

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

BOARD MEETING AGENDA

September 26, 2013

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 26, 2013, 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 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:
Joint Administrative Committee - Oakland Airport Connector and
Cypress Mandela Training Center.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of September 12, 2013.* Board requested to authorize.
- B. Agreement with Omega Termite and Pest Control for Pest and Bee Control Services Districtwide (Agreement No. 6M6065).* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Murray, Chairperson

- A. Authorization of the Issuance and Sale of \$240 Million General Obligation 2013 Series C Bonds and the Execution and Delivery of the Required Documents.* Board requested to adopt.

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Award of Contract No. 46BA-110, Procurement of Destination Sign Units.* Board requested to authorize.
- B. Change Order to Contract No. 79HM-110, San Francisco Transition Structure Security Barrier (SFTS SB), with Taber Construction, Inc., for Temporary Suspension – Contract Costs (C.O. No. 22).* Board requested to authorize.
- C. Agreements for Plaza Cleaning Services: Agreement with WEBCO Sweeping for Areas 2 and 3 (Agreement No. 6M3230); and Agreement with IMPEC Group for Area 1 (Agreement No. 6M3231).* Board requested to authorize.

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

Director Blalock, Chairperson
NO ITEMS.

6. GENERAL MANAGER'S REPORT

* Attachment available

7. 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.
(Board members provide brief reports on meetings attended at District expense, as required by Government Code Section 53232.3(d).)
- 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.)

8. PUBLIC COMMENT

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

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

A. CONFERENCE WITH REAL ESTATE NEGOTIATORS

Property: Property Located in Pleasanton at the West Dublin/Pleasanton BART Station
District Negotiators: Robert Powers, Assistant General Manager, Planning & Development; and Jeffrey P. Ordway, Manager, Real Estate & Property Development
Negotiating Parties: SCP/NPC Holdings and San Francisco Bay Area Rapid Transit District
Under Negotiation: Price and Terms
Government Code Section: 54956.8

B. CONFERENCE WITH LABOR NEGOTIATORS

Designated representatives: Grace Crunican, General Manager; Paul Oversier, Assistant General Manager, Operations; Rudolph Medina, Department Manager – Labor Relations; and Thomas P. Hock, Veolia Transportation, Inc.
Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021; and
(6) Service Employees International Union, Local 1021, BART Professional Chapter
(7) Unrepresented employees (Positions: all)
Government Code Section: 54957.6

10. OPEN SESSION

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

Board of Directors
Minutes of the 1,687th Meeting
September 12, 2013

A regular meeting of the Board of Directors was held September 12, 2013, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Keller entered the Meeting later.

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 Meetings of August 8, 2013, and August 22, 2013.
2. Award of Invitation for Bid No. 8906, Encoder Assembly.
3. Award of Invitation for Bid No. 8926, Vehicle, Yard, Double Ended Carts.

Director McPartland made the following motions as a unit. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Keller.

1. That the Minutes of the Meetings of August 8, 2013, and August 22, 2013, be approved.
2. That the General Manager be authorized to award Invitation for Bid No. 8906, an estimated quantity contract for AC traction motor encoders, to Dynapar Corporation, for the Bid price of \$1,321,352.50 including sales tax, pursuant to notification to be issued by the General Manager.
3. That the General Manager be authorized to award Invitation for Bid No. 8926, an estimated quantity contract for the procurement of Vehicle, Yard, Double Ended Carts, to Toyota Material Handling, for the Base Bid price of \$149,282.00, including applicable sales tax, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the General Manager be authorized to exercise Options A and B in the amounts of \$153,624.64 and \$158,124.12, respectively, including applicable sales tax,

subject to certification by the Controller/Treasurer of the availability of funds.

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

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of BART Metro: Update before the Board.

Director Keller entered the Meeting.

Mr. Val Menotti, Department Manager, Planning, and Ms. Ellen Smith, Planning Division Manager, presented the item. The item was discussed.

The following individuals addressed the Board.

Honorable John Marchand
Ms. Joan Seppala
Ms. Mona Barra-Gibson
Ms. Iris Obregon
Mr. Scott Wilson
Mr. Jeff Hobson
Mr. Robert S. Allen
Ms. Linda Jeffery Sailors

Discussion on the item continued.

Director Murray, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2013 Year End Budget Revision before the Board. Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, presented the item.

Director Fang moved allocating the Fiscal Year 2013 Budget year end favorable result of \$5.7 million to increase the District's offer to employees in the current labor negotiations. The motion died for lack of a second.

Director Blalock moved adoption of Resolution No. 5220, In the Matter of Amending Resolution No. 5195 Regarding Fiscal Year 2013 Annual Budget. President Radulovich seconded the motion. The item was discussed.

Mr. Gabriel Haaland addressed the Board.

The motion carried by electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 1: Director Fang.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Oakland Airport Connector Project: Quarterly Update, before the Board. Mr. Thomas Dunscombe, Project Manager – Oakland Airport Connector, presented the item.

Mr. Robert S. Allen addressed the Board.

The item was discussed.

Director Fang brought the matter of Oakland Airport Connector Project: Naming of Station at Oakland International Airport and Renaming of Coliseum/Oakland Airport Station, before the Board. Mr. Dunscombe presented the item. The item was discussed. Director Raburn moved that the Coliseum/Oakland Airport Station be renamed Coliseum Station, and that the new automated people mover station at the Oakland International Airport be named the Oakland International Airport Station. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Fang, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

President Radulovich called for the General Manager's report.

General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in.

Mr. Paul Oversier, Assistant General Manager – Operations, reported on ridership, system performance, and system recovery in connection with the 5-day Bay Bridge closure.

Director Fang exited the Meeting.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief report on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of September 18, 2013.

President Radulovich called for the Independent Police Auditor's Report. Mr. Mark Smith, Independent Police Auditor, gave a report on the activities of the Citizen Review Board and the Office of the Independent Police Auditor.

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

Director Saltzman reported she had attended the Solano Stroll.

Director Raburn reported he had attended the Capitol Corridor Vision and Service Planning Ad Hoc Committee meeting, the Chinatown Streetfest, and the Oakland Pride event.

Director Raburn requested the inspection and repair of lighting inside and outside stations in advance of the return to Pacific Standard Time, including auditing of and outreach to adjoining proprietaries and public spaces.

Director Raburn requested a pilot program at the Fruitvale Station implementing "ambassador" escort and patrol services for customers at night.

Director McPartland reported he had a number of staff meetings and political meetings, including meetings regarding the Castro Valley communications tower and meetings with Supervisor Haggerty, the Bay Area Council, and the mayors of Pleasanton and Livermore.

Director Keller reported he had attended several meetings with staff.

Director Murray reported she had attended a Pleasant Hill leasing authority meeting, the Capitol Corridor Vision and Service Planning Ad Hoc Committee meeting, and a luncheon with Congressman George Miller.

Director Blalock reported he had attended a few meetings with staff.

Director Mallett reported he had attended the Capitol Corridor Vision and Service Planning Ad Hoc Committee meeting, a few meetings at District headquarters, the Hercules Intermodal Transit Center groundbreaking, the Solano Stroll, and a City of Oakland Community and Economic Development Agency meeting.

President Radulovich called for Public Comment. The following individuals addressed the Board.

Mr. George Perica

Mr. Oliver Hill

Ms. Patricia Schuchardt

Ms. Jacqueline Carvallo

The Board Meeting was adjourned at 12:21 p.m. in honor of former Director Roy Nakadegawa.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeVander</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to E&O Committee			
DATE: 9/18/13		BOARD INITIATED ITEM: No			
Originator/Prepared by: Larry Fisher Dept: Maintenance and Engineering	General Counsel	Controller/Treasurer	District Secretary	BARR	
Signature/Date: <i>[Signature]</i> 9/18/13	<i>[Signature]</i> 9/18/13	<i>[Signature]</i>		<i>[Signature]</i>	<i>[Signature]</i> 9/18/13
Status: Approved		Date Created: 09/12/2013			

TITLE: Agreement 6M6065 to Provide Pest and Bee Control Services Districtwide

NARRATIVE:

Purpose: To obtain Board authorization for the General Manager to award Agreement No. 6M6065 to Provide Pest and Bee Control Services Districtwide to Omega Termite and Pest Control of Oakland CA.

This Agreement will provide for pest control at District facilities systemwide on a regular and on-call basis for a period of three years, with District options to extend the Agreement for two additional one year periods.

The District provided Advance Notice to 42 prospective Proposers and advertisements soliciting interest in the Request for Proposal ("RFP") were place in a number of publications, including MBE/WBE publications. The District issued RFP No. 6M6065, and 45 maintenance firms requested and were sent the RFP. A Pre-Proposal Meeting was conducted on April 17, 2013, with fourteen (14) prospective Proposers attending the meeting. Four (4) Proposals were received on May 14, 2013. Upon review, the Proposal submitted by Terminix Commercial was determined to be non responsive to the RFP submission requirements and also failed to meet the established minimum technical requirements. The following three (3) Proposals, tabulated below, were responsive to the RFP submittal requirements and were determined to have met the established minimum technical requirements.

PROPOSER	LOCATION	Certified Small Business	TOTAL PROPOSED PRICE
Omega Termite & Pest Control Inc.	Oakland, CA	Yes	382,120.00
Big Valley Termite & Pest Control	Pleasanton, CA	Yes	404,680.00
Applied Pest Management, Inc.	Vallejo, CA	Yes	516,100.00
Engineer's Estimate			413,400.00

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 16% for MBEs and 20% for WBEs. The Bidder will not be subcontracting any work and will do all the work with its own forces and therefore the Non-Discrimination in 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 Contract for Small Businesses certified by the California Department of General Services. The responsive low Proposer, Omega Termite Control, Inc., is a certified Small Business making it eligible for the 5% reduction in its bid price provided by the small business preference. Since Omega Termite Control, Inc. is the lowest responsive Proposer, and is eligible for the 5% Small Business preference, the application of the Small Business Program will not alter the award to Omega Termite Control, Inc.

After review by District staff and application of the 5% small business preference, the Bid submitted by Omega Termite & Pest Control Inc. has been determined to be the lowest responsive bid. 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 \$382,120.00, which is approximately 7.6 % below the Engineer's Estimate, is fair and reasonable.

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

Fiscal Impact

The maximum compensation under the Agreement with Omega Termite and Pest Control will not exceed \$382,120. Funding for this Agreement is available in the current FY14 budget and will be requested in the future Maintenance Support (Department 802876) operating budget account 680230 (Maintenance and Repair) for fiscal years 2015 through 2019.

District expenditures for this agreement are estimated as follows:

FY14	\$58,090
FY15	\$77,453
FY16	\$77,453
FY17	\$74,083
FY18	\$75,840
FY19	\$19,200

Alternative:

To not award this Agreement will result in an increase in pest-related complaints from patrons and staff in District facilities. District staff is neither equipped nor licensed to apply pest control chemicals.

Recommendation:

Staff recommends that the Board adopt the following motion.

Motion:

The General Manager is authorized to award Agreement No. 6M6065 to Omega Termite and Pest Control for a three year period to Provide Pest and Bee Control Services Districtwide for a total compensation not to exceed \$232,360 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. In addition the General Manager is authorized to exercise a first year option to the Agreement for an amount not to exceed \$72,960 and to exercise a second year option for an amount not to exceed \$76,800 subject to the availability of funding.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: c 9/18/13		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michaela Morales Dept: Controller-Treasurer's Department on behalf of Scott Schroeder, Controller-Treasurer Rose Poblete, Assistant Treasurer Signature/Date:	General Counsel <i>[Signature]</i> 9/18/13	Controller/Treasurer <i>[Signature]</i> []	District Secretary <i>[Signature]</i> []	BARC <i>[Signature]</i> 9-18-13 []

TITLE:

**TO AUTHORIZE THE ISSUANCE AND SALE OF \$240 MILLION GENERAL
OBLIGATION 2013 SERIES C BONDS
AND THE EXECUTION AND DELIVERY OF THE REQUIRED DOCUMENTS**

NARRATIVE:

PURPOSE:

To request Board adoption of a resolution, which authorizes the issuance and sale of \$240 million in General Obligation 2013 C Bonds and authorizes the Controller-Treasurer to 1) enter into a Bond Purchase Agreement with the joint venture team of J.P. Morgan and Cabrera Markets, LLC to provide the District with underwriting services in the issuance of the Bonds, 2) to implement the preparation, execution and delivery of the necessary documents including the preliminary Official Statement, the Official Statement, Supplemental Indenture, Bond Purchase Agreement, Continuing Disclosure Agreement, and related agreements and, 3) to negotiate and commit to bond credit support agreements in connection with the issuance of the Bonds.

DISCUSSION:

In 2013, the District intends to issue the third tranche of approximately \$240 million of voter approved General Obligation Bonds. Proceeds of the issuance will be used for seismic strengthening of various portions of the District's infrastructure.

FISCAL IMPACT:

The cost of issuance for the General Obligation Bonds 2013 Series C for underwriting, legal counsel, financial advisors, rating agencies, trustee services, and other auxiliary fees is estimated to cost up to \$1.5 million. All fees shall be paid out of proceeds and, therefore, no direct costs will be paid by the District. If no bonds are issued, no expense will be incurred. Interest and principal debt services on the General Obligation Bonds will be paid through assessed ad valorem taxes on all property in the three BART District counties. No General Obligation Bond debt service will be borne by District revenues.

ALTERNATIVES:

The District may elect not to issue the General Obligation Bonds 2013 Series C at this time

which would cause delays in the Earthquake Safety Program.

RECOMMENDATION:

To authorize the Controller-Treasurer to negotiate the structure, financing and cost of issuance for the General Obligation Bonds 2013 Series C and execute and deliver all documents necessary for the issuance of the General Obligation Bonds 2013 Series C.

MOTION:

That the attached resolution authorizing the issuance of the General Obligation Bonds 2013 Series C and the execution and delivery of documents necessary in connection therewith be adopted.

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

AUTHORIZING AND APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED \$240,000,000 AGGREGATE PRINCIPAL AMOUNT OF SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT GENERAL OBLIGATION BONDS (ELECTION OF 2004), 2013 SERIES C; AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL PAYING AGENT AGREEMENT PURSUANT TO WHICH SUCH BONDS ARE TO BE ISSUED, A BOND PURCHASE AGREEMENT PURSUANT TO WHICH SUCH BONDS ARE TO BE SOLD BY NEGOTIATED SALE; APPROVING AN OFFICIAL STATEMENT RELATING TO SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT AND CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE AND SALE OF SUCH BONDS, INCLUDING A CONTINUING DISCLOSURE AGREEMENT; DELEGATING TO THE CONTROLLER/TREASURER OF THE DISTRICT POWER TO DETERMINE FINAL TERMS OF SUCH BONDS AND COMPLETE SAID DOCUMENTS AND AUTHORIZING CERTAIN OTHER MATTERS RELATING THERETO.

Resolution No.

WHEREAS, pursuant to Resolution No. 4920 of the San Francisco Bay Area Rapid Transit District (the "District"), adopted June 10, 2004, the District duly called an election, and an election was regularly held in the Counties of Alameda, Contra Costa and San Francisco on November 2, 2004, at which the following proposition ("Measure AA") was submitted to the electors of the District:

"To protect public safety and keep Bay Area traffic moving in the event of an earthquake or other disaster, shall BART, the San Francisco Bay Area Rapid Transit District, be authorized to issue bonds not to exceed \$980 million dollars to make earthquake safety improvements to BART facilities in Contra Costa, San Francisco and Alameda Counties, including strengthening tunnels, bridges, overhead tracks and the underwater Transbay Tube, and establish an independent citizens' oversight committee to verify bond revenues are spent as promised?"

WHEREAS, at least two-thirds of the votes cast on said proposition were in favor of issuing said bonds;

WHEREAS, pursuant to said favorable vote and pursuant to Part 2 of Division 10 of the Public Utilities Code of the State of California, commencing with Section 28500, and other applicable law, the District is authorized to issue said bonds;

WHEREAS, \$100,000,000 principal amount of said bonds designated "San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2005 Series A" have heretofore been issued and sold pursuant to that certain Paying Agent Agreement (the "Master Paying Agent Agreement") by and between the District and The Bank of New York Mellon Trust Company, N.A. (successor to The Bank of New York Trust Company, N.A.), as Paying Agent (the "Paying Agent"), dated as of May 1, 2005;

WHEREAS, \$400,000,000 principal amount of bonds designated "San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2007 Series B" have heretofore been issued and sold pursuant to that certain First Supplemental Paying Agent Agreement (the "First Supplemental Paying Agent Agreement"), by and between the District and the Paying Agent, dated as of July 1, 2007, supplementing the Master Paying Agent Agreement (together with the First Supplemental Paying Agent Agreement, the "Paying Agent Agreement");

WHEREAS, the District now deems that it is necessary and desirable to issue its "San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2013 Series C" (the "Bonds") in an aggregate principal amount not exceeding \$240,000,000, according to the terms and in the manner as set forth in the Second Supplemental Paying Agent Agreement, dated as of October 1, 2013 (in the form presented to this meeting, with such changes as are made pursuant to this Resolution, the "Second Supplemental Paying Agent Agreement"), supplemental to the Paying Agent Agreement, for the purpose of financing the cost of making earthquake safety improvements to District facilities in Contra Costa, San Francisco and Alameda Counties (the "Project") and paying the costs of issuance of the Bonds;

WHEREAS, pursuant to Article 4.5 (commencing with Section 53506) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, this Board of Directors of the District deems it necessary and desirable to sell the Bonds by negotiated sale to J.P. Morgan Securities, LLC as representative of itself and Cabrera Capital Markets, LLC and the other underwriters named in the Bond Purchase Agreement (collectively, the "Underwriter") in order to provide flexibility in the timing of the sale of the Bonds and to achieve a more desirable debt structure and an overall lower cost of borrowing;

WHEREAS, the District has engaged First Southwest Company as financial advisor to the District with respect to the Bonds and Orrick, Herrington & Sutcliffe LLP as bond and disclosure counsel to the District with respect to the Bonds and estimates the costs of issuance for the Bonds as set forth in Appendix A hereto;

WHEREAS, a proposed form of a bond purchase agreement has been prepared and presented to this meeting (with such changes as are made pursuant to this Resolution, the "Bond Purchase Agreement");

WHEREAS, there has been prepared and submitted to this meeting a proposed form of Official Statement in preliminary form (the "Preliminary Official Statement") to be used in connection with the offering and sale of the Bonds; and

WHEREAS, in order to assist the Underwriter in complying with Securities and Exchange Commission Rule 15c2-12(b)(5), there has been prepared and submitted to this meeting a proposed form of Continuing Disclosure Agreement (with such changes, omissions and insertions as are made pursuant to this Resolution, the "Continuing Disclosure Agreement"), which is proposed to be entered into by the District and the Paying Agent, as paying agent and as dissemination agent;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District as follows:

Section 1. The foregoing recitals are true and correct, and the issuance by the District of San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2013 Series C, in an aggregate principal amount not to exceed \$240,000,000, on the terms and conditions set forth herein and in the Second Supplemental Paying Agent Agreement, as finally executed and delivered, is hereby approved.

Section 2. The form of Second Supplemental Paying Agent Agreement presented to this meeting is hereby approved. The Controller/Treasurer of the District is hereby authorized and directed to execute and deliver the Second Supplemental Paying Agent Agreement in substantially the form presented to this meeting with such changes as may be approved by him, said execution being conclusive evidence of such approval. The proceeds of the Bonds (after payment of the costs of issuance thereof) will be applied to provide funds for the purposes hereinabove described. The maximum term of the Bonds shall not exceed thirty-five (35) years. The maximum rate of interest to be payable on the Bonds shall not exceed six and one-half percent (6.5%) per annum. The combined true interest cost for the Bonds shall not exceed six percent (6%). Optional redemption of the Bonds shall be provided for at not later than ten (10) years from the date of issuance at a premium not greater than two percent (2%); provided, however, that the Controller/Treasurer of the District is hereby authorized to cause all or any portion of the Bonds to be issued as callable, noncallable, taxable, or tax-exempt bonds. The Controller/Treasurer is authorized to increase the amount of Bonds sold beyond the limit set forth in Section 1, provided that any additional Bonds shall be used to refund outstanding bonds of the District and provided further that the net present value of the savings generated by the refunding shall be at least five percent (5%) of the aggregate principal amount of the bonds to be refunded. The Bonds shall be signed by the manual or facsimile signature of the President of the Board of Directors of the District and countersigned by the manual or facsimile signature of the Secretary of the District, and the manual or facsimile seal of the District shall be affixed to the Bonds. The Bonds shall be authenticated by a manual signature of a duly authorized officer of the Paying Agent. The dated date of the document, the interest payment dates, denominations, forms, manner of execution, terms of redemption and other terms of the Bonds shall be as provided in the Second Supplemental Paying Agent Agreement as finally executed.

