

STAFF REPORT

DATE: December 11, 2023
TO: Sacramento Regional Transit Board of Directors
FROM: Carmen Alba, Acting VP Light Rail Operations
SUBJ: AWARDING ON-CALL CONTRACTS FOR RAILROAD FLAGGING SUPPORT SERVICES TO NATIONAL RAILROAD SAFETY SERVICES, INC., RAILPROS FIELD SERVICES, INC., AND RAILWAY FLAGGING SERVICE, INC. FOR ONGOING CONSTRUCTION PROJECTS AND THIRD PARTIES REQUESTING RIGHT OF WAY

RECOMMENDATION

Adopt the Attached Resolutions.

RESULT OF RECOMMENDED ACTION

Awarding Contracts for Railroad Flagging Support Services (RFSS) will provide on-call railroad flagging support services for SacRT's ongoing construction projects and third parties requesting access to SacRT's right-of-way as required by PUC regulations.

FISCAL IMPACT

There is no fiscal impact associated with the execution of the RFSS Contracts, which will be Work Order based contracts. No costs will be incurred until an individual Work Order is executed. For each Work Order, after review of the scope and price proposals, the General Manager/CEO or his designee will approve Work Orders with a price of \$150,000 or less. Work Orders exceeding \$150,000 will be brought to the Board for approval. As Work Orders are issued to a contractor, funding will be identified for the Work Order either: (a) from the Capital project budget line item for the task being performed (if permitted by the funding source); (b) based on a project or real estate agreement with a third party; or (c) from the Wayside Operating budget as funds permit. The precise extent of the required services is unknown at this time and will depend largely on the projects undertaken by SacRT and third parties during the contract term. The identified maximum total consideration for the three-year term is up to \$3,000,000 per contract, for a maximum total consideration of \$9,000,000.

The daily rates per staff person vary between the three firms, by the time and day of the work, and over the three years of the contract term. The cost per Lookout/Employee In Charge for an 8-hour day ranges from \$898 to \$2,047.00 depending on the firm and timing. The number of employees needed also varies based on the nature of the work and proximity to the tracks but ranges from 1 to 4 individuals. Where allowed by the

relevant agreement, SacRT will seek reimbursement from third parties for the costs of providing the flagging support services.

DISCUSSION

SacRT is required by the Public Utilities Commission (General Order 175-A) to provide roadway worker protection, also known as railroad flagging, to support all activities in the SacRT right-of-way and infrastructure and systems.

Work that requires railroad flagging includes but is not limited to design and construction projects for the SacRT Engineering & Construction Department, SacRT maintenance activities, and design, construction, and maintenance activities for third parties. Due to SacRT's limited internal resources and its own maintenance requirements, the SacRT Light Rail Maintenance Department is unable to consistently commit to provide flagging support for SacRT capital projects and third-party access requests. SacRT risks delay claims by construction contractors if it is unable to timely provide flagging support services for its own capital projects. To fill the demand for flagging support requests and requirements in construction contracts and third-party agreements, Staff decided to solicit supplemental RFSS.

On February 8, 2023, SacRT released a Request for Proposal (RFP) for Railroad Flagging Support Services. The RFSS contracts will provide on-call railroad flagging support services on a Work Order basis as needed for various SacRT Capital projects and for access and construction requests by third parties. The support services will be contracted over a three-year period with a SacRT option to renew for two 1-year periods for railroad flagging support tasks. The RFP specified that multiple contractors could be selected.

Staff posted the opportunity on SacRT's website under Procurement's Bid Opportunities and on Planet Bids. On March 22, 2023, SacRT received three responsive proposals from: National Railroad Safety Services, Inc., RailPros Field Services, Inc., and Railway Flagging Services, Inc. The five-member Evaluation Committee reviewed the written proposals. The qualifying criteria included Contract Understanding, Contract Staffing and Experience, Contract Approach to Work, and Price Proposal. The Evaluation Committee completed its evaluation of the written proposals and, based on the results, determined that oral presentations were not needed. All three firms were determined to be qualified for award.

Because of the uncertain nature of the work and funding sources, pursuant to the Disadvantaged Business Enterprise (DBE) regulations in 49 C.F.R. Part 26 and SacRT's DBE Program, no overall DBE participation goal was set for the overall contracts. DBE Goals will be established on a project-by-project basis on Work Orders that are funded with federal assistance, and that have subcontracting opportunities and for which there is an available pool of DBEs that are certified in the NAICS codes related to the Work Order. Contractors were required, as part of their response to the RFP, to attempt, in good faith, to secure and include sufficient DBE certified firms on their proposal related to RFSS to help ensure they can meet, in good faith, the DBE goal set on any federally funded Work Orders as applicable, that are executed post award of a Contract.

SacRT has multiple simultaneous projects and access requests that at times may require more than one train control method on any given day. To complete work as quickly and efficiently as possible, SacRT requires multiple RFSS contracts to meet the safety needs for the projects. Procurement reviewed the pricing from all three firms and determined that it is fair and reasonable despite the significant variation (up to 65% of the hourly rate) between the firms.

RESOLUTION NO. 2023-12-113

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

December 11, 2023

AWARDING CONTRACT FOR RAILROAD FLAGGING SUPPORT SERVICES TO NATIONAL RAILROAD SAFETY SERVICES, INC.

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

THAT, the Contract for Railroad Flagging Support Services by and between Sacramento Regional Transit District, therein referred to as "SacRT," and National Railroad Safety Services, Inc, therein referred to as "Contractor," whereby Contractor agrees to provide railroad flagging support services on a Work Order basis, as further specified in the Contract, for a term of 3 years, for an amount not to exceed \$3,000,000.00, is hereby approved.

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

PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary

RESOLUTION NO. 2023-12-114

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

December 11, 2023

AWARDING CONTRACT FOR RAILROAD FLAGGING SUPPORT SERVICES TO RAILPROS FIELD SERVICES, INC.

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

THAT, the Contract for Railroad Flagging Support Services by and between Sacramento Regional Transit District, therein referred to as "SacRT," and Railpros Field Services, Inc., therein referred to as "Contractor," whereby Contractor agrees to provide railroad flagging support services on a Work Order basis, as further specified in the Contract, for a term of 3 years, for an amount not to exceed \$3,000,000.00, is hereby approved.

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

PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary

RESOLUTION NO. 2023-12-115

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

December 11, 2023

AWARDING CONTRACT FOR RAILROAD FLAGGING SUPPORT SERVICES TO RAILWAY FLAGGING SERVICES, INC.

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

THAT, the Contract for Railroad Flagging Support Services by and between Sacramento Regional Transit District, therein referred to as "SacRT," and Railway Flagging Services, Inc., therein referred to as "Contractor," whereby Contractor agrees to provide railroad flagging support services on a Work Order basis, as further specified in the Contract, for a term of 3 years, for an amount not to exceed \$3,000,000.00, is hereby approved.

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

PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary