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Alameda Corridor Transportation Authority

September 22, 2017

To:	Governing Board
From:	John T. Doherty, Chief Executive Officer
Subject:	<i>Approval of a Sixth Amendment to Agreement No. 782 with Balfour Beatty Infrastructure, Inc. for a term extension up to April 14, 2018 (APPROVAL)</i>

Recommendation:

Approve the attached Sixth Amendment to ACTA's Maintenance Agreement No. 782 with Balfour Beatty Infrastructure, Inc. (BBII), which is set to expire on October 14, 2017, extending the term for up to six months through April 14, 2018; and authorize the Chief Executive Officer or Chief Financial Officer to execute said amendment.

Discussion:

The Amended and Restated Use and Operating Agreement (UOA), dated December 15, 2016, among ACTA, the Ports, and the Railroads requires that the Ports and Railroads select the Corridor Maintenance Contractor through a Mutual Agreement process, and that ACTA endeavor to enter into an agreement with the selected entity on the business terms specified by the Ports and Railroads. ACTA does not select the Corridor Maintenance Contractor, but administers the Request for Proposals (RFP) process on behalf of the Ports and Railroads using ACTA's procurement procedures.

The existing Alameda Corridor Maintenance Agreement No. 782 (Agreement) is with Balfour Beatty Infrastructure, Inc. (BBII).

Pursuant to Notice of Mutual Agreement 2017-1 approving a six-month extension to accommodate the RFP process and the Board's corresponding approval of the Fifth Amendment to the Agreement, the existing Maintenance Agreement (Agreement) with Balfour Beatty Infrastructure, Inc. (BBII) Agreement is set to expires on October 14, 2017. An RFP was issued on March 22, 2017, but in June 2017 all proposals received by the May 17 deadline were rejected due to several issues as outlined in a June 8, 2017 Board memo.

A new RFP was issued on August 9, 2017 and proposals are due by the October 11, 2017. It is anticipated that the selection process approving a maintenance contractor, including the business terms for the new agreement, will be obtained from the Ports and Railroads in October or November 2017. ACTA Board approval to execute the new agreement may be requested as early as December 2017.



Pursuant to the UOA, a Notice of Mutual Agreement (NMA 2017-3) was issued to the two Ports and two Railroads on July 28, 2017 requesting approval to extend the existing agreement for up to six months through April 14, 2018 to accommodate the new RFP process. This request was unanimously approved by the four parties. In the event that a new contractor is selected, the time extension will enable mobilization and a smooth transition of the work from the existing contractor.

The actual termination date of the current Agreement will be established once a new agreement is in place with the selected maintenance contractor and a reasonable transition phase, if applicable, is completed. The termination date will be set forth in a written notice from ACTA to BBII. In no event shall the termination date be later than April 14, 2018 unless additional amendments extending the term are approved.

It is recommended that the Board approve the Sixth Amendment to Maintenance Agreement No. 782 and authorize its execution.

Budget Impact:

There is no budget impact to the approved FY18 ACTA Program Budget.

Attachment: Sixth Amendment to Maintenance Agreement No. 782