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Alameda Corridor Transportation Authority

June 14, 2018

To:	Governing Board
From:	John T. Doherty, Chief Executive Officer
Subject:	<i>Approve Amendments to Agreement Nos. C0719 and C0783 with the IBI Group Ltd. for ACTA Systems Support and Maintenance Efforts (APPROVAL)</i>

Recommendation:

Approve the two proposed amendments and authorize the Chief Executive Officer or Chief Financial Officer to execute the amendments to two existing contracts with the IBI Group Ltd. for FY19 – FY21 services as follows:

1. Agreement No. C0719 for a three-year term extension through June 30, 2021 at a fixed amount of \$109,725 per year for support and maintenance of ACTA’s Revenue Assessment and Verification System and ACTA’s PierPass Validation System.
2. Agreement No. C0783 for a three-year term extension through June 30, 2021 with an increase of \$60,000 to the contract value for special services and system enhancements, as may be required.

Discussion:

The IBI Group Ltd. (IBI) developed and provides ongoing system support, maintenance and programming design services for both the Revenue Assessment and Verification System (RAVS) and the PierPass Validation System (PVS), and also provides special related services including reprogramming of the systems as needed. Services are provided under two separate agreements: Agreement No. C0719 and Agreement No. C0783.

Board approval is sought to extend both contracts by three years through June 30, 2021, and to increase the contract value of Agreement No. C0719 by \$329,175 (\$109,725 per year), to be paid in equal monthly amounts and increase the contract value of Agreement No. C0783 by \$60,000. If approved, the new total not-to-exceed amount for Agreement No. C0719 would be increased from \$1,347,325 to \$1,786,225. If approved, the contract value of Agreement No. C0783 would be increased from \$470,000 to \$530,000.



It is recommended that these contracts be extended because IBI developed and maintains ACTA's complex customized system which is used to monitor and verify over \$100 million in annual revenue collections from the Railroads. The revenue is used principally to pay ACTA debt service on its bonds. The system has worked without incident since its inception in 2002.

The system is also used to assist PierPass in its collection of revenue from cargo owners using the ports. Under PierPass rules, cargo that is charged an ACTA fee is exempt from the daytime fee charged by PierPass. Therefore, ACTA checks the PierPass-supplied data to verify that the exemption is valid on a container by container basis. Fees paid to IBI for the PVS-related activities performed under C0719 are invoiced to PierPass by ACTA at the fixed rate of \$5,000 per month.

Staff recommends that the agreements be extended, and not subject to a competitive selection process to find a new service provider, based upon the proprietary nature of the RAVS and PVS systems, which were developed by IBI and can be maintained and updated only by IBI.

Finding a new service provider would mean re-creating these systems from scratch because IBI owns the software/coding/system which cannot be transferred by ACTA to a third party. Further, undertaking a competitive selection process would increase ACTA's expenditures in having to re-create the system, and there is no guarantee that a new system would have the same successful performance level of the current system.

Background:

The selection of IBI to develop and implement the RAVS system was approved by the Board in April 2000 following a competitive Request for Proposals process. Services provided by IBI were originally performed under four separate agreements (Nos. C0719, C0749, C0783, and C0784). Beginning July 1, 2011, the work was consolidated by amendment under two of the original contracts, Nos. C0719 and C0783 - the former for RAVS and PVS systems support/maintenance and the latter for special services. Agreement Nos. C0749 and C0784 were closed as of June 30, 2011.

Agreement C0719 - Support and Maintenance for RAVS and PVS

In September 2003, the Governing Board authorized the CEO to enter into Agreement C0719 with IBI for support and maintenance of the RAVS system in an amount not-to-exceed \$421,875 for a term from August 2003 to December 2006.

Subsequent actions by the Board extended the term through June 30, 2018 and increased the contract value to \$1,347,325. The new proposed amendment will provide a three-year term extension through June 30, 2021 and increase the contract value by \$329,175 (\$109,725 per year), to be paid in equal monthly amounts. The new contract value, if approved, would be \$1,786,225.

Agreement C0783 - Special Professional Services for RAVS and PVS

In January 2007, the Board approved Agreement C0783 with IBI in the amount of \$250,000 through June 30, 2008 for professional services on an as-needed basis to fine tune the RAVS to help resolve railroad revenue collection issues. In May 2008, the Board approved a \$70,000 increase in value to \$320,000 and a time extension through June 30, 2009. Based on authority delegated to the CEO by the Board in 2003, the term of the Agreement was subsequently extended by the CEO annually through June 30, 2011 with no change in contract value.

In June 2011, the Board approved an extension of the term through June 30, 2012 adding \$150,000 to the contract value (including services formerly provided under Agreement No. C0784) to develop system enhancements. The total contract value is now \$470,000. The new proposed amendment will provide a three-year term extension through June 30, 2021 and increase the contract value by \$60,000. The new contract value, if approved, would be \$530,000.

Budget Impact:

Funds for the contract amendments to Agreement No. C0719 and Agreement No. C0783 are included in the FY19 Program Budget.

Transmittals:

Transmittal 1: Twelfth Amendment to IBI Group LTD Agreement No. C0719

Transmittal 2: Twelfth Amendment to IBI Group LTD Agreement No. C0783