

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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

BOARD MEETING AGENDA

November 20, 2014

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, November 20, 2014. This meeting shall consist of a simultaneous teleconference call at the following locations:

BART Board Room Kaiser Center 20 th Street Mall – Third Floor 344 – 20 th Street Oakland, CA 94612	Asian Week 809 Sacramento Street San Francisco, CA 94108
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Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

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

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

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

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

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

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
 - i. Alan Smith, Chair, BART Accessibility Task Force

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

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Agency Negotiators: Directors Blalock, Keller, and Saltzman
Titles: General Manager, General Counsel, Controller-
Treasurer, District Secretary, and Independent Police
Auditor
Gov't. Code Section: 54957

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of October 23, 2014.* Board requested to authorize.
- B. Award of Contract No. 15NU-130, Station Access, Path and Wayfinding Improvements, San Bruno.* Board requested to authorize.
- C. Award of Contract No. 15QJ-150, Reroof Fremont Station Entrance Canopies.* Board requested to authorize.
- D. Award of Contract No. 15QJ-160, Reroof Fruitvale Station Train Control Facilities and Bay Fair Station Entrance Conopy.* Board requested to authorize.
- E. Award of Contract No. 17AG-140, Refurbish Breakrooms.* Board requested to authorize.
- F. Award of Invitation for Bid No. 8938A, Transformers, Control, 75KVA.* Board requested to authorize.

4. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Implementation of Bay Area Rapid Transit Collective Bargaining Report.* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Agreements with Fluoresco Lighting & Signs, for Spot Relamping Services for BART Facilities (Agreements No. 6M3254 and 6M3263).* Board requested to authorize.
- B. Agreement with WEBCO Sweeping LLC for Systemwide Parking Lot Sweeping Services (Agreement No. 6M3258).* Board requested to authorize.
- C. Quarterly Performance Report, First Quarter Fiscal Year 2015 - Service Performance Review.* For information.

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

Director Raburn, Chairperson

- A. Lease of Retail Space at the Richmond BART Station Parking Structure.* Board requested to authorize.
- B. Emeryville-Berkeley-Oakland Transit Study Update by Diana Keena, Associate Planner, Community Development Department, City of Emeryville.* For information.

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Update of Roll Call for Introductions Items.

8. CONTROLLER/TREASURER'S REPORT

- A. Quarterly Report of the Controller/Treasurer.* For information.

9. BOARD MATTERS

- A. Report of the Wayside Safety Ad Hoc Committee. For information. (Director Blalock's request.)
- B. 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.)
- C. 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.)
- D. 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.)

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

Board of Directors
Minutes of the 1,719th Meeting
October 23, 2014

A regular meeting of the Board of Directors was held October 23, 2014, convening at 4:02 p.m. in the Board Room, 344 20th Street, Oakland, California. Vice President Blalock presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Mallett, McPartland, Murray, and Saltzman.

Absent: Director Keller. Directors Fang, Raburn, and Radulovich entered the Meeting later.

Vice President Blalock announced that the Board would enter into closed session under Item 2-A (Conference with Real Property Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session at the end of the closed session.

The Board Meeting was recessed at 4:03 p.m.

The Board reconvened in closed session at 4:12 p.m.

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

Absent: Director Keller. Directors Fang and Radulovich entered the Meeting later.

Director Fang entered the meeting.

Director Radulovich entered the Meeting.

The Board Meeting was recessed at 4:53 p.m.

The Board reconvened in open session at 5:01 p.m.

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

Absent: Director Keller.

Vice President Blalock announced that the Board had concluded its closed session and there were no announcements to be made.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of October 9, 2014.
2. Appointment of Glynn and Finley as Special Counsel.

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

1. That the Minutes of the Meeting of October 9, 2014, be approved.
2. Adoption of Resolution No. 5280, In the Matter of the Appointment of Special Counsel for Cal/OSHA Matters.

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

Ms. Elsa Ramos
Mr. Tony Wilkinson
Mr. Byron Kirkendoll

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of District Emergency Preparedness before the Board. Director McPartland, Ms. Marla Blagg, Emergency Manager, and Lieutenant Kevin Franklin, Manager of Security Programs, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Financial Stability Policy – Reserve for Economic Uncertainty (Reserve Fund), before the Board. Mr. Scott Schroeder, Controller-Treasurer, presented the item. The item was discussed. Director Murray moved adoption of Resolution No. 5281, In the Matter of the Amendment of the Financial Stability Policy to Provide for an Increase in the District Reserves Goal. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Radulovich, and Saltzman. Noes - 0. Absent – 1: Director Keller.

Director Saltzman brought the matter of Agreement No. 6M4367, with The Hay Group, to Conduct a Classification and Compensation Study for Non-Represented Employees, before the Board. Ms. Patrice McElroy, Human Resources Program Manager, presented the item. The item was discussed.

Director McPartland exited the Meeting.

Director Blalock moved that the General Manager be authorized to award Agreement No. 6M4367, to Hay Group, Inc., to conduct a classification and compensation study for non-represented employees, for a cost not to exceed \$340,350.00, subject to compliance with the District's protest procedures. Director Murray seconded the motion, which carried by

unanimous acclamation. Ayes - 7: Directors Blalock, Fang, Mallett, Murray, Raburn, Radulovich, and Saltzman. Noes - 0. Absent – 2: Directors Keller and McPartland.

Director Saltzman brought the matter of Retiree Dental and Vision Benefits before the Board. Ms. Diane Iwata, Benefits and HRIS Manager, presented the item. The item was discussed.

Mr. Chris Finn addressed the Board.

Director Radulovich moved that the General Manager be authorized to extend the opportunity to enroll in the same vision plans and dental plan (the Contracted Retiree Dental Plan) offered to active employees to individuals who retire from BPOA represented positions and from non-represented positions as have been approved for retirees from positions represented by ATU, SEIU, AFSCME and BPMA; and to offer retirees a lower premium dental plan, which may be unilaterally discontinued by the District effective at the end of any plan year, all on a no cost to the District basis; and to enter into amended agreements with Principal Life Insurance Company and Vision Service Plan; and to adopt amendments to the District's dental and vision plans to provide such dental and vision benefits to retirees. Director Murray seconded the motion, which carried by electronic vote. Ayes - 7: Directors Blalock, Fang, McPartland, Murray, Raburn, Radulovich, and Saltzman. Noes - 0. Absent – 1: Director Keller. Abstain – 1: Director Mallett.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Letter from Board President regarding Location of Los Medanos College in Contra Costa County before the Board.

The following individuals addressed the Board.

Mr. John Nejedly
Mr. John Marquez
Mr. Bob Kratochvil
Mr. David Soldani

The item was discussed. The item was continued to a future meeting.

Vice President Blalock called for the General Manager's Report.

Mr. David Kutrosky, Managing Director, Capitol Corridor, gave a brief presentation on the draft agenda for the Capitol Corridor Joint Powers Board Meeting of November 19, 2014. The presentation was discussed.

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

Vice President Blalock called for Board Member Reports and Roll Call for Introductions.

Director Raburn reported he had attended the Capitol Corridor Vision Planning meeting, given introductory comments at the Oakland Chamber of Commerce Pulse of Oakland award event,

had attended the Future BART event at Fruitvale Station, and gave a Building a Better BART presentation at Alameda's Elder Village.

Director Saltzman reported she had attended the Future BART event at the Downtown Berkeley Station. Director Saltzman requested more descriptive agenda item titles to better inform the public.

Director Murray reported she had attended the Capitol Corridor Vision Planning meeting, the Future BART event at the Walnut Creek Station.

Director McPartland reported he had attended the American Public Transportation Association Annual Conference in Houston, and had testified to a State Senate committee on early earthquake warning, had attended Future BART events at Dublin/Pleasanton and Fremont Stations, and had attended the memorial service for retired Alameda County Fire Chief Bill McCammom.

Vice President Blalock reported he had attended the Future BART event at Fremont Station.

Vice President Blalock requested that the meeting be adjourned in honor of retired Alameda County Fire Chief Bill McCammom.

Vice President Blalock called for Public Comment. Mr. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 7:05 p.m. in memory of Mr. Bill McCammom.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carl Orman</i> 11/13/14		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: c		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carl Orman Dept:	General Counsel <i>Rudolph</i> 11/5/14	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>[Signature]</i>
Signature/Date: <i>Carl Orman</i> 11/4/14	[]	[]	[]	[]

TITLE:

Award Contract No. 15NU-130, Station Access, Path and Wayfinding Improvements, San Bruno

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15NU-130 Station Access, Path and Wayfinding Improvements, San Bruno to Sustainable Group, Inc., Moraga, CA.

DISCUSSION: This Contract is designated as a Micro Small Business Entity (MSBE) set aside Contract in which only MSBEs are eligible to Bid. The scope of this Contract provides for, among other things, furnishing all labor, equipment, materials and services required for the San Bruno Station sidewalk and wayfinding improvements. The Work includes, but is not limited to, demolition, removal of granite pavers and replacement with concrete pavement; replacement of concrete pavement at plaza and accessible ramp; installation of signage, tactile strips and truncated domes; replacement of pavement markings and striping; and miscellaneous and incidental work. This scope of work was based upon the Federal Transit Administration (FTA) Americans with Disability Act (ADA) Rail Station Compliance Assessment.

The Contract was advertised on July 7, 2014 in local publications. A total of 11 firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour were conducted July 23, 2014 with eight prospective Bidders attending the meeting. Four (4) Bids were received. Bids were publicly opened on September 23, 2014. The Bids received and the Engineer's Estimate are shown below.

Bidder	Location	Total Base Bid Price
JDB & Sons Construction, Inc.	San Francisco, CA	\$139,725.00
Sustainable Group, Inc.	Moraga, CA	\$174,569.00
Cumiskey Construction Corp.	San Francisco, CA	\$219,000.00
Sposeto Engineering, Inc.	Livermore, CA	\$234,100.00
Engineer's Estimate		\$218,854.00

After review by the District, the apparent low Bid submitted by JDB & Sons Construction, Inc.

has been deemed to be non responsive to the solicitation as it is not a certified MSBE as more fully described below. The District's review of the second apparent low Bid submitted by Sustainable Group, Inc. has been deemed to be responsive to the solicitation. Examination of this Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Bid price of \$174,569.00, is fair and reasonable.

