

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

BOARD MEETING AGENDA

March 24, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 24, 2016, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th 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 (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 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.

Kenneth A. Duron
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.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of March 3, 2016 (Special), and March 10, 2016.* Board requested to authorize.
- B. Resolution Consolidating 2016 District Elections.* Board requested to adopt.
- C. Proposed Revisions to Rules of the Board of Directors.* Board requested to authorize. (Director Keller's request.)
- D. Resolution of Local Support for a Transit Performance Initiative-Incentive Program Application for the Concord Shop Wheel Truing Facility Project.* Board requested to adopt.
- E. Award of Contract No. 15EL-172, Fiber Optics Installation on the C-Line and R-Line.* Board requested to authorize.
- F. Award of Invitation for Bid No. 8991, Hi Rail Swing Crane 180 Degrees.* Board requested to authorize.

3. 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.)

4. GENERAL MANAGER'S REPORT

- A. Power Distribution Problems on Pittsburg/Bay Point Line. For information.
- B. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

5. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Agreement with Bartel Associates, LLC, to Provide Actuarial Consulting Services (Agreement No. 6M4424.)* Board requested to authorize.

6. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Change Order to Contract No. 40FA-110, Procurement of Transit Vehicles, with Bombardier Transit Corporation, for Passenger Information System Enhancements (C.O. No. 21).* Board requested to authorize.
- B. New Transit Vehicle Procurement Project Update.* For information.

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

Director Raburn, Chairperson

- A. Pleasant Hill Bike Station Project.*
 - i. Lease Agreement with PHVP I LP for a Bike Station at 1001 Harvey Way, Walnut Creek.
 - ii. Change Order to Agreement No. 6M6063, Management Services to Operate BART's Bike Facilities, with Alameda Park Street Bicycles, Inc., to Operate the Pleasant Hill Bike Station.
Board requested to authorize.
- B. Change Orders to State and Federal Legislative Advocacy Agreements for Extension of Time.*
 - i. Agreement No. 6M7152, State Legislative Advocacy Services, with Schott & Lites Advocates.
 - ii. Agreement No. 6M7153, Federal Legislative Services, with CJ Lake, LLC.
Board requested to authorize.
- C. North Concord/Martinez Station Area Update.* For information.

8. CONTROLLER/TREASURER'S REPORT

- A. Quarterly Report of the Controller/Treasurer for Periods Ending September 30, 2015, and December 31, 2015. For information.

9. 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.)

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.)

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

A. CONFERENCE WITH LABOR NEGOTIATORS

Designated representatives: Grace Crunican, General Manager; Paul Oversier, Assistant General Manager, Operations; Carter Mau, Assistant General Manager, Administration and Budget; and Carol Isen, Chief Employee Relations Officer

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
 (2) American Federation of State, County and Municipal Employees, Local 3993;
 (3) BART Police Officers Association;
 (4) BART Police Managers Association;
 (5) Service Employees International Union, Local 1021; and
 (6) Service Employees International Union, Local 1021, BART Professional Chapter
 (7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

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

Board of Directors
Minutes of the 1,756th Meeting
March 3, 2016

A special meeting of the Board of Directors was held March 3, 2016, convening at 9:05 a.m. in the Board Room, 344 20th Street, Oakland, California; and 19 Wilmot Street, San Francisco, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Directors present in San Francisco: None.

Absent: None. Directors Josefowitz and McPartland entered the Meeting later.

President Radulovich called for Public Comment on Item 3 only. No comments were received.

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

The Board Meeting recessed at 9:07 a.m.

The Board Meeting reconvened in closed session at 9:10 a.m.

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

Directors present in San Francisco: Director Josefowitz.

Absent: None. Director McPartland entered the Meeting later.

Director McPartland entered the Meeting.

The Board Meeting recessed at 12:09 p.m.

The Board Meeting reconvened in closed session at 12:25 p.m.

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

Directors present in San Francisco: Director Josefowitz.

Absent: None.

Director Saltzman exited the Meeting.

The Board Meeting recessed at 1:48 p.m.

The Board Meeting reconvened in open session at 1:48 p.m.

Directors present: Director Radulovich.

Absent: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman.

President Radulovich announced that the Board had concluded its closed session, and that the Board of Directors had appointed Rosemarie Poblete as Controller-Treasurer, subject to the parties reaching an agreement on the terms and conditions of employment; and that the vote was unanimous. Ayes – 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0.

The Meeting was adjourned at 1:49 p.m.

Kenneth A. Duron
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 1,757th Meeting
March 10, 2016

A regular meeting of the Board of Directors was held March 10, 2016, convening at 9:04 a.m. in the Board Room, 344 20th Street, Oakland, California. Vice President Murray presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Josefowitz. President Radulovich entered the Meeting later.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of February 11, 2016 (Regular); February 11, 2016 (Special); and February 25, 2016.
2. Proposed Revisions to 2016 Standing Committee and Special Appointments.
3. Delegation of Authority to Make and Certify Determinations of Industrial Disability for Safety Members for CalPERS and Authority to Make Applications for Disability Retirement to CalPERS on Behalf of Disabled Miscellaneous or Safety Member Employees.
4. Award of Contract No. 15QJ-170, Reroof Concord Shop Lower Roof, Concord Station Platform Canopy and Supervisor's Building.
5. Award of Contract No. 15RY-110, Lake Merritt Station Customer Service Center.
6. Sole Source Procurement with Marvin Manufacturing for Purchase of Inspection Port Closure Assemblies for the Transbay Tube. (TWO-THIRDS VOTE REQUIRED.).
7. Award of Invitation for Bid No. 8984, Resistors, MA17-G02.
8. Award of Invitation for Bid No. 8994, Track Crew Trucks.
9. Reject All Bids for Invitation for Bid No. 8980, Generator, Standby Mobile Engine with Trailer.

Director McPartland made the following motions as a unit. Director Blalock requested the record reflect he would abstain from approval of the Minutes. Director Blalock seconded the motions, which carried by electronic vote. For item 2-A, Ayes - 6: Directors Keller, Mallett, McPartland, Murray, Raburn, and Saltzman. Noes - 0. Abstain - 1: Director Blalock.

Absent - 2: Directors Josefowitz and Radulovich. For items 2-B through 2-I, Ayes – 7: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, and Saltzman. Noes - 0.
Absent – 2: Directors Josefowitz and Radulovich. Item 2-F carried by the required two-thirds vote.

1. That the Minutes of the Meetings of February 11, 2016 (Regular); February 11, 2016 (Special); and February 25, 2016, be approved.
2. That the Standing Committee and Special Appointments for 2016 be ratified to retire the Personnel Recruitment Ad Hoc Committee and the Emeryville-Berkeley-Oakland Transportation Study Policy Advisory Committee.
3. Adoption of Resolution No. 5313, In the Matter of Delegating to the General Manager and His/Her Designee Authority to Make and Certify Determinations of Industrial Disability for Safety Members and Authority to Make Applications for Disability Retirement to the Public Employees Retirement System on Behalf of Disabled Miscellaneous or Safety Members.
4. That the General Manager be authorized to award Contract No. 15QJ-170, Reroof Concord Shop Lower Roof, Concord Station Platform Canopy and Supervisor's Building, to Stronger Building Services of Hayward, California, for the Bid price of \$480,000.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.
5. That the General Manager be authorized to award Contract No. 15RY-110, construction of BART's Lake Merritt Station Customer Service Center, to T. Amaral's Done Right Construction, for the Bid price of \$298,000.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.
6. That pursuant to Public Contract Code section 20227, the Board find that Marvin Manufacturing is the single source for the purchase of inspection port closure assemblies for the Transbay Tube that would duplicate equipment currently in use by the District; and that the General Manager be authorized to negotiate and award a contract to Marvin Manufacturing for the purchase of inspection port closure assemblies, for an amount not to exceed \$203,500.00, plus applicable taxes.
7. That the General Manager be authorized to award Invitation for Bid No. 8984, an estimated quantities contract, for Resistors, MA17-G02, to Bombardier Transportation, of Pittsburgh, PA, for the Bid price of \$127,600.00, including all taxes, pursuant to notification to be issued by the General Manager.
8. That the General Manager be authorized to award Invitation for Bid No. 8994, for the procurement of Truck, Track Crew, four (4) each, to Golden Gate Truck Center, Oakland, CA, in the amount of \$1,267,682.90,

including all applicable sales tax, pursuant to notification to be issued by the General Manager.

(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.)

9. That the single Bid for Invitation for Bid No. 8980, for the procurement of two (2) sets of Generators, Standby Mobile Engine with Trailer, be rejected, and the General Manager be authorized to re-advertise the acquisition.

Consent Calendar report brought before the Board was:

1. Fiscal Year 2016 Second Quarter Financial Report.

Director Saltzman, Chairperson of the Administration Committee, announced that agenda items would be taken out of order, and brought the matter of BART Major Projects Stabilization Agreement before the Board. Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

President Radulovich entered the Meeting.

The following individuals addressed the Board.

Sterlen Thomas
Andreas Cluver
Glenn Coats

Director Raburn moved that the Board authorize the General Manager to execute the BART Major Projects Stabilization Agreement. Director Murray seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

Director Saltzman brought the matter of Leases on BART-Owned Properties in the Cities of Daly City, Oakland, and San Leandro before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, and Mr. Gary Sue, Real Estate Officer, presented the item. The item was discussed. Director Blalock moved that the General Manager or her designee be authorized to issue new leases to U.S. Postal Service – Oakland (Parcel Number O-K012); Bay Fair Center – San Leandro (Parcel Number A-603); West Oakland Environmental Indicators – Oakland (Parcel Number O-K211); La Placita Commercial Kitchen – Oakland (Parcel Number O-D35); and San Francisco Metropolitan Transportation Agency – Daly City (Parcel Number O-M135), for terms of up to five years, plus an option term for up to five years, at the annual rent set forth in Attachment A, to increase fees 3% for the remaining non-option years, and to increase rents 3% for each option year. (Attachment A is attached and hereby made a part of these Minutes.) Director Mallett seconded the motion, which carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

Director Saltzman brought the matter of Workforce Development and Human Resources Modernization Initiatives Update before the Board. Ms. Allison Picard, Assistant General

Manager, Employee Relations, and Ms. Patrice McElroy, Human Resources Program Manager, Workforce Development, presented the item. The item was discussed.

Director Saltzman brought the matter of Proposed San Francisco State University Fare Discount Program before the Board. Ms. Pamela Herhold, Department Manager, Financial Planning, presented the item. The item was discussed.

Director Saltzman brought the matter of Small Business Initiatives and Payment Information Update before the Board. Mr. Wayne Wong, Department Manager, Office of Civil Rights, presented the item. The item was discussed.

Director Keller exited the Meeting.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15IF-130, Powell Street Station Ceiling Upgrades, before the Board. Ms. Shirley Ng, Group Manager, Stations Engineering and Construction, presented the item. Director Blalock moved that the General Manager be authorized to award Contract No. 15IF-130, Powell Street Station Ceiling Upgrades, to USS Cal Builders, Inc., for the Bid price of \$7,678,907.00, 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. Director Murray seconded the motion, which carried by unanimous electronic vote. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 2: Directors Josefowitz and Keller. (See revised vote below.)

Director McPartland brought the matter of Award of Invitation for Bid No. 8922, Transit Rail Car Switchers - A, B & C Cars, before the Board. Mr. Gregory Shivy, Principal Track Engineer, presented the item.

Director Keller re-entered the Meeting and requested that an "Aye" vote be recorded for the Award of Contract No. 15IF-130. President Radulovich concurred. The revised vote is as follows. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Josefowitz.

Director Raburn moved that the General Manager be authorized to award Invitation for Bid No. 8922, for the procurement of Transit Rail Car Switcher - A, B & C Cars, six (6) each, to Shuttlewagon Inc., Grandview, MO, in the amount of \$3,313,908.00, including applicable sales tax, pursuant to notification to be issued by the General Manager. Director Saltzman seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 1: Director Josefowitz.

(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 McPartland brought the matter of Authority to Enter into Agreements for Temporary Bus Bridge Services before the Board. Ms. Teresa Tapia, Senior Transportation Engineer, Operations Planning, presented the item. Director Blalock moved that the General Manager be authorized to enter into multiple agreements with various public agency and/or private bus operators in order to provide temporary bus transportation services in a total amount not to exceed \$250,000.00 per day per agreement for each day that the District is unable to provide

complete train service due to a track work project; with this authorization to expire on December 31, 2016. Director Murray seconded the motion. The item was discussed.

Jerry Grace addressed the Board.

The motion carried by unanimous electronic vote. Ayes - 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

Director McPartland brought the matter of Station Maintenance and Cleaning Report before the Board. Ms. Tamar Allen, Chief Mechanical Officer; Mr. Roy Aguilera, Chief Transportation Officer; and Mr. Paul Oversier, Assistant General Manager, Operations, presented the item. The item was discussed.

Jerry Grace addressed the Board.

The Board Meeting recessed at 12:24 p.m.

The Board Meeting reconvened in open session at 1:01 p.m.

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

Absent: Director Josefowitz. Director Murray entered the Meeting later.

Director McPartland brought the matter of Elevator and Escalator Issues and Solutions Report before the Board. Ms. Allen and Mr. Mike Lemon, Superintendent, Power and Mechanical, presented the item.

Director Murray entered the Meeting.

The item was discussed.

Jerry Grace addressed the Board.

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

President Radulovich called for the General Manager's Report.

Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, and outstanding Roll Call for Introductions items.

President Radulovich brought the matter of Proposed Revisions to Rules of the Board of Directors before the Board. Director Keller presented the item. The item was discussed.

President Radulovich brought the matter of Proposed Ordinance to Prohibit Patrons from Utilizing More Than One Seat If to Do So Will Prevent Other Riders from Being Able to Be Seated within the Train Car (First Reading) before the Board. Director Keller presented the item. The item was discussed.

The following individuals addressed the Board.

Alan Smith

Jerry Grace

Discussion continued.

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

Director McPartland reported he had attended two Better BART presentations and a mayors' conference in Dublin.

Director Saltzman reported she had attended the BART – AC Transit Interagency Liaison Committee meeting.

Director Raburn reported he had attended the Planning and Conservation League's Annual Environmental Symposium and an event for the Skyline High School Green Academy.

President Radulovich called for In Memoriam. No requests were received.

President Radulovich called for Public Comment.

Jerry Grace addressed the Board.

President Radulovich announced that the Board would enter into closed session under Items 10-A (Public Employment) and 10-B (Conference with Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

The Board Meeting recessed at 2:59 p.m.

The Board Meeting reconvened in closed session at 3:07 p.m.

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

Absent: Directors Josefowitz and McPartland.

The Board Meeting recessed at 3:51 p.m.

The Board Meeting reconvened in open session at 3:52 p.m.

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

Absent: Directors Josefowitz and McPartland.

President Radulovich announced there was no announcement to be made on Item 10-A.

President Radulovich brought the matter of Compensation and Benefits for Controller/Treasurer before the Board. Director Murray moved that the Board approve the following terms of employment for Rosemarie V. Poblete, which shall be incorporated in a mutually satisfactory written employment agreement prepared by the General Counsel for execution by Ms. Poblete and the Board President: Service for an indefinite term at the pleasure of the Board; base salary of \$233,100.00 per year; 3.7214 percent increase to base salary effective July 1, 2016; twelve months' severance pay for involuntary termination unless a result of death or gross misconduct; mandatory arbitration of employment disputes; benefits afforded to non-represented management employees and retirees; and, upon retirement, option to participate in alternative retiree medical, dental, or vision plan if Ms. Poblete relocates to an area which is not within the service area of a District-sponsored plan, provided the alternative plan is comparable in both cost and coverage to the District-sponsored plan. Director Raburn seconded the motion, which carried by roll call vote. Ayes - 6: Directors Blalock, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 1: Director Mallett. Absent - 2: Directors Josefowitz and McPartland.

The Meeting was adjourned at 3:56 p.m.

Kenneth A. Duron
District Secretary

Attachment A

RENTAL ACCOUNT	PARCEL NUMBER	NAME OF TENANT	ORIGINAL TENANCY START DATE	ANTICIPATED MONTHLY RENT	ANTICIPATED ANNUAL RENT	PARCEL SIZE	TENANT USE	PARCEL ADDRESS
1278	O-K012	U.S. Postal Service	4/1/2001	\$5,553.00	\$66,636.00	25,392 sq. ft.	parking	West Grand Avenue Oakland
1285	O-A603	Bay Fair Center	11/29/1973	\$456.00	\$5,472.00	240 sq. ft.	footbridge	Bay Fair Station parking lot, San Leandro
1393	O-K211	West Oakland Environmental	3/1/2014	\$824.00	\$9,600.00	14,757 sq. ft.	education classrooms	349 Mandela Parkway Oakland
1398	O-AD35	La Placita Commercial Kitchen	11/1/2015	\$206.00	\$2,472.00	800 sq. ft.	vehicle access	end of 46th Ave Oakland
1390	O-M135	SFMTA	8/1/2016 anticipated start date	\$105.00	\$1,260.00	100 sq. ft.	bus driver restroom	Daly City Station parking lot



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 3/16/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kenneth A Duron Dept: Office of the District Secretary	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 03-15-16	<i>[Signature]</i> 3/16/16	<i>[Signature]</i> 3/16/16	<i>[Signature]</i> 03-15-16	[]

TITLE:

CONSOLIDATION OF 2016 DISTRICT ELECTIONS

NARRATIVE:

PURPOSE: To receive Board approval of a resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to provide for the consolidation of the District election of members of the Board of Directors with the State of California general election to be held on November 8, 2016. The election districts are 1, 3, 5, 7, and 9.

DISCUSSION: In order to conform to the California State Elections Code, the District must request the Boards of Supervisors of the Counties of Alameda, Contra Costa and San Francisco to consolidate the San Francisco Bay Area Rapid Transit District election with the State of California general election. The attached resolution has been drafted to accomplish this.

FISCAL IMPACT: Funding in the amount of \$1,000,000 has been allocated in the Fiscal Year 2017 Operating Budget to cover both the District's share of the cost of the election and the cost of printing, handling, translating, and mailing the candidates' statements. Some of the costs for the candidates' statements will be reimbursed to the District. The Fiscal Year 2017 Operating Budget allocation covers both Election Consolidation and Candidates' Statement of Qualifications. Board Resolution No. 4652, adopted by the Board of Directors on March 27, 1997, (attached) establishes rules governing candidates' Statements of Qualifications for District elections.

ALTERNATIVES: None.

RECOMMENDATION: That the Board of Directors adopt the attached resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco, to provide for the consolidation of the District election with the State of California general election, to be held on November 8, 2016.

MOTION: Adoption of the attached Resolution.

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Resolution of the Board of Directors of the
San Francisco Bay Area Rapid Transit District
requesting the Boards of Supervisors of Alameda
County, Contra Costa County, and the City and
County of San Francisco to provide for the
consolidation of a District election, electing
members of the Board of Directors,
with the State of California general election, to
be held on November 8, 2016. _____ /

Resolution No.

WHEREAS, Section 28746.6 of the Public Utilities Code of the State of California provides:

“A general district election for the election of directors whose terms are to expire in that year shall be held and conducted on the first Tuesday after the first Monday in November of each even-numbered year and shall be consolidated, where possible, with the general election held on that date.” and

WHEREAS, Section 28746.8 of the Public Utilities Code of the State of California provides:

“Except as otherwise provided in this article, candidates for the Board shall be nominated, the election held and conducted, and the ballots canvassed in accordance with the provisions of the Uniform District Election Law.” and

WHEREAS, Section 28747.2 of the Public Utilities Code of the State of California provides:

“A candidate for election from any of the election districts shall be nominated and elected by the voters residing within the election district from which he is elected.” and

WHEREAS, Section 28747.4 of the Public Utilities Code of the State of California in part provides:

“The county elections official of each county within the boundaries of the district shall conduct the election and canvass the returns for those election districts or portions of election districts which are within the county of his or her jurisdiction as county elections official. After the official canvass has been taken, the county elections official shall report the returns, by election district number, to the board.” and

WHEREAS, a State of California General Election will be held on Tuesday, November 8, 2016; and

WHEREAS, the California State Legislature has established nine election districts within the San Francisco Bay Area Rapid Transit District as provided in Section 28745 of the Public Utilities Code of the State of California; and

WHEREAS, pursuant to Section 10522 of the Elections Code and 28750.4 of the Public Utilities Code of the State of California, the District has filed with the county elections official of each affected County a certified copy of Resolution No. 5184 of the Board of Directors of the San Francisco Bay Area Rapid Transit District which provides a map showing the boundaries of the District and the boundaries of the election districts and maps of the election districts prepared in accordance with Article 2.4 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California; and

WHEREAS, the territory in which said election is to be held is, to wit, all of the territory of said Districts Nos. 1, 3, 5, 7, and 9 lying within the County of Alameda, the County of Contra Costa, and the City and County of San Francisco (hereinafter called the "Counties").

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

Section 1.

That the Boards of Supervisors of the Counties are hereby requested to order the consolidation of said district elections with said general election to be held on Tuesday, November 8, 2016, and to further provide that within the territory affected by said order of consolidation, to wit, the Counties, that except as otherwise provided in Article 2.2 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California, the election shall be held and conducted and the ballots canvassed in accordance with the provisions of said Uniform District Election Law.

Section 2.

That the Secretary of the District is hereby authorized and directed to certify to the due adoption of this resolution and to file copies hereof, so certified, with the Board of Supervisors and with the county elections official of each of the counties.

