



Metropolitan Transportation Authority

October 2024

MTA Board Action Items



MTA Board Meeting

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

**Wednesday, 10/30/2024
9:00 AM - 12:00 PM ET**

1. PUBLIC COMMENT PERIOD

2. EXECUTIVE SESSION

3. PRESENTATION

4. CAPITAL PLAN AMENDMENTS

2010-2014 Amendment

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2015-2019 Amendment

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2020-2024 Amendment

2020-2024 Amendment - Page 8

5. APPROVAL OF MINUTES

MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes for September 25, 2024

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6. COMMITTEE ON CAPITAL PROGRAM

Procurement Items

C&D Procurements - Page 19

7. COMMITTEE ON METRO-NORTH RAILROAD & LONG ISLAND RAIL ROAD

Procurement Items

GE Grid Solutions - Page 31

8. COMMITTEE ON NYCT & BUS

NYCT Procurement Package - Page 38

9. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS (no items)

10. COMMITTEE ON FINANCE

Action Items (no items)

Procurement Items

MTAHQ Procurement Report - Page 45

i. Competitive Procurements

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Real Estate Items (no items)

11. AUDIT COMMITTEE

Action Items (See Exhibit Book for Materials)

i. Appointment of External Auditor

ii. Second Quarter 2024 MTA Consolidated Financial Statements

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

Staff Summary

Subject MTA 2010-2014 Capital Program Amendment #7
Department MTA C&D
Department Head Name Tim Mulligan, Deputy Chief Development Officer
Department Head Signature
Project Manager/Division Head Stephen A. Berrang, Senior VP, C&D Program Oversight
Project Manager/Division Head Signature

Date October 30, 2024
Department MTA HQ Financial Services
Department Head Name Olga Chernat, Deputy Chief, Financial Services
Department Head Signature
Project Manager/Division Head Tiana Grimes, Acting Director, Capital Funding Management
Project Manager/Division Head Signature

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	10/30/24			

Internal Approvals			
Order	Approval	Order	Approval
5	Chair and CEO		
4	Chief of Staff		
3	Chief Development Officer		
2	Chief Financial Officer		
1	Legal		

Purpose:

To obtain MTA Board approval of the proposed changes contained in this Amendment #7 to the MTA 2010-2014 Capital Program. This amendment reduces the existing program amount from \$31.704 billion to \$31.561 billion. Board approval is also requested to send the \$28.909 billion Capital Program Review Board (CPRB) portion of this amendment, to that body for its review and approval of the revisions discussed herein, in accordance with the recommendations of the Crowe Forensic Audit and Public Authorities Law §1269-b.

Discussion:

The program was last amended with CPRB approval in February 2020 (Amendment #6) when the plan was reduced by \$317 million from \$32.021 billion to \$31.704 billion to align with program funding. In addition, Amendment #6 right-sized project budgets and timing assumptions, while also addressing several 10% element increases that are subject to CPRB approval. Further details are provided in the Amendment's Blue and White Pages. This proposed Capital Program amendment (Amendment #7) reduces the overall budget by \$143 million.

CPRB Core Program: \$23.047 billion. The core agencies, New York City Transit, Long Island Rail Road, Metro-North, MTA Bus Company and MTA Interagency have committed 99% of their Core Program budgets and the program total is virtually unchanged. Amendment #7 includes the following modest changes:

New York City Transit (NYCT) \$11.370 billion. NYCT's overall program envelope is increased by just over \$4 million. Notable category changes include increases to the Signals and Communications, Subway Cars, and Miscellaneous categories and reductions to Stations, Line Structures, Buses, and Depots.

Long Island Rail Road (LIRR) \$2.361 billion. LIRR's program envelope increases by less than \$1 million. An increase of \$26 million in the Track category was driven primarily by the Great Neck Pocket Track project. This and other smaller increases to PTC costs in the Signals element and the Long Island City Yard project in the Shops and Yards category are largely offset by a reduction of \$34 million in the Power category; The Penn Station substation replacement will now be done in a future program in coordination with Penn Reconstruction "Mega" project in Network Expansion. The \$13 million Shops and Yards increase requires CPRB approval, as it exceeds 10% of the previous allocation. In an administrative action designed to consolidate the Work Locomotives purchase into the 2020-2024 Program, Rolling Stock is reduced by \$35 million and Miscellaneous increased by \$25 million.

Metro-North Railroad (Metro-North) \$1.560 billion. Metro-North's overall program is reduced by \$4 million. Reductions are in the Stations, Track and Structures, Power, and Miscellaneous categories. A \$4 million M-8 fleet cost increase in the Rolling Stock category and a \$3 million increase in Communication and Signals bump at Harlem and Hudson Wayside constitute the bulk of the increases.

MTA Bus Company (MTAB): \$297 million. There is no change to the MTAB program.

Interagency: \$213 million. The overall Interagency program is reduced by \$9 million, reflecting savings in the Jay Street project (\$12 million) and in MTA Mentoring administration (\$1 million) offset by a \$4 million increase for the OutFront Media project.

Staff Summary

MTA Police: \$84 million. There is no change to the MTA Police program envelope.

MTA-Wide Security: \$170 million. This program budget is virtually unchanged.

MTA Network Expansion Program: \$5.861 billion. There is no change to the overall program envelope. The new Blue Pages show minor reallocations based on updated estimates. The East Side Access Rolling Stock/Liability Reserve transferred \$2 million to Second Avenue Subway Phase 1 and \$5 million to the Miscellaneous category.

All-Agency CPRB Superstorm Sandy Program: \$6.992 billion.

All-Agency CPRB Superstorm Sandy Restoration Program: \$4.168 billion. Small increases to LIRR and Metro-North are funded by commensurate reductions in those agencies' respective Sandy Mitigation programs. NYCT's restoration program budget is unchanged. This amendment also adds a \$224 million project to address storm damage at the Coney Island complex. This new project repurposes closeout savings in other NYCT Sandy restoration projects. All reallocations at the project level, based on final budget and scopes, are detailed in the Blue Pages. The changes include 10% element increases in NYCT's Line Structures, Traction Power, Shops and Yards, and Miscellaneous categories.

All-Agency CPRB Superstorm Sandy Mitigation Program: \$2.824 billion. The all-agency CPRB Sandy Mitigation envelope is reduced by \$10 million. LIRR transferred \$7 million to its Restoration program and Metro-North transferred \$3 million to its Restoration program. All reallocations at the project level, based on final budget and scopes, are detailed in the Blue Pages. The changes include 10% element increases in NYCT's Line Equipment and Miscellaneous categories.

MTA Bridge & Tunnels (B&T) Core Program (not subject to CPRB): \$1.972 billion.

B&T's core program value is reduced by \$50 million as a result of project closeout savings. These include Roadway and Deck work at the Verrazzano and RFK bridges (\$24 million), Structural projects at the two tunnels (\$13 million), and more modest savings in the other categories. These savings are contributing to the 2010-2014 Capital Program envelope reduction.

B&T Superstorm Sandy Program (not subject to CPRB): \$680 million.

B&T Superstorm Sandy Restoration Program: \$527 million. The B&T Sandy Restoration program is virtually 100% complete. Its envelope is being reduced by \$69 million of closeout savings that contribute to the overall reduction to the 2010-2014 Capital Program envelope.

B&T Superstorm Sandy Mitigation Program: \$153 million. The completed B&T Sandy Mitigation program contributes \$16 million in closeout savings to the overall reduction to the 2010-2014 Capital Program envelope.

Impacts on Funding:

The proposed amendment decreases the 2010-2014 funding envelope by \$143 million, from \$31.704 billion to \$31.561 billion. The amendment reflects both administrative funding transfers between approved capital programs, new funding to support existing initiatives, and funding reductions in lockstep with reductions to the CPRB portion and B&T program envelopes resulting from project closeout savings.

Alternatives:

This amendment is intended to right-size the 2010-2014 Capital Program pursuant to the latest estimates, address several 10% element issues, and introduce a critical Sandy repair project at the Coney Island complex. Without CPRB approval, the new Sandy project as well as other ongoing projects may not proceed as planned.

Recommendations:

1. That the MTA Board approve the proposed 2010-2014 Capital Program amendment in the amount of \$31.561 billion, with the changes to the Core Program, MTA Network Expansion, and Superstorm Sandy Program as outlined above and detailed in the Capital Program book.
2. That the MTA submit the \$28.909 billion CPRB portion to the CPRB for its review and approval.

Staff Summary

Subject MTA 2015-2019 Capital Program Amendment #5
Department MTA C&D
Department Head Name Tim Mulligan, Deputy Chief Development Officer
Department Head Signature
Project Manager/Division Head Stephen A. Berrang, Senior VP, C&D Program Oversight
Project Manager/Division Head Signature

Date October 30, 2024
Department MTA HQ Financial Services
Department Head Name Olga Chernat, Deputy Chief, Financial Services
Department Head Signature
Project Manager/Division Head Tiana Grimes, Acting Director, Capital Funding Management
Project Manager/Division Head Signature

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	10/30/24			

Internal Approvals			
Order	Approval	Order	Approval
5	Chair and CEO		
4	Chief of Staff		
3	Chief Development Officer		
2	Chief Financial Officer		
1	Legal		

Purpose:

To obtain MTA Board approval of the proposed amendment to the MTA 2015-2019 Capital Program (Amendment #) reducing the overall program envelope from \$33.913 billion to \$33.619 billion. And to secure Board authorization to send the \$30.948 billion Capital Program Review Board (CPRB) portion of it to that body for its review and approval of the revisions discussed herein, in accordance with the recommendations of the Crowe Forensic Audit and Public Authorities Law §1269-b.

Discussion:

The program of projects was last amended with CPRB approval in February 2020 (Amendment #4) when the plan was increased by \$643 million from \$33.270 billion to \$33.913 billion. Amendment #5, a funding only amendment adjusting the funding sources mix, with no change to the overall program, was approved by the Capital Program Review Board (CPRB) last July. The current proposed program (Amendment #6) right-sizes project budgets and timing assumptions, removes agency surpluses, and addresses several 10% element increases that are subject to CPRB approval. Further details are provided in the amendment Blue Pages. Amendment #6 reduces the overall budget by \$294 million.

CPRB Core Program: \$30.948 billion. The core agencies, New York City Transit, Long Island Rail Road, Metro-North, MTA Bus Company and MTA Interagency have committed 91% of their Core Program budgets and is reduced by \$28 million based on substantial completion of most of the projects within this program.

New York City Transit (NYCT) and Staten Island Railway (SIR) \$16.750 billion. NYCT's program together with SIR's is increased by \$8 million, due to a favorable settlement with a contractor. Notable NYCT category changes include increases to the Track, Signals and Communications, Subway Cars, Buses and reductions to Stations, Line Structures, Depots, and the Miscellaneous category. These changes result in an overall reduction to NYCT's program of over \$7 million. This is offset by SIR's envelope increase of \$15 million driven primarily by an increase to the agency's UHF T-Band Radio System replacement.

Long Island Rail Road (LIRR) \$3.678 billion. LIRR's program envelope increases by \$47 million. \$41 million is coming from MTA agency transfers and \$6 million from cost sharing by New Jersey Transit and AMTRAK contributions on behalf of the Penn Station 33rd Street Corridor project, which represents the bulk of the \$48 million Stations category increase. In the Rolling Stock category, the M-9 procurement project increased by \$14 million due to a longer than planned procurement duration. The \$20 million increase in the Miscellaneous category requires CPRB approval, as it exceeds 10% of the previous allocation. This increase is largely due to the reallocation of accumulated savings in Power, Shops and Yards, Communications and Signals, Line Structures, and Track.

Metro-North Railroad (Metro-North) \$2.464 billion. Metro-North's overall program is virtually unchanged, A \$31 million reduction in Stations was driven by savings at the Grand Central Terminal Trainshed and the deferral of the Waldorf elevator replacement to a future capital program. Adjustments to ongoing Communications and Signals projects resulted in an overall increase of \$11 million to the category. The \$34 million increase in the Miscellaneous category, a result of reallocating accumulated program savings, requires CPRB approval, as it exceeds 10% of the previously approved amount.

MTA Bus Company (MTAB): \$376 million. There is no change to the overall MTAB program envelope. The project mix was modified slightly, with savings in completed projects (-\$3 million) being moved to the Miscellaneous category as a buffer for cost overruns in ongoing projects.

Staff Summary

Interagency: \$174 million. Removal of an unneeded reserve in the Capital Program Support element results in a \$69 million decrease to both the agency allocation and that of the 2015-2019 Program. \$1 million is being transferred into a newly created MTA Capital Program category (N713). This will provide MTA Bridge and Tunnels (B&T) with a source for administrative needs and requires CPRB approval.

Network Expansion: \$7.507 billion. The overall allocation is reduced by \$13 million, the result of a \$22 million decrease to Penn Station Access and an offsetting \$9 million contractor claim settlement, disbursed from Miscellaneous Program Support. Within the unchanged \$1.735 billion Second Avenue Subway Phase 2 (SAS 2) budget a new ACEP was broken out from the Utilities Relocation project to a newly created project for Civil Construction associated with the tunnel boring machine scope of work. The remaining SAS 2 is budgeted in the 2020–2024 Program. The LIRR Expansion project and Regional Investments are effectively unchanged.

MTA Bridge and Tunnels (B&T): \$2.670 billion: B&T's reallocation of good bid savings and surplus budget from completed projects allows for a net \$266 million decrease to the overall program envelope from \$2.936 billion to \$2.670 billion. One project of note is being added to the program: VN-8Q (\$52 million) will provide main cable support activities at the Verrazzano Bridge in conjunction with the 2020–2024 Main Cable Dehumidification project.

Impacts on Funding:

The proposed amendment decreases the 2015-2019 funding envelope by \$294 million, from \$33.913 billion to \$33.619 billion. The amendment reflects both administrative funding transfers between approved capital programs, new funding to support existing initiatives, and funding reductions in lockstep with reductions to the CPRB and B&T program values resulting from closeout savings and removal of unneeded reserves. Additionally, the amendment combines MTA Bonds & PAYGO into a single line-item fund source (same as the approach in the 2020-24 program) to allow MTA to most efficiently manage the timing of bonds and PAYGO for capital program expenditures.

Alternatives:

The amendment is critical to continue renewing, enhancing, and expanding the MTA's network to meet the mobility needs of the region. Pursuant to the Public Authorities Law, program element increases exceeding 10% require CPRB approval. Without CPRB approval of the changes, certain projects may not advance as planned, including Second Avenue Subway Phase 2 and the fleet purchase needed for Penn Station Access.

Recommendations:

1. That the MTA Board approve the proposed 2015-2019 Capital Program amendment in the amount of \$33.619 billion with the changes outlined above and detailed in the Capital Program book.
2. That the MTA Board authorize the MTA to submit the \$30.948 billion CPRB portion to the CPRB for its review and approval.

Staff Summary

Subject MTA 2020-2024 Capital Program Amendment
Department MTA Construction & Development
Department Head Name Tim Mulligan, Deputy Chief Development Officer
Department Head Signature
Project Manager/Division Head Stephen A. Berrang, Senior VP, C&D Program Oversight
Project Manager/Division Head Signature

Date October 30, 2024
Department MTA HQ Financial Services
Department Head Name Olga Chernat, Deputy Chief, Financial Services
Project Manager/Division Head Tiana Grimes, Acting Director, Capital Funding Management
Project Manager/Division Head Signature

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	10/30/24			

Internal Approvals			
Order	Approval	Order	Approval
5	Chair and CEO		
4	Chief of Staff		
3	Chief Development Officer		
2	Chief Financial Officer		
1	Legal		

Purpose:

To obtain MTA Board approval of the proposed amendment to the MTA 2020-2024 Capital Program that increases the total funding to \$55.563 billion and to authorize the MTA to submit the \$52.237 billion Capital Program Review Board (CPRB) portion of it to the CPRB for its review and approval, in accordance with the Public Authorities Law §1269-b. There are no changes to the non-CPRB MTA Bridges and Tunnels portion of the capital program.

Discussion:

Proposed MTA 2020-2024 Capital Program Amendment: this amendment #4 to the 2020-2024 Capital Program increases the current capital program by \$120.9 million from \$55.442 billion to \$55.563 billion. The CPRB portion of the program increases from \$52.116 billion to \$52.237 billion. Changes to the capital program address the following: (a) increases to the Expansion program; (b) elements with increases of 10% or more which require CPRB approval. The proposed capital program amendment includes the following:

MTA Expansion Program: \$10.412 billion. The MTA Expansion program has been altered to reflect the addition of \$46.6 million in funding from NJ Transit and Amtrak for the Penn Reconstruction project, an addition of \$58.3 million for the Interborough Express project, and \$16.0 million for Second Avenue Subway West, creating a \$120.9 million increase to the overall size of the MTA Expansion Program's 2020-2024 Capital Program.

As a result of these overall increases, the budget exceeds the current 10% element allowance in all three elements and requires CPRB approval for each 10% or more increase.

10% Increase Elements					
Agency	Element	Element #	Previous Amendment #3 Budget	Proposed Amendment #4 Budget	Increase
Expansion	Interborough Express	G80801	\$ -	\$58,261,183	\$58,261,183
Expansion	Penn Reconstruction	G81501	\$100,000,000	\$146,600,000	\$46,666,666
Expansion	SAS West	G81002	\$ -	\$16,000,000	\$16,000,000

Staff Summary

Impacts on Funding:

The proposed amendment increases the 2020-2024 funding envelope by \$120.9 million from \$55.442 billion to \$55.563 billion. Funds supporting this envelope increase are as follows:

- Interborough Express: \$52 million from the State of New York, of which \$43 million increases funding envelope (\$9 million offsets other local sources in the program), and \$15 million from the federal RAISE grant program
- Penn Reconstruction: \$23.3 million each from NJ Transit and Amtrak (\$46.7 million total)
- Second Avenue Subway West: \$16.0 million from the State of New York

In addition, it's clarified that the Federal Formula funding category includes MTA local funds freed up as a result of the receipt of federal formula funding and made available as a source to the 2020-2024 capital program.

Alternatives:

Without CPRB approval of the changes, certain work may not proceed. The amendment is critical to continue renewing, enhancing, and expanding the MTA's network to meet the mobility needs of the region. Pursuant to the Public Authorities Law, program element increases exceeding 10% require CPRB approval.

Recommendation:

That the MTA Board approve the proposed amendment to the MTA 2020-2024 Capital Program that increases it to \$55.563 billion and authorize the MTA to submit the \$52.237 billion CPRB portion of it to the CPRB for its review and approval.

**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 MTA Bus Company,
the Triborough Bridge and Tunnel Authority, the Long Island Rail Road Company, Metro-
North Commuter Railroad Company, MTA Construction and Development Company, MTA
Grand Central Madison Concourse Operating Company
and the First Mutual Transportation Assurance Company
Regular Board Meeting Minutes
Wednesday, September 25, 2024
8:45 a.m.
2 Broadway
New York, NY 10004**

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. Daniel Garodnick
Hon. Marc Herbst
Hon. David Jones
Hon. Meera Joshi
Hon. Blanca López
Hon. David Mack
Hon. Dr. John-Ross Rizzo
Hon. Neal Zuckerman**

The following alternate non-voting members were present:

**Hon. Gerard Bringmann
Hon. Norman Brown
Hon. Randolph Glucksman**

The following Board Members were absent:

**Hon. Haeda B. Mihaltses
Hon. John Samuelsen
Hon. Lisa Sorin
Hon. Vincent Tessitore, Jr.
Hon. Isabel Midori Valdivia**

Paige Graves, General Counsel, Laura Wiles, Chief of Staff, John McCarthy, Chief External Relations & Policy, Lisette Camilo, Chief Administrative Officer, Kevin Willens, Chief Financial Officer, Carl Hamann, Acting Chief Safety Officer, Demetrius Crichlow, Interim President, NYCTA and MTA Bus, NYCT, Frank Annicaro, Sr. Vice President, NYCT DOB /MTA Bus Company, Catherine Rinaldi, President, Metro-North Railroad, Rob Free, President, LIRR, Catherine Sheridan, President, TBTA, Jamie Torres-Springer, President, MTA C&D, Anita L. Miller, Chief Labor Relations, Quemuel Arroyo, Chief Accessibility Officer, Shanifah Rieara, Senior Advisor for Communications and Policy/Chief Customer Officer 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 September 2024 Board meeting.

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):

Christopher Greif, private citizen
Anna Humphrey, Center for Independence of the Disabled of
New York (CIDNY)
Rachael Fauss, Senior Policy Advisor, Reinvent Albany
Jeremiah Gonzalez, private citizen
Andy Pollack, Passengers United*

Michael Ring, Disabled In Action
Jack Nierenberg, Vice President, Passengers United
Dr. Sharon McLennon-Wier, Executive Director, Center for Independence of the Disabled of
New York (CIDNY)
John Hroncich, BAE Systems
Brit Byrd, representative for Brooklyn Borough President*
David Kupferberg, Passengers United
Nancy Kong, Park Row Alliance
Andrew Rein, Citizens Budget Commission
Howard Birbaum, private citizen
Vittorio Bugatti, Express Bus Advocacy Group*
Miriam Fisher, private citizen*
Francis Byrd, Riders Alliance
Alan Mukamal, Transit Alternatives
Pedro Valdez Rivera, Riders Alliance
Paul Medvetsky, Field Organizer, Riders Alliance
Lisa Daglian, Executive Director, PCAC
Danna Dennis, Riders Alliance
Gillian Morris, private citizen
Jennifer Van Dyke, Elevator Action Group
Gian Pedulla, private citizen
Jason Anthony, LIRR ADA Task Force
Joe Rappaport, Brooklyn Center for Independence of the Disabled (BCID)
Devin Callahan, New York League of Conservation Voters

The Moderator announced that the allotted time for the public speakers' comments session had been reached and asked the remaining registered speakers to stand by as the agency transitioned to a separate live recording session.

Chair Lieber announced that the recorded comments will be distributed to the MTA Board and posted to the Board meeting web page and on YouTube.

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

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

2. 2025-2029 CAPITAL PROGRAM.

President Jamie Torres-Springer, MTA C&D, summarized the 2025-2029 Capital Plan.

Alyssa Cobb Konon, Sr. Vice President, Capital Strategy Planning, discussed the 20-Year Needs Assessment Plan, relative to the 2025-2029 Capital Plan.

Tim Mulligan, Deputy Chief Development Officer, Development, discussed the benchmarks used to size the Capital Plan.

Chair Lieber noted that the Capital Plan and its growth largely includes rolling stock, and he stated the Capital Program is based on good government action.

Chief Financial Officer Kevin Willens discussed the MTA financing and projected debt service in support of the 2025-2029 Capital Program.

Tim Mulligan read the staff summary and summarized the actions necessary by the Board.

Upon motion duly made and seconded, Chair Lieber invited Board discussion.

Following Board discussion, and upon motion duly made and seconded, the Board approved the MTA 2025-2029 Capital Plan and authorized the MTA to submit the \$65.4 billion Capital Plan Review Board (“CPRB”) portion to the CPRB for its review and approval.

Chair Lieber thanked President Torres-Springer, Tim Mulligan, Alyssa Cobb Konon and Kevin Willens for their presentations.

The details of the presentations and Board members’ comments and discussion with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records and the documents are available on MTA.info.

3. MTA OPEN DATA INITIATIVE

Andy Kuziemko, Vice President, Strategic Initiatives, provided an update on the Open Data Program and announced the launch of the MTA Open Data Challenge.

The details of the presentation and Board members’ comments and discussion with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

4. CHAIR LIEBER’S REMARKS.

Chair Lieber thanked everyone for joining the meeting.

Chair Lieber noted that the MTA is celebrating the recent adoption of the MTA Capital Program—a major milestone and he emphasized its significance for both the MTA Board and the transit community. The Chair acknowledged the dedication of various individuals who contribute to improving the MTA and noted the enhanced credibility of the organization due to its data-driven approach, which has led to consistent success in delivering projects on time and within budget.

Chair Lieber highlighted recent accomplishments, including a positive report from the Independent Engineering Consultant indicating that 95% of ongoing capital projects are on schedule and within budget, and he credited President Jamie Torres-Springer for his leadership and the C&D team for their dedication and hard work. Chair Lieber specifically praised the completion of the G train project, which involved complete modernization of the signal system and was executed smoothly with excellent communication and shuttle bus service during partial shutdowns, and he credited the success to the C&D and NYCT teams.

