



Metropolitan Transportation Authority

# February 2011

**MTA Board Action Items**



**MEETING AGENDA**  
**METROPOLITAN TRANSPORTATION AUTHORITY BOARD**  
**February 23, 2011 9:30 a.m.**

347 Madison Avenue  
Fifth Floor Board Room  
New York, NY

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**AGENDA ITEMS**

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--

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88

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Date of next MTA Board meeting: Wednesday, March 23, 2011 at 9:30 a.m.

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

**Wednesday, January 26, 2011  
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. James F. Blair  
Hon. Allen P. Cappelli  
Hon. Patrick J. Foye  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell**

**The following members were absent:**

**Hon. Donald Cecil  
Hon. Charles G. Moerdler  
Hon. Vincent Tessitore, Jr.  
Hon. Carl V. Wortendyke**

Diana Jones Ritter, MTA Managing Director, Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Board Member Andrew Albert, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Railroad, Howard Permut, President of Metro-North, James Ferrara, President of TBTA, Darryl Irick, President/SVP, MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, Sophia-LaFrance Brooks, Government Relations Specialist, MTA Government and 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 (LI Bus), and the First Mutual Transportation Assurance Company. Refer to the other agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

Chairman Walder called the meeting to order.

1. **PUBLIC SPEAKERS.** The following speakers addressed agenda items. Refer to the video recording of the January 26, 2011 meeting for the contents of these speakers' statements.

Benita Johnson, TWU Local 100  
Judy Wolf  
Matt Shotkin, private citizen  
Chris Tobin  
Murray Bodin, private citizen  
William Henderson, PCAC

2. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of regular Board meeting held on December 15, 2010.

3. **CHAIRMAN'S REMARKS.**

Chairman Walder recognized and thanked William Morange, MTA Director of Security, who is retiring at the end of the month, for his years of service and commitment to making the MTA system safe and secure. Chairman Walder welcomed Douglas Zeigler, MTA's new Director of Security.

4. **COMMITTEE ON FINANCE.**

- A. **Action Item.** Upon motion duly made and seconded, the Board approved the following action item, described in further detail in the attached staff summary.

1. **Long Island Power Authority ("LIPA") Traction Power Agreement and LIPA Right-of-Way Occupancy Agreement.** Approved the execution of two agreements with LIPA for traction power service and for right-of-way occupancy for a period of ten (10) years each with two successive five-year renewal periods subject to the mutual consent of both parties.

- B. **Procurement Items.** 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. Smiths Detection, Inc. – HazMatID Units Maintenance Service – No. 10279-0100. Approved a non-competitive contract to provide maintenance services, including software updates, all parts and labor for repairs and upgrades, free loaner system delivery overnight if system must be returned to factory, annual one-day on-site refresher training, and technical support, on HazMatID units used for the detection and identification of unknown liquids, powders and solids.
  2. LAZ Parking NY/NJ LLC – Parking Management Services – No. 09125-0100. Approved a competitive contract to provide parking management services and conduct all day-to-day operations at the Battery Parking Garage, including collection of parking fees, developing strategies to increase parking revenue, developing a staffing plan, paying all operating expenses of the garage, managing and billing the tenants.
  3. Various Contractors – Market Research Services – Nos. 09249-0100 thru 0600. Approved competitive contracts with Global Strategy Group, LLC, Lieberman Research East Long Island, Inc., MACRO International, Inc., Perspectives Resources, Inc., Resource Systems Group, Inc., and Zebra Strategies, Inc. to provide market research services, on an as-needed basis, to assist MTA and its operating agencies in becoming more customer-driven and cost-effective organizations.
  4. Holly Sears – AFT Project – No. 10295-0100. Approved competitive contract with Holly Sears to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the Tarrytown Station-MNR.
  5. Various Contractors – Multi-Agency Freelance Graphic Design Production and Printing Services – Nos. 09016-0100 thru 0500. Approved competitive contracts with Creative Source, Inc., Elizabeth Sheehan Graphic Design, Emily Stedman, Laurie Douglas Graphic Design, and L.J. Gonzer Associates to provide freelance graphic design, production and printing services on an as-needed basis effective from February 1, 2011 to January 31, 2015.
  6. Daidone Electric, Inc. – Maintenance Service for the Bus Customer Information Pilot Project – No. 10203-0100, C/O #1. Approved increased funding to extend a competitive contract with Daidone Electric, Inc. for six months, from February 1, 2011 through July 31, 2011, to provide as-needed, on-call, in-depot maintenance services of equipment that is installed and in use on MTA's buses for MTA's real-time Bus Customer Information System pilot project.
- C. Real Estate Items. 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.

**New York City Transportation Authority**

1. License agreement with Danny Shui Mo Tung for the operation of a retail concession space at the Coney Island Stillwell Avenue Station Complex (a/k/a Unit 22), Brooklyn, N.Y.

**Metro North Railroad:**

2. License agreement with the City of Peekskill to allow use of land in support of the development of the Lincoln Depot Plaza and Museum, located on the Hudson Line (adjacent to Block 1, Lot 2, Map 32.12), City of Peekskill, County of Westchester, N.Y.

**Metropolitan Transportation Authority:**

3. All-agency policy on short-term use of agency property by commercial entities in connection with special events, promotions, or other functions.

5. **COMMITTEE ON LI BUS (MSBA).** Upon motion duly made and seconded, the Board approved the following procurement item. The specifics are set forth in the attached documentation.

1. **ACS, Inc. – Technical Support for Orbital System – No. E-3855, Sole Source.** Approved the award of a sole source non-competitive miscellaneous contract with ACS, Inc. for support services for the Orbital Computer Aided Dispatch/Automatic Vehicle Location System used in fixed route buses, which allows LI Bus to effectively monitor and improve the schedule performance of its fixed-route fleet, manage bus location functions and is integral to the control of bus radio communications systems.

6. **PRESENTATION - WINTER WEATHER RESPONSE.**

Chairman Walder called upon Charles Monheim, Chief Operations Officer, to provide an overview of MTA's performance during the December blizzard and the lessons learned.

Mr. Monheim presented a chronology of the storm, discussed issues affecting the various agencies, and the lessons learned as a result, following which the Chairman invited Board discussion on the matter.

Following an extensive discussion by Board members, Chairman Walder thanked the Board members for a constructive discussion and their commitment to the agency. The details of the presentation by Chief Operations Officer Monheim and Board members' comments with respect to its subject matter are included in the video tape of the meeting produced by the MTA and maintained in MTA records.

7. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an executive session to consider matters related to collective negotiations. Upon

motion duly made and seconded, the Board unanimously approved resolutions providing for:

- (i) amendments of provisions of the MaBSTOA Pension Plan and the MTA 20-Year Police Retirement Program relating to the World Trade Center Presumption applicable to accidental disability and death benefits;
- (ii) an amendment of the Police Retirement Program to provide an increase in mandatory retirement age from age 62 to age 65;
- (iii) an amendment of the Police Retirement Program to provide a new Tier adopting the terms and conditions of the new Tier 5 applicable to state police;
- (iv) an amendment of the MaBSTOA Plan to allow post-retirement loan repayments;
- (v) amendments to provide that the retirement benefits of the retirees of the MaBSTOA Plan, MTA DB Plan and the LIRR Plan for Additional Pensions shall be forfeited upon such retiree's employment by an MTA agency, except where such employment would not result in forfeiture under the same terms and conditions as the Retirement and Social Security Law;
- (vi) an amendment of the MTA Thrift Plan (the 401(k) Plan) to include representatives of subsequently created MTA affiliates or subsidiaries as members of the Deferred Compensation Committee.

8. **ADJOURNMENT.**

Upon motion duly made and seconded, the Board voted to resume proceedings in public session and thereupon, upon motion duly made and seconded, voted to adjourn the meeting at 10:50 a.m.

Respectively submitted,

Victoria Clement  
Assistant Secretary



**Minutes of the  
Regular Board Meeting  
for the New York City Transit Authority,  
Manhattan and Bronx Surface Transit Operating Authority,  
Staten Island Rapid Transit Operating Authority and  
MTA Bus Company**

**Wednesday, January 26, 2011  
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. James F. Blair  
Hon. Allen P. Cappelli  
Hon. Patrick J. Foye  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell**

**The following members were absent:**

**Hon. Donald Cecil  
Hon. Charles G. Moerdler  
Hon. Vincent Tessitore, Jr.  
Hon. Carl V. Wortendyke**

Diana Jones Ritter, MTA Managing Director, Fredericka Cuenca, MTA Chief of Staff, James B. Henly, MTA General Counsel, Board Member Andrew Albert, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Rail Road, Howard Permut, President of Metro North, James Ferrara, President of TBTA, Darryl Irick, President/SVP of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction and Sophia-LaFrance Brooks, Government Relations Specialist, MTA Government and Community Affairs also attended the meeting.

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

2. **PUBLIC COMMENT PERIOD**

Four public speakers addressed NYC Transit/MTA Bus issues:

Benita Johnson, TWU Local 100, commented on the response to the December blizzard.

Judy Wolf, Track Worker Family Fund of Rochester, New York, urged the Board to work with them to help promote the safety of track workers.

Chris Tobin, TWU Local 100, stated that he looks forward to reaching out and working with Chairman Walder.

William Henderson, PCAC, suggested that the MTA communicate better with riders when dealing with the winter weather.

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 December 15, 2010.

5. **COMMITTEE ON TRANSIT OPERATIONS**  
**NYC Transit**

**Procurements**

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

Chairman Walder commented on the significant need for the new fare collection system.

6. **PRESENTATION – WINTER WEATHER RESPONSE**

Charles Monheim, Chief Operating Officer, provided a presentation on the response of the MTA Agencies to the December 26, 2010 blizzard. Details of this 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.

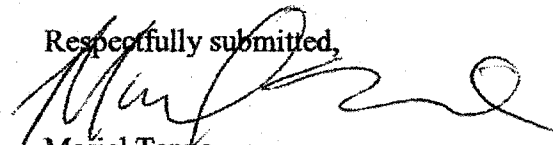
7. **EXECUTIVE SESSION**

Upon motion duly made and seconded, the Board voted to convene an executive session to consider collective bargaining matters, at which the Board approved various amendments to provisions of the MaBSTOA Pension Plan.

8. **ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to resume public session whereupon, upon motion duly made and second, the meeting was adjourned at 10:50 a.m.

Respectfully submitted,



Mariel Taniguchi  
Assistant Secretary

Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
Wednesday, January 26, 2011  
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. James F. Blair  
Hon. Allen P. Cappelli  
Hon. Patrick J. Foye  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell

The following members were absent:

Hon. Donald Cecil  
Hon. Charles G. Moerdler  
Hon. Vincent Tessitore, Jr.  
Hon. Carl V. Wortendyke

Diana Jones Ritter, MTA Managing Director, Fredericka Cuenca, MTA Chief of Staff, James B. Henly, MTA General Counsel, Board Member Andrew Albert, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Railroad, Howard Permut, President of Metro-North, James Ferrara, President of TBTA, Darryl Irick, President/SVP of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction and Sophia-LaFrance Brooks, Government Relations Specialist, MTA Government and Community Affairs also attended the meeting.

1. Public Comment:

There were six public speakers. None of the speakers specifically commented on issues regarding Metro-North. The subject matter of the public comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

2. Approval of Minutes – Upon motion duly made and seconded, the minutes of the Regular Board Meeting of December 15, 2010 were approved. Board Member Shevell was not present for the vote.

3. Chairman's Comments: The Chairman thanked outgoing MTA Director of Security William Morange and welcomed Douglas Ziegler, who has been appointed as MTA's Director of Security. Board Members Metzger, Shevell, Sedore, Albert, Cappelli, Frasca and Lebow thanked Director Morange for his service to MTA. The details of Chairman Walder's comments and Board remarks are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

4. Committee on Finance

MTA HQ Procurements

Upon motion duly made and seconded, the Board approved MTA HQ procurements recommended to it by the Committee on Finance. Among the items approved are (1) six competitively negotiated all-agency personal service contracts for the provision of as-needed qualitative market research services and (2) five competitively negotiated personal service multi-agency contracts for freelance graphic design production and printing services.

Real Estate Action 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 Finance.

- License agreement with the City of Peekskill for the use of property on the Hudson Line in connection with development of the Lincoln Depot Plaza and Museum in Peekskill, New York.
- All-agency policy on short-term use of facilities by commercial entities in connection with special events, promotions or other functions.

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

5. Committee on Metro-North Railroad and Long Island Rail Road Operations:

Board Member Pally reported that the December 2010 combined on-time performance of Metro-North Railroad and Long Island Rail Road was 94.65%.

Long Island Rail Road Procurements:

The Board voted on Long Island Rail Road items. Among the items approved is a non-competitive procurement requiring majority vote to award a miscellaneous service contract to ARINC Incorporated for software and hardware maintenance services in support of LIRR's Port Washington Branch Control System and Metro-North's Supervisory Control and Data Acquisition System (SCADA) and a competitive procurement with PS Technology to upgrade Metro-North's crew management system mainframe version to current release level and incorporate federally mandated features to meet the requirements of HR2095. The details of this

item are contained in the minutes of the Long Island Rail Road held this day and the staff summaries and reports filed with those minutes.

MTA Metro-North Railroad Procurements:

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

Non-Competitive Purchases and Public Work Contracts

- Loram Maintenance of Way, Inc. – Consolidated agreement for the provision of shoulder ballast cleaning and rail grinding services.

Upon motion duly made and seconded, the Board approved the following competitive procurements requiring majority vote by the Board.

Miscellaneous Procurement Contracts

- Sportworks Northwest, Inc. – Design, fabrication and delivery of railcar bicycle racks.

Miscellaneous Service Contracts

- CR Quality Services, Inc. – Joint procurement with LIRR for the provision of inspection services for steel and specialty track work.

Modifications to Personal/Miscellaneous Service Contracts

- Louis T. Klauder and Associates (LTK) – Construction inspection and engineering support for the M-8 railcar.
- Various Bus Companies – Emergency and scheduled bus service for transporting railroad passengers and/or crews between stations and various Metro-North locations.

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

6. Winter Weather Response:

MTA Chief Operating Officer Charles Monheim presented a report regarding the lessons learned from the December 26-27, 2010 blizzard. The presentation included a chronology of the storm, the four phases of successfully managing storms and an assessment of Metro-North's response during each phase. Chairman Walder noted that MTA is addressing issues that arose during the storm. Mr. Monheim reported that Metro-North mobilized its resources well and recovered quickly from the storm. He noted that Metro-North's decision to operate on an expanded Saturday schedule on the Tuesday following the storm was an appropriate operating decision, although it left some commuters on the platforms due to overcrowding on trains. Metro-North's New Haven Line, which has the oldest fleet, experienced fleet reliability and



availability problems. The details of Mr. Monheim's report and the comments made by Board members are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day and the reports filed with the record of those minutes.

7. Executive Session: Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss collective negotiations. Upon motion duly made and seconded, the Board unanimously voted to re-convene in Public Session.
8. Next Meeting -- February 23, 2010 at 9:30 a.m.
9. Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:50 a.m.

Respectfully submitted,



Linda Montarino  
Assistant Secretary

Jan 2011 Board Minutes  
Legal/Corporate

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

**Meeting Held At  
347 Madison Avenue  
New York, NY 10017  
Wednesday, January 26, 2011  
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. James F. Blair  
Hon. Allen P. Cappelli  
Hon. Patrick J. Foye  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell

The following members were absent:

Hon. Donald Cecil  
Hon. Charles G. Moerdler  
Hon. Vincent Tessitore, Jr.  
Hon. Carl V. Wortendyke

Diana Jones Ritter, Managing Director, Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Board Member Andrew Albert, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Rail Road, Howard Permut, President of Metro-North, James Ferrara, President of TBTA, Darryl Irick, President and Senior Vice-President of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Sophia-LaFrance Brooks, MTA Community Affairs Specialist, 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.

The Chairman called the meeting to order.

**1. PUBLIC SPEAKERS**

There were six public speakers, five of whom did not address issues specific to the Long Island Rail Road. Bill Henderson of the PCAC spoke about the need for better communication during snow storms and stated that the LIRR's snow emergency schedule was a positive step.

**2. APPROVAL OF MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the Board meeting held on December 15, 2010.

**3. CHAIRMAN'S REMARKS**

The Chairman thanked outgoing MTA Director of Security William Morange and welcomed Doug Ziegler, MTA's new Director of Security. Board Members Metzger, Shevell, Sedore, Albert, Cappelli, Frasca and Lebow all thanked Chief Morange for his service to MTA. Refer to the minutes of the Metropolitan Transportation Authority for details regarding these remarks.

**4. COMMITTEE ON FINANCE**

Upon motion duly made and seconded, the Board approved items from the Committee on Finance. Included among these items were: (1) an action item requesting MTA Board approval to execute two new agreements with the Long Island Power Authority: one for traction power service and one for right-of-way occupancy; (2) six all-agency personal service contracts for qualitative market research services on an as needed-basis for the period between February 1, 2011 through January 31, 2015; and (3) five multi-agency competitively negotiated personal services contracts for freelance graphic, production and printing services on an as-needed basis for the period between February 1, 2011 and January 31, 2015. 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.

**5. LONG ISLAND COMMITTEE/METRO-NORTH COMMITTEE**

Upon motion duly made and seconded, the Board approved the following procurement items recommended by the Long Island Committee:

**Non-Competitive Procurement**

1.	Arinc Incorporated	\$248,600 – LIRR
	Contract No. IT05944-GS57	<u>\$244,276 – MNR</u>
		\$492,877 – Aggregate amount

Twenty-three month, sole source, miscellaneous service contract for software and hardware maintenance services in support of LIRR's Port Washington Branch Control System and MNR's SCADA system.

**Competitive Procurement**

2.	PS Technology	\$975,000 – LIRR
	Contract No. PO20722/POH8206	<u>\$564,000 – MNR</u>
		\$1,539,000 – Aggregate amount

**Contract modification to PS Technologies for upgrade of the LIRR's existing Resource Processing & Control System to a web-based system and the upgrade of MNR's Crew Management System mainframe version to the current release level.**

## Ratification

- |    |   |                            |
|----|---|----------------------------|
| 3. | Brook Valley Incorporated<br>Contract No. BP03814 | \$871,810<br>Not-to-exceed |
|----|---|----------------------------|

Ratification of a five-month miscellaneous services contract to Brook Valley Incorporated for on-call snow removal at 14 train yards located throughout the LIRR's service territory.

Details of the above items are on file with the records of this meeting.

In addition, included among the items recommended by the Metro-North Committee and approved by the Board was a request for Board approval, on behalf of Metro-North and LIRR, of a competitively-solicited five-year miscellaneous service contract with CR Quality Services, Inc. for inspection services for steel and specialty track material manufactured for Metro-North and LIRR both at the manufacturers' site(s) and at the railroads' facilities. Refer to the minutes of the Metro-North Committee for details regarding this item.

## 6. PRESENTATION – LESSONS FROM THE DECEMBER STORM

MTA Chief Operating Officer Charles Monheim delivered a presentation regarding the lessons learned from the December 26-27, 2010 blizzard. The presentation included a chronology of the storm and an evaluation of each agency's response. Mr. Monheim noted that LIRR's proactive suspension of service and early mobilization avoided stuck trains, but observed that LIRR's platform communications systems crashed and that LIRR did not clearly communicate trains time for the limited service that was being operated during the recovery period. He also noted that LIRR was unable to keep switches in Jamaica functioning during the blizzard. Details of Mr. Monheim's presentation are on file with the records of this meeting.

Following Mr. Monheim's presentation, several of the Board members offered their comments. Refer to the minutes of the Metropolitan Transportation Authority for details of the Board members' discussion.

## 7. EXECUTIVE SESSION

Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss an issue related to collective bargaining. Upon motion duly made and seconded, the Board unanimously voted to re-convene in Public Session.

**8. ADJOURNMENT**

Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting.  
The meeting was adjourned at 10:50 AM.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Catherine Rinaldi", written over a horizontal line.

Catherine A. Rinaldi  
Secretary

**Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
January 26, 2011**

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. James F. Blair  
Hon. Allen P. Cappelli  
Hon. Patrick J. Foye  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. LeBow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James E. Sedore, Jr.  
Hon. Nancy Shevell

Not Present:

Hon. Donald Cecil  
Hon. Charles G. Moerdler  
Hon. Vincent Tessitore, Jr.  
Hon. Carl V. Wortendyke

Diana Jones Ritter, MTA Managing Director; Frederick Cuenca, Chief of Staff; James B. Henly, General Counsel, MTA; Board Member Andrew Albert; Board Member Ira Greenberg; James Ferrara, President, MTA Bridges and Tunnels; Michael F. Horodniceanu, President MTA Capital Construction Company; Howard R. Permut, President, Metro-North Commuter Railroad; Thomas Prendergast, President, New York City Transit; Darryl Irick, President & Senior Vice



President, MTA Bus Operations; Helena E. Williams, President, Long Island Rail Road; and Sophia-LaFrance Brooks, Government Relations Specialist, MTA Government and 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.

**1. Public Speakers**

There were six public speakers. Mr. Murray Bodin, Concerned Grandparents, addressed the configuration of the toll lanes, speed limit, and signage on the Henry Hudson Bridge. None of the remaining speakers specifically commented on issues regarding the Triborough Bridge and Tunnel Authority. The subject matter of the public comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

**2. Approval of the Minutes of the Regular Meeting December 15, 2010**

Upon a motion duly made and seconded, the minutes of the Meeting held December 15, 2010 were unanimously approved.

**3. Chairman's Comments**

On behalf of the Board, Chairman Walder thanked outgoing MTA Director of Security, William Morange, for his forty-six year career in law enforcement, especially the seven years he has been with the MTA protecting the City's transit riders. Chairman Walder welcomed Doug Zeigler who has recently been appointed as MTA's Director of Security.

The details of Chairman Walder's comments and Board Member remarks relative to Mr. Morange's retirement are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

**4. Committee on Finance**

Upon a motion duly made and seconded, the Board approved the following MTA competitive procurement items recommended to it by the Committee on Finance:

- A competitively negotiated personal services contract with LAZ Parking NY/NJ LLC ("LZ") to provide parking management services for the Battery Parking Garage; and
- Six competitively negotiated all-agency personal services contracts for Qualitative Market Research Services on an as-needed basis.

A copy of the staff summaries and details of the above items are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

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

**Procurements**

Commissioner Lebow stated that there are three competitive procurements which total \$2.9 million. There is one ratification in the amount of \$152,565.

**Competitive Procurements**

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.

**Competitive Procurements**

**Miscellaneous Procurement Contracts**

WebHouse, Inc.	Contract No. 101103 Contractor to furnish and install NetApps Network Manager for a period of 12 months in accordance with New York State Office of General Services (OGS) Contract PT 60947. The OGS Contract identifies NetApps, Inc. as the licensed developer of NetApps Network Manager software and hardware which is proprietary to this entity and enables authorized resellers to provide the required support and upgrades, as necessary. This contract will enable B&T to improve monitoring and management of the systems that reside at 2 Broadway and Randall's Island and will provide enhanced data protection and recovery as data continues to expand while simultaneously consolidating the information accumulated in its various servers.	\$154,172.43
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**Personal Service Contracts**

LiRo Engineers, Inc.	Contract No. PSC-10-2858 Provide construction management and inspection services for Project RK-65D, Existing Utility Relocation at the RFK Bridge and Randall's Island.	\$2,762,151.00
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### **Miscellaneous Service Contracts**

Deluxe Delivery Systems, Inc.	Contract No. 10-ST5-2874 Contractor to provide on-call, scheduled pickup and delivery via motor and messenger services on an as needed basis to send and receive information, packages and other documents throughout New York City, including express deliveries within one hour of the agency's request. These include certain original documents, paychecks, civil service and pension documents. B&T withdrew from a multi-agency joint procurement in 2010 to re-evaluate and reduce the estimated quantities of various line items required for these services.	\$17,548.00
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### **Ratification**

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

### **Ratification of Completed Procurement Actions**

E Global Solutions, Inc.	Contract No. 10-OPR-2862X(A) On November 1, 2010 Contract No. 10-OPR-2862X (A) was awarded to E Global Solutions, Inc. to retrofit B&T's heavy duty vehicles with Best Available Retrofit Technology (BART) as required by the Diesel Emissions Reduction Act (DERA) enacted by New York State in 2006. The contract is for a period of two years in the amount of \$518,155. DERA reflects New York State's efforts to reduce emissions of particulate matter from heavy duty diesel engine vehicles. After award of the contract, it was determined that: (i) four additional vehicles needed to be retrofitted under the current contract since they have 350 horsepower (hp) engines. These vehicles had been inadvertently identified as having been equipped with 450 hp engines which would have exempted them from the	\$152,565.00
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emissions reduction act; and (ii) three vehicles are being retrofitted with active diesel particulate filters, which have replaced diesel oxidation catalysts, as the best available retrofit technology. In order to complete its retrofit program by December 31, 2010 as prescribed by DERA, on December 6<sup>th</sup> B&T authorized the Contractor to retrofit these seven vehicles. If the diesel emission retrofit installations were not completed by December 31, 2010, B&T would be required to remove these vehicles from service in accordance with New York State Department of Environmental Conservation regulations until such time as retrofits were completed.

6. **Chief Operating Officer's Presentation- Lessons from the December Storm**

MTA Chief Operating Officer, Charles Monheim, presented a report on the lessons learned from the December 26 through 27, 2010 blizzard. The presentation included a chronology of the storm, the four phases of managing the storm (storm tracking and readiness, mobilization, execution, and recovery), and a discussion of each agency's response. Mr. Monheim stated that Bridges and Tunnels is a good example of effective mobilization, execution and recovery. Staff were fully mobilized and B&T experienced no service interruptions during the storm. The details of Mr. Monheim's report and Board Member comments are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

7. **Executive Session**

Upon a motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss collective bargaining negotiations.

8. **Public Session**

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

9. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:50 a.m

Respectfully submitted,

  
Cindy L. Dugan  
Assistant Secretary

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

Wednesday, January 26, 2011  
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. James F. Blair  
Hon. Allen P. Cappelli  
Hon. Patrick J. Foye  
Hon. Doreen M. Frasca  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Nancy Shevell

**The following members were absent:**

Hon. Donald Cecil  
Hon. Charles G. Moerdler  
Hon. Vincent Tessitore, Jr.  
Hon. Carl V. Wortendyke

Diana Jones Ritter, MTA Managing Director, Fredericka Cuenca, Chief of Staff, James B. Henly, General Counsel, Board Member Andrew Albert, Board Member Ira Greenberg, Thomas Prendergast, President of NYCTA, Helena E. Williams, President of Long Island Railroad, Howard Permut, President of Metro-North, James Ferrara, President of TBTA, Darryl Irick, President/SVP of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Sophia-Lafrance Brooks, Government Relations Specialist, MTA Government and 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.

**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 December 15, 2010.

**MTA Capital Construction Action Items**

There were no Capital Construction Action 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 request for authorization to procure the East Side Access project's Systems Contract Package #1 through a competitive Request for Proposal (RFP) process rather than competitive bidding
- The modification of a contract with Skanska USA Civil Northeast procured through a non-competitive procurement process
- A ratification of a modification to the Second Avenue Subway engineering services contract with DMJM, Harris, Arup, JV.

**Adjournment**


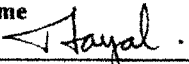


Upon motion duly made and seconded, the MTA Board voted to adjourn the public meeting at 10:50 a.m.

Respectfully submitted,

Patrick Killackey  
Secretary



# Staff Summary

<b>Subject</b> Mortgage Recording Tax -- Escalation Payments to Dutchess, Orange and Rockland Counties						<b>Date</b> February 3, 2011			
<b>Department</b> Chief Financial Officer / Treasury Department						<b>Vendor Name</b>			
<b>Department Head Name</b> Robert E. Foran , Chief Financial Officer 						<b>Contract Number</b>			
<b>Department Head Signature</b>						<b>Contract Manager Name</b>			
<b>Division Head Name</b> Vinay T. Dayal 						<b>Table of Contents Ref #</b>			
<b>Board Action</b>						<b>Internal Approvals</b>			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance Comm.	2/17/11	X			1	Legal 	2	Chief of Staff 
2	Board	2/23/11	X						

## I. Purpose

To seek Finance Committee and MTA Board approval to authorize MRT-2 escalator payments to Dutchess, Orange and Rockland counties.

## II. Discussion

The MTA statute requires that certain "mass transportation operating assistance" payments be made by the MTA to Dutchess, Orange and Rockland counties from MTA's MRT-2 receipts. (These payments are made from funds established by PAL §1270-a, the Metropolitan Transportation Authority Special Assistance Fund.) Under the statute, Dutchess and Orange Counties are each to receive no less than \$1.5 million annually, and Rockland County is to receive no less than \$2.0 million annually. The counties were paid these amounts in quarterly installments during 2010.

In addition to providing a minimum mass transportation operating assistance payment, the statute provides for an "escalator payment" based on the total MRT-1 and MRT-2 receipts attributable to any of these counties that exceeds the receipts received in 1989. Pursuant to PAL §1270-a (4)(c), the MRT-1 increase is to be calculated as if the MRT-1 tax was 25 cents per \$100 of mortgage recorded and not the current 30 cents per \$100 of mortgage recorded. The escalator payment due each county based on the FY 2010 MRT receipts is determined as follows:

$$(\text{FY2010 MRT Receipts} - \text{FY1989 Base Year MRT Receipts}) / \text{FY1989 Base Year MRT Receipts} = \text{Escalator Rate}$$

$$\text{Escalator Rate} \times \text{Minimum Mass Transit Operating Assistance Payment} = \text{Escalator Payment}$$

## Staff Summary

The results of the above formulas for each county are:

<u>County</u>	<u>1989 Base Year MRT Receipt</u>	<u>2009 MRT Receipts Adj.<sup>1</sup></u>	<u>Escalator Rate</u>	<u>Escalator Payments</u>
Dutchess Cty	\$3,569,702.51	\$5,245,097.16	46.93%	\$ 704,006.00
Orange Cty	\$4,433,935.06	\$6,235,341.86	40.63%	\$ 609,415.83
Rockland Cty	\$4,524,064.27	\$6,377,523.27	40.97%	\$ 819,377.84
			Total	<u>\$ 2,132,799.66</u>

### III. Recommendations

It is recommended that the Board authorize escalator payments totaling \$2,132,799.66 to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.

<sup>1</sup> The actual 2010 gross receipts for each of the counties was:

Dutchess Cty	\$ 5,852,262.33
Orange Cty	\$ 6,941,032.19
Rockland Cty	\$ 7,050,647.53

# Staff Summary

<b>Subject:</b> 2010 TBTA Operating Surplus
<b>Department:</b> Finance
<b>Department Head Name</b> Donald Spero
<b>Department Head Signature</b>
<b>Project Manager Name</b> James Elkin

<b>Date</b> February 1, 2011
<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	MTA B&T Committee	02/17/11			
2	MTA Finance Committee	02/17/11			
3	MTA Board	02/23/11			

Internal Approvals			
Order	Approval	Order	Approval
3	President		VP Staff Services
2	Executive Vice President		VP Procurement & Materials
	General Counsel		VP Labor Relations
	VP Operations		VP & Chief Engineer

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

## PURPOSE:

To obtain MTA Board approval of resolutions which will:

- Certify and transfer \$429,109,687 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 \$146,449 representing 2010 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, 2011 the amount of \$14,353,000, 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, 2011 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 2011 TBTA Surplus as per attached Resolution.

## DISCUSSION:

The attached calculation and letter from Deloitte & Touche LLP represents the Triborough Bridge and Tunnel Authority's operating surplus for fiscal year ending December 31, 2010. The amount of surplus available for transfer to the MTA and NYCTA is \$429,109,687. The amount of investment income that is surplus funds and available to transfer to MTA for fiscal year 2010 is \$146,449. It is also requested to set aside \$14,353,000 from operating revenues of the Triborough Bridge and Tunnel Authority for fiscal year ending December 31, 2011. This money will be used to pay for the cost and expense of current and anticipated necessary construction for the TBTA facilities. It is also requested to set aside into a special account, from operating revenues of the Triborough Bridge and Tunnel Authority for fiscal year ending December 31, 2011 an amount determined from time to time by such Authority to help fund post-retirement liabilities other than pension benefits of its employees.

**BUDGET IMPACT:** None.

**ALTERNATIVES:** None.

RESOLVED, that the Chairman be, and he hereby is, authorized to certify to the Mayor of the City of New York and to the Chairman of the Metropolitan Transportation Authority, that for the purposes of Section 1219-a (2) (e) of the Public Authorities Law of the State of New York, the amount of the Authority's operating surplus for its fiscal year ending December 31, 2010 is \$429,109,687.

RESOLVED, that this Authority hereby makes the following determination in respect of its operating surplus for its fiscal year ending December 31, 2010, for the purposes of Section 1219-a (2) (e) of the Public Authorities Law of the State of New York:

Operating Revenue	\$ 1,437,499,791
Operating Expense	<u>383,448,916</u>
	\$ 1,054,050,875
Establishment of Necessary Reconstruction Reserve Account	(14,162,000)
GASB Reserve	(2,322,230)
Debt Service on Bonds	(598,467,777)
Interest Income on Unexpended Bond Proceeds and Debt Service Fund	844,247
Purchase of Capital Assets Funded from Operations	(10,655,752)
Increase in Prepaid Expenses and other Adjustments	<u>(177,676)</u>
Operating Surplus	<u>\$ 429,109,687</u>

February 23, 2011

RESOLVED, that the amount of \$146,449 representing the Authority's investment income for the year 2010 is determined to be surplus funds of the Authority; and be it further

RESOLVED, that the amount of \$146,449 be transferred and paid over to Metropolitan Transportation Authority in a lump sum as soon as practicable pursuant to Section 569-c of the Public Authorities Law.

RESOLVED, that there be set aside and deducted from the operating revenues of the Triborough Bridge and Tunnel Authority for its fiscal year ending December 31, 2011 the amount of \$14,353,000 which amount shall be paid into the Necessary Reconstruction Reserve established by the Authority by resolution adopted March 29, 1968. Money credited to the Reserve, together with interest income earned thereon, are to be applied to the payment of the cost and expense of current and anticipated necessary construction of each of the TBTA Facilities within the meaning of the General Resolution Authorizing General Revenue Bonds (the "General Revenue Bond Resolution") of the Authority adopted on March 26, 2002.

RESOLVED, that the monies thus authorized will be advanced monthly during the fiscal year ending December 31, 2011 and used for the purposes of payment of the cost and expense of necessary construction of each of the TBTA Facilities.

RESOLVED, that there be set aside into a special account and deducted from the operating revenues of the Triborough Bridge and Tunnel Authority for its fiscal year ending December 31, 2011 an amount determined from time to time by such Authority to help fund post-retirement liabilities other than pension benefits of its employees.

RESOLVED, pursuant to the provisions of paragraphs (b), (c), and (d) of subdivision 2 of Section 1219-a of the Public Authorities Law, that the Chairman is authorized in his discretion, to advance to Metropolitan Transportation Authority and New York City Transit Authority monthly, out of funds in the General Fund created by the General Revenue Bond Resolution which are attributable to the operations of the 2011 fiscal year (other than funds arising out of the investment of monies of the Authority) and which have been released and paid over to the Authority free and clear of the lien and the pledge of the General Revenue Bond Resolution as provided in Section 506 thereof, an aggregate amount not to exceed 90% of the Chairman's estimate of the sum which that month's operations, if available, will contribute to the "operating surplus" of the Authority which he anticipates will or may be certified and transferred for the fiscal year in which such month falls; and

February 23, 2011

RESOLVED, that the monies thus authorized to be advanced monthly shall be apportioned between Metropolitan Transportation Authority and New York City Transit Authority and paid as follows:

1. The first \$1.8 million to New York City Transit Authority;
2. Fifty percentum of the remainder to New York City Transit Authority (less applicable bond service); and
3. The remainder to Metropolitan Transportation Authority (less applicable bond service).



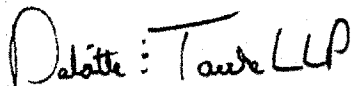
## INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

Members of the Board  
Metropolitan Transportation Authority  
New York, New York

We have performed the procedures enumerated in Exhibit B, which were agreed to by the Triborough Bridge and Tunnel Authority (the "Authority"), a public benefit corporation which is part of the related financial reporting group of Metropolitan Transportation Authority ("MTA"), solely to assist you in agreeing financial information presented in the Schedule of Operating Surplus for the year ended December 31, 2010 (Exhibit A) to the accounting records of the Authority. Authority's management is responsible for its accounting records and the preparation of the Schedule of Operating Surplus (Exhibit A) and Supporting Schedule to the Schedule of Operating Surplus (Exhibit C) for the year ended December 31, 2010. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of those procedures is solely the responsibility of the Authority. Consequently, we make no representation regarding the sufficiency of the procedures described in Exhibit B either for the purpose for which this report has been requested or for any other purpose.

We were not engaged to, and did not, conduct an examination, the objective of which would be the expression of an opinion on the specified elements, accounts, or items. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the Authority, Metropolitan Transportation Authority and MTA New York City Transit Authority and is not intended to be and should not be used by anyone other than these specified parties.



February 1, 2011

## TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

SCHEDULE OF OPERATING SURPLUS  
YEAR ENDED DECEMBER 31, 2010

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OPERATING REVENUES (Note 2)	\$ 1,437,499,791
OPERATING EXPENSES (Note 3)	<u>(383,448,916)</u>
NET OPERATING REVENUE	1,054,050,875
INCREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Note 3)	(177,676)
DEBT SERVICE ON BONDS (Note 4)	(598,467,777)
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS (Note 5)	844,247
ESTABLISHMENT OF GASB 43 RESERVE ACCOUNT (Note 8)	(2,322,230)
PURCHASE OF CAPITAL ASSETS FUNDED FROM OPERATIONS (Note 6)	(10,655,752)
ESTABLISHMENT OF NECESSARY RECONSTRUCTION RESERVE ACCOUNT (Note 7)	<u>(14,162,000)</u>
OPERATING SURPLUS	<u>\$ 429,109,687</u>

## TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

### NOTES AND AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2010 (Exhibit A)

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#### 1. OPERATING SURPLUS CALCULATION REQUIREMENTS

- The operating surplus is calculated based upon Section 1219-a (2)(e) of the New York Public Authorities Law ("PAL") and various bond resolutions. This surplus is transferred to the Metropolitan Transportation Authority ("MTA") and the MTA New York City Transit Authority ("Transit"). The initial \$24 million in operating surplus is provided to Transit and the balance is divided equally between Transit and the MTA. Transit and the MTA are operationally and legally independent of the Triborough Bridge and Tunnel Authority (the "TBTA"), however, Transit and the TBTA are included in the MTA's financial statements because of the MTA's financial accountability for these entities and they are under the discretion of the MTA Board.

#### 2. OPERATING REVENUES

- Agreed "Operating Revenues" (net of other revenues) of the TBTA appearing on the Schedule of Operating Surplus (Exhibit A) to the general ledger of the TBTA noting no differences. We discussed with management their policy for recording operating revenue and they indicated that operating revenues were recorded using the accrual basis of accounting. We have been informed that operating revenues excluded interest income.

#### 3. OPERATING EXPENSES

- Agreed the aggregated "Operating Expenses" of the TBTA appearing on the Schedule of Operating Surplus (Exhibit A) to the general ledger of the TBTA noting no differences. We discussed with management their policy for recording operating expenses and they indicated that operating expenses were recorded using the accrual basis of accounting.
- Agreed the following expense items to the general ledger: "Interest Expense and Debt Service Related Expenses" and "Reimbursement of Personnel Costs," as noted on Exhibit C, which have been netted against salaries and fringe benefits and noted no differences.
- Recalculated the "Increase in Prepaid Expenses and Other Adjustments" appearing on the Schedule of Operating Surplus (Exhibit A) to the general ledger. We were informed that the operating expenses were adjusted to include amounts charged to prepaid expenses and deferred charges on a cash basis of accounting. We also have been informed that no cash adjustments were made for changes in accounts payable, accrued expenses or accounts receivable.

## TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

### NOTES AND AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2010 (Exhibit A)

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#### 4. DEBT SERVICE

- Agreed "Debt Service on Bonds" appearing on the Schedule of Operating Surplus (Exhibit A) for the following bonds to the TBTA debt service schedules:
  - General Revenue Bonds, and
  - Subordinate Revenue Bonds.
- Agreed "Debt Service on Bonds" on the TBTA's portion of debt service on the 2 Broadway Certificates of Participation to the TBTA debt service schedules.
- We have been informed that the debt service on the Convention Center Bonds was funded by the State of New York.

#### 5. INTEREST INCOME

- Agreed the aggregated amounts of "Interest Income on Unexpended Bond Proceeds and Debt Service Funds" (excluding the Convention Center Bonds) appearing on the Schedule of Operating Surplus (Exhibit A) to the general ledger and noted no differences. We have been informed that interest income is excluded from "Operating Revenues" on the Schedule of Operating Surplus.
- Agreed the aggregated "Interest Income on Unexpended Bond Proceeds and Debt Service Funds" appearing on the Schedule of Operating Surplus (Exhibit A) to the general ledger and noted no differences. We have been informed that interest income on the debt service fund investments consists of income from (1) the debt service funds established in connection with the 2 Broadway Certificates of Participation to the extent attributable to the TBTA's portion of debt service thereon, and (2) the debt service funds established in connection with the TBTA bonds from their respective dates of issuance. We have been informed that this amount was included in the computation of operating surplus as a reduction of debt service cost (therefore increasing operating surplus).
- We have been informed that the interest income on Convention Center Bond investments, which consists of interest income from the Convention Center Bond Funds, was applied to reduce the amount due from New York State and was excluded from "Operating Revenues" and "Interest Income on Unexpended Bond Proceeds and Debt Service Funds" on the Schedule of Operating Surplus (Exhibit A).

#### 6. CAPITAL ASSETS FUNDED FROM OPERATIONS

- Agreed the amount "Purchase of Capital Assets Funded From Operations," which represents amounts paid and capitalized for vehicles and other fixed assets, appearing on the Schedule of Operating Surplus (Exhibit A) to the general ledger and noted no differences. We have been

## TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

### NOTES AND AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2010 (Exhibit A)

---

informed that these amounts were funded from operations and that such amounts represent a reduction of operating surplus appearing on the Schedule of Operating Surplus (Exhibit A).

#### 7. NECESSARY RECONSTRUCTION RESERVE

- Agreed the amount appearing on the Schedule of Operating Surplus (Exhibit A) as "Establishment of Necessary Reconstruction Reserve Account" to the Finance Committee minutes to set aside and reduce operating surplus by \$14,162,000 (The Necessary Reconstruction Reserve Account was established by the TBTA by resolution adopted March 29, 1968) and noted no differences. We have been informed that this amount, together with interest income thereon, is to be used to fund reconstruction of present facilities within the meaning of the TBTA's General Revenue Bond Resolution.

#### 8. GASB 43 RESERVE

- Agreed the amount appearing on the Schedule of Operating Surplus (Exhibit A) as "Establishment of GASB 43 Reserve Account" of \$2,322,230 to the MTA Bridges and Tunnels November Financial Plan 2011-2014 noting no differences. We have been informed that the Staff Summary, which was approved by the Finance Committee, authorizes the establishment of the GASB 43 Reserve. GASB 43 refers to Governmental Accounting Standards Board Statement No. 43, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*. The GASB 43 Reserve Account was established by the TBTA by resolution adopted December 13, 2006. We have been informed that this amount, together with interest income, thereon, is to be used to fund post-retirement liabilities other than pension benefits.

\* \* \* \* \*

# TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

## SUPPORTING SCHEDULE TO THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2010

TOTAL REVENUES		\$ 1,437,646,240
LESS INTEREST INCOME		<u>146,449</u>
OPERATING REVENUES (Exhibit A)		<u>\$ 1,437,499,791</u>
TOTAL EXPENSES		\$ 803,719,864
LESS: Interest Expense and Debt Service Related Expenses	\$405,682,050	
Reimbursement of Personnel Costs	<u>14,588,898</u>	<u>420,270,948</u>
OPERATING EXPENSES (Exhibit A)		<u>\$ 383,448,916</u>
PREPAID EXPENSES AND OTHER ADJUSTMENTS:		
Balance December 31, 2009	\$ 15,192,494	
Balance December 31, 2010	<u>15,370,170</u>	
INCREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Exhibit A)		<u>\$ 177,676</u>
DEBT SERVICE:		
TBTA	\$184,265,819	
MTA	132,150,096	
NYCTA	<u>281,207,615</u>	
Subtotal	597,623,530	
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS	<u>844,247</u>	
TOTAL DEBT SERVICE ON BONDS (Exhibit A)		<u>\$ 598,467,777</u>

# Staff Summary

<b>Subject</b>
Request for Authorization to Award Various Procurements
<b>Department</b>
Managing Director
<b>Department Head Name</b>
Diana Jones Ritter
<b>Department Head Signature</b>
<i>Diana Jones Ritter APC</i>
<b>Division Head Name</b>
Clifford Shockley

<b>Date</b>
February 11, 2011
<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	2/17/11			
2	Board	2/23/11			

Internal Approvals			
Order	Approval	Order	Approval
			Office of Civil Rights
			Legal
3	CFO <i>[Signature]</i>		EITG
1	Procurement	2	Managing Director

## 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 F: Personal Services Contracts	1	\$11,700,000
Schedule H: Modifications to Personal Service Contract	1	\$ 110,263
<b>SUBTOTAL</b>	<b>2</b>	<b>\$11,810,263</b>

MTAHQ presents the following procurement actions for Ratification:

	None	\$ -0-
<b>TOTAL</b>	<b>2</b>	<b>\$11,810,263</b>

**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**

**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.



**LIST OF PROCUREMENTS FOR BOARD APPROVAL, FEBRUARY 2011**  
**COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**F. Personal Service Contracts**

Staff Summaries required for items greater than: \$100k Sole Source; \$250 other Non-Competitive, \$1 million Competitive

- |  |                                      |
|--|--------------------------------------|
| <b>1. McKinsey &amp; Company, Inc. Washington DC</b> | <b>\$11,7000,000</b>                 |
| <b>Strategic Sourcing and Procurement</b>            | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. 10220-0100</b>                       | <b>(not-to-exceed)</b>               |

Competitively negotiated – 7 Proposals – 60 months

The Consultant will provide professional consulting services for design and implementation of a “strategic sourcing” approach to the procurement of goods and services by the MTA.

Strategic sourcing is a procurement process focused on continuously improving and re-evaluating purchasing activities of a company. The purpose of undertaking a strategic sourcing approach is to realize short term and recurring cost savings and more consistently applying strategic sourcing methods to how the MTA procures goods and services across all agencies to ensure that the goods and services of appropriate quality are purchased at the lowest cost. As a result of negotiations, McKinsey’s gain-share percentage was reduced from 9.9% to 9%. In the first year, McKinsey expects to evaluate 10 categories divided into three waves (expenses worth \$879.6 million). Gain-share payout for a wave is triggered by savings greater than 3% in that wave. If identified savings within a wave are less than 3% of the spend in that wave, there is no gain-share payout to McKinsey for that effort. If sourcing in the first year is successful, McKinsey may be authorized, at MTA’s sole discretion, to examine additional savings opportunities under the same gain-share arrangement. Their fee of 9% will remain the same for the five-year term of the contract. In order to verify cost savings submitted by McKinsey, MTA Audit Services will analyze the data and method used to substantiate the savings before MTA pays the consultant. There is no prior contract for this specific consulting service with which this cost can be compared, however, in 2009 the MTA engaged Accenture in a rapid procurement exercise that had a gain share fee of 10% that initially projected a savings of \$20 million annually, but this exercise actually saved the MTA \$42 million annually. Based on the above, the proposal is considered fair and reasonable.

**METROPOLITAN TRANSPORTATION AUTHORITY**  
**COMPETITIVE PROCUREMENTS**

**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.)

- |    |  |                        |
|----|--|------------------------|
| 2. | <b>Kuyimba, Inc.</b>                     | <b>\$110,263.20</b>    |
|    | <b>Administration of the Music Under</b> | <b>(Not-to-exceed)</b> |
|    | <b>New York (MUNY) Program</b>           |                        |
|    | <b>Contract No. 09199-0100</b>           |                        |

Base = \$110,263.20

In February 2010, the Board approved a competitively awarded contract to Kuyimba, Inc. for a period of twelve (12) months to provide administrative and logistical support and services to coordinate and manage the AFT Music Under New York (MUNY) Program for a period of one year. Services include daily oversight of more than 7000 performances annually; daily communications and scheduling of over 350 MUNY individuals and groups; coordination of sponsored and special events; and procurement of all supplies and promotional materials related to the program, special events and annual auditions. The RFP was released with a three-year term; however, it was determined to submit a one-year contract for Board approval so that the program could be evaluated. As a result, Board approval is requested for a one-year option extension for the Contractor to continue to provide these services at the same hourly rates, i.e., Assistant Administrator at \$23.93 and Administrator at \$33.29 that are being paid under the current competitively-awarded contract and that were paid under the prior three-year contract.

# Staff Summary

## Schedule F: Personal Service Contracts



Page 1 of 2

<b>Item Number:</b> <b>Dept &amp; Dept Head Name:</b> Diana Ritter, Managing Director <b>Division &amp; Division Head Name:</b> Business Service Center/Roy Parks						<b>SUMMARY INFORMATION</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 2px;"> <b>Vendor Name:</b> McKinsey &amp; Company, Inc. Washington, DC         </td> <td style="width: 30%; padding: 2px;"> <b>Contract Number:</b>          10220-0100       </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> <b>Description:</b>          Strategic Sourcing and Procurement       </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> <b>Total Amount:</b>          \$11,700,000 (not-to-exceed for the first twelve months)       </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> <b>Contract Term (Including Options, if any)</b>          March 1, 2011 through February 29, 2016       </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> <b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No       </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> <b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No       </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> <b>Procurement Type:</b>  <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive       </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> <b>Solicitation Type:</b>  <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:       </td> </tr> <tr> <td colspan="2" style="padding: 2px;"> <b>Funding Source:</b>  <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:       </td> </tr> </table>		<b>Vendor Name:</b> McKinsey & Company, Inc. Washington, DC	<b>Contract Number:</b> 10220-0100	<b>Description:</b> Strategic Sourcing and Procurement		<b>Total Amount:</b> \$11,700,000 (not-to-exceed for the first twelve months)		<b>Contract Term (Including Options, if any)</b> March 1, 2011 through February 29, 2016		<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> 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 type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Vendor Name:</b> McKinsey & Company, Inc. Washington, DC	<b>Contract Number:</b> 10220-0100																								
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<b>Contract Term (Including Options, if any)</b> March 1, 2011 through February 29, 2016																									
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																									
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																									
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> 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 type="checkbox"/> Federal <input type="checkbox"/> Other:																									
<b>Board Reviews</b>																									
Order	To	Date	Approval	Info	Other																				
1	Finance	2/17/2011																							
2	Board	2/23/2011																							
<b>Internal Approvals</b>																									
Order	Approval		Order	Approval																					
1	Procurement <i>CM</i>		4	Office of Audit & Int'l Affairs <i>CM</i>																					
2	BSC		5	Legal <i>RR</i>																					
3	Managing Director <i>RR</i>		6	Budgets & Financial Mgmt. <i>RR</i>																					

### Narrative

#### I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of an all-agency, competitively negotiated personal service contract to McKinsey & Company, Inc. Washington, DC (McKinsey) to provide professional consulting services for design and implementation of a "strategic sourcing" approach to the procurement of goods and services by the MTA. Strategic sourcing is a procurement process focused on continuously improving and re-evaluating purchasing activities of a company. The goal of strategic sourcing is to ensure full alignment of a company's sourcing options, service delivery models, business objectives & operations. A sourcing strategy addresses the fundamental questions regarding how effective & efficient are current capabilities, what are the incremental opportunities, and what is the roadmap to move toward lower cost.

Process steps in which the MTA will engage with McKinsey include, but are not limited to: 1) identification of items that may be over-specified; 2) identification of items that are common across agencies but may be specified or described differently; 3) assessment of what is bought where; 4) assessment of the supply market; 5) development of sourcing strategies; 6) supplier negotiation; and 7) results tracking. Throughout this process, McKinsey will transfer knowledge to the MTA of strategic sourcing processes to enable the MTA to continue to realize savings on an on-going basis.

This contract will be for a period of five (5) years from March 1, 2011 through February 29, 2016. This contract will be funded under a gain-share arrangement. McKinsey's fee is 9% of one year, steady-state savings. In the first year, McKinsey expects to work with the MTA to evaluate \$879.6 million in spend. The MTA has estimated savings at \$20 million but McKinsey believes that significantly greater savings may be achieved. If the MTA estimate is correct, McKinsey would be paid an amount less than \$2 million. This contract caps McKinsey's fee at \$11,700,000 in the event that annualized savings of \$130 million are achieved.

#### II. DISCUSSION

As a result of the drive to make every dollar count, the MTA has been aggressively reducing costs. In 2010 the MTA achieved the largest and most comprehensive savings in its history-- more than \$525 million. Analysis by Accenture during 2010 identified ten (10) categories: Telecommunications, Office Products, Facilities, Information Technology, Fleet, Locomotive, Subway Car Products, Bus, Paratransit, and Miscellaneous with a total 2009 spend of approximately \$879.6M, as immediately addressable for a strategic sourcing effort. The purpose of undertaking a strategic sourcing approach is to realize short term and recurring cost savings and more consistently applying strategic sourcing methods to how the MTA procures goods and services across all agencies to ensure that the goods and services of appropriate quality are purchased at the lowest cost.

# Staff Summary

Using the above ten categories as the basis for a competitive procurement, the MTA released a request for proposals. Consultants were asked to submit a proposal to: (i) evaluate the opportunities identified by the data for strategic sourcing, (ii) estimate a range of potential savings (dollar) targets, (iii) specify the assumptions and methodology used to provide the estimates and (iv) specify in detail how the consultant proposes to identify and implement specific cost reductions through strategic sourcing. The RFP was publicly advertised and letters advising potential proposers of the RFP's availability were sent to twenty-one (21) firms. Seven (7) proposals were received. The Selection Committee, comprised of representatives from NYCT, MNR, LIRR, MTAHQ, MTA Audit, and MTA's Department of Diversity and Civil Rights, evaluated the proposals and invited four (4) firms (Accenture LLP, McKinsey, IBM, and Global eProcure) for oral presentations. Upon conclusion of the oral presentations, the Committee determined that two firms, McKinsey and IBM, were the most technically qualified and best suited firms to provide the services identified in the RFP. Negotiations were conducted with these two firms and after review of the best and final offers, McKinsey was found to be the most technically qualified and projected the highest saving to the MTA (this includes all ten categories). Some of the factors contributing to the decision by the Selection Committee were McKinsey's extensive overall experience in strategic sourcing implementation, the resources commitment to this effort and their proposed knowledge transfer approach, etc. MTA has conducted a responsibility review and other due diligence on McKinsey & Company, Inc. Washington, DC and has deemed them to be responsible for award.

The following describes McKinsey's approach in assisting MTA in achieving efficiencies and reducing costs:

1. Profile cross-agency spending and identify opportunities for savings;
2. Develop strategies and action plans for achieving quick-win savings and other cost savings opportunities in each of the priority categories.
3. Assist in solicitations, negotiations or other strategies to arrive at more favorable contract terms with existing and new suppliers.
4. Transfer knowledge to the MTA of strategic sourcing processes and provide training to MTA project participants to enable the MTA to continue to realize strategic sourcing savings on an ongoing basis.
5. Discover other cost saving opportunities that are not enumerated above.

As a result of negotiations, McKinsey's gain-share percentage was reduced from 9.9% to 9%. In the first year, McKinsey expects to evaluate 10 categories divided into three waves (expenses worth \$879.6 million). Gain-share payout for a wave is triggered by savings greater than 3% in that wave. If identified savings within a wave are less than 3% of the spend in that wave, there is no gain-share payout to McKinsey for that effort. If sourcing in the first year is successful, McKinsey may be authorized, at MTA's sole discretion, to examine additional savings opportunities under the same gain-share arrangement. Their fee of 9% will remain the same for the five-year term of the contract. In order to verify cost savings submitted by McKinsey, MTA Audit Services will analyze the data and method used to substantiate the savings before MTA pays the consultant. There is no prior contract for this specific consulting service with which this cost can be compared, however, in 2009 the MTA engaged Accenture in a rapid procurement exercise that had a gain share fee of 10% that initially projected a savings of \$20 million annually, but this exercise actually saved the MTA \$42 million annually. Based on the above, the proposal is considered fair and reasonable.

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

No D/M/WBE goals were established by the MTA's Department of Diversity and Civil Rights for this contract.

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

This contract will be funded under a gain-share arrangement. The consultant will be compensated 9% of one year steady-state savings.

### **V. ALTERNATIVES**

1. Perform all services in-house: This alternative is not practical. The Authority does not have the resources or the trained personnel to perform these services.
2. Do not Approve Award of this Contract: This is not practical or cost effective. This would delay and compromise MTA's ability to streamline its operations and realize recurring savings as a result of these services.

**FEBRUARY 2011**  
**MTA REAL ESTATE**  
**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**ACTION ITEMS**

**METROLITAN TRANSPORTATION AUTHORITY**


License Agreement with Hudson Group ((HG) Retail, LLC for operation of a newsstand at 347 Madison Avenue, New York, NY

**MTA LONG ISLAND RAIL ROAD**

License Agreement with Oyster Rides LLC for a Taxi Dispatch office at LIRR's Hicksville Station, Hicksville, NY

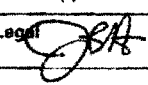

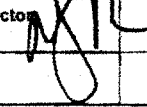
# **METROPOLITAN TRANSPORTATION AUTHORITY**

# Staff Summary

<b>Subject</b> <b>LICENSE AGREEMENT WITH HUDSON NEWS</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JEFFREY B. ROSEN</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>BENSON GOODWYN</b>

<b>Date</b> <b>FEBRUARY 17, 2011</b>
<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 Committee	2/17/11	X		
2	Board	2/23/11	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal 
3	Chief of Staff 		
2	Managing Director 		
	Civil Rights		

<b>Narrative</b>				
AGENCY:	Metropolitan Transportation Authority ("MTA")			
LICENSEE:	Hudson Group (HG) Retail, LLC			
LOCATION:	Rear lobby at 347 Madison Avenue, New York, New York			
ACTIVITY:	Retail sale of snack items, drinks, lottery, newspapers, magazines and tobacco products			
ACTION REQUESTED:	Approval of Terms			
TERM:	Ten years, terminable on 60 days notice			
SPACE:	Approximately 100 square feet			
COMPENSATION:	<u>Period</u>	<u>Annual</u>	<u>Monthly</u>	<u>Increase</u>
	Year 1	\$10,000	\$833.33	
	Year 2	\$10,500	\$875.00	3%
	Year 3	\$11,025	\$918.75	3%
	Year 4	\$11,576	\$964.67	3%
	Year 5	\$12,155	\$1,012.92	3%
	Year 6	\$12,763	\$1,063.58	3%
	Year 7	\$13,401	\$1,116.75	3%
	Year 8	\$14,071	\$1,172.58	3%
	Year 9	\$14,775	\$1,231.25	3%
	Year 10	\$15,513	\$1,292.75	3%
<b>COMMENTS:</b>				
In response to a Request for Proposals issued in 2010, Hudson Group (HG) Retail, LLC ("Hudson"), the incumbent, submitted a comprehensive and well-organized proposal. Hudson's ten-year net present value at 9% was \$77,984.33. Six other proposals were received and ranged in value from \$74,762.61 to \$28,133.57.				

## Staff Summary

### FINANCE COMMITTEE MEETING

Hudson Group (HG) Retail, LLC (Cont'd)

#### COMMENTS: (Cont'd)

Hudson successfully operated the newsstand in 347 Madison Avenue for the term of its previous license, and remains in good standing. Hudson successfully operates other locations in Grand Central Terminal, Penn Station, the Port Authority Bus Terminal, Javits Center and the local airports.

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



# **MTA LONG ISLAND RAIL ROAD**

<b>Subject</b>	<b>LICENSE AGREEMENT</b>
<b>Department</b>	<b>REAL ESTATE</b>
<b>Department Head Name</b>	<b>JEFFREY B ROSEN</b>
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	<b>ROBERT GOLDBERG</b>

<b>Date</b>	<b>FEBRUARY 17, 2011</b>
<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 Committee	2/17/11	X		
2	Board	2/23/11	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal <i>BA</i>
3	Chief of Staff <i>APC</i>		
2	Managing Director <i>[Signature]</i>		
	Civil Rights		

**Narrative**

AGENCY: MTA Long Island Rail Road ("LIRR").

LICENSEE: Oyster Rides LLC

LOCATION: LIRR's Hicksville Station, Hicksville, New York (west plaza area)

ACTIVITY: Taxi dispatch office

ACTION REQUESTED: Approval of terms

TERM: Month to month

SPACE: Approximately 121 Square Feet

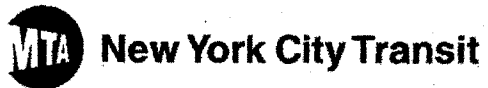
SECURITY: Three months compensation

COMPENSATION: \$1,250 per month

**COMMENTS:**

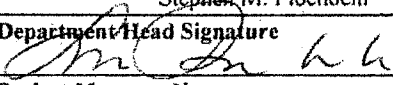
In response to MTA Real Estate's Request For Proposals (RFP) for three kiosks to be used as taxi dispatch offices at LIRR's Hicksville Station, two taxi operators submitted proposals. The proposals, for month-to-month licenses to operate the kiosks pending MTA Real Estate's offering of taxi dispatch and taxi stands system-wide in 2011-2012, ranged from \$222.22 to \$1,250 per month. A requirement of the RFP was that operators would be granted a license for one kiosk only. For the north kiosk, the highest proposal was received from Oyster Rides LLC at \$1,250 per month, while Sunset Airport Trans. Corp (d/b/a Sunset Taxi) proposed \$526.66 per month. Real Estate will submit a separate staff summary to approve award of the middle and south kiosks, pending finalization of terms with proposers. The improvement work to be performed at the north kiosk will involve installation of telephone lines and equipment, a desk and chairs. While the use of the northern kiosk, heretofore used as storage by LIRR, will bring additional commercial activity to the west area of the plaza, the MTA will reserve the right to terminate the license on 30 days notice should the operation impede traffic or create any other undesirable issues at the station.

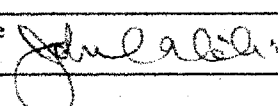



Based on the foregoing, MTA Real Estate Department requests authorization to enter into a month-to-month license agreement with Oyster Rides LLC on the above-described terms and conditions.



## PROCUREMENTS

The Procurement Agenda this month includes 8 actions for a proposed expenditure of \$16.5M.

<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Materiel Division – NYCT					
<b>Department Head Name</b> Stephen M. Plochochi					
<b>Department Head Signature</b> 					
<b>Project Manager Name</b> Rose Davis					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	2/17/11			
2	Board	2/23/11			

February 9, 2011			
<b>Department</b> Law and Procurement - MTACC			
<b>Department Head Name</b>			
<b>Department Head Signature</b> 			
<b>Table of Contents Ref #</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President NYCT		President MTACC
	Executive VP	X	Subways
X	Capital Prog. Management	X	Buses
	Law	X	Diversity/Civil Rights

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

**PURPOSE:**

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

**DISCUSSION:**

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

Procurements Requiring Two Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$ .6 M
• Construction Polymers Co. \$ .6 M		

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts	1	\$ .2 M
• Planar Systems \$ .2 M		

SUBTOTAL      2      \$ .8 M

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

**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	\$ 14.0 M

Schedules Requiring Majority Vote

Schedule I: Modifications to Purchase and Public Works Contracts	2	\$ .4 M
<b>SUBTOTAL</b>	<b>4</b>	<b>\$ 14.4 M</b>

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

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

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions:	1	\$ .4 M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ .4 M</b>

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

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions	1	\$ .9 M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ .9 M</b>
<b>TOTAL</b>	<b>8</b>	<b>\$ 16.5 M</b>

**BUDGET IMPACT:** The purchases/contracts will result in obligating NYC Transit and MTA Capital Construction Co. 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.

