

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

Board of Directors
Minutes of the 1,642nd Meeting
November 17, 2011

A regular meeting of the Board of Directors was held November 17, 2011, convening at 9:08 a.m. in the Board Room, 344 20th Street, Oakland, California. President Franklin presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Fang, Keller, McPartland, Raburn, and Franklin.

Absent: Director Murray. Directors Radulovich and Sweet entered the Meeting later.

President Franklin brought Introduction of Special Guests before the Board, and introduced and welcomed Mr. Josh Franco of Congressman John Garamendi's office. Mr. Franco addressed the Board.

Director Sweet entered the Meeting.

President Franklin introduced and welcomed Mr. Randall Glock, Chairperson of the BART Accessibility Task Force. Mr. Glock addressed the Board.

President Franklin introduced and welcomed Ms. Lauren LaPlante of the BART Police Department. Ms. LaPlante addressed the Board.

Director Radulovich entered the Meeting.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of August 25, 2011, October 13, 2011, and October 27, 2011.
2. Resolution of Local Support for a State Transportation Improvement Program (STIP) Grant for the East Contra Costa County BART Extension (eBART) Project.
3. Agreement with Able Building Maintenance Company for Agreement No. 6M4142 for Carpet Cleaning Services.
4. Change Order to Professional Services Agreement No. 6H3098, General Engineering Services for BART's Warm Springs Extension Project, with PB Americas, Inc., for Extension of Time (C.O. No. 29).

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

1. That the Minutes of the Meetings of August 25, 2011, October 13, 2011, and October 27, 2011, be approved.
2. Adoption of Resolution No. 5181, In the Matter of a Resolution of Local Support for a Regional Transportation Improvement Program Project Application for the eBART Project.
3. That the General Manager be authorized to award Agreement No. 6M4142, for carpet cleaning services, to Crown Building Maintenance Co., Inc. (dba Able Building Maintenance Company), including the exercise of options to renew the Agreement for two (2) additional one-year periods, for a total compensation amount not to exceed \$183,491.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
4. That the General Manager be authorized to execute Change Order No. 29 to Agreement No. 6H3098, extending the period of performance by approximately five years, through December 31, 2016.

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

President Franklin brought the matter of Resolution for a Policy Requiring Project Stabilization Agreements with Local Hire Provisions on Transit-Oriented Development Projects before the Board. President Franklin and Mr. Jeffrey Ordway, Department Manager, Real Estate, presented the item. The item was discussed.

Mr. Andreas Cluver and Mr. Paul Cohen addressed the Board.

Director Sweet moved adoption of Resolution No. 5182, In the Matter of a Policy Requiring Project Stabilization Agreements (PSA) with Local Hire Provisions on Transit-Oriented Development (TOD) Projects. Directors Blalock and McPartland seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Fang, Keller, McPartland, Raburn, Radulovich, Sweet, and Franklin. Noes – 0. Absent – 1: Director Murray.

Director Blalock, Chairperson of the Administration Committee, had no report.

Director Fang, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Invitation for Bid No. 8899, Cushion and Cover Assemblies, before the Board. Mr. Paul Oversier, Assistant General Manager, Operations, and Ms. Tamar Allen, Chief Mechanical Officer, presented the item. The item was discussed.

Director Sweet exited the Meeting.

Mr. Randall Glock addressed the Board.

Director Franklin moved that the General Manager be authorized to award Invitation for Bid No. 8899, an estimated quantity contract, procurement of Cushion and Cover Assemblies, to Sedia, Inc., for the total Bid price of \$1,945,234.00, including the Option Bid item and all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to

compliance with the District's protest procedures. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Raburn, Radulovich, and Franklin. Noes – 0. Absent – 2: Directors Murray and Sweet.

The foregoing motion was made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

Director Fang brought the matter of Non-Competitive Procurement of Services: Agreement with Paramedics Plus for Stand-by Paramedic Services at West Oakland and Downtown Oakland Stations, before the Board. Mr. Oversier and Ms. Anita Sanchez, Operations Support and Review, presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to enter into Agreement No. 6M8059, with Paramedics Plus, to provide stand-by emergency medical response staff and equipment to perform patient assessment and disposition as required for stations and underground trackway between West Oakland Station and the downtown Oakland stations for a cost of \$176,640.00, through October 2012, with the option to renew the Agreement for up to four (4) additional one-year terms, for a total cost not to exceed \$922,749.14, subject to certification by the Controller-Treasurer that funds are available. Directors McPartland and Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Raburn, Radulovich, and Franklin. Noes – 0. Absent – 2: Directors Murray and Sweet.

Director Fang brought the matter of Sole Source Procurement with General Electric Transportation Systems, Global Signaling (GETS GS), for Train Control Microprocessor-Based Interlocking Equipment to Replace the Concord Yard Legacy Train Control Relay Interlocking Equipment before the Board. Mr. Carlyle Potts, Computer Systems Engineering Group, presented the item. The item was discussed. President Franklin moved that the Board find, pursuant to Public Contract Code Section 20227, that GETS GS is the single source for procurement of train control interlocking equipment; and that the purchase is for the sole purpose of duplicating equipment in use; and that the General Manager be authorized to negotiate and execute a contract for the purchase of such equipment for Concord Yard from GETS GS, for a total price not to exceed \$450,000.00 plus applicable taxes. Director Blalock seconded the motion, which carried by electronic vote by the required two-thirds majority. Ayes – 6: Directors Blalock, Keller, McPartland, Raburn, Radulovich, and Franklin. Noes – 1: Director Fang. Absent – 2: Directors Murray and Sweet.

Director Fang brought the matter of Proposed Buy America Bid Preference Policy for Federally Funded Rolling Stock Procurements before the Board. Mr. Oversier, Ms. Tamar Allen, Chief Mechanical Officer, and Mr. Dick Wiczorek, Department Manager, Procurement, presented the item. The item was discussed. Director Fang moved that the Board adopt the attached Buy America Bid Preference Policy for Federally Funded Rolling Stock Procurements. (The policy is attached and hereby made a part of these Minutes.) Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Fang, Keller, McPartland, Raburn, Radulovich, and Franklin. Noes – 0. Absent – 2: Directors Murray and Sweet.

Directors Fang and Keller exited the Meeting.

Vice President McPartland, in the absence of the Chairperson and Vice Chairperson of the Engineering and Operations Committee, brought the matter of Proposed Late Night Service Demonstration before the Board. Mr. William Theile, Department Manager, Operations Planning, and Mr. Robert Mitroff, Operations Planning, presented the item.

Directors Fang and Keller re-entered the Meeting.

The item was discussed.

Director McPartland exited the Meeting.

The following individuals addressed the Board.

Mr. Clarence Fischer

Mr. Christopher Mullin

Mr. Bob Allen

Mr. Jerry Grace

Director Raburn, Vice Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Three Agreements to Provide General Environmental and Planning Services for BART Projects: Agreement No. 6M6047, with Nelson/Nygaard Consulting Associates; Agreement No. 6M6048, with Arup; and Agreement No. 6M6049, with AECOM, before the Board. Mr. Val Menotti, Department Manager, Planning, presented the item. Director Fang made the following motions as a unit.

1. That the General Manager be authorized to award Agreement No. 6M6047 to Nelson/Nygaard Consulting Associates, to provide General Environmental and Planning Services in support of BART projects, in an amount not to exceed \$6,000,000.00, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and 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.
2. That the General Manager be authorized to award Agreement No. 6M6048 to Arup, to provide General Environmental and Planning Services in support of BART projects, in an amount not to exceed \$6,000,000.00, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and 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.
3. That the General Manager be authorized to award Agreement No. 6M6049 to AECOM, to provide General Environmental and Planning Services in support of BART projects, in an amount not to exceed \$6,000,000.00, subject to satisfaction of the Caltrans pre-award audit requirements, as appropriate, and 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.

Director Blalock seconded the motions. The item was discussed. The motions carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Fang, Keller, Raburn, Radulovich, and Franklin. Noes – 0. Absent – 3: Directors McPartland, Murray and Sweet.

President Franklin brought the matter of Resolution in Support of Right to Organize at Doppelmayer before the Board. Director Fang presented the item. Director Fang moved adoption of Resolution No. 5183, In the Matter of Support of the Right to Organize at Doppelmayer. Director Radulovich seconded the motion, which carried by unanimous electronic vote. Ayes – 6: Directors Blalock, Fang, Keller, Raburn, Radulovich, and Franklin. Noes – 0. Absent – 3: Directors McPartland, Murray and Sweet.

Directors Blalock and Radulovich exited the Meeting. The Meeting continued with no quorum present.

Director Fang brought the matter of Quarterly Performance Report, First Quarter Fiscal Year 2012 - Service Performance Review, before the Board. Mr. Oversier and Mr. Kenton Rainey, Chief of Police, presented the item. The item was discussed.

President Franklin called for the General Manager's report. General Manager Grace Crunican reported on recent activities of her Office and meetings she had participated in.

President Franklin announced that Board Member Reports and Roll Call for Introductions would be combined.

Director Raburn recommended improved performance in the timeliness and completeness of reporting for consideration by the Oakland Airport Connector Joint Administrative Committee.

Director Fang requested the review and evaluation of potential proposal from the All Vision firm be referred to the Executive Manager of Planning and Budgets, to determine potential revenue opportunities for the District. Director Fang requested an explanation for the one-year delay in the solicitation for advocacy representatives at the state and federal levels.

President Franklin reported he had given a presentation to the Piedmont City Council, hosted a Town Hall Meeting with the mayor of San Leandro, met with the State Treasurer's office and the Governor's office on behalf of the Capitol Corridor Joint Powers Board.

President Franklin called for General Discussion and Public Comment. Mr. Edward Hasbrouck and Mr. Jerry Grace addressed the Board.

The Board Meeting was adjourned at 12:16 p.m.

Kenneth A. Duron
District Secretary