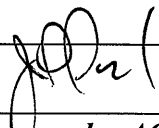


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Alameda Corridor Transportation Authority

February 12, 2020

To:	Governing Board
From:	James P. Preusch, Interim Chief Executive Officer 
Subject:	<i>Approval of RailWorks Maintenance Contract Manager under ACTA Agreement No. C0885 (APPROVAL)</i>

Recommendation:

ACTA's Interim Chief Executive Officer recommends that the Board approve Rick McIntosh as the new RailWorks Maintenance Contract Manager under Agreement No. C0885.

Discussion:

On January 3, 2020, RailWorks Track Services, Inc. (RailWorks) advised ACTA that due to a personnel change, it was designating Rick McIntosh as Interim Maintenance Contract Manager until such time as ACTA could approve the designation on a permanent basis.

Following selection by the Ports of Los Angeles and Long Beach (Ports) and the BNSF and UP Railroads (Railroads) of RailWorks as the new maintenance contractor, effective May 1, 2019, ACTA entered into Agreement C0885 with RailWorks for maintenance of the Alameda Corridor. The Agreement provides for several RailWorks staff positions, including the Maintenance Contract Manager who must be approved by ACTA. Agreement Section 11.1.1 states in relevant part:

11.1.1 Without limiting the generality of the foregoing, Contractor shall designate a full-time qualified maintenance contract manager who shall be ACTA's point of contact for the management, operational administration, financial administration and supervision of this Agreement, which manager shall be subject to ACTA's prior approval.

Mr. McIntosh has been the track supervisor assigned to the RailWorks Agreement since the Agreement's effective date and is qualified to fulfill the responsibilities of the RailWorks Maintenance Contract Manager under the Agreement. Mr. McIntosh's relevant experience includes serving as RailWorks Project Manager since May 2017, serving as the Project



Manager and Maintenance Track Inspector for VTMI from 2009 to 2017, and serving in multiple roles including Project Manager for Herzog Contracting Corp from 1991 to 2009.

ACTA's Interim CEO conferred with the organizational delegates representing the Ports and Railroads. The delegates agree that the selection of a qualified Maintenance Contract Manager should be at the discretion of RailWorks. With the consensus of the organizational delegates, ACTA's Interim CEO recommends that the Board approve Mr. McIntosh as the permanent Maintenance Contract Manager under the terms of Agreement No. C0885.

Budget Impact:

There is no budget impact to the approved FY2020 ACTA Program Budget.

Co-General Counsel:

ACTA Co-Counsel has reviewed the board report and the recommendation raises no legal issues at this time.