

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

September 26, 2019

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 26, 2019. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 th Street Mall – Third Floor 2040 Webster Street Oakland, CA 94612	Wye River, A Dolce Conference Center 600 Aspen Drive, Conference Center Queenstown, MD 21658 Check at front desk for room location
---	---

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>); at bart.legistar.com; and via email (https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website and bart.legistar.com no later than 48 hours in advance of the meeting.

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

Patricia K. Williams
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of September 12, 2019.*
Board requested to authorize.
- B. Award of Invitation For Bid No. 9064, Puncture Resistant Hand Gloves.*
Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. CONTROLLER/TREASURER’S REPORT

- A. Quarterly Report of the Controller/Treasurer for the Period Ending June 30, 2019.* For information.

5. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. (CONTINUED from September 12, 2019 Board Meeting)
Amendment to Transit Security Advisory Committee (TSAC) Bylaws.*
Board requested to authorize.

6. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. Award of Contract No. 15IJ-120A, Fire Alarm System Replacement, Phase 2.* Board requested to authorize.
- B. Award of Invitation For Bid No. 9066, Reinforced Thermosetting Resin Conduits and Fittings for 34.5KV Cable Replacement Projects.*
Board requested to authorize.

- C. Fare Gate Pilot Project.
 - a. Update on Faregate Pilot.* For information.
 - b. Standard for New Fare Gates.* Board requested to authorize.

7. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS
Director Raburn, Chairperson

- A. Update on Valley Link Project.* For information.
- B. BART and Valley Transportation Authority Phase I, and the Operations and Maintenance Agreement Update.* For information.

8. GENERAL MANAGER'S REPORT

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

9. BOARD MATTERS

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

10. PUBLIC COMMENT

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

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

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Inspector General
Government Code Section:54957

12. OPEN SESSION

- A. Announcement from Closed Session, if any.

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

Board of Directors
Minutes of the 1,848th Meeting
September 12, 2019

A regular meeting of the Board of Directors was held September 12, 2019, convening at 9:02 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

Directors present: Directors Ames, Foley, McPartland, Raburn, Saltzman, Simon and Dufty.

Absent: None. Directors Allen and Li entered the meeting later.

President Dufty called for Introduction of Special Guests. Director Raburn introduced Crystal Raine, Chair of the Transit Security Advisory Committee.

Director Li entered the meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 22, 2019.
2. Proposed Revisions to Rules of the Board of Directors.
3. BART Police Citizen Review Board (BPCRB) Bylaws.
4. Amendment to Transit Security Advisory Committee (TSAC) Bylaws.
5. 2019 Organization of Committees and Special Appointments Revision.

President Dufty announced that Item 2-D, Amendments to Transit Security Advisory Committee (TSAC) Bylaws, would be moved to a future meeting.

Director Raburn made the following motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0. Absent- 1: Director Allen.

1. That the Minutes of the Meeting of August 22, 2019, be approved.
2. That revisions to Board Rules 3-6-2 – Board Communications – Brown Act Compliance; 5-1- Annual Budget; and 5-3.5- Use of District Property Other than Automobiles, be adopted.
3. That the Board approve the BART Police Citizen Review Board Bylaws.
4. That the Board of Directors ratify the proposed revision to the 2019 Organization of Committees and Special Appointments.

President Dufty called for Public Comment. Hamid Ghaemmaghami addressed the Board.

Director Allen entered the meeting.

Director Simon, Chairperson of the Administration Committee, brought the matter of Purchase of Commercial Property for BART Headquarters before the Board. Mr. Sean Brooks, Director of Real Estate and Property Development; Mr. Val Menotti, Chief Planning and Development Officer; Mr. Thomas Maloney, Managing Director, Jones, Lang, LaSalle; Ms. Rose Poblete, Controller/Treasurer; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; and Mr. Robert Powers, General Manager, presented the item.

The item was discussed.

Director Simon requested that her intent be recorded in the minutes: Asking to have all Directors speak on the topic was to give all Board members the ability to speak and ask questions on the item.

Discussion continued.

President Dufty made the following motions as a unit :

1. That the General Manager or his designee be authorized to execute a Purchase and Sale Agreement with W/L 2150 Webster Holdings, VIII, L.P. (Lane Partners and Walton Street Capital) to purchase an office building at 2150 Webster Street, Oakland, CA 94612 for a total amount not to exceed \$142,000,000 (including closing costs).
2. That the General Manager or his designee be authorized to execute any and all agreements and other documents in order to effectuate the preceding motion.
3. That the Controller/Treasurer or her designee be directed to set aside \$85,000,000 for use in connection with the planning, design and construction of tenant improvements at the office building at 2150 Webster Street, Oakland, CA.

Director McPartland seconded the motions, which carried by electronic vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Allen.

Director Simon brought the matters of Authorize the Issuance and Sale of the District's Sales Tax Revenue Bonds, SERIES 2019, and Resolution Declaring Official Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness, before the Board. Ms. Poblete; Mr. Powers, and Mr. Brooks presented the item.

The items were discussed. President Dufty made the following motions as a unit.

1. Adoption of Resolution No. 5418, San Francisco Bay Area Rapid Transit District authorizing and approving the issuance of San Francisco Bay Area Rapid Transit District Sales Tax Revenue Bonds in the amount of not to exceed \$230 Million for funding projects and not to exceed \$85 Million in refunding bonds; authorizing the execution and delivery of a fifth supplemental indenture pursuant to which such bonds are to be issued and a bond purchase agreement pursuant to which such bonds are to be sold; approving an official statement relating to such bonds, including a continuing disclosure agreement and an escrow agreement; delegating to the Controller/Treasurer or the District power to

determine final terms of such bonds and to complete said documents; and authorizing certain other matters relating thereto.

2. Adoption of Resolution No. 5419, San Francisco Bay Area Rapid Transit District declaring official intent to reimburse certain expenditures from proceeds of indebtedness.

Director Saltzman seconded the motions, which carried by electronic vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Allen.

Director Simon brought the matter of Approval of Increases to Pension Contributions and Wage Offsets before the Board. President Dufty acknowledged and thanked American Federation of State, County, and Municipal Employees Local 3993 (AFSCME); Amalgamated Transportation Union Local 1555 (ATU); and Service Employees International Union Local 1021, the Labor Relations Team and all staff who contributed to the collaboration.

1. That the General Manager be authorized to execute two side letters of agreement, including (1) Side Letter of Agreement AFSCM/SL19-01, ATU/SL-19-01, SEIU/SL19-01 between the District, AFSCME, ATU, and SEIU, and (2) Side Letters of Agreement AFSCME (eBART)/SL-19-01, ATU (eBART)/SL 19-01, SEIU (eBART)/SL 19-01 between the District, AFSCME representing eBART, ATU representing eBART, and SEIU representing eBART, both of which are revising contract language on retirement plans, and increasing pension contribution and wages.
2. That the wages and pension contributions for the General Manager, General Counsel, Controller-Treasurer, District Secretary, Independent Police Auditor and Inspector General be adjusted in the same manner and on the same schedule as described in Side Letter of Agreement 19-01.
3. Adoption of Resolutions For Employer Paid Member Contributions:
 - Resolution No. 5420, In the Matter of the Employer Paid Member Contributions under the California Public Employees Retirement System for Employees represented by American Federation of State, County, and Municipal Employees Local 3993 (AFSCME).
 - Resolution No. 5421, In The Matter of Employer Paid Member Contributions under the California Public Employees Retirement System for Employees represented by Amalgamated Transportation Union Local 1555 (ATU).
 - Resolution No. 5422, In the Matter of the Employer Paid Member Contributions under the California Public Employees Retirement System for Employees represented by Service Employees International Union Local 1021.
 - Resolution No. 5423, In the Matter of the Employer Paid Member Contributions under the California Public Employees Retirement System for Non-Represented Miscellaneous Employees.

4. Adoption of Resolution No. 5424, In the Matter of the Employee Sharing Additional Cost Under the California Public Employees Retirement System for Non-Represented Miscellaneous Employees.

Directors Foley, Raburn and Simon seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 09DJ-160, Transbay Tube Cathodic Protection Anode Sled and Cable Replacement Project, before the Board. Ms. Tamar Allen, Assistant General Manager, Operations; Ms. Maansii Chirag Sheth, Project Manager, Cathodic Protection; and Mr. Powers presented the item. The item was discussed. Director Allen moved that the General Manager be authorized to award Contract No. 09DJ-160 for the TBT CP Anode Sled and Cable Replacement Project to Manson Construction Co. of Richmond, California for the Base Bid Price of \$3,501,000; and that the General Manager be authorized to exercise any or all of the four options, for an additional \$2,060,000, bringing the total authorization to \$5,561,000, pending availability of funding and at the District's sole discretion. President Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Foley brought the matter of Single Source Procurement with Harris Corporation for the Upgrade of Enhanced Digital Access Communication System Radios for P25 Phase 2 before the Board. Mr. Jeff Riser, Manager of Electrical and Communications Engineering, presented the item. The item was discussed. Director Simon moved that pursuant to Public Contract Code Section 20227, the Board of Directors finds that Dailey-Wells Inc. is the single source supply for the upgrade of the District's trunk radio system, and that this procurement is for the sole purpose of duplicating or replacing equipment currently in use throughout the District; and that the General Manager be authorized to enter into direct negotiations and to execute an Agreement with Dailey-Wells Inc. for an amount not to exceed \$5,121,975. President Dufty seconded the motion, which carried by unanimous electronic vote and the required two-thirds vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

President Dufty called for the General Manager's Report. Mr. Powers reported on Clipper Only pilot programs, Police hiring updates, and steps he had taken and activities and meetings he had participated in. Ms. Tamar Allen reported on the C35 closure and the work performed. Ms. Allen reported on the suspension of the Fruitvale Station faregate pilot project.

Director Saltzman requested additional outreach to riders to inform them that paper tickets are still useable.

Director Ames requested a Clipper outlook on additional sources to pay for BART rides.

Directors Li, Foley and Saltzman requested staff to explore incentives to improve weekend service.

President Dufty requested additional outreach to riders traveling to the Chase Center to purchase round trip fares and to consider using the 16th Mission BART Station.

President Dufty called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

President Dufty requested the meeting be adjourned in honor of the following:

- 9-11 Memorial victims of the attack as well as first responders who have suffered and died from the exposure.
- Santa Cruz Island Dive Boat Fire victims and American High School teacher Raymond Scott Chan and daughter Kendra.
- BART Train Operator James (Jim) Wiersema.
- JoAnn Scragg Powers, Mother, Wife, Grandmother, distinguished Bio-Chemist, Cancer Researcher, and mother of General Manager, Robert Powers.

Director Saltzman reported she had attended the Oakland Pride Parade with Directors Raburn and Simon. She reported speaking at the Streetsblog San Francisco 10-year anniversary.

Director Saltzman requested that as BART employees regularly park on sidewalks and plazas, blocking these spaces for pedestrians, and this has been happening for years, and at some stations happens most days, management should work with employees, unions, and cities – particularly cities with stations with no parking – to identify appropriate spaces nearby to park, and should return to the Board with a plan on how to stop the regular parking of employee vehicles on sidewalks and plazas.

The request was seconded by Directors Ames, Dufty and Li.

Director Foley reported he had attended the Oakley City Council Meeting, and Contra Costa Transportation Authority weekly meetings to discuss a ballot measure for a Transportation Expenditure Plan.

Director Ames reported she had attended RailVolution in Vancouver, Canada.

Director Raburn reported he had attended the Oakland Pride Parade, the Unity Council's 55th Anniversary Gala, a Diridon Station Joint Powers Board meeting, and the Oakland Chinatown Street Fest.

Director Li reported she had attended a meeting on Building a Transportation Measure for the BayArea in 2020.

Director Simon reported she had attended the Oakland Pride Parade, and the Unity Council's 55th Anniversary Gala. She reported that Senate Bill 42 (The Get Home Safe Bill) would be brought before the Governor.

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

Kelly Abreu
Michael Granat
Yusef Nasir
Christopher Kintiner

DRAFT

The Meeting was adjourned at 11:53 p.m. in honor of JoAnn Scragg Powers, James Wiersema, 9-11 Memorial victims and first responders, and the Santa Cruz Island Dive Boat Fire victims and Raymond Scott Chan and daughter Kendra.

Patricia K. Williams
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>19 Sept 2019</i> <i>Phil M. Rosen</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/9/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jonathan Rossen Dept: System Safety	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>JRM</i> 9/16/2019	9/16/19 []	9/16/19 []	[]	9.16.2019 []

To Request Board Authorization To Award Invitation to Bid No. 9064 Puncture Resistant Hand Gloves

PURPOSE: To request Board Authorization to award Invitation for Bid (IFB) No. 9064 to Consumer Net Services of Petaluma, California in the amount of \$154,663.04 including all taxes for the purchase of puncture resistant hand gloves.

DISCUSSION: Injection drug use in and around the BART system results in used hypodermic needles being left in and around the public areas of the stations and on BART revenue vehicles. These needles are hazardous to employees and the public. BART employees have suffered needlestick injuries while cleaning and maintaining the stations and the trains.

To safeguard employees the System Safety Department developed the District Bloodborne Pathogens program approximately 20 years ago. This program establishes requirements and procedures for cleanup and disposal of hypodermic needles and other items that could be contaminated with blood and/or bodily fluids. Puncture resistant hand gloves are a key piece of personal protective equipment for frontline employees who perform tasks which could result in a needlestick injury. Personnel in the following departments are potentially involved in work that could result in exposure to contaminated needles:

Elevator Escalator	Grounds	Power and Mechanical
Building Maintenance	Rolling Stock and Shops	Track and Structures
System Service		

BART Logistics currently stocks puncture resistant hand gloves under legacy stock number

42-40-36630 that no longer comply with current standards for puncture resistance. A committee comprised of representatives from affected classifications, union leadership and management selected Turtleskin and Hexarmor Sharpmaster gloves for use by BART employees.

A notice requesting bids was published on May 1, 2019. On the same day, this solicitation was uploaded onto the BART vendor portal. Correspondence of this upcoming contract was also shown on the BART Procurement website for any prospective vendor interested in bidding on this procurement. Bids were opened on May 28, 2019 and two (2) bids were received.

Bidder	Lot Price 4000 Pair	Grand Total Including 9.25% Sales Tax
Consumer Net Services, Petaluma, CA	\$141,568.00	\$154,663.04
Echelon Distributing LLC, McClellan, CA	\$156,170.00	\$170,615.73

Independent cost estimate by BART staff: \$200,000.00

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

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

Staff has determined that the low bidder Consumer Net Services submitted a responsive bid and its pricing is fair and reasonable. The proposed contract would be for a twenty four month period for a total of \$154,663.04 including all taxes.

