



November 2023

MTA Board Action Items



MTA Board Meeting

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

Wednesday, 12/6/2023
9:00 AM - 12:00 PM ET

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes - October 25, 2023

MTAHQ

NYCT/MaBSTOA/SIRTOA/MTA Bus Company

MTA Metro-North Railroad

MTA Long Island Rail Road

MTA Triborough Bridge and Tunnel Authority

MTA Construction & Development

MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes - October 25, 2023 - Page 4

3. TRAFFICE MOBILITY REPORT AND RECOMMENDATION

Action Item

CBDDTP Initial Toll Ratemaking Process Authorization - Page 13

4. MTA 2024 FINAL PROPOSED BUDGET AND NOVEMBER FINANCIAL PLAN 2024-2027 (Materials distributed separately)

5. COMMITTEE ON CAPITAL PROGRAM

Procurement Report

C&D Procurements - Page 17

6. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAIL (no items)

7. COMMITTEE ON NYCT & BUS (no items)

8. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

B&T Procurement - Page 26

Procurement Report

i. B&T Competitive

B&T Competitive - Page 29

9. COMMITTEE ON FINANCE

MTAHQ Procurements Report

MTAHQ Procurement Report - Page 32

i. Competitive Procurements

MTAHQ Competitive Procurement - Page 36

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 39

10. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (no items)

**Joint Minutes of the
Metropolitan Transportation Authority,
the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating
Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan
Suburban Bus Authority, the Triborough Bridge and Tunnel Authority,
the Long Island Rail Road Company, Metro-North Commuter Railroad Company,
MTA Construction and Development Company, the MTA Bus Company and
the First Mutual Transportation Assurance Company
Regular Board Meeting
2 Broadway
New York, NY 10004
Wednesday, October 25, 2023
9:00 a.m.**

The following Board Members were present (**Attended remotely*):

**Hon. Janno Lieber, Chair & CEO
Hon. Andrew Albert
Hon. Jamey Barbas
Hon. Samuel Chu*
Hon. Michael Fleischer
Hon. David Jones
Hon. Blanca Lopez
Hon. David Mack
Hon. Haeda B. Mihaltses*
Hon. Frankie Miranda
Hon. Dr. John-Ross Rizzo
Hon. Lisa Sorin
Hon. Neal Zuckerman**

The following alternate non-voting members were present:

**Hon. Gerard Bringmann
Hon. Norman Brown
Hon. Randolph Glucksman
Hon. Vincent Tessitore, Jr.**

The following Board Members were absent:

**Hon. John Samuelson
Hon. Isabel Midori Valdivia Espino**

Paige Graves, General Counsel, Lisette Camilo, Chief Administrative Officer, Kevin Willens, Chief Financial Officer, Patrick Warren, Chief Safety and Security Officer, Richard Davey, President, NYCTA, Frank Annicaro, Acting Chief Operating Officer, NYCT and Acting President, MTA Bus Company, Catherine Rinaldi, President, Metro-North Railroad, Rob Free, Acting President, LIRR, Catherine Sheridan, President, TBTA, Jamie Torres-Springer, President, MTA C&D, Chris Pangilinan, Vice President, Paratransit, Quemuel Arroyo, Chief Accessibility Officer, Shanifah Rieara, Senior Advisor for Communications and Policy/Interim Chief Customer Officer, Lucille Songhai, Assistant Director, Government and Community Relations, also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Boards of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, the MTA Construction and Development Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, Metro-North Commuter Railroad Company, the MTA Construction and Development Company, and the First Mutual Transportation Assurance Company.

Chair Lieber called to order the October 2023 Board meeting.

General Counsel Paige Graves confirmed a quorum of the Board members in attendance.

A recorded audio public safety announcement was played.

1. PUBLIC SPEAKERS' SESSION.

The MTA Moderator announced that the following public speakers will speak either live virtually or in-person.

The MTA Moderator reminded public speakers of the rules of conduct and the two-minute speaking limit. The Moderator reminded speakers of the warning beep when 30 seconds remain to conclude their remarks. The Moderator advised that the public comments will be recorded, published to the MTA website, and available for MTA Board Members' review.

The following public speakers commented (*live virtual comments):

Yolanda Alleyne, private citizen
Monique Johnson, private citizen
Jean Ryan, Disabled In Action (DIA)
Jesse Figueroa, private citizen
Christopher Greif, private citizen

Gian Pedulla, private citizen
Charlton D'Souza, President, Passengers United*
Jessica Murray, private citizen*
Vincent Pedulla, private citizen
Kathleen Collins, Disabled In Action (DIA)
Jason Anthony, Amazon Labor Union
Miriam Fisher, private citizen*
Andrew Rein, President, Citizens Budget Commission
Iris Kelly, private citizen
Lisa Daglian, Executive Director, PCAC
Debra Greif, private citizen
Miriam Greenfield, private citizen*
Rachel Fauss, Reinvent Albany*
Joshua Annan, student
Yuki Endo, Passengers United
Michael Ring, Disabled In Action (DIA)
Michael Howard, private citizen
Michael Cohen, private citizen

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of speakers' statements.

Chair Lieber thanked all public speakers and announced that the Board will convene in Executive Session to discuss labor matters.

2. EXECUTIVE SESSION.

Upon motion duly made and seconded, the Board voted to convene an Executive Session, in accordance with the Public Officers Law, Section 105(1)(e), to discuss labor matters.

Upon motion duly made and seconded, the Board voted to reconvene in public session.

3. PUBLIC SESSION RESUMES.

Chair Lieber announced that in Executive Session the Board approved the following:

- 1) Collective bargaining agreement between the MTA Bus Company and the Transport Workers Union, Local 106 (TSO) – MTA Bus Unit.

4. MTA STORM RESILIENCY AND RESTORATION PRESENTATION.

Patrick Warren, MTA Chief Safety & Security Officer, Jim Compton, NYCT Executive V.P., Customer Environment, Justin Vonashek, MNR Executive V.P. & Chief Operating Officer, Paul Dietlin, LIRR Vice President – Maintenance of Way, and Richard Hildebrand, MTA B&T Vice President, Chief of Operations, presented Storm Ophelia's After-Action Report, and the MTA's and Agencies' service response, restoration, and resiliency planning.

Chair Lieber thanked everyone involved with the presentations, and the discussion; and stated that he is incredibly impressed with the teams and their management for acting preemptively during these emergencies.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of the presentation, Board members comments and Chair Lieber's remarks.

5. CHAIR LIEBER'S REMARKS.

Chair Lieber welcomed everyone to the October MTA Board meeting.

Chair Lieber stated that he was asked to speak to transit leaders about New York City Transit's post-COVID recovery, coined as "New York Transit's Success Story", and how the agency managed its recovery efforts – how to recoup ridership, achieve financial stability, deal with the homeless and mental health issues in the public space, and how to create a sense of safety, the same issues discussed in New York over a long period of time, especially the fiscal cliff.

Chair Lieber stated that the difference between other states' transportation agencies is that they are just starting to deal with these issues, and the MTA has tackled these issues early, thanks to Governor Hochul, who secured funding that dealt with the MTA's fiscal cliff.

Chair Lieber stated that, even with these gains, discussions at the conference highlighted a lot of industry-wide challenges that we still face, especially the ability to produce new rolling stock required to improve and maintain transit systems nationwide, especially zero emission buses.

Chair Lieber stated that transit is the antidote to climate change and the reason that the New York City region is the greenest metropolitan area in the United States, and the agency is also committed to making its operations green.

Chair Lieber stated that C&D President Jamie Torres-Springer has led the agency's process on reducing greenhouse gas emissions by 85% by 2040, which is in keeping with the standard that the State of New York has set. The agency is aiming to complete the transition to zero-emission buses, and many other transit agencies nationwide have made similar commitments.

Chair Lieber stated that the agency's focus is on the serious shortage of electric bus manufacturers who can comply with the "Buy America" requirements of federal funding. Chair Lieber stated that Dorval Carter, President of the Chicago Transportation Authority and Chair of APTA, has created a national panel to deal with this issue in tandem with the White House and other governmental leaders, and President Rich Davey has been appointed panel co-Chair.

Chair Lieber noted that in 2019, Congress prohibited railcar purchases from Chinese manufacturers including those who had set up operations in the United States, which had an impact on competition. Chair Lieber stated that considering that the Chinese electric bus

manufacturers have been major producers worldwide for the last couple decades, the agency is dealing with the consequences of the federal mandate.

