

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

BOARD MEETING AGENDA

September 10, 2015

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 10, 2015, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

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

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=CATRANBART\\_1904](https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904)) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

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

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of August 13, 2015.\* Board requested to authorize.
- B. Relocation Expense Reimbursement for eBART General Superintendent Recruitment.\* Board requested to authorize.
- C. District Response to Contra Costa County Grand Jury Report.\* Board requested to approve.

3. ADMINISTRATION ITEMS

Director Keller, Chairperson

- A. Side Letter AFSCME/SL-1-14, Regarding Calculations of Overtime and Retiree Medical Eligibility, to the American Federation of State, County, and Municipal Employees Collective Bargaining Agreement.\* Board requested to authorize.
- B. Amendment No. 2 to Agreement with Environmental Systems Research Institute, for Enterprise Geographic Information System Enterprise License Agreement, for Extension of Time (Amendment No. 2).\* Board requested to authorize.

4. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Contract No. 15BM-110, San Francisco Mission Street Stations Street Grating Rehabilitation.\* Board requested to authorize.
- B. Award of Contract No. 6M3289, Reconditioning of Transit Vehicle Nickel Cadmium Batteries.\* Board requested to authorize.
- C. Change Order to Contract No. 04SF-150, Procurement of Running Rail, Crossties, Resilient Ties and Special Trackwork, with L.B. Foster Company, for Additional Quantities (C.O. No. 18).\* Board requested to authorize.

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

Director Raburn, Chairperson

- A. Award of Professional Services Agreements to Provide General Environmental and Planning Services for BART Projects.\*
  - a. Agreement No. 6M6091, with Arup North America, Ltd.
  - b. Agreement No. 6M6092, with HNTB + Kwan Henmi Joint Venture
  - c. Agreement No. 6M6093, with Nelson/Nygaard Consulting Associates, Inc.Board requested to authorize.
  
- B. Systemwide Bicycle Parking Program Update.\* For information.

6. GENERAL MANAGER'S REPORT

- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of September 16, 2015.\* For information.
  
- B. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

7. BOARD MATTERS

- A. Report of the Citizen Review Board. For information.
  
- B. (CONTINUED from August 13, 2015, Board Meeting)  
Proposed Revisions to Rules of the Board of Directors.\* Board requested to adopt.
  
- C. 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.)
  
- D. 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.)
  
- E. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)

8. PUBLIC COMMENT

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

Draft Minutes will be  
sent on Tuesday,  
September 8.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeWilde</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>9/2/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Allison Picard Dept:	General Counsel <i>Man Hong</i>	Controller/Treasurer <i>Appellate</i>	District Secretary [ ]	BARC <i>9-2-15</i>
Signature/Date: <i>AP 9-2-15</i>	<i>9/2/15 [ ]</i>	<i>9/2/15 [ ]</i>	[ ]	<i>9-2-15 [ ]</i>
TITLE:				

### Approve Relocation Expense for eBART General Superintendent Recruitment

NARRATIVE:

NARRATIVE:

#### PURPOSE:

To obtain Board authorization to pay relocation expenses in accordance with Management Procedure 70, New Employee Relocation Expense Reimbursement for the individual to be selected to fill the position of eBART General Superintendent, if needed.

#### DISCUSSION:

The position of eBART General Superintendent is a senior management position that requires specialized skills derived from a unique mix of managerial and technical experience. The position of General Superintendent is newly created for the eBART Operations and Maintenance organization. The position is responsible for the development of all rules, policy and procedure for the eBART operations during the start-up phase and will be responsible for the oversight of all eBART operations staff once in revenue service. Additionally, the General Superintendent will provide leadership and guidance to the other Superintendents in the eBART Operations and Maintenance organization.

Board Resolution No. 4487, adopted March 11, 1993, requires Board approval prior to offering relocation expenses to a new employee. Specialized railroad operations positions as these are often recruited via an outside recruitment firm, and authorization for payment of relocation expenses, if needed, is requested in conjunction with the request for authorization to conduct an outside recruitment. In this case the nationwide recruitment has been conducted by the District's own Human Resources Department.

The position was advertised for several months to both internal and external candidates using various national digital and print advertising sources, including the District website. Several candidates were interviewed with a shortlist created for second interviews. Both remaining candidates are from out of state. In order to facilitate negotiations with the successful candidate, staff would like the capability to offer reimbursement of eligible relocation expenses.

#### FISCAL IMPACT:

Approve Relocation Expense for eBART General Superintendent Recruitment

The limit on reimbursement of eligible relocation expenses is \$18,000. Funding for the relocation expenses would come from the FY 2016 adopted budget of the BART to OAK/eBART Department.

**ALTERNATIVE:**

Not to offer relocation expense reimbursements. This alternative might result in the loss of one or both identified candidates for this critical management position.

**RECOMMENDATION:**

Adopt the following motion:

**MOTION:**

That the General Manager or her designee be authorized to provide relocation expense reimbursement to the successful candidate for eBART General Superintendent in an amount not to exceed \$18,000 consistent with Management Procedure Number 70, New Employee Relocation Expense Reimbursement.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alarcia Delaunoy</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c <i>9/2/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Allison Picard	General Counsel	Controller/Treasurer	District Secretary	BARC
Dept:				
Signature/Date: <i>[Signature]</i> 9-2-15	<i>[Signature]</i> 9/2/15	<i>[Signature]</i> 9/2/15		<i>[Signature]</i> 9-2-15
TITLE:				

### APPROVE DISTRICT RESPONSE TO THE CONTRA COSTA GRAND JURY REPORT

NARRATIVE:

#### PURPOSE:

To obtain Board approval of the District's response to the report of the Contra Costa Civil Grand Jury entitled "Averting Bay Area Rapid Transit District Strikes".

#### DISCUSSION:

On May 28, 2015, the Contra Costa Civil Grand Jury issued a report entitled "Averting Bay Area Rapid Transit District Strikes". The report recommends the use of an independent arbitrator to avoid future strikes and calls on the District to improve its labor-management relations. It also recommends that the Board of Directors monitor implementation of recommendations contained in the September 5, 2014 Agreement Dynamics Inc. report. The Labor Negotiations Review Ad Hoc Committee of the Board meets monthly for this purpose, and staff have reported to the full Board on several occasions on these and related matters, including as recently as your August 13, 2015 meeting.

In preparing the response to the Grand Jury report, the District is permitted to either Agree, Disagree or Partially Disagree to specific findings. On July 27, 2015 the Board was provided with the attached copy of the District's response submitted by the General Manager on behalf of the District. This response was not the only one received by the Grand Jury as one Board member submitted his own response. The Grand Jury has inquired whether the District's response was approved by the full Board and if not, that it should be. Therefore, it is requested that the Board approve the response submitted on July 27, 2015 as the official response by the District.

#### FISCAL IMPACT:

None.

#### ALTERNATIVE:

Board approval of the District's response is required. The Board could direct staff to revise the response to the report.

APPROVE DISTRICT RESPONSE TO THE CONTRA COSTA GRAND JURY REPORT

**RECOMMENDATION:**

Adopt the following motion:

**MOTION:**

That the Board approves the attached response to the Contra Costa Civil Grand Jury Report 1504 "Averting Bay Area Rapid Transit District Strikes".



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
 300 Lakeside Drive, P.O. Box 12688  
 Oakland, CA 94604-2688  
 (510) 464-6000

2015

July 27, 2015

Thomas M. Blalock, P.E.  
 PRESIDENT

Tom Radulovich  
 VICE PRESIDENT

Grace Curran  
 GENERAL MANAGER

Sherry Rufini, Foreperson  
 Contra Costa County Civil Grand Jury  
 725 Court Street, P.O. Box 431  
 Martinez, CA 94553-0091

DIRECTORS

Gal Murray  
 1ST DISTRICT

Joel Keller  
 2ND DISTRICT

Rebecca Saltzman  
 3RD DISTRICT

Robert Raburn, Ph.D.  
 4TH DISTRICT

John McPartland  
 5TH DISTRICT

Thomas M. Blalock, P.E.  
 6TH DISTRICT

Zachary Mallett, MCP  
 7TH DISTRICT

Nicholas Josefowitz  
 8TH DISTRICT

Tom Radulovich  
 9TH DISTRICT

Subject: District Response to Grand Jury Report 1504: "Averting Bay Area Rapid Transit Strikes"

Dear Ms. Rufini:

We appreciate the opportunity to comment on the 2014-2015 Contra Costa County Grand Jury (Grand Jury) report findings and recommendations on averting future work stoppages by the employees of BART, either through strikes or lockouts. On behalf of the San Francisco Bay Area Rapid Transit District, we offer the following response.

