

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

BOARD MEETING AGENDA

February 14, 2013

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, February 14, 2013, 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 General Discussion and 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; 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.
 - 1. Honorable Greg Enholm, Contra Costa Community College District, Ward 5. (Director Keller's request.)
- D. Public Hearing: Productivity-Adjusted Inflation-Based Fare Increase Program and Parking Fee Modification Program.*

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of January 24, 2013.* Board requested to authorize.
- B. Award of Contract No. 11KC-110, 24th and Mission Street Station Southwest Plaza Improvements.* Board requested to authorize.
- C. Award of Invitation for Bid No. 8911, Low Speed Bull Gear.* Board requested to authorize.
- D. Change Order to Contract No. 6M3146, Reconditioning Transit Vehicle Wheels, with Penn Machine Co., for Extension of Time.* Board requested to authorize.
- E. BART Accessibility Task Force Membership Appointment.* Board requested to authorize.

3. ADMINISTRATION ITEMS

Director Murray, Chairperson

- A. Productivity-Adjusted Inflation-Based Fare Increase Program and Parking Fee Modification Program. For discussion.

4. ENGINEERING AND OPERATIONS ITEMS

Director Fang, Chairperson

- A. Award of Contract No. 01VM-110A, Union City Intermodal Station Phase II – BART Station Improvements.* Board requested to authorize.
- B. (CONTINUED from January 24, 2013, Board Meeting)
Award of Contract No. 15PJ-110B, Earthquake Safety Program Four Station Structures – A Line.* Board requested to authorize.

- C. Additional Authority to Execute Agreements with Public and Private Entities to Support the Earthquake Safety Program.* Board requested to authorize.
- D. Change Order to Contract No. 15ID-110, Pleasant Hill Station Modernization, with Taber Construction, Inc., for Contract Closeout (C.O. No. 25).* Board requested to authorize.
- E. BART Rail Vehicle Projects.
 - 1. New Rail Car Procurement Update. For information.
 - 2. Agreements with CH2M Hill, Inc. (Agreement No. 6M3223) and LTK Engineering Services, Inc. (Agreement No. 6M3224) for Vehicle Engineering Consultant Services.* Board requested to authorize.
- F. Quarterly Performance Report, Second Quarter Fiscal Year 2013 - Service Performance Review.* For information.

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

Director Blalock, Chairperson

- A. 2013 State and Federal Advocacy Goals.* Board requested to authorize.
- B. BART Bicycle Access Plan: Update and Next Steps.* For information.
- C. Potential Development of Property Located at BART Millbrae Station.*
 - 1. Forum(s) for Discussion. Board to determine.
 - 2. CLOSED SESSION (Room 303, Board Conference Room)
 CONFERENCE WITH REAL PROPERTY NEGOTIATOR
 Property: Property Located at the BART Millbrae Station
 District Negotiators: Carter Mau, Executive Manager, Planning & Budget; and Jeffrey P. Ordway, Department Manager, Real Estate
 Negotiating Parties: Justin Development, Republic Urban Properties/Green Valley Corporation, TMG Partners, and San Francisco Bay Area Rapid Transit District
 Under Negotiation: Price and Terms
 Gov't. Code Section: 54956.8
 - 3. OPEN SESSION
 Exclusive Negotiations with Selected Developer for Potential Development of Property Located at BART Millbrae Station.
 Board requested to authorize.

6. GENERAL MANAGER'S REPORT

- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of February 20, 2013.* For information.

7. BOARD MATTERS

- A. Citizen Review Board Appointment: Public-At-Large Member.* Board requested to authorize.
- B. Board Member Reports. For information.
(An opportunity for Board members to provide brief reports on meetings attended at District expense.)
- C. 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.)

8. GENERAL DISCUSSION AND PUBLIC COMMENT

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,670th Meeting
January 24, 2013

A regular meeting of the Board of Directors was held January 24, 2013, convening at 9:07 a.m. The Meeting was held via simultaneous teleconference in the Board Room, 344 20th Street, Oakland, California; and CJ Lake Offices, 525 Ninth St. NW, Suite 800, Washington, DC. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

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

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of January 11 and 12, 2013 (Special).
2. Approval of Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Bridge Toll Funds for the East Contra Costa BART Extension (eBART) Project.
3. Award of Contract No. 15EL-170, Fiber Optic Cable Installations at A-Line, M-Line and Concord Yard.
4. Award of Contract No. 15EM-130, Contact Rail Coverboard Reinforcements.
5. Award of Invitation for Bid No. 8902, Lift Trucks.
6. Award of Invitation for Bid No. 8903, Armored Trucks.
7. Award of Invitation for Bid No. 8912, Police Pursuit Vehicles.
8. Award of Invitation for Bid No. 8914, Bearing, Traction Motor.

Consent Calendar motions, as follow, were moved as a unit by Director Blalock. Director Murray seconded the motions, which carried by unanimous electronic vote. Ayes – 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes – 0. Absent - 2: Directors Fang and Keller.

1. That the Minutes of the Meeting of January 11 and 12, 2013 (Special), be approved.

2. Adoption of Resolution No. 5206, In the Matter of the Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Bridge Toll Funds for the East Contra Costa County Rail Extension/eBART Project.
3. That the General Manager be authorized to award Contract No. 15EL-170, for Fiber Optic Cable Installations at A-Line, M-Line and Concord Yard, to Rosendin Electric, Inc., for the Bid price of \$991,169.54, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures.
4. That the General Manager be authorized to award Contract No. 15EM-130, for Contact Rail Coverboard Reinforcement, to Shimmick Construction Company, Inc., for the Base Bid price of \$770,500.00, and to exercise Option 1 for the price of \$532,740.00, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures and the Federal Transit Administration's requirements related to protest procedures, with authority to exercise Option 1 subject to the availability of funding.
5. That the General Manager be authorized to award Invitation for Bid No. 8902, for the procurement of Lift Trucks, to Pacific Material Handling Solutions, for the bid price of \$293,251.42, which includes all applicable 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. 8903, for the procurement of Armored Trucks, at the bid price of \$246,225.23, which includes all applicable taxes, pursuant to notification to be issued by the General Manager.
7. That the General Manager be authorized to award Invitation for Bid No. 8912, for Police Pursuit Vehicles, to Wondries Fleet Group, for the amount of \$303,649.48, including applicable taxes, fees, and delivery, pursuant to notification to be issued by the General Manager.
8. That the General Manager be authorized to award Invitation for Bid No. 8914, an estimated quantity contract, for the procurement of Bearing, Traction Motor, to Applied Industrial Technologies-CA LLC of Union City, CA, for the Bid price of \$1,606,878.00, including all applicable taxes, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.

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

Consent Calendar report brought before the Board was:

1. Fiscal Year 2013 First Quarter Financial Report.

President Radulovich announced that the Board would enter into closed session in the adjacent conference room under Item 3-A (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the end of that closed session.

The Board Meeting recessed at 9:10 a.m.

The Board reconvened in closed session at 9:13 a.m.

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

Absent: Directors Fang and Keller.

The Board Meeting recessed at 10:50 a.m.

The Board reconvened in open session at 10:53 a.m.

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

Absent: Directors Fang and Keller.

President Radulovich announced that the Board had concluded its closed session under Item 3-A and that there were no announcements to be made.

President Radulovich brought the matter of Compensation and Benefits for the General Manager and Independent Police Auditor before the Board. Director McPartland moved that the Independent Police Auditor receive a lump sum payment of \$1,000 for 2011 and a lump sum payment of \$1,500 for 2012, and that the General Manager receive a lump sum payment of \$1,500 for 2012, each equal to the lump sum payments that other Board appointees, non-represented employees, and non-sworn represented employees have received since these employees' dates of hire; and that the Board President be authorized to execute any amendments to the employment agreements to incorporate these terms as may be recommended by the Associate General Counsel. Director Blalock 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 Fang and Keller.

Director Murray, Chairperson of the Administration Committee, brought the matter of Amendment to Legal Services Agreement with Glynn and Finley, LLP, for Increased Funding. Mr. Matthew Burrows, General Counsel, presented the item. Director Blalock moved that the Board approve a \$188,000.00 increase in funding for the retention of outside counsel to handle pending California Occupational Safety and Health Administration (“CalOSHA”) matters. Director Radulovich 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 Fang and Keller.

Director Murray brought the matter of Independent Auditor's Report on the Basic Financial Statements and Internal Control for the Fiscal Year Ended June 30, 2012, before the Board. Mr. Scott Schroeder, Controller/Treasurer, presented the item.

Director McPartland, Vice Chairperson of the Engineering and Operations Committee, brought the matter of Award of Contract No. 15PJ-110B, Earthquake Safety Program Four Station Structures – A Line, before the Board. Mr. Robert Powers, Assistant General Manager, Transit System Development, presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to award Contract No. 15PJ-110B, Earthquake Safety Program Station Structures – A Line, to Robert A. Bothman, Inc., for the Bid amount of \$10,939,000.00, pursuant to notification to be issued by the General Manager and subject to the District’s protest procedures. The motion failed for lack of a second, and the item was continued to a future meeting.

Director McPartland brought the matter of Agreement with TriTech for BART’s Regional Anti-Terrorism and Integrated Law Enforcement System (RAILS) (Agreement No. 79HP-120) before the Board. Mr. Paul Oversier, Assistant General Manager – Operations, Chief of Police Kenton Rainey, and Mr. Drew Linde, Senior Computer Systems Engineer, presented the item. The item was discussed. Director Raburn moved that the General Manager be authorized to award Agreement No. 79HP-120, with TriTech Software Systems, for the procurement, implementation, training and initial year of maintenance of the Regional Anti-Terrorism Integrated Law Enforcement System, in an amount not to exceed \$2,199,183.00; and that the General Manager also be authorized to enter into a Software Support Agreement with TriTech Software Systems for five years in an amount not to exceed \$946,898.00, for a total not-to-exceed Agreement amount of \$3,146,081.00. Director Blalock 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 Fang and Keller.

Director McPartland brought the matter of Award of Invitation for Bid No. 8898, Procurement of On Board Communication Units, before the Board. Mr. Oversier, Mr. Carlton Allen, Chief Engineer, and Lieutenant Kevin Franklin presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Murray moved that the General Manager be authorized to award Invitation for Bid No. 8898, for the Procurement of On Board Communications Units, to WiFi Rail, Inc., for the amount of \$2,499,000.00 plus applicable taxes, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and Department of Homeland Security procedures related to protests. Director Blalock 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 Fang and Keller.

Director McPartland brought the matter of Award of Invitation for Bid No. 8916, Floor Panels, before the Board. Mr. Oversier presented the item. The item was discussed. Director Blalock moved that the General Manager be authorized to award Invitation for Bid No. 8916, Procurement of Car Floor Panels, an estimated quantity contract, to Milwaukee Composites, Inc., for the bid price of \$5,294,457.00, plus all applicable sales tax, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures. Director Saltzman 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 Fang and Keller.

(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 brought the matter of Sole Source Procurement with Vapor Stone Rail Systems for Condenser Unit Upgrade Kits before the Board. Mr. Oversier presented the item. Director Murray moved that the Board find, pursuant to Public Contract Code Section 20227, that Vapor Stone Rail Systems is the sole source for procurement of Condenser Unit Upgrade Kits, and that the purchase is for the purpose of replacing equipment in use at the District; and that the General Manager be authorized to award a sole source estimated quantity contract for the bid amount of \$1,048,327.20. Director Raburn seconded the motion, which carried by the required two-thirds vote by unanimous electronic vote. Ayes - 7: Directors Blalock, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent - 2: Directors Fang and Keller.

Director McPartland brought the matter of Selection of New Members of the Earthquake Safety Program Citizens' Oversight Committee for the 2013 - 2015 Term before the Board. Ms. Molly McArthur, Division Manager, Government and Community Relations, Capital Projects, presented the item. The item was discussed. Director Blalock moved to accept the following slate for the 2013 - 2015 term of the Earthquake Safety Program Citizens' Oversight Committee:

Auditing:	Robert Barksdale, primary
Community at Large:	Juliana Waldron, primary; Goyal Prabhat, alternate
Engineering:	Sayed Sultan, primary; Richard Pipkin, alternate
Public Finance/	
Project Management:	Ralph Mason, primary; Sang Bak Lee, alternate
Seismic Retrofitting:	Matt Wrona, primary; Ching Wu, alternate

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 Fang and Keller.

Director McPartland brought the matter of Warm Springs Extension Project: Semi-Annual Project Update, before the Board. Mr. Paul Medved, Project Manager, Warm Springs Extension Program, presented the item. The item was discussed.

Mr. Jerry Grace addressed the Board.

Director Fang entered the Meeting via teleconference from CJ Lake Offices, 525 Ninth St. NW, Suite 800, Washington, DC.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Amendment to Agreement No. 6M7066, Poster Advertising Franchise Services, with Titan Outdoor LLC, for Conversion of 48 Poster Advertising Frames to 24 Digital Screens, before the Board. Mr. Aaron Weinstein, Department Manager, Marketing and Research, and Ms. Catherine Westphall, Principal Marketing Representative, presented the item. The item was discussed.

The following individuals addressed the Board.

Mr. John Arantes
Mr. Milo Hanke
Ms. Karen Hester
Mr. Jerry Grace
Mr. Don Allman

Discussion continued. Director Fang moved that the General Manager be authorized to execute an amendment to Agreement No. 6M7066, Poster Advertising Franchise Services, with Titan Outdoor LLC, which is set to expire on September 30, 2018, to initiate a demonstration unit to be installed to test Titan's technical ability to deliver the project and allow the District to gauge customer acceptance to this new media through a survey; and that the proposed amendment to convert 48 poster ad frames to 24 digital screens is subject to Board authorization after consideration of survey results from the one-unit demonstration. Director Murray seconded the motion, which carried by roll call vote. Ayes – 7: Directors Blalock, Fang, Mallett, McPartland, Murray, Raburn, and Saltzman. Noes – 1: Director Radulovich. Absent – 1: Director Keller.

Director Fang exited the Meeting.

President Radulovich called for the General Manager's report. General Manager Grace Crunican reported on steps she had taken and meetings she had participated in. Ms. Crunican reported that BART Police Department had three new canine officers. Ms. Crunican announced that the District would host a reception for the Northern California Chapter of the Conference of Minority Transportation Officials on Wednesday, January 30. Ms. Crunican noted that the first "Rust, Dust, and Rail" tour for 2013 would be on February 1 at the Hayward Maintenance

Complex. Ms. Crunican reported that she would be contacting Board members regarding outstanding Roll Call for Introductions items.

President Radulovich called for Board Member Reports.

Director Mallett reported he had been a panelist at the Contra Costa Black Chamber of Commerce luncheon and had attended various other meetings with constituents and stakeholders.

Director Blalock reported he had attended meetings with the Mayor of Union City and the Mayor of Hayward.

Director Murray reported she had attended the Contra Costa Mayors Conference and a Contra Costa Transportation Authority meeting.

Director McPartland reported he had attended a Metropolitan Transportation Commission meeting.

Director Raburn reported he had attended an Oakland Chamber of Commerce meeting, the "Making the Dream Real" event, and eight other meetings.

Director Saltzman reported she had attended the Contra Costa Mayors Conference, the Oakland Chamber of Commerce meeting, the Citizens Review Board meeting, and the Business Advisory Council meeting.

President Radulovich called for Roll Call for Introductions. No items were introduced.

President Radulovich called for General Discussion and Public Comment.

The following individuals addressed the Board.

Mr. Hal Brown

Mr. John Arantes

Mr. Jerry Grace

The Board Meeting was adjourned at 2:18 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marco DeBurger</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the February 14, 2013 E & O Committee Meeting		
DATE: <i>2/8/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: John Gee Dept: TSD Construction Management	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>John Gee 2/6/13</i>	<i>MB 2/6/13</i>	<i>[Signature]</i>	[]	<i>[Signature]</i> <i>2/5/13</i>
Status: Routed		Date Created: 01/09/2013		

TITLE:

Award of Contract 11KC-110 24th and Mission Street Station Southwest Plaza Improvements

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 11KC-110 24th and Mission Street Station Southwest Plaza Improvements.

DISCUSSION: The BART 24th Street/Mission Station area is in the heart of the San Francisco Mission District, a high density urban neighborhood with a significant concentration of residential, commercial and production/distribution uses. It is a major Bay Area transit hub, ranking 7th in overall District ridership volume with the Mission Street/Van Ness Avenue corridor the busiest corridor in the SF Muni system. The 24th and Mission Street Station Southwest Plaza Improvements project will improve conditions for pedestrians and transit users at the 24th Street /Mission Station and on adjacent streets, making it safer, easier, and more pleasant for transit users to walk to BART and Muni service and enhance bus operations on Mission Street. Improvements to the station plaza will include selective demolition, civil & site work, brick pavers, landscaping & irrigation, new fencing & bollards, street curb bulb-outs, city sidewalk & handicap ramps, additional lighting, and railing fabrication & installation.

On September 9, 2012, the Advance Notice to Bidders was mailed to 180 prospective bidders, and contract documents were sent to 23 plan rooms. The Contract was advertised on September 18, 2012 in local publications. A total of 19 firms purchased copies of the contract documents. A pre-bid meeting and site tour was conducted on September 26, 2012, with 13 prospective bidders attending. Bids were publicly opened on January 8, 2013. Pursuant to the Instructions to Bidders, bids were to be evaluated based on the total price for the Base Bid and Option. The bids received and the Engineer's Estimate is shown below:

<u>BIDDER</u>	<u>LOCATION</u>	<u>BASE BID</u>	<u>OPTION</u>	<u>BASE BID & OPTION</u>
LC General Engineering	San Francisco, CA	\$1,492,800	\$35,000	\$1,527,800
Alpha Bay Builders	San Francisco, CA	\$1,508,843	\$114,655	\$1,623,498
Cal-Pacific Construction	Pacifica, CA	\$1,618,000	\$55,000	\$1,673,000
West Bay Builders	Novato, CA	\$1,917,500	\$35,000	\$1,952,500

Gonsalves & Stronck	San Carlos, CA	\$2,232,056	\$25,500	\$2,257,556
Golden Bay Construction	Hayward, CA	\$2,435,000	\$52,000	\$2,487,000
<u>Engineer's Estimate:</u>		\$1,873,820	\$60,980	\$1,934,800

On January 9, 2013, LC General Engineering and Construction, Inc., requested that their bid be withdrawn on the basis of an apparent error in the preparation of their bid form. District staff has reviewed LC General Engineering and Construction's request for withdrawal and has concluded that it complies with the statutory obligations of Public Contract Code Section 5101, et seq., in that there is sufficient proof that a mistake was made on the bid form and not from any error in judgment or carelessness in reviewing the plans, specifications, or project site, that made a material difference in the Bid

On January 15, 2013 Alpha Bay Builders, Inc. likewise requested their bid be withdrawn on the basis of an apparent error made in the preparation of their bid form. District staff has reviewed Alpha Bay Builder Inc.'s request for withdrawal and has concluded that it complies with the statutory obligations of Public Contract Code Section 5101, et seq., in that there is sufficient proof that a mistake was made on the bid form and not from any error in judgment or carelessness in reviewing the plans, specifications, or project site.

Cal-Pacific Construction, Inc., did not meet the 21% DBE goal set for this contract and failed to provide evidence that they made sufficient good faith efforts to meet the goal rendering their bid non-responsive.

West Bay Builders, Inc. submitted a Base Bid plus Option bid of \$1,952,500 that is 0.01% above the Engineer's Estimate of \$1,934,800. After review by District staff, the Bid submitted by West Bay Builders, Inc. has been deemed to be responsive to the solicitation. Furthermore, staff review of the bidder's business experience and financial capabilities has resulted in a determination that the bidder is responsible and their Base Bid (\$1,917,500) and total (\$1,952,500) Base Bid and Option submitted by West Bay Builders Inc. are fair and reasonable.

