



Metropolitan Transportation Authority

Capital Program Committee Meeting

October 2023

Committee Members

J. Lieber, Chair

J. Barbas, Vice Chair

A. Albert

G. Bringmann

N. Brown

S. Chu

M. Fleischer

R. Glucksman

D. Jones

B. Lopez

D. Mack

H. Mihaltses

J. Rizzo

J. Samuelson

V. Tessitore

N. Zuckerman

Capital Program Committee Meeting

2 Broadway, 20th Floor Board Room
New York, NY 10004

Monday, 10/23/2023
12:45 - 2:00 PM ET

1. SUMMARY OF ACTIONS

C&D CPC Summary of Actions - Page 3

2. PUBLIC COMMENTS PERIOD

3. APPROVAL OF MINUTES

CPC Minutes - September 18, 2023 - Page 4

4. 2023 – 2024 COMMITTEE WORK PLAN

CPC Work Plan - Page 8

5. PRESIDENT'S UPDATE

Presentation at committee meeting

6. TWENTY-YEAR NEEDS ASSESSMENT

Presentation at committee meeting

7. C&D SAFETY REPORT

CPC Safety Report - Page 10

8. CAPITAL PROGRAM STATUS

Commitments, Completions, and Funding Report - Page 12

9. C&D PROCUREMENTS

C&D Procurements - Page 30

**CONSTRUCTION & DEVELOPMENT
COMMITTEE ACTIONS
SUMMARY for OCTOBER 2023**

Responsible Department	Vendor Name	Total Amount	Summary of Action
Contracts	RFP Authorizing Resolution	TBD	Authorizing resolution to issue a competitive Request for Proposals for the award of a contract for the second phase of the replacement of the Grand Central Terminal Fire Standpipe system.
Contracts	CF Constructors, a JV, LLC	\$35,312,421	Award of publicly advertised and competitively solicited contract for progressive design-build Phase 1 services for state of good repair work at various subway stations.
Contracts	Verde Electric Corporation	\$32,669,135	Award of publicly advertised and competitively solicited Contract for design-build services to replace Metro-North Railroad's Mobile Substation C-16.
Contracts	Turner & Townsend, Inc.	\$5,415,670	Award of publicly advertised and competitively solicited Contract to assist in developing new program and project controls policies, processes and procedures.
Contracts	Siemens Mobility, Inc.	\$7,600,000	Modification to Contract S48004-1 to add additional work, resolve contractor claims and extend the Contract's Substantial Completion date.
Contracts	Ground Transportation Systems USA, Inc. d/b/a Thales Transport and Security Inc.	\$1,500,000	Modification to Contract S48004-2 to add additional work, resolve contractor claims and extend the Contract's Substantial Completion date.
Contracts	Ground Transportation Systems USA, Inc. d/b/a Thales Transport and Security, Inc.	\$10,123,326	Exercise of Option 2 to Contract S48013 to provide for additional R211 CBTC equipment.
Contracts	Atkins-HNTB, JV	\$5,662,693	Ratification of a modification to Contract PS21002 to perform additional engineering tasks to support Communications Based Train Control for the NYCT subway system.

MINUTES OF MEETING
MTA CAPITAL PROGRAM COMMITTEE
September 18, 2023
New York, New York
12:45 P.M.

CPC Members present:

Hon. Janno Lieber
Hon. Andrew Albert
Hon. Gerard Bringmann
Hon. Samuel Chu
Hon. Randolph Glucksman
Hon. David Jones
Hon. Blanca Lopez
Hon. Haeda Mihaltses
Hon. John-Ross Rizzo
Hon. Neal Zuckerman

CPC Members not present:

Hon. Jamey Barbas
Hon. Norman Brown
Hon. Michael Fleischer
Hon. David Mack
Hon. John Samuelsen
Hon. Vinnie Tessitore
Hon. Sherif Soliman

MTA staff present:

Christine Budhwa
Lew Deara
Evan Eisland
John McCarthy
Bill Montanile
Tim Mulligan
Mark Roche
Jamie Torres-Springer
Michele Woods

Independent Engineering Consultant staff present:

Calvin Gordon
Liz King
Mark Sielucka

* * *

Chairman Lieber called the September 18, 2023 Capital Program Committee Meeting to order at 2:00 P.M.

Public Comments Period

There were four Public Speakers during the Public Comments Period: Jason Anthony; Jack Nierenberg; Charlton D'Souza; and Alita Dupree.

Meeting Minutes

The minutes of the meeting held on July 17, 2023 were approved.

CPC Work Plan

As noted by President Torres-Springer, staff has proposed changes to the CPC Work Plan to incorporate quarterly presentations on important agency-wide priority initiatives, beginning with the Twenty-Year Needs Assessment at next month's meeting. The proposed revisions to the Work Plan were then approved by the Committee.

Details of the following presentations, and Committee Members' comments and questions with respect thereto, are included in the video recording of the meeting, produced by the MTA and maintained in MTA's records.

President's Report

Prior to introducing today's presentations on the Stations Business Unit, President Torres-Springer provided information and updates on the following: the Roosevelt Island Tram came into the OMNY System as the first OMNY Tap-and-Go subscriber, with others -- including PANYNJ Air Train -- anticipated to follow in the very near future; imminent briefings on the 20-Year Needs Assessment, with a special session planned for the October CPC meeting; progress on Penn reconstruction, currently in preliminary engineering in anticipation of 30% design completion; myriad climate-related/carbon-reduction initiatives, including progress toward a zero-emissions bus fleet, and the MTA's Clean Construction Program; and cost-saving reforms to the MTA's Owner-Controlled Insurance Program (OCIP). Turning to this month's presentation on the Stations Business Unit, President Torres-Springer underscored the enormously accelerated pace in which C&D has pursued ADA Station completions, which have averaged 10 per year since 2020 versus 4 per year in the 30 years prior.

C&D Update on the Stations Business Unit

Mr. Montanile provided an overview of the Stations Program since the February 2023 presentation to CPC, including accomplishments and upcoming goals, and the positive effect that the combination of project bundling and alternative delivery methods have had on the work that the Stations Business Unit is delivering. The Stations Program, with a total budget of \$11 billion, comprises 219 active projects, 81 of which are currently in construction; of note is that due to project bundling, these 219 projects translate to 74 contracts. Mr. Montanile then noted that slightly more than half the program (i.e., \$6 billion) is made up of projects aimed at expanding accessibility, while the remaining work is largely composed of State of Good Repair (SGR) projects. Again, citing the effectiveness of design-build delivery and project bundling, Mr. Montanile echoed the comments of President Torres-Springer regarding the ongoing unprecedented pace of ADA work compared to that of past Capital Programs. Following a detailed review of SGR station elements, which include elevator and escalator replacements, concrete and steel repairs, canopy repairs and water leak remediation, Mr. Montanile concluded his presentation with highlights on the following Stations Program projects: 42nd Street Corridor Integrated Projects, featuring several separate projects that are being managed as one; Flushing Main Street Circulation

Improvements, trending under budget; ADA Upgrades at 149th Street and Tremont Avenue, which remains on budget but continues to be challenged by an under-performing contractor; ADA Package 1, trending under budget and also notable for being the first MTA project for an elevator manufacturer/installer, which after a difficult start, significantly increased its resources to effectively address the challenges of performing work at multiple stations simultaneously; ADA Package 2, progressing on schedule and within budget; and ADA 68th Street - Hunter College, the last of the 100 Key Stations to be awarded.

In its Project Review of the Stations Program, the IEC attributed the Program's success to the implementation of lessons learned, thorough pre-design planning, and a well-managed risk assessment process that identifies programmatic risks and develops effective mitigations and management tools. The IEC then highlighted the following actions undertaken by C&D, which have benefited current projects:

- At 68th Street-Hunter College, the project improved elevator place-in-service dates by maximizing use of track outage opportunities and obtaining increased work shifts from contractors. In addition, early outreach efforts by C&D to obtain signed utility agreements have resulted in improved coordination between the design-builder and the utilities.
- C&D has implemented a new cloud-based fault-detection system to address elevator equipment issues on ADA Packages 1 and 2, noting that this system will also be incorporated into upcoming elevator projects.

The IEC then recognized challenges that have impacted the successful delivery of accessibility projects, including the 149th Street and Tremont Avenue, which experienced an 8-month delay since the IEC's last report in February 2023. In addition, according to the IEC, 149th Street and ADA Package 1 have been affected by the availability and capacity of contractors and subcontractors to support existing construction work, noting that C&D's plan to increase project awards in 2024 will further strain the limited local pool of trained professionals and elevator specialists. However, as highlighted in C&D's Stations report, the IEC noted that C&D has addressed these challenges by implementing the following measures: the introduction of a variety of design-build/bundling and award options; offering long-term elevator maintenance contracts that have attracted additional bidders and a prominent elevator installer; and contemplating using multiple elevator subcontractors on large awards to minimize the strain on the industry and enable contractors to increase resources, as required. The IEC then noted that while the level of in-house support will need to be increased to accommodate future demands, coordination between the Stations Business Unit and MTA in-house support forces has improved, including formal tracking of upcoming elevator place-in-service dates to better manage resources and help plan future support requirements. The IEC concluded its remarks by noting that it monitors over \$10 billion of station renewals, elevator, escalator and component replacement, and State of Good Repair projects through the Quarterly Traffic Light Report and that of the 108 such projects in design and construction reviewed this past quarter, only 4 projects triggered a schedule variance, and none triggered a cost variance.

Procurement Actions

Christine Budhwa, Assistant Vice President, Contracting Services, MTA Construction & Development Company ("C&D"), reported that C&D had six procurement actions being brought to the Capital Program Committee this month. Assistant Vice President Budhwa then presented the items.

Upon a motion duly made and seconded, the Capital Program Committee voted to bring the following procurement actions before the full MTA Board and recommended the following:

1. A new award of a contract with Menotti Enterprise LLC (Contract No. CS00010B) for independent safety consultant services for Bridges and Tunnels' capital program projects.
2. A modification to a panel of contracts with multiple vendors (Contracts Nos. CM1600 – CM1615 and CM1626 – CM1635) to extend the term and increase the aggregate budget in order to continue providing consultant construction management and inspection services.

3. Ratification of a modification to a contract with Tutor Perini Corporation (Contract No. CS179) that provided for manual operation of the tunnel ventilation system in support of Long Island Railroad training operations.
4. Ratification of a modification to a contract with EE Cruz and Company (Contract No. E31699.16) to install jet grout columns and micro piles to support excavation beneath the corner of Forsyth and Delancey Streets in Manhattan.
5. Ratification of a modification to a contract with Schindler Elevator Corporation (Contract No. VM014.41) to continue interim maintenance for elevators and escalators at Grand Central Madison.
6. Ratification of a modification to a contract with George S. Hall, Inc. (Contract No. VS250.01) to continue interim maintenance services and operation of assets at Grand Central Madison.

Refer to the staff summaries and documentation filed with the records of this meeting for the details of these items, and refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for Board members' and C&D representatives' comments.

Adjournment

Upon motion duly made and seconded, Chairman Lieber adjourned the September 18, 2023 Capital Program Committee Meeting at 2:47 PM.

