

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

**BOARD MEETING AGENDA**

**March 10, 2016**

9:00 a.m.

A regular meeting of the Board of Directors will be held at 9:00 a.m. on Thursday, March 10, 2016, 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 regarding any matter on this agenda. 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 Public Comment.

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Kenneth A. Duron  
District Secretary

3. PUBLIC COMMENT – 15 Minutes

(An opportunity for members of the public to address the Board of Directors on matters under their jurisdiction and not on the agenda. An additional period for Public Comment is provided at the end of the Meeting.)

4. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

A. Leases on BART-Owned Properties in the Cities of Daly City, Oakland, and San Leandro.\* Board requested to authorize.

B. **BART Major Projects Stabilization Agreement.\* Board requested to authorize.**

C. Workforce Development and Human Resources Modernization Initiatives Update.\* For information.

D. Proposed San Francisco State University Fare Discount Program.\* For information.

E. Small Business Initiatives and Payment Information Update.\* For information.

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

A. Award of Contract No. 15IF-130, Powell Street Station Ceiling Upgrades.\* Board requested to authorize.

B. Award of Invitation for Bid No. 8922, Transit Rail Car Switchers – A, B & C Cars.\* Board requested to authorize.

C. Authority to Enter into Agreements for Temporary Bus Bridge Services.\* Board requested to authorize.

D. Station Maintenance and Cleaning Report.\* For information.

E. Elevator and Escalator Issues and Solutions Report.\* For information.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

NO ITEMS.

7. GENERAL MANAGER'S REPORT

A. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.



### EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Carla DelBene</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>3/3/16</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Carol Isen Dept: Employee Relations <i>Carol Isen</i> 3/2/16 Signature/Date:	General Counsel <i>MB</i> 2/16	Controller/Treasurer <i>Apple</i> 3/2/16	District Secretary [ ]	BARC <i>Carla DelBene</i> 3-2-16 [ ]
Status: Routed		Date Created: 02/12/2016		

TITLE:

### Request For Board Authorization for the General Manager to Execute the Proposed System-Wide Major Projects Stabilization Agreement

NARRATIVE:

**Purpose:** To request Board authorization for the execution of a system-wide Major Projects Stabilization Agreement.

**Introduction:** On February 11, 2016, the Board of Directors considered, for information only, the proposed Agreement between the District and area Building and Construction Trades Councils, along with their union affiliates, for a system-wide, Major Projects Stabilization Agreement (BART-MPSA). In order to enact the BART-MPSA, the Board of Directors must take action to authorize the General Manager to sign the BART-MPSA. A summary of the proposed Agreement is attached.

**Discussion:** The District is, or has been, signatory to multiple project stabilization agreements covering major construction. Each of these, Oakland Airport Connector, eBART, and Hayward Maintenance Complex, cover stand-alone projects entered in to with the respective County Building Trades Council and its union affiliates. The BART-MPSA is a multi-County Agreement covering the whole service territory. The proposed Agreement covers nine major projects which are specifically enumerated. The Joint Administrative Committee (JAC), which consists of equal numbers of District and Union representatives may, by mutual agreement, add projects to the BART-MPSA. The Board of Directors' authority to approve, modify or reject proposed construction contracts would remain unchanged. The term of the proposed Agreement is five years, with the option to extend, by mutual agreement, for an additional five years.

The BART-MPSA would create common conditions for contractor and workforce engagement across all covered construction. Key provisions are as follows: No strikes, lockouts or work slow-downs; all covered work to be performed by qualified trades workers dispatched by the respective union hiring halls; SBE/DBEs have the option to utilize their existing work forces; community training and employment goals targeting local residents, disadvantaged, extremely disadvantaged, under represented workers and returning veterans; training fund set-aside to support community-based hiring programs; and establishment of the Joint Administrative Committee to perform various functions including but not limited to oversight, conflict

resolution, and reporting.

The Agreement has been approved and signed by the respective Principal Officers of the Alameda, Contra Costa, San Francisco and Santa Clara and San Benito Building and Construction Trades Councils.

**Fiscal Impact:** Documentable fiscal impact is the cost of administration, monitoring and enforcement of the Agreement. The Office of Civil Rights will be responsible for administration and monitoring, and is working with Planning, Development and Construction and Maintenance and Engineering to secure resources for this purpose. It is not anticipated that application of the BART-MPSA will increase the cost of construction.

**Recommendation:** Staff recommends that the Board of Directors authorize the General Manager to execute the BART Major Projects Stabilization Agreement.

**Alternative:** The alternative is to not authorize the General Manager to sign the BART-MPSA, which would mean that major construction projects would be awarded without the inclusion of a project stabilization agreement.

**Motion:** The Board of Directors authorizes the General Manager to execute the BART Major Projects Stabilization Agreement.

# Major Projects Stabilization Agreement

## SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

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The BART-MPSA applies to nine enumerated construction projects which are either fully or partially funded, and are scheduled for bid and award in 2016, 2017 and 2018. Additional projects may be added by mutual agreement. The terms are modeled on the Oakland Airport Connector PSA and the Hayward Maintenance Complex PSA. The following are the major features:

- **WORK STOPPAGES, STRIKES, SYMPATHY STRIKES AND LOCKOUTS**
  - No strikes, lockouts or work slowdowns
  - Arbitration procedure to settle disputes, including work jurisdiction
  
- **COMPLIANCE AND PREVAILING WAGE**
  - All contractors & subcontractors are required to sign the “Agreement to be Bound”
  - All contractors and subcontractors are required to attend pre-job conferences
  - Contractors are not required to sign any other union agreement
  - The District will monitor and report prevailing wage compliance to:
    - Joint Administrative Committee
    - State Department of Industrial Relations
  
- **WAGES AND BENEFITS:** All workers will have fringe benefit payments made in to their respective Local Union Benefit Trust Funds with access to healthcare, pensions and training
  
- **DISADVANTAGED BUSINESS ENTERPRISE (DBE) & SMALL BUSINESS (SB) PROGRAM**
  - DBEs and SBs will have the option to utilize their existing workforce (“core employees”)
    - One core worker for one union-referred worker up to five core employees per trade
  
- **COMMUNITY HIRING PROGRAMS:** Parties will recruit, train, & employ residents
  - Federally Funded Goals: Disadvantaged, Extremely Disadvantaged & underrepresented workers
    - National Targeted Worker Program
    - Minority (25.6%) and female (6.9%) hiring goals (per Office of Federal Contract Compliance Programs)
  - Locally Funded Goals: 50% of all hours worked by Local Area Residents
    - 25% by residents of County in which the project is located
    - Only Local Area Residents shall be utilized as apprentices
    - 50% of all apprentices must come from the County where the project is located
  - Helmets to Hardhats: The parties to the BART-MPSA agree to employ returning veterans
  - Training Fund: \$.10/work hour contributed by contractors to support community-based hiring

(Continued on back page)

# Major Projects Stabilization Agreement (Cont.)

## SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

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- **JOINT ADMINISTRATIVE COMMITTEE:**
  - Comprised of equal numbers of representatives designated by the District and by the signatory Unions, maximum of ten members
    - The District and the Unions will each appoint a member to serve as a Co-Chair
    - The JAC will meet quarterly or more frequently, as needed
  - The JAC has the authority to add projects to the Agreement
  - The JAC administers Training Fund
  
- **MODIFIED SCHEDULE A AGREEMENTS:** Contractors are not required to honor non-standard work rules contained within a particular construction industry collective bargaining agreement
  
- **UNION SECURITY:** Unions are the sole bargaining representatives of workers on the project and must follow standard dispatch procedures
  
- **TERM:** Five-year term
  - Either party can propose new terms within 90 days of agreement termination
  - An Option for an additional five-year rollover of the Agreement can be agreed to by the parties

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

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Kenneth A. Duron  
District Secretary

4. ADMINISTRATION ITEMS

Director Saltzman, Chairperson

- A. Warm Springs/ South Fremont BART Station Parking Fees.\* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- B. Parking Control Fees at Coliseum Station during Events at O.Co Coliseum and Oracle Arena.\* Board requested to authorize.
- C. Modifications to Parking Citation Fines at BART District Parking Facilities.\* Board requested to authorize.
- D. BART Major Projects Stabilization Agreement.\* For information.**

5. ENGINEERING AND OPERATIONS ITEMS

Director McPartland, Chairperson

- A. Escalator Status Report.\* For information.
- B. Station Maintenance Standards.\* For information.
- C. Quarterly Performance Report, Second Quarter Fiscal Year 2016 - Service Performance Review.\* For information.

6. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION ITEMS

Director Raburn, Chairperson

- A. Warm Springs/South Fremont BART Station West Side Access Bridge.\* Board requested to authorize.
- B. 2016 State and Federal Legislative Goals.\* Board requested to authorize.
- C. Draft Bond Expenditure Program 2016.\* For information.
- D. 2016 Regional and Local Funding Opportunities and Efforts.\* For information.
- E. Development Opportunities at Balboa Park Station.\* For information.

7. GENERAL MANAGER'S REPORT

- A. Review of the Draft Agenda for the Capitol Corridor Joint Powers Board Meeting of February 17, 2016.\* For information.
- B. Report of Activities, including Updates of Operational, Administrative, and Roll Call for Introductions Items.

8. BOARD MATTERS

- A. Policy Regarding Divestment from Investments in Thermal Coal.\* Board requested to authorize. (Director Josefowitz's request.)



# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

## MEMORANDUM

**TO:** Board of Directors **DATE:** February 5, 2016

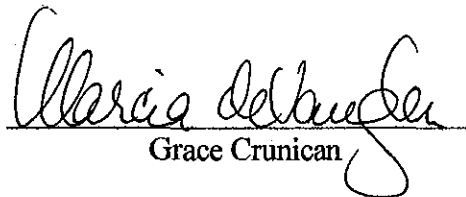
**FROM:** General Manager

**SUBJECT:** Administration Item #4.D: BART Major Projects Stabilization Agreement – For Information

At the Board of Directors meeting on February 11, 2016, staff will discuss a BART Major Projects Stabilization Agreement (BART-MPSA). The final terms of the BART-MPSA were tentatively agreed to by the District and the County Building and Construction Trades Councils of Alameda, San Francisco and Santa Clara on February 1, 2016. The final terms are still under consideration by the County Building and Construction Trades Councils of Contra Costa and San Mateo.

A summary of the significant features of the BART-MPSA is attached. Nine enumerated construction projects with full or partial funding and planned bid dates through 2018 would be covered, with an established process for adding projects by mutual agreement of the District and the signatory Building Trades Councils.

Staff plans to return to the Board at your next meeting to request approval of the BART-MPSA. Please feel free to contact me if you have questions.

  
Grace Crunican

Attachment

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff

# Major Projects Stabilization Agreement

## SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

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(Continued on back page)

# Major Projects Stabilization Agreement (Cont.)

## SF Bay Area Rapid Transit (BART-MPSA)

February 11, 2016

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

Board of Directors  
**Minutes** of the 1,753rd Meeting  
**February 11, 2016**

A regular meeting of the Board of Directors was held February 11, 2016, convening at 9:03 a.m. in the Board Room, 344 20<sup>th</sup> Street, Oakland, California. President Radulovich presided; Kenneth A. Duron, District Secretary.

Directors present: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich.

Absent: None.

President Radulovich announced that the order of order of agenda items would be changed; that Items 5-A, Escalator Status Report, and 5-B, Station Maintenance Standards, would be continued to a future meeting; and that Item 2-F, Award of Invitation for Bid No. 8982, would be removed from Consent Calendar at the request of a member of the public.

Director Mallett requested that Approval of the Minutes of the Regular Meeting of January 14, 2016, be removed from Consent Calendar, as he was not present and would abstain from approval.

Mr. Jason Bezis addressed the Board on Item 2-F.

Item 2-F was replaced onto Consent Calendar.

Consent Calendar items brought before the Board were:

1. Approval of Minutes of the Meetings of January 28, 2016 (Regular); January 28, 2016 (Special); and February 4, 2016 (Special).
2. Resolution Authorizing the Execution of a Project Application for the Fiscal Year 2015-16 Low Carbon Transit Operations Program.
3. Award of Contract No. 15NU-110, Station Access, Parking, Path, and Wayfinding Improvements North Concord and Pittsburg/Bay Point Stations.
4. Award of Invitation for Bid No. 8974, Truck, Track Crew.
5. Award of Invitation for Bid No. 8978, Lining, Brake, Bonded Assembly.
6. Award of Invitation for Bid No. 8982, Motor, Condenser Fan A2/B2.
7. Award of Invitation for Bid No. 8986, Truck, Weld, Heavy Duty.

two (2) each, to Knox Kershaw Inc., Montgomery, Alabama, in the amount of \$978,720.60, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

9. That the General Manager be authorized to award Invitation for Bid No. 8988, for the procurement of 5 turnouts, to Voestalpine Nortrak Inc., of Cheyenne, Wyoming, in the amount of \$873,508.87, including sales tax, pursuant to notification by the General Manager, subject to compliance with the District's protest procedures and Federal Transit Administration's requirements related to protests.

(The foregoing six motions were made on the basis of analysis by the staff and certification by the Controller/Treasurer that funds are available for this purpose.)

President Radulovich brought the matter of Approval of the Minutes of January 14, 2016, before the Board. Director Blalock moved that the Minutes of the Meeting of January 14, 2016, be approved. Director Saltzman seconded the motion, which carried by electronic vote. Ayes - 8: Directors Blalock, Josefowitz, Keller, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0. Abstain - 1: Director Mallett.

President Radulovich called for Public Comment.  
Jason Bezis addressed the Board.

Director Saltzman, Chairperson of the Administration Committee, brought the matter of BART Major Projects Stabilization Agreement before the Board. Ms. Carol Isen, Chief Employee Relations Officer, presented the item.

The following individuals addressed the Board.

Andrew Slivka  
Andreas Cluver  
Dante Johnson  
Jason Bezis  
Art Shanks

The item was discussed.

Director Saltzman brought the matter of Warm Springs/ South Fremont BART Station Parking Fees before the Board. Director Raburn moved adoption of Resolution No. 5310, In the Matter of Adopting Parking Fees for the BART Warm Springs/South Fremont Station. Director Blalock seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.

Director Saltzman brought the matter of Parking Control Fees at Coliseum Station during Events at O.Co Coliseum and Oracle Arena before the Board. Director Blalock moved adoption of Resolution No. 5311, In the Matter of Adopting Parking Control Fees for the Coliseum BART Station. Director Raburn seconded the motion, which carried by unanimous electronic vote. Ayes - 9: Directors Blalock, Josefowitz, Keller, Mallett, McPartland, Murray, Raburn, Saltzman, and Radulovich. Noes - 0.