

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

BOARD MEETING AGENDA

July 25, 2019

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, July 25, 2019, in the BART Board Room, 2040 Webster Street, Oakland, California.

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

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

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

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

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

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

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

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

Patricia K. Williams
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.

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

- A. PUBLIC EMPLOYEE EMPLOYMENT:
Title: General Manager
Government Code Section: 54957(b)(1)
- B. CONFERENCE WITH NEGOTIATORS:
Designated Representatives: Directors Dufty, Saltzman, Allen, and Foley
Title: General Manager
Government Code Section: 54957.6

3. OPEN SESSION

- A. Announcement of Appointment of General Manager, if any.
- B. Compensation and Benefits for General Manager. Board requested to authorize.

4. INTRODUCTION OF SPECIAL GUESTS

- A. Michael McGill, Chairperson of the Bond Oversight Committee, presentation of Annual Report.*
- B. Rick Goldman, Chairperson of the BART Bicycle Advisory Task Force, presentation of Annual Report.*
- C. Summer Interns from the Planning, Design and Construction, and Maintenance and Engineering Departments.

5. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of June 13, 2019 (Regular); June 27, 2019 (Regular); July 11, 2019 (Regular); and July 17, 2019 (Special).* Board requested to authorize.
- B. BART Police Citizen Review Board (BPCRB) Allocation of Funds for Membership Fees to National Association for Civilian Oversight of Law Enforcement (NACOLE).* Board requested to authorize.

- C. Resolution Authorizing California State of Good Repair Program Funds for Fiscal Year 2019 -2020.* Board requested to adopt.
- D. District Engineering Recruitment Sourcing Services.* Board requested to authorize.
- E. Employee Relocation Assistance for the Deputy Managing Director Capitol Corridor.* Board request to authorize.
- F. Agreement with U.S. Bank Voyager Fleet Systems, Inc., for Participation in the State of California Department of General Services Purchase Card (CAL-Card) Program for the Voyager Fuel Card Program.* Board requested to authorize.
- G. Award of Contract No. 15TC-231, Aerial Structure Fall Protection, M-Line.* Board requested to authorize.
- H. Invitation for Bid No. 9054, Fujitec Step Assemblies.* Board requested to authorize.
- I. Invitation for Bid No. 9055, Escalator Step Assemblies.* Board requested to authorize.
- J. Invitation for Bid No. 9061, Uninterruptible Power Supply.* Board requested to authorize.
- K. Reject the Single Bid for Agreement No. 6M3425, Systemwide Track Joint Elimination Services.* Board requested to reject.
- L. Richmond Greenway Pedestrian/Bike Path Revocable License Agreement with the City of Richmond.* Board requested to authorize.

6. 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.)

7. ADMINISTRATION ITEMS

Director Simon, Chairperson

- A. Award of Agreement No. 6M4674, with APEX Investigation, for District's Workers' Compensation Investigative Services.* Board requested to authorize.

8. ENGINEERING AND OPERATIONS ITEMS

Director Foley, Chairperson

- A. Agreements for Quality of Life Programs.* Board requested to authorize.
- B. Single Source Procurement with Motorola Solutions, Inc., for an Independent Public Safety Tunnel Radio System.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED)

- C. Award of Contract No. 07EA-120, 19th Street/Oakland Station Modernization Project.* Board requested to authorize.
- D. Agreement No. 6M3426 with Loram Maintenance of Way, Inc., for Production Rail Profiling Services.* Board requested to authorize.
- E. Change Orders to Contract No. 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement, with DMZ Builders.*
 - a. Complete the Contract Work during Weekends and Extension of Time (C.O. No. 9.1 and 16).
 - b. Developing a Preliminary Welding Plan (C.O. No. 10).
 - c. Removal of the Two Newly Installed Panels and Pin Brazing Conduits (C.O. No. 11 and 12).
 - d. Conduit and Cables Quantity Overrun (C.O. No. 13 and 15).
 - e. Provide Roadway Worker Certified (RWP) Labor (C.O. No. 14).
 Board requested to authorize.
- F. Change Order to Contract No. 47CJ-120, Procurement of Ticket Vending Machine Transport Installation Kits with Software Modifications, with Cubic Transportation Systems, Inc., to Dispense Clipper Cards (C.O. No. 1).* Board requested to authorize.

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

Director Raburn, Chairperson

- A. Award of Agreement No. 57RR-110, with Alex Kushner General, Inc., for Embarcadero and Civic Center Bike Station Modifications.* Board requested to authorize.
- B. Update on Transbay Corridor Core Capacity Project.* For information.

10. GENERAL MANAGER'S REPORT

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

11. BOARD MATTERS

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

12. 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.)

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

- A. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
Hayward Yard 6/19/2016 Piper Aircraft Accident
Government Code Section: 54956.9(b)(3)(B)

14. OPEN SESSION

- A. Announcement from Closed Session, if any.

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

Board of Directors
Minutes of the 1,842nd Meeting
June 13, 2019

A regular meeting of the Board of Directors was held June 13, 2019, convening at 9:09 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

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

Absent: None. Director McPartland entered the Meeting later.

President Dufty called for Introduction of Special Guests.

General Manager Grace Crunican announced the retirements of David Kutrosky, Managing Director, Capitol Corridor; Martin Gran, Chief Relations Labor Officer; and Kerry Hamill, Assistant General Manager, External Affairs, and thanked them for their service to BART and Capitol Corridor.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 23, 2019.
2. BART Police Citizen Review Board Appointments and Re-Appointments

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

1. That the Minutes of the Meeting of May 23, 2019, be approved.
2. That the Board of Directors ratify the appointment or reappointment of the following individuals for a term of 2 years, beginning on July 1, 2019, and expiring on June 30, 2021:

Dwaine Pete Longmire, District 2
Darren White, District 4
Les Mensinger, District 6
David Rizk, District 8

President Dufty called for Public Comment.

The following individuals addressed the Board:

Aleta Dupree
Logan Williams
Ariella Granett

Debra Matthews
Betsy Thagard
Vicki Sommer
Matthew Lewis
John Lau
Peter Waller
Libby Lee-Egen

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

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on Implementation Approach for Assembly Bill 2923, San Francisco Bay Area Rapid Transit District: Transit-Oriented Development before the Board. Ms. Crunican; and Ms. Abigail Thorne-Lyman, Program Manager I, Systems Development, presented the item.

The following individuals addressed the Board:

Rashi Kesarwani
James Chang
Victoria Fierce
Seth Mazou
Darrell Owens
Phyllis Orrick
Paul Brickmore
Peter Mui

The item was discussed.

Director Raburn brought the matter of Request to Extend the Exclusive Negotiating Agreement for Transit-Oriented Development, with China Harbour Engineering Company, Ltd., for the West Oakland BART Station Project before the Board. Mr. Sean Brooks, Department Manager, Property Development, presented the item. The item was discussed.

The following individuals addressed the Board:

June Ji
Alan Dones
Regina Davis
Joe Bolte

Director Simon moved that the General Manager or her designee be authorized to enter into an amendment to the Exclusive Negotiating Agreement (ENA) with China Harbour Engineering Company, Ltd., for development at the West Oakland BART Station extending the ENA's term through December 31, 2019 and, if necessary, enter into a subsequent amendment to the ENA extending its term through June 30, 2020. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, Raburn, Saltzman, Simon, and Dufty. Noes – 0. Absent – 1: Director McPartland.

President Dufty brought the matter of Resolutions Commending Grace E. Crunican before the Board. The full Board moved adoption of Resolution No. 5399, Resolution Commending Grace E. Crunican, and it was unanimously seconded and carried by electronic vote. Ayes – 8:

Directors Allen, Ames, Foley, Li, Raburn, Saltzman, Simon, and Dufty. Noes – 0. Absent – 1: Director McPartland. Ms. Crunican addressed the Board.

Director Simon, Chairperson of the Administration Committee, brought the matter of Participation in a Regional Means – Based Transit Fare Discount Pilot Program before the Board. Ms. Crunican; Ms. Pamela Herhold, Assistant General Manager, Performance and Budget; and Mr. Michael Eiseman, Department Manager Financial Services, presented the item. The item was discussed.

The following individuals addressed the Board.

Bob Feinbaum
Aleta Dupree

Director McPartland entered the meeting.

Arielle Fleicher addressed the Board.

Discussion continued.

President Dufty moved adoption of Resolution No. 5400, In the Matter of Adopting Modified Fare Rates and Charges: Discount for Adult BART Riders who participate in the Metropolitan Transportation Commission’s Regional Means-Based Transit Fare Discount Pilot Program. Director Saltzman seconded the motion. The item was discussed.

Jerry Grace addressed the Board.

The motion carried by electronic vote by the required two-thirds vote. Ayes – 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Allen.

Director Simon brought the matter of Resolution Approving the Fiscal Year 2020 Annual Budget before the Board. Ms. Crunican; Ms. Herhold; Ms. Kate Jordan Steiner, Department Manager, Budgets; and Ms. Tamar Allen, Assistant General Manager, Operations, presented the item.

President Dufty moved adoption of Resolution No. 5401, In the Matter of Approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and Authorizing Expenditures for the Fiscal Year July 1, 2019 to June 30, 2020. Director Raburn seconded the motion.

The following individuals addressed the Board:

Bob Feinbaum
Tom Rubin
Joe Bolte
Aleta Dupree

Director Allen made a substitute motion to prioritize an additional \$2 million for the Fiscal Year 2020 budget to station power washing so that every station is power washed at a minimum of once per quarter, and to re-prioritize \$25 million not related to station hardening from the existing capital budget for Fiscal Year 2020 budget to the following projects:

- enclose the Coliseum Station elevator

- raise station railings to six feet
- install electronic control locks on emergency swing gates
- enclosing of other station elevators.

Director McPartland seconded the substitute motion with an amendment to let the staff prioritize the elevator enclosures. Director Allen accepted the amendment to the substitute motion.

Director Saltzman made a second substitute motion, to adopt Resolution No. 5401, with the additional commitment to fund a pilot ambassador program with up to \$500,000 from the anticipated small positive net result of the Fiscal Year 2019 budget. Director Li seconded the second substitute motion.

The item was discussed.

The second substitute motion failed by electronic vote. Ayes – 4: Directors Li, Saltzman, Simon, and Dufty. Noes – 5: Directors Allen, Ames, Foley, McPartland, and Raburn.

The first substitute motion failed by electronic vote. Ayes – 4: Directors Allen, Ames, Foley, and McPartland. Noes – 5: Directors Li, Raburn, Saltzman, Simon, and Dufty.

The original motion carried by electronic vote. Ayes – 8: Directors Allen, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 1: Director Ames.

Director Simon brought the matter of Fares for the Silicon Valley Berryessa Extension before the Board. Mr. Eiseman presented the item. The item was discussed. Director Raburn moved that the Board adopt Resolution No. 5402, In the Matter of Adopting Fare Rates and Charges: Silicon Valley Berryessa Extension. President Dufty seconded the motion, which carried by unanimous electronic vote by the required two-thirds vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Simon brought the matter of Extension of the Productivity Adjusted Inflation -Based Fare Increase Program between 2022 and 2028 before the Board. Ms. Herhold and Mr. Eiseman presented the item. The item was discussed. Director Raburn moved that the Board adopt a resolution, In the Matter of Adopting New Fare Rates and Charges: Series 3, 2022-2028, Productivity – Adjusted Inflation Based Fare Increase Program. President Dufty seconded the motion, which failed to carry by electronic vote by the required two-thirds vote. Ayes – 5: Directors Li, McPartland, Raburn, Simon, and Dufty. Noes – 4: Directors Allen, Ames, Foley, and Saltzman.

Director Simon brought the matter of Increase to the Per Trip Magnetic Stripe Ticket Surcharge before the Board. Ms. Crunican; Ms. Herhold; and Mr. Eiseman presented the item. The item was discussed.

Aleta Dupree addressed the Board.

Director Simon moved that the Board adopt a resolution, In the Matter of Adopting Modified Fare Rates and Charges: Increase the Per-Trip Surcharge to Fares Paid with Magnetic – Stripe Tickets. Director McPartland seconded the motion, which carried by electronic vote. Ayes – 6:

Directors Allen, Ames, Foley, McPartland, Raburn, and Simon. Noes – 2: Directors Li and Saltzman. Abstain – 1: Director Dufty.

Director Simon asked for a vote to reconsider. President Dufty moved the item be reconsidered. Director Saltzman seconded the motion to reconsider, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

The motion to adopt Resolution In the Matter of Adopting Modified Fare Rates and Charges: Increase the Per-Trip Surcharge to Fares Paid with Magnetic – Stripe Tickets was re-voted on electronically and failed to carry by the required two-thirds vote. Ayes - 5: Directors Allen, Ames, Foley, McPartland, and Raburn. Noes – 3: Directors Li, Saltzman and Simon. Abstain - 1: Director Dufty.

Director Simon brought the matters of Issuance and Sale of General Obligation Bonds (Election of 2004), 2019 SERIES F (Green Bonds) and 2019 Refunding Series G and Issuance and Sale of General Obligation Bonds (Election of 2016), 2019 SERIES B (Green Bonds) before the Board.

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

1. That the Board adopt Resolution No. 5403, In the Matter Authorizing and Approving the Issuance and Sale of not to exceed \$240 Million aggregate principal amount of San Francisco Bay Area Rapid Transit District General Obligation Bonds (Election of 2004), 2019 Series F; Authorizing the execution and delivery of a first supplemental trust agreement pursuant to which such bonds are to be issued, a bond purchase agreement pursuant to which such bonds are to be sold by negotiated sale; approving an official statement relating to such bonds; authorizing execution and delivery of the official statement and certain documents in connection with the issuance and sale of such bonds, including a continuing disclosure agreement; delegating to the Controller/Treasurer of the District power to determine issuance of refunding bonds and final terms of such bonds and complete said documents and authorizing certain other matters relating thereto.
2. That the Board adopt Resolution No. 5404, In the Matter Authorizing and Approving the Issuance and Sale of not to exceed \$360 Million aggregate principal amount of San Francisco Bay Area Rapid Transit General Obligation Bonds (Election of 2016), 2019 Series B; Authorizing the execution and delivery of a first supplemental trust agreement pursuant to which such bonds are to be issued, A bond purchase agreement pursuant to which such bonds are to be sold by negotiated sale; approving execution and delivery of the official statement and certain documents in connection with the issuance and sale and such bonds, including a continuing disclosure agreement; delegating to the Controller/Treasurer of the District power to determine final terms of such bonds and complete said documents and authorizing certain other matters relating thereto.

Director Raburn brought the matter of BART Headquarters Workplace Strategy and Option Analysis before the Board. Mr. Carl Holmes, Assistant General Manager, Development and

Construction; Mr. Brooks; and Mr. Tom Maloney of Jones, Lang, Lasalle, presented the item. The item was discussed.

Jerry Grace addressed the Board.

President Dufty announced that the Board would enter into closed session under Items 11-A (Conference with Labor Negotiators), 11-B and 11-C (Public Employee Employment), and 11-D (Conference with Real Property Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 1:52 p.m.

The Board reconvened in closed session at 2:04 p.m.

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

Absent: None.

The Board Meeting recessed at 4:01 p.m.

The Board reconvened in open session at 4:05 p.m.

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

Absent: None. Director Saltzman entered the meeting later.

President Dufty announced that there were no announcements to be made from the closed session.

Director Raburn asked for a vote to reconsider the matter of Extension of the Productivity Adjusted Inflation -Based Fare Increase Program between 2022 and 2028. President Dufty seconded the motion to reconsider. The motion carried by unanimous roll call vote. Ayes – 8: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Simon, and Dufty. Noes:– 0. Absent - 1: Director Saltzman.

Director Saltzman entered the meeting.

Director Foley requested an amendment to the original motion to drop the fourth-year increase in the series. Director Foley moved that that the Board adopt Resolution No. 5405, In the Matter of Adopting New Fare Rates and Charges: Series 3, 2022-2026, Productivity – Adjusted Inflation Based Fare Increase Program. President Dufty seconded the motion.

Aleta Dupree and Jerry Grace addressed the Board.

The motion carried electronically by the required two-thirds vote. Ayes – 6: Directors Foley, Li, McPartland, Raburn, Simon, and Dufty. Noes – 3: Directors Allen, Ames, and Saltzman.

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

1. That the Board adopt Resolution No. 5406, In the Matter of Ratifying the 2018-2022 Collective Bargaining Agreement between the District and the BART Police Managers' Association (BPMA).
2. That the Board adopt Resolution No. 5407, In the Matter of Fixing the Employer Contribution at an equal amount for employees and annuitants under the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization 003 BART Police Managers Association (BPMA).
3. That the Board adopt Resolution No. 5408, In the Matter of Fixing the Employer Contribution at an equal amount for employees and annuitants under the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization 003 BART Police Managers Association (BPMA).
4. That the Board adopt Resolution No. 5409, In the Matter of Fixing the Employer Vesting Contribution under Section 22902 of the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization 003 BART Police Managers Association (BPMA).
5. That the Board adopt Resolution No. 5410, In the Matter of Fixing the Employer Vesting Contribution under Section 22902 of the Public Employees' Medical and Hospital Care Act with respect to a recognized employee organization 003 BART Police Managers Association (BPMA).

President Dufty exited the meeting.

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

1. That the General Manager be authorized to award the following agreements for On Call Professional Services in an amount not to exceed \$1,000,000, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures:

Procurement/Materials Management.

- a. Agreement No. 6M4643 to Accenture LLP.
- b. Agreement No. 6M4644 to Slalom, LLC.
- c. Agreement No. 6M4645 to Sjoberg Evashenk Consulting, Inc.
- d. Agreement No. 6M4646 to AEKO Consulting.

Capital Budget

- a. Agreement No. 6M4647 to Sperry Capital Inc.

- b. Agreement No. 6M4648 to InnoFin Solutions, LLC.
- c. Agreement No. 6M4649 to Sjoberg Evashenk Consulting, Inc.
- d. Agreement No. 6M4650 to Slalom, LLC

Performance & Audit

- a. Agreement No. 6M4655 to Accenture LLP.
- b. Agreement No. 6M4656 to Cambridge Systematics, Inc.
- c. Agreement No. 6M4657 to Moss Adams LLP.
- d. Agreement No. 6M4658 to Sjoberg Evashenk Consulting, Inc.

Finance

- a. Agreement No. 6M4659 to Accenture LLP.
- b. Agreement No. 6M4660 to Moss Adams, LLC.
- c. Agreement No. 6M4661 to Sjoberg Evashenk Consulting, Inc.
- d. Agreement No. 6M4662 to Slalom, LLC.

Director Simon brought the matter of Amendment No. 2 to Concession Permit M342-12 with Imperial Parking Corporation for Administration of Parking Permit Programs before the Board. Robert Franklin, Department Manager Customer Access, presented the item. The item was discussed.

Director Saltzman moved that the General Manager or her/his designee be authorized to execute a second amendment to Concession Permit M342-12 with Imperial Parking Corporation to extend the term of the permit for six-months, with three options for subsequent three-month extensions, through September 30, 2020 and establish new rates for the provision of services during the extension term. Director Simon seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, and Simon. Noes – 0. Absent -1: President Dufty.

President Dufty re-entered the meeting.

Director Foley, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15TD-260, Production Rail Grinder Upgrade and Repair, before the Board. Ms. Tamar Allen: Mr. Laurence Farrell, Group Manager, Maintenance and Engineering; and Mr. Gregory Shivy, Principal Track Engineer, presented the item. Director Raburn moved that the General Manager be authorized to award Contract No. 15TD-260 to Loram Maintenance of Way, Inc., for Rail Grinder Upgrade and Repair, for an amount not to exceed \$8,698,600 pursuant to notification to be issued by the General Manager. President Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0

Director Foley brought the matter of Quarterly Performance Report, Third Quarter Fiscal Year 2019 – Service Performance Review before the Board. Ms. Tamar Allen and Interim Police Chief Ed Alvarez presented the item.

Jerry Grace addressed the Board.

The Report was discussed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Award of Agreement No. 6M8159, with HNTB Corporation, for Strategic Advising and Program Management Services for the New Transbay Rail Crossing Project before the Board. Ms. Crunican; Mr. Holmes; Mr. Robert Padgette, Managing Director, Capitol Corridor; and Ms. Ellen Smith, Group Manager, Planning, presented the item. The item was discussed.

Director Allen moved that the General Manager be authorized to award Agreement No. 6M8159 to HNTB Corporation to provide Strategic Advising and Program Management Services for the New Transbay Rail Crossing Project, for a period of five years, in an amount not to exceed \$50,000,000, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures; and that the General Manager be further authorized to exercise an Option for an additional five-year term. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon, and Dufty. Noes – 0.

Director Raburn brought the matter of Update on Irvington BART Station before the Board. Mr. Holmes; Mr. Paul Medved, Group Manager, Capital Projects; and Ms. Susan Poliwka, Senior Planner, presented the item. The item was discussed.

Hans Larsen and Jim Pierson addressed the Board.

President Dufty called for the General Managers Report.

Ms. Tamar Allen reported on progress made during recent weekend closures and the work that was completed. General Manager Crunican reported that Bombardier had announced their plans for a facility in the Bay Area, that the BART to Antioch Extension had received an award, and that an event had been held to commemorate the Oscar Grant Mural unveiling and Street Naming. Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, Police Department staffing numbers, Fleet of the Future Car availability, Clipper® card utilization numbers, and outstanding Roll Call for Introductions items.

Ms. Crunican thanked staff at BART for their support over the years.

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

Director McPartland reported he had attended Memorial Day events, a BART Santa Clara Valley Transportation Authority (VTA) Briefing with staff, a retreat at Alameda County Transportation Commission, the BART/VTA Joint Meeting, a meeting at Hayward Station related to taxi parking, a tabletop mass casualty evacuation exercise, Alameda County Emergency Management table top exercise, a Concord Yard meeting on new train cars, the BART Police Citizen Review Board Meeting, and a Valleylink Tri-Valley-San Joaquin Valley Regional Rail Authority meeting in Tracy. Director McPartland thanked Ms. Crunican for her service. Director McPartland reminded meeting attendees that June 14, 2019 would be Flag Day.

Director Simon thanked Ms. Crunican for her service.

Director Simon exited the meeting.

Director Allen thanked Ms. Crunican for her service at BART.

Director Ames thanked BART staff for support at the Hayward Station and thanked Ms. Crunican for her work on the Oscar Grant Mural and her leadership.

Director Raburn reported he had attended the Children's Fairyland Gala, Chaired the BART/VTA joint meeting, and had attended the San Leandro Cherry Festival and the Alameda Mayors Conference. Director Raburn thanked Ms. Crunican for her community outreach.

Director Li reported she had attended a BART Board Ambassador Forum, the Oscar Grant Mural unveiling, a meeting of the North Beach neighborhood association, and had toured Powell Street, Civic Center, 16th/Mission and 24th/Mission Street Stations. She thanked Molly Burke and Armando Sandoval for the coordination of an event and thanked Ms. Crunican for her service at BART and Women in Leadership for Transit Agencies.

Director Saltzman thanked Ms. Crunican and noted that her achievements were immense and would be felt for generations.

Director Foley reported he had attended an Association of Bay Area Governments and Metropolitan Transportation Commission Bay Area Metro Awards event, the Oscar Grant Mural and Oscar Grant III Way unveiling, and a meeting of the Economic Development Task Force for Contra Costa County.

Director Foley requested that stations and train cars have more detail provided during emergencies.

Director Foley thanked Ms. Crunican for her honesty, advice and guidance and wished her a happy retirement.

President Dufty thanked Ms. Crunican for her humor and reflected on her focus on the organization's culture, ensuring people feel valued, setting clear expectations, and serving as a unifying figure for the organization.

President Dufty requested that the meeting be adjourned in honor of Sululagi Palega, Director of Muni Transit Assistance Program.

President Dufty called for Public Comment. Jerry Grace and Aleta Dupree addressed the Board.

The Meeting was adjourned at 5:38 p.m. in honor of Sululagi Palega.

Patricia K. Williams
District Secretary

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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

Board of Directors
Minutes of the 1,843rd Meeting
June 27, 2019

A regular meeting of the Board of Directors was held June 27, 2019, convening at 8:32 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California; and 33045 Palmetto Drive, Union City, California. President Dufty presided; Patricia K. Williams, District Secretary.

Directors present in Oakland: Directors Foley, Li, McPartland, Raburn, Saltzman and Dufty.

Present in Union City: Director Ames.

Absent: Director Allen. Director Simon entered the meeting later.

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

Director Raburn brought the matter of Resolution Commending the Port of Oakland for Partnering with the District to encourage ridership on BART to and from the Oakland International Airport before the Board. The item was presented by Aaron Weinstein, Manager of Marketing. The item was discussed. The item was continued until later in the meeting.

Director Simon entered the meeting.

President Dufty moved to table the Ambassador Program Year-end Allocation of \$500,000.

Director Foley seconded the motion, which carried by unanimous roll-call vote.

Ayes - 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon and Dufty. Noes - 0. Absent - 1: Director Allen.

President Dufty called for Introduction of Special Guests.

General Manager Grace Crunican introduced the American Public Transit Association's International Rail Rodeo BART Team. She announced that BART took first place overall in the Maintenance category and second place overall in Train Operations. Maintenance Team Members- Steven Dore, Errol Luciano and Gary Crandell and Operator Team Members - Joshua Vining and Justin Strong. The team was coached by Paula Fraser, Assistant Chief Transportation Officer, and Scott Fitzgerald, Rolling Stock Maintenance Superintendent.

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

Director Raburn reported he had attended David Kutrosky's retirement dinner, and the Oakland All Chambers of commerce meeting.

Director Ames exited the meeting.

President Dufty brought the matter of Resolution Naming Leadership Program before the Board. Shana Dines, Assistant Chief Labor Relations Officer, and Sadie Graham, Project Manager, Systems Development, on behalf of the Inaugural Leadership Academy graduates, presented Ms. Crunican with a memento and advised that the group had made a donation to Girls Inc. in her honor. Director Raburn moved adoption of Resolution No. 5411, In the Matter of Naming the BART Leadership Academy. Director Saltzman seconded the motion, which carried by unanimous roll call vote. Ayes - 7: Directors Foley, Li, McPartland, Raburn, Saltzman, Simon and Dufty. Noes - 0. Absent - 2: Directors Allen and Ames.

President Dufty returned to the matter of Resolution Commending the Port of Oakland for Partnering with the District to Encourage Ridership on BART to and from the Oakland International Airport.

Director Ames re-entered the meeting.

Kristi McKenney, Assistant Director of Aviation, Port of Oakland addressed the Board. Director Raburn moved adoption of Resolution No. 5412, Commending the Port of Oakland for partnering with the District to encourage ridership on BART for trips to and from the Oakland International Airport. Director Saltzman seconded the motion which carried by unanimous roll call vote. Ayes - 8: Directors Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon and Dufty. Noes - 0. Absent - 1: Director Allen.

President Dufty thanked the Board for signing a commendation for Station Agent William Cromartie for his dedicated service to BART and its riders.

President Dufty called for Public Comment. Aleta Dupree and Clarence Fischer addressed the Board.

The Meeting was adjourned at 9:01 a.m.

Patricia K. Williams
District Secretary

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

Board of Directors
Minutes of the 1,844th Meeting
July 11, 2019

A regular meeting of the Board of Directors was held July 11, 2019, convening at 8:30 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California. President Dufty presided; Patricia K. Williams, District Secretary.

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

Absent: None. Directors Allen and Saltzman entered the Meeting later.

President Dufty called for Public Comment. Joshua Davis addressed the Board.

Director Allen entered the meeting.

Director Saltzman entered the meeting.

President Dufty announced that the Board would enter into closed session under Item 6-A (Conference with Negotiators) of the Regular Meeting agenda, and that the Board would reconvene in open session after discussion of Item 6-A, then return to Item 6-B (Public Employee Employment) in closed session.

The Board Meeting recessed at 8:35 a.m.

The Board reconvened in closed session at 8:36 a.m.

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

Absent: None.

The Board Meeting recessed at 8:55 a.m.

The Board reconvened in open session at 8:56 a.m.

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

Absent: None.

Vice President Saltzman made the motion that the Board approve the following terms of employment for Harriet Richardson: Service for a term of four years commencing on or about August 5, 2019, subject to termination as set forth in California Public Utilities Code Section 28840(b); base salary of \$205,000 per year; and benefits afforded non-represented management employees and retirees, except that Ms. Richardson may use her vacation time as accrued in the first six months of her employment. The Board President is authorized to execute an employment agreement consistent with these terms. Director Allen seconded the motion which carried by unanimous electronic vote.

Ayes - 9: Directors Allen, Ames, Foley, Li, McPartland, Raburn, Saltzman, Simon and Dufty.
Noes - 0. Absent - 0.

President Dufty announced that the Board would enter into closed session under Item 11-B (Public Employee Employment) of the Regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 8:58 a.m.

The Board reconvened in closed session at 8:59 a.m.

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

Absent: None.

Director Simon exited the meeting.

Director Allen exited the meeting.

Director Ames exited the meeting.

The Board Meeting recessed at 3:03 p.m.

The Board reconvened in open session at 3:05 p.m.

President Dufty announced that there were no announcements to be made from the closed session.

The Meeting was adjourned at 3:05 p.m.

Patricia K. Williams
District Secretary

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

Board of Directors
Minutes of the 1,845th Meeting
July 17, 2019

A special meeting of the Board of Directors was held July 17, 2019, convening at 8:35 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California; Clayton Library, 6125 Clayton Road, Clayton, CA; East Bay Municipal Utilities District, 2551 North Main Street, Walnut Creek, CA; and 20047 Meadowlark Drive, Castro Valley, CA. President Dufty presided; Patricia K. Williams, District Secretary.

Directors present in Oakland: Directors Ames, Raburn, Saltzman and Dufty.

Present in Clayton: Director Allen.

Present in Walnut Creek: Director Foley.

Present in Castro Valley: Director McPartland

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

President Dufty called for Public Comment on Item 3 Only. No comments were received.

President Dufty announced that the Board would enter into closed session under Item 3-A (Public Employee Employment) and Item 3-B (Conference with Negotiators) of the Special Meeting agenda, and that the Board would reconvene upon conclusion of the Closed Session.

The Board Meeting recessed at 8:37 a.m.

The Board reconvened in closed session at 8:39 a.m.

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

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

Director Li entered the meeting.

Director Simon entered the meeting.

Director Raburn exited the meeting.

Director Simon exited the meeting.

The Board Meeting recessed at 10:22 a.m.

The Board reconvened in open session at 10:22 a.m.

President Dufty announced that there were no announcements to be made from the closed session.

The Meeting was adjourned at 10:23 a.m.

Patricia K. Williams
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 July 2019</i> <i>Theresa M. Pearson</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/12/2019		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Mag Tatum Dept: District Secretary <i>Mag Tatum</i> Signature/Date: <i>7/12/19</i>	General Counsel <i>Vivian Ho</i> <i>7/16/19</i> []	Controller/Treasurer <i>Ang White</i> <i>7/16/19</i> []	District Secretary <i>J. Williams</i> <i>7-16-19</i> []	BARC <i>James Forz</i> <i>7-16-2019</i>
Status: Routed		Date Created: 7/12/2019		

BART Police Citizen Review Board (BPCRB) Allocation of Funds for Membership Fees to National Association for Civilian Oversight of Law Enforcement (NACOLE)

PURPOSE:

To obtain Board authorization for the allocation of funds for BART Police Citizen Review Board (BPCRB) membership fees to National Association for Civilian Oversight of Law Enforcement (NACOLE).

BACKGROUND:

The BPCRB was established by the BART Board of Directors (Board) to increase visibility for the public into the delivery of BART police services, to provide community participation in the review and establishment of BART Police Department (BPD) policies, procedures, practices and initiatives, and to receive citizen complaints and allegations of misconduct by BPD employees.

NACOLE is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States. NACOLE Organizational Members are defined as boards who provide civilian oversight of law enforcement by legislative or executive mandate.

There are many NACOLE Organizational Member Benefits:

- Agencies or boards will receive one transferable regular (voting) membership.
- Members are eligible to serve on committees.
- Members receive monthly NACOLE Digest with up to date news and changes in

oversight in the United States and international agencies.

- Members are eligible to participate in all Regional Training Conferences.
- Members have access to the member portal with extensive research and training materials.
- Members are eligible to earn the Certified Practitioner of Oversight credential.

DISCUSSION:

At its meeting of February 11, 2019, the BPCRB voted unanimously to approve \$400.00 per fiscal year in funding for annual membership to the NACOLE organization.

The annual membership fee will effectively make the BPCRB an Organizational Member. Organizational Member Boards are granted the ability to vote on items brought before NACOLE. Although the Board of Directors has approved a yearly expenditure for BPCRB members to attend the yearly conference, the BPCRB is not officially a member of the organization. The NACOLE annual training conference increases the knowledge and skills of members who work in oversight.

FISCAL IMPACT:

Funds will be budgeted from the District Secretary Department's operating budget (Department 0401141, Account 604060) for the total amount of \$400.00 per fiscal year.

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

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year

ALTERNATIVES:

Do not allocate funding for the annual membership to the NACOLE organization.

RECOMMENDATION:

On the basis of analysis by BART Police Citizen Review Board members, it is recommended that the Board adopt the following motion.

MOTION:

The Board authorizes the allocation of \$400.00 per fiscal year for BART Police Citizen Review Board (BPCRB) membership fees to National Association for Civilian Oversight of Law Enforcement (NACOLE).



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rhett M. Pearce</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/12/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Grant Development <i>Donna Lee</i> Signature/Date: 7/5/19	General Counsel <i>Mano Singh</i> 7/5/19 []	Controller/Treasurer <i>Angela White</i> 7/5/19 []	District Secretary	BARC <i>[Signature]</i> 7/9/19 []

Resolution Authorizing the Acceptance of FY19/20 California State of Good Repair Program Funds

PURPOSE: To obtain Board approval of a Resolution required for the receipt of Senate Bill 1 (SB-1) funds through the State Transit Assistance (STA) State of Good Repair (SGR) Program. For FY19/20, BART will be allocated \$6,129,507 in STA SGR revenue-based formula funds. BART staff will use these funds to perform critical elevator and escalator renovation work at various District stations and facilities.

DISCUSSION:

The STA State of Good Repair Program will provide annual funds to transit operators in California for eligible transit maintenance, rehabilitation, and capital projects. This program will benefit the public by providing public transportation agencies with a consistent and dependable revenue source to invest in the upgrade, repair, and improvement of transportation infrastructure; and improving transportation services. As a condition to receive STA State of Good Repair funds, Caltrans requires the Board of Directors approve a resolution to formally accept the grant with associated terms and conditions and designate a District Officer authorized to execute all required documents for participation in the SGR program and any amendments to those documents.

BART staff proposes using the \$6,129,507 in FY19/20 STA State of Good Repair funds to perform critical maintenance work to renovate escalators and elevators at various District stations and facilities. No grant match is required.

FISCAL IMPACT: Approval of the Resolution of Local Support is a Caltrans requirement for the District to receive a FY19/20 formula allocation of State of Good Repair funds in the amount of \$6,129,507. These funds are already included in the adopted FY20 Budget to perform preventative maintenance work. The action will have no fiscal impact to unprogrammed District Reserves. No local match is required.

ALTERNATIVES: Do not approve the Resolution of Local Support. If the Resolution is not approved, BART will risk the loss of STA State of Good Repair funds in the amount of \$6,129,507, and could lose the opportunity to perform crucial maintenance work on escalators and elevators.

RECOMMENDATION: Adopt the following motion.

MOTION: The BART Board of Directors approves the attached "Resolution Authorizing the Acceptance of FY19/20 California State of Good Repair Program Funds," and designates the General Manager, or an appointed designee, to execute all required documentation for participation in this program. This action will enable the receipt of funds in the amount of \$6,129,507 to perform critical elevator and escalator renovation work at various District stations and facilities.

ATTACHMENT I

RESOLUTION # _____

**RESOLUTION OF THE BOARD OF DIRECTORS FOR THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
AUTHORIZING THE ACCEPTANCE OF FISCAL YEAR 2019-20
CALIFORNIA STATE OF GOOD REPAIR PROGRAM FUNDS**

WHEREAS, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (District) is an eligible project sponsor and may receive State Transit Assistance (STA) funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, the State Controller's Office has released the Fiscal Year 2020 SGR apportionments and the District is estimated to receive \$6,129,507 in SGR funds; and

WHEREAS, the District's elevator and escalator renovation projects are eligible projects per the SGR program guidelines; and

WHEREAS, Senate Bill 1 (2017) named the California Department of Transportation (Department) as the administrative agency for the SGR; and

WHEREAS, the Department has designated the Metropolitan Transportation Commission (MTC) as the regional entity responsible for coordinating the administration of all SGR projects and distribution of SGR funds to eligible sponsors (local agencies) within the nine-county Bay Area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT that the funds referenced above, namely the "FY19/20 California State of Good Repair Program Funds," are hereby accepted in the amount of \$6,129,507, and the District agrees to comply with all conditions and requirements set forth in the applicable statutes, regulations and guidelines for all SGR funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the District's General Manager, or an appointed designee, is authorized to execute all required documentation of the SGR program and any Amendments thereto with the Metropolitan Transportation Commission and California Department of Transportation.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT:

BY: _____
President



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 July 2019</i> <i>Rbt M. Power</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gia Hlole Dept: Human Resources Administration	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i> File P.H. 621-2019
Signature/Date: <i>G. Hlole 7/17/2019</i>	<i>7/17/19</i> []	<i>7/17/19</i> []	[]	<i>7-17-2019</i>
Status: Approved		Date Created: 7/10/2019		

District Engineering Recruitment Sourcing Services

PURPOSE:

To obtain Board authorization to allow the General Manager to enter into an agreement with one or more agencies for the purpose of recruitment for specialized engineering positions.

DISCUSSION:

On March 11, 1993, the Board adopted Resolution 4487, requiring Board approval prior to any recruiting activity to employ a person who is not a current District employee for an annual salary of \$50,000 or more. The resolution also states that the District should confine its recruiting to the State of California. Accordingly, staff has sought approval prior to engaging a third-party recruiter for any position.

Staff brought similar requests to the Board in May 2013 and July 2016. With continued need to fill specialized engineering and Project Management positions in a competitive labor market, especially with continuing Measure RR funded headcount, the District would like to continue to use specialized firms for the recruitment and processing of difficult to fill engineering positions. The District will ensure that the selected firms follow all Office of Civil Rights policies as established by the Federal Transit Administration.

The firm(s) selected will be procured in accordance with the District's policies and procedures. The sourcing firm(s) will be required to focus their efforts on individuals within California, specifically the San Francisco Bay Area. However, the recruitments will not be confined to California.

The Office of the General Counsel will approve any and all solicitation documents and agreements as to form.

FISCAL IMPACT:

The costs for the sourcing services are estimated not to exceed \$200,000; with a cost range of \$15,000 to \$25,000 for each successful placement. Funding for the recruitment sourcing services will come from the FY20 operating budget. Funding, if necessary, for subsequent years will be included in the proposed annual operating budget cycles, which is subject to Board approval.

FY20 & FY21	Amount	Cost Center	Account
Search Firm	\$100,000 approx, annually	0502420	681300

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVE:

Continue to identify candidates for these specialized technical positions using the District's in-house recruitment resources. This approach may delay filling key positions, which in turn may delay project completion and Measure RR funding spend-down.

RECOMMENDATION:

Adopt the following motion:

MOTION:

That the General Manager or his designee is authorized, in conformance with established District procedures governing the procurement of professional services, to obtain District recruitment sourcing services, to identify qualified candidates for engineering positions identified by the Human Resources Department. The cost of the sourcing services will not exceed an aggregate amount of \$200,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 July 2019</i> <i>Robert M. Pearson</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gia Ilole Dept: Human Resources Administration	General Counsel <i>V. P. [Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i> FOR P. HORTON 07-16-2019
Signature/Date: <i>G. Ilole 7/16/2019</i>	<i>7/16/19</i> []	<i>7/16/19</i> []	[]	[]

Relocation for Deputy Managing Director, Capitol Corridor

PURPOSE:

To obtain Board authorization for a relocation agreement to assist the District with filling the position of Deputy Managing Director, Capitol Corridor.

DISCUSSION:

On March 11, 1993, the Board adopted Resolution No. 4487, requiring Board approval prior to offering relocation or moving expenses to new employees.

The Deputy Managing Director, Capitol Corridor is a high-level managerial position that requires specialized skills derived from unique managerial/technical experience and education. The incumbent will assist in the direction and management of the activities and operations of the Office of Capitol Corridor including, assisting in the management and delivery of Capitol Corridor passenger rail services and providing highly responsible and complex management and support to the Managing Director, Capitol Corridor.

The ability to offer relocation assistance in the event that a successful candidate is not from the immediate area will enhance the District's competitive posture in this search.

By adopting this motion, the Board will authorize staff to execute a relocation expense reimbursement agreement for the role within the parameters of current District practice as provided in Management Procedure 70. This procedure sets maximum reimbursement amounts for various categories of relocation expenses and it does not allow for reimbursement for loss on sale of residence.

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

FISCAL IMPACT:

Costs for relocation will be funded by the Office of Capitol Corridor and will be reimbursable through CCJPA or the State of California.

FY20	Amount	Cost Center
Relocation Assistance	\$18,000 approx	1401511

These actions are not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

Recruiting for the position without relocation assistance could result in the inability to attract adequate talent.

RECOMMENDATION:

Adopt the following motion:

MOTION:

That the General Manager or his designee is authorized, to enter into a relocation expense reimbursement agreement, if necessary, for the role of Deputy Director, Capitol Corridor, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 July 2019</i> <i>Robert M. Perry</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mark Letman Dept: Maintenance and Engineering <i>Mark Letman</i> Signature/Date: 7/16/19	General Counsel <i>V. B. [Signature]</i> 7/16/19 []	Controller/Treasurer <i>[Signature]</i> 7/16/19 []	District Secretary []	BARC <i>[Signature]</i> 7/17/19 []

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

PURPOSE:

To obtain Board authorization for the San Francisco Bay Area Rapid Transit District's (BART) continued participation in the State of California, Department of General Services (DGS) Purchase Card (CAL-Card) Program, for purchase of fuel by District staff for non-revenue vehicles beginning December 31, 2018 with U.S. Bank Voyager Fleet Systems, Inc. (Voyager), the monitor and administrator of the Voyager Fuel Card Program.

DISCUSSION:

The California Public Contract Code, Section 10298 permits the Director of DGS to consolidate the needs of its agencies for goods and services, establish contracts and master and cooperative agreements, that leverage the State of California's buying power. The DGS made and entered into a competitively procured Agreement with Voyager and has subsequently amended the Contract term multiple times. This program allows credit card purchases for self-serve unleaded gasoline, diesel fuel, M-85 methanol, emergency oil replacement and minor emergency repairs of State and eligible public agency vehicles pursuant to the same terms and conditions. Districts, including BART, may elect to enter into agreements with suppliers/vendors awarded these contracts without further competitive solicitation; therefore, saving staff time and expense. Also, consolidated billing by U.S. Bank Voyager Fleet Systems, Inc. minimizes District administrative cost by combining billings from participating oil companies into a monthly statement and offering real time web-based transaction data, and card maintenance.

BART has participated in this program with great benefits since November 1995 when the Board of Directors first approved the District’s participation in the fuel card program. The Board has continued to approve BART’s participation for each subsequent Agreement through the last Addendum approved in November 2016. Effective December 31, 2018 the DGS issued an Addendum extending the term of the current Agreement through December 31, 2020.

The Voyager fuel credit card (Voyager card) is accepted by all the major oil companies as well as most of the smaller independent service stations, ensuring necessary service to District vehicles virtually day or night anywhere in the Bay Area. District use of the Voyager card is restricted to Oakland Shop pump outage intervals, Measure RR leased vehicles and fueling designated BART vehicles servicing outlying areas, such as BART Police Department units when it is not logistically or economically feasible to use the Oakland Shop fueling facility. These vehicles are used on a 24-hour basis.

Voyager cards are issued on a selective basis by vehicle and individual to ensure that card access is limited to vehicle operators authorized to use these cards. Purchases authorized by the District include regular unleaded gasoline/ten percent ethanol blend, clear diesel fuel, emergency oil replacement and minor emergency repairs and cleaning. As of July 2019, approximately four hundred forty nine (449), or forty-eight (48%) percent of non-revenue, on road vehicles including forty-seven (47) Board approved Measure RR eligible vehicles assigned to infrastructure replacement projects are incurring monthly charges.

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

FY19 (Jan 1, 2019 to June 30, 2019)	\$ 390,000
FY20 (July 1, 2019 to June 30, 2020)	\$ 940,000
FY21 (July 1, 2020 to December 31, 2020)	\$ 670,000
Total.....	\$2,000,000

OPERATING FISCAL IMPACT:

For core BART Maintenance, the Fuel Credit Card Program will be funded by Operating Funds in the amount of \$950,000.00 from Cost Center 0802871 (Non-Revenue Vehicle Maintenance Division of Maintenance and Engineering) Operating Budget, Fund 0030, Account Nos. 680-061 and 680-060.

For EBART Maintenance, the Fuel Credit Card Program will be funded by Operating Funds in the amount of \$50,000.00 from Cost Center 0807200, Operating Budget, Fund 0030, Account No. 680-060. Expenditures for the out year portions of the contract will be included in future operating budgets as applicable, subject to Board approval.

For Measure RR eligible vehicles, the Fuel Credit Card Program in the amount of \$1,000,000 will be funded by Capital Projects as follows:

CAPITAL FISCAL IMPACT:

Funding of \$1,000,000 for award of Voyager Fuel Card Program will come from the following projects.

Project: 15EJRR1 – 34.5 KV AC Cable Replacement \$390,909

As of July 9, 2019, \$71,073,601 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
802A	2017 Measure RR GOB	BART	71,073,601
Total			71,073,601

BART has expended \$31,374,601, committed \$18,860,648, and reserved \$16,000 to-date for other action. This action will commit \$390,909 leaving an available fund balance of \$20,431,443 in these fund sources for this project.

Project: 15CQ002 – Rails, Ties, Fasteners Ph3 Meas. RR \$390,909

As of July 9, 2019, \$164,926,076 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
8529	FY15 Capital Allocation	BART	197,246
802A	2017 Measure RR GOB	BART	164,728,830
Total			164,926,076

BART has expended \$81,548,477, committed \$25,050,999, and reserved \$541,962 to-date for other action. This action will commit \$390,909 leaving an available fund balance of \$57,393,729 in these fund sources for this project.

Project: 15TC002 – Renewal of Tunnels & Structures \$218,182

As of July 9, 2019, \$91,659,575 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
6814	SFMTA Muni	Local	4,094,711
802A	2017 Measure RR GOB	BART	87,564,864
Total			91,659,575

BART has expended \$14,035,276, committed \$6,168,753, and reserved \$0 to-date for other action. This action will commit \$218,182 leaving an available fund balance of \$71,237,364 in these fund sources for this project.

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

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

ALTERNATIVES:

Seek another supplier through BART's own competitive solicitation process, which will increase the District's procurement cost and will not likely lead to increased competition or lower fuel cost. The Voyager card is available through the Fuel Credit Card Program at no additional cost to the District. Also, vehicles could refuel at the Oakland Shop Facility only, however this would not be cost effective for vehicles assigned to outlying locations such as the Richmond and Hayward Yards and West Bay facilities. Additionally Measure RR eligible vehicles are subject to special tracking requirements facilitated by use of the Voyager Fleet Card.

RECOMMENDATION:

On the basis of analysis by Staff, it is recommended that the Board adopt the following Motion.

MOTION:

The General Manager is authorized to enter into an Agreement with U.S. Bank Voyager Fleet Systems, Inc. for participation in the State of California DGS CAL-Card Program, reference Participating Addendum No. 7-16-99-27, Amendment 1, Commercial Card Solutions Contract 00612-Category 2, for the period December 31, 2018 to December 31, 2020.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D: Approve and Send to Board		
DATE: 7/8/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Linda Lee Dept: Maintenance and Engineering Signature/Date: 7/15/19	General Counsel 7/15/19 []	Controller/Treasurer 7/15/19 []	District Secretary []	BARC 7.15.2019 []

Award of Contract No. 15TC-231 Aerial Structure Fall Protection, M-Line

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15TC-231, Aerial Structure Fall Protection, M-Line to SDV Services, Inc. of Alameda, CA for the Bid Price of \$1,382,999.

DISCUSSION: This Contract is part of the Systemwide Aerial Structure Fall Protection Program for the installation of permanent fall protection on BART aerial structures. The fall protection barriers are required in order to comply with Cal/OSHA requirements which provide that persons within six feet from the edge of a raised platform or structure must be protected by a guardrail or be tied-off. The permanent fall protection barriers will allow workers to access the aeriels structures without being tied off.

The District sent out 213 Advance Notices to potential Bidders, including 22 to plan rooms, on April 1, 2019. The Contract was advertised and posted to the BART Procurement Portal on April 1, 2019. A total of 27 firms downloaded copies of the Bid Documents. A Pre-Bid Meeting was conducted on April 10, 2019, with a total of four potential Bidders in attendance. Three Bids were received and publicly opened on Tuesday, May 14, 2019.

BIDDER	LOCATION	TOTAL BID	LOCAL SMALL BUSINESS
SDV Services, Inc.	Alameda, CA	\$1,382,999.00	Yes
DMZ Builders	Concord, CA	\$3,555,000.00	Yes
Golden Bay	Stockton, CA	\$3,529,211.00	No

To obtain Board authorization for the General Manager to award Contract No. 15TC-231, Aerial Structure Fall Protection, M-Line to SDV Services, Inc. of Alameda, CA for the Bid Price of \$1,382,999.

Fence Plus Iron Works Inc.			
Engineer's Estimate		\$1,018,000.00	

After review by District staff, the Bid submitted by SDV Services, Inc. has been deemed to be responsive to the solicitation. Furthermore, a review of SDV Services, Inc.'s license, business experience, and financial capabilities has resulted in a determination that SDV Services, Inc. is responsible. Staff has also determined that SDV Services, Inc.'s total Bid price of \$1,382,999.00, although higher than the Engineer's Estimate, is fair and reasonable.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. The apparent low Bidder, SDV Services, Inc., and the apparent third Bidder, DMZ Builders, are eligible for the 7% Small Business Prime Preference for this Contract for evaluation purposes. SDV Services, Inc., is a certified Disabled Veterans Business Enterprise (DVBE) local small Business. The apparent second low bidder, Golden Bay Fence Plus Iron, Works, is not a certified Local Small Business and it is not eligible for the 7% Local Small Business Prime Preference. After review by the Office of Civil Rights, and application of the 7% Local Small Business Prime Preference, SDV Services, Inc. remains the lowest, responsive Bidder..

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises ("MBEs") and 9.3% for Women Business Enterprises ("WBEs"). SDV Services, Inc. committed to 0% MBE and WBE participation. SDV Services, Inc. did not meet either the MBE or WBE Availability Percentages; therefore, SDV Services, Inc. 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 SDV Services, Inc., the Office of Civil Rights found no evidence of discrimination.

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 (f), Existing Facilities, because it consists of minor alterations of existing facilities for safety protection involving no expansion of use.

CAPITAL FISCAL IMPACT:

To obtain Board authorization for the General Manager to award Contract No. 15TC-231, Aerial Structure Fall Protection, M-Line to SDV Services, Inc. of Alameda, CA for the Bid Price of \$1,382,999.

Funding in the amount of \$1,382,999 for award of Contract No. 15TC-231 is included in the total Project budget for FMS #015TC007 – Aerial Fall Protection.

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

Fund No.	Fund Description	Source	Amount
802A	Measure RR Funds	BART	\$19,979,441
TOTAL			\$19,979,441

As of 07/02/2019, \$19,979,441 is the total budget for this project which includes funding for up to four additional construction contracts. BART has expended \$190,007, committed \$231,029 and reserved \$0 to date. This action will commit \$1,382,999 leaving an available fund balance of \$18,175,406 in this fund source for this project.

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

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

ALTERNATIVE: The Board may elect to reject the Bid and re-advertise the work of this Contract. There is no assurance that any new Bids would be lower than the current Bids.

Failure to proceed with the Contract would delay the fall protection installation work, which will delay staff's access to the aerial structures for maintenance and other related work.

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

MOTION: The General Manager is authorized to award Contract No. 15TC-231, Aerial Structure Fall Protection, M-Line to SDV Services, Inc. for the Bid price of \$1,382,999.00 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>17 July 2019</i> <i>Robert M. Pown</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/1/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Lemon Dept: Maintenance and Engineering <i>Michael Lemon</i> Signature/Date: <i>6/25/2019</i>	General Counsel <i>[Signature]</i> <i>6/20/19</i> []	Controller/Treasurer <i>[Signature]</i> <i>6/25/19</i> []	District Secretary []	BARC <i>[Signature]</i> <i>7.15.2019</i> []

IFB 9054 Fujitec Escalator Step Assemblies

PURPOSE: To request Board Authorization to award Invitation for Bid (“IFB”) No. 9054, to Precision Escalator, Kenilworth, NJ in the amount of \$1,611,437.05 (includes all taxes) for the purchase of Fujitec escalator step assemblies.

DISCUSSION: The District currently has 25 Fujitec escalators in operation at the following locations: North Concord, Pittsburg Bay Point, Castro Valley, Dublin Pleasanton, Colma, South San Francisco, San Bruno, and Milbrae BART Stations. These escalators have been in service for an average of 19 years, with an average 100 step count per escalator. Based on the average life of the escalators there are critical components nearing the end of useful life. The District must ensure an adequate supply of replacement material for the existing escalators is readily available.

The IFB is a five (5) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on November 20, 2018. On the same day this solicitation was uploaded on the BART Vendor Portal.

Bids were opened on January 22, 2019 and two bids were received.

Bidder	Quantity	Unit Price	Grand Total Including 9.25% Sales Tax
ECS Corporation	1000 ea	\$1,465.00	\$1,600,512.05
Precision Escalator	1000 ea	\$1,475.00	\$1,611,437.05

Independent cost estimate by BART staff: \$2,190,000.00

ECS Corporation took exception to the District's Delivery Schedule and, as a result the Bid was deemed to be non-responsive.

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

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder, Precision Escalator, is not a certified Small Business and therefore, is not eligible for the 5% Small Business Prime Preference.

IFB Delivery Schedule: 5 year, Estimated Quantity Contract, As Required.

FISCAL IMPACT: The subject EDD proposes a five year contract at a total cost of 1,611,437.05 (including all taxes) from 01012020 - 12312025.

Funds will be budgeted in the Maintenance & Engineering operating budget (Dept 0802850-M&E Financial Admin, Account 680010-Inventory Materials Usage) as follows:

Proposed Funding	
FY20	\$322,287.40
FY21	\$322,287.40
FY22	\$322,287.40
FY23	\$322,287.40
FY24	\$322,287.45
TOTAL	\$1,611,437.05

Funding for services in this Fiscal Year are included in the Department's existing operating

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

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES: Reject all Bids and re-advertise the Contract. This, however, is not likely to result in increased competition or lower prices and could potentially result in outages of critical escalators while waiting for parts.

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

MOTION: The General Manager is authorized to award Invitation for Bid No. 9054, an estimated quantity contract, for the purchase of Fujitec escalator step assemblies, to Precision Escalator for the amount of \$1,611,437.05, including taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 July 2019</i> <i>Thant M. Power</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/15/2019		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Michael Lemon Dept: Maintenance and Engineering <i>Michael Lemon</i> Signature/Date: <i>6/25/2019</i>	General Counsel <i>[Signature]</i> <i>6/25/19</i> []	Controller/Treasurer <i>[Signature]</i> <i>6/25/19</i> []	District Secretary []	BARC <i>[Signature]</i> <i>7.15.2019</i> []

IFB 9055 O&K Escalator Step Assemblies

PURPOSE: To request Board Authorization to award Invitation for Bid ("IFB") No. 9055, to Kone Spares, Moline, Illinois in the amount of \$1,449,907.44 (includes all taxes) for the purchase of O&K Escalator spare inventory.

DISCUSSION: The District currently operates 17 O&K street escalators in key locations between Embarcadero and 24th Street Mission stations. While the O&K escalator step assemblies are universal and compatible on all 17 escalators, there are two different step chain model variations. We have 10 O&K escalators that use 20 HDV step chain and 7 that require 25 HDV step chain. Maintenance history has shown the step chain life expectancy on both 20 HDV and 25 HDV to be approximately three (3) years.

Thirteen (13) of these escalators are part of the Phase 1 escalator replacement / renovation contract, staff analyzed the potential number of step chain replacements that would be required over the estimated contract duration. Staff then determined the number of step chain sections required to perform each of the step chain replacements and those quantities were used to establish a five (5) year estimated quantity contract.

Pursuant to the terms of the Districts standard estimated quantity contract, during the term of the Contract the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on November 20, 2018. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Bids were opened on January 9, 2019 and one (1) bid was received.

Bidder	Item Description	Unit Quantity	Unit Price	Total	Grand Total Including 9.25% Sales Tax
Kone Spares Moline, Ill.	O&K Step Assemblies	700 ea.	\$615.00	\$430,500.00	\$470,321.25
	Step Chain 25 HDV 30 Pitch	100 pr.	\$4,289.00	\$428,900.00	\$468,573.25
	Step Chain 25 HDV 3 pitch	60 pr.	\$942.44	\$56,546.40	\$61,776.94
	Step Chain 20 HDV 30 Pitch	100 pr.	\$4,112.00	\$411,200.00	\$449,236.00
				\$1,327,146.40	\$1,449,907.44

Independent cost estimate by BART staff: \$1,350,000.00

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

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. The lowest responsive Bidder, Kone Spares, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference.

IFB Delivery Schedule: 5 year, Estimated Quantity Contract, As Required.

FISCAL IMPACT: The subject EDD proposes a five year contract at a total cost of \$1,449,907.44 (including all taxes) from 01012020 - 06302025.

Funds will be budgeted in the Maintenance & Engineering operating budget (Dept. 0802850 - M&E Financial Admin, Account 680010 - Inventory Materials Usage) as follows:

Proposed Funding	
FY20	\$289,981.49
FY21	\$289,981.49
FY22	\$289,981.49
FY23	\$289,981.49
FY24	\$289,981.49
TOTAL	\$1,449,907.44

Funding for services in this Fiscal Year are included in the Department's existing operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES: Reject all Bids and re-advertise the Contract. This, however, is not likely to result in increased competition or lower prices and could potentially result in excessive extended outages of critical escalators.

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

MOTION: The General Manager is authorized to award IFB # 9055, an estimated quantity contract, for the purchase of O&K escalator step assemblies and O&K step chain assemblies to Kone Spares, Moline, Ill. for the amount of \$1,449,907.44, including taxes, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D: authorized to award IFB No. 9061 for Uninterruptible Power Supply to Benning Power Electronics, Inc.		
DATE: 5/29/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mohamad Fararjeh Dept: Maintenance and Engineering <i>Mohamad Fararjeh</i> Signature/Date: 7/17/2019	General Counsel <i>V.P. [Signature]</i> 7/17/2019 []	Controller/Treasurer <i>[Signature]</i> 7/17/19 []	District Secretary []	BARC <i>[Signature]</i> 7/17/19 []

To Obtain Authorization to Award IFB No. 9061 Uninterruptible Power Supply

PURPOSE:

To obtain Board Authorization for the General Manager to Award Invitation for Bid (IFB) No. 9061 to Benning Power Electronics, Inc., Richardson, TX for the purchase of Uninterruptible Power Supply.

