

San Francisco Bay Area Rapid Transit District

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



COMMITTEE MEETING AGENDA

Wednesday, June 15, 2022

10:00 AM

**via Teleconference Only. Join BAC Meeting via Zoom at:
<https://us06web.zoom.us/j/2301294458> Meeting ID: 230 1294 458
Join the BAC Meeting by calling 216-706-7052 and entering
conference code 402313**

Business Advisory Council

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

NOTICE OF MEETING AND AGENDA
OFFICE OF CIVIL RIGHTS BUSINESS ADVISORY COUNCIL

Wednesday, June 15, 2022
10:00 a.m. – 1:00 p.m.

A meeting of the Office of Civil Rights Business Advisory Council (BAC) will be held on Wednesday, June 15, 2022, from 10:00 a.m. to 1:00 p.m.

“Please note, pursuant to all necessary findings having been made by the Board of Directors of the San Francisco Bay Area Rapid Transit District (for itself as well as all subordinate legislative bodies) to continue remote public meetings in the manner contemplated under urgency legislation Assembly Bill No. 361, public participation for this meeting will be via teleconference only.”

You may watch the BAC Meeting live via Zoom at:
<https://us06web.zoom.us/j/2301294458>

Meeting ID: 230 1294 458

You may also join the BAC Meeting by calling 216-706-7052 and entering conference code 402313

If you wish to make a public comment:

- 1) Submit written comments via email to jchacon@bart.gov, using “public comment” as the subject line. Your comment will be read into the record 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 9:00 a.m. on Wednesday, June 15, 2022, in order to be included in the record.
- 2) Call 216-706-7052, enter conference code 402313, and dial *9 to raise your hand when you wish to speak.

Public comment is limited to two (2) minutes per person.

AGENDA

1. Roll Call and Public Introductions

2. Approval of Meeting Minutes (For Action)
a. April 20, 2022

Attachments: [Approval of Meeting Minutes for April 20, 2022 - Item 2a](#)

3. BAC Recruitment Update (For Information)

4. Department Introduction – Core Capacity Program (For Information)

5. Triennial DBE Goal update (For Information)

Attachments: [Triennial DBE Goal update - Item 5](#)

6. Bylaw recommendations update (For Information)

Attachments: [Bylaw Recommendations Update - Item 6](#)

7. General Discussion and Public Comment (an opportunity for members of the public to address the BAC on matters under their jurisdiction and not on the agenda) (For Information)

8. Future Agenda Items (For Information)

9. Adjournment.

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

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

Business Advisory Council's Meeting Minutes

Wednesday, April 20, 2022

10:00 a.m. – 1:00 p.m.

A regular meeting of the Office of Civil Rights Business Advisory Council was held on Wednesday, April 20, 2022, at 10:00 a.m., via Zoom videoconference.

Members Present: Cameryn Erickson, Jesus Vargas, Darolyn Davis, Carlos Solorzano, Sandra Escalante, Oscar Zavaleta

Absent Members: Lydia So, Gian Fiero, Philip Adams, Juliana Sommer,

Guests and Staff: Joseph Towner, Julian Chacon, Alaric Degrafinried, Crystal Matson, Tim Chan, Wahid Amiri, Zhiming Fan

1. Roll call and introductions from Business Advisory Council ("BAC") Members, District Staff and Guests.
2. Approval of Meeting Minutes:
 - Meeting minutes for December 8, 2021 were approved, Jesus Vargas moved to motion to approve and Carlos Solorzano second the motion.
 - Meeting minutes for February 23, 2022 were approved, Jesus Vargas moved to motion to approve and Carlos Solorzano second the motion.
3. Triennial Disadvantaged Business Enterprise Goal Update (For Information)
 - Joseph Towner presented on triennial goal setting process.
 - Sandra raised why Bart is not seeking procurement purchases from local SB's. Alaric responded and wanted to make sure District's Procurement department is reaching out to local SB's and look at changes to current software to be proactive in notifying firms of procurement purchases.
 - Cameryn mentioned it would be helpful to work with contractors in helping them meet their goals. Cited design-build contracts as an example. Newer contractors lack education on how to meet goals.
 - Cameryn asked how a contract meets the requirements that were established. Joseph mentioned different methods such as good faith efforts and liquidated damages.
 - Jesus Vargas mentioned being previously involved with triennial goal setting. Believes 25% is a good number from the initial triennial goal calculation. Jesus asked to move goal up to 26% to differentiate from the state of California which set its goal at 25%.
4. 2022 BAC Recruitment Update (For Information)

- Julian Chacon presented the update and introduced formation of subcommittee to review applications
5. BART Racial Equity Update (For Information)
 - Joseph provided an update on the District's race equity initiative and showed new visualized data that could be produced and publish for the public.
 6. Department Introduction – Stations
 - Tim Chan, Wahid Amiri, and Zhiming Fan presented on current and planned station modernization projects, including 19th Station, Powell Station, Downtown Berkeley, and West Oakland stations.
 - Jesus Vargas mentioned previously being involved in Fruitvale Station project. Tim mentioned when the work is on or in system it is the District that takes on the work and sets the goals.
 - Jesus was interested in how TOD projects are funded and how goals set. Union City TOD given as example.
 7. General Discussion and Public Comment (an opportunity for members of the public to address the BAC on matters under their jurisdiction and not on the agenda) (For Information)
 - Carlos Solorzano announced the upcoming Hispanic Chamber of Commerce convention will be held in Oakland.
 8. Future Agenda Items (For Information)
 - Update from OCR Director on proposed recommendations to BAC Bylaws
 9. Adjournment

The Council Meeting adjourned at 11:47 a.m. – Next Meeting June 15, 2022.

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

AGENDA OF OFFICE OF CIVIL RIGHTS BUSINESS ADVISORY COUNCIL

2022 Meeting Schedule

The Business Advisory Council will meet on the following dates in The San Francisco Bay Area Rapid Transit District - in the BART Board Room, 2150 Webster Street, Oakland, California 94612, unless noted otherwise.

DATE	TIME	LOCATION
February 23	10:00am – 1:00pm	Via Zoom
April 20	10:00am – 1:00pm	Via Zoom
June 15	10:00am – 1:00pm	Via Zoom
August 17	10:00am – 1:00pm	Via Zoom
October 19	10:00am – 1:00pm	Via Zoom
December 21	10:00am – 1:00pm	Via Zoom

Business Advisory Council

June 15, 2022

Triennial DBE Goal Update

Objectives

Compliance with requirements in 49 CFR Part 26 (26.45)

- The District is a recipient of US DOT grant funds and therefore must establish a DBE Program which includes:
 - **Setting an overall DBE goal every three Federal Fiscal Years** on DOT-assisted contracts (Oct 1, 2022 to Sept 30, 2025)
- Consult with stakeholders on proposed DBE goal and methodology
 - Goal setting is a two-step process
 - Adjustments can be made to the proposed goal

Proposed DBE Goal

Proposed DBE Goal for FFY 2023-2025 (October 1, 2022 – September 30, 2025)

- **23%**
 - 15% Race-Neutral
 - 8% Race-Conscious

*Adjusted base figure and RC/RN goals were rounded to whole numbers

Consultation with Stakeholders

Completed

- Email notifications on the goal and requests for comment has been sent to vendors and agencies:
 - This includes small and disadvantaged businesses, government agencies, Chamber of Commerce, etc.
- Proposed goal has been publicized at six public outreach events
- Proposed goal is being publicized for public comment on www.bart.gov

Next

- Goal to be publicized via local publications
- The District will consider comments on DBE goals before August 1, 2022 submission

Public Comments Welcome

Is there anything else the District can consider in its DBE methodology?

Do you have any other comments on the DBE goal?

Please submit any additional comments to:

<https://forms.office.com/g/EhrzixH3q5>

or

Jtowner@bart.gov

General Discussion

**San Francisco Bay Area Rapid Transit District
Office of Civil Rights Business Advisory Council Bylaws**

ARTICLE I – NAME

The name of this council shall be the Office of Civil Rights Business Advisory Council (BAC).

ARTICLE II – MISSION STATEMENT

- A. The mission of the BAC is to advise the Director of the Office of Civil Rights at the San Francisco Bay Area Rapid Transit District (“BART” or “District”) in that Office's efforts to ensure that Disadvantaged Business Enterprises (DBE), Small Business Entities (SBE), Minority Business Enterprises (MBE), Women-Owned Business Enterprises (WBE), Small Businesses (SB), and Veterans are afforded opportunities to participate on District contracts and agreements.

ARTICLE III – RESPONSIBILITIES

- A. Collaboration between the D/M/W/SBE and SB communities and the executive branch of the District.
- B. Make specific recommendations to the Director of the Office of Civil Rights related to policies and programs that impact the D/M/W/SBE and SB communities and participation in District contracts and agreements.

ARTICLE IV – MEMBERSHIP

- A. Composition
1. Members of the BAC shall be non-employee volunteers.
 2. The number of BAC Members shall be no less than nine (9), with a maximum of fifteen (15) members, whose size shall be fixed by the Board of Directors, representing the following:
 - Small business community, including Disadvantaged Business Enterprises, Small Business Entities, Minority Business Enterprises, Women-Owned Business Enterprises, and Small Businesses.
 - Community-based organizations and/or trade organizations that represent small business interests within the District's five (5) County service areas.
 3. The BAC shall not discriminate based on race, color, national origin, sex, religion, sexual orientation, disability or age in its membership.

4. Members of the BAC or potential BAC Members, shall not be disqualified from serving on the BAC due to any contracts or agreements that they have had, have or may have in the future with the District.

B. Term of Office

1. The term of membership shall be for a two (2) year period, on staggered terms. The terms will commence on July 1 and end on June 30.
2. To encourage wide participation from the D/M/W/SBE and SB community, individual members are limited to two (2) - terms of membership.
3. Any vacancy occurring in the BAC shall be filled by the Office of Civil Rights (OCR) Department Manager, with advice from the BAC Members, to assure that the remainder of the term is completed.

C. Member Nomination and Selection Process

1. BAC Members shall be selected by the OCR Department Manager who will solicit and review information from interested parties and fill open seats accordingly.
2. Those interested in participating as a BAC Member shall provide a letter of recommendation from their organization or firm, as well, as a statement of interest.
3. Pursuant to Article IV, A.2, the BAC will review prospective candidates' applications and provide recommendations to the OCR Department Manager. The OCR Department Manager will have the sole authority for approving or rejecting the selection of all BAC Members.
4. Potential candidates shall attend one (1) meeting prior to their official status as a committee Member.
5. Current BAC Members who wish to serve a subsequent term (no more than two (2) consecutive staggered years) must reapply and provide a new letter of recommendation from their organization or firm.
6. BAC membership vacancies resulting from death, resignation, removal, disqualification, or otherwise shall be filled by the OCR Department Manager for the remainder of the term with advice from a majority of the BAC Members present.
7. Should a vacancy exist due to lack of submissions in a particular category and to ensure equal representation, the BAC may vote to extend a Member's term until his/her qualified successor has been duly selected.

D. Resignation

1. BAC Members may resign by notifying the OCR Department Manager, who will then inform the BAC. In the event a BAC Member voluntarily chooses to leave, the OCR

Department Manager shall designate his/her successor. Said successor shall be chosen with the advice of the current BAC Membership.

E. Termination of Membership

1. A member's appointment to the BAC shall be terminated upon a determination by the BAC if:
 - a. A Member has missed two (2) BAC meetings in a calendar year without a verifiable approved excused absence, and/or
 - b. A Member materially misrepresents himself or herself; and/or
 - c. A Member has engaged in a consistent pattern of documented disruptive and/or disrespectful behavior at the BAC or other District-related meetings.
2. A Member shall be removed only by two-thirds (2/3) majority vote comprised of BAC Members present at a duly noticed meeting. The BAC Member subject to removal shall be notified by the OCR Department Manager both prior to such a vote and following any action(s) taken regarding his or her membership status.

ARTICLE V – OFFICERS

A. Chair

1. The OCR Department Manager or his/her designee will serve as the BAC Chair ("Chair").
2. The Chair shall work with the BAC and District staff to develop an agenda for BAC meetings.
3. The Chair shall be responsible for leading meetings and keeping order, appointing Members to ad hoc or standing committees, and representing the BAC before the District's Board. These duties and practices shall all be undertaken pursuant to the District's Transparency Rules for non-Brown Act bodies and the Standard Code of Parliamentary Procedure (4th Edition) by Alice Sturgis.
4. The Chair shall perform other duties necessary or customary to the office.

ARTICLE VI - STAFF SUPPORT

- A. At least one (1) District staff member shall be assigned to work with the BAC as a staff liaison.
- B. The staff liaison shall collaborate with the Chair to prepare, compile, and distribute agendas, minutes and related materials for BAC meetings.

- C. The staff liaison shall be responsible for preparing and posting BAC agendas on the District's website.

ARTICLE VII –TRANSPARENCY IN BAC CONDUCT

A. Transparency

1. Meetings shall be conducted in accordance with the District's transparency rules.
The District's Public Participation Meeting Rules can be found at
http://www.bart.gov/sites/default/files/docs/Board_Meeting_Rules_Notice_57.pdf
2. Agendas and minutes shall be made public in accordance with BART's transparency rules.

B. MEETINGS

1. Only BAC Members may recommend items to the Chair for inclusion in the meeting agenda.
2. Only BAC Members can vote on action items.
3. BAC Members will first discuss agenda items during BAC meetings before opening the topic for public comment.
4. The public may address the BAC regarding any agenda item and they may speak on the item for a maximum of two (2) minutes. If a public member wishes to discuss a matter not on the agenda, he/she may do so under General Discussion.
5. The BAC Chair may limit discussion on items not listed on the agenda.

C. Expectations

- The BAC and the District will work together as a team:
- BAC Members respect the opinions and views of others;
- The BAC seeks to achieve a common goal through reliability and accountability;
- BAC Members work together on assigned tasks and challenges while respectfully accepting each Member's ideas; and
- The BAC seeks to maintain open communication to identify and create a plan of action utilizing BAC Members' knowledge, skills and expertise.

D. SPECIAL MEETINGS

1. The BAC Chair may call appropriately scheduled and noticed special meetings when the work of the BAC requires it.
2. The Chair shall identify the purpose of the special meeting via a duly and timely published agenda.

E. AGENDAS

1. At least 72 hours prior to a regular BAC meeting or 24 hours prior to a special BAC meeting, an agenda shall be posted on the District's website and in a public place in the same manner as the posting for the District's Board of Directors' Meetings.
2. Agendas and related materials shall be emailed to BAC Members and to the public requesting said agendas at least 72 hours prior to each regular meeting.
3. Staff reports shall be available in print and/or electronic versions to the public attending any BAC regular or special meetings.
4. Only items on the posted agenda, and items discussed during public comment, shall be discussed or acted upon at BAC meetings by BAC Members.

F. RULES OF CONDUCT

1. All regular and special meetings of the BAC shall be conducted in accordance with these bylaws.
2. In order to ensure that the BAC meeting is held in an open and orderly manner, BAC Members and the public shall abide by the following rules:
 - Arrive to the meeting on time.
 - Refrain from interrupting anyone that is speaking.
 - Refrain from using mobile device including, but not limited to, making phone calls, texting or emailing during the meeting.
 - BAC Members shall conduct themselves with fairness, courtesy and respect for differing point of views.
3. Unless they are speaking in support of a recommendation or position that has been approved by a majority of the BAC, BAC Members should make it clear in any public statement that they are speaking as individuals and not as representatives of the District or the BAC.
4. BAC Members shall recuse themselves from any matter before the BAC in which they have a financial interest.

ARTICLE VIII – VOTING PROCEDURES AND OFFICIAL DECISIONS OF THE BAC

- A. A simple majority of the total appointed current BAC Members shall constitute a quorum.
- B. A quorum shall be necessary to hold a vote or transact any other official BAC business.
- C. Each BAC Member shall be entitled to one (1) vote. Only one vote per organization representative.
- D. Proxy, telephonic, electronic, or absentee ballots shall be permitted.

- E. The number of BAC Members present and a record of the vote on actions taken shall be included in the minutes and with all official BAC recommendations to the District.
- F. A designee of the BAC may present recommendations of the BAC to the District's Board of Directors or to an appropriate committee, or officially represent the BAC in person or in writing as needed.

ARTICLE IX - BAC MEETING EXPENSE REIMBURSEMENT

To defray public transit travel costs to BAC meetings, BAC Members shall receive a District system public transit travel stipend, limits are to be determined by OCR, for each BAC regular or special meeting attended.

ARTICLE X - APPROVAL AND AMENDMENT OF BYLAWS

- A. These bylaws may be approved or amended at any properly noticed regular or special meeting of the BAC following a three-fourths (3/4) vote of all current BAC Members.
- B. Written notice of the proposed bylaws' approval or amendment shall be placed on the agenda and copies of the proposed bylaws or amendment shall be distributed at the meeting prior to the one at which action is to be taken.
- C. The notice at both the prior meeting and the meeting at which the vote is scheduled shall include both the original text of the bylaws and the text of any proposed bylaw amendment(s).
- D. Proposed BAC bylaws and amendments shall be subject to review by the District's Office of the General Counsel.