

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

BOARD MEETING AGENDA

November 17, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, November 17, 2016, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of October 27, 2016.* Board requested to authorize.
- B. District Base Pay Schedules.* Board requested to authorize.
- C. Extension of Time for Agreement No. 6M2020, Brokerage Services for an Owner Controlled Insurance Program (OCIP).* Board requested to authorize.
- D. Employee Recruitment and Relocation for Chief of Police.* Board requested to authorize.
- E. Award of Contract No. 47BS-152A, Accessibility Improvements at Various BART Stations.* 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. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Communications Agreement with the San Francisco Municipal Transportation Agency (SFMTA) to Extend Commercial Fiber and Cellular Infrastructure to the SFMTA Underground System.* Board requested to authorize.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. State of California Department of General Services Voyager Fuel Card Program.* Board requested to authorize.
- B. Award of Agreement to Provide Stand-by Emergency Medical and Advanced Life Support Services at West Oakland Station.* Board requested to authorize.

- C. Change Order to Contract No. 79HM-120, SFTS MB, with Manson Construction Co. Inc., for Impact of Stub Wall Design Issues (C.O. No. 49).* Board requested to authorize.
- D. Quarterly Performance Report, First Quarter Fiscal Year 2017 - Service Performance Review.* For information.

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

Director Raburn, Chairperson

- A. Transbay Corridor Core Capacity Project.*
 - i. Findings that three of the four project elements (i.e.: the Train Control Modernization Project; the acquisition of 306 additional railcars; and construction of additional Traction Power Substations) are exempt from the requirements of the California Environmental Quality Act in accordance with the Public Resources Code Section 21080(b)(10). Board requested to adopt.
 - ii. Four-Project-Element Transbay Corridor Core Capacity Project. Board requested to adopt.
 - iii. Direct District Staff to file Notice of Exemption. Board requested to authorize.
- B. BART Station Access Policy: Draft Performance Measures and 4-Year Work Plan.* For information.
- C. Transit Oriented Development Policy: Draft Performance Measures and 4-Year Work Plan.* For information.

7. GENERAL MANAGER'S REPORT

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

8. 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.)

9. 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.)

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

A. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Carter Mau, Assistant General Manager, Administration and Budget; and Carol Isen, Chief Employee Relations Officer

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

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to California Government Code Section 54956.9 (d)(2). Two potential cases.

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Kellie Smith vs. BART

US District Court Case No: 3:15-cv02402-TEH

11. 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 1,774th Meeting
October 27, 2016

A regular meeting of the Board of Directors was held October 27, 2016, 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, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

President Radulovich called for Introduction of Special Guests. Director McPartland welcomed and introduced his son and Alameda County Sheriff Gregory J. Ahern. Sheriff Ahern presented Director McPartland a plaque recognizing his 45 years of service as a volunteer on the Alameda County Sheriff's Underwater Dive Unit.

Michael Petrelis addressed the Board.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of October 13, 2016.
2. Award of Contract No. 15QG-150, Replace Glass Panels at El Cerrito Plaza, El Cerrito Del Norte, Pleasant Hill and Concord Stations Platforms.
3. Award of Invitation for Bid No. 8940A, Escalator Inventory Material Safety Stock.
4. Change Order to Contract No. 20LT-110, Procurement of Train Control Room Multiplex and Speed Encoding System Equipment, with Alstom Signaling, Inc., for Extension of Time (C.O. No. 002).
5. Compliance Standards for Electric Service under Previously Approved Electric Power Transmission and Distribution Contracts.

Director Blalock made the following motions as a unit. Directors McPartland, Murray, and Raburn seconded the motions, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

1. That the Minutes of the Meeting of October 13, 2016, be approved.

2. That the General Manager be authorized to award Contract No. 15QG-150, Replace Glass Panels at El Cerrito Plaza, El Cerrito Del Norte, Pleasant Hill and Concord Stations Platforms, to R & I Glassworks of San Francisco, California, for the Bid price of \$179,800.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
3. That the General Manager be authorized to award Invitation for Bid No. 8940A, an estimated quantities contract for escalator inventory material safety stock, to Precision Escalator of Kenilworth, NJ, for the amount of \$336,646.80, and to Kone Inc., of Moline, IL, for the amount of \$1,438,545.30, for a total amount of \$1,775,192.10, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

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

4. That the General Manager be authorized to execute Change Order No. 2 to Contract No. 20LT-110, Procurement of Train Control Room Multiplex and Speed Encoding System Equipment, with Alstom Signaling, Inc., to add 613 days to perform the primary scope of the Change Order work.
5. That the General Manager or her designee be authorized to establish and comply with rules required under the California Independent System Operator tariff in order for the District to begin taking transmission service, as specified in the transmission and distribution agreements between the District and PG&E which were filed with the Federal Energy Regulatory Commission and the California Public Utilities Commission on September 23, 2016.

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

Kevin Boggess
Jessie Fernandez
Mari Elena Ramos
Charlie Sciammas
Teresa Almagner
Jacquie Gutierrez
Victoria Sanchez
Michael Petrelis

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Change Orders to Regular Temporary Help Services Agreements for Time Extension and Increase Contract Value before the Board. Ms. Patrice McElroy, Human Resources Program Manager, Workforce Development, presented the item. Director Raburn moved that the General Manager be authorized to execute change orders to Agreement No. 6M4197, with SearchPros Staffing,

LLC, and Agreement No. 6M4191, with Wollborg/Michelson Personnel Services, Inc., to increase the compensation under each Agreement by \$300,000.00, which would increase the not-to-exceed limit to \$1,600,000.00, and to extend the term of each Agreement to April 30, 2017. The item was discussed. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Saltzman brought the matter of Open Data Policy before the Board. Mr. Timothy Moore, Supervisor, Business Systems Operations, and Mr. Ravi Misra, Chief Information Officer, presented the item.

Michael Petrelis addressed the Board.

The item was discussed. Director Josefowitz moved adoption of the attached Open Data Policy. Director Raburn seconded the motion. Director Murray requested the motion be amended to include an update, with an implementation plan, to the Board at a future workshop in early 2017. The maker and seconder of the motion accepted the amendment. Discussion continued. The motion carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. (The Open Data Policy is attached and hereby made a part of these Minutes.)

Director Saltzman brought the matter of Regional Clipper® Card Fare Payment System Update before the Board. Ms. Patricia Nelson, Project Manager, Clipper Program, and Mr. Carter Mau, Assistant General Manager, Administration and Budgets, presented the item. The item was discussed.

Chris Finn addressed the Board.

Discussion continued.

Jerry Grace addressed the Board.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 03SO-100, Concord Station Plaza Improvements, before the Board. Ms. Shirley Ng, Group Manager, Stations Engineering and Construction, presented the item.

The item was discussed.

Jerry Grace addressed the Board.

Discussion continued.

Director Murray moved that the General Manager be authorized to award Contract No. 03SO-100, Construction of BART Concord Station Plaza Improvements, to Gordon N. Ball, Inc., for the Bid price of \$3,170,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures; and that the General Manager be authorized to exercise any one or all Options, subject to funding availability.

Directors Saltzman and Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland brought the matter of Sole Source Procurement with Simmons Machine Tool Corporation for the Modification of Five Sets of Wheel Truing Machine Cutter Bodies before the Board. Director Blalock moved that the General Manager be authorized to enter into a professional services agreement with Simmons Machine Tool Corporation (SMTC), of Albany, NY, for the modification of the District's SMTC wheel truing machine cutter bodies, in an amount not to exceed \$259,000.00, shipping and tax included. Director Murray seconded the motion, which carried by unanimous electronic vote by the required two-thirds vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland brought the matter of Power Purchase Agreements with SolarCity Corporation for Photovoltaic Installations at the Lafayette and eBART/Antioch Stations before the Board. Director Keller moved that the General Manager or her designee be authorized to execute power purchase agreements for 20 years, and optionally to renew for up to two additional five-year terms, with SolarCity Corporation, for its design, installation, operation, and maintenance of, and the purchase of all electricity output from, one or both of the solar photovoltaic systems at the Lafayette Station and at the new Antioch eBART Station. Director Saltzman seconded the motion. Mr. Nathanael Miksis, Manager of Management Analysis, presented the item. The item was discussed. The motion carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director McPartland brought the matter of Change Order to Contract No. 05EA-110, BART Downtown Berkeley Plaza Improvement Project, with USS Cal Builders, for South Entrance Fare Area Re-opening (C.O. No. 4), before the Board. Director Saltzman moved that the General Manager be authorized to execute Change Order No. 4, South Entrance Fare Area Re-Opening, to Contract No. 05EA-110, Downtown Berkeley Plaza Improvement Project, with USS Cal Builders, for an amount not to exceed \$335,892.00. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

The Board Meeting recessed at 12:19 p.m.

The Board Meeting reconvened in open session at 12:48 p.m.

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

Absent: None. Director Keller entered the Meeting later.

President Radulovich called for the General Manager's Report.

Director Keller entered the Meeting.

Mr. David Kutrosky, Managing Director, Capital Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of November 16, 2016. The report was discussed.

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

Jerry Grace addressed the Board.

President Radulovich called for the Controller/Treasurer's Report. Ms. Rose Poblete, Controller/Treasurer, gave the report on the Quarterly Report for the Period Ending June 30, 2016. The report was discussed.

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

Director Raburn reported he had attended a "rust, dust, and rail" tour at the Hayward Maintenance Complex, the Metropolitan Transportation Commission's Excellence in Motion award event

Director Saltzman reported she had attended a Fleet of the Future open house at the MacArthur Station.

Director Murray reported she had attended a Fleet of the Future event at Pleasant Hill/Contra Costa Centre Station and had given three Better BART presentations.

Director McPartland commented on the award he had received from the Alameda County Underwater Dive Unit.

Director Mallett noted he had submitted an email request related to Clipper transactions that would not require an RCI entry.

President Radulovich called for In Memoriam. No requests were received.

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

Johnnie Carter

Jerry Grace

President Radulovich announced that the Board would enter into closed session under Item 11-A (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 1:33 p.m.

The Board Meeting reconvened in closed session at 1:38 p.m.

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

Absent: Director Saltzman. Directors Mallett and McPartland entered the Meeting later.

Director Mallett entered the Meeting.

Director McPartland entered the Meeting.

The Board Meeting recessed at 2:48 p.m.

The Board Meeting reconvened in open session at 2:49 p.m.

Directors present: President Radulovich.

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

President Radulovich announced that there were no announcements to be made.

The Meeting was adjourned at 2:49 p.m.

Kenneth A. Duron
District Secretary

San Francisco Bay Area Rapid Transit District Open Data Policy

Introduction

The San Francisco Bay Area Rapid Transit District (District) is committed to increasing transparency, accountability, efficiency, public engagement, and supporting technological innovation and economic growth. The District further recognizes that every citizen has the right to prompt, efficient service from the District.

In accordance with that commitment, the District's efforts in providing Open Data for BART transit services, including schedule and real time arrivals, provides a model on which the District can continue to build.

The District recognizes that access to public information, including access to public data, promotes a higher level of civic engagement and allows citizens to provide valuable feedback to District staff and policy makers. One goal of an Open Data policy is to proactively provide information currently sought through Public Information Act requests, thereby saving the District time and money.

In commitment to the spirit of Open Government, the District will consider public information to be open by default and will proactively publish data and data containing information, consistent with relevant public records law. Consistent with that commitment the District recognizes that information technologies, including web-based and other Internet applications and services, are an essential means for Open Government and good government generally. The protection of privacy, confidentiality, and security will be maintained as a paramount priority while also advancing transparency and accountability through Open Data.

Section 1: Definitions

1. "Data" means statistical, factual, quantitative, or qualitative information that is regularly maintained or created by a District Department or a contractor, vendor or other entity on behalf of a District Department.
2. "Open Data" means data that is available online, in an open format, with no legal encumbrances on use or reuse.
3. "Open format" means any widely accepted, nonproprietary, platform-independent, machine-readable method for formatting data, which permits automated processing of such data and facilitates search capabilities.
4. "Dataset" means a named collection of related records, with the collection containing data organized or formatted in a specific or prescribed way, often in tabular form.
5. "Protected information" means any dataset or portion thereof to which a department may deny access pursuant to California statutes or any other law, rule or regulation or on the basis that the disclosure may constitute an infringement on a third party's right to privacy.
6. "Sensitive information" means any data which, if published on the Open Data web

portal, could raise privacy, confidentiality or security concerns or have the potential to jeopardize public health, safety, or welfare to an extent that is greater than the potential public benefit of publishing that data.

7. "Publishable data" means data which is not protected or sensitive and which has been prepared for release on the Open Data web portal.

Section 2: Open Data Initiative

1. Constant with this resolution and the goals specified herein, the District will develop and implement practices that allow it to:
 - a. Release publishable, non-private, District data, making it freely available in open formats, license free and fully accessible to the broadest range of users;
 - b. Publish high quality, updated data with documentation (including metadata and a summary of the processes that were used to create specific data sets);
 - c. Establish and maintain an Open Data web portal that provides a central location for public review of published District data;
 - d. Employ open source software solutions whenever possible and share open source code in public repositories;
 - e. Provide broad disclosure of public information while appropriately safeguarding protected and sensitive information; and
 - f. Encourage innovative uses of the District's publishable data by agencies, the public, and other partners.
2. The development and implementation of these practices shall be the responsibility of the Office of the Chief Information Officer.
3. This resolution and the goals specified herein shall apply to any District department, office, administrative unit, board, advisory committee and any other divisions of the District ("department").

