

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

BOARD MEETING AGENDA

September 22, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 22, 2016, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of September 8, 2016 (Regular and Special).* Board requested to authorize.
- B. Award of Contract No. 15QJ-180, Reroof Oakland Wayside Store Lower Roof.* Board requested to authorize.
- C. Award of Contract No. 17AG-160, Refurbish Montgomery and 24th Street Breakrooms.* Board requested to authorize.
- D. Award of Invitation for Bid No. 8993, Portable Lift for Revenue Vehicles.* Board requested to authorize.
- E. Award of Invitation for Bid No. 9005A, Bearings, Traction Motor.* 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. An additional period for Public Comment is provided at the end of the Meeting.)

4. BOARD MATTERS

- A. Training Session: Training in General Ethics Principles and Ethics Laws Relevant to Public Service, in Accordance with California Government Code Section 53235.* For information. **(2 hours)**

5. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Amendment to California Public Employees' Retirement System Contract to Include Purchase of Public Service Credit.* Board requested to authorize.

6. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Contract No. 09AU-130, BART Earthquake Safety Program Oakland Shops Spur Tracks.* Board requested to authorize.
- B. Agreement with ACR Glazing Contractors, Inc., for On-Call Glass Repair and Replacement Systemwide (Agreement No. 6M3312).* Board requested to authorize.

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

Director Raburn, Chairperson

- A. Metropolitan Transportation Commission's Plan Bay Area Update.* For information.
- B. Multimodal Access Design Guidelines for Stations.* For information.

8. GENERAL MANAGER'S REPORT

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

9. BOARD MATTERS

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

10. PUBLIC COMMENT

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

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

Board of Directors
Minutes of the 1,770th Meeting
September 8, 2016

A regular meeting of the Board of Directors was held September 8, 2016, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director McPartland entered the Meeting later.

President Radulovich called for Introduction of Special Guests. Director Saltzman introduced and welcomed Mayor of El Cerrito, Greg Lyman, and El Cerrito City Manager, Scott Hanin.

Director McPartland entered the Meeting.

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 11, 2016.
2. BART Accessibility Task Force Membership Appointment.
3. Relocation for the Position of Division Manager, Traction Power Engineering.
4. Award of Invitation for Bid No. 9009, 34.5kV-208/120V 75kVA Control Transformer.

Director Mallett requested that Item 2-C, Relocation for the Position of Division Manager, Traction Power Engineering, be voted on separately. Director Raburn made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

1. That the Minutes of the Meeting of August 11, 2016, be approved.
2. That the Board accept the recommendation of the BART Accessibility Task Force (BATF) and appoint the nominated candidates, Debora A. Leung and Catherine Callahan, for membership to the BATF for a term beginning September 8, 2016, for one year, or until the Board makes new appointments and/or reappointments for a new term, whichever occurs later.

3. That the General Manager be authorized to award Invitation for Bid No. 9009, for the purchase of eight 34.5kV-208/120V 75kVA Control Transformers to Schaffner MTC, of Wytheville, VA, in the amount of \$338,492.00, including all taxes, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

(The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Director Raburn moved that the General Manager or her designee be authorized to enter into a relocation agreement with the recommended candidate for the position of Manager of Traction Power Engineering, in an amount not to exceed \$18,000.00, consistent with Management Procedure No. 70, New Employee Relocation Expense Reimbursement. Director Blalock seconded the motion, which carried by electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain – 1: Director Mallett.

President Radulovich called for Public Comment. Michael Petrelis addressed the Board.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Memorandum of Understanding between BART and the City of El Cerrito to Advance Transit Oriented Development at El Cerrito Plaza Station before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, presented the item.

Mayor Greg Lyman addressed the Board.

Director Saltzman moved that the General Manager or her designee be authorized to execute a Memorandum of Understanding with the City of El Cerrito to pursue a study of the feasibility of Transit Oriented Development, which may include a new public library, at the El Cerrito Plaza BART Station, with staff to report back to the Board on the final Feasibility Analysis by the end of Fiscal Year 2017. Director Murray seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Michael Petrelis addressed the Board.

Director Raburn brought the matter of Overview of California Low Carbon Fuel Standard Program before the Board. Mr. Val Menotti, Chief Planning and Development Officer, presented the item. The item was discussed.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of District's Drug and Alcohol Policy before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets, and Mr. David Wong, Human Resources Program Manager, presented the item. The item was discussed. Director Keller moved adoption of the District's Drug and Alcohol Policy. Director Murray seconded the motion, which carried by

unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Change Orders to Agreements for Stand-by Emergency Medical and Advance Life Support Services, for Expanded Coverage Hours and Additional Spending Authorization before the Board. Mr. Roy Aguilera, Chief Transportation Officer, and Mr. Shawn Jackson, Principal Administrative Analyst, presented the item. Director Raburn moved that the General Manager be authorized to execute Change Order No. 3, to increase the spending authorization on Agreement No. 6M3240, with King-American Ambulance Company, in the amount of \$125,579.00, for expanded coverage hours; and that the General Manager be authorized to execute Change Order No. 5, to increase the spending authorization on Agreement No. 6M8059, with Paramedics Plus, in the amount of \$167,193.00, for expanded coverage hours and to provide additional funding to extend the contract through January 1, 2017. Director Blalock seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

President Radulovich called for the General Manager's Report.

Mr. David Kutrosky, Managing Director, Capital Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of September 21, 2016. The report was discussed.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, ridership and budget, outstanding Roll Call for Introductions items, and reminded the Board of upcoming events. The report was discussed.

Michael Petrelis addressed the Board.

President Radulovich announced that Proposed Revision to Rules of the Board of Directors: Chapter III, Section 2, Board Meetings, would be continued to a future meeting.

President Radulovich called for Board Member Reports and Roll Call for Introductions.

Director Josefowitz reported that Abigail Thorne-Lyman had been named a 2016 Top 40 Under 40 recipient by Mass Transit Magazine.

Director Josefowitz requested consideration of revision of the BART Facilities Standards to have station signage appear more frequently in the stations. Director Saltzman seconded the request.

Director Saltzman requested staff to bring a plan to the Board to transition to gender-neutral restrooms by March 1, 2017, as required by AB 1732 (Ting), which has been passed by the legislature, but has not yet been signed by Governor Brown. The request is to bring forward the plan whether the bill is signed or vetoed. President Radulovich seconded the request.

Director Saltzman requested staff to write a memo to the Board explaining the process for responding to California Public Records Act (CPRA) requests that take more than 10 days, including why some responses take longer, how the person requesting the information is notified

about the time line, and ways it would be possible to speed up these responses, particularly if more staff time is needed to be dedicated to CPRA requests. Director Mallett seconded the request.

Michael Petrelis addressed the Board.

President Radulovich called for Public Comment. Michael Petrelis addressed the Board.

President Radulovich announced that the Board would enter into closed session under Item 10-A (Conference with Legal Counsel), Items 10-B and 10-C (Conference with Real Property Negotiators), and Item 10-D (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 10:47 a.m.

The Board Meeting reconvened in closed session at 10:54 a.m.

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

Absent: None.

The Board Meeting recessed at 11:40 a.m.

The Board Meeting reconvened in closed session at 11:51 a.m.

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

Absent: None.

The Board Meeting recessed at 2:15 p.m.

The Board Meeting reconvened in open session at 2:18 p.m.

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

Absent: None.

President Radulovich announced that there were no announcements to be made, and that Approval of First Amendment to the First Amended and Restated Joint Exercise of Powers

Agreement for the Pleasant Hill BART Station Leasing Authority would be continued to a future meeting.

President Radulovich returned to the General Manager's Report, and Ms. Crunican announced there would be a delay in the implementation of the One Ticket, One Seat ordinance.

The Meeting was adjourned at 2:19 p.m.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,771st Meeting
September 8, 2016

A special meeting of the Board of Directors was held September 8, 2016, convening at 2:20 p.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

President Radulovich called for Public Comment on Item 3 only. No comments were received.

President Radulovich brought the matter of Pleasant Hill Transit Village before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, and Mr. John Rennels, Principal Property Development Officer, presented the item.

Director Murray moved that the Board find that the approval of an amendment to the Ground Lease with the Pleasant Hill BART Station Leasing Authority, and the approval of a First Amendment to the First Amended and Restated Joint Exercise of Powers Agreement for the Pleasant Hill BART Station Leasing Authority qualify for a Statutory Exemption from the California Environmental Quality Act, pursuant to Public Resources Code section 21155.4. Director Saltzman seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Raburn moved that the General Manager or her designee be authorized to execute a Second Amendment to the Ground Lease and all related documents between the San Francisco Bay Area Rapid Transit District and the Pleasant Hill BART Station Leasing Authority to add Block C to the definition of “Land” contained in the Ground Lease; and that the Board direct staff to explore options with regard to the terms of the lease that are consistent with the current Transit Oriented Development Policy. Director Murray seconded the motion. The motion was discussed, and carried by electronic vote. Ayes – 7: Directors Josefowitz, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 2: Directors Blalock and Keller.

There was brief discussion on the item.

Director Murray moved that the General Manager or her designee be authorized to execute the First Amendment to the First Amended and Restated Joint Exercise of Powers Agreement for the Pleasant Hill BART Station Leasing Authority to (i) reflect a change in the timing of the budget cycle, (ii) update the parties’ agreement with respect to administration expenses, and (iii) reflect the parties’ agreement with respect to how the Authority is to allocate rental income that is attributable to a sublease of Block C. Director Saltzman seconded the motion, which carried by

unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

The Meeting was adjourned at 2:30 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Clara Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to September 22, 2016 E&O Committee Meeting		
DATE: 9/16/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed T Tafaghodi Dept: Hamed Tafaghodi	General Counsel <i>V. Jey</i>	Controller/Treasurer <i>Chris San</i>	District Secretary	BARC <i>T. Chen</i>
Signature/Date: <i>Hamed Tafaghodi</i> 9/16/16	<i>V. Jey</i> 9/16/16 []	<i>Chris San</i> 9/16/16 []	[]	<i>T. Chen</i> 9/15/16 []

TITLE:

Award Contract No. 15QJ-180, Reroof Oakland Wayside Store Lower Roof

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QJ-180, Reroof Oakland Wayside Store Lower Roof.

DISCUSSION: The work of this Contract consists of providing all labor, equipment, materials, and services required for removing and replacing the roof of the Wayside Store located at 25 4th Street in Oakland. The existing roof has reached the end of its useful life, and is currently allowing water leaks inside the facility.

The District provided Advance Notice to two hundred fifty-three (253) prospective bidders, and contract documents were sent to twenty-two (22) Plan Rooms. The Contract was advertised July 29, 2016 in local publications. A total of seven (7) firms purchased copies of the Contract Documents. A pre-Bid meeting was held on August 18, 2016 with four (4) prospective Bidders in attendance. No addenda were issued for this Contract. A total of four (4) Bids were received and publically opened on September 13, 2016. A tabulation of the Bids, including the Engineer's Estimate is as follows:

No.	BIDDER	LOCATION	TOTAL BID	SMALL BUSINESS
1	Reeds Construction	Pinole, CA	\$143,900	NO
2	Stronger Building Services	Hayward, CA	\$148,000	YES
3	Andy's Roofing Co., Inc.	San Leandro, CA	\$172,900	NO
4	Pioneer Contractors Inc.	San Francisco, CA	\$194,400	YES
	Engineer's Estimate		\$151,100	

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The apparent low Bidder, Reeds Construction, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent second low bidder, Stronger Building Services, is a certified Small Business, making it eligible for the 5% Small Business Prime Preference for this Contract for evaluation purposes. After review by the Office of Civil Rights, and application of the 5% Small Business Prime Preference, the Bid submitted by Stronger Building

Services is now the lowest responsive Bidder. After application of the 5% prime preference (\$7,195) to Stronger Building Services' bid of \$148,000, it was reduced to \$140,805 (\$3,095 less than Reeds' bid) making Stronger Building Services the lowest responsive bidder.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). Stronger Building Services 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.

After review by District staff, the Bid submitted by Stronger Buildings Services has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$148,000 is fair and reasonable.

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

FISCAL IMPACT:

Funding of \$148,000 for the award of Contract 15QJ-180 is included in the total project budget for FMS #15QJ000 – Reroof Structures Systemwide. 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 September 14, 2016, \$3,299,475 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
850W	FY00-06 Capital Allocation	BART	\$9,749
850Z	Capital Maintenance Allocation	BART	\$1,329
851W	FY07-11 Capital Allocation to Capital	BART	\$958,992
8524	FY12 Operating Allocation to Capital	BART	\$500,000
8525	FY13 Operating Allocation to Capital	BART	\$288,532
8526	FY14 Operating Allocation to Capital	BART	\$473,000
8529	FY15 Operating Allocation to Capital	BART	\$650,000
8530	FY16 Operating Allocation to Capital	BART	\$417,873
			\$3,299,475

BART has expended \$1,979,931, committed \$126,018, and reserved \$470,915 to-date for other action. This action will commit \$148,000 leaving an available fund balance of \$574,611 in this project. There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize the staff to rebid the work of this Contract. There is no assurance that new Bids would be lower than the amount of the current Bids received and rebidding would delay the reroofing work.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 15QJ-180, Reroof Oakland Wayside Store Lower Roof to Stronger Building Services of Hayward, California, for the Bid Price of \$148,000, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alicia Selinger</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: 9/14/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Bruce King Dept: <i>B.K.</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary BARR <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 9/12/16	<i>[Signature]</i> 9/12/16 []	<i>[Signature]</i> 9/12/16 []	<i>[Signature]</i> 9/12/16 []
Status: Routed		Date Created: 08/30/2016	

TITLE:

Award of Contract 17AG-160 for Refurbish Montgomery and 24th St. Breakrooms

NARRATIVE:

PURPOSE :

To obtain Board authorization for the General Manager to award Contract No. 17AG-160 for Refurbish Montgomery and 24th St. Breakrooms to Barrera's Builders, Inc. (Barrera's) of Castro Valley, California, for the Bid Amount of \$132,700.00.

DISCUSSION :

BART has identified a need to refurbish employee breakrooms systemwide for the comfort and convenience of their employees. Contract No. 17AG-160 will refurbish two (2) employee breakrooms, located at Montgomery and 24th St. Stations.

The District provided Advance Notice to one hundred and thirteen (113) prospective bidders, and plans were sent to twenty three (23) Plan Rooms, on July 18, 2016. The Contract was advertised on July 19, 2016.

A pre-bid meeting was held on Friday, July 29, 2016 with two (2) prospective Bidders in attendance. One (1) Addenda was issued for this Contract. A total of two (2) firms purchased the Contract Documents. A total of two (2) Bids were received and publicly opened on August 16, 2016. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

No.	BIDDER	LOCATION	TOTAL BID
1	Barrera's Builders, Inc.	Castro Valley, CA	\$132,700.00
2	Omni Construction Services, Inc.	Burlingame, CA	\$278,000.00
	Engineer's Estimate		\$170,000.00

After review by District staff, Barrera's Bid was deemed to be the lowest Bid that was responsive to the solicitation. Examination of Barrera's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's Bid of \$132,700.00 is fair and reasonable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 23% for Minority Business Enterprises ("MBEs") and 12% for Women Business Enterprises ("WBEs"). The Bidder, Barrera's, committed to 100% MBE and 0% WBE participation. Barrera's did not meet the WBE Availability Percentage; therefore, Barrera's was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of gender. Based on the review of the information submitted by Barrera's, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder, Barrera's, is a certified Small Business, thus, making it eligible for the Small Business Prime Preference. Since Barrera's is the lowest responsive Bidder, and is eligible for the 5% Small Business Prime Preference, the application of the Small Business Prime Preference will not alter the award to Barrera's.

FISCAL IMPACT :

Funding of \$132,700 for the award of Contract No. 17AG-160 is included in total project budget for FMS No. 17AG000 – Breakroom Renovation. 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 September 2, 2016, \$4,011,021 is available for this project from the following sources:

Fund No.	Source	Fund Description	Amount
535A	State	Prop 1B PTMISEA (FY10/11)	358,000.00
535S	State	Prop 1B State Bond Fund	250,000.00
801C	Local	Interest Earning FM G.	318.00
8302	BART	99 Bond Interest (061-5)	1,058.00
850W	BART	FY00-06 Capital Alloc	150,847.00
850Z	BART	Capital Mainten. Alloc	350,000.00
851W	BART	FY07-11 Capital Alloc	1,150,798.00
8524	BART	FY2012 Operating Cap Alloc	700,000.00
8525	BART	FY2013 Operating Cap Alloc	250,000.00
8526	BART	FY2014 Operating Cap Alloc	800,000.00
		Total	4,011,021.00

BART has expended \$2,859,820, committed \$56,436, and reserves \$120,000 to date for other action. This action will commit \$132,700 leaving an available fund balance of \$842,065 in this project. There is no fiscal impact on available unprogrammed District Reserves

ALTERNATIVES :

The Board may elect to reject all Bids and authorize staff to re-advertise the Contract. There is no assurance that new Bids would yield lower prices. Failure to proceed with the Contract would delay the refurbishment work.

RECOMMENDATION :

It is recommended that the Board adopt the following motion:

MOTION :

The General Manager is authorized to award Contract No. 17AG-160, Refurbish Montgomery and 24th St. Breakrooms to Barrera's Builders, Inc., for the Bid Price of \$132,700.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeBunja</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: 9/15/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Cristiano Torresi Dept: ROLLING STOCK AND SHOPS <i>C. Torresi</i> 9/14/16	General Counsel <i>[Signature]</i> 9/14/16 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary BARC <i>Paul [Signature]</i> 9/15/16 []
Status: Routed		Date Created: 09/07/2016	

TITLE:

AWARD OF INVITATION FOR BID NO. 8993, PORTABLE LIFTS FOR REVENUE VEHICLES

NARRATIVE:

PURPOSE: To request Board Authorization to award Invitation for Bid (IFB) No. 8993 to Windhoff Bahn-und Antagentechnik GmbH (Windhoff), of Rheine, Germany, for the bid price of \$ 302,001.00, including all applicable sales taxes, for the purchase of Portable Lifts for Revenue Vehicles.

DISCUSSION: This IFB provides for the purchase of portable lifts to increase the “undercar” maintenance capacity of the shops. These lifts are used to raise the vehicle off the ground and make the undercar accessible for repair and maintenance work . Currently the Richmond shop has limited capacity for undercar work and although construction is underway for the installation of permanent lifts in Hayward, the growth of the fleet will outpace overall District shop capacity. The limited lift capacity and its effect on maintenance is observed in the summer. The heat increases the number of HVAC and air supply unit failures and the Richmond shop will often have a number of vehicles awaiting HVAC and air supply unit maintenance. The portable lifts will subsequently increase Richmond shop maintenance throughput by increasing the number of vehicles that can be lifted for maintenance and repair. Permanent lifts are planned for Hayward, Daly City, and Richmond and installations are being staggered to avoid a decrease in shop maintenance capacity. The portable lifts are an interim solution until permanent lifts are installed in Richmond and Daly City.

Additional benefits of the portable lifts are improved safety, ergonomics and reduced time to complete certain tasks. With portable lifts, rail cars can be lifted to variable heights depending on the type of maintenance work being performed. The portable lifts also give the maintenance crew unobstructed access to a larger portion of the vehicle making “undercar” maintenance such as HVAC and air compressor tasks less complex and reducing the time to complete the work.

This is a one (1) year estimated quantity contract. Pursuant to the terms of the District’s standard estimated quantity contract, during the term of the contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will 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 June 13, 2016 and bid requests were mailed to four (4) prospective bidders. Bids were publicly opened on July 12, 2016 and three (3) bids were received.

<u>Bidder</u>	<u>Unit Price 4 each (Quantity)</u>	<u>Grand Total including 9.5% Sales Tax</u>
Windhoff Bahn-und Antagentechnik	\$ 68,950.00	\$ 302,001.00
Macton Corporation	\$ 76,500.00	\$ 335,070.00
Railquip, Inc	\$ 79,540.00	\$ 348,385.20

Independent cost estimate by BART staff: \$394,200.00 (including 9.5% sales tax)

BART Staff has determined that the lowest bid submitted by Windhoff is a responsive bid. Staff has also determined that the bid price is fair and reasonable based on the independent cost estimate. Furthermore, examination of Windhoff's business experience and financial capabilities shows a satisfactory condition.

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

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses certified by the California Department of General Services available for bidding this Contract. Therefore, no Small Business Prime Preference was set for this Contract.

FISCAL IMPACT: Funding of \$302,001 for IFB No. 8993 will come from project budget 79NB001 Portable lifts for revenue vehicles. The following table depicts funding assigned to the referenced project, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of September 12, 2016, \$724,002.33 is available for this project from the following fund sources:

Fund	Description	Amount
8529	FY 2015 Operating Capital Allocation	231,002.33
8530	FY16 Operating Capital Allocation	493,000.00
	Total	724,002.33

BART has expended \$243,594.83 and committed \$47,194.89 to date for other actions. This action will commit an additional \$302,001.00 leaving an uncommitted balance of \$131,211.61 in this project. There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVE: The alternative to awarding this contract would be to reject all bids and re-advertise the contract. This, however, is not likely to result in lower prices or increased competition and would delay the critical need for new portable lifts for revenue vehicles.

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

MOTION: The General Manager is authorized to award IFB No. 8993, for the procurement of Portable Lifts for Revenue Vehicles, to Windhoff Bahn-und Antagentchnik of Rheine, Germany for the bid price of \$302,001.00, including all applicable sales taxes, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: 9/14/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Cristiano Torresi Dept. ROLLING STOCK AND SHOPS	General Counsel <i>[Signature]</i> 9/2/16 []	Controller/Treasurer <i>[Signature]</i> 9/12/16 []	District Secretary BARC <i>[Signature]</i> 9/12/16 []
Signature/Date <i>[Signature]</i>			

Status: Routed	Date Created: 09/07/2016
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TITLE: **BEARINGS, TRACTION MOTOR, IFB 9005A**

NARRATIVE:

PURPOSE: To request Board Authorization to Award Invitation For Bid (IFB) No. 9005A to Motion Industries, Inc., Hayward, CA in the amount of \$1,018,512.00 (includes all taxes) for the purchase of Bearings for Vehicle Traction Motors.

DISCUSSION: Each of the District's revenue rail vehicles are powered by four traction motors, each containing two bearings that support its rotor – which spins whenever the revenue vehicle is in motion. These bearings have a finite life and must be routinely replaced in order to prevent serious motor failure and disruption of revenue service. This procurement supports the District's goal of achieving a 'State Of Good Repair'. As part of the Strategic Maintenance Program (SMP), the motor bearings are regularly replaced during the truck overhaul program for both the legacy rail car and new car fleets.

This IFB is a two (2) year estimated quantity contract for the purchase of 2,880 traction motor Bearings – 1,440 units for the pinion end and 1,440 units for the inlet end of the motor. Pursuant to the terms of the District's standard estimated quantity contracts, the District is required to purchase a minimum amount of 50 percent of the Contract Bid price from the supplier during the term of the Contract. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to 150 percent of the Contract Bid price, subject to availability of funding.

On July 26, 2016, the District published a Notice requesting Bids for IFB No. 9005A and mailed Bid requests to seven (7) prospective Bidders. The Bid opening for this IFB took place on August 16, 2016 and the following five (5) Bids were received and publicly opened:

<u>Bidder</u>	<u>Lot Price</u> <u>2880 Units</u> <u>(Quantity)</u>	<u>Grand Total including</u> <u>10% Sales Tax</u>
Motion Industries Hayward, CA	\$925,920.00	\$1,018,512.00
Jamaica Bearings, Co. New Hyde Park, NY	\$970,300.80	\$1,067,330.88

<u>Bidder</u>	<u>Lot Price 2880 Units (Quantity)</u>	<u>Grand Total including 10% Sales Tax</u>
Bearing Distributors, Inc. Stratford, CT	\$970,531.20	\$1,067,584.32
Bearing Engineering, Co. San Leandro, CA	\$1,058,904.00	\$1,164,794.40
Applied Industrial Tech. Union City, CA	\$1,081,656.00	\$1,189,821.60

Independent cost estimate by BART staff: \$ 1,145,160.00, including 9.5% sales tax.

After a review, staff determined that the apparent low Bid of \$1,018,512.00 submitted by Motion Industries (Motion), was responsive to the solicitation. Staff has also determined that Motion's Bid price is fair and reasonable based on staff's independent cost estimate. A review of Motion's business experience and financial capabilities has resulted in a determination that Motion is a responsible Bidder.

Pursuant to the IFB provisions, Motion shall submit to the District eight (8) First Articles for each of the two specified Bearings within four (4) weeks following a Notice of Award of this Contract. Upon the District's testing and approval of the First Articles, a minimum of sixty (60) units of each Bearing shall be delivered within six (6) weeks of that date. Following the first delivery, one hundred eighty (180) of each of the two specified Bearings shall be delivered to the District every three (3) months throughout the duration of the Contract.

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

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses certified by the California Department of General Services available for bidding this Contract. Therefore, no Small Business Prime Preference was set for this Contract.

FISCAL IMPACT: Funding for IFB No. 9005A in the amount of \$1,018,512.00 will be funded initially by the General Fund, Materials & Supplier Inventory build-up account (#140-010). Subsequent funding for this Contract will be provided under the Fiscal Year FY17 Rolling Stock and Shops (RS&S) Maintenance Repair and Other account (#680-230) as parts are ordered from inventory. Expenditures for the out-year portions of this Contract will be included in future RS&S operating budgets and proposed expenditures, which are subject to future Board approval.

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

increased competition.

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

MOTION: The General Manager is authorized to Award Invitation For Bid No. 9005A for Bearings, Traction Motor to Motion Industries, Inc. for an amount of \$1,018,512.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: September 12, 2016

FROM: District Secretary

SUBJECT: State Mandated Ethics Training (AB1234) September 22, 2016

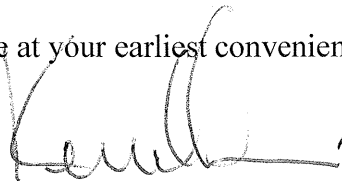
Assembly Bill 1234 was passed by the State legislature and signed by the Governor in late 2005. The statute requires that all local agencies provide no less than two hours of training in general ethics principles and ethics laws to local agency officials by January 1, 2007 and every two years thereafter. Our 2016 training session is scheduled for September 22. The two-hour session will be at the start of the meeting.

As in previous years, the law firm of Liebert Cassidy Whitmore has been retained to provide the training. Liebert Cassidy Whitmore was involved in the development of the training program with the California Special Districts Association (CSDA), and in compliance with the requirements of the statute, has consulted the Fair Political Practices Commission and State Attorney General regarding the sufficiency of the course content. Liebert Cassidy Whitmore has conducted training for municipalities and local agencies and conducts courses for the CSDA and its members. The District has successfully utilized the legal services of Liebert Cassidy Whitmore in the past.

Copies of the Conflict of Interest, Ethics and Open Government Workbook (138 pages) will be available at the Board Meeting. If you would like a copy in advance, please advise. A copy of the Liebert Cassidy Whitmore presentation with space for your notes will be transmitted in advance of the Board Meeting for your reference.

Should you be unable to participate in the session at the September 22 Regular Board Meeting, the State permits satisfaction of the training requirement through completion of an online Local Officials Ethics Training Course. The link to the website is: <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

Should you have any questions, please contact me at your earliest convenience.



Kenneth A. Duron

cc: Board Appointed Officers
Deputy General Manager
Executive Staff
Associate General Counsel



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Garcia del Rey</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/14/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: <i>Diane Iwata</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 9/9/16	<i>[Signature]</i> 9/13/16 []	<i>[Signature]</i> 9/12/16 []	[]	<i>[Signature]</i> 9-12-16 []
TITLE:				

RESOLUTION TO AMEND CALPERS CONTRACT TO INCLUDE PURCHASES OF SERVICE CREDIT

NARRATIVE:

PURPOSE

To obtain Board approval to amend the contract between the District and the California Public Employees Retirement System ("CalPERS") to include three types of service credit purchases for local miscellaneous members.

DISCUSSION

In its 2013-2017 collective bargaining agreements, the District and Amalgamated Transit Union Local 1555 ("ATU") and Service Employees International Union Local 1021 ("SEIU") agreed that the District would amend its contract with CalPERS to permit the following three types of public service credit purchases by employees:

- 1) Section 21020.5 (Public Service Credit for California Senate Fellows, Assembly, Fellowship, Executive Fellowship, or Judicial Administration Fellowship Programs)
- 2) Section 21022 (Public Service Credit for Periods of Layoff)
- 3) Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA or AmeriCorps)

The cost for purchases of these optional service credits will be at the expense of the employee. The Board previously approved these purchases by ratification of the collective bargaining agreements.

In accordance with Government Code Section 7507, the proposed contract amendment to add these service credit purchases was made public at the Board meeting of July 14, 2016. The next and final step will be to approve the contract amendment.

As there is no direct cost to the District for this amendment to the CalPERS contract no actuarial valuation was required.

Attached is a copy of the amendment to the CalPERS contract.

RESOLUTION TO AMEND CALPERS CONTRACT TO INCLUDE PURCHASES OF SERVICE CREDIT

FISCAL IMPACT:

There is no direct cost to the District for this amendment. CalPERS will calculate each type of service credit and charge it to the employee as part of the purchase. Any potential cost to the District will be part of its future valuations.

ALTERNATIVES:

This is a negotiated benefit for represented employees which the Board approved when it ratified the 2013-2017 collective bargaining agreements with ATU and SEIU.

RECOMMENDATION:

That the Board adopts the following motion.

MOTION:

To adopt the attached resolution to amend the contract for local miscellaneous members between the Board of Administration of CalPERS and the Board of Directors of the District to include the purchase of service credit under Section 21020.5 (Public Service Credit for California Senate Fellows, Assembly, Fellowship, Executive Fellowship or Judicial Administration Fellowship Programs, Section 21022 (Public Service Credit for Periods of Layoff), and Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA or AmeriCorps) and authorize the Board President to sign the resolution on behalf of the Board.



California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Directors
San Francisco Bay Area Rapid Transit District

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective December 1, 1958, and witnessed November 14, 1958, and as amended effective January 1, 1961, August 26, 1969, January 31, 1972, July 1, 1976, October 1, 1976, July 1, 1978, January 1, 1981, December 11, 1989, August 31, 1992, January 13, 1995, April 26, 1996, July 16, 1998, September 13, 2002, November 22, 2002, July 1, 2004, October 19, 2009 and January 15, 2010 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective January 15, 2010, and hereby replaced by the following paragraphs numbered 1 through 15 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after December 1, 1958 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Police Officers (herein referred to as local safety members);
 - b. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. FIRE FIGHTERS.

6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1960, the effective date of Social Security coverage, and prior to December 31, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20042 (One-Year Final Compensation) for classic members only.
 - b. Section 21024 (Military Service Credit as Public Service).
 - c. Section 21027 (Military Service Credit for Retired Persons).
 - d. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for classic local safety members.
 - e. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for classic local miscellaneous members in the following groups:
 - BART Police Officers' Association
 - BART Police Management Association
 - f. Section 20965 (Credit for Unused Sick Leave).
 - g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.

- h. Section 21020.5 (Public Service Credit for California Senate Fellows, Assembly, Fellowship, Executive Fellowship, or Judicial Administration Fellowship Programs) for local miscellaneous members only.
 - i. Section 21022 (Public Service Credit for Periods of Lay-Off) for local miscellaneous members only.
 - j. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service) for local miscellaneous members only.
- 11. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on July 1, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
- 12. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
- 13. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
- 14. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

15. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF DIRECTORS
SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT

BY _____
RENEE OSTRANDER, CHIEF
EMPLOYER ACCOUNT MANAGEMENT DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

**RESOLUTION
AUTHORIZING AN AMENDMENT TO THE CONTRACT**

No. _____

WHEREAS, the Board of Administration of the California Public Employees' Retirement System and the Board of Directors of the San Francisco Bay Area Rapid Transit District entered into a contract effective on December 1, 1958 providing for the participation of said public agency in the California Public Employees' Retirement System; and

WHEREAS, it is now desirable to take advantage of certain benefits provided under said Retirement System and not included in said contract;

NOW, THEREFORE, BE IT RESOLVED, that said governing body authorized, and it does hereby authorize, an amendment to said contract, a copy of said amendment attached hereto and by such reference made a part hereof as though herein set out in full; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the presiding officer of said governing body is hereby authorized, empowered and directed to execute said amendment for and on behalf of said public agency.

Adopted this _____ day of _____, _____.

Presiding Officer

Attest:

Clerk/Secretary

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Pension Contract Management Services & Prefunding Programs
P.O. Box 942703
Sacramento, CA 94229-2703
888 CalPERS (or 888-225-7377)

**CERTIFICATION
OF
FINAL ACTION OF GOVERNING BODY**

I hereby certify that the _____ of the
(governing body)

(public agency)

considered and adopted on _____, _____, by an affirmative vote of a
(date)

majority of the members of said Governing Body, **Ordinance / Resolution** No. _____
approving the attached contractual agreement between the Governing Body of said Agency
and the Board of Administration of the California Public Employees' Retirement System, a
certified copy of said **Ordinance / Resolution** in the form furnished by said Board of
Administration being attached hereto.

Adoption of the retirement benefit increase/change was not placed on the consent
calendar.

Clerk/Secretary

Title

Date _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carca Delinger</i>		GENERAL MANAGER ACTION REQD: Approve and forward to the Board of Directors		
DATE: 9/14/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Blake Dept: PD&C-ESP <i>Michael C. Blake</i> Signature/Date: 9/9/16	General Counsel <i>[Signature]</i> 9/2/16 []	Controller/Treasurer <i>[Signature]</i> 9/12/16	District Secretary []	BART <i>[Signature]</i> 9/14/16

TITLE:

Award Contract No. 09AU-130 for BART Earthquake Safety Program Oakland Shops Spur Track

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 09AU-130, BART Earthquake Safety Program, Oakland Shops Spur Track, to Shimmick Construction Company, Inc.

DISCUSSION:

The Work included in this Contract is part of the BART Earthquake Safety Program (ESP) to retrofit the Transbay Tube (TBT) in anticipation of a major earthquake in the San Francisco Bay Area. The Contract includes furnishing all labor, materials, and services necessary to build a new spur track at the Oakland Shops to facilitate the storage and loading of a maintenance rail vehicle consist that is critical to the support of the TBT retrofit. The final design for the TBT retrofit is currently out for bid under Construction Contract No. 09AU-120. The 09AU-120 and 09AU-130 Contracts were unbundled to distinguish this Contract from the security sensitive portion of the work at the TBT.

Advance Notice to Bidders was emailed on June 3, 2016, to well over 350 prospective Bidders and 21 plan rooms. The Contract was advertised on June 3, 2016. A pre-bid meeting was held on June 15, 2016, with 19 prospective Bidders attending the meeting. The Contract Book was purchased by 15 planholders. Five Bids were received on August 9, 2016.

Review of the Bids by District staff revealed no arithmetical errors. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

No	Bidder	Location	Total Bid
1.	Shimmick Construction Company, Inc.	Oakland, CA	\$7,903,190
2.	Proven Management, Inc.	Berkeley, CA	\$9,341,273
3.	Stacy and Witbeck, Inc.	Alameda, CA	\$9,798,590
4.	Thompson Builders Corporation	Novato, CA	\$10,150,460
5.	DMZ Builders	Concord, CA	\$10,732,080
	Engineer's Estimate		\$8,280,000

After review by District staff, the apparent low Bid submitted by Shimmick Construction Company, Inc. (Shimmick) was deemed to be responsive to the solicitation and the Bid Price was determined to be fair and reasonable. Examination of Shimmick'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 a 5% prime preference for this Contract. Shimmick is not a certified small business and, therefore, is not eligible for the 5% small business preference.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 23% for Minority Business Enterprises ("MBEs") and 12% for Women Business Enterprises ("WBEs"). Shimmick committed to 4.8% MBE and 6.5% WBE participation. Shimmick did not meet either the MBE or WBE Availability Percentages; therefore, Shimmick was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender, or ethnicity. Based on the review of the information submitted by Shimmick, the Office of Civil Rights found no evidence of discrimination.

FISCAL IMPACT:

Funding of \$7,903,190 for the award of Contract No. 09AU-130 is included in the total project budget for FMS #09AU000-TBT Retrofit #1 (Underwater). 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 September 1, 2016, \$311,024,587 is available for this project from the following sources:

Fund Number	Fund Description	Funded Amount
801F	ESP GO Bond	\$19,266,723
801J	ESP Unissued GO Bond	\$271,757,864
801i	ESP GO Bond Interest Earnings	\$20,000,000
Total		\$311,024,587

BART has expended \$9,479,484, committed \$2,197,292, and reserved \$277,299,584 to date for other action. This action will commit \$7,903,190 leaving an available fund balance of \$14,145,036 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of the Contract and rebid it. Any delays to this Contract to build a new spur track at the Oakland Shops would have substantial repercussions to the TBT Internal Retrofit Contract 09AU-120. The District would not achieve its goal of protecting the life safety of its patrons within the TBT from a major earthquake in the San Francisco Bay Area.

Contract No. 09AU-130 for BART Earthquake Safety Program Oakland Shops Spur Track

Staff believes that advertising the Contract a second time is unlikely to yield lower bids. Therefore, it is in the best interest of the District to award the Contract to Shimmick, the lowest responsive Bidder.

RECOMMENDATION:

Based on the analysis by Staff, it is recommended that the Board adopt the following motion:

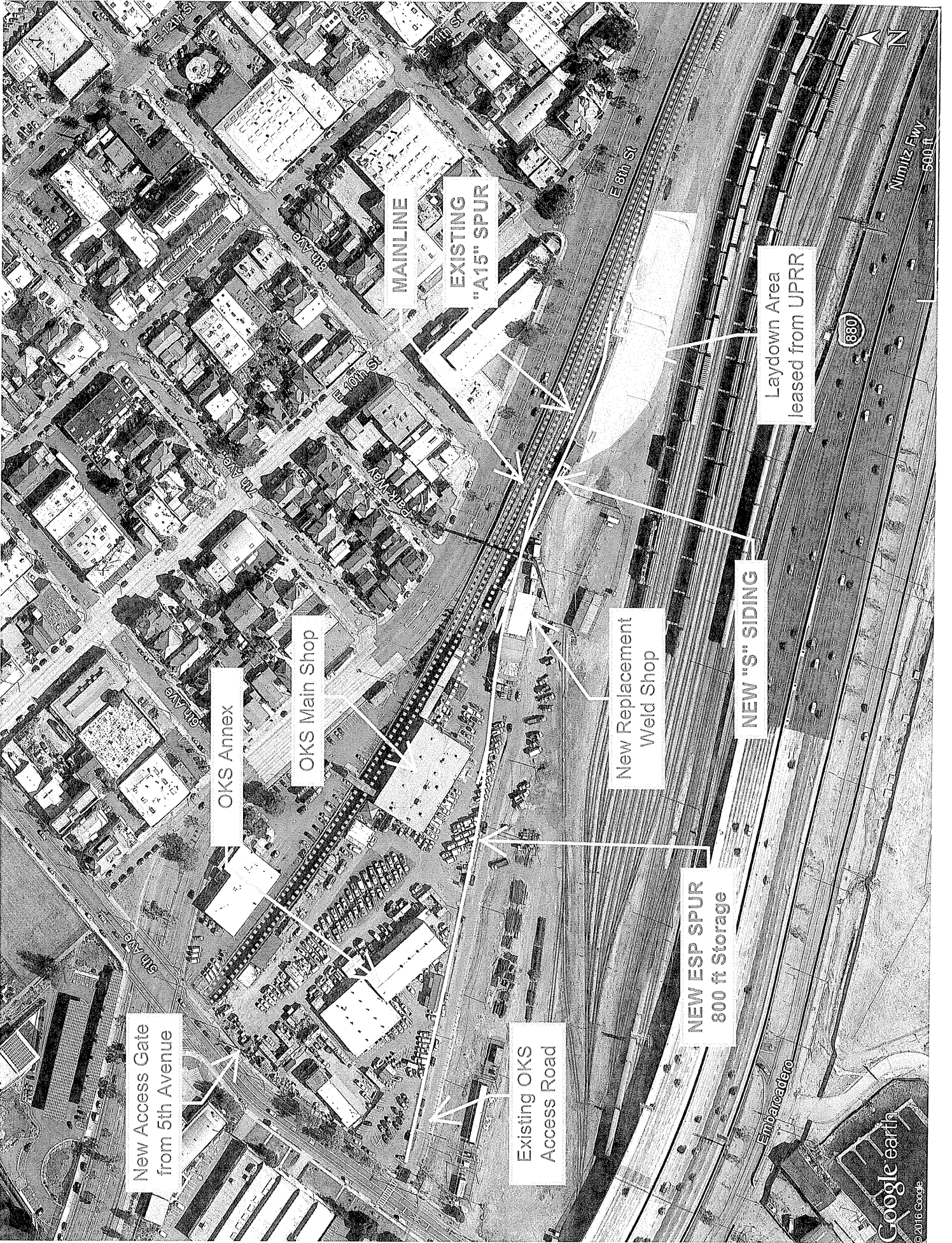
MOTION:

The General Manager is authorized to award Contract No. 09AU-130, BART Earthquake Safety Program, Oakland Shops Spur Track, to Shimmick Construction Company, Inc., for the Bid price of \$7,903,190, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

ESP Financial Summary for 09AU-130

PROJECT ELEMENT	Baseline Budget (2004 GO Bond)	Current Forecast as of 8/31/16	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$257,500,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$257,500,000	
CM	\$61,498,000	\$95,400,000	
Environmental	\$1,042,796	\$2,198,237	
TOTAL E, E & CM	\$249,018,796	\$355,098,237	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$11,000,000	
Stitching	\$82,962,000	\$0	
Additional TBT Retrofits	\$0	\$309,392,112	
		\$7,903,190	09AU-130 Spur Track
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$86,398,770	
Fremont	\$178,224,000	\$45,700,000	
Concord	\$36,500,000	\$12,370,889	
Richmond	\$80,155,000	\$34,800,000	
San Francisco/Daly City	\$36,590,000	\$9,600,000	
Stations (18)			
	\$126,961,000	\$92,146,650	
Other Structures			
LMA	\$5,529,000	\$12,100,000	
Yds & Shops	\$12,436,000	\$19,500,000	
Parking Structures	\$14,437,000	\$14,600,000	
Miscellaneous Cleanup		\$2,620,764	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$42,490,000	
Systems			
	\$7,066,000	\$17,500,000	
TOTAL CONSTRUCTION	\$909,469,000	\$735,630,318	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$213,711,500	
Add Auth to Execute Agrmt w/Public & Private Entities		\$5,000,000	
Contingency	\$32,104,000	\$0	
TOTAL PROGRAM COSTS	\$191,998,204	\$218,711,500	
BASELINE FUNDING			
	\$1,350,486,000		
REVISED FUNDING			
		\$1,309,440,055	
		\$1,277,375,274	Adopted Funding
		\$32,064,781	Outside Adopted Funding



New Access Gate from 5th Avenue

OKS Annex

OKS Main Shop

MAINLINE

EXISTING "A15" SPUR

Existing OKS Access Road

New Replacement Weld Shop

NEW ESP SPUR 800 ft Storage

NEW "S" SIDING

Laydown Area leased from UPRR

(880)

Nimitz Fwy 580 ft



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Selvaugen</i>		GENERAL MANAGER ACTION REQ'D: Forward to the Board of Directors		
DATE: <i>9/14/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Lisa Reichman Dept: 0802876 <i>Lisa Reichman</i> Signature/Date:	General Counsel <i>Vincent...</i> 8/29/16 []	Controller/Treasurer <i>Chris...</i> 8/29/16 []	District Secretary []	BARC <i>Paul...</i> 9/14/16 []

TITLE:

AWARD OF AGREEMENT NO. 6M3312 FOR ON-CALL GLASS REPAIR AND REPLACEMENT SYSTEMWIDE

NARRATIVE:

Purpose:

To authorize the General Manager to award Agreement No. 6M3312 for furnishing and installing replacement glass for all District stations and facilities to ACR Glazing Contractors, Inc. (ACR) of Oakland, California.

Discussion:

The work of this Agreement consists of on-call services to furnish all labor, equipment, and materials required to repair and replace broken or damaged glass of various sizes in cabinets, windows, doors, ceiling, skylights and wall panels at all locations throughout the District. The work will be accomplished through the issuance of discrete work directives during the five (5) year term of the Contract.

The Request for Proposals (RFP) was advertised in local publications on May 20, 2016. The advertisement was sent to fourteen prospective firms and additional firms listed in the Office of Civil Rights database. An electronic copy of the RFP was posted on the District's Procurement Portal on May 23, 2016 and downloaded by six interested firms. A pre-proposal meeting was held on June 6, 2016 with one prospective firm in attendance. On June 28, 2016, the District received one (1) proposal from ACR located in Oakland, CA.

The proposal was evaluated by a committee composed of representatives from Maintenance and Engineering, Office of Civil Rights and Contract Administration. The committee determined that ACR had previously met the technical and staffing requirements while performing similar services for the District during the past three years, possessed the appropriate Contractors' license and the required equipment to perform the scope of services.

ACR submitted a price proposal to repair and replace various sizes of glass at the District's stations, facilities and Park/Ride lots. The price proposal included various types and sizes of glass and other required materials to repair and replace glass in these District facilities and locations: bus shelters, fence rail panels, elevators and skylights. Staff compared the proposed pricing with the Engineer's Estimate, as shown below, and found the proposed pricing to be reasonable.

<u>Firm</u>	<u>Location</u>
ACR Glazing Contractors, Inc.	Oakland, CA.

Pricing:

Contract Year	Year 1	Year 2	Year 3	Year 4	Year 5	Total - 5 Years
Proposed Pricing	\$123,144.11	\$128,191.24	\$133,322.54	\$138,545.89	\$143,865.33	\$667,069.11
Engineer's Estimate	\$122,424.70	\$125,707.74	\$129,077.09	\$132,537.06	\$136,090.12	\$645,836.71

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this agreement are 23% for Minority Business Enterprises (MBEs) and 12% for Women-owned Business Enterprises (WBEs). The proposer will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this agreement. ACR Glazing Contractors, Inc. is a Small Business certified by the Department of General Services; however, since it was the only proposer to submit a proposal the Small Business Program's prime preference does not apply.

Inquiries were made to five firms that didn't submit a proposal. One firm didn't allow themselves enough time to prepare a proposal. Another firm found that the scope of services was outside of their core business. The remaining firms failed to provide a response.

Fiscal Impact:

District expenditures for this contract are estimated as follows:

FY17	\$123,144
FY18	\$128,191
FY19	\$133,323
FY20	\$138,546
FY21	\$143,865

Funding for this contract will be provided the FY17 through FY21 Operating budget for Department #0802876. Funding is currently in place for FY17 expenditures. Funding for the subsequent years FY18-FY21 will be requested in future operating budget cycles.

Alternatives:

1. Reject the current bid and seek another supplier through BART's competitive bidding process,

which may increase the District's procurement costs as it may not result in obtaining another lower bid.

2. Not awarding this Contract may result in longer repair and replacement times for broken and damaged glass in the District's stations and facilities because BART will have to obtain outside services as glass breakage and replacements are needed possibly resulting in a greater number of associated customer complaints, potential safety hazards, as well as increased costs to the District.

Recommendation:

Staff recommends that the Board adopt the following motion:

Motion:

The General Manager is authorized to award Agreement No. 6M3312 to furnish and install replacement glass at all District stations and facilities, as needed for a period of five (5) years, at a bid price of \$667,069 to ACR Glazing Contractors, Inc. of Oakland, California.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

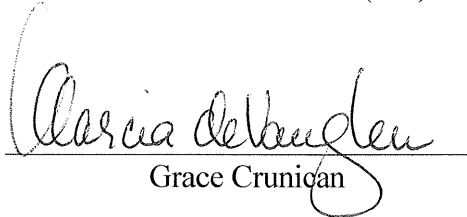
DATE: September 16, 2016

FROM: General Manager

SUBJECT: PPAAL Agenda Item #7.A: Metropolitan Transportation Commission's Plan Bay Area Update – For Information

At the Board of Directors meeting on Sept 22, 2016, staff will introduce Ken Kirkey, MTC Planning Manager, who will discuss the attached Plan Bay Area 2040 presentation. Mr. Kirkey will cover the regional context in which Plan Bay Area (PBA) functions, review the three scenarios for land use and transportation that MTC has outlined, describe the Draft Preferred Scenario, and discuss evaluation criteria.

If you have any questions, please contact Robert Powers at (510) 464-6194.


Grace Crunigan

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

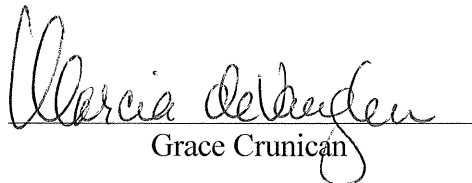
TO: Board of Directors **DATE:** September 16, 2016
FROM: General Manager
SUBJECT: PPAAL Agenda Item #7.B: Multimodal Access Design Guidelines for Stations –
For Information

At the September 22 Board of Directors meeting, staff will present an update on the Multimodal Access Design Guidelines (MADG) Project. Funding for the Project includes a \$300,000 Caltrans Planning Grant and a \$150,000 BART match.

The project scope of work includes an outreach component, literature review, field observations at sample stations that represent all station typologies, draft and final design guidelines, demonstration plans for El Cerrito del Norte and Fremont stations, prioritization of station improvements and, implementation next steps. A major final product of this project will be an update to the access-related components of the BART Facilities Standards.

The staff presentation will include a problem statement, the relationship between the MADG and the new Access and Transit Oriented Development Policies, sample findings from the work conducted to date, examples to illustrate the intended format of the final product, and next steps.

If you have any questions regarding the attached presentation, please contact Carter Mau, AGM, Administration and Budget at (510) 464-6194.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff