

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

BOARD MEETING AGENDA

December 1, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, December 1, 2016. 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	5 Atherstone Mews Kensington, London SW7 5BX United Kingdom
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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 (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.

Patricia K. Williams
Assistant 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 November 17, 2016.* Board requested to authorize.
- B. Substitution of Special Counsel for Energy Matters.* Board requested to authorize.
- C. Award of Contract No. 11TJ-170, Daly City and Civic Center, HVAC Upgrades.* Board requested to authorize.
- D. Award of Invitation for Bid No. 9016, Coupling Assembly, Motor Half.* Board requested to authorize.
- E. Award of Invitation for Bid No. 9017, Coupling Assembly, Gear Unit Half.* Board requested to authorize.
- F. Reject All Bids for Contract No. 11KH-110, 24th and Mission Station Crossover Facility Improvements.* Board requested to reject.
- G. Reject Single Bid for Contract No.15QL-140, Maintenance Yards Surface Improvement - ORY Phase 2.* Board requested to reject.
- H. Independent Auditor's Report on the Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2016.* For information.

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. Award of Agreement No. 6M4512, to Provide Rental of Digital Monochrome Copy Machines at Various District Offices/Facilities.* Board requested to authorize.

- B. National Association of State Procurement Officials (NASPO) Value Point Computer Purchase.* Board requested to authorize.
- C. Side Letter Implementing New Classification Structure for BART Police Officers' Association.* Board requested to authorize.
- D. Side Letter Implementing New Classification Structure for BART Police Managers' Association.* Board requested to authorize.
- E. Fiscal Year 2017 First Quarter Financial Report.* For information.
- F. 2016 Disparity Study Update.* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit.* Board requested to authorize.
- B. Change Order to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction, for North Yard Trackwork Constructability Issues (C.O. No. 67).* Board requested to authorize.
- C. Short-Term System Capacity Improvements: Next Steps.* For information.

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

Director Raburn, Chairperson

- A. Station Access Policy Performance Measures and Targets for 2025.* Board requested to authorize.
- B. Transit-Oriented Development Policy Performance Measures and Targets for 2040.* Board requested to authorize.
- C. 2017 Federal and State Legislative Goals.* Board requested to authorize.
- D. Strategic Plan Framework – Goal Indicators and Objectives.* For information.
- E. Dublin/Pleasanton Parking Garage Expansion Project.* 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. Presentation to Outgoing Board President.

B. Remarks by Director Murray.

C. 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.)

D. 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.)

E. 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.)

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

Board of Directors
Minutes of the 1,775th Meeting
November 17, 2016

A regular meeting of the Board of Directors was held November 17, 2016, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Mallett. Director Josefowitz entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of October 27, 2016.
2. District Base Pay Schedules.
3. Extension of Time for Agreement No. 6M2020, Brokerage Services for an Owner Controlled Insurance Program (OCIP).
4. Employee Recruitment and Relocation for Chief of Police.
5. Award of Contract No. 47BS-152A, Accessibility Improvements at Various BART Stations.

Director Saltzman made the following motions as a unit. Director Raburn seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 2: Directors Josefowitz and Mallett.

1. That the Minutes of the Meeting of October 27, 2016, be approved.
2. That the base pay schedule in effect July 1, 2016, be approved.
3. That the Controller/Treasurer be authorized to extend the time of performance under Agreement No. 6M2020, with Aon Risk Services, to provide brokerage services for an OCIP, for an additional 12 months, to November 30, 2017; and that the original not-to-exceed amount for the Agreement remain at \$7,500,000.00.
4. That the General Manager or her designee be 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; and that the General Manager be authorized to enter into a relocation agreement, if necessary, in an amount not to exceed \$18,000.00 for each position, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement.

5. That the General Manager be 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 Federal Transit Administration's requirements related to protests.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Communications Agreement with the San Francisco Municipal Transportation Agency (SFMTA) to Extend Commercial Fiber and Cellular Infrastructure to the SFMTA Underground System before the Board. Mr. Travis Engstrom, Manager of Information Systems, presented the item. Director McPartland moved that the General Manager be authorized to execute a Communications Agreement with the 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. Director Murray seconded the motion.

Director Josefowitz entered the Meeting.

The item was briefly discussed. The motion carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of State of California Department of General Services Voyager Fuel Card Program before the Board. Ms. Adwoa Oni, Manager, Procurement & Contracts, Maintenance Administration, presented the item. Director Blalock moved that the General Manager be 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. The item was discussed. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

Director McPartland brought the matter of Award of Agreement to Provide Stand-by Emergency Medical and Advanced Life Support Services at West Oakland Station before the Board. Mr. Shawn Jackson, Principal Administrative Analyst, presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to execute Agreement No. 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 \$1,623,000.00. Director Saltzman

seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

Director McPartland brought the matter of 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) before the Board. Mr. Thomas Horton, Group Manager, Earthquake Safety Program, presented the item. Director Blalock moved that the General Manager be 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. President Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Mallett.

Director McPartland brought the matter of Quarterly Performance Report, First Quarter Fiscal Year 2017 - Service Performance Review, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Transbay Corridor Core Capacity Project before the Board. Mr. Duncan Watry, Principal Planner, presented the item.

Chris Finn addressed Board.

The item was discussed.

Director McPartland exited the Meeting.

Director Keller made the following motions as a unit.

1. That the Board finds that the following three project elements that are components of the Transbay 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. Adoption of the four-project-element Transbay Corridor Core Capacity Project.
3. That staff be directed to file Notice of Exemption.

Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Josefowitz, Keller, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 2: Directors Mallett and McPartland.

Director Raburn brought the matter of BART Station Access Policy: Draft Performance Measures and 4-Year Work Plan, before the Board. Ms. Hannah Lindelof, Principal Planner,

and Mr. Robert Powers, Assistant General Manager, Planning, Development, and Construction, presented the item. The item was discussed.

Director Raburn brought the matter of Transit Oriented Development Policy: Draft Performance Measures and 4-Year Work Plan, before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, and Ms. Abigail Thorne-Lyman, Manager of Planning, presented the item.

The following individuals addressed the Board.

Ann Chang

Geeta Rao

Jerry Grace

The item was discussed.

Director McPartland re-entered the Meeting.

Discussion continued.

Joel Ramos addressed the Board.

Discussion continued.

President Radulovich announced that the order of agenda items would be changed.

President Radulovich called for Public Comment. Jerry Grace addressed the Board.

President Radulovich announced that the Board would enter into closed session under Item 10-A (Conference with Labor Negotiators), and Items 10-B and 10-C (Conference with Legal Counsel) 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 1:03 p.m.

The Board Meeting reconvened in closed session at 1:12 p.m.

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

Absent: Director Mallett. Director Josefowitz entered the Meeting later.

Director Josefowitz entered the Meeting.

Directors Josefowitz and Murray exited the Meeting.

The Board Meeting recessed at 3:39 p.m.

The Board Meeting reconvened in open session at 3:40 p.m.

Directors present: Directors Blalock, Keller, McPartland, Raburn, and Radulovich.

Absent: Directors Josefowitz, Mallett, Murray, and Saltzman.

President Radulovich announced that there were no announcements to be made on Items 10-A and 10-B.

President Radulovich announced that under Item 10-C (Smith v. BART) of the agenda, the Board authorized settlement of the litigation for the amount of \$3.1 million; and that the vote was as follows: Ayes – 6: Directors Blalock, Keller, McPartland, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 3: Directors Josefowitz, Mallett, and Murray.

President Radulovich announced that the General Manager's Report and Board Matters would be continued to a future Meeting.

The Meeting was adjourned at 3:41 p.m.

Kenneth A. Duron
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** November 23, 2016
FROM: General Counsel
SUBJECT: Substitution of Special Counsel

On April 8, 2004, the Board of Directors appointed Robert Gex of the Davis, Wright & Tremaine as Special Counsel for energy matters. This appointment provides an on-call immediate resource for complex energy related legal services.

Mr. Gex is retiring at the end of this year. In seeking a replacement my office with the assistance of the sustainability department interviewed several different firms, including Mr. Gex's current firm. Upon conclusion of those discussions, we unanimously recommend that Winston & Strawn be substituted as Special Counsel for energy matters.

The appointment does not prevent the District from utilizing other firms for this work, but enables access to Winston & Strawn on an immediate, as needed basis.

Please call me if you have any questions.

Proposed Motion

That with the retirement of Mr. Gex, the existing designation of Special Counsel for energy matters be revised to substitute Winston & Strawn as the new counsel.



Matt Burrows

cc: Board Appointed Officers
Deputy General Manager
Associate General Counsel



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeSantis</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 11/2/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Yulek Ho Dept: Maintenance and Engineering	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> <i>11/21/16</i>	<i>11/21/16</i> []	<i>11/22/16</i> []	[]	<i>11/22/16</i> []

Daly City Yard and Civic Center HVAC Upgrades - 11TJ170

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 11TJ-170, Daly City Yard and Civic Center HVAC Upgrades, to Integra Construction Services Inc. ("Integra") of Pleasanton, CA, for the Bid price of \$540,724.00.

DISCUSSION:

This Contract will replace some dysfunctional air conditioning units and upgrade the ventilation system at the Daly City Main Shop, the Daly City Transportation Building and Room 108 of the Civic Center Station.

On August 16, 2016, the District provided Advance Notice to seventy-three (73) prospective bidders and plans were sent to twenty-three (23) Plan Rooms.

A notice requesting Bids was publicly advertised on August 17, 2016. A pre-bid meeting was held on August 26, 2016, with five prospective bidders attending the meeting. Three (3) Addenda were issued to the Contract Book.

Two Bids were received and publicly opened on October 18, 2016. A tabulation of the Bids, including the Engineer's Estimate, is as follows:

1. Integra Construction Services Inc. Pleasanton, CA	\$540,724.00
2. Blocka Construction Inc., Fremont, CA	\$866,000.00
Engineer's Estimate:	\$528,821.46

After review by District staff, the apparent low Bid submitted by Integra has been deemed responsive to the solicitation. Examination of Integra's license, business experience, and financial capabilities has resulted in a determination that Integra is responsible. Staff has also determined that the Bid price of \$540,724.00 is fair and reasonable based on the prior purchases.

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 or alteration of the function of the facility.

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”). Integra did not commit to any MBE and WBE participation; therefore, Integra was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by Integra, 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% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder, Integra is a certified Small Business, thus, making it eligible for the Prime Preference. Since Integra is the lowest responsive Bidder, and is eligible for the 5% Small Business Prime Preference, the application of the Prime Preference will not alter the award to Integra.

FISCAL IMPACT:

Funding of \$540,724.00 for the award of Contract No. 11TJ-170 is included within the total project budget for FMS project no 11TJ001 Daly City Shop HVAC Replace. 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 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 November 10, 2016, \$840,000 is available to the project from the following sources:

Fund	Fund Description	Amount
8524	BART Operating allocation to Capital FY12	\$100,000
8526	BART Operating allocation to Capital FY14	\$740,000
	General Total	\$840,000

BART has expended \$122,356, committed \$0, and reserved \$0 to-date for other actions. This action will commit \$540,724 leaving an available fund balance of \$176,920 in this project.

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

ALTERNATIVES:

The alternatives are to decline to award the Contract, or rebid. Declining to award the Contract is not recommended because the existing HVAC units are deteriorating and not functioning properly.

Rebidding is not recommended because District Staff does not believe that re-bidding would result in more competitive bids, particularly in the current construction booming environment.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 11TJ-170, Daly City Yard and Civic Center HVAC Upgrades, to Integra Construction Services Inc. for the Bid price of \$540,724.00 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>Patricia DelPuderi</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/9/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Cristiano Torresi Dept: Rolling Stock and Shops <i>[Signature]</i> Signature/Date: <i>11/18/16</i>	General Counsel <i>[Signature]</i> <i>11/18/16</i>	Controller/Treasurer <i>[Signature]</i> <i>11/18/16</i>	District Secretary	BARC <i>[Signature]</i> <i>11/21/16</i>

AWARD OF INVITATION FOR BID NO. 9016 COUPLING ASSEMBLY, MOTOR HALF

PURPOSE: To request Board authorization to award Invitation for Bid (IFB) No. 9016 to Bombardier Transportation, Pittsburgh, PA in the amount of \$251,625 (includes all taxes) for the purchase of Coupling Assembly, Motor Half.

DISCUSSION: Each of the District's revenue rail vehicles are powered by four traction motors, each is connected to the gearbox with a coupling assembly, gear and motor halves. These couplings have a finite service life and must be routinely replaced in order to prevent mechanical failure and disruption of revenue service. This procurement supports the District's Strategic Maintenance Program (SMP), the Motor Half Couplings are routinely removed at 6 year intervals for the gearbox and traction motor overhauls, at which time they are cleaned and evaluated for serviceability.

This IFB is a two (2) year estimated quantity contract for the purchase of 150 Motor Half Couplings. Pursuant to the terms of the District's standard estimated quantity contracts, the District is required to purchase a minimum amount of 50 percent of the Contract Bid price from the supplier during the term of the Contract. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to 150 percent of the Contract Bid price, subject to availability of funding.

On September 20, 2016, the District published a Notice requesting Bids for IFB No. 9016 and mailed Bid requests to eight (8) prospective Bidders. The Bid opening for this IFB took place on October 11, 2016 and one (1) bid was publicly opened:

SUPPLIER - BOMBARDIER

DESCRIPTION - MOTOR HALF COUPLING

UNIT PRICE - \$1,525

QUANTITY -150

TOTAL - \$251,625 (including tax)

Independent cost estimate by BART staff: \$268,125 including sales tax.

After a review, staff determined that the bid of \$251,625 submitted by Bombardier was responsive to the solicitation. Staff has also determined that the Bid price is fair based on staff's independent cost estimate.

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

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses certified by the California Department of General Services available for bidding this Contract. Therefore, no Small Business Prime Preference was set for this Contract.

FISCAL IMPACT: Funding for IFB No. 9016 in the amount of \$251,625 will be funded under Rolling Stock and Shops (RS&S) Maintenance Repair and Other account (#680-230) for FY17. Expenditures for FY18-FY19 of this Contract will be included in future RS&S operating budgets and proposed expenditures, which are subject to future Board approval.

ALTERNATIVE: Reject the single bid and re-advertise the Contract. Staff does not believe that re-advertising the Contract will result in lower prices or increased competition.

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

MOTION: The General Manager is authorized to award Invitation for Bid No. 9016 for Motor Half Couplings to Bombardier for an amount of \$251,625, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DePaola</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/9/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Cristiano Torresi Dept: Rolling Stock and Shops <i>CT</i> Signature/Date: <i>11/18/16</i>	General Counsel <i>[Signature]</i> <i>11/18/16</i> []	Controller/Treasurer <i>[Signature]</i> <i>11/18/16</i> []	District Secretary []	BARC <i>[Signature]</i> <i>11/21/16</i> []

AWARD OF INVITATION FOR BID NO. 9017 COUPLING ASSEMBLY, GEAR HALF

PURPOSE: To request Board authorization to award Invitation for Bid (IFB) No. 9017 to Bombardier Transportation of Pittsburgh, PA in the amount of \$343,200 (includes all taxes) for the purchase of Coupling Assemblies, Gear Half.

DISCUSSION: Each of the District's revenue rail vehicles are powered by four (4) traction motors, each is connected to the gearbox with a Coupling Assembly, Gear and Motor halves. These couplings have a finite service life and must be routinely replaced in order to prevent mechanical failure and disruption of revenue service. This procurement supports the District's goal of achieving a 'State of Good Repair.' As part of the Strategic Maintenance Program (SMP), the Gear Unit Half Couplings are routinely removed at six (6) year intervals for the gearbox and traction motor overhauls, at which time they are cleaned and evaluated for serviceability. Common cause for their being replaced is damage on mating teeth of the hub and housing, as well as for excess wear on those teeth.

This is a two (2) year estimated quantity contract for the purchase of 200 Gear Unit Half Coupling Assemblies. Pursuant to the terms of the District's standard estimated quantity contracts, the District is required to purchase a minimum amount of fifty percent (50%) of the contract bid price from the supplier during the term of the contract. Upon Board approval of this Contract, the General Manager will also have the authority to purchase up to one hundred and fifty percent (150%) of the contract bid price, subject to availability of funding.

On September 20, 2016, the District published a Notice Requesting Bids for IFB No. 9017 and mailed Bid requests to eight (8) prospective Bidders. The Bid opening for this IFB took place on October 11, 2016 and one (1) bid was publicly opened:

SUPPLIER - BOMBARDIER

DESCRIPTION - GEAR UNIT HALF COUPLING

UNIT PRICE - \$1,560

QUANTITY - 200

TOTAL - \$343,200 (including tax)

Independent cost estimate by BART staff: \$357,500 including 10% sales tax.

After a review, staff determined that the bid of \$343,200 submitted by Bombardier was responsive to the solicitation. Staff has also determined that the Bid price is fair based on staff's independent cost estimate.

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

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses certified by the California Department of General Services available for bidding this Contract. Therefore, no Small Business Prime Preference was set for this Contract.

FISCAL IMPACT: Funding for IFB No. 9017 in the amount of \$343,200 will be funded under Rolling Stock and Shops (RS&S) Maintenance Repair and Other account (#680-230) for FY17. Expenditures for FY18-FY19 of this Contract will be included in future RS&S operating budgets and proposed expenditures, which are subject to future Board approval.

ALTERNATIVE: Reject the single Bid and re-advertise the Contract. Staff does not believe that re-advertising the Contract will result in lower prices or increased competition.

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

MOTION: The General Manager is authorized to award IFB No. 9017 for Gear Unit Half Couplings to Bombardier, for the bid price of \$343,200, including all applicable taxes, pursuant to notification to be issued by the General Manager, 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 November 17, 2016 E&O Committee Meeting	
DATE: 8/24/2016 11/22/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Shrenik Shah Dept: Planning, Development and Construction	General Counsel 11/7/16 []	Controller/Treasurer 11/4/16 []	District Secretary BARC 11/22/16 []
Signature/Date: Shrenik Shah 11/4/16 []			

TITLE:
Reject all Bids for Contract No. 11KH-110, Construction of 24th and Mission Station Crossover Facility Improvements

NARRATIVE :

PURPOSE: To request that the Board reject all Bids for Contract No. 11KH-110, 24th and Mission Station Crossover Facility Improvements and authorize the General Manager to re-advertise the Contract.

DISCUSSION:

The work of this Contract consists of building and remodeling BART's 24th and Mission Station staff facilities. The Contract scope of work includes the construction of a new Train Operator Breakroom. Additionally, the existing staff restroom will be remodeled with new fixtures and accessories while retrofitting the restroom to a fully ADA compliant design. Lastly, a new prefabricated Supervisor's Booth will be installed on the platform level of the station. The work includes all associated electrical, mechanical and plumbing work needed for the facilities.

On July 8, 2016, the Advance Notice to Bidders was mailed to 107 prospective Bidders, and Contract Documents were sent to 23 plan rooms. The Contract was advertised on July 10, 2016 in construction trade publications and posted on BART's website. A total of six (6) firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour was conducted on July 19, 2016, with eight prospective Bidders attending. One Addenda was issued. Five (5) bids were publicly opened on August 16, 2016. The Bids received and the Engineer's Estimate are shown below:

<u>BIDDER</u>	<u>LOCATION</u>	<u>BID PRICE</u>
Barrera's Builders	Castro Valley, CA	\$439,800.00
Omni Construction Services, Inc.	Burlingame, CA	\$478,000.00
Wickman Development and Construction	San Francisco, CA	\$497,999.00
Rodan Builders, Inc.	Burlingame, CA	\$543,544.00
L C General Engineering and Construction, Inc.	San Francisco, CA	\$681,085.00
<u>Engineer's Estimate:</u>		\$435,753.00

The Contract is subject to the provisions of the District's Disadvantaged Business Enterprise (DBE) Program. Pursuant to the DBE Program, the Office of Civil Rights (OCR) reviewed the scope of work for this Contract and determined that there were DBE subcontracting opportunities; therefore, a DBE participation goal of 23% was set. None of the bidders met the DBE goal. The first three bidders were requested to submit Good Faith Efforts documentation. The subsequent Good Faith Efforts analyses conducted by OCR concluded that the three low bidders did not demonstrate sufficient Good Faith Efforts to meet the DBE goal. Neither of the first three low bidders requested a Good Faith Efforts hearing.

It is now recommended that the Board reject all Bids. Following rejection of Bids, Staff will revise certain portions of the Contract to clarify or modify the DBE requirements and then re-advertise the Contract.

FISCAL IMPACT:

There is no fiscal impact as a result of rejecting all Bids.

ALTERNATIVE: The Board may elect to have the District continue with the GFE evaluation process for the remaining two (2) Bids. This would result in additional cost and time to the District with no assurance that the remaining Bidders will satisfy the District's GFE requirements.

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

MOTION: All Bids for Contract No. 11KH-110, 24th and Mission Station Crossover Facility Improvements, are rejected and the General Manager is authorized to re-advertise the Contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeVane</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to December 1, 2016 E&O Committee meeting		
DATE: 11/4/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Hamed Tafaghodi Dept: Maintenance and Engineering <i>Hamed Tafaghodi</i> Signature/Date: <i>11/18/16</i>	General Counsel <i>[Signature]</i> <i>11/18/16</i> []	Controller/Treasurer <i>[Signature]</i> <i>11/13/16</i> []	District Secretary []	BARC <i>[Signature]</i> <i>11/21/16</i> []

Reject the single Bid for Contract No.15QL-140, Maintenance Yards Surface Improvement -ORY Phase 2

PURPOSE: To request that the Board reject the single Bid for Contract No. 15QL-140, Maintenance Yards Surface Improvement-ORY Phase 2.

DISCUSSION: The Work of this Contract consists of providing all labor, equipment, materials, and services required for repaving and re-striping the storage tracks walkways and selected segments of the service roads in Richmond Yard, as indicated in the Contract Documents.

Advance Notice to Bidders was emailed on September 16, 2016 to 64 prospective Bidders. Contract Books were sent to 23 plan rooms. The Contract was advertised on September 18 & 20, 2016. A pre-bid meeting was held on September 23, 2016 with four prospective Bidders attending the meeting. Five (5) entities purchased copies of the Contract Book. One Addendum was issued.

A single Bid was received and publicly opened on November 1, 2016 as follows:

BIDDER	LOCATION	TOTAL BID
Thompson Builders Corporation	Novato, CA	\$1,563,750
Engineer's Estimate		\$1,070,950

After an analysis of the single Bid received, Staff determined that the Bid price is unreasonable, exceeding the project budget.

Staff believes that if the Contract is re-advertised, the District can receive multiple, competitive Bids at prices which are reasonable, in line with the engineer's estimate and within the project budget. For this reason, it would be more prudent use of District's funds if this Contract is re-advertised.

FISCAL IMPACT: There is no fiscal impact resulting from rejection of the Bid.

Reject the single Bid for Contract No.15QL-140, Maintenance Yards Surface Improvement -ORY Phase 2 (cont.)

ALTERNATIVES: The alternative is to award this Contract to this single Bidder, at a cost of \$1,563,750 subject to the final evaluation by the Staff. This will result in a substantial increase in the project cost, and a project budget deficit of around \$500,000. As of this date, no funding source to cure this large deficit has been identified.

RECOMMENDATION: Adoption of the following motion

MOTION: The Single bid for Contract No. 15QL-140, Maintenance Yards Surface Improvement-ORY Phase 2, is rejected and the General Manager is authorized to re-advertise the Contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Garcia de la Parra</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/17/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Christopher Gan Dept: Assistant Controller Signature/Date: <i>Chris Gan</i> <i>11/21/16</i>	General Counsel <i>[Signature]</i> <i>11/21/16</i> []	Controller/Treasurer <i>[Signature]</i> <i>11/23/16</i> []	District Secretary []	BARC <i>[Signature]</i> <i>11-21-16</i> []
Status: Approved		Date Created: 11/17/2016		

INDEPENDENT AUDITOR'S REPORTS ON THE BASIC FINANCIAL STATEMENTS AND INTERNAL CONTROL FOR THE FISCAL YEAR ENDED JUNE 30, 2016

PURPOSE:

To present the Independent Auditor's Reports on Basic Financial Statements and Internal Control over financial reporting for the fiscal year ended June 30, 2016.

DISCUSSION:

The San Francisco Bay Area Rapid Transit District Act provides that an annual audit be made of all books and accounts of the District by an independent public accountant (Public Utilities Code Section 28769).

The independent certified public accounting firm of Macias, Gini and O'Connell LLP conducted the audit for fiscal year 2016. The District's basic financial statements provide information on the District's Enterprise Fund and Fiduciary Fund. The Enterprise Fund includes all revenues, expenses, assets, liabilities and net assets related to the District's operations. The Fiduciary Fund shows all financial transactions of the Retiree Health Benefit Trust, which was created by the District to administer and account for assets which are restricted for the payment of retiree health premiums and administrative costs. Their audit concluded that the District's basic financial statements for the year ended June 30, 2016 present fairly, in all material respects, the financial position of the Enterprise Fund and the Fiduciary Fund, and are in conformity with accounting principles generally accepted in the United States of America. As part of the examination, the auditors performed a review and evaluation of the District's internal control over financial reporting. The results of the evaluation are discussed in the Independent Auditor's Report on Internal Control over Financial Reporting.

FISCAL IMPACT:

None.

ALTERNATIVES:

None. The District is required by law to have its books and accounts audited every year by an independent certified public accountant.

INDEPENDENT AUDITOR'S REPORTS ON THE BASIC FINANCIAL STATEMENTS AND INTERNAL CONTROL FOR THE FISCAL (cont.)

RECOMMENDATION:

None.

MOTION:

None.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Clascia deVanden</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 11/4/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Colleen Kaida Dept: Procurement	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>Colleen Kaida 11/21/16</i>	<i>11/21/16</i> []	<i>11/21/16</i> []	[]	<i>11-21-16</i> []

AWARD OF AGREEMENT No. 6M4512 FOR THE RENTAL OF DIGITAL MONOCHROME COPY MACHINES AT VARIOUS DISTRICT OFFICES/FACILITIES

PURPOSE:

To Authorize the General Manager to award Agreement No. 6M4512 for the rental of new digital monochrome copy machines at various District offices/facilities to Toshiba Business Solutions.

DISCUSSION:

This Agreement provides for the rental of copy machines and associated maintenance services to the District for a period of five (5) years, with an option to rent fifteen (15) additional copy machines, if necessary in the first eight months of the Agreement.

RFP No. 6M4512 was posted on BART's Procurement Portal on August 15, 2016. Nineteen (19) planholders registered on the Procurement Portal for this RFP. The RFP was advertised on August 12, 2016. A Pre-Proposal Meeting and Networking Session were held on August 19, 2016 with ten (10) firms in attendance. The following five (5) proposals were received on September 20, 2016:

1. Toshiba Business Solutions, A Division of Toshiba America Business Solutions, Inc.
2. RMC, A Ray Morgan Company
3. KBA Docusys, Inc.
4. JJR Enterprises, Inc. (dba Caltronics Business Systems dba CPO, ltd.)
5. MRC, Smart Technology Solutions

These proposals were reviewed by a Source Selection Committee, chaired by Contract Administration and included representatives from Procurement, Information Technology, and Office of Civil Rights. The Committee reviewed the technical proposals for compliance with the ten (10) minimum technical requirements set forth in the RFP. All five (5) proposers met the ten (10) minimum technical requirements and were invited to demonstrate their proposed copy

AWARD OF AGREEMENT No. 6M4512 FOR THE RENTAL OF DIGITAL MONOCHROME COPY MACHINES AT VARIOUS DISTRICT OFFICES/FACILITIES

machines to the Source Selection Committee. Except for MRC, Smart Technology Solutions who failed its demonstration for not meeting the minimum copy machine specifications, the four (4) remaining proposers successfully demonstrated their proposed copy machines to the Source Selection Committee. The four (4) remaining proposers' price proposals for the five (5) year periods were evaluated and ranked as follows:

<u>PROPOSER</u>	<u>TOTAL PROPOSAL PRICE</u>	<u>RANK</u>
Toshiba Business Solutions	\$678,906.90	1
KBA Docusys, Inc.	\$723,353.40	2
Caltronics Business Systems	\$847,796.40	3
RMC, A Ray Morgan Co.	\$949,190.40	4

Staff has determined that the proposal submitted by Toshiba Business Solutions is technically acceptable and responsive to the solicitation. Further, examination of the proposer's business experience and financial capabilities has resulted in a determination that the proposer is responsible and the total price of \$678,906.60 submitted by Toshiba Business Solutions is fair and reasonable based on adequate price competition.

Pursuant to the District Non-Discrimination for Subcontracting Program, the Availability Percentages for this Agreement are 16% for Minority Business Enterprises (MBEs) and 20% for Women-Owned Business Enterprises (WBEs). The proposer, Toshiba Business Solutions, will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Agreement for Small Businesses certified by the California Department of General Services. The apparent low Proposer, Toshiba Business Solutions, is not a certified Small Business and, therefore is not eligible for the 5% Small Business Prime Preference. The apparent second low Proposer, KBA Docusys Inc., is a certified Small Business, making it eligible for the 5% Small Business Prime Preference for this Agreement for evaluation purposes. After review by the Office of Civil Rights, and application of the 5% Small Business Prime Preference to KBA Docusys Inc.'s proposal, Toshiba Business Solutions remains the lowest responsive proposal.

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

FISCAL IMPACT:

The cost for this Agreement is not to exceed \$872,838.60. This amount covers the 5-year base period (\$678,906.60), and an option to add up to fifteen (15) additional copy machines at a cost of \$193,932.00 within the first eight months of the first year subject to staff request for additional machines. The additional machines will be processed by written change order(s) to the Agreement.

FY17 \$250,507.55 (Prorated \$56,575.55 + \$193,932.00)

AWARD OF AGREEMENT No. 6M4512 FOR THE RENTAL OF DIGITAL MONOCHROME COPY MACHINES
AT VARIOUS DISTRICT OFFICES/FACILITIES

FY18	\$135,781.32
FY19	\$135,781.32
FY20	\$135,781.32
FY21	\$135,781.32
FY22	\$79,205.77
TOTAL	\$678,906.60

GRAND TOTAL \$872,838.60, if the 15 additional machines are installed.

The Agreement will be subject to the availability of fiscal year funding. All funding will come from Procurement's Common Expense Operating Budget.

ALTERNATIVES:

(1) To initiate another Request for Proposal (RFP) . Staff believes this would be unlikely to result in more competitive pricing.

(2) The District could purchase copy machines; however, the District can more economically take advantage of productivity enhancing technological advances by renting.

RECOMMENDATION:

Adopt the following motion:

MOTION:

The General Manager is authorized to award Agreement No. 6M4512 to Toshiba Business Solutions for the proposed price of \$678,906.60, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager is also authorized to exercise the option to rent fifteen (15) additional copy machines for the proposed price of \$193,932.00, subject to availability of funds.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/2/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Travis Engstrom Dept: Office of the CIO Signature/Date: <i>11/22/16</i>	General Counsel <i>11/22/16</i> []	Controller/Treasurer <i>11/22/16</i> []	District Secretary []	BARC <i>11-22-16</i> []

National Association of State Procurement Officials (NASPO) ValuePoint Computer Purchase Authorization

PURPOSE

To authorize the General Manager to utilize the National Association of State Procurement Official's (NASPO) ValuePoint Cooperative Purchasing Organization (formerly WSCA-NASPO) for selecting vendors for the procurement of computer equipment, computer software and related installation services.

DISCUSSION

The Board originally granted the General Manager authority to use WSCA-NASPO for selecting vendors for the procurement of computer equipment, computer software and related installation services in March 2006. The WSCA-NASPO has been expanded to all 50 states and territories, and changed its name to NASPO ValuePoint. The District's purchasing department recommended that a new authorization be granted under the new NASPO name.

The NASPO ValuePoint Cooperative Purchasing Organization was formed in 1993 by the purchasing directors of 15 states who are members of NASPO. NASPO ValuePoint (formerly WSCA-NASPO) is now a unified, nationally focused cooperative aggregating the demand of all 50 states, the District of Columbia and the organized US territories, their political subdivisions and other eligible entities.

Because the state of California is a partner in this cooperative agreement, its local agencies and districts, including BART are authorized by California Public Contract Code section 10298 to purchase items from the suppliers awarded contracts by the NASPO ValuePoint Cooperative without further competitive bidding, pursuant to a Master Agreement and a California Participating Addendum. Staff will work with the Office of General Counsel and the Procurement Department to review the agreements for consistency with District procurement requirements.

NASPO ValuePoint contracts are awarded by a competitive procurement process thereby providing the District with a mechanism that allows for both a competitive process to select vendors and a faster response to procure goods and services for its computing needs at competitive prices..

Because the NASPO ValuePoint contracts are made directly with the vendors , there are no participation goals for either Small Business Enterprise (SBE) or Disabled Veteran Business Enterprises (DVBE).

FISCAL IMPACT

No specific funding is committed to the procurement. All procurements pursuant to this authorization will be subject to the requirement that funds be identified with the concurrence of the Controller-Treasurer's office.

ALTERNATIVES

The alternatives are to limit the District's purchasing options to purchasing computer equipment, hardware, software and related services using the District's standard procurement procedures.

RECOMMENDATION

Adopt the following motion:

MOTION

The General Manager is authorized to utilize the National Association of State Procurement Official's (NASPO) ValuePoint Cooperative Purchasing Organization for selecting vendors for the procurement of computer equipment, computer software and related installation services until such time that the State of California ceases these or subsequent contracts, subject to the availability of funding.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delaney</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/18/2016 <i>11/23/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carol Isen Dept: Labor Relations <i>Carol Isen</i> Signature/Date: <i>11/22/16</i>	General Counsel <i>[Signature]</i> <i>11/22/16</i> []	Controller/Treasurer <i>[Signature]</i> <i>11/22/16</i> []	District Secretary []	BARC <i>[Signature]</i> <i>11-22-16</i> []

Side Letter Implementing New Classification Structure for BART Police Officers' Association

PURPOSE: To adopt new classification structure for all classifications represented by BART Police Officers' Association (BPOA).

DISCUSSION: The 2013-2018 collective bargaining agreement between the District and the BPOA provides for educational incentive pay of 2.5% to 5.5%. As a result of the 2014 CalPERS audit, and the subsequent communications between the District and CalPERS, the District has been informed that because the educational attainment requirements are combined with longevity requirements, the educational incentive pay will not be considered compensation for pension calculation purposes. Specifically, in accordance with California Code of Regulations Section 571(a)(1) and 571(a)(2), both educational attainment and longevity are reportable special compensation items; however when both requirements are combined as one special compensation, the compensation is not reportable because it cannot be classified into a single category. The District and the Association started impacts bargaining in May 2016, which concluded with a tentative agreement to implement a no-cost solution that allows the District to continue to report the pay to CalPERS. The side letter deletes the educational incentive pay from the collective bargaining agreement, and it creates three additional levels for each sworn classification, and one additional level for each non-sworn classification, that incorporate the educational skill and longevity requirements into the minimum qualifications. The incentive pay percentage will be incorporated into base pay. The new classification structure will have no impact on employees' pay because each employee will automatically be placed in the classification level that coincides with his or her education level and longevity.

FISCAL IMPACT: none

ALTERNATIVES: Reject the side letter. Continue to provide educational incentive pay as provided for in the collective bargaining agreement as non-reportable compensation.

RECOMMENDATION: Ratify the Side Letter.

MOTION: That the General Manager is authorized to execute the Side Letter of Agreement with BART Police Officers' Association (BPOA); and that the BPOA Collective Bargaining Agreement be modified as specified herein.

SIDE LETTER OF AGREEMENT
BPOA/SL 1-16

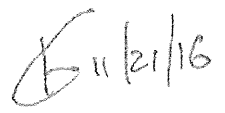
RE: EDUCATION/SKILL ALLOWANCE AND JOB CLASSIFICATIONS

Upon signing by the parties, this letter shall constitute a Side Letter of Agreement which has been reached by the San Francisco Bay Area Rapid Transit District ("District") and BART Police Officers Association ("BPOA") (hereinafter jointly referred to as "Parties") regarding the Education/Skill Allowance and Job Classifications.

1. The Education/Skill Allowance as specified in Section 11.11 of the BPOA/District contract shall be discontinued effective the pay period following ratification of this Agreement.
2. The Parties agree that the needs of the department justify the creation of additional job classifications, as shown in Exhibit A and Exhibit B. Specifically, the Parties agree that each current sworn job classification will be divided into four (4) distinct classifications and each current non-sworn job classification will be divided into two (2) distinct classifications, each of which shall have distinct qualifications. Employees who attain the minimum qualifications for each classification shall be promoted, on a non-competitive basis, to the higher classification. Employees must provide evidence of attainment of required education and/or POST for each classification. Such evidence shall be provided to the Assistant General Manager in charge of Human Resources or designee.
3. All BPOA classifications shall be modified to reflect the minimum qualifications for Levels II and above that are greater than the minimum qualifications for Level I for all of the Sworn or Civilian classifications covered by this Agreement, which shall be approved by BPOA, before becoming effective.

For Sworn classifications, Level II shall require the employee to have completed the initial probationary period and possess a POST Intermediate Certificate and an Associate's Degree; Level III shall require the employee to have completed three (3) years of sworn District Service and possess a POST Intermediate Certificate and a Bachelor's Degree; and Level IV shall require the employee to have completed four (4) years of sworn District Service and possess a POST Advance Certificate and a Bachelor's Degree.

For Civilian classifications, Level II shall require the employee to have completed the initial probationary period and possess appropriate law enforcement training certificate and an Associate's Degree.


CP 11/21/16

4. The new job classifications shall take effect the pay period following ratification of this Agreement. All employees who currently qualify for the Level II, III and IV classifications listed above shall be promoted to such classification effective the pay period following ratification of this Agreement.
5. As a result of this Agreement, the Labor Agreement shall be amended as follows:
 - (a) Section 11.11:
This section shall be deleted in its entirety
 - (b) Sections 11.12 and 11.13:
Shall be renumbered as 11.11 and 11.12, respectively.
 - (c) Section 14.0 shall be modified to provide those BPOA Wage Schedules in form as attached hereto as Exhibit A. Such wage schedule shall replace the current BPOA Wage Schedule. In addition, the Note -Education /Skill Incentive shall be deleted from the wage schedule.
 - (d) Section 2.1 shall be deleted and replaced with "The District recognizes the Association as the exclusive bargaining representative for all District Police employees in classifications of Police Officer I, II, III, IV; Sr. Police Officer Intermediate I, II, III, IV; Sr. Police Officer Advanced I, II, III, IV; Master Police Officer I, II, III, IV; Community Services Officer I, II; Police Administrative Specialist I, II; Revenue Protection Guard I, II; and Police Dispatcher I, II."
 - (e) Add Section 14.3, "Changes to the minimum qualifications for Levels II and above that are greater than the minimum qualifications for Level I for any of the Sworn or Civilian classifications covered by this Agreement may only be made by mutual agreement."

This Side Letter of Agreement shall be deemed part of the Collective Bargaining Agreement between the parties.

CONCUR FOR THE
DISTRICT


Carol Isen, Chief Labor Relations Officer

CONCUR FOR THE
ASSOCIATION



Keith Garcia, President
BART Police Officers' Association

EXHIBIT A
Salary Schedule
BPOA (Sworn) Classifications

Police Officer Series

#	Classification	Step	Hourly Rate	1/1/2017	7/1/2017
1	Police Officer I	Step 1	36.085100	37.608300	38.360400
	Police Officer I	Step 2	37.766300	39.360500	40.147700
	Police Officer I	Step 3	39.531100	41.199800	42.023700
	Police Officer I	Step 4	41.347300	43.092700	43.954500
	Police Officer I	Step 5	43.300000	45.127800	46.030300
2	Police Officer II	Step 1	37.167600	38.736500	39.511200
	Police Officer II	Step 2	38.899200	40.541200	41.352000
	Police Officer II	Step 3	40.717000	42.435800	43.284500
	Police Officer II	Step 4	42.587700	44.385400	45.273100
	Police Officer II	Step 5	44.599000	46.481700	47.411300
3	Police Officer III	Step 1	37.528500	39.112700	39.894900
	Police Officer III	Step 2	39.276900	40.934900	41.753500
	Police Officer III	Step 3	41.112300	42.847800	43.704700
	Police Officer III	Step 4	43.001100	44.816300	45.712600
	Police Officer III	Step 5	45.032000	46.932900	47.871500
4	Police Officer IV	Step 1	38.069700	39.676700	40.470200
	Police Officer IV	Step 2	39.843400	41.525300	42.355800
	Police Officer IV	Step 3	41.705300	43.465800	44.335100
	Police Officer IV	Step 4	43.621400	45.462800	46.372000
	Police Officer IV	Step 5	45.681500	47.609800	48.561900

Sr. Police Officer Series

#	Classification	Step	Hourly Rate	1/1/2017	7/1/2017
Intermediate					
1	Sr Police Officer I (Intermediate)	Step 1	44.272800	46.141700	47.064500
2	Sr Police Officer II (Intermediate)	Step 1	45.600900	47.525800	48.476300
3	Sr Police Officer III (Intermediate)	Step 1	46.043700	47.987300	48.947000
4	Sr Police Officer IV (Intermediate)	Step 1	46.707800	48.679500	49.653000
Advanced					
1	Sr Police Officer I (Advanced)	Step 1	45.363000	47.277900	48.223400
2	Sr Police Officer II (Advanced)	Step 1	46.723800	48.696100	49.670000
3	Sr Police Officer III (Advanced)	Step 1	47.177500	49.169000	50.152300
4	Sr Police Officer IV (Advanced)	Step 1	47.857900	49.878100	50.875600

Master Police Officer Series

#	Classification	Step	Hourly Rate	1/1/2017	7/1/2017
1	Master Police Officer I	Step 1	46.270300	48.223500	49.187900
2	Master Police Officer II	Step 1	47.658400	49.670200	50.663600
3	Master Police Officer III	Step 1	48.121100	50.152400	51.155400
4	Master Police Officer IV	Step 1	48.815100	50.875700	51.893200

EXHIBIT B
Salary Schedule
BPOA (Non-Sworn) Classifications

Community Services Officer Series

#	Classification	Step	Hourly Rate	1/1/2017	7/1/2017
1	Community Services Officer I	Step 1	23.910700	24.920000	25.418400
	Community Services Officer I	Step 2	24.614000	25.652900	26.166000
	Community Services Officer I	Step 3	25.317200	26.385900	26.913600
	Community Services Officer I	Step 4	28.130300	29.317700	29.904000
	Community Services Officer I	Step 5	29.368000	30.607600	31.219700
2	Community Services Officer II	Step 1	24.508400	25.543000	26.053800
	Community Services Officer II	Step 2	25.229300	26.294200	26.820100
	Community Services Officer II	Step 3	25.950100	27.045500	27.586400
	Community Services Officer II	Step 4	28.833500	30.050600	30.651600
	Community Services Officer II	Step 5	30.102200	31.372800	32.000200

Police Administrative Specialist Series

#	Classification	Step	Hourly Rate	1/1/2017	7/1/2017
1	Police Administrative Specialist I	Step 1	29.797600	31.055400	31.676500
	Police Administrative Specialist I	Step 2	30.924700	32.230100	32.874700
	Police Administrative Specialist I	Step 3	32.235100	33.595800	34.267700
	Police Administrative Specialist I	Step 4	33.454000	34.866200	35.563500
	Police Administrative Specialist I	Step 5	34.825000	36.295100	37.021000
2	Police Administrative Specialist II	Step 1	30.542500	31.831800	32.468400
	Police Administrative Specialist II	Step 2	31.697800	33.035800	33.696500
	Police Administrative Specialist II	Step 3	33.040900	34.435600	35.124300
	Police Administrative Specialist II	Step 4	34.290300	35.737800	36.452500
	Police Administrative Specialist II	Step 5	35.695600	37.202400	37.946400

Revenue Protection Guard Series

#	Classification	Step	Hourly Rate	1/1/2017	7/1/2017
1	Revenue Protection Guard I	Step 1	28.867900	30.086500	30.688200
	Revenue Protection Guard I	Step 2	30.213100	31.488500	32.118200
	Revenue Protection Guard I	Step 3	31.624700	32.959700	33.618800
	Revenue Protection Guard I	Step 4	33.077800	34.474100	35.163500
	Revenue Protection Guard I	Step 5	34.639900	36.102100	36.824100
2	Revenue Protection Guard II	Step 1	29.589500	30.838500	31.455200
	Revenue Protection Guard II	Step 2	30.968400	32.275700	32.921200
	Revenue Protection Guard II	Step 3	32.415300	33.783600	34.459200
	Revenue Protection Guard II	Step 4	33.904700	35.335900	36.042600
	Revenue Protection Guard II	Step 5	35.505800	37.004600	37.744600

Police Dispatcher Series

#	Classification	Step	Hourly Rate	1/1/2017	7/1/2017
1	Police Dispatcher I	Step 1	30.975100	32.282600	32.928200
	Police Dispatcher I	Step 2	32.148900	33.506000	34.176100
	Police Dispatcher I	Step 3	33.513200	34.927900	35.626400
	Police Dispatcher I	Step 4	34.782700	36.251000	36.976000
	Police Dispatcher I	Step 5	36.210000	37.738500	38.493200
	Police Dispatcher I	Step 6	37.701100	39.292600	40.078400
2	Police Dispatcher II	Step 1	31.749400	33.089600	33.751300
	Police Dispatcher II	Step 2	32.952600	34.343600	35.030400
	Police Dispatcher II	Step 3	34.351000	35.801000	36.517000
	Police Dispatcher II	Step 4	35.652200	37.157200	37.900300
	Police Dispatcher II	Step 5	37.115200	38.681900	39.455500
	Police Dispatcher II	Step 6	38.643600	40.274900	41.080300



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Claudia Delgado</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/18/2016 <i>11/23/16</i>		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Carol Isen Dept: Labor Relations <i>Carol Isen</i> Signature/Date: <i>11/22/16</i>	General Counsel <i>[Signature]</i> <i>11/22/16</i> []	Controller/Treasurer <i>[Signature]</i> <i>11/22/16</i> []	District Secretary []	BARC <i>[Signature]</i> <i>11-22-16</i> []

Side Letter Implementing New Classification Structure for BART Police Managers' Association

PURPOSE: To adopt a new classification structure for all classifications represented by BART Police Managers' Association (BPMA).

DISCUSSION: The 2013-2018 collective bargaining agreement between the District and the BPMA provides for educational incentive pay of 3% to 13%. As a result of the 2014 CalPERS audit, and the subsequent communications between the District and CalPERS, the District has been informed that because the educational attainment requirements are combined with longevity requirements, the educational incentive pay will not be considered compensation for pension calculation purposes. Specifically, in accordance with California Code of Regulations Section 571(a)(1) and 571(a)(2), both educational attainment and longevity are reportable as special compensation items; however when both requirements are combined as one special compensation, the compensation is not reportable because it cannot be classified into a single category. The District and the Association started impacts bargaining in June 2016, which concluded with a tentative agreement to implement a no-cost solution that allows the District to continue to report the pay to CalPERS. The side letter deletes the educational incentive pay from the collective bargaining agreement, and it creates five additional levels for each sworn and non-sworn classification that incorporate the educational skill and longevity requirements into the minimum qualifications and the incentive pay percentage into base pay. The new classification structure will have no impact on employees' pay because each employee will automatically be placed in the classification level that coincides with his or her education level and longevity.

FISCAL IMPACT: none.

ALTERNATIVES: Reject the side letter. Continue to provide educational incentive pay as provided for in the collective bargaining agreement as non-reportable compensation.

RECOMMENDATION: Ratify the Side Letter.

MOTION: That the General Manager is authorized to execute the Side Letter of Agreement with BART Police Managers' Association (BPMA); and that the BPMA Collective Bargaining Agreement be modified as specified herein.

SIDE LETTER OF AGREEMENT
BPMA/SL 1-16

RE: EDUCATION/SKILL ALLOWANCE AND JOB CLASSIFICATIONS

Upon signing by the parties, this letter shall constitute a Side Letter of Agreement which has been reached by the San Francisco Bay Area Rapid Transit District ("District") and BART Police Managers' Association ("BPMA") (hereinafter jointly referred to as "Parties") regarding the Education/Skill Allowance and Job Classifications.

1. The Parties mutually acknowledge and agree that the Education/Skill Allowance as specified in Section 49 B of the BPMA/District Agreement contemplated the separate pay schedules and classifications for BPMA members attaining the specified years of experience and education.
2. In furtherance of the Parties' intent, the Education/Skill Allowance as specified in Section 49 B of the BPMA/District contract shall be discontinued effective the pay period following ratification of this Agreement.
3. The Parties agree that the needs of the District, and specifically the BART Police Department, justify the creation of additional job classifications, as shown in Exhibit A and Exhibit B (which the District shall make publicly available as part of its salary schedule). As specified in Paragraph 3, below, the Parties agree that each current job classification, both sworn and non-sworn, shall be divided into six (6) distinct classifications, maintaining the existing rank structure and job titles distinguished by number (I-VI), each of which shall have distinct qualifications. Employees who attain the minimum qualifications for each classification within rank/title (I-VI) shall be appointed, on a non-competitive basis, to the higher classification. Classifications within rank/title do not constitute promotional appointments or opportunities. Employees must provide evidence of attainment of required education and/or POST certification for each classification. Such evidence shall be provided to the Assistant General Manager in charge of Human Resources, or designee. Effective upon submission of the documentation described above, employees will be placed in the highest classification within rank/title (I-VI) for which s/he qualifies.
4. All BPMA classifications shall be modified to reflect the following distinct classification and the minimum requirements for each:

For Sworn classifications, **Level II** shall require the employee to possess a POST Advanced Certificate and a minimum of an Associate's Degree; **Level III** shall require the employee to have completed five (5) years of BPMA Supervisory Service and possess a POST Advanced Certificate, a POST Supervisory Certificate, and a Bachelor's Degree; **Level IV** shall require the

employee to have completed ten (10) years of BPMA Supervisory Service and possess a POST Advance Certificate, a POST Supervisory Certificate, and a minimum of an Associate's Degree; **Level V** shall require the employee to have completed ten (10) years of BPMA Supervisory Service and possess a POST Advance Certificate, a POST Supervisory Certificate, and a minimum of a Bachelor's Degree; and **Level VI** shall require the employee to have completed either ten (10) years of BPMA Supervisory Service and possess a POST Advance Certificate, POST Supervisory Certificate, and a minimum of a Master's Degree, *or* have completed thirteen (13) years of BPMA Supervisory Service and possess a POST Advance Certificate, POST Supervisory Certificate, and a minimum of a Bachelor's Degree.

For Civilian/Miscellaneous classifications, **Level II** shall require the employee to have completed a POST Supervisory Course and to possess a minimum of an Associate's Degree; **Level III** shall require the employee to have completed five (5) years of BPMA Supervisory Service and a POST Supervisory Course and possess a minimum of a Bachelor's Degree; **Level IV** shall require the employee to have completed ten (10) years of BPMA Supervisory Service and a POST Supervisory Course and possess a minimum of an Associate's Degree; **Level V** shall require the employee to have completed ten (10) years of BPMA Supervisory Service and a POST Supervisory Course and possess a minimum of a Bachelor's Degree; and **Level VI** shall require the employee to have completed either ten (10) years of BPMA Supervisory Service and a POST Supervisory Course and possess a minimum of Master's Degree, *or* have completed thirteen (13) years of BPMA Supervisory Service and a POST Supervisory Course and possess a minimum of a Bachelor's Degree.

5. The new job classifications shall take effect the pay period following ratification of this Agreement. All employees who currently qualify for the Level II, III, IV, V and VI classifications listed above shall be appointed to such classification effective the pay period following ratification of this Agreement.
6. As a result of this Agreement, the Labor Agreement shall be amended as follows:
 - (a) Section 49 B
This section shall be deleted in its entirety
 - (b) Sections 49 C, D and E
Shall be renumbered as 49 B, C and D respectively.
 - (c) Appendix A shall be deleted and replaced with the Wage Schedules as attached hereto as Exhibits A and B. Note: Education/Skill Incentive shall be deleted from Appendix A.

- (d) Section 3.A shall be amended to read: "The District recognizes the BART Police Managers' Association (BPMA) as the exclusive bargaining representative for all District Police employees in classifications placed in the "Police Management Unit" by the decision of the California State Department of Industrial Relations dated January 2, 1979. The District further recognizes the Association as the exclusive bargaining representative for all District Police employees in classifications of Police Sergeant I, II, III, IV, V, VI; Police Lieutenant I, II, III, IV, V, VI."
- (e) Section 3.C shall be amended to read: "The District also recognizes the following civilian supervisors within the Police Department as members of the BPMA bargaining group:

Police Administrative Supervisor I, II, III, IV, V, VI
 Police Civilian Supervisor, Communications I, II, III, IV, V, VI
 Police CAD/RMS Administrator I, II, III, IV, V, VI
 Police Civilian Supervisor, Administrative Services I, II, III, IV, V, VI
 Police Support Services Supervisor I, II, III, IV, V, VI"

This Side Letter of Agreement shall be deemed part of the Collective Bargaining Agreement between the parties.

CONCUR FOR THE
DISTRICT

CONCUR FOR THE
ASSOCIATION



Carol Isen, Chief Labor Relations Officer



Christopher Vogan, President
BART Police Managers' Association

11/21/2016
Date

11/21/2016
Date

EXHIBIT A
Salary Schedule
BPMA (Sworn) Classifications

Police Sergeant Series

#	Classification	Step	Monthly Rate	1/1/2017	7/1/2017
1	Police Sergeant I	Step 1	8537.000	8898.000	9076.000
	Police Sergeant I	Step 2	9154.000	9541.000	9732.000
	Police Sergeant I	Step 3	9458.000	9858.000	10056.000
	Police Sergeant I	Step 4	9787.000	10201.000	10406.000
	Police Sergeant I	Step 5	10130.000	10558.000	10770.000
2	Police Sergeant II	Step 1	8794.000	9166.000	9350.000
	Police Sergeant II	Step 2	9429.000	9828.000	10025.000
	Police Sergeant II	Step 3	9742.000	10154.000	10358.000
	Police Sergeant II	Step 4	10081.000	10507.000	10718.000
	Police Sergeant II	Step 5	10434.000	10875.000	11093.000
3	Police Sergeant III	Step 1	8879.000	9254.000	9440.000
	Police Sergeant III	Step 2	9521.000	9923.000	10122.000
	Police Sergeant III	Step 3	9837.000	10253.000	10459.000
	Police Sergeant III	Step 4	10179.000	10609.000	10822.000
	Police Sergeant III	Step 5	10536.000	10981.000	11201.000
4	Police Sergeant IV	Step 1	9178.000	9566.000	9758.000
	Police Sergeant IV	Step 2	9841.000	10257.000	10463.000
	Police Sergeant IV	Step 3	10168.000	10598.000	10810.000
	Police Sergeant IV	Step 4	10522.000	10967.000	11187.000
	Police Sergeant IV	Step 5	10890.000	11350.000	11577.000
5	Police Sergeant V	Step 1	9306.000	9699.000	9893.000
	Police Sergeant V	Step 2	9978.000	10400.000	10608.000
	Police Sergeant V	Step 3	10310.000	10746.000	10961.000
	Police Sergeant V	Step 4	10668.000	11119.000	11342.000
	Police Sergeant V	Step 5	11042.000	11509.000	11740.000
6	Police Sergeant VI	Step 1	9647.000	10055.000	10257.000
	Police Sergeant VI	Step 2	10345.000	10782.000	10998.000
	Police Sergeant VI	Step 3	10688.000	11140.000	11363.000
	Police Sergeant VI	Step 4	11060.000	11527.000	11758.000
	Police Sergeant VI	Step 5	11447.000	11931.000	12170.000

Police Lieutenant Series

#	Classification	Step	Monthly Rate	1/1/2017	7/1/2017
1	Police Lieutenant I	Step 1	10461.000	10903.000	11122.000
	Police Lieutenant I	Step 2	10808.000	11265.000	11491.000
	Police Lieutenant I	Step 3	11185.000	11658.000	11892.000
	Police Lieutenant I	Step 4	11578.000	12067.000	12309.000
	Police Lieutenant I	Step 5	11981.000	12487.000	12737.000
2	Police Lieutenant II	Step 1	10775.000	11230.000	11455.000
	Police Lieutenant II	Step 2	11133.000	11603.000	11836.000
	Police Lieutenant II	Step 3	11521.000	12008.000	12249.000
	Police Lieutenant II	Step 4	11926.000	12430.000	12679.000
	Police Lieutenant II	Step 5	12341.000	12862.000	13120.000
3	Police Lieutenant III	Step 1	10880.000	11340.000	11567.000
	Police Lieutenant III	Step 2	11241.000	11716.000	11951.000
	Police Lieutenant III	Step 3	11633.000	12125.000	12368.000
	Police Lieutenant III	Step 4	12042.000	12551.000	12803.000
	Police Lieutenant III	Step 5	12461.000	12988.000	13248.000
4	Police Lieutenant IV	Step 1	11246.000	11721.000	11956.000
	Police Lieutenant IV	Step 2	11619.000	12110.000	12353.000
	Police Lieutenant IV	Step 3	12024.000	12532.000	12783.000
	Police Lieutenant IV	Step 4	12447.000	12973.000	13233.000
	Police Lieutenant IV	Step 5	12880.000	13424.000	13693.000
5	Police Lieutenant V	Step 1	11403.000	11885.000	12123.000
	Police Lieutenant V	Step 2	11781.000	12279.000	12525.000
	Police Lieutenant V	Step 3	12192.000	12707.000	12962.000
	Police Lieutenant V	Step 4	12621.000	13154.000	13418.000
	Police Lieutenant V	Step 5	13060.000	13612.000	13885.000
6	Police Lieutenant VI	Step 1	11821.000	12321.000	12568.000
	Police Lieutenant VI	Step 2	12214.000	12730.000	12985.000
	Police Lieutenant VI	Step 3	12640.000	13174.000	13438.000
	Police Lieutenant VI	Step 4	13084.000	13637.000	13910.000
	Police Lieutenant VI	Step 5	13539.000	14111.000	14394.000

EXHIBIT B
Salary Schedule
BPMA (Non-Sworn) Classifications

Civilian Administrator Series

#	Grade Level	Step	Monthly Rate	1/1/2017	7/1/2017
1	Civillian Administrator I	Step 1	8675.000	9042.000	9223.000
	Civillian Administrator I	Step 2	9084.000	9468.000	9658.000
	Civillian Administrator I	Step 3	9740.000	10152.000	10356.000
	Civillian Administrator I	Step 4	10067.000	10492.000	10702.000
2	Civillian Administrator II	Step 1	8936.000	9314.000	9501.000
	Civillian Administrator II	Step 2	9357.000	9752.000	9948.000
	Civillian Administrator II	Step 3	10033.000	10457.000	10667.000
	Civillian Administrator II	Step 4	10370.000	10808.000	11025.000
3	Civillian Administrator III	Step 1	9023.000	9404.000	9593.000
	Civillian Administrator III	Step 2	9448.000	9847.000	10044.000
	Civillian Administrator III	Step 3	10130.000	10558.000	10770.000
	Civillian Administrator III	Step 4	10470.000	10912.000	11131.000
4	Civillian Administrator IV	Step 1	9326.000	9720.000	9915.000
	Civillian Administrator IV	Step 2	9766.000	10179.000	10383.000
	Civillian Administrator IV	Step 3	10471.000	10914.000	11133.000
	Civillian Administrator IV	Step 4	10823.000	11280.000	11506.000
5	Civillian Administrator V	Step 1	9456.000	9856.000	10054.000
	Civillian Administrator V	Step 2	9902.000	10321.000	10528.000
	Civillian Administrator V	Step 3	10617.000	11066.000	11288.000
	Civillian Administrator V	Step 4	10974.000	11438.000	11667.000
6	Civillian Administrator VI	Step 1	9803.000	10217.000	10422.000
	Civillian Administrator VI	Step 2	10265.000	10699.000	10913.000
	Civillian Administrator VI	Step 3	11007.000	11472.000	11702.000
	Civillian Administrator VI	Step 4	11376.000	11857.000	12095.000

Civilian Administrator Official Classification Titles

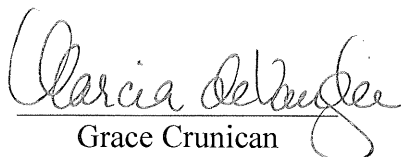
Police Administrative Supervisor
Police CAD/RMS Administrator
Police Civilian Supervisor, Administrative Services
Police Civilian Supervisor, Communications
Police Support Services Supervisor

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** November 23, 2016
FROM: General Manager
SUBJECT: Administration Agenda Item #4.E.: Fiscal Year 2017 First Quarter Financial Report
– For Information

The FY17 First Quarter Financial Report (July - September 2016) is attached. The net result for the quarter was \$3.6M unfavorable to budget. The result will be discussed at the December 1, 2016 Board of Directors meeting. An additional presentation is attached.


Grace Crunican

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

Quarterly Financial Report
First Quarter
Fiscal Year 2017

	Current Quarter		Var	(\$ Millions)	Year to Date		Var
	Budget	Actual			Budget	Actual	
Revenue							
Net Passenger Revenue	131.8	126.4	-4.1%	Revenue	131.8	126.4	-4.1%
Parking Revenue	8.4	8.7	3.8%	Net Passenger Revenue	8.4	8.7	3.8%
Other Operating Revenue	6.8	6.3	-7.4%	Parking Revenue	6.8	6.3	-7.4%
Total Net Operating Revenue	147.0	141.5	-3.8%	Total Net Operating Revenue	147.0	141.5	-3.8%
Expense							
Net Labor	125.5	124.0	1.2%	Expense	125.5	124.0	1.2%
OPEB Unfunded Liability	0.6	0.6	0.0%	Net Labor	0.6	0.6	0.0%
Electric Power	10.4	9.6	8.2%	OPEB Unfunded Liability	10.4	9.6	8.2%
Purchased Transportation	6.1	6.9	-11.4%	Electric Power	6.1	6.9	-11.4%
Other Non Labor	27.4	28.0	-1.9%	Purchased Transportation	27.4	28.0	-1.9%
Total Operating Expense	170.1	169.0	0.7%	Total Operating Expense	170.1	169.0	0.7%
Operating Surplus (Deficit)	(23.0)	(27.5)	-19.3%	Operating Surplus (Deficit)	(23.0)	(27.5)	-19.3%
MTC Rail Fund Car Swap	(11.8)	(5.4)	53.9%	MTC Rail Fund Car Swap	(11.8)	(5.4)	53.9%
Taxes and Financial Assistance							
Sales Tax	62.1	61.6	-0.9%	Taxes and Financial Assistance	62.1	61.6	-0.9%
Property Tax, Other Assistance	2.7	2.8	4.1%	Sales Tax	2.7	2.8	4.1%
MTC Rail Fund Car Swap	11.8	5.4	-53.9%	Property Tax, Other Assistance	11.8	5.4	-53.9%
State Transit Assistance	-	-	-	MTC Rail Fund Car Swap	-	-	-
Debt Service	(12.9)	(12.3)	4.6%	State Transit Assistance	(12.9)	(12.3)	4.6%
Capital and Other Allocations	(36.5)	(35.8)	1.9%	Debt Service	(36.5)	(35.8)	1.9%
OPEB Unfunded Liability Offset	0.6	0.6	0.0%	Capital and Other Allocations	0.6	0.6	0.0%
Net Financial Assistance	27.8	22.2	-20.0%	Net Financial Assistance	27.8	22.2	-20.0%
Net Operating Result	(7.0)	(10.7)		Net Operating Result	(7.0)	(10.7)	
System Operating Ratio	86.5%	83.7%	-2.7%	System Operating Ratio	86.5%	83.7%	-2.7%
Rail Cost / Passenger Mile	0.33 ¢	0.35 ¢	-3.3%	Rail Cost / Passenger Mile	0.33 ¢	0.35 ¢	-3.3%

* Totals may not add due to rounding to the nearest million.

- No Problem
- Caution: Potential Problem/Problem Being Addressed
- Significant Problem

Revenue

- Avg weekday trips for the quarter were 432,002, 3.4% under budget and 0.5% below the same quarter last year. Total trips for the quarter were 6.0% under budget, with weekend and holiday trips under budget 1.9% mainly due to seven maintenance closures in July, August and September. Net passenger revenue was 4.1% under budget.
- Parking revenue \$0.3M favorable due to over budget Daily Non-Reserve program.
- Other operating revenue \$0.5M unfavorable, with the biggest factors parking citations and telecom, offset by favorable investment income.

Expense

- Labor and benefits were slightly favorable by \$1.5M or (1.2%). Overtime remains high due to weekend closures and maintenance work, however vacancies offset this expense leading to a small favorable variance for the quarter. Likely to turn negative as year progresses.
- Electric Power was favorable for the quarter by \$0.8M or (8.2%); power market prices continue to be lower than budget.
- Purchased Transportation unfavorable result is due to timing of budget vs. actual and will correct itself later in year.
- Other Non Labor was unfavorable by \$0.6M or (1.9%) for the quarter. The variance is mainly timing of actual vs. budgeted expenses.

Operating Deficit

- The operating deficit (revenue minus expense) was \$4.5M unfavorable for the quarter because of the under budget revenue performance.

MTC Rail Car Swap

- The MTC rail car fund swap is a funding exchange program between MTC and BART that does not affect the net operating result.

Financial Assistance and Allocations

- Sales Tax for the quarter grew 2.2% over 1QFY16., but was \$0.5M unfavorable because the budget assumption was 3.2% growth.
- Property Tax, Other Assistance was \$0.1M favorable to budget due to some early property tax payments.
- Debt service was \$0.6M favorable due to savings from refunding.
- Capital and Other Allocations \$0.7M favorable due to projects budgeted as capital but reclassified to operating expense.

Net Operating Result

- The Net Operating Result for the quarter was unfavorable by \$3.6M, due to the unfavorable Operating Revenue and Sales Tax results, which were offset slightly by Operating Expense being under budget.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** November 23, 2016

FROM: Grace Crunican

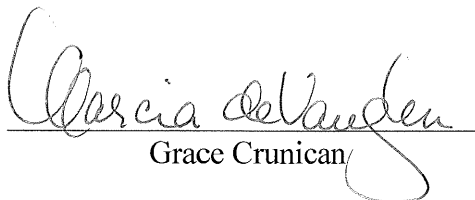
SUBJECT: Administration Item # 4.F.: 2016 Disparity Study Update – For Information

In April 2015, the Board awarded an Agreement to Miller3 Consulting, Inc. to conduct a new disparity study for the District. Disparity studies are used to support race and gender conscious measures and to meet DOT DBE Program requirements.

At the Board meeting on December 1st, Miller3 Consulting, Inc. will present their 2016 Disparity Study preliminary findings. Miller3 will also host public workshops in Alameda, Contra Costa, and San Francisco counties on December 2nd and 3rd to present their preliminary findings to the public in greater detail and, to collect comments on their draft findings and recommendations. BART staff will also host meetings with the contracting community and with community leaders to seek their input on the preliminary findings during the coming weeks.

Based on the recommendations outlined in the 2016 Disparity Study preliminary findings, staff has developed a draft implementation plan, which will be finalized and presented to the Board in January 2017. The Board will also be asked to consider adoption of the final 2016 Disparity Study in January.

Please contact Wayne Wong, Department Manager, Office of Civil Rights, at (510) 464-6134, if you need additional information.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 9/26/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Thomas Horton Dept: Planning, Development and Construction	General Counsel <i>[Signature]</i> 11/21/16	Controller/Treasurer <i>[Signature]</i> 11/21/16	District Secretary	BARC <i>[Signature]</i> 11/21/16
Signature/Date: <i>[Signature]</i> 11/21/16				

Award Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, to Shimmick/CEC Joint Venture, and to exercise Options 1 through 5.

DISCUSSION:

The Work included in this Contract is part of the BART Earthquake Safety Program (ESP) in anticipation of a future major earthquake in the San Francisco Bay Area. The Work includes installation of internal lining of portions of the Transbay Tube, as well as construction of a new pumping system with associated electrical and piping infrastructure. This is a Security Sensitive Information (SSI) Contract.

The District provided Advance Notices to 94 prospective Bidders and Plan Rooms on January 21, 2016, and the Contract was advertised on January 25, 2016. After being cleared to receive SSI information, 61 firms purchased copies of the Bid Documents. A mandatory pre-Bid meeting was conducted on April 18, 2016 with 27 prospective Bidders attending. Site tours were conducted on April 18, April 19, June 8 and June 9, 2016. The District issued ten Addenda to the Bid Documents. Three Bids were received and publicly opened on September 20, 2016.

The Bid Documents included a base Bid and five Additives. Upon opening the Bids, the District determined that it currently has funds available to award the base Bid only. In accordance with the terms of the Bid Documents, the District will convert the Additives to Options. In addition to seeking authority to award the Contract, staff is requesting authority to exercise Options 1 through 5 subject to certification by the Controller/Treasurer that funds are available for the Options being exercised.

Review of the Bids by the District staff revealed no arithmetic errors. Tabulation of the Bids, including the Engineer's Estimate and all Additives, is as follows:

Bidder	Location	Total Bid
--------	----------	-----------

1.	Shimmick/CEC Joint Venture	Oakland, CA	Base Bid: \$267,083,110 Additive Item 1: \$ 9,200,000 Additive Item 2: \$ 9,600,000 Additive Item 3: \$10,000,000 Additive Item 4: \$12,500,000 Additive Item 5: \$ 5,200,000
2.	Granite/American Bridge a Joint Venture	Rancho Cordova, CA	Base Bid: \$293,348,229 Additive Item 1: \$15,745,700 Additive Item 2: \$14,450,000 Additive Item 3: \$14,800,000 Additive Item 4: \$18,630,000 Additive Item 5: \$ 6,800,000
3.	Barnard Construction Company Incorporated	Bozeman, MT	Base Bid: \$440,977,520 Additive Item 1: \$16,500,000 Additive Item 2: \$21,400,000 Additive Item 3: \$22,000,000 Additive Item 4: \$26,140,000 Additive Item 5: \$17,125,000
	Engineer's Estimate		Base Bid: \$229,300,000 Additive Item 1: \$16,878,700 Additive Item 2: \$18,009,500 Additive Item 3: \$20,106,700 Additive Item 4: \$23,655,800 Additive Item 5: \$ 9,867,700

After review by District staff, the apparent low Bid, from Shimmick Construction/CEC Joint Venture (Shimmick/CEC JV) was determined to be fair and reasonable and was deemed to be responsive to the solicitation. Examination of Shimmick/CEC JV's business experience and financial capabilities has resulted in a determination that the Bidder is responsible.

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"). Shimmick/CEC Joint Venture JV committed to 33.3% MBE and 0% WBE participation. The Shimmick/CEC JV did not meet the WBE Availability Percentage; therefore, the Bidder was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of gender. Based on the review of the information submitted by the Shimmick/CEC JV, 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 10% Small Business

(SB) Participation Goal for this Contract. Bidders who meet the SB Participation Goal are eligible for a Small Business Preference of 5% of the lowest responsive Bidder's Bid. The Office of Civil Rights determined that the Shimmick/CEC JV committed to subcontracting 1.1% to SBs. The apparent low Bidder, Shimmick/CEC JV, did not meet the SB Participation Goal and, therefore, is not eligible for the Small Business Preference.

FISCAL IMPACT:

Funding of \$267,083,110 for the award of Contract No. 09AU-120 is included in the total budget for 09AU000 – TBT Retrofit #1 (Underwater). 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 October 20, 2016, \$320,569,362 is available for this project from the following sources:

Fund	Fund Description	Source	Amount
801F	ESP GO Bond	BART	\$24,931,847
801J	ESP Unissued GO Bond	BART	\$275,610,643
801i	ESP GO Bond Interest Earnings	BART	\$ 20,000,000
850V	BART Operating Alloc to Capital	BART	\$ 20,627
850X	BART Operating Alloc to Capital	BART	\$ 6,245
Total			\$320,569,362

BART has expended \$9,628,852, committed \$7,436,635, and reserved \$33,359,796 to-date for other action. This action will commit \$267,083,110 leaving an available fund balance of \$3,060,969 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

The Board may decline to authorize award of the Contract and direct that it be rebid, which would delay the TBT retrofit and add cost to the Earthquake Safety Program. Staff believes that readvertisement of the Contract is unlikely to yield lower bids, and therefore it is in the best interest of the District to award the Contract to Shimmick/CEC JV, the lowest responsive and responsible Bidder.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

Award Contract No. 09AU-120, TBT Internal Retrofit

The General Manager is authorized to award Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, to Shimmick/CEC Joint Venture, for the Base Bid price of \$267,083,110, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures. The General Manager is authorized to exercise any or all of Options 1 through 5, subject to certification by the Controller/Treasurer that funds are available.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delgado</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 10/28/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Extensions <i>[Signature]</i> Signature/Date: <i>21 NOV 16</i>	General Counsel <i>[Signature]</i> <i>11/21/16</i> []	Controller/Treasurer <i>[Signature]</i> <i>11/21/16</i> []	District Secretary []	BARC <i>[Signature]</i> <i>11/21/16</i> []

Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, Change Order No. 67, North Yard Trackwork Constructibility Issues

PURPOSE:

To authorize the General Manager to execute Change Order No. 67, with Clark Construction to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, for North Yard trackwork constructibility issues, for an amount not to exceed \$900,000.00.

DISCUSSION:

The Board of Directors authorized the award of Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, to Clark Construction on July 23, 2015, for the amount of \$98,390,000. The Contract will construct the new Component Repair Shop and add additional vehicle lifts and associated utilities and trackwork at the existing Main Shop.

After award of the Contract, it was determined that several undocumented existing underground utilities and ductbanks were present in the North Yard of the Hayward Shop. To remedy the situation, the Contractor will be directed to install additional new conduit to replace of the conflicting conduit that will then be removed. Because this additional work is not described in the Contract Documents, a change to the Contract is required. The estimated value of this Change Order is an amount not-to-exceed \$900,000.00.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines. The Office of the General Counsel will approve the Change Order as to form prior to execution.

FISCAL IMPACT:

Funding for the total not to exceed amount of \$900,000 for the award of Change Order No. 67 is included in the total budget for 01RQ003, Hayward Maintenance Complex (HMC). 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 November 10, 2016, \$125,097,958 is available for this project from the following sources:

Fund	Fund Description	Source	Amount
5602	High Speed Passenger Rail Bond	State	\$63,389,000
8526	FY14 Bart Operating Alloc to Capital	BART	\$2,477,367
8529	FY15 Bart Operating Alloc to Capital	BART	\$7,386,920
8530	FY16 Bart Operating Alloc to Capital	BART	\$2,134,671
656K	VTA	Local	\$49,710,000
Total			\$125,097,958

BART has expended \$36,409,447, committed \$66,795,337, and reserved \$1,200,000 for CO #58 & CO #61.1. This action will commit \$900,000 leaving an available fund balance of \$19,793,173 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If this Change Order is not approved, the new ductbank and trackwork modifications in the Hayward Shop North Yard cannot proceed and the new shop lifts will not be accessed from the North.

RECOMMENDATION:

Recommend that the Board approve the following motion.

MOTION:

The General Manager is authorized to execute Change Order No. 67, North Yard trackwork constructability issues, to Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, for an amount not to exceed \$900,000.00, with Clark Construction.



EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 01RQ-110

CO No: 067

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Clark Construction Group
 Contract No./NTP: 01RQ-110 / October 21, 2015
 Contract Description: Hayward Maintenance Complex Project – Maintenance Facilities

Percent Complete as of: 10/31/2016 - 30%
 Dollars Percent Complete as of: 10/31/2016 - 38%

COST	% of Award	Cost	Contract Amount
Original Contract Award Amount			\$98,390,000.00
Change Orders:			
Other than Board Authorized C.O.s:	.7%	\$655,553.14	
Board Authorized Change Orders:	.9%	\$902,000.00	
This Change Order No. 61:	.9%	\$900,000.00	
Subtotal of all Change Order	2.5%	\$2,457,553.14	\$2,457,553.14
<u>Revised Contract Amount:</u>			\$100,847,553.14

SCHEDULE

Original Contract Duration: 860 Days
 Time Extension to Date: 29 Days
 Time Extension Due to Approved COs: 29 Days
 Revised Contract Duration: 889 Days

SUMMARY REASON FOR THIS CHANGE ORDER

North Yard Trackwork Constructability Issues (RFI 476)

Previously unknown utilities and ductbanks found during excavation in the North Yard were interfering with the placement of the new ductbank design.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

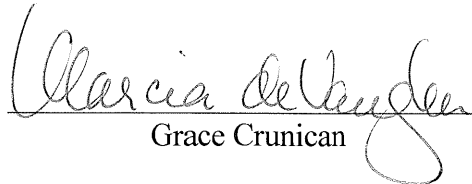
TO: Board of Directors **DATE:** November 23, 2016

FROM: Grace Crunican

SUBJECT: E&O Agenda Item # 5.C.: Short-Term System Capacity Improvements: Next Steps
– For Information

At the Board of Directors meeting on December 1, 2016, staff will present an overview of the 2016 pilot program to reconfigure seating in 60 cars to mitigate high levels of crowding and pass-ups. The attached slides provide survey results from customers who rode on the reconfigured cars, as well as staff recommendations.

Please contact Paul Oversier, AGM, Operations at (510) 464-6710, if you need additional information.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Clara del Prado</i>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 11/17/2016 <i>11/23/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hannah Lindelof Dept: Stations Planning	General Counsel <i>[Signature]</i> 11/22/16	Controller/Treasurer <i>[Signature]</i> 11/22/16	District Secretary []	BARC <i>Powers</i> 22 Nov 2016 []
Signature/Date: <i>[Signature]</i> 11/22/16				

Station Access Policy Performance Measures and Targets for 2025

PURPOSE:

To obtain Board authorization of Station Access Policy Performance Measures.

DISCUSSION:

On June 9, 2016, the BART Board of Directors adopted the Station Access Policy, which is designed to support the broader livability goals of the Bay Area, reinforce sustainable communities, and enable riders to get to and from stations safely, comfortably, affordably, and cost-effectively.

The Station Access Policy guides the District's station access investments, resource management, and practices through 2025. At the time the Policy was adopted, staff indicated they would bring back draft Performance Measures in November 2016 for Board consideration.

The Station Access Policy Performance Measures seek to:

- Demonstrate effectiveness at achieving Station Access Policy objectives
- Guide the Station Access Policy four-year work plan and resource needs
- Inform future Board actions

At the November 17, 2016 Board meeting, staff presented draft Performance Measures, which include performance targets for 2025, as well as a high-level overview of a draft four-year work plan that would guide the Station Access Program in meeting these targets, to the Board. Staff received feedback from the Board and has modified the proposed Performance Measures and targets to incorporate that feedback, as shown in the attached document. These performance targets are proposed in parallel with TOD Program performance targets for 2025 and 2040, and both programs will be developed in coordination, as station access and TOD performance are closely linked and are working towards a shared set of goals for BART.

Following adoption of the proposed Station Access Policy Performance Measures, staff plans to provide a progress report to the Board on the Station Access Program each year, and provide an update on progress towards the performance targets every other year.

FISCAL IMPACT:

The fiscal impact associated with adoption of the Station Access Policy Performance Measures is unknown at this time. The four-year work plans that will be developed will further articulate the overall expected level of staff time and investment from BART.

ALTERNATIVES:

1. Do not adopt the Station Access Policy Performance Measures. The BART Station Access Program will continue to advance as guided by the relevant Policy already adopted by the Board.
2. Adopt a modified set of Performance Measures.

RECOMMENDATION:

Adopt the following motion:

MOTION:

The attached Station Access Policy Performance Measures, which include 2025 Targets, are adopted.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 11/16/2016 <i>11/23/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Abigail Thorne-Lyman Dept: Systems Development Signature/Date: 	General Counsel <i>11/22/16</i>	Controller/Treasurer <i>11/22/16</i>	District Secretary []	BARC <i>Powers</i> <i>22 Nov 2016</i> []

Transit-Oriented Development Policy Performance Measures and Targets for 2040

PURPOSE:

To obtain Board authorization of performance measures and targets that will guide the activities and priorities of BART's Transit-Oriented Development (TOD) Program from 2016 to 2040.

DISCUSSION:

In late 2015, the Board of Directors directed staff to initiate work on a new Transit-Oriented Development (TOD) Policy that would address numerous political and economic changes throughout the Bay Area since the original TOD Policy was adopted in 2005. Additionally, the new TOD Policy integrated other policies affecting BART's TOD Program, including the Project Stabilization Agreement Policy from 2011 and the Affordable Housing Policy from January 2016.

On June 9, 2016, the Board adopted a new TOD Policy, and directed staff to return in November 2016 to propose draft performance targets and a four-year work plan to implement the TOD Policy.

On November 17, staff presented draft performance measures, with performance targets for 2025 and 2040, as well as a summary of the four-year work plan that would guide the TOD Program in meeting these targets.

The Board directed staff to make the targets more ambitious, particularly with respect to parking for development and reducing vehicle miles traveled, to establish that the BART TOD Program will play a role in advancing changes in both development and mobility behavior near BART stations in order to implement Plan Bay Area. Additionally, because station area performance is critical to achievement of the TOD Policy, the Board directed staff to incorporate aspirational goals for the station areas (one half mile around BART stations), to reflect BART's aspiration to influence changes beyond BART property, though the tools to do so are limited in nature.

Additionally, the Board of Directors requested more specificity in the four-year work plan, and

addition of activities supporting job creation and economic development near East Bay stations.

The attached performance targets have been modified to incorporate feedback from the Board.

The targets are proposed in parallel with station access performance targets for 2025, and both programs will be developed in coordination, as station access and TOD performance are closely linked and work towards a shared set of goals for BART. Staff have made modifications shown in red, and added a column called "Station Area Goals," which aligns with the preferred scenario from Plan Bay Area 2040 (the 2017 update to the Plan).

Following adoption of the performance targets, staff plans to return to the Board in Spring 2017 with an affordable housing and land use strategy, and a TOD guidelines document that clarify BART's expectations for TOD with cities and developers. Additionally, staff will provide a progress report on the TOD Program to the Board each year, and will provide an update on progress towards the performance targets every other year.

FISCAL IMPACT:

The fiscal impact of implementing the performance targets is unknown. Historically the TOD Program has generated a positive revenue stream to the District resulting from the sales of land and ground leases to developers. The TOD Program has also resulted in BART facilities such as civic space and replacement parking and net gains in ridership and farebox revenue. The land use and affordable housing strategy will include an investment strategy that seeks to achieve the performance targets with a net neutral or positive fiscal impact to BART via similar sources of revenue.

ALTERNATIVES:

1. Do not adopt the performance targets. The BART TOD Program will continue to advance as guided by the relevant Policy already adopted by the Board.
2. Adopt a modified set of performance targets.

RECOMMENDATION:

Adopt the following motion:

MOTION:

The attached performance targets that will guide the activities and priorities of BART's Transit-Oriented Development (TOD) Program from 2016 to 2040 are adopted.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia deVougen</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/15/2016 <i>11/22/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Amanda Cruz Dept: Gov't & Community Relations	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 11/21/16	11/21/16 []	11/22/16 []	[]	<i>Powers</i> 22 Nov 2016 []

2017 State and Federal Legislative Goals

PURPOSE: To review, discuss and approve the District's 2017 State and Federal Legislative Advocacy Program.

DISCUSSION: Both the State Legislature and U.S. Congress begin new two-year sessions in January – each with transportation infrastructure as a key issue. With significant federal changes likely in Washington, President-elect Trump is proposing a jobs program that will involve fixing and building new infrastructure with greater private investment. At the state level, the Governor and legislature are still trying to agree on ways to generate revenue for the Special Session on Transportation Infrastructure, to address the state's housing crisis and to shore up a possible declining revenue stream for the Cap & Trade program. In addition to addressing any specific BART legislative concerns or problems, BART staff proposes the following state and federal goals and objectives for 2017:

A. Proposed State Advocacy Program for BART:

Continue Efforts to Secure and Protect State Transit Funding

Even with the Governor calling for a Special Session, the State Legislature failed to generate new transportation infrastructure revenue for roads and public transit. BART should continue to focus its efforts on increasing the funding for the two key Cap & Trade programs (Transit & Intercity Rail Capital Program [TIRCP] and Low Carbon Transit Operation Program [LCTOP]) as well as the tax on diesel fuel which support State Transit Assistance (STA) funding to transit.

The Greenhouse Gas Reduction Act of 2006 has created three Cap & Trade funding programs that allow transit to seek funding: LCTOP, TICRP and the Affordable Housing and Sustainability Community program (AHSC). The auctions which raise revenue for these programs, however, have recently generated dramatically lower levels to support them. In addition, the cap and trade programs are subject to legal challenges. There are efforts in the legislature to pass a 2/3 vote to extend the authority of the Cap & Trade program beyond 2020. Supporters believe this authority to continue the Cap & Trade program will help provide greater legal validity and market certainty.

STA funding has been a reliable, if not substantial, revenue source for public transit over the past few years. But this last year, a dramatic reduction in diesel purchases and the State Controller's changes to the rules for program participants has made the funding levels for agencies less reliable. SB 838 required the Controller to go back to a previous collection and delivery system for two years so new legislation could be developed to correct the confusion. The California Transit Association (CTA) has established a task force to develop legislation going forward to help establish a fair STA funding system.

Continue Efforts to Enhance Local Transit Revenue Opportunities

BART was successful in sponsoring two bills in 2013 that authorize local transit agencies to raise local revenues in new ways. SB 142 (DeSaulnier) provided authority for all transit agencies in the state to establish local "benefit assessment districts." In addition, SB 628 (Beall) made the creation of Enhanced Infrastructure Finance Districts (EIFD) easier to accomplish when working with cities or counties. BART has begun a discussion about also allowing transit agencies to implement their own impact fees and has encouraged CTA to begin exploring this idea among other agencies and interest groups. However, with the state studying how it might implement a Vehicle Miles Traveled (VMT) program (SB 1077 - DeSaulnier) and measure transportation impacts (SB 743 - Steinberg), VMT may be a better way to raise local revenue without discouraging local developers with additional costs. The BART Board supported state constitutional amendments that would allow any special tax by a local government for the purpose of providing funding for transportation projects to pass with only a 55% approval vote, rather than the existing 2/3 vote. Creating or implementing local revenue raising options for transit should remain a BART goal.

Work to Improve Transit Enforcement Capabilities Related to Fare Evasion

As fare evasion continues to increase and impact revenue, BART has undertaken special efforts to deal with the issue which include infrastructure improvements and possible legislative changes. This comes when specific legislation was signed into law (SB 882 - Hertzberg) to decriminalize fare evasion on public transit for minors, raising a variety of concerns among state transit agencies. In response, CTA has created a task force among members to specifically work out possible responses and/or legislation to address the problems which might be caused by this new law. BART should participate in this effort as it works to address its own fare evasion issue.

Support Affordable Housing Efforts to Assist TOD and Deal with State Housing Crisis

As the state experiences a dramatic housing shortage, the Legislature has failed to pass legislation to address the crisis. This year, the Governor's plan to provide \$400 million for housing if his "by right" plan to expedite project delivery was included in the package, failed to get the necessary support of labor and environmental interests. In the past the BART Board has supported efforts to raise a new revenue stream for housing—including affordable housing programs—by placing fees on real estate documents. It is likely this, or other efforts, will be debated in the next session and could impact BART's Transit Oriented Development (TOD) progress. BART should continue to support reasonable approaches to meet the state's affordable housing needs.

Monitor State Implementation of Pension Reform Laws

The ongoing litigation involving implementation of the Governor's pension reform plan will have an impact on BART finances, its retirees, and possibly federal grants coming from the Federal

Transit Administration (FTA). BART should monitor the status of the litigation and support efforts to keep federal grants flowing to transit agencies.

Continue Support of Legislation to Assist State's Greenhouse Gas Emission Reduction

BART should continue its efforts to enhance the state's efforts to reduce Greenhouse Gas (GHG) emissions and support greater use of renewable energy.

Work to Pass Necessary BART- Sponsored Legislation

Every year, based on Board, staff and advocate input, BART staff develop, strategize and work legislation to address specific, BART-related issues, problems or goals (i.e. perpetuity of AB 716, clarifications to AB 2030, and transit pass ID).

Respond to Legislation that Directly Impacts BART

Ensure the District's needs and interests are represented in any legislative effort that could directly impact BART – including bills pertinent to student fare discounts, possible system extensions, police regulations or other.

B. Proposed *Federal* Advocacy Program for BART

Post-election – Educate Bay Area Congressional Delegation on BART Capital Reinvestment Needs and Big 3 Priorities

Even with the passage of Measure RR, BART will need to continue explaining and seeking support for critical investment in the 44-year old transit system.

Work with Delegation and Passenger Rail Agencies to Push New Administration on Infrastructure Plan

President-elect Trump has indicated that one of his highest job-creating priorities is an infrastructure investment program. This should include seeking funding (for example gas tax, VMT, etc.) and planning for the nation's public transit systems. BART should work with its Congressional Delegation, the American Public Transit Association (APTA) and fellow passenger rail agencies through the Metropolitan Rail Discussion Group (MRDG) to prioritize State of Good Repair appropriation needs in this important 2017 process.

Monitor and Respond to FAST Act (and MAP-21) Implementation

The new FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highways, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. BART should prioritize efforts to monitor and be involved in the following:

- **State of Good Repair (SOGR) & Formula Funding.** BART should closely monitor implementation of the new authorization act to support increasing SOGR funding for the nation's metropolitan passenger rail systems.
- **Core Capacity.** As part of the previous MAP-21 reforms, the New Starts program was

renamed the “Capital Investment Grant” program and includes a “core capacity” provision which allows for the renovation of an existing system with discretionary funding if the focused project increases corridor capacity by 10%. After submitting a capacity grant proposal in 2015, BART is currently in the project development stage with the Federal Transit Administration (FTA). The Board officially adopted the project in November 2016, and by the summer of 2017, BART will need congressional support for the approval into engineering.

- **Safety.** MAP-21 established (and the FAST Act reaffirmed) that FTA has the authority to monitor the safety of the nation’s passenger rail systems and restrict federal funding as a means of enforcement, and regulations are still being formulated. BART safety staff is presently on the FTA Safety Board and should work with BART legislative staff to assure federal regulations are not detrimental to BART safety procedures.

Continue Efforts to Increase Transit Security Funding

BART should continue to pursue greater funding through Homeland Security programs for transit security grants and submit a transit security grant application in 2017.

Continue Efforts to Promote Local Workforce Development with Federal Funds

BART should continue to pursue opportunities to advance its efforts with local community colleges that educate students on careers in the public transit sector. BART received a Department of Transportation grant and has been working with the Department of Labor (DOL) to acquire ongoing funding.

Support Efforts to Increase College Student Discounts for Public Transit

BART has been working on options to provide fare discounts for college students. A plan was developed for San Francisco State University students and BART is currently in discussions with several other colleges. Some attention at the federal level as been focused on addressing transit costs for college students and efforts to encourage transit ridership at an early age. Last year, the Board supported S. 2433 (Schumer D-NY) the University Transit Rider Innovation Program Act. We have discussed with our federal advocates the possibility of legislation to assist transit in this pursuit.

FISCAL IMPACT:

N/A

ALTERNATIVES:

The Board could decline to support the 2017 State and Federal Legislative Advocacy Program

RECOMMENDATION:

For the Board to approve the following two motions.

MOTION:

The Board approves the 2017 State Advocacy Program, as presented by staff.

The Board approves the 2017 Federal Advocacy Program, as presented by staff.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** November 23, 2016

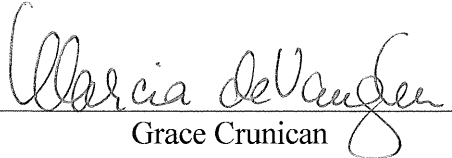
FROM: Grace Crunican

SUBJECT: PPAAL Agenda Item #6.D.: Strategic Plan Framework – Goal Indicators and Objectives - For Information

The BART Strategic Plan Framework (Attachment 1), approved in October 2015, includes several elements: a vision, mission, long-term goals, and shorter-term (FY17 - FY20) strategies. At the December 1, 2016 Board meeting, staff will discuss the staff-developed draft objectives and performance indicators associated with each of the goals. The intent is to begin to improve the systematic and transparent tracking of progress toward the Board-defined Goals with meaningful measures.

An initial draft set of performance indicators was mailed to the Board for review on September 30, 2016, which staff has since refined and revised. Attachment 2 provides a simplified summary and Attachment 3 provides a more detailed draft description of the revised draft indicators. The top-level goal indicators, shown under the light-colored bar, measure overall outcomes for each goal area; can best be achieved by BART in partnership with the region; and may be affected by background economic and demographic fluctuations. The next level indicators -- BART Objectives, indicated under the darker-colored bar -- are more directly under BART's control.

The Board will have an opportunity to discuss the draft indicators at your meeting on December 1, 2016. Please contact Bob Powers, AGM, Planning, Development & Construction, at (510) 874-7442, for more information.


Grace Crunican

Attachments

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** November 23, 2016

FROM: Grace Crunican

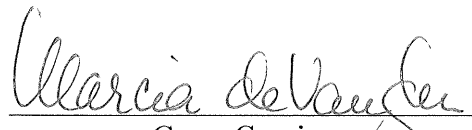
SUBJECT: PPAAL Agenda Item # 6.E.: Dublin/Pleasanton BART Parking Garage Expansion - For Information

BART is updating the California Environmental Quality Act (CEQA) documentation for a proposed expansion of the Dublin/Pleasanton BART station parking garage. The original CEQA documentation was completed by the City of Dublin in 2002, and envisioned a parking garage to be built in two phases to support the surrounding Dublin Transit Center mixed-use development project. The Phase I garage opened in 2007.

The proposed 655-space Phase II expansion would replace an existing 115-space surface parking lot, resulting in a net increase of 540 spaces (a 20 percent increase over existing capacity). The project also includes bicycle parking and installation of real-time parking monitoring in the existing and expanded garage, with message signs in the garage and on I-580.

At the Board meeting on December 1, 2016, staff will provide an informational overview of the garage expansion project including: purpose and need, relationship to the Station Access Policy, potential for future conversion to residential or commercial use, capital and operating cost, and potential funding sources.

In January 2017, staff plans to return to the Board with an item that requests adoption of the garage expansion project, environmental document, and funding request. Please contact Bob Powers, AGM, Planning, Development & Construction, at (510) 874-7442, for more information.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff