


M · E · M · O

Alameda Corridor Transportation Authority

July 21, 2022

To:	Governing Board
From:	Michael C. Leue, Chief Executive Officer 
Subject:	<i>APPROVE Contract Task Order No. 7 to Agreement No. C0885 with RailWorks Track Services, LLC for the Union Pacific Dolores Yard Crossover Project</i>

Recommendation:

Authorize the Chief Executive Officer or his designee to execute Contract Task Order No. 7 under Agreement No. C0885 with RailWorks Track Services, LLC (RailWorks), for payment of costs in the amount of \$871,354 for construction services on the UP Dolores Yard Crossover Project plus \$87,135 as contingency for unforeseen conditions.

Discussion:

Union Pacific Railroad (UP) intends to construct the Dolores Yard Crossover Project in accordance with the MOA approved by ACTA Governing Board on November 15, 2021 and the Reimbursement Agreement with UP approved by ACTA Governing Board on June 16, 2022. Approval of Contract Task Order (CTO) No. 7 will allow RailWorks to invoice ACTA for construction activities it will perform for the Project. UP will reimburse ACTA for all costs incurred under CTO No. 7. The CTO amount requested for Board approval includes a 10% change order allowance to address unforeseen conditions found during construction, as allowed by the Reimbursement Agreement.

The construction work to be performed by RailWorks includes flagging for activities adjacent to ACTA tracks; construction of track and special trackwork on the ACTA right of way; and construction of signals associated with the new connection to Dolores Yard. The construction by RailWorks will be coordinated with adjacent construction performed by UP on their property.

This work requires a Contract Task Order (CTO) pursuant to Section 5.9(f) of the Agreement. This section applies to support work that needs to be provided by the maintenance contractor, but which does not involve funds for rail corridor maintenance and corridor capital improvements or replacements. Because work performed pursuant to Section 5.9(f) does not involve or amend the annual maintenance plan approved by the Ports and Railroads, such work does not require separate approval by these entities.

Budget Impact:

There is no net impact to the Program Budget. These costs will be fully reimbursed by UP. ACTA will invoice UP for costs in advance to minimize the need for carrying cash to pay RailWorks.



Co-General Counsel:

ACTA's Co-General Counsel has reviewed the proposed Contract Task Order No. 7 and there are no legal issues at this time.

Transmittal:

Transmittal 1 - Contract Task Order No. 7