


# M E M O

## Alameda Corridor Transportation Authority

August 12, 2021

<b>To:</b>	Governing Board
<b>From:</b>	Michael C. Leue, Chief Executive Officer 
<b>Subject:</b>	<i>Approve Replacement of the RailWorks Maintenance Contract Manager under ACTA Agreement No. C0885 with RailWorks Track Services, Inc.</i>

### Recommendation:

ACTA's CEO recommends that the Board approve Josh McCormick as the new RailWorks Maintenance Contract Manager under Agreement No. C0885 with RailWorks Track Services, Inc.

### Discussion:

In 2018, and pursuant to the ACTA Use and Operating Agreement, the Ports of Los Angeles and Long Beach (Ports) and the BNSF and UP Railroads (Railroads), conducted a competitive selection process for a new corridor maintenance contractor. RailWorks Track Services, Inc. (RailWorks) was the recommended contractor from this selection process. Based on this selection, the ACTA Governing Board approved Agreement C0885 with RailWorks, effective May 1, 2019, for maintenance of the Alameda Corridor. The Agreement provides that several RailWorks staff positions be assigned to work directly with ACTA, 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.*

On June 7, 2021, RailWorks advised ACTA that the then current Contract manager had resigned, and an Interim Maintenance Contract Manager would be designated until a suitable replacement was found. Subsequently, RailWorks nominated Josh McCormick as the replacement candidate and the ACTA Board is now requested to approve this assignment.

Mr. McCormick has 15 years of experience in railroad operations and management for public agencies and private companies. His experience includes: Director of Operations for Maryland



Transit Administration; Maintenance of Way Manager for Bombardier Transportation, including facilities, signals and structures; and Manager for CalTrain providing maintenance and FRA compliance.

ACTA's CEO has determined that Mr. McCormick is qualified to fulfill the responsibilities of the RailWorks Maintenance Contract Manager under the Agreement, and has conferred with the operating delegates representing the Ports and Railroads. The delegates endorsed the selection of Mr. McCormick as a qualified Maintenance Contract Manager. With the consensus of the organizational delegates, ACTA's CEO recommends that the Board approve Mr. McCormick as the permanent Maintenance Contract Manager under the terms of Agreement No. C0885.

**Budget Impact:**

There is no budget impact to the approved FY2021 ACTA Program Budget.

**Co-General Counsel:**

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