**FEBRUARY 2011**

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

**Procurements Requiring Two-Thirds Vote:**

**A. Non-Competitive Purchases and Public Work Contracts**

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive.) Note – in the following solicitations, NYC Transit attempted to secure a price reduction. No other substantive negotiations were held except as indicated for individual solicitations.

1. **Construction Polymers Co.** **\$551,425.00 (Est.)** **Staff Summary Attached**  
**Req. # U-A250261**

Test and evaluation of GreenRock Solid Cast Polymer for the spot replacement of wooden tie blocks on type II subway tracks.

**Procurements Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

2. **Planar Systems, Inc.** **\$226,000.00 (Est.)** **Staff Summary Attached**  
**Non-Competitive – One-year contract, plus a one-year option**  
**Contract #09G0135**

Provide maintenance, technical support and training for the large display status boards at the NYC Transit Rail Control Center.

**FEBRUARY 2011**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**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.)

- |  |                                     |   |
|--|-------------------------------------|---|
| <p><b>1-2. Contractors To Be Determined</b><br/> <b>Four-year contracts</b><br/> <b>Contract C-31675/C-31676</b><br/> RFP Authorizing Resolution for IQ asbestos abatement in electrical manholes system-wide.</p> | <p><b>\$7,000,000.00 (each)</b></p> | <p><b><u>Staff Summary Attached</u></b></p> |
|--|-------------------------------------|---|

**Procurements Requiring Majority Vote:**

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

(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.)

- |   |                                  |   |
|---|----------------------------------|---|
| <p><b>3. Citnalta Construction/Judlau Contracting, JV</b><br/> <b>Contract #A-35797.5</b><br/> Modification to the contract for the rehabilitation of seven stations and line structures on the West End Line, in order to relocate utilities at the Bay Parkway Station.</p> | <p><b>\$294,000.00</b></p>       | <p><b><u>Staff Summary Attached</u></b></p> |
| <p><b>4. Global Overhead Door</b><br/> <b>Contract # 08J0002A.1</b><br/> Modification to the contract for the repair of Ryttec Rapid Roll-up Doors, in order to add multiple Department of Subways' locations and increase funding.</p>                                       | <p><b>\$78,525.00 (Est.)</b></p> | <p><b><u>Staff Summary Attached</u></b></p> |



**FEBRUARY 2011**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

(Staff Summaries required for items requiring Board approval.)

1. CRC Associates, Inc.  
Contract #08K0021.2

\$406,121.00

**Staff Summary Attached**

Modification to the contract for electrical service repair and installation in locations other than office buildings, in order to add the Division of Operations Planning's requirements, project management services, authorize the use of a subcontractor and increase funding.

FEBRUARY 2011

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

(Staff Summaries required for items requiring Board approval.)

- |   |              |                               |
|---|--------------|-------------------------------|
| 1. E.E. Cruz and Tully Construction<br>Company, JV, LLC<br>Contract #C-26005.40 | \$925,000.00 | <u>Staff Summary Attached</u> |
|---|--------------|-------------------------------|

Modification to the contract for civil, structural, and utility relocation for the Second Avenue Subway, 96<sup>th</sup> Street Station, in order to perform Phase II of Building Protection Changes for a building on Second Avenue.

# Schedule A: Non-Competitive Purchases and Public Work Contracts

Item Number:

<b>Vendor Name (&amp; Location)</b> Construction Polymers, Co. (Chagrin Falls, OH)		<b>Contract Number</b> U-A250261	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description</b> Test and evaluation of GreenRock Solid Cast Polymer		<b>Total Amount:</b> \$551,425 (Est.)	
<b>Contract Term (including Options, if any)</b> Six Months		<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Subways, Carmen Bianco	
<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: Non-Competitive			

## Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law § 1209, subsection 9(d), and approve the purchase of GreenRock Solid Cast Polymer (SCP) kits and preformed blocks, as well as the rental of necessary equipment to perform the work for test and evaluation.

NYC Transit is interested in performing a test and evaluation on the use of SCP as an alternative material and methodology for the spot replacement of wooden tie blocks. These wooden tie blocks are used in Type II subway tracks, which is a concrete ballasted type track used primarily in the subway tunnels. SCP is a high strength composite material made from a proprietary formulation. The SCP will be supplied by the contractor, who will also provide specialized mixing equipment, training of in-house personnel and technical oversight of the installation process.

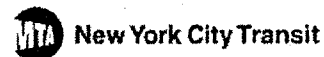
In August 2009 a limited test was performed on an unused section of track whereby the contractor replaced four wooden tie blocks, at no cost to NYC Transit, using the SCP material. Upon review of the test, NYC Transit decided it was beneficial to perform a larger test replacing several hundred tie blocks in the 53<sup>rd</sup> Street Tunnel. This tunnel was selected because there are sections of track that require replacement of the existing deteriorated wood ties and General Orders are in place for another section of the tunnel.

With track reconstructions involving wooden tie blocks requiring replacement, the tie blocks must be completely removed and all of the concrete must be completely chipped out to ensure that the new concrete is a homogenous mass of material with identical strength characteristics. In addition, trying to replace the existing deteriorated wood blocks in kind is not practical, as it is very difficult to assure a good track geometry and fit of the new block in the irregular cavity formed by the extraction of the old block. Removing the tie blocks, chipping out the existing concrete, skeletonizing the track and pouring new concrete is a labor intensive process that leads to lengthy train disruptions during the performance of the work. However, with the SCP material, only the wooden tie blocks have to be removed causing minimal disruption to the overall concrete foundation. Afterwards, preformed SCP blocks are placed inside the tie cavities with any remaining spaces filled with SCP material mixed on site. After a short curing process (less than 2 hrs.), the affected track area is returned to service at normal train speeds.

Results from testing conducted by an independent testing laboratory on the curing process using preformed SCP blocks with the mixed SCP material were satisfactory. The SCP material was also subjected to dynamic loads of up to 3 million cycles and the results were also satisfactory. The SCP material is non-toxic and non-flammable and the Office of System Safety approved it as being safe to use within the NYC Transit subway system. While wooden tie blocks last approximately 20 to 40 years on the average (depending on location), the SCP blocks are projected to last as long as concrete (40 to 80 years on the average). Track plans to monitor the success of this test and evaluation project by performing bi-weekly track walks, 15-day Track Supervisory and quarterly Track Geometry Car inspections. NYC Transit expects a significant overall savings from the use of this SCP process as an alternative to the current process for replacing deteriorated wooden ties as well as from a life expectancy standpoint. Additionally, the SCP process will minimize service disruptions when track replacements are undertaken. The ultimate decision regarding the success of this test and evaluation will be made not only on a technical basis but also through an economic analysis showing that the SCP process is more favorable than the existing process.

Through negotiation, Procurement obtained a price concession from Construction Polymers, who reduced the total cost of its SCP blocks by \$3,300 and agreed to provide the training of in-house personnel and the technical oversight of the installation process at no cost. Prices were deemed fair and reasonable through a market survey of comparative pricing of key components of the SCP material and cost disclosure provided by Construction Polymers. The successful test and evaluation of the SCP material will most likely result in future sole-source procurements for this product for a period of time while NYC Transit pursues alternative suppliers through the Request for Information process.

## Schedule G: Miscellaneous Service Contracts



Item Number: 2

<b>Vendor Name (&amp; Location)</b> Planar Systems, Inc. (Beaverton, OR)		<b>Contract Number</b> 09G0135		<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Description</b> Maintenance, technical support and training for the large scale display status boards at the Rail Control Center		<b>Total Amount (Including the option):</b> \$226,000 (Est.)			
<b>Contract Term (including Options, if any)</b> One year with a one-year option		<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:			
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a		<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Division of Technology and Information Services, Sidney Gellineau			
<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					

### Discussion:

This contract is for preventive and remedial maintenance, technical support and training for the large scale display status boards located at NYC Transit's Rail Control Center (RCC).

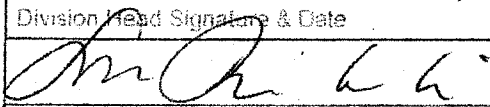



These large scale display status boards were manufactured and installed as part of the Automated Train Supervision Subdivision A (ATS - A) and Communications Based Train Control (CBTC) Canarsie contracts. Synlec, a subcontractor, furnished the signs approximately nine years ago. Synlec was later purchased by Planar Systems, Inc. (Planar) which is now the only provider of support for maintenance and repair for these boards. The status boards enable Rapid Transit Operations' (RTO) and other operating divisions in the operating theater at the RCC to monitor service delivery on the entire Subdivision A (IRT) and Canarsie Line (L) without physically being stationed at an ATS - A or CBTC console.

The status board for ATS - A consists of 88, 50" Digital Light Processor (DLP) cubes configured to create one large scale display of the entire IRT Division. The status board for CBTC consists of six, 50"DLP cubes. Configured together, these create one large scale display of the IRT and L Line that measures 5' in height and 144' in length. This configuration allows RTO to determine at a glance if there are service disruptions caused by late trains, stalled trains, power outages, or signal equipment failures and make the necessary adjustments to ensure passenger safety and continuity of service.

The original warranty for this equipment has expired and NYC Transit's Division of Technology and Information Services (TIS) is responsible for maintaining these displays. Subsequently, small purchases were used to obtain parts and repairs. This maintenance contract was originally advertised and competitively bid, but only one firm, Video Visions, Inc (Video Visions) submitted a bid, which contained exceptions to the terms and conditions. Subsequently, it was determined that Video Visions intended to subcontract the work to Planar with no benefit to NYC Transit, plus adding more than a 20% markup "pass-through" cost to the price. Video Visions' bid was rejected and NYC Transit decided to cancel the solicitation and contract directly with Planar.

The technology used in these displays is aging, and, as a result, spare/replacement parts are becoming increasingly scarce. A market survey indicated that no other contractors could support this type of display equipment. Planar has agreed to a one-year contract with NYC Transit to provide maintenance, repairs and training. There is a mutual option to extend the contract for an additional year at the same price, based on parts availability. Planar will received a lump sum of \$113,000 for the one year contract. Pricing for the maintenance and support includes two service maintenance visits; basic training session; two emergency on-site repair visits; and a product service plan for unlimited repair/replacement and return of parts. The option year will also total \$113,000, depending upon Planar's ability to provide the spare parts. Procurement found that the annual maintenance cost of \$113,000 is less than 5% of the replacement cost. Planar's rates are the same as what is charged to all customers with similar equipment. Based on this comparison and the critical need to support this equipment, Planar's price of \$226,000 was found to be fair and reasonable.

# Staff Summary

Item Number 1-2					
Division & Division Head Name: VP Materiel, Stephen M. Plochochi					
Division Head Signature & Date					
					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
1	Materiel 	5	EVP 		
2	X Law	6	President 		
3	X Budget	7			
4	X CPM	8			

SUMMARY INFORMATION	
Vendor Name RFP Authorizing Resolution	Contract Number C-31675 & C-31676
Description IQ Asbestos Abatement of Electrical Manholes-System Wide	
Total Amount \$7,000,000 each	
Contract Term (including Options, if any) 4 years (includes 1 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:	

## Narrative

### I. PURPOSE/RECOMMENDATION

To request that the Board determine that competitive bidding is impractical or inappropriate and that it is in the public's interest to issue a competitive Request for Proposal, pursuant to subdivision 9(f) of Section 1209 of the Public Authorities Law, for the procurement of two contractors for asbestos abatement of electrical manholes system wide. Each contract will have an estimated value of \$7 million with a duration of 3 years within a total budget of \$10 million and an option for 1 additional year.

### II. DISCUSSION

Capital Program Management(CPM)/On Call Projects recognizes that asbestos discovered in MTA New York City Transit (NYCT) manholes represents a risk to the health and safety of the general public as well as to NYCT employees. Past experience has shown that it takes significantly longer to find qualified asbestos 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 the award of abatement contracts through the competitive Request for Proposal (RFP) process.

NYC Transit currently has in place contracts for Indefinite Quantity Environmental Remediation of Hazardous Materials ranging from asbestos to lead to pigeon droppings as well as contracts for Indefinite Quantity Asbestos Abatement of Manholes - System Wide. The environmental remediation contracts address a wide range of environmental concerns, including individual electrical manholes. However, the ability to address scheduled asbestos abatement of multiple electrical manholes simultaneously provides a more cost efficient solution since the unit pricing is based on far greater quantities of work. As the current contracts for asbestos abatement of electrical manholes expires in July 2011, CPM has requested the solicitation of successor indefinite quantity contracts for asbestos abatement of electrical manholes.

In June 2008, the Board authorized the award of 2 new Indefinite Quality (IQ) contracts for Asbestos Abatement of Electrical Manholes to replace the prior contracts. The contracts are C-33127 and C-33128 for \$5 million each with a duration of 3 years. Under contracts C-33127 and C-33128, approximately 500 manholes have been abated.

CPM is requesting the solicitation of two new IQ contracts, C-31675 and C-31676, with 3 year durations and a 1 year option, for an estimated \$7 million each, within a total budget of \$10 million. Having an estimated value of \$7 million each allows for flexibility as the task orders are competitive and the awards are not necessarily distributed equally over time. The award of the two new IQ contracts will continue to provide NYCT flexibility in assigning work based upon price, contractor staff availability at the time of assignment, and performance on current and prior assignments under these contracts. The intent is to assure that NYCT will be able to respond rapidly and effectively to asbestos events, while prudently managing these contracts.

In order to conduct the solicitation process, the following procedure is recommended: Under Step 1 of the process, firms will be solicited by advertisement requesting contractors' qualifications. A Selection Committee will review the firms' submittals and develop a short list of qualified firms based on established criteria, including general responsibility, asbestos abatement experience, licenses, safety and compliance records, financial qualifications, and insurance and bonding capacity. Step 2 of the process will then begin whereby short-listed firms will receive the RFP package containing specifications and terms and conditions. The short-listed firms will be requested to submit proposals in response to the RFP. Selection criteria for Step 2 will include, in addition to those of Step 1, unit prices, staffing, equipment, and project management; as well as other technical aspects covered by each proposer's technical proposal.

Following the BSC protocol on Joint Agencies Procurement, a review of current related contracts was conducted across MTA agencies for possible joint procurement, specifically, other NYCT Asbestos and LIRR On-Call contracts. The BSC Joint Review Panel concurred with this procurement proceeding on a stand-alone basis based on the benefits of a manhole specific contract.

M/WBE Goals have not yet been assigned for these contracts.

### **III. IMPACT ON FUNDING:**

The total estimated funding required for these contracts is \$10M, and is funded in the first instance by the MTA. Funding for these contracts is presently not in place, but will be made available by WAR Certificates chargeable to the particular project for which the abatement will be performed. A WAR Certificate will be obtained prior to award of any Work Order.

### **IV. ALTERNATIVES:**

To solicit firms for indefinite quantity asbestos 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 construction projects, thus increasing the cost of construction.

# Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 3

<b>Vendor Name (&amp; Location)</b> Citnalta Construction/Judlau Contracting, JV (Brooklyn, NY)	
<b>Description</b> Rehabilitation of Seven Stations – West End Line	
<b>Contract Term (including Options, if any)</b> August 3, 2009 – February 28, 2012	
<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> Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
A-35797	5
Original Amount:	\$ 108,866,000
Prior Modifications:	\$ 353,100
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 109,219,100
This Request:	\$ 294,000
% of This Request to Current Amount:	0.3%
% of Modifications (including This Request) to Original Amount:	0.6%

## Discussion:

This modification is for additional utility relocation work at the Bay Parkway Station.

This contract is for the rehabilitation of line structure and seven stations on the West End Line in Brooklyn: 71<sup>st</sup> Street, 79<sup>th</sup> Street, 18<sup>th</sup> Avenue, 20<sup>th</sup> Avenue, Bay Parkway, 25<sup>th</sup> Avenue and Bay 50<sup>th</sup> Street. The Bay Parkway Station will become ADA-compliant, with upgrades including the installation of elevators.

The contract requires the contractor to relocate an existing catch basin and fire hydrant at Bay Parkway. Post-award, NYC Department of Environmental Protection required the furnishing and installation of: a second catch basin; 36 feet of 12" ductile iron pipe (DIP) between the second catch basin and the storm sewer; a new manhole in 86<sup>th</sup> Street for the storm sewer; 25 feet of 12" DIP between the new manhole and the relocated catch basin; and the replacement of 90 feet of 8" DIP water main.

Also, at Bay Parkway the contract requires the contractor to furnish and install the pipe needed to relocate an 8" high pressure natural gas line. Post-award, National Grid changed the connection point, which requires the contractor to furnish and install an additional 27 feet. The contractor will perform excavation, shoring, backfill, sidewalk and street restoration, and all work associated with the gas line relocation, except the connection welding which will be performed by National Grid.

Finally, at Bay Parkway the contract requires the contractor to construct the elevator pit at a location adjacent to an existing 30" sewer force main. A force main is a pipeline that conveys wastewater under pressure from the discharge side of a pump or ejector. During excavation of the elevator pit, the force main was not found. In an attempt to find it, DEP required the contractor to dig several test pits and to hire a consultant to scan the ground with a ground-penetrating radar. The force main was determined not to be nearby and the contractor was allowed to proceed with the elevator pit construction. Approximately \$20K was expended on these efforts.

The contractor's initial proposal was \$393,815; NYC Transit's revised estimate was \$274,403. Following negotiations, the lump sum of \$294,000 was agreed upon and found to be fair and reasonable. A savings of \$119,412 was achieved.

Work has not been performed, except for the exploratory work associated with the elevator pit.

# Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 4

<b>Vendor Name (&amp; Location)</b> Global Overhead Door (Bronx, NY)	
<b>Description</b> Repair of Rytec Rapid Roll-up Doors	
<b>Contract Term (including Options, if any)</b> August 6, 2010 – August 5, 2013	
<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 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> Department of Subways, Carmen Bianco	

Contract Number	AWO/Modification #
08J0002A	1
Original Amount:	
	\$ 332,881
Prior Modifications:	
	\$ 0
Prior Budgetary Increases:	
	\$ 0
Current Amount:	
	\$ 332,881
This Request:	
	\$ 78,525 (Est.)
% of This Request to Current Amount:	
	23.5%
% of Modifications (including This Request) to Original Amount:	
	23.5%

## Discussion:

This modification will add multiple Department of Subways (DOS) locations to the contract as well as increase funding.

This contract is a modification to a Department of Buses (DOB) contract to add the repair of Rytec Rapid Roll-up doors for DOS locations. At the time the DOB contract was solicited, DOS did not require this type of service as the work for doors of this manufacture were performed by in-house forces. As repairs have become more complicated as the doors age, DOS now requires this service. This is the first contract for this type of service for DOS. The contractor is required to supply all work, labor and materials necessary to repair Rytec Model FS-1000 Rapid Roll-up doors and associated equipment. Rapid roll-up doors make the building less susceptible to unauthorized entry and help to maintain ambient temperature.

The original contract solicitation received two responsive quotes. Global Overhead Door's (Global) price proposal for the associated work under this modification was compared to the unit prices of the base contract and to the DOS estimate. Global's proposed hourly rates for DOS are higher than the rates for DOB because workers at these DOS locations require track safety training. Global will not receive compensation for the time spent to train its workers. Global's proposed price was found to be fair and reasonable based on the base contract's original competitive pricing and an analysis of DOS' additional requirements. In addition, Global has agreed to apply the DOB hourly rate for any work in excess of the original estimated hours.



# Schedule K: Ratification of Completed Procurement Actions

Item Number: 1

<b>Vendor Name (&amp; Location)</b> CRC Associates, Inc. (S. Plainfield, NJ)	
<b>Description</b> Electrical service repair and installation in locations other than office buildings	
<b>Contract Term (including Options, if any)</b> January 28, 2010 – January 31, 2013	
<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 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: 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> Division of Operations Planning, Peter Caffero	

Contract Number	AWO/Modification #
08K0021	2
Original Amount:	\$ 449,000
Prior Modifications:	\$ 8,225
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 457,225
This Request:	\$ 406,121
% of This Request to Current Amount:	88.8%
% of Modifications (including This Request) to Original Amount:	92.3%

## Discussion:

This is a request for the Board to ratify the award of retroactive Modification #2 to this public work contract and the President's waiver of prior Board approval for the modification, pursuant to the All Agency Procurement Guidelines, Article X.A. The contract modification (1) added the Operations Planning Division as a contract user; (2) authorized NYC Transit's electrical contractor, CRC Associates, Inc., to subcontract to Triumph Construction (NYC Department of Transportation's [NYCDOT] authorized subcontractor for installation of bus shelters and related work on behalf of New York City's competitively-selected street furniture contractor, CEMUSA), and to project manage Triumph's installation of electrical service for the MetroCard Fare Collection machines (MFCs) at Select Bus Service (SBS) stops on the 1st and 2nd Avenues M15 route that began service on October 10, 2010; (3) authorized CRC Associates to pass through to NYC Transit Triumph's charges for said work, plus a 5% project management fee; and (4) added \$406,121 in capital reimbursable funds to pay CRC Associates for the SBS-related work. Contract 08K0021 is a contract for the repair and installation of electrical service in locations other than in office buildings, awarded on January 28, 2010.

This modification was necessary to obtain essential electrical service for installing MFCs at 36 bus stops along the SBS 1st and 2nd Avenue M15 Corridor in Manhattan, pursuant to a Memorandum of Understanding with NYCDOT, in order to meet the SBS start-up date of October 10, 2010. The work had to be completed by a NYCDOT-approved contractor, as City-owned infrastructure would be impacted by the work.

Because of the timing, relative to the SBS start-up date, there was insufficient time to initiate a new competitive procurement for this work, while legal restrictions prevented award of a sole source public work contract directly to Triumph.

Due to the retroactive nature of this modification, the subject work was completed in time for the successful start-up of 1<sup>st</sup> and 2<sup>nd</sup> Avenue Corridor SBS service on October 10, 2010. The good-faith efforts of CRC Associates and its subcontractor in moving forward with the work absent a pre-approved contract modification were necessary. Accordingly, the President approved a waiver of prior Board approval for award of this modification in order to expedite payment to the contractor and subcontractor.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

<b>Vendor Name (&amp; Location)</b>	
E. E. Cruz and Tully Construction Company, JV, LLC (Holmdel, NJ)	
<b>Description</b>	
Civil, structural, and utility relocation for the Second Avenue Subway route – 96 <sup>th</sup> Street Station	
<b>Contract Term (including Options, if any)</b>	
May 28, 2009 – July 5, 2013	
<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>	
MTA Capital Construction, Michael Horodniceanu	

Contract Number	AWO/Modification #
C-26005	40
Original Amount:	\$ 325,000,000
Prior Modifications:	\$ 4,894,161
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 329,894,161
This Request:	\$ 925,000
% of This Request to Current Amount:	0.2%
% of Modifications (including This Request) to Original Amount:	1.7%

## Discussion:

This retroactive modification is for structural stabilization work for a building (1873) on the West side of Second Avenue, between 96<sup>th</sup> Street and 97<sup>th</sup> Street. The building has two stores (*Dunkin Donuts* and *Subway*) on the ground floor and residential apartments on floors 2-4.

This contract is for civil, structural, and utility relocation work for the new 96<sup>th</sup> Street Station for the Second Avenue Subway project. The work includes open cut excavation for the Station, from 95<sup>th</sup> to 99<sup>th</sup> Streets. This contract includes the relocation and the restoration of utilities, demolition of the existing Century Lumber Building and interior demolition at Astor Terrace Condominium; construction of temporary and permanent support of excavation retaining structures including the construction of slurry walls, secant pile walls and micro pile walls; connection to the existing tunnel north of 99<sup>th</sup> Street; installation of temporary roadway decking; construction of the 96<sup>th</sup> Street Station invert slab; construction of certain station entrance and ancillary building structural elements.

In December 2010, the Board approved a modification in the amount of \$1.4M for ground stabilization of four buildings (1867, 1869, 1871 and 1873) on the West side of Second Avenue between 96<sup>th</sup> Street and 97<sup>th</sup> Street. The subject modification is for structural stabilization of one of those buildings (1873). Previously, a \$200K modification was negotiated to provide structural stabilization of the foundation of that building. Presently, the other three buildings require no additional work beyond the ground stabilization approved by the Board in December. The building at 1873 needed structural stabilization because it is at the end of the row, with no existing supporting structure on its north wall, and will be subject to vibration during the installation of secant piles and a jet grout invert slab needed for a station ventilation mechanical building to be constructed under a future contract.

The contract requires the contractor to install a rigid frame on this building to stabilize it during excavation activities. This structural stabilization method was based on engineering information obtained during pre-award, non-destructive surveys. The contract requires the contractor to remove portions of the building to allow MTACC's consultant to examine the interior structure. The post-award survey revealed deteriorated joists with reduced bearing areas, sloping and tilting of existing structural elements (floors, roof, and interior columns), in addition to visible cracking and distortion of the façade.


Under this modification the contractor replaced the existing frame in the store fronts with a rigid frame on the 1<sup>st</sup> floor; installed ledger beams, wall ties, and timber cross bracing at existing floor joists at the 2<sup>nd</sup> and 3<sup>rd</sup> floors and roof joists; and installed façade ties, timber blocking, and sister joists at the 3<sup>rd</sup> and 4<sup>th</sup> floors. Also, in accordance with MTA's legal agreement with the building owner, the contractor provided new storefronts, glass entrance doors and finish work for the commercial space, repaired construction damage to the residential apartments, replaced a cornice on the building, and removed a tree behind the building. The contractor submitted an initial proposal of \$996,892. MTACC's revised estimate was \$895,921. Following negotiations, the lump sum of \$925,000 was agreed upon and was found to be fair and reasonable. Savings of \$71,892 were achieved.

MTA's legal agreement with the building owner and tenants stipulated that, starting September 11, 2010, the commercial businesses would be shut for three weeks and the residential tenants would be relocated for eight weeks, during which times all work had to be performed. On August 30, 2010, the President, MTACC, approved a retroactive waiver and the contractor was directed to proceed, in order to minimize schedule impact. The contractor submitted a time extension request for 32 impactable days. Since the contractor has requested an extension of time for multiple modifications and since a re-sequencing plan to reduce impacts to the contractual substantial completion date is under review, time extension and impact costs, if any, will be handled under a separate modification.

## PROCUREMENTS




The Procurement Agenda this month includes 4 actions for a proposed expenditure of \$86.1M.

## Staff Summary

<b>Subject</b> Requests for Authorization to Award Various Procurements
<b>Department</b> MTA Bus Company/Long Island Bus/NYCT Department of Buses
<b>Department Head Name</b> Thomas Del Sorbo
<b>Department Head Signature</b> 
<b>Project Manager Name</b> James P. Curry

<b>Date</b> February 2, 2011
<b>Vendor Name</b> N/A
<b>Contract Number</b> N/A
<b>Contract Manager Name</b> N/A
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	2/17/11	X		
2	Board	2/23/11	X		

Internal Approvals			
Order	Approval	Order	Approval
3	President 		
2	Executive VP 		
1	General Counsel		

### PURPOSE:

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

### DISCUSSION:

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

NONE

Long Island Bus proposes to award Non-Competitive procurements in the following categories:

<u>Procurements Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedule E: Miscellaneous Procurement Contracts</u>	1	\$0.1M

NYC Transit Department of Buses proposes to award Non-Competitive procurements in the following categories:

<u>Procurements Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedule A: Non-Competitive Purchases and Public Work Contracts</u>	3	\$86.0M

	<u># of Actions</u>	<u>\$ Amount</u>
Total Non-Competitive Procurements	4	\$86.1M

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

**None**

**Long Island Bus proposes to award Competitive procurements in the following categories:**

**None**

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

**None**

**MTA Bus Company proposes seeks Ratifications in the following categories:**

**None**

**Long Island Bus proposes to award Ratifications in the following categories:**

**None**

**NYC Transit Department of Buses seeks Ratifications the following categories:**

**None**

	<u># of Actions</u>	<u>\$ Amount</u>
Total Procurements	4	\$86.1M

## 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 requests 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.
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.

**FEBRUARY 2011**

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

**Procurements Requiring Majority Vote:**

**E. Miscellaneous Procurement Contracts**

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

**I. Ultimedia**

**Contract No. E3986, Sole Source      \$108,556 (NTE)**

**Staff Summary Attached**

Furnish and Install Components Upgrade for the Computer Information System at Mineola Intermodal Center.

**FEBRUARY 2011****LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL****Procurements Requiring Two-Thirds Vote:****A. Non-Competitive Purchases and Public Work Contracts**

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive.) Note -- in the following solicitations, NYC Transit attempted to secure a price reduction. No other substantive negotiations were held except as indicated for individual solicitations.

1. **Daimler Buses North America, Inc.**                      **\$40,327,525.00 (Est.)**                      **Staff Summary Attached**  
**Contract # B-31123**  
Purchase of 90 low floor 40 foot clean diesel buses.
2. **New Flyer Industries of America**                      **\$39,225,880.00 (Est.)**                      **Staff Summary Attached**  
**Contract # B-31122**  
Purchase of 90 low floor 40 foot clean diesel buses.
3. **Prevost Parts**    **\$6,500,000.00 (Est.)**                      **Staff Summary Attached**  
**Sole Source -- Three-year omnibus**  
Omnibus approval request for the purchase of inventory and non-inventory replacement bus parts.



## Schedule E: Miscellaneous Procurement Contracts



Item Number: E-1

<b>Vendor Name (&amp; Location)</b> Ultimedia (New York, NY)
<b>Description</b> Furnish and install Components Upgrade for the Computer Information System at Mineola Intermodal Center.
<b>Contract Term (including Options, if any)</b> N/A
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" 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> E3986	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> \$108,556	
<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> Michael Moran, IT Department, MTABC and MTA LI Bus	
<b>Contract Manager:</b> Patricia Robertson	

### Discussion:

LIB requests MTA Board approval to award a sole source, non-competitive, miscellaneous procurement contract to Ultimedia, for proprietary software and hardware products in an amount not-to-exceed \$108,556 for a maximum warranty term of 3 years effective upon completion of hardware installation.

The Mineola Intermodal Center (MIC) provides convenient connections for Long Island Bus and Long Island Railroad customers and includes information kiosks and digital display towers for customers to view scheduled bus route arrival time and bus bay assignment information. The current environment installed at the MIC is almost 3 years old and is subject to frequent component failures. The original equipment was installed without automated thermo-sensors which creates supportability problems and is a primary source of the frequent component failures. Since the information kiosks are located in an outdoor environment the equipment must be upgraded to reduce the number of failures. In the last 12 months, there have been more than 130 reported failures associated with the 9 installed computers, resulting in an average 19 days out of service per incident.

LIB is committed to upgrade its existing Computer Information System in an effort to better communicate with its customers regarding accurate bus route and schedule information. The system should be upgraded as it: (i) provides LIB valued customers with accurate bus route and schedule information; (ii) replaces system components that have resulted in failure when distributing information and displaying bus route information; and (iii) adds automated thermo-sensors to mitigate heat related issues that contribute to the current environment's product instability.

LIB publicly advertised its intent to award this sole source miscellaneous procurement contract to Ultimedia in the NYS Contract Reporter, Minority Commerce Weekly, El Diario and Newsday. To date, LIB has not identified another vendor who is qualified to furnish and install these proprietary software and hardware products. Ultimedia, the incumbent vendor, is considered a responsible contractor and its prices and labor rates were evaluated and deemed fair and reasonable.

This contract will be funded under LIB's Federal Capital Budget. Nassau County is the designated recipient of these Federal capital grant funds which are distributed to LIB. The Federal Transit Administration provides 80% of the funding, with a match of 10% from New York State, and 10% from Nassau County. LIB is not a part of the MTA's Capital Program.

# Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: **A-1**

<b>Vendor Name (&amp; Location)</b> Daimler Buses North America, Inc. (Oriskany, NY)
<b>Description</b> Purchase of 90 low-floor clean diesel buses for test and evaluation
<b>Contract Term (including Options, if any)</b> 12 months
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input 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: Non-competitive

<b>Contract Number</b> B-31123	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$40,327,525 (Est.)
<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> Department of Buses, Darryl C. Irick	

## Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law § 1209, subsection 9(d), and approve the purchase of 90 low-floor 40-foot clean diesel buses from Daimler Buses North America, Inc. (DBNA) for test and evaluation.

NYC Transit continues to attract additional bus manufacturers who are willing to structurally qualify their buses for its New Bus Qualification Program. The purchase of 90 buses will permit the test and evaluation, in revenue service, of a new bus type; ensure the manufacturer's ability to produce the bus as well as to provide aftermarket support for service and engineered solutions; and ensure that the bus meets the standards of the Bus Qualification program. The purchase of larger test fleets of this size gives a more accurate indication of performance, miles per gallon, and Mean Distance Between Failures (MDBF) and enables more effective evaluations of major subsystems.

NYCT has a commitment to prioritize NY content in its rolling stock purchases that will be reflected in future procurements for any buses that become qualified. It is our hope and intent that as more companies become qualified there will be more manufacturing jobs in New York State.

DBNA has successfully completed structural integrity testing, and will provide a 12-year structural warranty. This test fleet of 90 buses will be part of NYC Transit's 40-foot Bus Test and Evaluation Program. New Flyer Industries of America, Inc. and Nova Bus LFS, a Division of Prevost Car (US), Inc. will provide the other two 40-foot fleets to be evaluated under this program. Each of the three bus models will be outfitted with an EPA 2010 compliant power plant and be subjected to a fuel economy and emissions dynamometer test, as well as specification compliance and performance testing. Fuel economy, fleet availability, reliability, maintenance costs and vendor responsiveness will be monitored for a 12 month period. The results of the program will be incorporated into the evaluation criteria of a future RFP for an upcoming 40-foot diesel bus requirement.

DBNA's two pilot buses are scheduled to be delivered in September 2011. One of the pilot buses will be used for in-service testing, while the second pilot bus will be used for configuration audit and qualification testing. The production buses are scheduled to be delivered between October and December 2011. DBNA final assembly takes place in Oriskany, NY in the Mohawk Valley.

The 90 buses will have two different configurations that will enable NYC Transit to evaluate their effects on fuel economy and maintainability, 75 buses with a standard configuration (\$442,572/bus) and 15 buses which substitute a screw compressor for a reciprocating compressor and disc brakes for S-cam brakes (\$448,750/bus). The total contract award of \$40,327,525 will consist of \$39,924,150 for the 90 buses, \$287,315 for qualification testing, manuals, and diagnostic tools, \$45,000 for tailpipe emission profile testing and \$71,060 for an estimated quantity of training. Based on comparisons to the most recently negotiated price from its major competitor, the final price has been deemed fair and reasonable. Funds are available for this procurement as part of the 2010-2014 Capital Plan. In accordance with Public Authorities Law, § 1209, paragraph 9, this contract will not be awarded earlier than 30 days from the date on which the Authority declares competitive bidding to be impractical or inappropriate.

There was significant adverse information concerning DBNA's parent within the meaning of the All-Agency Responsibility Guidelines. However, senior management approval is being obtained to continue to do business with DBNA and its affiliates barring any new significant adverse information. The contract will not be issued unless and until such approval is obtained.

# Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: **A-2**

<b>Vendor Name (&amp; Location)</b> New Flyer Industries of America, Inc. (St. Cloud, MN)		<b>Contract Number</b> B-31122	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description</b> Purchase of 90 low-floor clean diesel buses for test and evaluation		<b>Total Amount:</b> \$39,225,880 (Est.)	
<b>Contract Term (including Options, if any)</b> 12 months		<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Buses, Darryl C. Irick	
<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: Non-competitive			

## Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law § 1209, subsection 9(d), and approve the purchase of 90 low-floor 40-foot clean diesel buses from New Flyer Industries of America (New Flyer) for test and evaluation.

NYC Transit continues to attract additional bus manufacturers who are willing to structurally qualify their buses for its New Bus Qualification Program. The purchase of 90 buses will permit the test and evaluation in revenue service of a new bus type, ensure the manufacturer's ability not only to produce the bus, but to provide aftermarket support for service, engineered solutions, and ensure that the bus meets the standards of the Bus Qualification program. The purchase of larger test fleets of this size gives a more accurate indication of performance, miles per gallon, and Mean Distance Between Failures (MDBF) and enables more effective evaluations of major subsystems.

NYCT has a commitment to prioritize NY content in its rolling stock purchases that will be reflected in future procurements for any buses that become qualified. It is our hope and intent that as more companies become qualified there will be more manufacturing jobs in New York State.

New Flyer has successfully completed structural integrity testing, and will provide a 12-year structural warranty. This test fleet of 90 buses will be part of NYC Transit's 40-foot Bus Test and Evaluation. Daimler Buses North America, Inc. and Nova Bus LFS, a Division of Prevost Car (US), Inc. will provide the other two 40-foot fleets to be evaluated under this program. Each of the three bus models will be outfitted with an EPA 2010 compliant power plant and be subjected to a fuel economy and emissions dynamometer test, as well as specification compliance and performance testing. Fuel economy, fleet availability, reliability, maintenance costs and vendor responsiveness will be monitored for a 12 month period. The results of the program will be incorporated into the evaluation criteria of a future RFP for an upcoming 40-foot diesel bus requirement.

New Flyer's two pilot buses are scheduled to be delivered in July 2011. One of the pilot buses will be used for in-service testing, while the second pilot bus will be used for configuration audit and qualification testing. The production buses are scheduled to be delivered between August and December 2011.

The 90 buses will have two different configurations that will enable NYC Transit to evaluate their effects on fuel economy and maintainability, 75 buses with a standard configuration (\$430,269) and 15 buses which substitute an electric cooling system for the hydraulic cooling system (\$435,259). The total contract award of \$39,225,880 will consist of \$38,799,060 for the 90 buses, \$275,000 for qualification testing, manuals, and diagnostic tools, \$45,000 for tailpipe emission profile testing and \$106,820 for an estimated quantity of training. Based on comparisons to the most recently negotiated price from its major competitor, the final price has been deemed fair and reasonable. Funds are available for this procurement as part of the 2010-2014 Capital Plan. In accordance with Public Authorities Law, § 1209, paragraph 9, this contract will not be awarded earlier than 30 days from the date on which the Authority declares competitive bidding to be impractical or inappropriate.

# Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: **A-3**

<b>Vendor Name (&amp; Location)</b> Prevost Parts (Elgin, IL)
<b>Description</b> Purchase of inventory and non-inventory replacement bus parts
<b>Contract Term (including Options, if any)</b> Three years
<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"/> Other: Omnibus Sole Source Approval

<b>Contract Number</b> NONE	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> NYCT: \$8,000,000 MTABC: \$500,000	
\$6,500,000 (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, Stephen M. Plochochi	

## Discussion:

This is a multi-agency omnibus approval request for items identified as obtainable only from Prevost Parts, and will eliminate the need to advertise and prepare individual procurement staff summaries for Board approval for each procurement over the \$15,000 small purchase threshold. There is no obligation to generate any purchase orders pursuant to an omnibus approval. There are approximately 3,387 inventory items for NYC Transit and MTA Bus Company (MTABC) covered by this approval for the purchase of replacement bus parts supplied by Prevost Parts. These items are identified as obtainable only from Prevost Parts for the following reasons: sole pre-qualified source on the QPL, and not available from any distributors or other sources; publicly advertised within a twelve month period without an acceptable alternate supplier; or proprietary to Prevost Parts. These items are advertised a minimum of once every twelve months to seek competition.

In March 2008, the Board granted the current NYC Transit omnibus approval for \$8,000,000, and in July 2009, the Board granted the current MTABC omnibus approval for \$1,000,000; these approvals expire March 28, 2011 and April 1, 2011 respectively. The estimated amount is based on the current Nova bus fleet for both NYC Transit and MTABC and takes into account anticipated deliveries of Nova and Prevost buses for NYC Transit during the upcoming omnibus approval period. It is expected that the amount requested under this omnibus approval will be sufficient to cover the material requirements for the next three years.

NYC Transit performed a price analysis on previously purchased sole-source items under its current approval and found that the weighted average annual price decrease was 0.01%. A review of the Producer Price Indices (PPI) of similar items within the last three years indicates an annual increase of 1.0% to 1.9%. Each item released from this omnibus approval will be subject to a price analysis and Procurement will determine whether the price offered is fair and reasonable.

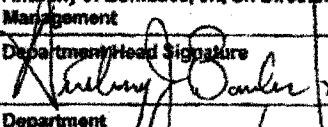


**METRO-NORTH/LONG ISLAND**

**COMMITTEE**

**PROCUREMENTS**

**FOR BOARD**

**ACTION**

<b>Subject</b> Request for Authorization to Award Various Procurements						<b>Date</b> February 4, 2011			
<b>Department</b> Procurement & Material Management - MNR						<b>Department</b> Law and Procurement - MTACC			
<b>Department Head Name</b> Anthony J. Bombace, Jr., Sr. Director, Procurement & Material Management						<b>Department Head Name</b> Jayne Czlik, Acting General Counsel			
<b>Department Head Signature</b> 						<b>Department Head Signature</b> 			
<b>Department</b> Procurement & Logistics - LIRR									
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement & Logistics Officer									
<b>Department Head Signature</b> 									
<b>Board Action</b>						<b>Internal Approvals</b>			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	MNR/LIRR Committee	2.17.11				X	President, MNR		
2	MTA Board	2.23.11				X	President, LIRR		
						X	President, MTACC		

**PURPOSE:**

To obtain approval of the Board to award various contracts and purchase orders, and to inform the Metro-North/Long Island Committee of these procurement actions.

**DISCUSSION:**

MNR proposes to award Non-Competitive procurements in the following categories:

Schedules Requiring Two-Thirds Vote (or more, where noted)

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$800,000
<b>SUBTOTAL:</b>	1	\$800,000

LIRR proposes to award Non-Competitive procurements in the following categories: NONE

MTACC proposes to award Non-Competitive procurements in the following categories: NONE

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

**Schedules Requiring Majority Vote**

		<u># of Actions</u>	<u>\$ Amount</u>
Schedule G:	Miscellaneous Service Contracts	1	\$611,000
Schedule I:	Modifications to Purchase and Public Work Contracts	1	\$2,498,501
SUBTOTAL:		2	\$3,109,501

**LIRR proposes to award Competitive Procurements in the following categories:**

**Schedules Requiring Majority Vote**

		<u># of Actions</u>	<u>\$ Amount</u>
Schedule F:	Personal Service Contracts	1	\$300,000
Schedule I:	Modifications to Purchase and Public Work Contracts	1	\$1,500,000
SUBTOTAL:		2	\$1,800,000

**MTACC proposes to award Competitive Procurements in the following categories: NONE**

**MNR proposes to award Ratifications in the following categories: NONE**

**LIRR proposes to award Ratifications in the following categories: NONE**

**MTACC proposes to award Ratifications in the following categories: NONE**

**TOTAL: 5 \$5,709,501**

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 Long Island Rail Road, Metro-North Railroad and MTA Capital Construction operating and capital funds in the amount listed. Funds are available in the current operating/capital budgets for this purpose.

**RECOMMENDATION:**

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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



**FEBRUARY 2011**

**METRO-NORTH RAILROAD**

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

**Schedules Requiring Two-Thirds Vote:**

**A. Non-Competitive Purchases and Public Work Contracts**

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

1. **Graham White (G-W) Manufacturing Co. \$800,000 (not-to-exceed) *Staff Summary Attached***  
**Furnish & Delivery of OEM Air Drying Filtering Equip.- MNR & LIRR Railcar & Locomotive Fleets**  
**Metro-North Railroad - \$400,000 (not-to-exceed)**  
**Long Island Rail Road - \$400,000 (not-to-exceed)**

In conjunction with MNR/LIRR Joint Procurement Initiatives (JPI), MNR and LIRR continue to review possible opportunities to leverage material purchases by combining the buying power of both agencies. Graham-White (G-W) is a material supplier for air drying equipment to both railroads and a multi-year agreement with this OEM supplier is a cost effective way to achieve the Joint Procurement Initiative goals. This air drying equipment is used to eliminate moisture in the compressed air that is used in the operation of the cars and Locomotives.

MNR, on behalf of itself and LIRR, requests approval of a non-competitive, negotiated, three-year miscellaneous purchase authorization for various OEM replacement parts of air drying filtering systems for MNR's M-2, 3, 4 and 6 Railcar fleets, the BL06 switcher locomotives, the GP35 locomotives and the Genesis locomotives. The systems are also used on LIRR's C and M-3 Railcars, and also on the LIRR's DE/DM, E-10, 15 and 20 locomotives. Graham-White is the OEM and sole source for this material, and many of the parts in the agreement are manufactured exclusively for the railroads by G-W.

These replacement parts and/or components will be purchased and/or repaired on an as-needed basis and negotiated on an individual parts basis prior to their purchase/repairs. A sample of individual parts purchases since 2007 has shown an average annual price increase of approximately 4%. This average annual price increase compares favorably to the US Bureau of Labor statistic's PPI and CPI for these commodities. Pricing is deemed fair and reasonable. The total cost of this three- year Purchase Agreement authorization is not to exceed \$800,000 (MNR = \$400K, LIRR = \$400K) and is to be funded by the MNR and LIRR Operating Budgets.

# Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: A

<b>Vendor Name (&amp; Location)</b> Graham-White (G-W) Manufacturing Company (Salem, VA)
<b>Description</b> Furnish and Delivery of OEM Air Drying Equipment – MNR & LIRR Railcar & Locomotive Fleets
<b>Contract Term (Including Options, if any)</b> Three (3) Years
<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" 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/OEM

<b>Contract Number</b> Purchase Agreement /Omnibus	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$800,000 (not-to-exceed) (MNR=\$400K; LIRR=\$400K)
<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> Procurement & Material Management, Anthony J. Bombace, Jr.	
<b>Contract Manager:</b> D. Smutzler	

## Discussion:

In conjunction with MNR/LIRR Joint Procurement Initiatives (JPI), MNR and LIRR continue to review possible opportunities to leverage material purchases by combining the buying power of both agencies. Graham-White (G-W) is a material supplier for air drying equipment to both railroads and a multi-year agreement with this OEM supplier is a cost effective way to achieve the Joint Procurement Initiative goals. This air drying equipment is used to eliminate moisture in the compressed air that is used in the operation of the cars and Locomotives.

MNR, on behalf of itself and LIRR, requests approval of a non-competitive, negotiated, three-year miscellaneous purchase authorization for various OEM replacement parts of air drying filtering systems for MNR's M-2, 3, 4 and 6 Railcar fleets, the BL06 switcher locomotives, the GP35 locomotives and the Genesis locomotives. The systems are also used on LIRR's C and M-3 Railcars, and also on the LIRR's DE/DM, E-10, 15 and 20 locomotives. Graham-White is the OEM and sole source for this material, and many of the parts in the agreement are manufactured exclusively for the railroads by G-W.

These replacement parts and/or components will be purchased and/or repaired on an as-needed basis and negotiated on an individual parts basis prior to their purchase/repairs. A sample of individual parts purchases since 2007 has shown an average annual price increase of approximately 4%. This average annual price increase compares favorably to the US Bureau of Labor statistic's PPI and CPI for these commodities. Pricing is deemed fair and reasonable. The total cost of this three- year Purchase Agreement authorization is not to exceed \$800,000 (MNR = \$400K, LIRR = \$400K) and is to be funded by the MNR and LIRR Operating Budgets.

**FEBRUARY 2011**

**METRO-NORTH RAILROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Schedules Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

**1. Dependable Repair, Inc. \$ 611,000 (not-to-exceed)**

**Material Handling Equipment Maintenance Services**

Competitive solicitation (4 bids received), three-year miscellaneous service contract with the firm, Dependable Repair, Inc. (Dependable), for preventive and remedial maintenance of material handling equipment (including propane & electric forklifts, electric pallet jacks, shrink-wrap machines, scissor lifts, manlifts, and all charging station equipment) used within facilities and storerooms by MNR's Maintenance of Equipment, Procurement & Material Management, and Operations Services Departments. Maintenance and upkeep of MNR's material handling equipment is critical as the equipment is integral to administering support to various aspects of rail service operations. MNR does not have available in-house resources to perform the required maintenance services.

Dependable's labor rates are on average 9% lower than rates paid under the last contract (2007-2010) and are deemed fair and reasonable. Services under this contract are based on various hourly rates for preventative, remedial, emergency; equipment transportation etc. and as result of this solicitation, MNR will realize an approximate overall 6% annual reduction in the overall cost of material handling maintenance services. Other MTA Agencies are currently utilizing an agreement with another vendor (Crown Lift) who unsuccessfully participated in this bid. Metro-North's contract with Dependable will be available for evaluation and use by the other MTA agencies at the same terms, conditions & rates. The total not-to-exceed amount of this service for the three-year period is \$611,000. This procurement is to be funded by MNR's Operating Budget.

**I. Modifications to Purchase and Public Work 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.)

**2. Ducci Electrical Contractors, Inc. \$2,498,501 (not-to-exceed) Staff Summary Attached**

**Danbury Signalization Project: Procurement and Installation of 8,500 feet of Additional Cable Tray**

Approval is requested to issue a contract change order to the firm, Ducci Electrical Contractors, Inc. (Ducci), in the total not-to-exceed amount of \$2,498,501 for additional work associated with the procurement and installation of an additional 8,500 feet of cable tray.

The contract with Ducci is the major component of the Danbury Branch Centralized Control and Signalization Project. The contract was awarded in May 2010 in the total amount of \$17,878,000 for the installation of communications and signal cables including power cables along the Danbury Branch of Metro-North's New Haven Line.

As construction progressed, additional rock ledge, boulders and other obstructions were encountered which have prevented Ducci from meeting the desired subsurface depths of 36 to 42 inches using the direct-burial cable installation method as per the contract's specifications. The unforeseen site conditions and obstructions have necessitated the use of additional cable tray. The use of cable tray provides the desired protection of the installed cables that otherwise would have been achieved by reaching the proper subsurface depth. The typical design method for identifying subsurface conditions by drilling borings was proven to be impractical and cost prohibitive. The total amount of additional cable tray, 8,500 feet, is 90% more than the amount specified in the original contract. Ducci has provided a sufficiently detailed proposal that MNR has negotiated down by 2.4% to \$2,498,501. At this time, MNR feels the overall proposal is fair and reasonable, and will continue to investigate ways to further reduce the costs in this change order. The proposed labor categories, labor rates and material costs will be verified prior to issuance of the final contract change.

This project is 100% funded by CDOT using Federal funding. There are no alternatives to the contract change at this time, as the cable tray must be installed by the contractor in order to complete the overall Project in a timely manner

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



Item Number: I

<b>Vendor Name (&amp; Location)</b> Ducci Electrical Contractors, Inc.
<b>Description</b> Danbury Signalization Project
<b>Contract Term (including Options, if any)</b> 18 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 type="checkbox"/> Other:
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: CDOT
<b>Requesting Dept/Div &amp; Dept/Div Head Name</b> Procurement & Material Management, Anthony W. Bombace, Jr.

<b>Contract Number</b> 68875	<b>AWO/Modification #</b> 001
<b>Original Amount:</b>	\$17,878,000
<b>Prior Modifications:</b>	\$0
<b>Prior Budgetary Increases:</b>	\$0
<b>Current Amount:</b>	\$17,878,000
<b>This Request:</b>	\$2,498,501 (not-to-exceed)
<b>% of This Request to Current Amount:</b>	14%
<b>% of Modifications (including This Request) to Original Amount:</b>	14%

**Discussion:**

Approval is requested to issue a contract change order to the firm, Ducci Electrical Contractors, Inc. (Ducci), in the total not-to-exceed amount of \$2,498,501 for additional work associated with the procurement and installation of an additional 8,500 feet of cable tray.

The contract with Ducci is the major component of the Danbury Branch Centralized Control and Signalization Project. The contract was awarded in May 2010 in the total amount of \$17,878,000 for the installation of communications and signal cables including power cables along the Danbury Branch of Metro-North's New Haven Line.

As construction progressed, additional rock ledge, boulders and other obstructions were encountered which have prevented Ducci from meeting the desired subsurface depths of 36 to 42 inches using the direct-burial cable installation method as per the contract's specifications. The unforeseen site conditions and obstructions have necessitated the use of additional cable tray. The use of cable tray provides the desired protection of the installed cables that otherwise would have been achieved by reaching the proper subsurface depth. The typical design method for identifying subsurface conditions by drilling borings was proven to be impractical and cost prohibitive. The total amount of additional cable tray, 8,500 feet, is 90% more than the amount specified in the original contract. Ducci has provided a sufficiently detailed proposal that MNR has negotiated down by 2.4% to \$2,498,501. At this time, MNR feels the overall proposal is fair and reasonable, and will continue to investigate ways to further reduce the costs in this change order. The proposed labor categories, labor rates and material costs will be verified prior to issuance of the final contract change.

This project is 100% funded by CDOT using Federal funding. There are no alternatives to the contract change at this time, as the cable tray must be installed by the contractor in order to complete the overall Project in a timely manner.

**FEBRUARY 2011**

**MTA LONG ISLAND RAIL ROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

*Procurements Requiring Majority Vote*

**Schedule F: Personal Service Contracts**

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

- |    |  |  |
|----|--|--|
| 2. | <b>Staples Marketing LLC.</b><br><b>Two-Year Contract</b><br><b>Contract No. TBD</b> | <b>\$300,000</b><br><b>Not-to-Exceed</b> |
|----|--|--|

LIRR requests Board approval to award a competitively bid, two-year Personal Services Contract to Staples Marketing LLC ("Staples"), in the not-to-exceed amount of \$300,000, for development and implementation of a Marketing Campaign to increase public transportation usage in Nassau County. This contract is fully funded by a two-year Federal Congestion Mitigation and Air Quality Improvement (CMAQ) grant that has been awarded to MTA to invest in projects in Nassau County to reduce air pollutants from personal transportation related sources such as automobiles. In response to LIRR's RFP, which was advertised in the New York State Contract Reporter on November 23, 2010 and the New York Post on November 24, 2010, LIRR received three proposals: Sanna Mattson MacLeod, Inc. (\$298,411), Staples Marketing, LLC (\$300,000), and Long Island Radio Group, who was deemed non-responsive to the RFP. Staples, which is currently providing these services, was selected based on evaluation criteria that included experience and expertise, quality and completeness of a draft marketing plan, cost, approach, ability to adhere to the schedule, and overall responsiveness to the RFP. Staples scored the highest technically and their price, which was \$1,589, or 0.53% higher than Sanna Mattson MacLeod, Inc., was equal to LIRR's estimate. LIRR has determined that Staples is best qualified to perform the work and that Staples' prices, including the proposed hours, labor rates, are fair and reasonable. Funding for the contract was approved under Grant Agreement - NY-95-X025, fully funding the \$300,000 2-year contract total.

*Procurements Requiring Majority Vote*

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

(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)

- |    |  |                    |                               |
|----|--|--------------------|-------------------------------|
| 3. | <b>ARINC, Inc.</b><br><b>Competitive RFP</b><br><b>Contract No. 6014</b> | <b>\$1,500,000</b> | <u>Staff Summary Attached</u> |
|----|--|--------------------|-------------------------------|

MTACC and LIRR (ESA) request MTA Board approval to increase funding to LIRR contract #6014, Harold Tower Supervisory Control System, in the amount of \$1,500,000 for additional control system staging design and test labor for the F Harold Alternate Control System (FHACS). The additional work is needed to support the ESA Project's construction sequencing and includes increased design, documentation and test labor required for the creation and testing of all stages. It also includes the development and implementation of a four server-based system architecture. A \$600,000 allowance originally created to cover this work and approved by the MTA Board in December, 2008 is not sufficient to cover the total negotiated price of \$2,100,000.

# Schedule I: Modifications to Purchase and Public Work Contracts

## Staff Summary



Long Island Rail Road

Item Number: 3

<b>Vendor Name (&amp; Location)</b> ARINC, Inc. (Marina Del Rey, California)	
<b>Description</b> F Harold Alternate Control System – Design Modification	
<b>Contract Term (including Options, if any)</b> March 2011 – December 2016	
<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 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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> LIRR/East Side Access	

LIRR Contract Number	AWO / Modification #3
6014	
Original Amount	
\$ 7,061,307.00	
Prior Mods:	
\$( 183,435.24)	
Prior Budgetary Increases:	
\$ 0.00	
Current Amount:	
\$ 6,877,871.76	
This request:	
\$ 1,500,000.00	
% of this request to Current Total Auth Amount:	
21.24%	
% of Modifications (including this Request) to Original Amount:	
18.6%	

### Discussion:

MTACC and LIRR (ESA) request MTA Board approval to increase funding to LIRR contract #6014, Harold Tower Supervisory Control System, in the amount of \$1,500,000 for additional control system staging design and test labor for the F Harold Alternate Control System (FHACS). The additional work is needed to support the ESA Project's construction sequencing and includes increased design, documentation and test labor required for the creation and testing of all stages. It also includes the development and implementation of a four server-based system architecture. A \$600,000 allowance originally created to cover this work and approved by the MTA Board in December, 2008 is not sufficient to cover the total negotiated price of \$2,100,000.

The original design for Harold Interlocking identified four stages of work. Rework and adjustment of software for these stages was acknowledged as necessary to develop the sub-stages supporting the Harold Interlocking construction sequencing. The rework and adjustment software costs were included in the allowance noted above. However, due to the current design for Harold Interlocking construction, the number of screen images has increased from the original four to ten. In addition to the increased number of screen images, the original ESA estimate was based on the premise that the software changes required were to be a minor effort, affecting only the specific elements of the database that had been changed. During negotiations, however, ARINC advised that their process for making software changes is much more extensive and requires the software to be compared and rechecked in its entirety, not just the segment that changed. For example, if an additional switch is added to the interlocking, not only is the switch change checked but the entire interlocking. The effect of this process is an increase in the amount of design, quality control, documentation, test and project management labor hours. The price also includes costs associated with the implementation of the four server-based system architecture. ARINC advised that the development of the four server-based system solution requires a greater level of effort than was anticipated by the ESA estimator. Additionally, ARINC has included bonding costs of \$240,000 as a separate line item. Bonding costs were not included in the original \$600K ESA estimate. Due to the slip in the overall Harold CIL schedule, which affected the equipment installation/cutover dates and associated project management, on-site labor and warranty costs, rate escalation has also contributed to the need for additional funds for the FHACS system over those originally estimated. ARINC's pricing is inclusive of all design, equipment and technical assistance necessary to complete this project. The \$2,100,000 total price for this additional work represents a negotiated reduction of \$224,904 from ARINC's initial proposal of \$2,324,904. A thorough review of ARINC's cost proposal, which assessed the vendor's multi-level internal processes and procedures and a re-evaluation of economies stemming from development of the base contract train control system, has led to a determination that the negotiated price for the work fair and reasonable. The material portion consists of control system hardware and console equipment to be installed at Penn Station Central Control. The labor portion includes design, documentation, test, delivery, on-site installation and test support.

This contract modification will be funded by MTA Capital Construction (ESA) Capital Budget.



# **Bridges and Tunnels**

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## **Procurements February 2011**

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# Staff Summary



<b>Subject:</b>	Request for Authorization to Award Various Procurements
<b>Department:</b>	Procurement
<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>	February 1, 2011
<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	2/1/11			
2	MTA B&T Committee	2/17/11			
3	MTA Board	2/23/11			

Internal Approvals			
Order	Approval	Order	Approval
	President <i>SK</i>		VP Operations
	Executive Vice President <i>MM</i>		Chief Procurement Officer
	VP Staff Services/COS		Chief Engineer
	General Counsel		VP Labor Relations

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

## PURPOSE:

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

## DISCUSSION:

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

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

Schedules Requiring Majority Vote		# of Actions	\$ Amount
Schedule F	Personal Service Contracts	1	\$11.986M
SUBTOTAL		1	\$11.986M

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

TOTAL	1	\$11.986M
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## BUDGET IMPACT:

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

## RECOMMENDATION:

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

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

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

**WHEREAS**, in accordance with §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**  
**FEBRUARY 2011**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

**F: Personal Service Contracts**

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

1. **Greenman-Pedersen, Inc./Parsons**                      \$    11,986,256.95                      **Staff Summary Attached**  
**Transportation Group of New York,**  
**Inc., Joint Venture**  
**Contract No. PSC-10-2879**  
5 yr. contract – Competitive RFP – 6 Proposals  
Provide construction management and inspection services for Project BW-89C,  
Replacement of the Queens Approach at the Bronx-Whitestone Bridge.

# Staff Summary

Page 1 of 2

Item Number <b>1</b> (Final)					
Dept & Dept Head Name: <i>Joe Keane</i> Engineering and Construction, Joe Keane, P.E.					
Division & Division Head Name: <i>Vincent</i> Engineering and Construction, Vincent Montanti, P.E.					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	2/1/11			
2	MTA B&T Committee	2/17/11			
3	MTA Board	2/23/11			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>CS</i>	4	Chief of Staff <i>CS</i>		
2	General Counsel <i>MMT</i>	5	Executive Vice President <i>DM</i>		
3	Chief Procurement Officer <i>CLK</i>	6	President <i>JA</i>		

<b>SUMMARY INFORMATION</b>	
Vendor Name Greenman-Pedersen, Inc./Parsons Transportation Group of New York, Inc., Joint Venture	Contract Number PSC-10-2879
Description: Construction Management and Inspection Services for Project BW-89C, Replacement of the Queens Approach at the Bronx-Whitestone Bridge	
Total Amount \$11,986,256.95	
Contract Term (including Options, if any) Five (5) years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Construction Management and Inspection Services for Project BW-89C, Replacement of the Queens Approach at the Bronx-Whitestone Bridge (BWB) to Greenman-Pedersen, Inc./Parsons Transportation Group of New York, Inc. Joint Venture (GPI/PTG) for a period of five years at a cost of \$11,986,256.95.

### II. DISCUSSION

B&T requires the services of a consultant to provide construction management and inspection services to support the construction scope for the staged demolition and replacement of the Queens Approach substructure and superstructure. The construction work includes the following: installation of mini-pile foundations, temporary support structures, temporary and permanent traffic barrier systems, a fire standpipe system and new lighting and communications; maintenance and protection of traffic; incidental lead abatement; and coordination with the community and other public agencies in this densely populated traffic corridor.

## Staff Summary

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The service requirements were publicly advertised and six firms submitted qualification information. All six firms, GPI/PTG; AECOM/Ammann & Whitney, A Joint Venture (AECOM/A&W); HAKS Engineers, Architects and Land Surveyors, PC; Jacobs Engineering, New York, Inc. (JENY); LiRo Engineers, Inc.; and STV, Inc. were chosen to receive the RFP and each firm submitted a proposal. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements, technical expertise, proposed personnel, oral presentations and cost. The selection committee unanimously selected GPI/PTG on the basis that they proposed the most practical technical solutions to address the key requirements of the project such as: (i) an alternative that modified the staged construction of the superstructure, which may reduce the continuous lane closure milestone duration; (ii) leveling options for the site due to its uneven grade; and (iii) alternatives for the hoisting of structural steel due to site space limitations. GPI/PTG proposed the third lowest cost. The technical proposal from JENY, who submitted the lowest proposed cost, contained an insufficient number of hours deemed necessary to meet the levels of effort required to perform the work. In contrast with JENY's proposal, GPI/PTG's proposal reflected efficiencies for the phased transition of its personnel (from the Bronx Approach to the Queens Approach); utilized inspection and reporting documentation that had been developed through experience; and identified lessons learned and its familiarity of the facility resulting from the performance of similar construction management and inspection services for the replacement of the BWB Bronx Approach. AECOM/A&W who submitted the second lowest proposed cost (approximately \$100,000 less than the GPI/PTG proposal) and the other proposers' technical proposals were not as thorough in identifying and providing solutions to potential problems that may arise during the project compared with GPI/PTG's proposal.

GPI/PTG submitted a cost proposal in the amount of \$11,986,256.95. The Engineer's estimate is \$14,602,384.12. Negotiations were conducted and B&T accepted the GPI/PTG proposal of \$11,986,256.95. The accepted cost is 17.9% lower than the Engineer's estimate and is considered fair and reasonable. GPI and PTG are deemed responsible consultants.

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

The MTA DDCR has established goals of 10% MBE and 5% WBE for the referenced contract. This contract will not be awarded without approval of MTA DDCR.

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

Funding in the amount of \$11,986,256.95 is available under Project BW-89C in the 2010 – 2014 Capital Budget.

### **V. ALTERNATIVES**

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