



Metropolitan Transportation Authority

January 2013

MTA Board Action Items



MEETING AGENDA
METROPOLITAN TRANSPORTATION AUTHORITY BOARD
January 30, 2013 10:00 a.m.

347 Madison Avenue
Fifth Floor Board Room
New York, NY

AGENDA ITEMS

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8. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) *(no items)*

9. EXECUTIVE SESSION

Date of next MTA Board meeting: Wednesday, March 13, 2013 at 10:00 a.m.

**Metropolitan Transportation Authority
Minutes of
Regular Board Meeting
347 Madison Avenue
New York, NY 10017**

**Wednesday, December 19, 2012
9:30 a.m.**

The following members were present:

**Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Ira R. Greenberg
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. David A. Paterson
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke**

The following member was absent:

Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member James Blair, Board Member Norman Brown, Board Member Vincent Tessitore, Jr., Thomas Prendergast, President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Company, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting. Board member Mark Page was not present for the vote on items #6-9 of the agenda listed below.

The Board of the Metropolitan Transportation Authority also met as the Board 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, the Metro-North

Commuter Railroad Company, the MTA Capital Construction 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 Metropolitan Suburban Bus Authority, and the First Mutual Transportation Assurance Company. Refer to the other agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

1. **PUBLIC SPEAKERS.** There were sixteen (16) public speakers. The following thirteen (13) speakers addressed matters relating to the MTA. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for a list of other speakers and the content of speakers' statements.

William Henderson, PCAC
David Kupferberg, Committee for Better Transit
Nicole Malliotakis, Assemblywoman, NYS Assembly
Mr. X, private citizen
Marty Goodman, TWU Local 100
Tony Murphy, International Action Center
Paul Piazza, TWU Local 100
Veronica Vanderpool, Tri State Campaign
Gene Russianoff, Straphangers Campaign
John Mineka, Occupy Wall Street
Christine Williams, TWU Local 100
Matt Shotkin, private citizen
Brodie Enoch, Transpiration Alternatives

2. **CHAIRMAN'S REMARKS.**

Chairman Lhota commenced the meeting with a moment of silence for the victims in Newtown, Connecticut.

Chairman Lhota expressed his continued gratitude for the extraordinary work that continues to be performed by the MTA workforce after Superstorm Sandy. The Chairman stated that although nearly all of the transit system is up and running, MTA has an estimated \$5 billion in immediate repair needs before it is back to the condition it was in before the storm. Chairman Lhota said that additional funds are required to protect the system from future disasters.

Chairman Lhota noted that as Congress moves forward with a disaster relief package it is critical that the legislation include the necessary funding and flexibility to meet the needs of New York, New Jersey and Connecticut. The Chairman stressed the importance of the MTA system to the national economy and the goal of ensuring the system receives the resources it deserves.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on November 28, 2012.

4. **FARE AND CROSSING CHARGE INCREASES.**

A. **Action Items.** Upon motion duly made and seconded, the Board approved the following action items. Board Member Allen Cappelli voted in opposition to the 2013 Crossing Charge Increases, enumerated as item #3 below. The details of Board members' comments and questions with respect to these action items are included in the video recording of the meeting produced by the MTA and maintained in MTA records.

1. **2013 Fare Increases.** Approved a resolution authorizing proposed fare and terms of sale changes set forth in Attachment A to the resolution, and authorized the chief executive and designees to take all necessary and desirable steps to implement such fares and terms of sale.
2. **2013 Crossing Charge Increases: Environmental and "Just and Reasonable" Determination.** Approved a resolution that (i) finds and determines that proposed increases to the Crossing Charge Schedule will not have a significant adverse effect on the environment within the meaning of the State Environmental Quality Review Act ("SEQRA"), (ii) adopts and approves the Negative Declaration in accordance with SEQRA and authorizes and directs the President of the Triborough Bridge and Tunnel Authority or his designee to execute it, and (iii) finds that the Crossing Charges as increased in the new Crossing Charge Schedule are "Just and Reasonable" within the meaning of the General Bridge Act of 1946.
3. **2013 Crossing Charge Increases.** Approved a resolution that (i) repeals the prior Crossing Charge Schedule and adopts a new Crossing Charge Schedule that increases Crossing Charges for use of the Triborough Bridge and Tunnel Authority facilities as set forth in Attachment 1 to the resolution, and (ii) authorizes the President of said Authority or his designee to take all such steps that may be necessary and desirable to establish, implement and permanently adopt, pursuant to law, the new Crossing Charge Schedule.

5. **MTA 2013 BUDGET ADOPTION MATERIALS.**

Upon motion duly made and seconded, the Board:

- (i) authorized and approved the 2013 Final Proposed Budget and the Four Year Financial Plan 2013-2016, which includes the 2012 Final Estimate and all Plan Adjustments. The approval of this Plan supersedes prior Board approvals for this period;
- (ii) authorized staff, under the guidance of the Chief Executive Officer and the Chief Financial Officer of MTA to take actions to implement the subsidy and other technical adjustments set forth in the Plan; and.

- (iii) authorized technical adjustments to Agency Budgets and forecasts of a non-material nature in the February Plan; and
- (iv) authorized adjustment of Agency 2013 Budgets and forecasts to reflect labor settlements approved from time to time by the Board; and
- (v) approved additional budget and cash management actions and other staff actions as further described in the staff summary accompanying the 2013 Final Proposed Budget and Four Year Financial Plan 2013-2016.

The details of Board members' comments with respect to the foregoing are included in the video recording of the meeting produced by the MTA and maintained in MTA records.

6. COMMITTEE ON FINANCE.

A. Action Items. Upon motion duly made and seconded, the Board approved the following action items, described in further detail in the staff summaries and documentation filed with the meeting materials.

1. MTA 2010-2014 Capital Plan Amendment. Approved an amendment to the 2010-2014 Capital Plan for the restoration of MTA assets damaged as a result of Superstorm Sandy, and authorized submission of the amendment as it pertains to projects for New York City Transit, Long Island Rail Road, Metro-North Railroad, MTA Bus and MTA Capital Construction Company to the MTA Capital Program Review Board for approval.
2. Authorization of Financing for Tropical Storm Sandy Restoration. Authorized and approved the necessary documentation to issue new money Bond Anticipation Notes ("BANs") to generate net proceeds of \$2.5 billion for interim financing of work to restore infrastructure damaged by Superstorm Sandy, and to issue bonds to repay the BANs. This authorization included approval for six separate Supplemental Resolutions authorizing Transportation Revenue Resolution Bonds and BANs, Dedicated Tax Fund Bonds and BANs, and TBTA Bonds and BANs.
3. Supplemental Resolutions Authorizing Refunding Bonds. Approved the Supplemental Resolutions authorizing the issuance of refunding bonds, subject to the Board's refunding policy, if applicable, and upon determination by the MTA Chief Financial Officer or the MTA Director of Finance that the refunding of such bonds or other obligations will be beneficial to the obligors thereof and/or their affiliates and subsidiaries. Authorized the delegation of authority to the Chairman and Chief Executive Officer, the Vice Chairman, the Chair of the Finance Committee, the Chief Financial Officer of MTA, and the Director of Finance of MTA to take all actions, including the award of contracts for the underwriting of the refunding bonds, and to execute and deliver all such documents as may from time-to-time be deemed necessary or desirable in connection with the authorized refunding.

- B. **Real Estate Items.** Upon motion duly made and seconded, the Board approved the following real estate items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

Metro-North Railroad

1. Lease with F.A.M. Group LLC for the operation of a retail concession space at New Hamburg Station on Metro-North's Hudson Line, In the Town of Poughkeepsie, Hamlet of New Hamburg, N.Y.
2. Lease with Copper Roof Deli LLC for the operation of a retail concession space at the Beacon Station on Metro-North's Hudson Line, Beacon, N.Y.

Metropolitan Transportation Authority

3. License and Indemnity Agreements among MTA, LIRR, NYCTA and the Moynihan Station Development Corporation; an amendment to the existing lease between LIRR and Vornado Realty Trust in Penn Station; and any other necessary agreement to effectuate improvements to the Connecting Corridor in Penn Station and advance Phase 1 of the Moynihan Station Project.

7. **COMMITTEE ON CORPORATE GOVERNANCE.**

Chairman Lhota outlined changes to the Committee and Board structure adopted at the September Board meeting and scheduled to take effect in 2013. The Chairman noted that the Board and Committee meetings would change from eleven to eight meetings each year. In addition, two Chairman's Forum meetings were added annually.

Chairman Lhota noted that the Bus Committee and the NYCT Committee meetings would be merged into one Committee; the Committees for Metro-North and Long Island Rail Road will meet separately, except for joint meetings in April and November; the Security Committee would be abolished, with security-related issues incorporated into agendas of CPOC and the relevant operating agency committees; and select Committees will meet on Wednesday mornings before the regularly scheduled Board meetings. In addition, Chairman Lhota noted that after a review of the Committee memberships and following discussion with Board members, the Chairman had made a series of changes to Committee memberships.

Chairman Lhota acknowledged Vice Chairman Andrew Saul, who has served in the capacity of Vice Chairman since 2006, and whose board term expired on June 30, 2012. Chairman Lhota thanked Mr. Saul for his dedicated service as Vice Chairman, noting that Mr. Saul would continue to serve as Chairman of the Finance Committee and as a valued and active member of the Board.

Chairman Lhota recommended that the Board approve Board member Fernando Ferrer as Vice Chairman of the MTA to succeed Mr. Saul.

Upon motion duly made and seconded, the Board approved the appointment of Board member Fernando Ferrer as Vice Chairman.

8. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an executive session to consider matters concerning collective bargaining, in accordance with Section 105(1)(e) of the Open Meetings Law. Upon motion duly made and seconded, the Board reconvened in public session.
9. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:35 A.M.

Respectively submitted,

Victoria Clement
Assistant Secretary

**Minutes of the
Regular Board Meeting
for the New York City Transit Authority,
Manhattan and Bronx Surface Transit Operating Authority,
Staten Island Rapid Transit Operating Authority and
MTA Bus Company.**

**Wednesday, December 19, 2012
9:30 a.m.**

The following members were present:

**Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Ira R. Greenberg
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. David A. Paterson
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke**

The following member was absent:

Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member James Blair, Board Member Norman Brown, Board Member Vincent Tessitore, Jr., Thomas Prendergast, President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Rail Road, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Company, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

1. **CHAIRMAN LHOTA CALLED THE MEETING TO ORDER**

2. **PUBLIC COMMENT PERIOD**

Fourteen (14) public speakers addressed NYC Transit/MTA Bus issues.

William Henderson, PCAC, opposed the proposed fare increase and urged the Board to find a sustainable budget.

David Kupferberg protested the proposed fare increase and asked the Board to look at alternatives.

Myriad Awada urged the Board to restore B37 bus service and discussed the impact the cuts had on his community.

Violetta Maya asked the Board to restore B37 bus service.

Mr. X expressed concerns with the public hearings held by the Board in November.

Maria Escalera asked the Board to restore the B37 bus service.

Marty Goodman opposed proposed fare hikes and argued for a raise for transit workers.

Tony Murphy protested the proposed fare increase.

Paul Piazza spoke against fare hikes and the closure of token booths and commented that transit workers should have been paid for work days missed due to Hurricane Sandy.

Gene Russianoff, Straphangers Campaign, commended the Board for making service restorations and implementing cost-cutting measures.

Veronica Vandterpool, Tri State Campaign, opposed the proposed fare increase and possible increases in debt service.

John Mineka, Labor Outreach Committee, expressed concerns with what he perceives as the MTA's support for the banks.

Christine Williams, TWU Local 100, opposed the proposed fare increase.

Matthew Shotkin protested the proposed fare increase.

Brodie Enoch, Transportation Alternatives, urged the State and City to invest more in public transit.

3. CHAIRMAN LHOTA'S COMMENTS

Details of Chairman Lhota's comments are set forth in minutes recorded by the MTA, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

4. MINUTES

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular board meeting of MTA NYC Transit, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Railway Transit Operating Authority, and MTA Bus Company held on November 28, 2012.

5. FARE AND CROSSING CHARGE INCREASES

Background: The 2012-2015 Financial Plan adopted at the December 2011 Board meeting and the Proposed Financial Plan 2013-2016 presented at the November 2012 Board meeting contemplated the implementation of increased bus, subway and commuter rail fares to achieve budgeted revenue targets. On July 25, 2012, the Board authorized agency staff to proceed with the steps necessary to consider proposals for fare and toll increases, including the issuance of public notices and the holding of public hearings to elicit public comment on such proposals for Board action in December, 2012. In accordance with that direction, the public hearing process was conducted. Notices advising the public of proposed changes in fares and tolls and establishing dates for the public hearings on such proposed changes were posted throughout the system in October 2012, advertisements of the hearings were run in area newspapers, and detailed informational materials describing the fare proposals and toll increases were posted on the MTA website.

Between November 7 and November 28, 2012, the Board held eight public hearings to receive public comment on the proposed changes in fares and tolls. In addition, MTA conducted sessions at satellite facilities at which members of the public had the opportunity to present statements that were videotaped for inclusion in the record. MTA further invited and received written statements from members of the public commenting on the proposed fare changes. Transcripts of the hearing testimony and copies of the videotaped and written statements were distributed to Board members for their consideration prior to final action being taken on proposed fare changes.

Action Items:

Chairman Lhota invited Board discussion concerning the fare and crossing charge proposals. Details of Board members' comments and questions with respect thereto are included in the video recording of the meeting produced by the MTA and maintained in MTA records.

2013 Fare Increases: Upon motion duly made and seconded, and after having had the benefit of public testimony and written comments that were submitted concerning the proposed changes in fares and having considered and deliberated upon the financial circumstances of the MTA

agencies and the impacts of such proposed changes in fares upon riders of mass transportation, the Board voted to approve 2013 Fare Increases, which included the following changes:

Base Fare: Increase Base fare of \$2.25 for cash and Pay-per-Ride MetroCard to \$2.50.

Single Ride Ticket: Increase Single Ride Ticket to \$2.75

Express Bus Fare: Increase \$5.50 express bus fare to \$6.00

Bonus Fare: Reduce the bonus on Pay-Per-Ride MetroCard from 7% to 5%.

Unlimited Ride MetroCard: Increase the price of 7-day Unlimited Ride MetroCard from \$29 to \$30; 30-Day and Calendar Monthly Unlimited Ride MetroCard from \$104 to \$112; and 7-Day Express Bus Plus Unlimited Ride MetroCard from \$50 to \$55.

Staten Island Railway: Charge full fare on SIR to eligible Reduced Fare customers entering or exiting at St. George without a functioning Reduced Fare MetroCard, and issue such customers a ticket good for a return trip made on NYCT; MTA Bus or SIR within three months.

New MetroCard: Charge \$1.00 for a new MetroCard when purchased at an MTA subway or commuter rail or from a vending machine.

Details of the above items are set forth in the staff summaries and materials submitted to the Board, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

6. MTA 2013 BUDGET ADOPTION MATERIALS

Upon motion duly made and seconded, the Board voted to: (i) adopt the 2013 Final Proposed Budget and the Four Year Financial Plan 2013-2016, which included approving the 2012 Final Estimate and all Plan Adjustments (items below the baseline), and (ii) authorize the Budget and Plan adjustments, budget and cash management actions and other staff actions as set forth in the Staff Summary.

Details of the proposed budget and financial plan and Board members' comments and questions with respect thereto are included in the video recording of the meeting produced by the MTA and maintained in MTA records and are set forth in staff summaries and materials submitted to the Board, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

7. COMMITTEE ON FINANCE

Action Item(s):

Authorization of Financing for Tropical Storm Sandy Restoration: Upon motion duly made and seconded, the Board voted to authorize financing for Tropical Storm Sandy Restoration and approved a resolution authorizing the use of available operating and capital monies for payment of capital and operating expenses incurred in connection with Hurricane Sandy restoration; and the reimbursement resolution required by Federal tax law to preserve the ability to finance

certain expenses incurred in connection with preparation for the response to the impact of the storm arising out of Hurricane Sandy on a tax exempt basis.

Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

8. COMMITTEE ON TRANSIT OPERATIONS
NYC Transit

Procurements:

Non-Competitive Procurements: Upon motion duly made and seconded, the Board approved the non-competitive procurements requiring a majority vote (Schedule H in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

Procurement Ratifications: Upon motion duly made and seconded, the Board approved the ratifications requiring a majority vote (Schedule K in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

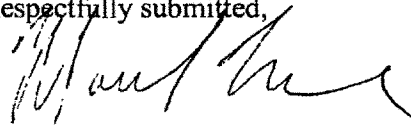
9. EXECUTIVE SESSION

Upon motion duly made and seconded, the Board voted to convene an executive session to consider matters concerning collective bargaining matters pursuant to Public Officers Law §105(1)(e). Upon motion duly made and seconded, the Board reconvened in public session.

10. ADJOURNMENT

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:35 A.M.

Respectfully submitted,



Mariel A. Thompson
Assistant Secretary

Minutes of the Regular Meeting
Metro-North Commuter Railroad Company
Wednesday, December 19, 2012
9:30 a.m.

The following members were present:

Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Ira R. Greenberg
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. David A. Paterson
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member James Blair, Board Member Norman Brown, Board Member Vincent Tessitore, Jr., Thomas Prendergast, President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Company, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting. Board Member Page was not present for the votes beginning at item 7.

The Board of the Metropolitan Transportation Authority also met as the Board 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, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

1. Chairman Lhota called the meeting to order.

2. Public Speakers:

There were 16 public speakers.

William Henderson of PCAC stated that PCAC cannot support the budget and fare increases. He expressed his opinion that the proposed fare increases are unduly burdensome to riders, are not related to inflation and do not take income into account. He believes that little has been done in Albany to sustain the MTA which has capital investment needs but no stable funding source. He expressed his opinion that the capital program must be weaned from fare backed bonds. The details of the comments made by the remaining public speakers who did not discuss items specific to Metro-North are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date.

3. Chairman's Opening Remarks:

Chairman Lhota led the Board in observing a moment of silence for the victims in Newtown, Connecticut whose lives were touched by unimaginable tragedy. Chairman Lhota expressed gratitude to the MTA workforce for getting the system up and running after Hurricane Sandy; stating that there are still pockets of service disruptions. He stated that \$5 billion is needed to get the MTA back to pre-Sandy status and additional funds are required to protect the system from future storms. He stressed the importance of the system to the national economy. The details of Chairman Lhota's opening remarks are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records, and in the MTA and other agencies' minutes of the meeting held this day.

4. Approval of Minutes

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of November 28, 2012 were approved.

5. Fare and Crossing Charge Increases

Action Items:

Upon motion duly made and seconded, the Board unanimously approved the Action Items pertaining to Metro-North.

- 2013 Fare Increases

The details of the above item and comments made by Board Members are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records and in the staff summaries and reports filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

6. MTA 2013 Budget Adoption

Upon motion duly made and seconded, the Board approved the 2013 Budget. The details of the 2013 Budget and comments made by Board Members are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records and in the staff summaries and reports filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

7. Committee on Finance Committee:

Action Items:

Upon motion duly made and seconded, the Board approved the Action Items recommended to it by the Committee on Finance, including but not limited to, (1) MTA 2010-2014 capital plan amendment and (2) authorization of financing for Tropical Storm Sandy restoration. Staff summaries and reports setting forth the details of the above items are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

Real Estate Items:

Upon motion duly made and seconded, the Board approved the following real estate items recommended to it by the Committee on Finance that relate to Metro-North.

- Lease with F.A.M. Group, LLC for the operation of a retail concession space at New Hamburg station in the Town of Poughkeepsie, Hamlet of New Hamburg, New York.
- Lease with Copper Roof Deli, LLC for the operation of a retail concession space at the Beacon Station in Beacon, New York.

Staff summaries and reports setting forth the details of the above items are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

8. Committee on Metro-North Railroad and Long Island Rail Road Operations:

Action Item:

Metro-North Railroad

Upon motion duly made and seconded, the Board approved the following action item recommended to it by the Committee on Metro-North Railroad and Long Island Rail Road Operations. Board Member Moerdler was not present for the vote.

- Public Hearing for Proposed Service Changes

Procurements:

MTA Metro-North Railroad

Upon motion duly made and seconded, the Board unanimously approved the following non-competitive procurement recommended to it by the Committee on Metro-North Railroad and Long Island Rail Road Operations. Board Members Moerdler was not present for the vote.

- A non-competitive, negotiated, miscellaneous procurement contract with Railware, Inc. to upgrade the present Railware Track Driver Professional Alarm System Software Module. The alarm system captures all mission-critical and safety sensitive alarms that the Metro-North Centralized Traffic Control system generates and is responsible for notifying the Rail Traffic Controllers when alarm events occur.

Details of the above items are set forth in the staff summaries and other materials filed with the records of this meeting.

9. Committee on Corporate Governance

Chairman Lhota discussed the changes to the Committee and Board structure that are to take effect in 2013, noting that the Metro-North Railroad Committee and Long Island Rail Road Committee will hold separate Committee meetings with the exception of joint April and November 2013 meetings. Chairman Lhota has reviewed and made changes to Committee memberships and encouraged Board members to attend the Committee meetings. Chairman Lhota noted that although the Hon. Andrew M. Saul's tenure as Vice Chairman has expired, he will remain chair of the Finance Committee. Thereafter, upon motion duly made and seconded, a motion was approved to appoint the Hon. Fernando Ferrer to the position of Vice Chairman.

10. Executive Session:

Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session pursuant to Public Officer's Law 105(i)(e) to discuss collective bargaining. Upon motion duly made and seconded, the Board unanimously voted to reconvene in Public Session.

11. Adjournment:

Upon motion duly made and seconded, the members of the Board present voted to adjourn the meeting at 11:35 a.m.

Respectfully submitted,



Linda Montanino

Assistant Secretary

Minutes of the Regular Meeting
Long Island Rail Road Company
Wednesday, December 19, 2012
9:30 a.m.

The following members were present:

Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Ira R. Greenberg
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. David A. Paterson
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member James Blair, Board Member Norman Brown, Board Member Vincent Tessitore, Jr., Thomas Prendergast, President, NYCTA, Helena Williams, President, Long Island Railroad, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Company, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting. Board Member Page was not present for the votes beginning at item 7.

The Board of the Metropolitan Transportation Authority also met as the Board 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, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

1. Chairman Lhota called the meeting to order.
2. **Public Speakers:**

There were sixteen public speakers.

William Henderson of PCAC stated that PCAC cannot support the budget and fare increases. He expressed his opinion that the proposed fare increases are unduly burdensome to riders, are not related to inflation and do not take income into account. He believes that little has

been done in Albany to sustain the MTA which has capital investment needs but no stable funding source. He expressed his opinion that the capital program must be weaned from fare backed bonds. The details of the comments made by the remaining public speakers who did not discuss items specific to LIRR are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date.

3. **Chairman's Opening Remarks:**

Chairman Lhota led the Board in observing a moment of silence for the victims in Newtown, Connecticut whose lives were touched by unimaginable tragedy. Chairman Lhota expressed gratitude to the MTA workforce for getting the system up and running after Hurricane Sandy; stating that there are still pockets of service disruptions. He stated that \$5 billion is needed to get the MTA back to pre-Sandy status and additional funds are required to protect the system from future storms. He stressed the importance of the system to the national economy. The details of Chairman Lhota's opening remarks are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records, and in the MTA and other agencies' minutes of the meeting held this day.

4. **Approval of Minutes:**

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of November 28, 2012 were unanimously approved.

5. **Fare and Crossing Charge Increases**

Action Items

Upon motion duly made and seconded, the Board unanimously approved the Action Items pertaining to the Long Island Rail Road.

- 2013 Fare Increases

The details of the above item and comments made by Board Members are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records and in the staff summaries and reports filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

6. **MTA 2013 Budget Adoption**

Upon motion duly made and seconded, the Board approved the 2013 Budget. The details of the 2013 Budget and comments made by Board Members are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records and in the staff summaries and reports filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

7. **Committee on Finance**

Action Items

Upon motion duly made and seconded, the Board approved the Action Items recommended to it by the Committee on Finance, including but not limited to, (1) MTA 2010-2014 capital plan amendment and (2) authorization of financing for Tropical Storm Sandy restoration. Staff summaries and reports setting forth the details of the above items are filed with

the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

Real Estate Items

Upon motion duly made and seconded, the Board, among other items, approved the following items recommended to it by the Committee on Finance.

- Authorization for the MTA, LIRR and NYCT to enter into agreements necessary to effectuate improvements to the Connecting Corridor in Penn Station which are necessary to advance Phase 1 of the Moynihan Station Project.

A staff summary setting forth the details of the above item is filed with the records of this meeting.

8. Committee on Metro-North Railroad and Long Island Rail Road Operations:

Long Island Rail Road Procurements

Upon motion duly made and seconded, the Board unanimously approved the following LIRR procurements:

- a sole source contract award to ENSCO, Inc. in an amount not to exceed \$85,000 for a 36-month period, to provide engineering and technical assistance and replacement parts required to support and maintain the ENSCO Gauge Restraint Measurement System used to measure, record and analyze track geometry characteristics; and
- a competitively bid, Miscellaneous Service contract to Metropolitan Paper Recycling, Inc., in the amount of \$66,908, for scheduled collection and disposal of recyclable mixed office paper from nineteen LIRR locations in Queens and Nassau Counties, for a period of three years.

MTA Capital Construction Procurements

Upon motion duly made and seconded, the Board unanimously approved the following MTACC procurements:

- a modification to Contract PS836 to upgrade existing Intergraph software in the amount of \$415,000;
- a modification to Contract CH053 for installation of utilities in and to the south of Microtunnel Run #12 in the amount of \$5,520,000;
- a modification to Contract CQ032 for the excavation of an existing sump pit in the Q-Tip area of the Plaza Interlocking in Queens. This was a scope and budget transfer in the amount of \$5,100,000; and
- a ratification of a modification to Contract CQ031 for the construction of the relocated temporary Tunnel A Reception Pit and all associated work in the amount of \$4,947,505.

Details of the above items are set forth in the Staff Summaries and other materials, copies of which are on file with the records of this meeting.

9. **Committee on Corporate Governance**

Chairman Lhota discussed the changes to the Committee and Board structure that are to take effect in 2013, noting that the Long Island Rail Road Committee and Metro-North Railroad Committee will hold separate Committee meetings with the exception of joint April and November 2013 meetings. Chairman Lhota has reviewed and made changes to Committee memberships and encouraged Board members to attend the Committee meetings. Chairman Lhota noted that although the Hon. Andrew M. Saul's tenure as Vice Chairman has expired, he will remain chair of the Finance Committee. Thereafter, upon motion duly made and seconded, a motion was approved to appoint the Hon. Fernando Ferrer to the position of Vice Chairman.

10. **Executive Session:**

Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session pursuant to Public Officer's Law 105(i)(e) to discuss collective bargaining matters. Upon motion duly made and seconded, the Board unanimously voted to re-convene in Public Session.

10. **Adjournment:**

Upon a motion duly made and seconded, the members of the Board present voted to adjourn the meeting at 11:35 a.m.

Respectfully submitted,



Richard L. Gans
Secretary

**Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority
December 19, 2012**

Meeting Held at
347 Madison Avenue
New York, New York 10017

9:30 a.m.

The following members were present:

Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Ira R. Greenberg
Hon. Jeffrey A. Kay
Hon. Mark D. LeBow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. David A. Paterson
Hon. James E. Sedore, Jr.
Hon. Carl V. Wortendyke

Not Present:

Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer; Catherine Rinaldi, Chief of Staff; James B. Henly, MTA General Counsel; Stephen J. Morello, Counselor to the Chairman; Robert Foran, Chief Financial Officer; Board Member Andrew Albert; Board Member James Blair; Board Member Norman Brown; Board Member Vincent Tessitore; James Ferrara, President, Triborough Bridge and Tunnel Authority; Michael Horodniceanu, President, MTA Capital Construction; Darryl Irick, President/Senior Vice President, MTA Bus Company; Howard Permut, President, Metro-North Rail Road; Thomas Prendergast, President, New York City Transit; and

Helena E. Williams, President, Long Island Rail Road, also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Board 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, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Chairman Lhota called the meeting to order.

1. Public Speakers

There were sixteen public speakers. New York State Assemblywoman, Nicole Malliotakis, stated that she represented Staten Island and Bay Ridge, Brooklyn. She indicated that although she appreciated the Board's efforts to maintain a discount for Staten Island residents, the proposed fifteen dollar toll for the Verrazano-Narrows Bridge would have a negative impact on the local economy and quality of life of her constituents. Assemblywoman Malliotakis stated that despite the amount of money Staten Island puts into the system with the Verrazano-Narrows Bridge toll, it lacks the transportation options available in the other four boroughs. This is a result of years of unsustainable capital plans that have led to a \$40 billion debt faced by the MTA. As the Authority moves into the 2015 Capital Plan, Assemblywoman Malliotakis asked the MTA be more conservative with its budget and only focus on projects that are really necessary. The Assemblywoman thanked Board Member, Allen Cappelli, for his help last year with the Authority's success in advocating for the waiver of the fees the MTA paid to the State to issue bonds, and said this saved the MTA \$50 million last year. The Assemblywoman will be introducing legislation in Albany to make that waiver permanent. Assemblywoman Malliotakis asked the Board to work with her on developing a more equitable regional plan. She stated that the MTA can't keep going to the residents of Staten Island and South Brooklyn and increasing that particular toll. The burden of the MTA's fiscal woes should not fall unfairly on the shoulders of the residents of Staten Island and Brooklyn. She asked the Board to vote no on today's Plan.

The remaining public speakers did not specifically comment on issues regarding the Triborough Bridge and Tunnel Authority. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for the content of the speakers' statements.

2. Chairman Lhota's Opening Comments

On behalf of the Board Chairman Lhota observed a moment of silence for the victims of Newtown, Connecticut which he stated was the site of unimaginable tragedy.

Chairman Lhota said that he again wanted to express his gratitude for the extraordinary work that continues from the entire MTA workforce after Super Storm Sandy which was the worst natural disaster to hit the MTA system. Two months after our network was brought to its knees, the system is up and running and the riders have come back. Chairman Lhota stated that there is still a long way to go to get back to normal. There is a \$5 billion need for immediate repairs just to get the system back to where we were the

day before the Storm. Billions of dollars more are needed to protect the system from future flooding. As Congress moves forward with a disaster relief package it is critical that this legislation include the necessary funding and the flexibility to meet the needs of the states of New York, New Jersey, and Connecticut. Chairman Lhota stated that our region represents 11% of the entire nation's gross domestic product. When the MTA shuts down a significant portion of the United States economy shuts down. This isn't just a local need, it is a national need. The Chairman stated that his goal is to ensure that our transit, bridge and tunnel network continues to get the respect and the resources it deserves.

The details of Chairman Lhota's comments are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records, and the MTA and other agencies' minutes of the meeting of this date.

3. Approval of the Minutes of the Regular Meeting November 28, 2012

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held November 28, 2012 were unanimously approved.

4. Crossing Charge Increases

Upon a motion duly made and seconded, the Board approved and adopted a Resolution which found that, for the reasons stated in the Environmental Assessment and Negative Declaration prepared under the State Environmental Quality Review Act ("SEQRA"), the proposed increases to the Crossing Charge Schedule will have no significant adverse impact on the environment; adopted and approved the Negative Declaration prepared under SEQRA and authorized and directed the President of the Authority or his designs to execute it; and found the proposed Crossing Charge increases are "just and reasonable" within the meaning of the General Bridge Act.

The documents setting forth the details of the above items are filed with the minutes of this date of the Triborough Bridge and Tunnel Authority.

Regarding the proposed crossing charge increases, Commissioner Cappelli stated although he is appreciative of his colleagues' recognition of toll inequities, and that the Board has been very good to the people of Staten Island over the past several years it is his intention however, to vote in opposition to the crossing charge increases. He believes the current tolling system in the City creates geographic unfairness and creates havoc in the neighborhoods, the streets of Brooklyn, Queens, and the Bronx are crowded with motorists taking secondary and tertiary streets to avoid the tolled bridges. Commissioner Cappelli recognizes the amount of money the MTA collects is inadequate for its purposes, and supports greater subsidies for mass transit and the increase in service this past year is one of the most satisfying aspects of his tenure on the Board. In identifying new sources of revenue, the free bridges in the City need to be looked at and a plan developed which will balance out the geographic inequities, traffic flow conditions, and financial needs of the system to create a fiscal plan that is sustainable for both operations and capital purposes. There are a number of plans that have already been looked at, such as the Ravitch Plan, Mayor Bloomberg's Congestion Pricing Plan, and the Sam Schwartz Plan which creates a significant amount of money for mass transit and is an effort that is worthy of serious discussion, as the City and the State must deal with this problem. A

plan must be developed that deals with these inequities and the Board needs to be a part of voicing displeasure with the current situation along with transit and driver advocates. In voting in opposition to the crossing charge increases, Commissioner Cappelli stated it was not a reflection of the Board or Chair's efforts in this regard; in fact the Chair has been very sensitive to Richmond County.

Thereafter, upon a motion duly made and seconded, the Board adopted and approved a Resolution which repealed the prior Crossing Charge Schedule and adopted a new Crossing Charge Schedule that increases Crossing Charges for use of the Authority's facilities; and authorized the President of the Authority or his designee to take all such steps that may be necessary and desirable to establish, implement and permanently adopt, pursuant to the law, the new Crossing Charge Schedule. The new changes contained in the Schedule are planned for implementation on or about March 1, 2013. Commissioner Cappelli voted in opposition.

A copy of the staff summaries and resolutions setting forth the details of the above items are filed with the minutes of the Triborough Bridge and Tunnel Authority held this day.

5. MTA 2013 Budget and 2013-2016 Financial Plan

Upon a motion duly made and seconded the Board approved (i) the adoption of the 2013 Final Proposed Budget and the Four Year Financial Plan 2013-2016 ("November Plan" or "Plan"), which included approval of the 2012 Final Estimate and all Plan Adjustments (items below the baseline), and (ii) authorized Budget and Plan adjustments, budget and cash management actions and other staff actions set forth in the Staff Summary.

A copy of the staff summary setting forth the details of the above item, and the MTA 2013 and 2013-2016 Financial Plan Adoption materials are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

6. Committee on Finance

MTA 2010-2014 Capital Program Amendment

Upon a motion duly made and seconded, the MTA Board approved the following recommended to it by the Committee on Finance:

2010-2014 Capital Plan amendment to add projects totaling \$4.755 billion for the repair and restoration of MTA agency assets damaged as a result of Hurricane Sandy, which struck the region on October 29, 2012. The \$4.755 billion is comprised of \$3.977 billion of recovery projects in the Capital Program Review Board (CPRB)-covered plan for New York City Transit, Long Island Rail Road, Metro-North Railroad, MTA Bus and Capital Construction Company as well as \$778 million of recovery projects in the Bridges and Tunnels capital plan, which is not subject to CPRB approval.

The 2010-2014 Capital Plan amendment as well as the staff summary and reports setting forth the details of the above items are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

Authorization of Financing for Tropical Storm Sandy Restoration

Upon a motion duly made and seconded, the MTA and TBTA Boards, authorized and approved the necessary documentation and activities to issue (1) new money Bond

Anticipation Notes (BANs) to generate net proceeds of \$2.5 billion for interim financing for work to restore infrastructure damaged by Tropical Storm Sandy, and (2) Bonds to replay the BANs.

A copy of the resolutions, staff summary, and documents setting forth the details of the above items are filed with the minutes of this date of the Metropolitan Transportation Authority and Triborough Bridge and Tunnel Authority held this day.

Supplemental Resolutions Authorizing Refunding Bonds in 2013

Upon a motion duly made and seconded, the MTA and TBTA Boards approved the following:

- Supplemental resolutions authorizing the issuance of refunding bonds, from time to time, subject, if applicable, to the refunding policy adopted by the Board n May, 2010, as amended from time to time, and provided that the MTA Chief Financial Officer or the MTA Director of Finance makes a determination that the refunding of such bonds or other obligations will be beneficial to the obligors thereof and/or their affiliates and subsidiaries.
- Approved the delegation of authority to the Chairman and Chief Executive Officer, the Vice Chairman, the Chair of the Finance Committee, the Chief Financial Officer of MTA, and the Director of Finance of MTA to award the underwriting of the refunding bonds either pursuant to competitive bidding process or to members (or entities related to such firms) of the MTA underwriting syndicate, and to execute and/or deliver in each case where appropriate:
 - Notices of Sale and bid forms,
 - Purchase Agreements with underwriters,
 - Related Parity Reimbursement Obligations and other related Parity Debt,
 - Official Statements and other disclosure documents,
 - Continuing Disclosure Agreements and related filings,
 - Dealer Agreements,
 - Related Subordinated Contract Obligations,
 - Verification Reports,
 - Escrow Agreements, and
 - Investment Agreements.

Any such documents will be in substantially the form of any comparable document previously entered into by MTA or TBTA for previous issues and programs, with such changes as approved by any one or more of the foregoing officers. In addition, such officers are hereby authorized to terminate, amend, supplement, replace or extend any such documents (and related Parity Reimbursement Obligations and Parity Debt) and other documents related thereto, as they shall deem advisable. The MTA and TBTA Boards further delegated to such officers authority to take such other actions as may be necessary or desirable to effectuate such transactions.

A copy of the supplemental resolutions, staff summary, and documents setting forth the details of the above items are filed with the minutes of this date of the Metropolitan Transportation Authority and Triborough Bridge and Tunnel Authority held this day.

7. **Committee on MTA Bridges and Tunnels Operations**

Procurements

Commissioner Cappelli stated that there are no non-competitive procurements this month.

Competitive Procurements

Commissioner Cappelli stated that there are three competitive procurements this month totaling \$29.098 million.

Upon a motion duly made and seconded, the Board unanimously approved the following competitive procurement items recommended to it by the Committee for MTA Bridges and Tunnels Operations.

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

Prismatic Development Corporation	Contract No. RK-65R Provide Design/Build Services for the TBTA Central Maintenance Facility on Randall's Island.	\$17,665,000.00
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Personal Service Contracts

WSP/URS, a Joint Venture	Contract No. PSC-12-2906 Provide Design Services for Project HH-88, Reconstruction of Upper and Lower Level Toll Plazas and Southbound Approach at the Henry Hudson Bridge.	\$7,193,724.53
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Weidlinger/TY LIN International JV	Provide a Seismic and Wind Investigation for Project RK-19 at the Robert F. Kennedy Bridge.	\$4,239,182.96
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Ratifications

Commissioner Cappelli stated that there are no ratifications this month.

8. **Committee on Corporate Governance**

Chairman Lhota stated that in September the Board adopted changes to the Board and Committee meeting schedule moving from eleven to eight meetings per year, and adding two Chairman's Forum meetings. The Chairman's Forum meetings will include participation by the Chairman and all agency presidents, and is intended to allow for a question and answer period, and interaction with the public which does not happen at traditional Board Meetings. Chairman Lhota discussed the changes to certain Committees, and stated that the Security Committee has been abolished with security

issues to be incorporated into the agendas of the CPOC meetings as well as each of the operating agency committees. Chairman Lhota stated that the next logical step was to review the Committee membership, and as a result of his review he has made changes to certain Committee memberships essentially adding more members. Chairman Lhota stated that he wanted to reiterate that all members of the Board are encouraged to attend all of the Committee meetings.

Chairman Lhota recommended that the Board approve Commissioner Fernando Ferrer as Vice Chairman of the MTA Board, succeeding Commissioner Andrew Saul, whose term expired this past June, and who has served in this capacity since 2006. Chairman Lhota stated that Commissioner Saul has been an exemplary Vice Chairman of the Board, and thanked him for his service and dedication. Commissioner Saul will remain Chairman of the Finance Committee. Chairman Lhota said Commissioner Ferrer has been a member of the Board since June 2011, and has a long and distinguished public career first as a member of the City Council from 1982-1987, before being elected Bronx Borough President a position he held until 2001. In 2005 he became the first Latino to win the Democratic Party nomination to become the Mayor of the City of New York. He currently serves as a co-chairman and partner in a public strategy firm.

Upon a motion duly made and seconded, the Board approved a motion to appoint Commissioner Fernando Ferrer to the position of Vice Chairman.

9. Executive Session

Upon a motion duly made and seconded, the Board voted to convene in Executive Session pursuant to Section 105(e) of the Public Officers Law to discuss a collective bargaining matter. Upon a motion duly made and seconded, the Board voted to reconvene in public session.

10. Adjournment

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 11:35 a.m.

Respectfully submitted,



Cindy L. Dugan
Assistant Secretary

**Regular Board Meeting
MTA Capital Construction Company
347 Madison Avenue
New York, NY 10017
Wednesday, December 19, 2012
9:30 a.m.**

The following members were present:

Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Ira R. Greenberg
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mark Page
Hon. Mitchell H. Pally
Hon. David A. Paterson
Hon. James L. Sedore, Jr.
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member James Blair, Board Member Norman Brown, Board Member Vincent Tessitore, Jr., Thomas Prendergast, President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Company, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Board 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, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Chairman and CEO Lhota called the meeting to order.

Public Comment Period

There were sixteen public speakers none of whom discussed items specific to MTA Capital Construction. The subject matter of their comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on December 19, 2012.

Chairman Lhota's Opening Remarks

Chairman Lhota requested a moment of silence in the memory of those lost through the tragic events in Newtown Connecticut.

Chairman Lhota's remarks are recorded and filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on December 19, 2012.

Approval of Minutes

Upon motion duly made and seconded, the MTA Board approved the minutes of the regular Board meeting held on November 28, 2012.

2013 Budget

Upon motion duly made and seconded, the Board adopted the 2013 Budget. A copy of the materials for the 2013 Budget is filed with the records of the meeting of the Board of the Metropolitan Transportation Authority held on December 19, 2012.

Procurements

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

1. A modification to the Fulton Street Transit Center Project's Restoration of the Historical Corbin Building contract for changes to the brownstone restoration.
2. A modification to the Security Program's IESS Cisco Upgrade for the upgrade of the existing Intergraph software.
3. A modification to the East Side Access Project's Harold Structures Part I contract for installation of utilities in and to the south of Microtunnel Run #12.
4. A modification to the East Side Access Project's Plaza Substation and Queens Structures contract for the for the excavation of sump pit in the Q-Tip area of Plaza Interlocking.

The Hon. Charles Moerdler and the Hon. Mark Page were not present for the vote on these Items.

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

A modification to the East Side Access Project's Queens Bored Tunnels and Structures contract for construction of the relocated temporary Tunnel A Reception Pit (TARP) and all associated work St. Vent Plant and 245 Park Avenue Entrance contract for the excavation and lining of Shaft #1 at the 44th St. Vent Plant Facility.

The Hon. Charles Moerdler and the Hon. Mark Page were not present for the vote on this Item.

A copy of the resolutions, Staff Summaries and details of the above items are filed with the records of the meeting of the Board of the Metropolitan Transportation Authority held on December 19, 2012.

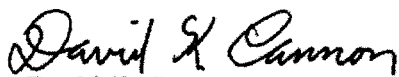
Executive Session

Upon motion duly made and seconded, the Board voted to convene in Executive Session to consider matters concerning collective bargaining. Upon motion duly made and seconded, the Board reconvened in public session.

Adjournment

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 11:35 a.m.

Respectfully submitted,


David K. Cannon
Assistant Secretary

Staff Summary



Subject Termination of Leveraged Lease
Department Finance
Department Head Name Robert E. Foran, CFO
Department Head Signature
Project Manager Name Jerome F. Page

Date January 28, 2103
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	1/28/2013	X		
2	Board	1/30/2013	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Chief of Staff	2	Legal

PURPOSE:

Authorize the MTA Interim Executive Director or the MTA Chief Financial Officer to terminate a qualified technological equipment leveraged lease (the "Lease") with SMBC Capital Markets Inc. ("Sumitomo"), as lessor, of automated fare collection equipment having an asset valuation at closing of \$74,980,000.

DISCUSSION:

In 2002, with MTA Board approval, MTA entered into the Lease. MTA economically defeased all of its rent and purchase option payment obligations under the lease back from the lessor and received an aggregate up-front net benefit of approximately \$7.7 million that was used as a source of funding for the MTA capital program. The Lease is scheduled to terminate in 2022, at which time the securities and other obligations acquired by MTA at the closing to defease MTA's purchase option payment will be used to exercise the purchase option. The source of payment for the loop debt¹ portion of the purchase option price is a payment undertaking agreement from an affiliate of the lender. The source of payment for the equity portion of the purchase option price is U.S. Treasury securities.

Under the terms of the proposed early termination MTA would pay Sumitomo the liquidation value of the U.S. Treasury securities serving as the equity defeasance source, the loop debt would be repaid early through the debt payment undertaking agreement and all rights to the leased equipment would revert to MTA with no additional payment by MTA to or any other parties to the Lease documents.

As a result of today's low interest rate environment, the current market value of the equity defeasance Treasury security exceeds the scheduled value of the equity defeasance. However, MTA is unable to take advantage of such increased value because of the ratings requirements for replacement collateral.

Sumitomo has agreed to cover all transaction costs, including \$100,000 in termination fees to GSF Advisors, that would otherwise be payable by MTA in connection with the terminations of the Lease.

Given there is no further financial upside in keeping the Lease in place and there are ongoing risks associated with keeping the transactions in place (including credit exposure to the lender, tax indemnity risks and full or partial early

¹ Loop-debt refers to the loan made by a financial institution to the lessor, which loan repayment is economically defeased by having MTA deposit an amount exactly equal to the loan amount with an affiliate of such financial institution at the transaction closing in return for such affiliate agreeing to pay the principal and interest on such loan.

Staff Summary



termination risk upon casualty to the leased assets). MTA staff recommends that MTA eliminate all such future exposure by terminating the Lease now. MTA terminated three other leveraged leases in December, 2012.

RECOMMENDED:

That the MTA Board authorize the MTA Interim Executive Director or the MTA Chief Financial Officer to terminate and/or restructure the Lease and to take all other actions, including the execution and delivery of documents, from time to time deemed necessary or desirable by the MTA Interim Executive Director or the Chief Financial Officer to effectuate the termination and/or restructuring of the Lease.

Staff Summary



RESOLUTION

WHEREAS, the Metropolitan Transportation Authority (the "MTA") is a party to the Lease described in the Staff Summary to which this Resolution is attached;

WHEREAS, the other parties to the Lease have agreed to effectuate an early termination of such Leases; and

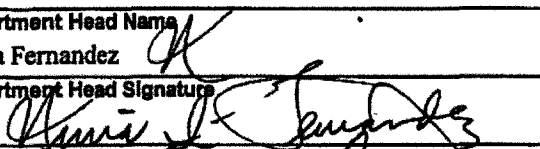
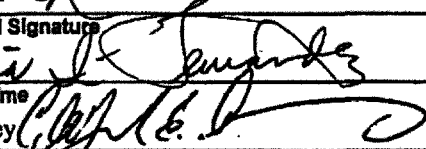
WHEREAS, MTA has determined that if the termination pricing is fair and reasonable it is in MTA's best interests to terminate the Lease;

NOW, THEREFORE, BE IT:

RESOLVED, that MTA be and hereby is authorized to terminate and/or restructure the Lease, all as generally described in the related Staff Summary, on the terms and conditions approved by the Interim Executive Director or the Chief Financial Officer; and





RESOLVED, that each of the Interim Executive Director or the Chief Financial Officer, acting singly, is hereby authorized, empowered and directed, on behalf of MTA, to terminate and/or restructure the Lease and to execute and deliver any and all documents and writings and to take all such actions as each of them from time to time may deem necessary, desirable or appropriate to effectuate the transactions contemplated by the foregoing resolution, including the delegation of each such officer's signing authority to another employee of MTA.

Staff Summary

Subject	Request for Authorization to Award Various Procurements
Department	Executive
Department Head Name	Nuria Fernandez
Department Head Signature	
Division Head Name	Clifford Shockley
Division Head Signature	

Date	January 10, 2013
Vendor Name	Various
Contract Number	Various
Contract Manager Name	Various
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	1/28/13			
2	Board	1/30/13			

Internal Approvals			
Order	Approval	Order	Approval
1	Procurement 	3	COO 
2	Legal 	4	CFO 

PURPOSE:

To obtain approval of the Board to award various contracts/contract modifications and purchase orders, as reviewed by the MTA Finance Committee.

DISCUSSION:

MTAHQ proposes to award Non-competitive procurements in the following categories:

Schedule H: Modification to Personal Service/Misc. Service Contracts Awarded as Contracts for Sys.

- Tiburon, Inc. = \$661,897

of Actions \$ Amount

1 \$ 661,897.00

SUBTOTAL 1 \$ 661,897.00

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts

8 \$ 923,752.00

Schedule G: Miscellaneous Service Contracts

3 \$27,620,557.39

SUBTOTAL 11 \$28,544,309.39

MTAHQ presents the following procurement actions for Ratification:

None None

TOTAL 12 \$29,206,206.39

BUDGET IMPACT: The purchases/contracts will result in obligating MTAHQ operating and capital funds in the amount listed. Funds are available in the current MTAHQ 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

METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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 the 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. The Board ratifies each action taken set forth in Schedule D 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.
7. The Board authorizes the budget adjustments to estimated quantity contracts set forth in Schedule L.

LIST OF PROCUREMENTS FOR BOARD APPROVAL, JANUARY 2013
NON-COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

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

(Approvals/Staff Summaries required for substantial change orders and change orders that cause original contract to equal or exceed monetary or durational threshold required for Board approval.)

- | | | |
|---|-------------------------------------|--------------------------------------|
| 1. Tiburon, Inc.
Maintenance of Tiburon Records Mgmt. System
Contract No. 03181-0100, c/o #9
Base plus previous change orders = \$1,660,314
Contractor to provide software maintenance and technical support services for the proprietary MTA Police Department's Computer Aided Dispatching/Record Management System (CAD/RMS). This system aids in identifying crime patterns and trends thereby enabling the police to better deploy limited resources, etc. The MTA Police Department's ability to continue to support its vital mission for the entire MTA commuter region, 14 counties, spanning 2 States serving a population of 13.2 million people in the 4,000-square-mile area fanning out from NYC though LI, southeastern New York State, and Connecticut is required utilizing Tiburon's Computer Aided Dispatching/Record Management System ("CAD/RMS"). The original cost proposal submitted by Tiburon for the three-year extension was \$637,895.77 which included annual increases of 5%. As a result of negotiations, Tiburon's cost was reduced to \$595,473 for a savings of \$42,422.77 or 6.6% with 0% annual escalation for the first year. Years 2 through 3 are subject to a 2.5% annual escalation. The total not-to-exceed amount of this request is \$661,897, which includes a one-time fee of \$66,424 for systems relocation. The pricing offered by Tiburon is the same pricing offered to the Federal Government and other State agencies. Based on the above, the negotiated cost is deemed fair and reasonable. | \$661,897
(not-to exceed) | <u>Staff Summary Attached</u> |
|---|-------------------------------------|--------------------------------------|

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Page 1 of 1

Item Number:

Vendor Name (& Location): Tiburon, Inc.
Description: Maintenance of Tiburon Records Management System
Contract Term (Including Options, if any): Thirty-Six (36) Months
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type: <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
Solicitation Type: <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Security/Police & D. Ziegler/M. Cohn

Contract Number: 03181-0100	AWO/Modification # 9
Original Amount:	\$299,272
Prior Modifications:	\$1,361,042
Prior Budgetary Increases:	
Current Amount:	\$1,660,314
This Request:	\$661,897
% of This Request to Current Amount:	39.8%
% of Modifications (Including This Request) to Original Amount:	675.9%

DISCUSSION:

To recommend that the Board approve an amendment to a non-competitive, proprietary, personal services contract to Tiburon to provide software maintenance and technical support services for the MTA Police Department's Computer Aided Dispatching/Record Management System (CAD/RMS). This system aids in identifying crime patterns and trends thereby enabling the police to better deploy limited resources, etc. The period of performance for this contract will be thirty-six (36) months from February 1, 2013 through January 31, 2016, for a total not-to-exceed amount of \$661,897, which includes a one-time fee of \$66,424 for systems relocation.

The MTA Police Department's ability to continue to support its vital mission for the entire MTA commuter region, 14 counties, spanning 2 States serving a population of 13.2 million people in the 4,000-square-mile area fanning out from NYC though LI, southeastern New York State, and Connecticut is required utilizing Tiburon's Computer Aided Dispatching/Record Management System ("CAD/RMS"). The CAD/RMS system provides the MTA Police with a uniform CAD/RMS system and a system capable of performing comprehensive, up-to-date statistical analysis. Statistical analysis aids in better identification of crime patterns and trends thereby enabling the police to better deploy limited resources. The CAD/RMS system also provides a fully functional interface with the New York State Penal Information Network (NYSPIN) and a complete Wireless Mobile Computer System Interface which is used to communicate with Mobile Data Terminals in police vehicles.

The MTAPD will be migrating from the current system (Tiburon) to the Intergraph Public Safety suite (Intergraph System), which was provided as part of the MTA Integrated Electronic Security System (IESS), an MTAPD integrated video surveillance, alarm monitoring, and situational awareness system. When fully implemented MTA will realize significant cost benefits by reducing annual maintenance costs by approximately \$168,000, for a total of savings of \$504,000 over the three-year period. A competitive RFP is anticipated to be issued to assist in the migration to the Intergraph System. During the interim, continued maintenance from Tiburon is required for the CAD/RMS system. Additionally, support services from Tiburon will be necessary to upgrade the servers, migrate data and applications as well as relocate the systems to the Long Island City Emergency Operations Center and the Central Islip Backup Site.

The original cost proposal submitted by Tiburon for the three-year extension was \$637,895.77 which included annual increases of 5%. As a result of negotiations, Tiburon's cost was reduced to \$595,473, for a savings of \$42,422.77 or 6.6% with 0% annual escalation for the first year. Years 2 through 3 are subject to a 2.5% annual escalation. The total not-to-exceed amount of this request is \$661,897, which includes a one-time fee of \$66,424 for systems relocation. The pricing offered by Tiburon is the same pricing offered to the Federal Government and other State agencies. Based on the above, the negotiated cost is deemed fair and reasonable.

LIST OF PROCUREMENTS FOR BOARD APPROVAL, JANUARY 2013
COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

F. Personal Service Contracts

(Staff Summaries required for items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M Competitive)

- 1-6. AFT NYCT Projects** – AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the six stations specified below.
Competitively negotiated – 120 proposals – 36 months, Liberty Line
Mia Pearlman, 80th Street Station (\$141,000);
Haresh Lalvani, Lalvani Studio, Inc., 88th Street Station, (\$140,000)
Ray King, Ray King Studio, Ltd., Rockaway Boulevard Station, (\$140,000)
Beatrice Coron, 104th Street Station, (\$140,000)
Linda Ganjian, Creative Solutions, 111th Street Station, (\$141,000)
Competitively negotiated – 105 proposals – 24 months
Loren Eiferman, Pelham Station – MNR (\$100,000)

- 7. Practising Law Institute** **\$121,752**
Mandatory All-agency Continuing Legal (not-to exceed)
Education Courses
Contract No. 12205-0100

Competitively negotiated – 5 proposals – 36 months
Practising Law Institute (PLI), a non-profit continuing legal education organization chartered by the Regents of the University of the State of New York, to provide continuing legal education courses for approximately 260 attorneys and other participating professionals from all of the agencies to fulfill the New York State mandatory continuing legal education (CLE) requirements. Five proposals were received. The selection committee deemed two firms as technically qualified to perform the service. Their costs ranged from \$123,000 to \$124,114 for a three-year period. PLI's proposed cost of \$124,114 was negotiated down to \$121,752.00, resulting in a savings of \$2,362 or 1.90%. PLI negotiated cost is \$1,248 or 1.01% less than the other shortlisted firm. The first year negotiated annual cost of \$39,588 is \$588 or 1.5% higher than the current cost of \$39,000; years two and three are subject to a 2.5% escalation. PLI has extensive course offerings in convenient mid-town Manhattan facilities, and offers more full-day courses and programs, as well as access to live webcasts, 1-hour briefings, group-casts, and other innovative ways for lawyers to secure CLE credits. Based on the above, PLI's total cost of \$121,752 for the three year period is considered fair and reasonable.

METROPOLITAN TRANSPORTATION AUTHORITY
COMPETITIVE PROCUREMENTS

8. **MedPricer, LLC** **\$0** **Staff Summary Attached**
All-Agency E-Procurement Services
Contract No. 12193-0100

Competitively negotiated – 2 proposals – 36 months

Contractor to provide hosted e-procurement services for MTAHQ and its agencies. E-procurement is a competitive process for soliciting and receiving proposals electronically, competitively negotiating in real-time on-line with the vendors competing for the procurement, and then awarding the contract. The MTA initiated seventeen (17) e-procurements, completing nine (9) for various supplies, materials and services. As a result, MTA awarded contracts with a combined total value of \$42,664,252, with savings estimated at \$10,545,210 or 20.2% compared to existing contracts. MedPricer will provide e-procurement services at no cost to the MTA and under the supervision of agency procurement staff. For each individual e-procurement, the proposed final award of the competitive RFP will be submitted to the Board for approval. The vendor awarded the contract will compensate MedPricer at a negotiated fee ranging from 1% to 0.4% of the contract amount depending on the contract value. This fee was negotiated down from the proposed fee ranging from 1 ½ % to 0.5% which is the same fee MedPricer charged under the pilot program. The MTA is receiving the lowest pricing offered to any public sector client. MedPricer also warrants that if pricing is offered to any public sector client at a lower fee than offered to the MTA, the MTA will receive the lower fee.

G. Miscellaneous Service Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP;
No Staff Summary required if Sealed Bid Procurement)

9. **As-Needed Multi-Agency Maintenance, Supply, Installation, Repair and Design of Voice Communications** **\$1,403,000** **Staff Summary Attached**
(not-to exceed)
Contract No. 11076-0100 thru 0300
a. **Eastern Communications**
b. **North American Mobile Systems, Inc.**
c. **Pinnacle Wireless**

Competitively negotiated – 3 proposals – 36 months

Contractors to furnish, on an as needed basis, all labor, material and parts necessary to provide maintenance, installation, repair and design services for voice communications, mobile data and vehicle warning systems equipment for the MTA Police Department, MTA Bridges and Tunnels and MTA Bus Company for a three-year period. As a result of negotiations, the proposed hourly labor rates ranging from \$85 to \$135 were negotiated down to hourly rates ranging from \$70 to \$130, representing savings ranging from \$15 to \$5 or 17.6% to 3.7%. Some of the negotiated rates are lower than the current contract's hourly rate of \$80. Eastern Communication's, (the sole authorized Harris Dealer in New York State), rates which range from \$110 for onsite work and \$130 for offsite work are \$30 and \$50 higher than the current 6-year contract hourly rate of \$80 but fall within the range that New York State pays for these services (\$100 to \$140). Based on the above the negotiated rates are deemed fair and reasonable.

METROPOLITAN TRANSPORTATION AUTHORITY
COMPETITIVE PROCUREMENTS

10. **ABM Janitorial Services Northeast, Inc.** **\$24,937,853** **Staff Summary Attached**
All-Agency Custodial and Engineering Services (not-to exceed)
Contract No. 12096-0100
Competitively negotiated – 9 proposals – 36 months
Contractor to provide cleaning and heating/ventilation and air-conditioning services at 2 Broadway and cleaning services only for North White Plains and the Jamaica Control Center. As a result of negotiations, ABM Janitorial Services Northeast, Inc. offered the MTA the lowest prices. Their original proposal for the three year period of \$23,478,064 was negotiated down to a total of \$22,670,776 for a savings of \$807,288 or 3.4% (this cost is \$814,736 lower than the 2nd lowest proposal submitted). For the first year, the negotiated annual cost of \$7,366,409 is \$456,581 or 6.6% higher than the current annual cost for these services; this cost is subject to a maximum escalation of 2% and 3% for years 2 and 3 respectively. These increases in cost are primarily attributed to increases in New York State Prevailing Law Wage Rate. Based on the above, the total cost of \$24,937,853 for the three year period, is considered to be fair and reasonable.
11. **Multi-Agency Supply/Install/Remove and** **\$1,279,704.39** **Staff Summary Attached**
Repair Emergency Equipment on MTAPD (not-to-exceed)
Vehicles and Installation of Emergency
Equipment on B&T Vehicles
Contract Nos. 12073-0100 and 0200
a. **Mobile Fleet, Inc.**
b. **TCD Cellular Communications**
Competitively negotiated – 2 proposals – 36 months
Contractors to supply/install/repair emergency equipment on MTA Police Department's (MTAPD) Vehicles and install only emergency equipment on Bridges and Tunnels' (B&T) police vehicles for a period of thirty-six (36) months. Emergency equipment includes, but not limited to, emergency lighting, communication equipment (i.e. radios, computers, etc.), canine equipment and vehicle identification graphics, etc. As a result of negotiations, the incumbent, Mobile Fleet's proposed hourly rate of \$75 was negotiated down to \$65, a savings of \$10 or 13.3%. All unit costs and hourly rates remain the same as those negotiated under the current three- year contract. For new equipment never purchased, a comparison cannot be made however; the MTA will receive discounts ranging from 10% to 47.2% off of list price. Based on the above, the negotiated pricing is deemed fair and reasonable.

Staff Summary

Schedule F: Personal Service Contracts



Page 1 of 2

Item Number: Dept & Dept Head Name: Executive/Nuria Fernandez <i>Nuria Fernandez</i> Division & Division Head Name: BSC/Clifford Shockley <i>Clifford Shockley</i>						SUMMARY INFORMATION Vendor Name: MedPricer, LLC Contract Number: 12193-0100	
Description: E-Procurement Services						Total Amount: \$0	
Contract Term (including Options, if any) February 1, 2103 through January 31, 2016						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"/> Non-competitive						Solicitation Type: <input checked="" type="checkbox"/> RFP (e-proc) <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:							

Narrative					
<p>I. PURPOSE/RECOMMENDATION</p> <p>To request that the Board (i) approve the award of an all-agency, competitively negotiated, personal services contract to MedPricer, LLC to provide a hosted "Electronic-Procurement platform" (e-procurement); and (ii) authorize the use of this e-procurement platform to conduct Requests for Proposals for a period of thirty-six (36) months.</p> <p>II. DISCUSSION</p> <p>In mid-2011 the Board authorized a pilot e-procurement program with MedPricer, LLC to test the cost effectiveness, practicability and feasibility of MTA and its agencies using e-procurement to competitively award contracts.</p> <p>E-procurement is a competitive process for soliciting and receiving proposals electronically and competitively negotiating in real-time on-line with the vendors competing for the procurement. Widely used by private industry and some governmental agencies throughout the United States to obtain bottom-line savings and procurement efficiencies, e-procurement has gained popularity with the emergence of internet-based software and is used today by businesses to purchase a variety of commodities and services. Some of the advantages of e-procurement include: (1) lower prices through real-time on-line competition among multiple vendors; (2) administrative cost savings through paperless electronic bidding; and (3) instantaneous price analysis.</p> <p>During the pilot, the MTA initiated seventeen (17) e-procurements, completing nine (9) for various supplies, materials and services, (such as Office Supplies/Toner/Paper, Custodial Services, PCs, Master Broker Services-Risk Management, Relocation Services). Through use of e-procurement, MTA awarded contracts with a combined total value of \$42,664,252, with savings estimated at \$10,545,210 or 20.2% compared to existing contracts. Six (6) e-procurements are currently in-process; two (2) efforts were canceled when it did not appear the procurement process would result in MTA realizing savings.</p> <p>Given the success of the Pilot program, an RFP to procure E-procurement support services on a longer term basis was publicly advertised and letters advising potential proposers of the RFP's availability were mailed to twenty-nine (29) vendors. Two proposals were received. The Selection Committee, consisting of representatives from MTAHQ, MTA New York City Transit Authority, MTA Metro-North Railroad and MTA Bridges and Tunnels, evaluated the proposals and determined that MedPricer is most technically qualified to provide the e-procurement services as described by the RFP.</p>					

Staff Summary

MedPricer will provide e-procurement services at no cost to the MTA and under the supervision of agency procurement staff. For each individual e-procurement, the proposed final award of the competitive RFP will be submitted to the Board for approval. The vendor awarded the contract will compensate MedPricer at a negotiated fee ranging from 1% to 0.4% of the contract amount depending on the contract value. This fee was negotiated down from the proposed fee ranging from 1 ½ % to 0.5% which is the same fee MedPricer charged under the pilot program. The MTA is receiving the lowest pricing offered to any public sector client. MedPricer also warrants that if pricing is offered to any public sector client at a lower fee than offered to the MTA, the MTA will receive the lower fee. MTA has conducted a responsibility review and other due diligence on MedPricer and has deemed them to be responsible for award.

III. D/M/WBE INFORMATION

No D/M/WBE goals were established by MTA's Department of Diversity and Civil Rights for this contract.

IV. IMPACT ON FUNDING

There is no impact on funding for this contract, since the fee for services will be paid by the successful contractor to the e-procurement vendor.

V. ALTERNATIVES

1. Do not Approve Award of the Contract. This alternative is not feasible since performing these specialized functions in-house would require full- and part-time employees, including associated overhead costs, which would not be cost effective.
2. Perform the Services In-House. This is not a feasible alternative. The MTA does not have the resources or the trained personnel to adequately perform the required services.

Staff Summary

Schedule G: Miscellaneous Service Contracts

Page 1 of 1

Item Number:

Vendor Name (& Location): Various
Description: Maintenance, Supply, Installation, Repair and Design of Voice Communications
Contract Term (including Options, if any): February 1, 2013 through January 31, 2016
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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:

Contract Number: 11076-0100 thru 0300	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: 1,403,000	
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Security/MTA Police; Douglas Zeigler/Michael Coan	
Contract Manager: Caron Christian	

DISCUSSION:

To recommend that the Board approve the award of three multi-agency, competitively negotiated, miscellaneous services contracts to: 1) Eastern Communications; 2) North American Mobile Systems, Inc.; and 3) Pinnacle Wireless to furnish, on an as needed basis, all labor, material and parts necessary to provide maintenance, installation, repair and design services for voice communications, mobile data and vehicle warning systems equipment for the MTA Police Department, MTA Bridges and Tunnels and MTA Bus Company for a combined total amount of \$1,403,000 for 36 months.

In order to continue these required services, a Request for Proposals (RFP), including B&T and MTA Bus Company requirements, was publicly advertised and copies of the RFP were mailed to a total of twenty-nine (29) vendors. Three proposals were received.

The Selection Committee, consisting of representatives from MTAPD, B&T, and MTA Bus Company evaluated the proposals and determined that all firms listed above were technically qualified to perform the services identified by the RFP. North American will provide services for Motorola equipment, Eastern Communications for Harris equipment and Pinnacle for Vertex equipment. MTA has conducted a responsibility review and other due diligence on these firms and has deemed them to be responsible for award.

As a result of negotiations, the proposed hourly labor rates ranging from \$85 to \$135 were negotiated down to hourly rates ranging from \$70 to \$130, representing savings ranging from \$15 to \$5 or 17.6% to 3.7%. Some of the negotiated rates are lower than the current contract's hourly rate of \$80. Eastern Communication's, (the sole authorized Harris Dealer in New York State), rates which range from \$110 for onsite work and \$130 for offsite work are \$30 and \$50 higher than the current 6-year contract hourly rate of \$80 but fall within the range that New York State pays for these services (\$100 to \$140). Based on the above the negotiated rates are deemed fair and reasonable.

Staff Summary

Schedule G: Miscellaneous Service Contracts

Page 1 of 1

Item Number:

Vendor Name (& Location): ABM Janitorial Services Northeast, Inc.
Description: All-Agency Custodial and Engineering Services
Contract Term (including Options, if any): February 1, 2013 through January 30, 2016
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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:

Contract Number: 12096-0100	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$24,937,853 (not-to-exceed)	
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept./Div & Dept/Div Head Name: Chief Financial Office/Facilities/ Phil DeCapua	
Contract Manager: Scott Mayclim	

DISCUSSION:

To obtain Board approval to award an all-agency, competitively negotiated, miscellaneous services contract to ABM Janitorial Services Northeast, Inc., to provide custodial and engineering services at 2 Broadway, and custodial services only at North White Plains and the Jamaica Control Center, for a period of three (3) years from February 1, 2013 through January 31, 2016, at a not-to exceed amount of \$24,937,853, including a 10% contingency.

The custodial/engineering contractor is required to provide cleaning and heating/ventilation and air-conditioning services at 2 Broadway and cleaning services only for North White Plains and the Jamaica Control Center. In order to continue these essential services, a competitive Request for Proposal (RFP) using the e-procurement process was publicly advertised and letters informing prospective proposers of the availability of the RFP package were sent to fifty (50) firms of which ten (10) were D/M/WBE firms. Nine proposals were received. MTA's Department of Diversity and Civil Rights established mandatory goals of 10% MBE and 10% WBE for these contracts. MTA has conducted a responsibility review and other due diligence on ABM Janitorial Services Northeast, Inc. and has deemed them to be responsible for award.

The Selection Committee evaluated the proposals and determined that the following five firms: (i) Guardian Service Industries, ii) Temco Service Industries, Inc., iii) Crown Energy Services, Inc., iv) Perfect Building Maintenance and v) ABM Janitorial Services Northeast, Inc.) were technically qualified and recommended that Procurement enter into negotiations with all five firms. As a result of negotiations, ABM Janitorial Services Northeast, Inc. offered the MTA the lowest prices. Their original proposal for the three year period of \$23,478,064 was negotiated down to a total of \$22,670,776 for a savings of \$807,288 or 3.4% (this cost is \$814,736 lower than the 2nd lowest proposal submitted). For the first year, the negotiated annual cost of \$7,366,409 is \$456,581 or 6.6% higher than the current annual cost for these services; this cost is subject to a maximum escalation of 2% and 3% for years 2 and 3 respectively. These increases in cost are primarily attributed to increases in New York State Prevailing Law Wage Rate. Based on the above, the total cost of \$24,937,853 for the three year period, is considered to be fair and reasonable.

Staff Summary

Schedule G: Miscellaneous Service Contracts

Page 1 of 1

Item Number:

Vendor Name (& Location): Mobile Fleet, Inc. and TCD Cellular Communications
Description: Supply/Install/Remove and Repair Emergency Equip. on MTA Police Vehicles and Installation of Emergency Equip. on B&T Police Vehicles
Contract Term (including Options, if any): Thirty-Six (36) Months
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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:

Contract Number: 12073-0100 and 0200	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$1,279,704.39	
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Security/Police & D. Ziegler/M. Cohn	
Contract Manager: Caron Christian	

DISCUSSION:

To recommend that the Board approve the award of two (2) multi-agency, competitively negotiated, miscellaneous service contracts with Mobile Fleet, Inc. and TCD Cellular Communications for the supply/installation/repair of emergency equipment on MTA Police Department's (MTAPD) Vehicles and installation only of emergency equipment on Bridges and Tunnels' (B&T) police vehicles for a period of thirty-six (36) months from February 1, 2013 through January 31, 2016. The combined amount for the three-year term is not to exceed \$1,279,704.39.

MTAPD and B&T require the services of a Contractor to supply install and repair emergency equipment on police vehicles. Emergency equipment includes, but not limited to, emergency lighting, communication equipment (i.e. radios, computers, etc.), canine equipment and vehicle identification graphics, etc.

The current competitively awarded, contracts for these services will expire on January 31, 2013. In order to continue these services, a competitive Request for Proposal was publicly advertised and letters informing prospective proposers of the availability of the RFP were mailed to fifteen firms of which five were MBE/WBE firms. Two proposals were received. A selection committee comprised of representatives from MTAPD and B&T reviewed and evaluated the two proposals. The Selection Committee deemed both firms to be technically qualified and recommended Procurement to negotiate with both. The second Contractor, TCD Cellular Communications, will be used as a back-up contractor, on an as-needed basis; at a negotiated hourly rate of \$75 (they initially proposed a rate of \$90 for a savings of \$15 or 16.7%). This contractor will only be utilized if the primary contractor (Mobile Fleet) cannot meet the required turnaround time. MTA has conducted a responsibility review and other due diligence on Mobile Fleet and TCD Cellular Communications and has deemed them to be responsible for award.

As a result of negotiations, the incumbent, Mobile Fleet's proposed hourly rate of \$75 was negotiated down to \$65, a savings of \$10 or 13.3%. All unit costs and hourly rates remain the same as those negotiated under the current three- year contract. For new equipment never purchased, a comparison cannot be made however; the MTA will receive discounts ranging from 10% to 47.2% off of list price. Based on the above, the negotiated pricing is deemed fair and reasonable.

JANUARY 2013
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

ACTION ITEMS

MTA LONG ISLAND RAIL ROAD

Sale of property to the County of Nassau to enable it to improve and expand its compressed natural gas facility at Commercial Avenue, Garden City, New York

MTA METRO-NORTH RAILROAD

License agreement with Phillipstown Depot Theatre Development Corporation for the installation and operation of a generator and propane tank in Garrison, New York

MTA LONG ISLAND RAIL ROAD & MTA METRO-NORTH RAILROAD

License Agreement with JPMorgan Chase Bank, NA for the placement of Automated Teller Machines (ATM's) at multiple locations at Long Island Rail Road and Metro-North Railroad Stations

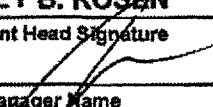
MTA NEW YORK CITY TRANSIT

License agreement with the Municipal Credit Union for the operation of an Automatic Teller Machine at five New York City Transit facilities

Lease agreement with Coney Food Corp. for the operation of a restaurant at the Coney Island/Stillwell Avenue station, Brooklyn, New York




Sublease of 2368 12th Avenue for NYCT Subway Maintenance Group operations

Staff Summary

Subject SALE OF PROPERTY
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name STEPHEN BROWN

Date JANUARY 28, 2013
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	01/28/13	X		
2	Board	01/30/13	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal 
3	Chief of Staff 		
2	Chief Financial Officer 		

AGENCY: Long Island Rail Road Company ("LIRR")

PURCHASER: County of Nassau (the "County")

PROPERTY: Approximately 11,667 square feet of land (the "Property") adjacent to 700 Commercial Avenue and Oak Street in Garden City, New York (Section 44, Block F, Lots 338 and 391 on the Nassau County Land and Tax Map)

ACTIVITY: Sale of property

ACTION REQUESTED: Approval of terms

COMPENSATION: \$93,000

COMMENTS

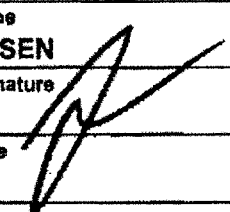
The County is in the process of upgrading the fueling infrastructure at the compressed natural gas (CNG) station at the Nassau Inter-County Express ("NICE") Mitchel Field facility in Garden City. There are four fuel compressors at the location that have reached the end of their useful life. All four compressors will be replaced with upgraded systems that will require space beyond the facility's current footprint.

In order to accommodate the improvements to the CNG station, the County needs approximately 3,500 square feet of the Property, which is a long and narrow crescent shaped abandoned siding off of LIRR's Central Branch right of way. The LIRR has no current or anticipated use for the Property, and wishes to dispose of it in its entirety. Accordingly, the County was prevailed upon to purchase the whole site, thereby releasing LIRR from future liability and maintenance obligations.

As required by Public Authorities Law, the Property was appraised. MTA Real Estate has reviewed the appraisal, which valued the property for its intended purposes at \$93,000, and has concluded that the proposed disposition is for not less than the estimated fair market value.

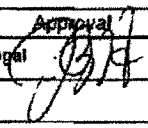
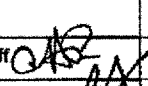

Given the important governmental and public purposes served by the CNG project, the fact that LIRR has no current or anticipated use for the Property and the Property's limited accessibility and utility for other purposes, MTA Real Estate and LIRR believe that it is appropriate to make this proposed estimated fair market value sale of the Property to the County and request authorization to sell the Property to the County on the above-described terms and conditions.

Staff Summary

Subject	LICENSE AT GARRISON STATION
Department	REAL ESTATE
Department Head Name	JEFFREY B. ROSEN
Department Head Signature	
Project Manager Name	DANIEL LEVINE

Date	JANUARY 28, 2013
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref. #	

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	1/28/13	X		
2	Board	1/30/13	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal 
3	Chief of Staff 		
2	Chief Financial Officer 		
	Civil Rights		

AGENCY: MTA Metro-North Railroad ("Metro-North")
 LICENSEE: Phillipstown Depot Theatre Development Corporation ("PDT")
 LOCATION: Metro-North right-of-way adjacent to Garrison Station, Garrison, New York
 ACTIVITY: Operation of a generator and installation of a propane tank
 ACTION REQUESTED: Approval of terms
 TERM: Ten years, subject to termination by MTA on 60 days' notice
 SPACE: Approximately 122 sq. ft. on the north side of the old Garrison Station Building.
 COMPENSATION: \$305.00/year with annual increases of 3%.

COMMENTS:

PDT is a not-for-profit community performing arts center whose Depot Theatre has occupied the former Garrison Station Building since 1996.

PDT recently requested permission to locate a propane tank necessary for operating its building in compliance with local code on an unoccupied portion of Metro-North's adjacent Hudson Line right-of-way. In surveying the location, MTA Real Estate and Metro-North confirmed that placement of the tank would not impact railroad operations and could be permitted under a license, while also discovering that PDT's existing generator occupies an adjoining area of the right-of-way without benefit of a license. Metro-North is willing to license this portion of the RoW for the generator placement as well.

The license gives Metro-North a termination option in the unlikely event that it ever requires this portion of the RoW, and provides that PDT must maintain appropriate insurance and indemnification protections. The nominal fee is based on comparable per square foot parking rent Metro-North receives at Garrison Station.

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with PDT on the above-described terms.

Staff Summary



Metropolitan Transportation Authority

Page 1 of 2

Subject ATM LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature
Project Manager Name D. MASSARIA ROBERTS / B. GOODWYN

Date JANUARY 28, 2013
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	1/28/12		X	
2	Finance Committee	1/28/13	X		
3	Board	1/30/13	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal
3	Chief of Staff		
2	Chief Financial Officer		

AGENCIES: MTA Long Island Rail Road ("LIRR") and MTA Metro-North Railroad ("Metro-North")
 LICENSEE: JPMorgan Chase Bank, N.A. ("Chase")
 LOCATIONS: 35 LIRR stations and 41 Metro-North stations
 ACTIVITY: Licensing of exclusive right to provide automated teller machine ("ATM") machines
 ACTION REQUESTED: Approval of terms
 TERM: 10 years, subject to termination at will by MTA on 60 days' notice
 COMPENSATION:

METRO-NORTH RAILROAD

LONG ISLAND RAIL ROAD

Year	Compensation	% Increase
1	\$372,034.00	
2	390,635.70	5%
3	409,064.49	5%
4	430,675.97	5%
5	452,209.69	5%
6	474,820.15	5%
7	498,561.15	5%
8	523,469.10	5%
9	549,663.66	5%
10	577,146.82	5%

Compensation	% Increase
\$1,036,000.00	
1,087,800.00	5%
1,132,190.00	5%
1,199,299.60	5%
1,259,264.50	5%
1,322,227.65	5%
1,388,339.05	5%
1,457,756.03	5%
1,530,644.82	5%
1,607,176.04	5%

COMMENTS:

Under current agreements, Bank of America operates 31 automated teller machines ("ATMs") in the LIRR system (not including the Bank of America ATMs at Penn Station), and Wells Fargo operates eight ATMs in the Metro-North system (not including ATMs in Grand Central Terminal, which are leased to Chase). In 2012, LIRR received just under \$900,000 in compensation and MNR received just over \$156,000.

In preparation to release a Request for Proposals for the exclusive rights to operate ATMs at stations in each of the LIRR and Metro-North systems (not including Penn Station and Grand Central Terminal), MTA Real Estate worked closely with the railroads to identify additional locations, adding 4 new LIRR locations and 33 new Metro-North locations, which are untested as ATM locations and require significant capital expenditures to ready them for ATMs. In all, the RFP offered

Staff Summary

FINANCE COMMITTEE MEETING

JPMorgan Chase Bank, N.A. (Cont'd.)



Page 2 of 2

exclusive rights to 35 locations in the LIRR system, and to 41 in the Metro-North system. Prospective proposers were invited to bid on the offering for one or both of the railroads. Prior to issuance of the RFP, MTA conducted extensive outreach to banks to inform them of its significance and scope.

Three proposals were received for the LIRR locations and three for the Metro-North locations, as follows:

LIRR: LIRR proposals were received from the following banks, the value of which were calculated to be as follows using a discount rate of 9%: Chase, \$8,071,454.89; Bank of America, \$3,907,249.70; and Welch ATM Systems, \$3,961,500.45.

Bank of America, the incumbent, proposed only to continue to operate its 31 existing ATMs. Welch ATM Systems' proposed to pay transaction-based compensation only (the present value figure cited above is based on its revenue estimates), with no guaranteed compensation.

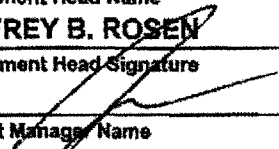
Metro North: Metro-North proposals were received from the following banks, the value of which were calculated to be as follows using a discount rate of 9%: Chase, \$2,900,420.40; Wells Fargo, \$9,076,344.55; and Welch ATM Systems, \$2,022,216.66.

Wells Fargo, the incumbent, proposed only to operate ATMs at 8 locations. As with its bid for the LIRR system, Welch ATM Systems offered transaction-based compensation based on an estimated number of transactions, with no guaranteed compensation.

Chase submitted comprehensive and thorough technical proposals for both the LIRR and Metro-North opportunities. Of critical importance is that Chase will be responsible for all installation costs. The installation costs include installation of electrical and data service to be done as force account work by each railroad's forces at its respective stations. Metro-North's force account work is estimated to cost \$569,026 for the 33 new Metro-North locations and LIRR's force account work is estimated at \$30,679 for the 4 new LIRR locations. This work will not only enable Chase to install ATMs pursuant to the agreements proposed herein, but will also greatly reduce the complexity and cost of the ATM opportunities when new RFPs are issued at the end of these agreements.




Not only do Chase's proposals provide for a combined net increase in ATM revenue to the railroads of 33%, they also invest very significantly in expanding the ATM networks, particularly for Metro-North. Based on the foregoing, MTA Real Estate requests authorization to enter into license agreements with Chase on the above-described terms.

Staff Summary

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name IAN SALSBERG

Date JANUARY 28, 2013
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	1/28/13	X		
2	Board	1/30/13	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal 
3	Chief of Staff 		
2	Chief Financial Officer 		

AGENCY: MTA New York City Transit ("NYCT")
 LICENSEE: Municipal Credit Union ("MCU")
 LOCATION: Five NYCT employee facilities
 ACTIVITY: Operation of automated teller machines ("ATMs")
 ACTION REQUESTED: Approval of terms
 TERM: Five years, subject to termination at will by MTA on 60 days' notice
 COMPENSATION:

Year	Annual	Monthly	% Increase	Per Sq. Ft.
1	\$12,600.00	\$1,050.00		N/A
2	\$12,600.00	\$1,050.00	0%	N/A
3	\$12,600.00	\$1,050.00	0%	N/A
4	\$12,600.00	\$1,050.00	0%	N/A
5	\$12,600.00	\$1,050.00	0%	N/A

COMMENTS:

The MTA Real Estate Department was approached by NYCT employees and managers at several NYCT facilities requesting that an MCU ATM be installed at each the following employee-reporting locations, where the majority of the employees are MCU members: (1) Coney Island Shop & Yard complex; (2) 207th Street Shop & Yard complex; (3) Grand Avenue Bus Depot; (4) Zerega Bus Depot; and (5) Stillwell Terminal.

An additional MCU ATM was requested by the NYC Transit Adjudication Bureau ("TAB"), at 177 Livingston Street in Brooklyn, at which individuals who are issued violations for various infractions in the NYCT system appear to pay fines or dispute violations. TAB anticipates that having an ATM at this location will increase its collection rate. A previous request for proposals to the banking community to place an ATM at 177 Livingston had generated no responses.

MTA Real Estate issued a solicitation in the form of a request for proposals to MCU for all six of the locations requested by NYCT. MCU proposed the amounts indicated above; attempts to negotiate higher rates with MCU were unsuccessful. MCU declined to submit a proposal for Stillwell Terminal, since MCU ATMs are located nearby (and there is a Bank of America ATM facility already licensed by MTA Real Estate in the station area).

Staff Summary

FINANCE COMMITTEE MEETING MCU ATMs at Five NYCT Locations (Cont'd.)



Page 2 of 2

Given that there are a limited and fixed number of employees at each location, many of whom would not be likely to patronize another bank's ATM due to transaction fees, MTA Real Estate believes the compensation proposed for the above locations is fair and reasonable.

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with MCU on the above-described terms and conditions.

Staff Summary

Subject CONEY ISLAND LEASE
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature
Project Manager Name IAN SALSBERG

Date JANUARY 28, 2013
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	1/28/13	X		
2	Board	1/30/13	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal <i>[Signature]</i>
3	Chief of Staff <i>[Signature]</i>		
2	Chief Financial Officer <i>[Signature]</i>		

AGENCY: MTA New York City Transit ("NYCT")
LESSEE: Coney Food Corp.
LOCATION: Retail Unit 16 at the Coney Island/Stillwell Avenue Subway Station, Brooklyn, NY
ACTIVITY: Operation of a "Checkers" fast food restaurant
ACTION REQUESTED: Approval of terms
TERM: Ten years
SPACE: Approximately 625 square feet
COMPENSATION:

Year	Annual	Monthly	% Increase	Per Sq. Ft.
1	\$42,000.00	\$3,500.00		\$67.20
2	\$43,260.00	\$3,605.00	3%	\$69.22
3	\$44,558.00	\$3,713.17	3%	\$71.29
4	\$45,895.00	\$3,824.58	3%	\$73.43
5	\$47,272.00	\$3,939.34	3%	\$75.64
6	\$48,690.00	\$4,057.50	3%	\$77.90
7	\$50,150.00	\$4,179.17	3%	\$80.24
8	\$51,655.00	\$4,304.58	3%	\$82.65
9	\$53,205.00	\$4,433.75	3%	\$85.13
10	\$54,801.00	\$4,566.75	3%	\$87.68

COMMENTS:

This prominent location at the Coney Island/Stillwell Avenue station was recently offered via a request for proposals ("RFP"). MTA Real Estate received a total of five responsive proposals. The compensation proposed (calculated on a present value basis using a discount rate of 9%) ranged from \$216,149 to \$328,559.

The highest proposal was from Mr. Adel Alahwas, who proposed a convenience store. However, after submitting his proposal Mr. Alahwas requested that his proposal be withdrawn from consideration so he could pursue other business opportunities. The second-highest proposal came from Coney Food Corp. with a present value of \$302,622. Coney Food Corp. proposes to open a "Checkers"-branded fast food restaurant. Checkers is a chain of restaurants with 815 locations across 28 states.

Staff Summary

FINANCE COMMITTEE MEETING

Coney Island Lease Agreement (Cont'd.)



Metropolitan Transportation Authority

Page 2 of 2

Mr. Ahmadullah Tokhi, the principal of Coney Island Food Corp., is the longtime owner of the popular "Pizza on the Run" restaurant adjacent to the Coney Island/Stillwell Avenue subway station, and he currently owns several "Popeye's" fast food franchises, including one in the immediate neighborhood. MTA Real Estate received a favorable credit report on Mr. Tokhi, indicating that he has good credit and the financial resources required to build out and operate the restaurant. By adding a Checkers, MTA Real Estate completes the leasing at the station and adds a popular restaurant to the retail mix serving residents, tourists and the many MTA NYCT employees who report to Stillwell.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease with Coney Food Corp. on the above-described terms and conditions.

Staff Summary



Subject SUBLEASE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature
Project Manager Name ANDREW D. GREENBERG

Date JANUARY 28, 2013
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	01/28/13	X		
2	Board	01/30/13	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal
3	Chief of Staff		
2	Chief Financial Officer		

AGENCY: MTA New York City Transit ("NYCT")
FEE OWNER: 12th Avenue Realty Corporation ("Fee Owner")
SUBLESSOR: Mizey Realty, Co., Inc. ("Mizey")
LOCATION: 2368 12th Avenue, New York, New York (the "Property")
ACTIVITY: Lease of industrial property, and lease-back of billboard
ACTION REQUESTED: Approval of terms
TERM: 20 years
PROPERTY DESCRIPTION: Approximately 12,720 sq. ft. of paved and fenced land, 3,000 sq. ft. single-story garage-type building and one two-sided 20' x 60' freestanding billboard. Space delivered "as-is"
RENT: Initially \$300,000 per annum, subject to 3% annual increases
BILLBOARD SUBLEASE RENT: Initially \$300,000 per annum, subject to 3% annual increases, plus 50% of the net advertising revenues generated by Van Wagner (net revenues being defined as gross revenues less expenses of electrifying sign) when such revenues exceed the ground rent payable by Mizey to Fee Owner, which starts at \$500,000 per annum, and increases by 3% annually and 10% in year 11
UTILITIES NYCT responsible for utilities, except for electricity for billboard
REAL PROPERTY TAXES: Property will be exempt by virtue of NYCT's leasehold interest.
SECURITY DEPOSIT None

COMMENTS

Due to the impending West Side Yards redevelopment, the Subway Maintenance Group of NYCT's Division of Station Environment and Operation, which services subway stations in Manhattan, must relocate from its current location under the High Line at 30th Street and Eleventh Avenue. There are no suitable relocation sites in the MTA's existing portfolio of properties.

The Subway Maintenance Group operates 24/7 and is vital to the operation of the subways. It requires a location for large trucks, vans, and outdoor and indoor storage of supplies and equipment. NYCT preferred a location below 59th Street, but

Staff Summary

FINANCE COMMITTEE MEETING



Mizey Realty, Co., Inc., an affiliate of Van Wagner Communications, LLC (Cont'd.)

Page 2 of 2

no suitable sites for purchase or lease could be located. Expanding the search, Cushman & Wakefield, the MTA's broker, identified seven available upper Manhattan sites, including the Property. The other sites were more costly than the Property and in several cases determined to be located too far away from the Subway Maintenance Group's preferred base of operations. However, the Property, located at 134th Street, is suitable in all respects and available for a reasonable base rent, which will itself be fully offset by income that will be generated by the Property's existing freestanding billboard site.

The Property is leased from Fee Owner by Mizey, an affiliate of the advertising company Van Wagner Communications LLC. Mizey is prepared to sublet the facility to NYCT pursuant to an arrangement under which NYCT will sub-sublet the billboard back to Mizey for licensing by Van Wagner. Should the billboard generate sufficient revenue, NYCT will receive, in addition to the guaranteed base rent under the sub-sublease (which will completely offset NYCT's rent under the sublease, which represents the fair market value of the warehouse facility), 50% of the net income from the billboard as described above.

Based on the foregoing, MTA Real Estate requests authorization to enter into agreements with Mizey Realty, Co., Inc. on the above described terms and conditions.

6. SERVICE CHANGES

Report



New York City Transit

SERVICE CHANGES: PERMANENTLY EXTEND **G TO CHURCH AVENUE**

Service Issue

Since July 2009, the **G** train has been temporarily extended from Smith/9 Sts to Church Avenue as part of the Culver Viaduct Reconstruction Project. The extension provides significant benefits to riders. It is, therefore, recommended that the **G** be permanently extended to Church Avenue when the reconstruction project is completed in Spring 2013.

Recommendation

Permanently extend **G** to Church Avenue.

Budget Impact

Operation of the permanent extension to Church Avenue would cost an estimated net \$2.2 million per year. Funding for the project was included in the 2012 Service Investments, approved by the MTA Board in July 2012.

Proposed Implementation Date

This service has been in operation on a temporary basis since 2009.

Staff Summary



New York City Transit

Page 1 of 2

Subject	Permanent Extension of G Train to Church Avenue
Department	Operations Planning
Department Head Name	Peter G. Cafiero <i>PGC</i>
Department Head Signature	
Project Manager Name	Judy McClain

Date	January 15, 2013
Vendor Name	N/A
Contract Number	N/A
Contract Manager Name	N/A
Table of Contents Ref #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	President		X		
2	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
8	President <i>WP</i>	4	VP General Counsel <i>WJG</i>
7	Executive VP <i>MS</i>	3	Director OMB <i>M</i>
6	SVP Subways <i>PD</i>	2	VP GCRL <i>MS 1/11/2013</i>
5	VP Corp. Comm. <i>PGC</i>	1	Chief OP <i>JM & PC</i>

Purpose

To obtain approval of a recommendation for a permanent extension of the **G** train to Church Avenue.

Discussion

Since July 2009, the **G** train has been temporarily extended from Smith/9 Sts to Church Avenue as part of the Culver Viaduct Reconstruction Project. Given the ridership benefits of permanently extending the **G** to Church Avenue, which are described below, the extension was included in the 2012 Service Investments approved by the MTA Board in July 2012.

The extension offers a variety of benefits to riders. It provides a one-seat ride for riders between **G** stations north of Bergen Street and the stations between 4 Avenue and Church Avenue. It also allows for better connectivity for **G** riders to 4th Avenue **R** service at the 4 Av/9 St station, and it improves effective headways for riders who would be equally well-served by either **F** or **G** between Church Avenue and Bergen Street.

Spring 2012 traffic checks showed 1,900 northbound riders and 1,150 southbound riders actually riding the **G** trains at the peak load of the new **G** segment (i.e., between Smith/9 Sts and 4 Av) in the AM peak. In addition, a large number of riders who connect to either the **R** at 4 Av/9 St or to **A/C** service benefit, because they are equally served by the **F** or **G**, resulting in shorter average waits. In total, the extension is estimated to benefit 40,000 riders weekdays, for an aggregate passenger time-savings of 68,000 minutes per weekday.

This recommended service change was the subject of public hearings that were held between November 7th and November 28th in all five boroughs of New York City as well as in Westchester,

Staff Summary

Orange and Nassau Counties. These hearings were held to solicit public comments about these service changes as well as proposed fare increases. No comments were received on the recommended **G** extension.

Recommendation

Permanently extend **G** to Church Avenue

Alternative to the Proposed Service Change

The **G** train would return to its previous terminal at Smith/9 Sts.

Budget Impact

Operation of the permanent extension to Church Avenue would cost an estimated net \$2.2 million per year. Funding for the project was included in the 2012 Service Investments, approved by the MTA Board in July 2012.

Proposed Implementation Date

This service has been in operation on a temporary basis since 2009.

Approved for Submission to the Board:



Thomas F. Prendergast
President

BOARD RESOLUTION

WHEREAS, in a Staff Summary dated January 15, 2013, the Chief of Operations Planning has recommended the following action as a part of the 2012 Service Investments:

- Permanently extend the **G** crosstown local to Church Avenue in Kensington

WHEREAS, public hearings were held on the proposed changes between November 7th and November 28th and a summary of public comment and NYC Transit staff response accompanied the Staff Summary; and

WHEREAS, upon a review of the Staff Summary and the documents referenced in or attached to it, the Board has determined that:

- (1) the proposed changes are funded as part of the 2012 Service Investments and
- (2) the proposed changes will not result in any significant environmental impacts and that a Negative Declaration is appropriate;

NOW, THEREFORE IT IS RESOLVED that the Board approves the service changes described in said Staff Summary at attachments; and authorizes the President or his designee to implement such changes at such time as deemed practicable.

**SERVICE CHANGES: IMPLEMENT NEW BX46 BUS SERVICE IN
HUNTS POINT**

Service Issue

As part of the 2012 Service Investments, a new bus route is recommended to serve southwest Hunts Point. Over the past years, this neighborhood has experienced steady growth and there have been ongoing requests for better transit service from elected officials, employers and residents. The residential and industrial areas to the east of the Bruckner Expressway are not within convenient walking distance to other transit. Additionally, residents and workers have a difficult walk across the Bruckner Expressway service road to reach their destinations. This new route would also provide service to Barretto Point Park which is currently served by transit only on summer weekends.

Recommendation

Implement new Bx46 bus route between the Prospect Av **2 5** Station and Hunts Point Market.

Budget Impact

The net operational cost associated with this service is \$1.4 million annually. Funding for the service was included in the 2012 Service Investments, approved by the MTA Board in July 2012.

Proposed Implementation Date

April 2013.

Staff Summary



New York City Transit

Page 1 of 3

Subject	Implement New Bx46 Bus Service in Hunts Point
Department	Operations Planning
Department Head Name	Peter G. Cafiero <i>[Signature]</i>
Department Head Signature	
Project Manager Name	Judith McClain

Date	January 15, 2013
Vendor Name	N/A
Contract Number	N/A
Contract Manager Name	N/A
Table of Contents Ref #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	President		X		
2	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
8	President <i>[Signature]</i>	4	VP General Counsel <i>[Signature]</i>
7	Executive VP <i>[Signature]</i>	3	Director OMB <i>[Signature]</i>
6	SVP Buses <i>[Signature]</i>	2	VP GCRI 1/13/2013 <i>[Signature]</i>
5	VP Corp. Comm. <i>[Signature]</i>	1	Chief OF <i>[Signature]</i>

Purpose

To obtain approval of a recommendation for the new Bx46 bus route to serve the Hunts Point neighborhood in the Bronx.

Discussion

As part of the 2012 Service Investments, a new bus route is recommended to serve southwest Hunts Point that would operate between the Prospect Av ② ⑤ Station and Hunts Point Market. Over the past years, this neighborhood has experienced steady growth and there have been requests for better transit service from elected officials, employers and residents. The residential and industrial areas to the east of the Bruckner Expressway are not within convenient walking distance to other transit. Additionally, residents and workers have a difficult and dark walk across the busy Bruckner Expressway service road to reach their destinations. This new route would also provide full-year service to Barretto Point Park which is currently served by transit only on summer weekends.

This proposal has been well-received by the public at community outreach meetings as well as at public hearings that were held between November 7th and November 28th in all five boroughs of New York City as well as in Westchester, Orange and Nassau Counties. These hearings were held to solicit public comments about these service changes as well as proposed fare increases. Responses to comments received from the public are attached.

The route would operate via Prospect Avenue adjacent to the Prospect Av ② ⑤ station, Macy Place, Hewitt Place, Longwood Avenue (serving the Longwood Avenue ⑥ Station), Tiffany Street, Viele Avenue, Halleck Street, Ryawa Avenue, and Food Center Drive (see attached map).

Staff Summary

This route will operate seven days a week on a 30-minute headway. The service span will be:

Weekday: Eastbound 5:30-23:30; Westbound 6:00-00:00

Saturday & Sunday: Eastbound 8:30-22:30; Westbound 9:00-23:00

Recommendation

Implement new Bx46 bus route between the Prospect Av 2 5 Station and Food Center Drive.

Alternatives to the Proposed Service Change

1. *Do nothing.* Does not address the requests of the community for transit service.
2. *Extend or create a new branch of the Bx6.* This would lead to uneven headways and confusion for customers. It would also not be possible to serve the Prospect Av 2 5 Station.
3. *Begin western terminal at Longwood Av 6 Station instead of Prospect Av 2 5 Station.*
This alternative would not serve the needs of many residents or workers coming from other parts of the Bronx and the city.

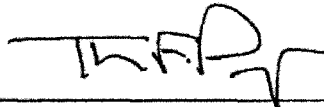
Budget Impact

The net operational cost associated with this service is \$1.4 million annually. Funding for the service was included in the 2012 Service Investments, approved by the MTA Board in July 2012.

Proposed Implementation Date

April 2013.

Approved for Submission to the Board:



Thomas F. Prendergast, President

BOARD RESOLUTION

WHEREAS, in a Staff Summary dated January 15, 2013, the Chief of Operations Planning has recommended the following action as a part of the 2012 Service Investments:

- Implement a new Bx46 bus route to serve the Hunts Point neighborhood

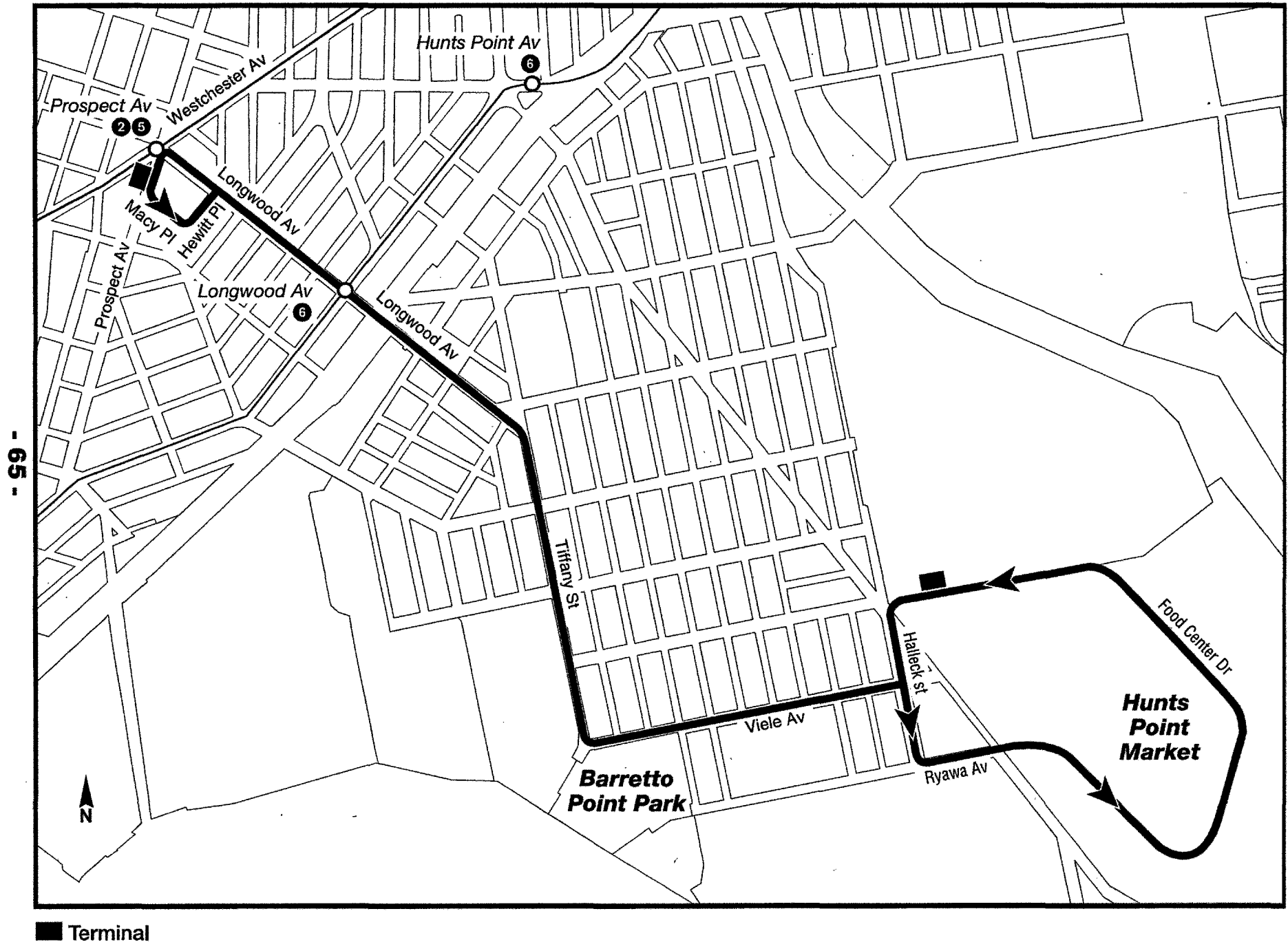
WHEREAS, public hearings were held on the proposed changes between November 7th and November 28th and a summary of public comment and NYC Transit staff response accompanied the Staff Summary; and

WHEREAS, upon a review of the Staff Summary and the documents referenced in or attached to it, the Board has determined that:

- (1) the proposed changes are funded as part of the 2012 Service Investments and
- (2) the proposed changes will not result in any significant environmental impacts and that a Negative Declaration is appropriate;

NOW, THEREFORE IT IS RESOLVED that the Board approves the service changes described in said Staff Summary and attachments; and authorizes the President or his designee to implement such changes at such time as deemed practicable.

New Bx46 Route Serving Hunts Point





Public Comments on the New Local Bx46 Bus Service in Hunts Point

Summary of Public Comments and Staff Responses

New York City Transit staff presented a preliminary route plan to the Office of the Borough President, Community Board 2, and members of the public on September 12, 2012, with a two-week window provided following the meeting for community members to submit written comments, prior to final plan proposal.

Community members were invited to submit oral and written comments on the final plan at or following the MTA Public Hearing held on November 13, 2012 in the Bronx. They were invited to comment on this at all of the fare increase hearings, but comments were only received at the hearing in the Bronx.

The reception to the plan was overwhelmingly positive at both meetings, with some suggestions provided. This report summarizes oral comments received at the November 13, 2012 Bronx Public Hearing and written comments submitted to MTA through November 27, 2012. The comments below are paraphrased for clarity. For the purpose of the staff summary, the only comments listed below are those related to the new Hunts Point local bus service. Following each comment is the New York City Transit staff response.

***Comment:** The new route will be extremely useful for residents and businesses (this comment was received by several people at both meetings).*

Staff Response: No response required.

***Comment:** The route should be extended to the west to Yankee Stadium or the Hub (oral comment at Public Hearing).*

Staff Response: The length of the new route is constrained by the funds available for the 2012 Service Investments package. NYCT will monitor ridership along the route and community demand for additional service and consider these options in future network planning.

***Comment:** The Barretto Shuttle should merge with the Bx6 (oral comment at Public Hearing).*

Staff Response: It is unclear whether this comment requests an extension of the Bx6 from its eastern terminus to Barretto Point Park, or the creation of a separate branch of the Bx6. Both options were considered in the planning process.

Public Comments on the New Local Bx46 Bus Service in Hunts Point

Page 2 of 2

January 15, 2013

Splitting the Bx6 into two branches to serve the new route would be confusing for customers and would take service away from the intersection of Southern Boulevard and Hunts Point Avenue/East 163rd Street. This is a busy commercial destination and important transfer point.

An extension to the Bx6 would add travel time to and reduce reliability on what is already a long, busy route, and would complicate service to the Hunts Point Food Center. The Bx6 has more frequent service than what is warranted by potential ridership to southwest Hunts Point, so the extension would be over-served.

***Comment:** The route of the former Hunts Point Clean Air Transportation (HP CAT) Shuttle Service would serve more businesses than the proposed route. The former route traveled on Barry Street and Oak Point Avenue (written comment submitted following preliminary presentation).*

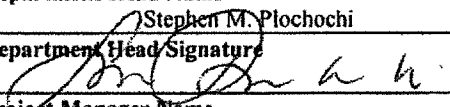
Staff Response: The route was selected to provide access to as many potential riders as possible while balancing the needs of residents, businesses and park users. Operating the route via Barry Street would not serve the residential areas of Hunts Point. NYCT staff observed that Barry Street is much narrower than the selected route and narrows further when semi-trucks park on the street. Tiffany Street is a wider through street that does not become as clogged.

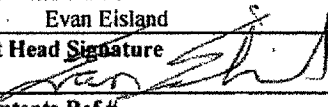




Report



PROCUREMENTS

The Procurement Agenda this month includes 12 actions for a proposed expenditure of \$23.8M.

Subject Request for Authorization to Award Various Procurements					
Department Materiel Division – NYCT					
Department Head Name Stephen M. Plochochi					
Department Head Signature 					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	1/28/13			
2	Board	1/30/13			

January 16, 2013			
Department Law and Procurement – MTACC			
Department Head Name Evan Eisland			
Department Head Signature 			
Table of Contents Ref #.			
Internal Approvals			
	Approval		Approval
	President NYCT		President MTACC
	Executive VP		Pres. MTAB/SVP Buses
X	Capital Prog. Management		Subways
	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 Non-Competitive procurements in the following categories:

Procurements Requiring Two Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$ 1.2 M
• Pandrol USA, LP		\$ 1.2 M

Schedules Requiring Majority Vote

Schedule F: Personal Service Contracts	1	\$.2 M
• U2 Labs International, LLC		\$.2 M
Schedule I: Modification to Purchase and Public Work Contracts	1	\$ 2.4 M
• Trillium USA LLC		\$ 2.4 M

SUBTOTAL 3 \$ 3.8 M

MTA Capital Construction proposes to award Non-Competitive procurements in the following categories: NONE

MTA Bus proposes to award Non-Competitive procurements in the following categories: NONE

NYC Transit proposes to award Competitive procurements in the following categories:

<u>Procurements Requiring Two-Thirds Vote:</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)		1	\$ 4.8 M
<u>Schedules Requiring Majority Vote</u>			
Schedule G: Miscellaneous Service Contracts		2	\$ 5.0 M
SUBTOTAL		3	\$ 9.8 M

MTA Capital Construction proposes to award Competitive procurements in the following categories:

<u>Schedules Requiring Majority Vote</u>			
Schedule I: Modifications to Purchase and Public Works Contracts		1	\$.3 M
SUBTOTAL		1	\$.3 M

MTA Bus Company proposes to award Competitive procurements in the following categories: NONE**NYC Transit proposes to award Ratifications in the following categories:**

<u>Schedules Requiring Majority Vote:</u>			
Schedule K: Ratification of Completed Procurement Actions		2	\$ 5.6 M
SUBTOTAL		2	\$ 5.6 M

MTA Capital Construction proposes to award Ratifications in the following categories:

<u>Schedules Requiring Majority Vote:</u>			
Schedule K: Ratification of Completed Procurement Actions		3	\$ 4.3 M
SUBTOTAL		3	\$ 4.3 M

MTA Bus Company proposes to award Ratifications in the following categories: NONE

TOTAL	12	\$ 23.8 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 Section 1265-a and 1209 of the Public Authorities Law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

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

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; 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.
7. The Board authorizes the budget adjustments to estimated contracts set forth in Schedule L.

JANUARY 2013

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

A. Non-Competitive Purchases and Public Work Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive.) Note – in the following solicitations, NYC Transit attempted to secure a price reduction. No other substantive negotiations were held except as indicated for individual solicitations.

- | | | |
|---|--------------------|-------------------------------|
| 1. Pandrol USA, LP | \$1,200,000 (Est.) | <u>Staff Summary Attached</u> |
| Sole Source - Three-year omnibus | | |
| Purchase of sole source replacement parts for the Track Division. | | |

JANUARY 2013

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

F. Personal Service Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M Competitive.)

- 2. U2 Labs International, LLC \$239,807 (Est.)**
Non-Competitive – Thirty-month contract
RFQ #38050

This contract is to provide enhancements and expansion to the Bus Trek System (Bus Trek), a web-based software program developed for the monitoring and management of the location and movement of buses in service. Bus Trek is used by bus dispatchers, route managers, schedule managers, and other Authority personnel to more effectively monitor its bus fleets and improve customer service. Through a graphical interface and utilizing the Customer Information System (CIS) feed, real time data generated by the MTA's Bus Time Program, Bus Trek displays map-based moving images representing real-time location. CIS data is transmitted by each bus every 30 seconds indicating its current position, run number, route number and other related information. Bus Trek is currently deployed on all buses in Staten Island and the Bronx, on the M34 in Manhattan, and on the B61 and B63 routes in Brooklyn, totaling approximately 1,980 buses. Enhancements to Bus Trek will include 1) improving and enhancing real time graphical user display; 2) implementing statistical reporting to monitor individual bus route performance; 3) implementing monitoring and reporting tools to optimize bus dispatching; and 4) validating Bus Trek's capacity through load testing the system to confirm and/or make any necessary modifications to the Bus Trek architecture to support the fleet of approximately 5,600 buses, 300 routes and applicable NYC Transit/MTA Bus employees. The contract also includes a requirement to provide training to facilitate the transition of long term maintenance of Bus Trek to designated Authority personnel.

In June 2010, the Board approved a \$30K non-competitive contract to U2 Labs International, LLC (U2 Labs) for MTAHQ to provide consulting and supervisory services to MTAHQ student interns performing technology related research projects that included real time bus location information. Based on the work performed for MTAHQ with respect to bus location, U2 Labs was awarded a \$19,900 non-competitive contract by NYC Transit to develop a proof of concept for Bus Trek as part of a collaborative effort with NYC Transit's Internship Program. The work under this agreement was performed by U2 Labs in the same manner as for the MTAHQ Bus Time project utilizing open source technologies. U2 Labs assisted DOB in the design and development of Bus Trek and utilized the student interns to execute the necessary programming under U2 Labs' guidance and supervision. While this contract was initially envisioned as a proof of concept, the effort produced a product that was capable of being rolled out to approximately 2,000 buses.

U2 Labs, represented by its sole owner, Dr. Uyar, a professor in the Electrical Engineering and Computer Science Departments of the Graduate Center at City College of New York, has performed technologically relevant research projects for the MTA. Professor Uyar's engagement in those technology related research projects, along with his initial involvement in the development of Bus Trek, uniquely qualifies him to provide the specific consulting and management services required for implementation of the Bus Trek enhancements.

This contract will be performed in the same manner as the initial development of Bus Trek, utilizing student interns perpetuating an academic/industry partnership. NYC Transit is the sole owner of the Bus Trek system inclusive of the underlying programming codes as well as all the enhancements to be implemented.

Dr. Uyar's hourly rate of \$101.27 is well below the rate for technology consultants with similar credentials where the hourly rate often exceeds \$200. Based on this comparison, the price is considered to be fair and reasonable.

JANUARY 2013

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

I. Modifications to Purchase and Public Work Contracts

(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K.)

**3. Trillium USA LLC
Contract # 04B8867.1**

\$2,373,753

Staff Summary Attached

Modification to the contract for the operation and maintenance of the Compressed Natural Gas (CNG) fueling facility at West Farms Bus Depot, in order to extend the contract term and increase the contract value.

JANUARY 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)
(Staff Summaries required for items requiring Board approval.)

- | | | |
|--|----------------------------------|---|
| <p>1. Five Firms
 Six Proposals - Five-year contracts
 Contract # C-34814</p> | <p>\$4,800,000 (Est.)</p> | <p><u>Staff Summary Attached</u></p> |
|--|----------------------------------|---|
- Contractor services for groundwater and soil remediation services at various locations within the NYC Transit system.

Procurements Requiring Majority Vote:

G. Miscellaneous Service Contracts
(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP; No Staff Summary required if sealed bid procurement.)

- | | |
|--|--------------------------------|
| <p>2. Capus Automation Services, Inc.
 Single Bid – Two-year contract with a one-year option
 RFQ # 36508</p> | <p>\$102,739 (Est.)</p> |
|--|--------------------------------|

This contract is for preventive and remedial maintenance service for 19 modular vertical lift module (VLM) storage units located in six storerooms. These units are heavy duty retrieval devices with open shelves suitable for storing large components and are used in areas where there is limited floor space in order to utilize the storeroom's height to maximize storage capacity. Periodic preventive and remedial maintenance service has to be performed on these devices to ensure their proper and safe operation.

Following a bid solicitation notice, only one bid was received. Subsequently, a market survey revealed that two potential vendors that had intended to bid missed the due date because of their own internal administrative errors. Nevertheless, the feedback from these vendors indicated that one would have quoted nearly double the low bidder, and the other had never maintained this brand of equipment.

Capus is currently providing preventive and remedial maintenance for these 19 units, and its proposed rates reflect an increase of 1.5% over current pricing. The contract contains an option for an additional year wherein rates will increase by 3% in the third year. Based on the comparison to the current contract, and results of the survey, the price is considered fair and reasonable.

JANUARY 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

G. Miscellaneous Service Contracts Cont'd

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP; No Staff Summary required if sealed bid procurement.)

3. Franklin Company Contractors, Inc. \$4,912,279

Two Bids/Low Bidder – Five-year contract

RFQ #26738

This contract is for remote monitoring of fuel tanks and for the repair and service of petroleum monitoring and dispensing equipment for NYC Transit's Department of Buses (DOB), Department of Subways (DOS) and MTA Bus Company (MTABC).

The contractor is required to perform Veeder-Root (V-R) fuel management services (FMS) consisting of remotely monitoring and reporting to individuals/locations designated by NYC Transit of any alarm conditions for all tank and related system leak and level monitoring systems on a 24 hour, 7 day a week basis. The contract also includes: 1) maintenance services that will ensure all electronic leak and level monitoring systems are operational; 2) business inventory reconciliation which combines inventory, metered dispense and receipt data to automatically generate a comprehensive reconciliation report; 3) V-R training for NYC Transit & MTABC personnel; 4) repair services of the Gasboy fuel dispensing system; 5) and any other maintenance/repair/service to damaged or otherwise non-functioning V-R or Gasboy equipment.

Franklin Company Contractors, Inc.'s (Franklin) price is approximately 11% lower than the second low bidder, the incumbent. When comparing like items from the previous contract to those under this bid, Franklin's bid price represents an increase of less than 1% from the previous contract pricing. The price is considered fair and reasonable.

JANUARY 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

I. Modifications to Purchase and Public Work Contracts

(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K.)

1. Skanska/Railworks, JV

Staff Summaries Attached

Contract # C-26505.12

\$291,491

Modification to the contract for the furnishing and installing of finishes and systems for the No. 7 Line Extension, in order to implement changes to the security, fire alarm, communications and customer information systems; invert slab, track drainage and other electrical/civil/structural work.

JANUARY 2013

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

(Staff Summaries required for items requiring Board approval.)

- | | | |
|--|---------------------------|--------------------------------------|
| 1. John P. Picone, Inc.
Contract #A-36111.4 | \$440,000 | <u>Staff Summary Attached</u> |
| <p>Modification to the contract for flood mitigation and relieving platform rehabilitation at the 148th Street Yard, in order to furnish and install manholes with a backwater valve on the existing sewer connections.</p> | | |
| 2. New York City Department of
Transportation, Office of
Traffic Engineering & Safety
Contract #08D9856.2 | \$5,110,761 (Est.) | <u>Staff Summary Attached</u> |
| <p>Modification to the contract for the maintenance of bus stops, informational signage and bus stop movements, in order to extend the contract term.</p> | | |

JANUARY 2013

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

(Staff Summaries required for items requiring Board approval.)

1. **Judlau Contracting, Inc.** Staff Summary Attached
Contract #C-26006.10 **\$1,700,000**
Modification to the contract for the construction of the Second Avenue Subway – 63rd Street and Lexington Avenue Station, in order to perform additional work due to communication changes.
2. **Plaza Schiavone JV** Staff Summary Attached
Contract # A-36125.126 **\$2,225,000**
Modification to the contract for the Fulton Center Enclosure, to furnish and install the glass and stainless steel cladding for the new elevator hoist way enclosure.
3. **Skanska/Railworks, JV** Staff Summaries Attached
Contract # C-26505.38 **\$340,000**
Modification to the contract for the furnishing and installing of finishes and systems for the No. 7 Line Extension, in order to implement changes to the emergency response radio system.

Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: 1

Vendor Name (& Location) Pandrol USA, LP (Bridgeport, NJ)
Description Purchase of non-inventory and inventory Pandrol material
Contract Term (including Options, if any) February 1, 2013 - January 31, 2016
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Omnibus Sole Source Approval

Contract Number NONE	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$1,200,000 (Est.)	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Division of Materiel, Stephen M. Plochochi	

Discussion:

This omnibus approval will cover items identified as obtainable only from Pandrol USA, LP (Pandrol) and will eliminate the need to advertise and prepare individual procurement staff summaries for Board approval for each procurement over the \$15,000 small purchase threshold. NYC Transit is not obligated to generate any expenditures pursuant to an omnibus approval. Any purchases made under this approval will be made pursuant to paragraph 9 (b) of PAL 1209, which allows purchases of items that are available from only a single responsible source to be conducted without competitive bidding.

There are four items covered by this approval for the purchase of Pandrol material (two types of clips, a spacer and a hook). These sole source parts will be used by the Division of Track for normal maintenance and repair requirements throughout the NYC Transit system. Previously, there were six items provided by Pandrol pursuant to prior omnibus approvals. Due to Procurement's outreach efforts, two of those items (anti-abrasion pads) recently became competitively available and, thus, are no longer included in this omnibus approval request.

This approval will apply to inventory and non-inventory items identified as obtainable only from Pandrol for the following reasons: sole pre-qualified source on the Qualified Products List (QPL); not available from any distributors or other sources; publicly advertised within a twelve month period without an acceptable alternate supplier; or proprietary to Pandrol. These sole source parts will be purchased on an as-required basis during the three year period.

The recently expired omnibus approval, approved by the Board on November 18, 2009 with an effective date of December 1, 2009 for a three year term that expired on November 30, 2012, was for \$1,500,000.

Through negotiations with Pandrol, Procurement was successful in obtaining firm fixed pricing from Pandrol for the three year term of the new omnibus approval for these four items. Procurement performed an analysis comparing the prices for the most recent Purchase Orders (one year contracts/purchase orders) issued against the recently expired omnibus to the recently negotiated prices for the new omnibus approval. Based on this analysis, the weighted average annual increase is 1.22%. The PPI for Metal and Metal Products, Foundry and Forge Shop Products (WPU1015) over the past three years from December 2009 to November 2012 shows an average annual increase of 4.1%. The 1.22% weighted average annual increase compares favorably with the average annual increase in the PPI.

Pandrol has assured Procurement in writing that NYC Transit is receiving most favored customer pricing.

Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 3

Vendor Name (& Location) Trillium USA LLC (Salt Lake City, UT)	
Description Design of a new Compressed Natural Gas transit fueling facility – West Farms Bus Depot	
Contract Term (including Options, if any) August 14, 2003– August 13, 2013	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Department of Buses, Darryl Irick	

Contract Number	AWO/Modification #
04B8867	1
Original Amount:	\$ 9,360,000
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 240,000
Current Amount:	\$ 9,600,000
This request	\$ 2,373,753 (Est.)
% of This Request to Current Amount:	24.7%
% of Modifications (including This Request) to Original Amount:	27.9%

Discussion:

This modification will reduce the per therm pricing, extend the contract through December 31, 2014 for the operation and maintenance of the Compressed Natural Gas (CNG) fueling facility at the West Farms Depot and increase the contract funding by \$2,373,753 to cover the contract requirements through December 31, 2014.

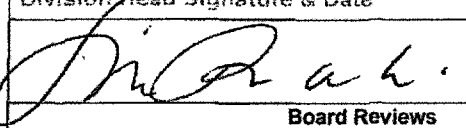
Contract No. 04B8867 is part of a competitively negotiated Contract No. C-40411E awarded to Trillium USA LLC (Trillium) in December 2000 for the design and construction of a new CNG fueling facility at West Farms Depot. Contract No. 04B8867 provided for a ten (10) year period of operation and maintenance of the CNG fueling facility which commenced in August 2003 once the construction was completed and the facility was in operation.

Under the operation and maintenance provision, the contractor is responsible for providing preventive and remedial maintenance to the entire CNG fueling facility, including the gas monitoring and warning systems as well as other related components in order to ensure continuous service. The unique technical nature of the CNG fueling facility requires an experienced, technically qualified contractor to operate and maintain the facility to ensure safe and continuous operation. The price schedule for the operation and maintenance is structured where the contractor receives a monthly payment based on the volume of CNG dispensed (therms used) multiplied by an established rate per therm and includes tiered pricing where the per therm pricing decreases as the volume of CNG dispensed increases. The per therm rates are adjusted yearly based on fluctuations to a predetermined Consumer Price Index (CPI).

The size of the CNG bus fleet at West Farms Depot has increased by 86% from 136 buses in 2004 to 253 buses in 2012 thereby increasing the volume of CNG dispensed. While the higher volume of CNG dispensed allows for lower per therm rate, the steady growth of CNG bus fleet has depleted the contract funding prematurely. As a result, a budget adjustment was executed in November 2012 which added \$240,000 to the contract to provide continued service while approval of this modification is sought.

This modification includes changing the per therm tier pricing for this contract to match that of the Jackie Gleason contract which provides more favorable tier pricing. The West Farms per therm tier pricing was established at the time of award for the construction of the CNG facility in 2000. Based on recent average monthly volumes of CNG dispensed at West Farms, the change in the tier pricing will result in yearly savings of about \$200,000. Trillium agreed to honor the more favorable tier pricing effective November 2012. This modification also includes the addition of line items for labor and material similar to those in the Jackie Gleason contract to cover any miscellaneous upgrades that may become required. These items have an estimated value of \$148,560 which will be used for an upcoming upgrade to the compressor engines mandated by the EPA.

This modification also allows for adding the required funding and extending the contract from August 14, 2013 through December 31, 2014 so it is coterminous with NYC Transit's Contract No. 06A9336 with Trillium covering the Jackie Gleason CNG fueling facility. MTA Bus Company (MTABC) also has a contract with Trillium for the same services covering College Point and Spring Creek CNG fueling facilities. MTABC obtained Board approval in March 2012 for extending its contract through December 31, 2014 and changing the price structure to match that of the Jackie Gleason contract. As all CNG maintenance contracts for NYC Transit and MTABC will expire at the same time, it is NYC Transit's intent to conduct a competitive RFP for the combined requirements in an effort to realize savings that may be associated with economies of scale. It should be noted that of the four locations, only the Jackie Gleason contract (06A9336) includes a 3-year option. A market survey will be conducted in the first half of 2013 with input from NYC Transit's CNG consultant to determine whether exercise of the option would be advantageous and if so, to also extend the other CNG maintenance contracts. The final price is considered fair and reasonable.

Item Number 1 Division & Division Head Name: VP Materiel, Stephen M. Plochochi Division Head Signature & Date 						SUMMARY INFORMATION <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 2px;"> Vendor Name Five Firms (See Below) </td> <td style="width: 30%; padding: 2px;"> Contract Number C-34814 </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> Description Contractor Services for Groundwater & Soil Remediation Systems at Various Locations. </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> Total Amount \$4,800,000 </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> Contract Term (including Options, if any): Five (5) years </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: </td> </tr> </table>		Vendor Name Five Firms (See Below)	Contract Number C-34814	Description Contractor Services for Groundwater & Soil Remediation Systems at Various Locations.		Total Amount \$4,800,000		Contract Term (including Options, if any): Five (5) years		Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
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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:																									
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	President																								
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	MTA Board																								
Internal Approvals																									
Order	Approval	Order	Approval																						
1	Materiel <i>WD</i>	5 X	Buses																						
2 X	Law	6 X	System Safety																						
3 X	Budget	7 <i>WD</i>	EVP																						
4 X	CPM	8 <i>WD</i>	President																						

I. PURPOSE/RECOMMENDATION:

To obtain approval of the Board in accordance with All Agency Procurement Guidelines to award contracts for Contractor Services for Groundwater & Soil Remediation Systems at Various Locations Throughout the NYC Transit System by means of a Call Agreement. The Call Agreement will be used to competitively solicit Work Orders on an "as-needed" basis for a period of five years at an estimated cost of \$4,800,000. The following firms were selected via the competitive RFP process to be Signatories to the Call Agreement:

- The Franklin Co. Contractors, Inc., College Point, NY
- L.I. Environmental Assessment/Environment Assessment & Remediation, Patchogue, NY
- EnviroTrac Ltd., Yaphank, NY
- EQ Northeast Inc., Wrentham, MA
- Groundwater & Environmental Services, Inc., Neptune, NJ

II. DISCUSSION:

This new contract will replace the existing Call Agreement which expires in May 2013. All on-going remediation work being performed under Work Orders solicited and awarded under the existing Call Agreement will continue until NYS Department of Environmental Conservation ("DEC") certifies that the remediation work at the sites covered by those Work Orders is completed. All work for any new sites will be performed under this new Call Agreement.

To achieve compliance with DEC regulations, and to continue to abide by the terms of the Consent Decree executed with the DEC in January 1992 and renewed in May 2001, NYC Transit has engaged the services of multiple contractors via a series of Call Agreements solicited by RFPs. The remediation work is an on-going effort in order to comply with current DEC clean-up standards.

The groundwater and soil remediation work to be performed generally includes the construction and installation of several monitoring and recovery wells, as well as other remediation equipment, and to maintain such equipment during the clean-up process. Individual Work Orders will be bid competitively by the selected companies (Signatory Firms) and award of the Work Order will be made to the Signatory Firm offering the lowest price.

Six (6) proposals were submitted in response to the Request for Proposal. The selection of contractors to be signatories to the Call Agreement was accomplished by a one step RFP process. The criteria are: (1) Relevant Technical Experience performing groundwater work with its own forces for at least five years; (2) Record of Integrity and Business Ethics; (3) Overall Safety Record; and (4) General Responsibility, including a commitment to comply with the required MBE/WBE goals, financial, insurance, and bonding requirements.

The Selection Committee's review of the proposals resulted in the selection of five firms.

Three of the selected contractors are incumbent signatories performing satisfactorily under NYCT's Call Agreement Program under Contract C-34878:

- 1) The Franklin Co. Contractors, Inc.
- 2) L.I. Environmental Assessment/Environment Assessment & Remediation (LIEA/EAR)
- 3) EnviroTrac Ltd.

The Franklin Co. Contractors, Inc. has completed work orders in the total amount of \$6,744,713.50. EnviroTrac has completed work orders in the total amount of \$1,966,559. LIEA/EAR was awarded one work order in the amount of \$537,924. Out of the two remaining firms selected, EQ Northeast Inc. is currently satisfactorily performing as a prime contractor on projects for Amtrak and New York City's Bureau of Water and Sewer Operations with projects totaling \$4M and \$2.4M, respectively and Groundwater & Environmental Services is currently satisfactorily performing as a prime contractor on projects for New York State Department of Environmental Conservation (NYSDEC) and the Commonwealth of Pennsylvania (PADEP) with projects totaling, \$10M and \$8M, respectively. All references checked were satisfactory. The remaining proposer, C2G Environmental Consultants was eliminated from further consideration since it lacked sufficient related experience.

A review of the documents submitted by the firms and the Division of Materiel's background checks and investigations disclosed no significant adverse information within the meaning of the All Agency Responsibility Guidelines. Financial Approvals have been received for the selected firms. No Work Orders will be awarded until Bonding and Insurance for each individual Work Order is approved. An Authorizing Resolution declaring competitive bidding impractical was duly adopted by the Board.

III. D/MBE/WBE:

The MBE/WBE goals are 10%/10%. No Work Orders will be awarded to any Signatory Firm until approval from the Office of Diversity and Civil Rights is obtained. A MBE/WBE Utilization Plan will be submitted for each individual Work Order. One incumbent firm, The Franklin Co. has achieved its previous M/WBE goals on previous MTA contracts. Two other incumbent firms, LIEA/EAR and EnviroTrac Ltd. have not achieved their M/WBE goals, nor demonstrated a good faith effort toward achieving these goals, but have submitted corrective action plans acceptable to DDCR and the agency. EQ Northeast Inc. and Groundwater & Environmental Services, Inc. have not completed any MTA contract; therefore, no assessment of these firms' M/WBE performance can be determined at this time.

IV. IMPACT ON FUNDING:

The estimated bid budget for this Procurement is \$4.8 Million. This procurement is funded MTA 100%. No Work Orders will be awarded until a WAR Certificate is received for each individual Work Order.

V. ALTERNATIVES:

To handle this procurement by formal competitive bidding would cause significant delays qualifying the right contractor for each Work Order. This may result in the DEC imposing fines upon the New York City Transit.

VI. CAPITAL PROGRAM REPORTING:

This contract has been reviewed for compliance with the requirements of the 1986 legislation applicable to Capital Contract Awards and the necessary inputs have been secured from the responsible functional departments.

Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 1

Vendor Name (& Location)	
Skanska/Railworks Joint Venture (New York, NY)	
Description	
Furnishing and Installing Finishes and Systems – No. 7 Line Extension	
Contract Term (including Options, if any)	
August 10, 2011- June 9, 2014	
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 checked="" type="checkbox"/> Other: HYDC	
Requesting Dept/Div & Dept/Div Head Name:	
MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number	AWO/Modification #
C-26505	12
Original Amount:	
	\$ 513,700,497
Prior Modifications:	
	\$ 3,627,629
Prior Budgetary Increases:	
	\$ 0
Current Amount:	
	\$ 517,328,126
This Request:	
	\$ 291,491
% of This Request to Current Amount:	
	0.1%
% of Modifications (Including This Request) to Original Amount:	
	0.8%

Discussion:

This modification includes revisions to various systems as well as changes to the plumbing/electrical/civil/structural work. Funding for this modification will be provided by the Hudson Yards Development Corporation.

This contract includes the completion of the 34th Street Station and covers the entire No. 7 Line extension which runs from Times Square to Site A at 26th Street and 11th Avenue. It includes the furnishing and installation of finishes and systems including elevators and escalators; HVAC, tunnel ventilation and fire protection; plumbing, electrical power and lighting; signal, communications and traction power systems; and track work. The work also includes construction of the ventilation building at Site A.

As a result of an accelerated final design review period, several technical review comments were received in the later stages of the bid document preparation. Critical comments were addressed during the bid phase, however, not all comments could be addressed without impacting the contract award schedule and ultimately the overall schedule for the No.7 project. It was decided to implement the remaining changes during construction.

This modification addresses revisions to the security, fire alarm and communications systems including additional intrusion/access control, ambient noise sensors, voice/data outlets and all associated conduit, cable, wiring and accessories. This modification also includes the cleaning of existing track drain pipes and a credit for the deletion of approximately \$20k of concrete invert slab.

The contractor's proposal was \$449,446; MTACC's revised estimate was \$268,201. Following negotiations, the price of \$291,491 was agreed upon and is considered fair and reasonable. Savings of \$157,955 were achieved.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

Vendor Name (& Location) John P. Picone, Inc. (Lawrence, NY)	
Description Flood mitigation work at 148 th St Yard – Lenox Avenue Line	
Contract Term (including Options, if any) June 6, 2011 – June 6, 2013	
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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
A-36111	4
Original Amount:	
	\$ 13,832,000
Prior Modifications:	
	\$ 116,200
Prior Budgetary Increases:	
	\$ 0
Current Amount:	
	\$ 13,948,200
This Request:	
	\$ 440,000
% of This Request to Current Amount:	
	3.2%
% of Modifications (including This Request) to Original Amount:	
	4.2%

Discussion:

This retroactive modification is for furnishing and installing backwater valves on existing sewer service connections within the 148th Street Yard in Manhattan.

The 148th Street Yard (Yard) is on the shore of the Harlem River and is at a low elevation relative to the river because trains enter the Yard directly from the underground tunnel via a portal. This contract provides various flood mitigation measures for the Yard, including construction of a sheet pile sea wall adjacent to the existing bulkhead and new flood walls at the north and south ends of the property to address flooding from the river. The contract also provides for the rerouting of existing drainage from the Harlem River Drive to prevent discharge from the Harlem River Drive into the Yard.

In August 2011, the Yard was flooded during Tropical Storm Irene, which dropped 7 inches of rain over 24 hours and coincided with an unusually high lunar tide. Photographs and videos taken during the storm showed that the flooding was caused in part by water backing up from the NYC Department of Environmental Protection (NYCDEP) sewer system, specifically from NYCDEP sewer manholes and from the ventilated grating on the access hatch for the NYCDEP sewer regulator located beneath the Yard. To prevent such flooding in the future, NYCDEP has accepted NYC Transit's recommendation that the sewer manholes and sewer regulator access hatch be retrofitted with bolted, watertight covers. A future modification will provide the watertight covers; that modification is not expected to require Board approval.

In connection with retrofitting the sewer manholes and sewer regulator access hatch, NYC Transit must also retrofit a backwater valve into each of five sewer service connection pipes to prevent backup through existing catch basins and drains. A backwater valve is a one-way valve. A flap in the valve is pushed into the open position by water flowing in the proper direction into the sewer. During storms such as Irene, the sewer system is overloaded and sewer water backs up and flows from the sewer system back into the Yard; in that case the sewer water flowing in the reverse direction pushes the backwater valve flap into the closed position, ensuring that the sewage will not back up into catch basins and drains.

This modification will provide one backwater valve for each of the five yard sewer connections. Each sewer connection requires hand excavation to access the sewer connection pipe, the furnishing and installation of the stainless steel backwater valve, and the construction of a customized manhole for each of the five yard sewer connections to permit access to the valve for future maintenance. The contractor's initial proposal was \$503,660; NYC Transit's revised estimate was \$410,000. Following negotiations, the lump sum of \$440,000 was agreed upon and found to be fair and reasonable. Savings of \$63,660 were achieved.

The stainless steel backwater valves are long-lead items. On December 18, 2012, the Senior Vice President and Chief Engineer approved a retroactive waiver and the contractor was directed to purchase the valves and avoid delay to the contractual substantial completion date.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 2

Vendor Name (& Location) NYC Department of Transportation (Long Island City, NY)	
Description Maintenance of bus stops, informational signage and bus stop movements	
Contract Term (including Options, if any) July 1, 2007 – March 31, 2012	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Operations Planning, Peter Cafiero	

Contract Number 08D9856	AWO/Modification # 3
Original Board Approved Amount: \$ 7,240,180	
Prior Modifications: \$ 0	
Prior Budgetary Increases: \$ 0	
Current Amount: \$ 7,240,180	
Total Amount: \$ 5,110,761 (Est.)	
% of This Request to Current Amount: 70.6%	
% of Modifications (including This Request) to Original Amount: 70.6%	

Discussion:

This retroactive dual agency contract modification is for continued maintenance of bus stops, informational signage and bus stop movements for 39 months from April 1, 2012 through June 30, 2015 for an estimated amount of \$5,110,761. However, due to funding limitations, the contract modification award amount will be \$4,745,004 comprised of \$3,160,173 for NYC Transit and \$1,584,831 for MTA Bus Company (MTABC). The potential budget shortfall of \$365,757 (\$243,594 for NYC Transit and \$122,163 for MTABC) will be requested at a later date, if needed. This contract modification will be issued and funded up to the award amount of \$4,745,004 and will be modified thereafter for any additional required increases up to the total Board approved amount. Although the Board originally approved \$7.24M for an initial 48 month term, the contract was only issued for \$5.66M due to budget constraints. Subsequently, as funding became available, the contract term was extended by nine months to March 31, 2012 and contract value increased to the amount approved by the Board.

Since 1990, under various Memoranda of Understanding (MOU), NYC Transit has retained NYC Department of Transportation (NYCDOT) on a non-competitive basis to regularly inspect, install and maintain all bus stop signage throughout the five boroughs. This maintenance program continues to be contracted on a non-competitive basis with NYCDOT as they are the only legal entity authorized to maintain bus stop signs and all traffic regulatory signage in New York City.

NYC Transit and MTABC reimburse NYCDOT for employee salaries, overhead, fringe benefits, other program related expenses and all necessary equipment and labor required for inspecting, installing and maintaining bus stop signage. NYC Transit and MTABC have approximately 24,010 bus stops. Of those bus stops, NYC Transit has 12,056; MTABC has 3,978; and 7,976 are jointly shared between the two agencies.

Under this MOU, the program is divided into three sections: 1) maintenance of bus stops and their informational panels; 2) all bus stop movements; and 3) charges incurred for materials, sign printing supplies, EZ pass charges, tools and equipment. NYCDOT has a dedicated "Bus Stop Sign Unit" to respond to repair requests.

As NYCDOT's services continue to be needed, NYC Transit and NYCDOT agreed to extend the contract term retroactively from April 1, 2012 through June 30, 2015. NYCDOT's cost proposal for this extension assumes increases of all salaries effective July 1st for the last two years of this extension (July 1, 2013 and July 1, 2014) based on the establishment of a new collective bargaining agreement with the City of New York. Until a new Collective Bargaining Agreement is in place, potentially resulting in salary increases, NYC Transit and MTABC will reimburse NYCDOT the actual labor rates that are in place as verified by MTA Audit. Based on this scenario, NYC Transit and MTABC will only seek approval for the budget shortfall depending on the results of a new Collective Bargaining Agreement and if the rates for fringe benefits and overhead increase as established by NYC's Office of Management and Budget. Approval is being sought retroactively as negotiations were protracted due to the need to reconcile cost information.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

Vendor Name (& Location) Judlau Contracting, Inc. (New York, NY)	
Description Second Avenue Subway Route 132A- 63 rd Street/Lexington Avenue Station Reconstruction	
Contract Term (including Options, if any) January 13, 2011 – May 13, 2014	
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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number C-26006	AWO/Modification # 10
Original Amount:	\$ 176,450,000
Prior Modifications:	\$ 975,016
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 177,425,016
This Request:	\$1,700,000
% of This Request to Current Amount:	1.0%
% of Modifications (including This Request) to Original Amount:	1.5%

Discussion:

This retroactive modification is for additional work associated with communication design changes.

The contract calls for reconstruction of the 63rd Street Station including all entrances, station systems, lighting, architectural finishes and other station elements.

In 2010, NYC Transit requested a series of design changes to the communications systems affecting all four 2nd Avenue Station contracts as well as the Systems contract. Due to the nature and timing of this request in relation to Contract C-26006, many of the comments could not be addressed during the bid phase without significantly impacting the contract award schedule. It was decided to implement these changes during construction. The design consultant began the incorporation of these changes into the design of each contract in April 2011. This modification is necessary to implement the changes for Contract C-26006, which include revision of the fire alarm and Inergen fire suppression systems, the CCTV system and the Supervisory and Control Data Acquisition (SCADA) system. This modification also includes changes to the fan dampers and actuators, Con Ed service and the elimination of a power panel from the Elevator machine room. To avoid schedule impact, this work had to begin without delay. Consequently, the MTACC President approved a retroactive waiver on October 11, 2012.

Work includes the furnishing and installation of additional conduit and wire trough, cable, boxes, receptacles, switches and meters as well as the deletion of some contractually required conduit. This modification also addresses several non-communication changes including changes to cement block fire walls; concrete structural walls, slabs and high bench; furnishing and installation of an access door and manhole cover; and rod, clean and relocate drain piping.

The contractor's revised proposal was \$2,263,375; MTACC's revised estimate was \$1,628,283. Negotiations resulted in the agreed upon net lump sum price of \$1,700,000 which is considered fair and reasonable. Savings of \$563,375 were achieved.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 2

Vendor Name (& Location) Plaza Schiavone, JV (New York, NY)	
Description Fulton Street Transit Center Enclosure	
Contract Term (including Options, if any) August 5, 2010 – February 4, 2014	
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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number A-36125	AWO/Modification # 126
Original Amount:	\$ 175,988,000
Prior Modifications:	\$ 15,205,009
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 191,193,009
This Request:	\$2,225,000
% of This Request to Current Amount:	1.2%
% of Modifications (including This Request) to Original Amount:	9.9%

Discussion:

This retroactive modification is for the furnishing and installing glass and stainless steel cladding for the hoist way enclosures of the new elevators for the Fulton Street Transit Center (Fulton Center). To avoid schedule impact, this work had to begin without delay. Consequently, the MTACC President approved a retroactive waiver on December 6, 2012.

This contract is for the construction of the Fulton Center Enclosure.

This is another of several modifications to be presented to the Board, across the various Fulton Center contracts, for the implementation of technology changes and the reprogramming of space previously identified for use by NYC Transit personnel at Fulton Center and the Corbin Building into commercial tenant, retail and public spaces. The original contract called for the build-out of the third floor as office space to be utilized by NYC Transit personnel. As part of the reprogramming of Fulton Center, the third floor will be converted from office space to retail space. As such, significant changes are being made to the layout of the building, including the provision of additional vertical circulation (both elevators and stairs) to provide additional access to the new retail space. Prior modifications related to the new elevators addressed the required structural upgrades, the steel framing for the hoist way and the elevators themselves along with all associated equipment.

This modification includes the furnishing and installing of the glass and stainless steel cladding for the hoist way enclosures including fire-rated glass panels and stainless steel mullions, frames, trim and panels. The glass being used for the elevator hoist way matches the glass used for the interior glass walls of the Fulton Center, which was previously approved by the Board.

The contractor's proposal was in the amount of \$3,231,859; MTACC's revised estimate was \$2,094,051. Negotiations resulted in the agreed upon lump sum price of \$2,225,000, which is considered fair and reasonable. Savings of \$1,006,859 were achieved.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

Vendor Name (& Location) Skanska/Railworks Joint Venture (New York, NY)	
Description Furnishing and Installing Finishes and Systems – No. 7 Line Extension	
Contract Term (including Options, if any) August 10, 2011- June 9, 2014	
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 checked="" type="checkbox"/> Other: HYDC	
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number C-26505	AWO/Modification # 38
Original Amount:	\$ 513,700,497
Prior Modifications:	\$ 3,627,629
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 517,328,126
This Request:	\$ 340,000
% of This Request to Current Amount:	0.1%
% of Modifications (including This Request) to Original Amount:	0.8%

Discussion:

This modification includes revisions to the Private Mobile Radio System (PMRS). Funding for this modification will be provided by the Hudson Yards Development Corporation.

This contract includes the completion of the 34th Street Station and covers the entire No. 7 Line extension which runs from Times Square to Site A at 26th Street and 11th Avenue. It includes the furnishing and installation of finishes and systems including elevators and escalators; HVAC, tunnel ventilation and fire protection; plumbing, electrical power and lighting; signal, communications and traction power systems; and track work. The work also includes construction of the ventilation building at Site A.

Under this modification, the Private Mobile Radio System (PMRS) will provide seamless radio coverage on the No.7 Line extension for below ground NYC Transit radio users, as well as above and below ground coverage for all police, fire and emergency services. This modification addresses equipment (only) changes associated with a change to the specified radiating antenna cable as well as the discontinuation of a bi-directional amplifier (BDA) which is a key specified component of the PMRS system. This modification includes changes to several other BDAs, provision of optical splitters, additional fiber optic equipment and additional low noise amplifiers to achieve better noise reduction in the system. To avoid any schedule impact resulting from the lead time associated with the procurement of this equipment, the MTACC President approved a retroactive waiver on October 25, 2012. The contractor's proposal was \$365,714; MTACC's revised estimate was \$312,713. Following negotiations, the price of \$340,000 was agreed upon and is considered fair and reasonable. Savings of \$25,714 were achieved.



Metro-North Railroad

Procurements January 2013



Subject	Request for Authorization to Award Various Procurements
Department	Procurement and Material Management
Department Head Name	Anthony J. Bombace Jr.
Department Head Signature	
Project Manager Name	

Date	January 9, 2013
Vendor Name	Various
Contract Number	Various
Contract Manager Name	Various
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	MNRComm Mtg	1-28-13	X		
2	MTA Board Mtg	1-30-13	X		

Internal Approvals			
	Approval		Approval
X	President	X	General Counsel
X	Sr. VP Operations	X	Capital Programs
X	Sr. VP Administration	X	VP Planning
X	VP Finance & IT	X	Chief of Staff

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Press		Government Relations		Labor Relations		
			Safety		Human Resources		Other

PURPOSE:

To obtain approval of the Board to award various contracts/contract modifications and purchase orders, and to inform the MTA Metro-North Railroad Committee of these procurement actions.

DISCUSSION:

MNR proposes to award non-competitive procurements in the following categories:

Schedules Requiring Two-Thirds Vote (or more, where noted)

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$950,000
• Railtech Boutet, Inc. \$950,000		

Schedules Requiring Majority Vote

Schedule J: Modifications to Miscellaneous Procurement Contracts	1	\$250,000
• Harsco Track Technologies \$250,000		

SUB TOTAL: 2 \$1,200,000

MNR proposes to award competitive procurements in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>		
Schedule F: Personal Service Contracts	2	\$5,839,512
• WSP Sells \$839,512		
• Railroad Planning Consulting Services \$5,000,000		
Schedule G: Miscellaneous Service Contracts	2	\$237,000
• East Coast Railroad Services \$75,000		
• LifeCare Inc. \$162,000		
SUB TOTAL:	4	\$6,076,512

MNR presents the following procurement actions for Ratification:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	
Schedule D: Ratification of Completed Procurement Actions	NONE
<u>Schedules Requiring Majority Vote</u>	
Schedule K: Ratification of Completed Procurement Actions	NONE
SUB TOTAL:	
TOTAL:	6 \$7,276,512

The contractors noted above and on the following Staff Summary Sheets have been found in all respects responsive and responsible, and are in compliance with State laws and regulations concerning procurements.

BUDGET IMPACT: The purchases/contracts will result in obligating MNR operating and capital funds in the amount listed. Funds are available in the current MNR 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.)

METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 1209 of the Public Authorities law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

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

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 the 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 it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.

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. The Board ratifies each action taken set forth in Schedule D 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.

JANUARY 2013

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

A. Non-Competitive Purchases and Public Work Contracts

(Staff Summaries required for all items greater than: \$100K; \$250K Other Non-Competitive)

1. Railtech Boutet, Inc. \$950,000 (not-to-exceed)

Staff Summary Attached

Three year Purchase Agreement for Field Welding Kits and Supplies.

Approval is requested for a non-competitive, three year purchase agreement with Railtech Boutet, Inc. for specialized field Rail Welding Kits and related supplies used to weld and connect various weighted running rail (119lb, 127lb, 132lb and 136lb) as required by MNR's Track Department. Railtech Boutet, Inc. is the Original Equipment Manufacturer (OEM) for welding kit assemblies which are uniquely compatible with MNR's inventory of welding-related equipment (mold jackets, clamps, base plates, pans, etc.).

This purchase agreement will reduce administrative costs and advertising expenses, eliminate lead time for individual purchase orders and expedite delivery. MNR has complied with the MTA All-Agency Procurement Guidelines and with PAL 1265-a (3) regarding the posting of advertisements in order to identify potential alternate suppliers. In addition to the advertisement, direct outreach by MNR Procurement was performed and no alternate suppliers have been identified.

Comparing the midpoint of the new contract with the last contract results in a unit price increase of approximately 1% per year. The unit prices for the new agreement are fixed for the 3 yr. term. Pricing is deemed to be fair and reasonable. This purchase agreement does not obligate MNR to a fixed quantity or dollar amount. The procurement total is not-to-exceed \$950,000 over a three year period and is to be funded by the MNR Operating Budget.

Schedules Requiring Majority Vote:

J. Modifications to Miscellaneous Procurement Contracts

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without Staff Summaries required for change orders greater than 15% of previously approved amount which are also at least \$50K)

2. Harsco Track Technologies

\$250,000 (not-to-exceed)

Additional Funding - OEM Replacement Parts for Work Equipment

Approval is requested for a contract change for additional funding in the total not-to-exceed amount of \$250,000 to an existing purchase agreement with Harsco Track Technologies (Harsco). Harsco is the Original Equipment Manufacturer (OEM), sole source and current supplier of replacement components for rail-specific work equipment (i.e. tampers, tie shears and tie drills). The current agreement with Harsco will expire June 2013.

Due to the increased maintenance requirements and recent larger scale repairs on the aged tamper machines (the units average 10 yrs.), available funding in the contract has been fully expended, and additional funding is required in order to maintain the units through the balance of the agreement. In 2013, MNR and LIRR shall look to initiate a new long term Joint Procurement with Harsco to ensure both Railroads have adequate OEM material available after the expiration of this agreement.

Harsco's terms and pricing will remain fixed for the balance of the agreement. All parts purchased through the purchase agreement are on an as-needed basis, and there are no minimum guaranteed purchases. The contract change will be funded by the MNR Operating Budget.

Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: A

Vendor Name (& Location) Railtech Boutet Inc.
Description Three (3) year Purch. Agree. for Field Welding Kits and Supplies
Contract Term (including Options, if any) 3 years
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source

Contract Number 1-19377	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount:	\$950,000 (not-to-exceed)
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Procurement & Material Management, Anthony J. Bombace, Jr.	
Contract Manager: R. Munoz	

Discussion:

Approval is requested for a non-competitive, three year purchase agreement with Railtech Boutet, Inc. for specialized field Rail Welding Kits and related supplies used to weld and connect various weighted running rail (119lb, 127lb, 132lb and 136lb) as required by MNR's Track Department. Railtech Boutet, Inc. is the Original Equipment Manufacturer (OEM) for welding kit assemblies which are uniquely compatible with MNR's inventory of welding-related equipment (mold jackets, clamps, base plates, pans, etc.).

This purchase agreement will reduce administrative costs and advertising expenses, eliminate lead time for individual purchase orders and expedite delivery. MNR has complied with the MTA All-Agency Procurement Guidelines and with PAL 1265-a (3) regarding the posting of advertisements in order to identify potential alternate suppliers. In addition to the advertisement, direct outreach by MNR Procurement was performed and no alternate suppliers have been identified.

Comparing the midpoint of the new contract with the last contract results in a unit price increase of approximately 1% per year. The Unit prices for the new agreement are fixed for the 3 yr. term. Pricing is deemed to be fair and reasonable. This purchase agreement does not obligate MNR to a fixed quantity or dollar amount. The procurement total is not-to-exceed \$950,000 over a three year period and is to be funded by the MNR Operating Budget.

JANUARY 2013

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

F. Personal Service Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M Competitive)

1. **WSP Sells** **\$839,512 (not to exceed)** **Staff Summary Attached**
Construction Supervision and Inspection services for the Replacement of Bridge Street Bridge over Metro-North Railroad in Poughkeepsie, New York

Competitively solicited (Federal-Brooks Method) and negotiated (13 proposals received) personal service contract with the firm WSP Sells. The overall period of performance for this contract is twenty-four (24) months. This contract is part of the 80% NYSDOT- funded Bridge Street Bridge Project. The consultant will be responsible for construction supervision and inspection services and for providing related engineering services for all activities performed by the construction contractor.

On September 13, 2012, a Request for Proposal was advertised and the solicitation was issued to fifty-nine (59) firms. On October 19, 2012 technical proposals were received from thirteen (13) firms. A Selection Committee comprised of five members representing Metro-North's Procurement and Material Management Department and Capital Engineering Department evaluated the proposals. MNR utilized the "Brooks" method of selection due to NYSDOT providing 80% federal funding for this project. The criteria for selection established in the Request for Proposal is as follows:

- 1) Qualifications of key personnel and reliability to perform the Services including sub-consultant services.
- 2) Demonstrated understanding of the Workscope requirements, including but not limited to the quality and completeness of any required submissions.
- 3) Project plan (detailed description of how the Services will be performed).
- 4) Past experience on similar projects.
- 5) Familiarity with Federal and State requirements.
- 6) Financial responsibility.
- 7) Logistics and familiarity with the project area.

The Selection Committee evaluated the proposals in accordance with the selection criteria, and subsequently selected two of the proposals (WSP Sells and Lochner Engineering) for further consideration for award. Both of the finalists were invited to provide an oral presentation of their proposals. After discussions and review of both finalists, the Selection Committee unanimously selected the firm, WSP Sells as the most qualified firm for this project. A cost proposal was subsequently requested of WSP Sells.

WSP Sells originally submitted a cost proposal of \$1,127,987, which MNR negotiated down to \$839,512 for a savings of 25.6% from their original proposal. All labor and overhead rates proposed by WSP Sells

effort is not-to-exceed \$839,512. This procurement is to be funded 80% by the New York State Department of Transportation using Federal funds and 20% by the MNR Capital Program.

2. Railroad Planning Consulting Services \$5,000,000 (not-to-exceed) Staff Summary Attached
Various Prequalified Consulting Firms

Approval is requested to prequalify seven consulting firms (RFP process, 12 proposals received) to perform task-based Consulting Services in support of Metro-North operations over a five year period at a total not-to-exceed cost of \$5,000,000. Under these contracts, the consultant services will augment MTA's in-place General Transportation Planning consultant list and will be used to identify strategies to enhance MNR's service and rail operations planning, system expansions, capital investments and financial efficiency. Additionally, the prequalified firms will be utilized to supplement and develop internal MNR staff to conduct strategic reviews, conduct business process reviews, and improve project management oversight.

The Selection Committee evaluated all proposals received in accordance with the selection criteria established in the RFP. As a result, the Selection Committee unanimously prequalified seven firms: CH2M Hill, L.E. Peabody Associates, Parsons Brinckerhoff, AECOM USA, Systra Engineering, KPMG, and Arup & Partners for future issuance of specific task orders focused in 11 unique consulting categories. These firms possess the optimal combination of the required qualifications, best overall technical level of knowledge and expertise in business process reviews, financial analyses and project management services.

Under the established process, the list of prequalified consultants is to be solicited on a task-specific basis during the five year period. As the need arises for consulting services in any of the 11 categories listed in the RFP (e.g. Operations Analysis, Business Process & Policy Analysis, Strategic Business Planning, Partnership Development & Assessments), MNR will solicit specific proposals and pricing from each of the prequalified firms. The firms will then submit proposals, resumes of available resources, and pricing within the negotiated rate schedule. The prequalification process does not guarantee any consulting work; however the prequalification approach is intended to streamline the process of consultant selection and retention, reduces procurement lead time, overall project time and reduces administrative costs while ensuring appropriate on-going competition.

The solicitation required vendors to submit a list and description of specific skillsets and disciplines that will be utilized to support the RFP's consultant categories. The seven firms' originally proposed all-inclusive hourly rates were negotiated down by MNR Procurement and represent an overall average reduction of 12.5%. These rates are in the same range as the current MTA contract and are deemed fair and reasonable for the services to be provided; and are fixed for the five year term of the contracts. The estimated cost of the MNR Railroad Planning Consulting Services contracts is not-to-exceed \$5,000,000 for the five year term. This procurement is to be funded by the MNR Capital and Operating Budgets.

Schedules Requiring Majority Vote:

G. Miscellaneous Service Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP; No Staff Summary required if Sealed Bid Procurement.)

3. East Coast Railroad Services \$75,000 (not-to-exceed)
Refurbish of Railroad Tie Plates

Approval is requested to award a competitively solicited (2 bids received) miscellaneous service contract. The contract is required for the on-going pick-up, re-punching (modification of original square screw lock-spike holes to round holes) and return of palletized tie plates. When ties are removed/replaced, the tie plates that secure the ties are removed; the plates are then picked-up, re-punched and returned to designated facilities throughout MNR's territory in NYS and CT.

The all-inclusive low bid price of \$3.75/per re-punched tie plate received from East Coast Railroad Services (ECRS) represents a zero dollar increase in comparison to the unit price paid by MNR under the previous three year contract (10' - 12'). By re-punching the tie plates, MNR will be offsetting the need to procure approximately 20,000 new tie plates over the contract period and will realize cost avoidance of approximately \$280,000.

East Coast Railroad Services will furnish all transportation, labor, machining / re-punching work and equipment necessary during the one year term of the agreement. MNR's contract with East Coast Railroad Services will not exceed \$75,000. The procurement is to be funded by the MNR Operating Budget (\$30,000) and by CDOT (\$45,000).

4. Life Care Inc. \$162,000 (not-to-exceed)
Work/Life Family Program and Employee Counseling Information and Referral Services

Approval is requested to award a competitively negotiated three-year miscellaneous service contract (RFP process; 3 proposals received) to Life Care Inc. to provide Work/Life Family Program and Employee Counseling Information and Referral Services. Since 1993, Metro-North Railroad (MNR) has offered a Work/Life Program, which offers Information and Referral service to all MNR employees with a goal of increasing employee morale, attendance and productivity; and the services provided are in addition to the in-house MNR Employee Assistance Program (EAP). Life Care will provide a wide range of Work/Life Information and Referral Counseling Services such as: counseling, on-site events enhanced backup care (child and adult care) professional care management services, prenatal care, special needs, healthy living program, and relocation assistance.

A Request for Proposal (RFP) was sent to 16 firms, and was also advertised in the New York State Contract Reporter, New York Post, and Daily Challenge and was posted on the MNR website. A Selection Committee comprised of representatives from MNR's Employee Assistance Program (EAP), Human Resources, Legal and Procurement Departments was formed to evaluate proposals. Three Proposals were received from the firms Ceridian, Brown Richards and Life Care Inc. Two firms were shortlisted (Brown Richards and LifeCare) to provide oral presentations and subsequent Best and Final Offers (BAFO's). Based on the combination of both technical and cost factors, Life Care Inc. was deemed the best overall firm to supply the required services. Life Care is the incumbent vendor for these services and their Per Employee, Per Year charge is a reduction from the present rate paid by MNR and represents a 20% overall savings going forward. Also, Life Care's rate will remain fixed for the full three year contract term. The total cost of this contract is a not-to-exceed \$162,000 over the three year contract term. This procurement is to be funded by MNR's Operating Budget.

Staff Summary

Item Number F Dept & Dept Head Name: Procurement & Material Management, Anthony J. Bombace, Jr.						SUMMARY INFORMATION	
Division & Division Head Name: Sr. VP - Administration - Raymond Burney						Vendor Name WSP Sells	
						Contract Number 1000018768	
						Description Construction supervision and inspection services, for the Replacement of Bridge Street Bridge over Metro-North Railroad in Poughkeepsie, New York	
						Total Amount \$839,512 (not-to-exceed)	
						Contract Term (including Options, if any) Twenty-four (24) Months	
						Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
						Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
						Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
						Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
						Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	1-28-13	X		
2	MTA Board Mtg.	1-30-13	X		

Internal Approvals			
Order	Approval	Order	Approval
X	President		Sr. V.P. Operations
X	Sr. VP Administration	X	V.P. Finance & IT
X	General Counsel	X	Capital Programs

Narrative

I. PURPOSE/RECOMMENDATION:

To obtain MTA Board approval to award a contract to WSP Sells to perform construction supervision and inspection services for the replacement of the Bridge Street Bridge over Metro-North Railroad in Poughkeepsie, New York. This contract is part of the 80% NYSDOT-funded Bridge Street Bridge project.

II. BACKGROUND, DISCUSSION and PROCUREMENT:

The bridge located at Milepost HU 65.18 carries two vehicular lanes and one sidewalk of Bridge Street over two Metro-North Railroad Hudson Line tracks and the New Hamburg train station parking lot. The bridge consists of three 55-ft. long spans. The unelectrified tracks are located under the first span and the other two spans bridge over a parking lot. The bridge superstructure consists of two continuous steel through girders with transverse steel floor beams supporting a concrete deck. The superstructure is supported on two stub abutments and two steel piers. The bridge, which was built in 1930, has been posted for a live load capacity of 15 tons due to severe deterioration and section losses to the superstructure and substructure steel. Portions of bridge components have fallen onto the tracks and parking lot below, threatening the well-being of passengers, passersby, employees and equipment.

The construction work to ultimately be performed includes the replacement of the existing superstructure with a two-span steel multi-girder superstructure. The substructure will consist of two semi integral abutments and a new reinforced concrete pier. Bridge approach work will include full depth roadway reconstruction, roadway resurfacing, sidewalk construction, guide rail replacement, drainage improvements and utility work. The new superstructure will improve the vertical alignment and will increase the existing 19 feet 10 inches vertical clearance over the railroad to 23 feet. Construction supervision and inspection services are needed to be performed at the same time as the actual construction.

On September 13, 2012, a Request for Proposal No. 1000018768 was advertised in the New York State Contract Reporter, the New York Post, Minority Commerce, and The Daily Challenge. The solicitation was also prepared and issued to 59 consulting firms. On October 19, 2012 technical proposals were received from 13 firms. A Selection Committee comprised of five members representing Metro-North's Procurement and Material Management Department and Capital Engineering Department evaluated the proposals. Metro-North Railroad was required to utilize the "Brooks" or Federal method of selection due to NYSDOT providing 80% federal funding for this project. The criteria for selection established

Staff Summary

in the Request for Proposal is as follows:

- 1) Qualifications of key personnel and reliability to perform the Services including Subconsultant Services.
- 2) Demonstrated understanding of the Workslope requirements, including but not limited to the quality and completeness of any required submissions.
- 3) Project plan (detailed description of how the Services will be performed).
- 4) Past experience on similar projects.
- 5) Familiarity with Federal and State requirements.
- 6) Financial responsibility.
- 7) Logistics and familiarity with the project area.

The Selection Committee evaluated the proposals in accordance with the selection criteria, and subsequently selected two of the proposals (WSP Sells and Lochner Engineering) for further consideration for award. Both of the finalists were invited to provide an oral presentation of their proposals. After discussions and review of both finalists, the Selection Committee unanimously selected the firm, WSP Sells as the most qualified firm for this project.

WSP Sells has assembled a team of highly qualified professionals to meet the requirements of the Request for Proposal. The resident engineer has over 25 years in all phases of heavy construction experience for clients including MNR, Staten Island Railroad, NYSDOT, and the NYS Thruway Authority. He has been the resident engineer for the rehabilitation of the Fishkill Creek Bridge for MNR in 2008 and the Park Avenue Bridge in 2009, which have similar components to this bridge. Fishkill Creek Bridge was completed in 2008 and was nominated for the MTA's Excellence in Construction Performance Award.

WSP Sells submitted a cost proposal of \$1,127,986.95 on November 12, 2012. MNR Procurement negotiated that proposal down to a cost of \$839,512 resulting in savings of 25.57% from their original proposal. All labor and overhead rates proposed by WSP Sells and their sub-consultants were reviewed and are deemed fair and reasonable. The period of performance for this work is twenty-four (24) months.

III. IMPACT ON FUNDING:

The total cost for this effort is not-to-exceed \$839,512. This procurement is to be funded 80% by the New York State Department of Transportation using Federal funds and 20% by the MNR Capital Program.

IV. D/M/WBE INFORMATION:

DBE/EEO: Per the agreement between the MTA Department of Diversity and Civil Rights and NYSDOT (as this project is 80% NYSDOT/20% MNR Capital funded), DBE goals of 18% were established by NYSDOT. It was agreed by all parties that NYSDOT (with assistance from MNR) would be responsible for monitoring and ensuring compliance of said goals. WSP Sells has met the pre-award requirements for this contract.

V. ALTERNATIVES:

MNR does not have the available in-house staff with both the expertise and experience to complete the construction supervision and inspection work at this time.

Staff Summary

Item Number F					
Dept & Dept Head Name: Procurement & Material Management, Anthony Lombace, Jr.					
Division & Division Head Name: Sen. VP – Administration, Raymond Burney					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	1-28-13	X		
2	MTA Board Mtg.	1-30-13	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	Sr. V.P. Operations		
X	Sr. V.P. Admin.	X	V.P. Planning		
X	V.P. Finance & IT	X	General Counsel		
	Capital Programs				

SUMMARY INFORMATION	
Vendor Name Various	Contract Number 16228
Description Railroad Planning Consulting Services	
Total Amount \$5,000,000 (not-to-exceed)	
Contract Term (including Options, if any) 2013-2017	
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"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

I. PURPOSE/RECOMMENDATION:

Approval is requested to prequalify seven consulting firms (RFP process, 12 proposals received) to perform task-based Consulting Services in support of Metro-North operations over a five year period at a total not-to-exceed cost of \$5,000,000. Under these contracts, the consultant services will augment MTA's in-place General Transportation Planning consultant list and will be used to identify strategies to enhance MNR's service and rail operations planning, system expansions, capital investments and financial efficiency. Additionally, the prequalified firms will be utilized to supplement and develop internal MNR staff to conduct strategic reviews, conduct business process reviews, and improve project management oversight.

The prequalification process does not guarantee any consulting work; however the prequalification approach is intended to streamline the process of consultant selection and retention, reduces procurement lead time, overall project time and reduces administrative costs while ensuring appropriate on-going competition. Under the established process, MNR will solicit proposals on a task-by-task basis from the pre-approved consultants within each category.

II. DISCUSSION:

MNR will establish a list of prequalified Railroad Planning Consulting firms to cover a broad spectrum of strategic consulting services that can be utilized on a task-by-task basis to meet on-going business needs. The categories identified are as follows:

- | | |
|---|--|
| 1. Operations Analysis | 7. Partnership Development and Assessments |
| 2. Customer Service | 8. Organizational Design |
| 3. Business Process, Policy Analysis and Project Development and Management | 9. Preventive Maintenance Program and Maintenance Review |
| 4. Strategic Business Planning | 10. Rail Safety Audit |
| 5. Asset Management | 11. Software Capability Evaluations For Development/Integration of Critical Software System Applications |
| 6. Transportation Finance Strategies/Analysis | |

The RFP for Prequalification was sent to approximately eighty firms. In addition to the direct solicitation of various known consulting firms, the solicitation was advertised in the New York State Contract Reporter, New York Post, Daily Challenge, and was posted on the Metro-North website. A Selection Committee was formed which comprised of representatives from MNR's Information Technology, Finance & Budget, Corporate Compliance & Strategic Development, Maintenance of Way Material Management, and Procurement & Material Management Departments. The Committee evaluated the proposals using the selection criteria set forth in the RFP which was listed in relative order of importance as follows:

Staff Summary

1. Demonstrated understanding of the Work Scope requirements, overall quality of the proposal, evaluations of resumes based on the required technical skills, quality and completeness of any required submissions.
2. Verifiable commitment of relevant resources to support MNR for Project Management Plans.
3. Fair and reasonable all inclusive Hourly Labor Rates
4. Demonstrated experience and effectiveness of the Proposer and resources in providing services related to Railroad Planning.

A Pre-Proposal Conference was held on July 10, 2012, with a total of 11 firms in attendance, and 12 proposals were received on August 10, 2012. The Selection Committee evaluated all proposals received in accordance with the Selection Criteria and MNR's Procurement procedures. As a result of the evaluations, the Committee unanimously selected the following seven firms as prequalified within the aforementioned categories to receive future task-specific proposal requests for Railroad Planning Consulting Services:

- | | |
|-------------------------------|----------------------------------|
| 1. CH2M Hill | 4. L.E. Peabody Associates, Inc. |
| 2. Parsons Brinckerhoff, Inc. | 5. AECOM USA, Inc. |
| 3. Systra Engineering, Inc. | 6. KPMG Corporate Finance |
| 7. Arup & Partners | |

The above firms possessed the optimal combination of the required qualifications, best overall technical level of knowledge and expertise in business process reviews, financial analyses and project management services.

The solicitation required vendors to submit a list and description of specific skillsets and disciplines that would be utilized to support the RFP's consulting categories which include but not limited to Project Manager, Financial Analyst, Rail Security Specialist, Transportation Engineer, and QA/QC Engineer. The seven firms originally proposed all-inclusive hourly rates ranging from \$64.90 (Jr. Analyst) to \$466.82 (Managing Director). These hourly rates were negotiated down to a range of \$56.79 to \$408.47 representing an overall average reduction of 12.5%. These negotiated hourly rates are in the same range as the current MTA General Transportation Planning contract and are deemed fair and reasonable for the services to be provided and are fixed for the five year term of the contracts.

Under the established process, the list of prequalified consultants is to be solicited on a task-specific, basis during the five year period. As a need arises for consulting services in any of the eleven categories listed in the RFP (e.g.-Operations Analysis, Business Process & Policy Analysis, Strategic Business Planning, Partnership Development & Assessments), MNR will solicit specific proposals and pricing from each of the prequalified firms. The firms will then submit proposals, resumes of available resources, and pricing within the negotiated rate schedule. Each individual task assignment and related funding is approved prior to any consultant request.

III. D/M/WBE INFORMATION:

The MTA Department of Diversity and Civil Rights established 10% MBE and 10%WBE vendor participation for these contracts. All firms agreed to use their best efforts to meet this requirement.

IV. IMPACT ON FUNDING:

The estimated cost of the Railroad Planning Consulting Services contracts is not-to-exceed \$5,000,000 for the five year term and is anticipated to begin February 2013. This procurement is to be funded by the MNR Capital and Operating Budgets.

V. ALTERNATIVES:

The alternative is to continue to use the individual RFP process for each task/project requirement. MNR does not possess available in-house technical staff to complete the full spectrum of the services required in a timely fashion. The railroad planning consulting services/prequalification approach described above is strongly recommended as a replacement to the traditional method as a means to significantly lessen the procurement lead-time for contract award.

JANUARY 2013

METRO-NORTH RAILROAD

LIST OF RATIFICATIONS FOR BOARD APPROVAL

NONE

LONG ISLAND RAIL ROAD

PROCUREMENTS

FOR

BOARD ACTION

January 30, 2013



Subject Request for Authorization to Award Various Procurements						Date January 30, 2013			
Department Procurement & Logistics									
Department Head Name Dennis L. Mahon, Chief Procurement & Logistics Officer									
Department Head Signature 									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	1.28.13				X	President		VP & Chief Financial Officer
2	MTA Board	1.30.13				X	Sr. VP-Administration		VP, General Counsel & Secy
							Sr. VP-Operations		
							Executive VP		

PURPOSE:

To obtain approval of the Board to award various contracts and purchase orders, and to inform the Long Island Rail Road Committee of these procurement actions.

DISCUSSION:

LIRR proposes to award Non-Competitive Procurements in the following categories:

of Actions

of Actions

NONE

LIRR proposes to award Competitive Procurements in the following categories:

of Actions

of Actions

Schedules Requiring Two-Thirds Vote

Schedule B:	Competitive Requests for Proposals (Solicitation of Pur & Public Wk Contracts)	1	\$TBD
-------------	--	---	-------

Schedule C:	Competitive Requests for Proposals (Award of Pur & Public Wk Contracts)	1	\$2,225,000
-------------	---	---	-------------

Schedules Requiring Majority Vote

Schedule F:	Competitive Requests for Proposals (Award of Pur & Public Wk Contracts)	1	\$1,704,780
-------------	---	---	-------------

Schedule G:	Miscellaneous Service Contracts	1	\$11,250,000
-------------	---------------------------------	---	--------------

SUBTOTAL:	4	\$15,179,780
------------------	---	--------------

LIRR proposes to award Ratifications in the following categories:

NONE

<u>TOTAL:</u>	<u>4</u>	<u>\$15,179,780</u>
----------------------	----------	---------------------

BUDGET IMPACT:

The purchases/contracts will result in obligating LIRR operating and capital funds in the amount 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.)

METROPOLITAN TRANSPORTATION AUTHORITY

WHEREAS, in accordance with Section 1265-a and Section 1209 of the Public Authorities law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive purchase and public work contracts, and the solicitation and award of request for proposals in regard to purchase and public work contracts; and

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

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 the 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 it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.
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. The Board ratifies each action taken set forth in Schedule D 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.

JANUARY 2013

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)
(Staff Summaries only required for items estimated to be greater than \$1 million)

- | | | | |
|----|---|--------------|--------------------------------------|
| 1. | TBD
Competitive Bid
Contract No. TBD | \$TBD | <u><i>Staff Summary Attached</i></u> |
|----|---|--------------|--------------------------------------|

LIRR, on behalf of itself, MNR and B&T, requests that the MTA Board adopt a resolution declaring that competitive bidding is impractical or inappropriate, and that it is therefore in the public interest to use the Request for Proposal (RFP) process, pursuant to Section 1265-a of the Public Authorities Law, to award a lease agreement to furnish and install an Automated Vehicle Location and Monitoring System into the LIRR's and MNR's fleet of highway vehicles. Once awarded, the Agency's individual Operating budgets will fund these contracts.

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)
(Staff Summaries only required for items estimated to be greater than \$1 million)

- | | | | |
|----|--|--------------------|--------------------------------------|
| 2. | Environmental, LLC
Competitive
Contract No. TBD | \$2,225,000 | <u><i>Staff Summary Attached</i></u> |
|----|--|--------------------|--------------------------------------|

LIRR, on behalf of itself and Metro-North Railroad (MNR) ("Railroads"), requests, subject to successful completion of negotiations with the vendor and finalization of radio frequency testing, MTA Board approval to award a contract to Environmental LLC ("ENL") in an amount of \$2,225,000 to purchase the FCC license for 150 kHz of Radio Spectrum, comprised of twelve (12) channels, each with a bandwidth of 12.5 kHz. This license is required to support the Railroads' federally mandated Positive Train Control (PTC) Projects in the four counties north and west of New York City (Dutchess and Orange Counties in New York and Fairfield and New Haven Counties in Connecticut) in which Metro-North operates ("Northern Trackage Areas"). This award will supplement the Radio Spectrum license previously acquired by MTA in 2012 to support the Railroads' PTC Projects in all of the LIRR territory and a portion of the MNR territory. This contract will be funded by each agency's Capital Budget, apportioned evenly.

Procurements Requiring Majority Vote

Schedule F: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)
(Staff Summaries required for items requiring Board approval)

- | | | | |
|----|--|--|--------------------------------------|
| 3. | Intralogue Solutions, Inc.
Ten-Year Contract
Contract No. TBD | \$1,704,780
Not-to-Exceed | <u><i>Staff Summary Attached</i></u> |
|----|--|--|--------------------------------------|

LIRR request Board approval to award a ten-year, competitively negotiated Personal Services Contract to Intralogic Solutions, Inc., in the not-to-exceed amount of \$1,704,780 including options, in order to develop, implement, validate and maintain a software integration system for the centralized Jamaica Incident Command Center (ICC) for LIRR's Situation Room. The ICC will effectively control the deployment of resources utilizing all current available technologies within the MTA Incident Response System, consistent with the National Incident Management System model at the LIRR. This contract will be funded through MTA Near-Term Security funds.

Procurements Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP;
No Staff Summary required if Sealed Bid Procurement)

- | | | | |
|----|------------------------------|----------------------|-------------------------------|
| 4. | Fifteen Bus Companies | \$11,250,000 | <u>Staff Summary Attached</u> |
| | Competitive | Not-to-Exceed | |
| | Contract No. TBD | | |

LIRR request MTA Board approval to award estimated quantity contracts to fifteen bus companies, who will provide LIRR with scheduled and emergency bus services over a three-year contract term. Each bus company will be awarded separate blanket contracts for both scheduled and emergency services, with the aggregate not-to-exceed amount of all contracts totaling \$11,250,000. Under these contracts, LIRR will order services on an as-needed basis, with no minimum obligations or expenditures. This contract will be funded by LIRR's Operating Budget and in some instances Federal funding may be utilized.

Staff Summary



Long Island Rail Road

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Item Number: 1					
Dept & Dept Head Name: Procurement & Logistics, Dennis Mahon					
Department Head Signature & Date					
Division & Div Head Name: Procurement & Logistics, D. Mahon					
Division Head Signature & Date					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee				
2	MTA Board				
Internal Approvals					
Order	Approval	Order	Approval		
6	President	3	VP/CFO		
5	Executive VP	2	Sr. VP/Operations		
4	VP/Gen'l Counsel & Sec'y	1	Sr. VP/Administration		

SUMMARY INFORMATION	
Vendor Name TBD	Contract Number TBD
Description Automated Vehicle and Location Management System	
Total Amount \$TBD	
Contract Term (including Options, if any) June 2012 thru May 2022	
Options(s) Included in Total Amount: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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 checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION:

On behalf of itself, MNR and B&T (the "Agencies"), LIRR requests approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public interest to use the Request for Proposal (RFP) process pursuant to Section 1265-a of the Public Authorities Law to award a lease agreement to furnish and install an Automated Vehicle Location and Monitoring System (AVLM) into the Agencies fleet of highway vehicles:

II. DISCUSSION:

LIRR requires a renewal contract and MNR and B&T require a new contract for the leasing of an AVLM system that will improve the capability to identify vehicle location and use, accident investigation recording, vehicle usage and reports, company commutation usage, vehicle idling times, preventative and maintenance history, and be capable of reporting in both real time and historical information.

The utilization of the RFP process will allow the agencies to better assess which contractors are capable of offering an AVLM System that meets the requirements of the technical scope of work and provides the best user friendly on line displays and reporting capabilities. Additionally, the RFP process gives the agencies the ability to negotiate and evaluate factors other than price alone, such as experience with this type of project, past performance, and qualifications. The MTA Board previously authorized use of the RFP process in connection with LIRR's current AVLM System contract.

III. D/M/WBE INFORMATION:

MTA Department of Diversity and Civil Rights has determined 0% M/WBE goals for this contract.

IV. IMPACT ON FUNDING:

This contract will be funded by the Agencies' Operating Budgets

Staff Summary



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Item Number 2						SUMMARY INFORMATION	
Dept & Dept Head Name: Procurement & Logistics, Dennis Mahon						Vendor Name	
Department Head Signature & Date <i>[Signature]</i>						Contract Number	
Division & Division Head Name: Chief Engineer, Kevin Tomlinson						Environmental LLC	
Division Head Signature & Date <i>MG for KT</i>						TBD	
Description							
Procurement of Radio Frequencies in Support of Positive Train Control Project							
Total Amount							
\$2,225,000							
Contract Term (including Options, if any)							
N/A							
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"/> Non-competitive							
Solicitation Type							
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:							
Funding Source							
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:							

Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR Committee	01.28.13		X	
2	LIRR Committee	01.28.13	X		
3	MTA Board	01.30.13	X		

Internal Approvals			
Order	Approval	Order	Approval
1	President <i>[Signature]</i>	4	SVP of Administration <i>[Signature]</i>
2	Executive Vice President <i>[Signature]</i>	5	VP, Chief Financial Officer <i>[Signature]</i>
3	SVP, Operations <i>[Signature]</i>	6	VP, Gen'l Counsel & Sec'y <i>[Signature]</i>

Narrative

I. PURPOSE/RECOMMENDATION:

LIRR, on behalf of itself and Metro-North Railroad (MNR) ("Railroads"), requests, subject to successful completion of negotiations with the vendor and finalization of radio frequency testing, MTA Board approval to award a contract to Environmental LLC ("ENL") in an amount of \$2,225,000 to purchase the FCC license for 150 kHz of Radio Spectrum, comprised of twelve (12) channels, each with a bandwidth of 12.5 kHz. This license is required to support the Railroads' federally mandated Positive Train Control (PTC) Projects in the four counties north and west of New York City (Dutchess and Orange Counties in New York and Fairfield and New Haven Counties in Connecticut) in which Metro-North operates ("Northern Trackage Areas"). This award will supplement the Radio Spectrum license previously acquired by MTA in 2012 to support the Railroads' PTC Projects in all of the LIRR territory and a portion of the MNR territory.

II. DISCUSSION:

On October 16, 2008, Congress passed the Rail Safety Improvement Act of 2008 (the PTC Act) which required, among other things, the development of an implementation plan by April 2010 for the installation of PTC on all commuter railroad Main-Line tracks (as defined in the PTC Act) and full implementation of PTC on main line track segments (except those exempt by regulation) by December 31, 2015. PTC encompasses technologies designed to automatically stop or slow a train before certain incidents occur. In particular, PTC is designed to prevent train-to-train collisions, derailments caused by excessive speed, unauthorized incursions by trains onto sections of track where repairs are being made, and movement of a train through a track switch left in the wrong position. Additionally, temporary speed restrictions are required to be applied for highway-rail grade crossing malfunctions.

The implementation of PTC by the Railroads will require an extensive communications infrastructure to support the transmission of train control based data communications. Critical to these communication needs is sufficient radio spectrum to support the wireless radio needs of both Railroads in all the counties in which they operate. Because system interoperability is required among all railroads using a right of way, the Railroads must utilize a data radio common to the freights and to Amtrak, within a range of frequencies from 217 MHz to 222 MHz (the "Interoperable Range").

Radio spectrum licenses are granted by the Federal Communications Commission ("FCC"). A limited number of licenses exist covering the Railroads' operating areas which are in private hands, and in certain limited areas and in certain spectrum ranges the FCC

Staff Summary



still holds the licenses. Accordingly, there was limited competition for the necessary PTC spectrum. The utilization of the RFP process allowed the Railroads to better assess the vendors that are available to provide the spectrum that the Railroads require for PTC implementation. Additionally, the RFP process allowed the Railroads to negotiate directly with the license holders and evaluate terms other than price, such as technical suitability of the proposed spectrum for the Railroads' operational requirements.

The Railroads advertised the original RFP on January 31, 2011 in the New York State Contract Reporter and on February 10, 2011 in the NY Post. The initial RFP was sent to seven (7) firms and only three (3) proposals were received. On November 16, 2011 the MTA Board approved the acquisition of 500 kHz of spectrum (40 12.5 kHz channels) from Americom Network, Inc. ("Americom") covering all of LIRR's operating territory (New York, Kings, Queens, Nassau and Suffolk) and a portion of MNR's operating territory (New York, Westchester, Putnam, Bronx and Rockland).

On June 22, 2012, the Railroads issued a supplemental RFP soliciting proposals to acquire radio spectrum for the balance of the MNR territory. The Railroads advertised the supplemental RFP on June 22, 2012 in the New York State Contract Reporter and in the NY Post. The RFP was sent to 14 firms and three (3) proposals were received from Cornerstone SMR, Inc., ("Cornerstone"), Maritime Communications/Land Mobile, LLC ("MC/LM") and a joint venture consisting of Intelligent Transportation & Monitoring Wireless LLC, Skybridge Spectrum Foundation and Environmental LLC (collectively "Sky Tel"). The initial submittal deadline for proposals was July 18, 2012. This deadline was extended to July 27, 2012.

The following criteria in descending order of importance were used by the Railroads as a basis for their selection:

- A. Conformity of the offered spectrum licenses with the requirements of the Railroads as stated in this Supplemental RFP, including geographical and technical factors, as well as the total number and configuration of channels offered.
- B. Price and other commercial terms offered by a proposer.
- C. Likelihood that the licenses offered may be transferred to the Railroads expeditiously and without impediment.
- D. Compliance with all the other requirements of the RFP.

The Railroads reviewed the proposals and determined that the Cornerstone proposal was non responsive in that it did not meet the technical requirements of the Supplemental RFP. Although the MC/LM Proposal met some but not all of the technical requirements of the Supplemental RFP, MC/LM was deemed non responsive due to the fact that the MC/LM Licenses are subject to various challenges before the FCC as to their validity, and since any transfer by MC/LM likely would be subject to numerous legal challenges and also require the approval of the Bankruptcy Court. The Selection Committee determined to enter into negotiations directly with Skytel. The Skytel joint venture was determined to be a responsive and a responsible proposer.

It is noted that the Americom license purchase was for spectrum in the 218 – 219 MHz range, sometimes referred to as IVDS (Interactive Video Data Service). The current purchase is for a spectrum license in the 217 – 220 MHz range, sometimes referred to as AMTS (Automated Maritime Telecommunications System).

Skytel offered to transfer FCC license(s) for 150 kHz of spectrum in the Interoperable Range covering the Northern Trackage Areas and certain buffer areas. Skytel's initial proposal price was between two and three times the agreed upon price, however as a result of negotiations they agreed upon \$2.225 million for the sale of certain AMTS B-block channels held by Environmental LLC ("ENL") and from a certain channel swap by ENL and another License owner. As is typical in such transactions, the sale by ENL is conditional on satisfactory interference analysis to ensure that the use of the radio frequencies will not conflict with adjacent site based licensees or co-channel users and FCC approval of the transfer of the license and necessary waivers related to the use of the spectrum to support PTC; however, it is anticipated that the FCC will approve this transfer and the required waivers in the normal course. The transaction will not close, and the purchase price will not be fully paid, until receipt of required FCC approvals (10% of the purchase price will be placed in escrow pending closing of the transaction). The Railroads have solicited an appraisal from a firm with experience in valuing FCC licenses, and this appraisal supports the conclusion that ENL's offered price is fair and reasonable (the agreed upon price is significantly less than the appraised value.) Radio Spectrum is valued at an average price value per megahertz per unit of the total population in the area served by the license being acquired ("MHz/pop"). We note that for the purchase of the 12 AMTS channels (.015 MHz) from ENL for the Northern Trackage Areas, the cost is approximately \$1.59 per MHz/pop. For the purchase of 40 IVDS channels (.500 MHz) from Americom, for the remainder of the Railroads' operating territory, the purchase price of \$7.250 million

Staff Summary



Long Island Rail Road

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represented a cost of approximately \$0.86 per MHz/ pop. Our evaluation consultant advises that because there has been significantly more activity in the transfer of AMTS licenses in recent years, that the cost we are paying is at or even below the current market averages for sales of spectrum in that range. The higher price of the AMTS Spectrum is attributable to several factors, including the FCC narrow band policy, which makes the AMTS band attractive to utility, gas and oil companies as a solution to the narrow banding requirements and the fact that the AMTS Spectrum is less congested and more suitable for wide-area communication systems.

It is noted that the Railroads previously filed a request with the FCC for the direct allocation of vacant IVDS radio spectrum in the interoperable range currently held by the FCC in the Northern Trackage Areas and for additional buffer areas needed to prevent PTC system interference from adjoining areas, without having to participate in the customary auction process. In fact, that application has been pending for more than two years, and the FCC has advised all railroads seeking radio spectrum for PTC use that they should look to the private market and not expect any direct allocation from the FCC. Accordingly, at this time we do not expect the FCC to grant the request.

The Railroads are finalizing contract terms with ENL, and performing final radio interference testing to confirm the adequacy of this spectrum for PTC needs. In the event the Railroads determine there are areas of additional coverage needed for PTC purposes after the completion of this purchase, the Railroads may need to acquire small amounts of additional radio spectrum in the Interoperable Range either from the FCC, ENL or others.

III. D/M/WBE INFORMATION:

No Goals were assigned to this contract.

IV. IMPACT ON FUNDING:

This contract will be funded by each agency's Capital Budget, apportioned evenly.

V. ALTERNATIVES:

The Railroads do not possess the necessary spectrum required to implement PTC in the Northern Trackage Areas. Other passenger and freight railroads in the region do not have spectrum sufficient for the Railroads' needs. The PTC Implementation Plans filed by the Railroads in April 2010 and approved by the Federal Railroad Administration assume the acquisition of radio spectrum to support the Railroads' PTC communications infrastructure needs. If the Railroads do not procure spectrum for the Northern Trackage Areas, they will be unable to comply with the federal government's PTC mandate. Completing the spectrum purchase at this time will enable the Railroads to complete the design of radio and system design elements that require identification of the specific range of spectrum to be utilized.

Schedule F: Personal Service Contracts

Staff Summary



Long Island Rail Road

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Item Number: 3					
Dept & Dept Head Name: Procurement & Logistics, Dennis Mahon					
Department Head Signature & Date					
Division & Division Head Name: Security, Robert Murphy					
Division Head Signature & Date					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee				
2	MTA Board				
Internal Approvals					
Order	Approval	Order	Approval		
6	President	3	VP/CFO		
5	Executive VP	2	Sr. VP/Operations		
4	VP/Gen'l Counsel & Sec'y	1	Sr. VP/Administration		

SUMMARY INFORMATION	
Vendor Name Intralogue Solutions Inc.	Contract Number TBD
Description Integration of Software into Centralized Incident Command Center for Situation Room	
Total Amount \$1,704,780 NTE	
Contract Term (including Options, if any) February 1, 2013 - December 31, 2023	
Options(s) included in Total Amount: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Near Term Sec	

Narrative

I. PURPOSE/RECOMMENDATION:

LIRR requests MTA Board approval to award a competitively negotiated Personal Service Contract to Intralogic Solutions, Inc. in the not-to-exceed amount of \$1,704,780 to initiate, implement, validate, integrate, and maintain system software into a centralized Incident Command Center (ICC) for LIRR's Situation Room. The centralized Incident Command Center (ICC) within the Situation Room will provide the ability to initiate and control the deployment of resources utilizing all currently available technologies within the MTA Incident Response System (IRS) and consistent with the National Incident Management System (NIMS) model at the LIRR. The system will streamline the information flow during planned and unplanned events and during major disruptions and have the ability to leverage existing systems and data feeds wherever possible, thereby ensuring the system can be used effectively during any incident scenario. The target solution will include all MTA agencies and external public safety subdivisions (Police, Fire, EMS, OEM, etc.), on a local level, as well as state and federal, where available. The initial deployment will include LIRR's Penn Station, Atlantic Terminal, and Jamaica Station and provide MTA Police access and input during incident management scenarios.

II. DISCUSSION:

This request is for the defined work in the Technical Statement of Work (TSOW) for a Centralized Command Center for LIRR's Situation Room and for ten (10) years of maintenance, upgrades, and additional station integrations. A Request for Qualifications (RFQ) was sent to twenty-three qualified firms who had been awarded contracts under the New York State Office of General Services (NYSOGS) Contract 77201, Award 20191 for Security Systems & Solutions. Of the twenty-three companies, eight companies requested a copy of the RFQ, with two companies, A+ Technology & Security Solutions ("A+") and Intralogic Solutions, Inc., ("Intralogue") responding. After the Technical Evaluation Committee (TEC) reviewed the qualifications of the respondents, both companies provided oral presentations resulting in the TEC's determination that both were qualified to participate in the Request for Proposal (RFP). By the proposal due date, A+ and Intralogic provided proposals that were evaluated by the TEC using the criteria of (1) technical proposal contents and approach, (2) technical ability and relevant experience of the proposer, and (3) price. At the proposal evaluation meeting the TEC concluded that the A+ technical approach seemed to require significantly more customization than the Intralogic approach, that A+ as a company had less relevant experience, and that their proposal included a subcontractor with railroad experience but not software integration experience. Upon completion of the technical evaluation, the proposal

Staff Summary



Long Island Rail Road

Page 2 of 2

pricing was distributed to the TEC members who found the proposed NTE price from A+ of \$5,005,122 to be significantly higher than Intralogic's NTE price of \$1,956,255 and confirmed the TEC comment that the A+ approach required more customization. By the conclusion of the meeting, the TEC rated Intralogic's proposal higher on both technical and price and unanimously voted to eliminate A+ from the competition and to proceed with a request for a best and final offer from Intralogic Solutions.

As a result of LIRR's request for a Best and Final Offer (BAFO), Intralogic responded with a BAFO offer that reduced their proposal by \$153,875 or 7.9% from \$1,956,255 to \$1,802,380. Upon rate review by MTA Audit and subsequent negotiations, Intralogic's price was further reduced to \$1,704,780, which is 6.7% less than LIRR's estimate, and therefore deemed fair and reasonable.

III. D/M/WBE INFORMATION:

LIRR's contract will utilize the terms and conditions of NYSOGS Contract 77201, Award 20191 for Security Systems & Solutions, including its requirement to establish MBE and WBE goals of 4%.

IV. IMPACT ON FUNDING:

This contract will be funded by MTA Near Term Security Funds

V. ALTERNATIVES:

LIRR does not possess the necessary skills required to develop, implement and maintain this required software system thereby requiring the services of a qualified third party.

VI. FUTURE TASKS:

Future tasks for integrating upgrades and additional stations are included as options in this contract award

Schedule G: Miscellaneous Service Contracts

Staff Summary



Long Island Rail Road

Item Number: 4

Vendor Name (& Location) Fifteen Bus Companies (Eastern & Western Suffolk, Nassau, Queens, and Kings Counties)
Description Scheduled & Emergency Bus Service
Contract Term (including Options, if any) March 1, 2013 – February 29, 2016
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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:

Contact Number 0000722-1004538	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$11,250,000.00 Not To Exceed	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Service Planning/Tim Keller, Transportation/Vincent Campasano	
Contract Manager: Donald Riker	

Discussion:

LIRR requests MTA Board approval to award estimated quantity contracts to fifteen bus companies, who will provide LIRR with Scheduled and Emergency Bus Services over a three-year contract term. Firms will be awarded separate contracts for Scheduled and Emergency services, with the aggregate not-to-exceed amount of all contracts totaling \$11,250,000.00. Under these contracts, LIRR will order services on an as-needed basis, with no minimum obligation or expenditures. Each company will be called out using established protocols based on available resources that differ by location, vehicle type and quantity.

The proposed contracts are renewals of existing contracts, which were advertised in the New York Contract Reporter on 11/9/12 and in the New York Post on 11/15/12. Copies of the RFP were mailed to thirty-two bus companies. LIRR received 15 proposals, which were evaluated based on the following criteria: Price, Experience, Responsiveness, and Technical Qualifications.

As a result of the evaluation, the following fifteen bus companies met the criteria and are therefore being recommended for award:

ACME Bus Corp.
Alert Coach Lines, Inc.
Baumann & Sons Buses, Inc.
Huntington Coach Corp.
Coastal Charter Service, Corp.
Elite Transport
Long Island Limousine Service Corp.

We Transport, Inc.
Suffolk Transportation Service, Inc.
Veterans Transportation Co., Inc.
Independent Coach
Paradise Travel, Inc.
Coachman Luxury Transport
Ground Transportation
Trans Eagle Transportation

The Scheduled Bus Service prices offered in the proposals were, on average, 8.66% higher than prices in our current contracts awarded in 2008. These increases are due primarily to the recent, unprecedented increase in fuel cost these last three years. Crude oil prices have escalated from \$44.60/barrel in December 2008 to \$86.73/barrel in December 2012, resulting in substantially higher fuel cost. LIRR determined the increases in prices offered are fair and reasonable. The negotiated prices offered in the proposals for Emergency Bus Service were on average 8.35% higher than the prices in our current contracts, which were also awarded three years ago. LIRR has determined that the increase in the prices offered over the last 3 years is deemed fair and reasonable. All fifteen bus companies who submitted proposals were found to be responsive and responsible and are being awarded as-needed, requirements type contracts.

As with the previous contracts, LIRR will make call-outs for schedule service in sequence starting with the company with the lowest price for the required type of service. If the lowest-priced company is not available to provide the services, LIRR will call other companies in ascending order of price, until a company confirms that it can provide the service. For emergency services, lowest price

Schedule G: Miscellaneous Service Contracts

Staff Summary



and proximity to the emergency will determine who will be awarded the service. In some instances, such as a winter storm, several companies may be required to provide services for the same emergency.

The total estimated not-to-exceed amount is based on LIRR's estimated expenditures during the three-year term, and is allocated as \$6,000,000 for Scheduled Services and \$5,250,000 for Emergency Services. This is an 18.8% increase from the previous contracts. The increase is attributed to forecasted projects such as additional track work programs which will be larger than the traditional programs for which we provide service. This includes the Surfacing and Switch Replacement from Amityville to Babylon, among others and will be planned during the term of the contract.

Some bus companies may be selected more than others due to more favorable availability and/or pricing. As a result, LIRR will reallocate money between the blanket purchase orders over the contract term, as required and determined by actual usage. However, the total funding over the contract term will not exceed the total approved amount without further Board approval.

This contract will be funded by LIRR's Operating Budget and in some instances Federal funding may be utilized.

LONG ISLAND COMMITTEE
BOARD PROCUREMENT PACKAGE
JANUARY 30, 2013

Staff Summary



Subject Request for Authorization to Award Various Procurements					
Department Law and Procurement					
Department Head Name Evan M. Eisland					
Department Head Signature 					
Project Manager Name David K. Cannon					
Board Action					
Order	To	Date	Approval	Info	Other
1	LIRR Committee	1/28/13	X		
2	Board	1/30/13	X		

Date January 17, 2013			
Vendor Name Various			
Contract Number Various			
Contract Manager Name Various			
Table of Contents Ref #			
Internal Approvals			
Approval		Approval	
	President	X	Chief Financial Officer
	Executive Vice President		Chief Procurement Officer

PURPOSE

To obtain (i) Board approval to award various contracts/contract modifications and purchase orders and, (ii) Board ratification of the procurement actions listed below as reviewed by the Long Island Committee.

DISCUSSION

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

Schedules Requiring Majority Vote

Schedule H Modifications To Personal/Miscellaneous Service Contracts
Schedule I Modifications To Purchase and Public Work Contracts

	# of Actions	\$ Amount
	1	\$59,242,511
	6	\$10,699,217
TOTAL	7	\$69,941,728

Responsibility/Responsiveness and Compliance

The contractors/consultants noted on the following Staff Summary Sheets have been found in all respects responsive and responsible, and are in compliance with State laws and regulations concerning procurements.

Budget Impact:

The purchases/contracts/modifications will result in obligating MTA Capital Construction capital funds in the amount listed. Funds are available in the current capital budget for this purpose.

Recommendation:

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

MTA Capital Construction Company
BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

JANUARY 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

Schedule H. Modifications To Personal and Miscellaneous Service Contracts

(Approval/Staff Summaries required for substantial change orders and change orders that cause the original contract to equal or exceed the monetary or duration threshold required for Board approval)

- | | | | |
|----|--|--------------|--------------------------------------|
| 1. | URS Corporation – New York
Contract No. 98-0001-01
Modification No. 30 | \$59,242,511 | <u>Staff Summary Attached</u> |
|----|--|--------------|--------------------------------------|

Pursuant to Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, MTACC seeks Board approval for a modification to Contract 98-0001-01 in order to continue services through 2013.

Schedule I. Modifications To Purchase and Public Work Contracts

(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K)

- | | | | |
|----|---|-----------|--------------------------------------|
| 2. | Dragados/Judlau Joint Venture
Joint Venture
Contract No. CM009
Modification No. 35 | \$310,760 | <u>Staff Summary Attached</u> |
|----|---|-----------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification to Contract CM009 for the reconciliation of unit quantities associated with TBM payment items.

- | | | | |
|----|---|-----------|--------------------------------------|
| 3. | Dragados/Judlau Joint Venture
Joint Venture
Contract No. CM009
Modification No. 43 | \$301,023 | <u>Staff Summary Attached</u> |
|----|---|-----------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification to Contract CM009 for pipe connections to existing fire standpipes.

- | | | | |
|----|---|-----------|--------------------------------------|
| 4. | Granite-Traylor-Frontier Joint Venture
Contract No. CQ031
Modification No. 77 | \$595,000 | <u>Staff Summary Attached</u> |
|----|---|-----------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification to Contract CQ031 to perform additional utility work near Harold Access Bridge.

- | | | | |
|----|---|-------------|--------------------------------------|
| 5. | Tutor Perini Corporation
Contract No. CQ032
Modification No. 22 | \$3,607,434 | <u>Staff Summary Attached</u> |
|----|---|-------------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification to Contract CQ032 for the installation of a waterproofing substrate to the existing open cut slurry walls of Plaza Interlocking.

Procurements Requiring Majority Vote (Continued)

- | | | | |
|----|--|--------------------|--------------------------------------|
| 6. | Tutor Perini Corporation
Contract No. CH053
Modification No. 97 | \$4,350,000 | <u>Staff Summary Attached</u> |
|----|--|--------------------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification to Contract CH053 for the installation of additional catenary structures.

- | | | | |
|----|---|--------------------|--------------------------------------|
| 7. | Tutor Perini Corporation
Contract No. CH054A
Modification No. 28 | \$1,535,000 | <u>Staff Summary Attached</u> |
|----|---|--------------------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification to Contract CH054A the installation of 60 Cycle Power to various Central Instrument Huts (CIHs).

Schedule H: Modifications to Personal or Miscellaneous Service Contracts



Capital Construction

Page | 1 of 2

Item Number: 1

Vendor Name (& Location) URS Corporation – New York (New York, NY)	Contract Number 98-0001-01	AWO/Modification # 30
Description Program Management Consultant Services	Original Contract Amount: \$ 28,556,770 Original Option Amount: \$ 135,535,230 Original Board Approved Amount: \$ 164,092,000	
Contract Term (Including Options, If any) October 5, 1998 – January 31, 2012	Prior Modifications:	\$ 267,640,497
Option(s) Included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Prior Budgetary Increases:	\$ -0-
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$ 431,732,435
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	This Request	\$ 59,242,511
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other: <i>Handwritten signature</i>	% of This Request to Current Allocated Amount:	13.7%
Requesting Dept/Div & Dept/Div Head Name East Side Access, A. Paskoff, P.E. <i>Handwritten signature</i>	% of Modifications (Including This Request) to Original Board Approved Amount:	199%

Discussion:

The work under this Contract includes program and construction management services along with general conditions work for the East Side Access ("ESA") Project and in support of other MTACC projects. In accordance with Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, Board approval is requested to increase the Board authorized amount of Contract 98-0001-01, Program Management Services and to modify the Contract in order to continue services through 2013.

For the ESA project, URS provides essential Program Management, Construction Management and General Conditions Services to supplement the MTACC employees dedicated full time to managing the project. For non-ESA projects, URS provides Program Management services.

Program Management services includes design management, procurement and contract administration, project controls including cost and schedule control, systems integration, operational readiness and office administration. With regard to Construction Management, URS provides the staff that serves as the Authorized Representative for designated third party contracts. The CM team also provides project-wide services in support of safety, quality, code compliance, environmental testing and third party coordination. Finally, General Conditions services include construction support typically provided by contractors, such as site access control and security, geotechnical instrumentation, and survey work. These General Conditions services were combined under this contract for better control and efficiency because of the number of contractors occupying the same or adjoining work sites simultaneously and sequentially.

This contract was initially approved by the MTA Board in 1998 with a total value of \$164,092,000 and an initial term of 10 years. The Contract was initially awarded at a cost not-to-exceed \$28,556,770 for Phase I, Preliminary Engineering, but contained options which were intended to be exercised upon the approval of the Environmental Impact Statement and an executed Full Funding Grant Agreement between the MTA and the FTA. The Options were to provide Program Management services for Phase II: Detailed Design; Phase III: Construction; and Phase IV: Start-up, Testing & Closeout. Additional options were for Construction Management and General Conditions services.

In October 2000, the MTA Board approved a modification which extended the preliminary engineering phase, exercised the options for Program Management services for Phases II – IV, extended the overall term under the Contract to December 31, 2011, and increased the Board approved amount from \$164,092,000 to \$207,074,000.

In February 2002, the Board approved the exercise of the remaining options under the Contract for Construction Management services (\$120,693,000) and General Conditions work (\$50,100,000) and established a 15% contingency increasing the total Board approved amount to \$395,971,000. Allocations of the Board approved funding for this Contract have been authorized by Board Approved Contract Modifications in one or two year increments.

In December 2011, the Board approved a one year extension of the contract and increased the Board approved amount by \$35,761,437 for a total of \$431,732,437. At the time of that approval, the Board was informed that the Project was conducting a risk assessment including schedule and cost review, resulting from the recent delays to construction in Manhattan and the initiation of the Amtrak East River Tunnel Rehabilitation project, and that upon completion the MTACC would evaluate management needs and make a determination to either negotiate a modification to the Contract for the continuation of URS services until the new ESA completion date or release a new competitive solicitation.

The results of the risk assessment, presented to the Board in May 2012, revised the Project budget to \$8.24 billion and the revenue service date to August 2019. The budget for project management and construction management services was revised as part of the cost re-baselining effort. As part of that cost re-baselining and thereafter, MTACC has been reevaluating management needs and weighing the pros and cons of extending this Contract versus re-soliciting.

Based on this evaluation, MTACC has concluded that re-soliciting the contract at the height of construction would be too disruptive to MTACC's projects. As noted above, URS provides essential program wide services for ESA and for MTACC and its other projects. These services include cost estimating, scheduling, change control management, design management and review, document control, information technology and office services, as well as staffing and support for essential project wide construction management services including environmental, geotechnical, contract administration, quality, safety, and code compliance. URS also maintains key contracts which include rental of a warehouse, provision of work trains to support contractor needs, maintaining and monitoring instrumentation at the construction site, provision of site security, ground survey, contracts to maintain the information network (switches, servers, etc.) from the central office to each site, copiers, software licenses, etc.

Re-solicitation would likely result in significant turnover of a majority of key staff imbedded at all levels of MTACC and an irreplaceable loss of institutional knowledge. In addition, numerous contracts would need to be transitioned to a new consultant. MTACC estimates that a minimum six month overlap between URS and a new consultant would be required to transition the project which would result in duplicative staff and added costs. Furthermore, MTACC does not believe there would be significant competition for the URS contract because many of the entities that might otherwise be interested are already participating at the design level and would therefore be prevented from providing program and construction management services due to conflicts of interest.

In view of the foregoing, a complete re-solicitation would be disruptive and impractical. However, MTACC has undertaken efforts to both increase competition and control costs. On the competition side, in 2008 MTACC awarded a Construction Management contract to the joint venture of Jacobs/LiRo Construction Management based on a competitive solicitation. The Jacobs/LiRo Joint Venture will provide the Construction Management Services for a large part of the upcoming systems work which will decrease URS's participation in this area. With regard to costs, MTACC has negotiated significant cost saving concessions for 2013 including a minimum 1% reduction to the fixed fee up to 2% for some scope areas. MTACC eliminated all fixed fees on general conditions professional services task orders and reduced the remaining fixed fee on general conditions work by 1%. In regards to annual escalation, MTACC has frozen escalation for the year and in several cases salary rates have been capped or more favorable rates negotiated. Cost savings total approximately \$1.8 million for 2013.

Although the services supplied by URS will be required until the ESA Project is completed, MTACC is seeking to extend the contract for only one year at this time while we continue to evaluate cost savings opportunities, including the redeployment of MTACC personnel as some of our other projects, such as the No. 7 Line and the Fulton Center, near or reach completion. MTACC expects to provide the Board a recommendation, based on our continuing evaluation efforts, on future extensions of the URS Contract at the end of 2013. Of note, through November 2012, URS is meeting its 20% DBE goal.

For services during 2013, the Contractor proposed \$61,500,000 while MTACC's estimate is \$ 59,242,511 and the parties settled on the amount of \$59,242,511 which is considered fair and reasonable. The breakdown of these funds is the following: \$12,788,643 for Project Management services; \$29,503,112 for Construction Management services; \$12,600,000 for General Conditions services; and \$4,350,756 for Task Orders.

Schedule I: Modifications to Purchase or Public Work Contracts



Item Number: 2

Vendor Name (& Location) Dragados/Judlau, JV	
Description Manhattan Tunnels Excavation	
Contract Term (including Options, If any) 7/10/06 – 10/29/13	
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" 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: Modification	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other: <i>Handwritten signature</i>	
Requesting Dept/Div & Dept/Div Head Name: East Side Access, A. Paskoff, P.E.	

Contract Number	AWO/Modification #
CM009	35
Original Amount: \$ 427,954,000	
Prior Modifications: \$ (16,142,241)	
Prior Budgetary Increases: \$ 0	
Current Amount: \$ 411,811,759	
This Request \$ 310,760	
% of This Request to Current Amount: .075%	
% of Modifications (including This Request) to Original Amount: -3.7%	

Discussion:

The work under this Contract includes the construction of four tunnels utilizing two 22 foot diameter rock tunnel boring machines (TBM), and includes installation of temporary utilities, excavation of chamber and wyes, TBM (4 drives) excavation of approximately 25,000 linear feet of tunnels and final concrete lining of 11,600 linear feet of the running tunnels. In accordance with Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for the reconciliation of unit quantities associated with TBM payment items.

There are separate payment items for TBM Tunnel Excavation and Initial Support based on rock type and tunnel lining. The actual TBM excavation lengths encountered differed from the original Contract quantities. This modification, therefore, reconciles Payment Items #3, 4, 7 & 8 to account for the actual excavation lengths. The table below summarizes this reconciliation.

PAYMENT ITEM	DESCRIPTION	Variance from Contract (LF)	Unit Price	Total Value (\$)
3.01	TBM TUNNEL EXC. & INITIAL SUPPORT IN NON PERMANENT LINING AREAS. SC-I AND SC-IE	119	\$ 6,000.00	\$ 716,400
3.02	TBM TUNNEL EXC. & INITIAL SUPPORT IN NON PERMANENT LINING AREAS. SC-II AND SC-IIIE	(1,323)	\$ 6,000.00	\$ (7,936,560)
4.01	TBM TUNNEL EXC. & INITIAL SUPPORT IN NON PERMANENT LINING AREAS. SC-III	4	\$ 9,500.00	\$ 38,000
7.01	TBM TUNNEL EXC. & INITIAL SUPPORT IN PERMANENT LINING AREAS. SC-I AND SC-IE	2,642	\$ 6,000.00	\$ 15,854,580
7.02	TBM TUNNEL EXC. & INITIAL SUPPORT IN PERMANENT LINING AREAS. SC-II AND SC-IIIE	(707)	\$ 6,000.00	\$ (4,243,920)
8.01	TBM TUNNEL EXC. & INITIAL SUPPORT IN PERMANENT LINING AREAS. SC-III	(686.29)	\$ 6,000.00	\$ (4,117,740)
		49.46		\$ 310,760

The funding for this modification will be transferred from CM009 contingency and there will be no increase in the overall Project Budget. There is no time impact associated with this modification.

Schedule I: Modifications to Purchase or Public Work Contracts



Item Number: 3

Vendor Name (& Location) Dragados/Judlau, JV
Description Manhattan Tunnels Excavation
Contract Term (including Options, if any) 7/10/06 – 10/29/13
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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: East Side Access, A. Paskoff, P.E.

Contract Number	AWO/Modification #
CM009	43
Original Amount:	
	\$ 427,954,000
Prior Modifications:	
	\$ (15,831,481)
Prior Budgetary Increases:	
	\$ 0
Current Amount:	
	\$ 412,122,519
This Request	
	\$ 301,023
% of This Request to Current Amount:	
	.073%
% of Modifications (Including This Request) to Original Amount:	
	-3.6%

Discussion:

The work under this Contract includes the construction of four tunnels utilizing two 22 foot diameter rock tunnel boring machines (TBM), installation of temporary utilities, excavation of chamber and wyes, TBM (4 drives) excavation of approximately 25,000 linear feet of tunnels and final concrete lining of 11,600 linear feet of the running tunnels. In accordance with Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification for pipe connections to existing fire standpipes.

In order to have to have a comprehensive full service fire line system for the entire Manhattan portion of the ESA project, the FDNY directed the Contractor to install hard pipe connections to the five (5) existing standpipes in the 63rd Street tunnel that are within the Tunnel ventilation buildings. This work will extend the fire standpipe system to additional areas of the Manhattan tunnels that can be used for all the follow-on Contracts in case of emergency. In addition, FDNY requires these connections in order to increase the main line pressures and flows in the standpipe system.

Dragados/Judlau submitted a proposal for \$376,152 and MTACC estimate was for \$317,789. Negotiations were held and the parties agreed to a price of \$301,023 for the work which is considered to be fair and reasonable. There is no time impact associated with this modification.

Schedule I: Modifications to Purchase or Public Work Contracts



Item Number: 4

Vendor Name (& Location)	
Granite-Traylor-Frontier ("GTF"), Joint Venture	
Description	
Queens Bored Tunnels and Structures	
Contract Term (Including Options, If any)	
42 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 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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name:	
East Side Access, A. Paskoff, P.E.	

Contract Number	AWO/Modification #
CQ031	77
Original Amount:	
	\$ 659,200,700.00
Prior Modifications:	
	\$ 114,619,402 (includes an option of \$58,400,000)
Prior Budgetary Increases:	
	\$ 0
Current Amount:	
	\$ 773,820,102
This Request	
	\$ 595,000
% of This Request to Current Amount:	
	% .08 %
% of Modifications (Including This Request) to Original Amount:	
	% 17.48%

Discussion:

The work under this contract includes construction of four soft-ground bored tunnels and miscellaneous demolition of surface structures for the East Side Access project. In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC is requesting Board approval to modify the contract to perform additional utility work near Harold Access Bridge.

The work under this modification is for the labor, material and equipment to install additional conduits, duct banks and four (4) electrical manholes south of the Harold Access Bridge.

Additional electrical duct banks are required to be installed as a result of changes in the permanent tunnel ventilation system due to the elimination of the planned Three Tunnel Emergency Exit ventilation structure (a value engineering change which has provided savings in excess of \$45M). The additional duct banks will be connected to existing duct banks installed by Contracts CH053 and CQ031 at the B13 Substation and will power new jet fans that will be installed under a future Contract. Assigning this work to the CQ031 Contractor, who will be working in this area for several months during the Construction of the B13 Substation and the Yard Lead Emergency Exit Superstructure will eliminate the potential for interferences and delays from adjacent work under separate contracts.

The Contractor submitted a total cost of \$654,802 for this work, while MTACC's estimate was \$548,257. Negotiations were held and the parties agreed to a cost of \$595,000 which is considered to be fair and reasonable. There is no time impact associated with the modification.

Schedule I: Modifications to Purchase or Public Work Contracts



Item Number: 5

Vendor Name (& Location) Tutor Perini Corporation (Peekskill, New York)
Description Plaza Substation and Queens Structures for the ESA Project
Contract Term (including Options, if any) February 3, 2010 – February 5, 2012 (732 days)
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" 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: Modification
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: East Side Access, A. Paskoff, P.E.

Contract Number	AWO/Modification #
CQ032	22
Original Amount: \$ 147,377,000	
Prior Modifications: \$ 18,321,782	
Prior Budgetary Increases: \$ 0	
Current Amount: \$ 165,698,782	
This Request \$ 3,607,434	
% of This Request to Current Amount: 2.18%	
% of Modifications (including This Request) to Original Amount: 14.88%	

Discussion:

This Contract is for the structural and architectural rehabilitation to existing facilities along the existing 63rd Street Tunnel including construction of Plaza Interlocking and Facility Power Substation B10 for the East Side Access (ESA) Project. In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC seeks Board approval to modify the Contract for the installation of a waterproofing substrate to the existing open cut slurry walls of Plaza Interlocking.

The added work under this modification is for shotcrete placement of a waterproofing substrate on the existing open cut slurry walls of the Plaza Interlocking. The waterproofing substrate is necessary as the present condition of the slurry walls constructed under Contract CQ028 is not adequate to receive waterproofing membrane which is to be performed under this Contract (the CQ028 Contractor was terminated for default and MTACC received the full value of the Surety Bond).

This work was originally planned to be performed under this contract, but was removed prior to solicitation because at the time it was believed that moving this work to adjacent on-going Contract CQ031 would allow for earlier placement of the waterproofing substrate. However, the delays on Contract CQ039 (the Northern Blvd Crossing) impeded CQ031's access which prevented the earlier placement of the waterproofing substrate. Accordingly, the work will now be performed in CQ032 as originally planned.

The Contractor submitted a cost proposal in the amount of \$4,108,552. MTACC's estimate was \$3,463,249. Negotiations were held and the parties agreed to \$3,607,434 for the work. The negotiated cost is considered to be fair and reasonable. There is no time impact associated with the modification and the addition of this scope of work will not impact the CQ032's schedule or substantial completion date.

Schedule I: Modifications to Purchase or Public Work Contracts

Item Number : 6

Vendor Name (& Location) Tutor Perini Corporation (Peekskill, New York)		Contract Number CH053	AWO/Modification # Mod 97
Description Construct Harold Structures Part I for the ESA Project		Original Amount: \$ 139,280,000	
Contract Term (including Options, if any) 42 Months		Prior Modifications: \$ 72,025,329	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a		Prior Budgetary Increases: \$ 0	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Current Amount: \$ 211,305,329	
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		This Request \$4,350,000	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other		% of This Request to Current Amount: 2.06%	
Requesting Dept/Div & Dept/Div Head Name: East Side Access, A. Paskoff, P.E.		% of Modifications (Including This Request) to Original Amount: 54.84%	

Discussion:

This contract is for the construction of various civil infrastructure elements in Harold Interlocking and to expand the existing LIRR/AMTRAK right-of-way to enable mainline track diversions and facilitate the future construction of tunnels for the East Side Access ("ESA") Project. Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for the installation of additional catenary structures. This is a scope and budget transfer.

This modification involves the fabrication, delivery and installation of 10 new catenary structures. These new catenary structures must be installed and the associated cabling completed by Amtrak, prior to the removal of existing catenary structures which must be completed prior to construction of the Westbound Bypass (WBP) tunnel. Construction of the WBP tunnel will require a 30-day continuous track outage, which has been scheduled with both LIRR and Amtrak for the period from July 26 through August 28, 2013, to install a concrete slab beneath Lines 2 and 4. In order to take advantage of the scheduled track outage, the catenary work that is the subject of this modification is being transferred from future Contract CH057 into this contract CH053.

The Contractor submitted a cost proposal of \$5,426,606. MTACC's internal estimate was \$4,467,891. Negotiations were held and both parties agreed to \$4,350,000, which is considered fair and reasonable. There is no time impact associated with the modification. Budget for this work is being transferred from the CH057 contract.

Schedule I: Modifications to Purchase or Public Work Contracts



Item Number: 7

Vendor Name (& Location)
Tutor Perini Corporation (Peekskill, New York)
Description
Harold Structures Part 2A
Contract Term (including Options, if any)
28 months
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: FEMA
Requesting Dept/Div & Dept/Div Head Name:
East Side Access, A. Paskoff, P.E.

Contract Number	AWO/Modification #
CH054A	28
Original Amount:	\$ 21,777,777
Prior Modifications:	\$ 4,073,693
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 25,851,470
This Request:	\$ 1,535,000
% of This Request to Current Amount:	5.94%
% of Modifications (including This Request) to Original Amount:	25.75%

Discussion:

The work under this Contract involves civil construction work consisting of demolition, clearing, grubbing and grading, construction of retaining walls, storm sewers and utility relocation in the Harold Interlocking area for the East Side Access Project. Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for the installation of 60 Cycle Power to various Central Instrument Huts (CIHs).

This modification is for the installation of 60 Cycle Power to the F1, F2 and F2E Central Instrument Huts (CIH's) in the F Interlocking. This work was originally to be performed by Amtrak forces; however, Amtrak does not currently have the necessary resources to perform the work. The CH054A Contractor is mobilized on-site and has the necessary experience and resources to perform the work and can do so in a time frame to support the on-going construction activities.

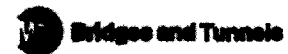
The Contractor submitted a cost proposal in the amount of \$1,799,989 and the project estimate is \$1,721,892. Negotiations were held and the parties agreed to a cost of \$1,535,000 for the work. The negotiated cost is considered fair and reasonable. There is no time impact associated with this modification. The funding for this modification will be transferred from the ESA Force Account budget.



Bridges and Tunnels

Procurements January 2013

Staff Summary



Subject:	Request for Authorization to Award Various Procurements
Department:	Procurement
Department Head Name	Anthony W. Koestler
Department Head Signature	<i>Anthony W. Koestler</i>
Project Manager Name	Various

Date	January 10, 2013
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	1/10/13	<i>AK</i>		
2	MTA B&T Committee	1/28/13			
3	MTA Board	1/30/13			

Internal Approvals			
Order	Approval	Order	Approval
	President <i>AK</i>		VP Operations
	Executive Vice President <i>AK</i>		Chief Procurement Officer
	VP Staff Services/COS		Chief Engineer
	General Counsel		VP Labor Relations

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

PURPOSE:

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

DISCUSSION:

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

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule J	1	\$4.409M
SUBTOTAL	1	\$4.409M

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

<u>Schedules Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	2	TBD
SUBTOTAL	2	

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule F Personal Service Contracts	3	\$5.852M
Schedule G Miscellaneous Service Contracts	2	\$1.336M
Schedule H Modifications to Personal/Miscellaneous Service Contracts	1	<u>\$1.313M</u>
SUBTOTAL	6	\$8.501M

Staff Summary

MTA B&T presents the following procurement actions for Ratification:

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule D	Ratification of Completed Procurement Actions (Involving Schedule A-C)	2	\$0.167M
Schedule K	Ratification of Completed Procurement Actions (Involving Schedule E-J)	2	<u>\$0.190M</u>
SUBTOTAL		4	\$0.357M
TOTAL		13	\$13.267M

BUDGET IMPACT:

The purchases/contracts will result in obligating MTA B&T and Capital Construction funds in the amount listed. Funds are available in the current MTA B&T operating/capital budgets and MTA's operating budget for this purpose.

RECOMMENDATION:

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

MTA BRIDGES & TUNNELS
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

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

WHEREAS, in accordance with §2879 of the Public Authorities Law and the All Agency Procurement Guidelines, the Board authorizes the award of certain non-competitive miscellaneous procurement contracts, and certain changes orders to procurement, public work, and miscellaneous procurement contracts; and

WHEREAS, in accordance with § 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; and

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. The Board ratifies each action set forth in Schedule D 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; 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.
7. The Board authorizes the budget adjustments to estimated contracts set forth in Schedule L.

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
JANUARY 2013

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

I: Modifications to Miscellaneous Procurement Contracts

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without Staff Summaries required for change orders greater than 15% of previously approved amount which are also at least \$50K)

Kronos, Inc.	\$ 582,472.16 B&T	<i><u>Staff Summary Attached</u></i>
Contract No. 06-TD-2768	\$2,000,000.00 LIRR	
	\$1,739,000.00 MN	
	\$ 87,610.74 MTA Bus	
	\$4,409,082.90	

Additional funding is required by B&T, LIRR, MN and MTA Bus to enable Kronos to continue to provide maintenance and support of its time keeper equipment and software and perform consulting services as needed.

Schedule J: Modifications to Miscellaneous Procurement Contracts

Item Number: **1** (Final)

<p>Vendor Name (& Location) Kronos, Inc., Chelmsford, MA</p> <p>Description Provide, Deliver, Install and Maintain Kronos Timekeeper System Hardware and Software with Incidental Training and Consultancy as Required</p> <p>Contract Term (Including Options, if any) April 18, 2007 – January 31, 2013</p> <p>Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive</p> <p>Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:</p> <p>Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:</p> <p>Requesting Dept/Div & Dept/Div Head Name: Technology, Tariq Habib</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Contract Number 06-TD-2768</td> <td>AWO/Modification #</td> </tr> <tr> <td>Original Amount:</td> <td>B&T</td> <td>\$655,000.00</td> </tr> <tr> <td></td> <td>LIRR</td> <td>\$1,245,775.00</td> </tr> <tr> <td></td> <td>NYCT</td> <td>\$3,790,253.00</td> </tr> <tr> <td></td> <td>MN</td> <td>\$2,418,000.00</td> </tr> <tr> <td></td> <td>MTA Bus</td> <td>\$513,725.45</td> </tr> <tr> <td>Prior Modifications:</td> <td>B&T</td> <td>\$1,998,845.61</td> </tr> <tr> <td></td> <td>LIRR</td> <td>\$6,900,000.00</td> </tr> <tr> <td></td> <td>NYCT</td> <td>\$0.00</td> </tr> <tr> <td></td> <td>MN</td> <td>\$876,415.98</td> </tr> <tr> <td></td> <td>MTA Bus</td> <td>\$80,077.35</td> </tr> <tr> <td>Prior Budgetary Increases:</td> <td></td> <td>\$0.00</td> </tr> <tr> <td>Current Amount:</td> <td>B&T</td> <td>\$2,653,845.61</td> </tr> <tr> <td></td> <td>LIRR</td> <td>\$8,145,775.00</td> </tr> <tr> <td></td> <td>NYCT</td> <td>\$3,790,253.00</td> </tr> <tr> <td></td> <td>MN</td> <td>\$3,294,415.98</td> </tr> <tr> <td></td> <td>MTA Bus</td> <td>\$ 593,802.80</td> </tr> <tr> <td>This Request:</td> <td>B&T</td> <td>\$ 582,472.16</td> </tr> <tr> <td></td> <td>LIRR</td> <td>\$2,000,000.00</td> </tr> <tr> <td></td> <td>MN</td> <td>\$1,739,000.00</td> </tr> <tr> <td></td> <td>MTA Bus</td> <td>\$ 87,610.74</td> </tr> <tr> <td>% of This Request to Current Amount:</td> <td>B&T</td> <td>21.9%</td> </tr> <tr> <td></td> <td>LIRR</td> <td>24.6%</td> </tr> <tr> <td></td> <td>MN</td> <td>52.8%</td> </tr> <tr> <td></td> <td>MTA Bus</td> <td>14.8%</td> </tr> <tr> <td>% of Modifications (including This Request) to Original Amount:</td> <td>B&T</td> <td>394.1%</td> </tr> <tr> <td></td> <td>LIRR</td> <td>714.4%</td> </tr> <tr> <td></td> <td>MN</td> <td>108.2%</td> </tr> <tr> <td></td> <td>MTA Bus</td> <td>32.6%</td> </tr> </table>	Contract Number 06-TD-2768		AWO/Modification #	Original Amount:	B&T	\$655,000.00		LIRR	\$1,245,775.00		NYCT	\$3,790,253.00		MN	\$2,418,000.00		MTA Bus	\$513,725.45	Prior Modifications:	B&T	\$1,998,845.61		LIRR	\$6,900,000.00		NYCT	\$0.00		MN	\$876,415.98		MTA Bus	\$80,077.35	Prior Budgetary Increases:		\$0.00	Current Amount:	B&T	\$2,653,845.61		LIRR	\$8,145,775.00		NYCT	\$3,790,253.00		MN	\$3,294,415.98		MTA Bus	\$ 593,802.80	This Request:	B&T	\$ 582,472.16		LIRR	\$2,000,000.00		MN	\$1,739,000.00		MTA Bus	\$ 87,610.74	% of This Request to Current Amount:	B&T	21.9%		LIRR	24.6%		MN	52.8%		MTA Bus	14.8%	% of Modifications (including This Request) to Original Amount:	B&T	394.1%		LIRR	714.4%		MN	108.2%		MTA Bus	32.6%
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Discussion:
B&T is seeking Board approval under the All-Agency Procurement Guidelines to modify this multi-agency non-competitive miscellaneous procurement contract with Kronos, Inc. (Kronos) for additional funding for: B&T - \$582,472.16; LIRR - \$2,000,000; MN - \$1,739,000; and MTA Bus - \$87,610.74.

In February 2007 the Board approved the award of the subject all-agency contract to Kronos for a three year period. This system was designed to enable the agencies to manage and record time keeping, leave and absence information for their employees. Kronos maintains its timekeeper equipment and software based on each agency's requirements. It also provides training, implementation, consulting and support services. The Contract currently extends through January 31, 2013.

In order to enable the Contractor to continue to provide maintenance and support of the system and perform consulting services as required, B&T will extend the contract through January 31, 2016. Since the Contractor will be reimbursed in accordance with the terms of the contract, the value of each amendment for B&T, LIRR, MN, and MTA Bus is considered fair and reasonable. Funding for B&T, LIRR, MN and MTA Bus is available in each agency's Operating Budget.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
JANUARY 2013

MTA BRIDGES & TUNNELS

Procurements Requiring Two-Thirds Vote:

B: Request to Use RFP for Procurement of Purchase & Public Works in lieu of Sealed Bid
(Staff Summaries only required for items estimated to be greater than \$1 million)

- | | | | |
|----|--|------------------------------|--------------------------------------|
| 1. | Contractors to be Determined
Contract No. GFM-509 | Cost to be Determined | <u>Staff Summary Attached</u> |
|----|--|------------------------------|--------------------------------------|

Request that the Board declare competitive bidding to be impractical and/or inappropriate and authorize B&T to enter into a competitive Request for Proposal process for Miscellaneous Construction Services on an As-Needed Basis at Various B&T Facilities.

- | | | |
|----|---|------------------------------|
| 2. | Contractors to be Determined
Contract No. 12-HS-2894 | Cost to be Determined |
|----|---|------------------------------|

B&T is requesting that the Board declare competitive bidding to be impractical and/or inappropriate and authorize B&T to enter into a competitive Request for Proposal (RFP) process for Contract 12-HS-2894, Asbestos and Incidental Lead Abatement on an As-Needed Basis at Various B&T Facilities.

This competitive RFP will result in the selection of multiple asbestos and incidental lead abatement contractors. After their selection, the contractors will compete for various abatement projects throughout B&T facilities. The scope of these abatement projects cannot be readily determined at this time. During the contract term, the Scope of Work for each abatement requirement will be identified. Each of the contracted firms will then be given the Scope of Work. Subsequent to a site tour, bids will be submitted. The contractor submitting the lowest bid will be awarded the specific work order. B&T has successfully utilized this type of as-needed contract since 2006 to meet certain asbestos and incidental lead abatement work. The budget for these yet undefined projects is \$800,000 and the duration of these contracts will be four years. The aggregate amount of the contract will be allocated to individual work orders to pay contractors for the work they perform. Based on our needs, it would be inefficient in both time and expense to conduct a separate competitive bidding process for each project. This competitive RFP method of selection is in the public interest and provides B&T with the following benefits: i) immediate response and resolution to potential emergency and other unforeseen situations with a responsible contractor performing the work; and ii) price competition between previously selected contractors for each work order. Therefore, B&T deems it to be in the public interest to request that the Board adopt a resolution to declare competitive bidding impractical in favor of contract award by means of a competitive request for proposal process.

MTA DDCR will assign applicable goals prior to issuance of the Request for Proposals. Funding under Contract 12-HS-2894 will be provided from the Operating and Capital Budgets in the amount of \$800,000.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
JANUARY 2013

Procurements Requiring Majority Vote:

F: Personal Service Contracts

(Staff Summaries required for items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M Competitive)

- | | | | | |
|----|---|----|---------------------|--------------------------------------|
| 3. | URS Corporation – New York
Contract No. PSC-12-2920
2 yr. contract – Competitive RFP – 3 proposals
Provide comprehensive tunnel inspection and design services for Project QM-40,
Repairs at the Queens Midtown Tunnel. | \$ | 3,206,383.44 | <u>Staff Summary Attached</u> |
| 4. | LiRo Engineers, Inc.
Contract No. PSC-12-2919
2 yr. 3 mo. contract – Competitive RFP – 3 proposals
Provide construction administration and inspection services for Project AW-36, Fiber
Optic Network Upgrade at the Robert F. Kennedy Bridge. | \$ | 1,396,287.00 | <u>Staff Summary Attached</u> |
| 5. | Dewberry Engineers Inc.
Contract No. PSC-12-2911
2 yr. 2 mo. contract – Competitive RFP – 4 proposals
Provide design and construction support services for Project MP-16, Miscellaneous Steel
Repairs, Painting and Fire Line Installation at the Marine Parkway-Gil Hodges Memorial
Bridge. | \$ | 1,249,779.02 | <u>Staff Summary Attached</u> |

G: Miscellaneous Service Contracts

(Staff Summaries required for items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP; No Staff Summary required if Sealed Bid Procurement)

- | | | |
|----|---------------------------|-------------------------|
| 6. | NYMP Acquisition LLC | \$252,100.00 B&T |
| | Contract No. 10-MNT-2879X | \$283,275.00 MTAHQ |
| | | \$ 77,776.00 MTAPD |
| | | <u>\$297,640.00 MNR</u> |
| | | <u>\$910,791.00</u> |

3 yr. contract – Competitive Bid – Low responsive bid/2 bids

In June 2012 B&T issued a joint solicitation for a contractor to provide all labor, equipment and materials for the installation, replacement, maintenance and repair of fire/smoke alarms/detection systems located at various B&T, MTAHQ, MTAPD and MNR facilities. The agencies do not have the equipment, personnel or professional certifications required to perform this work. The service requirements were publicly advertised. The solicitation notice was sent to 307 firms and ten firms requested copies of the solicitation. On June 28, 2012, two bids were submitted and are ranked as follows:

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
JANUARY 2013

	<u>Bidders</u>					<u>Bid Amount</u>				
		B&T	MTAHQ	MTAPD	MNR	Total				
NYMP Acquisition LLC		\$252,100.00	\$283,275.00	\$77,776.00	\$297,640.00	\$910,791.00				
SimplexGrinnell LP		\$254,886.10	\$275,165.52	\$69,542.40	\$411,972.10	\$1,011,566.12				

The scope of services under the prospective contract has not changed compared with that under the current contract. The rates for this contract are fixed for the three-year term. The Department of Diversity and Civil Rights (DDCR) established subcontracting goals of 10% MBE and 10% WBE for this contract. Since SimplexGrinnell LP cannot meet the MWBE goals, this firm was determined to be non-responsive. NYMP's overall bid of \$910,791 is 5.3% lower than the agencies' combined estimate of \$961,280. After evaluation of the bids, it was determined that NYMP is a responsive, responsible bidder. In comparison with the combined estimate, the total price is considered fair and reasonable. Funding is available in the agencies' Operating Budgets under GL #s 711437 (B&T and MNR) and 711604 (MTAHQ and PD). This contract will not be awarded without the approval of MTA DDCR.

7. GenServe, Inc. Contract No. 12-MNT-2895(A)	\$ 69,342.50 MTAPD (Beacon)
	\$ 70,192.50 MTAPD (Central Islip)
	\$ 94,787.50 MTAPD (LIC)
	\$ 73,887.50 MTAPD (Mt. Vernon)
	\$116,525.00 MTA (Madison Ave.) \$424,735.00

5 yr. contract – Competitive Bid – Low Bid/3 bids

In August 2012 B&T issued a joint solicitation for a Contractor to provide preventive maintenance and repair of generators located at various B&T and MTA facilities. The agencies do not possess the equipment, parts or personnel required to perform this work. The services are required to maintain peak performance of the generators in the event that they are needed in an emergency, e.g. power outage at a bridge, an office building or police station. The service requirements were publicly advertised. The solicitation notice was sent to sixty-three (63) firms. Eight (8) firms requested copies of the solicitation. On October 12, 2012, three bids were submitted and the results for the MTA and its locations are as follows:

<u>Bidders – MTA</u>	<u>MTAPD</u> <u>(Beacon)</u>	<u>MTAPD</u> <u>(Central Islip)</u>	<u>MTAPD</u> <u>(LIC)</u>	<u>MTAPD</u> <u>(Mt. Vernon)</u>	<u>MTA</u> <u>(Madison Ave.)</u>
GenServe, Inc.	\$69,342.50	\$70,192.50	\$94,787.50	\$73,887.50	\$116,525.00
Atlantic Detroit Diesel-Allison, LLC	\$93,487.50	\$94,787.50	\$113,787.50	\$95,637.50	\$161,330.00
National Grid Energy Management, LLC	\$98,062.50	\$96,957.50	\$120,587.50	\$95,937.50	\$133,175.00

B&T's evaluation of its apparent low bidder, Atlantic Detroit Diesel Allison LLC, is ongoing. B&T will present an award recommendation for this service to the Board for approval at a later date. As a matter of information, the above three bidders also submitted bids in response to B&T's requirements.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
JANUARY 2013

The scope of services under this prospective contract differs from that compared with the prior contract. This is based on the addition of two locations, Central Islip and Madison Avenue. The contract term has also increased from three to five years. Based on an evaluation of the bids, the lowest responsive bidder was determined to be GenServe, Inc. for each of the five locations identified above. When comparing the bid price per generator with the contract's current price per generator, GenServe's prices represent a 22% increase. The price will remain fixed over the five year period. This increase may, in part, be attributed to increases in prevailing wages and a substantial increase in the cost for parts. The user's estimates for the five MTA locations above were \$62,375, \$62,375, \$70,888, \$62,375 and \$102,740, respectively. The overall average bid price is 17.7% higher compared with the average of the total user's estimate. In comparison with the aggregate of the five second lowest bids, GenServe's total bid price is 20% lower representing a cost avoidance of approximately \$106,140 over the five year contract term. After evaluation of the bids, it was determined that GenServe, Inc. is a responsive, responsible bidder. Based on competition, the prices are considered fair and reasonable. No M/WBE goals were established by MTA DDCR for this contract. Funding is available in MTA's Operating Budget.

H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services

(Approvals/Staff Summaries required for substantial change orders and change orders that cause original contract to equal or exceed monetary or durational threshold required for Board approval)

8. PB Americas, Inc./Chas H. Sells, \$1,312,712.73 Staff Summary Attached
A Joint Venture
Contract No. PSC-06-2810

Additional construction support services and design services to install noise and protective barriers in specified areas along the approach in connection with Project BW-89C, Replacement of the Queens Approach at the Bronx-Whitestone Bridge.

Staff Summary

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Item Number 1 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>JK</i>					
Division & Division Head Name: Engineering and Construction, Vincent Montanti, P.E. <i>VM</i>					
Board Reviews					
Order	To		Approval	Info	Other
1	President	1/8/13	<i>[Signature]</i>		
2	MTA B&T Committee	1/28/13			
3	MTA Board	1/30/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff		
2	General Counsel <i>[Signature]</i>	5	Executive Vice President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name N/A	Contract Number GFM-509
Description Miscellaneous Construction on an As-Needed Basis at Various B&T Facilities	
Total Amount \$80,000,000 (budgeted)	
Contract Term (including Options, if any) Four (4) years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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 checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Procurement Guidelines to declare competitive bidding to be impractical and/or inappropriate in accordance with Article III.A.6 and Public Authorities Law §559 and authorize B&T to enter into a competitive Request for Proposal (RFP) process for Contract GFM-509 to obtain Miscellaneous Construction Services on an As-Needed Basis at Various B&T Facilities.

II. DISCUSSION

This procurement will enable B&T to award contracts for miscellaneous construction services to multiple contractors who could provide competitive bids for various construction projects. B&T has successfully utilized this type of as-needed contract since 2000 to meet certain construction requirements on an expedited basis. The budget for these as yet undefined projects is \$80,000,000. The duration of these contracts will be four years.

The selected contractors are invited to bid on specific construction projects throughout B&T facilities which are awarded to the lowest bidders. Funds from the aggregate amount are allocated to individual contracts to pay contractors for the work they perform. These projected requirements will address a wide variety of work, from complex sub-tasks related to some of our larger projects, projects which have time-sensitive needs, and those critical projects that are included under this contract that address both safety issues and budget concerns. In addition, it will also be utilized for projects including full and partial concrete deck and structural steel repairs, civil and traffic improvements to roadways and ramps, milling and paving roadways, retaining wall structures, safety railings, demolition, electrical and other building repairs. Based on B&T's needs, it would be inefficient in both time and expense to conduct a separate competitive bidding process for each project.

Staff Summary

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The scope of these miscellaneous as-needed construction projects cannot be readily determined at this time. During the contract term, the Scope of Work for each miscellaneous work order will be identified. Each of the contracted firms will then be given the Scope of Work for the prospective work order. Subsequent to a mandatory site tour, bids will be submitted. The contractor submitting the lowest bid price shall be awarded that specific work order.

This competitive RFP method of selection is in the public's interest and provides the Authority with the following benefits:

- i) Immediate response and resolution to potential emergency and other unforeseen situations with a responsible contractor performing the work;
- ii) Price competition between previously selected contractors for each work order; and
- iii) Reduces the need and is an alternative to amendments to existing construction contracts.

Therefore, B&T deems it to be in the public interest to request that the Board adopt a resolution to declare competitive bidding impractical in favor of contract award by means of a competitive request for proposal process.

III. D/M/WBE INFORMATION

MTA DDCR will assign applicable goals prior to issuance of the Request For Proposals.

IV. IMPACT ON FUNDING

Funding under Contract GFM-509 will be provided from the Operating and Capital Budgets in the amount of \$80,000,000.

V. ALTERNATIVES

Utilize a standard competitive bidding process to award each as-needed construction project. This process is impractical due to potential lengthy delays in obtaining construction services from responsible firms for immediate or unanticipated/emergency needs and would not be in the best interest of B&T.

Staff Summary

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Item Number 3 (Final)						SUMMARY INFORMATION	
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>Vn HJR</i>						Vendor Name URS Corporation - New York	
Division & Division Head Name: Engineering and Construction, Vincent Montanti, P.E. <i>Vn</i>						Contract Number PSC-12-2920	
Board Reviews						Description: Comprehensive Tunnel Inspection and Design Services for Project QM-40, Repairs at the Queens Midtown Tunnel	
Order	To	Date	Approval	Info	Other	Total Amount \$3,206,383.44	
1	President	1/10/13	<i>[Signature]</i>			Contract Term (including Options, if any) Two (2) years	
2	MTA B&T Committee	1/28/13				Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3	MTA Board	1/30/13				Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Internal Approvals						Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Order	Approval	Order	Approval	Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:			
1	Chief Financial Officer	4	Chief of Staff <i>[Signature]</i>	Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:			
2	General Counsel <i>[Signature]</i>	5	Executive Vice President <i>[Signature]</i>				
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>				

Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Comprehensive Tunnel Inspection and Design Services for Project QM-40, Repairs at the Queens Midtown Tunnel (QMT) to URS Corporation – New York (URS) for a period of two (2) years. The cost of the tunnel inspection and design portions of the contract is \$3,206,383.44. At a future date, the cost for construction support services will be presented to the Board for approval.

II. DISCUSSION

B&T requires the services of a consultant to perform: (i) comprehensive tunnel inspections at the QMT to determine the structural integrity of its structures and assess the operational conditions of specific electrical and mechanical systems; (ii) designs for priority repairs (it is anticipated that the comprehensive tunnel inspection shall result in increases in magnitude to the designs as a result of the flooding from Hurricane Sandy); and (iii) construction support services for Project QM-40.

Staff Summary

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The service requirements were publicly advertised; four firms submitted qualification information. Three firms, URS, Hatch Mott MacDonald (HMM) and Jacobs Civil Consultants (JCC) were chosen to receive the RFP based on a review of their qualifications and all firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements and expertise, proposed personnel, oral presentations and cost. The Selection Committee unanimously recommended that B&T enter into negotiations with URS, the highest rated firm. URS' proposal reflected a thorough understanding of the scope and its project team demonstrated extensive tunnel and specific inspection and design experience at the QMT. URS presented methodologies that were well planned, organized and efficient to accomplish the condition inspection and design requirements. Although URS proposed the highest cost, their levels of effort related to hours proposed and associated costs for testing, site access and maintenance and protection of traffic (MPT) were deemed by the committee to coincide best with the requirements of this Project. HMM's proposal demonstrated a sound understanding of this Project, however, the Committee determined that it did not allocate sufficient hours to fulfill the design requirements. HMM's proposal also omitted costs for site access and MPT. Although JCC proposed the lowest cost, the Committee determined that its levels of effort were significantly understated and were therefore insufficient to meet the requirements of the Project.

URS submitted a proposal in the amount of \$3,211,448.62. The Engineer's estimate is \$3,230,124.55. Negotiations resulted in minor revisions to URS' proposal. The parties agreed to the negotiated amount of \$3,206,383.44, which is 0.7% below the estimate and is fair and reasonable. URS is deemed to be a responsible consultant.

III. D/M/WBE INFORMATION

The MTA DDCR has established goals of 10% MBE and 10% WBE for the referenced contract. URS has achieved its MWBE goals on previous MTA contracts. This contract will not be awarded without approval of MTA DDCR.

IV. IMPACT ON FUNDING

Funding is available under Project QM-40 in the amount of \$3,206,383.44 in the 2010-2014 Capital Budget.

IV. ALTERNATIVES

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

Staff Summary

Page 1 of 2

Item Number 4 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>JK</i>					
Division & Division Head Name: Engineering and Construction, Vincent Montanti, P.E.					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	1/8/13	<i>[Signature]</i>		
2	MTA B&T Committee	1/28/13			
3	MTA Board	1/30/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff <i>[Signature]</i>		
2	General Counsel <i>[Signature]</i>	5	Executive Vice President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name LiRo Engineers, Inc.	Contract Number PSC-12-2919
Description: Construction Administration and Inspection Services for Project AW-36, Fiber Optic Network Upgrade at the Robert F. Kennedy Bridge	
Total Amount \$1,396,287	
Contract Term (including Options, if any) Two years, three months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Construction Administration and Inspection Services for Project AW-36, Fiber Optic Network Upgrade at the Robert F. Kennedy Bridge to LiRo Engineers, Inc. (LiRo) in the amount of \$1,396,287 for a period of two years, three months.

II. DISCUSSION

B&T requires the services of a consultant to provide construction administration and inspection services for Project AW-36, Fiber Optic Network Upgrade at the Robert F. Kennedy Bridge (RFK). The construction activities include furnishing, installing and testing a dark optical fiber communications network at the RFK. The benefits of these enhancements to B&T include at a minimum: (i) access to the expanded New York City and New York State Department of Transportation networks and (ii) a fiber optic system with increased reliability and capacity necessary to support future planned electronic security and communication upgrades.

The service requirements were publicly advertised; five firms submitted qualification information. Three firms were chosen to receive the RFP based on a review of those qualifications and all three firms submitted proposals: LiRo Engineers, Inc (LiRo), M&J Engineering, P.C. (M&J) and PBS Engineering & Associates, P.C. (PBS). The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements, technical expertise, proposed personnel, oral presentations and cost. The Selection Committee unanimously selected LiRo on the basis that its proposal: (i) showed an understanding of fiber optic installation and

(rev. 4/07/10)

Staff Summary

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testing that surpassed the other firms; (ii) demonstrated a thorough understanding of issues related to operations and coordination required with other agencies (NYSDOT, NYCDOT, US Coast Guard, NYCDPR) for this project; (iii) emphasized the need for planning which is critical for this project and (iv) demonstrated directly relevant hands-on experience to the AW-36 fiber installation since they worked on this project at other B&T facilities. While LiRo proposed the highest cost, the variance between the three firms' cost proposals was less than 10% and LiRo's proposed cost was within 6% of the Engineer's estimate. It was the committee's determination that M&J's and PBS' proposals were less detailed and did not compare favorably with LiRo's superior level of understanding of fiber installations and testing or its direct relevant experience with fiber projects.

LiRo submitted a proposal in the amount of \$1,522,269. The Engineer's estimate is \$1,439,639. Negotiations were conducted and the parties agreed to an amount of \$1,396,287, which is 3% below the estimate and is considered fair and reasonable. LiRo is deemed to be a responsible consultant.

III. D/M/WBE INFORMATION

The MTA DDCR has established goals of 10% MBE and 10% WBE for the referenced contract. This contract will not be awarded without approval of MTA DDCR. LiRo was in full compliance with the M/WBE goals on its most recently completed contract (Contract PSC-04-2719, Construction and Inspection Support Services for Project TB-64B, Deck Replacement on the Randall's and Ward's Island Viaducts at the Triborough Bridge).

IV. IMPACT ON FUNDING

Funding is available under Project AW-36 in the 2010-14 Capital Budget.










V. ALTERNATIVES

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

(rev. 4/07/10)

Staff Summary

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Item Number 5 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. 					
Division & Division Head Name: Engineering and Construction, Vincent Montanti, P.E. 					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	1/8/13			
2	MTA B&T Committee	1/28/13			
3	MTA Board	1/30/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer 	4	Chief of Staff 		
2	General Counsel 	5	Executive Vice President 		
3	Chief Procurement Officer 	6	President 		

SUMMARY INFORMATION	
Vendor Name Dewberry Engineers Inc.	Contract Number PSC-12-2911
Description: Design and Construction Support Services for Project MP-16, Miscellaneous Steel Repairs, Painting and Fire Line Installation at the Marine Parkway-Gil Hodges Memorial Bridge	
Total Amount \$1,249,779.02	
Contract Term (including Options, if any) Two (2) years, two (2) months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Design and Construction Support Services for Project MP-16, Miscellaneous Steel Repairs, Painting and Fire Line Installation at the Marine Parkway-Gil Hodges Memorial Bridge (MPB) to Dewberry Engineers Inc. (Dewberry) for a period of two (2) years, two (2) months. The cost of the design portion of the Contract is \$1,249,779.02. At a future date, the cost for construction support services will be presented to the Board for approval.

II. DISCUSSION

B&T requires the services of a consultant to perform the following miscellaneous design activities at the MPB: repair or replacement of various structural steel members located throughout the bridge's structure; cleaning and painting; and installation of manual dry standpipe systems and fire hydrants.

The service requirements were publicly advertised; seven firms submitted qualification information. Four firms, Dewberry, Ammann & Whitney (A&W), Hardesty and Hanover (H&H) and Weidlinger Associates (WAI) were chosen

Staff Summary

Page 2 of 2

to receive the RFP based on a review of their qualifications. All four firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements and expertise, proposed personnel, oral presentations and cost. The Selection Committee unanimously recommended that B&T enter into negotiations with Dewberry. This firm thoroughly addressed key design issues such as potential solutions to address leaking roadway joints. In addition the consultant indicated that it would work directly with a structural steel manufacturer in order to design replacement joints that best meet the needs of the MPB. Its proposal ranked third highest in cost. H&H presented a satisfactory understanding of the design requirements, however, the consultant did not adequately address critical design issues and did not offer potential design solutions. WAI's proposal reflected an insufficient understanding of the steel grid deck requirements and the assembly required following deck repairs. A&W's proposal did not offer any viable design solutions. A&W proposed the lowest cost, however, the committee determined that their levels of effort related to hours proposed were significantly understated.

The Engineer's estimate is \$1,435,160. Dewberry proposed an amount of \$1,247,166.23. Negotiations were conducted and the parties agreed to an amount of \$1,249,779.02, which is 12.9% below the estimate and is fair and reasonable. Dewberry is deemed to be a responsible consultant.

III. D/M/WBE INFORMATION

The MTA DDCR has established goals of 10% MBE and 10% WBE for the referenced contract. This contract will not be awarded without approval of MTA DDCR. Dewberry has achieved its goals on previous MTA contracts.

IV. IMPACT ON FUNDING

Funding is available under Project MP-16 in the amount of \$1,249,779.02 in the 2010-2014 Capital Budget.

IV. ALTERNATIVES

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

Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts

Item Number **8** (Final)

Vendor Name (& Location) PB Americas, Inc./Chas. H. Sells, A Joint Venture, New York, NY		Contract Number PSC-06-2810	AWO/Modification #
Description Design and Construction Support Services for Project BW-89C, Replacement of the Queens Approach at the Bronx-Whitestone Bridge			
Contract Term (including Options, if any) June 30, 2008 – February 28, 2015		Original Amount: \$5,477,783.00	
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Prior Modifications: \$3,164,052.62	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Prior Budgetary Increases: N/A	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		Current Amount: \$8,641,835.62	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		This Request: \$1,312,712.73	
Requesting Dept/Div & Dept/Div Head Name: Engineering & Construction, Joe Keane, P.E.		% of This Request to Current Amount: 15.2%	
		% of Modifications (Including This Request) to Original Amount: 81.7%	

Discussion:

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to amend this contract with PB Americas, Inc./Chas. H. Sells, A Joint Venture. (PB/Sells) for funding to perform: (i) additional construction support services (CSS) in the amount of \$1,212,614.18 and (ii) design services for the installation of noise and protective barriers along the east and west sides of the approach and on-grade adjacent to the houses along the west site limit for an amount of \$100,098.55. The total negotiated amount is \$1,312,712.73. Consistent with the Procurement Guidelines this amendment constitutes a substantial change.

Pursuant to Board approval in June 2008, Contract PSC-06-2810 was awarded to PB/Sells. The Contract contains the requirements for a complete design and CSS. Additional funds are necessary for ongoing construction support services under Project BW-89C as follows: (a) additional design and drawing modifications (temporary 5kV electrical feeder, temporary fire standpipe revisions, Francis Lewis Park playground revisions, storm water and drainage revisions, repairs to the existing structure and LED lighting upgrades) during construction due to field conditions; (b) design revision and verification for subsurface mini-pile installations at the piers, abutment and overhead sign structure; (c) a greater number of submissions for shop drawings, requests for information, catalog cuts and coordination than originally anticipated. In addition, under a prior amendment a noise study was undertaken and discussions were held with the local community about the results of the noise study as well as other community concerns. As a result, 7.5 foot noise and protective barriers will be designed to be installed along the East and West sides of the approaches (400 linear feet each side) and adjacent to the houses along the West site limit (1000 linear feet). PB/Sells submitted a proposal in the amount of \$1,367,608.83. The Engineer's estimate is \$1,223,296. Negotiations resulted in a cost of \$1,312,712.73, which is 7.3% above the estimate and is fair and reasonable. Funding for this amendment is available in the 2010 – 2014 Capital Program under Project BW-89C.

LIST OF RATIFICATIONS FOR BOARD APPROVAL
JANUARY 2013

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

D: Ratification of Completed Procurement Actions

(Ratifications are to be briefly summarized with Staff Summaries attached only for unusually large or especially significant items)

1. **Power Resources International, Inc.** **\$108,727.80** **Staff Summary Attached**
Contract No. 3000001148
2 wk. contract - 4 Competitive quotations
Replacement parts for the Traffic Signal and Control System at the Hugh L. Carey Tunnel.
2. **Kutta Radios, Inc.** **\$ 58,000.00** **Staff Summary Attached**
Contract No. 3000001149
2 wk. contract - Non-competitive
Equipment to restore two-way radio operations at the Hugh L. Carey Tunnel.

K: Ratification of Completed Procurement Actions (Involving Schedule E- J)

(Staff Summaries required for unusually large or complex items which otherwise would require Board approval)

3. **Sidera Networks LLC** **\$ 52,000.00** **Staff Summary Attached**
Contract No. 3000001130
5 yr. contract - Ride against MTA contract
Internet Service Provider support at Randall's Island.
4. **Fremont Industrial Corp.** **\$ 138,200.00** **Staff Summary Attached**
Contract No. 3000000789
Amendment for additional delineator posts and complementary bases at various facilities.

Schedule D: Ratification of Completed Procurement Actions

Item Number: **1** (Final)

Vendor Name (& Location) Power Resources International, Inc., West Babylon, NY		Contract Number 3000001148	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Replacement Parts for Traffic Signal and Control System		Total Amount: \$108,727.80	
Contract Term (including Options, if any) Two weeks		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		Requesting Dept/Div & Dept/Div Head Name: Operations, James Fortunato	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Contract Manager: Janet Lebron	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Quotations			

Discussion:

B&T is seeking the Board's ratification under the All-Agency Procurement Guidelines of the Declaration of Emergency issued by the President effective on October 29, 2012, which enabled B&T to proceed with the following emergency action as a result of Superstorm Sandy (superstorm).

Quotations were requested from four (4) firms for the provision of electronic and computerized replacement parts, damaged due to the superstorm, in order to repair the traffic and signal control system installed at the Hugh L. Carey Tunnel. This system monitors and controls the lane signals and variable message signs throughout the tunnel and its portals. B&T personnel performed the installation and repair work. Purchase Order 3000001148 was awarded to Power Resources International, Inc. (PRI) in the amount of \$108,727.50. Based on competition the price was considered fair and reasonable. PRI was deemed to be a responsible contractor. Funding under this contract is available in the Operating Budget under GL #711101.

Schedule D: Ratification of Completed Procurement Actions

Item Number: **2** (Final)

Vendor Name (& Location) Kutta Radios, Inc., Phoenix, AZ		Contract Number 3000001149	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Equipment to Restore Two-Way Radio Operations		Total Amount: \$58,690.00	
Contract Term (Including Options, if any) Two weeks		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		Requesting Dept/Div & Dept/Div Head Name: Operations, James Fortunato	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		Contract Manager: Janet Lebron	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Quotation			

Discussion:

B&T is seeking the Board's ratification under the All-Agency Procurement Guidelines of the Declaration of Emergency issued by the President effective on October 29, 2012, which enabled B&T to proceed with the following emergency action as a result of Superstorm Sandy (superstorm).

Two-way radio communication equipment and associated wiring was damaged at the Hugh L. Carey Tunnel due to the superstorm. Our review disclosed that the New York City Fire Department (NYCFD) uses equipment designed and manufactured by Kutta Radios, Inc. (Kutta) and that such equipment met our requirements. Kutta's equipment effectively operates underground and through obstructions. Subsequent to installation by B&T personnel, two-way radio operations in both tubes of the tunnel were restored.

Kutta submitted a quote that compared favorably with the price it charged to NYCFD. Purchase Order 3000001149 was awarded to Kutta in the amount of \$58,690 and the price was considered fair and reasonable. This firm was deemed to be a responsible contractor. Funding under this contract is available in the Operating Budget under GL #711101.

Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E Through J)

Item Number: 3 (Final)

Vendor Name (& Location) Sidera Networks LLC, New York, NY		Contract Number 3000001130	AWO/Modification #
Description Internet Service Provider		Original Amount:	\$52,000.00
Contract Term (including Options, if any) Five years		Prior Modifications:	\$0.00
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Prior Budgetary Increases:	\$0.00
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Current Amount:	\$52,000.00
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Ride		This Request:	\$52,000.00
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		% of This Request to Current Amount:	0%
Requesting Dept/Div & Dept/Div Head Name: Technology, Tariq Habib		% of Modifications (including This Request) to Original Amount:	0%

Discussion:

B&T is seeking the Board's ratification of the award of a Purchase Order to Sidera Networks LLC (Sidera) against a competitively negotiated MTA Contract (No. 11001-0200) for Internet service provider support. This order is to provide B&T with access to Internet service at its Randall's Island location in the amount of \$52,000. The duration of this purchase order is five years.

The need for this service was required in the aftermath of Superstorm Sandy, which resulted in many B&T facilities incurring significant damage. B&T's primary Internet connection link at 2 Broadway became inaccessible due to flooding and power outage issues. As a consequence, Internet operations at 2 Broadway were not available for several days until service was re-routed through the MTA's midtown office building. During that time B&T was unable to provide: (i) remote Internet access to employees or contractors that support systems such as E-ZPass, the integrated electronic security system and other operational systems and (ii) direct access to other systems some of which included the automated traffic management, variable message sign and fuel management systems. After Internet services were restored at the MTA's midtown office, only limited service was available at the Robert Moses Building at Randall's Island.

B&T determined that redundant Internet access at the Robert Moses Building was required to mitigate any loss of such service in the future. Based on our review of the current MTA contract with Sidera, who offers Internet Service Provider support, we determined that this entity can provide quick back-up Internet services at the Robert Moses Building. B&T requested Sidera to submit a proposal. The amount proposed was \$52,000 over a period of five years which was consistent with the user's estimate. In order to verify whether this amount was competitive a quote was obtained from Verizon. Sidera's rates were 249% lower than Verizon's for the same services. As such, B&T accepted Sidera's proposal. The price of \$52,000 for Sidera to provide Internet services at the Robert Moses Building over a five year period was considered fair and reasonable. Sidera was deemed to be a responsible contractor. The order against the MTA's contract was awarded on November 29. Funding under this contract is available in the Operating Budget under GL #710308.

Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E Through J)

Item Number: 4 (Final)

Vendor Name (& Location) Fremont Industrial Corp., Westbury, NY	Contract Number PO 3000000789	AWO/Modification #
Description Delineator Posts and Bases	Original Amount:	\$131,290.00
Contract Term (including Options, if any) Three weeks	Prior Modifications:	\$0.00
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases:	\$0.00
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$131,290.00
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	This Request:	\$138,200.00
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	105%
Requesting Dept/Div & Dept/Div Head Name: Operations, James Fortunato	% of Modifications (including This Request) to Original Amount:	105%

Discussion:

B&T is seeking the Board's ratification under the All-Agency Procurement Guidelines of the Declaration of Emergency issued by the President effective on October 29, 2012, which enabled B&T to proceed with the following emergency action as a result of Superstorm Sandy (superstorm).

An amendment was issued to Fremont Industrial Corp. under a competitively bid Purchase Order (PO 3000000789) for additional delineator posts and complementary bases to replace those that were destroyed at various B&T facilities by the superstorm. The delineator posts are critical to our toll plazas' operations and increase the safety of our customers by controlling traffic patterns. The value of the original Purchase Order was \$131,290; the value of this amendment was \$138,200. This amount was consistent with the estimate and resulted in a revised order value of \$269,490. Since the vendor will be compensated for these products in accordance with the rates under the current contract, the value of this amendment was considered fair and reasonable. Funding under this contract is available in the Operating Budget under GL #711101.