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## Alameda Corridor Transportation Authority

December 13, 2018

<b>To:</b>	Governing Board
<b>From:</b>	John T. Doherty, Chief Executive Officer
<b>Subject:</b>	<i>Approval of Amendment No. 8 to Agreement No. C0782 with Balfour Beatty Infrastructure, Inc. for Corridor Maintenance Services (APPROVAL)</i>

**Recommendation:**

Approve the proposed amendment to Agreement No. C0782 with Balfour Beatty Infrastructure, Inc. (BBII) for Corridor maintenance services extending the term by eight months from its current expiration date of December 14, 2018 to August 14, 2019, 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.

The existing Maintenance Agreement (Agreement) with Balfour Beatty Infrastructure, Inc. (BBII) expires December 14, 2018 pursuant to the Seventh Amendment approved by the Board in April 2018. A Request for Proposals (RFP) for Maintenance Services was issued in March 2017, but upon approval of the Board all proposals were rejected in June 2017 due to issues with the RFP requirements and proposal submissions. A new RFP was issued in August 2017, but the proposed contract award was challenged through a protest and in April 2018 the Board approved staff's recommendation to reject all proposals. A new RFP was issued in August 2018. As the current contract expires on December 14, 2018, the contract must be extended to ensure the Corridor is effectively and safely maintained while the RFP process is completed. Therefore, it is recommended that the term of the Agreement be extended up to eight-months through August 14, 2019. This eight-month term extension was recently approved by the Ports and Railroads through Notice of Mutual Agreement (NMA) 2018-6.



The exact Agreement termination date will be established once the maintenance contractor is selected 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 date be later than August 14, 2019 unless additional approval is obtained. The Eighth Amendment to the BBII contract is attached (Transmittal 1).

**Budget Impact:**

There is no budget impact to either the approved FY19 ACTA Program Budget or the approved CY2018 and CY2019 Operations and Maintenance Budgets.

**Co-General Counsel Review:**

ACTA's Co-General Counsel has reviewed and approved the proposed Amendment as to form.

Transmittal:

Transmittal 1 - Eighth Amendment to ACTA Agreement No. C0782