Section 3: Governance

1. Implementation of this Open Data Initiative Resolution will be overseen by the Office of the Chief Information Officer.
2. The Office of the Chief Information Officer shall work with all departments within the District to:
 - a. Identify a lead Open Data coordinator within each department. The coordinator will be responsible for the oversight and management of that department's participation in the Open Data initiative, including requests for budget or resources to support that participation. Each coordinator's contact information and area of responsibility shall be published on the Open Data web portal;
 - b. Develop and publish, on the Open Data web portal, a comprehensive inventory of datasets held by each District Department and keep the inventory up to date, consistent with the requirements of SB 272, Section 6270.5 of the California Public Records Act;
 - c. Develop, implement and publish, on the Open Data web portal, a process for determining whether information is private, sensitive or otherwise protected and

- establish whether the information may be published; the relative level of risk and public benefit associated with potentially sensitive, non-protected information so as to make a determination about whether and how to publish it;
- d. Work with the Office of the General Counsel to determine if the information identified by the departments may, legally, be made publically available;
 - e. Develop, implement and publish, on the Open Data web portal, a process for prioritizing the release of datasets to the Open Data web portal, including historic and archival material, which takes into account new and existing signals of interest from the public (such as the frequency of Public Information Act requests), the District's programmatic priorities, existing and future opportunities for data use in the public interest and in the interest of the District's internal stakeholders, contractors and external partners, and cost;
 - f. Establish, implement and publish, on the Open Data web portal, processes for publishing datasets to the Open Data web portal, including processes for ensuring that datasets are reviewed for use-appropriate formats, quality, timeliness, and exclusion of protected and sensitive information;
 - g. Work with other local governments and public agencies, and through standards bodies and other consensus groups, to identify and use the same unique identifiers across all data sets;
 - h. Optimize the quality and timeliness of data collection to avoid the inefficiencies created by paper-based systems and allow structured data to be created in the natural course of business;
 - i. Develop, publish and oversee a routinely updated, public timeline for new dataset publication; and
 - j. Ensure that published datasets are available for bulk download or via APIs (Application Programming Interfaces) to enable search and retrieval.
 - k. Encourage interpretations of published data, including data visualizations and interactive tools, to facilitate public involvement and transparency.
3. To ensure that the commitments and goals as set forth in this Resolution are met, the Office of the Chief Information Officer will actively encourage department and public participation by providing regular opportunities for feedback and collaboration.

Section 4: Central Online Location for Published Data

1. The District will endeavor to create and maintain a publicly available location on the District's website or in another suitable online location where the District's published data will be available for download.
2. Datasets published on the Open Data web portal shall be placed into the public domain.

Section 5: Open Data Report and Review

1. Within one year of the effective date of this Resolution, and once a year thereafter, the Office of the Chief Information Officer shall submit to the District Board of Directors an annual Open Data Report. The report shall include an assessment of progress towards

achievement of the goals of this Resolution, a list of datasets currently available on the Open Data web portal, and a description and publication timeline for datasets envisioned to be published on the portal in the following year.

2. During the review and reporting period, the Office of the Chief Information Officer should also make suggestions for improving the District's Open Data management processes in order to ensure that the District continues to move towards the achievement of the District's commitment.



EXECUTIVE DECISION DOCUMENT



GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/7/2016 <i>11/9/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Labor Relations Signature/Date: <i>Diane Iwata 11/8/2016</i>	General Counsel <i>[Signature]</i> 11/9/16 []	Controller/Treasurer <i>Chris Gal</i> 11/9/16 []	District Secretary []	BARC <i>[Signature]</i> 11-9-16 []

TITLE:

Approval of Salary Schedule

NARRATIVE :

PURPOSE:

To approve a base pay schedule that was in effect beginning July 1, 2016, in a form prescribed by CalPERS.

DISCUSSION:

The District contracts with the California Public Employees Retirement System (CalPERS) for employee retirement benefits. CalPERS' rules control whether compensation qualifies as reportable to CalPERS for purposes of retirement calculations. In order for base compensation to be reportable for purposes of retirement calculation, CalPERS requires that the District's pay schedules be formally approved by the Board, including each position title and pay rate, and that they be publicly available (e.g. the District website).

Attachment A is the base pay schedule in effect from July 1, 2016. It is important to note this table does not make changes to compensation for any District employee. It reflects negotiated salary changes with each union already approved by the Board through its ratification of the Collective Bargaining Agreements (CBA's). The pay for Board-appointees have been approved by the Board. Staff requests that the Board approve the attached salary schedule.

FISCAL IMPACT:

There is no fiscal impact to the District for this proposed action.

ALTERNATIVES:

To not approve the action. However, failure to do so may result in CalPERS' disqualification of pay as "compensation earnable" for reporting and determination of District employees' retirement benefits.

RECOMMENDATION:

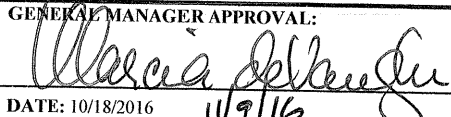
Approve the following motion.

MOTION:

The Board approves the base pay schedule in effect July 1, 2016.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/18/2016 <i>11/9/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Terri Hodges Dept: Insurance	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>J. Hodges 11/8/16</i>	<i>[Signature] 11/8/16</i> []	<i>[Signature] 11/8/16</i> []	[]	<i>[Signature] 11-9-16</i> []

TITLE:

EXTENSION OF TIME OF PERFORMANCE FOR AGREEMENT 6M2020 BROKERAGE SERVICES FOR AN OWNER CONTROLLED INSURANCE PROGRAM (OCIP)

NARRATIVE:

PURPOSE:

To obtain Board authorization for the Controller/Treasurer to extend the time of performance under Agreement 6M2020 Brokerage Services for an Owner Controlled Insurance Program (OCIP) with Aon Risk Services, Inc. for an additional 12 months to November 30, 2017. An RFP for these services will be issued during the extension period.

DISCUSSION:

The OCIP provides coordinated insurance, safety, and claims management services to all contractors working on BART major projects. The District uses OCIPs to provide cost effective insurance and risk management services for construction projects including the Earthquake Safety Program (ESP), the Warm Springs Extension (WSX), the Hayward Maintenance Complex (HMC) and the Professional Liability Insurance Program (PLIP) which is a Professional Liability Program for engineers. By providing insurance to all contractors working on these projects, the OCIP removes barriers to the participation of small and local contractors. Aon has exceeded its proposed DBE participation of 30.3% and is at 50.5%.

On October 22, 2009, Agreement 6M2020 was authorized by the Board in an amount not to exceed \$7,500,000. In August of 2014, the Board approved the two year extension of Agreement 6M2020 for Brokerage Services for an OCIP to Aon Risk Services, Inc. Due to program efficiencies, \$1,777,624 remains unspent. The funds already authorized under Agreement No. 6M2020 will be sufficient to provide OCIP services for an additional 12 months.

FISCAL IMPACT:

This is a no cost, time only change, and there is no fiscal impact.

ALTERNATIVES:

The alternative is to issue a request for proposal which would not occur prior to the expiration of this contract causing a lapse in services. Alternatively, we could discontinue the OCIP.

RECOMMENDATION: Adopt the following motion:

MOTION:

The Controller/Treasurer is authorized to extend the time of performance under Agreement 6M2020 with Aon Risk Services to provide brokerage services for an OCIP for an additional 12 months to November 30, 2017. The original not to exceed amount for the Agreement remains at \$7,500,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Clara DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D: Board Approval and Authorization		
DATE: 11/8/2016 <i>11/10/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patrice McElroy Dept: Human Resources	General Counsel <i>V. B. [Signature]</i> 11/9/16 []	Controller/Treasurer <i>Christina</i> 11/10/16 []	District Secretary []	BARC <i>[Signature]</i> 11-9-16 []

TITLE:

EMPLOYEE RECRUITMENT AND RELOCATION FOR THE POLICE CHIEF POSITION

NARRATIVE:

PURPOSE:

To obtain Board authorization for a national recruitment and relocation agreement to assist the District with filling the Police Chief position.

DISCUSSION:

On March 11, 1993, the Board adopted Resolution 4487, requiring Board approval prior to any recruiting activity to employ a person who is not a current District employee with an annual salary of \$50,000 or more. The resolution also states that the District should confine its recruiting to the State of California, consistent with provisions of the law, and that no relocation or moving expenses would be offered to new employees without prior Board approval.

