

**POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION**

RESOLUTION

MOTION: _____

**RESOLUTION NO. 09-06-____
OFFICIAL COMMISSION MEETING
JUNE 4, 2009**

SECOND: _____

**RE: AUTHORIZATION TO PROCURE BUS RADIO RETRO-INSTALLATION
SERVICES**

WHEREAS, previously acquired Nextel radio equipment needed for communications between the bus operators and dispatch has been improperly installed by a contractor that was awarded the contract following a competitive procurement process in accordance with the Commission's adopted purchase policy; and

WHEREAS, management has terminated the already-awarded contract for non-performance; and

WHEREAS, the lack of full-functioning communications capability between the bus operators and dispatch poses a safety concern, warranting the award of another installation contract on an emergency procurement basis in order to expedite the completion of this work; and

WHEREAS, management is exploring two possible approaches to completing this work, one employing First Transit personnel and the second an outside contractor who bid during the initial procurement; and

WHEREAS, the work to be completed cannot be fully specified for the purpose of a "low bid" award inasmuch as it varies from bus to bus and cannot be fully defined until the successor installer examines what the terminated contractor did and what needs remediation; and

WHEREAS, because the work to be completed cannot be fully specified, management has concluded that the new installation must be done on a "time and materials" basis.

NOW, THEREFORE, BE IT RESOLVED, that the Potomac and Rappahannock Transportation Commission does hereby authorize the Executive Director to procure a communications installer on an "emergency" basis.

ITEM 12-B.12

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BE IT FURTHER RESOLVED that the Commission provisionally authorizes the Executive Director to award a contract for a communications installation on a "time and materials" basis, either to First Transit or another contractor on a "time and materials" basis depending on which of the courses of action the Executive Director concludes is in PRTC's best interest, with the proviso that the cost will not exceed the CEV bid price per vehicle already in-hand or the remaining available budget for this work.

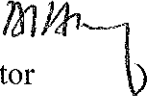


Potomac and Rappahannock
Transportation Commission

14700 Potomac Mills Road
Woodbridge, VA 22192

June 4, 2009

TO: Chairman May and Commissioners

FROM: Alfred H. Harf 
Executive Director

RE: Authorization to Procure Bus Radio Retro-installation Services and Contract for the Services on an Emergency Basis

Recommendation:

Authorize PRTC's Executive Director to procure bus radio retro-installation services and contract for the services on an emergency basis.

Background:

PRTC recently upgraded the Nextel radio equipment used for bus fleet voice communications. The upgrade included a new installation kit designed to overcome many of the problems that plagued the older equipment, including: inconsistent functioning of the hands-free option; and the absence of a separate handset for "private" communication between dispatch and bus operator which experience had shown was (is) a necessary communications capability.

The supplier of the new equipment was not an installer so management had to arrange for installation by another contractor. In accordance with PRTC's adopted purchase policy, bids from prospective installers were sought and two were received: one from a contractor recommended by the equipment supplier (MSD Communications from Atlanta) who, by the supplier's telling, was eminently qualified; and a second from a local company (Communications Electronics of Virginia [CEV]) that First Transit has used for communications repairs. PRTC had first-hand experience with CEV's work not only because of its service to First Transit, but also because CEV had researched and installed the first three kits for PRTC's testing purposes before all the kits were purchased. The contract was awarded on a low-bid basis to MSD.

The MSD installation crew arrived as scheduled in April and expected to complete the job in three days. It became apparent to both MSD and PRTC soon after the job began that MSD had grossly underestimated the complexity of the job, and some ten days after it started, the MSD team departed for Atlanta with the understanding that it would return to complete the job soon thereafter, including rectification of problems management identified with what had already been installed. By then, however, management began harboring serious doubts about MSD's capabilities, and discussions with the MSD principal before he returned led to the conclusion that it was in PRTC's interest to terminate the contract and arrange for another installer.

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Thereafter, management and First Transit discussed alternative courses of action, namely to have First Transit's own skilled maintenance technicians do the work or to contract with another installer. Because unhampered communications between the operators and dispatch is essential for the safety of the operation, the fact that multiple buses have inoperable foot pedals to allow hands-free communications and still other kits have been improperly installed such that they cannot hold a phone charge constitutes a safety concern that management believes warrants remediation on an "emergency" basis in accordance with PRTC's adopted Emergency Procurement Policy.

Accordingly, management is seeking the Commission's authorization to procure bus radio retro-installation services and contract for the services on an "emergency" basis, be it with First Transit, the other installer that bid on the job (CEV), or a different installer (if conditions for working with First Transit or CEV are unfavorable), depending on which course of action management concludes is in PRTC's best interest. Because the work to be performed is no longer a simple matter of installing kits on the entire fleet but rather retro-installing the kits to remedy problems with MSD's work, and because the scope of what needs to be done will not be known until each bus is examined to assess the situation, management believes the contract needs to be structured on a "time and materials" basis.

Fiscal Impact:

Management believes the CEV bid price per vehicle already in-hand is a reasonable upside expenditure maximum. There is adequate remaining project funding to cover this amount because the MSD bid was decidedly lower than management's estimate and the MSD contract termination was with the understanding that MSD's remuneration would be limited to only 50% of its \$15,000 bid price.