Respectfully submitted,
Michael Jew-Geralds
Office of Construction Oversight



2023-2024 Capital Program Committee Work Plan

I. Recurring Agenda Items

Approval of the Minutes
Committee Work Plan
Commitments/Completions and Funding Report

II. Specific Agenda Items

November

President's Update
Railroads

December

President's Update
Bridges & Tunnels
Quarterly Traffic Light Report

January

President's Update
Infrastructure

February

President's Update
Agency Initiatives

March

President's Update
Signals
Quarterly Traffic Light Report

April

President's Update
Systems & OMNY

May

President's Update
Agency Initiatives

June

President's Update
Rolling Stock
Diversity
Quarterly Traffic Light Report

July

President's Update
Integrated Projects

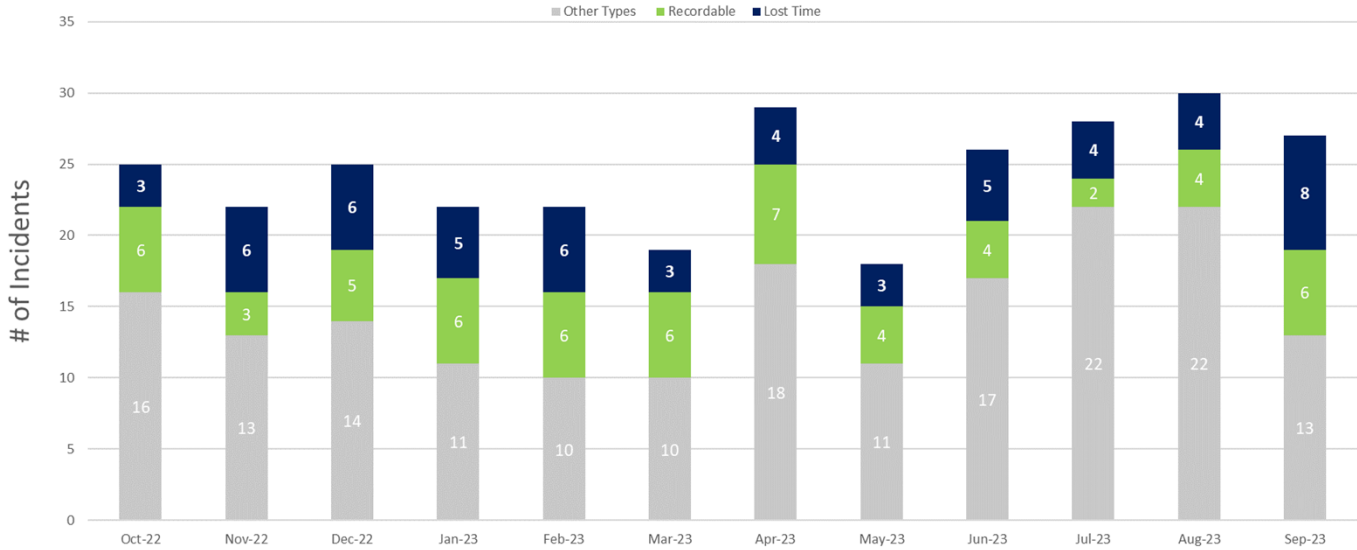
September

President's Update
Agency Initiatives
Quarterly Traffic Light Report

October

President's Update
Stations

OSHA Classifications - September 2022 - September 2023



Lost Time – A work-related incident (injury or illness) to an employee that results in a loss of productive work time, and the employee is unable to perform regular job duties
Recordable - An injury or illness that results in restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness

SAFETY NARRATIVE

SEPTEMBER UPDATE:

- **27 safety incidents were reported in September 2023, including:**
 - Eight (8) lost time incidents
 - Six (6) recordable incidents
- **Reported lost time incidents in September 2023 increased 100% (or four (4) incidents) vs August 2023**
- **Leading lost-time and recordable incident types for September 2023 were Caught In/Between (50%) and Struck By/Against (29%).**
- **No Serious incidents were reported.**

YEAR-TO-DATE TRENDS:

Hazards	Lost Time		Recordable		First Aid		Notification Only		Grand Total	% to Grand Total
	Count YTD	%	Count YTD	%	Count YTD	%	Count YTD	%		
Struck By/Against	9	21%	19	41%	26	41%	24	33%	78	35%
Slip, Trip, Fall	11	26%	7	15%	13	21%	15	21%	46	21%
Other	5	12%	5	11%	7	11%	17	23%	34	15%
Sprain/Strain	8	19%	5	11%	12	19%	9	12%	34	15%
Caught in Between	9	19%	9	22%	5	8%	7	10%	30	13%
Electrical	1	2%	0	0%	0	0%	1	1%	2	1%
Totals	43	100%	45	100%	63	100%	73	100%	224	100%

- **LOST TIME INCIDENT TRENDS:** 43 Lost Time incidents have been reported YTD (through September 30, 2023), a decrease of 12% (or six (6) incidents) vs. the same reporting period in 2022. This year's (through September 30, 2023) top injury type associated with lost time incidents is Slips/Trips/Falls, currently at (26%).
- **RECORDABLE INCIDENT TRENDS:** 45 Recordable incidents have been reported YTD (through September 30, 2023), an increase of 2% (or one (1) incidents) vs. the same reporting period in 2022. This year's (through September 30, 2023) top injury type associated with recordable incidents is Struck By/Against (41%).
- **SERIOUS INCIDENTS:** 3 total have been reported YTD (through September 30, 2023)
 - ELECTRICAL SHOCK - 1
 - ENVIRONMENTAL – 1
 - FALL – 1

INSPECTIONS & AUDITS:

- **SEPTEMBER INSPECTIONS:**
 - INTERNAL – 226
 - EXTERNAL – 510 (9 Third-Party Safety Consultants; 501 OCIP Visits)
- **YTD TOTAL # OF INSPECTIONS:**
 - INTERNAL – 2,228
 - EXTERNAL – 5,136 (669 Third-Party Safety Consultants; 4,467 OCIP Visits)
- **SEPTEMBER NEGATIVE OBSERVATION(S)** – Negative Findings identified through the various inspections include Housekeeping, Fall Protection, Stairs/Ladders, Fire Protection/Prevention, and Electrical
- **SEPTEMBER POSITIVE OBSERVATION(S)** – Positive Findings identified through the various inspections include Supervision/Organization, General Safety/Housekeeping, Electrical, Fire Protection/Prevention, and PPE.

INVESTIGATIONS & LESSONS LEARNED:

- **NUMBER OF INVESTIGATIONS for SEPTEMBER– NONE**

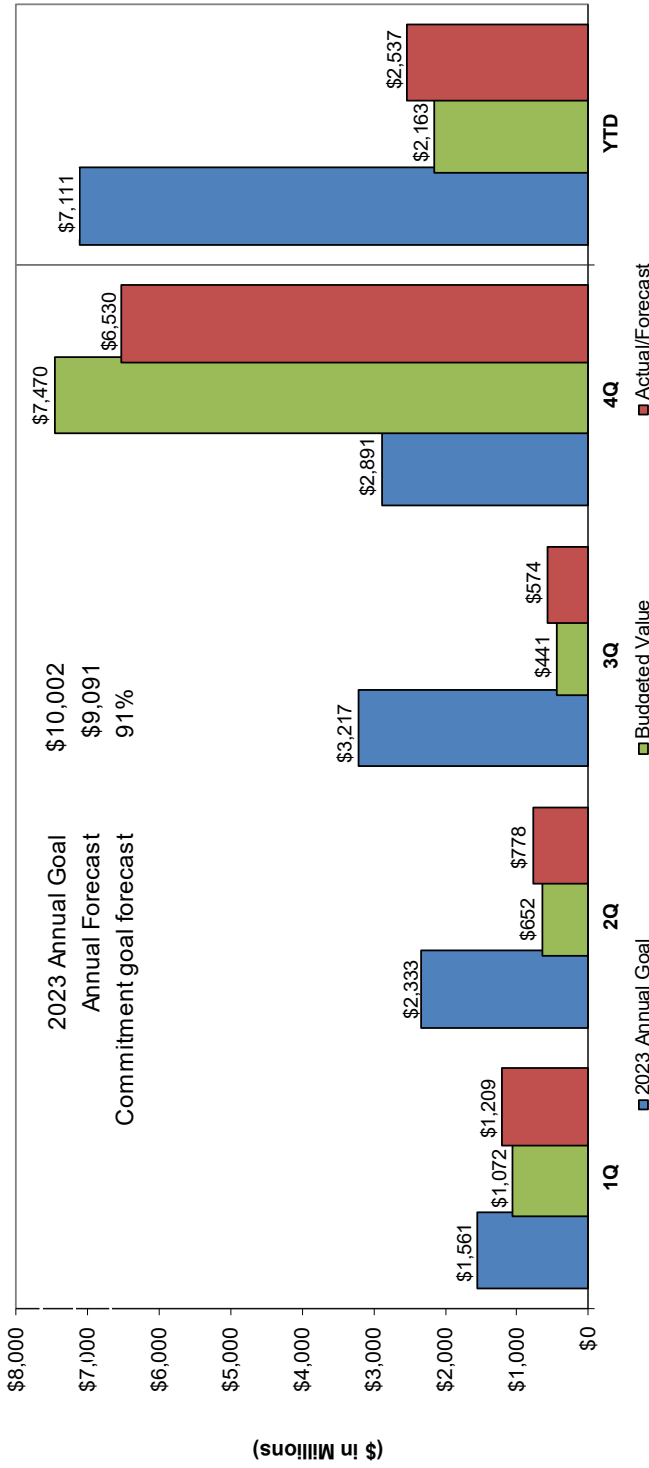
MTA C&D SAFETY STRATEGIC INITIATIVES:

- C&D Safety Oversight has been updating the safety management program and is currently refining and testing the program before full deployment. The program will still have limitations but will be able to provide a higher level of automation to allow for more direct input into the new safety data dashboard.
- VP of Safety Oversight attended the outreach with the Building Trades Employers' Association (BTEA) to discuss C&D Safety trends.
- AECOM Safety Assessment Initiative –A multiphase project to audit, evaluate, recommend, and implement a new Safety Management System (SMS) with MTA C&D. The primary focus is improving safety at construction sites and capital improvement projects around operating MTA rail transit, bridge, and tunnel facilities, including an IT platform selection and data management application.
 - C&D Safety Oversight is finalizing with AECOM the Phase 1 training materials rollout, and all C&D Safety staff have been provided the Train the Trainer session. The tentative rollout is currently scheduled for the week of October 23, 2023
- C&D Emergency Management participated in the All-Agency Emergency Operation Center (EOC) during the storm on September 29th, working with MNR BU to assist in providing pumping service for storm and flooding mitigation at Metro North Mott Haven Yard (MO). The response from the C&D Contractor involved dispatching three pump-tanker trucks, four pumps, and two superintendents to MO to remove the standing water and clean the clogged utility maintenance holes on the property. They successfully removed 28,350 gallons of water and cleaned three utility maintenance holes on Friday night.
- C&D Emergency Management is finalizing and preparing to host Business Unit level Tabletop Exercises using current projects for preparedness and training purposes concerning emergency response. These will be scheduled quarterly and will span across the different BUs and their respective projects.

MTA Capital Program Commitments & Completions

**through
September 30, 2023**

MTA-wide 2023 Commitments



Annual Goals: Dollar and time-based programmatic milestones for the commitment of contracts established at the start of each year and which are achievable during the year.

Actuals: The value of the goals and any additional unplanned commitments as they are achieved during the year.

Forecasts: The updated estimates by quarter for remaining goals as well as any unplanned commitments that might occur during the year.

Budget: The budgeted value assumed in the capital program for the Actual and Forecasted commitments being tracked during the year.

Commitments Summary

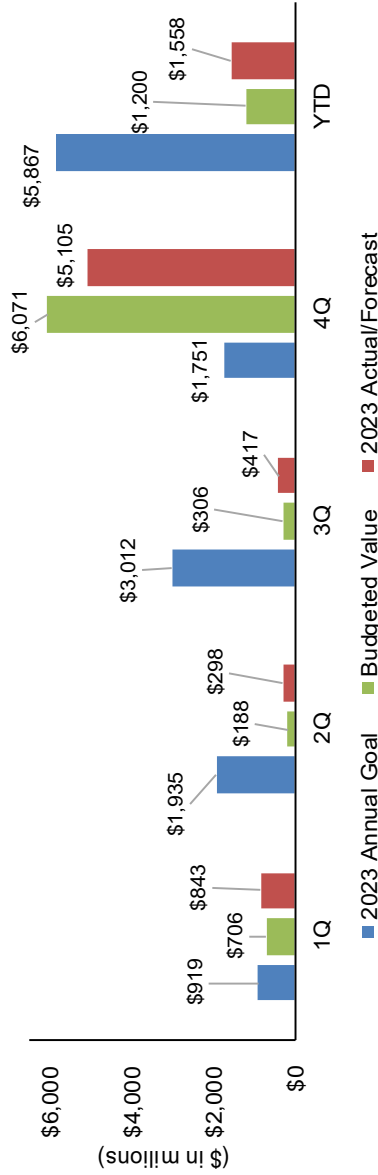
In 2023 the MTA planned to commit \$10 billion worth of capital projects. The MTA is tracking 38 "major" commitments across the agencies and business units. At the end of each quarter in 2023 any schedule variances will be reported on the following pages.

Through September, the MTA has committed \$2.537 billion versus a \$7.111 billion YTD goal and by year end the MTA currently expects to make 91% of its \$10 billion goal. The year-end shortfall is primarily due to NYCT's ADA 168th/7Ave Bwy (\$246 million) and Equipping of Work Trains with CBTC Signaling (\$250M) slipping from Q4 to 2024, as well as Battery Electric Bus Charging Infrastructure no longer committing phase 3 this year. The ~\$4,574 million shortfall in actual commitment versus the YTD annual goal is a result of delays with NYCT's CBTC Fulton, ADA Broadway Junction, West End Overcoating, the purchase of 470 Battery Electric Buses, among other delayed projects. These are currently still expected to be 2023 commitments. The variance between budgeted and forecasted values in Q4 can be attributed to updated engineer's estimates that are lower than current budgets.

NYCT/MTA Bus Capital Projects – Commitments – September 2023 – Budget Analysis and Schedule Variances

NYCT and MTA Bus Budget Analysis

Summary Chart Data					
	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$919	\$1,935	\$3,012	\$1,751	\$5,867
2023 Actual/Forecast	\$843	\$298	\$417	\$5,105	\$1,558
Budgeted Value	\$706	\$188	\$306	\$6,071	\$1,200



Q1 – Q3 Schedule Variances

Project	Commitment	Goal	Actual(A)	Project	Commitment	Goal	Act./Forec.
10 NYCT/MTA Bus Red Commitment (9 New this Quarter)							
Red delays are beyond 2 months of goal.							
Signals							
OBTC Fullton	Construction	Jun-23	Dec-23				
		\$ 1,659.8	\$ 1,331.8				
Change in award forecast and cost reflect latest procurement strategy, in which bidder proposals are due 10/13/2023.							
MTA Bus							
Battery Electric Buses Charging Infrastructure, Ph. 3 (New Item)	Construction	Sep-23	Apr-24				
		\$ 32.8	\$ 32.8				
Schedule revised because the awards have been staggered and Phase 3 is being awarded at a later date.							
Generator Replacement: Spring Creek & College Point (New Item)	Construction	Aug-23	Nov-23				
		\$ 15.5	\$ 15.5				
Schedule delay due to extended legal review.							
10 NYCT/MTA Bus Red Commitment (9 New this Quarter)							
Red delays are beyond 2 months of goal.							
MTA Bus							
25 Standard Battery Electric Buses (New Item)	Purchase	Sep-23	Dec-23				
		\$ 34.9	\$ 34.9				
Delayed, due to pending cybersecurity compliance.							
ADA							
ADA Broadway Junction (New Item)	Construction	Jul-23	Dec-23				
		\$ 427.0	\$ 394.0				
Change in award forecast reflects ongoing procurement phase activities. Bid proposals due in mid-October. Change in project cost reflects the latest design estimates.							
Stations							
Platform Screen Door Pilot Installation (New Item)	Construction	Aug-23	Dec-23				
		\$ 254.4	\$ 254.4				
Change in award forecast reflects extension of bid time to answer bidders questions.							

NYCT/MTA Bus Capital Projects – Commitments – September 2023 – Budget Analysis and Schedule Variances

Schedule Variances (Continued)

10 NYCT/MTA Bus Red Commitment (Continued)

NYCT Buses	Purchase	Sep-23	Dec-23
470 Battery Electric Buses (New Item)		\$ 661.5	\$ 661.5
Change in award forecast reflects extension of proposal due at the request of vendors.			
Battery Electric Bus Charging Infrastructure Phase 2 & 3 (New Item)	Construction	Sep-23 \$ 339.8	Dec-23 \$ 164.0

Change in project cost reflects the latest procurement strategy to award Phase 2 only in 2023 and Phase 3 in 2024. Change in award forecast reflects latest procurement schedule for Phase 2 only and Phase 3 will be procured later.

Line Structures

West End Overcoating (New Item)	Construction	Aug-23	Nov-23
		\$ 362.0	\$ 329.9

Change in award forecast reflects an extension of the bid date to answer bidders questions. Change in project cost reflects the latest design estimates.

LSCR: BW7 & 8 Av North (New Item)	Construction	Sep-23	Dec-23
		\$ 230.8	\$ 266.0

Change in award and cost forecasts reflect latest design and procurement schedule. Bid package to be issued in October.

1 NYCT/MTA Bus Amber Commitment (1 new this quarter)

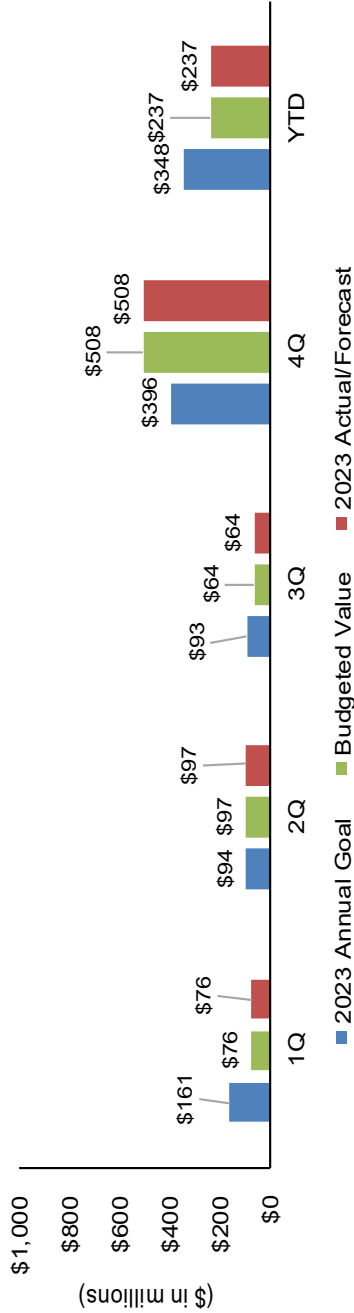
Line Structures	Construction	Sep-23	Nov-23
Structure Painting: Myrtle Line Outstanding Work (New Item)		\$ 100.0	\$ 134.9

Change in award and cost forecasts reflect latest design and procurement schedule.

LIRR Capital Projects – Commitments – September 2023 – Budget Analysis and Schedule Variances

LIRR Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$161	\$94	\$93	\$396	\$348
2023 Actual/Forecast	\$76	\$97	\$64	\$508	\$237
Budgeted Value	\$76	\$97	\$64	\$508	\$237



Q1 – Q3 Schedule Variances

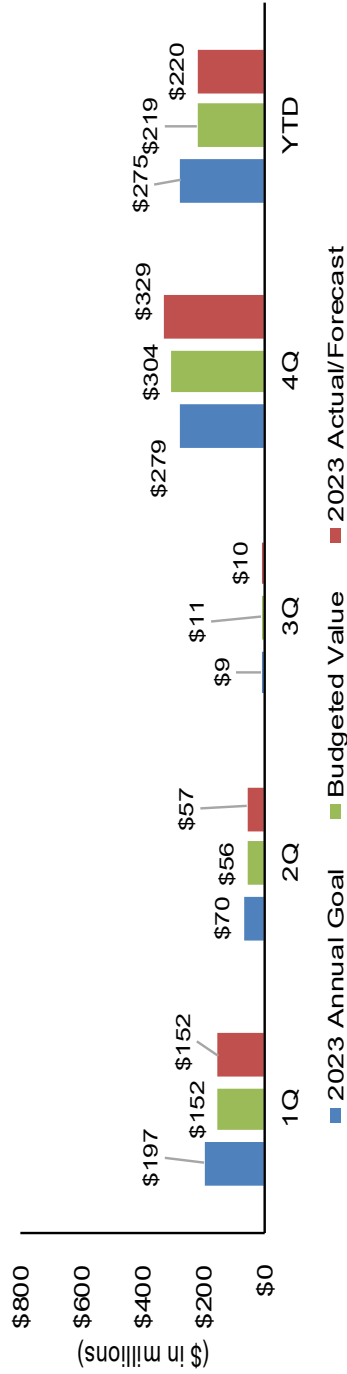
Project	Commitment	Goal	Act./Forec.
1 LIRR Amber Commitment Amber delays are within 2 months of goal.			
Track			
2023 Annual Track Program	Construction	Mar-23	Apr-23 (A)
		\$ 62.0	\$ 50.0
Delay in commitment was due to additional funding and budget reviews prior to the award which was made in early April. The remaining amount to be committed is scheduled for award later this year for the 3rd party contracts associated with this project.			

Project	Commitment	Goal	Act./Forec.
1 LIRR Red Commitments (1 new this quarter) Red delays are beyond 2 months of goal.			
Yards			
West Side Yard / East River Tunnel (New Item)	Construction	Jul-23	Dec-23
		\$ 44.7	\$ 44.7
Date revised due to the RFP Package still being reviewed, and Amtrak funding discussion.			

MNR Capital Projects – Commitments – September 2023 – Budget Analysis and Schedule Variances

MNR Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$197	\$70	\$9	\$279	\$275
2023 Actual/Forecast	\$152	\$57	\$10	\$329	\$220
Budgeted Value	\$152	\$56	\$11	\$304	\$219



Q1 – Q3 Schedule Variances

Project	Commitment	Goal	Act./Forec.
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1 Metro-North Red Commitment

Red delays are beyond 2 months of goal.

Power

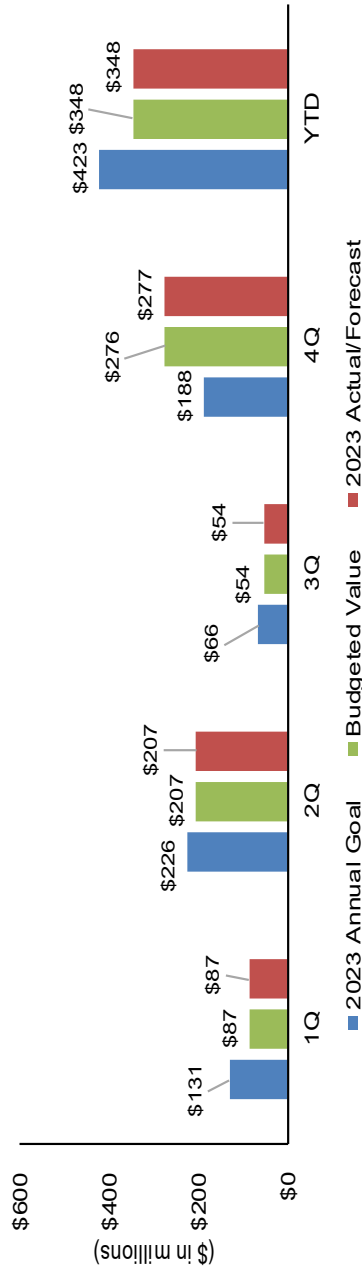
NHL Pelham Substation Replacement	Construction	Apr-23	Oct-23
		\$ 29.7	\$ 33.2

Aw aiting October board approval for aw ard. Higher cost estimate reflects a revised engineers estimate from July 2023

MTA Network Expansion Projects – Commitments – September 2023 – Budget Analysis and Schedule Variances

MTA Network Expansion Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$131	\$226	\$66	\$188	\$423
2023 Actual/Forecast	\$87	\$207	\$54	\$277	\$348
Budgeted Value	\$87	\$207	\$54	\$276	\$348



Q1 – Q3 Schedule Variances

Project	Commitment	Goal	Act./Forec.
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2 Network Expansion Red Commitments (1 new this quarter)

Red delays are beyond 2 months of goal.

Penn Station Access

Penn Reconstruction: Architectural & Engineering Design Svcs - FXC WSP	Design	Mar-23	Jun-23 (A)
	\$	60.8	\$ 60.8
Delays were due to extended negotiations with project partners Amtrak and NJ Transit.			

PSA Real Estate: Property

Acquisition Costs (New Item)

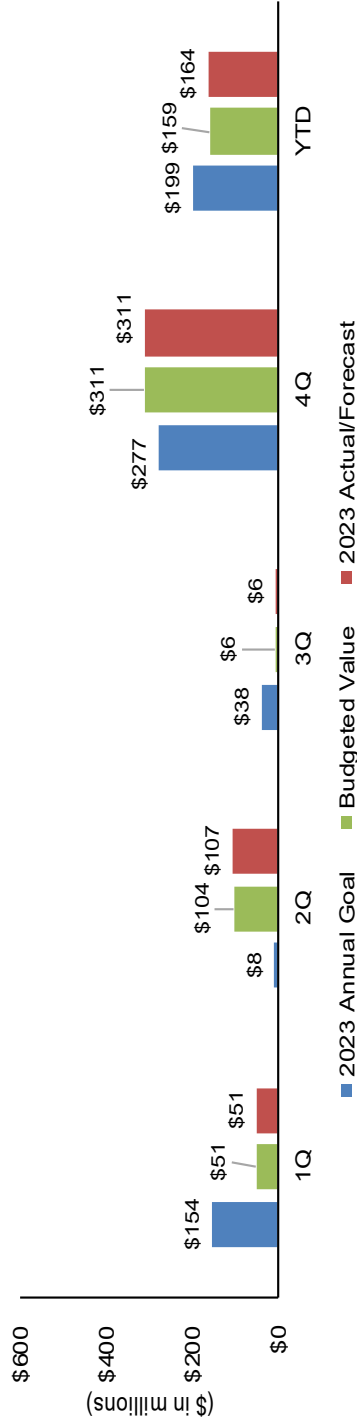
	Sep-23	Dec-23
\$	60.0	\$ 60.0

The overall commitment goal is made of multiple real estate transactions, some of which are trending several months behind schedule.

B&T Capital Projects – Commitments – September 2023 – Budget Analysis and Schedule Variances

B&T Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$154	\$8	\$38	\$277	\$199
2023 Actual/Forecast	\$51	\$107	\$6	\$311	\$164
Budgeted Value	\$51	\$104	\$6	\$311	\$159



Q1 – Q3 Schedule Variances

Project	Commitment	Goal	Act./Forec.
1 B&T Amber Commitment			
Amber delays are within 2 months of goal.			
<i>Bridges</i>			
VN-81 Lower Level Main Span Deck	Construction	Feb-23	Apr-23 (A)
Rehab & Painting of Upper Level Steel		\$ 104.9	\$ 104.9
Schedule shifted because of pending approval of third party funding.			

Capital Projects – Completions – September 2023

Forecast	MTA-wide 2023 Major Completions												Post 2023
	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	
Goal	4	1	3	4	0	2	1	1	1	5	3	14	3
Total	4	4	4	4	0	2	1	1	1	5	3	14	3
Jan-23	4												
Feb-23		1									1		
Mar-23			2								1	2	
Apr-23				2		1				2		1	
May-23			1										
Jun-23						1				1			
Jul-23							1					1	
Aug-23								1					
Sep-23									1			1	1
Oct-23										2			1
Nov-23											1		1
Dec-23												9	

BLUE = Actual/Forecast earlier than Goal
GREEN = Actual/Forecast matches Goal
AMBER = Actual/Forecast within 2 months of Goal
RED = Actual/Forecast beyond 2 months of Goal

Completions Summary

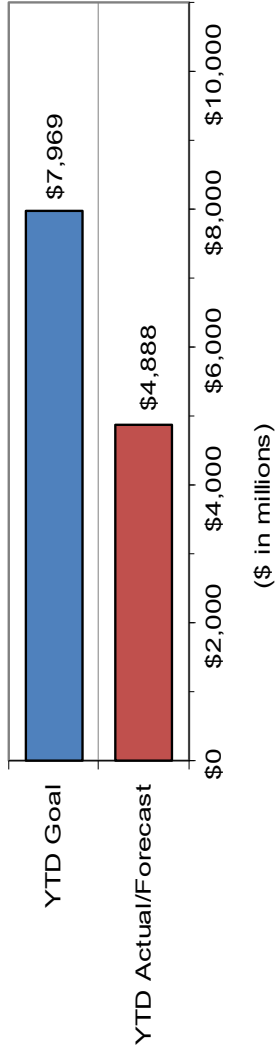
In 2023 the MTA plans to complete \$10.4 billion of projects. 42 Major completions are being tracked throughout the year.

Through September, the MTA has completed \$4,961 million versus its year-to-date goal of \$7,969 million. The shortfall is mainly due to several delays at NYCT and the impact of delayed East Side Access completions which are expected to be achieved later this year. Overall, there are thirteen delayed major completions, all but three of which are expected to be achieved later in the year. Each is identified on the following pages.

By year end the MTA forecasts achieving 92% of its \$10.4 billion completions goal.

Budget Analysis

2023 Annual Goal \$10,405
 Annual Forecast \$9,572
 Completion goal forecast 92%

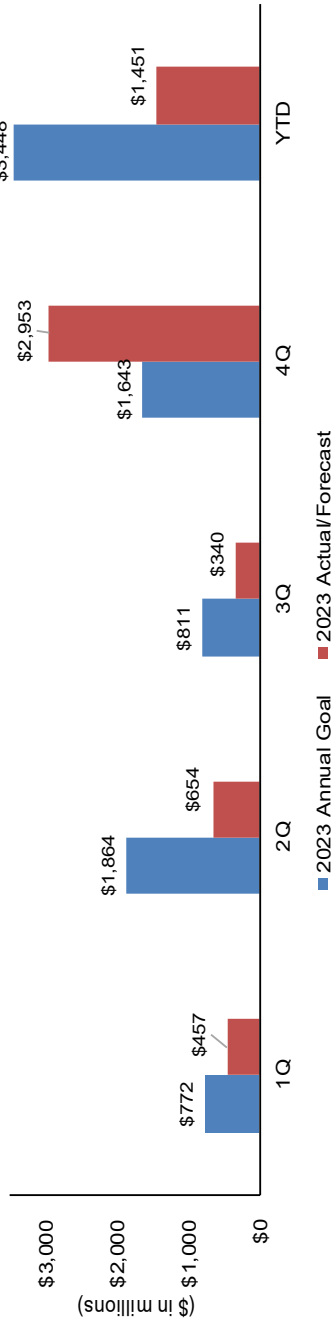


NYCT/MTA Bus Capital Projects – Completions – September 2023 – Budget Analysis and Schedule Variances

NYCT and MTA Bus Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$772	\$1,864	\$811	\$1,643	\$3,448
2023 Actual/Forecast	\$457	\$654	\$340	\$2,953	\$1,451

2023 Goal (Rolling Stock)	\$276	\$249	\$0	\$96	\$525
2023 Actual/Forecast (Rolling Stock)	\$276	\$108	\$0	\$238	\$384



Schedule Variances

7 NYCT/MTA Bus Red Completions (0 new this month)

Red delays are beyond 2 months of goal.

Line Equipment	Mar-23	Dec-23
Superstorm Sandy		
Upgrade Emergency Booth Comm System	Construction Mar-23 \$74.1	Dec-23 \$74.1
Change in project schedule reflects ongoing migration/integration work of the communication system and in-service durability testing.		
Coney Island Yard: Sandy Repair/Mitigation and CBHs	Construction Apr-23 \$609.0	Oct-23 \$609.0
Change in project schedule reflects delay to due to supply chain issues including the pending delivery of lighting panels and ongoing replacement of damaged signal cable. Change in cost reflects administrative adjustments due to accounting reconciliation.		
Signals & Communications		
CBTC QBL West Ph. 1 /Siemens	Construction Apr-23 \$221.7	Dec-23 \$221.7
Change in project schedule due to the vendor's softw are-related reliability issues.		

NYCT/MTA Bus Red Completions (continued)

Line Equipment	Nov-23	Mar-24
Rehabilitate Forsyth St. Fan Plant	Construction Nov-23 \$87.7	Mar-24 \$87.7
Change in project schedule reflects delay due to complexity of excavation work.		
MTA Bus		
Storeroom Expansion - LaGuardia	Construction Mar-23 \$7.4	Dec-23 \$7.4
Delay, due to the nework switch, specification had outdated model. Additional delay due to parts being delivered that were the incorrect power supply specifications.		
Buses		
209 Standard Diesel Buses (Nova)	Construction Apr-23 \$141.2	Oct-23 \$141.2
Change in project schedule due to ongoing vendor production issues for balance of buses		
Stations		
ADA: 8 Stations - Package A	Construction Jul-23 \$276.2	Dec-23 \$276.2
Change in project schedule reflects delays in establishing utility relocation agreements, property access and easement agreements.		

NYCT/MTA Bus Capital Projects – Completions – September 2023 – Budget Analysis and Schedule Variances

Schedule Variances (Continued)

Project	Completion	Goal	Act./Forec.
---------	------------	------	-------------

1 NYCT/MTA Bus Amber Completions (0 new this month)

Amber delays are within 2 months of goal.

Staten Island Railway

ML Track Rehab & Clifton Yard Switches	Construction	Apr-23 \$111.8	Jun-23 (A) \$111.8
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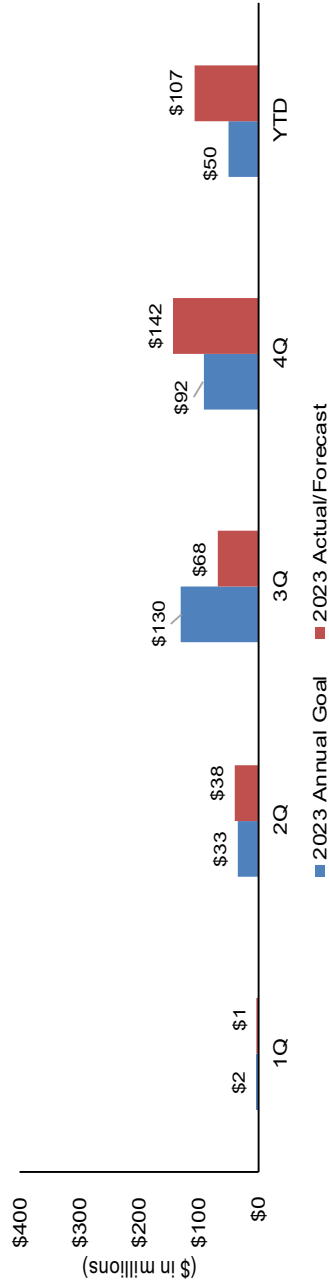
Change in project schedule was due to the impact of track access and bus shuttles.

LIRR Capital Projects – Completions – September 2023 – Budget Analysis and Schedule Variances

LIRR Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$2	\$33	\$130	\$92	\$50
2023 Actual/Forecast	\$1	\$38	\$68	\$142	\$107

2023 Goal (Rolling Stock)	\$0	\$0	\$115	\$0	\$64
2023 Actual/Forecast (Rolling Stock)	\$0	\$0	\$64	\$51	\$64



Schedule Variances

Project	Completion	Goal	Act./Forec.
---------	------------	------	-------------

1 LIRR Red Completion (0 new this month)

<i>Rolling Stock</i>			
M-9 Cars (Option)	Construction	Sep-23	May-24
		\$115.00	\$115.00

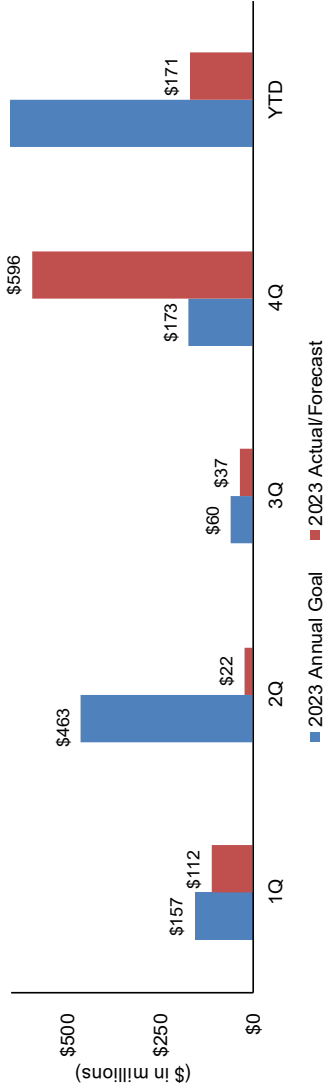
28 cars (\$64.4M) have been conditionally accepted as of August 2023. The acceptance of the remaining cars has slipped to 2024.

MNR Capital Projects – Completions – September 2023 – Budget Analysis and Schedule Variances

MNR Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$157	\$463	\$60	\$173	\$679
2023 Actual/Forecast	\$112	\$22	\$37	\$596	\$171

2023 Goal (Rolling Stock)	\$0	\$0	\$0	\$115	\$0
2023 Actual/Forecast (Rolling Stock)	\$0	\$0	\$0	\$115	\$0



Schedule Variances

Project	Completion	Goal	Act./Forec.
---------	------------	------	-------------

1 Metro-North Red Completions (0 new this month)

Red delays are beyond 2 months of goal.

Shops

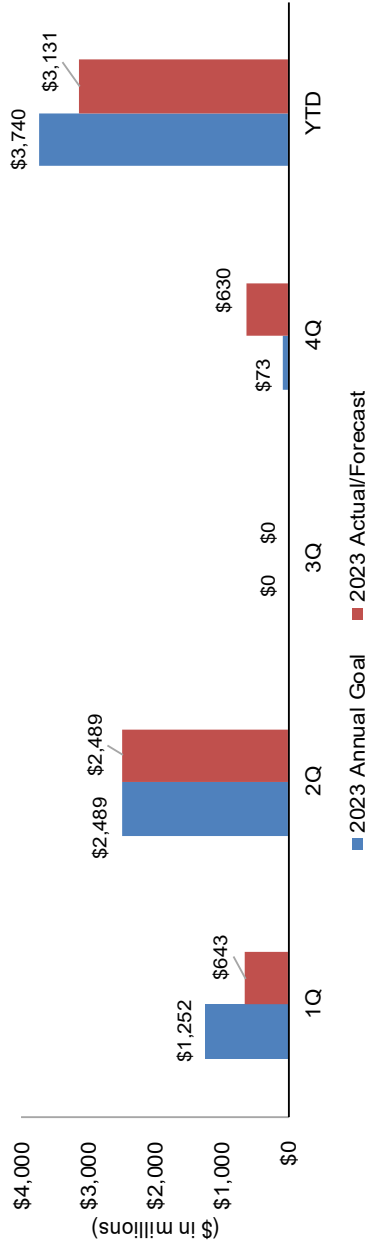
Harmon Shop Replacement - Phase V	Construction	Jun-23 \$439.6	Oct-23 \$439.6
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Change in project schedule reflects delays due to track outage delays as well as supply chain issues procuring some electrical components for equipment.

MTA Network Expansion Projects – Completions – September 2023 – Budget Analysis and Schedule Variances

MTA Network Expansion Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$1,252	\$2,489	\$0	\$73	\$3,740
2023 Actual/Forecast	\$643	\$2,489	\$0	\$630	\$3,131



Schedule Variances

Project	Completion	Goal	Act./Forec.
---------	------------	------	-------------

3 Network Expansion Red Completions (1 new this month)

Red delays are delayed more than 2 months of goal.
East Side Access

GCT Concourse & Facilities Construction Feb-23 Nov-23
 \$572.0 \$572.0
 Prior delay to CM014B is driven by the completion and testing of a freight elevator followed by ceiling/flooring finishes. Further delay is driven by seismic bracing of mechanical installations, such as ducts and pipes.

Concourse, Cavern & Facility Construction Mar-23 Nov-23
 Detailing Services CM030 \$37.1 \$58.0
 The CM030 contract which focuses on passenger facing and retail environment scope in the GCT Madison Ave concourse is delayed as additional contract change orders are being addressed, and were brought to MTA Board in May. Higher cost reflects additional work orders.

Network Expansion Red Completions (continued)

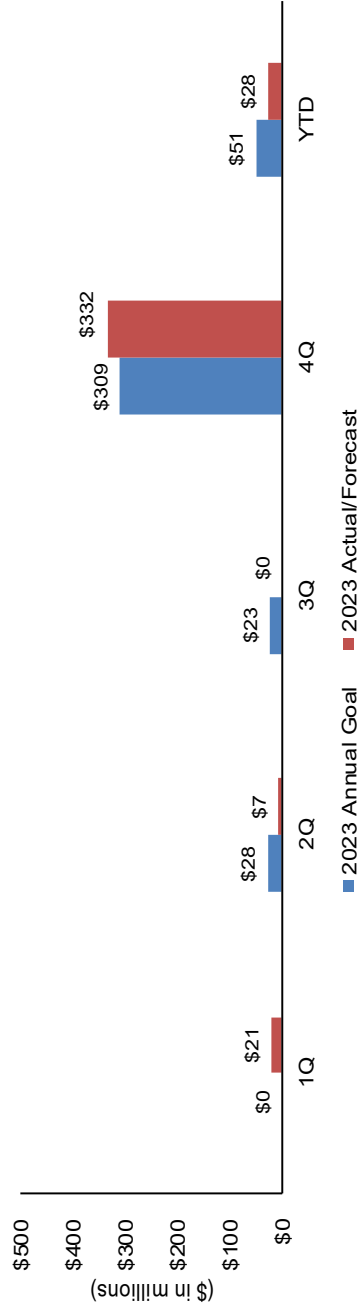
Amber delays are within 2 months of goal.
East Side Access

ET Catenary Work CH063 Construction Oct-23 Mar-24
 \$72.9 \$72.9
 Contractor delayed due to limited track/power outages and limited resources being provided by railroad stakeholders.

B&T Capital Projects – Completions – September 2023 – Budget Analysis and Schedule Variances

B&T Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$0	\$28	\$23	\$309	\$51
2023 Actual/Forecast	\$21	\$7	\$0	\$332	\$28



Schedule Variances

1 B&T Red Completion (0 new this month)

Red delays are delayed more than 2 months of goal.

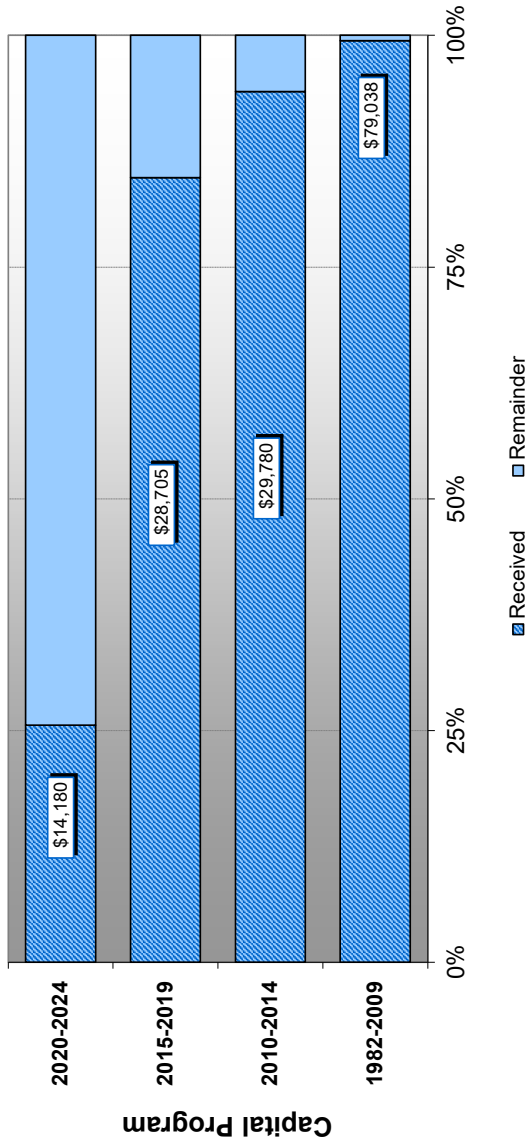
Bridges

RK Facility Wide Painting Program - Construction Sep-23 Dec-23
Phase 2 \$23.1 \$23.1

Tower painting and critical drainage repair work w as advanced into 2023 and bundled into RK-PT Phase 2 as a best value contract modification to facilitate upcoming projects on the RFK suspended span. Additional time is required to complete the work.

Status of MTA Capital Program Funding

Capital Funding (September 2023)
\$ in millions



Capital Funding Detail (September 2023)

\$ in millions

	Funding Plan		Receipts	
	Current	Thru August	September	Received to date
2010-2014 Program				
Federal Formula, Flexible, Misc	\$5,844	\$5,790	\$ -	\$5,790
Federal High Speed Rail	173	173	-	173
Federal New Start	1,271	1,271	-	1,271
Federal Security	89	89	-	89
Federal RRIF Loan	-	-	-	-
City Capital Funds	719	608	-	608
State Assistance	770	770	-	770
MTA Bus Federal and City Match	132	113	-	113
MTA Bonds (Payroll Mobility Tax)	11,635	10,698	-	10,698
Other (Including Operating to Capital)**	1,290	1,288	-	1,288
B&T Bonds	2,025	1,864	-	1,864
Hurricane Sandy Recovery				
<i>Insurance Proceeds/Federal Reimbursement</i>				
<i>PAYGO</i>	6,697	6,697	-	6,697
<i>Sandy Recovery MTA Bonds</i>	18	171	-	171
<i>Sandy Recovery B&T Bonds</i>	659	225	-	225
	383	23	-	23
Total	31,704	29,780	-	29,780

Note: The Funding Plan amount has been revised to reflect the last Board approved plan (2019), with the expectation for the working Plan, updated to include unplanned receipts and transfers between programs, be submitted to the Board for approval.

	Funding Plan		Receipts	
	Current	Thru August	September	Received to date
2015-2019 Program				
Federal Formula, Flexible, Misc	\$5,161	\$5,724	\$45	\$5,769
Federal High Speed Rail	122	122	-	\$122
Federal Core Capacity	100	-	-	\$ -
Federal New Start	1,400	-	-	\$ -
Federal Security	19	15	-	\$15
State Assistance	9,064	8,164	-	\$8,164
City Capital Funds	2,667	2,060	-	\$2,060
MTA Bonds	9,118	8,308	-	\$8,308
Asset Sales/Leases	959	315	-	\$315
Pay-as-you-go (PAYGO)**	2,145	1,961	-	\$1,961
Other	217	68	-	\$68
B&T Bonds & PAYGO/Asset Sale	2,942	1,925	-	\$1,925
Total	33,913	28,660	45	28,705

Note: The Funding Plan amount has been revised to reflect the last Board approved plan (2023), with the expectation for the working Plan, updated to include unplanned receipts, be submitted to the Board for approval.

	Funding Plan		Receipts	
	Current	Thru August	September	Received to date
2020-2024 Program				
Capital from Central Business District Tolling	\$15,000	\$ -	\$ -	\$ -
Capital from New Revenue Sources	10,000	2,959	-	\$2,959
MTA Bonds and PAYGO	7,393	449	-	\$449
Other Contribution	542	-	-	\$ -
Federal Formula	9,984	6,226	1,850	\$8,076
State of New York	3,101	511	-	\$511
City of New York	3,007	1,323	-	\$1,323
Federal New Start (SAS Ph2)	2,005	-	-	\$ -
Federal Flexible	581	128	50	\$178
Federal Other	477	58	370	\$428
Federal Security	26	10	-	\$10
B&T Bonds	3,327	248	-	\$248
Total	55,442	11,910	2,270	14,180

Contracts Department

Evan Eisland, Executive Vice President and General Counsel

**PROCUREMENT PACKAGE
October 2023**

PROCUREMENTS

The Procurement Agenda this month includes 8 actions for a proposed expenditure of \$98.3 M.

Staff Summary

Subject Request Authorization for Several Procurement Actions					
Contracts Department					
Evan Eisland, Executive Vice President and General Counsel					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	10/23/23	X		
2	Board	10/25/23	X		

Date: October 18, 2023			
Internal Approvals			
	Approval		Approval
X	Deputy Chief Development Officer, Delivery	X	President
X	Deputy Chief Development Officer, Development	X	Executive Vice President & General Counsel

Purpose

To obtain the approval of the Board to award several procurement actions and to inform the Capital Program Committee of these procurement actions.

Discussion

MTA Construction & Development proposes to award Competitive Procurements in the following categories:

<u>Schedules Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
B. Competitive Requests for Proposals (Solicitation of Purchase and Public Works Contracts)	1	\$ TBD
C. Competitive Requests for Proposals (Award of Purchase and Public Works Contracts)	2	\$ 67,981,556
SUBTOTAL	3	\$ 67,981,556

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
F. Personal Service Contracts	1	\$ 5,415,670
I. Modifications to Purchase and Public Works Contracts	3	\$ 19,223,326
SUBTOTAL	4	\$ 24,638,996

MTA Construction & Development proposes to award Ratifications in the following category:

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
K. Ratification of Completed Procurement Actions	1	\$ 5,662,693
SUBTOTAL	1	\$ 5,662,693
TOTAL	8	\$ 98,283,245

Budget Impact

The approval of these procurement actions will obligate capital and operating funds in the amounts listed. Funds are available in the capital program and operating budget for these purposes.

Recommendation

That the procurement actions be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)

MTA Construction & Development

BOARD RESOLUTION

WHEREAS, in accordance with Sections 559, 2879, 1209 and 1265-a of the Public Authorities Law and the All Agency General Contract Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public works contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

WHEREAS, in accordance with the All Agency Service Contract Procurement Guidelines and the All Agency General Contract Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts;

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Guidelines for Procurement of Services, the Board authorizes the award of certain service contracts and certain change orders to service contracts.

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals and authorizes the solicitation of such proposals.
3. As to each request for proposals (for purchase and public work contracts set forth in Schedule C for which a recommendation is made to award the contract), the Board authorizes the execution of said contract.
4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein, and ratifies each action for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

October 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

Schedule B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)

(Staff Summaries required for items estimated to be greater than \$1M.)

- | | | | |
|----|---|---------------------------------|--------------------------------------|
| 1. | Contractor(s) To Be Determined
Contract No. 1000194074 | \$ Cost To Be Determined | <u>Staff Summary Attached</u> |
|----|---|---------------------------------|--------------------------------------|

MTA Construction and Development requests that the Board adopt an Authorizing resolution to issue a competitive Request for Proposals for the award of a contract for the second phase of the replacement of the Grand Central Terminal Fire Standpipe system.

Schedule C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)

(Staff Summaries required for items estimated to be greater than \$1M.)

- | | | | |
|----|---|----------------------|--------------------------------------|
| 2. | CF Constructors, a JV, LLC
Contract No. A37369 | \$ 35,312,421 | <u>Staff Summary Attached</u> |
|----|---|----------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract for progressive design-build Phase 1 services for state of good repair work at various subway stations.

- | | | | |
|----|---|-------------------------|--------------------------------------|
| 3. | Verde Electric Corporation
Contract No. 157548 | \$ 32,669,134.35 | <u>Staff Summary Attached</u> |
|----|---|-------------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract for design-build services to replace Metro-North Railroad's Mobile Substation C-16.

Procurements Requiring Majority Vote:

Schedule F. Personal Service Contracts

(Staff Summaries required for all items greater than \$1M: Sole Source; Other Non-Competitive; Competitive RFP.)

- | | | | |
|----|--|------------------------|--------------------------------------|
| 4. | Turner & Townsend, Inc.
Contract No. CS00017C | \$ 5,415,669.69 | <u>Staff Summary Attached</u> |
|----|--|------------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract to assist in developing new program and project controls policies, processes and procedures.

Schedule I. Modifications to Purchase and Public Work Contracts

(Staff Summaries required for individual change orders greater than \$1M.)

- | | | | |
|----|--|---------------------|--------------------------------------|
| 5. | Siemens Mobility, Inc.
Contract No. S48004-1.37 | \$ 7,600,000 | <u>Staff Summary Attached</u> |
|----|--|---------------------|--------------------------------------|

MTA Construction and Development requests Board approval of a modification to Contract S48004-1 to add additional work, resolve contractor claims and extend the Contract's Substantial Completion date.

6. **Thales Transport and Security, Inc.** **\$ 1,500,000** **Staff Summary Attached**
Contract No. S48004-2.14

MTA Construction and Development requests Board approval of a modification to Contract S48004-2 to add additional work, resolve contractor claims, and extend the Contract's Substantial Completion date.

7. **Thales Transport and Security, Inc.** **\$ 10,123,326** **Staff Summary Attached**
Contract No. S48013-2, Option 2

MTA Construction & Development requests Board approval to exercise Option 2 to Contract S48013 to provide for additional R211 CBTC equipment.

Staff Summary

Schedule B: Request to Use RFP for Procurement of Purchase and Public Works in lieu of Sealed Bids

Item Number 1					
Department, Department Head Name: Delivery, MNR, Ziona Rubin, Vice President					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	10/23/23	X		
2	Board	10/25/23	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	Executive Vice President & General Counsel		
X	Deputy Chief, Delivery	X	President		

SUMMARY INFORMATION	
Vendor Name	Contract Number
RFP Authorizing Resolution	1000194074
Description	
Metro-North Railroad – Grand Central Terminal Fire Standpipe Replacement – Phase II	
Total Amount	
To Be Determined	
Contract Term (including Options, if any)	
To Be Determined	
Option(s) included in Total Amount?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE

MTA Construction and Development (“C&D”) requests that, pursuant to the New York Public Authorities Law and the All-Agency General Procurement Guidelines, the Board adopt a resolution declaring competitive bidding impractical or inappropriate and that it is in the public interest to authorize C&D to issue a competitive Request for Proposal in lieu of sealed bids for the award of a contract for the second phase of the replacement of the Grand Central Terminal Fire Standpipe system (the “Contract”).

DISCUSSION

The work to be performed under the Contract is the second phase of a project to replace and upgrade the fire standpipe system in the train shed at Grand Central Terminal. The fire standpipe system on the Lower Level of the train shed was upgraded and replaced under Phase 1, and this Contract will replace and upgrade the fire standpipe system on the Upper Level. This work is necessary to replace an aging fire standpipe system that, after decades of service, is showing corrosion and leaks. The Contract work will bring the fire standpipe system into compliance with the current fire code requirements.

Because this work will be performed in an active train shed, over 90% of the work will require track outages and there is limited space for staging and storage of materials and equipment, the contractor selected to perform this work must demonstrate an understanding of these restrictions and propose an approach, including means and methods, that will provide for the most efficient schedule while minimizing impacts to the public. These factors, together with the cost of the work, will need to be evaluated in order to select a contractor that will provide the best value to the MTA. This evaluation and determination cannot be accomplished through sealed bids. Rather a competitive request for proposals is the appropriate procurement process for this type of work.

M/W/DBE INFORMATION

The MTA Department of Diversity and Civil Rights has established a 22.5% DBE goal for the Contract.

IMPACT ON FUNDING

Funding for this contract is included in the MNR portion of the MTA's 2020-24 Capital Program.

ALTERNATIVES

The use of a sealed bid process, in which factors other than cost and project duration cannot be considered, is not recommended as it does not provide the flexibility to assess proposers' technical approaches and project schedules for accomplishing this project in a complex environment. An RFP is a better means to evaluate and consider alternative proposals or creative solutions. A negotiated procurement in this situation would better serve the public interest and offer C&D the best overall value.

RECOMMENDATION

That the Board adopt a resolution declaring competitive bidding impractical or inappropriate and that it is in the public interest to authorize C&D to issue a competitive Request for Proposal in lieu of sealed bids for the award of a contract for the second phase of the replacement of the Grand Central Terminal Fire Standpipe system.

Staff Summary

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Works Contracts)

Item Number 2					
Department, Department Head Name: Delivery, Infrastructure, Peter Kohner, Senior Vice President					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	10/23/23	X		
2	Board	10/25/23	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	Executive Vice President & General Counsel		
X	Deputy Chief, Delivery	X	President		

SUMMARY INFORMATION	
Vendor Name	Contract Number
CF Constructors, a JV, LLC	A37369
Description	
Progressive Design-Build Services for State of Good Repair Work at Various Stations	
Total Amount	
\$35,312,421 (Phase 1)	
Contract Term (including Options, if any)	
44 Months (27.5 months for Phase 1 Design)	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE/RECOMMENDATION

MTA Construction & Development (“C&D”) requests Board approval to award a publicly advertised and competitively solicited contract (the “Contract”) to CF Constructors, a JV, LLC, a joint venture between EE Cruz & Company, Inc. and Flatiron Contractors, Inc. The Contract is for progressive design-build services for state of good repair work at various stations with a total duration of 44 Months. Board approval is being sought for the design phase (“Phase 1”) of this project in the not-to-exceed amount of \$35,312,421 and a duration 27.5 months.

DISCUSSION

The Contract is for the design and construction of structural repairs and replacements in 43 New York City Transit (“NYCT”) stations in the Boroughs of Manhattan and Brooklyn, including: (i) steel columns, beams and other station structural elements, (ii) concrete platform edges and supporting structures, (iii) platform rubbing boards and ADA warning strips, (iv) concrete and steel stairs, (v) station canopies, (vi) wall finishes, (vii) floor finishes, (viii) ceiling finishes, and (ix) water leak mitigation and waterproofing. The work also includes related civil, utility and architectural work as well as surveying, abatement and disposal of certain environmental hazards and contaminants.

This is a progressive design build contract that will be performed in two phases. Phase 1 entails providing design services, including site surveys, investigations and exploratory work, to determine the scope in collaboration with C&D and develop designs for the necessary state of good repair work required at each of the 43 stations. The benefit of this delivery method is that it provides for a collaborative process in the development of the scope and design.

For this Contract, the design builder will group the stations into bundles (the “Station Bundles”) that provide for the most efficient delivery. Once the design for each of the Station Bundles reaches approximately 60%, the design-builder and the MTA will negotiate the pricing for Phase 2, the construction work. Negotiations will be on an open book basis in which the cost of all subcontracted work and materials is fully disclosed and the mark-ups for Phase 2 construction costs competitively pre-established in connection with the award of Phase 1. An amendment to the Contract will be required to implement the Phase 2 Work for each of the Station Bundles and C&D will return to the Board for approval to execute the amendment for the Phase 2 work for each of the Station Bundles. In the event acceptable terms for the construction work for a bundle cannot be negotiated with the design-builder, the Contract also provides C&D with the ability to separately procure the construction work on a competitive basis, with the design-builder required to complete the necessary design work.

A two-step procurement process was conducted for this Contract. In Step 1, a Request for Qualifications was advertised resulting in the submission of five Statements of Qualifications, which were then evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (addressing key personnel and organization, project approach, prior experience and past performance). Based on these criteria, the following four firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- CF Constructors, a JV, LLC (“CF Constructors”), with Lead Designer Jacobs Civil Consultants, Inc.
- Railroad-Citnalta JV LLC (“RCJV”), with Lead Designer Stantec Consulting Services, Inc.
- Restore4MTA, JV (“Restore”), with Lead Designer WSP USA, Inc.
- Skanska-ECCO III PBD JV (“SEJV”), with Lead Designer Parsons Transportation Group of NY

In response to the RFP, all four teams submitted technical and price proposals with details as follows:

Design Builder	Phase 1 Cost Proposal	Phase 1 Duration (months)	Total Duration (months)	Phase 2 Work Fee	Phase 2 General Conditions Fee
CF Constructors	\$36,395,873	32	49	5.5%	6%
SEJV	\$43,225,192	32	53	12%	9.8%
RCJV	\$49,563,151	15	29	18%	15.8%
Restore 4MTA	\$64,988,328	36	48	17%	19%

The Selection Committee, consisting of representatives from C&D Delivery, Development and Contracts and NYCT Maintenance of Way Engineering, reviewed the technical proposals and attended the oral presentations of each of the four teams. The Selection Committee evaluated the technical proposals using preestablished selection criteria addressing key personnel and major participants, design and construction approach, overall project schedule, management plan, experience, transparency of pricing, scheduling, sequencing and phasing, risk management approach methodology, diversity practices and other relevant matters. The Selection Committee determined that each of the four proposers submitted technical proposals that were responsive to the RFP requirements and thereafter opened the price proposals which, in addition to Phase 1 design costs, included proposed mark-ups for Phase 2 construction costs. The Phase 2 Work Fee represents the total mark-up to the direct cost of the Phase 2 Work for profit, risk and general and indirect overhead. The Phase 2 General Conditions Fee is an amount attributable to the general conditions costs (e.g., home office employee and administrative personnel costs, certain project office and field office-related expenses, temporary amenities required for on-site work, site clean-up, work trade training program costs, health and safety program expenses, project work photos and videos) to be incurred in connection with the Phase 2 Work.

After reviewing technical and cost proposals, including proposed schedules and Phase 2 mark-ups, the Selection Committee unanimously recommended that CF Constructors and RCJV be invited for negotiations. The Selection Committee determined that although the other two teams submitted responsive proposals, the cost of the Restore 4MTA proposal and the total duration of SEJV’s proposal placed both teams outside of the competitive range. Following negotiations, each selected proposer submitted a Best and Final Offer (“BAFO”) as follows:

Design Builder	Phase 1 Cost Proposal	Phase 1 Duration (months)	Total Duration (months)	Phase 2 Work Fee	Phase 2 General Conditions Fee
CF Constructors	\$35,312,421	27.5	44	4.5%	5%
RCJV	\$42,375,356	15	30	16%	12.8%

Although both proposers offered reductions to their original price proposals, CF Constructors’ BAFO is the lowest price both in Phase 1 costs and projected Phase 2 costs based on its proposed Phase 2 Work Fee and General Conditions Fee.

In addition, the SC determined that CF Constructors provided a more detailed and realistic schedule. The SC determined that CF Constructors’ BAFO offered the best overall value based on the quality of its technical proposal, its overall price and schedule.

In connection with a previous contract awarded to E.E. Cruz & Company, Inc. (“E. E. Cruz”), E.E. Cruz was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by the MTA Managing Director, in consultation with the MTA General Counsel, in December 2018. No new SAI has been found relating to E.E. Cruz and E.E. Cruz has been found to be responsible.

DBE/MBE/WBE/SDVOB INFORMATION

The MTA Department of Diversity and Civil Rights has established MBE/WBE/SDVOB goals of 15%/15%/6%. Although this is a progressive design-build contract with undefined scope, CF Constructors is committed to meeting the required goals. Their Phase 1 Utilization Plan is under review. CF Constructors has not recently completed any MTA contracts with MWDBE goals; therefore, no assessment of their past performance is available at this time.

IMPACT ON FUNDING

Funding for the Contract is included in the NYCT portion of the MTA's 2020-2024 Capital Program.

ALTERNATIVES

None recommended. Currently, MTA lacks available in-house technical personnel to perform the scope of work associated with this Contract.

Staff Summary

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Works Contracts)

Item Number 3					
Department, Department Head Name: Delivery, MNR, Ziona Rubin, Vice President					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	10/23/23	X		
2	Board	10/25/23	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	Executive Vice President & General Counsel		
X	Deputy Chief, Delivery	X	President		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Verde Electric Corporation	157548
Description	
Design-Build Services - Replacement of Mobile Substation C-16	
Total Amount	\$32,669,134.35
1. Design-Build Contract:	\$32,617,134.35
2. Stipend Payments	\$52,000.00
Contract Term (including Options, if any)	
36 months	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE/RECOMMENDATION

MTA Construction & Development (“C&D”) requests Board approval to award to Verde Electric Corporation (“Verde”) a publicly advertised and competitively solicited contract for design-build services to replace Metro-North Railroad’s Mobile Substation C-16 (the “Contract”). The Contract is in the amount of \$32,617,134.35 and for a duration of 36 months. In accordance with MTA policy regarding the use of design-build contracts, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$26,000 to be paid to each unsuccessful proposer whose proposal met the defined proposal standards. Accordingly, approval is also requested to pay a stipend of \$52,000 to the two unsuccessful proposers.

DISCUSSION

The Contract provides for the design, fabrication, installation and testing of a new prefabricated substation to replace the Pelham (C-16) substation located on the southern side of Willson’s Woods Park, in Mt. Vernon, NY. The substation will consist of a new prefabricated walk-in enclosure with equipment for traction power, auxiliary power, control power, and supervisory control and data acquisition (“SCADA”) Remote Terminal Unit systems. The replacement of this substation is critical to ensuring the reliability of the DC traction supply system, and consequently the reliability of service, along the New Haven Line.

A two-step procurement process was conducted for the Contract. In Step 1, a Request for Qualifications was advertised, resulting in the submission of eight Statements of Qualification that were evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (addressing key personnel and organization, responsiveness, project approach, prior experience, and past experience). Based on these criteria, three of the responding firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- Verde Electric Corporation
- Five Star Electric Corp. (“Five Star”)
- Pelham Substation Partners (“Pelham”)

All three firms submitted technical and price proposals in response to the RFP. The selection committee, consisting of representatives from C&D Delivery and Contracts Departments, and MNR's Power Department, first reviewed the technical proposals and heard oral presentations from each of the respondents. The selection committee evaluated the technical proposals utilizing the following pre-established selection criteria: design and construction plan, schedule, management plan, prior experience, record of performance, safety and quality, diversity practices, and other relevant matters. The selection committee determined that all three firms submitted technical proposals that were responsive. The selection committee then opened the price proposals, which were as follows:

- Verde: \$32,815,648.00
- Five Star: \$39,272,000.00
- Pelham: \$37,800,000.00

The selection committee recommended that all three respondents be invited to negotiations. Following negotiations, the respondents submitted the following Best and Final Offers:

- Verde: \$32,617,134.35
- Five Star: \$37,312,000.00
- Pelham: \$37,800,000.00

Based upon its review of the technical and price proposals, and discussions during the oral presentations, the selection committee determined that the proposal submitted by Verde was the highest ranked technically, provided the lowest price and provided the best value to the MTA as it demonstrated a superior combination of technical approach, price, and schedule. Verde's proposal demonstrated a strong understanding of all components of the scope of work as established in its technical approach, and its key personnel have successfully completed design-build projects of similar scope and magnitude. Verde's Best and Final Offer in the amount of \$32,617,134.35 is deemed to be fair and reasonable.

DBE/MBE/WBE/SDVOB INFORMATION

The MTA Department of Diversity and Civil Rights has established a 22.5% DBE goal for the Contract. Verde Electric Corporation has submitted a DBE utilization plan projected to exceed the DBE goal. Verde Electric Corporation has not recently completed any MTA contracts with MWDBE goals; therefore, no assessment of the performance is available at this time.

IMPACT ON FUNDING

Funding for the Contract is included in the MNR's portion of the MTA's 2020-24 Capital Program.

ALTERNATIVES

None are recommended. Currently, C&D lacks the in-house technical personnel to perform the scope of work associated with the Contract.

Staff Summary

Schedule F: Personal Service Contracts

Item Number 4					
Department, Department Head Name: Delivery Services Office/John Sucharski, Senior Vice President					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	10/23/23	X		
2	Board	10/25/23	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	Executive Vice President & General Counsel		
X	Deputy Chief, Delivery	X	President		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Turner & Townsend, Inc.	CS00017C
Description	
MTA C&D Program and Projects Controls Policies, Processes and Procedures	
Total Amount	\$5,415,669.69
Base Contract:	\$3,711,049.38
Option 1:	\$ 993,345.70
Option 2:	\$ 711,274.61
Contract Term (including Options, if any)	
12 Months for Base Contract. Up to 24 Months with the Options.	
Option(s) included in Total Amount?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE/RECOMMENDATION

MTA Construction & Development (“C&D”) requests that the Board approve the award to Turner & Townsend Inc (“T&T”) of a publicly advertised and competitively solicited contract (the “Contract”) to assist in developing new program and project controls policies, processes and procedures. The Contract is for a 12-month duration in the not-to-exceed (“NTE”) amount of \$3,711,049.38. The Contract also includes two options, which may be exercised by MTA in its sole discretion. Option 1, if exercised, will extend the contract duration by six months and add the Deployment scope of services discussed below. Option 2, if exercised, will extend the contract duration by an additional six months and add the Implementation scope of services discussed below. The options, if exercised, will increase the total NTE value to \$5,415,669.69.

DISCUSSION

This Contract provides for new and improved program and project controls, allowing for a more informed, timely, transparent, and effective decision-making process in managing C&D programs and projects. Under this Contract, the Consultant will develop a unified approach to developing and managing schedule and cost performance information for all MTA C&D internal and external stakeholders. The Consultant will initially analyze the current state of program and project controls and provide expertise and experience to establish a new standardized model. If exercised, the Options will implement this strategy through the deployment of training to the various business units (in Option 1) with eventual implementation throughout C&D (in Option 2).

Selection was determined by utilizing a “Best Value” procurement process. A one-step solicitation was publicly advertised in the New York State Contractor Reporter, the Daily News, Minority Commerce Weekly, and on the MTA website, requesting the submission of technical and cost proposals. In addition, notice of the Request of Proposals (“RFP”) was sent to 15 firms that expressed interest during outreach. In response to the RFP, proposals were received from five firms: Gleeds USA, Inc. (“Gleeds”), JCMS, Inc. (“JCMS”), Linesight, PMA Consultants LLC (“PMA”), and T&T, the awardee.

The five proposals were evaluated and scored by a selection committee and reviewed by a technical advisory committee consisting of representatives from C&D, utilizing the following pre-established selection criteria: Experience of Project Team/Key Personnel/Subconsultants, Execution Strategy, Leadership, Management & Resourcing, Experience in Relevant Areas, Diversity Practices, Quality Assurance Plan, Other Relevant Matters.

After reviewing technical proposals, the selection committee voted to shortlist Gleeds, Linesight, and T&T for oral presentations. JCMS and PMA were not shortlisted for oral presentations because their technical proposals did not illustrate a strong understanding of organizational change management nor implementation of a program and project controls operating model, procedures, and training.

Upon the conclusion of oral presentations, the selection committee completed the technical evaluations and then reviewed the cost proposals from the shortlisted proposers, ranking each based on their technical and cost proposals in accordance with the selection criteria. The selection committee shortlisted two proposers for negotiations, Gleeds and T&T, determining that these two firms' proposals were most responsive to the RFP. Linesight was not shortlisted for negotiations because it became apparent during oral presentations that the firm misunderstood the requirements of the scope, as it focused on project management information systems rather than the development and implementation of project controls policies and procedures. Both Gleeds and T&T adequately addressed the scope of services, deliverable implementation, and identified potential challenges and workable solutions. Both consultants demonstrated a clear understanding of the best practices in program and project controls.

Several rounds of negotiations were conducted with the shortlisted firms focusing on scope of work, adherence to the criteria timeline for deliverables, levels of effort, staffing, direct labor rates, and fixed fee. The overhead rates were reviewed and adjusted pursuant to MTA Audit recommendations. Interim proposals were received as follows:

PROPOSER	INTERIM PROPOSAL TOTAL	BASE CONTRACT PRICING	OPTION 1 PRICING	OPTION 2 PRICING
T&T	\$7,913,545.77	\$3,968,841.62	\$1,879,858.52	\$2,064,845.63
Gleeds	\$14,104,746.90	\$8,122,063.98	\$4,321,193.32	\$1,661,489.59

Pricing from both firms were above the estimate based on the inclusion of additional support staff. Discussions were held with both firms regarding the additional support staff included in their proposals and while T&T was willing to reduce its support staff and still provide the deliverables, Gleeds was not willing to commit to providing the deliverables without the additional staffing. Gleeds was removed from consideration as their pricing was approximately double the price proposed by T&T.

Upon conclusion of negotiations, T&T submitted its Best And Final Offer ("BAFO"):

PROPOSER	BAFO TOTAL	BASE CONTRACT PRICING	OPTION 1 PRICING	OPTION 2 PRICING
T&T	\$5,415,669.69	\$3,711,049.38	\$ 993,345.70	\$711,274.61

The selection committee reviewed the BAFO in accordance with the selection criteria and unanimously voted to recommend award of the contract to T&T. T&T was ranked the highest technically and provided the lowest price, therefore providing the best value to the MTA. Based on the foregoing, T&T's BAFO was determined to be fair and reasonable.

This Contract incorporates a performance evaluation program ("PEP") that is included in the BAFO pricing. The PEP provides an opportunity for the Consultant to earn additional profit through exemplary performance in managing its project and a reduction in T&T's Fee for unsatisfactory performance.

D/M/WBE INFORMATION

The MTA Department of Diversity and Civil Rights DDCR has established a Minority/Women Owned Business Enterprise ("M/WBE") and Service-Disabled Veteran Owned Business ("SDVOB") goals of 15%, 15% and 6% respectively for this state funded contract. TT&T has submitted a M/WBE/SDVOB utilization plan that does not meet the goal requirements but is committed to continue their good faith effort through the duration of the contract to meet the goals. T&T has not recently completed any MTA contracts with M/W/DBE goals; therefore, no assessment of the performance is available at this time.

IMPACT ON FUNDING

Funding for this Contract is available in the MTA's 2020-24 Capital Program.

Staff Summary

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 5

Vendor Name (& Location) Siemens Mobility, Inc. (One Penn Plaza, New York NY 10119)	
Description CBTC Queens Boulevard Line (QBL) Phase I	
Contract Term (including Options, if any) 67 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer	

Contract Number	AWO/Modification #
S-48004-1	37
Original Amount:	\$ 156,172,932
Prior Modifications:	\$ 28,836,845
Prior Budgetary Increases:	\$ 26,351,345
Current Amount:	\$ 185,009,777
This Request:	\$ 7,600,000
% of This Request to Current Amount:	4%
% of Modifications (including This Request) to Original Amount:	23%

DISCUSSION:

Contract S-48004-1 (the “Contract”) requires Siemens Mobility, Inc. (“Siemens” or the “Contractor”) to provide wayside Communication Based Train Control (“CBTC”) equipment on the Queens Boulevard West Line and carborne CBTC equipment on 309 R160-class trains that operate on the Queens Boulevard West Line. MTA Construction and Development (“C&D”) requests Board approval of a modification that will resolve claims asserted by Siemens for additional work and delays and extend the Contract’s Substantial Completion date from March 24, 2021 to December 31, 2024, with a plan for monetary incentives for achieving the new date, for a total cost of \$7,600,000.

Siemens has asserted claims in the amount of \$23,881,943 and for additional time associated with those claims. C&D has analyzed Siemens’ claims and, while many are subject to defenses, a number of the claims arise from Extra Work directed by MTA or delays attributable to MTA. For example, and among other issues, MTA made approximately forty changes to its CBTC Interoperability Interface Standard that required Siemens to perform additional changes to its software and CBTC database. In addition, MTA directed Siemens to provide spare parts beyond what was required in the Contract. This Modification will resolve Siemens’ \$23 million claim for a total cost of \$7,600,000, and establish a new Substantial Completion date of December 31, 2024, based upon the excusable delay associated with these claims, with payment made to Siemens only upon the completion of interim deadlines for critical work and a portion of the payment contingent upon achieving Substantial Completion on time. This incentive plan will replace the Contract provisions for Liquidated Damages.

The increase to the Contract Price consists of a one-time payment of \$2,000,000 and payments totaling \$3,600,000 that are payable only upon achievement of defined categories of critical Work. In addition, a total of \$2,000,000 is included in this Modification that will only be paid to Siemens if the defined categories of Work are satisfactorily completed on or before the new Substantial Completion date. Although Substantial Completion has not yet been achieved, most of the Contract Work has been performed and MTA has taken Beneficial Use of the CBTC system and the Automatic Train Supervision system (“ATS”), which are both in-service. This Modification revises the special warranty provisions to ensure that warranties related to both the CBTC and ATS which initiate at Beneficial Use remain in-place through the extended Substantial Completion date. Finally, the incentive structure tied to critical Work not yet performed, as described above, will ensure that such Work is performed on time.

In light of MTA’s elimination of the risk of Siemen’s outstanding claims for money and time, and the implementation of a payment plan that incentivizes timely completion of the Work, the resolution of these claims in this way is considered fair and reasonable.

Staff Summary

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: **6**

Vendor Name (& Location) Ground Transportation Systems USA, Inc. d/b/a Thales Transport and Security, Inc. (99 Park Avenue, New York NY 10013)	
Description CBTC Queens Boulevard Line (QBL) West Phase I	
Contract Term (including Options, if any) 67 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer	

Contract Number	AWO/Modification #
S-48004-2	14
Original Amount:	\$ 49,607,520
Prior Modifications:	\$ 1,519,000
Prior Budgetary Increases:	\$ 88,000
Current Amount:	\$ 51,126,520
This Request:	\$ 1,500,000
% of This Request to Current Amount:	3%
% of Modifications (including This Request) to Original Amount:	6%

DISCUSSION:

Contract S-48004-2 requires Ground Transportation Systems USA, Inc. d/b/a Thales Transport and Security (“Thales”) to provide wayside Communication Based Train Control (“CBTC”) equipment on the Queens Boulevard West Line and carborne CBTC equipment on 4 R160-class trains that operate on the Queens Boulevard West Line. MTA Construction and Development (“C&D”) requests Board approval of a modification to resolve claims for added work for a total cost of \$1,500,000 and extend the Substantial Completion Date from March 31, 2021 to August 31, 2022, the date upon which Substantial Completion was achieved.

The Modification resolves claims asserted by Thales for added work, including (i) changes Thales performed to its CBTC system resulting from updates to MTA’s CBTC Interoperability Interface Standard; (ii) additional releases of Thales’ CBTC database; and (iii) work to expand Thales’ zone controller capacity beyond the original coverage area. In addition, this Modification extends the Contract’s Substantial Completion date from March 31, 2021 to August 31, 2022, to account for delays in providing access to Thales due to work being performed by another contractor on the Queens Boulevard West Line project.

Thales presented claims for added work totaling \$6,886,816. Negotiations yielded a settlement amount of \$1,500,000 and an 18-month extension of time, during which period Thales achieved Substantial Completion. This modification resolves all outstanding issues with respect to this Contract except for four modifications which are being negotiated separately. C&D analyzed the merit of the claims submitted by Thales and deems this resolution to be fair and reasonable.

Staff Summary

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 7

Vendor Name (& Location) Ground Transportation Systems USA, Inc. d/b/a Thales Transport and Security, Inc. (99 Park Avenue, New York NY 10013)	
Description R211 Carborne Equipment for Communication Based Train Technology on the Eighth Avenue Line	
Contract Term (including Options, if any) 60 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer	

Contract Number	AWO/Modification #
S-48013-2	Option 2
Original Amount:	\$ 23,325,902
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 13,725,339
Current Amount:	\$ 37,051,241
This Request:	\$ 10,123,326
% of This Request to Current Amount:	27%
% of Modifications (including This Request) to Original Amount:	43%

DISCUSSION:

Contract S-48013-2 (the “Contract”) provides for communication-based train control (“CBTC”) equipment for New York City Transit’s R211 subway cars that will operate on the 8th Avenue Line. MTA Construction & Development (“C&D”) requests Board approval to exercise the second option of the Contract – for additional R211 CBTC equipment in the amount of \$10,123,326 (“Option 2”).

The Contract was awarded to Thales Transport and Security, Inc. (“Thales”) in March 2019, and ratified by the Board in October 2019, following a declaration of an Immediate Operating Need by the New York City Transit (“NYCT”) Vice President, Materiel. Thales has since been acquired by Ground Transportation Systems USA, Inc. but continues to do business as Thales. The Contract requires Thales to furnish and deliver carborne CBTC equipment to the car manufacturer Kawasaki to outfit 92 (five-car) R211 operating units. The Contract includes two options to outfit additional units. Option 1 was exercised with Board approval in March 2022 to acquire CBTC equipment for an additional 128 R211 units. This Option 2 will require Thales to furnish and deliver carborne CBTC equipment for an additional 89 R211 units for \$10,123,326. The purchase of the railcars contemplated in Option 1 was approved by the Board in November 2022. NYCT now plans to purchase the quantity of railcars contemplated in Option 2. The exercise of this Option 2 is required to provide the necessary CBTC equipment for the additional cars to be acquired by NYCT. This option will expire in November 2023. Although, additional work is required before the Kawasaki option for the additional cars can be exercised, C&D estimates demonstrate that allowing the Thales option to expire, re-bidding and negotiating the terms for the CBTC work later, will result in a significantly higher cost to C&D. For that reason, C&D recommends that the option on this Contract be exercised now.

OCTOBER 2023

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule K. Ratification of Completed Procurement Actions (Involving Schedule E – J)

(Staff Summaries required for all items requiring Board approval)

- | | | | |
|-----------|--|-----------------------|--------------------------------------|
| 8. | Atkins-HNTB, JV
Contract No. PS21002.02 | \$5,662,693.22 | <u>Staff Summary Attached</u> |
|-----------|--|-----------------------|--------------------------------------|

MTA Construction and Development requests that the Board ratify a modification to perform additional engineering tasks to support Communications Based Train Control for the NYCT subway system.

Staff Summary

Schedule K: Ratification of Completed Procurement Actions

Item Number: **8**

Vendor Name (& Location) Atkins-HNTB JV (10 East 40 th St. New York, NY)
Description General Engineering Consultant Services for NYCT Communications Based Train Control Program
Contract Term (including Options, if any) 24 Months
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Signals & Train Control, Gregoire Sulmont, Senior Vice President

Contract Number PS21002	AWO/Modification # 2
Original Amount:	\$ 18,154,956
Prior Modifications:	\$ 660,000
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 18,814,956
This Request:	\$ 5,662,693.22
% of This Request to Current Amount:	30.1%
% of Modifications (including This Request) to Original Amount:	31.2%

DISCUSSION:

This Contract requires the consultant, a joint venture of Atkins North America Inc. and HNTB New York Engineering and Architecture (“Atkins-HNTB JV”) to provide General Engineering Services for MTA’s Communications Based Train Control (“CBTC”) program (the “Contract”). MTA Construction and Development (“C&D”) requests that the Board ratify a modification in the amount of \$5,662,693.22, to perform additional tasks under the Contract, each of which will support CBTC for the New York City Transit subway system.

Under this Contract, Atkins-HNTB JV provides design, engineering, procurement support and program administration services to assist the MTA in implementing the next phase of its CBTC program for NYCT subway services. Following the award of the Contract, MTA determined that five additional tasks were required to advance CBTC reliability, provide seamless expansion across NYCT’s subway system and ensure continued competition for future CBTC rollout. Those tasks are to (1) evaluate and develop strategies for equipping work trains with CBTC equipment and support a procurement for equipping the work trains; (2) determine the feasibility of replacing the existing CBTC Data Communication System with non-proprietary technology; (3) assist with the publication of request for information to the industry to identify solutions to retrofit R142 and R142A class subway cars with CBTC equipment and to evaluate the solutions identified and develop an implementation strategy; (4) analyze the CBTC systems currently installed on NYCT’s Canarsie, Flushing and Queens Boulevard West lines to evaluate their reliability and any operational weaknesses and recommend mitigation factors; and (5) support MTA’s Interface Standard Update Subgroup to modernize the Interface Standard to ensure that it remains a viable design standard for seamless functionality and safety certification of CBTC systems procured in the future.

Atkins-HNTB JV submitted its proposal for these 5 tasks in the amount of \$10,067,356. C&D engaged in several scope clarification meetings with the Consultant, followed by negotiations resulting in an agreed upon amount of \$5,662,693.22 which was deemed to be fair and reasonable. This modification also adds two additional subconsultants, Nordic Signals Consulting and Dinmore Engineering LLC to the Contract for this added work. All of these additional tasks will be completed within the initial term of the Contract, which ends on March 31, 2024, except that the work to support the procurement for equipping work trains may continue for up to 32 weeks from the award of this modification.

In order to support the procurement timeline for the Fulton Line CBTC project, approval from the President of MTA C&D was issued in the third quarter of 2023 to direct the Consultant to proceed with the support of MTA’s Interface Standard Update Subgroup and with the analysis and evaluation of currently installed CBTC systems in the not-to-exceed amount of \$743,000.