ENVIRONMENTAL: 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 the repair and minor alterations of existing facilities involving no expansion of use.

The Contract will utilize federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, the Federal Transit Administration (FTA), has concurred that implementation of the project will not have a significant impact on the environment and qualifies for a categorical exclusion as defined under 23 CFR 771.118 (c) (5), activities to promote transportation safety, security and access.

OFFICE OF CIVIL RIGHTS (OCR): Pursuant to the District's Small Business DBE Program Elements, this Contract was advertised as a Micro Small Business Entity (MSBE) Set-Aside. All Bidders are required to be a BART certified MSBE at the time of bid. The apparent low Bidder, JDB & Sons Construction, Inc. is not a certified MSBE; however, the apparent second low Bidder, Sustainable Group, Inc., is a certified MSBE making it the lowest responsive Bidder.

FISCAL IMPACT:

Funding of \$174,569 for the award of Contract 15NU-130 is included in the total project budget for FMS #15NU001 – ADA Path – DP/NC/PB/SB Stations. 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 since May 2013 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.

Fund Number	Fund Description	Source	Funded Amount
3002	FY11 Capital Projects 5307 UAF	Federal	\$3,251,332
352U	FY02 Capital Assistance Program	Federal	\$2,220
352Z	FY07 Capital Assistance Program	Federal	\$722,367
6301	FY10-11 Prj Match MTC Res#4013	MTC	\$412,833
850W	FY00-06 Capital Allocation	BART	\$484
8523	Cap Surchrg-Station to Station	BART	\$400,000
Total			\$4,789,236

As of October 13, 2014, \$4,789,236 is the total budget for this project. BART has expended

\$709,929, committed \$161 and reserved \$1,980,000 to date for other actions. This action will commit \$174,569 leaving an available fund balance of \$1,924,577 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

There are two alternatives:

1. Reject all Bids and readvertise. Readvertising this Contract will delay construction into the winter of 2015. Readvertising will result in additional administrative costs resulting from reissuing the Bid package and obtaining Bids. There is no assurance that with a resolicitation the Bids would be lower than the amount of the current Bids received.
2. Reject all Bids and do not readvertise. Rejecting all Bids and not readvertising will result in deferral of correction of accessibility deficiencies that do not meet ADA requirements discovered during an FTA audit at San Bruno Station. Additionally, all Staff costs incurred to date could be required 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. 15NU-130, Station Access, Path and Wayfinding Improvements, San Bruno to Sustainable Group, Inc. for the Bid price of \$174,569.00, 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>John Crumey</i>	GENERAL MANAGER ACTION REQ'D: Approve and forward to November 20, 2014 E&O Committee Meeting
DATE: 11/13/14	BOARD INITIATED ITEM: No

Originator/Prepared by: Hamed T Tafaghodi Dept: Maintenance and Engineering <i>Hamed Tafaghodi</i> Signature/Date: 11/3/14	General Counsel: <i>Andy Reed</i> Signature/Date: 11/3/14	Controller/Treasurer: <i>[Signature]</i> []	District Secretary: []	BARC: <i>[Signature]</i> []
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Status: Routed	Date Created: 08/26/2014
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TITLE:

Award Contract No. 15QJ-150 Reroof Fremont Station Entrance Canopies

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QJ-150, Reroof Fremont Station Entrance Canopies to Stronger Building Services of Hayward, California.

DISCUSSION: The work of this Contract consists of providing all labor, equipment, materials, and services required for removing and replacing the waterproof roofing membrane of the Fremont Station entrance canopies. The existing roofing membrane has reached the end of its useful life, allowing water leaks inside the Station concourse.

Advance Notice to Bidders was e-mailed on June 11, 2014 to 107 prospective Bidders. Contract Books were mailed to twenty four (24) plan rooms. The Contract was advertised on June 16, 2014. A pre-bid meeting was held on June 23, 2014 with four (4) prospective Bidders attending the meeting.

The following four (4) Bids were received on August 5, 2014:

No.	BIDDER	LOCATION	TOTAL BID	SMALL BUSINESS
1	Best Contracting Services, Inc.	Gardena, CA	\$116,625.00	NO
2	Roofing Constructors Inc. dba Western Roofing Service	San Leandro, CA	\$131,567.00	NO
3	Stronger Building Services	Hayward, CA	\$132,500.00	YES
4	Andy's Roofing Co., Inc.	San Leandro, CA	\$168,077.00	NO
	Engineer's Estimate		\$146,000.00	

After review by District staff, the Bid submitted by Best Contracting Services, Inc. (Best) has been deemed to be non-responsive to the solicitation. Despite being allowed additional time to do so, Best did not comply with the requirements of BART's Non-Discrimination Program for Subcontracting. Best failed to submit documentation required in the Invitation to Bid regarding

efforts by the Bidder to ensure non-discrimination. Under terms of the Program and the Invitation to Bid, Best is non-responsive.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. Stronger Building Services is a certified Small Business making it eligible for the preference. After the application of the preference, Stronger Building Services is the lowest responsive Bidder.

Furthermore, a review of this Bidder's license, business experience and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$132,500.00, which is approximately 10% below the Engineer's Estimate, is fair and reasonable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women Business Enterprises (WBEs). The Bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination Program for Subcontracting does not apply.

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 the repair and minor alterations of existing facilities involving no expansion of use.

FISCAL IMPACT:

Funding of \$132,500.00 for executing this Contract will come from project budget 15QJ000, Reroof Structures Swd. 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 since June 2010, and is included in its 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.

Fund	Description	Amount
850W	FY00-06 Capital Allocation	\$9,749.00
850Z	CAPITAL MAINTEN. ALLOC	\$1,329.02
851W	FY07-11 Capital Allocation	\$1,058,991.76
8524	FY12 Operating Allocation to Capital	\$500,000.00
8525	FY13 Operating Allocation to Capital	\$300,000.00
8526	FY14 Operating Allocation to Capital	\$600,000.00
Grand Total		\$2,470,069.78

As of September 23, 2014, \$2,470,069.78 is the total budget for this project. BART has expended \$1,410,339.58, has committed \$77,465.90 and has reserved \$142,500.00 to date for other actions. This action will commit \$132,500 leaving an available balance of \$707,264.30

Award Contract No. 15QJ-150 Reroof Fremont Station Entrance Canopies

fund resources remaining for this project.

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

ALTERNATIVE: The Board may elect to reject all Bids and authorize the staff to rebid the work of this Contract. There is no assurance that new Bids would be lower than the amount of the current Bids received and rebidding would delay the reroofing work.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 15QJ-150, Reroof Fremont Station Entrance Canopy to Stronger Building Services of Hayward, California for the Bid Price of \$132,500.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 11-14-14		GENERAL MANAGER ACTION REQ'D: Approve and forward to November 20, 2014 E&O Committee Meeting		
DATE: c		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed T Tafaghodi Dept: Maintenance & Engineering <i>[Signature]</i> Signature/Date: 11/7/14	General Counsel <i>[Signature]</i> 11/10/14	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>

TITLE:

Award Contract No. 15QJ-160

Reroof Fruitvale Station Train Control Facilities and Bay Fair Station Entrance Canopy

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QJ-160, Reroof Fruitvale Station Train Control Facilities and Bay Fair Station Entrance Canopy.

DISCUSSION: The work of this Contract consists of providing all labor, equipment, materials, and services required for removing and replacing the waterproof roofing membrane of the Fruitvale Station train control facilities and Bay Fair Station entrance canopy. The existing roofing membranes have reached the end of their useful life, allowing water leaks inside the said facilities.

Advance Notice to Bidders was e-mailed out on July 9, 2014 to 326 prospective Bidders. Contract Books were mailed to twenty four (24) plan rooms. The Contract was advertised on July 14, 2014. A pre-bid meeting was held on August 6, 2014 with fifteen (15) prospective Bidders attending the meeting.

The following Eight (8) Bids were received on September 9, 2014:

No.	BIDDER	LOCATION	TOTAL BID	SMALL BUSINESS
1	Andy's Roofing Co., Inc.	San Leandro, CA	\$134,740.60	NO
2	Roofing Constructors Inc. dba Western Roofing Service	San Leandro, CA	\$155,000.00	NO
3	Best Contracting Services, Inc.	Gardena, CA	\$171,960.00	NO
4	Barrera's Builders	Castro Valley, CA	\$177,238.80	YES
5	Enterprise Roofing Services	San Leandro, CA	\$177,850.00	NO
6	Pioneer Contractors Inc.	San Francisco, CA	\$184,600.00	YES
7	Joseph Murphy Construction, Inc.	Livermore, CA	\$223,425.00	YES
8	Stronger Building Services	Hayward, CA	\$224,550.00	YES
	Engineer's Estimate		\$186,000.00	

After review by District staff, the Bid submitted by Andy's Roofing Co., Inc. (Andy's) has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience and financial capabilities has resulted in a determination that the Bidder is responsible and that the Bid of \$134,740.60 which is approximately 30% below the Engineer's Estimate, is fair and reasonable.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. The responsive low Bidder, Andy's Roofing Co., Inc., is not a certified Small Business and therefore is not eligible for the 5% Small Business preference. Four bidders are certified Small Businesses making them eligible for the 5% reduction in their bid price for evaluation purposes. After review by the Office of Civil Rights, they determined that the application of the 5% prime preference will not alter the award to Andy's Roofing Co., Inc..

Pursuant to the District's Non-Discrimination Program for Subcontracting, the availability percentages for this Contract are 23% for Minority Business Enterprises (MBEs) and 12% for Women-owned Business Enterprises (WBEs). Andy's Roofing Co., Inc. will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination Program for Subcontracting does not apply.

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 the repair and minor alterations of existing facilities involving no expansion of use.

FISCAL IMPACT:

Funding of \$134,760.60 for executing this Contract will come from project budget 15QJ000, Reroof Structures System Wide. 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 since June 2010, and is included in its 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.

Fund	Description	Amount
850W	FY00-06 Capital Allocation	\$9,749.00
850Z	CAPITAL MAINTEN. ALLOC	\$1,329.02
851W	FY07-11 Capital Allocation	\$1,058,991.76
8524	FY12 Operating Allocation to Capital	\$500,000.00
8525	FY13 Operating Allocation to Capital	\$300,000.00
8526	FY14 Operating Allocation to Capital	\$600,000.00
Grand Total		\$2,470,069.78

As of October 15, 2014, \$2,470,069.78 is the total budget for this project. BART has expended

\$1,416,523.53, has committed \$77,465.90 and has reserved \$120,000.00 to date for other actions. This action will commit \$134,740.60 leaving an available balance of \$721,339.75 fund resources remaining for this project.

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

ALTERNATIVE: The Board may elect to reject all Bids and authorize the staff to rebid the work of this Contract. There is no assurance that new Bids would be lower than the amount of the current Bids received and rebidding would delay the reroofing work.

RECOMMENDATION: Adoption of the following motion:

MOTION: The General Manager is authorized to award Contract No. 15QJ-160, Reroof Fruitvale Station Train Control Facilities and Bay Fair Station Entrance Canopy to Andy's Roofing Company, Inc. of San Leandro California, for the Bid Price of \$134,740.60, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: <u>11-13-14</u>		BOARD INITIATED/ITEM/ No		
Originator/Prepared by: Patrick Quinn Dept: M&E Mechanical Engineering Signature/Date: <u>11/13/14</u>	General Counsel MB <u>11/13/14</u>	Controller/Treasurer []	District Secretary []	BARC []

TITLE:

Award Contract No. 17AG-140, Refurbish Break Rooms

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 17AG-140, Refurbish Break Rooms, to Barrera's Builders for the Bid amount of \$349,766.56.

DISCUSSION:

The work of this Contract includes full renovation of North Berkeley, North Concord and 16th St. Station Agents' break rooms. In addition, 30 break rooms will have the interior space painted.

Contract No. 17AG-140, Refurbish Break Rooms, was advertised on August 28, 2014, in the Daily Pacific Builder and Daily Construction Service. Advance Notice was provided to Two Hundred Twenty-Two (222) prospective bidders via e-mail on August 28, 2014. Contract Books were e-mailed to twenty-four (24) Plan Rooms and Minority Assistance Organizations on September 5, 2014. Office of Civil Rights e-mailed Advance Notices to Minority contractors.

A Pre-Bid Meeting for prospective bidders was held on September 12, 2014 with ten (10) prospective bidders in attendance. One (1) addendum was issued for this contract. On October 21, 2014, eight (8) bids were received and opened with the following tabulated results shown below.

BIDDER	LOCATION	TOTAL BID	Small Bus.	DB E/W BE
Barrera's Builders	Castro Valley, CA	\$349,793.56 Mathematical Correction \$349,766.56	X	
M Guitierrez Inc.	Berkeley Ca	\$357,500.00		
Dar Contruccion	Benicia, Ca	\$384,000.00	X	
Sustainable Group	Moraga, Ca	\$449,955.00	X	
ACR Glazing Contractors	Oakland, Ca	\$461,310.00	X	
WE Lyons Construction Co	Walnut Creek, Ca	\$467,050.00	X	

WE Lyons Construction Co	Walnut Creek, Ca	\$467,050.00	X	
Valentina Kohr/Reva Murphy Associates	Oakland, Ca	\$535,116.00	X	
Alta Engineering Group	San Francisco, Ca	\$558,057.00	X	
ENGINEER'S ESTIMATE		\$475,000.00		

The apparent low Bidder, Barrera's Builders, was determined to be responsive. A mathematical error of twenty seven dollars (-\$27.00) was made by the Bidder in totaling its lump sum prices. The Contract documents provide that in the event of a discrepancy between lump sum prices and totals entered by the bidder, the District will recalculate the bid based on the lump sum prices bid. The correct total bid price is \$349,766.56. Furthermore, a review of Barrera's Builders' license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. BART staff has also determined that Barrera's Builders' Bid of \$349,766.56 is fair and reasonable.

BART staff has determined that there will be no significant effect on the environment due to the refurbishment work at these break rooms, and that such work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this Contract are 23% for MBEs and 12% for WBEs. Barrera's Builders committed to 0% MBE and 0% WBE and did not meet the M/WBE percentages, therefore they were requested to provide the District with information to determine if they had discriminated. Based on the review of the information submitted, the Office of Civil Rights found no evidence of discrimination.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. Barrera's Builders is a certified Small Business making them eligible for the 5% preference. The application of the Small Business Program will not alter the award.

FISCAL IMPACT:

Funding of \$349,766.56 for executing this contract will come from project budget 17AG000, Refurbish Break Rooms. 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 since February 2007, and is included in its 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.

Fund	Descr	Amount
535A	FY2010-11 PROP 1B-PTMISEA	\$ 358,000.00
801C	INTEREST EARNING FM G.	\$ 318.00
8302	99 BOND INTEREST(06I-5	\$ 1,058.00
850W	FY00-06 Operating Allocation to Capital	\$ 150,847.00
850Z	Capital Maintenance Allocation	\$ 350,000.00
851W	FY07-11 Operating Allocation to Capital	\$ 1,150,798.00
8524	FY2012 Operating Allocation to Capital	\$ 700,000.00
8525	FY 2013 Operating Allocation to Capital	\$ 300,000.00
8526	FY 2014 Operating Allocation to Capital	\$ 1,100,000.00
Grand Total		\$ 4,111,021.00

As of November 06, 2014, \$4,111,021.00 is the total budget for this project. BART has expended \$1,795,424.86, has committed \$0.00 and has reserved \$0.00 to date for other actions. This action will commit \$349,766.56 leaving an available balance of \$1,965,829.58 fund resources remaining for this project.

ALTERNATIVES:

The alternatives are to reject all bids and either (1) re-advertise the Contract; however it is unlikely that the re-advertising would result in lower pricing, or (2) perform the work with in-house forces which will delay the District's ability to provide clean and updated Station Agent break rooms by 18 to 24 months.

RECOMMENDATION:

Based on the analysis by the staff, it is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 17AG-140, Refurbish Break Rooms, to Barrera's Builders, for the Bid price of \$349,766.56, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 11-13-14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Reza Hessabi Dept: Maintenance & Engineering Signature/Date: <i>[Signature]</i> 11/7/14	General Counsel <i>[Signature]</i> 11/10/14 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> []
Status: Routed		Date Created: 10/31/2014		

TITLE:

Award Invitation for Bid No. 8938A purchase of Transformer, Control 75KVA

NARRATIVE:

PURPOSE:

To request Board Authorization to Award Invitation For Bid No. 8938A to Graybar Electric, Dublin, CA in the amount of \$169,896.12 for the purchase of "Transformers, Control, 75KVA".

DISCUSSION:

Invitation for Bid No. 8938A will procure six (6) control transformers. These control transformers are located at the traction power substations. The control transformer provides power for control instrument and way side auxiliary loads. These transformers will replace the existing 6 failed transformers upon installation under a separate future public works contract or by BART personnel. The new control transformers will be consistent with the latest BART requirements for better field operation and more efficient power utilization and will fit in the existing transformer enclosure.

A notice requesting bids was published on October 3, 2014 and bid requests were mailed to five (5) prospective bidders. Bids were opened on October 14, 2014 and three (3) bids were received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total including 9% Sales Tax</u>
Advantage Electric Supply	\$25,742.00	\$168,352.68
Graybar Electric	\$25,978.00	\$169,896.12
Magnetics Design, LLC	\$30,300.00	\$198,162.00

Independent cost estimate by BART staff: \$228,000.00

Staff has reviewed all bids and determined the apparent low bidder, Advantage Electric Supply, submitted an unacceptable bid package with multiple irregularities that could not be excused as minor. Advantage Electric Supply failed to sign a Debarment Certification. It also failed to submit the Designation of Subsuppliers and DBE form. It also submitted a part description sheet that rendered its bid ambiguous.

As a result, staff has determined that the apparent low bidder, Advantage Electric Supply, submitted a bid that is not responsive.

Staff has reviewed and determined that the second apparent low bidder, Graybar Electric submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on staff's independent cost estimate.

DBE GOAL:

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

FISCAL IMPACT:

Funding of \$169,896 for the award of IFB#8938A is included in the total project budget for FMS #15EI600 – 34.5Kv Rectifier – Transformer. 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 since October 2012, 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.

Fund Number	Fund Description	Fund Source	Funded Amount
3001	FY11 Capital Improve FG MOD	FTA	\$1,200,000
3401	FG MOD - FY 12 Capital Improve	FTA	\$800,000
347X	FTA CA-05-0211-00 FY06	FTA	\$3,200,000
347Z	FTA CA-05-0216-00 FY07 FG MOD	FTA	\$101,273
6018	FY11-12 Prj Match MTC Res#4044	Regional	\$200,000
850W	FY00-06 Capital Allocation	BART	\$800,000
850Z	Capital Mainten. Allocation	BART	\$53,450
851W	FY07-11 Capital Allocation	BART	\$77,685
8523	Cap Surchrg-Statn 2 Statn	BART	\$300,000
Total			\$6,732,408

As of October 31, 2014, \$6,732,408 is the total budget for this project. BART has expended \$366,429, committed \$2,835,000 and reserved \$0 to date for other actions. This action will commit \$169,896 leaving an available fund balance of \$3,361,082 in this project.

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

ALTERNATIVE:

Reject all bids and re-advertise the Bid. It is the staffs' opinion that rejecting the Bids and re-advertising the Bid is not likely to result in better pricing and would delay this critical ongoing replacement.

RECOMMENDATIONS:

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

MOTION:

The General Manager is authorized to award Invitation for Bid No. 8938A, for purchase of Transformer, Control, 75KVA to Graybar Electric, Dublin, CA in the amount of \$169,896.12 (including all taxes) pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures and FTA's requirements related to protest procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

To: Board of Directors **DATE:** November 20, 2014
From: Grace Crunican, General Manager
Subject: COLLECTIVE BARGAINING REPORT

At its meeting of September 25, 2014, the Board directed staff to develop a matrix and implementation recommendations regarding the Bay Area Rapid Transit Collective Bargaining Report. The Board commissioned this study through a consulting agreement with Agreement Dynamics, Inc., in the wake of contentious 2013 labor negotiations with three labor organizations representing most of BART's non-uniformed employees.

Agreement Dynamics was tasked with evaluating the 2013 bargaining process and providing recommendations regarding processes and procedures going forward, with the goal of improving labor relations and preventing future labor disputes. The Consultant provided 63 recommendations that constitute a suggested "roadmap" for improving BART's labor management relations, and suggested that the District prioritize and triage the recommendations which staff has outlined below.

The various recommendations require activity by different parties for implementation purposes. Staff has identified four groups to which each recommendation has been assigned as the lead party. Attachment A is a pyramid illustration of these groups with the Board of Directors at the top as the policy/direction setting body. The other three implementation assignment groups include the General Manager, Employee Relations staff and one designated as joint Labor-Management as many recommendations will require working together.

Attachment B is a more detailed matrix attributing all 63 recommendations to one group as well as recommended prioritization and timelines for each area. The comments section reflects ongoing or anticipated activities relevant to each category. It should be noted that the recommendation regarding Safety has been incorporated into each group's tasks as this is an overarching priority.

As directed by the Board, staff provided the unions with an opportunity for input on the staff report prior to submission to the Board. A draft of the attached documents was shared at the monthly meeting of the Union Presidents and the General Manager on November 6, 2014. Employee Relations staff also met with the effected unions to discuss the proposed implementation approach in more detail on November 13, 14 and 19, 2014, and will continue to engage with the unions throughout the process. Any updates to the attached documents resulting from these meetings will be provided to the Board at the November 20 meeting.

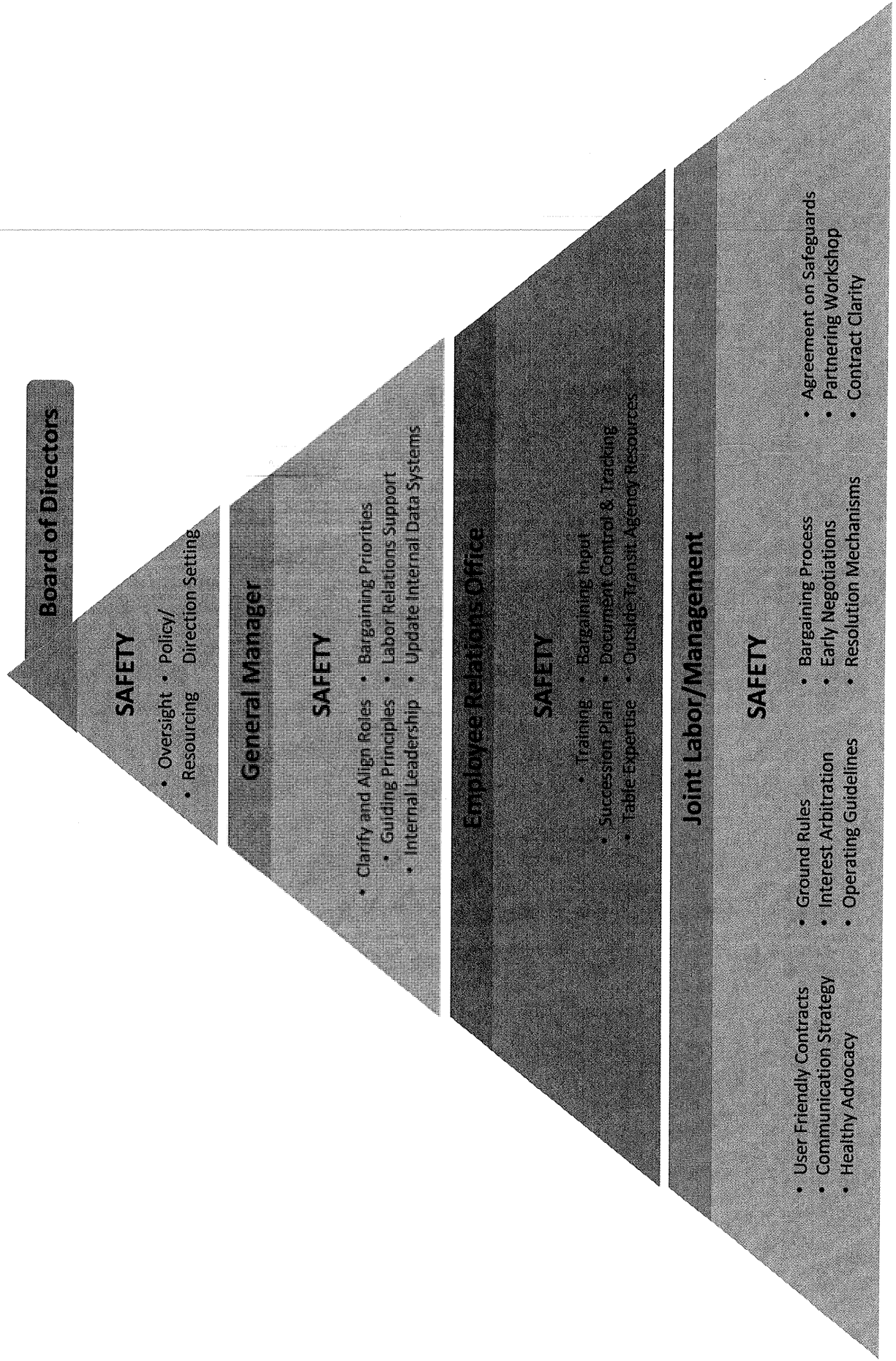
Page 2

In order for the Board to have sufficient time to more fully address the recommendations, particularly those aimed at the Board's role, this topic will be placed on the agenda of the planned Board workshop in late January 2015 using a facilitator to guide the discussion.

c: Board Appointed Officers
Deputy General Manager
Executive Staff

Attachments

Collective Bargaining Report and Recommendations— Responsibility Pyramid



COLLECTIVE BARGAINING REPORT AND RECOMMENDATIONS



REC. NUMBER	RECOMMENDATION SUMMARY/TITLE	REPORT PAGE	Short-Range*	Medium-Range*	Long-Range*	STATUS/IMPLEMENTATION STRATEGY
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1	Direction Setting	16	X			Staff recommends that the Board of Directors cover these topics at the Board workshop in January so that sufficient time for discussion is permitted, and any information needed can be prepared by staff in advance.
2	Change Plan	16	X			
3	Roles, Oversight, Resourcing	16	X			
4	Teambuilding	17	X			
5	Board Ground Rules	17	X			
6	Accountabilities	17		X		
7	Objectives	17		X		
8	Commitments	17		X		
9	Management Participants	18		X		
10	Executive Team	18		X		
11	Consultant(s)	18	X			
12	Progress Reports	19	X			
16	Personnel Policies	21		X		
35	Role of Legal	26		X		
54	Safety	32	X	X	X	

COLLECTIVE BARGAINING REPORT AND RECOMMENDATIONS



REC. NUMBER	RECOMMENDATION SUMMARY/TITLE	REPORT PAGE	Short-Range*	Medium-Range*	Long-Range*	STATUS/IMPLEMENTATION STRATEGY
17	Clarify and Align Roles	21	X			The General Manager, in the wake of 2013 labor negotiations, reorganized the Employee Relations Office and hired new senior staff to focus resources in this critical area: Assistant General Manager, Employee Relations, and Chief Labor Relations Officer. These employees, both hired in 2014, have over 60 years' collective experience in human resources management and labor relations. Additionally, the District's Manager for labor relations was promoted to Assistant Chief, Labor Relations, and with the key staff in place, evaluation of additional staffing resource needs is underway.
18	Labor Relations Resources	21	X			
19	Labor Relations Role	22	X			
20	Labor Relations Continuity	22	X			
22	Labor Relations Support	22	X			
24	Data Systems	23	X			
36	Bargaining Team Roles	27		X		
39	Negotiation Guiding Principles	27		X		
40	Bargaining Priorities	28			X	
47	Employee Survey	29	X			The General Manager meets monthly and as needed with Union Presidents, which provides a forum for the unions to address issues of concern to the top of the organization. It also provides and opportunity for the General Manager to notify the Union leadership of major initiatives or pending decisions of interest to the unions and their respective memberships.
49	Failsafe Mechanisms	31		X		
51	Board Information	31			X	
52	Management Chief Negotiator Candidates	31		X		
53	Internal Leadership	32		X		
54	Safety	32		X		

G E N E R A L M A N A G E R

*Short Range: Through June 2015
 Medium Range: July 2015 - June 2016
 Long Range: July 2016 - 2017 negotiations

COLLECTIVE BARGAINING REPORT AND RECOMMENDATIONS



REC. NUMBER	RECOMMENDATION SUMMARY/TITLE	REPORT PAGE	Short-Range*	Medium-Range*	Long-Range*	STATUS/IMPLEMENTATION STRATEGY
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21	Succession Plan	22		X		As described above, the new management leadership is in place and actively engaged in activities to improve labor relations with our union partners. Staff meet virtually daily with union representatives in both standing committees as well as day-to-day problem resolution discussions. Most of these recommendations relate to bargaining for 2017 and therefore adequate time exists to contemplate how to best approach these topics. It will also be necessary to allow time for discussions with the unions on those areas subject to bargaining such as release time. It is recommended that staff report to the Board at the January workshop with an update on how these recommendations will be addressed.
23	Training	22	X			
33	Release Time	26			X	
37	Bargaining Input	27		X		
44	Internal Facilitators	29			X	
45	Outside Transit Agency Resources	29	X			
48	Documents	30	X			
50	Table Expertise	31		X		
54	Safety	32	X	X	X	
55	Success Examples	32	X			
56	Operationalizing Collaboration	32	X			
61	Arbitrations	34		X		
63	Debrief	34			X	

