

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

BOARD MEETING AGENDA

July 27, 2017

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, July 27, 2017, 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. BOARD MATTERS

- A. 2017 American Public Transportation Association International Rail Rodeo Champions: BART Maintenance Team (Michael Gross, James Moon, Gary Crandell) and Train Operator Team (Tenikia Jackson, John O'Connor Jr.).
- B. Mineta Transportation Institute Graduates: Elizabeth Aigbekaen, Rachel Lockett, Shrenik Shah, Marielle Cuison, Kimberly Mahoney, and Rowena Ona. (Director Blalock's request.)

3. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of June 22 and July 13, 2017.* Board requested to authorize.
- B. Relocation for the Position of Human Resources Division Manager, Absence Management Programs.* Board requested to authorize.
- C. Federal Highway Administration Title VI Policy.* Board requested to adopt.
- D. Award of Contract No. 11KH-110A, 24th and Mission Street Station Crossover Facilities Improvements.* Board requested to authorize.
- E. Award of Contract No. 11OG-121, Balboa Park Station Wayfinding Improvements.* Board requested to authorize.
- F. Reject the Single Bid for Invitation for Bid No. 9014, Aerial Lift Trucks.* Board requested to reject.

4. 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.)

5. FINANCE, BOND OVERSIGHT AND ADMINISTRATION ITEMS

Director Josefowitz, Chairperson

- A. Fiscal Year 2017 Short Range Transit Plan/Capital Improvement Program.* Board requested to authorize.

6. OPERATIONS, SAFETY AND WORKFORCE ITEMS

Director Keller, Chairperson

- A. Award of Contract No. 01RQ-190, Construction of Hayward Maintenance Complex Project Turntable Relocation.* Board requested to authorize.
- B. Award of Contract No. 15PJ-130B, BART Earthquake Safety Program Fruitvale Station and Coliseum Station.* Board requested to authorize.
- C. Agreements for General Engineering Services for BART Projects.*
 - a. Agreement No. 6M8119, with AECOM Technical Services, Inc./Transit Systems Engineering, Inc., Joint Venture
 - b. Agreement No. 6M8120, with HNTB Corporation/FMG Architects, Joint Venture
 - c. Agreement No. 6M8121, with Parsons Transportation Group, Inc.
 - d. Agreement No. 6M8122, with PGH Wong Engineering, Inc.
 - e. Agreement No. 6M8123, with STV Inc.
 - f. Agreement No. 6M8124, with WSP USA Inc.Board requested to authorize.
- D. Change Order to Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, with Proven Management, Inc. for Time Impact Costs (C.O. No. 92).* Board requested to authorize.
- E. Change Order to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, with Shimmick/CEC Joint Venture, for Through-Bolt Connections (C.O. No. 13.1 Part 1).* Board requested to authorize.
- F. Change Order to Contract No. 79HM-120, SFTS MB, with Manson Construction Co. Inc., for Time Impact Costs and Extension of Time (C.O. No. 90).* Board requested to authorize.

7. PLANNING AND LEGISLATION ITEMS

Director Raburn, Chairperson

- A. West Oakland Transit Oriented Development Exclusive Negotiating Agreement.* Board requested to authorize.
- B. (CONTINUED from June 22, 2017, Board Meeting)
Dublin / Pleasanton and West Dublin / Pleasanton Stations Parking Strategy, Advance Environmental Activities, and Planning for Multimodal Access Projects.* Board requested to authorize.
- C. Policy for California Low Carbon Fuel Standard Program Funds.* Board requested to adopt.

8. GENERAL MANAGER'S REPORT

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

* Attachment available

9. BOARD MATTERS

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

10. 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.)

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

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Name of Case: Leah DeMuynck v. Bay Area Rapid Transit District
Government Code Section: 54956.9(a)
- B. CONFERENCE WITH LABOR NEGOTIATORS:
Designated representatives: Grace Crunican, General Manager; Michael Jones, Assistant General Manager, Employee Relations; and Martin Gran, Chief Employee Relations Officer
Employee Organizations: (1) 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

12. OPEN SESSION

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

Board of Directors
Minutes of the 1,791st Meeting
June 22, 2017

A regular meeting of the Board of Directors was held June 22, 2017, convening at 9:03 a.m. in the Board Room, 344 20th Street, Oakland, California. President Saltzman presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

Director Simon introduced and welcomed her daughter, Amina Miller Ortiz.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of June 8, 2017 (Regular and Special).
2. Award of Invitation for Bid No. 9026, Fujitec Escalator Step Assemblies.
3. Award of Contract No. 15NL-130, Pleasant Hill Parking Structure Elevator Modernization.

Director Dufty made the following motions as a unit. Director Keller seconded the motions, which carried by unanimous acclamation. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

1. That the Minutes of the Meetings of June 8, 2017, (Regular and Special), be approved.
2. That the General Manager be authorized to execute award Invitation for Bid No. 9026, for the purchase of Fujitec escalator step assemblies, to Precision Escalator, in the amount of \$765,000.00, pursuant to notification to be issued by the General Manager.

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

3. That the General Manager be authorized to award Contract No. 15NL-130, Pleasant Hill Parking Structure Elevator Modernization, to Ascent Elevator Services Inc., for the Bid Price of \$1,566,000.00, pursuant to

notification to be issued by the General Manager, and subject to the District's protest procedures.

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

Larry Reid
Aleta Dupree
Doug Bloch
Denise Tatum
John Bartee
Adolf Felix

Director McPartland, Chairperson of the Administration, Workforce, and Legislation Committee, had no report.

Director Josefowitz, Chairperson of the Finance, Budget, and Bond Oversight Committee, brought the matter of Fiscal Year 2018 Fare Modifications before the Board. Mr. Carter Mau, Assistant General Manager, Administration and Budgets; and Ms. Pamela Herhold, Department Manager, Financial Planning; presented the item.

The following individuals addressed the Board.

Aleta Dupree
Clarence Fischer
JP

President Saltzman moved adoption of Resolution No. 5344, In the Matter of Adopting Modified Fare Rates and Charges: Apply a \$0.50 Surcharge to Fares Paid with Magnetic Stripe Paper Tickets; Reduce the Discount for Youth Riders Age 5-12 from 62.5% to 50%; and Provide a New Discount of 50% to Youth Riders Age 13-18. Director Blalock seconded the motion. The item was discussed. The motion carried by unanimous acclamation by the required two-thirds majority. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

Director Josefowitz brought the matter of Resolution Approving the Fiscal Year 2018 Annual Budget before the Board.

General Manager Grace Crunican recognized Mr. Robert Umbreit, Department Manager, Budget Department, on the occasion of his final Annual Budget before retirement.

Mr. Mau presented the item. Director Blalock moved adoption of Resolution No. 5345, In the Matter of Approving the Annual Budget for the San Francisco Bay Area Rapid Transit District and Authorizing Expenditures for the Fiscal Year July 1, 2017, to June 30, 2018. President Saltzman seconded the motion.

Director McPartland exited the Meeting.

The item was discussed. The motion carried by unanimous acclamation. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, Raburn, Simon, and Saltzman. Noes - 0. Absent – 1: Director McPartland.

Director Keller, Chairperson of the Operations and Safety Committee, brought the matter of Resolution Adopting a Safe Transit Policy before the Board.

Director McPartland re-entered the Meeting.

The following individuals addressed the Board.

Olivia Rocha
Arturo Fernandez
Aleta Dupree
Raha Jorjani
Christian Gutierrez
Tanhya Cardenas
Linda Olvera
Amalia Chamorro
Tracy Rosenberg
JP
Judith Stacey
William Walker
Brytanee Brown
Shasun Sultur
Jess Yang
Jane Martin
Mary Lim-Lampe
Kitzra Isteva
Malena Mayorga
John Arantes
Anjali Mehta
Saira Hussain
Yibbi Heras
Carol Rothman
Lili Shidovski
Clarence Fischer
Idalys Perez
Oscar Grande
Bob Allen
Sydney Gamble
David Hein
Margaret Cunningham
Maria Luisa Figueroa

Director Raburn moved adoption of Resolution No. 5346, In the Matter of Setting a Policy to Most Effectively Use Resources to Ensure Safe and Quality Transportation for All Riders. President Saltzman seconded the motion. The item was discussed. The motion carried by electronic vote. Ayes – 8: Directors Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 1: Director Allen.

Director Keller brought the matter of Proposed Rescission of Ordinance 2016-1 to Prohibit Patrons from Utilizing More Than One Seat during Commute Hours before the Board. The item was discussed.

The following individuals addressed the Board.

William Walker

Aleta Dupree

Discussion continued. President Saltzman moved adoption of Ordinance No. 2017-1, An Ordinance of the San Francisco Bay Area Rapid Transit District Repealing All Enactments Adopted into Law by Ordinance No. 2016-1 which Sought to Prohibit Patrons from Utilizing More than One Seat in a Train during Commute Hours in the Counties of Alameda, Contra Costa, and the City and County of San Francisco, and which Was Duly and Regularly Introduced, Passed, and Adopted by the Board on the 14th Day of April, 2016. Director Dufty seconded the motion. Director Blalock made a substitute motion that the vote be deferred for 30 days. Director Keller seconded the substitute motion. Discussion continued. The substitute motion failed by electronic vote. Ayes – 4: Directors Allen, Blalock, Keller, and McPartland. Noes – 5: Directors Dufty, Josefowitz, Raburn, Simon, and Saltzman. President Saltzman returned to the main motion. The motion to adopt Ordinance No. 2017-1 carried by electronic vote. Ayes – 5: Directors Dufty, Josefowitz, Raburn, Simon, and Saltzman. Noes – 4: Directors Allen, Blalock, Keller, and McPartland.

Director Keller requested staff be directed to develop a one ticket/one seat policy pilot program for implementation on the eBART extension upon start-up in May 2018, with the policy to address concerns including potential targeting of certain groups and service delays. Director Blalock seconded the request.

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

Director Raburn, Chairperson of the Planning Committee, brought the matter of Dublin / Pleasanton and West Dublin / Pleasanton Stations Parking Strategy, Advance Environmental Activities, and Planning for Multimodal Access Projects before the Board.

The following individuals addressed the Board.

Don Biddle

Melissa Hernandez

Director McPartland moved that the item be continued to a future meeting. Director Blalock seconded the motion. The item was discussed.

Robert Allen addressed the Board.

The motion to continue the item carried by electronic vote. Ayes – 7: Directors Allen, Blalock, Keller, McPartland, Raburn, Simon, and Saltzman. Noes – 2: Directors Dufty and Josefowitz.

President Saltzman brought the matter of Proposed Revision to Rules of the Board of Directors, Section 3, Committees, Number and Functions, before the Board, and presented the item. Director Raburn moved that the Board of Directors adopt President Saltzman's revised Standing

Committee proposal for the period of July through November 2017 and ratify the Proposed Standing Committee Appointments. Director Dufty seconded the motion, which carried by unanimous electronic vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, Simon, and Saltzman. Noes - 0.

President Saltzman announced that the Board would enter into closed session under Item 12-A (Conference with Real Property Negotiator) of the regular Meeting agenda, and that the Board would reconvene in open session upon conclusion of the closed session.

The Board Meeting recessed at 1:10 p.m.

The Board Meeting reconvened in closed session at 1:22 p.m.

