

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

BOARD MEETING AGENDA

June 26, 2014

5:00 p.m.

A regular meeting of the Board of Directors will be held at 5:00 p.m. on Thursday, June 26, 2014, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> 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>), and via email or via regular mail upon request. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting. Those interested in being on the mailing list for meeting notices (email or regular mail) can do so by providing the District Secretary with the appropriate address.

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

Patricia K. Williams  
Assistant District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.
  - i. American Public Transportation Association (APTA) International Rail Rodeo Maintenance Team Winners.
  - ii. University of California Berkeley, Center for Young Entrepreneurs at Haas, Program Participants.

2. 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.)

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of June 12, 2014.\* Board requested to authorize.
- B. Agreement with TechTu Business Solutions, Inc. for Software Application Development Services for BART Procurement Vendor Portal Project (Agreement No. 6M4311).\* Board requested to authorize.
- C. Allocation of Funds for Citizen Review Board Member Attendance at National Association for the Civilian Oversight of Law Enforcement (NACOLE) Annual Conference.\* Board requested to authorize. (President Keller's request.)

4. ADMINISTRATION ITEMS

Director Saltzman, Chairperson  
NO REPORT.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Agreements with Impec Group for Graffiti Removal Systemwide (Agreements No. 6M3250 and No. 6M3265).\* Board requested to authorize.
- B. BART to Oakland International Airport Project: Quarterly Update.\* For information.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS  
Director Raburn, Chairperson  
NO REPORT.
7. GENERAL MANAGER'S REPORT
8. INDEPENDENT POLICE AUDITOR'S REPORT
9. BOARD MATTERS
  - A. Appointment of Citizen Review Board Members.\* Board requested to ratify.
  - B. Report of the Labor Negotiations Review Ad Hoc Committee. For information. (Director Fang's request.)
  - C. Board Meeting Schedule. For discussion. (President Keller's request.)
  - D. Board Member Reports.  
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary.)
  - E. 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.)
  - F. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)
10. PUBLIC COMMENT  
(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

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

Board of Directors  
Minutes of the 1,710th Meeting  
June 12, 2014

A regular meeting of the Board of Directors was held June 12, 2014, convening at 9:06 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Keller presided; Kenneth A. Duron, District Secretary.

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

Absent: None. Director Radulovich entered the Meeting later.

President Keller introduced and welcomed the Honorable Janet Abelson, Mayor of El Cerrito.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of May 22, 2014.
2. BART Accessibility Task Force New Member Appointment.
3. Award of Contract No. 15TF-130A, Wayside Fence Refurbishment, R-Line.
4. Award of Contract No. 79HK-150, Renovation of Security Barrier at SFTS.
5. Award of Invitation for Bid No. 8930, Shoe, Current Collector.
6. Award of Invitation for Bid No. 8935, Cushion and Cover Assembly.

Director Blalock requested Minutes of May 22, 2014, be amended to show the correct spelling of Ms. Norene Sun's name, and with that amendment, made the following motions as a unit.

Director Murray seconded the motions, which carried by unanimous acclamation. Ayes - 8:

Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0.

1. That the Minutes of the Meeting of May 22, 2014, be approved.
2. That the recommendation of the BART Accessibility Task Force (BATF) be accepted, and Mr. Roland Wong and Mr. Brandon Young be appointed to the BATF for a term effective June 22, 2014, to June 30, 2015, or until the Board makes new appointments and/or reappoints for a new term, whichever occurs later.
3. That the General Manager be authorized to award Contract No. 15TF-130A, Wayside Fence Refurbishment, R Line, to Kenwood

Fence Company of Santa Rosa, California, for the Base Bid amount of \$262,475.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and Federal Transit Administration related to protests; and that the General Manager be authorized to exercise, at her discretion, Option Bid Item A for \$56,015.00, Option Bid Item B for \$511,576.00, and Option Bid Item C for \$153,960.00.

4. That the General Manager be authorized to award Contract No. 79HK-150, Renovation of Security Barrier at SFTS, to DRS Marine, Inc., of Vallejo, California, for the total Bid price of \$548,272.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the Department of Homeland Security's procedures related to protests.
5. That the General Manager be authorized to award Invitation for Bid No. 8930, an estimated quantity contract for Shoe, Current Collector, to Wabtec of Duncan, South Carolina, for the Bid price of \$628,058.00, including all taxes, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures.
6. That the General Manager be authorized to award Invitation for Bid No. 8935, an estimated contract for the procurement of Cushion and Cover Assemblies, to Sedia Inc., for the Base Bid price of \$1,294,487.05, including applicable sales tax, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the General Manager be authorized to exercise the Option in the amount of \$829,565.65, including applicable sales tax, subject to certification by the Controller/Treasurer of the availability of funds.

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

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Fleet of the Future: New Rail Car Design – Bicycle Racks and Tripod Poles, before the Board.

Director Radulovich entered the Meeting.

Mr. Aaron Weinstein, Department Manager, Marketing and Research, presented the item.

The following individuals addressed the Board.

Mr. Ted Jackson

Mr. Hale Zukas (comments read into record)

Ms. Sheri Burns

Ms. Jessie Lorenz

Mr. Clarence Fischer

Honorable Janet Abelson

Mr. Don Queen  
Mr. Brandon Young  
Ms. Stephanie Spenny  
Mr. Roger Acuna  
Ms. Marilyn Golden  
Mr. Fred Nisen (comments read into record)  
Mr. Roland Wong  
Ms. Esperanza Diaz-Alvarez  
Ms. Reba Landry  
Ms. Sheela Gunn-Cushman  
Ms. Shirley Johnson  
Ms. Catherine Young  
Ms. Janice Li  
Ms. Cathy Kora  
Mr. Andrew Ness  
Mr. Jon Spangler  
Mr. Robert Prinz  
Mr. Blaise Bor  
Ms. Carmen Rivera-Hendrikson  
Ms. Mary Steiner  
Mr. Kurt Abrams  
Ms. Dolores Tejada  
Mr. Randall Glock  
Mr. Alan Smith

Director Fang exited the Meeting.

President Keller led discussion of the item. President Keller moved that the General Manager or her designee be directed to make the following modifications to the current design for new train cars procured under Contract No. 40FA-110 with Bombardier Transit Corporation: 1) in the six cab cars, remove the tripod pole at each end door, and add hanging straps and/or other handholds; 2) in two noncab cars, offset the end door tripod poles by approximately six inches to provide a wider accessible path for people who use wheelchairs; 3) in one noncab car, offset the end door tripod poles by approximately six inches to provide a wider accessible path for people who use wheelchairs, remove the bicycle rack, and add seats; and 4) in one noncab car, offset the end door tripod poles by approximately six inches to provide a wider accessible path for people who use wheelchairs, remove the bicycle rack, and leave open space. Discussion continued. Director McPartland seconded the motion. Discussion continued.

Director Murray exited the Meeting.

Discussion continued. President Keller amended the motion as follows:

That the General Manager or her designee be directed to make the following modifications to the current design for new train cars procured under Contract No. 40FA-110 with Bombardier Transit Corporation: 1) in the six noncab cars, move the tripod pole at each end door by approximately six inches to provide a wider accessible path for people who use wheelchairs, add hanging straps and/or other handholds, and leave the bicycle racks in; 2) in two cab cars, move the end door tripod poles by

approximately six inches to provide a wider accessible path for people who use wheelchairs; and 3) in two cab cars, remove the end door tripod poles, and remove the bicycle racks to leave open space.

Director McPartland accepted the amendment. The amended motion carried by electronic vote. Ayes – 5: Directors Blalock, McPartland, Raburn, Saltzman, and Keller. Noes – 2: Directors Mallett and Radulovich. Absent – 2: Directors Fang and Murray.

The Board Meeting was recessed at 1:07 p.m.

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The Board reconvened in open session at 1:38 p.m.

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

Absent: None. Director Fang entered the Meeting later.

President Keller 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 Bay Area Air Quality Management District Presentation on Bay Area Commuter Benefit Program, Senate Bill 1339, before the Board. Mr. Paul Fadelli, Legislative Analyst, introduced Mr. David Burch of the Bay Area Air Quality Management District. Mr. Burch gave a presentation on the new Bay Area Commuter Benefit Program.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of BART to Oakland International Airport Project Fares before the Board. Ms. Pamela Herhold, Financial Planning, presented the item.

The following individuals addressed the Board.

Mr. Hugh Johnson

Mr. Joel Ramos

Mr. Eddie Dillard (comments read into record)

Director Fang re-entered the Meeting.

The item was discussed. Director Raburn moved adoption of Resolution No. 5261, In the Matter of Adopting Fare Rates and Charges for the BART to Oakland International Airport Project. Director McPartland seconded the motion. Discussion continued. Director Murray proposed a substitute motion amending Exhibit A to the Resolution to set the fare at \$6, with an introductory fare up to one year and that the General Manager be directed to work with partners to share in the cost. Discussion continued. Director Blalock seconded the substitute motion. Discussion continued. Director Murray revised the substitute motion to set an introductory fare of \$4 for six months and to set the permanent fare at \$6. Discussion continued. President Keller called the question. The substitute motion failed to carry by the required two-thirds majority. Ayes – 5: Directors Blalock, Fang, McPartland, Murray, and Keller. Noes – 3: Directors Mallett, Raburn, and Radulovich. Abstain – 1: Director Saltzman.

Director Radulovich called the question on the main motion. The main motion failed to carry by the required two-thirds majority. Ayes – 4: Directors McPartland, Raburn, Radulovich, and Saltzman. Noes – 5: Directors Blalock, Fang, Mallett, Murray, and Keller.

Discussion continued. Director McPartland moved that Exhibit A to the Resolution be amended to set the introductory fare at \$5 for six months, with the permanent fare to be set at \$6. Director Fang seconded the motion. Discussion continued. The motion failed to carry by the required two-thirds majority. Ayes – 5: Directors McPartland, Raburn, Radulovich, Saltzman, and Keller. Noes – 4: Directors Blalock, Fang, Mallett, and Murray.

Director Murray moved that that Exhibit A to the Resolution be amended to set the fare at \$5. Director Mallett seconded the motion. Discussion continued. The motion failed to carry by the required two-thirds majority. Ayes – 4: Directors Blalock, Fang, Mallett, and Murray. Noes - 5: Directors McPartland, Raburn, Radulovich, Saltzman, and Keller.

Discussion continued. Director McPartland moved adoption of Resolution No. 5261, and that staff be directed to assess potential promotional fare options to encourage Project ridership and return to the Board with findings for its consideration and approval. Directors Fang and Raburn seconded the motion. Discussion continued. The motion carried by the required two-thirds majority. Ayes – 7: Directors Blalock, Fang, McPartland, Raburn, Radulovich, Saltzman, and Keller. Noes – 2: Directors Mallett and Murray.

Director Saltzman brought the matter of Fiscal Year 2015 Budget before the Board. Mr. Robert Umbreit, Department Manager, Operating Budget and Analysis, and Mr. Gregg Marrama, Department Manager of Capital Development, presented the item.

Mr. Chris Finn addressed the Board.

The item was discussed.

Director Radulovich exited the Meeting.

Director Fang moved adoption of Resolution No. 5262, 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, 2014, to June 30, 2015, with the addition of the following paragraph.

Be it further resolved that contingent upon receipt of third party grant funds for the "San Francisco Bay Area Core Capacity Transit Study" to study the TransBay Corridor, and matching Contra Costa County transportation funds for a study of the West Contra Costa County Corridor, funds of \$300,000 for the TransBay Corridor and \$300,000 for the West Contra Costa County Corridor will be allocated within the \$1,500,000 budget for "BART Vision Study."

Director Mallett seconded the motion, which carried by electronic vote. Ayes – 6: Directors Blalock, Fang, Mallett, McPartland, Murray, and Keller. Noes – 2: Directors Raburn and Saltzman. Absent – 1: Director Radulovich.



Director Saltzman brought the matter of Agreement with San Francisco Municipal Transportation Agency for Fast Pass® Payments for the Period July 1, 2014, through June 30, 2020, before the Board. Ms. Herhold presented the item. Director Blalock moved that the General Manager be authorized to execute the Fast Pass® Agreement with San Francisco Municipal Transportation Agency, which establishes reimbursement rates for Fast Pass use on BART from July 1, 2014, through June 30, 2020. Director McPartland seconded the motion, which carried by electronic vote. Ayes – 7: Directors Blalock, Fang, McPartland, Murray, Raburn, Saltzman, and Keller. Noes – 0. Abstain – 1: Director Mallett. Absent – 1: Director Radulovich.

Director Saltzman brought the matter of Funding Agreements with the San Francisco Giants and Golden State Warriors Organizations for the Embarcadero and Montgomery Capacity Implementation Study before the Board. Mr. Todd Morgan, Principal Financial Analyst, presented the item. Director Raburn moved that the General Manager or her designee be authorized to execute a funding agreement with the San Francisco Giants and Golden State Warriors organizations for \$5,000.00 each in connection with the Study. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent – 1: Director Radulovich.

Director Saltzman brought the matter of Leases on Five BART Owned Properties in Hayward, Livermore, and Oakland before the Board. Mr. Gary Sue, Real Estate, presented the item. Director Blalock moved that the General Manager or her designee be authorized to issue new leases to Apex – Livermore (Parcel Number L-5010); Clear Channel – Oakland (Parcel Number O-RE53); Douglas Parking – Oakland (Parcel Number O-K078); Greyhound – Hayward (Parcel Number O-A689); and Terranomics – Oakland (Parcel Number O-K005) for terms of up to five years, plus an option term for up to five years; to increase existing fees 3%; to increase fees at 3% for the remaining non-option years; and to increase rents 3% for each option year. Director McPartland seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, Saltzman, and Keller. Noes - 0. Absent – 1: Director Radulovich.

President Keller called for the General Manager’s Report. General Manager Grace Crunican introduced Ms. Allison Picard, Assistant General Manager, Employee Relations. Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, and she reminded the Board of upcoming events.

President Keller announced that the Quarterly Report of the Controller/Treasurer would be continued to a future meeting.

Director Saltzman exited the Meeting.

President Keller called for Board Member Reports and Roll Call for Introductions.

Director Blalock reported he had attended a meeting in Fremont led by the Fremont City Manager.

Director Raburn reported he had attended a Family Bridges dinner.

Director Raburn requested the District consider not automatically providing paper receipts at ticket vending machines. President Keller seconded Director Raburn's request.

Director McPartland reported he had testified in Washington, DC, at the House Natural Resources Subcommittee on Energy and Mineral Resources' oversight hearing entitled "Whole Lotta Shakin': An Examination of America's Earthquake Early Warning System Development and Implementation."

Director McPartland requested a report on the District's policy for issuing permits to persons or entities at stations. Director Fang seconded Director McPartland's request.

President Keller called for In Memoriam commemorations.

Director Blalock requested the meeting be adjourned in memory of Mr. John Vasconcellos, former Silicon Valley representative in the California State Assembly and California State Senator.

Director Mallett requested the meeting be adjourned in memory of Dr. Maya Angelou.

President Keller called for Public Comment.

The following individuals addressed the Board.

Mr. Jeff Baker

Ms. Mary Steiner

The Board Meeting was adjourned at 3:40 p.m. in memory of Mr. Vasconcellos and Dr. Angelou.

Kenneth A. Duron  
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/20/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Monina Salonga Dept: Office of the CIO <i>MSalonga</i> 6/20/14	General Counsel <i>MP</i> 6/20/14	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Carthman</i> 6-20-14
Signature/Date:		[ ]	[ ]	[ ]
Status: Routed		Date Created: 05/23/2014		

TITLE:

AWARD OF AGREEMENT NO. 6M4311 FOR SOFTWARE APPLICATION DEVELOPMENT SERVICES FOR BART PROCUREMENT VENDOR PORTAL PROJECT

NARRATIVE:

**Purpose:**

To authorize the General Manager to award Agreement No. 6M4311 to TechTu Business Solutions, Inc. for software application development services.

**Discussion:**

The Office of the Chief Information Officer intends to create an electronic vendor portal so vendors can receive direct notification and make direct inquiries on-line regarding BART procurement. The proposed BART Procurement Vendor Portal will also support the District's vendor outreach efforts.

The immediate goal is to minimize the current manual processes utilized by staff to identify qualified vendors. Another goal is to allow vendors to electronically search BART's current procurement opportunities by category (eg. electrical contracts, mechanical, etc.) Currently, the district only offer a non-searchable list of contracts on its website.

On April 4, 2014, RFP No. 6M4311 was advertised in eleven (11) publications. RFPs were sent to forty-four (44) firms who expressed interest in the project. A pre-proposal conference was held on April 22, 2014 with nine (9) companies in attendance.

On May 6, 2014 three (3) proposals were received from the following Proposers:

Proposer

Business Location

Monsoon

Oakland, California

TechTu Business Solutions, Inc.

Pleasanton, California

Simple IT Solutions, Inc.

San Jose, California

These proposals were reviewed and evaluated by a Source Selection Committee (Committee) chaired by the Procurement Department with representatives from the Office of the Chief Information Officer, Maintenance & Engineering and the Office of Civil Rights. Upon review of the proposals received, one proposal was deemed to be non-responsive because of irregularities in the form of the submission and the failure to address the ability to meet all the Minimum Technical Requirements of the RFP.

On May 14, 2014, two (2) Proposers demonstrated examples of Vendor Portals that they had developed at the District Office. Both technical proposals were evaluated for and met minimum technical requirements. Price Proposals for the responsive proposals as summarized below were opened and evaluated.

<u>Proposer</u>	<u>Total Price</u>
1. TechTu	\$297,000.00
2. Monsoon	\$458,360.00
<b>District Cost Estimate</b>	<b>\$565,000.00</b>

The committee determined that the Proposal submitted by TechTu Business Solutions, Inc. was the lowest priced technically acceptable proposal. Staff determined that this price proposal is fair and reasonable based on adequate price competition.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this agreement are 16% for MBEs and 20% for WBEs. The bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Agreement for Small Businesses certified by the California Department of General Services. The responsive low Bidder, TechTu Business Solutions, Inc. , is a certified Small Business making it eligible for the preference. Since TechTu Business Solutions, Inc. is the lowest responsive Bidder, and is eligible for the 5% Small Business preference, the application of the Small Business Program will not alter the award to TechTu Business Solutions, Inc.

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

### **Fiscal Impact:**

Funding of \$297,000 for executing this contract will come from project budget 63EA003 Replace Infrastructure. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since 02/13/2014 and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund	Description	Amount
8523	CAP SURCHRG-STATN 2 ST	900,000.00
Total		900,000.00

BART has expended \$299,348.30 and committed \$0.00 to date for other actions. This action will commit \$297,000 leaving an uncommitted balance of \$303,651.70 in these fund sources.

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

### Alternatives:

Not to enter into an agreement for software application development services with TechTu for the procurement vendor portal delaying the opportunity to provide a convenient means for potential vendors to make themselves and their capabilities known to BART. This would limit the effectiveness of BART's current efforts to attract small, local businesses to participate in contracting activities with the District.

### Recommendation:

Adoption of the following motion:

### Motion:

The General Manager is authorized to award Agreement No. 6M4311 for **Software Application Development Services for BART Procurement Vendor Portal Project**, for the proposed price of \$297,000.00 to TechTu Business Solutions, Inc. pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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MEMORANDUM

TO: Board of Directors

DATE: June 12, 2014

FROM: Board President

SUBJECT: Allocation of Funds for CRB Member Attendance at NACOLE Annual Conference

**DISCUSSION:**

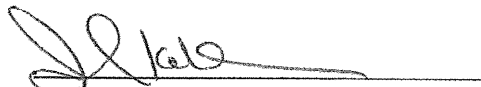
The National Association for the Civilian Oversight of Law Enforcement (NACOLE) is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States. NACOLE holds an annual conference where oversight professionals, community members, and other stakeholders can receive training, network with colleagues, and engage in constructive dialogue about the principles and practice of civilian oversight of law enforcement.

In order to ensure that members of the Citizen Review Board (CRB) may have the opportunity to attend the NACOLE conference and receive funding for expenses associated with their attendance, the amount of \$3,500.00 has been designated within the annual operating budget of the Office of the Independent Police Auditor (OIPA) for such funding. Prior to the allocation of any portion of the designated amount, the CRB is responsible for establishing and documenting a process for determining how it will be allocated to fund those members who attend the annual conference. No allocation will be made until a documented process has been duly adopted by the CRB.

It is noted that, pursuant to the Citizen Oversight Model, OIPA reports the investigative findings it reaches in the course of its business to the CRB for further action. Therefore, in order to avoid any confusion or appearance of impropriety, it is prudent to take a formal action to certify that the designated amount referenced above in OIPA's budget shall be used for its intended purpose and shall not be used for any other purpose.

**MOTION:**

The Independent Police Auditor is directed to make available \$3,500.00 each year from OIPA's annual operating budget for the sole purpose of funding CRB members for the expenses associated with attendance at the NACOLE annual conference. The funding shall be allocated in accordance with the process duly adopted for this purpose by the CRB, and no allocation shall be made prior to the adoption of such policy. Any portion of the designated amount that remains unused for the funding of the CRB each year shall not be used by OIPA for any other purpose and shall receive the same treatment as any other unused funds within OIPA's annual operating budget.

  
Joel Keller  
Board President

cc: Board Appointed Officers



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeVanden</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/18/14		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shawn J Jackson Dept: Transportation & System Service	General Counsel <i>Andrea Ramos</i> 6/17/14	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Paul [Signature]</i> 6/18/14
Signature/Date: 6/16/2014				
Status: Routed		Date Created: 04/16/2014		

TITLE:

**PROFESSIONAL SERVICES AGREEMENT NO. 6M3250 and 6M3265,  
GRAFFITI REMOVAL SERVICES SYSTEMWIDE**

NARRATIVE:

**PURPOSE**

To obtain Board authorization for the General Manager to award Agreement No. 6M3250 and No. 6M3265 to Impec Group for Graffiti Removal Services Systemwide.

**DISCUSSION**

The Transportation & System Service Department establishes contracts for graffiti removal services to maintain areas that are subject to vandalism, specifically BART stations, as well as shops, line buildings, portals, retaining structures, parking lots and administration buildings. The current agreement with Impec Group to provide these services for the District will expire on July 13, 2014.

In response to the Board's stated interest in unbundling contracts in order to open up opportunities to a larger field of providers to do business with the District, the Department intends to award two (2) Agreements resulting from one Request For Proposals (RFP). One Agreement would be for services performed in the East Bay Locations and the second Agreement would be for services performed in the West Bay Locations. Each Agreement would be for a three year term with the District having the option to extend each for two (2) additional one (1) year periods.

On April 16, 2014, RFP No. 6M3250 was mailed to twenty-one (21) potential proposers. On April 18, 2014, the RFP was advertised. A Pre-Proposal meeting was held on May 8, 2014, with eleven (11) prospective Proposers in attendance. On May 20, 2014, the District received five (5) proposals from the following companies:

1. Urban Marketing Channels, Oakland, CA
2. Webco Sweeping, Morgan Hill, CA
3. Impec Group, Santa Clara, CA
4. Van Gelder Enterprises, Inc. Concord, CA
5. Graffiti Protective Coatings Incorporated (GPC), Hayward, CA

## PROPOSAL EVALUATION

The RFP indicated that an award would be made to the responsive proposer submitting the lowest priced technically acceptable proposal. A Source Selection Committee, consisting of representatives from Transportation & System Service and the Office of Civil Rights and chaired by Contract Administration was convened on June 3 2014. The committee conducted a technical evaluation of the proposals for compliance with the eleven (11) minimum technical requirements set forth in the RFP, including such items as experience and financial stability. After review by District staff, only the proposals submitted by Impec Group, Webco Sweeping and GPC were deemed to be technically acceptable and responsive to the solicitation.

The price proposals from these firms were subsequently opened and evaluated by the Committee. The ranking order of the Proposals from lowest to highest are as follows:

<u>Proposer</u>	<u>East Bay</u>	<u>West Bay</u>	<u>Totals</u>
Impec Group	\$842,804.54	\$371,951.22	\$1,214,755.76
Option Year 1	\$295,674.61	\$128,324.88	\$423,999.49
Option Year 2	<u>\$301,044.52</u>	<u>\$130,499.82</u>	<u>\$431,544.34</u>
<b>Total</b>	<b>\$1,439,523.67</b>	<b>\$630,775.92</b>	<b>\$2,070,299.59</b>

<u>Proposer</u>	<u>East Bay</u>	<u>West Bay</u>	<u>Totals</u>
Webco Sweeping	\$1,234,072.40	\$521,254.80	\$1,755,327.20
Option Year 1	\$431,530.40	\$182,264.40	\$613,794.80
Option Year 2	<u>\$431,530.40</u>	<u>\$182,264.40</u>	<u>\$613,794.80</u>
<b>Total</b>	<b>\$2,097,133.20</b>	<b>\$885,783.60</b>	<b>\$2,982,916.80</b>

<u>Proposer</u>	<u>East Bay</u>	<u>West Bay</u>	<u>Totals</u>
GPC	\$2,737,958.00	\$1,226,124.00	\$3,964,082.00
Option Year 1	\$907,977.00	\$406,596.00	\$1,314,573.00
Option Year 2	<u>\$907,977.00</u>	<u>\$406,596.00</u>	<u>\$1,314,573.00</u>
<b>Total</b>	<b>\$4,553,912.00</b>	<b>\$2,039,316.00</b>	<b>\$6,593,228.00</b>

Impec Group was identified as the proposer submitting the lowest-priced technically acceptable proposal for both the East Bay Locations and the West Bay Locations. The committee determined the price proposals for these two locations to be fair and reasonable and that the firm is capable of performing services based upon past performance.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this contract are 16% for MBEs and 20% for WBEs. The Bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination in Subcontracting Program does not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. The responsive low Proposer for the East



Bay Locations and West Bay Locations, IMPEC Group is not a certified Small Business and therefore it is not eligible for the 5% Small Business Preference. The second and third low Proposers, Webco Sweeping and Graffiti Protective Coatings, Inc. are certified Small Businesses making them eligible for the 5% prime preference. The application of the Small Business Program will not alter the award of the East Bay Locations and West Bay Locations Agreements to IMPEC Group.

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

### **FISCAL IMPACT**

Funding for FY 2015 has been included in the Transportation and System Service operating budget. The expenditures for FY 2016 through FY 2020 will be included in future Transportation and System Service operating budgets and are subject to future budget adoption.

	<b><u>East Bay</u></b>	<b><u>West Bay</u></b>
FY 15	\$249,268.10	\$111,467.16
FY 16	\$280,416.00	\$123,962.22
FY 17	\$289,881.76	\$126,130.80
FY 18	\$295,674.61	\$128,324.88
FY 19	\$301,044.52	\$130,499.82
FY 20	\$23,238.68	\$10,391.04

### **ALTERNATIVES**

Reject all Proposals and re-advertise the RFP. Rejecting all Proposals would result in unsightly conditions throughout the system for the next several months until a new contract is awarded and adversely affect passenger satisfaction and subsequent ratings on the quarterly Passenger Environment Survey (PES) report for Station Cleanliness.

### **RECOMMENDATION**

It is recommended that the Board adopt the following motion:

### **MOTION**

The General Manager is authorized to award Agreement No. 6M3250 for Graffiti Removal Services at East Bay Locations in an amount not to exceed \$842,804.54 and Agreement No. 6M3265 for Graffiti Removal services at West Bay Locations in an amount not to exceed \$371,951.22 to Impec Group pursuant to notification to be issued by the General Manager, and subject to the District's Protest Procedures.

The General Manager is also authorized to exercise Options to the Agreements as follows:

### **East Bay**

Option Year 1 - \$295,674.61  
Option Year 2 - \$301,044.52

### **West Bay**

Option Year 1 - \$128,324.88  
Option Year 2 - \$130,499.82

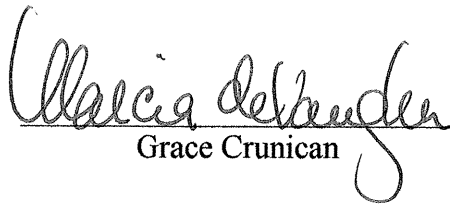
# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors **DATE:** June 20, 2014  
**FROM:** General Manager  
**SUBJECT:** E&O Agenda Item #5.B: BART to Oakland International Airport (OAK) Quarterly Project Update - For Information

The attached presentation for the June 26, 2014 Board meeting provides the quarterly update for the BART to OAK Project. If you have any questions, please contact Tom Dunscombe, Group Manager, Planning and Development at (510) 394-6173.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## Memorandum

TO: Board of Directors

DATE: June 17, 2014

FROM: Independent Police Auditor

SUBJECT: Appointment of Citizen Review Board Members

In accordance with Chapter 2-06 of the BART Citizen Oversight Model (Model), vacancies on the Citizen Review Board (CRB) shall be filled for the unexpired portion of the term, subject to ratification by the Board of Directors. A vacancy in the seat that represents one of the nine BART Districts shall be filled by the Director whose appointee has ceased to serve.

At present, a vacancy exists in the seat representing BART District 4, which has a term that expires on June 30, 2015. BART District 4 Director Robert Raburn has selected a candidate to fill the vacancy for the unexpired portion of the term.

Attached to this memorandum is a motion which, if adopted by the Board of Directors, will ratify Director Raburn's appointment. Also attached is the resume submitted by the selected candidate during the application process, for your review.

Please contact me at (510) 874-7477 or [oipa@bart.gov](mailto:oipa@bart.gov) at your convenience if you have any questions about this matter.

Thank you,



Mark P. Smith

*Attachments*

cc: Board Appointed Officers

**RATIFICATION OF CITIZEN REVIEW BOARD DISTRICT 4 APPOINTEE**

**MOTION:**

That the Board of Directors ratifies the appointment of the following individual to the BART Citizen Review Board to fill the vacancy that exists in the seat representing BART District 4, with a term that expires on June 30, 2015:

Darren White

## Darren White

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### Qualifications:

- Supervision and training of staff.
- Skilled in analyzing problems and finding creative solutions.
- Work well under pressure and thrive on challenging projects.
- Work independently, co-operative, team player.
- Bonded by the state of California to work with adolescents.
- Proficient in cross-platform system applications and word processing.

### Experience:

**Centerforce Youth Court (previously MYC) 08/12 – present**

**Program Manager: Job description see Deputy Director**

**McCullum Youth Court (MYC) 02/05 -07/12**

**Deputy Director McCullum Youth Court (MYC)**

McCullum Youth Court (MYC) is a healthy, fast-paced organization with complex services and programs based on a youth-centered peer justice model, with tremendous growth potential. Recent branding, financial analysis and fundraising projects have positioned MYC strategically for program and revenue expansion.

The Deputy Director (DD) is a new position at McCullum Youth Court (MYC). The DD will work closely with the Executive Director (ED) to provide leadership and oversee key components of MYC's operations. The DD will be responsible for oversight of certain administrative areas including 1) Planning, preparation, implementation, documentation, and evaluation of MYC programs and services (special emphasis on working with staff to develop work plans, and upgrade evaluation); 2) Human Resources (recruitment, hiring, benefits, staff development, performance evaluation, compliance, and exit of employees); 3) Contract and grant compliance, including data management and reporting; 4) Strengthening systems and infrastructure at MYC, including coordination and communication regarding scheduling and calendars throughout the agency. The Director will be responsible for all reporting; will assist with design and roll out of new projects; and will oversee ongoing implementation of MYC's Paragon Project, a major initiative that commenced in 2007.

The Paragon Project is an ongoing initiative in partnership with the City of Oakland to introduce more elements of restorative justice, gender responsive practices, and developmentally appropriate strategies to MYC services. Addressing DMC (Disproportionate Minority Contact) is central to the initiative. The Director will oversee ongoing planning, implementation, and evaluation of this initiative. This task will include oversight of existing and new collaborations that revolve around this new initiative.

**Director of Development & Public Relations, 01/09 – 06/13/2011:** plays a vital role in promoting MYC in the Bay Area to build support in the public sector (from governmental agencies to local neighborhoods); increase public understanding of MYC's mission and the importance and impact of MYC's work; and expand MYC's partnerships with stakeholders in the corporate, public, and nonprofit sectors and

work closely with the Executive Director to help define a vision and strategy for building key partnerships and increase MYC's visibility in order to expand support for the work, sustainability, and success of MYC; participate in relevant Board committees, such as the Fund Development Committee and the Program Committee, as assigned by the Executive Director. Ensures MYC is represented at key community and public events; sit on various municipal and County Committees to represent MYC and MYC's interests.

**Director of Youth Offender Service, 6/07 – 01/09:** responsible for all aspects of implementation (from innovation and enhancement to evaluation) of effective case management and other services for first time youth offenders referred for diversion from the formal juvenile judicial system; coordinates referrals from Police Departments, the Alameda County Probation Department, and other sources; case management of youth referred to MYC; enrollment of youth offenders in special services; and Court processes for youth offenders and their families on Court Night; work closely with the Youth Law Program Coordinator and the Law & Justice Program Manager and to build the interface between the two programs, as well as two new programs targeting youth offenders – the Novice and the Apprentice programs; responsible for meaningful integration of Youth in Leadership at MYC assigned to assist with the Youth Offender Program – Youth in Leadership currently assist with scheduling services, conducting Pre-Hearings with youth, conducting Service Planning with youth, monitoring youth offender progress, and assisting with delivery of special services.

**Youth Offender Case Manager, 3/5 - 6/07:** responsible for effective case management of first time youth offenders referred for diversion from the formal juvenile judicial system, multitask, manage stress, and maintain excellent boundaries with clients; assists with obtaining referrals from police departments in North Alameda County (a preponderance of Oakland youth) and the Alameda County Probation Department; case manage youth referred to MYC; supervising Court processes semi-monthly in a Courtroom; counseling youth and families; maintaining a youth offender database; building relationships with community stakeholders, especially but not exclusively Oakland Police Department, the Probation Department, Oakland schools, families, communities, and other community-based organizations; consistently and thoroughly complete all aspects of case management including an intake and other assessments, service planning and goal setting, informal counseling, weekly groups, referral to other services as needed and appropriate, maintain case notes and case files, and maintain regular contact with families and youth on the case load; b) maintain systems and documentation; c) ensure consistent program evaluation and providing regular, thorough reports; e) assist the Program Manager with any other aspects of the Youth Offender program as needed.

**Education:**  
1983 - 1985

Chabot College Hayward, Ca.  
Mass Communication/Early Childhood Development  
Completed undergrad studies

*References upon request*

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## Memorandum

**TO:** Board of Directors

**DATE:** June 18, 2014

**FROM:** Independent Police Auditor

**SUBJECT:** Appointment of Citizen Review Board Members

In accordance with Chapter 2-02 of the BART Citizen Oversight Model (Model), those members of the Citizen Review Board (CRB) appointed by BART Directors from odd numbered Districts, as well as the Public-at-Large member, shall have their terms of service expire on June 30, 2014. All appointments of new members, or reappointments of currently-seated members, shall be for two-year terms.

According to Chapter 1-05(G) of the Model, the Office of the Independent Police Auditor (OIPA) will facilitate the application process for seats on the CRB and will coordinate the selection process with the Office of the District Secretary and the Board of Directors (Board).

Each of the Directors whose CRB appointee has an expiring term this year has individually indicated an intention to reappoint his/her current CRB appointee, and each of those current CRB appointees has indicated his/her acceptance of such reappointment.

With regard to the Public-at-Large member, OIPA wishes to point out these options for the Board's consideration:

- 1) Reappoint the currently-seated Public-at-Large CRB member to a new term of service
- 2) Instruct OIPA to solicit applications from the public for the Public-at-Large seat on the CRB, from which the Board may make a selection in the future
- 3) Allow the Public-at-Large seat to remain vacant until a decision on further action is made

Attached to this memorandum is a motion which, if adopted by the Board, will ratify the appointments of those Directors whose CRB appointee has an expiring term. If it so chooses, the Board may amend the motion to indicate any action it wishes to take with respect to the Public-at-Large seat on the CRB.

Please contact me at (510) 874-7477 or [oipa@bart.gov](mailto:oipa@bart.gov) at your convenience if you have any questions about this matter.

Thank you,

A handwritten signature in black ink, appearing to read 'M. P. Smith', with a long, sweeping horizontal stroke extending to the right.

Mark P. Smith

*Attachment*

cc: Board Appointed Officers



## **RATIFICATION OF CITIZEN REVIEW BOARD APPOINTMENTS**

### **MOTION:**

That the Board of Directors ratifies the appointment of the following individuals to the BART Citizen Review Board for the term of 2 years that expires on June 30, 2016:

Benjamin Douglas – District 1  
William White – District 3  
Douglas Hambleton – District 5  
Sharon Kidd – District 7  
George Perezvelez – District 9