FISCAL IMPACT: Funds will be budgeted in the Maintenance and Engineering and Rolling Stock and Shops operating budgets:

Funding Source: Operating

Staff estimates that 70% of the usage will be in M&E because there are so many covered departments. The remaining 30% will be in RS&S.

Department	FY20 Operating Budget Estimate Impact	FY21 Operating Budget Estimated Impact	Account
M&E	\$54,132	\$54,132	680030
RS&S	\$23,198	\$23,198	680010

Funding for subsequent years will be included in the proposed annual operating budget, which is subject to board approval.

This action is not anticipated to have any Fiscal impact on unprogrammed District reserves in the current fiscal year.

ALTERNATIVES: Reject all bids and re-advertise the contract. This is not expected to result in increased competition or lower prices.

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

MOTION: The General Manager is authorized to award IFB No. 9064 to Consumer Net Services of Petaluma, California for the purchase of puncture resistant hand gloves in the amount of \$154,663.04, including taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors **Date:** September 20, 2019
FROM: Controller-Treasurer
SUBJECT: QUARTERLY REPORT OF THE CONTROLLER-TREASURER

Attached is the Quarterly Report of the Controller-Treasurer for the quarter ending June 30, 2019 which will be presented to the Board on September 26, 2019.

Please feel free to call me at 510-464-6070 with any questions you may have.



Rosemarie V. Poblete



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>4 Sept 2019</i> <i>Rbt M. Pourn</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/30/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mag Tatum Dept: District Secretary <i>Mag Tatum</i> Signature/Date: <i>8-30-19</i>	General Counsel <i>MB 9/3/19</i>	Controller/Treasurer <i>Mag Tatum 9/3/19</i> []	District Secretary <i>P. Williams 9-3-19</i> []	BARC <i>P. Williams 9/3/19</i> []
Status: Routed		Date Created: 8/30/2019		

Transit Security Advisory Committee (TSAC) Bylaws

PURPOSE:

To request Board approval of the amendments to the Transit Security Advisory Committee Bylaws.

BACKGROUND:

The BART Board approved the creation of the Transit Security Advisory Committee (TSAC) in October 2012 to implement AB 716 (Dickinson), which created a pilot program allowing BART to issue prohibition orders. In 2017, the BART Police Department was granted permanent legislative authority through AB 730 (Quirk) to issue prohibition orders to persons cited or arrested for certain offenses. The overall purpose of the prohibition order program is to better protect riders and BART employees by reducing passenger misconduct and disruptions in the BART system. As mandated by law, the TSAC was created to monitor the number of citations and exclusions issued by BART and oversee the training of transit personnel. Board-appointed members of the TSAC are professionals in the areas of mental health, homelessness, public safety, disability rights and youth advocacy.

DISCUSSION:

The TSAC has discussed revisions to Bylaws at various meeting since 2012. Most recently, TSAC has recommended revisions of Article III, Members, for appointments of alternates designated by the TSAC Chairperson. The TSAC accepted this revision at its June 25, 2019, meeting. The most current iteration of the Bylaws is attached, including the proposed amendment (Attachment No. 1).

FISCAL IMPACT:

None.

ALTERNATIVES:

To further amend the Bylaws or to not adopt the Bylaws as presented.

RECOMMENDATION:

On the behalf of Transit Security Advisory Committee, it is recommended that the Board adopt the following motion.

MOTION:

The Board of Directors approve the amended Transit Security Advisory Committee Bylaws.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

AB 716 Advisory Committee Bylaws

ARTICLE I - NAME

The name of this committee shall be TRANSIT SECURITY ADVISORY COMMITTEE, "TSAC".

ARTICLE II — OBJECT

This committee shall serve to provide recommendations to the BART Board of Directors and BART staff. The purpose of the committee is to evaluate the procedures for and issuance of prohibition orders and recommends a course of training for personnel charged with issuance and enforcement of prohibition orders.

Specifically, in accordance with Section 99171 of the Public Utilities Code, the TSAC shall:

1. Provide recommendations, in consultation with the County Mental Health Director, regarding the type and extent of training that should be undertaken by individuals with responsibility for issuance and enforcement of prohibition orders, with an emphasis on training designed to assist in identifying and interacting with persons who are homeless or who have psychiatric, developmental, or other disabilities;
2. Identify, in consultation with the County Mental Health Director, services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities maybe referred by transit district personnel prior to or in conjunction with issuance of a prohibition order;
3. Monitor the issuance of prohibition orders to assist BART in ensuring compliance with Section 51 of the Civil Code; and
4. Provide BART's Board of Directors and the California State Legislature with an annual report summarizing the number of prohibition orders issued by BART during the preceding year, including, but not limited to, the types and numbers of citations by category, and the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

ARTICLE III — MEMBERS

Section 1. Maximum Membership

The membership of this Committee shall be composed of no less than five (5) and no greater than seven (7) representatives. Each member shall be appointed by the BART BOARD of

DIRECTORS. Alternates: two alternates shall be appointed by the BART Board with no more than one alternate per category. All alternates are strongly encouraged to attend all meetings. Alternates are not eligible to vote unless filling in for an appointed member that is absent. An alternate is designated by the Chairperson. Staff will notify alternate that attendance will be needed for the next meeting.

