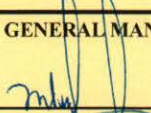
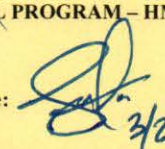
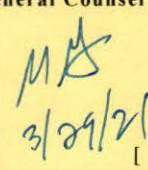
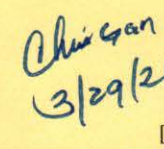
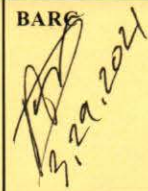




## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  3/31/2021		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 6/1/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Sonny Au Dept: CAPITAL PROGRAM - HMC  Signature/Date:  3/29/2021	General Counsel  3/29/21 [ ]	Controller/Treasurer  3/29/21 [ ]	District Secretary [ ]	BART  3/29/2021 [ ]

### Additional Increase in Monetary Authority for Third Party Agreements and Work Authorizations to Support the Hayward Maintenance Complex Project

#### PURPOSE:

To obtain Board authorization for an increase of monetary authority of an additional \$1,500,000 for the General Manager to be used for the execution of Third Party Agreements and Work Authorizations for the Hayward Maintenance Complex Project.

#### DISCUSSION:

The Hayward Maintenance Complex (HMC) Project was adopted by the BART Board of Directors on May 26, 2011. The Project will provide expanded and enhanced maintenance facilities necessary, in part, to support BART's future system demands, including the new BART revenue vehicles associated with the Core Capacity Program. Phase 1 of the HMC Project provides for construction of a Component Repair Shop, a Central Warehouse, a Vehicle Overhaul & Heavy Repair Shop, and a Maintenance & Engineering Shop. Phase 2 of the HMC Project provides for construction of the East Vehicle Storage Yard that will provide storage for as many as 250 BART revenue vehicles.

In November 2012, the Board authorized \$1,000,000 to be used for Third Party Agreements and Work Authorizations in support of the HMC Project, and in November 2015, the Board authorized an increase of \$750,000 in that authority, for a total of \$1,750,000 in authority.

The cost of future support services is expected to exceed the \$1,750,000 previously authorized. These services include support for the Phase 2 construction of the East Vehicle Storage Yard, which will be constructed on twenty (20) acres of undeveloped land, and requires support from numerous entities including Union Pacific Railroad, Pacific Gas & Electric, telecom providers, special use districts, and cities and agencies within Alameda

County. The estimated cost of the future support services, which will be performed under Third Party Agreements and Work Authorizations to be executed, is \$1,500,000. The Office of the General Counsel will approve new agreements as to form prior to execution.

**FISCAL IMPACT:**

Funding for this \$1,500,000 to execute Third-Party Agreements and Work Authorizations is included in the total project budget for 01RQ100 & 01RQ103, HMC Phase 2.

The table 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:

<b>Proposed Funding</b>		
<b>Fund Number</b>	<b>Fund Description</b>	<b>Amount</b>
354S	FTA CA-2020-047 TCCCP FFGA	\$107,263,962.29
802A	2017 Measure RR GOB	\$2,280,315.11
802B	2019 Measure RR GOB	\$5,081,191.95
802C	2020 Measure RR GOB	\$9,527,527.65
8524	FY12 Operating Alloc to Cap	\$15,000.00
<b>01RQ100 Total:</b>		<b>\$124,167,997.00</b>
354S	FTA CA-2020-047 TCCCP FFGA	\$4,736,037.71
802B	2019 Measure RR GOB	\$78,059.27
802C	2020 Measure RR GOB	\$6,615,906.02
<b>01RQ103 Total:</b>		<b>\$11,430,003.00</b>
<b>HMC2 Grand Total:</b>		<b>\$135,598,000.00</b>

As of March 10, 2021, \$135,598,000 is the total budget for projects 01RQ100 & 01RQ103. BART has expended \$16,972,078, committed \$8,185,818 and reserved \$41,968,052 to date. This action will commit \$1,500,000 leaving an available fund balance of \$66,972,052 in these fund sources for these projects.

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:**

If the Board does not grant the requested additional increase of \$1,500,000 in authority, Staff will be required to obtain individual Board authorizations for new Third Party Agreements and Work Authorizations prior to performance of the support services, which will likely result in construction delays and will impact the overall project schedule.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager, or designee, is authorized with an additional increase of \$1,500,000 in monetary authority to execute Third Party Agreements and Work Authorizations with various public and private entities, including cities, agencies, utilities, special districts and the Union Pacific Railroad, in order to provide support services for the Hayward Maintenance Complex Project including, but not limited to, design, installation, minor construction, relocation, permitting, and inspections.