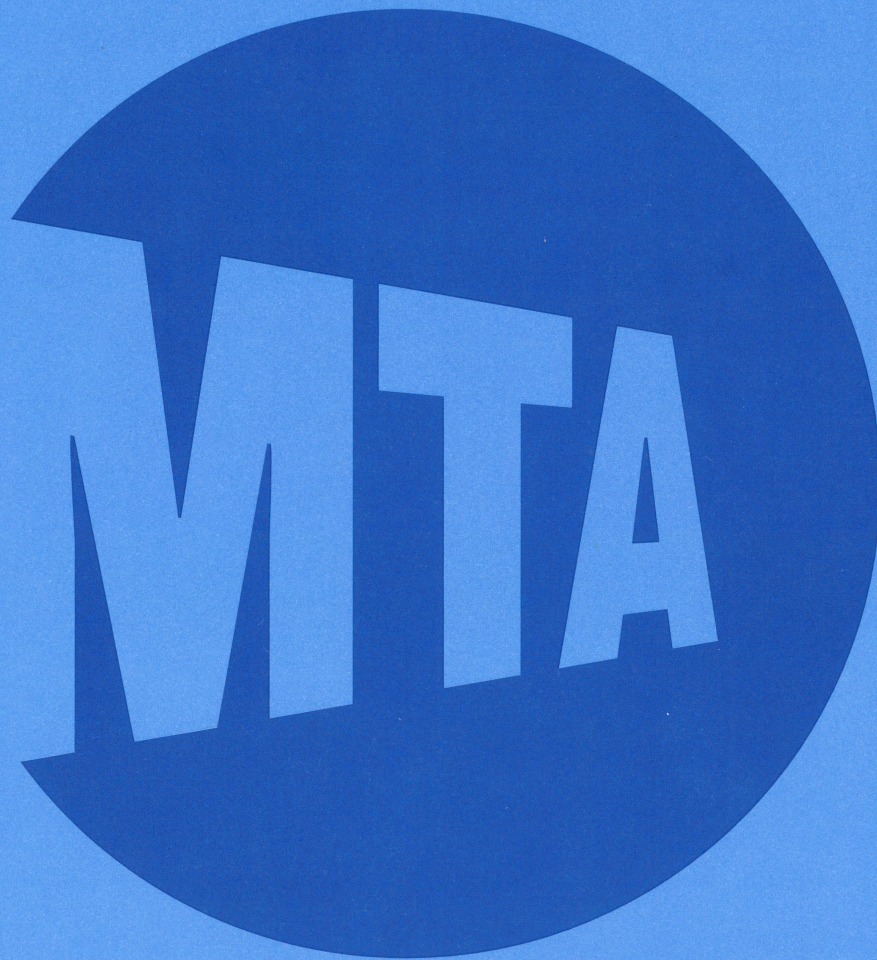




Metropolitan Transportation Authority

# March 2010

**MTA Board Action Items**





**MEETING AGENDA**  
**METROPOLITAN TRANSPORTATION AUTHORITY BOARD**  
**March 24, 2010 9:30 a.m.**

347 Madison Avenue  
Fifth Floor Board Room  
New York, NY

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Date of next MTA Board meeting: Wednesday April 28, 2010 at 9:30 a.m.

The legal and popular names of the Metropolitan Transportation Authority operating agencies are used throughout this agenda package. The following table displays the official name and corresponding legal name for each agency.

<u>Popular</u>	<u>Legal Name</u>	<u>Abbreviation</u>
MTA New York City Transit	New York City Transit Authority	NYC Transit
MTA Long Island Rail Road	The Long Island Rail Road Company	LIRR
MTA Long Island Bus	Metropolitan Suburban Bus Authority	LI Bus
MTA Metro-North Railroad	Metro-North Commuter Railroad Company	MNR
MTA Bridges and Tunnels	Triborough Bridge and Tunnel Authority	B&T
MTA Capital Construction	MTA Capital Construction Company	MTA CC
MTA Bus Company	MTA Bus Company	MTA Bus

The Staten Island Rapid Transit Operating Authority is a subsidiary of the Metropolitan Transportation Authority. Its popular name is MTA Staten Island Railway, abbreviated as SIR.

Manhattan and Bronx Surface Transit Operating Authority, abbreviated MaBSTOA, is a subsidiary of the New York City Transit Authority.

Sections of the Board book are separated by blue pages and are color coded as follows:

<u>Section</u>	<u>Color</u>
Information and Action Items	White
Non-Competitive Procurements	Green
Competitive Procurements	Yellow
Ratifications	Red









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

**Wednesday, February 24, 2010  
9:30 a.m.**

**The following members were present:**

**Hon. Jay H. Walder, Chairman & CEO  
Hon. Andrew M. Saul, Vice Chairman  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Donald Cecil  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. Norman Seabrook  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell  
Hon. Carl V. Wortendyke**

Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Catherine A. Blue, Acting Corporate Secretary, Thomas Prendergast, President of NYCTA, Helena E. Williams, President, Long Island Railroad, James Ferrara, Acting President of TBTA, Joseph A. Smith, President, LI Bus, MTA Bus & Sr. V.P. NYCT Department of Buses, Michael Horodniceanu, President of MTA Capital Construction, and Douglas Sussman, Director, Community Affairs also attended the meeting

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

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the Metropolitan Suburban Bus Authority, and the First Mutual Transportation Assurance Company. Refer to the agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

1. **PUBLIC SPEAKERS.** The following speakers addressed MTA agenda items. Refer to the video recording of the February 24, 2010 meeting for the contents of these speakers' statements. Refer to the MTA Agencies' minutes for the list of other speakers.

Bill Henderson, PCAC  
Lawrence Scarlino, member of Local 375  
Gene Russianoff, Straphangers Campaign  
Veronica Vanterpool, Tri-State Transportation  
Oneshia Portlette, member of TWU Local 100  
Richard Jasmin, Flatbush Depot  
Nicole Westin, NYCT Station Agent  
Praz Barua, Urban Youth Corps  
Matthew Shotkin  
George Spitz

2. **CHAIRMAN'S REMARKS.**

Chairman Walder noted that despite the actions the Board took last December to close the budget gap, the size of the gap has only increased in the last several months due to shortfalls in the payroll mobility tax. The cumulative shortfall is now \$750 million. MTA's deteriorating financial position underscores the need for the MTA to change the way it does business. As part of the effort to close the gap, Chairman Walder announced that the MTA will eliminate 1000 positions, which consist of roughly 15% of the administrative staff and 450 station agent positions. The Chairman also stated that next week public hearings will begin on proposed service changes which are also required to close the budget gap.

Chairman Walder stated that as painful as all of these actions are, the MTA is still not out of the woods and must pursue every idea, from cutting overtime, to consolidating functions, renegotiating contracts and reviewing our inventories, to cut costs and make every dollar count. Chairman Walder further stated that the MTA understands that this causes pain to its customers and employees, but the Board and the MTA must take all steps to show the taxpayers, toll payers, and riders that we are using every dollar wisely.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on January 27, 2010.

4. **COMMITTEE ON FINANCE.**

- A. **Action Items.** Upon motion duly made and seconded, the Board approved the following action items. The specifics are set forth in the attached staff summaries and documentation.

1. **2010 New Money Bond Issuance.** Approved resolutions and the necessary documents in connection with the issuance of Series 2010A Dedicated Tax Funds Bonds in an amount up to \$500 million.
2. **Mortgage Recording Tax Escalation Payments.** Approved the escalator payments to Dutchess, Orange and Rockland counties, pursuant to statute, from available funds on deposit in the MRT-2 Corporate Transportation Account.



3. 2009 TBTA Operating Surplus. Approved resolutions authorizing actions to (i) certify and transfer \$314,459,179 in operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law ("PAL") of the State of New York, (ii) transfer \$255,976 representing 2009 investment income to the MTA pursuant to Section 569-c of the PAL, (iii) deduct from the operating revenues of the TBTA for its fiscal year ending December 31, 2010 the amount of \$14,162,000, which amount shall be paid into the Necessary Reconstruction Reserve established by the Authority by resolution adopted March 29, 1968, (iv) deduct from the operating revenues of the TBTA for its fiscal year ending December 31, 2010 and set aside into a special account, an amount determined from time-to-time by such Authority to help fund post-retirement liabilities other than pension benefits of its employees, and (v) advance the 2010 TBTA Surplus as per the resolution.

**B. Procurement Items.** Upon motion duly made and seconded, the Board approved the following procurement items. The specifics are set forth in the attached documentation.

1. Vierra Associates, Inc. – Congressional Liaison Services – No. 2-01-99062-0-0, S/A #12. Approved a non-competitive contract extension, for one year, for the continued services of the Washington, DC-based consultant to represent MTA's interests before Congress and other federal agencies and provide MTA with current and relevant information and advice about actions that may affect transit operations and funding.
2. Chambers, Colon & Hartwell, LLC – Congressional Liaison Services – No. 2-01-99063-0-0, S/A # 11. Approved increased funding and the extension for one year for a non-competitive contract for the continued services of the Washington, DC-based consultant to represent MTA's interest before Congress and federal agencies and provide MTA with current and relevant information and advice about actions that may affect commuter railroad operations.
3. Luisa Caldwell – AFT Project – No. 0933-0100. Approved a competitive contract to provide technical design, fabrication, crating, storage and delivery and oversight of installation of materials at the East 180<sup>th</sup> Street Station-NYCT.
4. Alison Moritsugu – AFT Project – No. 09334-0100. Approved a competitive contract to provide technical design, fabrication, crating, storage and delivery and oversight of installation of materials at the St. Lawrence Station-NYCT.
5. Kuyimba, Inc. – Administration of the Music Under New York (MUNY) Program – No. 09199-0100. Approved a competitive contract for administrative and logistical support and services to coordinate and manage the AFT MUNY Program for a period of one year.

6. Bowery Residents' Committee, Inc. – Homeless Outreach Services – No. 09152-01100. Approved a competitive contract to administer the MTA's Homeless Outreach Services Program (MTA/Connections Outreach), which addresses homelessness throughout the MTA's system.
7. Science Application International Corporation – All-agency Energy Consulting Services – No. 09174-0100. Approved a competitive contract to provide energy consulting services related to current and future energy projects for MTA and its agencies.
8. IHS Global Insight (USA) Inc. – Economic Forecasting Services – No. 09195-0100. Approved a competitive contract to provide MTA with a regularly updated series of forecasts of national and regional economic and demographic variables for use in, among other purposes, budgeting and planning.
9. East Coast K-9 Academy LLC, d/b/a Connecticut Canine Services – Acquisition of Police Dogs – No. 10001-0100. Ratification of a non-competitive contract award made on October 22, 2009 for the acquisition of six (6) untrained German Shepherd dogs to be partnered and trained with MTA police officers.

Board member Cappelli, commenting on the proposal to reduce administrative personnel, said that he hopes that every effort is being made to provide severance packages and other placement opportunities in an attempt to make the separation process for non-represented employees as smooth as possible.

Chairman Walder advised Mr. Cappelli that a voluntary severance program will be setup for non-represented employees and the terms and conditions in the various collective bargaining agreements will be followed with respect to represented employees.

Board member Seabrook suggested that MTA leaders reach out to representatives from New York State, New Jersey and Connecticut governments to discuss ways to generate additional funding for the MTA, such as imposing an additional tax on gas.

5. **COMMITTEE ON MSBA.** Upon motion duly made and seconded, the Board approved the following procurement items. The specifics are set forth in the attached staff summaries and documentation.
  1. Cubic Transportation Systems – Parts for Farebox Collection System - # E-3943, Sole Source, Renewal. Approved the award of a sole source non-competitive one-time parts purchase contract to Cubic Transportation Systems, in the not-to-exceed amount of up to \$80,000.
  2. ACS, Inc. – Technical Support for Orbital System - # E-3940, Sole Source, Renewal. Approved the award of a sole source non-competitive one-year miscellaneous contract to ACS, formerly Orbital Sciences Corporation, for



software and hardware maintenance services in support of LI Bus' ACS-Orbital CAD/AVL System.

3. Ultimedia USA – Technical Support - # E-3941, Renewal. Approved the award of a sole source non-competitive one-year miscellaneous contract to render preventive and emergency maintenance services, upgrades to proprietary software and system support to Ultimedia-furnished communications equipment, software and systems located at the Mineola Intermodal Transportation Center.
4. Union County Seating – Rebuilding of Bus Operator Seats - # E-3907X. Approved the award of a competitive miscellaneous service contract for the repair/rebuild of up to 170 fixed-route bus operator seats for up to a two-year term.
6. **COMMITTEE ON CAP. CONSTR., PLANNING & REAL ESTATE.** Upon motion duly made and seconded, the Board approved the following Real Estate items. The specifics are set forth in the attached staff summaries and documentation. Refer to the minutes of the MTA Capital Construction Company for additional items related to this Committee.

#### **New York City Transit Authority**

1. License agreement with corporation or LLC to be formed by Seung le Choi for the operation of a restaurant offering breakfast, lunch, snack foods, assorted beverages and general convenience items located at 55-06 Maspeth Avenue, Maspeth, NY.
2. Lease modification agreement with Treeline 180 Livingston, LLC for use of lobby space, to be used as an information and application center, located at 180 Livingston Street, Brooklyn, N.Y.
3. Construction access agreement with Parking Services, Inc. to allow use of a portion of a parking lot located at 45-66 Davis Street, Long Island City, N.Y.

#### **Long Island Rail Road**

4. License agreement with the Office of the Brooklyn Borough President for a portable tourist information kiosk located at the Atlantic Terminal - atrium level at the grand staircase, Brooklyn, N.Y.

#### **Metro-North Railroad**

5. Lease agreement with Shoe Service Plus, Inc. d/b/a Leather Spa ("Shoe Service") for the operation of a shoe shine service, including (in no more than 10% of the square footage of the premises) the incidental sale of shoe care items and umbrellas, and a drop off/pick up service for the repairing of shoes and other leather goods located in Retail Space K-07 and Storage Space LCS-16, Grand Central Terminal, N.Y.

6. Acquisition of easements from the Village of Mount Kisco for temporary and permanent easement interest in support of construction, maintenance and operation of an electrical substation located at 5 Green Lane (Section 71.08, Block 2, Lot 47), in the Town of Bedford, County of Westchester, N.Y.
7. Acquisition of easements from the Village of Mount Kisco in support of construction, maintenance and operation of an electrical substation located at Pump Station Road (Section 80.055, Block 2, Lot 1 and Section 80.031, Block 2, Lot 1), in the Town/Village of Mount Kisco, County of Westchester, N.Y.

### **General**

8. Resolution authorizing changes to the policy on Construction Access Agreements allowing the MTA Director of Real Estate to negotiate and enter into agreements on behalf of all MTA agencies.
9. License agreement between LIRR and NYCTA to allow parking and storage on a portion of Bushwick Freight Branch right-of-way (Block 2974, Lot 162), Kings County, N.Y.
10. License agreement between LIRR and MTA Capital Construction Company for access and storage of material and equipment on part of the Bay Ridge Branch right-of-way at 8<sup>th</sup> Avenue – 14<sup>th</sup> Avenue, between 61<sup>st</sup> and 62<sup>nd</sup> Streets (Block 5721, Lot 5; Block 5722, Lot 5; Block 5723, Lot 6; Block 5724, Lot 6, Block 5725, Lot 6 and Block 5726, Lot 6), Brooklyn, N.Y.
7. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an executive session to consider a matter regarding collective bargaining and a matter concerning the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. The Board approved a Memorandum of Understanding between MTA SIRTOA, NYCTA and the Transportation Communications Union. The Board also authorized the termination of a license agreement with Titan and approved a license agreement between MTA and CBS Outdoor Group Inc.
8. **PUBLIC SESSION.** Upon motion duly made and seconded, the public session resumed.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:55 a.m.

Respectively submitted,

Victoria Clement  
Assistant Secretary



**Minutes of the  
Regular Board Meeting  
347 Madison Avenue  
New York, NY 10017**

**Wednesday, February 24, 2010  
9:30 a.m.**

**The following members were present:**

**Hon. Jay H. Walder, Chairman & CEO  
Hon. Andrew M. Saul, Vice Chairman  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Donald Cecil  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. Norman Seabrook  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell  
Hon. Carl V. Wortendyke**

Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Catherine A. Blue, Acting Corporate Secretary, Thomas Prendergast, President of NYCTA, Helena E. Williams, President, Long Island Railroad, James Ferrara, Acting President of TBTA, Joseph A. Smith, President, LI Bus, MTA Bus & Sr. V.P. NYCT Department of Buses, Michael Horodniceanu, President of MTA Capital Construction, and Douglas Sussman, Director, Community Affairs also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Board of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, and the MTA Bus Company.

**1. CHAIRMAN JAY WALDER CALLED THE MEETING TO ORDER**

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

## **2. PUBLIC COMMENT PERIOD**

Ten speakers addressed NYC Transit/MTA Bus issues.

Bill Henderson, PCAC, urged the Board to search for real solutions to the budget shortfalls, stressing the need for stable and reliable funding mechanism for the MTA for the long term.

Lawrence Scarlino, Local 375, argued in favor of the granting of a raise to the members of his union.

Gene Russianoff, Straphangers Campaign, stressed the importance of Board Members' attendance at public hearings regarding proposed service cuts, and urged use of federal stimulus money for operating expenses.

Veronica Vanterpool, Tri-State Transportation Campaign, urged use of federal stimulus money for operating expenses to avoid proposed service cuts and lay offs and called upon public officials to restore funds previously dedicated to support the MTA.

Oneshia Portlette, TWU Local 100, spoke against lay offs, service cuts and elimination of free student MetroCards.

Richard Jasmin urged the Board to avoid proposed service cuts and possible elimination of free student MetroCards.

Nicole Westin spoke against proposed elimination of station agents, highlighting safety concerns.

Praz Barua, Urban Youth Collaborative, invited Chairman Walder to meet with New York City students to discuss the impact of the proposed elimination of free student MetroCards.

Matthew Shotkin spoke against proposed budget cuts.

George Spitz urged light rail replacement of the Second Avenue Subway line to save on the operating budget.

## **3. CHAIRMAN JAY WALDER'S COMMENTS**

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

#### **4. MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular board meeting of MTA New York City Transit, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Railway Transit Operating Authority, and MTA Bus Company held on January 27, 2010.

#### **5. COMMITTEE ON FINANCE**

##### **Action Item**

**2010A Dedicated Tax Fund Bond Issuance Authorization:** Upon motion duly made and seconded, the Board voted to approve the necessary documentation to issue a Series 2010A dedicated Tax Fund Bonds to provide net proceeds (exclusive of premiums) sufficient to fund up to \$500 million of capital projects contained in existing approved capital programs of the transit and commuter systems (including MTA Bus). Details of the discussion surrounding the vote, and of the above item, are set forth in minutes recorded by the MTA, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

#### **6. COMMITTEE ON TRANSIT/SIR/MTA BUS OPERATIONS NYC Transit**

##### **Procurements**

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

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

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

#### **MTA Bus Company**

##### **Procurements**

**Non-Competitive Procurements:** None.

**Competitive Procurements:** None.

**Procurement Ratifications:** None.

**7. COMMITTEE ON REAL ESTATE**

Upon motion duly made and seconded, the Board unanimously approved the following three (3) items pertaining to NYC Transit recommended to it by the Committee on MTA Capital Construction, Planning and Real Estate as set forth below:

1. Lease agreement with corporation or LLC to be formed by Seung le Choi for a restaurant at 55-06 Maspeth Avenue, Maspeth, Queens, New York;
2. Lease modification agreement with Treeline 180 Livingston, LLC, to allow use of lobby space at 180 Livingston Street, Brooklyn, New York;
3. Construction access agreement with Parking services, Inc. to allow weekend use of a portion of a parking lot at 45-66 Davis St., L.I.C., New York.

**8. EXECUTIVE SESSION**

Upon motion duly made and seconded, the Members unanimously voted to convene into Executive Session to discuss a labor item. During the Executive Session, the Members unanimously approved the terms of a collective bargaining agreement between the Staten Island Rapid Transit Operating Authority and the Transportation Communications Union. Upon motion duly made and seconded, the Members voted to resume public session.

**9. ADJOURMENT**

Upon motion duly made and seconded, the Members unanimously voted to adjourn the meeting at 10:55 a.m.

Respectfully submitted,



Gena Usenheimer  
Assistant Secretary



**MINUTES OF MEETING OF THE BOARD OF  
THE LONG ISLAND RAIL ROAD COMPANY**

**Meeting Held At  
347 Madison Avenue  
New York, New York  
February 24, 2010  
9:30 A.M.**

**The following members were present:**

Hon. Jay H. Walder, Chairman and CEO  
Hon. Andrew M. Saul, Vice Chairman  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Donald Cecil  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. Norman Seabrook  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell  
Hon. Carl V. Wortendyke

Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Catherine A. Blue, Acting Corporate Secretary, Thomas Prendergast, President of NYCTA, Helena E. Williams, President, Long Island Rail Road, James Ferrara, Acting President TBTA, Joseph J. Smith, President of LI Bus, MTA Bus & Sr. V.P. NYCT Department of Buses, Michael Horodniceanu, President of MTA Capital Construction, and Douglas Sussman, Director, Community Affairs, also attended the meeting.

**1. PUBLIC SPEAKERS**

There were twelve (12) public speakers, none of whom addressed issues specific to the Long Island Rail Road.

**2. CHAIRMAN'S REMARKS**

The Chairman addressed the MTA's financial situation and spoke of the need to reform how the MTA does business and to permanently reduce its cost structure. He noted that the public hearings on service changes were scheduled to take place the following week. Details of the Chairman's remarks are contained in the minutes of the meeting of the Metropolitan Transportation Authority held this day.

3. **APPROVAL OF MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the Board meeting held on January 25, 2010.

4. **COMMITTEE ON FINANCE**

Upon motion duly made and seconded, the Board approved Finance Committee items. Included among those items were the following: a competitively-negotiated, multi-agency personal services contract with Bowery Residents' Committee, Inc. to administer the MTA's Homeless Outreach Services Program for a period of 48 months beginning on March 1, 2010, with an option to extend for an additional 34 months at the sole discretion of MTA (LIRR to bear 35 percent of the program costs); and a competitively-negotiated, all-agency personal services contract with Science Applications International Corporation for energy consulting services for a 48-month period beginning April 1, 2010. The details of these items are contained in the minutes of the Metropolitan Transportation Authority held this day and the staff summaries and materials filed with those minutes.

Following the approval of the Finance Committee items, certain of the Board members discussed the MTA's financial condition and the proposed reduction in force at the MTA and its agencies. Details of these remarks are contained in the minutes of the meeting of the Metropolitan Transportation Authority held this day.

5. **COMMITTEE ON LIRR/LI BUS OPERATIONS**

Upon motion duly made and seconded, the Board approved the following LIRR competitive and non-competitive procurements recommended to it by the Committee on LIRR/LI Bus Operations. There were no ratifications.

**Competitive Procurement**

**United Cesspool Service  
Two-Year Contract  
Contract No: BP03592**

**\$302,742  
Not-To-Exceed**

LIRR requests approval to award a competitively bid Miscellaneous Service contract to United Cesspool Service ("United Cesspool") for the daily removal, transport, neutralization and lawful disposal of wastewater from the Railroad's Ronkonkoma Train Wash Facility, to the Bergen Point Waste Facility. This contract will be for a twenty-four month term, from April 1, 2010, through March 31, 2012. This renewal contract was advertised in the NYS Contract Reporter on November 9, 2009, and the New York Post on November 12, 2009. United Cesspool's bid of \$302,742, which includes a unit price of \$0.11 per gallon, represents a 1% decrease from the current contract's pricing, and is 1% less than second lowest bidder. United Cesspool's price is therefore considered to be fair & reasonable. Responsibility checks were performed and no adverse filings were reported. Funding for this contract is included in LIRR's operating budget.

**Non-Competitive Procurement**

**Loram Maintenance of Way, Inc.  
Sole Source**

**\$6,700,000  
Not-to-Exceed**

**Contract No. TBD**

LIRR requests MTA Board approval to award a Sole Source Blanket Purchase Order for a 36-month period to Loram Maintenance of Way, Inc. ("Loram") in an amount not-to-exceed \$6,700,000 for the services of the Rail-Vac Machine. The Rail-Vac machine is an integral piece of equipment needed to support the Railroad's state of good repair track program.

Details of the above items are set forth in staff summaries, copies of which are on file with the records of this meeting.

**6. COMMITTEE ON METRO-NORTH RAILROAD OPERATIONS**

Upon motion duly made and seconded, the Board unanimously approved Metro-North Committee items. Following the approval of the Metro-North items, Board Member Metzger noted Metro-North's on-time performance is a credit to its employees. The Chairman commended both railroads and the entire organization for its performance during a recent snowstorm. Details of these remarks are contained in the minutes of the meeting of the Metropolitan Transportation Authority held this day.

**7. COMMITTEE ON CAPITAL CONSTRUCTION, PLANNING AND REAL ESTATE**

Upon motion duly made and seconded, the Board unanimously approved the following real estate action item referred to it by the Committee on Capital Construction, Planning and Real Estate:

License agreement with the Office of the Brooklyn Borough President for a portable tourist information kiosk at Atlantic Terminal, Brooklyn, New York.

Details of the above action item is set forth in a staff summary, a copy of which is on file with the records of this meeting.

**8. EXECUTIVE SESSION**

Upon motion duly made and seconded, the Board went into executive session to discuss matters related to collective bargaining negotiations and matters leading to the appointment, employment, promotion, demotion, discipline; suspension, dismissal or removal of a particular person or corporation.

**9. ADJOURNMENT**

After coming out of Executive Session, upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting. The meeting was adjourned at 10:55 A.M.

Respectfully submitted,



Catherine A. Rinaldi  
Secretary



Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company

Wednesday, February 24, 2010  
9:30 a.m.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO  
Hon. Andrew M. Saul, Vice Chairman  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Donald Cecil  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. Norman Seabrook  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell  
Hon. Carl V. Wortendyke

Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Catherine A. Blue, Acting Corporate Secretary, Thomas Prendergast, President of NYCTA, Helena E. Williams, President, Long Island Railroad, James Ferrara, Acting President of TBTA, Joseph A. Smith, President, LI Bus, MTA Bus & Sr. V.P. NYCT Department of Buses, Michael Horodniceanu, President of MTA Capital Construction, and Douglas Sussman, Director, Community Affairs also attended the meeting.

1. Public Comment:

There were 12 public speakers. Murray Bodin of Concerned Grandparents noted that he would like to restore Hartsdale Station to its original state by removing the ticket booth; he asked for permission to remove the ticket booth at no expense to the MTA. The details of the remaining comments made are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

2. Chairman's Comments: The details of Chairman Walder's comments are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

3. Approval of Minutes – Upon motion duly made and seconded, the minutes of the Regular Board Meeting of January 27, 2010 meeting were unanimously approved.



4. Committee on Finance

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

- 2010A Dedicated Tax Fund Bond Issuance Authorization
- Mortgage Recording Tax-Escalation Payments to Dutchess, Orange and Rockland Counties.

MTA Procurements

The Board voted on MTA procurements. Among the items approved were (1) a competitively negotiated multi-agency personal services contract requiring majority vote with Bowery Residents' Committee, Inc. to administer the MTA's Homeless Outreach Services Program and (2) a competitively negotiated multi-agency personal services contract with Science Applications International Corp. to provide energy consulting services for current and future energy projects.

Staff summaries and reports setting forth the details of the above items are filed with the records of this meeting.

5. Committee on Metro-North Railroad Operations:

Mr. Sedore reported that on-time performance in January 2010 was 98.4%. He noted that Metro-North operated at 98.4% on the day of the February 10, 2010 storm and there were no customer or employee injuries reported as a result of that storm.

Procurements:

Upon motion duly made and seconded, the Board unanimously approved the following non-competitive procurements requiring two-thirds vote by the Board.

Non-Competitive Purchases and Public Work Contracts

- Balfour Beatty Rail – Hudson Line (CP53) turnout replacement parts.

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

6. Committee on MTA Capital Construction, Planning & Real Estate

The Board voted on MTA Capital Construction, Planning and Real Estate items.

Upon motion duly made and seconded, the Board, among other items, approved the following real estate items recommended to it by the Committee on MTA Capital Construction, Planning & Real Estate.

- Lease with Shoe Service for the operation of a shoe shine and shoe/leather repair service; Retail Space K-07 and Storage Space LCS-16 Grand Central Terminal, New York.
- Acquisition of easements from the Village of Mount Kisco for the construction, operation and maintenance of an electrical substation adjacent to Green Lane in the Town of Bedford, Westchester County, New York.
- Acquisition of easements from the Village and Town of Mount Kisco for the construction, operation and maintenance of an electrical substation adjacent to Pump Station Road in the Village and Town of Mount Kisco, Westchester County, New York.

Staff summaries setting forth the details of the above items are filed with the records of this meeting.

7. Executive Session: Upon motion duly made and seconded, the Committee unanimously voted to convene in Executive Session to discuss collective bargaining and employment matters. Upon motion duly made and seconded, the Committee unanimously voted to re-convene in Public Session.
8. Next Meeting – March 24, 2010 at 9:30 a.m.
9. Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:55 a.m.

Respectfully submitted,



Linda Montanino  
Assistant Secretary



**Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
February 24, 2010**

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

9:30 A.M.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO  
Hon. Andrew M. Saul, Vice Chairman  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Donald Cecil  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. LeBow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. Norman Seabrook  
Hon. James E. Sedore, Jr  
Hon. Nancy Shevell  
Hon. Carl V. Wortendyke

Frederick Cuenca, Chief of Staff; James B. Henly, General Counsel, MTA; Catherine Blue, Acting Corporate Secretary; James Ferrara, Acting President, MTA Bridges and Tunnels; Michael F. Horodniceanu, President MTA Capital Construction Company; Thomas Prendergast, President, New York City Transit; Joseph A. Smith, President, Long Island Bus, MTA Bus & Senior President New York City Transit Department of Buses; Helena E. Williams, President, Long Island Rail Road; and Douglas R. Sussman, Director, Community Affairs, MTA also attended the meeting.

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



### **1. Public Speakers**

There were twelve public speakers. One speaker, Mr. John Maugeri, Communications Workers of America, raised labor issues involving the contractor operating the E-ZPass Customer Service Center which are currently pending before the National Labor Relations Board. The subject matter of the other public comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

### **2. Chairman Walder's Opening Comments**

The details of Mr. Walder's remarks are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

### **3. Approval of the Minutes of the Regular Meeting January 27, 2010**

The Minutes of the meeting held January 27, 2010 were unanimously approved.

### **4. Committee on Finance**

#### **2009 TBTA Operating Surplus**

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

- Certify and transfer \$314,459,179 operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law of the State of New York.
- Transfer \$255,976 representing 2009 investment income to the MTA pursuant to Section 569-c of the Public Authorities Law of the State of New York.
- Deduct from the operating revenues of the Triborough Bridge and Tunnel Authority for its fiscal year ending December 31, 2010 the amount of \$14,162,000, which amount shall be paid into the Necessary Reconstruction Reserve established by the Authority by resolution adopted March 29, 1968.
- Deduct from the operating revenues of the Triborough Bridge and Tunnel Authority for its fiscal year ending December 31, 2010 and set aside into a special account, an amount determined from time to time by such Authority to help fund post-retirement liabilities other than pension benefits of its employees.
- Advance the 2010 TBTA Surplus as per attached Resolution.

A copy of the resolutions and staff summary setting forth the details of the above items are filed with the minutes of the Board of the Metropolitan Transportation Authority.

## **5. Committee for MTA Bridges and Tunnels Operations**

### **Procurements**

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

### **Competitive Procurements**

Chairman Pally stated that there are three competitive procurements totaling \$9.7 million.

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

### **Personal Service Contracts**

STV, Inc.	Contract No. PSC-09-2857 Provide construction administration and inspection services for Project VN-03, Toll Plaza Improvements (Phase A) and Toll Plaza Canopy Roof Replacement and HVAC Unit Relocation/Replacement at the Verrazano-Narrows Bridge.	\$1,094,061.40
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### **Modifications to Purchase & Public Works Contracts**

Ahern Painting Contractors, Inc. Anjac Enterprises, Inc. E. Daskal Corp. El Sol Contracting & Construction Corp. Maracap Construction Industries, Inc. Navillus Contracting Unicorn Construction Enterprises, Inc.	Contract Nos. GFM-474A - G Additional funding for miscellaneous construction on an as-needed basis at various Authority facilities.	\$8,000,000.00 (aggregate not to exceed amount for the seven contracts is \$8,000,000)
American Bridge Company	Contract No. TBB Task 39/C52077 Install fencing on the sides of the Queens Suspension Span of the RFK Bridge.	\$620,000.00

**Ratifications**

Commissioner Pally stated that are no ratifications.

**6. Executive Session**

Upon a motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss a labor matter and a personnel issue.

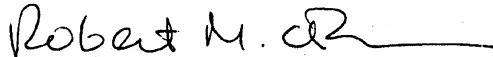
**7. Public Session**

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

**8. Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:55 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert M. Dugan", followed by a long horizontal line.

Cindy L. Dugan  
Assistant Secretary



Regular Board Meeting  
347 Madison Avenue  
New York, NY 10017

Wednesday, February 24, 2010  
9:30 a.m.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO  
Hon. Andrew M. Saul, Vice Chairman  
Hon. Andrew Albert  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Donald Cecil  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. Norman Seabrook  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell  
Hon. Carl V. Wortendyke

Fredericka Cuenca, Acting Chief of Staff, James B. Henly, General Counsel, Catherine A. Blue, Acting Corporate Secretary, Thomas Prendergast, President of NYCTA, Helena E. Williams, President, Long Island Railroad, James Ferrara, Acting President of TBTA; Joseph A. Smith, President, LI Bus, MTA Bus & Sr. V.P. NYCT Department of Buses, Michael Horodniceanu, President of MTA Capital Construction, and Douglas Sussman, Director, Community Affairs also attended the meeting

**Chairman Walder called the meeting to order.**

**Public Comment Period**

There were no public speakers on any issues regarding MTA Capital Construction.

**Approval of Minutes**

Upon motion duly made and seconded, the MTA Board unanimously approved the minutes of the regular Board meeting held on January 27, 2010.

### **MTA Capital Construction Action Items**

There were no Capital Construction Items for the Board members to consider.

### **MTA Capital Construction Procurements**

Upon motion duly made and seconded, the MTA board approved the following procurement items:

- A modification to the East Side Access Harold Structures Part 1 contract with Perini Corporation for temporary location of an existing communications duct bank
- A modification to the East Side Access Queens Bored Tunnels contract with GTF, JV to exercise the option for construction of the yard lead approach structures, concrete lining for the three emergency shafts and partial completion of the Tunnel D TBM
- A ratification of a modification to the Fulton Street Transit Center Foundations contract with Skanska for additional costs associated with jet grouting and the disposal of contaminated, non-hazardous soil.

### **Adjournment**

Upon motion duly made and seconded, the MTA Board voted to adjourn the public meeting.

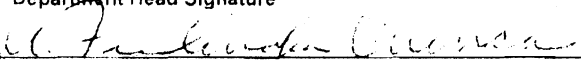
Respectfully submitted,

Miriam Cukier  
Secretary



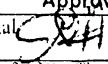



# Staff Summary

<b>Subject</b> Board Committee Charter Adoption/Amendments
<b>Department</b> Chief of Staff
<b>Department Head Name</b> Fredericka Cuenca
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Catherine Blue

<b>Date</b> March 24, 2010
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
3	Finance	3/22/10			
2	Transit	3/22/10			
4	Long Island	3/22/10			
1	MetroNorth	3/22/10			
5	Board	3/24/10			

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

**Purpose:** To amend the charters of the Finance, Transit, Long Island and MetroNorth committees and to adopt a charter for a newly formed committee on bus operations, pursuant to the annexed resolution.

**Discussion:** Public Authorities Law section 1263(4)(b) provides for establishment by the chairman of board committees to assist the chairman in the performance of his duties. To enhance oversight of the MTA agencies by the MTA Board committees and to streamline the committee structure, several changes to existing committee charters and the creation of a committee focused on bus operations are proposed to take effect with the April cycle of committee meetings. The proposed amendments to the charters of the Finance, Transit, Long Island and MetroNorth committees are attached to this staff summary, together with a proposed charter for the new Bus committee.

The changes to the charters of the Transit, Long Island and MetroNorth committees are intended to foster review of capital projects by the committees which will ultimately have responsibility for overseeing the resultant service. With these changes, oversight for projects being undertaken by the MTA Capital Construction Company will be moved to the respective operating committees, with reports on MTACCC projects to continue to be made as well to the committee on capital program oversight (CPOC). The changes to the Finance committee charter will provide for its review of real estate matters. Taken together, these changes will produce a more streamlined committee structure that eliminates the need for continuation of the separate committee on Capital Construction and Real Estate.

A charter for a new committee on bus operations is also proposed for Board adoption. As part of the MTA's effort to achieve increased operational efficiency, cost savings and better customer service, commencing in May 2008 management was consolidated for the bus operations of MTA New York City Transit, MaBSTOA, MTA Bus Company, and MTA Long Island Bus, with a single executive appointed to oversee all of these operations.

The MTA Board's current committee structure, however, does not provide a vehicle for coordinated oversight of bus operations, which is presently split between two separate committees: the Transit committee (which, in addition to NYCT subway operations, engages in oversight of bus operations at NYCT, MaBSTOA, and MTA Bus Company) and the Long Island committee (which, in addition to LIRR commuter operations, engages in oversight of bus operations at LI Bus). By providing oversight responsibilities to a new bus operations committee, more focused and efficient oversight of the various bus operations conducted at the MTA can be achieved. The attached resolution would accomplish the delegation of existing authority of the two committees to the newly created committee on bus operations and adopt the charter for the new committee.

**Recommendation:** It is recommended that the MTA Board adopt the Resolution attached to this Staff Summary, adopting amendments to the Finance, Transit, Long Island and MetroNorth committee charters and a charter for a committee on bus operations.

## RESOLUTION

### ADOPTION OF BUS COMMITTEE CHARTER AND OF AMENDMENTS TO THE CHARTERS OF THE FINANCE, TRANSIT, LONG ISLAND AND METRONORTH COMMITTEES

WHEREAS, section 1263 (4) (b) of the Public Authorities Law provides for the MTA chairman to establish committees of the board to assist him in the performance of his duties:

WHEREAS, to enhance oversight of the MTA agencies by the MTA Board committees and to streamline the committee structure, several changes to existing committee charters and the creation of a committee focused on bus operations are proposed to take effect with the April 2010 cycle of committee meetings;

NOW, THEREFORE, upon motion duly made and seconded the following resolution was adopted:

RESOLVED, that the Board hereby delegates authority to oversee and monitor the bus activities conducted by the various MTA agencies to a Committee on Bus Operations, and adopts the charter for such committee in the form attached to this resolution, to become effective on March 24, 2010.

RESOLVED, that the Board adopts the amendments to the charters of the Finance, Transit, Long Island and MetroNorth committees, in the form attached to this resolution, to become effective on March 24, 2010.



## **The Metropolitan Transportation Authority**

### **FINANCE COMMITTEE**

The Charter for the Finance Committee was adopted by the Board Chair and a majority of the members of Board of the Metropolitan Transportation Authority, a public benefit corporation established under the laws of the State of New York (together with any other entity or corporation for which the members of the Metropolitan Transportation Authority serve as a board of directors, the "MTA"), on the 29th day of July, 2004. The charter was amended on following dates: December 17, 2008; December 16, 2009; and March 24, 2010.

#### **I. PURPOSE**

The Finance Committee (the "Committee") shall assist the Board Chair and the Board by (1) reviewing, providing guidance, and making recommendations with respect to the MTA's core financial policies and (2) reviewing, providing guidance and making recommendations with respect to MTA real estate matters.

#### **II. COMMITTEE AUTHORITY**

In discharging its role, the Committee is empowered to investigate any matter brought to its attention. To facilitate any such investigation, the chairperson of the Committee shall have access to all books, records, facilities and staff of the MTA (including any of its subsidiary corporations or affiliates). The foregoing is not intended to alter or curtail existing rights of individual Board members to access books, records or staff in connection with the performance of their fiduciary duties as Board members.

#### **III. COMMITTEE MEMBERSHIP**

The Committee shall consist of 3 or more members of the Board, appointed by the Board Chair. If not otherwise a member of the Committee, each Vice-Chair of the Board shall be an *ex officio* member of the Committee. The Board Chair shall appoint the chairperson of the Committee. In the absence of the chairperson at a meeting of the Committee, the Board Chair shall appoint a temporary chairperson to chair such meeting. A member of the Committee may be removed, for cause or without cause, by the Board Chair.

#### **IV. COMMITTEE MEETINGS**

The Committee shall meet on a regularly-scheduled basis at least 11 times per year, and more frequently as circumstances dictate. The Committee shall cause to be kept adequate minutes of all its proceedings and records of any action taken. Committee members will be furnished with copies of the minutes of each meeting. Meetings of the Committee shall be open to the public, and the Committee shall be governed by the rules regarding public meetings set forth in the applicable provisions of the Public Authorities Law and Article 7 of the Public Officers Law that relate to public notice, public speaking and the conduct of executive session. The Committee may form and assign responsibilities to subcommittees when appropriate.

The Committee may request that any member of the Board, the Auditor General, any officer or staff of the MTA, or any other person whose advice and counsel are sought by the Committee, attend any meeting of the Committee to provide such pertinent information at the Committee requests. The Chief Financial Officer and/or the Director of Budgets and Financial Management and the MTA Director of Real Estate, with respect to real estate matters, shall (1) furnish the Committee with all material information pertinent to matters appearing on the Committee agenda, (2) provide the chairperson of the Committee with all information that is material to the Committee's monitoring and oversight of the MTA's core financial policies and real estate matters, and (3) inform the chairperson of the Committee of any matters not already on the Committee agenda that should be added to the agenda in order for the Committee to be adequately monitoring and overseeing the MTA's core financial policies and real estate matters.

#### **V. COMMITTEE REPORTS.**

The chairperson of the Committee shall report on the Committee's proceedings, and any recommendations made.

#### **VI. KEY RESPONSIBILITIES**

The following responsibilities are set forth as a guide with the understanding that the Committee may diverge as appropriate given the circumstances. The Committee is authorized to carry out these and such other responsibilities assigned by the Board Chair or the Board, from time to time, and take any actions reasonably related to the mandate of this Charter.

To fulfill its purpose, the Committee shall:

1. Review the MTA's annual budget, and ensure that the MTA operates on a self-sustaining basis, as required by applicable law, and with support from various levels of government.
2. Monitor the MTA's compliance during the fiscal year with its annual budget.
3. Review the financial requirements of the MTA's capital plans.
4. Review annually the proposed plan to meet the financial requirements of the MTA's capital plans, as well as any financing proposals during the fiscal year that deviate from the proposed financial plan for that year.
5. Review any proposal relating to the incurrence (or repayment) of material indebtedness or other financing arrangement.
6. Review any proposed procurements submitted to the Committee by the Chief Procurement Officer.

7. Oversee the operations of MTA headquarters, including by reviewing proposed procurements for MTA headquarters that require Board approval.
8. Oversee the operations of the First Mutual Transportation Assurance Company ("FMTAC"), including by reviewing proposed procurements for FMTAC.
9. Review annually the scope and terms of the MTA's insurance policies and coverage.
10. Monitor the economic performance of the various MTA pension plans.
11. Review and make recommendations to the Board with respect to the leasing and acquisition of real property; the licensing of customer services and amenities; the maximizing of advertising opportunities; the disposition or conveyance of interests in real property; the management of occupancies on the property of the MTA and the adoption or amendment of any policies relating thereto;
12. Review and make recommendations to the Board with respect to the procurement of certain professional services in support of the activities of the real estate department, including real estate brokerage and other specialized consultant services;
13. Review the MTA's offering and management of leasing, licensing, or other business opportunities on the property of the MTA and its subsidiaries and affiliates;
14. Provide support and guidance to the MTA in its formulation of its real estate policies and procedures;
15. Review and assess the adequacy of this Charter annually;
16. Conduct an annual self-evaluation of the performance of the Committee, including its effectiveness and compliance with this Charter;
17. Report regularly to the Board Chair and Board on Committee findings and recommendations and any other matters the Committee deems appropriate or the Board Chair or the Board requests, and maintain minutes or other records of Committee meetings and activities.





**The Metropolitan Transportation Authority**

**COMMITTEE ON OPERATIONS OF  
THE NEW YORK CITY TRANSIT AUTHORITY,  
THE MANHATTAN AND BRONX SURFACE TRANSIT  
OPERATING AUTHORITY AND THE STATEN ISLAND  
RAPID TRANSIT OPERATING AUTHORITY**

The Charter for the Committee on Operations of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority and the Staten Island Rapid Transit Operating Authority was adopted by the Board Chair and a majority of the members of Board of the Metropolitan Transportation Authority, a public benefit corporation established under the laws of the State of New York (together with any other entity or corporation for which the members of the Metropolitan Transportation Authority serve as a board of directors, the "MTA"), on the 29th day of July, 2004. This charter was amended on the following dates: December 17, 2008, December 16, 2009 and March 24, 2010.

**I. PURPOSE**

The Committee on Operations of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority and the Staten Island Rapid Transit Operating Authority (the "Committee") shall assist the Board Chair and the Board in fulfilling their responsibility to monitor and oversee the operations of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority and the Staten Island Rapid Transit Operating Authority (collectively, the "NYCT"). In addition to the Committee's oversight responsibilities over NYCT operations, the members of the Committee shall also separately assist the Board Chair and the Board in fulfilling their responsibility to monitor and oversee the operations of the MTA Bus Company.

**II. COMMITTEE AUTHORITY**

In discharging its role, the Committee is empowered to investigate any matter brought to its attention. To facilitate any such investigation, the chairperson of the Committee shall have access to all books, records, facilities and staff of the MTA, the NYCT and/or the MTA Bus Company. The foregoing is not intended to alter or curtail existing rights of individual Board members to access books, records or staff in connection with the performance of their fiduciary duties as Board members.

**III. COMMITTEE MEMBERSHIP**

The Committee shall consist of 3 or more members of the Board, appointed by the Board Chair. If not otherwise a member of the Committee, each Vice-Chair of the Board shall be an *ex officio* member of the Committee. The Board Chair shall appoint the chairperson and the vice-chairperson of the Committee. The vice-chairperson of the Committee shall be a person recommended to the Board by the Mayor of the City of New York. In the absence of the chairperson at a meeting of the Committee, the vice-chairperson shall chair such meeting. In the absence of the chairperson and the vice-

chairperson, the Board Chair shall appoint a temporary chairperson to chair such meeting. A member of the Committee may be removed, for cause or without cause, by the Board Chair.

#### **IV. COMMITTEE MEETINGS**

The Committee shall meet on a regularly-scheduled basis at least 11 times per year, and more frequently as circumstances dictate. The Committee shall cause to be kept adequate minutes of all its proceedings, which shall include records of any action taken. Committee members will be furnished with copies of the minutes of each meeting. Meetings of the Committee shall be open to the public, and the Committee shall be governed by the rules regarding public meetings set forth in the applicable provisions of the Public Authorities Law and Article 7 of the Public Officers Law that relate to public notice, public speaking and the conduct of executive session. The Committee may form and assign responsibilities to subcommittees when appropriate.

The Committee may request that any member of the Board, the Auditor General, any officer or staff of the MTA, the NYCT, the MTA Bus Company or any other person whose advice and counsel are sought by the Committee, attend any meeting of the Committee to provide such pertinent information as the Committee requests. The President of NYCT, the President of MTA Bus Company, and the President of the MTA Capital Construction Company shall each (1) furnish the Committee with all material information pertinent to matters appearing on the Committee agenda relating to his or her respective organization, (2) provide the chairperson of the Committee with all information regarding the affairs of his or her respective organization that is material to the Committee's monitoring and oversight of the operations of such organization, and (3) inform the chairperson of the Committee of any matters not already on the Committee agenda that should be added to the agenda in order for the Committee to be adequately monitoring and overseeing the operations of his or her organization.

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#### **V. COMMITTEE REPORTS.**

The chairperson of the Committee shall report on the Committee's proceedings, and any recommendations made.

#### **VI. KEY RESPONSIBILITIES**

The following responsibilities are set forth as a guide with the understanding that the Committee may diverge as appropriate given the circumstances. The Committee is authorized to carry out these and such other responsibilities assigned by the Board Chair or the Board from time to time, and take any actions reasonably related to the mandate of this Charter.

To fulfill its purpose, the Committee shall, with respect to NYCT:

1. monitor and update the Board Chair and the Board on the operating performance of NYCT, including information on subway and bus service, crime, safety and paratransit;

2. monitor and update the Board Chair and the Board on the finances of NYCT, including financial reports, ridership reports, and the use of funds by the NYCT;
3. review and make recommendations to the Board Chair and the Board regarding proposed procurement contracts of NYCT that require Board approval;
4. review and make recommendations to the Board Chair and the Board on proposed capital projects of NYCT and monitor the status of such projects;
5. review and make recommendations to the Board Chair and the Board regarding NYCT service and policy changes that require Board approval;
6. review periodically with the Counsel of the MTA, the Chief Compliance Officer, and the Counsel of NYCT: (i) legal and regulatory matters that may have a material impact on NYCT; and (ii) the scope and effectiveness of compliance policies and programs;

With respect to the MTA Bus Company, the Committee shall:

1. monitor and update the Board Chair and the Board on the operating performance of the MTA Bus Company;
2. monitor and update the Board Chair and the Board on the finances of the MTA Bus Company, including financial reports, ridership reports, and the use of funds by the MTA Bus Company;
3. review and make recommendations to the Board Chair and the Board regarding proposed procurement contracts of the MTA Bus Company that require Board approval;
4. review and make recommendations to the Board Chair and the Board on proposed capital projects of the MTA Bus Company and monitor the status of such projects;
5. review and make recommendations to the Board Chair and the Board regarding MTA Bus Company service and policy changes that require Board approval;
6. review periodically with the Counsel of the MTA, the Chief Compliance Officer, and the Counsel of the MTA Bus Company: (i) legal and regulatory matters that may have a material impact on the MTA Bus Company; and (ii) the scope and effectiveness of compliance policies and programs.

With respect to capital projects undertaken by the MTA Capital Construction Company (MTACC) on behalf of NYCT or the MTA Bus Company:

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1. Review and make recommendations to the Board Chair and Board with respect to the proposed procurements made by the MTACC that require Board approval;
2. Review and make recommendations to the Board Chair and the Board with respect to contract procurement solicitations that require Board approval;
3. Monitor the progress of the capital projects undertaken by the MTACC;
4. Monitor the budget and the schedule of capital projects undertaken by the MTACC;
5. Monitor the progress of contract commitments and completions with respect to capital projects;
6. Track funding needs of capital projects as well as the availability of funds to meet such needs from all sources of funding.

In addition, the Committee shall have the following responsibilities:

1. conduct an annual self-evaluation of the performance of the Committee, including its effectiveness and compliance with this Charter;
2. review and assess the adequacy of this Charter annually; and
3. report regularly to the Board Chair and the Board on Committee findings and recommendations and any other matters the Committee deems appropriate or the Board Chair or the Board requests, and maintain minutes or other records of Committee meetings and activities.

**The Metropolitan Transportation Authority**  
**COMMITTEE ON OPERATIONS OF**  
**THE LONG ISLAND RAIL ROAD AND**  
**THE METROPOLITAN SUBURBAN BUS AUTHORITY**

This Charter for the Committee on Operations of the Long Island Railroad and the Metropolitan Suburban Bus Authority was adopted by the Board Chair and a majority of the members of Board of the Metropolitan Transportation Authority, a public benefit corporation established under the laws of the State of New York (together with any other entity or corporation for which the members of the Metropolitan Transportation Authority serve as a board of directors, the "MTA"), on the 29th day of July, 2004. This charter was amended on December 17, 2008, December 16, 2009 and March 24, 2010.

**I. PURPOSE**

The Committee on Operations of the Long Island Railroad and the Metropolitan Suburban Bus Authority (the "Committee") shall assist the Board Chair and the Board in fulfilling their responsibility to monitor and oversee the operations of the Long Island Railroad Company and the Metropolitan Suburban Bus Authority (referred to as "Long Island Bus" or "LIB" and with LIRR as the "LIRR/LIB").

**II. COMMITTEE AUTHORITY**

In discharging its role, the Committee is empowered to investigate any matter brought to its attention. To facilitate any such investigation, the chairperson of the Committee shall have access to all books, records, facilities and staff of the MTA and/or the LIRR/LIB. The foregoing is not intended to alter or curtail existing rights of individual Board members to access books, records or staff in connection with the performance of their fiduciary duties as Board members.

**III. COMMITTEE MEMBERSHIP**

The Committee shall consist of 3 or more members of the Board, appointed by the Board Chair. If not otherwise a member of the Committee, each Vice-Chair of the Board shall be an *ex officio* member of the Committee. The Board Chair shall appoint the chairperson of the Committee. In the absence of the chairperson at a meeting of the Committee, the Board Chair shall appoint a temporary chairperson to chair such meeting. A member of the Committee may be removed, for cause or without cause, by the Board Chair.

**IV. COMMITTEE MEETINGS**

The Committee shall meet on a regularly-scheduled basis at least 11 times per year, and more frequently as circumstances dictate. The Committee shall cause to be kept adequate minutes of all its proceedings, which shall include records of any action taken. Committee members will be furnished with copies of the minutes of each meeting. Meetings of the Committee shall be open to the public, and the Committee shall be governed by the rules regarding public meetings set forth in the applicable provisions of

the Public Authorities Law and Article 7 of the Public Officers Law that relate to public notice, public speaking and the conduct of executive session. The Committee may form and assign responsibilities to subcommittees when appropriate.

The Committee may request that any member of the Board, the Auditor General, any officer or staff of the MTA, LIRR/LIB or any other person whose advice and counsel are sought by the Committee, attend any meeting of the Committee to provide such pertinent information as the Committee requests. The President of the LIRR, the President of LIB and the President of the MTA Capital Construction Company shall each (1) furnish the Committee with all material information pertinent to matters appearing on the Committee agenda relating to his or her respective organization, (2) provide the chairperson of the Committee with all information regarding the affairs of his or her respective organization that is material to the Committee's monitoring and oversight of the operations of such organization, and (3) inform the chairperson of the Committee of any matters not already on the Committee agenda that should be added to the agenda in order for the Committee to be adequately monitoring and overseeing the operations of his or her respective organization.

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#### **V. COMMITTEE REPORTS.**

The chairperson of the Committee shall report on the Committee's proceedings, and any recommendations made.

#### **VI. KEY RESPONSIBILITIES**

The following responsibilities are set forth as a guide with the understanding that the Committee may diverge as appropriate given the circumstances. The Committee is authorized to carry out these and such other responsibilities assigned by the Board Chair or the Board from time to time, and take any actions reasonably related to the mandate of this Charter.

To fulfill its purpose, the Committee shall:

1. monitor and update the Board Chair and the Board on the operating performance of the LIRR/LIB, including information on railroad and bus service, safety and paratransit;
2. monitor and update the Board Chair and the Board on the finances of the LIRR/LIB, including financial reports, ridership reports, and the use of LIRR/LIB funds;
3. review and make recommendations to the Board Chair and the Board regarding proposed procurement contracts of the LIRR/LIB that require Board approval;
4. review and make recommendations to the Board Chair and the Board on proposed capital projects of the LIRR/LIB and monitor the status of such projects;

5. review and make recommendations to the Board Chair and the Board regarding service and policy changes that require Board approval;
6. review periodically with the Counsel of the MTA, the Chief Compliance Officer, and the Counsel of the LIRR/LIB: (i) legal and regulatory matters that may have a material impact on the LIRR/LIB; and (ii) the scope and effectiveness of compliance policies and programs;
7. conduct an annual self-evaluation of the performance of the Committee, including its effectiveness and compliance with this Charter;
8. review and assess the adequacy of this Charter annually; and
9. report regularly to the Board Chair and the Board on Committee findings and recommendations and any other matters the Committee deems appropriate or the Board Chair or the Board requests, and maintain minutes or other records of Committee meetings and activities.

With respect to capital projects undertaken by the MTA Capital Construction Company (MTACC) on behalf of Long Island Railroad or Long Island Bus:

1. Review and make recommendations to the Board Chair and Board with respect to the proposed procurements made by the MTACC that require Board approval;
2. Review and make recommendations to the Board Chair and the Board with respect to contract procurement solicitations that require Board approval;
3. Monitor the progress of the capital projects undertaken by the MTACC;
4. Monitor the budget and the schedule of capital projects undertaken by the MTACC;
5. Monitor the progress of contract commitments and completions with respect to capital projects;
6. Track funding needs of capital projects as well as the availability of funds to meet such needs from all sources of funding.





## **The Metropolitan Transportation Authority**

### **COMMITTEE ON OPERATIONS OF THE METRO-NORTH COMMUTER RAILROAD**

This Charter for the Committee on the Operations of the Metro-North Commuter Railroad was adopted by the Board Chair and a majority of the members of Board of the Metropolitan Transportation Authority, a public benefit corporation established under the laws of the State of New York (together with any other entity or corporation for which the members of the Metropolitan Transportation Authority serve as a board of directors, the "MTA"), on the 29th day of July, 2004. This charter was amended on December 17, 2008, December 16, 2009 and March 21, 2010.

#### **I. PURPOSE**

The Committee on the Operations of the Metro-North Commuter Railroad (the "Committee") shall assist the Board Chair and the Board in fulfilling their responsibility to monitor and oversee the operations of the Metro-North Commuter Railroad Company ("Metro-North").

#### **II. COMMITTEE AUTHORITY**

In discharging its role, the Committee is empowered to investigate any matter brought to its attention. To facilitate any such investigation, the chairperson of the Committee shall have access to all books, records, facilities and staff of the MTA and/or Metro-North. The foregoing is not intended to alter or curtail existing rights of individual Board members to access books, records or staff in connection with the performance of their fiduciary duties as Board members.

#### **III. COMMITTEE MEMBERSHIP**

The Committee shall consist of 3 or more members of the Board, appointed by the Board Chair. If not otherwise a member of the Committee, each Vice-Chair of the Board shall be an *ex officio* member of the Committee. The Board Chair shall appoint the chairperson of the Committee. In the absence of the chairperson at a meeting of the Committee, the Board Chair shall appoint a temporary chairperson to chair such meeting. A member of the Committee may be removed, for cause or without cause, by the Board Chair.

#### **IV. COMMITTEE MEETINGS**

The Committee shall meet on a regularly-scheduled basis at least 11 times per year, and more frequently as circumstances dictate. The Committee shall cause to be kept adequate minutes of all its proceedings, which shall include records of any action taken. Committee members will be furnished with copies of the minutes of each meeting. Meetings of the Committee shall be open to the public, and the Committee shall be governed by the rules regarding public meetings set forth in the applicable provisions of the Public Authorities Law and Article 7 of the Public Officers Law that relate to public

notice, public speaking and the conduct of executive session. The Committee may form and assign responsibilities to subcommittees when appropriate.

The Committee may request that any member of the Board, the Auditor General, any officer or staff of the MTA, Metro-North or any other person whose advice and counsel are sought by the Committee, attend any meeting of the Committee to provide such pertinent information at the Committee requests. The President of Metro-North and the President of the MTA Capital Construction Company shall each (1) furnish the Committee with all material information pertinent to matters appearing on the Committee agenda relating to his or her organization, (2) provide the chairperson of the Committee with all information regarding the affairs of his or her organization that is material to the Committee's monitoring and oversight of the operations of such organization, and (3) inform the chairperson of the Committee of any matters not already on the Committee agenda that should be added to the agenda in order for the Committee to be adequately monitoring and overseeing the operations of his or her organization.

#### **V. COMMITTEE REPORTS.**

The chairperson of the Committee shall report on the Committee's proceedings, and any recommendations made.

#### **VI. KEY RESPONSIBILITIES**

The following responsibilities are set forth as a guide with the understanding that the Committee may diverge as appropriate given the circumstances. The Committee is authorized to carry out these and such other responsibilities assigned by the Board Chair or the Board from time to time, and take any actions reasonably related to the mandate of this Charter.

To fulfill its purpose, the Committee shall:

1. monitor and update the Board Chair and the Board on the operating performance of Metro-North, including information on railroad service and safety;
2. monitor and update the Board Chair and the Board on the finances of Metro-North, including financial reports, ridership reports, and the use of funds by Metro-North;
3. review and make recommendations to the Board Chair and the Board regarding proposed procurement contracts of Metro-North that require Board approval;
4. review and make recommendations to the Board Chair and the Board on proposed capital projects of Metro-North and monitor the status of such projects;

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5. review and make recommendations to the Board Chair and the Board regarding Metro-North service and policy changes that require Board approval;
6. review periodically with the Counsel of the MTA, the Chief Compliance Officer, and the Counsel of Metro-North: (i) legal and regulatory matters that may have a material impact on Metro-North; and (ii) the scope and effectiveness of compliance policies and programs;
7. conduct an annual self-evaluation of the performance of the Committee, including its effectiveness and compliance with this Charter;
8. review and assess the adequacy of this Charter annually; and
9. report regularly to the Board Chair and the Board on Committee findings and recommendations and any other matters the Committee deems appropriate or the Board Chair or the Board requests, and maintain minutes or other records of Committee meetings and activities.

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With respect to capital projects undertaken by the MTA Capital Construction Company on behalf of Metro-North:

1. Review and make recommendations to the Board Chair and Board with respect to the proposed procurements made by the MTAACC that require Board approval;
2. Review and make recommendations to the Board Chair and the Board with respect to contract procurement solicitations that require Board approval;
3. Monitor the progress of the capital projects undertaken by the MTAACC;
4. Monitor the budget and the schedule of capital projects undertaken by the MTAACC;
5. Monitor the progress of contract commitments and completions with respect to capital projects;
6. Track funding needs of capital projects as well as the availability of funds to meet such needs from all sources of funding.



## **Metropolitan Transportation Authority**

### **COMMITTEE ON OPERATIONS OF THE BUS DIVISION OF NEW YORK CITY TRANSIT AUTHORITY, MTA BUS COMPANY, METROPOLITAN SUBURBAN BUS AUTHORITY AND MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY**

This Charter for the committee on Operations of the Bus Division of New York City Transit Authority, MTA Bus Company, Metropolitan Suburban Bus Authority, and Manhattan and Bronx Surface Transit Operating Authority (hereafter referred to as the "Bus Committee") was adopted by the Board Chair and a majority of the members of Board of the Metropolitan Transportation Authority, a public benefit corporation established under the laws of the State of New York (together with any other entity or corporation for which the members of the Metropolitan Transportation Authority serve as a board of directors, the "MTA"), on the 24th day of March, 2010.

#### **I. PURPOSE**

The Bus Committee shall assist the Board Chair and the Board in fulfilling their responsibility to monitor and oversee the operations of the Bus Division of New York City Transit Authority, MTA Bus Company, Metropolitan Suburban Bus Authority, and Manhattan and Bronx Surface Transit Operating Authority (referred to as the "Bus Operations").

#### **II. COMMITTEE AUTHORITY**

In discharging its role, the Bus Committee is empowered to investigate any matter brought to its attention. To facilitate any such investigation, the chairperson of the Bus Committee shall have access to all books, records, facilities and staff of the MTA and/or any of the Bus Operations. The foregoing is not intended to alter or curtail existing rights of individual Board members to access books, records or staff in connection with the performance of their fiduciary duties as Board members.

#### **III. COMMITTEE MEMBERSHIP**

The Bus Committee shall consist of the members of the Board appointed by the Board Chair. If not otherwise a member of the Bus Committee, each Vice-Chair of the Board shall be an *ex officio* member of the Bus Committee. The Board Chair shall appoint the chairperson of the Bus Committee. In the absence of the chairperson at a meeting of the Bus Committee, the Board Chair shall appoint a temporary chairperson to chair such meeting. A member of the Bus Committee may be removed, for cause or without cause, by the Board Chair.

#### **IV. COMMITTEE MEETINGS**

The Bus Committee shall meet on a regularly-scheduled basis at least 11 times per year, and more frequently as circumstances dictate. The Bus Committee shall cause to be kept adequate minutes of all its proceedings, which shall include records of any action taken. Bus Committee members will be furnished with copies of the minutes of each meeting. Meetings of the Bus Committee shall be open to the public, and the Bus Committee shall be governed by the rules regarding public meetings set forth in the applicable provisions of the Public Authorities Law and Article 7 of the Public Officers Law that relate to public notice, public speaking and the conduct of executive session. The Bus Committee may form and assign responsibilities to subcommittees when appropriate.

The Bus Committee may request that any member of the Board, the Auditor General, any officer or staff of any of the Bus Operations or any other person whose advice and counsel are sought by the Bus Committee, attend any meeting of the Bus Committee to provide such pertinent information as the Bus Committee requests. The President of the MTA Bus Company, the President of the Metropolitan Suburban Bus Authority, the head of the Bus Division of the New York City Transit Authority and the President of the MTA Capital Construction Company shall each (1) furnish the Bus Committee with all material information pertinent to matters appearing on the Bus Committee agenda relating to his or her respective organization, (2) provide the chairperson of the Bus Committee with all information regarding the affairs of his or her respective organization that is material to the Bus Committee's monitoring and oversight of the operations of such organization, and (3) inform the chairperson of the Bus Committee of any matters not already on the Bus Committee agenda that should be added to the agenda in order for the Bus Committee to be adequately monitoring and overseeing the operations of his or her respective organization.

#### **V. COMMITTEE REPORTS.**

The chairperson of the Bus Committee shall report regularly to the Chairman and the Board on the Bus Committee's proceedings, and any recommendations made.

#### **VI. KEY RESPONSIBILITIES**

The following responsibilities are set forth as a guide with the understanding that the Bus Committee may diverge as appropriate given the circumstances. The Bus Committee is authorized to carry out these and such other responsibilities assigned by the Board Chair or the Board from time to time, and take any actions reasonably related to the mandate of this Charter.

To fulfill its purpose, the Bus Committee shall:

1. monitor and update the Board Chair and the Board on the operating performance of the Bus Operations, including information on bus service, safety and paratransit;

2. monitor and update the Board Chair and the Board on the finances of each of the Bus Operations, including financial reports, ridership reports, and the use of Bus Operations' funds;
3. review and make recommendations to the Board Chair and the Board regarding proposed procurement contracts of the Bus Operations that require Board approval;
4. review and make recommendations to the Board Chair and the Board on proposed capital projects of the Bus Operations and monitor the status of such projects;
5. review and make recommendations to the Board Chair and the Board regarding service and policy changes that require Board approval;
6. review periodically with the Counsel of the MTA, the Chief Compliance Officer, and the Counsel of the Bus Operations: (i) legal and regulatory matters that may have a material impact on the Bus Operations; and (ii) the scope and effectiveness of compliance policies and programs;
7. conduct an annual self-evaluation of the performance of the Committee, including its effectiveness and compliance with this Charter;
8. review and assess the adequacy of this Charter annually; and
9. report regularly to the Board Chair and the Board on Bus Committee findings and recommendations and any other matters the Bus Committee deems appropriate or the Board Chair or the Board requests, and maintain minutes or other records of Bus Committee meetings and activities.

With respect to capital projects undertaken by the MTA Capital Construction Company (MTACC) on behalf of the Bus Division of New York City Transit Authority, MTA Bus Company, Metropolitan Suburban Bus Authority, and Manhattan and Bronx Surface Transit Operating Authority:

1. Review and make recommendations to the Board Chair and Board with respect to the proposed procurements made by the MTACC that require Board approval;
2. Review and make recommendations to the Board Chair and the Board with respect to contract procurement solicitations that require Board approval;
3. Monitor the progress of the capital projects undertaken by the MTACC;
4. Monitor the budget and the schedule of capital projects undertaken by the MTACC;



5. Monitor the progress of contract commitments and completions with respect to capital projects;
6. Track funding needs of capital projects as well as the availability of funds to meet such needs from all sources of funding.



# Staff Summary

## Schedule F: Personal Service Contracts

<b>Item Number:</b> <b>Dept &amp; Dept Head Name:</b> Risk Management, Laureen Coyne <i>Laureen Coyne</i>						<b>SUMMARY INFORMATION</b>	
<b>Division &amp; Division Head Name:</b> General Counsel, James Henly <i>James Henly</i>						<b>Vendor Name:</b> Willis of New York	
<b>Board Reviews</b>						<b>Contract Number:</b>	
Order	To	Date	Approval	Info	Other	<b>Description:</b> East Side Access: Owner Controlled Insurance Program	
1	Finance	3/22/2010				<b>Total Amount:</b> \$77,358,900	
2	Board	3/24/2010				<b>Contract Term (Including Options, if any):</b> April 1, 2010 to March 31, 2016	
						<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
						<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
						<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
						<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:	
<b>Internal Approvals</b>							
Order	Approval	Order	Approval				
1	MTACC, General Counsel <i>WA</i>	4	Office of Civil Rights <i>HL</i>				
2	MTACC CFO <i>AD</i>	5	Legal <i>SB</i>				
3	MTACC, President <i>WA</i>	6	Budgets & Financial Mgmt. <i>WA</i>				
<b>Narrative</b>							
<b>PURPOSE/RECOMMENDATION</b> To obtain Board approval of the following actions necessary for the extension of MTA's insurance coverage for the Owner Controlled Insurance Program (OCIP) for the East Side Access Project.							
<ul style="list-style-type: none"> <li>Authorization to extend OCIP general liability, workers compensation, and railroad protective liability coverage through April 1, 2016, at which time the construction stage of the project will be complete and to adjust the premiums to reflect estimated third party construction costs of \$ 5.075 billion. Total additional OCIP funding is estimated at \$75 million.</li> <li>Authorization to increase the maximum fee under the broker services contract with Willis of New York for the OCIP services through April 1, 2017, by \$2,358,900.</li> </ul>							
<b>SUMMARY:</b> The MTACC East Side Access Project is currently insured through an MTA Owner Controlled Insurance Program (OCIP), which was approved by the Board on December 17, 1998. The OCIP was implemented through a broker services contract awarded through an RFP process to Willis of NY. Willis subsequently marketed and placed an OCIP that was designed to cover the project from preliminary design and construction through final completion. The original placements were based upon scheduled completion dates and upon estimated third party construction costs that have changed. Scheduled project completion dates for specific coverages in the OCIP range from the end of 2009, when coverage was placed in 1998, to the first quarter of 2013, for coverage placed in 2003 and the coverages obtained were based upon estimated third party construction costs of \$2.3 Billion in 1998 and \$3.45 Billion in 2003. Through this request for approval, the Workers Compensation and General Liability coverage are being uniformly extended to reflect a scheduled completion date of April 1, 2016, Railroad Protective Liability is being extended to April 1, 2013 and insurance premiums are being adjusted to reflect a third party construction cost of \$ 5.075 billion. This cost includes the Regional Investment projects which will be constructed by ESA.							
<b>BACKGROUND:</b> The OCIP provides MTA and each architect, engineer, contractor and subcontractor of every tier working on the project with uniform Professional Liability, Environmental Liability (E&O), Workers' Compensation (WC), General Liability (GL), Excess Liability, Railroad Protective Liability and Builder's Risk Insurance. Policies were underwritten by insurance companies with A.M. Best ratings of A+9 or greater and/or equivalent financial strength. The carriers were competitively selected based upon policy terms, conditions, services and costs offered for this program.							

## **DISCUSSION**

The original OCIP for primary Workers Compensation and General Liability insurance was based upon a third party construction value of \$2.3 billion dollars and project construction completion by December 31, 2009. The current third party construction value is \$5.075 billion and construction completion is forecast for the first quarter of 2016. Based on this revised information, Willis of New York was asked to market an extension of the program. Willis approached Liberty Mutual, the incumbent carrier, and Chartis (formerly AIG) for the extension. Liberty Mutual offered the most favorable terms and conditions. Liberty has agreed to extend the program at rates slightly less than the expiring program.

Liberty provided two quotes. The first quote extended the coverage through April 1, 2016 at the revised total construction value of \$5.075 billion. The extended coverage is quoted at a fixed rate premium of \$25,250,000 and loss sensitive premium of \$47,400,000. Loss sensitive premiums would be held by the MTA Captive Insurance Company (FMTAC), to pay for losses within the \$500,000 per claim self insured retention. Liberty would be paid the \$25,250,000 based on a \$1,500,000 deposit premium to bind the program, and four equal annual payments of \$5,937,500 starting January 1, 2011. This premium payment schedule will keep to a minimum the additional cash necessary to extend the program and allows the project to fund the insurance for work underway within the expiring Capital Plan. The second Liberty quote extended the coverage three years through April 1, 2013 and was designed to cover only those contracts that are currently funded and awarded. The quote for a three year extension included a fixed rate premium of \$15,004,731 and a loss sensitive premium of \$29,000,000 for a total of \$44,004,731. This three year quote was compared to purchasing the six year program and cancelling at the end of three years. The cost of cancelling the six year program at three years would only require \$13,514,832 in fixed rate premium and the same \$29,000,000 in loss sensitive premium for a total of \$42,514,832 making the six year option less costly by almost \$1.5 million. Both quotes were based upon third party construction payroll estimates. Final fixed rate premiums are subject to audit based upon actual payrolls. Loss sensitive premiums are based upon actual payrolls and incurred losses within the self insured retention. If actual losses are less than the loss sensitive premium, a return premium will be credited to the project.

Willis approached Chartis to determine if they were interested in quoting the program. Chartis was not inclined to quote the program as the East Side Access Project was already underway and entering the riskiest phases of construction. Chartis stated they would require a substantial increase in the expiring Liberty rates to even consider underwriting the project. When Liberty offered rates comparable to the expiring program, the discussions with Chartis were suspended.

Railroad Protective insurance is required per agreement with Amtrak. An extension of this policy was also marketed by Willis of NY. Three carriers quoted the program and the best terms and condition were offered by Lexington. The insurance market would only offer a maximum policy period of three years. An additional three year policy will be required. The Lexington quote provides for 10 million in limits and will cover damage to Amtrak and other third party railroads, and injuries to non-force account MNR and LIRR flaggers. Total cost of this policy is just over \$2 million.

The Board has authorized Willis to be the broker through completion of the project. The broker provides administrative services necessary for the ongoing management of the OCIP. The contract with Willis for the OCIP currently expires April 1, 2011. It is necessary to extend the broker service contract now so it will coincide with the new policy periods plus one year for policy run off services. The additional fees to Willis are priced at an annual administrative service fee of \$378,150 for the six year extension period through April 2017 and an additional \$90,000 for the placement of extension coverage, for a total of \$2.359 million. The Willis fees are only paid after they are earned and the contract is cancellable by the MTA at anytime with 30 days advanced notice.

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

A DBE goal of 10% was established for this contract. Willis of NY has selected The Kettles Company, Inc. to satisfy this goal. The Kettles Company has and will be providing administrative services, such as contractor enrollment and contractor safety incentive monitoring. Willis has and will be responsible for monitoring these services and for reimbursement of fees paid to The Kettles Company.

## **IMPACT ON FUNDING**

Funding is provided by the East Side Access Capital Plan. The present Capital Plan will fund obligations to cover OCIP costs for the projects already awarded and anticipated to be completed by April 2013. Continuing OCIP beyond 2013 and its funding is dependent upon the approval of a future Capital Plan.

# Staff Summary

Contract No.

Page 3 of 3

## **ALTERNATIVES :**

One alternative to continuing the OCIP would be to require each architect, engineer, and general contractor to purchase insurance coverage, with each prime contractor to include coverage of MTA. The OCIP provides higher limits and broader insurance coverage than could be expected to be required for individual contractors and provides MTA with greater control over project safety and an assurance that insurance coverage is in effect. Requiring individual insurance coverage would raise construction costs to cover individual insurance coverage, which would likely be in lower limits and would expire upon termination of the individual contracts. That cost would likely be greater than the costs of the OCIP, as demonstrated by past studies of MTA OCIPs, which have showed a 1 to 2% savings in total contract value over contractor provided insurance. Based upon the initial review of the scope of the project to be included in the OCIP, the safety controls necessary to be put into place, and discussions with various insurance company underwriters, over the life of the project the OCIP potential estimated savings are in the range of \$50 - \$100 Million, which would be lost or substantially diminished if the OCIP is terminated. This assumption is based on the total third party construction costs of the East Side Access project forecast to be just over \$5 billion at completion.

Another alternative is to cover just those projects presently awarded. This alternative was rejected. Purchasing the three year quote would require re-negotiation of the OCIP program as additional contracts were awarded and when the program needs to be extended to cover the project to forecast completion in 2016. Securing coverage guarantees for the next six years at this point in the project while loss history is good and the insurance market is favorably priced, is the best choice. The six year program provides for the greatest flexibility and in the event the project works were suspended, the six year program can be cancelled at a cost lower than procuring an insurance program to cover only that work already underway.



# Staff Summary

<b>Item Number</b>
<b>Dept &amp; Dept Head Name:</b> DED Administration, Linda Kleinbaum <i>Linda Kleinbaum</i>
<b>Division &amp; Division Head Name:</b>

Board Reviews					
Order	To	Date	Approval	Info	Other
	Finance	3/22/10			
	Board	3/24/10			

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

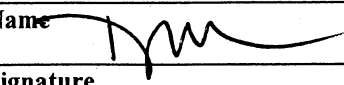
SUMMARY INFORMATION	
<b>Vendor Name</b>	<b>Contract Number</b>
<b>Description</b> 2009 Annual Procurement Report	
<b>Total Amount</b>	
<b>Contract Term (including Options, if any)</b>	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Procurement Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative
<p><b>I. PURPOSE/RECOMMENDATION</b></p> <p>To obtain approval to file with the State of New York the annual MTA All-Agency Procurement report for the period January 1, 2009 - December 31, 2009 as required under Section 2879 of the State Public Authorities Law.</p> <p>This report includes the following required material:</p> <ol style="list-style-type: none"> <li>1. Contracts awarded in 2009 as prepared by each agency with payments made in 2009 as prepared by each agency</li> <li>2. Contracts awarded prior to 2009 as prepared by each agency with payments made in 2009 as prepared by each agency</li> <li>3. All-agency procurement guidelines</li> <li>4. All-agency guidelines for procurement of services</li> </ol> <p>Due to the substantial changes required by New York State in the format/content of the contract information in the Annual Procurement Report, this year's report is being submitted on CD. (The new format does not lend itself to a paper printout.) The new report requires inclusion of additional data not previously reported (e.g., vendor addresses, number of bids/proposals received, contract renewal dates, and contract balances), and reclassification of contracts by award process (Authority Contract – Competitive Bid, Authority Contract – Non-Competitive Bid, Purchased under State Contract, Non Contract Procurement/Purchase Order).</p> <p>Many of the contracts on this list came before the Board during the course of calendar year; the active contracts that were awarded prior to this calendar year have been included in the prior years' annual procurement reports, which have previously been reviewed by the Board.</p> <p>The procurement guidelines have not changed over the course of the year and are posted on the MTA's website. A copy of the noted CD with all of this information is included with the Board materials.</p>



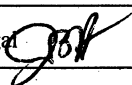
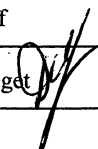


# Staff Summary

<b>Subject</b> MTA Prompt Payment Annual Report 2009
<b>Department</b> Chief Financial Officer
<b>Department Head Name</b> David Moretti
<b>Department Head Signature</b> 
<b>Project Manager</b> Michael J. Jaszcar

<b>Date</b> March 9, 2010
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/22/10			
2	Board	3/24/10			

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director		Office of Civil Rights
	Chief of Staff	2	Legal 
1	Director Budget 		EITG
	Procurement		Administrator

## I. Purpose

To report to the Board the compliance by MTA and its subsidiary agencies with the Prompt Payment Legislation.

## II. Discussion

The Prompt Payment Legislation, implemented in April, 1988 requires that the Authority must pay amounts due under its contracts within 30 days of the receipt of a proper invoice or the receipt of the goods or services, whichever is later. When payment of a proper invoice is delayed beyond the allotted time, the agency must pay interest at the rate set forth by the New York State Commission of Taxation and Finance which is currently at 8%, if such interest payment exceeds a ten dollars threshold.

Additionally, the Prompt Payment Legislation requires that the MTA issue an annual report within ninety days after each fiscal year. This report shall include the following:

- 1) A listing of the types of categories of contracts which the Authority entered into during the twelve month period covered by the report, together with a brief description of whether each such type or category of contract was subject to the prompt payment requirements promulgated by the Authority and, if not, the reasons why;
- 2) The total amount and number of interest payments made to vendors for contracts allocated to the type or category;
- 3) The number of interest "chargeable" days and the total number of days required to process each delayed/late contract vendor payment; and
- 4) A summary of the "principal" reasons why such delayed/late payments occurred.

For the current period, the total amount of prompt payment interest paid, Agency-wide is \$41,636 on a total invoice value paid of \$9,130,750,366.

The Legislation requires the MTA to file the report with the State Comptroller, State Director of the Budget, the Chairman of the Senate Finance committee, and the Chairman of the Assembly Ways and Means Committee.

## Staff Summary

Enclosed is a copy of the Annual Prompt Payment Report for 2009, which will be filed by the MTA in accordance with the legislation requirement.

**METROPOLITAN TRANSPORTATION AUTHORITY**  
**2009 ANNUAL REPORT OF CONTRACTS AND PAYMENTS SUBJECT TO PROMPT PAYMENT LEGISLATION**

REPORTING AGENCY: MTA - HEADQUARTERS

CONTRACT CATEGORY	SUBJECT TO PROMPT PAYMENT YES/NO	ITEMS NOT SUBJECT TO PROMPT PAYMENT	NUMBER OF PAYMENTS	INTEREST AMOUNT PAID	CHARGEABLE DAYS	TOTAL DAYS TO PROCESS LATE PAYMENTS	PRINCIPAL REASON(S) FOR LATE PAYMENTS
1. PURCHASE CONTRACTS	YES		48	\$1,649.00	4,324	5,756	DELAY IN INTERNAL PROCESSING
2. PUBLIC WORKS	YES		0	0.00	0	0	
3. PERSONAL SERVICES	YES		0	0.00	0	0	
4. REAL ESTATE	YES		0	0.00	0	0	
5. PUBLIC UTILITIES	YES		0	0.00	0	0	
6. MISCELLANEOUS	YES		0	0.00	0	0	
TOTALS FOR MTA HEADQUARTERS			48	\$1,649.00	4,324	5,756	

**METROPOLITAN TRANSPORTATION AUTHORITY**  
**2009 ANNUAL REPORT OF CONTRACTS AND PAYMENTS SUBJECT TO PROMPT PAYMENT LEGISLATION**

REPORTING AGENCY: MTA - LONG ISLAND RAIL ROAD

CONTRACT CATEGORY	SUBJECT TO PROMPT PAYMENT YES/NO	ITEMS NOT SUBJECT TO PROMPT PAYMENT	NUMBER OF PAYMENTS	INTEREST AMOUNT PAID	CHARGEABLE DAYS	TOTAL DAYS TO PROCESS LATE PAYMENTS	PRINCIPAL REASON(S) FOR LATE PAYMENTS
1. PURCHASE CONTRACTS	YES		188	\$11,175.00	14,038	19,678	DELAY IN INTERNAL PROCESSING
2. PUBLIC WORKS	YES		0	\$0.00	0	0	
3. PERSONAL SERVICES	YES		0	0.00	0	0	
4. REAL ESTATE	YES		0	0.00	0	0	
5. PUBLIC UTILITIES	YES		0	0.00	0	0	
6. MISCELLANEOUS	YES		0	0.00	0	0	
TOTALS FOR MTA LONG ISLAND RAIL ROAD			188	\$11,175.00	14,038	19,678	

**METROPOLITAN TRANSPORTATION AUTHORITY  
2009 ANNUAL REPORT OF CONTRACTS AND PAYMENTS SUBJECT TO PROMPT PAYMENT LEGISLATION**

REPORTING AGENCY: MTA - METRO-NORTH RAILROAD

CONTRACT CATEGORY	SUBJECT TO PROMPT PAYMENT YES/NO	ITEMS NOT SUBJECT TO PROMPT PAYMENT	INTEREST		CHARGEABLE DAYS	TOTAL DAYS TO PROCESS LATE PAYMENTS	PRINCIPAL REASON(S) FOR LATE PAYMENTS
			NUMBER OF PAYMENTS	AMOUNT PAID			
1. PURCHASE CONTRACTS	YES	N/A	0	\$0.00	0	0	
2. PUBLIC WORKS	YES	N/A	0	0.00	0	0	
3. PERSONAL SERVICES	YES	N/A	0	0.00	0	0	
4. REAL ESTATE	YES	N/A	0	0.00	0	0	
5. PUBLIC UTILITIES	YES	N/A	0	0.00	0	0	
6. MISCELLANEOUS	YES	N/A	0	0.00	0	0	
TOTALS FOR MTA METRO-NORTH RAILROAD			0	\$0.00	0	0	

**METROPOLITAN TRANSPORTATION AUTHORITY**  
**2009 ANNUAL REPORT OF CONTRACTS AND PAYMENTS SUBJECT TO PROMPT PAYMENT LEGISLATION**

REPORTING AGENCY: MTA - NEW YORK CITY TRANSIT

CONTRACT CATEGORY	SUBJECT TO PROMPT PAYMENT YES/NO	ITEMS NOT SUBJECT TO PROMPT PAYMENT	NUMBER OF PAYMENTS	INTEREST AMOUNT PAID	CHARGEABLE DAYS	TOTAL DAYS TO PROCESS LATE PAYMENTS	PRINCIPAL REASON(S) FOR LATE PAYMENTS
1. PURCHASE CONTRACTS	YES		427	\$26,850.00	9,452	18,582	DOCUMENTS PROCESSED LATE BY ACCOUNTS PAYABLE AND RECEIVED LATE IN ACCTS. PAYABLE
2. PUBLIC WORKS	YES		0	0.00	0	0	
3. PERSONAL SERVICES	YES		0	0.00	0	0	
4. REAL ESTATE	YES		0	0.00	0	0	
5. PUBLIC UTILITIES	YES		0	0.00	0	0	
6. MISCELLANEOUS	YES		0	0.00	0	0	
TOTALS FOR MTA NEW YORK CITY TRANSIT			427	\$26,850.00	9,452	18,582	

**METROPOLITAN TRANSPORTATION AUTHORITY**  
**2009 ANNUAL REPORT OF CONTRACTS AND PAYMENTS SUBJECT TO PROMPT PAYMENT LEGISLATION**

REPORTING AGENCY: MTA - STATEN ISLAND RAILWAY

CONTRACT CATEGORY	SUBJECT TO PROMPT PAYMENT YES/NO	ITEMS NOT SUBJECT TO PROMPT PAYMENT	NUMBER OF PAYMENTS	INTEREST AMOUNT PAID	CHARGEABLE DAYS	TOTAL DAYS TO PROCESS LATE PAYMENTS	PRINCIPAL REASON(S) FOR LATE PAYMENTS
1. PURCHASE CONTRACTS	YES		0	\$0.00	0	0	
2. PUBLIC WORKS	YES		0	0.00	0	0	
3. PERSONAL SERVICES	YES		0	0.00	0	0	
4. REAL ESTATE	YES		0	0.00	0	0	
5. PUBLIC UTILITIES	YES		0	0.00	0	0	
6. MISCELLANEOUS	YES		0	0.00	0	0	
TOTALS FOR MTA STATEN ISLAND RAILWAY			0	\$0.00	0	0	

**METROPOLITAN TRANSPORTATION AUTHORITY**  
**2009 ANNUAL REPORT OF CONTRACTS AND PAYMENTS SUBJECT TO PROMPT PAYMENT LEGISLATION**

REPORTING AGENCY: MTA - BUS COMPANY

CONTRACT CATEGORY	SUBJECT TO PROMPT PAYMENT YES/NO	ITEMS NOT SUBJECT TO PROMPT PAYMENT	NUMBER OF PAYMENTS	INTEREST AMOUNT PAID	CHARGEABLE DAYS	TOTAL DAYS TO PROCESS LATE PAYMENTS	PRINCIPAL REASON(S) FOR LATE PAYMENTS
1. PURCHASE CONTRACTS	YES		0	\$0.00	0	0	
2. PUBLIC WORKS	YES		0	0.00	0	0	
3. PERSONAL SERVICES	YES		0	0.00	0	0	
4. REAL ESTATE	YES		0	0.00	0	0	
5. PUBLIC UTILITIES	YES		0	0.00	0	0	
6. MISCELLANEOUS	YES		0	0.00	0	0	
TOTALS FOR MTA - BUS COMPANY			0	\$0.00	0	0	



**METROPOLITAN TRANSPORTATION AUTHORITY  
2009 ANNUAL REPORT OF CONTRACTS AND PAYMENTS SUBJECT TO PROMPT PAYMENT LEGISLATION**

REPORTING AGENCY: MTA - LONG ISLAND BUS

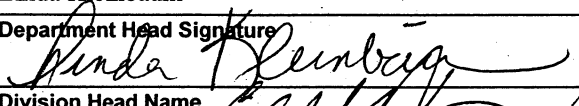
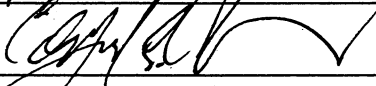
CONTRACT CATEGORY	SUBJECT TO PROMPT PAYMENT YES/NO	ITEMS NOT SUBJECT TO PROMPT PAYMENT	INTEREST		TOTAL DAYS		PRINCIPAL REASON(S) FOR LATE PAYMENTS
			NUMBER OF PAYMENTS	AMOUNT PAID	CHARGEABLE DAYS	TO PROCESS LATE PAYMENTS	
1. PURCHASE CONTRACTS	YES		0	\$0.00	0	0	
2. PUBLIC WORKS	NO		0	0.00	0	0	
3. PERSONAL SERVICES	YES		0	0.00	0	0	
4. REAL ESTATE	YES		0	0.00	0	0	
5. PUBLIC UTILITIES	YES		0	0.00	0	0	
6. MISCELLANEOUS	YES		1,277	1,948.00	0	0	CERTIFICATION NOT RECEIVED ON TIME ACCOUNTS PAYABLE INCOME WAS LATE
TOTALS FOR MTA LONG ISLAND BUS			1,277	\$1,948.00	0	0	

**METROPOLITAN TRANSPORTATION AUTHORITY**  
**2009 ANNUAL REPORT OF CONTRACTS AND PAYMENTS SUBJECT TO PROMPT PAYMENT LEGISLATION**

REPORTING AGENCY: MTA - BRIDGES AND TUNNELS

CONTRACT CATEGORY	SUBJECT TO PROMPT PAYMENT YES/NO	ITEMS NOT SUBJECT TO PROMPT PAYMENT	NUMBER OF PAYMENTS	INTEREST		TOTAL DAYS		PRINCIPAL REASON(S) FOR LATE PAYMENTS
				AMOUNT PAID	CHARGEABLE DAYS	TO PROCESS LATE PAYMENTS		
1. PURCHASE CONTRACTS	YES		0	\$0.00	0	0		
2. PUBLIC WORKS	YES		0	0.00	0	0		
3. PERSONAL SERVICES	YES		0	0.00	0	0		
4. REAL ESTATE	YES		0	0.00	0	0		
5. PUBLIC UTILITIES	YES		0	0.00	0	0		
6. MISCELLANEOUS	YES		5	14.00	0	0		
TOTALS FOR MTA BRIDGES AND TUNNELS			5	\$14.00	0	0		CHARGEABLE DAYS AND TOTAL DAYS TO PROCESS IS \$0 BECAUSE REPORTABLE NTEREST PAYMENTS FELL BELOW THE \$10 THRESHOLD
<b>GRAND TOTAL FOR MTA - ALL AGENCIES</b>			<b>1,945</b>	<b>\$41,636.00</b>	<b>27,814</b>	<b>44,016</b>		

# Staff Summary

<b>Subject</b>
Request for Authorization to Award Various Procurements
<b>Department</b>
Administration
<b>Department Head Name</b>
Linda Kleinbaum
<b>Department Head Signature</b>

<b>Division Head Name</b>
Clifford Shockley 

<b>Date</b>
March 1, 2010
<b>Vendor Name</b>
Various
<b>Contract Number</b>
Various
<b>Contract Manager Name</b>
Various
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/22/10			
2	Board	3/24/10			

Internal Approvals			
Order	Approval	Order	Approval
			Office of Civil Rights
	Executive Director		Legal
3	Financial Management		EITG
1	Procurement	2	Administration

## PURPOSE:

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

## DISCUSSION:

MTAHQ proposes to award Non-competitive procurements in the following categories: # of Actions      \$ Amount

None      \$ -0-

MTAHQ proposes to award Competitive procurements in the following categories:

### Schedules Requiring Majority Vote

Schedule J: Modifications to Miscellaneous Procurement Contracts		1	\$ 234,000
	SUBTOTAL	1	\$ 234,000

MTAHQ presents the following procurement actions for Ratification: None      \$ -0-

TOTAL	1	\$234,000
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**BUDGET IMPACT:** The purchases/contracts will result in obligating MTAHQ operating and capital funds in the amount listed. Funds are available in the current MTAHQ operating/capital budgets for this purpose.

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



## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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



**LIST OF PROCUREMENTS FOR BOARD APPROVAL, MARCH 2010**  
**COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**J. Modifications to Miscellaneous Procurement Contracts**

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

- |    |  |                                     |
|----|--|-------------------------------------|
| 1. | <b>William Scotsman, Inc.</b><br><b>Extend Lease of Temporary</b><br><b>MTA Police Facility Trailers</b><br><b>Contract No. 2-01-04077-1-0, C/O #6</b> | <b>\$234,000</b><br>(not-to-exceed) |
|----|--|-------------------------------------|

Base plus previous change orders = \$662,480

Increase funding to extend the term of the lease for two temporary police office trailer facilities at:  
i) Central Islip by 8 months through December 31, 2010; and ii) Garden City by 44 months through December 31, 2013. In June 2004, pursuant to Board approval, MTA awarded a competitively bid contract for the lease (to begin between October 1 and November 16, 2004) of the two trailers, to temporarily house police officers and ease overcrowding while acquisition of permanent facilities was being explored. The trailers were to be leased for a 67-month period (expiring on April 30, 2010). These leases need to be extended because permanent facilities for the two locations are not yet available. The permanent police facility, currently under construction for Central Islip, will be completed and ready for occupancy by no later than December 31, 2010. In the case of Garden City, MTAPD submitted a request in the 2010-2014 capital plan to construct or occupy a permanent building to serve as the headquarters for District #2. No decision has been made on the capital plan. This leaves MTAPD without a permanent facility and the inability to make long-term plans. MTAPD still requires a building or office structure to operate from; therefore, it is necessary to extend this lease for an additional not-to-exceed forty-four (44) months through December 31, 2013. If circumstances change and MTAPD have a permanent facility to relocate to, the lease term can be terminated at MTA's sole discretion. The current lease rate of \$4,500 per month per location remains the same as was established under the base contract in 2004.









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

Procurements Requiring Two-Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	2	\$ 12.0 M
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	4	\$ 21.0 M

Schedules Requiring Majority Vote

Schedule F: Personal Service Contracts	1	\$ 4.8 M
Schedule G: Miscellaneous Service Contracts	2	\$ 3.9 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 0.4 M
Schedule I: Modifications to Purchase and Public Works Contracts	2	\$ 1.4 M
Schedule L: Budget Adjustments to Estimated Quantity Contracts	1	\$ .5 M
<b>SUBTOTAL</b>	<b>13</b>	<b>\$ 44.0 M</b>

**NYC Transit proposes to award Ratifications in the following categories:**

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions:	3	\$ 38.8 M
<b>SUBTOTAL</b>	<b>3</b>	<b>\$ 38.8 M</b>
<b>TOTAL</b>	<b>17</b>	<b>\$ 84.8 M</b>

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

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

## **BOARD RESOLUTION**

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

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

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

**NOW**, the Board resolves as follows:

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

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

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

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

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

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

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



**MARCH 2010**

**LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

Page

**G. Miscellaneous Service Contracts**

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

<b>1. Vanguard Direct, Inc.</b> <b>Non-Competitive – Fifty-four month contract</b> <b>Req. #U-A261403</b> Commercial printing and direct mail services.	<b>\$2,000,522.40 (Est.)</b>	<u>Staff Summary Attached</u>	79
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## Schedule G: Miscellaneous Service Contracts



Item Number: **1**

<b>Vendor Name (&amp; Location)</b> Vanguard Direct, Inc. (New York, NY)
<b>Description</b> Commercial printing and direct mail services of various NYC Transit documents
<b>Contract Term (including Options, if any)</b> Fifty-four 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 type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Piggy back

<b>Contract Number</b> U-A261403	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$2,000,522.40 (Est.)	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Division of Materiel, Stanley Grill	

### Discussion:

This contract, which is a piggyback of the NYC Department of City-Wide Administrative Services (DCAS) Contract, covers the commercial printing and direct mail services of various NYC Transit documents. The services include pick up, transportation and delivery expenses to and from NYC Transit and a United States Post Office, as well as all labor, materials, paper, envelopes, ink, supplies, equipment, software, permits, forms and reports including a Certificate of Mailing from the United States Postal Service (USPS). NYC Transit will provide all material to be reproduced via electronic means such as email, compact disc or other data storage device for each project. The documents processed through this contract include individualized benefit letters that employees receive at home, as well as all notices regarding medical plans, flexible spending accounts, booklets, labor notices, labor agreements (personalized or general), etc. Notification of NYC Transit's intention to piggyback DCAS contract was provided to the Industries for the Blind of New York State, Inc. (IBNYS) and New York State Industries for the Disabled (NYSID). IBNYS stated that it no longer offers mail services. NYSID stated that it was unable to meet the requirements of NYC Transit's work scope and advised NYC Transit to proceed with its normal course of action for the procurement of this service. The dollar value of this contract does not include postage, for which NYC Transit will provide funds to the MTA mail permit account with USPS. DCAS received two responsive bids for commercial printing and direct mail services, of which Vanguard was the low bidder. A comparison of the previous procurement totaling \$1,801,357 to the current procurement for the most commonly used services required by NYC Transit, revealed a price decrease of 2.5%. With approximately five years between the previous and current procurements, the price decrease is well below the price escalation for these services of 15.9% for this time frame. An attempt was made to gain a price concession from Vanguard for all of the most frequently used services required by NYC Transit, and Vanguard agreed to reduce its pricing six line items resulting in a cost savings of \$55,528.17. The final price is considered fair and reasonable. MTA Bus is participating in this procurement at an estimated cost of \$300,000.00, which is included in the above total amount.





**MARCH 2010**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

Page

The Board is being presented with the following three Asbestos requests which are differentiated by either funding source or scale of operations:

- C-31671 & C-31672 - Authorizing Resolution for multi-agency IQ contracts for asbestos removal and environmental remediation of hazardous materials using federal funds. Current contracts for remediation use local or MTA funds; with federal funds becoming available it is fiscally prudent to make use of this new funding source.
- C-31668 & C-31669 - Replacement NYCT IQ contracts for asbestos removal and environmental remediation of hazardous materials for Capital Program Management (CPM) utilizing MTA funds. This is for major capital projects requiring advanced planning and large scale remediation. Two awards are being presented to the March Board, with a third award to be presented at a future Board upon SAI resolution.
- C-33288 & C-33130 - Replacement NYCT IQ contracts for asbestos removal for asbestos discovered at NYCT facilities utilizing MTA funds. These task orders average \$20,000 and are used by the Office of System Safety (OSS) for a quick response to mitigate any impact to personnel and daily operations.

**Procurements Requiring Two-Thirds Vote:**

**B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)**  
(Staff Summaries required for items estimated to be greater than \$1M.)

- |    |   |                               |                        |    |
|----|---|-------------------------------|------------------------|----|
| 1. | Contractor To Be Determined   | <u>Staff Summary Attached</u> |                        | 89 |
| 2. | Contractor To Be Determined   | ↓                             |                        |    |
|    | Three-year contracts  |                               |                        |    |
|    | Contract #s C-31671 and C-31672   |                               |                        |    |
|    |   |                               | \$12,000,000.00 (Est.) |    |
|    | RFP Authorizing Resolution for multi-agency federally funded IQ environmental remediation of hazardous materials. |                               |                        |    |

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

- |    |   |                       |                               |    |
|----|---|-----------------------|-------------------------------|----|
| 3. | ETS Contracting, Inc.   | \$6,500,000.00 (Est.) | <u>Staff Summary Attached</u> | 91 |
| 4. | Trio Asbestos Removal Corp.   | \$6,500,000.00 (Est.) | ↓                             |    |
|    | Six Proposals - Three-year contracts  |                       |                               |    |
|    | Contract #'s: C-31668 and C-31669   |                       |                               |    |
|    | Indefinite quantity contracts for asbestos removal and other environmental remediation. |                       |                               |    |
| 5. | ETS Contracting, Inc.   | \$4,000,000.00 (Est.) | ↓                             |    |
| 6. | Trio Asbestos Removal Corp.   | \$4,000,000.00 (Est.) |                               |    |
|    | Four Proposals - Three-year contracts, with one-year option                             |                       |                               |    |
|    | Contract #'s: C-33288 and C-33130   |                       |                               |    |
|    | Indefinite quantity contracts for asbestos abatement.                                   |                       |                               |    |

**MARCH 2010**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

Page

**F. Personal Service Contracts**

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

- |    |  |                             |                               |    |
|----|--|-----------------------------|-------------------------------|----|
| 7. | <b>Urbahn &amp; Dewberry, JV</b><br><b>Four-Proposals – Forty-two month contract</b><br><b>Contract #CM-1366</b> | <b>\$4,839,090.00 (NTE)</b> | <u>Staff Summary Attached</u> | 95 |
|----|--|-----------------------------|-------------------------------|----|
- Design and Construction Support Services for the installation of ADA compliant elevators at the 68<sup>th</sup> Street Station in Manhattan, including options for additional design and construction support alternatives.

**MARCH 2010**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote Cont'd:**

**G. Miscellaneous Service Contracts**

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

- 8. Allstate Power Vac., Inc. \$1,568,700.00 (Est.)**  
**Six Bids/Low Bidder – Five-year contract**  
**Contract #s 08G9919B**

This work was bid in a multi-agency procurement with NYC Transit Department of Buses (DOB), MTA Bus Company (MTAB) and MTA Bridges and Tunnels (B&T) work. Contracts for DOB, MTAB (Class A) and B&T (Class C) were approved by the February 2010 Board. Division of Car Equipment (DCE) requirements were separated as Class B as DCE requires costly Railroad Protective Liability insurance coverage not needed by the other agencies. The approval request for Class B for DCE was not submitted to the February Board because the responsibility review was not complete. The review has since been completed and Allstate has been deemed responsible. Under this contract, the contractor is required to provide all labor and equipment for the cleaning and removal of non-hazardous oily wastes from oil/water separator collection units for DCE. DCE generates waste primarily resulting from body and undercarriage car cleaning as well as liquid and solid waste generated from cleaning of the cured varnish-like substance that accumulates on subway car traction motor windings. This contract is necessary to ensure compliance with regulations concerning the lawful disposal of non-hazardous wastes. If these products are not periodically removed, not only would service be interrupted, but fines could also be imposed. Through extensive outreach Procurement obtained six bids for Class B with AllState determined to be the low bidder. The solicitation required fixed pricing for the first 3 years and separate pricing for years 4 and 5 combined. AllState was determined to be technically qualified by DCE to perform the required work under the contract. The pricing obtained from AllState was approximately 39% less than the current pricing for the majority of common items. Based upon effective competition, the final price is considered fair and reasonable.

**MARCH 2010**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**G. Miscellaneous Service Contracts Cont'd**

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

- 9. DPF Regeneration.Com LLC                      \$2,291,889.75 (Est.)**  
**Three Bids/Low Bidder – Three-year contract**  
**Contract #s 09D0087**

This contract is for diesel particulate filter (DPF) cleaning services. A DPF is a device designed to remove diesel particulate matter (sometimes referred to as soot or ash) from the exhaust gas of a diesel engine. The normal operation of a bus causes an accumulation of ash in the DPF. Cleaning is necessary in order to prevent clogging and possible damage to the filter. High ash accumulation also causes exhaust back pressure to increase, thus preventing the engine from operating properly and risking engine damage. The contractor is required to provide all labor, materials and equipment to clean approximately 15,315 diesel particulate filters (DPFs). The contractor will pick up approximately 12,246 DPFs from NYC Transit and approximately 3,069 DPFs from MTA Bus Company (MTAB) locations, and then clean each filter and return all cleaned and uncleanable filters to their locations. The previous contract was awarded non-competitively in December 2006, as it was determined that Atlantic Detroit Diesel Allison (ADDA) was the only company capable of meeting all of the requirements of this service at that time. This is the first time this requirement was competitively bid. DPF Regeneration.Com LLC (DPFR) was the low bidder. DPFR demonstrated its technical qualifications by cleaning DPFs for verification by NYC Transit Technical Services and Johnson Matthey, the manufacturer of the majority of the DPFs and successfully performing a small contract that tested its ability to pick up, clean and return DPF filters within the contractual turnaround time of one week. Filters returned from DPFR were placed into service immediately and have worked well so far. Based on those factors and visits to DPFR's facility, where NYC Transit personnel witnessed the DPF cleaning process, DPFR is considered technically qualified. DPFR's bid was 27% (\$847,685.25) lower than the next low bidder, and 43% (\$1,710,430.25) lower than the bid submitted by the third bidder, incumbent ADDA. DPFR did not pass NYC Transit's financial review; however, it has offered to provide a performance bond, or if it cannot obtain the bond DPFR will provide a security retainage (equal its bid security of \$114,594.49) plus the first two months receipts (valued at approximately \$130,000.00), in order to guarantee its performance. A business decision is being made to award to DPFR despite the risk posed by its financial status because of the significant savings to NYC Transit and DPFR's investment in the necessary equipment and its demonstrated ability to perform the work.

**MARCH 2010**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

Page

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

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

- |   |                            |                                      |           |
|---|----------------------------|--------------------------------------|-----------|
| <b>10. Milliman, Inc.</b><br><b>Contract # CMM-1311R.3</b>  | <b>\$392,060.00 (Est.)</b> | <b><u>Staff Summary Attached</u></b> | <b>97</b> |
| Modification to the all-agency contract for actuarial services in order to add funding and extend the term of the contract. |                            |                                      |           |

**MARCH 2010**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

				<u>Page</u>
<b>I. <u>Modifications to Purchase and Public Work Contracts</u></b>				
(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K.)				
<b>11. New York Environmental Systems, Inc.</b>	<b>\$1,000,000.00 (Est.)</b>	<b><u>Staff Summary Attached</u></b>		<b>98</b>
<b>Contract #: C-34884.2</b>				
Modification to the indefinite quantity contract for asbestos removal and other environmental remediation services, in order to add funding and extend the term of the contract to address urgent roof repairs for the MTA Bus Company.				
<b>12. Siemens Transit Technologies</b>	<b>\$405,000.00</b>	<b><u>Staff Summary Attached</u></b>		<b>99</b>
<b>Contract # W-32652.86</b>				
Modification to the contract for an ATM Communications Network System, in order to furnish and install HD-3000 Power Plants for shared A & B Division Communication Rooms.				

**MARCH 2010**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**L. Budget Adjustments to Estimated Quantity Contracts.**

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

<b>13. Cummins Power Systems, LLC</b> <b>Contract # 06F9426</b> <b>Feb. 1, 2008 – Jan. 31, 2011</b>	<b>Original Amount:</b>	\$ 899,995
	<b>Prior Modifications:</b>	\$ 0
	<b>Prior Budgetary Increases:</b>	\$ 0
	<b>Current Amount:</b>	\$ 899,995
	<b>This Request:</b>	\$ 450,000
	<b>% of This Request to Current Amount:</b>	50%
	<b>% of Modifications (including This Request) to Original Amount:</b>	50%

**Discussion**

This contract, for which a single bid was received, is for the repair of Cummins Diesel Engines & Z-F Transmissions on an as needed basis when repairs are not covered by warranty and are beyond the capability of in-house forces, for both NYC Transit (\$300K) and MTAB (\$150K). Additional funding is required as the actual number of repairs covered by this contract has exceeded the original quantities estimated by the Department of Buses. There are currently 825 buses with Cummins engines and an additional 185 buses with Z-F transmissions that are out of warranty. Beginning in August 2010, the warranties on certain components will begin to expire on an additional 850 buses with Cummins engines. As such, DOB has projected that an additional \$450,000 will be required through the end of this contract. The magnitude of this budget adjustment warranted NYC Transit Internal Audit to audit Cummins' cost structure, resulting in a recommendation to reduce labor rates which is presently the subject of negotiation.





# Staff Summary

Item Number <b>1-2</b>					
Division & Division Head Name: VP Materiel, Stanley J. Grill					
Division Head Signature & Date					
<i>Stanley J. Grill</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
1	Materiel <i>WJ</i>	5	EVP <i>MS</i>		
2 <i>X</i>	Law	6	President <i>TR</i>		
3 <i>X</i>	Budget	7			
4 <i>X</i>	CPM	8			

SUMMARY INFORMATION	
Vendor Name RFP Authorizing Resolution	Contract Number C-31671 & C-31672
Description IQ Federally Funded Asbestos Removal & Other Environmental Remediation	
Total Amount Two contracts, \$6,000,000 each	
Contract Term (including Options, if any) Three (3) years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## I. PURPOSE/RECOMMENDATION

To request that the Board determine that competitive bidding is impractical or inappropriate and that it is in the public interest to issue a competitive multi-agency Request for Proposal, pursuant to subdivision 9(f) of Section 1209 of the Public Authorities Law, for the procurement of two contractors to perform indefinite quantity environmental remediation of hazardous materials affecting federally funded projects-system wide. These contracts will have a total combined estimated value of \$12 million and a three-year duration.

## II. DISCUSSION

Capital Program Management/On Call Projects recognizes that asbestos and other hazardous materials discovered in MTA New York City Transit (NYCT) facilities represent a risk to the health and safety of the general public as well as NYCT employees. Prior experience with competitive bidding of this work has shown that it takes significantly longer to qualify and approve environmental remediation contractors due to the large number of firms that have had problems that prevent them from being found responsible for award. To avoid this delay, the Board has approved award of remediation contracts through the competitive Request for Proposal (RFP) process.

Currently, NYC Transit has no federally funded environmental remediation contracts in place to support federally funded projects. Contracts were in place, however, they expired in December 2008 and were not re-solicited at that time due to underutilization and the use of primarily local funds to perform this work. NYCT is now re-soliciting these contracts to make use of available federal funds for NYCT, MTA Bus and MTA Capital Construction. While there are current MTA funded contracts for indefinite quantity environmental remediation of hazardous materials in place, it is fiscally prudent to make use of federal funds for hazardous materials found on federally funded projects.

Past experience has shown that it takes significantly longer to find qualified asbestos contractors through the bidding process due to the large number of firms which prove to have problems that prevent them from being found responsible for award. To avoid this delay, the Board has approved award of asbestos abatement contracts through the competitive Request for Proposal (RFP) process.

In order to expedite the award process, these contracts will be solicited in a one-step RFP. Proposals will be reviewed by a Selection Committee using established criteria, including general responsibility to receive a contract award; asbestos and other hazardous materials abatement experience; licenses; safety and compliance records; financial qualifications; insurance & bonding capacity; project management and unit prices.

NYCT expects to award two Indefinite Quantity contracts with three-year durations for an estimated \$6 million each. Consistent with federal procurement practices for indefinite quantity contracts, Work Orders will be competitively awarded to the lowest bidder. Exceptions may be made due to lack of contractor staff availability or performance issues. Awarding two contracts will provide

flexibility in assigning work based upon the above-mentioned criteria. The intent is to assure that NYCT, MTABC and MTACC will be able to respond rapidly and effectively to asbestos and other hazardous events on federally funded projects.

### III. D/M/WBE INFORMATION

This will be determined during the course of the RFP process.

### IV. IMPACT ON FUNDING

The total estimated funding required for the NYCT portion of the work is \$10M. MTABC and MTACC are estimated to be \$2M in total but have not finalized their estimates which will be incorporated into the RFP. Funding for award of these contracts is contingent upon identification of approved federal funding sources. A WAR Certificate will be obtained prior to the award of each work order chargeable to the specific capital project.

### V. ALTERNATIVES

To solicit firms for indefinite quantity hazardous abatement services by formal competitive bidding (IFB). Not recommended as that process would cause significant delays in qualifying contractors for award to perform this work, as well as cause significant delays in CPM, MTABC and MTACC projects, thus increasing the cost of construction.

# Staff Summary

Item Number <b>3-4</b>					
Division & Division Head Name: VP Materiel, Stanley J. Grill					
Division Head Signature & Date					
<i>Stanley J. Grill</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
1	Materiel <i>WQ</i>	5 X	Civil Rights		
2X	Capital Program Management	3 X	Law		
6X	System Safety	4 X	Budget		
	Subways	7	Executive VP		
	Labor Relations	8	President		

SUMMARY INFORMATION	
Vendor Name	Contract Number
ETS Contracting, Inc.; TRIO Asbestos Removal Corp.	C-31668 / C-31669
Description	
IQ Asbestos Removal & Other Environmental Remediation Services for Capital Projects (CPM)	
Total Amount	
Two contracts, \$6,500,000 each (estimated), including option	
Contract Term (including Options, if any)	
Three Years + One Year Option	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## I. PURPOSE/RECOMMENDATION:

To obtain approval of the Board to award two Indefinite Quantity (IQ) contracts to perform Asbestos Removal & Other Environmental Remediation Services related to capital projects for CPM at various MTA New York City Transit facilities. Each firm will be awarded a base contract over a three-year contract term and an option for one year at the same unit prices within a total budget of \$13M. Each contract is 100% MTA funded. The Option will be exercised upon approval by the NYCT Assistant Chief Procurement Officer. A third award will be made from this RFP upon conclusion of a responsibility determination.

## II. DISCUSSION:

NYCT requires three contractors to provide asbestos removal and other environmental remediation services, including asbestos abatement, lead disturbance, battery removal, mercury containing bulb removal, PCB containing fluorescent light fixture ballast removal, rodent control, pigeon droppings abatement and hazardous waste removal. Work Orders under these indefinite quantity contracts will be managed by CPM and Procurement and assigned on the basis of price, contractor staff availability at the time of assignment and performance on current and prior work orders. The cost of each Work Order will be based on the unit prices established in the Contracts. These Contracts will support MTA-funded capital projects system-wide.

Asbestos, lead, PCBs, mercury and other substances that pose environmental issues can result in lengthy project delays if they are discovered after construction contract award. To prevent such delays, Capital Program Management is seeking to award up to three contracts for on-call remediation services. These contracts will replace three existing contracts that expired in January 2010 (C-34884), December 2009 (C-34885), and March 2010 (C-34886). NYCT is also currently procuring contracts C-33288 & C-33130 for asbestos abatement for the Office of System Safety (OSS). These contracts are being procured separately since the OSS contracts are designed to respond to emergencies involving smaller quantities of asbestos only, whereas the CPM contracts are for planned capital contracts involving large quantities of asbestos and other hazardous materials.

Opportunities for joint procurement with other MTA agencies were explored, as recommended by the Business Service Center (BSC). All contacted agencies declined. Either they have no foreseeable or urgent requirement or their requirements are not significant to warrant the need to enter into a joint procurement at this time.

In October 2009, the Board approved an Authorizing Resolution to issue a Request for Proposal (RFP). Past experience has shown that it takes significantly longer to find qualified environmental remediation contractors due to the large number of firms that prove to have problems that prevent them from being found responsible for award. To avoid this delay, the Board has approved award of abatement contracts through the competitive RFP process for many years. By issuing a Request for Proposal and conducting the responsibility review prior to the solicitation of technical and cost proposals, NYCT will be able to ensure that only responsible proposers are considered for contract award, as well as expediting the solicitation.

This solicitation was procured using a 2-Step RFP procedure. In Step 1, six firms submitted qualification packages. These firms were: 192 Branch Services, Inc. (hereinafter "Branch"); DBA Flagship PDG (hereinafter "Flagship"); ETS; New York Environmental Systems (hereinafter "NYES"); PAL; and TRIO. The packages were reviewed against an established set of evaluation criteria for Step 1, which include comparable experience in performing asbestos removal and environmental remediation and responsibility for award. Except for Branch, the other five firms were recommended for Step 2. Except for Flagship, the other four firms responded to the RFP. The Selection Committee then reviewed the technical proposals and oral presentations based on the established set of criteria for Step 2, including asbestos removal and other environmental remediation experience, safety record, financial stability, insurance & bonding, project management and unit prices. All four firms were deemed technically qualified and recommended for negotiations.

Negotiations were held with the firms, focusing on the scope requirements and price schedule which contains 169 estimated line item quantities, unit prices, and total cost. Cost proposals were also evaluated based on previous and current similar contracts, Bureau of Labor Statistics Employment Cost Index for waste management and remediation services and the current market for these services. NYCT's estimated quantities were based on workload projections for evaluation purposes only. NYCT's estimated cost based on the estimated quantities of work is \$6,448,229 per contract. The average size of a work order is approximately \$150,000.

Best and Final Offers (BAFO) were received on January 20, 2010, as follows: ETS - \$5,769,919; TRIO - \$5,927,528; PAL - \$6,171,009; and NYES - \$6,383,367.

Based on the established evaluation criteria, and with all firms considered technically qualified, the Committee deemed cost as the determining factor in their recommendation for award. The Committee recommended ETS, TRIO and PAL for award as all three are technically qualified, very experienced, showed a good understanding of the work and had prices that are competitive. Their BAFOs are considered fair and reasonable both by Procurement and CPM and they took no exceptions to the terms and conditions of the RFP.

TRIO, an incumbent, had a BAFO that represented a compounded annualized increase of 1.75%. ETS is not an incumbent; therefore its BAFO was compared against the average pricing of the three current contracts and represented a 3.5% price reduction or an annual decrease of 0.9% vs. current pricing.

Background investigations and materials submitted by ETS and TRIO disclosed no "Significant Adverse Information" (SAI) within the meaning of the All Agency Responsibility Guidelines. These contractors have been found fully responsible for award. PAL submitted information that may be considered SAI. For this reason, permission to award to PAL is not being sought from the Board at this time. Board approval shall be sought upon receipt of an SAI memo approved by the MTA Chairman and Chief Executive Officer.

### **III. ALTERNATIVE:**

Perform the work using in-house personnel. At this time NYCT lacks available personnel to perform this work.

### **IV. MBE/WBE:**

The Department of Diversity and Civil Rights (DCR) has established goals of 7% Minority-Owned Business Enterprise (MBE) and 0% Women-Owned Business Enterprise (WBE). This contract will not be awarded until DCR approval is obtained.

### **V. PREVIOUS WORK OF SELECTED CONTRACTORS FOR MTA OR AFFILIATES:**

ETS - C-33286: IQ Asbestos Abatement Services; C-33128 / C-33274 / C-33277: Remediation, Removal and Disposal of Miscellaneous Asbestos-Containing Materials in Manholes; C-33257: IQ Asbestos Abatement

TRIO - C-33290: IQ Asbestos Abatement Services; C-33127: IQ Asbestos Abatement in Manholes; C-34885: IQ Asbestos Removal & Other Environmental Remediation Services

### **VI. IMPACT ON FUNDING:**

The cost of these contracts will be funded with 100% MTA funds. Individual WAR certificates will be sought on a task order basis.

### **VII. CAPITAL PROGRAM REPORTING:**

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

# Staff Summary



New York City Transit

Page 1 of 2

Item Number <b>5-6</b>					
Division & Division Head Name: VP Materiel, Stanley J. Grill					
Division Head Signature & Date <i>Stanley J. Grill</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
1	Materiel <i>VP</i>	5 X	Civil Rights		
	Capital Program Management	3 X	Law		
2x	System Safety	4 X	Budget		
	Subways	6	Executive VP <i>VP</i>		
	Labor Relations	7	President <i>LA</i>		

SUMMARY INFORMATION	
Vendor Name ETS Contracting, Inc.; TRIO Asbestos Removal Corp.	Contract Number C-33288 / C-33130
Description IQ Asbestos Abatement Services for Office of System Safety Projects	
Total Amount Two contracts, \$4,000,000 each (estimated), including option	
Contract Term (including Options, if any) Three Years + One Year Option	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## I. PURPOSE/RECOMMENDATION:

To obtain approval of the Board to award two Indefinite Quantity (IQ) contracts to perform Asbestos Abatement Services at various MTA New York City Transit facilities. Each firm will be awarded a base contract for an estimated value of \$3M within an overall budget of \$4.6M in work orders over a three-year contract term. Each contract is 100% MTA funded and has an Option for one year, estimated at \$1M at the same unit prices. The Option will be exercised upon approval by the NYCT Assistant Chief Procurement Officer. The awards are as follows:

Contractors	Est. Award Amount (incl. Option)	Contract No.
1. ETS Contracting, Inc.	\$4,000,000	C-33288
2. TRIO Asbestos Removal Corp.	\$4,000,000	C-33130

## II. DISCUSSION:

The Office of System Safety (OSS) recognizes that asbestos discovered in NYCT facilities represents a risk to the health and safety of the general public as well as NYCT employees. In order to minimize that risk, OSS has had qualified contractors on call for abatement if asbestos is found on NYCT sites. Contracts C-33288 and C-33130 are proposed here to replace the previous asbestos abatement contracts C-33286 and C-33290 which will expire in May 2010.

The two contractors will provide indefinite quantity, system-wide asbestos abatement services. Work Orders under these contracts will be assigned on the basis of price, contractor staff availability at the time of assignment and performance on current and prior work orders. The cost of each Work Order will be based on the unit prices established in the Contracts. These contractors shall furnish all labor, materials, service, insurance, permits and equipment necessary to carry out the asbestos abatement operation which may include preparation, handling, removing, cleaning, storing, transporting, disposing of asbestos, and replacement of pipe, boiler and cable insulation as required. The contractors are to remove asbestos containing materials from facilities system-wide including immediate response to asbestos related emergencies.

In October 2009, the Board approved an Authorizing Resolution to issue a Request for Proposal (RFP). Past experience has shown that it takes significantly longer to find qualified asbestos contractors through the bidding process due to the large number of firms which prove to have problems that prevent them from being found responsible for award. To avoid this delay, the Board has approved award of asbestos abatement contracts through the competitive Request for Proposal (RFP) process for many years. By issuing an RFP and conducting the responsibility review prior to the solicitation of technical and cost proposals, NYCT will be able to ensure that only responsible proposers are considered for contract award, as well as expediting the solicitation.

This solicitation was performed using a 2-Step RFP procedure. In Step 1, four firms submitted qualification packages. These firms were: ETS; New York Environmental Systems (hereinafter "NYES"); PAL Environmental Safety Corp. (hereinafter "PAL"); and TRIO. The packages were reviewed against an established set of evaluation criteria for Step 1, which included comparable experience in performing asbestos abatement services and responsibility for award. All four firms were recommended for Step 2. They each received and responded to the RFP. The Selection Committee then reviewed the technical proposals based on the established set of criteria for Step 2, including general responsibility, asbestos abatement experience, safety record, financial stability, insurance & bonding, project management and unit prices. Oral presentations were conducted. All four firms were deemed technically qualified and recommended for negotiations.

Negotiations were held with the firms, focusing on the scope requirements and price schedule which contains 65 estimated line item quantities, unit prices, and total cost. Cost proposals were also evaluated based on previous and current similar contracts, Bureau of Labor Statistics Employment Cost Index for waste management and remediation services, and the current market for these services. NYCT's estimated quantities were based on workload projections for evaluation purposes only. NYCT's estimated cost, based on the estimated quantities of work is \$3,000,000 per base contract. The average size of a work order is approximately \$20,000.

Best and Final Offers (BAFO) were received on January 15, 2010, as follows: TRIO - \$2,901,394; ETS - \$3,081,912; NYES - \$3,152,477; and PAL - \$3,313,510.

Based on the established evaluation criteria, and with all firms considered technically qualified, the Committee deemed cost as the determining factor in their recommendation for award. The Committee recommended ETS and TRIO for award. Their BAFOs are considered fair and reasonable both by Procurement and OSS and they took no exceptions to the terms and conditions of the RFP.

Contracts C-33288 to ETS and C-33130 to TRIO will replace two existing contracts. Both firms are incumbents and have been performing well.

TRIO's price in the current contract represents a compounded annualized increase of 0.4%. ETS's price in the current contract represents a compounded annualized increase of 4.6%. Four line items went up significantly - removal of asbestos from pipes, floor tiles, roofing tar and flashing. When questioned, the contractor explained that they had been experiencing low productivity on these labor intense asbestos removals.

Background investigations and materials submitted by these firms disclosed no "Significant Adverse Information" (SAI) within the meaning of the All Agency Responsibility Guidelines. These contractors have been found fully responsible for award.

### **III. ALTERNATIVES:**

Perform the work using in-house personnel. Currently, NYCT lacks available in-house technical personnel to perform this work.

### **IV. MBE/WBE:**

The Department of Diversity and Civil Rights (DCR) has established goals of 2% Minority-Owned Business Enterprise (MBE) and 0% Women-Owned Business Enterprise (WBE). This contract will not be awarded until DCR approval is obtained.

### **V. PREVIOUS WORK OF SELECTED CONTRACTORS FOR MTA OR AFFILIATES:**

ETS - C-33286: IQ Asbestos Abatement Services; C-33128 / C-33274 / C-33277: Remediation, Removal and Disposal of Miscellaneous Asbestos-Containing Materials in Manholes; C-33257: IQ Asbestos Abatement

TRIO - C-33290: IQ Asbestos Abatement Services; C-33127: IQ Asbestos Abatement in Manholes; C-34885: IQ Asbestos Removal & Other Environmental Remediation Services

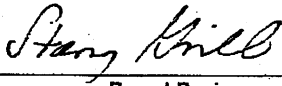



### **VI. IMPACT ON FUNDING:**

The cost of these contracts will be funded with 100% MTA funds. The contract will not be executed until a partial WAR certificate for \$500,000 for each contract has been issued.

### **VII. CAPITAL PROGRAM REPORTING:**

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

# Staff Summary

Item Number <b>7</b>					
Division & Division Head Name: VP Materiel, Stanley J. Grill					
Division Head Signature & Date 					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
1	Materiel 	5 X	Civil Rights		
2 X	CPM	6 X	Budget		
3 X	Subways	7 	EVP		
4 X	Law	8 	President		

SUMMARY INFORMATION	
Vendor Name Urbahn/Dewberry, JV	Contract Number CM-1366
Description Design and Construction Support Services for Installation of ADA Elevators at 68 <sup>th</sup> Street Station (IRT) Manhattan	
Total Amount \$4,839,090	
Contract Term (including Options, if any) 42 months (24 months for design)	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## I. PURPOSE/RECOMMENDATION

To obtain Board approval to award Contract CM-1366 for the design for the installation of ADA Elevators at the 68<sup>th</sup> Street Station to Urbahn Architects and Dewberry-Goodkind, Inc., a Joint Venture in the amount of \$2,633,850 with a design duration of 24 months. This request includes five options: Option 1 – design of stair and platform system improvements (\$375,803); Option 2 - design of station rehabilitation (\$500,280); Option 3 - construction phase services for base contract – installation of elevators (\$983,432); Option 4 - construction phase services for the stair and platform system improvements (\$152,295) and Option 5 - construction phase services for the station rehabilitation (\$193,430). Construction of the Base Design is scheduled for award in 2011 of the 2010-2014 Capital Plan. Funding is still being sought for the additional station improvements and therefore additional design is sequenced accordingly with options. Approval of the Board is requested for these five options to be exercised by the Assistant Chief Procurement Officer as funding becomes available.

## II. DISCUSSION

For the base contract, the consultant was to initially provide design and construction support services for the installation of six ADA Elevators at this two level below grade station. Three redundant elevators were deleted during the RFP process. The remaining elevators are as follows: a street level two stop elevator within an existing Hunter College planter area and two elevators from the newly extended mezzanine area to the platform. The base contract includes preliminary and final design services. These design services include: utility relocation, excavation for elevator machine rooms, underpinning of adjoining buildings along 40 feet of Lexington Ave., a 30 foot mezzanine expansion and coordinate with Hunter College for removals and relocation of beams, slabs and structural supports. The consultant will also provide Building Information Modeling (BIM), value engineering, cost estimating and procurement phase services. Option 1 includes installation of additional stairs and removal or widening of existing stairs. Option 2 includes reconfiguration of mezzanine, repair of wall tiles and removal and repainting of suspended ceilings. Options 3, 4 and 5 are for construction phase support services including the review and approval of contractor submittals; field visits and resolution of field problems. This contract will be issued on a lump sum negotiated fixed cost basis. The consultant will be obligated to perform the full scope of work regardless of actual cost incurred to perform the work. Payment shall be made on the basis of satisfactory completion of milestones and deliverables specified in the scope of work.

On April 28, 2009, 11 Qualifications packages were received in response to the Advertisement for this 2 step Request for Proposal (RFP). The 11 firms were: HDR; Urbahn/Dewberry, JV; WASA Studio A; STANTEC; WSP Cantor Seinuk; Mihai Radu Architects; AECOM; LHPA/STV, JV; Gruzen Samton; FST and PB/Dattner, JV. The Selection Committee (SC) reviewed the packages for general responsibility, relevant experience, financial strength and safety record. A shortlist of four qualified consultant teams consisting of Urbahn/Dewberry; AECOM; Gruzen Samton and PB/Dattner, JV was compiled to receive the RFP. The remaining seven teams were not recommended for step two for various reasons: non-responsiveness to the Step one requirements (key schedules and documents missing, unsigned and missing notarizations, lack of financial ability), inadequate staffing, lack of required architectural/structural experience for a project of this magnitude and complexity.



In Step two, all four teams submitted technical and cost proposals in response to the RFP and all four made oral presentations in support of the technical submissions. The SC reviewed the written and oral presentations based on the evaluation criteria provided in the RFP and unanimously selected Urban/Dewberry joint venture and AECOM for negotiations. PB/Dattner and Gruzen Samton were not recommended for negotiations because their design concepts for the base work as well as the options were not as innovative or as well researched as the two selected. Their design concepts did not sufficiently account for Hunter College corridor blockages, neighborhood impacts and pedestrian flow. Negotiations took place on September 29, 2009 and centered on total labor hours and their distribution as this is a lump sum contract. The NYCT engineer's estimate for the entire project was a total of 48,255 hours at a total cost of \$5,567,751. AECOM proposed 47,678 hours at a total cost of \$5,514,071. The Urbahn/Dewberry team proposed 48,150 hours at a total cost of \$5,139,705.

After the initial completion of negotiations in October 2009, NYCT was directed to delete three redundant elevators from the project which resulted in a construction cost savings estimated to be \$8.3 million. The original plan of 2 elevators at each of 3 locations was reduced to 1 elevator at each location. A revised scope of work reflecting this change was issued and new proposals received and negotiated. The revised NYCT estimate was for total hours of 45,488 at a cost of \$5,217,854. The following are the BAFOs for the revised scope. AECOM proposed 23,446 hours at a cost of \$2,635,822 for the base contract and combined hours of 44,524 at a total cost of \$4,989,492. Urbahn/Dewberry proposed 25,374 hours at a cost of \$2,633,850 for the Base and combined hours of 44,932 at a total cost of \$4,839,090. Overall, Urbahn/Dewberry provides more design labor hours and is \$150,402 less than AECOM. The scope reduction resulted in 3200 hours and \$300,000 of design savings or approximately 8% off the base design and its corresponding CPS. Although Procurement aggressively negotiated the design reduction, each of these eliminated elevators were part of a pair of side by side elevators and only limited savings in the design of excavation, underpinning, decking and utility relocation could be attained.

The SC reconvened on January 29, 2010, reviewed the results of the revised scope BAFOs and unanimously selected Urbahn/Dewberry for award based on experience, proposed approach showing creativity and the ability to perform the design on a tight schedule, labor distribution and overall lower price. Urbahn/Dewberry presented various alternate views and ideas which would mitigate service disruptions and underpinning the adjoining buildings. Focus would be shifted from congested 68th street to the north end of the station at 69th street. They provided an in-depth study of the design, enhancing their concept with architectural and BIM models and photographs, including a map showing all the utilities and institutions that would be affected by this project. The thought that went into their proposal showed their understanding of the tight schedule and the need to identify and relocate utilities, underpin surrounding and adjoining buildings, and coordinate impacts with Hunter College, NYCDOT and others. This price was considered fair and reasonable by both Procurement and Capital Program Management based on the competitive nature of the RFP.

It is important to note that although this is a fixed price contract, proposed labor hours and distribution are key factors in determining the consultant's understanding of the project as well as determining reasonableness of the overall cost. In addition, the 24 month base design schedule will not be effected if option 2 (design of the complete station rehabilitation) is exercised before PE.

A background investigation and review of the documents submitted by Urbahn/Dewberry disclosed no "significant adverse information" within the meaning of the All-Agency Guidelines. Having evaluated all of the available facts, Procurement finds Urbahn/Dewberry to be fully responsible for award.

#### PREVIOUS WORK OF THE SELECTED CONSULTANTS FOR MTA OR AFFILIATES

Urbahn – CM-1191 - 96<sup>th</sup> Street Station Rehabilitation, CM-1055 – Rehabilitation of 6 Stations on the White Plains Road Line  
Dewberry – CM-1204 – IQ Engineering Design Services

#### III. D/M/WBE INFORMATION

The Department of Diversity and Civil Rights established goals of 15% MBE and 5% WBE.

#### IV. IMPACT ON FUNDING

This contract will be funded with 100% MTA funds. The contract will not be executed until a WAR Certificate has been issued.

#### V. ALTERNATIVES

Perform the work using in-house personnel. Currently, NYCT lacks available in-house technical personnel to perform the specific tasks required under the scope of work for this project.

#### VI. CAPITAL PROGRAM REPORTING

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

# Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number: **10**

<b>Vendor Name (&amp; Location)</b> Milliman, Inc. (Wayne, PA)	
<b>Description</b> All-agency contract to provide actuarial services	
<b>Contract Term (including Options, if any)</b> April 1, 2001 – December 31, 2010	
<b>Option(s) included in Total Amount?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Division of the Controller, Kevin F. McKenna	

Contract Number	AWO/Modification #
CMM-1311R	4
<b>Original Amount:</b>	
	\$ 1,173,942.00
<b>Prior Modifications:</b>	
	\$ 3,042,731.00
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 4,216,673.00
<b>This Request:</b>	
	\$ 392,060.00 (Est.)
<b>% of This Request to Current Amount:</b>	
	9.3%
<b>% of Modifications (Including This Request) to Original Amount:</b>	
	293%

## Discussion:

This contract is for conducting annual actuarial valuations of the Metropolitan Transportation Authority and its constituent agencies' pension plans. In February 2001, the Board approved the award of a three-year competitively negotiated all-agency contract to Milliman, Inc. (Milliman) to provide actuarial services in the estimated amount of \$1,173,942 plus a two year option in the estimated amount of \$729,781. In May 2005, SIRTOA became a part of MTAHQ's retirement plan and its requirements were included in this plan. In April 2006, MTA Bus Company's requirements were also included in the overall actuarial services requirement. Under the contract, Milliman conducts annual actuarial valuations, which calls for actuarial forecasting, funding requirements and statistical analysis. The work includes valuations of the MaBSTOA, MTAHQ, MNR, LIRR and MTA Bus pension plans, updating the Government Accounting Standards Board Statement No. 45 (GASB 45) for the financial reporting of post retirement benefits other than pensions for each plan, assisting with benefit calculations for MTAHQ, and updating the forecasting model of the MaBSTOA plan to determine NYC Transit's contribution. Also performed under this contract are special projects on an 'as needed' basis for task orders such as preparing calculations on the effects of pension law changes or other actuarial assumptions. Since award, three modifications have been issued. The first to exercise the two-year option from April 1, 2004 through March 31, 2006 in the amount of \$729,781; a second to extend the contract term for an additional thirty months from April 1, 2006 through September 30, 2008 to perform the GASB 45, annual valuations for 2006 and 2007, the MTA Bus' valuation, and to have an audit of the MaBSTOA, SIRTOA, MTAHQ, LIRR actuarial valuations, which was performed by another actuary in the amount of \$1,217,836; and a third modification to extend the contract term for an additional eighteen months from October 1, 2008 through March 31, 2010 to complete the review of the 2008 and 2009 GASB 45 results, perform annual valuations for the years 2008 and 2009, and forecast models and special projects for each agency in the amount of \$1,095,114. This modification is to extend the term for an additional nine months, from April 1, 2010 through December 31, 2010 for Milliman to continue to provide actuarial services for all the agencies. During the last extension, the solicitation for the replacement contract was to be initiated by the Division of the Controller by the fourth quarter of 2008. However, this did not occur due to the efforts that had to be expended in assisting in the consolidation of the MTA pension plan administration at the Business Service Center and the potential impact that it could have on the Scope of Work of the solicitation. The request for the new multiyear contract was submitted to Procurement in November 2009 followed by the Scope of Work in December 2009. Therefore, this extension is now necessary to avoid a break in service and allow sufficient time to solicit and award a successor contract, which is anticipated to be completed by third quarter of 2010. During this extension, Milliman will complete the GASB 45 for the 2010 fiscal year, update the forecast model for MaBSTOA, assist with the benefit calculations for MTAHQ, and perform the 2010 valuations, which are based on 2009 data and will not be completed until the end of 2010. Milliman's initial proposal for nine months of \$403,246 was at the same rates proposed in Modification No. 3 for 2009. Procurement subsequently requested a price concession and Milliman submitted a revised proposal of \$392,060, which is \$11,186 or 2.8% less than its initial proposal and is at the same rates extended in 2008. According to the U.S. Department of Labor Statistics, the Producer Price Index for other accounting services has increased by .47% since 2008. The combined estimated expenditures for the nine month period are \$392,060 for all agencies, \$236,464 will be paid by the various Pension Plan Trust Funds, and \$155,596 will be paid from the participating Agencies' operating budgets. NYC Transit's share is \$88,078 of which \$49,175 will be paid by the pension plan (annual valuation) and \$38,903 will be funded through the operating budget. These amounts have been found to be fair and reasonable.

# Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: **11**

<b>Vendor Name (&amp; Location)</b> New York Environmental Systems, Inc. (Brooklyn, NY)	
<b>Description</b> Indefinite Quantity Asbestos removal and other environmental remediation work	
<b>Contract Term (including Options, if any)</b> January 5, 2007 – February 4, 2010	
<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"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<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> Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
C-34884	2
<b>Original Amount:</b>	
	\$ 5,000,000.00
<b>Prior Modifications:</b>	
	\$ 0
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 5,000,000.00
<b>This Request:</b>	
	\$ 1,000,000.00 (Est.)
<b>% of This Request to Current Amount:</b>	
	20%
<b>% of Modifications (including This Request) to Original Amount:</b>	
	20%

## Discussion:

This contract was one of three contracts awarded to provide indefinite quantity asbestos removal and other environmental remediation work. Under these contracts, work is assigned on an 'as-needed' basis through task orders. Under the scope of work, New York Environmental Systems, Inc. (NYES) will provide all labor, equipment and materials necessary for asbestos and other hazardous material removal. On June 4, 2009, NYES was awarded task order No. 32 to remove asbestos from the roof of the LaGuardia Bus Depot at a cost of \$1,621,232. After the work commenced, additional problems were discovered. On August 26, 2009 MTA Bus Company (MTAB), NYC Transit and NYES agreed that the concrete roof deck was structurally unsound and needed to be abated, removed and replaced. The underlying roof is constructed with 2' x 4' concrete planks surrounded by asbestos containing caulking and its removal had to be treated as asbestos containing material and disposed of as asbestos waste. This work could only be performed by a certified asbestos abatement contractor. The NYES contract allows for negotiations of miscellaneous work. Since 15% of the work would be covered by NYES unit prices and 85% would be miscellaneous, a decision was made by MTAB and CPM to solicit proposals from NYES and VRH, an onsite general contractor performing major renovation work at the LaGuardia Bus Depot. This determination allowed for the receipt of competitive pricing, as well as avoid unnecessary delays. The VRH proposal was \$2,394,466 (\$1,208,498 for concrete removal and \$1,185,968 for replacement of steel metal decking) versus \$1,555,621 for NYES (\$1,020,162 for concrete removal and \$535,459 for replacement metal decking.) Hence, the task order was awarded jointly by CPM and MTA Bus to NYES. Since replacement of steel metal decking is not part of NYES' scope of work, an adjustment will be made to the contract scope to include this work. It is estimated that the additional work will extend the existing task by four months. The current shortfall in the contract amount and duration are \$325,936 and four months respectively. However, abatement and demolition projects can be unpredictable and the likelihood of finding more hazardous material is high, which would require revisions to the task order. Therefore, it is considered prudent to seek approval for a total of \$1 million and eight additional months to cover the shortfall and any contingencies or other abatement that might occur. This contract will also be available for any upcoming asbestos abatement work for capital contracts until replacement contracts are put in place in the second quarter of 2010. Work Orders shall not be issued until WAR Certificates are in place. The eight month extension will change the expiration date of the contract to September 30, 2010.

# Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: **12**

<b>Vendor Name (&amp; Location)</b>	
Siemens Transit Technologies (New York, NY)	
<b>Description</b>	
ATM communications network for Subways "B" Division	
<b>Contract Term (including Options, if any)</b>	
December 30, 2004 – October 31, 2011	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
W-32652	86
<b>Original Amount:</b>	
	\$ 183,896,184.00
<b>Prior Modifications:</b>	
	\$ 38,767,695.00
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 222,663,879.00
<b>This Request:</b>	
	\$405,000.00
<b>% of This Request to Current Amount:</b>	
	0.2%
<b>% of Modifications (Including This Request) to Original Amount:</b>	
	21.3%

## Discussion:

This contract provides for the furnishing and installation of an ATM network for Subways 'B' Division. This is the second of two contracts needed to build the new fiber optic system. The first contract, which was awarded to the same contractor, provides a core SONET network and an ATM network for Subways 'A' Division. When both contracts are complete, the new network will handle PA/CIS, Automatic Train Supervision, Automatic Fare Collection, email, facsimile, security applications, phone communications and more for NYC Transit over a single, integrated fiber optic network controlled from the Rail Control Center. This modification covers power plants in communications rooms in three stations where 'A' Division and 'B' Division service is co-located: Court Street Station ('A' Division IRT Lines 2 & 3 and 'B' Division BMT Lines M, N & R); 168<sup>th</sup> Street & Broadway Station ("A" Division IRT Line No. 1 and 'B' Division IND Lines A & B); and 59<sup>th</sup> Street/8<sup>th</sup> Avenue Station ('A' Division IRT Lines 2 & 3 and 'B' Division IND Lines A, C, B & D). A power plant is a system of cabinets, rectifiers, inverters, battery strings, isolation transformers, etc., that converts and conditions incoming electric power, making it suitable to power electronic equipment. This contract calls for 300 amp Benning power plants to power ATM switches in 'B' Division communications rooms. In May 2009, the Board approved a \$1.53M modification to this contract which changed the power plants installed under the first contract (SONET/ATM-A) in 23 of the 24 SONET communications rooms from 300 amp APC to 600 amp Benning. Also in May 2009, the Board approved an \$830K modification to this contract to provide 300 amp Benning power plants in the eleven 'A' Division communications rooms that were not covered by the first contract. Under the first contract (SONET/ATM-A), 300 amp APC power plants were installed in 'A' Division communication rooms, including the three stations where 'A' Division and 'B' Division service is co-located. Although NYC Transit has now standardized on Benning power plants, the 300 amp APC power plants installed under the first contract will continue to be used in all 'A' Division communication rooms other than these three dual division rooms. While this contract originally called for only minor enhancements to the 300 amp APC power plants previously installed in the three dual division rooms, NYC Transit has determined these rooms need 600 amp Benning power plants (similar to but more complex than those installed in the 23 SONET communications rooms). The increased capacity allows them to power not only the ATM switches for both Divisions, but also the PA/CIS and IESS equipment in those locations, while saving scarce communication room floor space. This modification will provide 600 amp Benning HD3000 power plants, including cabinets, inverters for general applications, additional inverters for backing up cabinet coolers, rectifiers, battery strings, isolation transformers, and static bypass module switches. Also included is the installation of additional concrete pads for the cabinets and the furnishing and installation of additional circuit breakers and grounding. Finally, the modification includes the removal of the existing APC equipment, which will be used as spares, and a credit for the originally planned APC equipment. The contractor's initial proposal was \$662,756; NYC Transit's estimate was \$371,000. After negotiations, the lump sum of \$405,000 was agreed upon and found to be fair and reasonable. A savings of \$257,756 was achieved. In the future, Board approval will be sought for a special Benning HD3000 power plant for the last SONET switch, which serves the Power Control Center.



**MARCH 2010**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

Page

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

(Staff Summaries required for items requiring Board approval.)

- |    |   |                        |                               |     |
|----|---|------------------------|-------------------------------|-----|
| 1. | Grace Industries LLC<br>Contract #C-34766.7   | \$970,000.00           | <u>Staff Summary Attached</u> | 103 |
|    | Modification to the contract for the rehabilitation of the Ocean Parkway Viaduct (Phase II), Brighton Line, in order to provide emergency shoring and post tensioning of retaining walls.   |                        |                               |     |
| 2. | Granite Construction Northeast, Inc.<br>Contract #A-35870.10  | \$420,000.00           | <u>Staff Summary Attached</u> | 104 |
|    | Modification to the contract for the Rehabilitation of Five Stations on the Brighton Line contract, in order to perform platform edge repairs at the Newkirk Avenue Station.  |                        |                               |     |
| 3. | International Business Machines Corporation (IBM)<br>Contract # 03A8602-1.68 & 69   | \$37,413,866.00 (Est.) | <u>Staff Summary Attached</u> | 105 |
|    | Modification to the contract to provide Data Center IT support service in order to procure and install all necessary network materials and electrical circuits needed for the installation of equipment for the MTA Business Service Center that will be hosted at the IBM Data Center. |                        |                               |     |



# Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

<b>Vendor Name (&amp; Location)</b>	
Grace Industries, LLC (Flushing, NY)	
<b>Description</b>	
Rehabilitation of the Ocean Parkway Viaduct, Brighton Line	
<b>Contract Term (including Options, if any)</b>	
March 17, 2008 – March 17, 2010	
<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"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<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>	
Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
C-34766	7
<b>Original Amount:</b>	
	\$ 5,869,578.00
<b>Prior Modifications:</b>	
	\$ 280,196.00
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 6,149,774.00
<b>This Request:</b>	
	\$ 970,000.00
<b>% of This Request to Current Amount:</b>	
	15.8%
<b>% of Modifications (including This Request) to Original Amount:</b>	
	21.3%

## Discussion:

The contract is for the structural rehabilitation of the Ocean Parkway Viaduct on the Brighton Line, including concrete column and wall repair, concrete spall repair, installation of new cementitious coating on the entire structure, terra cotta tile work and installation of art work. The contract calls for the construction of temporary shoring towers, rated at 150 kips (a unit of force of 1000 pounds used to measure structural loads), to support bents and abutment walls during the structural rehabilitation. At bents 181 and 186, the contract calls for 4 such towers. In early 2009, substantial and systemic cracks unexpectedly developed and propagated in the end abutment walls. This led to concerns of structural failure. In March 2009, an immediate step was taken to secure the structure by the installation of 80 reinforcing bars, under a \$38K modification. In parallel, NYC Transit engaged a consultant, who determined that bents 181 and 186 must be supported during construction by a total of 8 temporary shoring towers, rated up to 500 kips, and that a total of 8 new post tensioning rods must be installed through the viaduct at those locations for permanent structural reinforcement. On June 12, 2009, the Senior Vice President, CPM approved a retroactive waiver and the contractor was directed to proceed. The modification covers the cost of providing eight temporary shoring towers rated up to 500 kips, net of the credit for the four towers rated 150 kips called for in the original contract. The additional temporary support work included the furnishing and installation of heavier steel members, saw cutting the street, the excavation of test pits for identification of utility interferences which determined the maximum footing at each location, installing street barriers, and maintenance and protection of street traffic. The new post tensioning rod work, performed by a specialty subcontractor, included drilling 4 holes 85 feet deep through each bent and chipping a recessed pocket 5 feet by 5 feet by 2.5 feet deep out of the bents at the penetrations. Heavy post tensioning rods are then installed in the holes and secured with bars and anchor plates. Finally, the interior and exterior is grouted. The work also includes the grouting of an additional 120 LF of cracks, the provision of scaffolding, and the maintenance and protection of traffic. In order to allow proper curing of the grout, the work must be performed during weekend GO's, to eliminate vibration from subway service. The contractor's initial proposal, submitted in September, was \$397,246 for the temporary shoring work and \$968,514 for the post tensioning rod work, or \$1,365,760 total. While the cost of the temporary shoring work was not controversial, negotiations became protracted because, as work progressed, the scope had to be changed with regard to the means and methods for grouting the post tensioning rods and the cracks. Once this was resolved, the contractor's final proposal, submitted in December, was \$397,246 for the temporary shoring work and \$941,431 for the post tensioning rod work, or \$1,338,677 total. NYC Transit's revised estimate for both items was \$894,000 total. Negotiations, based in part on analysis of time and material records, resulted in an agreed lump sum price of \$970,000 which is considered fair and reasonable. Savings of \$395,760 were obtained. Agreement was not reached on schedule impact. The contractual substantial completion date is March 13, 2010. The contractor requests a 4 month extension of time to July 13, 2010, but asks for 7-1/2 months of impact costs in the amount of \$589K, arguing that it would have achieved substantial completion 3-1/2 months early without this modification. The extension of time and impact cost, if any, will be negotiated as a separate modification.



# Schedule K: Ratification of Completed Procurement Actions



Item Number: **2**

<b>Vendor Name (&amp; Location)</b> Granite Construction Northeast, Inc. (Tarrytown, NY)	
<b>Description</b> Rehabilitation of Five Stations – Brighton Line	
<b>Contract Term (including Options, if any)</b> October 30, 2008 – December 30, 2011	
<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"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<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> Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
A-35870	10
<b>Original Amount:</b>	
	\$ 161,400,000.00
<b>Prior Modifications:</b>	
	\$ 767,839.00
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 162,167,839.00
<b>This Request:</b>	
	\$ 420,000.00
<b>% of This Request to Current Amount:</b>	
	0.3%
<b>% of Modifications (including This Request) to Original Amount:</b>	
	0.7%

## Discussion:

This contract is for the rehabilitation of five elevated train stations on the Brighton Line in Brooklyn: Newkirk Avenue, Avenue H, Avenue J, Avenue M and Kings Highway. Improvements will include: platform reconstruction; platform canopy replacement; track realignment; upgraded lighting, electrical, communications, mechanical, plumbing and storm drainage systems; new interior and exterior finishes and incorporation of Arts-for-Transit mosaic work; and ADA elevators at Newkirk Avenue. The contract calls for platform replacement at four stations, but only for platform repairs at Newkirk Avenue Station, including repair of its platform edges. The contract calls for edge repairs consisting primarily of repairing a few inches of the concrete edge for about 1400 LF, minor lengths of other repairs, and installing about 2500 LF of new running board on the repaired and existing edges. The Newkirk platform concrete topping sits on piles and its underside was inaccessible for surveying during design, which was conducted 10 years ago, when the Brighton Line station rehabilitation project was a single contract. The low bid secured from the solicitation of one contract for seven stations could not be awarded, so the project was repackaged into two contracts; this contract for five stations and another contract for two stations. During the extra time taken to re-solicit and award this contract, the Newkirk platform suffered additional weathering. During construction, joint NYC Transit and contractor survey teams were able to examine the concrete from below the platforms and determined that more extensive repairs were required. In lieu of the types and quantities of repairs/replacements in the original contract summarized above, this modification provides the repair of 2' of the concrete edge for 1654 LF, repair of 6' of concrete edge for 45 LF, full replacement of 140 LF of the south end of each of the two platforms, minor lengths of other repairs, and installing 2461 LF of new running board on the repaired and remaining existing edges. The contractor's original proposal was \$570,064; NYC Transit's revised estimate was \$396,000. Following negotiations, the lump sum of \$420,000 was agreed upon and found to be fair and reasonable. A savings of \$174,064 was achieved. The work can be performed only during General Orders. On August 28, 2009, the Senior Vice President, CPM approved a retroactive waiver and the contractor was directed to proceed, to take advantage of existing General Orders and to ensure completion of the work by September 28, 2009, in compliance with a plan promised to the local community board which minimizes service disruption.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

<b>Vendor Name (&amp; Location)</b>	
International Business Machines Corp. (Albany, NY)	
<b>Description</b>	
Data Center IT Support Services	
<b>Contract Term (including Options, if any)</b>	
February 1, 2005 - May 31, 2010	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b>	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: MTA-BSC	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
Technology and Information Services, Sidney Gellineau	

Contract Number	ASWO/Modification #
03A8602-1	68 & 69
<b>Original Amount:</b>	\$ 65,228,757.00
<b>Prior Modifications:</b>	\$ 7,910,186.21
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 73,138,943.21
<b>ASWO #68:</b>	\$ 274,495.00
<b>ASWO #69:</b>	\$ 37,139,371.00 (Est.)
<b>% of This Request to Current Amount:</b>	57%
<b>% of Modifications (including This Request) to Original Amount:</b>	69%

## Discussion:

This contract is for Data Center IT services for a five year period, plus an option for one additional two-year term. The contractor, International Business Machines Corporation (IBM) is required to provide Data Center IT Services for centralized MTA-wide mainframe and mid-range server processing for all MTA Agencies including the Business Service Center (BSC). BSC originally submitted a request (ASWO #66) for IBM to host and provide steady state support for new hardware and equipment at its Staten Island Data Center (SIDC) that will be used for its PeopleSoft Enterprise Resources Planning (ERP) software implementation. The equipment consists of 65 Linux servers, 8 server racks, 1 VMAX SAN, 2 fiber switches, 14 Nortel switches and 2 Firewalls. Due to the complexity of the project and BSC's aggressive implementation schedule, a second request, ASWO #68, was requested for IBM to perform all necessary preparation work for the installation of the 65 servers. The preparation work includes the procurement and installation of all network materials and electrical circuits necessary for the hosting of the new hardware and equipment at the SIDC. The work was begun in February in order to meet the required schedule. After the preparation work is complete, IBM will be required to support and assist the BSC in the re-configuration/re-arrangement, establishment of connectivity and the integration of these resources. Approval for this portion of the work (ASWO #66) will be sought when the Board meets in April, since the requirements were only finalized on February 11, 2010 and IBM's proposal was submitted on February 22, 2010. The original proposal for ASWO #68 was received on January 14, 2010 in the amount of \$237,785, but did not include the cost for labor associated with the fit-up work. Subsequently, IBM submitted a revised proposal that included all labor costs for the prep work in the amount of \$279,628. As a result of negotiations conducted, IBM submitted its best and final offer on February 2, 2010 in the amount of \$274,495. Savings of \$5,133 or 2% were achieved.

ASWO #69 is to exercise the two-year option established under the base contract for IBM to provide Data Center Services, and to extend for one additional year beyond the option period, for a total of three years. By extending the contract for an additional three years in the negotiated amount of approximately \$37M, the MTA will achieve savings of approximately \$5.6M or 13% over the extension period. Savings under this ASWO will begin on March 1, 2010. Due to the risks associated with a change in contractor (change in the location of the data center as well as a completely new set of communication protocols and connections) it was always the intent, from the beginning, to exercise the option (which was received and awarded in a competitive environment), absent some real validation that the pricing was now substantially above market place values. In February 2009, NYC Transit sought assistance from Gartner consultants to better understand the potential price variances in data center pricing. Based on information provided by Gartner and subsequent discussions regarding cost avoidance associated with relocating the data center, NYC Transit determined that the exercise of the two-year option was warranted. The Agency CIOs were briefed on May 13, 2009 and with NYC Transit's concurrence, made the decision to pursue the exercise of the two-year option. Further, the window of opportunity to conduct a new RFP had already passed when the economy took a sharp downturn and the MTA's financial situation became dire. In addition, at this point, the development of the BSC in order to ultimately reduce administrative costs across the Agencies was getting underway and the future environment of the data center became even more fluid, making further predictions of the new requirements more difficult if not impossible. Initially, several proposals were submitted by IBM and rejected by NYC Transit. Each proposal included savings that were tied to changing the way the Price Schedule is structured in the current Contract. After review of the issues with the CIOs, the Deputy Executive Director of Administration and the President, BSC, a three-year proposal was requested from IBM in order to avoid the possibility of entering into a transition period with a new vendor during the implementation of the BSC. Besides, given the status of the BSC design, and the number of IT staff resources dedicated to the effort, developing an RFP document at that time would have been difficult. The requirements were not yet known, because the BSC requirements were not yet known. Although IBM's original



submission indicated an overall savings of 9.8% over the three-year term, NYC Transit's in-depth review of the proposal, uncovered several discrepancies and inaccuracies. After all the adjustments were made, the real savings were approximately 3.7% over the three-year period. Separately, in January 2010, the MTA retained a consultant, Accenture, to assist in its efforts to bridge the budget gap by participating in a "Rapid Procurement" initiative. IBM was selected as one of the firms with whom negotiations would be conducted to achieve additional savings. As a result of its initial meeting with the Rapid Procurement Team, IBM submitted another proposal on February 8, 2010 with projected savings of approximately 13% over the term of this request. This proposal was accepted. By making this ASWO effective March 1 rather than April 1, an additional \$231,445 was saved. Accordingly, this ASWO has already been executed after obtaining internal approvals.



# Staff Summary



Subject Procurements
Department MTA Bus Company
Department Head Name Joseph J. Smith
Department Head Signature 
Project Manager Name 

Date March 1, 2010
Vendor Name N/A
Contract Number N/A
Contract Manager Name N/A
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	3-22-10		X	
2	Board	3-24-10		X	

Internal Approvals			
Order	Approval	Order	Approval
1	President		

## PURPOSE:

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

## DISCUSSION:

**MTA Bus Company proposes to award Non-Competitive procurements in the following categories:**

*None*

**MTA Bus Company proposes to award Competitive procurements in the following categories:**

*None*

**MTA Bus Company seeks ratifications in the following categories:**

*None*



## **BOARD RESOLUTION**

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

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

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

**NOW**, upon the recommendation of the Executive Director, 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 and changes to the 2004 bus purchase program reallocating funds as described in the Staff Summary dated March 8, 2005 relating to Contract B-31195.
3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.
4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein, and ratifies each action for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; and vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.
7. The Board authorizes the budget adjustments to estimated contracts set forth in Schedule L.









<b>Subject</b> Request for Authorization to Award Various Procurements						<b>Date</b> March 24, 2010			
<b>Department</b> Procurement & Logistics						<b>Vendor Name</b>			
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement & Logistics Officer						<b>Contract Number</b>			
<b>Department Head Signature</b> 						<b>Contract Manager Signature</b>			
<b>Project Manager Name</b>									
<b>Board Action</b>						<b>Internal Approvals</b>			
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1	LI Committee	3.22.10				X	President		VP & Chief Financial Officer
2	MTA Board	3.24.10				X	Sr. VP-Administration		VP, General Counsel & Secy
							Sr. VP-Operations		
							Executive VP		

**PURPOSE:**

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

**DISCUSSION:**

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

**Schedules Requiring Two-Thirds Vote**

			<u># of Actions</u>	<u>\$ Amount</u>
Schedule A:	Non-Competitive Purchase and Public Works Contracts			
	• Original Equipment Manufacturers	\$35.200M	1	\$35.200M
		<b>SUBTOTAL:</b>	<b>1</b>	<b>\$35.200M</b>

LIRR proposes to award Competitive Procurements in the following categories:

**Schedules Requiring Two-Thirds Vote**

			<u># of Actions</u>	<u>\$ Amount</u>
Schedule B:	Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)			
	• TBD – Design & construction of a segment of AAV	\$TBD	1	\$TBD
Schedule C:	Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)			
	• Macton Corporation		1	\$1.608M
		<b>SUBTOTAL:</b>	<b>2</b>	<b>\$1.608M</b>

**LIRR proposes to award Ratifications in the following categories:**

None

<b><u>TOTAL:</u></b>	<b><u>3</u></b>	<b><u>\$36.808M</u></b>
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**BUDGET IMPACT:**

The purchases/contracts will result in obligating LIRR operating and capital funds in the amount listed. Funds are available in the current operating/capital budgets for this purpose.

**RECOMMENDATION:**

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

**STANDARD FORM OF RESOLUTION PURSUANT TO ALL-AGENCY PROCUREMENT  
GUIDELINES AND THE GUIDELINES FOR SERVICE CONTRACTS**

**THE LONG ISLAND RAIL ROAD**

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

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

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

NOW, the Board resolves as follows:

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



**LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**MARCH 2010**

**MTA LONG ISLAND RAIL ROAD**

**Procurements Requiring Two-Thirds Vote**

Page

**Schedule A: Non-Competitive Purchase and Public Works Contracts**

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

1.	<b>Original Equipment Manufacturers</b>	<b>\$34,950,000-LIRR</b>	<b><u>Staff Summary Attached</u></b>	<b>117</b>
	<b>Non-Competitive</b>	<b><u>\$ 250,000-MNR</u></b>		
	<b>Contract No. TBD</b>	<b><u>\$35,200,000-Not-to-Exceed</u></b>		

LIRR, on behalf of itself and MetroNorth Railroad (the "Railroads") requests MTA Board approval to award six Sole Source Purchase Agreements with the Original Equipment Manufacturers (OEM) of systems contained on various fleet railcars for both LIRR and MNR in a total not-to-exceed amount of \$35,200,000. Under the purchase agreements, the OEMs will supply, on an as-needed basis, complete systems, parts, other equipment, technical/field support and repair services required to (i) support the Railroads' Reliability Centered Maintenance (RCM) programs, and (ii) perform unscheduled maintenance and repairs to the LIRR's diesel fleet of locomotives and coach cars, over a five-year period.



## Schedule A: Non-Competitive Purchases and Public Works

### Staff Summary



Long Island Rail Road

1 of 2

Item Number:

<b>Vendor Name (&amp; Location)</b>
Original Equipment Manufacturers (OEM) –Various (See below)
<b>Description</b>
Long Term OEM Purchase Agreements - LIRR & MNR (Luminator and Columbus Steel Castings only)
<b>Contract Term (Including Options, If any)</b>
5 Years
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b>
<input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
<b>Solicitation Type</b>
<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source

<b>Contract Number</b>	<b>Renewal?</b>
TBD	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	<b>Not to Exceed</b>
LIRR - \$34,950,000	\$35,200,000
MNR - \$ 250,000	
<b>Funding Source</b>	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
Maintenance of Equipment – Michael Gelormino/John Kesitch	
<b>Contract Manager:</b>	
Arthur Billotti/Mike Coppola	

#### Background and Request:

LIRR, on behalf of itself and MetroNorth Railroad (the "Railroads") requests MTA Board approval to award multiple Sole Source Purchase Agreements with the Original Equipment Manufacturers (OEM) of various systems contained on LIRR's diesel fleet in a total not-to-exceed amount of \$35,200,000. Under the purchase agreements, the OEMs will supply, on an as-needed basis, complete systems, parts, other equipment (collectively the "Parts"), technical/field support and repair services required to (i) support the Railroads' Reliability Centered Maintenance (RCM), and (ii) perform unscheduled maintenance and repairs to the LIRR's diesel fleet of locomotives and coach cars, over a five-year period.

Purchase agreements with four of the suppliers, Siemens, Kawasaki, Telephonics and National Railway will be solely with the LIRR for the parts and services referenced above. A review of the Scope of Work for these four suppliers was performed by the MTA Business Service Center who determined that they are not candidates for Joint Procurements as the DE/DM-30 locomotives and coach cars are unique to LIRR. Further, MNR's fleet does not contain systems produced by these suppliers, thus precluding any opportunities for additional joint procurements.

However two suppliers, Luminator, the OEM for lighting systems on all LIRR and MNR M-7 cars, and Columbus Steel Castings, the OEM for couplers on LIRR coach cars and couplers/trucks on MNR's electric and coach cars will be awarded separate contracts as Joint Procurements.

These OEM purchase agreements for the suppliers listed above will replace all prior individual agreements made with each OEM. The five-year term also assures that the OEMs will maintain their tooling and manufacturing capabilities necessary to produce the parts, which are not available from other sources.

#### Discussion:

The LIRR fleet consists of 45 diesel locomotives and 134 diesel hauled coaches. To maintain high car reliability and improved customer service through on-time performance, the Railroad must implement its RCM program, which requires parts being replaced at prescribed intervals. Additionally, parts required to perform unscheduled maintenance and repairs on the cars are needed to insure safe, reliable and maintainable operations. The technical and field support services will insure that all software driven, microprocessor-based systems are kept up to current configuration for proper operation. Further, technical support and repair services will ensure that any future repairs or modifications that require the technical expertise of the OEM, as well as access to the OEM's proprietary data, can be implemented.

The OEMs identified on the chart below are the sole responsible sources for the parts, repairs and services that will be provided under these purchase agreements. Other suppliers cannot readily provide these parts and repairs because related systems were approved only after extensive design review and factory testing. The chart provides the names of the six OEMs and the estimated not-to-exceed dollar amounts anticipated to be expended (one as a joint procurement) with each OEM over the five-year term of the purchase agreements. The Railroad(s) also remain committed to identifying potential alternate suppliers to sole source parts and equipment and reserve the right to seek out and contract with alternate suppliers as there is no strict guarantee of purchase to any of the OEMs.



## Schedule A: Non-Competitive Purchases and Public Works

### Staff Summary



The total dollars outlined in the chart below are based upon historical data and projected usage. In order to be prepared for possible unscheduled events and occurrences, the Railroads further seek approval to reallocate funds between OEMs under the following limitation: any reallocated amount may not exceed 15% of the individual OEM contract amount, and may, in no event, exceed the grand total approved herein. In accordance with MTA All-Agency Procurement Guideline requirements, the Railroads advertised their intent to procure the items under this authorization on a sole source basis. No other firms expressed any interest in participating in this procurement.

<b>Supplier</b>	<b>System</b>	<b>LIRR</b>	<b>MNR</b>	<b>Purchase Agreement Totals</b>
Siemens	Locomotive Propulsion	\$8,000,000	N/A	\$8,000,000
Kawasaki	Carbody, Truck/Suspension & Interior Components	17,000,000	N/A	17,000,000
Telephonics	Communications	8,000,000	N/A	8,000,000
Columbus Steel Castings *	Couplers/Trucks	700,000	\$200,000	900,000
National Railway	Locomotive Batteries	500,000	N/A	500,000
Luminator *	Interior Lighting	750,000	50,000	800,000
<b>Grand Total:</b>		<b>\$34,950,000</b>	<b>\$250,000</b>	<b>\$35,200,000</b>

\* Joint procurements between LIRR and MNR

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**MARCH 2010**

**MTA LONG ISLAND RAIL ROAD**

*Procurements Requiring Two-Thirds Vote*

Page

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

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

121

LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public interest to use the Request for Proposal (RFP) process pursuant to Section 1265-a of the Public Authorities Law to award a contract for the design and construction of a segment of the Atlantic Avenue Viaduct, hereafter referred to as Phase IIb.

*Procurements Requiring Two-Thirds Vote*

**Schedule C: Competitive Request for Proposals (Award of Purchase and Public Work Contracts)**  
(Staff Summaries only required for items requiring Board approval)

- |    |  |   |                               |
|----|--|---|-------------------------------|
| 2. | <b>Macton Corporation</b><br><b>Competitive</b><br><b>Contract No. TBD</b> | <b>\$1,607,750</b><br><b>Fixed Amount</b> | <u>Staff Summary Attached</u> |
|----|--|---|-------------------------------|

123

LIRR requests MTA Board approval to award a Contract to Macton Corporation in the fixed amount of \$1,607,750 to design, manufacture, install and test a new Car Hoist and Body Support System for LIRR's Richmond Hill Maintenance Shop, along with removal and disposal of the existing Car Hoist and Body Support System.



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

## Staff Summary



Long Island Rail Road

Page 1 of 2

<b>Item Number: 2</b>					
<b>Dept &amp; Dept Head Name:</b> Procurement & Logistics, Dennis Mahon					
<b>Department Head Signature &amp; Date</b> <i>[Signature]</i> 3/1/10					
<b>Division &amp; Division Head Name:</b> Program Management, Kevin Tomlinson					
<b>Division Head Signature &amp; Date</b> <i>[Signature]</i>					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	LI Committee	3.22.10			
2	MTA Board	3.24.10			
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
6	President <i>[Signature]</i>	3	Sr. VP/Administration <i>[Signature]</i>		
5	Executive VP <i>[Signature]</i>	2	VP/Gen'l Counsel & Sec'y <i>[Signature]</i>		
4	Sr. VP/Operations <i>[Signature]</i>	1	VP/Chief Financial Officer <i>[Signature]</i>		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> TBD	<b>Contract Number</b> TBD
<b>Description:</b> Design/Build Construction of Atlantic Avenue Viaduct, Phase IIb	
<b>Total Amount:</b> \$TBD	
<b>Contract Term (including Options, if any):</b> TBD	
<b>Options(s) included in Total Amount:</b> <input checked="" type="checkbox"/> Yes <input 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"/> Non-Competitive	
<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 type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative:**

### I. PURPOSE/RECOMMENDATION

LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public interest to use the Request for Proposal (RFP) process pursuant to Section 1265-a of the Public Authorities Law to award a contract for the design and construction of a segment of the Atlantic Avenue Viaduct, hereafter referred to as Phase IIb.

### II. DISCUSSION

The Atlantic Avenue Viaduct, which consists of 1.4 miles of track and includes 199 total spans, between Nostrand Avenue and Ralph Avenue, requires an ongoing special inspection and repair program to allow trains to utilize it safely. The MTA Board in January 2008 approved an award of a Design/Build Contract to Kiewit Constructors, Inc. in the amount of \$69,177,000 to rehabilitate a portion of the Atlantic Avenue Viaduct (87 spans), known as Phase I, and in July 2009 approved an award of a Design/Build Contract to Kiewit Constructors, Inc. in the amount of \$66,302,300 to rehabilitate another portion of the Viaduct (86 spans, inclusive of a contract option for Spans #1 and #24), known as Phase IIa. Due to the criticality of the work and the length of time anticipated to be required to complete the formal competitive procurement process, LIRR is progressing this request to use the RFP process at this time, and as a result, will be prepared to quickly pursue the award of a contract once the appropriate funding source is identified.

The Phase IIb work includes rehabilitation of the bridge structure (replacement of girders and rehabilitation of cap beams), and column repairs and is scheduled to be done only on weekends to avoid extensive disruptions to our customers. Consistent with the procurement method applied to Phases I and IIa, Phase IIb will be procured using a Design/Build contract methodology, which will advance the current 30% preliminary design through final design, and implement the actual replacement or rehabilitation of up to 18 spans.

Use of the Design/Build contract methodology for the Phase IIb Rehabilitation will achieve expedited project delivery and foster the advantages of construction innovation resulting from improved coordination between the designer and contractor. The Technical Scope of Work to be provided in the RFP will be based on design documents that are approximately 30% complete ("Preliminary Design"), which is insufficient for a formal competitive bid process. Further, the competitive RFP process affords LIRR the ability to select a contractor based upon considerations other than price such as technical capability, experience, and completion schedule as well as the ability to evaluate, refine and negotiate the proposals. Moreover, the use the RFP/Design/Build contract will reduce the estimated time frame for completing this project by 3 – 6 months.

## **Staff Summary**



**Long Island Rail Road**

Page 2 of 2

Use of the Competitive RFP Design/Build method for the Phase I Rehabilitation was approved by the MTA Board at its February 28, 2007 meeting, and similar approval for Phase IIa Rehabilitation was granted by the MTA Board at its January 28, 2009 meeting.

### **III. D/M/WBE INFORMATION**

Goals for this contract are to be determined by the MTA Office of Civil Rights.

### **IV. IMPACT ON FUNDING**

Although funding for the third party design/build construction of the Phase IIb Atlantic Avenue Viaduct Rehabilitation is not yet in place, we anticipate funding approval in the second quarter of 2010. In order to award as soon as possible thereafter, we are requesting approval to start the procurement process now.

### **V. ALTERNATIVES**

The alternative is to use the Invitation for Bid process. However, this alternative prevents communication with the contractor until after award, and as a result the LIRR would lose the ability to negotiate improvements to the construction schedule and incorporate more efficient means and methods for construction.

# Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)

## Staff Summary



Long Island Rail Road

Page 1 of 2

<b>Item Number: 3</b>					
Dept & Dept Head Name: Procurement & Logistics, Dennis L. Mahon					
Department Head Signature & Date <i>[Signature]</i> 3/10/10					
Division & Division Head Name: Maintenance of Equipment, Michael Gelormino					
Division Head Signature & Date <i>[Signature]</i>					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	LI Committee				
2	MTA Board				
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
6	President <i>[Signature]</i>	3	Sr. VP/Administration <i>[Signature]</i>		
5	Executive VP <i>[Signature]</i>	2	VP/Gen'l Counsel & Sec'y <i>[Signature]</i>		
4	Sr. VP/Operations <i>[Signature]</i>	1	VP/Chief Financial Officer <i>[Signature]</i>		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract Number</b>
Macton Corporation	TBD
<b>Description</b>	
Sheridan Shop Hoist Replacement	
<b>Total Amount</b>	
\$1,607,750 Fixed Amount	
<b>Contract Term (including Options, if any)</b>	
40 weeks after Notice of Award	
<b>Options(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"/> Non-Competitive	
<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

LIRR requests MTA Board approval to award a Contract to Macton Corporation (Macton) in the fixed amount of \$1,607,750 to design, manufacture, install and test a new Car Hoist and Body Support System for LIRR's Sheridan Shop, along with removal and disposal of the existing Car Hoist and Body Support System.

### DISCUSSION

The new Car Hoist and Body Support System will replace the existing equipment, which has reached its 25-year useful life. Past structural damage, incursion of water due to poor drainage, normal wear and age have contributed over time to a predictable decline in the equipment's overall condition, reliability and maintainability. A 2005 study done by the consulting firm of Gannett Fleming, Inc. produced a Support Equipment Assessment Study confirming these findings. Additionally, the report indicated that, due to wear, all of the main jacking screws would need replacement. The system's main function allows for the removal and replacement of the rail car truck assemblies from LIRR's C-3 diesel hauled passenger coaches during scheduled and unscheduled repair activity in accordance with the reliability centered maintenance program.

LIRR's request to utilize the Request for Proposal (RFP) process was approved by the MTA Board in July 2009. Each qualified firm that designs, furnishes and installs car hoist and body support systems possesses unique advantages and disadvantages that were taken into consideration as part of the RFP evaluation process. LIRR advertised this solicitation for this equipment and its intent to procure this equipment using the competitive RFP process in both the New York State Contract Reporter and the New York Post. Five firms (Macton Corporation, Whiting Corporation, Railquip, Inc., SISCO and Prime Vendor, Inc.) requested and received RFP packages. As a result of their RFP Part 1 (pre-qualification) responses, Macton, Whiting, and Railquip were deemed to be qualified to continue to participate in this procurement. All three short listed firms submitted proposals, provided additional information, as requested and provided an oral presentation requested by the LIRR.

Macton was found by LIRR's Evaluation Committee to be the most technically qualified firm based upon its proposed technical approach to the project, past performance, relevant experience and project management team. Macton has successfully refurbished Car Hoists at LIRR's Hillside and Westside Shops. In addition, Macton has completed refurbishments, installations and/or replacements of Car Hoist Systems for various other state transit agencies such as New Jersey Transit, DART (TX), MTA (MD), CTA

**Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)**

**Staff Summary**



**Long Island Rail Road**

Page 2 of 2

(IL), LA Metro (CA) and Sound (WA). Additionally, Macton's proposed price was the lowest price offered of the three proposals received and was subsequently determined to be fair and reasonable.

**D/M/WBE INFORMATION**

There are no M/W/DBE goals for this solicitation.

**IMPACT ON FUNDING**

This project will be funded from the 2005-2009 Capital Program (PN-6K)

**RECOMMENDATION**

It is recommended that the Board approve a contract award to Macton Corporation for the fixed amount of \$1,607,750.







<b>Subject</b> Request for Authorization to Award Various Procurements	<b>Date</b> March 8, 2010
<b>Department</b> Procurement & Material Control	<b>Vendor Name</b> Various
<b>Department Head Name</b> James P. Curry	<b>Contract Number</b> Various
<b>Department Head Signature</b> <i>John Brennan for J.P. Curry</i>	<b>Contract Manager Name</b> Various
<b>Project Manager Name</b> Various	<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	LI Committee	3/22/10			
2	Finance Committee	3/22/10			
3	MTA Board	3/24/10			

Internal Approvals			
Order	Approval	Order	Approval
X	President		VP Administration
	Sr. VP Operations		CIO
	VP Finance		Other
X	General Counsel		

**PURPOSE:** To obtain approval of the Board to award various contracts and purchase orders, and to inform the LI Committee of these procurement actions.

**DISCUSSION:**

LI Bus proposes to award Non-Competitive procurements in the following categories: None

LI Bus proposes to award Competitive procurements in the following categories: None

LI Bus presents the following procurement actions for Ratification: None

**BUDGET IMPACT:** None

**RECOMMENDATION:** None



## MTA LONG ISLAND BUS

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

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

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

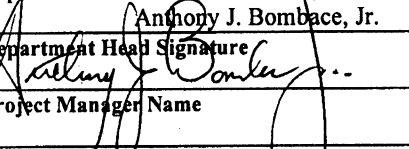
NOW, the Board resolves as follows:

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





**Metro-North Railroad**

<b>Subject</b> Request for Authorization to Award Various Procurements						<b>Date</b> March 5, 2010			
<b>Department</b> Procurement and Material Management						<b>Vendor Name</b> Various			
<b>Department Head Name</b> Anthony J. Bombace, Jr.						<b>Contract Number</b> Various			
<b>Department Head Signature</b> 						<b>Contract Manager Name</b> Various			
<b>Project Manager Name</b>						<b>Table of Contents Ref #</b>			
<b>Board Action</b>						<b>Internal Approvals</b>			
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<input checked="" type="checkbox"/>	<b>Approval</b>	<input type="checkbox"/>	<b>Approval</b>
1	M-N Comm Mtg	3-22-10				X	President		Budget
2	MTA Board Mtg	3-24-10				X	Sr. VP Operations		Capital Programs
						X	Sr. VP Administration		Engr/Const
						X	VP Finance & IT	X	Chief of Staff
<b>Internal Approvals (cont.)</b>									
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
—	VP Planning	—	Government Relations	—	Labor Relations	X	General Counsel	—	Other
—	Press	—	Safety	—	Human Resources				

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

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

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE
<u>Schedules Requiring Majority Vote</u>	NONE

**SUB TOTAL:** NONE

**MNR proposes to award competitive procurements in the following categories:**

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals	1	\$11,111,684
• Alstom Signaling, Inc. \$11,111,684		

Schedules Requiring Majority Vote NONE

SUB TOTAL: 1 \$11,111,684

**MNR presents the following procurement actions for Ratification:**

Schedules Requiring Two-Thirds Vote (or more, where noted) NONE

Schedules Requiring Majority Vote NONE

SUB TOTAL: NONE

TOTAL: 1 \$11,111,684

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

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

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.

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

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

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

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





**MARCH 2010**

**METRO-NORTH RAILROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Schedules Requiring Two-Thirds Vote:**

Page

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

1.	<b>Alstom Signaling, Inc.</b>	<b>\$11,111,684 (not-to-exceed)</b>	<b><u>Staff Summary</u></b>	<b>135</b>
	<b>Furnish Pre-Wired Signal Houses and Cases – Danbury Line</b>			

RFP process, three (3) proposals received, sixteen (16)-month contract. Metro-North's Communications and Signals (C&S) Department seeks a signal equipment vendor to perform engineering, design, fabrication and delivery of thirty-three (33) pre-wired signal houses/cases and eighteen (18) equipment racks for grade crossing predictors. The houses/cases and racks will be located from Norwalk, CT to Danbury, CT. and will be installed by MNR Forces. The completed installation will provide for a wayside cab signal system and centralized traffic control of ten (10) interlockings along the twenty-four (24) miles of the Danbury Branch. Further, these signal houses and cases will be compatible with and necessary to support the future PTC (Positive Train Control) system.

After considering their technical capability and price to provide the required services, the Selection Committee unanimously determined that Alstom Signaling Inc. was the best qualified vendor to provide the required services. Additionally, Alstom has demonstrated their capability of providing the desired professional and quality services required based upon work performed under previous MNR contracts. Alstom's not-to-exceed price of \$11,111,684 is 8.9% less than the other vendor, 11.3% less than the engineer's estimate and is deemed fair and reasonable for the level of effort anticipated for this project. This procurement is 100% funded by the State of Connecticut Department of Transportation with Federal funds.



# Staff Summary

Item Number C					
Dept & Dept Head Name: Procurement & Material Management, Anthony J. Burney, Jr.					
Division & Division Head Name: Administration – Sr. VP - Admin. – R. Burney					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	3-22-10			
2	MTA Board Mtg.	3-24-10			
Internal Approvals					
Order	Approval	Order	Approval		
X	President		V.P. Planning		
X	Sr. V.P. Operations	X	General Counsel		
X	Sr. VP Administration		Capital Programs		
X	V.P. Finance & IT	X	Chief of Staff		

SUMMARY INFORMATION	
Vendor Name Alstom Signaling Inc.	Contract Number 63724
Description Furnish Pre-Wired Signal Houses and Cases – Danbury Line (Norwalk, CT to Danbury, CT)	
Total Amount NTE \$11,111,684	
Contract Term (including Options, if any) Sixteen (16) Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: CDOT	

## Narrative

- I. **PURPOSE/RECOMMENDATION:** To obtain MTA Board approval to make an award to Alstom Signaling Inc. The project consists of: design and fabrication of pre-wired signal houses/cases and racks for grade crossings for installation on MNR's Danbury Line (Norwalk, CT to Danbury, CT)
- II. **DISCUSSION:** MNR has an immediate requirement to retain a vendor to perform engineering, design, fabrication and delivery of thirty-three (33) pre-wired signal houses/cases and eighteen (18) racks for grade crossings. The houses/cases and racks will be located from Norwalk, CT to Danbury, CT and will be installed by MNR Forces. The completed installation will provide for a wayside cab signal system and centralized traffic control of ten (10) interlockings along the twenty-four (24) miles of the Danbury Branch. Further, these signal houses and cases will be compatible with and necessary to support the future PTC (Positive Train Control) system.

The scope of work for the signal houses and cases includes:

- Detailed design and engineering of all hardware, software, and system configuration requirements.
- Manufacture and deliver signal system equipment with software, control panels, computer engineering package, training rack, and reliability backup equipment.
- Provide MNR employee training on system servicing and maintenance.
- Provide on-site field support during MNR's installation of the equipment.

MNR received Board approval to use the request for proposal (RFP) process for this procurement at the July 2009 MTA Board.

On October 27, 2009, RFP No. 63724 was advertised in the New York State Contract Reporter, and on November 5, 2009, was advertised in the New York Post, El Diario and the Daily Challenge. On January 15, 2010, three technical and cost proposals were received from Ansaldo STS USA, Inc.; Alstom Signaling Inc.; and, GE Transportation Systems.

# Staff Summary

A Selection Committee comprised of three (3) members representing Metro-North's C&S Department and Procurement and Material Management Department evaluated the proposals. The criteria for selection established in the RFP is as follows:

1. Technical Capability
2. Experience
3. Cost
4. Project Plan

After a technical evaluation of the three (3) proposals, the Selection Committee selected two firms: Ansaldo and Alstom, to provide oral presentations. The firm not selected for orals, although familiar and experienced with Class I freight railroads, did not offer the Committee the requisite heavy commuter rail experience or electrified territory experience in their proposal. The Committee determined that it would be challenging for this firm to achieve smooth and compliant program execution.

Subsequent to the oral presentations and after receiving formal responses to MNR's questions, the firms were requested to provide their final price proposal. Alstom's final price of \$11,111,684 was reviewed and the Selection Committee unanimously determined that Alstom Signaling Inc. was the best qualified vendor to provide the required services. Additionally, Alstom has demonstrated their capability of providing the desired professional and quality services required based upon work performed under previous MNR contracts. Alstom's not-to-exceed price of \$11,111,684 is 8.9% less than the other vendor, 11.3% less than the engineer's estimate and is deemed fair and reasonable for the level of effort anticipated for this project.

- III. **D/M/WBE INFORMATION:** The MTA Office of Civil Rights did not establish minority participation goals for the contract.
- IV. **IMPACT ON FUNDING:** The total cost for this effort is not-to-exceed \$11,111,684. The period of performance is sixteen (16) months. This procurement is 100% funded by the State of Connecticut Department of Transportation (CDOT) with Federal funds.
- V. **ALTERNATIVES:** None. MNR and CDOT do not have the manufacturing capability to fabricate signal houses and cases.

# Memorandum



## Metro-North Railroad

**Date** March 11, 2010  
**To** Metro-North Committee  
**From** Howard Permut *HP*  
**Re** **Impacts to Metro-North of May 2010 NJ TRANSIT's Proposed Fare Increase And Service Cuts**

FYI, this memo summarizes the impacts of the recently announced May 1, 2010 NJ TRANSIT fare increase on Metro-North West of Hudson fares, NJ TRANSIT Hold-Down payments, and proposed NJ TRANSIT service changes impacting MNR West of Hudson service.

### **Impact on Metro-North West of Hudson Fares**

Based on the most current information from NJ TRANSIT, all NJ TRANSIT commuter rail fares will increase by approximately 25% on May 1, 2010. MNR fares to Hoboken are unaffected by this increase. However, there will be a small impact on MNR fares to Penn Station NY and other Newark Division stations as these fares will increase by 3 to 5 percent.

As background, this increase reflects the MNR/NJ TRANSIT Agreement whereby the fare for travel between Metro-North stations and Penn Station NY is the combination of the fare from Port Jervis and Pascack Valley Line stations to Secaucus Junction (controlled by MTA) and the fare from Secaucus to Penn Station NY (controlled by NJ TRANSIT). (See attachment.) Metro-North's approval is not required for an increase in the NJ TRANSIT portion of interline fares, and NJ TRANSIT approval is not required for a change in Metro-North's fares.

### **Impact on MNR Hold-Down Payments to NJ TRANSIT**

Under the terms of the MNR/NJ TRANSIT Service Agreement, MNR must reimburse NJ TRANSIT for their revenue loss resulting from their need to "hold-down" fares for their outermost stations on the Main/Bergen and Pascack Valley Lines so as to not exceed the MNR fares at the adjacent Metro-North stations (if MNR decides not to match NJ TRANSIT's fare increase).

In addition, per the existing Service Agreement, if the resulting monthly hold-down payments exceed \$50,000 per month, the amount is reduced by 10 percent to reflect the estimated ridership loss which would have occurred with higher resulting NJ TRANSIT fares.

Currently, MNR Hold-Down payments to NJ TRANSIT are approximately \$20,000 annually. Based on a preliminary calculation, this amount will increase to approximately \$1.7 Million annually after NJ TRANSIT implements its proposed fare increase. This increase in hold-down payments was not included in either Metro-North's 2010 Budget or the February 2010 MTA Financial Plan. The magnitude of the hold-down would decrease at such time that Metro-North implements its next fare increase.

#### **Impact on MNR West of Hudson Train Service**

There is one change proposed by NJ TRANSIT that will affect Metro-North customers. That proposed change is the discontinuation of trains 1600 (4:56 AM weekday train from Spring Valley to Hoboken) and 1639 (6:55 PM weekday peak train from Hoboken to Spring Valley) on the Pascack Valley Line.

This proposed service reduction is the same as that proposed by Metro-North, it was included in the Metro-North public hearing process and is currently pending MTA Board approval. However, New Jersey Transit plans to make its reductions effective June 6<sup>th</sup> while, assuming Board approval, Metro-North plans to do its reductions effective June 21<sup>st</sup>. To address this issue, Metro-North and NJ Transit have negotiated a mutually agreeable resolution. Metro-North will pay NJ Transit an additional \$13,000 to continue these trains for two weeks and make the service cut effective with all other proposed Metro-North reductions on June 21.

#### **MNR Customer Communications**

In advance of NJT's public hearings, which are scheduled to take place later this month, Metro-North has coordinated with NJ TRANSIT to place public hearing notices at all NYS West of Hudson Stations.

In addition, Metro-North will provide a customer notice of the fare increase on its homepage at [www.mta.info](http://www.mta.info) and there will be a direct link to NJ TRANSIT's information on the fare and service changes.

If you have any questions, please contact either myself or Bob MacLagger.

Attachment

cc: J. Walder  
C. Monheim  
D. Moretti  
R. MacLagger

**Fare Table Attachment to MNR Committee Memo March 11, 2010 RE: NJT Fare Increase**

25% Rad MN 1

**FARES TO HOBOKEN & NY PENN STATION**

**Proposed, May 1, 2010**

ONEWAY Fare		MONTHLY PASS Fare				ONEWAY Fare		MONTHLY PASS Fare	
Current	Proposed	Current	Proposed			Current	Proposed	Current	Proposed
HOBOKEN		HOBOKEN		PORT JERVIS LINE Metro North RR		PASCACK VALLEY LINE Metro North RR		NY PENN	
				NY PENN		NY PENN			
				HOBOKEN		HOBOKEN			
7.75	7.75	215.00	215.00			Pearl River	8.50	8.75	244.00
7.75	7.75	215.00	215.00			Nanuet	8.50	8.75	244.00
7.75	7.75	215.00	215.00			Spring Valley	8.50	8.75	244.00
8.75	8.75	239.00	239.00				11.00	11.50	295.00
8.75	8.75	239.00	239.00				11.00	11.50	295.00
10.00	10.00	242.00	242.00				12.25	12.75	298.00
11.25	11.25	250.00	250.00				13.50	14.00	306.00
12.50	12.50	261.00	261.00				14.75	15.25	317.00
13.25	13.25	271.00	271.00				15.50	16.00	327.00
14.50	14.50	290.00	290.00				16.75	17.25	346.00
16.25	16.25	317.00	317.00				18.50	19.00	373.00

**Note:** These stations served by NJ TRANSIT under contract to Metro North RR  
 Fares for travel between these stations and Secaucus / Hoboken are established by Metro North RR  
 Fares for travel between Secaucus and NY Penn are established by NJ TRANSIT

NJ TRANSIT is not responsible for typographical errors.

3410 AT







# Staff Summary



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

<b>Date</b>	March 4, 2010
<b>Vendor Name</b>	
<b>Contract Number</b>	
<b>Contract Manager Name</b>	
<b>Table of Contents Ref #</b>	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	3/4/10			
2	MTA B&T Committee	3/22/10			
3	MTA Board	3/24/10			

Internal Approvals			
Order	Approval	Order	Approval
	President <i>[Signature]</i>		VP Procurement & Materials
	VP Staff Services/COS		VP Labor Relations
	General Counsel		VP & Chief Engineer
	VP Operations		

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

## **PURPOSE:**

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

## **DISCUSSION:**

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

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

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule F	Personal Service Contracts	1	\$2.810M
Schedule G	Miscellaneous Service Contracts	1	\$ .039M
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	1	\$ .655M
Schedule I	Modifications to Purchase & Public Works Contracts	1	\$ .906M
SUBTOTAL		4	\$4.410M

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

TOTAL	4	\$4.410M
-------	---	----------

## **BUDGET IMPACT:**

The purchases/contracts will result in obligating MTA B&T and Capital Construction funds in the amount listed. Funds are available in the current MTA B&T operating/capital budgets for this purpose.

## **RECOMMENDATION:**

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

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



**MTA BRIDGES & TUNNELS**  
**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

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

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

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

**NOW**, the Board resolves as follows:

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



**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**MARCH 2010**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

Page

**F: Personal Service Contracts**

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

- |  |                 |                                   |
|--|-----------------|-----------------------------------|
| 1. HNTB New York Engineering & Architecture, P.C.<br>Contract No. PSC-09-2852  | \$ 2,810,169.00 | <u>Staff Summary Attached</u> 147 |
| <p>2 yr. 8 mo. contract – Competitive RFP – 5 Proposals<br/>Provide design services for Project VN-86, New Ramp at the Verrazano-Narrows Bridge.</p> |                 |                                   |

**G: Miscellaneous Service Contracts**

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

- |   |              |  |
|---|--------------|--|
| 2. United Steel Products, Inc.<br>Contract No. 09-MNT-2852X   | \$ 39,250.00 |  |
| <p>3 yr. contract – Competitive Bid – Low bid/4 Bids<br/>On December 24, 2009 a solicitation was issued for a Contractor to service, repair and maintain motorized security gates at various Authority facilities for a period of three years. These specialized gates, which were installed at the Verrazano-Narrows and Throgs Neck Bridges, function as part of security fencing for the facilities and will no longer be subject to the provisions of the warranty. The service requirements were publicly advertised. The solicitation notice was sent to 82 firms. Seven firms requested copies of the solicitation. On January 26, 2010, four bids were submitted. There is no current contract for these services. B&amp;T rejected the two bids received under the original solicitation (09-MNT-2852) for this service since the lowest bid exceeded the user's estimate of \$33,000 by nearly 60%. Re-solicitation for these services generated more competition and a lower price. Bid prices are fixed for a three-year period. After evaluation of the bids, it was determined that United Steel Products, Inc. is the lowest responsive, responsible bidder. Based on competition, the price is considered fair and reasonable. Funds are available in the Operating Budget under GL# 61230.</p> |              |  |

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

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

- |  |               |                                   |
|--|---------------|-----------------------------------|
| 3. PBS&J, P.A. dba PBS&J Architecture and Engineering<br>Contract No. PSC-08-2843                      | \$ 655,115.00 | <u>Staff Summary Attached</u> 149 |
| <p>Additional work to implement the All Electronic Tolling (AET) pilot at the Henry Hudson Bridge.</p> |               |                                   |

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**MARCH 2010**

Page

**I: Modifications to Purchase & Public Works Contracts**

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

- |    |  |                      |                                      |            |
|----|--|----------------------|--------------------------------------|------------|
| 4. | <b>Yonkers Contracting Company</b>   | <b>\$ 906,000.00</b> | <b><u>Staff Summary Attached</u></b> | <b>150</b> |
|    | <b>Contract No. TB-09B</b>   |                      |                                      |            |
|    | Resolve all claims under Contract TB-09B, Triborough Bridge (now RFK Bridge) Deck Replacement of the Harlem River Lift Span and Approach Truss Span. |                      |                                      |            |



# Staff Summary

Page 1 of 2

Item Number 1 (Final)					
Dept & Dept Head Name: Engineering & Construction, Thomas Bach, P.E.					
Division & Division Head Name: Engineering & Construction, Joe Keane, P.E.					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	3/4/10			
2	MTA B&T Committee	3/22/10			
3	MTA Board	3/24/10			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer	4	President		
2	General Counsel				
3	Chief Procurement Officer				

SUMMARY INFORMATION	
Vendor Name HNTB New York Engineering & Architecture, P.C.	Contract Number PSC-09-2852
Description Design Services for Project VN-86, New Ramp at the Verrazano-Narrows Bridge	
Total Amount \$2,810,169	
Contract Term (including Options, if any) 2 years, 8 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Design Services for Project VN-86, New Ramp at the Verrazano-Narrows Bridge (VNB) to HNTB New York Engineering & Architecture, P.C. (HNTB) for a period of 2 years, 8 months at a cost of \$2,810,169.

### II. DISCUSSION

B&T requires the services of a consultant to provide design services for Project VN-86, New Ramp at the VNB. The design will accommodate a new ramp structure which would connect the upper level of the VNB extending from the elevated eastbound/westbound split at the Brooklyn anchorage to the Gowanus approach roadway which is west of the 92<sup>nd</sup> street overpass. The design tasks will include but not be limited to: design of the new ramp encompassing the foundations, piers, deck, lighting, drainage, fire standpipe, sign structures, utilities and communications.

The service requirements were publicly advertised; 14 firms submitted qualification information. Five firms, HNTB, PB Americas, Inc. (PB), Parsons Transportation Group of NY, Inc. (PTG), Weidlinger Associates Consulting Engineers, P.C. (Weidlinger) and WSP SELLS (SELLS) were chosen to receive the RFP based on a review of those qualifications and all five firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP, including technical work proposed, depth of understanding of the project, qualifications of the firm for

## Staff Summary

Page 2 of 2

specific personnel proposed and cost. After an initial review, B&T elected to proceed with oral presentations and cost evaluation for the three highest ranked firms (HNTB, Weidlinger and SELLS). The committee selected HNTB, on the basis that it: (i) proposed the best qualified team; (ii) understood the most critical part of this project by presenting an innovative configuration for the new ramp that minimized the grade of the ramp and maximized the allowable ramp speed which is considered an increased safety benefit to the motoring public; (iii) included constructability and MPT configurations; and (iv) successfully completed similar ramp projects, structural tie-ins and seismic evaluations which the committee considered to be most beneficial for the facility. Weidlinger's proposal was rated second highest, but Weidlinger's approach did not reduce the overall ramp grade significantly. SELLS submitted a cost that was significantly higher than that proposed by the other two firms.

HNTB submitted a cost proposal in the amount of \$3,073,974. The Engineer's estimate is \$2,898,283. Negotiations were conducted and the parties agreed to an amount of \$2,810,169, which is the lowest cost among the three proposers. The negotiated price is 3% lower than the Engineer's estimate and is considered fair and reasonable. HNTB is deemed to be a responsible consultant.

### **III. D/M/WBE INFORMATION**

No M/WBE goals were established by the MTA Office of Civil Rights for this contract.

### **IV. IMPACT ON FUNDING**

Funding for the design services for Project VN-86 is available in 2005 - 2009 Capital Budget under Project VN-84.

### **V. ALTERNATIVES**

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

## Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts

Item Number: **3** (Final)

<b>Vendor Name (&amp; Location)</b> PBS&J, P.A. dba PBS&J Architecture and Engineering		<b>Contract Number</b> PSC-08-2843	<b>AWO/Modification</b>
<b>Description</b> Consultant Services to Perform a Barrier Free Tolling Preparation Assessment		<b>Original Amount:</b> \$1,492,184	
<b>Contract Term (including Options, if any)</b> February 12, 2009 - October 11, 2010		<b>Prior Modifications:</b> \$0.00	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$0.00	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b> \$1,492,184		
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b> \$655,115		
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 44%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Budget and Strategic Planning, Katherine De Donno		<b>% of Modifications (including This Request) to Original Amount:</b> 44%	

### Discussion

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to modify this Contract with PBS&J, P.A. dba PBS&J Architecture and Engineering (PBS&J) for additional work needed for the now planned All Electronic Tolling (AET) pilot at the Henry Hudson Bridge in the amount of \$655,115.

The contract was awarded to PBS&J in February 2009 in the amount of \$1,492,184 for a duration of 14 months to perform a study and provide an assessment of the issues involved in converting the current gated toll collection system to a cashless barrier-free system. The study is exploring the related technical, policy, legal and financial issues involved in converting to a barrier-free environment. It is also identifying off-site payment options for video tolled customers and different approaches to the adjudication of disputed payments so that B&T can minimize unpaid tolls in a barrier-free environment. At the conclusion of the study, PBS&J will provide B&T with a Concept of Operations for Barrier-Free Tolling and identify different alternatives for this new approach to toll collection. Since the Board approved the original contract, two zero dollar amendments have been issued. This amendment constitutes a substantial change.

This proposed amendment calls for PBS&J to develop a scope of work to be implemented by the Authority's E-ZPass New York Customer Service Center contractor to support the introduction of AET. This scope of work will require the New York Customer Service Center contractor to: (i) implement specific business rules that describe the operations, definitions and constraints in supporting video tolling; (ii) obtain customer contact information for billing purposes; (iii) enhance the E-ZPass web site to accept customer toll payments based on a license plate number and/or invoice number; (iv) implement a back-office system interface with a payment agent to accept cash payments; and (v) identify internal controls needed to be incorporated into the revenue audit system to ensure violation transactions are accounted for and the revenue stream is protected.

PBS&J proposed an amount of \$790,446; the user's estimate was \$800,000. Based on negotiations the price was reduced to \$775,115. B&T provided verbal authorization in the not-to-exceed amount of \$120,000 to PBS&J on February 2, 2010 to enable it to develop new business rules to support video tolling and video toll transactions (funds were available in the contract and reallocated to the prospective task) resulting in additional funding of \$655,115. The man-hours have been reviewed by project management and found to be acceptable. In comparison with the estimate, the negotiated price is considered fair and reasonable. Funding for this amendment is available in the 2005 – 2009 Capital Program, Project AW-28.

# Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: 4

(Final)

Page 1 of 1

<b>Vendor Name (&amp; Location)</b> Yonkers Contracting Company, Inc., Yonkers, NY		<b>Contract Number</b> TB-09B	<b>AWO/Modification #</b>
<b>Description</b> Triborough Bridge (now RFK Bridge) Deck Replacement of the Harlem River Lift Span and Approach Truss Span		<b>Original Amount:</b> \$38,911,200.00	
<b>Contract Term (including Options, if any)</b> December 19, 2001 – April 28, 2005		<b>Prior Modifications:</b> \$2,892,579.11	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> N/A	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$41,803,779.11	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$906,000.00	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 2.2%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Thomas Bach, P.E.		<b>% of Modifications (including This Request) to Original Amount:</b> 9.8%	

## Discussion:

B&T is seeking Board approval under the All Agency Procurement Guidelines to modify this Contract with Yonkers Contracting Company, Inc. (YCC) to resolve all claims under the Contract by paying YCC an additional \$906,000. Contract TB-09B was awarded to YCC on December 19, 2001 in the amount of \$38,911,200 to perform a deck replacement on the Harlem River Lift Span and approach truss spans of the Triborough Bridge (now RFK Bridge) for a period of two years and six months.

During the course of the Work, YCC had requested 30 change orders totaling \$2,486,725 that had been initially denied for various reasons. YCC claimed that these denials did not consider all of the facts. After reviewing additional documentation submitted by YCC, in accordance with procedures, B&T agreed to pay \$397,000 to settle 11 claims, valued by YCC at \$682,537. B&T concluded that YCC did incur additional, compensable costs due to: (i) unforeseen field conditions; (ii) additional work was performed at B&T's direction; and/or (iii) the specifications did not identify all necessary work and materials, and included errors and omissions. In accordance with B&T's procedures, there were minor excess costs associated with errors and omissions. In accordance with procedures, B&T will pursue recovery of those excess costs from the Design Consultant. YCC will also waive all remaining \$682,603 in claims. The \$397,000 settlement amount is lower than the Engineer's estimate of \$554,730 for these claims and is considered fair and reasonable.

An additional \$509,000 is being paid to implement the Chief Engineer's final and binding determinations of three claims submitted by YCC under the dispute resolution procedures of the Contract: replacement of lighting fixtures at the direction of the Engineer; epoxy deck overlay repairs beyond warranty period; and additional deck survey work ordered by the Engineer. (YCC's proposal for these items was \$1,121,585.)

This proposed amendment also includes a no cost time extension of 33 days due to YCC being denied access to the work site due to abnormal weather conditions and other work being performed in adjacent areas. Funds are available in the 2000-2004 Capital Program Project TB-09B.



# Staff Summary

<b>Item Number</b>					
Dept & Dept Head Name: Law, Veronique Hakim <i>V. Hakim</i>					
Division & Division Head Name: N/A					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	Committee	03/22/10			
2	Board	03/24/10			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Agency President		<i>[Signature]</i>		

<b>SUMMARY INFORMATION</b>	
Vendor Name N/A	Contract Number N/A
Description Request for Authorization to Award Various Procurements	
Total Amount \$ 3,076,009	
Contract Term (including Options, if any) Various	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No Various	
Renewal? Various <input type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type Various <input type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type Various <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source Various <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## I. PURPOSE/RECOMMENDATION

To obtain Board approval to award various contracts and purchase orders as reviewed by the MTA Capital Construction Committee and the NYC Transit Committee.

## II. DISCUSSION

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

### Schedule Requiring Majority Vote

	# of Actions	\$ Amount
Schedule H Modification to Personal / Miscellaneous Service Contracts	1	\$ 1,055,000 (NTE)
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 1,055,000 (NTE)</b>

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

### Schedule Requiring Majority Vote

Schedule I Modification to Purchase or Public Work Contracts	2	\$ 2,021,009 (NTE)
<b>SUBTOTAL</b>	<b>2</b>	<b>\$ 2,021,009 (NTE)</b>

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

None

<b>TOTAL</b>	<b>3</b>	<b>\$ 3,076,009 (NTE)</b>
--------------	----------	---------------------------



## **BOARD RESOLUTION**

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

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

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

**NOW**, the Board resolves as follows:

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





**MTA CAPITAL CONSTRUCTION**

**LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**MARCH 2010**

**Procurements Requiring Majority Vote:**

Page

**H. Modification to Personal / Miscellaneous Service Contracts**

(Staff Summaries required for items requiring Board Approval)

- |  |                           |                                      |            |
|--|---------------------------|--------------------------------------|------------|
| 1. <b>Merrill Communications, LLC (St. Paul, MN)</b><br><b>Contract # 09-0444</b><br>Litigation Support Services | <b>\$ 1,055,000 (NTE)</b> | <b><u>Staff Summary Attached</u></b> | <b>157</b> |
|--|---------------------------|--------------------------------------|------------|



**Schedule H: Modification to Personal / Miscellaneous Service Contracts**



**Item 1**

<b>Vendor Name (&amp; Location)</b> Merrill Communications, LLC (St. Paul, MN)		<b>Contract Number</b> 09-0444	<b>AWO/Modification #s</b> 1
<b>Description</b> Litigation Support Services		<b>Original Amount:</b> \$ 2,500,000	
<b>Contract Term (including Options, if any)</b> July 28, 2009 – July 28, 2010		<b>Prior Modifications:</b> \$ 0	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$ 0	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$ 2,500,000	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Request for Quote		<b>This Request:</b> \$ 1,055,000	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 42%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Law and Procurement Department/Veronique Hakim, Sr. Vice President		<b>% of Modifications (including This Request) to Original Amount:</b> 42%	

**Discussion:**

In connection with Federal Court mandated discovery requirements in Lockheed Martin Transportation Security Solutions v MTA Capital Construction Company and Metropolitan Transportation Authority, the MTA Board previously authorized an agreement with Merrill Communications to collect, process, host and image a huge volume of documents, including electronic records, and further to provide a software product to allow for review of the document productions. The amount of work involved to support this litigation effort has been significantly more than originally anticipated – there are now over 2.5 million documents involved and subject to litigation discovery efforts. The amount of documents to be handled was difficult to anticipate before the document collection process was initiated. At this point, the current request reflects the anticipated necessary budget to support the discovery requirements established by the Federal Rules. MTACC has determined that an additional not to exceed \$1,055,000 is required in order for Merrill to continue to support this work.



**MTA CAPITAL CONSTRUCTION**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**MARCH 2010**

**Procurements Requiring Majority Vote:**

**Page**

**I. Modification to Purchase and Public Work Contracts**

(Staff Summaries required for items requiring Board Approval)

- |    |  |                    |                               |     |
|----|--|--------------------|-------------------------------|-----|
| 2. | S3 Tunnel Constructors, a JV (Queens, NY)<br>Contract # C-26002<br>Second Avenue Subway: Tunnels from 92 <sup>nd</sup> Street to 63 <sup>rd</sup> Street | \$ 711,000 (NTE)   | <u>Staff Summary Attached</u> | 161 |
| 3. | TC Electric (Long Island City, New York)<br>Contract # FM216<br>MNR Traction Power MOD's & 13.2 kV Loop for the ESA Project                              | \$ 1,310,009 (NTE) | <u>Staff Summary Attached</u> | 162 |



# Schedule I: Modifications to Purchase and Public Work Contracts



## Item 2

<b>Vendor Name (&amp; Location)</b>	
S3 Tunnel Constructors, a JV (Queens, NY)	
<b>Description</b>	
Second Avenue Subway: Tunnels from 92 <sup>nd</sup> Street to 63 <sup>rd</sup> Street	
<b>Contract Term (Including Options, if any)</b>	
March 20, 2007- January 24, 2011	
<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"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
MTA Capital Construction, Michael Horodniceanu	

Contract Number	AWO/Modification #
C-26002	44
<b>Original Amount:</b>	
	\$ 337,025,000.00
<b>Prior Modifications:</b>	
	\$ 11,198,652.00
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 348,223,652.00
<b>This Request:</b>	
	\$ 711,000.00
<b>% of This Request to Current Amount:</b>	
	0.2%
<b>% of Modifications (including This Request) to Original Amount:</b>	
	3.5%

## Discussion:

The contract is for the construction of two bored tunnels from 92<sup>nd</sup> Street to 63<sup>rd</sup> Street, including construction of a tunnel boring machine (TBM) launch box structure from 95<sup>th</sup> Street to 91<sup>st</sup> Street and construction of access shafts at 69<sup>th</sup> Street and 72<sup>nd</sup> Street. Designed in 2006, the contract calls for the tunnel to be bored at various depths below the top of the bedrock, in accordance with geotechnical conditions and Subways operating requirements. The overall project requires future contracts for reconstruction of the existing station at 63<sup>rd</sup> Street and construction of new stations at 96<sup>th</sup>, 86<sup>th</sup> and 72<sup>nd</sup> Streets. After contract award in 2007, in anticipation of the future station construction contracts, MTACC assembled a group of industry construction and design leaders to critique the planned station caverns from a constructability and design standpoint. The peer review recommended the 86<sup>th</sup> Street cavern be lower underground, to provide 30 feet of bedrock above the cavern roof, in lieu of the planned 18 feet, for an additional factor of safety. This change in vertical alignment will require the subject contractor to bore the tunnel 12 feet lower from 87<sup>th</sup> to 83<sup>rd</sup> Streets and lower by varying amounts from thence south to 63<sup>rd</sup> Street. It also will change the drainage of groundwater inflows during mining and will require additional pumping over a longer duration. The peer review also recommended the 72<sup>nd</sup> Street cavern be only 70 feet wide, in lieu of the planned 100 feet, for an additional factor of safety. The narrower cavern will only accommodate a two-track, single island platform station, which NYC Transit approved together with revisions to planned interlockings which will restore some of the operational flexibility the originally planned three-track, two-platform station would have provided. The narrower cavern necessitates changes to the horizontal alignment, consisting of slightly longer and more gradual tunnel curves north of the 72<sup>nd</sup> Street and 63<sup>rd</sup> Street stations. The new radius will bring the tunnel closer to existing buildings on the east side of Second Avenue between 67<sup>th</sup> and 65<sup>th</sup> Streets, and will require increased building monitoring. Finally, since the new horizontal alignment requires additional property easements, the sequence of work will be reversed, so the western tunnel will be bored first, allowing time to obtain easements on the east side of Second Avenue. The modification will provide additional tunneling, dewatering, building monitoring and additional handling of the TBM in connection with the re-sequencing of work. The contractor's initial proposal was \$1,211,354; MTACC's revised estimate was \$655,089. After negotiations, the lump sum of \$711,000 was agreed upon and found to be fair and reasonable. Savings of \$556,265 were obtained. The current contractual substantial completion date is January 24, 2011. The contractor proposed a 6 day impactable time extension; MTACC schedule analysis calculated a 4 day impactable time extension. After negotiations, a 4 day impactable time extension was agreed upon. The potential impact cost for this delay is approximately \$120,000 to \$240,000 which is based on a \$30,000 to \$60,000 per day impact. This delay will be addressed in a separate future modification.



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

**Item 3**

<b>Vendor Name (&amp; Location)</b>	
TC Electric (Long island City, New York)	
<b>Description</b>	
MNR Traction Power MOD's & 13.2 kV Loop for the ESA Project	
<b>Contract Term (including Options, if any)</b>	
23 Months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
East Side Access, A. Paskoff, P.E.	

Contract Number	AWO/Modification #
FM216	4
<b>Original Amount:</b>	
	\$ 17,930,000
<b>Prior Modifications:</b>	
	\$ 343,930
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 18,273,930
<b>This Request</b>	
	\$ 1,310,009
<b>% of This Request to Current Amount:</b>	
	7.17%
<b>% of Modifications (including This Request) to Original Amount:</b>	
	9.22%

**Discussion:**

This contract is for work on the East Side Access Project to construct a fiber optic-based automation system for the indication and control of motor-operated disconnect switches for third rail applications, DC traction power feeder modification, and electrical service equipment at M50 Substation. Board approval is requested to modify the contract for the relocation of an existing conduit rack. The rack conflicts with the location of a new escalator well way which will be constructed under a separate contract. This relocation work is required because it appears that the designer did not accurately anticipate the conflict between the location of this rack and the escalator. Thus, an errors and omission analysis will be conducted to recover these costs from the design team. TC Electric submitted a cost proposal of \$1,359,056. MTACC's estimate is \$1,223,081. Negotiations were held, and the parties agreed to a cost of \$1,310,009, which is considered fair and reasonable.

**MARCH 2010**

**MTA REAL ESTATE**

**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**ACTION ITEMS**

**MTA NEW YORK CITY TRANSIT**

Conveyance of a part of Queens, Block 119, Lot 4, to Skillman Realty, LLC

**MTA METRO-NORTH RAILROAD**

Second Amendment to License Agreement With De & De, Inc. For a Coffee/Newsstand Concession at Poughkeepsie, New York

**METROPOLITAN TRANSPORTATION AUTHORITY**

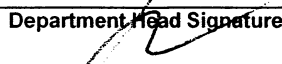
Lease amendment agreement with Picotte Companies for office space at 111 Washington Ave., Albany, New York

**GENERAL**

All Agency, Real Property Disposition Guidelines in accordance with Public Authorities Law Sections 2895-2897

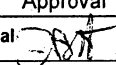
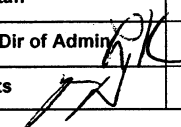


# Staff Summary

Subject <b>LEASE AMENDMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>FRANK PHILLIPS</b>

Date <b>MARCH 22, 2010</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/PRE Committee	3/22/10	X		
2	Board	3/24/10	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	1	Legal: 
4	Chief of Staff		
3	Dep Exec Dir of Admin: 		
2	Civil Rights		

## Narrative

AGENCY/TENANT: Metropolitan Transportation Authority ("MTA")

LESSOR: Picotte Companies

LOCATION: 111 Washington Ave., Albany, New York

SPACE: Approx. 720 rsf of 2<sup>nd</sup> floor office space, 80 rsf of basement storage space and 3 parking spaces

ACTION REQUESTED: Approval of terms

TERM: Five years

RENEWAL OPTION: One additional year

BASE RENT: Years 1 to 5 - \$19,800.00 per annum/\$27.50 per rsf  
Year 6 (Renewal) - \$20,800.00 per annum/\$29.00 per rsf

TAX AND OPERATING COST ESCALATIONS: Tenant responsible for its proportionate share of increases above 2010 calendar base year

ELECTRICITY: Flat rate of \$1,369.80 per annum/\$1.94 per rsf, subject to annual CPI increases capped at 3% per annum.

CLEANING: Included in rent

TERMINATION OPTION: Tenant will have the right to terminate the lease at any time after 11/30/11 on 180 days written notice, without penalty

ALTERATIONS: Landlord will repaint the leased premises and repair or upgrade the existing HVAC System

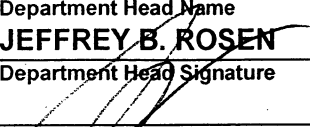
COMMENTS:

The MTA Albany Legislative Office has occupied space at 111 Washington Avenue since 1987 under a lease that, as previously extended, expired on 11/30/09. The user has indicated a continued requirement for the space that it is now occupying on a month-to-month basis.

The building is well located for the MTA's operations in Albany, and provides parking that is difficult to find in the area. The negotiated annual base rent is within market range for this type of building in today's market, and is only \$250 per month higher than the previous rent, which had not changed since 2003.


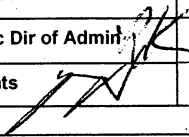


# Staff Summary

Subject <b>REAL PROPERTY DISPOSITION GUIDELINES</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>MICHAEL BADER</b>

Date <b>MARCH 22, 2010</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	3/22/10	X		
2	Board	3/24/10	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	1	Legal 
4	Chief of Staff		
3	Dep Exec Dir of Admin 		
2	Civil Rights		

## Purpose:

To obtain MTA Board approval of revised and updated "MTA Real Estate Department Policies and Procedures for the Leasing-Out and Sale of Real Property," promulgated in accordance with Sections 2895-2897 of the New York Public Authorities Law.

**Discussion:** In 2005, the New York State Legislature adopted and the Governor signed into law Sections 2895-2897 of the Public Authorities Law (the "Property Disposition Law"), requiring, among the other things, that public authorities adopt guidelines regarding the disposition of real property. In February of 2009 the MTA Board adopted guidelines (the "2009 Guidelines") which: (i) detailed MTA Real Estate's operative policies and procedures regarding the disposition of real property, and (ii) designated the MTA Director of Real Estate as the Real Property Disposition Contracting Officer for the MTA and the MTA agencies.

The Property Disposition Law requires that guidelines be reviewed and approved annually by the MTA Board. In addition, on or before the thirty-first day of March in each year, the MTA is required to file with the New York State Comptroller a copy of the guidelines most recently adopted by the MTA Board, including the name of the designated contracting officer. At the time of filing such guidelines with the Comptroller, MTA is also required to post such guidelines on MTA's internet website and to maintain such guidelines on the website at least until the guidelines for the following year are posted on such website.

The proposed guidelines for 2010 (the "2010 Guidelines") have been revised to, among other things, conform with changes to the Property Disposition Law that took effect on March 1, 2010. The 2010 Guidelines have been distributed separately to the members of the Board's Capital Construction, Planning, Real Estate Committee, are available from the Director of Real Estate and will be posted on the MTA website.

It is requested that the Board adopt the resolution attached to this Staff Summary approving the 2010 Guidelines and ratifying the appointment of the MTA Director of Real Estate as the Real Property Disposition Contracting Officer for the MTA and the MTA agencies.

The most significant differences between the 2010 Guidelines and the 2009 Guidelines are as follows:

- (a) The 2010 Guidelines are intended to apply solely to sale and leasing-out transactions to which the Property Disposition Law applies. Licensing-out will continue to be covered by the 2009 Guidelines, pending the development of new guidelines for licensing-out that the RED expects to submit for Board approval shortly.
- (b) As required by the recent changes to the Property Disposition Law, the 2010 Guidelines require the preparation of an independent appraisal for virtually all dispositions other than dispositions to government agencies for their own use, and limit the circumstances under which MTA property can permissibly be disposed of for less than fair market value.
- (c) As required by the recent changes to the Property Disposition Law, the 2010 Guidelines further limit the circumstances under which property can permissibly be disposed of other than pursuant to a request for proposals following public advertising.
- (d) The 2010 Guidelines establish a rebuttable presumption that the responsible and responsive proposer that offers the highest guaranteed compensation (calculated on a present value basis) should be selected for designation as the lessee or purchaser, as the case may be. The 2010 Guidelines specify that (a) any anticipated percentage rent can be afforded no more 50% of the weight that is afforded to guaranteed rent and (b) any improvements to be made by a tenant that will be used by such tenant in its business (as opposed to any improvements to be made by a tenant or purchaser that will immediately and directly benefit the MTA) should be credited for purposes of calculating the "net present values" of proposals only to the extent, if any, that they will have residual value to the MTA at the end of the lease term.
- (e) The 2010 Guidelines clarify RED policy with request to the security deposits and personal guaranties that will typically be required from tenants.

Insofar as leases at Grand Central Terminal are concerned, the 2010 Guidelines are deemed to be supplemented by, and do not supersede, the GCT Leasing Guidelines that the Board adopted on November 11, 2009.

## Staff Summary

### RESOLUTION

**WHEREAS**, Metropolitan Transportation Authority and its subsidiaries and affiliates (collectively, the "MTA Agencies") desire to approve the MTA Real Estate Department Policies and Procedures for the Leasing-Out and Sale of Real Property (the "Guidelines") referred to in the Staff Summary to which this Resolution is attached and ratify the appointment of the MTA Director of Real Estate as their Real Property Disposition Contracting Officer for purposes of Sections 2895-2897 of the Public Authorities Law;

### **NOW, THEREFORE, BE IT:**

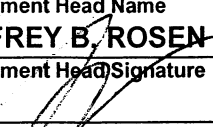
**RESOLVED**, that the MTA Agencies hereby approve the Guidelines in accordance with the requirements of Sections 2895-2897 of the Public Authorities Law; and

**RESOLVED**, that the MTA Agencies hereby ratify the appointment of the MTA Director of Real Estate as their Real Property Disposition Contracting Officer for purposes of Sections 2895-2897 of the Public Authorities Law.



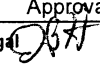
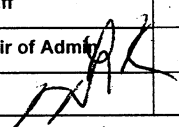


# Staff Summary

Subject <b>AMENDMENT OF LICENSE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>PAUL FITZPATRICK/DAVID BOSCH</b>

Date <b>MARCH 22, 2010</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	3/22/10	X		
2	Board	3/24/10	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	1	Legal 
4	Chief of Staff		
3	Dep Exec Dir of Admin 		
2	Civil Rights		

## Narrative

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

LICENSEE: De & De, Inc. ("De & De")

LOCATION: Poughkeepsie Train Station

ACTIVITY: Newsstand/coffee concession

ACTION REQUESTED: Approval of terms

TERM: Month-to-month

SPACE: Approximately four hundred square feet (400 SF) located at the southeast corner of the station's main floor and waiting room.

COMPENSATION: Five hundred and forty-three dollars and ninety-six cents (\$543.96) per month.

## COMMENTS:

To comply with Metro-North's new contract with Answer Vending (approved by the MTA Board in December, 2009), Metro-North needs to terminate vending machine licenses that it has previously granted to other vendors.

De & De has been the licensee at the Poughkeepsie station since January 13, 2000, and is in good standing. The Poughkeepsie license was amended on April 3, 2002, to authorize De & De's operation and placement of three vending machines at the station. Per the 2002 amendment, De & De currently pays \$358.19 per month for operation and placement of vending machines, in addition to \$543.96 per month for its use and occupancy of the above-referenced concession space. De & De's vending machine operator is the Pepsi-Cola Company ("Pepsi").

De & De will continue to pay \$543.96 per month for its continued use and occupancy of the concession space, plus contractual annual increases of three percent (3%). De & De will continue to sell a full range of products, including beverages, within the concession area.

De & De agreed to have Pepsi remove its vending machines by February 28, 2010, in anticipation of the installation of Answer Vending's machines in early March, 2010. In consideration of such removal, De & De will be relieved of the portion of its monthly license fee obligation that is attributable to its vending machines.

## CAPITAL CONSTRUCTION/PLANNING/REAL ESTATE COMMITTEE MEETING

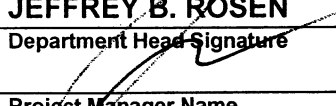
De & De, Inc. ("De & De") (Cont'd)

### COMMENTS: (Cont'd)

The revenue foregone by eliminating De & De's machines will be more than made up for by revenue that will be derived from Answer Vending's payments for its own machines at Poughkeepsie Station and for its right to provide branded system-wide vending services to the Metro-North system.

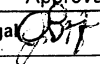
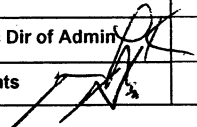
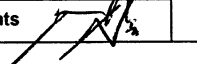
Based on the foregoing, MTA Real Estate requests authorization to amend De & De's existing license agreement to terminate De & De's right to operate vending machines as described above.

# Staff Summary

Subject <b>SALE OF FEE INTEREST</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>JOHN COYNE</b>

Date <b>MARCH 22, 2010</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/PRE Committee	3/22/10	X		
2	Board	3/24/10	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	1	Legal 
4	Chief of Staff		
3	Dep Exec Dir of Admin 		
2	Civil Rights 		

## Narrative

AGENCY: MTA Capital Construction Company ("MTA CCC") and The Long Island Rail Road ("LIRR")

GRANTEE: Skillman Realty, LLC ("Skillman")

LOCATION: 37-19 to 37-294 8<sup>th</sup> Street (Queens Block 119, Lot 4)

ACTIVITY: Conveyance of a segment of 37-19 to 37-294 8th Street, Queens, Block 119, Lot 4

ACTION REQUESTED: Approval of terms

SPACE: Approximately 1,717 square feet

COMPENSATION: \$13,000.00

COMMENTS:

To support the construction of the East Side Access project, in July, 2007 (following Board authorization) the MTA acquired via eminent domain a temporary easement affecting 37-31 48<sup>th</sup> Street, Queens, Block 119, Lot 158 (the "Temporary Easement Property"). At the same time, the MTA confirmed via eminent domain its fee title to a strip of property located at 37-19 to 37-294 8th Street, Queens, Block 119, Lot 4 (the "LIRR Strip").

Skillman is the owner of the Temporary Easement Property. The MTA made a written offer of compensation to Skillman for the temporary easement in the amount of \$2,700 per month for each month of the MTA's occupancy, but did not make any offer of compensation to Skillman for any portion of the LIRR Strip, asserting that the LIRR Strip was owned by LIRR prior to the condemnation proceeding and that MTA's condemnation of the LIRR Strip was for the sole purpose of clearing any title objections. Skillman, however, asserted a claim that it had acquired title by adverse possession to a portion of the LIRR Strip by reason of Skillman and its predecessors in title to the Temporary Easement Property having fenced in and used a portion of the LIRR Strip as a driveway and storage area. In addition, Skillman asserted a claim for additional compensation for MTA's temporary easement with respect to the Temporary Easement Property.

Following negotiations, Skillman and the MTA have agreed to settle Skillman's claims for additional compensation for the temporary easement for the total sum of \$48,000.00, without interest. In addition, to settle Skillman's claim with respect to the LIRR Strip, the MTA and LIRR have agreed (subject to Board approval) to convey to Skillman a portion of the LIRR Strip (approximately 1,717 square feet) via a quitclaim deed that will include a reservation of a permanent easement in favor of the MTA and LIRR for future access and temporary occupancy to inspect, repair and reconstruct the retaining wall located along the southerly side of LIRR's right of way adjacent to such property. In consideration of the conveyance to Skillman of this segment of the LIRR Strip, Skillman will compensate the MTA in the amount of \$13,000.00, an amount equal to the appraised value of such portion of the LIRR Strip. This sum will be credited to the MTA against the \$48,000.00 settlement amount for the temporary easement, resulting in a net payment by MTA to Skillman in the sum of \$35,000.00, without interest.