Chair Lieber stated that, as highlighted in the new 20-Year Needs Assessment, the agency needs to replace 8,700 cars over the next two decades and is working to get more railcar manufacturers certified who meet “Buy America” requirements to operate in the United States and who satisfy the agency’s unique requirements for the cars that are used in New York.

Chair Lieber stated that in the next month, the agency intends to issue a new Request For Proposal (RFP) for a major strategic study to solicit international experts to help figure out how to address the competition challenges.

Chair Lieber stated that he is very proud of the work that the team has done on the storm resiliency and restoration efforts, which is one of the principal reasons the agency is moving full-steam ahead with the 20-Year Needs Assessment. Resiliency is one of the top topics of the 20-Year Needs Assessment, along with rebuilding aging infrastructure like bridges and tunnels, line structures and signals, and power and communications, and a host of other needs that Chair Lieber stated will be presented to Board members and other stakeholders in the next year, in addition to the Capital Program that must be completed by the end of 2024.

Chair Lieber stated that the 20-Year Needs Assessment report was put together by staff from across the MTA who have spent a couple of years accumulating data on the six million components and assets of the MTA, which has never been done before. Chair Lieber stated that the agency needs to understand the criticality of service of assets to make rational prioritization decisions, and the 20-Year Needs Assessment facilitates this process.

Chair Lieber stated that the Board will participate in the 20-Year Needs Assessment process and provide guidance with the development of the five-year capital plan that must be adopted by the end of 2024, and he invited Board discussion on the 20-Year Needs Assessment report.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for the details of Chair Lieber’s remarks and Board members’ comments.

6. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the Joint Minutes of the MTA and MTA Agencies Regular Board meeting held on September 20, 2023, as corrected.

Refer to the video recording of the meeting, produced by the MTA and maintained in MTA records for the details.

7. MTA BRIDGES AND TUNNELS COMMITTEE.

Board Member David Mack stated that there are no items to report for Board approval for the Bridges and Tunnels Committee.

8. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

A. Procurement Item.

Upon motion duly made and seconded, the Board approved the following item:

1. Approved the purchase of 250 over-the-road express diesel buses with options for up to 131 additional over-the-road express diesel buses for a total of 381 buses, as well as related items such as spare parts, special tools and equipment, technical documentation, and training from Prevost Car (US) Inc. (Contract No. B40695) in the total estimated amount of \$325,795,912 on behalf of MTA Bus Company. The Board also authorized the NYC Transit Assistant Chief Procurement Officer to approve the exercise of the options once funding becomes available.

Refer to the staff summary and documentation filed with the records of this meeting for the details on this item.

9. AUDIT COMMITTEE.

Board Member Jamey Barbas reported that there is one item for full Audit Board Approval:

1. MTA Consolidated Financial Statements 2nd Quarter 2023

Refer to the Audit Committee minutes of this date for the details of this item.

10. CAPITAL PROGRAM COMMITTEE.

A. Procurement Items.

Upon motion duly made and seconded, the Board approved the following items:

1. Adoption of 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 (RFP) 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 (Contract No. 1000194074).
2. Approved the award of a publicly advertised and competitively solicited contract (Contract No. A37369) to CF Constructors, LLC, a joint venture between EE Cruz & Company, Inc. and Flatiron Contractors, Inc. for progressive design-build services for state of good repair work at various stations with a total duration of 44 months. Board

approved the design phase (Phase I) of this project in the not-to-exceed amount of \$35,312,421 and a duration 27.5 months.

3. Approved the award to Verde Electric Corporation, a publicly advertised and competitively solicited contract (Contract No. 157548), for design-build services to replace Metro-North Railroad's Mobile Substation C-16. The contract is in the amount of \$32,617,134.35 and for a duration of 36 months.
4. Approved the award to Turner & Townsend Inc. of a publicly advertised and competitively solicited contract (Contract No. S00017C) 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 amount of \$3,711,049.38.
5. Approved the modification to a contract with Siemens Mobility, Inc. (Contract No. S-48004-1) to 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.
6. Approved the modification of a contract with Ground Transportation Systems USA, Inc. d/b/a Thales Transport and Security, Inc. (Contract No. S-48004-2, AWO/Modification #14) 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.
7. Approval to exercise the second option of the contract with Ground Transportation Systems USA, Inc. d/b/a Thales Transport and Security, Inc. (Contract S-48013-2, AWO/Modification # Option 2) for additional R211 Communications Based Train Control ("CBTC") equipment in the amount of \$10,123,326.
8. Board ratified a modification, in the amount of \$5,662,693.22, to a contract with Atkins-HNTB JV (Contract No. PS21002, AWO/Modification #2) to perform additional tasks under the contract, each of which will support CBTC Program for the New York City Transit subway system.

Refer to the staff summaries and documentation filed with the records of this meeting for the details on these items.

11. MTA COMMITTEE ON FINANCE.

- A. Procurement Items. Upon a motion duly made and seconded the Board approved the procurement items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.
 1. Bentley Systems Inc. – Licensing, Maintenance and Support – No. 9000000000004443. Approved the award of a non-competitive miscellaneous contract with Bentley Systems

Inc. for the continuous licensing, maintenance, and support of all Bentley products utilized by the MTA Enterprise Asset Management and MTA Construction & Development for a period of five years (January 1, 2024 – December 31, 2028), in the estimated amount of \$20,524,344.

2. Various Contractors – Back Office Support for Open Road Tolling and Central Business District Tolling Program – Contract Nos. PSC-21-3054A, PSC-21-3054B & PSC-21-3054C. Approved the award of competitively solicited personal service contracts to HDR Architecture & Engineering, P.C., Atkins, P.A.P.C and HNTB New York Engineering and Architecture, in accordance with the All-Agency Service Contract Procurement Guidelines, to provide as-needed back-office support for the Open Road Tolling Program and Central Business District Tolling Program in the aggregate not-to-exceed amount of \$5 million over a period of five years.
3. EyeMed Vision Care LLC – Employee Vision Provider – No. 15332 (AWO/Mod # 1). Approved the modification to the contract with EyeMed Vision Care LLC for employee vision care, to provide a two-year extension with two 1-year options to continue vision care benefits for non-represented and some represented employees in the amount of \$12,598,000.
4. IBM, Inc. – MTA Business Service Center (“BSC”) Pension Upgrade – No. 90000000002704(Mod. #.20). Approved a modification to the contract with IBM, Inc. for MTA BSC PeopleSoft Pension Upgrade, to add funding for additional work scope to update the existing Pensions Phase II Project and extend the contract through September 30, 2024, in the amount of \$4,630,940.
5. TransCore, LP – Central Business District Tolling (“CBDT”) Program – No. 19-CBDT-2978. Approved a modification to the contract with TransCore, LP for services to design, build, operate, and maintain the CBDT Program, to add funding and to extend the contract by 40 months.

B. Real Estate Items.

Upon a motion duly made and seconded the Board approved the real estate items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

Metro-North Rail Road

1. Approval of Determination and Findings under the New York Eminent Domain Procedure Law relating to the acquisition of permanent and temporary easements of the required property interest for the Metro-North ADA Improvements Project at the Williams Bridge Station on the Harlem Line.

New York City Transit Authority

2. Approval of agreement with Jamaica Village Owner LLC, c/o FBE Limited, for the short-term extension of MTA Bus and NYCT leases at 90-10 Merrick Boulevard, Jamaica, Queens, N.Y.
3. Approval of the long-term lease with Jamaica Village Owner LLC, c/o FBE Limited LLC, for Replacement Bus Terminal for bus operations currently operated by NYCT Bus, MTA Bus and Nassau Inter-County Express at 90-10 Merrick Boulevard, Jamaica, Queens, N.Y.
4. Approval of the acquisition from President Maintenance Corp. of property located at 1590 Bedford Avenue (Block 1273, Lot 46) for the operation of NYCT's Bedford Avenue Maintenance Shop, Brooklyn, N.Y.

12. JOINT LONG ISLAND RAIL ROAD/METRO-NORTH RAILROAD COMMITTEE.

Board Member Lisa Sorin stated that there are no items to report for Board approval for the Joint Railroad Committee.

13. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:00 a.m.

Respectfully submitted,

Susan Sarch
Vice President,
General Counsel and Secretary
Metro-North Railroad

Haley Stein
Vice President,
General Counsel and Secretary
Long Island Rail Road Company

Mariel A. Thompson
Assistant Secretary
NYCT

Evan Eisland
General Counsel and Secretary
MTA C&D

Paul Friman
General Counsel
and Corporate Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ

Staff Summary

Subject Central Business District Tolling Program (CBDTP) Process for Proposed Initial Toll Ratemaking	Date December 6, 2023
Department Chief Financial Officer	Vendor Name N/A
Department Head Name Kevin Willens	Contract Number N/A
Department Head Signature	Contract Manager Name N/A
Project Manager Name Allison L. C. de Cerreño	Table of Contents Ref # N/A

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Board	12/6/2023	x			1	Chief Financial Officer		
						2	Legal		

Purpose:

To seek Board authorization to proceed with the steps necessary to consider a proposal for Central Business District Tolling Program (CBDTP) initial toll ratemaking informed by the recommendations of the Traffic Mobility Review Board, including the issuance of public notices and the holding of public hearings to elicit public comment on such proposal.

Discussion:

Consistent with its goals of reducing traffic congestion within Manhattan’s Central Business District (CBD) and generating revenue to fund MTA’s transit and commuter rail system capital projects, the MTA Reform and Traffic Mobility Act requires among other things that Triborough Bridge and Tunnel Authority d/b/a MTA Bridges and Tunnels (TBTA):

- establish and operate a Central Business District Tolling Program (CBDTP);
- establish and charge variable tolls for vehicles entering or remaining in the CBD; and
- make rules and regulations for the establishment and collection of CBD tolls.

To accomplish this, Board authorization is sought to commence the process for considering the CBDTP initial toll ratemaking. The CBDTP initial toll ratemaking schedule that TBTA plans to propose is included herein as Attachment “A”. The CBDTP initial toll ratemaking process includes the issuance of public notices and the holding of public hearings to elicit public comments on the proposal. Information is also posted on the MTA website, and the public may submit comments by email, letter, or phone. After the public hearings have been held, a proposed CBDTP initial toll ratemaking regulation requiring Board authorization will be submitted to the Board for approval prior to implementation.

Recommendation:

It is recommended that the MTA Board authorize the Chair and his designees to take the necessary steps, including publishing any required notices and conducting any required public hearings, in order to complete the administrative process necessary in advance of the Board’s consideration of the CBDTP initial toll ratemaking.

ATTACHMENT "A"

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CENTRAL BUSINESS DISTRICT (CBD) CHARGES

A E-ZPass Customers		CBD ENTRY CHARGE	TUNNEL CREDIT
VEHICLE CLASSIFICATION			
1	Passenger and other vehicles, including sedans, sport utility vehicles, station wagons, hearses, limousines, pickup trucks with factory beds, pickup trucks with caps below the roofline and not extending over the sides, and vans without an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period for registered Low-Income Discount Plan participants using an eligible vehicle, 11th trip and trips thereafter in a calendar month (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit (maximum daily credit \$5.00) If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$15.00 \$7.50 \$3.75	\$5.00 \$2.50
2	Single-unit trucks, including non-articulated trucks, pickup trucks with modified beds, vans with modified body behind the drivers cab, pickup trucks with cabs above the roofline or extending over the sides, and vans with an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$24.00 \$6.00	\$12.00 \$6.00
3	Multi-unit trucks, including articulated trucks where a power unit is carrying one or more trailers Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$36.00 \$9.00	\$20.00 \$10.00
4	Buses, including vehicles registered with the DMV and plated as a bus, omnibus, or have other designated official plates Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends) Licensed sightseeing buses Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$24.00 \$6.00 \$36.00 \$9.00	\$12.00 \$6.00 \$20.00 \$10.00
5	Motorcycles Peak period (5am-9pm weekdays, 9am-9pm weekends) Peak period per-trip credit (maximum daily credit \$2.50) If entering the CBD via the Lincoln Tunnel or Holland Tunnel If entering or exiting the CBD via the Queens-Midtown Tunnel or Hugh L. Carey Tunnel Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$7.50 \$1.75	\$2.50 \$1.25

E-ZPass CBD entry charges are available subject to terms, conditions and agreements established by the Authority.

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the CBD charge for any such vehicle of unusual or unconventional design, weight or construction. Any single unit vehicle identified as belonging to Classes 1, 2 or 5 will be up-classed to the next toll class when towing a trailer or another vehicle.

Daily toll cap of once per day for Class 1 and Class 5 vehicles. Caps for other vehicles are subject to change pursuant to the adaptive management approach to mitigating project effects, as committed to in the Final Environmental Assessment.

CBD entry charges and tunnel credits are subject to a variable percentage increase/decrease of up to 10% for up to one year after implementation pursuant to the adaptive management approach to mitigating project effects, as committed to in the Final Environmental Assessment.

The Low-Income Discount Plan shall continue for five years as committed to in the Final Environmental Assessment.

The Authority reserves the right to charge a 25% higher CBD charge during Gridlock Alert Days. Each year, the NYCDOT identifies Gridlock Alert Days during the UN General Assembly and throughout the holiday season when heavy traffic is expected in Manhattan. On Gridlock Alert Days, consider walking, biking, or taking mass transit for any trips in Manhattan.

Qualifying authorized emergency vehicles and qualifying vehicles transporting persons with disabilities are exempt pursuant to Vehicle and Traffic Law § 1704-a (2).

Qualifying authorized commuter buses and specialized government vehicles, as determined by the Authority, are exempt.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY CENTRAL BUSINESS DISTRICT (CBD) CHARGES

B Customers Using Fare Media Other Than E-ZPass		CBD ENTRY CHARGE	PER TRIP CHARGE (TO/FROM/WITHIN CBD)
	VEHICLE CLASSIFICATION		
1	Passenger and other vehicles, including sedans, sport utility vehicles, station wagons, hearses, limousines, pickup trucks with factory beds, pickup trucks with caps below the roofline and not extending over the sides, and vans without an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$22.50 \$5.50	
2	Single-unit trucks, including non-articulated trucks, pickup trucks with modified beds, vans with modified body behind the drivers cab, pickup trucks with cabs above the roofline or extending over the sides, and vans with an extended roof above the windshield Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$36.00 \$9.00	
3	Multi-unit trucks, including articulated trucks where a power unit is carrying one or more trailers Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$54.00 \$13.50	
4	Buses, including vehicles registered with the DMV and plated as a bus, omnibus, or have other designated official plates Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends) Licensed sightseeing buses Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$36.00 \$9.00 \$54.00 \$13.50	
5	Motorcycles Peak period (5am-9pm weekdays, 9am-9pm weekends) Overnight period (9pm-5am weekdays, 9pm-9am weekends)	\$11.25 \$2.75	
	NYC TLC taxis, green cabs, for-hire vehicles (FHVs) Taxis, green cabs, and FHVs FHVs on trips dispatched by high-volume for-hire services (HVFHs)		\$1.25 \$2.50

The Authority reserves the right to determine whether any vehicle is of unusual or unconventional design, weight or construction and therefore not within any of the listed categories. The Authority also reserves the right to determine the CBD charge for any such vehicle of unusual or unconventional design, weight or construction. Any single unit vehicle identified as belonging to Classes 1, 2 or 5 will be up-classed to the next toll class when towing a trailer or another vehicle.

Daily toll cap of once per day for Class 1 and Class 5 vehicles. Caps for non-passenger vehicles are subject to change pursuant to the adaptive management approach to mitigating project effects, as committed to in the Final Environmental Assessment.

NYC TLC taxi, green cab, and FHV tolls are to be paid by the passenger pursuant to Rules of City of NY Taxi & Limousine Commn (35 RCNY) §§ 58-26 (f), 59A-23 (b), 59D-17 (c).

CBD entry charges and per trip charges are subject to a variable percentage increase/decrease of up to 10% for up to one year after implementation pursuant to the adaptive management approach to mitigating project effects, as committed to in the Final Environmental Assessment.

The Authority reserves the right to charge a 25% higher CBD charge during Gridlock Alert Days. Each year, the NYCDOT identifies Gridlock Alert Days during the UN General Assembly and throughout the holiday season when heavy traffic is expected in Manhattan. On Gridlock Alert Days, consider walking, biking, or taking mass transit for any trips in Manhattan.

Qualifying authorized emergency vehicles and qualifying vehicles transporting persons with disabilities are exempt pursuant to Vehicle and Traffic Law § 1704-a (2).

Qualifying authorized commuter buses and specialized government vehicles, as determined by the Authority, are exempt.

Contracts Department

Evan Eisland, Executive Vice President and General Counsel

**PROCUREMENT PACKAGE
November 2023**

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$122 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	11/29/23	X		
2	Board	12/06/23	X		

Date: November 27, 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>
C. Competitive Requests for Proposals (Award of Purchase and Public Works Contracts)	2	\$121,690,000
	SUBTOTAL	2 \$121,690,000
	TOTAL	2 \$121,690,000

Budget Impact

The approval of these procurement actions will obligate capital funds in the amounts listed. Funds are available in the capital program 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.

November 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

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

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

- | | | | |
|-----------|---|----------------------|--------------------------------------|
| 1. | CRC Associates, Inc.
Contract No. C40853 | \$ 56,966,000 | <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 and upgrade NYC Transit's central alarm monitoring and fire alarm systems.

- | | | | |
|-----------|---|----------------------|--------------------------------------|
| 2. | TC Electric, LLC
Contract No. W32808 | \$ 64,724,000 | <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 upgrade the public address/customer information system along NYC Transit's Canarsie Line.

Staff Summary

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

Item Number 1					
Department, Department Head Name: Mark Bienstock, Senior Vice President, Systems					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/23	X		
2	Board	12/06/23	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
CRC Associates Inc.	C40853
Description	
Design-Build Services for Replacement and Upgrade of Central Alarm Monitoring and Fire Alarm Systems	
Total Amount	
1. C40853 Award:	\$56,896,000
2. Stipend Payments:	\$70,000
Contract Term (including Options, if any)	
1,221 Calendar Days	
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 to CRC Associates Inc. (“CRC”) for design-build services to replace and upgrade New York City Transit’s (“NYCT”) central alarm monitoring and fire alarm systems (the “Contract”). The Contract is in the amount of \$56,896,000 and for a duration of 1,221 calendar days. 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 \$70,000 to be paid to each unsuccessful proposer whose proposal met the defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$70,000 to the unsuccessful proposer.

DISCUSSION

The Contract provides for Design Build services to replace and upgrade the central alarm monitoring system, the fire alarm and detection system, and the connected fire suppression system. The work includes replacement of hardware and servers and configuration of the new systems at the Rail Control Center to ensure seamless communication with all fire alarms and access control panels at all NYCT stations and facilities. The work also includes updating the fire alarm and detection and fire suppression equipment at 20 locations as needed to ensure compliance with applicable Codes.

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

- CRC Associates Inc. (“CRC”)
- E-J Electric Installation Co. (“E-J”)
- Mass. Electric Construction Co. (“Mass”)

In response to the RFP, CRC and E-J submitted technical and price proposals. Mass withdrew from participation in the RFP citing its preference for a progressive design-build approach for this project. The selection committee, consisting of representatives from C&D Delivery and Contracts Departments and NYCT Department of Subways System Planning & Integration first reviewed the technical proposals and heard oral presentations by each of the remaining two proposers. The selection committee evaluated the technical proposals using the following pre-established selection criteria: design and construction, schedule, management plan, experience, record of performance, safety and quality, diversity compliance, and other relevant matters. The selection committee determined that both CRC and EJ submitted responsive technical proposals, with CRC unanimously ranked by the selection committee as the superior technical proposal. The selection committee thereafter opened the price proposals, which were as follows:

- CRC \$56,896,000
- E-J \$96,549,120

After reviewing the price proposals, the selection committee determined that E-J's price proposal was outside of the competitive range and was, therefore, not recommended for negotiations. Negotiations with CRC included detailed discussions of the proposer's design and construction approach, project schedule and overall cost. Following negotiations, CRC confirmed its proposal price in its Best and Final Offer ("BAFO") of \$56,896,000.

The selection committee unanimously recommended CRC for award of the Contract and determined that CRC was the highest ranked technically and provided the best value to the MTA. CRC provided the lowest price and the shortest schedule – 45 days shorter than E-J 's proposed schedule and 8 months shorter than the maximum duration permitted under the Contract. CRC's BAFO accelerates the interim milestone for commissioning of the new alarm monitoring system by 50 calendar days which will allow new fire detection and alarm equipment to be placed into service earlier in the project schedule. Its proposal also reduces the total number of Authority-supplied services (flaggers) needed for the project by 54%. CRC's proposal demonstrated a strong understanding of all components of the scope of work as established in its technical approach, including site-specific requirements, and its key personnel has extensive experience performing similar work and working with the MTA. Based on the foregoing, CRC's BAFO is considered fair and reasonable.

M/W/DBE INFORMATION

The MTA Department of Diversity and Civil Rights ("DDCR") has established 15% MBE, 15%WBE and 6% SDVOB goals for the Contract. CRC is projecting to meet the required MBE/WBE/SDVOB goals. CRC has achieved its DBE/MBE/WBE goals on previously completed contracts.

IMPACT ON FUNDING

Funding for the Contract and stipend for the unsuccessful proposer are 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 2					
Department, Department Head Name: Mark Bienstock, Senior Vice President, Systems					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	11/29/23	X		
2	Board	12/06/23	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
TC Electric, LLC	W32808
Description	
Design-Build Services for Public Address/Customer Information Sign (PA/CIS) Upgrade: Canarsie Line	
Total Amount	
1. Design-Build Contract:	\$64,622,000
2. Stipend Payments:	\$102,000
Contract Term (including Options, if any)	
1,004 Calendar Days	
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 TC Electric, LLC (“TCE”). The Contract is for design-build services to replace and upgrade the current Public Address/Customer Information Sign (“PA/CIS”) system along New York City Transit’s (“NYCT”) Canarsie Line in the Boroughs of Brooklyn and Manhattan. The Contract is in the amount of \$64,622,000 and for a duration of 1,004 Calendar Days. In accordance with MTA policy regarding the use of design-build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$51,000 to be paid to each unsuccessful proposer whose proposal met defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$102,000 to the two unsuccessful proposers.

DISCUSSION

The Contract provides for new PA/CIS cabinets, Customer Information Signs, Next Train Signs, speaker system, and microphones, to supplement and/or replace existing equipment, as well as the design and development of a new application programming interface to transmit train location information between the existing Canarsie Line signal system and the PA/CIS system.

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 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, past performance, and diversity compliance). Based on these criteria, the following four firms were selected to receive the Request for Proposal (“RFP”) in Step 2:

- CRC Associates Inc. (“CRC”)
- L.K. Comstock & Company LLC (“LKC”)

- TC Electric, LLC (“TCE”)
- Wabtec Railway Electronics, Inc. (“Wabtec”)

In response to the RFP, CRC, LKC, and TCE submitted technical and price proposals. Wabtec withdrew from participation in the RFP stating that they did not have the capacity to perform the civil work. The selection committee, consisting of representatives from C&D Delivery, Development and Contracts, and NYCT’s Department of Subways-Systems & Engineering, first reviewed the technical proposals and heard oral presentations by each of the remaining three proposers. The selection committee evaluated the technical proposals using the following pre-established selection criteria: design, construction, schedule, management plan, experience, record of performance, safety and quality, diversity practices, and other relevant matters. The selection committee determined that the three technical proposals received were responsive. The selection committee next opened the price proposals, which were as follows:

- CRC: \$65,995,600
- LKC: \$125,973,000
- TCE: \$65,885,000

After reviewing the price proposals, the selection committee invited CRC and TCE for cost discussions and to identify factors that drove cost. The selection committee removed LKC from consideration because its Price Proposal was outside of the competitive range. Following these discussions, CRC and TCE were given the opportunity to submit a Best and Final Offer (“BAFO”). BAFOs were received from both CRC and TCE as set forth below:

- CRC: \$65,500,000
- TCE: \$64,622,000

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 TCE was the highest ranked technically and provided the best value to MTA, as it provided the lowest price and the shortest schedule -- 8 months shorter than the schedule proposed by CRC and 15 months shorter than the maximum duration permitted under the Contract. TCE’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. TCE’s Best and Final Offer in the amount of \$64,622,000 is deemed to be fair and reasonable.

M/W/DBE INFORMATION

The MTA Department of Diversity and Civil Rights has established an MBE goal of 15%, WBE goal of 15%, and SDVOB goal of 6% for the Contract. TCE is committed to meet the required goal requirements and their utilization plan is under review. TCE has achieved its DBE/MBE/WBE goals on recently completed MTA contracts.

IMPACT ON FUNDING

Funding for the Contract and stipends for the two unsuccessful proposers are 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.



Bridges and Tunnels

Procurements November 2023



Staff Summary



Subject: Request for Authorization to Award Procurement
Department: Procurement
Department Head Name: Louis Montanti
Department Head Signature:
Project Manager Name: Various

Date: 11/14/2023
Vendor Name:
Contract Number:
Contract Manager Name:
Table of Contents Ref #:

Board Action					
Order	To	Date	Approval	Info	Other
1	President	11/14/2023	<i>LM</i>		
2	MTA B&T Committee	11/27/2023			
3	MTA Board	11/29/2023			

Internal Approvals			
Order	Approval	Order	Approval
	President		<i>LM</i>
	General Counsel & Corporate Secretary		<i>RF</i>
	MTA Deputy Chief Procurement Officer		<i>[Signature]</i>

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer		Chief Technology Officer		Chief Health & Safety Officer		Chief EEO Officer
	Chief Security Officer		Chief Maintenance Officer		MTA Office of Civil Rights		

PURPOSE:

To obtain approval of the Board to award procurement actions and to inform the Bridges and Tunnels Committee of the procurement actions.

DISCUSSION:

MTA B&T proposes to award Non-Competitive procurements in the following categories: None

MTA B&T proposes to award Competitive procurements in the following categories:

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule F: Personal Service Contracts	3	\$10M
SUBTOTAL	3	\$10M

MTA B&T presents the following procurement actions for Ratification: None

TOTAL	3	\$10M
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BUDGET IMPACT:

The purchase/contracts will result in obligating operating funds in the amount listed. Funds are available in the current MTA B&T operating budget for this purpose.

RECOMMENDATION:

That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.

MTA BRIDGES & TUNNELS
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

WHEREAS, in accordance with Sections §559, §2879 and §1265-a of the Public Authorities Law and the All Agency 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 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.

NOVEMBER 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

Schedule F: Personal Service Contracts
(Staff Summaries requiring Board approval)

Staff Summary Attached

1-3.	Atkins, P.A. P.C.	\$10,000,000	1
	Contract No. PSC-21-3055A	(Aggregate A, B & C)	
	Five Years		

Gannett Fleming Engineers and Architects, P.C.
Contract No. PSC-21-3055B
Five years

Henningson, Durham and Richardson
Architecture and Engineering, P.C.
Contract No. PSC-21-3055C
Five years

B&T is seeking Board approval to award three competitively solicited personal service contracts one to Atkins P.A. P.C, the second to Gannett Fleming Engineers and Architects, P.C and the third to Henningson, Durham and Richardson Architecture and Engineering, P.C., for miscellaneous toll collection consultant support services on an as-needed basis.

Staff Summary

Item Number				SUMMARY INFORMATION			
Department, Department Head Name: Vice President, ITS and Tolling, Nichola Angel				Vendor Names Atkins, P.A. P.C. Gannett Fleming Engineers and Architects, P.C. Henningson, Durham & Richardson Architecture and Engineering, P.C.			Contract Nos. PSC-21-3055A PSC-21-3055B PSC-21-3055C
Internal Approvals				Description Miscellaneous Toll Collection Consultant Support Services on an As-Needed Basis			
Order	Approval	Order	Approval	Total Amount: \$10,000,000 (aggregate)			
1	Deputy Director, B&T & C&D Budgets	✓	RP	Contract Term (including Options, if any) Five Years			
2	General Counsel/Corporate Secretary	✓	PF	Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A			
3	MTA Deputy Chief Procurement Officer	✓	[Signature]	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4	DDCR			Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive			
5	President		[Signature]	Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:			
				Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:			

Purpose

Bridges and Tunnels (“B&T”) is seeking Board approval in accordance with the All-Agency Service Contract Procurement Guidelines to award three competitively solicited personal service contracts, PSC-21-3055A, PSC-21-3055B, and PSC-21-3055C to (A) Atkins, P.A. P.C. (“Atkins”); (B) Gannett Fleming Engineers and Architects, P.C. (“Gannett Fleming”); and (C) Henningson, Durham & Richardson Architecture and Engineering, P.C. (“HDR”) for Miscellaneous Toll Collection Consultant Support Services on an As-Needed Basis in the aggregate not-to-exceed amount of \$10 million over a period of five years. These contracts will be an indefinite quantity, with the required services being assigned on an as-needed basis by issuing work orders.

Discussion

Bridges and Tunnels (“B&T”) requires the services of three multi-disciplined firms to assist with tasks related to toll collection and toll violation enforcement. Consultant services required under this agreement shall include various tasks designed to ensure that B&T’s toll collection and violation enforcement systems are robust, accurate, reliable, auditable, and maintainable; and to develop plans to improve, modernize, and replace toll system components when necessary. The consultants will provide technical services including but not limited to the following: (1) conceptual design, planning and scoping for toll system capital projects and interfacing with third parties, exchanging data with Back Office Systems at the New York E-ZPass Customer Service Center (“NYCSC”) and B&T’s Revenue Account Analysis System (“RAAS”); (2) provide as-needed multi-disciplinary technical support personnel to B&T; (3) evaluate potential upgrades for the toll-collection systems including host and back-office systems, plaza systems, in-lane systems, and violation enforcement; and (4) plan and design toll-related infrastructure including electronic toll elements, roadway geometry, and traffic operations.

The required services will be assigned on an as-needed basis through the issuance of work orders, based on the consultant’s current workload, available personnel, and expertise. Each work order will be negotiated separately using the labor, overhead, and profit rates negotiated in each contract. The total amount of all work orders under the three contracts will not exceed \$10 million.

Staff Summary

The Request for Proposal (“RFP”) was publicly advertised, and the solicitation notice was sent to 60 firms. Of the 29 firms that viewed/downloaded the RFP, seven submitted proposals: Atkins; Gannett Fleming; HNTB New York Engineering and Architecture, P.C.; HDR; Milligan Partners LLC; Protek Information Technology Services; and WSP USA Inc. Each was asked to quote labor, profit, overhead, and escalation rates based on predetermined titles. The firms were evaluated based on (1) qualification of firm for specific type of work; (2) qualification of firm for specific personnel proposed; (3) records of performance; (4) depth of understanding of the project; and (5) cost.

After evaluation of the technical and cost proposals, the Evaluation Committee recommended that B&T waive oral presentations and enter into negotiations with Atkins, Gannett Fleming, and HDR for these contracts. Each presented a comprehensive well-developed understanding of the technical requirements, demonstrated experience and knowledge of the toll industry and proposed well-qualified personnel. The recommended awards to the three selected firms are considered in B&T’s best interest and are deemed the best-valued proposals.

In connection with a previous contract awarded to Atkins P.A. P.C. dba Atkins Architecture and Engineering (“Atkins”), Atkins 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 Chairman / CEO in consultation with the MTA General Counsel in January 2016. No new SAI has been found relating to Atkins and Atkins has been found to be responsible. Gannett Fleming and HDR are responsible consultants.

The contracts resulting from this procurement have been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. The Authority is working with the vendors to include applicable cybersecurity requirements prior to issuance of the notice of award.

Each selected firm has certified that pursuant to Executive Order 16, it is not doing business in Russia.

M/W/DBE Information

The MTA Department of Diversity and Civil Rights has established goals of 15 percent MBE, 15 percent WBE, and 6 percent SDVOB on this contract. Atkins, Gannett Fleming and HDR have submitted MWBE/SDVOB utilization plans that satisfy the goal requirements. Gannett Fleming and HDR have achieved its goals on recently completed MTA contracts. Atkins 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 in the amount of \$10 million is available in the Operating Budget under GL #712542.

Alternatives

There are no recommended alternatives. The Authority does not possess the resources required to perform these services.

Recommendation

It is recommended that the Board approve the award of personal service contracts to Atkins, Gannett Fleming, and HDR to provide Miscellaneous Toll Collection Consultant Support Services on an As-Needed Basis.



MTA Headquarters Procurements

Lisette Camilo, Chief Administrative Officer/Interim Chief Procurement Officer

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$12.8M.

Subject Request for Authorization to Award Various Procurements					
Department MTA Procurement					
Department Head Name Lisette Camilo					
Department Head Signature <i>Lisette Camilo</i>					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	11/29/23			
2	Board	12/06/23			

November 27, 2023			
Internal Approvals			
	Approval		Approval
	CAO		
	Legal		
	CFO		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval

PURPOSE

To obtain approval of the Board to award various contracts and purchase orders, and to inform the MTA Headquarters Committee of these procurement actions.

DISCUSSION

MTA Headquarters proposes to award Noncompetitive procurements in the following categories: None

MTA Headquarters proposes to award Competitive procurements in the following categories:

<u>Procurements Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$ 12.8 M
SUBTOTAL	1	\$ 12.8 M

MTA Headquarters proposes to award Ratifications in the following categories: None

TOTAL	1	\$ 12.8 M
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COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

BUDGET IMPACT: The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.

RECOMMENDATION: That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)

BOARD RESOLUTION

WHEREAS, in accordance with Sections 1265-a and 1209 of the Public Authorities Law and the All-Agency General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals regarding purchase and public work contracts; and

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

WHEREAS, in accordance with Section 2879 of the Public Authorities Law and the All-Agency Service Contract Procurement Guidelines, 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; and (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.

NOVEMBER 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)
(Staff Summaries required for items estimated to be greater than \$1,000,000.)

1. **Staples Contract & Commercial LLC** **\$12,823,221** ***Staff Summary Attached***
Three-year base + two 12-month Options
Contract# 0000015668
Award of a contract for the as-needed supply and delivery of office supplies and copy paper.

Staff Summary

Item Number: 1			
Department: MTA Procurement, Lisette Camilo			
Internal Approvals			
Order	Approval	Order	Approval
1	Procurement		
2	Legal		
3	CFO		
4	DDCR		
5			

SUMMARY INFORMATION	
Vendor Name(s) Staples Contract & Commercial LLC	Contract No. 0000015668
Description: All-Agency Procurement for the Supply and Delivery of Office Supplies and Copy Paper	
Total Amount: \$12,823,221 (est.)	
Contract Term (including Options, if any) Three-year Base plus two 12-month Options	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
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 checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Purpose

MTA Headquarters is seeking Board approval to award an estimated quantity purchase contract for the as-needed supply and delivery of office supplies and copy paper, pursuant to a competitively negotiated All-Agency Request for Proposals (“RFP”) to Staples Contract & Commercial LLC (“Staples”) in the total estimated amount of \$12,823,221. The contract period will be for three years with two 12-month Options to be exercised at the MTA’s discretion for a total duration of five years.

Discussion

This contract is for the provision of various office supplies and forms of copy paper. The supply and delivery of office supplies is critical to the MTA’s administrative functions.

This RFP will continue the already-successful consolidation of the MTA’s office supply requirements. This contract will build on that success and continue to assist the MTA with leveraging both its volumes and the MTA Marketplace (the MTA’s e-commerce solution) for additional savings. The MTA Marketplace currently hosts 11 large-value commodity contracts that allow end users to place orders directly with contracted vendors. Via PeopleSoft, user departments will enter the MTA Marketplace, browse for operational items, and select from one or more supplier catalogs. Orders are then transferred to a PeopleSoft requisition. Upon receiving departmental approvals, a Purchase Order is generated and dispatched directly to the supplier. This has become a preferred method for acquiring goods and materials for many users due to the abbreviated internal order processing time. The previous office supply contract was one of the original contracts to successfully utilize the MTA Marketplace.

An RFP was issued with the intent to optimize MTA vendors and leverage office supply volumes across all agencies for better value and benefits. This allows the MTA and its agencies to better manage office supply procurement, delivery, and payment. By utilizing the RFP process, the MTA was able to utilize evaluation criteria relating to various factors other than price. The RFP was structured for proposers to submit (1) unit pricing for a Market Basket or the approximately 1,000 most-often ordered items under the current office supply contract; (2) unit pricing for custom-printed items such as business cards; and (3) subcategory discounts tied to the industry available SP Richards Catalog for all other office supply items that may not be captured within the market basket. The RFP was publicly advertised and issued to eight firms that were either MTA incumbents for this commodity type, had express interest in proposing, or were identified by Procurement as industry leaders: CDW Government, Crystal Infosystems, Grainger, Office Depot, Quill Office Supplies, Staples, WB Mason, and Weeks Lerman. Two vendors submitted proposals: Staples and Office Depot, LLC.

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

A Selection Committee (“SC”) composed of representatives from MTA Headquarters, NYC Transit, MTA Bus Company, Long Island Rail Road, and Bridges and Tunnels evaluated the proposals. The evaluation criteria were: (1) Financial Impact; (2) Capabilities – Support; (3) Capabilities – Service; (4) Capabilities – Risk; and (5) Diversity Practices. The SC recommended both vendors for oral presentations. Following oral presentations, the SC deemed both firms technically capable of performing the work and recommended that Procurement enter negotiations with each vendor.

At the direction of the SC, Procurement negotiated with both firms. Office Depot’s original five-year cost proposal was \$14,840,199, while Staples’ original five-year proposal was \$15,872,268. Negotiations were to focus on the areas of (1) reducing market basket unit pricing; (2) increasing non-market basket subcategory discounts; (3) reducing unit pricing on custom-printed items; and (4) establishing longer periods between price escalations. As part of the RFP process, a spend amount attributed to non-market basket spend was included for the purpose of calculating an estimated award amount. These figures were based on spend data from the previous office supply contract. The Market Basket accounts for approximately 70.35 percent of the MTA’s total estimated spend during the contract period, while Non-Market Basket is approximately 28.91 percent, and Custom Printed Items are a negligible 0.75 percent.

Through negotiations, Procurement was able to net additional discounts to many Market Basket items as well as the Non-Market Basket Subcategory Discounts from both proposers. Staples’ BAFO is \$1,535,057, or 10.69 percent, less than Office Depot’s.

Additionally, Staples’ BAFO represents a five-year savings of \$3,049,048, or 19.21 percent as compared to its initial submitted pricing proposal. This was achieved by attaining lower unit pricing for the majority of Market Basket items even beyond what is contracted under the current Staples agreement for the same, as well as increasing the average discount offered for all Non-Market Basket subcategories (current average discount of 46.6 percent is surpassed by the newly negotiated average discount of 54.5 percent). Staples’ unit pricing, discounts, and escalation periods have been established for the full contract term including the Option years.

Both vendors are deemed technically qualified. Award is based on offering the lowest cost with the best possible value to the MTA. Based on the foregoing, Staples’ BAFO is considered fair and reasonable.

The contract resulting from this procurement has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. The Authority is working with the vendor(s) to include applicable cybersecurity requirements prior to issuance of the notice of award.

Staples has certified that pursuant to EO 16, they are not doing business in Russia.

M/W/DBE Information

MTA Department of Diversity and Civil Rights (“DDCR”) has set goal requirements of 15 percent MBE, 15 percent WBE, and 6 percent SDVOB for this Procurement. Staples has submitted an MWBE/SDVOB utilization plan projected to meet the required goals. Staples has not recently completed any MTA contracts with MWDBE goals; therefore, no assessment of the MWDBE performance is available at this time.

Impact on Funding

The total cost of the awarded contract inclusive of the two options will be funded by the participating Agencies’ Operating budgets.

NOVEMBER 2023
MTA REAL ESTATE ACTION ITEMS
FOR BOARD APPROVAL

ADMINISTRATIVE ACTION ITEMS

Modification to the existing policy covering license transactions for non-revenue generating uses on MTA agency property

TRANSACTIONAL ACTION ITEMS

MTA New York City Transit

Acquisition of temporary and permanent easements from the New York City Department of Parks and Recreation in support of accessibility improvements at Broadway Junction Station in Brooklyn, NY

Lease with Generation Next Realty, Inc. for the relocation of the NYCT Atlantic Cable Shop to 2016 Pitkin Avenue in Brooklyn, NY

License amendment with Winfield Street 2nd Avenue LLC for a retail unit at the 96th Street Station on the Second Avenue Subway, New York, NY

MTA Bridges and Tunnels

License with the City of New York for the reconstruction and maintenance of the Vincent F. Albano Playground in New York, NY

MTA Metro-North Railroad

Acquisition of 4 Fisher Lane from 4 Fisher Lane Realty Co., LLC in support of the Automotive Fueling Station project in North White Plains, NY **3**.

METROPOLITAN TRANSPORTATION AUTHORITY

Staff Summary

Subject AMENDMENT TO THE EXISTING POLICY AUTHORIZING THE EXECUTION OF CERTAIN TRANSACTIONS FOR NON-REVENUE ACTIVITIES
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ARTURO ESPINOZA

Date NOVEMBER 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/27/23	X		
2	Board	11/29/23	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
3	Chief Administrative Officer		
2	Chief Financial Officer		

AGENCY: All-agency

PURPOSE: To obtain Board approval of an amendment to an existing policy to regulate the process MTA Real Estate follows to enter into certain agreements as set forth below

COMMENTS:

A policy approved July 27, 2022 (attached for reference; the “Original Policy”) authorized MTA Real Estate to enter into license agreements with individuals, not-for-profit entities, or public entities (“Licensees”) to utilize MTA agency property for uses including, but not limited to, beautification, landscaping, visual displays conveying community-related information, wayfinding or other signage, community-related events, and decorative installations.

