

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
6	10/22/12	Open	Action	10/09/12

Subject: Delegating Authority to the General Manager/CEO to Amend South Sacramento Corridor Phase 2 Third Party Utility Relocation Agreements to Include a Buy America Provision

## ISSUE

Whether or not to delegate authority to the General Manager/CEO to amend South Sacramento Corridor Phase 2 third-party utility relocation agreements to include a Buy America provision.

## RECOMMENDED ACTION

Adopt Resolution No. 12-10-\_\_\_\_, Delegating Authority to the General Manager/CEO to Amend South Sacramento Corridor Phase 2 Third-Party Utility Relocation Agreements to Include a Buy America Provision.

## FISCAL IMPACT

There may be a fiscal impact as a result of the amendments because requiring Buy America may increase the cost of relocation.

## DISCUSSION

The South Sacramento Corridor Phase 2 light rail project (Project) is a 4.3-mile extension of the existing South Sacramento Corridor Phase I project, beginning at the existing Meadowview Station and ending at Cosumnes River College. The Project includes four stations located at Morrison Creek, Franklin Boulevard, Center Parkway, and Cosumnes River College.

As part of this extension, a number of existing utilities have been or will need to be relocated or modified. Over the past couple of years, staff has executed a number of utility relocation agreements to address the utility relocation work that must be completed as part of the Project.

While it has been standard practice for RT to include Buy America provisions in its Invitation to Bid documents for procurements and construction projects, it has not been RT's practice (or that of almost any other major transit provider in the U.S.) to include Buy America language in third-party utility relocation agreements. Until this year, this practice was not questioned by FTA. However, FTA has now started to actively enforce the Buy America requirements outlined in the Federal Code of Regulations (Section 49, Part 660 and 661) for third-party utility relocation agreements. Because of this, staff must ensure that not only future FTA-funded third-party utility relocation agreements include the necessary Buy America language, but also go back and amend existing Project third-party utility relocation agreements to include the necessary Buy America language.

Staff expects to amend only those agreements where materials are to be purchased for the project work and reimbursement from RT will be sought. FTA counsel will be consulted to clarify

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Approved:

Presented:

Final 10/16/12

General Manager/CEO

Director, Project Management

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which agreements need to be amended. Staff recommends that the Board delegate authority to the General Manager/CEO to amend Project third-party utility relocation agreements to include a Buy America provision.

RESOLUTION NO. 12-10-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

October 22, 2012

**DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO AMEND SOUTH SACRAMENTO CORRIDOR PHASE 2 THIRD-PARTY UTILITY RELOCATION AGREEMENTS TO INCLUDE A BUY AMERICA PROVISION.**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the General Manager/CEO is hereby authorized to amend all South Sacramento Corridor Phase 2 third-party utility relocation agreements, as needed, to ensure the necessary Buy America language is included.

THAT, the General Manager/CEO is hereby authorized to execute all necessary amendments.

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BONNIE PANNELL, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary