

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

BOARD MEETING AGENDA

January 11, 2018

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, January 11, 2018, in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors regarding any matter on this agenda. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at 510-464-6083 for information.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail.

Meeting notices and agendas are available for review on the District's website (<http://www.bart.gov/about/bod/meetings.aspx>), and via email ([https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic\\_id=CATRANBART\\_1904](https://public.govdelivery.com/accounts/CATRANBART/subscriber/new?topic_id=CATRANBART_1904)) or via regular mail upon request submitted to the District Secretary. Complete agenda packets (in PDF format) are available for review on the District's website no later than 48 hours in advance of the meeting.

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

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

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

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of December 21, 2017.\* Board requested to authorize.
- B. Legal Services Agreement with Glynn & Finley, LLP, Regarding Wi-Fi Rail.\* Board requested to authorize.
- C. Reject All Bids for Contract No. 15QH-230, Site Improvements at Various Stations – Phase V.\* Board requested to reject.
- D. 2018 Organization of Committees and Special Appointments.\* Board requested to authorize.
- E. Fiscal Year 2018 First Quarter Financial Report.\* For information.

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director Josefowitz, Chairperson

- A. Resolution for the Authorization of the Certifications and Assurances for the State Transit Assistance State of Good Repair Program.\* Board requested to adopt.
- B. Affordable Housing and Sustainable Communities Grant Application for MacArthur Station.\* Board requested to authorize.
- C. California Multiple Award Schedule Information Technology Purchase.\* Board requested to authorize.

5. ENGINEERING AND OPERATIONS ITEMS

Director Keller, Chairperson

- A. Agreement with Impec Group for Graffiti Removal Services Districtwide (Agreement No. 6M3371A).\* Board requested to authorize.

- B. Review of Existing Comprehensive Agreement between the Santa Clara Valley Transportation Authority and the San Francisco Bay Area Rapid Transit District in Connection with the Proposed Santa Clara County BART Extension.\* For information.

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

Director Raburn, Chairperson

- A. Amendment to Facility Services Agreement, for Stationary Engineering Services at 101 8<sup>th</sup> Street, with ABM Industry Groups, LLC.\* Board requested to authorize.

7. GENERAL MANAGER'S REPORT

- A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. BOARD MATTERS

- A. Board Member Reports.  
(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)
- B. Roll Call for Introductions.  
(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)
- C. In Memoriam.  
(An opportunity for Board members to introduce individuals to be commemorated.)

9. PUBLIC COMMENT

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda.)

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

- A. CONFERENCE WITH LABOR NEGOTIATORS:  
Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Employee Relations; and Martin Gran, Chief Employee Relations Officer  
Employee Organizations: (1) BART Police Officers Association;  
(2) BART Police Managers Association.  
Government Code Section: 54957.6

11. OPEN SESSION

**DRAFT**

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

Board of Directors  
Minutes of the 1,804th Meeting  
December 21, 2017

A regular meeting of the Board of Directors was held December 21, 2017, convening at 9:10 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. Director Saltzman presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman.

Absent: None.

President Saltzman called for a moment of silence in memory of San Francisco Mayor Edwin M. Lee.

President Saltzman called for Introduction of Special Guests. General Manager Grace Crunican introduced and welcomed Carl Holmes, Assistant General Manager, Planning, Development, and Construction. Director Raburn introduced and welcomed his wife, Patricia Raburn, and H.E. Christian Peeples, AC Transit Director. Gail Blalock.

President Saltzman introduced and welcomed Ms. Rose Johnson and Ms. Shannon Kumar of Davis Street Family Resource Center, the District's 2017 Holiday Toy Drive recipient. Ms. Johnson addressed the Board.

Consent Calendar item brought before the Board was:

1. Approval of Minutes of the Meeting of December 7, 2017.

Director Raburn moved that the Minutes of the Meeting of December 7, 2017, be approved. Director Blalock seconded the motion, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

President Saltzman noted that there were no items for the Finance, Bond Oversight, and Administration Committee; the Operations, Safety, and Workforce Committee; or the Planning and Legislation Committee.

Director Saltzman called for Board Member Reports, Roll Call for Introductions, and In Memoriam.

Director Allen remarked that she had enjoyed her first year on the Board and looked forward to the coming year.

Director Josefowitz shared remarks on San Francisco Mayor Ed Lee.



Director Raburn reported he had attended the Carpenters Moose Feed, had led a tour of the Hayward Maintenance Complex, and had attended the BART Police awards ceremony.

Director Keller thanked President Saltzman for her leadership over the past year.

Director Blalock reported he had attended the Hayward Maintenance Complex tour, an engineers' club meeting, the Diridon Station Area Joint Policy Advisory Board meeting, and commented on the successful opening of the Warm Springs/South Fremont Station earlier in the year.

Director Simon thanked President Saltzman for her leadership over the past year and complimented all District employees, and shared remarks regarding Mayor Ed Lee.

Director Dufty thanked President Saltzman for her leadership over the past year, and shared remarks regarding Mayor Ed Lee. He reported he had attended a meeting with the coalition on homelessness regarding the District's fare evasion policy, and had met with San Mateo County officials regarding the homeless in that county.

President Saltzman called for the General Manager's Report. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, outstanding Roll Call for Introductions items, and shared remarks on the past year.

President Saltzman asked the members of the Board to share their thoughts on the one thing each of them was most proud of over the past year. President Saltzman mentioned the removal of a few seats on each train car. Director Keller mentioned the progress on the BART to Antioch Extension. Director Blalock mentioned the opening of the Warm Springs/South Fremont Stations. Director Simon mentioned the Safe Transit Policy. Director Dufty mentioned sweeping weekly at the 16<sup>th</sup> Street/Mission Station. Director Allen mentioned the renewed focus on improving the rider experience. Director Josefowitz mentioned the escalator replacement program. Director McPartland mentioned progress on the BART to Livermore Environmental Impact Report.

Director Raburn thanked President Saltzman for her leadership and shared comments on the accomplishments of the past year.

President Saltzman mentioned the Board Meetings held at the Powell Street and Warm Springs/South Fremont stations.

President Saltzman brought the matter of Election of Officers before the Board, and opened the floor for nominations for President. Director Josefowitz nominated Director Raburn for President of the Board of Directors. Nominations were closed. Director Josefowitz moved that Director Raburn be elected Board President for 2018. Director McPartland seconded the motion, which carried by unanimous acclamation. Ayes – 9: Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

President Raburn shared comments on the upcoming year.

President Raburn opened the floor for nominations for Vice President. Director Saltzman nominated Director Josefowitz for Vice President of the Board of Directors. Nominations were closed. Director Saltzman moved that Director Josefowitz be elected Board Vice President for 2018. Director Simon seconded the motion, which carried by unanimous acclamation. Ayes – 9: Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0.

President Saltzman called for Public Comment. No comments were received.

The Board Meeting was adjourned at 10:08 a.m. in memory of San Francisco Mayor Edwin M. Lee.

Kenneth A. Duron  
District Secretary





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pann</i> 5 JAN 2018		GENERAL MANAGER ACTION REQ'D: Approve & Forward to Board - Agenda 01/11/2018		
DATE: 1/3/2018		BOARD INITIATED ITEM: No		
Originator/Prepared by: Vicki Nuetzel Dept: Office of the General Counsel <i>Vicki Nuetzel</i> Signature/Date: 1/4/18	General Counsel <i>Vicki Nuetzel</i> 1/5/18 [ ]	Controller/Treasurer <i>[Signature]</i> 1/5/18 [ ]	District Secretary [ ]	BARC [ ]

### LEGAL SERVICES AGREEMENT WITH GLYNN & FINLEY, LLP REGARDING WI-FI RAIL

**PURPOSE:** To request that the Board of Directors approve funding for the retention of outside counsel to represent the District in a pending breach of contract matter brought by Wi-Fi Rail.

**DISCUSSION:** The District had entered into a contract with Wi-Fi Rail which included, among other things, an agreement that Wi-Fi Rail would provide wi-fi services for the BART system. After several years, it was determined that Wi-Fi Rail failed to perform in accordance with the terms of the contract and, as a result, the contract was terminated. Wi-Fi brought a breach of contract action against the District asserting that the contract was improperly terminated and seeking damages for breach of contract. This litigation has been handled by the Office of the General Counsel; however, it recently became clear that the matter could not be resolved prior to trial. Trial is currently set for May 8, 2018.

Because of the volume of documents generated by this litigation and the extensive discovery required to successfully defend this matter, it was determined that it was necessary to retain outside counsel to proceed to prepare the matter for trial. The Office of the General Counsel interviewed four (4) firms as possible candidates for District representation and following those interviews determined that the firm of Glynn & Finley, LLP would provide the best value to the District. The Office of the General Counsel will continue to act as co-counsel and oversee all work on this matter.

**FISCAL IMPACT:** The anticipated cost of the services through trial are anticipated to be approximately \$500,000, funded by operating monies. This cost will be paid in FY18 by existing operating monies budgeted in the Office of the Chief Information Officer 0802842,



Account 680230. There will be no Fiscal Impact on unprogrammed District reserves.

**ALTERNATIVES:** To not authorize this cost which would increase the chance of an adverse result in trial.

**RECOMMENDATION:** That the Board adopt the following motion:

**MOTION:** That the Board approve the retention of Glynn & Finley, LLP to represent the District in the Wi-Fi Rail matter.





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rhett M. Pomeroy</i> 3 JAN 2017		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the January 11, 2018 Board Meeting		
DATE: 12/8/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed Tafaghodi Dept: Maintenance and Engineering <i>Hamed Tafaghodi</i> Signature/Date: 12/19/17	General Counsel <i>[Signature]</i> 12/20/17 [ ]	Controller/Treasurer <i>[Signature]</i> 12/20/17 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 1/2/18 [ ]

## Reject the Single Bid for Contract No.15QH-230, Site Improvements at Various Stations- Phase V.

To request that the Board reject the single Bid for Contract No. 15QH-230, Site Improvements at Various Stations- Phase V.

**DISCUSSION:** The Work of this Contract consists of providing all labor, equipment, materials, and services required for the following site improvements:

Pittsburg Bay Point Station: repaving and re-striping the bus intermodal area, including associated access roads; replacing concrete sidewalk curbs and gutters; and accessibility improvement.

CXP Gap Breaker Station in Walnut Creek: Site grading and drainage improvement.

North Concord/ Martinez Station: Crosswalk and sidewalk improvement, installation of flashing beacon system, and new fence installation. This is an option to the Contract.

Advance Notice to Bidders was sent to fifty (50) Prospective Bidders, including six (6) Plan Rooms. The Contract was advertised on October 6, 2017. On October 9, 2017, the Contract Documents were posted on the District's Vendor Portal. Twenty-five (25) Prospective Bidders and five (5) Plan Rooms downloaded the Contract Documents, and one (1) entity purchased a copy of the Contract Book. A pre-bid meeting was held on October 19, 2017 with four (4) prospective Bidders in attendance.



A single Bid was received and publicly opened on November 11, 2018 as follows:

BIDDER	LOCATION	TOTAL BASE BID	OPTION BID	TOTAL BID
Ghilotti Bros., Inc.	San Rafael, CA	\$3,429,829	\$1,022,281	\$4,452,110
Engineer's Estimate		\$1,783,345	\$266,655	\$2,050,000

After an analysis of the single Bid received, Staff determined that the Bid price is unreasonable, exceeding the project budget.

Staff intends to repackage the Contract to change the hours of work, reduce the number of phases of work, and modify the method of pavement used for the site improvements. Staff believes that if the Contract is repackaged and re-advertised, the District may receive multiple, competitive Bids at prices which are reasonable, in line with the engineer's estimate and within the project budget. For this reason, it would be more prudent use of District's funds if this Contract is re-advertised.

**FISCAL IMPACT:** There is no fiscal impact resulting from rejection of the Bid.

**ALTERNATIVES:** The alternative is to award this Contract to this single Bidder, at a total cost of \$4,452,110, base bid plus the option, subject to the final evaluation by the Staff. This will result in a substantial increase in the project cost, and a project budget deficit of over \$2,000,000. As of this date, no funding source to cure this large deficit has been identified.

**RECOMMENDATION:** Adoption of the following motion

**MOTION:** The single Bid for Contract No. 15QH-230, Site Improvements at Various Stations Phase V is rejected and the General Manager is authorized to re-advertise the Contract.



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

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MEMORANDUM

**TO:** Board of Directors

**DATE:** January 5, 2018

**FROM:** District Secretary

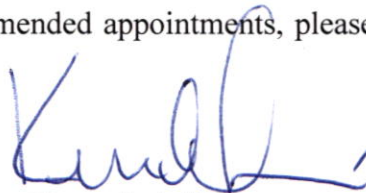
**SUBJECT:** 2018 Organization of Committees and Special Appointments

Board Rule 3-3.2 requires the ratification by a majority vote of all members of the Board any appointment of any Committee member by the Board President. The Rule includes a provision that such appointments shall be submitted directly to the Board.

In accordance with Board Rule 3-3.2, President Raburn is bringing the 2018 Organization of Committees and Special Appointments before the Board of Directors for ratification at the Regular Board Meeting on January 11, 2018.

- A new Special Committee is proposed for 2018. The Santa Clara Valley Transportation Authority Partnership Special Committee is proposed and the Special Appointment - External to the Silicon Valley Rapid Transit Corridor/Warm Springs BART Extension Policy Board is retired.
- Two External Special Appointments - External to the Tri-Valley Regional Rail Advisory Group and the Tri-Valley Regional Rail Policy Working Group are retired and the Tri-Valley – San Joaquin Regional Rail Authority is proposed for 2018.
- The Americans with Disabilities Act (ADA) Liaison is proposed to be renamed the Paratransit Service Review Advisory Committee Liaison.

Should you have any questions about the recommended appointments, please contact President Raburn or me at your convenience.



Kenneth A. Duron

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**MOTION:**

That the Board of Directors ratifies the proposed Organization of Committees and Special Appointments for 2018 (attached).

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

**STANDING COMMITTEES**

**ADMINISTRATION\*\***

Debora Allen, Chairperson  
Bevan Dufty, Vice Chairperson  
Nicholas Josefowitz

**ENGINEERING AND OPERATIONS\*\***

Lateefah Simon, Chairperson  
John McPartland, Vice Chairperson  
Joel Keller

**PLANNING, PUBLIC AFFAIRS, ACCESS AND LEGISLATION\*\***

Thomas M. Blalock, Chairperson  
Robert Raburn, Vice Chairperson  
Rebecca Saltzman

**SPECIAL COMMITTEES**

**PERSONNEL REVIEW SPECIAL COMMITTEE\*\***

Robert Raburn, Chairperson                      Joel Keller, Vice Chairperson      Lateefah Simon

**SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PARTNERSHIP SPECIAL COMMITTEE\*\***

Thomas M. Blalock                      Nicholas Josefowitz                      Joel Keller                      Robert Raburn

**SPECIAL APPOINTMENTS - LIAISON**

**CONTRA COSTA TRANSPORTATION AUTHORITY\*\* LIAISON**

Joel Keller, Primary                      Debora Allen, Alternate

**PARATRANSIT SERVICE REVIEW ADVISORY COMMITTEES LIAISON**

Robert Raburn                      Lateefah Simon

**SAN FRANCISCO TRANSPORTATION AUTHORITY\*\* LIAISON**

Nicholas Josefowitz, Primary                      Bevan Dufty, Alternate

\*\* Brown Act Committee, subject to public meeting requirements.



**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
ORGANIZATION OF COMMITTEES AND SPECIAL APPOINTMENTS**

**SPECIAL APPOINTMENTS – EXTERNAL**

ALAMEDA COUNTY TRANSPORTATION COMMISSION \*\*

Rebecca Saltzman, Primary                  Robert Raburn, Alternate

ALTERNATE REPRESENTATIVE TO THE AMERICAN PUBLIC TRANSPORTATION ASSOCIATION  
BOARD OF DIRECTORS

Rebecca Saltzman

BART AND AC TRANSIT COORDINATING COMMITTEE \*\*

Robert Raburn (Co-Chair)                  Rebecca Saltzman                  Lateefah Simon

CAPITOL CORRIDOR JOINT POWERS BOARD\*\*\*

Debora Allen, Contra Costa County                  Robert Raburn, Alameda County  
Bevan Dufty, San Francisco County                  Rebecca Saltzman, Alameda County  
Nicholas Josefowitz, San Francisco County                  John McPartland, Alternate Alameda County  
Joel Keller, Contra Costa County

DIRIDON STATION AREA JOINT POLICY ADVISORY BOARD (City of San Jose)\*\*\*

Thomas M. Blalock

OVERSIGHT BOARD TO SUCCESSOR AGENCY OF SAN FRANCISCO REDEVELOPMENT AGENCY\*\*\*

Nicholas Josefowitz

PLEASANT HILL BART STATION LEASING AUTHORITY BOARD OF DIRECTORS\*\*\*

Debora Allen                                  Joel Keller

SOUTH HAYWARD BART STATION ACCESS AUTHORITY\*\*

Thomas M. Blalock                          John McPartland                          Rebecca Saltzman, Alternate

TRI-VALLEY – SAN JOAQUIN REGIONAL RAIL AUTHORITY\*\*\*

John McPartland

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE (WCCTAC)\*\*

Lateefah Simon, Primary                  Joel Keller, Alternate

\*\* Brown Act Committee, subject to public meeting requirements.

\*\*\* Brown Act Board, subject to public meeting requirements.

NOTE: BART Directors discharging liaison functions do not serve as members of either a committee of BART or the other organization, nor as members of a joint committee. Any action on behalf of BART must be taken by the full Board.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

**TO:** Board of Directors

**DATE:** January 5, 2018

**FROM:** General Manager

**SUBJECT: FY18 First Quarter Financial Report**

The FY18 First Quarter Financial Report (July - September 2017) is attached. The net result for the quarter was \$8.7M favorable to budget, although staff does not anticipate FY18 will remain favorable.

### Operating Sources


**Total Ridership** was 2.4% under budget for the first quarter of FY18, and 4.0% lower than ridership in the same period of FY17. Although budget expectations for FY18 ridership were revised downward based on FY17 performance, monthly ridership in FY18 is still trending below the lower budget. First quarter FY18 weekday trips were 1.9% below budget and weekend/holiday trips were 4.8% below budget. Passenger revenue in the first quarter was \$1.0M (0.8%) unfavorable. The majority of rider loss was experienced in the shorter-trip, lower-fare market, which is why the passenger revenue under budget rate is less than the passenger trip under budget rate.

**Financial Assistance** in the first quarter of FY18 was favorable to budget primarily due to revenue from Sales Tax and Low Carbon Fuel Standard (LCFS) credit sales. Sales Tax, which included a budgeted 2.1% rate of growth over FY17, was \$1.2M (1.9%) favorable to budget in the first quarter of FY18 and 4.1% higher than Sales Tax revenue from one year ago. Additionally, LCFS credit sales in the first quarter exceeded the \$4.0M budget by \$1.4M (35%). Per the Board approved LCFS Policy, proceeds from LCFS sales will be allocated to the Sustainability program and to Operating Reserves.

### Operating Uses

**Total Expense** for the first quarter was slightly under budget, finishing \$7.0M (3.8%) favorable. Labor and benefits were close to budget, at \$0.9M (0.7%) favorable. Total non-labor was \$5.3M (11%) under budget, largely due to timing of expenses for Professional & Technical service fees; and reduced costs for electric power due to lower than expected electricity prices.

Should FY18 ridership continue to decline, an increasing negative impact on the net operating result is expected. Additionally, timing-related non-labor savings in the first quarter are expected to be offset by expenditures later in the Fiscal Year. The ridership and expense trends may result in an operating deficit by FY18 Year End. Staff have implemented cost saving measures such as limited hiring and are continuing to explore additional options to control expenses and manage the projected operating shortfall in FY18.

  
\_\_\_\_\_  
Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

**Quarterly Financial Report**  
**First Quarter**  
**Fiscal Year- 2018**

**Revenue**

- Avg weekday trips for the quarter were 419,978, 1.9% under budget and 2.8% below the same quarter last year. Total trips for the quarter were 2.4% under budget, with weekend and holiday trips under budget 4.8%. Net passenger revenue was 0.8% under budget.
- Parking revenue was \$0.2M favorable due to over budget Daily Non-Reserve and Long Term programs.
- Other operating revenue was \$0.4M favorable mainly due to over budget investment income.

**Expense**

- Labor (excluding OPEB) was \$0.9M or 0.6% favorable in Q1. Unfunded OPEB does not accrue at month end but will be included with year end GASB adjustments.
- Power was \$0.5M favorable in Q1 mainly due to lower than expected electricity prices.
- Other Non Labor \$4.7M favorable in Q1, largely due to delayed expenses for Professional & Technical Service fees (\$3.7M). Clipper Card and Credit Card/Interchange fees are \$0.6M favorable due to lower than expected growth.

**Financial Assistance and Allocations**

- Sales Tax for 1Q grew 4.1% over 1QFY17 and was \$1.2M favorable (2.1% growth budgeted).
- Property Tax, Other Assistance was \$0.6M favorable due to over budget property tax payments and local financial assistance.
- Low Carbon Fuel Standard (LCFS) Program revenue was \$1.4M favorable to budget.
- Capital and Other Allocations were \$0.3M unfavorable to budget due to under budget \$0.8M incremental fare increase revenue, \$0.2M other capital allocation for one-time MET building acquisition costs and \$0.1M non-capital project reclassification to operating; offset by over budget \$0.7M Capital Allocation - Sustainability and \$0.7M Operating Reserves Allocation (LCFS credit), allocated per LCFS Policy.

**Net Operating Result**

- The Net Operating Result for Q1 was favorable by \$8.7M, mainly due to timing of operating expenses and higher tax and financial assistance.

Current Quarter			(\$ Millions)			Year to Date			
Budget	Actual	Var		Budget	Actual	Var			
			<b>Revenue</b>						
123.8	122.8	-0.8%	Net Passenger Revenue	123.8	122.8	-0.8%			
8.8	9.0	2.4%	Parking Revenue	8.8	9.0	2.4%			
7.1	7.5	5.9%	Other Operating Revenue	7.1	7.5	5.9%			
<b>139.7</b>	<b>139.3</b>	<b>-0.3%</b>	<b>Total Net Operating Revenue</b>	<b>139.7</b>	<b>139.3</b>	<b>-0.3%</b>			
			<b>Expense</b>						
134.5	133.6	0.7%	Net Labor	134.5	133.6	0.7%			
0.8	0.0		OPEB Unfunded Liability	0.8	0.0				
10.8	10.3	4.5%	Electric Power	10.8	10.3	4.5%			
7.3	7.2	1.2%	Purchased Transportation	7.3	7.2	1.2%			
29.4	24.7	15.9%	Other Non Labor	29.4	24.7	15.9%			
<b>182.8</b>	<b>175.8</b>	<b>3.8%</b>	<b>Total Operating Expense</b>	<b>182.8</b>	<b>175.8</b>	<b>3.8%</b>			
<b>(43.1)</b>	<b>(36.5)</b>	<b>15.2%</b>	<b>Operating Result (Deficit)</b>	<b>(43.1)</b>	<b>(36.5)</b>	<b>15.2%</b>			
			<b>Taxes and Financial Assistance</b>						
62.9	64.1	1.9%	Sales Tax	62.9	64.1	1.9%			
2.7	3.3	22.9%	Property Tax, Other Assistance	2.7	3.3	22.9%			
4.0	5.4	35.5%	Low Carbon Fuel Std Prog	4.0	5.4	35.5%			
(12.7)	(12.7)	0.0%	Debt Service	(12.7)	(12.7)	0.0%			
(34.0)	(34.3)	-1.0%	Capital and Other Allocations	(34.0)	(34.3)	-1.0%			
0.8	0.0		OPEB Unfunded Liability Offset	0.8	0.0				
<b>23.6</b>	<b>25.8</b>	<b>9.1%</b>	<b>Net Financial Assistance</b>	<b>23.6</b>	<b>25.8</b>	<b>9.1%</b>			
<b>(19.4)</b>	<b>(10.7)</b>	<b>8.7</b>	<b>Net Operating Result</b>	<b>(19.4)</b>	<b>(10.7)</b>	<b>8.7</b>			
76.4%	79.2%	2.8%	<b>System Operating Ratio</b>	76.4%	79.2%	2.8%			
<b>0.373</b>	<b>0.369</b>	<b>1.1%</b>	<b>Rail Cost / Passenger Mile</b>	<b>0.373</b>	<b>0.369</b>	<b>1.1%</b>			

\* Totals may not add due to rounding to the nearest million.

- No Problem
- Caution: Potential Problem/Problem Being Addressed
- Significant Problem





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>3 JAN 2018</i> <i>Phil M. Perrin</i>		GENERAL MANAGER ACTION REQ'D: Review and approve		
DATE: 12/20/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Gov't & Community Relations	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>DLee 1/3/18</i>	<i>[Signature]</i> 1/3/18 [ ]	<i>[Signature]</i> 1/3/18 [ ]	[ ]	<i>[Signature]</i> 1/3/18 [ ]

## Resolution of Authorization for the Execution of the Certifications and Assurances for the California State of Good Repair Program

### PURPOSE:

To obtain Board approval of a Resolution required for the receipt of Senate Bill-1 (SB-1) funds through the State Transit Assistance (STA) State of Good Repair (SGR) Program. For FY17/18, BART will be allocated \$6,102,066 in STA formula funds. BART staff will use these funds to perform Preventative Maintenance at various District facilities.

### DISCUSSION:

The STA State of Good Repair Program will provide annual funds to transit operators in California for eligible transit maintenance, rehabilitation, and capital projects. This Program will benefit the public by providing public transportation agencies with a consistent and dependable revenue source to invest in the upgrade, repair, and improvement of transportation infrastructure, and in turn improve transportation services. As a condition to receiving STA State of Good Repair funds, Caltrans requires the Board of Directors to approve a resolution to formally accept the grant with associated terms and conditions, and designate a District Officer authorized to execute all required documents for participation in the SGR program and any amendments to those documents.

Maintenance & Engineering and Rolling Stock & Shops will work to enhance safety and customer experience, and improve on-time performance. BART staff proposes using the \$6,102,066 in FY17/18 STA State of Good Repair funds for the following preventative maintenance activities:

- Elevator & Escalator maintenance
- Train Control maintenance



- Electrical, Mechanical & Traction Power maintenance
- Track maintenance
- Automatic Fare Collection maintenance
- Facilities maintenance
- Rolling Stock & Shops maintenance on AC Traction Motors, Rail Cars, Battery, Axle Assembly, and Gearbox Assembly

No grant match is required.

**FISCAL IMPACT:**

Approval of the Resolution of Local Support is a Caltrans requirement for the District to receive a FY17/18 formula allocation of State of Good Repair funds in the amount of \$6,102,066. This amount is already included in the adopted FY18 Budget. The action will have no fiscal impact to unprogrammed District Reserves. No local match is required.

**ALTERNATIVES:**

Do not approve the Resolution of Local Support. If the Resolution is not approved, BART will risk loss of the STA State of Good Repair grant funds in the amount of \$6,102,066 and lose the opportunity to perform critical maintenance work on equipment and facilities.

**RECOMMENDATION:**

Adopt the following motion.

**MOTION:**

The BART Board of Directors approves the attached "Resolution of Authorization for the Execution of Certifications and Assurances for the California State of Good Repair Program" and designates the General Manager to execute all required documents for participation in this program. This action will enable the receipt of funds in the amount of \$6,102,066 to perform critical preventative maintenance work on capital equipment and facilities.

**ATTACHMENT I**

**RESOLUTION # \_\_\_\_\_**

**AUTHORIZATION FOR THE EXECUTION OF THE  
CERTIFICATIONS AND ASSURANCES  
FOR THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM**

**WHEREAS**, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT is an eligible project sponsor and may receive State Transit Assistance funding from the State of Good Repair Account (SGR) now or sometime in the future for transit projects; and

**WHEREAS**, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

**WHEREAS**, Senate Bill 1 (2017) named the California Department of Transportation (Department) as the administrative agency for the SGR; and

**WHEREAS**, the Department has developed guidelines for the purpose of administering and distributing SGR funds to eligible project sponsors (local agencies); and

**WHEREAS**, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (District) wishes to delegate authorization to execute these documents and any amendments thereto to the District's General Manager.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all SGR funded transit projects.

**NOW THEREFORE, BE IT FURTHER RESOLVED** that the District's General Manager be authorized to execute all required documents of the SGR program and any Amendments thereto with the California Department of Transportation.

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT:**

**BY:** \_\_\_\_\_  
**President**





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>3 JAN 2018</i> <i>Robert M. Poore</i>		GENERAL MANAGER ACTION REQ'D: No		
DATE: 12/18/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Abigail Thorne-Lyman Dept: Systems Development <i>Abigail Thorne-Lyman</i> Signature/Date: <i>Dec. 29, 2017</i>	General Counsel <i>[Signature]</i> <i>1/2/18</i> [ ]	Controller/Treasurer <i>[Signature]</i> <i>1/2/18</i> [ ]	District Secretary [ ]	BARC <i>[Signature]</i> <i>1/2/18</i> [ ]

### Affordable Housing and Sustainable Communities Grant Application for MacArthur Station

#### PURPOSE:

To obtain authorization to enter into agreements required to apply for and receive funds for transit access improvements from the FY2016-2017 Affordable Housing and Sustainable Communities (AHSC) grant program.

#### DISCUSSION:

The State of California Strategic Growth Council (SGC) and Housing and Community Development Department (HCD) have issued a Notice of Funding Availability for the FY2016-2017 Affordable Housing and Sustainable Communities (AHSC) Grant Program, funded by the Greenhouse Gas Reduction Fund.

BART has twice previously successfully partnered with private developers and used this program to secure improvements that will enhance active transportation access to stations. In this round of funding Satellite Affordable Housing Associates (SAHA) and the City of Oakland ("Applicants") are requesting funds for an affordable housing development at 32<sup>nd</sup> Street and San Pablo Avenue and bicycle lane improvements. BART would be a sub-applicant on this application, requesting \$1,000,000 in funds for Bikeep parking and wayfinding upgrades at MacArthur station ("Transit Related Amenities").

Rather than directly applying for the grant, BART would receive funds through agreements with the Applicants. A side agreement guaranteeing that BART will construct these specified



Transit Related Amenities is required as part of the application submittal, which is due January 16, 2018. Additionally, BART will enter into pass-through agreements and other required agreements if the Applicants are awarded the funds. SGC and HCD are expected to announce grant awards in mid-2018.

The agreements will include provisions indicating: BART will construct these Transit Related Amenities within the four-year timeline of the grant award; BART has previous experience building similar projects; BART will seek reimbursement for costs meeting the requirements of the State's disbursement agreement; if BART fails to build the Transit Related Amenities, the Applicant is authorized to seek permits to construct the Amenities themselves; and a mutual indemnity provision.

All agreements will be approved as to form by the Office of the General Counsel.

**FISCAL IMPACT:**

An award of AHSC grant funds would provide \$1,000,000 in additional funding for capital improvements at the MacArthur station. The additional funding would be matched with \$360,000 of BART funds already allocated to bicycle and wayfinding improvements in prior fiscal years. If neither application is awarded, or if BART chooses not to enter into these agreements, there is no fiscal impact.

**ALTERNATIVES:**

Do not authorize staff to enter into these agreements. BART will not apply for funds from AHSC.

**RECOMMENDATIONS:**

Adopt the following Motion.

**MOTION:**

Authorize the General Manager or her designee to enter into agreements with the Applicants for the FY2016-2017 Affordable Housing and Sustainable Communities grant program as required in order to apply and receive funds for Transit Related Amenities at MacArthur Station.





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>R. M. P.</i> 3 JAN 2018		GENERAL MANAGER ACTION REQ'D:		
DATE: 12/21/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Angie West Dept: Office of the CIO <i>AW</i> Signature/Date: 1/3/18	General Counsel <i>[Signature]</i> 1/3/18 [ ]	Controller/Treasurer <i>[Signature]</i> 1/3/18 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 1/3/18 [ ]

### California Multiple Award Schedules (CMAS) Information Technology Products and Services Purchase Authorization

#### PURPOSE

To authorize the General Manager to utilize the California Department of General Services' Multiple Award Schedules (CMAS) for the procurement of Information Technology (IT) consulting services.

#### DISCUSSION

Through the CMAS program, the State of California maintains a list of Leveraged Procurement Agreements (LPAs) that allows government agencies to contract for IT and non-IT products and services. The State of California authorizes local agencies and districts, including BART, by California Public Contract Code section 10298, to purchase such products and services using contracts awarded by the Department of General Services (DGS).

CMAS contracts offer services at competitive prices based on an existing Federal GSA multiple award schedule and are made available to any agency that expends public funds. These types of agreements establish a pre-qualified list of vendors simplifying the purchasing process for the agencies.

Staff is proposing to use the CMAS program to procure IT consulting services, as an alternative to the District's normal procurement process. Instead of obtaining proposals via a Request For Proposals (RFP), staff will transmit a Request For Offer (RFO) to a minimum



of three (3) CMAS firms, and will select the successful firm(s) using best value criteria. The RFO will include the District's standard form services agreement, and will require firms to submit exceptions to the terms of the agreement with their offers. Staff will work with the Procurement Department, Insurance Department, and Office of Civil Rights to review the agreements for consistency with the District's procurement requirements. The Office of the General Counsel will approve all agreements as to form before execution. CMAS provides the District with a mechanism that allows for a faster response and competitive prices for its Information Technology services needs. IT consulting services agreements through the CMAS program may also be for amounts greater than \$100,000.

The District will be able to apply the District's Small Business (SB) Program subject to the provisions of the SB program.

### **FISCAL IMPACT**

No specific funding is committed to the procurement. All procurements pursuant to this authorization will be subject to the requirement that funds be identified with the concurrence of the Controller-Treasurer's office.

### **ALTERNATIVES**

The alternative is to limit the Office of the CIO to purchasing IT consulting services using the District's standard procurement procedures.

### **RECOMMENDATION**

Adopt the following motion:

### **MOTION**

The General Manager is authorized to utilize the California Department of General Services' Multiple Award Schedules for the procurement of Information Technology consulting services in any amount, until such time that the State of California ceases the CMAS program, subject to the availability of funding.





# EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>3 JAN 2018</i> <i>R. M. P.</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 10/25/2017		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Jerry Lockett Dept: Maintenance and Engineering	General Counsel	Controller/Treasurer	District Secretary	BARC
Signature/Date: <i>Jerry Lockett</i> <i>1/2/18</i>	<i>[Signature]</i> <i>1/2/18</i> [ ]	<i>[Signature]</i> <i>1/2/18</i> [ ]	[ ]	<i>[Signature]</i> <i>1/2/18</i> [ ]

## Graffiti Removal Services Districtwide- 6M3371A

**PURPOSE:** To obtain Board authorization for the General Manager to award Agreement No. 6M3371A to Impec Group, to provide Systemwide Graffiti Removal Services.

**DISCUSSION:** Graffiti removal and restoration services are required to maintain the BART and eBART assets that are subject to vandalism, such as passenger stations, parking garages, signage, intermodal structures, and maintenance shops.

Historically these services have been performed by a contractor. Impec Group, which provided services under the prior agreement, and has been successful in responding and removing, reported graffiti within the same day. This work would not be duplicated in any form; Agreement No. 6M3371A is for removal and restoration of surfaces. District forces will continue to cover or paint over graffiti where appropriate. This Agreement is for three (3) years, with two (2) one year options.

On September 9, 2017, RFP No. 6M3371A was advertised in several publications and subsequently posted in the District's vendor portal. Twenty two (22) prospective proposers downloaded the RFP documents to become plan holders. The RFP indicated that two awards could be made resulting from the RFP, one for the East Bay Work Locations and the other for the West Bay Work Locations. A pre-proposal meeting was held on September 15, 2017 and four (4) prospective proposers attended. On October 17, 2017, the District received two (2) proposals from the following companies:

1. Impec Group of Santa Clara, California



## 2. Portland Graffiti Removal of Portland , Oregon

The Source Selection Committee consisting of representatives from Maintenance and Engineering and the Office of Civil Rights, chaired by Procurement Department, was convened on Friday October 20, 2017. The Committee reviewed the two proposals for responsiveness to the requirements of the RFP and then conducted a technical evaluation of the proposals for compliance with the minimum technical requirements set forth in the RFP. Only the proposal from Impec Group was determined to be technically acceptable, because the proposal from Portland Graffiti Removal did not meet all of the minimum technical requirements established for the RFP. As a result, only the price proposal from Impec Group was opened. That proposal is as follows:

Total Year 1 for both East Bay and West Bay: \$653,571.60

Total Year 2 for both East Bay and West Bay: \$679,749.84

Total Year 3 for both East Bay and West Bay: \$712,505.22

Total Base Three Years for both East Bay and West Bay: \$2,045,826.66

### Optional Years

Total Year 4 for both East Bay and West Bay: \$777,741.36

Total Year 5 for both East Bay and West Bay: \$819,974.95

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprise (MBEs) and 2.8% for Women Business Enterprises (WBEs). Impec Group will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Contract for Small Businesses certified by the California Department of General Services. Impec Group is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference.

**FISCAL IMPACT:** FY18 Funds source is Maintenance and Engineering Operating Budget Account 680-230. The proposed Agreement will not result in any operating costs above the current year's adopted budget. Subsequent years will be included in proposed operating budgets for fiscal years 2019 through 2022, subject to the approval by the Board.

**ALTERNATIVES:** To not award this Agreement for services would lead to unsightly District facilities, fostering more vandalism in these locations.

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

**MOTION:** The General Manager is authorized to award Agreement No. 6M3371A, Graffiti Removal Service Districtwide in the amount not to exceed \$2,045,826.66, to Impec Group, pursuant to notification to be issued by the General Manager and subject to the District's Protest Procedures.

The General Manager is also authorized to exercise the option for Year 4, in the amount not to exceed \$777,741.36 and the option for year 5, in the amount not to exceed \$819,974.95.



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** Board of Directors

**DATE:** January 5, 2018


**FROM:** General Manager

**SUBJECT: Overview of the Existing Comprehensive Agreement between VTA and BART for the Santa Clara County BART Extension (2001)**

As BART and VTA work together to deliver the BART Extension to Santa Clara County, BART staff will be providing regular updates to the Board of Directors on the status of key milestones in the implementation of this important regional project.

The first of these updates is the attached presentation which outlines key provisions in the existing BART/VTA Comprehensive Agreement (2001). This information will provide a foundation for understanding the relationship between the two agencies pertaining to the operation and maintenance of the Phase I Silicon Valley Extension to Berryessa and as well as the environmental approval process, design, and construction of the Phase II Silicon Valley Extension to Santa Clara

If you have any questions about the attached information, please contact Robert Powers, Deputy General Manager at 510-464-6126.

  
\_\_\_\_\_  
for Grace Crunican

Attachments

Cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff





## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>5 JAN 2018</i> <i>Rbt M. Poon</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/21/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept: Systems Development	General Counsel <i>[Signature]</i> 1/4/18 [ ]	Controller/Treasurer <i>[Signature]</i> 1/4/18 [ ]	District Secretary [ ]	BARC <i>[Signature]</i> 1/4/2018 [ ]
Signature/Date: <i>Joseph M Basuino 1-4-2018</i>				
Status: Routed		Date Created: 11/21/2017		

### Amendment to Facility Services Agreement for Stationary Engineering Services at 101 8th Street with ABM Industry Groups, LLC

**PURPOSE:** To request the Board of Directors to authorize the General Manager or her designee to amend an existing agreement that provides building engineering services for the Joseph P. Bort Metro Center located at 101 8<sup>th</sup> Street, Oakland, CA.

**DISCUSSION:** BART purchased the Joseph P. Bort Metro Center from the Metropolitan Transportation Commission (“MTC”) on June 22, 2017. The building maintenance staff was comprised of MTC employees who were re-assigned to the MTC’s new headquarters at 375 Beale St., San Francisco, CA after BART became the new owner.

The Metro Center is a four-story office building comprising of approximately 118,000 square feet of gross area. The building has the typical equipment found in similar office buildings including but not limited to: chillers, condensing units, water heaters, air handling units, air conditioning for server rooms, sewage pumps, storm water pumps, fire alarms, fire sprinklers, elevators and other related equipment.

The third floor and a portion of the second floor of the building are used as BART's police headquarters. The police dispatch center occupies a portion of the ground floor. A majority of the first floor is rented to two non-profit organizations which include Asian Health Services and the East Bay Asian Local Development Corporation. The existing kitchen is proposed to be subleased to a café and catering company. Due to the police operations, this building will be in operation 24 hours per day, 365 days per year.



Because of the use of the building and the building's age, the decision was made to retain a chief level building engineer from facility management provider ABM Industry Groups, LLC to manage the building systems for six months. The Chief Building Engineer has temporarily replaced the two maintenance workers, both MTC employees, who previously maintained the building. BART is in the process of securing a long term professional services contract for building engineering services and is anticipated to be awarded in the spring. To bridge the gap, it is recommended that the agreement for the Chief Building Engineer is extended for an additional six months.

**FISCAL IMPACT:** The \$110,000 operating cost for the six-month extension to the contract with ABM Industry Groups, LLC will be funded with existing funds in Real Estate and Property Development Department's adopted Fiscal Year 2018 operating budget, account 681300- Professional and Technical Services.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:** Do not approve the current agreement and have a combination of BART staff and outside vendors implement building repairs as components break down.

**RECOMMENDATION:** Adopt the following Motion:

**MOTION:** The General Manager or her designee is authorized to amend the current Facility Service Agreement with ABM Industry Groups, LLC for an additional six months at a cost of \$110,000.