



Metropolitan Transportation Authority

Capital Program Committee Meeting

February 2023

Committee Members

J. Lieber, Chair

S. Soliman, Vice Chair

A. Albert

J. Barbas

G. Bringmann

N. Brown

S. Chu

M. Fleischer

R. Glucksman

D. Jones

B. Lopez

D. Mack

H. Mihaltzes

J. Samuelsen

V. Tessitore

N. Zuckerman

Capital Program Committee Meeting

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

Tuesday, 2/21/2023
12:45 - 2:00 PM ET

1. SUMMARY OF ACTIONS

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2. PUBLIC COMMENTS PERIOD

3. APPROVAL OF MINUTES – JANUARY 30, 2023

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

Responsible Department	Vendor Name	Total Amount	Summary of Action
Contracts	Judlau Contracting, Inc.	\$8,675,786.35	Award of a modification to Contract A-35301 to resolve claims for time extension, impacts costs and other issues.

MINUTES OF MEETING
MTA CAPITAL PROGRAM COMMITTEE
January 30, 2023
New York, New York
Combined Committee Meetings, 8:30 a.m. to 12 p.m.

CPC members present (**attended remotely*):

Hon. Janno Lieber
Hon. Andrew Albert
Hon. Jamey Barbas
Hon. Gerard Bringman
Hon. Sammy Chu
Hon. Michael Fleischer
Hon. Randolph Glucksman*
Hon. David Jones
Hon. Blanca Lopez
Hon. Haeda Mihaltses
Hon. Vinnie Tessitore
Hon. Neal Zuckerman

Other Board members present:

Hon. Frank Borelli
Hon. Elizabeth Velez
Hon. Lisa Sorin
Hon. Frankie Miranda
Hon. Harold Porr

CPC members not present:

Hon. Norman Brown
Hon. David Mack
Hon. Sherif Soliman

MTA staff present:

Lew Deara
Evan Eisland
Michael Jew-Geralds
John McCarthy
Tom McGuinness
Tim Mulligan
Mark Roche
Jamie Torres-Springer
Michele Woods

Independent Engineering Consultant staff present:

Joe Devito

* * *

Chairman Lieber called the Capital Program Committee portion of the combined January 30, 2023 Committee Meeting to order at 9:10 A.M.

Public Comments Period

Given that the January 30, 2023 Committee Meetings were combined, there was one Public Comments Period that encompassed all Committee discussions that day; the list of Public Speakers is available in the minutes to the LIRR/MNR Committee.

Meeting Minutes

The minutes of the meeting held on December 19, 2022 were approved.

CPC Work Plan

There was one change to the CPC Work Plan: review of the Capital Security Program will be taken up in April (in combination with the Systems Business Unit presentation), instead of in today's meeting.

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

President's Report

President Torres-Springer began his remarks by welcoming the new head of the Office of Construction Oversight, Lew Deara, followed by brief comments on the following topics: the recent opening of Grand Central Madison, with thanks to those partners from LIRR and the Federal Transit Administration who were constant in their support throughout the project, and a special acknowledgement of Rob Troup, Project Executive, for having restructured the project in 2018 and for guiding it to a timely completion; Penn Station, on which great progress has already been made with the new 33rd Street and 7th Avenue entrance that provides a clear entry point to the station, as well as on-time and on-budget progress on the 33rd Street Concourse, with Substantial Completion scheduled for March 2023. These projects are seen as a model for how the remaining 80% of the Penn Station project work will be conducted. President Torres-Springer concluded his remarks by briefly citing the nascent Interborough Express project and C&D's "Year in Review" presentation to be provided at the upcoming Board Meeting.

Update on C&D's Integrated Megaproject Business Unit

Mr. McGuinness provided a detailed status update on the Metro-North Penn Station Access project, which will provide new MNR rail service to and from Penn Station, and will include four new ADA stations in the Bronx (reducing commuting times by up to 50 minutes each way). The project budget is \$2.8B, which includes an option to expand the New Rochelle Yard, with Substantial Completion forecast for March 2027. Additional key project elements include the following: constructing 19 miles of new track; installation of over 200 new catenary structures; replacement or addition of 8 new power substations; and the rehabilitation or replacement of 4 bridges carrying railroads to accommodate additional weight. Accomplishments in 2022 and work that lies ahead in 2023 include: completion of much advance work, including progressing 45 complex design packages (with a number of them already reaching 100% and ready for construction); contractor mobilization has begun, as have

geotechnical surveys and test pits, site clearance, relocation of utilities, and construction of access roads; and the Leggett crossover – a key component to improving operational flexibility -- has been procured, fabricated and delivered to the project site, with installation set for 2023. Key risks, which the project team is working to mitigate, include third-party stakeholders and property acquisition and easements; notably, working closely with MTA Real Estate, all acquisitions remain on schedule. According to Mr. McGuinness, the largest risk remains coordination with Amtrak and CSX. To mitigate this risk (and by applying a critical lesson learned from the East Side Access Project regarding Amtrak at the Harold interlocking) MTA entered into an agreement with Amtrak at the start of the project, whereby Amtrak agreed to provide track access and force account staffing to keep the project on schedule. However, Amtrak has not provided agreed-to resources or access, and as a result -- after just one year -- the project is potentially 6-9 months behind schedule. The project is currently performing a time-impact analysis against the original baseline schedule to determine the impacts. MTA sent notice to Amtrak pointing out that Amtrak has not met the terms of the agreement; Amtrak has responded reaffirming its commitment to the project and has offered opportunities to the project that may mitigate past delays. Based on this, Mr. McGuinness noted, C&D is working closely with Amtrak and the Design-Builder to develop a schedule recovery plan and have already implemented several important actions. He then concluded his remarks by stating that, while there is a lot of work ahead, if Amtrak provides the access and support that is needed, delays can be mitigated to bring the project back on schedule to complete in 2027.

The IEC prefaced its Project Review by first offering congratulations to the Grand Central Madison project team and LIRR on achieving a historic milestone by bringing a project of such enormous scale and complexity to fruition within the current \$11.4B budget and with minimal schedule impact.

In its Project Review of the Metro-North Penn Station Access project, the IEC noted its concurrence with the project's \$2.8B budget and estimate at completion (EAC). With respect to schedule, the IEC commented that while design packages continue to be advanced and a wide range of construction activities are underway, the latest contractor schedule reflects a 7-month delay, primarily due to a lack of Amtrak force account support, as well as CSX's inability to support planned track outages. In seeking to recover time, the project team is managing the contractor closely and is working with Amtrak and CSX on a revised, detailed plan, which includes an agreement to extend track outages and to provide necessary force account support for the planned work. The top project risks include Amtrak's ability to meet the requirements of its MOU with the MTA concerning providing sufficient support resources, as well as the provision of track access through long-term outages; and the project's ability to obtain regulatory permits from several NYC, NYS and federal agencies in a timely fashion. Finally, the IEC asserted that while construction is in its early stages, planned mitigation measures, *if acted upon swiftly*, may effectively address these risks and aid in the reduction of the current project delay.

Echoing earlier comments by President Torres-Springer and Mr. McGuinness regarding lessons learned from the Grand Central Madison project, Chairman Lieber enumerated the key elements to successful project execution, which C&D has now applied to its latest "megaproject", Metro-North Penn Station Access: 1) use of the Design-Build (DB) method of project delivery, with its bundling of what might otherwise be numerous discrete contracts, as well as appropriate risk allocation -- an additional core tenet of DB; 2) development of an extremely detailed project schedule, which in the latter years proved critical to Grand Central Madison's completion as forecast; and 3) securing commitments from outside entities -- backed by legal rights -- regarding track access and the provision of required support personnel. The Chairman then cited this final element, i.e., commitments from outside entities, as carrying the most pronounced risk to the successful execution of the Metro-North Penn Station Access project, and a risk that has already been realized on the project.

Procurement Actions

No procurements were presented at the Capital Program Committee portion of the January 30, 2023 combined Committee Meeting. Please refer to the minutes of the January 30, 2023 Board Meeting for a description of procurement action(s).

Adjournment

Upon motion duly made and seconded, Chairman Lieber adjourned the Capital Program Committee portion of the January 30, 2023 combined Committee Meeting at 9:48 PM.

Respectfully submitted,
Michael Jew-Geralds
Office of Construction Oversight



2023-2024 Capital Program Committee Work Plan

I. Recurring Agenda Items

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

II. Specific Agenda Items

March

Overall Capital Program

- Railroads
- OMNY

Quarterly Traffic Light Report

April

Overall Capital Program

- Infrastructure
- Systems
- Security Projects

May

Overall Capital Program

- Rolling Stock

June

Overall Capital Program

- Signals & Train Control
- Minority, Women and Disadvantaged Business Participation

Quarterly Traffic Light Report

July

Overall Capital Program

- Integrated Megaprojects

September

Overall Capital Program

- Stations

Quarterly Traffic Light Report

October

Overall Capital Program

- Railroads
- OMNY

November

Overall Capital Program

- Infrastructure
- Systems
- Security Projects

December

Overall Capital Program

- B&T
- Small Business Development Program
- Minority, Women and Disadvantaged Business Participation

Quarterly Traffic Light Report

January

Overall Capital Program

- Integrated Megaprojects

February

Overall Capital Program

- Stations

MTA Board & Capital Program Committee Update: Stations Projects

February 2023

MTA Construction & Development's last report to the Capital Program Committee on Station projects was in July 2022. Of the 15 contracts scheduled to be awarded last year, 12 were awarded. The total value of the projects awarded in 2022 was \$2.2B, an increase of \$800M over the previous year.

Central to the Stations Team's work is the ADA program to make New York City subway stations accessible. At the time of adoption of the current Capital Program, the ADA Program included 81 stations to be made accessible. The Stations Team has awarded construction contracts for 36 of those 81 stations, or 44%, with 13 of those stations awarded in 2022. An additional 17 stations are planned for award in 2023.

State of good repair work is another key priority. 2022 awards also included significant investments in state of good repair work at 3 stations on the Jamaica line in Queens. Investments to bring stations into a state of good repair continues in 2023 with work at 14 stations.

