

RFP CQ18068 Cinder Bed Road Bus Operations and Maintenance
Amendment 003
Questions and Answers

First Transit

Q. Would contractors need to comply with any 13(c) requirements?

A. Yes. Because WMATA receives Federal assistance from the Federal Transit Administration, the contractors are required to comply with Section 13(c) requirements. For example, if the contractor's workforce organizes, the contractor would have an obligation under WMATA's Section 13(c) agreements to bargain collectively with that represented workforce.

MV Transportation, Inc.

Q. Schedule A1. Page 43, Section 3.1.4 Hiring Personnel. 49 U.S.C. 5333(b) under the Federal Transit Act (also referred to commonly as "13c"). Please confirm that there are no outstanding employer liabilities that would carry over from the current contract to the new contractor that need to be accounted for. As an example, in some cases, there are underfunded pension programs that causes a financial concern.

A. The contractor would not be carrying over an existing workforce for performance under the awarded contract. The WMATA employees will remain employed by WMATA. Accordingly, there are no outstanding liabilities from a current contract.

Q. Schedule A1. Page 43. Section 3.1.4 Hiring of Personnel. 49 U.S.C. 5333(b) under the Federal Transit Act (also referred to commonly as "13c"). Please clarify whether 13c or other obligations to maintain driver wages, pensions, benefits.

A. The contractor will be hiring a new workforce. Therefore, there are no currently-existing wages, pensions and benefits for the contractor to maintain under Section 13(c).

Q. General. Please confirm that the Contractor should only be responsible for its obligations to bargain collectively with any union representing its employees, but should not be responsible for other 13c claims against the Authority (WMATA).

A. It is conceivable that the contractor will take an action (not directed by WMATA and unrelated to collective bargaining) that could give rise to a Section 13(c) claim. The contractor would be responsible for such claims.

Labor Bureau

Q. Which labor protections or 13(c) agreements specifically apply to operations at Cinder Bed Road? Please send copies of any applicable documents for our study and review.

A. Depending on the specific circumstances giving rise to the issue, the following Section 13(c) agreements could apply: the January 4, 1973 agreement; the July 23, 1975 National (Model) agreement and the January 3, 2011 Unified Protective Arrangement.