Looking ahead, Chair Lieber introduced the next significant project: the reconstruction of the Rockaway Viaduct, and he stressed the importance of high standards due to its complexity and the needs of the transit-dependent community it serves. Chair Lieber also mentioned ongoing upgrades at the 14th Street complex, including new elevators and essential state of good repair work.

Chair Lieber reported on additional milestones, such as the introduction of 5G connectivity on the Times Square Shuttle and increased usage of the new student OMNY card, which saw a 26% rise in a couple of weeks with the beginning of the new school year. The Chair reiterated the MTA's commitment to transparency through open data initiatives and commended the operating agencies for their performance during the busy UN General Assembly week. Chair Lieber noted the record ridership on the LIRR and Metro-North Railroad and the continued amazing service, with an average of 97% on-time performance.

To illustrate the advantages of public transit, Chair Lieber shared results from a staged race comparing travel times between driving and taking transit during UN week, highlighting significant time savings for transit users.

Finally, Chair Lieber welcomed Chief Michael Kemper, retiring from the NYPD, as the new Chief Security Officer for the MTA, overseeing the MTA Police, leading counterterrorism efforts, and ensuring the safety of transit workers and infrastructure. Chair Lieber extended a warm welcome to Chief Kemper as he joins the MTA team.

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.

5. 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 July 31, 2024.

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

6. TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY COMMITTEE.

Board Member Mack stated that there are no items to report for Board approval for MTA B&T.

Chair Lieber invited TBTA President Catherine Sheridan to provide an update on an incident that impacted the Queens Midtown Tunnel.

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

7. LONG ISLAND RAIL ROAD/METRO-NORTH RAILROAD COMMITTEE.

Board Member Blanca López reported that there are no items to report for Board approval for the Long Island Rail Road and Metro-North Railroad Committee.

8. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

Board Member Samuel Chu reported that there are two actions for Board approval totaling \$6.0 million dollars.

Upon a motion duly made and seconded, the Board approved the award of a Competitive Request for Proposal and Modifications of Personal/Miscellaneous Service Contracts. Refer to the staff summaries and NYCT Committee minutes filed with the records of the meeting for the details on these items.

9. MTA C&D COMMITTEE.

Board Member Meera Joshi reported three contract actions for Board Approval totaling \$9.6 million dollars.

Upon a motion duly made and seconded, the Board approved the Capital Program items listed below. Refer to the staff summaries and Capital Program Committee minutes filed with the records of this meeting for the details on these items.

10. MTA COMMITTEE ON FINANCE.

A. Action Item.

Upon a motion duly made and seconded the Board approved the action item listed below. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

1. All Agency Investment Guidelines Amendment. Approved the revised Investment Guidelines.

B. 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.

- 1-2. CaremarkPCS Health, LLC – Pharmacy Benefit Management Services – Nos 428062 / 6000020. Approved the award of a contract to provide pharmacy benefit management services and add funding (6000020) for the continued provision of pharmacy benefits for NYC Transit, MTA Bus, and SIRTOA employees, retirees, and their dependents for the remainder of 2024.
3. Cigna Health and Life Insurance – Health Care Benefits – No. 9000031. Approved the award of a contract to provide health care benefits, inclusive of medical and prescription coverage, for non-represented and represented Metro-North Railroad employees and their dependents residing in Connecticut.
4. Sedgwick Claims Management Services, Inc. – NY Workers’ Compensation Program Third-Party Administrator – No. 15868. Approved the award of a contract to provide NY Workers’ Compensation Program Third-Party Administrator and related services to the MTA, NYC Transit, Staten Island Rapid Transit Operating Authority, Manhattan and Bronx Surface Transit Operating Authority, Long Island Bus, and MTA Bus Company and, at the option of the MTA, the Triborough Bridge and Tunnel Authority.

4. 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.

Transactional Action Items

Metropolitan Transportation Authority

1. License agreement with Municipal Credit Union for the installation and maintenance of ATMs at various bus facilities and MTA Headquarters.
2. License agreement with Clear Channel Outdoor, LLC for billboard advertising on MTA agency properties.

Long Island Rail Road

3. Grant of permanent and temporary easements to National Railroad Passenger Corporation for the East River Tunnel 1 and 2 Rehab project at the Sunnyside yard in Queens, NY.

4. Lease agreement with SNH Medical Office Properties Trust for medical and administrative offices at 200 Old Country Road, Mineola, NY.

Metro-North Railroad

5. Conveyance of property interests to Hudson Harbor LLC in support of an 88-unit multifamily TOD in Tarrytown, NY.
6. Acquisition of property interests from the Village of Pleasantville in support of the Harlem and Hudson Power Improvements project.

11. 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 a labor matter.

12. PUBLIC SESSION RESUMES.

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

Chair Lieber announced that in Executive Session the Board discussed and approved a collective bargaining agreement between New York City Transit Authority and the Organization of Staff Analysts (OSA).

13. COMMITTEE ON DIVERSITY.

Board Member Blanca López reported that there are no items to report for Board approval for the Diversity Committee.

14. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:23 a.m.

Respectfully submitted,

Paige Graves
General Counsel and
Corporate Secretary
Metropolitan Transportation
Authority

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

David Farber
General Counsel and
Corporate Secretary
NYCT and MTA Bus

Haley Stein
Vice President,
General Counsel and Corporate Secretary
Long Island Railroad Company

Paul L. Friman
General Counsel
and Corporate Secretary
TBTA

Evan Eisland
General Counsel and Corporate Secretary
MTA C&D

Contracts Department

Evan Eisland, Executive Vice President and General Counsel

**PROCUREMENT PACKAGE
OCTOBER 2024**

PROCUREMENTS

The Procurement Agenda this month includes 5 actions for a proposed expenditure of \$150.7 M.

Staff Summary

Subject Request Authorization for Several Procurement Actions					
Contracts Department Evan Eisland, Executive Vice President and General Counsel					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	10/28/24	X		
2	Board	10/30/24	X		

Date: October 23, 2024			
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>\$</u>	<u>Amount</u>
C. Competitive Requests for Proposal (Award of Purchase and Public Works Contracts)	1	\$	118,000,000
SUBTOTAL	1	\$	118,000,000

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$</u>	<u>Amount</u>
I. Modifications to Purchase and Public Work Contracts	3	\$	32,515,765
SUBTOTAL	3	\$	32,515,765

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

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$</u>	<u>Amount</u>
K. Ratification of Completed Procurement Actions	1	\$	234,000
SUBTOTAL	1	\$	234,000
TOTAL	5	\$	150,749,765

Budget Impact

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

Recommendation

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

MTA Construction & Development

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

OCTOBER 2024

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. | MLJ Contracting Corp
Contract 1000189246 | \$118,000,000 | <u>Staff Summary Attached</u> |
|-----------|---|----------------------|--------------------------------------|

MTA Construction & Development requests Board approval to award a publicly advertised and competitively solicited contract for Design-Build services for Americans with Disabilities Act station improvements at three Metro-North Railroad Harlem Line stations in the Bronx.

Procurements Requiring Majority Vote:

Schedule I. Modifications to Purchase and Public Work Contracts

(Staff Summaries required for individual change orders greater than \$1M. Approval required for change orders greater than 10% of the original contract amount or duration.)

- | | | | |
|-----------|---|------------------------|--------------------------------------|
| 2. | GCT Constructors, JV
Contract CM014B | \$14,775,107.33 | <u>Staff Summary Attached</u> |
|-----------|---|------------------------|--------------------------------------|

MTA Construction and Development requests Board approval of a modification to resolve claims for additional work and delays, reconcile allowance bid items and extend the Contract's Substantial Completion date from June 26, 2020 to April 14, 2024.

- | | | | |
|-----------|--|---------------------|--------------------------------------|
| 3. | Judlau-TC Electric, JV
Contract MN39881 | \$13,500,000 | <u>Staff Summary Attached</u> |
|-----------|--|---------------------|--------------------------------------|

MTA Construction and Development requests Board approval of a modification to resolve claims for additional work and delays.

- | | | | |
|-----------|--|-----------------------|--------------------------------------|
| 4. | Skanska-ECCO III 2, JV
Contract MN81933 | \$4,240,657.47 | <u>Staff Summary Attached</u> |
|-----------|--|-----------------------|--------------------------------------|

MTA Construction and Development requests Board approval of a modification to resolve claims for additional work and delays and extend the Contract's Substantial Completion date from April 30, 2023 to December 29, 2023.

Staff Summary

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

Item Number 1					
Department, Department Head Name: Delivery, MNR, Ziona Rubin, Vice President					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	10/28/24	X		
2	Board	10/30/24	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
MLJ Contracting Corp.	1000189246
Description	
Design-Build Services for Metro-North ADA Improvements at Three Bronx Stations – Harlem Line	
Total Amount	
1. Design-Build Contract:	\$118,000,000
2. Stipend Payments:	\$300,000
Contract Term (including Options, if any)	
930 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:	

ACTION/RECOMMENDATION

MTA Construction & Development (“C&D”) requests Board approval to award to MLJ Contracting Corp (“MLJ”) a publicly advertised and competitively solicited contract for Design-Build services for Americans with Disabilities Act (“ADA”) station improvements at three Metro-North Railroad (“MNR”) Harlem Line stations in the Bronx in the amount of \$118,000,000 and a duration of 930 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 \$100,000 to be paid to each unsuccessful proposer whose proposal met defined proposal standards. Accordingly, approval is also requested to pay stipends totaling \$300,000 to the three unsuccessful proposers.

DISCUSSION

This Contract is one of a series of ADA projects supporting the MTA’s commitment to make stations accessible. The Contract provides for ADA Upgrades at the Williamsbridge, Woodlawn, and Botanical Garden stations on MNR’s Harlem Line. The work includes installation of new elevators, staircases, and ramps at Williamsbridge and Woodlawn stations; new staircases and ramps as well as rehabilitation of existing elevators and an overpass at Botanical Garden station; and full platform replacements, new customer information displays, public address, and security systems at all three stations.

A two-step procurement process was conducted for this Contract. In Step 1, a Request for Qualifications was advertised resulting in the submission of ten Statements of Qualifications, which were then evaluated against pre-established Threshold Criteria (addressing completeness, timeliness, capacity, responsibility, and financial capability) and Substantive Evaluation Criteria (addressing team, key personnel and organization, project approach, prior design-build 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:

- Citnalta Construction Corp. (“Citnalta”)
- ECCO III Enterprises, Inc. (“ECCO III”)
- MLJ
- Scalamandre-Gramercy II, a Joint Venture (“SGJV”)

In response to the RFP, Citnalta, ECCO III, MLJ, and SGJV submitted technical and price proposals. The selection committee, consisting of representatives from C&D Delivery, MNR Stations Operations & Analysis, Development, and Contracts, reviewed the technical proposals and attended the oral presentations of each of the four teams. The selection committee evaluated the technical proposals using the following preestablished selection criteria: design and construction, schedule, management plan, experience, record of performance, safety and quality, diversity practices, and other relevant matters. The selection committee determined that each of the four proposers submitted technical proposals that were responsive. The selection committee thereafter opened the price proposals which were as follows: Citnalta \$131,824,000; ECCO III \$179,554,000; MLJ \$129,400,000; and SGJV \$167,777,713.

After reviewing the price proposals, the selection committee invited Citnalta and MLJ for negotiations. The selection committee removed ECCO III and SGJV from consideration because their price proposals were outside of the competitive range and technical approaches provided minimal or no schedule savings. Negotiations with the two remaining proposers included detailed discussions to identify the major cost drivers in their proposals, as well as their proposed design and construction approach. Both Citnalta and MLJ were invited to submit revised cost proposals based on those discussions. After evaluating revised proposals, the selection committee removed Citnalta from further consideration because Citnalta did not offer significant savings in price, schedule nor track outages as compared to MLJ. MLJ was asked to submit a Best and Final Offer (“BAFO”). MLJ submitted its BAFO in the amount of \$118,000,000.

The selection committee unanimously recommended MLJ for award. The selection committee determined that MLJ offered the best overall value considering the quality of its technical proposal, price, and schedule savings. MLJ was the highest ranked technically. MLJ demonstrated a strong understanding of all components of the scope of work as established in its technical approach, including efficient sequencing of track activities resulting in a schedule that is 60 days shorter than the maximum duration permitted under the Contract. Its technical proposal also includes a significant reduction in Railroad-supplied services (track outages). These proposed reductions will result in savings to the MTA of as much as \$1,372,000 and reduce impact to the public. Additionally, MLJ’s proposed key personnel have successfully completed Design-Build ADA projects of similar scope and magnitude. MLJ’s BAFO of \$118,000,000 is deemed to be fair and reasonable.

DBE/MBE/WBE/SDVOB 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. Although this is a design-build contract with some undefined scope, MLJ is committed to meet the required goal requirements and its utilization plan is under review. MLJ has achieved its DBE/MBE/WBE goals on recently completed MTA contracts.

IMPACT ON FUNDING

Funding for the Contract, and stipends for the three unsuccessful proposers, are included in the MNR 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 I: Modifications to Purchase and Public Work Contracts

Item Number: **2**

Vendor Name (& Location)	
GCT Constructors, JV (Secaucus, New Jersey)	
Description	
GCT Concourse and Facilities Fit-out	
Contract Term (including Options, if any)	
110 months	
Option(s) included in Total Amount?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type	<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name:	
Delivery, Mark Roche, Deputy Chief Development Officer	

Contract Number	AWO/Modification #
CM014B	547
Original Amount:	
	\$ 428,900,000
Prior Modifications:	
	\$ 130,903,353.97
Prior Budgetary Increases:	
	\$ 99,888,736
Current Amount:	
	\$ 559,803,353.97
This Request:	
	\$ 14,775,107.33
% of This Request to Current Amount:	
	3%
% of Modifications (including This Request) to Original Amount:	
	34%

DISCUSSION:

Contract CM014B (the "Contract") provides for the fit-out of Grand Central Madison Concourse with the architectural finishes and system elements necessary for the operation as a passenger terminal for the Long Island Railroad. MTA Construction and Development ("C&D") requests Board approval of a modification to resolve all remaining claims asserted by GCT Constructors JV ("GCTC" or the "Contractor") for additional work and delays, provide a final reconciliation of allowance bid items, compensate GCTC for certain changes in the Work implemented in the run-up to the revenue service date, and extend the Contract's Substantial Completion date from June 26, 2020 to April 14, 2024. The total cost of the proposed modification is \$14,775,107.33.

GCTC asserted claims in the amount of \$184,019,174, alleging, among other things, compensable delays and impact costs, extended operation and maintenance costs, costs associated with progressing the work during the COVID-19 pandemic, financing costs, project management costs, costs associated with the interference from the construction of the 270 Park Avenue building within the Grand Central Madison Concourse, claims for delays, inefficiencies and constructive acceleration, claims of entitlement to milestone incentive payments, claims for engineering and scheduling costs and claims by major subcontractors.

C&D analyzed GCTC's claims and, while many are subject to defenses, a number of the claims arise from Change Work directed by MTA or delays attributable to MTA. For example, there were prior changes in the Contract work for which GCTC has validly sought extensions of time and impact costs, but which extensions have not yet been processed through a modification. Also, GCTC is entitled to extended maintenance and operation of plant costs during the extended periods not attributable to GCTC delays. In addition to the settlement of claims outlined above, the modification includes a full reconciliation of the allowance Bid Items that had funds remaining and where additional funds are required for the work performed by GCTC.

This modification also includes a release by the Contractor of all claims that the Contractor has had or may have had as of the date of execution of the modification and resolves all outstanding commercial issues in this Contract. As a result of MTA's assessment of merits and risks of potential exposure for the claims outlined above, MTA offered to the Contractor and the Contractor has agreed to accept, in settlement of all of the above-listed claims, as well as all claims that GCTC could assert in connection with this Contract, the sum of \$14,775,107.33, which is considered fair and reasonable. This amount is within the contingency established for such modifications in the ESA budget.

Staff Summary

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: **3**

Vendor Name (& Location)	
Judlau -TC Electric, JV (College Point, New York)	
Description	
Design Build Services for Power/Communications & Signal Infrastructure Improvements (Hudson Line)	
Contract Term (including Options, if any)	
May 15, 2015 – June 6, 2021	
Option(s) included in Total Amount?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:
Funding Source	
<input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name:	
Delivery, Mark Roche, Deputy Chief Development Officer	

Contract Number	AWO/Modification #
MN-39881	153
Original Amount:	
\$	105,521,300.00
Prior Modifications:	
\$	126,128,837.92
Prior Budgetary Increases:	
\$	30,491,387.15
Current Amount:	
\$	\$231,650,137.92
This Request:	
\$	13,500,000.00
% of This Request to Current Amount:	
	5.8%
% of Modifications (including This Request) to Original Amount:	
	12.8%

DISCUSSION:

Contract 39881 (“Contract”) requires Judlau-TC Electric, JV (the “JV”) to design, construct and test replacement infrastructure for power, communications, and signal equipment on Metro-North Railroad’s (“MNR’s”) Hudson Line, which was damaged by Hurricane Sandy in 2012. MTA Construction and Development (“C&D”) requests the Board’s approval of a modification to resolve claims for compensable delays and extra work through March 2, 2023, for a total cost of \$13,500,000.

The project is divided into two phases, which collectively encompass an approximately 30-mile stretch along MNR’s Hudson Line between the Bronx and Croton-Harmon. Phase I, which encompasses the section of the Hudson Line between Yonkers and Croton-Harmon, had a period of performance of 25 months from the Contract’s Notice of Award on May 13, 2015. Phase 2, which encompasses the section of the Hudson Line between the Bronx and Yonkers, was an option bid item with a period of performance of 25 months from Phase 1’s completion. Substantial Completion of Phase 1 was delayed by nearly 23 months, until May 6, 2019. Substantial Completion of Phase 2 was delayed by approximately 47 months, until December 30, 2022.

On July 8, 2020, the parties entered into an agreement to resolve claims for compensable delays and extra work that the JV had submitted in connection with the Phase 1 work (the “Phase 1 Settlement”). However, the Phase 1 Settlement expressly excluded any claims for impacts to the Phase 2 work arising out of the Phase 1 work.

The JV has asserted claims in the amount of \$27,127,988 in connection with the Phase 2 work through March 2, 2023, and the Phase 1 Settlement. These claims include escalation costs arising from the delayed start of the Phase 2 work; delay damages arising from the Phase 2 delays; costs arising from MNR’s alleged failure to provide contractually required track outages at interlockings; costs to comply with MNR’s directive to revise the JV’s wiring installation at sectionalizing switches to meet standards allegedly outside the Contract’s scope; costs to replace continuity jumpers allegedly not shown in the Contract; costs to store cable beyond the date allegedly required by the Contract; MNR’s alleged failure to pay the contractual allowance amounts for the construction of temporary platforms; and MNR’s alleged failure to pay certain sums allegedly owed under the Phase 1 Settlement.

C&D analyzed the JV’s claims and the costs and exposure associated with litigating those claims. Based on that analysis, C&D offered to the JV and the JV has agreed to accept, in settlement of all of the above-listed claims, as well as all claims that the JV could assert in connection with this Contract through March 2, 2023, the sum of \$13,500,000, which is considered fair and reasonable.

Staff Summary

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 4

Vendor Name (& Location) Skanska-ECCO III 2 JV (East Elmhurst, NY)
Description Design and Construction Services for the Harmon Shop Replacement -Phase V Stage 2
Contract Term (including Options, if any) October 31, 2018 – April 30, 2023
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer

Contract Number	AWO/Modification #
MN-81933	49
Original Amount:	\$ 365,093,000
Prior Modifications:	\$ 25,204,772,72
Prior Budgetary Increases:	\$ 5,000,000
Current Amount:	\$ 390,297,772,72
This Request:	\$ 4,240,657.47
% of This Request to Current Amount:	1%
% of Modifications (including This Request) to Original Amount:	8%

DISCUSSION:

Contract MN-81933 provides for design and construction of the new Croton-Harmon Shop and associated facilities and equipment at the Croton-Harmon Yard. MTA Construction and Development ("C&D") requests the Board's approval of a modification that resolves all remaining claims asserted by Skanska-ECCO III 2 JV ("SE3") for added work and delays associated with the completion of the Contract for a total cost of \$4,240,657.47 and extension to the Substantial Completion date from April 30, 2023 to December 29, 2023, the date upon which Substantial Completion was achieved.

The modification resolves claims for added work, including changes to the car hoist pit utility layout, upsized conduits and cables for the wayside power stations, and extending enclosed staircases for rooftop access. In addition, this modification extends the Contract's Substantial Completion date from April 30, 2023 to December 29, 2023 to account for delays associated with resequencing of the track work, installation of new fire water tanks, and procurement of the rail car movers and includes delay costs associated with project supervision, field office expenses and labor & material escalation. With the exception of a reconciliation modification to address unused unit items in the Contract, this modification will resolve all outstanding issues and allow the Contract to be closed out.

SE3 sought \$7,617,872.41 for its claimed added Work. C&D analyzed the merits of SE3's claims and, taking into account both the added work established by SE3 and acknowledged by C&D, negotiated an amount of \$4,240,657.47 and an 8-month extension of time to resolve all outstanding claims with respect to this Contract, with the exception of Modification No. 48 for the reconciliation of unit items that is being processed separately. C&D analyzed the merit of the claims submitted by SE3 and deems this resolution to be fair and reasonable.

OCTOBER 2024

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

(Staff Summaries required for all items requiring Board approval)

- | | | | |
|-----------|--|------------------|--------------------------------------|
| 5. | Zion Contracting, LLC
Contract No. A37344 | \$234,000 | <u>Staff Summary Attached</u> |
|-----------|--|------------------|--------------------------------------|

MTA Construction and Development requests that the Board ratify a modification for additional concrete repairs.

Staff Summary

Schedule K: Ratification of Completed Procurement Actions

Item Number: 5

Vendor Name (& Location) Zion Contracting, LLC (Lynbrook, NY)
Description Station Painting at Component Location at Pelham Bay Park (IRT) in the Borough of the Bronx.
Contract Term (including Options, if any) December 30, 2022 – July 28, 2023
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Delivery, Mark Roche, Deputy Chief Development Officer

Contract Number A37344	AWO/Modification # 3
Original Amount:	\$ 2,127,000
Prior Modifications:	\$ 61,991
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 2,188,991
This Request:	\$ 234,000
% of This Request to Current Amount:	10.7%
% of Modifications (including This Request) to Original Amount:	13.9%

DISCUSSION:

The Contract provides for structural repairs, lead abatement, painting of the control house facades and street level ceilings and replacement of control house windows at the Pelham Bay Park Station, Pelham Line (IRT) in the Borough of the Bronx. MTA Construction and Development (“C&D”) requests that the Board ratify a modification to the Contract for additional concrete repairs.

The Contract includes 45 cubic feet of concrete repairs on the facade of the Pelham Bay Park Station control house. During the course of concrete repair work, it became evident that the deterioration of the control house was much more severe than what was considered in the Contract, and that additional repairs were necessary.

This modification includes an additional 165 cubic feet of concrete repairs, including concrete spall repairs throughout the control house exterior, concrete repairs underneath the north wall metal panels, concrete beam repairs, repair of five concrete lintels, and painting of metal drain leaders at the exterior of the control house.

The Contractor submitted a cost proposal in the amount of \$261,473.22. Negotiations resulted in agreement of a lump sum price of \$234,000, which is considered fair and reasonable.



Metro-North Railroad Procurements

Omar Messado, Assistant Deputy Chief Procurement Officer – MTA Office of the Chief Procurement Officer



PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$3.8M.

Subject Request for Authorization to Award Various Procurements					
Department MTA Procurement					
Department Head Name Lisette Camilo					
Department Head Signature					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	10/28/24			
2	Board	10/30/24			

October 25, 2024		
Department		
Department Head Name		
Department Head Signature		
Internal Approvals		
	Approval	Approval
	President	<i>CAP</i>
	EVP & COO	<i>[Signature]</i>
	VP & General Counsel	<i>[Signature] Susan Jacob</i>

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 Joint Railroad Committee of these procurement actions.

DISCUSSION
Metro-North proposes to award Noncompetitive procurements in the following categories:

Procurements Requiring Two-Thirds Vote:

	<u># of</u>	<u>\$ Amount</u>
	<u>Actions</u>	
Schedule A: Noncompetitive Purchases and Public Work Contracts	1	\$ 3.8 M
SUBTOTAL	1	\$ 3.8 M

Metro-North proposes to award Competitive procurements in the following categories: None

Metro-North proposes to award Ratiications in the following categories: None

TOTAL	\$ 3.8 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.

OCTOBER 2024

LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

A. Noncompetitive Purchase and Public Works Contracts

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | |
|--|-------------------------|-------------------------------|
| 1. GE Grid Solutions, LLC
7 years
Contract #422937 | \$3,797,000 (estimated) | <i>Staff Summary Attached</i> |
|--|-------------------------|-------------------------------|
- Award of a contract for the supply of Positive Train Control Data Radios for Metro-North Railroad and Long Island Rail Road.

Schedule A: Noncompetitive Purchases and Public Work Contracts
Item Number: 1

Vendor Name (Location) GE Grid Solutions, LLC (Atlanta, Georgia)	Contract Number 422937	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Supply and Deliver PTC Data Radios for MNR & LIRR	Total Amount: \$3,797,000 (estimated) MNR: \$1,146,046 LIRR: \$2,650,954	
Contract Term (including Options, if any): November 1, 2024–November 30, 2031	Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	Requesting Department Maintenance of Equipment: Jeffrey Weston, Chief Mechanical Officer	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive		
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		

Discussion:

Metro-North Railroad (“MNR”) on behalf of itself and Long Island Rail Road (“LIRR”), collectively “the Railroads”, requests Board approval to award a noncompetitive estimated quantity contract to GE Grid Solutions, LLC (“GE”) for the supply and delivery of Positive Train Control (“PTC”) Data Radios. This procurement was initially competitively solicited through an Invitation for Bids (“IFB”) process. GE will supply these data radios in the estimated amount of \$3,797,000.

GE was the original equipment manufacturer who supplied the original PTC Radios for both the MNR and LIRR rolling stock fleets. However, the current PTC Data Radios are now obsolete and need to be updated and replaced in order to maintain compliance with the PTC federal mandate. Under the federal mandate, PTC, a signaling and communications technology, was designed and implemented to make commuter rail safer through GPS-based safety technology with the ability to stop a train and prevent train-to-train collisions, overspeed derailments, and unauthorized train movement. To function properly, PTC requires a communication network using a 220 MHz radio system, located both on a railcar and the wayside, that verifies GPS train locations and transmits data between the train, the PTC Control Center, and the Wayside Signal System. As the PTC Data Radio is an essential component to meeting PTC compliance, replacement units are required.

An IFB was publicly advertised in the *New York State Contract Reporter*, the *New York Daily News*, and posted on the MTA website. The IFB was also sent directly to a list of firms known to supply this type of equipment in the industry. On July 21, 2023, bids were received from two vendors: GE and Siemens Mobility, Inc. (“Siemens”).

GE, the low apparent bidder, and Siemens, the second bidder, both indicated the ability to perform the work and supply materials. However, GE and Siemens both took exception to several terms and conditions of the contract, including cybersecurity requirements. Both bids were therefore determined to be non-responsive. Siemens’ technical approach and cost were not economically viable, therefore MNR elected to negotiate with GE. As such, MTA Board approval is being sought in accordance with the MTA All-Agency General Procurement Guidelines and Section 1265-a(4)(c) of the Public Authorities Law.

Under this contract, GE will use its proprietary firmware with the necessary engineering efforts to design, build, and functionally test the next generation PTC Data Radio. Its design will include backward compatibility to work with the legacy data radio currently in use by the Railroads. After delivery of the prototype units to the Railroads for environmental integration testing and commissioning, an initial lot of 250 units will be supplied over a five-year delivery schedule. Each unit delivered will have a five-year warranty period and will replace existing radios as they fail.

The total price of \$3.8 million consists of project engineering (recurring and nonrecurring costs), hardware and firmware integration, factory validation, prototype commissioning, and the first 250 production units. The price is determined fair and reasonable based on a comparison to prior pricing for the obsolete radios. As the OEM, GE has historically supported the legacy data radios for the Railroads and their performance has been satisfactory. GE will continue to support the existing legacy units through December 2026, the time at which the new radios will be available.

Should the Railroads need to procure additional radios (beyond the quantity of 250) during the contract term, the negotiated firm fixed price will be \$2,950.

Schedule A: Noncompetitive Purchases and Public Work Contracts

This contract 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. Any applicable cybersecurity requirements, to the extent required, will be included in the contract terms and conditions prior to award.

GE has certified that pursuant to EO 16, it is not doing business in Russia.

M/W/DBE Information

The MTA Department of Diversity and Civil Rights has set zero percent MWBE/SDVOB goals on this contract due to the lack of subcontracting opportunities and MWBE/SDVOB firms in the marketplace.

Impact on Funding

This project will be funded by each agency's Operating Budget.

Alternatives

None.


New York City Transit Procurements

Louis Montanti, MTA Deputy Chief Procurement Officer – Procurement Operations

PROCUREMENTS

The Procurement Agenda this month includes 4 actions for a proposed estimated expenditure of \$20.9M.

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	10/28/2024			
2	Board	10/30/2024			

October 23, 2024			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	President NYCT	X	Pres. MTA Bus/SVP DOB
	Deputy CFO	X	VP Paratransit
X	Law	X	Diversity/Civil Rights

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 NYC Transit Committee of these procurement actions.

DISCUSSION
 NYC Transit proposes to award Noncompetitive procurements in the following categories: None
 NYC Transit proposes to award Competitive procurements in the following categories: None
 NYC Transit proposes to award Ratifications in the following categories:
Schedules Requiring Two-Thirds Vote:
 Schedule D: Ratification of Completed Procurement Actions

	4	\$	20.9 M
TOTAL	4	\$	20.9 M

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.

OCTOBER 2024

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

D. Ratification of Completed Procurement Actions

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

1. Corporate Transportation Group, Ltd.	\$3,389,014	<i>Staff Summary Attached</i>
2. OAS, Inc.	\$4,878,364	↓
3. WAYE, LLC	\$11,419,136	↓
4. Unified Dispatch LLC	\$1,178,505	↓

Contract Terms: Each up to three years

Contract #s 6%28439 / 6%31682 / 6%34004 / 6%34603

Contracts for the procurement of all technology and related services necessary for continuity of Paratransit service; Ratification of an Immediate Operating Need.

Schedule D: Ratification of Completed Procurement Actions



Item Numbers: 1–4

Vendor Names (Locations) Corporate Transportation Group, Ltd. (Brooklyn, New York) OAS, Inc. (Brooklyn, New York) WAYE, LLC (Woodinville, Washington) Unified Dispatch LLC (Los Angeles, California)	Contract Number 6%28439 6%31682 6%34004 6%34603	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Procurement actions for continuity of Paratransit service for scheduling, dispatching, AVL, and IVR in response to an Immediate Operating Need	Total Amount: \$20,865,019 CTG: \$3,389,014 OAS: \$4,878,364 WAYE: \$11,419,136 UDI: \$1,178,505	
Contract Terms (including Options, if any) Each up to three years (varied start dates)	Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	Requesting Department: Department of Paratransit, Rachel Cohen	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive		
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: ION		

Discussion:

It is requested that the Board ratify the declaration of an Immediate Operating Need (“ION”) approved by the Deputy Chief Procurement Officer, MTA Procurement, waiving competitive bidding pursuant to Article III, Paragraph A, of the All-Agency Procurement Guidelines and Public Authorities Law 1209, subsection 9(a) and approve (1) the award of three modifications to contract 6%28439 with Corporate Transportation Group Ltd (“CTG”) in the estimated amount of \$3,389,014; and (2) the awards of three new contracts: No. 6%31682 to OAS, Inc. (“OAS”) in the estimated amount of \$4,878,364; No. 6%34004 to WAYE LLC (“WAYE”) in the estimated amount of \$11,419,136; and No. 6%34603 to Unified Dispatch LLC (“UDI”) in the estimated amount of \$1,178,505 for a total estimated award amount of \$20,865,019. Each of these awards were made at various points in time since the ION was declared in March 2023, and each have a base contract term of approximately three years, without options.

The ION authorized the procurement of all technology and related services necessary for continuity of service pursuant to the January 2023 termination for cause of contract W-32564 to provide Real-Time Scheduling and Computer-Aided Dispatch (“RTS/CAD”) systems, as well as hardware and software for Automatic Vehicle Location Monitoring (“AVLM”) and Interactive Voice Response (“IVR”) systems for Paratransit’s Access-A-Ride (“AAR”) operations. It should be noted that a competitive solicitation for the replacement of the RTS/CAD/AVLM systems is underway.

RTS/CAD, AVLM, IVR, and related technology are critical for the provision of paratransit transportation service and for MTA NYC Transit, as paratransit service is federally mandated in accordance with the Americans with Disabilities Act of 1990 (“ADA”), providing origin-to-destination, demand-response, shared ride transportation for individuals with disabilities that cannot use fixed-route public buses and subways. NYC Transit’s Department of Paratransit (“Paratransit”) operates within the ADA regulations (49 C.F.R. Section 37). These technology systems are imperative to Paratransit operations to maintain continuity of service and compliance with the federally mandated regulations, as the then-existing Contractor had failed to deliver.

CTG Resiliency

CTG’s Broker Car Service contract was modified to develop a backup (or “resiliency”) plan to the then-existing AVLM software system. The plan served as a safety net in response to the ongoing complications with the then-existing contractor. The modifications included the development and deployment of CTG’s AVLM software, which included a driver’s application for routing directions and communicating with dispatch, as well as additional ongoing maintenance (through December 31, 2025). CTG had the expertise to implement this software on short notice, as it had already developed similar software for its Broker service. The two subsequent modifications implemented and/or expanded the scope of the resiliency plan upon termination of contract W-32564.

AVLM Hardware

OAS, subcontractor to the previous technology system contract, was awarded a contract to provide the AVLM hardware (i.e., tablets) that replaced the prior contractor’s proprietary Mobile Data Terminals (“MDTs”); the new AVLM hardware interfaces with CTG’s AVLM software. The contract included the purchase, installation, and maintenance of the AVLM hardware. OAS was the subcontractor for contract W-23564 responsible for installation and maintenance of MDTs, and was thus familiar with NYC Transit Paratransit personnel, the Primary Carrier contractors, and the vehicles in which the hardware is installed.

Scheduling Engine Software

WAYE was awarded a contract to provide the scheduling engine software to run in parallel with the existing ADEPT scheduling engine, to which NYC Transit continues to hold a perpetual license to operate. WAYE’s engine software serves as an ultimate backup in the event the ADEPT scheduling system fails (ADEPT is more than 25 years old and antiquated) in addition to improving the productivity of current trip scheduling.

IVR System

UDI, also a subcontractor to the previous technology system contract, was awarded a contract to provide Interactive Voice Response (“IVR”) service, support, and maintenance for Paratransit. UDI’s IVR system enables automatic calls to customers and provides survey data and other reporting functions. UDI’s system is designed to be suited to paratransit customers and offers AAR customer access to live operators in the Command Center.

Pricing for the respective modifications and contracts was negotiated independently, and Procurement deemed pricing to be fair and reasonable. The MTA Cost Price Analysis Unit reviewed and concurred with these determinations.

CTG has certified that pursuant to EO 16, it is not doing business in Russia.

OAS has certified that pursuant to EO 16, it is not doing business in Russia.

WAYE has certified that pursuant to EO 16, it is not doing business in Russia.

UDI has certified that pursuant to EO 16, it is not doing business in Russia.

The modifications awarded to CTG resulting from this ION were evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. CTG has certified compliance with the MTA’s cybersecurity requirements.

The contract awarded to OAS resulting from this ION was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. OAS has certified compliance with the MTA’s cybersecurity requirements.

The contract awarded to WAYE resulting from this ION was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Cybersecurity language as agreed to by WAYE and the Authority has been included in the contract terms and conditions.

The contract awarded to UDI resulting from this ION was evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. Cybersecurity language as agreed to by UDI and the Authority has been included in the contract terms and conditions.

M/W/DBE Information

Pursuant to the ION, these interim solution contracts were exempt from the requirement to establish M/WBE goals. It should be noted that the Department of Diversity and Civil Rights had established zero percent M/WBE and zero percent SDVOB goals in the original technology procurement W-32564 due to the lack of qualified M/WBE and SDVOB firms to provide the services.

Impact on Funding

The funding for these awards is available in the Department of Paratransit’s Operating Budget under RC No. 3042, Function No. 120, with Account No. 709102.

Alternatives

None. These four contract awards are interim solutions required for the continuity of Paratransit operations.

Recommendation

It is recommended that the Board ratify the awards made to CTG, OAS, WAYE, and UDI in the total estimated amount of \$20,865,019 for the continuity of paratransit technology services until the replacement of the Paratransit enterprise technology system is awarded.



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 \$0.5M.

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	10/28/24			
2	Board	10/30/24			

October 25, 2024			
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>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 0.5 M
SUBTOTAL	1	\$ 0.5 M

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

TOTAL	1	\$ 0.5 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.

OCTOBER 2024

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

H. Modifications to Personal Service & Miscellaneous Service Contracts Awarded as Contracts for Services

(Staff Summaries required for items estimated to be greater than \$1,000,000.)

- | | | |
|-------------------------------------|------------------|--------------------------------------|
| 1. SSDC Services Corporation | \$504,000 | <i>Staff Summary Attached</i> |
| Four Years, Option Included | | |
| Contract # 15432 | | |

Modification to the contract for Disability and Medicare Coordination Services in order to fund the contract for the remainder of 2024, and exercise Option 2 to cover these services through the end of 2025.

Item Number: 1

Vendor Name (Location) SSDC Services Corporation	Contract Number 15432	AWO/Mod. # 2
Description: Disability and Medicare Coordination Services	Original Amount:	\$ 874,700
Contract Term (including Options, if any) January 1, 2021–December 31, 2025	Prior Modifications:	\$ 125,000
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	Current Amount:	\$ 999,700
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	This Request:	\$504,000
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Modification	% of This Request to Current Amount:	50%
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of Modifications (including This Request) to Original Amount:	72%
Requesting Department: Office of Benefits & Compensation		

Discussion:

MTA Headquarters is seeking Board approval to exercise Option 2 of the Disability and Medicare Coordination Services contract awarded to SSDC Services Corporation (“SSDC”) to continue providing services to facilitate the enrollment of eligible disabled retirees under the age of 65 into Medicare Parts A and B for an additional year (January 1, 2025–December 31, 2025), making Medicare the retiree’s primary coverage, thereby reducing NYC Transit’s medical costs. Of the \$504,000 requested for this modification, \$168,000 is to fund the Medicare coordination services necessary for the remainder of year 2024, and \$336,000 will fund the Option.

SSDC assists in the determination of the disability status of NYC Transit’s pre-Medicare eligible retirees and their dependents who are under age 65 and coordinates early enrollment of disabled retirees and/or their dependents into Medicare as the primary payer of health benefits. This is achieved through facilitation of Social Security Disability Income (“SSDI”) awards to eligible disabled members, aiding with the application process and providing representation services as required to eligible members. SSDI awardees are then automatically enrolled into Medicare as primary payer (two years after their SSDI award), thus allowing for earlier removal from NYC Transit’s health benefit plans, resulting in substantial savings to NYC Transit over the duration of the contract.

Based on data for the services performed under the current contract, NYC Transit has realized approximately \$4.1 million in savings to date and has found the services provided by SSDC to be satisfactory.

The Request for Proposals (“RFP”) issued for the initial award to SSDC was publicly advertised.

The base contract covers the provision of a pre-Medicare enrollment program and has a term of three years with two, 1-year options (January 1, 2021–December 31, 2025) in an amount not-to-exceed \$874,700. There has been one prior modification to this contract: the exercise of the first one-year option and adding \$125,000 to the contract due to increased utilization of these services, for a total of \$999,700. The addition of the requested sum of \$504,000 will put the total contract over \$1 million, thus requiring Board approval.

The additional funds requested for year 2024 are necessary due to the increase in participation in enrollments not anticipated that is also contributing to increased savings in connection with this service. The competitively negotiated pricing from the original award does not change over the term of the contract and is therefore considered fair and reasonable.

SSDC has certified that pursuant to EO 16, it is not doing business in Russia.

This contract 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. Any applicable cybersecurity requirements, to the extent required, have been included.