Due to the COVID-19 virus and current extension of the Disaster Declaration issued by the Governor, all DART Board Meetings and Public Hearings are closed to the public. All meetings will take place by videoconference and will be available at https://www.dart.org/about/board/boardvideo.asp.

1. Roll Call
2. Approval of Minutes: October 6, 2020

Consent Items: [5 minutes]
3. Contract for Light Rail Vehicle HVAC Upgrade (Lee Ruiz/Carol Wise)

Individual Items:
4. Increase Funding for TRE Operations and Maintenance Contract for Positive Train Control (PTC) Support (Lee Ruiz/Tim McKay) [10 minutes]
5. Funding for DART’s Portion of a Positive Train Control (PTC) Maintenance and Support Contract Between Trinity Metro and Wabtec Corporation (Lee Ruiz/Tim McKay) [15 minutes]
6. Identification of Future Agenda Items
7. Adjournment

The Customer Service, Safety and Mobility Committee may go into Closed Session under the Texas Open Meetings Act, Section 551.071, Consultation with Attorney, for any legal issues or under section 551.076, for deliberation regarding the deployment or implementation of Security Personnel or devices, arising or regarding any item listed on this Agenda.

This facility is wheelchair accessible. For accommodations for the hearing impaired, sign interpretation is available. Please contact Community Affairs at 214-749-2543, 48 hours in advance.

Chair – Lee Ruiz
Vice Chair – Doug Hrbacek
Members – Patrick J. Kennedy, Jon-Bertrell Killen and Rodney Schlosser
Staff Liaison – Carol Wise
MINUTES
DALLAS AREA RAPID TRANSIT
CUSTOMER SERVICE, SAFETY AND MOBILITY COMMITTEE MEETING
October 6, 2020

Due to the COVID-19 virus, DART Board meeting rooms were closed to the public. All meetings took place by videoconference and are available at https://www.dart.org/about/board/boardvideo.asp.

The Dallas Area Rapid Transit Customer Service, Safety and Mobility Committee came to order at 2:00 p.m., Tuesday, October 6, 2020, at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Ruiz presiding.

The following Committee members were present: Eliseo Ruiz, Doug Hrbacek, Patrick J. Kennedy, Jon-Bertrrel Killen, and Rodney Schlosser.

Other Board Members present: Ray Jackson, Michele Wong Krause, Gary Slagel, and Robert C. Dye.

Others Present: Gary Thomas, Carol Wise, Gene Gamez, Nicole Fontayne-Bárdowell, Bonnie Murphy, James Spiller, Kay Shelton, Chris Koloc, Herold Humphrey, Michael Holbrook, Steve Salin, Todd Plesko, Kenneth Duke, Adam Nicholas, Philip Perez, John Adler, Joseph Costello, Nancy Johnson, and Josefina Chavira.

1. Roll Call

Chair Ruiz took Roll Call, confirming a quorum was present.

Chair Ruiz stated the Committee would conduct the actions of the meeting by Roll Call vote. He then provided voting instructions prior to continuing with the agenda items.

2. Approval of Minutes: September 8, 2020

Mr. Schlosser made a motion to approve the Minutes from the September 8, 2020 Customer Service, Safety and Mobility Committee Meeting and enter into record as written.

Mr. Kennedy seconded.

Chair Ruiz took a Roll Call vote, and the motion was approved unanimously.

Consent Items:

Prior to the Committee taking action on the Consent Items, Ms. Wong Krause requested a briefing on Agenda item 4, Increase Funding for the Purchase of Positive Train Control (PTC) Equipment for Two Remanufactured Locomotives.

4. Increase Funding for the Purchase of Positive Train Control (PTC) Equipment for Two Remanufactured Locomotives

Ms. Bonnie Murphy, Vice President of Commuter Rail, briefed the Committee (slides on file with the Office of Board Support) as follows:

- Today’s Consideration (slide 2)
- Background (slides 3-4)
3. **Exercise Contract Option for a Non-Revenue Vehicle Fuel Management System**

Moved to forward this draft resolution to the Committee-Of-The-Whole agenda, with a recommendation, stating the President/Executive Director, or his designee, is authorized to:

Section 1: Exercise the remaining one-year option for a Non-Revenue Vehicle (NRV) Fuel Management System with WEX Bank, by assignment from Valero Marketing and Supply Company [C-2031954-02]; and

Section 2: Increase the not-to-exceed amount by $1,367,184, for a new total authorized amount not to exceed $5,439,401.

4. **Increase Funding for the Purchase of Positive Train Control (PTC) Equipment for Two Remanufactured Locomotives**

Moved to forward this draft resolution to the Committee-Of-The-Whole agenda, with a recommendation, stating the President/Executive Director, or his designee, is authorized to increase funding for the purchase of Positive Train Control (PTC) equipment for the two locomotives being remanufactured by Progress Rail Services Group [Contract C-2027459-01] in the amount of $144,969.46 for a new total authorized amount not to exceed $5,026,669.46.

Mr. Schlosser seconded.

Chair Ruiz took a Roll Call vote, and the motion was approved unanimously.

**Individual Items:**

5. *Briefing on Homeless and Mental Health Programs at Transit Agencies*

Chief James Spiller, DART Police and Emergency Management, briefed the Committee (slides on file with the Office of Board Support) as follows:

- Overview (slide 2)
- Denver Regional Transportation District (RTD) (slide 3)
- Metropolitan Atlanta Rapid Transit Authority (MARTA) (slide 4)
- Southeast Philadelphia Transit Authority (SEPTA) (slide 5)
- Bay Area Rapid Transit (BART) (slide 6)
- Los Angeles County Metropolitan Transportation Authority (LACMTA) (slides 7-9)
- City of Eugene, Oregon (slide 10)
- Dallas RIGHT Care Team (slides 11-12)
- Pros and Cons (slides 13-15)

Mr. Killen left the meeting at 2:35 p.m.

- DART Police Engagement with Homeless and Mental Health Passengers (slide 16)
- Next Steps (slide 17)
Ms. Brittney Farr, Community Connections Program Manager, concluded the briefing.

Mr. Killen rejoined the meeting at 2:40 p.m.

Due to lack of time for a full discussion, Mr. Schlosser requested the discussion of this item to be placed as a briefing item at the next scheduled Customer Service, Safety and Mobility Committee meeting. Chair Ruiz agreed.

6. **Identification of Future Agenda Items**

There were no future agenda items identified for this Committee.

7. **Adjournment**

There being no further business to discuss, the meeting adjourned at 2:43 p.m.

Josefina Chavira, CAP
Board Committee Secretary

/jc

+Same Night Item

*Briefing Item
Agenda Report

Attachments:
1. Contract Award Analysis
2. D/M/WBE Details
3. Expenditure Justification

Voting Requirements:
Majority

DATE: November 10, 2020

SUBJECT: Contract Award for Light Rail Vehicle HVAC Upgrade

RECOMMENDATION

Approval of a resolution authorizing the President/Executive Director or his designee to award an eighteen-month contract for Light Rail Vehicle (LRV) HVAC Upgrade of sixty-six (66) units with new HVAC units to Merak North America, LLC in the amount of $3,821,242, with an option to replace seventy (70) HVAC units for the 1998 LRV sub-fleet in the amount of $3,380,090, for a total authorized amount not to exceed $7,201,332.

FINANCIAL CONSIDERATIONS

• This contract for Light Rail Vehicle (LRV) HVAC Upgrade is included in the LRV HVAC Upgrade project budget of the approved FY 2021 Capital Budget.

• Sufficient funding for this contract in the amount of $7,201,332 is included in both the LRV HVAC Upgrade project budget and the Light Rail Transit Capital line item of the FY 2021 Twenty-Year Financial Plan.

BUSINESS PURPOSE

• The Environmental Protection Agency (EPA) is phasing out R-22 refrigerant (Freon) used within HVAC units, along with other ozone-depleting chemicals in a stepwise fashion. After 2020, the servicing of systems with R-22 will rely on recycled or diminished stockpiled quantities. EPA regulations ended the production and import of R-22 refrigerant.

• Upgrading DART’s Light Rail Vehicles (LRV) that are currently equipped with older Heating, Ventilation, and Air Conditioning (HVAC) units is necessary in order to comply with new EPA approved refrigerant standards. These new HVAC units shall utilize EPA approved R-22 refrigerant substitutes for passenger air conditioning systems in trains.

• DART’s 2008 sub-fleet (Fleet 53) of twenty (20) LRVs are to be retrofitted with HVAC units filled with EPA approved R134a substitute refrigerant. Contractor shall design, produce, and deliver a total of sixty-six (66) new HVAC units. This includes the provisioning of three (3) units per LRV, with six (6) spares. There is an option to replace seventy (70) HVAC units for 1998 sub-fleet (Fleet 52) of twenty-one (21) LRVs. The new HVAC units shall utilize the EPA approved, environmentally-safe R134a substitute refrigerant, the same refrigerant used on the newest 2010/2011 LRV sub-fleet of forty-eight (48) cars.
• Approval of this contract will help achieve Board Strategic Priority 1: Enhance the safety and service experience through customer-focused initiatives, and Strategic Priority 2: Provide stewardship of the transit system, agency assets and financial obligations.

• The Board-Approved Expenditure Justification is included as Attachment 3.

PROCUREMENT CONSIDERATIONS

• On April 27, 2020, a Request for Proposals (RFP) notification was sent to 571 firms for Light Rail Vehicle HVAC Upgrade.

• This will be Definite Quantity/Definite Delivery firm fixed price contract with an option for an additional seventy (70) HVAC units.

• The contract award analysis is provided as Attachment 1.

D/M/WBE CONSIDERATIONS

• The goal for this contract was established in December 2019 at 12% M/WBE participation.

• Merak North America, LLC, the prime contractor, has committed to some participation.

• The M/WBE analysis and Equal Employment Opportunity (EEO-1) information are included in Attachment 2. The prime contractor's actual EEO-1 report is available upon request.

LEGAL CONSIDERATIONS

• Section 452 of the Texas Transportation Code authorizes DART to contract for the provision of goods and services.
Contract Information

A. Description: Light Rail Vehicle HVAC Upgrade

B. Contractor: Merak North America, LLC

C. Contract Number: C-2045217-01

D. Contract Amount: $7,201,332

E. Contract Type: Definite Quantity/Definite Delivery Firm Fixed Price

F. Performance Period/Term of Contract: Eighteen Months from Notice to Proceed

G. Options Available: Seventy (70) HVAC Units

H. Bond Requirement: N/A

I. Liquidated Damages: N/A

J. Funding Source: Local

Solicitation Information

A. Issue Date: 4/27/2020

B. Number of Notifications Sent: 571

C. Date and Time for Proposal Receipt: 6/18/2020 at 2:00 PM (Dallas CST)

D. Proposals Received: Three

E. Discussion of Proposal Evaluation Process: Each proposal was evaluated by a diverse Source Evaluation Committee (SEC) using the following published criteria:

- Qualifications of the Firm and Staff: 225 Maximum Points
- Technical Compliance with Scope of Work: 250 Maximum Points
- Quality Assurance: 175 Maximum Points
- Work and Project Schedule: 100 Maximum Points
- M/WBE Participation: 150 Maximum Points
- Price: 300 Maximum Points

Total: 1,200 Maximum Points
The SEC evaluated the three proposals and determined the following to be in the competitive range:

- Merak North America, LLC
- Sutrak Corporation

Those in the competitive range were then given the opportunity to submit a Best and Final Offer.

F. Discussion of Unacceptable Proposals: N/A

G. Proposal Scoring:

<table>
<thead>
<tr>
<th>Supplier Name</th>
<th>Base Price</th>
<th>Option Price</th>
<th>Technical Points</th>
<th>Price Points</th>
<th>Total Technical and Price Points</th>
<th>Final Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merak North America, LLC</td>
<td>$3,821,242</td>
<td>$3,380,090</td>
<td>724</td>
<td>244</td>
<td>968</td>
<td>1</td>
</tr>
<tr>
<td>Sutrak Corporation</td>
<td>$3,105,500</td>
<td>$3,207,500</td>
<td>607</td>
<td>300</td>
<td>907</td>
<td>2</td>
</tr>
<tr>
<td>Vapor Stone Rail Systems, a Division of WABTEC</td>
<td>$5,670,533</td>
<td>$5,349,924</td>
<td>671</td>
<td>164</td>
<td>835</td>
<td>3</td>
</tr>
</tbody>
</table>

H. Negotiation Memorandum: Available for review in the contract file.

I. Cost & Price Analysis: Cost and price is fair and reasonable based on historic prices the Authority has paid for similar services and the Independent Cost Estimate.

