

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

September 25, 2008

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, September 25, 2008, commencing at 9:00 a.m. All meetings will be held 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 and Standing Committees regarding any matter on these agendas. 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” and “consent calendar addenda” 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/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

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: Diarmuid J. Philpott, Vice President and Jerry Casey, Treasurer of the United Irish Societies of San Francisco.
- D. Public Hearing on Proposed BART EZ Rider Program Card and Hangtag Fees and Charges.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of September 11, 2008 (Regular), and September 11, 2008 (Special). * Board requested to authorize.
- B. Audit of Directors' Use of District Property. * For information.

RECESS TO STANDING COMMITTEES

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess

Director Franklin, Chairperson

NO REPORT.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

Director Fang, Chairperson

- B-1. Award of Contract No. 15PF-110, Earthquake Safety Program – West Oakland Station. * Board requested to authorize.
- B-2. Award of Contract No. 15PM-110, Earthquake Safety Program Parking Structures Retrofit for the Concord, Daly City, El Cerrito del Norte, Hayward, Pleasant Hill and Walnut Creek BART Parking Structures. * Board requested to authorize.
- B-3. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Ward Allen, Chairperson

- C-1. Strategic Plan Update. * Board requested to adopt.
- C-2. BART EZ Rider and Regional Translink® Smart Cards Status Report. For information.
- C-3. General Discussion and Public Comment.

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE
NO REPORT.

B. ENGINEERING AND OPERATIONS COMMITTEE

B-1. Award of Contract No. 15PF-110, Earthquake Safety Program – West Oakland Station.* Board requested to authorize.

B-2. Award of Contract No. 15PM-110, Earthquake Safety Program Parking Structures Retrofit for the Concord, Daly City, El Cerrito del Norte, Hayward, Pleasant Hill and Walnut Creek BART Parking Structures.* Board requested to authorize.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

C-1. Strategic Plan Update.* Board requested to adopt.

C-2. BART EZ Rider and Regional Translink® Smart Cards Status Report.
For information.

5. GENERAL MANAGER'S REPORT
NO REPORT.

6. BOARD MATTERS

A. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Inter-Office Communication

To: Board of Directors

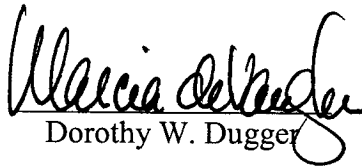
Date: September 12, 2008

From: General Manager

Subject: Audit of Directors' Use of District Property

Attached is the Internal Audit Department's final audit report—*Audit of Directors' Use of District Property*. The audit will appear on the September 25, 2008 Board Consent Calendar.

If you have any questions regarding the audit, please contact Darlene Cummins at (510) 464-7514.



Dorothy W. Dugger

Attachment

cc: Board Appointed Officers
Deputy General Manager

***Audit of Directors' Use of District Property
for Fiscal Year 2008***

BACKGROUND

The Internal Audit Department has audited the District's compliance with the requirements of the San Francisco Bay Area Rapid Transit District's *Rules of the Board of Directors* Board Rule 5-3.5, Use of District Property Other than Automobiles. The Rules require that the Internal Audit Department shall complete an annual audit for the previous fiscal year for compliance with the requirements of Board Rule 5-3.5, and shall submit the audit report, including a list of property issued to each Director, to the next Administration Committee following September 15 for review and forwarding to the full Board.

Board Rule 5-3.5 requires that:

- Directors may have use and possession of specifically identified District property that is comparable in cost and function to equipment available to District employees;
- The property will be returned when a Director leaves office;
- Directors request the property through the District Secretary's Office;
- The District Secretary request quarterly that the Directors review their cellular phone and calling card charges;
- Directors reimburse within 30 days of the quarterly request the costs that are not for District business; and
- The District Secretary report to the Board President or Vice President if the quarterly requests are not responded to or reimbursements not made within 30 days.

The purpose of our audit was to determine whether the District complied with the requirements of Board Rule 5-3.5 for the fiscal year ended June 30, 2008. To accomplish our purpose, we reviewed the requirements of the Board Rule, reviewed the report for the audit of compliance with the Board Rule done for the previous year, examined records maintained by the District Secretary, notified Directors of the property recorded in the District's records as issued to each Director, and conducted discussions with the staff of the District Secretary's Office.

We performed the audit in accordance with generally accepted government auditing standards and included such tests as we considered necessary in the

***Audit of Directors' Use of District Property
for Fiscal Year 2008***

**BACKGROUND
(Cont'd)**


circumstances. We used the *Rules of the Board of Directors* Board Rule 5-3.5 as criteria for the audit.

We provided Kenneth A. Duron, District Secretary, with a draft copy of our audit report on September 9, 2008. We discussed the draft audit report with him on September 9, 2008, and his comments are incorporated into this report.

**SUMMARY OF
AUDIT RESULTS**

We found that in fiscal year 2008 the District complied in all material respects with the requirements of Board Rule 5-3.5. A list of property issued to each Director as recorded in the District's records is shown in Exhibit A.

Cell phone bills for the fourth quarter of fiscal year 2008 were distributed to Directors on August 14, 2008. Board Rule 5-3.5(c) requires that these bills be responded to, with any applicable reimbursements, within thirty days (September 13, 2008). As of our audit cutoff date on September 8, 2008, two Directors had not completed this process for fourth quarter cell phone bills. We will follow up on receipt of these bills and any applicable reimbursements in our audit next year. The District Secretary stated that recent arrangements with the Telecommunications division will ensure that quarterly cell phone bills will be distributed to Directors in a more timely fashion in the future.



Darlene Cummins, Department Manager
Internal Audit Department



**Bay Area Rapid Transit District
Internal Audit Department
Audit Report**

***Audit of Directors' Use of District Property
for Fiscal Year 2008***

Exhibit A

**Schedule of District Property in Directors' Custody
As of June 30, 2008**

DIRECTOR	PROPERTY DESCRIPTION
Gail Murray 1st District	Blackberry Wireless Handheld
Joel Keller 2nd District	LCD Monitor Motorola Razor Cellular Telephone
Bob Franklin 3rd District	Blackberry Wireless Handheld
Carole Ward Allen 4th District	Dell Laptop Computer HP All-In-One Printer Blackberry Wireless Handheld
Zoyd Luce 5th District	Blackberry Wireless Handheld IBM Pentium Computer Viewsonic Monitor HP All-In-One Printer
Thomas M. Blalock 6th District	Motorola Cellular Telephone HP Fax Machine
Lynette Sweet 7th District	Blackberry Wireless Handheld Dell Laptop Computer
James Fang 8th District	HP Multi-function Fax Machine Apple Macbook Laptop Computer HP Printer
Tom Radulovich 9th District	Apple Powerbook Laptop Computer Apple Macbook Laptop Computer HP Printer Motorola Cellular Telephone



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 9/17/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Thomas Horton Dept: TSD x4978 <i>[Signature]</i> Signature/Date: 9/15/08	General Counsel <i>[Signature]</i> 9/15/08	Controller/Treasurer <i>[Signature]</i> 9/15/08	District Secretary []	BARC <i>[Signature]</i> 9/15/08
Status: Routed		Date Created: 08/27/2008		

TITLE:

Award of Contract 15PF-110, Earthquake Safety Program, West Oakland Station

NARRATIVE:

PURPOSE:

To authorize the General Manager to award Contract No. 15PF-110, Earthquake Safety Program, West Oakland Station, to Cal Pacific Construction Inc.

DISCUSSION:

The BART Earthquake Safety Program determined that the West Oakland Station requires seismic strengthening and produced contract documents for the work. The work consists of additional reinforced concrete for station pier foundations and pier caps; fiber wrap column encasements; track girder elastomeric bumpers; and strengthening of platform girders, canopies, windows, stairs, escalators and elevators. Advance Notice to Bidders was mailed on July 9, 2008 to 164 firms. The Contract was advertised on July 18, 2008 and Contract Books were sent to 17 plan rooms. A total of 18 firms purchased copies of the Bid Documents. A Pre-Bid Meeting and Site Tour were held on July 30, 2008 with 21 potential Bidders attending. Three Bids were received. Bids were opened publicly on August 26, 2008.

After review by the District staff, the apparent low Bid submitted by Cal Pacific Construction Inc., and the second low Bid submitted by West Bay Builders Inc. were determined to have arithmetical errors in Bid Item totals and/or in the Total Bid Price. Article 15.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 independently calculate such prices based on the unit or lump sum prices bid. In the event of a discrepancy, the District's calculations govern. Tabulation of the corrected Bids, including the Engineer's Estimate, is as follows:

1. Cal Pacific Construction Inc., Pacifica, CA	\$7,438,754.68
2. West Bay Builders, Inc., Novato, CA	\$7,638,187.86
3. S.J. Amoroso Construction Co. Inc., Redwood Shores, CA	\$8,577,000.40
Engineer's Estimate	\$9,300,000.00

The apparent low Bid submitted by Cal Pacific Construction Inc (also the low Bidder before the arithmetical corrections). has been determined to be fair and reasonable and deemed to be responsive to the solicitation. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

FISCAL IMPACT:

Funding of \$7,438,755 for award of Contract No. 15PF-110 is included in the total project budget for the FMS #15PF, ESP West Oakland Station. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The total cost of \$7,438,755 will be funded as follows:

F/G 49W – ITIP (AB3090)

\$3,998,594

As of month ending 8/24/08, \$10,000,000 is available for commitment from this fund source for this project and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$3,998,594 leaving an uncommitted balance of \$6,001,406 in this fund source.

F/G 49S – Seismic LSSRP

\$3,440,161

As of month ending 8/24/08, \$3,441,161 is available for commitment from this fund source for this project and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$3,440,161 leaving an uncommitted balance of \$1,000 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The alternative is to decline to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement the seismic retrofit of the West Oakland Station.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15PF-110, Earthquake Safety Program, West Oakland Station, to Cal Pacific Construction Inc. for the Bid amount of \$7,438,754.68, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Highway Administration's requirements related to protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 7/29/08	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$186,000,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$186,000,000	
CM	\$61,498,000	\$63,409,882	
Environmental	\$1,042,796	\$2,061,892	
TOTAL E, E & CM	\$249,018,796	\$251,471,774	
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	\$5,095,800	
Marine Vibro Demo	\$101,285,000	\$137,852,879	
Stitching	\$82,962,000	\$0	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$119,515,327	
Fremont	\$178,224,000	\$149,362,000	
Concord	\$36,500,000	\$22,452,000	
Richmond	\$80,155,000	\$66,441,000	
San Francisco/Daly City	\$36,590,000	\$42,740,000	
Stations (18)	\$126,961,000	\$104,427,000	
Other Structures			
LMA	\$5,529,000	\$5,110,448	
Yds & Shops	\$12,436,000	\$22,318,000	
Parking Structures	\$14,437,000	\$8,985,158	
At Grade Trackway	\$22,361,000	\$0	
Systems	\$7,066,000	\$11,587,118	
TOTAL CONSTRUCTION	\$909,469,000	\$707,739,259	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$228,071,988	
Contingency	\$32,104,000	\$163,202,979	
TOTAL PROGRAM COSTS	\$191,998,204	\$391,274,967	
TOTAL FUNDING	\$1,350,486,000	\$1,350,486,000	

(Funding includes \$43.3m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 9/17/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shirley J Ng Dept: Signature/Date: 9/17/08	General Counsel 9/15/08	Controller/Treasurer 9/15/08	District Secretary []	BART 9/15/08
Status: Routed		Date Created: 08/21/2008		

TITLE:

Award of Contract No. 15PM-110, For BART Earthquake Safety Program Parking Structures Retrofit

NARRATIVE:

PURPOSE:

To authorize the General Manager to award Contract No. 15PM-110, For BART Earthquake Safety Program Parking Structures Retrofit to West Bay Builders, Inc. of Novato, California.

DISCUSSION:

Contract No. 15PM-110 will provide for the seismic strengthening of the Concord, Daly City, El Cerrito Del Norte, Hayward, Pleasant Hill and Walnut Creek stations' parking structures as part of BART's Earthquake Safety Program. The work includes strengthening of foundations, walls, frames, beams, columns, slabs, stairs, precast concrete panels, and construction of all related sitework, architectural and mechanical/electrical elements.

Advance Notice to Bidders was mailed on July 24, 2008 to 92 firms. The Contract was Advertised on July 25, 2008 and Contract Books were sent to 17 plan rooms. A total of 38 firms purchased copies of the Bid Documents. A Pre-Bid Meeting was held on August 5, 2008 with a total of 15 potential Bidders attending. Site tours were held following the Pre-Bid meeting on August 5, 2008 and August 6, 2008. Five bids were received. Bids were opened publicly on September 2, 2008. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

Bidder

1. West Bay Builders, Inc., Novato, CA
2. Cal-Pacific Construction, Inc., Pacifica, CA
3. Arntz Builders, Inc., Novato, CA
4. William P. Young Construction, Inc., San Leandro, CA
5. C. Overaa & Co., Richmond, CA

Bid

\$7,813,181.00
 \$8,569,697.76
 \$9,476,227.38
 \$9,610,868.00
 \$10,949,826.57

Engineer's Estimate

\$10,397,000.00

After review by the District staff, the apparent low Bid submitted by West Bay Builders, Inc. has

been determined to be fair and reasonable and deemed to be responsive to the solicitation. Examination of this Bidder's business experience and financial capabilities has resulted in the determination that the Bidder is responsible.

FISCAL IMPACT:

Funding for \$7,813,181.00 for Award of Contract No. 15PM-110 is included in the total project budget for the FMS #15PM, ESP Parking Structures Retrofit. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

<u>F/G 01F - Earthquake Safety G.O. Bond:</u>	<u>\$ 7,813,181.00</u>
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As of the month ending 8/24/08, \$12,110,000.00 is available for commitment from this fund source for this project, and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$7,813,181.00 leaving an uncommitted balance of \$4,296,819.00 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The alternative is to not authorize Award of the Contract. If the Contract is not awarded, BART will be unable to implement the seismic strengthening of these six parking structures.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to Award Contract No. 15PM-110, for BART Earthquake Safety Program Parking Structures Retrofit, to West Bay Builders, Inc. for the Bid amount of \$7,813,181.00 pursuant to the notification to be issued by the General Manager and subject to the District's protest procedures.

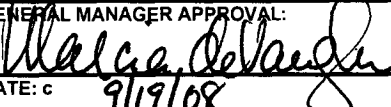
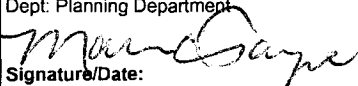


FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

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TOTAL PROGRAM COSTS	\$191,998,204	\$391,274,967	
TOTAL FUNDING	\$1,350,486,000	\$1,350,486,000	

(Funding includes \$43.3m of Prior Program Funding)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: c 9/19/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Marianne Payne Dept: Planning Department  Signature/Date:	General Counsel 	Controller/Treasurer 	District Secretary []	BARC []

TITLE:

Adopt BART's Strategic Plan Update

NARRATIVE:

PURPOSE:

To adopt an updated Strategic Plan for the San Francisco Bay Area Rapid Transit District

DISCUSSION:

In 1999 the BART Board of Directors adopted the BART Strategic Plan to guide BART into the 21st Century. The plan focused on seven key areas that were identified as central to achieving the District's mission and vision:

- The BART Customer Experience
- Building Partnerships for Support
- Transit Travel Demand
- Land Use and Quality of Life
- People of BART
- Physical Infrastructure
- Financial Health

The plan was fine tuned in 2003 and a number of key policies and programs were added in order to provide more definitive strategies for Strategic Plan implementation.

The 2008 Strategic Plan update ("the Plan") addresses key long-term challenges and opportunities that have been identified through "strategic discussions" in the Board room, workshops and interviews with individual Board members and staff throughout the District. The Plan responds to Board direction for a more simplified, project-oriented plan in which implementation can be more readily tracked. The Plan now contains three primary goal areas related to our customers, our people and our future:

- A Quality Customer Experience
- A Mission & Value Driven Workforce
- A Stable, Sustainable System

The Plan identifies Implementing Strategies, Projects and Programs and Desired Outcomes within each of these key goal areas. Key Indicators are also identified that will be used to measure plan effectiveness.

Subsequent to Board adoption of the Strategic Plan, staff working groups will meet to continue the development of refined metrics for each of these Indicators and a streamlined reporting

Subsequent to Board adoption of the Strategic Plan, staff working groups will meet to continue the development of refined metrics for each of these Indicators and a streamlined reporting process for the Board. Staff will also conduct outreach on the Plan to staff throughout the District and will integrate the new Plan into upcoming budget processes.

FISCAL IMPACT

Adoption of the BART Strategic Plan update will not result in an expenditure of District funds. Implementation of the Plan, however, will have implications for BART's near and long-term financial plans.

ALTERNATIVES

To continue to use the existing BART Strategic Plan (updated 2003) to guide the development of District plans and programs.

RECOMMENDATION:

Approve the following motion.

MOTION:

1. Adopt the proposed Strategic Plan (Attachment A)
2. Direct staff to use this Strategic Plan to:
 - develop "Metrics" and a streamlined reporting process for the Board;
 - conduct outreach on the Strategic Plan to staff throughout the District; and
 - integrate the new Strategic Plan into upcoming budget processes.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

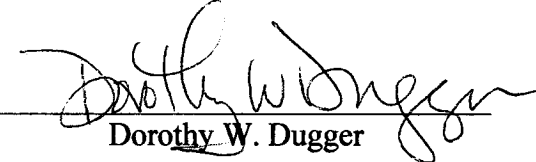
DATE: September 19, 2008

FROM: General Manager

SUBJECT: BART EZ Rider and Translink® Smart Card Program Status Report

As requested at the September 11, 2008 meeting of the Board of Directors, staff will present a status report on the BART EZ Rider and Translink® Smart Card Program at the Planning, Public Affairs, Access, and Legislation Committee at the September 25th meeting.

If you have any questions please feel free to contact me directly at (510) 464-6060.


Dorothy W. Dugger

cc: Board Appointed Officers
Deputy General Manager
Executive Staff