

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

BOARD MEETING AGENDA

April 14, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, April 14, 2016, in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

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

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

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

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

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

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

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

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

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

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

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of March 24, 2016 (Regular), and March 31, 2016 (Special).* Board requested to authorize.
- B. Agreement with Aquitas Solutions, for Maximo Health, Safety and Environment Implementation Project (Agreement No. 6M4495).* Board requested to authorize.
- C. Award of Contract No. 15QL-130, Maintenance Yards Surface Improvement - ODY.* Board requested to authorize.
- D. Award of Invitation for Bid No. 8970A, Escalator Handrails.* Board requested to authorize.
- E. Award of Invitation for Bid No. 8995, Yard Disconnect Switches.* Board requested to authorize.

3. PUBLIC COMMENT – 15 Minutes

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

4. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Fiscal Year 2016-17 Preliminary Budget Overview.* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Contract No. 05EA-110, BART Downtown Berkeley Plaza Improvement Project.* Board requested to authorize.
- B. Award of Contract No. 15LN-120, O & K Escalator Controller Replacement and Limited Renovation.* Board requested to authorize.
- C. Sole Source Procurement with Dailey and Wells Communications, Inc., for Harris Radio Equipment.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)

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

Director Raburn, Chairperson

- A. Millbrae Station Development.
 - i. Millbrae Transit Oriented Development Project Update.* For information.
 - ii. Extension of Exclusive Negotiating Agreement with Republic Millbrae, LLC, for Potential Development of Property Located at the BART Millbrae Station.* 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. Proposed Ordinance to Prohibit Patrons from Utilizing More Than One Seat during Commute Hours.* Second Reading. Board requested to enact. (Director Keller's request.)
- B. 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.)
- 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.)
- D. 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 REAL PROPERTY NEGOTIATORS
 - Property: Property Located at the Millbrae BART Station
 - District Negotiators: Robert Powers, Assistant General Manager, Planning, Development, and Construction; and Sean Brooks, Department Manager, Real Estate and Property Development
 - Negotiating Parties: Urban Republic and San Francisco Bay Area Rapid Transit District
 - Under Negotiation: Price and Terms
 - Government Code Section: 54956.8

11. OPEN SESSION

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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

Board of Directors
Minutes of the 1,758th Meeting
March 24, 2016

A regular meeting of the Board of Directors was held March 24, 2016, convening at 9:02 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Josefowitz.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of March 3, 2016 (Special), and March 10, 2016.
2. Resolution Consolidating 2016 District Elections.
3. Proposed Revisions to Rules of the Board of Directors.
4. Resolution of Local Support for a Transit Performance Initiative-Incentive Program Application for the Concord Shop Wheel Truing Facility Project.
5. Award of Contract No. 15EL-172, Fiber Optics Installation on the C-Line and R-Line.
6. Award of Invitation for Bid No. 8991, Hi Rail Swing Crane 180 Degrees.

Director Raburn requested that Item 2-E, Award of Contract No. 15EL-172, Fiber Optics Installation on the C-Line and R-Line, be removed from Consent Calendar. Director Mallett made the following remaining motions as a unit. Director Saltzman seconded the motions, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

1. That the Minutes of the Meetings of March 3, 2016 (Special), and March 10, 2016, be approved.
2. Adoption of Resolution No. 5314, Resolution of the Board of Directors of the San Francisco Bay Area Rapid Transit District Requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to Provide for the Consolidation of a District Election, Electing Members of the Board of Directors, with the State of California General Election, to Be Held on November 8, 2016.

3. That the Board of Directors adopt the addition of Board Rule 3-2.11, Display of Electronic Voting; and Board Rule 3-3.2, Recording of Committee Meetings.
4. Adoption of Resolution No. 5315, In the Matter of the Approval of a Resolution of Local Support for a TPI-Incentive Project Application for the Concord Shop Wheel Truing Facility Project.
5. That the General Manager be authorized to award Invitation for Bid No. 8991, for the procurement of Hi Rail Swing Cranes 180 Degrees, three each, to Swingmaster, Franklin Park, IL, in the amount of \$1,352,670.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

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

President Radulovich brought the matter of Award of Contract No. 15EL-172, Fiber Optics Installation on the C-Line and R-Line, before the Board. Mr. Reza Hessabi, Acting Division Manager, Traction Power Engineering, presented the item. Director Blalock moved that the General Manager be authorized to award Contract No. 15EL-172, for fiber optic installation on the C-Line and R-Line, to Rosedin Electric, for the Bid price of \$1,590,789.05, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and the Federal Transportation Administration's requirements related to protest procedures. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

President Radulovich called for Public Comment. The following individuals addressed the Board.

John Chiang
 Julia Liou
 Joshua Simon
 Alan Lee
 Ted Dang

President Radulovich 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.

Assistant General Manager Paul Oversier gave a report on Power Distribution Problems on Pittsburg/Bay Point Line. The report was discussed.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of Agreement with Bartel Associates, LLC, to Provide Actuarial Consulting Services (Agreement No. 6M4424) before the Board. Ms. Diane Iwata, HR Manager, Employment & Classification, presented the item. Director Murray moved that the General Manager be authorized to award

Professional Services Agreement No. 6M4424, for actuarial consulting services, to Bartel Associates, LLC, of San Mateo, CA, for a period of five years, in an amount not to exceed \$489,500.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures, and to exercise options to extend the Agreement for up to two additional one-year periods, for an additional combined amount of \$238,100.00. Director Mallett seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

President Radulovich announced that the order of agenda items would be changed.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of North Concord/Martinez Station Area Update before the Board. Mr. Sean Brooks, Department Manager, Real Estate and Property Development, and Mr. Guy Bjerke, Director of Community Reuse Planning for the City of Concord, presented the item. The item was discussed.

Director McPartland, Chairperson of the Engineering and Operations Committee, brought the matter of Change Order to Contract No. 40FA-110, Procurement of Transit Vehicles, with Bombardier Transit Corporation, for Passenger Information System Enhancements (C.O. No. 21), before the Board. Mr. John Garnham, Group Manager, Rail Vehicle Capital Program, presented the item. The item was discussed.

Director Keller exited the Meeting.