The Police Chief is a senior management position that requires specialized skills derived from unique managerial/technical experience and education, which is critical to the District's progress in the public safety area. Specifically, the Police Chief is responsible for the leadership direction of the District's Police Department.

The expertise of a recruiting firm that has a deep familiarity with policing and recruiting sources and prospects will constitute a resource beyond that which is available internally. Likewise, the ability to offer relocation assistance in the event that one or more successful candidates are not from the immediate area will enhance the District's competitive posture in this search.

By adopting this motion, the Board will authorize staff to use an executive search firm for the recruitment. The objective in using a search firm is to increase the candidate pool and identify highly qualified applicants.

Staff's intent is to enter into a search agreement for the position. Proposals will be solicited from firms that have: 1) expertise in transit and/or public sector recruitment for management positions with on focus policing expertise; 2) an ability to provide timely customized searches on a national scale; 3) acceptable business references; 4) the ability to meet the terms of agreement; and 5) price and fee structure. Interested firms will be required to provide a search plan summary document outlining search tasks, a proposed fee structure and estimated time of completion.

The Board's action will allow for executing a relocation agreement within the parameters of current District practice as provided in Management Procedure 70. This procedure sets a maximum reimbursement for relocation at \$18,000 and it does not allow for reimbursement for loss on sale of residence.

EMPLOYEE RECRUITMENT AND RELOCATION FOR THE POLICE CHEIF POSITION

FISCAL IMPACT:

The costs, including search firm fees and any subsequent relocation agreement, will come from the FY'17 Operating Budget of the Police Department.

ALTERNATIVES:

Fill the position using in-house District recruitment resources.

RECOMMENDATION:

Adopt the following motion:

MOTION:

That the General Manager or her designee is authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to identify suitable candidates both inside and outside of California for the Police Chief position. In addition, the General Manager is authorized to enter into a relocation agreement, if necessary, in an amount not to exceed \$18,000 for each position, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Clarcia Salazar</i>		GENERAL MANAGER ACTION REQ'D:	
DATE: 11/9/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Carl Orman Dept: []	General Counsel <i>[Signature]</i> 9/27/16 []	Controller/Treasurer <i>[Signature]</i> 9/29/16	District Secretary BART <i>[Signature]</i> 11/13/16
Signature/Date: <i>Carl Orman 9/27/16</i>			

Status: Routed	Date Created: 08/24/2016
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TITLE:

Award of Contract No. 47BS-152A, Accessibility Improvements at Various BART Stations

NARRATIVE:

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 47BS-152A Accessibility Improvements at Various BART Stations, to Federal Solutions Group, Inc., of San Ramon, California for the Bid Price of \$735,777.00.

DISCUSSION: This Contract is designated as a Micro Small Business Entity ("MSBE") Set Aside Contract under the District's Disadvantaged Business Enterprise Program Small Business Elements ("SBE Elements"). Bidders were informed that Bids may only be submitted by firms certified as an MSBE, under the District's SBE Elements, prior to the Bid opening date. The scope of this Contract includes, among other things, (1). Remove, furnish and replace the existing station finish floor at the West Oakland BART Station entrance, (2). Relocate two (2) existing Ticket Vending Machines (TVM) and install an accessible fare gate at the South Entrance of the Lafayette BART Station; and (3). Remove and replace the existing platform edge tiles at the Richmond and Pleasant Hill Stations.

The District provided advanced notice to 236 prospective Bidders and Contract Documents were sent to 20 plan rooms. The Contract was advertised June 15, 2016 in local publications. A total of 17 firms purchased copies of the Contract Documents. A pre-Bid meeting was conducted on July 20, 2016 and 5 prospective Bidders attended the meeting. Five addendums were issued for this Contract. A total of 3 Bids were received and Bids were publically opened on August 23, 2016. A tabulation of the Bids, including the Engineer's Estimate is as follows:

Bidder	Location	Total Base Bid Price
Eagle Environmental Construction	San Francisco, CA	\$650,000.00
Federal Solutions Group, Inc.	San Ramon, CA	\$735,777.00
Bay Construction Co.	Oakland, CA	\$955,000.00
Engineer's Estimate		\$532,000.00

After review by the District, the apparent low Bid submitted by Eagle Environmental Construction has been deemed to be non responsive to the solicitation because Eagle Environmental Construction is not a certified MSBE. Eagle Environmental Construction also failed to acknowledge Addendum No. 5 and incorrectly executed the Buy America Certification by signing that they will comply and also signing that they will not comply. The second apparent low Bid submitted by Federal Solutions Group, Inc. has been deemed to be responsive to the solicitation. Examination of Federal Solutions Group's license, business experience and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Bid price of \$735,777.00, is fair and reasonable based upon adequate competition.

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

The project will also receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, Federal Transit Administration (FTA), has concurred that implementation of the project will not have a significant impact on the environment and qualified for a categorical exclusion as defined under 23 CFR 771.117 (c) (15) for alterations to facilities to make them more accessible for elderly and handicapped persons. The categorical exclusion list has since been updated by FTA but the project would still qualify as a categorical exclusion.

Pursuant to the District's Disadvantaged Business Enterprise Program Small Business Elements, this contract was advertised as a Micro Small Business Entity (MSBE) Set-Aside. All prospective Bidders who are interested in submitting a Bid on MSBE Set-Aside contracts must be certified first by District's Office of Civil Rights as an MSBE. The lowest responsive bidder, Federal Solutions Group, Inc., is a BART certified MSBE.

FISCAL IMPACT:

Funding of \$735,777 for the award of Contract No. 47BS-152A is included in total project budget 47BS000 – Accessible Fare Gates. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed:

As of August 26, 2016 \$9,239,262 is available for this project from the following sources:

Fund Group	Fund Amount
Federal Transit Administration	7,215,849
Metropolitan Transportation Commission	610,000
BART Funds	1,413,413
Total	9,239,262

BART has expended \$7,856,672, committed \$65,942, reserved \$0.00 to date for other action. This action will commit \$735,777 leaving an available fund balance of \$580,871. There is no fiscal impact on available un-programmed District reserves.

ALTERNATIVES:

To reject all Bids and authorize Staff to re-advertise the Contract. The reissuance process will likely delay construction six (6) months resulting in deferral of the accessible improvements at the four stations. If the project were deferred, BART Staff costs incurred to date related to this project may need to be reimbursed to the FTA.

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

MOTION: The General Manager is authorized to award Contract No. 47BS-152A, Accessible Improvements at Various Stations, to Federal Solutions Group, Inc. for the Bid price of \$735,777.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Caricia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/2/2016 <i>11/9/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Travis Engstrom Dept: Office of the CIO	General Counsel <i>[Signature]</i> 11/9/16 []	Controller/Treasurer <i>[Signature]</i> 11/9/16 []	District Secretary []	BARC <i>[Signature]</i> 11-9-16 []
Signature/Date: <i>[Signature]</i> 11/8/16				
Status: Routed	Date Created: 11/2/2016			

TITLE:

Communications Agreement – San Francisco Municipal Transportation Agency (SFMTA) - Extend Commercial Fiber and Cellular Infrastructure to the SFMTA Underground System

NARRATIVE :

PURPOSE

To authorize the General Manager to execute a Communications Agreement ("Agreement") with the San Francisco Municipal Transportation Agency (SFMTA) authorizing the District to negotiate license agreements with telecommunications carriers on behalf of the SFMTA to extend the existing underground commercial fiber and cellular infrastructure in the District underground to the SFMTA underground system for a fifteen (15) year term plus two five-year renewal periods.

DISCUSSION

For more than a decade, the District has maintained underground wireless and fiber networks that allow commercial cellular and fiber carriers to pay the District for use of radio and fiber assets to provide competitive cellular and fiber services in the underground. The cellular network in the District underground is used by AT&T, Verizon, Sprint, T-Mobile and Metro PCS and additional telecommunications carriers who license and pay the District for use of fiber assets and routes.

Currently, SFMTA does not provide cellular coverage in its underground tunnels. SFMTA has spent considerable time and effort examining alternative options for the construction of underground cellular infrastructure. After review, SFMTA decided that the most effective way to extend cellular coverage to the SFMTA underground is, pursuant to agreement with the District, to extend the existing underground communications systems in the District underground to SFMTA underground locations.

In August 2015, SFMTA and the District completed a Feasibility Study to determine if it was feasible to extend the existing underground network from the District's underground to the SFMTA underground. The District and SFMTA have determined that it is feasible and negotiated an Agreement that has been approved by both the SFMTA Board of Directors and the San Francisco Board of Supervisors.

In the Agreement SFMTA authorizes the District to negotiate license agreements on behalf of the SFMTA to build and operate wireless facilities and fiber optic capacity in SFMTA underground areas. SFMTA will grant utility easements to the District for placement and operation of communications facilities. All capital costs will be provided for in the license agreements to be negotiated with the communications carriers. Carriers also will pay annual licensing payments to the District for operating on the network, subject to a revenue sharing arrangement with the SFMTA..

Under the Agreement, the District will manage the underground network, collect license payments, deduct costs from the collected license payments and then share revenues with SFMTA for areas on the network where

SFMTA operates service. For District-controlled areas, the revenue share will be 80% to the District and 20% to SFTMA and for areas controlled by SFMTA, the revenue split will be 50/50%.

FISCAL IMPACT

It is anticipated that this Agreement will provide future revenues. There are no capital costs and no negative fiscal impact expected to be incurred by SFMTA or the District as a result of this agreement. Upon extension of the current commercial fiber and cellular infrastructure in the District underground to the SFMTA underground, the District and SFMTA will share in future revenues collected from license agreements negotiated and managed by the District for SFMTA service areas.

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

ALTERNATIVES

Do not approve the Agreement. In this case, the SFMTA will continue to operate without cellular coverage in its underground areas and seek alternative methods of design and installation.

RECOMMENDATION

Adopt the following motion:

MOTION

The General Manager is authorized to execute a Communications Agreement with the San Francisco Municipal Transportation Agency (SFMTA) authorizing the District to negotiate license agreements with telecommunications carriers on behalf of the SFMTA to extend the existing underground commercial fiber and cellular infrastructure in the District underground to the SFMTA underground system for a fifteen (15) year term plus two five-year renewal periods.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DelPuderi</i>		GENERAL MANAGER ACTION REQ'D: Forward to Board of Directors		
DATE: 10/19/2016 <i>11/10/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: <i>Adwoa Oni</i> Dept: Maintenance and Engineering (M&E) <i>Adwoa Oni</i> Signature/Date: <i>11/9/2016</i>	General Counsel <i>[Signature]</i> <i>11/9/16</i> []	Controller/Treasurer <i>Chris Green</i> <i>11/10/16</i> []	District Secretary []	BARC <i>Paul Jensen</i> <i>11/10/16</i> []

TITLE:

STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES VOYAGER FUEL CARD PROGRAM

NARRATIVE:

PURPOSE:

To obtain Board authorization for the San Francisco Bay Area Rapid Transit District's (BART) continued participation in the State of California, Department of General Services ("DGS") Purchase Card (CAL-Card) Program, for purchase of fuel by District staff for non-revenue vehicles beginning November 1, 2016, with U.S. Bank Voyager Fleet Systems, Inc. (Voyager), the monitor and administer of the Voyager Fuel Card Program for fuel purchase.

DISCUSSION:

The California Public Contract Code, Section 10298 permits the Director of DGS to consolidate the needs of its agencies for goods and services, and establish contracts, master and cooperative agreements that leverage the State of California's buying power. The DGS made and entered into a competitively procured Agreement with Voyager and has subsequently amended the Contract term multiple times. This program allows credit card purchases for self-serve unleaded gasoline, diesel fuel, M-85 methanol, emergency oil replacement, and minor emergency repairs of State and eligible public agency vehicles pursuant to the same terms and conditions. Districts, including BART, may elect to enter into agreements with suppliers/vendors awarded these contracts without further competitive solicitation; therefore, saving staff time and expense.

BART has participated in this program with great benefits since November 1995 when the Board of Directors first approved the District's participation in the fuel card program. The Board has continued to approve BART's participation in the fuel card program for each subsequent Agreement through the last Addendum approved in September 2014. However, the current Agreement expired on September 30, 2016; however, the DGS issued an Addendum extending the term of the Agreement effective July 21, 2016 through December 31, 2018. The new two-year two-month term for Voyager fuel card services for the District is set to commence on November 1, 2016 and terminate on December 31, 2018.

The Voyager fuel credit card (Voyager card) is accepted by all of the major oil companies as well as most of the smaller independent stations, ensuring necessary service to District vehicles virtually anywhere night or day in the Bay Area. District use of the Voyager card is restricted to Oakland Shop pump outage intervals, and fueling designated BART vehicles servicing outlying areas, such as BART Police Department units, when it is not logistically or economically feasible to use the Oakland Shop Fueling Facility. These vehicles are used on a 24-hour basis. Voyager cards are issued on a selective basis by vehicle to ensure that card access is limited to vehicle operators authorized to use these cards. Purchases authorized by the District include: regular unleaded gasoline/ten percent ethanol blend, clear diesel fuel, emergency oil replacement minor emergency repairs and cleaning. As of October 2016, approximately two-hundred eleven, or forty-seven percent of non-revenue, on road vehicles are incurring monthly charges. Further, U.S. Bank Voyager Fleet Systems, Inc. will minimize District administrative cost by consolidating all billings from participating oil

companies, providing one monthly statement and offering real time web-based transaction records and card maintenance.

FISCAL IMPACT:

Funding for this contract will include the following estimated expenditures and time periods:

FY17 (November 1, 2016 to June 30, 2017)	\$280,000
FY18 (July 1, 2017 to June 30, 2018)	\$420,000
FY19 (July 1, 2018 to December 31, 2018)	\$210,000
Total not-to-exceed Amount	\$910,000

Funding for fiscal year 2017 for the Fuel Credit Card Program is included in the Operating Budget of Cost Center 0802871 (Non-Revenue Vehicle Maintenance Division of Maintenance and Engineering), Operating Budget Account 680-030. Expenditures for the out year portions of the contract will be included in future operating budgets, which are subject to future Board approval.

ALTERNATIVES:

1. Seek another supplier through BART's own competitive solicitation process, which will increase the District's procurement costs and will not likely lead to increased competition or lower fuel cost. The Voyager card is available through the Fuel Credit Card Program at no additional cost to the District.
2. Refuel at Oakland Shop Facility only. This is not cost effective for vehicles assigned to outlying facilities such as Richmond Yard, Hayward Yard and the West Bay facilities.

RECOMMENDATION:

On the basis of analysis by staff, it is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to enter into an Agreement with U.S. Bank Voyager Fleet Systems, Inc. for participation in the State of California DGS CAL-Card Program, reference Participating Addendum No. 7-16-99-27 DGS-OFA-OPPS-06, for the period November 1, 2016 through December 31, 2018.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carca Delaney</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/5/2016 <i>11/9/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shawn Jackson Dept: Transportation & System Service	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>[Signature]</i> Signature Date: <i>11/9/2016</i>	<i>[Signature]</i> <i>11/9/16</i> []	<i>[Signature]</i> <i>11/9/16</i> []	[]	<i>[Signature]</i> <i>11/9/16</i> []

TITLE:

Award of Non-Competitive Agreement to Provide Stand-by Emergency Medical and Advanced Life Support Services at West Oakland Station

NARRATIVE:

PURPOSE: To request the Board to authorize the General Manager to execute Agreement 6M8125 to provide Stand-by Emergency Medical and Advance Life Support (ALS) services for stations and underground trackway between West Oakland and the downtown Oakland Stations with Paramedics Plus for a term of five (5) years or the period of time that Paramedics Plus enjoys an exclusive operating agreement with the County of Alameda, whichever is less.

DISCUSSION: Since FY 2008 the Transportation and System Service Department has secured stand-by paramedic services at both ends of the Transbay Tube to reduce potential train delays resulting from passenger illness. These services facilitate the District's ability to meet its Train-On-Time performance standard. At West Oakland Station support is provided on non-holiday weekdays during the peak travel times of 6:00 -10:00 a.m. and 3:00 - 8:00 p.m. The Board previously approved an Agreement with Paramedics Plus to provide these services at that location. The Agreement expires on December 31, 2016.

In keeping with the State Legislature adopted system of regulating emergency medical services, each County designates which ambulance companies can provide ALS and emergency medical services through the 911 system in its area. In Alameda County the only eligible company to provide these services is Paramedics Plus. As a result, this procurement must be awarded non-competitively.

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

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

FISCAL IMPACT: The estimated expenditures by fiscal year are as followed:

FY 17 - \$152,824
 FY 18 - \$309,169
 FY 19 - \$317,191
 FY 20 - \$330,505
 FY 21 - \$339,090
 FY 22 - \$174,221
Total \$1,622,300

The funding for FY 17 expenditures of \$152,824 is available in the FY 17 Operating Budget of the

Transportation Department, Professional & Technical Services account 681300. Funding for subsequent years will be requested in future operating budget cycles.

ALTERNATIVE: Do not authorize the execution of the Agreement and discontinue Stand-by Emergency Medical and Advance Life Support Services at West Oakland Station effective December 31, 2016. This could result in increased service delays through the Transbay Tube as on site paramedic services would not be available to assist ill passengers requiring medical attention.

RECOMMENDATIONS: Adoption of the following motion.

MOTION: The General Manager is authorized to execute Agreement 6M8125 with Paramedics Plus to provide Stand-by Emergency and Advance Life Support Services for stations and underground trackway between West Oakland Station and the downtown Oakland Stations for a not to exceed price of \$1,623,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 10/18/2016 <i>11/9/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: PD&C Earthquake Safety <i>A. Hitchings</i> Signature/Date: <i>11/7/16</i>	General Counsel <i>[Signature]</i> <i>11/7/16</i> []	Controller/Treasurer <i>[Signature]</i> <i>11/4/16</i> []	District Secretary []	BARC <i>[Signature]</i> <i>11/8/16</i> []

TITLE:

Contract No. 79HM-120 SFTS MB, Change Order No. 49, Impact of Stub Wall Design Issues

NARRATIVE :

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 49, Impact of Stub Wall Design Issues, to Contract No. 79HM-120, in the amount not to exceed \$431,785.89.

DISCUSSION:

Award of Contract No. 79HM-120, SFTS MB to Manson Construction Co. Inc. was authorized by the Board on February 12, 2015; Notice to Proceed was issued on May 19, 2015. Change Order No. 49 will be issued for an amount not to exceed \$431,785.89.

Subsequent to the Award of the Contract, the Contractor noted that the Contract failed to address the impact of the existing SFTS superstructure columns and bracing on the stub wall construction. Due to the interference of existing facilities with the anchoring requirements of the barrier, the complexities in the design, and the interaction of the SFTS superstructure with the stub wall, it took longer than anticipated for the District's engineers to develop details to address the Contract's deficiency. Among other things, the Contractor's Security Sensitive Information (SSI)-cleared labor was kept on site, because releasing these SSI-cleared workers who were already familiar with the construction would have led to further delays when work needed to be resumed. The net impact of this delay on the critical path was 42 calendar days. Change Order No. 49 will provide compensation to the Contractor in an amount not to exceed \$431,785.89 to compensate for the delay in development of new designs and the release of the corresponding shop drawings.

Pursuant to 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 for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding of \$431,785 for Contract 79HM120 CO. #49 will come from project budget 79HM000 Transition Barriers. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed.

As of October 20, 2016, \$94,854,602 is available for this project from the following fund sources:

Fund Group	Amount
FEDERAL	\$81,620,171
BART	\$99,672
REGIONAL	\$4,648,436
STATE	\$8,486,324
Total	\$94,854,602

BART has expended \$56,533,913 and committed \$34,809,237 to date for other actions. This action will commit an additional \$431,785 leaving an uncommitted balance of \$3,079,668 in this project. 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, failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 49, Impact of Stub Wall Design Issues, in the not to exceed amount of \$431,785.89, to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

Date: 10/19/16

**ATTACHMENT No 1
CONTRACT No. 79HM-120**

CO No. 49

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 08/31/16:	39.80%

COST

	% of Award	CO Totals	Contract Amount
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	3.08%	\$ 1,528,299	
Other Than Board Authorized COs	2.57%	\$ 1,277,839	\$ 2,806,138
This Change Order No. 49	0.87%	\$ 431,790	
Subtotal of all Change Orders	6.52%	\$ 3,237,928	
<u>Revised Contract Amount</u>			\$ 52,923,928

SCHEDULE

Original Contract Duration	730	days
Time Extension to Date	0	days
Time Extension Due to Approved Cos	0	days
Time Extension Due to this CO49	42	days
Revised Contract Duration	772	days

DBE PARTICIPATION

Original Contract Value <u>excluding</u> Allowances	\$ 49,105,000
Current DBE Participation excluding this Change Order	15.89%
Projected DBE Participation excluding this Change Order	15.65%
This Change Order No. 49	10.50%
Contract 79HM-120 DBE Participation Commitment	1.95%



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: 		
DATE: 9/7/2016 <i>11/9/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Duncan Watry Dept: Planning, Development and Construction Signature/Date: <i>11/7/16</i>	General Counsel: <i>11/7/16</i> []	Controller/Treasurer: <i>11/8/16</i> []	District Secretary: []	BARC: <i>Powers 9 Nov 2016</i> []
Status: Routed		Date Created: 9/7/2016		

TITLE:

Adopt Transbay Corridor Core Capacity Project

NARRATIVE :

PURPOSE:

To obtain BART Board adoption of the Transbay Corridor Core Capacity Project with a finding that the Project is statutorily exempt from the California Environmental Quality Act (CEQA) in accordance with the Public Resources Code, Section 21080(b)(10).

DISCUSSION:

BART's Transbay Corridor Core Capacity Project is a candidate for funding under the Federal Transit Administration's (FTA) Capital Investment Grant (CIG) Program. The CIG Program provides discretionary funding to qualified projects and is a major source of funds for New Starts and Core Capacity projects nationwide. The purpose of the Transbay Corridor Core Capacity Project is to reduce patron crowding and to serve the future demand generated by the development anticipated in the region as part of Plan Bay Area. Federal legislation authorizing the CIG Program requires that the proposed Core Capacity project increase peak capacity by at least 10 percent. BART's proposed project will increase peak capacity by over 25 percent. BART's Transbay Corridor Core Capacity Project consists of four project elements required to enable BART to increase train frequencies and lengthen trains in the Transbay Corridor:

- Train Control Modernization Project (TCMP);
- 306 Additional Railcars;
- Hayward Maintenance Complex (HMC) Phase 2; and
- Traction Power Substations (TPSS).

BART has packaged these four project elements into one Core Capacity Project for purposes of seeking funding in the CIG Program. BART is seeking \$900 million in CIG funding for this program. Attachment A provides a more detailed description of the Transbay Corridor Core Capacity Project and details on each of the constituent project elements.

To receive CIG Program funding, eligible projects progress in discrete phases beginning with Project Development and culminating in a Full-Funding Grant Agreement (FFGA) and implementation. An FFGA is the mechanism by which FTA commits to a multi-year funding program for qualified projects. BART's Transbay Core Capacity Project was admitted into the Project Development Phase on August 28, 2015. By statute, the Project Development Phase can only last up to two years. During this period BART must complete a number of FTA requirements for the CIG Program, including completion of all required environmental documentation, both under CEQA and under the National Environmental Policy Act (NEPA). BART is anticipating initiating completion of CEQA with this BART Board action today, completing CEQA with the subsequent 35-day statute of limitations period, and completing NEPA by the FTA by the end of December 2016. BART will apply for entry into the Engineering Phase of the CIG Program in mid-2017, and BART staff anticipates an FFGA will be requested in 2019.

The HMC Phase 2 elements of the project have already completed environmental documentation through both CEQA and NEPA through the following actions and, accordingly, are not included in the Statutory Exemption action in this EDD:

- May 26, 2011: the BART Board adopted the Final Negative Declaration for the Hayward Maintenance Complex Project - Phases 1 and 2 (CEQA);
- September 21, 2011: FTA approved a Categorical Exclusion from NEPA review for HMC Phases 1 and 2; and

· May 9, 2013: the BART Board adopted an Addendum to the Negative Declaration (demolishing Building 3 and replacing it with a new building for the Component Repair Shop) for Phase 1 (CEQA).

For the other three project elements in the Transbay Corridor Core Capacity Project, BART staff is proceeding with two related environmental processes.

Counsel has determined that for CEQA purposes, the Train Control Modernization Project, the 306 additional railcars and the Traction Power Substations all fall within the definition of projects described in the Public Resources Code, Section 21080(b), which provides for Statutory Exemptions (SE) to CEQA for specific types of projects. This section states:

(b) [CEQA] does not apply to any of the following activities:

(10) A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities.

For projects qualifying for an SE, no further analysis is needed to qualify for the exemption. It is sufficient to adopt the project through an agency's Board, and file a Notice of Exemption (NOE) with the State Office of Planning and Research (OPR). When BART files the NOE with OPR, a 35-day statute of limitations period begins. During this 35-day period, a lawsuit may be filed or other legal action taken on the Board's decision. If no legal action is taken, the SE is final. BART has recently finalized the location of all TPSS project elements, which allows this CEQA action to go forward at this point.

BART staff met with FTA staff to determine the appropriate NEPA process, which will follow the CEQA process. BART staff anticipates that a documented Categorical Exclusion (CE) is the likely NEPA process, as the three project elements are within existing transportation rights-of-way (ROW) and construction of the project elements is not expected to have significant impacts.

FISCAL IMPACT:

Approval of the Resolution is a requirement for BART to receive future funds from FTA for the constituent projects. This action will have no fiscal impact on unprogrammed District Reserves.

ALTERNATIVES:

The Board could decline to adopt the Project. In this case, the Statutory Exemption would still apply to the three project components, as the SE is based on the facts of the project, not on the Board action. However, the statute of limitations would be 180 days instead of 35 days. This would delay the schedule to complete FTA's Project Development process, and could make BART ineligible to receive the CIG funds on the schedule anticipated (BART is seeking \$900 million in CIG funds). This, in turn, could delay implementation of the project elements in the Project.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The BART Board of Directors hereby:

1. Finds that the following three project elements that are components of the Transbay Corridor Core Capacity Project:

- Train Control Modernization Project;
- 306 Additional Railcars; and
- Traction Power Substations (5 locations).

are exempt from the requirements of the California Environmental Quality Act in accordance with the Public Resources Code, Section 21080(b)(10);

2. Adopts the four-project-element Transbay Corridor Core Capacity Project; and

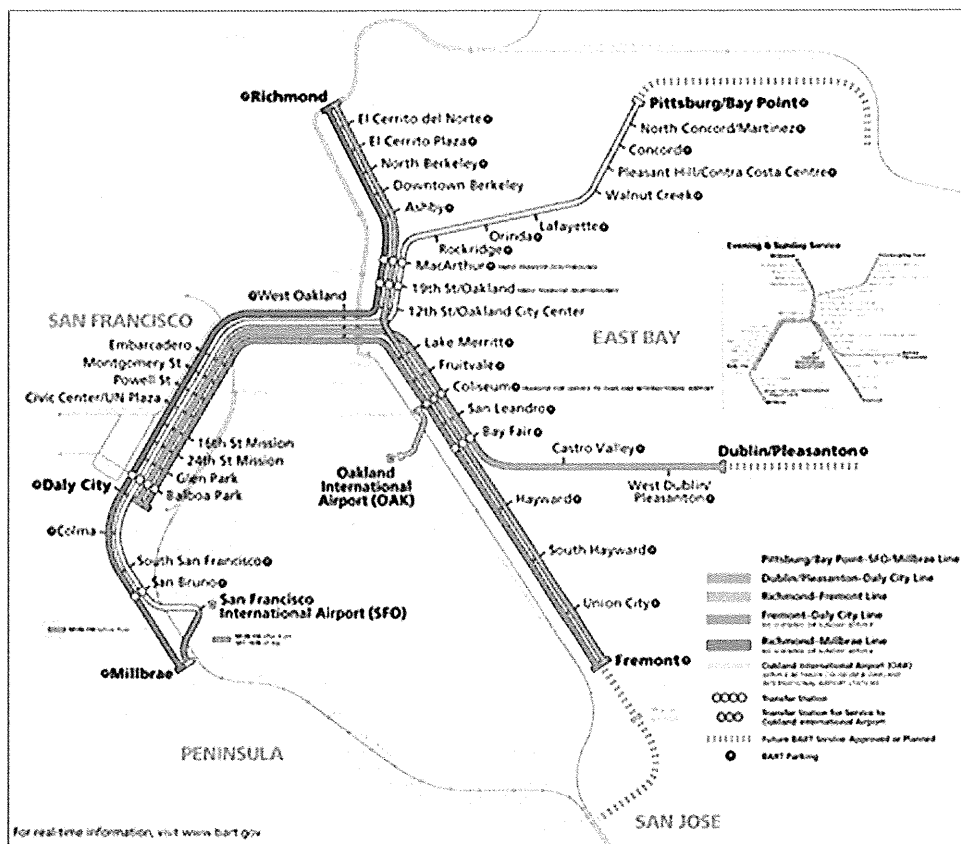
3. Directs staff to file Notice of Exemption.

BART Transbay Corridor Core Capacity Project

Project Description

The San Francisco Bay Area Rapid Transit (BART) system currently consists of 104 route miles of heavy rail transit serving 45 stations in San Francisco, in the East Bay, and on the Peninsula. An additional 15 route miles and 3 stations are under construction south of Fremont, and an additional 10 miles and 2 stations are under construction east of Pittsburg/Bay Point. The system operates as five lines designated by different colors – Yellow, Green, Red, Orange and Blue. Four of these lines – all but the Orange Line – merge into a single double-track alignment connecting San Francisco and Oakland, which operates through the Transbay Tube. BART also operates the Oakland Airport Connector as an independent line. Figure 1 shows the existing system.

Figure 1: BART System



On the main trunk of the BART system, from the Oakland Wye to Daly City, BART currently operates a maximum of 23 trains per hour in the peak direction. Train lengths vary, but currently average 8.9 cars per train in the peak. Between Oakland and San Francisco, the trains are crowded, and ridership is growing. As the system expands and as the core continues to attract development, further increases in ridership are expected.

Attachment A

BART is proposing a package of strategic investments that will increase capacity between San Francisco and Oakland by more than 30 percent. The Transbay Corridor Core Capacity Project will allow BART to operate up to 30 ten-car trains per hour on the existing system, maximizing throughput in the most heavily used part of its system. The package includes four elements: additional vehicles, Phase 2 of the Hayward Maintenance Complex, a communications-based train control system, and additional traction power.

306 Additional Railcars. In order for BART to achieve a regular schedule of 28-30 ten-car trains through the corridor, BART will require a total fleet size of 1,081 vehicles. BART currently has 775 new rail vehicles on order, which will allow us to completely replace our aged fleet of 669 vehicles and to expand the fleet by 106. When this order is completed, BART will need 306 more vehicles to get to the total requirement of 1,081.

Of the 306 additional cars required, 252 are needed for BART to operate 28-30 ten-car trains per hour on the four lines (Red, Blue, Green and Yellow) that operate through the Transbay Tube. The remaining 54 are to increase capacity on the Orange Line (which does not operate through the Transbay Tube), to increase our ready reserve fleet, and to increase our spare ratio to the industry standard.

Hayward Maintenance Center, Phase 2. The current storage capacity across BART's yards and tail tracks is 893 vehicles. To accommodate the additional 306 new vehicles, BART intends to expand the Hayward Maintenance Complex (HMC) to provide storage for 25 ten-car trains, or 250 additional vehicles. The yard will be constructed with access to the existing yard and electrified such that it may serve as a fully operational vehicle storage facility. Although the HMC is several miles from the Transbay Corridor, as defined, this is the only practical site to store the additional cars that are part of the Transbay Core Capacity Project. The HMC Phase 2 project has already been through independent CEQA and NEPA processes, and is not included in the CEQA approval being sought as part of the Statutory Exemption, but is listed in this attachment so that a complete description of the project is included.

Train Control Modernization Project (Communications-Based Train Control). To achieve the shorter headways needed to operate 28 regularly-scheduled trains per hour through the Transbay Tube and to allow 30 trains per hour capability, BART will replace its existing train control systems with a new Communications Based Train Control System. BART has developed an eight-phase implementation program that will begin by testing CBTC equipment on the existing test track adjacent to the HMC. Once the CBTC equipment has been sufficiently proven on test tracks, BART will implement CBTC along the mainline tracks starting from the system's endpoint in Millbrae and expanding north into downtown San Francisco, through the Transbay Tube, and into the East Bay, extending to Richmond, Pittsburg-Bay Point, Dublin/Pleasanton, and to Berryessa.

In order to achieve higher frequency service in the peak hour, CBTC is required along the tracks leading up to and through the Transbay Tube. Once CBTC phases 1 through phase 4 and a portion of phase 5 have been implemented, frequencies can be increased in the Transbay Corridor. The scope of the CBTC

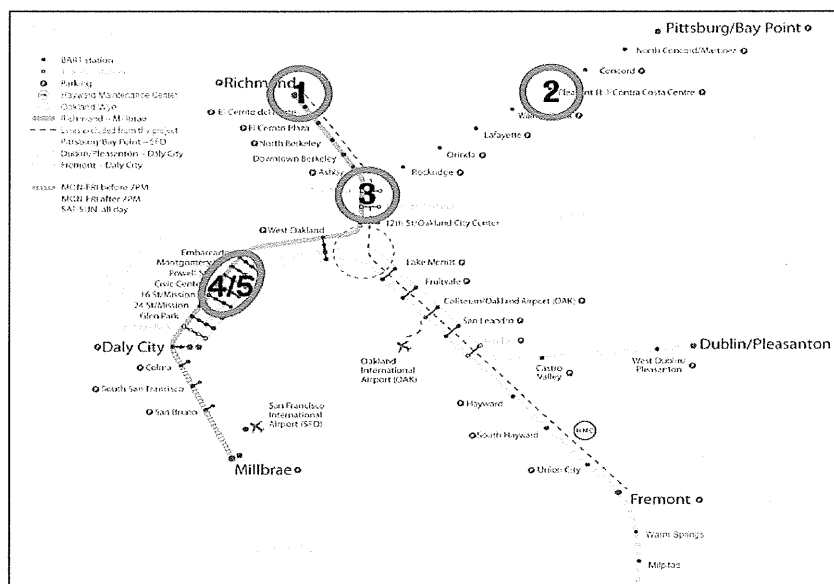
Attachment A

project includes installation of lineside equipment within BART's existing right-of-way throughout the entire system.

Traction Power Substations. BART has conducted traction power simulations to assess the power requirements associated with operating 28-30 regularly-scheduled ten-car trains through the Transbay Tube per hour. The simulation assumed 30 trains per hour, and included simulations of various delay scenarios that would lead to bunched trains, providing a safety factor or contingency in the analysis. It also assumed the electrical profile of BART's new vehicles as well as the communications-based train control system necessary to operate trains this frequently. The simulation revealed specific areas along BART's mainline where the traction power requirements exceed the capacity available from BART's existing traction power system. Five sites have been identified for new substations (Figure 2):

1. Richmond - RYE Gap Breaker Conversion
2. Pleasant Hill - David Ave and Minert Road
3. Oakland – near MacArthur station on 34th Street
4. Downtown San Francisco - Civic Center Station (West Concourse Level)
5. Downtown San Francisco - Montgomery Station (Center of Station Concourse Level)

Figure 2: General Location of Additional TPSS Substations



Although two of these sites, Richmond and Pleasant Hill, are outside that part of the system where demand exceeds capacity, added power is needed at these points in the system in order for BART to operate the added service through the Transbay Tube at the higher frequencies. Four alternate sites have been identified in case one or more of these five sites proves to be unfeasible.

Attachment A

The three locations in the East Bay are all within existing BART or Caltrans right-of-way and are at-grade locations. The two sites in San Francisco are located below grade within existing BART stations, and include two new required emergency vents per station. BART will build these vents to conform to current code, which allows these vents to be built at-grade within the sidewalk right-of-way above the stations.

BART is also undertaking a major program to replace and upgrade the existing traction power system. While this program will increase the amount of power available for train operation, it is not considered to be part of the Core Capacity Project.