



**Metropolitan Transportation Authority**

# **Capital Program Committee Meeting**

## **February 2024**

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### Committee Members

J. Lieber, Chair  
J. Barbas, Vice Chair  
A. Albert  
G. Bringmann  
N. Brown  
S. Chu  
M. Fleischer  
R. Glucksman  
D. Jones  
B. Lopez  
D. Mack  
H. Mihaltzes  
J. Rizzo  
J. Samuelson  
V. Tessitore  
N. Zuckerman

# Capital Program Committee Meeting

Monday, 2/26/2024

12:45 - 1:45 PM ET

## 1. SUMMARY OF ACTIONS

*C&D CPC Summary of Actions - Page 3*

## 2. PUBLIC COMMENTS PERIOD

## 3. APPROVAL OF MINUTES- JANUARY 29, 2024

*CPC Committee Minutes - Page 4*

## 4. 2024-2025 COMMITTEE WORK PLAN

*CPC Work Plan for February 2024 - Page 8*

## 5. PRESIDENT'S UPDATE

## 6. CONGESTION PRICING FUNDING UPDATE

## 7. C&D SAFETY REPORT

*CPC Safety Report - Page 10*

## 8. CAPITAL PROGRAM STATUS

*Commitments, Completions, and Funding Report - Page 12*

## 9. C&D PROCUREMENTS

*C&D Procurements - Page 18*

**CONSTRUCTION & DEVELOPMENT  
COMMITTEE ACTIONS  
SUMMARY for FEBRUARY 2024**

Responsible Department	Vendor Name	Total Amount	Summary of Action
Contracts	EnTech Engineering, PC	\$9,211,162	Award of a publicly advertised and competitively solicited personal service contract to provide project management consultant services to assist C&D in the administration and oversight of contract VN-PT/VN-12 for painting and miscellaneous lighting improvements at the Verrazzano Narrows Bridge.
Contracts	National Fire & Safety Solutions, Inc.	\$115,300	Award of a modification for the installation of dampers at five signal houses on Metro North Railroad's Harlem and Hudson lines.

MINUTES OF MEETING  
MTA CAPITAL PROGRAM COMMITTEE  
January 29, 2024  
New York, New York  
12:15 P.M

CPC Members present:

Hon. Janno Lieber, Chair  
Hon. Andrew Albert  
Hon. Samuel Chu  
Hon. David Jones  
Hon. Haeda Mihaltses  
Hon. John-Ross Rizzo

CPC Members not present:

Hon. Gerard Bringmann  
Hon. Norman Brown  
Hon. Michael Fleischer  
Hon. Randolph Glucksman  
Hon. Blanca Lopez  
Hon. David Mack  
Hon. Neal Zuckerman

MTA staff present:

Christine Budhwa  
Lew Dears  
Evan Eisland  
Peter Kohner  
Steven Loehr  
John McCarthy  
Tim Mulligan  
Mark Roche  
Jamie Torres-Springer  
Michele Woods

Independent Engineering Consultant staff present:

Liz King  
Sirish-Sarat Peyyeti

\* \* \*

Chairman Lieber called the January 29th, 2024, Capital Program Committee Meeting to order at 1:17 P.M.

Public Comments Period

There were six Public Speakers during the Hybrid Public Comment Period: Bruce Hain, Jason Anthony, Joseph Morales, Kara Gurl, Michale Cohen, Charlton D'Souza\*.

\*Provided comment virtually

## Meeting Minutes

Upon a motion duly made and seconded, the Board approved the minutes of the meeting held on January 29, 2023.

## CPC Work Plan

There were no changes to the CPC Work Plan.

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

## President's Report

Before handing over the presentation to the Infrastructure Team, President Jamie Torres-Springer highlighted some of MTA C&D's successes of 2023, notably achieving \$8 billion dollars in commitments. This fell slightly short of the original target due to the delay to implementation of congestion pricing, and President Torres-Springer noted that some commitments will continue to stall until congestion pricing can be secured. However, several notable projects were awarded including track and platform repairs along the 7th Avenue Line at 5 stations, ADA upgrades and reconstruction to 3 stations on the Long Island Railroad, improvements to Metro North Railroad Brewster Yard, and the Robert F. Kennedy Suspended Span Retrofit project (which also adds an accessible path from Astoria to Randall's Island), all of which were between 7% and 17% below their respective estimates. These types of awards show that the contracting community is responding to the many reforms that MTA C&D is making. 2023 was also a historic year in completions -on time and on budget- with \$7.1 billion dollars in projects completed. President Torres-Springer pointed to major improvements to the Flushing-Main St Station, the terminal station of the 7 line, completed on time and on budget; the improvements to Long Island Rail Road Cherry Valley Bridge, completed on time and on budget; investment and renewal of the Metro North Railroad Harmon Shop, on time and on budget, and the Throgs Neck Viaduct Rehabilitation, completed within 1 month of schedule and under budget.