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

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

Director Josefowitz entered the Meeting.

Director McPartland entered the Meeting.

The Board Meeting recessed at 1:35 p.m.

The Board Meeting reconvened in open session at 1:37 p.m.

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

Absent: None. Directors Keller and McPartland entered the Meeting later.

President Saltzman announced that the Board had concluded its closed session and that there were no announcements to be made.

Director Raburn brought the matter of Lake Merritt BART Transit Operations Facility before the Board.

Director McPartland entered the Meeting.

Mr. Val Menotti, Acting Assistant General Manager, Planning, Development, and Construction; Ms. Hannah Lindelof, Principal Planner; and Ms. Seema Parameswaran, Senior Administrative Analyst, presented the Project Update and Title VI Siting Analysis.

Director Keller entered the Meeting.

President Saltzman exited the Meeting and Vice President Raburn assumed the gavel.

The presentation was discussed. Director Blalock moved approval of BART's Transit Operations Facility Title VI Siting Analysis. Director Simon seconded the motion, which carried by unanimous acclamation. Ayes – 8: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Raburn, and Simon. Noes – 0. Absent – 1: Director Saltzman.

Vice President Raburn called for the General Manager's Report.

Mr. Paul Oversier, Assistant General Manager, Operations, reported on the service provided for the Warriors' championship parade. General Manager Grace Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items. Ms. Crunican reported that the BART team had placed first in the overall competition at the 2017 American Public Transportation Association (APTA) International Rail Rodeo.

Vice President Raburn called for the Controller/Treasurer's Report. Ms. Rosemarie Poblete, Controller/Treasurer, presented the report.

Vice President Raburn brought the matter of 2017 Schedule of Board Meetings before the Board and briefly presented the item.

Vice President Raburn called for Board Member Reports and Roll Call for Introductions.

Director Simon reported she had attended Carnival in San Francisco, the West Oakland Community Advisory Council, and the groundbreaking ceremony at McArthur Commons.

Director Blalock reported he had attended the Alameda County Mayors' Conference in San Leandro and the Mineta Transportation Institute's graduation ceremony.

Director Keller reported he had attended the APTA Rail Conference in Baltimore, Maryland.

Director McPartland reported he had attended two staff briefings, the BART Police Citizen Review Board meeting, the standing committee meetings, an Alameda/San Joaquin working group meeting, the Alameda County Mayors' Conference, an ACEforward DEIR open house, and the Capitol Corridor Joint Powers Board meeting.

Director McPartland requested staff determine Cal/OSHA noise rate requirements and test all trackways for compliance and develop a plan for bringing the system into compliance, report the findings to the Board, and submit the plan for compliance to Cal/OSHA for comment. Director Raburn seconded the request.

Director Allen reported she had attended a staff briefing, the Capitol Corridor Joint Powers Board meeting, and the megaregional rail workshop.

Director Raburn reported he had attended an affordable housing workshop, the Temescal Street Fair, the Island Jam, the Capitol Corridor Joint Powers Board meeting, and the megaregional rail workshop.

Director Raburn brought In Memoriam before the Board.

Director Simon requested the meeting be adjourned in honor of the three UPS employees who had been killed in San Francisco: Wayne Chan, Michael Lefiti, and Benson Louie.

Vice President Raburn called for Public Comment. Aleta Dupree addressed the Board.

The Meeting was adjourned at 2:41 p.m. in memory of Wayne Chan, Michael Lefiti, and Benson Louie.

Kenneth A. Duron
District Secretary

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

Board of Directors
Minutes of the 1,792nd Meeting
July 13, 2017

A regular meeting of the Board of Directors was held July 13, 2017, convening at 9:34 a.m. in the Powell Street Station, 899 Market Street, San Francisco, California. The meeting was a tour of the Powell Street Station. President Saltzman presided; Kenneth A. Duron, District Secretary.

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

Absent: None.

Director Dufty introduced and welcomed the following individuals.

Mikail Ali, Deputy Chief, Special Operations, San Francisco Police Department

Robert O'Sullivan, Commander, Municipal Transportation, San Francisco Police Department

Molly Pengel, Lieutenant, Municipal Transportation, San Francisco Police Department

Amy Hurwitz, Sergeant, Municipal Transportation, San Francisco Police Department

Jennifer Friedenbach, Executive Director, San Francisco Coalition on Homelessness

Kelly Cutler, Human Rights Organizer, San Francisco Coalition on Homelessness

Sam Dodge, Deputy Director for Policy, Department of Homelessness & Supportive Housing

Scott Walton, Manager of Outreach & Emergency Services, Department of Homelessness & Supportive Housing

Larry Stringer, Deputy Director, San Francisco Department of Public Works

Lynn Farzaroli, Senior Director, Tourism Improvement District & Moscone Expansion, San Francisco Travel

Claude Imbault, Director of Strategic Initiatives, Union Square Business Improvement District

Jessica Lum, Director of Policy, San Francisco Hotel Council

Hector Jusino, Jr., Acting Captain, San Francisco Police Department, Tenderloin Station

Candace Lewis, Sergeant, San Francisco Police Department, Tenderloin Station

Angelica Almeida, Department of Public Health, San Francisco Health Network

General Manager Grace Crunican introduced and welcomed Martin Gran, Chief Labor Relations Officer.

President Saltzman called for Public Comment. Aleta Dupree addressed the Board.

President Saltzman noted there were no items for Consent Calendar; Finance, Bond Oversight and Administration; Operation, Safety, and Workforce; and Planning and Legislation Committees or for the General Manager's Report.

The Tour of Powell Street Station was conducted. The following individuals made presentations at the stops within the tour.

Mr. Tim Chan, Manager of Planning; Mr. Larry Stringer; Ms. Jessica Lum; Mr. Claude Imbault; Ms. Paula Fraser, Assistant Chief Transportation Officer; Chief Carlos Rojas, BART Police Department; Deputy Chief Mikail Ali; Mr. Sam Dodge; Mr. Scott Walden; Dr. Angelica Almeida; and Ms. Jennifer Friedenbach.

President Saltzman called for Public Comment. Clinton Bailey addressed the Board.

The Meeting was adjourned at 11:13 a.m.

Kenneth A. Duron
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 19 July 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/20/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Angela Pride Dept: Dept of Human Resources <i>[Signature]</i> Signature/Date: 7.7.17	General Counsel <i>[Signature]</i> 7/3/17 []	Controller/Treasurer <i>[Signature]</i> 7/7/17 []	District Secretary []	BARC <i>[Signature]</i> 7-7-17 []

EMPLOYEE RELOCATION ASSISTANCE FOR THE HUMAN RESOURCES DIVISION MANAGER, ABSENCE MANAGEMENT PROGRAMS

PURPOSE:

To obtain Board authorization for employee relocation assistance for the position of Human Resources Division Manager, Absence Management Programs.

DISCUSSION:

On March 11, 1993, the Board adopted Resolution No. 4487, which requires Board approval prior to offering relocation assistance or moving expenses to a new employee.

This position was advertised on May 8, 2017, to both internal and external candidates using various national digital and print advertising sources, including the District's website. Several candidates were interviewed, and the selected candidate currently resides outside of the region.

The Human Resources Division Manager, Absence Management Programs is a senior management position that requires specialized skills derived from unique managerial/technical experience and education, and is critical to the District's progress.

Under the direction of the Assistant General Manager, Human Resources, the Human Resources Division Manager, Absence Management Programs will provide strategic leadership and direction relating to human resources programs including attendance management, Workers' Compensation, Employee Assistance, and mandatory drug testing programs.

EMPLOYEE RELOCATION ASSISTANCE FOR THE HUMAN RESOURCES DIVISION MANAGER, ABSENCE MANAGEMENT PROGRAMS

The Board's action will allow for executing a relocation agreement within the parameters of current District policy 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 cost for the relocation agreement will be expensed to the Human Resources Department FY18 Operating Budget.

ALTERNATIVES:

Not to offer relocation agreement. This alternative will result in the loss of the identified candidate for this critical management position.

RECOMMENDATION:

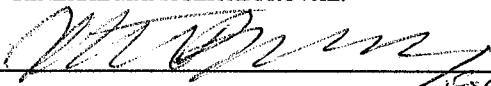
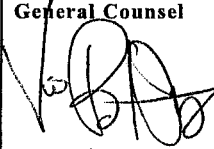
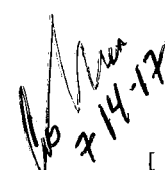
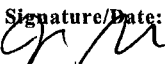
Adopt the following motion:

MOTION:

That the General Manager or her designee is authorized, in conformance with established District procedures, to enter into a relocation agreement in an amount not to exceed \$18,000 for the Human Resources Division Manager, Absence Management Programs, in accordance with Management Procedure Number 70, "New Employee Relocation Expense Reimbursement".



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  7/14/17		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/11/2017 For GC		BOARD INITIATED ITEM: No		
Originator/Prepared by: Jennella Sambour-Wallace Dept: Office of Civil Rights	General Counsel  7/14/17 []	Controller/Treasurer Chris Gan 7/14/17 []	District Secretary []	BARC  7/14/17 []
Signature/Date:  07/14/17				

Federal Highway Administration Title VI Policy

PURPOSE:

To request Board approval of a Title VI Policy in compliance with Federal Highway Administration regulations.

BACKGROUND:

The San Francisco Bay Area Rapid Transit District (BART or District), as a recipient of federal funds, is required by the Federal Highway Administration (FHWA) to comply with Title VI of the Civil Rights Act of 1964 and its amendments (Title VI Act). BART's Title VI Policy for the Federal Transit Administration (FTA) provides for protections against discrimination against race, color, national origin, and language proficiency. The FHWA Title VI regulations provide additional protections on the basis of age, sex, and disability.

DISCUSSION:

The District's Title VI Policy provides anti-discrimination protections against race, color, national origin, and language proficiency as required under the Title VI Act. The District's current Title VI Policy ensures compliance with the FTA's regulations and requirements. In accordance with FHWA regulations, the District is required to include additional protections for age, sex, and disability in its Title VI Policy.

FTA has advised that the proposed FHWA Title VI Policy, as well as other FHWA Title VI compliance requirements, must be distinct from the current FTA Title VI Policy and

Program. Therefore, BART is developing a separate FHWA Title VI Policy. The FHWA Title VI Policy shall be noticed and posted to the public at all locations where the District currently posts its current Title VI Policy. Once the FHWA Title VI Policy is approved, the District will implement additional FHWA requirements to ensure compliance.

FISCAL IMPACT:

None. However, failure to comply with FHWA regulations could jeopardize BART's ability to receive FHWA funding.

ALTERNATIVES:

Do not approve the FHWA Title VI Policy. If the Board does not approve the FHWA Title VI Policy, the District will be in noncompliance with FHWA regulations and may jeopardize BART's ability to receive FHWA funding.

RECOMMENDATION:

Approval of the following motion.

MOTION:

The Board of Directors approves the FHWA Title VI Policy.



FHWA TITLE VI NON DISCRIMINATION POLICY

Statement of Policy:

The San Francisco Bay Area Rapid Transit District (District), in compliance with Title VI of the Civil Rights Act of 1964, the Federal Highway Administration (FHWA), and applicable federal and state laws and regulations, is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services or programs on the basis of race, color, national origin, sex, age, or disability.

The District's Office of Civil Rights is responsible for providing leadership, direction and policy to ensure compliance with Title VI. To request additional information regarding the District's non discrimination obligations or to file a complaint, please contact the District's Office of Civil Rights.

**The Office of Civil Rights
300 Lakeside Drive, Suite 1800
Oakland, CA 94612
(510) 874-7333
(510) 464-7587 (fax)
officeofcivilrights@bart.gov**



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Rbt M. Poon</i> 19 July 2017		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the July 27, 2017 E&O Committee Meeting		
DATE: 7/6/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Shrenik Shah Dept: Planning, Development and Construction Signature/Date: <i>S.S.</i> 7/14/17	General Counsel <i>V. D. Ag</i> 7/13/17 []	Controller/Treasurer <i>[Signature]</i> 7/13/17 []	District Secretary []	BARC <i>[Signature]</i> For PD 7.13.2017 []

Award of Contract No. 11KH-110A, 24th and Mission Station Crossover Facility Improvements

PURPOSE: To obtain the Board's authorization for the General Manager to award Contract No. 11KH-110A, 24th and Mission Station Crossover Facility Improvements, to Barrera's Builders of Castro Valley, CA.

DISCUSSION:

This Contract consists of improvements to BART's 24th and Mission Station staff facilities. The scope of work includes the construction of a new Train Operator Breakroom, remodeling the existing staff restroom with new fixtures and accessories and retrofitting the restroom to a fully ADA compliant design. In addition, a new prefabricated Supervisor's Booth will be installed on the platform level of the station. The work includes all associated electrical, mechanical and plumbing work needed for the facilities.

On May, 2, 2017, an Advance Notice to Bidders was sent to six (6) prospective bidders. The Contract was advertised on May 4, 2017 in local publications. The Contract Documents were posted to the District's Procurement Portal and available to Bidders electronically on May 9, 2017 and also in hardcopy form. A total of five (5) firms downloaded the Contract Documents from the Procurement Portal. A pre-bid meeting and site visit were conducted on May 11, 2017 with three (3) prospective bidders attending. Bids were publicly opened on June 13, 2017. The tabulations of Bids received, and the Engineer's Estimate, are as follows:

BIDDER	LOCATION	BID PRICE
Reeds Construction	Pinole, CA	\$445,000.00
Barrera's Builders	Castro Valley, CA	\$547,700.00
Engineer's Estimate:		\$498,706.00

After review by staff, the Bid submitted by Reeds Construction was determined to be non-responsive for failure to list the subcontracted dollar amount and missing bid form pages. The apparent low Bidder, Barrera's Builders, was deemed responsive to the solicitation. The Bid Price was determined to be fair and reasonable. A review of Barrera's Builder's business experience and financial capabilities has resulted in a determination that Barrera's Builders is a responsible Bidder.

Pursuant to the District's Disadvantaged Business Enterprise Program Small Business Elements (SB Elements), this Contract was advertised as a Micro Small Business Entity (MSBE) Set-Aside. All prospective Bidders who are interested in submitting a Bid on MSBE Set-Aside contracts must be certified first by District's Office of Civil Rights as an MSBE. The lowest responsive Bidder, Barrera's Builders, is a BART certified MSBE.

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.

FISCAL IMPACT:

Funding of \$547,700 for Contract 11KH-110A will come from project budget 11KH001-24th and Mission Crossover. 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, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed.

As of July 6, 2017, \$2,226,000 is available for this project from the following fund sources:

Fund	Description	Amount
8524	FY2012 Operating Capital Allocation	225,999
3008	FTA 5307 CA-95-X271-00	2,000,001
	Total	2,226,000

BART has expended \$401,316 and committed \$958,712 to date for other actions. This action will commit an additional \$547,700 leaving an uncommitted balance of \$318,272 in this project. There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVES: The Board may decline to authorize award to the Contract, in which case the balance of the remaining grants may need to be cancelled.

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

MOTION: The General Manager is authorized to award Contract No. 11KH-110A, Construction of BART's 24th and Mission Station Crossover Facility Improvements to Barrera's Builders for the Bid Price of \$547,700.00 pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures and FTA requirements related to protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 19 July 2017		GENERAL MANAGER ACTION REQ'D: Approve and Forward to E & O Committee		
DATE: 6/8/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael K. Wong Dept: PD&C - Stations Signature/Date: 7/14/17	General Counsel 7/14/17 []	Controller/Treasurer 7/14/17 []	District Secretary []	BARC for R.O. 2.17.2017 []

Award of Contract No. 11OG-121, Balboa Park Station Wayfinding improvements Project

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 11OG-121, Balboa Park Wayfinding Improvements to L C General Engineering & Construction, Inc. ("L C General").

DISCUSSION:

Contract No. 11OG-121 provides new wayfinding signage throughout the station concourse and platform, including locations at the street level, including illuminated wayfinding signs, custom display cases, station identification pylons, kiosks and real-time displays to be fabricated and installed by the Contractor.

Advance Notice to Bidders was emailed on March 27, 2017, to 146 prospective bidders with a A or B Contractor License Classification as well as 21 plan rooms. The Contract was advertised on March 27, 2017, and subsequently was posted to the BART Procurement Portal. A Pre-Bid meeting was held on April 4, 2017, with 5 prospective bidders attending the meeting. Thirty-two (32) plan holders downloaded the Contract Book from the Procurement Portal. Two (2) Bids were received on May 23, 2017.

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

BIDDER	LOCATION	TOTAL BID PRICE
ProVen Management, Inc.	Oakland, CA	\$1,687,777.00
LC General Engineering & Construction, Inc.	San Francisco, CA	\$1,334,449.00

Engineer's Estimate	\$1,493,100.00
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LC General submitted the apparent low Bid of \$1,334,449. After review, staff determined that the apparent low Bid submitted by LC General is responsive and the Bid price is fair and reasonable. A review of LC General's business experience and financial capabilities has resulted in a determination that LC General is a responsible Bidder.

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 (d), Existing Facilities, because it consists of minor alteration of an existing facility involving no expansion of use.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 23% for Minority Business Enterprises ("MBEs") and 12% for Women Business Enterprises ("WBEs"). The Office of Civil Rights has determined that the apparent low Bidder, LC General, has exceeded both the MBE and WBE Availability Percentages for this Contract at 24.6% for MBEs and 32.1% for WBEs.

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, LC General Engineering & Construction, Inc., is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The other bidder, ProVen Management, Inc. is also not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. Since the Small Business Prime Preference is not available to either bidder, L C General is the apparent low bidder.

FISCAL IMPACT:

Funding of \$1,334,449 for the award of Contract No. 11OG-121 is included in total project for FMS project #110G-001 - Balboa Park Station Entrance Eastside Access. 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 commitment will be expended from a combination of these sources as listed.

As of June 29th, 2017, \$20,904,151 is the total budget for this project from the following sources:

Fund No.	Fund Description	Source	Amount
526H	STA FUND-POP LIFELINE (1100204)	State	\$ 747,440
535A	Prop 1B - FY2010-11- PTMISEA	State	\$ 9,827,855
535B	Prop 1B - FY2014-15- PTMISEA Fund	State	\$ 6,292,145
535X	Prop 1B - FY2008-09- PTMISEA	State	\$ 1,153,610
662C	SFCTA Prop K - SFCTA Balboa Park	Local	\$ 653,101
6703	SFCTA Prop K Res 14-20 Wayfinding	Local	\$ 200,000

6704	SFCTA Prop K Res 15-17 Balboa	Local	\$ 2,030,000
Total			\$20,904,151

BART has expended \$8,335,873, committed \$6,359,388 and reserved \$45,586 to date for other actions. This action will commit \$1,334,449 leaving an available fund balance of \$4,828,855.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board may elect to reject all Bids and authorize staff to re-advertise the Contract. Re-advertising the Contract would result in additional cost and time to the District with no assurance that rebidding will result in lower Bid prices.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to award Contract No. 11OG-121, Balboa Park Station Wayfinding Improvements Project to LC General Engineering & Construction, Inc. for the Bid price of \$1,334,449 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>Robert M. Peavey</i> 19 July 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/12/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Mark Letman Dept: Maintenance and Engineering Signature/Date: <i>Mark Letman</i> 7/14/17	General Counsel <i>[Signature]</i> 7/17/17 []	Controller/Treasurer <i>Chris GAN</i> 7/17/17 []	District Secretary []	BARC <i>[Signature]</i> POA P.O. []

Reject the Single Bid for IFB No. 9014, Aerial Lift Trucks

PURPOSE:

To request Board authorization to reject the single bid for Invitation For Bid (IFB) No. 9014 for the procurement of Two (2) Aerial Lift Trucks.

DISCUSSION:

This IFB was for the purchase of two (2) Aerial Lift Trucks to be used by Maintenance and Engineering, to maintain elevated power and communications systems.

On May 5, 2017, IFB No. 9014 for the procurement of two (2) Aerial Lift Trucks was advertised. Three (3) prospective bidders downloaded solicitation documents from the BART Procurement Portal. One bid was received from Altec Industries, Inc., ("Altec") and was opened on June 6, 2017.

The Bid was as follows:

<u>Bidder</u>	<u>Unit Price Including</u> <u>9.25% Sales Tax</u>	<u>Quantity</u>	<u>Total Including</u> <u>9.25% Sales Tax</u>
Altec Industries, Inc	\$213,904.95	2	\$427,809.89

The independent cost estimate by BART Staff is: \$415,150, including 9.25% sales tax.

In reviewing Altec's Bid for responsiveness, Staff determined that the IFB General Provisions had not been uploaded to the BART Procurement Portal with the final advertised IFB. The District's IFB General Provisions language includes terms and conditions required to bind contractual parties to critical elements of the Contract, such as how performance is measured, and compliance with laws and the District's non-discrimination policy. Omission of the General Provisions language from the advertised IFB renders it unenforceable for the Contract. Consequently, the District must reject Altec's Bid and re-advertise the solicitation as IFB No. 9014A. Upon rejection, District Staff intends to promptly reissue the IFB with all the pertinent provisions included.

FISCAL IMPACT:

There is no fiscal impact resulting from the rejection of the single Bid.

ALTERNATIVES:

The alternative is to award this contract to the single Bidder and assume the risk of disputes and delay in its performance.

RECOMMENDATION:

On the basis of analysis and evaluation by Staff, it is recommended that the Board adopt the following motion:

MOTION:

The Bid for Invitation for Bid No. 9014 for the procurement of two (2) Aerial Lift Trucks is rejected and the General Manager is authorized to re-advertise the solicitation.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Paul Corsier for B. Powers</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/11/2017		BOARD INITIATED ITEM: No.		
Originator/Prepared by: Pamela Herhold Dept:	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>[Signature]</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 7/13/17	<i>[Signature]</i> 7/13/17 []	<i>[Signature]</i> 7/13/17 []	[]	<i>[Signature]</i> 7-13-17 []

FY17 Short Range Transit Plan/Capital Improvement Program

PURPOSE:

Adoption of the District's FY17 Short Range Transit Plan/Capital Improvement Program.

DISCUSSION:

The Short Range Transit Plan/Capital Improvement Program (SRTP/CIP) provides an overview of BART's long-term operating and capital financial outlook. The Metropolitan Transportation Commission (MTC) requires each transit operator receiving federal funding through MTC to adopt and submit an SRTP/CIP. The FY17 SRTP/CIP covers the period FY17 through FY26 for the SRTP and FY17 through FY31 for the CIP.

At the Board's meeting on February 23, 2017, the Draft FY17 SRTP/CIP was presented as an informational item. Board feedback included support for the document's focus on system reinvestment, concern about future benefit cost increases, and discussion about the potential for future off-peak service increases. The Draft FY17 SRTP/CIP document was posted on BART's website. Staff also discussed the SRTP/CIP with BART's Title VI/Environmental Justice Committee on April 11, 2017; comments from members supported the focus on system reinvestment. At the BART Accessibility Task Force on March 23, 2017, members had questions regarding accessible projects and federal funding sources.

The Final FY17 SRTP/CIP incorporates the comments received at these meetings, from the public, and MTC, including additional detail as requested by MTC.

BART's SRTP operating financial outlook shows a cumulative shortfall of \$285 million, with annual deficits ranging from \$11 million to \$60 million. MTC guidelines require, however, that the operating forecast be sustainable and generally balanced over the period of the

SRTP. To address this requirement, a line titled "Cost Containment/Revenue Enhancement" was added to the final financial forecast in order to reduce the annual net deficit to zero each year. As a result, the SRTP shows the \$285 million projected shortfall as balanced. The document discusses potential cost containment/revenue enhancement solutions for achieving a balanced operating forecast, which include limiting future expense increases and reducing or realigning contributions to capital reinvestment, and reiterates BART's commitment to balance each future year's budget. The next SRTP/CIP update is planned for mid-2018 and will include new information regarding other revenue enhancement options (parking, telecommunications, real estate, and advertising) currently being developed by staff.

BART's Capital Improvement Program (CIP) is an unconstrained projection of all the capital needs BART faces. The CIP shows a more significant shortfall than the operating financial outlook. For the 15-year timeframe, fully funding the CIP would require approximately \$17.6 billion. BART has identified approximately \$11.9 billion in funding that has been committed or can reasonably be assumed to become available to BART in the future. This leaves a shortfall of approximately \$5.7 billion over the next 15 years, approximately 33% of the total capital need.

FISCAL IMPACT:

The SRTP/CIP is a required supporting document for BART's grant applications to MTC. As such, this document is a prerequisite to MTC's authorization of grant funds to the District.

ALTERNATIVES:

Do not adopt the Final FY17 SRTP/CIP, which would jeopardize future grant approvals by MTC.

RECOMMENDATION:

Adopt the Final FY17 SRTP/CIP for transmittal to MTC and the Federal Transit Administration (FTA) as required.

MOTION:

That the District's Final FY17 SRTP/CIP be adopted and transmitted to MTC and FTA as required.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Poore</i> 19 July 2017		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 6/22/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sonny Au Dept: Planning, Development and Construction Signature/Date: <i>[Signature]</i> 7/18/17	General Counsel <i>[Signature]</i> 7/19/17 []	Controller/Treasurer <i>Chris Egan</i> 7/19/17 []	District Secretary []	BARC <i>[Signature]</i> 7/19/2017 for PO []

Award of Contract No. 01RQ-190 for Construction of Hayward Maintenance Complex Project, Turntable Relocation

PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 01RQ-190 for Construction of Hayward Maintenance Complex Project, Turntable Relocation to Shimmick Construction Company, Inc., Suisun City, CA.

DISCUSSION:

The Hayward Maintenance Complex Project (HMC) was adopted by the BART Board of Directors on May 26, 2011. The Project will provide for expanded and enhanced maintenance complex facilities necessary to support, in part, BART's future system demands, including the new BART revenue vehicles and the Silicon Valley Extension Project.

The scope of this Contract consists of the relocation of the existing Hayward Yard turntable by constructing a new turntable at the HMC project location followed by complete demolition of the existing turntable. Associated work includes grading, paving, trackwork, approach slabs, and miscellaneous demolition work. See Attachment for project plan.

The Contract was advertised on April 7, 2017 in the District's online vendor portal. A total of 34 plan holders downloaded copies of the Contract Documents. A pre-Bid meeting and site tour were conducted on April 21, 2017 with 10 prospective bidders attending. Bids were publicly opened on June 20, 2017. The tabulation of Bids received, and the Engineer's Estimate, are as follows:

Bidder	Location	Total Bid Price
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Shimmick Construction Company, Inc.	Suisun City, CA	\$4,138,000
Proven Management, Inc.	Oakland, CA	\$4,588,150
Clark Construction Group – California, LP	Irvine, CA	\$4,650,110
Engineer's Estimate		\$3,923,104

After review by District staff, the Bid submitted by Shimmick Construction Company, Inc. was deemed the lowest responsive Bid. Furthermore, a review of this Bidder's license, business experience and financial capabilities has resulted in a determination that the Bidder is responsible. Staff has also determined that the Bidder's Bid of \$4,138,000 is fair and reasonable.

The Bid submitted by Shimmick Construction Company, Inc. contained minor irregularities. In accordance with provisions of the Contract Documents governing bid evaluation and award, District staff determined that these minor irregularities were immaterial and did not afford an unfair advantage to the Bidder. As a result, Staff determined that it was appropriate to waive these minor irregularities in the bid review.

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 DBE subcontracting opportunities; therefore, a DBE participation goal of 10% was set for this Contract. The low Bidder, Shimmick Construction Company, Inc. (Shimmick), committed to subcontracting 17.4% to DBEs. The Office of Civil Rights has determined that the Bidder, Shimmick, has met the DBE participation goal set for this Contract.

FISCAL IMPACT:

Funding of \$4,138,000 for the Award of Contract No. 01RQ-190 is included in the total budget for 01RQ000, Hayward Maintenance Complex (HMC). 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 July 6, 2017, \$76,196,998 is available for this Project from the following Fund:

Sources	Fund Description	Source	Amount
3007	FTA CA-90-X236	Federal	\$16,504,600
5602	High Speed Passenger Rail	State	\$17,250,000
656E & 656K	VTA	Local	\$19,850,000
8526, 8529 & 8530	FY14-16 BART Operating Alloc to Capital	BART	\$22,337,758
881B	Prog. Income from Cap Funds	BART	\$254,640
Total			\$76,196,998

BART has expended \$54,958,736 and committed \$9,396,525 to-date for other action. This action will commit \$4,138,000 leaving an available fund balance of \$7,703,737 in this Project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The alternatives are to not award the Contract, or to rebid the Contract. Not awarding the Contract will result in the future site trackwork (to be constructed under future HMC contracts) fouling the existing yard turntable, which will necessitate a complete realignment and redesign of the trackwork. Rebidding the Contract will delay execution of the work, potentially resulting in increased project costs.

RECOMMENDATION:

Adoption of the following motion.

MOTION:

The General Manager is authorized to award Contract No. 01RQ-190 for Construction of the Hayward Maintenance Complex Project, Turntable Relocation to Shimmick Construction Company, Inc. for the total Bid price of \$4,138,000, pursuant to notification to be issued by the General Manager, subject to the District's protest procedures and FTA requirements related to protest procedures.

RD TEST TRACK

(E) G.B. AYR

A1 TRACK

A2 TRACK

NEW RELOCATED TURNTABLE

(E) TURNTABLE RELOCATED

Existing Main Shop at OHY

40+00

45+00

2+00

14+00

30+00

35+00

16+00

6+00

28+00

18+00

39+00

41+00

19+95

10+00

SANDOVAL WAY

SANDOVAL WAY

TATION

(E) CAR CLEANER

(E) MOTOR SHOP

(E) RS&S STORAGE

(E) II

TURNTABLE RELOCATION
01RQ-190



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>T. M. Power</i> 19 July 2017		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board of Directors		
DATE: 7/13/2017		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Hong Mei Dept: Extensions <i>[Signature]</i> Signature/Date: 7/18/2017	General Counsel <i>[Signature]</i> 7/18/17 []	Controller/Treasurer <i>Chui Gan</i> 7/18/17 []	District Secretary []	BARC <i>[Signature]</i> 7.19.2017 for P.O. []
Status: Approved		Date Created: 7/13/2017		

Contract No. 15PJ-130B BART Earthquake Safety Program Fruitvale Station and Coliseum Station

PURPOSE:

To obtain Board authorization to award Contract No. 15PJ-130B, BART Earthquake Safety Program Fruitvale Station and Coliseum Station to Brosamer and Wall, Inc.

DISCUSSION:

The Work included in this Contract is part of BART's Earthquake Safety Program (ESP). The ESP was established in anticipation of a future major earthquake in San Francisco Bay Area, and includes construction of structural modifications to the original BART system to provide adequate resistance to forces of a major seismic event. These modifications will reduce the risk to, and improve the safety of, patrons and personnel during an earthquake.

The Work includes the base contract work (Base Bid) and Options A and B. The Base Bid includes construction of structural and related site work, and architectural and mechanical/electrical modifications, to improve the seismic safety of Fruitvale and Coliseum Stations in the City of Oakland. Option A includes the removal and reconstruction of the existing breakroom at Fruitvale Station and Option B includes the construction of a new breakroom at Coliseum Station.

The District sent out 630 Advance Notices on April 25, 2017 to potential Bidders, including 22 to plan rooms and 485 sent by the Office of Civil Rights (OCR) to Disadvantaged Business Enterprises. The Contract was advertised and posted to the BART Procurement

Portal on April 25, 2017. A total of 50 firms downloaded copies of the Bid Documents. One Pre-Bid Meeting and Jobsite tour were conducted on May 8, 2017, with a total of nine potential Bidders in attendance. Four Bids were received and publicly opened on Tuesday, June 20, 2017.

Tabulation of the Bids including the Base Bid and Options A and B along with the Engineer's Estimate, is as follows:

No.	BIDDER	LOCATION	Base Bid	Option A	Option B	TOTAL BID PRICE
1.	Proven Management, Inc.	Oakland, CA	\$13,727,777	\$150,000	\$200,000	\$14,077,777
2.	Brosamer and Wall, Inc.	Walnut Creek, CA	\$13,785,500	\$130,000	\$200,000	\$14,115,500
3.	USS Cal Builders, Inc..	Stanton, CA	\$17,808,000	\$700,000	\$990,000	\$19,498,000
4.	Myers & Sons Construction, LP	Sacramento, CA	\$20,680,750	\$351,900	\$520,950	\$21,553,600
	ENGINEER'S ESTIMATE:		\$14,102,000	\$245,000	\$323,000	\$14,670,000

At the time of the Bid Opening on Tuesday, June 20, 2017, Brosamer and Wall, Inc. (Brosamer) appeared to be the apparent low Bidder. In accordance with the provisions of the Bid Documents, staff reviewed the arithmetic for all Bids and found that Proven Management, Inc. (Proven) made a math summation error which affected the ranking between the low Bidder and the second low Bidder. Proven's Total Bid Price as shown on its Bid, including two options was \$14,527,777. With the correction of the summation error, Proven's Total Bid Price is reduced to \$14,077,777 which makes Proven the apparent low Bidder.

This Contract was advertised pursuant to the California Department of Transportation (Caltrans) Disadvantaged Business Enterprise ("DBE") Program requirements for Federal Highway Administration funded contracts. OCR reviewed the scope of work for this Contract and determined that there were DBE subcontracting opportunities; therefore, a DBE participation goal of 12% was set for this Contract. OCR deemed the apparent low Bidder, Proven to be non-responsive due to failure to submit complete DBE documentation as required by the Bid Documents. The next low Bidder, Brosamer, committed to subcontracting 16.24% to DBEs. OCR has determined that the Bidder committed to a total

of 16% DBE participation which exceeds the DBE participation goal set for this Contract.

In accordance with the provisions of the Bid Documents, District staff reviewed the Bid from the second low Bidder, Brosamer and found no discrepancies. It was determined that Brosamer's Bid was responsive to the solicitation. The Bid Price was determined to be complete, fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that the Bidder is responsible.

FISCAL IMPACT:

Funding of \$14,115,500 for the award of contract 15PJ-130B is included in the total project budget for FMS #15PJ001 – A Line Coliseum and Fruitvale Stations. 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 and is included in totality to track funding history against spending authority.

As of July 13, 2017, \$26,876,137 is the total budget for this project from the following fund sources:

Number	Description	Source	Amount
801F & 801J	ESP GO Bond	BART	\$23,860,081
3840	FHWA	Federal	\$3,016,056
Total			\$26,876,137

BART has expended \$1,560,336, committed \$4,241,590 and reserve 2,026,794 to date for other action. This action will commit \$14,115,500 leaving an available fund balance of \$4,931,917 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board may reject all Bids and ask for the Contract to be re-bid. A re-bid is not likely to result in lower bid prices and will result in the deferral of required seismic retrofit work at Fruitvale Station and Coliseum Station.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Contract No. 15PJ-130B, Earthquake Safety Program Fruitvale Station and Coliseum Station, to Brosamer and Wall, Inc. for the Bid amount of \$14,115,500.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and FHWA's requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i> 21 July 2017		GENERAL MANAGER ACTION REQ'D:		
DATE: 7/7/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Robert Mitroff Dept: Extensions <i>Robert Mitroff</i> 7/20/17 Signature/Date:	General Counsel <i>W. B. [unclear]</i> 7/20/17 []	Controller/Treasurer <i>Christina [unclear]</i> 7/20/17 []	District Secretary []	BARC <i>[unclear]</i> 7/20/2017 for P.O. []

PROFESSIONAL SERVICES AGREEMENTS NO. 6M8119, 6M8120, 6M8121, 6M8122, 6M8123, 6M8124 GENERAL ENGINEERING SERVICES FOR BART PROJECTS

PURPOSE: To authorize the General Manager to award Agreement No. 6M8119: to AECOM Technical Services, Inc./Transit Systems Engineering, Inc., Joint Venture; Agreement No. 6M8120 to HNTB Corporation/FMG Architects, Joint Venture; Agreement No. 6M8121 to Parsons Transportation Group, Inc.; Agreement No. 6M8122 to PGH Wong Engineering, Inc.; Agreement No. 6M8123 to STV Inc.; and Agreement No. 6M8124 to WSP USA Inc.; to provide General Engineering Services for BART Projects

DISCUSSION: General Engineering Services Consultants have a lead role in the design, engineering, and construction of projects within the District's capital program. Recent awards of General Engineering Services Agreements were made as follows:

- August 2011: \$20 million in contract commitment authority to each of the following three teams: Anil Verma Associates, Inc.; Kal Krishnan Consulting Services (KKCS), Inc.; and PGH Wong Engineering, Inc.
- April 2014: \$15 million in contract commitment authority each to the following six teams: Acumen/Parsons, a Joint Venture; B&C/URS Joint Venture; Kal Krishnan Consulting Services (KKCS), Inc.; PGH Wong Engineering, Inc.; STV Incorporated; and Transit Modernization Partners, a Joint Venture (Parsons Brinckerhoff, Inc. and Robin Chiang & Company, Inc.)
- December 2016: a change order was approved by the Board of Directors which increased the contract commitment authority available in each of the six 2014 Agreements by an additional \$4 million.

These 2011 and 2014 Agreements for General Engineering Services are now reaching the

limits of the permitted compensation. New agreements are required to ensure the District will have the essential Facilities and Systems Engineering Services needed to implement the District's Capital Improvement Program, including the Measure RR Expenditure Plan program. On December 9, 2016, the District issued Request for Proposals (RFP) No. 6M8119 to engage up to six consulting firms or joint ventures to provide General Engineering Services in an amount not to exceed \$25,000,000 per agreement, or \$150,000,000 in total. Each of these agreements would have a five-year term.

Advance Notice to Proposers was sent to 139 prospective proposers. The RFP was also posted to the District's Procurement Portal and was made available to proposers to download electronically. The RFP was also advertised in local publications. A total of 238 firms downloaded the RFP through the Procurement Portal. A pre-proposal meeting was conducted on January 10, 2017, with 150 firms attending.

Following the Board's early-2017 adoption of both the District's 2016 Disparity Study findings and its changes to the Disadvantaged Business Enterprise (DBE) Program, a major addendum to the RFP was issued on March 1, 2017. This addendum set the DBE subcontracting goal and Small Business Entity (SBE) participation goals for these agreements at 22% and 30%, respectively. A 2nd pre-proposal meeting was then held on March 8, 2017 with 71 firms attending. A total of fourteen proposals were submitted to the District on April 4, 2017, a figure which indicates an extremely competitive field for the District to select from. These proposals are listed in alphabetical order below:

1. AECOM Technical Services, Inc./Transit Systems Engineering, Inc., Joint Venture, Oakland CA
2. Anil Verma Associates, Inc., Oakland, CA
3. Arup North America Ltd., San Francisco, CA
4. Gannett Fleming, Inc., San Bruno, CA
5. HNTB Corporation/FMG Architects, Joint Venture, Oakland, CA
6. Jacobs Engineering Group, Inc., Oakland, CA
7. Lockwood, Andrews, Newnam, Inc./Rail Surveyors and Engineers, Inc., Joint Venture, Oakland, CA
8. Mott MacDonald, LLC/Kwan Henmi Architecture/Planning, Joint Venture, Pleasanton, CA
9. Parsons Transportation Group, Inc., Oakland, CA
10. PGH Wong Engineering, Inc., San Francisco, CA
11. STV Inc., Oakland, CA
12. TDT Transit Delivery Team, a CH2M/KKCS Joint Venture, Oakland, CA
13. TY Lin International, Inc., Oakland, CA
14. WSP USA Inc., (formerly Parsons Brinckerhoff, Inc.) San Francisco, CA

The written proposals were reviewed by a Selection Committee ("Committee") consisting of two members from Planning, Development, & Construction, two members from

Maintenance & Engineering, one member from the Office of Civil Rights, and one member from the Alameda County Transportation Commission (ACTC). Proposals were first reviewed to determine if the proposals were responsive to the requirements of the RFP. Subsequently, the proposals were evaluated, reference-checked, and scored on the basis of the criteria contained in the RFP with respect to the qualifications of the proposing firms and the qualifications of the proposed project teams. A significant gap in scores emerged from this evaluation between the lower-ranked and higher-ranked proposals. As a result, only the following seven firms and joint ventures (in alphabetical order) were shortlisted and selected for the oral interviews:

1. AECOM Technical Services, Inc./Transit Systems Engineering, Inc., Joint Venture, Oakland CA
2. HNTB Corporation/FMG Architects, Joint Venture, Oakland, CA
3. Mott MacDonald, LLC/Kwan Henmi Architecture/Planning, Joint Venture, Pleasanton, CA
4. Parsons Transportation Group, Inc., Oakland, CA
5. PGH Wong Engineering, Inc., San Francisco, CA
6. STV Inc., Oakland, CA
7. WSP USA Inc., San Francisco, CA

The oral interviews were conducted on May 31, 2017 and June 1, 2017 by the same Selection Committee members as those who evaluated the written proposals. Based on the combined scores for the oral interviews and written statement of qualifications for RFP No. 6M8119, the Committee determined that the six highest scoring proposers and therefore the most qualified firms (in alphabetical order) were:

1. AECOM Technical Services, Inc./Transit Systems Engineering, Inc., Joint Venture, Oakland CA
2. HNTB Corporation/FMG Architects, Joint Venture, Oakland, CA
3. Parsons Transportation Group, Inc., Oakland, CA
4. PGH Wong Engineering, Inc., San Francisco, CA
5. STV Inc., Oakland, CA
6. WSP USA Inc., San Francisco, CA

After making these determinations, negotiations were entered into with these six most qualified firms. BART Contract Administration, with support from Internal Audit and Planning, Development, & Construction, evaluated and discussed the rates and mark-ups (for a cost-plus fixed-fee rate agreement) received from the six Proposers. These discussions were concluded on terms favorable to BART and each of the Proposers. Staff determined that the recommended rate structures are fair and reasonable and that the six above-listed firms are responsible organizations.

The Office of Civil Rights reviewed the scope of work for this Agreement and determined

that there were DBE and SBE subcontracting opportunities; therefore, a DBE subcontracting goal of 22% and a SBE participation goal of 30% were set for this Agreement. The participation by DBE subcontractors counted towards the DBE subcontracting goal is also counted towards the SBE participation goal. Five of the six Proposers (AECOM Technical Services, Inc./Transit Systems Engineering, Inc., Joint Venture; HNTB Corporation/FMG Architects, Joint Venture; Parsons Transportation Group, Inc.; PGH Wong Engineering, Inc.; and WSP USA, Inc.) committed to meeting both the 22% DBE subcontracting goal and the 30% SBE participation goal. Proposer STV Inc. committed to meeting a 23% DBE subcontracting goal and a 30% SBE participation goal. The Office of Civil Rights will monitor the actual DBE and SBE participation attained based on individual task orders issued and amounts actually paid to DBE and SBE firms. The Agreements require the Consultants to ensure that DBE and SBE firms have an equal opportunity to compete for and participate in the performance of the Agreements.

Accordingly, staff recommends the following six awards under RFP No. 6M8119, each in an amount not to exceed \$25,000,000 for a five-year performance period as follows (in alphabetical order):

1. AECOM Technical Services, Inc/Transit Systems Engineering, Inc., Joint Venture, Oakland CA
2. HNTB Corporation/FMG Architects, Joint Venture, Oakland, CA
3. Parsons Transportation Group, Inc., Oakland, CA
4. PGH Wong Engineering, Inc., San Francisco, CA
5. STV Inc., Oakland, CA
6. WSP USA Inc., San Francisco, CA

Work Plans (WP's) under each Agreement will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule, and budget.

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

Lastly, as noted in Robert M. Powers' memo to the Board of November 14, 2016, the District plans on initiating over the next several months a new round of "Sustaining" Consultant contracts targeting small and medium-sized firms in the Architecture, Systems, and Program Management/Project Management areas.

FISCAL IMPACT: Each of the Agreements has a not-to-exceed limit of \$25,000,000. District obligations will be subject to a series of WP's. Each WP will have a defined scope of services, and separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Controller/Treasurer issues fund codes based on grant awards for allocation to capital projects. Grant Compliance/Capital Management will certify the eligibility of identified funding sources prior to incurring project costs against these Agreements and the execution of each WP.

ALTERNATIVES: The District could reject all proposals and re-solicit new proposals. Reissuing these RFP's would adversely impact the implementation of BART's Capital Improvement Program and would not likely result in better quality bids.

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

MOTION:

The General Manager is authorized to award the below listed Agreements to provide General Engineering Services for BART Projects in an amount not to exceed \$25,000,000 each, pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and Federal Transit Administration (FTA) requirements related to protests.

1. 6M8119 to AECOM Technical Services, Inc./Transit Systems Engineering, Inc., Joint Venture, Oakland CA
2. 6M8120 to HNTB Corporation/FMG Architects, Joint Venture, Oakland, CA
3. 6M8121 to Parsons Transportation Group, Inc., Oakland, CA
4. 6M8122 to PGH Wong Engineering, Inc., San Francisco, CA
5. 6M8123 to STV Inc., Oakland, CA
6. 6M8124 to WSP USA Inc., San Francisco, CA



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Power</i> 19 July 2017		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 7/7/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kevin Sanderson Dept: Extensions	General Counsel <i>[Signature]</i>	Controller/Treasurer <i>Chris G...</i>	District Secretary	BARC <i>[Signature]</i>
Signature/Date: <i>[Signature]</i> 6/14/17	<i>[Signature]</i> 7/14/17 []	<i>[Signature]</i> 7/17/17 []	[]	<i>[Signature]</i> 7.17.2017 P.O. []

Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, Change Order No. 92, Time Impacts from Change Order No. 24 and No.

49

PURPOSE:

To authorize the General Manager to execute Change Order No. 92 to Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems with Proven Management, Inc. for time impacts from Change Order No. 24 and No. 49, and non-work weather days, for an amount not to exceed \$1,331,000 and an extension of the Contract duration by 147 calendar days.

DISCUSSION:

The Board of Directors authorized award of Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, to Proven Management, Inc. on January 22, 2015, for the amount of \$18,769,845. The scope of Work of the Contract includes new special trackwork, systems, utility relocation, and site features such as retaining walls, soundwalls, and extensive earthwork in order to accommodate the new trackwork.

Change Order No. 24 and No. 49 both involved additional construction, design, and material procurement associated with utilities conditions that were different than as described in the Bid documents.

The net impact of the change was a 147 calendar day delay on the critical path. The

Contractor has agreed to accept compensation for 121 calendar days, with an additional 26 non-compensable calendar days delay due to weather. Change Order No. 92 will provide the Contractor with an amount not to exceed \$1,331,000 and add 147 calendar days to the Contract completion date to compensate for the time impacts arising from Change Order No. 24 and No. 49, and weather days.

Pursuant to Board Rule 5-2.3, Change Orders involving expenditures greater than \$200,000 require Board approval. The Procurement Department will review this Change Order prior to execution for compliance with procurement guidelines. The Office of the General Counsel will approve the Change Order as to form prior to execution.

FISCAL IMPACT:

The total not-to-exceed amount of \$1,331,000 for the award of Change Order No. 92 to Contract No. 01RQ-120 is included in the total budget for 01RQ002 – HMC-Site, Trackwork and System. 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 July 11, 2017, \$38,332,091 is available for this project from the following sources:

Fund	Fund Description	Source	Amount
3007	FTA CA-95-X236	Federal	\$33,935,400
8524	FY12 Operating Capital Alloc	BART	\$4,396,691
Total			\$38,332,091

BART has expended \$20,447,136, committed \$2,625,790 to-date for other action. This action will commit additional \$1,331,000 leaving an available fund balance of \$13,928,165 in this project.

There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 92, Time Impacts from Change Order No. 24 and No. 49, and non-work weather days, in an amount not to exceed \$1,331,000 and extend the Contract completion date 147 calendar days, for Contract No. 01RQ-120, Hayward Maintenance Complex Project Site, Track and Systems, with Proven Management, Inc.



EXECUTIVE DECISION DOCUMENT

ATTACHMENT #1

CONTRACT NO. 01RQ-120

CO No: 092

CHANGE ORDER SUMMARY

BACKGROUND

Name of Contractor: ProVen Management Inc.
Contract No./NTP: 01RQ-120 / March 23, 2015
Contract Description: Hayward Maintenance Complex Project – Site, Track and Systems

Percent Complete as of: 06/30/2017 - 98%

Dollars Percent Complete as of: 06/30/2017 - 93%

COST	<u>% of Award</u>	<u>Cost</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$18,769,845.00
Change Orders:			
Other than Board Authorized C.O.s:	3.6%	\$675,245.20	
Board Authorized Change Orders:			
This Change Order No. 92:	7.0%	\$1,331,000.00	
Subtotal of all Change Order	10.6%	\$2,006,245.20	\$2,006,245.20
<u>Revised Contract Amount:</u>			\$20,776,090.20

SCHEDULE

Original Contract Duration: 660 Days
Time Extension to Date: 164 Days
Time Extension Due to Approved COs: 164 Days
Revised Contract Duration: 824 Days

SUMMARY REASON FOR THIS CHANGE ORDER

Contract Time Extension to Completion of Utility Work - Milestone #4 [Time Impact Costs]

This change order is primarily due to delays associated with unforeseen site conditions of compensable 121 calendar days as well as non-work weather days of non-compensable 26 Days for a total added contract day extension of 147 calendar days, and the associated extended Contractor field overhead costs.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pauer</i> 19 July 2017		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 6/20/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: PD&C-ESP <i>Anthony Hitchings</i> Signature/Date: 7/6/17	General Counsel <i>[Signature]</i> 7/6/17 []	Controller/Treasurer <i>[Signature]</i> 7/6/17 []	District Secretary []	BARC <i>[Signature]</i> for P.O. 7.17.2017 []

Contract No. 09AU-120 BART Earthquake Safety Program TBT Internal Retrofit, Change Order No. 13.1 Part 1, Through-Bolt Connection - J Hangers

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 13.1 Part 1, Through-Bolt Connection - J Hangers, to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit, in an amount not to exceed \$1,500,000.

DISCUSSION:

Award of Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit to Shimmick/CEC Joint Venture, was authorized by the Board on December 1, 2016; Notice to Proceed was issued on February 2, 2017.

Contract No. 09AU-120 provided for two hangers for the 4,160 Volt power cables being field welded to the metal pan on the underside of the lower gallery ceiling, throughout the 3.6 mile length of the TBT. In practice, field welding is not possible due to inadequate clearances and the thinness of the metal pan. Change Order No. 13 specifies two alternative construction methods using additional support elements and either (a) through-bolting of the ceiling or (b) screws into the underside of the ceiling. The total estimated value of the work for all elements of Change Order No. 13 is \$2,000,000. Change Order No. 13 Part 1 was previously issued for the amount of not to exceed \$500,000. Change Order No.13.1 Part 1 for Through-Bolt Connection - J Hangers will be issued for an amount not-to-exceed \$1,500,000.

The following table summarizes the District's financial commitments for all elements of Change Order No. 13.

Change Order No. 13 Part 1	\$500,000	Pending Issue (Authority of the GM)
Change Order No. 13.1 Part 1	\$1,500,000	Pending Approval (July 27 or August 10)
Total Commitment	\$2,000,000	

Pursuant to Board Rule 5-2.3, for Construction contracts over \$200,000,000 in value, Change Orders involving expenditures greater than \$500,000 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:

The total not-to-exceed amount of \$1,500,000 for the award of Change Order No. 13.1 Part 1 to Contract No. 09AU-120 is included in the total budget for 09AU000 – TBT Retrofit #1 (Underwater). 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 21, 2017, \$373,536,500 is available for this project from the following sources:

Fund	Fund Description	Source	Amount
801F & 801J	ESP GO Bond	BART	\$299,509,627
801i	ESP GO Bond Interest Earnings	BART	\$20,000,000
850V & 850X	Capital Allocations	BART	\$26,873
802A	2017 Measure RR GO Bond	BART	\$54,000,000
Total			\$373,536,500

BART has expended \$24,750,449, committed \$315,896,452, and reserved \$25,790,000 to date for other actions. This action will commit an additional \$1,500,000 leaving an uncommitted balance of \$5,599,599. There is no fiscal impact on available unprogrammed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 13.1 Part 1, Through-Bolt Connection - J Hangers, in an amount not to exceed \$1,500,000 to Contract No. 09AU-120, BART Earthquake Safety Program TBT Internal Retrofit with Shimmick/CEC Joint Venture.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

7/5/2017

ATTACHMENT No 1
CONTRACT 09AU-120

CO No. 13.1 Par

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Earthquake Safety Program
Name of Contractor	Shimmick/CEC Joint Venture
Contract No. / NTP	09AU-120 / February 2, 2017
Contract Description:	TBT Internal Retrofit
Percent Complete as of 6/21/17	2.79%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 267,083,110
Change Orders			
Board Authorized COs	17.41%	\$ 46,500,000	
Other Than Board Authorized COs	0.30%	\$ 807,000	
This Change Order No. 013.1 Part 1	0.56%	\$ 1,500,000	
Subtotal of all Change Orders	18.27%	\$ 48,807,000	
<u>Revised Contract Amount</u>			<u>\$ 315,890,110</u>

SCHEDULE

Original Contract Duration	1675	days
Time Extension to Date		
Time Extension Due to Approved Cos	0	days
Time Extension Due to this CO 13.1 Part 1	0	days
Revised Contract Duration	1675	days

MBE PARTICIPATION

Original Contract Value excluding Allowances	\$ 267,048,110
Current MBE Participation excluding this Change Order	33.3%
Projected MBE Participation excluding this Change Order	33.3%
This Change Order No. 13.1 Part 1	0.00%
Contract 09AU-120 MBE Participation Commitment	33.3%



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Pava</i> 19 July 2017		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board		
DATE: 4/28/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anthony Hitchings Dept: PD&C-ESP Signature/Date: <i>[Signature]</i> 7/6/17	General Counsel <i>[Signature]</i> 7/6/17 []	Controller/Treasurer <i>[Signature]</i> 7/6/17 []	District Secretary []	BARC <i>[Signature]</i> 7.12.2017 []

Contract No. 79HM-120 SFTS MB, Change Order No. 90, Time Impacts from Change Order No. 41 and No. 67

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 90 , Time Impacts from Change Order No. 41 and No. 67, to Contract No. 79HM-120, for construction of the SFTS Marine Barrier (MB), in an amount not to exceed \$1,143,056 and in addition extending the Contract duration by 273 calendar days.

DISCUSSION:

The Board authorized award of Contract No. 79HM-120, SFTS MB to Manson Construction Co. Inc. on February 12, 2015. Notice to Proceed was issued on May 19, 2015. This proposed Change Order No. 90 will compensate the Contractor for the time delays arising out of Change Order No. 41 and No. 67 in an amount not-to-exceed \$1,143,056 and extend the Contract completion date by 273 calendar days.

Change Order No. 41 required improved welding quality standards for the work being performed by the steel subcontractor, in order to improve the integrity and durability of the Marine Barrier (MB) framing; resulting in an increase in the time required for off-site prefabrication of the steel frame. Change Order No. 67 required increasing the length and breadth of the framing to accommodate the SFTS's deviation from vertical and other SFTS out-of-position issues; this size adjustment required redesign and multiple resubmittals of the shop drawings, leading to delays. Change Order No. 67 also required field-drilling the above-water field-bolted connections, leading to an increase in the time required for on-site erection of the steel frame.

The net impact of these delays on the critical path was 273 calendar days. The Contractor

has agreed to accept compensation for 199 days, and take the remaining 74 days as being non-compensable. Change Order No. 90 will provide the Contractor an amount not to exceed \$1,143,056 and add 273 calendar days to the Contract completion date to compensate for the delays arising from Change Order No. 41 and No. 67.

Pursuant to Board Rule 5-2.3, 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 \$1,143,056 for Contract No. 79HM-120 Change Order No. 90 will come from project budget 79HM000 Transition Barriers. 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, and is included in its totality to track funding history against spending authority. Funds needed to meet this request will be expended from the sources listed below. As of April 27, 2017, \$98,955,723 is available for this project from the following sources:

Fund Group	Amount
FEDERAL	\$81,835,233
BART	\$99,672
REGIONAL	\$4,434,499
STATE	\$12,586,319
Total	\$98,955,723

BART has expended \$77,930,871 and committed \$17,513,833 to date for other actions. This action will commit an additional \$1,143,056 leaving an uncommitted balance of \$2,367,963 in this project. There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. If not resolved, failure to issue this Change Order will lead to a claim for the Contractor's delay costs and potential litigation costs, thus increasing the final cost to the District.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 90, Time Impacts from Change Order No. 41 and No. 67, in an amount not to exceed \$1,143,056 and extend the Contract completion date by 273 calendar days for Contract No. 79HM-120, SFTS MB with Manson Construction Company, Inc.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

EXECUTIVE DECISION DOCUMENT

6/15/2017

ATTACHMENT No 1
CONTRACT 79HM-120

CO No. 90

CHANGE ORDER SUMMARY

BACKGROUND

Program:	Transition Barriers
Name of Contractor	Manson Construction Co.
Contract No. / NTP	79HM-120 / May 20, 2015
Contract Description:	SFTS MB
Percent Complete as of 4/30/17	71.48%

<u>COST</u>	<u>% of Award</u>	<u>CO Totals</u>	<u>Contract Amount</u>
Original Contract Award Amount			\$ 49,686,000
Change Orders			
Board Authorized COs	7.12%	\$ 3,537,831	
Other Than Board Authorized COs	5.87%	\$ 2,918,111	
This Change Order No. 90	2.30%	\$ 1,143,056	
Subtotal of all Change Orders	15.29%	\$ 7,598,998	
<u>Revised Contract Amount</u>			<u>\$ 57,284,998</u>

SCHEDULE

Original Contract Duration	730	days
Time Extension to Date		
Time Extension Due to Approved Cos	94	days
Time Extension Due to this CO 90	273	days
Revised Contract Duration	1,097	days

DBE PARTICIPATION

Original Contract Value excluding Allowances	\$ 49,105,000
Current DBE Participation excluding this Change Order	14.98%
Projected DBE Participation excluding this Change Order	13.71%
This Change Order No. 90	18.78%
Contract 79HM-120 DBE Participation Commitment	1.95%



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Poore</i> 21 July 2017		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board		
DATE: 7/14/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Paul Voix Dept: Real Estate and Property Development <i>Paul Voix</i> 7/18/17 Signature/Date:	General Counsel <i>[Signature]</i> 7/19/17 []	Controller/Treasurer <i>Chirag</i> 7/19/17 []	District Secretary []	BARC <i>[Signature]</i> 7.19.17 []

WEST OAKLAND STATION DEVELOPMENT - EXTENSION OF EXCLUSIVE NEGOTIATING AGREEMENT

PURPOSE: To obtain Board authorization to: extend the Exclusive Negotiating Agreement with China Harbour Engineering Company, Ltd. for development at the West Oakland BART Station through June 30, 2018, and authorize staff, if necessary, to further extend the Exclusive Negotiating Agreement through June 30, 2019.

DISCUSSION: On December 4, 2014, the Board of Directors authorized the General Manager or her designee to enter into an Exclusive Negotiating Agreement (ENA) with China Harbour Engineering Company, Ltd. (CHEC), for development at the West Oakland BART Station (Project). On June 23, 2016, the Board authorized an extension of the ENA to June 30, 2017. Pursuant to the resulting ENA, as amended, CHEC has paid the District \$50,000 in ENA fees.

In the approximately twelve months since the Board's most recent extension authorization, during which the Board adopted a new Transit-Oriented Development Policy, CHEC has engaged in the following activities:

- establishment of a West Oakland BART Station Community Advisory Committee (CAC)
- commencement of a consultant-prepared Access Study
- refinement of an architectural conceptual design for the Project that includes residential, commercial and retail components
- securing additional professional services to augment the development team
- continued development of a Project site master plan and Project design options
- Project financial modeling and cost estimating

- identification of potential Project finance and funding options
- outreach to and coordination with affected government agencies to secure their support and participation for the Project
- CHEC has designated Oakland based Strategic Urban Development Alliance, LLC (SUDA) as its lead for administrative activities and interaction with BART.

As noted in the Request for Developer Qualifications for the West Oakland Station, the District encourages the maximum consideration of office and retail uses for the property.

CHEC has revised its project schedule as it intends to seek approval of a structure whose height exceeds existing height and density limits set forth in the applicable City of Oakland Specific Plan.

One of the several Project options being looked at that exceed the 100-foot specific plan height limit along Mandela Parkway includes a 150-foot office tower at the corner of 7th and Mandela. This proposed option includes 700,000 square feet of office space, 62,000 square feet of retail and 165 residential units. The cost of this overall development is estimated to be approximately \$565 million. Also under consideration is 250-foot tower option that could accommodate 850,000 square feet of office space.

CHEC expects to accomplish a number of milestones over the course of the next twenty-four months including:

- compete a BART approved access plan
- secure Project funding and financing with equity partners and financing sources
- complete a final market feasibility study for all components of the proposed project
- provide a detailed and itemized project pro forma
- complete the CEQA process for the Project
- obtain necessary zoning permits and planning approvals from the City of Oakland
- submit final design development plans to the District and the City of Oakland

If the extensions are approved by the Board, any proposed agreement for the Project that results from negotiations will be brought back to the Board for approval.

The Office of the General Counsel will approve the ENA amendments establishing the extensions as to form.

FISCAL IMPACT: CHEC will pay the District \$50,000 for each of the two subject extensions of the ENA. That amount is intended to defray consultant costs and outside counsel fees associated with the negotiation of a potential Option Agreement. Any negotiated Option Agreement will require CHEC to reimburse BART for all reasonable outside counsel expenses incurred during subsequent negotiations.

ALTERNATIVES: Do not authorize extension of the ENA with CHEC. If the extension is

not authorized, direction would be required as to whether and how negotiations would continue.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or her designee is authorized to enter into an amendment to the Exclusive Negotiating Agreement (ENA) with China Harbour Engineering Company, Ltd., for development at the West Oakland BART Station extending the ENA's term through June 30, 2018 and, if necessary, enter into a subsequent amendment to the ENA extending its term through June 30, 2019.

EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>21 July 2017</i> <i>Rhet M. Peun</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/1/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Rachel Factor Dept: Systems Development Signature/Date: <i>[Signature]</i> <i>7/20/2017</i>	General Counsel <i>[Signature]</i> <i>7/20/17</i> []	Controller/Treasurer <i>[Signature]</i> <i>7/20/17</i> []	District Secretary []	BARC <i>[Signature]</i> <i>7.21.17</i> []

Advance a parking strategy for Dublin/Pleasanton and West Dublin/Pleasanton stations

PURPOSE:

To direct BART staff to advance a parking strategy to increase the parking supply at the Dublin/Pleasanton and West Dublin/Pleasanton BART stations, consistent with BART's 2016 Station Access Policy, and advance other multimodal access strategies.

DISCUSSION:

Background

In November 2002, the City of Dublin City Council certified an Environmental Impact Report (EIR) for the Dublin Transit Center (DTC), a mixed-use development located in Dublin, at the Dublin/Pleasanton (D/P) BART station. The approved DTC project included a multi-level BART parking structure to be constructed in two parts: the first part being a seven-level, 1,528-space structure (completed in 2007 by the Alameda County Surplus Property Authority) and the second part featuring a garage expansion, with an additional six-level, 655-space, to be constructed by BART on BART property at a later date.

On an average weekday, all 2,927 currently existing parking spaces (both surface and structured) at D/P station are at full occupancy, and are typically filled by approximately 7:45 a.m. There is latent demand to use BART, and constraints on station access limit ridership. An expansion of parking would be consistent with BART's

Station Access Policy (adopted June 9th, 2016), which states that expanded automobile parking may be pursued as a secondary investment at stations classified as “auto-dependent.”

In February 2017, BART staff proposed an Addendum to the original DTC EIR (2002) to the BART Board for the construction of an estimated \$37.1 million garage, which would replace the existing 115-space surface parking lot, adding net 540 parking spaces to the station. The garage expansion would also include a real-time parking monitoring system and electronic message signs that would display parking availability within the garage and along I-580.

The Board unanimously directed BART staff to review options for more cost-effective delivery of 540 net new parking spaces at (D/P) station by using a combination of parking and other multimodal access strategies. Several Board members cited the following primary concerns regarding an investment in the parking garage:

1. A pending decision on the BART to Livermore extension
2. Uncertainty about parking demand when considering a possible future with autonomous vehicles

Parking Alternatives Analysis:

In response to the Board’s request, BART staff developed a high-level analysis, evaluating multiple parking options, as an alternative to constructing the garage. The framework for assessing parking alternatives came directly from the Station Access Policy “Invest and Implement” strategy, which states that BART should “improve management of existing parking resources, and invest in or partner on strategic parking resources including shared parking, on-street parking, programs to maximize existing parking assets, and locating new parking resources only where other approaches are not sufficient, consistent with the station typology investment matrix.” Additionally, the framework considered the Access Policy goals and strategies call for innovation and partnerships.

BART staff compared costs, benefits, implementation opportunities and constraints, and timeframes for the following options:

- A. Original Phase 2 garage expansion
- B. Automated Parking Systems (APS)
- C. Attendant-assist parking
- D. Satellite Park & Ride locations (located further than one mile from station)

- E. Leasing or acquiring surface parking areas within ½ mile of stations
- F. Shared-parking within ½ mile
- G. On-street parking opportunities
- H. Reconfiguring existing parking areas

For alternatives C, E, F, G and H, Staff evaluated alternatives at both D/P and West D/P stations because they are less than 2.5 miles apart and generally serve the same market.

Based on staff's evaluation of the above alternatives, Staff has arrived at the following hybrid parking strategy to deliver the equivalent of a minimum of 540 net new spaces and provide a greater benefit at a lower cost compared to the original garage expansion option:

1. The reconfiguration (restriping) of an existing parking lot on the Pleasanton side of Dublin/Pleasanton station, providing approximately 55 additional spaces.
2. Shared parking arrangements with one or more businesses within a ½ mile of the D/P stations, providing approximately 155 new spaces.
3. Automated Parking System (APS) with 14 modules, providing approximately 340 new spaces, located in a segment of the existing 115-space lot where the Phase 2 garage was proposed.

This hybrid parking strategy would provide access equivalent to a minimum of 540 net new parking spaces and provide the following additional benefits:

- **Most Cost Effective.** Minimizing overall expenditures;
- **Flexibility.** Allowing flexibility for the District related to the uncertainty of future parking demand;
- **Faster.** Allowing for faster implementation (less than one year to two years versus 3.5 years for the garage expansion).

This proposed hybrid strategy would be phased, as shown in Table 1 below, to deliver the strategies with shortest implementation times first:

- Reconfiguration of the existing lot (approximately 55 spaces);
- Shared parking (approximately 155 spaces);
- Attendant assist (approximately 340 spaces in the near term which will ultimately be phased out and substituted by approximately 340 APS parking spaces)

Table 1 presents the phased approach.

Table 1: Hybrid Parking Alternative: Phased Approach with Net New Spaces

	Phase 1	Phase 2	Phase 3
Reconfiguration	55	55	55
Shared parking	155	155	155
Attendant assist	340	280	0
Automated Parking System	0	60	340

Since APS modules take longer to implement but are more cost-effective than attendant-assist in the long run, they would be implemented to gradually replace attendant-assist over time. In addition, the phasing would enable BART to evaluate the APS technology in a transit setting. APS modules can also be relocated if parking demand at D/P decreases and increases at another station.

Multimodal Access Alternatives Analysis:

Additionally, BART staff compared costs, benefits, implementation opportunities and constraints, and timeframes for multimodal modes, including walk, bike, transit, carpool, and drop-off.

Staff’s analysis determined that the following additional, relatively low-cost pedestrian, bike, carpool and transit access strategies would continue to encourage multimodal access and help shift passengers from driving alone to the station, reducing pressure on the existing parking supply:

1. Improve the Iron Horse Trail where it interfaces and connects with the Dublin/Pleasanton station.
2. Construction of a 130-space Bike Station.
3. Partner with the cities to improve key pedestrian/bike corridors and intersections (Safe Routes to BART).
4. Continue and expand carpooling incentive programs at Dublin/Pleasanton station.
5. Monitor and evaluate recent and extensive Livermore Amador Valley Transit (LAVTA) service changes, which improve bus access to BART.

BART staff plans to advance these multimodal strategies independent of the future parking strategy for the Dublin/Pleasanton stations.

FISCAL IMPACT:

In Phase 3 (full implementation), the Hybrid Parking Strategy is estimated to cost \$17.24 million including design and construction..

Table 2 below provides the comparison of the costs of the Hybrid Parking Strategy and

the Parking Garage Expansion, including a comparison of the total public cost and the potential BART cost for both parking alternatives. The BART cost considers a scenario with potential capital grant funding of \$20 million, and if any capital costs remain, it could potentially be supplemented with two-thirds from other local funding contributions. BART share of capital costs after the \$20 million would be one-third.

Table 2: Fiscal Comparison of Hybrid Parking Strategy and Garage Expansion

	Hybrid Strategy: Public Cost	Hybrid Strategy: BART Cost	Garage Expansion: Public Cost	Garage Expansion: BART Cost
Capital Cost (a)	\$17,240,000	\$17,240,000	\$34,310,000	\$34,310,000
\$20 M Grant (c)		+\$20,000,000		+\$20,000,000
Remaining Capital Cost after \$20 M Grant		\$0		\$14,310,000
BART Capital Cost (1/3) (d)		\$0		\$4,770,000
Annual O&M + Capitalized Maintenance (e)	\$555,000 (initial 2 years)/ \$390,000 (after first 2 years) (f)	\$555,000 (initial 2 years)/ \$390,000 (after first 2 years) (f)	\$540,000	\$540,000

(a) The capital cost for the garage expansion does not include the real-time information system investment to properly compare capital costs since other alternatives do not include real-time information.

(b) The total annual cost calculation combines capital, operating and maintenance

costs and capitalized maintenance. A "straight line" depreciation is applied by dividing the capital cost by the useful life of the asset and applying a discount rate of 1.9%, based on current real interest rate (April 2017) on 30-Year Treasury Bond as recommended by the United States Office of Management and Budget (OMB) guidance for cost-benefit analysis of federal projects.

- (c) Assumes a grant of \$20 M is applied to the capital cost to each alternative.
- (d) Possible shared funding (to be agreed by local funding partners)
- (e) Funding source to be determined
- (f) Phase 3 costs assuming APS has full-time attendants in the first 2 years and will not require attendants thereafter as monthly patrons become accustomed to the system.

ALTERNATIVES:

Do not advance the recommended motion and instead direct staff to advance the garage expansion and bring back the adoption of the Phase 2 garage expansion to the Board for action in the next few months.

RECOMMENDATION:

That the Board adopt the following motion:

MOTION:

The Board of Directors hereby:

- (1) Directs staff to advance BART's Hybrid Parking Strategy for Dublin/Pleasanton and West Dublin/Pleasanton BART stations;
- (2) Directs staff to complete planning and environmental work to deliver the hybrid parking strategy at the Dublin / Pleasanton and West Dublin / Pleasanton BART stations;
- (3) Directs staff to work with funding partners, and prepare a funding plan;

Advance a parking strategy for Dublin/Pleasanton and West Dublin/Pleasanton stations (cont.)

- (4) Directs staff to return to the Board within 6 months to seek approval of the Hybrid Parking Strategy, the environmental review document and funding plan;
- (5) Directs staff to advance planning for multimodal access projects at the Dublin / Pleasanton BART Station;
- (6) Continue outreach for shared parking opportunities.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 21 July 2017 		GENERAL MANAGER ACTION REQ'D: No		
DATE: 7/14/2017		BOARD INITIATED ITEM: No		
Originator/Prepared by: Holly Gordon Dept: Sustainability Signature/Date: 7/20/17	General Counsel Signature/Date: 7/20/17 []	Controller/Treasurer Signature/Date: 7/20/17 []	District Secretary []	BARC Signature/Date: 7.20.17 []
Status: Approved		Date Created: 7/14/2017		

Low Carbon Fuel Standard Policy

PURPOSE:

To request that the Board of Directors adopt 1) the attached Low Carbon Fuel Standard Policy (LCFS) and 2) the attached amendment to the Fiscal Year 2018 Annual Budget.

DISCUSSION:

The Board is being asked to adopt the attached LCFS Policy to guide how BART allocates the revenues generated from the LCFS. The California LCFS requires fuel producers to reduce the carbon content of fuels by 10 percent below 2010 levels by 2020 to help the state meet its greenhouse gas (GHG) emission-reductions goals. The LCFS allows low and zero carbon fuel producers and transportation providers to generate credits and requires high carbon-intensity fuel providers (primarily oil refineries) to purchase credits while they work to reduce their carbon content (the more progress they make on cleaning their fuels, the fewer credits they are required to purchase). As of January 1, 2016, the LCFS was amended to allow “Fixed Guideway Charging” systems, which includes electrically-powered rail systems, such as BART, to generate credits. Transit service providers such as BART reduce regional GHG emissions and support the goals of the LCFS program by taking automobiles off the road, particularly during peak traffic times. With the revenue generated from selling the LCFS credits, BART has the opportunity to both support general operations and further reduce its carbon footprint by advancing sustainability projects.

Consistent with the recently adopted BART Strategic Plan as well as the intent of the LCFS

program, the revenues from sales of the LCFS credits will be used to further the following goals:

1. Support BART sustainability objectives a) as outlined in the BART Sustainability Policy and b) by supporting BART operations and fiscal health; and
2. Prioritize investments with environmental and financial returns for BART.

FISCAL IMPACT:

To achieve the above goals, LCFS credits shall be sold at times and through means that maximize the value to BART, and the resulting revenues shall be allocated as follows:

- All revenue from LCFS credits sold prior to June 30, 2017 shall be allocated to help balance the FY17 budget.
- All revenue from LCFS credits sold after July 1, 2017 shall be allocated as follows:
 - On a one-time basis, the first \$1 million of LCFS credit revenues shall be used for development and design of sustainability projects.
 - All of the remaining LCFS credit revenues that accumulate during the lifetime of the LCFS program shall be allocated as follows on a dollar basis at the time of the credit sales:
 - 50% to be programmed by the BART Sustainability Group to develop and deliver projects in support of the above policy goals.
 - 50% to the BART general operating fund for use in the fiscal year of the sales.

ALTERNATIVES:

Do not adopt this LCFS Policy as currently presented. In that event, BART would not have an adopted policy for allocating the revenues generated by the LCFS.

RECOMMENDATION:

It is recommended that the Board adopt 1) the attached LCFS policy and 2) the attached amendment to the Fiscal Year 2018 Annual Budget.

MOTION:

The BART Board of Directors hereby adopts 1) the attached LCFS Policy and 2) the attached amendment to the Fiscal Year 2018 Annual Budget.

BART Low Carbon Fuel Standard Policy

Background and Vision:

The California Low Carbon Fuel Standard (LCFS) Policy requires fuel producers to reduce the carbon content of fuels by 10 percent below 2010 levels by 2020 to help the state meet its greenhouse gas (GHG) emission-reductions goals. The LCFS allows low and zero carbon fuel producers and transportation providers to generate credits and requires high carbon-intensity fuel providers (primarily oil refineries) to purchase credits while they work to reduce their carbon content (the more progress they make on cleaning their fuels, the fewer credits they are required to purchase). As of January 1, 2016, the LCFS was amended to allow “Fixed Guideway Charging” systems, which includes electrically-powered rail systems, such as BART, to generate credits. Transit service providers such as BART reduce regional GHG emissions and support the goals of the LCFS program by taking automobiles off the road, particularly during peak traffic times. With the revenue generated from selling the LCFS credits, BART has the opportunity to both support general operations and further reduce its carbon footprint by advancing sustainability projects.

Goals:

Consistent with the recently adopted BART Strategic Plan as well as the intent of the LCFS program, the revenues from sales of the LCFS credits will be used to further the following goals:

Support BART sustainability objectives

- a) as outlined in the BART Sustainability Policy and
- b) by supporting BART operations and fiscal health; and

Prioritize investments with environmental and financial returns for BART.

Implementation:

To achieve the above goals, LCFS credits shall be sold at times and through means that maximize the value to BART, and the resulting revenues shall be allocated as follows:

- All revenue from LCFS credits sold prior to June 30, 2017 shall be allocated to help balance the FY17 budget.
- All revenue from LCFS credits sold after July 1, 2017 shall be allocated as follows:
 - On a one-time basis, the first \$1 million of LCFS credit revenues shall be used for development and design of sustainability projects.

- All of the remaining LCFS credit revenues that accumulate during the lifetime of the LCFS program shall be allocated as follows on a dollar basis at the time of the credit sales:
 - 50% to be programmed by the BART Sustainability Group to develop and deliver projects in support of the above policy goals.
 - 50% to the BART general operating fund for use in the fiscal year of the sales.

**BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**

In the matter of amending Resolution No.5345 regarding the Fiscal Year 2018 Annual Budget

Resolution No. _____

RESOLVED, that Resolution No. 5345 is amended by changing the following line items in Exhibit A thereof:

<u>Fund Use Line Item:</u>	<u>Current Amount</u>	<u>Increase/ (Decrease) In This Resolution</u>	<u>Amended Amount</u>
Allocations to Capital - Sustainability	\$ -	\$ 2,500,000	\$ 2,500,000
Allocations to Operating Reserves	\$ 4,000,000	\$ (2,500,000)	\$ 1,500,000