Director Mallett moved that the General Manager or her designee be authorized to execute Change Order No. 021, Passenger Information System Enhancement, to Contract No. 40FA-110, Procurement of Transit Vehicles, in the amount of \$4,249,350.00, plus escalation and sales tax. 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 Josefowitz and Keller.

Director McPartland brought the matter of New Transit Vehicle Procurement Project Update before the Board. Mr. Oversier and Mr. Garnham presented the item.

Director Keller re-entered the Meeting.

The item was discussed.

Director Raburn brought the matter of Pleasant Hill Bike Station Project before the Board. Mr. Steve Beroldo, Manager of Access Programs, presented the item. Director Murray moved that the General Manager or her designee be authorized to execute a lease agreement with PHVP I LP for approximately 2,380 square feet of commercial space for a Bike Station at 1001 Harvey Way, Walnut Creek, California, 94597 (Pleasant Hill BART Station), for a five-year base term; and that the General Manager or her designee also be authorized to execute a change order to Management Services Agreement No. 6M6063, for the Bike Station operation. Director Saltzman seconded the motion. The item was discussed. The motion carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

Director Raburn brought the matter of Change Orders to State and Federal Legislative Advocacy Agreements for Extension of Time before the Board. Mr. Roddrick Lee, Department Manager, Government and Community Relations, presented the item. The item was discussed. Director Saltzman moved that the General Manager or her designee be authorized to execute the following change orders: 1) A two-year extension to Agreement No. 6M7152, with Schott & Lites Advocates, for state legislative advocacy services, to April 1, 2018, for a total cost not to exceed \$235,896.00; and 2) A two-year extension to Agreement No. 6M7153, with CJ Lake, LLC, for federal legislative advocacy services, to April 1, 2018, for a total cost not to exceed \$504,000.00. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes – 8: Directors Blalock, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Absent – 1: Director Josefowitz.

President Radulovich announced that the Board would enter into closed session under Item 11-A (Conference with Labor Negotiators) of the regular Meeting agenda, and that the Board would reconvene in open session at the conclusion of that closed session.

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

The Board Meeting reconvened in closed session at 12:21 p.m.

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

Absent: Director Josefowitz.

Director Saltzman exited the Meeting.

The Board Meeting recessed at 1:50 p.m.

The Board Meeting reconvened in open session at 1:52 p.m.

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

Absent: Directors Josefowitz and Saltzman. Director Blalock entered the Meeting later.

President Radulovich announced there was no announcement to be made on Item 11-A.

President Radulovich brought the matter of Quarterly Report of the Controller/Treasurer for Periods Ending September 30, 2015, and December 31, 2015, before the Board. Ms. Rose Poblete, Controller/Treasurer, presented the item. The item was discussed.

President Radulovich called for Board Member Reports, Roll Call for Introductions, and In Memoriam items.

Director Raburn reported he had attended the American Public Transportation Association Legislative Conference in Washington, DC.

Director Blalock reported he had attended the South Hayward BART Station Access Authority meeting.

Director McPartland reported he had attended the South Hayward BART Station Access Authority meeting.

President Radulovich requested the Meeting be adjourned in memory of the victims of the recent bombings in Brussels and Ankara.

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

The Meeting was adjourned at 2:08 in memory of the victims of the recent bombings in Brussels and Ankara.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,759th Meeting
March 31, 2016

A special meeting of the Board of Directors was held March 31, 2016, convening at 1:36 p.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

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

Absent: Director Mallett. Director McPartland entered the Meeting later.

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

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

The Board Meeting recessed at 1:37 p.m.

The Board Meeting reconvened in closed session at 1:40 p.m.

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

Absent: Director Mallett.

Director Blalock exited the Meeting.

The Board Meeting recessed at 4:19 p.m.

The Board Meeting reconvened in open session at 4:20 p.m.

Directors present: Director Radulovich.

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

President Radulovich announced that the Board had concluded its closed session, and that there was no announcement to be made.

The Meeting was adjourned at 4:20 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeKouge</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/6/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Monina Salonga Dept. Office of the CIO <i>MS</i> Signature/Date: 4/1/2016	General Counsel <i>[Signature]</i> 4/1/16 []	Controller/Treasurer <i>[Signature]</i> 4/1/16 []	District Secretary []	BARC <i>[Signature]</i> 4-4-16 []

Status: Routed	Date Created: 01/29/2016
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TITLE:
Award of Professional Services Agreement No. 6M4495, Maximo Health, Safety and Environment Implementation Project

NARRATIVE:

Purpose:

To authorize the General Manager to award Professional Services Agreement No. 6M4495, Maximo Health, Safety and Environment (HSE) Implementation Project, to Aquitas Solutions of Roswell, GA in the amount of \$406,750.00 (including all taxes)

Discussion:

This Agreement is for the implementation of the Maximo Health, Safety and Environment (HSE) Software Application System to support the District's Safety Strategy. The proposed system will replace the current system which is no longer able to adequately support, evaluate and measure the efficacy of BART's Safety processes.

The HSE project will create an agency wide central platform that integrates health, safety and environmental processes with work and asset management. This initiative will improve safety processes and provide a more reliable system to monitor safety performance. The project will also help to establish a sustainable and scalable technology platform that can evolve with the District's needs.

The immediate goals and benefits of the Maximo HSE System include the following:

1. Improved safety incident tracking;
2. Assistance with the analysis of recurring incidents including root cause;
3. Traceability of historical incidents and corrective actions;
4. Association of job plans and work orders to applicable regulations as a means of ensuring regulatory compliance.

In November 2015, a Request for Proposals for Agreement No. 6M4495 was sent to nine (9)

firms including Minority and Small Business firms, identified by the Office of the Civil Rights. Three (3) firms submitted Proposals as follows:

<u>Proposer</u>	<u>Business Location</u>	<u>Proposed Price</u>
Aqitas Solutions	Roswell, GA.	\$406,750.00
Interloc Solutions, Inc.	Folsom, CA.	\$295,975.00
Ontracks Consulting	St. Louis, MO.	\$417,582.00

These Proposals were reviewed and evaluated by a selection committee chaired by the Office of the Chief Information Officer (CIO) with representatives from the following departments: Safety, Operations Planning, Maintenance & Engineering and Rolling Stocks and Shops. The committee determined that the Proposal submitted by Aqitas Solutions had the best overall value to the District based on its technical score and proposed price.

The scores were based on the Vendors' proposals, capability to provide the services specified and experience in implementing the Maximo Health, Safety and Environment (HSE) application. The results showed the following:

- Aqitas has demonstrated specialized expertise in implementing HSE desktop solutions, as well as extended HSE for additional safety measures
- Aqitas demonstrated an understanding of BART safety processes superior to the other vendors
- Aqitas was able to demonstrate the use of dashboards and reports useful to Safety superior to other vendors
- Although Interloc has the lowest proposed price, it was unable to provide client references for HSE implementation
- Interloc failed to demonstrate expertise in implementing HSE desktop solution
- Ontracks has a similar level of expertise with Aqitas, but their proposed price is higher

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this contract are 16% for Minority Business Enterprises and 20% for Woman-owned Business Enterprises. The bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. The responsive bidder, Aquitas Solutions, is not a certified Small Business and therefore is not eligible for the 5% small business preference.

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

Fiscal Impact:

Funding of \$406,750 for the award of Agreement No. 6M4495 is included in the total project budget for Project 65FB000 – Maximo HSE Implementation. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation:

F/G 8526 – FY14 Operating Alloc to Capital \$406,750

As of 02/18/2016 \$480,000 is available for this project. BART has expended \$0.00 and committed \$0.00 and reserves \$0.00 to date for other actions. This action will commit \$406,750 leaving an uncommitted balance of \$73,250 in this project.

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

Alternatives:

Do not approve Professional Services Agreement with Aquitas Solutions for the Maximo Health, Safety and Environment (HSE) System implementation. Doing so will delay the opportunity to provide the District with an agency-wide platform to capture and analyze Safety data.

Recommendation:

It is recommended that the Board adopt the following motion:

Motion:

The General Manager is authorized to award Professional Services Agreement No. 6M4495 to Aquitas Solutions of Roswell, GA for implementation of the Maximo Health, Safety and Environment (HSE) System Project, for the proposed price of \$406,750.00 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to April 14, 2016 E&O Committee Meeting		
DATE: 4/7/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed T Tafaghodi Dept: M&E <i>[Signature]</i> Signature/Date: 3/22/16	General Counsel <i>[Signature]</i> 3/22/16 []	Controller/Treasurer <i>[Signature]</i> 3/22/16 []	District Secretary []	BARC <i>[Signature]</i> 4/7/16 []

TITLE:

Award Contract No. 15QL-130 Maintenance Yards Surface Improvement-ODY

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 15QL-130, Maintenance Yards Surface Improvement-ODY to Golden Bay Construction, Inc. of Hayward, California.

DISCUSSION: This Contract is to provide all labor, equipment, materials, and services required for access roadway repair, repaving and drainage work at the Daly City Yard, as indicated in the Contract documents.

An Advance Notice to Bidders was e-mailed on January 19, 2016 to one hundred three (103) prospective Bidders. On January 17, 2016, Contract books were mailed to twenty three (23) plan rooms. The Contract was advertised on January 23, 2016 and on January 24, 2016 in a number of trade publications. A pre-Bid meeting was held on January 29, 2016, with two (2) prospective Bidders attending the meeting. Three (3) entities purchased the Contract Book.

A single Bid was received on February 23, 2016 by Golden Bay Construction, Inc. (Golden Bay) of Hayward, California:

BIDDER	LOCATION	TOTAL BID
Golden Bay Construction, Inc.	Hayward, CA	206,171.00
Engineer's Estimate		\$205,000.00

District staff has determined that Golden Bay's Bid of \$206,171.00 is responsive to the solicitation and is fair and reasonable based on the Engineer's Estimate. Furthermore, staff's review of Golden Bay's license, business experience, and financial capabilities has resulted in a determination that Golden Bay is a responsible Bidder.

In addition, staff has determined that the Contract Work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Section 15301, Existing Facilities, because it consists of the repair and minor alterations of existing facilities involving no expansion of use.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability

percentages for this Contract are 23% for Minority-owned Business Enterprises (MBEs) and 12% for Woman-owned Business Enterprises (WBEs). Golden Bay will not be subcontracting any Work and will do all the Work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. Golden Bay is a certified Small Business making it eligible for the preference; however, the Small Business preference was not applied to Golden Bay since it was the only Bidder.

FISCAL IMPACT:

Funding of \$206,171.00 for the award of Contract No. 15QL-130 is available in project budget 15QL-000, Maintenance Yards Surface Improvements. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

The following table depicts funding assigned to the referenced project since March 2014, and is included in totality to track funding history against spending authority.

Fund Group	Total Awarded
BART Operating Allocation to Capital	2,924,393.34
Grand Total	2,924,393.34

As of March 3, 2016, the total project budget is \$2,924,393.34. BART has expended \$1,960,393.46, committed \$98,519.04 and reserved zero dollars (\$0.00) to date for other actions. This action will commit \$206,171.00, leaving an uncommitted balance of \$659,309.84.

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

ALTERNATIVE: The Board may elect to reject all Bids and authorize staff to rebid the Work of this Contract. There is no assurance, however, that a new solicitation would result in Bids lower than the amount of the current Bids received. Delay in commencing the refurbishment Work may actually lead to increased repair costs.

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

MOTION: The General Manager is authorized to award Contract No. 15QL-130, Maintenance Yards Surface Improvement-ODY to Golden Bay Construction, Inc., of Hayward, California for the Bid price of \$206,171.00, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Michael Lemon</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/7/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Lemon Dept: <i>Michael Lemon</i> 3/23/16	General Counsel <i>[Signature]</i> 3/23/16 []	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>[Signature]</i> 7/7/16 []

TITLE:

IFB 8970A Escalator Handrails

NARRATIVE:

ESCALATOR HANDRAIL

PURPOSE: To request Board authorization to award Invitation For Bid No. 8970A to EHC Canada, Inc (d.b.a EHC Global), in the amount of \$171,449.62 (includes all taxes) for the purchase of Escalator Handrails.

DISCUSSION: Escalator handrails are required for all 177 escalators throughout the District. Escalators cannot operate without serviceable handrails. These proposed new handrails will be used as spare parts to replace worn or damaged handrails.

This is a three (3) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, the District is required during the term of the contract to purchase a minimum 50 percent of the contract amount. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150 percent of the contract amount, subject to availability of funding.

A notice requesting bids was published on June 22, 2015 and bid requests were mailed to seven (7) prospective bidders. Bids were opened on July 14, 2015 and three (3) bids were received. EHC Canada Inc. submitted two (2) bids.

<u>Bidder</u>	<u>Unit Price</u>	<u>Grand Total Including 9.5% Sales Tax</u>
EHC, Canada, Inc. Oshawa, Canada	\$156,575.00	\$171,449.62
EHC, Canada, Inc. Oshawa, Canada	\$164,475.00	\$180,100.12
Porta-Flex Mfg Ajax, Ontario, Canada	\$446,275.00	\$488,671.12

Independent cost estimate by BART Staff: \$500,000.00

The District's Non-Discrimination for Subcontracting Program does not apply to Emergency Contracts, Sole Source Contracts and Contracts under \$50,000 or any Invitation for Bid. Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses (SB) certified by the California Department of General Services (DGS). It was determined that there were no small businesses certified by the DGS among the responsive bidders and therefore the Small Business Program's prime preference does not apply.

Staff has determined that the apparent low bidder, EHC Canada, Inc., submitted two (2) responsive bids. The lower price of the two bids offers, for bid items five (5) and six (6), a urethane thermo plastic handrail material which BART staff deems an acceptable, superior substitute for chlorosulfonated polyethylene. Staff has also determined that the Bid Pricing is fair and reasonable based on adequate price competition. The logic for the disproportioned independent cost estimate is due to handrail vulcanizing (splicing). In past handrail contracts, the District has contracted the vulcanizing services to the handrail supplier. Presently our internal elevator escalator forces are training to accept these responsibilities and as a result, the bids assume that the vulcanizing will not be required.

FISCAL IMPACT: Funding for this contract in the amount of \$171,449.62 will initially be funded by the General Fund, Materials and Supplies Inventory build-up account (140-010). Subsequent funding for this contract when the materials are issued to operations will be provided by the Elevator Escalator department, Repair and Other account (680-230). Funding for the out year portions of the contract will be requested in future Elevator Escalator department operating budgets and expenditures and will be subject to future board approval.

ALTERNATIVE: Reject all bids and readvertise. In this case, the District will not have sufficient replacement escalator handrails available to maintain escalators in serviceable condition, or to replace worn out, broken, vandalized handrails in a timely manner. This may result in shutting down District escalators at great inconvenience to BART patrons. Past experience indicates that rejecting all bids and inviting new bids is not likely to result in significantly lower bids.

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

MOTION: The General Manager is authorized to award IFB No. 8970A, an estimated quantity contract for Escalator Handrails, to EHC Canada, Inc for an amount of \$171,449.62 pursuant to notification to be issued by the General Manger, subject to compliance with the District's Protest Procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board	
DATE: 4/7/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Reza Hessabi Dept: Maintenance & Engineering <i>Reza Hessabi</i> Signature/Date: 4/4/16	General Counsel <i>V. B. M.</i> 4/4/16 []	Controller/Treasurer <i>[Signature]</i> 4/4/16 []	District Secretary BARC <i>[Signature]</i> 4/7/16

Status: Approved	Date Created: 03/21/2016
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TITLE:
Award Invitation for Bid No. 8995, 2.5kA Manual Operated Yard Disconnect Switches and Junction Boxes

NARRATIVE:

PURPOSE:

To request Board authorization to award Invitation for Bid (IFB) No. 8995 to Filnor, Inc. (Filnor) of Alliance, Ohio, in the amount of \$275,275.00, including all applicable sales tax, for the purchase of 2.5kA Manual Operated Yard Disconnect Switches and Junction Boxes.

DISCUSSION:

IFB No. 8995 will procure Sixty-Five (65) 2.5kA Manual Operated Yard Disconnect Switches and Junction Boxes. These switches enable and disable 1000V third rail power to yard storage and spur tracks. These new switches will replace existing switches which have been in service for over twenty years and are beyond the end of their useful life. The new switches will be consistent with the latest BART requirements for better field operations and provide more reliability power delivery within the BART system.

A notice requesting Bids for IFB No. 8995 was published on February 23, 2016 and bid requests were mailed to three (3) prospective bidders. The sole Bid was opened on March 8, 2016 and one (1) bid was received.

<u>Bidder</u>	<u>Grand Total including 10% Sales Tax</u>
Filnor Inc.	\$275,275.00

Independent cost estimate by BART Staff: \$357,500.00

BART Staff has determined that the sole Bid submitted by Filnor is a responsive bid. Staff has also determined that the bid price is fair and reasonable based on Staff's independent cost estimate. Furthermore, examination of Filnor's business experience and financial capabilities shows a satisfactory condition.

DBE GOAL:

Pursuant to the District’s Disadvantaged Business Enterprise (DBE) Program, the Office of Civil Rights is utilizing race and gender neutral efforts for IFB contracts. Therefore, no DBE goal was set for this contract.

FISCAL IMPACT:

Funding of \$275,275 for the award of IFB#8995 is included in the total project budget for FMS #15EI600 – 34.5Kv Rectifier – Transformer. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority.

As of March 21, 2016, \$7,032,408 is available for this project from the following sources:

Fund Number	Fund Description	Fund Source	Funded Amount
3001	FTA CA-05-0253 FY11 Capital Improvements	FTA	\$1,200,000
3401	FTA CA-05-0263 FY12 Capital Improvements	FTA	\$800,000
347X	FTA CA-05-0211 FY06 Capital Improvements	FTA	\$3,040,000
347Z	FTA CA-05-0216 FY07 Capital Improvements	FTA	\$101,273
3602	FTA CA-54-0007 FY13 Capital Improvements	FTA	\$400,000
6018	FY11-12 Project Match MTC Res#4044	Regional	\$200,000
850W	FY00-06 Capital Allocation	BART	\$760,000
850Z	Capital Maint. Allocation	BART	\$53,450
851W	FY07-11 Capital Allocation	BART	\$177,685
8523	Capital Surcharge - Station to Station	BART	\$300,000
Total			\$7,032,408

BART has expended \$4,606,588, committed \$177,287 and reserved \$1,034,971 to-date for other actions. This action will commit \$275,275 leaving an available fund balance of \$938,287 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE:

Reject bid and re-advertise the Contract. This is not likely to result in better competition or lower prices and would delay the critical ongoing replacement of the disconnect switches and junction boxes.

RECOMMENDATION:

It is recommended that the Board adopt the following Motion:

MOTION:

The General Manager is authorized to award IFB No. 8995, for the Procurement of 2.5kA Manual Operated Yard Disconnect Switches and Junction Boxes to Filnor Inc. of Alliance, Ohio in the amount of \$275,275.00, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and the Federal Transit Administration's requirements related to protests procedures.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

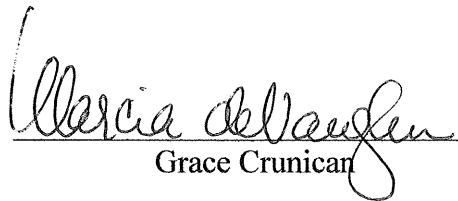
DATE: April 8, 2016

FROM: General Manager

SUBJECT: Administration Agenda Item #4-A: Fiscal Year 2017 Preliminary Budget Overview – For Information

At the Board of Directors meeting on April 14, 2016, staff will present the attached presentation covering the FY17 Preliminary Budget, which provides a brief overview of the FY17 Budget that was detailed in the March 31, 2016 Preliminary Budget Memo.

If you have any questions please contact Carter Mau at (510) 464-6194.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia S. Hanger</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: <i>4/7/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Scott Smith Dept: Planning, Development and Construction	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>[Signature]</i>
Signature/Date: <i>SR:K 4/4/16</i>	<i>4/3/16</i> []	<i>4/4/16</i> []	[]	<i>4/7/16</i> []

TITLE:

Award Contract No. 05EA-110, BART Downtown Berkeley Plaza Improvement Project

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No. 05EA-110 to USS Cal Builders for the Bid price of \$7,628,400.00.

DISCUSSION: This Contract provides for the construction of the redesigned plaza at the Downtown Berkeley BART station. The Plaza Improvement Project will provide site improvements, new plaza paving, improved circulation and plaza furnishings, and a new Main Entrance Headhouse enclosure. In addition, the Contract will provide new bus shelters, wayfinding at the plaza and throughout the BART station, LED lighting, and treatment of all on site stormwater through bio-retention planters and landscaping.

The District provided advanced notice to 106 prospective Bidders on 12/29/2015 and Contract Documents were sent to 24 plan rooms. The Contract was advertised on January 4, 2016 in local publications. A total of 18 firms purchased copies of the Contract Documents. A pre-Bid meeting was conducted on January 21, 2016 with 12 prospective Bidders attending the meeting. Five (5) Bids were received and were publicly opened on March 8, 2016. The Bids received and the Engineer's Estimate are shown below:

Bidder	Location	Total Base Bid Price	Total Base Bid Price with Options 1-7
USS Cal Builders	Stanton, CA	\$7,628,400.00	\$9,470,900.00
Shimmick Construction Company, Inc.	Oakland, CA	\$8,408,000.00	\$9,818,000.00
Thompson Builders Corporation	Novato, CA	\$8,617,600.00	\$11,290,600.00
ProVen Management	Berkeley, CA	\$10,793,000.00	\$12,468,000.00
Blocka Construction, Inc.	Fremont, CA	\$12,372,000.00	\$17,036,000.00
Engineer's Estimate		\$6,995,000.00	\$9,240,000.00

After review by District staff, the Bid submitted by USS Cal Builders has been deemed to be responsive to the solicitation. Furthermore, a review of this Bidder's license, business experience, and financial capabilities has resulted in a determination that the Bidder is

responsible and that the Total Base Bid Price of \$7,628,400.00 is fair and reasonable. In addition, staff has determined that it is in the District's best interest to exercise Bid Options 1 through 7 which would provide for additional improvements to the plaza and the station entrances. Bid Options 1-4 would address improvements to each of the secondary entrances outside of the plaza, Bid Option 5 would provide additional bike parking around each of the entrances, Bid Option 6 would provide stairs at the Main Entrance, Bid Option 7 would provide an art treatment to the glass on the Main Entrance as well as the secondary plaza entrance and the bus shelters. Accordingly, in addition to recommending award of the Contract, staff requests the Board's authorization for the General Manager to exercise Options 1 through 7, subject to certification from the Controller/Treasurer of the availability of funding for those Options.

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 20% was set for this Contract. The low bidder, USS Cal Builders, committed to subcontracting 29.5% to DBEs.

FISCAL IMPACT:

Funding of \$7,628,400.00 is included in the total budget for Project 05EA001 – Berkeley Station Entrance & Plaza Improvements. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project since March 2011, and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

Fund Group	Total Awarded
Various FTA Grant Sources	\$3,182,432.02
State Prob1B & Local Area Grants including Measure F	\$8,722,360.00
BART Operating allocation to Capital	\$1,058,247.98
Grand Total	\$12,963,040.00

As of March 29, 2016, \$12,963,040.00 is the total budget for this project. BART has expended \$2,652,770.00, and has committed \$1,756,248.00 to date for other actions. Award of the Contract will commit \$7,628,400.00, thus leaving an available balance of \$925,622.00 remaining in fund resources for this project. Exercise of Options 1 through 7 would require \$1,842,500. There are insufficient funds to cover all seven options available to BART at this time. The award of each of the Options 1-7 will be approved only if the funds are certified as available by the Controller-Treasurer and Capital Development Control certifies the eligibility of funds for each Option awarded.

ALTERNATIVES: To reject all bids and readvertise. Readvertising the Contract would delay the District's ability to provide improvements for the Downtown Berkeley Plaza and is unlikely to result in lower pricing.

RECOMMENDATION: Based on analysis by Staff, it is recommended that the Board adopt the following Motion:

MOTION: The General Manager is authorized to award Contract No. 05EA-110, to USS Cal Builders for the Bid price of \$7,628,400, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and FTA requirements related to protests. In addition, and subject to certification from the Controller/Treasurer of the availability of funding, the General Manager is authorized to exercise Options 1 through 7 for \$1,842,500 consistent with the requirements of the Contract.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia delBueno</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: <i>4/7/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Matthew Sloan Dept: Electrical and Mechanical Engineering	General Counsel <i>[Signature]</i> <i>4/5/16</i>	Controller/Treasurer <i>[Signature]</i> <i>4/4/16</i>	District Secretary <i>[Signature]</i> <i>4/7/16</i>	BARC <i>[Signature]</i> <i>4/7/16</i>
Signature/Date: <i>MSloan 4/4/16</i>				

Status: Approved	Date Created: 03/28/2016
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TITLE:

Approve Bid for Contract No. 15LN-120: O&K Escalator Controller Replacement and Limited Renovation

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15LN-120, O&K Escalator Controller Replacement and Limited Renovation.

