NOTICE is hereby given that a Special Meeting of the Board of the Southeastern Pennsylvania Transportation Authority will be held on Thursday, December 17, 2015, at 3:00 P.M. at 1234 Market Street, Mezzanine Level, Philadelphia, Pennsylvania to consider the following Resolutions:

Authorization to Enter into Tenth Amendment to the Northeast Corridor Access and Services Agreement Between SEPTA and National Railroad Passenger Corporation (AMTRAK)

Change Order No. 10 to the Contract with ACS/XEROX Transport Solutions, Inc. for New Payment Technologies (NPT) System

Pasquale T. Deon, Sr.
Chairman
RESOLUTION

re

AUTHORIZATION TO ENTER INTO TENTH AMENDMENT TO THE NORTHEAST CORRIDOR ACCESS AND SERVICES AGREEMENT BETWEEN SEPTA AND NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

WHEREAS, on December 23, 1982, SEPTA entered into the Northeast Corridor Access and Services Agreement ("NEC Agreement") with National Railroad Passenger Corporation ("Amtrak"), with respect to SEPTA’s use of Amtrak’s Northeast Corridor right-of-way ("NEC") for the operation of certain SEPTA Regional Rail Division commuter rail lines; and

WHEREAS, over the years SEPTA and Amtrak have entered into nine (9) separate amendments to the NEC Access Agreement; and

WHEREAS, the proposed tenth amendment ("Tenth Amendment") to the NEC Access Agreement would acknowledge and incorporate therein the requirements and cost allocation methodologies set forth in a policy document ("Policy") issued by the NEC Infrastructure and Operations Advisory Commission (the "Commission") pursuant to the Passenger Rail Investment and Improvement Act of 2008 ("PRIIA"); and
WHEREAS, the Commission was charged under PRIIA with developing a standardized methodology for determining and allocating costs, revenues and compensation amongst Amtrak and other rail operators for the shared use, maintenance and improvement of the NEC; and

WHEREAS, these new methodologies set forth by the Commission as contained in the Policy, which governs all rail operators using any portion of the NEC, requires that each such operator either enter into a new agreement with Amtrak or an amendment to an existing agreement, which will commit the operator with applying the Policy requirements to the parties contractual relationship regarding NEC access, use and services; and

WHEREAS, SEPTA and Amtrak have acknowledged that the Tenth Amendment is strictly intended to be an interim document due to constraints imposed by the Policy in requiring immediate PRIIA compliance, which will facilitate additional time for the parties to address and negotiate specific issues in greater detail, aimed toward executing a new NEC access and services agreement sometime in 2016; and
WHEREAS, SEPTA staff requested that the General Manager recommend that the Board authorize SEPTA to enter into the proposed Tenth Amendment with Amtrak under such terms and conditions as set forth above and more fully described in the pertinent staff summary; and

WHEREAS, the General Manager made the recommendation to the Board.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes SEPTA to enter into the proposed Tenth Amendment of the Northeast Corridor Access and Service Agreement with Amtrak consistent with the terms and conditions set forth above and within the pertinent staff summary.

FURTHER RESOLVED, that the Board hereby authorizes the General Manager or his designees to execute all documents, in form approved by the Office of General Counsel, and to do any and all other things as shall be deemed necessary and proper in order to effectuate the purpose of this resolution.
RESOLUTION

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CHANGE ORDER NO. 10 TO THE CONTRACT WITH
ACS/XEROX TRANSPORT SOLUTIONS, INC.
FOR NEW PAYMENT TECHNOLOGIES (NPT) SYSTEM

WHEREAS, additional work is required to complete the project identified below; and

WHEREAS, staff reviewed the cost of the additional work and the General Manager recommended that the Board authorize SEPTA to order the additional work.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes SEPTA to award and the General Manager or his designee to execute the change order identified below in form approved by the Office of General Counsel, subject to the concurrence of the funding agencies, if required, and to any applicable Disadvantaged Business Enterprise requirements:

1. To ACS/XEROX Transport Solutions, Inc., a Division of Xerox Corporation, for Change Order No. 10, which provides for additional software/design programming and modifications, infrastructure costs, Disposable Smart Media (DSM) functionality and a credit on the New Payment Technologies (NPT) System
Contract, at a net increase in cost not to exceed $4,799,800 bringing the total contract price, including all changes orders to date, to an amount not to exceed $140,625,596.