



January 2024

MTA Board Action Items



MTA Board Meeting
2 Broadway
20th Floor Conference Room
New York, NY 10004
Wednesday, 1/31/2024
9:00 AM - 12:00 PM ET

1. PUBLIC COMMENT PERIOD

2. PRESENTATIONS

3. APPROVAL OF MINUTES

MTA and MTA Agencies Regular Joint Committee and Board Meeting Minutes for December 20, 2023

MTAHQ

NYCT/MaBSTOA/SIRTOA/MTA Bus Company

MTA Metro-North Railroad

MTA Long Island Rail Road

MTA Triborough Bridge and Tunnel Authority

MTA Construction & Development

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4. COMMITTEE ON CAPITAL PROGRAM

C&D Procurements

C&D Procurements - Page 20

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

6. COMMITTEE ON NYCT & BUS

NYCT & Bus Procurements

Procurement Staff Summary - Page 29

7. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

B&T Procurements

B&T Committee Procurements - January 2024 - Page 37

B&T Competitive - Page 40

8. COMMITTEE ON FINANCE

MTAHQ Procurements

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 51

9. AUDIT COMMITTEE

Action Item

i. 2023 Q3 Financial Statements

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

**Joint Minutes of the
Metropolitan Transportation Authority,
the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating
Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan
Suburban Bus Authority, the Triborough Bridge and Tunnel Authority,
the Long Island Rail Road Company, Metro-North Commuter Railroad Company,
MTA Construction and Development Company, the MTA Bus Company and
the First Mutual Transportation Assurance Company
Regular Board Meeting Minutes
Wednesday, December 20, 2023
9:00 a.m.
2 Broadway
New York, NY 10004**

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

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

The following Board Members were absent:

**Hon. Haeda B. Mihaltses
Hon. Isabel Midori Valdivia Espino
Hon. John Samuelsen**

The following alternate non-voting members were present:

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

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

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

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

Chair Lieber called to order the November 2023 Board meeting.

A recorded audio public safety announcement was played.

1. PUBLIC SPEAKERS' SESSION.

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

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

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

Gian Pedulla, private citizen
Cameron Best, private citizen
Charlton D'Souza, President, Passengers United*
Jessie Figueroa, private citizen*
Jack Nierenberg, V.P., Passengers United
Mr. X, private citizen
Mattie Buchys-Hyland, private citizen*

Jason Anthony, Amazon Labor Union
Miriam Fisher, private citizen*
John Orcutt, Bike New York*
Michael J. Howard, private citizen
Michael Ring, Disabled In Action (DIA)
Charles Muniz, NYC Transit Worker/TWU, Local 100*
Aleta Dupree, private citizen*
Jean Ryan, President, Center for Independence of the Disabled, NY (CIDNY)
Monique Johnson, Disabled In Action (DIA)
Iris Kelly, private citizen
Jack Connors, PCAC
Joe Rappaport, Brooklyn Center for Independence of the Disabled (BCID)

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

Chair Lieber thanked all public speakers for their comments.

President Richard Davey commented on the derailment incident.

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

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for Chair Lieber's and President Richard Davey's comments.

2. EXECUTIVE SESSION.

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

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

3. PUBLIC SESSION RESUMES.

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

1. Collective bargaining agreement between MTA Headquarters and the Commanding Officers Association (COA).
2. Collective bargaining agreement between MTA Long Island Rail Road and the Sheet Metal and Rail Transportation Union – Transportation Division.
3. Collective bargaining agreement between MTA Metro-North Railroad and the Association of Commuter Rail Employees – Division 166, (ACRE 166).
4. Collective bargaining agreement between MTA Metro-North Railroad and the Transport Workers Union – Locals 2001 and 2055 (TWU).

4. CUSTOMER SERVICE TEAM SUCCESSES AND ACHIEVEMENTS.

Shanifah Rieara, Senior Advisor for Communications and Policy/Interim Chief Customer Officer introduced the video discussing the Customer Service Team's successes and achievements.

Chair Lieber applauded Shanifah Rieara and the team for their hard work.

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the details of Shanifah Rieara's presentation.

5. CHAIR LIEBER'S REMARKS.

Chair Lieber welcomed and thanked everyone for joining the December Board meeting.

Chair Lieber stated that 2023 was an incredible year and he attributed the success to the MTA staff and their hard work and commitment. Chair Lieber stated that the staff, who show up every day and put their heart into their work and sometimes take risks, deserve to be honored every day.

Chair Lieber noted one of the projects that attributed to the MTA's success this year:

Grand Central Madison—referred to as the MTA's own white whale. Chair Lieber noted that some staff members have worked on this project for 20 years, and some delayed their retirement to take the project all the way to the finish line. Nearly five million people pass through Grand Central Madison since the opening in February, and days following the opening, and it is considered the fourth largest passenger rail terminal in the United States. Chair Lieber stated that he believes that Grand Central Madison service alone is the fourth largest commuter railroad operation. Chair Lieber attributed the success of the Grand Central Madison project to the hard work of its leaders: GCM Terminal Manager Jennifer Uihlein, and President Catherine Rinaldi.

Chair Lieber noted the tremendous growth in ridership—one billion rides in 2023, with last week being the busiest week in terms of ridership on both commuter railroads, and the second busiest week on the subways.

Chair Lieber stated that not only are New Yorkers and tourist benefiting for the MTA transportation system but commuters from New Jersey also benefit from the investments being made in the MTA resulting from congestion pricing, and he chronicled a New Jersey resident's commute on the MTA system.

Chair Lieber stated that the ridership upsurge is partly a function of so-called 'return to office' and the caliber of mass transit service is a huge factor in companies getting people to come back to the office, which is attributed to the New York City business community's support of increased taxes to help fund mass transit. Chair Lieber stated that the business community expressed their desire to have a five-days-a-week first class service even though they continue

to allow their employees to come to work one to three days a week. The business community's support of an increase to the payroll mobility tax for New York City businesses is one of the reasons the MTA was able to maintain high level service and achieve high levels of on-time performance across all the transportation networks.

Chair Lieber commended staff members like Ian Martin at New York City Transit Operations Planning, who he said are among the many amazing agency planners who are responsible for developing routes and schedules and making sure the agency optimize its resources.

Chair Lieber stated that this year the MTA is seeing the impact of the Governor's and the Mayor's 'Cops, Cameras, and Care' initiative, which was rolled out in the last few weeks of 2022, and the Chair recognized the great partner at the NYPD Transit Bureau, Chief Kemper, who attends the Committee meetings, and has been an exceptional partner day in and day out for the MTA. Chair Lieber stated that Chief Kemper and his team are largely responsible for the fact that the MTA will end the year 8 or 9% below pre-pandemic levels in subway crime. Chair Lieber stated that the team who carry out the Care aspect of 'Cops, Cameras, and Care' initiative, who are both law enforcement and homeless outreach professionals and who go out to work every night on the platforms, do not always get the recognition they deserve. The Chair stated that it is no secret that at end-of-line stations there are many MTA professionals who interact with people sheltering in the system, persuade them to accept services, which hopefully results in ending sheltering in the system.

Chair Lieber stated that one of the key players in this process is Tin Y. Mai, Deputy Inspector at Transit Bureau Subway Safety Task Force, and who runs the NYPD Transit Bureau's homeless outreach operation. Chair Lieber stated that Tin Mai is an unbelievable dynamo of energy, and she brings it every day and is making a difference in people's lives and in the environment on the subways as well. The Chair stated that there is much more to accomplish in the safety and security area, but he wanted to acknowledge Inspector Mai as well as Chief Kemper.

Chair Lieber stated that in a few months the MTA is preparing to implement congestion pricing, an idea that has been around for decades, going back to the Lindsay administration and certainly very real in the discussion since the Bloomberg administration, and it has been four years since the State Legislature adopted congestion pricing and declared it as a law of the State of New York.

The Chair stated that people have been working tirelessly to study the impact so that the MTA can comply with federal environmental law and implement the program. The traffic and air quality modeling are hugely important and resulted in the MTA obtaining federal environmental approval.

Chair Lieber stated that the Traffic Mobility Review Board and the environmental process could not have been successful without people like Stephen Crim, B&T Director, Policy & Analytical Reporting and Leah Flax, B&T Senior Director, Policy & Operations Analysis, who worked nights and weekends to provide decision makers with the data and the analysis to create a fair tolling proposal.

Chair Lieber noted the importance of congestion pricing to the future of the MTA system and as a funding source for the Capital Program. Chair Lieber stated that the MTA is beginning to look forward to the next five-year plan based on the 20-Year Needs Assessment, as discussed on many occasions by the Chair and shown in today's video presentation. The Chair acknowledged the talent and knowledge of Robert Perham, MTA Manager Asset Planning and other staff members who joined the MTA, worked on the 20-Year Needs Assessment and who are passionate about urban issues, environmental progress, and climate change. Chair Lieber stated that it is his hope that Robert Perham and the other talented staff will be here 20 years from now to see how the MTA has made good on the promise of their report.

With respect to the Queens Bus Redesign, Chair Lieber stated that the Proposed Final Plan was released last week and is a major improvement over the current map, which has barely evolved past the old trolley system that it was based on from 70 years ago. Chair Lieber stated that, from the beginning, the Queens Bus Redesign project has been an incredible customer-driven process, with literally hundreds of public meetings and thousands of comments received online and there are no concerns too minor to be factored in and considered.

The Chair acknowledged Cate Contino's role in the project, who he stated is one of the central players of the team and who also supervises the public comment period during many of the Board and Committee meetings. Chair Lieber stated that Cate Contino, in her spare time, is also the Director of Special Projects for the MTA Government and Community Relations team, and he commended Cate and the entire team for their amazing work. Chair Lieber also acknowledged Will Schwartz, Deputy Chief, Government and Community Relations, and other members of his team: Lucille Songhai, Assistant Director, Government Affairs and Daniel Randell, Assistant Director, Government and Community Relations, including other staff members who worked on the Queens Bus Redesign.

Chair Lieber highlighted in a video the different elevator completion since 2020—eight so far this year, with another four in the final stages of construction, and he stated that President Jamie Torres-Springer and his team hopes to complete a couple more before year end. Chair Lieber acknowledged Agron Gashi, Director, who has been the project CEO on accessibility for five of the completed stations this year and CEO for other stations headed toward completion.

Chair Lieber recognized the MTA's federal partners and the transition in the Federal Transportation Administration's (FTA) regional leadership – Steve Goodman, who Chair Lieber said has been amazing to work with, and who has been replaced by Mike Culotta, Acting FTA Regional Administrator.

Chair Lieber stated that MTA's biggest accomplishment is the budget and he credited Governor Hochul, who prevailed on the Legislature, and CFO Kevin Willens, who is responsible for delivering \$400 million of savings starting in 2024. The Chair credited the agency Presidents, who spearheaded all the changes, and Sapna Shah, EAM Senior Director, Metro-North Railroad, who started at Buses, piloting predictive maintenance technologies, and

who is now at Metro-North helping to come up with new ways to better maintain our assets more efficiently and delivering more to the customers at a reasonable cost.

Chair Lieber acknowledged the transit advocates, saying that transit in New York is thriving in part because -- unlike so many other cities – MTA has a coalition of transit advocates who are well-informed, who know how to work the press and – perhaps most important – who cultivate their own constituencies and make sure that the elected officials know about it.

Chair Lieber expressed his appreciation for the transit advocate groups for helping to bring attention to the importance of transit, holding the MTA accountable, and reinforcing our shared goals.

Chair Lieber thanked the incredible leadership team at the MTA, who he said are responsible for all the MTA successes.

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

6. 2024 ADOPTION OF BUDGET AND 2024-2027 FINANCIAL PLAN.

CFO Kevin Willens introduced the budget proposal:

A. Action Item:

Chair Lieber proposed a motion to adopt the Proposed MTA 2024 Final Budget and the Proposed Final Financial Plan for 2024-2027 and opened the floor for discussion.

Following discussions and comments from the Board and Chair Lieber, and upon motion duly made and seconded, the Board approved:

1. 2024 Budget and 2024-2027 Financial Plan.

The Adoption of the MTA 2024 Final Proposed Budget and 2024-2027 Financial Plan.

The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

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

7. APPROVAL OF MINUTES.

Upon motion duly made and seconded, the Board approved the November Joint Minutes of the MTA and MTA Agencies Regular Board meeting held on December 6, 2023 and the November Committee Minutes from each of the Committee meetings held on November 29, 2023.

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

8. COMMITTEE ON CORPORATE GOVERNANCE.

A. Action Item.

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

1. Revisions to the Governance Guidelines to comply with Public Authorities Law Section 1264(1).

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

9. MTA BRIDGES AND TUNNELS COMMITTEE.

Commissioner Barbas stated that there are no items to report for Board approval for the Bridges and Tunnels Committee.

10. CAPITAL PROGRAM COMMITTEE.

B. Procurement Items.

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

1. Approved the award to RCC/GCCOM., A joint Venture LLC, a joint venture of Railroad construction Company, Inc. and GCCOM Construction Company, a publicly advertised and competitively solicited contract for Design-Build services for the replacement of the Webster Avenue Bridge, in the amount of \$10,565,240 and for a duration of 617 calendar days. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$40,000 to be paid to each of the three unsuccessful proposers for a total amount of \$120,000.
- 2-3 Approved the award to ECCO III Enterprises, Inc., a publicly advertised and competitively solicited contract for Design-Build services for Americans with Disabilities Act improvements at the Broadway Junction Station in the Borough of Brooklyn, in the amount of \$286,131,000 and for a duration of 1,344 calendar days. The Board also awarded a long-term elevator maintenance contract to Modern Elevator

Installations, Inc. in the amount of \$9,563,360 and a duration of 15 years. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$250,000 to be paid to each of the two unsuccessful proposers for a total amount of \$500,000.

4. Approved the award to E-J Electric Installation Co., a publicly advertised and competitively solicited Design-Build contract, to overhaul and replace the facility monitoring and safety systems at the Hugh L. Carey Tunnel and Queens Midtown Tunnel, in the amount of \$40,500,000 and for a duration of 33 months. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$50,000 to be paid to each of the three unsuccessful proposers for a total amount of \$150,000.
5. Approved the award to Boyce Technologies, Inc., a publicly advertised and competitively solicited contract for Design-Build services, for closed circuit television systems for passenger identification on the New York City Transit (NYCT) system, in the amount of \$54,779,545 and for a duration of 1,214 calendar days. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$110,000 to be paid to each of the two unsuccessful proposers for a total amount of \$330,000.
6. Approved the award to Skanska USA Civil Northeast Inc., a publicly advertised and competitively solicited contract for Design-Build services for, the replacement of escalators at six New York City Transit (NYCT) stations, in the amount of \$145,820,000 for a duration of 1063 calendar days. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$185,000 to be paid to each of the three unsuccessful proposers for a total amount of \$555,000.
- 7-8. Approved the award to Forte-Gramercy JV, a joint venture of Forte Construction Corp. and Gramercy Group, Inc., a publicly advertised and competitively solicited contract for Design-Build services, for the replacement of elevators at New York City Transit Stations, in the amount of \$191,830,000 and for a duration of 979 calendar days. Board also approved the award of a long-term elevator maintenance contract to Mid-American Elevator Co., Inc. in the amount of \$81,300,000 and for a duration of 15 years. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$225,000 to be paid to each of the unsuccessful proposers.
9. Approved the award to American Bridge/Commodore Joint Venture, a joint venture of American Bridge Company and Commodore Construction Corp., a publicly advertised and competitively solicited contract for Design-Build services, for the structural rehabilitation of East River suspended spans and anchorages of the Robert F. Kennedy Bridge and new shared-use path, in the amount of \$409,912,888 and for a duration of 43 months. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend

of \$500,000 to be paid to each of the two unsuccessful proposers for a total amount of \$1,000,000.

10. Approved the award to L.K. Comstock & Company, LC, a publicly advertised and competitively solicited contract for Design-Build services, for emergency alarm systems at New York City Transit (NYCT) stations and substations, in the amount of \$78,755,000 and a duration of 1,502 calendar days. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$101,000 to be paid to each of the three unsuccessful proposers for a total amount of \$303,000.

11-12. Approved the award to Trevcon Construction Co., Inc., a publicly advertised and competitively solicited contract for Design-Build services, for tower fender protection and tower painting at the Throgs Neck Bridge, in the amount of \$153,875,200 and for a duration of 1,189 days. The Board also approved the award of a three-year elevator maintenance contract to Mid-American Elevator Company, Inc., in the amount of \$450,000. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$200,000 to be paid to each of the three unsuccessful proposers for a total amount of \$600,000.

13. Approved the award to Ahern Painting Contractors, Inc., a publicly advertised and competitively solicited Design-Build contract, for tower painting, lighting, and electrical upgrades at the Verrazzano-Narrows Bridge, in the amount of \$128,525,518 and a duration of 30 months. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$42,000 to be paid to each of the two unsuccessful proposers for a total amount of \$84,000.

14. Approved the award to Forte Construction Corp, a publicly advertised and competitively solicited contract, for Design-Build services for LIRR Station Improvements Package II: Forest Hills, Hollis and Babylon Stations, in the amount of \$227,500,000 and for a duration of 36 months. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$150,000 to be paid to each of the three unsuccessful proposers for a total amount of \$450,000.

15. Approved the award to Civetta-Stonebridge J.V., a joint venture of John Civetta & Sons, Inc. and Stonebridge, Inc., a publicly advertised and competitively solicited contract, for Design-Build services for a new 1,320-space, multi-level parking garage and station access improvements at the Southeast Station, in the amount of \$149,747,500 and for a duration of 826 calendar days. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$100,000 to be paid to each of the two unsuccessful proposers for a total amount of \$200,000.

- 16-17. Approved the award to Judlau Contracting, Inc., a publicly advertised and competitively solicited contract for Package 5, a Design-Build services for Americans with Disabilities Act upgrades at 13 New York City Transit stations, in the amount of \$577,200,060 and a duration of 1,090 calendar days. The Board also approved the award of a long-term elevator maintenance contract to Modern Elevator Installations in the amount of \$28,505,090 and for a duration of 15 years. In accordance with MTA policy regarding the use of Design-Build contracts, and to enhance competition and defray proposal costs, the solicitation included a stipend of \$650,000 to be paid to each of the two unsuccessful proposers for a total amount of \$1,300,000.
18. Approved the modification to the contract with Schindler Elevator Corporation to provide for continued maintenance of elevators and escalators in Grand Central Madison for up to six additional months for a not-to-exceed amount of \$5,873,056.
19. Approval the modification to the contract with George S. Hall, Inc. to fund the work necessary for continued interim maintenance, service, and operation of the Grand Central Madison assets and equipment for up to 6 additional months for the not-to-exceed amount of \$41,157,184.27.
20. Ratified the modification of a contract with Skanska-ECCO III 2, JV, which provides for design and construction for the new Croton-Harmon Shop and associated facilities and equipment at Metro-North Railroad's Croton-Harmon Yard, in the amount of \$1,442,386 to replace the DC Rectifier Transformer at the yard.
- 21-22. Ratified the modification of a contract with Parsons Transportation Group of New York, which provides for the design, furnishing, and installation of a new land mobile digital bus radio system that will serve both New York City Transit (NYCT) and the MTA Bus Company, modification Nos. 121 and 123, respectively, provides for (i) bus radio systems equipment installation on 1,647 new buses and (ii) training/certification of 32 bus installers.

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

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

A. Metro-North Railroad Action Items.

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

1. To award a contract to accept a NYSDOT Grant to support connecting services.
2. To enter into a Tenth Memorandum of Understanding with the City of Newburgh for ferry landing and parking.

3. To amend the existing Westchester County Department of Public Works and Transportation Employer-Based Shuttle Agreement.

B: Long Island Rail Road Procurement Items.

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

1. To award a five-year noncompetitive Original Equipment Manufacturer (“OEM”) estimated quantity purchase agreement in the amount of \$10.2M to Custom Glass Solution Trumbauersville, LLC. This joint-agency sole source-contract was publicly advertised for the purchase of window assemblies to support LIRR, Metro-North and NYC Transit’s passenger fleets.
2. To award a five-year noncompetitive Original Equipment Manufacturer (“OEM”) estimated quantity purchase agreement in the amount of \$2.2M to Luminator Technology Group LLC. This joint-agency sole-source contract was publicly advertised for the purchase of various lighting equipment to support LIRR and Metro-North’s commuter railroad fleets.
3. To award a five-year noncompetitive Original Equipment Manufacturer (“OEM”) estimated quantity purchase agreement in the amount of \$4.6M to United Safety & Survivability Corporation. This joint-agency sole-source contract was publicly advertised for the purchase of various engineering seats for the cab car, and other cab engineering seating parts and equipment to support LIRR and Metro-North’s commuter railroad fleets.

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

12. NEW YORK CITY TRANSIT AND BUS COMMITTEE.

A. Procurement Items.

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

1. Approved, pursuant to Public Authorities Law, Section 1209, subdivision 9(g), the federally funded purchase of 205 low-floor battery-electric buses (“BEB) with two options for up to 1,215 additional BEBs (Option 1 for up to 265 and Option 2 for up to 950), as well as related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation, and training from New Flyer of America, Inc., in the total estimated amount of \$286,150,222. The contract also includes an option to purchase up to 950 additional BEBs, which may be included in the 2025-2029 Capital Plan. Should the MTA choose to exercise any of these 950 option BEBs, Board approval will be obtained prior to award.

2. Approved, pursuant to Public Authorities Law, Section 1209, subdivision 9(g), the purchase of 224 low-floor 60-foot diesel buses with two options for up to 446 additional buses (Option 1 for up to 21 and Option 2 for up to 425), as well as related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation, and training from New Flyer of America Inc., in the total estimated amount of \$266,751,238. The Board also authorized the New York City Transit Assistant Chief Procurement Officer to approve the exercise of up to 21 additional buses in the estimated amount of \$24,926,538 once funding becomes available. The contract also includes an option to purchase up to 425 additional buses, which may be included in the 2025-2029 Capital Plan. Should the MTA choose to exercise any of these 25 option buses, Board approval will be obtained prior to award.

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

13. MTA COMMITTEE ON FINANCE.

- A. Action Item. Upon a motion duly made and seconded the Board approved the action item listed below. The specifics are set forth in the staff summary and documentation filed with the meeting materials.
 1. Issuance of 2024 MTA and TBTA New Money Bonds, Bond Anticipation Notes, and Refunding Obligations; Reimbursement Resolutions for Federal Tax Purposes. Approve resolutions and documents and all other actions described in the staff summary, including the execution and delivery of such other documents, and the taking of all other actions, from time-to-time deemed necessary or desirable by such officers in connection with the issuance of new money bond anticipation notes (BANs) and bonds to finance (i) capital projects set forth in approved transit and commuter capital programs, (ii) MTA short-term (12 months or less) interim working capital borrowings, (iii) capital projects set forth in the MTA Bridges and Tunnels capital programs, and (iv) costs of the TBTA central business district tolling program (the “CBDTO”).
- B. Procurement Items. Upon a motion duly made and seconded the Board approved the procurement items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.
 1. P&A Administrative Services, Inc. – Administrative and Record-Keeping Services – No. 15888. Approved the award of a competitively negotiated all-agency personal services contract to P&A Administrative Services, Inc. for administrative and record-keeping services in connection with the MTA’s Flexible Spending Account (“FSA”) program.
 2. CaremarkPCS Health, LLC – Pharmacy Benefit Management Services – No. 006000020. Approved the extension of a competitively negotiated personal service contract, approved by the Board in March 2019, with CaremarkPCS Health, LLC for an additional 12 months (through December 31, 2024) to ensure the continuation of the

pharmacy benefit management services until award can be made of the successor contract.

3. Greystone Select Incorporated – Tenant Management and Accounting Services – No. 8743-0100. Approved the modification of the all-agency competitive personal services contract awarded to Greystone Select Incorporated, formerly Greystone & Co, d/b/a Greystone Management Solutions, for tenant management and accounting services in order to add one full-time employee and extend the contract term for six months (January 1, 2024 – June 30, 2024).

C. Real Estate Items.

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

Administrative Action Item

Metro-North Railroad

1. Modification to the Grand Central Terminal short-term retail licensing program, New York, NY.

Transactional Action Items

Metropolitan Transportation Authority

2. License with Rosen's Café LLC for a retail unit in the lobby at 2 Broadway, New York, NY.
3. Development agreement with Housing is a Human Right LLC, c/o The Hudson Companies Inc. and Housing Works to construct a Rail Control Center Annex at 806 9th Avenue, New York, NY.

New York City Transit Authority

4. Lease with Gail Lloyd Enterprises for office space at 168-25 Jamaica Avenue in support of the relocated Jamaica Bus Terminal in Queens, NY.
5. Amended and reinstated lease between NYCT and LIC Northern Boulevard Owner, LLC for office and warehouse space at 33-00 Northern Blvd., Queens, NY.
6. Surrender of master leased property to the City of New York at the Smith-Ninth Street Station in Brooklyn, NY.

Long Island Rail Road

- 7. License with Terwilliger Bartone for public walkway at the Westbury Station, Westbury, NY.

Metro-North Railroad

- 8. Acquisition of permanent easements from NYC Parks and Recreation at the Hutchinson River Parkway Extension in support of the Penn Station Access Project, Bronx, NY.

Triborough Bridge and Tunnel Authority

- 9. License with Edward Forni for a food and beverage counter at Randall’s Island Building 104, New York, NY.

14. UPDATE ON BIKE PEDESTRIAN INITIATIVE.

Jessica Matthew, Senior Advisor, Special Projects & Initiatives, Innovation & Policy, presented a progress report on the Bike Pedestrian Initiative.

Chair Lieber thanked Jessica Matthew and her team for their hard work.

Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the details of Jessica Matthew’s presentation and Board members’ comments and discussion.

15. ADJOURNMENT.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:28 a.m.

Respectfully submitted,

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

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

Mariel A. Thompson
Assistant Secretary
NYCT

Evan Eisland
General Counsel and Secretary
MTA C&D

Paul Friman
General Counsel
and Corporate Secretary
TBTA

Victoria Clement
Assistant Secretary
MTAHQ

Contracts Department

Evan Eisland, Executive Vice President and General Counsel

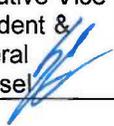
**PROCUREMENT PACKAGE
January 2024**

PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$ 3.3M.

Staff Summary

Subject Request Authorization for Several Procurement Actions					
Contracts Department					
Evan Eisland, Executive Vice President and General Counsel					
Board Action					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	1/29/24	X		
2	Board	1/31/24	X		

Date: January 23, 2024			
Internal Approvals			
	Approval		Approval
X	Deputy Chief Development Officer, Delivery	X	President
X	Deputy Chief Development Officer, Development	X	Executive Vice President & General Counsel 

Purpose

To obtain the approval of the Board to award several procurement actions and to inform the Capital Program Committee of these procurement actions.

Discussion

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

Schedules Requiring Two-Thirds Vote

	<u># of Actions</u>	<u>\$</u>	<u>Amount</u>
B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	1	\$	TBD
SUBTOTAL	1	\$	TBD

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

Schedules Requiring Majority Vote

K. Ratification of Completed Procurement Actions	1	\$	3,311,824
SUBTOTAL	1	\$	3,311,824
TOTAL	2	\$	3,311,824

Budget Impact

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

Recommendation

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

MTA Construction & Development

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

January 2024

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

Schedule B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)

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

- | 1. | Contractors To Be Determined
Contracts Nos. To Be Determined | \$ Cost To Be Determined | <u>Staff Summary Attached</u> |
|-----------|---|---------------------------------|--------------------------------------|
|-----------|---|---------------------------------|--------------------------------------|

MTA Construction & Development requests that the Board adopt a resolution declaring competitive bidding impractical or inappropriate, pursuant to the NY Public Authorities Law and the All Agency General Procurement Guidelines, and that it is in the public interest to authorize MTA Construction & Development to issue a competitive request for proposals in lieu of sealed bids for the award of a series of all agency indefinite quantity contracts for asbestos abatement and environmental remediation services.

Staff Summary

Schedule B: Request to Use RFP for Procurement of Purchase and Public Works in lieu of Sealed Bids

Item Number	1				
Department, Department Head Name: Delivery, John Sucharski, Senior Vice President					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	1/29/24	X		
2	Board	1/31/24	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	Deputy Chief, Development	X	Executive Vice President & General Counsel		
X	Deputy Chief, Delivery	X	President		

SUMMARY INFORMATION	
Vendor Name	Contract Number
RFP Authorizing Resolution	To Be Determined
Description	
All Agency Indefinite Quantities Asbestos Abatement and Environmental Remediation Contracts	
Total Amount	
To Be Determined	
Contract Term (including Options, if any)	
4 Years	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE

MTA Construction and Development (C&D) requests that the Board adopt a resolution declaring competitive bidding impractical or inappropriate, pursuant to the New York Public Authorities Law and the All-Agency General Procurement Guidelines, and that it is in the public interest to authorize C&D to issue a competitive request for proposals (“RFP”), in lieu of sealed bids, for the award of a series of all agency indefinite quantity (“IQ”) contracts for asbestos abatement and environmental remediation services. Each selected contractor will be awarded a federal and/or state contract for a four-year duration. Each contract will be a zero-dollar based contract with no minimum guarantee of any assignments to the contractors. The total aggregate budget for all contracts to be awarded under this series is anticipated to be \$50 million.

DISCUSSION

Asbestos, lead, polychlorinated biphenyls, mercury and other substances that pose environmental hazards can cause project delays if they are discovered after award of a construction contract. To mitigate such delays, C&D is seeking to award multiple contracts for on-call asbestos abatement and environmental remediation services. These contracts will replace eight existing on-call contracts that will expire in September 2024.

Work orders for individual projects will be issued to the contractor with the overall lowest price proposal for that work, unless circumstances exist, based on contractor availability, time sensitivity or other considerations, which require that the project be awarded to an alternate contractor. This approach ensures that C&D will be able to respond rapidly and effectively to asbestos abatement and environmental remediation requirements.

Utilizing a competitive RFP method for these contracts is in the public interest. It will provide an available pool of responsible contractors ready to provide prompt response and resolution to potential environmental hazards.

M/W/DBE INFORMATION

The MTA Department of Diversity and Civil Rights will assign applicable goals prior to issuance of the Request for Proposal.

IMPACT ON FUNDING

Funding for each work order issued under the contract series will be chargeable to the specific capital project for which the asbestos abatement and environmental remediation is performed.

ALTERNATIVES

The alternative of soliciting firms on a project-by-project basis to provide asbestos removal and other environmental remediation services using the formal competitive bidding process is not recommended. The process would cause significant delays in addressing environmental remediation work, as well as cause significant delays and impose increased costs to C&D projects and, therefore, would not be in the best interest of the MTA.

RECOMMENDATION

That the Board adopt a resolution declaring competitive bidding impractical or inappropriate and that it is in the public interest to authorize C&D to issue a competitive RFP in lieu of sealed bids for the award of all agency IQ contracts for asbestos abatement and environmental remediation services.

January 2024

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

(Staff Summaries required for all items requiring Board approval)

- | | | | |
|-----------|--|---------------------|--------------------------------------|
| 2. | FXC WSP USA Architecture and
Engineering JV
Contract No. CS00005C | \$ 3,311,824 | <u>Staff Summary Attached</u> |
|-----------|--|---------------------|--------------------------------------|

MTA Construction & Development requests that the Board ratify a modification for additional preliminary design services in connection with the Penn Station reconstruction project.

Staff Summary

Schedule K: Ratification of Completed Procurement Actions

 Item Number: **2**

Vendor Name (& Location) FXC WSP USA Architecture and Engineering JV
Description Architectural and Engineering Design Services for the Penn Station Reconstruction Project
Contract Term (including Options, if any) Twelve (12) Months for Base Contract. Up to One Hundred (100) months with Options.
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Delivery, Peter Matusewitch, Senior Vice President

Contract Number CS00005C	AWO/Modification # 1
Original Amount: Base Contract: \$57,919,761 Option 1: \$15,829,250 Option 2: \$8,563,124 Option 3.1: \$152,732,525 Option 3.2: \$70,919,924 Option 4: \$3,707,470 Option 5: \$3,987,582	
Prior Modifications:	\$ 274,102.66
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 58,193,863.66
This Request:	\$ 3,311,824
% of This Request to Current Amount:	5.7%
% of Modifications (including This Request) to Original Amount:	6.2%

DISCUSSION:

This Contract requires the consultant, a joint venture of WSP USA Inc. and FXCollaborative Architects LLP (the "Consultant"), to provide architectural and engineering design services for the Penn Station reconstruction project. MTA Construction and Development ("C&D") requests that the Board ratify a modification for an amount not-to-exceed \$3,311,823.53 for additional preliminary design services.

The Contract is being managed by C&D on behalf of the MTA, Amtrak, and New Jersey Transit (the "Parties") pursuant to a Design Governance Agreement. The Contract requires the Consultant to perform preliminary design for the Project, to a 30% level of completion (the "Base Contract"), with six options ("Options") to conduct further design efforts once the Parties have agreed on a Project procurement and delivery strategy. To date, none of the Options have been exercised.

This Modification is for the Consultant to assess alternative design approaches for the Eighth Avenue entrances of Penn Station, Madison Square Garden, and the adjoining theater. The Consultant will examine the feasibility of reconfiguring or relocating the entrances and loading docks to improve operations and provide proposals for refreshing the façades. Once the feasibility assessment is complete, the Parties will determine which elements to incorporate into the Project's design.

The work being performed under this Modification extends the term of the Contract by 11 weeks from June 21, 2024, to September 6, 2024. To minimize this Modification's impact on the project timeline, approval from the President of MTA C&D was issued, on October 6, 2023, to direct the Consultant to proceed with the extra work in the not-to-exceed amount of \$2,500,000.

The Consultant submitted its proposal in the amount of \$3,398,190. Negotiations yielded an agreed upon amount not-to-exceed \$3,311,824 which was deemed to be fair and reasonable. Pursuant to the Design Governance Agreement, the cost of this Contract is shared equally among the Parties.

NYCT Committee
ACTIONS and PRESENTATIONS
SUMMARY for JANUARY 2024

Responsible Department	Vendor Name	Total Amount	Summary of action
NYCT / MTA Bus	Seon Design [USA] Corp.	\$75,433,846	Bus Camera Security System Maintenance



New York City Transit Procurements

Louis Montanti, MTA Deputy Chief Procurement Officer – Procurement Operations

PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed estimated expenditure of \$75.4M.

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

JANUARY 2024

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

G. Miscellaneous Service Contracts

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

- | | | |
|---|---------------------|--------------------------------------|
| 1. Seon Design [USA] Corp. | \$75,433,846 | <i>Staff Summary Attached</i> |
| Three-year base + three 2-year Options | | |
| Contract# 440943 | | |
| Award of a contract for the provision of maintenance and support services for the MTA Bus Camera Security System. | | |

Schedule G: Miscellaneous Service Contracts



Item Number: 1

Vendor Name (Location) Seon Design [USA] Corp. (Bellingham, Washington)
Description Bus Camera Security System Maintenance
Contract Term (including Options, if any): Nine years (Three-year base + three 2-year options)
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"/> Noncompetitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Negotiation

Contract Number 440943	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Estimated Amount: \$75,433,846 (Base + Options) Base Contract \$25,712,566 Options \$49,721,280	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Department: Department of Buses, Frank Annicaro	

Purpose:

NYC Transit is seeking Board approval to award a three-year estimated quantity miscellaneous service contract for the provision of maintenance and support services for the MTA Bus Camera Security System (“BCSS”) to Seon Design [USA] Corp (“Seon”) in the total estimated amount of \$25,712,566. The Board is also requested to authorize the NYC Transit Assistant Chief Procurement Officer to approve the exercise of up to three 2-year options in the estimated amount of \$49,721,280.

Discussion:

This contract will allow for the provision of maintenance services for all buses and depots equipped with a BCSS as well as diagnostic and video data management services. The BCSS allows video images to be captured on buses and then wirelessly uploaded along with a system health report from the buses to depot servers during the refueling process for use in managing data and ensuring proper operation of the onboard equipment. As of January 2024, NYC Transit and MTA Bus Company have a total of 5,248 buses equipped with BCSS (5,195 from Seon, and 53 from Apollo Video Technology [“Apollo”]); approximately 3,656 buses have been delivered with BCSS preinstalled at the factory. During new bus procurements, original equipment manufacturers had the option of offering preapproved BCSS systems from Seon and Apollo.

The evaluation criteria for this Request for Proposal (“RFP”), listed in descending order of importance, are as follows: Proposer’s Overall Technical Qualifications including relevant experience, technical proposal and approach to the project, past performance on similar projects, the proposer’s approach to diversity practices, Overall Price, and Other Relevant Matters. Selection Committee (“SC”) members were drawn from the DOB, the Office of Management & Budget, the Department of Operations Planning, and Procurement.

NYC Transit aggressively canvassed the marketplace for potential new contractors to expand the competitive environment. Twenty-nine firms requested the RFP package, of which two submitted proposals: RL Controls LLC (“RL”) and Seon.

Following the SC’s review of the written proposals submitted by RL and Seon, both were invited for oral presentations. After oral presentations, the SC determined that both proposers were technically qualified, and each was invited to participate in negotiations.

Negotiations focused on the proposers’ demonstrated ability to perform the work including experience, project management team, video data management services, and overall price. The price proposals contained two classes: Class A was structured to provide a monthly rate to provide hardware and software maintenance for all BCSS equipped buses, hardware and labor pricing for non-warranty repairs, training, and pricing for server licenses. Class B was structured to provide monthly rates for Video Data Management services (“VDMs”). Separating the BCSS Maintenance and VDMs into different classes gives the Authority the flexibility to award each Class to a different vendor based on the best value to the Authority in accordance with the evaluation criteria.

Schedule G: Miscellaneous Service Contracts



Best and Final Offers (“BAFOs”) were received on December 1, 2023, and presented to the SC for consideration on December 5, 2023. The SC evaluated the BAFOs in accordance with the evaluation criteria, including the pricing for the option years. While both vendors were determined to be technically capable of performing the work, the SC unanimously voted to recommend that both Classes be awarded to Seon, as this combination provides the overall best value for the Authority.

Seon’s BAFO was in the total amount of \$28,569,820, which was \$79,684 or 0.28 percent less than its initial proposal of \$28,649,504. DOB agreed to incorporate a proposed scope change for which both companies provided alternative pricing resulting in a savings of \$1,251,512 for the base and, if all options are exercised, will result in an additional savings of \$935,220. Subsequent to receipt of the BAFO, Seon provided unilateral price concessions for the monthly maintenance service and the VDMs resulting in savings of \$1,605,742 for the base; if all options are exercised, additional savings of \$1,699,200 will be achieved. A total savings of \$2,857,254 will be achieved for the base contract; if all options are exercised, an additional \$2,634,420 will be saved.

The award to Seon will consist of \$18,902,266 for hardware and software maintenance, non-warranty repairs and server licenses, and \$6,810,300 for VDMs for a total award amount of \$25,712,566.

Through negotiations and the competitive nature of this procurement, final pricing from Seon is considered fair and reasonable.

The NYC Transit Controller’s Office performed a financial review of Seon and determined that it is financially qualified to perform the work of the contract.

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

The contract resulting from this procurement has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity terms and conditions and requirements, including any terms and conditions and requirements under federal, state and local law and regulations. Any applicable cybersecurity terms and conditions and requirements, to the extent required, have been included in the contract terms and conditions.

M/W/SVDOB Information

The MTA Department of Diversity and Civil Rights (DDCR) has established goals of 15 percent MBE, 15 percent WBE, and 6 percent SDVOD on this contract. Seon has committed to meeting the required MWBE and SDVOB goal requirements. Seon has not recently completed any MTA contracts with goals; therefore, no assessment of their performance can be determined at this time.

Impact on Funding

Total funding for this contract is available in the operating budget.



Bridges and Tunnels

Procurements January 2024



Staff Summary



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

Date: 1/12/2024
Vendor Name:
Contract Number:
Contract Manager Name:
Table of Contents Ref #:

Board Action					
Order	To	Date	Approval	Info	Other
1	President	1/16/2024 1/22/2024	<i>LM</i>		
2	MTA B&T Committee	1/29/2024			
3	MTA Board	1/31/2024			

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

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

PURPOSE:

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

DISCUSSION:

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

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

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts	1	\$38.9M
SUBTOTAL	1	\$38.9M

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

TOTAL	1	\$38.9M
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BUDGET IMPACT:

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

RECOMMENDATION:

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

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

MTA BRIDGES & TUNNELS
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

11/23/2020

JANUARY 2024

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

Schedule H: **Modifications to Personal Service Contracts and Miscellaneous Service Contracts**
(Staff Summaries requiring Board approval)

Staff Summary Attached

1.	TransCore, LP Contract No. PSC-13-2949 Nine Years and Seven Months	\$38,947,759	1
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B&T is seeking Board approval to amend this personal service contract with TransCore, LP to exercise the three (3) one-year options with additional funding for continued cashless tolling maintenance.

Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts



Item Number: 1

Vendor Name (Location) TransCore LP (Nashville, Tennessee)
Description: All-Electronic Open-Road Tolling
Contract Term (including Options, if any) July 18, 2014–February 29, 2024
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"/> Noncompetitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Modification
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Department: ITS & Tolling, VP, Nichola Angel

Contract Number PSC-13-2949	AWO/Mod. # 14
Original Amount:	\$7,968,282
Prior Modifications:	\$165,466,034
Current Amount:	\$173,434,316
This Request:	\$38,947,759
% of This Request to Current Amount:	22%
% of Modifications (including This Request) to Original Amount:	2565%

Discussion:

Bridges and Tunnels (“B&T”), in accordance with the All-Agency Service Contract Procurement Guidelines, is seeking Board approval to amend personal service Contract PSC-13-2949 with TransCore, LP (“TransCore”) to exercise three 1-year option renewals for cashless tolling maintenance services at the Authority’s toll facilities in the not-to-exceed amount of \$38,947,759. This contract was awarded to TransCore in July 2014 on a competitive basis in the amount of \$7,968,282 for a duration of eight years to install and maintain an all-electronic and open-road tolling (“ORT”) system (cashless tolling system) at the Henry Hudson Bridge. Subsequent amendments added cashless tolling at the remaining eight Authority toll facilities and increased the contract value by \$165,466,034.

Cashless tolling has been in operation at all Authority facilities since September 2017. The original Request for Proposals (“RFPs”) focused primarily on the Henry Hudson Bridge and advised all proposers that the awarded contract may be amended to expand cashless tolling to the other B&T toll facilities. In October 2016, the Board approved an amendment to fund the contract for the implementation of cashless tolling at all Authority facilities for a one-year maintenance term. In February 2018, the Board approved an amendment for continued cashless tolling maintenance services at all Authority toll facilities a for a period of six years, to February 29, 2024, with three 1-year option renewals. This amendment is to exercise the three 1-year options to February 28, 2027.

The maintenance services include (1) 24/7/365 monitoring of the system at each facility; (2) performance of maintenance required due to normal wear and tear, and damage to the equipment; (3) establishment and management of an inventory of spare parts; (4) provision of preventive and scheduled maintenance; and (5) providing software maintenance and support services. TransCore will also monitor and audit the performance of the cashless system monthly, which will be reviewed and verified by the Authority. This contract contains Key Performance Indicators (“KPIs”) for equipment availability, maximum repair time, and lost revenue events. The KPIs are critical for the protection of the Authority’s approximately \$2.33 billion revenue stream and are used to calculate any damages resulting from lost revenue or the contractor’s failure to meet performance levels established under the contract.

The Authority will exercise the option renewal years in whole or individually. The pricing for the option years has an annual 1 percent increase, which is included in the contract and considered fair and reasonable.

The funding request also includes the purchase and installation of Multiprotocol Readers to meet E-ZPass Interagency Group (“IAG”) requirements for national interoperability at a cost of \$482,400; ORT customers service center 2.34 interface upgrade that will allow for the changes in the format of data going to the New York Customer Service Center to meet the IAG interoperable requirements at \$141,710; and ORT multi-factor authentication required to meet certain MTA cybersecurity requirements at a cost of \$44,600.

This contract is currently being evaluated to determine the necessary and appropriate, if any, cybersecurity requirements, including any requirements under federal and local law or regulation. The Authority is working with the contractor to include cyber requirements prior to the issuance of this amendment.

TransCore has certified that pursuant Executive Order 16, it is not doing business in Russia.

Impact on Funding

Funding is available in the Operating Budget under General Ledger #711420.



MTA Headquarters Procurements

Lisette Camilo, Chief Administrative Officer/Interim Chief Procurement Officer

PROCUREMENTS

The Procurement Agenda this month includes 3 actions for a proposed estimated expenditure of \$63.3M.

Subject Request for Authorization to Award Various Procurements					
Department MTA Procurement					
Department Head Name Lisette Camilo					
Department Head Signature <i>Lisette Camilo</i>					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	01/29/24			
2	Board	01/31/24			

January 26, 2024			
Internal Approvals			
	Approval		Approval
	CAO		
	Legal		
	CFO		

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

PURPOSE

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

DISCUSSION

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

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

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule F: Personal Service Contracts	2	\$ 40.0 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 23.3 M
SUBTOTAL		\$ 63.3 M

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

TOTAL	\$ 63.3 M
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COMPETITIVE BIDDING REQUIREMENTS: The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which authorization to solicit proposals is requested, for the reasons specified therein, the Board declares competitive bidding to be impractical or inappropriate, declares it is in the public interest to solicit competitive request for proposals, and authorizes the solicitation of such proposals.

3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein and ratifies each action for which ratification is requested.

5. The Board authorizes the execution of each of the following for which Board authorization is required: (i) the miscellaneous procurement contracts set forth in Schedule E; (ii) the personal service contracts set forth in Schedule F; (iii) the miscellaneous service contracts set forth in Schedule G; (iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; (v) the contract modifications to purchase and public work contracts set forth in Schedule I; and (vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.

6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

JANUARY 2024

LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

F. Personal Service Contracts

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

1. **International Business Machines Corp.** \$40,000,000 (aggregate) *Staff Summary Attached*
2. **Accenture LLP**
 Three-year base + two 1-year Options
 Contract# 0009000033
 Award of multiple retainer contracts to provide consulting services for Kronos Systems
 Integration and Implementation.

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

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

3. **DiRAD Technologies, Inc.** \$23,311,582 *Staff Summary Attached*
 10 years, two months
 Contract# 90000000003754 AWO 2
 Modification to a contract to implement Contact Center as a Service to Paratransit, in order to
 expand the existing implementation.

Schedule F: Personal Service Contracts

Item Number			
Department: MTA IT, Rafail Portnoy			
Internal Approvals			
Order	Approval	Order	Approval
1	Procurement	6	CFO
2	IT		
3	Security		
4	DDCR		
5	Legal		

SUMMARY INFORMATION	
Vendor Name(s) International Business Machines Corp. Accenture, LLP	Master Contract 0009000033
Description UKG Consulting & Implementation Retainer Services	
Total Amount: \$40,000,000 (est. aggregate)	
Contract Term (including Options, if any) Three Years plus two 1-year Options	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Purpose

MTA Headquarters is seeking Board approval to award two competitively negotiated personal service contracts to provide consulting services for Kronos Systems Integration and Implementation. Retainer contracts will be awarded to International Business Machines Corporation (“IBM”) and Accenture LLP (“Accenture”). The contracts are for a period of three years with two 1-year options to be exercised at the discretion of the MTA IT Chief Technology Officer. The estimated aggregate budget is \$40 million. Zero-dollar contracts will be awarded to pre-qualified firms with no guarantee of spend amount.

These firms will, on an-as needed basis, assist the MTA with planning, design, migration to, testing, and implementation of the UKG Dimensions timekeeping platform. Retained firms will compete and awarded consulting services on a task-order basis.

Discussion

The MTA requires consulting services to help migrate its production UKG Workforce Central (“WFC”) Software as a Service (“SaaS”) platform to UKG Dimensions SaaS platform. This is a time-sensitive project, as UKG has announced that its WFC has reached its end of life and will no longer be licensed and supported as of December 31, 2025. Effective January 1, 2026, it will only support and maintain UKG Dimensions. MTA’s WFC is a complex implementation with multiple instances of timekeeping by agency. The migration to Dimension will include consolidation to one single instance, standardizing timekeeping processes and implementing interfaces to various source systems to simplify and optimize timekeeping across the MTA. Additional consulting services for additional system modules or timekeeping enhancements is anticipated after go-live of Dimensions.

UKG’s Dimensions product runs in a cloud environment compliant with the highly secured Federal Government standards (FedRAMP High Impact level). The system backs up every file to be updated and can be recovered from a duplicate environment taken every six hours. Backups are immutable. The system also complies with the current data security and privacy laws established under the General Data Protection Regulation and relevant standards set forth by the International Organization for Standardization.

A Request for Proposals (“RFPs”) was issued on October 5, 2023, to retain consulting and integration firms to upgrade MTA’s current end-of-life platform to Dimensions. A copy of the RFP was requested by 18 channel partners authorized in UKG systems integration and implementation. Three firms submitted proposals: (1) IBM, (2) Accenture, and (3) Raj Technologies. A Selection Committee (“SC”), consisting of the MTA Deputy Chief of IT Workforce Products, Deputy Chief for Financial Operations, Auditor General, Deputy Chief Administrative Officer, and Director of MTA Strategic Initiatives was established to review the proposals. The selection criteria, as set forth in the RFP, included (1) providing evidence of being a member of the UKG Partner Network; (2) five-plus years of demonstrated experience with Dimensions implementation; (3) staff expertise and availability and, project schedule; and (4) pricing.

Schedule F: Personal Service Contracts

Having two or more firms will create a pool of pre-qualified firms with deep experience and knowledge to capably assist the MTA with the migrations process and ensure that the MTA will be ready to go live with Dimensions by January 1, 2026, and provide post-implementation services, as needed.

The SC determined IBM and Accenture technically qualified to perform the Dimensions System Integration work because of their in-depth technical, and years of, experience in helping large clients similar to MTA migrate to UKG Dimensions. Both were invited for oral presentations and negotiations. Raj Technologies was not selected as its technical proposal lacked sufficient experience in leading UKG Dimensions implementations of the size and scale required by MTA.

Procurement negotiated an average price reduction of 10 percent from IBM's original proposed rates and 10 percent reduction from Accenture's original proposed rates. IBM's negotiated hourly labor rates range from \$173 to \$270 and are 22 to 29 percent lower than the established Office of General Services ("OGS") contract rates and 35 percent lower than the Federal General Services Administration contract rates. IBM's all-inclusive hourly labor rates are fixed for the three-year base term with a year-over-year increase for option years ranging from 4 to 7 percent. Accenture's negotiated hourly labor rates range from \$99 to \$375.50 and are in line with other MTA Board-approved established rates under the Enterprise Asset Management Contract as well as the OGS contract rates for similar titles. Accenture's all-inclusive hourly labor rates are fixed for the entire contract period including the option years. The MTA IT Department and the MTA Procurement Department have deemed all pricing and terms fair and reasonable for both retained firms that provided MTA with best value.

The contracts have been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity terms and conditions and requirements, including any under federal, state, and local law and regulations. The Authority is working with both IBM and Accenture to include applicable cybersecurity terms and conditions and requirements in the contracts prior to being awarded.

Both IBM and Accenture have certified that pursuant to EO 16 they are not doing business in Russia.

In connection with a previous contract awarded to IBM, IBM was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by the MTA Chairman/CEO, in consultation with the MTA General Counsel, on July 25, 2016.

In connection with the pending award of this contract to be Accenture, Accenture has been found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines, and such responsibility finding was approved by the MTA Chief Administrative Officer, in consultation with the MTA General Counsel, on January 19, 2024.

M/W/DBE Information

The MTA Department of Diversity and Civil Rights (DDCR) has established no MBE, WBE, or SDVOB goals due to the lack of certified firms in the marketplace with required experience and expertise with UKG Dimensions and timekeeping best practices for these retainer contracts.

Impact on Funding

The total estimated aggregate value for the retainer contracts of \$40 million will be funded by MTA IT's Operating budget.

Alternatives

Perform services in-house: This alternative is not feasible since MTA neither has the bandwidth nor the experience in UKG Dimensions implementation and integration.

Do not approve award: This would place the MTA without a timekeeping system when WFC is sunset by December 31, 2025, which will result in disruptions to resource management, financial operations, and employee payment. This alternative is not advisable.

Recommendation

It is recommended that the Board approve the award of multiple competitively negotiated personal service contracts to IBM and Accenture to provide consulting services for Kronos Systems Integration and Implementation.

Item Number: 3

Vendor Name (Location) DiRAD Technologies, Inc (Clifton Park, New York)	
Description Implement Contact Center as a Service to Paratransit	
Contract Term (including Options, if any) August 16, 2021–August 15, 2031	
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"/> Noncompetitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Department MTA Information Technology, Raf Portnoy	

Contract Number 900000000003754	Modification # 2
Original Amount:	\$ 7,211,102
Prior Modifications:	\$ 914,945
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 8,126,047
This Request:	\$ 23,311,582 (estimated)
% of This Request to Current Amount:	287%
% of Modifications (including This Request) to Original Amount:	336%

Discussion:

MTA Headquarters (“MTAHQ”) is seeking Board approval to modify an all-agency competitively negotiated miscellaneous services contract (“Contract”) with DiRAD Technologies (“DiRAD”) to expand the existing MTA implementation of Contact Center as a Service (“CCaaS”) to include New York City Transit’s Paratransit Department’s Contact Center in the estimated value of \$23,311,582.

In March 2021, the MTA Board approved an award to DiRAD to facilitate transforming the three technologically obsolete customer call centers and three other unoptimized employee call centers into a modernized, operationally efficient, multi-channel MTA Contact Center platform by implementing a cloud-based services technology: Genesys’ Contact Center as a Service (“CCaaS”), otherwise known as Genesys Cloud. Ten proposals were received when the Contract was solicited, with the solicitation including information for proposers of the MTA’s intent to expand the use of this platform. The Contract award allowed adding future call centers as needed where DiRAD would also provide annual license subscriptions, training, and recurring maintenance and technical support. The Contract was modified on November 19, 2022, to add necessary services for enhanced self-service options, security; and to optimize contact center designs, flow, and operations, in the amount of \$914,945, for a total contract value to date of \$8,126,047.

CCaaS, the new standard in the customer service industry, allows large organizations such as the MTA to be nimble, resilient, and recover quickly when unexpected events arise. Pursuant to the contract, DiRAD implemented a single, standardized enterprise contact center technology platform that is scalable and accommodates for future expansion and growth. The Genesys Cloud is recognized by Gartner’s Magic Quadrant research report as a leader in the CCaaS marketplace with a solution to serve contact center needs such as integrations, customer service analytics, and automation.

This proposed modification to add Paratransit’s Contact Center to the Contract is estimated to cost \$23,311,582 for the remainder of the contract term. The Paratransit Contact Center is available to customers requesting Paratransit services 24/7/365, handling about 9 million calls each year with about 670 simultaneously active representatives and 80 supervisors. This represents the peak staffing necessary to maintain its mandated service levels. Located in Long Island City, the Paratransit Contact Center currently uses on-premise technology purchased in 2016, which is now at or nearing the end of its service life. The existing hardware, which can no longer be upgraded or expanded, lacks crucial emergency redundancy. Continuing to use this aging infrastructure poses a significant risk of equipment failure, which could severely disrupt essential services for the Accessible community.

This transition will bring about various efficiencies for Paratransit’s business operations. Screen recordings will improve training and reduce data entry errors, enhancing performance across departments. Intelligent routing introduces automation that aids in adhering to service-level agreements without constant manual oversight. Power BI, an interactive data visualization software product, will be used for process and reporting enhancements, significantly saving time. Real-time alerting will ensure swift responses to call center issues, thereby boosting operational agility. Integrated evaluations will substantially streamline the management of the mandated quality assurance program. Furthermore, the future integration of the scheduling system with the advanced capabilities of the Genesys Interactive Voice Response system further enables these operational efficiencies.

Combined, these enhancements will improve the overall productivity of Paratransit operations and potentially lead to additional savings. When completed, the MTA is expecting to eliminate about \$1.2 million annually, or about \$8.4 million over the contract period. This includes the current spend on supporting existing on-premise contact center systems and the associated telecommunications costs.

The contract price of \$185 per concurrent license per month is 20 percent lower than Genesys' current published price of \$230/license/month. The contract price is also 11 percent below the current price established by the NYS Office of General Services of \$207/license/month. The current market price for this technology has increased by 24 percent compared to the year 2021 Contract rate. MTA has avoided this increase by negotiating to maintain the same established contract rate of \$185/license/month negotiated in 2021. Notably, the Contract rate is also 37 percent lower than Verizon's OTI contract rate of \$294 for a similar CCaaS configuration of an alternative Gartner recognized CCaaS leader NICE. This modification will provide a total of 900 licenses: 750 concurrent CCaaS licenses required by Paratransit, and an additional 150 licenses to allow for growth across all MTA Agencies. The number of concurrent licenses can be reduced as needed and cost adjusted with an annual true-up. DiRAD's price of \$23,311,582 for this modification reflects an overall reduction of \$391,565 in software licensing.

This modification will also provide continued professional services that are crucial to manage complex projects such as chatbot development and enhancing integrations and will allow for a rapid response and support surge across multiple MTA departments.

This Contract has been evaluated to determine the necessity and appropriate scope, if any, of cybersecurity requirements, including any requirements under federal, state, and local law and regulations. The MTA is working with DiRAD to include applicable cybersecurity terms and conditions and requirements, prior to issuance of the modification.

DiRAD has certified that pursuant to EO16 it is not doing business in Russia.

Impact on Funding

This Contract is funded by the MTA IT Department's Operating Budget.

Recommendation

It is recommended that the Board approve the award of this modification to the all-agency contract to implement CCaaS for the Paratransit Contact Center in the estimated amount of \$23,311,582.

JANUARY 2024
MTA REAL ESTATE
MTA TRANSIT ORIENTED DEVELOPMENT
ACTION ITEMS FOR BOARD APPROVAL

ADMINISTRATIVE ACTION ITEMS

MTA Metro-North Railroad

Eminent Domain Procedure Law Determination and Findings; acquisition of property interests for the Metro-North Brewster Yard Improvements project, in Southeast, NY

TRANSACTIONAL ACTION ITEMS

MTA Long Island Rail Road

License with VPCT Realty LLC for access and parking on property adjacent to 465 Johnson Avenue, Brooklyn, NY

MTA METRO-NORTH RAILROAD

Subject EMINENT DOMAIN PROCEDURE LAW DETERMINATION AND FINDINGS RELATED TO THE ACQUISITION OF PROPERTY INTERESTS FOR THE METRO-NORTH BREWSTER YARD IMPROVEMENTS PROJECT
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name GARRETT BURGER

Date JANUARY 31, 2024
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	01/29/2024		X	
2	Finance Committee	01/29/2024	X		
3	Board	01/31/2024	X		

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

AGENCY: MTA Metro-North Railroad (“MNR”)
PROJECT: MNR Brewster Yard Improvements Project on the Harlem Line (the “Project”)
USE: Permanent and Temporary Easements in Support of the Project
ACTION REQUESTED: Approval of Determination and Findings under the New York Eminent Domain Procedure Law

COMMENTS:

MNR is proceeding with the acquisition of property interests required for the Project. The first phase of the Project involves relocating the current Southeast Station customer surface parking to a new parking garage on existing MNR property on the east side of the Southeast Station. This will allow for yard expansion and upgrades in the future phases. This requires a new vehicular bridge to connect the existing Independent Way to the new garage and a new roadway off of Independent Way to allow access to the existing parking lot and future rail yard.

In connection with this initial phase of the Project, the MTA must acquire two permanent and two temporary easements from two private property owners listed in the attachment to this Staff Summary. The two permanent easements are required for the construction, maintenance, and reconstruction of a retaining wall, drainage basin, and drainage outfalls, and the two temporary easements are required for a work area during construction of the Project. Efforts are underway to acquire these property interests by negotiated agreements. In the instances where the MTA could not reach agreements with the affected property owners, legal proceedings were commenced under Article 2 of the New York State Eminent Domain Procure Law (“EDPL”).

On December 11, 2023, the MTA held an EDPL public hearing to describe the public use, benefit, and purpose of the Project, as well as its general impact on the environment. Notices of this public hearing were published in newspapers, as required under the EDPL. Property owners and other interested parties were also given advance notice of the hearing by mail. Both immediately before and after the hearing, representatives of the MTA and MTA Construction and Development (“C&D”) attended this hearing.

Staff Summary

FINANCE COMMITTEE MEETING



EMINENT DOMAIN PROCEDURE LAW DETERMINATION AND FINDINGS RELATED TO THE ACQUISITION OF PROPERTY INTERESTS FOR THE METRO-NORTH BREWSTER YARD IMPROVEMENTS PROJECT (Cont'd.)

Page 2 of 2

Following a presentation by the MTA's hearing officer, public speakers made statements about the Project and/or the proposed property acquisitions. In addition, written comments about the Project and/or the proposed property acquisitions were received by the MTA prior to the end of the written submission period at 5:30 p.m. on December 22, 2023. A summary of the statements and written comments is attached.

After due consideration of all statements and comments received during and after the EDPL public hearing on December 11, 2023, the MTA staff recommends Board approval of the acquisition, by eminent domain, if necessary, of the property interests described in the attached Determination and Findings. Moreover, the MTA, C&D and Project staff will continue to work with property owners, tenants and other potentially affected parties as the Project moves forward to mitigate Project-related impacts as much as possible.

STATEMENTS, WRITTEN COMMENTS AND RESPONSES THERETO:

A summary of the statements and written comments made at the public hearing and during the written submission period following the hearing and the responses thereto is attached for the Board's consideration.

DETERMINATION AND FINDINGS:

Copies of the Determination and Findings under the EDPL are attached for the Board's consideration and approval.

MTA Real Estate hereby requests Board approval of the attached Determination and Findings and authorization for MTA staff and counsel to pursue Eminent Domain proceedings to acquire the required property interests by eminent domain, if necessary.

DETERMINATION AND FINDINGS PURSUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW

METRO-NORTH BREWSTER YARD IMPROVEMENTS PROGRAM PROJECT

On January 31, 2024 the Board of the Metropolitan Transportation Authority ("MTA") approved the acquisition of property interests described below by eminent domain or otherwise. In accordance with Section 204 of the New York Eminent Domain Procedure Law ("EDPL"), the MTA Board made its Determination and Findings for the Metro-North Brewster Yard Improvements Program Project by adopting the following statutory findings:

1. EDPL Public Hearing. On December 11, 2023 MTA held an EDPL public hearing to inform the public and to receive the public's comments on proposed property acquisitions for the Metro-North Brewster Yard Improvements Program Project ("Project"). All oral comments received at the hearing and all written comments received by the end of the written submission period following the hearing have been reviewed, made part of the record, and given due consideration.

2. Location of Property Required for the Project. The location and nature of the property interests required for the Project, and hereby approved for acquisition, are as described on the chart below.

At the December 11, 2023 public hearing and in letters and maps mailed to property owners and interested parties prior to the public hearing, MTA provided more detailed descriptions of the required property interests and estimated time frame when the property interests would be needed for the Project, currently estimated as Q3 2024.

MTA reserves the right to acquire a lesser interest in any of the properties described below, or to refrain from acquiring any of such property interests, as dictated by the needs of the Project.

3. Public Use, Purpose and Benefits and Reasons for Selecting the Project Locations: The Project will reconfigure the existing Brewster railyard, extend the yard to accommodate new and longer trains, and expand servicing and maintenance capabilities for the Harlem Line fleet. Phase 1 of the Project will relocate the current Southeast station customer surface parking to a new parking facility to allow for yard expansion and upgrades in the future phases.

The Phase 1 project will construct a new parking garage and transportation hub on Metro-North property located east of the Southeast station and the mainline tracks. Major project elements will include a new 5-level 1320-space Parking Garage with intermodal areas; a new vehicular bridge from Independent Way roadway to connect to garage and intermodal areas; a new pedestrian bridge from new parking facility that provides connection to the station platforms; and a new road off Independent Way roadway to allow access to the existing parking lot and future rail yard.

The Project benefits include: Harlem Line operational efficiency with yard expansion reducing deadheading costs between New York City and the Southeast station; expanding the number of parking spaces to increase ridership and reduce parking waitlists; safety and security improvements; service and reliability improvements including expanded rolling stock storage, drop-off/pick-up zones, and new covered pedestrian walkways; and long-term environmental sustainability initiatives including expanded ridership and new energy conserving facilities.

4. General Effect of the Project on the Environment and Residents of the Locality. The Project is exempt, pursuant to New York State Public Authorities Law 1266 (11), from the requirements of New York State Environmental Conservation Law Article 8, also known as the State Environmental

Quality Review Act ("SEORA"), for the following reasons:

- the affected property ("Property") is contiguous to land currently being used for a transportation purpose,
- the Property is less than ten acres in area, and
- the acquisition of the Property will not change in a material respect the general character of the prior transportation use of the contiguous property.

To help minimize potential impacts, MTA will make every reasonable effort to maintain access; control dust, noise, and vibration; screen construction activities; control rodents and pests; and minimize other disruptions, where practicable. MTA's goal is to create an active program of construction security and quality of life controls to ensure community safety.

COMMENTS

At the public hearing, oral comments were received from the public, and it was stated that written comments would be accepted until the close of business on December 22, 2023.

The following summarizes the comments received: Concerns regarding the determination of the project location as well as concerns regarding drainage/changes in grade.

All comments have been given careful, extensive, and due consideration by MTA.

DETERMINATION

Based on due consideration of the record and the foregoing findings, it was determined that the MTA should exercise its power of eminent domain to acquire the property interests set forth in the chart below in order to promote and permit the purposes of the Metro-North Brewster Yard Improvements Program Project to be achieved.

Copies of this Determination and Findings are available and will be forwarded without cost and upon request, by writing to:

Joseph O'Donnell, Director of Public Affairs
MTA Construction & Development
2 Broadway, D8135,
New York, N.Y.10004

ANYONE SEEKING JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS MUST COMMENCE A LEGAL PROCEEDING IN ACCORDANCE WITH EDPL § 207 NO LATER THAN 30 DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DOCUMENT, OR A SYNOPSIS THEREOF. UNDER EDPL § 207 AND § 208, THE EXCLUSIVE VENUE FOR SUCH PROCEEDING IS THE APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT, 45 MONROE PLACE, BROOKLYN, NEW YORK 11201.

Acquisition of temporary and permanent easements for the Metro-North Brewster Yard Improvements Program Project:

Borough	Block	Lot	Property Address	Type of Interest
Putnam	1	24	10 Independent Way	Temporary and Permanent Easement
Putnam	1	25	4 Independent Way	Temporary Easement
Putnam	1	28.2	15 Independent Way	Temporary and Permanent Easement

MTA LONG ISLAND RAIL ROAD

Staff Summary

Subject LICENSE WITH VPCT REALTY LLC FOR ACCESS AND PARKING ON LIRR PROPERTY ADJACENT TO 465 JOHNSON AVENUE, BROOKLYN, NEW YORK
Department REAL ESTATE
Department Head Name DAVID FLORIO
Department Head Signature
Project Manager Name SELINA STORZ

Date JANUARY 31, 2024
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	01/29/24	X		
2	Board	01/31/24	X		

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

AGENCY: MTA Long Island Rail Road (“LIRR”)
LICENSEE: VPCT Realty LLC (“VPCT”)
LOCATION: Part of Lot 162, adjacent to 465 Johnson Avenue, Block 2974, Lot 159, Bushwick Section, Brooklyn (Kings County), New York, in the vicinity of the New York & Atlantic Railway Line, Bushwick Station.
PREMISES: Approximately 30’ wide x180’ long, totaling approximately 5,400 square feet.
USE: Access and parking; use of loading dock by VPCT’s tenants and employees
ACTION REQUESTED: Approval to enter into a license agreement
COMPENSATION: \$6.00 per square foot per annum with 3% annual increase

Year:	Annual Compensation:
1	\$32,400.00
2	\$33,372.00
3	\$34,398.00
4	\$35,424.94
5	\$36,504.00
6	\$37,584.00
7	\$38,664.00
8	\$39,798.00
9	\$40,986.00
10	\$42,228.00

**FINANCE COMMITTEE MEETING
LICENSE WITH VPCT REALTY LLC FOR ACCESS AND PARKING ON LIRR PROPERTY ADJACENT TO
465 JOHNSON AVENUE, BROOKLYN, NEW YORK (Cont'd)**

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COMMENTS:

VPCT Realty LLC, the owner of 465 Johnson Avenue, Brooklyn, New York has requested to license a portion of LIRR property adjacent to its property for access, parking, and the use VPCT's loading dock. The LIRR has no objection to granting the license provided that the Premises will be used solely for access, vehicular parking, and deliveries to VPCT's adjacent property.

The proposed compensation falls within an acceptable competitive range which is \$4-\$6/psf, as determined by an independent broker's opinion of value.

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