

ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY
AGREEMENT NO. 885
Maintenance Agreement (Rail Corridor and Non-Rail Components)

RAILWORKS TRACK SERVICES, LLC.

Contract Task Order No. 6

Task Order Description: **BNSF Derailments at Perry Connector Track MP 21.2**

Task Order Amount: **\$710,476.00**

Effective Date: **May 19, 2022**

Pursuant to ACTA Agreement No. 885, the terms and conditions of which are incorporated herein, Consultant is hereby authorized to proceed as directed with the work described in this Contract Task Order, as further defined in Exhibit A – Contract Task Order 6 - Scope of Work, which is attached hereto and by this reference made a part hereof. This work is a pass-through item which will be fully reimbursed by BNSF.

The work defined in this Contract Task Order shall be paid in accordance with the Compensation provisions of the Agreement in a total amount not to exceed Seven Hundred Ten Thousand Four Hundred Seventy-Six Dollars (\$710,476.00).

Except as provided herein all terms and conditions of the Agreement remain unchanged. The terms and conditions of this Contract Task Order constitute full accord and satisfaction for all cost and time of performance related to the work described or referenced herein.

ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY

CONSULTANT: RailWorks Track Services, LLC.

Signature: _____

Signature: _____

Name/Title: Michael Leue, P.E. Chief Executive Officer

Name/Title: _____

Date Executed: _____

Date Accepted: _____

- This is an M&O reimbursable cost to the RR's.
- This is **NOT** an M&O reimbursable cost to the RR's.
- This is not M&O related work. (BNSF to reimburse for costs incurred by ACTA)

EXHIBIT A – ACTA AGREEMENT 885

RAILWORKS TRACK SERVICES, LLC – Task Order 6

SCOPE OF WORK

Description of Services:

Contractor shall provide all required services to restore the track, fences and signal components damaged by the two separate Burlington Northern Santa Fe (BNSF) derailments in the same general area of the ACTA maintained territory.

August 14, 2021 Derailment – RailWorks maintenance of way (MOW) will mobilize personnel in response to a BNSF freight train derailment on the PHL Perry Connector track which extends between CP Perry on the PHL Long Beach Subdivision (PH174) and CP Farragut on the PHL Manuel Subdivision (PH213). RailWorks will provide flagging and coordination support for re-railing contractors and equipment at the scene of the derailment. Subsequent repair activities for track infrastructure damage located on ACTA maintained territory include: removal and replacement of concrete crossties, repair of clip fasteners, dressing of ballast surface and assist Highball Signal subcontractor with resetting and placing of wayside signal equipment.

February 12, 2022 Derailment – RailWorks maintenance of way (MOW) forces will mobilize personnel in response to a BNSF freight train derailment on the PHL Perry Connector track which extends between CP Perry on the PHL Long Beach Subdivision (PH174) and CP Farragut on the PHL Manuel Subdivision (PH213). Response activities will include flagging and coordination support for re-railing contractors and equipment at the scene of the derailment. Subsequent repair activities for track infrastructure damage located on ACTA maintained territory include: removal and replacement of concrete crossties, repair of clip fasteners, ballast distribution, surfacing with production tamper and ballast regulator throughout curve and assist Highball Signal subcontractor with resetting and placing of wayside signal equipment including complete removal of the CP Perry signal bungalow. Due to the total loss of the CP Perry signal bungalow RailWorks is procuring a new bungalow including several dozen of the internal components and materials that were severely damaged or destroyed as a result of the derailment.

Contractor shall submit separate monthly invoices for this extra work along with the regular monthly invoice for the Contractor's on-going Maintenance of Way services. Project numbers and/or work descriptions for the additional work shall be listed on the invoice. Contractor shall submit a status report along with the invoice indicating the percentage of the total work that has been performed during the monthly period. Prevailing wage rates apply.

If subcontractors are utilized for this work, Contractor shall provide appropriate back-up from the subcontractor(s), as indicated in section 5.7.1 of the contract. This information includes the subcontractor invoices, timesheets, etc.