



(Board Copy)  
Washington Metropolitan Area Transit Authority  
**METRO ELECTRONIC ACTION  
DOCUMENT**

IDENTIFICATION			
MEAD ID:	99444	ACTION:	Initiate & Award
AWARD VALUE:	(Not yet awarded)	CONTRACT: (Proposed)	
FUND SOURCES: ( <a href="#">View</a> )	Infrastructure Renewal Program	CONTRACTOR:	
LAST MODIFIED:	04/12/2006		

DESCRIPTION	
SUBJECT:	Authorization of agreement with APTA for expert reviews
PURPOSE:	To obtain the approval of the Board of Directors to execute a sole source agreement with the American Public Transit Association (APTA) for expert reviews of on-going capital programs and operations matters, to authorize funding of the APTA administrative fee from the capital program, and to indemnify APTA and its contractors and transit agency employees for activities associated with the assessment and review.

ORIGINATION					
INITIATOR			DEPARTMENTAL APPROVAL		
DAVID COUCH on 04/10/2006			Approved by SALPEAS , PANAGIOTIS 04/10/2006		
PHONE:	202-962-1402	OFFICE:	IRPG	DEPT:	PDEC

COORDINATION (ROUTING)		
OFFICE	NAME	ACTION/DATE
(4110)	SALPEAS, PANAGIOTIS	Approved 04/10/2006
IRPG (4710)	COUCH, DAVID	Approved 04/10/2006
AUDT (7210)	STEWART, JAMES	Approved 04/10/2006
PRMT (7410)	JACKSON, LUCY	Approved 04/10/2006
COUN (1410)	O'KEEFFE, CAROL	Approved w/ Comments 04/11/2006
PRMT (7410)	JACKSON, LUCY	Approved 04/10/2006

FINAL APPROVALS	
OFFICE	NAME/ACTION
PLN_DEV_CMTE	Approved for by PANAGIOTIS SALPEAS on 04/10/2006
BEMR	Approved for by Emeka Moneme on 04/14/2006
GM	GMGR CEO (Not Yet Approved)
BOARD	BOARD WMATA (Not Yet Approved)



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**NARRATIVE**

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The Authority requires independent peer review and expert services to review engineering matters associated with ongoing projects and operations concerns. Recent engineering matters that have required expert review include: Traction Power Program to support 8 car trains, Traction Power review of Morgan Boulevard Station, track circuit anomaly at Rosslyn, and the rehabilitation of the rail cars. Currently, there is no method to obtain necessary on-call support in a timely and expeditious manner. The ability to obtain needed expertise in all disciplines is vital to the success of the day-to-day operations and the construction programs.

Therefore, WMATA staff seeks authorization to execute an agreement with the American Public Transit Association (APTA), on a sole source basis, to utilize APTA's "Peer Review" program for on-going capital programs and operations matters. However, while APTA is currently able to provide peer reviews using personnel from other transit facilities, transit personnel do not necessarily have the expertise necessary for all the issues presented. Because the unique nature of potential issues (for instance, "Big Bore" tunneling, which has not been attempted in the United States) and because some of the WMATA on-call consultants may have inherent conflicts of interest, WMATA requires access to experts drawn from academic, business, industrial, and transit sectors. The agreement would allow APTA to contract with experts who do not work for transit agencies.

Panels of experts will be drawn from Academic Institutions, Transit Properties, National or International Independent Consultants/Firms, Retired Authority Personnel, and Professional Organizations. Individual qualifications will include: Years of Experience in Discipline, Academic Qualifications, Engineering Certifications and Recognition of Expertise in Industry. APTA will identify and contract with non-transit facility individuals in accordance with their regulations, as needed. Disciplines required may include: Civil Engineering, Structural Engineering, Tunneling, Waterproofing, Traction Power, Station Power, Mechanical Systems, Automatic Train Control (ATC), Communications, Rail Cars, Buses, Bus Facilities, Architecture, and Computers/Software. Expert reviewers will not produce technical documents or designs for work, but instead will provide only advisory opinions on issues.

APTA would enter into agreements with the selected personnel and/or request the assistance of APTA Members. APTA will be required to negotiate expert fees consistent with fees paid to other institutions and organizations.

Individual review costs will include expert fees, and travel and related expenses. Funding would be established on an annual basis in the capital budget for APTA administrative costs. Capital issue reviews would be funded from the program in need of the support; operations issue reviews will be funded from the operations budget. Semi-annual updates for reviews conducted will be provided to the Planning and Development Committee.

As part of its contract, APTA requires indemnification of the organization, as stated below:

"To the extent permitted by law, [WMATA] agrees to indemnify and hold harmless APTA, its officers, and employees, and any Expert Peer Review panelists and their respective agencies in the conduct of their activities for claims of any kind (including attorney fees) arising out of the provision of this review, except to the extent such claims arise or are caused by the gross negligence or willful misconduct of APTA, its officers and employees, or Expert Review panelists."

The program will be annually renewable with the first increment of 12 months covering FY07. The administration fee will cover program administration and individual review administrative support for 6 reviews during a 12 month period; expert fees and travel costs will be in addition to the administration fee. APTA will maintain and updated the list of the experts periodically, through professional announcements, to add new experts and remove individuals who are no longer available.

#### IMPACT ON FUNDING:

Budget: FY06-11 Metro Matters	FY07
Project: Rail/Bus Structures Yards and Shops	
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Budget:	4,800,000
Prior Obligation	27,169
This Action	70,000
Subtotal	97,169
Remaining Budget	4,702,831

\*This funding is provided for the APTA administrative fee only. Project specific tasks, not to exceed \$100,000 will be funded from the operations or capital budget. A semi-annual report to the Planning and Development Committee will be provided for review.

#### AFFIRMATIVE ACTION REQUIREMENTS:

Contractors are required to comply with Executive Order 11246, as amended, Revised Order No. 4 if the contract has 50 or more employees and the contract is \$50,000 or more.

#### DISADVANTAGED BUSINESS ENTERPRISE:

This action involves an indefinite delivery program, where individual professionals in various disciplines will provide expert services as "contractors." As such, the individual "contractors" may not be eligible for a WMATA certified DBE status. Consequently, the goal will be to achieve a reasonable participation by individuals who belong to a disadvantaged group.

#### ALTERNATIVE:

The Board of Directors can decline to approve execution of the agreement. Expert advice, when desired, will be delayed due to the need to identify individuals and to establish individual contracts.

#### RECOMMENDATION:

Staff recommends that the Board of Directors approves execution of a sole source agreement with the APTA for expert reviews of on-going capital programs and operations matters, authorization to fund the APTA administrative fee from the capital program, and indemnification of APTA and its contractors and transit agency employees for activities

associated with the assessment and review.