Within the portfolio of the MTA, there are vacant, former retail units in stations where ridership no longer supports traditional retail uses or whose condition does not lend itself to immediate retail occupancy. In order for the entities to activate the spaces for the uses set forth in the Original Policy, certain work items may be needed on the former retail units, including but not limited to, cleaning, demolition work, electrical work, and installation of polycarbonate glass. The current policy does not allow the MTA Agency to expend any funds to prepare the space for use. Therefore, MTA Real Estate is requesting authorization to amend the policy to permit the given MTA agency to reimburse an amount not to exceed \$10,000 per unit for the Licensee to undertake improvements to prepare the vacant retail unit for activation.

Based on the foregoing, MTA Real Estate requests authorization to amend the July 27, 2022, as described above. The Board will be notified of the terms of the agreement subsequent to execution of the agreement.

MTA NEW YORK CITY TRANSIT

Staff Summary

Subject ACQUISITION OF TEMPORARY AND PERMANENT EASEMENTS FROM THE NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION IN SUPPORT OF ACCESSIBILITY IMPROVEMENTS AT NYCT'S BROADWAY JUNCTION STATION IN BROOKLYN, NY
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ARTURO ESPINOZA

Date NOVEMBER 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/27/23	X		
2	Board	11/29/23	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
3	Chief Administrative Officer		
2	Chief Financial Officer		

AGENCY: MTA New York City Transit (“NYCT”)

GRANTOR: New York City Department of Parks and Recreation (“Parks”)

LOCATION: Portion of Kings County Block 1547 Lot 1 in Callahan-Kelly Playground (“the Park”) adjacent to NYCT’s Broadway Junction subway station in Brooklyn

EASEMENT AREA: Temporary easements totaling 14,316 square feet and permanent easements totaling 9,616 square feet

USE: Construction, maintenance, and operation of accessibility improvements

ACTION REQUESTED: Authorization to enter into easement agreements

COMPENSATION: \$8,330,000 for all easements with an offset of \$3,600,000 for a portion of Sackman Street to be transferred to Parks and additional offsets of parcels worth at least \$4,730,000 to be transferred to Parks.

COMMENTS:

In support of a capital project to install accessibility improvements at the Broadway Junction subway station complex serving the A, C, J, Z, and L lines, temporary and permanent easements need to be acquired in adjacent property belonging to Parks. The easements will allow for the expansion of the station headhouse to create space for new elevators and ramps along with new aerial bridges to improve circulation throughout the station complex.

New York State legislation, included in the 2020-2021 Enacted Budget, added PAL 1266 (12-a) to create a new valuation procedure for transfers to or acquisitions by the MTA of City of New York (the “City”) owned real property, or interests in real property, needed by the MTA for certain capital projects in the 2015-2019 and 2020-2024 capital programs. The legislation adding PAL 1266 (12-a) was enacted so that the MTA can acquire from the City the real property interests needed for critical MTA capital projects timely, efficiently, and cost-effectively.

Staff Summary

FINANCE COMMITTEE MEETING



ACQUISITION OF TEMPORARY AND PERMANENT EASEMENTS FROM THE NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION IN SUPPORT OF ACCESSIBILITY IMPROVEMENTS AT NYCT'S BROADWAY JUNCTION STATION IN BROOKLYN, NY (Cont'd.)

Page 2 of 2

PAL 1266 (12-a) requires valuations of the City's real property interests and negotiations with the City to determine fair market value to be conducted after 1) the MTA has identified the need for such property interests, and 2) the City has consented to their transfer or acquisition.

The MTA has identified to the City the real property interests that the MTA needs to construct the accessibility improvements at the Broadway Junction subway station complex, and the City has consented to the transfer / sale of said real property interests to the MTA.

The New York State Assembly and Senate in June 2022 approved a bill authorizing this parkland alienation for the MTA acquisition of said real property interests at Parks' Callahan Kelly Playground and the Governor signed the bill in August 2022. An additional bill for technical corrections to the 2022 legislation was passed in May 2023 and signed by the Governor in July 2023.

Pursuant to PAL 1266 (12-a), after the MTA acquires title to the real property interests, the MTA will make a written offer to compensate the City the fair market value for said real property interests, based on an appraisal, and if needed will commence negotiations with the City to determine fair market value.

Since the Park received federal funding, any action to alienate any portion of the Park requires an additional process overseen by the National Park Service called conversion, the result of which is a requirement for identifying property whose value meets or exceeds the value of the real property interests alienated from Parks to serve as substitute parkland to be transferred to Parks permanently. Only property of sufficient recreational usefulness as a park qualifies; it is insufficient to compensate Parks with funds. One such parcel was identified early in the process and was included in the 2022 alienation legislation: the portion of Sackman Street adjacent to the Park. Thus, the alienation legislation authorized NYCT to undertake the process of a mapping action to formally discontinue and close a portion of Sackman Street (known as a "de-mapping") bordering the Park and then subsequently transferring jurisdiction of such de-mapped area to Parks.

An independent valuation of the easement areas alienated from Parks and the portion of Sackman Street to be transferred to Parks resulted in a shortfall of \$4,730,000 and the need to identify additional parcels in the Borough of Brooklyn to make up the difference. A significant driver of that shortfall is the requirement to value the temporary easements as permanent easements when the duration of the temporary occupancy is greater than 6 months, which is the case in this project. Therefore, in order to make up the shortfall, MTA identified additional parcels controlled by NYCT and they are being appraised. MTA Real Estate will negotiate terms and work with Parks to transfer the desired parcels to Parks' jurisdiction. The property acquisition will be subject to satisfactory completion of any necessary environmental reviews.

Based on the foregoing, MTA Real Estate requests authorization to proceed with negotiations and enter into easement agreements with Parks at the above-described terms and conditions. This Staff Summary will be updated to include any of the additional parkland replacement parcels identified to satisfy the above-described shortfall and the final terms and conditions will be presented to the Finance Committee and Board for approval.

Staff Summary

Subject LEASE AGREEMENT WITH GENERATION NEXT REALTY, INC. FOR RELOCATION OF NYCT ATLANTIC CABLE SHOP TO 2016 PITKIN AVENUE IN BROOKLYN, NY
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name RAYMOND SMYTH

Date NOVEMBER 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/27/23	X		
2	Board	11/29/23	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA New York City Transit (“NYCT”)
LESSOR: Generation Next Realty, Inc.
LOCATION: 2016 Pitkin Avenue, Brooklyn NY (Block 3735, Lots 1 & 10)
PREMISES: Approximately 65,000 SF warehouse space & approximately 17,000 SF storage yard/parking
USE: Warehouse and ancillary uses, to facilitate a NYCT cable shop, replacing NYCT’s Atlantic Avenue cable shop
TERM: Twenty (20) years and six (6) months, with three (3) five (5) year options to renew
ACTION REQUESTED: Authorization to enter into a new lease
RENT: \$1,462,500 per year or \$121,875 per month (\$22.50 PSF)
ESCALATIONS: 3% annually, including option terms

COMMENTS:

NYCT currently operates a cable shop and warehouse at a facility located at 1114 Atlantic Avenue in Brooklyn, New York (“Cable Shop”). The administrative and storage buildings comprising the Cable Shop are both in poor condition due to their age, and the Cable Shop must either be completely rehabilitated or relocated to another site. While a full rehabilitation of the facility was originally planned as part of the capital program, costs have significantly increased, and the cost of this work is no longer financially feasible. Therefore, NYCT is seeking to relocate to an alternative site to ensure its operations can continue uninterrupted.

LEASE AGREEMENT WITH GENERATION NEXT REALTY, INC. FOR RELOCATION OF NYCT ATLANTIC CABLE SHOP TO 2016 PITKIN AVENUE IN BROOKLYN, NY

Page 2 of 2

In an effort to identify an alternative site for NYCT, the MTA engaged its broker, CBRE, Inc., who identified or multiple available properties that met the requirements as outlined by NYCT. Site visits of each potential property were conducted and 2016 Pitkin Avenue ("Replacement Site") was determined to be the preferred site based on proximity to NYCT's existing cable shop and other critical operational considerations.

Once the proposed Replacement Site was selected, CBRE, Inc. and the MTA began preliminary negotiations with the owner of the Replacement Site. Negotiated annual rent for the Replacement Site is \$22.50 PSF (exclusive of parking which is being offered by owner of the Replacement Site free of charge). A Fair Market Value ("FMV") analysis was provided by CBRE, Inc., identifying a FMV rent between a range from \$20 to \$32.50 PSF. Negotiated annual rent for the Replacement Site is within the range of the aforementioned FMV. The total project cost for the buildout is estimated at approximately \$20 million, including full support costs.

