

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

Board of Directors
Minutes of the 1,577th Meeting
August 27, 2009

A regular meeting of the Board of Directors was held August 27, 2009, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Fang, Franklin, McPartland, Murray, Sweet, and Blalock.

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

Director Murray welcomed and introduced Tom Harais, Chief Financial Officer of Eastern Contra Costa Transit Authority. Mr. Harais addressed the Board. (this was in connection with Item 2-B)

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of June 30, 2009 (Special), July 5, 2009 (Special), July 8, 2009 (Special), and July 9, 2009 (Regular).
2. Agreement with Eastern Contra Costa Transit Authority to Expand and Upgrade the BART Hillcrest Park and Ride Lot.
3. Fixing the Fiscal Year 2009-2010 Property Tax Rate for the General Obligation Bonds.
4. Award of Contract No. 15PS-110, BART Earthquake Safety Program Oakland 4th Street Storage Building.
5. Award of Contract No. 15QB-130, Waterproof Orinda Substation and Reroof Concord and Richmond Yard Service & Inspection Pits.
6. Award of Invitation for Bid No. 8846, Tie Inserter/Remover Machine.
7. Award of Invitation for Bid No. 8847, Pinion End Bearing and Inlet End Bearing.
8. Award of Invitation for Bid No. 8854, Inter-Car Barrier Materials.

Consent Calendar motions, as follow, were moved as a unit by Director Murray. Directors McPartland and Sweet seconded the motions, which carried unanimously. Ayes – 6: Directors Fang, Franklin, McPartland, Murray, Sweet, and Blalock. Noes – 0. Absent – 3: Directors Keller, Radulovich, and Ward Allen.

1. That the Minutes of the Meetings of June 25, 2009 (Special), July 5, 2009 (Special), July 8, 2009 (Special), and July 9, 2009 (Regular), be approved.
2. That the General Manager be authorized to enter into the Agreement between the San Francisco Bay Area Rapid Transit District and the Eastern Contra Costa Transit Authority in Connection with Modification of the BART Hillcrest Park and Ride Lot.
3. Adoption of Resolution No. 5097, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for the Fiscal Year 2009/10.
4. That the General Manager be authorized to award Contract No. 15PS-110, Earthquake Safety Program Oakland 4th Street Storage Building, to Nabi Construction & Engineering, for the bid amount of \$865,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
5. That the General Manager be authorized to award Contract No. 15QB-130, Waterproof Orinda Substation and Reroof Concord and Richmond Yard and Service & Inspection Pits, to Best Contracting Services, for the bid price of \$259,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 8846, for the purchase of a Tie Inserter/Remover Machine, to Modern Track Machinery Inc., Elgin, Illinois, in the amount of \$129,408.42, including applicable taxes, pursuant to notification to be issued by the General Manager.
7. That the General Manager be authorized to award Invitation for Bid No. 8847, an estimated quantities contract, for the procurement of Pinion End Bearing and Inlet End Bearing assembly, to BDI of Stratford, Connecticut, for the bid price of \$828,245.49, including all applicable taxes, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
8. That the General Manager be authorized to award Invitation for Bid No. 8854, an estimated quantities contract, for the procurement of Inter-Car Barrier Materials, to Diamond Tool & Die of Oakland, California, for the bid price of \$250,194.71, including all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

The Board Meeting recessed at 9:14 a.m.

The Board reconvened at 1:29 p.m.

Directors present: Directors Franklin, McPartland, Murray, Radulovich, Sweet, and Blalock.

Absent: Directors Fang, Keller, and Ward Allen.

Consent Calendar Addenda items brought before the Board were:

1. Fiscal Year 2009 Year-End Budget Revision.
2. Change Order to Agreement No. 6M4030, to Provide Services for the Rental of Monochrome Digital Copy Machines at Various District Offices/Facilities, with Toshiba Business Solutions (C.O. No. 4).
3. Award of Contract No. 15CQ-201, Procurement of Direct Fixation Rail Fasteners.
4. Award of Contract No. 15TD-204, Procurement of Powered Flat Cars.
5. Award of Contract No. 6M3132, a.c./d.c. Traction Motor Repair Services.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Sweet. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes – 6: Directors Franklin, McPartland, Murray, Radulovich, Sweet, and Blalock. Noes – 0. Absent - 3: Directors Fang, Keller, and Ward Allen.

