

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**  
**MINUTES OF THE BOARD OF DIRECTORS MEETING**

*(August 29, 2013)*

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the WETA offices at Pier 9, Suite 111, San Francisco, CA.

**1. ROLL CALL AND CALL TO ORDER**

Vice Chair Anthony Intintoli called the meeting to order at 1:05 p.m. Directors present were Director Jeffrey DelBono and Director Timothy Donovan. Vice Chair Intintoli chaired the meeting and led the pledge of allegiance.

**2. REPORT OF BOARD CHAIR**

No report.

**3. REPORT OF DIRECTORS**

Director DelBono thanked Executive Director Nina Rannells and Manager of Planning & Development Kevin Connolly for a tour of the WETA facilities in the East Bay, adding that he looked forward to participating with staff in the upcoming tour with the City of Alameda tentatively scheduled for late September. Ms. Rannells noted that she had been contacted by Congressman Garamendi's office regarding a maritime roundtable meeting that they were putting together for late September which will tentatively include the Port of Oakland and Port of San Francisco. She indicated that she would notify the Board when this event is confirmed.

**4. REPORTS OF STAFF**

Ms. Rannells referred the Board to her written report and then reminded the Board that the San Francisco-Oakland Bay Bridge would be closed through Labor Day weekend as a result of the final bridge construction plans. She said that WETA's San Francisco Bay Ferry would play an important role in providing transbay transit alternatives and that ferry service schedules were augmented with additional trips that MTC will pay for as a part of the bridge closure program.

Ms. Rannells reported that ridership that morning during the bridge closure almost doubled, and that ridership out of Vallejo was especially high. Ernest Sanchez, Manager of Public Information & Marketing, noted that there had been one overcrowding incident on the first day of the closure when 10-12 passengers could not be accommodated on the 6:30 a.m. ferry departing Vallejo but that there was a 7:00 a.m. ferry that they were able to take as an alternative.

Vice Chair Intintoli said that he found the bridge closure schedule handouts helpful. Director DelBono said that Twitter had also been used effectively for getting the information out.

Ms. Rannells then notified the Board that in anticipation of a future BART strike MTC had fast-tracked Clipper implementation at Gate B at the Ferry Building to provide WETA with additional loading/unloading capacity at a Clipper-enabled facility that should aid in vessel cues and clearing long lines more quickly.

Director Donovan asked if the fast-tracking created additional expense for the project. Manager of Operations Keith Stahnke replied that the only change to the project would be the accelerated schedule.

Vice Chair Intintoli asked if the year-to-year June comparisons for South San Francisco ridership were not included on the monthly operations report because the service had operated for only a portion of

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June 2012. Administrative Analyst Scott Houston replied that this was correct.

Vice Chair Intintoli asked if there were any late additions to the federal legislative report and if there was likely to be any change to the amount of federal funding available. Ms. Rannells reminded the Board that the Ferry Boat Discretionary program funds were now split between a Federal Highway Administration program that allocates funds by formula and a competitive program administered by the Federal Transit Administration. She indicated that Federal Legislative Representative Peter Friedmann had been actively working to ensure that the FHWA program formula program fairly allocates funds to government- run passenger-only ferry systems.

Ms. Rannells added that the FTA had recently issued a call for projects for their competitive Ferry Transit funding program, and that, although the program amount was limited to \$30 million the Central Bay Operations and Maintenance Facility project is a good candidate for the program and funding would be pursued.

Director DelBono asked if there was an opportunity to increase Measure B funding upon its renewal, noting that he had heard that WETA had not been involved in Measure B discussions. Ms. Rannells noted that WETA staff had been involved in the staff-level discussions at the Alameda County Transportation Commission (ACTC) regarding funding and said that Measure B funding for WETA ferry services had been included in an increased amount in the Measure B sales tax renewal measure that was recently defeated by a slim margin. She noted that the increase was very small, though, and really only enough to support cost inflation of the existing County of Alameda services over time.

Director DelBono suggested that WETA develop a strategy for participating in discussions at ACTC regarding future transportation sales tax program efforts. Vice Chair Intintoli suggested the same regarding the Solano Transportation Authority. Ms. Rannells suggested a coordinated approach to seeking and securing local support may be an effective strategy.

Vice Chair Intintoli said that in any conversations that it was important to emphasize that funding opportunities for expansion services needed to come from new sources such as a Regional Measure 3 and not at the expense of the existing services.

#### **5. CONSENT CALENDAR**

Director DelBono made a motion to approve the consent calendar which included the minutes from the July 18, 2013 Board of Directors meeting. Director Donovan seconded the motion and the item carried unanimously.

#### **6. AWARD CONTRACT TO WEST BAY BUILDERS FOR LANDSIDE CONSTRUCTION OF THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY**

Senior Planner Chad Mason presented this item requesting Board approval to award a contract to West Bay Builders for landside construction of the North Bay Operations and Maintenance Facility in an amount not to exceed \$10,817,520 and to authorize the Executive Director to negotiate and enter into a contract for this work and take any other related actions as may be necessary to support this work. Mr. Mason reviewed the history of the project and detailed the selection process which resulted in the recommendation.

Director Donovan asked if the scores for the proposals in the “competitive range” were significantly different than those that were not in the range. Mr. Mason said that there was a clear distinction between the technical proposals in the competitive range which is why they were chosen by the review committee to move forward to the final evaluation step which considered both technical and price proposal scores in reaching a recommendation for award.

Vice Chair Intintoli noted that he was pleased that the award would be made in time to secure funding for the project despite the lengthy lease negotiations with Lennar that had caused project delays.

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Ms. Rannells noted that there was a revised resolution before the Board that clarifies the agency's right to waive any irregularities in the bid process. While this right is clearly stated in the project RFP and agency procurement guidelines, staff felt it important to expressly state this right in the board resolution as there had been some conflicting language in the RFP regarding participation in the pre-bid conference for the project. She advised that West Bay Builders had attended the previously issued Phase 0 conference but not the re-bid combined Phase 0 and Phase 1 conference. She noted that attendance requirements were at WETA's discretion but wanted to make certain that it was made clear in the resolution.

Director Donovan asked if any protest was anticipated. Ms. Rannells replied that a protest was unlikely. WETA legal counsel Stanley Taylor of Nossaman LLP added that a protest could not occur until after an award had been made.

Director DelBono made a motion to approve the item. Director Donovan seconded the motion and the item carried unanimously.

**7. APPROVE CONTRACT AWARD TO 4LEAF, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE CENTRAL BAY OPERATIONS & MAINTENANCE FACILITY**

Ms. Rannells presented this item requesting Board approval of a contract award for construction management services for the Central Bay Operations and Maintenance Facility to 4Leaf, Inc. in an amount not to exceed \$2,500,000 and to authorize the Executive Director to negotiate and execute the contract and take any other required actions to support this work.

Director Donovan asked if there was a DBE requirement on the project due to federal funding. Ms. Rannells confirmed that this was the case and indicated that 4Leaf's proposal exceeds WETA's annual overall goal.

Director DelBono asked if there were any protections for WETA as the property lease had not been finalized. Mr. Taylor replied that it was a low risk scenario as the work was being performed on a task order basis and could be stopped at any time without committing the full amount of the contract.

Ms. Rannells added that work on the lease continued. Director DelBono asked if 4Leaf was aware that the lease was not yet in place. Ms. Rannells was uncertain. Director Donovan said that as this was for construction management services and that no awards had yet been made for construction that he didn't see any issue.

Director Donovan asked if any firms had bid on both projects. Ms. Rannells indicated that they did not, as the contracts up for Board award today are for different types of work. She noted, however, that a couple of the proposing firms, including 4Leaf, had bid on WETA project management contracts in the past and that WETA typically offered firms a debriefing after unsuccessful proposals.

Director Donovan made a motion to approve the item. Director DelBono seconded the motion and the item carried unanimously.

**8. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION**

Vice Chair Intintoli called the meeting into closed session at 2:35 p.m. Upon reopening of the meeting at 4:05 p.m. he reported that no action had been taken.

**9. ADJOURNMENT**

All business having concluded, the meeting was adjourned at 4:05 p.m.

Respectfully Submitted,

Board Secretary

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