

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

BOARD MEETING AGENDA

July 14, 2016

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, July 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 Meeting of July 5, 2016 (Special).* Board requested to authorize.
- B. Recruitment and Relocation for the Positions of Department Manager, Human Resources, Deputy Police Chief, and General Superintendent, eBART Operations.* Board requested to authorize.
- C. Services for Recruitment of Candidates for District Positions.* Board requested to authorize.
- D. Award of Contract No. 15QH-200, Site Improvements at Castro Valley Station.* Board requested to authorize.
- E. Award of Invitation for Bid No. 9001, Stainless Steel Capped Aluminum Contact Rail.* Board requested to authorize.
- F. Appointments to the AB716 Transit Security Advisory Committee.* 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. Agreement with San Francisco State University (SFSU) to Offer BART Fare Discount Program to SFSU Students.* Board requested to authorize.
- B. Agreement with Toshiba Business Solutions, for Rental of Digital Monochrome Copy Machines (Agreement No. 6M4493).* Board requested to authorize.
- C. Agreement with Securian Financial Group, Inc., for Life and Accidental Death and Dismemberment Insurance (Agreement No. 6M4500).* Board requested to authorize.

- D. Resolution of Intention to Amend CalPERS Contract to Include Purchases of Service Credit.* Board requested to adopt.
- E. Amendment to Legal Services Agreement with Glynn & Finley.* Board requested to authorize.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Award of Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades.* Board requested to authorize.
- B. Agreement with International Contact, Inc., for Language Translation and Interpretation Services (Agreement No. 6M5107).* Board requested to authorize.
- C. Change Orders to Contract No. 15PE-120, Earthquake Safety Program R Line P-377 to P380 Structure Upgrade, with Zovich & Sons, for Differing Site Conditions (C.O. No. 14 and C.O. No. 15).* Board requested to authorize.
- D. Change Order to Contract 79HM-120, SFTS MB, with Manson Construction Company, Inc., for Modification of Structural Anchorages (C.O. No. 20, Part 2).*
- E. Warm Springs Extension Project: Semi-Annual Project Update.* For information.*

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

Director Raburn, Chairperson

- A. BART Art Program Update.* For information.

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 Revision to Rules of the Board of Directors: Chapter III, Section 2, Board Meetings.* For information. (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. PUBLIC EMPLOYMENT:

Agency Negotiators: Directors Radulovich, Murray, and Saltzman
Title: Independent Police Auditor
Gov't. Code Sections: 54957

B. CONFERENCE WITH NEGOTIATORS:

Designated Representatives: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, ,
Murray, Raburn, Saltzman, and Radulovich
Title: Independent Police Auditor
Gov't. Code Sections: 54957.6

C. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Grace Crunican, General Manager; Carter Mau, Assistant
General Manager, Administration and Budget; and Carol
Isen, Chief Employee Relations Officer
Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal
Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021;
and
(6) Service Employees International Union, Local 1021,
BART Professional Chapter
(7) Unrepresented employees (Positions: all)
Government Code Section: 54957.6

D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Name of Case: Hart vs. BART
Case No: RG15792784 (Alameda County)
Gov't. Code Sections: 54956.9(a)

11. OPEN SESSION

A. Compensation and Benefits for Independent Police Auditor.

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

Board of Directors
Minutes of the 1,767th Meeting
July 5, 2016

A special meeting of the Board of Directors was held July 5, 2016, convening at 10:01 a.m. in the Board Room, 344 20th Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Keller, McPartland, Murray, and Radulovich.

Absent: None. Directors Josefowitz, Mallett, Raburn, and Saltzman entered the Meeting later.

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

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

The Board Meeting recessed at 10:02 a.m.

The Board Meeting reconvened in closed session at 10:04 a.m.

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

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

Director Josefowitz entered the Meeting.

Director Mallett entered the Meeting.

The Board Meeting recessed at 12:00 p.m.

The Board Meeting reconvened in closed session at 12:54 p.m.

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

Absent: None.

Director Blalock exited the Meeting.

The Board Meeting recessed at 2:51 p.m.

The Board Meeting reconvened in open session at 2:52 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 12:52 p.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Alberca Delaude</i>		GENERAL MANAGER ACTION REQ'D: Board Approval and Authorization		
DATE: 7/8/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patrice McElroy Dept: Human Resources	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 7-8-16	7/8/16 []	7/8/16 []	[]	7-7-16 []

TITLE:

EMPLOYEE RECRUITMENT AND RELOCATION FOR THE POSITIONS OF DEPARTMENT MANAGER, HUMAN RESOURCES, DEPUTY POLICE CHIEF & GENERAL SUPERINTENDENT EBART OPERATIONS

NARRATIVE:

PURPOSE:

To obtain Board authorization for a national recruitment and relocation agreement to assist the District with filling the positions of Human Resources, Department Manager, Deputy Police Chief and the General Superintendent, eBART Operations.

DISCUSSION:

On March 11, 1993, the Board adopted Resolution 4487, requiring Board approval prior to any recruiting activity to employ a person who is not a current District employee for an annual salary of \$50,000 or more. The resolution also states that the District should confine its recruiting to the State of California, consistent with provisions of the law, and that no relocation or moving expenses would be offered to new employees without prior Board approval.

The Department Manager, Human Resources, Deputy Police Chief and General Superintendent, eBART Operations are senior management positions that require specialized skills derived from unique managerial/technical experience and education, which are critical to the District's progress in the Human Resources, eBART DMU Operations and public safety arena respectively.

Specifically, the Department Manager, Human Resources, under the direction of the Assistant General Manager, Budget and Administration, will provide strategic leadership and direction relating to human resources polices and programs including staffing, classification and compensation, benefits, employee services (attendance management, Workers' Compensation, Employee Assistance, mandatory drug testing programs) and human resources information systems.

The Deputy Police Chief provides the lead support within the Police Department to the Chief of Police. The position is responsible for providing day to day supervision and direction through subordinate supervisors for one or more bureaus in the Police Department. In addition, the incumbent will be accountable for accomplishing division goals and objectives as it relates to the public safety area.

The General Superintendent, eBART Operations will play a crucial role in getting the eBART

system up and running. The position will be responsible for providing direction and oversight for all eBART program development and start up activities including development and implementation of operating rules and training programs, engineer training and operations, dispatch and field supervisory plans and programs and all other aspects of transportation and field management of the eBART service. Additionally, once in revenue operation, the incumbent will assist and support the Chief Operating Officer in the supervision and coordination of the day-to-day operation of the eBART rail system.

The expertise of a recruiting firms that have a deep familiarity with policing, rail operations as well as human resources in a transportation environment, as well as with recruiting sources and prospects will constitute a resource beyond that which is available internally. Likewise, the ability to offer relocation assistance in the event that one or more successful candidates are not from the immediate area will enhance the District's competitive posture in these searches.

By adopting this motion, the Board will authorize staff to use an executive search firm for the recruitment. The objective in using a search firm is to increase the candidate pool and identify highly qualified applicants. The District will conduct an informal request for proposals from at least three (3) national search firms for each position. In both recruitment work plans, every effort is made to locate qualified individuals in California and the San Francisco Bay Area in particular. However, recruitment will not be confined to California.

Staff's intent is to enter into a search agreement for each position. Proposals will be solicited from firms that have: 1) expertise in transit and/or public sector recruitment for management positions with a focus on human resources, rail transit or policing expertise; 2) an ability to provide timely customized searches on a national scale; 3) acceptable business references; 4) the ability to meet the terms of agreement; and 5) price and fee structure. Interested firms will be required to provide a search plan summary document outlining search tasks, a proposed fee structure and estimated time of completion.

The Board's action will allow for executing a relocation agreement within the parameters of current District practice as provided in Management Procedure 70. This procedure sets a maximum reimbursement for relocation at \$18,000 and it does not allow for reimbursement for loss on sale of residence.

FISCAL IMPACT:

The costs, including search firm fees and any subsequent relocation agreements, will come from the FY'17 Operating Budget of the Human Resources Department, Police Department and the Operations Executive Office.

ALTERNATIVE:

Fill the positions using in-house District recruitment resources.

RECOMMENDATION:

Adopt the following motion:

Board Approval and Authorization

MOTION:

That the General Manager or her designee is authorized, in conformance with established District procedures governing the procurement of professional services, to obtain executive search services to identify suitable candidates both inside and outside of California for the positions of Department Manager, Human Resources, Deputy Police Chief and General Superintendent, eBART Operations. In addition, the General Manager is authorized to enter into a relocation agreement, if necessary, in an amount not to exceed \$18,000 for each position, in accordance with Management Procedure Number 70, New Employee Relocation Expense Reimbursement.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Patricia DeBlauwe</i>		GENERAL MANAGER ACTION REQ'D: Board Approval and Authorization		
DATE: 7/8/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Patrice McElroy Dept: Human Resources	General Counsel	Controller/Treasurer	District Secretary	BARC
<i>Patrice McElroy</i> Signature/Date: 7-8-16	<i>[Signature]</i> 7/8/16 []	<i>[Signature]</i> 7/8/16 []	[]	<i>[Signature]</i> 7-7-16 []
Status: Routed		Date Created: 07/02/2016		

TITLE:

DISTRICT RECRUITMENT SOURCING SERVICES

NARRATIVE:

PURPOSE:

The purpose of this item is to obtain Board authorization to allow the General Manager to enter into an agreement with one or more agencies for the purpose of recruiting for specialized engineering positions as further discussed below.

DISCUSSION:

On March 11, 1993, the Board adopted Resolution 4487, requiring Board approval prior to any recruiting activity to employ a person who is not a current District employee for an annual salary of \$50,000 or more. The resolution also states that the District should confine its recruiting to the State of California. Accordingly, staff has sought approval prior to engaging a third party recruiter for any position.

Historically, the District has generally confined its third party recruiting to senior management and executive positions, relying on staff resources to publicize most District vacancies. However, staff has found certain highly technical positions in the areas of maintenance and engineering to be difficult to fill. The positions require skills, experience and knowledge that are relatively scarce in the local labor pool; some are even in short supply nationally. These include in particular engineering specialization in computer systems, track maintenance, traction power, train control and other transit-specific areas. The District brought a similar request to the Board in May 2013. The request and subsequent approval allowed the District to procure sourcing services which is a segment of the full recruitment services that we are requesting now. Upon approval the District worked with recruitment firms to provide the applicants for both engineering and information technology positions. However once the applicants were identified the District proceeded using staff to conduct the selection process. This was successful initially but the growth of capital projects has created a back log in vacancies that the District can no longer handle.

To address the back log District staff will expand the use of specialized sourcing firms for

recruiting and processing of these difficult to fill engineering positions. The District will ensure that the selected firms will follow all Office of Civil Rights policies as established by the Federal Transit Administration as positions are filled. These firms, unlike the executive search firms more typically used, charge a fixed fee for each candidate hired. Staff's preliminary discussions suggest that the fee will be about \$10,000 - \$15,000 for each hire. These costs will be absorbed by the operating budgets of the departments for which recruiting will occur.

By adopting this motion, the Board will authorize staff to engage the services of one or more specialized sourcing firms with experience and expertise in filling hard to fill engineering and professional technical positions. It is intended that this effort will serve as an expanded pilot program involving approximately thirty positions. This will allow the District to assess the value of using outside firms for this purpose and could be the model used to expedite hiring should there be a significant need in the future.

The selected sourcing firm(s) will be required to provide the District with a minimum number of qualified candidates for each position requested within a defined time frame; conduct a selection process, coordinated and monitored by District staff, to include testing such as written exams, practical assessments, and panel interviews. The cost for each placement is estimated at \$10,000 to \$15,000. The maximum expenditure under this authorization is \$500,000.

The firms selected will be procured in accordance with the District's policies and procedures. The sourcing firm(s) will be required to focus their efforts on individuals within California, specifically the San Francisco Bay Area. However, the recruitments will not be confined to California.

The District will conduct an assessment no later than the conclusion of this initial authorization to determine the effectiveness of this approach. If the findings are positive and should staff determine that a continuation of this approach is necessary in the future staff will return to the Board for authorization.

The Office of the General Counsel will approve any and all solicitation documents and agreements as to form.

FISCAL IMPACT:

The costs for the sourcing services are estimated not to exceed \$500,000; with a cost range of \$10,000 to \$15,000 for each successful placement. The recruiting department would be responsible for the costs associated with the outsourcing. Funding for the recruitment sourcing services will come from the FY17 operating and/or capital budget of the hiring department. Funding, if necessary, in out years would be requested in future preliminary operating budget cycles.

ALTERNATIVE:

Continue to identify candidates for these specialized technical positions using the District's in-house recruitment resources with or without relocation assistance. This approach may delay filling key positions, which in turn delays project completion.

RECOMMENDATION:

Adopt the following motion:

MOTION:

That the General Manager or her designee is authorized, in conformance with established District procedures governing the procurement of professional services, to obtain District recruitment sourcing services, to identify qualified candidates for positions identified by the Human Resources Department. The cost of the sourcing services will not exceed an aggregate amount of \$500,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeBarden</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to July 14, 2016 E&O Committee Meeting		
DATE: 7/6/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Hamed T Tafaghodi Dept: M&E <i>Hamed Tafaghodi</i> Signature/Date: 6/30/16	General Counsel <i>[Signature]</i> 6/30/16 []	Controller/Treasurer <i>[Signature]</i> 6/29/16 []	District Secretary []	BARC <i>[Signature]</i> 7/5/16

TITLE:

Award of Contract No. 15QH-200 Improvements at Castro Valley Station

NARRATIVE:

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 15QH-200, Improvements at Castro Valley Station to Golden Bay Construction, Inc. of Hayward, California.

DISCUSSION: The work of this Contract consists of providing all labor, equipment, materials, and services required for repaving and restriping the parking lots at the Castro Valley Station. The work also includes ADA access improvements and sidewalk repairs. The existing pavement has reached the end of its useful life.

The District provided Advance Notice to one hundred ninety-five (195) prospective bidders, and plans were sent to twenty (20) Plan Rooms. The Contract was advertised on April 8, 2016. A total of six (6) firms purchased copies of the contract documents. A pre-bid meeting was held on April 28, 2016 with two (2) prospective Bidders in attendance. One (1) addendum was issued for this Contract. Bids were publicly opened on June 14, 2016. A total of two (2) Bids were received and publicly opened on June 14, 2016. Tabulation of the Bids, including the Engineer's Estimate, is as follows:

No.	BIDDER	LOCATION	TOTAL BID
1	Golden Bay Construction, Inc.	Hayward, CA	\$988,891.00
2	Thompson Builders Corporation,	Novato, CA	\$1,939,151.00
	Engineer's Estimate		\$983,068.00

After review by District staff, Golden Bay Construction's (Golden Bay) Bid was deemed to be the lowest Bid that was responsive to the solicitation. Examination of Golden Bay's license, business experience, and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's Bid of \$988,891.00 is fair and reasonable.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 23% for Minority Business Enterprises and 12% for Women-owned Business Enterprises. The Bidder will not be subcontracting any portion of the

Work and therefore, the provisions of 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. The lowest responsive Bidder, Golden Bay is a certified Small Business thus making it eligible for the Prime Preference. Since Golden Bay is the lowest responsive Bidder, and is eligible for the 5% Small Business Prime Preference, the application of the Small Business Program will not alter the award to Golden Bay.

District staff has determined that this 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.

FISCAL IMPACT: Funding of \$988,891 for Contract # 15QH-200 is included in total project budget for FMS # 15QH000 – Repair Sidewalks SWD. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed. As of June 23, 2016 \$16,559,522 is available for this project from the following sources:

Fund Group	Amounts
Various State & Local Grand Sources	\$1,886,407
BART Operating Allocation to Capital	\$14,673,115
Total	\$16,559,522

BART has expended \$7,976,687, committed \$639,880 and reserved \$1,375,912 to date for other action. This action will commit \$988,891 leaving an available fund balance of \$5,578,152 in this project. There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize Staff to re-advertise the Contract. There is no assurance that new Bids would yield lower prices. Failure to proceed with the Contract would delay the repaving work.

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

MOTION: The General Manager is authorized to award Contract No. 15QH-200, Improvements at Castro Valley Station to Golden Bay Construction, Inc. for the Bid Price of \$988,891.00, 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 send to the Board	
DATE: 7/6/16		BOARD INITIATED ITEM: No	
Originator/Prepared by: Bruce King Dept. Mechanical Engineering	General Counsel	Controller/Treasurer	District Secretary
<i>[Signature]</i> 7/5/16	<i>[Signature]</i> 7/5/16	<i>[Signature]</i> 7/5/16	<i>[Signature]</i> 7/5/16
Status: Routed		Date Created: 05/07/2015	

TITLE:
Award of Invitation for Bid No. 9001 for Stainless Capped Aluminum Contact Rail, Splice Joints, Feeder Kits, Anchor Cable Kits, Low Speed Ramps, and Expansion Joints

NARRATIVE:
PURPOSE: To request Board authorization to award Invitation for Bid No. 9001 to Conductix-Wampfler, Inc., of Omaha, NE, in the amount of \$543,446.42 (inclusive of all taxes) for the purchase of stainless capped aluminum contact rail and appurtenances.

DISCUSSION: Contact rail is used throughout the BART system to deliver 1000 volt direct current to revenue vehicles.

This is a one (1) year estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the Contract, the District is required to purchase from the supplier a minimum amount of 50% of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150% of the contract bid price, subject to availability of funding.

A notice requesting bids was published on April 26, 2016 and bid requests were mailed to Four (4) prospective bidders. Bids were opened on June 14, 2016 and three (3) bids were received. Trans Tech submitted two (2) bids, including the numerically lowest bid. That bid, however, omitted the required shunt cables assembled onto on expansion joints, and was, as a result, deemed non responsive.

Bidder	Grand Total including 10% Sales Tax
1. Conductix-Wampfler, inc., Omaha, NE	\$543,446.42
2. Trans Tech, Inc., Piedmont, SC	\$544,099.60
3. Trans Tech, Inc., Piedmont, SC*	\$483,590.80 (non-responsive)
Engineer's Estimate	\$672,528.24

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

Staff has determined that the apparent low bidder, Conductix-Wampfler, Inc., submitted a responsive bid. Staff has also determined that the bid pricing is fair and reasonable based on competitive bids received, and on BART's recent experience purchasing similar material under

IFB No. 8957.

FISCAL IMPACT:

Funding of \$543,446.42 for the award of Invitation for Bid No. 9001 is included in the total project budget for FMS #15EL100 – Traction Power Control – MPR/NGD. The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. The following table depicts funding assigned to the referenced project and is included in totality to track funding history against spending authority. Funds needed to meet this request will be expended from a combination of these sources as listed.

As of June 23, 2016, \$19,461,919 is available for this project from the following sources:

Fund Group	Amount
Various FTA Grant Sources	15,644,613
MTC - Local Area Bridge Toll	1,480,956
BART Operating Allocation to Capital	2,336,350
Total	19,461,919

BART has expended \$16,339,872, committed \$250,410 and reserved \$1,022,659 to date for other action. This action will commit \$543,446.42, leaving an available fund balance of \$1,305,532 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: Reject all bids and readvertise. Staff has determined that rejecting all bids and re bidding is not likely to result in lower bids, and will delay delivery of needed contact rail components to the District.

RECOMMENDATION: On the basis of analysis by Staff, and certification of by the Controller - Treasurer that 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. 9001 for Stainless Steel Capped Aluminum Contact Rail to Conduct-Wampfler for an amount of \$ 543,446.42, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure and FTA's requirements related to Protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Wesley DeBarden</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>7/6/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Benson Fairrow Dept: Police Department <i>S. H. F.</i>	General Counsel <i>MB</i>	Controller/Treasurer <i>Aponte</i>	District Secretary []	BART <i>Paul Cressner</i>
Signature/Date: <i>07/05/16</i>	<i>7/6/16</i>	<i>7/6/16</i>	[]	<i>7/6/16</i>

TITLE:

Appointments to the AB716 Transit Security Advisory Committee (TSAC)

NARRATIVE:

PURPOSE

To request the following two appointments to the Transit Security Advisory Committee (TSAC):

- Sergeant Michael Williamson, SF BART Police Department, to replace Lieutenant Tyrone Forte, who is off on extended leave.
- Chaplain Sue Kuipers, to replace Chaplain Jasper Lowery, who has resigned.

DISCUSSION

The Board approved the creation of the TSAC in October 2012 to implement AB716, which allows the District to issue prohibition orders. These prohibition orders are issued to people who are cited for specified infractions on at least three separate occasions within a period of 90 consecutive days or who are arrested for or convicted of specified misdemeanors or felonies. A prohibition order prohibits an individual from entering BART property or facilities for a period of time deemed appropriate by the District, not to exceed various periods of specified in the statute, depending on the nature of the offense.

The TSAC is tasked with the following:

- Providing recommendations related to training for personnel with responsibility for the issuance and enforcement of prohibition orders;
- Identification of services and programs to which persons who are homeless or who have psychiatric, developmental, or other disabilities may be referred during the issuance of prohibition orders;
- Monitoring the issuance of prohibition orders to help ensure compliance with Section 51 of the Civil Code (The Unruh Civil Rights Act); and
- Providing the BART Board and Legislature with an annual report summarizing the

number of prohibition orders issued, including, but not limited to, the types and numbers of citations by category, the number of exclusion orders appealed, the appeals granted, the reasons granted, and other relevant information directly related to those orders.

The TSAC by-laws call for no fewer than five and no more than seven members be appointed by the Board for a two year term. At least one of these members must have experience working with individuals with psychiatric, developmental, or other disabilities, one must be a youth advocate and one must have law enforcement experience.

FISCAL IMPACT

There are no fiscal impacts resulting from this change in appointments to the TSAC.

ALTERNATIVE

The Board could seek alternate applicants for appointment to the TSAC.

RECOMMENDATION

To approve the following Motion in order to continue the mission of the TSAC.

MOTION

The Board approves the following appointments for a term effective July 14, 2016 to June 30, 2018:

- Sergeant Michael Williamson, SF BART Police Department, to replace Lieutenant Tyrone Forte.
- Chaplain Sue Kuipers, to replace Chaplain Jasper Lowery.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DeAngelo</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/8/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Charlotte Barham Dept: Financial Planning	General Counsel <i>W. B. [Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>Charlotte Barham 7/7/16</i>	<i>[Signature]</i> 7/7/16 []	<i>[Signature]</i> 7/7/16 []	[]	<i>[Signature]</i> 7-7-16 []

TITLE:

Agreement with San Francisco State University for Student Fare Discount Program

NARRATIVE:

Purpose

To authorize the General Manager to execute an agreement with San Francisco State University (SFSU) for a fare discount program for SFSU students.

Discussion

At the Board's March 10, 2016 meeting, staff presented a proposed fare discount program for all SFSU students (Program). The terms of the Program were collaboratively developed by the SFSU Associated Students group, staff from BART, SFSU, the San Francisco Municipal Transportation Agency (SFMTA) and the Metropolitan Transportation Commission (MTC). The goal is to implement the Program by August 2017. The main provisions of the Program are as follows:

- SFSU will issue specialized Clipper Cards that will also serve as student photo identification cards (SFSU Clipper Cards).
- While school is in session, active students using the SFSU Clipper Cards will receive a 25% fare discount on BART trips to or from Daly City Station as well as unlimited rides on Muni.
- Students will pay a fee for the transit benefits, initially set at \$45¹ per month:
 - \$31 to SFMTA for the unlimited Muni rides, \$12 to create a fund from which SFSU pays BART for the 25% fare discount, and \$2 to SFSU for administrative costs.

Because the Program will not entail a change to BART's fares and the discount would be paid for out of the student fees, no Title VI analysis is required. The revenue-neutral fare discount program could also be replicated at other colleges and universities in the BART service area.

In April, SFSU students voted to approve the Program with 73% of voter support, with subsequent formal approval from the SFSU President and the California State University Chancellor.

The terms of the proposed agreement are as follows:

- Pursuant to a separate agreement between SFSU and MTC, a consultant retained by MTC will perform the programming work necessary to ensure that the SFSU Clipper Cards will be recognized by BART's fare collection equipment and that active students using the SFSU Clipper Cards when SFSU is in session will receive the 25% discount on trips to or from Daly City Station.
- SFSU shall reimburse BART for the work required to test and deploy the software programming prepared by MTC's consultant, up to a maximum of \$100,000, by using Transportation for Clean Air funding provided by the San Francisco County Transportation Authority.
- SFSU shall reimburse BART in an amount equal to 25% of the full fare for trips taken to or from the Daly City Station by holders of an SFSU Clipper Card, even where the total amount of applied discounts exceeds the total student fees collected.
- SFSU may change the discount rate after giving at least four months' notice to BART, and provided that BART determines that the programming necessary to implement a change in the discount rate can be safely deployed on BART's fare collection equipment.

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

Fiscal Impact

SFSU shall reimburse BART in an amount equal to 25% of the full fare for trips taken to or from the Daly City Station by holders of an SFSU Clipper Card. SFSU will also reimburse BART for the costs BART incurs to implement the Program, up to a maximum of \$100,000, by using grant funds SFSU will receive from the Transportation for Clean Air Fund as administered by the San Francisco County Transportation Authority.

Alternatives

Two alternatives are presented below. United States Congresswoman Jackie Speier, whose congressional district includes SFSU, supports a program in which BART would fund a discount higher than 25%, as described in Option A. Under Option B, in addition to the 25% student-fee-funded discount under the proposed Program, BART would provide an additional 25% discount to students receiving federal Pell Grants², which are given based on financial need.

A. Proposal for Higher Discount funded by BART: A 50% discount to BART trips systemwide, with the discount funded by BART, at no cost to students.

B. Pell Grant Proposal: BART funds an additional 25% discount for students who receive federal Pell Grants based on financial need. This BART-funded 25% discount would be added to the student fee-funded 25% discount, for a total 50% discount to trips to/from Daly City Station. Students who do not receive Pell Grants would still get the student fee-funded 25% discount on trips to/from Daly City Station.

The table on the next page shows the estimated annual cost to BART of offering these alternatives. Also included is the estimated systemwide annual cost of both alternatives should such programs be offered throughout BART's service area.

Table 1³

Alternatives (\$M)	SFSU		BART Service Area	
	Discount for SFSU Students Applied to:	Estimated Annual Cost of Discount to BART	Discount for All Students in BART Service Area Applied to:	Estimated Maximum Annual Cost of Discount to BART
A. All Students 50% Discount, BART-Funded	Trips Systemwide	\$3.6 - \$4.7	Trips Systemwide	\$12.6 - \$14.2
B. PELL GRANT STUDENTS: 25% BART-Funded, 25% Student Fee-Funded for Total 50% Discount	Trips to/from Daly City Station	\$0.9 - \$1.0	Trips Systemwide	\$2.6 - \$3.1

Additional programming work is required in order to offer a second discount level under the Pell Grant option at an estimated cost of \$70,000 for Cubic and \$15,000 for BART.

As BART would be funding all or a portion of the discount under these alternatives, BART would need to perform a Title VI equity analysis and public outreach for these alternatives. This process typically takes about six months and costs approximately \$100,000.

Recommendation

Adoption of the following motion.

Motion

The General Manager is authorized to execute an agreement with SFSU for the implementation of a program that would offer SFSU students using SFSU Clipper Cards a 25% fare discount on trips to or from Daly City Station, and whereby SFSU would reimburse BART for the value of the 25% fare discount applied to such trips.

Footnotes

1. The program includes provision for annual escalation to the fee to account for BART's biennial fare increases and Muni Class Pass price increases.
2. Pell Grants are awarded to undergraduate students and certain postbaccalaureate students, and unlike loans are not repaid. For the award year July 1, 2016 to June 30, 2017, the maximum award is \$5,815. The amount a student actually receives depends on financial need and the cost of attendance. About 43% of SFSU undergraduate students receive Pell Grants.
3. SFSU data show that approximately 28,900 students attend SFSU and approximately 26% of SFSU students currently take BART to attend school, with an average roundtrip fare of \$9.80. BART survey data shows that annually riders between the ages of 18-34 who state their trip purpose is school take approximately 8M trips on BART generating \$32M of fare revenue. The revenue ranges in Table 1 reflect estimates of revenue gained from new riders attracted by the discount, offset by revenue lost by giving a discount to existing riders.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: <i>7/6/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Colleen Kaida Dept: Procurement <i>ColleenKaida/6/23/16</i>	General Counsel <i>[Signature]</i> <i>6/23/16</i> []	Controller/Treasurer <i>[Signature]</i> <i>6/24/16</i> []	District Secretary []	BARC <i>[Signature]</i> <i>7-5-16</i> []

TITLE:

AWARD OF AGREEMENT No. 6M4493 FOR THE RENTAL OF DIGITAL MONOCHROME COPY MACHINES AT VARIOUS DISTRICT OFFICES/FACILITIES

NARRATIVE:

PURPOSE:

To authorize the General Manager to award Agreement No. 6M4493 for the rental of digital monochrome copy machines at various District offices/facilities to Toshiba Business Solutions.

DISCUSSION:

This Agreement provides copy machine rental services to the District for a period of three (3) years, with options to renew for two (2) additional one (1) year periods. The District also has the option to order fifteen (15) additional copy machines, if necessary.

RFP No. 6M4493 was posted on BART's Procurement Portal on February 1, 2016. Nineteen (19) planholders registered on the Procurement Portal for this RFP. The RFP was advertised on January 30, 2016. A Pre-proposal meeting and networking session were held on February 18, 2016 with twelve (12) firms in attendance. The following eight (8) proposals were received on March 15, 2016:

1. Toshiba Business Solutions, A Division of Toshiba America Business Solutions, Inc.
2. RMC, A Ray Morgan Company
3. KBA Docusys, Inc.
4. Ricoh USA, Inc.
5. Konica Minolta Business Solutions U.S.A., Inc.
6. Xerox Corporation
7. Pacific Office Automation
8. JJR Enterprises, Inc. (dba Caltronics Business Systems dba CPO, Ltd.)

These proposals were reviewed by a Source Selection Committee, chaired by Contract Administration and included representatives from Procurement, Information Technology, and Office of Civil Rights. The Committee reviewed the technical proposals for compliance with the ten (10) minimum technical requirements set forth in the RFP. The proposals from Pacific Office Automation, Konica Minolta Business Solutions U.S.A., Inc., Xerox Corporation, and JJR Enterprises, Inc. (dba Caltronics Business Systems dba CPO, Ltd.) were deemed non-responsive for failure to meet the minimum technical requirements. Ricoh was deemed non-responsive for its failure to be able to demonstrate its proposed copy machines at its Concord facility.

The three (3) remaining responsive proposers met the ten (10) minimum technical requirements and they successfully demonstrated their proposed copy machines to the Source Selection Committee on the scheduled dates/times. The proposer's price proposals for the 3-year base period, 2 additional option years, and 15 additional machines were evaluated and ranked as follows:

Proposer	Base 3 Yrs.	Options 1st & 2nd Yrs.	Additional Machines	Total
Toshiba Business Solutions	\$523,768	\$261,090	\$226,859	\$1,011,717
KBA Docusys, Inc.	\$698,738	\$229,678	\$272,682	\$1,201,098
RMC, A Ray Morgan Company	\$697,617	\$328,000	\$298,980	\$1,324,597

Staff has determined that the proposal submitted by Toshiba Business Solutions is technically acceptable and responsive to the solicitation. Further, examination of the proposer's business experience and financial capabilities has resulted in a determination that the proposer is responsible and that the total price of \$1,011,717 submitted by Toshiba Business Solutions is fair and reasonable based on adequate price competition.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the availability percentages for this agreement are 16% for Minority Business Enterprises and 20% for Women-owned Business Enterprises. The proposer 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 agreement. The responsive proposer, Toshiba Business 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:

The cost for this Agreement is not to exceed \$1,011,717, if all of the option years and additional machines were added to the agreement. This amount covers the 3-year base period (\$523,768), options to renew for two (2) additional one (1) year periods (option year 1 - \$136,837; option year 2 - \$124,253), and an option to add up to fifteen (15) additional copy machines at a cost of \$226,859.

The Agreement will be subject to the availability of fiscal year funding. All funding will come from Procurement's Common Expense Operating Budget.

ALTERNATIVES:

(1) To initiate another Request for Proposal (RFP). Staff believes this would be unlikely to result

in more competitive pricing.

(2) The District could purchase copy machines; however, the District can more economically take advantage of productivity enhancing technological advances by renting.

RECOMMENDATION:

Adopt the following motion:

MOTION:

The General Manager is authorized to award Agreement No. 6M4493 to Toshiba Business Solutions for the proposed price of \$523,768.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's Protest Procedures. The General Manager is also authorized to exercise the options to extend the term of the agreement for two (2) additional years for the proposed price of \$261,090 and to rent 15 additional copy machines for the proposed price of \$226,859, subject to availability of funds.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/7/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Compensation & Analytics, Labor Relations Signature/Date: <i>[Signature]</i> 7/7/16	General Counsel <i>[Signature]</i> 7/7/16 []	Controller/Treasurer <i>[Signature]</i> 7/7/16	District Secretary []	BARC <i>[Signature]</i> 7-7-16

TITLE:

AWARD OF AGREEMENT NO. 6M4500 FOR LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE

NARRATIVE:

PURPOSE:

Authorize the General Manager to award Agreement No. 6M4500 to Securian Financial Group, Inc (“Securian”) to provide life and accidental death and dismemberment insurance for District employees and retirees. The term of the Agreement is five years.

DISCUSSION:

The District’s Life (Life) and Accidental Death and Dismemberment (AD&D) insurance provide basic coverage at no cost to employees and additional coverages at the employees’ option and cost. This insurance is handled through commercial insurance carriers and is solicited by the District’s benefits broker. The Life and AD&D insurance program is fully insured.

On October 5, 2015, the District’s benefits broker, Keenan and Associates (Keenan) solicited proposals for these services at the direction of staff. In considering the universe of providers appropriate to this solicitation, Keenan has been sensitive to the District’s ongoing interest in providing contracting opportunities to a broad pool of prospective providers. Keenan sought prospective providers with sufficient liquidity and administrative capacity to handle fully insured accounts of the District’s size. Accordingly, Keenan marketed the current plan designs to ten (10) vendors. Keenan is not aware of any small business or minority-owned insurance companies that have the experience and capacity to handle this coverage for a public sector client of the District’s size. The marketing and acceptance of proposals was conducted between October 5, 2015 to October 30, 2015.

Of the companies invited to participate, six (6) completed a submission. Three (3) proposers most closely matched the current benefit design at a competitive price and were invited to participate in structured oral interviews. The interview panel members included District Human Resources staff and a representative from Keenan. Securian had the highest score from the evaluation process and was the only company to provide a rate guarantee for five years. The industry norm for a rate guarantee is three years.

Securian has been in business for almost 100 years, and has \$974 billion of group life insurance

in force and over \$2.4 billion of group life annual premium covering 7.3 million lives. Currently, they provide life insurance to over 4,000 public employers, including 21 state government agencies, covering more than 2.9 million insured lives. They also have experience with transit agencies, such as Metropolitan Atlanta Rapid Transit Authority and Golden Gate Bridge Highway & Transportation. Securian is the 3rd largest group life insurance carrier in the country and headquartered in Saint Paul, Minnesota.

Staff is requesting authority to execute an agreement for five years for a not-to-exceed amount of \$16,472,642.00. Approximately 30% of the cost of the agreement will be offset by employee payments for optional coverages.

The Office of the General Counsel will approve the agreement and any subsequent amendments as to form.

FISCAL IMPACT:

The estimated expenditures by fiscal year for the five years of the contract are as follows:

FY 2017	\$3,054,557.00
FY 2018	\$3,207,285.00
FY 2019	\$3,303,504.00
FY 2020	\$3,402,609.00
FY 2021	<u>\$3,504,687.00</u>
Total	<u>\$16,472,642.00</u>

Funding for this contract will be provided from the District's operating budgets for employee fringe benefits and from employee contributions.

ALTERNATIVE:

The District could reject the recommendation from Keenan for all proposals and solicit new proposals.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

That the Board authorize the General Manager to execute Agreement No. 6M4500 to Securian Financial Group, Inc. to provide life and accidental death and dismemberment insurance in the amount not to exceed \$16,472,642.00.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia DeLeon</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/6/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Diane Iwata Dept: Compensation and Analytics/Labor Relations <i>Diane Iwata</i> 7/1/2016	General Counsel <i>[Signature]</i> 7/1/16 []	Controller/Treasurer <i>[Signature]</i> []	District Secretary []	BARC <i>[Signature]</i> 7-5-16 []

TITLE:

RESOLUTION OF INTENTION TO AMEND CALPERS CONTRACT TO INCLUDE PURCHASES OF SERVICE CREDIT

NARRATIVE:

PURPOSE

To obtain Board approval to give notice of intention to approve an amendment to the contract between the District and the California Public Employees Retirement System ("CalPERS") to include three types of service credit purchases for local miscellaneous members.

DISCUSSION

In its 2013-2017 collective bargaining agreements, the District and Amalgamated Transit Union Local 1555 ("ATU") and Service Employees International Union Local 1021 ("SEIU") agreed to add the following three types of public service credit purchases:

- 1) Section 21020.5 (Public Service Credit for California Senate Fellows, Assembly, Fellowship, Executive Fellowship, or Judicial Administration Fellowship Programs)
- 2) Section 21022 (Public Service Credit for Periods of Layoff)
- 3) Section 21203.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA or AmeriCorps)

The cost for purchases of these optional service credits purchases will be at the expense of the employee. The Board has previously approved of these purchases by ratification of the collective bargaining agreements.

Government Code Section 7507 requires that these benefit changes of the proposed contract amendment be made public at a public meeting at least two weeks prior to the adoption of the final Resolution. Therefore, a subsequent item will be placed on the Board agenda at a future meeting for approval of the actual CalPERS contract amendment.

As there is no direct cost to the District for this amendment to the CalPERS contract no actuarial valuation is required. In addition, no notation of a benefit increase is required in the Certification of Compliance with Government Code Section 7507.

Attached is a sample amendment to the PERS contract.

RESOLUTION OF INTENTION TO AMEND CALPERS CONTRACT TO INCLUDE PURCHASES OF SERVICE CRED

FISCAL IMPACT:

There is no direct cost to the District for these amendments. CalPERS will calculate each type of service credit and charge it to the employee as part of purchase. Any potential cost to the District will be part of its future valuations.

ALTERNATIVES:

This is a negotiated benefit for represented employees which the Board approved when it ratified the 2013-2017 collective bargaining agreements with ATU and SEIU.

RECOMMENDATION:

That the Board adopts the following motion.

MOTION:

To adopt the attached resolution of intention to approve an amendment to the contract for local miscellaneous members between the Board of Administration of CalPERS and the Board of Directors of the District to include the purchase of service credit under Section 21020.5 (Public Service Credit for California Senate Fellows, Assembly, Fellowship, Executive Fellowship or Judicial Administration Fellowship Programs, Section 21022 (Public Service Credit for Periods of Layoff), and Section 21203.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA or AmeriCorps and authorize the Board President to sign the resolution on behalf of the Board.

**RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
BOARD OF DIRECTORS
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21020.5 (Public Service Credit for California Senate Fellows, Assembly, Fellowship, Executive Fellowship, or Judicial Administration Fellowship Programs), Section 21022 (Public Service Credit for Period of Layoff) and Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service) for local miscellaneous members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: _____
Presiding Officer

Title

Date adopted and approved




EXHIBIT

California
Public Employees' Retirement System



AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Directors
San Francisco Bay Area Rapid Transit District



The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective December 1, 1958, and witnessed November 14, 1958, and as amended effective January 1, 1961, August 26, 1969, January 31, 1972, July 1, 1976, October 1, 1976, July 1, 1978, January 1, 1981, December 11, 1989, August 31, 1992, January 13, 1995, April 26, 1996, July 16, 1998, September 13, 2002, November 22, 2002, July 1, 2004, October 19, 2009 and January 15, 2010 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 13 are hereby stricken from said contract as executed effective January 15, 2010, and hereby replaced by the following paragraphs numbered 1 through 15 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after December 1, 1958 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Police Officers (herein referred to as local safety members);
 - b. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. FIRE FIGHTERS.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1960, the effective date of Social Security coverage, and prior to December 31, 1980, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20042 (One-Year Final Compensation) for classic members only.
 - b. Section 21024 (Military Service Credit as Public Service).
 - c. Section 21027 (Military Service Credit for Retired Persons).
 - d. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for classic local safety members.
 - e. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for classic local miscellaneous members in the following groups:

BART Police Officers' Association
BART Police Management Association
 - f. Section 20965 (Credit for Unused Sick Leave).
 - g. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- h. Section 21020.5 (Public Service Credit for California Senate Fellows, Assembly, Fellowship, Executive Fellowship, or Judicial Administration Fellowship Programs) for local miscellaneous members only.
 - i. Section 21022 (Public Service Credit for Periods of Lay-Off) for local miscellaneous members only.
 - j. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service) for local miscellaneous members only.
- 11. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on July 1, 1978. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
- 12. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
- 13. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
- 14. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- 15. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF DIRECTORS
SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT

BY _____
RENEE OSTRANDER, CHIEF
EMPLOYER ACCOUNT MANAGEMENT DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Employer Account Management Division
Retirement and Social Security Contracts Unit
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

**CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 7507**

I hereby certify that in accordance with Section 7507 of the Government Code the future annual costs as determined by the System Actuary for the change in retirement Benefits have been made public at a public meeting of the Board of Directors of the San Francisco Bay Area Rapid Transit District on July 14, 2016 which is at least two weeks prior to the adoption of the Resolution.

Adoption of the retirement benefit change will not be placed on the consent calendar.

Kenneth A. Duron, District Secretary

Date _____

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Employer Account Management Division
Retirement and Social Security Contracts Unit
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Board of Directors of the San Francisco Bay Area Rapid Transit District on July 14, 2016.

Kenneth A. Duron, District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de la Cruz</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/8/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Vicki Nuetzel Dept: Office of the General Counsel <i>OK for Vicki Nuetzel</i>	General Counsel <i>MB 7/8/16</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary []	BARC <i>[Signature]</i>
Signature/Date:		[]		
Status: Routed		Date Created: 07/01/2016		

TITLE:

Amendment to Legal Services Agreement with Glynn & Finley, LLP

NARRATIVE:

PURPOSE:

To request that the Board of Directors approve an increase in funding for the continued retention of outside counsel to handle pending matters including claims brought by the Alameda, Contra Costa and San Mateo District attorneys related to alleged District violations of environmental compliance regulations, employment litigation matters and construction related claims.

DISCUSSION:

The District has retained the firm of Glynn & Finley to represent its interests in three (3) separate matters: The first related to a number of alleged environmental compliance claims involving the storage of materials brought by the District Attorneys of Alameda, Contra Costa and San Mateo counties and required significant experience and expertise in the defense and negotiation of such claims. The other matters involve employment and construction litigation. Each of those matters was initially handled directly by Vicki Nuetzel of the Office of the General Counsel; however, when she was promoted to the position of Associate General Counsel it became necessary to retain outside counsel to provide coverage for the work that she had performed in her previous position. Specifically, the employment litigation was scheduled to commence trial and the construction litigation involved significant time and expertise. Glynn & Finley has significant expertise in the negotiation and defense of environmental claims and, in addition, has litigation expertise in employment and related claims.

FISCAL IMPACT:

The value of the legal services agreement to date has totaled \$297,000. This action would add funds as needed for continued representation on these three matters, estimated to be \$350,000.

ALTERNATIVE:

To not authorize this amendment to the agreement would increase the chance of adverse results in these matters.

RECOMMENDATION:

That the Board adopt the following motion:

MOTION:

That the Board approves the amendment of an agreement with Glynn & Finley to continue its representation of the District to handle environmental claims brought by the District Attorneys of Alameda, Contra Costa and San Mateo counties and for employment and construction related claims as necessary.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Caricia Whitten</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the July 14, 2016 E&O Committee Meeting		
DATE: 7/6/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: William Doran Dept: Stations, PD&C <i>William Doran</i> Signature/Date: 7/1/16	General Counsel <i>[Signature]</i> 7/1/16 []	Controller/Treasurer <i>[Signature]</i> 6/30/16	District Secretary []	BARC <i>[Signature]</i> 7/5/16 []
Status: Routed		Date Created: 06/09/2016		

TITLE: Award of Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades

NARRATIVE:

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades, to Icenogle Construction Management of San Francisco, California.

DISCUSSION: Contract No. 15IF-130A will replace the existing fluorescent lighting in the Powell Street Station with new energy efficient lighting, construct a new ceiling with a screen to deter birds from entering the space above the ceiling, upgrade the closed circuit television (CCTV) system, upgrade the fire sprinkler system, and complete other ancillary work.

On May 4, 2016, the Advance Notice to Bidders was mailed to 172 prospective Bidders, and Contract Documents were sent to 24 plan rooms. The Contract was advertised on May 09, 2016, in local publications. A total of seven (7) firms purchased copies of the Contract Documents. A pre-Bid meeting and site tour was conducted on May 16, 2016, with five (5) prospective Bidders attending. One(1) Addendum was issued. Three (3) Bids were received and opened publicly on June 7, 2016.

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

BIDDER	LOCATION	TOTAL AMOUNT
Icenogle Construction Management, Inc.	San Francisco, CA	\$7,497,788
Shimmick Construction	Oakland, CA	\$7,987,000
USS Cal Builders, Inc.	Stanton, CA	\$7,988,000
Engineer's Estimate	\$7,701,920	

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

District staff has determined that this 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 minor alterations of existing facilities involving no expansion of use.

The project will also receive federal funding and is therefore subject to the National Environmental Policy Act (NEPA). The federal funding agency, Federal Transit Administration (FTA), has concurred that implementation of the project will not have a significant impact on the environment and qualified for a categorical exclusion as defined under 23 CFR 771.117 (c) (16) for operating assistance to transit authorities to continue existing service or increase service to meet routine changes in demand.

This Contract was advertised pursuant to the District's Disadvantaged Business Enterprise (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 18% was set for this Contract. Icenogle Construction Management is a certified DBE and committed to a DBE goal of 84.1%. OCR has determined the Bidder has met the DBE participation goal for this contract.

FISCAL IMPACT:

Funding of \$7,497,788 for the award of contract 15IF-130 is included in the total project budget for FMS #15IF004 – Powell Street Ceiling and Lighting. 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 June 28, 2016, \$12,000,000 is available for this project from the following sources:

Fund Number	Fund Description	Source	Amount
3002	FY11 Capital Projects 5307 UAF	Federal	6,000,000
535B	FY14-15 Prop 1B - PTMISEA	State	4,500,000
8524	FY12 Operating Alloc to Cap	BART	1,500,000
Total			12,000,000

BART has expended \$534,568, committed \$1,498,861 and reserved \$0 to-date for other actions. This action will commit \$7,497,788 leaving an available fund balance of \$2,468,783 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVE: The Board may elect to reject all Bids and authorize staff to re-advertise the Contract. Re-advertising the Contract, however, would result in additional cost and time to the District with no assurance that if the Contract were rebid that it would result in lower prices.

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

MOTION: The General Manager is authorized to award Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades to Icenogle Construction Management, Inc., for the Bid Price of \$7,497,788 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and the FTA's requirements related to protest procedures..



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DeVaughn</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: <i>7/6/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sharon Moore Dept: <i>Sharon Moore 7/6/2016</i>	General Counsel <i>MB 7/6/16</i>	Controller/Treasurer <i>Walter DeVaughn 7/6/16</i>	District Secretary []	BARC <i>Walter DeVaughn 7/6/16</i>

TITLE:

AWARD OF AGREEMENT NO. 6M5107 FOR CONTRACTOR SERVICES TO PROVIDE LANGUAGE TRANSLATION AND ORAL INTERPRETATION SERVICES

NARRATIVE:

PURPOSE:

To authorize the General Manager to award Agreement No. 6M5107 for language translation and oral interpretation services to International Contact, Inc.

DISCUSSION:

Title VI of the Civil Rights Act of 1964 (Title VI) and other applicable federal regulations require the District take reasonable steps to ensure Limited English Proficient (LEP) persons who have a limited ability to speak, read, write, or understand English have meaningful access to the District's services, programs, and activities. Otherwise, English-only services may be discriminatory on the basis of national origin in violation of Title VI. Accordingly, in 2013 the District drafted a Title VI Language Assistance Plan to assist the District in implementing quality and accurate language assistance measures which include translation and interpretation services.

The services under this Agreement will be provided on an as-needed basis for a base term of three (3) years, with the option to renew for two (2) additional one (1) year periods.

Advance Notice of the Request for Proposals (RFP) was issued to fifty (50) potential proposers. RFP No. 6M5107 was posted on BART's Procurement Portal on February 25, 2016 and advertised in twelve (12) local newspapers on February 26, 2016. Sixteen (16) planholders registered on the Procurement Portal for this RFP. A Pre-Proposal Meeting and Networking Session were held on March 17, 2016 with four (4) firms in attendance. Three (3) proposals were received on April 5, 2016 from the following proposers:

1. International Contact, Inc., Oakland
2. Accent on Languages, Inc., Berkeley
3. Excel Interpreting, LLC, Sacramento

The three (3) proposals were reviewed by a Source Selection Committee, chaired by Contract Administration and included representatives from the Office of Civil Rights (OCR) and Office of External Affairs. The Committee reviewed the technical proposals for compliance with the ten (10) minimum technical requirements set forth in the RFP. All three proposals were determined to be technically acceptable.

The three price proposals were then opened and evaluated. During such evaluation, the

Source Selection Committee discovered that the price proposals could not be comparably evaluated. Accordingly, the Price Proposal Form was revised so that the price proposals would be submitted in a consistent format to allow a comparable evaluation. Subsequently, a request for Best and Final Offers (BAFOs) was issued to the three proposers.

BAFOs received on May 18, 2016 were evaluated and ranked as follows:

Rank	Proposer	Base 3 Yrs.	Options 1st and 2nd Yrs.	Total BAFO Price
1	International Contact, Inc.	\$863,400.00	\$573,200.00	\$1,436,600.00
2	Accent on Languages, Inc.	\$968,400.00	\$678,210.00	\$1,646,610.00
3	Excel Interpreting, LLC	\$1,317,225.00	\$878,150.00	\$2,195,375.00

The Committee determined that the proposal submitted by International Contact, Inc. is the lowest-price technically acceptable proposal. Furthermore, examination of the proposer's business experience and financial capabilities has resulted in a determination that the proposer is responsible and that the \$1,436,600 total BAFO price submitted by International Contact, Inc. is fair and reasonable based on adequate price competition.

Pursuant to the revised DBE Program, OCR is utilizing race and gender neutral efforts for professional services agreements. Therefore, no DBE participation goal was set for this agreement.

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

FISCAL IMPACT:

The cost of this agreement is for an amount not to exceed \$1,436,600. This amount covers the 3-year base period with options to renew for two (2) additional one (1) year periods. The Agreement will commence upon receipt of a Notice to Proceed.

The amount not to exceed \$1,436,600 will be requested in future preliminary operating budget cycles. The estimated annual cost for services is as follows:

<u>Fiscal Year</u>	<u>Amount</u>
2017	\$287,800.00
2018	\$287,800.00
2019	\$287,800.00
2020	\$286,600.00
2021	\$286,600.00
Total	\$1,436,600.00

The Agreement will be subject to the availability of fiscal year funding. Funding will come from OCR's Operating Budget and Capital Projects that utilize translation and interpretation services.

ALTERNATIVES:

- (1) To initiate another Request for Proposals. Staff believes this would unlikely result in more competitive pricing.
- (2) Not award this Agreement, which would jeopardize the District's ability to provide language services for BART's Limited English Proficient customer population.

MOTION:

The General Manager is authorized to award Agreement No. 6M5107 to International Contact, Inc. for the proposed price of \$863,400.00, 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 protest procedures. The General Manager is also authorized to exercise the options to extend the term of the Agreement for two (2) additional years for the proposed price of \$286,600.00 for each option year, subject to availability of funds.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Valeria de la Torre</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to Board		
DATE: 7/6/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Emilia Sanchez Dept: Planning, Development and Construction	General Counsel <i>Nick...</i>	Controller/Treasurer <i>...</i>	District Secretary	BARC <i>Paul...</i>
Signature/Date: <i>...</i> 7/1/16	<i>...</i> 7/1/16 []	[]	[]	[]

TITLE:
Contract No. 15PE-120, R Line P-377 to P-380 Structural Upgrade, Change Orders Nos. 14 and 15, Micropile Obstructions and Redesign

NARRATIVE:

PURPOSE

To obtain Board authorization for the General Manager to execute Change Orders Nos. 14 and 15, in amounts not to exceed \$240,000 and \$900,000, respectively, to Contract No. 15PE-120, Earthquake Safety Program R Line P-377 to P-380 Structure Upgrade, with Zovich & Sons, Inc.

DISCUSSION

In May 2015, the Board authorized award of Contract No. 15PE-120 for the Bid amount of \$1,554,739.00. The scope of the Contract provides for the seismic strengthening of four pier foundations along the Richmond line by widening the footings of each of the four piers. Once completed, this Contract will result in operability status for the R Line from Richmond to North Berkeley.

For piers 377, 378, and 379, the Contract provides for the new widened footing section at each pier to be supported by 13 to 14 micropiles drilled vertically to a depth of 60 feet below the bottom of the footing. During the micropile drilling activity, however, numerous obstructions were encountered, including obstructions with existing piles and buried manmade objects. To avoid these obstructions and prevent possible damage to the piers, drilling had to be terminated and the District redesigned the micropile installation to use battered piles instead of vertical ones.

The Contract includes an Allowance for Differing Site Conditions in the amount of \$150,000 to address unforeseen issues. Other differing site conditions, such as overpoured concrete footings, were encountered utilizing all of this Allowance. Staff now seeks authority to negotiate and execute Change Order No. 14, to provide compensation for time and cost impacts incurred as a result of the obstructions encountered during installation of the micropiles, and Change Order No. 15, to provide compensation for installation of the redesigned battered micropiles.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

The Office of the General Counsel will approve these Change Orders as to form prior to execution. The Procurement Department will review these Change Orders for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

The total amount of \$1,140,000 for Change Order No. 14 and Change Order No. 15 is included in the total project budget for 15PE000, ESP Aerial Structure - R Line. 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 January 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:

F/G 801F – ESP GO Bond	\$ 21,843,832
F/G 801J – ESP GO Bond	\$ 5,572,903
F/G 3838 – FHWA	\$ 4,565,338
F/G 5353 – State Match (Prop 1B)	\$ 591,488
F/G 850W – Bart Operating Alloc to Capital	\$ 50,000
Total	\$ 32,623,561

As of June 22, 2016, \$32,623,561 is the total budget for this project. BART has expended \$29,182,651, committed \$1,395,319 and a reserve \$246,844 to date. This action will commit \$1,140,000 leaving an available fund balance of \$658,747 in these fund sources for this project.

There is no fiscal impact on available unprogrammed District Reserves.

Alternatives

The Board can elect not to authorize the execution of these Change Orders. In such case, the District would likely receive a claim from the Contractor for all costs incurred.

RECOMMENDATION

It is recommended that the Board adopt the following motion:

MOTION

The General Manager is authorized to execute Change Order No. 14, in an amount not to exceed \$240,000.00, and Change Order No. 15, in an amount not to exceed \$900,000.00, to Contract No. 15PE-120, Earthquake Safety Program R Line P-377 to P-380, with Zovich & Sons, Inc.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

Date: 07/08/2016

ATTACHMENT No 1
CONTRACT No. 15PE-120

COs No. 14 and 15

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Earthquake Safety Program (ESP)
Name of Contractor	Zovich and Sons, Inc.
Contract No. / NTP	15PE-120 / July 10, 2015
Contract Description:	R Line P-377 to P-380 Structure Upgrade
Percent Complete as of 07/08/2016:	72%

COST	% of Award	CO Totals	Contract Amount
Original Contract Award Amount			\$ 1,554,739.00
Change Orders			
Board Authorized COs	0.00%	\$ 0.00	
Other Than Board Authorized COs	0.05%	\$ 777.41	
These Change Orders No. 14 and 15	73.3%	\$ 1,140,000.00	
Subtotal of all Change Orders	73.4%	\$ 1,140,777.41	
<u>Revised Contract Amount</u>			<u>\$ 2,695,516.41</u>

SCHEDULE

Original Contract Duration Time	270	days
Extension to Date	0	days
Time Extension Due to Approved COs	0	days
Time Extension Due to these COs 14 and 15	0	days
Revised Contract Duration	270	days



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Clara Schuber</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 7/6/16		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ahmad Rassai Dept: Dept. PD&C-ESP <i>Ahmad Rassai</i> Signature Date: 07/05/2016	General Counsel <i>[Signature]</i> 7/5/16 []	Controller/Treasurer <i>Chris Grant</i> 7/5/16 []	District Secretary []	BARC <i>Paul Jensen</i> 7/5/16 []
Status: Approved		Date Created: 06/23/2016		

TITLE:
Contract No. 79HM-120 SFTS MB, Change Order No. 20, Part 2-Modify Structural Anchorages

NARRATIVE:

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 20, Part 2 - Modify Structural Anchorages, to Contract No. 79HM-120, in the amount of \$251,459.00.

DISCUSSION:

Award of Contract No. 79HM-120, SFTS MB was authorized by the Board on February 12, 2015; Notice to Proceed was granted on May 19, 2015. Change Order No. 20, Part 2 will be in the not to exceed amount of \$251,459.00. Change Order No. 20, Part 1 was previously executed for the amount of not to exceed \$100,000.00.

Based on engineering reviews of the wall anchorages, which support the marine barrier, it was determined that additional design modifications were necessary to achieve the full support capacity of the anchorages and their associated concrete walls. The changes included, among other things, enhanced connecting bolts, plates and related welding. Change Order No. 20 will compensate the Contractor for the costs associated with the changes to the structural anchorages and walls.

Pursuant to Board Rule 5-2.4, Change Orders involving expenditures greater than \$200,000 require Board approval.

The Office of the General Counsel will approve this Change Order as to form prior to execution. The Procurement Department will review this Change Order for compliance with procurement guidelines prior to execution.

FISCAL IMPACT:

Funding of \$251,459.00 for Contract No. 79HM-120 Change Order No. 20 Part II will come from project budget 79HM000 - Transition Barriers. The following table depicts funding assigned to the referenced project since May 26, 2007, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended

from a combination of these sources as listed. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. As of June 30, 2016, \$95,592,333.14 is available for this project from the following fund sources:

Fund	Description	Amount
3751	FY2007 TSGP GR#2007-RL-T7-K001	\$4,574,190.81
3907	FY06 HOMELAND SECURITY	\$1,900,000.00
5371	FY09-10 CTSGP PROP 1B(HOMELND)	\$267,170.35
3754	FY2009 TSGP GRANT#2009	\$1,957,507.32
352Z	FY07 CAP ASST PGM CA90	\$17,355,131.70
3758	DHS FY2014 EMW RA-00011-S01	\$17,400,250.00
5373	FY11-12 CTSGP PROP 1B(HOMELND)	-
226I	1999 S/T REV DEBT SERV2	\$99,671.80
535F	FY08-09 CTSGP PROP 1B (SECTY G	\$1,748,628.09
352X	FY05 CAP ASST PGM CA-9	\$782,403.20
5375	FY13-14 CTSGP Prop 1B (CalEMA)	\$91,377.06
535T	FY07-08 CTSGP PROP 1B(HOMELND)	\$1,275,576.65
5376	FY 14-15 CTSGP Prop 1B #6761	\$4,038,369.85
6011	BRIDGE TOLL ALLOC 07376802	\$1,215,861.00
5372	FY010-11 CTSGP PROP 1B(HOMELND)	\$1,811,637.97
3908	FY06 UASI REGIONAL FUN	\$213,937.00
3704	DHS FEMA ARRA TSGP-CP0	\$5,143,219.00
6015	BRIDGE TOLL ALLOC 09387201	\$95,929.00
6213	REGIONAL MEAS 2 08382301	\$3,122,709.00
3757	FY 13 TSGP - USDHS RA-00004	\$10,009,500.00
352C	CA-90-0011/FY83 PARK&R	(\$851.70)
3755	FY11 TSGP Security CCTC and WI	\$20,768,000.00
3752	FY2007 TSGP GR#2007-RL-T7-K111	\$1,722,115.04
	Total	\$95,592,333.14

BART has expended \$51,210,008.54 and committed \$38,152,320:08 to date for other actions. This action will commit an additional \$251,459.00 leaving an uncommitted balance of \$5,978,545.52 in these fund sources.

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

ALTERNATIVE:

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will require a Suspension of Work while the technical problems are resolved. Such action will delay completion of the Contract and increase the Contract cost.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 20, Part 2-Modify Structural Anchorages, in the not to exceed amount of \$251,459.00, to Contract No. 79HM-120, SFTS MB, with Manson Construction Company, Inc.

SAN FRANCISCO BAY AREA RAPID TRANSIT

MEMORANDUM

TO: Board of Directors

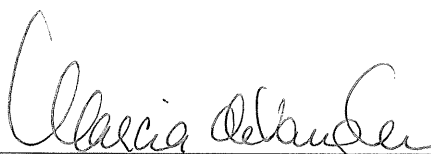
DATE: July 8, 2016

FROM: General Manager

SUBJECT: Engineering & Operations Agenda Item #5.E: Warm Springs Extension Project:
Semi-Annual Project Update – For Information

At the July 14th Board of Directors meeting, staff will provide an update on the progress of the Warm Springs Extension (WSX) Project, which will include a discussion of the project scope, schedule, budget, environmental compliance, and the status of the systems testing program that is currently underway.

If you have any questions about the attached presentation, please contact Robert Powers, AGM, Planning, Development & Construction at (510) 874-7410.



Grace Crunigan

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors **DATE:** July 8, 2016
FROM: General Manager
SUBJECT: PPAAL Agenda Item # 6.A: BART Art Program Update – For Information

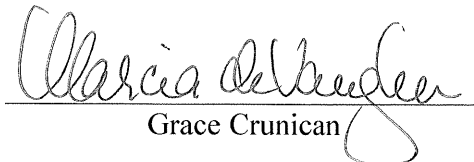
At the Board of Directors meeting on July 14, 2016, staff will provide an overview of upcoming Art Program activity. In conjunction with the BART Art Policy adopted by the Board in August 2015, several recommendations were made to initiate the program in keeping with best practices of art and transportation programs, as well as in response to internal and external research and outreach. These recommendations included:

- Hire Art Program Manager
- Station Modernization Calls for Artists
- Pilot Programs: Temporary, Mural, Partnerships
- Arts Conservation
- Art Program Master Plan
- Art Program Work Plan
- Guidelines and Procedures

Since the adoption of the Art Policy, a number of important steps have been taken to hire staff, integrate art into Station Modernization, explore temporary art opportunities and partnerships, and assess the existing art collection. In addition, as outlined in a memo to the Board last month, artists were recently selected for new artworks at Powell Street, 19th Street/Oakland, and El Cerrito del Norte Station.

The staff presentation will include an overview of the key steps in the development of the Art Program Master Plan. The Master Plan scope features artist and community engagement, cultural resource mapping, assessment of BART processes, and an analysis of financial opportunities. Additionally, staff will outline art program guidelines and procedures that will be created. The entire process will have the ongoing input from internal stakeholders and an external advisory committee to create a solid foundation for the integration of art as an important enhancement of the BART experience.

If you have questions, please contact Bob Powers, AGM, Planning, Development & Construction at (510) 874-7410.


Grace Crunican

Attachment

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

To: Board of Directors

Date: July 6, 2016

From: District Secretary

Re: Proposed Revision to Rules of the Board of Directors: Chapter III, Section 2. Board Meetings

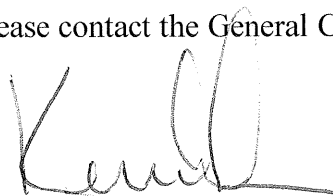
The following is a Board Rules revision proposed by Director Keller. The proposed language to be inserted is underlined. There is no deleted text.

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

1. Board Rule 3-2.1 Regular Meetings. Page III-6. *Proposed new rule will provide an intended time for concluding regular Board Meetings (2 p.m.).*

The Board of Directors shall hold regular meetings beginning at 9:00 a.m., on the second and fourth Thursday of each month, except that in the month of November, one meeting shall be held on the third Thursday, provided that when that November regular meeting falls on a legal holiday the meeting shall be held on the second Thursday; and in the month of December meetings shall be held on the first and third Thursday. It is the intention of the Board that all such meetings end by 2 p.m., and therefore any items on the regular meeting agenda not introduced by 2 p.m. shall be continued to a future meeting, unless a majority of the Board desires that a particular item be heard. Except as provided above for the November meeting, when a regular meeting falls on a legal holiday, the meeting shall be held at the same hour on the next business day, or such other time as may be fixed by the Board at a preceding meeting. An additional regular meeting may be scheduled in November if it is deemed necessary for the conduct of District business. (See Appendix B).

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



Kenneth A. Duron

Attachment

cc: Board Appointed Officers
Deputy General Manager

MOTION:

i. The Board of Directors adopts the revision of Board Rule 3-2.1 Board Meetings.