



# NYCTRC

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## NYCTRC Responds to the R179 Debacle January 9, 2020

Safety must be the MTA's #1 priority and we're glad that all R179s were taken out of service. Getting them back into service needs to be done cautiously but quickly. It's time to fix the bigger problems while they're at it.

Using low bid is clearly not the best way to do business – we've seen that countless times. Given the R179 debacle, we ask the MTA to look at using the same RFP approach to the purchase of rolling stock and other capital procurements that it agreed to use for design-build projects. The Board's resolution said it succinctly: 'It is a procurement best practice to solicit Design/Build contracts using a competitive RFP process rather than by sealed bids because the competitive RFP process allows MTA to consider, in addition to price, not-price factors such as delivery schedule, creative design and construction approaches, the experience of the proposer, and negotiated contract terms.

If we're going to make any lemonade out of these lemons, it should be to fix the process and not just the cars. On the subject of fixing things, top of the list should also be changing the debarment rules to reflect the reality of the market. As written, Bombardier should already be out – not just for the R179 delays but also on Positive Train Control overruns. Yet the MTA – which wrote the rules – is flouting them. It's time to turn the emergency rules into regulations that hold contractors responsible but are actionable and practical.