COLLECTIVE BARGAINING REPORT AND RECOMMENDATIONS



REC. NUMBER	RECOMMENDATION SUMMARY/TITLE	REPORT PAGE	Short-Range* Range*	Medium-Range* Range*	Long-Range* Range*	STATUS/IMPLEMENTATION STRATEGY
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13	Joint Data Plan and Agreement	19				There are no entries in this area because it requires discussion with our union partners so that we can mutually determine the timelines and priorities for addressing these issues, many of which may be subject to the meet and confer process.
15	Operating Guidelines	20				
14	Partnering Workshop	20				
25	Resolution Mechanisms	23				
26	Grievance Settlement	23				
27	User-Friendly Contracts	24				
28	Interest Arbitration Fallback	24				
29	Bargaining Process	24				
30	Earlier Negotiations	24				
31	Negotiation Facilitation	25				
32	Joint Negotiation Training	25				
34	Location	26				
38	Media Approach	27				
41	Reduce "Position-Based" Bargaining	28				
42	Contract Clarity	28				
43	Mediators	28				
46	Negotiation Ground Rules	29				
54	Safety	32				
57	Celebrate	32				
58	Communication Strategy	33				
59	Modeling	33				
60	Healthy Advocacy	33				
62	Safeguards	34				

*Short Range: Through June 2015
 Medium Range: July 2015 - June 2016
 Long Range: July 2016 - 2017 negotiations



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11-14-14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Larry Fisher	General Counsel	Controller/Treasurer	District Secretary	BARC
Dept: <i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Signature/Date: 11/12/14	11-12-14			11/11/2014 <i>[Signature]</i>
Status: Routed		Date Created: 07/08/2014		
TITLE:				

Spot Relamping Services Contract Nos. 6M3254 and 6M3263

NARRATIVE:

Purpose: To obtain Board authorization for the General Manager to award Contract No. 6M3254 (West Bay) and Contract No. 6M3263 (East Bay), Spot Relamping for BART Facilities, both to Fluoresco Lighting & Signs of Oakland, California.

Discussion:

These contracts will provide for regular monitoring and replacement of burned-out lamps at stations, parking lots, yards and park and ride lots. Recognizing that patron and staff comfort and safety depends on consistent lighting, Operations/Maintenance, in its on-going commitment to higher levels of service, has determined that this relamping can best be performed by a contractor whose business is this type of work. Request for Proposal (RFP) No. 6M3254 was divided into two zones to allow for vendor competition in bidding for a single geographical area. The two zones were the BART West Bay stations, parking lots and yards (No. 6M3254) and the BART East Bay stations, parking areas and yards (No. 6M3263). The contracts will require that all lighting fixtures in public spaces in every station be inspected on two month intervals and relamped as needed. Emergency call-out is also available in order to correct deficiencies that occur between scheduled visits. Parking lots and yards are also scheduled for routine inspection and relamping under these contracts.

These are three (3) year contracts with two one (1) year options for a total of up to five years from the date of the Notices To Proceed. Advance Notice to Proposers was mailed to 77 prospective proposers. The RFP was advertised on May 9, 2014 in local publications. Seventy-seven (77) electrical contracting firms received electronic copies of the RFP. A pre-proposal meeting held on May 21, 2014 was attended by 14 prospective contractors. Proposals were opened on June 24, 2014. Three Proposals were received.

A Selection Committee, including representatives from the Contract Administration, Maintenance Support, and Office of Civil Rights departments, conducted technical evaluations and price analysis of the proposals. Proposers were instructed to submit technical and price proposals in separate packages. Only those proposers whose technical qualifications met the District's requirements were eligible for review of their price proposals by the Committee. Technical proposals included items such as experience, personnel qualifications, possession of

equipment in good order and availability of operating crews to perform work simultaneously in multiple locations. The submitted proposals were determined to have met the District's minimum technical requirements. The Committee then opened the price proposals, proposed prices are as shown:

Proposer	West Bay Zone	1st Option Year	2nd Option Year	Total Bid
6M3254 Base Bid				
Fluoresco Lighting & Signs, Oakland, CA	\$853,271.00	\$176,510.00	\$176,510.00	\$1,206,291.00
ABM Building Value, Pleasanton, CA	\$944,925.00	\$314,975.00	\$314,975.00	\$1,574,875.00
Vista Universal, Hayward, CA	Did not Propose	Did not Propose	Did not Propose	
District Engineer's Estimate	\$1,000,000			
East Bay Zone				
6M3263 Base Bid				
Fluoresco Lighting & Signs, Oakland CA	\$1,142,802.35	\$297,396.53	\$297,396.53	\$1,737,595.41
ABM Building Value, Pleasanton, CA	\$1,073,931.00	\$357,977.00	\$357,977.00	\$1,789,885.00
Vista Universal, Hayward, CA	\$1,388,382	\$1,373,382	\$1,373,382.00	\$3,928,388.70*
	* includes 5% Small Business Preference			
District Engineer's Estimate	\$2,000,000			

Vista Universal of Hayward is a certified Small Business qualifying for a 5% reduction in its bid compared to the apparent low bidder. This is reflected in the bid amounts above. Staff has determined that the apparent low bidder for both contracts, Fluoresco Lighting & Signs of Oakland, CA., submitted a responsive bid. Furthermore, a review of this bidder's license, business experience, and financial capabilities has resulted in the determination that the bidder is responsible. Staff has also determined that the bid pricing is fair and reasonable.

Contract No. 6M3254: (West Bay Locations)

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this contract for Small Businesses (SB) certified by the California Department of General Services (DGS). It was determined that there were no small businesses certified by DGS among the responsive bidders for the West Bay Zone and therefore the Small Business Program's prime preference does not apply.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. The bidder will not be subcontracting any work and will do all the work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

Contract No. 6M3263: (East Bay Locations)

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a

5% prime preference for this contract. Vista Universal is a certified Small Business making it eligible for the 5% preference. The application of the Small Business Program will not alter the award.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. The bidder will not be subcontracting any work and will do all the work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

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

Fiscal Impact

District expenditures for these contracts in the aggregate are estimated as follows:

FY15	\$546,495
FY16	\$596,177
FY17	\$596,177
FY18	\$596,177
FY19	\$596,177
FY20	\$49,682

Funding for these contracts will be provided from FY15 through FY20 Operating Budget for Cost Center 0802876, Maintenance Support. Funding is currently in place for FY15 expenditures.

Alternative:

To not award these Contracts will result in continued lamp outages at many stations and parking lots. This will contribute to insufficient lighting in some locations on District property along with associated customer dissatisfaction and complaints and possible safety issues.

Recommendation:

Staff recommends that the Board adopt the following motion.

Motion:

That the General Manager is authorized to award Contracts No.6M3254 (West Bay Zone) and No.6M3263 (East Bay Zone) to provide Spot Relamping for BART Facilities, to Fluoresco Lighting & Signs of Oakland, California, for a base period of three years, for the bid prices of \$853,271 and \$1,142,802.35 respectively, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

And that the General Manger is authorized to exercise up to two one-year options for Contract No. 6M3254 for \$176,510 each and for Contract No. 6M3263 for \$297,396.53 each.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Grace Chen</i> 11-14-14		GENERAL MANAGER ACTION REQ'D:		
DATE:		BOARD INITIATED ITEM: No		
Originator/Prepared by: Larry Fisher	General Counsel	Controller/Treasurer	District Secretary	BARC
Dept:				
Signature/Date: <i>[Signature]</i> 11/14/14	<i>[Signature]</i> 11/13/14	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Status: Approved		Date Created: 11/06/2014		
TITLE:				

RFP No. 6M3258 Systemwide Parking Lot Sweeping Services

NARRATIVE:

Purpose: To obtain Board authorization for the General Manager to award Agreement No. 6M3258, Systemwide Parking Lot Sweeping Services, to WEBCO Sweeping LLC of Morgan Hill, California.

Discussion:

This Agreement will provide for sweeping services for station parking lots, parking structures, driveways, access roads, bus lanes, vehicular underpasses, yard and shop parking lots. This agreement is for a 3 year base proposal, with 2 one-year options for a total of 5 years. The District facilities maintained under this agreement were divided into two zones for bidding purposes. This would allow smaller firms to propose on only one zone. The zones were essentially the C and R lines for Zone 1 and the A, K, L, M, and W lines for Zone 2. The Request for Proposal was mailed to eight (8) firms that had requested the documents. A pre-proposal meeting was conducted on August 6, 2014 with seven prospective proposers attending. The single proposal for this agreement was received on September 30, 2014.

A Selection Committee, including representatives from Contract Administration, Maintenance Support, and the Office of Civil Rights departments, conducted a technical evaluation and price analysis of the proposal. Proposers were instructed to submit technical and price proposals in separate packages. Only those proposers whose technical qualifications met the District's requirements were eligible for review of their price proposals by the Committee. Technical proposals included items such as experience, personnel qualifications, possession of equipment in good order and availability of operating crews to perform work simultaneously in multiple locations. The submitted proposal was determined to have met the District's minimum technical requirements. The committee then opened the price proposal, as shown

Proposer	Zone 1	1st Year Option	2nd Year Option	Total
Webco Sweeping, LLC, Morgan Hill, CA	\$856,598.04	\$285,532.68	\$285,532.68	\$1,427,663.40

Proposer	Zone 2	1st Year Option	2nd Year Option	Total
Webco Sweeping, LLC, Morgan Hill, CA	\$1,298,678.58	\$432,892.86	\$432,892.86	\$2,164,464.30

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. The bidder will not be subcontracting any work and

will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this contract. The responsive low Proposer is a certified Small Business making it eligible for the preference.

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

Fiscal Impact:

Funding for this Agreement will include the following estimated expenditure:

FY15	\$419,083.70
FY16	\$718,425.00
FY17	\$718,425.00
FY18	\$718,425.00
FY19	\$718,425.00
FY20	\$299,344.00

Funding for this agreement will be provided from FY15 Operating Budget for Maintenance Support. Funding for the subsequent years FY16-FY20 will be requested in future operating budget cycles.

Alternative:

Reject the Proposal and readvertise this RFP. Failure to award this Agreement would disrupt the continuity of the parking lot sweeping program. Failure to sweep the parking lots on a regular schedule would create unacceptable conditions for our patrons and surrounding neighbors. Station appearance and general safety would be degraded.

Recommendation:

On the basis of evaluation by the Selection Committee, Staff recommends that the Board of Directors adopt the following Motion:

Motion:

That the General Manager is authorized to award Agreement No. 6M3258, to provide Systemwide Parking Lot Sweeping Services (Zone 1 and 2), to Webco Sweeping, LLC., for an amount not to exceed \$2,155,276.62 for a base period of three years. And that the General Manager is authorized to exercise up to two one-year options for Zone 1, each for \$285,532.68 and up to two one-year options for Zone 2, each for \$432,892.86.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Grace Crum</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: <i>11-14-12</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Voix Dept: Real Estate and Property Development <i>Paul Voix</i> Signature/Date: <i>11/10/14</i>	General Counsel <i>Andrew...</i> <i>11/10/14</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[]</i>	BARC <i>Powers 10 Nov 2014</i> <i>[]</i>

TITLE:
**APPROVAL OF LEASE OF RETAIL SPACE AT THE RICHMOND BART STATION
PARKING STRUCTURE**

NARRATIVE:

PURPOSE: To obtain Board authorization to enter into a long term Lease for a restaurant and other uses within the retail space at the Richmond BART Station parking structure with Phillips Hospitality Corporation dba Home of Chicken and Waffles (“Chicken and Waffles”).

DISCUSSION: As part of the transit-oriented development at the Richmond BART Station (depicted in Exhibit A), the City of Richmond (“City”), through its Redevelopment Agency, constructed a 750 space parking structure at the Station. The parking structure, which is owned and operated by BART, was opened to commuters on May 30, 2013. The ground level of the parking structure facing Macdonald Avenue includes an approximately 9,000 square foot space designated for commercial use. The commercial space currently is a vacant open “grey shell” or “cold shell” with electrical, cold water, and sanitary sewer service hookups, but without restrooms, heating/ventilation/air conditioning (HVAC), and other improvements. The space offers a new revenue generating opportunity for BART, sales tax revenue to the City, and with its street frontage will provide a retail function along one of the pedestrian paths to the Station (“eyes on the street”).

Over the past twelve months, District staff have been working with the City and the Richmond Main Street Initiative, Inc. (“Richmond Main Street”), a community-based non-profit corporation dedicated to revitalizing historic Downtown Richmond, to advertise the availability of the retail space and to identify and interview potential retail tenants, including the following:

- Crunch Fitness, health club franchise
- 99¢ Only Store, discount store
- Phillips Hospitality Corporation, dba Home of Chicken and Waffles

There were other inquiries about the space from companies interested in turnkey ready space or space including at least “vanilla shell” improvements such as restrooms. District staff and staff from the City and Richmond Main Street concur that the restaurant use would provide the most desirable retail function at this location.

Phillips Hospitality Corporation (“Phillips”) has expressed an interest in leasing the space to operate a Home of Chicken and Waffles for a period of ten years with two ten-year options to

APPROVAL OF LEASE OF RETAIL SPACE AT THE RICHMOND BART STATION PARKING STRUCTURE

renew. The new Home of Chicken and Waffles restaurant will be similar to their existing family style restaurants in Walnut Creek and in the Jack London Square area of Oakland. Both of the existing Home of Chicken and Waffles locations are popular destinations. The restaurant chain serves southern style cuisine and has received accolades for having offered employment opportunities to ex-offenders.

~~The restaurant would not require the use of the entire space, so the remaining area would be subleased by Phillips subject to BART approval of any proposed sublessee. This proposed arrangement is preferable to BART because Phillips will handle the required build-out of the entire space. The initial ten year lease rate would be at fair market value, proposed by staff to be a base rent of \$1.00 per square foot each month, with annual CPI adjustments and 50% of excess rent revenue from subleasing. Each ten year option period would also be at fair market value.~~

A substantial investment will be required for the build out of the premises for the restaurant. Some of the required improvements, such as restrooms, will be in common areas of the retail space, to be shared with sublessees. Phillips has agreed to arrange and pay for the construction of the improvements, subject to a rent credit from the District. The Lease agreement will allow for the offset of rent for the first three years of \$1.00 per square foot a month and \$0.50 per month for years four and five, up to a maximum of \$432,000. The Office of the General Counsel will approve the Lease as to form.

FISCAL IMPACT: Lease payments to BART for base rent are not anticipated during years one through three of the Lease due to the credit that Phillips will receive for making improvements. For Lease years four and five, BART is projected to collect a minimum of \$54,000, CPI adjusted, in revenue and \$108,000, CPI adjusted, per year during years six through ten. Additional revenue to BART is anticipated from the subleasing by Phillips of the remaining retail space. For both ten-year option terms, rent will be set at Fair Market Value with annual CPI adjustments. All revenues from the Lease would be deposited into the General Fund.

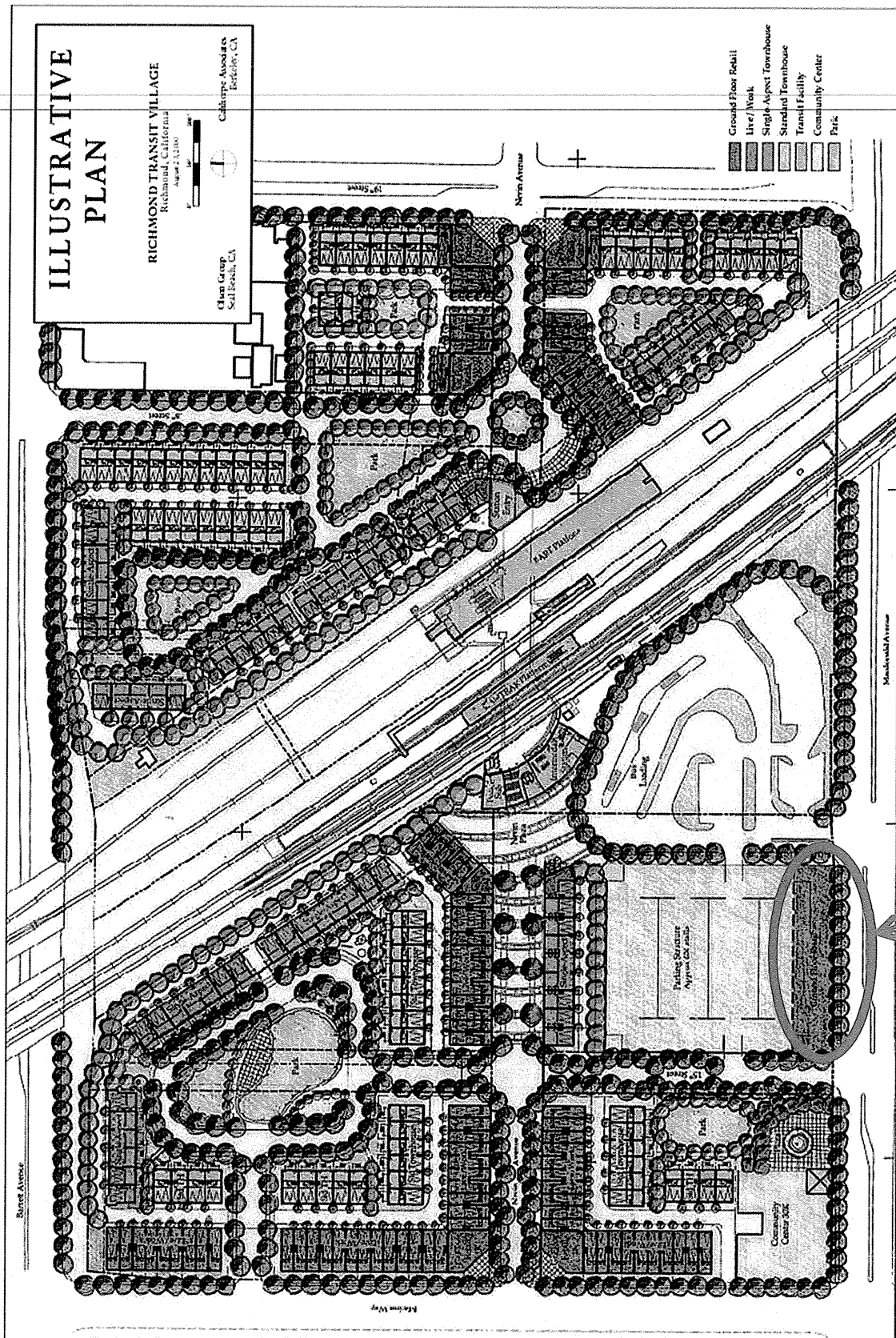
ALTERNATIVES: Not award a retail lease to Phillips Hospitality Corporation and re-open discussions with the two other interested parties or pursue other potential retail tenants for the space. This would delay occupancy of the garage retail space.

RECOMMENDATION: Adoption of the following motion.

MOTION: That the General Manager, or her designee, is authorized to execute a Lease for ten years with options to renew for two additional ten-year terms with Phillips Hospitality Corporation dba Home of Chicken and Waffles for approximately 9,000 square feet of commercial space on the 1500 block of Macdonald Avenue, located on the ground floor of the Richmond BART Station parking structure.

Richmond

Exhibit A



Retail Area

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: November 20, 2014

FROM: General Manager

SUBJECT: PPAAL Agenda Item: Emeryville-Berkeley-Oakland Transit Study (EBOTS)
Update (For Information)

At the November 20, 2014 Board of Directors meeting, at the request of Director Mallett, staff from the City of Emeryville will make an informational presentation on the Emeryville-Berkeley-Oakland Transit Study (EBOTS) that they have been leading. The study is a planning-level analysis to look at options to provide more effective transit connections through a corridor generally defined as West Oakland to Emeryville to West Berkeley. BART was represented on the Policy Advisory Committee (PAC) and the Technical Advisory Committee (TAC) for this study. Emeryville staff is seeking feedback from the Board as they finalize the study recommendations.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors **Date:** November 14, 2014
FROM: Controller-Treasurer
SUBJECT: QUARTERLY REPORT OF THE CONTROLLER-TREASURER

Attached is a copy of the Quarterly Report – 1st Quarter FY 2015 of the Controller-Treasurer which I will be presenting to you at the November 20th Board meeting. This will give you an opportunity to review it prior to the meeting. An additional attachment is an article describing how the Los Angeles City Employees Retirement System Board voted to reduce the projected annual investment yield from 7.75% to 7.5%. This is a fiscally prudent move causing short-term pain but long-term sustainability of the pension plan.

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



Scott L. Schroeder

Quarterly Report of the Controller-Treasurer

Ending 9/30/14

As a refresher....

- ◀ The District currently provides benefits to employees which include, but are not limited to:
 - **Retirement Pension Plan** managed by the California Public Employee Retirement System (CALPERS), and funded by contributions from the District and its employees. CALPERS is the largest pension plan in the United States with assets of approximately \$300 billion.
 - **Retiree Medical Benefits** coverage funded by a Trust established by the District in 2005.
 - The Trust as of 9/30/14
 - a. Invested in a combination of stocks, bonds, REIT & cash,
 - b. Benchmark 6.75%,
 - c. Total net assets \$206.4 million and inception to date return is 6.7%,
 - d. Quarterly Report to the Unions
 - **Survivor Benefits** of active and retired employees funded by the employees (\$15/month),
 - **Life Insurance** for retired employees which is currently unfunded but with a net required OPEB contribution of \$14.8 million as of September 30, 2014.
 - The District also accrues liabilities through Property & Casualty insurance and workers compensation claims and maintains the required reserves related to its self-funded insurance programs for worker's compensation and general liability based on an annual actuarial study.

Quarterly Report of the Controller-Treasurer

Ending 9/30/14

So what are the numbers?

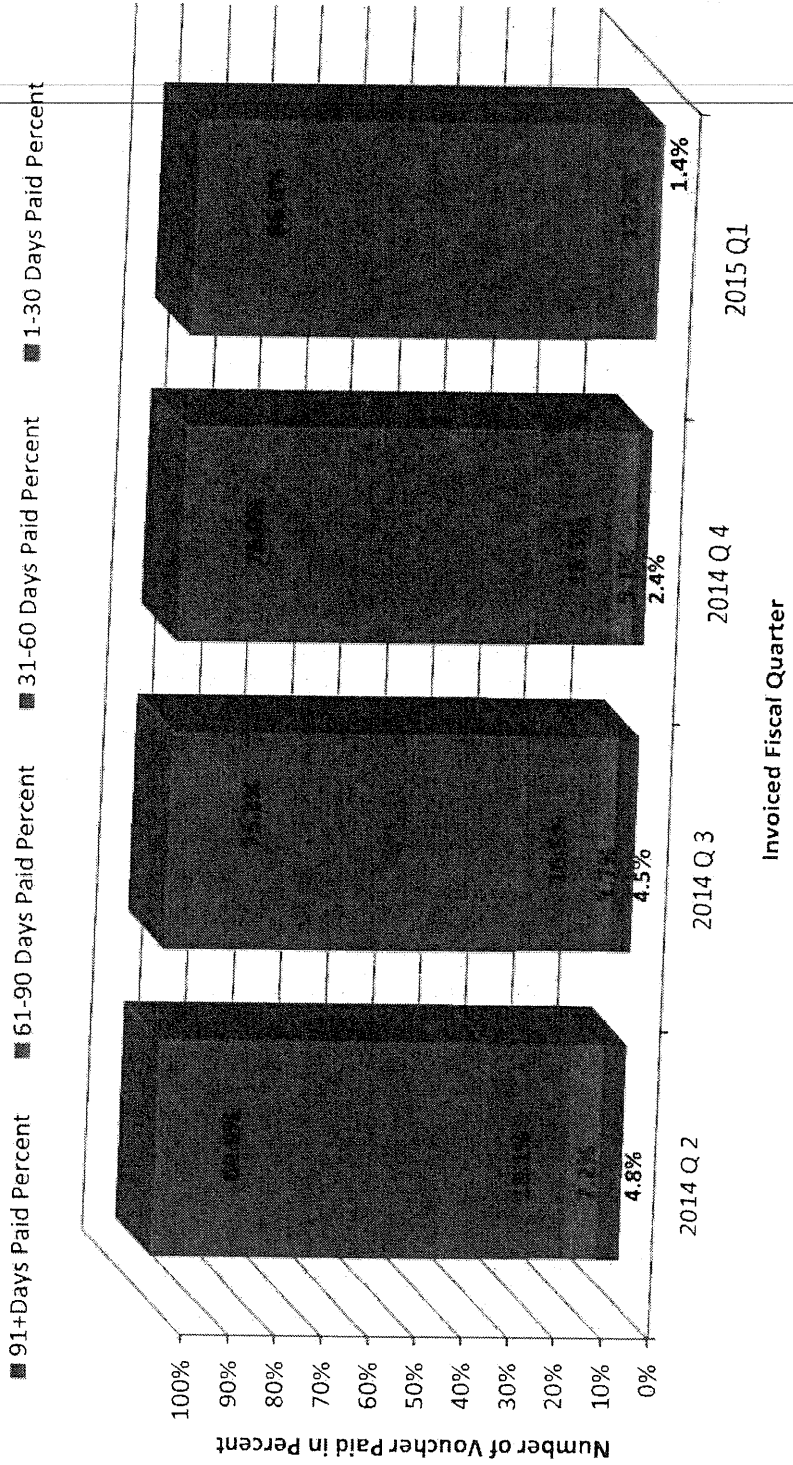
- ◀ The annual actuarial report on the District's PERS liability as of June 30, 2013, based on the most recent report from CALPERS, is \$352,132,017, 80.4% funded for the Miscellaneous Plan and \$86,417,395, 64.5% funded for the Safety Plan. The substantial increase in unfunded liability is due to a change in the methodology of valuing the assets. It is important to note that this is a "snap shot" and relatively benign compared to the trend. Using this new methodology of valuation last year would have reflected an unfunded liability of 76.2% for miscellaneous employees and 61.9% for safety employees.
- ◀ The annual actuarial report on the District's OPEB liability as of June 30, 2013 is \$297,955,000, about 55.6% funded. Funding of this liability began in FY08, so funding percentage is catching up at a faster pace than pension. We have not received an updated actuarial report for the OPEB.
- ◀ At the last quarterly report, I advised you that Life Insurance for retired employees is currently unfunded. It currently has a net required OPEB contribution of \$14.8 million as of September 30, 2014. This will require an increase of our payments to the OPEB Trust to extinguish it. The annual required contribution for FY15 for this liability would be \$2.5M. We have been advised by counsel that we must separately establish a new trust vehicle for tax law purposes. I plan to bring the amended documents to the Board at the next Quarterly Report.
- ◀ A report has been prepared for the Survivor Benefits obligation. This is currently overfunded so there is no unfunded liability, however our legal counsel advises that this should be incorporated into the existing trust.

Quarterly Report of the Controller-Treasurer Ending 9/30/14

Accounts Payable

◀ We continue to keep our focus on getting our vendors paid as quickly as possible. During the most recent quarter, the District was able to process 86% of all invoices within 30 days. Of those that were not processed in 30 days, 12% were processed within 60 days, and 2% were processed within 90 days. The trend depicting the past year is shown here:

Quarterly Number of Voucher Payment Trend

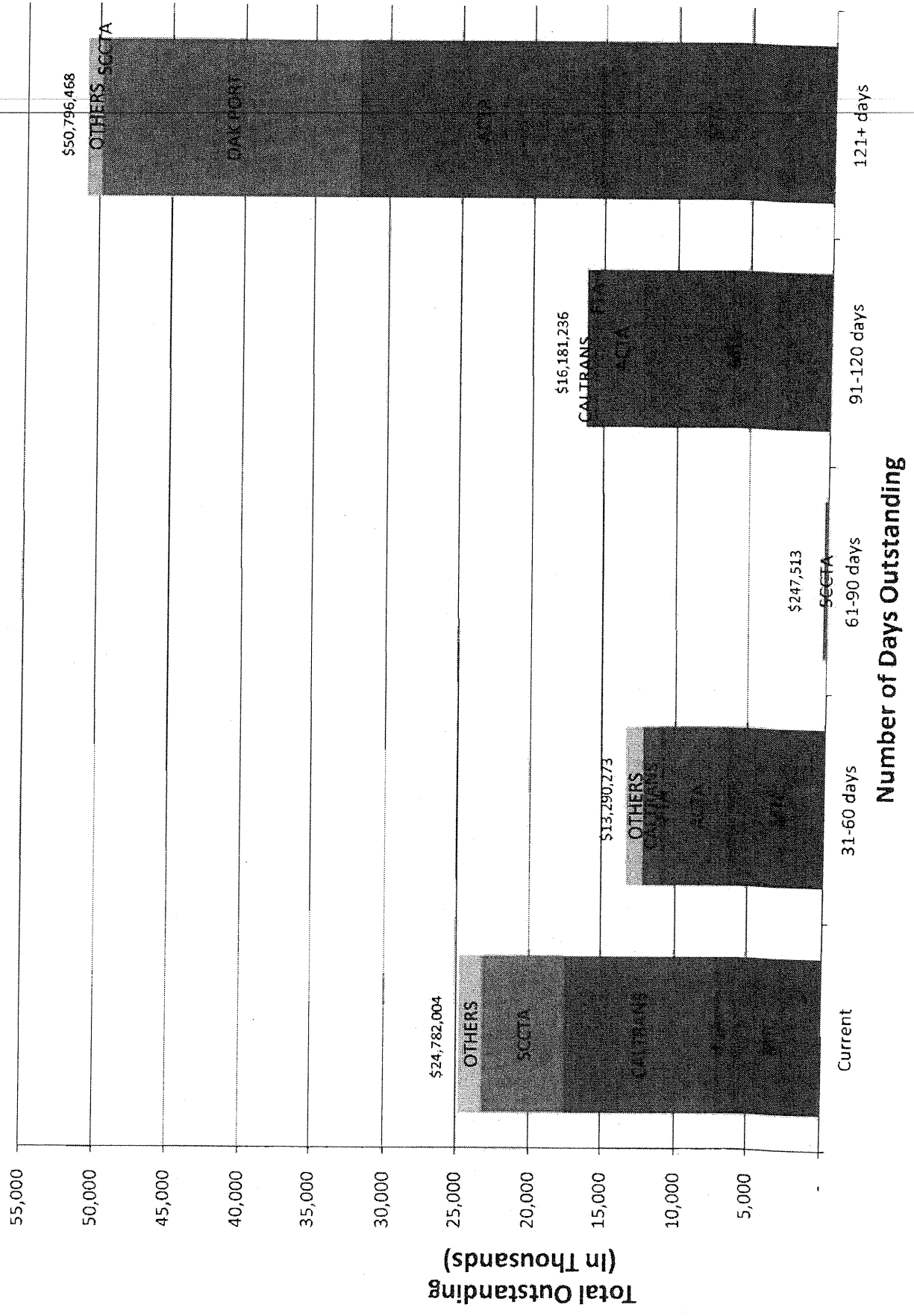


Quarterly Report of the Controller-Treasurer

Ending 9/30/14

Accounts Receivable

⚡ The time to receive reimbursement funding from our funding partners is shown in the chart below. The amount outstanding is \$105,297,494 as of September 30, 2014.



Quarterly Report of the Controller-Treasurer Ending 9/30/14

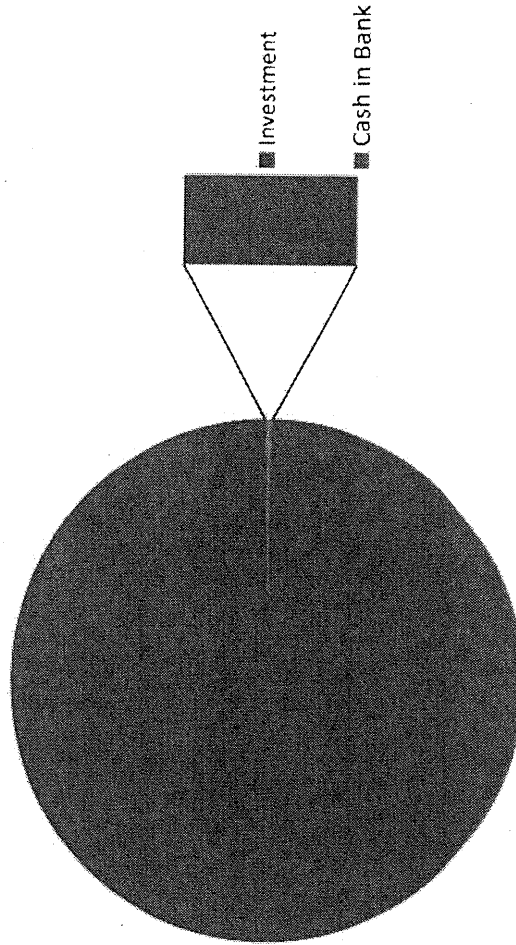
3. DISTRICT FINANCES

The District continues to actively search for investments which meets the Investment Policy and generates a yield higher than zero. There is not much available. In a recent article in the Wall Street Journal, a figure of \$1.2 trillion is currently looking to be placed by Corporate Treasurers seeking higher yield.

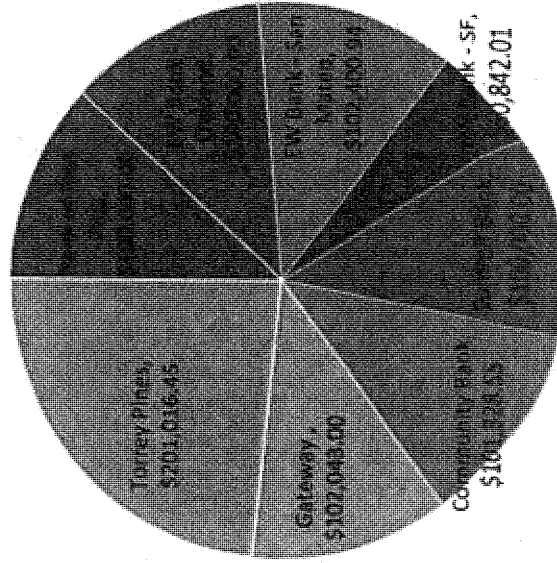
Cash and Investments

- < Total Cash in Banks: \$370,310,016.98
- < Total Investments: \$857,630.95
- < Return on Investments: .452% - Poor investment environment, but always looking.
- < Pie chart showing the different investments and banks

CASH AND INVESTMENTS



Investments



- Bank of East Asia
- EW Bank - Oakland
- EW Bank - San Mateo
- EW Bank - SF
- Summit Bank
- Community Bank
- Gateway
- Torrey Pines

Quarterly Report of the Controller-Treasurer Ending 9/30/14

Debt

◀ The District currently has two types of debt outstanding:

1. Sales Tax Revenue Debt
2. General Obligation Debt

Sales Tax Revenue Debt

- ◀ Currently outstanding debt of \$699 million.
- ◀ Annual Debt Service \$56 million.
- ◀ Debt Services comes "off the top" of sales tax revenues remitted to the district by the State Board of Equalization.
- ◀ This directly impacts the operating budget.

General Obligation Bonds

- ◀ These were passed by a 2/3 majority of eligible voters.
- ◀ Currently outstanding debt of \$631 million.
- ◀ Issued \$740 of \$980 authorized.
- ◀ Debt paid by annual assessment of BART property tax holders and does not impact the operating budget.
- ◀ Most recent assessment as of this current year is \$7.50/\$100,000

L.A. pension agency decision deepens city's budget hole



The City Employees' Retirement System board's decision Tuesday could make it harder for Mayor Eric Garcetti and the City Council to restore services trimmed during the recession. (David Buchan / Getty Images)

By **DAVID ZAHNISER**

OCTOBER 28, 2014, 8:27 PM

A Los Angeles city pension agency voted Tuesday to rein in its long-range earnings forecast, putting in place changes that could throw the city's budget \$50 million deeper into the hole next year.

The City Employees' Retirement System board responded to financial consultants who said the agency should no longer assume that its investment portfolio — money that helps cover the cost of employee pensions — will deliver an average yearly return of 7.75%.

That decision could make it harder for Mayor Eric Garcetti and the City Council to restore services trimmed during the recession, since it forces them to set aside more money in the short term for retirement benefits.

Pension board member Elizabeth Greenwood cast the only opposing vote, saying the city needs

more time to emerge from its recent financial crisis. Greenwood had called for the change, which will reduce the system's earnings assumption to 7.5%, to be delayed until 2017.

"There is no reason we need to rush into a change that is going to slam the city's budget that hard," said Greenwood, who was elected to the board by civilian city employees.

Garcetti, who appoints four of the board's seven members, said through a spokesman that he supported the board's decision, which included an increase in the calculation for how long retirees are expected to live. Having a more realistic earnings assumption is "part of Mayor Garcetti's agenda of fiscal responsibility," said spokesman Jeff Millman.

Budget officials now expect a \$165-million shortfall next year and have not factored in the pension board's changes. The board's consultant had warned that a failure to reduce the investment return assumption now would only force the city's budget to pay more later if earnings fall short.

The retirement fund relies on three sources of revenue to cover pensions and healthcare for retired civilian city employees: contributions from workers' paychecks, money taken from the city's budget and earnings on the system's \$13.9-billion investment portfolio. When investment returns fall significantly below the agency's projections, the gap has to be made up by the city budget, leaving less money for taxpayer services.

The board's vote was opposed by the Coalition of L.A. City Unions, which represents about 20,000 city workers — and is now in salary talks with the city. Both the coalition and Councilman Paul Koretz portrayed the move as unnecessary, since the pension fund had strong investment earnings in recent years.

"This makes it more likely that it will be difficult to give employees any kind of a cost-of-living increase ... and more likely that we will provide much fewer services than we would otherwise," Koretz said.

Koretz is hoping to have the pension board's decision phased in over three years, a step that would blunt the financial effect on next year's budget.

The issue of pension system earnings was raised earlier this year by the LA 2020 Commission, a 13-member group of business, union and civic leaders convened by Council President Herb Wesson. (The commission's co-chairman, Austin Beutner, is now publisher of The Times.)

In a report released in April, the commission said the city's pension earnings assumptions should be significantly decreased, so that they are in line with the earnings forecast of Warren Buffett's company, Berkshire Hathaway.

The commission raised the possibility of a 6% yearly earnings assumption in its report. City Administrative Officer Miguel Santana, the high-level budget official, responded at that time by warning that such a move, if carried out for public safety and civilian workers, would rip a \$566-million hole in the budget.

The retirement board initially deadlocked on the proposal to scale back its earnings assumptions. Two weeks ago, pension board member Nilza Serrano said she worried about putting additional pressure on the budget. During the meeting, she walked out of the room to avoid having to cast a vote, leaving her colleagues unable to muster a majority to make the change.

On Tuesday, Serrano reversed course and voted for the reduction, saying she had reviewed the proposal more carefully.

"I got educated," said Serrano, a Garcetti appointee.

Greenwood said she did not see a need for immediate action, since the agency has had an average 11% annual return on its investments over the last three years.

Paul Angelo, the actuary retained by the pension board, would not comment to The Times. But at a meeting two weeks ago, he told the board the decision is a question of whether to "pay now or pay later."

By lowering the investment return, "every future good year will be a little more good, and every future bad year will be a little less bad," he said.

david.zahniser@latimes.com

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