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BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Resolution of the Board of Directors of
the San Francisco Bay Area Rapid Transit
District Establishing the District Rules
Governing Candidates' Statement of
Qualifications for District Elections /

Resolution No. 4652

WHEREAS, Section 13307 of the Elections Code of the State of California provides, among other things, that candidates for District office may prepare a candidate's Statement of Qualifications of up to 200 words; the Board may authorize an increase in the limitation on words for the statement from 200 to 400 words; the Board may require each candidate filing a statement to pay in advance his or her estimated pro rata share of the total cost of producing and mailing the candidate's statement; and that, before the nomination period opens, the Board shall determine whether a charge shall be levied against that candidate for the candidate's statement, and

WHEREAS, it is the intent of the Board of Directors of the San Francisco Bay Area Rapid Transit District to adopt rules governing candidates' Statements of Qualifications for District elections.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

1. Each candidate for the BART Board of Directors who prepares a candidate's Statement of Qualifications pursuant to California Elections Code Section 13307 shall be required to pay a total election fee of \$750 at the time of filing as part of the cost to the District of printing, handling, translating, and mailing the candidate's statement, including the cost of foreign language translations.

2. The limit on the length of the candidate's Statement of Qualifications shall be 200 words.

BE IT FURTHER RESOLVED that the District Secretary is authorized to adopt procedures consistent with Section 13309 of the Elections Code for relieving indigent candidates from paying the requisite fee; and

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BE IT FURTHER RESOLVED that each candidate filing as a candidate for BART Director must complete the State of California Fair Political Practices Commission's disclosure form entitled: "Statement of Economic Interests" and to file said form with the District Secretary of the San Francisco Bay Area Rapid Transit District; and

BE IT FURTHER RESOLVED that the provisions of this resolution shall govern the 1998 election and all subsequent elections for the District's Board of Directors unless otherwise modified by this Board.

Supersedes Resolution No. 4622, adopted June 27, 1996.

#

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

To: Board of Directors

Date: March 4, 2016

From: District Secretary

Re: Proposed Revisions to Rules of the Board of Directors

The following are two Board Rules revisions proposed by Director Keller.

Chapter III Board Meetings and Committees. Section 2. Board Meetings

1. Board Rule 3-2.11 Display of Electronic Voting. Page III-12. *Proposed new rule for display of electronic voting only after completion of the vote. This does not preclude the use of other voting methods at the discretion of the chair (i.e., voice vote, general/unanimous consent, etc.).*

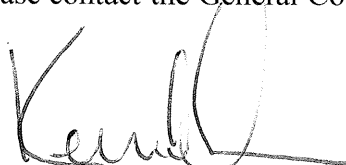
Votes taken using electronic voting system shall display the vote only after all Directors have completed voting. Votes taken in compliance with Brown Act requirements (i.e., roll call vote for teleconferenced meeting) are exempt from this rule.

Chapter III Board Meetings and Committees. Section 3 Committees

2. Board Rule 3-3.2 Recording of Committee Meetings. Page III-13. *Proposed new rule requiring the recording of meetings of committees. New section number and title 3-3.2 Recording of Committee Meetings. Subsequent sections will be renumbered accordingly.*

The District shall record all meetings of committees except portions not open to the public. Such recordings shall be available through the District Secretary's Office. Recording method (i.e.: audio, video, minutes, notes, etc.) may be determined by staff supporting the committee.

Should you require any additional information, please contact the General Counsel or me at your earliest convenience.



Kenneth A. Duron

Attachment

cc: Board Appointed Officers
Deputy General Manager

MOTIONS:

- i. The Board of Directors adopts the addition of Board Rule 3-2.11 Display of Electronic Voting.
- ii. The Board of Directors adopts the new Board Rule 3-3.2 Recording of Committee Meetings.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Forward to the Board for action		
DATE: 3/17/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Todd Morgan Dept: Capital Development <i>[Signature]</i> Signature/Date: 3.16.17	General Counsel <i>[Signature]</i> 3/16/16 []	Controller/Treasurer <i>[Signature]</i> 3/17/16	District Secretary []	BARC <i>[Signature]</i> 3-18-16 []
Status: Routed		Date Created: 03/14/2016		

TITLE:

Adoption of a Resolution of Local Support for a Transit Performance Initiative - Incentive Program application for the Concord Shop Wheel Truing Facility Project

NARRATIVE:

Purpose:

To obtain Board approval of a Resolution of Local Support for a \$7,165,450 application to the Metropolitan Transportation Commission ("MTC") for a Cycles 3 & 4 Transit Performance Initiative - Incentive (TPI-Incentive) grant for construction of the Concord Shop Wheel Truing Facility Project ("Project").

Discussion:

On March 2, 2016, MTC announced a call for projects for the FY2015-16 TPI-Incentive Program which is funded through the OneBayArea Grant Program Cycles 3 & 4 Surface Transportation Program (STP), and Congestion Mitigation and Air Quality Improvement (CMAQ) funding programs. Applications are due April 8th, eligible projects must meet fund source eligibility requirements and are subject to MTC Resolution 4035 (STP/CMAQ Cycle 2 Program Policy) and Resolution 3606 (Regional Project Funding Delivery Policy). Resolutions 4035 and 3606 require that a project sponsor approve a Resolution of Local Support when the project sponsor submits an application for TPI-Incentive funds. The focus is on making cost-effective operational improvements on significant trunk lines which carry the largest number of passengers in the San Francisco Bay Area including transit signal prioritization, passenger circulation improvements at major hubs, and boarding/stop improvements. Staff has prepared the attached Resolution of Local Support for \$7,165,450 in TPI-Incentive funding for the Project.

Project Design was advanced to 35% engineering using 2009 American Recovery and Reinvestment Act (ARRA) funds, as included in BART Board Resolution #5074, and has been awaiting sufficient funding to advance Project development.

In TPI-Incentive Cycle 1 BART was programmed \$3,493,189 for repair & return to service of two accident damaged rail vehicles and upgrades to the train control system and turn-back facilities at the 24th Street Station. In Cycle 2, BART was programmed \$3,459,057 to the BART Metro Priority One Elements, 1) Millbrae Tail Track extension to 10 cars (San Mateo), 2) Dublin Tail Track extension to 10 cars (Alameda), and 3) Lafayette Pocket Track lengthening of siding and installation of higher speed switches (Contra Costa).

Staff is applying for \$7,165,450 of TPI-Incentive Cycles 3 & 4 funds for the construction of the Project. The \$7,165,450 is included within the total Project budget and is necessary to complete the Project. Although this application is due to MTC by April 8, the TPI-Incentive funds are expected to be available in fiscal year 2017-18. Project activities will commence with \$928,360 of match funding provided through planned capital allocations from the Operating Budget.

Fiscal Impact:

Approval of the Resolution of Local Support is a requirement for the District to apply for a TPI-Incentive grant for the Project. \$928,360 of FY16 capital allocations from the Operating Budget will be used to provide the required local match.

Alternatives:

Do not adopt the attached Resolution of Local Support. The Project would then be delayed and the TPI-Incentive funding lost.

Recommendation:

Approval of the following Motion.

Motion:

The BART Board of Directors adopts the Resolution, "In the Matter of the Approval of a Resolution of Local Support for a TPI-Incentive Project Application for the Concord Shop Wheel Truing Facility Project."

BEFORE THE BOARD OF DIRECTORS OF THE SAN FRANCISCO BAY
AREA RAPID TRANSIT DISTRICT

In the Matter of the Approval of a
Resolution of Local Support for a
TPI-Incentive Project Application for
the Concord Shop Wheel Truing Facility Project

Resolution No. _____

Authorizing the filing of an application for funding assigned to MTC and committing any necessary matching funds and stating assurance to complete the Project

WHEREAS, the San Francisco Bay Area Rapid Transit District (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$7,165,450 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation Alternatives Program (TAP)/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Concord Shop Wheel Truing Facility (herein referred to as PROJECT) for the FY 2015-16 Transit Performance Initiative – Incentive Program (herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING;
and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under MAP-21 or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it

further

RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans. FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board	
DATE: 3/16/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Reza Hessabi Dept: Maintenance & Engineering	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 3/14/16	<i>[Signature]</i> 3/14/16 []	<i>[Signature]</i> 3/15/16 []	<i>[Signature]</i> 3/16/16 []
Status: Routed		Date Created: 03/09/2016	

TITLE:

Award Contract No. 15EL-172 – Fiber Optic Installation on the C-Line and R-Line

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15EL-172 for Fiber Optic Installation on the C-Line and R-Line.

DISCUSSION:

This contract is to install fiber optic cables between train control rooms and associated Traction Power Substations/Gap breaker Stations located on the C-Line and R-Line.

This installation will supplement the existing copper wire communication link between the facilities with a new fiber optic communication link. This fiber optic cable communication link will provide increased capacity and functionality for the Traction Power Control and Protection System/Equipment including the Emergency and Transfer Trip System, the Supervisory Control and Data Acquisition System, the Traction Power Blocking System and the Remote Maintenance Supervisory System. This fiber optic cable will also provide electrical isolation, preventing an electrical current flow between the facilities and thereby lessen the possibility of extensive damage in event of an electrical short circuit.

Advance Notice to Bidders was mailed on December 28, 2015 to 352 prospective Bidders and contract documents were sent to 22 plan rooms. The Contract was advertised on December 29, 2015. A Pre-Bid meeting and jobsite tour were conducted on January 8, 2016 with 19 prospective bidders attending. Two (2) Addenda were issued for this Contract. The following 5 Bids were received and publicly opened on February 9, 2016.

BIDDER	TOTAL BID	
Rosendin Electric	San Jose, CA	\$1,590,789.05
Itech Solutions	San Jose, CA	\$1,729,250.00
Servitek Solutions	City of Industry, CA	\$1,808,338.71
DMZ Builders	Concord, CA	\$2,749,875.00
Alpha Bay Builders	San Francisco, CA	\$3,588,000.00

Engineer's Estimate: \$1,699,000.00

The Bids were evaluated and staff determined that the apparent low Bid, submitted by Rosendin Electric of San Jose, California is responsive to this solicitation. Further examination of business experience and financial capabilities of Rosendin Electric has resulted in the determination that the Bidder is responsible and the Bid price of \$1,590,789.05 submitted by Rosendin Electric is fair and reasonable based upon sufficient price competition.

DBE GOAL:

This contract was advertised pursuant to the revised DBE Program requirements. The Office of Civil Rights reviewed the scope of work for this contract and determined that there were subcontracting opportunities, therefore, a DBE participation goal of 10% was set for this contract. The low bidder, Rosendin Electric, Inc., committed to subcontracting 19.4% to DBEs.

FISCAL IMPACT:

Funding of \$1,590,789 for the award of contract No. 15EL-172 is included in the total project budget for FMS#15EL750 - Fiber Optic Cables R & C Lines. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority.

As of February 18, 2016, \$2,800,000 is available for this project from the following sources:

BART has expended \$132,825, committed \$63,000 and reserved \$0 to-date for other actions. This action will commit \$1,590,789 leaving an available fund balance of \$1,013,386 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

Reject all bids and re-advertise the Contract. It is staff's opinion that rejecting the Bids and re-advertising the Contract is not likely to result in better pricing and would delay this critical ongoing replacement.

RECOMMENDATION:

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

MOTION:

The General Manager is authorized to award Contract No. 15EL-172 for Fiber Optic Installation on the C-Line and R-Line to Rosedin Electric for the Bid price of \$1,590,789.05 pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA's requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:		GENERAL MANAGER ACTION REQ'D:		
DATE:		BOARD INITIATED ITEM: No		
Originator/Prepared by: Luis Leon	General Counsel	Controller/Treasurer	District Secretary	BAR
Dep:				
Signature/Date: <i>[Signature]</i> 03/16/16	<i>[Signature]</i> 3/16/16	<i>[Signature]</i> 3/16/16		<i>[Signature]</i> 3/17/16
Status: Approved		Date Created: 03/14/2016		

TITLE:

Award of IFB No. 8991, Hi Rail Swing Crane 180 Degrees

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation For Bid (IFB) No. 8991 to Swingmaster, Franklin Park, IL, in the amount of \$1,352,670.00, including applicable sales tax, for the purchase of three (3) Hi Rail Swing Cranes, 180 Degrees.

DISCUSSION:

The Hi Rail Swing Crane (Swing Crane) is needed to lift and carry loads weighing up to ten thousand (10,000) pounds while moving trackway and rail yard materials. This rubber tire and rail wheel crane vehicle with heavy duty rail road axles has a one hundred eighty (180) degree rotating body critical for positioning eighty foot sections of rail, concrete ties and barriers, rail anchoring and other heavy yard materials. Its stabilized rigid frame body features an extendable swinging boom with attachments such as rail tongs, a four (4) yard bucket, forks, and a tool circuit required for performing rail replacement and structural rehabilitation projects. Powered by a four (4) tier final diesel engine to reduce carbon emissions by ninety percent (90%), it provides sufficient horsepower for maintenance tasks and meets the District's on track clearance requirements.

The District owns four (4) one hundred eighty (180) degree hi rail swing cranes. IFB No. 8969 awarded the purchase of a fifth one to the same vendor, Swingmaster, in June of 2015. The three (3) Swing Cranes being purchased under this IFB are additions to the fleet which will provide the additional capacity needed to accomplish future rail replacement projects, including aerial interlocking work at M85, near Balboa and Daly City, A45, near San Leandro, as well as, removing rail from trackway areas now undergoing maintenance.

A notice requesting bids was published on January 28, 2016 and bid requests were mailed to four (4) prospective bidders. Bids were opened on March 1, 2016 and three (3) bids were received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total including 10 % Sales Tax</u>
Swingmaster Franklin Park, IL	\$450,890.00	\$1,352,670.00
Pettibone Traverse Lift Baraga, MI	\$494,136.87	\$1,482,410.60
Rail Construction Equipment Rockford, IL	\$592,416.00	\$1,777,248.00

The independent cost estimate by BART staff was: \$ 1,506,450.00, including 10% sales tax.

Staff has determined that the apparent low bidder, Swingmaster, Franklin Park, IL, submitted a responsive bid. Staff has also determined the price to be fair and reasonable based upon a market survey of qualified suppliers and the independent cost estimate by BART staff. The unit price is the same as the prior purchase.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for Invitation for Bid (IFB) contracts. Therefore, no DBE goal was set for this contract.

FISCAL IMPACT:

Funding of \$1,352,670.00, necessary for the purchase of this Hi-Rail Swing Crane 180 Degrees, (PR 11672) is included in the total budget for project 15TD000, PROCUREMENT WAYSIDE EQUIPMENT FY06. 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 May 2007, and is included in its 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.

<u>Fund Group</u>	<u>Total Awarded</u>
Various FTA Grants	37,099,023.67
Local Area Bridge tolls including RM2	3,926,217.83
BART Operating allocation to Capital	8,041,239.20
Grand Total	49,066,480.70

As of March 11, 2016, \$49,066,480.70 is the total budget for this project. BART has expended \$13,529,039.80, has committed \$8,798,700.51 and has reserved \$25,046,154.69 to date for other actions. This action will commit \$1,352,670.00, thus leaving an available balance of \$339,915.70 remaining in fund resources for this project.

ALTERNATIVE:

Reject all Bids and re-advertise the Contract. Re-advertising is not likely to lead to increased competition and would delay the acquisition of additional equipment.

RECOMMENDATION:

On the basis of analysis by Staff and certification by the Controller-Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Invitation For Bid No. 8991 for the procurement of Hi Rail Swing Cranes 180 Degrees, three (3) each, to Swingmaster, Franklin Park, IL, in the amount of \$1,352,670.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/16/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Labor Relations/Compensation & Analytics	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 3/15/2016	3/16/16 []	3/16/16 []	[]	<i>[Signature]</i> 3-16-16 []

TITLE:

Award Professional Services Agreement No. 6M4424: Actuarial Consulting Services

NARRATIVE:

PURPOSE: To request Board Authorization for the General Manager to award Professional Services Agreement No. 6M4424 to Bartel Associates, LLC of San Mateo, CA for Actuarial Consulting Services for the District.

DISCUSSION: This Contract is for Actuarial Consulting Services to assist the District in complying with Governmental Accounting Standards Board (GASB) and Other Postemployment Benefits (OPEB) reporting and valuation requirements. In addition, the Actuarial consultant will make strategic recommendations to the District regarding the rising cost of District employee benefits as well as its management of financial and regulatory risk. Given the complexity involved in administering employee health insurance plans and addressing key labor relations issues that may arise during contract negotiations, it is in the District's best interest to have the support of an Actuarial consultant to effectively advise on such matters.

On November 5, 2015, the District issued a solicitation for Request for Proposals (RFP) No. 6M4424. An Advance Notice to Proposers was sent to eighty three (83) firms. Advertisements for the RFP solicitation were placed in a number of publications, including various Disadvantaged Business Enterprise (DBE), Minority-owned Business Enterprise (MBE), and Women-owned Business Enterprise (WBE) publications. Twenty three (23) consulting firms downloaded the RFP package from the District's procurement web portal. A Pre-Proposal Meeting was held on November 23, 2015 with six (6) prospective proposers attending.

On January 12, 2016, the District received timely proposals from the following:

1. Cheiron, Inc., Oakland, CA
2. Total Compensation Systems, Inc., Westlake Village, CA
3. Precision Actuarial, Inc., San Francisco, CA
4. Milliman, San Francisco, CA
5. Bartel Associates, LLC, San Mateo, CA

A Selection Committee (Committee) consisting of staff from Human Resources - Benefits and Labor Relations, Office of the Assistant Controller, Office of Civil Rights and Contract Administration was formed to review the proposals and make a recommendation for award. The Committee evaluated the proposals utilizing a best value methodology, wherein the District

awards a Contract to a Proposer based on overall cost as well as other technical factors that may benefit the District.

All proposal submittals, with the exception of the proposal submitted by Precision Actuarial, Inc., were found to be responsive to the RFP requirements. Precision Actuarial, Inc. did not meet several of the RFP's stipulated minimum technical requirements. The remaining four responsive proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to the qualifications of the firms and their key personnel. After reviewing all four responsive proposal submittals for technical requirements, organization and experience, qualifications, management systems and approach, and pricing, the Committee determined that all four proposals were within the competitive range for short-listing.

The four remaining firms were invited to participate in oral interviews, which were conducted on February 19, 2016. Afterwards, the Committee conducted a best value analysis of each firm by combining their qualifications/technical scores and oral interview scores. Based on this analysis, the Committee determined that Bartel Associates, LLC (Bartel) of San Mateo, CA offered the best overall value to the District. Bartel's Proposal had the lowest price of the four responsive submittals as well as the highest combined written and oral qualification scores of the four proposers.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this Agreement are 16% for MBEs and 20% for WBEs. Since Bartel will not be subcontracting any of the Work and will do all the Work with its own forces, the District's Non-Discrimination for Subcontracting Program will not apply to Bartel.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Agreement. Bartel is not eligible for the 5% small business preference since it is not a certified small business.

The Office of the General Counsel will approve the District's Agreement with Bartel as to form.

FISCAL IMPACT: The maximum compensation under the Agreement with Bartel will not exceed \$727,600.00. Funding for this Agreement will come from the operating budget for FY16 of the Human Resources Department and funding for the out year portions of the contract will be requested in future operating budgets. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

District expenditures for this Agreement are estimated as follows:

FY16	\$81,300.00
FY17	\$122,900.00
FY18	\$85,300.00
FY19	\$96,500.00
FY20	\$103,500.00
FY21 Option	\$134,700.00

FY22 Option \$103,400.00

ALTERNATIVES: The District can reject all proposals and issue a new solicitation for proposals. Re-issuing the RFP would delay and adversely impact the District's upcoming labor negotiations as well as its efforts to comply with GASB and OPEB reporting and valuation requirements.

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

MOTION: The General Manager is authorized to award Professional Services Agreement No. 6M4424 for Actuarial Consulting Services to Bartel Associates, LLC of San Mateo, CA for a period of five years in an amount not-to-exceed \$489,500.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures, and to exercise options to extend the Agreement for up to two additional one-year periods for an additional combined amount of \$238,100.00.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: APPROVE AND FORWARD TO THE BOARD OF DIRECTORS		
DATE: <i>3/16/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Presley Dept: Rolling Stock and Shops <i>[Signature]</i>	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BART <i>[Signature]</i>
Signature/Date: <i>3-14-16</i>	<i>3/14/16</i> []	<i>3/14/16</i> []	[]	<i>3/14/16</i> []

CHANGE ORDER NO. 021 TO CONTRACT NO. 40FA-110 PROCUREMENT OF TRANSIT VEHICLES

NARRATIVE:

PURPOSE: To obtain Board authorization for the execution of Change Order No. 021, for Passenger Information System Enhancements, in the amount of \$4,249,350.00, plus applicable sales tax, to Contract No. 40FA-110, Procurement of Transit Vehicles.

DISCUSSION: On May 10, 2012, the Board authorized award of the subject Contract to Bombardier Transit Corporation (Bombardier) for the Base Contract of 260 vehicles at the price of \$630,502,694, and Option 1 for 150 vehicles at a price of \$265,832,100, plus applicable tax and escalation. Staff returned to the Board on October 24, 2013 to request Board authorization for the General Manager to execute a change order to the Contract to exercise Options 2, 3 and 4 totaling 365 vehicles, for a total price of \$638,983,330, plus applicable tax and escalation. The Board authorized the change order, which resulted in the District ordering the total number of vehicles available under the Contract (775).

The Passenger Information System (PIS) as originally specified required only a dynamic map, depicting the train location, and showing next station. There were no requirements for any real-time system updates. Change Order No. 021 will compensate Bombardier for additional costs associated with enhancements to the PIS on all new vehicles. During the mock-up display, a PIS was presented to the public to gather comments on how to better inform BART riders. Many comments were implemented into an enhanced PIS design. A detailed gap analysis was created and several meetings were held between Bombardier and BART engineering staff to figure how to implement desired changes. Bombardier provided a demonstration of an expanded version of Orbiflo[®], Bombardier's information technology system that allows transit operators to remotely create and update real time information onboard the vehicle. During this time it was discovered that dynamic messages could be used which would enable Central Control to author and generate pertinent BART system information for passenger awareness and make timely message updates via the on-board PIS. Under the Change Order, BART will also receive the software tools necessary to author and modify the additional PIS functions during the life of the vehicles.

New features of the PIS, which will be displayed on Liquid Crystal Display (LCD) screens, include:

1. LCD dynamic map will be full BART system instead of one route.
2. Additional map features include: pulsating "You Are Here" circle; active route distinguished by a brighter color; upcoming station name labels highlighted while past stations dimmed; larger fonts for next station and terminal station; and capability to show 5 route or 3 route service.
3. LCD rotating translations of key words into multiple languages, e.g. "Next" station, etc.
4. LCD can trigger customer, station-specific messages as a train approaches a particular station, e.g. "Lake Merritt 8th Street entrance will be closed April 2 - 16 for replacement of the escalator. Visit bart.gov for more info."
5. LCD full screen takeover for emergency messages, preceded by a high contrast flashing graphic to draw attention to the screens.
6. PIS software and content can be automatically updated via Wi-Fi, wherever Wi-Fi is available on BART, instead of having to be loaded manually via USB sticks train by train.
7. PIS can receive and show delays, elevator outages, and emergency messages from Central Control, wherever Wi-Fi is available on BART.

Change Order No. 021 will compensate Bombardier in the amount of \$4,249,350.00, plus applicable sales tax.

Bombardier has indicated that there is no additional DBE participation as a result of this Change Order.

Pursuant to Board Rule 5-2.4(b)(2), for procurement contracts greater than \$200 million, any change order involving an expenditure greater than \$500,000 requires Board approval.

The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

The Office of the General Counsel will approve this Change Order as to form prior to execution.

FISCAL IMPACT:

Funding for the award of Change Order No. 21 in the amount of \$4,249,350, plus applicable sales tax will come from the funding sources identified in Joint BART/MTC Resolution Nos. 5134 and 3918 respectively, adopted by the BART Board of Directors and the MTC Commission in April and December, 2010 respectively. In the Resolutions, MTC and BART agreed to a phased funding plan for the planned replacement of the District's 669 car fleet. Although this overall funding plan consists of 75% MTC regional funds and 25% BART controlled funds, they provided a firm funding plan for only the first 200 cars and a policy framework for the remaining 469 replacement cars.

Since BART and MTC approved the phased funding plan for the replacement of the District's fleet in 2010, MTC has made two policy-level funding commitments to the project. In Resolutions No. 4123 and 4126, MTC strengthened their \$871 million financial commitment toward the first 350 replacement cars, brought the \$871 million forward to FY19 by replacing out-year funds with a new commitment of \$150 million in near term bridge tolls, added funding for another 144 expansion railcars to the funding plan, and includes funding for financing costs. MTC makes these commitments as part of a funding plan to the region's core capacity projects called the Core Capacity Challenge Grant Program. These commitments provide greater assurance that MTC can meet its \$871M Phase 1 commitment when needed, adds \$1.1 billion to the cost of the remaining 319 cars and another 144 expansion cars beyond the Phase 1 Plan of 350 cars, and introduces financing and its' costs to the funding plan.

The estimated total Project cost is \$2.584 billion. After deducting the Santa Clara Valley Transportation Authority (VTA) share of \$200 million, the MTC 75% share is approximately \$1.789 billion. The funding sources include: projected FTA Section 5307 and 5309 Fixed Guideway, FHWA STP, population-based spillover (or successor programs) and/or other anticipated funding sources included in Transportation 2035 and to be included in future Regional Transportation Plans, and projected earnings on the BART Car Replacement Funding Exchange Account. Since the primary funding source available to MTC to fulfill its commitment is relatively secure federal formula funds, it is expected that, over the long term, funds will be available to meet MTC's commitment, but financing may be necessary to meet accelerated project cash flow needs. The structure, timing and costs of any such financing will be negotiated with MTC in the coming months. The 25% BART and other fund share is approximately \$595 million. The funding sources include \$140 million of State Proposition 1A High Speed Rail (HSR) bond funds and the yearly BART capital allocations. Through the end of fiscal year 2015, BART has allocated a total of \$158.97 million to this project. Should future capital allocations continue at the rate of \$45 million per year, it would require an additional 6.6 years to fully fund BART's total commitment of \$455 million.

The cost for Change Order No. 021 is included in the total estimated project cost of \$2.584 billion.

ALTERNATIVES: Do not implement Change Order No. 021.

RECOMMENDATIONS: Adoption of the following motion.

MOTION: The General Manager or her designee is authorized to execute Change Order No. 021 (Passenger Information System Enhancement) to Contract No. 40FA-110, Procurement of Transit Vehicles, in the amount of \$4,249,350.00, plus escalation and sales tax.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

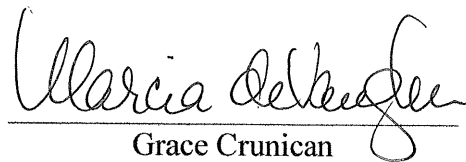
DATE: March 18, 2016

FROM: General Manager

SUBJECT: E&O Agenda Item #6.B: New Transit Vehicle Procurement Project Update – For Information

At the Board meeting on March 24, 2016, staff will present the attached update on the new revenue vehicle procurement.

If you have any questions, please contact Paul Oversier at (510) 464-6710.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/16/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Steve Beroldo Dept: Customer Access	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 3-14-16	<i>[Signature]</i> 3/14/16 []	<i>[Signature]</i> 3/14/16	[]	<i>[Signature]</i> POWERS 15 MAR 2016 []
Status: Approved		Date Created: 02/29/2016		
TITLE:				

Approval of Pleasant Hill Bike Station Project

NARRATIVE:

PURPOSE

To obtain the Board's authorization for the General Manager or her designee to enter into a lease with PHVP I LP, a Delaware limited partnership for approximately 2,380 square feet of commercial space at 1001 Harvey Drive Walnut Creek, adjacent to the Pleasant Hill Station to be used as a Bike Station for a five-year base term including an escrow account to fund tenant improvements, and concurrently to issue a change order to Management Services Agreement (MSA) No. 6M6063 with Alameda Bike for the operation of this new Bike Station.

DISCUSSION

The Pleasant Hill BART Station has become one of BART's top bike access stations. The station currently has 112 BikeLink electronic lockers and over 200 bike rack spaces. On an average day the lockers are filled and most bike racks occupied. There is an acute need for significant bike parking expansion at this station to meet future demands and to encourage additional bike access.

The proposed Bike Station at Pleasant Hill would be the first District facility implementing a hybrid attended/self-serve facility. The facility will include a controlled access BikeLink parking area, which will be accessible 24/7, with capacity to park 240 bikes and an adjacent bike retail/maintenance shop. The retail facility will be staffed part-time (up to six hours per day) and provide many of the benefits of a full time attended facility but with lower operating costs. Staff will be present from 7:00 AM until approximately 12:00 PM each weekday. Users will have the opportunity to interact with staff in the mornings and the convenience of retail/maintenance services on site. Bikes can be left for maintenance in the morning and then parked in the BikeLink area for pick up at the owner's convenience. BikeLink cards will also be sold on site.

The proposed lease is for five years with an option to renew for an additional five years (first year rent is \$1.25 / square foot with a typical 3% annual escalation over the term of the lease). The space is located in close proximity to the BART station entrance. It is the closest retail space to the BART fare gates in the Avalon Bay development. It is also located directly across the street from the existing bike locker plaza and a majority of the bike racks.

The Office of the General Counsel will approve the lease, any subleases, and all related documents as to form.

