From: Bevan Dufty
To: Pamela Herhold
Cc: Matthew Burrows
Subject: Selection of Transit Oriented Development Team
Date: Tuesday, December 6, 2022 10:59:50 PM

Dear Assistant General Manager Pam Herhold:

I am contacting you in your role as BART's Chief Ethics Officer.

Pursuant to BART disclosure requirements I want to advise you of two phone conversations that I had with Michael Van Every, a Senior Executive with Republic, one of two finalists for selection of a development team to work with BART on a transit oriented development plan and construction on land at the North Berkeley BART Station.

The first conversation was on Tuesday, November 29th and Mr. Van Every called to express concern that the recommended firm for selection, Bridge Housing, was extended with other ongoing projects with BART and that awarding another project could lead to delays and that the process seemed designed to favor a non profit developer over a commercial developer with strong nonprofit partners.

I indicated that staff was briefing me and that I would take a look at these. concern.

The second call was Wednesday, November 30 and Mr. Van Every raised concern that the 4 additional points awarded to Bridge, because of their non profit status, was the margin that separated the two finalists. And that this might be unfair.

Mr. Van Every also suggested that
it would behoove the Board to delay final action on December 1 at the Board meeting and request a best and final offer (BAFO) process that would contain more financial detail than available through the RFQ process.

Staff replied to this suggestion that so much remains to be determined in terms of design and development of necessary new infrastructure that projections could not be accurate as we had not developed a cost plan for the new grid of streets, etc. and a BAFO would not be helpful.

Republic was approved as a back up development partner in the event that Bridge is not able to fulfill its commitments in this uncertain investment climate.

Thank you for making this disclosure publicly available.

Best regards

BEVAN DUFTY
BART director D9

Get Outlook for iOS