1. Adoption of Resolution No. 5098, In the Matter of Amending Resolution No. 5052 (as amended by Resolution No. 5061 and Resolution No. 5072) Regarding Fiscal Year 2009 Annual Budget.
2. That the General Manager be authorized to execute Change Order No. 4 to Agreement No. 6M4030, to Provide Services for the Rental of Monochrome Digital Copy Machines at Various District Offices/Facilities, with Toshiba Business Solutions, to extend the term of the Agreement to October 4, 2011, and to increase the total compensation for the Agreement by \$97,000.00, for a total not-to-exceed amount of \$970,504.00.
3. That the General Manager be authorized to award Contract No. 15CQ-201, for the Procurement of Direct Fixation Fasteners, to L. B. Foster Company of Pittsburgh, Pennsylvania, for the initial five-year term, in the amount not to exceed \$15,245,857.70, to which applicable sales tax will be applied, subject to General Manager approval and certification of funding availability by the Office of the Controller/Treasurer, and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.
4. That the General Manager be authorized to award Alternate Bid A to Contract No. 15TD-204, for the Procurement of Powered Flat Cars, to Brandt Engineered Products Ltd., Regina, Saskatchewan, Canada, for the

bid amount of \$4,732,743.63, to which applicable sales tax will be applied, and subject to the District's protest procedures and the Federal Transit Administration's requirements related to protests.

5. That the General Manager be authorized to award Contract No. 6M3132, an estimated quantities contract, for the procurement of a.c./d.c. Traction Motor Repair Services, to Swiger Coil Systems LLC, for the three year base contract period and up to three optional one-year extensions, for the bid amount of \$15,743,300.00, plus applicable taxes, pursuant to notification to be issued by the General Manager.

Director Murray, Chairperson of the Administration Committee, brought the matter of Resolution Ratifying Collective Bargaining Agreement with the Service Employees International Union, Local 1021, Including the BART Professional Chapter, to Include Change to Retirement and Postretirement Benefit for Money Purchase Pension Plan 1.627% (California Gov't. Code Section 7507) before the Board, and moved adoption of Resolution No. 5099, In the Matter of Ratifying the 2009 – 2013 Collective Bargaining Agreement between the District and Service Employees' International Union, Local 1021. Director Franklin seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Franklin, McPartland, Murray, Radulovich, Sweet, and Blalock. Noes – 0. Absent - 3: Directors Fang, Keller, and Ward Allen.

Director Murray brought the matter of Resolution Ratifying Collective Bargaining Agreement with the American Federation of State, County, and Municipal Employees, Local 3993 before the Board. General Manager Dorothy W. Dugger introduced Ms. Maria Robinson, Labor Relations, who gave a brief presentation on the item.

Ms. Jean Hamilton addressed the Board.

After discussion, the item was continued to a future meeting.

Mr. Jerry Grace addressed the Board.

Director Franklin, Vice Chairperson of the Engineering and Operations Committee, reported that all action items on the Committee agenda had been forwarded to Consent Calendar Addenda, and that the Committee had received and discussed a presentation on New Rail Vehicle Procurement Request for Proposals.

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, reported that the Committee had received and discussed reports on Teen Extreme Program Internet Ticket Sales Update and Legislative Update – Citizen Oversight for the BART Police Department.

President Blalock called for the General Manager's Report. Ms. Dugger had no report.

President Blalock brought Roll Call for Introductions before the Board. No items were introduced.

President Blalock called for General Discussion and Public Comment. No comments were received.

The Board Meeting recessed at 1:47 p.m.

The Board reconvened at 1:50 p.m.

Directors present: Directors Franklin, McPartland, Murray, Radulovich, Sweet, and Blalock.

Absent: Directors Fang, Keller, and Ward Allen.

President Blalock announced that the Board would enter into closed session under Item 8-A (Conference with Legal Counsel – Anticipated Litigation) and Item 8-B (Conference with Labor Negotiators) of the regular meeting agenda, and that the Board would adjourn upon conclusion of the closed session.

The Board Meeting recessed at 1:51 p.m.

The Board reconvened in closed session at 1:59 p.m.

Directors present: Directors Franklin, McPartland, Murray, Radulovich, Sweet, and Blalock.

Absent: Directors Fang, Keller, and Ward Allen.

Director Sweet exited the meeting.

The Board Meeting adjourned at 4:05 p.m.

Kenneth A. Duron
District Secretary