J. Determination of Responsibility:
   Bond Check: N/A
   Reference Check: Satisfactory
   Financial Responsibility Survey: Satisfactory
   Insurance Check: Will be verified after contract award.
   On-Site Inspection: N/A
   Arithmetic Check: Completed
   Verification of Offer: Completed
   Buy America Certification and/or Audit, if applicable: N/A
   Debarred/Suspended list: Not on the debarred /suspended list.

K. Protests Received: None

L. Determinations Required: No

Determination and Recommendation

Merak North America, LLC is a responsible offeror that achieved the highest score considering technical and price factors. They have the capacity to perform this contract and are recommended for award.
Contract Award for Light Rail Vehicle HVAC Upgrade

M/WBE CONSIDERATIONS

The goal for this contract was established in December 2019 at 12% M/WBE participation. Merak North America, LLC, the prime contractor, has committed to achieve some participation through utilization of the following certified firms:

M/WBE Participation

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOCATION</th>
<th>ETHNICITY</th>
<th>SERVICE</th>
<th>AMOUNT</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Link Transport, Inc.</td>
<td>Roseville, MI</td>
<td>White Female</td>
<td>Logistical Services</td>
<td>$26,202</td>
<td>0.36%</td>
</tr>
<tr>
<td>Powertech Controls Co, Inc.</td>
<td>Ronkonkoma, NY</td>
<td>White Female</td>
<td>Electric Components and Piping</td>
<td>$205,247</td>
<td>2.85%</td>
</tr>
<tr>
<td>Thru-way, Inc.</td>
<td>North Tonawanda, NY</td>
<td>White Female</td>
<td>Hardware Supply</td>
<td>$205,247</td>
<td>2.85%</td>
</tr>
</tbody>
</table>

**TOTAL M/WBE PARTICIPATION:** $436,696 6.06%*

**NOTE:** The goal is based on the not to exceed amount of $7,201,332. If there are any changes to this amount, the original goal shall apply.

*The percentages and dollar amounts may remain level, increase or decrease depending on the circumstances.

Summary of EEO-1 Report

Merak North America, LLC is located in Westminster, MD and employs 405 individuals. The following is an analysis of their EEO-1 report:

<table>
<thead>
<tr>
<th></th>
<th>ASIAN</th>
<th>BLACK</th>
<th>HISPANIC</th>
<th>NATIVE AMERICAN</th>
<th>WHITE</th>
<th>TOTAL</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MALES</td>
<td>20</td>
<td>30</td>
<td>23</td>
<td>0</td>
<td>243</td>
<td>316</td>
<td>78.02%</td>
</tr>
<tr>
<td>FEMALES</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>83</td>
<td>89</td>
<td>21.98%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>23</td>
<td>32</td>
<td>24</td>
<td>0</td>
<td>326</td>
<td>405</td>
<td>100%</td>
</tr>
<tr>
<td>PERCENTAGE</td>
<td>5.68%</td>
<td>7.90%</td>
<td>5.93%</td>
<td>0.00%</td>
<td>80.49%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>PURPOSE OF CONTRACT/AGREEMENT</td>
<td>DOLLAR AMOUNT</td>
<td>CONTRACT TERM</td>
<td>TYPE OF PROCUREMENT</td>
<td>1. Is it necessary?</td>
<td>2. Does it need to happen now?</td>
<td>3. Can it be phased?</td>
<td>4. Can we reduce the amount?</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------</td>
<td>---------------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>--------------------------</td>
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<td>---------------------------</td>
</tr>
<tr>
<td>Contractor shall design, produce and deliver sixty-six (66) HVAC units which includes the provisioning of three (3) units per LRV, with six (6) spares. Additional option to replace seventy (70) HVAC units for a sub-fleet of twenty-one (21) LRVs to comply with new Environmental Protection Agency (EPA) refrigerant standards.</td>
<td>$7,201,332</td>
<td>Eighteen-months</td>
<td>Definite Quantity/Definite Delivery Firm Fixed Price</td>
<td>1. Yes, this contract is necessary to meet State of Good Repair of DART’s Fleet older Light Rail Vehicles.</td>
<td>2. Yes, the R-22 refrigerant DART uses now will not be supported after January 1, 2020. EPA regulations ended the production and import of R-22 refrigerant. DART’s LRV sub-fleets will need to transition to an EPA approved, environmentally-safe and acceptable substitute refrigerant. Therefore, a new contract is needed.</td>
<td>3. Yes, the contract is being phased. The contract is for Fleet 53 (20 ea. LRVs) and includes an option to replace the HVAC systems on Fleet 52 (21 ea. LRVs) under a phased approach.</td>
<td>4. Yes, the contract provision includes an option to replace seventy (70) HVAC units for a sub-fleet of twenty-one (21) LRVs in the in the amount of $3,380,090.</td>
</tr>
</tbody>
</table>
DRAFT

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Contract Award for Light Rail Vehicle HVAC Upgrade

WHEREAS, the Environmental Protection Agency (EPA) is phasing out R-22 refrigerant (Freon) used within HVAC units, along with other ozone-depleting chemicals in a stepwise fashion; and

WHEREAS, Upgrading DART’s Light Rail Vehicles (LRV) that are currently equipped with older Heating, Ventilation, and Air Conditioning (HVAC) units is necessary in order to comply with new EPA approved refrigerant standards; and

WHEREAS, purchasing sixty-six (66), with an option of 70, new Heating, Ventilation, and Air Conditioning (HVAC) units to be used on DART’s twenty (20) LRVs, plus an optional twenty-one (21) Light Rail Vehicles (LRV) is necessary in order to comply with new Environmental Protection Agency (EPA) refrigerant standards; and

WHEREAS, these new HVAC units utilize EPA approved refrigerant substitutes for passenger air conditioning systems in trains; and

WHEREAS, a competitive, sealed-proposal procurement for an eighteen-month contract with no options was conducted in accordance with the DART Procurement Regulations; and

WHEREAS, the proposed price for this contract is fair and reasonable; and

WHEREAS, funding for this contract is within current Budget and FY 2021 Twenty Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the President/Executive Director or his designee is authorized to award an eighteen-month contract for Light Rail Vehicle (LRV) HVAC Upgrade of sixty-six (66) units with new HVAC units to Merak North America, LLC in the amount of $3,821,242, with an option to replace seventy (70) HVAC units for the 1998 LRV sub-fleet in the amount of $3,380,090, for a total authorized amount not to exceed $7,201,332.
Contract Award for Light Rail Vehicle HVAC Upgrade

Prepared by:  
/s/ Carol Wise *
Carol Wise  
Executive Vice President  
Chief Operating Officer  

/s/ Gene Gamez *

Approved as to form:  
Gene Gamez  
General Counsel  

/s/ Gary C. Thomas *

Approved by:  
Gary C. Thomas  
President/Executive Director  

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
DATE: November 10, 2020

SUBJECT: Increase Funding for TRE Operations and Maintenance Contract for Positive Train Control (PTC) Support

RECOMMENDATION

Approval of a resolution authorizing the President/Executive Director or his designee to increase funding to the existing Trinity Railway Express ten-year Operations and Maintenance Contract with Herzog Transit Services, Inc., [Contract No. 2005858-1], to support PTC by providing ongoing service continuity and supporting all PTC systems in a manner that does not degrade the service, service level flexibility or performance, and is responsible for ensuring the PTC system maintains FRA compliance in an amount of $7,118,138 for a new total authorized amount not to exceed $334,191,840.

FINANCIAL CONSIDERATIONS

• This funding increase for the addition of PTC Support is included in the Commuter Rail Department's current FY 2021 Operating Budget.

• Sufficient funding for this funding increase in the amount of $7,118,138 is included in both the Commuter Rail Department’s current FY 2021 Operating Expense budget and the Total Operating Expense line item of the FY 2021 Twenty-Year Financial Plan.

• The cost for year one will be $1,340,734, and will increase each year by 3% escalation for a five-year total of $7,118,138.

• The funding increase will be split by seat mile, which is 43.22% for DART ($3,076,459.24) and 56.78% for Trinity Metro ($4,041,678.76).

BUSINESS PURPOSE

• Approval of this funding increase will support PTC by providing ongoing service continuity and supporting all PTC systems and activities in a manner that does not degrade the service, service level flexibility or performance, and is responsible for ensuring the PTC system maintains FRA Compliance.

• Approval of this funding increase will help achieve Board Strategic Priority 1: Enhance the safety and service experience through customer-focused initiatives.

• The Rail Safety Improvement Act of 2008 (RSIA 2008) mandated that all railroads that provide
regularly scheduled commuter rail passenger service must develop a plan for implementing PTC before December 31, 2015. The deadline was subsequently extended by the Positive Train Control Enforcement and Implementation Act of 2015. TRE has included an alternative schedule and sequence for implementing a PTC system, which shall provide an implementation date as soon as practical, but no later than December 31, 2020. Due to this mandate, all passenger

- service is required to install this technology (TRE, TEXRail, DCTA and Amtrak) in this region.
- TRE has implemented PTC equipment, components and applications on the existing TRE fleet, wayside signal houses, communication tower and dispatch. All these items need to be maintained and serviced. The installed equipment will require FRA inspections and maintenance. Original warranty is transitioning to regular maintenance. The least possible service and workforce required has been negotiated.

<table>
<thead>
<tr>
<th>Segments</th>
<th>TRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Onboard</td>
<td>17</td>
</tr>
<tr>
<td>Wayside</td>
<td>40</td>
</tr>
<tr>
<td>Base Stations</td>
<td>3</td>
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<tr>
<td>Back Office Systems</td>
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<th>Segments</th>
<th>Daily</th>
<th>Monthly</th>
<th>Quarterly</th>
<th>Annually</th>
</tr>
</thead>
<tbody>
<tr>
<td>Onboard</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Wayside</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>System Reports</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

- A line item (TR012C) for PTC support was included in the TRE Operations and Maintenance Contract; however, when this contract was negotiated, the cost of PTC support was unknown. PTC support costs have been negotiated for the remaining five years of the contract as a modification. This is an hourly rate addition to the current contract using the same hourly rate that was negotiated in the contract.
- The PTC system is scheduled to be fully implemented by December 31, 2020, and this contract modification is required to incorporate the scope of PTC maintenance services into the remaining years of the TRE Operations and Maintenance Contract.
- Herzog Transit Services, Inc. will provide the day to day maintenance and servicing of PTC hardware equipment installed onboard trains, wayside signal houses, communication interfaces, and dispatch.
- The following table is a history of Board authorizations for this contract:

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Contract Change Amount</th>
<th>Total Board Authorized NTE Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/22/15</td>
<td>Contract Award to HTSI for the provision of TRE commuter rail operation services between Dallas and Fort Worth (Resolution No. 150102)</td>
<td>$317,623,839</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contract modification with HTSI for a reimbursable expenditure for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Amount</td>
<td>Total Amount</td>
</tr>
<tr>
<td>-------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>5/10/16</td>
<td>track, signal, and other rail related work on the TRE corridor at the Calloway Cemetery and Tarrant Main Street Grade Crossings in Tarrant County (Resolution No. 160043)</td>
<td>$1,155,000</td>
<td>$318,778,839</td>
</tr>
<tr>
<td>6/14/16</td>
<td>Contract modification with HTSI for flagging, safety training, and project coordination for the project with Verizon to provide the extension of the existing conduits, installation of lateral drops, and installation of fiber optic cable (Resolution No. 160061)</td>
<td>$500,000</td>
<td>$319,278,839</td>
</tr>
<tr>
<td>8/22/17</td>
<td>Contract modification with HTSI for the acquisition and installation of trackwork for the TRE Valley View project (Resolution No. 170075)</td>
<td>$4,660,392, plus a supplemental work contingency of $200,000</td>
<td>$324,139,231</td>
</tr>
<tr>
<td>8/14/18</td>
<td>Use of contingency for the TRE O&amp;M Contract with HTSI for additional flagging to support the general contractor for the TRE Valley View Project (Resolution No. 180064)</td>
<td>$178,000</td>
<td>$324,138,868</td>
</tr>
<tr>
<td>12/11/18</td>
<td>Contract modification with HTSI for test trains, crew, costs, Roadway Worker Protection/flagging, Employee In Charge, mechanical engineering support, and signal and communications engineering support services provided during the installation of Positive Train Control (Resolution No. 180131)</td>
<td>$1,366,939</td>
<td>$325,505,807</td>
</tr>
<tr>
<td>9/22/20</td>
<td>Contract modification with HTSI to provide additional funding for additional TRE dispatchers (Resolution No. 200096)</td>
<td>$1,833,866</td>
<td>$327,073,702</td>
</tr>
</tbody>
</table>

- On October 19, 2019, $266,334 was de-obligated from the TRE Operations and Maintenance Contract for the trackwork portion of the TRE Valley View Project.

- Pursuant to Section 2.4 of the Restated Interlocal Cooperative Agreement by and between Dallas Area Rapid Transit (DART) and Trinity Metro for the Operation and Development of the Trinity Railway Express Commuter Rail Service, dated September 6, 2003 (Resolution No. 030084), DART is acting as the procuring agency on behalf of Trinity Metro and the TRE for this contract.
• This item was discussed at the Trinity Railway Express Advisory Committee on September 17, 2020 with no objection.

• The Trinity Metro Board of Directors approved the expenditure for their portion of the funding increase on May 18, 2020.

• The Board-Approved Expenditure Justification is included as Attachment 3.

PROCUREMENT CONSIDERATIONS

• The base term of the contract is ten years from notice-to-proceed date of October 1, 2015 with one, ten-year option.

• The pricing for the Positive Train Control (PTC) Support is fair and reasonable based on current TRE Operations and Maintenance Contract pricing from which it was derived.

• The Procurement Analysis is provided as Attachment 1.

D/M/WBE CONSIDERATIONS

• The goals for this contract were established in February 2014 at 7% DBE and 27% M/WBE participation.

• Herzog Transit Services, Inc., the prime contractor, has committed to exceed the DBE goal and meet the M/WBE goal.

• The D/M/WBE analysis and Equal Employment Opportunity (EEO-1) information are included in Attachment 2. The prime contractor’s actual EEO-1 report is available upon request.

LEGAL CONSIDERATIONS

• Section 452.055 of the Texas Transportation Code authorizes DART to contract for the provision of goods and services.
Contract Information

A. Contract Description: TRE Operations and Maintenance Contract

B. Contractor: Herzog Transit Services, Inc.

C. Contract Number: C-2005858-01

D. Contractual Action: Increase funding for Positive Train Control (PTC) Support

E. Current Contract Amount: Not to exceed $327,073,339 with remaining contingency of $363

F. Contract Modification Amount: $7,118,138

G. New Contract Amount: Not to exceed $334,191,477 with remaining contingency of $363

H. Contract Type: This is a fixed-price contract with price adjustment, lump sum items, definite and indefinite quantity items, unit cost items, and allowance items.

I. Current Performance Period: 10/01/15 - 09/30/25

J. Remaining Options Available: One, ten-year option

K. Price Considerations: Contract award was based on full and open competition, and this contract modification for PTC Support is included in the contract price schedule. The pricing is fair and reasonable.

L. Negotiation Memorandum: Available for review in the contract file.

M. Determinations Required: N/A

N. Funding: Federal/Local

O. Determination of Responsibility:
   Bond Check: Yes
   Insurance Check: Yes
   Debarred/Suspended list: Not on debarred /suspended list

Determination and Recommendation

Herzog Transit Services, Inc. is a responsible contractor for the modification described above. Therefore, execution of the contract modification is recommended.
Increase Funding for TRE Operations and Maintenance Contract for Positive Train Control (PTC) Support

**D/M/WBE CONSIDERATIONS**

The goals for this contract were established in February 2014 at 7% DBE and 27% M/WBE participation. This contract modification of $7,118,138 will increase the contract amount to $334,191,840. Of the modification amount, $1,525,500 has been committed to the following certified firm:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOCATION</th>
<th>ETHNICITY</th>
<th>SERVICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>V&amp;V Enterprises, Inc.</td>
<td>Carrollton, TX</td>
<td>Black Female</td>
<td>Equipment Maintenance Services</td>
<td>$1,525,500</td>
</tr>
</tbody>
</table>

**DBE PARTICIPATION (for this increase): $1,525,500**

For the entire contracting period, Herzog Transit Services, Inc., the prime contractor, has committed to exceed the DBE goal and meet the M/WBE goal through utilization of the following certified firms:

**DBE PARTICIPATION**

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOCATION</th>
<th>ETHNICITY</th>
<th>SERVICE</th>
<th>AMOUNT</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Lone Star Materials, Inc.</td>
<td>Ft. Worth, TX</td>
<td>White Female</td>
<td>Hauling Services</td>
<td>$229,976</td>
<td>0.07%</td>
</tr>
<tr>
<td>2M Business Products</td>
<td>Dallas, TX</td>
<td>Asian Indian Male</td>
<td>Office Supplies</td>
<td>$229,976</td>
<td>0.07%</td>
</tr>
<tr>
<td>V&amp;V Enterprises, Inc.</td>
<td>Carrollton, TX</td>
<td>Black Female</td>
<td>Equipment Maintenance Services</td>
<td>$24,063,164</td>
<td>7.20%</td>
</tr>
</tbody>
</table>

**TOTAL DBE PARTICIPATION: $24,523,116 7.34%**

**M/WBE PARTICIPATION**

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOCATION</th>
<th>ETHNICITY</th>
<th>SERVICE</th>
<th>AMOUNT</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Business Graphics, Inc.</td>
<td>Coppell, TX</td>
<td>White Female</td>
<td>Administrative Services</td>
<td>$32,564</td>
<td>0.01%</td>
</tr>
<tr>
<td>B&amp;B Diversified Materials</td>
<td>Bend, OR</td>
<td>Asian Pacific Female</td>
<td>Material Supply</td>
<td>$10,307,719</td>
<td>3.08%</td>
</tr>
<tr>
<td>B&amp;B Waste Transit</td>
<td>Dallas, TX</td>
<td>White Female</td>
<td>Transportation of Waste</td>
<td>$488,424</td>
<td>0.15%</td>
</tr>
<tr>
<td>Company Name</td>
<td>City, State</td>
<td>Gender</td>
<td>Service Type</td>
<td>Amount</td>
<td>Percentage</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---------------------</td>
<td>-------------------------</td>
<td>---------------------------------------</td>
<td>--------------</td>
<td>------------</td>
</tr>
<tr>
<td>Bluebonnet Waste Control, Inc.</td>
<td>Dallas, TX</td>
<td>Hispanic Male</td>
<td>Sanitation Services</td>
<td>$130,246</td>
<td>0.04%</td>
</tr>
<tr>
<td>Buyer’s Barricades</td>
<td>North Richland Hills, TX</td>
<td>White Female</td>
<td>Traffic Control &amp; Equipment</td>
<td>$137,224</td>
<td>0.04%</td>
</tr>
<tr>
<td>C. Green Scaping, LP</td>
<td>Ft. Worth, TX</td>
<td>Hispanic Female</td>
<td>Landscaping</td>
<td>$32,564</td>
<td>0.01%</td>
</tr>
<tr>
<td>Ceco Sales Corp.</td>
<td>Ft. Worth, TX</td>
<td>Native American Male</td>
<td>Office &amp; Shop Supplies</td>
<td>$97,685</td>
<td>0.03%</td>
</tr>
<tr>
<td>Domingo Vara Chevrolet, L.P.</td>
<td>San Antonio, TX</td>
<td>Hispanic Male</td>
<td>Vehicles and Services</td>
<td>$1,693,203</td>
<td>0.51%</td>
</tr>
<tr>
<td>G&amp;G Protection</td>
<td>Irving, TX</td>
<td>Black Male</td>
<td>Security Guard Services</td>
<td>$2,735,174</td>
<td>0.82%</td>
</tr>
<tr>
<td>The Green Chemical Store, Inc.</td>
<td>Wylie, TX</td>
<td>White Female</td>
<td>Cleaning Supplies &amp; Services</td>
<td>$227,931</td>
<td>0.07%</td>
</tr>
<tr>
<td>ICC Energy Corporation</td>
<td>Dallas, TX</td>
<td>Black Male</td>
<td>Fuel &amp; Miscellaneous Service</td>
<td>$52,261,358</td>
<td>15.64%</td>
</tr>
<tr>
<td>North Texas Trucking, Inc.</td>
<td>Dallas, TX</td>
<td>Hispanic Male</td>
<td>Hauling Services</td>
<td>$2,420,006</td>
<td>0.72%</td>
</tr>
<tr>
<td>Office Clean America</td>
<td>Dallas, TX</td>
<td>Black Male</td>
<td>Office Cleaning Services</td>
<td>$39,344</td>
<td>0.01%</td>
</tr>
<tr>
<td>Parsons Pest Control</td>
<td>Dallas, TX</td>
<td>Black Female</td>
<td>Extermination Services</td>
<td>$11,177</td>
<td>0.003%</td>
</tr>
<tr>
<td>Protect Environmental Services, Inc.</td>
<td>Haltom City, TX</td>
<td>White Female</td>
<td>Waste Collection Services</td>
<td>$130,256</td>
<td>0.04%</td>
</tr>
<tr>
<td>QN Management Solutions</td>
<td>Allen, TX</td>
<td>Asian Pacific Male</td>
<td>Furnish Track Materials &amp; Scheduling Services</td>
<td>$15,260,099</td>
<td>4.57%</td>
</tr>
<tr>
<td>Ricochet Fuel</td>
<td>Euless, TX</td>
<td>White Female</td>
<td>Fuel Services</td>
<td>$3,989,953</td>
<td>1.19%</td>
</tr>
<tr>
<td>Safety Supply, Inc.</td>
<td>San Antonio, TX</td>
<td>White Female</td>
<td>Safety Supplies</td>
<td>$67,295</td>
<td>0.02%</td>
</tr>
<tr>
<td>Self Rep/Willard Johnson</td>
<td>Dallas, TX</td>
<td>Black Male</td>
<td>Cleaning Supplies and Services</td>
<td>$65,128</td>
<td>0.02%</td>
</tr>
<tr>
<td>TKC Enterprises DBA Batteries Plus</td>
<td>Irving, TX</td>
<td>Asian Pacific Male</td>
<td>Batteries</td>
<td>$65,128</td>
<td>0.02%</td>
</tr>
<tr>
<td>Your Pest Control Company</td>
<td>Lake Worth, TX</td>
<td>White Female</td>
<td>Pest Control Services</td>
<td>$32,564</td>
<td>0.01%</td>
</tr>
</tbody>
</table>
TOTAL M/WBE PARTICIPATION: $90,225,042  27.00%*

TOTAL D/M/WBE PARTICIPATION: $114,748,158  34.34%*

NOTE: The goals are based on the new not to exceed amount of $334,191,840. If there are any changes to this amount, the original goals shall apply.

*The percentages and dollar amounts may remain level, increase or decrease depending on the circumstances.

Summary of EEO-1 Report

Herzog Transit Services, Inc. is located in Irving, TX and employs 74 individuals. The following is an analysis of their EEO-1 report:

<table>
<thead>
<tr>
<th></th>
<th>ASIAN</th>
<th>BLACK</th>
<th>HISPANIC</th>
<th>NATIVE AMERICAN</th>
<th>WHITE</th>
<th>TOTAL</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MALES</td>
<td>1</td>
<td>9</td>
<td>9</td>
<td>0</td>
<td>38</td>
<td>57</td>
<td>77.03%</td>
</tr>
<tr>
<td>FEMALES</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>12</td>
<td>17</td>
<td>22.97%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1</td>
<td>11</td>
<td>12</td>
<td>0</td>
<td>50</td>
<td>74</td>
<td>100%</td>
</tr>
<tr>
<td>PERCENTAGE</td>
<td>1.35%</td>
<td>14.87%</td>
<td>16.22%</td>
<td>0.00%</td>
<td>67.56%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>
## Board-Approved Expenditure Justification
### Increase Funding for TRE Operations and Maintenance Contract for Positive Train Control (PTC) Support

<table>
<thead>
<tr>
<th>PURPOSE OF CONTRACT/AGREEMENT</th>
<th>DOLLAR AMOUNT</th>
<th>CONTRACT TERM</th>
<th>TYPE OF PROCUREMENT</th>
<th>1. Is it necessary?</th>
<th>2. Does it need to happen now?</th>
<th>3. Can it be phased?</th>
<th>4. Can we reduce the amount?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval of a resolution authorizing the President/Executive Director or his designee to increase funding to the existing Trinity Railway Express ten-year Operations and Maintenance Contract with Herzog Transit Services, Inc., [Contract No. 2005858-1], to support PTC by providing ongoing service continuity and supporting all PTC systems in a manner that does not degrade the service, service level flexibility or performance, and is responsible for ensuring the PTC system maintains FRA compliance.</td>
<td>$7,118,138</td>
<td>Ten years from the award date of October 1, 2015 with one, ten-year option.</td>
<td>Fixed price contract with price adjustment, lump sum items definite and indefinite quantity items, unit cost items, and allowance items.</td>
<td>Yes. PTC is a Federal Mandate and all Passenger Railroads are required to be operational and Certified by December 31, 2020. TRE has implemented PTC equipment, components and applications on the existing TRE fleet, wayside signal houses, communication tower and dispatch. All these items need to be maintained and serviced.</td>
<td>Yes, the installed equipment will require FRA inspections and maintenance. We are transitioning from the original warranty to regular maintenance</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
DRAFT

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Increase Funding for TRE Operations and Maintenance Contract for Positive Train Control (PTC) Support

WHEREAS, the Rail Safety Improvement Act of 2008 (RSIA 2008) mandated that all railroads that provide regularly scheduled commuter rail passenger service must develop a plan for implementing Positive Train Control (PTC) before December 31, 2015, the deadline was subsequently extended by the Positive Train Control Enforcement and Implementation Act of 2015, and TRE has included an alternative schedule and sequence for implementing a PTC system, which shall provide an implementation date as soon as practical, but no later than December 31, 2020; and

WHEREAS, TRE has implemented PTC equipment, components and applications on the existing TRE fleet, wayside signal houses, communication tower and dispatch, all of which need to be maintained and serviced; and

WHEREAS, a line item (TR012C) for PTC support was included in the Operations and Maintenance Contract; however, when this contract was negotiated, the cost of PTC support was unknown, and PTC support costs have been negotiated for the remaining five years of the contract as a modification; and

WHEREAS, the PTC system is scheduled to be fully implemented by December 31, 2020, and this funding increase is required to incorporate the scope of PTC maintenance services into the remaining years of the TRE Operations and Maintenance Contract; and

WHEREAS, Herzog Transit Services, Inc. will provide the day to day maintenance and servicing of PTC hardware equipment installed onboard trains, wayside signal houses, communication interfaces, and dispatch; and

WHEREAS, on September 22, 2015 (Resolution No. 150102), the Board approved a ten-year contract with Herzog Transit Services, Inc., (HTSI) for the provision of Trinity Railway Express (TRE) commuter rail operation services between Dallas and Fort Worth, for a total authorized amount not to exceed $317,623,839; and

WHEREAS, the Board has authorized subsequent contract actions as follows: May 10, 2016 (Resolution No. 160043), June 14, 2016 (Resolution No. 160061), August 22, 2017 (Resolution No. 170075), August 14, 2018 (Resolution No. 180064), December 11, 2018 (Resolution No. 180131), and September 22, 2020 (Resolution No. 200096), for a new total authorized amount not to exceed $327,073,702; and

WHEREAS, on October 19, 2019, $266,334 was de-obligated from the TRE Operations and Maintenance Contract for the trackwork portion of the TRE Valley View Project; and

WHEREAS, pursuant to Section 2.4 of the Restated Interlocal Cooperative Agreement by and between DART and Trinity Metro for the Operation and Development of the Trinity Railway Express Commuter Rail Service, dated September 6, 2003 (Resolution No. 030084), DART is acting as the procuring agency on behalf of Trinity Metro and the TRE for this contract; and
WHEREAS, the proposed pricing is fair and reasonable; and

WHEREAS, funding for this funding increase is within current Budget and FY 2021 Twenty-Year Financial Plan allocations

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the President/Executive Director or his designee is authorized to increase funding to the existing Trinity Railway Express ten-year Operations and Maintenance Contract with Herzog Transit Services, Inc., [Contract No. 2005858-1], to support PTC by providing ongoing service continuity and supporting all PTC systems in a manner that does not degrade the service, service level flexibility or performance, and is responsible for ensuring the PTC system maintains FRA compliance in an amount of $7,118,138 for a new total authorized amount not to exceed $334,191,840.
Increase Funding for TRE Operations and Maintenance Contract for Positive Train Control (PTC) Support

Prepared by: /s/ Bonnie Murphy *
Bonnie Murphy
Vice President
Commuter Rail and Railroad Management

Approved by: /s/ Timothy H. McKay *
Timothy H. McKay
Executive Vice President
Growth/Regional Development

/s/ Gene Gamez *
Approved as to form: Gene Gamez
General Counsel

/s/ Gary C. Thomas *
Approved by: Gary C. Thomas
President/Executive Director

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
Agenda Report

DATE: November 10, 2020

SUBJECT: Funding for DART's Portion of a Positive Train Control (PTC) Maintenance and Support Contract Between Trinity Metro and Wabtec Corporation

RECOMMENDATION

Approval of a resolution authorizing the President/Executive Director or his designee to fund DART's portion of the PTC Maintenance and Support Contract between Trinity Metro and Wabtec Corporation for a long-term (five-year) service agreement for the maintenance of Wabtec-provided proprietary software and hardware that comprise the Interoperable Electronic Train Management System (I-ETMS) PTC System including onboard and Back Office Systems (Computer Aided Dispatch (CAD)/Train Management Dispatch System (TMDS), Back Office Software (BOS), and Mobile Data Management (MDM)), for a total amount not to exceed $5,313,649.

FINANCIAL CONSIDERATIONS

• This contract for funding a portion of a Positive Train Control (PTC) contract is included in the Commuter Rail Department’s approved FY 2021 operating budget.

• Sufficient funding for the contract in the amount of $5,313,649 is included in both the Commuter Rail Department’s FY 2021 Operating Expense budget and the Total Operating Expense line item of the FY 2021 Twenty-Year Financial Plan.

• The cost for year one will be $1,000,850, and will increase each year by 3% escalation for a five-year total of $5,313,649.

• The contract cost will be split by seat mile, which is 43.22% for DART ($2,296,559.10) and 56.78% for Trinity Metro ($3,017,089.90).

• The costs associated with this are fair and reasonable based on the Independent Cost Estimate and comparison to like-items and services previously purchased for PTC implementation and support.

BUSINESS PURPOSE

• Approval of funding for the DART portion of this contract will allow for a long-term (five-year) service agreement for the maintenance of Wabtec-provided proprietary software and hardware including onboard and back office systems for TRE.

• Approval of funding for this contract will help achieve Board Strategic Priority 1: Enhance the safety and service experience through customer focused initiatives.
• The Rail Safety Improvement Act of 2008 (RSIA 2008) mandated that all railroads that provide regularly scheduled commuter rail passenger service must develop a plan for implementing PTC before December 31, 2015. The deadline was subsequently extended by the Positive Train Control Enforcement and Implementation Act of 2015. TRE has included an alternative schedule and sequence for implementing a PTC system, which shall provide an implementation date as soon as practical, but no later than December 31, 2020. Due to this mandate, all passenger service is required to install this technology (TRE, TEXRail, DCTA and Amtrak) in this region.

• DART and Trinity Metro jointly procured and implemented an I-ETMS PTC system from Wabtec to meet the FRA mandate to install PTC on TRE and TEXRail commuter rail lines. The Agencies are now seeking a Service Agreement for the maintenance of Wabtec-provided proprietary software and hardware that comprise of the I-ETMS PTC System including Onboard and Back Office Systems (CAD/TMDS, BOS and MDM).

