

San Francisco Bay Area Rapid Transit District

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



COMMITTEE MEETING AGENDA

Wednesday, March 27, 2024

1:00 PM

The Business Advisory Council Meeting will be held in-person and public participation will be via teleconference only.

BART Headquarters, Room 161, 2150 Webster Street, Oakland, CA 94612. Zoom Link: <https://us06web.zoom.us/j/83080413169>

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, March 27, 2024
1:00 p.m. – 3:00 p.m.

A meeting of the Office of Civil Rights Business Advisory Council (BAC) will be held on Wednesday, March 27, 2024, from 1:00 p.m. to 3:00 p.m. at BART Headquarters, Room 161, 2150 Webster Street, Oakland, CA 94612. Public participation for this meeting will be via teleconference only.

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

You may join the BAC Meeting via Zoom by calling 833-548-0282 and entering access code 830 8041 3169; logging in to Zoom.com and entering access code 830 8041 3169; or typing the following Zoom link into your web browser: <https://us06web.zoom.us/j/83080413169>

If you wish to make a public comment:

1) Submit written comments via email to alexi.chacon@bart.gov using “public comment” as the subject line. Your comment will be provided to the BAC 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 12:00 p.m. on March 26, 2024 in order to be included in the record.

2) Call 833-548-0282, enter access code 830 8041 3169, dial *9 to raise your hand when you wish to speak, and dial *6 to unmute when you are requested to speak; log in to Zoom.com, enter access code 830 8041 3169, and use the raise hand feature; or join the BAC Meeting via the Zoom link <https://us06web.zoom.us/j/83080413169> and use the raise hand feature.

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. January 31, 2023

Attachments: [2 - BAC Meeting Minutes 1.31.24](#)
3. Performance & Data Analytics (PDA) Presentation on Minority and Women-Owned Business Enterprise Participation 2023 Report (Presentation by Julian Chacon) (For Information)

Attachments: [3 - Performance & Data Analytics \(PDA\) Presentation on Minority and Women-C](#)
4. Procurement Presentation on Overview of Professional Services Agreements & BART's Invoicing Process (Presentation by Alexi Chacon) (For Information)

Attachments: [4 - Procurement Presentation on Overview of Professional Services Agreement:](#)
5. PDA Presentation on Connecting Small Businesses to Informal Contracts (Presentation by Alexi Chacon) (For Information)

Attachments: [5 - PDA Presentation on Connecting Small Businesses to Informal Contracts](#)
6. Update on Small Business Summit Planning Efforts (Presentation by Alexi Chacon) (For Information)

Attachments: [6 - Update on Small Business Summit Planning Efforts](#)
7. Update from Procurement on Upcoming Contracts (Presentation by John Mazza) (For Information)

Attachments: [7 - Update from Procurement on Upcoming Contracts](#)
8. PDA Presentation on 2024 BAC Application Cycle (Presentation by Alexi Chacon) (For Information)

Attachments: [8 - PDA Presentation on 2024 BAC Application Cycle](#)
9. Administrative Discussion (For Information)
 - a. Identify outreach strategies to attain a diverse pool of applicants for membership in the BAC.

Attachments: [9 - Administrative Discussion](#)
10. 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)
11. Adjournment

BART provides services/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.

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2150 Webster Street, P. O. Box 12688, Oakland, CA 94612

NOTICE OF MEETING MINUTES
OFFICE OF CIVIL RIGHTS
BUSINESS ADVISORY COUNCIL

Wednesday, January 31, 2024
1:00 p.m. – 3:00 p.m.

A meeting of the Office of Civil Rights Business Advisory Council (BAC) was held on Wednesday, January 31, 2024, from 1:00 p.m. to 3:00 p.m. at BART Headquarters, Room 161, 2150 Webster Street, Oakland, CA 94612 via Zoom videoconference and in person at BART Headquarters.

Members Present: Lydia So, Oscar Zavaleta, Cameryn Erickson, Erin Hanigan, Emanuel Hyppolite, Ethan Hartsell, Debra Roak, Que Alicea

Absent Members: Leo Scott, Darolyn Davis

Guests and Staff: Director Robert Rayburn, John Mazza, Alaric Degrafinried, Devika Anand, Julian Chacon, Alexi Chacon

AGENDA

1. Roll Call and Public Introductions
2. Approval of Meeting Minutes (For Action)
 - October 18, 2023, meeting minutes were approved. Que Alicea moved to approve, and Ethan Hartsell seconded the motion.
3. Performance & Data Analytics (PDA) Presentation on Federal Transit Administration Semi-Annual Report (Presentation by Julian Chacon) (For Information)
 - Julian Chacon presented on the Federal Transit Administration Semi-Annual Report which highlighted that BART met its Triennial Goal and awarded 23.64% of FTA funding to Disadvantaged Business Enterprises.
 - BAC members asked what strategies could be employed to increase the amount of FTA funding awarded to DBEs.
 - Director Rayburn directed BAC members to look at the most recent report delivered to the Measure RR Bond Oversight Committee for further details on Measure RR Bond funding dollars awarded to local small businesses.
4. PDA Presentation on Tentative Updates to Early Release of Retainage Policy (Presentation by Alexi Chacon) (For Information)

- Alexi Chacon presented on tentative updates to the Early Release of Retainage Policy which would ensure that subcontractors are paid for their completed work in a timely manner.
5. PDA Presentation on the City and County of San Francisco's Contractor Evaluation Process (Presentation by Alexi Chacon) (For Information)
 - Alexi Chacon presented on the City and County of San Francisco's Contractor Performance and Evaluation Database which included an overview of the database's strengths and weaknesses.
 - BAC members emphasized that timely payment to small business owners was a critical priority and asked whether the root cause was negligence from prime contractors or existing policies at the public agency awarding the contract.
 6. Update on Small Business Summit Planning Efforts (Presentation by Alexi Chacon) (For Information)
 - Alexi Chacon provided an update on Small Business Summit Planning Efforts which included an expansion of the in-person Summit to an additional 4 days of digital programming providing resources to small business owners.
 7. Update from Procurement on Upcoming Contracts (Presentation by Alaric Degrafinried and John Mazza) (For Information)
 - John Mazza presented on upcoming contracts an overview of MDD spend history and top vendors awarded MDDs in 2023.
 - BAC members asked for strategies on how to make knowledge of MDD opportunities more accessible to small business owners.
 8. PDA Presentation on 2022-2023 Review of BAC Meeting Topics (Presentation by Alexi Chacon) (For Information)
 - Alexi Chacon presented a review of all meeting topics and guest speakers in 2022-2023.
 9. Administrative Discussion (For Information)
 - BAC members requested future presentations on efforts to streamline BART's invoicing process and continuous updates on ridership numbers.
 10. 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)
 - No further discussion from BAC held.
 11. Adjournment
 - Mahsa Azad moved to adjourn, and Que Alicea seconded the motion.

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2024 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 |
|--------------|-----------------|------------------|
| January 31 | 1:00pm – 3:00pm | Via Zoom/BART HQ |
| March 27 | 1:00pm – 3:00pm | Via Zoom/BART HQ |
| May 22 | 1:00pm – 3:00pm | Via Zoom/BART HQ |
| July 17 | 1:00pm – 3:00pm | Via Zoom/BART HQ |
| September 11 | 1:00pm – 3:00pm | Via Zoom/BART HQ |
| November 6 | 1:00pm – 3:00pm | Via Zoom/BART HQ |

