

San Francisco Bay Area Rapid Transit District

2150 Webster Street, P. O. Box 12688, Oakland, CA 94604-2688



BOARD MEETING AGENDA

Thursday, September 23, 2021

9:00 AM

via Teleconference Only.

Board of Directors

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P. O. Box 12688, Oakland, CA 94604-2688

BOARD MEETING AGENDA

September 23, 2021

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, September 23, 2021.

Please note, pursuant to Governor Newsom's Executive Order N-08-21, 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 895 2825 9651

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 September 22, 2021 in order to be included in the record.
- 2) Call 1-669-900-6833, enter access code 895 2825 9651, 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 895 2825 9651, 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 2150 Webster Street, 10th Floor, Oakland, CA 94612; 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 September 9, 2021. Board requested to authorize.

Attachments: [Approval of Minutes of the Meeting of September 9, 2021](#)

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

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

- C. Award of Invitation for Bid No. 9112, for Purchase of Three (3) Crew Cab Trucks With Crane, One (1) Crew Cab Truck Without Crane, and One (1) Track Inspection Truck. Board requested to authorize.

Attachments: [Award of Invitation for Bid No. 9112 - EDD](#)

- D. Procurement with United Rentals (North America) Inc., for Boom Lift 60 - 64' Capabilities for Silicon Valley Berryessa Extension. Board requested to authorize.

Attachments: [Procurement with United Rentals \(North America\) Inc., for Boom Lift - EDD](#)

- E. Amendment to Agreement No. 6M3312, with ACR Glazing Contractors, Inc., for On-Call Glass Repair and Replacement Services. Board requested to authorize.

Attachments: [Amendment to Agreement No. 6M3312, with ACR Glazing - 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

NO ITEMS.

5. ENGINEERING AND OPERATIONS ITEMS

Director Simon, Chairperson

- A. Reject All Bids for Contract No. 49GH-130, Train Control System Modernization Program Enabling Works. Board requested to reject.

Attachments: [Reject All Bids for Contract No. 49GH-130 - EDD](#)

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

Director Raburn, Chairperson

- A. Update on Renewable Power Purchase Agreements. For information.

Attachments: [Update on Renewable Power Purchase Agreements - Memo](#)
[Update on Renewable Power Purchase Agreements - Presentation](#)

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. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Nicole Price v. San Francisco Bay Area Rapid Transit District

Case No.: CGC-19-572503

Government Code Section: 54956.9(a)

C. CONFERENCE WITH LABOR NEGOTIATORS:

Designated representatives: Robert Powers, General Manager; Michael Jones,
Deputy General Manager; and David Coleman,
Manager of Labor Relations

Employee Organizations: (1) Amalgamated Transit Union, Local 1555;
(2) American Federation of State, County and Municipal
Employees, Local 3993;
(3) BART Police Officers Association;
(4) BART Police Managers Association;
(5) Service Employees International Union, Local 1021;
and
(6) Service Employees International Union, Local 1021,
BART Professional Chapter
(7) Unrepresented employees (Positions: all)

Government Code Section: 54957.6

10. OPEN SESSION

A. Announcement from Closed Session, if any.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
2150 Webster Street, P.O. Box 12688, Oakland, CA 94604-2688

Board of Directors
Minutes of the 1,891st Meeting
September 9, 2021

A regular meeting of the Board of Directors was held on September 9, 2021, convening at 9:02 a.m. via teleconference, pursuant to Governor Gavin Newsom's Executive Order N-08-21. President Foley presided; Jacqueline R. Edwards, District Secretary.

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

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

Absent: None.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of August 26, 2021.
2. Revision to Succession Resolution.
3. Audit of Directors' Use of District Property for Fiscal Year 2021.

President Foley announced that the Board would not make any authorization for the Deputy Assistant District Secretary position under Item 2-B, Revision to Succession Resolution, as the position had become vacant after the publication of the agenda.

Director McPartland made the following motions as a unit. Director Saltzman seconded the motions.

1. That the Minutes of the Meeting of August 26, 2021, be approved.
2. That Resolution No. 5488, In the Matter of Designating an Alternate for the General Manager And Authorizing Certain District Officers to Use Facsimile Signatures On District Warrant-Checks, be adopted as amended.
3. That the report of the Audit of Directors' Use of District Property for Fiscal Year 2021, be accepted.

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

The motions brought by Director McPartland and seconded by Director Saltzman 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. The following individuals addressed the Board:

Tom Panas
Roland Lebrun
Aleta Dupree
Clarence Fisher

Director Li, Chairperson of the Administration Committee, brought the matter of Change Order to Agreement No. 6M4625A, with KPMG, LLP, for the Development of the District's Project Portfolio Management System (C.O. No. 03) before the Board. Pamela Herhold, Assistant General Manager, Performance and Budget, presented the item.

Director Simon moved that the General Manager be authorized to execute Change Order No. 3 to Agreement No. 6M4625A with KPMG, LLP for the development of the District's Project Portfolio Management (PPM) System for an amount not to exceed \$400,000.00. Director Dufty seconded the motion.

The item was discussed, with the following highlights:

Director Allen inquired about the status of the work that had been completed under the \$5 million contract to date, the percentage of work that had been completed for \$5 million, how much of the \$5 million contract had been paid, and implementation of the PPM System; and requested that staff provide an update to the Board on the full implementation of the PPM System in four to six months.

President Foley expressed support for Director Allen's request for an update on the full implementation of the PPM system and the need for the enhancement.

Director McPartland expressed agreement with Director Allen regarding the need for surveillance and commented on moving forward with the item.

Director Li requested that the implementation update in four to six months include adoption rates.

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

Director Simon, Chairperson of the Engineering and Operations Committee, brought the matters of (1) Change Order to Invitation for Bid for No. 9085, Hayward Maintenance Complex (Phase 2) Mainline Trackwork Procurement, with Voestalpine Railway Systems Nortrak, Inc., for Termination of Contract in Part by BART (C.O. No. 002); and (2) Change Orders to Contract No. 15EK-140, Traction Power Substation Replacement ASL Installation, with Aldridge Electric, Inc. before the Board.

Director Dufty made the following motions as a unit. President Foley seconded the motions.

1. That the General Manager be authorized to execute Change Order No. 002 for Invitation for Bid (IFB) No. 9085, Hayward Maintenance Complex (Phase 2), Mainline Trackwork Procurement, with voestalpine Railway Systems Nortrak, Inc. for termination of contract in part by BART.

2. That the General Manager be authorized to execute Change Order Nos. 004 and 010B in an aggregate amount not to exceed \$286,000.00 to Contract No. 15EK-140 for Traction Power Substation Replacement ASL Installation with Aldridge Electric, Inc.

Aleta Dupree addressed the Board.

The items were discussed, with the following highlights:

Director Ames inquired about the lessons learned, redesign, and next steps regarding the Hayward Maintenance Complex.

Director Simon requested that staff provide a brief summary in response to Director Ames and follow-up with Director Ames after the Board Meeting.

The motions brought by Director Dufty and seconded by President Foley carried by unanimous roll call vote. Ayes: 9 – Directors Allen, Ames, Dufty, Li, McPartland (Director McPartland made a “yes” gesture to the District Secretary and the District Secretary made the announcement verbally), Raburn, Saltzman, Simon, and Foley. Noes: 0.

Director Raburn, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of Update on BART Headquarters Office Building (2150 Webster St., Oakland, CA) before the Board. Carl Holmes, Assistant General Manager, Design and Construction; Emilia Sanchez, Group Manager, Capital Projects; Maceo Wiggins, Director of the Office of Civil Rights; Leah Turner, Operations Manager, Interiors and Special Projects Division, Turner Construction Company; and Abigail Thorne-Lyman, Group Manager, Transit Oriented Development (TOD), Real Estate and Property Development, presented the item.

The item was discussed, with the following highlight:

Director Raburn commended the work of Group Manager Sanchez, staff, Office of Civil Rights Director Wiggins, Operations Manager Turner, and TOD Group Manager Thorne-Lyman.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlights:

Director Li congratulated BART, Turner Construction Company, and contractors on their work; thanked the San Francisco and Oakland African American Chambers of Commerce for pushing BART to do better and Turner Construction Company for sharing contractors and firms’ stories; and inquired about the timeline for use of the new Board Room, the retail space on the first floor of BART Headquarters (BHQ), and the public’s access to BHQ.

Director McPartland commended staff on their work; commented on the controlled access to BHQ; congratulated staff for their work; and expressed gratitude for staff’s work.

Director Saltzman seconded the gratitude and congratulations that had been expressed; expressed satisfaction with the BHQ project; inquired about the decision not to utilize the retail space on the first floor of BHQ as a BART store; requested that utilization of the retail space as a BART store be

brought before the Board for discussion within the next couple of months; and commented on use of the retail space as a Board-level decision.

Director Simon recognized staff and Turner Construction Company for their work; commented on BART's previous exclusionary contracting practices, BART's history of working with the civil rights community to remedy the failure to engage other members of the contracting community and diverse members of the small business community, and BART and Turner Construction Company's efforts to ensure that members of the Bay Area diverse business community participated in the BHQ project; thanked Assistant General Manager Holmes for his work; expressed pride in the Board, BART leadership, and staff's efforts to establish BHQ; and expressed gratitude for the work of staff and the Board and for the public's trust and feedback.

Director Allen exited the Meeting.

Discussion continued, with the following highlights:

Director Ames thanked contractors, staff, leadership, and Assistant General Manager Holmes for their work and suggested that the retail space on the first floor of BHQ be shared with a community-based organization and include a BART store.

Director Dufty acknowledged past Board President, Director Simon for her leadership with engaging the small and minority business community; Turner Construction Company for its commitment to achieving goals that reflected BART's values; Robert Powers, General Manager, and Michael Jones, Deputy General Manager, for their work with Jones Lang LaSalle IP, Inc. (JLL); Tom Maloney, Executive Managing Director, JLL, and David Churton, Executive Managing Director, JLL, and the JLL team for their work; former BART Controller/Treasurer Rose Poblete for the financial package she developed; former Director of Real Estate and Property Development Sean Brooks and the leadership team for their work; and Assistant General Manager Holmes for his build-out and construction expertise. Director Dufty thanked Group Manager Sanchez for her work, BART's labor partners for their interest, represented employees for their feedback, and the District Secretary's Office its work; acknowledged President Foley for his leadership; and expressed satisfaction with the BHQ project.

President Foley expressed support for Director Saltzman's request for staff to return to the Board for an early discussion of the retail space on the first floor of BHQ; noted that he had been discussing the status of the new Board Room and safely returning to in-person Board meetings with the District Secretary; congratulated and thanked staff, Turner Construction Company, and contractors for their work; expressed pride in the small business commitment on the BHQ project; and thanked former Board President, Director Simon for her leadership, labor partners for their leadership, and employees for their cooperation with the move to BHQ.

Director Raburn thanked Directors Simon and Dufty for their work to ensure that the BHQ project reflects the community; commented on the cultural change that is represented by the BHQ project; expressed agreement with considering a BART store and the existing company store at Lake Merritt Station in relation to the retail space on the first floor of BHQ; commented on providing an opportunity for the public to enter and view BHQ and park bicycles in front of BHQ under security cameras; expressed pride in the BHQ project and the technology included in the project; and thanked all who worked on the BHQ project for their work.

Doug Parrish and Clarence Fisher addressed the Board.

Director Raburn brought the matter of Update on Link21 Program before the Board. Sadie Graham, Capital Project Manager, Link21; Camille Tsao, Manager of Special Projects, Capitol Corridor Joint Powers Authority New Transbay Rail Crossing; and Andrew Tang, Manager of Special Projects, Link21, presented the item.

The following individuals addressed the Board:

Aleta Dupree
Roland Lebrun
Clarence Fisher

The item was discussed, with the following highlights:

Director Li thanked the Link21 team for its work; acknowledged Capital Project Manager Graham, Special Projects Manager Tsao, and Special Projects Manager Tang for their presentation of the material and Peter Gertler, Senior Vice President, HNTB, Jeff Morales, Managing Principal, InfraStrategies LLC, and Elisa Tejedor, Associate Director, Steer, for their partnership with BART; commented on the stage gate process, defining the project, goals, risks, and areas of alignment, and the importance of maximizing transparency with the public and stakeholders; and encouraged staff to present information before the first stage gate decision.

Director McPartland thanked Director Li for her observations and expressed agreement with her; commented on the global perspective of public transportation, BART's role in providing local transportation and connections to northern California, and collaborating with municipalities on public land use; and thanked Director Li for her work on the project.

Director Saltzman expressed excitement about the progress of the project and agreement with Director Li regarding the presentation of the material; requested that data be presented in a more digestible manner in the agenda packet and online in the future; commented on the 45% unmet rail potential in the megaregion and including this information on Link21 materials, the website, and factsheets; and expressed excitement about the future presentation to the Board on value capture.

Director Ames requested that staff provide a feasibility study on ridership and the projections to explain how the potential market analysis data was developed; commented on the physical features building block, gathering asset data to be transparent to the public, and freight growth; and expressed a desire for a feasibility study on ridership growth, a study on freight growth, and an asset management plan.

Director Dufty associated himself with the comments of Director Li; expressed agreement about the ability to share the presentation with the public; and commented on outreach, public participation, and developing a transit citizenship curriculum to engage high school students in and around the Bay Area around the investments that will be made over the next thirty to forty years to address climate change, global warming, and creating a society more focused on transit than single passenger automobiles.

President Foley expressed support for staff's recommended approach; associated himself with Directors Li and Saltzman's comments; and requested that future presentations include a narrative that highlights key elements of the data.

Director Raburn commented on gathering data for the project and distilling information into simple objectives to share with the public.

Director Raburn brought the matter of BART 2020 Sustainability Annual Report before the Board. Rajiv Dabir, Group Manager, Sustainability Program, and Michael Cox, Principal Performance Analyst, Sustainability, presented the item.

Aleta Dupree addressed the Board.

The item was discussed, with the following highlights:

Director Ames inquired about tracking resources; commented on the impact of the Green Movement; and requested that staff provide information about where project products are made and where materials are derived from in the future.

Director Saltzman expressed excitement about the progress of sustainability efforts, disappointment about the lack of progress in waste reduction, and a desire for progress in the waste reduction area; and thanked staff for their work.

Director Raburn expressed excitement about the opportunity provided by BHQ to measure the waste generated by BART and commented on creating a car washing facility that uses recycled water at the Hayward Maintenance Complex.

Director Raburn brought the matter of Electric Vehicle Charging Policy before the Board. Val Menotti, Chief Planning and Development Officer, Systems Development, and Monica Meagher, Manager of Special Projects, Sustainability, presented the item.

The item was discussed, with the following highlight:

Director Raburn thanked Special Projects Manager Meagher and Chief Planning and Development Officer Menotti for their work; and requested that staff publicly engage stakeholders from university transportation programs, environmental groups, including the Sierra Club, 350 Bay Area, The Greenlining Institute, and others, and think tanks, such as The International Council on Clean Transportation, to solicit advice to the BART Board on a charging policy that will help BART succeed in adopting electric vehicles (EVs) in the non-revenue fleet and incentivize EVs over the internal combustion engine.

Aleta Dupree addressed the Board.

Discussion continued, with the following highlights:

Director Li expressed appreciation for the question of how to appropriately balance land use needs and policies adopted by the Board; and commented on affordable housing as the best use of BART land, better understanding the land and specific parcels at stations that are developable and ready for

EV charging, maximizing state and federal funding for building EV infrastructure, ensuring that EV technology is as open source, adaptable, and flexible as possible, determining whether an in-house, third party, or hybrid approach should be used for building EV infrastructure, and better understanding the demand for EV charging at stations.

Director McPartland applauded Director Li for her comments and commented on addressing the future expansion of the demand for EV charging stations.

Director Saltzman expressed support for the EV Policy, agreement with Director Li regarding planning around housing development, and excitement about moving forward with electric non-revenue vehicles; inquired whether Director Raburn's outreach recommendation is included in staff's plan; and expressed agreement with Director Raburn's outreach recommendation and a desire to prioritize outreach while moving forward with the EV Policy as planned.

Director Ames expressed concern about changes in EV technology, antiquated EV infrastructure, and the resources used to develop EV infrastructure; and commented on improving access to stations as opposed to creating innovative technologies and focusing on encouraging people to walk and bike to BART, instead of driving.

Director Dufty expressed that BART should be involved in the shift to EVs and that he supports EV charging efforts; and commented on his experience with electric vehicles, involving the BART Police Department in the implementation of overnight parking, ensuring that bidders are required to conduct repair of EV charging stations within twenty-four to forty-eight hours, and the importance of providing opportunities for EV brands other than Tesla to charge EVs at facilities developed by BART.

President Foley expressed support for converting BART's non-revenue fleet to sustainable fuel; inquired about the number of non-revenue vehicles that are not powered by fossil fuels, the next opportunity to invest in new technology for the non-revenue vehicle fleet, the availability of EV charging services, using a check-in process for peak hour EV charging usage, and a cost-neutral option for EV charging; and commented on evaluating BART's ownership and operation of the EV charging system, as opposed to utilizing a third party vendor.

Director Raburn expressed appreciation for Director Li's comments regarding transit-oriented development and President Foley's comments regarding cost-neutral EV charging, and commented on BART's Station Access Policy and the access hierarchy; equity; seeking input from experts from transportation institutes, such as those at Berkeley, Mineta Transportation Institute, and University of California, Davis, national experts affiliated with environmental groups, and think tanks to further develop the EV Policy; and bringing the EV Policy before the Board again soon.

President Foley called for the General Manager's Report. General Manager Powers reported on the new fare gates at Rockridge Station, the community celebration at El Cerrito del Norte Station the next day, the Equality California Equality Awards event that he would attend with Directors Dufty and Li the next evening, BART's completion of the Association of American Railroads Quality Assurance certification (AARQA 5000 Certification), applying for \$2.2 billion in additional American Rescue Plan Act of 2021 funding for transit agencies, the COVID-19 vaccination rate among employees, ridership, and his Listening Tour; and congratulated Shane Edwards, Interim Assistant General Manager, Operations, former BART staff, and David

Hardt, Chief Mechanical Officer, Rolling Stock and Shops Administration, for ensuring that BART becomes World Class Transit.

Aleta Dupree addressed the Board.

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

Director Raburn reported that Senate Bill 2, regarding police decertification, was pending approval from Governor Gavin Newsom and that he had attended the joint meeting of the Title VI/Environmental Justice and Limited English Proficiency advisory committees; recognized the District Secretary's Office and Emily Alter, Senior Workforce and Policy Compliance Analyst, Office of Civil Rights, for their efforts to post the joint meeting agenda attachments on Legistar; and thanked Jacqueline R. Edwards, District Secretary, for fulfilling the Board's request for advisory committee agenda attachments to be posted online when the agenda is posted.

Director Saltzman expressed excitement about the community celebration at El Cerrito del Norte Station the next day; reported that she had presented virtually to the Rotary Club of San Leandro; shared feedback she had received regarding the cleanliness of the trains; congratulated staff who have cleaned trains and identified where to deploy cleaners in trains and stations; reported that she had traveled to Martinez using BART, Central Contra Costa Transit Authority (County Connection), and Western Contra Costa Transit Authority (WestCAT) transit services; commented on making transit connections to BART more viable; and reported that she had planned to travel using Eastern Contra Costa Transit Authority (Tri Delta Transit) and Livermore Amador Valley Transit Authority (Wheels) transit services and that she had observed the new fare gates at Rockridge Station.

Director Ames recognized the City of Fremont for its approval of the Trails Strategy Plan.

President Foley encouraged riders to attend the community celebration at El Cerrito del Norte Station the next day and thanked Lisa Ward, Administrative Coordinator, Labor Relations, for her assistance with scheduling and Dinah Garcia, Senior Computer Support Coordinator, Desktop and Network Services, for her assistance with a technological issue.

President Foley announced that the Board would enter into closed session under Items 9-A (Conference with Labor Negotiators) and 9-B (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 12:42 p.m.

The Board reconvened in closed session at 12:57 p.m.

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

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

Director McPartland entered the Meeting.

Director Dufty entered the Meeting.

The Board Meeting recessed at 2:17 p.m.

The Board reconvened in open session at 2:18 p.m.

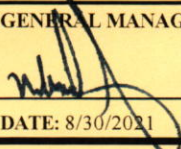
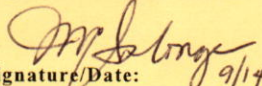

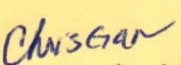
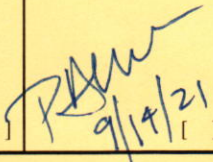
President Foley announced that the Board had concluded its closed session under Items 9-A and 9-B and that there were no announcements to be made.

The Meeting adjourned at 2:18 p.m.

Jacqueline R. Edwards
District Secretary



EXECUTIVE DECISION DOCUMENT

| | | | | |
|--|---|---|---------------------------|--|
| GENERAL MANAGER APPROVAL:  9/15/21 | | GENERAL MANAGER ACTION REQ'D: | | |
| DATE: 8/30/2021 | | BOARD INITIATED ITEM: No | | |
| Originator/Prepared by: Monina Salonga Dept: CIO Administration  Signature/Date: 9/14/2021 | General Counsel  9/14/2021 [] | Controller/Treasurer  9/14/2021 [] | District Secretary [] | BARC  9/14/21 [] |

Agreement with Oracle America, Inc. for Renewal of Subscription for Oracle Analytics Cloud Support Services

PURPOSE:

To request that the Board authorize the General Manager to execute a one (1) year renewal subscription in an amount not to exceed \$210,307.12, with two (2) single year options to renew, each in an amount not to exceed \$300,000 with Oracle America, Inc. for the Oracle Analytics Cloud Platform and Services.

DISCUSSION:

The District uses Oracle Analytics Cloud (OAC) platform to deliver a full range of analytics and reporting capabilities. Oracle Analytics Cloud software provides dashboards on Finance, Human Resources, Procurement, Projects, Ridership and Financial reporting. It is a subscription based reporting and analytical tool. It enables the District to gain more insight and value on data from various sources. This platform helps make faster, more informed business decisions through data-driven dashboards.

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 Agreement as to form prior to execution. The Procurement Department will review this agreement to confirm compliance with the District's procurement standards.

FISCAL IMPACT:

The subject EDD proposes a one (1) year contract at a total cost of \$210,307.00 from September 1, 2021 - September 2, 2022. Funds will be budgeted in the Office of the Chief Information Officer operating budget (Dept 0504464, Account 681355) as follows:

| Proposed Funding Not to Exceed: | |
|---|---------------------|
| FY22 | \$210,307.12 |
| FY23 (Option Year 1) | \$300,000.00 |
| FY24 (Option Year 2) | \$300,000.00 |
| Total | \$810,307.12 |
| <i>*Funding is expected to begin 9/24/2021.</i> | |

Funding for services in this Fiscal Year are included in the Department's existing operating budget. Funding for option 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:

Do not authorize the execution of the renewal agreement. In this circumstance, the Oracle Analytics Cloud (OAC) subscription and services will be terminated, and the District will have limited access to data and analytics.

RECOMMENDATION:

Approve the following motion:

MOTION:

The General Manager or his designee is authorized to execute a one (1) year renewal subscription in an amount not to exceed \$210,307.12 and two (2) single year options to renew, each in an amount not to exceed \$300,000, with Oracle America Inc. for the Oracle

Analytics Cloud Platform and Services.



EXECUTIVE DECISION DOCUMENT

| | | | | |
|---|---|--|-----------------------------------|------------------------------|
| GENERAL MANAGER APPROVAL: 9/15/21 | | GENERAL MANAGER ACTION REQ'D: | | |
| DATE: 8/25/2021 | | BOARD INITIATED ITEM: Yes | | |
| Originator/Prepared by: Adam Elsibai Dept: M&E Acquisition Support Signature/Date: 9/13/21 | General Counsel 9/13/2021 [] | Controller/Treasurer 9/13/2021 [] | District Secretary [] | BARC 9/13/2021 [] |
| Status: Approved | | Date Created: 8/25/2021 | | |

To Award Invitation For Bid No. 9112 To Doc Bailey Construction Equipment Inc., For The Purchase Of Three (3) Crew Cab Trucks With Crane, One (1) Crew Cab Truck Without Crane & One (1) Track Inspection Truck

PURPOSE:

That the Board authorize the General Manager to award Invitation For Bid No. 9112 to Doc Bailey Construction Equipment Inc, San Lorenzo, California in the amount of \$1,003,222.53, including taxes for the purchase of three (3) crew cab trucks with crane, one (1) crew cab truck without crane, and (1) track inspection truck.

DISCUSSION:

The District owns a number of crew cab trucks with cranes, crew cab trucks without a crane, and track inspection trucks, which are placed throughout the District to support maintenance projects. These additional trucks will be located at the SVBX region to support maintenance projects in that area.

A notice requesting bids was published July 30, 2021, and emailed to three (3) prospective bidders. Bids were opened on August 17, 2021 and two (2) bids were received.

1) Doc Bailey Construction Equipment Inc.

San Lorenzo, CA

\$909,952.41 (pre-tax)

\$1,003,222.53 (grand total)

2) Custom Truck One Source

Kansas City, MO

\$1,033,039 (pre-tax)

\$1,138,925.50 (grand total)

Independent cost estimate by BART staff pre-tax was \$875,000.

This Invitation for Bid (IFB) 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 IFB and determined that there were no DBE or SBE subcontracting opportunities; therefore, no DBE or SBE participation goal was set for this IFB.

Staff determined that the low bid submitted by Doc Bailey Construction Equipment, Inc. is fair and reasonable based on the staff's independent cost estimate.

FISCAL IMPACT:

Funding in the amount of \$1,003,222.53 for award of Requisition 24446 is included in the total project budget for 02GQ000 – SVBX Operations & Maintenance.

Below lists 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:

Proposed Funding: 656X

VTa IL 2017-36 – SBVX Ops: \$4,000,000

Total: \$4,000,000

As of 08/24/2021, \$4,000,000 is the total budget for this project. BART has expended \$1,361,472, committed \$5,781 and reserved \$1,151,218 to date. This action will commit \$1,003,222.53 leaving an available balance of \$478,306 in these fund sources for this project.

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:

To not approve award of the contract will cause the SVBX region to not have the necessary equipment to maintain the cleanliness of the new stations.

Recommendations:

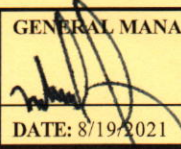
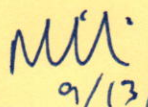

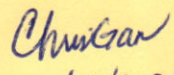
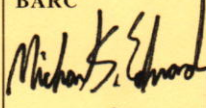
Staff recommends the Board adopt the following Motion:

Motion:

That the Board authorizes the General Manager to award Invitation For Bid No. 9112 to Doc Bailey Construction Equipment Inc, San Lorenzo, California in the amount of \$1,003,222.53, including taxes for the purchase of three (3) crew cab trucks with crane, one (1) crew cab truck without crane, and one (1) track inspection truck, pursuant to notification to be issued by the General Manager, subject to the District's Protest Procedures and FTA's requirements related to protests.



EXECUTIVE DECISION DOCUMENT

| | | | | |
|---|---|---|---------------------------|--|
| GENERAL MANAGER APPROVAL:  9/15/21 | | GENERAL MANAGER ACTION REQ'D: | | |
| DATE: 8/19/2021 | | BOARD INITIATED ITEM: Yes | | |
| Originator/Prepared by: Adam Elsibai Dept: M&E Acquisition Support Signature/Date:  9/13/21 | General Counsel  9/13/2021 [] | Controller/Treasurer  9/13/2021 [] | District Secretary [] | BARC  9/13/2021 [] |
| Status: Approved | | Date Created: 8/19/2021 | | |

Procurement of Boom Lift 60 – 64' Capabilities for Silicon Valley Berryessa Extension

PURPOSE:

Request Board Authorization to issue a purchase order in the amount of \$111,592.85 for the purchase of one (1) articulating boom lift for BART's Silicon Valley Berryessa Extension (SVBX) to United Rentals (North America) Inc., Pleasanton, CA.

DISCUSSION:

BART requires a boom lift with 60 – 64' capabilities to clean the high ceilings of the Milpitas station. The ceilings at the Milpitas station are higher than other BART stations and cannot be cleaned with existing boom lifts.

Issuance of this purchase order to United Rentals (North America) Inc., is necessary to ensure BART's staff have the necessary equipment to keep the high ceilings of the Milpitas station clean.

Quotes for this purchase were requested in July 2021 and three quotes were received: United Rentals (North America) Inc., Jet Equipment Corporation, and JRM Equipment.

- 1) United Rentals (North America) Inc. - Pleasanton, CA - \$111,592.85
- 2) Jet Equipment - Pleasanton, CA - \$118,901.25

3) JRM Equipment - San Francisco, CA - \$121,826.25

Independent cost estimate by BART staff: \$125,000.