ALTERNATIVES

Do not enter into this lease and continue to add bike racks and/or bike lockers on BART property. There is space on BART property to add approximately 80 additional BikeLink lockers. With this alternative, we would limit any increase in bicycle access and parking to the capacity available on station property. The bike maintenance and retail support services, which support and encourage bike access, would also not be provided under this alternative.

FISCAL IMPACT

The fiscal impact for BART over the five years of the project is approximately \$409,365 (\$221,311 for rent and \$188,045 for staffing) as detailed in the table below. The FY 16 Adopted Budget includes funding for the first year operational costs of this project. Funding for out years will be requested in future operating budget cycles. A conservative pro forma estimate of ridership revenue shows that if the Bike Station generates 30 additional round trips to San Francisco each weekday, over the first five years of the project, it would generate potentially \$405,000 in new ridership revenue essentially balancing the operating budget. This estimate is based on a round trip fare between Pleasant Hill Station and Embarcadero Station for 250 working days each year.

	Rent and Utilities	Staffing, Supervision, Marketing and Maintenance	Total Operating
Year 1	\$41,685	\$36,180	\$77,865
Year 2	\$42,936	\$36,858	\$79,794
Year 3	\$44,224	\$37,493	\$81,717
Year 4	\$45,550	\$38,337	\$83,887
Year 5	\$46,917	\$39,177	\$86,094
Total	\$221,311	\$188,045	\$409,356

Funding for tenant improvements is available through a combination of Measure J and FY16 BART Access funds. An escrow account of \$250,000 will be established as part of the lease to fund the tenant improvements.

Funding of \$250,000 for the lease agreement is included in total project budget for 91CW008 - Bike Stations. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project 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.

As of March 2, 2016 \$513,000 is available for this project from the following sources:

Fund No.	Fund Description	Source	Amount
6637	CCTA-MJ Res 10-03-9-P	Local	170,000.00
8528	Stations & Access from Pkg Rev	BART	343,000.00
	Total		513,000.00

BART has expended \$116,152, committed \$79,029 and reserves \$0 to date for other action. This action will commit \$250,000 leaving an available fund balance of \$67,819 in this project. There is no fiscal impact on available un-programmed District Reserves.

RECOMMENDATION

It is recommended that the Board adopt the following motion:

MOTION

The General Manager or her designee is authorized to execute a lease agreement with PHVP I LP for approximately 2,380 square feet of commercial space for a Bike Station at 1001 Harvey Way, Walnut Creek CA 94597 (Pleasant Hill BART Station) for a five-year base term. The General Manager or her designee is also authorized to execute a change order to MSA No. 6M6063 for the Bike Station operation.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/16/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kerry Hamill Dept- External Affairs	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature]</i> 3/16/16	<i>[Signature]</i> 3/16/16 []	<i>[Signature]</i> 3/16/16	[]	<i>[Signature]</i> 16 MAR 2016 []
Status: Routed		Date Created: 03/14/2016		

TITLE:

State and Federal Legislative Advocacy Agreement Extensions

NARRATIVE:

PURPOSE:

To authorize the General Manager or her designee to execute (i) a change order to Agreement No. 6M7152 with Schott & Lites Advocates for State legislative advocacy services, to extend the termination date from April 1, 2016 to April 1, 2018 for a total cost not to exceed \$235,896 and (ii) a change order to Agreement No. 6M7153 with CJ Lake, LLC for Federal legislative services to extend the termination date from April 1, 2016 to April 1, 2018 for a total cost not to exceed \$504,000.

DISCUSSION:

The existing agreements with Schott & Lites and CJ Lake, LLC began on April 1, 2013 and expire on April 1, 2016. The proposed extension for each of the existing agreements is from April 1, 2016 to April 1, 2018. The proposed extension will allow for legislative advocacy continuity as the District executes its State and Federal legislative programs and pursues additional state and federal funding.

Schott & Lites has skillfully and successfully advocated BART's interests before the California State Legislature since 1975. Schott & Lites has agreed to continue working under the same terms of Agreement No. 6M7152 at the same level of compensation for an additional two years. The total proposed cost to provide State Legislative Advocacy services for the proposed two year term extension is \$235,896.

Under the long-term guidance of Jim Copeland, CJ Lake, LLC has skillfully and successfully advocated BART's interests before the U.S. Congress since 1984. CJ Lake, LLC has agreed to continue working under the same terms of Agreement No. 6M7153 at the same level of compensation for an additional two years. The total proposed cost to provide State Legislative Advocacy services for the proposed two year term extension is \$504,000.

FISCAL IMPACT:

The Government and Community Relations Department's FY16 adopted operating budget has funding for the cost of the proposed extensions through the end of the current fiscal year. From

April 1, 2016 to June 30, 2016 (3 months), the total costs of the agreements are funded in the amount of \$29,487 for services rendered by Schott & Lites and \$63,000 for services rendered by CJ Lake, LLC.

Detailed in the chart below are future year costs that would to be included in the operating budget of the Government and Community Relations Department in FY17 and FY18.

	State Legislative Advocacy	Federal Legislative Advocacy	Total Unfunded Costs for Advocacy Services
FY2017	\$117,948	\$252,000	\$369,948
FY2018 (until 4-01-18)	\$88,461	\$189,000	\$277,461
Total	\$206,409	441,000	\$647,409

ALTERNATIVE:

Not authorize the extensions and allow the two Agreements to expire on April 1, 2016. This would jeopardize established relationships with the State legislature, Federal legislature, Executive Branch decision makers and could diminish the District’s prospects for successfully accomplishing its State and Federal legislative program as well as adversely impact the District’s ability to secure additional State and Federal funding.

RECOMMENDATION:

Adopt the following motion.

MOTION:

The General Manager or her designee is authorized to execute the following change orders:

- a) a two year extension to Agreement No. 6M7152 with Schott & Lites Advocates for State legislative advocacy services to April 1, 2018 for a total cost not to exceed \$235,896.
- b) a two year extension to Agreement No. 6M7153 with CJ Lake, LLC for Federal legislative advocacy services to April 1, 2018 for a total cost not to exceed \$504,000.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

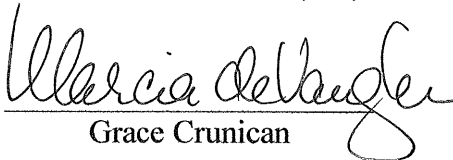
TO: Board of Directors **DATE:** March 18, 2016
FROM: General Manager
SUBJECT: PPAAL Agenda Item #7.C: North Concord/Martinez Station Area Update – For Information

On September 2, 2015, the Board received a memo on the Concord Community Reuse Project Master Developer Selection for property near the North Concord/Martinez BART Station. BART staff and Guy Bjerke, Director for Community Reuse Planning for the City of Concord, will present an update at the BART Board of Directors meeting on March 24, 2016.

The attached presentation summarizes the history to date, the Area Plan affecting the North Concord/Martinez BART station, the Area Plan's proposed TOD development around the BART station, the master developer selection process and the next steps for both the City of Concord and BART to achieve the Area Plan and BART TOD goals. Staff will be available to answer questions related to the development.

If the Board discussion on March 24th supports moving forward, BART staff will advance for consideration by the Board, pursuit of an Exclusive Negotiating Agreement (ENA) for the District's property with the selected developer for development of the Area Plan, in partnership with the City of Concord.

If you have any questions, please contact Bob Powers at (510) 874-7410.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff