

High Desert Corridor
Joint Powers Authority

July 6, 2020

Meeting Materials

Item 6

Receive Update on the Record of Decision
Project and Amend the Transportation
Solutions Contract



High Desert Corridor Joint Powers Authority



E-220 HIGH DESERT CORRIDOR

Date: July 6, 2020

Subject: Record of Decision Advancement Project

Recommended Action: Receive update on the Record of Decision Project and Extend the Transportation Solutions Professional Service Agreement until December 31, 2021.

Background: On December 20, 2018, the High Desert Corridor Joint Powers Authority entered into Amendment No. 5 with Transportation Solutions for a Professional Services Agreement for the Record of Decision Advancement Project.

Transportation Solutions (TS) has been on contract with the High Desert Corridor Joint Powers Authority providing consulting services in the areas of assisting with identifying a path forward to expedite the rail portion of the project.

On September 18, 2018, Brightline Trains, LLC (Brightline), the nation's only privately owned, operated and maintained express intercity passenger rail system, announced its agreement to acquire DesertXpress Enterprises, LLC, the company behind the XpressWest passenger rail project (the Project). Brightline will take over the development, construction and operation of the Project and work with federal and local transportation officials to connect Las Vegas with Victorville, California, with plans to expand into the Los Angeles area. Brightline announced that construction is expected to begin in 2019, with initial service expected to begin in 2022. Currently, Brightline is in the process of updating their environmental documents by XpressWest.

TS will continue to work to obtain a final Record of Decision (ROD) from the Federal Railroad Administration. The ROD is a precondition to acquiring right of way parcels for the High Desert Corridor Joint Powers Authority rail portion of the Project. Simultaneously, Brightline has been updating the environmental documents previously prepared by XpressWest. The High Desert Corridor Joint Powers Authority, assisted by TS, will work to ensure that our submissions are consistent with Brightline's to avoid the need for any future re-submission to the Federal Railroad Administration on the part of the High Desert Corridor Joint Powers Authority.

This Amendment No. 6 ("Amendment") to the Professional Services Agreement for Rail Connector Implementation Study, dated as of July 8, 2020 is made and entered into by and

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between the High Desert Corridor Joint Powers Authority (“JPA”) and Transportation Solutions (“Consultant”).

I. Background

On December 8, 2018, the JPA entered into Amendment No. 5 to the Professional Services Agreement for Rail Connector Implementation Study with Consultant for the purpose of obtaining the services of Consultant to prepare the Record of Decision.

II. Previous Term of Agreement

Section III of Amendment No. 5 to the Agreement provided that the Term of the Agreement period was to commence upon issuance of a written Notice to Proceed issued by the JPA, and was to continue in full force and effect through December 31, 2019, or upon completion of the final Transportation Solutions interim report, whichever is sooner.

III. Prior Extension of Term of Agreement

In order to complete the Record of Decision, the Parties have agreed in Amendment No. 6 to extend the Term of the Agreement to December 31, 2021, or upon completion of the final Transportation Solutions report, whichever is first.

IV. Scope of Work

Paragraph V of the original Agreement contained a Scope of Work. Paragraph V of the original Agreement is hereby amended and will supplement the existing Scope of Work with the attached Scope of Work.

V. Compensation and Invoicing

Paragraph VI of the original Agreement set forth the compensation and invoicing for the original Scope of Work. Paragraph VI is hereby amended to add the following:

The method of payment for the expanded Scope of Work set forth in this Amendment will be based on a total sum. The total not to exceed price paid to Consultant will be \$465,000 which shall include all Work and deliverables of Consultant’s work. In addition, Consultant will also be authorized to subcontract for Financial, Legal, and Engineering upon approval of the JPA staff coordinator. Progress payments may be made monthly in arrears based on the percentage of Work completed by Consultant or subcontractors. Consultant shall submit progress reports with its invoices. Payments to Consultant shall be made within sixty (60) calendar days after receipt and approval by the JPA.

VI. Other Terms of the Agreement

All other terms of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the High Desert Corridor Joint Powers Authority (“JPA”) and Transportation Solutions (“Consultant”) have each caused this Amendment to be subscribed by its respective duly authorized officers, on its behalf.

HIGH DESERT CORRIDOR JPA

TRANSPORTATION SOLUTIONS

Robert Lovingood, Chairman

Neil Peterson

Dated: _____

Dated: _____