

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

Board of Directors  
Minutes of the 1,583rd Meeting  
October 22, 2009

A regular meeting of the Board of Directors was held October 22, 2009, convening at 9:05 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Blalock presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Franklin, Keller, McPartland, Murray, Sweet, Ward Allen, and Blalock.

Absent: Director Fang. Director Radulovich entered the Meeting later.

Director Ward Allen welcomed and introduced members of the Martin Luther King Jr. Freedom Center.

The following individuals addressed the Board:

Mr. Roy Wilson  
Miss Rolanda Bell

Director Radulovich entered the Meeting.

Mrs. Barbara Montgomery  
an unidentified young lady  
Miss Brittany Collins-Rogers  
Mr. Eric Fuller  
Ms. Nacole Predom

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of July 30, 2009 (Special); August 1, 2009 (Special); August 13, 2009 (Regular); and August 13, 2009 (Special).
2. Oakland Airport Connector Project Regional Measure 2 Resolutions of Project Compliance and Initial Project Report.

Consent Calendar motions, as follow, were moved as a unit by Director Franklin. Director Ward Allen seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Fang.

1. That the Minutes of the Meetings of July 30, 2009 (Special); August 1, 2009 (Special); August 13, 2009 (Regular); and August 13, 2009 (Special), be approved.

2. Adoption of Resolution No. 5111, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report Summary for Regional Measure 2 Funds for the Oakland Airport Connector.

The Board Meeting recessed at 9:24 a.m.

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The Board reconvened at 1:28 p.m.

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

Absent: Director Fang.

Consent Calendar Addenda items brought before the Board were:

1. Agreements with Aon Risk Services, Inc., for Brokerage Services for Owner-Controlled Insurance Programs.
  - a. Extension of Time for Agreement No. 6G2285, for Federal Highway Administration Funded Earthquake Safety Program Work.
  - b. Agreement No. 6M2020, for Earthquake Safety Program, Oakland Airport Connector, Warm Springs Extension, and Other Capital Projects.
2. Award of Contract No. 15EM-110, Contact Rail Coverboard Reinforcements.
3. Award of Contract No. 15SU-110, BART Earthquake Safety Program Aerial Structures West Oakland Abutment A-1 to Pier P-109.

Consent Calendar Addenda motions, as follow, were moved as a unit by Director Murray. Director Sweet seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent – 1: Director Fang.

1.
  - a. That the Controller/Treasurer be authorized to extend the time of performance of Agreement No. 6G2285 for five years with no additional funding.
  - b. That the Controller/Treasurer be authorized to enter into Agreement No. 6M2020, with Aon Risk Services, Inc., to provide brokerage services for an Owner Controlled Insurance Program, for a period of three years, with two one-year options, in a total amount, including options, not to exceed \$7,500,000.00, pursuant to notification issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures.

2. That the General Manager be authorized to award Contract No. 15EM-110, for Contact Rail Coverboard Reinforcements, to H & H Engineering Construction, Inc., for the base bid price plus the Additive A price, totaling \$3,162,600.00, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protest procedures; and that the General Manager be authorized to execute a change order for additional work related to support bracket installation and coverboard replacement, in an amount not to exceed \$315,850.00, subject to certification by the Controller/Treasurer that funds are available for the work, with the Office of the General Counsel to approve the change order as to form prior to execution and the Procurement Department to review the change order prior to execution for compliance with procurement guidelines.
3. That the General Manager be authorized to award Contract No. 15SU-110, Earthquake Safety Program, Aerial Structures – West Oakland Abutment A-1 to Pier P-109, to R&L Brosamer, Inc., for the bid amount of \$15,188,930.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Highway Administration's requirements related to protest procedures.

Director Murray, Chairperson of the Administration Committee, reported that the matter of Withdrawal from Northern California Power Agency Agreement for Renewable Geothermal Power Supply had been deferred at the recommendation of staff.

Director Murray brought the matter of Lighting Improvement Project – 12<sup>th</sup> Street and North Berkeley Stations per Section 4217.12 of the Government Code before the Board. Director Sweet moved that the General Manager be authorized to award the Lighting Improvement Project work at 12<sup>th</sup> Street and North Berkeley Stations in separate contracts within the established budget with the work apportioned between the two lowest bidders, Solar Eclipse and LINC Lighting and Electrical Group, subject to approval of the contracts as to form by the Office of the General Counsel and their execution on or before October 31, 2009. Director Ward Allen seconded the motion.

Mr. Joe Murnim addressed the Board.

The motion carried by unanimous electronic vote. Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent - 1: Director Fang.

Director Keller, Chairperson of the Engineering and Operations Committee, brought the matter of Four Agreements to Provide Construction Management Services for BART Projects before the Board, and explained that the item had been bifurcated into two separate motions.

Director Radulovich moved that Staff be directed to clarify the District's procedures for the use and implementation of on-call services agreements; develop a process for utilizing a prequalified pool of firms for on-call services for use as District projects evolve, including an examination of best practices and a report to the Board; and examine flexibility in allowing firms to propose both as a prime and a subcontractor on different teams in proposals and to withdraw as

subcontractor on a team if successful as a prime. Director Keller seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Franklin, Keller, McPartland, Murray, Radulovich, Sweet, Ward Allen, and Blalock. Noes – 0. Absent - 1: Director Fang.

Director Radulovich moved that the General Manager be authorized to execute Agreement No. 6M8034, with AECOM Technical Services, Inc.; Agreement No. 6M8035, with Jacobs Project Management Company; Agreement No. 6M8036, with PGH Wong Engineering, Inc.; and Agreement No. 6M8037, with UBCM, a Joint Venture of URS Corporation, B&C Transit Consultants Inc., and Cooper Pugged Management, Inc.; and that each agreement be for a term not to exceed five years, and each in an amount not to exceed \$15,000,000.00, subject to the District's protest procedures and Federal Transit Administration's requirements related to protest procedures. Director Keller seconded the motion, which carried by electronic vote. Ayes – 6: Directors Franklin, Keller, McPartland, Murray, Radulovich, and Blalock. Noes – 2: Directors Sweet and Ward Allen. Absent – 1: Director Fang.

Director Sweet, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, had no report.

President Blalock called for the General Manager's Report. General Manager Dorothy W. Dugger briefly reviewed the agenda for the Capitol Corridor Joint Powers Board Meeting of November 18, 2009.

Ms. Dugger recognized that this would be the final Board Meeting for Gary LaBonte, Executive Manager, Transit System Development, and thanked him for his service to the District. Ms. Dugger reviewed a letter from a customer commending Officer Joel Young.

Mr. Jerry Grace addressed the Board.

President Blalock brought Roll Call for Introductions before the Board.

Director Sweet requested a response to The Salvation Army's proposal for stationing a holiday "bell ringer" at the 12<sup>th</sup> Street/Oakland City Center Station and use of District facilities to secure their equipment during non-revenue hours.

Director Radulovich exited the Meeting.

President Blalock noted two items introduced by Directors Radulovich and Murray during committee meeting discussion be recorded under Roll Call for Introductions, as follows:

Director Radulovich requested the Board proceed with creation of an ad hoc subcommittee to address contracting issues before the District, including the topic of how the Board approaches expanding contracting opportunities.

Director Murray requested pursuit of the concept of a mentor/protégé program and consideration of the use of Caltrans' small business program(s) as a model for a District program.

President Blalock encouraged staff to speak with potential consultants to get their ideas on the proposed mentor/protégé program.

President Blalock called for General Discussion and Public Comment.

Director Franklin reported that Officer Young's funeral would be Friday, October 23, at 10:00 a.m. in Oakland.

Mr. Jerry Grace addressed the Board.

The Board Meeting adjourned at 1:45 p.m. in honor of Officer Joel Young.

Kenneth A. Duron  
District Secretary