Agenda Item 9-D
Action Item

To: Chairman Skinner and the VRE Operations Board

From: Rich Dalton

Date: September 18, 2020

Re: Authorization to Execute a Contract for Safety and Security Consulting Services

Recommendation:

The VRE Operations Board is asked to authorize the Chief Executive Officer (CEO) to execute a contract with ADS System Safety Consulting, LLC of Baltimore, Maryland for the provision of Safety and Security Consulting Services for one base year and four option years, in a total amount not to exceed $2,500,000 for the five-year term, with the CEO exercising the option years at his discretion.

Summary:

The Safety and Security Consulting Services contract will be a task order agreement. VRE Operations Board approval is required prior to award of each task order in excess of the Chief Executive Officer’s delegated spending authority.

The services to be provided through task orders may include safety and security policy analysis, regulatory compliance management, general project and program management, site and infrastructure design analysis, and safety training program enhancements.

Background:

On September 20, 2019, the VRE Operations Board authorized the CEO to issue a Request for Proposals (RFP) for safety and security consulting services. An RFP is the preferred method of procurement for this solicitation because there may be different approaches to the desired services, and an evaluation of technical merit is required. Upon completion of evaluation of proposals, negotiations are conducted with the highest ranked firms deemed
to be fully qualified and best suited among those submitting proposals, based on the factors specified in the evaluation criteria. Price is considered in context of technical performance for this service to achieve a best value determination. After receipt of the best and final offer from the top-ranked firm, an analysis is performed to compare the proposed billing rates with the independent cost estimate to determine that the proposed rates are fair and reasonable.

A solicitation for competitive proposals for safety and security consulting services was necessary because it was essential that the capabilities and qualifications of the firms and key personnel be evaluated to ensure that they possess demonstrated experience with, and expertise in, Federal Railroad Administration (FRA), Transportation Security Administration (TSA), and Federal Transit Administration (FTA) regulations, programs, and guidelines associated with commuter rail.

This contract will support compliance with regulations issued by the TSA in 49 CFR part 1582. This regulation specifies new security training requirements for surface transportation employees effective September 21, 2020. This contract will also support compliance with regulations issued by the FRA in 49 CFR part 270. This regulation establishes new system safety program (SSP) requirements for commuter railroads effective March 4, 2020. Due to the complexities of such regulations, technical merit must be evaluated in addition to price.

A mailing list of twelve prospective Offerors was established for the solicitation to ensure access to adequate sources of services. On June 22, 2020 an RFP was issued and proposals were due on July 30, 2020. Nine responses were received.

Evaluation of the proposals received was performed by the Technical Evaluation Team (TET), which consisted of three VRE staff members.

The TET met to discuss and evaluate the proposals using the following criteria:

- Capability and expertise of the Offeror
- Project approach and understanding
- Experience of proposed key personnel
- Cost/billing rates

Interviews were conducted with the top three firms. It was determined that the proposal from ADS System Safety Consulting, LLC was technically compliant and selected to be the best value for the project.

Below is the final ranking of firms who submitted a proposal for safety and security consulting services:
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<th>Offerors</th>
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<tr>
<td>1. ADS System Safety Consulting, LLC</td>
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<td>5. Potomac Wave Consulting, Inc.</td>
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<td>6. Transit Safety &amp; Security Solutions, Inc.</td>
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<td>7. True North Consulting Group</td>
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<td>8. Axios Investigations Firm, LLC</td>
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<td>9. IMEG Corp.</td>
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The Offerors’ proposed pricing/hourly billing rates for project management were in the range of $75 to $230. Complete pricing information may not be publicly disclosed until after execution of a contract. VRE staff has certified the highest ranked Offeror’s price is fair and reasonable based on the cost estimate for this project.

The contract will be for one base year and four option years, with the CEO exercising the option years at his discretion.

**Fiscal Impact:**

The current operating budget for safety and security includes funding of $500,000 for the first year of this activity. Funding for future years will be included in each proposed annual budget.
Virginia Railway Express
Operations Board

Resolution
9D-09-2020

Authorization to Execute a Contract for
Safety and Security Consulting Services

WHEREAS, the Federal Railroad Administration (FRA) issued regulations in 49 CFR part 270 outlining new federal system safety program (SSP) requirements for commuter railroads effective March 4, 2020; and,

WHEREAS, the Transportation Security Administration (TSA) issued regulations in 49 CFR part 1582 outlining new federal security training requirements for surface transportation employees effective September 21, 2020; and,

WHEREAS, VRE requires third-party support for safety and security management as recommended by the National Transportation Safety Board (NTSB), the FRA, and TSA; and,

WHEREAS, On September 20, 2019, the VRE Operations Board authorized the Chief Executive Officer to issue a Request for Proposals for safety and security consulting services; and,

WHEREAS, it was determined that the proposal from ADS System Safety Consulting, LLC received in response to the Request for Proposals was technically compliant and selected as the highest ranked; and,

WHEREAS, the Operations Board’s approval of this procurement does not represent its independent assessment of the candidate’s responses to the solicitation or of each step in the procurement process followed by staff; rather, the Operations Board’s action is premised upon its conclusion, after review of the information before it, that the process used by the staff was in accordance with law and that the staff recommendation appears to be reasonable;

NOW, THEREFORE, BE IT RESOLVED THAT, the VRE Operations Board does hereby authorize the Chief Executive Officer to execute a contract with ADS System Safety Consulting, LLC of Baltimore, Maryland for the provision of safety and security consulting services for one base year and four option years, in a total amount not to exceed $2,500,000 for the five-year term, with the Chief Executive Officer exercising the option years at his discretion.
Approved this 18th day of September 2020

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Gary Skinner
Chairman

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Jeanine Lawson
Secretary