Section 3. The sale of the Bonds to the Underwriter on the terms and conditions contained in the Bond Purchase Agreement is hereby approved and authorized and the form of Bond Purchase Agreement presented to this meeting is hereby approved. The Controller/Treasurer of the District is hereby authorized and directed to execute and deliver the Bond Purchase Agreement in substantially the form presented to this meeting with such changes, insertions and omissions as may be approved by him, said execution being conclusive evidence of such approval. The maximum underwriting discount on the sale of the Bonds, if any (exclusive of original issue discount), shall be not greater than one tenth of one percent (0.10%) of the principal amount of the Bonds. The proceeds, including accrued interest on the sale of the Bonds, shall be applied simultaneously with the delivery of the Bonds, as required by the terms of the Second Supplemental Paying Agent Agreement as finally executed.

Section 4. The form of Preliminary Official Statement presented to this meeting is hereby approved and the distribution of the Preliminary Official Statement, in connection with the offering and sale of the Bonds, with such changes, omissions and insertions as shall be approved by the Controller/Treasurer, is hereby authorized and approved. The Controller/Treasurer is hereby authorized to review the Preliminary Official Statement and to certify on behalf of the District that the Preliminary Official Statement is "deemed final" as of its date, except for certain terms and pricing information permitted to be omitted therefrom pursuant to Securities and Exchange Commission Rule 15c2-12. The Controller/Treasurer of the District is authorized to deliver such a certification to the Underwriter.

The Controller/Treasurer of the District is hereby authorized and directed to prepare a final version of the Official Statement (such final version of the Official Statement, in the form of the Preliminary Official Statement, with such changes, insertions and omissions as shall be approved by the Controller/Treasurer of the District, being hereinafter referred to as the "Official Statement") and to execute the Official Statement and any amendment or supplement thereto, in the name of and on behalf of the District, and cause the Official Statement and any such amendment or supplement, to be delivered to the Underwriter and distributed in connection with the offering and sale of the Bonds.

Section 5. The form of Continuing Disclosure Agreement presented to this meeting is hereby approved. The Controller/Treasurer of the District is hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement in substantially the form presented to this meeting, with such changes, insertions and omissions as may be approved by him, said execution being conclusive evidence of such approval.

Section 6. The Controller/Treasurer of the District is hereby authorized to enter into or to instruct the Paying Agent to enter into one or more investment agreements, float contracts, swaps or other hedging products (hereinafter collectively referred to as the "Investment Agreement") providing for the investment of moneys in any of the funds and accounts created under the Paying Agent Agreement, on such terms as the Controller/Treasurer of the District shall deem appropriate. Pursuant to Section 5922 of the California Government Code, the Board of Directors of the District hereby directs that, if entered into, the Investment Agreement shall reduce the amount and duration of interest rate risk with respect to amounts invested pursuant to the Investment Agreement and shall be designed to reduce the amount or duration of payment,

rate, spread or similar risk or result in a lower cost of borrowing when used in combination with the Bonds or enhance the relationship between risk and return with respect to investments.

Section 7. Pursuant to Section 29121 of the California Public Utilities Code, the District shall, at the time of fixing the general tax levy and in the manner provided for fixing the general tax levy, levy and collect annually until the Bonds are paid, or until there is a sum in the treasury of the District set apart for the purpose of paying all principal of and interest (and redemption premiums, if any) on the Bonds as the same become due and payable, a tax sufficient to pay the annual interest on the Bonds and such part of the principal thereof, including any sinking fund installments or redemption premiums required to be paid pursuant to the Paying Agent Agreement, as will become due before the proceeds of a tax levied at the next general tax levy will be made available for such purposes.

Section 8. The Board of Supervisors, the Auditor-Controller, the Assessor, the Treasurer, and other appropriate officials of each of the County of Alameda, the County of Contra Costa and the City and County of San Francisco (collectively, the "BART Counties"), are hereby requested to take and authorize such actions as may be necessary pursuant to the laws of the State of California to provide for the levy and collection of a property tax on all taxable property of the District sufficient to provide for payment of all principal of, redemption premium, if any, and interest on the Bonds as the same shall become due and payable, and to transfer such monies to or as requested by the District for deposit to the District's Interest and Sinking Fund established pursuant to the Paying Agent Agreement, and the Secretary of the Board is hereby authorized and directed to deliver certified copies of this Resolution to the Clerk of the Board of Supervisors, the Auditor-Controller, the Assessor, the Treasurer and other appropriate officials of each BART County. The Board hereby agrees to reimburse each BART County for any costs associated with the levy and collection of said tax, upon such documentation of said costs as the District shall reasonably request. The Controller/Treasurer of the District is hereby authorized to enter into agreements with each BART County or provide such other documentation as the Controller/Treasurer of the District determines is necessary or convenient to assist in the levy and collection of the taxes and the transfer thereof to or at the direction of the District.

Section 9. The President of the Board of Directors of the District, the General Manager of the District, the Controller/Treasurer of the District, the General Counsel of the District, the District Secretary and any other proper officer of the District, acting singly, is, and each of them hereby is, authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper to carry out the transactions contemplated by the Paying Agent Agreement, the Second Supplemental Paying Agent Agreement, the Bond Purchase Agreement, the Preliminary Official Statement, the Official Statement and the Continuing Disclosure Agreement, and by this Resolution, including without limitation, the delivery of tax certifications, the delivery of any instructions or documents relating to the investment of bond proceeds and the making of any determinations or submission of any documents or reports which are required by any governmental entity in connection with the issuance or payment of the Bonds.

Section 10. All actions heretofore taken by the officers, representatives or agents of the District in connection with the issuance and sale of the Bonds are hereby ratified, confirmed and approved.

Section 11. This Resolution shall take effect from and after its adoption. PASSED AND ADOPTED on _____.

APPENDIX A
Estimated Costs of Issuance

Ratings Agency (Fitch)	\$ 85,000.00
Ratings Agency (S&P)	80,000.00
Underwriter's Takedown	185,000.00
Financial Advisor	17,500.00
Bond Counsel	150,000.00
Disbursements – Bond Counsel	5,000.00
Disclosure Counsel	100,000.00
Disbursements – Disclosure Counsel	3,000.00
Paying Agent	1,600.00
Property Tax and Other Data	3,000.00
Printing fees	10,000.00
Contingency	9,900.00
 Total	 \$ 650,000.00



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter de la Hoya</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: c <i>9/18/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Katy Tseng-Wong Dept: Planning and Development <i>9/13/13 ktw</i>	General Counsel <i>Andrew Davis 9/16/13</i>	Controller/Treasurer <i>John S. Schmidt 9/16/13</i>	District Secretary	BART <i>Paul Verser 9/16/13</i>
Signature/Date:	[]	[]	[]	[]

TITLE:

Award Contract No. 46BA-110 for Procurement of Destination Sign Units (DSU)

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 46BA-110 for the procurement of Destination Sign Units (DSU), to Daktronics, Inc.

DISCUSSION

This contract will furnish destinations signs for three extensions programs, Warm Springs (WSX), Silicon Valley Berryessa Extension (SVBX), and eBART. Each extension contractor will install and commission the DSUs. The Base bid will furnish 38 DSUs for the three extension programs. Option 1, if exercised, will furnish 12 additional DSUs for eBART. Option 2, if exercised, will furnish 40 DSUs for existing stations.

DSUs are platform Destination Signs that display real-time train destination and time arrival information, including service announcements. BART engineering staff programs and configures the display content. DSU display message is controlled by District's Destination Sign System (DSS) via BARTNet fiber network. The DSU capability includes but is not limited to full color LED display, graphics and multi-language display, with a brightness auto-adjust feature.

On June 5, 2013, the Advance Notice to Bidders was mailed to 48 prospective bidders, and contract documents were sent to 24 plan rooms. The Contract was advertised on June 7, 2013 in local publications. A total of 10 firms purchased copies of the contract documents. A pre-bid meeting was conducted on June 19, 2013, with 7 prospective bidders attending. Bids were publicly opened on August 27, 2013. Pursuant to the Instructions to Bidders, bids were evaluated based on the total Bid Price which includes the Base Bid, Option 1, and Option 2 Bid Prices. Three (3) Bids were received as follows:

<u>Bidder</u>	<u>Location</u>	<u>Base Bid</u>	<u>Option 1</u>	<u>Option 2</u>	<u>Total Bid Price</u>	<u>Total Including Sales Tax 9%</u>
Data Display USA, Inc.	Holbrook, NY	\$1,016,510.20	\$247,459.48	\$819,573.62	\$2,083,543.30	\$2,271,062.20
Daktronics, Inc.	Brookings, SD	\$1,087,055.00	\$255,850.00	\$843,500.00	\$2,186,405.00	\$2,383,181.45
Luminator Holding, LP	Plano, TX	\$1,020,275.00	\$284,265.00	\$934,350.00	\$2,238,890.00	\$2,440,390.10
Engineer's Estimate		\$1,149,439.00	\$239,376.00	\$762,720.00	\$2,151,535.00	\$2,345,173.15

The apparent low bidder, Data Display USA, Inc., submitted a bidders bond that took exception to contract performance specifications. Consequently, the bid of Data Display was determined to be non-responsive.

Staff determined that the Bid submitted by Daktronics, Inc. is fair and reasonable (within 2% of Engineer's estimate) and is responsive to the solicitation. After a review of the business experience and financial capabilities, Staff determined that Daktronics, Inc. is responsible.

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

FISCAL IMPACT:

Staff is seeking authority to award the Base Bid, for an amount of \$1,087,055 to which applicable taxes will be applied for a total of \$1,184,890. Funding for this \$1,184,890 Contract Award is funded by the Extension Programs, WSX, SVBX, and eBART.

Funding of \$1,184,890 for the award of Contract 46BA - 110, Destination Signs (DSU) will come from project budget 46BA001 – Destination Signs and VMS. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 9/6/13, \$2,091,646 is available for this project from the following source:

Fund No.	Source	Fund Description	Amount
651B	Local	CCTA	\$ 473,428
656H	Local	VTA	\$ 1,096,100
6218	BTRM2	RM2 Allocation #11366705	\$ 522,118
		Total	\$ 2,091,646

BART has expended \$237,194, encumbered \$138,162, and pre-encumbered \$1,150,000 for this purchase, to date. This action will encumber an additional \$34,890 of remaining available funds, leaving an available fund balance of \$531,400.

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

ALTERNATIVES:

The alternative is to reject all bids and rebid the Contract, Staff does not expect would lead to a better price or more competition. The delay caused by rebidding could negatively impact the DSU delivery date for the Warm Springs Extensions and incur construction delay costs.

RECOMMENDATIONS:

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 Contract No. 46BA-110, Procurement of Destination Sign Units (DSU) to Daktronics, Inc. for the Base Bid amount of \$1,087,055, plus applicable taxes, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA requirements related to protests. Subject to certification by the Controller-Treasurer that funds are available, the General Manager is also authorized to exercise Option 1 and Option 2 in the amount of \$255,850 and \$843,500 respectively, plus applicable taxes.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa deVanden</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: <i>9/18/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carl Orman Dept.	General Counsel	Controller/Treasurer	District Secretary	BAFC
<i>Carl Orman 9/17/13</i>	<i>Marisa deVanden 9/18/13</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Signature/Date:	[]	[]	[]	[]
Status: Routed		Date Created: 08/12/2013		

TITLE:

Contract No. 79HM-110, SFTS SB, Change Order No. 22

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute Change Order No. 22, Temporary Suspension - Contractor Costs, in the amount not to exceed \$350,000, to Contract No. 79HM-110, SFTS SB, with Taber Construction, Inc.

DISCUSSION:

The Board of Directors authorized the General Manager to award Contract No. 79HM-110, SFTS SB, to Taber Construction, Inc., on February 10, 2011. Included in the Contract scope of work was the installation of a security barrier on the concrete deck behind the San Francisco Ferry Building. Following the Award of the Contract, it was determined that the Ferry Plaza Deck would require reconstruction of a deteriorated section in order to allow access for the Contractor's equipment. This work delayed the start of field construction. Consequently, on November 17, 2011 the Contract was placed in suspension. On June 28, 2012, the Board of Directors authorized the General Manager to execute Change Order No. 5, to strengthen the concrete deck to allow the passage of the Contractor's equipment onto the deck for performing Contract work (copy of EDD attached). This Change Order No. 22 will compensate the Contractor for costs associated with temporary suspension of work (339 days) due to the above-described delay.

Pursuant of Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines.

FISCAL IMPACT:

Funding of \$350,000 for executing this Change Order will come from project budget 79HM000

TRANSITION BARRIERS. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of September 10, 2013, \$65,960,667.10 is available for this project from the following fund sources:

Fund	Description	Amount
226I	1999 S/T REV DEBT SERV2	\$99,671.80
352X	FY05 CAP ASST PGM CA-9	\$782,403.20
352Z	FY07 CAP ASST PGM CA90	\$17,354,280.00
3704	DHS FEMA ARRA TSGP-CP0	\$5,143,219.00
3751	FY2007 TSGP GR#2007-RL-T7-K001	\$4,574,190.81
3752	FY2007 TSGP GR#2007-RL-T7-K111	\$1,722,115.04
3755	FY11 TSGP Security CCTC and WI	\$20,768,000.00
3907	FY06 HOMELAND SECURITY	\$1,900,000.00
3908	FY06 UASI REGIONAL FUN	\$213,937.00
535F	FY08-09 CTSGP PROP 1B (SECTY G)	\$1,748,628.09
535T	FY07-08 CTSGP PROP 1B(HOMELND)	\$1,275,576.65
5372	FY010-11 CTSGP PROP 1B(HOMELND)	\$1,347,306.00
5373	FY11-12 CTSGP PROP 1B(HOMELND)	\$4,600,000.00
6011	BRIDGE TOLL ALLOC 07376802	\$1,215,861.00
6015	BRIDGE TOLL ALLOC 09387201	\$95,929.00
6213	REGIONAL MEAS 2 08382301	\$3,119,549.51
	TOTAL	\$65,960,667.10

BART has expended \$24,041,503.70, and committed \$1,635,234.73 to date for other actions. This action will commit an additional \$350,000 leaving an uncommitted balance of \$40,088,429.96 in these fund sources.

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

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If not resolved, the Contractor will likely pursue its claim for costs related to the District's imposed temporary

suspension, including pursuing litigation, that may result in costs exceeding the amount of Change Order No. 22.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 22, Temporary Suspension - Contractor Costs, in an amount not to exceed \$350,000, to Contract No. 79HM-110, SFTS SB, with Taber Construction, Inc.

San Francisco Bay Area Rapid Transit District

EXECUTIVE DECISION DOCUMENT

Date: September 18, 2013

**ATTACHMENT #2
CONTRACT NO. 79HM-110**

CO No: 22

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Earthquake Safety Program
Name of Contractor:	Taber Construction, Inc.
Contract No./NTP:	79HM-110/August 29, 2011
Contract Description:	SFTS SB
Percent Complete as of 7/31/13 – Dollars	90.10%
Percent Complete as of 7/31/13 – Time	101.30%

COST

% of Award

CO Totals

Contract Amount

Original Contract Award Amount

\$3,434,000.00

Change Orders:

Board Authorized CO's

\$1,954,000.00

Other than Board Authorized CO's
001, 005

13.97%

\$ 479,844.95

This Change Order No. 22

10.19%

\$ 350,000.00

Subtotal of all Change Orders

81.07%

\$2,783,844.95

Revised Contract Amount:

\$6,217,844.95

SCHEDULE

Original Contract Duration:

295 days

Time Extension to Date:

0 days

Time Extension Due to Approved COs:

398 days

Revised Contract Duration

693 days



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Theresa Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to E&O Committee		
DATE: <i>9/19/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Larry Fisher Dept: Maintenance and Engineering <i>[Signature]</i> <i>9/19/13</i>	General Counsel <i>[Signature]</i> <i>9/19/13</i>	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> <i>9/19/13</i>
Status: Approved		Date Created: 09/03/2013		

TITLE: **Agreements 6M3230 and 6M3231 To Provide Plaza Cleaning Services at BART Stations**

NARRATIVE:

PURPOSE:

To authorize the General Manager to award i) Agreement No. 6M3230 to WEBCO Sweeping for Plaza Cleaning Services at the East Bay North and East Bay South station locations (Areas 2 and 3) and ii) Agreement No. 6M3231 to IMPEC Group for Plaza Cleaning Services at West Bay station locations (Area 1). Each Agreement will be for a three-year base term with two one-year option periods.

DISCUSSION:

Pressure washing is required to maintain cleanliness of areas at BART that are subject to accumulation of stains, soil, food, drink, etc., to satisfy aesthetic and health concerns. WEBCO Sweeping has been providing those services at both East Bay locations (Areas 2 and 3) while Costless Maintenance has provided the same service in the West Bay for the last five years.

Requests for Proposals were transmitted to 73 firms. A pre-bid meeting was conducted on June 26, 2013 with thirty-one prospective Proposers attending. Proposers were advised that they could submit a Proposal on one, two or three service areas. Nine Proposals were received on July 16, 2013.

The Proposals were reviewed by a Source Selection Committee. Technical Proposals were reviewed by the Committee for compliance with the minimum technical requirements set forth in the RFP. The technical requirements included items such as recent experience, personnel qualifications, possession of required equipment in good order, and working capital. The Committee found that two of the Proposals, those of Bay Area Site Solutions and Universal Site Services, were incomplete and therefore non-responsive. An additional two Proposers, Filmex Building Maintenance and Butler's Environmental Cleaning, did not meet the minimum technical requirements. Two of the remaining Proposers, Costless Maintenance and IMPEC Group, were asked for, and furnished, minor clarifications on technical and cost proposal details.

Prices for each Area are for a three-year base term plus two one-year option terms. The options are exercisable at the sole discretion of the District.

<u>PROPOSER</u>	<u>AREA 1</u>	<u>AREA 2</u>	<u>AREA 3</u>
WEBCO Sweeping	\$910,756.00	\$801,260.00	\$607,695.20
IMPEC	\$791,783.15	\$913,397.68	\$669,027.14
Costless Maintenance Services Co., Inc.	\$875,318.40	Did Not Propose	Did Not Propose
Aim to Please	\$960,710.80	Did Not Propose	Did Not Propose

WOODS Maintenance Services	\$1,445,915.00	\$1,671,160.00	\$1,310,800.00
Engineer's estimates for these areas:	\$790,000	\$910,000	\$650,000

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. Neither of the Proposers will be subcontracting any work and each will perform all the work with its own forces; therefore the Non-Discrimination in 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 these Agreements for Small Businesses certified by the California Department of General Services. The responsive low Proposer for Areas 2 and 3, WEBCO Sweeping, is a certified Small Business making it eligible for the 5% reduction in its Proposal price provided by the Small Business preference. After review by District staff and application of the 5% Small Business preference, the Proposal submitted by WEBCO Sweeping has been determined to be the lowest responsive Proposal for Areas 2 and 3. The responsive low Proposer for Area 1, IMPEC Group, is not a certified Small Business and therefore is not eligible for the Small Business preference. Although the second low Proposer, Costless, is a Small Business, application of the Small Business Program preference will not alter the award of Area 1 to IMPEC Group, which has been determined, after review by District staff, to have the lowest responsive Proposal for Area 1.

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

FISCAL IMPACT

Under the proposed awards, the District would use IMPEC for Area 1 and WEBCO Sweeping for Areas 2 and 3 for a total not to exceed \$ 2,200,738.35. The maximum compensation under the Agreement with IMPEC Group will not exceed \$791,783.15 and the Agreement with WEBCO Sweeping will not exceed \$1,408,955.20, each for the base 3-year term plus two one-year options. Funding for these Agreements is available in the current FY14 budget and will be requested in the future Maintenance Support (Department 0802876) operating budget account 680230 (Maintenance and Repair) for fiscal years 2015 through 2019.

The total estimated compensation by fiscal year for the combined cost of these two proposed Agreements is:

FY14	\$323,572
FY15	\$431,429
FY16	\$431,429
FY17	\$445,961
FY18	\$454,418
FY19	\$113,929
Total	\$2,200,738

ALTERNATIVES

To not award these Agreements would disrupt the continuity of providing plaza cleaning services, thereby potentially creating a hazardous health condition and reducing patron satisfaction.

RECOMMENDATION

Adoption of the following motion.

MOTION

The General Manager is authorized i) to award Agreement No. 6M3230 to WEBCO Sweeping for Plaza Cleaning Services (Areas 2 & 3) for a 3 year period for a total compensation not to exceed \$833,805.20 and ii) to award Agreement No. 6M3231 to IMPEC Group for Plaza Cleaning Services (Area 1) for a 3 year period for a total compensation not to exceed \$460,423.37 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. In addition the General Manager is authorized to exercise a first option year to Agreement No. 6M3230 for an amount not to exceed \$287,575 and to exercise a second option year for an amount not to exceed \$287,575. The General Manager is also authorized to exercise a first year option to Agreement No. 6M3231 for an amount not to exceed \$163,231.42 and to exercise a second option year for an amount not to exceed \$168,128.36. The exercise of these options are subject to the availability of funding.