
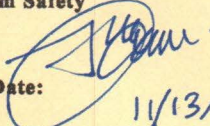
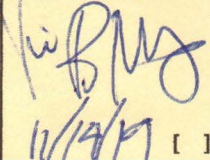
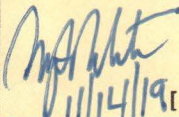





## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>  11/14/19		<b>GENERAL MANAGER ACTION REQ'D:</b> Forward to Board of Directors		
<b>DATE:</b> 10/28/2019		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Jeffrey Lau <b>Dept:</b> System Safety  <b>Signature/Date:</b>  11/13/19	<b>General Counsel</b>  11/14/19 [ ]	<b>Controller/Treasurer</b>  11/14/19 [ ]	<b>District Secretary</b> [ ]	<b>BARC</b>  11.14.2019 [ ]

### Amendment to the Agreement with K&J Safety and Security Consulting for Safety Training

#### PURPOSE:

To obtain Board authorization for the General Manager to execute an Amendment to the Agreement with K&J Safety and Security Consulting to perform specialized safety training in an amount not-to-exceed \$91,000 (Total Contract Value \$181,556)

#### DISCUSSION:

In October 2018, the California Public Utilities Commission (CPUC) issued Decision 18-10-020 ordering BART to complete probationary terms including development and implementation of 40-hour safety rules, practices, policies, procedures, and culture training courses for select staff. In particular, the 40-hour safety training program is required for select BART staff annually for 3 years. This matter is extremely time sensitive as the training program must be promptly developed and implemented by BART.

K&J Safety offers industry-leading safety services in the area of Transit System Safety and Safety and Security Training. Its Safety and Security Training capabilities in the area of Safety Management Systems (SMS) and safety culture are unparalleled in the industry and the team is comprised of seasoned safety experts and rail transit veterans. Many of its team members are Transportation Safety Institute (TSI) safety course instructors. No other firms can support BART and offer the same type of safety services that can satisfy the CPUC requirements while simultaneously shifting the agency safety culture towards the SMS framework adopted by the Federal Transit Administration (FTA). K&J Safety has successfully delivered SMS safety training programs at rail transit agencies in Washington DC, Philadelphia, Charlotte, and others.

BART staff worked with K&J Safety to develop a safety training program to ensure that BART satisfies the requirements in the CPUC Decision for the first year. After months of discussion between CPUC and BART staff, the safety training program to be conducted by K&J Safety was formally approved by the CPUC. In July 2019, BART secured funds of \$90,556 via a Management Decision Document (MDD) and training locations to ensure Phase 1 of the training program (five onsite in-person classes) can be implemented without delay. The five classes have been scheduled for November 2019 through January 2020. Phase 2 of the training, which includes six onsite in-person classes, will complete the first year training requirements and will cost an additional \$91,000. This EDD addresses the funds for Phase 2 only since the total agreement amount for K&J Safety will exceed the \$100,000 threshold for Board approval.

The District's Non-Discrimination Program for Subcontracting is not applicable to Sole Source Contracts. Accordingly, the Office of Civil Rights did not set Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) Availability Percentages for this Contract.

**FISCAL IMPACT:**

Compensation for services under this Agreement will be for an not-to-exceed amount of \$91,000. Funding will be made available from the General Manager's annual operating budget (Dept 1303388 - System Safety, Account 681300 – Professional & Technical Svcs). The Controller/Treasurer will certify availability of such funding prior to incurring costs against the Agreement. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

**ALTERNATIVES:**

Not to authorize the General Manager to enter into an Agreement with K&J Safety. Likely non-compliance with the CPUC Decision order will likely result in further enforcement action.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The Board of Directors authorizes the General Manager to execute an Amendment to the

Safety Training - K&J Safety and Security Consulting

Agreement with K&J Safety and Security Consulting in an amount not-to-exceed \$91,000.  
(Total Contract Value \$181,556)