

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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

Board of Directors
Minutes of the 1,818th Meeting
August 9, 2018

A regular meeting of the Board of Directors was held August 9, 2018, convening at 9:01 a.m. in the BART Board Room, 2040 Webster Street, Oakland, California; and Provincetown Inn, 1 Commercial Street, Provincetown, Massachusetts. President Raburn presided; Patricia K. Williams, Interim District Secretary.

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

Present in Massachusetts: Director Dufty.

Absent: None.

President Raburn called for Introduction of Special Guests. General Manager Grace Crunican introduced Assistant General Manager, Operations, Mr. Paul Oversier, and thanked him for his 28 years of service to BART.

President Raburn announced that under the provisions of the Rules of the Board of Directors of the San Francisco Bay Area Rapid Transit District, this was the time set to hold a public hearing on the Proposed Termination of the BART Teenage Student Discount (Orange Ticket) Trial Program for Students at Participating Middle and High Schools, that staff would give a brief presentation on the item, and that the meeting would then be opened for comments from the public.

Ms. Pamela Herhold, Assistant General Manager, Performance and Budgets; and Ms. Karen Basting, Department Manager, Customer Service, presented the item.

Aleta Dupree and Margy Wilkinson addressed the Board

There being no further public comment, the Public Hearing was closed.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meeting of July 12, 2018.
2. Side Letters of Agreement.
 - a. Amalgamated Transit Union, Local 1555 (eBART) SL 17-02, Clarification of Special Pay Provisions.
 - b. Amalgamated Transit Union, Local 1555, SL 02-18, Warm Springs and Berryessa Stations.
3. Fixed Property Tax Rates Fiscal Year 2018-2019 General Obligation Bonds.

4. Lifeline Transportation Program Cycle 5 Funds.
5. Revision of Equal Employment Opportunity (EEO) and Prevention of Sexual Harassment in the Workplace Policies.

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

1. That the Minutes of the Meeting of July 12, 2018, be approved.
2. a. That the General Manager be authorized to execute Side Letter of Agreement ATU (eBART)/SL 17-02 regarding Clarification of Special Pay.
b. That the General Manager be authorized to execute Side Letter of Agreement ATU/SL 01-18 regarding Warm Springs and Berryessa Stations between the District and Amalgamated Transit Union Local 1555.
3. Adoption of Resolution No. 5376, In the Matter of Fixing the Rate of Taxes for San Francisco Bay Area Rapid Transit District for Fiscal Year 2018/19.
4. Adoption of Resolution No. 5377, In the Matter of Authorizing Action Necessary to Obtain Cycle 5 Lifeline Transportation Funds from the Metropolitan Transportation Commission.
5. Adoption of the revised Equal Employment Opportunity and Prevention of Sexual Harassment in the Workplace Policies.

President Raburn called for Public Comment.

The following individuals addressed the Board.

Clarence Fischer
Michael Moore
Antwon Cloird
Alamo Brown
Robert S. Allen
Jim Wunderman
Blake G.
James Burch
John Arantes

Director Allen, Chairperson of the Administration Committee, brought the matter of Proposed Termination of the BART Teenage Student Discount (Orange Ticket) Trial Program for Students at Participating Middle and High Schools before the Board. Ms. Herhold and Ms. Basting presented the item. The item was discussed.

Aleta Dupree addressed the Board.

President Raburn moved approval of the termination of the BART Discounted "Teenage Student Discount" (Orange Ticket) Trial Program for Students at Participating Middle and High Schools. Director Blalock seconded the motion, which carried by unanimous roll call vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0.

Director Allen brought the matter of BART Safety and Security Action Plan before the Board. Ms. Crunican; Mr. Oversier; Ms. Kerry Hamill, Assistant General Manager, External Affairs; Police Chief Carlos Rojas; and Mr. Travis Engstrom, Assistant Chief Information Officer, presented the item.

The following individuals addressed the Board:

Clarence Fischer
Aleta Dupree
Brian Hofer
Ken Castle
Don Fogg
Darrell Owens
Victoria Fierce
Ben Eversole
Jim Wunderman
Jackie Barshak
Alexander Post
Kenji Yamada-read into record
Catherine Hutching
Mike Chase
Cassidy Crofton
Camille Ochoa
Lou Katz
Donna Willmott

Lou F.
P.F.
Joshua Davis
Michael Moore
Tracy Rosenberg
Ankush Ganapathy
Nagil Arnaaat
Roman Kimer
Tekla Balukas
Blake G.
Charlotta Wallace
Tareq Samman
Starchild
Dayten Andrews
Michael Thomas-read into record
Sinuba Dreem

The item was discussed.

Director Saltzman moved that the Board continue Initiative 6 Expansion & Conversion – Digital Camera Network In Stations, Parking Lots & Garages; Initiative 7 Physical Security Information Management (PSIM) System – Implement Systemwide; Initiative 8 Platform Emergency Call Boxes; Initiative 9 Video Screens Showing Real Time Station CCTV Images & Enhanced Video Surveillance Signage; Initiative 10 "No Panhandling" Ordinance within paid areas; Initiative 11 Accelerate System Hardening Efforts; and Initiative 12 Additional Proof of Payment Team For Evenings, be continued to a future meeting. Director Dufty seconded the motion.

Discussion continued.

Director Blalock requested an amendment to exclude Initiative 6 Expansion & Conversion – Digital Camera Network in Stations. Director Saltzman did not accept the amendment.

Director Blalock made a substitute motion to exclude Initiative 6 Expansion & Conversion – Digital Camera Network in Stations. Director McPartland seconded the substitute motion.

Director Simon requested an amendment to the substitute motion to also exclude Initiative 8 Platform Emergency Call Boxes. Directors Blalock and McPartland accepted the amendment.

Discussion continued.

Director Keller made a second substitute motion to continue Initiatives 6 through 12, to an evening meeting in central Contra Costa County, Dublin/Pleasanton or Richmond.

Discussion continued.

Director Keller revised his substitute motion to include El Cerrito or any suburban city.

Discussion continued.

Director Keller further revised his substitute motion to include that the proposed Surveillance Policy come forward in 30 days for action. President Raburn seconded the this substitute motion.

Discussion continued.

Director McPartland made a third substitute motion to continue initiatives 7, 9, 10, 11 and 12 to a future meeting in a suburban city and that the proposed surveillance policy come forward in 30 days for action. Director Blalock seconded the third substitute motion.

President Raburn made a fourth substitute motion to continue Initiatives 6 through 12 to an evening meeting within 30 days in a suburban city.

Director Allen made a fifth substitute motion that the vote be taken on the second substitute motion excluding Initiative 6 and Initiative 8. Director Blalock seconded the fifth substitute motion.

Director Keller made a sixth substitute motion to continue Initiatives 7, 9, 10, 11, and 12 to an evening meeting within 30 days in a BART accessible suburban city, ending before midnight, with the Surveillance Policy being presented for action.

President Raburn seconded the sixth substitute motion. The motion carried by roll call vote. Ayes - 7: Directors Allen, Blalock, Dufty, Josefowitz, McPartland, Saltzman and Simon. Noes - 2: Directors Keller and Raburn.

Director Allen moved to direct the General Manager to move forward with Initiative 6 and Initiative 8. Director Blalock seconded the motion.

Director Josefowitz requested an amendment that the adoption of the Surveillance Policy take place before the procurement process proceeds.

Directors Allen and Blalock accepted the amendment.

Discussion continued.

Director Blalock called the question.

The motion carried by roll call vote. Ayes- 6: Directors Allen, Blalock, Keller, Josefowitz, McPartland, and Raburn. Noes – 3: Directors Dufty, Saltzman, and Simon.

Discussion continued.

Director Josefowitz moved that at the next meeting within the discussion of the BART Safety and Security Action Plan would be included plans on how to engage community organizations, social services, health departments, police, criminal justice, and elected officials to have a holistic response that includes regional partners. Director Dufty seconded the motion. The motion carried by unanimous roll call vote. Ayes – 9: Directors Allen, Blalock, Dufty, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0.

Director Dufty exited the meeting via teleconference.

The Board Meeting recessed at 1:30 p.m.

The Board Meeting reconvened at 1:57 p.m.

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

Absent: Director Dufty.

Director Allen brought the matter of Responses to the 2017-2018 Contra Costa Grand Jury Report No. 1804, “BART Crime and Transparency” before the Board. Ms. Herhold presented the item. The item was discussed. Director Saltzman moved that the Board approve the attached responses from the BART Board of Directors to the 2017-2018 Contra Costa Grand Jury Report No. 1804, “BART Crime and Transparency,” and that staff be directed to transmit those responses to Contra Costa Grand Jury. Director Blalock seconded the motion. The motion carried by unanimous roll call vote. Ayes – 8: Directors Allen, Blalock, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director Dufty.

Director Allen brought the matter of Resolution for the Authorization of the Certifications and Assurances for the California State of Good Repair Program before the Board. Ms. Herhold; and Ms. Donna Lee, Principal Planner, presented the item. The item was discussed. Director Saltzman moved adoption of Resolution No. 5378 Resolution of Authorization for the Execution of Certifications and Assurances for the California State of Good Repair Program, and that the General Manager be designated to execute all required documents for participation in this program. This action will enable the receipt of funds in the amount of \$6,102,066.00 to perform critical elevator escalator renovation and automatic fare collections/communications equipment repairs at various District stations and facilities. Director Keller seconded the motion. The motion carried by unanimous acclamation. Ayes – 8: Directors Allen, Blalock,

Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director Dufty.

Director Allen brought the matter of District's Workers' Compensation Program Contracts: Award of Contract No. 6M4111, Workers' Compensation Third Party Administration Services; Award of Contract No. 6M4112, Workers' Compensation Medical Case Management Services; and Award of Contract No. 6M4113, Workers' Compensation Utilization Review/Bill Review Services before the Board. Mr. Michael Jones, Assistant General Manager, Administration; and Mr. Rod Maplestone, Human Resources, Division Manager, presented the item. The item was discussed.

Director Blalock made the following motions as a unit.

President Raburn requested the motion to award Agreement No. 6M4112 be amended to reflect the agreement would return to the Board for additional authorization prior to exercising the option years.

1. That the General Manager be authorized to award Agreement No. 6M4111, Third-Party Administration Services for the District's self-insured Workers' Compensation Program, to Athens Administrators, Inc., for an amount not to exceed \$3,542,584.00 for the base three-year period, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the General Manager be authorized to exercise Option Year 1 for an amount not to exceed \$1,246,396.00 and Option Year 2 for an amount not to exceed \$1,280,672.00, subject to availability of funds. The Agreement authorizes Athens Administrators, Inc. to pay self-insured workers' compensation claims and losses out of a fund provided by the District to the amount required by law.
2. That the General Manager be authorized to award Agreement No. 6M4112, Worker's Compensation Medical Case Management, for the District's self-insured Workers' Compensation Program, to Excel Managed Care & Disability Services, Inc. for an amount not to exceed \$2,846,355 for the base three-year period, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the Agreement be brought back before the Board of Directors in three years to ask permission to exercise the options, subject to availability of funds.
3. That the General Manager be authorized to award Agreement No. 6M4113, Utilization and Bill Review Services, for the District's self-insured Workers' Compensation Program, to CareWorks Managed Care Services, Inc. for an amount not-to-exceed \$1,050,507.80 for the base three-year period, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures; and that the General Manager be authorized to exercise Option Year 1 for an amount not to exceed \$389,883.00 and Option Year 2 for an amount not to exceed \$414,824.25, subject to availability of funds.

Director Keller seconded the motions, which carried by unanimous roll call vote. Ayes – 8: Directors Allen, Blalock, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director Dufty.

Director Simon, Chairperson of the Engineering and Operations Committee, brought the following items before the Board:

1. Award of Contract No. 15EJ-171, 34.5 kV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS, and MTW Substations.
2. Award of Contract No. 54RR-420, Coverboard Enhancement, L-Line.
3. Measure RR Project Support Leases and Rentals.
4. Change Order to Contract No. 01RQ-110, Construction of Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction Group – California, LP, for Differing Site Condition Soil Plasticity at CRS NOPC No. 6 (C.O. No. 170).
5. Change Orders to Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades, with Icenogle Construction Management, Inc., for the Procurement and Installation of the Public-Address System Infrastructure.
6. Change Order to Agreement No. 6M5087, Disposal of Bulk Hazardous and Non-hazardous Liquid Wastes, with Environmental Resources Management, for General Environmental Services (C.O. No. 2).
7. Change Order to Invitation for Bid No. 8942, Provide Uniforms for Station Agents and Foreworkers, with Murphy and Hartelius Uniforms, for Extension of the Current Contract.
8. Change Order to Invitation for Bid No. 8947A, Provide Uniforms for Train Operators, with Banner Uniform Center, for Extension of the Current Contract.

Director Simon made the following motions as a unit. President Raburn seconded the motions, which carried by unanimous acclamation. Ayes – 8: Directors Allen, Blalock, Josefowitz, Keller, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 1: Director Dufty.

1. That the General Manager be authorized to award Contract No. 15EJ-171, 34.5 kV Cable Replacement M-Line MBP-MTW Substations, to DMZ Builders Co, Inc. in the amount of \$79,195,100.00, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and Federal Transit Administration requirements related to protest procedures.
2. That the General Manager be authorized to award Contract No. 54RR-420, for Coverboard Enhancement, L-Line, to LC General Engineering, for the Base Bid price of \$3,192,843.73, pursuant to notification to be issued by the General Manager, and subject to compliance with the District's protest procedures.

3. That the General Manager be authorized to execute Lease and Rental Agreements for non-revenue vehicles and equipment as identified in Attachment II up to \$20,000,000.00, in the aggregate, for a period of 5 years with vendors listed in the current Attachment I, and those vendors added to Attachment I hereafter. (Attachments I and II are attached and hereby made a part of these minutes.)
4. That the General Manager be authorized to execute Change Order No. 170, Differing Site Condition Soil Plasticity at Component Repair Shop (CRS), for an amount not to exceed \$1,607,000, for Contract No. 01RQ-110, Hayward Maintenance Complex Project Maintenance Facilities, with Clark Construction.
5. That the General Manager be authorized to execute Change Orders, in an aggregate amount not to exceed \$500,000 to Contract No. 15IF-130A, Powell Street Station Ceiling Upgrades with Icenogle Construction Management, Inc., to support the procurement and infrastructure installation of a new public-address system.
6. That the General Manager or her designee be authorized to execute Change Order No. 2 to Agreement No. 6M5087, with Environmental Resource Management in the amount of \$1,000,000.00 for general environmental services to support BART's hazardous materials program.
7. That the General Manager or her designee be authorized to execute a Change Order to extend the contract with M&H for one year to procure additional Station Agent and Foreworker uniforms in the amount of \$848,692, including all applicable taxes.
8. That the General Manager be authorized to execute Change Order to extend the contract with Banner Uniform Center for one year to procure additional Train Operator uniforms in the amount of \$433,069, including all applicable taxes.

Mr. Oversier, Mr. Shane Edwards, Assistant Chief Maintenance and Engineering Officer; and Mr. Myat San, Manager, Traction Power Engineering, gave a presentation on Award of Contract No. 15EJ-171, 34.5 kV Cable Replacement M-Line MVS Switching Station and MTF, MSS, MPS, and MTW Substations.

The following individuals addressed the Board:

John Arantes
Aleta Dupree
Starchild

The item was discussed.

Aleta Dupree addressed the Board on Award of Contract No. 54RR-420, Coverboard Enhancement, L-Line.

Mr. Oversier and Mr. Edwards gave a presentation on Measure RR Project Support Leases and Rentals.

John Arantes addressed the Board.

The item was discussed.

Director Keller exited the meeting.

Director Simon brought the matter of Change Orders to Contract No. 40FA-110, Procurement of Transit Vehicles, with Bombardier Corporation before the Board. Mr. Oversier, Mr. John Garnham, Group Manager, Rail Vehicles; and Mr. David Hardt, Chief Mechanical Officer, gave a presentation. The item was discussed.

President Raburn moved that the General Manager or her designee be authorized to execute Change Order No. 029 (Dual Coupler Adapter) to Contract No. 40FA-110, Procurement of Transit Vehicles, in the amount of \$794,621.00, plus escalation and 9.75% sales tax; and that the General Manager or her designee be authorized to execute Change Order No. 030 (Side Door Header) to Contract No. 40FA-110, Procurement of Transit Vehicles, in the amount of \$1,425,085.00, plus escalation and 9.75% sales tax.

The motion carried by unanimous acclamation. Ayes – 7: Directors Allen, Blalock, Josefowitz, McPartland, Saltzman, Simon, and Raburn. Noes – 0. Absent – 2: Directors Dufty and Keller.

Director Simon brought the matter of Quarterly Performance Report, Fourth Quarter Fiscal Year 2018 – Service Performance Review before the Board. Ms. Crunican and Mr. Oversier presented the item. The item was discussed.

President Raburn called for the General Manager's Report.

Ms. Crunican reported on steps she had taken and activities and meetings she had participated in, ridership, upcoming events, and outstanding Roll Call for Introductions items.

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, brought the matter of State Legislation for Consideration before the Board. Mr. Roddrick Lee, Department Manager of Government and Community Relations, presented the item.

Mr. Lee gave a presentation on Senate Bill 1045 Conservatorship; serious mental illness and substance use disorders. The item was discussed.

Michael Moore addressed the Board.

Discussion continued.

Director Josefowitz moved that the Board of Directors take a support position on Senate Bill 1045 Conservatorship; serious mental illness and substance use disorders. Director Allen seconded the motion, which failed by electronic vote. Ayes - 4: Directors Allen, Blalock, Josefowitz, and McPartland. Noes - 1: Director Raburn. Abstain – 2: Directors Saltzman and Simon. Absent – 2: Directors Dufty and Keller.

Director Josefowitz recused himself from the presentation and vote on Senate Bill 1376 Transportation network companies: accessibility for persons with disabilities.

Director Josefowitz exited the meeting.

Mr. Lee gave a presentation on Senate Bill 1376 Transportation network companies: accessibility for persons with disabilities. The item was discussed.

Aleta Dupree addressed the Board.

President Raburn moved that the Board take a support position on Senate Bill 1376 Transportation network companies: accessibility for persons with disabilities. Director Saltzman seconded the motion, which carried by electronic vote. Ayes – 5: Directors Blalock, McPartland, Raburn, Saltzman, and Simon. Noes – 0. Abstain – 1: Director Allen. Absent – 3: Directors Dufty, Josefowitz, and Keller.

Director Josefowitz re-entered the meeting.

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

Director Simon reported attending the memorial service for Nia Wilson and working on a safer transport from the Santa Rita Jail due to the recent death of Jessica St. Louis at the Dublin/Pleasanton BART Station.

Director Blalock reported he had met with the Mayor of Fremont regarding Assembly Bill – 2923 San Francisco Bay Area Rapid Transit District: Transit Oriented Development; attended an Urban and Business Association meeting where he gave a Rebuilding BART presentation; met with a graduate student interested in transportation and gave a tour of the Warm Springs Station; and attended the Fremont Festival of the Arts.

President Raburn reported he had attended a special memorial at the MacArthur BART Station for Nia Wilson; attended Personnel Review Special Committee meetings; attended both the Pedal Fest and Art and Soul Festival where he supported the BART booths; and attended the dedication of a mural at the East Bay Greenway at the Coliseum BART Station.

Director Allen reported she had attended a Valley Link meeting to discuss rail options, a League of California Cities meeting, the Contra Costa Sheriff's Posse Barbecue, and the City of Lafayette's 50th Anniversary.

Director McPartland reported he had given a Better BART presentation and attended a three-day Financial Disaster Recovery Workshop at BART.

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

President Raburn announced that the Board would enter closed session under Item 11-B (Public Employee Employment), and Item 11-C (Conference with Negotiators) 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 4:02 p.m.

The Board Meeting reconvened in closed session at 4:05 p.m.

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

Absent: Directors Dufty and Keller.

The Board Meeting recessed at 4:39 p.m.

The Board Meeting reconvened in open session at 4:40 p.m.

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

Absent: Directors Dufty and Keller.

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

The Meeting was adjourned at 4:40 p.m. in memory of Wayne Wong and in honor of the families of Nia Wilson, Don Stevens, Gerald Brisbee, and Jessica St. Louis.

Patricia K. Williams
Interim District Secretary



EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Statement of Policy:

The San Francisco Bay Area Rapid Transit District (District) has a strong commitment to the community we serve and our employees. As an equal opportunity employer, we strive to have a workforce that reflects the community we serve and to provide a work place free of discrimination, harassment and retaliation for filing a complaint. No person is unlawfully excluded from employment opportunities in any personnel transaction including recruitment, hiring, promotion, selection for training, termination, transfer, layoff, demotion, rates of pay or other forms of compensation, benefits and other terms and conditions of employment based on race, color, marital status, sexual orientation, religion (includes religious dress and grooming practices), national origin (including language use restrictions), ancestry, age (40 and above), sex/gender (includes pregnancy, childbirth, breastfeeding, and/or related medical condition), gender identity/gender expression, disability (mental and physical, including HIV and AIDS), medical condition (cancer or a record or history of cancer/genetic characteristics and information), request for family care leave, request for pregnancy disability leave, request for leave for an employee's own serious health condition, or military or veteran status.

District employees who meet state and federal eligibility requirements are:

- Guaranteed leave if disabled because of pregnancy;
- Guaranteed reasonable accommodation for pregnancy;
- Guaranteed leaves for the birth or adoption of a child, for the employee's own serious health condition, or to care for a "family member" (as defined by law) with a serious health condition;
- Protected from harassment because of their sex, race, or any other category covered under the law;
- Protected from retaliation for filing a complaint, for participating in the investigation of a complaint, or for protesting possible violation of the law; and/or
- Protected from prohibited harassment by coworkers, third parties, as well as supervisors and managers with whom the employee comes into contact.

The District is committed to providing reasonable accommodation to applicants and employees because of a disability or to practice or observe their religion, absent undue hardship.

Employees with disabilities are also entitled to reasonable accommodation when necessary in order to perform the job.

The District recognizes and values the diversity of its workforce and the benefits to the District programs and services that are promoted by diverse viewpoints, life experiences, and cultural perspectives. The District supports and encourages diversity and provides education and training related to the benefits and challenges of working productively in a culturally diverse environment.

Implementation

As General Manager, I maintain overall responsibility and accountability for District compliance with the EEO Policy and Program. To ensure day-to-day management, including program preparation, monitoring, and complaint investigation, I have appointed **Maceo Wiggins, Department Manager, Office of Civil Rights** as the EEO Officer (510) 464-7194. The EEO Officer reports directly to me and acts with my authority with all levels of management, labor unions, and employees.

All District executives, management and supervisory personnel, however, share in the responsibility for implementing and monitoring the EEO Policy and Program within their respective areas and will be assigned specific tasks to ensure compliance is achieved. Managers and supervisors will be evaluated based on their successful implementation of the District's EEO Policies and Procedures as they are regarding other District goals.

Consistent with applicable federal and state laws, the District is committed to developing a written nondiscrimination program setting forth the policies, practices and procedures, with stated goals and timetables. Upon request, the District will make the EEO Program available for inspection by an employee or applicant for employment.

All District personnel, including Board members, are responsible for and required to comply with the EEO Policy and EEOP. District hiring personnel are accountable for evaluating a diverse pool of candidates to select a qualified individual in a manner that is free of artificial impediments.

All BART employees are responsible for conducting themselves in accordance with the District's EEO Policy.

Reporting

All applicants and employees have the right to file complaints alleging a violation of the EEO Policy. The District complaint procedure does not require an employee to complain directly to their immediate supervisor. Any employee who believes that they have experienced EEO discrimination, harassment and/or retaliation is encouraged to file a complaint with the District's Office of Civil Rights. Complaints of discrimination, harassment or retaliation should be directed to:

Office of Civil Rights
ATTN: Katherine Tate, Principal Administrative Analyst
300 Lakeside Drive, Suite 1800
Oakland, CA 94612
(510) 464-6107
ktate1@bart.gov

District policy and state law prohibit retaliation against an individual who files a charge or complains about EEO discrimination or harassment, who participates in an employment discrimination proceeding (such as an investigation or lawsuit), or who otherwise engages in protected activity including participation as a witness in an EEO investigation. Any such retaliation is strictly prohibited and is a violation of the District's Equal Employment Opportunity Policy, regardless of whether the original complaint is sustained.

All BART employees have the right to file their complaint with the Department of Fair Employment and Housing (DFEH), the Equal Employment Opportunity Commission (EEOC), or the U.S. Department of Transportation (DOT). The statute of limitations to file with DFEH is 365 days from the date of the last discriminatory incident. The statute of limitations for the EEOC is 300 days from the date of the alleged harm. Complaints should be filed with DOT within 180 days of the alleged act of discrimination.

Grace Crunican
General Manager

Date



PREVENTION OF SEXUAL HARASSMENT IN THE WORKPLACE

Statement of Policy:

The San Francisco Bay Area Rapid Transit District (District) is committed to maintaining a workplace that is free of sexual harassment. In keeping with the District's long-standing Equal Employment Opportunity (EEO) Policy, sexual harassment in the workplace will not be tolerated. The District is committed to enforcing this policy and to providing training to its managers, supervisors, foreworkers, lead personnel and employees to assist them in dealing sensitively and effectively with this important issue.

All BART employees are responsible for conducting themselves in accordance with the District's rules of employee conduct, including but not limited to, the EEO Policy.

Any employee who believes that they have been the victim of harassment on the basis of sex has the right to file a complaint with the District's Office of Civil Rights. All complaints of sexual harassment will be investigated. Retaliation against an employee for filing a complaint is prohibited by law. All parties involved will be treated in a fair and impartial manner. Employee privacy and confidentiality will be protected to the extent permitted by law.

Employees who violate this policy will be subject to disciplinary action, up to and including discharge.

Definition

Sexual harassment is a form of sex discrimination and is an unlawful employment practice. It is a personal affront to the affected employee and negatively impacts morale, motivation, and job performance. This policy includes sexual harassment of District employees by non-employees. Unwelcome sexual advances, request for sexual favors, and verbal, physical, visual, or other conduct of a sexual nature constitutes sexual harassment and are prohibited by this policy when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision; and/or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Reporting

Prompt and appropriate action should be taken to prevent or stop incidents of sexual harassment. Any employee who believes that they have been the target of sexual harassment is encouraged to inform the offending person verbally or in writing that such conduct is unwelcome, offensive, and must stop. An employee, however, is not required to

communicate directly with the offending person, or if communication has been ineffective, the employee can complain directly to the Office of Civil Rights or any District manager, supervisor, foreworker or lead personnel. Failure to communicate with the perpetrator does not prevent an employee from filing a complaint, nor does it in any way exonerate the harasser.

Any manager, supervisor, foreworker or lead personnel who witnesses or has knowledge of sexual harassment or other forms of harassment or conduct prohibited by District rules must promptly report such conduct to and consult with the Office of Civil Rights. Managers, supervisors, foreworkers and lead personnel have a legal responsibility to take action if they know or have reason to believe of a harassing situation. Managers, supervisors, foreworkers and lead personnel must take action to address the situation regardless of the victim's stated desire to pursue or not to pursue the matter.

California Government Code Section 12950.1 Training

California employers with 50 or more employees must provide two hours of interactive sexual harassment training to supervisors within six months of hire or promotion, and every two years thereafter. Employers are also required to include a training component on the prevention of "abusive conduct" in its mandatory harassment prevention training.

For more information on the District's Prevention of Sexual Harassment training, contact the Office of Civil Rights.

Enforcement

The Office of Civil Rights can provide both formal and informal consultation and provide information regarding harassment concerns. Complaints and cases of sexual harassment brought to the attention of the Office of Civil Rights or any District manager, supervisor, foreworker or lead personnel will be handled promptly through a confidential process.

Retaliation against employees alleging sexual harassment or involved as witnesses in a sexual harassment investigation is prohibited.

Complaints of sexual harassment or inquires concerning the application of federal and state laws and regulations should be directed to:

Office of Civil Rights
ATTN: Katherine Tate, Principal Administrative Analyst
300 Lakeside Drive, Suite 1800
Oakland, CA 94612
(510) 464-6107
ktate1@bart.gov

Grace Crunican
General Manager

Date

ATTACHMENT I**Prospective Bidders - RR FUNDED LEASES AND RENTALS OF VEHICLES AND EQUIPMENT**

Prospective Bidder Contacted		Responded as of 7/27/2018
1	Custom Truck One Source	Yes
2	Danella	Yes
3	NESCO Specialty	Yes
4	Progress Rail	
5	Doc Bailey Construction #SB	Yes
6	Ballast Tools Equipment BTE	Yes
7	RCE	Yes
8	Swingmaster	
9	Ohio Crane / IPS	Yes
10	RELAM	Yes
11	Geismar - Modern Track Machinery	Yes
12	A Tool Shed	Yes
13	Ahern	
14	Porter Rents	
15	BARCO	Yes
16	Oakland / Berkeley Rentals	
17	Blueline Rental	Yes
18	CRESCO	Yes
19	Herc Rentals	Yes
20	Monarch	Yes
21	Neff Rental/United Rental	
22	S & S, Supplies and Solutions	Yes
23	Sunbelt	Yes
24	Sunstate	Yes
25	Volvo Construction Equipment	Yes
26	American Truck and Trailer Body	Yes
27	Golden Gate Truck Center	Yes
28	Volkswagen of Oakland	Yes
29	AMERICAN SCISSOR LIFT, INC. #SB	
30	CH BULL COMPANY #SB	Yes
31	INTERSTATE 80 FORKLIFT INC #SB	
32	JRM EQUIPMENT LLC #SB	
33	PINTANE LLC #SB	
34	SDV SERVICES INC #SB	Yes
35	CAL SAFETY INC #SB	Yes
36	WESTERN TRAFFIC SUPPLY, INC # SB	
37	YOLANDA'S CONSTRUCTION ADMIN & TRAFFIC CONTROL #SB	Yes

#SB: Business Certified by the California General Services Agency as a Small Business

ATTACHMENT II

RR FUNDED SERVICES FOR LEASES AND RENTALS OF VEHICLES AND EQUIPMENT

Services for vehicle and equipment of general nature used in construction and railroad applications:

- **Road Vehicles & Equipment**
- **Construction & Material Handling Equipment**
- **Hi-Rail Vehicles & Equipment**
- **Railroad Vehicles & Equipment**
 - Trucks: Light to Heavy duty utility
 - Trucks: Fuel; crane; aerial lift
 - Truck, Personnel Crew; Mechanic; Inspection
 - Truck, Cable Reel
 - Truck, Flat Bed
 - Truck, Rotary Dump
 - Truck, Tunnel Washer
 - Vans
 - Puller Tensioner, Cable
 - Earth Moving Equipment
 - Forklifts; Telehandlers;
 - Compactors
 - Mobile Batch Plant
 - Lifts
 - Signs
 - Compressors; Fans; Air moving; Climate Control equipment
 - Chipper
 - Concrete & Masonry equipment
 - Demolition Equipment
 - Fans
 - Floor and vacuum equipment
 - Generators
 - Ground protection
 - Lighting equipment
 - Trailers
 - Cables, pumps, accessories
 - Road graders, saws, accessories
 - Small tools – air and accessories
 - Trailers
 - Welding equipment
 - Vehicle communications
 - Telematics
 - Shunting equipment
 - Low Railers
 - Switch Tampers
 - Tie Extractor/Insertor
 - Tie Handlers
 - Cranes
 - Flat cars