

San Francisco Bay Area Rapid Transit District

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



BOARD MEETING AGENDA

Thursday, May 13, 2021

9:00 AM

via Teleconference Only.

Board of Directors

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

BOARD MEETING AGENDA

May 13, 2021

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, May 13, 2021.

Please note, pursuant to Governor Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate, public participation for this meeting will be via teleconference only.

You may watch the Board Meeting live or archived at <https://www.bart.gov/about/bod/multimedia>

Presentation materials will be available via Legistar at <https://bart.legistar.com>

You may also join the Board Meeting via Zoom by calling 1-669-900-6833 or logging in to Zoom.com and entering access code 912 0772 7957

If you wish to make a public comment:

- 1) Submit written comments via email to board.meeting@bart.gov, using "public comment" as the subject line. Your comment will be provided to the Board and will become a permanent part of the file. Please submit your comments as far in advance as possible. Emailed comments must be received before 4:00 p.m. on May 12, 2021 in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 912 0772 7957, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; OR log in to Zoom.com, enter access code 912 0772 7957, and use the raise hand feature.

Public comment is limited to three (3) minutes per person.

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.

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>).

Meeting notices and agendas are available at bart.legistar.com; via email (<https://cloud.info.bart.gov/signup>); or via regular mail upon request submitted to the District Secretary.

Complete agenda packets (in PDF format) are available for review at bart.legistar.com 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.

Jacqueline R. Edwards
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

1. CALL TO ORDER

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

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of April 22, 2021. Board requested to authorize.

Attachments: [Approval of Minutes of the Meeting of April 22, 2021](#)

- B. Resolution Authorizing Execution of a Master Agreement and Program Supplements for State-Funded Transit Projects with the California Department of Transportation. Board requested to adopt.

Attachments: [Resolution Authorizing Execution of a Master Agreement and Program Supplements for State-Funded Transit Projects - EDD](#)

- C. Resolutions of Local Support for Applications to the Metropolitan Transportation Commission Safe and Seamless Mobility Quick-Strike Program for Various Projects. Board requested to adopt.

Attachments: [Resolutions of Local Support for Applications to the Metropolitan Transportation Commission - EDD](#)

- D. Agreement with Oracle America, Inc. for Renewal of Subscription for Oracle Support Services. Board requested to authorize.

Attachments: [Agreement with Oracle America, Inc. for Renewal of Subscription - EDD](#)

3. PUBLIC COMMENT - 15 Minutes

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

4. ADMINISTRATION ITEMS

Director Li, Chairperson

- A. Fiscal Year 2022 Budget: Service Plan and Operating and Capital Sources and Uses. For information.

Attachments: [Fiscal Year 2022 Budget Service Plan and Operating and Capital Sources and Uses - Memo](#)
[Fiscal Year 2022 Budget Service Plan and Operating and Capital Sources and Uses - Presentation](#)

- B. Clipper Update. For information.

Attachments: [Clipper Update - Memo](#)
[Clipper Update - Presentation](#)

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

NO ITEMS.

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

Director Raburn, Chairperson

- A. Award of Agreements for Professional Services for Program Identification and Project Selection for the New Transbay Rail Crossing (Link21).
Board requested to authorize.

- i. Agreement No. 6M6146-SC1 to HDR Engineering, Inc.
- ii. Agreement No. 6M6146-SC2 to Cambridge Systematics, Inc.
- iii. Agreement No. 6M6146-SC3 to ARUP North America Ltd./WSP
USA Inc., Joint Venture.
- iv. Agreement No. 6M6146-SC4 to ICF Jones & Stokes, Inc.

Attachments: [Award of Agreements for Professional Services for Link21 - EDD](#)
[Award of Agreements for Professional Services for Link21 - Presentation](#)

B. BART Headquarters Office Building (2150 Webster St., Oakland, CA 94612).

- i. Update on BART Headquarters Office Building.
For information.

Attachments: [Update on BART Headquarters Office Building - Memo](#)
[Update on BART Headquarters Office Building -](#)
[Presentation](#)

- ii. Change Orders to Contract No. 6M4706, Design-Build of BART
Headquarters, with Turner Construction Company.
Board requested to authorize.

- a. Fire Pump Code Compliance Modifications (C.O. No. 504).
b. Collaboration Space Technology and Furniture (C.O. No. 505).
c. Roof Access Design and Construction (C.O. No. 506).

Attachments: [Change Order to Contract No. 6M4706, Design-Build of](#)
[BART Fire Pump Code Compliance Modifications \(C.O.](#)
[No. 504\) - EDD](#)
[Change Order to Contract No. 6M4706, Design-Build of](#)
[BART Collaboration Space Technology and Furniture \(C.O.](#)
[No. 505\) - EDD](#)
[Change Order to Contract No. 6M4706, Design-Build of](#)
[BART Roof Access Design and Construction \(C.O. No. 506\)](#)
[- EDD](#)

- iii. BART Headquarters Surveillance Impact Report.
Board requested to approve.

Attachments: [BART Headquarters Surveillance Impact Report - EDD](#)

- iv. Award of Agreement No. 6M4736, BART Headquarters' ("BHQ") Property
Management Services for BART's Property at 2150 Webster St., Oakland, CA.
Board requested to authorize.

Attachments: [Award of Agreement No. 6M4736 BART Headquarters](#)
[\(BHQ\) Property Management Services - EDD](#)

- v. Agreement with TMG Partners to Lease Parking Spaces for BART Corporate Vehicles. Board requested to authorize.

Attachments: [Agreement with TMG Partners to Lease Parking Spaces for BART Corporate Vehicles - EDD](#)

7. GENERAL MANAGER'S REPORT

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

8. BOARD MATTERS

- A. Board Member Reports.

(Board member reports as required by Government Code Section 53232.3(d) are available through the Office of the District Secretary. An opportunity for Board members to report on their District activities and observations since last Board Meeting.)

- B. Roll Call for Introductions.

(An opportunity for Board members to introduce a matter for consideration at a future Committee or Board Meeting or to request District staff to prepare items or reports.)

- C. In Memoriam.

(An opportunity for Board members to introduce individuals to be commemorated.)

9. CLOSED SESSION

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Titles: General Manager, General Counsel, Controller/Treasurer,
District Secretary, Independent Police Auditor, and Inspector
General

Government Code Section: 54957

- B. PUBLIC EMPLOYEE EMPLOYMENT

Title: Controller/Treasurer

Government Code Section: 54957(b)(1)

10. OPEN SESSION

- A. Announcement from Closed Session, if any.

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

Board of Directors
Minutes of the 1,884th Meeting
April 22, 2021

A regular meeting of the Board of Directors was held on April 22, 2021, convening at 9:01 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-29-20 and the California Shelter-in-Place mandate. President Foley presided; Jacqueline R. Edwards, District Secretary.

Directors Present: Directors Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley.

Absent: None. Director Allen entered the Meeting later.

President Foley gave instructions on viewing the Meeting, accessing presentation materials online, and Public Comment.

Director Allen entered the Meeting.

President Foley asked Jacqueline Edwards, District Secretary, if there were any emailed public comments beyond what was forwarded to the Board that morning. District Secretary Edwards confirmed that there were no additional emailed public comments.

President Foley called for Introduction of Special Guests. Director Simon recognized representatives from the Alliance for Girls (AFG) and Haleema Bharoocha, AFG Senior Advocacy Manager; greeted organizations and youth that would be viewing the Meeting; and thanked AFG, AFG members, and Senior Advocacy Manager Bharoocha for their partnership with BART.

President Foley thanked AFG Senior Advocacy Manager Bharoocha and Director Simon.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of April 8, 2021.
2. Revision of BART Accessibility Task Force Committee By-Laws.
3. Agreement with SHI International Corp. for Renewal of Software License from Auth0, Inc., for Cloud-based Identity Management Software.
4. Renewal of Lease Agreement with City of Berkeley for Downtown Berkeley BART Bike Station.

Director Saltzman requested that the Minutes of the Meeting of April 8, 2021 be amended to include the reason for her comments regarding minimizing the amount of BART funding used for charging infrastructure for electric vehicles, specifically that there is a lot of outside funding and we should compete with that.

Director Saltzman made the following motions as unit. Director Raburn seconded the motions and noted that the Executive Decision Document for Item 2-D, Renewal of Lease Agreement with City of Berkeley for Downtown Berkeley BART Bike Station, incorrectly refers to the East Bay Bicycle Coalition as the founder of the initial Bike Station in Downtown Berkeley in 1999 and that the correct founding organization was the Bike Friendly Berkeley Coalition.

1. That the Minutes of the Meeting of April 8, 2021, as amended by Director Saltzman, be approved.
2. That the General Manager be authorized to amend the BART Accessibility Task Force By-Laws by expanding membership eligibility from residents of the BART District to residents of counties with BART stations.
3. That the General Manager be authorized to execute Agreement No. 6M4742 with SHI International Corporation to obtain a new software subscription from Auth0, Inc. for a three-year term not to exceed \$439,479.18 for cloud-based identity management software.
4. That the General Manager or his designee be authorized to negotiate and execute a lease renewal with the City of Berkeley for the commercial space housing the Berkeley Bike Station at 2023 Center Street for a fifteen-year term, subject to annual Board budget approval, with an option to extend for one additional five-year term.

President Foley called for Public Comment on the Consent Calendar. No comments were received.

The motions brought by Director Saltzman and seconded by Director Raburn carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0.

President Foley called for general Public Comment. Aleta Dupree and Hayden Miller addressed the Board.

President Foley brought the matter of Amendment to Customer Code of Conduct to Include the Prohibition of Sexual Harassment before the Board. President Foley; AFG Senior Advocacy Manager Bharoocha; and Alicia Trost, Chief Communications Officer, presented the item.

Director Simon moved that the Customer Code of Conduct be amended to include the prohibition of sexual harassment. Director Li seconded the motion.

The item was discussed, with the following highlights:

Director Simon thanked AFG Senior Advocacy Manager Bharoocha and expressed Ramadan greetings to her and BART riders; inquired about the number of cars in operation each day within the system; commented on improving safety with an ecosystem approach and acknowledging and repairing harm to youth; and thanked AFG, the Communications Department, and the Art Department for their work.

Director Saltzman associated herself with the comments of President Foley and Director Simon; thanked AFG Senior Advocacy Manager Bharoocha and the young women and gender expansive youth involved in the partnership; requested that they continue to work on the campaign; and encouraged them to hold BART accountable and communicate with the Board.

Director Ames thanked AFG Senior Advocacy Manager Bharoocha and young women for their leadership; inquired about evaluating problems on BART and how the BART mobile application could be used in a situation involving harassment; and expressed excitement about the BART mobile application, the proposed amendment to the Customer Code of Conduct, and the campaign.

The following individuals addressed the Board:

Aleta Dupree
Anyka Barber
Elizabeth Newman
Riss Myung
Brytanee Brown
Clarence Fisher
Marianne Ceballos

Discussion continued, with the following highlights:

Director Raburn thanked AFG Senior Advocacy Manager Bharoocha, Chief Communications Officer Trost, and Anyka Barber for their leadership and work; commented on his experiences at Fruitvale Station and Liberation Village, community outreach efforts, and using the Customer Code of Conduct to communicate that sexual harassment is not tolerated; and inquired whether Girls, Inc. is included in the AFG.

Director Dufty commented on the meaning of infrastructure; acknowledged Chief Communications Officer Trost, Jennifer Easton, Manager of Special Projects (Strategic and Policy Planning), Anna Duckworth, Communications Officer, Cheryl Stalter, Communications Officer, Maria Avila, Marketing Representative II (Communications), and Director Simon for their work on the “Not One More Girl” (NOMG) campaign; and thanked the young women who advocate for the NOMG campaign.

Director Li echoed Directors’ expressions of gratitude toward AFG, Betti Ono, Black Girls Brilliance, The Unity Council, and the women and girls who power those organizations and the NOMG campaign; expressed support for the proposed amendment to the Customer Code of Conduct; recognized Director Simon for her leadership and Chief Communications Officer Trost, Special Projects Manager Easton, and staff for their work on the NOMG campaign; commented on feedback she has received from BART riders; and thanked public speakers for their comments.

Director McPartland commented on Board Member’s support of the public, his gratitude for the increased representation of women on the Board of Directors, and the effects of the proposed amendment to the Customer Code of Conduct; and thanked staff for their work.

President Foley thanked AFG Senior Advocacy Manager Bharoocha, Chief Communications Officer Trost, Special Projects Manager Easton, and Director Simon for their support, advocacy, and making a difference.

The motion brought by Director Simon and seconded by Director Li carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, Simon, and Foley. Noes: 0

Director Li, Chairperson of the Administration Committee, brought the matter of Fiscal Year 2022 Preliminary Budget Overview before the Board. Pamela Herhold, Assistant General Manager, Performance and Budget; Michael Eiseman, Director of Financial Planning; and Christopher Simi, Director of Budgets, presented the item.

The following individuals addressed the Board:

Aleta Dupree
David Ying
David Sorrell
Nishant Kheterpal
Clarence Fisher
Hayden Miller
Hayley Currier

The item was discussed, with the following highlights:

Director Li commented on the preliminary budget memo, support for additional car cleaning and postponement of fare increases, appreciation for the inclusion of progressive policing initiatives and support to fund them, Service Scenario D, starting the bid schedule before September 13th, and increasing weekend headways, especially on Saturdays; requested that staff present rider incentives and promotions at the next Board meeting; and inquired about the bid schedule process.

Director Saltzman commented on targeted fare incentives, implementing fare incentives after service has been increased, support for deferring the fare increase, increasing service and weekend service, restoration of capital and pension allocations, discontinuing train fogging and transitioning resources to some of the more important cleaning work; inquired about weekend fare discounts and train fogging; requested that staff provide cost estimates of increasing weekend service in January or February before the Board votes on the budget; and expressed support for the proposed budget.

Director Li indicated that she would support Director Saltzman's suggestion to discontinue fogging trains and transition resources to some of the more important cleaning work.

Director Simon congratulated Assistant General Manager Herhold and staff on the Government Finance Officers Association's commendation of BART's Budget and Performance team and thanked them for their work; commented on the difficult decisions and proposals made by staff, especially in times of austerity, and moving past the COVID-19 pandemic period; and recognized the work of employees and the agency.

Director Li expressed agreement with Director Simon's comments.

Director Allen commented on the \$350 million federal subsidies and \$31 million deficit in the Fiscal Year (FY) 2022 budget, concern about not meeting ridership projections, not expanding service to 12:00 a.m. until we have a more stable recovery outlook, delaying the 12:00 a.m. opening for six months except for large events when we can run event trains after 9:00 p.m., riders' safety considerations and expectations, heightened cleaning efforts, and increasing effort into the police budget and presence in the proposed budget.

Director Ames expressed appreciation for Director Allen's comments; inquired about the cost of increasing service under Service Scenario D, the projected revenue loss at the slow recovery ridership mark, the action plan if revenue projections are not met, whether a capital outlay for the fare gates would be provided, showing which stations will receive new fare gates, and a capital program to improve ventilation; commented on ultraviolet lighting, increasing filtration systems, not increasing fares, and giving back to riders; and requested that staff provide information about ventilation improvements and a plan to address the operational deficit between FY 2022 and FY 2025 at the next Board meeting.

Director Dufty expressed agreement with Directors Li and Saltzman regarding potential growth in evening and weekend service and support for pivoting from fogging trains to cleaning rolling stock; responded to Director Ames regarding fare gates; and discussed his confidence in the Progressive Policing and Community Engagement Bureau.

Director McPartland expressed agreement with Directors' comments; commented on train fogging efforts, receiving concurrence from the local county health agency regarding the Centers for Disease Control and Prevention's (CDC) recommendation on fogging, the filtration system, high-efficiency particulate air (HEPA) filters, and ultraviolet lighting for the Fleet of the Future; and indicated support for discontinuing train fogging if the local county health agency concurs.

Director Raburn commented on the preliminary budget memo, increases in service, and commitment to progressive policing and new fare gates; requested that staff provide cost estimates for increased service expansion beyond Service Scenario D, options to move forward before September 13th, and expanding weekend and off-peak service in January or February at the next Board meeting; and expressed support for deferring the fare increase, openness to hearing about weekend service discount options, and support for an enhanced cleaning initiative without disinfection efforts.

President Foley commented on the preliminary budget memo and free fare on New Year's Eve if ridership rebounds and BART is open late; expressed concern about the \$380 million budget deficit and support for the proposed budget, not increasing fares, enhanced cleaning initiatives, discontinuing train fogging after fully retrofitting the system with ultraviolet filtration, improving restroom cleaning, refreshing seventy-five restrooms, continuing Pit Stop restrooms, and new fare gates; inquired about the existing fare discount structure; and requested that staff provide information about stepping back if ridership milestones are not achieved at a future Board meeting.

Director Simon, Chairperson of the Engineering and Operations Committee, had no report.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board. Amanda Cruz, Manager of Government Relations and Legislative Affairs, Government and Community Relations, presented the item.

Director Raburn commented on legislators' support for Senate Bill (2) and SB 2.

Director Dufty moved that the Board of Directors support SB 2. Director Saltzman seconded the motion.

Director Simon commented on her support for SB 2.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Allen indicated that she would oppose SB 2; expressed support for the general decertification process; inquired about the felony conviction aspect of Assembly Bill (AB) 60; and commented on AB 60.

Director Ames commented on placing SB 2 on a watchlist and lack of collaboration to develop a better compromise; inquired about whether the California League of Cities placed SB 2 on a watchlist and the civil rights component of SB 2; and indicated that she would abstain from voting on SB 2 at this time.

Director Raburn commented on the Bane Act, hate crimes, and the need for training police forces to combat inherent biases.

Director McPartland expressed support for SB 2 and commented on checks and balances within SB 2.

Director Raburn commented on the inclusion of representatives of police and the public in the SB 2 advisory body.

President Foley commented on his support for continued improvement of policing at BART, including a Commission on Peace Officer Standards and Training (POST) renewal and decertification process; and explained why he remained opposed to SB 2.

The motion brought by Director Dufty and seconded by Director Saltzman carried by roll call vote. Ayes: 6 – Directors Dufty, Li, McPartland, Raburn, Saltzman, and Simon. Noes: 2 – Directors Allen and Foley. Abstentions: 1 – Director Ames.

Director Raburn brought the matter of Update on Regional Transit Coordination before the Board. Hannah Lindelof, Group Manager, Policy Planning, Strategic and Policy Planning; Financial Planning Director Eiseman; and Government Relations and Legislative Affairs Manager Cruz presented the item.

Director Raburn requested that staff present AB 629 for Board discussion at a future Board meeting.

The following individuals addressed the Board:

Clarence Fisher
Aleta Dupree
Adina Levin
David Ying
Ian Griffiths

The item was discussed, with the following highlights:

Director Li commented on BART's leadership regarding seamless transit principles and not taking a position on AB 629 at this time; and expressed support for the concept of AB 629.

Director Saltzman inquired about the upcoming meetings among the transit agency Board members and the plan for receiving input from transit agency Board members; expressed support for AB 629; and suggested that AB 629 be placed on the Board meeting agenda soon for the Board to potentially take a position and discuss timing of amendments with the bill's author.

Director Ames inquired about and/or commented on transit services that were excluded from the study, fare integration for other transit systems such as Capitol Corridor® and Altamont Corridor Express (ACE), contactless payment, the Metropolitan Transportation Commission's (MTC) advocacy principle to avoid rushing complex items that require more evaluation, MTC's authority over transit agencies, and regional coordination planning.

Director Li responded to Director Ames' comments.

Director Raburn commented on the Contra Costa Transportation Authority's (CCTA) paratransit pilot project, BART and Alameda-Contra Costa Transit District's (AC Transit) joint grant application, inter-regional integration advanced by Capitol Corridor and other state operators through the California Integrated Travel Project (Cal-ITP), addressing bridge approaches for buses, fare coordination pilots, updating wayfinding signage, and achieving a data-driven pilot for fare integration.

President Foley called for the General Manager's Report. Robert Powers, General Manager, reported on the A75 Interlocking Project and the related weekend bus bridges; his interview with KPIX for its *Road to Recovery* segment; his meeting with *San Francisco Chronicle* columnist Phil Matier for the ABC 7 series, *The Path Forward*; ridership; and Clipper® contactless payment.

Director Raburn inquired about the vehicle automatic train control software for the Fleet of the Future (FOF), and installation of modifications to FOF train cars.

Director Saltzman requested that staff provide information about Clipper on Apple Pay, including the number of devices that can be utilized and limitations.

President Foley brought the matter of Report of the Audit Committee before the Board. Director Allen, Chairperson of the Audit Committee, reported on the Audit Committee meeting of April 13, 2021 and noted that the next Audit Committee meeting would be held on May 18, 2021 at 1:00 p.m.

Director Allen reported that she had attended the Innovate 680 Advisory Commission and Pleasant Hill BART Leasing Authority meetings.

President Foley called for Board Member Reports, Roll Call for Introductions, and In Memoriam requests.

Director Saltzman reported that she had attended the Capitol Corridor Joint Powers Authority (CCJPA) Board meeting; commented on CCJPA staff and Union Pacific Railroad's safety concerns regarding at-grade access to the new Oakland Athletics stadium through active rail tracks; and requested that staff provide the BART Board with the CCJPA Board meeting materials regarding the new Oakland Athletics stadium.

Director Raburn agreed with Director Saltzman's request.

Director Li reported that she had met with her BART Police Citizen Review Board (BPCRB) representative and requested that senior management provide updates regarding the BPCRB Ad Hoc Working Group on Fare Evasion and that the Inspector General (IG) present quarterly reports to the Board as a regular agenda item.

President Foley indicated that he had spoken to the Inspector General and encouraged her to bring quarterly reports before the Board.

Director Raburn reported that he attended the Alameda City Manager's Report on the State of the City, the City of Oakland meeting regarding the transit-oriented development project at Lake Merritt Station, the Oakland Economic Indicators presentation, the public outreach event at Fruitvale Station and Liberation Park with the Not One More Girl Committee, and the CCJPA Board meeting.

Director Ames commented on her attendance at the Innovate 680 Advisory Commission meetings; reported that she had attended the CCJPA Board meeting; requested that a transportation planning session be arranged; wished everyone a Happy Earth Day; and requested that staff present a climate resilience plan to the Board at a future Board meeting.

Director McPartland reported that he had attended the CCJPA Board meeting and commented on the safety issue at the new Oakland Athletics stadium.

President Foley thanked Ed Alvarez, Chief of Police, and BART Police Department staff for their quick response and arrest of a subject in an assault at Pleasant Hill Station and for attending an East Bay Municipal Utility District (EBMUD) town hall event; reported that he had attended the Innovation Center at Brentwood town hall meeting; requested that the Meeting be adjourned in honor of Estelle Cartwright, long-term employee in the Procurement Department at BART, and Shawn Rollerson, long-term employee and Train Operator at BART.

Director Simon gave remarks regarding Shawn Rollerson and thanked President Foley for his *In Memoriam* request for Shawn Rollerson.

President Foley announced that the Board would enter into closed session under Item 10-A (Conference with Legal Counsel – Existing Litigation) 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 12:59 p.m.

The Board reconvened in closed session at 1:14 p.m.

Directors present: Directors Allen, Ames, Dufty, Li, Raburn, Saltzman, Simon, and Foley.

Absent: None. Director McPartland entered the Meeting later.

Director McPartland entered the Meeting.

The Board Meeting recessed at 2:00 p.m.

The Board reconvened in open session at 2:02 p.m.

Directors present: President Foley.

Absent: Directors Allen, Ames, Dufty, Li, McPartland, Raburn, Saltzman, and Simon.

President Foley announced that the Board had concluded its closed session under Item 10-A and that there was no announcement to be made.

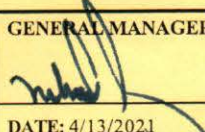
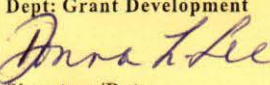
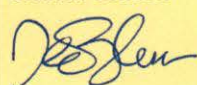
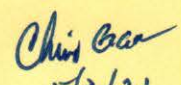
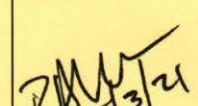
President Foley thanked Kevin Franklin, Deputy Police Chief, and Anisa McNack, Police Lieutenant, for their involvement in the EBMUD town hall event.

The Meeting adjourned at 2:03 p.m. in honor of Estelle Cartwright and Shawn Rollerson.

Jacqueline R. Edwards
District Secretary



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/3/21		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/13/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Donna Lee Dept: Grant Development  Signature/Date: 5/3/21	General Counsel  5/3/2021 []	Controller/Treasurer  5/3/21 []	District Secretary []	BARC  5/3/21 []

Authorization for the Execution of a Master Agreement and Program Supplements for State-Funded Transit Projects

PURPOSE: To request that the Board of Directors adopt the attached Master Agreement Resolution and authorize the execution of a Master Agreement and Program Supplements for State-Funded Transit Projects with the California Department of Transportation (Caltrans), Division of Mass Transportation (DMT).

DISCUSSION: The Master Agreement (MA) for State-Funded Transit Projects is a contract between the DMT and the local agency (Recipient) which will receive State funds for transit projects. The MA sets forth general conditions the Recipient will adhere to whenever accepting State funds covered by the MA. Fund recipients are still required to enter into "project-specific" agreements, but the MA serves to cover the general requirements expected from all State-Funded Transit Projects. State fund sources may include the following:

- General Fund
- State Highway Account
- Public Transportation Account
- Clean Air and Transportation Improvement Act of 1990 (PROP. 116) Bond Fund
- Traffic Congestion Relief Fund (TCR), GC 14556.40
- Proposition 1A, the Safe, Reliable High-Speed Passenger Train Bond Act
- Road Repair and Accountability Act of 2017, Senate Bill 1
- 2018 Local Partnership Program
- Other State Funding Sources (Existing and Future)

The MA contains all of the legal, contract-related language specific to the individual

Recipient. It must be executed prior to, or concurrent with, approval by the California Transportation Commission's (CTC) transit project application. The current Caltrans MA will expire on June 14, 2021. This MA covers all transit-related applications throughout the term of the 10-year agreement period, which extends from June 15, 2021 to June 15, 2031. Specific technical information regarding each individual transit project, including a detailed cost, scope, schedule, etc., will be contained in the Program Supplement (PS) agreement for each project. The PS covers project-specific rules and regulations, which are called special covenants and are signed by the Caltrans District Office (the District Office). While Caltrans Headquarters must sign-off on all MAs, the District Office will execute the PSs and will be the point of contact for each Recipient. The District Office will oversee the implementation process and ensure that each Recipient has a MA in place prior to, or concurrent with, the submittal of a State-funded transit project application to the CTC.

Topics addressed in this MA include, but are not limited to:

- Project Administration
- Allowable Costs and Payments
- Funding Provisions, including local match provisions
- Audits and Reports Provisions, including project review
- Special Requirements, including compliance with standards, codes and policies
- Special Provisions, including bond provisions

FISCAL IMPACT: Approval of the Master Agreement Resolution is a requirement for BART to receive State funds from Caltrans Division of Mass Transportation. This action will have no fiscal impact on unprogrammed BART District Reserves.

ALTERNATIVES: Do not approve the Master Agreement Resolution. This will preclude BART from accessing State grant funds.

RECOMMENDATION: Adopt the following motion.

MOTION: The Board adopts the attached Master Agreement Resolution authorizing the General Manager to enter into a Master Agreement and Program Supplement Agreements with Caltrans Division of Mass Transportation.

ATTACHMENT II

RESOLUTION # _____

**AUTHORIZATION FOR THE EXECUTION OF A MASTER AGREEMENT AND
PROGRAM SUPPLEMENTS FOR STATE-FUNDED TRANSIT PROJECTS**

WHEREAS, the San Francisco Bay Area Rapid Transit District may receive state funding from the California Department of Transportation (Department) now or sometime in the future for transit projects; and

WHEREAS, substantial revisions were made to the programming and funding process for the transportation projects programmed in the State Transportation Improvement Program, by Chapter 622 (SB 45) of the Statutes of 1997; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to execute an agreement with the Department before it can be reimbursed for project expenditures; and

WHEREAS, the Department utilizes Master Agreements for State-Funded Transit Projects, along with associated Program Supplements, for the purpose of administering and reimbursing state transit funds to local agencies; and

WHEREAS, the San Francisco Bay Area Rapid Transit District wishes to delegate authorization to execute these agreements and any amendments thereto to the General Manager.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that the fund recipient agrees to comply with all conditions and requirements set forth in this agreement and applicable statutes, regulations and guidelines for all state-funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the General Manager be authorized to execute the Master Agreement and all Program Supplements for State-Funded Transit Projects and any Amendments thereto with the California Department of Transportation.

AGENCY BOARD DESIGNEE:

BY: _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 5/5/21		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 4/28/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ricki Wells Dept: Grant Development Signature/Date: 5/3/21	General Counsel 5/4/2021 []	Controller/Treasurer 5/4/21 []	District Secretary []	BARC 5/5/21 []

Adoption of Resolutions of Local Support for MTC's Safe and Seamless Mobility Quick-Strike Program

PURPOSE:

To request that the Board of Directors adopt the required Resolutions of Local Support in order for BART to be an eligible recipient of the Metropolitan Transportation Commission's ("MTC") Safe and Seamless Mobility Quick-Strike Program funds.

DISCUSSION:

MTC's Safe and Seamless Mobility Quick-Strike Program is a one-time, competitive grant program within the One Bay Area Grant program ("OBAG2") framework. MTC has programmed \$54.4 million in federal funds to support local and regional projects that can be implemented quickly to benefit communities responding and adapting to the COVID-19 environment. The Safe and Seamless Mobility Quick-Strike Program emphasizes bicycle/pedestrian safety and mobility, connections to transit, and projects that advance equitable mobility. MTC's adopted OBAG 2 guidelines require applicants for Safe and Seamless Mobility Quick-Strike Program funds to adopt a Resolution of Local Support.

To address local needs throughout the region, and encourage community-based project investments, each County Transportation Agency(CTA), on MTC's behalf, nominated projects for their county area for Safe and Seamless Mobility Quick-Strike Program funds. Nominated projects are required to submit a Resolution of Local Support for each project no later than May 21, prior to MTC staff presenting the list of recommended projects for adoption to the Commission at its June meeting. BART staff worked closely with San Francisco County Transportation Agency (SFCTA) and Contra Costa Transportation Authority (CCTA) on the following nominated projects:

Embarcadero Station Platform Elevator Capacity and Redundancy Project

The Embarcadero Station Platform Elevator Capacity and Redundancy Project will procure and install a new redundant elevator at the north end of the Embarcadero BART/Muni Station, refurbish Muni's existing elevator, and rebuild and widen stairs located in the north and south end of the station, improving the station's capacity, as well as customer experience and access. The Embarcadero BART/Muni station served thousands of community members daily, from San Francisco and the region, before the pandemic. The station is in a key regional area of employment, education, and tourism, and its transit services are key for the area's economic recovery from the COVID-19 pandemic.

Lafayette Town Center Pathway/BART Bike Station Project

The Lafayette Town Center Pathway/BART Bike Station Project is a joint effort with the City of Lafayette. The project will construct a new modular, self-park bike station at the south entrance of the Lafayette BART station, as well as a new pedestrian-oriented plaza and shared-use pathway to improve the connection between the south entrance and downtown Lafayette. This project is included in the current Measure J Expenditure Plan. However, due to concerns with the impact of COVID-19 restrictions on sales tax revenues, CCTA has adopted an allocation plan that prioritizes projects such as this one for non-Measure J funds, which will lighten the burden on constrained Measure J funds.

Bicycle, Pedestrian, and ADA Improvements at Pittsburg/Bay Point BART Station Project

The Bicycle, Pedestrian, and ADA Improvements at Pittsburg/Bay Point BART Station Project will provide access improvements that were identified in the North Concord to Antioch BART Access Study (2018). The project will construct a new low-stress Class IV bikeway where there are currently no bike facilities, repair and regrade the adjacent sidewalk, install a one-story ramp and bike stairway channels at the station entrance, install Class II bike lanes in the station parking lot, and implement wayfinding. These facilities will provide important biking, walking, and access, connecting the Pittsburg/Bay Point BART station, Bailey Road in Pittsburg/Contra Costa County, and the 15-mile Delta de Anza Regional Trail.

Although this project is not included in the Measure J Expenditure Plan, CCTA selected this project for nomination for Safe and Seamless Mobility Quick-Strike Program funds based on BART's prior requests for funding to improve bicycle and pedestrian access at this station. Additionally, BART staff previously applied for grant funding for this project from the Active Transportation Program, but this project was not selected for state or regional funding.

FISCAL IMPACT:

An award of Safe and Seamless Mobility Quick-Strike Program funds will provide additional funding for capital improvement projects at the Embarcadero Station (\$3,144,302) and Pittsburg/Bay Point Station(\$1,510,000); and will fully fund a capital improvement project at the Lafayette Station (\$1,825,000).

ALTERNATIVES:

Do not adopt the Resolutions of Local Support. If the Resolutions of Local Support are not adopted, then BART will be ineligible to receive funds from the Safe and Seamless Mobility Quick-Strike Program.

RECOMMENDATION:

Adopt the following Motion.

MOTION:

The BART Board of Directors adopts the following Resolutions:

- The Resolution, “In the Matter of the Approval of a Resolution of Local Support for a Safe and Seamless Mobility Quick-Strike Program Application for the Embarcadero Station Platform Elevator Capacity and Redundancy Project”; and
- The Resolution, “In the Matter of the Approval of a Resolution of Local Support for a Safe and Seamless Mobility Quick-Strike Program Application for the Lafayette Town Center Pathway/BART Bike Station Project”; and
- The Resolution, “In the Matter of the Approval of a Resolution of Local Support for a Safe and Seamless Mobility Quick-Strike Program Application for the Bicycle, Pedestrian, and ADA Improvements at Pittsburg/Bay Point BART Station Project”.

Attachments

- A. Embarcadero Resolution of Local Support
- B. Lafayette Resolution of Local Support
- C. Pittsburg/Bay Point Resolution of Local Support
- D. Quick Strike Project Cost and Status
- E. MTC Staff Recommendations

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

**In the Matter of the Approval of a
Resolution of Local Support for a
Safe and Seamless Mobility Quick-Strike Program
Application for the Embarcadero Station Platform
Elevator Capacity and Redundancy Project**

Resolution No. _____

**Authorizing the filing of an application for funding assigned to MTC and
committing any necessary matching funds and stating assurance to complete the project**

WHEREAS, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$3,144,302 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the EMBARCADERO STATION PLATFORM ELEVATOR CAPACITY AND REDUNDANCY PROJECT (herein referred to as PROJECT) for the SAFE AND SEAMLESS MOBILITY QUICK-STRIKE PROGRAM (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution

No. 3606, revised); and

- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the PROJECT will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

Adopted: _____

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

**In the Matter of the Approval of a
Resolution of Local Support for a
Safe and Seamless Mobility Quick-Strike Program
Application for the Lafayette Town Center Pathway/BART
Bike Station Project**

Resolution No. _____

**Authorizing the filing of an application for funding assigned to MTC and
committing any necessary matching funds and stating assurance to complete the project**

WHEREAS, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,825,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the LAFAYETTE TOWN CENTER PATHWAY/BART BIKE STATION PROJECT (herein referred to as PROJECT) for the SAFE AND SEAMLESS MOBILITY QUICK-STRIKE PROGRAM (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and

- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the PROJECT will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources

to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

Adopted: _____

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

**In the Matter of the Approval of a
Resolution of Local Support for a
Safe and Seamless Mobility Quick-Strike Program
Application for the Bicycle, Pedestrian, and ADA
Improvements at Pittsburg/Bay Point BART Station Project**

Resolution No. _____

**Authorizing the filing of an application for funding assigned to MTC and
committing any necessary matching funds and stating assurance to complete the project**

WHEREAS, the SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$1,510,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the BICYCLE, PEDESTRIAN, AND ADA IMPROVEMENTS AT PITTSBURG/BAY POINT BART STATION PROJECT (herein referred to as PROJECT) for SAFE AND SEAMLESS MOBILITY QUICK-STRIKE PROGRAM (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- that the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution

No. 3606, revised); and

- the assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- that the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and
- in the case of a transit project, the PROJECT will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the PROJECT will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires PROJECT be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and be it further

RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and be it further

RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED that, in the case of an RTIP project, PROJECT is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

RESOLVED that APPLICANT authorizes its Executive Director, General Manager, City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

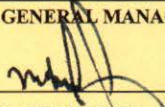
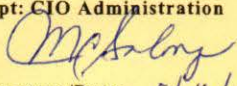

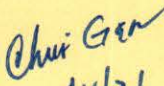
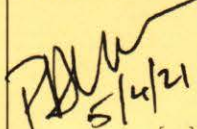
RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

Adopted: _____



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/5/21		GENERAL MANAGER ACTION REQ'D:		
DATE: 3/3/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Monina Salonga Dept: CIO Administration  Signature/Date: 5/4/2021	General Counsel  5/4/21 []	Controller/Treasurer  5/4/21 []	District Secretary []	BARC  5/4/21 []

Oracle Support Services

PURPOSE:

To request that the Board authorize the General Manager to execute a one (1) year subscription, with two (2) single year options to renew, with Oracle America, Inc. for Oracle Support Services in an amount not to exceed \$1,000,000.00 per year.

DISCUSSION:

The District uses Oracle Support Services to maintain critical Oracle PeopleSoft Enterprise Business Applications. These business applications are used to process and manage the District's financials, Human Resources, Procurement, projects, contracts, assets and vendor information. These support services enable the District to safeguard and keep computer systems ("Systems") running efficiently in support of business operations.

Oracle has the unique expertise and capabilities to support Oracle program licenses. Oracle creates the proprietary program updates that are provided as part of Oracle's technical support services.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no Small Businesses certified by the California Department of General Services available for proposing this Agreement. Therefore, no Small Business Prime Preference was set for this Agreement.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises (MBEs) and

2.8% for Women Business Enterprises (WBEs). Oracle will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

The Office of General Counsel will approve the subscription agreement as to form prior to execution.

FISCAL IMPACT:

The subject EDD proposes a one (1) year subscription agreement at a total cost of \$921,866.93 for support services from May 14, 2021 – May 13, 2022. Funds will be budgeted in the Office of the Chief Information Officer operating budget (Dept 0504464, Account 681355) as follows:

Proposed Funding:	
FY22	\$921,866.93
Total	\$921,866.93
<i>*Funding is expected to begin 05/14/2021</i>	

Funding for support services are included in the Department's FY22 operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

This action is not anticipated to have any Fiscal Impact on un-programmed District reserves in the current Fiscal Year.

ALTERNATIVES:

Decline to authorize the execution of this subscription. Oracle support services will be terminated. District will not have access for assistance and software maintenance to keep Systems running efficiently for business operations.

RECOMMENDATION:

Approve the following motion:

MOTION:

The General Manager or his designee is authorized to execute a one (1) year subscription in an amount not to exceed \$921,866.93, and two (2) single year options to renew, each in an amount not to exceed \$1,000,000, with Oracle America Inc. for Oracle Support Services

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

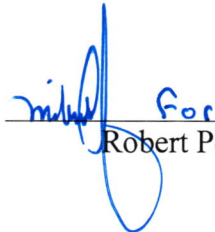
TO: Board of Directors **DATE:** May 7, 2021

FROM: General Manager

SUBJECT: Administration Agenda: Fiscal Year 2022 Budget: Service Plan and Operating and Capital Sources and Uses

At the May 13, 2021 BART Board of Director's meeting, the District's "Fiscal Year 2022 Budget: Service Plan and Operating and Capital Sources and Uses" will be presented as an information item.

If you have any questions about this presentation, please contact Pamela Herhold, Assistant General Manager, Performance & Budget, at Pherhol@bart.gov, or (510) 464-6168.

 For
Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



FY22 Budget

Service Plan, Operating & Capital Sources & Uses

May 13, 2021

FY22 Service Plan, Operating & Capital Sources & Uses

Agenda

1. Let's Go... September
2. FY22 Rail Service Plan
3. FY21 Year End Projection
4. FY22 Operating Sources and Uses
5. FY23 and Beyond Operating Outlook
6. FY22 Capital Sources and Uses



Let's Go... September

Service Increase & Fare Promotion

- Longer hours and more trains
- Cleaner trains and stations
- More safety staff on trains
- *50% off all Clipper fares Sept. 1 - 30*

FY22 Rail Service Strategy - Period 1: Current through August 30, 2021

Current schedule since March 22, 2021, with added commute trips

	Peak Trips	Day		Night
Weekday	44	5:00	5 Route / 30 min	9:00
Saturday	15		8:00 3 Route / 30 min	9:00
Sunday			8:00 3 Route / 30 min	9:00



FY22 Rail Service Strategy - Period 2: August 30, 2021 to February 2022

Expands weekday service frequency, plus late-night service
 Earlier Saturday opening, later close, plus additional peak trips

	Peak Trips	Day		8:00pm 30 min 3 route	Night
Weekday		5:00	5 Route / 15 min		12:00
Saturday	20	6:00	5 Route / 30 min		12:00
Sunday		8:00	3 Route / 30 min	9:00	



FY22 Rail Service Strategy - Period 3: February 2022 to September 2022

Potential changes under consideration:

- Additional weekday peak trains
- Additional Saturday & Sunday peak trains
- Expanding service to Sunday late-night

	Peak Trips	Day		8:00pm 30 min 3 route	Night
Weekday	0-10	5:00	5 Route / 15 min		12:00
Saturday	20-30	6:00	5 Route / 30 min		12:00
Sunday	10-15	8:00	3 Route / 30 min		12:00



FY21 Year End Projection

Sources (\$M)	FY21 Adopted	FY21 Year End Projection	Change	
			\$	%
Rail Passenger Revenue	148	60	-88	-60%
Parking Revenue	10	7	-3	-33%
Other Operating Revenue	24	20	-4	-17%
Sales Tax Proceeds	239	250	11	5%
Other Financial Assistance	182	203	21	12%
<i>Total Regular Revenues</i>	<i>604</i>	<i>540</i>	<i>-64</i>	<i>-11%</i>
Federal Assistance (CARES + CRRSAA)	251	307	56	22%
Other Emergency Sources	60	0	-60	-100%
<i>Total Emergency Assistance</i>	<i>311</i>	<i>307</i>	<i>-4</i>	<i>-1%</i>
TOTAL SOURCES	915	847	-68	-7%
Uses (\$M)				
Labor & Benefits	624	573	-51	-8%
Power	48	43	-5	-11%
Other Non-Labor	178	133	-45	-25%
Bond Debt Service	47	47	0	0%
Allocations	17	51	34	205%
TOTAL USES	915	847	-68	-7%
NET RESULT	0	0	0	

Federal Assistance includes \$257M of CARES, \$50M of CRRSAA

Labor & Benefits line includes net FY21 impact of DRIP (-\$4M)

- Allocations** increase in FY21:
- MET Building pay down
 - BART-to-Antioch vehicle maintenance post-warranty
 - Restoration of Pension Liability Allocation

Projection will be refined in FY21 3rd Quarter Financial Report (QFR) to be heard at 5/27 Board meeting

FY22 Operating Budget: Executive Summary

In FY21, **BART has reduced Operating Expenses** (labor & non-labor) by approx. \$100M compared to the adopted budget

Looking ahead to FY22, **BART must flex back** to better serve all types of riders with high quality service

BART will **restore service** and use federal funding to **support the region's economic recovery**

The FY22 Operating Budget makes investments in:

- More frequent **service**, including weekends, and longer service hours
- Less crowding
- Increased employee presence throughout the system to promote **safety and security**
- **Cleaner** trains and stations
- Reducing long-term expenses and liabilities

FY22 Operating Budget: Income Statement

Sources (\$M)	FY22 PBM	FY22 Current	Change	
			\$	%
Rail Passenger Revenue	159	166	7	4%
Parking Revenue	10	10	0	0%
Other Operating Revenue	19	20	1	6%
Sales Tax Proceeds	262	262	0	0%
Other Financial Assistance	164	176	12	7%
Total Regular Revenues	614	634	20	3%
Federal Assistance (CARES + CRRSAA)	349	328	-21	-6%
American Recovery Plan (ARP)	0	57	57	-
Total Emergency Assistance	349	385	36	10%
TOTAL SOURCES	963	1,019	56	6%
Uses (\$M)				
Labor & Benefits	622	650	28	5%
Power	40	49	9	22%
Other Non-Labor	145	161	16	11%
Bond Debt Service	57	57	0	0%
Allocations	78	102	24	30%
TOTAL USES	942	1,019	77	8%
Enhanced Cleaning	9	0	-9	-100%
Increased Service	43	0	-43	-100%
NET RESULT	-31	0	31	

Enhanced Cleaning and Increased Service Initiative costs distributed across sources and uses

DRIP savings incorporated into Labor & Benefits line

Allocations increase since PBM:

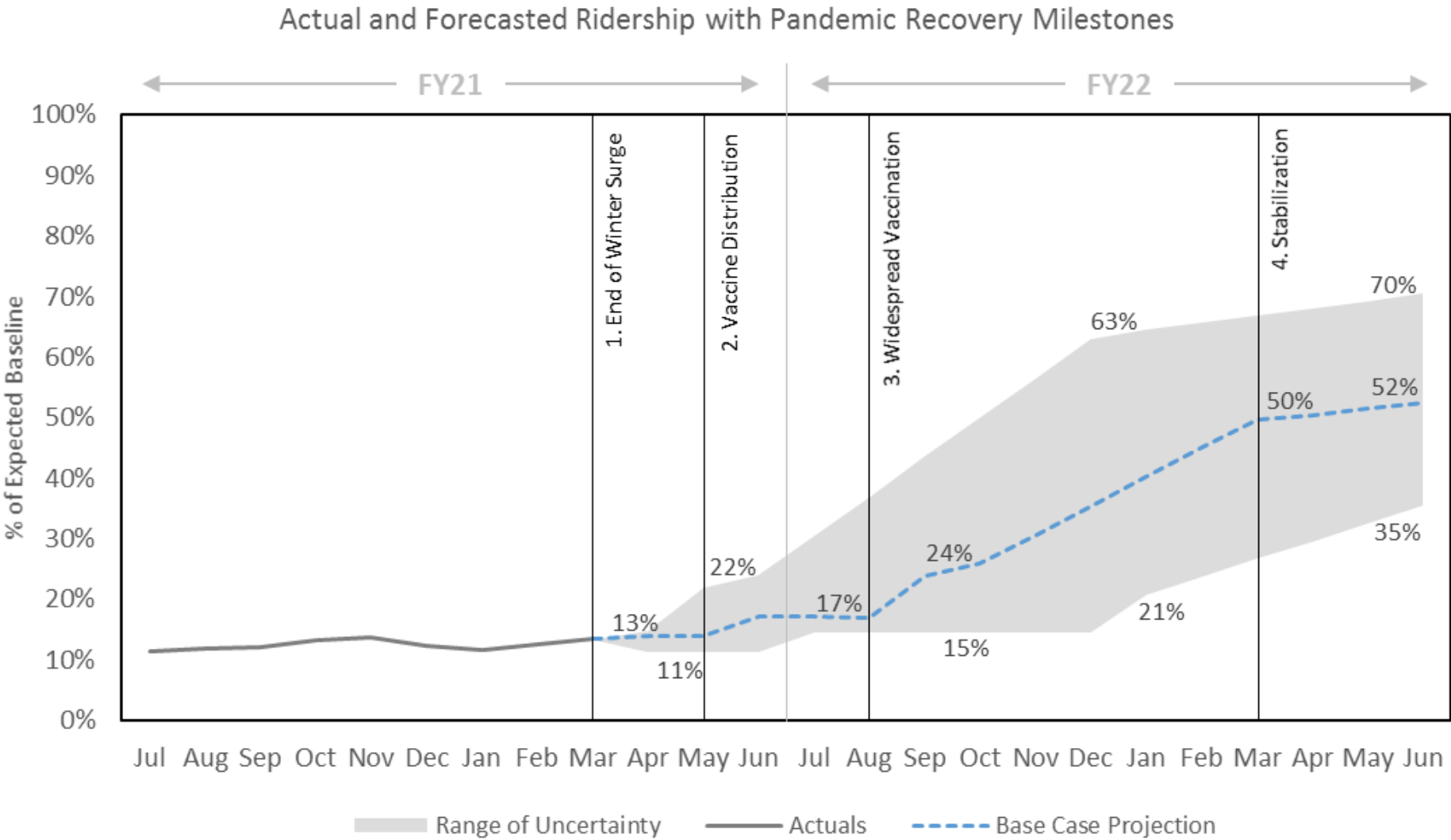
- BART-to-Antioch post-warranty vehicle maintenance
- Partial restoration of FY21 capital funding (\$15M)

Proposed September Fare Promotion revenue impact is \$4.3M

*Change amounts and percentages shown are from 3/31 Preliminary Budget Memo (PBM) to current FY22 budget

Ridership Recovery Projection

Ridership recovery assumptions now include the impact of planned September service increase



FY22 Operating Sources – Operating Revenue

Operating Revenue (\$M)	FY21 Adopted	FY21 Projected	FY22 PBM	FY22 Updated	Change	
					\$	%
Rail Passenger Revenue	148.1	59.8	159.1	165.8	6.7	4%
ADA Passenger Revenue	0.3	0.3	0.5	0.5	0.0	-4%
Parking Revenue	10.5	7.0	9.7	9.7	0.0	0%
Other Operating Revenue	23.7	19.6	18.7	19.9	1.2	6%
Subtotal - Operating Revenue	182.6	86.7	188.0	195.9	7.9	4%

Budget projections conservatively position BART for ridership recovery

- Average annual ridership projected at 36% of pre-COVID levels; impacts on fares, parking, advertising
- Proposed fare promotion: 50% off Clipper fares during the month of September (estimated revenue impact: \$4.3M)
- Rail passenger revenue is budgeted at \$165.8M
 - \$106.0M above FY21 year-end projections
 - \$6.7M higher than in PBM due to service increase (offset by fare promotion)

FY22 Operating Sources – Financial Assistance

Financial Assistance (\$M)	FY21 Adopted	FY21 Projected	FY22 PBM	FY22 Updated	Change	
					\$	%
Sales Tax Proceeds	239.0	249.9	261.7	261.7	0.0	0%
Property Tax Proceeds	50.6	53.7	54.5	54.5	0.0	0%
SFO Ext Financial Assistance	42.5	52.8	21.0	21.0	0.0	0%
VTA Financial Assistance	30.3	41.9	35.7	37.3	1.6	4%
MTC Assistance – Clipper Start Pilot	1.6	0.0	0.6	0.6	0.0	3%
Local & Other Assistance	6.0	8.4	7.4	7.4	0.0	0%
State Transit Assistance	28.5	30.8	28.4	28.4	0.0	0%
Low Carbon Transit Operations Program	8.5	8.5	4.4	4.4	0.0	-1%
Low Carbon Fuel Standard Program	14.4	7.1	12.4	22.6	10.2	82%
Subtotal - Financial Assistance	421.4	453.3	426.1	437.8	11.7	3%

Financial Assistance is stable in FY21 – continued gradual recovery assumed

- FY22 sales tax revenue assumes a 4.7% increase above FY21 year-end estimate (\$10M+ above budget through April), driven by continued economic recovery
- Property tax revenue is assumed to be 1.5% above FY21 year-end estimate, with rising residential sales prices offset by risk to commercial property values
- SFO Extension financial assistance is \$21M lower than FY21; SFO reserve funds fully drawn down
- LCFS is \$10M higher than PBM due to service increase and timing of FY21 credit sales

FY22 Operating Sources – Emergency Assistance

Emergency Assistance (\$M)	FY21 Adopted	FY21 Projected	FY22 PBM	FY22 Updated	Change	
					\$	%
CARES Act	251.0	257.0	0.0	0.0	0.0	-
FEMA COVID Expense Reimbursement	20.0	0.0	0.0	0.0	0.0	-
Reversal of FY20 Railcar Allocation	40.0	0.0	0.0	0.0	0.0	-
CRRSAA	0.0	50.2	349.3	327.8	(21.5)	-6%
ARP Act	0.0	0.0	TBD	57.1	57.1	-
Subtotal - Emergency Assistance	311.0	307.2	349.3	384.9	35.6	10%

FY22 budget assumes use of \$385M of federal assistance to drive the region’s recovery

- CARES funds are fully drawn down in FY21
- CRRSAA planned for use in FY21 has increased from \$29M in PBM to \$50.2M due to restoring capital allocations critical to fiscal stability
- Projected CRRSAA remaining to carry over into FY22 is \$327.8M
- \$57.1M in American Rescue Plan funds are budgeted to close the remaining FY22 operating deficit
- Operators and MTC staff are now jointly developing principles for distribution of \$1.7B in ARP funds; first tranche expected to be allocated by the MTC Commission in July

FY22 Operating Uses – Labor & Benefits

Wages & Benefits (\$M)	FY21 Adopted	FY22 PBM	FY22 Updated	Change	
				\$	%
Wages	500.3	487.0	503.9	16.9	3%
Overtime	34.9	34.9	48.4	13.5	39%
CalPERS Pension	106.6	115.6	115.3	(0.3)	0%
Other Pension Benefits	13.6	14.0	13.8	(0.2)	-2%
Active Employee Medical Insurance	73.6	82.9	84.1	1.2	1%
Retiree Medical	46.0	51.8	44.0	(7.8)	-15%
Workers' Compensation	17.0	17.3	17.3	0.0	0%
Capital Labor Credits	(194.4)	(206.8)	(201.9)	4.9	-2%
Other Labor	26.8	25.2	25.2	0.0	0%
Total Wages & Benefits	624.4	621.9	650.1	28.2	5%

- Total DRIP savings to District are \$21.1M; \$16.2M Operating Budget impact included in above chart
- Revised projections from outside actuarial consultant reduce retiree medical costs (OPEB) by \$7.8M
- Cleaning and Service Initiatives increase labor costs by \$49M

FY22 Operating Uses – FTE Changes

Net FTE changes from FY21 Adopted to FY22 Updated Budget

	Operating	Capital/Reimb	Total FTEs
FY21 Adopted Budget	3,336	1,002	4,338
DRIP	-112	-25	-137
Progressive Policing	15	0	15
Enhanced Cleaning	97	0	97
Service Increase	53	0	53
Misc. Adjustments	21	46	67
<i>Total Changes</i>	<i>74</i>	<i>21</i>	<i>95</i>
FY22 Updated	3,410	1,023	4,433

- Initiatives positions include part-time staff; FTEs do not sum to total number of staff to be hired
- 137 of 287 DRIP positions not to be backfilled (48% of total)
- Progressive Policing Bureau consists of 47 staff, including 15 new positions and 32 positions within BPD or shifted from other BART departments

FY22 Operating Uses – Non-Labor Expense

Non-Labor (\$M)	FY21 Adopted	FY22 PBM	FY22 Updated	Change	
				\$	%
Clipper, Ticket Sales & Bank Fees	16.2	8.8	8.8	0.0	0%
Insurance	8.7	9.2	9.2	0.0	0%
Materials & Supplies	34.7	33.6	46.1	12.5	37%
Professional & Technical Fees	30.0	38.8	41.9	3.1	8%
COVID-19 Related Expenses	20.3	0.0	0.0	0.0	0%
Repairs & Maintenance	9.1	9.2	9.2	0.0	0%
Rent	18.4	7.0	7.0	0.0	0%
Power	48.1	40.0	48.9	8.9	22%
ADA Paratransit	16.1	14.0	14.0	0.0	0%
Purchased Transportation	11.5	12.4	12.4	0.0	0%
Utilities	6.4	8.0	8.0	0.0	0%
Other Miscellaneous	7.0	3.9	3.9	0.0	1%
Total Non-Labor	226.5	184.9	209.5	24.6	13%

- Power increased to reflect cost of September service increase
- Notable increases in Materials & Supplies and Professional & Technical Fees:
 - \$7.8M to purchase vehicle rehabilitation parts for BART-to-Antioch
 - \$2M for technology upgrades
 - \$2M for paratransit modernization
 - \$1.4M for targeted sustainability work
 - \$1.2M additional Quality of Life investment

FY22 Operating Uses – Debt Service & Allocations

Debt Service & Allocations (\$M)	FY21 Adopted	FY22 PBM	FY22 Updated	Change	
				\$	%
Debt Service	47.2	57.2	57.2	0.0	0%
Baseline Capital Allocation	15.0	32.5	57.9	25.4	78%
Priority Capital Allocation	0.0	34.0	34.0	0.0	0%
Pension Liability Allocation	0.0	10.0	10.0	0.0	0%
Other Allocations	1.6	1.6	1.6	0.0	0%
Total Debt Service & Allocations	63.8	135.3	160.7	25.4	16%

- Baseline Capital increased to address BART-to-Antioch post-warranty vehicle maintenance needs and a partial restoration of allocations not made in FY21

FY22 Uses – Summary

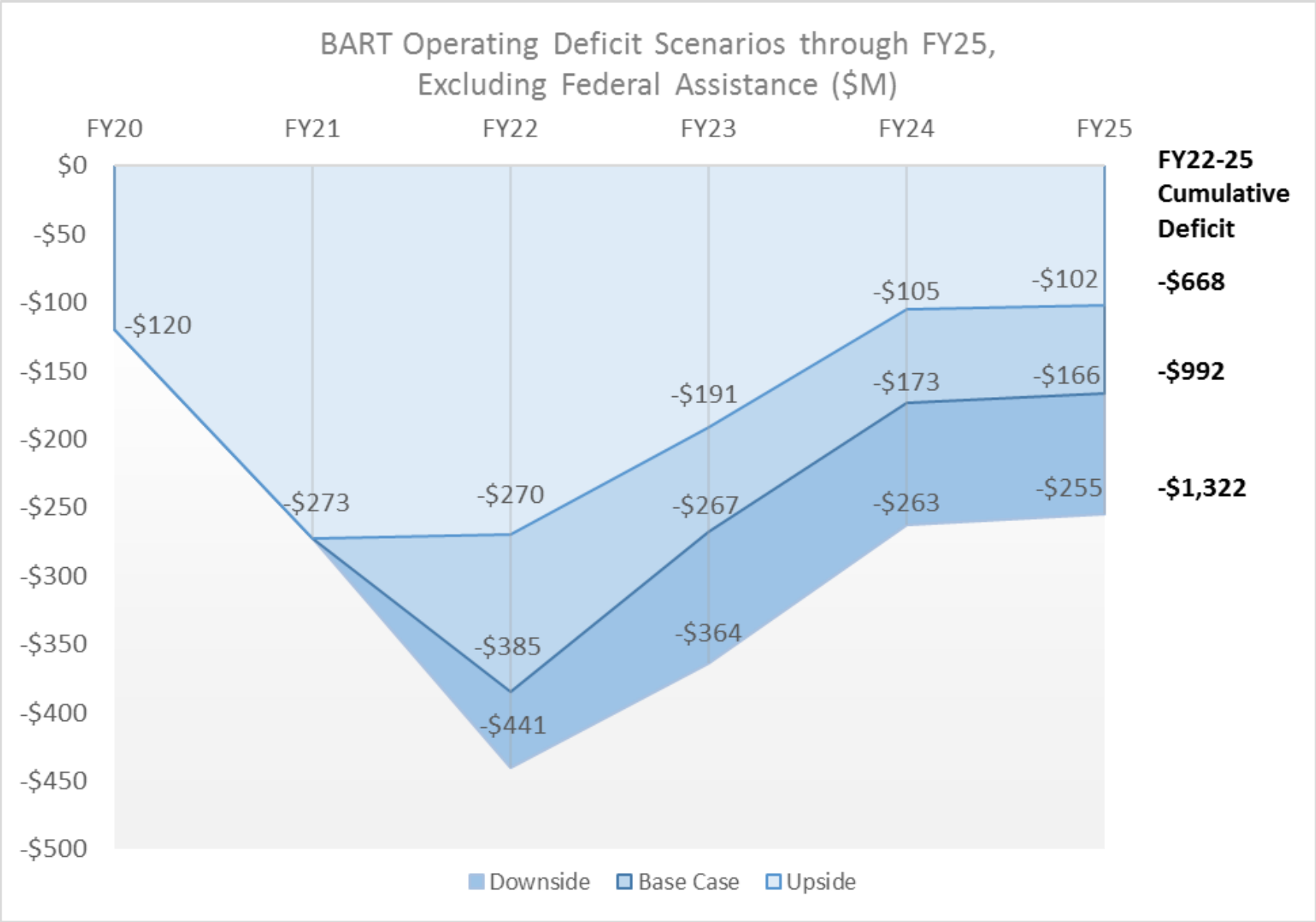
FY22 Uses Summary (\$M)	FY21 Adopted	FY21 Projected Actuals	FY22 Updated
Labor & Benefits	624	573	650
Power	48	43	49
Non-Labor	178	133	161
<i>Subtotal - Operating Expense</i>	<i>851</i>	<i>749</i>	<i>860</i>
Bond Debt Service	47	47	57
Allocations	17	51	102
<i>Subtotal - Debt Service & Allocations</i>	<i>64</i>	<i>98</i>	<i>161</i>
Total Uses	915	847	1,019

- Operating Expense has scaled down with reduced service in FY21; projected current year amount is \$100M less than FY21 Adopted Budget amount
- FY22 Operating Expense is comparable to FY21 Adopted level
- Growth in Debt Service & Allocations (including pension liability) driving Total Uses increase

FY21, FY22, FY23 Operating Sources & Uses Projections

Sources (\$M)	FY21 YE Projection	FY22 Updated	FY23 Projection
Rail Passenger Revenue	60	166	327
Parking Revenue	7	10	19
Other Operating Revenue	20	20	23
Sales Tax Proceeds	250	262	264
Other Financial Assistance	203	176	164
<i>Total Regular Revenues</i>	<i>540</i>	<i>634</i>	<i>796</i>
Federal Assistance (CARES + CRRSAA)	307	328	0
Federal Assistance (ARP)	0	57	TBD
Other Emergency Sources	0	0	0
<i>Total Emergency Assistance</i>	<i>307</i>	<i>385</i>	<i>TBD</i>
TOTAL SOURCES	847	1,019	796
Uses (\$M)			
Labor & Benefits	573	650	675
Power	43	49	53
Other Non-Labor	133	161	178
Bond Debt Service	47	57	60
Allocations	51	102	98
TOTAL USES	847	1,019	1,064
NET RESULT	0	0	-267

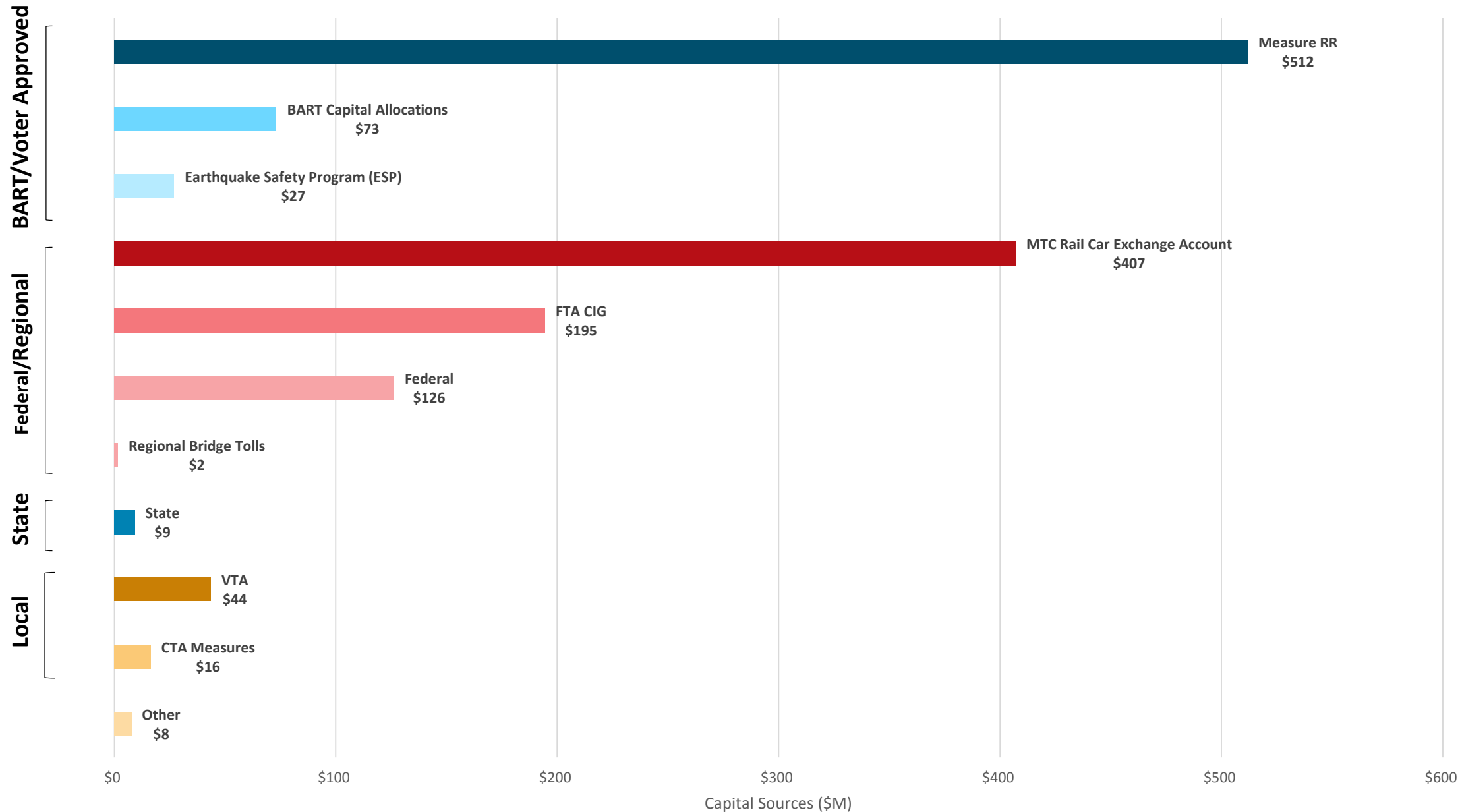
Five-Year Revenue and Expense Projections



FY22 Capital Budget – Executive Summary

- FY22 Capital Budget estimated at \$1.419B
- Priority projects account for nearly 50% of total FY22 Capital Budget, including Core Capacity Program (\$243M) and 775 Rail Car Procurement Project (\$452M)
- FY22 Capital Budget includes 256 capital projects, with 10 projects accounting for 63% of the total budget.
 - Including Core Capacity Program, 775 Rail Car Procurement, Link21, 34.5kV Cable Replacement and Upgrade, and the Concord Truing Machine

FY22 Capital Budget – Sources



FY22 Capital Budget – Uses

Selected Examples by Category

System Reinvestment

- Rail Car Procurement Phase 1 (775 rail cars)
- 34.5 kV Cable Replacement and Capacity Expansion

Service and Capacity Enhancement

- Core Capacity Program (Train Control Modernization, Traction Power Substations Hayward Storage Yard);
- Vehicle Overhaul and Heavy Repair Shop Design for Fleet of the Future Maintenance Facility

Earthquake Safety

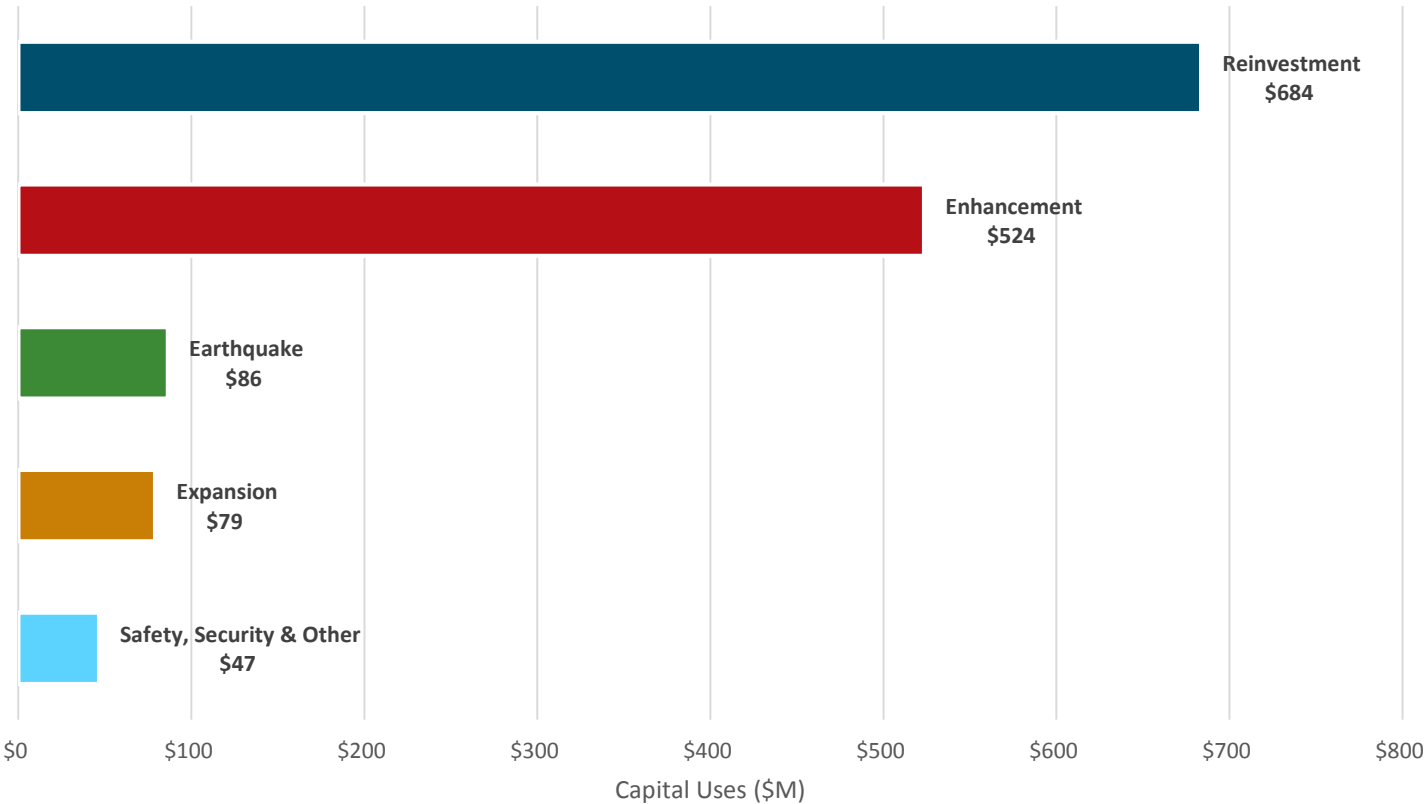
- Transbay Tube Earthquake Retrofit

System Expansion

- Link21
- BART to Silicon Valley Phase II (BSVII)

Safety, Security & Other

- Station Emergency Lighting



Capital Project Acceleration in FY21 and FY22 – M&E

Many projects were able to take advantage of the **longer work window** created by the service reduction

Project	Savings			Example Benefits
	BART \$	Schedule	Patron Impact	
Systemwide Rail Grinding	✓ ✓ ✓	✓	✓	Longer hours per shift, more work completed
Ultrasonic Rail Flaw Testing Services	✓	✓		Longer hours per shift, more work completed
Coverboard Enhancement	✓	✓	✓	Longer shift, shortened schedule
C25 Interlocking Renewal	✓ ✓	✓	✓	Reduced shutdown weekends by 1
A65/A75 Interlocking Renewal	✓ ✓	✓	✓	Reduced shutdown weekends by 1
Systemwide DF Pads	✓ ✓ ✓	✓		Longer shift increased production
M Line 34.5 kV Cable		✓	✓ ✓ ✓	Reduce 24+ single tracking Sundays

Capital Project Acceleration in FY21 and FY22 – D&C

Many projects were able to take advantage of the **longer work window** created by the service reduction

Project	Savings			Example Benefits
	BART \$	Schedule	Patron Impact	
Transbay Tube Retrofit	✓	✓	✓	Better work access and locomotive time to transport materials
Garage LED Lighting	✓✓	✓	✓	Dayshift work instead of nights
Antioch Parking Lot Expansion		✓	✓	Better work access
Union City Station Modernization	✓	✓	✓	Platform work with longer hours per shift
Powell St Station Modernization		✓	✓	Better work access
El Cerrito Del Norte Station Modernization	✓	✓	✓	Better work access, Phase 2 expedited
Downtown SF Escalator Replacement	✓	✓✓	✓✓	Better work access

Capital Project Acceleration in FY21 and FY22

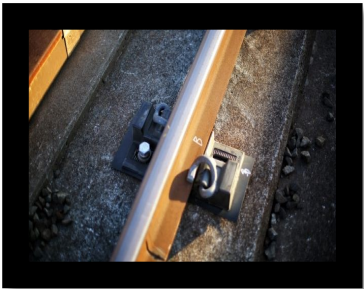
C25 Interlocking Replacement
Reduced 1 Shutdown Weekend



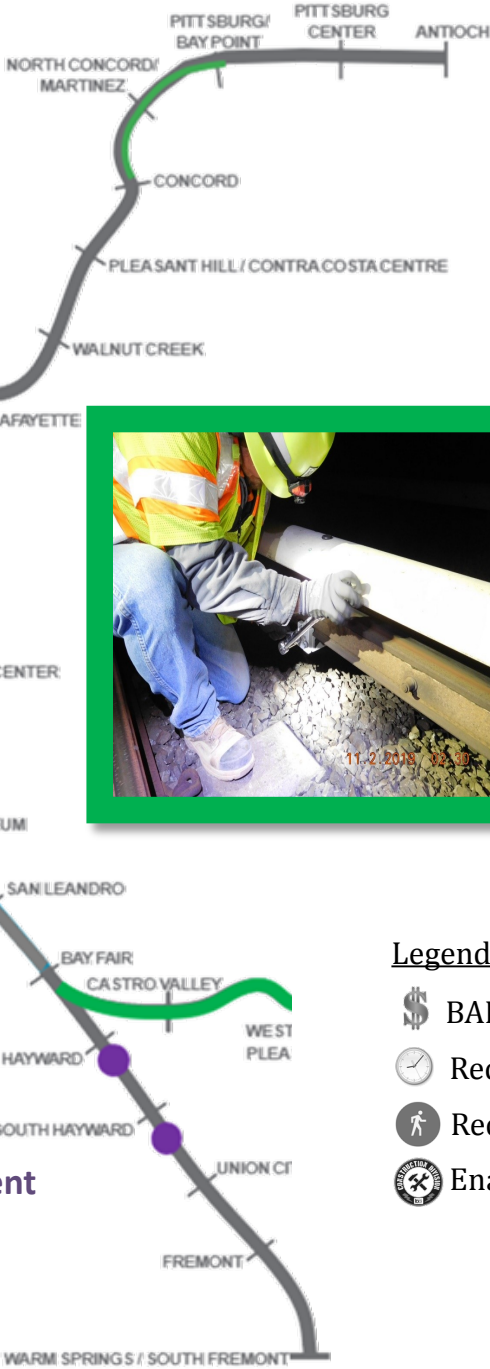
System Wide Rail Grinding



M Line 34.5kV Cable
Eliminated 24+ Single
Tracking Sundays



System Wide DF Pad
Replacement



Coverboard
Enhancement
C Line, L Line, WYE



A65/A75 Interlocking Replacement



Legend:

- \$ BART \$ Savings
- ⌚ Reduced Schedule
- 🚶 Reduce Impact to Patrons
- 🔧 Enables Other Work

Timeline and Next Steps





Discussion

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: May 7, 2021

FROM: General Manager

SUBJECT: Administration Agenda: Clipper Update

At the May 13, 2021 BART Board of Director's meeting, the District's "Clipper Update" will be presented as an information item.

If you have any questions about this presentation, please contact Pamela Herhold, Assistant General Manager, Performance & Budget, at Pherhol@bart.gov, or (510) 464-6168 .


Robert Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



▶ Clipper Update

BART Board of Directors

May 13, 2021

Today's Agenda

- Clipper Successes
- Clipper START
- Governance and Program Delivery
- Path Forward: Clipper 2

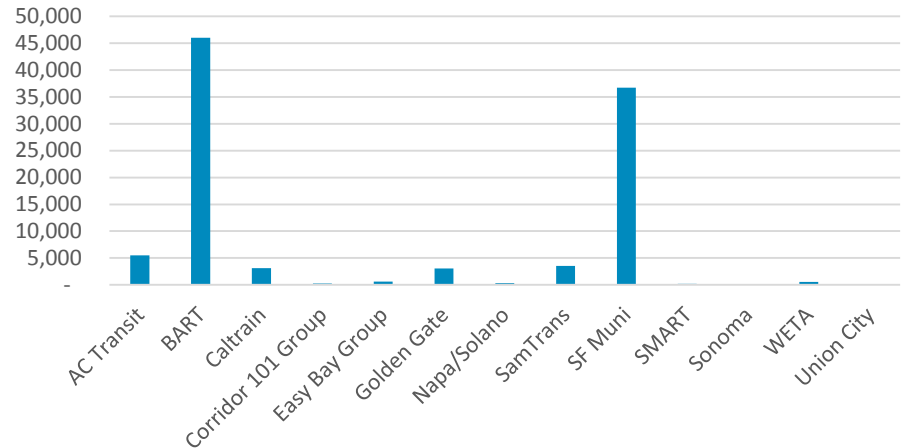
Clipper Successes

- Integrated travel since 2006; 22 operators currently accepting Clipper
 - More than 8 million cards in circulation
 - More than \$4.6 billion in fare revenue processed
 - 97% satisfaction rating
- BART transition to Clipper-only vending as of December 2020
 - \$3 card fee set by Clipper Executive Board (CEB) for the region
- Regional Transit Connection (RTC) Discount ID Card Program
 - CEB assumes policy making authority for the RTC Program
 - Clipper MOU and Operating Rules
 - Eliminate \$3 application fee (parity with other discount programs)
- New Clipper Website launched July 2020
 - The website optimizes the interface in response to whether a person is using a mobile or desktop device to access the site
 - The new website was a collaboration between Cubic, MTC, transit operator staff and the Center for Accessible Technology (C for AT)

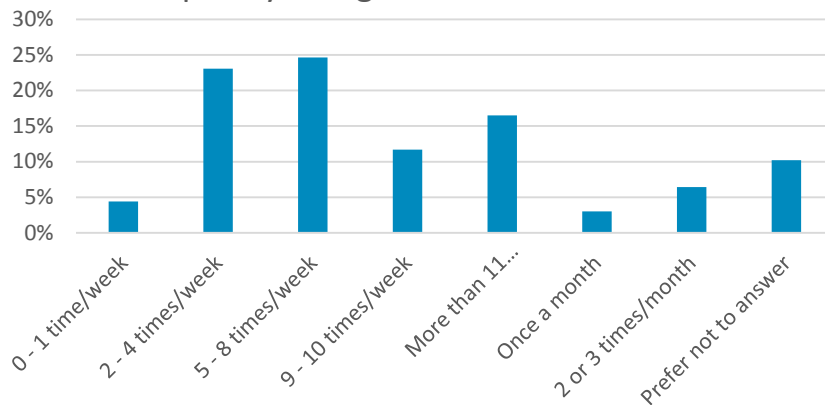
Clipper START

- Majority of Clipper START trips have been on BART
- 1/3 trips were taken on SF Muni
- Regional recovery may reshape usage by agency

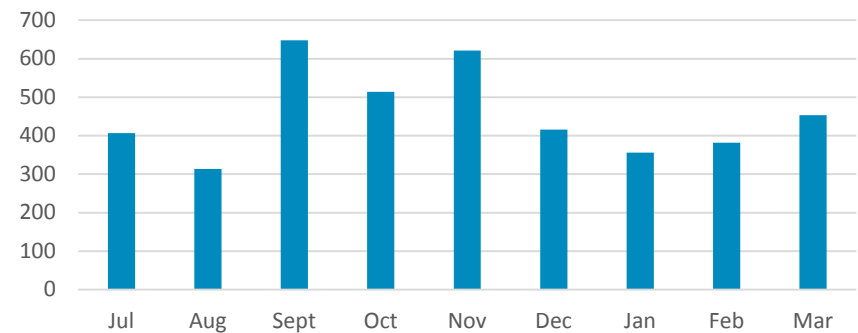
Trips by Agency



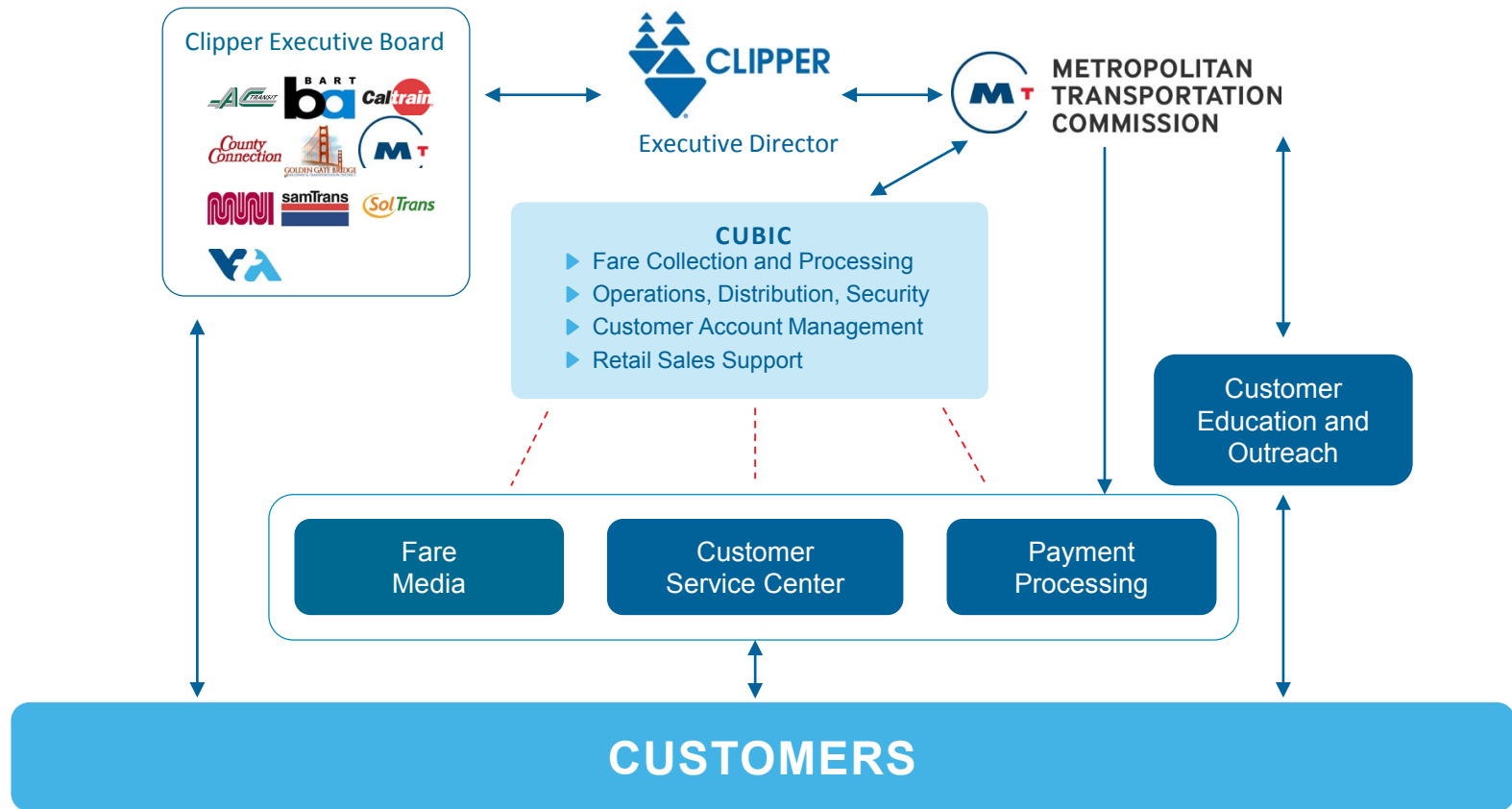
Frequency Using Public Transit



Applications Submitted



Governance and Program Delivery



C2: Support Existing and Future Fare Policy

- C2 system is being designed to support all fare programs currently offered
- C2 is intended to provide flexibility to respond to desires for additional:
 - Passes
 - Accumulators: day, week, month
 - Products
 - Promotions
 - Pilots
- C2 data store design is underway

C2: Clipper Mobile Application – Apple and Google

Clipper Mobile App users can:

- Manage their Clipper card on a mobile device
- Pay fares on all transit agencies including transfer discounts between operators
- Enable Express Transit Mode on a phone (iOS) for quick payment; Android has a similar feature
- Add Clipper value faster (mobile Clipper card loads immediately)
- Tips for using mobile payment:

<https://www.clippercard.com/ClipperWeb/pay-with-phone>

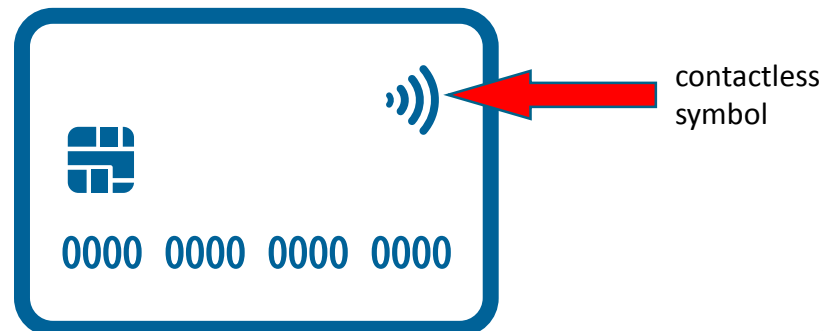


C2: Open Payments




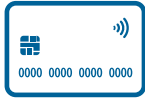
- Open Payments – use of contactless credit/debit cards for fare payment at a transit point-of-entry/exit (gates)
- Applies to full fares, does not support discount products/transfers
- Contactless cards use near-field communication (NFC) to transmit payments at faregates
- Possible deployment after C2 account-based system in 2023



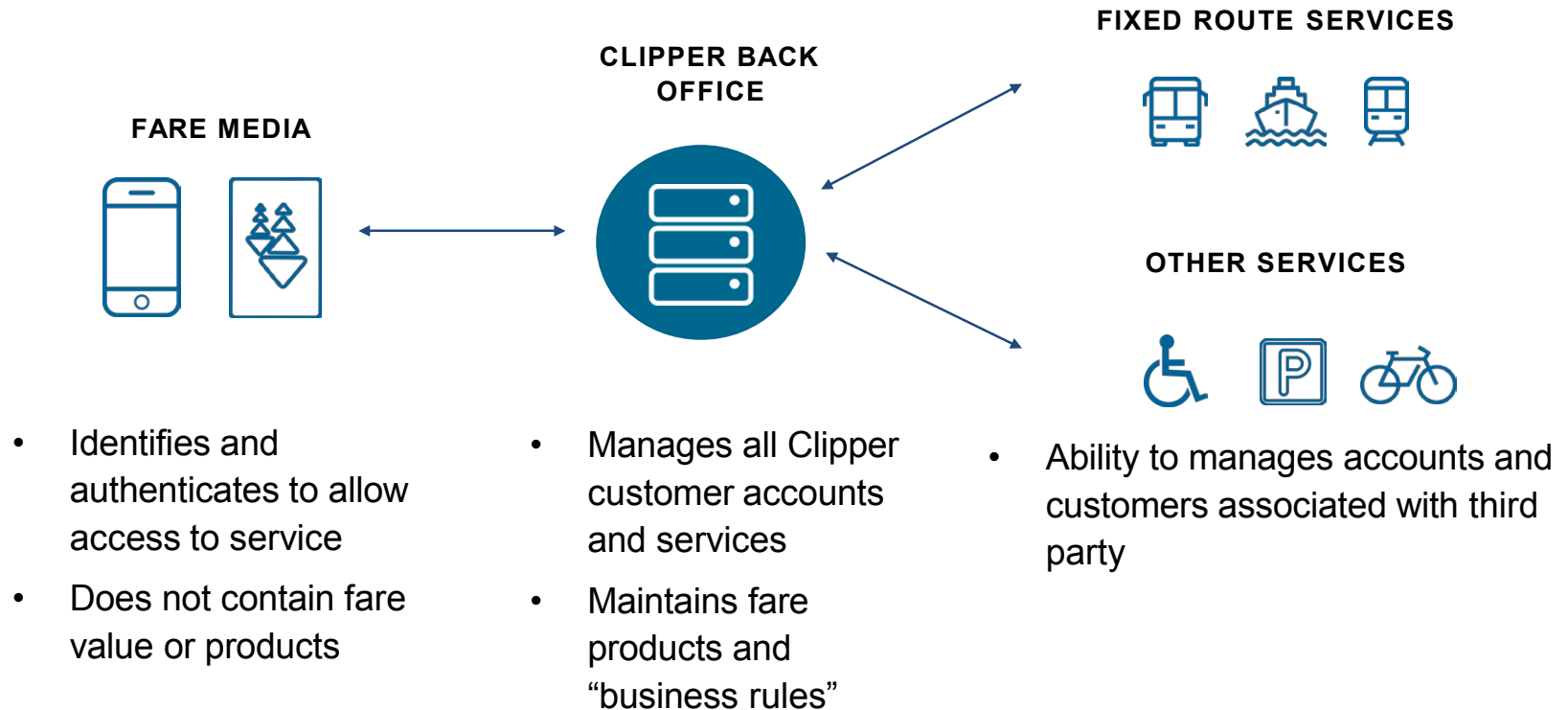
Actual gate in Sydney, Australia
(Image Courtesy of Mastercard)



C2: Customers and Products Supported

	Today we are here		Targeting Late 2022	Targeting 2023
				
	Clipper Card	Clipper Mobile	Limited Use Smart Card (C2)	Open Payment (C2)
PRIMARY CUSTOMERS SUPPORTED	<ul style="list-style-type: none"> • Regular riders • Discount-qualified riders • Employers • Institutions 		<ul style="list-style-type: none"> • Schools • CBOs • Social service agencies • Institutions 	<ul style="list-style-type: none"> • Tourists • Casual riders
PRODUCTS AVAILABLE	<ul style="list-style-type: none"> • Stored value • Transit agency passes • RTC discounts • Employer discounts • Joint & regional fares 		<ul style="list-style-type: none"> • Under development 	<ul style="list-style-type: none"> • Full fare only • No discounts

C2: General 3rd Party Integration Approach



C2: Paratransit

- Clipper account could be used to pay for paratransit
- Fare charged to Clipper account on file with paratransit operator
 - RTC Clipper card not required
- Application process, booking procedures, and operator policies (e.g., transfers, no-shows) expected to remain unchanged
- Clipper is targeting 2023 start for participating operators

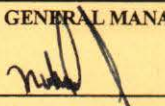
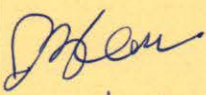
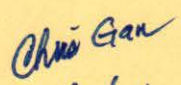
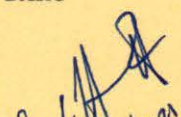

C2: Project Timeline

- Spring 2021 – Preliminary Design Review nearly complete
 - Account-based design workshops continue
 - Business rules
 - Portals (promotional, institutional, etc.)
 - Clipper mobile app launch:
 - Apple – April 15, 2021
 - Android – May 2021
- Summer 2021 – Final Design Review
- Fall 2022 – Begin transition to account-based operations (revenue ready)
- Summer 2023 – Customer transition complete
- End of 2023 – Fully transitioned to an account-based system
- Possible Deployment 2023 – Open payment acceptance

Discussion



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/5/21		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/27/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sadie Graham Dept: New Transbay Rail Crossing (Link21)	General Counsel 	Controller/Treasurer 	District Secretary	BARC 
Signature/Date:  5/5/21	5/5/21 []	5/5/21 []	[]	5/5/21 []

Award of Agreement No. 6M6146-SC1, Agreement No. 6M6146-SC2, Agreement No. 6M6146-SC3, Agreement No. 6M6146-SC4 – Professional Services for Program Identification and Project Selection for the New Transbay Rail Crossing (Link21)

PURPOSE: To obtain Board authorization for the General Manager to award Agreements to the Proposer(s) in each of the four advertised service categories in support of advancing the New Transbay Rail Crossing (now known as and thereafter referred to as the Link21 Program): Service Category 1 (SC1) - Engagement and Outreach to HDR Engineering, Inc., Service Category 2 (SC2) - Travel Demand and Land Use to Cambridge Systematics, Inc., Service Category 3 (SC3) - Planning and Engineering to ARUP/WSP JV, Service Category 4 (SC4) - Environmental to ICF Jones & Stokes, Inc.

DISCUSSION: The Link21 Program is a generational initiative, led jointly by BART and the Capitol Corridor Joint Powers Authority (CCJPA). It will transform the passenger rail network in the 21-county Northern California Megaregion (Megaregion) into a faster, more integrated, and better-connected system that provides a safe, efficient, equitable, affordable, and reliable means of travel for all types of trips. Link21 will facilitate the Megaregion's continued advancement and shape its sound, sustainable growth. A framework to promote equity for all Megaregion populations and communities is interwoven throughout all aspects of the Link21 Program.

In Phase 1: Program Identification, the selected Consultants will support the development of the Preliminary Business Case and the identification of a Preferred Program Alternative. A Preferred Program Alternative will include new transbay passenger rail crossing between Oakland and San Francisco. It will also:

- Achieve the Program Vision and Goals and Objectives.
- Serve most, or all, program-level travel markets.
- Be composed of a set of coordinated physical components and features that could be delivered in phases.

In Phase 2: Project Selection, A Project Alternative or Project Alternatives will be determined and will consist of one or more projects that have independent utility and logical termini. In Phase 2, the selected Consultants will support the development of an Intermediate Business Case that will identify a Preferred Project Alternative(s), the preparation of the appropriate environmental documentation leading to a California Environmental Quality Act (CEQA) Notice of Determination and National Environmental Policy Act (NEPA) Record of Decision as well as a Final Business Case.

In moving this program forward, BART conducted a virtual Industry Outreach event on July 14, 2020 with information about the upcoming Request For Proposals (RFP) and catalyze early teaming discussions between potential prime consultants and Disadvantaged Business Enterprise/Small Business Entity (DBE/SBE) subconsultants.

On September 14, 2020 BART issued a RFP to provide Professional Services for Program Identification and Project Selection for the New Transbay Rail Crossing, BART RFP No. 6M6146. A Notice to Proposers was emailed on September 14, 2020 to approximately 2,366 representatives from various firms with expertise in the pertinent technical fields. The RFP was formally advertised in ten (10) publications from September 16, 2020 through September 24, 2020. Approximately 205 firms downloaded the RFP from the BART Procurement Portal. A virtual RFP Pre-Proposal meeting was held on September 29, 2020 with approximately 230 representatives from 134 firms present at the meeting. The Pre-Proposal meeting was also recorded and made available for later viewing to any interested parties through a posting on the BART Procurement Portal. On October 6, 2020 a virtual networking session for potential subconsultants to meet potential prime consultants was led by the District's Office of Civil Rights, with 206 participants.

The RFP indicated that the District intends to award four Agreements for professional services, one for each of the following service categories: SC1 - Engagement and Outreach, SC2 - Travel Demand and Land Use, SC3 - Planning and Engineering, and SC4 - Environmental. The initial term for each of the four (4) Agreements entered into pursuant to this RFP for the performance of Phase 1 will be six (6) years, with one (1) option at the discretion of the District to extend the term each of the agreements for up to an additional ten (10) years, for performance of Phase 2.

The total maximum cost for all of the Agreements, with all options exercised, shall not exceed Six Hundred Million Dollars (\$600 Million). However, there is no guaranteed minimum level of compensation. Estimated compensation for each service category shall not exceed the values shown as follows:

Table 1: Agreement NTE Estimated Total Cost

Phase	Service Category			
	Engagement and Outreach (SC1)	Travel Demand and Land Use (SC2)	Planning and Engineering (SC3)	Environmental (SC4)
1 – Program Identification	\$30 Million	\$10 Million	\$55 Million	\$30 Million
2 – Project Selection*	\$105 Million	\$20 Million	\$210 Million	\$140 Million
Not-to-Exceed (NTE) Estimated Cost Totals	\$135 Million	\$30 Million	\$265 Million	\$170 Million

** Awarded Agreements for each service category will have an initial maximum compensation for Phase 1 only. It is at the discretion of the District to extend the term each of the agreements for up to an additional ten (10) years, for performance of Phase 2.*

On November 10, 2020, thirteen (13) timely proposals were received from the following Proposers (listed in alphabetical order) across the four (4) service categories:

1. Service Category 1: Engagement and Outreach
 - a. Bonnie Hall Fine Art Asset Management
 - b. Circlepoint
 - c. Davis And Associates (D&A) Communications, Inc.
 - d. HDR Engineering, Inc.
 - e. Katz & Associates
 - f. Next Steps Marketing
2. Service Category 2: Travel Demand and Land Use
 - a. Cambridge Systematics, Inc.
 - b. Fehr & Peers
3. Service Category 3: Planning and Engineering
 - a. AECOM Technical Services, Inc.
 - b. ARUP/WSP JV (Joint Venture between ARUP North America Ltd. and WSP USA Inc.)
 - c. Partners for an Equitable Transbay Crossing (Joint Venture among PGH Wong, Nelson/ Nygaard, and McMillen Jacobs)
 - d. Parsons Transportation Group Inc.
4. Service Category 4: Environmental
 - a. ICF Jones & Stokes, Inc.

All timely submitted Proposals were evaluated by procurement staff to determine their

responsiveness to the requirements of the RFP and the responsibility of the Proposers. A Proposal was considered responsive only if it complied in all material respects to the requirements of the RFP. A Proposer's organization was considered responsible only if it had, or has indicated that it could obtain, the financial resources successfully to fulfill the requirements of the awarded Agreement and possesses the ability to successfully perform under the terms and conditions of an awarded Agreement. All timely submitted proposals were deemed responsive and responsible.

All proposals were then reviewed by a Selection Committee consisting of BART staff from Link21 (Planning and Development), Design and Construction, Office of Civil Rights, and the Procurement Department, as well as representatives from the Capitol Corridor Joint Powers Authority, Central Contra Costa Transit Authority (County Connection), and the California State Transportation Agency Department of Mass Transit and Rail.

As stated in the RFP, the selection process included two phases (listed below), and the top three scoring teams for the written proposal would be invited for an oral presentation.

- Phase 1) evaluation of the written proposal (60%)
- Phase 2) evaluation of oral presentations (40%)

Based on the cumulative evaluation scores from selection processes Phase 1 and Phase 2, the Selection Committee determined the most qualified Proposer in each of the Service Categories. Although there was only one Proposer in the Environmental Service Category, that Proposer was determined to be highly qualified and was held to the same standards of evaluation as with the other Service Categories.

This Agreement 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 Agreement and determined that there were DBE subcontracting opportunities, therefore, the following DBE subcontracting goals were set for each service category:

1. Engagement and Outreach service category: 30% DBE subcontracting goal
2. Travel Demand and Land Use service category: 12% DBE subcontracting goal
3. Planning and Engineering service category: 30% DBE subcontracting goal
4. Environmental service category: 30% DBE subcontracting goal

All selected Proposers have committed to meeting the applicable DBE subcontracting goal. For the Engagement and Outreach Agreement, HDR Engineering committed to meeting a 30% DBE subcontracting goal. For the Travel Demand and Land Use Agreement, Cambridge Systematics committed to meeting a 22.5% DBE subcontracting goal. For the Planning and Engineering Agreement, Arup/WSP Joint Venture committed to meeting a 30% DBE subcontracting goal. For the Environmental Agreement, ICF Jones & Stokes committed to meeting a 30% DBE subcontracting goal. The Office of Civil Rights will monitor the actual DBE participation attained based on individual work plans issued and

amounts actually paid to DBE firms. The Agreements require the Consultants to ensure that DBE firms have an equal opportunity to compete for and participate in the performance of the Agreements.

Work Plans under the Agreement will define periodic assignments, subject to funding availability. Each Work Plan will have its own scope, schedule and budget. Accordingly, staff recommends that under RFP No. 6M6146, the following Proposers be awarded the agreement for the Not-to-Exceed (NTE) for Phase 1 for a six-year performance period (indicated below), with an option for the NTE amount for phase 2 (indicated below) for an additional ten-year performance period.

Table 2: Recommended Agreement Awards

Service Category	Firm	Phase 1 NTE Cost	Phase 2 NTE Cost	Total NTE Cost
		<i>Six (6) years</i>	<i>Ten (10) years</i>	
1. Engagement and Outreach	HDR Engineering, Inc.	\$30 Million	\$105 Million	\$135 Million
2. Travel Demand and Land Use	Cambridge Systematics, Inc.	\$10 Million	\$20 Million	\$30 Million
3. Planning and Engineering	ARUP/WSP JV	\$55 Million	\$210 Million	\$265 Million
4. Environmental	ICF Jones & Stokes, Inc.	\$30 Million	\$140 Million	\$170 Million

** Awarded Agreements for each service category will have an initial maximum compensation for Phase 1 only. The Agreement Maximum Compensation can be increased by the addition of Phase 2 compensation as exercised by change order. BART reserves the right to execute the option for Phase 2 at its own discretion.*

FISCAL IMPACT: Each of the Agreements has a not-to-exceed limit for each phase as shown in Table 2 above. These agreements have a total combined limit not to exceed \$600,000,000. District obligations will be subject to a series of Work Plans. Each Work Plan will have a defined scope of services, and a separate schedule and budget. Any Work Plan assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Development and Control will certify the eligibility of identified capital funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements, and the execution of each Work Plan. Each Work Plan will be subject to the availability of funding in the Planning Department budget, or other department budgets as requested, for future years.

ALTERNATIVES: The District could reject all of the proposals and re-solicit new proposals. The amount of time necessary to reissue the RFP would adversely impact planning activities underway in the advancement of the Link21 Program per the projected timeline and would not likely result in better quality proposals.

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

MOTION: The General Manager is authorized to award, subject to the negotiation of fair and reasonable cost reimbursement rates and fees, the below listed agreements to provide Professional Services for the Program Identification and Project Selection for the New Transbay Rail Crossing - for the Not-to-Exceed Amounts identified below for a six (6) year base period (Phase 1) for all agreements with an option to extend the term of all agreements for an additional ten (10) years (Phase 2), pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and the Federal Transit Administration's requirements related to protests.

- Agreement No. 6M6146-SC1, Service Category 1 (SC1) – Engagement and Outreach to HDR Engineering, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1, and an amount Not-to-Exceed \$105 Million for the Phase 2 option
- Agreement No. 6M6146-SC2, Service Category 2 (SC2) – Travel Demand and Land Use to Cambridge Systematics, Inc., in an amount Not-to-Exceed \$10 Million for Phase 1, and an amount Not-to-Exceed \$20 Million for the Phase 2 option
- Agreement No. 6M6146-SC3, Service Category 3 (SC3) – Planning and Engineering to ARUP/WSP JV, in an amount Not-to-Exceed \$55 Million for Phase 1, and an amount Not-to-Exceed \$210 Million for the Phase 2 option
- Agreement No. 6M6146-SC4, Service Category 4 (SC4) – Environmental to ICF Jones & Stokes, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1, and an amount Not-to-Exceed \$140 Million for the Phase 2 option



CONNECT NORTHERN CALIFORNIA

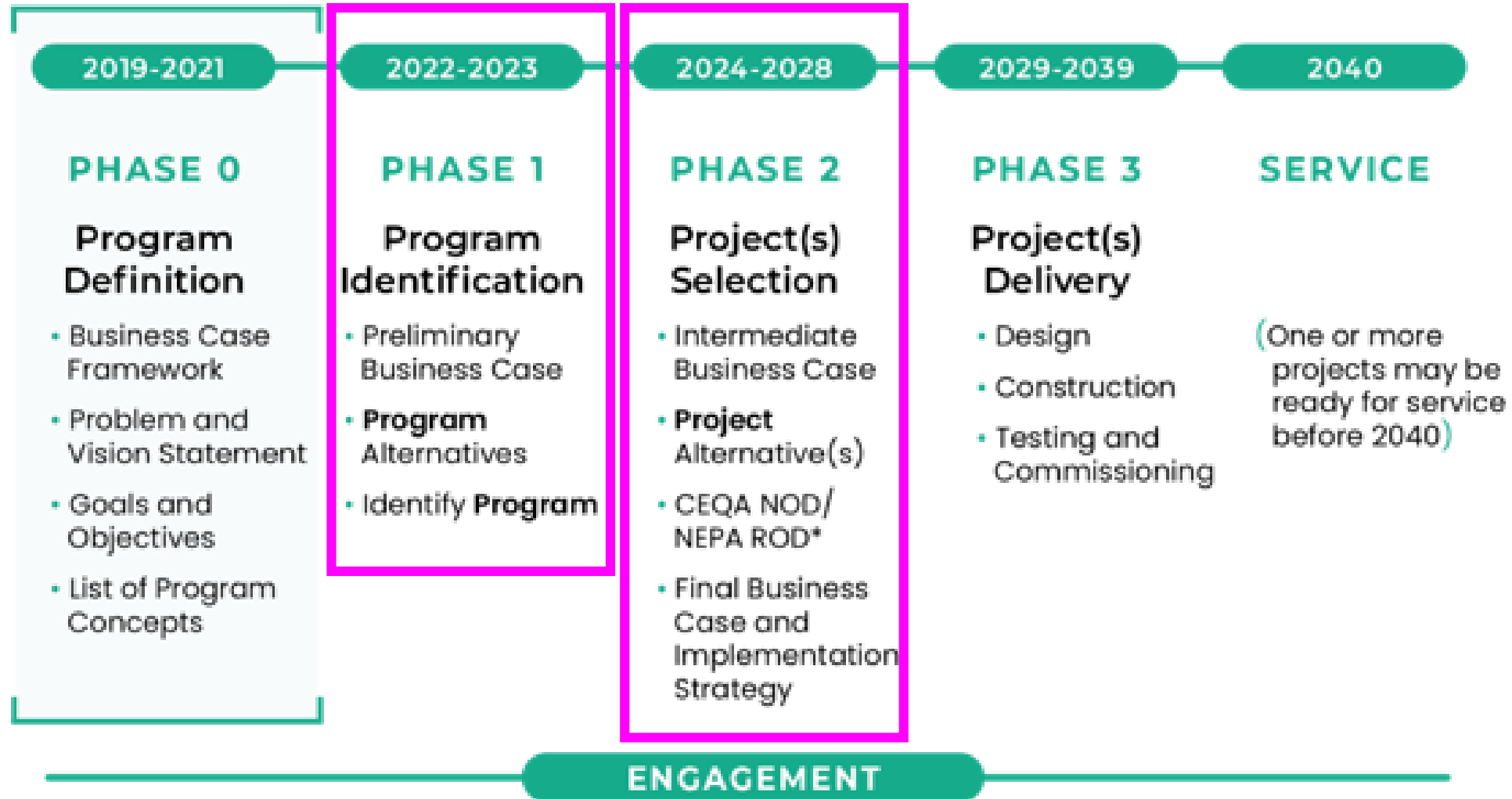
Award of Agreements: Professional Services for Program Identification and Project Selection for the New Transbay Rail Crossing Program (Link21)

BART Board of Directors

May 13, 2021



Program Timeline



*CEQA NOD = California Environmental Quality Act Notice of Determination/NEPA ROD = National Environmental Policy Act Record of Decision

Four (4) Service Categories

1. Outreach and Engagement

- Phase 1 - Conduct engagement and outreach activities throughout the 21-county Megaregion
- Phase 2 - Conduct engagement activities required for environmental approval under CEQA and NEPA

2. Travel Demand and Land Use

- Phase 1 - Develop a demand-and-land-use forecasting system to support evaluation of Program Alternatives
- Phase 2 – Refinement of Preferred Program Alternative and Support environmental analysis and stakeholder/public engagement

3. Planning & Engineering

- Phase 1 - Refine the Program Alternatives. Provide conceptual engineering evaluation of Preferred Program Alternatives
- Phase 2 - Perform preliminary engineering of environmental analyses to establish the basic feasibility and costs of the project alternatives

4. Environmental

- Phase 1 - Identify potential environmental opportunities and constraints and evaluate program alternatives consistent with CEQA and NEPA
- Phase 2 - Prepare project-level CEQA and NEPA compliance documents and the supporting technical studies needed to evaluate environmental impacts and approvals needed for Record of Decision

Industry Outreach

- Industry Day Webinar (Pre-RFP) – July 12, 2020
 - Webinar (Recorded and available on procurement portal)
 - 328 representatives from 192 firms
- RFP Released- September 14, 2020
 - Notice to Proposers emailed to approximately 2,366
 - Advertised in 10 publications
 - 205 firms downloaded RFP from Procurement Portal
- RFP Pre-Proposal Meeting – September 29, 2020
 - Webinar (Recorded and available on procurement portal)
 - 230 representatives from 134 firms
- Proposal Submission date – November 10, 2020
 - extended from Oct. 27, 2020

BART OUTREACH & NETWORKING



Teleconference Networking Event

When: October 6, 2020

What: The District's Office of Rights facilitated a teleconference Networking Event for interested firms to meet with Potential Prime Proposers

Structure: Interested firms were given 5 minutes to introduce themselves to Potential Prime Proposers

2366 FIRMS EMAILED

- ADVANCED NOTICE OF SOLICITATION

13 POTENTIAL PRIMES

- PARTICIPATED IN NETWORKING EVENT

210 RSVPs

- FOR NETWORKING EVENT

206 PARTICIPANTS

- FOR NETWORKING EVENT

NETWORKING EVENT POTENTIAL PRIME HOSTS

- | | | |
|---------------|----------------------|------------------------|
| • BONNIE HALL | • PARSONS | • FEHR & PEERS |
| • AECOM | • CIRCLEPOINT | • NEXT STEPS MARKETING |
| • ARUP | • MCMILLEN JACOBS | • D&A COMMUNICATIONS |
| • PGH WONG | • HDR | • KATZ & ASSOCIATES |
| | • ICF JONES & STOKES | |

BART DBE/SBE GOALS & COMMITMENTS

1

Engagement & Outreach

- DBE Goal: 30%
 - SBE Goal: NA
-
- HDR Engineering
 - DBE commitment: 30%
 - SBE commitment: 30%

2

Travel Demand & Land Use

- DBE Goal: 12%
 - SBE Goal: NA
-
- Cambridge Systematics
 - DBE commitment: 22.5%
 - SBE commitment: 1%

3

Planning & Engineering

- DBE Goal: 30%
 - SBE Goal: NA
-
- ARUP/WSP JV
 - DBE commitment: 30%
 - SBE commitment: 34%

4

Environmental

- DBE Goal: 30%
 - SBE Goal: NA
-
- ICF Jones & Stokes
 - DBE commitment: 30%
 - SBE commitment: 0%

The Office of Civil Rights will monitor the actual Disadvantage Business Enterprise (DBE) and Small Business Entity (SBE) participation attained based on individual work plans issued and amounts actually paid to DBE and SBE firms

Evaluation Panel/Process

Agency	Department
BART	Office of Civil Rights
BART	Link21 (Planning + Development)
BART	Design & Construction
BART	Link21 (Planning + Development)
Capitol Corridor (CCJPA)	Link21
California State Transportation Agency	Division of Rail and Mass Transit
County Connection	Planning & Marketing

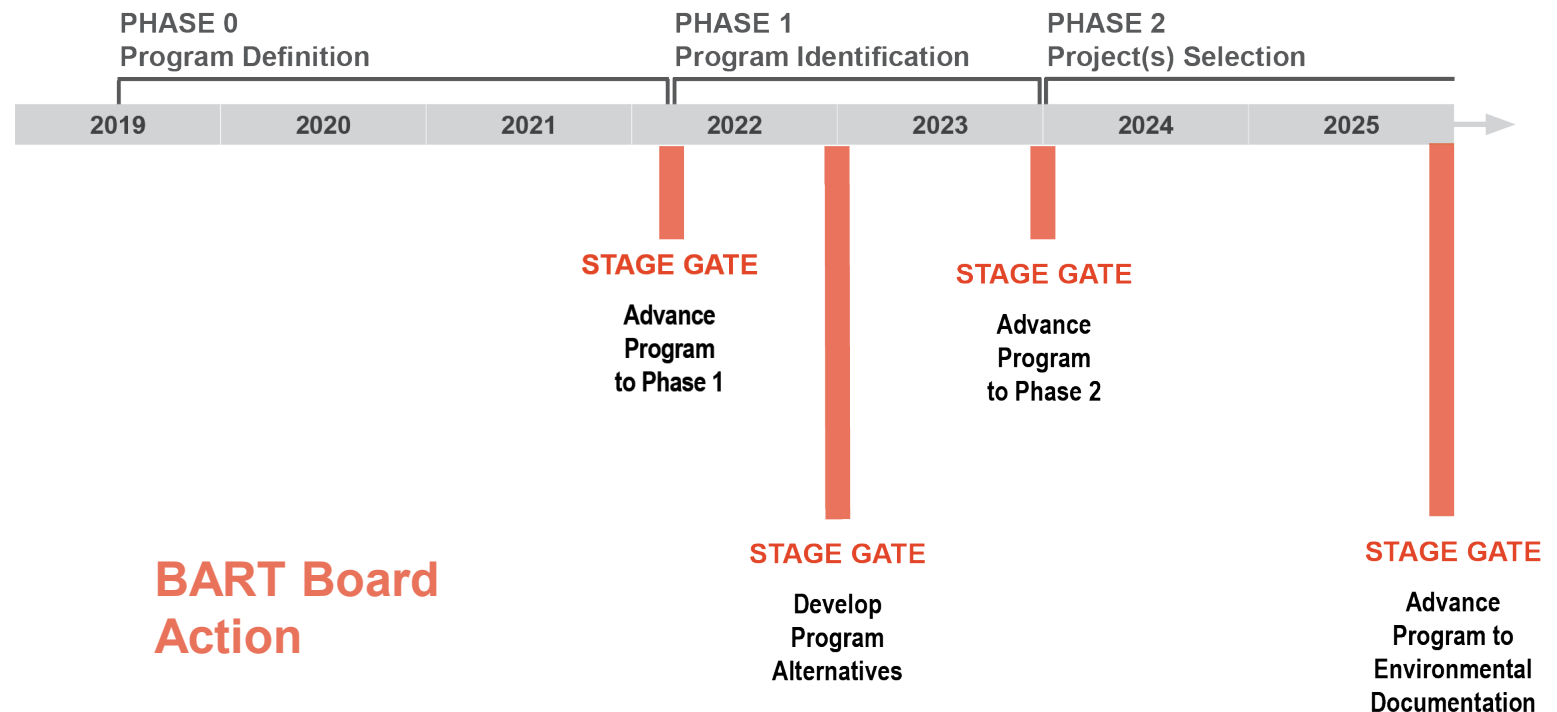
Professional Services Agreements

	Program Identification/ Phase 1	Project Selection/ Phase 2	Total	DBE Commitment
Engagement/Outreach	\$30M	\$105M	\$135M	30%
Travel Demand/Land Use	\$10M	\$20M	\$30M	22.5%
Planning/Engineering	\$55M	\$210M	\$265M	30%
Environmental	\$30M	\$140M	\$170M	30%
TOTAL	\$125M	\$475M	\$600M	
SCHEDULE	≤ 6yrs	≤ 10yrs	≤ 16yrs	

Preliminary Stage Gate Process



- A series of formal reviews of the Program at key milestones
- Assess the readiness of the Program to advance and **concludes with a BART board decision** to advance the Program and commit resources
 - Key stakeholders and public will be consulted and informed throughout the process
 - Regular progress reports to Boards
- Industry best practice
 - Successfully used to deliver large UK Transit Programs



Recommendation Motion

The General Manager is authorized to award, subject to the negotiation of fair and reasonable cost reimbursement rates and fees, the below listed agreements to provide Professional Services for the Program Identification and Project Selection for the New Transbay Rail Crossing - for the Not-to-Exceed Amounts identified below for a six (6) year base period (Phase 1) for all agreements with an option to extend the term of all agreements for an additional ten (10) years (Phase 2), pursuant to notification to be issued by the General Manager. The awards are subject to the District's protest procedures and the Federal Transit Administration's requirements related to protests.

- Agreement No. 6M6146-SC1, Service Category 1 (SC1) – Engagement and Outreach to HDR Engineering, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1, and an amount Not-to-Exceed \$105 Million for the Phase 2 option
- Agreement No. 6M6146-SC2, Service Category 2 (SC2) – Travel Demand and Land Use to Cambridge Systematics, Inc., in an amount Not-to-Exceed \$10 Million for Phase 1, and an amount Not-to-Exceed \$20 Million for the Phase 2 option
- Agreement No. 6M6146-SC3, Service Category 3 (SC3) – Planning and Engineering to ARUP/WSP JV, in an amount Not-to-Exceed \$55 Million for Phase 1, and an amount Not-to-Exceed \$210 Million for the Phase 2 option
- Agreement No. 6M6146-SC4, Service Category 4 (SC4) – Environmental to ICF Jones & Stokes, Inc., in an amount Not-to-Exceed \$30 Million for Phase 1, and an amount Not-to-Exceed \$140 Million for the Phase 2 option

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

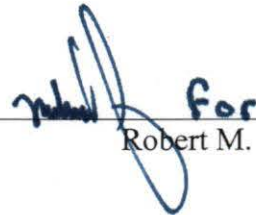
DATE: May 5, 2021

FROM: General Manager

SUBJECT: BHQ – BART Headquarters

Attached is the “BHQ – BART Headquarters” presentation that will be presented at the May 13, 2021 board meeting as an information item.

If you have any questions, please contact Carl Holmes, Assistant General Manager, Design and Construction at (510) 464-7592.

 **for**

Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



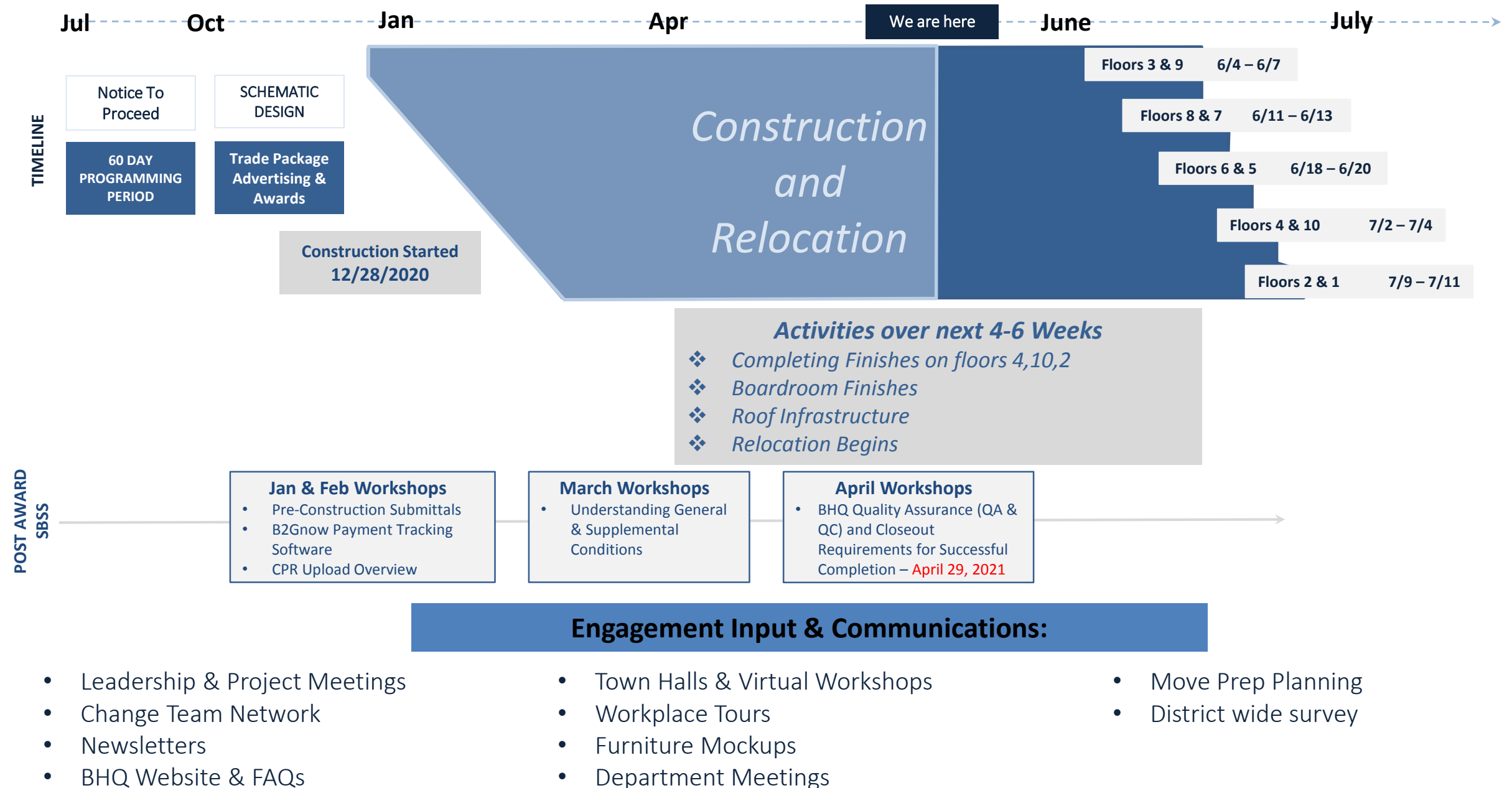
BART Headquarters Update

05/13/2021

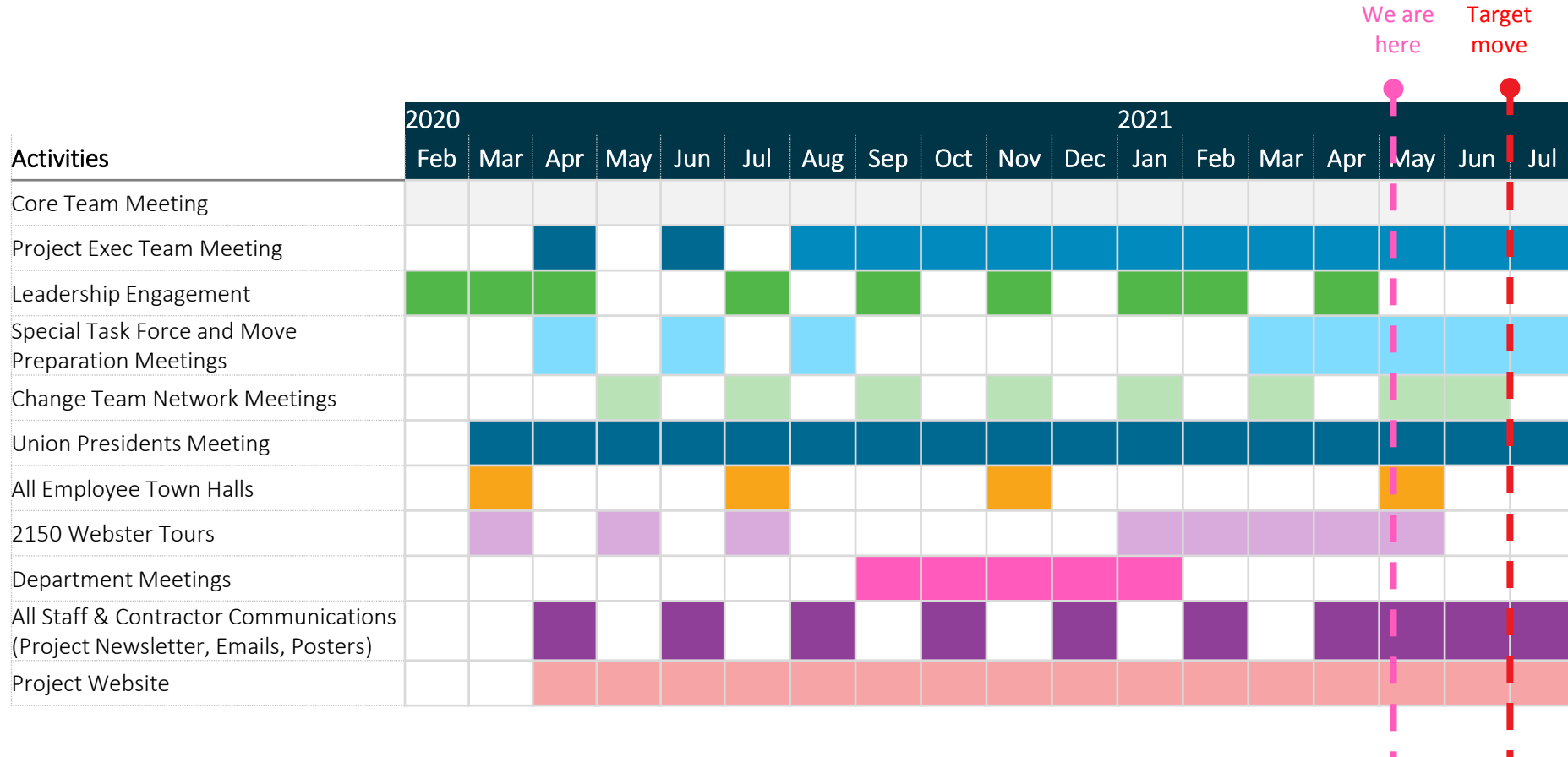
Agenda

- *Schedule and Timeline Update*
 - *Stakeholder Engagements*
- *Construction Update*
- *Office of Civil Rights Update*
 - *Small Business Participation*
 - *Public Stabilization Agreement*
- *Workplace Sound Management*
- *Items Requested for Board Action*

BHQ Project Timeline



Stakeholder Engagement Roadmap



City of Oakland – Permitting and Inspection

LEGEND

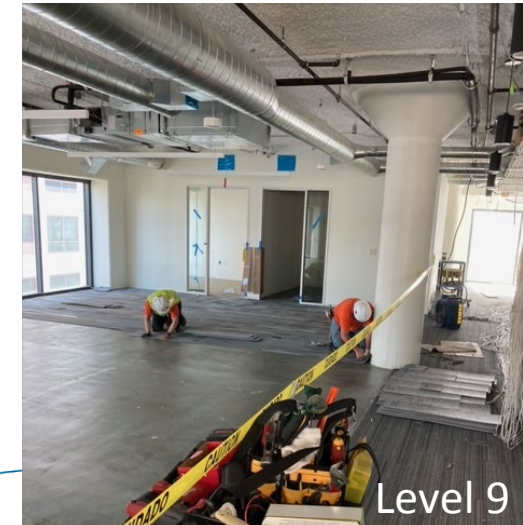
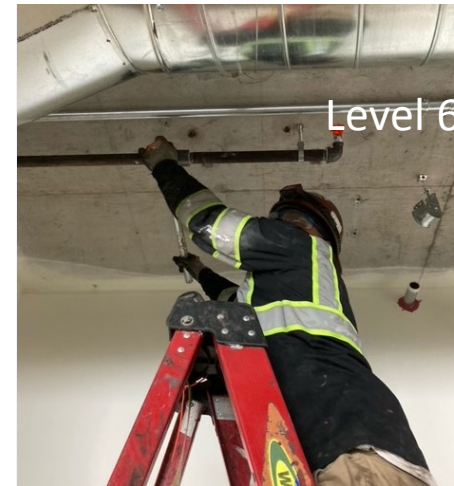
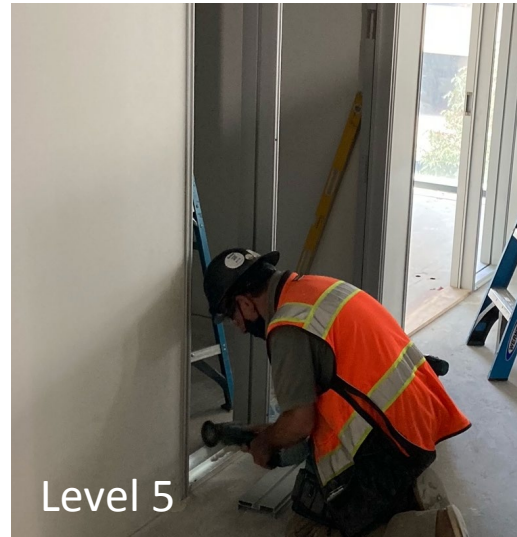
- Phase 1 Permit – Issued
- Phase 2 Permit – Issued
- Phase 3 Permit – Issued



Initial Inspection Report

Floor	Framing	Electrical	Mechanical	Plumbing	Fire
10	✓			✓	
9	✓	✓	✓	✓	✓
8	✓	✓	✓	✓	✓
7	✓	✓	✓	✓	✓
6	✓	✓	✓	✓	✓
5	✓	✓	✓	✓	✓
4	✓	✓	✓	✓	✓
3	✓	✓	✓	✓	✓
2	✓	✓	✓	✓	
1		✓			

BHQ Construction Photos





BART SB GOAL
(SMALL BUSINESS)

32% GOAL
34% Forecast
\$21.9 MIL
CONTRACT VALUE

TURNER PROJECT GOALS

Update as of May 3, 2021



TURNER MBE GOAL
(MINORITY BUSINESS ENTERPRISES)

18% GOAL
18% Forecast



TURNER WBE GOAL
(WOMEN-OWNED BUSINESS ENTERPRISES)

9% GOAL
9% Forecast



TURNER AA GOAL
(AFRICAN AMERICAN BUSINESSES)

10% GOAL
17% Forecast

BART Headquarters Project Budget

	Base Contract Value	Current Contract Value
Construction	\$52M	\$53.601M
Design and Programming	\$0.6M	\$4.674M
Management Fees and Bond	\$5.86M	\$6.019M
Total Price	\$58.47M	\$64.295M*

Small Business Participation

	Value	SB Participation	SB %
<i>Contract Value At Time of Bid</i>	<i>\$58,467,851</i>	<i>\$18,709,712</i>	<i>32.0%</i>
<i>Revised Contract</i>	<i>\$64,295,003</i>	<i>\$20,574,401</i>	<i>32.0%</i>
Forecasted – (Contractor)	\$64,295,003	\$21,860,301	34.0%
Validated by Office of Civil Rights	\$64,276,030	\$21,475,930	33.4%
Payments to Date – as of April 7	\$20,512,014	\$1,523,209	7.4%

PROJECT STABILIZATION AGREEMENT (PSA)



JOINT ADMINISTRATIVE COMMITTEE (JAC)

PSA is governed by JAC comprised of an equal number of representatives appointed by the District and by the Building and Construction Trades Councils from the Counties of:

- Alameda
- Contra Costa
- San Francisco
- San Mateo
- Santa Clara and San Benito



PRE-JOB CONFERENCES

Prior to the commencement of construction, representatives of the participating contractors and subcontractors, and the Unions are mandated to attend a pre-job conference to discuss work assignments. To date the following meetings were held:

- October 19, 2020
- November 4, 2020
- December 15, 2020
- January 4, 2021
- January 11, 2021
- February 3, 2021
- February 16, 2021
- February 26, 2021
- March 25, 2021
- April 8, 2021
- April 16, 2021

Workspace Sound Management

The ABC Rule of Workplace Sound Management



ABSORB



BLOCK



COVER

Workspace Sound Management



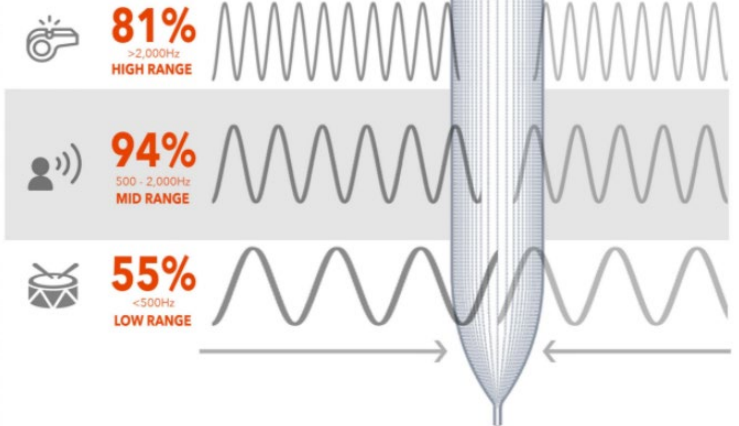
Conversation Hoods

- 2- 4 locations per floor (32 Total)
- *ADA compliant height locations*



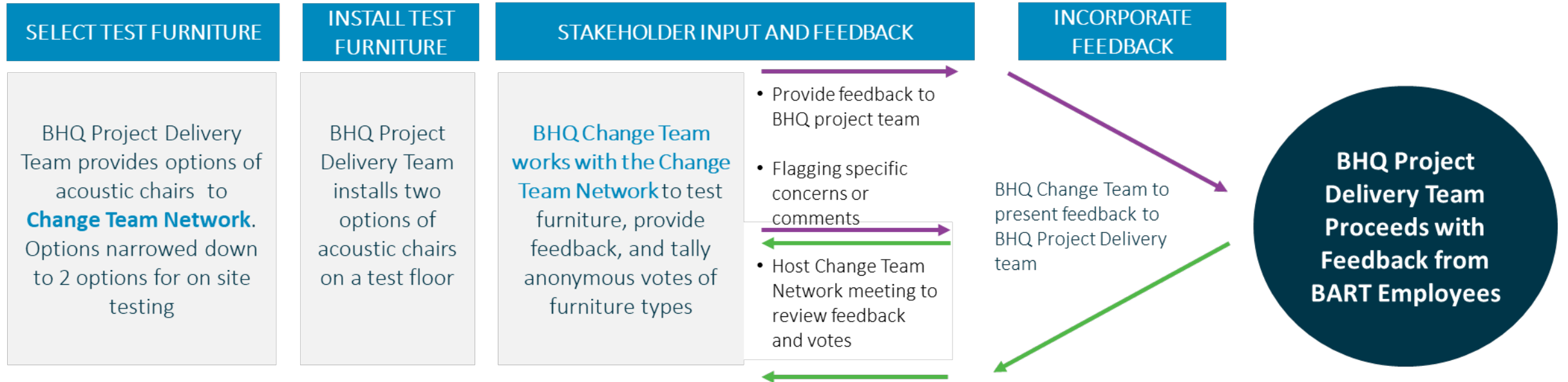
SOUND QUALITY

Selective Frequency Absorption

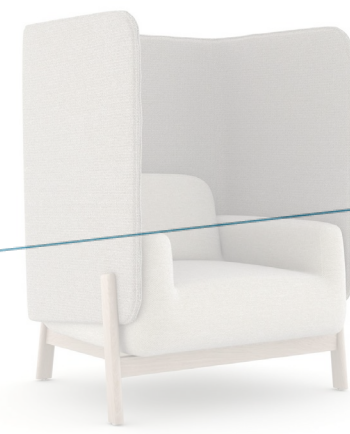


Workspace Sound Management

*Procurement will be after Relocations are Complete
Fall 2021*



Acoustic Chairs



Workspace Sound Management

Headsets

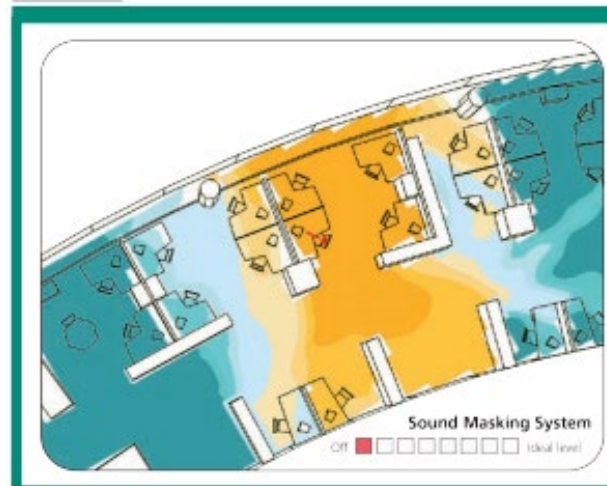
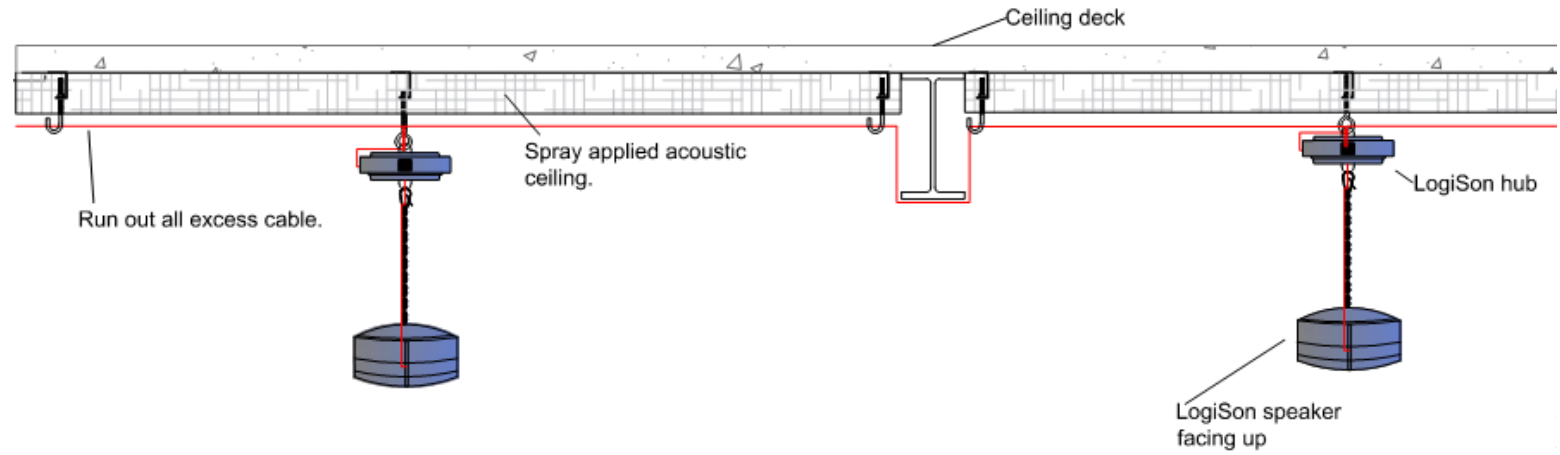
- Single ear, wired headset
- Allows for:
 - desktop phone connection
 - Hardwired
 - laptop connection
 - Bluetooth



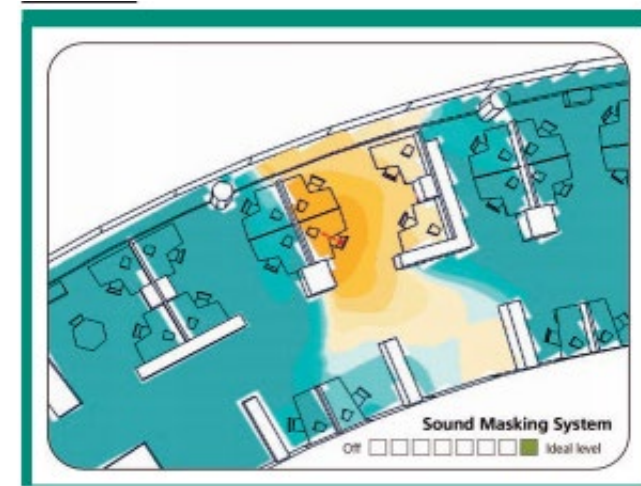
Workspace Sound Management

Sound Masking System

- Over 85 units per floor
- Emits pink noise
 - Soft Blowing Air resemblance



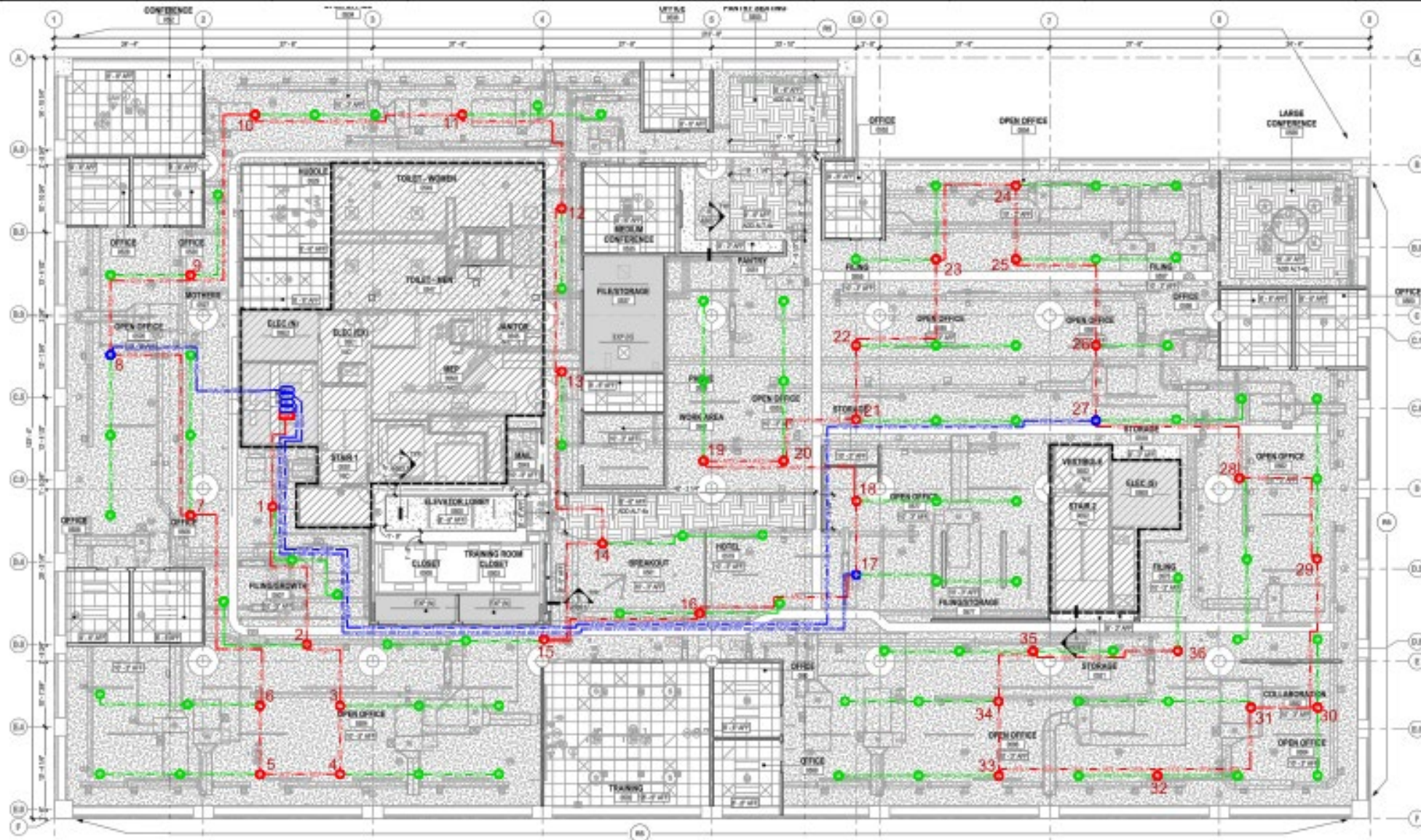
Sound Masking off



Sound Masking on



BHQ – Level 5 Sound Masking Unit layout



Items Requested for Action

Requested for Board Action

Building Operations

- Award of Property Management Services
- Lease Parking Spaces for Corporate Vehicles
- BHQ Surveillance Impact Report

Contract 6M4706 Change Orders

- *No. 504 – BHQ Fire Pump Code Compliance Modifications*
- *No. 505 – BHQ Collaboration Space Technology & Furniture*
- *No. 506 – BHQ Roof Access Design & Construction*

Requested for Board Action

Contract No. 6M4736,

Award of Property Management Services for BHQ

Request to execute a professional services agreement with RiverRock Real Estate Group for property management services for district Property at 2150 Webster Street for five (5) years with two (2) one-year options, for \$2.326MM, and allow the firm to administer the overall budget for property management and procure related building services at a cost of \$18.2MM with BART operating funds.

***Award Amount Total for Property Management & Building Services - \$18.2MM
(\$2.326MM Direct Amount for Property Management)***

Includes:

- *Property Management*
- *Building Engineering Services*
- *Janitorial*
- *Private Security Services*
- *Other Building & Maintenance Services needed to maintain BHQ*

Lease for Corporate Vehicle Parking

Request to enter into a fifteen-year lease with TMG Partners for up to 90 parking spaces, with an option to extend for two (2) additional five-year periods, for BART Corporate Vehicle Parking at the Kaiser Center (300 Lakeside Garage) for an initial monthly rate of \$247 per stall with BART operating funds.

Annual Lease for up to 90 Corporate Vehicle Parking Stalls

Includes parking for:

- *Maintenance & Engineering*
- *Real Estate*
- *Transportation*
- *Other BART Departments with secured parking needs*

Requested for Board Action

BHQ Surveillance Impact Report (SIR)

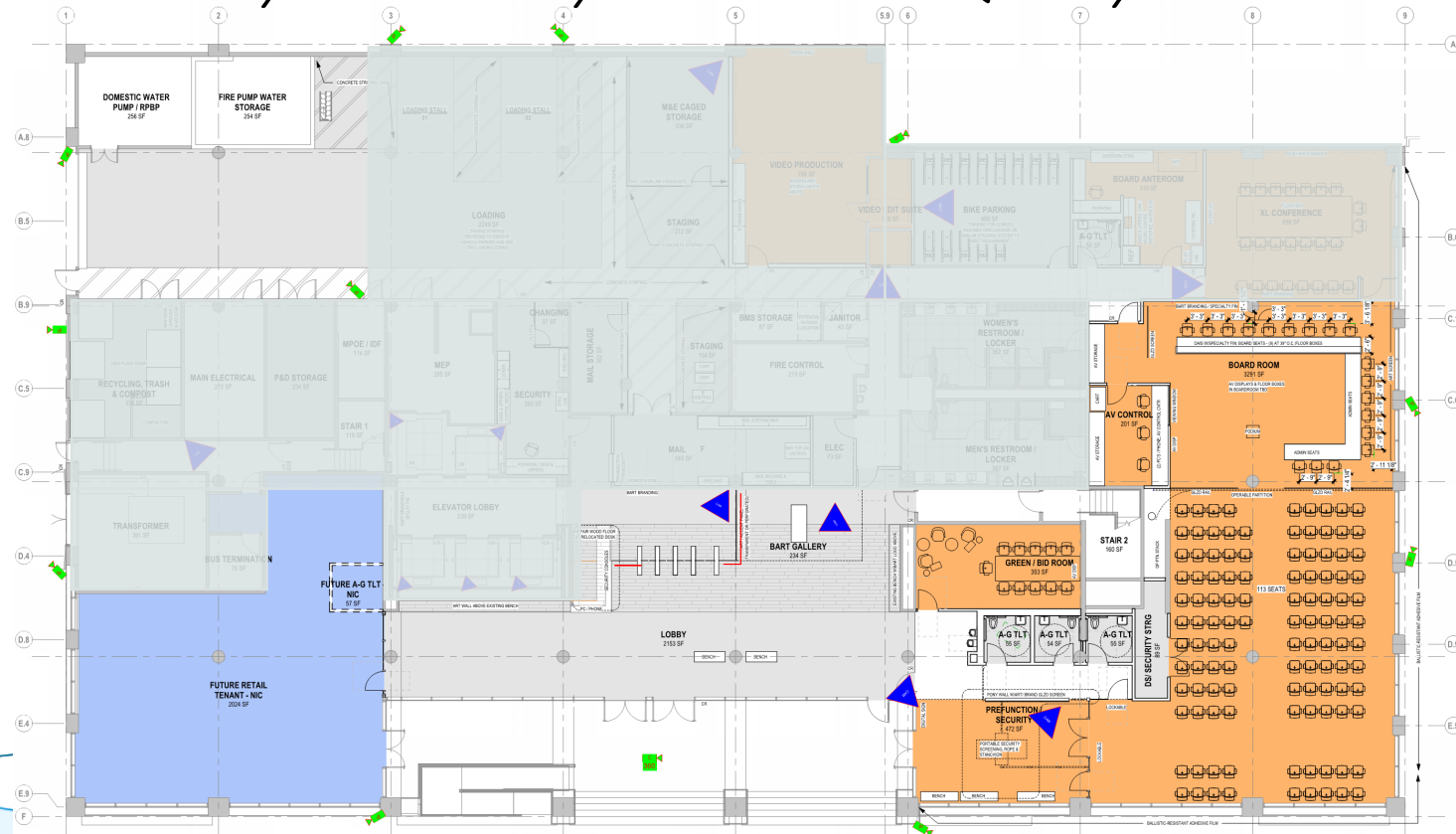
Per Surveillance Technology Ordinance No. 2018-1

Section 4.1: Information Required

“The BART District entity seeking approval under Section 3 shall submit to the Board of Directors a Surveillance Impact Report and a draft Surveillance Use Policy at least twenty-one (21) days prior to the public meeting where approval will be requested”

Amendment of the existing Surveillance Use Policy to include the system at the new BHQ Facility

- Surveillance Technology Ordinance No.2018-1 Adopted Sep 21, 2018
- Surveillance Impact Report (SIR) posted April 20, 2021
- BART Board notified April 20, 2021



Requested for Board Action

Contract No. 6M4706, Change Order No. 504

BHQ Fire Pump Code Compliance Modifications

The existing fire pump was determined to be past its useful life. To be in compliance with the City of Oakland Fire Code, the replacement of this unit and modification of the supporting infrastructure is required.

Change Order Amount – Not To Exceed(NTE) \$.720M

Includes:

- Mechanical/Electrical/Plumbing Engineering Services
- Equipment Procurement
- Fire Alarm Connectivity

Contract No. 6M4706, Change Order No. 505

BHQ Collaboration Space Technology & Furniture

To reduce schedule risk associated with the activation of the new BHQ facility, Turner Construction will procure and manage logistics associated with the delivery of technical equipment for the new facility.

Change Order Amount – NTE \$3.42M

Including:

- Digital Screens
- Conference Room Controllers
- Scheduling Panels
- Audio Devices
- Telephone Equipment (VoIP)
- Meeting Management System
- Production Broadcast Equipment
- Integrated Audio/Visual Furniture

Requested for Board Action

Contract No. 6M4706, Change Order No. 506

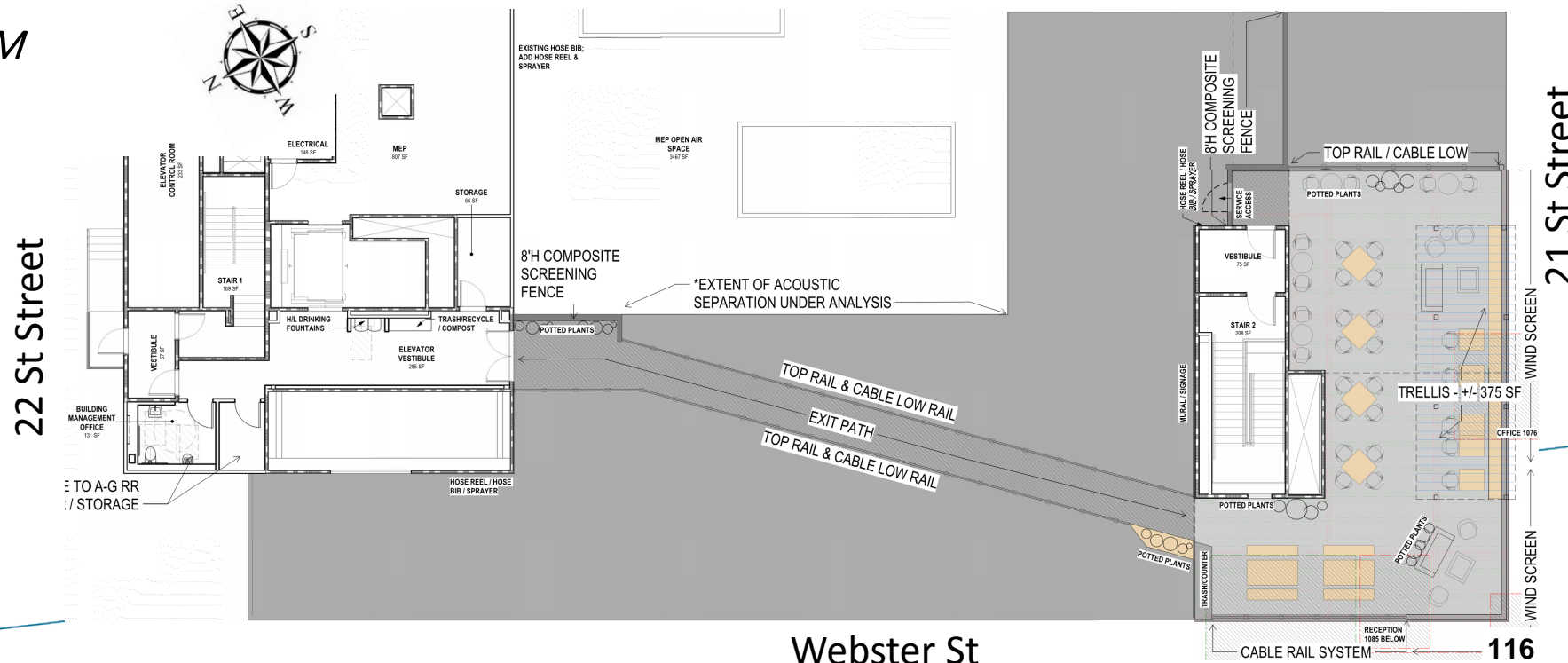
BHQ Roof Access Design & Construction

Part of the relocation to BHQ required a reduction in open areas for staff to access during the workday for decompressing. The roof will be available for BART Staff during business hours.

Change Order Amount - NTE \$1.20M

Includes:

- Architectural Design Services
- Structural Engineering Services
- Development of 1,300+/- sqft. on Roof
- Code required lighting
- Windshields and fencing
- Wifi



BART Headquarters Project Budget

	Current Contract Value	Forecasted Contract Value
Construction ¹	\$53.765M	\$58.559M
Design and Programming ²	\$4.495M	\$4.747M
Management Fees and Bond	\$6.016M	\$6.329M
Total Price	\$64.276M	\$69.635M¹

¹ Inclusive of Change Order:

No. 504 – BHQ Fire Pump Code Compliance Modifications

No. 505 – BHQ Collaboration Space Technology & Furniture

No. 506 – BHQ Roof Access Design & Construction

Next Steps

- Finalize Roof Access Design and Commence Construction
- City of Oakland Occupancy Permit Issuance
- Relocate Staff Starting 6/4
- Boardroom Commissioning
- Punchlist Completion

Recommended Board Motions

Building Operations

- Award of Property Management Services
- Lease Parking Spaces for Corporate Vehicles
- BHQ Surveillance Impact Report

Contract 6M4706 Change Orders

- *No. 504 – BHQ Fire Pump Code Compliance Modifications*
- *No. 505 – BHQ Collaboration Space Technology & Furniture*
- *No. 506 – BHQ Roof Access Design & Construction*

Recommended Board Motion

Contract No. 6M4736, Award of Property Management Services for BHQ

The General Manager, or their designee, is authorized to execute a professional services agreement with RiverRock Real Estate Group for property management services for District Property consisting of 244,287 sf of space and ten (10) floors at 2150 Webster Street for five (5) years with two (2) one-year options, for a total amount of \$2,326,484.00, and allow RiverRock Real Estate Group to administer the overall budget for property management and procure related building services at a cost not to exceed a total of \$18,200,000.00.

Lease for Corporate Vehicle Parking

The General Manager or his designee is authorized to enter into a fifteen-year lease with TMG Partners for approximately 90 parking spaces for BART Corporate Vehicle Parking at the 300 Lakeside Garage in Oakland, with options to extend for two additional five-year periods, commencing July 1, 2021 at an initial monthly rate of \$247/stall for the first three-years of the lease; and increasing thereafter subject to the terms of the agreement.

BHQ Surveillance Impact Report (SIR)

The General Manager or his designee is authorized to proceed with the use of this additional surveillance equipment for all of the purposes described in the CCTV Surveillance Use Policy.

Recommended Board Motion

Contract No. 6M4706, Change Order No.504 - BHQ Fire Pump Code Compliance Modifications

The General Manager is authorized to execute Change Order No. 504, BHQ Fire Pump Code Compliance Modifications, in the not to exceed amount of \$720,000.00, to Contract No. 6M4706, for Design-Build of BART Headquarters, with Turner Construction Company.

Contract No. 6M4706, Change Order No.505 - BHQ Collaboration Space Technology & Furniture

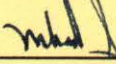

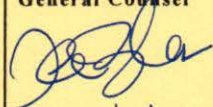
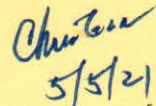

The General Manager is authorized to execute Change Order No. 505, BHQ Collaboration Space Technology and Furniture, in the not to exceed amount of \$3,420,000.00, to Contract No. 6M4706, for Design-Build of BART Headquarters, with Turner Construction Company.

Contract No. 6M4706, Change Order No.506 - BHQ Roof Access Design & Construction

The General Manager is authorized to execute Change Order No. 506, BHQ Roof Access Design & Construction , in the not to exceed amount of \$1,200,000.00, to Contract No. 6M4706, for Design-Build of BART Headquarters, with Turner Construction Company.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/6/2021		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 4/30/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ahmad Rassai Dept: Capital Program, HMC Signature/Date:  5/5/2021	General Counsel  5/5/21 []	Controller/Treasurer  5/5/21 []	District Secretary []	BARC  5/5/2021 []

Contract No. 6M4706 Change Order No. 504, BHQ Fire Pump Code Compliance Modifications

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 504, BHQ Fire Pump Code Compliance Modifications, Contract No. 6M4706, for construction of the BART Headquarters Project (BHQ) for an amount not to exceed \$720,000.

DISCUSSION:

Under this Change Order, Turner Construction, BART headquarters contractor, will be requested to design and reconstruct the existing Fire Pump system currently located on the first floor of BHQ adjacent to the garage area. The existing fire pump was determined to be past its useful life. To be in compliance with the City of Oakland Fire Code, the replacement of this unit and modification of the supporting infrastructure is required for the BART Headquarters site on Webster Street in Oakland, California.

Change Order No. 504 for an amount not to exceed \$720,000 will be required, in order to complete this work.

FISCAL IMPACT:

Funding in the amount of \$720,000 for award of Change Order 504, Contract No. 6M4706 is included in the total project budget for the 2150 Webster BART Headquarters (BHQ) Project Number 17HN000.

Project Number 17HN000.

The table below list funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Project 17HN000:

Project	Fund	Fund Description	Source	Amount
17HN000	8211	2019A Sales Tax Rev Bonds	BART	227,000,000

As of May 5, 2021, \$227,000,000 is the total budget for this project. BART has expended \$172,258,390 committed \$44,057,081 and reserved \$478,132 to date. This action will commit \$720,000 leaving an available fund balance of \$9,486,397 in this fund source for this project.

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

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. Failure to issue this Change Order will require a Suspension of Work and delay the new BHQ completion schedule resulting in additional costs.

RECOMMENDATION:

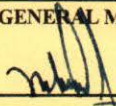

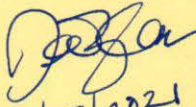
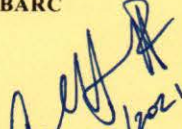
Recommend that the Board approve the following motion:

MOTION:

The General Manager or his designee is authorized to execute Change Order No. 504, Fire Pump Code Compliance Modifications, Contract No. 6M4706, for construction of the BART Headquarters Project (BHQ) in an amount not to exceed \$720,000 .



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/6/2021		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 3/11/2021		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Ahmad Rassai Dept: Capital Program, ACIO Signature/Date:  5/5/2021	General Counsel  5/5/2021 []	Controller/Treasurer Chun Guan 5/5/21 []	District Secretary []	BARC  5/5/2021 []

Contract No. 6M4706 Change Order No. 505, BHQ Collaboration Space Technology and Furniture

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 505, Information Technology Hardware and Software to Contract No. 6M4706, for construction of the BART Headquarters Project (BHQ) in an amount not to exceed \$3,420,000.

DISCUSSION:

Under this Change Order, Turner Construction, BART headquarters contractor, will be requested to furnish the audio/visual equipment, software and accompanying furniture in the BART headquarters modern conference rooms, collaboration spaces, wall mounted dashboards, and the new BART Boardroom. In addition, they will be requested to furnish the Disaster Recovery for the PBX telecommunications Voice Over Internet Protocol (VOIP) hardware and software which is required for the analogue equipment needed for faxing and elevator cab phones. This Change Order also covers the phone sets and deployment of these services and hardware for the BART Headquarters site on Webster Street in Oakland, California.

A Change Order in an amount not to exceed \$3,420,000 is required, in order to complete this work.

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

FISCAL IMPACT:

Funding in the amount of \$3,420,000 for award of Change Order 505, Contract No. 6M4706 is included in the total project budget for the 2150 Webster BART Headquarters (BHQ) Project Number 17HN000.

The table below list funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Project 17HN000:

Project	Fund	Fund Description	Source	Amount
17HN000	8211	2019A Sales Tax Rev Bonds	BART	227,000,000

As of May 5, 2021, \$227,000,000 is the total budget for this project. BART has expended \$172,258,390 committed \$44,057,081 and reserved \$1,198,132 to date. This action will commit \$3,420,000 leaving an available fund balance of \$6,066,397 in this fund source for this project.

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

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. Failure to issue this Change Order will require a Suspension of Work and delay the new BHQ completion schedule resulting in additional costs.

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The General Manager is authorized to execute Change Order No. 504, BHQ Collaboration Space Technology and Furniture, in the not to exceed amount of \$3,420,000.00, to Contract No. 6M4706, for Design-Build of BART Headquarters, with Turner Construction Company.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: DATE: 4/30/2021 5/6/2021		GENERAL MANAGER ACTION REQ'D: Yes		
Originator/Prepared by: Ahmad Rassai Dept: Capital Program ? HMC Signature/Date: 5/5/2021		General Counsel 5/6/2021 []	Controller/Treasurer 5/5/21 []	District Secretary []
BOARD INITIATED ITEM: No				
BARC 5/5/2021 []				

Contract No. 6M4706 Change Order No. 506, Roof Access Design & Construction

PURPOSE:

To obtain Board authorization for the General Manager to execute Change Order No. 506, Roof Access Design & Construction to Contract No. 6M4706, for construction of the BART Headquarters Project (BHQ) for an amount not to exceed \$1,200,000.

DISCUSSION:

Under this Change Order, Turner Construction, BART headquarters contractor, will be requested to design and construct a Roof Access for the BART Headquarters site on Webster Street in Oakland, California. Turner will be modifying the existing raised planter system to create an 1,300 +/- square foot roof access to be utilized by BART staff. The access area will be surrounded by perimeter fencing and windscreen systems and will include a small 'trellis' system along with various furniture pieces to be used by staff. WiFi and lighting will be included to allow for flexibility of use by BART staff.

Change Order No. 506 for an amount not to exceed \$1,200,000 will be required, in order to complete this work.

FISCAL IMPACT:

Funding in the amount of \$1,200,000 for award of Change Order 506, Contract No. 6M4706 is included in the total project budget for the 2150 Webster BART Headquarters (BHQ) Project Number 17HN000.

The table below list funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

Project 17HN000:

Project	Fund	Fund Description	Source	Amount
17HN000	8211	2019A Sales Tax Rev Bonds	BART	227,000,000

As of May 4, 2021, \$227,000,000 is the total budget for this project. BART has expended \$172,258,390 committed \$44,057,081 and reserved \$4,618,132 to date. This action will commit \$1,200,000 leaving an available fund balance of \$4,866,397 in this fund source for this project.

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

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES:

The Board can elect not to authorize the execution of this Change Order. Failure to issue this Change Order will effect the quality of work experience as it will limit the amount of open space for the staff to access.

RECOMMENDATION:

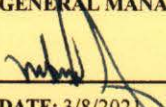

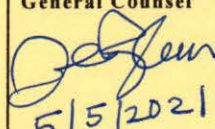
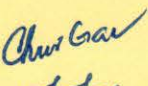
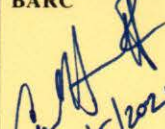
Recommend that the Board approve the following motion:

MOTION:

The General Manager or his designee is authorized to execute Change Order No. 506, Roof Access Design & Construction to Contract No. 6M4706, for construction of the BART Headquarters Project (BHQ) in an amount not to exceed \$1,200,000.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/6/2021		GENERAL MANAGER ACTION REQ'D: Yes		
DATE: 3/8/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Ahmad Rassai Dept: Capital Program, HMC Signature/Date:  5/5/2021	General Counsel  5/5/2021 []	Controller/Treasurer  5/5/21 []	District Secretary []	BARC  5/5/2021 []

BHQ Surveillance Impact Report

PURPOSE:

To obtain Board approval of a Surveillance Impact Report and for the Board to make findings thereon to implement the use of certain additional Closed Circuit Television (CCTV) technology for the new BART Headquarters Building (BHQ) .

DISCUSSION:

CCTV is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera's input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it. The recorded content will be in BART communication links that have encryption and firewalls to prevent them from being hacked and viewed by unauthorized viewers.

Cameras located on the outside perimeter and cameras located in the lobby area of BHQ have the potential of capturing videos of the general public. These are the only cameras at BHQ that require public notification by the BART Board of Directors.

This Surveillance Impact Report should be read in concert with the existing Surveillance Ordinance Use Policy for CCTV (adopted on October 25, 2018). The proposed use of the additional CCTV technology at BHQ has not been modified. The proposed new surveillance equipment operates within "Public areas of BART facilities" as addressed in part A of the Surveillance Use Policy – BART Closed Circuit Television (CCTV) and the limitations on "Authorized Use" remain unchanged (see part B of the same document). A

copy of that document has been attached hereto for convenience.

Pursuant to the Ordinance, the Board was notified 21 days in advance, and the Public was notified 15 days in advance (via posting on bart.gov and advertisement in several newspapers within the District) of this BART CCTV Surveillance Impact Report.

FISCAL IMPACT:

There is no fiscal impact. The funding for all new cameras and associated security systems for BHQ is included in Turner's (BHQ General Contractor) construction contract which was approved by the Board on July 20, 2020.

ALTERNATIVES:

The Board can elect not to authorize the proposed new CCTV cameras described in this EDD .

RECOMMENDATION:

Recommend that the Board approve the following motion:

MOTION:

The Board of Directors approves BHQ's Surveillance Impact Report. The Board of Directors further finds that the benefits of the proposed additional surveillance equipment requested will outweigh the costs and concerns related thereto. The General Manager or his designee is authorized to proceed with the use of this additional surveillance equipment for all of the purposes described in the CCTV Surveillance Use Policy.

BART Headquarters Building (BHQ)

Surveillance Impact Report

BART Closed Circuit Television (CCTV)

March 24, 2021

A. Description of the proposed surveillance technology and how it generally works.

CCTV (closed-circuit television) is a TV system in which signals are not publicly distributed but are monitored, primarily for surveillance and security purposes. CCTV relies on strategic placement of cameras, and observation of the camera's input on monitors. Because the cameras communicate with monitors and/or video recorders across private communication links, they gain the designation "closed-circuit" to indicate that access to their content is limited by design only to those able to see it. The recorded content will be in BART communication links that have encryption and firewalls to prevent them from being hacked and viewed by unauthorized viewers.

The various types of cameras that are employed for public surveillance purposes include visible and semi-visible, each having its own purpose. Visible cameras are intentionally designed to be visible to the public and for the most part, one can easily detect what is being recorded by the direction of the camera. Semi-visible cameras have become increasingly more common. These cameras have a dome-shaped covering that prevents the public from identifying the direction the camera is facing. For crime prevention efforts, this type of camera is more effective for deterrence purposes because would-be offenders are unable to determine whether they are being recorded and may therefore refrain from criminal activity due to fear of apprehension.

Sample Image of Semi-Visible CCTV Camera



Sample Image of Visible CCTV Camera



B. Proposed purpose(s) for the surveillance technology.

The use of cameras based on closed-circuit television (CCTV) technology has proven effective in increasing the confidence of the community in public transport and improving the protection of the public, patrons, employees and critical infrastructure. The CCTV system at BHQ serves the following key purposes:

- Reduces the fear of crime and reassures the public and employees
- Prevents, deters and detects crime, damage of infrastructure and vehicles, public disorder, unlawful behavior and inappropriate conduct.
- Act as a risk management tool against fare evasion and as a defense against fraudulent claims, particularly for individuals alleging injury during accidents.
- Aid in dispute mediation, complaint resolution, accident investigation, employee monitoring, etc.
- Monitor, identify, apprehend and prosecute offenders for criminal offences, criminal damage, public disorder and harassment.
- Investigate complaints or offences and provide evidence upon which to take criminal, civil and disciplinary actions.

C. The general locations of existing and new cameras.

- Please see attached plan sheet titled "New Cameras". The four cameras that are highlighted in the lobby area are the only cameras that will have the potential of capturing videos of the general public. All other cameras shown, are existing cameras at BHQ, which have been replaced with new cameras of same kind.

D. Crime statistics for any location(s), if the equipment is used to deter or detect crime.

The Closed-Circuit Television System is intended as a District wide security system having amongst other functions the purpose of prevention, deterrence and detections. The system will target PART 1 crimes as measured by the BART Police Performance Measurements monthly report and the reported data from the BART official monthly FBI Uniform Crime Reporting (UCR) program.

E. An assessment identifying any potential impact on privacy rights and discussing any plans to safeguard the rights of the public.

BART recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. BART will not capture audio and still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster or District wide emergency. As an example, if after a natural disaster local authorities are looking for a missing person(s) and it is believed that they may have been in the vicinity of our cameras at the time, then we would allow the viewing of our video records to assist.

F. The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding.

Initial Purchase Cost

Based on a budget generated by BART, the cost is approximately \$1,500 per camera. In addition to the camera cost, on the average there will be \$5,000 installation for the Closed-Circuit Television System which will include all monitors, recording storage devices, conduit, low voltage cable installation and power supply installation.

Ongoing Costs

The ongoing costs associated with the deployment of Closed-Circuit Television System are for normal preventative and corrective maintenance.

The anticipated lifespan of the system is about Ten (10) years. However, with proper maintenance and lack of vandalism staff anticipates the useful operational lifespan of the system could be extended.

Potential Sources of Funding

- Capitol /Bond Funds

G. Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis.

Ongoing Maintenance

Third party vendor support requires the use of log files and sample image data to be collected for analysis of errors and system malfunctions. The data shall be deleted after maintenance is complete.

Ongoing Use

The BHQ Building Management Company will be providing private security which will staff the front desk. The private security guards, under the supervision of BART Police (BPD), will have the ability to view the security cameras in the public areas of the building, but they will not have access to the surveillance recording files. In the event of an incident, BPD will be notified by the security guards. Access to recorded files will only be provided in accordance with the existing BART Surveillance Use Policy.

H. A summary of alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate or undesirable.

BART examined two types of technology in the implementation of the Closed-Circuit Television System, legacy Analog and current Digital IP Based technology. The benefits and disadvantages are:

Benefits of Analog Cameras

- Cost
- Larger pool of installers and vendors
- Simplicity
- Advancements in image quality

Disadvantages of Analog Cameras

- Image quality is significant less than Digital IP Based Technology
- Less coverage
- More Cables
- No Encryption

Benefits of IP Cameras (PTZ and Fixed)

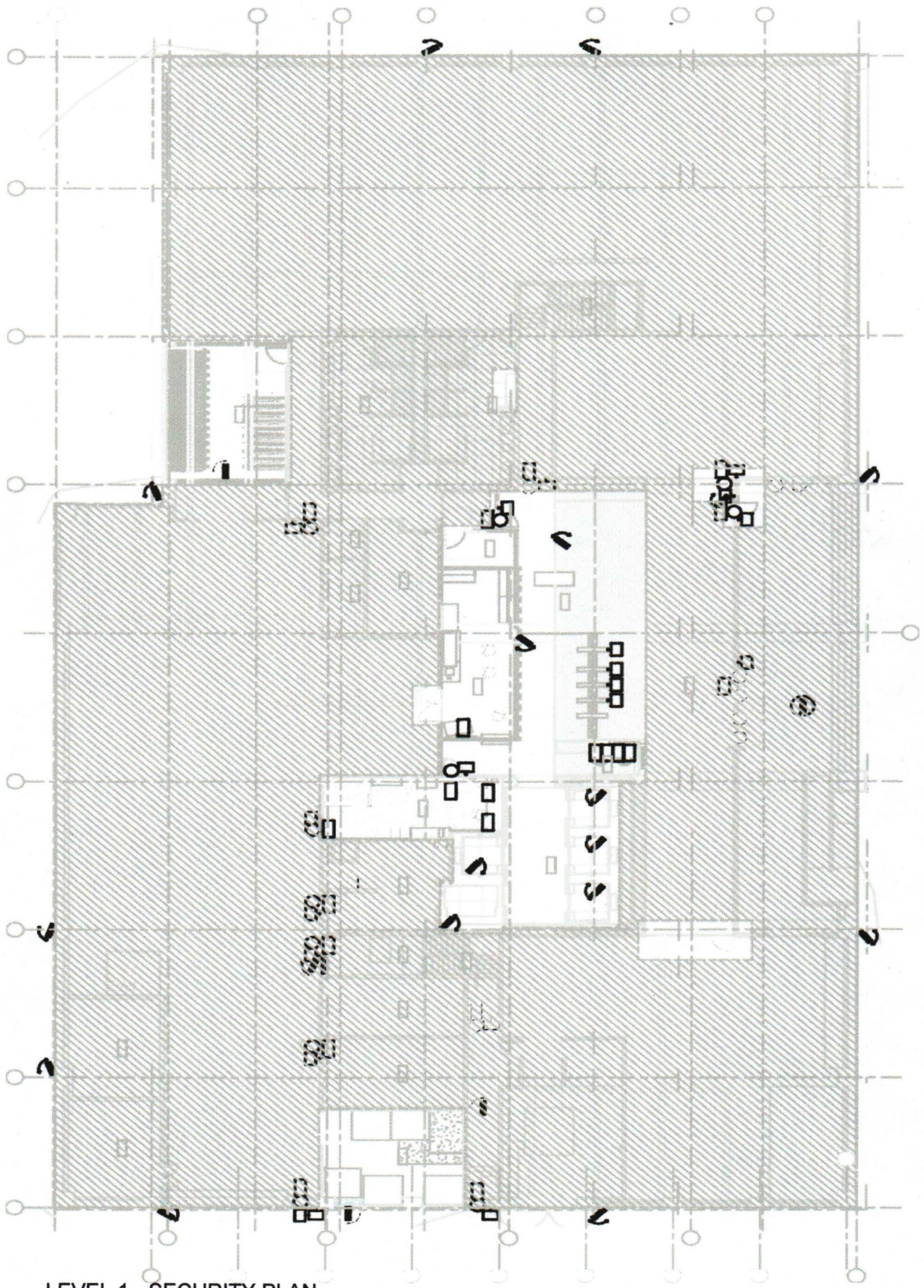
- Multiple image sensors in one unit.
- Decrease in cost
- Ease of Installation
- Image Resolution
- Intelligence and analytics
- Security-video is encrypted
- Less equipment
- Open Platforms

Disadvantages of Digital IP Based Technology (PTZ and Fixed)

- Cost of initial set-up
- Storage
- Training for new technologies

I. Entities having similar technology

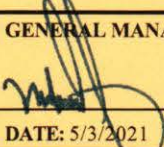
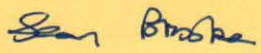
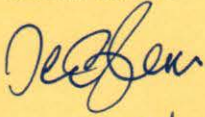
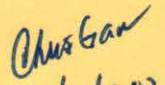

The Caltrans building located at 111 Grand Ave, Oakland, CA 94612 (adjacent building) has very similar CCTV security system covering the inside and outside of their building.



LEVEL 1 - SECURITY PLAN



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/6/2021		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/3/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Adrienne Anderson Dept: Real Estate & Prop Development  Signature/Date: 05/05/21	General Counsel  5/6/2021 []	Controller/Treasurer  5/6/2021 []	District Secretary []	BARC  5/6/2021 []

PROPERTY MANAGEMENT SERVICES FOR 2150 WEBSTER STREET ("BHQ")

PURPOSE

To enter into a five-year agreement with two (2) one-year extension options for \$18,200,000.00 with RiverRock Real Estate Group, the selected Property Management firm for BART headquarters (BHQ) at 2150 Webster Street (the Property).

DISCUSSION

Since October 2004, the District's corporate offices have been located at 300 Lakeside Drive, Oakland, CA 94612 (300 Lakeside) in Uptown Oakland. The District currently occupies approximately 360,000 square feet (sf) on 14 floors at this location and finalized the purchase of 2150 Webster St, Oakland, CA 94612 ("Property") in December 2019 for the purposes of relocating its corporate headquarters and transforming its office environment into a modern, workplace of the future which includes efficient space plans and contemporary design features while staying true to its mission to use public funds with prudence. The Property is a 244,287sf facility on 10 floors which has been fitted with new elevators, mechanical systems, generator, and roof systems. Through agreements and contracts: consultants, contractors and suppliers selected have led the efforts to manage, design, construct and fit-out the Property so the District can occupy the Property in mid-2021.

RiverRock Real Estate Group is currently under a month-to-month agreement during the construction period (estimated completion Summer 2021). The District requires a longer term property management firm to enter into a professional services agreement that will provide a consistent property manager who will be responsible for property management and procuring other building and maintenance services, including: building engineering, private security, janitorial, emergency services, repairs, and other maintenance services as needed. The property manager will serve as the major point of contact for all building maintenance related communications.

On March 1, 2021, the District issued Request for Proposals (RFP) No. 6M4736, for Property Management services for 2150 Webster Street to qualified property management applicants registered through BART's Procurement Portal with an intent to award property management services for five (5) years, with two (2) one-year options. The RFP was also advertised on March 1, 2021 through several advertising media outlets and advanced notice was provided to one hundred thirty-nine (139) firms.

Eight potential applicants downloaded the proposal. A pre-proposal meeting and networking session was held virtually on March 8, 2021. A total of ten (10) firms attended the virtual pre-proposal meeting and networking session. On March 23, 2021, the District received a total of three proposals, which are shown below:

Proposers
Avison Young
Clear Blue Commercial
RiverRock Real Estate Group

District staff reviewed all proposals and determined that Clear Blue Commercial did not meet the specified qualifications and Avison Young and RiverRock Real Estate Group proposed exceptions to liability and indemnification provisions that the District initially rejected. District staff conducted negotiations with Avison Young and were unable to reach agreement on the requested exceptions. The District then conducted negotiations with the next responsible proposer, RiverRock Real Estate Group and was able to reach agreement.

RiverRock Real Estate Group was selected as they provided the required experience of managing comparable properties within the District's current headquarters location and met the specified qualifications.

The Agreement will allow for the awarded firm to procure services on the District's behalf under the Property Management firm's scope of services, including: building engineering, janitorial, private security, pest control, fire monitoring, generator and fire pump maintenance, fire alarm inspections, window washing, elevators, HVAC/boiler maintenance, as well as other property management and maintenance services as needed.

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

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

FISCAL IMPACT

The \$18,200,000.00 for overall property management services will be funded from the District's general fund and will be included in the annual budget of cost center 2001602 - BART HQ Operating.

Year 1	July 1, 2021 - June 30, 2022
Property Management	\$283,700.00
Other Building & Maintenance Services	\$2,154,001.00

Subtotal	\$2,437,701.00
Year 2	July 1, 2022 - June 30, 2023
Property Management	\$310,608.00
Other Building & Maintenance Services	\$2,193,066.00
Subtotal	\$2,503,674.00
Year 3	July 1, 2023 - June 30, 2024
Property Management	\$321,948.00
Other Building & Maintenance Services	\$2,232,433.00
Subtotal	\$2,554,381.00
Year 4	July 1, 2024 - June 30, 2025
Property Management	\$333,720.00
Other Building & Maintenance Services	\$2,272,107.00
Subtotal	\$2,605,827.00
Year 5	July 1, 2025 - June 30, 2026
Property Management	\$345,960.00
Other Building & Maintenance Services	\$2,300,094.00
Subtotal	\$2,646,054.00
Option Year 1	July 1, 2026 - June 30, 2027
Property Management	\$358,668.00
Other Building & Maintenance Services	\$2,352,402.00
Subtotal	\$2,711,070.00
Option Year 2	July 1, 2027 - June 30, 2028
Property Management	\$371,880.00
Other Building & Maintenance Services	\$2,369,413.00
Subtotal	\$2,741,293.00
Totals	July 1, 2021 - June 30, 2028
Property Management	\$2,326,484.00
Other Building & Maintenance Services	\$15,873,516.00
Total	\$18,200,000.00

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

ALTERNATIVES

Do not enter into a professional services agreement with a property management firm and provide services in-house, whereby, significantly impacting the current real estate staff which has been reduced by five (5) full-time staff due to early retirement and attrition from the District; or extend the current property management month-to-month contract until a new property management company can be found.

RECOMMENDATION

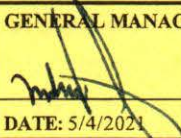
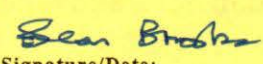
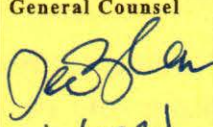
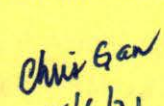
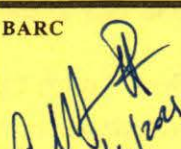
Adopt the following motion:

MOTION

The General Manager, or their designee, is authorized to execute a professional services agreement with RiverRock Real Estate Group for property management services for District Property consisting of 244,287sf of space and ten (10) floors at 2150 Webster Street for five (5) years with two (2) one-year options, for a total amount of \$2,326,484.00, and allow RiverRock Real Estate Group to administer the overall budget for property management and procure related building services at a cost not to exceed a total of \$18,200,000.00.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  5/6/2021		GENERAL MANAGER ACTION REQ'D:		
DATE: 5/4/2021		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sean Brooks Dept: Real Estate & Prop Development  Signature/Date: 05/05/21	General Counsel  5/6/2021 []	Controller/Treasurer  5/6/21 []	District Secretary []	BARC  5/6/2021 []

LEASE WITH TMG Partners For Corporate Parking at Kaiser Center (300 Lakeside)

PURPOSE: To request that the Board of Directors authorize the General Manager or his designee to enter into a fifteen-year lease with TMG Partners, with an option to extend for two (2) additional five-year periods, for BART Corporate Vehicle parking at the Kaiser Center Parking Garage ("300 Lakeside").

DISCUSSION:

The District currently leases approximately 90 parking spaces at the 300 Lakeside Garage for its Corporate Vehicles. Due to BART's move to 2150 Webster, BART will no longer be a tenant at 300 Lakeside but needs to continue to provide secure parking for its vehicles (i.e. Mailroom Vans and vehicles serving the Maintenance & Engineering, Construction, Transportation, and other Departments). BART currently is paying \$225 per stall per month. However, that rate expires with the expiration of BART's lease on 7/17/21. The current monthly market rate that TMG Partners charges is \$260 per stall for tenants of the building and \$315 per stall for non-tenants, which is comparable with monthly parking prices within the Downtown Oakland core.

On April 16, 2021, pursuant to BART's existing professional services agreement with Jones Lang LaSalle ("JLL"), JLL issued on the District's behalf a Request For Proposals ("RFP") for long term secured monthly parking for up to 90 parking spaces within a 2-block radius of 2150 Webster. BART received one response from TMG Partners for parking at 300 Lakeside in the amount of \$247 per stall per month.

The term of the proposed fifteen year lease would run from July 1, 2021 through June 30, 2036, with an option to renew for two (2) additional five-year periods. The proposed

\$247/stall monthly rate would be 5% less than the rate TMG charges its tenants, which is \$260 per stall. The initial monthly rate will be approximately \$22,230.00 (\$247/stall * 90 stalls) for the first 3 years of the lease. Thereafter, the rate would increase at the prevailing market rate, with a 20% cap on the increase over the prior rate for the next 3 years. The minimum term of the lease would be from July 1, 2021 through June 30, 2026. Thereafter, both BART and TMG Partners would have the right to terminate the lease with one year's notice to the other party. Within 30 days after full execution of the lease, TMG Partners will also pay JLL \$10,000 as a flat commission for its services representing the District.

Downtown Oakland is rapidly developing with numerous residential, commercial and other construction projects. Some existing parking lots in the vicinity of BART's new administrative headquarters at 2150 Webster have been developed, reducing the pool of available parking in the area. The monthly rates at several remaining parking lots within walking distance to 2150 Webster range between \$225.00 and \$315.00. However, TMG Partners was the only entity to respond to BART's RFP with a proposal that was adequate to meet BART's parking needs (i.e. 90 spaces). At this time, TMG Partners also has additional spaces available if needed.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no certified Small Businesses certified by the California Department of General Services available for proposing this Agreement. Therefore, no Small Business Prime Preference was set for this Agreement.

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

FISCAL IMPACT:

Annual Funding for this lease will be provided in the Real Estate budget (cost center #1011275, account #603211)

- Maintenance & Engineering

40 spaces = \$118,560 annually

- Measure RR Construction

3 spaces = \$8,892 annually

- Office of the Chief Information Officer

2 spaces = \$5,928 annually

- Real Estate and Property Development Department

34 spaces = \$100,776 annually

- Transportation – Rolling Stock

7 spaces = \$20,748 annually

Other Departments, TBD, if needed

4 spaces = \$11,856 annually

The total rent for the first three-year period of the lease will be approximately \$800,280, or \$266,760 per year based on a monthly rate of \$247/stall.

ALTERNATIVES:

Direct staff to explore other alternatives for securing 90 Corporate Parking Vehicle spaces. This would likely entail leasing space that is not in close proximity to 2150 Webster, resulting in operational inefficiencies.

RECOMMENDATION: Adoption of the following motion.

MOTION: The General Manager or his designee is authorized to enter into a fifteen-year lease with TMG Partners for approximately 90 parking spaces for BART Corporate Vehicle Parking at the 300 Lakeside Garage in Oakland, with options to extend for two additional five-year periods, commencing July 1, 2021 at an initial monthly rate of \$247/stall for the first three-years of the lease; and increasing thereafter subject to the terms of the agreement.