<table>
<thead>
<tr>
<th>Segments</th>
<th>TRE</th>
<th>TEXRail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Onboard</td>
<td>17</td>
<td>8</td>
</tr>
<tr>
<td>Wayside</td>
<td>40</td>
<td>37</td>
</tr>
<tr>
<td>Base Stations</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Back Office Systems</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

• Wabtec will provide ongoing service continuity and support all PTC systems, tools and activities in a manner that does not degrade the service, service level flexibility or performance and is responsible for ensuring the PTC system maintains FRA compliance, including but not limited to: 24-hour access to PTC product support desk, I-ETMS Onboard Hardware product support, I-ETMS Onboard Software Application Interoperability and Feature Enhancement, I-ETMS Onboard Application Defect Resolution, TMDS/CAD, BOS, and MDM Support, and Track Service (Subdiv) Support.

<table>
<thead>
<tr>
<th>Segments</th>
<th>Software</th>
<th>Updates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Onboard</td>
<td>Train Management Software</td>
<td>Semi-Annually</td>
</tr>
<tr>
<td>Wayside</td>
<td>Wayside Interface Units (WIU)</td>
<td>Annually</td>
</tr>
<tr>
<td></td>
<td>Wayside Status Relay System (WSRS)</td>
<td>Annually</td>
</tr>
<tr>
<td>Back Office System</td>
<td>Computer Aided Dispatch / Train Dispatch Management System (CAD/TDMS)</td>
<td>Annually</td>
</tr>
<tr>
<td></td>
<td>Back Office Software (BOS)</td>
<td>Annually</td>
</tr>
<tr>
<td></td>
<td>Mobile Data Manager (MDM)</td>
<td>Annually</td>
</tr>
<tr>
<td></td>
<td>Admin Client Configuration Tool</td>
<td>Annually</td>
</tr>
<tr>
<td></td>
<td>Office Communication Manager (OCM)</td>
<td>As Needed</td>
</tr>
<tr>
<td></td>
<td>Key Exchange Servicer (KES)</td>
<td>As Needed</td>
</tr>
</tbody>
</table>

• The Agencies have requested unit pricing for the following optional services: Field Test Engineer Support, Onboard Field Service Technician Support, and Hardware Repair Pricing.

• This item was discussed at the Trinity Railway Express Advisory Committee on September 17, 2020 with no objection.

• This item is tentatively scheduled for consideration by the Trinity Metro Board of Directors on
PROCUREMENT CONSIDERATIONS

- The Trinity Metro is acting as the procuring agency on behalf of DART and the TRE for this contract. Trinity Metro will execute the Wabtec contract. The Wabtec expenditures authorized hereunder will not be paid to the Trinity Metro (or otherwise) until the contemplated work is completed satisfactorily in accord with the Wabtec contract terms.

D/M/WBE CONSIDERATIONS

- The goal for this contract was established and identified by Trinity Metro at 15% DBE participation.
- Wabtec Corporation has committed to 2% DBE participation. The responsible agency for DBE compliance will be the Trinity Metro.

LEGAL CONSIDERATIONS

- Section 452.055 of the Texas Transportation Code authorizes DART to contract to for the provision of goods and services.
- Congress passed the Rail Safety Improvement Act of 2008 (RSIA) as part of the authorization of the Federal Railroad Administration's (FRA's) safety program. RSIA directs the FRA to, among other things, promulgate new safety regulations. The implementation of PTC is required by the FRA in Chapter 49 Code of Federal Regulations (CFR) Part 236, Subpart I.
RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD (Executive Committee)

Funding for DART's Portion of a Positive Train Control (PTC) Maintenance and Support Contract Between Trinity Metro and Wabtec Corporation

WHEREAS, the Rail Safety Improvement Act of 2008 (RSIA 2008) mandated that all railroads that provide regularly scheduled commuter rail passenger service must develop a plan for implementing Positive Train Control (PTC) before December 31, 2015, the deadline was subsequently extended by the Positive Train Control Enforcement and Implementation Act of 2015, and TRE has included an alternative schedule and sequence for implementing a PTC system, which shall provide an implementation date as soon as practical, but no later than December 31, 2020; and

WHEREAS, DART and Trinity Metro jointly procured and implemented an I-ETMS PTC system from Wabtec to meet the FRA mandate to install PTC on TRE and TEXRail commuter rail lines, and the Agencies are now seeking a Service Agreement for the maintenance of Wabtec-provided proprietary software and hardware that comprise the I-ETMS PTC System including Onboard and Back Office Systems (CAD/TMDS, BOS and MDM); and

WHEREAS, Wabtec will provide ongoing service continuity and support all PTC systems, tools and activities in a manner that does not degrade the service, service level flexibility or performance and is responsible for ensuring the PTC system maintains FRA compliance, including but not limited to: 24-hour access to PTC product support desk, I-ETMS Onboard Hardware product support, I-ETMS Onboard Software Application Interoperability and Feature Enhancement, I-ETMS Onboard Application Defect Resolution, TMDS/CAD, BOS, and MDM Support, and Track Service (Subdiv) Support; and

WHEREAS, the Agencies have requested unit pricing for the following optional services: Field Test Engineer Support, Onboard Field Service Technician Support, and Hardware Repair Pricing; and

WHEREAS, Trinity Metro is acting as the procuring agency on behalf of DART and the TRE for the Wabtec contract; and

WHEREAS, funding for this expenditure is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the President/Executive Director or his designee to fund DART's portion of the PTC Maintenance and Support Contract between Trinity Metro and Wabtec Corporation for a long-term (five-year) service agreement for the maintenance of Wabtec-provided proprietary software and hardware that comprise the Interoperable Electronic Train Management System (I-ETMS) PTC System including onboard and Back Office Systems (Computer Aided Dispatch (CAD)/Train Management Dispatch System (TMDS), Back Office Software (BOS), and Mobile Data Management (MDM)), for a total amount not to exceed $5,313,649.
Funding for DART's Portion of a Positive Train Control (PTC) Maintenance and Support Contract Between Trinity Metro and Wabtec Corporation

Prepared by:  
/s/ Bonnie Murphy *
Bonnie Murphy  
Vice President  
Commuter Rail and Railroad Management

Approved by:  
/s/ Timothy H. McKay *
Timothy H. McKay  
Executive Vice President  
Growth/Regional Development

Approved as to form:  
/s/ Gene Gamez *
Gene Gamez  
General Counsel

Approved by:  
/s/ Gary C. Thomas *
Gary C. Thomas  
President/Executive Director

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic