



ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

3760 KILROY AIRPORT WAY, SUITE 200, LONG BEACH, CA 90806 – (562) 247-7777 • FAX (562) 247-7090

Date: August 9, 2017

To: Interested Parties

From: James P. Preusch, Chief Financial Officer

Subject: Request for Proposal for Alameda Corridor
Maintenance Services

The Alameda Corridor Transportation Authority (ACTA) is soliciting proposals from qualified firms for Maintenance Services for the Alameda Corridor for a term of 5 years commencing on or about January 1, 2018.

The Request for Proposal (RFP), including all Appendices are available on ACTA's website at www.acta.org for review and printing.

There will be a pre-proposal meeting held on Wednesday, August 30, 2017 at 10 AM at the Port of Long Beach Headquarters located at 4801 Airport Plaza Drive, Long Beach, CA 90815. A partial site tour will follow. While not mandatory, Prime Contractors are strongly encouraged to attend the conference and site tour. Individuals attending the site tour shall be required to bring their own personal safety equipment, including a hard hat, orange reflective vest, safety glasses, and hard-soled shoes (no athletic shoes or heels).

Requests from prospective proposers for additional tours can be made at or after the pre-proposal meeting. Some features of the Alameda Corridor are visible from public roadways. Access to the Corridor's and Railroads' right of way is prohibited without ACTA's permission and necessary flag personnel.

Information on key dates for submittal of written questions are contained in the RFP. All questions and answers will be posted on ACTA's website. The Proposals are to be submitted to ACTA by 3:00 PM on September 27, 2017.

All questions and correspondence should be emailed to MOWRFP@acta.org.



Request for Proposals

August, 9, 2017

Alameda Corridor Maintenance Services

To be submitted to:

**Alameda Corridor Transportation Authority
3760 Kilroy Airport Way, Suite 200
Long Beach, CA 90806**

Maintenance Services Request for Proposals

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Maintenance Services Request for Proposals

1.0 Introduction

The Alameda Corridor Transportation Authority (“ACTA”) is soliciting proposals from qualified contractors for rail and non-rail maintenance and capital construction services on the Alameda Corridor (Rail Corridor). The Rail Corridor is a triple-track, heavy freight rail line that extends 20 miles from downtown Los Angeles to the Port of Los Angeles (POLA) and Port of Long Beach (POLB) collectively (“Ports”). The two largest Class 1 railroads in the United States, the Union Pacific Railroad (“UP”) and the BNSF Railway (“BNSF”) collectively (“Railroads”), use the Rail Corridor - in addition to Pacific Harbor Line (PHL) to a limited extent - to serve the largest port complex in the country. ACTA is a joint-powers authority created by the Cities of Los Angeles and Long Beach in 1989 to develop, finance, construct, and operate the Rail Corridor, which commenced operations on April 15, 2002.

ACTA intends to contract with one firm or team (“Contractor”) for a five-year period (with a five-year extension option) to perform the maintenance services included in the Maintenance Agreement commencing on or about January 1, 2018, as summarized in this Request for Proposals (RFP). A draft of the Maintenance Agreement (“Agreement”) is included in **Appendix A** of this RFP. The Maintained Facilities included in the Agreement are summarized below.

In the event of any inconsistency in the RFP and the Agreement, the provision more favorable to ACTA shall control. Capitalized terms in the RFP are defined in the Agreement.

2.0 Rail Corridor Description

The Railroads dispatch trains on the Rail Corridor from the San Bernardino, California Joint Dispatch Center, and the Railroads’ Police Departments provide security on the Rail Corridor. The Ports own all the rail rights-of-way upon which the Rail Corridor is located. In addition, the Ports individually, and in some cases jointly, own properties within each Port’s jurisdiction. The Rail Corridor was built to accommodate the anticipated increase in trains from 40 per day today to in excess of 150 in the future, if and when the Ports reach full capacity. Train counts are mostly related to port container activity. The Railroads and in some cases PHL, the Ports’ rail operator, operate their respective trains on the Rail Corridor using their own crews.

The Rail Corridor is comprised of three segments: the North End, the Mid-Corridor, and the South End.

The one-mile long North End segment and nine-mile long South End segment are typical at-grade railroad facilities with highway grade separations over or under the railroad. The Mid-Corridor segment is located in a 10-mile long trench below the adjacent street surface. There are in total approximately 60 highway and railroad bridges in the three segments along the Rail Corridor.

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Appendix B contains the Rail Corridor track charts showing the locations of bridges, mileposts, storm drain facilities in the trench, control points, signal locations, maintenance limits, and other significant features. The rail right-of-way varies in width from 30 to 100 feet along the Rail Corridor.

2.1 North End

The area known as the North End extends east of Santa Fe Avenue and provides connections to the transcontinental rail network of each Railroad. In addition, there are connections to other Railroad branches, industries, and rail yards. The Rail Corridor is grade separated at Santa Fe Avenue, Washington Boulevard, and the BNSF/Amtrak/Metrolink line at Redondo Junction. The Railroads maintain all tracks, structures and other facilities east of the Rail Corridor connections with their own or contract forces.

2.2 Mid-Corridor

The Mid-Corridor segment, between Santa Fe Avenue at the north and the Artesia Freeway (SR-91) at the south, is below grade in a trench about 33 feet deep and 51 feet wide. Thirty-two east-west streets cross above the trench via roadway bridges. In addition, two rail bridges cross the trench carrying the BNSF's Harbor Subdivision at Slauson Avenue and the UP (formerly SP) La Habra Branch at Randolph Street. Both rail bridges remain active with minimal daily train activity.

Paralleling the trench for about six miles between Firestone Boulevard at the north and SR-91 at the south is UP's at-grade Santa Ana Bypass Track. The track and grade crossings, although on the Ports' right-of-way, are maintained by the UP or its designee (PHL) under a separate agreement.

2.3 South End

South of the SR-91 Freeway, the ACTA mainline tracks are at-grade, and most streets crossing the Rail Corridor are raised above the tracks and Alameda Street. Exceptions to this are two locations where the ACTA main tracks are constructed on railroad bridges over Alameda Street.

Between Laurel Park Road and Carson Street, there are two 7,500 foot-long storage tracks for use by either Railroad. In this area, the Corridor occupies from 60 to 80 feet of the westerly portion of a 250-foot wide railroad right-of-way. The remaining right of way is UP's Dolores Yard, which stretches about 6 miles from Laurel Park Road to Lomita Boulevard. UP maintains the Southerly Drill Track on the Ports' property west of the three ACTA mains for local industry service.

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Numerous rail connections exist in the southerly portion of the Rail Corridor. These include but are not limited to: 1) the Dolores Yard Lead Track at MP 10.65 and the UP Wilmington Branch at MP 11.6 2) two leads connecting Dolores Yard to the UP Intermodal Container Transfer Facility (ICTF), 3) several oil refinery industrial tracks, and 4) the BNSF lead track to its Watson Yard and the south end of the BNSF's Harbor Subdivision. In addition to the Railroads' operation, PHL shuttles trains to and from Dolores Yard and Watson Yard for both Railroads. PHL also operates trains to local industries on the South Drill Track for UP and BNSF and the Santa Ana Bypass Track for UP. Although the Railroads will continue to maintain their tracks on their property, coordination will be required periodically between the Railroads and the Contractor.

South of Pacific Coast Highway, the three ACTA mains split into four tracks: two to POLB and two to Terminal Island. The Rail Corridor ends several hundred feet east of Anaheim Street in POLB and at the north side of Cerritos Channel at the Badger Avenue Bridge to Terminal Island.

The southerly end of the South End segment is within the Ports' jurisdictional boundaries and within PHL's zone of operations. PHL is a short line railroad established in 1998 by the Ports and Railroads. PHL provides all the rail services within the Ports, including maintenance and dispatching of train movements within the port complex.

3.0 Scope of Services

3.1 Required Services and General Requirements

The Services to be provided include the maintenance, inspection, repair, replacement, graffiti removal and other services with respect to the Maintained Facilities. In general, the Maintained Facilities include: 1) track, signal, and communications/security systems; 2) drainage, pump station, and trench emergency ladder systems; 3) bridges, retaining walls, embankments, barriers, sound walls, and fencing; and 4) the Maintenance Facility.

ACTA has a Maintenance Facility at 1017 Foote Avenue, Wilmington, CA. The facility includes an office building, parking lot, and indoor and outdoor storage areas. There is no guarantee that the facility will remain available, and a substitute facility may be made available should a relocation be necessary. See **Appendix C** for the existing location.

In addition, the Contractor shall perform graffiti and trash removal and vegetation control for the Maintained Facilities, as well as any traffic control including detours and road closures necessary to perform the Services. The Contractor shall also perform inspections and maintain records as required by regulatory agencies and the Agreement, and shall manage repair and replacement inventory.

The Contractor shall operate during normal business hours, Monday through Friday, as agreed to by ACTA, but shall also be on call 24 hours per day, seven days per week to perform or support planned and emergency work.

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The Contractor shall provide all labor, supervision, Subcontractors, materials, and equipment necessary for the Services. ACTA reserves the right to accept or reject proposed Subcontractors. The Contractor and Subcontractors shall comply with all requirements of the California Contractor's State Licensing Board and the California Department of Industrial Relations.

3.1.1 Prevailing Wage and Apprenticeship Requirements

The Services provided under this Agreement are subject to the provisions governing payment of prevailing wages on public works projects found in Labor Code §§1720 et seq. and the requirements of Title 8 of the California Code of Regulations §§16000 et seq., and are subject to compliance and monitoring and enforcement by the State of California Department of Industrial Relations. Pursuant to Labor Code § 1771, the Contractor and all Subcontractors of any tier must pay not less than the general prevailing rate of per diem wages, and the general prevailing rate of holiday and overtime work in the locality in which the public work is to be performed for each craft, classification or type of workers needed to execute this Agreement. Contractor shall post a schedule at the office building at the Maintenance Yard or other appropriate, visible location on the jobsite showing all prevailing wage rates for each craft, classification, or type of worker needed to perform the Services. Copies of prevailing rate of per diem wages are available on the Internet at: <http://www.dir.ca.gov/dlsr/DPreWageDetermination.htm>, and are on file at ACTA's office located at 3760 Kilroy Airport Way, Suite 200, Long Beach, California 90806 and shall be made available by ACTA upon request.

Pursuant to Labor Code § 1771.4 and as directed by the Labor Commissioner, Contractor and Subcontractors performing prevailing wage work must furnish electronic Certified Payroll Records (eCPRs) directly to the California Labor Commissioner (aka Division of Labor Standards Enforcement). Contractor and its Subcontractors must also comply with employment and training programs established by the Department of Industrial Relations - Division of Apprenticeship Standards, pursuant to Labor Code §§ 1773 and 1773.1.

3.1.2 Contractor and Subcontractor DIR Registration Requirement

Before submitting a Proposal, all Contractors must register with and meet requirements of the State of California Department of Industrial Relations using the online application, which can be found using this link: <http://www.dir.ca.gov/Public-Works/Contractor-Registration.html>. No Contractor or Subcontractor may be listed on a Proposal or engage in the performance of Services under the Agreement unless currently registered and qualified to perform public work pursuant to Labor Code §§ 1725.5 and 1771.1.

Failure to provide complete and accurate DIR information for all Contractors and Subcontractors listed in the Proposal on the form in **Appendix D** may result in a Proposal being deemed non-responsive.

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3.2 Equipment

The Contractor shall provide, operate, and maintain all equipment necessary to perform the Services. Equipment types shall include, but not be limited to, hi-rail vehicles, track construction and maintenance machinery and tools, trucks, and vehicles. No detailed list of required equipment is provided in the RFP or Agreement. As part of its Proposal, the Contractor shall provide a proposed equipment list, indicating ownership, availability, and rates. See **Appendix R** Tables 1A, 1B, 2A, and 2B.

3.3 Maintenance by Others

In all three Rail Corridor segments, public roadway elements, such as asphalt or concrete pavement, street lighting, traffic signals, curb, gutters and sidewalks, landscaping, and utilities (sewer, storm drains, oil, gas, water, electrical and others) within the roadways, are maintained by the local cities, Los Angeles County, California Department of Transportation (Caltrans), or utility owners.

These entities also maintain roadway surfaces, curbs, gutters, sidewalks, and fencing on the trench bridges (Roadway Bridge Structures), utilities within the bridges, and utilities lines crossing the trench between the bridges. In some cases maintenance of these third-party facilities will have to be coordinated by or with the Contractor. The structural elements of the Roadway Bridge Structures are maintained by the Contractor.

The Drill Track and its grade crossing protection (which includes the Santa Ana By-Pass Track) and cantilevered portions of the trench supporting the Drill Track are maintained by UPRR or PHL. Trackage beyond the limits of the Rail Corridor, including mainlines, yard leads, and yards, is maintained by UPRR, BNSF, Metrolink, Amtrak, or PHL. Industry tracks are maintained by their owners.

3.4 Maintenance Budget and Meetings

Prior to September 1st of each year, the Contractor shall submit an “Annual Maintenance Budget” for review together with a narrative work plan that includes a forecast and schedule of work activities for the next calendar year. The goal is for the Ports, BNSF and UP to be able to approve the proposed Annual Maintenance Budget by November of each year, effective the following January 1st.

The Annual Maintenance Budget shall contain the costs for all Services including Subcontractors, vendors, labor, equipment, materials, and consumables, as well as the costs for Capital Improvements. Management and supervisory personnel shall be salaried employees; all other hourly public works labor rates shall not be paid less than prevailing wage rates. All labor rates for salaried and hourly employees of the Contractor shall be Fully Burdened Labor Rates including profit and safety and administrative support items.

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There shall be several special meetings each year that the Contractor shall be required to attend, at which the Contractor shall provide a verbal briefing and written narrative that includes the status of ongoing work, a forecast of anticipated activity, and maintenance issues or concerns. There are also weekly PHL meetings at which the Contractor shall be represented.

During the budget year, additional services and/or scope may be requested by ACTA or submitted by the Contractor for ACTA approval. In either case, the Contractor shall submit a proposed cost for such additional services for approval by ACTA. In addition, anticipated overruns of any items in the approved Annual Maintenance Budget shall be submitted to ACTA for advanced approval prior to performing the additional work unless otherwise authorized by ACTA. ACTA reserves the right to have any Services performed by forces other than the Contractor.

Services shall be performed using the rates identified in the accepted final Cost Proposal Forms or as otherwise amended with ACTA's approval on a time and material or unit basis if applicable. **Appendix E** contains a sample budget.

3.5 Payment for Services

ACTA is the contracting entity and will make payments to the Contractor for all Services rendered under the Agreement within 30 days following receipt of a monthly invoice containing complete backup documentation for the costs therein and deemed acceptable by ACTA.

3.6 General Requirements

3.6.1 Maintenance and Inspection Standards

The Contractor shall perform all required inspections of track, signals, and other facilities as specified by the Federal Railroad Administration (FRA), the California Public Utilities Commission (CPUC), the Occupational Safety and Health Administration (OSHA), and any other applicable regulatory agencies.

Maintenance and inspection of track and signals shall be in accordance with the UP Track and Signal Standards. The Contractor shall acknowledge in the Proposal that the team is qualified and familiar with such standards. Exceptions to these standards are shown in **Appendix F**. The Contractor shall maintain facilities to FRA Class 4 or better. All welding must be done in conformance to FRA Standards by qualified and certified staff.

ACTA-maintained rail bridges shall be maintained and inspected pursuant to a Bridge Management Plan developed by the Contractor in compliance with FRA 49 CFR Part §237 et seq. requirements. **See Appendix G** for more information on bridge and other structure inspections, as well as a list of all ACTA-maintained bridges along the Rail Corridor. **See Appendix H** for a comprehensive list of all road and rail crossings including private crossings.

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The trench pump stations shall be maintained in accordance within the standards set forth in **Appendix I**, which highlights the importance of prompt and correct pump maintenance and repair.

All inspection records and reports shall be filed and maintained as required by law, and shall be made available for review upon request. The Contractor shall act as ACTA's agent in regard to FRA and CPUC matters, and ACTA shall submit the Contractor's name to the regulatory agencies as the responsible party for inspection, maintenance and recordkeeping. Refer to **Appendix J**, for a partial list of the number and frequency of inspections/tests, reporting requirements, and sample reports. Contractor shall provide with its proposal samples of its inspection forms from previous maintenance assignments.

Ultrasonic testing of rails, as required by the FRA, is included within the Contractor's scope of Services. The Contractor is required to inspect all structures using experienced qualified staff. All inspections that require fouling of tracks shall be coordinated with the San Bernardino Dispatch Center and PHL's Badger Bridge Control House a minimum of one week in advance of the scheduled services when possible. Exceptions may be granted by ACTA for emergencies on a case-by-case basis.

3.6.2 Railroad Involvement and Coordination

The Services involve activities on an operating railroad. The Contractor shall coordinate its activities with the Railroads and PHL. Care shall be taken to minimize service disruption and track outages. The Contractor shall request and coordinate with the San Bernardino Dispatch Center and/or PHL's Badger Bridge Control House for all "track and time" requests. The Railroads reserve the right to perform or share certain tasks including but not limited to derailment clearing and repairs.

Both Railroads will provide local personnel for technical support to the Contractor. In addition to regular inspections by FRA and CPUC, each Railroad will periodically inspect the track structure and the signal and communication systems to assess the Contractor's performance.

The Railroads will provide, at their discretion and at no additional cost to the Contractor, specialized equipment to inspect the geometry and condition of the tracks. The results shall be provided to the Contractor for information or corrective action, and used to evaluate the Contractor's performance. The Contractor shall assist these specialized inspections as may be required. These specialized inspections shall be a minimum of twice a year. Any corrective actions necessary shall be the responsibility of the Contractor per FRA and Railroad requirements.

3.6.3 Permits and Approvals

The Contractor is responsible for obtaining appropriate permits and approvals from ACTA, the Railroads, and other regulatory agencies as may be required.

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3.6.4 Safety & Security

The Contractor shall make safety its first priority. The successful Proposer shall submit a Safety Plan for approval by ACTA prior to commencement of Services. The Safety Plan shall be updated annually prior to each calendar year. All injuries shall be reported in accordance with **Appendix K** and appropriate regulations. All records shall be subject to audit by ACTA. All workers shall be trained in accordance with the requirements outlined in **Appendix K**, and records of training shall be kept on file and made available on request.

The Contractor shall ensure that its employees and its Subcontractors' employees have a valid current picture ID card issued by the Contractor or Subcontractor. Every employee must have a valid ID card to enter upon the Rail Corridor or Ports' properties. Both Railroads have ID standards and assistance can be found at www.contractororientation.com.

Pursuant to requirements of the Transportation Security Administration's (TSA), a Transportation Worker Identification Credential (TWIC) shall also be required for all Contractor and Subcontractor employees entering upon the Rail Corridor or Ports' properties.

Security services for the Rail Corridor are provided by Railroads' and local police forces. The Contractor shall provide a security guard service through a subcontractor at the Maintenance Yard, the cost of which is to be included in the Annual Maintenance Budget.

3.6.5 Emergencies

In case of an emergency (natural disaster, vandalism, or accident) the Contractor shall be available to provide immediate support and assistance. The Contractor shall coordinate its activities with the appropriate municipalities, agencies, Railroads, and Rail Corridor security forces. The Contractor shall adhere to the ACTA Crisis Communications Plan as it relates to communication and notification of incidents. In the case of structural damage, the Contractor shall consult with ACTA's designated engineer and the Railroads prior to placing tracks back into service.

The Mid-Corridor trench has pre-cast concrete struts at the top of the wall every 10 to 25 feet depending on location. If an emergency exists where more access from the top of the trench is needed than available, the removal of one or more struts might be possible as a last resort with approval of ACTA's engineer. No strut shall be removed without the written consent of ACTA. If this extreme measure must be taken, extensive repairs to the wall structure might be necessary prior to resuming operations and will require approval and oversight by ACTA's designated engineer and the Railroads.

The Contractor shall provide direct support in case of an emergency on a 24 hour / 7 days a week basis. This includes support in the event of train derailment, trespassing, injury, a leaking container or rail car, hazardous material spills, fire, flood, earthquakes, signal and switch failures, broken or buckled rail, pump failures or other service disruptions. In the event of an emergency, the Contractor shall make specialized Subcontractors available as needed to provide assessment, repair and removal.

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3.6.6 Utilities and Municipalities

Numerous utilities exist along the Rail Corridor. Refer to **Appendix L**, for a list of the utility types. The Contractor shall periodically inspect the utility casings crossing the trench for leaks or damage. The Contractor shall coordinate services impacting utilities with the appropriate utility owner.

ACTA has entered into agreements with various municipalities regarding the division of maintenance for various structures throughout the Rail Corridor. An inventory of these structures is attached in **Appendix M**.

3.6.7 Records

The Contractor shall make available to ACTA and its representatives any documents related to inspection, maintenance, and costs. This includes all FRA and CPUC required reports, inspections, and testing, as well as all other reports generated through the Safety Plan or emergency response. A plan to retain time cards, certified payroll, and other employee or cost support data shall be agreed upon with ACTA prior to start of the Agreement.

3.6.8 Flagging Services

In addition to providing flagging to perform the Services, the Contractor shall provide additional flagging for specific construction projects that are undertaken by ACTA, other agencies, private companies or utilities. These additional flagging services shall be separately budgeted apart from the Annual Maintenance Budget.

3.7 Additional Information and Special Features

The following information will further assist the Proposer's understanding of the Services:

3.7.1 Stairs and Ladders

The trench has 52 access stairs and ladders. Of that amount, 47 are drop-type emergency ladders. The ladders are used by train crews to exit the trench in an emergency and by emergency responders to enter the trench. These ladders are manually raised and lowered by a winch system from either the top or bottom of the trench. The ladders have sensors that send a signal to the San Bernardino Dispatch Center when the ladders are lowered in order to take the track out of service due to restricted clearance. The maintenance of these ladders is a crucial element of the Rail Corridor's safety system. In addition, there is one fixed ladder and four stairwells within the trench. The Contractor is solely responsible for keeping the ladders in operating condition. See **Appendix N** for the Ladder Inspection and Maintenance Plan.

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3.7.2 Dispatching

The Railroads operate the Rail Corridor's train control system from the Railroad's Joint Dispatch Center in San Bernardino, California. In addition, PHL provides dispatching for the port area from the Badger Bridge Control House. Badger Bridge is a lift bridge over Cerritos Channel. The bridge is manned 24 hours a day, 7 days a week by PHL.

There is a clear division of dispatching and maintenance responsibility in the Ports between PHL and the Contractor. The Railroads maintain the dispatching equipment in San Bernardino, California. PHL, with support from the Railroads, maintains the dispatching equipment in the Badger Bridge Control House. The Contractor will be responsible for servicing and maintaining the ACTA alarm system at both the Joint Dispatch Center and PHL's Badger Bridge Control House.

3.7.3 AEI Readers

A network of AEI Readers are located in the Rail Corridor. See **Appendix O**. These AEI Readers are an integral element of ACTA's Revenue Collection System and must be operational at all times. The Contractor, using qualified personnel, shall maintain all the AEI field equipment. ACTA personnel maintain the off-site AEI computer equipment.

3.7.4 Pump Stations

There are two storm drain pump stations in the trench that must be operational at all times. They are the Greenleaf Station in Compton and the Nadeau Station in the Los Angeles County unincorporated area of Walnut Park. The trench is designed to accept storm water from a 100-year storm, collect the water in below-track holding basins, and pump the storm water out of the holding basins into municipal systems. In addition, the drainage channels throughout the trench must be kept free of sediment. The drainage channels are covered by removable steel gratings, and have portable steel plate dams spaced along the channels to be dropped in place in the event of a hazardous spill. Qualified pump personnel must be available to provide regular maintenance. The maintenance of the pump stations shall be coordinated with ACTA's environmental staff. There are also under track drains in the at-grade sections of the Rail Corridor that must be maintained and cleaned out periodically. These facilities are also inspected by regulatory agencies for conformance to discharge requirements.

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3.7.5 Special Trench Features – Alarms, Cameras, Cables

There is a fiber optic line along the trench barrier walls that provides communications between the San Bernardino Dispatch Center and the various control points along the trench. Motion detectors are in place at the four fixed stairwells and trench portals. There are also security cameras located throughout the trench and at the Opp Street private crossing. At each ladder location, there are emergency telephones at street and track level, and a sensor switch to notify the Dispatch Center that the ladder is lowered. The Contractor will test and maintain this equipment on a quarterly basis. Also, there are fire department dry standpipes every 500 feet along one side of the trench and the dry standpipes shall be tested on an approved schedule. The fire departments, other emergency response providers, and the Railroads hold an annual emergency drill in March coordinated by ACTA that requires support from the Contractor.

3.7.6 Spare Parts

ACTA has procured spare parts for the AEI Reader equipment, signals, switches and communication equipment, and has rail and ties (both concrete and timber) and other specialty track parts in inventory, which will be available to and replaced by the Contractor. An inventory of these items will be provided to the Contractor for written acceptance. The Contractor shall maintain the inventory and record materials used and received during the term of the Agreement. Replacement parts will be reordered when necessary and the cost of replacement items will be included in the annual budget and billed monthly when received. The Contractor is to obtain ACTA's approval prior to ordering special parts or equipment authorized in the annual budget.

3.7.6 Graffiti/Trash/Vegetation Control

The Contractor will be responsible for regular graffiti and trash removal, as well as vegetation control throughout the Rail Corridor.

3.7.7 Capital Replacement and Enhancements

Throughout the term of the Agreement, capital repairs and replacement of track and other items shall be performed consistent with the approved annual budget.

Additional tracks, extensions, switches, or other items may be required during the term of the Agreement. If and when these enhancements are placed into service, they will become the maintenance responsibility of the Contractor.

3.7.8 Overhead Clearance

ACTA standard for minimum vertical clearance is 24 feet 8 inches above top of rail. In several locations this clearance could not be achieved. The Contractor is required to maintain no less than the minimum 24 feet 8 inches where the existing clearance is greater than or equal to 24 feet 8 inches. At locations where the vertical clearance is between 23 feet 6 inches and 24 feet 8 inches, the Contractor shall maintain the existing clearance.

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3.8 Additional Information furnished by ACTA

The following additional information shall be made available as necessary to the selected contractor:

- Memorandums of Understanding between municipalities and ACTA
- Agreements with utility owners
- Railroad agreements
- As-built drawings of ACTA facilities
- Complete track and signal design drawings
- ACTA crisis communications plan
- Other relevant information

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4.0 Proposal and Schedule

The submitted Proposal shall include:

- One (1) original and five (5) copies of the Technical Proposal
- One (1) original and five (5) copies of the Financial Statement Information (Section 5.4)
- One (1) original and five (5) copies of the SBE Forms 01, 02, 03, and 04 in **Appendix Q**
- One (1) CD containing the Technical Proposal, Financial Statement Information and SBE Forms 01, 02, 03, and 04 in **Appendix Q**
- One (1) original and five (5) copies of a separate Cost Proposal (Section 6.0), submitted in a sealed envelope labeled "Cost Proposal" using the model and forms included in **Appendix R**
- One (1) separate CD containing the Cost Proposal information to be placed in the same sealed envelope
- One (1) original, one (1) copy, and one (1) CD of the Good Faith Efforts (GFE) if the 15% SBE participation requirement is not met (**Appendix Q**)

Proposals shall be submitted in-person, and as otherwise required herein, by 3:00 p.m. (Pacific Daylight Time) on **September 27, 2017** to:

**James Preusch
Chief Financial Officer
Alameda Corridor Transportation Authority
3760 Kilroy Airport Way, Suite 200
Long Beach, CA 90806**

Electronic delivery of Proposals by email or fax will not be accepted. All Proposals will be date-stamped upon receipt. Opening of the Proposals will not be a public event.

Proposers are solely responsible for the timeliness of their submittals. Proposers are advised to allow adequate time to ensure timely delivery at the location designated at or before the deadline set forth above. Proposers are encouraged to consider conditions such as, but not limited to, traffic congestion, parking, and/or events in and around the ACTA office that might increase the amount of time necessary to deliver the Proposal in person.

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ACTA reserves the right to reject any and all Proposals, and to waive any irregularity in a Proposal at its sole discretion. Failure to meet the SBE or GFE requirements submitted with the Proposal is not waivable and shall result in one or more of the proposals being rejected. All documentation provided to ACTA in response to this RFP may be subject to the California Public Records Act ("CPRA"). Each page of any document submitted with a proposal that Proposer considers confidential shall be clearly marked as confidential. In the event ACTA receives a CPRA request for the release of submitted materials, ACTA will notify the Proposer of the request and its intent to disclose such material. Such materials shall be released by ACTA as required by the CPRA unless the Proposer timely obtains a court order prohibiting such release.

A Pre-Proposal Meeting and partial site visit will be held on **August 30, 2017** at 10:00 a.m. at the Port of Long Beach Headquarters located at 4801 Airport Plaza Drive, Long Beach, CA 90815. While not mandatory, Prime Contractors are strongly encouraged to attend the conference and site tour. Individuals attending the site tour shall be required to bring their own personal safety equipment, including a hard hat, orange reflective vest, safety glasses, and hard-soled shoes (no athletic shoes or heels).

All questions and requests for clarification regarding the RFP will be accepted in two phases, one closing **August 23, 2017** and the other **September 13, 2017**. All questions and answers will be posted to the ACTA website. All questions and clarification requests shall be submitted to the following email address MOWRFP@acta.org. Answers to questions raised at the Pre-Proposal Meeting and site tour will also be posted to the website on September 18, 2017.

The first phase of written questions will be accepted up until close of business on **August 23, 2017**. Written responses to the first phase of questions will be posted on ACTA's website by close of business on **August 28, 2017**. The second phase of questions, including those from Pre-Proposal Meeting, will be accepted until the close of business on **September 13, 2017**. Written responses to the second phase of questions will be posted to the ACTA website by close business on **September 18, 2017**.

It is expected that interviews with some or all Proposers will be conducted on **October 11, 2017**. This date may be subject to change. Interviews are expected to be approximately one and a half (1 ½) hours in length. Each interviewed Proposer shall make a presentation of its written Proposal, which shall be conducted by their proposed Contract Manager lasting up to 45 minutes followed by questions and answers. Only key members of the Proposer shall attend the interview with no more than 7 people from each firm or team in attendance. No audiovisual equipment shall be provided or allowed during the presentations and interviews.

A panel comprised of representatives from both Ports and both Railroads will evaluate the written proposals, conduct interviews, and recommend a selection to ACTA staff. Refer to Section 7.0 and 7.1. ACTA staff will negotiate the final Agreement with the recommended Proposer and transmit the recommendation and terms of the final Agreement to the Port Harbor Commissions and the Railroads for approval. If approved, ACTA staff will submit the final Agreement to the ACTA Governing Board for approval to execute.

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Schedule for Selection of a Maintenance of Way Contractor

	<u>Tentative</u>
Release of RFP:	Aug 9, 2017
Close of First Round of Written Questions:	Aug 23, 2017
Response to First Round of Written Questions:	Aug 28, 2017
Pre-Proposal Meeting:	Aug 30, 2017
Close of Second Round of Written Questions:	Sep 13, 2017
Response to Second Round of Written Questions:	Sep 18, 2017
Proposals Due: Deadline 3:00 p.m.	Sep 27, 2017
Interviews: *	Oct 11, 2017
Recommendation for ACTA Board Approval: **	Dec 14, 2017
Agreement Begins	on or about Jan 1, 2018

* May be subject to change

** Follows approval by Railroads and Port Harbor Commissions

5.0 Proposal Format and Contents

Proposals shall be typed using 1.5 line spacing, 12 point font limit, and submitted on 8-1/2 x 11 inch paper. Tables, charts and graphics may be single spaced with smaller font, but must be easy to read. Proposals shall not include any promotional materials and shall be limited only to the information requested in this RFP. Proposals should not exceed 25 single-sided pages in length, excluding the proposal letter, team member resumes, Financial Statement Information, the Cost Proposal, and SBE Forms/GFE information. The Cost Proposal shall be submitted in a separate envelope as described in Section 6.

Proposals shall include the following Sections in sequential order:

5.1 Identification

Identify the Prime Contractor (name of firm, address, telephone, email address and fax numbers). Indicate whether the firm is a corporation, joint venture, partnership, or sole proprietorship. Provide proof the Contractor is a registered public works contractor with the Department of Industrial Relations. Name and provide the same information for all participating Subcontractors. The Proposal shall show the composition of the proposed team and the reporting relationship, including an organization chart showing all firms, and identify the Proposer's prior experience working with the participating Subcontractors.

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5.2 SBE Utilization

The ACTA Governing Board has established the following SBE participation levels for all ACTA contracts awarded after January 1, 2017: (1) an aggregate average of 25% by contract value, and/or (2) 25% of all contracts awarded to certified SBE firms. The minimum required SBE participation level by contract value for this Maintenance contract is 15%. However, Proposers are encouraged to maximize SBE participation above this level on their CPF forms to the extent possible.

It is ACTA's objective to provide SBE subcontracting opportunities for all subcontracted activity, as well as to encourage contractors to subcontract activities which might have otherwise been performed by the contractor itself to meet and exceed the 15% minimum participation level.

In order for the Proposal to be deemed responsive, the Proposer shall submit forms naming the types of work and certified SBE Subcontractors and Vendors/Suppliers it intends to use to meet the established 15% minimum participation level, or submit documentation demonstrating that good faith efforts were used to try to meet the minimum participation level and the reduced participation level that will be achieved. If the Proposer or a joint venture partner is a certified SBE, the 15% SBE minimum participation level is deemed to have been met provided that the percentage of work performed by the certified SBE meets the 15% minimum participation level. Details of the required submissions, certifications, forms, and good faith efforts requirements and evaluation are included in **Appendix Q**.

5.3 Proposal Letter – 3 Page Limit

The Proposal Letter shall be no longer than three pages, and will not count toward the 25-page limit of the Proposal.

The Proposal Letter shall at a minimum contain the following information:

- Name, address, and telephone number of the contact person during the period of Proposal evaluation.
- A statement that the Proposal, including costs, shall remain valid for a period of not less than 180 days from the date of submittal.
- Signature of the person or persons authorized to legally bind the Contractor.
- A statement certifying that the Proposal constitutes Proposer's full and complete written response to the RFP, and acknowledging that additional material outside of such Proposal shall not be considered by ACTA in connection with this RFP, unless ACTA provides a written request for such additional written materials.

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- A statement that the signatory affirms that it is duly authorized to sign the Proposal on behalf of the Proposer. Proposer shall also affirmatively state in the Proposal Letter that the Proposer has not prepared the Proposal in collusion with any other Proposer and that the contents of the Proposal have not been communicated at any time or in any manner by the Proposer, its employees, agents, or any interested party of the Proposer to any other Proposer.
- A statement that the Proposer can comply with the terms of the Maintenance Agreement included in Appendix A of this RFP.

5.4 Technical Proposal and Financial Information

This section of the Proposal should establish that the Proposer has the skill, knowledge, financial capacity, and understanding of the subject matter involved to perform the required services; previous experience in similar or related assignments; staff experience; workload; and supporting client references.

A. Qualification of Team and Proposed Staff

Similar Projects and References - Proposer shall describe recently completed or ongoing projects involving work similar in magnitude and scope to that described by this RFP, including any prevailing public works projects in California. Listed projects should detail the Proposer's specific technical and management experience and explain how it is applicable to the types of work described in this RFP, including but not limited to inspecting, maintaining, repairing, rehabilitating, and constructing track, structures, grade crossings and railroad-related infrastructure. For each project listed, include the client's name, client contact person as a reference, date range of the work performed, and specific details of the Proposer's participation and responsibilities on the project. An emphasis will be placed on the quality and relevance of previous maintenance experience, including client satisfaction with Proposer's performance of railroad-related tasks, evidence of successful relationships with Class 1 railroads and maintenance of FRA Class 4 or better trackage.

Organization Chart, Staffing Plan, and Key Personnel - Proposer shall provide an organization chart that identifies the Key Personnel and support and other management personnel both full and part-time that will be assigned to the services, including the Maintenance Contract Manager, Signal and Communications Supervisor, Track Supervisor, Bridge and Structures Supervisor, and other key staff. Include resumes for Key Personnel, as well as a list of certifications as necessary or required. A description of required Qualifications of Key Personnel can be found in **Appendix P**. ACTA reserves the right to waive the minimum years of experience for Key Personnel depending on resume.

Subcontracting Plan – Proposer shall provide a subcontracting plan describing the work that is intended to be subcontracted including procurement of materials, vehicles, and equipment.

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Licenses - Proposer shall list all license numbers, classifications and expiration dates of the licenses held by Proposer. List the dates, if any, when Proposer's license has been revoked at any time or Proposer has been debarred from any public works project in the past ten (10) years.

Safety Violations - Proposer shall list any citations issued by CAL/OSHA or the Federal OSHA against Proposer for any "serious", "willful", or "repeat" violations of safety or health regulations in the past five (5) years. For any citations, include the dates of the citations, the nature of the violation, the project on which the citation(s) was/were issued, and the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, list the case number and date of the decision.

Experience Modification Rate (EMR) - Proposer shall provide Proposer's EMR for the past three (3) years. The EMR is issued annually by Proposer's workers compensation insurance carrier.

Claims History - Proposer shall disclose and explain all litigation, mediation, or arbitration of claims against Proposer or brought by Proposer seeking payment of money or other relief arising out of construction or maintenance projects during the past five (5) years, including but not limited to claims for compensable delays, conflicts on additional scope of work or contract terms, unforeseen conditions, liquidated damages, and warranty and maintenance issues. Identify each claim by providing the project name, date of claim, parties to the claim, a brief description of the nature of the claim, the court and case number, the original amount of the claim, and whether the claim is pending or a brief description of the resolution including the final amount paid on the claim.

Denial of Award or Prequalification - Proposer shall list any instances where Proposer has been denied an award of a public works contract based on a denial of prequalification or a finding by a public agency that Proposer was not a responsible bidder by identifying the year of the denial, the public agency, the name of the project, and the basis for the finding by the public agency.

Completion by Surety - Proposer shall list any projects where Proposer's surety firm has completed a contract on Proposer's behalf, or paid for completion because Proposer was default terminated within the past ten (10) years by identifying the amount of each claim, the name of each claimant, the date of the claim, the grounds for the claim, the date of resolution of the claim, and the nature and amount of resolution.

Assessment of Liquidated Damages - Proposer shall list any projects for which Proposer has been assessed and/or paid liquidated damages under a contract by identifying the project by owner, the date of completion of the project, the amount of liquidated damages assessed/paid, and all other information necessary to explain the assessment of liquidated damages.

Federal Railroad Administration (FRA) Violations - Proposer shall describe any FRA violations issued to the Proposer or any team members or their clients during the past five (5) years, explain the nature of the violations, fines or penalties, and corrective actions.

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Evidence of Insurance - Proposer shall provide evidence of ability to obtain appropriate insurance with an insurer having an AM Best's Guide current rating of not less than A-:VIII, with minimum limits as set forth in Article 17 of the draft Maintenance Agreement included in **Appendix A** of this RFP.

Evidence of Bonding Capacity - Proposer shall provide evidence of ability to obtain appropriate performance and payment bonds. Contractor must have a minimum single limit bonding capacity in the amount of \$500,000 with a California admitted surety insurer with an AM Best's Guide rating of at least A-:VIII to enter into the Agreement with ACTA. Contractor shall provide a notarized statement from an admitted surety insurer who is approved by the California Department of Insurance and authorize to issue bonds in the Statement of California, which states Contractor's current bonding capacity is sufficient to perform the Services under the Agreement.

Financial Statement Information - Proposer shall provide ten copies of the following documents: (1) For the most recent three fiscal years, an audited consolidated balance sheet of the Proposer and joint venture partners if applicable, and related consolidated statements of income, stockholder's equity and cash flows; and, (2) For the most recent fiscal quarters after the last fiscal year, the unaudited consolidated balance sheet of the Proposer and joint venture partners if applicable, and the related consolidated statements of income, shareholder's equity, and cash flows.

All such statements shall be prepared in conformity with GAAP. See Section 4.0 of this RFP regarding ACTA's handling of information considered by Proposer to be confidential and submitted as part of this RFP process.

B. Understanding and Approach to Services

Proposers shall provide a work plan that addresses the scope of Services and shows the Proposer's understanding of the requirements. Any additional Services that the Proposer may deem necessary should be discussed.

The Proposal shall:

- Describe the understanding of, and overall approach to performing the Services and tasks to be accomplished, including a mobilization plan for start-up services.
- Describe resources for basic maintenance and supplemental capital improvement work activity, including ability to mobilize additional forces for emergency or extraordinary planned activities.
- Describe Proposer's understanding of freight rail service and Rail Corridor operations.
- Describe Proposer's understanding of the contract requirements, familiarity with UP Track and Signal Standards, and how the organization and staffing plan is designed to meet those requirements.
- Describe the proposed size and makeup of the full and part-time workforce to provide the

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Services.

- Describe Proposer's ability to develop a Bridge Management Plan that conforms to FRA standards.
- Describe Proposer's ability to develop a contract-specific training and safety program that conforms to ACTA, FRA, and Cal OSHA standards.
- Propose procedural or technical enhancements and innovations to the scope of Services, if any that do not materially deviate from the objectives or requirements.
- Discuss the equipment that will be used and its availability, and material procurement processes.
- Describe the document record keeping process for maintenance and inspection activities, and administrative support process for invoicing, budgeting and inventory control.

6.0 Cost Proposal

Proposer shall submit a separate Cost Proposal using the model and forms included in **Appendix R**. One (1) original, five (5) copies, and one (1) CD shall be submitted in a separate sealed envelope labeled "Cost Proposal".

The Annual Maintenance Budget contains many variable cost items for both routine and special maintenance, as well as Capital Improvements. The purpose of the Cost Proposal information is not to arrive at a complete estimated total price for the first full or partial calendar year of the Annual Maintenance Budget under the Agreement. Its purpose is instead to obtain a general sense of the following cost elements: 1) the size of the fixed labor force envisioned by each Proposer based on their maintenance experience and understanding of the Rail Corridor, 2) the burdened labor rates for that force, 3) the estimated annual costs for vehicles and equipment that will be used to support the work activities of the labor force, 4) the AAR unit rates for signal and communications maintenance to perform the routine annual services, and 5) the burdened rates for supplemental positions that might be brought in to augment the fixed staff for special maintenance or Capital Improvement work. These cost elements will be used to evaluate and compare the Proposals for Category C (Cost) of Section 7.0 – Evaluation Criteria. In addition, certain of these cost elements will be used in the computation of SBE participation. (See **Appendix Q**.)

A list of the AAR units is included in **Appendix R**.

By submitting the Cost Proposal forms, the Proposer grants ACTA the right to examine (for the purpose of verifying the cost and pricing data submitted) those books, records, quotes, documents, and other supporting data, which will permit adequate evaluation of the data, including computations and projections used to generate the Cost Proposal.

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7.0 Evaluation Criteria

The Proposals submitted in response to this RFP will be evaluated by a review panel using the following evaluation criteria:

A. QUALIFICATION OF TEAM AND PROPOSED STAFF Weight 0-35 points

Qualifications of the prime Contractor or joint venture and key Subcontractors will be evaluated, considering the following:

- Proposer's relevant technical and management capabilities and experience performing services of similar magnitude and scope, including but not limited to inspecting, maintaining, repairing, rehabilitating, and constructing track, structures, grade crossings and railroad-related infrastructure.
- Current or previous client satisfaction with Proposer's performance of railroad-related tasks.
- Organization chart, staffing plan, and experience of Key Personnel.
- Safety violations record, and ability to implement a successful safety program.
- Experience Modification Rate (EMR).
- Satisfactory performance on prevailing wage public works contracts in California.
- Evidence of successful relationships with Class 1 railroads and maintenance of FRA Class 4 or better trackage.
- Proposed subcontracting plan and quality of proposed Subcontractors, including prior experience with the Proposer.
- Suspension, debarment, bonding, claims history, and FRA violations history, or other irregularities with respect to any federal, state, or local government or procurement agencies, including denial of previous awards or pre-qualification.
- Proposer's ability to comply with insurance, bonding and licensing requirements, as well as financial capacity to provide maintenance and construction services for the term of the contract.

B. UNDERSTANDING AND APPROACH TO SERVICES Weight 0-30 points

The effectiveness of the proposed work plan, including the mobilization plan, shall be evaluated based on the following criteria:

- Compatibility of Proposer's approach, management plan, and organization to the scope of Services, including ability to mobilize effectively.
- Quality of Proposer's organization, including all resources available for basic maintenance, supplemental services, and extraordinary services. Availability of supplemental construction resources.
- Proposer's understanding of freight rail service and Rail Corridor operations.
- Proposer's understanding of ACTA's maintenance requirements including how the Proposer intends to implement its inspection and maintenance program. Familiarity with UP Track and Signal Standards.

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- Proposer's understanding of the required administrative support services including invoicing, cost allocation, budgeting, and inventory control.
- Ability to provide a continuous qualification and training program for welders, equipment operators and specialty trades.
- Ability to implement a safety program.
- Ability to develop a Bridge Management Plan.
- Assessment of the proposed size and makeup of workforce.

C. COST

Weight 0-35 points

Review and comparison of Proposer's cost item forms from **Appendix R** including but not limited to fully burdened hourly labor rates, AAR unit rates, percentage mark-up for sub-contractor services, vehicle and equipment rates, and other unit costs.

7.1 Evaluation Process

The written Proposals shall be scored by each of the evaluators pursuant to the criteria listed in Section 7.0. Rankings will then be assigned by each evaluator in descending order - the highest score receiving the number one ranking and the lowest score receiving the lowest ranking. In the case of a tie, the ranking will be half way between the two rankings. For example, if there is a tie for second place, each of the two proposers shall receive a rank of 2.5. If there is a three-way tie for second, each proposer shall receive a rank of 3.0. The rankings of the reviewers will then be averaged (not the average scores) to determine the "initial" ranking of the proposers.

Interviews will be then be conducted with the highest initially ranked proposers, the number of which shall be at the discretion of the evaluators based on consensus.

Following the interviews, each evaluator shall rescore the proposals of the interviewed proposers only, based on all that the evaluator has read in the written proposals and heard in the interviews. Rankings will then be assigned by each evaluator in descending order - the highest score receiving the number one ranking and the lowest score receiving the lowest ranking. The rankings of the evaluators will then be averaged (not the average scores) to determine the "final" ranking of the proposers. The highest ranked proposer shall be recommended for selection.