MWBE Participation 2023 Report

MWBE Participation in 2023

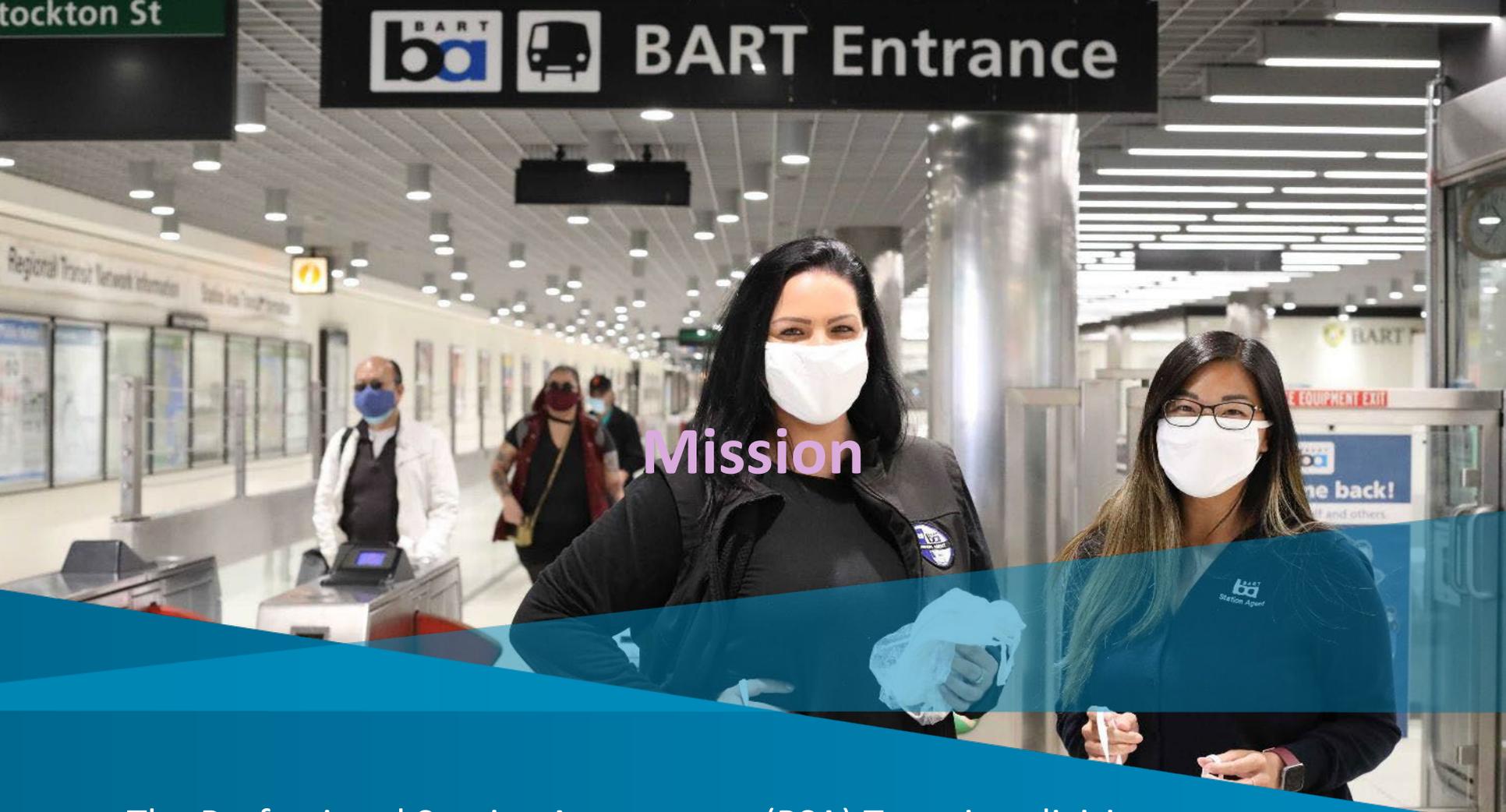
- Total Contract Awards: \$209 Million
- Total MWBE Awards: \$79 Million
 - Construction: \$2.9 Million
 - Professional Services: \$74.3 Million
 - Procurement: \$1.6 Million

| Ethnicity | Commitment (\$ in millions) | Commitment (%) |
|-----------------------------|-----------------------------|----------------|
| Asian-Pacific American | \$34.2 | 16.4% |
| African American | \$19.2 | 9.2% |
| Hispanic American | \$10.2 | 4.9% |
| Subcontinent Asian American | \$8.1 | 4.0% |
| Caucasian Female | \$7 | 3.0% |
| Other | \$0.1 | 0.05% |

MWBE Breakdown by Procurement Type

| | Construction | Professional Services | Procurement |
|------------------------------|--------------|-----------------------|-------------|
| African American | \$2,211,835 | \$16,454,017 | \$487,853 |
| Hispanic American | \$496,772 | \$8,734,377 | \$925,400 |
| Asian-Pacific American | \$164,306 | \$33,961,565 | \$91,611 |
| Sub-Continent Asian American | \$0 | \$8,093,784 | \$0 |
| Caucasian Female | \$34,050 | \$7,012,690 | \$0 |
| Other | \$0 | \$49,885 | \$0 |

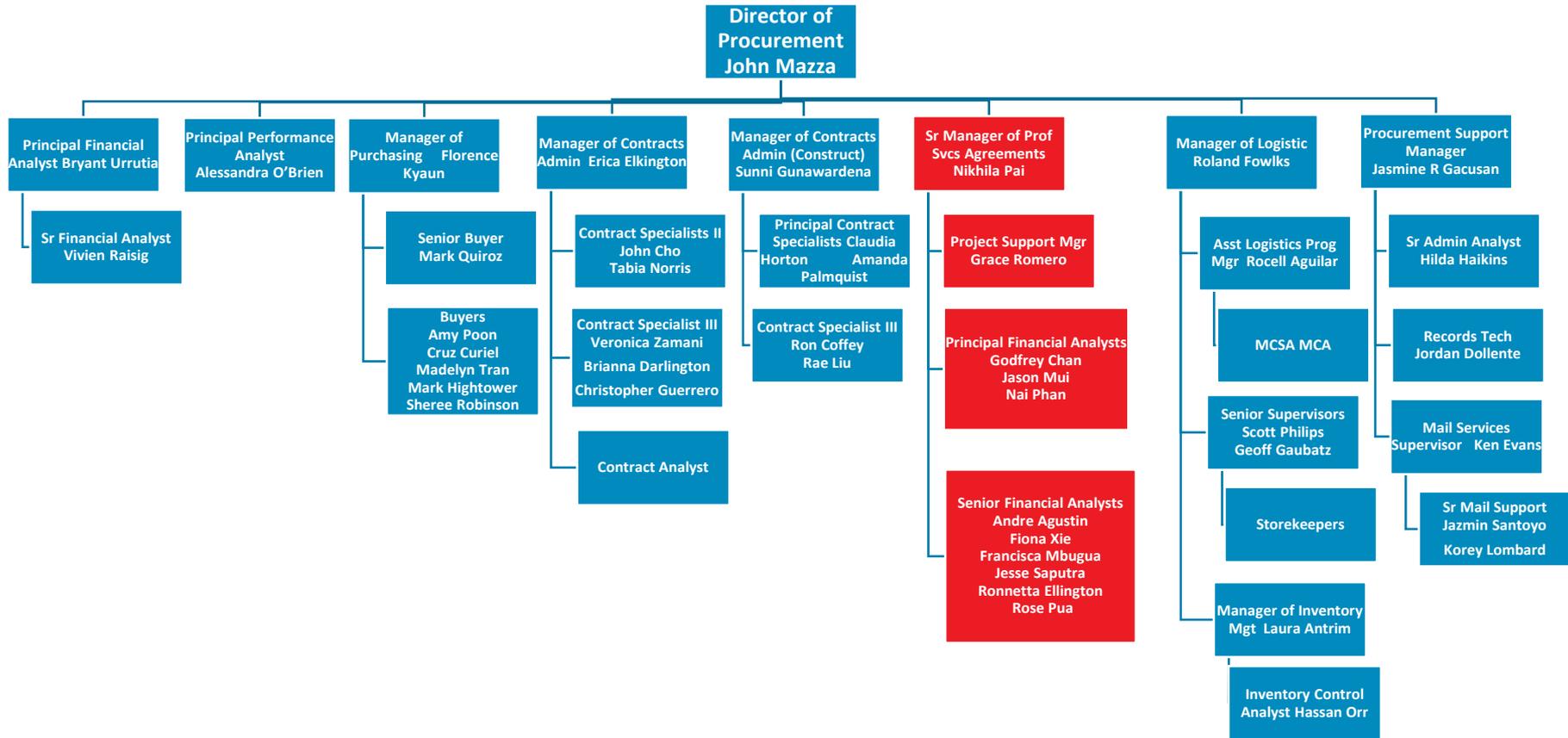
Overview of Professional Services Agreements & BART's Invoicing Process



Mission

The Professional Service Agreements (PSA) Team is a division within Administration and reports to the head of Procurement. PSA's mission is to coordinate and identify professional and technical resources for the District to achieve project delivery in the timeliest, compliant, and cost-effective way.

Procurement



Overview – what is a PSA (the contract)?

- BART retains a small team of engineering and planning professionals to maintain, improve, and refresh its infrastructure – which includes its track, stations, tunnels, lighting, etc.
- BART also requires short-term staff to plan, design, schedule, inspect and oversee construction for its capital projects; to meet the need BART has large-scale contracts called **PROFESSIONAL SERVICE AGREEMENTS (PSA)**.
- To access these skilled consultants, BART project managers develop “work plans” to lay out scope, schedule, and budget needed to complete select capital project tasks.

Current On Call Professional Service Agreements:

- Architecture and General Engineering Services (16 agreements, \$620M total spending authority)
- Construction Management Services (16 agreements, \$520M total spending authority)
- Environmental and Planning services (4 agreements, \$32M, total spending authority)
- Hazardous Materials Environmental Services (\$6M, total spending authority)

What we do

- **Apply Federal Acquisition Regulations and other relevant government policies when administering agreements**
- **Ensure work plans match Agreement scope and are within available spending authority while adhering to Agreement Terms and Conditions**
- **Quality control invoices for accuracy, adequate support documentation, and freedom from fraudulent or unallowable charges**

How we do it

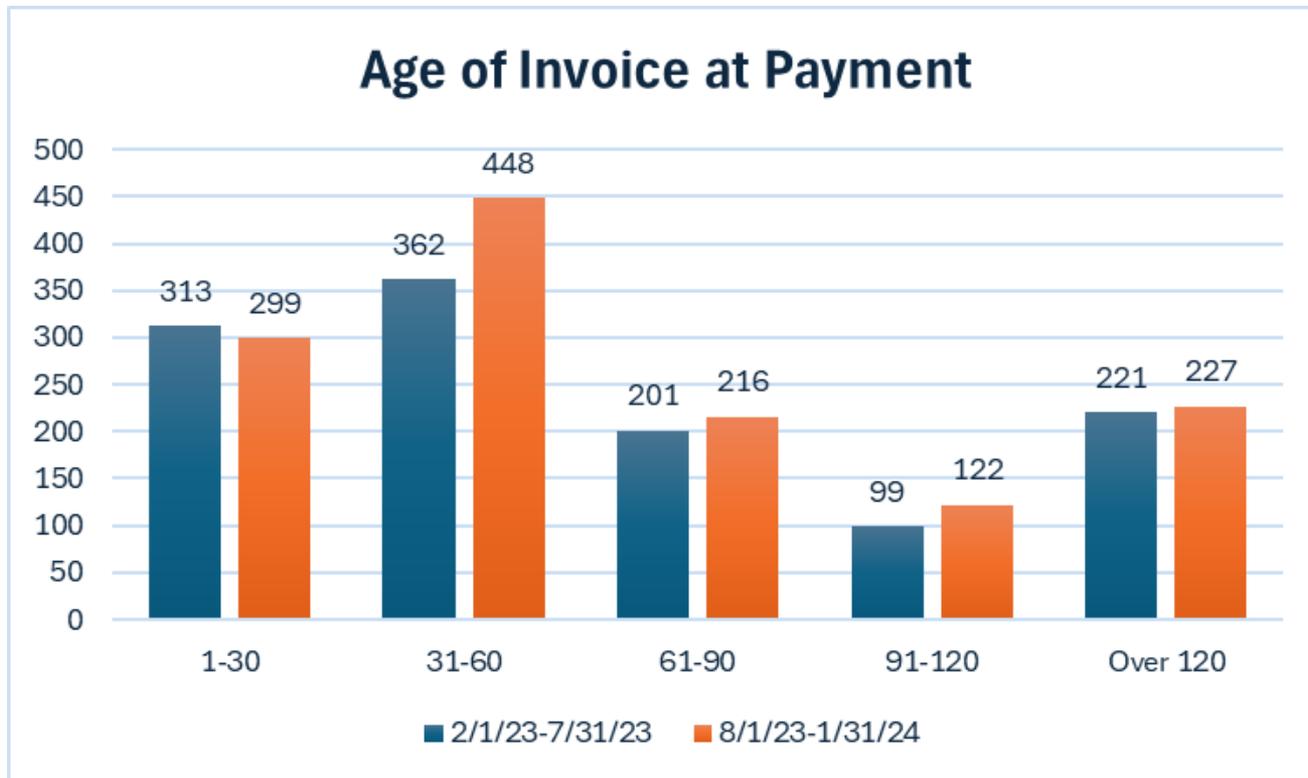
- **Review and approve work plans**
- **Create Purchase Requests (PRs) for fully approved work plans**
- **Review and process invoices**
- **Manage vendor relations through email, meetings, and phone calls**
- **Monitor and track spending authority by agreement**
- **Track and approve overhead rates**
- **Track and approve hourly salary rates**

Prompt Payment – the Invoice Challenge

- BART strives to pay invoice in 30 days
 - Created specialized team for on call professional service agreements
 - Hired four new Senior Financial Analyst; & utilizing temps for backlog
 - Seeking additional efforts to speed invoice processing:
 - Codify requirements and checklist
 - Specifications for invoice review software
 - Benchmark study among transit agencies
- Barriers invoice approval
 - Invoice ERRORS/INCOMPLETE packages
 - Miscalculations, mislabels, and mismatched back up
 - Missing back up documents for other direct costs
 - Missing approvals for travel and overtime
 - Missing timesheets
 - Overspending on a line item, expense category, or fixed fee
 - Failure to get PM approval on charges
 - Use of unapproved rates or subconsultants

Prompt Payment

The age of an invoice is dependent on completeness of invoice package.



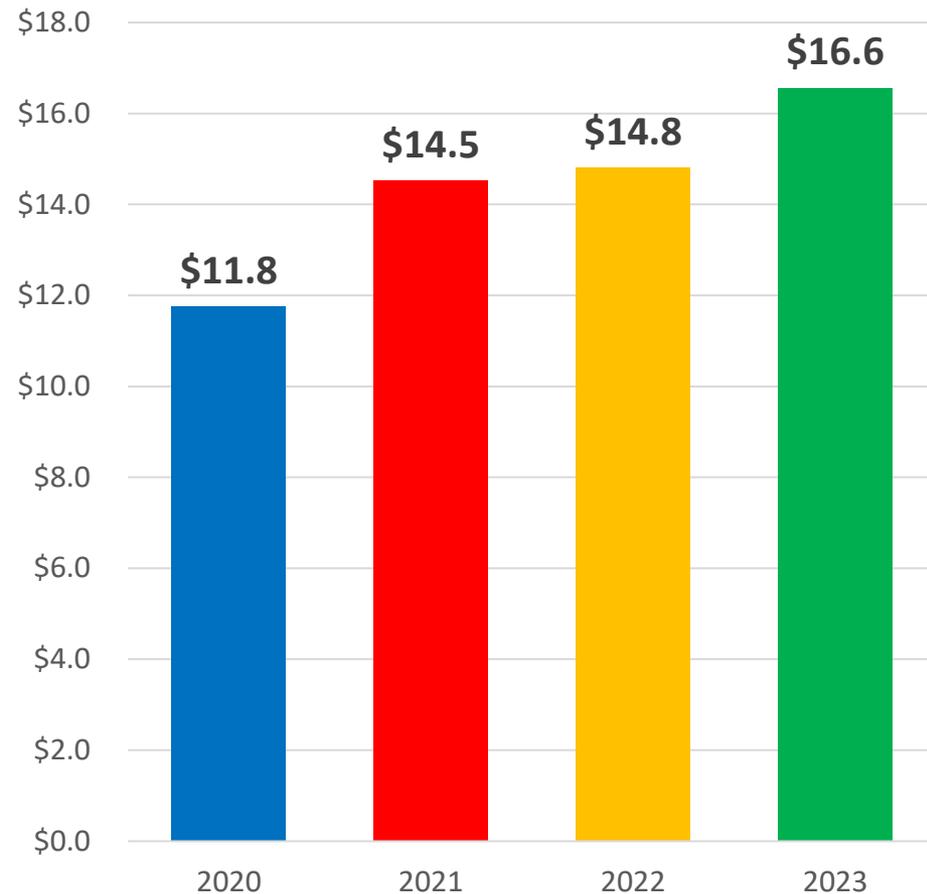
Thank You! Questions?



Connecting Small Businesses to Informal Contracts

MDD Contracting History

MDD Spend History (\$ in Millions)



Calendar Year 2023

Top Five MDD Vendors (\$ in Thousands)

| | |
|-------------------------------|---------|
| Eplus Technology | \$359.5 |
| Carahsoft Technology | \$350.7 |
| Safe Cone Zone, Inc. | \$259.2 |
| Equilibrium Collaborative LLC | \$190.0 |
| United Rentals | \$182.2 |

Top Five Departments (\$ in Millions)

| | |
|---------------------------|-------|
| Maintenance & Engineering | \$6.1 |
| Office of the CIO | \$2.6 |
| Human Resources | \$1.6 |
| Police Department | \$1.1 |
| Rolling Stock & Shops | \$0.8 |

Informal Contracts at Small Business Summit

- Survey departments at BART requesting information on potential informal contracts that are in the pipeline
- Advertise a list of upcoming informal contracts ahead of the small business summit
- Also have BART staff available at the Small Business Summit to answer questions about informal contracts on the list

Strategies to Advance Informal Contracting

Annual Small Business List

- Create/distribute a list of certified businesses that work in fields frequently informally contracted by BART departments

Upskill Purchasers/Receive Feedback

- Create a tutorial that demonstrates how to identify SBs (i.e., via certified directories)
- Survey Purchasers

Increase District Buy-in

- Success depends on top-down buy-in on SB contracting

Update on Small Business Summit Planning Efforts

Small Business Summit

- **Date:** 4/29/2024
- **Time:** 12:00-3:30 PM
- **Location:** 2150 Webster Street, Oakland CA 94612
- **Tentative Schedule:**
 - 12:00 – 12:30 PM: Set Up
 - 12:30 – 1:00 PM: Registration
 - 1:00 - 1:30 PM: Remarks
 - 1:30 - 2:00 PM: Small Business Success Stories Panel
 - 2:00 - 3:30 PM: Networking between Primes, Small Businesses and Public Transit Agencies

National Small Business Week Programming Enhancements & Accomplishments

- Working to have increased presence of BART staff from:
 - Procurement
 - Infrastructure Delivery
 - Contract Compliance
 - Small Business Support Services
 - Certifications Assistance
- Sent out invites to Prime Contractors and have received 7 RSVPs confirming attendance so far
- Invites will be sent out to Resource Organizations and Public Transit Agencies with the opportunity to table at our event
- Panelists are being selected from a pool of business owners who have participated in the SBSS program

Tentative National Small Business Week 2024

| | | |
|------------------|-----------------|---|
| Monday | 04/29/24 | Abridged Small Business Summit w/ a Keynote Speaker, Meet the Primes Tabling & Small Business Success Stories Panel |
| Tuesday | 04/30/24 | Certifications Applications Assistance Office Hours/Presentation |
| Wednesday | 05/01/24 | Norcal Apex Capabilities Statement Workshop |
| Thursday | 05/02/24 | Procurement Workshops Tips & Tricks to Win Work with BART / Potential Upcoming Scopes of Work Matchmaking Session |
| Friday | 05/03/24 | SBSS Workshop |

How can the BAC be involved?

Additional Thoughts & Questions?

Update on Upcoming Contracts

Upcoming Construction Contracts

| Contract Number | Title | Int. Projected Advertisement | Rev. Projected Advertisement | Contact | Est. Value |
|-----------------|--|------------------------------|------------------------------|--|------------|
| 15NL-140 | Coliseum Station Elevator Modernization | Nov 2021 | Jun 2024 | chorton@bart.gov | \$5-\$8M |
| 15TC-182 | Train Control Room Repairs Water Intrusion Mitigation | Feb 2023 | TBD | apalmqu@bart.gov | \$4.5M |
| 17BY-110 | LMA UPS System Installation | Sep 2023 | Apr 2024 | chorton@bart.gov | \$30-\$35M |
| 03QJ-110A | Concord Yard Wheel Truing Facility | Dec 2023 | May 2024 | chorton@bart.gov | \$37M |
| 47CJ-140A | Electrical & Communications Construction/ Installation | Feb 2024 | TBD | APalmqu@bart.gov | \$5M |
| 15CQ-211B | Direct Fixation Fastener Assembly Procurement | Feb 2024 | TBD | APalmqu@bart.gov | \$3M |
| 6M4851 | MET Parking Lot Resurfacing | Feb 2024 | TBD | rae.liu@bart.gov | \$55-\$62K |

Upcoming Professional Services Agreements

| Contract Number | Title | Int. Projected Advertisement | Rev. Projected Advertisement | Contact | Est. Value |
|-----------------|--|------------------------------|------------------------------|--|--------------------|
| 6M6185 | Electric Vehicle Charging Stations | Sep 2023 | TBD | veronica.zamani@bart.gov | Revenue Generating |
| 6M4852 | Affordable Housing Revolving Loan Program | Mar 2024 | TBD | rae.liu@bart.gov | Revenue Generating |
| 6M4862 | Administration On-Call Professional Consulting | Mar 2024 | TBD | brianna.darlington@bart.gov | \$1.5M |
| 6M5210 | Hazardous Waste Removal Services | Mar 2024 | TBD | christina.cagaanan@bart.gov | \$3.875M |
| 6M3713 | On-Call Lighting Maintenance Services | Mar 2024 | TBD | john.cho@bart.gov | \$295K-\$1.8M |
| 6M2099 | Financial On-Call Professional Services | Apr 2024 | TBD | brianna.darlington@bart.gov | \$2M |
| 6M3720 | Moving Services for Fare Gates | Apr 2024 | TBD | veronica.zamani@bart.gov | \$1.2M |

Thoughts & Questions?

BAC Application Cycle 2024

Application Cycle Overview

- Applications set to open during Spring/Summer 2024 and new members will be added on October 2024 to serve a 2 year term
- If October 2024 will be the end of your first term, you have a couple of options:
 - Submit a written request to renew your membership for a second term
 - Finish your term without renewing your membership
- If October 2024 will be the end of your second term, then you do not have the option to renew

Application Review and Selection

- Application information is typically distributed to our CBO partners and at outreach events
- Applicants will have to submit a completed questionnaire
- Applications will be reviewed and ranked by BART OCR Staff and an advisory committee made up of BAC members
- After review of interview responses and questionnaire, OCR Director will select new members

Administrative Discussion

Who would like to be a part of the advisory committee?

What strategies can we employ to ensure a diverse applicant pool?