Our ability to scale up our project delivery has been achieved by bundling projects, applying lessons learned and utilizing project management innovations through the adoption of proven alternate delivery methods. The team explored and successfully awarded our first Public-Private-Partnership (P3) contract focused on station accessibility utilizing the Design-Build-Finance-Maintain (DBFM) delivery method.

Looking ahead in 2023, the Stations Team's focus and challenge will be to award \$1.95B of work. Combined with \$510M worth of completions, the Stations Team continues to face resourcing challenges to maintain delivery on this large volume of planned and active construction projects.

Since our last update in July 2022, the Stations Team has successfully completed three projects, totaling \$48.2M, which replaced 3 elevators at 2 Stations, raised sidewalk level gratings and installed manual closure devices in the vent bays to prevent flooding at 1 station, and rehabilitated and expanded in-house crew quarters at 1 station. This brings the total project completion in 2022 to \$636M.

This document summarizes the progress on four of our most significant stations projects referenced as:

1. ADA at 149 St – Grand Concourse and Tremont Ave
2. ADA Package 1
3. ADA Package 2
4. ADA at 68 St – Hunter College

**ADA upgrade
149 St-Grand
Concourse and
Tremont Av**
A37131
A37134

The project will provide ADA accessibility to three underground subway stations in the Bronx: 149 St-Grand Concourse complex (2, 4, 5) and Tremont Av (B, D). The project will also accommodate free accessible transfers between subway lines at 149 St-Grand Concourse Station.

PROJECT STATUS	Original	Forecast
Substantial Completion	July 2023	January 2024
Estimate at Completion	\$163 M	\$163 M
The project is approximately 59% complete.		

This project is a design-build contract for the installation of six new elevators, stairs, elevator machine rooms, and ADA boarding areas. In addition, this project consists of the restoration and re-opening of the historic headhouse at 149 St. Station, including decorative terracotta, brick, and iron features.

The overall project is approximately 59% complete and remains within budget. Schedules are proving difficult to maintain in part due to added scope to address new NYS Code requirements related to the area of refuge.

Activities include:

Tremont Ave:

- Installed elevator equipment in elevator 509 EMR room
- Installed 75% of glass enclosure on elevator 509 street kiosk
- Installed elevator 510 and 511 cabs 511 rail brackets, traveling cable, and door operating rails and cab
- EMR room equipment for elevator 510 and elevator 511 was installed
- Elevator 510 rail Installation and alignment, and installation of hydraulic pipe and power conduit are ongoing
- Stairs S1, S2, M2, and M3 have been restored and placed in service, a barricade was built for closure of stairs S3, M4, and M5, and restoration work has commenced
- Work completed on both track platform edges

149 St-Grand Concourse Station:

- Mezzanine expansion framing was completed and the structural slab is 80% complete.
- HVAC equipment has been delivered and installed.
- Elevator 101 piston and rails have been installed and rail alignment completed.
- Elevator 102 shaft excavation has been completed.
- Elevator 102 vestibule excavation is ongoing.

- Stairs ML1/ML3 installation was completed, and the stairs were placed in service.
- Elevator 101 & 102 combined EMR was completed, and elevator equipment installation is ongoing.
- Elevator 100 shaft structural steel framing completed.
- Reconstruction of stairs S1, S2, S3, S4, P1, ML5/ML7 and ML6/ML8 has been completed.

The project has faced a number of challenges that impacted the project delivery schedule. The most significant challenges include the availability of weekend track outages on the White Plains (2&5) lines in 2022 due to bus operator shortages which impacted the completion of the mezzanine expansion, the addition of an Area of Refuge (AOR) at 149 St Grand Concourse and underperforming electrical/communication subcontractor.

C&D is proactively working to recoup some of these delays. Mitigation strategies include:

- The team secured additional weekend outages: five in 2022, three in February and March of 2023, and (7) hour weeknights.
- Meetings between senior management of the MTA CCM and the contractor are being held to finalize the work associated with the NYS Code changes to update the schedule. Design will be finalized by the end of the 1st quarter.

Accessibility Upgrade at Eight Stations

This project bundle will provide ADA accessibility, including elevators and other improvements, at eight stations in all five New York City boroughs. The project covers work at New Dorp (SIR), Grand St. (L), Beach 67 St (A), 7 Av (F, G), Dyckman St northbound only (1), East 149 St (6), Lorimer St (L), and Metropolitan Av (G) stations.

A37141
A37148
A37151
A37158
A37159
A37160
A37161
A37162
A37163
A37164
A37165
A80287

PROJECT STATUS	Original	Forecast
Substantial Completion	July 2023	Dec 2023
Estimate at Completion	\$324 M	\$264 M
The project is approximately 67% complete.		

This design-build project will provide elevators to all levels of the stations, including platforms, mezzanines, and streets. For the first time, the elevator manufacturer is part of the design-build team and has a 15-year long-term elevator maintenance, repair, and inspection contract. Other ADA amenities include reconstruction of the platform edge, installation of platform edge warning strips, modification of entry/exit gates, agent booths, new lighting,

and signage. In addition, the project will include State of Good Repair (SoGR) work at New Dorp and Metropolitan Avenue stations.

Bundling work on 18 elevators (12 machine-room-less and 6 hydraulic) across eight stations into one contract generates cost and schedule savings. Typical designs and detailed drawings can be replicated with minor modifications across various stations. With more substantial materials procurement, the Design-Builder is also able to get favorable pricing and priority treatment from fabricators.

The project is approximately 67% complete and is projected to come in under budget, but schedule challenges remain. Activities include:

- The design of all eight stations has been completed, including major value engineering changes at each station; all drawings have been released for construction (RFC)
- All 8 code variances granted by New York State.
- Key interactions with third-party authorities are ongoing: signed and sealed plans for Department of Transportation (DOT) master lease agreements submitted for all stations.
- Construction is ongoing at all eight stations: Steel towers have been delivered and installed at Grand St (SB & NB), 7th Ave (NB & Street), Beach 67 St (NB), Dyckman St & East 149th St (SB & NB) stations. Elevator equipment deliveries & installations are ongoing.
- ADA boarding areas complete at Lorimer St, Grand St (NB), Metropolitan Ave, 7th Ave (NB), Beach 67th St, Dyckman St & East 149th St station.
- Utility relocation (Con Edison, National Grid, PSEG) is in the final stages of completion at all stations.
- Con Edison energized service at Metropolitan Ave Station.
- Permanent power energization is complete at Grand St (Reserve) and New Dorp. Ongoing coordination with Con-Edison for load side work and energization for permanent service upgrades at Grand (Normal), Metropolitan Ave & and Lorimer St station.

The contractor's mitigated latest schedule shows completion of all 8 stations in July 2023. We have a high level of confidence that 5 of the stations will open in July 2023, but risks at the 3 remaining stations may delay contract substantial completion to December 2023. Lorimer St, Metropolitan Ave and Beach 67 St will be delayed beyond July due to third party utility agreements and an access agreement and easement. The project team is working with the contractor and reviewing the schedule to mitigate this delay. Mitigations may include additional contractor resources, extended shifts and weekend work. Despite the delays, we are forecasting an approximately \$60M savings on this project.

Accessibility Upgrade, Elevator Replacement, and Station Improvements at Eight (8) Stations

- A37146
- A35304
- A37169
- A37135
- A37136
- E34047
- A37121
- A37184
- M44179

This bundled project is a design-build contract that will install new ADA compliant elevators at six (6) stations, replacement of elevators at two (2) stations and state of good repair (SoGR) work at two (2) of the new ADA stations. The new ADA projects cover work at the southbound platform on Eighth Avenue station on Sea Beach line (N), Westchester Square station on Pelham line (6), 181 St Street station on Eighth Avenue line (A), Woodhaven Boulevard station on Jamaica line (J, Z), Court Square station on Crosstown line (G) and Queensboro Plaza station on Flushing line (N, W, 7). The elevator replacement projects cover work at Marcy & Flushing Avenue stations on the Jamaica line (J, M, Z). SoGR station work will be performed at the Westchester Square station on Pelham line (6) and the Woodhaven Boulevard station on Jamaica line (J, Z)

PROJECT STATUS	Original	Forecast
Substantial Completion	September 2024	September 2024
Estimate at Completion	\$471 M	\$471 M
The project progress is at 25% complete.		

This design-build project provides elevators to all levels of the stations, including platforms, mezzanines, and streets. A total number of sixteen elevators will be installed; eleven new and five replacement elevators. The Design-Builder (MLJTC2) is a joint venture of MLJ Contracting Corporation and TC Electric, LLC, with AECOM USA, Inc. as a Lead Designer. Modern Elevator, Inc., the elevator manufacturer, is part of the design-build team and has a separate 15-year long-term elevator maintenance, repair, and inspection contract. Other ADA amenities include reconstruction of the platform edge, installation of platform edge warning strips, modification of entry/exit gates, agent booths, new lighting, and signage. In some cases, to accomplish these ADA amenities, it is necessary to relocate conflicting utilities. In addition, the project includes SoGR work at Westchester Square and Woodhaven Boulevard stations.

The project is approximately 25% complete and remains within budget. Throughout the first year, the Project Management Team (PMT) has mitigated several potential schedule challenges mainly associated with utility interferences, State variance approvals, and interactions with local stakeholders.

Current activities include:

- Design is approximately 85% complete, with Release for Construction (RFC) attained for some stations.

- Work is advanced at the Court Square and 8th Avenue stations, with completion on track for early Quarter 2 of 2023. Station completion is also anticipated for the Flushing Avenue and 181st Street stations in 2023.
- MPT, Barricades/Enclosures are being erected at other stations that received full or partial construction permits.
- Commercial agreements with third-party/utility companies are executed.
- A separate escalator replacement project (E-35012) at 181st street requires extensive coordination; some activities are being re-sequenced to accommodate delays on the other Contract.

The Project Management Team interacts directly with the Design-Builder to identify potential schedule risks and the corresponding mitigation opportunities. One such mitigation has been implemented at the Queensboro Plaza station. The electrical replacement in the station carried a significant risk for project delay of over 6 months due to Con Edison's long lead time in scheduling and performing the cutover to the new conduit. Several alternatives were developed and evaluated to avoid what could have been a major electrical and sewer utility replacements to accommodate one of the new elevators.

Accessibility Upgrade at 68th Street / Hunter College Station
 A36164
 A37375
 M44152

This project is a design-build contract to provide ADA accessibility, including elevators and other improvements, at 68th Street / Hunter College Station on the Lexington Avenue Line (6) in the Borough of Manhattan.

PROJECT STATUS	Original	Forecast
Substantial Completion	December 2024	December 2024
Estimate at Completion	\$177 M	\$177 M
The project is approximately 27% complete.		

This design-build project will complete the last of the 100 key stations and will provide three new elevators - one from the street to the mezzanine and two elevators from the mezzanine to the northbound and southbound platforms. The elevators will be maintained under a separate contract. Other ADA amenities include the reconstruction of platform edges and stairways and the installation of new lighting and signage. In addition, the project will add two new street to platform entrances: one at the SW corner of 69th Street and Lexington, and one at the midblock of Lexington Avenue between 68th and 69th Streets. Key station criteria included high ridership, proximity to major activity centers and transfer stations within NYCT and other modes.

The project scope includes significant utility replacement and relocation, mezzanine expansion, track replacement work on the northbound rail, SoGR work throughout the station, and CCTV and Fire Alarm Systems installations.

The Project is approximately 27% complete and within budget and schedule. Activities include:

- Milestone 2, the reconfiguration of existing Stair S3, was completed and opened to the public on October 28, 2022.
- Milestone 1, complete a new mid-block street level entrance and Stair S6 on Imperial House Building, will be completed and opened on March 1, 2023.
- DB is working on water main 36" line, and other utilities on 68th Street
- DB started surveying track for replacement

February 2023 CPC Independent Engineering Consultant Project Review

Accessibility Upgrade 149th Street and Tremont Ave. Grand Concourse Project



MCKISSACK
MTA Independent Engineering Consultant

Accessibility Upgrade 149th St and Tremont Ave.

Project Summary:

This ADA station project provides accessibility at 149th Street / Grand Concourse Station serving the White Plains & Jerome Lines (Lines 2, 4, 5) and Tremont Ave. Station serving the Grand Concourse Line (Lines B, D).

- 6 new elevators and a free accessible station transfer will provide access between the White Plains line and Jerome line at 149th Street.
- The historic 149th Street headhouse, constructed in 1905 and closed in 1975 will be renovated and re-opened, providing new stairs, a new elevator and restored decorative terracotta and iron elevator enclosure grilles.
- The Design-Build (DB) contract was awarded to Tully Construction in August 2020.
- The Consultant Construction Management (CCM) contract was awarded to Systra.
- There are 2 contractual milestones. (Both are delayed)
 - Tremont Ave: original completion August 2022 (24-month duration).
 - 149th Street: original completion July 2023 (36-month duration).

Additional scope: Since the IEC's last report, the design and construction of an Area of Refuge (AOR) have been added at both stations. The enclosures will provide an area of protection from smoke until emergency assistance arrives. The AOR satisfies a 2020 revision to NYS code which previously provided an exception to constructing an Accessible Means of Egress for existing buildings.

Accessibility Upgrade 149th St and Tremont Ave.

Schedule Review:

- ▣ The overall project is 59% complete, based on invoices to date, with 86% time expended.

Tremont Ave Station: 74% complete

The latest schedule update, submitted January 1, 2023, shows a new completion date at Tremont of June 2023, which is 10 months later than the original completion date and a change of 6 months since the IEC's last report.

- ▣ C&D recently processed an Extension of Time (EOT) for Tremont Ave that extended completion to March 2023.
- ▣ The latest schedule update shows the new March completion date is delayed 3 months to June 2023.
- ▣ Tremont's critical path focuses on completion of the street elevator.

149th Street Station: 42% complete

The latest schedule update forecasts a January 2024 completion, a 6-month delay to the original completion at 149th Street, a change of 3 months since our last report.

- ▣ An EOT request for 149th Street is in process and waiting for final design documents from the DB.
- ▣ 149th Street's critical path runs through completion of the headhouse elevator.

Accessibility Upgrade 149th St and Tremont Ave.

Schedule Review: (Continued)

- Table below highlights forecast delays at Tremont Ave. & 149th Street.

Tremont Ave Milestone	Completion
Original Project Completion Date	Aug 2022
Forecast Completion as Reported July 2022	Dec 2022
EOT Granted for Tremont Ave in November 2022	Mar 2023
Forecast Completion as Reported February 2023	Jun 2023
149 th Street Milestone	Completion
Original Project Completion Date	Jul 2023
Forecast Completion as Reported July 2022	Oct 2023
EOT Pending for 149 th Street	Pending
Forecast Completion as Reported February 2023	Jan 2024

- Adding to the previous forecast delay from July 2022, progress at 149th Street has been partially impacted by GO scheduling issues and the late execution of change orders, to accommodate work related to the design and construction of (AOR's), to meet code compliance.
- The IEC is concerned that the project continues to forecast delay in the latest schedule update passing the recently negotiated EOT for Tremont Ave. The EOT request for 149th Street has yet to be finalized.
 - The IEC forecasts 2nd quarter 2023 completion for Tremont Ave. and 1st quarter 2024 completion for 149th Street.
- A recovery schedule is needed to address ongoing schedule erosion. The IEC will review the schedule once received.



MTA Independent Engineering Consultant

Accessibility Upgrade 149th St and Tremont Ave.

Budget Review:

The C&D total project budget is \$163M with a forecast Estimate at Completion (EAC) of \$163M.

- ▣ The IEC has reviewed all project costs associated with expenditures to date, available contingency, pending change orders, remaining work and risks. The IEC's analysis of the budget and EAC forecasts the budget is sufficient to complete all remaining work required to achieve Substantial Completion.
 - ▣ High impact cost risks have not been realized and are of low probability at this stage of the project.
 - ▣ The IEC notes that the project's budget to date has not been significantly impacted by scope changes, unforeseen conditions, change orders or the time extension.
- ▣ At this point in the project 92% of contingency remains. The IEC's opinion is the contingency is sufficient to cover the additional costs associated with the change order's related to the AOR's.

Accessibility Upgrade 149th St and Tremont Ave.

Project Risks and Mitigations:

- The DB's inability to sufficiently support and manage their subcontractors, maintain adequate productivity and adhere to the schedule has negatively impacted the project. The performance of the electrical subcontractor to date has affected the installation of both the electrical and communication systems.
 - The DB is working with the electrical sub to increase their productivity by adding shifts and increasing manpower to address the installation delays.
- There is risk in the procurement and delivery of critical equipment and materials. Securing communication equipment and construction materials for the AOR's are ongoing.
 - Critical material procurements and action items are reviewed weekly. The CCM has requested the DB finalize a testing and commissioning plan to mitigate potential elevator installation and critical systems issues, however the DB has yet to complete the document.
- The risk of moving forward without an approved project schedule. The last approved schedule dates from September 2021. Recent updates show increasing delays occurring on a monthly basis, with the forecast completion at Tremont slipping beyond the approved EOT date.
 - The CCM has requested a recovery schedule multiple times from the DB, however one has not been provided.
- The IEC's opinion is that additional mitigation measures will likely be needed to hold the current forecast dates and stop the ongoing slippage. Additional mitigation options include more subcontractor work forces, additional shifts and improved DB responsiveness.

Accessibility Upgrade 149th St and Tremont Ave.

Observations:

- The DB reports very low MBE/WBE/SDVOB participation. The 36% (15/15/6) contractual goal is only 11.2% (10.4/0.6/0.2). The DB has submitted new subcontractors for approval from MTA to potentially improve compliance levels to 24% participation.
- The IEC's opinion is that the DB's overall poor project performance is reflected in their inability to adhere to the project's contractual obligations.
- C&D has notified the DB is not adhering to the terms and conditions of the contract related to the completion of work and schedule adherence.
 - Follow-up actions by C&D and the CCM are necessary to ensure the project achieves the required contractual goals.

February 2023 CPC Independent Engineering Consultant Stations Review

Accessibility Upgrades at Eight Stations Package 1



MTA Independent Engineering Consultant

ADA Upgrades at Eight Stations – Package 1

Scope of Work

- The ADA Stations – Package 1 Design-Build contract was awarded to Judlau Contracting Inc. (JCI) and STV to provide accessibility at eight subway stations located across the five boroughs which will include the following ADA upgrades:
 - New Accessible Boarding areas
 - New stairs at certain stations
 - Installation of a total of 18 new elevators throughout all 8 stations, of which 12 new elevators will be machine room-less, reducing the amount of excavation and risk associated with underground utility relocations. This is the first NYCT multiple installation of this elevator technology.
- Modern Elevator, the elevator manufacturer, is part of the design-build team and has a separate 15-year long-term maintenance, repair and inspection contract to service the elevators after installation.
- The contract also includes State of Good Repair (SoGR) Option work exercised at two of the stations.

ADA Upgrades at Eight Stations – Package 1

Schedule

- ▣ The ADA Stations – Package 1 Design-Build contract has a 31-month duration from the Notice to Proceed of December 2020 and calls for a Substantial Completion (SC) date of July 2023.
- ▣ The project is 67% complete based on invoices to date, with approximately 80% time elapsed.
- ▣ Last report in July 2022 reflected a six-month delay of the SC to January 2024. The contractor's latest schedule update as of December 2022 indicates an additional delay of three months, which results in a SC of April 2024.
- ▣ The contractor has submitted a proposed mitigation schedule, which brings back the substantial completion date to July 2023 and is based upon additional manpower, extended shift operations and weekend work to mitigate the delays. This schedule remains under review by C&D's project team.
- ▣ In addition, an outstanding claim, related to a portion of the schedule delays has been submitted. This has been open since early 2022 and is currently under negotiations.
- ▣ The IEC has observed a recent increase of work shifts and manpower in efforts to recover the lost time. In the IEC's opinion, the current level of productivity must be maintained for opportunities to substantially complete at least three stations by Q3-2023, followed by the completion of the remaining stations by Q4-2023.

ADA Upgrades at Eight Stations – Package 1

Budget

- The IEC's analysis of available contingency, project's reserve, expenditures to date, executed and pending change orders, outstanding claims and potential risks on remaining work, forecasts a significantly lower Estimate at Completion (EAC) than the \$324M project budget.



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ADA Upgrades at Eight Stations – Package 1

Risks and Mitigations

- The required productivity rate to recover the time has not been met due to lack of contractor's and/or subcontractor's resources and there is a risk that delays will continue.
 - Close monitoring of daily manhours, shifts and operations.
 - C&D's project team is urging the contractor to prioritize the work and facilitate coordination of activities and workforce.

The IEC recognizes C&D's project team's mitigation efforts to concentrate on the completion of the stations where civil work is more advanced.

- Current schedule delays have resulted in an increase in the amount of concurrent elevator installations, which has a potential a risk of delay to the completion of Testing and Commissioning (T&C).
 - C&D is actively working with the contractor/project team to ensure they have adequate staffing in place to support the T&C period and meet the schedule requirements.
 - Ensure specialty personnel are engaged prior to the start of testing.
 - C&D's project team is working with the contractor in developing a matrix of tests for subsystems to ensure a smooth T&C period.

The IEC concurs with the proposed mitigations for this risk.

February 2023 CPC Independent Engineering Consultant Project Review

Accessibility Upgrades at Eight Stations – Package 2



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Accessibility Upgrades at Eight Stations - Package 2

Scope of Work

The ADA Package 2 accessibility improvements and State of Good Repair (SoGR) project, is a D-B contract, awarded to MLJTC2 (JV) with 33-month duration and NTP of January 2022 and provides 11 new elevators at 6 stations, 5 replacements elevators at 2 stations, platform repairs, communication and other SoGR upgrades throughout 4 boroughs.

The MTA entered a separate, 15-year elevator maintenance, repair and inspection contract with Modern Elevator Installations, Inc. (Modern) in December 2021.



MTA Independent Engineering Consultant

Accessibility Upgrades at Eight Stations - Package 2

Schedule Review

- ▣ The project is 25% complete based on invoicing.
- ▣ Review of the latest schedule update indicates the project remains on target to achieve Substantial Completion (SC) in September 2024, and it is the IEC's opinion that the SC date is achievable.

Stations	Last Report Milestone Dates	Current Milestone Dates
Court Square (NE)	Mar 2023	No Change
8 th Ave (NE)	Apr 2023	No Change
181 st Street (NE)	Jul 2023	No change
Flushing Ave (RE)	Dec 2023	No Change
Marcy Ave (RE)	Jan 2024	No Change
Woodhaven Boulevard (NE)	May 2024	No change
Westchester Square (NE)	May 2024	No change
Queensboro Plaza (NE)	Sep 2024	No change

NE = New Elevator; RE = Replacement Elevator

Accessibility Upgrades at Eight Stations - Package 2

Budget Review

- ▣ The C&D project budget and Estimate at Completion (EAC) of \$470.8M remain unchanged since last report.
- ▣ The IEC's analysis of the project expenditures to date, change orders, unallocated contingency and risk on remaining work indicates that the project EAC is within budget and the budget is sufficient to complete the project.



MTA Independent Engineering Consultant

Accessibility Upgrades at Eight Stations - Package 2

Risks and Mitigations

- There is risk that the glass fabricator will be challenged to meet delivery dates at 8th Avenue, Westchester Square and Woodhaven Blvd.
 - C&D and D-B met with company executives, confirmed purchase order, secured delivery date and conducted spot check at storage facility for 8th Avenue material and will follow this process for the remaining stations.
- There is a risk of delay to perform concurrent elevator installations and completions as the elevator subcontractor is experiencing staffing challenges.
 - C&D has directed the D-B executives to secure commitments on hiring of additional staff and will be monitoring the staffing improvements.
- It is the IEC's opinion that the actions implemented serve as reasonable mitigations for the identified risks, provided adequate resources are made available to the project on a timely basis.

Observation

- Field surveys at Westchester Square and Woodhaven Blvd. indicate there may be overrun on steel quantities which may impact completing the state of good repair work. It is the IEC's opinion the D-B needs to quantify the steel quickly to prevent delays to planned work.

February 2023 CPC Independent Engineering Consultant Project Review

ADA – 68th Street/Hunter College

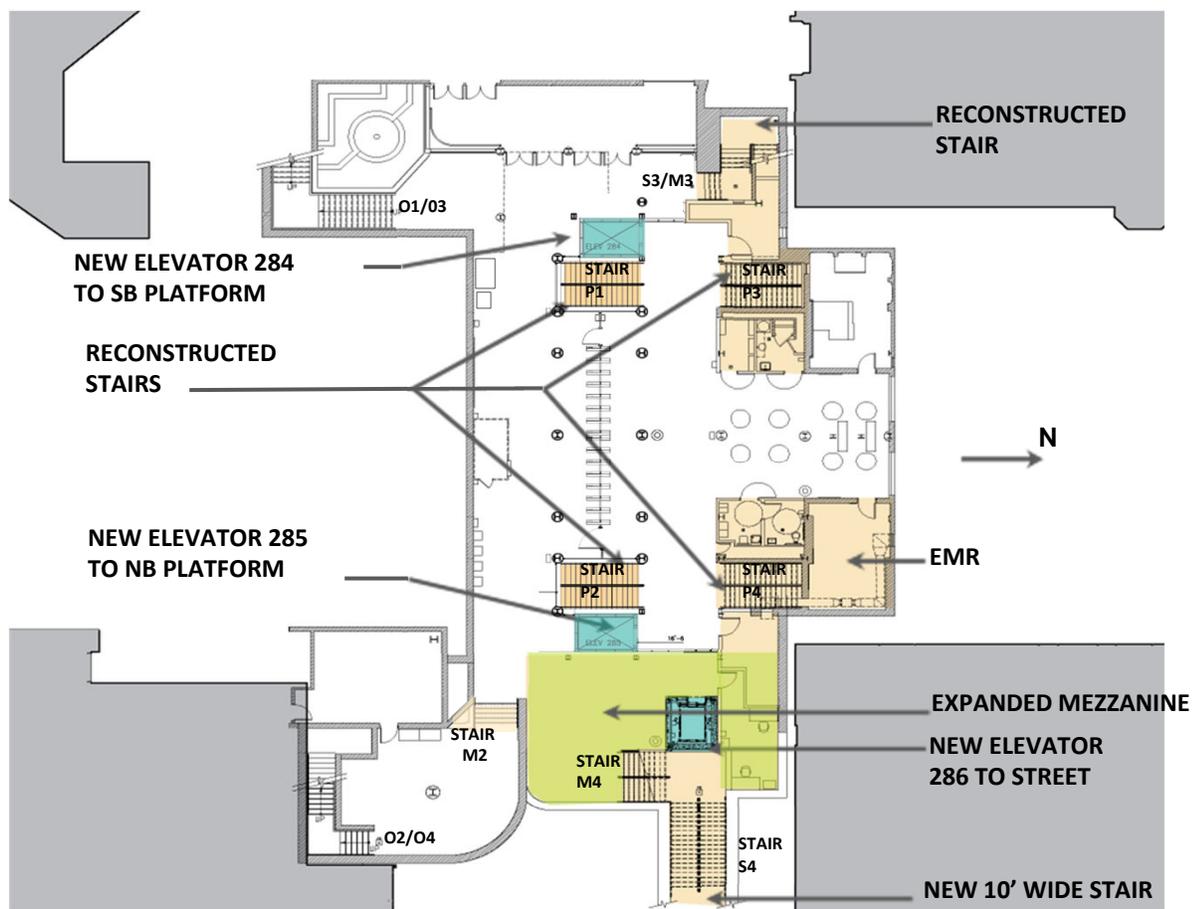


MTA Independent Engineering Consultant

ADA – 68th Street/Hunter College

Scope of Work

The 68th Street-Hunter College station accessibility (ADA) upgrade project, is a D-B contract with December 2021 NTP and 36-month duration, awarded to Forte/Citnalta (JV) and provides - three new hydraulic elevators, two new entrance stairs (street to platform), two reconfigured stairs (street to mezzanine) as well as track, platform edge rehabilitation and other State of Good Repair (SoGR) upgrades.



68th Street/Hunter College - Proposed Mezzanine Level Plan

ADA – 68th Street/Hunter College

Schedule Review

- ▣ The project is 27% complete based on invoicing.
- ▣ Review of the latest schedule update indicates the Substantial Completion (SC) remains December 2024, same as last report, and it is the IEC's opinion that the SC date is achievable.

Milestones	Completion Last Report	Current Completion
Street to Mezzanine Stair - NW corner 68 th St./Lex	Oct-22	Oct-22(A)
Street to NB Platform Stair - Inside Imperial House	Mar-23	Mar-23
Mezzanine to SB Platform Elevator – EL 284	Dec-24	Aug-24*
Mezzanine to NB Platform Elevator – EL 285	Dec-24	Oct-24*
Street to Mezzanine Elevator – EL 286	Oct-24	Oct-24
Substantial Completion	Dec-24	Dec-24

*Forecasted improvement by the project team on elevator place-in-service.

