

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

October 22, 2009

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, October 22, 2009, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 – 20<sup>th</sup> Street, Oakland, California.

Members of the public may address the Board of Directors and Standing Committees regarding any matter on these agendas. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under General Discussion and Public Comment.

Rules governing the participation of the public at meetings of the Board of Directors and Standing Committees are available for review on the District's website (<http://www.bart.gov/about/bod>), in the BART Board Room, and upon request, in person or via mail, at the Office of the District Secretary, 23rd Floor, 300 Lakeside Drive, Oakland, California.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” and “consent calendar addenda” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board 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.

Kenneth A. Duron  
District Secretary

Regular Meeting of the  
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests: Representatives of the Martin Luther King Jr. Freedom Center. Presentation of community relations activities with the BART Police Department.

## 2. CONSENT CALENDAR

- A. Approval of Minutes of the Meetings of July 30, 2009 (Special); August 1, 2009 (Special); August 13, 2009 (Regular); and August 13, 2009 (Special).\* Board requested to authorize.
- B. Oakland Airport Connector Project Regional Measure 2 Resolutions of Project Compliance and Initial Project Report.\* Board requested to authorize.

### **RECESS TO STANDING COMMITTEES**

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

### **ALL COMMITTEES ARE ADVISORY ONLY**

#### ADMINISTRATION COMMITTEE

Immediately following the Board Meeting recess  
Director Murray, Chairperson

- A-1. (CONTINUED from October 8, 2009 Administration Committee Meeting)  
Withdrawal from Northern California Power Agency Agreement for Renewable Geothermal Power Supply.\* Board requested to authorize.
- A-2. Lighting Improvement Project – 12<sup>th</sup> Street and North Berkeley Stations per Section 4217.12 of the Government Code.\* Board requested to authorize.
- A-3. Agreements with Aon Risk Services, Inc., for Brokerage Services for Owner-Controlled Insurance Programs.
  - a. Extension of Time for Agreement No. 6G2285, for Federal Highway Administration Funded Earthquake Safety Program Work.\*
  - b. Agreement No. 6M2020, for Earthquake Safety Program, Oakland Airport Connector, Warm Springs Extension, and Other Capital Projects.\*Board requested to authorize.
- A-4. General Discussion and Public Comment.

#### ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting  
Director Keller, Chairperson

- B-1. Award of Contract No. 15EM-110, Contact Rail Coverboard Reinforcements.\* Board requested to authorize.
- B-2. Award of Contract No. 15SU-110, BART Earthquake Safety Program Aerial Structures West Oakland Abutment A-1 to Pier P-109.\* Board requested to authorize.

- B-3. Four Agreements to Provide Construction Management Services for BART Projects.\*
- a. Agreement No. 6M8034, with AECOM Technical Services, Inc.
  - b. Agreement No. 6M8035, with Jacobs Project Management Company
  - c. Agreement No. 6M8036, with PGH Wong Engineering, Inc.
  - d. Agreement No. 6M8037, with UBCM, a Joint Venture of URS Corporation, B&C Transit Consultants Inc., and Cooper Pugeda Management, Inc.
- Board requested to authorize.

B-4. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE  
Director Sweet, Chairperson

NO REPORT.

**RECONVENE BOARD MEETING**

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

A-1. (CONTINUED from October 8, 2009 Administration Committee Meeting)

Withdrawal from Northern California Power Agency Agreement for Renewable Geothermal Power Supply.\* Board requested to authorize.

A-2. Lighting Improvement Project – 12<sup>th</sup> Street and North Berkeley Stations per Section 4217.12 of the Government Code.\* Board requested to authorize.

A-3. Agreements with Aon Risk Services, Inc., for Brokerage Services for Owner-Controlled Insurance Programs.

- a. Extension of Time for Agreement No. 6G2285, for Federal Highway Administration Funded Earthquake Safety Program Work.\*
- b. Agreement No. 6M2020, for Earthquake Safety Program, Oakland Airport Connector, Warm Springs Extension, and Other Capital Projects.\*

Board requested to authorize.

B. ENGINEERING AND OPERATIONS COMMITTEE

B-1. Award of Contract No. 15EM-110, Contact Rail Coverboard Reinforcements.\* Board requested to authorize.

B-2. Award of Contract No. 15SU-110, BART Earthquake Safety Program Aerial Structures West Oakland Abutment A-1 to Pier P-109.\* Board requested to authorize.

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- c. Agreement No. 6M8036, with PGH Wong Engineering, Inc.
- d. Agreement No. 6M8037, with UBCM, a Joint Venture of URS Corporation, B&C Transit Consultants Inc., and Cooper Puga Management, Inc.

Board requested to authorize.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE  
NO REPORT.

5. GENERAL MANAGER'S REPORT

A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of November 18, 2009.\* For information.

6. BOARD MATTERS

A. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Administration Committee		
DATE: 10/16/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: Alan Lee Dept: Capital Development <i>Alan Lee</i> Signature/Date: 10/15/09	General Counsel <i>Andrea Ravetto</i> 10/15/09	Controller/Treasurer <i>[Signature]</i> 10/16/09	District Secretary [ ]	BARC <i>[Signature]</i> 10-16-09
Status: Routed		Date Created: 09/28/2009		

TITLE:

### Approval of a Resolution of Project Compliance and Initial Project Report for Regional Measure 2 Funds for the Oakland Airport Connector (OAC) Project

NARRATIVE:

#### PURPOSE:

To obtain BART Board approval of an application for a total of \$47,199,000 in Regional Measure 2 ("RM2") funds for the Oakland Airport Connector ("OAC") Project. The application includes a Resolution of Project Compliance and Initial Project Report ("IPR"), and is described in the attached Summary IPR. This application is a request for reimbursement for planned construction project expenditures for the OAC Project.

#### DISCUSSION:

Metropolitan Transportation Commission ("MTC") Resolution No. 3636, the Policies and Procedures for Implementation of the Regional Traffic Plan of Regional Measure 2 requires that a project sponsor approve a Resolution of Project Compliance and IPR when the project sponsor requests an allocation of RM2 funds. Staff has prepared the IPR Summary for the OAC Project and a Resolution of Project Compliance for adoption by the BART Board of Directors to meet the MTC's requirement for allocation of a total of \$47,199,000 of RM2 funding for the OAC Project.

The OAC Project has received all necessary environmental clearances, has initiated utility relocation, and will have effective control over the necessary rights-of-way once the Use Agreement with the Port of Oakland is executed. On May 20, 2009, BART issued the Request for Qualifications/Proposals (RFQ/P) for the OAC Project under a Design-Build/Operate-Maintain (DBOM) best value procurement method. Statements of Qualification were received on June 17, 2009 and BART announced on July 23, 2009, that four qualified teams were identified to compete for the OAC Project. Four detailed proposals were received on September 22, 2009. The four competing teams are comprised of design, construction, systems manufacturing and operations firms. The OAC Project Contract allocates to the DBOM Contractor responsibility for all design, construction, system integration and start up, followed by operations and maintenance during revenue service for a term of 20 years. BART staff anticipates bringing a DBOM contract for consideration for award to the BART Board of Directors by year end.

**FISCAL IMPACT:**

Approval of the Resolution of Project Compliance and IPR is a requirement for the District to receive an allocation of RM2 funds from MTC. This action will have no fiscal impact on un-programmed District Reserves.

**ALTERNATIVES:**

Do not approve the Resolution of Project Compliance and IPR. The likely result of not adopting the Resolution of Project Compliance and IPR would be withdrawal of the MTC RM2 funding, which would affect the financial feasibility of the OAC Project.

**RECOMMENDATION:**

Approve the attached Resolution of Project Compliance and Initial Project Report Summary in connection with the application for Regional Measure 2 Funds for the Oakland Airport Connector Project.

**MOTION:**

That the Board adopt the attached Resolution of Project Compliance and Initial Project Report Summary for Regional Measure 2 Funds for the Oakland Airport Connector Project.

**BEFORE THE BOARD OF DIRECTORS OF THE SAN FRANCISCO  
BAY AREA RAPID TRANSIT DISTRICT**

**In the Matter of the Approval  
Of a Resolution of Project Compliance  
And Initial Project Report Summary for Regional  
Measure 2 Funds for the  
Oakland Airport Connector**

**Resolution No.** \_\_\_\_\_

**Implementing Agency: San Francisco Bay Area Rapid Transit District (BART)**  
**Project Title: Oakland Airport Connector**

Whereas, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2, identified specific transportation projects eligible to receive funding under the Regional Traffic Relief Plan; and

Whereas, Regional Measure 2 was approved by the voters of the San Francisco Bay Area on March 2, 2004; and

Whereas, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

Whereas, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

Whereas, allocations to MTC must be submitted consistent with such procedures and conditions; and

Whereas, BART is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

Whereas, BART is requesting that MTC allocate Regional Measure 2 funds for the Oakland Airport Connector Project and purposes set forth in the Initial Project Report Summary, attached and incorporated herein as though set forth at length; now be it

Resolved, that BART and its agents will comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636), including specifically

(a) that if any revenues or profits from any non-governmental use of property (or project) are collected, that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's Percentage Participation in the project(s). Provided, that as used herein MTC's Percentage Participation shall equal the amount of RM2

funds originally used, divided by Total Project Budget as shown in the Initial Project Report Summary, as such amount shall be adjusted to reflect actual total project costs. Further provided that payments to the private entity with which BART enters into the Design-Build/Operate-Maintain (DBOM) contract described in the Initial Project Report Summary are appropriate uses consistent with the purpose of RM2 funds and do not arise from any non-governmental use; and

(b) that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for their useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the fair market value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC, calculated in accordance with its Percentage Participation; and

(c) that BART will post on both ends of the construction site(s) at least one sign visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

Resolved, that BART certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

Resolved, that all environmental clearances necessary for the project have been obtained, and that the year of funding for the construction phase has taken into consideration the time necessary to obtain permitting approval for such construction; and be it further

Resolved, that the phase or segment to be funded by Regional Measure 2 funds will be fully funded upon execution of the DBOM contracts described in the Initial Project Report Summary and will result in an operable and useable segment; and be it further

Resolved, that BART approves the Initial Project Report, as described in the attached Initial Project Report Summary; and be it further

Resolved, that BART approves the cash flow plan; and be it further

Resolved, that BART has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the Initial Project Report; and be it further

Resolved, that BART is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that BART is authorized to submit an application for Regional Measure 2 funds for the Oakland Airport Connector Project in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that BART certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.), the National Environmental



Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and be it further

Resolved, that there is no legal impediment to BART making allocation requests for Regional Measure 1 and Regional Measure 2 funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of BART to deliver such project; and be it further

Resolved that BART indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of BART, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages; and be it further

Resolved, that BART authorizes its General Manager, or her designee, to execute and submit an allocation request for the construction phase with MTC for \$47,199,000 in Regional Measure 2 funds for the project, purposes and amounts included in the Initial Project Report Summary; and be it further

Resolved, that the General Manager, or her designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the Initial Project Report as he/she deems appropriate; and be it further

Resolved, that a copy of this Resolution shall be transmitted to MTC in conjunction with the filing of the BART application referenced herein.

# Oakland Airport Connector

## Initial Project Report Summary

### Project Description

The Oakland Airport Connector (OAC) project will provide improved access to the Oakland International Airport (OAK) using an Automated Guideway Technology (AGT) to connect the Airport with the BART regional rail system at the Coliseum Station. The initial system will have two stations and operate on a 3.2-mile exclusive right-of-way without drivers or on-board attendants. The adopted project includes an alignment for the AGT which is largely in the Hegenberger Road corridor, running on an aerial guideway between the Coliseum BART station and Doolittle Drive. The guideway passes under Doolittle Drive then runs at grade adjacent to Airport Drive. In the airport terminal area the guideway again becomes aerial, over the airport parking area, terminating in front of the existing Terminals 1 and 2. A walkway will carry passengers across the airport ring road and allow them to descend to the ground level immediately between the two terminals. The alignment is designed to accommodate a future intermediate station at Doolittle Drive.

The AGT system will include dedicated guideway, passenger stations, combined maintenance and central control facility, vehicles, guidance equipment and running surfaces, propulsion, automatic train controls, communications, station and central control equipment, automated fare collection, and specialized maintenance equipment. Either electrical self-propelled or cable-propelled vehicle technologies are capable of providing OAC service. The DBOM OAC Contract allocates to the DBOM contractors responsibility for all design, construction, system integration and start up, followed by operations and maintenance during revenue service for a term of 20 years.

### Allocation Request

#### Current Allocation Request:

<b>Amount Being Requested</b>	<b>Phase Requested</b>
<b>\$47,199,000</b>	<b>Construction</b>

## Project Delivery Milestones

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document	September 1999	July 2002
Preliminary Eng./Design Build Engineering for Procurement	July 2002	April 2009
Procurement	May 2009	December 2009
Right-of-Way Activities /Acquisition (R/W)	June 2002	December 2009
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	January 2010	July 2013

## Total Project Budget Information

Phase	Total Amount - Escalated -
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$3,800,000
Design - Plans, Specifications and Estimates (PS&E)	\$13,132,000
Right-of-Way Activities /Acquisition (R/W)	\$11,805,000
Utility Relocation	\$3,140,000
Construction Management Support Through Procurement Phase	\$7,224,925
Construction / Rolling Stock Acquisition/Other (CON)	\$489,898,075
<b>Total Project Budget</b>	<b>\$529,000,000.00</b>

**RM-2 Initial Project Report Summary**

**RM-1 and RM-2 FUNDING CASH FLOW PLAN For Allocation  
(RM-1 and RM-2 Allocation Funding Only)**

(Amounts Escalated in Thousands)

Project Title: BART - Oakland International Airport Connector Project						Project ID: <b>23</b>			
Agency: BART						Plan Date: 10/15/09			
<b>RM-1 and RM-2 CASH FLOW PLAN</b>									
RM-1 and RM-2 Expenditures									
	Prior	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
ENV/PA&ED									
PS&E									
R/W									
CON			\$20,000	\$75,199	\$51,000				\$146,199
	Prior	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
<b>RM-1 and RM-2 CASH FLOW PLAN TOTAL</b>									
			\$20,000	\$75,199	\$51,000				\$146,199

Comments:

Provide the expected RM-2 expenditures – by phase and year. (This is the amount of the allocation needed for that fiscal year to cover expenditures through June 30th of that fiscal year).

Enter RM-2 amounts in thousands and escalated to the year of funding. The total amount cannot exceed the amount identified in the RM-2 legislation.

Eligible Phases: ENV (or PA&ED), PS&E, R/W or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia de Bevoise</i>		GENERAL MANAGER ACTION REQ'D: Approve and Place on October 22, 2009 Administration Committee Agenda		
DATE: c <i>10/16/09</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Frank Schütz Dept. Operating Budgets & Analysis <i>Frank Schütz</i>	General Counsel <i>MB</i>	Controller/Treasurer <i>Patricia Williams</i>	District Secretary [ ]	BARC <i>Patricia Williams</i> 10-16-09 [ ]
Signature/Date: <i>10/16/09</i>				

TITLE:

### Approval to Withdraw from Geothermal Power Purchase Agreement

NARRATIVE:

#### PURPOSE

To authorize the General Manager to execute an Amended and Restated Third Phase Agreement for Western Geopower Incorporated Renewable Energy Power Purchase Agreement to permit the District to withdraw from the power purchase agreement.

#### DISCUSSION

The District is a member of the Northern California Power Agency (NCPA), a joint-powers agency. At its February 14, 2008 meeting, the Board authorized the General Manager to enter into an NCPA Agreement to participate along with other NCPA members in a geothermal power purchase agreement. The original agreement was to provide the District with geothermal power for twenty years at a fixed price of \$98 per megawatt hour. This would have served approximately three percent of the District's electrical power load.

Western Geopower, the project developer, has increased the price to \$117 per megawatt hour, citing changed circumstances. The original price of \$98 was comparable to the cost of market supply over the twenty-year term of the agreement. At the new price of \$117, the Western Geopower purchase is more expensive than the estimated cost of market power.

The recommendation to withdraw from the geothermal supply agreement was originally brought for action at the Board's September 24, 2009 meeting. The EDD did not provide any detail on the estimate comparing the cost of market power to geothermal supply. The Board requested that this information be provided and action on this item was deferred to the next Board meeting on October 8, 2009. The cost estimate information was provided to the Board as part of the mailing for October 8, 2009 meeting. However, an error in the cost estimate was identified and this item was rescheduled for the October 22, 2009 meeting.

Corrected and expanded cost estimate materials are attached to this EDD and will be presented at the Board meeting. As discussed more fully in the Fiscal Impact section, staff continue to estimate that the geothermal power will cost more than market supply.

Although the recommendation is to withdraw from this supply agreement, the District is working on securing other renewable energy supplies. The primary effort is with other NCPA members

through the NCPA Green Power Pool. As this Western Geopower project demonstrates, third-party suppliers may not be reliable. A focus of the Green Pool is to develop and own renewable energy facilities rather than buying the power through power purchase agreements. Solar photovoltaic (PV) and landfill gas development projects are currently being worked on. The solar PV projects have the potential to supply more power than the geothermal project. This would build on the District's work in developing solar energy supplies at BART facilities. Two solar PV arrays recently started operations at the Richmond and Hayward shops and will be followed by a solar carport at the Orinda station. In addition, there is some question whether Western Geopower will complete this project and NCPA could take over the project. If this happens, NCPA has promised that BART and the other withdrawing members will be offered their original shares at a price to be determined.

The District's Office of Legal Counsel will approve this amended agreement as to form.

#### FISCAL IMPACT

Three cost elements are used in developing a twenty-year estimate comparing the geothermal supply with market supply. Expressed in as a cost per megawatt hour, the elements are the cost of energy, the cost for delivering the energy (transmission and distribution services) and the cost for an expected regulatory green house gas fee. For years 1 through 5, the geothermal supply is estimated to cost \$3.1 million more than market supply. The cost estimate for these years is firm because contracts for market power for FY10 - FY14 have been purchased. For years 6 -20, an estimate for the green house gas fee is added. There is a wide array in the expected cost of this fee, therefore a range consisting of a lower and upper estimate is used. For the twenty-year term of the agreement, the expected additional cost for the geothermal supply ranges from \$4.0 million (at the low green house gas fee estimate) to \$2.6 million (at the high green house gas fee estimate).

#### ALTERNATIVES

The District could continue to participate in the Western Geopower agreement at a cost ranging from \$2.6 million to \$4.0 million more than estimated market prices.

#### RECOMMENDATION

Staff recommends that the Board authorize the General Manager to execute the Amended and Restated Third Phase Agreement for Western Geopower Incorporated Renewable Energy Power Purchase Agreement to permit the District to withdraw from the power purchase agreement.

