

**Company: MBTA**

**Position: Contracts Manager**

**Post Date: 06/23/18**

JOB #: 18-16773

OPENING DATE: 05/11/18

CLOSING DATE: 07/05/18 11:59 PM

SALARY: Negotiable

UNION AFFILIATION: Executive

DEPT: Information Technology Department

LICENSES/CERTIFICATIONS: None Required

SAFETY SENSITIVE: This is not a Safety Sensitive Position.

ESSENTIAL CLASSIFICATION: This is a non-essential classification.

**JOB SUMMARY:**

The Massachusetts Bay Transportation Authority (MBTA) seeks an experienced contract management professional to oversee the implementation and operation of Automated Fare Collection (AFC) 2.0. The Contracts Manager will be one of the key staff members overseeing the delivery the AFC 2.0 project. The successful candidate must demonstrate a depth of experience in understanding and overseeing complex contracts for delivery of goods and services, and building and maintaining long-term business relationships.

The Contracts Manager is responsible for AFC 2.0 contracts, including tracking and reporting on compliance, keeping good records, overseeing any changes, and being a subject matter expert for the project office on contract provisions. The Contracts Manager must be adept at understanding and explaining complex contract documents to others, and must be equally adept at recognizing where contract provisions may be subject to different interpretations and analyzing where this may present risk. The successful candidate for the position must be skilled in communication with internal project teams and contract counterparties on complex technical and commercial matters, avoidance of disputes and misunderstandings, careful recordkeeping.

**About The MBTA and the AFC 2.0 Project**

The Massachusetts Bay Transportation Authority is America's fifth largest transit system offering multi-modal transportation services to 175 member cities and towns and 4.7 million residents across a 3,200 square mile area. It is a public authority and political subdivision of the Commonwealth. The MBTA operates heavy rail, light rail, commuter rail, bus, and commuter boat services.

The primary transportation payment medium in Eastern Massachusetts today is the MBTA CharlieCard (a smart card that stores certain passes or value) and, to a lesser extent, the MBTA CharlieTicket (a magnetic stripe ticket that stores certain passes or value). The MBTA's current fare collections system is limited in its ability to support a robust set of fare policies for public transportation and does not provide for a single, seamless public transportation experience, as payment methods vary among differing transportation services. AFC 2.0 will replace the MBTA's current fare collections system to provide for an integrated, reliable and convenient fare

payment and collection system to enable transportation customers to pay fares by tapping contactless bankcards, mobile phones and fare cards across the entire set of transportation services. This new account-based system will support implementation of a robust set of fare policy options for the MBTA, improve operational conditions, increase the security of transactions, and improve revenue control for the MBTA.

The AFC 2.0 project consists of two major delivery contracts – the AFC 2.0 Project Agreement and the AFC 2.0 Design/Build contract, and a number of supporting contracts for consulting and design services. In November 2017, the Fiscal and Management Control Board voted to award the AFC 2.0 Project Agreement to a consortium formed by Cubic | John Laing as part of the MBTA's first public-private partnership (P3). The Systems Integrator company formed by Cubic | John Laing will be responsible for delivering the AFC 2.0 System and a broad range of contract services. System installation work (except on vehicles) will generally not be performed by the AFC 2.0 Systems Integrator. This includes all physical alteration, construction, reconstruction, remodeling, wiring or electrical services at these such locations, all of which will be included in the scope of the AFC 2.0 D/B Installation Work. The AFC 2.0 D/B Installation Work is being separately procured as a Design/Build contract, based on the technical solution being developed by the Cubic | John Laing consortium with MBTA review. The MBTA is required under the terms of the Project Agreement to deliver the D/B Installation Work agreed upon through that review process.

Note: This position is a project specific position and is limited to the term of the project (for this purpose: the later of the Full Service Commencement milestone under the Project Agreement and the closeout of the AFC 2.0 Design/Build Contract; this is currently scheduled to occur near the end of MBTA Fiscal Year 2021). Employment beyond the project is left to the discretion of the MBTA at the completion of the project.

#### DUTIES & RESPONSIBILITIES:

- Reports to the AFC 2.0 Director of Fare Systems
- Becomes an expert on the AFC 2.0 Project Agreement, especially with respect to how its commercial terms intersect with the technical requirements and how the Project Agreement will work in tandem with the AFC 2.0 Design/Build contract.
- Provides domain expertise on the AFC 2.0 Project Agreement and AFC 2.0 Design/Build contract to project team members, including:
  - o Responding to complex inquiries regarding contract obligations, including performing research and review to prepare responses,
  - o Drafting analyses and correspondence for internal and external distribution, on topics such as interpretation of contract provisions,
  - o Informing the project team of the methods under each contract to avoid claims and unintended or unnecessary changes, and the implications of failing to do so, and
  - o Developing lists of all MBTA obligations under the contracts, communicates these with the project team, and updates the lists as changes occur and maintains status as part of the performance monitoring plan.
- Manages finalization of the AFC 2.0 Design/Build contract, working with the Law Department, outside counsel, and Capital Delivery, representing the AFC 2.0 project office in discussions regarding proposed contract terms and conditions to prioritize project success while respecting MBTA operational and logistical constraints.

- Responds promptly to any apparent or reported claim or material dispute regarding interpretation of or compliance with contract provisions, including investigating contract terms, interviewing Project Managers, identifying required mitigations under the contracts, drafting correspondence, requesting cost estimates and time impact analyses, and advising the Commercial & Risk Management Director and relevant Project Managers about the risks and acting on any agreed upon approaches, including issuance of contract letters or use of escalation processes.
- Requests and reviews updates to project risk register items relating to contract provisions.
- Initiates, analyzes, negotiates, and prepares documents supporting contract modifications, amendments, and other changes, including in concert with Procurement & Logistics, the Law Department, and outside counsel, as applicable; prioritizes project success while protecting the integrity of the contracts.
- Ensures compliance with procedures regarding change management and approval processes, such that no change or amendment is authorized without compliance with those processes; coordinates with the Manager of Project Controls or other person with equivalent authority to identify and interpret the established processes
- Develops and enforces a process for document control and tracking, including for correspondence, notices, insurance information, claims, original contract documents, changes and amendments, invoices, compliance and test reports, submittals, and changes to key personnel and subcontractors.
- Drafts all formal notices required from the MBTA under the SI and DB contracts.
- Develop a contract performance monitoring plan:
  - o which, for each Key Milestone in the AFC 2.0 Project Agreement and respective milestones in the AFC 2.0 Design/Build contract, can document the satisfaction of all criteria for each milestone,
  - o which tracks MBTA compliance with its own obligations under the contracts, on a timely enough basis to permit escalation and resolution, and
  - o which will ensure the effectiveness of the Key Performance Indicators (KPI) defined in the Project Agreement, through active monitoring and sampling, and use of investigative and auditing provisions of the Project Agreement.
- Implement the performance monitoring plan, including by:
  - o Reviewing technical testing and compliance recordkeeping plans and documents developed by the Project Managers,
  - o Directly verifying commercial submissions against contract terms, including regarding any Independent Certifier, Independent Payment Consultant, DB Dispute Review Board, Independent Evaluator, insurance, handback, escrow deposits, payments due to MBTA, Reserve Accounts, material contracts, pricing subject to benchmarking or baselining, letters of credit, and unit rates,
  - o Reviewing reports and certificates issued by the Independent Certifier and any other similar person and preparing responses or objections within allowed timeframes,
  - o Preparing summary reports and briefings for the project office and senior management,
  - o Escalating compliance issues which pose financial risk to MBTA, and
  - o Developing scopes of work/procurement documents for KPI monitoring and auditing services, and coordinating the procurement of such services in time for the commencement of the Operating Services.
- Creates an inventory of legacy (AFC 1.0) contracts which will need to be wound down and

works with other departments as needed to ensure such contracts expire or are terminated at proper times to avoid interruption to services and minimize duplication

**MINIMUM REQUIREMENTS/QUALIFICATIONS:**

- Bachelor's Degree from an accredited institution.
- Five (5) years experience managing contracts with individual values in excess of \$25m.
- Experience with public agency procurement processes
- Experience communicating directly with contract counterparties on behalf of the owner/agency on complex matters including disagreements regarding contract interpretation, with successful and constructive outcomes
- Experience coordinating with in-house and outside counsel in development and management of contracts, including recognizing situations where legal advice may be beneficial
- Experience with avoidance and mitigation of claims (including for delays or differing site conditions)
- Experience with management of design-build contracts preferred
- Experience with management of public-private partnership and alternate finance projects preferred
- Experience with management of highly technical contracts preferred
- Must possess superior oral and written communication skills
- A highly motivated self-starter capable of performing without detailed direction or close supervision
- Comfortable communicating on behalf of the MBTA with sophisticated contract counterparties
- Able to understand, interpret, and apply laws, rules, regulations, policies, procedures, contracts, budgets, and labor/management agreements
- The ability to pass: background screenings: a Criminal Offender Record Information (CORI) check; and the MBTA's medical requirements, including a physical examination and drug and alcohol screening.
- Have a satisfactory work record including overall employment, job performance, discipline and safety records. For internal candidates, the aforementioned applies the two (2) years immediately prior to the closing date of the posting. Infractions and/or offenses occurring after the closing of the posting and before the filling of a vacancy may preclude a candidate from consideration.
- The ability to supervise and work effectively with a diverse workforce

**SUBSTITUTIONS INCLUDE:** None

**PREFERENCES INCLUDE:**

- Juris Doctorate (JD) degree

Please contact Gil Alzate, MBTA Recruiter at [Galzate@mbta.com](mailto:Galzate@mbta.com)/617-222-4904