

**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, August 11, 2021

10:00 a.m. – 1:00 p.m.

A regular meeting of the Office of Civil Rights Business Advisory Council was held on Wednesday, August 11, 2021, at 10:00 a.m., via Zoom videoconference.

**Members Present:** Cameryn Erickson, Phillip Adams, Sandra Escalante, Juliana Sommer, Lydia So, Gian Fiero, Darolyn Davis, Oscar Zavaleta, Chris Coles, and Carlos Solorzano.

**Absent Members:** Jesus Vargas.

**Guests and Staff:** Fernando Flores, Maceo Wiggins, Joseph Towner, John Mazza, Crystal Matson, Stella Becerra, Jorge Saavedra.

1. Roll call and introductions from Business Advisory Council ("BAC") Members, District Staff and Guests.
2. Approval of Meeting Minutes:
  - Meeting minutes for the April and July 2021 meeting we approved, Carlos Solorzano moved to motion to approve and Sandra Escalante second the motion.
3. Outreach and Engagement Subcommittee:
  - Maceo Wiggins discussed the idea of having BAC Subcommittees.
    - First subcommittee to help with Equity Programs.
  - **Action Item:** Maceo to provide additional information regarding subcommittees.
4. Prompt Payment Overview:
  - Fernando Flores provided an overview on prompt payment.
    - 49 CFR § 26.29 requirements regarding prompt payment.
  - BART's requirements on prompt payment per Supplementary Conditions 9.7.1
    - Contractors to pay subcontractors within 7 days of been paid by BART
    - On services agreements, prime to pay subconsultants within 30 days of submitting an invoice to BART.
5. BART Safety, Reliability and Traffic Relief Program (Measure RR)
  - Joseph Towner provided an update on Measure RR Spending by program.
  - Of all Measure RR commitments, 29% has been committed to Small Businesses.  
**Action Item:** BAC members would like to know from the 29% of small businesses how many are local. Performance and Data Analytics unit to provide this information in a mailout.
5. Liquidated Damages

- Stella Becerra provided an overview on Liquidated Damages and how they are applied.
  - Pursuant to 49 CFR §26.37, the District has included liquidated damages into Construction contracts.
  - Liquidated Damages should help motivate primes to meet their DBE commitments.
    - If the Contractor fails to meet the Contract DBE participation goal or fails to demonstrate good faith efforts, damage will be sustained by the District.
  - The Liquidated Damages are intended to help address the damage that BART suffers when a Contractor fails to meet the DBE participation requirements.
    - The District may deduct these liquidated damages from any payment due to or from any funds retained from the Contractor prior to Contract close-out.
6. New Member Series, Labor Compliance and Prevailing Wages
- Jorge Saavedra provided an overview of the Labor Compliance Unit:
    - Prevailing Wages.
    - Site Visits.
    - Contractor Requirements.
    - MP-Project Stabilization Agreement.
    - Contractor Requirements.
    - Work Force Goals.
7. General Discussion:
- Nothing was discussed
8. Future Agenda Items:
- None Discussed

**The Council Meeting adjourned at 11:58 a.m. – Next Meeting October 13, 2021.**

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**AGENDA OF OFFICE OF CIVIL RIGHTS BUSINESS ADVISORY COUNCIL**

**2021 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, Kaiser Center 20<sup>th</sup> Street Mall, Third Floor, 2040 Webster Street, Oakland, California 94612, unless noted otherwise.

DATE	TIME	LOCATION
<del>February 10</del>	<del>10:00am – 1:00pm</del>	<del>Via Zoom</del>
<del>April 10</del>	<del>10:00am – 1:00pm</del>	<del>Via Zoom</del>
<del>June 9</del>	<del>10:00am – 1:00pm</del>	<del>Via Zoom</del>
<del>August 11</del>	<del>10:00am – 1:00pm</del>	<del>Via Zoom</del>
October 13	10:00am – 1:00pm	Via Zoom
December 8	10:00am – 1:00pm	Via Zoom