Based on the foregoing, the MTA is requesting authorization to enter into a new lease with owner of the Replacement Site based on the terms outlined above.

Impact on funding: The cost of the lease/rent will be provided from the NYCT operating budget. Funding for the improvements in the building, estimated at approximately \$25 million including full support costs, are included in the NYCT portion of the 2020-24 Capital Program.

Staff Summary

Subject LICENSE AMENDMENT WITH WINFIELD STREET 2ND AVENUE LLC FOR A RETAIL UNIT AT THE 96TH STREET STATION ON THE SECOND AVENUE SUBWAY
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ARTURO ESPINOZA

Date NOVEMBER 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/27/2023	X		
2	Board	11/29/2023	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
3	Chief Administrative Officer		
2	Chief Financial Officer		

AGENCY: MTA New York City Transit (“NYCT”)
LICENSEE: Winfield Street 2nd Avenue LLC (“Winfield”)
LOCATION: 96 Street Station, Second Avenue Line
PREMISES: Platform level, paid zone; 153 square feet
USE: Install, operate, and maintain automated vending machines and storage of associated, non-hazardous materials.
TERM: 10 years
ACTIVITY: Amendment of retail license agreement
ACTION REQUESTED: Authorization to amend existing retail license agreement
COMPENSATION: 10% of gross revenue

COMMENTS:

MTA Real Estate issued a Request for Proposals (RFP) in 2019 prior to COVID-19 for travel convenience retail concessions at three stations on the Second Avenue Line (Q train): 72 Street Station, 86 Street Station, and 96 Street Station. Pursuant to the RFP, the Licensee signed a 10-year license agreement to operate a concession at each station for the sale of coffee and pre-packaged foods. For all three subway stations together, Winfield offered a license year minimum annual guarantee (MAG) of \$96,000 plus a percent of gross revenue over \$500,000.

Licensee designed and constructed the travel convenience unit as a coffee shop and operated it as such during the COVID-19 pandemic. However, sales and income at the 96 Street Station have been far short of Winfield’s expectations as a result of unforeseen issues such as COVID-19, theft, and vandalism. Due to the low sales, Winfield has requested permission to replace the cashier based coffee shop with unstaffed vending machines offering a similar assortment of coffee and pre-packaged foods.

Based on the foregoing, MTA Real Estate requests authorization for NYCT to execute an amendment to the existing license agreement with Winfield on the above-described terms and conditions.

**MTA
BRIDGES
&
TUNNELS**

Staff Summary

Subject LICENSE AGREEMENT WITH THE CITY OF NEW YORK FOR THE RECONSTRUCTION AND MAINTENANCE OF THE VINCENT F. ALBANO PLAYGROUND IN NEW YORK, NEW YORK
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name JASON ORTIZ

Date NOVEMBER 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/27/23	X		
2	Board	11/29/23	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA Bridges and Tunnels (“B&T”)
 LICENSEE: The City of New York (“City”)
 LOCATION: The northwest corner of Second Avenue and East 29th Street in the Borough of Manhattan, New York County Tax Map Block 910, Lot 27
 PREMISES: Vincent F. Albano Playground (the “Playground”)
 USE: Reconstruction and maintenance of the Vincent F. Albano Playground
 TERM: Ten (10) years, with one (1) five (5) year option term
 ACTION REQUESTED: Authorization to enter into a license agreement
 COMPENSATION: \$1, payment waived

COMMENTS:

The City has occupied the Premises pursuant to a license which expired December 31, 1970, and has since continued on a month-to-month basis. In order to support the City’s project for the reconstruction of the Playground, the City has requested that a new agreement with B&T for the Premises be executed. Pursuant to PAL § 557.4-a, in the event that any real property is determined to be unnecessary for its corporate purpose, B&T has the authority to enter into an agreement on behalf of such real property for a term of ten (10) years, with a five (5) year option. The Agreement will also be subject to a one hundred-eighty (180) day termination upon prior written notice for corporate or transportation purposes. However, B&T has agreed not to exercise such termination right prior to the fifth (5th) anniversary of substantial completion of the Playground improvements.

MTA Real Estate obtained an appraisal of the Premises, which determined that the annual market rental of the Premises is \$54,000.00 for use as a playground. However, the City requested that no compensation be considered due to the fact that City has been operating and maintaining the Premises as a public playground since 1966 and are making a capital investment through City funding for such public use. In addition, the previous permit in place between the City and B&T did not charge any compensation.

**FINANCE COMMITTEE MEETING
AGREEMENT WITH THE CITY OF NEW YORK FOR THE RECONSTRUCTION AND MAINTENANCE OF
THE VINCENT F. ALBANO PLAYGROUND IN MANHATTAN, NEW YORK (Cont'd)**

Page 2 of 2

Based on the foregoing, MTA Real Estate hereby requests authorization for B&T to enter into a license agreement with the City on the above-described terms and conditions.

MTA METRO-NORTH RAILROAD

Staff Summary

Subject ACQUISITION OF PROPERTY IN SUPPORT OF METRO-NORTH'S AUTOMOTIVE FUEL STATION PROJECT AT 4 FISHER LANE, WHITE PLAINS, NEW YORK
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name ANDREW D. GREENBERG

Date NOVEMBER 29, 2023
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/27/23	X		
2	Board	11/29/23	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Chief Administrative Officer		
3	Chief Financial Officer		

AGENCY: MTA Metro-North Railroad ("MNR")
SELLER: 4 Fisher Lane Realty Co., LLC
LOCATION: 4 Fisher Lane, White Plains, New York
 Westchester County Tax Map Section 120.20 Block 1, Lot 1
PREMISES: Approximately 5,785 sq. ft. industrial building situated on approximately 25,500 sq. ft. of land
USE: Automotive fueling station
ACTION REQUESTED: Authorization to acquire the fee simple title to the Premises
COMPENSATION: \$2,731,603.00

COMMENTS:

MNR's Automotive Fueling Stations Project ("AFS Project") involves the design and construction of automotive fueling stations with aboveground fueling systems to replace existing facilities at Harmon Yard, Brewster North Yard and the North White Plains Yard. The existing facilities at these locations require modifications to meet current compliance regulations and have 30-year-old underground tanks and fueling systems in need of replacement. While there is sufficient property at Harmon and Brewster North Yards for installation of facilities for the AFS Project, the North White Plains site requires acquisition of the Premises, which is adjacent to the North White Plains Yard and is strategically located for this use. The Premises provides significant safety benefits by locating the fueling system in an area with less traffic and therefore presumably fewer opportunities for accidents. The acquisition of the Premises will also benefit the overall traffic flow in the yard by providing space for additional traffic lanes and patterns.

At the September 2022 MTA Board meeting, approval was granted for MTA Real Estate to utilize the Eminent Domain Procedure Law ("EDPL") process to acquire the Premises, lessen the potential for delays to the AFS Project, and ensure the timely acquisition of the property interest in the case where a negotiated transaction was unable to be reached.

ACQUISITION OF PROPERTY IN SUPPORT OF METRO-NORTH'S AUTOMOTIVE FUEL STATIONS PROJECT AT 4 FISHER LANE, WHITE PLAINS, NEW YORK (Cont'd)

Page 2 of 2

Pursuant to the EDPL a public hearing was held on March 30, 2023, and the MTA Board approved the Determinations and Findings resulting from the public hearing at the May 24, 2023, meeting. Negotiations continued on a parallel path and the Seller is now seeking to complete a fair market value sales transaction of the Premises to the MTA.

The Premises is currently used and occupied by an affiliate of the Seller, Healy Electric Contracting, Inc. (the "Tenant"). The Tenant will be allowed to remain as a tenant in occupancy of the Premises through April 30, 2024, and pay a market rent of sixteen dollars (\$16) per square foot, triple net to the MTA. MTA Real Estate's broker CBRE independently confirmed this is a reasonable and fair market value rental.

The negotiated Compensation equals the sum of the appraised valuation of \$2,731,603.00 provided by MTA Real Estate's independent appraiser. Acquisition of the Premises by negotiation is preferable to condemnation which would potentially be costlier for the MTA. Also, the Seller will be refunded up to \$82,250 towards the cost of moving and reestablishment expenses (which MTA Real Estate condemnation counsel advised would have otherwise been entitled to if the Premises was acquired through Eminent Domain). The Seller provided bids from three moving contractors and the low bid is utilized here to establish the maximum amount to be refunded.

Based on the foregoing, MTA Real Estate requests authorization for the MTA on behalf of MNR to acquire the Premises on the above-described terms and conditions.