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Alameda Corridor Transportation Authority

May 19, 2022

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| To: | Governing Board |
| From: | Michael C. Leue, Chief Executive Officer  |
| Subject: | <i>APPROVE Assignment and Assumption of Agreement No. 885 with RailWorks Track Services, Inc. to RailWorks Track Services, LLC</i> |

Recommendation:

Authorize the Chief Executive Officer or Chief Executive Officer to Execute the Assignment and Assumption of Agreement No. 885 with RailWorks Track Services, Inc. and RailWorks Track Services, LLC.

Discussion:

At its April 11, 2019, meeting, the Governing Board authorized the execution of an agreement with RailWorks Track Services, Inc. for track, signal, and communications maintenance of the Corridor following a competitive RFP process and selection approval by the Alameda Corridor Operating Delegate Group Notice of Mutual Agreement (NMA). The contract provided for a five-year term through April 2024 with a five-year extension option through April 2029.

RailWorks Track Services, Inc. is changing from a corporation to a limited liability company. RailWorks Track Services, LLC will perform the maintenance contract work with the same management and employees as RailWorks Track Services, Inc. Pursuant to the provisions Agreement No. 885, ACTA’s consent is required to assign the agreement.

The Board is requested to authorize executing the Assignment and Assumption Agreement to accommodate the assignment of the agreement between the two companies. RailWorks has assured ACTA that there will be no impact to the continuity and quality of services provided under the existing agreement.

Budget Impact:

There is no impact to the FY22 Program Budget for the assignment of the agreement.



Co-General Counsel:

ACTA's Co-General Counsel has reviewed and approved the proposed Assignment and Assumption of Agreement No. 885 as to form.

Transmittal:

Transmittal 1 – RailWorks Track Services, LLC Assignment & Assumption Agreement No. 885