

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

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

June 26, 2008

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, June 26, 2008, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th 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.

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.
 - 1. 2008 BART Dragon Boat Team

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of June 12, 2008.* Board requested to authorize.

- B. Award of Contract No. 09DJ-110, Replacement and Repairs of Anode Arrays and Cable Installations at Transbay Tube Cathodic Protection System.* Board requested to authorize.
- C. Award of Contract No. 15QC-130, Repave the CHB Parking Lot and Miscellaneous Pavement Repairs at Fremont and San Leandro Stations.* 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 Franklin, Chairperson

- A-1. Condemnation of Real Property for the Warm Springs Extension Project, BART Parcel No. J-1027-1, -3A.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)
- A-2. District Energy Program.
 - A. Update to Strategic Energy Plan.* For information.
 - B. Update on Solar Photovoltaic and Energy Conservation Projects.* For information.
 - C. Approval of Phase IIB Funding for Lodi Energy Center Project.* Board requested to authorize.
- A-3. General Discussion and Public Comment.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Administration Committee Meeting

Director Fang, Chairperson

- B-1. (CONTINUED from June 12, 2008, Engineering and Operations Committee Meeting)
Agreement with King American Ambulance Company to Provide Standby Emergency Medical Services at Specific Locations (Agreement No. 6M3093).* Board requested to authorize.
- B-2. Award of Contract No. 19CSWD, Spot Relamping for BART Facilities.* Board requested to authorize.
- B-3. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Director Ward Allen, 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. Condemnation of Real Property for the Warm Springs Extension Project, BART Parcel No. J-1027-1, -3A.* Board requested to authorize. (TWO-THIRDS VOTE REQUIRED.)

A-2. District Energy Program.

A. Update to Strategic Energy Plan.* For information.

B. Update on Solar Photovoltaic and Energy Conservation Projects.* For information.

C. Approval of Phase IIB Funding for Lodi Energy Center Project.*
Board requested to authorize.

B. ENGINEERING AND OPERATIONS COMMITTEE

B-1. (CONTINUED from June 12, 2008, Engineering and Operations Committee Meeting)

Agreement with King American Ambulance Company to Provide Standby Emergency Medical Services at Specific Locations (Agreement No. 6M3093).* Board requested to authorize.

B-2. Award of Contract No. 19CSWD, Spot Relamping for BART Facilities.*
Board requested to authorize.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

NO REPORT.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

A. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delbrun</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to the Board	
DATE: <i>6/18/08</i>		BOARD INITIATED ITEM: No	
Originator/Prepared by: Khawaja Zubair Dept: Engineering	General Counsel <i>Michael...</i>	Controller/Treasurer <i>Robert...</i>	District Secretary BABS <i>Tony...</i>
Signature/Date: <i>K. Zubair 6/16/08</i>	<i>Michael...</i> 6/16/08	<i>Robert...</i> 6-16-08	<i>Tony...</i> 6/16/08

Status: Routed	Date Created: 06/02/2008
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TITLE:
AWARD OF CONTRACT NO: 09DJ-110, REPLACEMENT AND REPAIRS OF ANODE ARRAYS AND CABLE INSTALLATIONS AT TRANSBAY TUBE (TBT) CATHODIC PROTECTION SYSTEM

NARRATIVE:

PURPOSE: To obtain Board authorization for the General Manager to award Contract No: 09DJ-110 for replacement and repair of Anode Arrays and cable Installations at TBT Cathodic Protection System to Vortex Marine Construction, Inc. for the bid price of \$1,809,356.

DISCUSSION:

At present the transbay tube steel shell is protected from corrosion by a series of cathodic protection anodes. These anodes are located at some distance away from the TBT at the bottom of the bay, and provide required current to charge the tube shell to a negative voltage. This negative voltage in turn protects the steel shell from corrosion. Each anode is connected to a power source located in the TBT with an armored submarine cable at the bottom of the bay. The steel shell is required around the concrete tube structure for the integrity of the tube against mechanical damages as well as against water leakage. As the anode ages, the anode material is consumed over a period of time and no longer works. In addition, the ship traffic at times damages the connecting cable between the anode and the power source requiring replacement. As the anodes become eroded from time to time, BART undertakes a program to replace them. At this time, some of the old anodes need to be replaced with new anodes.

The Contract No. 09DJ-110 will replace seventeen anodes out of a total of thirty, and will repair or replace corresponding cable connections.

Advance Notice to bidders was mailed on April 10, 2008 to seventy (70) prospective bidders. The replacement Contract No. 09DJ-110 was advertised on April 10, 2008. The Pre-Bid Meeting was conducted on April 25, 2008 with fifteen (15) prospective bidders attending the meeting. The following three bids were received on May 6, 2008.

<u>BIDDER</u>	<u>BID PRICE</u>
Vortex Marine Construction, Inc., Oakland, California	\$1,809,356.00
Manson Construction Co., Richmond, California	\$2,151,464.00
Dutra Construction Co. Inc, San Rafael, California	\$2,360,100.00
Engineer's Estimate	\$1,930,050.00

The low bidder based upon Staff's analysis of the itemized bids, Vortex Marine Construction, Inc., has been deemed to be responsive to the solicitation. Furthermore, a review of the bidder's business experience and financial capabilities has resulted in a determination that the bidder is responsible. District Staff has determined that the bid price by Vortex Marine Construction, Inc. is fair and reasonable.

FISCAL IMPACT:

Funding of \$1,809,356.00 for contract 09DJ-110 is included in the total project budget for the FMS#09DJ – Track Rehab (Cathodic Protection). The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

CA-03-0729 FY05

47W

\$1,809,356

As of 04/27/08, \$4,958,891 is available for commitment from this fund source for this project and BART to date has committed \$510,631. There is \$471,767 pending commitment in BART's financial management system. This action will commit an additional \$1,809,356, leaving an uncommitted balance of \$2,167,137 in this fund.

There is no fiscal impact on available un-programmed District Reserves.

ALTERNATIVES:

1. To not replace and repair the anodes and the cables of the cathodic protection system. This will leave the Transbay Tube more susceptible to corrosion.
2. Rebid the contract which will adversely affect the schedule.

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. 09DJ-110 for Replacement and Repairs of Anode Arrays and Cable Installations at Transbay Tube Cathodic Protection System, to Vortex Marine Construction, Inc. for the bid price of \$1,809,356, pursuant to notification issued by the General Manager, subject to compliance with the District's protest procedures, and FTA's requirements related to protests.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Valencia delBueno</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board	
DATE: <i>6/18/08</i>		BOARD INITIATED ITEM: No	
Originator/Prepared by: Ersten Y Imaoka Dept: Maintenance & Engineering <i>Ersten Imaoka</i> Signature/Date: <i>6/11/08</i>	General Counsel <i>Michael J. [unclear]</i> Signature/Date: <i>6/12/08</i>	Controller/Treasurer <i>[Signature]</i> Signature/Date: <i>6/12/08</i>	District Secretary BARE <i>Paul Jensen</i> Signature/Date: <i>6/16/08</i>
Status: Routed		Date Created: 05/23/2008	

TITLE:

Award Contract No. 15QC-130, Repave the CHB Parking Lot and Miscellaneous Pavement Repairs

NARRATIVE:

PURPOSE:

To authorize the General Manager to award Contract No. 15QC-130, Repave the CHB Parking Lot and Miscellaneous Pavement Repairs, to Galedrige Construction, Inc.

DISCUSSION:

This Contract, in general, consists of furnishing all labor, equipment, materials and services required to repave the surface parking lot at the CHB, and miscellaneous pavement repairs at the Fremont and San Leandro Stations. Concrete, curbs and ramps, modification of existing utilities, pavement striping and marking, signage, electrical, irrigation, and miscellaneous and incidental work are also part of the scope of this Contract.

Advance Notice to Bidders was mailed on May 7, 2008 to 107 prospective bidders. Contract Books were mailed to 17 plan rooms and minority assistance organizations. The Contract was advertised on May 12, 2008. A pre-bid meeting was held on May 20, 2008. Four prospective bidders attended the pre-bid meeting. The following three bids were received on June 3, 2008:

<u>Bidder</u>	<u>Location</u>	<u>Total Bid</u>
1. Galedrige Construction, Inc.	Alviso, CA	\$407,402.00
2. Bay Cities Paving and Grading, Inc.	Concord, CA	\$426,999.50
3. B & B Grading and Paving, Inc.	Concord, CA	\$437,000.00
ENGINEER'S ESTIMATE		\$334,300.00

Staff has determined that the bid submitted by Galedrige Construction, Inc. is responsive to the solicitation, and the bidder's license, business experience, and financial capabilities indicate that the bidder is responsible. The Engineer's Estimate is approximately 22% lower than Galedrige Construction's bid. Staff evaluated the Engineer's Estimate and found that there was a significant disparity in costing the electrical work when compared to the Contractor's price for that item. Staff concluded that underpricing the cost of weekend electrical work, and changes to the electrical design that were not accounted for in the final estimate, combined to produce an estimate for the electrical work that was unrealistically low by more than \$33,000. Accordingly, Staff has determined that the bid of \$407,402 is fair and reasonable.

Staff has determined that this work is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations Section 15301 Existing Facilities, because it consists of the repair and minor alterations of existing facilities and involves no expansion of use.

FISCAL IMPACT:

Funding for this \$407,402 Contract is included in the total project budget for 15QC, Repave 3 Station Parking Lots FY 07. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

<u>FY-00-06 Capital Allocation</u>	<u>50W</u>	<u>\$150,000</u>
<u>FY-07-11 Capital Allocation</u>	<u>51W</u>	<u>\$257,402</u>

As of the period ending 04/27 /08, \$450,000 is available for commitment from fund source 50W for this project and \$0 has been committed to date by BART. There is \$300,000 in pending commitments in BART's financial management system. This action will commit \$150,000, leaving an uncommitted balance of \$0.

As of the period ending 04/27/08, \$2,594,356 is available for commitment from fund source 51W for this project and \$2,016,875 has been committed to date by BART. There is \$9,349 in pending commitments in BART's financial management system. This action will commit \$257,402, leaving an uncommitted balance of \$310,730.

There is no fiscal impact on available unprogrammed District capital funds.

ALTERNATIVES:

The alternative is to reject all bids, which will result in deferral of pavement rehabilitation, further deterioration of the pavement surfaces, and more extensive and costlier repairs in the future.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

The General Manager is authorized to award Contract No. 15QC-130, Repave the CHB Parking Lot and Miscellaneous Pavement Repairs, to Galedrige Construction, Inc., for the bid price of \$407,402.00, pursuant to notification to be issued by the General Manager, and subject to the District's protest procedures.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D:		
DATE: <i>[Signature]</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Joseph Basuino Dept: <i>[Signature]</i> Signature/Date: 6-19-2008	General Counsel <i>[Signature]</i> 6/19/08	Controller/Treasurer <i>[Signature]</i> 6/19/08	District Secretary []	BARC []

Status: Routed	Date Created: 06/05/2008
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TITLE:

Condemnation of Real Property for the Warm Springs Extension Project (WSX) BART Parcel # J-1027-1 and J-1027-3A

NARRATIVE:

PURPOSE:

To adopt by a two-thirds vote of the entire Board the attached Resolution of Necessity to Condemn fee simple and temporary easement interest in real property located at 39350 Civic Center Drive, Fremont, California 94538. This property is required for the Warm Springs Extension Project.

DISCUSSION:

The San Francisco Bay Area Rapid Transit District ("BART") proposes to purchase certain real property for the purpose of constructing a rail extension from the existing Fremont Station site south to Warm Springs ("WSX" or the "Project"). The Project requires the acquisition of approximately 6,363 square feet in fee and of approximately 941 square feet in temporary easement of a 3.969± acre property owned by Leighton Business Center, LLC ("Leighton"). It is located at 39350 Civic Center Drive, Fremont, CA 94538 (BART Parcel #J-1027-1 and J-1027-3A or the "Subject Parcel").

The Board certified a California Environmental Quality Act ("CEQA") Final Environmental Impact Report ("FEIR") on September 15, 1992. The District prepared a Supplemental Environmental Impact Report ("SEIR") for the purpose of updating the 1992 FEIR due to changed circumstances and certain revisions to the Project since 1992. On June 26, 2003, following a public hearing, the Board certified the SEIR and adopted the Project.

The Federal Transit Administration ("FTA"), as lead federal agency, and BART released a Final Environmental Impact Statement ("FEIS") for the Warm Springs Extension Project in July of 2006. The FTA and BART considered and incorporated the results of previous studies into the FEIS, including the 1992 BART Warm Springs Extension FEIR and the 2003 SEIR. Additionally, the FEIS complies with other environmental requirements that apply only to federal actions and not to the CEQA analysis previously conducted. The FTA issued a Record of Decision on October 24, 2006, which determined that the National Environmental Policy Act requirements for the Project have been satisfied.

The proposed use of the Subject Parcel is for trackway. Project features proposed on and near this parcel have been specifically planned and located in an attempt to meet Project needs in the most beneficial and least environmentally harmful way possible. The trackway alignment must extend south from the existing Fremont Station, travel through a narrow corridor of open land between Walnut Avenue and Stevenson Boulevard, which includes a crossing of the Hayward Fault, pass through Central Park in a subway which must rise to grade once it has crossed beneath the operating Union Pacific track and then cross Paseo Padre Parkway in a manner compatible with the City of Fremont's Washington Boulevard/Paseo Padre Parkway grade separation project which is currently under construction. Where the trackway crosses the Hayward Fault, it must do so on a widened earthen embankment to minimize risk of future damage and increase BART's ability to maintain the trackway at this location.

In the immediate vicinity of the Subject Parcel, the BART alignment is highly constrained by its tie in to the Fremont Station and the narrow corridor of land the alignment must be built on between Walnut Avenue and Stevenson Boulevard. On either side of the BART alignment between Walnut Avenue and Stevenson Boulevard are the South Tule Pond and a mixture of improved land including office buildings, apartment complexes with retail and condominium developments.

The Project facilities and uses to be located on the Subject Parcel, particularly the trackway alignments, are necessary for the successful construction of the Project and the safe and efficient operation of the BART system. The parcel is uniquely suited to support these Project purposes.

The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record of the Subject Parcel on April 10, 2008. The estimated market value of the Subject Parcel is \$373,600.00.

Former owners of the Subject Parcel (and/or their assignees) are the Philip H. and Ruth Ann Ingber Trust, Cynthia M. Ingber Morisch, the 1998 Irrevocable Trust for the Benefit of Eric Ward Ingber, Kate Sexton Ingber, the Peter S. Ingber Trust, the Sara Loring Ingber Trust and the Griffin 1989 Living Trust (collectively the "Ingber Parties"). The Ingber Parties appear to have some interest in the condemnation award.

In December 14, 2007, the Real Property was acquired by Leighton.

To date, negotiations appear to be at an impasse. The property owner or owners have been notified of the Board hearing on June 26, 2008.

In order to proceed with the recommended condemnation, the Board must determine each of the following:

1. The public interest and necessity require the proposed project.
2. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

3. The proposed property acquisition is necessary for said project.
4. The offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

FISCAL IMPACT:

Funding of \$373,600 for acquisition of this parcel is included in Project 02EC, ROW Acquisition. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation. Funds for the purchase will come from the following sources:

California Transportation Commission (CTC) Traffic Congestion Relief Program (TCRP)-WSX
Fund 55N: \$373,600

As of April 27, 2008, \$44,318,000 has been made available for commitment from this fund source for this Project, and \$5,279,431 has been committed by BART to date. There are \$5,740,000 in pending commitments in BART's financial management system. This action will commit an additional \$373,600, leaving an uncommitted balance of \$32,924,969 in this fund source.

There is no fiscal impact on available unprogrammed District reserves.

ALTERNATIVES: Withdraw the condemnation action and proceed with negotiations without the backing of eminent domain. Withdrawal of the condemnation action may result in the property not being available for Project construction when required and exposing BART to additional escalation on the capital cost of the WSX Project.

RECOMMENDATIONS: It is recommended that the Board adopt the attached Resolution of Necessity to condemn the Real Property.

MOTION: Adoption of the attached resolution. A two-thirds vote of the full Board is required to adopt this Resolution.



EXHIBIT

**LEIGHTON BUSINESS CENTER, LLC
PERMANENT FEE TAKE
AND
TEMPORARY CONSTRUCTION EASEMENT**

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

RESOLUTION OF NECESSITY TO CONDEMN
REAL PROPERTY; MAKE FINDINGS AND
DETERMINATIONS; AUTHORIZE EMINENT
DOMAIN PROCEEDINGS AND APPLICATION
FOR POSSESSION PRIOR TO JUDGMENT;
DRAW AND DEPOSIT WARRANT /)

Resolution No.

Recitals

1. The San Francisco Bay Area Rapid Transit District (“BART or District”) is undertaking the construction of the Warm Springs Extension Project (the “Project”). The BART Board of Directors (“Board”) certified a California Environmental Quality Act (“CEQA”) Final Environmental Impact Report (“FEIR”) on September 15, 1992. The District prepared a Supplemental Environmental Impact Report (“SEIR”) for the purpose of updating the 1992 FEIR due to changed circumstances and certain revisions to the Project since 1992. On June 26, 2003, following a public hearing, the Board certified the SEIR and adopted the Project.

2. The Federal Transit Administration (“FTA”) and BART released a Final Environmental Impact Statement (“FEIS”) for the Warm Springs Extension Project in July of 2006. The FTA issued a Record of Decision on October 24, 2006 which determined that the National Environmental Policy Act (“NEPA”) requirements and other federal requirements for the Project have been satisfied.

3. The Project requires the acquisition of certain property owned by Leighton Business Center, LLC (“Leighton”) that is defined in paragraph 5 of these Recitals as the Subject Property.

4. The District has complied with all requirements of CEQA and NEPA for the Project.

5. The District desires to acquire for public use, by exercise of the power of eminent domain, property interests, to wit, fee title and temporary construction easement together with all improvements situated thereon and together with all rights appurtenant thereto, to certain real property owned in fee simple by Leighton, as its interests appear of record, which real property, or interests in property, is located at 39350 Civic Center Drive, California, 94538, and is identified as BART Parcel Numbers J-1027-1 and J-1027-3A (Assessor's Parcel Number 507-0465-016), and is more particularly described and shown in Exhibit A, attached hereto and incorporated herein by this reference (the "Subject Property"). Parcel J-1027-1 is to be acquired in fee, together with any improvements thereon. Parcel J-1027-3A is to be acquired as a temporary construction easement.

6. The Board of Directors constitutes the governing body of the District and is authorized by Sections 28953, 29010, and 29031 of the California Public Utilities Code to acquire the Subject Property by eminent domain.

7. The District has tendered a written offer to the owner or owners of record to purchase the Subject Property for the fair market value, and has sent to the owner or owners written notice of the intent to adopt this resolution of necessity.

8. The Board of Directors has given due consideration to all oral and documentary evidence presented and has found that the acquisition of the Subject Property is required by the public interest and necessity for rapid transit purposes, more particularly to construct the Project and all incidents thereto.

Now, therefore, by vote of two-thirds or more of its members, the Board of Directors of the San Francisco Bay Area Rapid Transit District does find and resolve that:

1. The public interest and necessity require the proposed Project;

2. The proposed Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
3. The Subject Property is necessary for the proposed Project;
4. The offer required by Section 7267.2 of the California Government Code has been made to the owner or owners of record of the Subject Property.
5. The District has complied with all conditions and statutory requirements, including those prescribed by CEQA, that are necessary to exercise the power of eminent domain to acquire the Subject Property.
6. The Subject Property is being acquired for a compatible use under California Code of Civil Procedure Section 1240.510 in that the District's use of the Subject Property will not interfere with or impair the continued use of the Subject Property for public utilities as they now exist or may reasonably be expected to exist in the future.
7. The Subject Property is being acquired for a more necessary public use under California Code of Civil Procedure Section 1240.610 in that the District's use of the Subject Property is a more necessary public use than the use to which the property is appropriated.

Special counsel, Erickson, Beasley & Hewitt, are hereby AUTHORIZED AND EMPOWERED:

To acquire in the name of the San Francisco Bay Area Rapid Transit District, by condemnation, the Subject Property in accordance with the provisions of the Eminent Domain Law, the Code of Civil Procedure and the Constitution of California.

To prepare and prosecute in the name of the San Francisco Bay Area Rapid Transit District such proceedings in the proper court as are necessary for such acquisition; and

To deposit the probable amount of just compensation, based on an appraisal, and to apply to said court for an order permitting the San Francisco Bay Area Rapid Transit District to take immediate possession and use the Subject Property for said public uses and purposes.

The General Manager of the San Francisco Bay Area Rapid Transit District is hereby AUTHORIZED AND EMPOWERED:

To draw a warrant in the amount as determined by an appraisal of the fair market value of the Subject Property, made payable on California Transportation Commission (CTC) Traffic Congestion Relief Program (TCRP)-WSX Fund 55N, said warrant to be made payable to State of California--Condemnation Deposits Fund, and deliver said warrant to said special counsel or wire said sum directly to the State of California Treasurer's Office, to be deposited with said payee as security for the order for possession hereinbefore authorized.

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Exhibit A Page 1 of 4

**LEGAL DESCRIPTION
SFBARTD PARCEL WSX J-1027-1**

All that certain real property situated in the City of Fremont, County of Alameda, State of California, being a portion of that certain real property shown as PARCEL 1 on that map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, Alameda County Records, and conveyed in that certain Grant Deed recorded September 1, 1998 as document 98-303987, Alameda County Records, granted to Brookwood Pacific Investors, LLC from Leighton Pacific Developments, Inc., successor-by-merger to Leighton Realty, Inc., more particularly described as follows:

BEGINNING at a point at the most northerly corner of said PARCEL 1; thence along the northeasterly line of said PARCEL 1, South 30°45'47" East 202.02 feet; thence leaving said northeasterly line, North 51°02'18" West 181.80 feet, to a point on the northwesterly line of said PARCEL 1, said northwesterly line also being the southeasterly line of Walnut Avenue; thence along said line, North 32°40'56" East 70.43 feet, to the POINT OF BEGINNING.

Containing 6,364 square feet or 0.15 acres, more or less.

Bearings and distances are based on the California Coordinate System, Zone 3, NAD 1983 (CCS83). Multiply distances shown by 1.0000706 to obtain ground level distances. All distances are in feet and/or decimals thereof except as noted.

Project: Warm Springs Extension
 Owner: LEIGHTON BUSINESS CENTER, LLC
 BART Parcel No.: J-1027

Exhibit A Pg 2 of 4

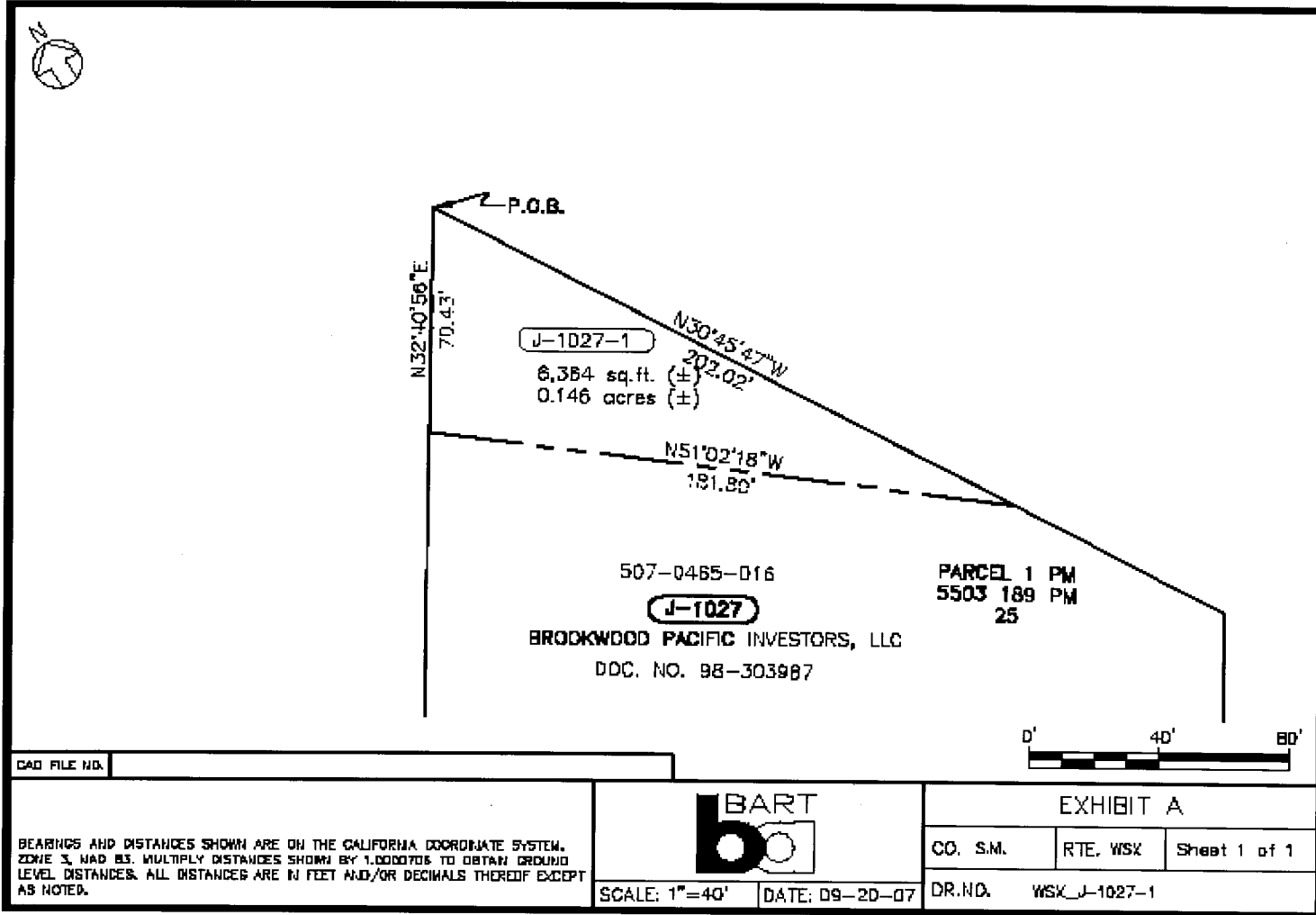


Exhibit A Pg 3 of 4

**LEGAL DESCRIPTION
SFBARTD PARCEL WSX J-1027-3A**

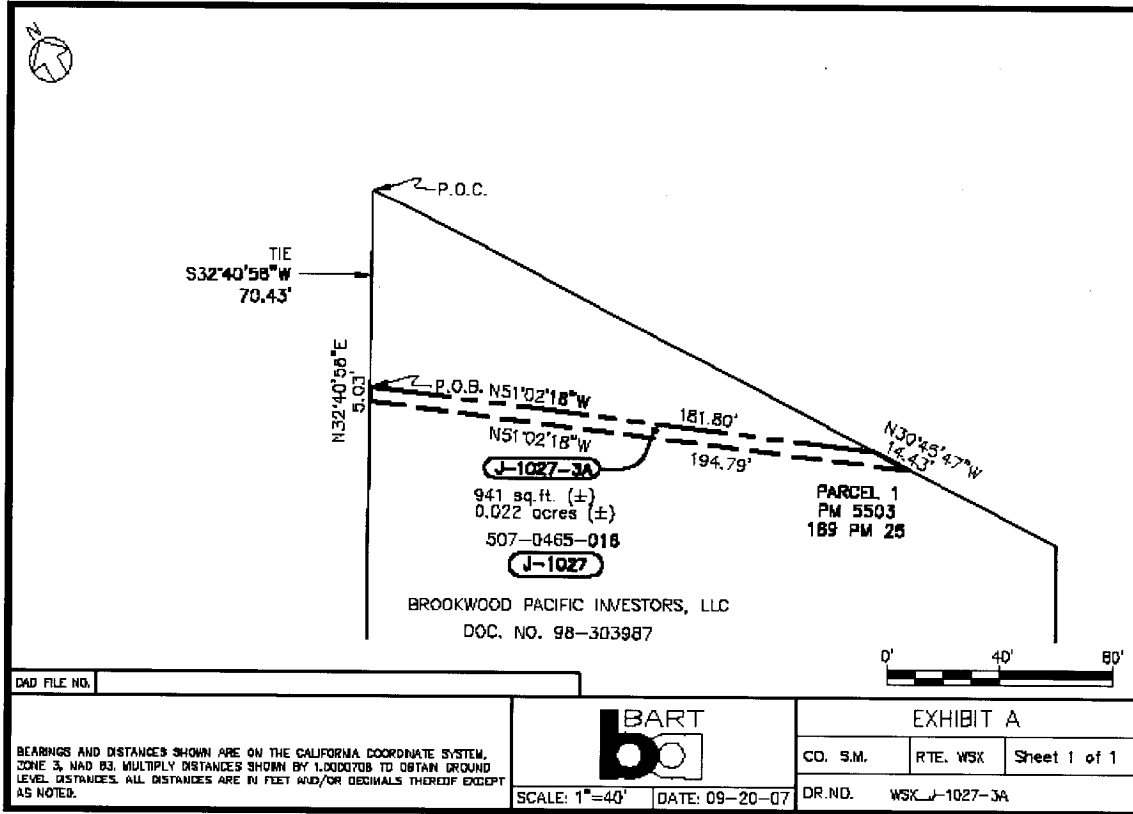
All that certain real property situated in the City of Fremont, County of Alameda, State of California, being a portion of that certain real property shown as PARCEL 1 on that map entitled "Parcel Map 5503", filed January 23, 1990, in Book 189 of Maps, at pages 25 through 27, Alameda County Records, and conveyed in that certain Grant Deed recorded September 1, 1998 as document 98-303987, Alameda County Records, granted to Brookwood Pacific Investors, LLC from Leighton Pacific Developments, Inc., successor-by-merger to Leighton Realty, Inc., more particularly described as follows:

COMMENCING at the most northerly corner of said PARCEL 1; thence along the northwesterly line of said PARCEL 1, said line also being the southeasterly line of Walnut Avenue, South 32°40'56" West 70.43 feet, to the POINT OF BEGINNING; thence leaving said line, South 51°02'18" East 181.80 feet, to a point on the northeasterly line of said PARCEL 1; thence along said northeasterly line, South 30°45'47" East 14.43 feet; thence leaving said northeasterly line, North 51°02'18" West 194.79 feet, to said northwesterly line of said PARCEL 1; thence along said line, North 32°40'56" East 5.03 feet to the POINT OF BEGINNING.

Containing 941 square feet or 0.02 acres, more or less.

Bearings and distances are based on the California Coordinate System, Zone 3, NAD 1983 (CCS83). Multiply distances shown by 1.0000706 to obtain ground level distances. All distances are in feet and/or decimals thereof except as noted.

Exhibit A Page 4 of 4



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

INTER-OFFICE COMMUNICATION

TO: Board of Directors

DATE: June 20, 2008

FROM: General Manager

SUBJECT: Progress Report on Solar Photovoltaic (PV) and Energy Conservation Projects

This is to inform you that District staff will report at the Board's June 26th meeting on our progress to install solar PV generation facilities on District property. In addition to installing solar PV facilities, significant energy conservation opportunities have been identified through replacing outdated lighting. Therefore, the scope of this project has been expanded to add the lighting improvements as well. The District anticipates bringing forward a proposal to install solar PV facilities and energy conservation measures at District facilities for the Board's consideration at the July 10th Board meeting.



Dorothy W. Dugger

cc: Board Appointed Officers
Deputy General Manager
Executive Staff



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>[Signature]</i>		GENERAL MANAGER ACTION REQ'D: Approve and place on June 26, 2008 Administration Committee Agenda		
DATE: 6/20/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Frank Schultz Dept: Operating Budgets & Analysis <i>[Signature]</i> Signature/Date:	General Counsel <i>[Signature]</i> 6/20/08	Controller/Treasurer <i>[Signature]</i> 6/29/08	District Secretary []	BARC <i>[Signature]</i> 6/20/08 []
Status: Routed		Date Created: 06/15/2008		

TITLE:

Authorize Phase IIB Funding for Lodi Energy Center Project

NARRATIVE:

PURPOSE

The purpose is to have the Board of Directors authorize payment of the District's share of Phase IIB funding for the Lodi Energy Center project.

DISCUSSION

The District is a member of the Northern California Power Agency (NCPA). The agency currently operates four power plants - a geothermal facility, a hydroelectric facility and two natural gas peaking plants, one of which is located in Lodi, California. The NCPA plants have provided reliable power at costs below market prices. Participating members take a share of the plants' output through power purchase agreements.

NCPA is developing a 255-megawatt natural gas generation plant at its existing Lodi location, called the Lodi Energy Center. NCPA has a three-phase project development process. The project is currently in its second phase which includes environmental permitting - Phase IIA and detailed design engineering - Phase IIB. The Board of Directors approved the Second Phase Development Agreement with NCPA for a 15 megawatt share (approximately six percent of the plant's output) at the January 10, 2008 meeting of the Board. The District's portion of the project's Phase IIA development costs was \$941,000.

NCPA has made good progress and the project is now ready to enter Phase IIB - detailed design engineering. The Second Phase Agreement has "off -ramp" provisions at each phase that allow participants to end their participation in the project. If the project is constructed and enters commercial operation, exiting members will be reimbursed the costs they paid into project development.

The original reasons for the District's participation in the Lodi Energy Center remain valid. The BART Strategic Energy Plan also recommends that the District invest in this facility. As outlined in the Plan, the District's biggest weakness in its power supply arrangements is that it is almost completely dependent on market purchases of electricity. This exposes the District to significant risk with unpredictable costs and potentially unreliable suppliers. Participating in the Lodi Energy Center will provide the District with a known source of supply, reliable partners and

control over costs. Since the plant will employ the most efficient technology available, the power will be generated at below market costs. The District's share of the plant -15 megawatts - amounts to approximately one-third of the District's average power use. This level of participation is consistent with prudent portfolio management, which supports having a mix of generation sources and not relying on one source of supply. The District's remaining two-thirds supply can be provided by renewable energy sources, if cost-effective supplies are available, and by continued market purchases. The District is actively developing renewable energy projects as part of NCPA's Green Pool program. With particular reference to the Lodi Energy Center, the Green Pool is funding a study of the potential for biomethane supply (cowgas) from the dairy farms of the Central Valley to supply a portion of the fuel for the plant, instead of natural gas.

It is recommended that the District continue to participate in the Lodi Energy Center project and provide its share of Phase IIB costs which is \$529,412. The detailed engineering work of Phase IIB is scheduled to take approximately one year. After completion of that work, the next step is the Phase III Agreement for the financing and construction of the plant. The District will need to make a final decision on participating in the project at that time. Commercial operation is scheduled for 2012.

FISCAL IMPACT

The FY08 budget provides for a \$1 million allocation from the operating budget for Phase II project costs based on NCPA's original estimate. Due primarily to higher costs to obtain emission reduction credits, the project development estimate has been revised upward and the District's share is now \$1.5 million. The Board has previously authorized \$941,000 for Phase IIA costs. The Phase IIB cost is \$529,412. The additional cost of \$470,412 will be provided by an allocation from the operating budget for FY08, and be covered from savings in power-related expenditures.

ALTERNATIVE

The District could choose to end its participation in the Lodi Energy Center. In the absence of generation from this plant, the District would have to continue to rely on more expensive market power supply. The development costs paid so far would be refunded if the plant goes forward to commercial operation

RECOMMENDATION

It is recommended that the Board adopt the following motion.

MOTION

That the Board authorize payment not to exceed \$529,412 for the District's share of Phase IIB project funds.



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GENERAL MANAGER APPROVAL: 		GENERAL MANAGER ACTION REQ'D:		
DATE: 6/20/08		BOARD INITIATED ITEM: No		
Originator/Prepared by: Anita C Sanchez Dept. Transportation & System Service Signature/Date: 6/20/08	General Counsel 6/20/08	Controller/Treasurer 6/20/08	District Secretary	BARC 6/20/08
Status: Routed		Date Created: 06/18/2008		

TITLE:

Agreement to Provide Standby Emergency Medical Services at Specific Locations

NARRATIVE:

PURPOSE: To request the Board to authorize the General Manager to execute Agreement 6M3093 To Provide Standby Emergency Medical Services at Specific Locations with King American Ambulance Company (King American). The Agreement will result in the provision of standby medical response staff and equipment to perform patient assessment and disposition as required for stations from Embarcadero through Civic Center Stations. The Agreement is for a base term of three years with options for two additional one-year terms.

DISCUSSION: As part of the FY 2008 budget, a pilot program to provide paramedic services at either end of the Transbay tube was initiated to reduce train delays caused by passenger illness and as a measure to facilitate meeting the Train-On-Time performance standard of 94%. Data shows that, historically, passenger illness delays occurred most frequently at Embarcadero and West Oakland Stations. Paramedic support is currently being provided on non-holiday weekdays during the peak travel times of 6:00-9:00 a.m. and 3:00-7:00 p.m. at each of these stations under two agreements that expire at the end of FY2008. Initially funded for a six-month trial, these paramedic services have been instrumental in reducing delays at these two critical points in the system. Therefore, staff is recommending the continuation of these services through a new agreement.

A Request-for-Quotations (RFQ) was sent to the two current providers, King American Ambulance Company and American Medical Response. The RFQ requested that vendors provide quotes on three proposed alternatives for the delivery of stand-by emergency services (Alternative 1 for services from Embarcadero through Civic Center, Alternative 2 for services for West Oakland, and Alternative 3 for Embarcadero through Civic Center and West Oakland). The only responsive proposal was submitted by King American to provide services for Embarcadero Station through Civic Center Station (Alternative 1). King American responded with a quote of \$403,563.00 for three years and \$134,521.00 for each of the option years. This is slightly higher than staff estimate of \$382,500.00 for the three-year period.

