



Executive Director's
Report to the
Board of Harbor Commissioners

DATE: OCTOBER 18, 2018

FROM: ENGINEERING

**SUBJECT: RESOLUTION NO. _____ APPROVAL OF AN
EXTENSION TO ALAMEDA CORRIDOR TRANSPORTATION
AUTHORITY'S MAINTENANCE AGREEMENT**

SUMMARY:

Staff requests the Board of Harbor Commissioners adopt a Resolution accepting and providing mutual agreement to the terms of a proposed amendment to the Alameda Corridor Transportation Authority's (ACTA) Maintenance Agreement (Rail Corridor and Non-Rail Components) with Balfour Beatty Infrastructure, Inc. (BBII) dated April 15, 2007. The proposed Amendment extends the term of the Maintenance Agreement up to eight months through August 14, 2019.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Approve and provide Mutual Agreement for the terms of the Amendment which consist of an extension to the term of the Alameda Corridor Transportation Authority (ACTA) Maintenance Agreement (Rail Corridor and Non-Rail Components) for up to an additional eight months ending on August 14, 2019;
3. Direct the Executive Director to transmit this Resolution to ACTA for further action pursuant to the Amended and Restated Alameda Corridor Use and Operating Agreement; and
4. Adopt Resolution No. _____.

DISCUSSION:

The Amended and Restated Use and Operating Agreement, dated as of December 15, 2016, requires that the Ports and Railroads through Mutual Agreement select the Corridor Maintenance Contractor and that ACTA endeavor to enter into an agreement with the selected entity on the business terms specified by the Ports and Railroads.

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SUBJECT: 2018 ALAMEDA CORRIDOR MAINTENANCE AGREEMENT

The existing Maintenance Agreement with Balfour Beatty Infrastructure, Inc. (BBII) expires on December 14, 2018 pursuant to NMA 2018-1 as approved in April 2018. A Request for Proposals (RFP) for Maintenance Services was issued on August 15, 2018 and proposals are due on October 3, 2018. As the current contract expires on December 14, 2018, the contract is recommended to be extended to account for the new selection and approval process, and to ensure a smooth transition for a new contract. Therefore, it is recommended that the term of the Maintenance Agreement be extended up to eight-months through August 14, 2019.

The exact Maintenance Agreement termination date will be established once the Maintenance Contractor is selected and a reasonable transition phase, if applicable, is completed. The termination date will be set forth in a written notice from ACTA to BBII. In no event shall the date be later than August 14, 2019 unless additional approval is obtained. The draft amendment to the BBII contract is attached as part of NMA 2018-6.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of an extension to a Maintenance Agreement, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

Approval of this proposed Board item is not expected to have a financial impact on the Harbor Department. The funds for this modification are provided by the Railroads and the ACTA Reserve Account. The ACTA Reserve Account is funded by fees collected from the Railroads. No Harbor Department funds are required.

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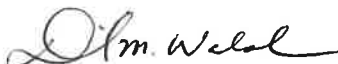
SUBJECT: 2018 ALAMEDA CORRIDOR MAINTENANCE AGREEMENT

CITY ATTORNEY:

The Office of the City Attorney has reviewed this Board Report and has determined there are no legal issues at this time.

TRANSMITTALS:

1. Notice of Mutual Agreement No. 2018-6


DAVID M. WALSH, P.E.
Chief Harbor Engineer

FIS Approval: 
CA Approval: 

ANTONIO V. GIOIELLO, P.E.
Deputy Executive Director,
Development

APPROVED:


EUGENE D. SEROKA
Executive Director

Author: G. Martinez
MGT 3-3
ACTA V 2018 ACTA Maintenance Agmt
ID: 6642