dept: Maintenance and Engineering Signature/Date:  6/11/2020	General Counsel  6/16/20 []	Controller/Treasurer  6/15/2020 []	District Secretary []	BARC  6.15.2020 []
Status: Routed		Date Created: 4/30/2020		

34.5KV Cable Replacement and Fiber Optic Cable Installation, A-Line, ACO-AUC

PURPOSE:

To award Contract No. 15EJ-180, 34.5 KV Cable Replacement and Fiber Optic Cable Installation, A-line, ACO to AUC, to DMZ Builders, Concord, CA for the Bid amount of \$106,992,990.

DISCUSSION:

This Contract is to upgrade the 34.5 KV system on the A-line and includes replacement and installation of sections of the feeder cable circuits between Coliseum (ACO) and Union City (AUC) stations as well as installation of new 288-count and 144-count fiber optic cables.

The 34.5 KV transmission system consists of dual insulated cables that deliver 34.5 KV AC power from the switching stations to the traction power substations. The existing cables from Coliseum to Union City stations have been in operation for over 40 years and are near the end of their useful life. Replacement of these sections with Ethylene Propylene Rubber (EPR) cables will improve system reliability and reduce maintenance burden (i.e. the ongoing costs of nitrogen injection for the aged Paper Insulated Pipe Enclosed (PIPE) circuits).

The contract was advertised on September 24, 2019 and was posted on BART Procurement Portal on October 1, 2019. A Pre-Bid meeting was conducted on October 18, 2019 which had 20 prospective bidders in attendance. Two site visits were conducted on October 19 and October 23, 2020. The duration of contract is 1643 days from the date specified in the Notice To Proceed (NTP).

A total of two (2) bids were received and publicly opened on Tuesday, April 14, 2020 as follows:

Bidder	Total Bid
1. DMZ Builders, Concord, CA	\$106,992,990
2. Cupertino Electric, Inc, San Jose, CA	\$139,245,373
Engineer's Estimate	\$110,206,363

Cupertino Electric, Inc's Bid was deemed non-responsive as it only acknowledged one (1) addenda and failed to acknowledge the remaining seven (7).

The apparent low Bid submitted by DMZ Builders has been deemed to be responsive to the solicitation and the Bid Price of \$106,992,990 (2.9% lower than engineer's estimate) has been determined to be fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set an 8% Local Small Business (LSB) Subcontractor Participation Goal for this Contract. Bidders who meet the LSB Subcontractor Participation Goal are eligible for an LSB Preference of 7% of the lowest responsible Bidder's Bid, up to a cap of \$150,000. The Bidder, DMZ Builders, committed to subcontracting 8.1% to LSBs. The Bidder, DMZ Builders, met the LSB Subcontractor Participation Goal and, therefore, is eligible for the 7% Bid Preference. As DMZ Builders is the only responsive bidder, the application of the 7% Bid Preference will not alter the award to, the lone responsive bidder, DMZ Builders.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 6% for Minority Business Enterprises ("MBEs"), and 3.9% for Women Business Enterprises ("WBEs"). The Office of Civil Rights has determined that the apparent low Bidder, DMZ Builders, has exceeded both the MBE and WBE Availability Percentages for this Contract at 93% for MBEs and 7% for WBEs.

FISCAL IMPACT:

Funding in the amount of \$106,992,990 for award of Contract No. 15EJ-180 is included in the total project budget for FMS # 15EJRRA – A-Line 34.5 KV AC Cable Replacement. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet

this request will be expended from the source listed below.

As of May 11, 2020 \$122,664,767 is available for this project from the following source:

Fund No.	Fund Description	Source	Amount
802A/B	Measure RR GOB	BART	122,664,767

BART has expended \$545,070, committed \$2,676,846 and reserved \$704,880 to date for other action. This action will commit \$106,992,990 leaving an available fund balance of \$11,744,981 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

Reject all bids and re-advertise the work or reject all Bids and decline to re-advertise the work. There is no assurance that a rebid would yield lower prices or more bidders. This would also result in increasing the risk of cable faults and 34.5 KV power loss, which could negatively impact revenue service.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 15EJ-180, 34.5 KV Cable Replacement and Fiber Optic Cable Installation, A-line, ACO to AUC to DMZ Builders, Concord, CA in the amount of \$106,992,990, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

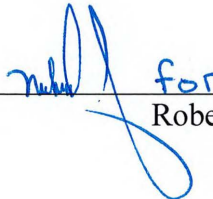
DATE: June 19, 2020

FROM: General Manager

SUBJECT: BART's Commitment to Progressive Policing

At the Board of Directors meeting on June 25, 2020, BART's Commitment to Progressive Policing will be presented for information.

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



for
Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: June 19, 2020

FROM: General Manager

SUBJECT: Federal and State Legislation for Consideration

At the June 25, 2020 Board of Directors meeting, staff will present federal and state legislation for your consideration and action. The legislation being presented has a nexus to BART policies or programs and aligns with the Board's adopted Federal and State Advocacy Program for 2020.

Attached are staff's analyses and text for each bill. Following the staff presentation, a request will be made of the Board to consider passing the draft motions shown below:

LEGISLATION FOR CONSIDERATION AND ACTION

SUPPORT

H.R. 2 (DeFazio) – Investing in a New Vision for the Environment and Surface Transportation in America Act

H.R. 7120 (Bass)/S. 3912 (Booker) – George Floyd Justice in Policing Act of 2020

ACA 5 (Weber) – An amendment to the Constitution of the State relating to government preferences

AB 3153 (Rivas) – Parking and zoning: bicycle and car-share parking credits

SB 902 (Wiener) – Planning and zoning: housing development: density

SCA 1 (Allen/Wiener) – An amendment to the Constitution of the State relating to public housing projects


SUPPORT AND SEEK AMENDMENTS

AB 3269 (Chiu/Santiago) – State and local agencies: homelessness plan

NO POSITION – LETTER TO THE AUTHOR

AB 2850 (Low) – BART employer-employee relations

If you have any questions, please contact Rodd Lee, Assistant General Manager of External Affairs, at (510) 464-6235.



Robert Powers

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

DRAFT MOTIONS:

- 1) The Board of Directors supports H.R.2, H.R. 7120/S. 3912, ACA 5, AB 3153, SB 902, and SCA 1.
- 2) The Board of Directors supports and authorizes staff to seek amendments to AB 3269.
- 3) The Board of Directors has no position on AB 2850 and will submit a letter to the author regarding pending and future amendments.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

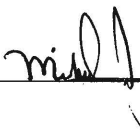
DATE: June 19, 2020

FROM: General Manager

SUBJECT: Resolution in Support of the Repeal of Proposition 209 and the Resumption of Affirmative Action in California

Accompanying this memorandum as an attachment is a proposed resolution supporting the repeal of Proposition 209 and the resumption of affirmative action in BART contracting.

If you would like more information, please contact Maceo Wiggins at (510) 464-7194 or mwiggin@bart.gov.

 For

Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

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

**Resolution of the Board of Directors of the
San Francisco Bay Area Rapid Transit
District supporting the repeal of Proposition
209 and the resumption of affirmative action
in California**

Resolution No.: _____

WHEREAS, Proposition 209 was passed in 1996, preventing equal opportunity in contracting, hiring, and education in city, county, public university system, community college district, school district, special district, or other government agencies;

WHEREAS, Proposition 209 prevents the use of affirmative action programs at BART, with limited exceptions such as for contract and agreements that are federally funded;

WHEREAS, the passage of Assembly Constitution Amendment No. 5 (ACA 5) will place the matter of the repeal of Proposition 209 before the voters in November;

WHEREAS, African Americans, Asian Americans, Native Americans, Latinos and other people of color, including women of color (collectively “People of Color”), and members of the LGBTQ+ community have been historically discriminated against in the areas of public contracting;

WHEREAS, the Board of Directors of the San Francisco Bay Area Rapid Transit District (the “Board”) is ultimately responsible for millions of dollars in annual expenditures including the funds used on all BART contracting activities;

WHEREAS, the Board has funded multiple studies that have identified, among other things, statistically significant underutilization of businesses owned and controlled by People of Color in the District’s contracting activity, i.e. that the level of underutilization is not attributable to chance, but instead indicates that a factor other than chance is responsible for the difference;

WHEREAS, affirmative action policies are an appropriate method to remedy the effects of current and past discrimination against People of Color, create a level playing field for businesses owned by People of Color and create opportunities for these businesses to compete fairly with other businesses in their respective industries;

WHEREAS, the District supports the repeal of Proposition 209 and the use of affirmative action programs and will develop new affirmative action programs should they become constitutionally permissible in California;

THEREFORE, be it Resolved that the Board of Directors of the San Francisco Bay Area Rapid Transit District expresses its strong support for the repeal of Proposition 209 and for the resumption of affirmative action in California.

PASSED AND ADOPTED this _____ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

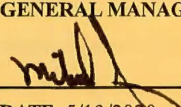

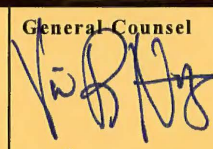
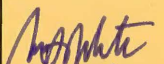
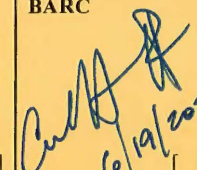
PRESIDENT

ATTEST:

DISTRICT SECRETARY



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  6/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/13/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sean Brooks Dept: Real Estate & Prop Development  Signature/Date: 06/19/20	General Counsel  6/19/20 []	Controller/Treasurer  6/19/2020 []	District Secretary []	BARC  6/19/2020 []

Design-Build of BART Headquarters

PURPOSE:

To authorize the General Manager to award Contract No. 6M4706 for Design-Build of the BART Headquarters ("Contract") for \$58,467,851.37 to Turner Construction Company subject to the District's protest procedures.

DISCUSSION:

Contract No. 6M4706 is for the Design-Build of the new BART Headquarters at 2150 Webster Street, Oakland.

In September 2019, the BART Board authorized the General Manager to purchase a ten-story office building located at 2150 Webster Street, Oakland, CA 94612 and set aside funds to construct the tenant improvements. BART purchased the building on December 10, 2019.

The District conducted a two-step selection process with a Request for Qualifications ("RFQ"), followed by a Request for Proposals ("RFP") to qualified firms. The RFQ was issued on February 12, 2020 (RFQ No. 6M4706Q), for Design-Build of BART Headquarters. The District provided advanced notice to seventy-two (72) firms on February 12, 2020. The RFQ was advertised in nine (9) publications, starting on February 12, 2020 and continued through February 26, 2020. The RFQ was also posted to the BART Procurement Portal on February 12, 2020. A Pre-Proposal Meeting was held on February 18, 2020. A total of fifty-seven (57) firms attended. A total of one hundred eighteen (118) firms downloaded copies of the Request for Qualifications. On March 3, 2020, the RFQ submittals were due and the District qualified three (3) firms which were:

1. BCCI Construction Company ("BCCI"), San Francisco, CA, proposed with Gensler, Oakland, CA
2. Turner Construction Company ("Turner"), Oakland, CA, proposed with RIM Architecture, San Francisco, CA
3. Dome Construction ("Dome"), San Francisco, CA, accompanied by Quezada Architecture, San Francisco, CA

The RFP was released on March 27, 2020 (RFP No. 6M4706). A Pre-Submittal Conference was held on March 31, 2020, via WebEx and there were approximately 75 attendees. On April 3, 2020, the three (3) Prospective Proposers hosted independent networking sessions for the RFP. Participation per Prospective Proposer ranged from 22 to 29 firms, in which most of the participants were small businesses. Two (2) Addenda to the RFP were issued on April 17, 2020 and April 24, 2020, respectively.

On May 5, 2020, one responsive proposal was received from Turner, and Turner committed to a Small Business participation percentage of 32%, which is 2% over the Contract's Small Business Participation Goal of 30%. Turner's Total Price Proposal was \$58,467,851.37.

This Procurement followed the procedures for the District's Non-Federal Small Business Program and the District's Non-Discrimination Program for Subcontracting (ND Program).

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this RFP are as follows:

	Minority Business Enterprise ("MBE")	Women Business Enterprise ("WBE")
Architecture & Engineering	21.9%	13.5%
Construction	18.2%	9.3%

After application of the District's ND Program, the Office of Civil Rights found no evidence of discrimination.

Subsequent to this determination, in a letter to the General Manager dated June 10, 2020, Turner indicated their project approach anticipates subcontracting work reflective of both of the Availability Percentages established for this RFP.

As a progressive design-build Contract, with 0% design complete, it is difficult to identify specific subcontractors and detailed scopes of work for future packages yet to be designed or bid.

Staff will monitor the contract for achievement of the SB commitment and will report to the Board periodically on Turner's commitments, achievements and plans to reach their commitments by the end of the Contract.

This Contract contains liquidated damages for any failure to meet the SB commitment made by Turner.

FISCAL IMPACT:

The \$58,467,851.37 is to be authorized for the design and construction of the tenant improvements to the District's new corporate headquarters and will be funded as described below.

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

Proposed Funding	
8211 - 2019A Sales Tax Revenue Bonds	\$227,000,000
TOTAL	\$227,000,000

As of June 16, 2020, \$227,000,000 is the total budget for this project. BART has expended \$138,872,692, committed \$ 1,293,663 and reserved \$963,871 to date. This action will commit \$58,467,851, leaving an available fund balance of \$27,401,923 in these fund sources for this project.

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

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

FUNDING ALLOCATION:

Proposed Funding by FY	
FY 21	\$50,000,000.00
FY 22*	\$8,467,851.37
Total	\$58,467,851.37

***FY22 funding is not for a full Fiscal Year.**

ALTERNATIVES:

Do not authorize the General Manager to award the Contract. The District would have to rebid the Contract and would not make its deadline to move to its new headquarters at 2150 Webster prior to the expiration of its lease at 300 Lakeside in July 2021.

RECOMMENDATION:

It is recommended that the Board adopt the following Motion.

MOTION:

The General Manager is authorized to award Contract No. 6M4706 for the Design-Build of BART Headquarters, in the total amount not to exceed \$58,467,851.37 to Turner Construction Company, subject to the District's protest procedures.