DISCUSSION:

Contract No. 15LN-120 provides for the installation of new escalator controllers and other associated devices and the installation of specified electrical and mechanical upgrades to twelve (12) Orenstein & Koppel (O&K)-manufactured escalators located at six (6) San Francisco stations. The O&K escalators are approximately nineteen years old and do not currently meet the District's reliability standards. The existing escalator controllers make troubleshooting difficult and time-consuming for technicians. Procurement of parts for many of the existing escalator subsystems is difficult because O&K is no longer in business.

Advance Notice to Bidders was mailed on February 10, 2016 to thirteen prospective bidders and the Contract was advertised on February 12, 2016 in the Daily Pacific Builder and the San Francisco Examiner. A Pre-Bid meeting and site visit were conducted on February 24, 2016, with two prospective bidders attending. No addenda were issued.

One Bid was received and publicly opened on March 15, 2016. The Bid and the Engineer's Estimate are as follows:

Bidder	Location	Total Bid
Excelsior Elevator Corporation	Santa Ana, CA	\$2,922,790.00
Engineer's Estimate		\$2,932,000.00

The sole Bidder's total Bid is less than 1.0% below the Engineer's Estimate of \$2,932,000.00 and Engineering has determined that the cost differential of (\$9,210.00)

is reasonable. Excelsior Elevator Corporation's proposal conforms in all material respects to the requirements of the Contract Book and, accordingly, their Bid is considered responsive to the terms of the Contract. Engineering has also determined that Excelsior Elevator Corporation is a Certified Qualified Conveyance Company, has the expertise and experience to perform the work specified in the Contract, and is therefore a responsible Bidder.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this contract are 23% for Minority Business Enterprises and 12% for Woman-owned Business Enterprises. The Bidder will not be subcontracting any work and will do all work with its own forces. Therefore, the District's Non-Discrimination for Subcontracting Program does not apply.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% prime preference for this Contract for Small Businesses certified by the California Department of General Services. Although Excelsior Elevator Corporation is a certified Small Business, the Small Business preference was not applied since Excelsior Elevator Corporation is the only Bidder.

FISCAL IMPACT:

Funding of \$2,922,790 for the award of Contract No. 15LN-120 is included in total project budget for FMS No. 15LN000 – Escalator Reliability Improvement (Project). The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the Project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of the listed sources.

As of March 29, 2016, \$8,281,942 is available for this Project from the following sources:

Fund No.	Fund Description	Source	Amount
535A	FY10-11 Prop 1B - PTMISEA	State	2,100,000.00
8202	SLS TX Revn Bond Fund	BART	118,499.00
8205	1995 Sales Tax Bond Revn Bond	BART	26,284.00
8206	1998 Sales Tax Bond Revn Bond	BART	338,027.00
8207	1999 Sales Tax Bond Revn Bond	BART	64,924.00
8302	1999 Bond Interest	BART	1,425,867.00
850B	FY82/85 Capital Alloc	BART	2,303.00
850W	FY00-006 Capital Alloc	BART	36,038.00
8524	FY12 Operation Alloc to Capital	BART	4,170,000.00
Total			8,281,942.00

BART has expended \$2,585,760, committed \$413,799 and reserved \$0 to date for other action. This action will commit \$2,922,790 leaving an available fund balance of \$2,359,593 in this Project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board may reject the single Bid for this Contract, however, advertising again is not likely to produce more favorable bids.

RECOMMENDATIONS:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15LN-120, O&K Escalator Controller Replacement and Limited Renovation, to Excelsior Elevator Corporation for the Bid amount of \$2,922,790.00, pursuant to notification to be issued by the General Manager.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D: Review and Approve		
DATE: 4/7/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Melvin Ellis Jr Dept: Maintenance & Engineerings <i>Melvin Ellis Jr</i> / 4/6/16	General/Counsel <i>[Signature]</i> 4/6/16 []	Controller/Treasurer <i>[Signature]</i> 4/6/16 []	District Secretary []	BARC <i>[Signature]</i> 4/7/16 []

TITLE:

Sole-Source Procurement For Project 79LT000 Mobile Radio Purchase

NARRATIVE:

PURPOSE: To obtain Board approval by a two-thirds member vote that Dailey and Wells Communications, Inc. is the sole source of supply for Harris mobile radios and that the purchase of this equipment is for the sole purpose of replacing outdated equipment in use at the District; and for the Board to authorize the General Manager to enter into negotiations and execute a sole-source contract with Dailey and Wells Communications, Inc. in accordance with Public Contract Code Section 20227, to purchase mobile radios pursuant to the requirements of Project 79LT000, Mobile Radio Purchase.

DISCUSSION: BART currently uses approximately 500 mobile radios for communications with both revenue and non-revenue vehicles. Most of these mobile radios have been in continuous service since 2000 and have exceeded their expected life span. Repair parts are difficult to obtain or are no longer available. Project 79LT000 will replace a large number of these radios and specifically will replace approximately 150 mobile radios used in the revenue train vehicles that will continue to be in service over the next few years as we transition into the new fleet of revenue train vehicles. BART's existing 800 MHz radio system, manufactured by Harris Corporation, uses proprietary radio equipment. Harris is the sole manufacturer of radio equipment compatible with BART's radio system. Dailey and Wells Communications, Inc. is the only authorized distributor of Harris parts and equipment on the West Coast and is the sole vendor for Harris radios.

The District's Non-Discrimination for 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 did not set availability percentages for this contract.

With this EDD, staff is proposing to purchase approximately 300 units of Harris mobile radio model XG-75M

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

FISCAL IMPACT: Funding of \$1,450,000 for the award of mobile radio procurement is included in the total project budget for the FMS#79LT000 - Mobile Radio Purchase Project. The Office of the Controller/Treasurer certifies that the funds are currently available to meet this

obligation.

As of March 10th, 2016, \$1,450,000 is available from the following source:

F/G 8529 – FY15 Bart OP to Capital (BOAC)
\$1,450,000

BART has expended \$0, committed \$0 and reserved \$0 to date for other actions. This action will commit \$1,450,000 leaving an available balance of \$0 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES: The only alternative is to not replace the old and outdated mobile radios and subject the District to operational delays and potentially safety issues due to a lack of proper communications.

RECOMMENDATIONS: On the basis of analysis by staff and certification by the Controller/Treasurer that funds are available for this purpose, it is recommended that the Board adopt the following motion:

MOTION: The Board finds by two-thirds member vote that in accordance with Public Contract Code 20227, Dailey and Wells Communications, Inc. is the single source of supply for Harris radio equipment, the only equipment which is compatible with the BART 800 MHz radio system, and that this procurement is for the purpose of replacing old and outdated equipment in use at the District. The Board authorizes the General Manager to enter into direct negotiations with Dailey and Wells Communications, Inc. to provide approximately 300 units of model XG-75M mobile radios pursuant to the requirements of Project 79LT000, for a total price not to exceed \$1,450,000, including applicable taxes.

(Two-thirds member vote required)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carca Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 7/8/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sean Brooks Dept: Real Estate and Property Development, x. 6114	General Counsel <i>[Signature]</i> 7/8/16 []	Controller/Treasurer <i>[Signature]</i> 7/8/16 []	District Secretary []	BARC <i>Powers</i> 8 APRIL 2016 []
Signature/Date: <i>Sean Brooks</i>				
Status: Approved		Date Created: 04/08/2016		

TITLE:

Millbrae ENA Extension

NARRATIVE:

PURPOSE: To obtain Board authorization to extend an Exclusive Negotiation Agreement with Republic Millbrae, LLC, relating to potential development of property located at the BART Millbrae station, for an additional 12 months.

DISCUSSION: On February 14, 2013, the Board of Directors authorized staff to enter into an exclusive negotiating agreement (ENA) with Republic Millbrae LLC (RUP), and to advance a transit-oriented development (TOD) on the site of the Millbrae Intermodal Station's parking lots. The Board passed a motion providing that "the General Manager be authorized to enter into exclusive negotiations with [RUP] for potential development of property located at the BART Millbrae Station, with an initial term of eighteen (18) months; and that the negotiations include effort on behalf of the District to ensure inclusionary zoning in the project, consideration of relocating bus bays to the west side of the station, reconsideration of the policy of one-for-one parking replacement, that the developer be required to develop an access plan to demonstrate that the reduction of parking is justified, and that the intention be clear that the goal is to build the best transit-oriented development project in the Bay Area."

Following execution of the ENA in April, 2013, an effort was initiated to formulate a plan for development of the property. On October 19, 2014, the Board of Directors authorized an 18-month extension of the ENA. The Board of Directors subsequently convened to consider matters relating to the proposed Millbrae TOD in a closed session on March 12, 2015, in an open session on October 22, 2015, and in a closed session on December 3, 2015. Since that time, the City of Millbrae has approved the Millbrae Station Area Specific Plan (MSASP) and has certified the related Environmental Impact Report (EIR), of which the BART property and proposed TOD is a subset.

Over the past two years, RUP has worked with staff to facilitate the project goals and has assisted in modifying the development plan by increasing commercial and residential density, adding affordable housing and a hotel, reducing and unbundling parking, and facilitating station access mode shift. RUP submitted its Site Development Plan to the City of Millbrae on March 21, 2016 and is awaiting comment. The City plans to transmit comments to RUP on the Site Development Plan within approximately 30 days.

In parallel, BART continues to work with RUP, the City of Millbrae and other stakeholders in developing a Station Access Plan that will implement strategies to maximize station access and transit ridership. BART and RUP are also in the process of defining a professionally-managed, on-site Transportation Demand Management (TDM) program and a shared parking program.

The following is a summary of next steps expected within the coming twelve months:

- City comments on Site Development Plan to be transmitted to RUP
- BART to complete Station Access Plan with input from RUP, City of Millbrae, and other stakeholders
- BART and RUP to finalize TDM Program and shared parking program
- RUP submittal of updated Site Development Plan to Millbrae
- Millbrae Planning Commission review of Site Development Plan
- Millbrae City Council review of fiscal impact report and related documents
- BART Board of Directors review of proposed development and transaction

FISCAL IMPACT: There will be staff time involved in continuing the effort of negotiating the terms and defining the scope and phasing of the development.

ALTERNATIVES: Do not pursue private development at the Millbrae Station at this time. This action would result in a missed opportunity to advance a TOD, improve access and bring new riders and revenue to the District.

RECOMMENDATION: It is recommended that the following motion be adopted:

MOTION: The General Manager or her designee is hereby authorized to extend the exclusive negotiating agreement (ENA) with Republic Millbrae, LLC for potential development of property located at the BART Millbrae Station, for an additional term of twelve months. Staff is directed to provide the Board with status reports on the project every three months.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** April 7, 2016
FROM: General Counsel
SUBJECT: Proposed one ticket one seat ordinance

At the March 10th meeting, the Board of Directors discussed an ordinance proposed by Director Keller to limit patrons to using only one seat while riding BART trains. The Board had varied comments and requested the proposed ordinance be brought back to a future meeting with revisions that reflected the discussion.

At Director Keller's request, the proposed ordinance has been revised to reflect many of those comments. The ordinance is now written to only apply during weekday commute hours, periods during which the trains are expected to be crowded (6-10 a.m and 3-7:30 p.m) . The requirement of a warning being issued prior to any citation is also now expressly included. Finally, Director Keller proposes that the ordinance not be effective until 6 months following its adoption to enable the District to educate the public of both the issue and the upcoming rule, as well as to permit the police department adequate time to develop a policy of enforcement that can be reviewed by the Board of Directors prior to the implementation date of the ordinance. During this 180 day period the District will also monitor the effectiveness of enforcement of senior/disabled seating rules in San Francisco.

Please call me if you have any questions.

DRAFT MOTION:

The Board adopts Ordinance 2016-1 regarding prohibiting patrons from utilizing more than one seat during commute hours. Such ordinance shall not be effective until 180 calendar days following its passage. During this 180 day period the District shall educate the public about the upcoming rule change, develop an enforcement policy to be reviewed by the Board and study the practicality of extending the ordinance to enforce senior and disabled priority seating.

ORDINANCE NO. 2016-1

AN ORDINANCE OF THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT TO PROHIBIT PATRONS WITHIN TRAIN CARS FROM UTILIZING MORE THAN ONE SEAT DURING COMMUTE HOURS WHENEVER SUCH TRAIN CARS ARE WITHIN THE COUNTIES OF ALAMEDA, CONTRA COSTA AND THE CITY AND COUNTY OF SAN FRANCISCO.

WHEREAS, the San Francisco Bay Area Rapid Transit District has a substantial interest in promoting the comfort and safety of its patrons utilizing BART as a means of transportation; and

WHEREAS, the San Francisco Bay Area Rapid Transit District desires to make its services available to the widest ridership possible and to do so while facilitating the greatest degree of comfort possible; and

WHEREAS, ridership on BART trains has soared in recent years while the number of trains has remained largely static; and

WHEREAS, seating as many patrons as possible minimizes the likelihood of injuries that can arise when infirm or off-balance standing patrons encounter sudden stops or starts; and

WHEREAS, making seats available to as many patrons as possible also relieves crowding in train aisleways which may lead to rider fatigue, discomfort, altercations and occasionally medical emergencies; and

WHEREAS, the San Francisco Bay Area Rapid Transit District consequently has a substantial interest in prohibiting the use of the limited seating capacity of its train cars for the mere placement or storage of a patron's bags, luggage, clothing, pets and other possessions; and

WHEREAS, the payment of a fare does not entitle a patron to use more than one seat within a train car at the expense of others being forced to stand; and

WHEREAS, Public Utilities Code Section 28793 authorizes the Board to pass ordinances; and

WHEREAS, Public Utilities Code Section 28763 authorizes the Board to do any and all things necessary to carry out the purposes of the District; and

WHEREAS, the Board has determined that the adoption of this ordinance, in the absence of adequate State laws, is necessary to preserve the health and safety of BART riders;

NOW THEREFORE, be it enacted by the Board of Directors of the San Francisco Bay Area Rapid Transit District: (Public Utilities Code Section 29795)

SECTION I. Chapter 9 of the San Francisco Bay Area Rapid Transit District Ordinance Code is hereby adopted and made a law of the District as follows:

Section 9.10 Findings and declaration.

The San Francisco Bay Area Rapid Transit District Board of Directors does find that:

The heightened usage of the BART system, particularly at peak period of train service, and the delays caused by infirm patrons suffering fatigue and other ailments while riding BART justify the adoption of reasonable regulations to make every possible seat available to passengers during commute hours rather than for bags, luggage, packages and other possessions. It is hoped that this ordinance will encourage patrons to be considerate of their fellow riders and, if voluntary compliance fails, to authorize BART Police to act with the legal tools necessary to fulfill this ordinance's objectives.

Section 9.20 Definitions.

The following words and phrases, whenever used within this ordinance and this chapter, shall be construed as defined in this section:

Seat. The term "seat" as used herein references any one of the surfaces provided on BART trains to accommodate a passenger's vertical repose, normally consisting of a surface approximately 20 inches wide by 20 inches deep. The term is also inclusive of the backrest of the seating surface and handrest(s) associated with a particular seat.

Commute hours. The term "commute hours" as used herein references the weekday periods between 6:00 a.m. and 10:00 a.m., and between 3:00 p.m. and 7:30 p.m.

Section 9.30 Prohibition on the Use of more than one seat per patron.

The payment of a BART fare shall be understood to entitle each paid rider to occupy no more than one seat of the train, and the use of more than one train seat during commute hours shall subject the violator to the penalties established by this ordinance when within the BART District.

Section 9.31 Affirmative Defenses to being found in violation of this ordinance.

Those who by virtue of their soma type or physique must occupy more than one seat are exempt from the aforementioned one-fare-one seat rule. In addition, those who may suffer from medical ailments or other physical limitations that warrant the reasonable use of more than one seat shall not be deemed to be in violation of this ordinance.

Section 9.40 Limitation of Remedies.

In enacting and implementing this ordinance, the San Francisco Bay Area Rapid Transit District is only undertaking to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

Section 9.50 Preemption.

Nothing in this ordinance shall be interpreted or applied so as to create any power, duty or obligation in conflict with, or preempted by, any Federal or State law. Even if not preempted by Federal or State law, the provisions of this Chapter shall not apply if the Federal or State law is more restrictive toward the practices, activities and/or uses banned herein. If the Board of Directors determines that a provision included herein has become preempted by Federal or State law, that preempted provision shall be automatically rescinded from this Chapter. Such rescission shall not affect the validity of the remaining portions of this Chapter.

Section 9.60 Penalties.

Prior to any citation being issued for violation of this ordinance, a warning shall have been previously given to the subject individual. Record of the previous warning shall be retained by the Police Department.

Any person found to be in violation of any provision of this ordinance or Chapter shall be guilty of an infraction, and may be punishable by:

- (a) A fine, not exceeding one hundred dollars (\$100.00), for the first violation;
- (b) A fine, not exceeding two hundred dollars (\$200.00), for a second violation of this ordinance or Chapter within one year;
- (c) A fine, not exceeding five hundred (\$500.00), for each additional violation of this ordinance or Chapter within five (5) years.

Section 9.70 Statutory Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter.

Section 9.80 Liberal Construction.

It is the intention of the Board of Directors that this Chapter shall be liberally construed to accomplish its remedial objectives and to be compatible with Federal and State enactments.

SECTION II. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III. This ordinance shall be and the same is hereby declared to be in full force and effect from and after one hundred eighty (180) days after the date of its passage and shall be published once before

the expiration of fifteen (15) days after said passage, with the names of the Directors voting for or against the same, in a newspaper of general circulation published in the Counties of the District. (Public Utilities Code Sections 28794)

In regular session of the Board of Directors of the San Francisco Bay Area Rapid Transit District introduced on the 10th day of March, 2016, and finally passed and adopted this ___ day of April, 2016, on regular roll call of the members of said Board by the following vote:

Directors:

Murray: Keller: Saltzman: Raburn: McPartland: Blalock: Mallett: Josefowitz: Radulovich:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

President, Board of Directors

(Public Utilities Code Section 28796)

ATTEST:

Ken Duron

District Secretary

(Public Utilities Code Section 28796)