

# DC Circulator Operations and Maintenance Services Contract

## Public Roundtable: DDOT Responses to Council Questions

### 1. Why is the contract 5 years long as opposed to 2 or 3 years?

- **Examples of 2 and 3 year contracts include:**
  - **Southeastern Regional Transit Authority (New Bedford, Massachusetts) with First Transit 2017-2020(3 years)**
  - **Capital Metro (Austin, Texas) with MV Transportation 2015-2018 (3 Years)**
  - **Tri-county Metropolitan Transportation District of Oregon with First Transit 2016-2018 (2 years)**
  - **City of Waukesha, Wisconsin, and Transdev 2016-2019 (3 years)**
- **Why are any of these models insufficient for the DC Circulator contract?**

DDOT and OCP conducted a Request for Information process to engage the contracting community and get answers to several questions. The five-year contract term was selected after the request for information process was complete based on market research on comparable models. Longer contract lengths encourage more robust competition from the private sector due to the certainty of holding an account and providing the ability to plan activities long-term. This also provides budget certainty for the District over the same period. Longer contract lengths also spread out the labor-intensive work of conducting the solicitations, making the overall program delivery more efficient for the agency.

Other regional bus operations and maintenance procurements, such as Fairfax Connector in Fairfax County, and The Bus in Prince George's County, and Baltimore's Charm City Circulator have used five-year base periods for their procurements. Because this is the first contract for DC Circulator procured by the District of Columbia, DDOT and OCP felt that the five-year base term would give all stakeholders sufficient time to initiate and evaluate the structure and be able to take deliberate steps to strengthen the management and oversight of the DC Circulator system.

The examples provided by the Committee are not directly comparable to the DC Circulator contract for various reasons including the type of services, the number of contract holders for a system, and size of the system.

### 2. Does the contract have an “escape clause?” If not, why?

- **If ENO Center for Transportation forecasts in its report that DDOT could bring the Circulator in-house before the end of the first 5-year term of the contract, is there a way for DDOT escape the contract after preparing for in-house operations.**

The District does have the ability to terminate the contract for convenience at cost or for cause if the contractor fails to deliver or make sufficient progress on performance. Additionally, the contract is locally funded and dependent on yearly appropriations of operating funds.

The Eno Center for Transportation will provide objective analysis that will inform next steps as we continue to improve DDOT's oversight and management of the DC Circulator system.

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### **3. How do salaries and fringe benefits of Circulator operators compare to those of WMATA bus operators? How will salaries and fringe benefits of current DC Circulator operators improve under this new contract?**

- **What are the base salaries?**
- **What are the fringe benefit calculations?**

The contract awardee is required to adhere to salary and benefits of the Service Contract Act (SCA). In general, the SCA includes improved baseline wages and benefits. For illustrative purposes, the Bus Operator category has base salaries that are higher under the SCA provisions than the current contract or WAMATA bus operators. The base salary for Bus Operators under the SCA is \$20.85/hour compared to \$18/hour and \$19.01, under the current DC Circulator contractor and WMATA Collective Bargaining Agreements, respectively. The fringe benefit calculations are more difficult to summarize, but at the base level there are increases to holiday and vacation pay. In addition to complying with the SCA, it is the practice of RATP Dev to honor seniority level and adopt the existing Collective Bargaining Agreement.

### **4. The contract requires the Circulator operator to provide DDOT with a general staffing plan for DDOT's review and approval (C.5.5.). How does DDOT plan to exercise this oversight?**

- **We understand that general practices include retaining all personnel provided that they pass the new operator's drug test and background check, but would DDOT commit to using this authority in the contract to ensure that current Circulator operators working under First Transit are retained and retained at their current seniority level?**

DDOT is committed to working closely with the contract awardee to ensure an orderly transition that effectively addresses personnel concerns. Management Approach and Key Personnel were among the technical evaluation factors in reaching the proposed award. DDOT will review the general staffing plan to ensure consistency with the proposal and to ensure adequate coverage to provide the required service level. Both the Request for Proposals and the contract encourage the selected contractor to retain current employees, but did not require them to do so. There are also other factors that will incentivize the contract awardee to retain current personnel. These include training exemptions for current operators with at least six months experience and the need to takeover revenue service with a 90-day transition period.

### **5. RATP has been accused of dissuading its employees from joining a union. What tools does the contract give DDOT to guarantee workers' their right to unionize?**

Workers have a right to unionize under Federal and District law. DC Circulator workers currently have union representation through the Amalgamated Transit Union Local 689. It is the previous practice of RAPT Dev to adopt the existing Collective Bargaining Agreement.