A response to the request provided by American Medical Response was received after the requested due date for proposals and, upon review by staff, was determined to be non-responsive. King American's proposals on the alternatives that included services for West Oakland were also

determined to be non-responsive.

Staff has reviewed the quotation provided by King American Ambulance Company on Alternative 1 and has made the determination that it is responsive, the proposed price is fair and reasonable and that the firm is capable of performing services based upon past performance, business history and financial status.

The Office of the General Counsel will approve the Agreement to form.

FISCAL IMPACT: Funding for this Agreement will be provided from Transportation & System Service Department's operating budget (Cost Center 700) in the amount of \$134,521.00 per year for FY2009 through FY2013.

ALTERNATIVE: Do not authorize the execution of the Agreement and end the pilot effective June 30, 2008. This could result in more train delays due to passenger illness.

RECOMMENDATION: Adoption of the following motion.

MOTION:

The General Manager is authorized to execute an Agreement 6M3093 To Provide Standby Emergency Medical Services at Specific Locations with King American Ambulance Company for a base term of three years at a cost not to exceed \$403,563.00, with the option to extend the Agreement for two additional one year terms for an additional amount not to exceed \$134,521.00 per year, for a total Agreement cost not to exceed \$672,605.00.



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Walter DeLuca</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to E&O Committee		
DATE: <i>6/18/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Larry Fisher Dept: Maintenance and Engineering	General Counsel <i>Walter DeLuca</i> <i>6/18/08</i>	Controller/Treasurer <i>Robert C. [unclear]</i> <i>6/18/08</i>	District Secretary	BARC <i>Paul [unclear]</i> <i>6/18/08</i>
Signature/Date: <i>[Signature]</i> <i>6/17/08</i>				
Status: Routed		Date Created: 04/16/2008		

TITLE:

Contract No. 19CSWD Spot Relamping for BART Facilities

NARRATIVE:

Purpose: To obtain Board authorization for the General Manager to award Contract No.19CSWD, Spot Relamping for BART Facilities, to Fluoresco Lighting & Signs of Oakland California.

Discussion:

This contract will provide for continuous monitoring and replacement of burned-out lamps at stations, parking lots, yards and park and ride lots. Recognizing that patron and staff comfort and safety depends on consistent lighting, Operations/Maintenance, in its on-going commitment to higher levels of service has determined that this relamping can best be performed by a contractor whose business is this type of work. The contract that is recommended here will require that all lighting fixtures in public spaces in every station be inspected on two month intervals and relamped as needed. Emergency call-out is also available in order to correct deficiencies that occur between scheduled visits. Parking lots and Yards are also scheduled for routine inspection and relamping under this contract.

This is a three (3) year contract with two one (1) year options for a total of five years from the date of Notice To Proceed. Advance Notice to Bidders were mailed to 131 prospective bidders. Contract Books were mailed to 19 Plan Rooms and Minority Assistance Organizations. The contract was advertised on March 10, 2008 in local publications. A total of ten firms purchased copies of the contract documents. A pre-bid meeting and site visit were conducted on March 18, 2008 with eight prospective bidders attending. Bids were publicly opened on April 29, 2008. Five bids were received as follows:

Bidder	Total Bid Price Base Bid	Total Bid Price Bid Option 1	Total Bid Price Bid Option 2	Total Bid Price Base and Options
Fluoresco Lighting & Signs, Oakland, CA	\$1,799,400	\$640,300	\$640,300	\$3,080,000
Amtech, Oakland, CA	\$1,870,528	\$538,960	\$793,264	\$3,202,752
Vista Universal, Hayward, CA	\$2,284,416	\$814,300	\$853,000	\$3,951,716
CE Harris DBA Harris Electric, Dublin, CA	\$4,908,544	\$2,017,300	\$2,356,756	\$9,282,600
Tennison Electric, Livermore, CA	\$6,698,316	\$2,573,500	\$2,689,900	\$11,916,716
District Engineer's Estimate	\$2,616,000	\$937,000	\$937,000	\$4,490,000

Staff has determined that the apparent low bidder, Fluoresco Lighting & Signs of Oakland, CA., submitted a responsive bid. Furthermore, a review of this bidder's license, business experience,

and financial capabilities has resulted in the determination that the bidder is responsible. Staff has also determined that the bid pricing is fair and reasonable.

Fiscal Impact

District expenditures for this contract are estimated as follows:

FY09	\$518,800
FY10	\$640,300
FY11	\$640,300
FY12	\$640,300
FY13	\$640,300

Funding for this contract will be provided from FY09 through FY13 Operating Budget for Cost Center 648, Maintenance Support. Funding is currently in place for FY09 expenditures.

Alternative:

To not award this Contract will result in continued lamp outages at many stations and parking lots. This will contribute to insufficient lighting in some locations on District property along with associated customer dissatisfaction and complaints.

Recommendation:

Staff recommends that the Board adopt the following motion.

Motion:

That the General Manager is authorized to award Contract No.19CSWD to provide Spot Relamping for BART Facilities to Fluoresco Lighting & Signs of Oakland, California, for a period of three years, and to exercise the options to extend the Contract for two additional one-year periods for the bid price of \$3,080,000 pursuant to notification to be issued by the General Manager and subject to the District's protest procedures.