Next, President Torres-Springer heralded the MTA C&D's continued historic investment in ADA accessibility. With the opening of a direct to platform elevator at Beach 67 Station in the Rockaways, the first of many planned for 2024, he reminded the Committee that 41 subway stations are currently in construction to become ADA accessible, and 25 have been made accessible since 2020. Next, President Torres-Springer unveiled that MTA C&D will be requesting Federal funding to make 145 St, a critical transfer hub in Harlem, which serves the A, B, C, and D lines fully accessible. This will build on the \$245 million-dollar Federal grant that the MTA received last year. Additionally, with the opening of elevators at Hartsdale and Scarsdale, over 75% of full-service Metro North Railroad stations are ADA accessible, and 80% will be accessible by the end of the year.

Looking to the Second Avenue Subway, President Torres-Springer underscored the multiple ways that MTA C&D is learning key lessons from Phase 1. By applying these lessons, like early relocation of utilities, MTA C&D identified \$1 billion dollars in savings, plus at least \$300 million more coming, all while delivering high quality transit improvements for riders in East Harlem.

As part of an MTA-wide effort to reduce fare evasion, MTA C&D piloted a new fare array at Sutphin Boulevard which is also ADA-compliant. Fare collection has already increased by 20% since the installation and C&D will continue to learn about how gates work within the larger system. MTA C&D has also installed delayed egress on gates at 3 stations to prevent the misuse of emergency exits and will

continue to monitor that program. Looking to the future, MTA C&D took the first steps towards the next generation of modern fare gates by issuing a Request For Information (RFI) in December.

Finally, the OMNY rollout continues as the Hudson Rail Link in Riverdale and Spuyten Duyvil sections of the Bronx now includes contactless fare payments. Across the system, 70% of full-fare riders who have access to OMNY are now using OMNY, and C&D is making progress on a pilot for card vending machines which allows for cash payments for the OMNY card.

### Infrastructure Business Unit (BU) Update

Peter Kohner, Senior Vice President of Infrastructure, noted that Infrastructure is MTA C&D's largest BU, with 300 active projects valued at nearly \$9 billion dollars. The Infrastructure BU is tasked with delivering complex behind the scenes projects and is organized into program areas: facilities, line structures, wayside power, and Sandy/resiliency. In 2023, C&D awarded \$867 million dollars and completed \$1.2 billion dollars in infrastructure projects. As 2024 promises to be even busier, the Infrastructure BU is focusing on better advanced planning and increased coordination, greater oversight of resources to assure quality control, and more and improved bundling to create single source accountability. Mr. Kohner also walked through key projects for each of the 4 program areas.

Next, Mr. Kohner provided updates on several key projects. Specifically in 2023, C&D comprehensively protected Coney Island Yard, one of the largest train yards in North America, and its more than 800 rail cars and 3000 employees from future storms. The 207th Street Yard, has strategically aligned five separate projects under one project management team for a single point of accountability to control cost, schedule, risk and safety, and had minimal impact on yard operation. For the Rockaway Line resiliency and Viaduct Project several critical scopes were bundled to minimize disruption and maximize shut down time. The Bus Radio System project experienced several challenges but is now over 75% complete and forecasting substantial completion for August 2024. The Jamaica Bus Depot Reconstruction will replace a building from 1939 and is designed to accommodate an all-electric fleet. Lastly, the Mainline Track Replacement project replaces 25,000 feet of track on the 63 St Line and is forecasted to be completed by March 2024.

In its Project Review of the Railroads Business Unit, the IEC reported the following:

- **207th St Yard.** The project is 97% complete, and the IEC forecasted the Estimate at Completion within current budget. While Substantial Completion has slipped from November 2023 to May 2023 due to unforeseen field conditions, the IEC noted that the facility remained open throughout construction and this delay does not materially impede yard operations.
- **207th St Sewer Replacement.** The project is 75% complete and the EAC agreed with the new reduced project budget and Estimate at Completion of \$153 million dollars. The IEC noted that Substantial Completion forecast remained November 2024, but the project team is working to improve this forecast by taking advantage of track outage opportunities and coordinating with adjacent yard contracts to eliminate conflicts with competing resources and access.
- **Rockaway Line Resiliency & Viaduct Rehabilitation.** The project is 25% complete, with a budget of \$599 million dollars. The IEC noted that the project is on schedule and budget. The IEC noted that a unique set of challenges and risks have been identified on this project, including the difficulty of undertaking structural repairs and resiliency improvements in a marine environment, construction at a swing bridge, and the need to closely coordinate the work with several stakeholders. In the IEC's opinion, the Project Team has been actively mitigating these project risks.
- **Bus Radio System.** This Project is 75% complete. The project budget is \$315 million, however, the IEC forecasted an estimate at completion of \$360 million dollars, due to a later Substantial

Completion date and a continued assessment of risk on remaining work. While the project team forecasts substantial completion in August 2024, unchanged since last report, the IEC forecasted substantial completion no earlier than December 2024 due to the resolution and completion of outstanding technical issues. Significant progress has been made in several critical areas, including bus installations with more than half of all buses retrofitted and placed in service, providing the MTA with an updated radio system, however full system load and stress testing remains a risk moving forward.

- **Jamaica Bus Depot.** The project is 13% complete and the IEC concurred with the Estimate at Completion of \$654 million dollars. The project was delayed 8 months due to redesign and late permitting of a temporary parking lot needed to maintain continuous operation of the facility during construction. As a result, the current Substantial Completion forecast has shifted from December 2026 to August 2027. However, the top risks have been identified and their respective mitigations are being developed, and with substantial time remaining on the project, the IEC agreed that some schedule recovery is possible.

### Procurement Actions

Christine Budhwa, Assistant Vice President, MTA C&D, reported that MTA C&D had two procurement actions being brought to the Capital Program Committee this month. Assistant Vice President Budhwa then presented the items.

Upon a motion duly made and seconded, the Capital Program Committee voted to bring the following procurement actions before the full MTA Board and recommended the following:

1. An authorizing resolution to use the Request For Proposal process in lieu of sealed bids to procure a series of indefinite quantity contracts for asbestos abatement and environmental remediation services;
2. Ratification of a modification to a Contract with FXC WSP USA Architecture and Engineering JV (Contract No. CS00005C) for additional preliminary design services in connection with the Penn Station reconstruction project.

Refer to the staff summaries and documentation filed with the records of this meeting for the details of these items, and refer to the video recording of the meeting, produced by the MTA and maintained in MTA records, for Board members' and C&D representatives' comments.

### Adjournment

Upon motion duly made and seconded, Chairman Lieber adjourned the January 29th, 2023, Capital Program Committee Meeting 2:06 PM.

Respectfully submitted,  
Lizzy Berryman  
MTA C&D, Contracts



## 2023-2024 Capital Program Committee Work Plan

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I. Recurring Agenda Items

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

II. Specific Agenda Items

**March**

President's Update  
Signals  
Quarterly Traffic Light Report

**April**

President's Update  
Systems & OMNY

**May**

President's Update  
Agency Initiatives

**June**

President's Update  
Rolling Stock  
Diversity  
Quarterly Traffic Light Report

**July**

President's Update  
Integrated Projects

**September**

President's Update  
Agency Initiatives  
Quarterly Traffic Light Report

**October**

President's Update  
Stations

**November**

President's Update  
Railroads

**December**

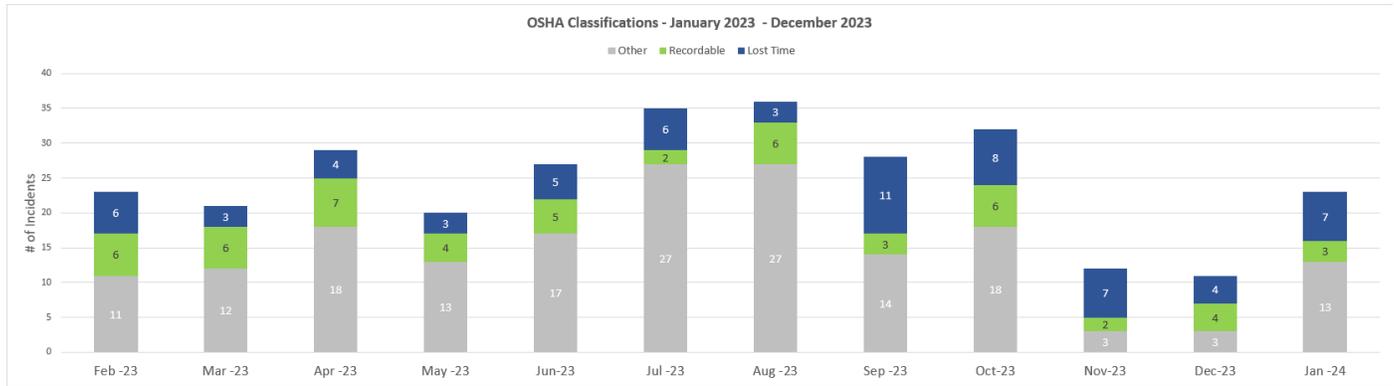
President's Update  
Bridges & Tunnels  
Quarterly Traffic Light Report

**January**

President's Update  
Infrastructure

**February**

President's Update  
Agency Initiatives



**Lost Time** – A work-related incident (injury or illness) to an employee that results in a loss of productive work time, and the employee is unable to perform regular job duties.  
**Recordable** - An injury or illness that results in restricted work or transfer to another job, medical treatment beyond first aid, or a loss of consciousness.

**SAFETY NARRATIVE**

**JANUARY UPDATE:**

- 23 safety incidents were reported in January 2024, including:
  - Seven (7) lost time incidents.
  - Three (3) recordable incidents.
- The reported lost time incidents in January 2024 increased by 75% (3 incidents) compared to December 2023.
- Leading lost-time and recordable incident types for January 2024 were Struck By/Against (50%) and Sprains/Strains (40%).
- Overall, the total reported incidents in January 2024 increased by 92% (11 incidents) over those reported in December 2023
- No Serious incidents were reported.

Hazard	Lost Time		Recordable		First Aid		Notification Only		Total Count	Total %
	Count	%	Count	%	Count	%	Count	%		
<b>CAUGHT IN BETWEEN</b>	0	0%	0	0%	1	33%	1	10%	2	9%
<b>Electrical</b>	0	0%	0	0%	0	0%	0	0%	0	0%
<b>SLIP, TRIP, FALL</b>	1	14%	0	0%	1	33%	3	30%	5	22%
<b>SPRAIN/STRAIN</b>	3	43%	1	33%	0	0%	2	20%	6	26%
<b>STRUCK BY/ AGAINST</b>	3	43%	2	67%	1	33%	2	20%	8	35%
<b>MEDICAL</b>	0	0%	0	0%	0	0%	2	20%	2	9%
<b>Grand Total</b>	<b>7</b>	<b>100%</b>	<b>3</b>	<b>100%</b>	<b>3</b>	<b>100%</b>	<b>10</b>	<b>100%</b>	<b>23</b>	<b>100%</b>

**YEAR-TO-DATE TRENDS:**

- **LOST TIME INCIDENT TRENDS:** 7 Lost Time incidents have been reported YTD (through January 31, 2024), an increase of 75% (or three (3) incidents) vs. the same reporting period in 2023. The top injury types associated with lost time incidents are Struck By/Against currently at (43%) and Sprains/Strains (43%).
- **RECORDABLE INCIDENT TRENDS:** 3 Recordable incidents have been reported YTD (through January 31, 2024), a decrease of 25% (or one (1) incidents) vs. the same reporting period in 2023. The top injury type associated with recordable incidents is Struck By/Against, currently at (66%).
- **SERIOUS INCIDENTS:** None

**INSPECTIONS & AUDITS:**

- **JANUARY INSPECTIONS:**
  - **INTERNAL – 247**
  - **EXTERNAL – 613** (75 Third-Party Safety Consultants; 538 OCIP Visits)
- **YTD TOTAL # OF INSPECTIONS:**
  - **INTERNAL – 247**
  - **EXTERNAL – 613** (75 Third-Party Safety Consultants; 538 OCIP Visits)

**JANUARY NEGATIVE OBSERVATION(S)** – Negative Findings identified through various inspections include General Safety/Housekeeping, Fall Protection, Fire Protection/Prevention, Supervision/Organization, and Ladders/Stairs

**JANUARY POSITIVE OBSERVATION(S)** – Positive Findings identified through various inspections include Supervision/Organization, General Safety/Housekeeping, Electrical, Fire Protection/Prevention, Stairs/Ladders, Tools (Hand & Power).

- **INVESTIGATIONS & LESSONS LEARNED:**
- **NUMBER OF INVESTIGATIONS for JANUARY** – None

**MTA C&D SAFETY STRATEGIC INITIATIVES:**

- Safety Oversight has implemented the Safety Management System – Phase 1 of 3 phases, implementing the new Safety Management System (SMS) throughout the entire agency but rolling out the program in stages to ensure all staff, supporting projects, vendors, and contractors are systematically adopting the new process and protocols. Phase 1 initially focuses on enhancements to current safety practices and procedures, identifying and providing clear roles and responsibilities for all levels, updating levels of safety training requirements, and enhancing meeting best practices for safety meetings. Training of the respective project staff and teams is continued by the BU Safety Teams. C&D Safety Oversight continues to support as needed. The VP of C&D Safety Oversight has conducted informational sessions with the Safety Departments of the various MTA Operational Agencies, informing them of the program and expectations. Outreach with vendors and contractors is underway as well.
- Safety Oversight continues using the interim safety management reporting program until the agency-wide ESS program is accepted for solicitation. Users continue to be encouraged to report any issues or challenges while submitting suggestions for improvements or refinements. Several updates have been incorporated based on user feedback. Although the program has some limitations, its use has been able to provide a higher level of automation by allowing more direct input by the Analytics Team into the new safety data portal and dashboard.
- C&D Safety Oversight continues supporting the Business Units by partnering with the Safety Teams to conduct project safety assessments. These expanded safety assessments are shared with the BU Safety Teams and BU Leadership to assist them in identifying at-risk projects or Contractors. The results of these additional assessments, in conjunction with those performed at the BU level, will be used as a tool during reviews of leading indicators to better focus communication and enforcement strategies.
- C&D Safety Oversight continues its outreach with the Building Trades Employers' Association (BTEA) to discuss C&D Safety trends.
- C&D Emergency Management is currently developing another exercise that will be conducted during the first quarter of 2024. The project has been selected, and the Emergency Management team is now working on defining the exercise parameters. The goal continues to be to perform these exercises quarterly.
- AECOM Safety Assessment Initiative –A multiphase project to audit, evaluate, recommend, and implement a new Safety Management System (SMS) with MTA C&D. The primary focus is improving safety at construction sites and capital improvement projects around operating MTA rail transit, bridge, and tunnel facilities, including an IT platform selection and data management application. The initiative is also aimed at enhancing the safety culture and behavior of Contractors working for MTA C&D and the C&D staff.
  - C&D Safety Oversight is finalizing the Phase 2 training materials rollout and final enhancement to the SMS with AECOM. The tentative rollout is currently scheduled for Q2 of 2024.

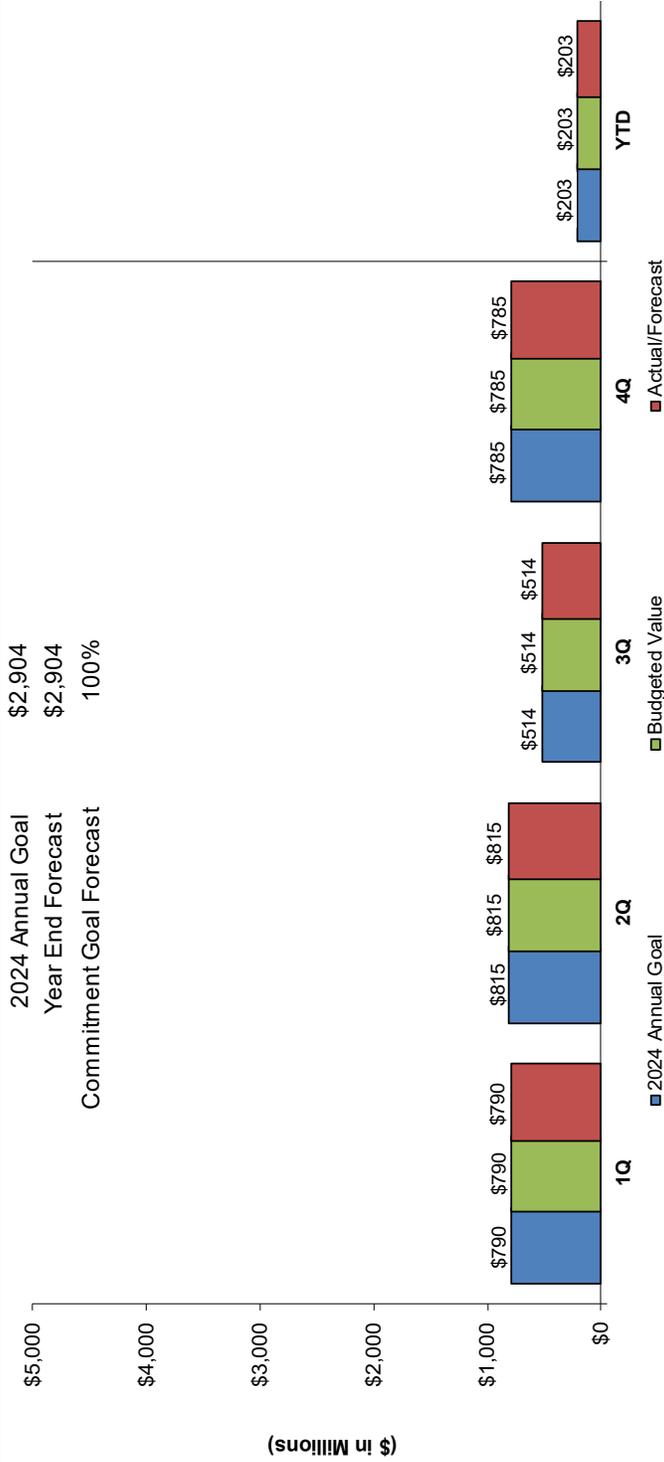
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# **MTA Capital Program Commitments & Completions**

**through  
January 31, 2024**

**Capital Projects – Commitments – January 2024**

**MTA-wide 2024 Commitments**



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

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

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

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

**Commitments Summary**

Due to the risk of ongoing litigation delaying congestion pricing funding the MTA plans to commit \$2.9 billion worth of capital projects in 2024. Through January, the MTA has committed \$203 million versus a \$203 million YTD goal. By year end, the MTA forecasts meeting its \$2.9 billion goal.

A list of major commitments has been identified and at the end of each quarter in 2024 any schedule variances will be reported on the following pages. There are currently no slips this quarter.

### Capital Projects – Completions – January 2024

Goal	MTA-wide 2024 Major Completions												Post 2024
	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	
Total	59	4	5	6	2	5	2	4	8	2	3	15	0
Jan-24	3	3											
Feb-24	4	4											
Mar-24	5		5										
Apr-24	6			6									
May-24	2				2								
Jun-24	5					5							
Jul-24	2						2						
Aug-24	4							4					
Sep-24	8								8				
Oct-24	2									2			
Nov-24	3										3		
Dec-24	15											15	

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

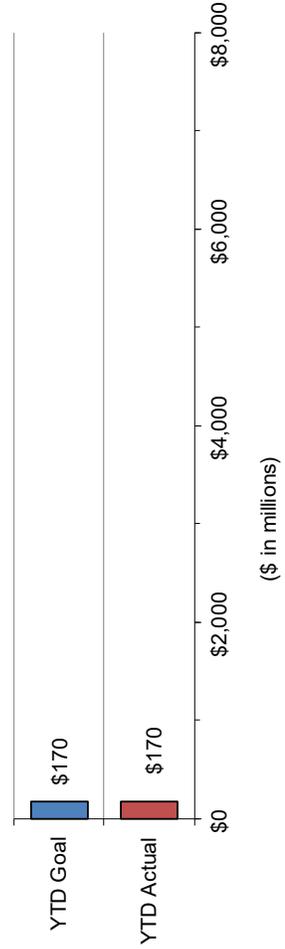
### Completions Summary

In 2024 the MTA plans to complete \$8.4 billion of projects. 59 Major completions will be tracked throughout the year. Currently all these projects are on time. Major completions include 21 for NYCT, 13 for the LIRR, 6 for Metro-North, 9 for MTA Bus, 3 for Network Expansion and 7 for B&T. Collectively these major completions total \$6.4 billion (78% of the annual completion plan's value).

Through January, the MTA has completed \$170 million versus its annual year to date goal.

### Budget Analysis

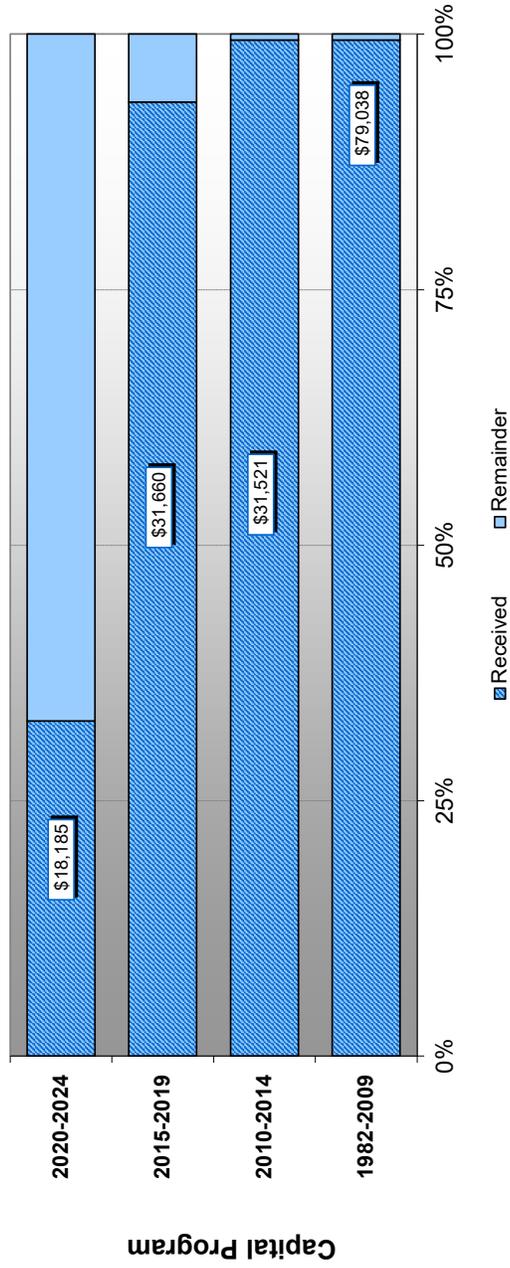
2024 Annual Goal \$8,415  
 Year End Forecast \$8,415  
 Completion Goal Forecast 100%



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# Status of MTA Capital Program Funding

**Capital Funding (January 2024)**  
\$ in millions



**Capital Funding Detail (January 2024)**

\$ in millions

	Funding Plan		Received/Secured		Secured to date	Remainder
	Current	Thru December	January			
<b>2010-2014 Program</b>						
Federal Formula, Flexible, Misc	\$5,844	\$5,790	\$ -		\$5,790	\$54
Federal High Speed Rail	173	173	-		173	-
Federal New Start	1,271	1,271	-		1,271	-
Federal Security	89	89	-		89	-
Federal RRIF Loan	-	-	-		-	-
City Capital Funds	524	524	-		524	-
City Asset Sales	195	84	-		84	110
State Assistance	770	770	-		770	-
MTA Bus Federal and City Match	132	113	-		113	19
MTA Bonds (Payroll Mobility Tax)	11,635	11,635	-		11,635	-
Other (Including Operating to Capital)**	1,290	1,290	-		1,290	0
B&T Bonds	2,025	1,871	154		2,025	- a
Hurricane Sandy Recovery						
Insurance Proceeds/Federal Reimbursement	6,697	6,697	-		6,697	-
PAYGO	18	18	-		18	-
Sandy Recovery MTA Bonds	659	327	331		658	0 b
Sandy Recovery B&T Bonds & Cash	383	176	207		383	- a
<b>Total</b>	<b>31,704</b>	<b>30,828</b>	<b>692</b>		<b>31,521</b>	<b>183 1%</b>

	Funding Plan		Received/Secured		Secured to date	Remainder
	Current	Thru December	January			
<b>2015-2019 Program</b>						
Federal Formula	\$4,873	\$4,873	\$ -		\$4,873	\$ -
Federal Flex & Other (Incl HSR/Security/Core Capacity)	528	528	-		528	-
Federal New Start	1,400	1,400	-		1,400	-
State Assistance	9,064	8,194	-		8,194	871
City Capital Funds	2,067	2,066	-		2,066	1
City Non-Tax Levy Revenue Sources	600	-	-		-	600
MTA Bonds	9,118	9,118	-		9,118	-
Asset Sales/Leases	959	326	-		326	633
Pay-as-you-go (PAYGO)**	2,145	2,145	-		2,145	-
Other	217	68	-		68	149
B&T Bonds & PAYGO/Asset Sale	2,942	2,328	614		2,942	- a
<b>Total</b>	<b>33,913</b>	<b>31,045</b>	<b>614</b>		<b>31,660</b>	<b>2,253 7%</b>

	Funding Plan		Received/Secured		Secured to date	Remainder
	Current	Thru December	January			
<b>2020-2024 Program</b>						
Capital from Central Business District Tolling	\$15,000	\$ -	\$ -		\$ -	\$15,000
Capital from New Revenue Sources	10,000	2,959	-		2,959	7,041
MTA Bonds and PAYGO	7,393	449	-		449	6,945
Other Contribution	542	-	-		-	542
Federal Formula	9,984	8,113	-		8,113	1,871
State of New York	3,101	511	-		511	2,590
City of New York	3,007	2,740	-		2,740	267
Federal New Start (SAS Ph2)	2,005	2,005	-		2,005	-
Federal Flexible & Other	1,084	1,082	-		1,082	2
B&T Bonds	3,327	326	-		326	3,001
<b>Total</b>	<b>55,442</b>	<b>18,185</b>	<b>-</b>		<b>18,185</b>	<b>37,258 67%</b>

a) Recognition of prior B&T bond sale proceeds due to a change in bond proceeds recognition methodology

b) Receipt of \$331m in MTA Bond funds to support the 10-14 Capital Programs

## **Contracts Department**

**Evan Eisland, Executive Vice President and General Counsel**

**PROCUREMENT PACKAGE  
February 2024**

## PROCUREMENTS

The Procurement Agenda this month includes 2 actions for a proposed expenditure of \$ 9.3 M.

# Staff Summary

<b>Subject</b> Request Authorization for Several Procurement Actions					
<b>Contracts Department</b>					
Evan Eisland, Executive Vice President and General Counsel					
<b>Board Action</b>					
Order	To	Date	Approval	Info	Other
1	Capital Program Committee	2/26/24	X		
2	Board	2/28/24	X		

<b>Date:</b> February 20, 2024			
<b>Internal Approvals</b>			
	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:

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$</u>	<u>Amount</u>
F. Personal Services Contracts	1	\$	9,211,162
I. Modifications to Purchase and Public Work Contracts	1	\$	115,300
<b>SUBTOTAL</b>	<b>2</b>	<b>\$</b>	<b>9,326,462</b>
<b>TOTAL</b>	<b>2</b>	<b>\$</b>	<b>9,326,462</b>

## Budget Impact

The approval of these procurement actions will obligate capital funds in the amounts listed. Funds are available in the capital program 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.

**February 2024**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

**Schedule F. Personal Service Contracts**

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

- |    |   |                     |                                      |
|----|---|---------------------|--------------------------------------|
| 1. | <b>EnTech Engineering, PC<br/>Contract No. CS00019B</b> | <b>\$ 9,211,162</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|---------------------|--------------------------------------|

MTA Construction & Development requests that the Board approve the award of a publicly advertised and competitively solicited personal service contract to provide Project Management Consultant services to assist C&D in the administration and oversight of contract VN-PT/VN-12 for painting and miscellaneous lighting improvements at the Verrazzano Narrows Bridge.

**Schedule I. Modifications to Purchase and Public Works Contracts**

(Staff Summaries required for all items requiring Board approval)

- |    |   |                   |                                      |
|----|---|-------------------|--------------------------------------|
| 2. | <b>National Fire &amp; Safety Solutions, Inc.<br/>Contract No. MN-123441A</b> | <b>\$ 115,300</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|-------------------|--------------------------------------|

MTA Construction and Development requests that the Board approve a modification for the installation of dampers at five signal houses on the Harlem and Hudson lines.

# Staff Summary

## Schedule F: Personal Service Contracts

<b>Item Number</b> <b>1</b>					
<b>Department, Department Head Name:</b> B&T Business Unit, Joe Keane, VP & Chief Engineer					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Capital Program Committee	2/26/24	X		
2	Board	2/28/24	X		
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
X	Deputy Chief, Development	X	Executive Vice President & General Counsel		
X	Deputy Chief, Delivery	X	President		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract Number</b>
EnTech Engineering, PC	CS00019B
<b>Description</b>	
Project Management Consultant Services for Design-Build Project VN-PT/VN-12 Ph 2: Painting and Miscellaneous Lighting Improvements at Verrazzano Narrows Bridge	
<b>Total Amount</b>	\$9,211,162
<b>Contract Term (including Options, if any)</b>	
36 Months	
<b>Option(s) included in Total Amount?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b>	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b>	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

### PURPOSE/RECOMMENDATION

MTA Construction & Development (“C&D”) requests that the Board approve the award to EnTech Engineering, PC (“EnTech”) of a publicly advertised and competitively solicited personal service contract (the “Contract”) to provide Project Management Consultant services to assist C&D in the administration and oversight of contract VN-PT/VN-12 for painting and miscellaneous lighting improvements at the Verrazzano Narrows Bridge (the “Project”). The Contract is for a 36-month duration in the not-to-exceed amount of \$9,211,162.

### DISCUSSION

EnTech will provide comprehensive quality assurance and oversight services for the Project from inception through final completion, consisting of: 1) Commercial Management, including cost management; risk assessment; cost estimating; project controls; scheduling; administrative and security services; 2) Operation Management, coordinating the Design-Builder’s work with other MTA personnel, daily coordination with traffic enforcement agents and review of the Design-Builder’s methods for protecting vehicular/marine traffic and pedestrians; 3) Design and Construction Compliance Oversight, preparing and implementing a construction compliance plan; evaluating and monitoring construction schedules; preparing progress metrics; maintaining daily construction activities logs and quality oversight records; performing compliance and environmental reviews; construction testing and inspection; commissioning and final acceptance services; and 4) Outreach, supporting C&D’s liaison with the project stakeholders and the public by preparing reports and other communications/materials, and providing safety and security support services.

A one-step procurement process was conducted for this Contract. The solicitation was publicly advertised in the New York State Contractor Reporter, the Daily News, Minority Commerce Weekly, and on the MTA website. In addition, notice of the Request for Proposals (“RFP”) was sent to 43 prequalified firms (16 certified MBE/WBE firms) on the MTA’s General

Engineering Consultant list. In response to the RFP, proposals were received from four firms: EnTech; Gannett Fleming Engineers and Architects, PC. (“Gannett Fleming”); Greenman-Pedersen, Inc. (“GPI”) and WSP USA Inc. (“WSP”).

The selection committee, consisting of representatives from C&D, reviewed the technical proposals and attended oral presentations of each of the four teams. The selection committee evaluated the technical proposals using the following pre-established selection criteria: Experience of Project Team/Key Personnel/Subconsultants; Experience in Relevant Disciplines; Project Understanding and Proposed Technical Approach; Management Approach; Diversity Practices; and Other Relevant Matters. The proposals submitted by EnTech and GPI were determined to meet the requirements of the RFP and both firms were invited for further negotiation. The selection committee removed WSP from consideration because WSP’s team lacked experienced paint inspectors and did not provide sufficient information to evaluate its management approach. The selection committee removed Gannett Fleming from consideration because its proposed key staffing had only limited availability for this project and the team lacked relevant experience on large suspension bridges.

The selection committee then opened EnTech’s and GPI’s price proposals and invited the firms to participate in negotiations, which focused on labor rates and the level of effort for the various contract activities. During these negotiations, the selection committee removed GPI from consideration. During negotiations, GPI revised its proposal and replaced three staff members: the Assistant Resident Engineer, Quality Manager and Consultant Field Inspector. The Assistant Resident Engineer and Quality Manager are key staff positions necessary for the success of the project. The replacements were determined to lack the necessary experience for the project and therefore GPI was eliminated from consideration.

Therefore, following negotiations, EnTech was invited to submit a Best and Final Offer (“BAFO”) and EnTech reduced its original price proposal of \$11,125,505 to a BAFO of \$9,211,162. Based upon review of the BAFO, technical proposal, and discussions during oral presentation, the selection committee unanimously recommended EnTech, a certified Women Owned Business Enterprise (“WBE”), for award. EnTech demonstrated it has a solid technical team which includes a project manager with over 30 years of experience providing oversight on projects with similar scope and magnitude. Accordingly, the selection committee determined that EnTech’s BAFO provides the best value to the MTA and deemed it to be fair and reasonable.

This Contract incorporates a performance evaluation program (“PEP”) that will be applied to the fee. The PEP provides an opportunity for the Consultant to earn additional profit through exemplary performance in managing its project and a reduction in the fee for unsatisfactory performance.

### **D/M/WBE INFORMATION**

The MTA’s Department of Diversity and Civil Rights has established 15% MBE, 15% WBE, and 6% SDVOB goals for this contract. Entech has committed to meeting the goals requirements. Entech has achieved its previous MWDBE/SDVOB goals on previous MTA contracts.

### **IMPACT ON FUNDING**

Funding for this Contract is available in the B&T portion of the 2020-2024 capital program.

### **ALTERNATIVES**

Perform the work using in-house personnel. At this time, C&D lacks the in-house technical personnel to perform the specific tasks required under the scope of work for this Contract.

# Staff Summary

## Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 2

<b>Vendor Name (&amp; Location)</b> National Fire & Safety Solution, Inc. (211 Knickerbocker Avenue, Bohemia, NY 11716)
<b>Description</b> Fire Suppression Systems for Signal Houses
<b>Contract Term (including Options, if any)</b> 12 months
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other: MOD
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Delivery, Mark Roche, Deputy Chief Development Officer

<b>Contract Number</b> MN-123441A	<b>AWO/Modification #</b> 1
<b>Original Amount:</b>	\$ 501,856.00
<b>Prior Modifications:</b>	\$ 0.00
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 501,856.00
<b>This Request:</b>	\$ 115,300.00
<b>% of This Request to Current Amount:</b>	23.0%
<b>% of Modifications (including This Request) to Original Amount:</b>	23.0%

### DISCUSSION:

The Contract provides for the installation of fire alarm and fire suppression systems for Signal Houses at critical interlocking locations on Metro-North Railroad’s (“MNR”) Harlem and Hudson Lines. MTA Construction and Development (“C&D”) requests that the Board approve a modification in the amount of \$115,300 for the installation of dampers.

After the fire alarm and fire suppression system was installed, during pressure integrity tests, it was determined that existing dampers at five signal houses were leaking and incapable of maintaining the pressure necessary for the system to pass testing and become operational. Prior to installation of this system, the dampers were not required to maintain the pressures necessary for the operation of a fire suppression system and their inability to maintain pressure was only determined when the system was in place and tested. Pursuant to this Modification, the contractor will install and calibrate new dampers at the five signal houses where the failures were observed and program the existing alarm systems to function with the new equipment.

The Contractor submitted a Cost Proposal in the amount of \$115,300. Negotiations confirmed that the contractor had identified all opportunities for cost saving and the lump sum price of \$115,300 is fair and reasonable.

Substantial Completion cannot be declared until this work is completed and the system passes testing, but the contractor has agreed that there will be no claim for compensable delay or impact costs associated with this work.