

**CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO PUBLIC WORKS**

FOURTH AMENDMENT TO THE MEMORANDUM AGREEMENT

between

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

and

CITY AND COUNTY OF SAN FRANCISCO, SAN FRANCISCO PUBLIC WORKS

For the

PIT STOP PUBLIC TOILET PROGRAM

THIS FOURTH AMENDMENT OF THE MEMORANDUM (this “Fourth Amendment”) is made as of **November 16, 2020**, in San Francisco, California, by and between San Francisco Bay Area Rapid Transit (“BART”), a rapid transit district, and the City and County of San Francisco, a municipal corporation (“City”), acting by and through its Agency (as hereinafter defined),

RECITALS

WHEREAS, BART and City have entered into the Agreement (as defined below); and

WHEREAS, BART and City desire to amend the Agreement on the terms and conditions set forth herein:

NOW, THEREFORE, BART and City agree as follows:

1. Definitions. The following definitions shall apply to this Fourth Amendment:

a. Specific Terms. The term “Agreement” shall mean the Agreement dated February 17, 2016 between BART and City, as amended by the:

First Amendment dated **April 1, 2018**,
Second Amendment dated **September 30, 2018**,
Third Amendment dated **September 27, 2019**
Fourth Amendment dated **November 16, 2020**

b. Other Terms. Terms used and not defined in this Fourth Amendment shall have the meanings assigned to such terms in the Agreement.

2. Modifications to the Agreement. The Agreement is hereby modified as follows:

a. Article 2. Pit Stop Locations is hereby deleted in its entirety and replaced with the following:

Pit Stop public toilets will be located near BART stations in San Francisco: the 16th St. Mission Station (on the North side of 16th Street between Capp and Mission Streets), Powell Station, and 24th St. Mission Station. The Pit Stop public toilets are to be located as mutually determined on property belonging only to the City and County of San Francisco, near to the BART station. No toilets are to be located on property belonging to BART.

As of Fiscal Year 2021, Pit Stop locations shall consist of the following:

1. 16th St. Mission Station (Portable Pit Stop on the North side of 16th Street between Capp and Mission Streets)
 - a. Schedule – Monday through Friday (11am-6pm)
 - b. Starting – July 1, 2020 through June 30, 2021
2. Powell Station (JC Decaux)
 - a. Schedule – Monday through Sunday (9am – 8pm)
 - b. Starting – July 1, 2020 through June 30, 2021
3. 24th and Mission Street (JC Decaux)
 - a. Schedule – Monday through Sunday (9am – 8pm)
 - b. Starting – July 1, 2020 through June 30, 2021

b. Article 3. Roles and Responsibilities is hereby deleted in its entirety and replaced with the following:

a. City: The City shall:

- i. Fiscal Year 2021 – Contribute toward the Program actual program costs totaling at a minimum \$250,000 (amount subject to increase), which is an estimate for the following locations:
 - a. Powell and Market Street (Powell Station)
 - b. 16th Street and Capp Street (16th St. Mission Station)
 - c. 24th and Mission Street (24th St. Mission Station)
- ii. Pay for all costs associated with Pit Stop public toilet rental such as maintenance, installation and cleaning.
- iii. Pay for all costs associated with obtaining no parking permits and posting location.
- iv. Conduct outreach associated with placement of the Pit Stop public toilets.
- v. Replace broken supplies that are used at the Pit Stop public toilets, such as containers and stands.
- vi. Supervise, schedule, and coordinate overall operation of the Program.

- vii. Prepare and submit invoices and appropriate documentation to BART on a quarterly basis for payment for actual costs to perform the scope of work described in this document. Invoices shall be submitted to BART within 30 days of the end of each quarter during which City incurs expenditures for the Program.
 - viii. Prepare and provide related data pertinent to the Pit Stop locations listed on a monthly basis.
- b. **BART:** Bart shall:
- i. Fiscal Year 2021 – Contribute toward the Program actual program costs of \$250,000 total for the following locations:
 - a. Powell and Market Street (Powell Station)
 - b. 16th Street and Capp Street (16th St. Mission Station)
 - c. 24th and Mission Street (24th St. Mission Station)
 - ii. Provide feedback on the condition and cleanliness of the Pit Stop public toilets located near the 24th St. Mission, 16th St. Mission and Civic Center/UN Plaza stations.
 - iii. Pay City invoices accompanied by appropriate documentation for actual costs associated with performing these services.
 - iv. Assist the City with conducting outreach associated with placement of the Pit Stop public toilets.

3. Effective Date. Each of the modifications set forth herein shall be effective as of the date of this Fourth Amendment.

4. Legal Effect. Except as expressly modified by this Fourth Amendment, all of the terms and conditions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, BART and City have executed this Fourth Amendment as of the date first referenced above.

CITY

BART

Approved by:

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Alaric Degrafinried
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Alaric Degrafinried
Director of Public Works
San Francisco Public Works

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Robert Powers
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Robert Powers
General Manager
San Francisco Bay Area Rapid Transit District

Date: 12/13/2020 | 11:53:22 AM PST

Date: 11/17/2020 | 5:23:23 PM CST

Approved as to Form:

Approved as to Form:

Dennis J. Herrera
City Attorney

Attorney

By: *Yadira Taylor*
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Yadira Taylor
Deputy City Attorney

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Crystal Matson
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Date: 11/20/2020 | 1:25:28 PM PST