#### MOTION

That the General Manager is authorized to execute the Amended and Restated Third Phase Agreement for Western Geopower Incorporated Renewable Energy Power Purchase Agreement.

# Withdrawal from Geothermal Power Supply Agreement

October 22, 2009

# Power Portfolio Strategies

- Manage Cost of Power Supply
- Reduce Market Exposure
- Own Generating Assets
- Procure Cost-Effective Renewable Energy Supply



# Western Geothermal Supply

- Board Approved – Feb 2008
- Cost \$98 per Megawatt Hour
- Cost Increased to \$117 per MWH
- Five of Eight Agencies (w/BART) Intend to Withdraw
- Uncertain Project Will Be Completed
- Decision – Continue or Withdraw?

# Components of Current Power Cost

- Energy (Power) • \$70/MWH
- Transmission and Delivery • \$25/MWH
- Green House Gas Fee • \$00/MWH
- Total • \$95/MWH

# Energy Cost Only

- Years 1 – 5:
  - Energy Cost Known – Market Contracts Purchased
  - Market \$3.1M Less Than Geothermal Contract
    - Average \$0.6M Lower per Year
- Years 6 – 20:
  - Historical Annual Cost Increase of Market Power: 6%
  - Market Estimated \$2.1M Less Than Geothermal Contract
    - Average \$140K Lower Per Year

# Estimated Cost of Energy Only

- Years 1– 5
- Geothermal > Market by \$3.1M
- Years 6 -20
- Geothermal > Market by \$2.1M
- Subtotal Energy
- Geothermal > Market by \$5.2M

# Transmission & Distribution Cost

- PG&E Cost to Deliver Energy
- Currently \$25/MWH
- Annual Rate of Increase 6%
- Transmission & Distribution Cost is the Same for Market and Geothermal Supply

# Green House Gas Fees

- Currently No Fee
- Authorized by AB 32 – CA Climate Change Law
- Federal Legislation Proposed
- When? – Assume Start in Five Years
- How Much? – Fee Uncertain, Wide Range
  - Federal “Floor” \$6/MWH to “Cap” \$16/MWH
  - State Average \$23/MWH - Unbounded

# Estimated Cost of GHG Fees

- Market Power Pay Full Fee
- Geothermal Pay 25% of Fee
- Using High Fee Estimate (\$23/MWH) -  
Market Fee \$2.5M more than Geothermal
- Using Low Fee Estimate (\$11/MWH) -  
Market Fee \$1.2M more than Geothermal

# Summary – Market Based vs. Geothermal Supply

\$ (millions)

<i>Cost Component</i>	<i>Market Power</i>	<i>Geothermal Power</i>	<i>Difference</i>
Energy	\$ 22.5	\$ 27.7	\$ 5.2
Transmission	10.9	10.9	-
Estimated GHG Fees (highest fee scenario) (\$23/MWH Mkt., \$5.75/MWH Geo.)	3.5	1.0	(2.5)
<b>Total</b>	<b>\$ 36.9</b>	<b>\$ 39.6</b>	<b>\$ 2.6 *</b>

\* If lower GHG Fee, total difference would be \$4.0M



# Renewable Power Alternatives

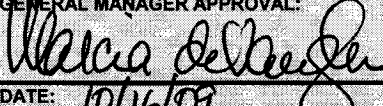
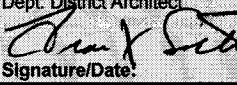
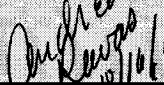
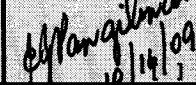
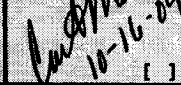
- NCPA Green Pool
  - Periodic RFPs Released
- Solar Generation Projects
  - Most Promising Supply
  - Some Projects < Market Supply
- Other Projects
  - Landfill Gas
  - Biomass
  - Less Than Geothermal

# Recommendation

- Geothermal Costs \$3.1M More in First Five Years
- Geothermal Estimated to Cost \$2.6M - \$4.0M More Over 20 Year Term Depending on Green House Gas Fee
- Costs Must Be Balanced Against Environmental Concerns & Availability of Alternatives
- Withdraw from Geothermal Agreement



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D: Approve and Place on October 22, 2009 Administration Committee Agenda		
DATE: 10/16/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: Frank Schultz Dept: District Architect	General Counsel	Controller/Treasurer	District Secretary	BARC
 Signature/Date: 10/16/09	 10/16/09	 10/14/09	[ ]	 10-16-09 [ ]
Status: Routed		Date Created: 09/25/2009		

TITLE:  
**Award of Contract No.03CK-110 A Alameda County Two Underground Stations Electrical Construction**

NARRATIVE:

### PURPOSE:

To authorize the General Manager to award Contract No.03CK-110 A Alameda County Two Underground Stations Electrical Construction ( Lighting Improvements at 12th Street and North Berkeley stations) to the LINC Lighting & Electrical Group (The LINC Group).

### DISCUSSION:

This project is funded from State Transportation Improvement Program (STIP) funds. California Transportation Commission (CTC) allocation guidelines require that the construction contract be executed by October 31, 2009. To ensure this deadline will be met, the project will be procured under the provisions of Section 4217.12 (a)(1) of the Government Code. These provisions allow an expedited procurement process for renewable energy and energy efficiency projects. The Board conducted a public hearing on this project at its September 24, 2009 meeting and made a finding that the anticipated cost for the project will be less than the marginal cost to the District per Government Code Section 4217.12 (a)(1).

There was an initial bid process and then a rebid on this project. Three (3) bids were received on the original bid due date of September 29, 2009. The lowest price bid was non-responsive and the remaining bids exceeded both the Engineer's Estimate and the funding limit. Therefore, it was decided to revise the project scope and rebid the project. The Board was informed by the General Manager in a memorandum dated October 2, 2009 that the project would be rebid .

The revised contract book was provided to the same three (3) bidders on October 8, 2009. All submitted bids on October 13, 2009. The LINC Group is the apparent low bidder.

<b>BIDDER</b>	<b>LOCATION</b>	<b>BASE BID AMOUNT</b>	<b>OPTION BID AMOUNT- Items 19, 20, 21</b>	<b>TOTAL AMOUNT</b>
The LINC Group	San Jose, CA	\$1,357,000	\$641,850	\$1,998,850
Solar Eclipse	Oakland, CA	\$1,689,204	\$503,000	\$2,192,204
LC General Engineering	San Francisco, CA	\$1,815,977	\$478,000	\$2,293,977
BART Engineer's Estimate		\$1,486,504	\$638,000	\$2,124,504

After review by staff, the apparent low bid of \$1,357,000 for the Base Bid Amount submitted by The LINC Group has been deemed to be responsive to the solicitation. Furthermore staff review of the low bidder's business experience and financial capabilities has resulted in the determination that the bidder is responsible. Staff has determined the bid to be 9% below the Engineer's Estimate of \$1,486,504, and fair and reasonable.

In addition to the Base Bid Items, the contractors submitted bids on five Option Bid Items. The District plans to exercise three of the Option Bid Items that are within the limit of available funding, which are to construct lighting improvements at the platform levels of the two stations.

**FISCAL IMPACT:**

Funding of \$1,998,850 for contract 03CK-110-A is included in the total project budget for FMS No.03CK, Lighting Improvements at 12th Street and North Berkeley Stations. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

**BART Stn Lghtg RNV Pri in Almda** **55R** **\$1,998,850**

As of August 31, 2009, \$3,248,000 is available for commitment from this fund source for this project and \$240,326 has been committed to date by BART. There are \$531,330 in pending commitments in BART's financial management system. This action will commit a maximum of \$1,998,850, leaving an uncommitted balance of \$477,494 in this fund. There is no fiscal impact on available un-programmed District Reserves.

**ALTERNATIVE:**

The Board could choose not to award the contract. The District would lose the STIP funds. The lighting improvements either would have to be forgone or funded from another funding source.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion.

**MOTION:**

The General Manager is authorized to award and execute, no later than October 31, 2009, Contract No.03CK-110-A Alameda County Two Underground Stations Electrical Construction to the LINC Lighting & Electrical Group, for the Base Bid Amount of \$1,357,000. The General Manager also is authorized to exercise the Option Items 19, 20 and 21 totalling \$641,850, for a total contract amount not to exceed \$1,998,850. This action is pursuant to notification to be issued by the General Manager and subject to the submission of acceptable payment and performance bonds and insurance.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DeBevoise</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/16/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: James Bridgeman Dept: Insurance Signature/Date: <i>James M. Bridgeman</i> 10/16/09	General Counsel <i>Robert Karas</i> 10/16/09	Controller/Treasurer <i>[Signature]</i> 10/16/09	District Secretary [ ]	BARC [ ]
Status: Routed		Date Created: 10/14/2009		

TITLE:

### Extension of Time for Agreement No. 6G2285 For Brokerage Services for an Owner Controlled Insurance Program (OCIP)

NARRATIVE:

**PURPOSE:** To authorize the Controller/Treasurer to extend the time of performance for an additional five years for Agreement No. 6G2285 For Brokerage Services for an Owner Controlled Insurance Program (OCIP). No additional funding is required.

**DISCUSSION:** On May 27, 2004 the Board approved the award of Agreement No. 6G2285 For Brokerage Services for an Owner Controlled Insurance Program (OCIP) to Aon Risk Services, Inc. (including subcontractors JLA Insurance Agency and Merriwether & Williams Insurance Services). This Agreement provided insurance brokerage and safety services for contractors working on major District construction projects including the West Dublin Station, the Earthquake Safety Program, the Warm Springs Extension, and the Oakland Airport Connector. The five-year term of the contract (for three years plus options for two additional years that have been exercised) began December 1, 2004 and expires on November 30th of this year. The Agreement was awarded with a not-to-exceed limit of \$6,688,000. Due to the fact that the projects have started later than originally anticipated, only \$ 2,004,055 has been spent as of September 1, 2009 leaving \$4,683,945 available. When Agreement No. 6G2285 was awarded, the Office of Civil Rights established a Disadvantaged Business Enterprise (DBE) participation goal of 20%. Of the \$2,004,055 expended up to September 1, 2009, \$499,405 went to Aon's DBE subcontractors or 24.92%.

Several parts of the Earthquake Safety Program qualify for funding from The Federal Highway Administration (FHWA). This funding is administered by Caltrans. The existing Agreement No.6G2285 was awarded prior to the completion of Caltrans' study and the development of its Underutilized Disadvantaged Business Enterprise (UDBE) program. Caltrans has indicated that, due to the fact that this Agreement was awarded prior to the development of their UDBE program, BART may proceed with its existing DBE provisions including the 20% DBE participation goal. Continued use of Agreement No. 6G2285 can allow BART to retain the current DBE participation requirements in the Agreement.

A new Agreement No. 6M2020 subject to the District's current DBE program is also before the Board for continuation of these services. Agreement No. 6M2020 will be used to provide

services for other District projects not funded by FHWA. This Agreement No. 6G2285 will continue to be used for FHWA funded Earthquake Safety Program work only.

This Extension will be reviewed and approved as to form by the Office of the General Counsel.

**FISCAL IMPACT:** The Extension will not require approval of additional funding. District obligations will continue to be subject to a series of Annual Work Plans (AWPs). Each AWP will have a defined scope of services and a separate schedule and budget. Any AWP funded under a FHWA grant will include all necessary requirements. Capital Development and Control will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against the Agreement.

**ALTERNATIVES:** If Agreement No. 6G2285 is not extended, the only option available will be to end OCIP services for FHWA funded work under the Earthquake Safety Program agreements as of November 30, 2009.

**RECOMMENDATION:** Adopt the Motion

**MOTION:** The Controller/Treasurer is authorized to extend the Time of Performance of Agreement No. 6G2285 for five years with no additional funding.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter A. [Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/15/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: James Bridgeman Dept: Insurance <i>James Bridgeman</i> Signature/Date: 10/15/09	General Counsel <i>[Signature]</i> 10/15/09	Controller/Treasurer <i>[Signature]</i> 10/15/09	District Secretary [ ]	BARC [ ]
Status: Routed		Date Created: 10/02/2009		

### AWARD OF AGREEMENT NO. 6M2020 FOR BROKERAGE SERVICES FOR AN OWNER CONTROLLED INSURANCE PROGRAM (OCIP)

NARRATIVE:

**PURPOSE:** To authorize the Controller/Treasurer to enter into Agreement No. 6M2020 for Brokerage Services for an Owner Controlled Insurance Program (OCIP) with Aon Risk Services, Inc. for three years, plus options for two additional years (a total of up to five years) in an amount not to exceed \$7,500,000.

**DISCUSSION:** The Insurance Department uses an insurance broker to place insurance and to provide safety, as well as other risk management services for the District's construction projects, including: the Earthquake Safety Program, the Oakland Airport Connector, and the Warm Springs Extension, among other Capital Projects. Aon has provided these services for the past five years under Agreement No. 6G2285. Due to later starts than anticipated for these projects, considerably less work was performed than originally planned. Federally funded work for the Earthquake Safety Program may continue under Agreement No. 6G2285, provided its term is extended.

On July 1, 2009, the District advertised a Request for Proposals (RFP) No. 6M2020. The RFP was mailed to 41 firms and a pre-proposal conference was held on July 15, 2009. Representatives of 12 firms attended the pre-proposal conference. On August 4, 2009, proposals were received from two firms: Aon Risk Services, Inc. of Northern California (including subcontractors JLA Insurance Agency and Merriwether & Williams Insurance Agency) and Allied North America (including subcontractor Cumbre, Inc.).

Proposals were reviewed by a five person Source Selection Committee, consisting of BART Staff from Transit System Development, Office of the Controller/Treasurer, and the Office of Civil Rights, that was chaired by Contract Administration. The Committee evaluated proposals utilizing the best value methodology. Under this approach, the District retains the right to award to other than the lowest cost proposal, based on a determination that certain technical advantages available from a proposal will equate to added value for the District.

In accordance with the District's best value methodology, both proposals were reviewed and determined to have met the minimum technical qualifications established in the RFP. The



proposals were then evaluated and scored based on the established evaluation criteria. The Committee later reviewed the price proposals and determined that both proposers were in the competitive range. Both were invited to make oral presentations. After the oral presentations, the Committee combined the qualifications/technical scores and the oral presentation scores and determined that Aon Risk Services Inc.'s total score was the higher of the two proposers.

The RFP asked that all proposers base their cost proposals on 13,440 hours of direct labor, appropriately escalated for the five year term, so that they could be compared on an equal basis. The original Price Proposal submitted by both proposers did not adequately comply with this requirement. Therefore, prior to the oral presentations, both proposers were asked to resubmit their price proposals in the required format. However, Allied North America's resubmittal did not reflect the number and distribution of hours as provided in the RFP. In order to compare prices, Staff recalculated the price to reflect the correct number and distribution of hours. Prices offered by the proposers on a not-to-exceed basis for a total of five years were: Aon \$9,575,412 and Allied North America \$10,268,064 (as adjusted by Staff) for the base three year term, plus the two additional option years. If some Earthquake Safety Program work is continued under Agreement No. 6G2285, staff estimates that all currently planned work can be performed for a total amount not to exceed \$7,500,000.

Based on Aon's higher combined technical and oral presentation scores and its lower price proposal, the Committee determined that Aon presents the District with the best value for this OCIP Services Agreement. Aon has more experience in rail construction safety, more ability to develop innovative insurance solutions and efficient administrative systems. A key element of the OCIP and the primary driver of cost savings is safety. Staff believes that Aon's superior capabilities in these areas will result in significant savings to the projects. This experience should also result in superior service for the District's OCIP. For each year of the Agreement, an Annual Work Plan (AWP) will be negotiated, subject to the "not-to-exceed" amount in the Agreement. The price offered by Aon has been determined to be fair and reasonable and a review of the firm's financial and business data indicates that it is a responsible firm.

Based on the Committee's evaluation and the apparent low cost proposal, staff recommends an award to Aon.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for professional services contracts. Therefore, no DBE participation goal was set for this contract. Although no DBE goal was set for this contract, the prime consultant indicated 30.3% DBE participation.

This Agreement will be reviewed and approved as to form by the Office of the General Counsel.

**FISCAL IMPACT:** The Agreement has a not-to-exceed limit of \$7,500,000. District obligations will be subject to a series of AWP's. Each AWP will have a defined scope of services and a separate schedule and budget. Any AWP funded under a State or Federal grant will include all necessary requirements. Capital Development and Control will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to

incurring project costs against the Agreement.

Funding for individual AWP's will be provided from Capital Budget accounts as evidenced by the issuance of related work orders.

**ALTERNATIVES:** 1) To initiate another Request for Proposals process or 2) To go without an OCIP. This would require the contractors to provide insurance at an increased cost. Moreover, in some cases, contractors may not be able to obtain coverage.

**RECOMMENDATION:** Adoption of the following Motion

**MOTION:** The Controller/Treasurer is authorized to enter into Agreement 6M2020 with Aon Risk Services, Inc. to provide brokerage services for an OCIP for a period of three years with two one year options in a total amount, including options, not to exceed \$7,500,000.00 pursuant to notification issued by the General Manager and subject to the District's protest procedures and FTA's requirements related to protest procedures.



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Michael C. Blake</i>		GENERAL MANAGER ACTION REQ'D: Award Contract No. 15EM-110		
DATE: c 10/16/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: Michael Blake Dept: Maintenance & Engineering <i>Michael C. Blake</i> Signature/Date: 10/12/09	General Counsel <i>Andrew...</i> 10/12/09	Controller/Treasurer <i>[Signature]</i> [ ]	District Secretary [ ]	BARC <i>R. Crespo</i> for P.O. 10/12/09 [ ]

TITLE:

### Award Contract No. 15EM-110 For Contact Rail Coverboard Reinforcements

NARRATIVE:

#### PURPOSE:

To obtain Board authorization for the General Manager to award Contract No. 15EM-110, Contact Rail Coverboard Reinforcements to H & H Engineering Construction, Inc.

#### DISCUSSION:

Coverboard failures due to an aging infrastructure are an increasing cause of service delays throughout the District. From January 2006 to June 2008, there have been 310 recorded incidents of failed coverboard.

Currently, each 10 foot coverboard section is supported at each end by a support bracket with two, plastic, fastening pins. This Contract will improve coverboard reliability and reduce service interruptions by providing an additional bracket assembly located at the coverboard midpoint. This will strengthen the coverboards while reducing lateral movements which will extend the coverboard's serviceable design life. In the event of a failed pin or bracket, the enhanced coverboard assembly design will have the support redundancy necessary to allow the repair to be performed after revenue service and avoid operational delays. In addition, this project contains provisions for identifying and replacing unserviceable coverboards and for replacing all plastic fastening pins at existing, support bracket locations.