Section 2. Membership Representation

Representation will be composed of the following categories:

- A. Mental Health Representative: At least one (1) member with experience working with individuals with psychiatric, developmental, or other disabilities.
- B. Youth Advocates Representative: At least one (1) member with experience as a youth advocate within the region of the BART system.
- C. Law Enforcement: At least one (1) member with experience as a sworn peace officer within the region of the BART system.

At-Large Representatives: There shall be three (3) or four (4) at-large Representatives, preferably users of the BART system.

Section 3. Composition of Committee

Other than Mental Health Representative, the Youth Advocates Representative, and the Law Enforcement Representative, which are mandated by Section 99172 of the Public Utilities Code, no group shall be entitled to representation on the TSAC.

Section 4. Resignations

Any member may resign by filing a written or verbal resignation with staff, chair or the BART Board of Directors.

Section 5. Term of Membership

The term of each member shall be two (2) years. Terms shall begin on January 1, 2013 and end on December 31, 2014 unless Section 99172 is amended to apply to BART beyond the January 1, 2015 sunset date. Members may be considered for re-appointment if the Section 99172 of the Public Utilities Code is so amended.

Section 6. Removal of Members

BART's Board of Directors may remove any member of the TSAC with or without cause.

Section 7. Appointment of Vacancies

In the event of a vacancy, the BART Board of Directors shall appoint a replacement member to fill the term of the vacancy.

ARTICLE IV — OFFICERS

Section 1, Officers and Duties

The officers of the TSAC shall be a Chair and a Vice Chair, These officers shall perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the TSAC. The officers may serve as liaisons to the BART Board of Directors.

- A. Chair. The TSAC shall elect from its membership a Chair who shall preside at all meetings of the TSAC. The Chair or his designee shall act as the preliminary spokesperson for the TSAC and will perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the TSAC.
- B. Vice Chair, The Committee shall elect from its membership a Vice Chair who, in the absence or inability of the Chair to serve, shall have all of the powers of the Chair and shall perform all of those duties. The Vice Chair will perform such other duties from time to time as may be requested by the Chair.

Section 2. Nomination Procedure

At the first regular Committee meeting, a Chair and a Vice Chair shall be selected. It shall be the duty of this Committee to nominate candidates who are members of the TSAC for the officers of Chair and Vice Chair.

Section 3. Election of Officers

The Chair and Vice Chair shall be elected by majority vote to serve for one (1) year. Those elected may serve beyond one (1) year if successors have not been elected. The election shall occur at the first meeting of the calendar year.

The Chair and Vice Chair can be removed from office upon a vote of two-thirds of the TSAC.

ARTICLE V .MEETINGS

Section 1. Committee Meetings

Regular meetings will be held as frequently as necessary to achieve the objectives set forth in

Transit Security Advisory Committee Board Bylaws. Originally adopted: 10/11/12. Amended: 6/25/19; **Proposed 9/12/19 Board of Directors meeting.**

Section II above, but in no event shall the committee hold less than 4 regular meetings in a calendar year. Notice of the times and locations of the meetings will be set by the BART staff liaison at least 72 hours prior to the meeting.

Section 2. Special Meetings

Special meetings may be called at any time by the Chair or by a majority of the TSAC members. BART staff will provide written notice required for all special meetings, with such notice may be discussed by the Committee at a special meeting.

Section 3. Meetings Open to the Public

All regular and special meetings of the TSAC shall be conducted in accordance with the requirements of the Ralph M. Brown Act (Government Code 54950 et seq.). Meeting agendas shall be posted by BART staff in a public place and distributed to all members at least 72 hours before the meeting for regular meetings and 24 hours before the meeting for special meetings.

Section 4. Quorum

A majority of the members then appointed to the TSAC shall constitute a quorum for the purposes of conducting business.

Section 5. Voting

Each member of the TSAC has a single vote.

Section 6. Actions

All actions of the TSAC shall be by motion passed by a majority of the members present and voting.

Section 7. Adjournment

The TSAC may adjourn any meeting to a time and place specified in the motion of adjournment, but not beyond the next regular meeting, if any.

ARTICLE VIII -LIAISON WITH BART

There shall be an ongoing liaison between BART staff and the TSAC. The BART General Manager shall designate a BART staff person to serve as liaison. The staff liaison shall prepare meeting notices, agendas, and minutes as required. BART staff shall provide information, technical assistance, and facilitation assistance during all TSAC meetings. The BART staff liaison shall serve as the custodian of records.

ARTICLE IX - PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of order Newly Revised shall govern the TSAC in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the TSAC may adopt.

ARTICLE X - AMENDMENT OF BYLAWS

These bylaws may be amended or repealed at any time by majority vote of the BART Board of Directors after consultation with or by recommendation of the TSAC committee.

