

REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
5	05/13/13	Open	Action	05/06/13

Subject: Ratifying the Engineering Agreement and Approving the Service Agreement with MCI Communications Services, Inc. for the South Sacramento Corridor Phase 2 Project.

ISSUE

Whether or not to Ratify the Engineering Agreement and Approve the Service Agreement with MCI Communications Services, Inc. for the South Sacramento Corridor Phase 2 Project.

RECOMMENDED ACTION

- A. Adopt Resolution No. 13-05-____, Ratifying the Engineering Agreement with MCI Communications Services, Inc. for the South Sacramento Corridor Phase 2 Project; and
- B. Adopt Resolution No. 13-05-____, Approving the Service Agreement with MCI Communications Services, Inc. for the South Sacramento Corridor Phase 2 Project.

FISCAL IMPACT

Budgeted:	Yes	This FY:	\$	20,000
Budget Source:	Capital	Next FY:	\$	700,127
Funding Source:	New Starts/MSA/STA/Prop 1B/ Revenue Bonds	Annualized:	\$	N/A
Cost Cntr/GL Acct(s) or Capital Project #:	910800 410.06.11	Total Amount:	\$	720,127
Total Budget:	\$ 720,127*			

* Estimated:

Original Engineering Agreement	\$ 9,994.00
Service Agreement	\$200,000.00
Construction	\$510,133.00
Total Budget	\$720,127.00

DISCUSSION

The South Sacramento Corridor Phase 2 Project (Project) will extend Sacramento Regional Transit District's (RT) light rail service from its existing terminus at Meadowview Road south and east 4.3 miles to Cosumnes River College (CRC).

MCI has facilities located in or adjacent to the Project right of way. RT staff and design consultants have determined that MCI facilities require relocation to construct the Project.

On July 29, 2009, RT entered into an agreement with MCI for the relocation; though it was titled an "Engineering Agreement," the Agreement committed RT to pay all costs actually incurred by

Approved:

Presented:

Final 05/08/13

General Manager/CEO

Director, Civil and Track

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MCI to both engineer and construct the relocated facilities. The Agreement contained a cost estimate of \$9,994.00 for the engineering work, but provided that the figure was an estimate only and that RT was committed to pay the engineering and construction costs actually incurred by MCI.

Originally MCI was planning to relocate its fiber optic line to the east side of the UPRR tracks at the provided estimate of \$710,133. RT was prepared to amend the original Engineering Agreement for MCI to perform its own work, but MCI notified RT that it cannot commit to the required Federal Transit Administration (FTA) Buy America Provisions. However, MCI agreed that the relocation of its facilities can be performed under a RT Buy America –compliant construction contract, with MCI providing inspection services, through a MCI - RT Service Agreement.

The cost of the MCI relocation was included in the original Project budget under Utility Relocations and is eligible for federal reimbursement only if the MCI relocation meets the FTA Buy America Provisions.

Because the 2009 Agreement created an uncapped obligation for RT, it was beyond the General Manager/CEO’s authority and should have been presented to the Board for approval, but was not. At this time, Staff is requesting that the Board ratify the General Manager/CEO’s action in signing the 2009 Agreement and approve a New Service Agreement that will allow RT to relocate MCI’s facilities in a manner that will meet the Buy America provisions and allow MCI to provide inspection services.

RT Staff will seek future authorization from the Board to advertise the contract to relocate MCI’s facilities as soon as the documents are prepared.

RESOLUTION NO. 13-05-_____

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

May 13, 2013

RATIFYING THE ENGINEERING AGREEMENT WITH MCI COMMUNICATIONS SERVICES, INC. FOR THE SOUTH SACRAMENTO CORRIDOR PHASE 2 PROJECT

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

THAT, the July 29, 2009 Engineering Agreement by and between MCI Communications Services, Inc., therein referred to as "MCI," and the Sacramento Regional Transit District, therein referred to as "Reimbursor," whereby MCI agrees to relocate its fiber optic line to accommodate RT's South Sacramento Corridor Phase 2 Construction and RT agrees to pay the full actual cost for such relocation, as further set forth therein, is hereby ratified.

PATRICK HUME, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary

RESOLUTION NO. 13-05-_____

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

May 13, 2013

APPROVING THE SERVICE AGREEMENT WITH MCI COMMUNICATIONS SERVICES, INC. FOR THE SOUTH SACRAMENTO CORRIDOR PHASE 2 PROJECT

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

THAT, the Service Agreement between MCI Communications Services, inc., therein referred to as "MCI," and the Sacramento Regional Transit District, therein referred to as RT, whereby MCI agrees to allow RT to relocate its fiber optic cables, with MCI oversight, so that RT can comply with Buy America provisions, and RT agrees to pay MCI's costs for oversight and inspection, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute said Agreement.

PATRICK HUME, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary