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## Alameda Corridor Transportation Authority

April 12, 2018

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

**Recommendation:**

Approve the Amendment and Authorize the Chief Executive Officer or Chief Financial Officer to execute the Seventh Amendment to ACTA's Maintenance Agreement No. 782 with Balfour Beatty Infrastructure, Inc. (BBII), which is set to expire on April 14, 2018, extending the term for up to eight months through December 14, 2018.

**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 April 14, 2018 pursuant to the Sixth Amendment approved by the Board in September 2017. 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 is the subject of another Board memo and recommended action of this same date. As the current contract expires on April 14, 2018, the contract must be extended to ensure the Corridor is effectively and safely maintained while the new RFP is issued. Therefore, it is recommended that the term of the Agreement be extended up to eight-months through December 14, 2018. This eight-month term extension was recently approved by the Ports and Railroads through Notice of Mutual Agreement (NMA) 2018-1.



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 December 14, 2018 unless additional approval is obtained. The Seventh Amendment to the BBII contract is attached (Transmittal 1).

**Budget Impact:**

There is no budget impact to either the approved FY18 ACTA Program Budget or the approved CY2018 Operations and Maintenance Budget.

Transmittal 1: Seventh Amendment to ACTA Agreement No. 782