The scope of the Base Bid and Additives were developed from historical coverboard failure records, giving priority to the areas that experience the highest rate of coverboard failure unrelated to train induced damage. The Base Bid portion of the Contract encompasses 15.6 miles of double track along the A-line between Lake Merritt Station and South Hayward. The Additive A portion of the Contract encompasses 4.0 miles of double track along the C-line between Orinda and Lafayette. The Additive B portion of the Contract encompasses 2.3 miles of double track along the M-line between Glen Park and Daly City.

The Office of Civil Rights reviewed the scope of work for this Contract and determined that there were no subcontracting opportunities; therefore, no DBE participation goal was set for this Contract.

Award Contract No. 15EM-110 For Contact Rail Coverboard Reinforcements

This Contract was advertised on September 15, 2009. Advance Notices were sent to 110 prospective Bidders. In addition, the project engineer made phone call invitations to contractors who had previously worked on similar BART projects, as well as to the National Railroad Construction & Maintenance Association for blanket distribution. Twelve Contract books were purchased from the District Secretary. A pre-bid meeting and site visit were held one week later on September 22, 2009, with seven prospective bidders attending. The following ten bids were received and opened on October 6, 2009:

No	Bidder	Location	Total Bid
1.	Blocka Construction, Inc.	Fremont, CA	Base Bid: \$2,152,997 Additive A: \$548,609 Additive B: \$297,238
2.	H & H Engineering Construction, Inc.	Stockton, CA	Base Bid: \$2,588,250 Additive A: \$574,350 Additive B: \$315,850
3.	LC General Engineering	San Francisco, CA	Base Bid: \$2,643,188 Additive A: \$674,706 Additive B: \$367,973
4.	Angotti & Reilly, Inc.	San Francisco, CA	Base Bid: \$2,683,903 Additive A: \$692,437 Additive B: \$383,298
5.	SMCI General Engineering Contractor	San Francisco, CA	Base Bid: \$2,894,775 Additive A: \$668,250 Additive B: \$364,750
6.	William P. Young, Inc.	San Leandro, CA	Base Bid: \$3,382,500 Additive A: \$615,575 Additive B: \$337,100
7.	Bugler Construction	Pleasanton, CA	Base Bid: \$3,232,900 Additive A: \$839,400 Additive B: \$483,600
8.	California Engineering Contractors, Inc.	Pleasanton, CA	Base Bid: \$3,652,650 Additive A: \$758,350 Additive B: \$414,925
9.	Taber Construction, Inc.	Martinez, CA	Base Bid: \$3,817,950 Additive A: \$797,200 Additive B: \$435,725
10.	Ranger Pipelines, Inc.	San Francisco, CA	Base Bid: \$3,771,750 Additive A: \$928,825 Additive B: \$508,100
	Engineer's Estimate		Base Bid: \$2,346,934 Additive A: \$599,912 Additive B: \$331,140

The apparent low Bidder, Blocka Construction, Inc., requested to withdraw its bid due to a clerical error. Staff verified the claimed error and agreed to release Blocka Construction from its bid.

The bid submitted by the next apparent low bidder, H & H Engineering Construction, Inc. has been deemed to be responsive to the solicitation. Staff has also determined that the bidder is responsible based on an examination of the firm's business and financial status. Due to the

amount of money available for this Contract, Staff had determined not to award Additive B. The total Base Bid price plus the Additive A price is \$3,162,600, which staff has determined is fair and reasonable compared to the Engineer's Estimate of \$2,946,846 for the total Base Bid price plus the Additive A price.

In addition, Staff is seeking Board authority for the General Manager to execute a Change Order for additional work related to support bracket installation and coverboard replacement, in an amount not to exceed \$315,850, subject to certification by the Controller/Treasurer that funds are available for the work. The Office of the General Counsel will approve the Change Order as to form prior to execution. The Procurement Department will review the Change Order prior to execution for compliance with procurement guidelines.

**FISCAL IMPACT:**

Funding of \$3,162,600 for the award of Contract No. 15EM-110 is included in the total project budget for the FMS #15EM - Systemwide Coverboard Enhancement. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. There are no funds currently available for a Change Order of up to \$315,850. Execution of the Change Order will require authorization from the General Manager and certification from the Controller/Treasurer that funds are available for additional work.

Funds for this Contract will come from the following source:

F/G 54K CA-96-X001 – ARRA of 2009 (Federal Economic Stimulus)      \$3,162,600

As of the month ending 8/30/09, \$4,184,120 is available for commitment from this fund source for this project and BART has committed \$29,201 to date. There is a pending commitment of \$246,673 in BART's financial management system. This action will commit \$3,162,600 leaving an uncommitted balance of \$745,646 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVES:**

1. Do nothing. Continue to respond to coverboard incidents as they occur and perform spot repairs. As the system ages beyond its design life, the number of coverboard failures will accelerate.
2. Do not award Contract and rely solely on Power/Mechanical Maintenance staff to strengthen the coverboards as time allows by installing District procured parts. However, current staffing levels cannot accommodate a retrofit of this magnitude in a timely fashion.

**RECOMMENDATION:**

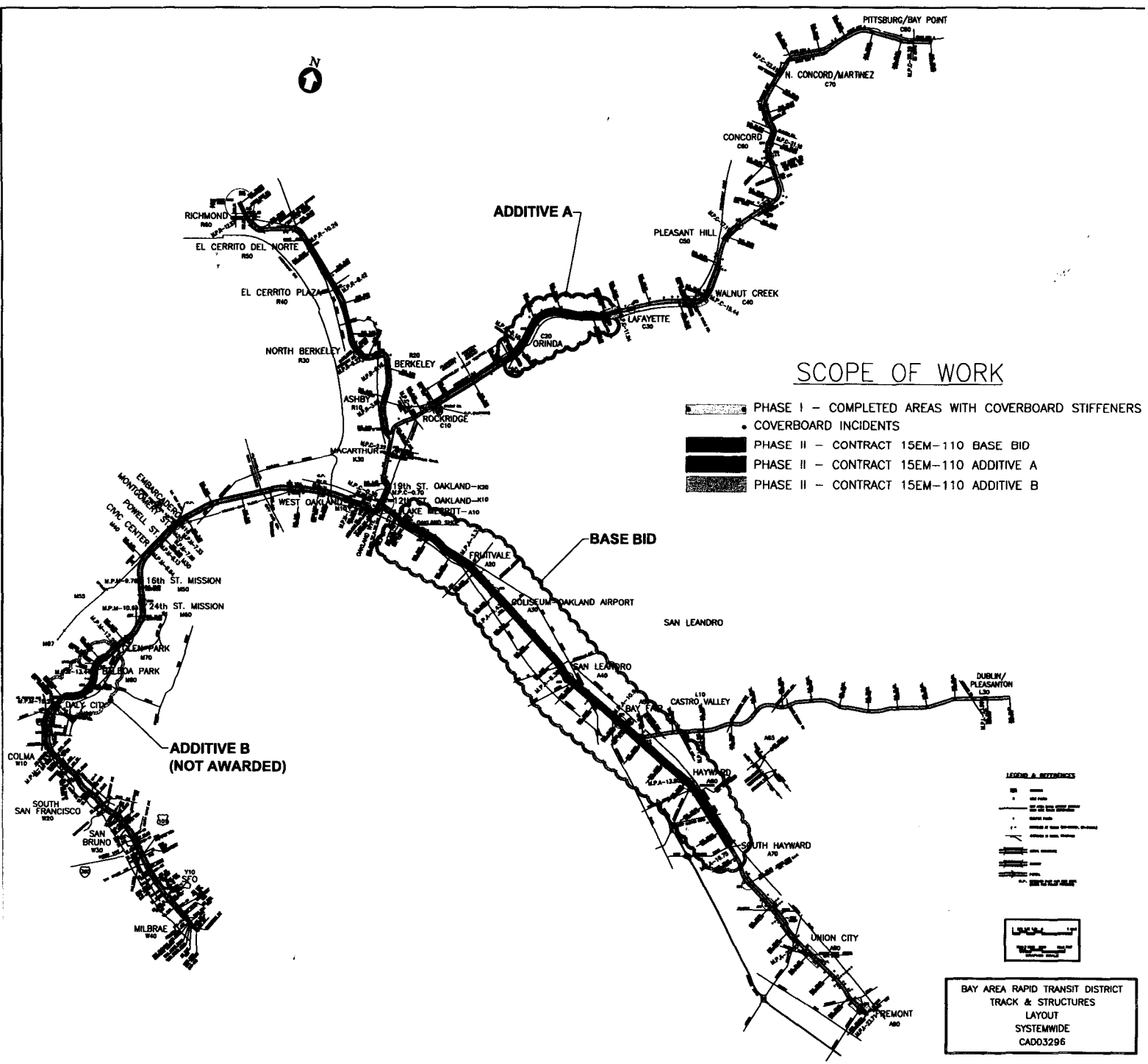
Based on the analysis by Staff, it is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 15EM-110 for Contact Rail Coverboard Reinforcements to H & H Engineering Construction, Inc. for the Base Bid price plus

the Additive A price totaling \$3,162,600, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and FTA's requirements related to protest procedures.

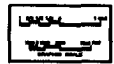
In addition, the General Manager is authorized to execute a Change Order for additional work related to support bracket installation and coverboard replacement, in an amount not to exceed \$315,850, subject to certification by the Controller/Treasurer that funds are available for the work. The Office of the General Counsel will approve the Change Order as to form prior to execution. The Procurement Department will review the Change Order prior to execution for compliance with procurement guidelines.