ARTICLE XI — TERM OF COUNCIL

The TSAC shall remain in existence until discharged by action of the BART Board of Directors or the sunset of Section 99172 of the Public Utilities Code.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>19 Sept 2019</i> <i>Robert M. Pavesi</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 9/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Juan Ulloa Dept: Maintenance and Engineering	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Juan Ulloa</i> <i>9/18/19</i>	<i>[Signature]</i> <i>9/18/19</i> []	<i>[Signature]</i> <i>9/19/19</i> []	[]	<i>[Signature]</i> <i>9.19.2019</i> []

To Request Board Authorization for Award of Contract No. 15IJ-120A, Fire Alarm System Replacement, Phase 2

PURPOSE:

To request board authorization for the General Manager to award Contract No. 15IJ-120A for Fire Alarm System Replacement, Phase 2 to Becker Electric Inc., of San Francisco, California for the amount not to exceed \$5,076,299.

DISCUSSION:

The existing Fire Alarm Systems (FAS) serving 12th Street Station (K10), 19th Street Station (K20), and North Berkeley Station (R30) are out of date and are well beyond their useful lifespan. In addition, they do not meet the current requirements of the governing codes and standards. Furthermore, replacement parts and equipment for the fire alarm systems are not available. As a result, service and maintenance of the existing Fire Alarm Systems have become extremely challenging.

The replacement FAS under this Contract will allow for remote monitoring by the Maintenance and Engineering (M&E) department. Each new FAS will consist of a new fire alarm control unit (FACU) utilizing addressable technology for alarm initiating devices; and will also provide voice evacuation messages to station patrons and temporal audible evacuation signals to patrons within the parking garage and outdoor substations. The FACU will supervise alarm signals from various initiating devices (e.g., smoke and heat detectors, pull stations, sprinkler water flow and valve position switches) covering specified areas as required by the Fire Code. The FACU will also supervise and control the visual and audible occupant notification appliances within the station areas. In addition, the control panel will

be programmed to provide interfaces to specified station equipment, such as fare barriers, escalators, and elevators.

This Contract was publicly advertised on June 11, 2019. Advance Notice to Bidders of this Contract was emailed on June 07, 2019 to 343 prospective bidders with Contractor classification "A", "B" or "C10". A Pre-Bid meeting and site tour was conducted on June 25, 2019 with ten prospective bidders in attendance. The Office of Civil Rights (OCR) conducted a Matchmaking Session on July 09, 2019 to help introduce Disadvantaged Business Enterprise ("DBE") firms to potential prime contractors. Prior to the Bid opening, the District issued two Addenda for this Contract.

Four Bids were received on July 23, 2019 as shown below:

Item	Name	Total Bid Price
1	Becker Electric, Inc., San Francisco, CA	\$5,076,299
2	Rosendin Electric, San Jose, CA	\$5,537,160
3	Cupertino Electric, San Jose, CA	\$5,792,482
4	Blocka Construction Inc., Fremont, CA	\$6,018,000
5	Engineer's Estimate	\$3,800,000

Rosendin Electric, of San Jose, California was deemed non-responsive due to missing subcontract dollar amounts on its Subcontractor Affidavit. Blocka Construction Inc., of Fremont, California was also deemed non-responsive because of an unsigned DBE Subcontractor Affidavit form. Becker Electric, Inc., of San Francisco, California was the lowest bidder.

District staff has determined that Becker Electric, Inc.'s Bid is responsive to the solicitation. Further review of Becker Electric, Inc.'s license, business experience, and financial capabilities has resulted in a determination that Becker Electric, Inc., is a responsible Bidder. The total Bid Price of \$5,076,299 is 33.6% above the Engineer's Estimate of \$3,800,000.

Although the Bid received was above the engineer's estimate, staff determined that the Bid is reasonable and found the difference to be attributable to the following factors:

1. Hourly rate used in the Engineer's Estimate, prepared by the design consultant using Northern California Union Wage Agreement and the RSMeans index, was significantly lower than the hourly rate submitted by the low bidder, in part, due to saturated market conditions;

Staff evaluated and compared low bidder's cost submittal with engineer's estimate and determined the following:

- a. **Material** counts were extracted from 100% design drawings to Compute Engineer’s Estimate. Becker Electric’s material count matches Engineer’s Estimate;
- b. **Labor** rate in the Engineer’s Estimate is 8% lower than the Market Rate. However, Low bidder’s estimate is approx. 54% above Market Rate, shown on table below. Overall, the labor rate difference between engineer’s estimate and low bidder’s estimate is approx. 62%.

Description	Market Rate*	Engineer’s Estimate	Low Bid
Hourly Labor Rate	\$144	\$132	\$222
Percent (%) Difference from Market Rate		-8%	54%

* Source: RSMeans (2019); Alameda County National Electrical Contractors Association Agreement with IBEW (June 1, 2016 - May 31, 2019); and David-Bacon Wage Determination Database for Alameda County (June 1, 2018)

- 2. Such a complex and unique project requires that the work be performed during night shift and non-revenue hours. Due to the unstable labor market conditions, night shift rates prove to be much higher than in normal market conditions;
- 3. Since this is a re-advertised construction contract, with only one non-responsive bid received during the initial advertisement, market participants may have accounted for more risk than normal when preparing their Bids.

This Contract was advertised pursuant to the District’s Disadvantaged Business Enterprise (“DBE”) Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were DBE subcontracting opportunities; therefore, a DBE participation goal of 17% was set for this Contract. The low Bidder, Becker Electric, Inc. committed to subcontracting 18.2% to DBEs. The Office of Civil Rights has determined that Becker Electric, Inc. has met the DBE participation goal set for this Contract.

FISCAL IMPACT:

Funding in the amount of \$5,076,299 for the award of Contract No. 15IJ-120A is included in the total Project budget for FMS #15IJ200 – Station Fire Alarm Replacement R & K Line.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Fund Group	Amounts
Federal Fund Sources	\$ 4,350,792
BART Operating Allocation to Capital	\$ 1,628,036
Total	\$ 5,978,828

As of 09/04/2019, \$5,978,828 is the total budget for this project. BART has expended \$678,933, committed \$208,171 and reserved \$0 to date. This action will commit \$5,076,299 leaving an available fund balance of \$15,424 in the fund sources for this project.

The Office of the Controller/ Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District Reserves.

ALTERNATIVES:

The alternative is not to replace the aging and outdated fire alarm system, leaving the existing outdated Fire Alarm System as is. The existing system is not compliant with the current codes and standards.

Another alternative is to reject this Bid and re-advertise the Contract, resulting in additional costs and time delay for re-advertisement. Given that this contract itself is a re-advertisement, it is highly unlikely that re-advertisement will result in lower Bid prices.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 15IJ-120A for Fire Alarm System Replacement, Phase 2 to Becker Electric, Inc. of San Francisco, California for the total base bid price of \$5,076,299 pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>19 Sept 2019</i> <i>Rbt M. Power</i>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 8/13/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Bryant Fields Dept: Maintenance and Engineering <i>B. Fields</i> Signature/Date: <i>9/16/2019</i>	General Counsel <i>[Signature]</i> <i>9/17/19</i> []	Controller/Treasurer <i>[Signature]</i> <i>9/17/19</i> []	District Secretary []	BARC <i>[Signature]</i> <i>9.19.2019</i> []

Reinforced Thermosetting Resin Conduits and Fittings for 34.5KV Cable Replacement Projects

PURPOSE:

To request Board Authorization to Award Invitation for Bid #9066 to Electrical Design Technology, Inc., of Nevada City, CA in the amount of \$5,038,125.11 (includes all taxes) for the purchase of Reinforced Thermosetting Resin Conduits and Fittings for 34.5KV Cable Replacement Projects.

DISCUSSION:

The BART traction power electrical transmission system was originally installed over 40 years ago and because of aging and heavy usage, needs replacement. This IFB furnishes Reinforced Thermosetting Resin Conduits (“RTRC”) and fittings to be installed by BART forces throughout the District for the 34.5KV traction power cable replacement under the Measure RR program.

This is a TWENTY-FOUR (24) 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% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on July 10, 2019. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to three (3) prospective bidders inviting them to view the solicitation on the Vendor Portal. Bids

were opened on August 06, 2019, ten stakeholders downloaded the contract and five (5) bids were received as follows:

Bidder	Lot Price	Grand Total Including 9.75% Sales Tax
Electrical Design Technology, Nevada City, CA	\$4,590,546.80	\$5,038,125.11
All Industrial Electric Supply, Burlingame, CA	\$4,655,301.38	\$5,109,193.26
Consolidated Parts, Santa Clara, CA	\$4,784,876.06	\$5,251,401.48
Graybar Electric Co., Inc. Dublin, CA	\$4,997,838.46	\$5,485,127.71
Advantage Electric Supply, Hayward, CA	\$5,009,052.20	\$5,497,434.79

Independent cost estimate by BART staff: **\$8,587,201.00**

The difference between the BART cost estimate and bid cost is volume discrepancy of unit pricing.

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

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a **7%** Local Small Business (LSB) Prime Preference for this IFB for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. The apparent low

Bidder Electrical Design Technology is not a certified LSB and, therefore, is not eligible for the 7% LSB Prime Preference. After the application of the 7% LSB Prime Preference to the fifth low Bidder, Advantage Electric Supply, a certified LSB, Electrical Design Technology remains the low Bidder.

FISCAL IMPACT:

Funding of \$5,038,125 for Bid No. 9066 to Reinforced Thermosetting Resin Conduits and Fittings for 34.5KV Cable Replacement will come from the following projects.

Project: 15EJRRC – C-Line 34.5 KV AC Cable Replacement \$2,005,290

As of August 14, 2019, \$120,000,000 is available for this project from the following source:

Fund No.	Fund Description	Source	Amount
802A	2017 Measure RR GOB	BART	120,000,000
Total			120,000,000

BART has expended \$42,613, committed \$0, and reserved \$0 to-date for other action. This action will commit \$2,005,290 leaving an available fund balance of \$117,952,097 in this fund source for this project.

Project: 15EJRRK – K-Line 34.5 KV AC Cable Replacement \$1,294,809

As of August 14, 2019, \$34,000,000 is available for this project from the following source:

Fund No.	Fund Description	Source	Amount
802A	2017 Measure RR GOB	BART	34,000,000
Total			34,000,000

BART has expended \$1,204,325, committed \$608,401, and reserved \$0 to-date for other action. This action will commit \$1,294,809 leaving an available fund balance of \$30,892,465 in these fund sources for this project.

Project: 15EJRRR – R-Line 34.5 KV AC Cable Replacement \$1,738,026

As of August 14, 2019, \$50,000,000 is available for this project from the following source:

Fund No.	Fund Description	Source	Amount
802A	2017 Measure RR GOB	BART	50,000,000
Total			50,000,000

BART has expended \$2,025, committed \$0, and reserved \$39,278,709 to-date for other

action. This action will commit \$1,738,026 leaving an available fund balance of \$8,981,240 in these fund sources for this project.

The office of Controller/Treasurer certifies that funds are currently available to meet this obligation.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVE:

The alternative to awarding this Contract would be to reject all bids. Staff does not believe this will result in lower prices, increased competition and would delay the Measure RR traction power infrastructure improvement projects.

RECOMMENDATION:

It is recommended that the Board adopt the motion.

MOTION:

The General Manager is authorized to award IFB # 9066 for Reinforced Thermosetting Resin Conduits and Fittings for 34.5KV Cable Replacement Projects to Electrical Design Technology, Inc. for an amount of \$5,038,125.11 (includes all applicable taxes) pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>20 Sept 2019</i> <i>Rbt M. Pomeroy</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 9/20/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Tamar Allen Dept: Operations <i>[Signature]</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BART <i>[Signature]</i>
Signature/Date: <i>9.20.2019</i>	<i>9/20/19</i> []	<i>9/20/19</i> []	[]	<i>9.20.2019</i> []

Standard For New Fare Gates

PURPOSE:

To obtain Board Authorization to move forward with the swing style barrier fare gates as the standard design for new fare gates and direction to develop a funding strategy, including phasing options, for replacement of existing fare gates with new swing style barrier gates.

DISCUSSION:

A cross functional team made up from staff from Transportation, Maintenance & Engineering, and BART Police, led by a consultant, evaluated options for a wholesale replacement and/or modification of BART's fare gates. The study began by identifying performance and business requirements for the fare gates. As a result fare gate design was measured against reliability, maintainability, throughput, security against fare evasion, appearance and technology interface requirements.

The team also met with several vendors and reached out to other transit authorities who have, or are in the process of, replacing their fare gates to determine current options available in the industry. Each option was evaluated against BART's business and performance needs. Conceptual design options were developed for each feasible option and presented to key stakeholders and executive staff for feedback and input. These conceptual designs were presented to the Board on May 26, 2019.

Three different conceptual designs were reviewed:

- Swing Style Barrier Gates

- Retractable Barrier Gates
- Floor to Ceiling Turnstile Gates

All three designs were measured against each of the performance and business requirements. The swing style barrier gate design was determined to be the most favorable in reliability, maintenance, and throughput as well as addressing concerns with different types of fare evasion like jumping, pushing through, and tailgating. They also scored high for modern appearance and technology interface.

The table below provides a summary comparison between the three conceptual designs evaluated by staff.

Category	Swing Barrier	Retractable Barrier	Floor to Ceiling Turnstile
Reliability	high	medium	high
Maintainability	high	medium	high
Throughput	high	high	low
Fare Evasion	2 of 3	2 of 3	3 of 3
Appearance	high	high	medium
Technology	medium to high	low	low

FISCAL IMPACT:

None at this time

ALTERNATIVES:

Do not authorize staff to move forward with the swing style barrier fare gates as the standard design for new fare gates and do not direct staff to develop a funding strategy for replacement of existing fare gates with new swing style barrier gates.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to adopt the swing style barrier gate design as the standard design for new fare gates. The BART Facilities Standards (BFS) is to be updated to ensure that future station modernization and extension stations incorporate swing style barrier fare gates.

The General Manager is directed to develop a funding strategy, including phasing options, for replacement of existing fare gates with new swing style barrier gates.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** September 20, 2019

FROM: General Manager

SUBJECT: Valley Link Project Overview – For Information

At the September 26, 2019 Board meeting, BART staff will present an overview for information purposes on the Tri-Valley San Joaquin Valley Regional Rail Authority's (Authority) proposed Valley Link Project. The Governor and the Legislature created the Authority when they passed AB758 in 2017. The Authority is currently preparing a Draft Environmental Impact Report (DEIR) for the Valley Link Project.

Please contact Val Menotti (510) 287-4794 if you have any questions.



Robert M. Powers

cc: Board Appointed Officers
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** September 20, 2019

FROM: General Manager

SUBJECT: PPAAL Agenda Item #7B: BART-VTA Update – For Information

At the Board of Directors meeting on September 26, 2019, the BART Silicon Valley Extension (Phase I and the O/M Agreement) will be presented for information.

If you have any questions, please contact Carl Holmes at (510) 464-7592.



Robert M. Powers

cc: Board Appointed Officers
Executive Staff