



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Agenda

Bay Area Toll Authority Oversight Committee

Committee Members:

Amy R. Worth, Chair Libby Schaaf, Vice Chair

*Jeannie Bruins, Carol Dutra-Vernaci, Federal D. Glover,
Nick Josefowitz, Gina Papan, Hillary Ronen,
Non-Voting Member: Tony Tavares*

Wednesday, March 11, 2020

9:30 AM

Board Room - 1st Floor

This meeting is scheduled to be webcast live on the Metropolitan Transportation Commission's Website: <http://mtc.ca.gov/whats-happening/meetings> and will take place at 9:30 a.m.

For information contact the Committee Clerk at (415) 778-5367.

1. Call to Order / Roll Call / Confirm Quorum

Quorum: A quorum of this committee shall be a majority of its regular non-ex-officio voting members (5).

2. Pledge of Allegiance

3. Compensation Announcement (Committee Clerk)

4. Consent Calendar

- 4a. [20-0260](#) Minutes of the February 12, 2020 meeting
- Action: Committee Approval
- Attachments: [4a 20-0260 02-12-2020 BATA O Draft Minutes_v1.pdf](#)
- 4b. [20-0271](#) BATA Financial Statements for December 2019
- Action: Information
- Presenter: Raymond Woo
- Attachments: [4b 20-0271 Financial Statements_Dec2019.pdf](#)

- 4c. [20-0273](#) Funding Agreement Amendment - Yerba Buena Island Southgate Road Realignment Project Construction: San Francisco County Transportation Authority (\$6,220,700); and Contract Amendment - On-Call Design Services: HDR Engineering Inc. (\$1,500,000)

Action: Committee Approval

Presenter: Peter Lee

Attachments: [4c_20-0273_Contract_and_Funding_Amendments_Southgate_Project_HDR_and_](#)

5. Approval

- 5a. [20-0266](#) BATA Resolution No. 135 - Adoption of the Updated Small Business Enterprise (SBE) Program

A request to refer BATA Resolution No. 135, the updated Bay Area Toll Authority (BATA) Small Business Enterprise (SBE) Program, which updates and combines the SBE Program for Civil Construction and the Pilot SBE Program for Professional Services, to the Authority for approval.

Action: Authority Approval

Presenter: Edward Phillips

Attachments: [5a_20-0266_BATA_SBE_Program.pdf](#)

- 5b. [20-0275](#) Contracts - Internal Project Auditing and Reporting Services: KPMG LLP and Crowe LLP (\$500,000 annually)

A request to enter into contracts with KPMG LLP and Crowe LLP in a total annual amount not to exceed \$500,000 for a five-year period to establish a bench of audit firms to perform internal project auditing and reporting services for projects related to the Seismic Retrofit Program and BATA bridge rehabilitation and construction projects subject to approval of future BATA budgets.

Action: Committee Approval

Presenter: Brian Mayhew

Attachments: [5b_20-0275_Contract_Internal_Project_Auditing_and_Reporting_Services.pdf](#)

5c. [20-0252](#) Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

The Committee will meet in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding Michael Saliani, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-14-540384; Pamela Moore, et al. v. BATA, et al., San Francisco Superior Court Case No. CGC-15-549048; and Kristen Freeland and Michael Jefferson, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-16-550947.

5d. [20-0253](#) Open Session

Action: Committee Approval

6. Information

6a. [20-0354](#) West Span Bay Bridge Bicycle-Pedestrian Path ("Bay Skyway") Update

Staff will provide an update on recent activities related to a future bicycle-pedestrian path on the West Span of the San Francisco-Oakland Bay Bridge, recently dubbed the Bay Skyway.

Action: Information

Presenter: Andrew Fremier

Attachments: [6a 20-0354 Bay Skyway Update.pdf](#)

7. Public Comment / Other Business

8. Adjournment / Next Meeting:

The next meeting of the Bay Area Toll Authority Oversight Committee is scheduled to be held on April 8, 2020 at 9:30 a.m. at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.

MTC's Chair and Vice-Chair are ex-officio voting members of all standing Committees.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 20-0260 **Version:** 1 **Name:**

Type: Minutes **Status:** Consent

File created: 1/28/2020 **In control:** Bay Area Toll Authority Oversight Committee

On agenda: 3/11/2020 **Final action:**

Title: Minutes of the February 12, 2020 meeting

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:
Minutes of the February 12, 2020 meeting

Recommended Action:
Committee Approval



Metropolitan Transportation Commission Meeting Minutes

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Bay Area Toll Authority Oversight Committee

Committee Members:

Amy R. Worth, Chair Libby Schaaf, Vice Chair

*Jeannie Bruins, Carol Dutra-Vernaci, Federal D. Glover,
Nick Josefowitz, Gina Papan, Hillary Ronen,
Non-Voting Member: Tony Tavares*

Wednesday, February 12, 2020

9:30 AM

Board Room - 1st Floor

Call Meeting to Order

1. Roll Call / Confirm Quorum

Present: 8 - Commissioner Bruins, Commissioner Dutra-Vernaci, Commissioner Glover, Commissioner Josefowitz, Commissioner Papan, Commissioner Ronen, Commissioner Schaaf, and Chair Worth

Non-Voting Member Absent: Commissioner Tavares

Ex Officio Voting Members Present: Commission Chair Haggerty and Commission Vice Chair Pedroza

Ad Hoc Non-Voting Members Present: Commissioner Giacomini and Commissioner Mackenzie

2. Pledge of Allegiance

3. Compensation Announcement (Committee Secretary)

4. Consent Calendar

Upon the motion by Commissioner Dutra-Vernaci and the second by Commissioner Glover, the Consent Calendar was unanimously approved by the following vote:

Aye: 6 - Commissioner Dutra-Vernaci, Commissioner Glover, Commissioner Papan, Commissioner Ronen, Commissioner Schaaf and Chair Worth

Absent: 2 - Commissioner Bruins and Commissioner Josefowitz

4a. [20-0108](#) Minutes of the January 8, 2020 meeting

Action: Committee Approval

4b. [20-0109](#) BATA Financial Statements for November 2019

Action: Information

Presenter: Raymond Woo

5. Approval

5a. [20-0114](#) Purchase Order - FasTrak® Toll Tags: Neology Inc. (\$6,854,800)

A request to issue a purchase order in an amount not to exceed \$6,854,800 to Neology Inc. to provide 1,230,000 internal FasTrak® 6C toll tags and 10,000 external FasTrak® 6C toll tags for FY 2020-21.

Action: Committee Approval

Presenter: Mey Phu

Commissioner Bruins and Commissioner Josefowitz arrived during agenda item 5a.

Upon the motion by Commissioner Bruins and the second by Commissioner Dutra-Vernaci, the Committee unanimously approved the purchase order with Neology, Inc. The motion carried by the following vote:

Aye: 8 - Commissioner Bruins, Commissioner Dutra-Vernaci, Commissioner Glover, Commissioner Josefowitz, Commissioner Papan, Commissioner Ronen, Commissioner Schaaf and Chair Worth

5b. [20-0006](#) Contract Change Order - FasTrak® Regional Customer Service Center: I-880 Express Lane Support: Conduent State and Local Solutions, Inc. (\$12,567,600)

A request to authorize the Executive Director or designee to negotiate and enter into a contract change order with Conduent State and Local Solutions, Inc. (Conduent) to modify the Customer Service Center (CSC) system and provide operation services for the I-880 Express Lanes in an amount not to exceed \$12,567,600, subject to the approval of future BAIFA budgets.

Action: Committee Approval

Presenter: Beth Zelinski

Upon the motion by Commissioner Dutra-Vernaci and the second by Commissioner Bruins, the Committee unanimously approved the contract change order with Conduent State and Local Solutions, Inc. The motion carried by the following vote:

Aye: 8 - Commissioner Bruins, Commissioner Dutra-Vernaci, Commissioner Glover, Commissioner Josefowitz, Commissioner Papan, Commissioner Ronen, Commissioner Schaaf and Chair Worth

5c. [20-0169](#) Funding Agreement - Office of the BART Inspector General: Bay Area Rapid Transit District (\$5,000,000)

A request for approval of a five-year funding agreement with the Bay Area Rapid Transit District (BART) for \$1 million annually for the Office of the BART Inspector General for a total not to exceed amount of \$5 million, subject to annual budget approval.

Action: Committee Approval

Presenter: Kenneth Folan

Harriet Richardson, Office of Inspector General, was called to speak.

Upon the motion by Commissioner Josefowitz and the second by Commissioner Bruins, the Committee unanimously approved the funding agreement with . The motion carried by the following vote:

Aye: 8 - Commissioner Bruins, Commissioner Dutra-Vernaci, Commissioner Glover, Commissioner Josefowitz, Commissioner Papan, Commissioner Ronen, Commissioner Schaaf and Chair Worth

6. Information

- 6a. [20-0255](#) San Francisco-Oakland Bay Bridge: Bus Lane Assessment and Bay Bridge Forward

Staff to report on: 1) the initial design and traffic assessment of a bus lane on the San Francisco-Oakland Bay Bridge (SFOBB); 2) an update of results from the delivery of Bay Bridge Forward (2016); and 3) a new draft set of recommended Bay Bridge Forward near-term operational, transit, and shared mobility investments to provide additional travel time savings and smoother flows for bus transit and carpool vehicles.

Action: Information

Presenter: Kevin Chen and Ashley Nguyen

Elsa Ortiz, AC Transit Vice President, was called to speak.

Robert DelRosario of AC Transit was called to speak.

Richard Fuentes of BART was called to speak.

Arielle Fleisher of SPUR was called to speak.

Christopher Pederson was called to speak.

Kevin Burke of Bay Bridge for Everyone was called to speak.

Jean Walsh was called to speak.

The Committee directed staff to return to the Committee with a funding plan to carry out the projects identified in staff's presentation to improve access to the bridge and also include options for a bus only lane.

7. Public Comment / Other Business

8. Adjournment / Next Meeting:

The next meeting of the Bay Area Toll Authority Oversight Committee is scheduled to be held on March 11, 2020 at 9:30 a.m. at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 20-0271 **Version:** 1 **Name:**

Type: Report **Status:** Consent

File created: 1/30/2020 **In control:** Bay Area Toll Authority Oversight Committee

On agenda: 3/11/2020 **Final action:**

Title: BATA Financial Statements for December 2019

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:
BATA Financial Statements for December 2019

Presenter:
Raymond Woo

Recommended Action:
Information

Bay Area Toll Authority Oversight Committee

March 11, 2020

Agenda Item 4b

BATA Financial Statements for December 2019

Subject: Attached are the BATA financial statements for the six-month period ending December 2019. Major financial highlights include:

(1) **Revenues:** Total operating revenue of \$430 million is in line with the projected budget for FY 2019-20. Toll revenue of \$367 million is slightly below the projected budget. Interest revenue is at \$23 million. YTD subsidy payments from the U.S. Government to offset the interest expense of the Build America Bonds is at \$18 million. The next subsidy payments are expected in the late third quarter of this fiscal year.

Regional Measure 3 (RM3) related revenue collected is \$68 million for the FY 2019-20 with a total of \$132 million collected since January 2019. This revenue is kept in escrow and will not be available until the two RM3 lawsuits have reached a final, non-appealable resolution in favor of RM3.

(2) **Expense:** Total operating expense of \$243 million is 27% of the total FY 2019-20 budget. As we get into the second half of the year, contract and debt service costs will kick in giving us a more accurate expense picture.

(3) **Transfers to MTC and Association of Bay Area Governments (ABAG):** The budgeted annual 1% administration fee for MTC and operating contribution to the ABAG Estuary Partnership were transferred at the beginning of the fiscal year. BATA also transferred the budgeted PERS retirement payment to MTC.


(4) **Actions under Executive Director Contract signature authority:** please see Attachment A page 2.

(5) **Other capital projects:** Budgets were amended in January. The changes will be reflected in the January report. (Page 8 of Attachment A)

If you have any questions about this report, please contact Brian Mayhew at (415) 778-6730.

Recommendation: None. This item provided as information only.

Attachments: Attachment A – BATA Financial Statements for period ending December 31, 2019


Therese W. McMillan

BATA Operating Budget

Attachment A

As of December 2019

	FY 2019-20	Actual	Current Budget	% of Budget	year		YTD Total
	Budget	YTD	Balance Over/(Under)	(col 2/1)	Expired Encumbrances	(Enc + YTD)	
REVENUE:							
1 RM 1 Toll Revenues	603,709,547	301,211,692	(302,497,855)	49.9%	50.0%	-	301,211,692
2 RM 2 Toll Revenues	130,989,803	65,311,409	(65,678,394)	49.9%	50.0%	-	65,311,409
3 Toll Violation Revenues	25,000,000	13,532,363	(11,467,637)	54.1%	50.0%	-	13,532,363
4 Other Revenue	-	3,397,319	3,397,319	N/A	50.0%	-	3,397,319
5 Interest Income	50,000,000	23,018,392	(26,981,608)	46.0%	50.0%	-	23,018,392
6 BAIFA Reimbursement	780,000	273,555	(506,445)	35.1%	50.0%	-	273,555
7 GGB&HTD Fastrak Reimbursement	7,200,000	2,215,547	(4,984,453)	30.8%	50.0%	-	2,215,547
8 SFO Fastrak Reimbursement	463,000	106,033	(356,967)	22.9%	50.0%	-	106,033
9 Alameda CMA Reimbursement	1,700,000	612,347	(1,087,653)	36.0%	50.0%	-	612,347
10 VTA 237 Express Lane Reimb.	660,000	43,451	(616,549)	6.6%	50.0%	-	43,451
11 Rebate for Build America Bonds	71,713,641	17,953,681	(53,759,960)	25.0%	50.0%	-	17,953,681
12 BAHHA Reimbursement	2,000,000	2,000,000	-	100.0%	50.0%	-	2,000,000
13 Transbay Terminal Review Reimbursement	600,000	-	(600,000)	0.0%	50.0%	-	-
14 EBRPD Reimbursement	1,361,459	-	(1,361,459)	N/A	50.0%	-	-
Total Revenue	896,177,450	429,675,789	(466,501,661)	47.9%	50.0%	-	429,675,789
EXPENSE:							
Caltrans Operations and Maintenance:							
1 Toll Collection & Operations Services	24,000,000	11,847,957	(12,152,043)	49.4%	50.0%	-	11,847,957
2 Toll & Bridge Facility Maint	5,700,000	3,343,043	(2,356,957)	58.6%	50.0%	-	3,343,043
Caltrans O & M Subtotal	29,700,000	15,191,000	(14,509,000)	51.1%	50.0%	-	15,191,000
Fastrak Operations and Maintenance:							
3 RCSC Operations	27,000,000	8,869,992	(18,130,008)	32.9%	50.0%	18,130,008	27,000,000
4 ATCAS Maintenance, IT equip	5,650,000	1,430,645	(4,219,355)	25.3%	50.0%	4,050,907	5,481,552
5 Banking Costs	16,900,000	5,626,168	(11,273,832)	33.3%	50.0%	11,273,832	16,900,000
6 Collection Exp./DMV Exp.	4,200,000	1,424,344	(2,775,656)	33.9%	50.0%	1,342,776	2,767,120
BATA O & M Subtotal	53,750,000	17,351,149	(36,398,851)	32.3%	50.0%	34,797,523	52,148,672
BATA Toll Bridge Administration:							
7 Staff Costs - Salaries,Benefits & Temps	11,908,744	6,137,168	(5,771,576)	51.5%	50.0%	-	6,137,168
8 Travel, Printing, Memberships & Other	637,965	153,841	(484,124)	24.1%	50.0%	17,000	170,841
9 Audit/Accounting	2,609,117	686,855	(1,922,262)	26.3%	50.0%	1,579,068	2,265,923
10 Misc. Toll Admin Operating Expenses	2,520,109	639,561	(1,880,548)	25.4%	50.0%	1,188,329	1,827,890
11 Professional Fees	4,140,000	889,745	(3,250,255)	21.5%	50.0%	2,197,715	3,087,460
28 Transbay Transit Center Review Pannel	250,000	34,275	(215,725)	13.7%	50.0%	202,281	236,556
12 Other	1,000,000	1,763	(998,237)	0.2%	50.0%	192,594	194,357
Toll Bridge Admin Subtotal	23,065,935	8,543,208	(14,522,727)	37.0%	50.0%	5,376,987	13,920,195
Other/Transfers:							
13 Transfers to MTC 1% Admin	8,096,994	8,096,994	-	100.0%	50.0%	-	8,096,994
14 Transfers to MTC - PERS Retirement	6,991,519	6,991,519	-	100.0%	50.0%	-	6,991,519
15 Transfers to MTC - Other	1,400,314	933,605	(466,709)	66.7%	50.0%	58,595	992,200
16 Transfer from Legal Reserve	4,880,110	547,235	(4,332,875)	11.2%	50.0%	2,875,437	3,422,672
17 Transbay Transit Terminal Maint	5,201,958	1,957,802	(3,244,156)	37.6%	50.0%	3,244,156	5,201,958
18 Beale St Assessment	1,800,000	859,334	(940,666)	47.7%	50.0%	859,334	1,718,668
19 Depreciation and Amortization	5,050,000	1,861,111	(3,188,889)	36.9%	50.0%	-	1,861,111
20 RM2/Clipper Marketing	6,940,000	423,275	(6,516,725)	6.1%	50.0%	1,521,964	1,945,239
21 RM2 Operating	49,776,125	20,933,681	(28,842,444)	42.1%	50.0%	27,811,656	48,745,337
22 ABAG SFEP	1,105,475	1,105,475	-	100.0%	50.0%	-	1,105,475
23 BART for IG Contract	1,000,000	-	(1,000,000)	0.0%	50.0%	-	-
Transfers	92,242,495	43,710,031	(48,532,464)	47.4%	50.0%	36,371,142	80,081,173
Debt Service:							
24 Interest and principal payments	607,490,461	156,994,956	(450,495,505)	25.8%	50.0%	-	156,994,956
25 Financing Costs	14,073,400	1,076,232	(12,997,168)	7.6%	50.0%	3,823,369	4,899,601
Total Debt Service	621,563,861	158,071,188	(463,492,673)	25.4%	50.0%	3,823,369	161,894,557
Transfer to Capital Fund In (Out):							
26 Transfer to Capital Fund	(75,805,159)	-	(75,805,159)	0.0%	50.0%	-	-
27 Furniture/Equip./Vehicle	(50,000)	-	(50,000)	0.0%	50.0%	-	-
Total Capital Reserve In (Out)	(75,855,159)	-	(75,855,159)	0.0%	50.0%	-	-
Total Expense & Transfers	896,177,450	242,866,576	(653,310,874)	27.1%	50.0%	80,369,021	323,235,597
Net	-	186,809,213					106,440,192

PURCHASE ORDERS EXECUTED BY EXECUTIVE DIRECTOR
\$2,500-\$200,000

December'19

Bank of America	\$5,000
<i>Annual allowance for meeting and conference meals</i>	

**Regional Measure 2 Operating Budget
As of December 2019 (\$000)**

Attachment A

					Balance
Project Title		Total Budget	Actual	Encumbrance	Over/(Under)
RM2 Operating Assistance Program					
1	Richmond Bridge Express Bus	2,474	-	2,474	-
2	Napa Vine Service	426	-	426	-
3	Express Bus North - serving SFOBB, Dumbarton, San Mateo bridges	3,751	1,286	2,465	-
4	Express Bus South - serving Carquinez and Benicia Bridges	7,074	2,330	4,744	-
5	Dumbarton Bus	3,017	2,335	682	-
6	WETA Ferry Operations	16,500	8,614	7,886	-
7	Owl Service - BART Corridor	2,004	881	1,123	-
8	MUNI Metro 3rd St	2,500	-	2,500	-
9	AC Enhanced Bus Service	3,000	1,000	2,000	-
11	Water Emergency Transportation Authority Regional Planning	3,000	1,487	1,513	-
12	Clipper Operations	2,000	-	2,000	-
13	Transbay Transit Center	3,000	3,000	-	-
Total RM2 Operating Assistance Program		48,746	20,933	27,813	-
RM2 Marketing Assistance Program					
N/A	Clipper Marketing	3,000	258	-	(2,742)
N/A	511 Real Time Transit	110	88	22	-
N/A	Seamless Transit Map	780	36	744	-
N/A	Regional Resource Center	200	41	156	(3)
N/A	AC Transit Services	500	-	500	-
N/A	Bike to Work, Trails and Transit Week	50	-	50	-
N/A	Carpool Incentive Program	2,000	-	-	(2,000)
N/A	Wayfinding Analysis and Design	50	-	50	-
N/A	New or Expanded Transit Services	250	-	-	(250)
Total RM2 Marketing Assistance Program		6,940	423	1,522	(4,995)
Total		\$55,686	\$21,356	\$29,335	(\$4,995)

As of November 2019 (\$000) - Life to Date

Program	Project Title	Total Budget	Actual	Encumbrance	Balance Remaining
1	BART/MUNI Direct Connection at Embarcadero & Civic Center Stations	\$3,000	-	1,500	\$1,500
2	SF MUNI Metro 3rd Street LRT Extension	30,000	30,000	-	-
3	MUNI Historic Streetcar Expansion (E-Line)	10,000	10,000	-	-
4	Dumbarton Commuter Rail Service ^{i,iv,xii}	9,157	8,932	33	192
5	Vallejo Ferry Intermodal Station ^v	26,000	24,860	839	301
6	Solano County Express Bus Intermodal Facilities ^{vi}	12,251	12,222	30	-
7	Solano County Corridor Improvements near I-80 / I-680 Interchange	100,000	97,633	2,367	-
8	I-80 EB HOV Lane Extension from Route 4 to Carquinez Bridge	37,175	37,175	-	-
9	Richmond Parkway Park & Ride ^{vii}	3,850	946	627	2,277
10	SMART Extension to Larkspur ^{ii,vii}	56,500	56,276	224	-
11	Greenbrae Interchange Improvement ^{ii,viii}	43,500	31,784	11,716	-
12	Direct HOV lane connector from I-680 to the Pleasant Hill BART ^{ix}	20,425	17,352	2,755	318
13	Rail Extension to East Contra Costa/E-BART	96,000	94,298	1,702.00	-
14	Capital Corridor Improvements in Interstate-80/Interstate 680 Corridor ^{vi,x}	35,950	35,950	-	-
15	Central Contra Costa Bay Area Rapid Transit (BART) Crossover	25,000	25,000	-	-
16	Benicia-Martinez Bridge: New Span	50,000	50,000	-	-
17	Remaining Regional Express Bus North - Competitive Program Projects ^{v,x}	18,799	18,771	28	-
18	Clipper	35,000	20,817	1,163	13,020
19	Real-time transit information	20,000	19,558	442	-
20	Safe Routes to Transit	22,500	19,640	2,860	-
21	BART Tube Seismic Retrofit	33,801	33,801	-	-
22	Transbay Terminal/Downtown Extension	150,000	149,952	48	-
23	Oakland Airport Connector	115,199	115,199	-	-
24	AC Transit Enhanced Bus - Phase 1 (International Blvd/Telegraph Ave. Corridor) ^{vii}	77,760	69,071	8,689	-
25	Commute Ferry Service for Alameda/Oakland/Harbor Bay	12,000	12,000	-	-
26	Commute Ferry Service for Berkeley/Albany	12,000	7,886	4,114	-
27	Commute Ferry Service for South San Francisco	12,000	11,998	2	-
28	Water Transit Facility Imps., Spare Vessels and Environmental Review	48,000	47,269	731	-
29	Regional Express Bus South - Remaining Projects ^{iv,vii,xi}	54,933	33,904	9,165	11,864
30	I-880 North Safety Improvements ^{xi}	12,300	12,088	212	-
31	BART Warm Springs Extension ⁱ	186,000	181,710	4,290	-
32	I-580 (Tri Valley) Rapid Transit Corridor Improvements	65,000	50,894	9,111	4,995
33	Regional Rail Master Plan	6,500	6,062	394	44
34	Integrated Fare Structure Program	1,500	900	600	-
35	Transit Commute Benefits Promotion	5,000	3,366	1,634	-
36	Caldecott Tunnel Improvements ^{ix}	45,075	45,074	1	-
37	BART's Fixed Guideway Rehab	64,000	24,000	-	40,000
38	Regional Express Lane Network ⁱⁱⁱ	4,825	-	4,825	-
39	Modifications in I-80 and San Pablo ⁱⁱⁱ	8,000	7,751	249	-
40	Caltrain Electrification ^{viii,xii}	20,000	19,991	9	-
Total		\$1,589,000	\$1,444,130	\$70,360	\$74,511

ⁱ Allocated \$91 million from the Dumbarton Commuter Rail Service to the BART to Warm Springs Extension Project, per Resolution #3801 dated 1/28/09.

ⁱⁱ Allocated \$1.5 million from the SMART Project to Greenbrae Interchange Improvement Project, per Resolution #3801 dated

ⁱⁱⁱ Allocated \$4.5 million to Regional Express Lane and \$7.4 million to the Modifications in I-80 from the I-80 EB HOV Lane Extension, Resolution #3801 dated 4/24/13.

Res#3801 - Date 5/28/14		
Amount (\$000)	From	To
^{iv} \$14,843	Program 4: Dumbarton Commuter Rail Service program	Program 29: Regional Express Bus South program
^v \$2,000	Program 5: Vallejo Ferry Intermodal Station program	Program 17: Regional Express Bus North program
^{vi} \$7,749	Program 6: Solano County Express Bus program	Program 14: I-80/I-680 Capital Corridor Improvements program
^{vii} \$12,760	Program 9: Richmond Parkway Park & Ride \$12.15 million & Program 29: Regional Express Bus North program \$610 thousands.	Program 24: AC Transit Enhanced Bus program
^{viii} \$20,000	Program 11: Greenbrae Interchange Improvement	Program 10: SMART Extension to Larkspur
^{ix} \$5,425	Program 36: Caldecott Tunnel Improvements program	Program 12: I-680 Direct HOV Lane Connector to Pleasant Hill BART program
^x \$3,202	Program 17: Regional Express Bus North program	Program 14: I-80/I-680 Capital Corridor Improvements program
^{xi} \$2,300	Program 29: Regional Express Bus South program	Program 30: I-880 North Safety Improvements program
^{xii} \$20,000	Program 4: Dumbarton Commuter Rail Service program	Program 40: Caltrain Electrification program

^{xiii} Increasing funding by \$13 million to the Clipper Project (18), per Res #3801 dated 12/21/16.

^{xiv} Increasing funding by \$21 million to the Regional Express Bus South Project (29), per Resolution #3801 dated 12/21/16.

^{xv} Increasing funding by \$40 million to the BART's Fixed Guideway Rehab Project (37), per Resolution #3801 dated 12/21/16.

Shaded projects are completed

As of December 2019 (\$000) - Life to Date

Program #	Program	Total Budget	Total Expenses	Encumbrance	Balance Remaining
6811	Antioch Bridge Rehab	70	-	-	70
6812	Benicia-Martinez Bridge Rehab	6,988	3,922	-	3,066
6813	Carquinez Bridge Rehab	34,656	34,466	-	190
6814	Richmond-San Rafael Bridge Rehab	123,330	63,071	-	60,259
6825	San Francisco-Oakland Bay Bridge Rehab	239,870	198,805	-	41,065
6826	San Mateo-Hayward Bridge Rehab	120,987	108,068	-	12,919
6827	Dumbarton Bridge Rehab	5,132	4,792	-	340
6828	All Bridges Rehab	130,946	101,123	-	29,823
6829	Caltrans Reserve	6,028	4	-	6,024
8030	Completed/Defunded/Transferred Projects	117,303	116,626	-	677
8033	Minor Toll Plaza Rehab Projects	4,580	2,677	-	1,903
8210	New Benicia Bridge *	1,715	695	-	1,020
8315	Site Mitigation & Landscaping	154	83	-	71
8615	I-880/SR-92 Landscaping**	6,640	5,540	-	1,100
8629	Minor Bridge Rehab Projects	1,159	45	-	1,114
	TOTAL CALTRANS REHAB BUDGET	799,558	639,917		159,641
8012	All Electronic Tolling	5,963	699	4,002	1,262
8528	Bay Lights Maintenance	800	419	221	160
8530	Drainage Studies for the Bridge	500	323	77	100
8531	Benicia New Toll Plaza ORT	4,153	4,153	-	-
8539	SFOBB Eyebars Repair Review	2,914	2,660	254	-
8540	Regional Transportation Sea Level Rise Asset	2,000	423	-	1,577
8594	SFOBB West Span Pathway PSR	12,300	11,537	490	273
8602	Hybrid/ETC Lane Modifications	874	874	-	-
8631	Procure New Calboxes	2,344	2,344	-	-
8900	2003 CSC Procurement	12,358	11,046	3	1,309
8901	ETC Transponder Procurement	99,500	85,197	7,764	6,539
8902	2012 CSC Procurement	23,450	19,532	744	3,174
8903	ATCAS Lane Host Upgrades	33,545	32,093	478	974
8904	Fastrak Sign & Sign Structure Improvements	29,510	29,343	72	95
8905	Misc. Bridge Improvements	23,914	9,971	1,196	12,747
8907	Toll Plaza Capital Improvements	28,833	21,280	3,978	3,575
8908	Enterprise Computing HW/SW	4,835	3,487	15	1,333
8909	Gateway Park Planning	27,975	16,940	829	10,206
8912	ETC Transponder Tag Swap	1,937	1,929	-	8
8913	SFOBB Administration Building	25,319	25,220	-	99
8914	Violation Enforcement System Upgrade	7,842	7,841	-	-
8916	Bay Crossing Study	540	540	-	-
8917	IT Security Procedures & Policies	1,300	602	86	612
8918	Maintenance Complex	531	495	32	4
8920	Plaza and Canopy Improvements	9,263	8,545	4	714
8921	SFOBB Lane 17 & 18 Lane Reconfiguration	1,775	1,664	43	68
8922	Metering Lights Replacement	11,180	2,542	2,803	5,835
8923	Bridge Records Recordation and Storage	500	55	-	445
8924	Antioch Bridge Approach	50,000	49,070	840	90
8926	Bridge Modeling & Investigations	5,801	893	57	4,851
8928	BATA Program Contingency	16,565	300	-	16,265
8930	Richmond-San Rafael Bridge Rehab	83,428	70,059	8,052	5,317
8933	Plan Bay Area TMS	9,000	6,752	1,888	360
8936	Backhaul Connection Infrastructure	1,000	768	94	138
8937	Future CSC Procurement	34,000	1,443	450	32,107
8938	Misc. East Span Project Improvements	12,084	-	-	12,084
8939	Asset Management	4,500	1,059	941	2,500
8940	HOV Lane Enforcement	6,600	724	676	5,200
8941	CHP - COZEPP/MAZEPP	300	-	-	300
8942	Bridge Yard Capital Improvements	500	-	-	500
8943	Bike/Ped Access to East Span of SFOBB	1,200	-	200	1,000
8944	Dumbarton Approach and Transit Strategies	17,000	96	1,905	14,999
8945	Next Gen Clipper (C2) System	9,600	-	9,600	-
8946	I-680/I-80/ISR-12 Interchange	7,200	6,617	583	-
8947	SR-37 Evaluation	8,000	817	5,683	1,500
8000-05	Capital Program Audit	8,300	7,101	453	746
8000-16	SRA/RM1 Program Monitoring	46,445	45,209	359	877
	Total BATA REHAB BUDGET	697,478	492,662	54,872	149,943
	TOTAL REHAB BUDGET	1,497,036	1,132,579	54,872	309,584

Shaded projects are completed

* Moved \$5 million from RM 1 New Benicia Bridge to Caltrans Rehab.

** Moved \$5,958 million from RM 1 I-880/SR-92 Interchange Landscaping to Caltrans Rehab.

Seismic Capital Project Budget

As of December 2019 (\$000) - Life to Date

	Program	Base Budget	Current Budget***	Total Expenses*	Encumbrance	Remaining Balance
8103	San Francisco-Oakland Bay Bridge East Span Repl	\$ 5,486,600	\$ 6,519,801	\$ 6,510,793	\$ 9,008	\$ -
8109	San Francisco-Oakland Bay Bridge West Span Retrofit	307,900	305,316	305,316	-	-
8106	San Francisco-Oakland Bay Bridge West Approach Repl	429,000	452,550	450,387	2,163	-
8100	Antioch Bridge Retrofit	-	71,100	71,093	7	-
8122	Dumbarton Bridge Retrofit	-	112,400	112,354	46	-
8112	Richmond-San Rafael Bridge Retrofit	808,100	794,950	794,870	80	-
8115	Benicia-Martinez Bridge Retrofit	177,800	177,830	177,817	13	-
8118	Carquinez Bridge Retrofit	114,200	114,206	114,206	-	-
8121	San Mateo-Hayward Bridge Retrofit	163,500	163,412	163,412	-	-
	Subtotal for Bay Area Bridges	7,487,100	8,711,565	8,700,248	11,317	-
8128	Misc Program Costs	30,000	26,030	26,024	6	-
8729	Program Contingency**	989,000	-	-	-	-
8124	Vincent Thomas Bridge Retrofit (non-BATA, for information	58,500	58,420	58,411	9	-
8127	San Diego-Coronado Bridge Retrofit (non BATA, for	103,500	103,240	103,235	5	-
	Subtotal for Other Bridges	162,000	161,660	161,646	14	-
	Total for Toll Bridge Seismic Retrofit Program	\$ 8,668,100	\$ 8,899,255	\$ 8,887,918	\$ 11,337	\$ -

*Includes pre AB144 LTD expenses from Caltrans to April 2006
BATA expenses from May 2006 to current

3,709,068
5,178,850
8,887,918

**** Contingency Allocation**

Contingency per Budget	989,000
FY08 (Allocation) and Rescission	(203,920)
FY09 (Allocation) and Rescission	(44,790)
FY10 (Allocation) and Rescission	139,400
FY11 (Allocation) and Rescission	(577,670)
FY12 (Allocation) and Rescission	(15,520)
FY13 (Allocation) and Rescission	32,637
FY14 (Allocation) and Rescission	(130,000)
FY15 (Allocation) and Rescission	(103,800)
FY16 (Allocation) and Rescission	(12,731)
FY17 (Allocation) and Rescission	(33,200)
FY18 (Allocation) and Rescission	(24,671)
FY19 (Allocation) and Rescission	(14,735)
Remaining Balance	-

Shaded projects are completed

***Financial reflects budget update approved on 6/27/18

AB 1171 Project Budget

As of December 2019 (\$000) - Life to Date (Unaudited)

Project Title	Total Budget	Allocation	Actual	Encumbrance	Balance Remaining
Doyle Drive Replacement	80,000	80,000	80,000	-	-
East Contra Costa BART Extension	111,500	111,500	109,895	1,605	-
Transbay Terminal/Downtown Extension: Phase 1	150,000	150,000	149,613	387	-
Tri-Valley Transit Access Improve. To BART	95,000	21,852	14,673	7,179	73,148
Regional Express Lane Network	2,800	2,800	2,800	-	-
Fairfield/Vacaville Train Station	9,000	9,000	9,000	-	-
I80/680 Interchange	100,000	100,000	98,770	1,230	-
Other Corridor Improvement	10,200	10,150	10,150	-	50
VTM Mission/Warren/Truck Rail Facility	6,500	6,500	5,811	689	-
BART to Warm Spring Extension	5,000	5,000	5,000	-	-
Total	\$570,000	\$496,802	\$485,712	\$11,090	\$73,198

Note: AB 1171 is a discretionary funding source passed by the Legislature and signed by the Governor in October 2001. AB 1171 (Dutra) extends the \$1 seismic surcharge on the seven state-owned Bay Area toll bridges for up to 30 years to finance retrofit work. Project list is included in MTC Resolution #3434.

AB 1171 Program Budget:	\$570,000
Approved Projects:	\$496,802
AB 1171 Program Balance:	<u>\$73,198</u>

Shaded projects are completed

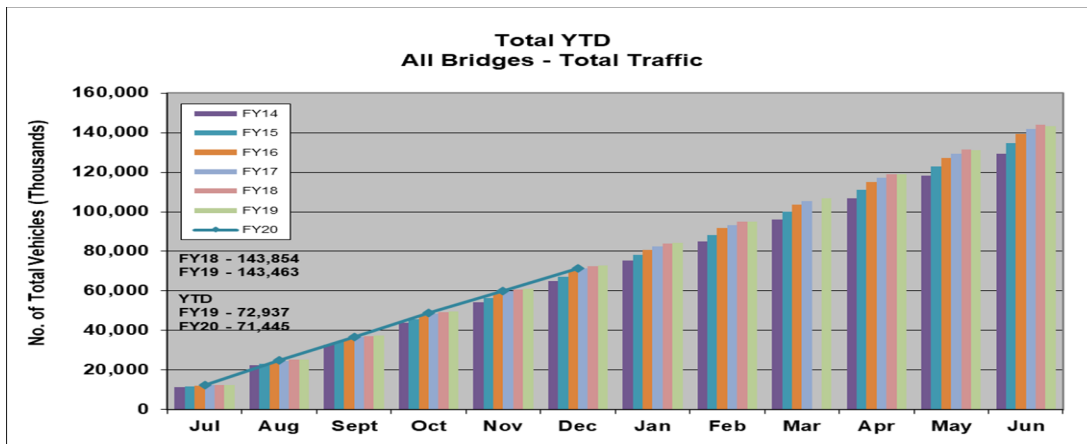
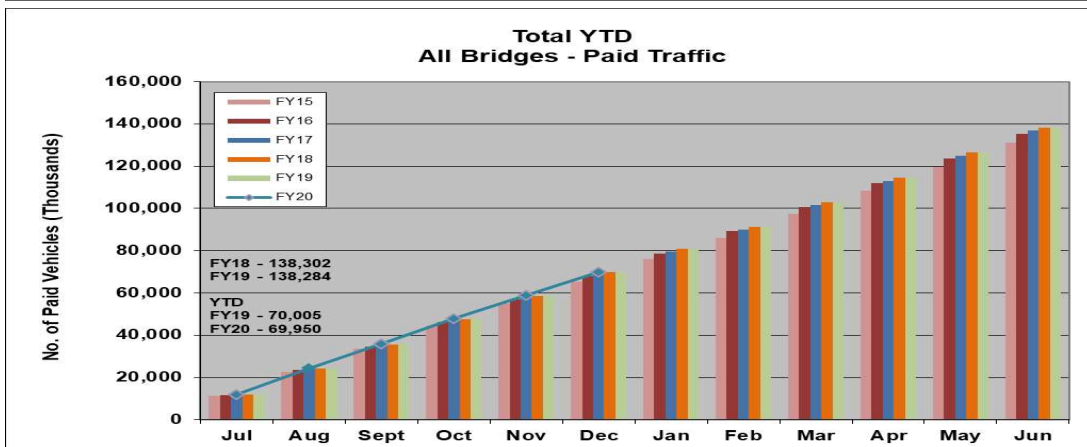
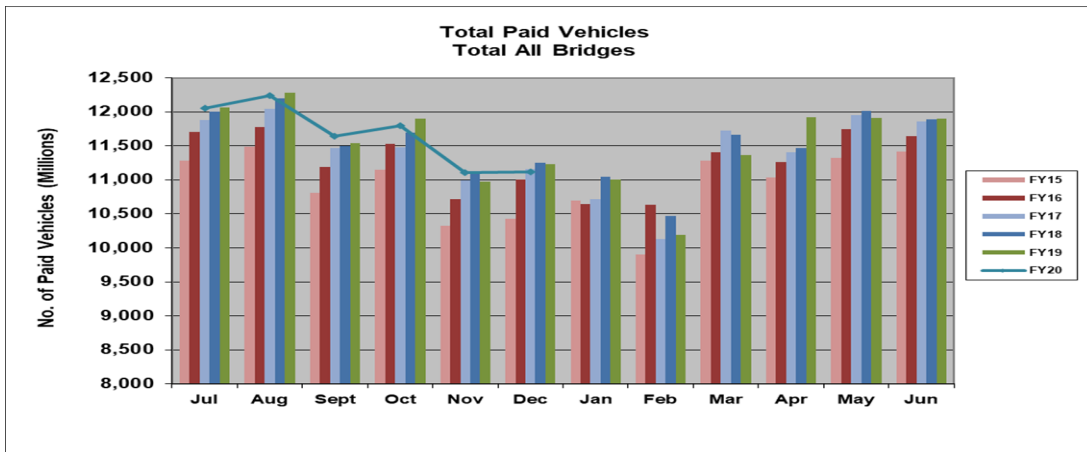
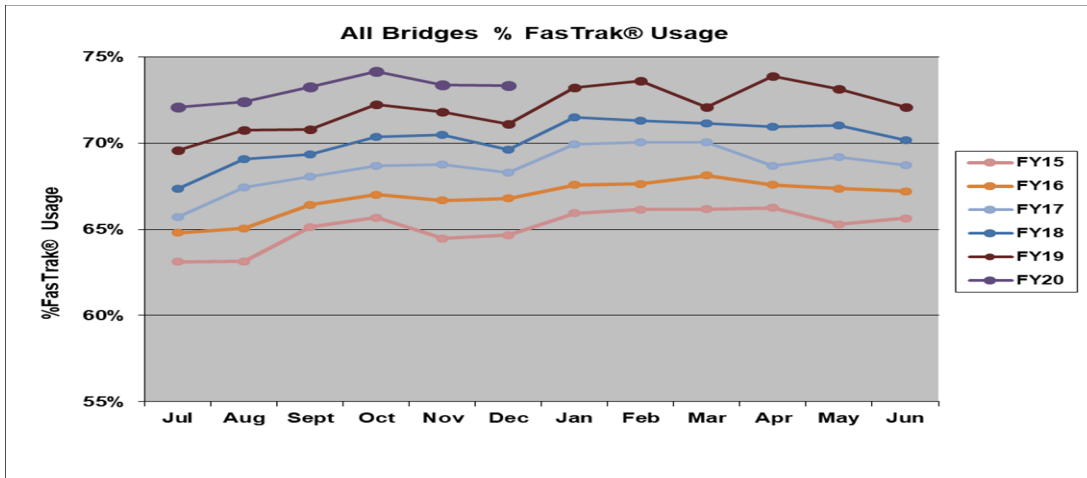
Other Capital Projects

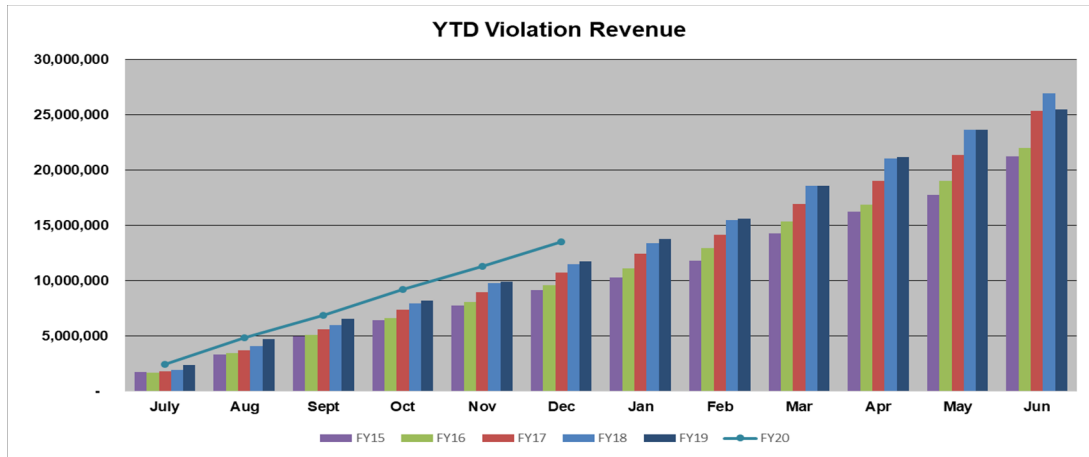
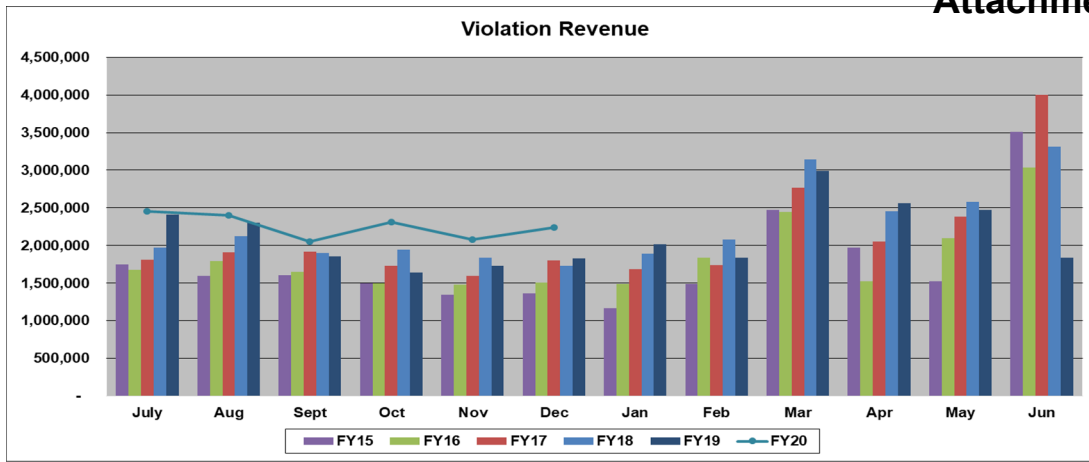
As of December 2019 (\$000) - Life to Date

Project Title		Total Budget	Actual	Encumbrance	Balance Remaining
849	Express Lanes Capital				
6840	Program Costs: Planning, Coordination & Management	19,810	20,255	-	(445)
6841	Centralized Toll System	20,413	20,980	-	(567)
6842	CC-680 Southern Segment Conversion	52,348	52,420	-	(72)
6843	Capitalized Start-up O&M	4,790	4,853	-	(63)
6844	ALA-880 Conversion	96,277	104,122	-	(7,845)
6845	CC-680 Northern Segment - Southbound Conversion	7,145	16,955	-	(9,810)
6846	SOL-80 West Conversion	637	637	-	-
6849	SOL-80 East Express Lane Conversion	10,537	10,997	-	(460)
6851	84/Dumbarton Bridge	323	323	-	-
6852	92/San Mateo Bridge	369	369	-	-
Express Lanes Total		\$ 212,649	\$ 231,911	\$ -	\$ (19,262) *
847	BATA Project Savings				
6953	CCC - AC Transit	83,000	21,339	25,393	36,268
6954	CCC - Muni	151,730	49,163	102,562	5 **
6955	CCC - BART	15,000	-	-	15,000
6956	BART Rail Car Replacement	270	-	-	270 **
BATA Project Savings Total		\$ 250,000	\$ 70,502	\$ 127,955	\$ 51,543
Grand Total		\$ 462,649	\$ 302,413	\$ 127,955	\$ 32,281

* The BATA Express Lanes (EL) Capital Fund is closed out on 6/30/2019, the remaining balance of the \$345 million budget funded by BATA/SAFE are rebudgeted in BAIFA EL Capital Fund in FY 2019-20. The LTD budget in BATA EL Capital Fund budget will be amended to tie off with the LTD actual recorded in such fund as of 6/30/19 after the FY 2018-19 Yearend audit is completed.

** Pending budget revision (MTC Res#4123) per R Jaques 2/12/19







Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	20-0273	Version:	1	Name:	
Type:	Contract	Status:		Consent	
File created:	1/30/2020	In control:		Bay Area Toll Authority Oversight Committee	
On agenda:	3/11/2020	Final action:			
Title:	Funding Agreement Amendment - Yerba Buena Island Southgate Road Realignment Project Construction: San Francisco County Transportation Authority (\$6,220,700); and Contract Amendment - On-Call Design Services: HDR Engineering Inc. (\$1,500,000)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
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Subject:

Funding Agreement Amendment - Yerba Buena Island Southgate Road Realignment Project
Construction: San Francisco County Transportation Authority (\$6,220,700); and
Contract Amendment - On-Call Design Services: HDR Engineering Inc.
(\$1,500,000)

Presenter:

Peter Lee

Recommended Action:

Committee Approval

Bay Area Toll Authority Oversight Committee

March 11, 2020

Agenda Item 4c

Funding Agreement Amendment – Yerba Buena Island Southgate Road Realignment Project Construction: San Francisco County Transportation Authority (\$6,220,700); and Contract Amendment – On-Call Design Services: HDR Engineering Inc. (\$1,500,000)

Subject: This item would authorize a funding agreement amendment with the San Francisco County Transportation Authority (SFCTA) in an amount of \$6,220,700 and a contract amendment with HDR Engineering Inc. (HDR) for on-call design consultant services in an amount not-to-exceed \$1,500,000 for the Yerba Buena Island Southgate Road Realignment Project (the Project).

Background: The Project will realign the I-80 eastbound off-ramp to Yerba Buena Island (YBI) from the San Francisco-Oakland Bay Bridge (SFOBB) just past the tunnel and Southgate Road on YBI to improve mobility for pedestrians, bicyclists, and vehicles. Attachment B includes an illustration of the project.

Funding for the Project is primarily Federal Highway Bridge Program (HBP) funds with match from Proposition 1B and BATA Toll Bridge Seismic Retrofit and Rehabilitation Program funds. BATA is directly funding the design of the contract via our on-call design services contract with HDR and is funding SFCTA for project construction and construction administration. BATA Bridge Toll Funds will be used only on toll eligible items.

SFCTA advertised the project for construction in November 2019 and opened bids on January 14, 2020. Four bids for the Project were received as follows:

	Total Bid Items
Engr. Estimate	\$ 26,725,311.05
1. Gordon Ball	\$ 28,186,848.80
2. Ghilotti	\$ 29,684,452.46
3. DeSilva	\$ 35,555,486.29
4. GSB	\$ 35,845,715.45

All bids received were higher than the engineer's estimate. The higher than estimated bids have been evaluated by SFCTA and likely attributable to the tight construction and labor market and access challenges to construction on an island and steep slopes in the area. Increased construction administration support is also anticipated.

Further, since the Project includes federal funds, SFCTA was mandated to follow federal requirements for this procurement including the establishment of a Disadvantaged Business Enterprise (DBE) goal. Accordingly, a 16% DBE goal was established for the construction contract. At this time, the lowest bidder does not appear to have met the good faith effort to meeting the DBE goal. Thus, while SFCTA is determining the lowest responsive bidder, SFCTA has requested additional Toll Bridge Rehabilitation Program funds sufficient to award the contract to either of the two lowest bidders. Additional funds will be needed for HDR to provide design support during construction and final as-builts.

Once the Project is under contract, construction is anticipated to take approximately two years and will have major impacts to the area that will limit access through the area. Bike/pedestrian access from the SFOBB bike path to YBI and Treasure Island will be restricted during active weekday construction. On weekends, bikes will have access through the project site. In addition, a shuttle will provide access to points on Yerba Buena and Treasure islands.


Assuming the second lowest bidder and a 10% construction contingency, the forecasted total project cost estimate is \$61 million. As the Project will be contracted by SFCTA, the SFCTA is ultimately responsible for the Project. In addition to prior funding, SFCTA has been successful in securing additional Treasure Island Development Authority (TIDA) funding for the Project. SFCTA has requested additional BATA toll bridge rehabilitation funds for the Project. Staff is recommending the following:

1. Staff is requesting Committee approval to amend by \$6,220,700 the existing 2017 funding agreement with the SFCTA for a total not-to-exceed amount of \$13,203,900 to fund construction, right-of-way and construction administration of the project. This scope is BATA Toll Bridge Seismic Retrofit Program and Toll Bridge Rehabilitation Program eligible and budgeted funds have been set aside for the work.
2. Staff is also requesting Committee approval to extend and amend by \$1,500,000 the HDR design services contract to a not-to-exceed contract amount of \$9,051,182 to provide additional design support during construction and for the creation of as-builts. In May 2017, the Committee authorized a contract with HDR based on a competitive procurement from the 2014 BATA On-Call Design Services Consultant Bench to provide design services for the Project. Attachment B includes a summary of HDR and its project team's small business and disadvantaged business enterprise status. This scope is BATA Toll Bridge Seismic Retrofit Program and Toll Bridge Rehabilitation Program eligible and budgeted funds have been set aside for the work.

Recommendation: Staff recommends that the Committee authorize the Executive Director or designee to negotiate and enter into a funding agreement amendment with SFCTA in an amount of \$6,220,700. Furthermore, staff recommends that the Committee authorize the Executive Director or her designee to negotiate and enter into a contract amendment with HDR to perform on-call design consultant services for the Project in an amount not-to-exceed \$1,500,000.

Attachments:

- Attachment A: Southgate Project Estimate and Funding Table
- Attachment B: Illustration of Proposed Southgate Road Project
- Attachment C: Small Business and Disadvantaged Business Enterprise Status
- Request for Committee Approval Sheets – Summary of Proposed Funding Agreement and Contract Amendment


Therese W. McMillan

Attachment A: Southgate Project Estimate and Funding

	HBP Funding (Current)	Prop 1B Funding (Current)	TIDA Funding (Current)	BATA Toll Seismic and Rehab Funding (Current)	BATA Toll Seismic and Rehab Funding (Requested)	BATA Toll Seismic and Rehab Funding (Revised)	Total
Design Services (BATA/HDR)				7,551,182	1,500,000	9,051,182	9,051,182
Design Oversight (SFCTA/CT)				2,552,932	0	2,552,932	2,552,932
Construction Support (SFCTA/CT)	3,934,288	75,702	350,000	674,181	1,994,294	2,668,475	7,028,465
Right-of-Way Capital (SFCTA)	3,629,730	114,700	500,000	1,355,570	380,000	1,735,570	5,980,000
Construction Capital (SFCTA)	<u>24,956,131</u>	<u>2,084,213</u>	<u>3,150,000</u>	<u>2,400,517</u>	<u>3,846,406</u>	<u>6,246,923</u>	<u>36,437,267</u>
Subtotal (SFCTA)	<u>32,520,149</u>	<u>2,274,615</u>	<u>4,000,000</u>	<u>6,983,200</u>	<u>6,220,700</u>	<u>13,203,900</u>	<u>51,998,664</u>
Totals	32,520,149	2,274,615	4,000,000	14,534,382	7,720,700	22,255,082	61,049,846

Attachment B: Illustration of Proposed Southgate Road Project



Attachment C
Small Business and Disadvantaged Business Enterprise Status

Firm Name	Role on Project	DBE* Firm			SBE** Firm		
		Yes	DBE #	No	Yes	SBE #	No
HDR Engineering, Inc. (Prime Contractor)	Design Services			X			X
Towill, Inc.	Ground Survey, Controls and Mapping, Right of Way Engineering			X			X
Parikh Consultants, Inc.	Geotechnical Testing, Analysis and Report	X	20259		X	9631	
Fehr & Peers	Traffic Forecasting and Traffic Operations Analysis			X			X
WRECO	Preliminary Drainage, SWDR, Hydrology and Hydraulics Report, Water Quality Studies	X	30066		X	60800	
Haygood & Associates	Structures Aesthetics Design, Landscape Concept and Arborist Evaluation, Visual Resources, Highway Planting and Irrigation	X	3171				X
Illingworth & Rodkin, Inc.	Noise and Air Quality Consultants			X	X	15604	
Geocon Consultants	Hazardous Materials Reports			X			X
JRP Historical Consulting, LLC	Cultural Resources/Section 106			X	X	1509783	
WHM Corporation	Preliminary Investigations			X	X	53957	

*Denotes certification by the California Unified Certification Program (CUCP).

**Denotes certification by the State of California.

REQUEST FOR COMMITTEE APPROVAL
Summary of Funding Agreement Amendment

Work Item No.:	1256
Agency:	San Francisco County Transportation Authority (SFCTA)
Work Project Title:	Yerba Buena Island Southgate Road Realignment Project (the Project)
Purpose of Project:	Realign the I-80 eastbound off-ramp from the San Francisco-Oakland Bay Bridge (SFOBB) and Southgate Road on Yerba Buena Island (YBI).
Brief Scope of Work:	SFCTA shall advertise, award and administer the Project
Funding Amount Not-to-exceed:	This amendment: \$6,220,700 Current contract amount before this amendment: \$6,983,200 Maximum contract amount after this amendment: \$13,203,900
Funding Source:	Toll Bridge Rehabilitation Program Funds
Fiscal Impact:	Funds in the amount of \$6,220,700 are included in the Toll Bridge Rehabilitation Program Budget for FY 2019-20.
Motion by Committee:	That the Executive Director or designee is authorized to negotiate and enter into a funding agreement amendment with SFCTA for construction, right of way, and construction administration for the Project, as described above and in the BATA Oversight Committee Summary Sheet dated March 11, 2020; and the Chief Financial Officer is directed to set aside funds in the amount of \$6,220,700 for such funding agreement amendment.
BATA Oversight Committee:	

Amy R. Worth, Chair

Approved:	Date: March 11, 2020
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REQUEST FOR COMMITTEE APPROVAL
Summary of Proposed Contract Amendment

Work Item No.: 1251, 1256

Vendor: HDR Engineering Inc. (HDR), Walnut Creek, California.

Work Project Title: On-Call Project Design Services: Yerba Buena Island Southgate Road Realignment Project (the Project)

Purpose of Project: To provide staffing to perform design services for the Project.

Brief Scope of Work: Consultant shall perform design services in accordance with Caltrans Construction Manual and Caltrans Standard Specifications and Plans for the Project over a period ending June 30, 2023.

Project Cost Not-to-exceed: This amendment: \$1,500,000
Current contract amount before this amendment: \$7,551,182
Maximum contract amount after this amendment: \$9,051,182

Funding Source: Toll Bridge Rehabilitation Program Funds

Fiscal Impact: Funds for this amendment in the amount of \$1,500,000 are included in the Toll Bridge Rehabilitation Program Budget for FY 2019-20.

Motion by Committee: That the Executive Director or designee is authorized to negotiate and enter into a contract amendment with HDR to perform design services for the Project, as described above and in the BATA Oversight Committee Summary Sheet dated March 11, 2020; and that the Chief Financial Officer is directed to set aside funds in the amount of \$1,500,000 for such contract amendment.

BATA Oversight Committee:

Amy R. Worth, Chair

Approved: Date: March 11, 2020



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 20-0266 **Version:** 1 **Name:**
Type: Contract **Status:** Commission Approval
File created: 1/30/2020 **In control:** Bay Area Toll Authority Oversight Committee
On agenda: 3/11/2020 **Final action:**
Title: BATA Resolution No. 135 - Adoption of the Updated Small Business Enterprise (SBE) Program

A request to refer BATA Resolution No. 135, the updated Bay Area Toll Authority (BATA) Small Business Enterprise (SBE) Program, which updates and combines the SBE Program for Civil Construction and the Pilot SBE Program for Professional Services, to the Authority for approval.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:

BATA Resolution No. 135 - Adoption of the Updated Small Business Enterprise (SBE) Program

A request to refer BATA Resolution No. 135, the updated Bay Area Toll Authority (BATA) Small Business Enterprise (SBE) Program, which updates and combines the SBE Program for Civil Construction and the Pilot SBE Program for Professional Services, to the Authority for approval.

Presenter:

Edward Phillips

Recommended Action:

Authority Approval

Bay Area Toll Authority Oversight Committee

March 11, 2020

Agenda Item 5a

BATA Resolution No. 135 – Adoption of the Updated Small Business Enterprise (SBE) Program

Subject: A request to refer BATA Resolution No. 135, the Bay Area Toll Authority (BATA) Small Business Enterprise (SBE) Program, which updates and combines the SBE Program for Civil Construction and the Pilot SBE Program for Professional Services, to the Authority for approval.

Background: Currently BATA has two SBE Programs: an adopted Construction Project SBE Program (adopted in September of 2015 under Resolution No. 116, Revised) and a Professional Services SBE Pilot Program (approved by the BATA Oversight Committee in February of 2017).

The current SBE Programs:

- Apply to non-federally funded and non-Architectural & Engineering (A&E) contracts with a budget in excess of \$25,000;
- Only accept firms that are certified by the State of California as SBEs through the Department of General Services (DGS); and
- Allow for a Bid/Proposal Evaluation Preference discount of 5% or 5 points to the total amount of a bid/proposal submitted by a Bidder/Proposer for a contract solely for the purpose of bid/proposal comparisons when determining the lowest responsive and responsible bid/proposal. The Bid/Proposal Evaluation Preference applies when a Proposer meeting specifications is a certified SBE performing at least 40% of the work, or when a non-SBE Proposer is subcontracting at least 40% of the work to an SBE.

The objectives of the proposed SBE Program include:

- To increase the number of certified SBEs participating in non-federally funded and non-A&E contracts;
- To increase overall competition on non-federally-funded and non-A&E contracts potentially allowing for the completion of projects at a lower overall cost;
- To create a level playing field on which SBEs can compete fairly on non-federally funded and non-A&E contracts;
- To ensure that only SBE firms meeting the Program's eligibility requirements are eligible for the Bid/Proposal Evaluation Preference allowed under the SBE Program;
- To help remove barriers to the participation of SBEs in non-federally funded and non-A&E contracts; and

- To identify business enterprises that are qualified as SBEs and are qualified to provide BATA with required materials, equipment, supplies and services.

To further the objectives of the SBE Programs, the proposed SBE Program being submitted to this Committee for referral to the Authority combines the two current SBE programs into one SBE program covering all non-federally funded and non-A&E procurements, broadens the acceptable certifications and expands the SBE Preference into a two-tiered program. The proposed SBE Program will create one comprehensive SBE program that would cast a wider net to SBE firms in the nine county Bay Area and would increase the number of contracts with the SBE Preference being applied.

The proposed SBE Program:

- Applies to all non-federally funded and non-A&E contracts with a budget in excess of \$25,000;
- Broadens the acceptable certifications. To be eligible for the Bid/Evaluation Preference allowed under the SBE Program, firms (prime Contractor or Subconsultant/Subcontractor/Vendor) must be certified under any of the programs outlined below:
 - California Certified Small Business as certified by the California Department of General Services (DGS)
 - A Disadvantaged Business Enterprise (DBE) as certified by the California Unified Certification Program (CUCP)
 - City and County of San Francisco Local Business Enterprise (LBE) as certified by the Contract Monitoring Division (CMD)
 - Alameda County Small Local and Emerging Business (SLEB) program as certified by the Alameda County SLEB Certification Unit; or
 - LBE/MBE/SBE/WBE certification from a formal certifying agency in the nine county Bay Area, provided that the certification can be verified through a searchable database and meets the requirements of the State of California Small Business Program.
- Allows for a two-tiered Bid/Proposal Evaluation Preference to the total amount of a bid/proposal submitted by a Bidder/Proposer for the purpose of bid/proposal comparisons when determining the lowest responsive and responsible bid or most advantageous proposal.
 - A Bid/Evaluation Preference of five percent (5%) or five (5) points will be added to the total evaluation percentage or points, when the Proposer meeting specifications


commits to at least twenty-five percent (25%) SBE participation for the work (which can be achieved by the prime, by a sub(s), or a combination of prime and sub(s) who meet the requirements).

- A Bid/Evaluation Preference of 10 percent (10%) or ten (10) points will be added to the total evaluation percentage or points, when the Proposer meeting specifications commits to forty percent (40%) or more SBE participation for the work (which can be achieved by the prime, by a sub(s), or a combination of prime and sub(s) who meet the requirements).

Issues: None identified.

Recommendation: Staff recommends that the Committee refer BATA Resolution No. 135 Small Business Enterprise (SBE) Program, to the Authority for approval.

Attachments: BATA Resolution No. 135, Bay Area Toll Authority (BATA) Small Business Enterprise (SBE) Program; and
PowerPoint presentation



Therese W. McMillan

Date: March 25, 2020
W.I.: 1251, 1252, 1253, 1254, 1255
Referred by: BATA Oversight Committee

ABSTRACT

BATA Resolution No. 135

This resolution adopts BATA's Small Business Enterprise (SBE) Program ("Program") to increase the number of certified SBEs participating in non-federally funded and non-architectural and engineering contracts. The Program is intended to increase overall competition, provide a level playing field on which SBEs can compete fairly, provide economic opportunity for the residents and businesses, and stimulate economic development in the San Francisco Bay region.

Resolution No. 135 supersedes Resolution No. 116, Revised.

Discussion of this action is contained in the BATA Oversight Committee Summary Sheet dated March 11, 2020.

Date: March 25, 2020
W.I.: 1251, 1252, 1253, 1254, 1255
Referred by: BATA Oversight Committee

Re: Adoption of BATA's Small Business Enterprise (SBE) Program

BAY AREA TOLL AUTHORITY
RESOLUTION NO. 135

WHEREAS, the Bay Area Toll Authority (BATA) was established pursuant to Section 30950 *et seq.* of the Streets and Highways Code; and

WHEREAS, BATA currently has a Construction Project Small Business Enterprise Program adopted through Resolution No. 116 in September of 2015, as well as a Professional Services Small Business Enterprise Pilot Program that was approved by the BATA Oversight Committee in February of 2017, and

WHEREAS, this SBE Program combines the previous programs into one revised and comprehensive SBE Program; and

WHEREAS, BATA wishes to increase the number of certified Small Business Enterprise (SBE) firms participating in BATA materials, equipment, supplies, services and construction contracts, help remove barriers to the participation of SBEs, provide economic opportunity for the residents and businesses, and stimulate economic development in the San Francisco Bay Area Region; and

WHEREAS, providing assistance to SBE firms could increase the number of certified SBEs participating, and increase competition on non-federally-funded contracts potentially allowing for the completion of projects at a lower overall cost; and

WHEREAS, BATA has developed a Small Business Enterprise (SBE) Program ("Program") that applies to non-federally funded, non-architectural and engineering (A&E) materials, equipment, supplies, services and construction contracts with a budget in excess of \$25,000; and

WHEREAS, the Program would apply to any firm that is certified under any of the following certifications: State of California Department of General Services (DGS) SBE Program, California United Certification Program DBE certification; City and County of San Francisco Contract Monitoring Division Local Business Enterprise (LBE) certification; Alameda County Small Local and Emerging Business (SLEB) certification; or LBE / Minority Business Enterprise (MBE) / SBE / Women's Business Enterprise (WBE) certifications from a formal certifying agency in the nine county Bay Area provided that the certification can be verified through a searchable database and meets the requirements of the State of California Small Business Program; and

WHEREAS, the Program allows for a two-tiered bid evaluation preference to be applied to materials, equipment, supplies, services and construction contracts when the requirements for participation are met; and

WHEREAS, the SBE Program describes the monitoring, compliance, oversight and enforcement requirements to ensure that SBE participation is achieved; now, therefore, be it

RESOLVED, that BATA hereby adopts the SBE Program set forth in Attachment A; and be it further

RESOLVED, that adoption of this SBE Program supersedes the Construction Project Small Business Enterprise Program adopted through Resolution No. 116, Revised, as well as the Professional Services Small Business Enterprise Pilot Program; and be it further

RESOLVED, that the Executive Director is hereby authorized to revise the SBE Program set forth in Attachment A as may be required from time to time due to changes in law, regulation or procedures relating to the SBE Program and to take such actions as may be necessary or appropriate to implement the SBE Program; and be it further

RESOLVED, that this resolution supersedes Resolution No. 116, Revised; and be it further

RESOLVED, that this resolution shall take effect from and after its adoption.

BAY AREA TOLL AUTHORITY

Scott Haggerty, Chair

The above resolution was entered
into by the Bay Area Toll Authority at
a regular meeting of the Authority held in
San Francisco, California, on March 25, 2020.

Date: March 25, 2020
W.I.: 1251, 1252, 1253, 1254, 1255
Referred by: BATA Oversight Committee

Attachment A
Resolution No. 135

BAY AREA TOLL AUTHORITY

Small Business Enterprise (SBE) Program



BAY AREA TOLL AUTHORITY

BAY AREA METRO CENTER
375 BEALE STREET
SAN FRANCISCO, CA 94105

TEL 415.778.6700
WEB www.mtc.ca.gov

Bay Area Toll Authority

Small Business Enterprise (SBE) Program

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OBJECTIVES/POLICY STATEMENT

In order to provide economic opportunity for residents and businesses, and stimulate economic development in the San Francisco Bay Area Region, the Bay Area Toll Authority (BATA) hereby establishes a Small Business Enterprise (SBE) Program (“SBE Program” or “Program”) to assist SBE firms in participating in BATA non-federally funded, non-architectural and engineering (A&E) materials, equipment, supplies, services and construction contracts. This Program is aimed at using the power of the public purse to stimulate economic development.

The objectives of the SBE Program include:

1. To increase the number of certified SBEs participating in non-federally funded, non-A&E contracts;
2. To increase overall competition on non-federally funded, non-A&E contracts potentially allowing for the completion of projects at a lower overall cost;
3. To create a level playing field on which SBEs can compete fairly on non-federally funded contracts;
4. To ensure that only SBE firms (prime Consultant/Contractor or Subconsultant/Subcontractor/Vendor) meeting the Program’s eligibility requirements are eligible for the Evaluation Preference allowed under the Program;
5. To help remove barriers to the participation of SBEs in non-federally funded contracts; and
6. To identify business enterprises that are qualified as SBE’s and are qualified to provide BATA with required materials, equipment, supplies and services.

The Director of Administration & Facilities Services Section (AFS) has been designated as the SBE Liaison Officer (SBELO). In that capacity, the AFS Director is responsible for implementing all aspects of the Program. Implementation of the SBE Program is intended to be consistent with the MTC Disadvantaged Business Enterprise (DBE) Program.

SUBPART A – GENERAL REQUIREMENTS

A.1 Objectives

The objectives are found in the policy statement on the first page of this Program.

A.2 Applicability

BATA is a recipient of state and local funds. As a condition of this assistance, and in compliance with Proposition 209, BATA shall implement this Program without consideration of race, sex, or ethnicity. This Program sets forth the policies and procedures to be implemented by BATA to confirm that small businesses have the maximum opportunity to participate in BATA non-federally funded materials, equipment, supplies, services and construction contracts.

When a non-federally funded, non-A&E contract is awarded to a Consultant/Contractor/Vendor based on the Evaluation Preference described in C.1 of this Program, the Consultant/Contractor/Vendor must adhere to all the requirements included in this Program.

This Program applies solely to non-federally funded, non-A&E materials, equipment, supplies, services and construction contracts.

A.3 Definitions

BATA adopts the following definitions listed below for this SBE Program:

1st Tier Subconsultant/Subcontractor/Vendor – A subconsultant or subcontractor to a Consultant or Contractor.

2nd Tier Subconsultant/Subcontractor/Vendor – A subconsultant or subcontractor to a 1st Tier subconsultant or subcontractor.

AFS – Administrative and Facilities Services Section.

BATA – Bay Area Toll Authority

Bid – The offer of the bidder for the construction project when completed and submitted in response to an IFB on the prescribed bid form.

Bid Preference – The application of a percentage discount to the total amount of a bid submitted by a Bidder for a contract solely for the purpose of bid comparisons when determining the lowest and best bid, or lowest responsible bid. The use of a bid preference for bid comparison does not alter the total amount of the bid submitted by a bidder or the contract executed based on a bid.

Business Suppliers – An individual or business entity that makes available a certain commodity for meeting demand or for purchase at a given price.

Civil Construction – Civil Construction is a segment of the broader construction industry focused on building core infrastructure such as highways, roads, bridges, telecommunications, subway

tunnels, light rail transit lines and public buildings.

Commercially Useful Function (CUF) – An SBE performs a commercially useful function when it is responsible for the execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. An SBE does not perform a CUF if it does not perform or exercise responsibility for at least 60 percent of the total cost of its contract that would be expected on the basis of normal industry practice for the type of work involved. If, in BATA's judgment, the SBE does not perform a CUF in the transaction, no Evaluation Preference will be awarded.

Community Based Organization (CBO) – A non-government agency created to provide training, employment or community assistance.

Consultant/Contractor/Vendor – The individual, partnership, corporation, joint venture or other legal entity entering into a contractual agreement with BATA.

Evaluation Preference – The application of a percentage or point preference to the total evaluation score of a Proposer for a procurement or solicitation, solely for the purpose of Proposal or SOQ comparisons when determining the highest ranked Proposal or SOQ. The use of an Evaluation Preference for Proposal or SOQ comparison will alter the total percentage or points allotted to the Proposer.

Invitation for Bid (IFB) – Invitation for Bid issued by BATA for construction services.

Manufacturer – A firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies purchased.

MTC - Metropolitan Transportation Commission.

Monitoring – The system established to measure compliance with the Program.

Post Award – The meeting held between BATA and Consultants/Contractors/Vendors after the award of a Professional Services or civil construction project and before contract execution. Post award meetings occur at the request of either BATA or Consultant/Contractor/Vendor.

Professional Services – any non-public works service(s). Professional Services contracts may contain a minor public works component.

Proposer – Consultant/Contractor/Vendor submitting a Proposal or SOQ in response to a RFP or RFQ.

Proposal – An offer of a Proposer to provide Professional Services, in response to an RFP.

Request for Proposal (RFP) – RFP issued by BATA for Professional Services.

Request for Qualifications (RFQ) – RFQ issued by BATA for Professional Services.

SBE Program – The BATA SBE Program.

Small Business Enterprise (SBE) – A firm that meets the requirements set forth in Section B.3 Certification Standards and SBE Directories.

SBE Broker – An SBE Broker is a firm that is not a vendor but is providing assistance in the procurement of required materials or supplies.

SBE Dealer – An SBE Dealer is a firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the Agreement are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. The firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

SBE Directory – The list of firms certified under any of the programs outlined in Section B.3 Certification Standards and SBE Directories, which is used by BATA and its Consultants/Contractors/Vendors to identify potential SBE Consultants/Contractors/Vendors and Subconsultants/Subcontractors/Vendors and suppliers.

SBELO – Small Business Enterprise Liaison Officer.

SOQ – A statement of qualifications submitted by a Proposer in response to an RFQ.

Subcontract – A contract entered into between a Consultant/Contractor/Vendor with a Subconsultant/Subcontractor/Vendor.

Subconsultant/Subcontractor/Subvendor – The individual, partnership, corporation or other legal entity that contracts to perform part of or all of the obligations of another's contract.

Subrecipient – Any agency that receives funds from BATA via statute, an interagency, cooperative or funding agreement.

Utilization – Percentage of total dollars of a type of work going to SBEs.

Web-based Diversity Tracking System – The diversity tracking software provided by BATA to Consultants/Contractors/Vendors accessible from any internet browser on any platform or operating system.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

B.1 Program Updates

The SBELO or designee will provide the appropriate authorizing board with updates representing significant changes in the Program.

B.2 SBELO and Program Implementation

BATA has designated the following individual as its SBE Liaison Officer (SBELO):

Director of Administration and Facilities Section (AFS)
Metropolitan Transportation Commission 375 Beale St, Suite 800
San Francisco, CA 94105
Phone: (415) 778-6700
Email: contracts@bayareametro.gov

In that capacity, the SBELO is responsible for implementing all aspects of the SBE Program and ensuring that BATA complies with all provisions of the SBE Program. The SBELO has direct, independent access to the Executive Director concerning SBE Program matters.

The SBELO is responsible for developing, implementing and monitoring the SBE Program, in coordination with other appropriate officials. The SBELO has staff to assist in the administration of the SBE Program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with the SBE Program.
3. Works with AFS staff to determine if a Proposer/Bidder has achieved the requirements for the Evaluation Preference.
4. Confirms that notices of procurement and solicitations are available to SBEs in a timely manner.
5. Identifies qualified contracts and procurements so that SBE preferences are included in all applicable procurements.
6. Analyzes BATA's progress toward SBE attainment and identifies ways to improve progress.
7. Participates in pre-proposal/pre-bid meetings.
8. Advises the Executive Director and/or the appropriate authorizing board on SBE matters and achievement.
9. Provides outreach to SBEs and CBOs to advise them of opportunities and technical assistance to SBEs to assist in Proposal, SOQ and/or bid preparation and obtaining bonding and insurance.

B.3 Certification Standards and SBE Directories

BATA does not administer an SBE certification program. To be eligible for the Bid/Evaluation Preference allowed under the SBE Program, firms (prime Contractor or Subconsultant/Subcontractor/Vendor) must be certified under any of the programs outlined below:

1) *California Certified Small Business as certified by the California Department of General Services (DGS) -Procurement Division (PD) - Office of Small Business and Disabled Veteran Business Enterprise Services (OSDS)*

The State of California SBE Directory can be accessed at:

<https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>

2) *A Disadvantaged Business Enterprise (DBE) as certified by the California Unified Certification Program (CUCP)*

The CUCP Directory can be accessed at:

<https://dot.ca.gov/programs/business-and-economic-opportunity>

3) *City and County of San Francisco Local Business Enterprise (LBE) as certified by the Contract Monitoring Division (CMD) Directory Certification Unit*

The Directory of Certified LBEs can be accessed here:

<https://sfgov.org/cmd/directory-certified-lbes>

4) *Alameda County Small Local and Emerging Business (SLEB) program as certified by the Alameda County SLEB Certification Unit*

The SLEB Supplier Query System Database can be accessed at:

https://www.acgov.org/sleb_query_app/gsa/sleb/query/slebsresultlist.jsp?smEmInd=C

5) LBE/MBE/SBE/WBE certification from a formal certifying agency in the nine-county Bay Area, provided that the certification can be verified through a searchable database and meets the requirements of the State of California Small Business Program.

Note:

¹ Per Title 2, California Code of Regulations, § 1896.12. Eligibility for Certification as a Small Business.

To be eligible for certification as a small business, a business must meet all of the following qualifying criteria:

- (1) It is independently owned and operated; and
- (2) Its principal office is located in California; and
- (3) The officers of the business (in the case of a corporation); officers and/or managers, or in the absence of officers and/or managers, all members in the case of a limited liability company; partners in the case of a partnership; or the owner(s) in all other cases, are domiciled in California; and
- (4) It is not dominant in its field of operation(s), and
- (5) It is either:

(A) A business that, together with all affiliates, has 100 or fewer employees, and annual gross receipts of fifteen million dollars (\$15,000,000) or less as averaged for the previous three (3) tax years, as biennially adjusted by the Department in accordance with Government Code § 14837(d)(3) (If the business or

its affiliate(s) has been in existence for less than three (3) tax years, then the GAR will be based upon the number of years in existence); or

(B) A manufacturer as defined herein that, together with all affiliates, has 100 or fewer employees.

B.4 Record Keeping Requirements

When a non-federally funded, non-A&E contract is awarded to a Consultant/Contractor/Vendor based on the Evaluation Preference listed in Subpart C, Section C.1 of this SBE Program, AFS will monitor the contract per Subpart D, to confirm that the Consultants/Contractors/Vendors are in compliance with the requirements of the SBE Program. AFS staff will report SBE participation to the appropriate authorizing board via reports generated from the web-based diversity tracking system.

BATA will require Consultants/Contractors/Vendors to maintain records and documents of payments to all Subconsultants/Subcontractors/Vendors (SBEs and non-SBEs) for four (4) years following the completion of the contract. BATA will perform interim reviews of contract payments to SBEs. Payments to SBE Subconsultants/Subcontractors/Vendors will be reviewed to verify that the actual amount paid to SBE Subconsultants/Subcontractors/Vendors equals or exceeds the dollar amounts stated in the schedule of SBE participation included in the contract.

B.5 Public Outreach

BATA will participate in outreach events with other San Francisco Bay Area transportation agencies and CBOs to leverage its efforts to assist SBE firms. BATA will also participate in Caltrans' CalMentor Protégé Program for small business development.

SUBPART C – EVALUATION PREFERENCE AND SBE PARTICIPATION

C.1 Evaluation Preference

BATA will allow an evaluation preference to be applied as a percentage discount to the total amount of a proposal/bid submitted by a Proposer/Bidder for a contract solely for the purpose of bid comparisons when determining the lowest and best bid, or lowest responsible bid. The use of an evaluation preference for Proposal, SOQ, or Bid comparison does not alter the total amount of the bid submitted by a bidder or the contract executed based on a bid. The SBE Program evaluation preference will be applied to all locally-funded solicitations when issued.

The Evaluation Preference applied as a percentage or point preference to the total evaluation percentage or points of a Proposal, SOQ, or Bid submitted by a Proposer/Bidder for a contract will be solely for the purpose of evaluation comparisons when determining the highest ranked Proposal or SOQ. The use of an Evaluation Preference for Proposal, SOQ or Bid comparison will alter the total evaluation percentage or points allotted to a Proposer/Bidder.

The Evaluation Preference will be applied to all non-federally funded solicitations. The Evaluation Preferences will be applied as follows after BATA verifies that the responsiveness requirements have been met:

- An Evaluation Preference of five percent (5%) or five (5) points will be added to the total evaluation percentage or points, when the Proposer meeting specifications commits to twenty-five percent (25%) SBE participation for the work (which can be achieved by the prime, by a sub(s), or a combination of prime and sub(s) who meet the requirements set forth in Section B.3 of this SBE Program), or
- An Evaluation Preference of 10 percent (10%) or ten (10) points will be added to the total evaluation percentage or points, when the Proposer meeting specifications commits to forty percent (40%) SBE participation for the work (which can be achieved by the prime, by a sub(s), or a combination of prime and sub(s) who meet the requirements set forth in Section B.3 of this SBE Program).

AFS staff will monitor BATA's SBE Program to confirm that the Consultants/Contractors/Vendors are in compliance with the requirements of the SBE Program. The report of SBE awards, commitments and payments will be generated from the web-based diversity tracking system.

C.2 Maintaining Participation

Once a project begins, it is important to achieve and maintain the level of SBE participation that allowed the Evaluation Preference. Prime Consultants/Contractors/Vendors must maintain the SBE percentages indicated in the Proposal, SOQ or Bid documents at the time of Proposal, SOQ or Bid submittal throughout the term of the contract.

If BATA modifies the original scope of work, the Consultant/Contractor/Vendor must make reasonable efforts to maintain the SBE participation that allowed the Evaluation Preference. In the event of amendments, AFS staff may use their discretion to allow adjustments to SBE percentages for the amended portion of the work. Upon request, BATA staff will help firms to determine methods of maintaining percentages.

Should the prime Consultant/Contractor/Vendor fail to maintain the SBE participation listed at the time of Proposal, SOQ or Bid submittal, BATA reserves the right to enforce Consultant/Contractor/Vendor compliance with this SBE Program through one or more of the remedies included in Section D.3 of this SBE Program.

C.3 Substitution of Listed Subcontractors

Substitution of listed Subconsultants/Subcontractors/Vendors shall generally be made in accordance with Public Contracts Code Section 4107. In addition, the SBELO must concur in any decision to permit substitution of a SBE Subconsultant/
Subcontractor/Vendor when the award was made on the basis of the Evaluation Preference listed in Section C.1 above.

C.4 Joint Venture Agreements

A business that is competing for BATA contracts may associate with a certified SBE business to compete for contracts as a Joint Venture (JV). JVs receive an Evaluation Preference depending upon the SBE percentage of participation as set forth in Section C.1 of Subpart C, Evaluation Preference and SBE Participation. The parties must agree to enter into the relationship for at least the term of the project.

Basic Elements of the Joint Venture Agreement

A JV must submit a JV Management Plan and/or a JV Agreement in their Proposal or SOQ. Each agreement or management plan must include, but is not limited to the following:

- Detailed explanation of the financial contribution of each partner;
- List of the personnel and equipment used by each partner;
- Detailed breakdown of the responsibilities of each partner;
- Explanation of how the profits and losses will be distributed;
- Description of the bonding capacity of each partner; and
- Management or incentive fees available for any one of the partners (if any).

Commercially Useful Functions (CUF) Performed by Joint Venture Partners

Each JV partner must perform a “commercially useful function” as that term is

defined herein. A SBE that relies on the resources and personnel of a non-SBE firm will not be deemed to perform a CUF.

Joint Venture License Requirements

Each JV partner must possess qualifications, certifications, accreditations, or licenses appropriate for the discipline for which a Proposal, SOQ or Bid is being submitted. If a JV is proposing/bidding on a project requiring license or certification, at the time of Proposal, SOQ or Bid submittal, each of the JV partners must hold a JV License or Certification and possess the requisite specialty license or certification for that profession.

Delineation of Joint Venture Work

The SBE partner must clearly define the portion of the work to be performed during the project. This work must be of the similar type of work the SBE partner performs in the normal course of its business. The Proposal, SOQ or Bid must specify the portions of the project to be performed by each individual JV partner. Lump sum JV participation is not acceptable.

Responsibilities of the SBE Joint Venture Partners

The SBE partner must share in the ownership, control, management responsibilities, risks, and profits of the JV in proportion with level of participation in the project; the SBE partner must perform work that is commensurate with its experience. The SBE partner must use its own employees and equipment to perform its portion of the project. Only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the SBE performs with its own forces will be counted toward SBE participation

Application of Evaluation Preference for Joint Venture Agreements

To be eligible for an Evaluation Preference, at the time of Proposal, SOQ or Bid submittal, each JV partner must each have the qualification, certification, accreditation, or license that is appropriate for the project as required in the contract document of the contract award authority. Unless permission is granted by the SBELO or designee for good cause shown, based on sudden and unexpected necessity, the following actions are not permitted: i) the non-SBE partner performing work for the SBE partner; ii) leasing of equipment or property by the SBE partner from the non-SBE partner; and iii) the hiring of the non-SBE partner's employees by the SBE partner.

Other Joint Venture Conditions

The SBELO or a designee must first approve the SBE JV Agreement/ Management Plan before the JV is eligible for an Evaluation Preference. Any changes must also receive the prior approval of the SBELO or designee. In addition to any other information required by conditions specified herein, each SBE JV must provide upon request, cancelled checks and any other financial records to BATA.

C.5 Counting SBE Participation

SBEs may perform as Consultants/Contractors/Vendors, 1st tier Subconsultants/Subcontractors/Vendors, or 2nd tier Subconsultants/Subcontractors/Vendors. Only the value of the work to be performed by the SBE, including materials and supplies, will be counted toward SBE participation.

A SBE must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work. If an SBE 1st Tier or 2nd Tier Subconsultant/Subcontractor/Vendor does not perform or exercise responsibility for at least sixty percent (60%) of the total cost of its contract with its own work force, or if the SBE subcontracts a greater portion of work of a contract than would be expected on the basis of normal industry practice, then it will be presumed that the SBE is not performing a CUF.

Credit for an SBE Dealer of materials or supplies is limited to sixty percent (60%) of the amount to be paid to the vendor for the materials or supplies unless the vendor manufactures or substantially alters the goods. Credit for SBE Brokers is limited to only the fees and commissions portion of the amount paid. All other firms receive 100% credit, less work subcontracted by the SBE to non-SBE firms.

During the term of a contract, work performed by SBE firms whose certification has expired will continue to be counted toward the SBE participation.

SUBPART D – COMPLIANCE AND ENFORCEMENT

D.1 Monitoring

When a contract is awarded to a Consultant/Contractor/Vendor based on the Evaluation Preference listed in Subpart C, Section C.1 of this Program, AFS will monitor the contract per Subpart D, to confirm that the Consultants/Contractors/Vendors comply with the requirements of the Program. AFS staff will report SBE participation to the appropriate authorizing board via reports generated from the web-based diversity tracking system.

BATA will require Consultants/Contractors/Vendors to maintain records and documents of payments to all Subconsultants/Subcontractors/Vendors (SBEs and non-SBEs) for four years following the performance of the contract. BATA will perform interim reviews of contract payments to SBEs. Payments to SBE Subconsultants/Subcontractors/Vendors will be reviewed to verify that the actual amount paid to SBE Subconsultants/Subcontractors/Vendors equals or exceeds the dollar amounts stated in the schedule of SBE participation included in the contract.

Subrecipients may be required to submit verification of their eligibility for participation in the SBE Program and to provide annual reports of SBE utilization on Professional Services or Civil Construction projects achieved under the SBE Program.

BATA has implemented the following monitoring mechanisms to monitor Consultant/Contractor/Vendor compliance with Program requirements:

1. The SBELO or designee will verify that work committed to SBEs at contract award is actually performed by the SBEs.
2. The SBELO or designee will keep a running tally of actual payments to SBE firms for work committed to them at the time of contract award with the use of BATA's web-based diversity tracking system.

If a Professional Services or Construction project has a public works portion of work valued over \$1,000.00, the State's Labor Code requires Consultants/Contractors/Vendors to pay their employees in accordance with general prevailing wages that apply to that portion of the work. The prime Contractor and all Subconsultants/Subcontractors/Vendors including, if applicable, truckers and owner/operators are required to submit certified payroll records in accordance with Labor Code section 1776 upon request from BATA. Failure to submit certified payroll records could result in withholding of progress payment(s).

Upon request, Consultants/Contractors/Vendors will provide BATA with executed copies of its Subconsultant/Subcontractor/Vendor agreements to verify dollar amounts stated for all SBEs.

D.2 SBE Utilization Report

Consultants/Contractors/Vendors are required to submit monthly SBE Utilization Reports electronically to MTC AFS. The Consultant/Contractor/Vendor will document the dollar value of payments to SBE firms and the percentage of the contract completed. BATA will monitor the contract for compliance with SBE requirements.

This system is web-based, accessible from any computer via the internet. Each Consultant/Contractor/Vendor and Subconsultant/Subcontractor/Vendor will receive an email providing them with Log On identification, a temporary password and instructions on how to use the system. Training will also be provided upon request. Consultant/Contractor/Vendor will include this requirement in all of its subcontracts and purchase orders when required to provide or verify SBE utilization documentation.

If the SBE Utilization Reports indicate potential problems, such as a failure to comply with the contract SBE participation, the Consultant/Contractor/Vendor shall meet with the BATA SBELO or designee to address any deficiencies and discuss appropriate corrective actions. When the Contract completion reaches 50% and the SBE participation completed is less than 50%, a detailed report of the reasons why must be submitted to BATA stating a plan to reach the SBE participation by Contract completion.

Prior to final payment, Consultant/Contractor/Vendor will be required to submit a final SBE Utilization Report by selecting the "Final Audit" reporting designation within the web-based diversity tracking system. In addition to payments to the SBEs, the final report must include payments to and other information about all other businesses, including non-SBE Subconsultants/Subcontractors/Vendors, suppliers of materials and others.

D.3 SBE Program Enforcement

BATA has available several remedies to enforce compliance of the SBE Program requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, resulting from a violation of the terms of the RFP, RFQ or IFB and contract.
2. Assessment of a penalty of up to one and one half times the amount that should have been awarded to SBE(s).
3. Termination of Contractor's performance of work under the contract.
4. Any other remedy available to BATA in the contract or the relevant RFP, RFQ or IFB.

Updated Small Business Enterprise (SBE) Program

Staff is proposing to combine the current two SBE programs into an updated combined program

Current SBE Programs

Construction Project SBE Program (adopted in September 2015)

Applicable to:	Acceptable Certifications:	Bid/Evaluation Preference:	Statistics:
Non-Federally Funded and Non-Architectural & Engineering Contracts	State of California Department of General Services (DGS) SBE Program	5% bid discount applied if the lowest responsive, responsible bidder is a certified SBE and is performing at least forty percent (40%) of the work or commits to subcontract with certified SBE firm(s) for at least 40% of the work	7 Civil Construction IFBs have been issued with the SBE Program applied, 3 of which were awarded based on the SBE Preference resulting in commitments to SBEs of \$6,250,726

Professional Services SBE Pilot Program (BATA Oversight Committee approval in February 2017)

Applicable to:	Acceptable Certifications:	Bid/Evaluation Preference:	Statistics:
Non-Federally Funded and Non-Architectural & Engineering Contracts	State of California Department of General Services (DGS) SBE Program	5% bid discount applied if the lowest responsive, responsible bidder is a certified SBE and is performing at least forty percent (40%) of the work OR commits to subcontract with certified SBE firm(s) for at least 40% of the work	13 RFP/RFQs have been issued with the SBE Pilot Program applied, 6 of which were awarded based on the SBE Preference resulting in commitments to SBEs of \$21,623,124.83

Updated / Combined SBE Program

- Combine the Pilot Professional Services SBE program and the Construction Project SBE Program into one comprehensive SBE Program that applies to construction and professional services non-federally funded and non-Architectural & Engineering (A&E) procurements.
- Broaden the acceptable SBE certifications in order to cast a wider net to SBE firms in the Bay Area, including Disadvantaged Business Enterprise (DBE), Local Business Enterprise (LBE), Minority Business Enterprise (MBE) and Women Business Enterprise (WBE).
- Allows the bid/evaluation preference to be met by a combination of prime/subcontractor participation
- Revise the bid/evaluation preference into a two-tiered program, which allows:
 - **5% bid/evaluation** applied if the lowest responsive, responsible bidder or proposer commits to at least twenty-five percent (25%) SBE Participation, or
 - **10% bid discount** applied if the lowest responsive, responsible bidder or proposer commits to at least forty percent (40%) SBE Participation

The benefits of the updated program are:

- Increase opportunity for SBEs to participate in contracts by broadening the acceptable certifications allowed in the program to remove bureaucratic certification barriers
- Providing a two-tiered Bid/Evaluation Preference
- Allowing SBE participation levels to be met by prime SBEs, subconsultant SBEs or a combination of the two

Next Steps

- Staff will present resolutions for adoption of the updated SBE Program to the appropriate committees and/or authorities including MTC, BATA, BAIFA, BAHA and MTC SAFE
- Collaborate with stakeholders, including the Equity and Access subcommittee of the Policy Advisory Council, to identify and implement outreach strategies
- Staff training and inclusion of the program in MTC's policies and procedures

Staff recommends that the Authority refer BATA Resolution No. 135 Small Business Enterprise (SBE) Program, to the Authority for approval.

Questions



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	20-0275	Version:	1	Name:	
Type:	Contract	Status:		Committee Approval	
File created:	1/30/2020	In control:		Bay Area Toll Authority Oversight Committee	
On agenda:	3/11/2020	Final action:			
Title:	Contracts - Internal Project Auditing and Reporting Services: KPMG LLP and Crowe LLP (\$500,000 annually)				

A request to enter into contracts with KPMG LLP and Crowe LLP in a total annual amount not to exceed \$500,000 for a five-year period to establish a bench of audit firms to perform internal project auditing and reporting services for projects related to the Seismic Retrofit Program and BATA bridge rehabilitation and construction projects subject to approval of future BATA budgets.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:

Contracts - Internal Project Auditing and Reporting Services: KPMG LLP and Crowe LLP (\$500,000 annually)

A request to enter into contracts with KPMG LLP and Crowe LLP in a total annual amount not to exceed \$500,000 for a five-year period to establish a bench of audit firms to perform internal project auditing and reporting services for projects related to the Seismic Retrofit Program and BATA bridge rehabilitation and construction projects subject to approval of future BATA budgets.

Presenter:

Brian Mayhew

Recommended Action:

Committee Approval

Bay Area Toll Authority Oversight Committee

March 11, 2020

Agenda Item 5b

Contracts – Internal Project Auditing and Reporting Services: KPMG LLP and Crowe LLP (\$500,000 annually)

Subject: A request to enter into contracts with KPMG LLP and Crowe LLP in a total annual amount not to exceed \$500,000 for a five-year period to establish a bench of audit firms to perform internal project auditing and reporting services for projects related to the Seismic Retrofit Program and BATA bridge rehabilitation and construction projects, subject to approval of future BATA budgets.

Background: In 2015, BATA issued a Request for Qualifications (RFQ) to establish a bench of qualified audit firms to perform internal project audits for Regional Measure 1, Regional Measure 2 and the Seismic Retrofit Program for the fiscal years 2016 through 2020. As a result of the RFQ, BATA established a bench consisting of four audit firms to perform services including detailed audits of construction costs, change orders, staff and overhead costs as well as provide project risk assessment. The 2015 bench contracts will expire on June 30, 2020.

Procurement Process:

On October 31, 2019, BATA issued a RFQ seeking qualified firms to provide internal project auditing and reporting services.

In response to the RFQ, BATA received Statements of Qualifications (SOQs) from three firms; however, only two of the firms submitted the required documents necessary to evaluate their SOQs and met the minimum qualifications. A panel of BATA Finance staff evaluated the two remaining firms' SOQs based on the following criteria:


- Firm and staff qualifications with projects over \$500 million
- Experience with major bridge projects
- Experience with state construction programs
- Written and oral communication
- Client references

The evaluation panel determined that the two firms demonstrated strength in all areas of the evaluation criteria and unanimously recommends the selection of both firms. KPMG LLP is neither a small business nor a disadvantaged business enterprise and has no subcontractors. Attachment A includes a summary of Crowe LLP and its project team's small business and disadvantaged business enterprise status.

The process for assigning audit tasks will be based on a screening of the firms as well as experience and qualifications required for the particular task. The selected firm will provide an engagement letter, staff availability, projected hours, costs, procedures and final report. The final negotiated engagement letter will govern the individual audit order. A key reason for establishing an active bench of firms as opposed to contracting with a single firm is the potential for audit conflicts between national audit firms and large corporate contractors.

Recommendation: Staff recommends that the Committee authorize the Executive Director or designee to negotiate and enter into contracts with the two firms listed above in a total annual amount not to exceed \$500,000 to provide internal project auditing and reporting services for projects related to the Seismic Retrofit Program and BATA bridge rehabilitation and construction projects for a five-year period beginning July 1, 2020 and ending June 30, 2025, with an option to renew for two additional one-year terms, subject to approval of future BATA budgets. The total potential cost over the proposed five-year engagement is \$2,500,000.

Attachments: Attachment A: Small Business and Disadvantaged Enterprise Status Request for Committee Approval – Summary of Proposed Consultant Contract


Therese W. McMillan

Attachment A

Small Business and Disadvantaged Business Enterprise Status

			DBE* Firm			SBE** Firm		
	Firm Name	Role on Project	Yes	If Yes, List #	No	Yes	If Yes, List #	No
Prime Contractor	Crowe LLP	Lead auditors			x			x
Subcontractor	PMA Consultants	Construction consultants for Crowe LLP			x			x

*Denotes certification by the California Unified Certification Program (CUCP).

**Denotes certification by the State of California.

REQUEST FOR COMMITTEE APPROVAL

Summary of Proposed Consultant Contract

Work Item No.:	1254
Consultant:	KPMG LLP, San Francisco, CA Crowe LLP, San Francisco, CA
Work Project Title:	Internal Project Auditing and Reporting Services
Purpose of Project:	Internal project auditing and reporting services
Brief Scope of Work:	To perform detailed audits of construction costs, change orders, staff and overhead costs as well as provide project risk assessment.
Project Cost Not to Exceed:	\$500,000 per fiscal year from FY 2020-21 through FY 2024-25, not to exceed \$2,500,000 cumulatively for the five-year period
Funding Source:	Toll Bridge Rehabilitation Program Funds
Fiscal Impact:	Funds in the total amount of \$500,000 annually for a five-year period to be included in the Toll Bridge Rehabilitation Program budget, subject to approval of the FY 2020-21 and future BATA budgets.
Motion by Committee:	That the Executive Director or designee is authorized to negotiate and enter into contracts with KPMG LLP and Crowe LLP to provide internal project auditing and reporting services for a five-year term from FY 2020-21 through FY 2024-25, with an option to renew for two additional one-year terms, as described above in the BATA Oversight Committee Summary Sheet dated March 11, 2020, and that the Chief Financial Officer is directed to set aside funds in the amount of \$500,000 , cumulatively, for such contracts per fiscal year, up to a total cumulative cost of \$2,500,000, subject to the approval of annual BATA budgets.
BATA Oversight Committee:	<hr/> Amy R. Worth, Chair
Approved:	March 11, 2020



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 20-0252 **Version:** 1 **Name:**
Type: Report **Status:** Agenda Ready
File created: 1/28/2020 **In control:** Bay Area Toll Authority
On agenda: 3/11/2020 **Final action:**
Title: Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

The Authority met in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding Michael Saliani, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-14-540384; Pamela Moore, et al. v. BATA, et al., San Francisco Superior Court Case No. CGC-15-549048; and Kristen Freeland and Michael Jefferson, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-16-550947.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:

Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 20-0253 **Version:** 1 **Name:**
Type: Report **Status:** Authority Approval
File created: 1/28/2020 **In control:** Bay Area Toll Authority
On agenda: 3/25/2020 **Final action:**
Title: Open Session

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
2/26/2020	1	Bay Area Toll Authority		

Subject:
Open Session

Recommended Action:
Authority Approval



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 20-0354 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 2/10/2020 **In control:** Bay Area Toll Authority Oversight Committee
On agenda: 3/11/2020 **Final action:**
Title: West Span Bay Bridge Bicycle-Pedestrian Path ("Bay Skyway") Update

Staff will provide an update on recent activities related to a future bicycle-pedestrian path on the West Span of the San Francisco-Oakland Bay Bridge, recently dubbed the Bay Skyway.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:

West Span Bay Bridge Bicycle-Pedestrian Path ("Bay Skyway") Update

Staff will provide an update on recent activities related to a future bicycle-pedestrian path on the West Span of the San Francisco-Oakland Bay Bridge, recently dubbed the Bay Skyway.

Presenter:

Andrew Fremier

Recommended Action:

Information

Bay Area Toll Authority Oversight Committee

March 11, 2020

Agenda Item 6a

West Span Bay Bridge Bicycle-Pedestrian Path (“Bay Skyway”) Update

Subject: Staff will provide an update on recent activities related to a future bicycle-pedestrian path on the West Span of the San Francisco-Oakland Bay Bridge, recently dubbed the Bay Skyway.

Background: MTC included a bicycle-pedestrian pathway in the design of the new Bay Bridge East Span, which opened in 2016. This \$400M investment was conceived and supported by MTC as a first critical step to shore-to-shore access by bike and on foot. In 2015, BATA funded the 35% design of a new pathway on the West Span, including a connection to the East Span path. The preliminary engineering did not identify any insurmountable technical challenges to delivering the project; however, the entire project is not currently included in the fiscally constrained Plan Bay Area.

More recently, several events are contributing to renewed interest in shore-to-shore access:

- **Transbay congestion relief:** Projections show peak hour demand in 2040 on the Transbay corridor at 150% of capacity, due in part to 25,000 new Treasure Island residents and 86,000 more San Francisco jobs.
- **Electric-assist bicycles (“e-bikes”)** exponentially increase commute-shed (distance) and population of potential riders. In fact, the number of bike and e-bike peak-hour, weekday riders is forecast to equal a half-lane of vehicle capacity by 2040, not including tourists or reverse commute bikes.
- The **Richmond-San Rafael Bridge pathway** opened in November 2019. It is much farther from dense housing and population centers than the Bay Bridge, yet people are walking and biking across it in much greater numbers than expected, in part due to use by e-bikes.
- **Alameda County Transportation Commission** is partnering with BATA to design The Link, a Class I grade-separated facility that will directly join West Oakland with the eastern touchdown of the East Span pathway, bringing free access to San Francisco jobs and other attractions to thousands of West Oakland and other East Bay residents. Link construction funds have not yet been identified.
- **San Francisco County Transportation Authority** is designing a Class I grade-separated pathway to connect the East and West spans, and serve the forthcoming Treasure Island ferry. They are currently seeking funding partners for this project.

Benefits include:

- **Congestion relief:** Path will increase Transbay capacity without adding a single car to San Francisco or increasing BART or AC Transit service.
- **Housing:** Allows people to hold livable wage jobs in San Francisco and live in the affordable East Bay without the considerable expense of commuting by auto or transit.
- **Benefits low-income communities:** Allows very low cost commute to living wage jobs in San Francisco; opens SF cultural and recreational opportunities to low income East Bay residents; reduces further growth in air pollution in West Oakland.
- **Supports Caltrans's SB 743 implementation:** Starting this year, CEQA analysis of all capacity-increasing projects on the State Highway System will be based on Vehicle Miles Traveled (VMT) rather than Level of Service (LOS). As a result, Caltrans is prioritizing investment in projects that "increase person throughput without major increases in VMT." Path increases Transbay capacity without increasing VMT, and could even reduce it.

- **Preliminary Cost Estimate** (all costs in millions of 2018 dollars and assume a 2026 start of construction):

West Span Path (100% design)	\$ 50
West Span Path (construction)	\$ 260
West Oakland Link	\$ 65
Hillcrest Road Path (West Span to East Span)	\$ 30
Treasure Island Road Path (West Span to ferry)	\$ 35
TOTAL NEED	\$ 440

At this scale, a funding plan will likely need to package a combination of state, regional, local and potentially private financial resources, involving commitments from a number of partners.


Recommendation: Provide staff with feedback and direction to create a multi-year work plan for the Bay Skyway to allow the Commission to consider the impact of the work needed to move forward the project on the agency's overall work plan in the context of upcoming budget discussions. This work plan would include the following elements:

- Develop a feasible funding plan for state, local and regional funding to fully design and construct the Bay Skyway, including its Oakland and YBI/TI approaches
- Engineering design

- Focus on near-term work that would allow the project to move forward. Later work would depend on success in early years.
- Use in-house and consultant resources

Attachments:

Attachment A: [Bay Skyway Funding Strategy PowerPoint presentation](#)



Therese W. McMillan



BAY SKYWAY

Bay Bridge West Span Pathway & Connections

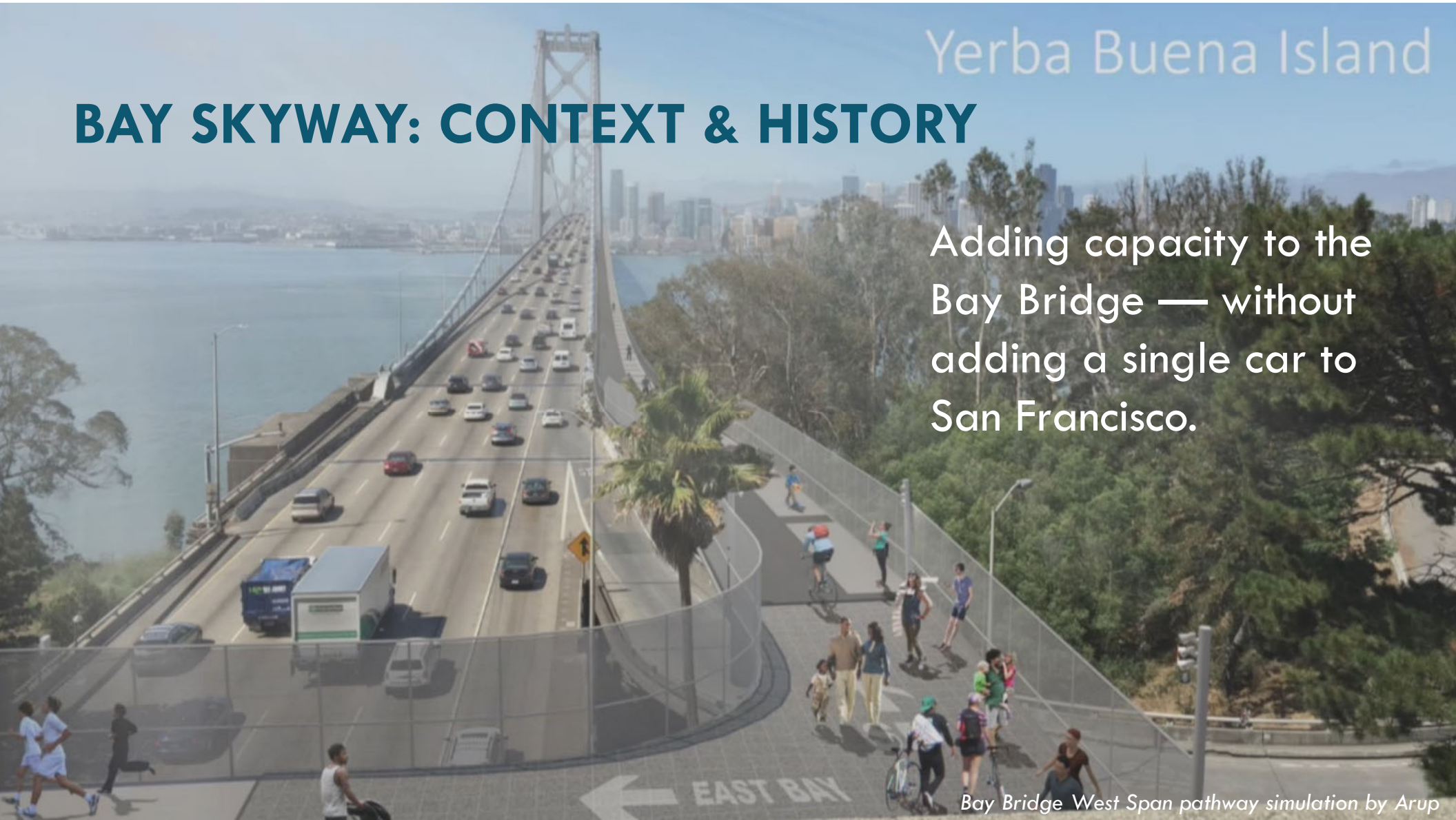


BATA Oversight
Wednesday, March 11, 2020

BAY SKYWAY: CONTEXT & HISTORY

Yerba Buena Island

Adding capacity to the Bay Bridge — without adding a single car to San Francisco.



Bay Bridge West Span pathway simulation by Arup

BAY SKYWAY: CONTEXT & HISTORY

- ▶ New East Span design includes path (1997-98)
- ▶ Conceived as first critical step to shore-to-shore access
- ▶ Extension across West Span intended to be funded with successor to RM2
- ▶ East Span path opens to Yerba Buena Island (2016)

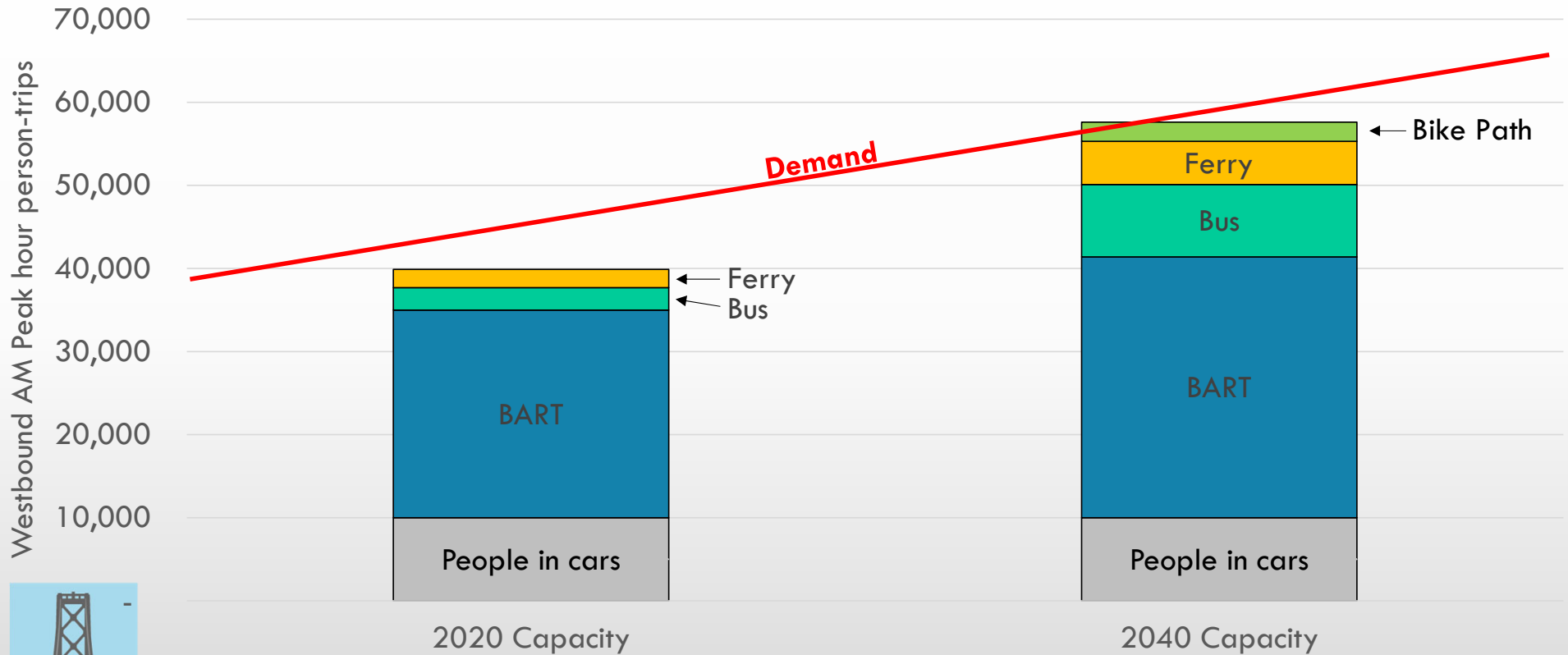
Image: Caltrans

BAY SKYWAY: BENEFITS

- ▶ Adds capacity and maintenance access to Bay Bridge
 - 1,700 bike/e-bike work trips in peak hour (2040)
 - Transbay Corridor at 150% of capacity without path (2040)
- ▶ Serves 24,000 new Treasure Island residents (2040)
- ▶ Low-cost access to SF jobs, culture & recreation for a half-million communities-of-concern residents
- ▶ Avoids daily lane closure for maintenance
- ▶ Supports Executive Order N-19-19 and SB 743
- ▶ Offers a healthier commute & contributes to a cleaner Bay



TRANSBAY CAPACITY VS DEMAND (2020 AND 2040)

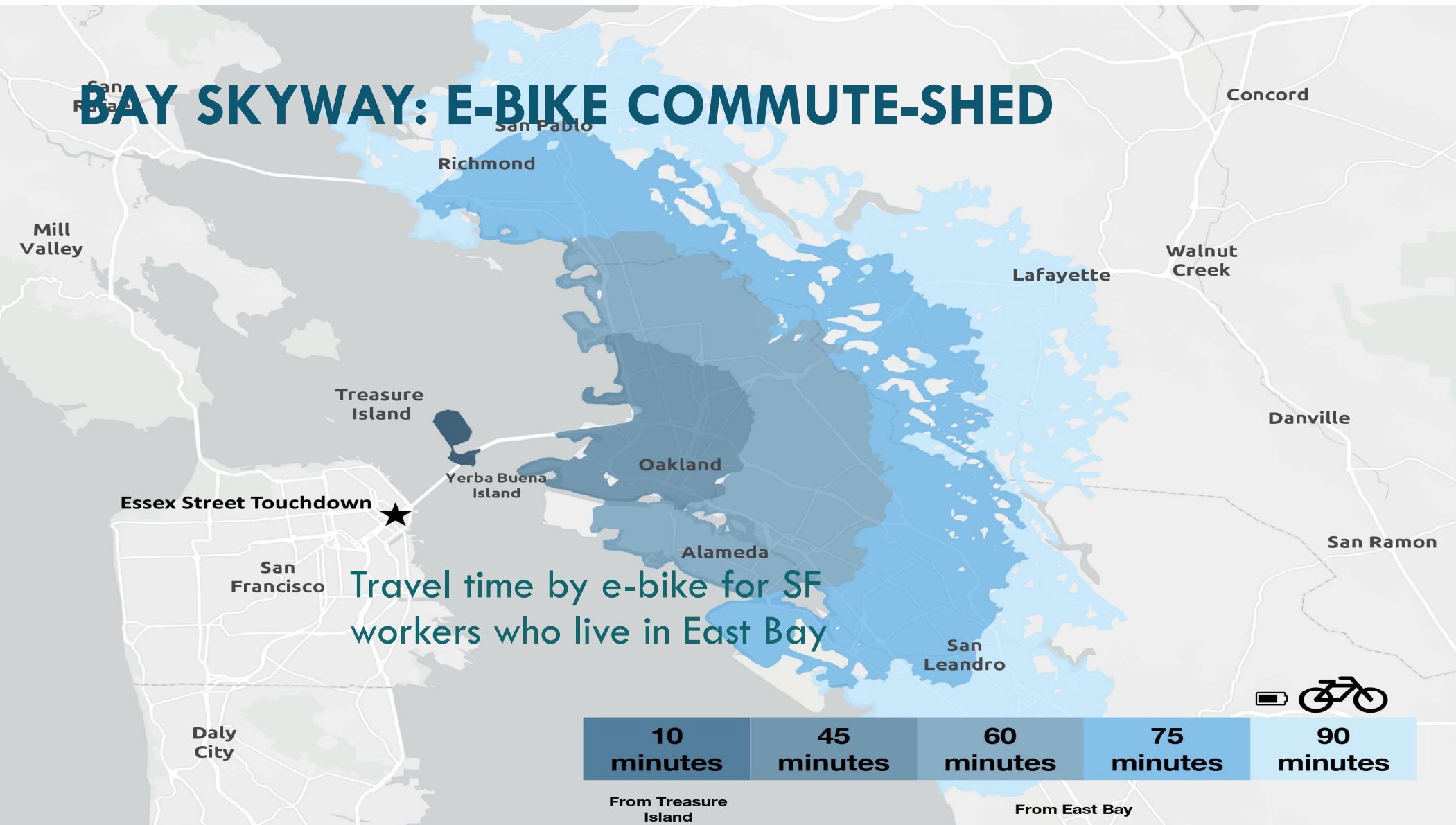


BAY AREA TOLL AUTHORITY Source: Core Capacity Transit Study, 2016. Assumes Market Assessment Growth Projections. 2020 assumes all recommended projects that have been delivered. 2040 shows remaining recommended projects (for 2021-2040).

BAY SKYWAY: BICYCLE COMMUTE-SHED



BAY SKYWAY: E-BIKE COMMUTE-SHED



BAY SKYWAY: OVERVIEW



BAY SKYWAY: COST (IN MILLIONS)

SEGMENT	COST	ACTIVITY
Investment To Date		
East Span Path	\$400+	Design + construction

Funding Need		
West Span Path	\$50	100% design
West Span Path	\$260	Construction
West Oakland Link	\$65	Design + construction
Hillcrest Road path	\$30	Design + construction
Treasure Island Road path	\$35	Design + construction
Total Need	\$440	100% design + construction West Span path + approaches



BAY SKYWAY: NEXT STEPS

- ▶ Consider Bay Skyway related tasks in upcoming budget discussions.
- ▶ Direct staff to create a multi-year work plan for the Bay Skyway, including:
 - A funding plan to fully design and construct the pathway, including its Oakland and YBI/TI approaches
 - Engineering design
 - Focus on near-term work that would allow the project to move forward. Later work would depend on success in early years.
 - Use in-house and consultant resources

