



Metropolitan Transportation Authority

September 2014

MTA Board Action Items



MTA Board Meeting
347 Madison Ave. - 5th Floor Board Room
New York, NY 10017
Wednesday, 9/24/2014
10:00 AM - 12:00 PM ET

1. PUBLIC COMMENTS PERIOD Discussion

2. APPROVAL OF MINUTES

a. MTA Regular Board Minutes, July 28, 2014

MTAHQ Minutes - July 28, 2014 - Page 5

b. NYCT/MaBSTOA/SIRTOA/Bus Company Regular Board Minutes, July 28, 2014

NYCT/MaBSTOA/SIRTOA/Bus Company Minutes - July 28, 2014 - Page 10

c. MTA Metro-North Railroad Regular Board Minutes, July 28, 2014

Metro-North Minutes - July 28, 2014 - Page 14

d. MTA Long Island Rail Road Regular Board Minutes, July 28, 2014

LIRR Minutes - July 28, 2014 - Page 20

e. Triborough Bridge & Tunnel Authority Regular Board Minutes, July 28, 2014

TBTA Minutes - July 28, 2014 - Page 26

f. MTA Capital Construction Regular Board Minutes, July 28, 2014

MTACC Minutes - July 28, 2014 - Page 35

3. COMMITTEE ON FINANCE

a. Action Items

i. Resolution to Authorize the Execution, Filing and Acceptance of Federal Funds

Resolution to Authorize the Execution, Filing and Acceptance of Federal Funds - Page 38

ii. Environmental Review Procedures

Environmental Review Procedures - Page 46

iii. Addition of Outside Counsel to Approved Panel

Addition of Outside Counsel to Approved Panel - Page 49

b. Procurements

Procurement Staff Summary & Resolution - Page 50

i. Non-Competitive (no items)

ii. Competitive

Competitive - Page 52

iii. Ratifications (no items)

c. Real Estate Items

i. Real Estate Items

Real Estate Items - Page 56

4. COMMITTEE ON NYCT & BUS

a. Procurements

NYCT Procurements - Page 71

i. Non-Competitive

NYCT Non-Competitive Actions - Page 75

ii. Competitive

NYCT & MTA Bus Competitive Actions - Page 77

iii. Ratifications

NYCT & MTACC Ratifications - Page 83

5. COMMITTEE ON METRO NORTH RAILROAD

a. Action Item

i. NYSDOT Grant for Connecting Services

NYSDOT Grant for Connecting Services - Page 93

b. Procurements

Procurements - Page 94

i. Non-Competitive

Non-Competitive - Page 97

ii. Competitive

Competitive - Page 100

iii. Ratifications

Ratifications - Page 102

6. COMMITTEE ON LIRR

a. Procurements LIRR

LIRR Procurements - Page 103

i. Non-Competitive (no items)

ii. Competitive

LIRR Competitive Procurements - Page 107

iii. Ratification (no items)

b. Procurements MTACC

MTACC Procurements - Page 109

i. Non-Competitive (no items)

ii. Competitive

MTACC Competitive Procurements - Page 112

iii. Ratification (no items)

7. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

a. Procurements

B&T Procurement Report - Page 115

i. Non-Competitive (no items)

ii. Competitive

Competitive - Page 118

iii. Ratifications (no items)

8. OTHER MTA BUSINESS

a. Special Presentation of the MTA 2015-2019 Capital Program

b. Action Item

i. Approval of the 2015-2019 Capital Program

2015-2019 Capital Program - Page 128

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

10. EXECUTIVE SESSION

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

**Wednesday, July 28, 2014
2:45 p.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Andrew Albert
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Allen P. Cappelli
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Iris Weinshall
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman**

The following members were absent:

**Hon. Robert C. Bickford
Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Andrew M. Saul
Hon. Vincent Tessitore, Jr.**

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Ira Greenberg, Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Operations 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.

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 seven (7) public speakers, none of whom spoke on items specific to the MTA agenda. 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 identification of the speakers and the content of speakers' statements.

2. **CHAIRMAN'S OPENING COMMENTS.**

Chairman Prendergast welcomed new Board Members Iris Weinshall and Neal Zuckerman, replacing Board Members Mark Lebow and James F. Blair, respectively, whose terms expired.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on June 25, 2014.

4. **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. **Authorization to Issue Special Obligation Taxable Refunding Bonds, Series 2014.** Approved the Bond Resolution, which authorized the issuance of the Series 2014 Taxable Refunding Bonds and actions related to the payment of the Defeased Bonds at their earlier redemption date and the transfer of the securities currently securing the Defeased Bonds to secure the Series 2014 Taxable Refunding Bonds, including other costs of issuance and transaction costs, from time to time deemed necessary or desirable in connection therewith; and authorized the issuance of the Series 2014 Taxable Refunding Bonds, the payment of the Defeased Bonds and such other related actions, which shall continue in effect without any further action by the Board until December 31, 2014, unless modified or repealed prior to that date.
 2. **Addition of Outside Counsel to Approved Panel.** Approved the appointment of law firms to the non-personal injury approved MTA's outside counsel panel available for assignment of particular employment-related, civil rights and other non-personal injury matters; and authorized the MTA's execution of retainers with the selected firms.

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July 28, 2014**

3. MTA 2010-2014 Capital Plan Amendment. Approved the proposed amendment to select elements of the MTA Disaster Recovery, i.e., “Sandy,” and NYCT portions of the MTA 2010-2014 Capital Plan and a change in the funding plan, for subsequent submission to the Capital Program Review Board (“CPRB”) for approval, as provided by statute.
4. 2010-2014 Capital Plan Amendment – B&T Repair Program. Approved the proposal to amend the B&T Sandy Repair portion of the MTA 2010-2014 Capital Plan.

B. Procurement Items. Upon motion duly made and seconded, the Board approved the following procurement items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

1. KPMG, LLP – All-Agency Procure to Pay Process Review – No. 14006-2-0100. Approved the award of a competitively negotiated all-agency personal services contract to KPMG LLP to examine the Procure to Pay (P2P) processes across the MTA Agency Procurement Groups and thereby recommend improvements to the process.
2. World Energy Solutions, Inc. – E-Reverse Auction for Natural Gas – No. 14254-0100. Authorization for MTA to: (a) conduct a one-year experimental pilot program that will test the cost effectiveness and feasibility of an e-reverse auction competitive RFP process for the procurement of natural gas; (b) award a professional services contract to World Energy to provide technical and subject matter expertise and related services for, and to assist in the implementation of this experimental pilot program; (c) award and execute one or more natural gas supply contracts resulting from the e-reverse auction RFP process (such awards to be reported to the Board after contract execution); and (d) waive the all-agency procurement guidelines in connection with such reverse auctions.
3. New York State Technology Enterprise Corporation (“NYSTEC”) Disaster Recovery Services for Rail Control Data Center – No. 14250-0100. Approval to ride New York State Contract Number CMR524A to provide services to conduct a risk assessment review of the Rail Control Center data center and to develop disaster recovery plans that are needed during emergencies.
4. The McKissack Group, Inc. – Independent Engineering Services for MTA’s Capital Program – No. 08072-0100, S/A #3. Approved (i) a supplemental agreement to exercise the remaining three (the fourth year was previously exercised), one-year options of a previously Board-approved, competitively awarded, personal services contract with The McKissack Group, Inc. (formerly known as McKissack + Delcan (a joint venture)); and (ii) an amendment to authorize the withdrawal of Delcan from the McKissack + Delcan joint venture.

**Regular Board Meeting
July 28, 2014**

5. Various Contractors – All-Agency Organizational and Professional Development Programs – Nos. 12194-0100 thru 1700. Approved an amendment to previously Board-approved competitively negotiated, personal services contracts for additional funding in the amount of \$4,500,000 to continue to provide all agency organizational and professional development services.
6. TCD Cellular Communications Multi-Agency Supply/Install Remove and Repair Emergency Equipment on MTAPD Vehicles and Installation of Emergency Equipment on B&T Vehicles – Nos. 12073-0200. Ratification of a Board-approved multi-agency, competitively negotiated, miscellaneous service contract with TCD Cellular Communications to provide, remove and repair emergency equipment on MTAPD vehicles and installation of emergency equipment on B&T vehicles.

D. 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. Amendment of a license agreement with the City of Yonkers relating to use of the outdoor space located at the southwest end of Yonkers Station Building, Yonkers, N.Y.

Long Island Rail Road

2. License agreement with Answer Vending, Inc. for beverage and snack vending machines located at LIRR Stations and employee facilities.

Metropolitan Transportation Authority

3. Exercise of lease renewal option with ARC NY333W3401, LLC (American Realty Capital, principal), successor to 333 West 34th Street LLC (SL Green, principal) for use as a field office for MTACC located at 333 West 34th Street, New York, N.Y.

5. MTA OTHER BUSINESS.

- A. Overall Three-Year Disadvantaged Business Enterprises (“DBEs”) Goal for FFYs 2015-2017. Upon motion duly made and seconded, the Board approved the proposed 17% DBE goal for utilization in its Agency-wide contracting activities on federally-assisted contracts and procurements for FFYs 2015-2017.

**Regular Board Meeting
July 28, 2014**

6. **JOINT SESSION OF THE BOARD AND FINANCE COMMITTEE OF THE MTA FOR CHIEF FINANCIAL OFFICER'S PRESENTATION OF 2014 MID-YEAR FORECAST, 2015 PRELIMINARY BUDGET AND 2015 -2018 FINANCIAL PLAN .**

MTA Chief Financial Officer Robert Foran presented MTA 2014 Mid-Year Forecast, 2015 Preliminary Budget and the 2015-2018 Financial Plan to the Finance Committee and MTA Board members. Copies of the Mid-Year Forecast, Preliminary Budget, and Financial Plan were distributed to Board members at the Board meeting.

Chairman Prendergast thanked Robert Foran for the presentation and invited Board discussion concerning the proposed financial plan. The details of the presentation and Board members' comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

Upon motion duly made and seconded, the Board authorized the Chairman and CEO and his designees to take all steps, including the publishing of notices and the conducting of any public hearings, necessary or appropriate in connection with proposed service investments that require a public hearing and fare and toll pricing changes.

7. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an executive session in accordance with Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective negotiations.

Thereafter, upon motion duly made and seconded, the Board voted to resume proceedings in public session.

8. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 4:15 p.m.

Respectively submitted,

Victoria Clement
Assistant Secretary

**Regular Board Meeting
July 28, 2014**

**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**

**Monday, July 28, 2014
2:45 p.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Jonathan A. Ballan
Hon. Allen P. Cappelli
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Iris Weinshall
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman**

The following members were absent:

**Hon. Robert C. Bickford
H Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Andrew M. Saul
Hon. Vincent Tessitore, Jr.**

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Ira Greenberg; Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Rail Road, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meetingn

1. CHAIRMAN PRENDERGAST CALLED THE MEETING TO ORDER

2. PUBLIC COMMENT PERIOD

Four public speakers addressed MTA NYC Transit/MTA Bus issues:

Nancy Montgomery discussed the importance of safety and fatigue awareness.

Murray Bodin asked the Board to do things differently.

Debra Greif, BFSSAC, urged the Board not to change the B83 route and to extend the B82 limited route.

Christopher Greif, NYC transit council member, opposed the proposed changes to the B83 route.

3. CHAIRMAN PRENDERGAST'S COMMENTS

Details of Chairman Prendergast'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 MTA NYC Transit/Staten Island Rapid Transit Operating Authority/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 Rapid Transit Operating Authority, and MTA Bus Company held on June 25, 2014.

**5. COMMITTEE ON TRANSIT & BUS OPERATIONS
NYC Transit & MTA Bus Company**

Action Items:

ADA Accessibility – 3 Stations – Sea Beach and West End Lines: Upon motion duly made and seconded, the Board approved the addition of the following two new projects to the 2010-2014 Capital Program:

1. To provide ADA accessibility at the station complex comprised of the New Utrecht Avenue station on the Sea Beach Line (BMT) and the 62 Street station on the West End Line (BMT); and
2. To provide ADA accessibility at the 8 Avenue Station on the Sea Beach Line (BMT).

Implement Bx24 Extension to Hutchinson Metro Center: Upon motion duly made and seconded, the Board approved the extension of the new Bx24 route to the Hutchinson Metro Center.

Procurements:

Non-Competitive Procurements: Upon motion duly made and seconded, the Board approved the non-competitive procurements requiring a two-thirds vote (Schedule A in the Agenda) and a majority vote (Schedule G 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 MTA NYC Transit/Staten Island Rapid Transit Operating Authority /MTA Bus Company.

Competitive Procurements: Upon motion duly made and seconded, the Board approved the competitive procurements requiring a two-thirds vote (Schedule C in the Agenda) and a majority vote (Schedules F, G, H and I 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 MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

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 MTA NYC Transit /Staten Island Rapid Transit Operating Authority/MTA Bus Company.

6. JOINT SESSION OF THE BOARD AND FINANCE COMMITTEE OF THE MTA FOR CHIEF FINANCIAL OFFICER'S PRESENTATION OF THE 2014 MID-YEAR FORECAST, 2015 PRELIMINARY BUDGET AND 2015 -2018 FINANCIAL PLAN

MTA Chief Financial Officer Robert Foran presented the MTA 2014 Mid-Year Forecast, 2015 Preliminary Budget and 2015-2018 Financial Plan to the Finance Committee and MTA Board Members. Copies of the Mid-Year Forecast, Preliminary Budget, and Financial Plan were distributed to Board Members at the Board meeting.

Chairman Prendergast thanked Robert Foran for the presentation and invited Board discussion concerning the proposed financial plan. The details of the presentation and Board Members' comments with respect thereto are included in the recording of the meeting produced by the MTA and maintained in MTA records.

Upon motion duly made and seconded, the Board authorized the Chairman and CEO and his designees to take all steps, including the publishing of notices and the conducting of any public hearings, necessary or appropriate in connection with proposed service investments that require a public hearing and fare and toll pricing changes.

7. EXECUTIVE SESSION

Upon motion duly made and seconded, the Board voted to convene an executive session in accordance with Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

Thereafter, upon motion duly made and seconded, the Board voted to resume proceedings in public session.

8. **ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 4:15 p.m.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mariel A. Thompson', is written over the printed name.

Mariel A. Thompson
Assistant Secretary

Minutes of the Regular Meeting
Metro-North Commuter Railroad Company
347 Madison Avenue
New York, NY 10017

Monday, July 28, 2014
2:45 p.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Jonathan A. Ballan
Hon. Allen P. Cappelli
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Iris Weinshall
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman

The following members were absent:

Hon. Robert C. Bickford
Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Andrew M. Saul
Hon. Vincent Tessitore, Jr.

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Ira Greenberg; Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

Chairman Prendergast called the meeting to order.

1. Public Speakers:

There were seven public speakers. Two of the speakers addressed matters relating to Metro-North. George Haikalis of the Institute for Rationale Urban Mobility commented on the East Side Access project. He suggested Long Island Rail Road halt construction of the caverns and use an alternative plan that uses the existing tracks and platforms in the upper level of Grand Central Terminal which he believes is safer and would save commutation time. Nancy Montgomery of the

Town of Philipstown applauded President Giulietti's focus on safety. She commented on President Giulietti's July 14, 2014 memorandum on the quarterly June 19, 2014 safety stand down which focused on the new General Safety Instructions and fatigue awareness. She encouraged Board members to become more involved in safety issues and expressed her opinion that Board members who do not think that safety should be the railroad's first priority should resign.

The details of the public speakers' comments are contained in the video recording of the meeting, produced by the Metropolitan Transportation Authority (MTA) and maintained in MTA records, and in the minutes of the other Agencies of this date.

2. Chairman's Opening Remarks:

The Chairman extended a cordial welcome to the two new Board members, the Honorable Iris Weinshall and the Honorable Neal Zuckerman. Ms. Weinshall is Vice Chancellor of the City University of New York and was recently named Chief Operating Officer of the NY Public Library, effective September 1st. She is a former NYC Department of Transportation Commissioner. Mr. Zuckerman is a business executive and management consultant and will represent the Metro-North Commuter Council. The Chairman noted that last month NYC Transportation Commissioner, the Honorable Polly Trottenberg joined the Board, and some months before the Board welcomed John Malloy who was selected by the Nassau County Executive. The Chairman stated that the new Board members will find that serving on the MTA Board is true public service; in other words, lots of time, hard work and responsibility. The Chairman stated that he knows that the new Board members will make a difference and welcomed them to the Board.

The details of the Chairman's comments are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, which recording includes discussions between Board Members and the Chairman, and in the minutes of the other Agencies of this date.

3. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of June 25, 2014 were approved.

4. Committee on Finance:

Action Items:

Upon motion duly made and seconded, the Board approved the following action items relating to Metro-North:

- Authorization to Issue Special Obligation Taxable Refunding Bonds, Series 2014
- Addition of Outside Counsel to Approved Panel

The details of the above item above are contained in the minutes of the MTA Board held this day, a staff summary filed with the minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

Procurements:

The MTA Board voted on MTA Headquarters procurements.

The following competitive procurements that relate to Metro-North were approved:

- Approval of a competitively negotiated all-agency personal services contract with KPMG LLP to examine the Procure to Pay processes across the MTA agencies.
- Approval of a supplemental agreement with the McKissack Group, Inc. to exercise remaining contract options for Independent Engineering Services for MTA's Capital Program and approved the withdrawal of Delcan from the joint venture.
- Approval of modifications to various personal service and miscellaneous service contracts to continue to provide all-agency organizational and professional development services.

The details of the above item above are contained in the minutes of the MTA Board held this day, a staff summary filed with the minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

Real Estate Item:

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

- License amendment with the City of Yonkers relating to use of the outdoor space at the Yonkers Train Station.

The details of the above item are contained in the minutes of the MTA Board held this day, a staff summary filed with the minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records, which recording contains comments made by Board members.

5. Committee on Metro-North Railroad:

Procurements:

Upon motion duly made and seconded, the Board approved the non-competitive procurements listed below which were recommended to it by the Committee on Metro-North Railroad Operations.

- Non-competitive, three-year, miscellaneous purchase contracts with Faiveley Transport, Mitsubishi, Kawasaki and GE Transportation Parts for various Original Equipment

Manufacturer (OEM) replacement parts for Metro-North's M-2, M-3, M-4, M-6, M7 and M-8 railcars and diesel locomotive fleets.

- A non-competitive, five-year, miscellaneous service contract with Johnson Controls, Inc. (JCI) for preventative and as-needed maintenance services for four York electric centrifugal chillers installed in the Grand Central Terminal Service Plant. York, the Original Equipment Manufacturer (OEM), is owned by Johnson Controls, Inc. The chillers have components and imbedded software controls that are proprietary to JCI, and cannot be maintained by any other vendor. The five-year warranty on the chillers stipulates that only JCI technicians can perform maintenance for the chillers.

Upon motion duly made and seconded, the Board approved the following competitive procurements recommended to it by the Committee on Metro-North Railroad Operations:

- A competitively solicited and negotiated, three-year, personal service contract with Steer Davies Gleave to provide ticket sales and ridership forecasting models for both Metro-North Railroad and Long Island Rail Road.
- A competitively solicited, three-year, miscellaneous service contract with Selco Manufacturing Corp., to provide general and specialized machine shop work for Metro-North's North White Plains work equipment facility on an as-needed basis.
- A competitively solicited, miscellaneous service contract with Konecranes, Inc. for a one-year base period with three one-year renewal options, to provide preventative maintenance, inspection and repair for all Jib and Overhead Cranes located throughout Metro North's New York and Connecticut facilities.
- A competitively solicited, joint railroad five-year, miscellaneous service contract with Sperry Rail, Inc., for 3D Ultrasonic Rail Testing and Joint Bar Detection Services in all Metro-North and Long Island Rail Road service areas.
- A change order with Tutor Perini Corporation in an amount not-to-exceed \$3,350,000 for the construction of two new AC Facility Houses located on the Harlem River Lift Bridge. The Harlem River Lift Bridge AC Facility Houses control the power that operates this moveable draw bridge, which provides the only access in and out of Manhattan for all Metro-North trains traveling to and from Grand Central Terminal.

The details of the above items are contained in staff summaries and reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records, which recording includes discussions between Board Members and Metro-North staff relating to the above items.

6. Committee on Long Island Rail Road:

The Board voted on Long Island Rail Road procurements.

The following non-competitive procurement that relates to Metro-North was approved:

- Board approval of a sole source, miscellaneous procurement contract with Penta Corporation to provide maintenance support services for all equipment and software for LIRR's Audio Visual Paging System, NYC Transit's Penta Communication Exchange Control System and Metro-North's Public Address System.

The details of the above item above are contained in the minutes of the Long Island Rail Road held this day, a staff summary and report filed with the minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

7. Other MTA Business:

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

- Overall Three-Year DBE Goal for FFYs 2015-2017.

A staff summary setting forth the details of the above item is filed with the minutes of the meeting of the MTA Board held this day.

8. CFO Presentation and Associated Action Item:

Upon motion duly made and seconded, in connection with the presentation, for informational purposes, of the MTA 2015 Preliminary Budget and July Financial Plan for 2015-2018, the Board approved an action item authorizing the publishing of any required notices and the holding of any public hearings necessary or appropriate in connection with service investments that require a public hearing and authorizing MTA to proceed with the steps necessary to consider proposals for fare and toll changes.

The details of the presentation by the MTA Chief Financial Officer and the comments of MTA Staff and Board Members are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, which recording includes discussions between Board Members and the Chairman, and in the records of this meeting and minutes of the other Agencies of this date.

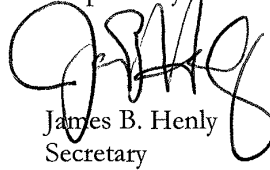
9. Executive Session:

The Board convened into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective negotiations. Thereafter, upon motion duly made and seconded, the Board voted to reconvene in public session.

10. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 4:15 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Henly", written over the printed name.

James B. Henly
Secretary

July 2014 Board Minutes
Legal/Corporate

Minutes of the Regular Meeting
Long Island Rail Road Company
347 Madison Avenue
New York, NY 10017
Wednesday, July 28, 2014
2:45 p.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Jonathan A. Ballan
Hon. Allen P. Cappelli
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Iris Weinshall
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman

The following members were absent:

Hon. Robert C. Bickford
H Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Andrew M. Saul
Hon. Vincent Tessitore, Jr.

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Ira Greenberg; Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

Chairman Prendergast called the meeting to order.

1. **Public Speakers:**

There were seven public speakers. Rosalie Norton, President of the West Hempstead Community Support Association, and Patricia McDonald, Mayor of the Village of Malverne, spoke

in favor of expanded West Hempstead service. George Haikalis, Institute for Rationale Urban Mobility, spoke concerning Long Island Rail Road East Side Access. The details of the speakers' comments are contained in the video recording of the meeting, produced by MTA and maintained in the MTA records, and in the minutes of the other Agencies of this date.

2. Opening Remarks:

The Chairman extended a cordial welcome to the two new Board members, Iris Weinshall and Neal Zuckerman. Ms. Weinshall is Vice Chancellor of the City University of New York and was recently named Chief Operating Officer of the NY Public Library, effective September 1st. She is a former NYC Department of Transportation Commissioner. Mr. Zuckerman is a business executive and management consultant and will represent the Metro-North Commuter Council. The Chairman noted that last month NYC Transportation Commissioner Polly Trottenberg joined the Board, and some months before the Board welcomed John Malloy who was selected by the Nassau County Executive. The Chairman stated that the new Board members will find that serving on the MTA Board is true public service; in other words, lots of time, hard work and responsibility. The Chairman stated that he knows that the new Board members will make a difference and welcomed them to the Board.

The details of the Chairman's comments are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, which recording includes discussions between Board Members and the Chairman, and in the minutes of the other Agencies of this date.

3. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of June 25, 2014 were approved.

4. Committee on Finance:

Action Items:

Upon motion duly made and seconded, the Board approved the following action items relating to LIRR:

- Authorization to Issue Special Obligation Taxable Refunding Bonds, Series 2014
- Addition of Outside Counsel to Approved Panel
- MTA 2010-2014 Capital Plan Amendment

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

Procurements:

Upon motion duly made and seconded, the Board approved the following procurement items relating to LIRR:

- Approval of a competitively negotiated all-agency personal services contract with KPMG LLP to examine the Procure to Pay processes across the MTA agencies, in the amount of \$2,614,840.
- Approval of an award to World Energy Solutions, Inc. of a non-compensated contract and associated other actions with respect to a pilot program for an e-reverse auction competitive process for the procurement of natural gas.
- Approval of ride of a NYS contract to award a contract to NY State Technology Enterprise Corp. to conduct a risk assessment review of the Rail Control Center data and to develop disaster recovery plans that are needed to maintain continuous availability of IT services during emergencies, in the not-to-exceed amount of \$250,000.
- Approval of a supplemental agreement with the McKissack Group, Inc. to exercise remaining contract options, in the amount of \$30,227,781, for Independent Engineering Services for MTA's Capital Program, and approval of the withdrawal of Delcan from the joint venture.
- Approval of modifications to various personal service and miscellaneous service contracts in the not-to-exceed amount of \$4,500,000 to continue to provide all-agency organizational and professional development services.

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

Real Estate Items:

Upon motion duly made and seconded, the Board approved the following real estate item relating to LIRR:

- License agreement with Answer Vending, Inc. for beverage and snack vending machines at LIRR stations and employee facilities for a ten year term, terminable on 60 days' notice, with a total minimum annual guaranteed compensation over 10 years of approximately \$1.0M.

A staff summary setting forth the details of the above items are filed with the minutes of the meeting of the Metropolitan Transportation Authority held this day.

5. Metro-North Committee:

Among the procurements approved at the Metro-North Committee was a competitively solicited three year personal services contract to provide ticket sales and ridership models for Metro-North and LIRR, in the not-to-exceed amount of \$243,785, and a competitively solicited joint Railroad five year miscellaneous service contract to Sperry Rail, Inc. for 3D Ultrasonic Testing and Joint Bar Detection Services, in the not-to-exceed amount of \$10,360,790.

6. Long Island Rail Road Committee:

Procurements:

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

- Approval of a Sole Source Miscellaneous Procurement Contract to Penta Corporation to provide maintenance support services for all equipment and software for LIRR's Audio Visual Paging System, NYC Transit's Penta Communication Exchange Control System and Metro-North's Public Address System, over a five-year term, in the total not-to-exceed amount of \$2,421,634.
- Approval to use the competitive RFP procurement method to award a Design-Furnish-Install contract to modify the existing Signal Supervisory System located at Jamaica Central Control as part of the Jamaica Capacity Improvements (JCI) – Phase I project.
- Approval to ride the NYS Office of General Services Personal Services Contract #PS64284, for On-Line Database Subscriptions, and award a contract to LexisNexis for a period of 52 months, in the total amount of \$62,679.96.
- Approval to award a competitively bid Miscellaneous Service Contract to United Fire Protection Corporation in the fixed price of \$31,290 for Hydrostatic Test and Inspection for Sprinkler, Standpipe and Ancillary Devices, for a period of one-year.

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

MTA Capital Construction:

Procurements:

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

1. Modification to Contract No. 98-0040-01R for design changes to re-sequence construction activities in several Harold Interlocking contracts and Force Account

packages and to implement logic changes in the signal system within Harold Interlocking for Civil Speed Enforcement in the amount of \$1,530,220.

2. Modification to Contract No. VM014 to adjust Milestone and Access Restraints and to compensate the contractor for the associated Impact Costs in the amount of \$6,630,187.

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

7. Diversity Committee:

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

- Overall Three-Year DBE Goal for FFYs 2015-2017

A staff summary setting forth the details of the above item is filed with the minutes of the meeting of the Metropolitan Transportation Authority held this day.

8. CFO Presentation and Associated Action Item

Upon motion duly made and seconded, in connection with the presentation, for informational purposes, of the MTA 2015 Preliminary Budget and July Financial Plan for 2015-2018, the Board approved an action item authorizing the publishing of any required notices and the holding of any public hearings necessary or appropriate in connection with service investments that require a public hearing (including the restoration of weekend service on the West Hempstead branch) and authorizing MTA to proceed with the steps necessary to consider proposals for fare and toll changes.

The details of the presentation and the comments of MTA Staff and Board Members are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, which recording includes discussions between Board Members and the Chairman, and in the records of this meeting and minutes of the other Agencies of this date.

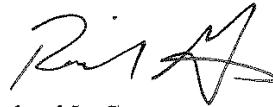
9. Executive Session:

The Board convened into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective negotiations. Thereafter, upon motion duly made and seconded, the Board voted to reconvene in public session.

10. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 4:15 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard L. Gans', with a stylized flourish at the end.

Richard L. Gans
Secretary

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

BOARD MINUTES

July 28, 2014

Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority
July 28, 2014

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

2:30 p.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO, MTA
Hon. Fernando Ferrer, Vice Chairman, MTA
Hon. Andrew Albert
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Allen P. Cappelli
Hon. Susan G. Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Iris Weinshall
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman

Not Present:

Hon. Robert C. Bickford
Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Andrew M. Saul
Hon. Vincent Tessitore, Jr.

Catherine Rinaldi, Chief of Staff; Jerome F. Page, General Counsel; Stephen J. Morello, Counselor to the Chairman; Board Member Ira Greenberg; Carmen Bianco, President, New York City Transit; Patrick A. Nowakowski, President, Long Island Rail Road; Joseph J. Giulietti, President, Metro-North Railroad; James Ferrara, President, Triborough Bridge and Tunnel Authority; Darryl Irick, President/SVP, MTA Bus Operations; 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 Chief Executive Officer Prendergast called the meeting to order.

1. Public Speakers

There were seven (7) public speakers. Murray Bodin of Concerned Grandparents, declared a transportation emergency because railroad cars are not proper and TBTA's lane line markings and signage are not informative. None of the other speakers specifically commented 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 and Chief Executive Officer Prendergast's Opening Comments

Chairman and CEO Prendergast opened his remarks by introducing two new Board members. Iris Weinshall is the Vice Chancellor of the City University of New York and was recently named Chief Operating Officer of the New York Public Library. She is also the former Commissioner of the New York City Department of Transportation. Neal Zuckerman is a business executive and management consultant. He will represent the Metro-North Commuter Council.

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

3. Approval of the Minutes of the Regular Meeting June 25, 2014

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on June 25, 2014 were approved.

4. Committee on Finance

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

(a) Action Items:

- Adopt the Bond Resolution Authorizing Special Obligation Taxable Refunding Bond, Series 2014;
- Approve the addition of outside counsel to the approved panel;
- Approve the MTA 2010-2014 Capital Plan Amendment; and
- Approve the proposed amendment to the MTA Bridges and Tunnels Sandy Repair portion of the MTA 2010-2014 Capital Plan.

(b) Procurements:

- 6 competitive procurement actions in the amount of \$70.7 million; and
- 1 ratification in the amount of \$567,000.

(c) Real Estate Items:

- 3 real estate action items.

A copy of the staff summaries, resolutions and documents setting forth the details of the above items, as well as discussion with regard to same, are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

5. Committee on MTA Bridges and Tunnels Operations

Procurements

Commissioner Cappelli stated that there are nine (9) procurements totaling \$68.407 million.

Non-Competitive Procurements

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

Competitive Procurements

Commissioner Cappelli stated that there are nine (9) competitive procurements totaling \$68.407 million. The Telvent USA, LLC procurement and the BCC Associates, Inc. procurement were tabled and will be submitted to the Committee and Board at a later date with additional information. Commissioner Cappelli stated that there are seven (7) remaining competitive procurements in the total amount of \$8.7 million.

Miscellaneous Procurement Contracts

Telvent USA, LLC	Contract No. 14-OPS-2924 Maintenance and Repair of the Electronic Toll Registry System at all B&T facilities.	\$49,718,488.00
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Personal Service Contracts

BCC Associates, Inc.	Contract No. PSC-14-2955 Perform revenue processing services as well as maintenance of computer hardware and software used in connection with B&T's money counting operation.	\$9,954,434.00
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Lexington Hearing and Speech Center, Inc.	Contract No. PSC-13-2938X B&T requires the services of a consultant to provide annual audiometric testing and training in the proper use of hearing protection for its Bridge and Tunnel Officers (BTOs), Sergeants and Lieutenants. This service must be outsourced since B&T does not have the equipment or the resources certified to perform this work. The service requirements were publicly advertised. On April 15, 2014, two firms Lexington Hearing and Speech Center, Inc. (LHSC) and Enviromed Corp. (EC) submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including qualifications of the consultant, depth of understanding of project and resources, performance/ experience of the firm and cost. Based on the committee's review it unanimously selected LHSC based on its: (i) extensive experience related to providing hearing conservation services; (ii) superior past performance; and (iii) highly qualified	\$253,625.00
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personnel. Enviromed did not demonstrate the depth of understanding of the work requirements identified in the Request for Proposal (RFP). The committee unanimously waived oral presentations and recommended that negotiations be conducted with LHSC, the highest rated firm. The scope of services for the first three years of the prospective contract which centers on conducting hearing examinations has not changed compared with that under the current contract. The term of the agreement, however, has increased from three to five years. LHSC's proposal was in the amount of \$290,625; the user's estimate was \$214,975. Negotiations resulted in a reduction in the consultant's proposal by \$37,000 or 12.7 % for a final amount of \$253,625. When comparing the negotiated rate over a three year period for the predominant services in the RFP including test preparation, hearing exams, notifications and referrals with the rate under the current contract, the negotiated rates reflect a 23% increase. The total negotiated amount is 18% higher than B&T's estimate. This disparity may be attributed to an understatement in the estimate which did not account for an annual rate increase in services. The negotiated amount, however, is 2.2% less than the cost proposed by Enviromed. LHSC has indicated, in writing, that the negotiated rates are the lowest it offers for similar services provided to other customers. Based on the above, the negotiated amount under the prospective agreement is considered fair and reasonable. LHSC is deemed to be a responsible consultant.

Joe Fiorentino &
Associates

Contract No. PSC-14-2952
B&T is seeking a consultant to provide B&T's Right-to-Know training program, which pertains to the legal rights of its employees concerning possible exposure to hazardous substances and workplace safety, as required by New York State Labor Law and the Federal Hazard Communication Standard. These services must be outsourced since B&T does not possess the

\$235,500.00

in-house resources certified to perform them.

The service requirements were publicly advertised and invitation letters were sent to 98 companies. Three firms submitted proposals: Joe Fiorentino & Associates LLC (JFA); Pardus Environmental Consulting, Ltd. and Garden State Environmental, Inc. The proposals were evaluated against established criteria set forth in the RFP, including the proposer's understanding of the required training program, the firm's record of performance, qualifications of the firm, proposed personnel and cost. Although all three proposers were considered technically qualified, the selection committee unanimously selected JFA. The committee unanimously waived oral presentations and recommended that negotiations be conducted with JFA, the highest rated firm.

JFA's technical proposal was considered superior by the selection committee as it: (i) was deemed highly qualified for the specific type of services required; (ii) demonstrated a thorough understanding of the training program; (iii) had qualified personnel to perform the services; (iv) presented a strong track record of performance and (v) proposed the lowest cost. Accordingly, the selection committee determined that JFA was the most qualified firm to perform the services of the Contract. The scope of the services of the prospective contract is substantially similar to the scope of the current contract, except that two hazardous substance topics were added to the training program and some changes were made to the Federal Hazard Communication Standard.

JFA proposed an amount totaling \$235,500, which is 21.9% higher than the user's total estimate of \$193,125. When comparing JFA's proposed amount with the total amount under the current contract over a five year period, the proposed amount reflects a 41.7% increase. This disparity may be attributed to an understatement of the user's estimate which had not fully

considered the significant escalation in operating costs for these services, including an approximate 50% increase in medical and liability insurance costs, as well as general operating cost increases expected during the five (5) year period of this Contract. JFA has indicated, in writing, that its proposed amount is competitive for similar services provided to other customers. Additionally, a price analysis demonstrated that JFA was significantly lower than the next rated firm, which submitted a cost of \$256,875. Based on the foregoing, B&T deems JFA's proposed amount to be fair and reasonable.

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

Xerox State & Local Solutions	Contract No. PSC-05-2741 Additional work to develop a consolidated, statewide All Electronic Tolling program for MTA B&T, the New York State Thruway Authority, the New York State Bridge Authority and the Port Authority of New York and New Jersey.	\$1,935,617.00
Enviromed Services	Contract No. PSC-11-2898 Add funding to maintain a safety presence and oversight at field construction projects.	\$325,000.00

Modifications to Purchase & Public Works Contracts

Ahern Painting Contractors, Inc.	Contract No. TN-82B Perform additional steel repairs, add steel quantities and paint parapets and medians on the suspended span of the Throgs Neck Bridge.	\$2,140,973.10
E.E. Cruz/Tully Construction Co., JV LLC	Contract No. BW-89C Add funding to furnish and install barrier mounted translucent walls and pre-cast concrete walls at the Bronx Whitestone Bridge.	\$2,100,000.00
Perini/O&G, A Joint Venture	Contract No. BW-82 Settle all changes, claims and reconcile final contract quantities for the completion of	\$1,742,741.75

Commissioner Cappelli stated that the Committee members who were present at the Committee meeting considered and voted in favor of the seven (7) procurements although a Committee quorum was not present. Upon a motion duly made and seconded, the Board approved the procurements recommended to it by the Committee for MTA Bridges and Tunnels Operations.

Ratifications

Commissioner Cappelli stated that there are no ratifications.

6. Diversity Committee

Upon motions duly made and seconded, the Board approved the following recommended to it by the Diversity Committee:

(a) Action Items:

- Approve the MTA's overall three (3) year DBE goal for the Federal Transit Administration at 17% for federal fiscal years 2015–2017, which is the same DBE goal as fiscal years 2012-2014.

7. Chairman and Chief Executive Officer Prendergast's Remarks - July Financial Plan

With regard to the July Financial Plan, Chairman and CEO Prendergast stated that the plan is balanced and it fits within the revenue projections; it will accommodate recent collective bargaining agreements without necessitating any additional increases in fares and tolls; costs continue to be reduced and are on target of annual recurring costs of \$1.1 billion in the current year, rising to \$1.5 billion by 2017; a fund in pay/go spending for capital is maintained on the 2015-2019 Capital Plan, which will be critical to maintaining the state of good repair of our billions in assets and delivering safe, reliable service as we plan the regional transit needs of the future.

8. CFO Presentation to a Joint Session of the Board and Finance Committee

MTA Chief Financial Officer Robert Foran distributed staff summary action item materials and discussed the MTA's July Financial Plan in a presentation to a joint session of the Board and Finance Committee. It should be noted that Commissioner Pally stated that the effect of the Long Island Railroad settlement will have no additional impact on the 4% increase in fares and tolls in March 2015 and March 2017 that are incorporated into the 2015-2019 Capital Plan.

(a) Action Items:

Upon a motion duly made and seconded, the Board voted to:

- Authorize the publishing of any required notices and the holding of public hearings necessary or appropriate in connection with those service investments that require a public hearing; and
- Authorize proceeding with the steps necessary to consider proposals for fare and toll changes, including the issuance of public notices and the holding of public hearings to elicit public comment on the proposals.

The staff summaries setting forth the details of the above items are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

The details of Chief Financial Officer Foran's presentation are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records, and the MTA's and other agencies' minutes of the meeting of this date.

9. **Executive Session**

Upon a motion duly made and seconded, the Board unanimously voted to convene in Executive Session pursuant to Public Officers Law §105(1)(e) to discuss matters relating to collective negotiations.

10. **Public Session**

Upon a motion duly made and seconded, the Board unanimously voted to reconvene in Public Session.

11. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 4:15 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Julia R. Christ". The signature is written in a cursive, flowing style.

Julia R. Christ
Acting Assistant Secretary

**Regular Board Meeting
MTA Capital Construction Company
347 Madison Avenue
New York, NY 10017**

**Monday, July 28, 2014
2:45 PM**

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Andrew Albert
Hon. John H. Banks, III
Hon. Jonathan A. Ballan
Hon. Allen P. Cappelli
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Iris Weinshall
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman

The following members were absent:

Hon. Robert C. Bickford
H Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Andrew M. Saul
Hon. Vincent Tessitore, Jr.

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Ira Greenberg; Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Operations 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 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 Chief Executive Officer ("Chairman") Prendergast called the meeting to order.

Public Comment Period

There were seven public speakers.

George Haikalis, President of the Institute of Rational Urban Mobility requested that the MTA Board reconsider the Upper Level Loop Alternative developed by the Delcan Corporation to replace the deep cavern plan for the East Side Access Project. He further requested that the MTA reconsider its plan to construct a new rail yard for the midday storage of cars in Sunnyside Queens.

The names of the remaining speakers and the subject matter of their comments are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on July 28, 2014.

Chairman and Chief Executive Officer's Opening Remarks

Chairman Prendergast thanked the Board members for adjusting their schedules to accommodate the changed times for this month's Committee and Board meetings.

The Chairman introduced and welcomed new Board members Neal Zuckerman and Iris Weinshall.

The remainder of the Chairman's remarks is contained in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on July 28, 2014.

Approval of Minutes

Upon motion duly made and seconded, the Board approved the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on June 25, 2014.

Committee on Finance

Action Item

Upon motion duly made and seconded, the Board approved the addition of fifteen firms to the MTA's all-agency panel of outside counsel available for assignment to all legal matters except for personal injury or property damage, Federal Employers' Liability Act and Workers' Compensation matters.

Procurement

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

1. Award of all-agency personal service Contract 14049-0100 to IBM to for professional technical consulting services to upgrade the MTA's core financial system and to provide an assessment of the HQ Defined Benefits Pension System and Strategic Sourcing Module for the amount of \$33,150,000.
2. Award of all-agency personal service Contract 14006-2-0100 to KPMG LLP to examine the Procure to Pay processes across the MTA Agency Procurement Groups for the amount of \$2,614,840.
3. Award of a modification to all-agency personal service contracts 12194-0100 through 1700 for additional funding to continue to provide all-agency organizational and professional development services for the amount of \$4,500,000 in the aggregate.

A copy of the Resolution, Staff Summaries and details of the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on July 28, 2014.

Real Estate

Upon motion duly made and seconded, the Board approved a Real Estate item to exercise the six month renewal option on the Lease for office space used for the No. 7 Line Extension Field Office.

A copy of the Staff Summary and details of the above item is filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on July 28, 2014.

Committee on NYCT & Bus

Procurement

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

A modification to Contract C-26010 to address changes to the infrastructure of the communication and fire suppression systems; changes to the fan dampers and actuators; and service modifications to Con Edison normal and reserve power to the 105th Street Substation in the amount of \$2,000,000.

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

A modification to Contract C-26010 for the replacement of Rigid Galvanized Steel conduit with Intermediate Metal conduit for fire rated circuits in the amount of \$2,100,000.

A copy of the Resolution, Staff Summaries and details of the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on July 28, 2014.

Committee on Long Island Rail Road

Procurement

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

1. Modification to Contract 98-0040-01R for design changes to re-sequence construction activities in several Harold Interlocking contracts and Force Account packages and to implement logic changes in the signal system within the Harold Interlocking for Civil Speed Enforcement in the amount of \$1,530,220.
2. Modification to Contract VM014 for the adjustment of Milestones and Access Restraints and to compensate the contractor for the associated Impact Costs in the amount of \$6,630,187.

A copy of the Resolution, Staff Summaries and details of the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on July 28, 2014.

Executive Session

Upon motion duly made and seconded, the Board voted to convene into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

Thereafter, upon motion duly made and seconded, the Board voted to resume proceedings in public session.

Adjournment


Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 4:15 PM.

Respectfully submitted,








David K. Cannon
Assistant Secretary

Staff Summary

Subject
Board Authorization to File for and Accept Federal Grants
Department
Capital Programs
Department Head Name
Craig Stewart
Department Head Signature

Project Manager Name
Marc Albrecht

Date
September 24, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action-					
Order	To	Date	App	Info	Other
1	Finance	9/22/2014	x		
2	Board	09/24/2014	x		

Internal Approvals			
Order	Approval	Order	Approval
1	Capital Programs		
2	Government Relations		
3	CFO		
4	Legal		
5	Chief of Staff		

Narrative

Purpose

To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal Year (FFY) 2014 and 2015.

Discussion

Enclosed is a resolution for Board action prepared in conformance with past practices to:

- 1) Authorize filing of applications in request of Federal capital assistance for the balance of FFY 2014 and FFY 2015.
- 2) Authorize the Chairman/Chief Executive Officer or any of his designees to make required certifications.
- 3) Authorize acceptance of grants.

Projects authorized to be submitted for Federal funding are those referenced in the published Notice of Public Hearing and described in the MTA Description of Projects for FFY 2015. A copy of the resolution requesting MTA Board approval and the list of the projects are attached to this staff summary.

A Public Hearing inviting public comment on the projects proposed to be submitted for federal funding was held in accordance with FTA regulations on September 3, 2014 at the MTA, at which the Deputy Director of Grant Management read into the record the amounts of Federal funds and dollar amounts of work covered by the Notice.

A transcript of the hearing and written statements submitted in conjunction with the hearing are attached under separate cover. Thirteen members of the public spoke at the public hearing. There were comments from speakers about the proposed capital projects, and unrelated service related concerns. In accordance with applicable federal requirements, MTA and agency staff have reviewed and considered all substantive public comments concerning the proposed program of capital projects for federal funding.

Recommendation

It is recommended that the MTA Board approve the attached resolution in order to permit the filing and acceptance of Federal capital assistance for FFY 2014 and 2015.

**Proposed Program of Projects
Federal Fiscal Year 2015**

ACEP ID/	Program/Project Description
NEW YORK CITY TRANSIT	
<i>Subway Cars</i>	
T70101	Purchase B-Division Railcars R211
<i>Buses</i>	
T70302	Purchase 700 Standard Diesel Buses
T70302	Purchase 138 Standard CNG Buses
<i>Stations</i>	
ET0403	Protection of Street Level Openings in Flood Prone Areas
ET040302	Emergency Communications Enhancements
T60413	ADA: 8th Ave and New Utrecht Avenue, Sea Beach Line
T70412	Station Components: Ventilators at Various Locations (2015)
T70413	ADA: Bedford Avenue Station, Canarsie Line
T70413	ADA: Bedford Park Boulevard, Concourse Line
T70413	ADA: 86 Street Station, 4th Avenue Line
<i>Track</i>	
T70502	2015 Mainline Track Rehabilitation
T70502	2015 Continuous Welded Rail (CWR)
<i>Line Equipment</i>	
ET0603	Right of Way Equipment Hardening in Flood Prone Areas
ET0603	Hardening of Substations/Purchase of Mobile Substations
ET0603	Hardening of Ventilation Plants in Flood Prone Areas
ET0603	Internal Station Hardening
ET0603	Pumping Capacity Improvements
T70602	Tunnel Lighting: 34 St-West 4 St Local Tracks - 6th Ave Line
T70604	Pump Room Rehabilitation: 32 Northern Blvd - QBL
<i>Line Structures</i>	
ET0703	Rockaway Line Protection
ET0703	Protection of Tunnel Portals and Internal Tunnel Sealing
T70703	Line Structure Repair Program (Subway, Elevated, Other)
T70703	Rehabilitation of Emergency Exits - 16 Locations
T70703	2015 Mainline Switch Replacement
T70704	Elevated Structure Rehabilitation - Boston Road - E180th
<i>Signals and Communications</i>	
T70803	Modernize Interlocking: Kings Highway, Culver Line
T70806	Copper Cable Upgrade, Phase 4

Power

T70904	Supplemental Negative Cables, QBL
T70904	Rehabilitation of Circuit Breaker House - 239th Street, WPR
T70904	Rehabilitation of Circuit Breaker House - Farragut Road

Shops

ET1003	Flood Mitigation in Yards
T71004	2015 Yard Switches
T71004	Yard Fencing: 38th Street Yard
T71004	2015 Yard Track
T71004	Roof Repair: 207 St Maintenance and Overhaul Shop

Depots

ET1203	Flood Resiliency for Critical Bus Depots
T71204	Articulated Modifications at East New York Bus Depot
T71204	Bus Lifts and Depot Equipment Replacement

Miscellaneous

ET1603	Flood Resiliency for Critical Support Facilities
T71607	Employee Facility Component Repairs: 10 Locations

Staten Island Railway

ES0703	Flood Mitigation for Staten Island Railway Facilities
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LONG ISLAND RAILROAD**Stations**

L60204UC	Wantagh Station Platform Replacement
L70204	New Elevators - Murray Hill Station
L70204	Station Platform Railing Replacement
L70204	Station Platform Lighting
L70204	Station Signage
L70204	Port Washington Station Improvements
L70204	Station & Building Electrical Systems
L70204	Hunterspoint Avenue Station Renewal
L70204	Nostrand Avenue Station Rehabilitation
L70204	ESA/GCT Unified Trash Facility
L70205	Parking Rehabilitation
L70205	Parking Facility Development

Track

EL0303ZH	Emergency Management Equipment Mitigation
L70301	Right of Way Fencing
L70301	Retaining Walls / Right-of-Way Improvements
L70301	2015 Annual Track Program
L70301	Construction Equipment
L70304	Double Track Phase II / South Shore Resiliency
L70304	Jamaica Capacity Improvements - Phase II

Line Structures

EL0403ZJ	Atlantic Avenue Tunnels Mitigation
L70401	Nassau County – Main Line Bridges
L70401	Bridge Program
L70401	Bridge Painting and Bridge Waterproofing

Communications and Signals

L70501	Improved Radio Coverage
L70501	Fiber Optic Network (FON)
L70501	Communication Poles
L70502	Signal Normal Replacement
L70502	Babylon to Patchogue Signal System
L70502	Ronkonkoma to Yaphank Signalization

Shops and Yards

EL0603ZK	Long Island City Yard
EL0603ZP	West Side Yard and East River Tunnel Mitigation
L70604	Hillside Maintenance Facility / Upper Holban Yard Improvements
L70604	Fire Protection Improvements
L70604	Employee Facilities Renewal

Power

L60701AS	Penn Station Substation Renewal
L70701	Third Rail - Protection Board
L70701	Atlantic Avenue Tunnel Lighting
L70701	Third Rail - Composite Rail
L70701	Negative Reactor Upgrade
L70701	Power Pole Replacement
L70701	Signal Power Line Replacement
L70701	Substation Battery Replacement
L70701	Third Rail - Feeder Cable Upgrade
L70701	Third Rail - Disconnect Switches
L70701	Third Rail - 2000 MCM Cable
L70701	Substation Replacements
L70701	Direct Current (DC) Relay Controls
L70701	Signal Power Motor Generator Replacement
L70701	4,160 Volt Feeders
L70701	Substation Component Renewal

Miscellaneous

L70904	Program Administration
Trantech	Transit Technical Assistance

METRO-NORTH RAILROAD***Stations***

M602-02-03	Harlem Line Stations Improvements –Phase I
M702-01-AA	GCT VIS Systems
M702-01-BB	ESA/GCT Unified Trash Facility

Track and Structures

EM03-03-01	Special Equipment
M503-02-01	Replace/Repair Undergrade Bridges
M503-02-06	Overhead Bridge Program – East of Hudson
M603-02-12	Overhead Bridges East of Hudson
M703-01-AA	Turnouts: Mainline/High Speed
M703-01-BB	GCT Turnouts/Switch Renewal
M703-01-CC	2015 Cyclical Track Program
M703-01-DD	Purchase of Maintenance of Way Equipment
M703-01-EE	System-wide Drainage Improvements
M703-02-AA	Bridge Preservation Program
M703-02-03	Undergrade Bridge Rehabilitation - East of Hudson
M703-03-AA	West of Hudson Cyclical Track Program

Communication and Signals

EM04-02-05/06/07	Communication & Signal Infrastructure -(5324 ER)
EM04-03-01	Power and Signals Resiliency Improvements
M704-01-AA	Positive Train Control - East of Hudson

Power

EM05-02-06/07/08/09/10	Power Infrastructure - (5324 ER)
M605-01-04	Replace Motor Alternators

Miscellaneous

M708-01-AA	Program Administration
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Ferries

882315	Newburgh - Beacon Ferry Service
8TM015	Haverstraw-Ossining Ferry Service

MTA BUS**Facilities**

U6030204	Security Improvements
U6030210	Depot Equipment - New Bus Washers
U6030211	New HVAC - Spring Creek and College Point Depots
U70302XX	Depot Component Rehab - LaGuardia and Baisley Park Depots

**RESOLUTION ADOPTED AT A MEETING OF
METROPOLITAN TRANSPORTATION AUTHORITY
September 24, 2014**

WHEREAS, on and after August 14, 2014, a Notice of Public Hearing on the projects to be considered for inclusion in applications to the United States Department of Transportation (USDOT) for Federal financial assistance under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under Title I of the Moving Ahead for Progress in the 21st Century Act (MAP-21) was published in newspapers of general circulation (including newspapers oriented to minority communities) in the geographic area to be served thereby, which Notice contained a summary of the capital improvement program for the balance of federal fiscal year 2014 and federal fiscal year 2015 for the New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, Long Island Rail Road, Metro-North Commuter Railroad, Capital Construction Company, MTA Bus Company, Staten Island Rapid Transit Operating Authority; and

WHEREAS, the full program of projects, including descriptions of individual projects, for the balance of federal fiscal year 2014 and federal fiscal year 2015, was available to the public, as indicated in the notices published in newspapers, either by request or at public offices in the area served by the Authority; and

WHEREAS, all of the principal elected officials of each general purpose unit of government within the service areas of the mass transportation operators for whom assistance is being sought under the said project application were notified by mail of such application; and

WHEREAS, on September 3, 2014 the Public Hearing was conducted by the Authority affording to all concerned the opportunity to present their views, and to submit written statements concerning the projects, including consideration of the economic and social effects of the projects, their impact on the environment and their consistency with the goals and objectives of such urban planning as has been promulgated by the affected communities; and

WHEREAS, the members of the Authority have had an opportunity to review the testimony given at the said Public Hearing, and the statements submitted in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN TRANSPORTATION AUTHORITY:

1. The Chairman and Chief Executive Officer, or any of his designees, be and each of them hereby is, with respect to applications for grants for projects under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit under Title I of MAP-21, authorized to certify to the United States Department of Transportation that the Authority has (a) afforded an adequate opportunity for a Public Hearing on the projects

pursuant to adequate prior notice, and has held such Hearing; (b) considered the economic and social effects of the projects and their impact on the environment, including requirements under the Clean Air Act, the Federal Water Pollution Control Act and other applicable federal environmental statutes, and their consistency with goals and objectives of such urban planning as has been promulgated by the affected communities; (c) found that the projects are consistent with the official plans for the comprehensive development of the urban area to be affected; and (d) found that the projects are in the best overall public interest taking into consideration the need for fast, safe and efficient public transportation services, and conservation of environment, historic sites and natural resources and the cost of eliminating or minimizing any adverse effects.

2. The Chairman and Chief Executive Officer, or any of his designees be, and each of them hereby is, authorized to deliver to the said department a copy of the published notices of and transcript of the said Hearing, including those written statements submitted in connection therewith, and to advise the said department (a) that it may consider the applications as the Authority's final applications, subject to such revisions as the Chairman and Chief Executive Officer or his designees may deem acceptable; (b) that the views, if any, concerning the projects of those principal elected officials of each general purpose unit of government within the service areas of the mass transportation operators for whom assistance is being sought under the said applications, are as set forth in the transcript of the said Public Hearing and those written statements submitted in connection therewith.
3. The Chairman and Chief Executive Officer, or any of his designees be and each of them hereby is, authorized to execute and file applications and accept from the United States of America, on behalf of the Authority, grants of financial assistance under successor legislation to Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under Title I of MAP-21 (in such amounts as may become available) in connection with the projects upon such terms and conditions as the Chairman and Chief Executive Officer, or any of their designees shall deem acceptable.

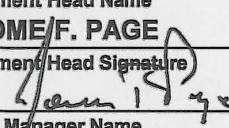
CERTIFICATION

The undersigned hereby certifies that she is the Assistant Secretary of Metropolitan Transportation Authority, a public benefit corporation of the State of New York, and that the foregoing is a true and correct copy of a resolution adopted at a meeting of the said Authority duly held on the 24th day of September 2014, at 347 Madison Avenue, New York, New York at which meeting a quorum of the said Authority was present and acting throughout.

Victoria Clement
Assistant Secretary



Dated: _____

Staff Summary

Subject ENVIRONMENTAL REVIEW PROCEDURES
Department OFFICE OF GENERAL COUNSEL
Department Head Name JEROME F. PAGE
Department Head Signature 
Project Manager Name GORDON J. JOHNSON

Date September 22, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/22/2014	X		
2	Board	9/24/2014	X		

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

PURPOSE: To formalize the current exercise of authority to issue certain environmental determinations and findings.

DISCUSSION: The State Environmental Quality Review Act (SEQRA) requires the MTA, its affiliates and subsidiaries to conduct environmental reviews of discretionary actions other than those exempt from review pursuant to Public Authorities Law §1266(11) or which are "Type II" actions that do not require a review under SEQRA regulations. Historically and routinely, MTA officers and staff have determined whether a proposed MTA action falls within one of the categories of Type II actions established by NYS Department of Environmental Conservation regulations or is exempt under §1266(11), or have conducted environmental assessments to determine whether an action under consideration may have significant adverse environmental impacts. In the latter situation, when after an assessment it is determined that there are no significant adverse environmental impacts, generally an appropriate officer will issue a negative declaration or a conditioned negative declaration under SEQRA based on the expert review of the proposed project. On a few occasions when a proposed action would be expected to be of particular interest to the Board, either because it is high profile or might be considered controversial (for instance, when it considered certain bridge and tunnel toll increases or major service changes that reduced service) the Board itself issued the negative declaration after review of an environmental assessment. If the assessment reveals that there may be a significant adverse impact, an officer issues a positive declaration requiring the preparation of a draft environmental impact statement (DEIS) that, in most cases, is followed by a final environmental impact statement (FEIS). After a positive declaration, staff or the applicant requesting an action by the Board prepares or causes the preparation of the DEIS, sometimes jointly with another governmental entity, which then is subject to public comment and, if warranted, a public hearing. After the close of the comment period, the FEIS is completed together with a response to comments, a notice of completion is issued to the public, and the FEIS is made available to the Board for its review and further action, and to the public in connection with that action for which Board consideration is sought.

The attached resolution formalizes the existing procedure for the delegation of authority to make such determinations and to finalize the FEIS. The Chairman and Chief Executive Officer, or his delegee(s) familiar with the proposed action, would be authorized to make a negative, conditioned negative, or positive declaration, as the case may be, based on environmental information provided by or to MTA staff when the proposed action is subject to SEQRA review. That determination would be made after review of relevant information and preparation of an environmental assessment. The Chairman or his delegee would continue to refer assessments of high profile or potentially controversial actions to the Board. In addition, when a DEIS is prepared, the Chairman or his delegee would be authorized to approve and accept the DEIS and issue a notice of completion thereof on behalf of the MTA, which would commence the required comment period and, if appropriate, the convening of a public hearing. After the close of the comment period for the DEIS, the Chairman or his delegee would be authorized to accept a FEIS and publish notice of its completion prior to its

Staff Summary

FINANCE COMMITTEE MEETING

Surrender of Master Lease Property (Cont'd.)



Page 2 of 2

presentation and consideration by the Board. The resolution would also authorize the preparation and filing of any notices to the public as required by SEQRA and its implementing regulations.

The Board will continue to consider a FEIS when taking a discretionary action addressed by the FEIS.

It is requested that the Board approve the attached resolution.

**RESOLUTION ADOPTED AT A MEETING OF METROPOLITAN
TRANSPORTATION AUTHORITY
September 24, 2014**

WHEREAS, the Metropolitan Transportation Authority is from time to time required pursuant to the New York State Environmental Quality Review Act (SEQRA) to perform environmental assessments as lead agency for certain of its projects; and

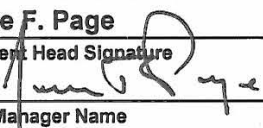
WHEREAS, if a proposed action will not result in any significant adverse environmental impacts, a lead agency may issue a negative declaration together with the reasons supporting that determination (or a conditioned negative declaration if conditions are imposed that mitigate all significant environmental impacts) and where an environmental assessment reveals that a proposed action may result in a significant adverse environmental impact, a lead agency is required to issue a positive declaration and prepare an environmental impact statement; and

WHEREAS, it is convenient and desirable to designate the Chairman and Chief Executive Officer of the MTA, or his delegees, to prepare, or cause to be prepared, such assessments, determinations of significance, and draft and final environmental impact statements, to approve and accept the same on behalf of the Authority, and to provide for all required notices, public hearings and acceptance of comments on the same;

**NOW, THEREFORE BE IT RESOLVED BY THE METROPOLITAN
TRANSPORTATION AUTHORITY:**


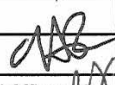

The Chairman and Chief Executive Officer, or his delegee(s) familiar with the proposed action, is hereby authorized to make a negative, conditioned negative, or positive declaration, as the case may be, based on environmental information provided by or to MTA staff; to approve and accept a draft environmental impact statement and issue a notice of completion thereof on behalf of the MTA; authorize the convening of a public hearing if appropriate, and solicitation of comments on such draft environmental impact statement; and to prepare and file any notices to the public in connection with the same as required by SEQRA and its implementing regulations. The Chairman and Chief Executive Officer is further authorized to delegate to such other person familiar with the proposed action the authority to accept a final environmental impact statement and publish notice of its completion prior to its presentation and consideration by the Board.

Staff Summary

Subject Addition of Outside Counsel to Approved Panel
Department MTA Office of General Counsel
Department Head Name Jerome F. Page
Department Head Signature 
Project Manager Name Jerome F. Page/Helene Fromm/Stacy Tick Kudler

Date September 22, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/22/14	X		
2	Board	9/24/14	X		

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

Purpose:

To obtain Board approval to add three law firms to MTA's panel of outside counsel available for assignment of collection matters relating to post judgment and/or post-eviction sums owed to MTA and its agencies and subsidiaries and other collection matters on an as-needed basis. The three recommended firms are 1) Peter C. Merani, P.C. 2) Strasser & Associates and 3) Leopold, Gross & Sommers, P.C.

Discussion:

The handling of post-judgment and/or post-eviction collection matters is a specialty area of legal practice. There are currently no in-house lawyers or firms on the Board approved MTA panel of outside counsel who specialize in handling such matters. It is recommended that collection counsel be added to such approved outside counsel panel to handle pending and future collection matters.


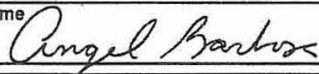
In March 2013, MTA Bridges and Tunnels (B&T) and the Port Authority of New York and New Jersey (PANYNJ) issued a joint RFP for legal counsel for toll and non-toll collection and related services on an "as needed basis." The RFP was publicly advertised and three firms submitted proposals; 1) Peter C. Merani, P.C. 2) Strasser & Associates and 3) Leopold, Gross & Sommers, P.C. The proposals were evaluated based on the following criteria: staff qualifications and experience; firm qualifications and experience; technical approach; and management approach. B&T's selection committee unanimously recommended entering into retainer agreements with all three firms. While Stasser & Associates was the highest rated proposal, Peter C. Merani, P.C. and Leopold, Gross & Sommers, P.C. were also deemed qualified. Leopold, Gross & Sommers submitted the lowest contingency fee of 22% while Peter C. Merani, P.C. and Strasser & Associates submitted fees of 25% and 33.3%, respectively. These contingency fees were considered fair and reasonable by B&T. Given that these firms recently participated in a competitive proposal process, it is recommended that these firms be added to the approved panel of outside counsel to allow them to represent MTA or its constituent agencies without undertaking a new RFP.

As in the past, it is requested that the Board's approval of the firms listed herein also entail the approved use of a successor firm, in the event a firm on the list should subsequently merge into another firm, or a partner or principal lawyer in charge of an MTA matter at one of the listed firms moves to a different firm. These firms will not be used for any legal services other than collection matters.

Recommendation:




It is recommended that the Board approve the appointment of the firms listed above to the approved outside counsel panel for matters other than personal injury, and authorize the MTA's execution of retainers with those firms as set forth above.

Staff Summary

Subject	Request for Authorization to Award Various Procurements
Department	Executive
Department Head Name	Bob Foran
Department Head Signature	
Division Head Name	Angel Barbosa 

Date	September 9, 2014
Vendor Name	Various
Contract Number	Various
Contract Manager Name	Various
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	9/22/2014			
2	Board	9/24/2014			

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

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:

of Actions **\$ Amount**

None None

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts

	3	\$ 3,403,551.00
SUBTOTAL	3	\$ 3,403,551.00

MTAHQ presents the following procurement actions for Ratification:

None None

TOTAL	3	\$ 3,403,551.00
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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, SEPTEMBER 2014
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)

- | | | |
|--|---|---|
| <p>1. All-Agency Investigative Services
Contract Nos. 13275-0100 thru 2100</p> <ul style="list-style-type: none">a. Accurate Information Services Inc.b. Accurate Investigative Services, Inc.c. Aegis International, LLCd. Alliance Worldwidee. Cardinal Claim Service, Inc.f. Capital Investigationsg. C.I.A. Adjustors & Investigators, Inc., dba Compass Adjustorsh. ERS Groupi. G4Sj. Gallagher & Company Adjusters, Inc.k. Hallahan Groupl. ICS Merrillm. IML Investigations, Inc.n. Integrated Security Services, Inc.o. JTI Investigations, Inc.p. Lemieux and Associates Investigating Agencyq. Northern Intelligence Agency, Inc.r. Pri-Con Investigationss. Summit Securityt. S.J.L. Investigators, Inc.u. Terrier Claims Services, Inc. | <p>\$3,000,000
(not-to-exceed)</p> | <p><u>Staff Summary Attached</u></p> |
|--|---|---|

Competitively negotiated – 22 proposals – 36 months

To recommend that the Board approve the award of a competitively negotiated, all-agency, personal services contract to the above twenty-one (21) vendors to provide Investigative Services on an as-needed basis. MTA and the agencies utilize outside investigators to conduct investigations ranging from personal injury under the Federal Employers Liability Act and Workers Compensation and No Fault laws, to disability and sick leave abuse. The twenty-one (21) selected firms originally proposed rates ranging from \$35 to \$98.50 per hour. These hourly rates were negotiated down to a range of \$35 to \$65, representing reductions ranging from 0% to 34%, and will remain fixed for the three-year term of the contracts. These rates compare favorably with the rates under the current 5-year contracts which range between \$35 to \$60 per hour. Based on the above, the negotiated hourly rates are deemed fair and reasonable.

METROPOLITAN TRANSPORTATION AUTHORITY
COMPETITIVE PROCUREMENTS

2-3. AFT Projects at MNR Facilities – AFT to provide technical design, fabrication, crating, storage, delivery, installation and oversight of installation of materials at the facilities specified below.
Competitively negotiated – 33 proposals – 24 months, Metro-North Railroad Situ Studio, MNR North White Plains Station Parking Garage (\$243,551)

Competitively negotiated – 164 proposals – 24 months, Metro-North Railroad, Dan Funderburgh, MNR Fordham Station (\$160,000).

Staff Summary

Schedule F: Personal Service Contracts

Item Number: Dept & Dept Head Name: General Counsel, Jerome Page Division & Division Head Name: Legal, Roberta Bender						SUMMARY INFORMATION Vendor Name: Various Contract Number: 13275-0100 thru 2100 Description: All-Agency Investigative Services Total Amount: \$3,000,000 Contract Term (including Options, If any) October 1, 2014 thru September 30, 2017 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 type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:																			
Board Reviews <table border="1"> <thead> <tr> <th>Order</th> <th>To</th> <th>Date</th> <th>Approval</th> <th>Info</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Finance</td> <td>9/22/2014</td> <td>X</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>Board</td> <td>9/24/2014</td> <td>X</td> <td></td> <td></td> </tr> </tbody> </table>						Order	To	Date	Approval	Info	Other	1	Finance	9/22/2014	X			2	Board	9/24/2014	X				
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2	Legal <i>AB</i>																								

Narrative

I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of the below twenty-one (21) competitively negotiated, All-Agency personal services contracts for Investigative Services on an as-needed basis for a period of three (3) years from October 1, 2014 through September 30, 2017 for a total not-to- exceed amount of \$3,000,000.

- | | | |
|---|---|---|
| 1. Accurate Information Services Inc. | 8. ERS Group | 15. JTI Investigations, Inc. |
| 2. Accurate Investigative Services, Inc. | 9. G4S | 16. Lemieux and Associates Investigating Agency |
| 3. Aegis International, LLC | 10. Gallagher & Company Adjusters, Inc. | 17. Northern Intelligence Agency, Inc. |
| 4. Alliance Worldwide | 11. Hallahan Group | 18. Pri-Con Investigations |
| 5. Cardinal Claim Service, Inc. | 12. ICS Merrill | 19. Summit Security |
| 6. Capital Investigations | 13. IML Investigations, Inc. | 20. S.J.L. Investigators, Inc. |
| 7. C.I.A. Adjusters & Investigators, Inc., dba
Compass Adjusters | 14. Integrated Security Services, Inc. | 21. Terrier Claims Services, Inc. |

II. DISCUSSION

MTA and the agencies utilize outside firms to conduct investigations to ensure that their interests are protected in connection with claims under the Federal Employers Liability Act and Workers Compensation and No Fault laws, as well as potential disability and sick leave abuse. The services provided by these firms typically involve surveillance and videotaping where there is a question regarding the nature and extent of an alleged injury, and to obtain witness statements. The agencies utilizing these services, i.e., New York City Transit (NYCT), Metro-North Railroad (MNR), Long Island Rail Road (LIRR), MTA Bus and MTA Headquarters do not have the staff, expertise or equipment to conduct the volume of investigations that are required.

The Board previously approved retainer agreements for investigative services in November, 2008. In order to continue these essential services, a competitive Request for Proposals (RFP) was publicly advertised in the NYS Contract Reporter, Minority Commerce Weekly, El Diario, and the NY Post, and letters advising potential proposers of the RFP's availability were sent to 67 firms, eight (8) of which were D/M/WBE firms. Twenty-two proposals were received, two of which – Northern Intelligence

Agency, Inc. and Pri-Con Investigations, Inc. – are certified WBE firms. The Selection Committee, consisting of representatives from MTAHQ, NYCT, LIRR and MTA Bus, evaluated the proposals and determined that 21 of the 22 firms, including the two MBE firms, are technically qualified to perform the services identified in the RFP.

The 21 selected firms originally proposed rates ranging from \$35 to \$98.50 per hour. These hourly rates were negotiated to a range of \$35 to \$65, representing reductions of up to 34% and will remain fixed for the three-year term of the contracts. This compares favorably with the current 5-year old contract rates which range between \$35 and \$60. Based on the above, the negotiated hourly rates are deemed fair and reasonable. MTA has conducted a responsibility review and other due diligence on all firms and has deemed them to be responsible for award.

III. D/M/WBE INFORMATION

Due to the nature of the contract and the lack of subcontracting opportunities, MWBE goals were waived. However, in a quest to maximize MWBE participation, two NYS certified WBEs were selected for prime consultant opportunities. The Department of Diversity and Civil Rights will monitor the contract to ensure WBE participation.

IV. IMPACT ON FUNDING

The actual expenditures for investigative services are dependent on each agency's actual needs and will be determined by Board-approved budgets for those years.

V. ALTERNATIVES

1. Do not retain Outside Investigators: This is not cost effective or practical. Without the support of the outside investigators, many questionable claims pending against the agencies would be defended inadequately or not at all. That, in turn, may significantly increase the amounts paid out for the claims.
2. Perform the Services In-house: This is not a feasible alternative. MTA and its agencies do not have the staff, expertise or equipment in-house to conduct the volume of investigations that are required.

SEPTEMBER 2014
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

ACTION ITEMS

MTA NEW YORK CITY TRANSIT

Lease agreement with Subway Real Estate, LLC for the operation of a sandwich shop at the Myrtle-Wyckoff Avenues Station Complex, 1581 Myrtle Avenue, Brooklyn, NY

Lease with President Maintenance Corp. for warehouse space at 1590 Bedford Avenue, Brooklyn, NY

Lease modification and extension agreement with 27-35 Jackson Avenue, LLC for New York City Transit continued occupancy at 27-35 Jackson Avenue, Long Island City, New York

MTA METRO-NORTH RAILROAD

Lease with Robert Ferrari for the operation of a newsstand in the overpass of the North White Plains Station

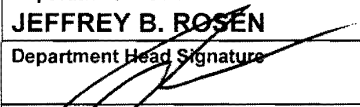
License with RJT Motorist Services, Inc. for the use of vacant land along the Harlem Line in White Plains, New York

Harrison transit-oriented development

METROPOLITAN TRANSPORTATION AUTHORITY


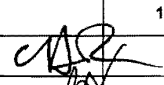

License with Municipal Credit Union for the operation of automated teller machines in the lobby at 2 Broadway, New York

Staff Summary

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

Date SEPTEMBER 22, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/22/14	X		
2	Board	9/24/14	X		

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

AGENCY: MTA New York City Transit ("NYCT")
 LESSEE: Subway Real Estate, LLC
 LOCATION: 1581 Myrtle Avenue, Brooklyn, NY
 ACTIVITY: Operation of a sandwich shop
 ACTION REQUESTED: Approval of terms
 TERM: 10 years
 SPACE: 1,500 square feet
 COMPENSATION:

Year	Annual	Monthly	% Increase	Per Sq. Ft.
1	\$42,900.00	\$3,575.00	--	\$28.60
2	\$45,045.00	\$3,753.75	5%	\$30.03
3	\$47,297.25	\$3,941.44	5%	\$31.53
4	\$49,662.11	\$4,138.51	5%	\$33.10
5	\$52,145.22	\$4,345.44	5%	\$34.76
6	\$54,752.48	\$4,562.71	5%	\$36.50
7	\$57,490.10	\$4,790.84	5%	\$38.32
8	\$60,364.61	\$5,030.38	5%	\$40.24
9	\$63,382.84	\$5,281.90	5%	\$42.25
10	\$66,551.98	\$5,546.00	5%	\$44.37

COMMENTS:

MTA Real Estate issued a request for proposals ("RFP") for this retail space and received two proposals. Subway Real Estate, LLC, the real estate subsidiary of the Subway sandwich chain, offered the highest rent, proposing \$42,900 for the initial year with 5% annual increases over the term of the lease. The proposed rent exceeds the fair market value of the space as estimated by MTA Real Estate's independent consultant. Over the ten-year term, the present value of the proposed rent, using a 9% discount rate is \$334,538.86. The second proposal was submitted by SBP Enterprises, LLC, which proposed a pizzeria for the space. Details of the proposals are shown below.

Staff Summary

FINANCE COMMITTEE MEETING Subway Real Estate, LLC (Cont'd.)



Metropolitan Transportation Authority

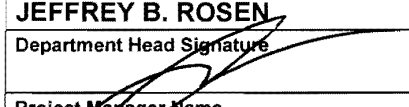
Page 2 of 2

Name of Proposer	First Year Rent	Present Value: Ten Year Term, 9% Discount Rate
Subway Real Estate, LLC	\$42,900	\$334,538.86
SBP Enterprises, LLC	\$41,500	\$323,635.29

Subway Real Estate, LLC will enter into the lease as tenant, and will subsequently assign its operating rights to a franchisee,. The proposed franchisee, AASNAZ, Inc., will build out and operate the store. AASNAZ, Inc. currently operates seven other successful Subway franchise locations in Brooklyn and has sufficient assets to undertake the build out and commence operations. The principal of AASNAZ, Inc., Ms. Nazmun Alvi, will sign a limited guaranty, although Subway Real Estate, LLC will remain obligated to pay rent and identify another franchisee to fulfill the terms of the agreement in the unlikely event that AASNAZ, Inc. does not meet its obligations.


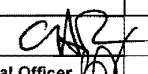

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Subway Real Estate, LLC on the above-described terms and conditions.

Staff Summary

Subject LEASE EXTENSION
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name MICHAEL DANIELS

Date SEPTEMBER 22, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/22/14	X		
2	Board	9/24/14	X		

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

AGENCY/ TENANT: MTA New York City Transit Authority ("NYCT")

LANDLORD: President Maintenance Corporation

LOCATION: 1590 Bedford Avenue, Brooklyn, NY

ACTION REQUESTED: Approval of terms

SPACE: Approximately 55,000 rentable square feet of warehouse space

TERM: Ten years from 7/1/14 - 6/30/24

BASE RENT:

<u>Year</u>	<u>Annual</u>	<u>Per Square Foot</u>
1	\$758,448	\$13.79
2	\$869,550.00	\$15.81
3	\$887,150.00	\$16.13
4	\$904,750.00	\$16.45
5	\$922,900.00	\$16.78
6	\$941,600.00	\$17.12
7	\$960,300.00	\$17.46
8	\$979,550.00	\$17.81
9	\$999,350.00	\$18.17
10	\$1,019,150.00	\$18.53

UTILITIES: Tenant's responsibility - direct metering

TERMINATION RIGHT: None.

REAL ESTATE TAXES: None (property exempt by virtue of NYCT's lease of the entire lot).

Staff Summary

FINANCE COMMITTEE MEETING LEASE EXTENSION (Cont'd)

REPAIRS AND MAINTENANCE:

All building maintenance to be performed by NYCT Division of Stations.

LANDLORD'S BUILDING WORK:

Landlord will provide specified alterations and improvement (e.g. office painting, upgrade boiler, repair windows), at Landlord's sole cost of approximately \$75,000.00 to be completed within 90-days from Lease commencement date.

COMMENTS:

Since 1999, NYCT's Department of Subways - Stations Environment has occupied 55,000 rentable square feet of warehouse space at 1590 Bedford Avenue. The lease is "triple-net", requiring all building maintenance not related to the roof or structure to be performed by the tenant. The current lease expired on June 30, 2014.

This location houses NYCT's Central Maintenance Facility, which serves 123 Brooklyn stations, is the reporting location for 63 employees working two shifts and houses station maintenance vehicles, station maintenance materials and various maintenance shops.

Within the existing MTA-controlled space inventory, MTA Real Estate was unable to identify any alternative leased or owned space to accommodate this function. To identify other options, MTA Real Estate worked with Cushman & Wakefield/JRT Realty. Several properties were inspected but they did not meet the proximity and maintainer travel distance to the subway system and stations served by the division and the buildings required major renovations to meet the needs of the division. In no case would the overall economics have been more favorable than remaining at 1590 Bedford Ave.

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

Staff Summary



Metropolitan Transportation Authority

Page 1 of 2

Subject LEASE MODIFICATION & EXTENSION
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature
Project Manager Name ANDREW D. GREENBERG

Date September 22, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/22/14	X		
2	Board	9/24/14	X		

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

AGENCY: MTA New York City Transit ("NYCT")

LANDLORD: 27-35 Jackson Avenue, LLC

LOCATION: 27-35 Jackson Avenue, Long Island City, New York 11101

ACTIVITY: Lease modification and extension

ACTION REQUESTED: Approval of terms

INITIAL TERM: Ten years from 8/1/14 the ("Commencement Date") thru 7/31/24

RENEWAL OPTION: One 5 year renewal option at 95% of fair market value

SPACE: Entire 4th Floor – 19,404 rentable sq. ft.
Part of Ground Floor – 5,159 rentable sq. ft.

Entire 4 th Floor			Part Ground Floor		
Yr.	Annual Rent	\$ Per sq. ft.	Yr.	Annual Rent	\$ Per sq. ft.
1	\$ 523,908.00	\$ 27.00	1	\$ 128,975.00	\$ 25.00
2	\$ 537,102.72	\$ 27.68	2	\$ 132,225.17	\$ 25.63
3	\$ 550,491.48	\$ 28.37	3	\$ 135,526.93	\$ 26.27
4	\$ 564,268.32	\$ 29.08	4	\$ 138,880.28	\$ 26.92
5	\$ 578,433.24	\$ 29.81	5	\$ 142,388.40	\$ 27.60
6	\$ 617,241.24	\$ 31.81	6	\$ 152,706.40	\$ 29.60
7	\$ 632,764.44	\$ 32.61	7	\$ 156,524.06	\$ 30.34
8	\$ 648,481.68	\$ 33.42	8	\$ 160,444.90	\$ 31.10
9	\$ 664,781.04	\$ 34.26	9	\$ 164,468.92	\$ 31.88
10	\$ 681,274.44	\$ 35.11	10	\$ 168,596.12	\$ 32.68

RENT CONCESSION: Free rent during months 2, 12, 24 and 36.

UTILITIES: Direct meter electric to public utility. Direct meter water to public utility.

REAL PROPERTY TAX ESCALATION: Proportionate share of increases over 2014/15 base fiscal year, first anniversary of Commencement Date.

Staff Summary

FINANCE COMMITTEE MEETING

27-35 Jackson Avenue, LIC, NY - Lease Modification & Extension (Cont'd)

OPERATING EXPENSE ESCALATION: None

LANDLORD'S WORK: Landlord will provide alterations in accordance with Tenant's scope of work at Landlord's cost.

TERMINATION OPTION: Tenant may terminate the lease for the ground floor premises at any time commencing January 1, 2018, following 12 months prior written notice, in which event Tenant to reimburse the unamortized portion of the cost for Landlord's Work.

MAINTENANCE & REPAIRS: Landlord to continue to provide cleaning at Tenant's expense. Landlord will continue to provide air-conditioning and heat (heat is only to the 4th floor) at Landlord's cost. Landlord will continue to provide all structural repairs at Landlord's cost and Tenant will continue to be responsible for all interior repairs. Landlord to continue to provide bulb and ballast repair/replacement at Landlord's expense.

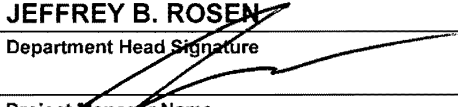
SECURITY DEPOSIT: None.

COMMENTS:

The subject premises are used to house NYCT's Assistant Chief Transportation Officers and Subdivision C Construction Flagging personnel. As part of the MTA's comprehensive office right-sizing initiative, the subject lease was extended for two years commencing August, 2012 to allow time to evaluate whether a cost-effective alternative to a longer-term extension might be available. Having determined that there are no suitable alternatives available within the MTA's existing space portfolio, and ((with the assistance of our advisors at Cushman & Wakefield) that other space is not available or more favorable terms, we now propose to lock in a longer-term renewal as described above.


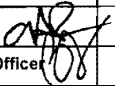

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease modification and extension with 27-35 Jackson Avenue, LLC on the above-described terms and conditions.

Staff Summary

Subject LEASE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name ALICIA BIGGS

Date SEPTEMBER 22, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/22/14	X		
2	Board	09/24/14	X		

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

AGENCY: MTA Metro-North Railroad ("Metro-North")

LESSEE: Robert Ferrari

LOCATION: North White Plains Station on Metro-North's Harlem Line

ACTIVITY: Retail sale of coffee, teas, non-alcoholic beverages, breakfast bakery items, newspapers and magazines.

ACTION REQUESTED: Approval of terms

TERM: Ten years

SPACE: Approximately 80 sq. ft.

COMPENSATION: Fixed rent as follows:

Year	Annual	Monthly	% Increase	Per Sq. Ft.
1	\$8,220.00	\$685.00	3%	\$102.75
2	\$8,466.60	\$705.55	3%	\$105.83
3	\$8,720.52	\$726.71	3%	\$109.01
4	\$8,982.12	\$748.51	3%	\$112.28
5	\$9,251.52	\$770.96	3%	\$115.64
6	\$9,528.96	\$794.08	3%	\$119.11
7	\$9,814.80	\$817.90	3%	\$122.69
8	\$10,109.16	\$842.43	3%	\$126.36
9	\$10,412.40	\$867.70	3%	\$130.16
10	\$10,724.52	\$893.71	3%	\$134.06

COMMENTS

In January 2013, MTA Real Estate issued a request for proposals for the coffee concession in the overpass at Metro-North's North White Plains Station and four responses were received. At the time, Whitehall Café, Inc. was selected to operate the concession and a staff summary was submitted and approved at the July 2013 Board meeting. However, the

Staff Summary

FINANCE COMMITTEE MEETING Subject (Cont'd.)



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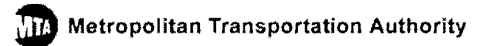
owner of Whitehall Café was unable to fulfill her obligations due to a personal family matter and withdrew her proposal. The second highest proposer was contacted and he informed us that he was no longer interested in this location. The third proposer was unresponsive.

The fourth proposer, Robert Ferrari, who is the incumbent and continues to operate the coffee concession, offered \$8,220 for the initial year with 3% annual increases over the term of the lease. Over the 10-year term, the present value of such proposed rent, using a 9% discount rate, is \$59,225.90. Such rent exceeds the estimated fair market rental value as determined by MTA's consultant.

Mr. Ferrari has demonstrated his ability to successfully operate this concession since 1989. Under the new lease agreement, Mr. Ferrari has agreed to upgrade the concession to match the new look of the station when Metro-North's planned renovations are completed. He will continue to offer coffee, tea, pastries, fruits, snacks, newspapers and magazines. Mr. Ferrari has been and remains a tenant in good standing.

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

Staff Summary



Page 1 of 1

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature
Project Manager Name CAROLE BRYDEN

Date SEPTEMBER 22, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/22/14	X		
2	Board	9/24/14	X		

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

AGENCY: MTA Metro-North Commuter Railroad ("Metro-North")

LICENSEE: R.J.T. Motorist Services, Inc. ("RJT")

LOCATION: Vacant, landlocked parcel abutting 121 Westmoreland Avenue, situated along the east side of Metro-North's Harlem Line ROW, White Plains, NY 10606

ACTIVITY: Storage and parking of vehicles or other ancillary business uses

ACTION REQUESTED: Approval of terms

TERM: Licensed area will be added to the existing license agreement between RJT and Metro-North, which is due to expire in March 2017. License for use of each licensed parcel will be terminable by Metro-North at will on 60 days' notice

SPACE: 11,500 square feet

COMPENSATION:	<u>Year</u>	<u>Annual</u>	<u>Monthly</u>	<u>% Increase</u>	<u>Per Sq. Ft.</u>
	1	\$14,400.00	\$1,200.00	--	\$1.25
	2	\$14,832.00	\$1,236.00	3%	\$1.29
	3	\$15,276.96	\$1,273.08	3%	\$1.33

COMMENTS:

MTA Real Estate issued a request for proposals ("RFP") to license this vacant, landlocked parcel abutting Metro-North's Harlem Line ROW for a 10-year term, and received two proposals. RJT's initial offer of \$1 per square foot was more than twice as high as the second offer, which came from RM MAG Westmore, LLC. Subsequently, Real Estate negotiated the term and the rent, reducing the term to be coterminous with RJT's license of an adjacent parcel, which expires in the spring of 2017, and increasing the compensation to \$1.25 per square foot with 3% annual increases. The combination of the compensation offered and the cost avoidance to Metro-North for maintenance of the lot make the transaction beneficial for Metro-North. At the expiration of the coterminous RJT licenses, both parcels licensed to RJT can be offered together via a request for proposals. The present value of RJT's offer for the renegotiated term of 2.5 years for the license is \$31,593.

Based on the foregoing, MTA Real Estate requests authorization to amend the existing license agreement with RJT Motorist Services, Inc. on the above-described terms and conditions.

Staff Summary



Metropolitan Transportation Authority

Page 1 of 3

Subject HARRISON TRANSIT-ORIENTED DEVELOPMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature
Project Manager Name JOSEPH CHAN/TATIANA ECK/GREG SYLVESTER

Date: SEPTEMBER 22, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	9/22/14		X	
2	Finance Committee	9/22/14	X		
3	Board	9/24/14	X		

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

AGENCY: MTA Metro-North Railroad ("Metro-North")

LOCATION: 3.28 acres immediately south of Metro-North's Harrison Station (the "Station"), designated as Section 18, Block 182, Lots 12 and 15 on the Town/Village of Harrison's assessment map (the "Site"), comprised of a 1.9-acre parcel (the "East Parcel") and a 1.4-acre parcel (the "West Parcel")

ACTIVITY: Potential sale of the Site to a subsidiary of AvalonBay Communities Inc. (the "Developer") to permit the construction of a mixed-use transit-oriented development ("TOD") and commuter parking garage (collectively, the "Project")

ACTION REQUESTED: Approval to enter into a joint development agreement ("JDA") and negotiate a land disposition agreement ("LDA") and other related agreements

COMPENSATION: In exchange for title to the Site, the Developer will, at no cost to Metro-North, construct a new parking garage on a portion of the Site (the "Garage"), in which 475 spaces (the "Commuter Parking Spaces") will be owned by Metro-North and dedicated to commuter parking, and will construct ramps, driveways, sidewalks, vertical transportation and other means of vehicular and pedestrian access between the Garage, adjoining streets and the Station (collectively with the Commuter Parking Spaces, the "Metro-North Facilities")

COMMENTS:

The Site, which is owned in fee by MTA, is currently used for surface commuter parking. Its 257 existing parking spaces are insufficient to meet demand at the Station and, were they continue to be operated as currently laid out, would require physical rehabilitation by Metro-North. However, the Site offers great potential for a TOD, as it adjoins the Station and is located in the central business district of the Town/Village of Harrison, NY (the "Town"). In recognition of the Site's potential, Metro-North and the Town collaborated in formulating a TOD concept plan that addressed Metro-North's parking and station access needs as well as the Town's downtown revitalization goals. This TOD plan was packaged and publicly marketed to developers via a request for proposals ("RFP") process, beginning in July 2011.

Responses to the RFP were received from AvalonBay Communities Inc. ("AVB") and Conifer Realty, LLC. Following interviews with both respondents, AVB's proposal was deemed the more advantageous as, unlike Conifer's, it was not contingent upon the availability of public subsidies (the availability of which could not be assured) or, indeed, any form of third-party financing. As such, AVB was selected as the conditionally designated developer and an exclusivity agreement was executed in November, 2012, on the strength of which AVB has expended the time and money required to develop a

Staff Summary

Metro-North Railroad Harrison Station TOD

project plan for review under the State Environmental Quality Review Act ("SEQRA") and the Town's formal land use review procedures. Such plan (the "Preliminary Project Plan") calls for the Developer to design, construct and operate the Project with the following components:

- 143 rental apartment units
- Approximately 27,000 square feet of retail, restaurant and/or other neighborhood commercial space
- A total of 753 parking spaces, including 569 spaces in the Garage, of which no less than 475 parking spaces will be set aside for Metro-North commuters

Construction of the Garage by the Developer will allow Metro-North both to avoid rebuilding its existing surface lot and to gain 218 new spaces, all at no cost to Metro-North, a combined economic benefit in excess of the current fair market value of the Site as determined by an independent appraiser.

Subject to SEQRA review and community input pursuant to the Town's land use review procedures, the current members of Harrison's Town Board have endorsed the general design and scope of the Project as set forth in the Preliminary Project Plan, and accordingly a JDA is currently being negotiated among the Developer, Metro-North and the Town.

The purpose of the JDA will be to set forth the terms and conditions on the basis of which:

- the Developer will seek the requisite Town zoning and site plan approvals in order to develop the proposed Project at the Site, and will arrange for and fund all required studies and environmental impact statements required under SEQRA in connection with such approvals;
- the Town, acting as lead agency, and Metro-North will review the proposed Project pursuant to SEQRA;
- the Developer and Metro-North will seek to reach agreement with respect to definitive designs for the Metro-North Facilities;
- the Developer and Metro-North will seek to agree on the definitive terms of the LDA, pursuant to which Metro-North would convey to the Developer first the East Parcel and then the West Parcel, it being understood that :
 - at LDA signing, the Developer will be required to deposit into escrow an amount equal to 10% of the projected Metro-North Facilities construction cost;
 - at closing on the East Parcel, the Developer will be required to replace such deposit with a parental guaranty of AVB, guaranteeing completion of the Metro-North Facilities; and
 - Metro-North will not be required to deliver title to or possession of the West Parcel, and the Developer's interest in the Site will be non-transferable, until the Developer has achieved "substantial completion" of the Metro-North Facilities;
- the Developer and Metro North will seek to agree on the definitive terms of the condominium regime pursuant to which the Garage will be owned, maintained and operated;
- the Town and Metro-North will seek to agree on the definitive terms of agreements pursuant to which (a) provision will be made for temporary off-site parking pending completion of the Garage on the East Parcel and (b) the Town will commit to permanently preserving at least 338 commuter parking spaces on the north side of the Station; and
- the Developer will be required to fund expenses to be incurred by the Town and Metro-North pursuant to the JDA.

Based on the foregoing, MTA Real Estate requests authorization to enter into the JDA, and, subject to completion of the SEQRA process and further Board review, to negotiate the other above-referenced agreements, on the above-described

Staff Summary

Metro-North Railroad Harrison Station TOD



Metropolitan Transportation Authority

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terms and conditions. Final execution of the LDA and consummation of the transactions contemplated by this staff summary will be subject to future MTA Board approval.

Staff Summary



Metropolitan Transportation Authority

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Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature
Project Manager Name CAROLE BRYDEN

Date SEPTEMBER 22, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/22/14	X		
2	Board	9/24/14	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA")

LICENSEE: Municipal Credit Union ("MCU")

LOCATION: Employee Information Center ("EIC"), Main Lobby
2 Broadway, New York, NY 10004

ACTIVITY: Operation of ATM services

ACTION REQUESTED: Approval of terms

TERM: 10 years

SPACE: 100 square feet

COMPENSATION:

Year	Annual	Monthly	% Increase	Per Sq. Ft.
1	\$15,000.00	\$1,250.00	--	\$150.00
2	\$15,450.00	\$1,287.50	3%	\$154.50
3	\$15,914.00	\$1,326.16	3%	\$159.14
4	\$16,391.00	\$1,365.91	3%	\$163.91
5	\$16,883.00	\$1,406.91	3%	\$168.83
6	\$17,389.00	\$1,449.09	3%	\$173.89
7	\$17,911.00	\$1,492.58	3%	\$179.11
8	\$18,448.00	\$1,537.34	3%	\$184.48
9	\$19,001.00	\$1,583.46	3%	\$190.02
10	\$19,571.00	\$1,630.97	3%	\$195.72

COMMENTS:

MTA Real Estate issued a Request for Proposals ("RFP") for a license for this ATM space located in the Employee Information Center in the lobby of 2 Broadway and received two proposals. Upon analysis of the proposals, it was determined that MCU's proposed compensation offering of \$15,000.00 for the initial year with 3% annual increases over the term of the license was the best offer. MCU is the current licensee of the space and has made on-time compensation payments throughout the duration of the license agreement, as confirmed by tenant management. The second proposer, Access One ATM, Inc., proposed a fee to the MTA of \$1 per withdrawal, with no annual increases. Based on "foreign" transactions (i.e., non-MCU member withdrawals) for a recent period under MCU's current license, estimated annual

Staff Summary

FINANCE COMMITTEE MEETING Municipal Credit Union ("MCU")



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compensation to the MTA would have been slightly over \$11,000 per annum. MCU's proposed compensation matches the fair market value of the space of \$150 per square foot for the initial year as estimated by MTA Real Estate's independent consultant. Over the ten-year term, the present value of the proposed rent, using a 9% discount rate, is \$108,078.80.

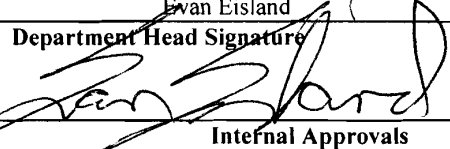




Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with MCU on the above-described terms and conditions.

Report

PROCUREMENTS

The Procurement Agenda this month includes 13 actions for a proposed expenditure of \$146.1M.

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	9/22/14			
2	Board	9/24/14			

September 15, 2014			
Department Law and Procurement – MTACC			
Department Head Name Evan Eisland			
Department Head Signature 			
Internal Approvals			
	Approval		Approval
	President NYCT		President MTACC
	Executive VP		President MTA Bus
X	Capital Prog. Mgt.	X	Subways
	Law	X	DDCR

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	\$ 0.2 M
	• Harman Professional, Inc. \$ 0.2 M		
SUBTOTAL		1	\$ 0.2 M

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

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

NYC Transit proposes to award Competitive procurements in the following categories:			
<u>Schedules Requiring Majority Vote:</u>			
Schedule G: Miscellaneous Service Contracts	1	\$	0.3 M
Schedule L: Budget Adjustments to Estimated Quantity Contracts	1	\$	25.0 M
	SUBTOTAL	2	\$ 25.3 M
MTA Capital Construction proposes to award Competitive procurements in the following categories: NONE			
MTA Bus Company proposes to award Competitive procurements in the following categories:			
<u>Schedules Requiring Two-Thirds Vote:</u>			
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	2	\$	80.1 M
	SUBTOTAL	2	\$ 80.1 M
NYC Transit proposes to award Ratifications in the following categories:			
<u>Schedules Requiring Two-Thirds Vote:</u>			
Schedule D: Ratification of Completed Procurement Actions	1	\$	3.9 M
<u>Schedules Requiring Majority Vote:</u>			
Schedule K: Ratification of Completed Procurement Actions	2	\$	3.4 M
	SUBTOTAL	3	\$ 7.3 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	5		33.2 M
	SUBTOTAL	5	33.2 M
MTA Bus Company proposes to award Ratifications in the following categories: NONE			
	TOTAL	13	\$ 146.1 M
<p>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.</p> <p>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.</p> <p>RECOMMENDATION: That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)</p>			

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.

SEPTEMBER 2014

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. Harman Professional, Inc. | \$236,535 | <u>Staff Summary Attached</u> |
| Contract# C-34800 | | |
| Purchase of equipment to test and evaluate an Information Delivery System installed at the Stillwell Avenue Terminal. | | |

Schedule A: Non-Competitive Purchases and Public Work Contracts**Item Number: 1**

Vendor Name (& Location) Harman Professional, Inc. (Northridge, CA)	Contract Number C-34800	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Purchase of equipment to test and evaluate an Information Delivery System installed at the Stillwell Avenue Terminal	Total Amount: \$236,535	
Contract Term (including Options, if any) Evaluation for an Indefinite Period	Funding Source	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Test and evaluate		

Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to subdivision 9(d) of Public Authorities Law §1209 and approve the exercise of an option for the purchase of the Harman Information Delivery System (IDX) installed at the Stillwell Avenue Terminal. The statute states that the purchase cannot be awarded until 30 days after Board action. The purchase option will then be exercised with the vendor, Harman Professional, Inc. (Harman) in the amount of \$236,535. The Harman IDX is an audio and visual control system installed in a control room at the Stillwell Avenue Terminal. The Harman system (software and hardware) enables RTO personnel located in the Stillwell control room to produce specific messages for audio and/or visual display via the existing Public Address (PA) and Customer Information Screen (CIS) systems on the station platforms at Stillwell Avenue and 17 nearby stations.

The Stillwell Avenue Terminal is the largest above-ground station; its eight tracks and four platforms serve the D, F, N and Q Lines. Until last year, the Terminal still had a decades-old legacy customer information system. In 2013, to provide better customer information at the Stillwell Avenue Terminal, as well as the other 17 stations connected to the RTO control room located at the Terminal, NYC Transit negotiated the subject Loan Agreement, which requires the vendor to demonstrate, at no cost to NYC Transit, that its IDX product could be customized to control the decades-old legacy customer information system at the Stillwell Avenue Terminal and the newer, 1990s customer information systems existing at the other 17 stations controlled by RTO from the Stillwell Avenue Terminal control room.

Before negotiating the subject Loan Agreement, NYC Transit considered negotiating a non-competitive contract with another firm, Innovative Electronic Design (IED), the vendor of the software and hardware that controls the customer information systems existing at the other 17 stations. However, over 100 other stations are also equipped with control systems proprietary to IED and may require updating in a future Capital Program to provide customers with "Next Train Arrival" information. Accordingly, NYC Transit decided to take an alternate approach and work with another vendor to develop competition to IED. Harman was selected because it is the manufacturer of most of the PA/CIS equipment in the existing 1990s customer systems and committed to developing a control system (software and hardware) which could interface with the existing proprietary IED equipment.

In May 2013, NYC Transit executed the Loan Agreement under which Harman agreed to develop and provide, at no cost, a PA/CIS control system for NYC Transit to test and evaluate in operating service. NYC Transit forces installed the system. NYC Transit has evaluated the installed system in operating service and is pleased with its performance. In the event of a successful evaluation, the Loan Agreement provides an option to purchase the installed system for the negotiated cost of \$236,535, which covers the hardware, software development, a perpetual software license, and a two-year warranty covering any and all required maintenance, repair or replacement. The purchase option cost was determined to be fair and reasonable. The purchase will be awarded as Modification Number C-34800 to the Loan Agreement. Maintenance costs will be monitored during the warranty period and will be used to negotiate a long term agreement for maintenance after the two-year warranty period.

SEPTEMBER 2014

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

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.)

1. TTA Systems, LLC \$273,186 (Est.)
Six bids/low-bidder – Three-year contract
IFB# 75373

Staff Summary Attached

Repair and return of subway car truck frames.

L. Budget Adjustments to Estimated Quantity Contracts

(Expenditures which are anticipated to exceed the lesser of \$250,000 or \$50,000 in the event such expenditures exceed 15% of the adjusted contract budget, including any contract modifications.)

2. STV Incorporated \$25,000,000
Four-year contract
Contract # CM-1411

Staff Summary Attached

Federally funded Indefinite Quantity Architectural/Engineering design services.

SEPTEMBER 2014



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.)

New Flyer of America, Inc.		\$80,072,520 (Aggregate Est.)	<u>Staff Summary Attached</u>
78-month contract			
1.	Contract# B40658	\$22,737,552.51 (Est.)	
2.	Contract# B40659	\$57,334,967.52 (Est.)	
Furnish and deliver 45 low floor 40-foot standard diesel buses and 75 low floor 60-foot articulated diesel buses for MTA Bus Company.			

Schedule G: Miscellaneous Service Contracts



Item Number: 1

Vendor Name (& Location) TTA Systems, LLC (Hornell, NY)
Description Repair and Return of Subway Car Truck Frames
Contract Term (including Options, if any) Three years
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: Sealed bid

Contract Number IFB 75373	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$273,186 (Est.)	
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 Subways, Joseph Leader	

Discussion:

This is a competitively-solicited miscellaneous service contract with TTA Systems, LLC (TTA) for the repair and return of approximately 54 cast iron and fabricated subway car truck frames in the estimated amount of \$273,186 for three years.

There are two types of truck frames used on NYC Transit subway cars; cast iron and fabricated. Cast iron frames are constructed using a molten metal molding process while fabricated truck frames are constructed using metal pieces welded together. The truck frame is the structural base to which key subway car components such as wheels, traction motors and brake equipment are mounted. Truck frames are regularly inspected by NYC Transit personnel. Stress from regular usage in revenue service, the weight of the components and the varying passenger weight loads can cause damage to the frames over time, requiring the performance of certain repairs. Only a small percentage of trucks are found to require repair and most of that work can be performed by NYC Transit in-house forces. Those truck frames that cannot be repaired by NYC Transit personnel are sent to the Contractor which has the expertise and equipment to perform extensive welding and heat treatment to effect the repairs and to conduct post-repair magnetic particle inspection. The work to be performed includes all labor, materials, equipment, incidentals and overhead costs, as well as transportation and delivery expenses required to repair this estimated contract quantity of 45 cast iron and nine fabricated truck frames which are used on various subway car classes.

Seventeen vendors were contacted during an extensive market survey and, following an on-site pre-bid conference, two bids were submitted. Many vendors cited their inability to perform this contract work while others cited current workloads among other reasons for not bidding. TTA is the incumbent for this contract and possesses both the facilities and the qualified personnel required to perform the work. TTA's bid is 38% lower than the second lowest bidder. TTA's unit price of \$5,059 for both types of truck frame repair is 27% higher than its unit price of \$3,972 on the previous contract that had a significantly higher estimated quantity of truck frames which was awarded over six years ago. This 27% increase can be attributed, in part, to increased fuel and transportation costs associated with transporting the truck frames to and from TTA's plant in Hornell, NY, as well as the substantial reduction in the estimated quantity of frames requiring repair since the prior contract. Based on this information and effective price competition, TTA's price is considered fair and reasonable.

Schedule L: Budget Adjustments to Estimated Quantity Contracts



New York City Transit

L. Budget Adjustments to Estimated Quantity Contracts

(Expenditures which are anticipated to exceed the lesser of \$250,000 or \$50,000 in the event such expenditures exceed 15% of the adjusted contract budget, including any contract modifications.)

2. STV Incorporated	Original Amount:	\$	25,000,000
	Contract # CM-1411	\$	0
	October 13, 2011 – October 12, 2016	\$	0
	Prior Budgetary Increases:	\$	0
	Current Amount:	\$	25,000,000
	This Request:	\$	25,000,000
	% of This Request to Current Amount:		100%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:		100%

Discussion:

Superstorm Sandy necessitated a series of emergency assessments, design and repairs to restore service to the NYC Transit system. NYC Transit utilized existing Federally funded Indefinite Quantity Engineering Design Services contracts for the MTA Security Program (CM-1409, CM-1410, CM-1411 and CM-1412) to competitively award the initial design tasks for repair and resiliency of several NYC Transit locations, including various yards, stations and supporting facilities. In October 2013, six new competitive Indefinite Quantity Engineering Services contracts were awarded for new Sandy projects. Currently, a solicitation is pending to increase the pool of design consultants available for Sandy-related work.

Contract CM-1411 was awarded October 13, 2011 to STV Incorporated with a 60-month duration. Funding is identified on a per project basis. To date, ten task orders have been issued under Contract CM-1411, of which eight provide for Sandy-related designs. Currently, there are six pending revisions to add related design scope to existing Sandy tasks which will utilize most of the budgetary cap for CM-1411. This budget adjustment will increase the total contractual cap for Contract CM-1411 by \$25,000,000 to a total budget of \$50,000,000. The requested amount will restore the budget intended for the MTA Security Program but utilized instead for the Sandy Program. This budget adjustment will also provide for any Sandy-related design changes to ongoing task orders.

The Board previously approved budget adjustments of \$25,000,000 to CM-1409 and \$25,000,000 to CM-1412, in order to accommodate Sandy work issued to other consultants under this contract series. These increases are above and beyond the \$70,000,000 aggregate budget originally approved by the Board for security-related work. This requested budget adjustment will increase the total Sandy budgetary cap under this contract series to \$75,000,000.

Staff Summary



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Item Number 1-2			
Division/Div. Head/Signature: VP Materiel, Stephen M. Plochochi			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel	6/28/14	President, MTABC
2	Law, MTABC		
3	Capital Budget		
4	DDCR		
5	EVP, MTABC	9-15-14	

SUMMARY INFORMATION	
Vendor Name New Flyer of America, Inc.	Contract Number B40658 & B40659
Description Furnish and Deliver 45 Low Floor 40-foot Standard Diesel Buses (B40658) and 75 Low Floor 60-foot Articulated Diesel Buses (B40659).	
Total Amount \$80,072,520.03 (Est.) B40658 – \$22,737,552.51 New Flyer of America, Inc. B40659 – \$57,334,967.52 New Flyer of America, Inc.	
Contract Term (including Options, if any) 78 months from Notice of Award	
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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE:

To request that the Board approve the purchase, pursuant to subdivision 4 (g) of Section 1265-a of the Public Authorities Law, of 45 Low Floor 40-foot Standard Diesel Buses and 75 Low Floor 60-foot Articulated Diesel Buses for MTA Bus Company (MTABC) in the total amount of \$80,072,520.03 from New Flyer of America, Inc. (New Flyer).

DISCUSSION:

On June 5, 2013, the Board adopted a resolution authorizing the use of a competitive Request for Proposal (RFP) process in lieu of competitive bidding to award a contract for the purchase of 45 Low Floor 40-foot Standard Diesel Buses and a contract for 75 Low Floor 60-foot Articulated Diesel Buses.

The solicitation was advertised in February 2014 and was structured to enable NYC Transit, on behalf of MTABC, to award the requirements of both bus types to a single vendor or award each bus type to a separate vendor, whichever ensures the best value to the Authority. In addition to the advertisement, eight bus manufacturers were directly contacted. Pursuant to the statutory framework, the selection criteria, listed in descending order, were as follows: Overall Project Cost, Overall Quality of Proposer and Product and Other Relevant Matters. Delivery time was required to be completed within 130 weeks from Notice of Award. Selection Committee members were drawn from MTABC/NYC Transit Department of Buses (DOB), Procurement, Capital Planning & Budget and Operations Planning.

Two low floor bus manufacturers, New Flyer and Nova Bus, a division of Prevost Car (US), Inc. (Nova Bus), attended the pre-proposal conference held on March 4, 2014. Initial proposals were received on April 23, 2014 from both New Flyer and Nova Bus.

After the Selection Committee reviewed the initial proposals, both New Flyer and Nova Bus were invited for oral presentations. Oral presentations and negotiations were conducted on a series of dates in May 2014 and centered on the current performance of each bus manufacturer's respective fleets of low floor 40-foot standard diesel buses and low floor 60-foot articulated diesel buses in NYC Transit, pricing, alternate proposals, and exceptions/deviations/clarifications to the technical specifications and the terms and conditions.

Best and Final Offers (BAFOs) were received from both New Flyer and Nova Bus on July 21, 2014. The Selection Committee reviewed the two BAFOs in accordance with the evaluation criteria and unanimously recommended award of both the contract for 45 Low Floor 40-foot Standard Diesel Buses and the contract for 75 Low Floor 60-foot Articulated Diesel Buses to New Flyer because its proposal offered the lowest price and the highest technical evaluation for each bus type. In addition, New Flyer offered a significantly better delivery schedule.

Staff Summary



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The award to New Flyer for the 45 Low Floor 40-foot Standard Diesel Buses will consist of \$22,332,015 (\$496,267 per bus) for the buses, \$143,439 for diagnostic tools and manuals, \$126,038 for an estimated quantity of training and \$136,061 for capital spares, for a total award amount of \$22,737,553. The total award amount is \$2,138,657 or 8.60% below New Flyer's initial proposal of \$24,876,210 and \$699,308 or 2.98% below the BAFO pricing provided by Nova Bus.

The award to New Flyer for the 75 Low Floor 60-foot Articulated Diesel Buses will consist of \$56,630,550 (\$755,074 per bus) for the buses, \$253,110 for qualification testing, diagnostic tools and manuals, \$210,479 for an estimated quantity of training and \$240,829 for capital spares, for a total award amount of \$57,334,968. The total award amount is \$2,381,432 or 3.99% below New Flyer's initial proposal of \$59,716,400 and \$1,195,715 or 2.04% below the BAFO pricing provided by Nova Bus.

The combined total award amount of \$80,072,520 results in a total savings of \$4,520,089 or 5.34% below the initial pricing received from New Flyer. It should be noted that the BAFO submitted by Nova Bus included a 0.54% discount off the unit price of each bus in the event it was awarded both bus types; this discount resulted in a total price of \$81,532,018. The total award amount to New Flyer is \$1,459,498 or 1.79% below the discounted BAFO pricing provided by Nova Bus.

New Flyer will manufacture four low floor 60-foot articulated diesel pilot buses (instead of the two pilot buses requested in the RFP) in order to expedite testing and accelerate the delivery of the production buses. One of the pilot buses will be used for in-service testing while the other three will be used for configuration audit and qualification testing. Manufacture of these four pilot buses is scheduled to be completed in June 2015. New Flyer is not required to provide any low floor 40-foot standard diesel pilot buses as these buses will be substantially similar to a previously procured fleet of buses being delivered concurrently from the same facility and therefore no qualification testing will be required; a lead bus will be manufactured in April 2015 which will be subjected to a configuration audit.

The delivery of the low floor 40-foot standard diesel production buses is scheduled to begin in June 2015 and scheduled to be completed in September 2015; 37 weeks before Nova Bus proposed to deliver its first production bus and 42 weeks before Nova Bus proposed to complete delivery of all of its 40-foot buses. The delivery of the low floor 60-foot articulated diesel production buses is scheduled to begin in October 2015 and scheduled to be completed in June 2016; 14 weeks before Nova Bus proposed to deliver its first production bus and 31 weeks before Nova Bus proposed to complete delivery of all of its 60-foot buses. The above delivery schedules are based on the assumption that Notice of Award will be issued on or before January 31, 2015. Note, these contracts are subject to review and approval of the Office of the NY State Comptroller (OSC) and award will not be made prior to this approval.

Procurement, DOB, MTABC and the Cost/Price Analysis Unit have determined the final prices to be fair and reasonable. There is reasonable assurance that New Flyer is financially qualified to perform these contracts; New Flyer has submitted a Letter of Guarantee from its parent, New Flyer Industries, guaranteeing New Flyer's performance under these contracts.

Payment Terms: There are no advance payments for these contracts, payments will be made as follows: 98% upon acceptance of buses, 1% upon acceptance of training deliverables, 1% upon receipt and acceptance of all other contract deliverables including manuals and other documentation.

TVM:

The Transit Vehicle Manufacturers (TVM) is a program whereby the FTA pre-approves vehicle manufacturers to bid or propose on federally funded vehicle procurements based on established guidelines to ensure Disadvantaged Business Enterprises (DBE) participation. As these contracts will be federally funded, the TVM program applies. New Flyer has furnished its TVM Certification of compliance with DBE Regulations in accordance with FTA guidelines.

IMPACT ON FUNDING:

These contracts will be funded with 80% FTA funds and 20% NYC Funds. Funds for this procurement have been approved in the MTA 2010-2014 Capital Program. WAR certificates will be secured prior to award.

ALTERNATIVES:

No alternative. MTABC needs to replace buses that have exceeded their 12-year useful life. There is no reason to believe that conducting another solicitation will result in lower pricing or better contract terms.

RECOMMENDATION:

It is recommended that the Board approve the purchase, pursuant to subdivision 4 (g) of Section 1265-a of the Public Authorities Law, of 45 Low Floor 40-foot Standard Diesel Buses and 75 Low Floor 60-foot Articulated Diesel Buses for MTABC in the total amount of \$80,072,520.03 from New Flyer of America, Inc.

SEPTEMBER 2014

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

D. Ratification of Completed Procurement Actions

(Staff Summaries required for items requiring Board approval.) 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. CRC Associates, Inc.
Contract# C-52125 | \$3,898,000 | <u>Staff Summary Attached</u> |
| Furnish, install, and integrate an Electronic Security System at the Wall Street Station. | | |

Procurements Requiring Majority Vote:

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

(Staff Summaries required for items requiring Board approval.)

- | | | |
|--|--------------------|--------------------------------------|
| 2. JTJ Contracting, Inc.
Contract# P-36435.29 | \$1,981,760 | <u>Staff Summary Attached</u> |
| Modification to the contract for the rehabilitation of the Montague Tube, in order to furnish and inject an estimated 8,000 gallons of chemical grout into the Montague Tube. | | |
| 3. TC Electric, LLC
Contract# C-33850.33 | \$1,400,000 | <u>Staff Summary Attached</u> |
| Modification to the contract for the rehabilitation of the Steinway Tube Ducts and the construction of two Circuit Breaker Houses, in order to provide for the rehabilitation of the Steinway Tube pump rooms. | | |

SEPTEMBER 2014

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. | AECOM*Arup, JV
Contract# CM-1188.98
Modification to the contract for the preliminary and final engineering services for the Second Avenue Subway project; in order to add funding to provide additional Consultant Support During Construction and extend the contract term by an additional 24 months and 12 days. | \$24,647,081

<i><u>Staff Summary Attached</u></i> |
| 2. | Parsons Brinckerhoff, Quade & Douglas and Bovis Lend Lease LMB, Inc. a Joint Venture
Contract# CM-1265.15
Modification to the contract for Construction Consultant Management Services for Fulton Street Transit Center, in order to provide additional construction and closeout support services and extend the contract term by 18 months. | \$4,794,048

<i><u>Staff Summary Attached</u></i> |
| 3. | Comstock-Skanska, J.V.
Contract# C-26009.17
Modification to the contract for Track, Signal, Traction power, and Communication Systems of the Second Avenue Subway, in order to change Customer Assistance Intercoms (CAIs) located in various locations throughout the stations and change Elevator Cab/Landing Speaker Phones from analog-based to Internet Protocol (IP) based. | \$1,300,000

<i><u>Staff Summary Attached</u></i> |
| | Judlau Contracting | <i><u>Staff Summary Attached</u></i>
↓ |
| 4. | Contract# C-26011.15
\$1,160,484 | ↓ |
| 5. | Contract# C-26011.34
\$1,330,000
Modification to the contract for the construction of the Second Avenue Subway – 72 nd Street Station Finishes; in order to implement changes to the medium voltage switch gear and transformer equipment related to facility power; and for additional costs associated with the replacement of Rigid Galvanized Steel conduit with Intermediate Metal Conduit for fire-rated circuits. | ↓ |

Schedule D: Ratification of Completed Procurement Actions



Item Number: 1

Vendor Name (& Location) CRC Associates, Inc. (South Plainfield, NJ)		Contract Number C-52125	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Furnishing and Installing an Electronic Security System at the Wall Street Station		Total Amount: \$3,898,000	
Contract Term (including Options, if any) Fourteen months		Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive			
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:			

Discussion:

It is requested that the Board formally ratify the award of this contract to CRC Associates, Inc. (CRC), a New York State certified MBE firm, to furnish, install, configure, test, and warrant an Electronic Security System (ESS) at the Wall Street Station on the 2/3 Lines in the Borough of Manhattan. The MTA Security Program is developing an integrated Inter-Agency ESS infrastructure to allow for commonality across all MTA agencies as well as direct communication to the NYC Police Department. The ESS is an infrastructure consisting of hardware and software that will integrate all NYC Transit legacy security subsystems as well as new applications onto a single platform.

Under Contract C-52125, the contractor will furnish, install, configure, test, and warrant ESS equipment at the Wall Street Station. This contract has been awarded pursuant to an Emergency Declaration signed by all agency presidents in December 2002. This contract was solicited using a publicly-advertised two-step selection process whereby interested bidders were evaluated and selected by NYC Transit based on their technical expertise and integrity. This pre-selection process affords NYC Transit the ability to control the distribution of its security sensitive information and have competition for this procurement. Twenty-eight contractors were identified as being capable of performing this work. All of the contractors were required to sign non-disclosure agreements prior to purchasing the bid documents.

Following advertisement, six bids were received. CRC submitted the lowest bid of \$3,898,000. The price was found to be fair and reasonable. CRC has several ongoing construction contracts and one pending award as a prime contractor with NYC Transit and has performed satisfactorily on a number of NYC Transit contracts in the past four years.

CRC has achieved its previous M/W/DBE goals on its previous MTA contracts.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 2

Vendor Name (& Location) JTJ Contracting, Inc. (College Point, NY)	
Rehabilitation of the Montague Tube	
Contract Term (including Options, if any) July 31, 2013 – March 30, 2015	
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 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 P-36435	AWO/Mod. #: 29
Original Amount:	\$ 102,443,000
Prior Modifications:	\$ 1,944,131
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 104,387,131
This Request:	\$ 1,981,760
% of This Request to Current Amount:	1.9%
% of Modifications (including This Request) to Original Amount:	3.8%

Discussion:

This retroactive modification is for the furnishing and injection of an estimated 8,000 gallons of grout into the walls of the Montague Tube in the amount of \$1,981,760.

The contract is for the rehabilitation of the Montague Tube which was damaged by Superstorm Sandy. The scope of this contract requires the construction of new duct banks; circuit breaker houses; rehabilitation of track work; tunnel lighting; pump room; fan plant; and replacement of damaged parts and components at the Montague Furman and Broadway Park substations. The work also includes demolition of existing duct banks; removal and disposal of existing lighting conduits, wiring, fixtures; ballast; receptacles; power and communication cables including lead sheath cables; and installation of power and communications cables in the new duct banks.

The contract calls for injection of grout into the tube walls. When injected, the grout fills voids in the soil behind the tube walls and mitigates water infiltration. Since the extent of the voids behind the tube walls and the amount of grout needed to fill the voids cannot be known prior to construction, the contract calls for an estimated quantity of 4,000 gallons of grout to be furnished and injected. The contract provides a unit price line item for that work; the contractor bid \$400 per gallon. The contract calls for the unit price to be equitably adjusted, upward or downward, in the event the actual quantity differs from the estimated quantity by more than ten percent.

By February 2014, the contractor had injected the estimated quantity of 4,000 gallons. NYC Transit determined that an estimated additional 8,000 gallons would be required. On March 31, 2014, NYC Transit requested a proposal for furnishing and injecting the estimated additional 8,000 gallons. The contractor's proposal was in the lump sum amount of \$2,972,364 (or about \$371.55 per gallon); NYC Transit's estimate was in the lump sum amount of \$2,437,500 (or about \$304.69 per gallon). After negotiations, the lump sum amount of \$1,981,760.00 (or about \$247.72 per gallon) was agreed upon and found to be fair and reasonable. Savings of \$990,604 were achieved.

The rehabilitation of the Montague Tube continues to be a high priority project that is running twenty four hours a day and seven days a week to meet NYC Transit's commitment to restore service between the boroughs. It was critical that the project schedule be maintained and all delays mitigated promptly. Therefore, as soon as it was known that additional grouting would be necessary, the Construction Manager verbally directed the contractor to proceed with the additional work. Subsequently, on May 14, 2014, the SVP & Chief Engineer approved a retroactive waiver to perform the additional grouting work.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

Vendor Name (& Location) TC Electric, LLC (College Point, NY)		Contract Number C-33850	AWO/Mod. #: 33
Rehabilitation of the Steinway Tube Duct and Construction of the Circuit Breaker House		Original Amount:	\$ 23,100,000
Contract Term (including Options, if any) January 6, 2012 – January 5, 2015		Prior Modifications:	\$ 3,268,756
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		Prior Budgetary Increases:	\$ 0
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Current Amount:	\$ 26,368,756
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Negotiation		This Request:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:			\$ 1,400,000
Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith		% of This Request to Current Amount:	5.3%
		% of Modifications (including This Request) to Original Amount:	20.2%

Discussion:

This retroactive modification is for the rehabilitation of Pump Rooms 3 and 4 in the Steinway Tube to be performed by TC Electric, LLC in the amount of \$1,400,000.

This contract is for rehabilitation of ducts in the Steinway Tube and the construction of two new circuit breaker houses in Queens. The work encompasses two ducts that run from an electrical substation near Grand Central Station in Manhattan to the Vernon-Jackson Station in Queens. The work in the Steinway Tube includes the demolition of existing duct banks and installation of new ducts encased in concrete; repair of deteriorated concrete; and furnishing and installation of conduit and cable. The contract provides for the furnishing and installation of new communications and fiber optic cable in the conduit between Grand Central and Jackson Avenue. The contract also provides for the construction of two circuit breaker houses with new equalizer circuit breakers and associated equipment at the Vernon-Jackson and Main Street Stations.

This retroactive modification addresses rehabilitation work in Pump Rooms 3 and 4 in the Steinway Tube. Pump Rooms are used to remove any water that might otherwise enter the tunnel. Pump Rooms 3 and 4 were originally scheduled to be rehabilitated during the 2015-2019 Capital Program, but because most of the work associated with this rehabilitation must be done under General Orders (GOs), it was decided to perform the work under the subject contract and utilize already scheduled GOs. Doing so allowed NYC Transit to eliminate future inconvenience to the riding public and safeguard the Steinway Tube against damage such as what was suffered during Superstorm Sandy. The new pumps also handle a higher volume of water, and the electrical panels and controls were elevated in order to protect them from potential water damage. This retroactive modification also led to cost savings as a result of removing the requirement for future GOs, elimination of the administrative costs associated with a new contract, and lowering construction costs as a result of consolidating the work.

In order to maximize the usage of these already scheduled GOs and avoid any delay in the project, the SVP & Chief Engineer approved a Retroactive Memorandum on April 21, 2014. The CM directed the contractor to proceed with the work on April 22, 2014.

The contractor's proposal was \$1,775,728; NYC Transit estimate was \$1,529,428. An agreement was reached on a lump sum price of \$1,400,000, which is considered to be fair and reasonable. Savings of \$375,728 were achieved.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

Vendor Name (& Location) AECOM*ARUP, Joint Venture (New York, NY)	
Preliminary and final engineering services for the Second Avenue Subway project	
Contract Term (including Options, if any) December 20, 2001 – December 19, 2014	
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: Negotiation	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Local funding	
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number	AWO/Mod. #:
CM-1188	98
Original Amount:	\$ 200,478,227
Option Amount:	\$ 150,400,897
Total Amount:	\$ 350,879,124
Prior Modifications:	\$ 71,450,314
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 422,329,438
This Request:	
	\$ 24,647,081
% of This Request to Current Amount:	5.8%
% of Modifications (including This Request) to Original Amount:	27.4%

Discussion:

This retroactive modification will add \$24,647,081 in funding and extend Consultant Support During Construction (CSDC) services with AECOM*ARUP, Joint Venture (AAJV) from December 19, 2014 through December 31, 2016, consistent with the approved Second Avenue Subway (SAS) construction schedule.

This is a design services contract for the SAS which consists of 10 contracts valued at approximately \$2.8B. The base contract provided preliminary engineering (PE) for the segments running from 125th Street to Midtown, Midtown to Lower Manhattan, and support service during the construction phase for tunnel boring machine activities. The contract also included an option in the amount of \$150M for final design of Phase One and related construction support services, which was exercised.

Modification No. 85, previously approved by the Board, extended this contract to December 19, 2014. At that time, the Board was advised that a subsequent modification for CSDC through the remaining construction would be forthcoming when more definitive information became available to make a more accurate assessment of the additional CSDC effort. Under this Modification No. 98, additional funding will allow AAJV to provide ongoing CSDC consisting of: A) standard CSDC services which includes review of submittals, requests for information, waivers, non-conformance reports, and overall day-to-day management of CSDC activities; and B) enhanced CSDC consisting of: 1) Specialty Technical Services (STS) supporting the Construction Management System (CMS) and the Electronic Data Management System (EDMS) for the SAS project which was not part of the base contract or option, and 2) support for additional unforeseen field designs.

Contract funding was exhausted at the end of June 2014. Retroactive approval for this Modification No. 98 was received from the MTACC President on June 20, 2014. Funding was exhausted due to an increase in submittals and field design requests by the SAS construction office that far exceeded the estimated amount of submittals mutually forecast by AAJV and the SAS Program Office in Modification No. 85. The increase in submittals (2,000 more than forecast) results primarily from two factors: 1) a larger number of interfaces than anticipated among the three Station Finishes contracts, the 63rd St. Rehab contract and the Systems contract and 2) a greater than anticipated number of design changes from unforeseen field conditions encountered during construction.

AAJV submitted a cost proposal of \$26,986,499. After negotiations AAJV submitted a Best and Final Offer (BAFO) in the amount of \$24,647,081, which reflects a decrease of 8.7% from their original proposal and is 3.5% less than the revised MTACC estimate. The BAFO reflects the incorporation of MTA Audit recommended overhead rates as well as \$1.74M in negotiated savings from reductions in contractual labor rates, fixed fee, reduced hours and other markups. Procurement and MTACC concur that AAJV's BAFO is fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 2

Vendor Name (& Location) Parsons Brinckerhoff, Quade & Douglas and Bovis Lend Lease LMB, Inc., A Joint Venture (New York, NY)	
Description Construction Consultant Management Services for Fulton Street Transit Center	
Contract Term (including Options, if any) March 29, 2004 – June 30, 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 checked="" 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 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	AWO/Mod. #
CM-1265	15
Original Amount:	\$ 18,972,397
Prior Modifications:	\$ 25,496,305
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 44,468,702
This Request:	\$ 4,794,048 (NTE)
% of This Request to Current Amount:	10.8%
% of Modifications (including This Request) to Original Amount:	159.7%

Discussion:

This retroactive modification with Parsons Brinckerhoff, Quade & Douglas and Bovis Lend Lease LMB, Inc. (PB/Bovis JV) is for additional construction and closeout support services for Fulton Center (FC) in the not-to-exceed amount of \$4,794,048, and will extend the contract duration by 18 months from July 1, 2014 to December 31, 2015.

The base contract is for overall consultant construction management (CCM) services for the FC project and is tied to the construction schedule. The CCM under direction of MTACC provides the following services: project constructability review, review of contract packaging, assistance with cost estimating, coordination with user departments and outside agencies, assistance as technical advisor, construction inspection, acquisition of permits and in-house services, review and support of beneficial use and substantial completion requirements and more.

Under this Modification No. 15, PB/Bovis JV will provide additional CCM services for the remaining five FC contracts. Four of the FC contracts: 4B A/C Mezzanine Reconstruction and J/M/Z Vertical Circulation, 4CD 4/5 Fulton St. Station Rehab and Dey St. Headhouse, 4E Dey St. Concourse, R/W Underpass and Platform, and 4G Corbin Building Restoration are in the closeout phase and one, 4F FC Enclosure is nearing construction completion with a forecasted substantial completion date of December 30, 2014. The FC Enclosure is the largest contract in the FC Project and its ongoing work is integral to the closeout of the other four contracts.

The FC Enclosure is still under construction due to the reprogramming of space into commercial tenant, retail and public spaces and for the implementation of the MTA-initiated Technology Enhancement Program, both of which were not in the original design scope. The Enhancement Program encompasses revised architectural finishing, electronic signage, way finding, advertising panels, additional mechanical/electrical services, structural upgrade, additional electronic security measures including cameras and a new security control room. A total of 27 full-time employees (FTEs) are needed from July 1, 2014 through December 31, 2014, which has been reduced from 42 FTEs previously utilized on the project. Of the 27 FTEs, 15 are inspectors working two shifts plus weekends, and the remaining 12 are various support engineers and managers. From January 1, 2015 through December 31, 2015, this staffing will be further reduced to 7 FTEs for remaining closeout support functions.

PB/Bovis JV submitted a cost proposal of \$4,911,287. After negotiations, PB/Bovis JV submitted a Best and Final Offer (BAFO) of \$4,794,048, which reflects a decrease of 2.4% from their original proposal and is 1.1% lower than the MTACC revised estimate. The BAFO reflects a reduced annual escalation rate to 1.3%. Procurement and MTACC concur that PB/Bovis JV's BAFO is fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

Vendor Name (& Location) Comstock-Skanska, J.V. (New York, NY)	
Track, Signal, Traction Power, Communications Systems, Second Avenue Subway	
Contract Term (including Options, if any) January 18, 2012 – August 18, 2016	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
Procurement Type	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number C-26009	AWO/Mod. #: 17
Original Amount:	\$ 261,900,000
Prior Modifications:	\$ 3,180,631
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 265,080,631
This Request:	\$ 1,300,000
% of This Request to Current Amount:	0.5%
% of Modifications (including This Request) to Original Amount:	1.7%

Discussion:

This retroactive modification is to change Customer Assistance Intercoms (CAIs) located in various locations throughout the stations and change Elevator Cab/Landing Speaker Phones from analog-based to Internet Protocol (IP) based for the Second Avenue Subway Project.

This contract is for the supply and installation of systems including Track, Train Signals, Communications, and Traction Power for the Second Avenue Line from 63rd Street/Lexington Avenue to 105th Street/2nd Avenue. The work to be performed under this contract includes: installation of Low-Vibration Track with an aluminum third rail; a relay-based block wayside signaling system; standard NYC Transit communication systems including SONET, Public Address, Customer Information Signs, CCTV, emergency alarms, radio wireless systems, fire alarms, and an Emergency Booth Communication system; and a Traction Power System including traction power distribution, conversion to DC power and three new substations. The work also includes the modification of existing facilities and systems to interface with the Second Avenue Subway systems.

The contract requires the furnishing and installation of analog-based intercoms, speakers and CCTV cameras in the Second Avenue Subway 63rd, 72nd, 86th and 96th Street Stations. In order to comply with NYC Transit's new digital standard, this modification includes the substitution of all analog-based CAIs and Elevator Cab/Landing Speaker Phones with 32 IP-based HelpPoints, 10 IP-based CAIs, and 35 IP-based Elevator Cab/Landing Speaker Phones. This modification also includes the furnishing and installation of seven Rugged Ethernet switches and the deletion of approximately 36,000 linear feet of CAT 6 Ethernet cable. In order to mitigate potential delays, it was necessary to proceed with a portion of the work on a retroactive basis. Retroactive approval was obtained from the MTACC President on March 10, 2014 to direct the contractor to procure two of each of the HelpPoints, CAIs and Elevator Cab/Landing Speaker Phones, in order to start the factory acceptance testing prior to approval of this modification.

The contractor's proposal was \$1,368,252. The MTACC estimate is \$1,235,876. Negotiations resulted in agreement on a net lump sum price of \$1,300,000, which is considered fair and reasonable. Savings of \$68,252 were achieved.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 4-5

Vendor Name (& Location) Judlau Contracting, Inc. (College Point, NY)
Second Avenue Subway – 72 nd Street Station Finishes, Mechanical, Electrical and Plumbing Systems, Ancillary Buildings and Entrances
Contract Term (including Options, if any) February 14, 2013 – November 13, 2015
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 type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Dr. Michael Horodniceanu

Contract Number	AWO/Mod. #:
C-26011	15 & 34
Original Amount:	\$ 247,048,405
Option 1	\$ 3,934,595
Option 2	\$ 1,270,000
Option 3	\$ 6,100,000
Total Amount:	\$ 258,353,000
Prior Modifications:	\$ 891,140
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 259,244,140
This Request:	
Mod. 15: \$1,160,484	\$ 2,490,484
Mod. 34: \$1,330,000	
% of This Request to Current Amount:	1.0%
% of Modifications (including This Request) to Original Amount:	1.4%

Discussion:

These retroactive modifications are for changes to the medium voltage switch gear and transformer equipment related to facility power; and for additional costs associated with the replacement of Rigid Galvanized Steel (RGS) conduit with Intermediate Metal Conduit (IMC) for fire-rated circuits.

The contract work includes the installation of mechanical systems including HVAC in the station and ancillary facilities; tunnel ventilation systems in the adjacent tunnels; electrical medium voltage and 120V systems; plumbing for track, sanitary and storm drainage, hot and cold water supply, pump systems and fire suppression; escalators and elevators in the station entrances; construction of the station platform and mezzanine levels, ancillary facilities and entrances; construction of interior walls and rooms; architectural finishes including floors, ceilings, wall treatments, signage, stairs, handrails, guardrails, and station elements including the Station Service Center and Concession Booth; building exteriors including walls, roofing, glazed storefronts, and canopies at station entrances and ancillary facilities; and restoration of Second Avenue and adjacent streets impacted by construction.

Modification 15

The contract requires Con Edison service for facility power at the 72nd Street Station associated with two facility power substations that will provide power for lighting, tunnel ventilation fans, escalators, elevators, communication rooms, HVAC and plumbing systems. In accordance with Con Edison's specifications for High Tension Service, a preliminary submission was made after award of the 72nd Street Station Contract. Con Edison's comments predominantly addressed changes associated with the switchgear and transformer equipment, grounding and the requirement for two new battery rooms in the North and South ancillary spaces. Due to the lead time associated with the switchgear and transformer equipment and the potential schedule impact, MTACC decided to address only the changes associated with the switchgear and transformer equipment in this modification. This modification addresses revisions to the dimensions of the high tension switchgear equipment and changes to the switchgear configuration and incoming feeders in the substations to achieve Con Edison-required separation clearances between switchgear lineups. This modification also includes additional protective relaying for the transformers; and equipment provisions for the two new battery rooms including battery chargers, panels and breakers. Work associated with grounding changes and construction of the new battery rooms, including architectural work, doors, eye wash, water mist systems and exhaust fans will be addressed in other modifications. It appears this modification may be the result of a design error/omission. In order to mitigate potential schedule delays, the contractor was directed to proceed with the work in April 2014 with subsequent approval from the MTACC President. The contractor's proposal was \$1,450,995.

Schedule K: Ratification of Completed Procurement Actions




MTACC's revised estimate is \$1,324,593. Negotiations resulted in agreement on a lump sum price of \$1,160,484, which is considered fair and reasonable. Savings of \$290,511 were achieved.

Modification 34

This is another of several modifications across various Second Avenue Subway contracts resulting from Underwriters Laboratory's (UL) de-certification of fire resistive cable due to its failure to meet a one-hour fire resistive rating when encased in RGS conduit. After commissioning its own series of fire tests in order to avoid significant delays to the Second Avenue Subway Project, MTACC determined that the use of IMC conduit provided adequate time for safe evacuation from the station. MTACC's recommendation for the use of IMC for power circuits in the 96th, 86th, and 72nd Street stations was approved by NYC Transit's Code Compliance, CPM, Maintenance of Way, System Safety and Subways Departments. This modification provides for the replacement of approximately 70,000 linear feet of RGS conduit in various sizes with IMC including stainless steel fittings, pull boxes and splice boxes. All cable will remain as specified in the contract. In order to mitigate schedule delays, retroactive approval was obtained from the MTACC President on May 8, 2014. The contractor's proposal was \$1,515,679. MTACC's revised estimate is \$1,375,035. Negotiations resulted in agreement on a net lump sum price of \$1,330,000, which is considered fair and reasonable. Savings of \$185,679 were achieved.

The remaining schedule impact of both modifications is currently under review and will be addressed in subsequent modifications.

Staff Summary

Subject NYSDOT Grant for Connecting Services	
Department Operations Planning and Analysis	
Department Head Name Delana Glenn	
Department Head Signature 	
Project Manager Name Edilma Jarvis	Program Manager Name

Date September 5, 2014
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref#

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg	09/22	X		
2	MTA Finance Mtg	09/22	X		
3	MTA Board Mtg	09/24	X		

Internal Approvals			
Order	Approval	Order	Approval
4	President		
3	VP Financial Admin		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	VP Planning Press					2	General Counsel

Narrative

PURPOSE:

To obtain MTA Board approval to enter into a contract to accept \$300,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYSDOT) to support connecting services, covering the period from October 1, 2014 through September 30, 2015.

DISCUSSION:

Metro-North has worked with NYSDOT to implement various projects to improve access to Metro-North stations. These projects, which include connecting buses (e.g. Transport of Rockland, Newburgh-Beacon Shuttle, Dutchess LOOP, HART, etc.), the Haverstraw-Ossining Ferry, the Newburgh-Beacon Ferry and Guaranteed Ride Home programs, create station access/egress and increase ridership and revenue for the Railroad, as well as reduce the number of single occupancy vehicles on the roads.

Over the past fifteen years, Metro-North has received over \$3.5 million from similar NYSDOT(CMAQ) grants. These funds have been used for a variety of operational and marketing activities: providing customer information (e.g. signage, kiosks, pocket timetables, etc.); marketing/advertising to launch and support these services; supporting Metro-North's Guaranteed Ride Home programs; and for miscellaneous operational improvements. Metro-North plans to use the \$300,000 from the new CMAQ grant in a similar fashion, working with our regional partners to maintain service quality and improve station access.

BUDGET IMPACT:

No budget impact. These monies allow for projects that would not otherwise be implemented.

RECOMMENDATION:

That the MTA Board grant approval to enter into a contract to accept \$300,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYSDOT) to support connecting services, covering the period from October 1, 2014 through September 30, 2015.

The legal name of MTA Metro-North Railroad is Metro-North Commuter Railroad Company



Subject	Request for Authorization to Award Various Procurements
Department	Procurement and Material Management
Department Head Name	Alfred Muir – Acting Sr. Director
Department Head Signature	
Project Manager Name	

Date	September 2, 2014
Vendor Name	Various
Contract Number	Various
Contract Manager Name	Various
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg.	9-22-14	X		
2	MTA Board Mtg.	9-24-14	X		

Internal Approvals			
	Approval		Approval
X	President		V.P. Planning
X	Sr. V.P. Operations	X	V.P. Capital Programs
X	V.P. Finance & IT	X	V.P. & General Counsel
X	V.P. Engineering	X	Chief of Staff

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

of Actions

\$ Amount

Schedule A: Non-Competitive Purchases and Public Work Contracts

1

\$6,000,000

- Various Original Equipment Manufacturers (OEM) \$6,000,000

Schedules Requiring Majority Vote

NONE

SUB TOTAL:

1

\$6,000,000

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 G: Miscellaneous Service Contracts	2	\$226,379
• Granite Fluid Power, Inc. \$190,387		
• Power 4 U, Inc. \$35,992		
SUB TOTAL:	2	\$226,379

MNR presents the following procurement actions for Ratification:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>		
Schedule K: Ratification of Completed Procurement Actions	2	\$205,134
• New Jersey Transit \$102,500		
• Loram Maintenance of Way Inc. \$102,634		
SUB TOTAL:	2	\$205,134
TOTAL:	5	\$6,431,513

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.

SEPTEMBER 2014

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)

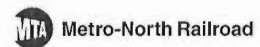
**1. Various Original Equip. Manufacturers (OEMs) \$6,000,000 (not-to-exceed) Staff Summary Attached
Three Year Purchase Agreement of OEM Parts for Various MNR Railcar and Locomotive Fleets**

Approval is requested to award three-year miscellaneous purchase contracts to the following four firms: North American Specialty Glass, Brookville Equipment, Transtechnik Corp. USA and Trans-Lite. These agreements are for various Original Equipment Manufacturer (OEM) replacement parts for MNR's M-3, M-7, M-8 railcars and MNR's BL20-GH diesel locomotive fleets. These OEM vendors are the suppliers for various safety-critical parts, components, assemblies and repairs for major railcar systems such as Window Assemblies, Window Components, Pantograph Components, Indicator Lights, Speed Current Sensors, Transducers, System Lighting, and Auxiliary Electrical Power for the Railroad.

In requesting this Board authorization, MNR has complied with PAL§ 1265-a (3) regarding the posting of advertisements in order to identify potential alternate suppliers and with MTA All-Agency Procurement Guidelines for the purchase of sole source material. Advertisements were placed in the New York State Contract Reporter, The New York Post, El Diario and the MNR website, which did not yield interest from other sources. These agreements will apply to inventory items identified as obtained only from the OEM vendors for the following reasons a) sole pre-qualified items on the MNR Qualified Products list, and not available from any distributor or other source; b) is proprietary to the OEM vendors.

These four agreements will have fixed pricing for each of their three-year terms. The total award for all four agreements for the three-year period is not-to-exceed \$6,000,000 and is to be funded by the MNR Operating Budget.

Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: **A**

Vendor Name (& Location) North American Specialty Glass, Brookville Equipment Corp., Transtechnik Corp, USA and Trans-Lite (OEM)		Contract Number TBD	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Description Purchase Agreement for OEM Replacement Parts		Total Amount: \$6,000,000 (not-to-exceed)	
Contract Term (including Options, if any) Three Years		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: Procurement & Material Management Alfred Muir – Acting Sr. Director	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		Contract Manager: O. Messado, Assistant Director – Operations Procurement, P&MM	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source/OEM			

Discussion:

Approval is requested to award three-year miscellaneous purchase contracts to the following four firms: North American Specialty Glass, Brookville Equipment, Transtechnik Corp. USA and Trans-Lite. These agreements are for various Original Equipment Manufacturer (OEM) replacement parts for MNR's M-3, M7, M-8 railcars and MNR's BL20-GH diesel locomotive fleet. These OEM vendors are the suppliers for various safety-critical parts, components, assemblies and repairs for major railcar systems such as Window Assemblies, Window Components, Pantograph Components, Indicator Lights, Speed Current Sensors, Transducers, System Lighting, and Auxiliary Electrical Power for the Railroad. The parts listings that are included in these agreements have been fully vetted to reflect only those parts that cannot be acquired from other sources; conversely, the original Railcar Builders are required to provide three vendors for consumable parts and those parts are competitively sourced.

Under these agreements, MNR will be able to support the Maintenance program which maintains high car reliability, improve customer service through on-time performance, and ensure parts replacement at prescribed intervals. Additionally, parts required to perform unscheduled maintenance and repairs on the railcars are needed to insure safe, reliable and maintainable operation of the various fleets. Further, the OEM's will maintain their tooling and manufacturing capabilities necessary to produce the parts, which are not available from other sources.

The chart below provides the respective OEM's and the estimated not-to-exceed dollar amounts anticipated to be expended over the term of these purchase agreements. The total dollars outlined are based upon MNR's material forecasting system. The arrival of the MNR M-8s has resulted in a fleet expansion of 16.7% which also has impacted the forecasted material usage over the contract period.

Contractor	System	MNR
North American	Window Assemblies and Components	\$1,000,000
Brookville	OEM Locomotive parts	\$1,000,000
Transtechnik	Main and Auxiliary Electrical Power	\$2,000,000
Trans-Lite	System Lighting Interior, Main, Emergency	\$2,000,000
	Total	\$6,000,000

Schedule A: Non-Competitive Purchases and Public Work Contracts



The purchase agreements are all requirements-based agreements in that MNR is not obligated to generate any minimum amount of purchase orders. The purchase agreements with these OEM vendors will eliminate the need and expense of individually advertising prospective procurements, will reduce administrative costs and possible procurement lead times for individual and separate purchase orders and will expedite material delivery. In order to be prepared for possible unscheduled events and occurrences, MNR further seek approval to reallocate funds between the above OEMs under the following limitation: any reallocated amount may not exceed 15% and in no event may exceed the grand total approved herein.

In requesting this Board authorization, MNR has complied with PAL§ 1265-a (3) regarding the posting of advertisements in order to identify potential alternate suppliers and with MTA All-Agency Procurement Guidelines for the purchase of sole source material. No other firms expressed any interest in participating in this procurement. This agreement will apply to inventory items identified as obtained only from these OEM vendors for the following reasons a) sole pre-qualified items on the MNR Qualified Products list, and not available from any distributor or other source; b) is proprietary to the OEM vendors.

These four agreements will have fixed pricing for each of their three-year terms. The total award for all four agreements for the three-year period is not-to-exceed \$6,000,000 and is to be funded by MNR's Operating Budget.

SEPTEMBER 2014

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

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.)

**1. Granite Fluid Power, Inc. \$190,387 (not-to-exceed)
Preventative Maintenance and Inspection of Two 600-Ton Wheel Presses**

Approval is requested to award a competitively solicited (one bid received) miscellaneous service contract to the firm Granite Fluid Power, Inc. to provide preventative maintenance, inspection, repair and replacement parts for two 600-ton wheel press machines located at the Croton Harmon Wheel Shop. The wheel presses provides AAR certified wheel sets for use on MNR's rolling stock fleet. The machines are essential to the Mechanical Department's ability to maintain wheel sets and components on the EMU and Coach fleets. This contract is for one year, with three one-year renewal options.

In accordance with MNR and MTA procurement guidelines, an advertisement for the required services was placed in the New York State Contract Reporter, The New York Post and the minority publications, El Diario and the Daily Challenge, and posted on Metro-North Railroad's website.

The bid prices were reviewed and compared favorably to the last service contract and were deemed fair and reasonable for the level of work required to perform this service. All bid prices will be fixed for the term of the contract inclusive of the options. The total award for this contract is not-to-exceed \$190,387 for the total four year period. This procurement will be funded by the MNR Operating Budget.

**2. Power 4 U, Inc. \$35,992 (not-to-exceed)
Preventative Maintenance and Inspection Services for Uninterrupted Power Supply System in GCT**

Approval is requested to award a competitively solicited (three bids received), miscellaneous service contract to Power 4 U Inc. to provide preventative maintenance and inspection services for the Uninterrupted Power Supply (UPS) systems located in Grand Central Terminal (GCT). This contract is for a two year period, with two one-year options. These services are required to maintain and support the six UPS Systems that provide emergency back-up power supply to MNR's various network equipment and main servers located in various computer rooms in the GCT area.

The preventative maintenance and inspection will include, but is not limited to, annual comprehensive maintenance and inspections of all UPS systems, inspection of printed circuit boards, power connections, monitor power distribution units, as well as semi-annual comprehensive maintenance and inspections of the UPS system's batteries, remote monitoring and web-based access and service, an annual power audit and 24/7 on-call technical support.

In accordance with MNR and MTA procurement guidelines, an advertisement for the required services was placed in the New York State Contract Reporter, The New York Post and the minority publications, El Diario and the Daily Challenge, and posted on Metro-North Railroad's website. Eleven vendors were sent solicitations and three bids were received.

A comparison to the previous contract awarded in 2011 indicated that Power 4 U, Inc.'s bid is \$10,164 or 53% less than the incumbent supplier. The pricing will remain fixed for the four year period. All pricing received has been deemed fair and reasonable for the level of services to be provided. The total award of this contract is not-to-exceed \$35,992, inclusive of the options. This procurement is to be funded by the MNR Operating Budget.

SEPTEMBER 2014

METRO-NORTH RAILROAD

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

K. Ratification of Completed Procurement Actions

(Staff Summaries required for unusually large or complex items which otherwise would require Board approval)

1. New Jersey Transit	\$102,500 (not to exceed)
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Emergency Purchase of 100 Disc Brake Assemblies for Shoreliner Railcars

Due to excess usage recently experienced on the Shoreliners, a shortfall of available material has impacted MNR's ability to conduct the necessary routine maintenance. Consumption of these disc brake assemblies has on average increased from 28 per month in 2013 to 54 per month in 2014. It is projected that the current demand will continue to grow due to the aging of the fleet. Currently, there is an open order for the Disc Brake Assemblies; however due to the 20 week lead time and low stock availability, an Immediate Operating Need (ION) has occurred. The disc brake assemblies are required to support Shoreliner preventative maintenance service which is essential to provide continued safe, efficient and adequate provision of service.

As efforts are being made to improve delivery of the order placed, MNR contacted New Jersey Transit (NJT), who operates MNR's Shoreliners for its West-of-Hudson service for available stock and immediate delivery. The 100 units provided are necessary inventory to sustain current demand and coincide with the purchase order's delivery schedule.

The cost to be paid for this emergency purchase is deemed to be fair and reasonable. The total not-to-exceed amount for these assemblies is \$102,500 and is to be funded by the MNR Operating Budget.

2. Loram Maintenance of Way Inc.	\$102,634 (not-to-exceed)
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Emergency Purchase of a 5100 CFM Vacuum Pump

MNR was required to perform an emergency purchase of a 5100 CFM Vacuum Pump needed to restore a Loram manufactured Railvac to working order. This equipment is vital for the removal of fouled ballast and debris from the track bed and is crucial to the success of MNR's ongoing track work.

The absence of this machine would have significantly detracted from MNR's Track Department's ability to efficiently and effectively maintain its 742 in-service track miles. The material supplied was in accordance with the Original Equipment Manufacturer (OEM) (Loram Maintenance of Way Inc.) specifications.

The cost to be paid for this emergency purchase is deemed to be fair and reasonable. The total not-to-exceed amount for this purchase was \$102,634 and is to be funded by the MNR Operating Budget.

LONG ISLAND RAIL ROAD

PROCUREMENTS

FOR

BOARD ACTION

September 24, 2014

Staff Summary



Subject Request for Authorization to Award Various Procurements						Date September 24, 2014			
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	9.22.14				X	President		VP & Chief Financial Officer
2	MTA Board	9.24.14				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:

<u># of Actions</u>	<u># of Actions</u>
None	

LIRR proposes to award Competitive Procurements in the following categories:

<u># of Actions</u>	<u># of Actions</u>
---------------------	---------------------

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

	2	\$8,726,826
SUBTOTAL:	2	\$8,726,826

LIRR proposes to award Ratifications in the following categories:

<u># of Actions</u>	<u># of Actions</u>
None	

	2	\$8,726,826
<u>TOTAL:</u>	<u>2</u>	<u>\$8,726,826</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.

SEPTEMBER 2014

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

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)

	<u>LIRR</u>	<u>MTAPD</u>
1. ADCO General Service Corp.	\$2,254,290	\$158,170
Site Services Group, Inc.	<u>\$5,454,696</u>	<u>\$250,500</u>
Snow Removal Services	\$7,708,986	+ \$408,670 = \$8,117,656
Contract Nos.: Various		Not-to-Exceed

MTA Long Island Rail Road, on behalf of itself and the MTA Police Department (MTAPD), requests MTA Board approval to award four separate competitively bid, three-year Miscellaneous Service contracts, two per Agency, to ADCO General Service Corp. (ADCO), and Site Services Group, Inc. (SSG) for On-Call Snow Removal Services, in the amounts of \$7,708,986 (LIRR); and \$408,670 (MTAPD); for a combined, not-to-exceed total of \$8,117,656. These renewal contracts begin November 1, 2014, and include fourteen LIRR train yards and five MTAPD Facilities. This solicitation was advertised on the MTA Website and in the NYS Contract Reporter on June 16, 2014, and in the New York Post on June 26, 2014, and allowed bidders to submit bids on any or all of the combined nineteen locations. MTA Department of Diversity and Civil Rights has established a 10%/10% M/WBE goal for this procurement. Six contractors submitted bids under this solicitation. All locations received at least three bids, with the exception of Shea Yard, which received two bids. The LIRR Price Schedule was based on estimated quantities of various services and equipment that may be called-out for each yard, as well as required safety training and insurance requirements. ADCO is the low bidder for five LIRR yards, and SSG is the low bidder for nine yards. The low bids for LIRR's fourteen locations were, on average, 14% less than the next low bids and the combined prices for the yards are approximately 18% less than the previous contract. The MTAPD Price Schedule was based on graduating severity of the events at each of the five facilities. ADCO, the MTAPD incumbent, was low bidder for two facilities, and SSG was low bidder for three facilities. Rates under the four proposed contracts are fixed for the full 3-year term of each contract. On average, prices were 19% lower than the next lowest bidders, and are therefore deemed to be fair and reasonable, based on competitive bidding. These contracts will be funded by each Agency's Operating Budget.

2. **Eagle Building Services** **\$575,572 - LIRR**
Competitive IFB **\$ 33,598 - TBTA**
Contract No. 141001GS3-L-N **\$609,170 Not-to-Exceed**
TBTA Contract No. TBD

Long Island Rail Road, on behalf of itself and MTA Bridges & Tunnels (B&T) requests MTA Board approval to award two separate, competitively bid 3-year Miscellaneous Service Contracts, with options for 2 additional years, to Eagle Building Services (Eagle), in the total, combined not-to-exceed amount of \$609,170. Services under these contracts include on-call installation and repair of bird control systems as well as humane trapping and release at all facilities in the respective operating regions. Separate Agency Price Schedules were based on estimated quantities and unit prices for installation of netting, spiking and hourly and daily rates for bird trapping and removal. MTA Department of Diversity and Civil Rights has established a 0%/0% M/WBE goal for this procurement and is currently reviewing Eagle's utilization plan. The IFB was advertised on the MTA website, in the New York State Contract Reporter and New York Post on June 12, 2014. Notices were mailed to eighteen firms. LIRR received four bids, including three in the competitive range from \$575,572, to \$872,980. B&T received six bids, including four in the competitive range from \$33,598 to \$51,487. Unit prices are fixed for the entire term of the contract. Based on competitive bidding the prices are considered fair and reasonable. Each Agency's Operating Budgets will fund these contracts.

LONG ISLAND RAILROAD COMMITTEE

BOARD PROCUREMENT PACKAGE

SEPTEMBER 2014

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 Rudy Bautista					
Board Action					
Order	To	Date	Approval	Info	Other
1	Long Island Railroad Committee	9/22/14	X		
2	Board	9/24/14	X		

Date: September 8, 2014			
Vendor Name Various			
Contract Number Various			
Contract Manager Name Various			
Table of Contents Ref #			
Internal Approvals			
Approval		Approval	
4	President 	3	Interim Executive Vice President
2	Vice President, Program Controls 	1	Chief Procurement Officer

PURPOSE

To obtain the approval of the Board award contract modifications and to inform the Long Island Committee of these procurement actions.

DISCUSSION

MTA Capital Construction proposes to award a Competitive Procurement in the following category:

Schedules Requiring Majority Vote:

Schedule I Modifications to Purchase and Public Work Contracts

# of Actions	\$ Amount
1	\$ 22,250,000
TOTAL	\$ 22,250,000

Budget Impact:

The approval of the modification will obligate MTA Capital Construction capital funds in the respective amount listed. Funds are available in the current capital budget for this purpose.

Recommendation:

That the modification be approved as proposed. (The Item is 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.

SEPTEMBER 2014

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

Schedule I. Modifications To Purchase and Public Work Contracts

(Staff Summaries required for individual change orders greater than \$750K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$250K)

- | | | | |
|----|---|---------------------|--------------------------------------|
| 1. | Frontier Kemper Constructors
Contract No. CM006
Modification No. 1 | \$22,250,000 | <u>Staff Summary Attached</u> |
|----|---|---------------------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval of a contract modification for the installation of the structural concrete lining at the North End Back of House area in the Main GCT Station Caverns for the East Side Access Project. This is a scope and budget transfer.

Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 1

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Vendor Name (& Location) Frontier Kemper Constructors Inc. (Evansville, Indiana)
Description Manhattan North Structures for the East Side Access Project
Contract Term (including Options, if any) 3/31/2014 to 2/1/2016
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/W. Goodrich, P.E.

Contract Number	AWO/Modification #
CM006	1
Original Amount: \$ 294,201,750	
Prior Modifications: \$ 0	
Prior Budgetary Increases: \$ 0	
Current Amount: \$ 294,201,750	
This Request \$ 22,250,000	
% of This Request to Current Amount: 7.6%	
% of Modifications (including This Request) to Original Amount: 7.6%	

Discussion:

In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC is requesting Board approval of a contract modification for the installation of the structural concrete lining at the North End Back of House area in the Main GCT Station Caverns for the East Side Access Project. This is a scope and budget transfer.

The work under the current CM006 Contract includes the fabrication and construction of the permanent structural concrete lining, interior structures, and fit-out for caverns and tunnels previously excavated by others. The work of this Contract also includes the rehabilitation of the existing 63rd Street tunnel.

Following the rejection of all bids received under Contract CM012R, a decision was made to divide the work into several new contract packages: CM005 – Manhattan South Structures, CM006 – Manhattan North Structures and CM007 – GCT Station Caverns. CM005 is currently under construction and anticipated to finish late in the third quarter of 2015. CM006 was awarded on March 31st 2014 and is currently on site. CM007 is currently being packaged and MTACC expects to have it out for solicitation in the 4th quarter of 2014. Part of the scope of work planned for CM007 was to construct the North End Back of House area in the GCT Station Caverns. However, in the course of repackaging these contracts, MTACC has determined that there are schedule advantages to transferring a portion of this work to the CM006 Contractor.

The portion of the North End Back of House work to be transferred to CM006 under this modification includes the following:

1. Installation of the permanent concrete lining and interior structural walls, beams and columns.
2. Installation of a small portion of the platform area to support the stairs between each level of the structure.
3. Installation of all embedded mechanical, electrical and plumbing elements.
4. Installation of the permanent concrete lining of Cavern Cross-passages 7 and 8.
5. Installation of the permanent lining of Access Tunnels 4 and 5.

There is presently no work being performed in the GCT Caverns and none planned prior to April 2016, when CM007 is scheduled to begin site work. Thus, performing this work now will not interfere with any ongoing work. Moreover, performing this work now will remove these items from the critical path of the CM007 schedule and the critical path of the program. In addition, completing this work now will improve construction access for CM007 and will allow for an access platform for the CM007 Contractor to stage and commence construction on the upper level of the GCT Station Caverns. It will also reduce coordination issues for the adjacent CM014B Contractor performing the installation of elevators and escalators. Finally, completing this work now will allow for earlier access for the CS179 Contractor to begin working on the electrical components to be installed in the Train Operations Control center, which is located in the North End Back of House Area, and earlier commencement of integrated systems testing.

Schedule I: Modifications to Purchase and Public Work Contracts



Item No. 1

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The Contractor submitted a proposal of \$22,953,042 and the MTA estimate was for \$22,178,927. Negotiations were held and the parties agreed to a cost of \$22,250,000 which is considered to be fair and reasonable. The budget for this work will be transferred from Contract CM007. The substantial completion date for this contract will not be affected by the work added by this modification.



Bridges and Tunnels

Procurements September 2014



Staff Summary



Subject:	Request for Authorization to Award Various Procurements
Department:	Procurement
Department Head Name	M. Margaret Terry <i>MMT</i>
Department Head Signature	
Project Manager Name	Various

Date	September 5, 2014
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	9/5/14	<i>[Signature]</i>		
2	MTA B&T Committee	9/22/14			
3	MTA Board	9/24/14			

Internal Approvals			
Order	Approval	Order	Approval
<i>[Signature]</i>	President	<i>[Signature]</i>	VP Operations
<i>[Signature]</i>	Executive Vice President		VP & Chief Engineer
	SVP & General Counsel		Chief Procurement Officer
	VP Administration		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer <i>[Signature]</i>		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: None.

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

Schedules Requiring Majority Vote		# of Actions	\$ Amount
Schedule F	Personal Service Contracts	4	\$ 15.508M
Schedule G	Miscellaneous Service Contracts	1	\$ 11.487M
Schedule J	Modifications to Miscellaneous Procurement Contracts	1	\$ 3.960M
TOTAL		6	\$30.955M

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

BUDGET IMPACT:

The purchases/contracts will result in obligating MTA B&T and Capital funds in the amount listed. Funds are available in the current MTA B&T 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.)

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

MTA BRIDGES & TUNNELS
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

WHEREAS, in accordance with §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 COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2014

MTA BRIDGES & TUNNELS

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. **BCC Associates, Inc.** **\$9,954,434.00** **Staff Summary Attached**
Contract No. PSC-14-2955
5 yr. contract - Competitive RFP - 1 Proposal
Perform revenue processing services as well as maintenance of computer hardware and software used in connection with B&T's money counting operation.

2. **Jacobs Civil Consultants, Inc.** **\$3,000,000.00** **Staff Summary Attached**
Contract No. PSC-13-2941A
5 yr. contract - Competitive RFP - 3 Proposals
Provide miscellaneous toll collection consultant support services on an as-needed basis.

3. **STV, Inc.** **\$2,300,305.24** **Staff Summary Attached**
Contract No. PSC-14-2950
2 yr. 4 mo. contract - Competitive RFP - 6 Proposals
Provide Construction Administration and Inspection Services for Mechanical, Electrical and Plumbing Rehabilitation at the Administration and Maintenance Buildings at the Henry Hudson Bridge and Installation of New Toll Collection Gantries.

4. **Corporate Counseling Associates, Inc.** **\$253,750.00**
Contract No. PSC-13-2943
5 yr. contract - Competitive RFP - 2 Proposals
B&T requires a consultant to perform services in connection with a Work and Life Assistance Program. The scope of the contract includes providing services to the employee consisting of telephone referrals, clinical services, trauma intervention, comprehensive clinical assessment, short term counseling, on-site consultations, substance abuse professional services, follow-ups and elder care, child care and training seminars.

The service requirements were publicly advertised. On April 9, 2014 two firms, Corporate Counseling Associates, Inc. (CCA) and Ceridian (Ceridian), submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including experience of the consultant and its proposed management team, knowledge of overall requirements, responsiveness to the scope of work and cost. Based on the committee's review of all the proposals, it unanimously selected CCA based on its: (i) comprehensive personal approach to serving employees with immediate assistance and referral to long term aid, as needed; (ii) specialized service; (iii) extensive knowledge of B&T's requirements and its individual employee groups; and (iv) highly qualified personnel. Ceridian did not demonstrate a comprehensive

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2014

understanding of the scope of work and presented a generic proposal not customized to B&T's requirements. The committee unanimously waived oral presentations and recommended that negotiations be conducted with CCA, the highest rated firm. The scope of services as described above for the first three years of the prospective agreement has not changed compared with that under the current contract. The term of the agreement, however, has increased from three to five years. CCA submitted a proposal in the amount of \$280,000; the user's estimate was \$334,950. On August 6 the Authority commenced negotiations with CCA which resulted in a final amount of \$253,750. The negotiated rate per employee is fixed over the five year duration of the contract. In comparison with the rate under the current contract the negotiated rate reflects a 22.8% decrease. The overall negotiated amount of \$253,750 is 24% lower than the user's estimate. Based on the above, this amount is considered fair and reasonable. CCA is deemed to be a responsible consultant. There were no goals established by MTA DDCR for this contract. Funding is available in the Operating Budget under GL #712701.

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)

5. **George S. Hall, Inc.** **\$11,487,492.48**
Contract No. 13-MNT-2909

5 yr. contract – Low responsive bid/4 bids

On January 16, 2014, B&T issued a joint solicitation for a contractor to provide all labor, equipment and materials for the maintenance and repair of the heating, ventilation and air conditioning systems located at various B&T, NYCT- Department of Buses (DOB) and Staten Island Railway Operating Authority (SIRTOA) facilities. This work was outsourced since the agencies neither have the equipment nor the resources required to perform these services on an in-house basis. The service requirements were publicly advertised and sent to 256 firms; fifteen firms requested copies of the solicitation. B&T submitted its recommendation on behalf of the DOB and SIRTOA to the May 2014 Board for awards to separate contractors. In that Staff Summary, the Board was advised that our evaluation of the apparent low bidder (Best Climate Control Corp.) was ongoing and that our award recommendation for this service would be presented to the Board for approval at a later date. Four bids were submitted on March 4 for B&T as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Best Climate Control Corp.	\$10,476,684.12
George S. Hall, Inc.	\$11,487,492.48*
Guardian	\$12,298,980.00
AWL Industries, Inc.	\$12,437,690.00
Ultimate Power, Inc.	No bid

*Lowest responsive bid

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
SEPTEMBER 2014

The scope of services for the first three years of the prospective contract has not changed compared with the initial three year period under the current contract. The term of this contract has increased from three to five years. B&T's estimate for these services is \$11,630,716. Based on an extensive evaluation of the bid submitted by the apparent low bidder, Best Climate Control Corp., this firm was determined to be non-responsive to the requirements of the solicitation. Following an evaluation of the second apparent low firm's bid, submitted by George S. Hall, Inc. (GSH), its overall average rates in comparison with those under B&T's current contract represent a decrease of 5.6%. The rates for this contract are fixed for the initial three year period and then are subject to an increase which is fixed for years four and five. GSH's overall bid is 1.2% lower than the user's estimate. GSH was determined to be fully responsive to the requirements of the solicitation. Based on competition, the price submitted by GSH is considered fair and reasonable. This firm is deemed to be a responsible contractor. The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for this contract. Funding is available in the Operating Budget under GL #711625.

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 at least \$50K)

- | | | | |
|----|--|-----------------------|--------------------------------------|
| 6. | Telvent USA, LLC
Contract No. 07-OPS-2809 | \$3,960,468.00 | <u>Staff Summary Attached</u> |
|----|--|-----------------------|--------------------------------------|

Extend the period of performance six (6) months for the maintenance and repair of all hardware and software components that are essential to the operation of B&T's Electronic Toll Registry System at ten facilities.

Staff Summary

Item Number 1 (Final)					
Dept & Dept Head Name: Office of the CFO, Don Spero					
Division & Division Head Name: Revenue Management, Angelo Cerbone					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	9/5/14			
2	MTA B&T Committee	9/22/14			
3	MTA Board	9/24/14			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer	4	Executive Vice President		
2	Senior Vice President and General Counsel	5	President		
3	Chief Procurement Officer				

SUMMARY INFORMATION	
Vendor Name BCC Associates, Inc.	Contract Number PSC-14-2955
Description Revenue Processing Services	
Total Amount \$9,954,434.00	
Contract Term (including Options, if any) Five 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 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 competitively negotiated personal service contract, Contract PSC-14-2955, to BCC Associates, Inc. (BCC) to perform revenue processing services. The value of this procurement is \$9,954,434 over a period of five years.

II. DISCUSSION

On March 31, 2014, B&T issued a Request for Proposal (RFP) for revenue processing services which included counting of its toll collection revenue, coin and token wrapping, and preparation of funds for armored carrier transit for deposit. The solicitation also includes maintenance of computer hardware and software used in connection with our money counting operation, which are key components of our internal controls designed to secure the cash revenue stream. In addition the scope requires the consultant to manage the inventory and distribution of On-The-Go Tags at various toll plazas on an as-needed basis. These services must be outsourced since B&T lacks the resources and personnel required to perform the tasks under the scope of work for this contract. The service requirements were publicly advertised. The incumbent, BCC Associates, Inc., submitted the only proposal. Our survey disclosed that firms initially expressed interest in this solicitation, however, after further consideration they advised that: (i) they were not equipped to maintain the hardware and software and would only manage personnel and (ii) contrary to the Scope of Work, they were interested in performing services only at their premises.

The selection committee evaluated BCC's proposal against established criteria set forth in the RFP which included:

(i) experience in money counting; (ii) understanding of the scope of work; (iii) depth of resources and management team; and (iv) cost. The committee unanimously waived the oral presentation and recommended that negotiations be conducted. The scope of services under the prospective contract which centers on revenue processing activities has not changed compared with that under the current contract. BCC's initial cost proposal was \$10,448,139 over five years. The Project Manager's estimate was \$8,800,000. The reason for the discrepancy was that the estimate mistakenly was calculated based on a one time, uncompounded, overall increase rather than applying compounded cost increases on an annual basis. The estimate also did not include any out of pocket costs reimbursable to the vendor. Based on negotiation of various cost elements in the contract the consultant revised its proposal to \$10,251,692. Ensuing negotiations focused on further reductions in labor, overhead and proposed annual increases in health care expenses. BCC's final offer was in the amount of \$9,954,434, a reduction of \$493,705 or 4.7% compared with its original proposal. The negotiated price is 13.1% higher than the estimate. Had the estimate included annual increases and out of pocket costs it would have been approximately \$9.9 million or \$50,000 below the final negotiated price. The award to BCC will not require any transition and minimizes potential risks associated with a takeover of the technology and operations of the money room by another entity. The negotiated amount of \$9,954,434 is considered fair and reasonable when annual cost increases are factored into the estimate. BCC is deemed to be a responsible consultant.

III. D/M/WBE INFORMATION

The Department of Diversity and Civil Rights (DDCR) has established goals of 10% MBE and 10% WBE. No goals were assigned under the prior solicitation for these services.

IV. IMPACT ON FUNDING

Funding is available in the Operating Budget under GL #711411.

V. ALTERNATIVES

Perform the work using in-house personnel. As indicated above B&T lacks the resources and personnel required to perform the tasks required under the scope of work for this contract.

Staff Summary

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Item Number 2 (Final)					
Dept & Dept Head Name: New Toll Initiatives, Robert Redding, Senior Director					
Division & Division Head Name: New Toll Initiatives, Robert Redding, Senior Director					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	9/5/14			
2	MTA B&T Committee	9/22/14			
3	MTA Board	9/24/14			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Executive Vice President <i>[Signature]</i>		
2	General Counsel <i>[Signature]</i>	5	President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>				

SUMMARY INFORMATION	
Vendor Name Jacobs Civil Consultants, Inc.	Contract Number PSC-13-2941A
Description Miscellaneous Toll Collection Consultant Support Services on an As-Needed Basis	
Total Amount \$3,000,000.00	
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 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 contract, Contract PSC-13-2941A, for Miscellaneous Toll Collection Consultant Support Services on an As-Needed Basis to Jacobs Civil Consultants, Inc. (Jacobs) in the not-to-exceed amount of \$3,000,000 over a period of five (5) years. In March 2014 PSC-13-2941B was approved by the Board and awarded to Atkins P.A. In that Staff Summary the Board was advised that Jacobs' proposal was undergoing further evaluation and an award recommendation would be presented at a later date.

II. DISCUSSION

B&T requires the services of multi-disciplined toll consulting firms to provide the following services on an as-needed basis: (i) evaluation of existing toll collection systems implemented by other tolling authorities in order to determine which features of such systems might be incorporated in to B&T's operations; (ii) conceptual design, planning and scoping for toll system capital projects; (iii) assist in the development of marketing strategies based on the most current available technology in conjunction with automatic toll or managed lane projects; (iv) assess potential upgrades to our current toll collection system; and (v) provide support in developing and testing B&T's business continuity plans as they relate to toll collection and violation enforcement. The required services will be assigned on an as-needed basis through the issuance of work orders which will be based on the consultant's current workload, available personnel and expertise. Each work order will be negotiated separately using the labor, overhead and profit rates negotiated in each contract. The total amount

(rev. 3/22/07)

Staff Summary

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of all work orders under the contracts will not exceed \$3,000,000.

The service requirements were publicly advertised. Sixty-seven (67) firms were sent a copy of the solicitation notice, five (5) firms requested a copy of the Request for Proposal (RFP) and three (3) proposals were submitted as follows: Traffic Technology, Inc. (TTI); Atkins, P.A. (Atkins); and Jacobs Civil Consultants, Inc. The proposals were evaluated against established criteria set forth in the RFP including the qualifications of the firm's personnel, qualifications of the management team, understanding of the project and cost. The evaluation committee determined that of the three firms, Atkins' and Jacobs' proposals most closely met B&T's requirements and were determined to be in the competitive range. Each selected firm presented detailed, organized technical proposals. Both firms demonstrated that they possess a significant level of experience and knowledge in the discipline of toll collection. The committee additionally considered each firm's personnel to be exceptionally well qualified.

The committee elected to waive oral presentations and conducted a more in-depth review of each firm's cost proposal. The consultant, in its base proposal, was requested to quote labor, overhead, profit and escalation rates against a sample scope of work using predetermined job titles and applicable hourly rates. Following the committee's evaluation of the information presented, the committee recommended that negotiations with each firm be conducted. In comparison with the rates for the same or similar job titles under prior B&T contracts the negotiated rates are considered fair and reasonable. Jacobs is deemed responsible notwithstanding the existence of significant adverse information. As previously indicated B&T has awarded Contract PSC-13-2941B to Atkins, P.A. and is recommending that Contract PSC-13-2941A be awarded to Jacobs. The not-to-exceed amount for this contract is \$3,000,000.

III. D/M/WBE INFORMATION

The MTA DDCR has established M/WBE goals of 10% and 10%, respectively, for this contract. Jacobs has achieved its previous M/WBE goals on its prior contracts with the MTA.

IV. IMPACT ON FUNDING

Funding is available in both the Operating Budget and the 2010-2014 Capital Program under Project AW-48 (WAR Certificates will be requested on a Work Order basis).

V. ALTERNATIVES

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

(rev. 3/22/07)

Staff Summary

Item Number 3 (Final)						SUMMARY INFORMATION	
Dept & Dept Head Name: Engineering & Construction, Joe Keane, P.E. <i>Joe Keane</i>						Vendor Name STV, Inc.	
Division & Division Head Name: Engineering and Construction, Aris Stathopoulos, P.E. <i>Aris Stathopoulos</i>						Contract Number PSC-14-2950	
Description Construction Administration and Inspection Services for MEP Rehabilitation and Remote Toll Plazas at the Henry Hudson Bridge under Contract HH-88A and GFM-509, Work Order #3						Total Amount \$2,300,305.24	
Board Reviews						Contract Term (including Options, if any) Twenty-eight Months	
Order	To	Date	Approval	Info	Other	Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
1	President	9/9/14				Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2	MTA B&T Committee	9/22/14				Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
3	MTA Board	9/24/14				Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Internal Approvals						Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Order	Approval	Order	Approval				
1	Chief Procurement Officer <i>BBG</i>	4	Chief Financial Officer <i>BBG</i>				
2	Vice President, Administration <i>MMH</i>	5	SVP & General Counsel <i>MMH</i>				
3	Director, Strategic Initiatives	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, Contract PSC-14-2950 to STV, Inc. (STV) for Construction Administration and Inspection Services for MEP Rehabilitation and Remote Toll Plazas at the Henry Hudson Bridge under Contract HH-88A and GFM-509, Work Order #3 in the agreed amount of \$2,300,305.24 and for twenty-eight months.

II. DISCUSSION

B&T requires the services of a consultant firm to provide construction administration and inspection services for Project HH-88A as described above. The work includes but is not limited to new and rehabilitated mechanical, electrical and plumbing (MEP) utilities at the Administration and Maintenance buildings at the Henry Hudson Bridge, and installation of new toll collection gantries south of the existing toll booths.

The service requirements were publically advertised. 13 firms submitted qualification information for review and evaluation by the selection committee. Six firms, HAKS Engineers, Architects and Land Surveyors, P.C. (HAKS), Hardesty & Hanover Construction Services, LLC (H&H), Jacobs Civil Consultants Inc. (Jacobs), M&J Engineering, P.C., Parsons Brinckerhoff, Inc. (PB), and STV, Inc. were chosen to receive the RFP based on review of those qualifications and all six firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, and qualifications of the firm for specific personnel proposed. Four firms (HAKS, H&H, Jacobs, and STV) were invited to give oral presentations. Based on the detailed review of all submittals and its consideration of proposed costs, the selection committee recommended that negotiations be conducted with STV.

The committee selected STV based on (i) a highly qualified team with experience that includes MEP rehabilitation and relocation, (ii) the consultant's thorough knowledge of Facility Operations and demonstrated understanding of coordination required to maintain 24/7 operations, (iii) its substantial experience in connection with the civil work required for construction of the gantry and relocation of water main across active roadways under this project; (iv) a detailed understanding of important issues that will be encountered during the transition from existing to new equipment; and (v)

Staff Summary

the lowest proposed cost. The selection committee felt STV provided the strongest team for this project. Jacobs and HAKS did not demonstrate to the selection committee that their team included sufficient mechanical field personnel. H&H's proposed Resident Engineer did not demonstrate prior experience as a Resident Engineer on similar projects.

STV submitted a proposal of \$2,300,305.24; the Engineer's estimate is \$2,343,000. Negotiations were conducted and the parties agreed to the proposed amount of \$2,300,305.24 which is 1.8% below the Engineer's estimate and is considered fair and reasonable. STV, Inc. is deemed to be a responsible consultant.

III. D/M/WBE INFORMATION

The Department of Diversity and Civil Rights (DDCR) has established goals of 10% MBE and 10% WBE. STV has achieved their M/WBE goals on previous MTA contracts.

IV. IMPACT ON FUNDING

Funding is available under Project HH-88A in the 2010-2014 Capital Budget.

V. ALTERNATIVES

There are no recommended alternatives. B&T does not possess the resources required to perform these services.

Schedule J: Modifications to Miscellaneous Procurement Contracts

Item Number: 6 (Final)

Vendor Name (& Location) Telvent USA, LLC, Austin, TX	Contract Number 07-OPS-2809	AWO/Modification #
Description Maintenance and Repair of the Electronic Toll Registry System	Original Amount:	\$28,631,985.00
Contract Term (including Options, if any) August 1, 2008 - September 30, 2014	Prior Modifications:	\$0.00
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases:	\$16,890,236.70
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$45,522,221.70
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$3,960,468.00
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:	8.7%
Requesting Dept/Div & Dept/Div Head Name: Operations, Patrick Parisi	% of Modifications (including This Request) to Original Amount:	72.8%

Discussion:

B&T is seeking Board approval under the All-Agency Procurement Guidelines to modify a contract with Telvent USA, LLC (Telvent) to extend the period of performance six (6) months in the amount of \$3,960,468 for the maintenance and repair of all hardware and software components that are essential to the operation of its Electronic Toll Registry System at ten facilities.

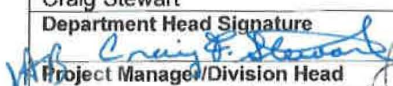
This contract was awarded to Telvent in August 2008 in the amount of \$28,631,985 for a duration of four years. B&T exercised two (2) one-year options under the contract which currently extends through September 30, 2014. Amendments totaling \$16,890,236.70 have been issued to compensate the contractor for maintenance and repair services through this period. Such services include: (i) performing maintenance required due to normal wear and tear and damage to equipment; (ii) establishing and managing an inventory of spare parts; (iii) designing and implementing a preventive maintenance program; and (iv) providing on-call emergency services.

In March 2014 B&T issued a competitive Request for Proposal (RFP), Contract 14-OPS-2924, for a new Electronic Toll Registry System maintenance and repair contract over a duration of six years. In response to this RFP one proposal was received which was evaluated and presented for approval by the Board this past July. Based on Board discussions that expressed concern that only one proposal was received, B&T rejected the proposal and is resoliciting this service. B&T is projecting an award of a new contract in the first quarter of 2015. In order to ensure that there is no disruption in service through that period, B&T is requesting that the existing contract be extended through March 31, 2015.

Telvent proposed an amount of \$3,409,980 to perform the required services over the prospective six month period. The user's estimate is \$3,404,948. This amount covers the current prevailing wage rate for electronic technicians established by the NYS Department of Labor effective July 1, 2014. Negotiations were initiated, however, the contractor declined to reduce its proposal. The proposed amount, which is 0.15% higher than the estimate, was accepted by B&T. The proposed monthly rate is 6.2% higher than the contract's price. This increase is attributed to recent increases in the prevailing wage rate as well as an increase in the cost of equipment and materials. The contract also contains incentives in addition to allowances for spare parts, software development and additional coverage which, when factored over the six month extension period, total \$550,488. The allowance in addition to the amount for maintenance coverage at the facilities totals \$3,960,468. The total negotiated price for the six month extension is considered fair and reasonable. Funding for this amendment is available in the Operating Budget under GL #711420-272.

Staff Summary

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Subject	2015-2019 Capital Program
Department	Administration
Department Head Name	Craig Stewart
Department Head Signature	
Project Manager/Division Head	Stephen Berrang, Stephanie Delisle

Date	September 24, 2014
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	Board	9/24	X		

Internal Approvals			
Order	Approval	Order	Approval
4	Chairman/CEO 		
3	Chief of Staff 		
2	Chief Financial Officer 		
1	Legal 		

Purpose:

To request MTA Board approval of the proposed \$32 billion MTA 2015-2019 Capital Program and to authorize the Chairman/CEO to submit the \$29 billion Capital Program Review Board (CPRB) portion of the Capital Program to the CPRB for their review, in accordance with Public Authorities Law § 1269-b.

Discussion:

The proposed 2015-2019 Capital Program comprises vital investments that will renew, enhance, and expand the MTA network. Funding this program is necessary to ensure that the regional mobility and construction and manufacturing jobs provided by the MTA will continue to be the economic engine of the New York metropolitan area and the rest of the State.

Investments included in this proposed program were derived from the 2015-2034 Twenty-Year Capital Needs Assessment (TYNA), released in October 2013. The TYNA set forth the planning context for this program by projecting investments based on an evaluation of existing MTA assets. By outlining a strategic "vision" that reflects trends in the regional economy, travel patterns, and emerging technologies, the TYNA lays the groundwork for enhancement and expansion investments addressing evolving customer needs and expectations, while at the same time reinforcing the importance of investing to keep MTA safe and reliable.

The proposed program includes the following three sections:

CPRB Core Program: \$23.5 billion

Investments that renew and enhance the networks of New York City Transit, the Long Island Rail Road, Metro-North Railroad, and the MTA Bus Company. Highlights include:

- Replacing subway, bus, and commuter railroad fleets;
- Completing Positive Train Control (PTC) for the two commuter railroads;
- Continuing the rollout of Communications Based Train Control (CBTC) signaling for the subway;
- Continuing investments promoting safety and reliability of critical systems including track, signals, and power;
- Making SGR investments in commuter railroad line structures, including bridges and viaducts;
- Investing to support expanded Select Bus Service (SBS) on key routes along the network;
- Introducing "contactless" fare payment technology;
- Continuing the development of real-time train information on the subway;
- Completing the rollout of Help Point intercoms to all subway stations;
- Completing the Long Island Rail Road Double Track project on the Ronkonkoma branch;
- Completing the Metro-North Railroad Harmon Shop Replacement.

CPRB Network Expansion Program: \$5.5 billion

Investments that expand the MTA network by continuing two ongoing "mega" projects and launching a third project:

- Completing East Side Access, to provide Long Island Rail Road service into Grand Central Terminal;

- Commencing Phase 2 of the Second Avenue Subway to extend the new line from 96th to 125th Streets;
- Expansion of Metro-North New Haven Line service into Penn Station, providing added system resiliency and constructing four new stations in the Bronx.

Bridges and Tunnels Program (non-CPRB): \$3.1 billion

Investments that renew and enhance the seven bridges and two tunnels of the Bridges and Tunnels network. This portion of the program is not subject to CPRB review. Highlights include:

- Replacing the suspended span deck and rehabilitating the approach viaducts at the Throgs Neck Bridge;
- Replacing various approach decks and ramps at the Verrazano-Narrows Bridge;
- Reconstructing toll plazas at the Henry Hudson Bridge in support of Open Road Tolling (ORT);
- Constructing a new ramp linking the Robert F. Kennedy Bridge with the northbound Harlem River Drive.

This proposed 2015-2019 Capital Program also reflects an ongoing commitment to improving Capital Program investment strategies and business practices, including:

- Continuing to build on the successes of the Small Business Development Program (SBDP);
- Updating resilient design standards incorporating lessons learned from Super Storm Sandy;
- Expanding use of component replacement projects that quickly target critical renewal needs;
- Improving investment planning and transparency, including project "Gate" reviews at key stages to make sure that projects remain on track to deliver the intended benefits at the lowest cost, Capital Program Dashboard reporting, and data-driven Enterprise Asset Management practices.

The MTA will also evaluate the recommendations of the MTA Transportation Reinvention Commission, which was convened on the recommendation of Governor Cuomo to help the MTA be prepared to face the challenges of a changing climate and evolving region over the next 100 years.

Impacts on Funding:

The 2015-2019 Capital Program includes several projected funding sources, including:

- Federal formula, flexible, and miscellaneous: \$6.3 billion
- City capital funds: \$657 million
- MTA/TBTA bonds: \$6.2 billion
- MTA local funds including asset sales/leases, and additional bonding and PAYGO capital attributable to debt service savings from the proposed new PMT credit and the federal RRIF loan: \$3.1 billion
- Federal New Starts for SAS Phase 2: \$507 million
- Private developer funded improvements to support station rehabilitation projects: \$200 million

In combination, these sources amount to \$16.9 billion, leaving a gap of \$15.2 billion. Additional sources must be secured in order to deliver the complete proposed 2015-2019 Capital Program. The MTA will work with its funding partners and stakeholders to develop proposals to fill this gap with contributions from the system's many beneficiaries, including such options as new dedicated revenue sources, partnerships that leverage private investment, additional appropriations from state, federal, and local governmental partners, or new MTA debt.

Alternatives:

The proposed 2015-2019 Capital Program assumes a \$15.2 billion funding gap. The MTA will work with its funding partners to identify the additional resources needed to achieve full funding. In the alternative, the gap can be overcome by reducing the size of the proposed program, or increasing fares and tolls, or a combination of these options.

Fully funding the proposed Capital Program is critical to enabling the MTA to renew, enhance, and expand its network to meet the mobility needs of the region. A reduced program will not keep pace with state of good repair renewal needs, adversely impacting the MTA's ability to continue delivering safe and reliable service at current levels, and would compromise the ability to deliver enhancement and expansion projects that address the evolving needs of MTA customers and the region and to make the MTA system more resilient.

Recommendation:

That the MTA Board approves the proposed \$32 billion 2015-2019 Capital Program and authorizes the Chairman/CEO to submit the CPRB portion of the 2015-2019 Capital Program to the CPRB for their review.