Staff has determined that this action, involving public access improvements along with other minor repairs and modifications to an existing facility, is exempt from the requirements of the California Environmental Quality Act (CEQA), as provided in CEQA Guidelines Sections 15301.

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 21% was set for this contract. West Bay Builders, Inc. committed to subcontracting 21.4% to DBE's.

FISCAL IMPACT: Funding of \$1,917,500 to award only the Base Bid of Contract 11KC-110 is included in the total project budget for the FMS #11KC – 24th and Mission Street Station

Southwest Plaza Improvements. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of January 23, 2013, \$2,875,174 is available for this project from the following sources:

Fund No	Source	Fund Description	Amount
3000	Federal	FY11 - Flex Funds for 24th and WD	\$ 2,109,000
6619	Local	SFTA Prop K San Francisco Reso 11-62	303,047
661U	Local	Fund No	336,953
851W	BARTD	FY07-11 Capital Allocation	126,174
		Total	\$ 2,875,174

BART has expended \$784,465, committed \$87,277 and reserved \$82,500 for other actions. This action will commit \$1,917,500 leaving an available fund balance of \$3,432 for this project.

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

On January 29, 2013 the San Francisco County Transportation Authority Board approved an additional \$1,235,014 comprised of Proposition K and Proposition AA funds for this project. Once the funding agreement for these funds has been executed staff will incorporate the funds on this contract and supporting construction activities.

ALTERNATIVES: The alternative would be to not award the Contract, request reprogramming of the remaining grant and leave the station plaza in its current condition or redesign and rebid the Contract.

RECOMMENDATION: Adoption of the following motion to authorize award of this Contract to West Bay Builders, Inc.

MOTION: The General Manager is authorized to award Contract No. 11KC-110 24th and Mission Street Station Southwest Plaza Improvements to West Bay Builders Inc. for the Base Bid work in the amount of \$1,917,500 pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA requirements related to protest procedures. The General Manager is also authorized to exercise the Option Bid price of \$35,000, subject to availability of funding.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delaney</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>2/6/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kirtland Smith Dept: <i>7488</i>	General Counsel <i>MB 2/6/13</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[]</i>	BARC <i>[Signature]</i>
Signature/Date: <i>2-4-13</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[]</i>	<i>[]</i>
Status: Approved		Date Created: 01/29/2013		

TITLE:

Invitation for Bid No. 8911 - Procurement of Low Speed Bull Gear

NARRATIVE:

PURPOSE: To obtain Board authorization to award Invitation for Bid (IFB) No. 8911 to Columbia Gear, Avon , MN, in the amount of \$281,350.80 for the purchase of low speed bull gears.

DISCUSSION: The District operates 669 revenue vehicles, each with a total of four gearboxes, one on each axle. The gearbox is the main mechanical device that transfers power from the electric traction motor to the axle. The low speed bull gear is the larger of two gears within each gearbox. The District dismantles each gearbox during the gearbox rebuild process, which is part of the five year truck overhaul program. As part of the rebuild work scope, the low speed bull gear is carefully evaluated, and is replaced if worn or damaged beyond repair. The assemblies are also used to support certain gearbox repairs.

This is a twenty four (24) month estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contracts, during the term of the Contract, the District is required to purchase from the supplier a minimum amount of 50 percent of the contract bid price. Upon Board approval of this award, the General Manager will also have the authority to purchase up to 150 percent of the Contract Bid price, subject to the availability of funding.

A Notice requesting Bids was published on December 21, 2013, and bid requests were mailed to six (6) prospective bidders. Bids were opened on January 29, 2013, and four (4) bids were received.

Bidder	Unit Price (180 each)	Grand Total incl. 9% sales tax
Columbia Gear Avon, MN	\$1434.00	\$281,350.80
Penn Machine Company Blairsvillem, PA	\$1585.00	\$310,977.00

Acme Gear Company Englewood, NJ	\$1945.00	\$381,609.00
Bombardier LLC Pittsburg, PA	\$2474.00	\$485,398.80

The independent cost estimate by BART staff: \$ 332,560.00 (inclusive of sales tax). Staff has determined that the apparent low bidder, Columbia Gear, submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on the independent cost estimate by BART staff .

The District's Non-Discrimination in Subcontracting Program does not apply to Emergency Contracts, Sole Source Contracts, and Contracts under \$50,000, or any Invitation for Bid. Pursuant to the Program, the Office of Civil Rights (OCR) did not set availability percentages for this Contract.

Pursuant to the District's Non-Federal Small Business Program, OCR set a 5% prime preference for this contract. The responsive bidder is not a certified small business and therefore is not eligible for the 5% small business preference.

FISCAL IMPACT: The low speed bull gears are scheduled to be procured over the Contract's twenty four (24) month period at the following estimated annual costs:

FY2013	\$ 31,261.20
FY2014	\$250,089.60
Total	<u>\$281,350.80</u>

Funding for the FY13 expenditures of \$31,261.20 is currently available in the Rolling Stocks & Shops material purchase account 680-030. Funding for the FY14 amount of \$250,089.60 will be included in the Rolling Stocks & Shops Operating Budget.

ALTERNATIVE: Reject all bids and re-advertise the Contract. Re-advertising is not likely to lead to either increased competition or lower prices.

RECOMMENDATION:

On the basis of analysis by staff, and certification by the Controller-Treasurer that the funds amounting to \$31,261.20 are available for the Fiscal Year 2013 expenditures, it is recommended that the Board adopt the following motion.

MOTION:

The Board authorizes the General Manager to award IFB No. 8911, an estimated quantity contract for Low Speed Bull Gears, to Columbia Gear, for the price of \$281,350.80 including sales tax, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedure.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DelBundio</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>2/6/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kirtland Smith Dept: <i>[Signature]</i>	General Counsel <i>MB 2/6/13</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>
Signature/Date: <i>2-4-13</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Status: Routed		Date Created: 12/17/2012		

TITLE: **Change Order to Contract 6M3146 - Reconditioning of Transit Vehicle Wheels**

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute a Change Order to Contract No. 6M3146 with Penn Machine Co. for Reconditioning of Transit Vehicle Wheels to extend the period of performance by 273 days, from July 01, 2013 to March 31, 2014.

DISCUSSION:

On April 8, 2010, the Board authorized award of Contract No. 6M3146 to Penn Machine Co., in an amount not to exceed \$9,184,408.00 plus applicable taxes. The original term of the Contract will end June 30, 2013.

BART is currently processing a solicitation for a new three (3) year Contract for the reconditioning of transit vehicle wheels. The extension of time for Contract 6M3146 is to ensure a steady supply of wheels, in the event that a new vendor may require an extended lead time to produce their first shipment of reconditioned wheels and work out any construction issues.

FISCAL IMPACT:

This action only seeks to extend the period of performance for Contract No. 6M3146. The funding for this extension will be consistent with the original contract. Expenditures will come from the RS&S Operating Budget, Non-Inventory Materials Account (680-030) and not exceed the previously authorized amount. Funding for the additional year of the contract will be included in the Rolling Stock & Shops FY14 Operating Budget.

ALTERNATIVES: The alternative to not extend the Contract with Penn Machine for reconditioning of transit vehicle wheels, would be to increase shipments of wheels in FY13 to meet ongoing demand until the new Contract can be put in place. This would shift FY14 expenditures into the FY13 budget year.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to execute a Change Order to Contract No. 6M3146 with Penn Machine Co. to extend the term of the Contract by 273 days, from July 1, 2013 to March 31, 2014.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Adkins</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: Feb 8, 2013		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ike Nnaji Dept: <i>for Bob Frank</i>	General Counsel <i>MB 2/1/13</i>	Controller/Treasurer <i>[]</i>	District Secretary <i>[]</i>	BARC <i>[]</i>
Signature/Date: <i>2/8/13</i>				

TITLE:

BART ACCESSIBILITY TASK FORCE MEMBERSHIP APPOINTMENT

NARRATIVE:

Purpose:

For the BART Board to consider appointing a newly nominated member to the BART Accessibility Task Force (BATF).

Discussion:

BATF has been in existence since 1975 to advise staff and the Board regarding accessibility issues at BART. In 1998 the Board voted to restructure the BATF to be an advisory body appointed by the Board, and in 2001 approved by-laws developed by staff and the BATF.

The BATF by-laws adopted in 2001 provided for the BATF to be composed of up to eighteen members and five alternates who live or work in the BART service area selected by a committee of the BART Board and BATF members.

In 2009, the by-laws were amended to allow more flexibility in recruiting and appointing members. These changes also included the elimination of alternates. The changes were approved by the General Manager as authorized by the Board.

Candidate for BATF Membership:

Clarence Fischer, a candidate for membership to the BATF, was nominated by majority vote of sitting and present members of the BATF on December 12, 2012.

The process for new membership is as follows: The by-laws require that out of four consecutive meetings, an interested applicant must attend three and then apply for membership. Applicants must be endorsed by the members of the BATF through a majority vote. Their names are submitted by the BATF staff liaison to the BART Board of Directors for final approval.

Mr. Fischer met the above qualifications. This prospective candidate, if approved by the BART Board for BATF membership, will be officially seated as a member of the BATF on February 28, 2013 to serve until June 30, 2013, or when the BART Board announces appointments and reappointments for a new term, whichever occurs later.

If approved, the BATF will include seventeen (17) members.

Fiscal impact:

The BATF will have 17 members. Each member receives a monthly travel stipend of \$15.00. The total estimated annual amount of \$3,060.00. The appointment begins in February 28, 2013, approximately four months of FY13. The FY13 amount of \$1,020.00 is included in the Customer Access and Accessibility Department non labor budget. Funding for the subsequent years will be requested in future operating budget cycles.

Recommendation:

To appoint Clarence Fischer to the BATF.

Alternatives:

Do not appoint Clarence Fischer to the BATF.

Motion:

The BART Board accepts the recommendation of the BATF and appoints the nominated candidate, Clarence Fischer, for membership to the BATF for a term effective February 28, 2013 to June 30, 2013, or until the Board makes new appointments, whichever occurs later.

ATTACHMENT A

CANDIDATES FOR MEMBERSHIP BART ACCESSIBILITY TASK FORCE TERM THROUGH JUNE 2013

Incumbent Members

Janet Abelson
Peter Crockwell
Mary Fowler
Randall L. Glock
Jim Gonsalves
Herb Hastings
Gerald Newell
Donald Queen
Hale Zukas
Janice Armigo Brown
David Jackson
Jane Lewis
Katrina McCurdy
Roland Wong
Alan Smith
Larry Bunn

New Members

Clarence Fischer



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: <i>2/8/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Transit System Development	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>[Signature]</i> Signature/Date: <i>6 FEB 13</i>	<i>[Signature]</i> <i>2/6/13</i>	<i>[Signature]</i> []	[]	<i>[Signature]</i> <i>2/5/2013</i> []

Status: Routed	Date Created: 01/14/2013
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TITLE:
Award of Contract No. 01VM-110A For Union City Intermodal Station Phase 2 - BART Station Improvements

NARRATIVE:
PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 01VM-110A for station improvements at the Union City BART station to West Bay Builders, Inc. of Novato, Ca.

DISCUSSION: Improvements to the Union City BART station are part of a long-range architectural master plan for a 50-acre transit-oriented mixed-use district centered on the BART station, encompassing both sides of the BART and Union Pacific Railroad (UPRR) tracks. Union City's Station District Master Plan of June 2001 envisions urban density housing, office, and retail, as well as community facilities and open spaces. Concepts being developed include a new double-sided intermodal facility that will establish a strong identity and focus for Union City's emerging mixed-use downtown; a flexible framework of amenable streets and city blocks that support development integrated with transit; the close proximity between transit modes to facilitate transfer; and the creation of new pedestrian and bicycle improvements, new development, open space, and community facilities that can become a positive front to transit.

Recently completed Phase 1 Station improvements consisted of remodeling and expanding Union City BART Station, increasing the platform area and adding new vertical circulation (stairs and escalators) at the Fremont bound platform, the addition of a new plaza/pedestrian promenade fronting the renovated station with new exterior lightning and landscaping, and new transit canopies. The new canopies include a "green" feature in the form of a roof of solar panels using photovoltaic glass generating enough power to satisfy the station's electrical needs.

The Board on March 8, 2007 authorized the award of a separate site improvements contract that reconfigured parking areas and loop roads improving traffic circulation and access for pedestrians, bicyclists, and bus riders in anticipation of a regional intermodal transit station.

Bidders for this Contract No. 01VM-110A were asked to bid on remodeling and expanding the Station, including two new elevators to replace existing, and a new relocated Station Agent's Booth, as well as providing unrestricted passage through the Station in the east/west direction.

On October 12, 2012 Advance Notice to Bidders were mailed to 198 prospective bidders. Contract Documents were sent to 24 plan rooms. The Contract was advertised on October 15, 2012 in local publications. A total of 11 firms purchased copies of the Contract Documents. A pre-bid meeting and site visit were conducted on November 8, 2012 with 8 prospective bidders attending. On November 20, 2012 a matchmaking session was held. Bids were publically opened on December 11, 2012.

Tabulation of the received Bids, including the Engineer's Estimate, is as follows:

<u>Bidder</u>	<u>Location</u>	<u>Base Bid</u>	<u>Option Bid</u>	<u>Total Bid Price</u>
C. Overaa & Co.	Richmond, Ca.	\$12,760,000	\$1,280,000	\$14,040,000
Arntz Builders, Inc.	Novato, Ca.	\$13,025,574.38	\$1,233,828.34	\$14,259,402.72
West Bay Builders, Inc.	Novato, Ca.	\$13,543,600	\$1,300,000	\$14,843,600
Engineer's Estimate		\$11,652,027	\$1,252,328	\$12,904,355

The apparent low bidder, C. Overaa & Co., was deemed non responsive because it did not acknowledge an addendum, as required. The second apparent low Bid was submitted by Arntz Builders, Inc. Upon review, it was determined that the bid submitted by Arntz Builder's, Inc. was non responsive because it contained a clerical error that could not be cured.

West Bay Builders, Inc. submitted a total Bid Price of \$14,843,600 and after review by District staff the Bid was deemed as the lowest responsive Bid. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that its total Bid of \$14,843,600 is fair and reasonable.

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 15% was set for this contract. The low responsive bidder, West Bay Builders, Inc., committed to subcontracting 15.5% to DBEs.

In accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), environmental review for the Intermodal Station Phase 2 Project was conducted by the respective federal and state lead agencies, FTA and Union City, in 2002 and 2003. As a result of some project modifications in 2005, and evaluation of potential project impacts was conducted by Union City to document that the project changes would not cause significant environmental impacts. The City submitted a letter to FTA summarizing the project changes and the evaluation of potential impacts. FTA concluded there were no significant environmental impacts related to the project modifications and no review under NEPA was required. BART staff reviewed the documentation and concurred with these findings.

FISCAL IMPACT: Funding of \$14,843,600 for award of Contract No. 01VM-110A is included in the total project budget for 01VM000, Union City Intermodal - Phase 2. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 1/30/13, \$20,278,060 is available for commitment for this project from the following sources:

F/G 5905 - State HCD IIG Grant	\$ 10,038,880
F/G 663Q - Local City	\$ 6,372,180
F/G 3849 - FTA CA-95-X185	\$ 3,000,000
F/G 3848 – FTA CA 04-0169	\$ 867,000
Total	\$ 20,278,060

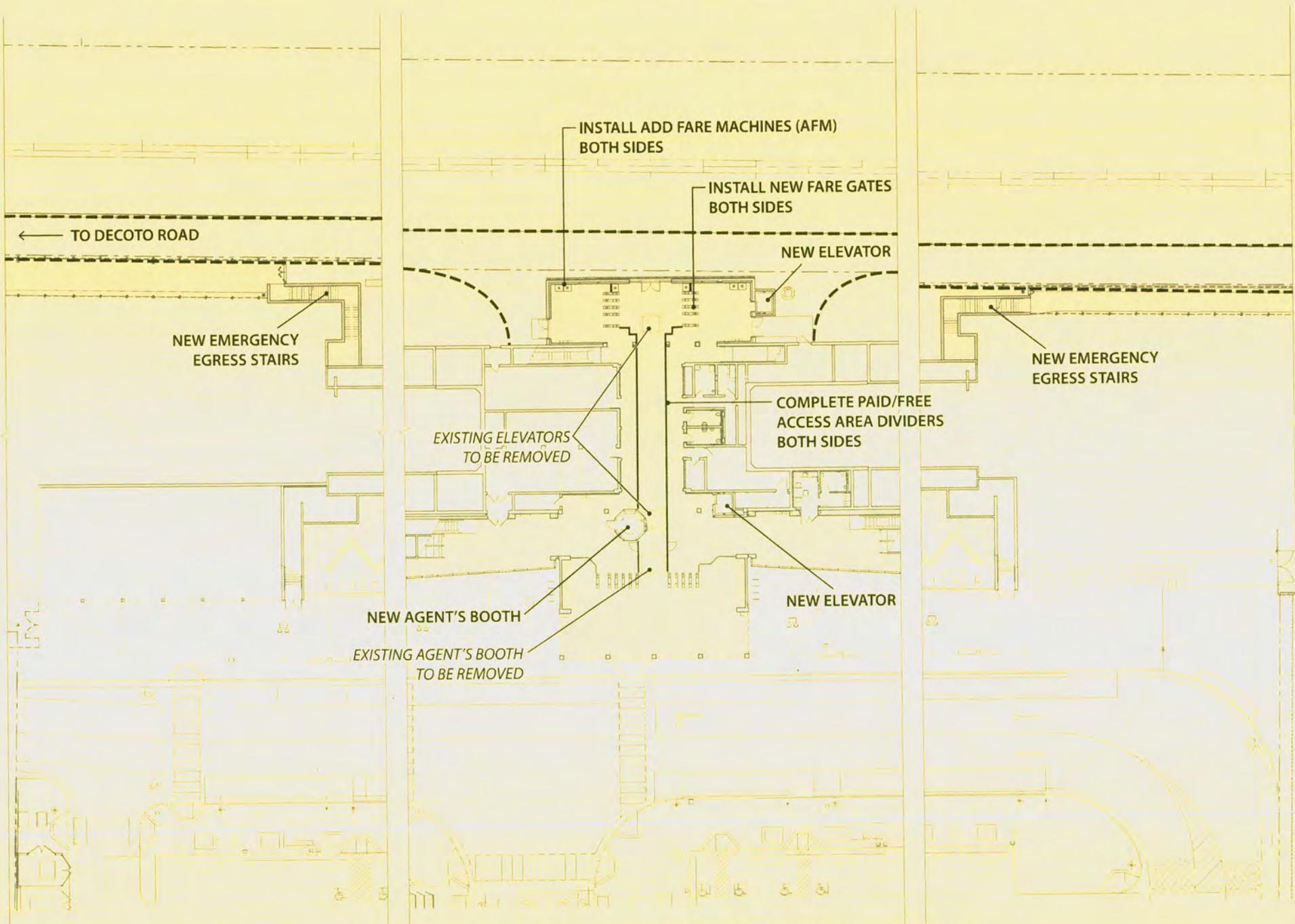
BART has expended \$646,121 and committed \$12,530, and reserved \$0.00 to date for other actions. This action will commit \$14,843,600 leaving an available fund balance of \$4,775,809.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES: The alternatives are not to award the Contract, or rebid. Not awarding is not recommended as this is the second phase of a master plan vision of future development for the City of Union City and the improvements are in preparation for a regional intermodal transit station. Rebidding is not recommended due to the project completion deadline date, as timing will negatively impact the proposed funding, leaving no other money available.

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

MOTION: The General Manager is authorized to award Contract No. 01VM-110A for the Union City Intermodal Station, Phase 2 - BART Site Improvements to West Bay Builders, Inc. for the Base Bid amount of \$13,543,600, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA requirements related to protest procedures. The General Manager is also authorized to exercise the Option Bid amount of \$1,300,000, subject to availability of funds.



UNION CITY STATION: FUTURE CONFIGURATION

CONTRACT NO. 01VM-110A



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter de Vanden</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors	
DATE: <i>1/16/13</i>		BOARD INITIATED ITEM: No	
Originator/Prepared by: Shirley J Ng Dept: TSD	General Counsel <i>Audley Ray</i> <i>1/16/13</i>	Controller/Treasurer	District Secretary
Signature/Date: <i>SJ 1/16/13</i>	[]	[]	BARC <i>Paul Berger</i> <i>1/16/13</i>
Status: Approved		Date Created: 01/08/2013	

TITLE:

Award of Contract No. 15PJ-110B, Earthquake Safety Program Station Structures - A Line

NARRATIVE:

DISCUSSION:

Contract No. 15PJ-110B will provide for life safety retrofits to A Line stations as part of BART's Earthquake Safety Program. The Contract Work includes four stations: San Leandro, Hayward, South Hayward and Fremont. The Work consists of the structural retrofit of pile caps, columns, bent caps and associated architectural and mechanical/electrical components impacted by the retrofits.

An Advance Notice to Bidders was mailed on October 26, 2012 to 198 firms. The Contract was advertised on October 30, 2012 and Contract Books were sent to 24 plan rooms. A total of 34 firms purchased copies of the Bid Documents. A Pre-Bid meeting and site tour were conducted on November 29, 2012 with a total of 34 potential Bidders in attendance. Eight Bids were received and publicly opened on December 18, 2012.

Listed below is a tabulation of the Bids. The Bids submitted by Arntz Builders, Inc. and Atkinson Contractors, LP, were determined to have arithmetical errors in the Bid Item totals and/or in the total Bid Price. Per the Instructions to Bidders, Paragraph 14.B, Evaluation, item totals are provided by the Bidder for the convenience of the District. In the event of a discrepancy between the District's calculations and the item totals for all Bid Items as submitted by the Bidder, the District's calculations shall govern. None of the discrepancies affected the relative ranking of Arntz Builders, Inc. and Atkinson Contractors, LP among the other Bids.

Tabulation of the corrected Bids, including the Engineer's Estimate, is as follows:

<u>BIDDER</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT</u>
1. Robert A. Bothman, Inc.	San Jose, CA	\$10,939,000.00
2. Disney Construction, Inc.	Burlingame, CA	\$11,370,840.00
3. Arntz Builders, Inc.	Novato, CA	\$11,538,598.95
3. S. J. Amoroso Construction Co., Inc.	Redwood Shores, CA	\$11,997,000.00

4. Atkinson Contractors, LP	Foothill Ranch, CA	\$12,512,285.00
5. Alten Construction, Inc.	Richmond, CA	\$12,558,577.00
6. Proven Management, Inc.	San Francisco, CA	\$12,937,325.00
7. Diede Construction, Inc.	Woodbridge, CA	\$14,578,330.00

Engineer's Estimate \$11,100,000.00

The apparent low Bid, submitted by Robert A. Bothman, Inc. was deemed responsive to the solicitation. The Bid Price has been determined to be fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

Pursuant to the District's Non-Discrimination in Subcontracting Program, the availability percentages for this Contract are 23% for MBEs and 12% for WBEs. The apparent low Bidder committed to 24.9% MBE and 5.8% WBE. The Bidder did not meet the WBE percentage, therefore the Bidder was requested to provide the District with information to determine if it had discriminated against WBEs. Based on the review of the information submitted by the apparent low Bidder, the Office of Civil rights found no evidence of discrimination.

Pursuant to the District's Small Business Program, the SB Subcontract participation goal for this Contract is 18% of the total Bid price, excluding Allowances and Options. The apparent low Bidder committed to 20.6% SB participation.

FISCAL IMPACT:

Funding of \$10,939,000 for award of Contract No. 15PJ-110B is included in the total project budget for the FMS #15PJ000, ESP- Aerial A- Line Stations. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of 01/08/13, \$47,741,077 is available for commitment for this project from the following sources:

F/G 801F - ESP GO Bond	\$ 246,163
F/G 801J - ESP GO Bond	\$47,494,914
Total	\$47,741,077

BART has expended \$627,155 and committed \$4,736,972 and reserved \$0 to date for other actions. This action will commit \$10,939,000 leaving an available fund balance of \$31,437,950.

There is no fiscal impact on available, unprogrammed District Reserves.

ALTERNATIVE:

The Board may elect to reject all Bids and authorize staff to readvertise. If the Contract is not awarded, the District will be unable to implement the seismic retrofit of the A Line station structures at this time. Readvertising the Contract would result in additional cost and time to execute the required retrofits, and there is no assurance that the Bids on a re-solicitation would be lower than those now available for award.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15PJ-110B, Earthquake Safety Program Station Structures - A Line to Robert A. Bothman, Inc. for the Bid amount of \$10,939,000, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.

FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget (2004 GO Bond)	Current Forecast as of 2/5/13	REMARKS
ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT			
GEC (Bechtel Team)	\$105,000,000	\$257,500,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$257,500,000	
CM	\$61,498,000	\$75,100,000	
Environmental	\$1,042,796	\$2,198,237	
TOTAL E, E & CM	\$249,018,796	\$334,798,237	
CONSTRUCTION			
Transbay Tube			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
San Francisco Ferry Plaza			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$11,000,000	
Stitching	\$82,962,000	\$0	
Additional TBT Retrofits	\$0	\$166,500,000	
Aerial Guideways			
West Oakland/North Oakland	\$112,923,000	\$72,300,000	
Fremont	\$178,224,000	\$44,400,000	
Concord	\$36,500,000	\$12,370,889	
Richmond	\$80,155,000	\$34,800,000	
San Francisco/Daly City	\$36,590,000	\$9,600,000	
Stations (18)	\$126,961,000	\$78,700,000	
Other Structures			
LMA	\$5,529,000	\$12,100,000	
Yds & Shops	\$12,436,000	\$19,500,000	
Parking Structures	\$14,437,000	\$14,600,000	
At Grade Trackway	\$22,361,000	\$0	
34.5kV Replacement		\$42,000,000	
Systems	\$7,066,000	\$17,500,000	
TOTAL CONSTRUCTION	\$909,469,000	\$552,878,832	
PROGRAM COSTS			
Program Costs (Hazmat, ROW, Consult, Staff)	\$159,894,204	\$220,800,000	
Add Auth to Execute Agrmt w/Public & Private Entities		\$5,000,000	
Contingency	\$32,104,000	\$141,363,088	
TOTAL PROGRAM COSTS	\$191,998,204	\$367,163,088	
BASELINE FUNDING	\$1,350,486,000		
REVISED FUNDING		\$1,254,840,157	
		\$1,221,275,376	Adopted Funding
		\$33,564,781	Outside Adopted Funding
Total Hard Costs	\$19,245,375	\$14,069,866	
Total Soft Costs	\$8,565,270	\$11,793,253	
Soft Cost/Hard Cost Ratio	45%	84%	



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malcolm Delbridge</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: <i>2/6/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shirley J Ng Dept. TSD <i>Shirley J Ng</i>	General Counsel <i>MG</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>[Signature]</i>
Signature/Date: <i>2/5/13</i>	<i>2/5/13</i>	<i>[]</i>	<i>[]</i>	<i>2/5/2013</i>
Status: Routed		Date Created: 01/22/2013		

TITLE:

ADDITIONAL AUTHORITY TO EXECUTE AGREEMENTS WITH PUBLIC AND PRIVATE ENTITIES TO SUPPORT THE EARTHQUAKE SAFETY PROGRAM

NARRATIVE:

PURPOSE

To obtain BART Board of Directors' (Board) authorization for the execution of agreements, as described below, with various public or private entities, utilities and individuals, including the State of California, cities, counties and special districts in order to support and advance the BART Earthquake Safety Program (Program). These agreements will address design and construction issues as well as permit temporary access to property related to project impacts and include right of entry permits and agreements for relocation, rearrangement or replacement of facilities and utilities. The authority to execute such agreements will ensure the timely implementation of the Program.

DISCUSSION

Currently, the Board has authorized the General Manager to execute agreements with Public and Private Entities to support the Earthquake Safety Program in an amount not to exceed \$21 million. The Program scope has increased and the Program schedule extended. In order to support the Program, additional authority in an amount not to exceed \$5 million is requested to execute and implement Work Authorizations (WAs) to reimburse public entities and utilities. To the extent that master agreements have been previously executed with such entities and utilities, amendments and WAs will be issued. Where no prior agreement exists, a new agreement will be executed. Consistent with the procedures identified within the agreements between BART and each entity, BART will authorize the affected entity to perform work necessitated by the Program. Work required by the Program may consist of design review, relocation, rearrangement, inspection, permitting, monitors and other services as identified and needed.

The Office of the General Counsel will approve all such agreements, amendments and WAs as to form.

FISCAL IMPACT

District obligations will be subject to the terms of agreements entered into pursuant to this Board authorization or to Work Authorizations ("WAs"). Each agreement or WA will have a defined scope of services and budget. Any agreement or WA funded under a State or Federal grant will include all necessary requirements. Capital Development and Control will certify the eligibility of identified funding sources and the Controller/Treasurer will certify the eligibility and availability of identified funding sources prior to executing the agreement or WA and incurring Project costs. The aggregate amount of all agreements and WAs pursuant to this authority will not exceed \$5,000,000 (five million dollars).

ALTERNATIVE

If the Board does not grant the requested authorization, staff will be required to obtain individual Board authorization for each agreement, amendment or WA. This will require multiple Board actions and could affect the Program schedule.

RECOMMENDATION

It is recommended that the Board adopt the motion.

MOTION

The General Manager or her designee is authorized to execute agreements as necessary and to implement Work Authorizations with public or private entities and utilities in an aggregate amount not to exceed Five Million Dollars (\$5,000,000) to support and advance the District's Earthquake Safety Program, including right of entry permits and agreements and Work Authorizations for the relocation, rearrangement or replacement of facilities and utilities.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marisa DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Y		
DATE: c <i>2/8/13</i>		BOARD INITIATED ITEM: <i>No</i>		
Originator/Prepared by: Ryan Smith Dept: Transit System Development	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>[Signature] 2-8-13</i>	<i>MB 2/11/13</i>	<i>[Signature]</i>	[]	<i>[Signature] 2/8/2012</i>

Change Order to Contract No. 15ID-110, Pleasant Hill Station Modernization, with Taber Construction, Inc., for Contract Closeout (C.O. No. 25).

NARRATIVE:

PURPOSE:

To authorize the General Manager to execute Change Order No. 25, Contract Closeout, to Contract 15ID-110, Pleasant Hill Station Modernization with Taber Construction, Inc.

DISCUSSION:

The Board of Directors authorized the General Manager to award Contract No. 15ID-110, Pleasant Hill Station Modernization to Taber Construction Inc. on February 25, 2010 for the Contract price of \$5,240,000.00. The original scope of work for this Contract included the installation of new emergency stair towers, patron bicycle area, signage, lighting and other general refurbishment/improvements of station facilities.

During the course of executing the work, several issues arose that were the result of unforeseen conditions that were not included in the original design. This Change Order addresses these issues and closes out this Contract.

There are three major elements to this Change Order: costs, credits and time.

The first major element, costs, included additional work outside the scope of the Contract and delay related costs. Field modifications due to differing site conditions were needed such as site landscaping and earthwork modifications that were required because the as-built condition differed from that shown on the Contract Drawings. Field modifications were also required to modify portions of construction to correct issues that were not anticipated during design. For example, following installation of LED light fixtures beneath the station canopy it was determined that the lighting system as designed did not attain the desired overall lighting levels for patrons in this area making it necessary for the specified fixture to be changed for an alternate fixture. There were also several instances where design clarification was necessary causing additional costs to be incurred. For example, fire-rating requirements for intumescent paint were not included in the Contract Specifications which resulted in necessary upgrades to the Contractor's proposed materials. These changes represented costs to the Contractor that could

not have been anticipated at bid time.

The second major element of the Change Order, credits, is comprised of Contract work that was deleted from the Contract, including a portion of the surface painting, because it was determined that it was not cost effective. Unused Contract Bid Item dollars were also deducted from the Contract amount, such as differing site condition and partnering allowances, in order to adequately balance the final Contract Bid Item totals.

Finally, based on the Contractor's As-Built schedule and Time Impact Analysis, 109 additional calendar days were added to the Contract due to the schedule impacts the Contractor incurred as a result of the additional unforeseen work. A time extension to the Contract duration was negotiated with no additional compensation for extended overhead.

The work covered by this Change Order was integral to facilitate completion of the original scope of the Contract. Project staff therefore requests that the General Manager be given authority to execute Change Order No. 25 in an amount not to exceed \$337,976 and to extend the Contract Completion Date by 109 Calendar Days.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval. This Change Order exceeds the \$200,000 threshold and therefore staff is hereby seeking Board authority for the General Manager to execute this Change Order.

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

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

19.5% of this Change Order is identified as compensation to the Contractor for additional work performed by an MBE subcontractor through the duration of the Contract.

FISCAL IMPACT:

Funding of \$337,976 for the award of Change Order #25 for Contract 15ID-110 is included in the total project budget for FMS #15ID000 – Pleasant Hill Station Modernization Project. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

As of January 30, 2013, \$12,055,162 is available for this project from the following sources:

Change Order No. 25, Contract Closeout, to 15ID-110, Pleasant Hill Station Modernization

Fund No.	Source	Fund Description	Amount
535S	State	FY07 08 - PTMISEA Prop 1B	7,716,498
535X	State	FY08 09 - PTMISEA Prop 1B	686,164
6633	Local	CCTA - Measure J	600,000
663M	Local	CCC Redevelopment Agency	2,992,500
Various	BART	BART Funds - 8202, 8205, 8208, 850W and 851W	60,000
		Total	12,055,162

BART has expended \$11,176,429, committed \$224,681 and reserved \$0 to date for other actions. This action will commit \$337,976 leaving an available fund balance of \$316,076 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternative to executing this Change Order would be to attempt to close out the project without compensation to the Contractor for these, or portions of these outstanding items. This however is likely to result in Contractor initiated claims.

RECOMMENDATION:

It is recommended that the Board approve the following motion.

MOTION:

The General Manager is authorized to execute Change Order No. 25, Contract Closeout, to Contract No. 15ID-110, Pleasant Hill Station Modernization, with Taber Construction Inc. in an amount not to exceed \$337,976.00 for Contract Closeout.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBuden</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the February 14, 2013 E & O Committee Meeting		
DATE: c <i>2/6/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Presley Dept: <i>John Gamban 1-30-13</i>	General Counsel <i>Morgan Powell 1/31/13</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary <i>[Signature]</i>	BARC <i>Taul Crisler 2/15/13</i>
Signature/Date: <i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VEHICLE ENGINEERING CONSULTANT SERVICES FOR BART REVENUE
VEHICLE PROJECTS
AGREEMENT NOS. 6M3223 AND 6M3224**

NARRATIVE:

PURPOSE: Request the Board to authorize the General Manager to award Agreement No. 6M3223 to CH2M Hill, Inc., and Agreement No. 6M3224 to LTK Engineering Services, Inc., to provide Vehicle Engineering Consultant Services for BART Revenue Vehicle Projects.

DISCUSSION: On December 6, 2001, the Board authorized the General Manager to execute Agreement No. 6H3099 with Booz Allen Hamilton, Inc. (BAH) for Revenue Vehicle Engineering Services. The Agreement was for a term of up to ten years and an amount not to exceed \$15,000,000.00. CH2M Hill, Inc. purchased the transportation consulting services portion of BAH's business on May 3, 2011. An Assignment Agreement for the Agreement No. 6H3099 was entered into between CH2M Hill, Inc. and BAH, effective as of October 28, 2011. It is anticipated that the dollar limit for the Agreement will be reached in the first quarter of 2013. The need for engineering services related to the District's Revenue Vehicles Project continues; support is needed primarily for the ongoing procurement of new vehicles, and maintenance, refurbishment and safety related activities for existing vehicles. As a result, the District issued Request for Proposals (RFP) No. 6M3214 on September 10, 2012, indicating that two agreements would be awarded.

Advertisements soliciting interest in the RFP were placed in a number of publications including DBE/MBE/WBE publications. A Community Outreach Meeting was held on July 24, 2012 to introduce potential prime contractors to local, minority and small businesses. Over 4000 firms were invited and 29 firms were in attendance. On September 6, 2012, an Advance Notice to Proposers was sent to 168 prospective Proposers and was also posted on BART's website. The RFP was mailed on September 10, 2012 to to all interested Proposers (168 firms). A Pre-Proposal Meeting for this RFP was held on September 19, 2012, at which BART provided details regarding the procurement process and RFP submittal requirements.

On October 16, 2012, proposals were received from the following 4 firms:

1. Parsons Transportation Group, Inc., San Francisco, CA
2. CH2M Hill, Inc., San Francisco, CA

3. STV Incorporated, Philadelphia, PA
4. LTK Engineering Services, Inc., Ambler, PA

The proposals were reviewed by a Selection Committee (Committee), chaired by Contract Administration and consisted of staff from Rolling Stock and Shops, Transit System Development and Office of Civil Rights. Proposals were first reviewed to determine if the Proposers were responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to qualifications of the proposing firms and the proposed project teams. As a result, all four (4) firms were selected for oral interviews, which were conducted by the Committee on December 3 and 4, 2012.

Based on the oral and written evaluations, the Committee determined that the two most qualified firms were CH2M Hill, Inc. and LTK Engineering Services, Inc., and entered into negotiations with them. Contract Administration, with support from Internal Audit and Transit System Development, evaluated and discussed the rates and mark-ups (for a cost-plus-fixed-fee rate agreement) received from the two Proposers. These discussions were concluded on terms favorable to BART and each of the Proposers. Staff determined that the recommended rate structures are fair and reasonable, and that the two firms are responsible organizations.

Accordingly, the Committee recommends two awards as specified in the RFP, each for an amount not to exceed \$25,000,000.00. The term of each Agreement will be ten years from the date of execution of the Agreement, or until the completion date specified in any Work Plan corresponding to a Purchase Order issued by BART within such ten year period, whichever is later.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for professional services agreements. Therefore, no DBE participation goal was set for these Agreements. Although no DBE goal was set, each of the recommended awardees committed to the following DBE participation: CH2M Hill, Inc. - 30% and LTK Engineering Services, Inc. - 30%.

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

FISCAL IMPACT: Each of the two Agreements has a not-to-exceed limit of \$25,000,000.00. District obligations will be subject to a series of Work Plans (WPs). Each WP will have a defined scope of services, and a separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Funding for these Agreements will come from project funding sources that include federal formula, BART local match funds and VTA funds. Capital Development and Control will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements and the execution of each WP.

ALTERNATIVES: Reject all proposals and solicit new proposals. The ensuing delay would adversely impact the implementation of BART's Capital Program and operations improvement

initiatives.

RECOMMENDATION: Adopt the following motion.

MOTION: The General Manager is authorized to award the following Agreements to provide Vehicle Engineering Services for BART Revenue Vehicle Projects in an amount not to exceed \$25,000,000.00 each, pursuant to notification to be issued by the General Manager. The term of each Agreement will be ten years from the date of execution of the Agreement, or the completion date specified in any Work Plan corresponding to a Purchase Order issued by BART within such ten year period, whichever is later. The awards are subject to the District's protest procedures and the FTA's requirements related to protest procedures.

1. Agreement No. 6M3223 to CH2M Hill, Inc.
2. Agreement No. 6M3224 to LTK Engineering Services, Inc.

VEHICLE ENGINEERING CONSULTANT SERVICES FOR BART PROJECTS

- **Introduction**

Over the next ten years, BART will require assistance with its engineering, project management and procurement activities associated with BART's revenue vehicle procurement, maintenance, refurbishment and safety related activities related to existing vehicles, and other Capital Improvement Projects.

Therefore, Request for Proposal No. 6M3214 for Vehicle Engineering Consultant Services for BART Revenue Vehicle Projects was issued on September 10, 2012. The RFP:

- Described the detailed, objective selection process to be used;
- Indicated the criteria for making the selection; and
- Stated that the District intended to award two Agreements for these services.

- **Scope of Services** – The Consultants, as independent contractors, would provide assistance in the following areas:

- Project Management and Support
- Vehicle Engineering and Technical Expert Services and Support
- Contract Management and Support
- Project Document Development
- Engineering Document Development
- Vehicle Strategic Maintenance Program (SMP) and Logistics Support Services
- Vehicle, Subsystem and Component Manufacturing Support Services
- Procurement Services and Support
- Rapid Emergency Response
- Project, Contract and Engineering Administration

- **Selection Process**

The selection process followed the California Government Code and Federal Brooks Act regulations related to the procurement of Architectural & Engineering services in which:

- Proposers are first evaluated on the basis of their qualification, both written and oral; and
- Upon determining the most qualified Proposes, terms and conditions of the Agreement are then negotiated.

Terms and condition favorable to the District have been successfully negotiated with the most qualified Proposers; therefore, staff recommends awarding two Agreements as outlined on the following pages.

RECOMMENDED AWARD

Agreement No. 6M3223 – Vehicle Engineering Consultant Services

- CH2M Hill, Inc., San Francisco, CA for a 10 year period for a total not-to-exceed amount of \$25,000,000.00.

➤ 13 Subconsultants:

Name and Location

Services

A Train Enterprise, Inc. San Ramon, CA (DBE)

Engineering Support, Manufacturing Support Services, Rapid Emergency Response

Anil Verma Associates, Inc. Oakland, CA (DBE)

Engineering Support, Manufacturing Support Services, Contract Management and Support, Project and Contract Document Development, SMP and Logistics Support

Antenna Design New York, Inc., New York, NY (DBE)

Engineering Support

ARUP North America, Ltd., San Francisco, CA

Engineering Support, Project Document Development, Rapid Emergency Response

Aura Management Consulting, LLC, Orinda, CA (DBE)

Engineering Support, Manufacturing Support Services, Contract Management and Support, Project and Contract Document Development, Project Services and Support, Rapid Emergency Response, Administration and Support

Kal Krishnan Consulting Services, Oakland, CA (DBE)

Project Management and Support, Engineering Support, Manufacturing Support Services, Contract Management and Support, Project and Contract Document Development, Project Services and Support, Administration and Support

Railcar Quality Services, Inc., Gold River, CA (DBE)

Engineering Support, Contract Management and Support, Manufacturing Support Services, Procurement Services and Support

Raul V. Bravo & Associates, Inc., Reston, VA (DBE)

Engineering Support, Manufacturing Support Services

Shiralian Management Group, Berkeley, CA

Project Management and Support

Transit Supply, LLC, Gaithersburg, MD (DBE)

SMP and Logistics Support

URS Corporation, San Francisco, CA

Project Management and Support, Engineering Support

Virginkar & Associates, Brea, CA (DBE)

Engineering Support, Project, Procurement Services and Support

Wilson Ihrig & Associates, Oakland, CA

Engineering Support, Administration and Support

RECOMMENDED AWARD

Agreement No. 6M3224 – Vehicle Engineering Consultant Services

- LTK Engineering Services, Inc., Ambler, PA for a 10 year period for a total not-to-exceed amount of \$25,000,000.00.

➤ 6 Subconsultants:

Name and Location

Services

A Train Enterprise, Inc. San Ramon, CA (DBE)

Engineering Support, Manufacturing Support Services

Aura Management Consulting, LLC, Orinda, CA (DBE)

Contract Management and Support, Administration and Support

Delcan Corporation, Vienna, VA

Engineering Support

Jade Associates, Martinez, CA (DBE)

Project Management and Support Services, Administration and Support

Sandora Rail Consulting/Eng. Services, Antioch, CA (DBE)

Contract Management and Support

Virginkar & Associates, Brea, CA (DBE)

Engineering Support, Project, Procurement Services and Support



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carla DeBenedetto</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>2/6/13</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Fadelli Dept: Government & Community Affairs	General Counsel <i>Audrey Rava</i> 2/1/13	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i> 2-4-13
Signature/Date: <i>[Signature]</i> 2-4-13	[]	[]	[]	[]
Status: Routed		Date Created: 01/15/2013		

TITLE:

2013 State & Federal Advocacy Goals

NARRATIVE:

PURPOSE: To review and approve the District's 2013 state and federal advocacy program.

DISCUSSION: Following is the outline of state and federal legislative goals and objectives for the year ahead. With forty new legislators elected last November to serve in Sacramento, BART must first meet and educate them on the benefit of public transit and the needs of the BART system. On November 9, 2012 BART's Planning, Public Affairs, Access, and Legislation (PPAAL) Committee reviewed and approved the following state and federal legislative goals for 2013. These objectives are now before the full Board for discussion and approval.

A. Proposed State Advocacy Program for BART:

(1) Respond to State Budget Proposals & Actions

For several years there have been ongoing state budgetary issues which have posed fiscal challenges to public transit agencies in California. However, with the passage last November of Proposition 30, the risk of another state budget crisis has been diminished for 2013. Proposition 30 was part of Governor Brown's plan to rein in a \$12 billion state deficit by asking voters to approve increased sales taxes for four years and increased income taxes on high-income earners for seven years. Its passage reduces pressure to use funding such as public transit's State Transit Assistance (STA) funds to balance the General Fund debt. But it should still be a major goal of BART to participate in the state budget process and assure ongoing transit funding.

- **Secure Dedicated Transit Funding**

BART will again need to coordinate and work with the California Transit Association (CTA), TransForm, the Bay Area Council, supportive environmental groups and others to demonstrate how important state funding is to transit operations. Because state transit funding has been greatly diminished over the past five years, BART must still work to protect the dedicated revenue from the Diesel Fuel Tax that supports the STA program. This will involve efforts by staff and Directors to lobby key members and staff in the capitol. If sustained, STA will continue to provide approximately \$35 million a year for BART operations on an ongoing basis.

- **Work to Appropriate Dedicated Transit Funds from Propositions**

Last year, BART received \$147 million of connectivity funds from High Speed Rail's Proposition 1A. This year, BART is again in line for additional Proposition 1A funds, as well as over \$120 million in Proposition 1B funds (Public Transit Modernization, Improvement, Service Enhancement Account, PTMISEA). Bond sales and legislative appropriation always factor into revenues paid from state General Obligation bonds so BART must continue to work to move forward the appropriation of funds that MTC has committed to BART.

- **Be Active in Efforts to Create new Statewide Dedicated Transit Revenue**

At the beginning of a two year legislative session, there have been proposals for bills that, if successful, could create a permanent dedicated revenue stream for public transit at a greater level than can be provided by STA funds. These include proposals such as increasing the vehicle license fee, reducing the voting threshold for local transit tax initiative, and implementation of various vehicle miles travelled (VMT) policies. BART has already been in discussions with a variety of sources regarding such proposals and should continue to engage in these discussions.

(2) **Continue Efforts to Enhance Local Transit Revenue Opportunities**

The BART Board has continued to support efforts to obtain additional local authority to raise revenue for transit. While a "supermajority" Democratic legislature has cautioned against raising taxes, many believe legislators and the Governor may be open to providing additional tools for raising local revenue, such as supporting infrastructure finance districts and benefit assessment districts. BART will actively pursue legislation to give BART authority to use such tools to raise revenue for specific projects.

(3) **Remain active in greenhouse gas/ cap & trade issues**

In October, 2011, the California Air Resources Board voted to adopt final rules to regulate carbon emissions as part of the implementation of AB 32 which seeks to reduce the state's greenhouse gas (GHG) emissions to 1990 levels by 2020. Last November, California's cap and trade program began selling greenhouse gas allowances to reduce emission of carbon dioxide. This resulted in the state earning just over \$290 million with the shares selling for just over the minimum \$10 per allowance. It is believed the Governor's office will have strict control over these funds and will prioritize High Speed Rail needs. There are several issues involving the state cap and trade program that BART should address including: seeking resolution to Air Resources Board regulations which would raise transit energy costs, continuing efforts to add transit to the sectors financially benefitting from cap and trade revenue, and continuing support for affordable housing through cap and trade proposals.

(4) **Support Efforts to Expedite CEQA process for Transit Projects**

In the context of implementing SB 375 and promoting Transit Oriented Development, BART and

other transit agencies have recently raised the concern that the California Environmental Quality Act (CEQA) should be reformed to expedite specific transit projects that are beneficial to the environment. Late last session, the prospect seemed high that such an effort to amend CEQA would occur – but it did not happen. Senate Pro Tempore Darrell Steinberg has stated that such a review and revision of CEQA *will* occur in 2013. Ongoing discussions are occurring to achieve that goal. BART should continue working with the California Transit Association (CTA) and others in ways that can assist BART and other transit agencies expedite projects which respect the goals of CEQA.

(5) Continue Infrastructure Finance District (IFD) Efforts in Post-redevelopment Environment

Over the past several years, BART has actively sought legislation to provide additional funding for Transit Oriented Development (TOD). Working with former Assemblywoman Ma (SF) BART has sponsored bills to use tax increment financing (TIF) to expedite possible establishment of Infrastructure Finance Districts (IFDs). Last session AB 485 (Ma), a bill which would have specifically allowed the establishment of local IFDs without a local vote, passed both houses of the legislature but was held by the author because the Brown Administration raised concerns about deleting the voting requirement. BART is discussing the possibility of moving similar legislation this year, with the support of CTA, specific transit agencies and affordable housing advocates, in order to establish additional funding tools for TOD.

(6) Support Efforts Providing Incentives for Transit Use

Providing incentives to ride public transit not only helps support system operations, but also supports state goals to cut pollution and GHG emissions.. BART will continue to seek out and support such legislation. Last year, BART, the Metropolitan Transportation Commission (MTC) and CTA supported successful legislation (SB 1339- Yee) to create a Bay Area pilot project that allows MTC and the Bay Area Air Quality Management District to adopt an ordinance requiring certain employers to offer commuter benefits to their employees. MTC is presently working to implement this program and will brief the BART Board later this year.

(7) Participate in efforts to redraft cellular phone shutoff legislation (SB 1160- Padilla)

Legislation introduced last year to create a state procedure for public agencies to terminate cellular service in emergency situations, could have created a difficult response scenario for BART police in certain circumstances. As originally introduced, the bill would have required all public agencies to first seek a court order to terminate cell service and follow specific public information requirements. BART proposed amendments which would have allowed an agency to terminate cell service in extreme emergency situations without first obtaining a court order, if the agency applied for a court order within six hours after terminating the service. The author, Sen. Alex Padilla (LA), eventually accepted the amendment which allowed BART to support the legislation. Governor Brown, however, vetoed the bill because he said six hours was an insufficient amount of time in emergency situations for law enforcement to prepare the findings requires by the bill to support a court order. Sen. Padilla's staff has indicated that the senator will

reintroduce similar legislation and would like to again work with BART and other stakeholders to fashion a bill that the Governor will sign.

B. Proposed Federal Advocacy Program for BART

Last year Congress passed a 2-year \$105 billion Surface Transportation reauthorization bill, Moving Ahead for Progress in the 21st Century Act (MAP-21) (\$10.6 billion in 2013, and \$10.8 billion in 2014 for transit) which eliminated earmarks, lessened the number of discretionary grant programs, consolidated many other programs and put a new emphasis on asset management and performance – based themes. Existing funding levels were basically maintained despite some initial efforts to cut public transit funding by more than 30 percent. The next surface transportation process has already begun with Chairman Shuster saying he would like a bill for his committee to consider in less than a year.

(8) Monitor implementation of MAP-21 – especially new regulations associated with State of Good Repair and Core Capacity funding programs.

- **State of Good Repair (SOGR) & Formula Funding.** BART should closely monitor implementation of MAP-21 provisions and should support SOGR funding and efforts by the Federal Transit Administration (FTA) to increase SOGR funding for the nation’s metropolitan rail systems. As one of the nation’s top five largest transit systems BART is a member of the “Metropolitan Rail Discussion Group” (MRDG) and should continue its efforts through this group, APTA, and others to secure SOGR funding that will assist the older urban rail systems in the nation.
- **Core Capacity.** As part of the MAP-21 reforms, the New Starts program has been renamed the “Capital Investment Grant” program and now includes a “core capacity” provision which allows for the renovation of an existing system with discretionary funding if the focused project increases corridor capacity by 10%. The BART Metro program was discussed at two previous Board meetings with its stated goal to increase capacity to accommodate growing ridership. BART is monitoring core capacity program guidelines and will work with the MTC to get a BART project prioritized in the region so we may qualify for a grant.

(9) Participate in Next Reauthorization Effort

Because MAP-21 is only authorized for two years, discussions on the next authorization legislation have already begun. The new House Committee Chair for Transportation and Infrastructure (Rep. Bud Shuster Jr.-PA) has said he would like a draft reauthorization bill to be before his committee in less than a year. The new chairman has said that all revenue options will be on the table to address shortfalls in the highway trust fund. In addition to the SOGR and Core Capacity efforts (above) BART needs to be actively involved in efforts to influence the following issues:

- **Overall Funding.** BART should continue to support a “full funding” reauthorization bill

signed into law. BART should continue to oppose proposals which would cut formula funding by a significant percentage.

- **Transportation Enhancements /Livability.** BART should continue to support the Obama Administration's efforts to maintain "Livability" programs which assist transit access goals, and the enhancement of bicycle and pedestrian projects. Under Map-21, funds for such enhancement programs have been shifted back to the states. BART should be involved in efforts to ensure that the funds continue to be spent on "livability" programs.

(10) New Federal Safety Regulations

MAP-21 gave FTA the authority to monitor the safety of the nation's passenger rail systems and restrict federal funding as a means of enforcement. BART should continue its active participation in developing and commenting on safety proposals.

(11) Continue to assist Job Creation and "Make It In America" Goals

BART should continue to monitor the Obama Administration's efforts to implement an increased "Made in America" requirement for transit procurement, specifically as it relates to BART new rail car procurements. As a recipient of federal funding, BART 's should continue to demonstrate to its delegation that it is a partner in assisting job creation in America.

(12) Seek Funding for security needs

BART should continue to pursue greater funding through Homeland Security programs for transit security grants, and seek funds for a specific transit security grant in 2013.

(13) Support Re-Establishment of Transit Commuter Benefits

As part of the fiscal cliff tax increases which passed earlier this year, Transit Commuter Benefits were restored with transportation fringe benefits for parking and transit set at parity. The BART Board has previously supported HR 2312 (Blumenauer) which would extend permanently the pre-tax transportation benefits of up to \$230 a month per employee for transit expenses, the same amount as offered for qualified parking. BART should continue to support efforts to make permanent these important efforts to equalize parking and transit benefits.

FISCAL IMPACT:

N/A

RECOMMENDATION:

That the Board approves the following motions.

ALTERNATIVE:

The Board could decline to support the specific state and federal goals and/or the legislation

listed for review.

MOTION:

The Board approves the state advocacy program, as recommended by staff.

The Board approves the federal advocacy program, as recommended by staff.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: February 8, 2013

FROM: General Manager

SUBJECT: PPAAL Item #5.C: Potential Development of Property Located at BART Millbrae Station

The subject item will begin with an open session to enable the Board to conduct a discussion and take an action on whether to address the matter in closed session, open session or a combination of both. Staff will be prepared to address the topic in adherence with whatever direction the Board provides.

If you have any questions on this matter, please do not hesitate to contact me.


Grace Crunican

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



CAPITOL CORRIDOR JOINT POWERS AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

Wednesday February 20, 2013

10:00 a.m.

City Council Chambers
Suisun City Hall
701 Civic Center Blvd., Suisun City, CA
(see attached map)

A simultaneous teleconference call will take place at:

San Jose City Hall
200 E. Santa Clara Street, Room 1854
San Jose, CA 95113

DRAFT AGENDA

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Minutes of the November 14, 2012 Meeting *Action*
- V. Consent Calendar [No items]
- VI. Action and Discussion Items
 1. Business Plan Update (FY 2013-14 – FY 2014-15) *Action**
 2. Oakland-San Jose Phase 2 Project - Environmental/Design Plans *Action*
 3. Legislative Matters/Governor's Draft FY 13-14 Budget *Action*
 4. CCJPA Bike Access Plan *Action*
 5. TAMC/CCJPA Principles of Agreement – Extension of Capitol Corridor Trains to Salinas *Action*
 6. Managing Director's Report *Info*
 7. Work Completed *Info*
 - a. Capitol Corridor Annual Performance Report (FFY 2012)
 - b. CCJPA Annual Independent Audit (FY12)
 - c. Marketing Activities (November 2012 – January 2013)
 8. Work in Progress *Info*
 - a. Yolo Causeway West Crossover Project
 - b. Donner Pass Phase Project (2nd Train to/from Auburn)
 - c. Sacramento-Roseville 3rd Track Environmental Review/Preliminary Engineering
 - d. Proposition 1B Transit Safety/Security Improvement Projects
 - e. *Vision Plan Update*
 - f. CPUC Hearings: City of Davis Application for Grade Crossing at Davis Station
 - g. Upcoming Marketing Activities
- VII. Board Member Reports
- VIII. Public Comments
- IX. Adjournment. Next Meeting Date: 10:00 a.m., April 17, 2013, at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

Notes:

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member 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. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

* Approval of the business plan requires an affirmative vote of at least two-thirds (11) of the appointed members.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Memorandum

TO: Board of Directors

DATE: February 4, 2013

FROM: Mark P. Smith, Independent Police Auditor

SUBJECT: Citizen Review Board Public-At-Large Appointment

The appointment of the public-at-large member to the Citizen Review Board (CRB) is scheduled for the February 14, 2013 Board Meeting. A vacancy exists for the public-at-large seat due to the resignation of the member that the Board appointed to the seat at its meeting on February 23, 2012.

Pursuant to the BART Citizen Oversight Model, applicants for the public-at-large seat who were part of the last application process were asked if they have a continuing interest in serving on the CRB. Of the ten (10) applicants contacted, eight (8) wish to be considered for the vacant public-at-large seat, one (1) did not wish to be considered at this time but asked to keep her application on file for future consideration, and one (1) no longer resides in the counties that make up the BART District.

The member that is selected by the Board on February 14 will serve out the remainder of a two-year term and will be eligible for reappointment to another two-year term in July 2014. We propose to use the same process for selection of the public-at-large member as in 2012. Each applicant has been invited to attend the Board Meeting and will be afforded up to two minutes to address the Board. Each Director will vote for the public-at-large member by indicating on a ballot their top three choices, in order of preference. The District Secretary will determine the final tally using a weighted point method. The Board will be asked to ratify the appointment (motion attached).

Should you have questions or comments, please contact the District Secretary or me at your convenience.

Thank you.



Mark P. Smith
Independent Police Auditor

Attachments

cc: Board Appointed Officers

RATIFICATION OF CITIZEN REVIEW BOARD APPOINTMENT

MOTION:

That the Board of Directors ratifies the Citizen Review Board appointment to fill the vacant public-at-large seat for the remainder of its two-year term that expires on June 30, 2014.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

CITIZEN REVIEW BOARD PUBLIC -AT-LARGE APPLICANTS February 14, 2013

<u>Name</u>	<u>City</u>	<u>District</u>
Cydia A. Garrett	Danville	1
Cora Oliver-Ward	El Sobrante	7
Crystal Porter	Hayward	5
Candace Hill	Oakland	4
Rev. Dr. Audrey Aurea Lewis	Oakland	4
Michael M. Bergren	Pittsburg	2
Freddye M. Davis	Hayward	6
Chandra Felisa Wallace	Fremont	6