DISCUSSION:

The Uninterruptible Power Supply (UPS) units provide essential power to the Train Control Room (TCR) and communication equipment in the event of a utility power outage. The existing TCR UPS units are at the end of their useful life and require replacement. The existing units are no longer supported.

Award of IFB No. 9061 would allow the District to provide reliable train service in the event of a power outage by purchasing 25 replacement UPS units to power BART's train control and communications systems.

This is a three (3) year estimated quantity contract. During the term of the contract, the District is required to purchase a minimum of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to

purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on April 2, 2019. On the same day, this solicitation was uploaded onto the BART Vendor Portal. Correspondence was sent to ten (10) prospective Bidders inviting them to view the solicitation on the Vendor Portal. Bids were opened on April 30, 2019, and two (2) Bids were received.

Bidder	<u>Lot Price</u>	<u>Grand</u>
<u>Total Incl. Tax</u>		
Benning Power Electronics, Inc.	\$817,407.00	
\$893,017.15		
Richardson, TX		
Power Innovations Int'l	\$938,487.00	
\$1,025,297.05		
No. Dighton, MA		

Independent cost estimate by BART staff: **\$941,000.00**

Staff determined that the apparent low bidder, Benning Power Electronics, Inc., submitted a responsive bid. Staff also determined that the bid price is fair and reasonable based on the Staff's independent cost estimate.

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

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for the Invitation for Bid for Local Small Businesses (LSB) certified by the California Department of General Services and verified as Local, i.e located in Alameda, Contra Costa, or San Francisco counties, by the District. The lowest responsive Bidder, Benning Power Electronics, Inc., is not a certified Local Small Business (LSB), and therefore, is not eligible for the 7% LSB Prime Preference. The next lowest bidder, Power Innovations Int'l, also is not a certified Local Small Business so Benning remains the lowest responsive bidder.

CAPITAL FISCAL IMPACT:

Funding in the amount of \$893,017 for award of IFB No. 9061 is included in the total Project budget for FMS #79NKRR1 – Train Control UPS System.

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

Fund Source	Amount
Measure RR	\$ 14,981,630
TOTAL	\$ 14,981,630

As of July 2, 2019, \$14,981,630 is the total budget for this project. BART has expended \$2,418,303, committed \$46,080 and reserved \$941,000 to date. This action will commit \$893,017 leaving an available fund balance of \$10,683,230 in this fund source for this project.

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

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

ALTERNATIVES:

The alternative is to reject the Bids. This would leave the BART system, including train operation, vulnerable to power failure which could result in delays, system possible shutdown, and a loss of revenue service.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager is authorized to award IFB No. 9061, an estimated quantities

To Obtain Authorization to Award IFB No. 9061 Uninterruptible Power Supply

contract, for Uninterruptible Power Supply to Benning Power Electronics, Inc. for an amount of \$893,017.15 (including applicable sales tax), pursuant to a notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/21/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gregory Shivy Dept: Maintenance and Engineering <i>[Signature]</i> Signature/Date: 7/11/19	General Counsel <i>[Signature]</i> 7/12/19 []	Controller/Treasurer <i>[Signature]</i> 7/15/19 []	District Secretary []	BARC <i>[Signature]</i> 7.15.2019 []

Rejection of Proposal submitted by Holland, LP for Request For Proposals (RFP) No. 6M3425 Systemwide Track Joint Elimination Services

PURPOSE:

To obtain Board authorization for the General Manager to reject the Proposal submitted by Holland, LP of Crete, IL, in the amount of \$67,247,000.00, for Request for Proposals (RFP) No. 6M3425 Systemwide Track Joint Elimination Services.

DISCUSSION:

Systemwide Track Joint Elimination restores Continuous Welded Rail (CWR) throughout the legacy system, providing more reliable services, reduced noise, improved customer experience, as well as providing long term cost savings to the District by reducing wear to the rails and vehicle suspension components and wheels.

Joint elimination utilizes in-track Electric Flash-Butt "EFB" welding, which produces superior weld quality, takes much shorter welding time and preparation (approximately 1 hour) compared to the Thermitite welding (approximately 3 hours) method currently performed by the District. It is the desirable welding method.

The District sent Advance Notice to six (6) prospective proposers on January 30, 2019 and Office of Civil Rights (OCR) further contacted approximately 127 potential bidders on February 4, 2019. The District advertised in ten (10) local Bay Area newspapers and publications on January 31, 2019. A Pre-Proposal Conference was held on February 14, 2019 and attended by representatives from five (5) firms and BART staff. The District received one (1) proposal on March 19, 2019, from Holland, LP.

The price proposal received from Holland, LP for the maximum 5-year Agreement term, is

\$67,247,000.00. The Engineer's estimate is \$31,919,170.00. Holland, LP, \$67,247,000.00 proposal exceeds the Engineer's estimate by 211% mainly due to the specialized in-track welding equipment, higher mobilization cost, additional labor to perform the pre-construction survey, and sub-contract an ultrasonic testing firm to perform a test of each weld by hand.

District's staff concluded the close proximity to the cover boards and BART's unique gauge size prevented other firms from bidding for the work. By adding BART forces to support the work, such as removing and installing the cover boards during construction, along with performing pre-construction survey for future potential procurement, the District expects to receive potentially more proposal(s) that may be more consistent with the estimated costs, should it pursue re-procuring for track joint elimination services. It is expected that such changes in the scope of services should lower the cost of future price proposal(s) as the scope of services will be focused more on providing welding services.

Staff recommends that the Board reject the Proposal submitted by Holland, LP and permit Staff to re-advertise the Request for Proposals (RFP).

FISCAL IMPACT:

There is no Fiscal Impact resulting from rejection of this Proposal.

ALTERNATIVES:

Accept the price proposal from Holland, LP. However, awarding this Agreement exceeds the Engineer's Estimate by \$35,327,830.00 (211%). Alternatively, the District could perform the Thermite welding in house, but this process will take up to an additional ten (10) years. Not doing this joint elimination project will potentially increase the risk of service interruptions and increased noise for BART customers.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to reject the Proposal submitted by Holland, LP for Request for Proposals (RFP) No. 6M3425 Systemwide Track Joint Elimination Services, to restructure the scope of services and to re-advertise the Request for Proposals.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pearson</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 7/12/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Voix Dept: Real Estate and Property Development <i>Paul Voix</i> Signature/Date: 7/17/19	General Counsel <i>[Signature]</i> 7/18/19 []	Controller/Treasurer <i>[Signature]</i> 7/17/19 []	District Secretary []	BARC <i>[Signature]</i> 7/17/2019 []

RICHMOND GREENWAY BIKE PATH ACCESS LICENSE AGREEMENT

PURPOSE: To obtain Board authorization to: 1) execute a revocable 20-year License Agreement (the "License Agreement") with the City of Richmond ("City") for a new access point to the Richmond Greenway Pedestrian/Bike Path ("Richmond Greenway"), and 2) amend the License Agreement as may be required in the future to landscape improvements, subject to review and approval by BART staff. The initial License Agreement would cover an area of approximately 200 square feet, as depicted in Exhibit A to this EDD (the "Subject BART Property").

DISCUSSION: The Richmond Greenway is an approximately two mile pedestrian and bike path over portions of a former Atchison, Topeka and Santa Fe Railway right of way, and which connects to the Ohlone Greenway Pedestrian/Bike Path at the Border of El Cerrito. BART's transit system also occupies portions of the Atchison, Topeka and Santa Fee Railway right of way, and runs parallel to the Richmond Greenway in some areas.

On December 8, 2016 BART issued Permit to Enter No. R-11.0-003-RH, which permitted a private developer to install a sidewalk for the City on the Subject BART Property in order to directly connect South 45th Street in Richmond to the Richmond Greenway. Construction of the sidewalk is now complete. Permit No. R-11.0-003-RH expires on December 31, 2019. BART staff and the City agree that a revocable License Agreement, with a term running through December 31, 2039, is an appropriate instrument to address and memorialize the continued use of this access point.

This new access point assists pedestrians and bicyclists who use the Richmond Greenway to connect to both the Richmond and El Cerrito Del Norte BART Stations.

In addition to authorizing the License Agreement, BART staff requests that the Board authorize future amendments to the License Agreement to address landscape improvements introduced by the City on BART property adjacent to the Richmond Greenway.

The Office of the General Counsel will approve the License Agreement and any future amendments to the License Agreement, as to form.

FISCAL IMPACT: There is no new fiscal impact from the proposed action. Savings to the District are realized as a result of the City assuming all maintenance and liability for the Subject BART Property to be used as a public access point to the Richmond Greenway.

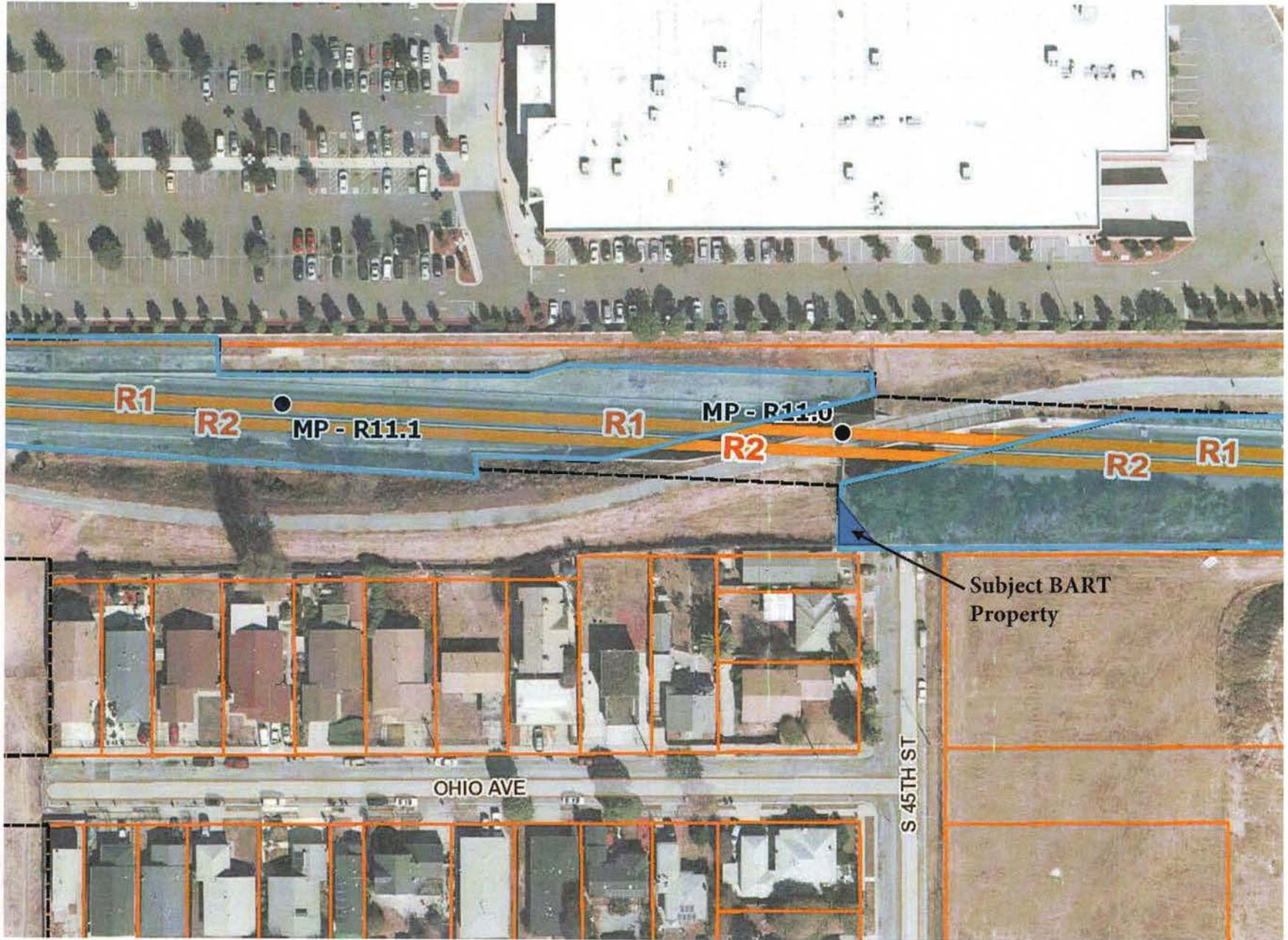
ALTERNATIVES: Failure to enter into the License Agreement could result in:

1. The continued use of the Subject BART Property as an access point to the Richmond Greenway might occur even without an agreement with the City in place.
2. BART having to maintain and assume liability for the Subject BART Property currently being used by the public to access the Richmond Greenway.
3. Without an agreement in place, the access point might be closed off and the sidewalk improvements removed. This would prohibit safe access to the Richmond Greenway at this location

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or his or her designee is authorized to enter into a revocable License Agreement with the City of Richmond for the operation and maintenance of an access point to the Richmond Greenway from South 45th Street in Richmond, and to amend the License Agreement to address landscape improvements on BART property adjacent to the Richmond Greenway.

Exhibit A





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 July 2019</i> <i>Robert M. Pearson</i>		GENERAL MANAGER ACTION REQ'D: (N/A)		
DATE: 7/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rod Maplestone Dept: Human Resources Administration	General Counsel <i>[Signature]</i> 7/16/19 []	Controller/Treasurer <i>[Signature]</i> 7/16/19 []	District Secretary []	BARC <i>[Signature]</i> 07-16-2019
Signature/Date: <i>[Signature]</i> 7/15/2019				
Status: Routed		Date Created: 7/10/2019		

Award of Contract for Workers' Compensation Investigative Services to Apex Investigation (6M4674)

PURPOSE: To obtain Board Authorization for the General Manager to award Agreement No. 6M4674, Investigative Services for the District's Workers' Compensation Program, to APEX Investigation. This agreement shall have a term of three (3) years, with two (2) one-year options, which the District may exercise in its sole discretion, in the amount not to exceed \$2,014,356.05

DISCUSSION: The agreement is for Investigative Services in support of the District's comprehensive Workers' Compensation Program. Selection of the vendor was based on the proposer's qualifications and ability to provide services based on subject matter expertise, quality of the Project Manager and staff, as well as price.

Advance Notices were emailed out on May 9, 2019 to 83 known providers. The Advance Notice and the RFP were also posted on the Procurement Portal on May 9, 2019. The RFP was advertised in ten (10) publications on May 9, 2019. A total of 24 firms downloaded the RFP from the Procurement Portal. A Pre-Proposal Meeting and Networking Session was held on May 20, 2019 with five (5) firms in attendance. Four (4) proposals were received on June 4, 2019 from the following firms:

1. APEX Investigation, (Sacramento, CA)
2. DigiStream Bay Area, Inc., (Alameda, CA)
3. Frasco Investigative Services, (Burbank, CA)
4. Freese & Gianelli Claim Services, Inc. DBA Status Investigative Group, (Modesto, CA)

The scope of work will include some of the following tasks:

- Coordinate with Athens, the District's Workers' Compensation/Leave Programs Third Party Administrator to ensure Workers' Compensation claims are adjudicated accurately
- Conduct investigations and provide supporting documentation to evaluate Short Term and Long Term Disability and other protected leaves are paid according to District provisions

The District's Selection Committee, chaired by Contract Administration, consisted of representatives from the District's Human Resources Department (HR) and Office of Civil Rights (OCR). The Committee evaluated the proposal using the best value methodology. The Committee reviewed the technical proposals for compliance with the ten (10) minimum technical requirements set forth in the RFP. Of the four (4) proposers, the proposal submitted by Status Investigative Group did not pass minimum technical requirements and therefore did not advance to the next phase of the evaluation.

The Committee evaluated and scored DigiStream Bay Area, Inc., APEX Investigation and Frasco Investigative Services based on their written statements of qualifications. The Committee then opened and evaluated each price proposal.

Pursuant to the District's Non-Federal Small Business Program, OCR set a 5% Small Business Prime Preference for this Agreement for Small Business (SB) certified by the California Department of General Services (DGS). Apex Investigation is a certified SB, making it eligible for the 5% Small Business Prime Preference for this Agreement for evaluation purposes.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 5.5% for Minority Business Enterprises (MBEs) and 2.8% for Women Business Enterprises (WBEs). Apex Investigation 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.

Apex Investigation has significant subject matter expertise, short turnaround times and relevant experience with California public and transit agencies. Along with analysis of proposed price, the Selection Committee recommends the selection of Apex Investigation based on overall best value for the District's Workers' Compensation Investigative Services. Further, Apex Investigation is a certified small business.

FISCAL IMPACT: This agreement has a not to exceed cost limit of \$2,014,356.05. However, no dollar amount is guaranteed to the vendor.

Funds required to cover this Agreement are included in the District's Workers' Compensation Reserves. Funding for the Workers' Compensation Reserves in FY20 is included in the District's operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any fiscal impact on the unprogrammed District reserves in the current Fiscal Year.

The total proposal prices for the base 3 years plus two 1-year options are as follows:

Investigative Services: Agreement 6M4674 with APEX Investigation

Year 1	\$358,479.25	FY 20
Year 2	\$383,571.00	FY 21
Year 3	\$410,420.60	FY 22
Option Year 1	\$430,942.60	FY 23
Option Year 2	\$430,942.60	FY 24
Total Not to Exceed – 3 Years + 2 Option Years	\$2,014,356.05	

ALTERNATIVES: Cancel and re-advertise the RFP, or extend the existing Investigative Services vendor. Cancellation of RFP would, absent a further extension, leave the District without the ability to meet obligations with respect to Investigative Services for the District's Workers' Compensation program.

RECOMMENDATION: Adopt the following motion:

MOTION: The General Manager is authorized to award Agreement No. 6M4674, Investigative Services for the District's Workers' Compensation Program, to APEX Investigation for an amount not to exceed \$1,152,470.85 for the base three-year period, 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 Option Year One (1) for an amount not-to-exceed \$430,942.60 and Option Year Two (2) for an amount not-to-exceed \$430,942.60, subject to availability of funds.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>18 July 2019</i> <i>Robert M. Fawcett</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/16/2019		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Tim Chan Dept: Systems Development <i>[Signature]</i> Signature/Date: 7/16/2019	General Counsel <i>[Signature]</i> 7/18/19 []	Controller/Treasurer <i>[Signature]</i> 7/17/19 []	District Secretary []	BARC <i>[Signature]</i> 7/18/19 []

FY20-FY22 Quality of Life Initiatives Agreements for Elevator Attendants, Pits Stops and Homeless Outreach

PURPOSE:

To obtain Board authorization for the General Manager to enter into negotiations with the listed organizations and agencies for the specified services:

1. Urban Alchemy, formerly Hunters Point Family, for Elevator Attendants at Civic Center, Powell St., Montgomery and Embarcadero stations. In FY20 not to exceed \$1,500,000, FY21 not to exceed \$1,900,00 and FY22 not to exceed \$3,279,000. BART will enter into a separate reimbursement agreement with San Francisco Municipal Transportation Agency (SFMTA) for 50% of actual costs for these services.
2. San Francisco Public Works (SFPW) for three Pit Stop locations at Powell St., 16th St. and 24th St. In FY20 not to exceed \$257,500, FY21 not to exceed \$265,225 and FY22 not to exceed \$273,182.
3. Contra Costa Health Services (CCHS) for one dedicated Homeless Outreach Team in Contra Costa County. In FY20 not to exceed \$180,000, FY21 not to exceed \$187,000 and FY22 not to exceed \$194,000.
4. Alameda County Healthcare Services Agency (ACHSA) for one dedicated Homeless Outreach Team (HOT) in Alameda County. In FY20 not to exceed \$250,000, FY21 not to exceed \$257,500 and FY22 not to exceed \$265,225.
5. San Mateo County Human Services Agency (SMCHSA) for one dedicated Homeless Outreach Team (HOT) in San Mateo County and San Francisco International Airport (SFO). In FY20 not to exceed \$250,000, FY21 not to exceed \$257,500 and FY22 not to exceed \$265,225. BART will enter into a separate reimbursement agreement with SFO for up to 50% of the costs based on the actual time spent at the airport.

DISCUSSION:

The BART system and particularly the four downtown San Francisco stations - Embarcadero, Montgomery, Powell St. and Civic Center - continue to see a significant presence of homeless individuals and illegal drug activity. This is consistent with the experience of cities and counties across the Bay Area. BART customer service surveying has determined that our customers expect BART to address the social issues in stations and on trains. In response, BART has undertaken a comprehensive quality of life campaign, which includes Elevator Attendants, Pit Stop restrooms, and Homeless Outreach services.

The FY20 adopted budget provided funds continue and expand the elevator attendant program to cover all four downtown San Francisco stations, continue to provide pit stop restrooms and San Francisco and Contra Costa county Homeless Outreach Teams and provide new Homeless Outreach Teams in Alameda and San Mateo Counties.

This action allows the General Manager to negotiate and execute successor or extension amendments for these agreements for FY20, FY21 and FY22, pending budget adoption by the Board of Directors in FY21 and FY22.

Elevator Attendant Program

The Elevator Attendant Program was launched on April 30, 2018 and was renewed in FY19 to address sanitation and safety and security issues in the BART station elevators. Attendants are in the street and platform elevators at Civic Center and Powell St. stations during BART operating hours. The attendants greet customers, operate the elevator, collect data on the number of users and their demographics and deter inappropriate behavior in the elevator. The program has been very popular with BART customers, particularly those dependent on the elevators.

The current contract is with Urban Alchemy, formerly Hunters Point Family. Urban Alchemy was the only vendor of elevator attendant services considered for the program. Urban Alchemy has unique insights regarding the homeless population in and around downtown San Francisco BART Stations and has ensured the success of the elevator attendant program. This organization has successfully served the City and County of San Francisco on a number of similar projects including the Pit Stop Program to reduce the use of street restroom facilities for unlawful purposes.

In addition, the use of Urban Alchemy advances an important public policy objective to provide job training, employment, and workforce development opportunities to formerly incarcerated, at-risk, local residents who are eligible to work but face barriers to employment.

For the reasons stated above, including Urban Alchemy's on-going relationship with our

project partner, the City and County of San Francisco, the services sought under these agreements have not been solicited through a competitive process.

In June 2019, BART and SFMTA successfully secured a MTC Lifeline Grant in the amount of \$2,600,000 that provides \$1,300,000 per year in FY20 and FY21 to help offset elevator attendant costs. BART and SFMTA have agreed to use the grant funds to expand the elevator attendant initiative to Montgomery and Embarcadero stations. This grant will go directly to BART who will apply it toward the program costs and then bill SFMTA 50% for the remaining costs.

Staff is currently working on the launch date for early Fall 2019.

Pit Stop Program

The San Francisco Public Works' Pit Stop Program provides clean and safe public toilets, as well as used-needle receptacles and dog waste stations, in the City's most impacted neighborhoods. The restroom units have running water, soap and hand towels, and are maintained by on site attendants to a high standard. The program began in the Tenderloin District in 2014 at three sites, sparked by a plea from neighborhood middle schoolers who had to navigate around human waste on their walk to school. Today, the Pit Stop restrooms operate at 25 sites in 13 neighborhoods. Three locations adjacent to BART stations; Powell St., 16th St. and 24th St., are co-funded by BART.

Homeless Outreach Programs:

Contra Costa Homeless Outreach Team

While homelessness is most acute in San Francisco, it also affects other parts of the District. On January 7, 2019, Contra Costa Health Services launched one Homeless Outreach Team dedicated to BART. It consists of two individuals who work 40 hours per week to engage those experiencing homelessness on BART property and under aerial tracks and connect them to available services and shelters in this county.

Alameda County Homeless Outreach Team

In FY20, BART is looking to expand the Homeless Outreach Team program to the remaining counties served by BART. BART is currently in discussions with the Alameda County Healthcare Services Agency to launch one dedicated team to engage those experiencing homelessness on BART property and under aerial tracks and connect them to available services and shelters in this county

San Mateo County Homeless Outreach Team

Also, in FY20, BART is working with San Mateo County Human Services Agency to launch

its own Homeless Outreach Team for San Mateo County and San Francisco International Airport. The team will consist of one dedicated team to engage those experiencing homelessness on BART property and under aerial tracks and connect them to available services and shelters in this county.

FISCAL IMPACT:

Quality of Life Initiatives were funded in the amount of \$2,000,000 as part of the FY20 adopted operating budget (funded by the general fund) and include the following: Elevator Attendant Program (four downtown San Francisco stations), Pit Stop Program (three San Francisco stations), and Homeless Outreach Teams in Contra Costa, Alameda and San Mateo counties. The Board approved a separate action for San Francisco HOT in FY18 that continues through FY22.

Elevator Attendant Program

In FY20, the total cost to continue the Elevator Attendant Program at Civic Center and Powell St. stations for twelve months and to add Montgomery and Embarcadero stations for nine months is approximately \$2,800,000. After application of the MTC Lifeline Grant of \$1,300,000, the BART and SFMTA contribution will be \$749,000 each.

For FY21, assuming \$.50 hourly wage increase for Attendants and 12 full months of service for all four downtown stations the cost will increase to \$3,200,000. After application of the MTC Lifeline Grant of \$1,300,000, the BART and SFMTA contribution will be \$950,000 each.

For FY22, assuming another \$.50 hourly increase the cost will increase to \$3,279,000. This expense will be split between BART and SFMTA. Both agencies will continue to work on securing grant funding to help offset costs.

Expense assumption reflect recent San Francisco local law changes. Specifically, an increase in minimum wage, two weeks of legal vacation, two weeks of legally required sick time, plus one mandatory week of training.

Funding for FY21 and FY22, will be included in the proposed annual operating budget, subject to Board approval.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

FY20 total funding for the Elevator Attendant Program will not exceed \$749,000 and will come from the FY20 Public Safety Initiatives operating budget (Dept #1011276 /Acct #681301).

Pit Stop Program

In FY20, the total cost to continue the three existing Pit Stop locations at Powell St., 16th St. and 24th St. stations for FY20 is \$514,000. This sum will be evenly split between BART and San Francisco Public Works. BART will enter into an agreement with Public Works for the amount of \$257,500.

For FY21, a 3% cost escalation is anticipated. This will increase the BART share to \$265,225.

For FY22, a 3% cost escalation is anticipated. The BART share is expected to be \$273,182.

Funding for FY21 and FY22, will be included in the proposed annual operating budget, subject to Board approval.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

FY20 total funding for the Pit Stop Program will not exceed \$514,000 and will come from the FY20 Public Safety Initiatives operating budget (Dept #1011276 /Acct #681301).

Homeless Outreach Programs:

Contra Costa County Homeless Outreach Team

In FY20, one dedicated Homeless Outreach Team in Contra Costa County costs approximately \$240,000 annually, of which \$60,000 is covered by Contra Costa Health Services (CCHS) and \$180,000 is covered by BART. BART will enter into an agreement with CCHS for the amount up to \$180,000.

In FY21, the cost will escalate approximately 3% and total \$250,000 annually. The BART share is anticipated to be \$187,000. BART will enter into an agreement with CCHS for the amount up to \$187,000.

In FY22, the cost will escalate approximately 3% and total \$259,000 annually. BART will enter into an agreement with CCHS for the amount up to \$194,000.

Alameda County Homeless Outreach Team

In FY20, Alameda County Healthcare Services Agency (ACHSA) will provide one dedicated Homeless Outreach Team in Alameda County for approximately \$250,000 annually. There is no cost sharing per se, although ACHSA will contribute in-kind labor for administering their services.

In FY21, the cost will escalate approximately 3% and total \$257,500.

In FY22, the cost will escalate approximately 3% and total \$265,225.

San Mateo County Homeless Outreach Team

In FY20, San Mateo County Human Services Agency (SMCHSA) will provide one dedicated Homeless Outreach Team in San Mateo County for approximately \$250,000 annually. SFO is expected to participate in the cost sharing up to 50% of total costs, based on the actual time spent at the airport. BART will contract with San Mateo County for the full amount and bill SFO for their share.

In FY21, the cost will escalate approximately 3% and total \$257,500 with the same cost sharing arrangement between SFO and BART.

In FY22, the cost will escalate approximately 3% and total \$265,225 with the same cost sharing arrangement between SFO and BART.

Funding for FY21 and FY22, will be included in the proposed annual operating budget, subject to Board approval.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

FY20 total funding for the Homeless Outreach Program will not exceed \$555,000 and will come from the FY20 Public Safety Initiatives operating budget (Dept #1011276 /Acct #681301).

ALTERNATIVES:

The alternative is to not authorize one of more of these Agreements or to limit the duration.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The Board authorizes the General Manager to enter into negotiations with the listed agencies for the specified services:

1. Urban Alchemy for elevator attendants at Civic Center, Powell St., Montgomery and Embarcadero stations. In FY20 not to exceed \$1,500,000, FY21 not to exceed \$1,900,00 and FY22 not to exceed \$3,279,000. BART will enter into a separate reimbursement agreement with San Francisco Municipal Transportation Agency

(SFMTA) for 50% of actual costs for these services.

2. San Francisco Public Works (SFPW) for three Pit Stop locations at Powell St., 16th St. and 24th St. In FY20 not to exceed \$257,500, FY21 not to exceed \$265,225 and FY22 not to exceed \$273,182.
3. Contra Costa Health Services (CCHS) for one dedicated Homeless Outreach Team in Contra Costa County. In FY20 not to exceed \$180,000, FY21 not to exceed \$187,000 and FY22 not to exceed \$194,000.
4. Alameda County Healthcare Services Agency (ACHSA) for one dedicated Homeless Outreach Team (HOT) in Alameda County. In FY20 not to exceed \$250,000, FY21 not to exceed \$257,500 and FY22 not to exceed \$265,225.
5. San Mateo County Human Services Agency (SMCHSA) for one dedicated Homeless Outreach Team (HOT) in San Mateo County and San Francisco International Airport (SFO). In FY20 not to exceed \$250,000, FY21 not to exceed \$257,500 and FY22 not to exceed \$265,225. BART will enter into a separate reimbursement agreement with SFO for up to 50% of the costs based on the actual time spent at the airport.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/10/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mark Letman Dept: Maintenance and Engineering <i>Mark Letman</i> Signature/Date: 7/17/19	General Counsel <i>[Signature]</i> 7/17/19 []	Controller/Treasurer <i>[Signature]</i> 7/17/19 []	District Secretary []	BARC <i>[Signature]</i> 7/17/19 []

Single Source of Procurement for the Independent Public Safety Tunnel Radio System

PURPOSE:

To request Board authorization for the General Manager to enter into negotiations with Motorola Solutions, Inc. (Motorola) as the single source of procurement, in accordance with California Public Contract Code Section 20227, for an independent public safety tunnel radio system, subject to funding availability.

DISCUSSION:

Staff seeks Board authority to enter into direct negotiations for a contract with Motorola Solutions, Inc. as the single of procurement to execute a contract for the purchase of three Motorola 5-channel trunked radio base stations with new network connections to the existing City and County of San Francisco (CCSF) and East Bay Regional Communication System (EBRCSA) radio cores at a cost of \$1,930,000.

Only the specified Motorola equipment is technically and functionally compatible with the existing CCSF and EBRCSA Motorola networks. This acquisition will enable personnel of regional public safety agencies to switch automatically from above ground systems directly to underground Motorola radio systems for both routine and emergency public safety operations in BART tunnels. In order to ensure full compatibility with the existing Motorola networks, Staff proposes a single source procurement of Motorola equipment. No other equipment would be fully compatible with the existing Motorola systems of EBRCSA and CCSF.

Public radio systems in tunnels are essential to BART Operations and incident command staff and are utilized for critical communication among the BART Operations Control Center (OCC), train operators, maintenance staff, BART Police Dispatch, and law enforcement officials. BART's OCC requires the capability to override automated train operation controls (ATO) by issuing radio instructions to train operators. The proposed independent public safety tunnel radio system (the Project) creates greater interoperability of public radio communications between the various public safety agencies.

The BART System extends through multiple cities and counties which represent several public safety agency jurisdictions. Most of the other public safety agencies currently use either the CCSF or EBRCSA's Motorola radio systems. Creating greater interoperability for the independent radio systems of other agencies throughout the BART System increases public safety and achieves greater public safety interoperability and versatility for BART and regional public safety agencies.

BART currently has 37 miles of underground radio antenna systems to support public safety radio communications. This Project would add three (3) Motorola 5-channel trunked radio base stations to the existing tunnel and underground distributed radio antenna systems, including network connections to the existing CCSF and EBRCSA Motorola core systems. These Motorola radio systems will be fully independent of, and create essential redundant capacity to, the BART public safety radio system. Adding Motorola radio base stations and integrating the stations with CCSF and EBRCSA will provide radio system roaming both for regional public safety agencies and for the BART System and will be available for temporary use in the event of emergencies. The existing CCSF and EBRCSA independent Motorola public safety networks will be extended through BART tunnels to provide continuous radio coverage both above and below ground.

In addition to meeting the Public Contract Code requirements for a single source procurement, this Project will be funded by a September 2018 Transit Security Grant Program (TSGP) Federal Emergency Management Administration (FEMA) grant for Public Safety Land Mobile Radio Services (Resilience, Interoperability and Disaster Recovery). This grant specifies that Motorola radio systems will be added to the BART public safety underground radio system to integrate with existing CCSF and EBRCSA systems.

The grant specifies addition of three Motorola 5-channel trunked radio base stations with new network connections to the existing CCSF and EBRCSA radio cores, to connect with BART's existing underground antenna systems and provide radio system roaming for regional public safety agencies.

Accordingly, as described above, the proposed purchase from Motorola of Motorola's 5 channel trunked radio based stations will provide modifications and enhancements to BART's existing underground public safety radio system.

Pursuant to California Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or modifying equipment currently in use.

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

CAPITAL FISCAL IMPACT:

Funding in the amount of \$1,930,000 for single source of procurement for an Independent Tunnel Radio System is included in the total project budget for FMS# 20AJ002 – Adjacent Agency Radio System - Tunnels.

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

Proposed Funding	
F/G 3762 – FEMA FY18 Transit Security Grant	\$2,000,000
TOTAL	\$2,000,000

As of July 9, 2019, \$2,000,000 is the total budget for this project. BART has expended \$0, committed \$0, and reserved \$0 to date. This action will commit \$1,930,000, leaving an available fund balance of \$70,000 in these fund sources for this project.

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

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

ALTERNATIVES:

Do not authorize the General Manager to negotiate a single source of procurement Contract for radio equipment with Motorola Solutions, Inc. which would keep BART from improving its public safety radio system and its interface with CCSF and EBRCSA's radio systems.

RECOMMENDATION:

Staff, recommends that the Board adopt the following motion.

MOTION:

Pursuant to California Public Contract Code Section 20227, the Board finds that Motorola Solutions, Inc. is the single source for the purchase of equipment for the Project, and that the purchase is for the purpose of duplicating or replacing equipment in use at the District.

The Board authorizes the General Manager to enter into direct negotiations and execute a contract with Motorola Solutions, Inc. for the procurement of an Independent Public Safety Tunnel Radio System for an amount not to exceed \$1,930,000 plus applicable taxes.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 18 July 2019		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the E&O Committee		
DATE: 2/21/2019		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Denise McDonald Dept: PD&C - Stations <i>Denise McDonald</i> Signature/Date: 7/15/2019	General Counsel <i>[Signature]</i> 7/15/19 []	Controller/Treasurer <i>[Signature]</i> 7/15/19 []	District Secretary []	BARC <i>[Signature]</i> 7/17/19 []

Award of Contract No. 07EA-120, 19th St Oakland Station Modernization Project

PURPOSE:

To obtain Board's authorization for the General Manager to award Contract No. 07EA-120, 19th St Oakland Station Modernization Project, to Proven Management, Inc., of Oakland, CA.

DISCUSSION:

The Work of this Contract is part of the District's Station Modernization Program. It will provide for the reconfiguration of the 19th Street Station concourse area and consolidation of three existing paid areas into one paid area and enclosing the existing elevator into the paid area. In addition, the Work will involve the installation of a new elevator between the platform and the paid area of the concourse, installation of new five-foot high fare barriers, LED lighting, replacement of the current primary station agent booth, addition of bike infrastructure improvements and renovation and reopening of the public restrooms. The Contract also includes an option work item ('Option 1') for the painting of wall murals on walls adjacent to the trackways.

On November 19, 2018, an Advance Notice to Bidders was emailed to 297 prospective bidders, including 22 Plan Rooms. The Contract was advertised and posted to the BART Procurement Portal on November 20, 2018. A total of 52 firms downloaded copies of the Bid Documents. A Pre-Bid meeting and Jobsite tour was held on December 3, 2018 with eight (8) prospective Bidders attending. Five (5) addenda to the Contract were issued. Two (2) Bids were received and publicly

opened on February 26, 2019. The Bids received, and the Engineer's Estimate are shown below:

BIDDER / LOCATION	BASE BID	OPTION 1 BID	TOTAL BID PRICE
Proven Management, Inc Oakland, CA	\$32,691,000	\$150,000	\$32,841,000
Clark Construction California, LP	\$33,446,000	\$45,800	\$33,491,800
Engineer's Estimate	\$20,512,154	\$117,678	\$20,629,832

After review by District staff, the apparent low Bid submitted by Proven Management, Inc. has been determined to be fair and reasonable and responsive to the solicitation. The Total Bid Price of \$32,841,000 is 59% above the Engineer's Estimate. The Engineer's Estimate did not sufficiently capture the effects of tariffs on commodities, shortage of qualified labor in several trades, and current market conditions. The combination of these factors ultimately resulted in the large variance between the Engineer's Estimate and the Bids received. Since the solicitation resulted in only two Bids, the Bid prices received represent a less competitive Bidding environment. With the two Bidders' Bid prices being within 2% of each other, the Total Bid Price submitted by the low Bidder has been deemed fair given the current market conditions. A review of Proven Management Inc.'s business experience and financial capabilities has resulted in a determination that the Bidder is responsible.

District staff has determined that this work is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 152725(a), because it consists of modernization of an existing facility to meet an increase in passenger service. In addition, since the Contract is federally-funded, it is subject to the provisions of the National Environmental Policy Act (NEPA). The federal funding agency, the Federal Transit Administration (FTA), has concurred with BART that the project qualifies under a categorical exclusion from NEPA requirements under 23 CFR Part 771.118 (c)(5) because it involves the promotion of transportation accessibility and safety associated

with the implementation of project improvements.

This Contract was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were Small Business Entity (SBE) subcontracting opportunities; therefore, an SBE participation goal of 17% was set for this Contract. The low Bidder, Proven Management, Inc., committed to subcontracting 18.15% to SBEs. The Office of Civil Rights has determined that Proven Management, Inc. has met the SBE participation goal set for this Contract.

FISCAL IMPACT:

Funding in the amount of \$32,691,000 for Contract 07EA-120 is included in the project budget 07EA011, 19th St Oakland Station Modernization Project. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table lists the funding assigned to project 07EA011 and is included to reflect the funding history against spending authority. Funds needed to meet this request will be expended from the following:

FUND NO.	FUND DESCRIPTION	SOURCE	AMOUNT
3610	FTA CA-2018-013-00 Tiger Grant	Federal	\$6,321,688
535A	FY2010-11 PROP 1B-PTMISEA	State	\$8,417,132
535B	FY14-15 Prop 1B PTMISEA Fund	State	\$4,874,930
802A	2017A Measure RR GOB	Local	\$11,600,000
8603	FY19 Cap Alloc Station & Access	BART	\$1,018,000
5414	State Trans. Improvement Prog. STIP	State	\$3,726,000
TOTAL			\$35,957,750

As of July 11, 2019, 2019, \$35,957,750 is the total budget for this project. BART has expended \$356,106 and \$172,527 has been committed for other actions. This action will commit \$32,691,000 leaving an available fund balance of \$2,738,117 for this

project.

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

The project has additionally been allocated \$10M in Alameda County Measure BB funds from the special, "Named Capital" category that has been set aside for BART. The Measure BB funds will be reflected in the project budget upon execution of a funding agreement.

ALTERNATIVES:

The Board may elect to reject all bids and authorize staff to rebid the Contract. The FTA would need to approve the extension and rebidding of the Contract. Rebidding the Contract will result in additional time and cost to the District with no assurance that it will result in a lower Bid price.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 07EA-120, 19th St Oakland Station Modernization Project, to Proven Management, Inc for the Bid Price of \$32,691,000 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FTA requirements related to protests.

The General Manager is further authorized to exercise Option 1, Track Wall Mural Painting, subject to certification by the Controller/Treasurer that funding is available.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Penner</i> 17 July 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/21/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Gregory Shivy Dept Maintenance and Engineering Signature/Date: <i>Gregory Shivy</i> 7/11/19	General Counsel <i>[Signature]</i> 7/12/19 []	Controller/Treasurer <i>[Signature]</i> 7/11/19 []	District Secretary []	BARC <i>[Signature]</i> 7.15.2019 []

Award of Agreement No. 6M3426 Production Rail Profiling Services

PURPOSE:

To request Board authorization for the General Manager to award Agreement No. 6M3426 for Production Rail Profiling Services to Loram Maintenance of Way, Inc., Hamel, MN, in an amount not to exceed \$12,636,749.00.

DISCUSSION:

Production rail profiling optimizes the wheel rail interface by reshaping the rail head to match the shape of the wheels. This results in reduced noise, enhanced rider comfort, and cost savings from the reduced wear on wheels and rails. Additionally the profiling will reduce rail corrugation waves on the rail head surface which is the primary cause noise complaints. This Agreement will remain in place for a duration of up to 3 years, while the District owned rail grinders are being upgraded and repaired.

Request for Proposals (RFP) No. 6M3426 was issued to engage a firm to conduct production rail profiling services.

Advance Notice to Proposers was e-mailed on December 24, 2018, to four (4) prospective proposers. Due to the specialized nature of this work there were only four qualified proposers. RFP No. 6M3426 was advertised on December 21, 2018, in several Bay Area newspapers and publications and posted to the BART procurement portal. A Pre-Proposal Conference was held on January 7, 2019 and was attended by representatives from two (2) firms and BART staff. One (1) proposal was received on March 12, 2019.

Loram Maintenance of Way, Inc. ("Loram"), is the sole proposer. The Technical Proposal from Loram was opened on March 14, 2019. After review of the proposal submitted by Loram it was determined that Loram had taken significant exceptions to the Agreement.

Negotiations related to those exceptions were held and the exception issues were ultimately resolved. The price proposal was opened and evaluated on May 15, 2019. In accordance with the RFP, the selection is based on the lowest-priced technically acceptable proposal methodology. The Price proposal from Loram Maintenance of Way, Inc. is \$12,636,749.00 and was the only proposal received.

The Engineer's estimate was \$8,705,187.60. Loram's \$12,636,749.00 proposal is above Engineer's estimate due to increasing strength of the economy and higher cost to modify the equipment to meet BART's 66" wide gage track.

The Source Selection Committee determined that the Price Proposal submitted by Loram Maintenance of Way, Inc., was fair and reasonable and therefore recommends Loram Maintenance of Way, Inc., for award.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services ("DGS") and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. It was determined that there were no certified Local Small Businesses certified by the DGS among the responsive Bidders and, therefore, the Local Small Business Prime Preference is not applicable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises ("MBE"s) and 2.8% for Women Business Enterprises ("WBE"s). Loram 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.

FISCAL IMPACT:

Funding in the amount of \$12,636,749.00 to award Agreement No. 6M3426, Production Rail Profiling Services is included in the total budget for FMS#15CQ017 Rail Reprofile Districtwide. The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following:

Source	Fund Description	Total
BART	Measure RR General Obligation Bond	\$22,075,180.00
	Total	\$22,075,180.00

As of June 7, 2019, \$22,075,180.00 is the total budget for this project. BART has expended \$1,105,023.00, committed \$107,371.00 and reserved \$3,093,700.00 to date for other actions. This action will commit \$12,636,749.00, leaving an available fund balance of \$5,132,336.00

in fund sources for this project.

The office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. This action is not anticipated to have any Fiscal Impact on unprogrammed District Reserves.

ALTERNATIVES:

Reject this Proposal and re-advertise the RFP. Because only one (1) bid was received, it is unlikely that the new Proposal will lead to increased competition or lower prices. Delaying the project start will potentially cost the District more in the long term for wheel replacement.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Agreement No. 6M3426 to Loram Maintenance of Way, Inc., to provide Production Rail Profiling Services for a one (1) year base period with (2) two, (1) one-year options, for an amount not to exceed \$12,636,749.00, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 14 July 2019		GENERAL MANAGER ACTION REQ'D: Approve and forward it to the Board		
DATE: 7/2/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maansii Chirag Sheth Dept: Maintenance and Engineering Signature/Date: <i>M Sheth</i> 07.12.2019	General Counsel <i>[Signature]</i> 7/12/19 []	Controller/Treasurer <i>[Signature]</i> 7/15/19 []	District Secretary []	BARC <i>[Signature]</i> 7.15.2019 []

Change Orders to Contract No. 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement

PURPOSE:

To authorize the General Manager to execute Change Orders 9.1 through 16 (8 in total) to Contract No. 09DJ-150A for TBT Cathodic Protection Reference Cell Replacement, in an amount not to exceed \$380,588, and which includes an estimated sixty-one (61) compensable calendar day extension to the Contract duration.

DISCUSSION:

On May 28, 2018 the Board of Directors authorized the General Manager to award Contract No. 09DJ-150A TBT Cathodic Protection Reference Cell Replacement, to DMZ Builders in the amount of \$949,850. This Contract is for the replacement of existing non-operational reference cells. These are critical components of the Cathodic Protection (CP) Monitoring System and need to be functional in order to validate the performance of the TBT CP system.

To date, the District has executed nine (9) Change Orders in the amount of \$249,149. Accordingly, the cumulative amount of contingency spent to date is \$94,120 or 9.91% of the original Contract amount.

Project Staff has issued Cost Proposal Change Notices. The forecast amount of those prospective Change Orders is \$380,588.

Total Base Bid Amount:	\$949,850	
Contingency Spent to-date:	\$94,120	9.91%
Potential Change Orders:	\$380,588	40%
Revised Contract Amount:	\$1,424,558	

Descriptions of the Change Order costs expected to be incurred is set forth below. These Change Orders are necessary for completion of the Contract.

1. Change Orders needed due to impacts from the TBT Retrofit Project:

- Change Orders 9.1 and 16-Anticipated Cost: \$131,000 to complete the Contract Work during Weekends, including delay costs for Time Extension of 61 Days to the original Contract Duration.

These changes are necessary because of the changes associated with the TBT Seismic Retrofit Project. The original Contract included Construction Work during regular Work hours. However, after this Contract's Award, the acceleration to the TBT Seismic Retrofit Project, required that a portion of the Reference Cell Project Construction Work be performed during Weekends.

- Change Order Nos. 11, 12-Anticipated Cost: \$121,000 to compensate DMZ for removal of the two newly installed panels and pin brazing conduits to resolve conflicts with Retrofit Project; for the direct costs incurred due to the TBT Lower Gallery Access Restrictions imposed, and inefficiency cost incurred due to limited access to Upper Gallery during Swing Shift hours.

2. Change Orders needed due to Differing Site Conditions:

- Change Order No.10-Anticipated Cost: \$13,500 to compensate DMZ for developing a preliminary welding plan, not a part of the Original Contract to weld the steel tabs inside the Top Hats.
- Change Order No.13 and 15-Anticipated Cost: \$45,088 for the conduit and cables quantity overrun from the original estimated quantity indicated in the Bid Schedule of Bid Form.
- Change Order No.14-Anticipated Cost: \$70,000 for providing a Roadway Worker Certified (RWP) labor to act as a second radio check attendant to remain in position to provide effective warning below an open access hatch to the Upper Gallery.

All Change Orders will be reviewed for approval as to form by the Office of the General Counsel prior to execution.

FISCAL IMPACT:

Funding in the amount of \$380,588 for award of Change Orders to Contract No. 09DJ-150A is included in the total Project budget for FMS #09DJ005 – TBT Cathodic Protection Reference Cell Replacement.

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

Fund Source	Amounts
F/G 3609 - FY16 Capital Improvements CA-2017-029	2,000,000
F/G 8529 - FY15 BART Operating Allocation to Capital	500,000
F/G 8530 – FY16 BART Operating Allocation to Capital	140,000
TOTAL	2,640,000

As of 07/02/2019, \$2,640,000 is the total budget for this project. BART has expended \$1,777,090, committed \$240,551, and reserved \$0 to date. This action will commit \$380,588, leaving an available fund balance of \$241,771 in these fund sources for this project.

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

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

ALTERNATIVES:

The Board may elect not to authorize the execution of these Change Orders. Failure to issue these Change Orders could result in the following:

- Termination of the Contract, and then re-bidding it for completion of the Contract Work once the Retrofit Project is over, resulting in additional costs.
- Without the installation of the reference cells, BART is not able to verify if the TBT outer steel shell is receiving adequate cathodic protection in accordance with the NACE Standards.

RECOMMENDATION:

Adopt the following motion.

MOTION:

Authorize the General Manager to execute the Change Orders 9.1 through 16 (a total of 8 Change Orders) for Contract number 09DJ-150A, TBT Cathodic Protection Reference Cell Replacement for a total estimated amount of \$380,588, with a time extension to the Contract Duration of 61 Days.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: DMZ Builders Co., Inc.
Contract No./NTP: 09DJ-150A / July 25, 2018
Contract Description: TBT Cathodic Protection Reference Cell Replacement
Percent Complete as of 7/15/2019 85%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 949,850.00
Change Orders:			
Other than Board Authorized C.O.s	9.91%	\$ 94,120.42	
Pending Board Authorized C.O.s	<u>40.07%</u>	<u>\$380,588.00</u>	
Subtotal of all Change Orders	49.98%	\$474,708.42	
<u>Revised Contract Amount:</u>			\$1,424,588.42

SCHEDULE

Original Contract Duration: 360 Days
Time Extension to Date: 0 Days
Time Extension Due to Pending COs: 61 Days
Revised Contract Duration 421 Days

SUMMARY REASON FOR THESE CHANGE ORDER(S)

To address access and coordination conflicts with TBT Retrofit Project and differing site conditions encountered.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>14 July 2019</i> <i>Robert M. Pomeroy</i>		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 7/16/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mitra Moheb Dept: Maintenance and Engineering <i>M. Moheb</i> Signature/Date: <i>7/17/19</i>	General Counsel <i>[Signature]</i> <i>7/17/19</i> []	Controller/Treasurer <i>[Signature]</i> <i>7/17/19</i> []	District Secretary []	BARC <i>[Signature]</i> <i>7/17/19</i> []

Execution of Change Order No. 001 to Contract no. 47CJ-120, with Cubic Transportation Systems, Inc.

PURPOSE:

To obtain Board authorization for the execution of Change Order No. 001 for additional Clipper Vending Machine (CVM) transports, in the amount of \$687,911, to Contract No. 47CJ-120, Procurement of Ticket Vending Machine Transport Installation Kits with Software Modifications to Dispense Clipper(R) Cards.

DISCUSSION:

On January 28, 2016, the Board authorized the BART General Manager to enter into negotiations and execute a Contract to Cubic Transportation Systems, Inc. (Cubic) for the procurement of additional Clipper vending machine transport installation kits and software modifications to dispense Clipper cards.

On July 20, 2016, BART issued Notice to Proceed to Cubic. By December 2017, Clipper card vending machines were installed in all BART stations and, to date, BART stations have vended more than 1 million Clipper cards. Since December 2017, Clipper usage increased from approximately 68% to 85% of all BART trips.

Staff continues to focus on increasing Clipper usage. Central to this effort is making the purchase and use of Clipper cards convenient and easy. A recent evaluation of the District's ticket vending configuration determined that the distribution of TVMs no longer reflects customer behavior. While 85% of customers are using Clipper, only 37% of TVMs dispense Clipper cards. Consequently, when customers purchase fare media in a station, it is easier to purchase a paper ticket.

In an effort to encourage more customers to transition to Clipper, staff recommends increasing the number of CVMs dispensing Clipper cards such that 56% of the CVMs dispense Clipper cards system-wide.

FISCAL IMPACT:

Funding in the amount of \$687,911 for award of Change Order No. 001 to Contract 47CJ-120 is included in the total Project budget for FMS #47CJ009 – Clipper Card Dispensing at BART Ticket Vending Machines.

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

Fund Group	Amount
Various FTA Grant Sources	\$ 1,680,065
State Prop 1B	\$ 1,173,544
BART Operating Allocation to Capital	\$ 2,140,016
TOTAL	\$ 4,993,625

As of 07/16/2019, \$4,993,625 is the total budget for this project. BART has expended \$3,342,316, committed \$152,549 and reserved \$0 to date. This action will commit \$687,911 leaving an available fund balance of \$810,849 in these fund sources for this project.

The Office of the Controller/ Treasurer certifies that funds are currently available to meet this obligation. This action is not anticipated to have any Fiscal Impact on un-programmed District Reserves.

ALTERNATIVES:

Do not authorize the Interim General Manager to execute a Change Order with CTS. The District would not adequately be able to offer its customers the convenience of CVMs that dispense Clipper(R) cards as we continue to promote the use of Clipper toward 100% utilization.

RECOMMENDATION:

Adopt the following Motion.

MOTION:

The Interim General Manager or his designee is authorized to execute Change Order No. 001 to Contract No. 47CJ-120, Procurement of Clipper Vending Machine Transport Installation Kits and Software Modifications to Dispense Clipper(R) Cards, in the amount of \$687,911.

EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: Cubic Transportation Systems, Inc
Contract No./NTP: 47CJ-120/July 20, 2016
Contract Description: Procurement of Ticket Vending Machine Transport Installation Kits with Software Modifications to Dispense Clipper Cards
Percent Complete as of 07/16/2019 90%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount:			3,049,995.78
Change Orders:			
Other than Board Authorized COs:			
Pending Change Order #01	<u>22.55%</u>	<u>687,911</u>	
Subtotal of all Change Orders:	22.55%	687,911	<u>687,911</u>
Revised Contract Amount:			3,737,906.78

SCHEDULE

Original Contract Duration: 20 months
Time Extension to Date: none
Time Extension Due to Approved COs: none
Revised Contract Duration: NTP CO 1 plus 8 months

SUMMARY REASON FOR THIS CHANGE ORDER:

Procure 66 Clipper card transports to encourage more customers to transition to Clipper.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>17 July 2019</i> <i>R. M. P.</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/25/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Systems Development	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 7-15-19	<i>[Signature]</i> 7/15/19 []	<i>[Signature]</i> 7/15/19 []	[]	<i>[Signature]</i> 7/15/2019 []

Award of Contract 57RR-110: Embarcadero and Civic Center Bike Station Modifications

PURPOSE:

To obtain the Board's authorization for the General Manager to award Contract No. 57RR-110: Embarcadero and Civic Center Bike Station Modifications, to Alex Kushner General, Inc., of San Francisco, California, for the Bid price of \$573,260.

DISCUSSION:

This project is intended to increase usage of the Bike Stations at Embarcadero and Civic Center stations by improving visibility, security and safety features of the facilities.

At the Embarcadero station, this project will reconfigure the entry with a new steel structure glass wall and new door separating the secured bike area from the station concourse. The work also includes an upgrade of the BikeLink access control system at the entrance, installing a new metal grid ceiling and new lighting fixtures. Bike racks will be reconfigured to provide parking for oversize bikes and charging for eBikes.

At the Civic Center station, the project will address misuse and security of the space. The project will remove and re-purpose a partition wall between the secured paid bike parking area and open parking area and create one continuous secured bicycle parking area. This will include the installation of a second door, steel structural members, glass panels and steel rails to close the open space on top of the existing wall system.

The successful completion of the project will provide safe and secure bike parking facilities at the two downtown San Francisco BART stations. No Federal funds have been used,

nor are there plans to use them for the project including the design phase.

Bid Process

The District provided an Advance Notice-to-Bidders to 192 prospective bidders on April 4th, 2019 and Contract Documents were emailed to 24 plan rooms and Minority Assistance Organizations. The Contract was advertised on or around April 10th, 2019 in local publications. The Contract Documents were posted to the District's Procurement Portal and available to Bidders electronically on April 10th and in hard copy form. A total of thirty (30) entities downloaded the Contract Documents from the BART Procurement Portal. A pre-bid Meeting and job site walk were conducted on May 2, 2019 with four (4) prospective Bidders attending the meeting. No addenda were issued during the bid period.

Three (3) Bids were received and publicly opened on June 4, 2019. The Bids, including the Engineer's Estimate are as follows:

Bidder	Location	Total Base Bid
KCK Builders	San Francisco, CA	\$418,000
Alex Kushner General, Inc	San Francisco, CA	\$573,260
Rockridge Builders	Oakland, CA	\$694,387
Engineer's Estimate	--	\$690,091

The apparent low bidder, KCK Builders of San Francisco, requested to withdraw its bid because the bid contained a clerical error which resulted in the bid being \$100,000 lower than the bidder's actual estimate. After comparing KCK Builders' estimate sheet and bid form the District consented to this request.

After review by District staff, the Bid submitted by Alex Kushner General, Inc. was determined to be responsive to the solicitation. Examination of Alex Kushner General, Inc's. license, business experience, and financial capabilities has resulted in a determination that this Bidder is responsible. Staff has also determined that the Total Base Bid Price of \$573,260 is fair and reasonable.

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.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 18.2% for Minority Business Enterprises ("MBEs") and

9.3% for Women Business Enterprises (“WBEs”). The Bidder, Alex Kushner General, Inc., committed to 0.0% MBE and 0.0% WBE participation. The Bidder, Alex Kushner General, Inc., did not meet either the MBE or WBE Availability Percentages; therefore, the Bidder Alex Kushner General, Inc. 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 the Bidder Alex Kushner General, Inc., 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 7% Local Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services and verified as Local (i.e., located in Alameda, Contra Costa or San Francisco counties) by the District. The lowest responsive Bidder Alex Kushner General, Inc. is a certified Local Small Business, thus, making it eligible for the Prime Preference. Since the Bidder, Alex Kushner General, Inc. is the lowest responsive Bidder, and is eligible for the 7% Local Small Business Prime Preference, the application of the Prime Preference will not alter the award to the Bidder, Alex Kushner General, Inc.

FISCAL IMPACT:

Funding in the amount of \$573,260 for award of Contract No. 57RR-110 is included in the total project budget for FMS# 57RR205 Embarcadero & Civic Bike Stations Modernization.

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

Fund No.	Source	Fund Description	Amount
6624	Local	Prop K – Bike Parking and Access Improvements	\$437,100
802A	BART	2017 Measure RR GOB	\$490,847
		Total	\$927,947

As of June 24, 2019, \$927,947 is the total budget for this project. BART has expended \$82,810 and committed \$0 and reserved \$0 to date. This action will commit \$573,260 leaving an available fund balance of \$271,877 in these fund sources for this project.

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

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

ALTERNATIVE:

The alternative is to decline to award the Contract or rebid. Declining to award the Contract would mean delaying or not improving the Bike Station facilities at the two downtown stations and not addressing known security and safety issues. Delays associated with rebidding the Contract could potentially result in increased Project costs.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 57RR-110 for Embarcadero and Civic Center Bike Station Modifications, to Alex Kushner General Inc., of San Francisco, California for the Bid price of \$573,260, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: July 18, 2019

FROM: Interim General Manager

SUBJECT: Update on Transbay Corridor Core Capacity Project

At the Board meeting on July 25, 2019, staff will present the attached update on the current status of the Transbay Corridor Core Capacity project.

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



Robert M. Powers

Attachement

cc: Board Appointed Officers
Executive Managers