

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

BOARD MEETING AGENDA

September 23, 2010

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 23, 2010, 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 General Discussion and 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 or via regular mail upon request. 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. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

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 July 1, 2010 (Special), and August 26, 2010 (Regular).* Board requested to authorize.
- B. Award of Invitation for Bid No. 8877, Internet Protocol (IP) Cameras.* Board requested to authorize.
- C. Award of Invitation for Bid No. 8879, Kit, High Speed Gear Assembly.* Board requested to authorize.
- D. Approval of a Maintenance and Reimbursement Agreement with the Redevelopment Agency of the City of Hercules and Western Contra Costa Transit Authority for the Hercules Transit Center.* Board requested to authorize.

3. CLOSED SESSION (Room 303, Board Conference Room)

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: one potential case.

4. ADMINISTRATION ITEMS

Director Blalock, Chairperson

- A. Potential Revenue Generation Opportunities.* For information.
(President Fang's request.)

5. ENGINEERING AND OPERATIONS ITEMS

Director Keller, Chairperson

- A. Award of Contract No. 15EJ-120, A-Line 34.5kV Cable Section Replacement between Nineteenth Avenue Substation (ANA) and Bayfair Substation (ABF).* Board requested to authorize.
- B. Award of Contract No. 15IF-110, Powell Street Station – Station Modernization.* Board requested to authorize.

- C. Award of Contract No. 15PT-110, BART Earthquake Safety Program Aerial Structures – R Line South.* Board requested to authorize.

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

Director Ward Allen, Chairperson

- A. Proposed Renaming of the Pleasant Hill Station to the Pleasant Hill/Contra Costa Centre Station.* Board requested to authorize.

7. GENERAL MANAGER'S REPORT

NO REPORT.

8. BOARD MATTERS

- A. Roll Call for Introductions.

9. GENERAL DISCUSSION AND PUBLIC COMMENT

10. CLOSED SESSION (Room 303, Board Conference Room)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

Property: 300 Lakeside Drive, Oakland, CA
District Negotiators: Teresa E. Murphy, Assistant General Manager – Administration; Jeff Ordway, Department Manager, Property Development; and Laura Giraud, Department Manager, Real Estate
Negotiating Parties: The Swig Co., and San Francisco Bay Area Rapid Transit District
Under Negotiation : Price and Terms
Gov't Code Section: 54956.8

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR.

(CONTINUED from September 16, 2010, Special Board Meeting)

Property: Property Located at the Millbrae BART Station
District Negotiators: Carter Mau, Executive Manager, Planning & Budget; and Jeffrey P. Ordway, Manager, Property Development
Negotiating Parties: Justin Development, Republic Urban Properties/Green Valley Corporation, TMG Partners, and San Francisco Bay Area Rapid Transit District
Under Negotiation : Price and Terms
Gov't Code Section: 54956.8



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL 		GENERAL MANAGER ACTION REQ'D: 	
DATE: 9/15/10		BOARD INITIATED ITEM: No	
Originator/Prepared by: Anthony Saung Dept: Communications Engineering 	General Counsel 	Controller/Treasurer 	District Secretary
Signature/Date: 3/25/10	8/25/10	8/25/10	8/25/10
Status: Approved		Date Created: 09/09/2010	

INVITATION FOR BID NO. 8877 INTERNET PROTOCOL (IP) CAMERAS

NARRATIVE:

Purpose:

To request Board authorization for the General Manager to award Invitation for Bid No. 8877 to Strategic Sourcing LLC, Florence, Kentucky, in the amount of \$537,498.64, including applicable taxes, for the purchase of Internet Protocol (IP) Cameras.

DISCUSSION:

Invitation for Bid No. 8877 is to purchase internet protocol (IP) cameras for the following BART locations (Civic Center, 19th Street, Berkeley Station, Oakland WYE and Berkeley Hills Tunnel). The total scope of the program includes procurement and installation of closed circuit television (CCTV) cameras, installation of a new video network to bring images to Operations Control Center and BART Police Dispatch, and furnishing additional video storage for the security enhancement program. This procurement is solely for the purchase of the IP Cameras.

A notice requesting bids was published on June 23, 2010 and bid requests were mailed to twenty-five (25) prospective bidders. Bids were opened on July 13, 2010 and ten (10) bids were received.

Grand Total including 9.75% Sales Tax

Bidder

*ProVantage, Corp Canton, OH	\$535,162.95
Strategic Sourcing, LLC Florence, KY	\$537,498.64
Violeta, Inc. dba Tech CCTV Woodland Hills, CA	\$547,674.45
Halifax Security Mc., dba North American Video Brick, NJ	\$548,201.25
AMS.NET Livermore, CA	\$597,743.16
Johnson Controls, Inc.	\$609,408.82

Hayward, CA

ISIS EMS
San Jose, CA

\$641,550.85

Engineer's Estimate

\$500,000

*The apparent low bidder, ProVantage Corp, did not bid on all items, or add freight charges and failed to submit its bid on the correct bid form. Consequently, its bid is non-responsive.

Staff has determined that the apparent second low bidder, Strategic Sourcing LLC, submitted a responsive bid and that the bidder is responsible. Staff has also determined that the bid pricing is fair and reasonable based on adequate competition

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

FISCAL IMPACT:

Funding for the \$537,499 Contract is included in the total project budget for the FMS #79HT - Site Hardening Equipment and FMS #79HS - Intrusion Detection Equipment. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. Funds for this Contract will come from the following sources:

F/G 62R FY08 Transit Security Grant Program (DHS)

\$537,499

As of the month ending 6/30/10, \$8,100,000 is available for commitment from this fund source for Project 79HT and BART has committed \$108,584 to date. There are pending commitments of 280,311 in BART's financial management system. This action will commit \$268,750 leaving an uncommitted balance of \$7,442,355 in this fund source.

As of the month ending 6/30/10, \$3,700,000 is available for commitment from this fund source for Project 79HS and BART has committed \$61,784 to date. There are pending commitments of 216,138 in BART's financial management system. This action will commit \$268,749 leaving an uncommitted balance of \$3,153,329 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

Reject all bids and readvertise

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award IFB No. 8877, for the Internet Protocol (IP) Cameras to Strategic Sourcing LLC, Florence, KY for an amount of \$537,498.64 (including applicable sales tax), pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures and DHS's requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter Delbridge</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>9/15/10</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tamar Allen Dept: <i>TP</i>	General Counsel <i>MP</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Paul [Signature]</i>
Signature/Date: <i>8-25-2010</i>		<i>9/15/10</i>		
Status: Routed		Date Created: 08/16/2010		

TITLE:

Award of IFB No. 8879 for the Purchase of High Speed Gear Assembly Kits

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award IFB No. 8879 for the purchase of High Speed Gear Assembly Kits, to Strategic Sourcing, LLC.

DISCUSSION: Each of the vehicles in the District's revenue vehicle fleet is powered by four traction motors. Each motor is attached to the axle wheel assembly through a gearbox. The gearbox is the main mechanical device that transfers power from the traction motor to the axle. A critical component of the gearbox is the High Speed Gear Assembly. Each gearbox, including the High Speed Gear Assembly is rebuilt every five years. The kits to be procured under this action include the bearings, seals, o-rings, oil slingers, and gaskets, used to rebuild the High Speed Gear Assembly.

This is a thirty-six month estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the Supplier a minimum amount of 50 percent of the Contract Bid price. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to 150 percent of the Contract Bid price, subject to availability of funding.

A Notice Requesting Bids was published on June 24, 2010 and Bid requests were mailed to thirty (30) prospective Bidders. Bids were opened on July 20, 2010 and the following eight (8) Bids were received:

Bidder

Diamond Tool and Die Inc.
Oakland, CA

Applied Industrial
Pasadena, CA

Strategic Sourcing, LLC
Florence, KY

Total Including

9.75% Sales Tax

\$534,259.49

\$758,086.27

\$787,459.10

Motion Industries Hayward, CA	\$844,818.62
Catco Service & Supplies Oakland, CA	\$893,514.26
Bombardier Transport USA Pittsburgh, PA	\$912,628.32
Mathew Metals Products Gilroy, CA	\$1,091,403.17
Mission Tool & MFG Hayward CA	\$1,603,412.93

Independent cost estimate by BART staff: \$700,000.00

The apparent low Bidder, Diamond Tool and Die Inc., made a material mistake in the Bid submitted and the District allowed the Bidder to be relieved of its Bid, per the terms of the IFB. The apparent second low Bid submitted by Applied Industrial contained alterations to the Bid form rendering the Bid non-responsive.

Staff has determined that the apparent third low Bidder, Strategic Sourcing, LLC, submitted a responsive Bid. Staff has also determined that the Bid price is fair and reasonable based on bid competition.

The District's Non-Discrimination in Subcontracting Program does not apply to Emergency Contracts, Solesource Contracts and Contracts under \$50,000 or any Invitation for Bid. Pursuant to the Program, the Office of Civil Rights did not set availability percentages for this contract.

FISCAL IMPACT: Funding for contract IFB No. 8879 will be provided from the General fund, Materials & Supplies Inventory build-up account 140-010.

The Kit, High Speed Gear Assembly are scheduled to be procured over the contract's 36 month period at the following estimate annual costs:

FY 11	\$231,605
FY 12	\$277,927
<u>FY 13</u>	<u>\$277,927</u>
Total	\$787,459

Funding for FY11 expenditures of \$231,605 are currently available in the General Fund, Materials & Supplies Inventory build-up account. Any additional orders over and above this amount will only be placed with Strategic Sourcing, LLC upon certification by the Controller-Treasurer that funds are available.

ALTERNATIVES: Reject all bids and re-advertise the contract.

RECOMMENDATION: It is recommended that the Board approve the motion.

MOTION: The General Manager is authorized to award IFB No. 8879, an estimated quantity contract for the procurement of High Speed Gear Assembly Kits, to Strategic Sourcing, LLC for the Bid price of \$787,459.10, including all applicable 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: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to PPAAL Committee		
DATE: 9/15/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Hagerty Dept: Customer Access Department	General Counsel 	Controller/Treasurer 	District Secretary 	BARC
Signature/Date: 9/13/10	Signature/Date: 9/13/10	Signature/Date: 9/13/10	Signature/Date: 9/13/10	Signature/Date: 9/13/10

Approval of a Maintenance and Reimbursement Agreement with the Redevelopment Agency of the City of Hercules and the Western Contra Costa Transit Authority for the Hercules Transit Center

NARRATIVE:

Purpose: To seek Board authorization for the General Manager or her designee to execute a Maintenance and Reimbursement Agreement (the "New Agreement") with the Redevelopment Agency of the City of Hercules (the "Agency") and the Western Contra Costa Transit Authority ("WestCat") for the Hercules Transit Center (collectively, the "Parties").

Discussion: In December 2004, the Board authorized execution of an Exchange Option Agreement with the Agency to exchange BART's then-current Park-and-Ride parcel for a comparable parcel owned by the Agency approximately one-half mile east of Highway 4, to which the park and ride function would be relocated. In September 2005, the Board authorized parking charges at the Hercules Park-and-Ride lot and entering into a revenue sharing agreement with WestCat regarding the parking fees.

In September 2009, the BART Board of Directors authorized the General Manager to execute a one-year Maintenance and Reimbursement Agreement with the Redevelopment Agency of the City of Hercules and the Western Contra Costa Transit Authority for the Hercules Transit Center (the "Original Agreement"). The one-year period, which has been extended for three months, has given the Parties an opportunity to assess the effectiveness of the arrangement at the Transit Center. Staff of all Parties agree that the Original Agreement has been successful and that a New Agreement should be executed that extends the arrangement and makes some changes.

Both the Original Agreement and proposed New Agreement include the following key terms and conditions:

- Maintenance, operation and repair will be performed by contractors to the Agency.
- The Agency will prepare an annual budget to perform these functions, with all parties reviewing and approving the annual budget.
- The Hercules Police Department will be responsible for enforcement of parking violations and police services at the Transit Center. The BART Police Department has concurred with this approach.

The key changes in the proposed New Agreement are as follows:

- There will be an initial term of 32 months (November 1, 2010 to June 30, 2013).
- The Parties may mutually agree to extend the agreement for up to two additional 12-month periods.
- Parking revenue collected at the Transit Center will be allocated:
 - First, to WestCat per its revenue-sharing agreement with BART,
 - Second, to the Agency for management, maintenance and operation of the Transit Center,
 - Third, to a Hercules Transit Center Facility Maintenance Reserve not to exceed 1/12 of previous year budgeted expenses, and
 - Fourth, to BART.
- Should costs incurred by the Agency exceed revenue collected, the Agency, BART and WestCat would confer on how most effectively to resolve the shortfall.

In the Original Agreement, parking revenue went to BART third, and there was no Maintenance Reserve. Staff believes that the Maintenance Reserve is necessary to avoid the Agency having to advance funds to pay for monthly expenses for operating the Transit Center. The New Agreement will provide for any funds remaining in the Maintenance Reserve upon expiration of the Agreement to be remitted to BART.

On September 14, 2010, the Agency Board of Directors is scheduled to take action to authorize their staff to execute the New Agreement. Also, the WestCat General Manager has authority to sign the New Agreement on behalf of his agency.

Staff recommends that the Board authorize execution of the New Agreement. The Transit Center is remote from BART and is larger than the lot previously operated by BART, and the Agency has a vested interest in operating and maintaining the Transit Center.

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

Fiscal Impact: Preliminary analysis of the Hercules Transit Center during its initial year of operation reveal that revenues collected generally matched expenditures. We anticipate that revenues will exceed expenditures in the future because of the improving economy and growing familiarity with the facility by West Contra Cost County area residents.

Estimated parking revenue, expenses and income disbursements for the three fiscal years covered under the agreement period would be as follows:

HERCULES TRANSIT CENTER				
Estimated Income, Reimbursements and Expenses				
Time Period	Gross	WestCat	Hercules	BART
	Revenue	Reimbursement	Expenses	Net Income
FY 2011*	\$69,800	\$15,100	\$50,400	\$4,300
FY 2012	\$106,800	\$22,900	\$76,400	\$7,500
FY 2013	\$109,000	\$23,100	\$77,100	\$8,800

*eight months

There would also be an operating budget savings to the District from not having to maintain the facility.

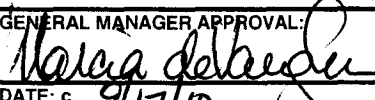
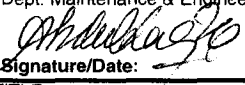
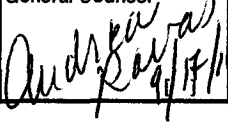
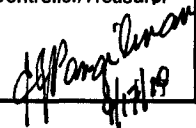
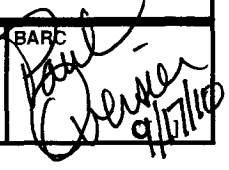
Alternatives: Not approve the New Agreement and require BART to maintain and operate the remote Hercules Transit Center effective November 1, 2010, thereby increasing the District's operating and maintenance costs.

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

Motion: The General Manager or her designee is authorized to execute a new Maintenance and Reimbursement Agreement with the Redevelopment Agency of the City of Hercules and the Western Contra Costa Transit Authority for the Hercules Transit Center. The term of the Agreement will be 32 months, beginning on November 1, 2010, which term may be extended for up to two additional 12- month periods upon mutual consent.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: c 9/17/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Abdulhaque Shaikh Dept: Maintenance & Engineering  9/16/10	General Counsel  9/17/10	Controller/Treasurer  9/17/10	District Secretary []	BARC  9/17/10
TITLE:				

Award Contract No. 15EJ-120 for A-Line 34.5kV Cable Section Replacement Between Nineteenth Avenue Substation (ANA) And Bayfair Substation (ABF)

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15EJ-120, for A-Line 34.5kV Cable Section Replacement Between Nineteenth Avenue Substation (ANA) and Bayfair Substation (ABF), to Blocka Construction, Inc.

DISCUSSION:

The A-Line 34.5kV cable section which will be replaced under this Contract is a part of the existing 34.5kV subtransmission circuits in the BART Core System. The BART Core System subtransmission circuits use pipe type cable to transmit power to traction power substations. The existing pipe type cable has been operating in revenue service for approximately 40 years and the condition of the pipe, as well as the paper insulated cable inside the pipe, is in considerable decline. Because the technology of the existing pipe type cable is old, it is increasingly difficult and very expensive to repair the cable. Parts and expertise to repair the cable are not readily available. Based on Staff assessment and a consultant's study report, the capital program to rehabilitate and upgrade the 34.5kV Core System subtransmission circuits was undertaken and has been under way since 2002. This Contract is the third such 34.5kV cable replacement in the Core System subtransmission circuits since 2002. This Contract, when complete, will replace the existing A-Line 34.5kV nitrogen filled pipe type cable in one subtransmission circuit of an eight mile section between Nineteenth Avenue Substation (ANA) and Bayfair Substation (ABF) with new 34.5kV EPR insulated, copper conductor cable in new 6 inch rigid steel pipe.

Advance Notice to Bidders was mailed on June 3, 2010, to prospective bidders as well as to Plan Rooms and Minority Assistance Organizations. In addition, the Office of Civil Rights e-mailed Advance Notice to Bidders to minority contractors. The Contract was advertised in trade journals on June 8, 2010.

A Pre-Bid Meeting was held on June 22, 2010 and attended by ten (10) prospective bidders. Two addenda were issued for this Contract. A total of the twenty (20) firms/plan holders purchased copies of the Contract Documents. A total of eight (8) Bids were submitted and

publicly opened on August 3, 2010:

BIDDER	LOCATION	TOTAL BID
Shimmick Construction	Oakland, CA	\$ 8,363,000.00
Cupertino Electric, Inc.	Cupertino, CA	\$ 9,002,238.89
Blocka Construction, Inc.	Fremont, Ca	\$ 9,285,000.00
Potelco, Inc..	Summer, WA	\$ 9,999,110.00
Balfour Beatty Rail, Inc.	El Monte, CA	\$10,701,500.00
Mass Electric Construction Co.	La Verne, CA	\$10,994,355.00
Schembri Construction	San Francisco, CA	\$12,183,200.00
Steiny and Company, Inc.	Vallejo, CA	\$12,277,025.00
ENGINEER'S ESTIMATE		\$10,764,347.00

This Contract was advertised pursuant to the revised Disadvantage Business Enterprise (DBE) Program requirements. The Office of Civil Rights (OCR) reviewed the scope of work and determined that there were subcontracting opportunities, therefore, a DBE participation goal of 4% was set for the Contract.

The apparent low Bid was submitted by Shimmick Construction. This Bid, however, is non-responsive because the Bidder failed to acknowledge receipt of Addenda numbers one and two, as required by the Contract Documents.

The apparent second low Bid was submitted by Cupertino Electric, Inc. Cupertino Electric committed to 0% DBE participation. Since the Bidder did not meet the DBE participation goal. OCR requested that it submit documentation related to its Good Faith Efforts to engage DBEs. After reviewing the documentation submitted, OCR determined that it failed to satisfy the Good Faith Efforts requirements specified in the Contract Documents. Cupertino Electric was informed of this finding and was offered an opportunity for a hearing before an independent hearing officer. Cupertino Electric declined such a hearing. Accordingly, the Bid is non-responsive.

The apparent third low Bid was submitted by Blocka Construction, Inc. In its Bid Documents, Blocka Construction, Inc. committed to 1% DBE participation. OCR requested Blocka Construction, Inc.'s Good Faith Efforts documents for review. After review of its documents, it was determined that Blocka Construction failed to satisfy the Good Faith Efforts requirements in the Contract Documents and it was offered an opportunity for a hearing before an independent hearing officer. Blocka Construction requested the hearing and it was held on September 1, 2010. The independent hearing officer determined that Blocka Construction did satisfy the Good

Faith Efforts requirements. OCR recommends award of the Contract to Blocka Construction.

Staff has determined that the Bid submitted by Blocka Construction is responsive to this solicitation. Further, examination of the business experience and financial capabilities of Blocka Construction has resulted in a determination that this Bidder is responsible. The Bid is 13.6% below the Engineer's estimate. Staff has determined that the Bid price of \$9,285,000 submitted by Blocka Construction is fair and reasonable based upon adequate price competition.

FISCAL IMPACT:

Funding of \$9,285,000 for the award of Contract No.15EJ-120 is included in the total project budget for the FMS #15EJ, Traction Power (Cables). The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of month ending August 29, 2010, funding is available for commitment from these sources:

Fund Grant	Funds for this Project	Committed	Pending Commitments	Funds For This EDD	Funds Remaining
47X - FTA CA-05-0211	\$5,250,000	\$0	\$0	\$5,250,000	\$0
47Z - FTA CA-05-0216	\$2,553,604	\$216,208	\$0	\$815,498	\$1,521,898
52X - FTA CA-90-Y339	\$3,219,502	\$0	\$0	\$3,219,502	\$0
Total				\$9,285,000	

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of this Contract. If the Contract is not awarded, the replacement of this 34.5kV cable section will be further delayed and the rehabilitation and upgrade program of the Core System subtransmission circuits will be delayed as well, affecting other sections of the circuits. With such a delay, there is a potential that a section of the Core System subtransmission circuits would fail beyond repair, severely impacting the traction power system reliability, and in turn adversely affecting revenue service. Further, Staff does not believe that rebidding the Contract would result in a lower price.

RECOMMENDATIONS:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15EJ-120 for A-Line 34.5kV Cable Section Replacement Between Nineteenth Avenue Substation (ANA) and Bayfair Substation

(ABF), to Blocka Construction, Inc. for the Bid amount of \$9,285,000, pursuant to notification issued by the General Manager, and subject to the District's protest procedures and the FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the September 23, 2010 E & O Committee Meeting	
DATE: 9/16/10		BOARD INITIATED ITEM: No	
Originator/Prepared by: John Gee Dept: Dept. TSD Stations Capital Program Ext 4928 Signature: Date: 9/15/10	General Counsel 	Controller/Treasurer 	District Secretary

Status: Approved	Date Created: 05/12/2010
-------------------------	---------------------------------

TITLE:

Award of Contract 15IF-110 Powell Street Station, Station Modernization

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15IF-110 Powell Street Station, Station Modernization.

DISCUSSION: The Powell Street Station is one of the stations selected as part of the Station Modernization Program, Phase 1. The scope of work includes architectural enhancements, finish treatments, asbestos abatement, cleaning of the station, removal of baffles and new way-finding signage at the Powell Street Station. Also included in this Contract are installation of baffle support hanger assemblies at the Embarcadero Street station and removal of sound baffles and hanger assemblies at the Montgomery Street station.

On April 21, 2010, the Advance Notice to Bidders was mailed to 276 prospective bidders, and contract documents were sent to 24 plan rooms. The Contract was advertised on April 21, 2010 in local publications. A total of 9 firms purchased copies of the contract documents. A pre-bid meeting and site tour was conducted on May 11, 2010, with 11 prospective bidders attending. Bids were publicly opened on August 24, 2010. Pursuant to the Instructions to Bidders, bids were to be evaluated based on the total price for the Base Bid and Option Bid Item 19. The bids received and the Engineer's Estimate are shown below:

<u>BIDDER</u>	<u>LOCATION</u>	<u>BASE BID+ OPTION BID ITEM 19</u>	<u>TOTAL-BASE+ OPTION BID ITEMS 19 & 20</u>
Arntz Builders	Novato, CA	\$3,194,093	\$3,328,431
West Bay Builders, Inc.	Novato, CA	\$4,085,000	\$4,475,000
Taber Construction, Inc.	Martinez, CA	\$4,370,000	\$5,700,000
Angotti & Reilly, Inc.	San Francisco, CA	\$4,620,443	\$4,844,310
<u>Engineer's Estimate:</u>		\$4,046,229.00	\$5,546,229

On the day after bid opening, Arntz Builders, the firm that submitted the apparent low Base Bid, plus Option Bid Items 19 and 20, requested that their bid be withdrawn on the basis of an apparent error made in the preparation of their bid form. District staff has reviewed Arntz

Builder's request for withdrawal and has concluded that it complies with the statutory obligations of Public Contract Code Section 5101, et seq., in that there is sufficient justification that a mistake was made filling out the bid form and not from any error in judgment or carelessness in reviewing the plans, specifications, or project site.

The apparent second low Base Bid, plus Option Bid Items 19 and 20 submitted by West Bay Builders, Inc. of \$4,475,000 is 18 % below the Engineer's Estimate of \$5,546,229. After review by District staff, the Bid submitted by the apparent second low bidder has been deemed to be responsive to the solicitation. Furthermore, staff review of the second low bidder's business experience and financial capabilities has resulted in a determination that the bidder is responsible and the Total Bid (Base Bid, plus Option Bid Items 19 and 20) of \$4,475,000 submitted by West Bay Builders, Inc. is fair and reasonable.

Staff has determined that this action, involving emergency repairs necessary to maintain public safety and additional minor modifications to an existing facility, is exempt from the requirements of the California Environmental Quality Act (CEQA), as provided in CEQA Guidelines Sections 15301 and 15269 (b) and (c).

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 23% for MBEs and 12% for WBEs. The bidder committed to 9.40% MBE and 12.21% WBE. The bidder did not meet the MBE percentage 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 of \$4,475,000 for award of Contract 15IF-110 is included in the total project budget for the FMS #15IF – Powell Street Station, Station Modernization. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. Funds for this contract will come from the following source:

<u>F/G 55S - FY07-08 PTMISEA - Prop 1B State Bond Fund</u>	<u>\$3,400,000</u>
As of month ending August 29, 2010, \$5,061,712 is available for commitment from this fund source for this project and BART has committed \$1,602,574 to date. There is no pending commitment in BART's financial management system. This action will commit \$3,400,000 leaving an uncommitted balance of \$59,138 in this fund source.	

<u>F/G 55X - FY08-09 PTMISEA - Prop 1B State Bond Fund</u>	<u>\$1,075,000</u>
As of month ending August 29, 2010, \$4,313,836 is available for commitment from this fund source for this project and BART has committed \$67,931 to date. There is no pending commitment in BART's financial management system. This action will commit \$1,075,000 leaving an uncommitted balance of \$3,170,905 in this fund source.	

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES: The alternative would be to not award the Contract, cancel the grants and leave the station in its current condition.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager is authorized to award Contract No. 15IF-110 Powell Street Station, Station Modernization to West Bay Builders, Inc. for the Total Bid (Base Bid, plus Option Bid Items 19 and 20) in the amount of \$4,475,000 pursuant to notification to be issued by the General Manager, subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board of Directors	
DATE: 9/15/10		BOARD INITIATED ITEM: No	
Originator/Prepared by: Shirley J Ng Dept: TSD	General Counsel <i>Paul Chen</i>	Controller/Treasurer <i>Paul Chen</i>	District Secretary <i>Paul Chen</i>
Signature/Date: <i>SS</i> 9/14/2010	<i>Paul Chen</i> 9/14/10	<i>Paul Chen</i> 9/14/10	<i>Paul Chen</i> 9/15/10
Status: Approved		Date Created: 08/27/2010	

Award of Contract 15PT-110, Earthquake Safety Program, Aerial Structures-R Line South

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15PT-110, for BART Earthquake Safety Program, Aerial Structures - R Line South, to R & L Brosamer, Inc.

DISCUSSION:

The BART Earthquake Safety Program determined that the aerial structures on the Richmond line require seismic strengthening. Contract No. 15PT-110 will provide operability level retrofits for the R Line between MacArthur Station and Ashby Station. The Contract will provide for additional reinforced concrete for pier foundations and pier caps, fiber encasement of pier columns and associated utilities and structural work.

An Advance Notice to Bidders was mailed on June 16, 2010 to 88 firms and Bid Documents were sent to 24 plan rooms. The Contract was advertised on June 18, 2010. A total of 45 firms purchased copies of the Bid Documents. A pre-Bid meeting was conducted on July 13, 2010 with a total of 41 potential Bidders in attendance. Ten bids were received and publicly opened on August 17, 2010.

Review of the Bids by District staff revealed that the Bids submitted by Robert A. Bothman, Inc., Zovich & Sons, Inc., Alten Construction, Inc., & Cal-Pacific Construction, Inc. had arithmetical errors in the Bid Item totals and/or in the total Bid Price. Article 13.B, Evaluation, of the Instructions to Bidders in the Contract clearly states that item totals are provided by the Bidder for the convenience of the District, and that the District will calculate the total bid price based on the unit or lump sum prices bid. In the event of a discrepancy, the District's calculations shall govern. Tabulation of the corrected Bids, including the Engineer's Estimate, is as follows:

<u>BIDDER</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT</u>
1. Robert A. Bothman, Inc.	San Jose, CA	\$11,181,086.00
2. R & L Brosamer, Inc.	Walnut Creek, CA	\$11,284,000.00
3. Diablo Contractors, Inc.	San Ramon, CA	\$11,861,526.00
4. Zovich & Sons, Inc.	Hayward, CA	\$12,861,690.00
5. West Bay Builders, Inc.	Novato, CA	\$13,250,696.00

6. Golden State Bridge, Inc.	Martinez, CA	\$13, 330,468.75
7. Gordon N. Ball, Inc.	Alamo, CA	\$13,777,051.80
8. Alten Construction, Inc.	Richmond, CA	\$14,522,733.00
9. S.J. Amoroso Construction Co., Inc.	Redwood Shores, CA	\$14,641,428.00
10. Cal-Pacific Construction, Inc.	Pacifica, CA	\$15,436,922.00

Engineer's Estimate \$16,100,000.00

The apparent low Bidder, Robert A. Bothman, Inc. (also the low Bidder before the arithmetical corrections) requested to withdraw its Bid due to a clerical error. Staff verified the timeliness and plausibility of the claimed error and agreed to release Robert A. Bothman from its Bid. The apparent second low Bidder, R & L Brosamer, Inc. has been deemed to be responsive to the solicitation. Furthermore, examination of the Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible, and that the low Bid of \$11,284,000.00 is fair and reasonable.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for MBEs and 12% for WBEs. The Bidder committed to 24.59% MBE and 10.03% WBE. The Bidder did not meet the WBE percentage, and therefore the Bidder was requested to provide the District with information to determine if it had discriminated. Based on the review of the information submitted by the Bidder, the Office of Civil Rights found no evidence of discrimination.

FISCAL IMPACT:

Funding for \$11,284,000 for award of Contract No. 15PT-110 is included in the total project budget for the FMS #15PT, ESP – Aerial Structures - R Line South. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

F/G 01F – Earthquake Safety G.O. Bond: \$11, 284,000

As of month ending 8/01/10, \$21,020,000 is available for commitment from this fund source for this project and BART has committed \$9,000 to date. There are no pending commitments in BART's financial management system. This action will commit \$11,284,000 leaving an uncommitted balance of \$9,727,000 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of the Contract and rebid it which would delay the retrofit at this location and add cost to the Program. Staff believes that readvertisement of the Contract is unlikely to yield lower bids, and therefore it is in the best interest of the District to award the Contract to the second lowest Bidder.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15PT-110, Earthquake Safety Program, Aerial Structures - R Line South to R & L Brosamer, Inc. for the Bid amount of \$11,284,000 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 9/13/10	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$226,200,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$226,200,000	
CM	\$61,498,000	\$79,000,000	
Environmental	\$1,042,796	\$2,198,237	
TOTAL E, E & CM	\$249,018,796	\$307,398,237	
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	\$76,030,000	
Stitching	\$82,962,000	\$0	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$90,000,000	
Fremont	\$178,224,000	\$117,800,000	
Concord	\$36,500,000	\$10,606,641	
Richmond	\$80,155,000	\$49,994,000	
San Francisco/Daly City	\$36,590,000	\$9,991,645	
Stations (18)	\$126,961,000	\$118,896,318	
Other Structures			
LMA	\$5,529,000	\$5,267,440	
Yds & Shops	\$12,436,000	\$17,757,437	
Parking Structures	\$14,437,000	\$13,500,000	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$40,000,000	
Systems	\$7,066,000	\$9,868,000	
TOTAL CONSTRUCTION	\$909,469,000	\$577,219,424	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$241,801,763	
Contingency	\$32,104,000	\$127,014,733	
TOTAL PROGRAM COSTS	\$191,998,204	\$368,816,496	
BASELINE FUNDING	\$1,350,486,000		
REVISED FUNDING		\$1,253,434,157	
			<div> <div>\$1,221,275,376 Adopted Funding</div> <div>\$32,158,781 Outside Adopted Funding</div> </div>



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: c 9/17/10		BOARD INITIATED ITEM: No		
Originator/Prepared by: Walter Gonzales Dept: Government and Community Relations Signature/Date: 9/17/10	General Counsel 9/17/10	Controller/Treasurer 9/17/10	District Secretary 9/17/10	BARC 9-17-10

To seek Board approval to change the name of the Pleasant Hill BART Station to the "Pleasant Hill/Contra Costa Centre BART Station."

NARRATIVE:

History

In 1973, the Pleasant Hill BART Station opened for passenger service. The station is currently located in an unincorporated area of Contra Costa County (the "County").

In the mid-1980s, the County Redevelopment Agency (County RDA) began pursuing transit-oriented development at the Pleasant Hill Station. A Specific Plan and Redevelopment Plan were enacted by the County for the 125 acres around the station. An agreement was executed between BART and the County to develop BART land. Since that time, over 2.5 million square feet of office, over 2,700 residential units and two hotels have been built. In 2003, a Joint Powers Authority was created between BART, the County and the County RDA to pursue the development of BART land with AvalonBay and Millennium Partners. The AvalonBay/Millennium project consists of 290,000 square feet of office, 42,000 square feet of retail, 7,000 square feet of civic space and approximately 500 residential units. The overall Redevelopment Plan area is known as the Contra Costa Centre and the AvalonBay/Millennium project is called Avalon Walnut Creek at Contra Costa Centre. Contra Costa Centre is governed by the County and the Contra Costa Centre Area Municipal Advisory Council. The Pleasant Hill BART Station is currently under the sphere of influence of the City of Walnut Creek.

Renewed Renaming Request

In November 2004, County Redevelopment Director James Kennedy gave a presentation to the BART Board (the "Board") detailing a name change request to add "Contra Costa Centre" to the Pleasant Hill BART Station name. At this Board meeting, BART staff was directed to come back to the Board with criteria for station name modifications. In April 2005, the Board adopted the Guiding Policy Statement for Consideration in Station Renaming (the "Guiding Policy Statement").

This year, BART received correspondence from the Contra Costa Centre Association, the Walden District Improvement Association (an association for the neighborhood

To seek Board approval to change the name of the Pleasant Hill BART Station to the "Pleasant Hill/Contra Costa Cen

adjacent to the Contra Costa Centre), and the County indicating their renewed interest in changing the name of the Pleasant Hill BART Station. The Contra Costa Centre Association is comprised of commercial and residential property owners. On August 2, 2010, the three entities formally submitted an application to change the name of the Pleasant Hill BART Station to "Pleasant Hill/Contra Costa Centre" BART Station.

In support of the renaming application, letters of support have been submitted from the Contra Costa Centre Area Municipal Advisory Council; Walden District Improvement Association Board of Directors; Warren Rupf, Sheriff, Contra Costa County; James Kennedy, Contra Costa County Redevelopment Director; Contra Costa Centre Association, Board of Directors; and Millennium Partners/AvalonBay, Pleasant Hill Station Master Developer. Also, over 1,200 homeowners and employees in the area have signed outreach petitions. In addition, the renaming application indicates that Contra Costa Centre has been recognized as a geographic region by County, State and Federal governments or entities:

- In June 2005, the Contra Costa County Board of Supervisors permanently designated the community surrounding the Pleasant Hill BART station as the Contra Costa Centre.
- In July 2005, the Contra Costa County Board of Supervisors changed the name of the Pleasant Hill BART Station Municipal Advisory Council to the Contra Costa Centre Area Municipal Advisory Council, the Pleasant Hill BART Station Area Specific Plan was changed to the Contra Costa Centre Area Specific Plan, and the Pleasant Hill BART Station Area Redevelopment Plan was changed to the Contra Costa Centre Area Redevelopment Plan.
- In September 2005, Contra Costa County Public Works installed signs at the entrances to the Centre and at significant intersections surrounding the BART station designating the area as "Contra Costa Centre, an Unincorporated Community of Contra Costa County."
- In May 2009, the California Department of Transportation changed Highway 680 signage to reflect the name Contra Costa Centre.
- In 2010, the Federal Census recognized the Contra Costa Centre as a designated place. Census Designated Places (CDPs) are delineated for each decennial census as the statistical counterparts of incorporated places. CDPs are delineated to provide data for settled concentrations of population that are identifiable by name but are not legally incorporated under the laws of the state in which they are located.

The City of Walnut Creek is neutral on renaming the station.

As required steps in the station renaming process, community workshops were held by the applicant to receive comments from the public. The applicant mailed 3,053 meeting notices to residents and businesses within a 1/2 mile radius of the Pleasant Hill Station, published an advertisement, and posted the notice in the business section and community calendar section of the Contra Costa Times. The applicant provided 1,000 copies of the Workshop Notice for distribution at the Pleasant Hill BART Station and notified and provided Workshop Notices to the Monument Corridor Community in

To seek Board approval to change the name of the Pleasant Hill BART Station to the "Pleasant Hill/Contra Costa Cen

Concord (a Spanish speaking neighborhood). Three workshops were held, with a total of 45 community members and elected officials or their representatives attending.

The majority of comments at the meetings were in favor of the name change. There was one criticism that BART stations should not be named for commercial entities.

Staff Analysis of Application

Staff has reviewed the application to rename the Pleasant Hill BART Station to the Pleasant Hill/Contra Costa Centre BART Station, and has concluded that the criteria listed in the Guiding Policy Statement for Consideration in Station Renaming have been met:

- Transit System Context – Adding Contra Costa Centre to the name provides information on where the station is located within the context of the transit system. It would also significantly contribute to the transit users' understanding of the station's location.
- Simplicity – While adding to the Pleasant Hill Station name will make it longer, the number of added characters will fit within the signage, operational and mapping technical parameters. The longer name is easy to pronounce and understand.
- Station Area Context – The name Contra Costa Centre provides very specific information as to the location of the station within the context of the surrounding area.

FISCAL IMPACT:

The applicant has agreed to reimburse BART for all name change costs. The estimated cost of renaming the Pleasant Hill Station is \$413,800. The estimate includes expenses required to revise brochures, in-station static displays (maps, train schedules and general transit information), signage, and the BART public website. Because of station modernization activities currently underway at the Pleasant Hill Station, signage costs reflected in this estimate are at a significantly reduced rate. This estimate is based on activities occurring outside of normally scheduled system route changes and other planned events such as station openings. Significant savings could result from "folding" the name change activities into an already scheduled station opening or schedule change.

ALTERNATIVE:

Decline the renaming request and retain the current name of the Pleasant Hill BART Station.

RECOMMENDATION:

To seek Board approval to change the name of the Pleasant Hill BART Station to the "Pleasant Hill/Contra Costa Cen

Adoption of the following motion.

MOTION:

The Board approves the renaming of the Pleasant Hill BART Station to the Pleasant Hill/Contra Costa Centre BART Station.