This Purchase 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 Purchase and determined that there were no DBE subcontracting opportunities; therefore, no DBE participation goal was set for this Purchase.

Staff determined that the low quote provided by United Rentals (North America) Inc. is fair and reasonable based on the staff's independent cost estimate.

FISCAL IMPACT:

Funding in the amount of \$111,593 for award of Purchase Requisition 26562 is included in the total project budget for 02GQ000 – SVBX Operations & Maintenance.

The following information lists 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: Proposed Funding - 656X - VTA IL 2017-36 - SVBX - \$4,000,000.

As of 08/16/2021, \$4,000,000 is the total budget for this project. BART has expended \$1,361,472, committed \$5,781 and reserved \$2,026,218 to date. This action will commit \$111,593 leaving an available balance of \$494,936 in these fund sources for this project.

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:

To not approve the purchase order. This would mean that the District would not have equipment capable of cleaning the high ceilings at the Milpitas Station.

Recommendations:

Staff recommends the Board adopt the following Motion:

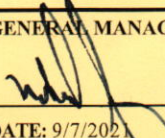
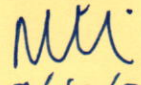
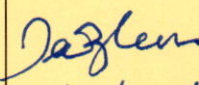
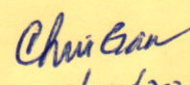
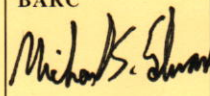
Motion:

That the Board authorizes the General Manager to issue a purchase order to United Rentals (North America) Inc. in the amount of \$111,592.85 including taxes for one boom lift for BART Silicon Valley Berryessa Extension, pursuant to notification to be issue by the General

Manager, subject to the District's Protest Procedures and FTA's requirements related to protests.



EXECUTIVE DECISION DOCUMENT

| | | | | |
|--|--|--|---------------------------|---|
| GENERAL MANAGER APPROVAL:  9/15/21 | | GENERAL MANAGER ACTION REQ'D: | | |
| DATE: 9/7/2021 | | BOARD INITIATED ITEM: Yes | | |
| Originator/Prepared by: Adam Elsibai Dept: M&E Acquisition Support Signature/Date:  9/13/21 | General Counsel  9/13/2021 [] | Controller/Treasurer  9/13/2021 [] | District Secretary [] | BARC  9/13/2021 [] |
| Status: Routed | | Date Created: 9/7/2021 | | |

Amendment To Agreement No. 6M3312, On-Call Glass Repair & Replacement Services

PURPOSE:

To request that the Board authorize the General Manager to execute an amendment to Agreement No. 6M3312 with ACR Glazing Contractors, Inc., for on-call glass repair and replacement services to extend the term of the Agreement to June 30, 2022.

DISCUSSION:

The Board authorized award of the Agreement on September 22, 2016, in an amount not to exceed \$667,069. The term of the Agreement is five years, with a termination date of October 5, 2021. The Board authorized an amendment to Agreement 6M3312 January 6, 2021, which increased the value of the agreement by \$200,000 from \$667,069 to \$867,069.

This Agreement is for on-call services to furnish all labor, equipment, and materials required to repair and replace broken or damaged glass of various sizes in cabinets, windows, doors, ceilings, skylights, and wall panels at all locations throughout the District. The work is accomplished through the issuance of discrete work directives. The glass used throughout the District varies in size and shape, and BART forces are not trained or classified to do glass repair or replacement. It is very delicate work and without properly trained personnel, BART would be taking a very large risk.

In anticipation of the end of the Agreement, staff started to prepare a Request for Proposal for these services. This amendment will provide the additional time needed to execute the

new agreement.

FISCAL IMPACT:

The amendment would extend the Agreement to June 30, 2022 with \$0 increase in the cost of the Agreement. The extension has no fiscal impact.

ALTERNATIVE:

To not amend Agreement No. 6M3312 will cause the Agreement to expire before a new agreement is executed. This is a critical service BART utilizes that cannot be supplemented by BART labor. If the current agreement expires before a new agreement can be executed, broken or damaged glass will not be repaired in a timely manner.

RECOMMENDATION:

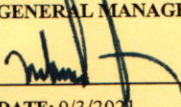
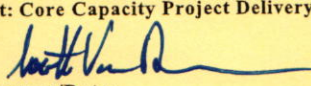
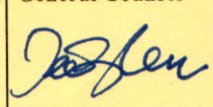
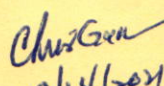
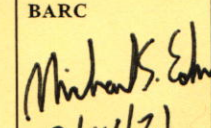
Approve the following motion:

MOTION:

That the Board authorizes the General Manager to execute an amendment to Agreement No. 6M3312 with ACR Glazing Contractors, Inc., for on-call glass repair and replacement services, to extend the term of the Agreement to June 30, 2022.



EXECUTIVE DECISION DOCUMENT

| | | | | |
|--|---|--|---------------------------|--|
| GENERAL MANAGER APPROVAL:  9/15/21 | | GENERAL MANAGER ACTION REQ'D: N/A | | |
| DATE: 9/3/2021 | | BOARD INITIATED ITEM: Yes | | |
| Originator/Prepared by: Scott Van Dussen Dept: Core Capacity Project Delivery  Signature/Date: 9/13/2021 | General Counsel  9/13/2021 [] | Controller/Treasurer  9/14/2021 [] | District Secretary [] | BARC  9/14/21 [] |

Reject All Bids for Contract No. 49GH-130, Train Control System Modernization Program Enabling Works

PURPOSE:

To obtain Board authorization for the General Manager to reject all bids for Contract No. 49GH-130, Train Control System Modernization Program Enabling Works Contract.

DISCUSSION:

Contract No. 49GH-130 provides for the replacement of the 50- year-old power cable running between train control rooms throughout the District to station PG&E panels, as well as the replacement of power and communication cable between train control rooms and switch machines along wayside interlockings throughout legacy train control areas between Daily City, Richmond, Concord, and Fremont. This Contract is part of the BART Train Control Modernization Program under the Core Capacity Program to enable the installation of a new Communications Based Train Control (CBTC) system throughout the District.

The District provided advanced notice on March 19, 2021 to 111 prospective A or C-10 licensed contractors. One (1) plan holder purchased plans for this Contract. A Pre-Bid Meeting and Site Tour with 43 contractors in attendance was conducted on March 30, 2021 with eight (8) potential Bidders in attendance. Four (4) Addenda to the Contract were issued.

A total of two (2) Bids were received and publicly opened on May 18, 2021. Listed below is a tabulation of the Bids. The Bids were submitted by DMZ Builders and Clark Cupertino A-Joint Venture (C3M).

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

| BIDDER | LOCATION | TOTAL BID PRICE |
|---------------------|--------------|-----------------|
| DMZ | Concord, CA | \$71,543,853 |
| C3M | Bethesda. MD | \$76,554,812 |
| Engineer's Estimate | | \$51,626,886 |

While DMZ submitted the lowest apparent Bid, it was subsequently determined to be non-responsive. Staff then reviewed the Bid of C3M and determined that it was responsive to the solicitation. In addition, C3M's business experience and financial capabilities resulted in the determination that C3M is a responsible Bidder.

The bid submitted by C3M Clark Cupertino, of \$76,554,812 is 48% higher the Engineer's Estimate of \$51,626,886. The Bid prices received varied significantly from the Engineer's Estimate and are well over the project prices. Staff recommends the Board reject all Bids.

FISCAL IMPACT:

There is no fiscal impact resulting from rejecting the bids for Contract 49GH-130.

ALTERNATIVES:

The Board can award the contract to Clark Cupertino A-Joint Venture (C3M), which will involve District expenditures beyond the project budget.

RECOMMENDATION:

It is recommended that the Board adopt the following motion:

MOTION:

The General Manager is authorized to reject all Bids for Contract No. 49GH-130, Train Control System Modernization Program Enabling Works Contract.

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

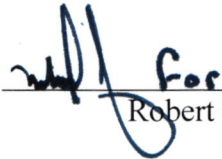
DATE: September 17, 2021

FROM: General Manager

SUBJECT: Update on Renewable Power Purchase Agreements

At the September 23, 2021 Board meeting, staff will provide an information update on the District's renewable power purchase agreements (PPAs).

If you have any questions, please contact Val Menotti, Chief Planning and Development Officer, at (510) 287-4794.



Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



BART Renewable Power Purchase Agreements (PPAs)

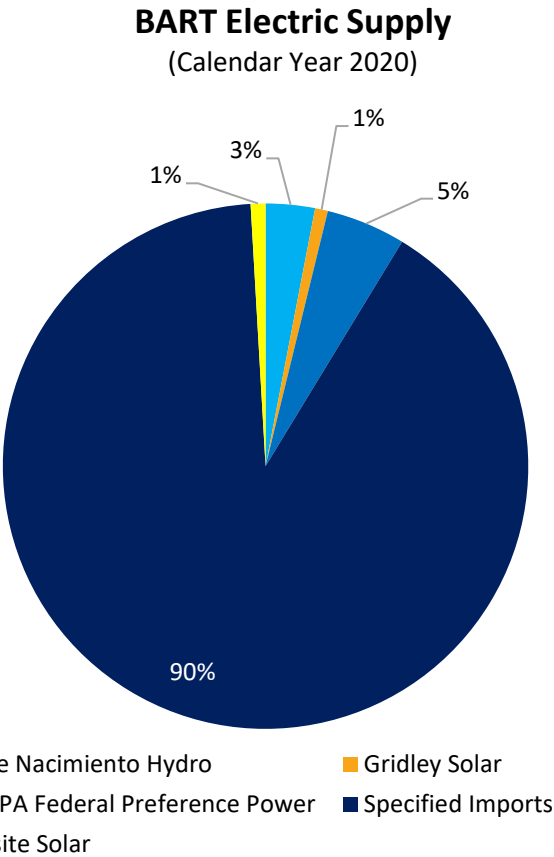
Status Update

Presentation Overview

| Topic | Slide(s) |
|---|----------------|
| Performance Against Clean Energy Commitments | 2 |
| BART's 2020 Power Content Label | 2 |
| Status Update on BART's Renewable PPAs | 3 - 9 |
| Current Status | 4 |
| Project Development Timeline | 5 |
| Sky River Wind Project Construction | 6 - 7 |
| Slate Solar Project Construction | 8 - 9 |
| South Feather Hydroelectric Project | 10 - 12 |
| Project Profile and Unit Characteristics | 11 |
| Contract Structure and Benefits to BART | 12 |
| Next Steps and Near-term Priorities | 13 - 14 |

2020 Power Content Label

In 2020, BART achieved a **100% greenhouse gas free** power supply for the first time in its history, comprised of electricity sourced from hydroelectric and solar sources.



| 2020 POWER CONTENT LABEL | | | | |
|---|--------------------------------|---------------------------------|---|-------------------|
| San Francisco Bay Area Rapid Transit District (BART) | | | | |
| www.bart.gov/sustainability/energy/powercontentlabel | | | | |
| Greenhouse Gas Emissions Intensity (lbs CO ₂ e/MWh) | | Energy Resources | BART | 2020 CA Power Mix |
| BART | 2020 CA Utility Average | Eligible Renewable ¹ | 4.8% | 33.1% |
| 0 | 466 | Biomass & Biowaste | 0.0% | 2.5% |
| <p>1000 800 600 400 200 0</p> <p>■ BART ■ 2020 CA Utility Average</p> | Geothermal | 0.0% | 4.9% | |
| | Eligible Hydroelectric | 3.1% | 1.4% | |
| | Solar | 1.7% | 13.2% | |
| | Wind | 0.0% | 11.1% | |
| | Coal | 0.0% | 2.7% | |
| | Large Hydroelectric | 95.2% | 12.2% | |
| | Natural Gas | 0.0% | 37.1% | |
| | Nuclear | 0.0% | 9.3% | |
| | Other | 0.0% | 0.2% | |
| | Unspecified Power ² | 0.0% | 5.4% | |
| | TOTAL | 100.0% | 100.0% | |
| Percentage of Retail Sales Covered by Retired Unbundled RECs ³ : | | | 0% | |
| ¹ The eligible renewable percentage above does not reflect RPS compliance, which is determined using a different methodology. | | | | |
| ² Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source. | | | | |
| ³ Renewable energy credits (RECs) are tracking instruments issued for renewable generation. Unbundled renewable energy credits (RECs) represent renewable generation that was not delivered to serve retail sales. Unbundled RECs are not reflected in the power mix or GHG emissions intensities above. | | | | |
| For specific information about this electricity portfolio, contact: | | | BART 510-916-9990 | |
| For general information about the Power Content Label, visit: | | | http://www.energy.ca.gov/pcl/ | |
| For additional questions, please contact the California Energy Commission at: | | | Toll-free in California: 844-454-2906 Outside California: 916-653-0237 | |

Note:

- BART is not a retail provider and is not authorized under state law to serve retail load. As a result, any and all references to “Retail Sales” associated with BART’s Power Content Label should be interpreted as “total system load” until the Power Source Disclosure program rules are formally updated to accommodate BART’s participation.

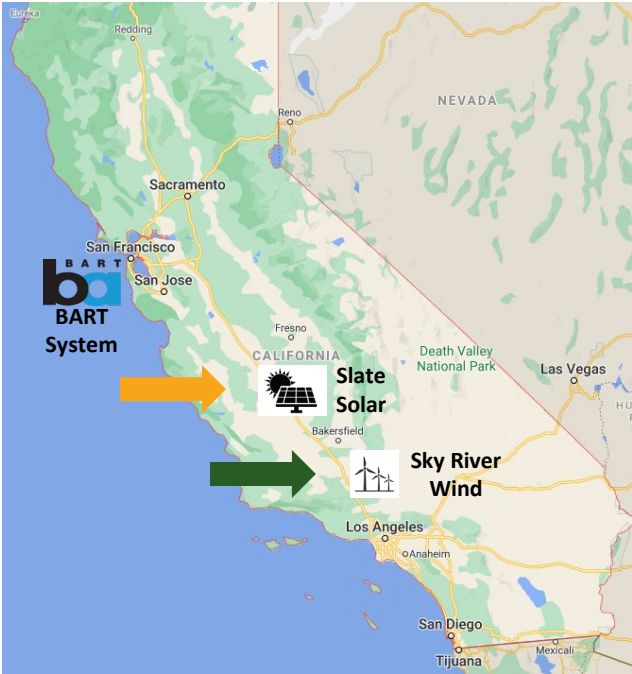
Status Update on Renewable PPAs



Status Update on BART’s Renewable PPAs

Moving forward, BART will maintain a power supply that is principally GHG-free while substantially increasing its overall share of renewable electricity as defined by state law.

| | Sky River Wind | Slate Solar |
|------------------------|------------------------|------------------------|
| Total Project Capacity | 30 MW | 50.5 MW |
| Annual Expected Output | 105,681 MWh | 142,038 MWh |
| Location | Kern County, CA | Kings County, CA |
| Initial Sync | Aug. 24, 2021 | Sept. 10, 2021 |
| Commercial Online Date | Sept. 1, 2021 | Oct. 31, 2021 (Est.) |
| Products | Energy, Capacity, RECs | Energy, Capacity, RECs |
| Contract Term | 20 years | 20 years |
| Project Developer | NextEra Energy | Recurrent Energy |



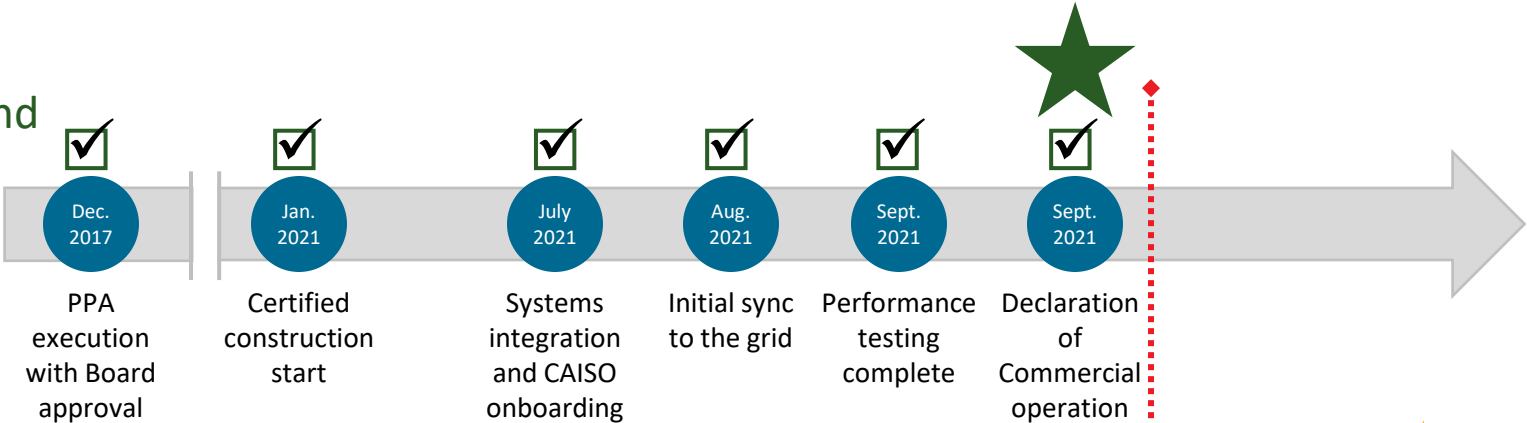
Notes

- Detailed definitions of renewable eligibility requirements can be found in the Renewable Portfolio Standard Eligibility Guidebook (“RPS Guidebook”) published by the California Energy Commission. Notably, under this definition of “eligible renewables” hydroelectric facilities >30MW are not considered renewable for the purposes of compliance with California’s RPS Program.
- GHG-free: Greenhouse Gas Free
- RECs: Renewable Energy Credits

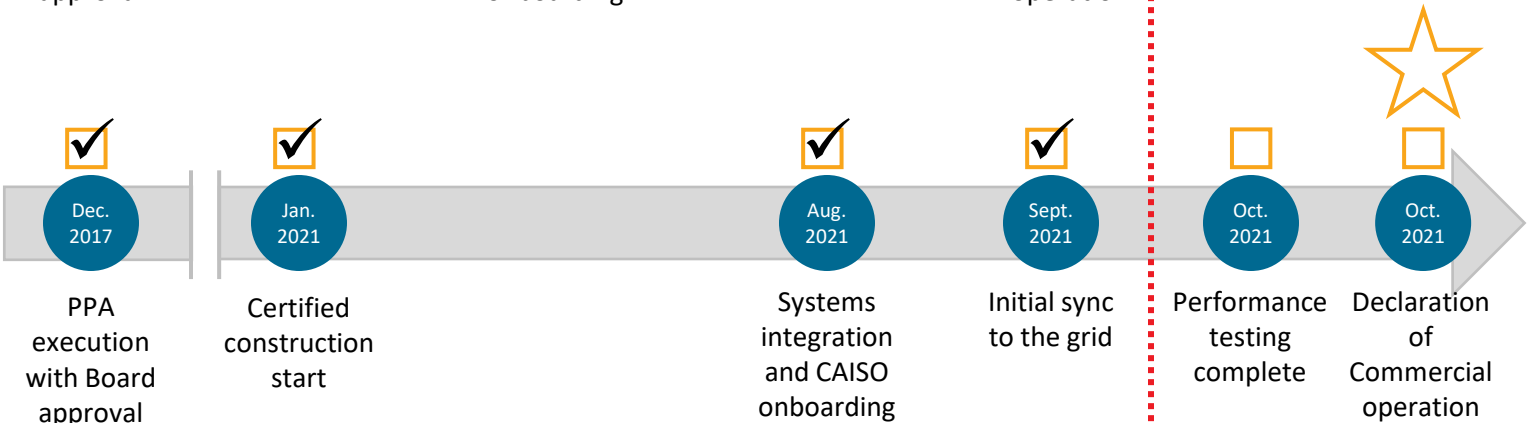
Project Development Timelines

Currently, both projects are online and delivering renewable electricity to BART. Slate Solar is on-track to conclude its performance testing in Oct. 2021 in order to formally achieve commercial operation.

Sky River Wind



Slate Solar



We are here.





Sky River Wind Project Construction

Redevelopment of the Sky River Wind project was initiated in January 2021.

1



Photo 1: Onsite trenching for mid-voltage cabling.

2



Photo 2: Assembly of concrete batch plant.

4



Photo 4: Delivery of a turbine nacelle to project site.

3



Photo 3: Concrete footing for 3 MW Siemens Gamesa turbine.



Sky River Wind Project Construction

Project construction was concluded in late August 2021 prior to initial synchronization to the grid.

5



Photo 5: Installed tower base sections.

6



Photo 6: Installation of tower midsection.

7



Photo 7: Hoisting turbine rotor for installation.



Slate Solar Project Construction

Development of the first phase of the Slate Solar project was initiated in January 2021.

1



Photo 1: Onsite trenching for mid-voltage cabling.

2



Photo 2: Tracker driveline installed to enable single-axis panel rotation to maximize solar output.

4



Photo 4: Photovoltaic module installation.

3



Photo 3: Racking installation with strut assembly.



Slate Solar Project Construction

Project construction was concluded in early September 2021 prior to initial synchronization to the grid.

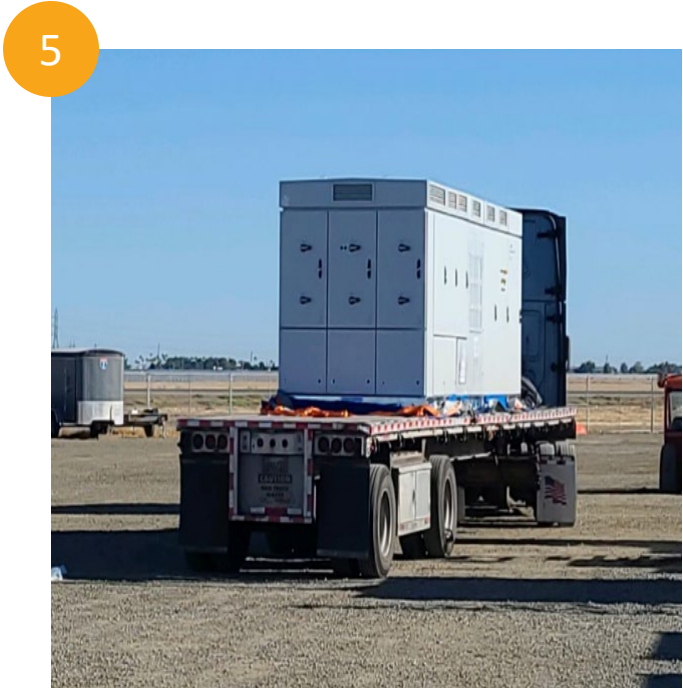


Photo 5: Inverter delivery to project site.



Photo 6: Termination of gen-tie line to the project substation.

South Feather Hydroelectric Project





South Feather Hydroelectric Project

BART is actively evaluating participation in a membership share of the South Feather Hydroelectric Project contracted through the Northern California Power Agency (NCPA).

| Powerhouse | Capacity |
|-------------|----------|
| Woodleaf | 60 MW |
| Sly Creek | 13 MW |
| Kelly Ridge | 11 MW |
| Forbestown | 37.5 MW |
| Total | 121.5 MW |

Project Summary

- 4 powerhouses, 121.5 MW total capacity
- Owned and operated by the South Feather Water & Power Agency (SFWPA) located in Oroville, CA
- Project’s existing PPA with PG&E set to expire Dec. 2021
- Generation is 100% GHG-free, a portion of which qualifies as “eligible renewable”
- Reservoir storage enables operating flexibility and dispatchability within FERC licensing requirements
- BART’s Board will be kept apprised of progress moving forward*

Notes

- FERC: Federal Energy Regulatory Commission
- PPA: Power Purchase Agreement
- BART’s Board has delegated authority to BART’s GM to enter into power purchase agreements, gas service agreements, and other energy product transactions on behalf of the District under Resolution 5197.





South Feather Hydroelectric Project

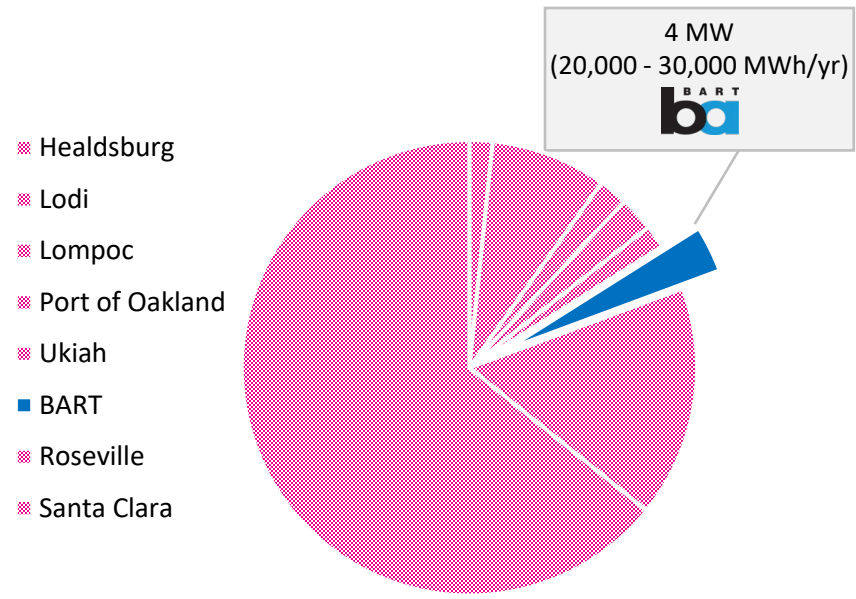
Contract Structure

- NCPA to enter PPA with SFWPA on behalf of its participating membership
- Project capacity allocated among NCPA’s interested members based on annual load and portfolio need
- Project capacity apportioned to members individually through dedicated offtake agreements
- 10-year term with option for 10-year extension
- Members receive energy, capacity, ancillary services, RECs

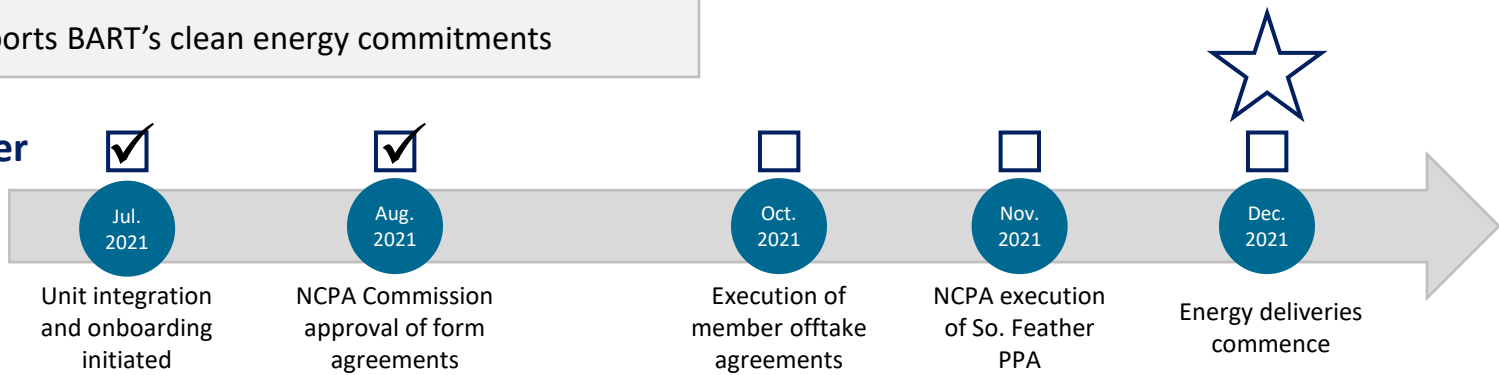
Benefits to BART

- ✓ Cost competitive with existing supply portfolio
- ✓ Operating flexibility enables optimization of energy deliveries to support BART’s peak service periods
- ✓ Further enhances portfolio diversity
- ✓ Directly supports BART’s clean energy commitments

Project Participation (MW)



South Feather Hydro



Next Steps and Near-term Priorities



Next Steps and Near-term Priorities

Next Steps

1. Slate Solar to formally achieve “commercial operation” in the second quarter of fiscal year 2022 (Q2 FY22)
2. BART to complete its internal review of a membership share in the South Feather hydroelectric project in Q2 FY22
3. Prepare for tranche of GHG-free power procurement in Q2 FY22 to fulfill any remaining needs in calendar year 2022



NextEra’s North Sky River Wind, located adjacent to its Sky River Wind project, which achieved commercial operation in September 2021.



Recurrent Energy’s Mustang Solar project, located adjacent to its Slate Solar project, which is expected to achieve commercial operation in October 2021.