### SCOPE OF WORK

- PHASE I - COMPLETED AREAS WITH COVERBOARD STIFFENERS
- COVERBOARD INCIDENTS
- PHASE II - CONTRACT 15EM-110 BASE BID
- PHASE II - CONTRACT 15EM-110 ADDITIVE A
- PHASE II - CONTRACT 15EM-110 ADDITIVE B

- LEGEND & REFERENCES**
- STATION
  - TRACK
  - STRUCTURE
  - BRIDGE
  - TUNNEL
  - VIADUCT
  - CUT
  - EMBANKMENT
  - UTILITY
  - RIGHT-OF-WAY



BAY AREA RAPID TRANSIT DISTRICT  
 TRACK & STRUCTURES  
 LAYOUT  
 SYSTEMWIDE  
 CAD03296



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DeBenedictis</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: 10/15/09		BOARD INITIATED ITEM: No		
Originator/Prepared by: Thomas Horton Dep. TSD <i>Thomas Horton</i> Signature/Date: 10/12/09	General Counsel <i>Andrea Russo</i> 10/12/09	Controller/Treasurer <i>[Signature]</i> 10/12/09	District Secretary [ ]	BARC <i>Randy Wingo</i> 10/12/09
Status: Routed		Date Created: 09/23/2009		

TITLE:

### Award of Contract 15SU-110, Earthquake Safety Program Aerial Structures - West Oakland Abutment A-1 to Pier P-109

NARRATIVE:

#### PURPOSE:

To authorize the General Manager to award Contract No. 15SU-110, Earthquake Safety Program Aerial Structures - West Oakland Abutment A-1 to Pier P-109 to R&L Brosamer, Inc. in the amount of \$15,188,930.00.

#### DISCUSSION:

The BART Earthquake Safety Program determined that the aerial structures in West Oakland (between the downtown Oakland tunnel and the eastern portal of the Transbay Tube) require seismic strengthening and produced contract documents for the work. The work consists of additional reinforced concrete for pier foundations and pier caps; fiber or steel encasement of pier columns; and associated utilities and structural work. Advance Notice to Bidders was mailed on August 5, 2009 to 172 firms. The Contract was advertised on August 10, 2009 and Contract Books were sent to 20 plan rooms. A total of 57 firms purchased copies of the Bid Documents. A Pre-Bid Meeting and Site Tour were held on August 25, 2009 with 38 potential Bidders attending. Nine Bids were received. Bids were opened publicly on September 22, 2009.

After review by the District staff, several of the Bids were determined to have arithmetical errors in Bid Item totals and in the Total Bid Price. Article 15.B, Evaluation, of the Instructions to Bidders in the Contract clearly states that item totals are provided by the Bidder for the convenience of the District, and that the District will independently calculate such prices based on the unit or lump sum prices bid. In the event of a discrepancy, the District's calculations govern. Tabulation of the Bids, with the arithmetical corrections and including the Engineer's Estimate, is as follows:

1. Proven Management, Inc., San Francisco, CA	\$12,678,485.00
2. Disney Construction, Inc., Pacifica, CA	\$14,978,400.00
3. R&L Brosamer, Inc., Walnut Creek, CA	\$15,188,930.00
4. West Bay Builders, Inc., Novato, CA	\$15,514,776.00



4. West Bay Builders, Inc., Novato, CA	\$15,514,776.00
5. California Engineering Contractors, Inc., Pleasanton, CA	\$16,792,720.00
6. S.J. Amoroso Construction Co., Inc., Redwood Shores, CA	\$17,996,920.00
7. Diablo Contractors, Inc., San Ramon, CA	\$19,934,600.00
8. Roebbelen Contracting, Inc., El Dorado Hills, CA	\$21,396,995.00
9. Cal Pacific Construction, Inc., Pacifica, CA	\$22,687,949.00
Engineer's Estimate	\$25,680,000.00

The apparent low Bidder, Proven Management, Inc. (also the low Bidder before the arithmetical corrections) requested to withdraw its Bid due to a clerical error. Staff verified the claimed error and agreed to release Proven Management from its Bid. The apparent second low Bidder, Disney Construction, Inc. submitted a non-responsive bid. The Bid submitted by the apparent third low Bidder, R&L Brosamer, Inc., has been deemed to be responsive to the solicitation. The Bid Price has been determined to be fair and reasonable. Examination of the Bidder's business experience and financial capabilities has resulted in a determination that this Bidder is responsible.

This contract was advertised pursuant to the California Department of Transportation (CalTrans) DBE Program requirements for Federal Highway Administration funded contracts. Under the CalTrans DBE Program requirements, only Underutilized DBEs (UDBE) can be counted towards meeting the race and gender conscious DBE goal. The Office of Civil Rights reviewed the scope of work for this contract and determined that there were subcontracting opportunities; therefore, a UDBE participation goal of 6% was set for this contract. R & L Brosamer, Inc. committed to subcontracting 8.1% to UDBEs.

**FISCAL IMPACT:**

Funding for \$15,188,930.00 for award of Contract No. 15SU-110 is included in the total project budget for the FMS #15SW, Aerial Structures – West Oakland. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. The total cost of \$15,188,930.00 will be funded as follows:

**F/G 49S – Seismic LSSRP** **\$4,860,458.00**

As of month ending 8/30/09, \$13,841,932 is available for commitment from this fund source for this project and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$4,860,458 leaving an uncommitted balance of \$8,981,474 in this fund source.

**F/G 55U – State Prop. 1B** **\$ 607,557.00**

As of month ending 8/30/09, \$1,793,372 is available for commitment from this fund source for this project and BART has committed \$0 to date. There are no pending commitments in BART's financial management system. This action will commit \$607,557 leaving an uncommitted balance of \$1,185,815 in this fund source.

F/G 01F – General Obligation Bond

\$9,720,915.00

As of month ending 8/30/09, \$28,052,696 is available for commitment from this fund source for this project and BART has committed \$0 to date. There is a pending commitment of \$407,000 in BART's financial management system. This action will commit \$9,720,915.00 leaving an uncommitted balance of \$17,924,781 in this fund source.

There is no fiscal impact on available unprogrammed District Reserves.

**ALTERNATIVE:**

The Board may decline to authorize award of the Contract. If the Contract is not awarded, BART will be unable to implement the seismic retrofit of the West Oakland aerial structures. The Board may elect to reject all bids and authorize staff to readvertise. Under this alternative, staff would have to reissue the Contract and obtain new bids. This would result in additional cost and time to execute the required retrofits.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

The General Manager is authorized to award Contract No. 15SU-110, Earthquake Safety Program, Aerial Structures - West Oakland Abutment A-1 to Pier P-109 to R&L Brosamer, Inc. for the Bid amount of \$15,188,930.00, pursuant to notification to be issued by the General Manager and subject to the District's protest procedures and the Federal Highway Administration's requirements related to protest procedures.

## FUNDING SUMMARY - EARTHQUAKE SAFETY PROGRAM

PROJECT ELEMENT	Baseline Budget	Current Forecast as of 10/1/09	REMARKS
<b>ENVIRONMENTAL, ENGINEERING, AND CONSTRUCTION MANAGEMENT</b>			
GEC (Bechtel Team)	\$105,000,000	\$226,200,000	
Other GEC	\$81,478,000	\$0	
Subtotal GEC	\$186,478,000	\$226,200,000	
CM	\$61,498,000	\$66,570,729	
Environmental	\$1,042,796	\$2,198,237	
<b>TOTAL E, E &amp; CM</b>	<b>\$249,018,796</b>	<b>\$294,968,966</b>	
<b>CONSTRUCTION</b>			
<b>Transbay Tube</b>			
Oakland Ventilation Structure	\$1,033,000	\$1,153,096	
Oakland Landside	\$17,970,000	\$10,699,433	
<b>San Francisco Ferry Plaza</b>			
SFTS (including Tube liner)	\$73,037,000	\$5,655,414	
Marine Vibro Demo	\$101,285,000	\$74,596,965	
Stitching	\$82,962,000	\$0	
<b>Aerial Guideways</b>			
West Oakland/North Oakland	\$112,923,000	\$105,902,920	
Fremont	\$178,224,000	\$124,519,000	
Concord	\$36,500,000	\$67,400,000	
Richmond	\$80,155,000	\$85,700,000	
San Francisco/Daly City	\$36,590,000	\$33,800,000	
<b>Stations (18)</b>	<b>\$126,961,000</b>	<b>\$126,096,821</b>	
<b>Other Structures</b>			
LMA	\$5,529,000	\$5,267,440	
Yds & Shops	\$12,436,000	\$23,618,000	
Parking Structures	\$14,437,000	\$14,862,500	
At Grade Trackway	\$22,361,000	\$0	
<b>Systems</b>	<b>\$7,066,000</b>	<b>\$16,512,832</b>	
<b>TOTAL CONSTRUCTION</b>	<b>\$909,469,000</b>	<b>\$695,784,421</b>	
<b>PROGRAM COSTS</b>			
Program Costs ( Hazmat, ROW, Consult, Staff)	\$159,894,204	\$236,214,619	
Contingency	\$32,104,000	\$26,466,151	
<b>TOTAL PROGRAM COSTS</b>	<b>\$191,998,204</b>	<b>\$262,680,770</b>	
<b>BASELINE FUNDING</b>	<b>\$1,350,486,000</b>		
<b>REVISED FUNDING</b>		<b>\$1,253,434,157</b>	



## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter D. ...</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Directors' E&O Committee	
DATE: c 10/15/09		BOARD INITIATED: <input type="checkbox"/> No	
Originator/Prepared by: Marvin E Snow Dept: Transit System Development <i>Marvin E Snow</i> Signature/Date: 10/11/09	General Counsel <i>Andrew ...</i> Signature/Date: 10/13/09	Controller/Plaster <i>[Signature]</i> Signature/Date: 10/13/09	District Secretary [ ]
BARC <i>Randy ...</i> Signature/Date: 10/13/09			

**CONSTRUCTION MANAGEMENT SERVICES FOR BART PROJECTS: AUTHORITY TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS NO. 6M8034, 6M8035, 6M8036 and 6M8037**

**NARRATIVE:**

**PURPOSE:** Request Board authorization for the General Manager to execute Agreement No. 6M8034 with AECOM Technical Services, Inc.; Agreement No. 6M8035 with Jacobs Project Management Company; Agreement No. 6M8036 with PGH Wong Engineering, Inc.; and Agreement No. 6M8037 with UBCM a Joint Venture of URS Corporation, B&C Transit Consultants, Inc., and Cooper Puggeda Management, Inc., to provide Construction Management Services for BART Projects.

**DISCUSSION:** On February 28, 2002, the Board authorized the General Manager to execute Agreement No. 6H3137 with Earth Tech, Inc., Agreement No. 6H3138 with Jacobs Civil, Inc., and Agreement No. 6H3139 with PGH Wong Engineering, Inc. to provide Construction Management Services for BART Projects. Each Agreement was for an amount not to exceed \$15 Million and for a term of up to five years. Subsequently, on May 25, 2006 the Board granted a 3 year time extension to each of the three agreements bringing the duration of the agreements to 8 years. All construction management services available under these Agreements have either been utilized or otherwise scheduled. Therefore, new agreements are now needed to provide the District with these essential services. As a result the District issued Request for Proposal (RFP) No. 6M8034 on July 20, 2009 to provide the District with Construction Management Services for BART projects.

RFP No. 6M8034 provides for the award of four separate agreements herein referred to as Agreement Nos. 6M8034, 6M8035, 6M8036, and 6M8037. Work Plans (WPs) under each agreement will define individual assignments in each case subject to funding availability. Each WP will have its own scope, schedule and budget.

Advertisements soliciting interest in the RFP were placed in twelve publications including Disadvantaged Business Enterprises / Minority Business Enterprises / Women Business Enterprises (DBE/MBE/WBE) publications. A Community Outreach Meeting was held on June 24, 2009. Between July 13 and 20, 2009, an Advance Notice to Proposers was mailed to 436 prospective proposers. A Pre-proposal Meeting for this RFP was held on August 4, 2009 with 176 individuals from prospective proposing firms attending. The RFP was distributed to all interested potential Proposers.

On September 1, 2009, proposals were received from the following twelve firms: (1) 4 Leaf, Inc; (2) AECOM Technical Services, Inc.; (3) C2PM Program and Construction Managers, (4) Jacobs Project Management Company; (5) JA|HILL a Joint Venture of F. E. Jordan Associates, Inc and Hill International Inc.; (6) PGH Wong Engineering, Inc.; (7) Roebbelen Construction Management Services, Inc; (8) Stantec Consulting, Inc.; (9) The Allen Group|EPC Consultants, Inc. a Joint Venture; (10) TRS Consultants, Inc.; (11) Turner Construction Company; and (12) UBCM a Joint Venture of URS Corporation, B&C Transit Consultants, Inc, and Cooper Pugeda Management, Inc.

The proposals were reviewed by a seven member Selection Committee (Committee) consisting of BART staff from Transit System Development, Maintenance and Engineering, Office of Civil Rights, and Contract Administration. Proposals were first reviewed to determine if the Proposers were considered responsive to the requirements of the RFP. Subsequently, the proposals were evaluated and scored on the basis of the criteria contained in the RFP with respect to qualifications of the proposing firms and the project team, including key personnel. Ten of the twelve proposals received were short-listed for oral presentations. The Committee conducted oral interviews on September 23, 24, and 25, 2009.

Based on the oral and written evaluations, the Committee determined that the four most qualified firms were:

1. AECOM Technical Services, Inc.
2. Jacobs Project Management Company.
3. PGH Wong Engineering, Inc.
4. UBCM a Joint Venture of URS Corporation, B&C Transit Consultants, Inc, and Cooper Pugeda Management, Inc.

After making this determination, negotiations were entered into with the four above listed firms. BART Contract Administration, with support from Internal Audit and Transit System Development, evaluated and discussed the rates and mark-ups (for a cost-plus-fixed-fee rate agreement) received from the Proposers. These discussions were concluded on terms favorable to BART and each of the Proposers. Staff determined that the recommended rate structures are fair and reasonable, and that the four above listed firms are responsible organizations.

Pursuant to the revised DBE Program, the Office of Civil Rights is utilizing race and gender neutral efforts for professional services agreements. Therefore, no DBE participation goal was set for these agreements. Although no DBE goal was set, the prime consultants indicate the following DBE participation.

1. AECOM Technical Services, Inc.: 27%
2. Jacobs Project Management Company.: 32.5%
3. PGH Wong Engineering, Inc.: 20%
4. UBCM a Joint Venture of URS Corporation, B&C Transit Consultants Inc. Inc, and

Cooper Pugeda Management, Inc.: 30%

Accordingly, the Committee recommends four awards under RFP No. 6M8034, one to each of the following four firms in an amount not to exceed \$15,000,000 each.

1. AECOM Technical Services, Inc.
2. Jacobs Project Management Company.
3. PGH Wong Engineering, Inc.
4. UBCM a Joint Venture of URS Corporation, B&C Transit Consultants Inc. Inc, and Cooper Pugeda Management, Inc.

The Office of the General Counsel will approve the Agreements as to form.

**FISCAL IMPACT:** Each of the four Agreements has a not-to-exceed limit of \$15,000,000. District obligations will be subject to a series of WPs. Each WP will have a defined scope of services, and a separate schedule and budget. Any WP assigned for funding under a State or Federal grant will include State or Federal requirements. Capital Development and Control will certify the eligibility of identified funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these Agreements and the execution of each WP.

**ALTERNATIVES:** The District could reject all proposals and re-solicit new proposals. Re-issuing the RFP would adversely impact the implementation of BART's Capital Program.

**RECOMMENDATION:** It is recommended that the Board adopt the following motion:

**MOTION:** The General Manager is authorized to execute:

1. Agreement No. 6M8034 with AECOM Technical Services, Inc. of Oakland, California
2. Agreement No. 6M8035 with Jacobs Project Management Company of Oakland, California.
3. Agreement No. 6M8036 with PGH Wong Engineering, Inc. of San Francisco, California
4. Agreement No. 6M8037 with UBCM a Joint Venture of URS Corporation, B&C Transit Consultants Inc, and Cooper Pugeda Management, Inc. of San Francisco, California

Each Agreement will be for a term not to exceed five years and each in an amount not to exceed \$15,000,000, subject to the District's protest procedures and FTA's requirements related to protest procedures.

# CONSTRUCTION MANAGEMENT SERVICES FOR BART PROJECTS

- **Introduction**

The District requires a full range of construction management services over the next five years to support its Capital Program.

The construction management services are required for significant Capital projects such as East Contra Costa BART Extension (eBART), Earthquake Safety Program (ESP), Oakland Airport Connector (OAC), Warm Springs Extension (WSX); as well as, Core System projects such as Parking and Intermodal Access, Mainline and Yard Infrastructure, Facilities (Stations and Buildings), Train Control, Transit Power Systems, Controls and Communications and Automatic Fare Collection Equipment (AFC), etc.

Request for Proposal No. 6M8034 was issued on July 20, 2009 to provide the District with these services. The RFP described the detailed, objective selection process to be used; indicated the criteria for making the selection; and stated that the District intended to award four agreements for these services.

- **Scope of Services**

Construction Management	Schedule Management	Technical Support
Environmental Monitoring	Coordination with Other Agencies	Design Review
Project Reporting	Project Close-out	Cost Management
Claims Management	Staffing (Seconded)	Emergency Response

- **Selection Process**

The selection process followed the California Government Code and the Federal Brooks Act regulations related to the procurement of Architectural and Engineering services in which:

1. Proposers are first evaluated on the basis of their qualifications, both written and oral.
2. Upon determining the most qualified proposer(s), terms and conditions of the agreement are then negotiated.

Terms and conditions favorable to the District have been successfully negotiated with the most qualified proposers; therefore, staff recommends awarding four agreements as outlined on the following pages.

## RECOMMENDED AWARD

- **Agreement No. 6M8034**

AECOM Technical Services, Inc. of Oakland, California for a five year period for a total amount not to exceed \$15,000,000

- **Sub-consultants**

<u>Sub-consultant Name and Location</u>	<u>Proposed Services</u>
AGS, Inc, San Francisco, CA (DBE)	Resident Engineering
AMC Consulting Engineers, Inc.(DBE)	Constructability Review, Value Engineering, Dispute Resolution
Ariga Corporation, Milpitas, CA (DBE)	Automatic Fare Collection (AFC), Controls and Communications
CCCM, Inc. Walnut Creek, CA (DBE)	Safety Monitoring
CM West, Oakland, CA (DBE)	Resident Engineering
Dabri, Inc., Martinez, CA (DBE)	Constructability Review, Value Engineering, Dispute Resolution
EM Construction Management, Oakland, CA	Automatic Fare Collection
FMG Architects, Inc., Oakland, CA (DBE)	Architecture
Geomatics Transportation Services, Inc. Dublin, CA (DBE)	Surveying
Jade Associates, Martinez, CA (DBE)	Technical Writing and Contracts
KKCS, Inc.,Oakland, CA (DBE)	Resident Engineering
L. E. Daniels Railroad Engineering, Inc., Fair Oaks, CA	Track Work Design, Inspection and Training
Lea and Elliot, Inc. San Francisco, CA	Train Control, Automatic Fare Collection
L.S. Gallegos and Associates, Berkeley, CA (DBE)	Constructability Review, Value Engineering, Dispute Resolution
Luster National, San Francisco, CA (MBE)	Resident Engineering, Inspection
Parikh Consultants, Inc., Oakland, CA (DBE)	Geotechnical Testing and Inspection
Robert Murphy, Orinda, CA	Controls and Communication
Salaber and Associates, Oakland, CA	Parking and Intermodal Access
Shiralian Management Group, Inc., Berkeley, CA	Scheduling
STRUCTUS, Inc., San Francisco, CA (DBE)	ESP Resident Engineering
Virginkar and Associates, Inc., Brea, CA (DBE)	Rail Vehicle Procurement, Transit Power Systems, Automatic Fare Collection



## RECOMMENDED AWARD

### ▪ Agreement No. 6M8035

Jacobs Project Management Company of Oakland, California for a five year period for a total amount not to exceed \$15,000,000

### ▪ Sub-consultants

<u>Sub-consultant Name and Location</u>	<u>Proposed Services</u>
Acumen Building Enterprise, San Francisco, CA (DBE)	Construction Management, AFC Systems
ATS Consulting (Acoustic Strategies Inc.), Los Angeles CA	Noise and Vibration
Booz Allen Hamilton, San Francisco, CA	Systems
Branding Properties, Berkeley, CA (DBE)	Way-finding and Signage
Caltrop Corporation, Emeryville, CA	Construction Management
E M Construction Management (EMEC), Oakland, CA	Office Engineering
Exaro Technologies Corp., South San Francisco, CA (MBE)	Potholing, Utility Locating
Geomatics Transportation Services, Inc. Dublin, CA (DBE)	Surveying
Ghirardelli Associates, Inc., Oakland, CA (DBE)	Construction Management
Inspection Services, Inc., Berkeley, CA (DBE)	Materials Testing
Interactive Resources, Richmond, CA	Water Intrusion Remediation
Larkin & Associates, San Francisco, CA	Systems, Claims Analysis
Lee Davis and Associates, Oakland, CA (DBE)	Labor Compliance
Leland Saylor Associates, San Francisco, CA	Estimating (Marine)
M. Lee Corporation, Walnut Creek, CA (DBE)	Estimating, Office Engineering
Phase 3 Communications, Inc, San Jose, CA (DBE)	Fiber optic engineering
Seattle International Engineering, Oakland, CA	Vehicle Procurement
Shiralian Management Group, Inc.	Scheduling, Claims Analysis
Swinerton Management & Consulting, San Francisco, CA	Construction Management (Stations & Parking Structures)
Ventura Consulting Group, Ventura, CA	Dispute resolution, Partnering Facilitation

## RECOMMENDED AWARD

- **Agreement No. 6M8036**

PGH Wong Engineering, Inc. (MBE) of San Francisco, California for a five year period for a total amount not to exceed \$15,000,000

- **Sub-consultants**

<u>Sub-consultant Name and Location</u>	<u>Proposed Services</u>
Cornerstone Transportation Consulting, Inc, San Francisco, CA (DBE)	Estimating and Scheduling
HDR, Inc. Walnut Creek, CA	Construction Management Support: Resident and Office Engineers
Inspection Services Inc., Berkeley, CA (DBE)	Special Inspection and Material Testing
Ninyo and Moore, Oakland, CA (MBE)	Environmental Monitoring
Safework Inc. Sacramento, CA (DBE)	Safety Monitoring
Seattle International Engineering, Inc., Oakland, CA	Construction Management Support: Resident and Office Engineers
Shiralian Management Group, Inc., Berkeley, CA	Claims and Scheduling
STV, Inc., Oakland, CA	Construction Management Support: Resident and Office Engineers
Summit Associates, Concord, CA (DBE)	Construction Management Support: Resident and Office Engineers
Towill, Inc.	Surveying

## RECOMMENDED AWARD

- **Agreement No. 6M8037**

UBCM a Joint Venture of URS Corporation, B&C Transit Consultants Inc, (MBE) and Cooper Pugeda Management (DBE), Inc of San Francisco, California for a five year period for a total amount not to exceed \$15,000,000

- **Sub-consultants**

<u>Sub-consultant Name and Location</u>	<u>Proposed Services</u>
ABA Global, San Francisco, CA (DBE)	Construction management, staffing (seconded), emergency response
Booz Allen Hamilton, San Francisco, CA	Design review, construction management, procurement services, claims management, staffing (seconded), emergency response
Don Todd Associates, Inc. Oakland, CA (MBE)	Design review, construction management, procurement services, claims management, staffing (seconded), emergency response
Ghirardelli Associates, Inc., Oakland, CA (DBE)	Design review, construction management, procurement services, claims management, staffing (seconded), emergency response
Jade Associates, Martinez, CA (DBE)	Construction management, staffing (seconded), emergency response
Kal Krishnan Consulting Services, Oakland, CA (DBE)	Design review, construction management, procurement services, claims management, staffing (seconded), emergency response
LKG-CMC Inc., Glendale, CA (DBE)	Construction management, staffing (seconded), emergency response
LS Gallegos and Associates, Inc. Centennial CO (DBE)	Design review, construction management, procurement services, claims management, staffing (seconded), emergency response
Quality Engineering, Inc., Oakland, CA (DBE)	Construction management, staffing (seconded) emergency response
S&C Engineers, Inc., Oakland, CA	Design review, construction management, procurement services, claims management, staffing (seconded), emergency response
Seattle International Engineering Inc., Oakland, CA	Design review, construction management, procurement services, claims management, staffing (seconded), emergency response

## Proposed Construction Management Consultant Awards

	<b>DBE %</b>	<b>WBE %</b>	<b>MBE %</b>	<b>DBE/WBE/MBE Total %</b>
AECOM	27	0	4	31
Jacobs	32.5	0	2	34.5
PGH Wong	20	0	67.4	87.4
UBCM	30	0	25	55
Average	27.3	0	24.6	51.9

Note: Within the DBE category are 6 firms which are DBE certified and woman owned.

	<b>DBE \$</b>	<b>WBE \$</b>	<b>MBE \$</b>	<b>DBE/WBE/MBE Total \$</b>
AECOM	4,050,000	0	600,000	4,650,000
Jacobs	4,875,000	0	300,000	5,175,000
PGH Wong	3,000,000	0	10,110,000	13,110,000
UBCM	4,500,000	0	3,750,000	8,250,000
Total \$	16,425,000	0	14,760,000	31,185,000

Note: Within the DBE category are 6 firms which are DBE certified and woman owned.



**CAPITOL CORRIDOR JOINT POWERS AUTHORITY**  
**MEETING OF THE CAPITOL CORRIDOR JOINT POWERS BOARD**  
Wednesday November 18, 2009

City Council Chambers  
Suisun City Hall  
701 Civic Center Blvd., Suisun City, CA  
(see attached map)

**DRAFT AGENDA**

- I. Call to Order
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair
- IV. Minutes of September 16, 2009 Meeting *Action*
- V. Consent Calendar *Action*
  1. Annual Performance Report (FY 09)
  2. CCJPA Board Meeting Schedule
- VI. Action and Discussion Items (Executive Director)
  1. 2010 Spring/Summer Advertising Contract *Action*
  2. Administrative Support Agreement between the CCJPA and BART *Action*
  3. Legislative Matters *Action*
  4. Overview of FRA ARRA HSIPR Capital Grants Applications – Tracks 1 and 2 *Action*
  5. MOU with UPRR for Added Capitol Corridor Train to/from Auburn *Action*
  6. Results of June 2009 On Board Surveys *Discussion*
  7. Managing Director's Report (Status of Service Performance) *Info*
  8. Work Completed
    - a. October 26, 2009 Timetable Change *Info*
    - b. Marketing Activities (September – October 2009) *Info*
  9. Work in Progress
    - a. Proposition 1A (California High Speed Train System) Connectivity Projects/Funds *Info*
    - b. Prop 1B Transit Safety/Security Improvement Projects *Info*
    - c. Prop 1B Intercity Rail Projects: Bahia Crossover, Emeryville Track Upgrades *Info*
    - d. Yolo Causeway West Crossover Project Design/Engineering and Access Agreement *Info*
    - e. CCJPA FY 2010-11 – FY 2011-12 Business Plan Update *Info*
    - f. CCJPA FY 09 Independent Audit *Info*
    - g. Upcoming Marketing Activities *Info*
- VII. Board Member Reports
- VIII. Public Comment
- IX. Adjournment. Next Meeting Date: 10:00 a.m., February 17, 2010 at City Council Chambers, Suisun City Hall, 701 Civic Center Blvd., City of Suisun City, CA

**Notes:**

Members of the public may address the Board regarding any item on this agenda. Please complete a "Request to Address the Board" form (available at the entrance of the Boardroom and at a teleconference location, if applicable) and hand it to the Secretary or designated staff member before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under Public Comment. Speakers are limited to three (3) minutes for any item or matter. The CCJPA Board reserves the right to take action on any agenda item.

Consent calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.

The CCJPA Board provides services/accommodations upon request to persons with disabilities who wish to address Board matters. A request must be made within one and five days in advance of a Board meeting, depending on the service requested. Call (510) 464-6085 for information.