ADA – 68th Street/Hunter College

Budget Review

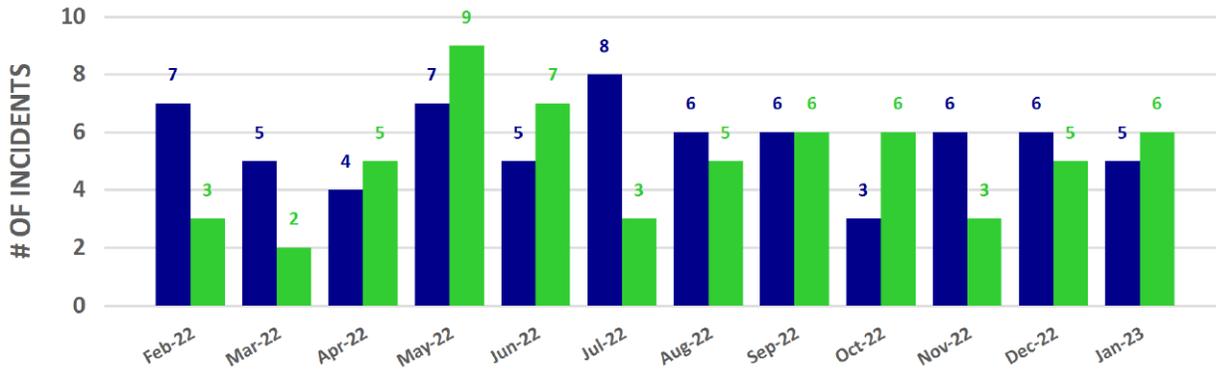
- ▣ The C&D project budget and Estimate at Completion (EAC) of \$177.4M remain the same as last report.
- ▣ The IEC's analysis of the project expenditures, change orders, unallocated contingency and risk on remaining work indicates the project EAC remains within budget and the budget is sufficient to complete the project.

ADA – 68th Street/Hunter College

Risks and Mitigations

- There is risk that abatement of steam, electrical pipes and contaminated soil may overrun contract hazardous quantity allowances, impacting cost and schedule.
 - C&D has developed a worst-case estimate based on field conditions, evaluated the potential impact on project contingency and is reviewing contract terms and conditions of settlement cost.
 - The C&D mitigation effectively addresses the cost, the schedule impact needs to be addressed.
- There is risk of delay in the response by the utility support forces.
 - C&D and the utility are coordinating and agreeing on target dates for planned work.
- In the IEC's opinion, the project team's actions should effectively mitigate the cited risks, providing resources are made available on a timely basis.

LOST TIME INCIDENT (LT) & RECORDABLE INCIDENT (REC)



SAFETY NARRATIVE

YEAR-TO-DATE TRENDS FOR MTAC&D:

- **REPORTED LOST TIME INCIDENTS – 5 (JANUARY)**
- **REPORTED RECORDABLE INCIDENTS – 6 (JANUARY)**

Hazards 2023	Lost Time	Recordable	First Aid	Notification Only	Grand Total	% to Grand Total
Slip, Trip, Fall	2	1	1	2	6	27.3%
Sprain/Strain	2	1	1	2	6	27.3%
Struck By/Against	0	2	1	2	5	22.7%
Caught in Between	1	2	0	0	3	13.6%
Other	0	0	1	1	2	9.1%
Electrical	0	0	0	0	0	0.0%
Totals	5	6	4	7	22	100.00%

- **LOST TIME TRENDS:** Reported Lost Time incidents for January are currently at 8% of the total Lost Time Incidents reported in 2022. The top injury types associated with the January Lost Time incidents are Strain/Sprains and Slip/Trip & Falls, which mirror the top categories for 2022.
- **RECORDABLE TRENDS:** Reported Recordable incidents for January are currently at 8.5% of the total Recordable Incidents reported in 2022. The top injury type associated with the January Recordable incidents is Strain/Sprains, which mirrors the top categories for 2022.
- **SERIOUS INCIDENTS:** 2023 Total - 0
- **LONG-TERM TRENDS:**
 - Total reported incidents for January are currently at 6.8% of the total reported incidents reported in 2022.
 - The goal for 2023 is to achieve a 10% reduction in the number of reported incidents experienced by Contractor employees engaged in MTA C&D projects. Part of the strategy for this goal includes additional safety communication to the BUs and projects as well as additional engagement to inform and advise C&D personnel and project teams on identified trends.
 - The goal for 2023 is to achieve a 10% increase in the number of unannounced safety assessments/inspections performed by internal MTA C&D personnel for MTA C&D projects

INSPECTIONS & AUDITS:

- **JANUARY INSPECTIONS:**
 - **INTERNAL – 197**
 - **EXTERNAL – 505** (61 Third-Party Safety Consultants; 444 OCIP Visits)
- **JANUARY NEGATIVE OBSERVATION(S)**– Negative Findings identified through the various inspections include Housekeeping, Site & Public Protection, Fall Protection, Stairs & Ladders, PPE, and Fire Prevention/Protection.
- **JANUARY POSITIVE OBSERVATION(S)** - Positive Findings identified through the various inspections include General Safety/Supervision, Tools (Hand & Power), Vehicle & Equipment Safety, Electrical, and Excavations

INVESTIGATIONS & LESSONS LEARNED:

- **NUMBER OF INVESTIGATIONS for JANUARY– 1**
 - **82133 – Signal Improvements (Upper Hudson) – 1/21/23** – A Electric track car was moving south along the out-of-service Track 1 to get off of the siding when the southern Hy Rail gear derailed. Metro North’s Office of System Safety conducted an investigation. No injuries or property damage was observed. On 1/26/23, the incident was re-enacted, and one of the Hy Rail wheels was observed not coming in contact with the rail at the derailment location. The truck was removed from the rails and taken for inspection of the truck and gear. The truck had passed the inspection, and the cause is still undetermined. The investigation is ongoing.

MTA C&D SAFETY STRATEGIC INITIATIVES:

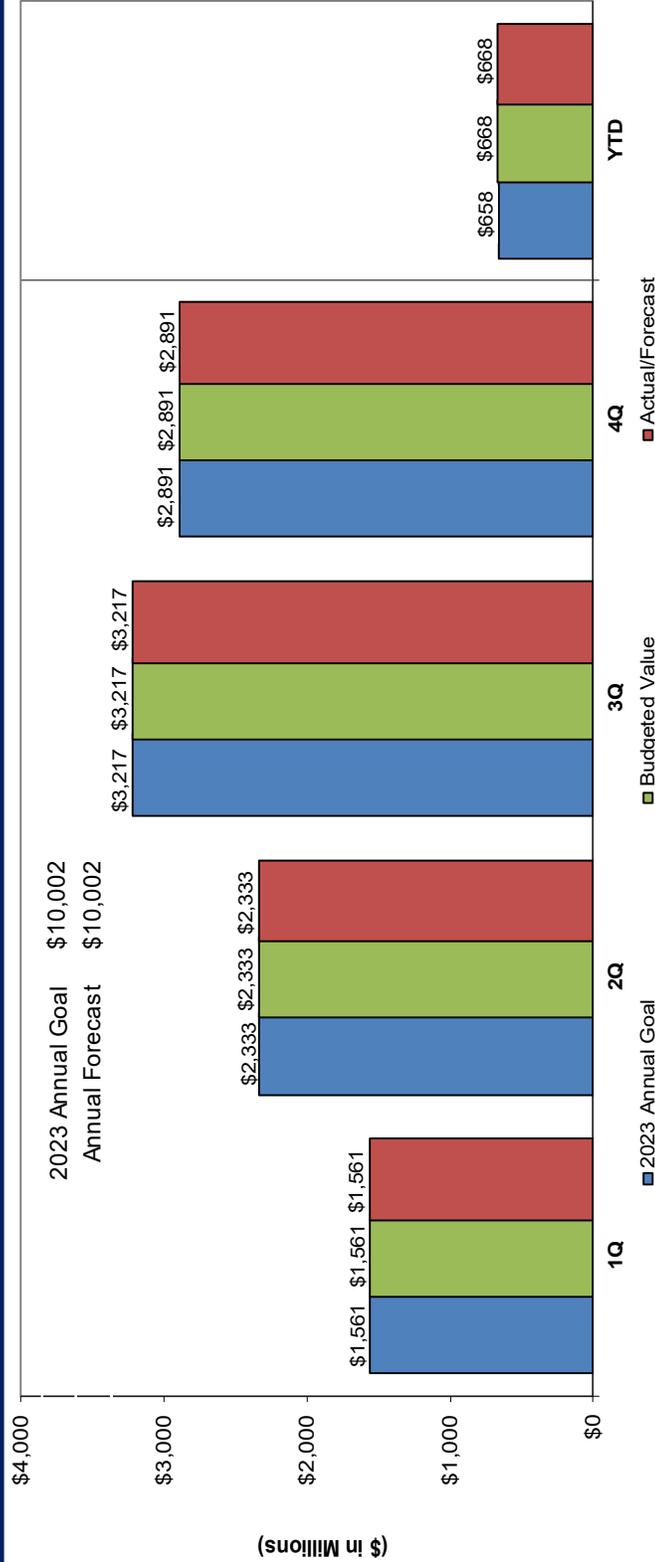
- Safety – Staffing remains a high priority in filling critical organizational roles within Safety Oversight and the Business Units. VP Safety continues working with the various BU Leads for staffing needs and levels for their respective safety groups. CD Safety Oversight continues to support the Business Units in reviewing and selecting qualified candidates to fill these critical roles/positions. Recently hired personnel have completed the various ROW and operational training programs. The availability of qualified candidates continues to be challenging as Contractors and PMCs also need qualified personnel to staff their projects.
- Safety - The short-term RFP (5 months) for independent 3rd party Safety Inspectors to augment the current staffing shortages and to allow for increased oversight inspections has been finalized. Safety Oversight is coordinating with the vendor to begin the oversight and inspection process.
- AECOM Safety Assessment Initiative – The initiative continues to progress. The AECOM team has provided a DRAFT of the Safety Management System document for review and comment. Workshops to review the submitted documents have been held with Senior MTA C&D Leadership. Safety Oversight continues working with AECOM to review the DRAFT document to ensure all items align with the proposed implementation phasing plan. The Digital Solution component of the initiative continues moving forward. All stakeholders continue to meet and work with IT, Procurement, and Legal to finalize commonality and develop a unified SOW.

MTA Capital Program Commitments & Completions

**through
January 31, 2023**

Capital Projects – Commitments – January 2023

MTA-wide 2023 Commitments



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

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

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

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

Commitments Summary

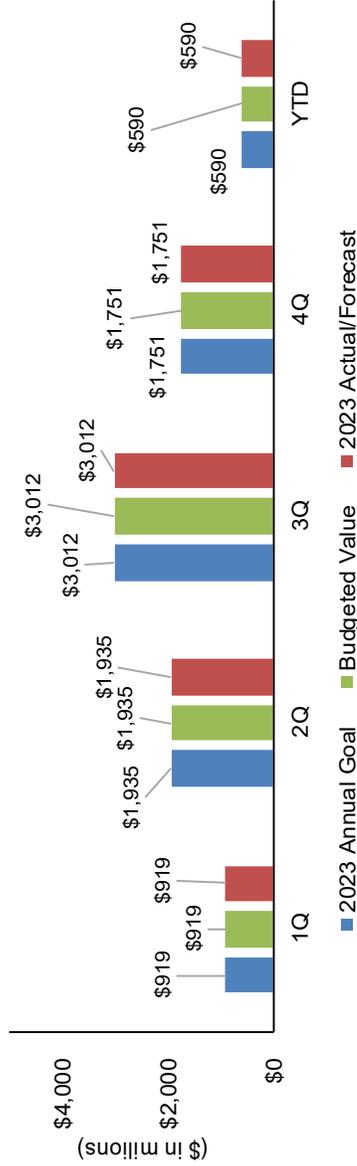
In 2023 the MTA plans to commit \$10.0 billion worth of capital projects. Through January, the MTA has committed \$668 million versus a \$658 million YTD goal. By year end, the MTA forecasts meeting its \$10.0 billion goal.

In 2023 the MTA has proposed tracking 38 "major" commitments across the agencies and business units. There are 13 major commitments at NYCT, 5 at the LIRR, 3 at MNR, 6 at MTA Bus, 5 at Expansion and 6 at B&T. Collectively these major commitments total nearly \$7.4 billion (74% of the overall commitment plan's value). At the end of each quarter in 2023 any schedule variances will be reported on the following pages.

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

NYCT and MTA Bus Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$919	\$1,935	\$3,012	\$1,751	\$590
2023 Actual/Forecast	\$919	\$1,935	\$3,012	\$1,751	\$590
Budgeted Value	\$919	\$1,935	\$3,012	\$1,751	\$590



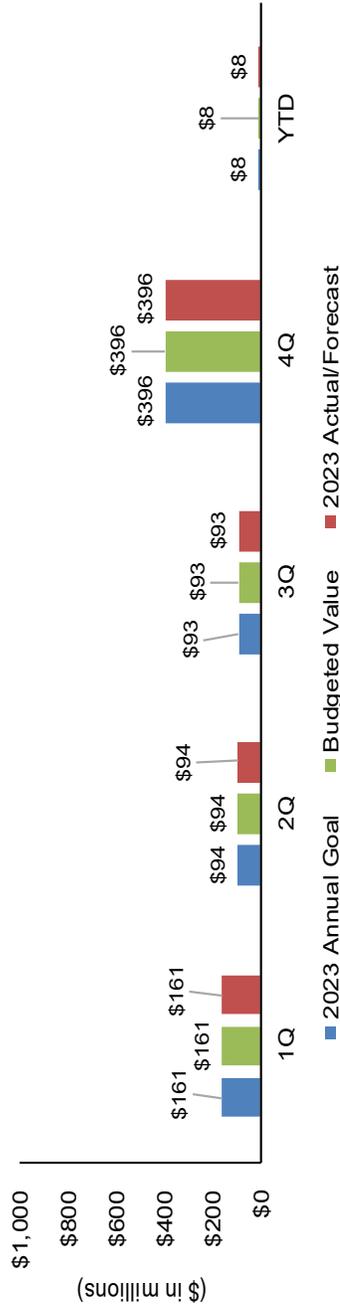
Schedule Variances

There are no major schedule slippages to report for NYCT and MTA Bus.

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

LIRR Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$161	\$94	\$93	\$396	\$8
2023 Actual/Forecast	\$161	\$94	\$93	\$396	\$8
Budgeted Value	\$161	\$94	\$93	\$396	\$8



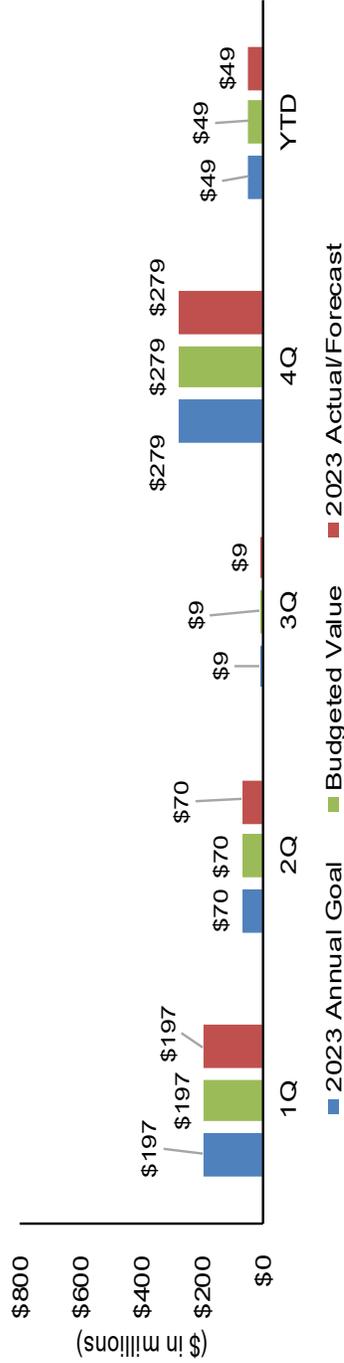
Schedule Variances

There are no major schedule slippages to report for the Long Island Rail Road.

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

MNR Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$197	\$70	\$9	\$279	\$49
2023 Actual/Forecast	\$197	\$70	\$9	\$279	\$49
Budgeted Value	\$197	\$70	\$9	\$279	\$49



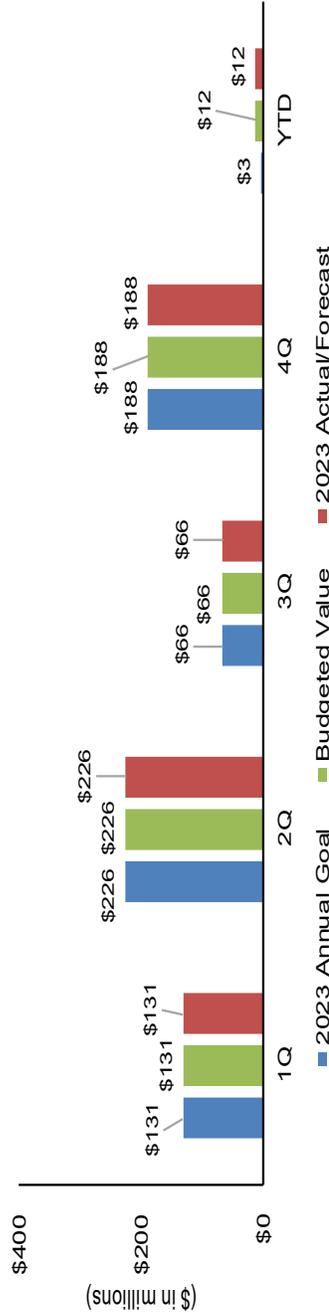
Schedule Variances

There are no major schedule slippages to report for Metro-North Railroad.

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

MTA Network Expansion Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$131	\$226	\$66	\$188	\$3
2023 Actual/Forecast	\$131	\$226	\$66	\$188	\$12
Budgeted Value	\$131	\$226	\$66	\$188	\$12



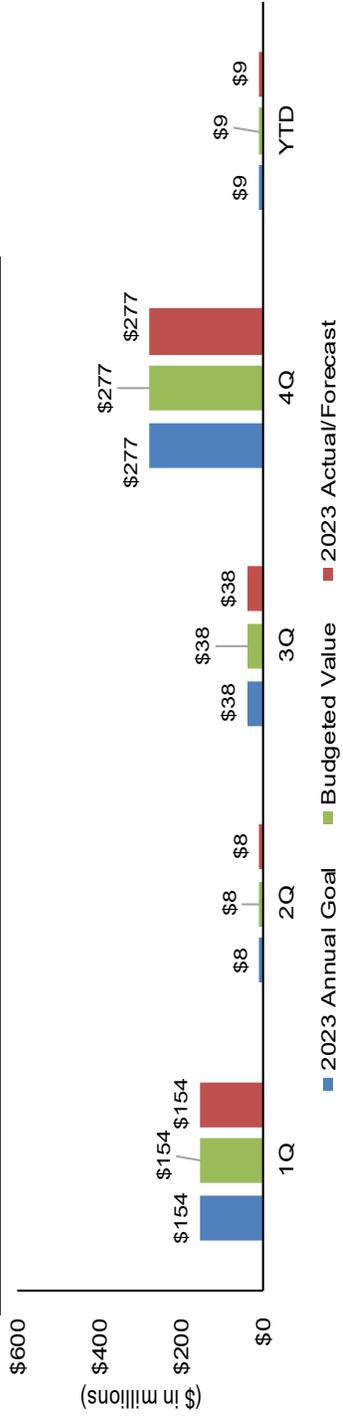
Schedule Variances

There are no major schedule slippages to report for Network Expansion.

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

B&T Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$154	\$8	\$38	\$277	\$9
2023 Actual/Forecast	\$154	\$8	\$38	\$277	\$9
Budgeted Value	\$154	\$8	\$38	\$277	\$9



Schedule Variances

There are no major schedule slippages to report for the MTA Bridges & Tunnels.

Capital Projects – Completions – January 2023

Forecast	MTA-wide 2023 Major Completions												Post 2023
	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	
Goal	4	1	5	6	2	2	2	1	3	3	2	10	0
Total	41	4	1	5	6	2	2	2	1	3	2	10	0
Jan-23	4	1											
Feb-23		1											
Mar-23			5										
Apr-23				6									
May-23					2								
Jun-23						2							
Jul-23							2						
Aug-23								1					
Sep-23									3				
Oct-23										3			
Nov-23											2		
Dec-23												10	

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

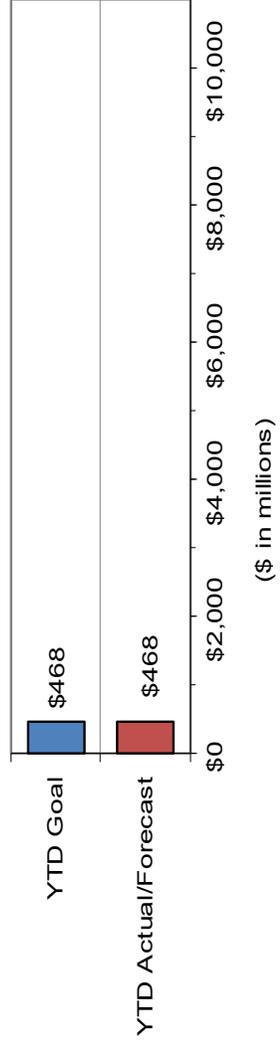
Completions Summary

In 2023 the MTA plans to complete \$10.4 billion of projects. 41 Major completions will be tracked throughout the year. Currently all of these are on time. Major completions include 18 for NYCT, 4 for the LIRR, 4 for Metro-North, 4 for MTA Bus, 6 for Network Expansion and 5 for B&T. Collectively these major completions total \$8.5 billion (82% of the annual completion plan's value).

Through January, the MTA has completed \$468 million versus its annual year to date goal.

Budget Analysis

2023 Annual Goal \$10,408
 Annual Forecast \$10,408

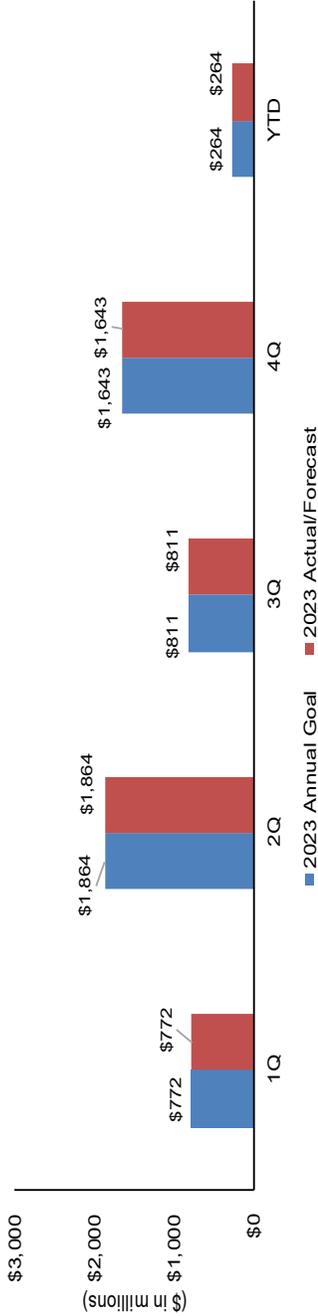


NYCT/MTA Bus Capital Projects – Completions – January 2023 – Budget Analysis and Schedule Variances

NYCT and MTA Bus Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$772	\$1,864	\$811	\$1,643	\$264
2023 Actual/Forecast	\$772	\$1,864	\$811	\$1,643	\$264

2023 Goal (Rolling Stock)	\$276	\$249	\$0	\$96	\$245
2023 Actual/Forecast (Rolling Stock)	\$276	\$249	\$0	\$964	\$245



Schedule Variances

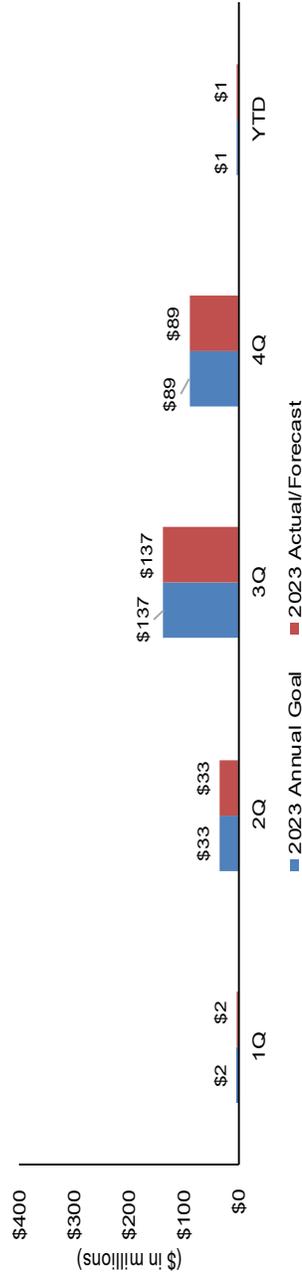
There are no major schedule slippages to report for NYCT and MTA Bus.

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

LIRR Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$2	\$33	\$137	\$89	\$1
2023 Actual/Forecast	\$2	\$33	\$137	\$89	\$1

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



Schedule Variances

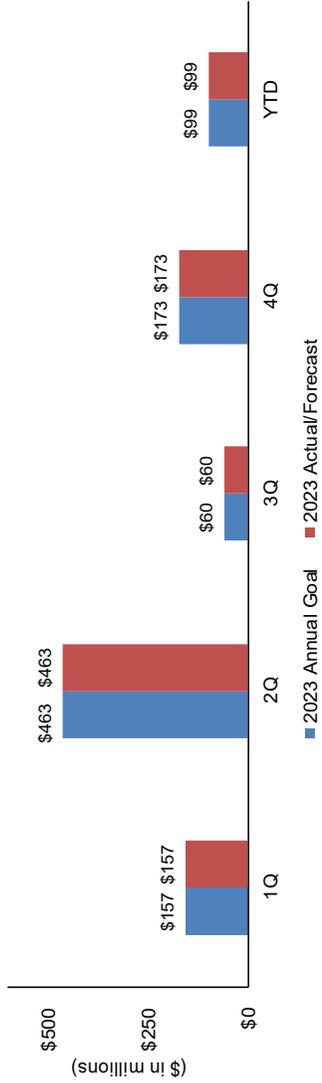
There are no major schedule slippages to report for the Long Island Rail Road.

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

MNR Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$157	\$463	\$60	\$173	\$99
2023 Actual/Forecast	\$157	\$463	\$60	\$173	\$99

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



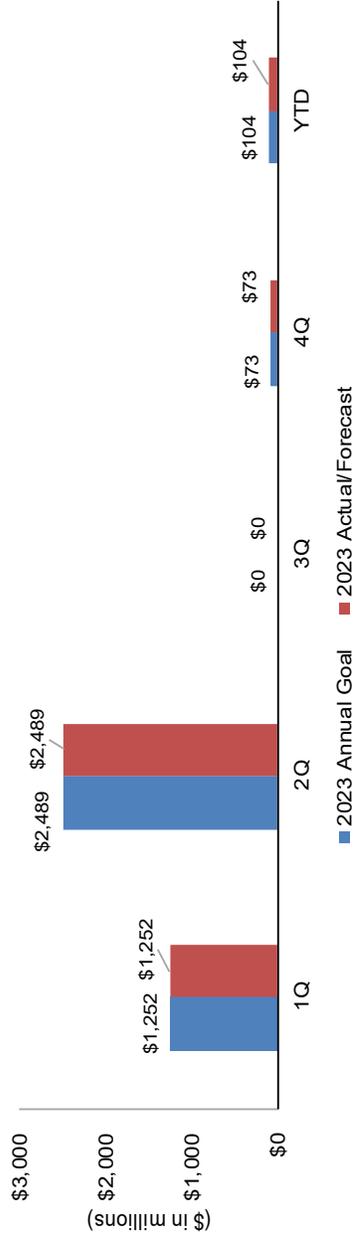
Schedule Variances

There are no major schedule slippages to report for Metro-North Railroad.

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

MTA Network Expansion Budget Analysis

Summary Chart Data	1Q	2Q	3Q	4Q	YTD
2023 Annual Goal	\$1,252	\$2,489	\$0	\$73	\$104
2023 Actual/Forecast	\$1,252	\$2,489	\$0	\$73	\$104



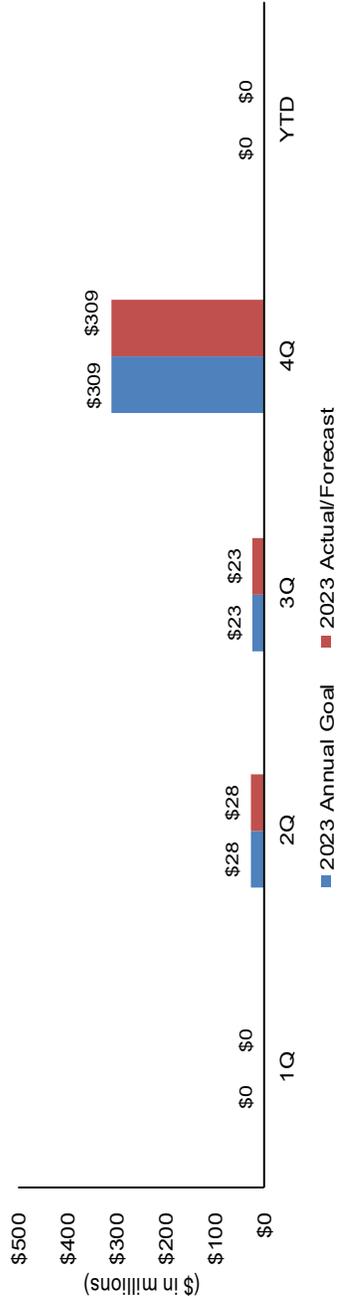
Schedule Variances

There are no major schedule slippages to report for Network Expansion.

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

B&T Budget Analysis

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

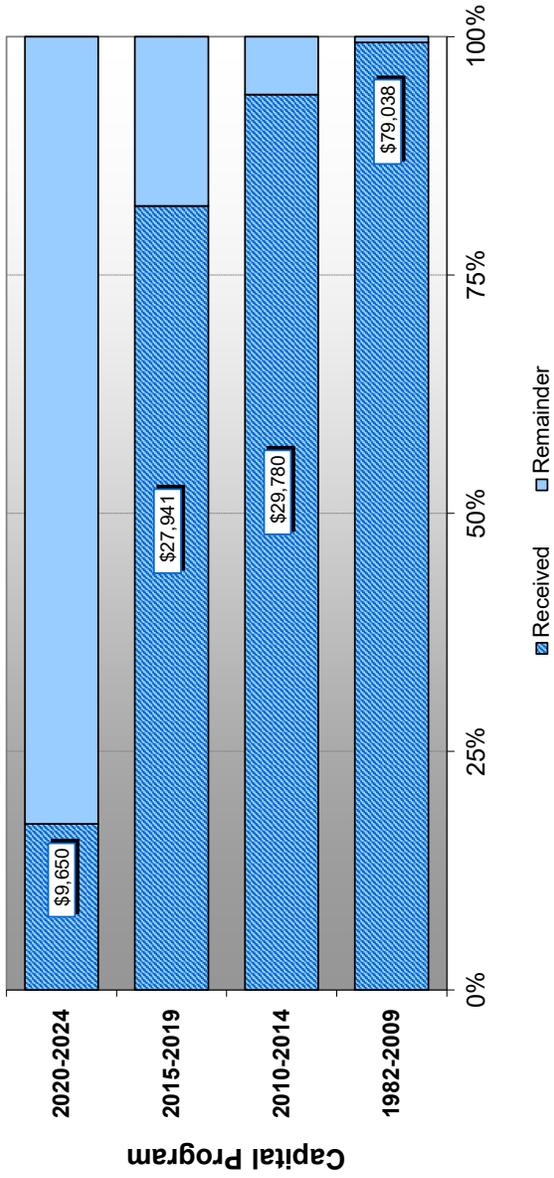


Schedule Variances

There are no major schedule slippages to report for MTA Bridges and Tunnels.

Status of MTA Capital Program Funding

Capital Funding (January 2023)
\$ in millions



Capital Funding Detail (January 2023)

\$ in millions

	Funding Plan		Receipts	
	Current	Thru December	January	Received to date
2010-2014 Program				
Federal Formula, Flexible, Misc	\$5,794	\$5,790	\$ -	\$5,790
Federal High Speed Rail	173	173	-	173
Federal New Start	1,271	1,271	-	1,271
Federal Security	89	89	-	89
Federal RRIF Loan				
City Capital Funds	628	608	-	608
State Assistance	770	770	-	770
MTA Bus Federal and City Match	132	113	-	113
MTA Bonds (Payroll Mobility Tax)	11,701	10,698	-	10,698
Other (Including Operating to Capital)**	1,361	1,288	-	1,288
B&T Bonds	2,025	1,864	-	1,864
Hurricane Sandy Recovery				
Insurance Proceeds/Federal Reimbursement	6,698	6,697	-	6,697
PAYGO	171	18	153	171
Sandy Recovery MTA Bonds	658	225	-	225
Sandy Recovery B&T Bonds	229	23	-	23
Total	31,701	29,628	153	29,780

	Funding Plan		Receipts	
	Current	Thru December	January	Received to date
2015-2019 Program				
Federal Formula, Flexible, Misc	\$6,898	\$5,724	\$ -	\$5,724
Federal High Speed Rail	122	122	-	\$122
Federal Core Capacity	100	-	-	\$ -
Federal New Start	500	-	-	\$ -
Federal Security	18	15	-	\$15
State Assistance	9,196	7,445	-	\$7,445
City Capital Funds	2,669	2,060	-	\$2,060
MTA Bonds	8,398	8,308	-	\$8,308
Asset Sales/Leases	806	315	-	\$315
Pay-as-you-go (PAYGO)**	2,156	1,572	388	\$1,961
Other	163	68	-	\$68
B&T Bonds & PAYGO/Asset Sale	2,942	1,925	-	\$1,925
Total	33,969	27,553	388	27,941

	Funding Plan		Receipts	
	Current	Thru December	January	Received to date
2020-2024 Program				
Capital from Central Business District Tolling	\$15,000	\$ -	\$ -	\$ -
Capital from New Revenue Sources	10,000	1,648	-	\$1,648
MTA Bonds and PAYGO	8,041	449	-	\$449
Other Contribution	542	-	-	\$ -
Federal Formula	8,865	6,226	-	\$6,226
State of New York	3,101	101	-	\$101
City of New York	3,007	887	-	\$887
Federal New Start (SAS Ph2)	2,905	-	-	\$ -
Federal Flexible	581	54	-	\$54
Federal Other	48	28	-	\$28
Federal Security	26	10	-	\$10
B&T Bonds	3,327	248	-	\$248
Total	55,442	9,650	-	9,650

Contracts Department
Steve Plochochi, Senior Vice President

PROCUREMENT PACKAGE
February 2023

PROCUREMENTS

The Procurement Agenda this month includes one action for a proposed expenditure of \$8.7M.

Subject Request Authorization to Award a Procurement Action					
Contract Department Steve Plochochi, Senior Vice President					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	2/21/23	X		
2	Board	2/23/23	X		

Date: February 15, 2023			
Internal Approvals			
	Approval		Approval
X	Deputy Chief Development Officer, Delivery	X	President
X	Deputy Chief Development Officer, Development	X	Executive Vice President & General Counsel

Purpose

To obtain the approval of the Board to award a procurement action and to inform the Capital Program Committee of this procurement action.

Discussion

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

<u>Schedules Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
I. Modifications to Purchase and Public Work Contracts	1	\$ 8,675,786.35
	TOTAL	\$ 8,675,786.35

Budget Impact

The approval of this procurement action will obligate capital funds in the amount listed. Funds are available in the capital program for this purpose.

Recommendation

That the procurement action be approved as proposed. (The item is included in the resolution of approval at the beginning of the Procurement Section.)

MTA Construction & Development

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

February 2023

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule I. Modifications to Purchase and Public Work Contracts
(Staff Summaries required for all items greater than \$1M)

- | | | | |
|-----------|---------------------------------|------------------------|--------------------------------------|
| 1. | Judlau Contracting, Inc. | \$ 8,675,786.35 | <u>Staff Summary Attached</u> |
| | Contract No. A-35301.228 | | |

MTA Construction & Development requests that the Board approve a modification to the Contract to resolve claims for time extension, impacts costs and other issues.

Schedule I: Modifications to Purchase and Public Work Contracts

Item No. 1

Vendor Name (& Location) Judlau Contracting, Inc. (Queens, NY)	Contract Number A-35301	Modification No. 228
Description Cortlandt Street #1 Line Station Rehabilitation	Original Amount:	\$ 101,150,000
Contract Term (including Options, if any) Thirty-Four (34) Months	Prior Modifications:	\$ 8,390,601
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:	\$ 109,540,601
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	This Request	\$ 8,675,786.35
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	8%
Requesting Dept/Div & Dept/Div Head Name: Delivery/Mark Roche	% of Modifications (including This Request) to Original Amount:	17%

Discussion

This contract (the “Contract”) is for the rehabilitation of the Cortlandt Street #1 Line Station located within the World Trade Center complex. MTA Construction and Development (“C&D”) requests that the Board approve a modification to the Contract to resolve claims for time extension, impacts costs and other issues in the total amount of \$8,675,786.35.

The Contract was awarded to Judlau Contracting, Inc. (“Contractor”) on April 20, 2015, in the amount of \$101,150,000 with a duration of thirty-four months, resulting in a contractual substantial completion date of February 20, 2018. The Station was opened for revenue service on September 8, 2018, and substantial completion was declared on July 31, 2019.

The Contract was originally let by the Port Authority of New York and New Jersey (PANYNJ) and after approximately 20% of the initial construction contract work had been performed, the Contract was assigned to the MTA. Prior to the commencement of the initial construction contract work, New York City Transit (“NYCT”) had reviewed the drawings and specifications for conformance of the design to NYCT standards and had submitted comments to PANYNJ, however, PANYNJ did not incorporate those comments into the Contract. When MTA assumed the Contract from PANYNJ, NYCT User Groups reviewed and updated their comments and issued them in a document referred to as Bulletin 2, requiring changes to the Contract including a redesign of the project’s electrical and communication systems.

Following the issuance of Bulletin 2, the Contractor submitted a time extension request and delay claim seeking 410 days of excusable and compensable delay and impact costs in the amount of \$21,679,090. C&D’s Engineer, and subsequently, Chief Engineer determined that the Contractor was entitled to 315 days of excusable delay of which 71 days are compensable. The Contractor disagreed with the determination and gave notice that it intended to challenge the Chief Engineer’s determination in court. In addition, the Contractor asserted claims for differing site conditions, extra work and acceleration totaling \$9,482,402. Thereafter, C&D and the Contractor entered into a tolling agreement with respect to the Contractor’s notice of a potential court proceeding in order to attempt to resolve all of the open issues, claims and disputes.

C&D reviewed and analyzed the Contractor’s delay claims and prepared an independent time impact analysis. MTA’s Audit Department audited the Contractor’s claimed impact costs. In addition, for each of the other claims that C&D determined had merit, C&D prepared an independent cost estimate. C&D then met with the Contractor to negotiate each of the claims.

With regard to the delay claim, the parties agreed to 193 days of compensable delay, and impact costs totaling \$5,704,642.35. With regard to the remaining claims and extra work, the parties agreed to an amount totaling \$2,971,144. C&D has determined this result to be fair and reasonable.

This is C&D’s most advantageous alternative considering the timing of the design changes. The alternative would be to allow litigation to proceed to judgment on the time extension request and impact cost claim dispute, which would be time consuming and could result in a less favorable result.