As you will read in our comments below, the District generally agrees with the findings of the Grand Jury. We are working diligently to correct the underlying symptoms that led to the breakdown in 2013 negotiations and are encouraged by our progress.

The BART Act creates the framework for collective bargaining with our labor organizations, with which the Board of Directors and staff are required to comply. Legislative attempts to amend the labor provisions of the BART Act have failed. Therefore, we will continue to work within this statutory framework to advance improvements in labor relations, with the intent of achieving fair contracts with our labor organizations without any disruption to service.

Specific responses to the Grand Jury's findings and recommendations are as follows:

Findings.

F1. ***BART is an essential part of the San Francisco Bay Area transportation system. BART agrees with this finding.*** BART is an essential part of the San Francisco Bay Area transportation system.

F2. ***A strike by BART employees or a lockout causes significant disruption to the riders, citizens, and counties of Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara. BART agrees with this finding.*** Work stoppages at BART due to labor disputes have caused significant disruption to the riders and citizens in the enumerated Bay Area counties.

**F3. An interruption of BART service disrupts riders and impacts BART income, and indirectly affects the environment, the roads, employment, businesses surrounding BART sites, and other means of transportation. BART agrees with this finding.** Interruption in BART service results in the enumerated impacts and effects as stated in the finding.

**F6. In previous years BART management and its labor unions have had an adversarial and distrustful relationship. BART partially disagrees with this finding.** BART management and its labor unions have had an adversarial and distrustful relationship; however, this is a generalization that does not account for the day-to-day interaction between BART management and the unions representing BART employees; through which many issues at all levels of the organization are resolved. As an illustration of this, BART has 24 contractually mandated joint labor-management committees that meet routinely to consider matters of common concern.

**F7. The modified baseball type negotiation model presents a better likelihood of success, unlike the current method, which was not able to avert the last strike. BART partially disagrees with this finding.** Modified baseball negotiations have not been tested at BART, and the current method has ended in settlement more often than it has ended in strike. Modified baseball negotiations are only one approach among many to resolve negotiations disputes. In the limited jurisdictions in which baseball type arbitration has been utilized, it has not consistently prevented various forms of work slowdowns, such as during negotiations between San Francisco Municipal Transit Agency and Transport Workers Union in June 2014. Further, as the Grand Jury report points out, the various legislative initiatives to amend BART's bargaining process to mandate interest arbitration in any form have surfaced in the State Legislature but have thus far not been successful. Finally, although its deployment is permissive, the BART Act does provide for binding arbitration upon impasse in labor negotiations.

**F8. During the last strike BART management was working to address the problems confronting management, and labor unions were working to address the problems confronting labor. BART agrees with this finding.** Each side was working to address its respective issues in bargaining. Both the District and the unions have the duty to represent the interests of their respective memberships and constituencies, and in good faith attempt to achieve agreement that reasonably addresses the range of interests.

**F9. BART's labor unions have not agreed to refrain from a strike when there is no contract in place. The District partially disagrees with this finding.** The statement does not fully reflect the situation that can and does arise after the Agreements have expired. Typically, as long as the parties continue to negotiate, following long-held precedent established by the National Labor Relations Board, the contract remains in place, with the exception of no-strike and grievance procedure clauses. The unions are barred from striking unless and until an impasse has been reached. In the event impasse is reached, after expiration of the contracts, unions representing BART employees have gone on strike.

F10. *A report from Agreement Dynamics, Inc. was commissioned by BART which resulted in 63 recommendations on what problems existed during the last negotiation process and how to address the many problems between management and labor unions. BART agrees with this finding.* The Agreement Dynamics report was commissioned by the Board of Directors in 2014. As stated, the report contains 63 recommendations which the Labor Negotiations Review Ad Hoc Committee of the Board of Directors has been convened to address.

F11. *Some believe there is not enough time for BART and its labor unions to correct enough of their problems in order to conduct productive negotiations in 2017. BART disagrees with this finding.* The District disagrees that insufficient time exists to make corrective actions that would permit productive negotiations in 2017. Multiple initiatives are well underway that the District believes will lead to productive negotiations in 2017 and in subsequent rounds.

F12. *There is currently nothing in place which ensures that if a contract expires that BART service will continue. The District agrees with this finding.* The District agrees that guarantees that uninterrupted service would continue once a labor agreement expires are not in place. However, as long as the parties continue to negotiate, the normal custom is for contracts to continue day-to-day.

F13. *The overall impact of a strike is too damaging to the San Francisco Bay Area to allow a strike to occur. The District partially agrees with this finding.* The strike in 2013 was very disruptive to the Bay Area. However, although the District agrees that BART strikes are damaging to the Bay Area, the District cannot disallow strikes, and the California Legislature has declined to do so. The BART Act does provide for binding arbitration to resolve negotiations disputes as long as both parties agree to submit to the prescribed process.

Recommendations.

R1. *BART Board of Directors should adopt a negotiation method that is built on trust, communication and transparency. This recommendation has been implemented.* The District has taken numerous actions to improve labor relations, which will continue through and beyond 2017 negotiations. Activities have included, but are not limited to, the following:

- In 2014 the General Manager hired a new Assistant General Manager for Employee Relations and a new Chief Employee Relations Officer. These individuals have extensive experience in personnel management and labor relations.
- The General Manager meets monthly with Union Presidents and Vice-Presidents to discuss matters of mutual interest and concern.
- Labor Relations staff meets with the unions monthly to encourage dialogue and problem-solving.
- The Board of Directors has extended its Labor Negotiations Ad Hoc Review Committee to the end of 2015. The Ad Hoc Committee meets monthly to consider the recommendations in the Collective Bargaining Report. These meetings are attended by both District and union representatives.

Resolution of grievances, both unresolved matters and new issues that arise from time to time, are getting close attention. Longstanding issues are being settled or adjudicated, as appropriate.

R2. ***BART Board of Directors should immediately re-open negotiations with their labor unions to agree on the process for future negotiations.*** This recommendation requires further analysis. Labor Relations staff is working with its Board of Directors' Labor Negotiations Review Ad Hoc Committee to consider improvements to the bargaining process for future negotiations. The District will have an update on its progress within six months of the publication of the Grand Jury's report. It should be noted that process improvements do not necessarily require the re-opening of contract negotiations; any re-opening of negotiations would require agreement from unions representing BART employees as well as the District.

R3. ***BART Board of Directors should review and negotiate the use of an independent arbitrator during labor negotiations, who can decide any major financial and work rule issues pursuant to the baseball style arbitration process.*** This recommendation requires further analysis. The District has not taken a position on the use of independent arbitrators in 2017 negotiations, or more specifically on baseball-style arbitration. The Board of Directors is working directly with the unions to consider safeguards against labor disputes, which is recommended in the Agreement Dynamics report.

R4. ***BART Board of Directors should monitor the implementation of the recommendations made in Agreement Dynamics, Inc.'s report that it has chosen to adopt.*** This recommendation has been implemented. The Board of Directors' Labor Negotiations Review Ad Hoc Committee (Committee) was convened for this purpose. The Committee meets monthly with District staff and union officers to consider the recommendations that were made in Agreement Dynamics, Inc.'s report and to review implementation status.

Please feel free to contact me if additional information or clarification is required regarding the District's response.

Sincerely,



Grace Crunican  
General Manager

cc: BART Board of Directors



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL <i>Barca de Bejer</i>		GENERAL MANAGER ACTION REQ'D:			
DATE: 9/2/15		BOARD INITIATED ITEM: No			
Originator/Prepared by: Ericka Mitchell Dept: Employee Relations	General Counsel <i>Mon</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC	
Signature/Date: <i>[Signature]</i> 9/2/15	<i>[Signature]</i> 9/2/15 [ ]	<i>[Signature]</i> 9/2/15 [ ]	[ ]	<i>[Signature]</i> 9-2-15 [ ]	
Status: Approved		Date Created: 08/28/2015			

TITLE:

**AFSCME - Side Letter - Calculation of Overtime and Retiree Medical Eligibility**

NARRATIVE:

**PURPOSE:**

To approve Side Letter AFSCME/SL-1-14 with AFSCME Local 3993, a true and correct copy of which is attached. The side letter modifies the 2013-2017 AFSCME Collective Bargaining Agreement by: (1) correcting a typo in section 33H correcting the date from July 1, 2014 to January 1, 2014 and (2) modifying sections 50 and 61 to clarify the calculation of the employee's forty (40) hour work week and overtime rules for employees with alternative work schedules.

**DISCUSSION:**

During contract negotiation with AFSCME in 2013 changes were negotiated to Sections 33H (Retiree Medical Insurance Eligibility), 50 (Compensatory time/Overtime) and 61 (Workdays and Workweek).

In Section 33H, the parties agreed to modify the retiree medical eligibility for new employees to provide full retiree medical eligibility following fifteen (15) years of service. That provision as ratified and approved by the Board included a typographical error and stated that it applied to employees hired after July 1, 2014 rather than January 1, 2014 as agreed upon during negotiations. This proposed side letter corrects that error and inserts the January 1, 2014 date in place of July 1, 2014.

Sections 50 and 61 were modified during negotiations to provide a definition of the forty (40) hour workweek and establish the criteria for payment of overtime. The Agreement as negotiated provided that an AFSCME employee would be eligible for overtime only if he/she had worked forty (40) straight time hours during the regularly scheduled work week. The Agreement further specified that one vacation day, one floating holiday or one compensatory day would be counted toward the 40 hours worked.

Subsequent to ratification and Board approval of the Agreement, the District commenced implementation and it was determined that the language agreed upon was problematic because it differed from the criteria used by other bargaining units making it difficult to implement and administer. The Parties met and conferred and agreed upon modified language. Specifically the

parties agreed that: only sick leave and unpaid time off would not be credited toward the forty (40) hours in the employee's scheduled work week. The parties also agreed to permit employees to have two sick leave or unpaid time off exceptions, one every six months, during each calendar year.

Similarly the provisions for employees on alternative work weeks (work a 9/80 schedule) lacked clarification and as a result, that section of the Agreement was modified to clarify that employees on a 9/80 schedule who work in excess of the regularly scheduled workday should receive overtime and to clarify that the same forty (40) hour work week exceptions applied to employees working that alternative schedule.

These modifications to the Contract require the approval of a Side Letter (AFSCME/SL 1-14, attached hereto) which modifies the District/AFSCME Collective Bargaining Agreement to correct the error in section 33 and to modify the language of sections 50 and 61 as specified in the side letter. The Side Letter was ratified by AFSCME on November 5, 2014.

---

**FISCAL IMPACT:**

Any fiscal impact is nominal.

**ALTERNATIVE:**

Is to decline to approve the Side Letter. If the Side Letter is not approved the Agreement will remain as written. This would result in the inability to implement the forty (40) hour work week provisions and any potential cost savings, although nominal, as a result of this modification would be lost.

**RECOMMENDATION:**

Adoption of the following motion:

The Board approves and authorizes the General Manager to execute the Side Letter of Agreement with AFSCME Local 3993 SL 1-14 re: Calculations of Overtime and Retiree Medical Eligibility.

SIDE LETTER OF AGREEMENT  
AFSCME /SL 1-14

**RE: CALCULATION OF OVERTIME AND RETIREE MEDICAL ELIGIBILITY**

Upon signing by the parties, this letter shall constitute a Side Letter of Agreement which has been reached by the San Francisco Bay Area Rapid Transit District ("District") and American Federal, State, Municipal and County Employees (AFSCME) Local 3993 (hereinafter jointly referred to as "Parties") regarding the Calculation of forty (40) hours worked for overtime and retiree medical eligibility:

1. The Parties agree that AFSCME members shall not be eligible for overtime pay when working on their regular day off unless they have had forty (40) hours paid with no sick leave during the District work week. Employees shall within each calendar year have two sick leave or unpaid time off exceptions, one every six months. Such exceptions may not be carried over if not used and must be designated by the employee before working on his or her regular day off in the District work week in which the exception will be taken.
2. The Parties agree that the applicable date for the legislative modification for retiree medical eligibility shall apply to all new members first hired after January 1, 2014.
3. As a result of this Agreement, the Labor Agreement shall be amended as follows:
  - (a) Section 33H:  
Delete: "July 1, 2014 and replace with January 1, 2014 "
  - (b) Section 50:  
Delete: "All hours worked on the first and second off-duty day shall be compensated at the overtime rate set forth herein: provided that the employee has worked forty (40) straight-time hours during the regularly scheduled workweek.

Notwithstanding other sections of the Agreement that may conflict with this section, for the purposes of calculating the employee's forty (40) hour workweek, only one of the following approved exceptions may be credited towards the employee's scheduled workweek:

1. One (1) Vacation Day; or
2. One (1) Floating Holiday; or
3. One (1) Compensatory Day"

Replace with: Notwithstanding other sections of the Agreement that may conflict with this section, for the purposes of calculating the

employee's forty (40) hour workweek, only sick leave and unpaid time off will not be credited towards the forty (40) hours in the employee's scheduled workweek. Employees shall within each calendar year have two sick leave or unpaid time off exceptions, one every six months. Such exceptions may not be carried over if not used and must be designated by the employee before working on his or her regular day off in the District work week in which the exception will be taken.

(c) Section 61

Delete: "All hours worked on the first and second off-duty day shall be compensated at the overtime rate set forth herein; provided that the employee has worked forty (40) straight-time hours during the regularly scheduled workweek.

Notwithstanding other sections of the Agreement that may conflict with this section, for the purposes of calculating the employee's forty (40) hour workweek, only one of the following approved exceptions may be credited towards the employee's scheduled workweek;

1. One (1) Vacation Day; or
2. One (1) Floating Holiday; or
3. One (1) Compensatory Day"

Replace with: Notwithstanding other sections of the Agreement that may conflict with this section, for the purposes of calculating the employee's forty (40) hour workweek, only sick leave and unpaid time off will not be credited towards the forty (40) hours in the employee's scheduled workweek. Employees shall within each calendar year have two sick leave or unpaid time off exceptions, one every six months. Such exceptions may not be carried over if not used and must be designated by the employee before working on his or her regular day off in the District work week in which the exception will be taken.

(d) Exceptions to Overtime Rules for Employees with Alternate Work Schedules (9/80)

1. All hours worked in excess of the regularly scheduled workday shall be compensated at the applicable overtime rate for actual overtime hours worked.
2. Subject to the calculations of overtime requirements found in the paragraphs above, all hours worked on an employee's first regular day off (RDO) during any workweek shall be compensated at the applicable overtime rate.

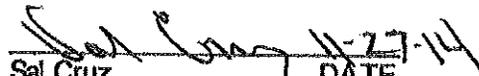
3. Subject to the calculations of overtime requirements found in the paragraphs above, actual hours worked on the second or third RDO during any workweek shall be compensated at the applicable rate provided the employee has worked on any previous RDO within the workweek.

This Side Letter of Agreement shall be deemed part of the Collective Bargaining Agreement between the parties.

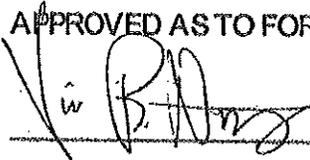
CONCUR FOR THE  
DISTRICT:

CONCUR FOR THE  
UNION:

  
Ericka Mitchell DATE 12/10/14  
Assistant Chief Employee  
Employee Relations Officer, BART

  
Sal Cruz DATE 11-27-14  
President, AFSCME Local 3993

APPROVED AS TO FORM:

  
\_\_\_\_\_



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Maecia DelBouard</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c <i>9/2/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Travis W Engstrom Dept: Office of the CIO	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Travis W Engstrom</i> Signature/Date: <i>9-1-15</i>	<i>[Signature]</i>	<i>[Signature]</i>	[ ]	<i>[Signature]</i> 9-1-15 [ ]

TITLE:

### Amendment No. 2 to ESRI Software Enterprise License Agreement

NARRATIVE:

#### Purpose

This is a request that the Board authorize the General Manager to execute Amendment No. 2 to extend the existing Environmental Systems Research Institute (ESRI) Enterprise License Agreement (ELA) for an additional 3 years in an amount not to exceed \$450,000. The continuation of this multi-year software agreement will continue to provide unlimited access to critical ESRI software products for a fixed annual fee not to exceed \$150,000.

#### Discussion

The Office of the Chief Information Officer (OCIO) has identified an opportunity for considerable savings in the procurement of critical software licenses related to geospatial analysis, design, planning and asset management. ESRI is the world leader in geospatial technology. Used by more than 95% of all government offices, ESRI software enables desktop, mobile and web access to critical data and applications.

ESRI software is used to exchange critical information between BART and the Federal Government, State of California, all Bay Area Counties, the Metropolitan Transportation Commission, the Association of Bay Area Governments, and more than 25 local agencies. The District has explored alternative software including open-source options and alternative vendors used by the other 5% of government offices. The District has found that alternative software solutions do not provide adequate enterprise, mobile and web connectivity.

BART has purchased ESRI software for the last 12 years. Much like other ELA agreements used to procure Microsoft Office, VMware, Oracle, Lotus Notes, and other business critical applications, BART stands to save a considerable amount of money with this 3 year unlimited use ELA. This software will play a critical role in BART's Enterprise Geographic Information System (EGIS), a system used for State of Good Repair, Title VI Analysis, Community Outreach, Planning, and the District's Regional Anti-Terrorism Integrated Law Enforcement System (RAILS).

The continuation of this ELA will allow staff to continue to conduct daily operations

related to geospatial analysis, design, planning and asset management.

The provider is uniquely qualified to provide the necessary software tools, expertise, and specialized applications required to provide BART with the ability to continue to create open-ended enterprise data content that will work with BART's existing business applications.

The Office of General Counsel will approve the Amendment as to form prior to execution.

### **Fiscal Impact**

The cost of this agreement is for an amount not to exceed \$450,000.00 including California State Sales Tax, as follows:

Funding for FY16 in the amount of \$150,000 is included in the Operating Budget of the Office of the OCIO. The remaining amount not to exceed \$300,000 will be requested in future preliminary operating budget cycles with approximately \$150,000 requested in FY17 and the final installment not to exceed \$150,000 requested in FY18.

### **Alternative**

1. Use a geospatial software vendor other than ESRI. In this circumstance, alternative software will fail to meet basic enterprise function and connectivity criteria for the District. In addition, alternative software solutions do not provide adequate interoperability with the Metropolitan Transportation Commission, the Association of Bay Area Governments, and the vast majority of local agencies.
2. Do not authorize the execution of the Amendment and instead enter into a new agreement. In this circumstance, the current ESRI Enterprise License Agreement would not be continued, and BART will pay full retail price for all ESRI software incurring projected costs during the same 3 year term of \$750,610.00, \$300,610 more than the price of the proposed 3 year Enterprise License Amendment.

### **Recommendations**

Approve the following motion:

### **Motion**

The Board hereby authorizes the General Manager to execute Amendment No. 2 to extend the existing Environmental Systems Research Institute (ESRI) Enterprise License Agreement (ELA) for an additional 3 years in an amount not to exceed \$450,000.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBauder</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the September 10, 2015 E&O Committee meeting		
DATE: c <i>9/2/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed T Tafaghodi Dept: Maintenance & Engineering <i>Hamed Tafaghodi</i> Signature/Date: <i>8/12/15</i>	General Counsel <i>David Chen</i> Signature/Date: <i>8/12/15</i>	Controller/Treasurer <i>[Signature]</i> Signature/Date: <i>8/12/15</i>	District Secretary <i>[Signature]</i> Signature/Date: <i>[ ]</i>	BART <i>[Signature]</i> Signature/Date: <i>8/31/15</i>

TITLE:

**Award of Contract No. 15BM-110  
San Francisco Mission Street Stations Street Grating Rehabilitation**

NARRATIVE:

NARRATIVE:

**PURPOSE:** To obtain the Board's authorization for the General Manager to award Contract No. 15BM-110, San Francisco Mission Street Stations Street Grating Rehabilitation to Thompson Builders Corporation of Novato, California.

**DISCUSSION:** The work of this Contract consists of providing all labor, equipment, materials, and services required for removing and replacing a total of nine (9) street grates, serving 16<sup>th</sup> Street Mission and 24<sup>th</sup> Street Mission BART Stations under Mission Street in San Francisco, CA. Work also includes installation of new support members, construction of a new concrete collar around the grates opening and installation of safety cages around existing ladders within the structures.

The District provided advance notice to sixty-five (65) prospective Bidders, and plans were sent to twenty-three (23) Plan Rooms. The Contract was advertised on May 22, 2015. A total of eleven (11) prime contractors purchased copies of the Contract Documents. A pre-Bid meeting was held on June 9, 2015 with nine (9) prospective Bidders in attendance. Two (2) Addenda were issued before the Bid opening. Bids were publicly opened on July 7, 2015. A total of three (3) Bids were received as follows:

No.	BIDDER	LOCATION	TOTAL BID
1	Thompson Builders Corporation	Novato, CA	\$2,979,000.00
2	Con-Quest Contractors, Inc.	San Francisco, CA	\$3,205,500.00
3	JMB Construction, Inc.	South San Francisco, CA	\$3,803,500.00
	<b>Engineer's Estimate</b>		<b>\$4,009,784.00</b>

After review by District staff, Thompson Builders Corporation's (Thompson) (formally West Bay Builders) Bid was deemed to be the lowest Bid that was responsive to the solicitation. Examination of Thompson's Contractor's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Thompson's Bid of \$2,979,000.00 is fair and reasonable.

Pursuant to the revised Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights reviewed the scope of work for this Contract and determined that there were subcontracting opportunities. Thus, a DBE participation goal of 15% was set for this Contract. Thompson committed to 31.8% DBE participation.

District staff has determined that there will be no significant effect on the environment from street grating rehabilitation improvements and that this action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines pursuant to section 15301, improvements to existing facilities and structures involving negligible expansion of existing use, and pursuant to section 15304, minor alterations to land. The project will receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, Federal Transit Administration (FTA), concurred that the project qualifies for a categorical exclusion as defined under 23 CFR 771.118 (c)(18), track and railbed maintenance/improvements.

**FISCAL IMPACT:** Funding of \$2,979,000 for the award of Contract No. 15BM-110 is included in the total project budget for FMS # 15BM000 – Mission/Market Ventilation. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of July 21, 2015, \$6,830,500 is available for this project from the following sources:

Fund Number	Fund Description	Fund Source	Fund Source
3401	FG MOD - FY 12 Capital Improve	FTA	2,812,400.00
352X	FY05 Capital Assistant Program	FTA	704,000.00
352Y	FY06 Capital Assistant Program	FTA	800,000.00
353K	CA-05-0236 FG MOD-FY09	FTA	348,000.00
353M	CA-05-0248 FG MOD-FY10 CAPITAL	FTA	800,000.00
6010	Bridge Toll Allocation 06374312	Regional	200,000.00
6015	Bridge Toll Allocation 09387201	Regional	68,640.00
6018	FY11-12 Project Match MTC Res#4044	Regional	47,944.00

Award of Contract No. 15BM-110 San Francisco Mission Street Stations Street Grating Rehabilitation

850X	Capital Allocation -SEISMIC NON	BART	200,000.00
8523	Cap Surcharge-Station to Station	BART	742,156.00
8801	CAP.INT.TRANSF-EQ SLS	BART	107,360.00
<b>Total</b>			<b>6,830,500.00</b>

BART has expended \$2,523,991, committed \$310,374, and reserves \$0 to date for other action. This action will commit \$2,979,000 leaving an available fund balance of \$1,017,135 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVE:** The Board may reject all Bids and readvertise the work. There is no assurance that new Bids would yield lower prices. Failure to proceed with the Contract would delay the work.

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

**MOTION:** The General Manager is authorized to award Contract No. 15BM-110, San Francisco Mission Street Stations Street Grating Rehabilitation to Thompson Builders Corporation for the Bid Price of \$2,979,000, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBurger</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/2/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kimberly White Dept: <i>Kimberly White</i>	General Counsel <i>Audrey Pearson 7/3/15</i>	Controller/Treasurer <i>Marcia DeBurger 7/1/15</i>	District Secretary	BARC <i>Paul Exner 8/4/15</i>
Signature/Date: <i>Kimberly White 7.31.2015</i>				
Status: Approved		Date Created: 07/14/2015		

TITLE:

**Award of Contract No. 6M3289, Reconditioning of Transit Vehicle Nickel Cadmium Batteries**

NARRATIVE:

**PURPOSE:**

To request Board authorization for the General Manager to award Contract No. 6M3289 to Industrial Battery Services (IBS) of Richmond, California for the reconditioning of transit vehicle nickel cadmium batteries.

**DISCUSSION:**

The District's revenue vehicles utilize a 36 volt (VDC) storage battery set to provide low voltage backup power for interior lighting, door operators and other electrical systems. These batteries require routine maintenance and bad cells need to be replaced as necessary. This involves the reconditioning of battery sets at 5-year intervals. During reconditioning, battery cells are restored to design capacity requirements. Battery cells that have aged to the point that reconditioning is no longer effective must be replaced.

District facilities are not equipped to recondition batteries and BART is not able to properly dispose of batteries, which are considered toxic waste. Therefore, the District's batteries are sent to an outside contractor that is properly licensed for hazardous waste disposal .

This is a three-year estimated quantity contract for the reconditioning of revenue vehicle batteries. During the term of the contract, the District is required to purchase a minimum amount of 50 percent (50%) of the total dollar value of the contract. Upon Board authorization to award this contract, the General Manager will also have the authority to purchase up to 150 percent (150%) of the total value of the contract, subject to availability of funding.

Advance Notice to Bidders was mailed on May 20, 2015 to nine (9) prospective bidders. Contract 6M3289 was advertised on May 22, 2015 as a two-step contract. With a two-step contract, technical qualification bids are first opened and reviewed. Firms meeting the technical qualifications are moved to the second step. A Pre Bid meeting was held on June 4, 2015 and was attended by a single prospective bidder, Industrial Battery Services (IBS).

One bid was received from Industrial Battery Services (IBS). The Technical Qualification Bid was opened on June 23, 2015. After a review of the bid by staff, it was determined that bid was acceptable. The price bid was then opened on June 30, 2015. The results were as follows:

	Total Bid	Total Bid Including 10% Sales Tax
Industrial Battery Services (IBS) Richmond, CA	\$1,423,770.00	\$1,511,105.00

The Engineers Estimate for this work is \$1,321,611.00 not including sales tax. Staff has determined that the bid submitted by IBS is responsive and that the bid price is fair and reasonable based on past battery reconditioning contracts. Additionally, a review of this bidder's business experience and financial capabilities has resulted in the determination that Industrial Battery Services is responsible.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this contract are 10% for MBEs and 12% for WBEs. The bidder does not commit to subcontract any percentage of the subcontracted amount to MBEs or to WBEs. Therefore, the bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the bidder, the Office of Civil Rights found no evidence of discrimination.

**FISCAL IMPACT:**

Funding for this contract will be provided from the Rolling Stock and Shops (RS&S) Maintenance Contracts account 680-230.

Estimated as follows:

Fiscal Year 2016	\$503,701.00
Fiscal Year 2017	\$503,702.00
Fiscal Year 2018	\$503,702.00
Total	\$1,511,105.00

Funding for the FY2016 expenditures are included in the RS&S operating budget for FY2016. The expenditures for FY2017 and FY2018 will be requested in future RS&S operating budgets.

**ALTERNATIVE:**

The alternative to awarding this contract would be to reject the bid and re-advertise the contract, which staff believes would not lead to a better price or more competition.

**RECOMMENDATION:**

Adoption of the following motion.

**MOTION:**

The General Manager is authorized to award Contract No.6M3289, an estimated quantities contract for Reconditioning Transit Vehicle Nickel-Cadmium Batteries to Industrial Battery Services (IBS) for a total bid price of \$1,423,770.00 plus applicable taxes, pursuant to notification to be issued by the General Manager.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alberca de lauder</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>9/2/15</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: <i>Emilla Sanchez</i>	General Counsel	Controller/Treasurer	District Secretary	BART
Dept: <i>Transbay</i>	<i>MB</i>	<i>ap</i>	<i>Paul</i>	<i>Emilla Sanchez</i>
Signature/Date: <i>9/2/15</i>	<i>9/2/15</i>	[ ]	[ ]	<i>9/2/15</i>
Status: Approved		Date Created: 08/25/2015		

TITLE:

**Change Order No. 18 for Contract No. 04SF-150 for Procurement of Running Rail,  
Crossties,  
Resilient Ties and Special Trackwork**

NARRATIVE:

NARRATIVE:

### PURPOSE

To obtain Board authorization for the General Manager to execute Change Order No. 18, in an amount not to exceed \$700,000.00 and an 8 month time extension, to Contract No. 04SF-150 Procurement of Running Rail, Crossties, Resilient Ties and Special Trackwork with L.B. Foster Company.

### DISCUSSION

In August 2013, the Board authorized award of Contract No. 04SF-150 with a value of \$23,646,694.63. The District has exhausted its previous authority and needs to purchase additional quantities.

Additional quantities to be ordered under Change Order No. 18 will provide BART Operation and Maintenance inventory to replenish items put into service and for a spur track to be utilized for work trains required for the Transbay Tube (TBT) retrofit construction. The special trackwork is a long lead time item, and is on the critical path for the TBT retrofit project and, by extension, for the Earthquake Safety Program as a whole. If the items are procured through a separate contract, it will increase the project duration for the TBT retrofit project.

This Change Order will also include a time extension of 8 months for fabrication of the items to be procured. This Change Order saves time over having to advertise and award a new contract.

### FISCAL IMPACT:

Funding of \$700,000.00 for the award of Change Order No. 18 is included in the projects for a) 09AU000, TBT Retrofit \$500,000.00 b) 15CQ001, Rail, Tie & Fastener 2 \$200,000.00. The

Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the reference project since January 2011, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

**09AU000:**

Funding Group	Total Awarded
F/G 801F - ESP GO Bond	\$ 1,690,000.00
F/G 801J - ESP GO Bond	\$ 44,500,000.00
Grant Total	\$ 46,190,000.00

As of August 25, 2015, \$46,190,000.00 is the total budget for this project. BART has expended \$7,323,356.00 and committed \$1,220,660.00 and reserved \$9,956,606.00 to date for other actions. This action will commit \$500,000.00 leaving an available fund balance of \$27,189,378.00 in these fund sources for this project.

**15CQ001:**

Funding Group	Total Awarded
Various FTA Capital Improvement Grants	\$ 15,868,452.00
Local Area Bridge tolls including RM2	\$ 1,753,600.00
BART Operating Allocations to Capital	\$ 2,463,251.00
Grant Total	\$ 20,085,303.00

As of August 25, 2015, \$20,085,303.00 is the total budget for this project. BART has expended \$13,116,171.00, has committed \$2,548,462.04 and has reserved \$149,000.00 to date for other actions. This action will commit \$200,000.00, thus leaving an available balance of \$4,071,670.00 remaining in fund resources for this project.

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

**Alternatives**

The Board can elect not to authorize the execution of this Change Order. This will require the issuance of a new small contract that could result in higher costs per unit and will delay the commencement of construction of the Transbay Tube retrofit.

**RECOMMENDATION**

It is recommended that the Board adopt the following motion:

**MOTION**

The General Manager is authorized to execute Change Order No. 18 to Contract No. 04SF-150, in an amount not to exceed \$700,000.00 and an 8 month time extension, to L.B. Foster Company.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/2/15		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ellen Smith Dept: Ellen Smith, Planning <i>[Signature]</i> Signature/Date: 9/2/15	General Counsel <i>[Signature]</i> 9/2/15 [ ]	Controller/Treasurer <i>[Signature]</i> 9/2/15 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 2 Sept 2015 [ ]
Status: Routed		Date Created: 08/27/2015		
TITLE:				

**Professional Services Agreement Numbers 6M6091, 6M6092, 6M6093 to Provide General Environmental and Planning Services for BART Projects**

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Agreement No. 6M6091 to Arup North America, Ltd; Agreement No. 6M6092 to HNTB Corporation + Kwan Henmi Architecture/Planning Joint Venture; and Agreement No. 6M6093 to Nelson\Nygaard Consulting Associates, Inc. to provide General Environmental and Planning Services in support of BART Projects.

DISCUSSION:

In November 2011, the BART Board authorized the award of three agreements to consultant teams to provide on-call Environmental, Conceptual Design, and Planning Services for BART Projects. Each agreement is valued at \$6 million. These agreements are for terms not to exceed five years, and two of the three will have reached their capacity limit in the near future.

In anticipation of the expiration of the three agreements awarded in 2011, BART prepared a Request for Proposals for consultant support for general on-call environmental and planning services in support of the District's station area planning, system expansion, and strategic and policy planning efforts. On May 8, 2015, BART issued a Request for Proposals ("RFP") to Provide General Environmental and Planning Services for BART Projects, BART RFP No. 6M6091. The RFP indicated that the services would be obtained through agreements with up to three firms, that each agreement would have a term of up to five years, and that each would be in an amount not to exceed \$6,000,000.

An Advance Notice to Proposers was emailed to environmental, conceptual design and planning consultant firms having expertise in the pertinent technical fields, providing information regarding the general scope of services, estimated dollar value, RFP availability, pre-proposal meeting date and RFP due date. In addition, advertisements soliciting interest were placed in the following publications: Bay Area Reporter, Contra Costa Times, El Mundo, Inter-City Express, Oakland Post, Oakland Tribune, San Francisco Chronicle, San Francisco Examiner, San Francisco Post, Sing Tao, Sun Reporter, and World Journal.

The RFP was emailed to all interested potential proposers. Additionally, the information was posted on BART's website. Four hundred firms received the RFP.

A pre-proposal meeting was held on Tuesday, May 26, 2015, at BART. Sixty-seven firms signed in at the meeting. Immediately following the pre-proposal meeting, a networking session for potential subconsultants to meet potential prime consultants was led by the District's Office of Civil Rights. In an effort to maximize the participation of small businesses, all potential subconsultants were afforded the opportunity to discuss individual subcontracting opportunities with potential prime proposers at this session.

On June 23, 2015, timely proposals were received from the following six firms:

- AECOM Technical Services, Inc. ("AECOM") of Oakland, CA
- Arup North America, Ltd. ("Arup") of San Francisco, CA
- Gensler ("Gensler") of San Francisco, CA
- HNTB Corporation + Kwan Henmi Architecture/Planning Joint Venture ("HNTB + Kwan Henmi") of Oakland, CA
- Nelson\Nygaard Consulting Associates, Inc. ("Nelson\Nygaard") of San Francisco, CA
- Perkins Eastman Architects, DPC ("Perkins Eastman") of New York, NY

The proposals were reviewed by a Selection Committee consisting of BART staff from the Planning, Development & Construction Executive Office, Office of Civil Rights, and Contract Administration Department, as well as a planning staff representative from the San Francisco Municipal Transportation Agency. Proposals were first reviewed to determine if the proposals were considered responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to qualifications of the firm and key personnel. Four proposals were short-listed for oral presentations: AECOM, Arup, HNTB + Kwan Henmi, and Nelson\Nygaard. The committee conducted oral interviews on July 9, 2015.

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

Accordingly, staff recommends the following three awards under RFP No. 6M6091, each in an amount not to exceed \$6,000,000 for a five year performance period:

- Arup North America, Ltd. of San Francisco, CA
- HNTB Corporation + Kwan Henmi Architecture/Planning Joint Venture of Oakland, CA
- Nelson\Nygaard Consulting Associates, Inc. of San Francisco, CA

Work Plans (WPs) under the Agreements will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule and budget.

Pursuant to BART's Disadvantaged Business Enterprise ("DBE") Program, the Office of Civil Rights is utilizing race and gender neutral efforts for professional services agreements. Therefore, no DBE participation goal was set. Although no DBE goal was set, Arup committed to 23% DBE participation; HNTB + Kwan Henmi committed to 30% DBE participation, and Nelson\Nygaard Consulting Associates committed to 20% DBE participation.

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

#### FISCAL IMPACT:

These Agreements have a total combined limit not to exceed \$18,000,000. District obligations will be subject to a series of WPs. Each WP will have a defined scope of services, and a separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Development and Control will certify the eligibility of identified capital funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements, and the execution of each WP. While most WPs are expected to have capital funding sources, some may have operating funds. Each WP will be subject to the availability of funding in the Planning, Development & Construction Executive Office budget, or other budgets as requested, for future years.

#### ALTERNATIVES:

Reject all of the proposals and re-solicit new proposals. The amount of time necessary to reissue the RFP would adversely impact planning activities underway in support of the implementation of the District's Strategic Plan.

#### RECOMMENDATION:

It is recommended that the Board adopt the following motions:

#### MOTIONS:

- 1) The General Manager is authorized to award Agreement No. 6M6091 to Arup North America, Ltd., San Francisco, CA to provide General Environmental and Planning Services in support of BART Projects, in an amount not to exceed \$6,000,000, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FTA's requirements related to protest procedures.
- 2) The General Manager is authorized to award Agreement No. 6M6092 to HNTB Corporation + Kwan Henmi Architecture/Planning Joint Venture, Oakland, CA to provide General Environmental and Planning Services in support of BART Projects, in an amount not to exceed \$6,000,000, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FTA's requirements related to protest procedures.
- 3) The General Manager is authorized to award Agreement No. 6M6093 to Nelson\Nygaard

Consulting Associates, Inc., San Francisco, CA to provide General Environmental and Planning Services in support of BART Projects, in an amount not to exceed \$6,000,000, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FTA's requirements related to protest procedures.

## Attachments

### **Attachment 1, Description of General Environmental and Planning Services for BART Projects**

The San Francisco Bay Area Rapid Transit District (“BART”) is currently updating its Strategic Plan to emphasize key goals and strategies in the forthcoming decade. The Draft Strategic Plan provides that BART’s Vision is to “support a sustainable and prosperous Bay Area by connecting communities with seamless mobility.” The Draft Strategic Plan identifies four goal areas:

- Leadership and Partnership in the Region: Economy, Equity, Environment
- Riders and Public Experience
- Infrastructure and Service: System Performance
- Organization: Safety, Workforce, Financial Stability

Within this framework, BART issued Request for Proposal No. 6M6091 to provide the District with consultants to assist and advise in environmental, conceptual design, and planning activities and related issues associated with the District’s station area planning, system expansion, and strategic and policy development activities. Consultants shall manage and work in conjunction with other consultant team members, and work in conjunction with BART staff to support District activities. Professional services to be provided by the consultants selected under the RFP shall comply with the latest edition of all applicable codes, ordinances, criteria, standards, regulations, and other laws unless otherwise specified by BART.

Tasks are expected to include at least one of the following professional service disciplines:

- Transportation
- Public participation and facilitation
- Economic/real estate
- Land use
- Urban design/architecture
- Environmental services
- Conceptual design
- Project administration

#### Selection Process

##### The RFP

- Described the detailed, objective selection process to be used
- Indicated the criteria for making the selection
- Indicated that the District intended to award up to three agreements for these services.

BART followed California Government Code and Federal Brooks Act regulations related to the procurement of Architectural and Engineering services. Under these requirements:

- Proposers are first evaluated on the basis of their qualifications, both written and oral;
- Upon determining the most qualified proposers, terms and conditions of the agreement are then negotiated.

Terms and conditions favorable to the District have been successfully negotiated with the most qualified proposers; therefore, staff recommends awarding the following three Agreements:

RECOMMENDED AWARD, Agreement No. 6M6091

Arup North America, Ltd., San Francisco, California for a five-year period for a total not to exceed amount of \$6,000,000.

RECOMMENDED AWARD, Agreement No. 6M6092

HNTB Corporation + Kwan Henmi Architecture/Planning Joint Venture, Oakland, California for a five-year period for a total not to exceed amount of \$6,000,000.

RECOMMENDED AWARD, Agreement No. 6M6093

Nelson\Nygaard Consulting Associates, Inc. of San Francisco, California for a five-year period for a total not to exceed amount of \$6,000,000.

## Arup North America, Ltd.

Project Manager	Will Baumgardner, Arup	San Francisco
Deputy Project Manager	Dahlia Chazan, Arup	San Francisco
Transportation	Arup	San Francisco
	Cambridge Systematics	Oakland
	Connetics *	Roswell GA
	M Lee Corporation *	San Francisco
	NWC Partners *	Kensington
	TJKM *	Pleasanton
	Toole Design Group *	Silver Spring MD
	Transportation Management + Design	Carlsbad CA
	Urban Engines	Los Altos
	Public Participation + Facilitation	Arup
Daniller Consulting *		San Francisco
Decision Lens		Arlington VA
Eisen   Letunic *		Berkeley
Envirocom *		San Leandro
Godbe Research		San Mateo
Urban Planning Partners *		Oakland
Economics + Real Estate	Arup	San Francisco
	Seifel Consulting	San Francisco
	Strategic Economics *	Berkeley
Land Use	Arup	San Francisco
	GB Place Making	Portland
Urban Design + Architecture	AE3 Partners *	San Francisco
	Arup	San Francisco
	Community, Design and Architecture	Oakland
	FMG Architects *	Oakland
	Merge Conceptual Design *	Santa Monica
	Merrill Morris Partners *	San Francisco
	Robin Chiang & Company *	San Francisco
	Sally Swanson Architects *	San Francisco
	Studio T-SQ *	Oakland
	Torti Gallas + Partners	Los Angeles
VIA Architecture	San Francisco	
Environmental Services	Baseline Environmental Consulting	Emeryville
	Center for Sustainable Energy	San Diego
	Don Dean	Benicia

	<b>Energy Solutions</b>	<b>Oakland</b>
	<b>Environmental Science Associates</b>	<b>San Francisco</b>
	<b>Ramboll Environmental</b>	<b>San Francisco</b>
	<b>Urban Planning Partners *</b>	<b>Oakland</b>
	<b>Vinnedge Environmental *</b>	<b>Berkeley</b>
<b>Conceptual Design</b>	<b>Merge Conceptual Design *</b>	<b>Santa Monica</b>
	<b>Merrill Morris Partners *</b>	<b>San Francisco</b>
	<b>Robin Chiang &amp; Company *</b>	<b>San Francisco</b>
<b>Project Administration</b>	<b>Arup</b>	<b>San Francisco</b>
<b>* = DBE firm</b>		

## HNTB Corporation + Kwan Henmi Architecture/Planning Joint Venture

Project Manager	Dominic Spaethling (HNTB)	Oakland	
Deputy Project Manager	Mona Tamari (Kwan Henmi)	San Francisco	
Transportation	CDM Smith	San Francisco	
	HNTB	Oakland	
	Alta Planning + Design	Oakland	
	CHS Consulting *	San Francisco	
	Menzies & McCrossan	Berkeley	
	Prointec	North Richland Hills TX	
	Resource Systems Group	White River Junction VT	
	SMA Rail Consulting	Santa Ana	
	Public Participation + Facilitation	Circlepoint	Oakland
		Autodesk	San Rafael
Control Group		New York	
EnviroCom *		San Leandro	
Neighborland		San Francisco	
Owlized		San Leandro	
Resource Systems Group		White River Junction VT	
Turner Duckworth		San Francisco	
Economics + Real Estate		Kwan Henmi *	San Francisco
		RS&H	San Francisco
	Economics & Planning Systems	Oakland	
	JRDV	Oakland	
	Center for Neighborhood Technology	Chicago	
Land Use	HNTB	Oakland	
	Kwan Henmi *	San Francisco	
	CDM Smith	San Francisco	
	Center for Neighborhood Technology	Chicago	
	EPS	Oakland	
	JRDV	Oakland	
Urban Design + Architecture	HNTB	Oakland	
	Kwan Henmi*	San Francisco	
	Autodesk	San Rafael	
	Control Group	New York	
	JRDV	Oakland	
	Merge Conceptual Design *	Santa Monica	
Environmental Services	Hughes Environmental *	Sacramento	

**HNTB + Kwan Henmi**

	<b>CDM Smith</b>	<b>San Francisco</b>
	<b>GANDA *</b>	<b>San Francisco</b>
	<b>JRP Historical Consulting</b>	<b>Davis</b>
	<b>Paleo Solutions *</b>	<b>Monrovia CA</b>
	<b>Wilson Ihrig</b>	<b>Emeryville</b>
	<b>WRECO *</b>	<b>Oakland</b>
<b>Conceptual Design</b>	<b>HNTB</b>	<b>Oakland</b>
	<b>CDM Smith</b>	<b>San Francisco</b>
	<b>Menzies &amp; McCrossan</b>	<b>Berkeley</b>
	<b>Spy Pond Partners</b>	<b>Arlington MA</b>
<b>Project Administration</b>	<b>HNTB + Kwan Henmi</b>	<b>Oakland + San Francisco</b>
<b>* = DBE firm</b>		

## Nelson\Nygaard Consulting Associates, Inc.

Project Manager	Jeff Tumlin, NN	San Francisco	
Deputy Project Manager	Cathleen Sullivan, NN	San Francisco	
Transportation	Nelson\Nygaard	San Francisco	
	Kittelson & Associates	Oakland	
	TJKM *	Pleasanton	
	Cambridge Systematics	Oakland	
	Winter Consulting	Berkeley	
	Eisen   Letunic *	Berkeley	
	Fehr & Peers	Walnut Creek	
	LTK Eng.	Ambler PA	
	Parsons Transportation	San Francisco	
	Parsons Brinckerhoff	San Francisco	
	Public Participation + Facilitation	Nelson\Nygaard	San Francisco
		Bay Area Council Economic Institute	San Francisco
		Corey Canaparay +Galanis Research	San Francisco
Winter Consulting		Berkeley	
Eisen   Letunic *		Berkeley	
Economics + Real Estate	Strategic Economics *	Berkeley	
	Bay Area Council Economic Institute	San Francisco	
	Economic Planning Systems	Berkeley	
	JRA USA	Concord	
	Willdan Financial	Oakland	
Land Use	Community Design + Architecture	Oakland	
	Dyette & Bhatia *	San Francisco	
	Eisen   Letunic *	Berkeley	
	Bay Area Council Economic Institute	San Francisco	
	Economic Planning Systems	Berkeley	
	Page/BMS Design Group	San Francisco	
	MIG	Berkeley	
	Urban Design + Architecture	Perkins + Will	San Francisco
VIA		Seattle	
CD+A		Oakland	
AE3 Partners *		Oakland	
BMS Design		San Francisco	
Chattel *		Sherman Oaks CA	
Cheryl Barton		San Francisco	
Dyett & Bhatia *		San Francisco	
	FMG Architects *	Oakland	

	Freedman Tung + Sasaki	San Francisco
	GB Place Making	Portland
	Golden Associates	Oakland
	Jeannene Przyblyski	San Francisco
	Merge Conceptual Design *	Santa Monica
	MIG	Berkeley
	Newlands & Co	Portland
	Noll & Tam Architects	Berkeley
	NUVIS *	San Ramon
	Parsons Brinckerhoff	San Francisco
	Pure + Applied	New York
	Regina Amaguer Fine Arts	Orinda
	Robin Chiang & Company	San Francisco
	Royston Hanamoto Alley and Abey *	Mill Valley
	Sally Swanson Architects *	San Francisco
	Sherwood Design Engineers	San Francisco
	Spy Pond Partners	Arlington MA
	Square One Productions *	San Francisco
	Urban Advantange	El Cerrito
	Urban Engines	Los Altos
	Urban Planning Partners *	Oakland
Environmental Services	Donald Dean	Benicia
	Cross-Spectrum Acoustics *	Salt Lake City
	ICF International	San Francisco
	MIG	Berkeley
	Parsons Brinckerhoff	San Francisco
	Parsons Transportation	San Francisco
	Ramboll Environ US Corp	San Francisco
	Resource Sciences and Planning	Monrovia CA
	Torrent Laboratory *	Milpitas
	WRECO *	Walnut Creek
Conceptual Design	HDR	Walnut Creek
	Page/BMS Design	San Francisco
	ESE Consulting Engineers *	Benicia
	Fast + Epp	Vancouver BC
	Gannett Fleming Transit + Rail Systems	Audobon PA
	LTK Engineering Services	Ambler PA
	M Lee Corp *	San Francisco
	Parsons Brinckerhoff	San Francisco

**Nelson\Nygaard**

	<b>VSCE Inc. *</b>	<b>Oakland</b>
	<b>YEI Engineers *</b>	<b>Oakland</b>
<b>Project Administration</b>	<b>Nelson\Nygaard</b>	<b>San Francisco</b>
<b>* = DBE firm</b>		

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

---

**Memorandum**

**TO:** Board of Directors

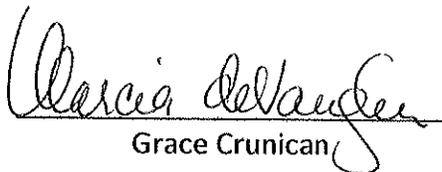
**DATE:** September 3, 2015

**FROM:** General Manager

**SUBJECT:** PPAAL Agenda Item #5.B: Bicycle Parking, Status and Plans – For Information

At the September 10, 2015 Board of Directors meeting, staff will provide an overview of bicycle parking at BART stations. The attached presentation provides a review of the existing supply of parking, how it is utilized by BART riders and plans to expand secure parking over the next few years.

If you have questions regarding this presentation, please contact Carter Mau at (510) 464-6194.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



# CAPITOL CORRIDOR JOINT POWERS AUTHORITY

## MEETING OF THE BOARD OF DIRECTORS

September 16, 2015

10 a.m.

City Council Chambers  
 Suisun City Hall  
 701 Civic Center Blvd., Suisun City, CA  
 (see attached map)

Simultaneous teleconference calls will take place at:

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

### DRAFT AGENDA

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Consent Calendar *Action*
- 1. Minutes of the June 17, 2015 Meeting
- V. Action and Discussion Items
  - 1. CCJPA FY16 Budget *Action*
  - 2. CCJPA/Amtrak FY 16 Operating Agreement *Action*
  - 3. Legislative Matters *Action*
  - 4. CCJPA Policy on Content for Capitol Corridor Station Platform Sign Information Panels *Action*
  - 5. Sacramento-Roseville 3<sup>rd</sup> Track Project Draft Environmental Impact Report/Program Assessment *Info*
  - 6. *Vision Implementation Plan* – Update *Info*
  - 7. Managing Director’s Report *Info*
  - 8. Work Completed *Info*
    - a. Improvements to CCJPA Website and Automated Interactive Voice Response System
    - b. Marketing Activities (June – August 2015)
  - 9. Work in Progress *Info*
    - a. CCJPA Oakland-San Jose Phase 2 Project
    - b. On-Board Information System Project (OBIS)
    - c. CCJPA Bike Access Program
    - d. Positive Train Control Update
    - e. Proposed Extension of Capitol Corridor Trains to Salinas
    - f. Upcoming Marketing Activities
- VI. Board Director Reports
- VII. Public Comment
- VIII. Adjournment. Next Meeting Date: 10:00 a.m., November 18, 2015 at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

Notes:

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

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

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

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

---

**MEMORANDUM**

To: Board of Directors

Date: September 2, 2015

From: District Secretary

Re: Proposed Revisions to Rules of the Board of Directors – September 10, 2015

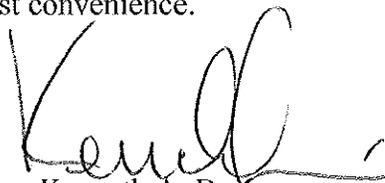
Attached are the remaining Board Rules revisions proposed by the Rules of the Board of Directors Ad Hoc Committee. The Board of Directors adopted proposed revisions one through 17 and voted to not adopt item number 27 on July 23. On August 13, the Board voted to adopt item 28 and to not adopt item 35. Also on August 13, the Board chose to take no action on items related to elimination of the Standing Committees. Staff was directed to return with revised language for item 19 addressing the Rotation of Offices (attached). The remaining proposed revisions are scheduled for consideration by the Board of Directors at the September 10 Regular Meeting.

The attachment to this memorandum summarizes revisions proposed by Ad Hoc Committee members that do not have a consensus recommendation.

With the items related to the elimination of the Standing Committees removed from consideration, staff is proposing three revisions to the Board Rules deleting guidance requiring presentation of the annual budget to the Administration Committee (Items 37 and 38) and item obsolete language regarding delayed consideration of items on an agenda (Item 23)

The revisions in the Board Rules are designated by strikethroughs for deleted language; underlines for new language; red color for revisions proposed by Ad Hoc Committee; blue color for language proposed by staff. Table of Contents sections affected by the proposed revisions are shaded.

Should you require any additional information, please contact the members of the Ad Hoc Committee, General Counsel or me at your earliest convenience.



Kenneth A. Duron

Attachment

cc: Board Appointed Officers  
Deputy General Manager

## **C. AD HOC COMMITTEE PROPOSED REVISIONS: NO RECOMMENDATION**

### **Chapter II Officers and Duties. Section 1 Officers**

18. Board Rule 2-1.2 Election of Officers. Page II-1. *Permits the appointment of a nominating committee to nominate candidates for President and/or Vice President.*

19. Board Rule 2-1.5 Rotation of Offices. Page II-2. *Modifies Rule 2-1.5 provisions: Rotation of the offices of President and Vice President among the three District counties; the President and Vice President shall not be from the same county; Succession of President by Vice President; and designation of election Districts by county.*

### **Chapter III Board Meetings and Committees. Section 6 Board Correspondence and Communications**

36. Board Rule 3-6.1 Board Correspondence. Page III-23. *New rule requiring issuance of "bart.gov" email addresses to Directors and requires use for email communication involving District business.*

### **Chapter V Financial Provisions. Section 4 Campaign Contribution Statements and Statements of Economic Interest**

44. Board Rule 5-4.1 Filing and Publication of Required Statements. Page V-11. Presents alternate proposals:

a. *Adds filing of copies of Campaign Contribution Statements concurrent with filing with Registrar of Voters.*

b. *Deletes requirement to provide copies of Campaign Contribution Statements for posting on website and provides a link to respective county Registrars of Voters for access to Campaign Contribution Statements information.*

### **Chapter V Financial Provisions. Section 5 Financial Contributions Limitation**

45. Board Rule 5-5.1 Contractor/Subcontractor Contributions. Page V-12. *Changes limits on amounts of and terms for contributions.*

## **D. STAFF PROPOSED REVISIONS**

### **Chapter III Board Meetings and Committees. Section 1 Requirement for Board and Committee Meetings**

23. Board Rule 3-1.4(c) Meeting Start Times. Page III-3. *Deletes obsolete language.*

### **Chapter V Financial Provisions. Section 1 Annual Budget**

37. Board Rule 5-1.1 General Provisions. Page V-1. *Deletes requirement for presentation of annual budget to Administration Committee.*

38. Board Rule 5-1.2 Budget Submitted to Board. Page V-1. *Deletes requirement for presentation of annual budget to Administration Committee.*

**Item 19 Revised proposed language**

2-1.5 Rotation of Offices

In connection with the annual election of a President and Vice President:

- (a) The Presidency and the Vice Presidency shall rotate annually among three counties Groups of election districts.
- (b) The Presidency and the Vice Presidency shall not be held by Directors from the same county election district Group.
- (c) The Vice President shall succeed the President.
- (d) To ensure proper rotation, Directors of Districts 1, 2, and 3 shall be considered from ~~Alameda County~~ election district Group A; Directors of Districts 4, 5, and 6 shall be considered from ~~Contra-Costa County~~ election district Group B; and Directors of Districts 7, 8, and 9 shall be considered from ~~San Francisco County~~ election district Group C.