



Metropolitan Transportation Authority

April 2011

MTA Board Action Items



**MEETING AGENDA
METROPOLITAN TRANSPORTATION AUTHORITY BOARD
April 27, 2011 9:30 a.m.**

347 Madison Avenue
Fifth Floor Board Room
New York, NY

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8. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (*no items*)

Date of next MTA Board meeting: Wednesday, May 25, 2011 at 9:30 a.m.

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

**Wednesday, March 23, 2011
9:30 a.m.**

The following members were present:

**Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Mitchell H. Pally
Hon. Mark Page
Hon. James L. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.**

The following members were absent:

**Hon. John H. Banks, III
Hon. Patrick J. Foye
Hon. Charles G. Moerdler
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 Rail Road, James Ferrara, President of TBTA, Darryl Irick, President/SVP, MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Hilary Ring, Director, MTA Government 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 March 23, 2011 meeting for the contents of these speakers' statements.

Jason Chin Fatt, Straphangers Campaign
Veronica Vanterpool, Tri State Transportation Campaign
Brodie Enoch, Transportation Alternatives
Chris Tobin, member of TWU Local 100
Murray Bodin, private citizen

2. **CHAIRMAN'S REMARKS.**

Chairman Walder asked for a moment of silence in memory of Nassau County Police Officer Geoffrey Breitkopf, who died tragically in an accidental shooting. Chairman Walder noted that an investigation into this matter is ongoing.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of regular Board meeting held on February 23, 2011.

4. **COMMITTEE ON FINANCE.**

A. **Action Items.** Upon motion duly made and seconded, the Board approved the following action items, described in further detail in the attached staff summaries.

1. **2010 Annual Procurement Report.** Authorized the filing with the State of New York the annual MTA All-Agency Procurement report for the period of January 1, 2010 to December 31, 2010.
2. **Supplemental Resolutions Authorizing Refunding Bonds.** Approved supplemental resolutions authorizing the issuance of refunding bonds, from time-to-time, to the extent that such refunding bonds or other obligations are consistent with the refunding policy, as adopted by the Board in May, 2010, and provided that the MTA Chief Financial Officer or the MTA Director of Finance makes a determination that the refunding of such bonds or other obligations will be beneficial to the obligors thereof and/or their affiliates and subsidiaries.

3. MTA Prompt Payment Annual Report 2010. The Board received copies of the annual MTA Prompt Payment Annual Report that is required to be submitted to the State Comptroller, State Director of the Budget, the Chairman of the Senate Finance Committee, and the Chairman of the Assembly Ways and Means Committee.
- 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/or documentation.
1. Barbara Thomson – Consulting Services for Preparation of New Fare Payment System (“NFPS”) – No. 11052-0100. Approved a non-competitive contract to provide expert consulting assistance with procurement strategy and negotiations related to MTA acquiring an NFPS system integrator.
 2. Dr. Umit Uyar and Dr. Nicholas Maxemchuk – Consultant Services on the New Fare Payment System (“NFPS”) - Nos. 10101-0100, S/A #4 and 10259-0100, S/A #2. Approved non-competitive contracts with Dr. Umit Uyara and Dr. Nicholas Maxemchuk, currently engaged by the MTA to provide technical consulting services related to network performance, to follow and provide continuity with related technical analysis and advice for two new projects related to the analysis of SONET access techniques and as-needed technical advice and support for the NFPS team.
 3. BMI Audit Services, LLC – Medical Audit Software – No. 10117-0100. Approved a competitive contract to provide proprietary audit software used for validating medical and prescription drug claims.
 4. Sidera Networks, LLC – Internet Service Provider Services – No. 11014-0100. Approved the ratification of a competitive contract to provide increased bandwidth (internet access) to support the mta.info website.
- 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. Board member Mitchell Pally voted in opposition with respect to item # 3 below.

Metropolitan Transportation Authority

1. All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines in accordance with Public Authorities Law Section 2895-2897.
2. License agreement with Coca-Cola Refreshments USA, Inc, Long Island Rail Road and Metro-North Commuter Railroad for the sponsorship (provisioning and branding) of commissary carts at various locations.

3. License agreement with Anheuser-Busch Distributors of NY for the display of Anheuser-Busch's "Budweiser" name and logo on forty portable commissary carts used by Metro-North Commuter Railroad and Long Island Rail Road.
4. Agreements to accommodate temporary access to 1802 Second Avenue and temporary relocation of occupants in order to complete structural stabilization of 1802 Second Avenue, New York, N.Y. to be entered into by MTA Capital Construction Company.

New York City Transit Authority:

5. License agreement with Charleston Enterprises, LLC for the operation of S74/S84 and S78 bus route through the parking lot at Bricktown Center, Staten Island, N.Y.

Long Island Rail Road

6. License agreement with Sunset Airport Trans Corp. d/b/a Sunset Taxi for a taxi dispatch office located at LIRR's Hicksville Station (west plaza area), Hicksville, N.Y.

Chairman Walder provided Board members with an update on the status of Long Island Bus (MSBA), noting that Nassau County has publicly stated its intention to privatize services provided by Long Island Bus and sever its ties with Long Island Bus. Chairman Walder said that the County has requested a meeting with MTA staff and MTA expects to learn more details about the County's plans at the meeting. The Chairman indicated that public hearings would be proceeding today at Hofstra University at 3:00 p.m., on proposed LI Bus services cuts or possible termination of the operating agreement between the County and LI Bus. The Chairman further stated that Nassau County's recent announcement of its intention to proceed with privatizing bus operations makes the MTA's hearing notice and invitation for public comment on termination of the County's operating agreement with LI bus particularly timely and relevant.

5. **COMMITTEE ON CORPORATE GOVERNANCE.** Upon motion duly made and seconded, the Board approved the following items. The specifics are set forth in the attached documentation.
 1. Mission Statement and Measurement Report. Approved the Mission Statement and 2010 Performance Measurement Report for submission to the State Authorities Budget Office.
 2. All-Agency Procurement Guidelines and All-Agency Guidelines for Procurement of Services. Approved revised All-Agency Procurement Guidelines and the All-Agency Guidelines for the procurement of services.

6. **EXECUTIVE SESSION.** Upon motion duly made and seconded the Board voted to convene to Executive Session to discuss matters of security and public safety, as well as to discuss a matter relating to proposed litigation, pursuant to Sections 105(1)(a) and (d) of the Public Officers Law. Upon motion duly made and seconded, the Board voted to ratify an agreement on behalf of MTA and its agencies, in resolution of potential litigation.

7. **ADJOURNMENT.**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 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, March 23, 2011
9:30 a.m.**

The following members were present:

**Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Mitchell H. Pally
Hon. Mark Page
Hon. James L. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.**

The following members were absent:

**Hon. John H. Banks, III
Hon. Patrick J. Foye
Hon. Charles G. Moerdler
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 Commuter Railroad, James Ferrara, President of TBTA, Darryl Irick, President/SVP, MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, Hilary Ring, Director, MTA Government Affairs also attended the meeting.

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

2. **PUBLIC COMMENT PERIOD**

Three public speakers addressed NYC Transit/MTA Bus issues:

Brodie Enoch, Transportation Alternatives, urged the Board to work together with the rider groups to seek more government funding.

Chris Tobin, TWU Local 100, applauded the Board and MTA employees for maintaining the highest level of service in the face of budget cuts.

Murray Bodin commented on the ability of individuals to provide public comment at committee meetings.

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 February 23, 2011.

5. **COMMITTEE ON FINANCE**

Action Item(s)

2010 Annual Procurement Report: Upon motion duly made and seconded, the Board voted to authorize the filing with the State of New York the annual MTA All-Agency Procurement report for the period January 1, 2010 - December 31, 2010 as required under Section 2879 of the State Public Authorities Law. Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

MTA Prompt Payment Annual Report 2010: The Committee reported to the Board the compliance by the MTA and its subsidiary agencies with the Prompt Payment Legislation. 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.

Real Estate Action Item(s):

Upon motion duly made and seconded, the Board voted to authorize a license agreement with Charleston Enterprises, LLC for use of property at Bricktown Center, Staten Island, N.Y. in connection with access and passage for NYCT buses. 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.

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

Procurements

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

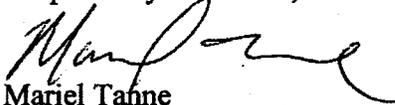
7. EXECUTIVE SESSION

Upon motion duly made and seconded, the Board voted to convene an executive session to consider matters of security and public safety, and to discuss proposed litigation pursuant to Public Officers Law §105(1)(a) and (d).

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 10:35 a.m.

Respectfully submitted,


Mariel Tahne
Assistant Secretary

Minutes of the Regular Meeting
Metro-North Commuter Railroad Company
Wednesday, March 23, 2011
9:30 a.m.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay

Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Mitchell H. Pally
Hon. Mark Page
Hon. James L. Sedore, Jr.

Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. John H. Banks, III
Hon. Patrick J. Foye
Hon. Charles G. Moerdler
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 Rail Road, James Ferrara, President of TBTA, Darryl Irick, President/SVP, MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, Hilary Ring, Director, MTA Government Affairs also attended the meeting.

1. Public Comment:

There were five public speakers. None of the speakers discussed items specific to Metro-North.

2. Chairman's Comments: The Chairman led the Board in observing a moment of silence for Nassau County Police Officer Jeffery J. Breitkopf. The details of Chairman Walder's comments are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

3. Approval of Minutes – Upon motion duly made and seconded, the minutes of the Regular Board Meeting of February 23, 2011 were approved.

4. Committee on Finance

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

Action Item:

- 2010 Annual Procurement Report.

Information Item:

- 2010 Prompt Payment Report (for information only)

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.

- All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines in Accordance with Public Authorities Law Sections 2895-2897.
- License agreement with Coca-Cola Refreshments USA with Long Island Rail Road and Metro-North Commuter Railroad for the sponsorship (provisioning and branding) of commissary carts at various locations.
- License agreement with Anheuser-Busch Distributors of NY for the sponsorship (branding) of commissary carts at various locations.

Board Member Pally voted in opposition to the license agreement with Anheuser-Busch Distributors of New York. 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:

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

- Westcode, Inc. – Two (2) year purchase agreement for M2/4/6 air brake replacement parts.

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

Miscellaneous Service Contracts

- PHW, Inc. – Design, fabrication and delivery of integrated ATC/ACSES II package for Bombardier manufactured center door coach cars and GE manufactured Genesis Locomotive cab signal systems.

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

Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)

- John Iacono, Inc. – Engineering, design, fabrication & delivery of 34 Genesis Locomotive air compressors.

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

6. Committee on Corporate Governance

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

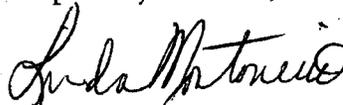
- Mission Statement and Performance Indicator Report.
- All-Agency Procurement Guidelines and All-Agency Guidelines for Procurement Services.

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

7. Executive Session: Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session pursuant to Public Officer's Law §105(1)(a) and (b) to discuss security and public safety and proposed litigation. Upon motion duly made and seconded, the Board unanimously voted to re-convene in Public Session.

8. Upon motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:35 a.m.

Respectfully submitted,



Linda Montanino
Assistant Secretary

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

**Meeting Held At
347 Madison Avenue
New York, NY 10017**

**Wednesday, March 23, 2011
9:30 a.m.**

The following members were present:

Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Mitchell H. Pally
Hon. Mark Page
Hon. James L. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. John H. Banks, III
Hon. Patrick J. Foye
Hon. Charles G. Moerdler
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 Railroad, James Ferrara, President of TBTA, Darryl Irick, President/SVP, MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Hilary Ring, Director, MTA Government 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 five public speakers, none of whom addressed issues specific to the Long Island Rail Road.

2. **CHAIRMAN'S REMARKS**

The Chairman requested a moment of silence in honor of deceased Nassau County Police Officer Geoffrey Breitkopf. Refer to the minutes of the Metropolitan Transportation Authority for details regarding these remarks.

3. **APPROVAL OF MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the Board meeting held on February 23, 2011.

4. **COMMITTEE ON FINANCE**

Upon motion duly made and seconded, the Board approved items from the Committee on Finance. Included among these items were the following:

- **Action item** – Authorization to file the annual MTA All-Agency Procurement Report for the year 2010 with the State of New York.
- **Real Estate Action Item** – Approval of revised and updated 2011 Real Property Disposition Guidelines and 2011 All-Agency Personal Property Disposition Guidelines.
- **Real Estate Action Item** – License Agreement with Coca-Cola Refreshments USA with Long Island Rail Road and Metro-North for the sponsorship of commissary carts at various locations.
- **Real Estate Action Item** – License Agreement with Anheuser-Busch Distributors of NY for the sponsorship of commissary carts at various locations.

Board Member Pally voted against the License Agreement with Anheuser-Busch Distributors of NY. 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**

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

- Request for approval to use the RFP process to award a contract for the construction of the LIRR's Queens Boulevard Bridge.

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

6. GOVERNANCE COMMITTEE

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

- Request for Board review of the MTA's mission statement and performance measurements and authorization of the submission of the 2010 mission statement and performance measurement report to the State Authorities Budget Office.
- Request for approval of the revised All Agency Procurement Guidelines and All Agency Guidelines for the Procurement of Services.

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.

7. EXECUTIVE SESSION

Upon motion duly made and seconded, the Board unanimously voted to convene in Executive Session to discuss issues related to public safety and security and proposed, pending or current litigation. 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 10:35 AM.

Respectfully submitted,



Catherine A. Rinaldi
Secretary

**Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority
March 23, 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. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. LeBow
Hon. Susan Metzger
Hon. Mitchell H. Pally
Hon. Mark Page
Hon. James E. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

Not Present:

Hon. John H. Banks, III
Hon. Patrick J. Foye
Hon. Charles G. Moerdler
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; Darryl Irick, President/Senior Vice President MTA Bus Operations; Howard Permut, President, Metro-North Commuter Railroad; Thomas Prendergast, President, New York City Transit; Helena E. Williams, President, Long Island Rail Road; and Hilary Ring, Director, MTA Government 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 five public speakers. None of the 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 February 23, 2011**

Upon a motion duly made and seconded, the minutes of the Meeting held February 23, 2011 were unanimously approved.

3. **Chairman's Comments**

Chairman Walder observed a moment of silence in memory of Nassau County Police Officer, Geoffrey Breikopf, who was killed as the result of an accidental shooting by an MTA Police Officer. Mr. Walder stated that his thoughts and prayers were with Officer Breikopf's family.

4. **Committee on Finance**

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

- Authorized the filing with the State of New York the annual MTA All-Agency Procurement report for the period January 1, 2010-December 31, 2010 as required under Section 2879 of the State Public Authorities Law.
- MTA's Prompt Payment Annual Report 2010.

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.

Approval of Supplemental Resolutions Authorizing Refunding Bonds

Upon a motion duly made and seconded, the MTA and TBTA Boards approved the following amended and restated resolutions and documents and all other actions described below, including the execution and delivery of such other documents, and the taking of all other actions, from time to time necessary or desirable by such officers in connection therewith. The authorization to issue the Refunding Bonds and take other related actions hereunder shall continue in effect without any further action by the Issuer until April 1, 2012, unless (a) the Issuer shall have confirmed the effectiveness of this authorization for an additional period, or (b) the Issuer shall have modified or repealed this authorization.

- The Supplemental resolutions authorize the issuance of refunding bonds, from time to time, to the extent that such refunding bonds or other obligations are consistent with the refunding policy adopted by the Board May, 2010, and provided that the Chief Financial Officer of the MTA or the MTA Director of Finance makes a determination that the refunding of such bonds or other obligations will be beneficial to the obligors thereof and/or their affiliates and subsidiaries.
- With respect to the above-referenced financial transactions the MTA and TBTA Boards delegate authority to the Chairman and Chief Executive Officer, the Vice Chairman, the Chief Financial Officer of the MTA, and the Director of Finance of MTA to award the underwriters of the refunding bonds either pursuant to competitive bidding process or to members (or entities related to such firms) of the MTA underwriting syndicate, to execute and/or deliver in each case where appropriate:
 - Notices of Sale and bid forms,
 - Purchase Agreements with underwriters,
 - Official Statements and other disclosure documents,
 - Continuing Disclosure Agreements and related filings,
 - Dealer Agreements,
 - Related Subordinated Contract Obligations,
 - Escrow Agreements, and
 - Investment Agreements.

Any such documents will be in substantially the form of any comparable document previously entered into by MTA or TBTA for previous issues and programs, with such changes as approved by any one or more of the foregoing officers. In addition, such officers are hereby authorized to terminate, amend, supplement, replace or extend any such documents (and related Parity Reimbursement Obligations and Parity Debt) and other documents related thereto, as they shall deem advisable. The MTA and TBTA Boards are requested to further delegate to such officers' authority to take such other actions as may be necessary or desirable to effectuate such transactions.

A copy of the amended and restated resolutions, staff summary, 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 there are three competitive procurements totaling \$1.9 million. There are no non-competitive procurements or ratifications.

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.

Personal Service Contracts

STV, Inc.	Contract No. PSC-10-2872 Consultant to provide construction administration and inspection services for Project RK-74, Replacement of T-48 Roadway Wearing Surface at the RFK Bridge. The construction entails replacing the existing T-48 overlay system with a new roadway overlay system.	\$847,771.56
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**Modifications to Personal Service Contracts and Miscellaneous Service Contracts
Awarded as Contracts for Services**

S.E.B. Services of New York, Inc.	Contract No. 04-ISD-2707X Add funding through November 2011 for the ongoing provision of uniformed armed guard services at various B&T sites.	\$681,403.40
Ammann & Whitney/Gannett Fleming, a Joint Venture	Contract No. PSC-04-2726 Additional design and design services during construction for Projects HH-85 and HH-10, Replacement of Upper Level Deck and Toll Plaza and the Upper Level Curb Stringer and Safety Barrier at the Henry Hudson Bridge.	\$407,249.99

6. Committee on Corporate Governance

Upon a motion duly made and seconded, the Board approved the following items recommended to it by the Committee on Corporate Governance:

- Authorized the submission of the MTA's 2010 Mission Statement and Performance Measurement Report to the State Authorities Budget Office in accordance with Section 2824-a of the Public Authorities Law.
- Adopted revised All-Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services reflecting recent changes in the Public Authorities Law and the Executive Law.

A copy of the staff summaries, documents and details of the above items are filed with 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 a matter of security and public safety, and proposed litigation in accordance with Section 105 1(a) and (b) of the Public Authorities Law.

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 10:35 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cindy L. Dugan", with a long horizontal flourish extending to the right.

Cindy L. Dugan
Assistant Secretary

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

Wednesday, March 23, 2011
9:30 a.m.

The following members were present:

Hon. Jay H. Walder, Chairman & CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Donald Cecil
Hon. Doreen M. Frasca
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Mitchell H. Pally
Hon. Mark Page
Hon. James L. Sedore, Jr.
Hon. Nancy Shevell
Hon. Vincent Tessitore, Jr.

The following members were absent:

Hon. John H. Banks, III
Hon. Patrick J. Foye
Hon. Charles G. Moerdler
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 Rail Road, James Ferrara, President of TBTA, Darryl Irick, President/SVP, MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, Hilary Ring, Director, MTA Government 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 February 23, 2011.

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 ratification of the modification to the No. 7 Line extension contract with PB Americas, Inc.
- A ratification of the modification to the contract with S3 Tunnel Constructors, JV for Second Avenue Subway work
- A modification of the East Side Access contract CH053 with Perini Corporation
- A modification of the East Side Access contract CH054A with Perini Corporation
- Modifications of the East Side Access contract CQ031 with Granite-Traylor-Frontier Joint Venture including two modifications for scope transfers from future Contract CQ032
- Modifications of the East Side Access contract CQ039 with Schiavone/Kiewit Joint Venture
- A modification of the East Side Access contract CM013 with CCA Civil – Halmar International, LLC

Adjournment

Upon motion duly made and seconded, the MTA Board voted to adjourn the public meeting at 10:35 a.m.

Respectfully submitted,

Patrick Killackey
Secretary

Staff Summary

Subject 2010 Annual Investment Report CORRECTED
Department CFO/Treasury
Department Head Name Robert E. Foran <i>[Signature]</i>
Department Head Signature <i>[Signature]</i>
Project Manager/Division Head Vinay T. Dayal <i>[Signature]</i>

Date April 8, 2011
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	4/21			
2	Board	4/27			

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

Purpose:

To provide the MTA Board information on the MTA portfolio investment performance for the period 01/01/2010 to 12/31/2010 and obtain Board approval of the MTA 2010 Annual Investment Report and the MTA All Agency Investment Guidelines, pursuant to Public Authorities Law Section 2925.

Discussion:

Performance information is presented on the next page by types of funds and by bond resolution. Performance is based on book value.

The separate 2010 MTA Annual Investment Report contains the additional information:

- The investment income record
- Commissions or other charges paid to each investment banker, broker, agent, dealer and advisor
- Investment Inventory
- Detail Transaction Report
- All Agency Investment Guidelines

Recommendation(s):

It is recommended that the MTA Board re-approve the Board adopted Investment Guidelines and approve the MTA's submission of the 2010 Annual Investment Report.

Staff Summary

**Metropolitan Transportation Authority
Investment Performance by Type of Fund
For the Period Jan. 1, 2010 to Dec. 31, 2010**

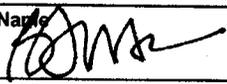
<u>Type of Fund</u>	<u>Net Earnings this Period</u>	<u>Average Daily Portfolio Balance</u>	<u>Net Portfolio Yield, 365-day Basis</u>
All Agency Investments	\$ 952,896	\$ 408,024,164	0.23%
MTA Special Assistance Fund	\$ 2,319,100	\$ 652,956,323	0.36%
TBTA Investments	\$ 184,953	\$ 93,377,603	0.20%
MTA Finance Fund	\$ 177,475	\$ 123,171,341	0.14%
MTA Transportation Resolution Funds	\$ 3,318,861	\$ 794,281,527	0.42%
State Service Contract Debt Service Fund	\$ 26,707	\$ 18,937,207	0.14%
MTA Dedicated Tax Fund Resolution Funds	\$ 402,605	\$ 256,336,590	0.16%
2 Broadway Certificates' Funds	\$ 42,451	\$ 28,659,712	0.15%
TBTA General Purpose Resolution Funds	\$ 696,716	\$ 288,969,731	0.24%
TBTA Convention Center Debt Service Fund	\$ 550	\$ 3,684,203	0.01%
TBTA Subordinate Resolution Funds	\$ 70,039	\$ 43,164,614	0.16%
2010 RANs Payment Fund	\$ 350,292	\$ 183,759,097	0.19%
Other Capital Restricted Funds	\$ 545,412	\$ 107,379,465	0.51%
Total	\$ 9,088,057	\$ 3,002,701,575	0.30%

Average Yield on 12 month Generic Treasury Bill (1/1/10 – 12/31/10)	0.26%
Average Yield on 2 year Generic Treasury Note (1/1/10 – 12/31/10)	0.59%

Note: Table above only includes information on funds actively managed by MTA Treasury in accordance with the Board approved Investment Guidelines.

Does not include defeasance investments for tax benefit lease transactions or insurance set asides.

Staff Summary

Subject MTA LI Bus Operations
Department Chief Financial Officer
Department Head Name Robert Foran 
Department Head Signature
Project Manager Name Douglas Johnson

Date April 13, 2011
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Bus Committee	4/21	x		
2	Finance Comm.	4/21	x		
3	Board	4/27	x		

Internal Approvals			
Order	Approval	Order	Approval
3	Chief Of Staff 	1	Chief Financial Officer 
		2	Legal 

Purpose:

In connection with Nassau County's decision to privatize bus and paratransit services by January 1, 2012, Board approval is sought of the annexed resolution, which authorizes MTA LI Bus to facilitate the County's transition to a private operator and authorizes the termination of the existing Lease and Operating Agreement between the County of Nassau and MTA LI Bus effective December 31, 2011.

Discussion:

On December 15, 2010, the Board, in adopting the Budget, authorized the Chairman and staff to take steps to end subsidization of the LI Bus deficit, including conducting a public hearing on reduction of LI Bus services or termination of LI Bus services under the existing Lease and Operating Agreement and coordinating with Nassau County with respect to its then-proposed privatization of local bus operations.

MTA LI Bus conducted a public hearing in Nassau County on March 23, 2011, at Hofstra University at which public comment was received on proposed reductions in LI Bus service, as well as on the possible termination of the Lease and Operating Agreement between Nassau County and LI Bus.

Last year, Nassau County began soliciting requests for proposals to privatize bus and paratransit services. More recently, in March 2011, Nassau County announced that it would be proceeding with an award of a contract to privatize bus and paratransit services in the County of Nassau, replacing its arrangement with LI Bus to provide such services. The County has advised LI Bus that bus and paratransit services are to be provided by a private operator by January 1, 2012.

It is within the County's purview to furnish bus and paratransit services through a private operator rather than through LI Bus. Given the County's decision, LI Bus needs to work with County staff to facilitate the transition to a private operator as of January 1, 2012, while making arrangements for winding up its own operations under the Agreement by

the end of the year.

During these remaining months of 2011 operations, LI Bus is able to continue existing levels of service due to additional financial assistance that has been provided by the State Senate, avoiding the disruption to customers that otherwise would have resulted from proposed service reductions.

Consistent with the County's determination to proceed with provision of service using a private operator, the annexed resolution authorizes staff, under the direction of the Chairman and Chief Executive Officer, to work with the County to facilitate the transition to privatized service and the accompanying cessation of LI Bus services by the end of the year, and authorizes termination of the existing Lease & Operating Agreement between Nassau County and LI Bus, effective December 31, 2011.

Recommendation:

It is recommended that the Board adopt the annexed resolution.

RESOLUTION

WHEREAS, the County of Nassau and the Metropolitan Suburban Bus Authority, a subsidiary of the Metropolitan Transportation Authority (MTA) commonly known as MTA Long Island Bus (LI Bus), entered into a lease and operating agreement in 1973, pursuant to which LI Bus has provided transportation service within the County of Nassau (the Agreement), which Agreement may be terminated by either party upon not less than sixty days advance written notice;

WHEREAS, since 2000, Nassau County payments to LI Bus to support LI Bus operations have fallen far short of amounts sufficient to cover costs of operation not met by fare revenues and other governmental subsidies and MTA can no longer afford to pay for budgetary shortfalls of LI Bus resulting from Nassau County's underfunding of Nassau County bus and paratransit service;

WHEREAS, on December 15, 2010, in adopting a 2011 Budget and the November Financial Plan, the Board authorized staff, under the direction of the Chair/CEO, to take discretionary actions in furtherance of ending subsidization of the LI Bus deficit, including, without limitation, scheduling and conducting a public hearing with respect to reduction of services provided by LI Bus and the possible termination of LI Bus services provided in Nassau County pursuant to the Agreement; giving notice of termination of the Agreement; and facilitating Nassau County's efforts to assume responsibility for bus operations in Nassau County, including through the County's proposed privatization of bus operations;

WHEREAS, notices of public hearing inviting comment on proposed reductions in LI Bus service and possible termination of the Agreement between Nassau County and LI Bus were prepared and posted at LI Bus transportation facilities and connecting transportation facilities; and advertisements of said public hearing were published, appearing in Newsday, the New York Post, El Diario, Herald Community Papers of Nassau, Anton Community Papers of Nassau, Babylon Beacon, Amityville Record, Brookhaven Review, Southshore Press, Northport Times, Huntington Times, Suffolk County News, Ronkonkoma Review, Smithtown Messenger, and the St. James/Smithtown Times, advising members of the public of the public hearing scheduled for March 23, 2011 on these subject matters;

WHEREAS, the noticed public hearing was conducted in Nassau County on March 23, 2011, at Hofstra University, at which public comment was received with respect to proposed reductions in service and concerning possible termination of the Agreement between Nassau County and LI Bus;

WHEREAS, the Boards of MTA and LI Bus have considered the testimony and written comments that were submitted pertaining to the possible termination of the Agreement between Nassau County and LI Bus;

WHEREAS, Nassau County announced in March 2011 that it would be proceeding with an award of a contract to privatize bus and paratransit services in the County of Nassau and ending its arrangement with LI Bus to provide such services, and representatives of the County

have further advised MTA and LI Bus staff that Nassau County will be awarding a contract to a private operator providing for service to be maintained at existing levels, and that the bus and paratransit services currently furnished by LI Bus are to be furnished by a private operator on or before January 1, 2012;

NOW, THEREFORE, upon motion duly made and seconded, the following resolution was adopted by the Board of MTA and MTA LI Bus:

BE IT RESOLVED, that

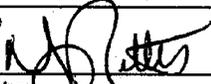
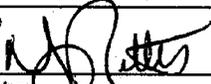
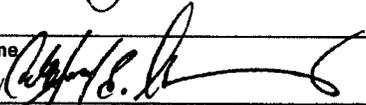
1. MTA and LI Bus staff, under the direction of the Chairman and Chief Executive Officer, be authorized to take actions deemed appropriate in furtherance of the objective of eliminating MTA subsidies to bus and paratransit services provided by Long Island Bus on or after January 1, 2012. Such actions, in the discretion of the MTA and LI Bus Chairman and Chief Executive Officer, may include, without limitation:

(a) actions to facilitate Nassau County's transition to provision of bus and paratransit services by a private operator on or before January 1, 2012, and the termination of LI Bus-provided bus and paratransit services by the end of 2011;

(b) termination of the existing Lease & Operating Agreement between Nassau County and LI Bus effective as of December 31, 2011.

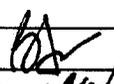
April 27, 2011
New York, New York

Staff Summary

Subject Request for Authorization to Award Various Procurements
Department Managing Director
Department Head Name Diana Jones Ritter 
Department Head Signature 
Division Head Name Clifford Shockley 

Date April 12, 2011
Vendor Name Various
Contract Number Various
Contract Manager Name Various
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	4/21/11			
2	Board	4/27/11			

Internal Approvals			
Order	Approval	Order	Approval
			Office of Civil Rights
			Legal
3	CFO 		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	\$ 207,510
Schedule G: Miscellaneous Service Contracts	1	\$ 218,820
SUBTOTAL	2	\$ 426,330

MTAHQ presents the following procurement actions for Ratification:

None	\$ -0-
TOTAL	2 \$ 426,330

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

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

BOARD RESOLUTION

METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

LIST OF PROCUREMENTS FOR BOARD APPROVAL, APRIL 2011
COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

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. **AFT Project** – AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below.
Competitively negotiated – 147 proposals – 36 months
Alyson Shotz, 9th Street Station-NYCT (Contract No. 11067-0100 - \$207,510)

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. **Cleaning Services for Police** **\$218,820**
Mobile Firing Ranges (Total)
Contract No. 10085-0100
Best Technology Systems, Inc.

Sealed Bids/Low Bidder – 4 Bids – 60 months

Contractor to perform environmental cleanup of two (2) self-contained mobile firearms training facilities located at Hastings-on-Hudson and Garden City for the MTA Police Department. Cleanup services will include disposal of hazardous waste materials, recycling and replacement of materials. There are two levels of cleaning: i) Level 1 removal of approximately 50% of granular rubber material from each bullet trap; and ii) Level 2 removal of approximately 90% of granular rubber material from each bullet trap. There is no prior contract for this specific type of cleaning services which cost can be compared; however, the total bid of \$218,820 submitted by Best Technology is \$33,980 or 13.4% lower than the second lowest bidder's bid of \$252,800. Based on the above, the low bid of \$218,820 is fair.

APRIL 2011
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

ACTION ITEMS

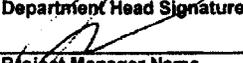
METROLITAN TRANSPORTATION AUTHORITY

License Agreement with Brooklyn Bridge Park Corporation for the use of property at Brooklyn Bridge Park, Brooklyn, N.Y. to provide passage and turnaround space for NYCT buses

Lease Agreement with Eli Zabar Bread LLC d/b/a Eli's Bread for the retail operation of a locally-based bakery selling high-quality tenant-produced artisan bread, fine pastries and other bakery products; Retail Spaces MKT-15 and MKT-16, Grand Central Terminal, New York **(Revised)**

License Agreement with Gaelic Athletic Association for the operation of a concession space adjacent to the 240th Street subway yard, Bronx, New York

Staff Summary

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name PRESCOTT VANN

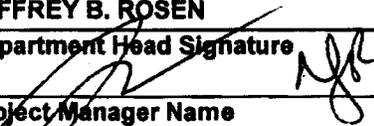
Date APRIL 21, 2011
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/21/11	X		
2	Board	4/27/11	X		

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

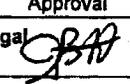
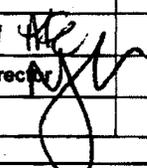
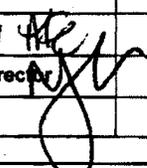
Narrative	
AGENCY:	MTA New York City Transit ("NYCT")
LICENSOR:	Brooklyn Bridge Park Corporation ("BBP")
LOCATION:	Brooklyn Bridge Park, Brooklyn, N.Y. ("Park")
ACTIVITY:	Turnaround of B63 bus route in Brooklyn Bridge Park
ACTION REQUESTED:	Approval of terms
TERM:	One year, commencing on date of the signing of the License, renewing automatically.
TERMINATION RIGHT:	Upon 180 days prior written notice
SPACE:	Internal roadway, Brooklyn Loop Road, in Brooklyn Bridge Park
COMPENSATION:	One dollar, payment waived
COMMENTS:	<p>New York City Department of Transportation ("DOT") wishes to make improvements for bike and pedestrian access to Brooklyn Bridge Park along Atlantic Avenue in the general area of the current B63 route terminus operations. With increased traffic to the Park, DOT wishes to alleviate safety concerns and has requested Department of Buses to relocate the turnaround of the B63 to an internal roadway, Park Loop Road, within the Park. As a result there will be (i) a new passenger drop-off area on Atlantic Avenue, near Furman Street, (ii) a bus turnaround and layover within the Park's internal roadway and (iii) a passenger pick-up location in front of the Park's entrance. BBP has agreed to allow the B63 bus route to operate on its property and will allow NYCT's bus employees to use its rest room facilities within the Park when such facilities are open to the public and will remove snow, ice and debris from the drop-off, pick-up and turnaround areas.</p> <p>Based upon the foregoing, MTA Real Estate requests authorization to enter into a license agreement on the above described terms and conditions.</p>

Staff Summary

Subject LEASE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name NANCY MARSHALL

Date APRIL 21, 2011
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/21/11	X		
2	Board	4/27/11	X		

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

Narrative

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

LESSEE/LICENSEE: Eli Zabar Bread LLC d/b/a Eli's Bread ("Eli's")

LOCATION: Retail Spaces MKT-15 & MKT-16 and Storage Spaces BS-1,2,3,4

ACTIVITY: The retail operation of a locally-based bakery selling high-quality tenant-produced artisan bread, fine pastries and other bakery products that will complement the quality and unique nature of the Grand Central Market

ACTION REQUESTED: Approval of revised terms

TERM: Ten years

SPACE: Approximately 602 sf of retail space and approximately 522 sf of storage/bakery space

COMPENSATION: Annual Base Rent plus 8% of gross sales over Breakpoint, as follows:

Year	Annual Base Rent	PSF	Breakpoint
1	\$147,500.00	\$245.02	\$1,843,750
2	\$150,450.00	\$249.92	\$1,880,625
3	\$356,324.00	\$591.90	\$4,454,046
4	\$362,462.00	\$602.10	\$4,530,771
5	\$368,723.00	\$612.50	\$4,609,034
6	\$375,110.00	\$623.11	\$4,688,871
7	\$381,624.00	\$633.93	\$4,770,296
8	\$388,268.00	\$644.96	\$4,853,346
9	\$395,045.00	\$656.22	\$4,938,059
10	\$401,958.00	\$667.70	\$5,024,471

STORAGE/BAKERY RENT: \$75.00 per sq. ft. per year increasing annually by 3%

MARKETING: \$3.00 per sq. ft. per year, increasing annually by 3% plus inclusion of GCT location in Tenant's annual corporate marketing campaign

TRASH: \$9.00 per sq. ft. per year (estimated), increasing annually by 5% (estimated)

FINANCE COMMITTEE MEETING

Eli Zabar Bread LLC d/b/a Eli's Bread (cont.)

SECURITY: Three months' minimum rent, plus guaranty of Eli's Bread (Eli Zabar), Inc. (limited to six months rent after vacating of premises)

INSURANCE: Standard

CONSTRUCTION PERIOD: 90 days

COMMENTS:

Pursuant to the attached staff summary, Eli's has previously been awarded the lease for space MKT-15, and MKT-16 and storage space BS-2 located in the balcony above the Grand Central Market. In order to optimize the success of this retail location, Eli's has proposed to construct a small bread baking facility in the balcony storage space above the Market. This will allow for the on-site production of some of the products that will be sold within the retail store in the Market. The construction costs for this baking facility are estimated to be at least \$250,000. In addition to installing ovens and baking equipment, Eli's will be upgrading the base-building infrastructure by funding electrical, gas and other required utility connections currently not available within this storage space area. Eli's investment in this baking facility will benefit the Terminal now and into the future.

To induce and accommodate such investment, MTA Real Estate requests authorization to make the following revisions to the originally approved lease terms;

- increase the storage/bakery space from 241 to 522 sf (241 sf to be leased and 281 sf to be licensed)
- reduce the Annual Base Rent during lease year 1 and 2, from the amounts shown on the attached staff summary to the amounts shown above
- increase the Annual Base Rent during lease years 3-10 to the amounts shown above, thereby maintaining the present value per square foot of Eli's original proposal
- adjust the breakpoints for percentage rent, to reflect such changes in the Annual Base Rent
- increase the Construction Period to 90 days from 60 days
- change tenant name to Eli Zabar Bread LLC and add Eli's Bread (Eli Zabar) Inc. as guarantor of the lease (limited to six months rent after vacating of premises)

Memorandum



Metropolitan Transportation Authority

State of New York

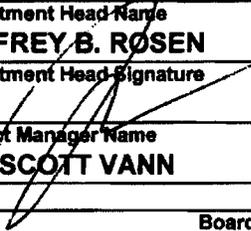
Date April 21, 2011
To Members of the Finance Committee
From Jeffrey B. Rosen, Director, Real Estate
Re Added Action Item

ACTION ITEM – REAL ESTATE

MTA NEW YORK CITY TRANSIT

License Agreement with Gaelic Athletic Association for the operation of a concession space adjacent to the 240th Street subway yard, Bronx, New York

Staff Summary

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name PRESCOTT VANN

Date APRIL 21, 2011
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/21/11	X		
2	Board	4/27/11	X		

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

Narrative

AGENCY: New York City Transit ("NYCT")

LICENSEE: Gaelic Athletic Association of Greater New York ("GAA-NY")

LOCATION: 201 West 240th Street, Bronx, NY (block 5776, lot 401)

ACTIVITY: Operation of Gaelic Park field house consisting of a tavern, banquet hall, and gift shop

ACTION REQUESTED: Approval of terms

TERM: Month-to-month

SPACE: Approximately 17,837 square feet

COMPENSATION: \$12,307.53 per month

COMMENTS:

Gaelic Park in the Bronx, which includes an athletic field and a field house, has been a primary location for Irish football, hurling, and other Irish sports events in New York City for decades. The tavern, banquet facilities and gift shop in the field house are used both in conjunction with athletic events and as the site for stand-alone social functions.

NYCT separately licenses the athletic field and field house. The athletic field, which underwent a significant renovation in 2007, is currently licensed until 2015 to neighboring Manhattan College which shares use of it with the GAA-NY, under a sublicense. The GAA-NY is a not-for-profit organization that organizes competitions in Irish sporting events in the New York metropolitan area, including those held at Gaelic Park.

The field house is currently licensed until 2012 to Gaelic Park Inc. ("GPI"); however, GPI has recently stopped paying license fees due pursuant to the License Agreement. It is MTA Real Estate's belief that GPI has abandoned the license. MTA Real Estate commenced legal proceedings to terminate GPI's license and regain legal possession of the field house. Upon regaining legal possession, MTA Real Estate intends to publicly offer the field house for lease to an operator who will be able to run a first-class operation as well as make the necessary capital investments to renovate and update the interior and exterior of the building.

Staff Summary

FINANCE COMMITTEE MEETING

Gaelic Athletic Association of Greater New York (Cont'd)

COMMENTS: (Cont'd)

To ensure that the field house facilities will continue to be maintained pending the signing of a lease for the space, to obtain interim revenues from the facilities, and to allow those facilities to be used in conjunction with the current season of sporting and social events, RED proposes to license the field house to the GAA-NY on a month-to-month basis. The license would commence upon regaining possession of the field house from GPI and continue on a month-to-month basis until a lease of the space is awarded pursuant to the RFP process. The proposed compensation for the license is significantly higher than the compensation of \$5,350.81 per month due under the agreement with GPI, and is in line with an independent assessment of the market value of the space commissioned by MTA Real Estate. The revenues received from this property go directly to New York City under the terms of the transit master lease.

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



PROCUREMENTS

The Procurement Agenda this month includes 11 actions for a proposed expenditure of \$5.6M.

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

Schedules Requiring Majority Vote:

Schedule F: Personal Service Contracts	1	\$.04 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$.1 M
	<u>2</u>	<u>\$</u>	<u>.1 M</u>
	SUBTOTAL		

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	5	\$	2.1 M
	<u>5</u>	<u>\$</u>	<u>2.1 M</u>
	SUBTOTAL		

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

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions	3	\$	2.9 M
	<u>3</u>	<u>\$</u>	<u>2.9 M</u>
	SUBTOTAL		
	TOTAL		5.6 M

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.

APRIL 2011

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

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

- | | | | |
|------------------------|---------------------|-------------------------------|-----|
| 1. Sperry Rail Service | \$500,000.00 (Est.) | <u>Staff Summary Attached</u> | 6.9 |
| Contract # 01L8350.4 | | | |

Modification to the contract for ultrasonic rail flaw detection services, in order to extend the term of the contract and increase the contract value.

APRIL 2011

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

F. Personal Service Contracts

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

1. **Superstructures Engineers & Architects, PLLC** \$44,500.00 (Est.)
Contract #10F0289

This contract is for inspection of two buildings, 130 Livingston St. and 370 Jay St. in the borough of Brooklyn. Local Law 11 of 1998 requires the periodic inspection by a licensed Professional Engineer of the exterior facades of all buildings in New York City that are greater than six stories in height. These inspections must be performed at least once within every five year cycle. In addition to preparing a report as per the requirements of Local Law 11, the contractor is required to prepare plans, drawings and specifications for all the repair work necessary to satisfy the deficiencies that are reported in the inspection report. Completion of inspection, including submission of the final report, is due within 16 weeks of notice of award. Five bids were received. The bid from HAKS Engineering, PC, the firm that submitted the lowest bid, was found to be non-responsive because the bid price failed to take into account the complete scope of work. Superstructures Engineers & Architects, PLLC, submitted the lowest responsive bid and its bid price of \$44,500.00 has been found to be fair and reasonable based on adequate price competition.

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

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

2. **TrustWave, Inc.** \$125,500.00 (NTE) Staff Summary Attached 6.10
Contract #CMM-1524.9

Modification to the contract for Payment Card Industry compliance validation, to advise on industry-standard security-related requirements for data and network security in connection with the in-station network design for subway stations in support of New Fare Payment Systems project.

APRIL 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. | Granite Construction Northeast, Inc.
Contract # C-40418.111 | \$450,000.00 (Est.) | <u>Staff Summary Attached</u> | 6.11 |
| | Modification to the contract for the design and construction of a bus depot and central maintenance facility at Grand Avenue, in order to settle a claim for additional work. | | | |
| 2. | Lanmark Group, Inc.
Contract # C-30815.15 | \$276,471.00 (Est.) | <u>Staff Summary Attached</u> | 6.12 |
| | Modification to the contract for the rehabilitation of three substation enclosures, in order to replace/repair terra-cotta elements at Broadway and 53 rd Street. | | | |
| 3. | Siemens Transit Technologies, Inc.
Contract # W-32652.129 | \$423,000.00 | <u>Staff Summary Attached</u> | 6.13 |
| | Modification to the contract for an ATM fiber optic network for NYC Transit Department of Subways' 'B' Division stations, in order to complete the installation of power plants at six locations. | | | |
| | Tully Construction Company, Inc. | | <u>Staff Summary Attached</u> | 6.14 |
| 4. | Contract #C-40419.39 | \$547,000.00 | | |
| 5. | Contract #C-40419.40 | \$355,000.00 | | |
| | Modifications to the contract for the design and construction of the Charleston Annex Bus Facility, in order to implement changes to the heat recovery units and perform additional storm water drainage compensation. | | | |

APRIL 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. ARINC, Inc.
Contract #CM-1402.3 | \$1,555,621.00 (NTE) | <u>Staff Summary Attached</u> 6.15 |
| Modification to the contract for engineering services in support of the IESS/C3 Security System Project, in order to extend the contract term by one year. | | |
| | | |
| 2. E.E. Cruz and Tully Construction Company, JV, LLC
Contract #C-26005.42 | \$317,500.00 | <u>Staff Summary Attached</u> 6.16 |
| 3. Contract #C-26005.47 | \$1,050,000.00 | |
| Modifications to the contract for civil, structural, and utility relocation for the Second Avenue Subway, 96 th Street Station, in order to make changes to water utilities and for the installation of a 12-inch high pressure gas crossing and gas regulator at 96 th Street and Second Avenue. | | |

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number: 1

Vendor Name (& Location) Sperry Rail Service (Danbury, CT)
Description Ultrasonic rail flaw detection services
Contract Term (including Options, if any) May 3, 2002 – May 31, 2011
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Department of Subways, Carmen Bianco

Contract Number 01L8350	AWO/Modification # 4
Original Amount:	\$ 2,797,200
Prior Modifications:	\$ 2,505,478
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 5,302,678
This Request:	\$ 500,000 (Est.)
% of This Request to Current Amount:	9.4%
% of Modifications (including This Request) to Original Amount:	107.4%

Discussion:

This modification will extend the contract for a period up to an additional two years and increase funding.

This contract is for ultrasonic rail flaw detection services using sound waves to identify defects in the rail, thus facilitating pre-emptive repairs. Possible defects include internal separations of the steel within the rail head known as transverse defects, bolt hole and web defects, and longitudinal defects such as vertical split heads, horizontal split heads, head and web separations. Sperry Rail Service (Sperry), the developer of ultrasonic rail testing, has provided this service continuously for NYC Transit for over 40 years. Sperry is currently the sole source provider of these services using a vehicle custom-built to meet NYC Transit tunnel clearances, and owned, operated and maintained by Sperry (SRS-403). This vehicle uses Sperry's proprietary hardware and software to conduct the ultrasonic rail testing. Currently, NYC Transit's policy mandates six complete tests of subway tracks and three complete tests of elevated and open cut tracks annually to detect internal rail defects. The original four-year contract has been modified twice previously to extend the term by two years each time and adding additional funding.

In its efforts to identify cost-effective alternatives to replace the existing Sperry SRS-403 vehicle, NYC Transit has decided to engage Sperry under a separate contract, to modify NYC Transit's existing Track Geometry Car #2 (TGC2) to incorporate Sperry's latest proprietary ultrasonic rail testing equipment, and then have Sperry utilize the TGC2 to perform this service in the future. The procurement process to engage Sperry to modify and operate the TGC2 has begun, but will take some time (including at least six months for installation and testing of the new equipment); therefore, an extension of the current Sperry contract for an additional period up to an additional two years is necessary.

Within the period of this extension, NYC Transit anticipates awarding the new contract to Sperry (above) and another contract to Nordco Rail Services (formerly Dapco Technologies/Dapco Industries) to provide ultrasonic rail flaw detection services using NYC Transit's TGC3 & 4 that are already outfitted with Nordco's proprietary ultrasonic rail testing equipment. Due to the critical nature of this service, providing for two contractors will allow for redundancy and validation of each contractor's test findings. Nordco and Sperry are the premier ultrasonic rail testing firms in the nation. TGC3 & 4, which currently perform critical track geometry and tunnel clearance measurements throughout the subway system, require an ultrasonic rail testing operator.

Sperry's proposed price for the additional two years of service (46 weeks per year) is \$1,329,858, billed at a weekly rate of approximately \$14,500, to operate and maintain the vehicle; and provide Sperry technicians in Sperry's offices, on the vehicle and in the field to identify and verify rail defects. The proposed price represents an average annual increase of 2.9% per year based on the price of the last year of the current two-year extension. Sperry's price was found to be fair and reasonable based on a comparison of Sperry's rates with preliminary rates from Nordco for the contract currently under negotiation. There is approximately \$825,000 remaining in the current contract, therefore, an amount of \$500,000 is needed for this modification.

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number: 2

Vendor Name (& Location)	
TrustWave, Inc. (Chicago, IL)	
Description	
Payment Card Industry Data Security Standard Compliance Validation and Vulnerability Assessment Services	
Contract Term (including Options, if any)	
July 27, 2007 – July 26, 2011	
Option(s) included in Total Amount?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type	<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other
Funding Source	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name:	
Division of Technology and Information Services, Sidney Gellineau	

Contract Number	AWO/Modification #
CMM-1524	9
Original Amount:	\$ 664,680
Option Amount:	\$ 60,000
Total Amount:	\$ 124,680
Prior Modifications (including options):	\$ 233,941
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 358,621
This Request:	\$ 125,500 (NTE)
% of This Request to Current Amount:	35%
% of Modifications (including This Request) to Original Amount:	288.3%

Discussion:

This modification will extend the term of a competitively awarded contract with TrustWave, Inc. (TW) for two years to provide as-needed consulting services, to assist NYC Transit in designing data communication infrastructure for the new fare payment system to be compliant with the Payment Card Industry - Data Security Standard (PCI-DSS).

PCI-DSS was established in 2005 as a result of a cooperative effort between the major payment cards, including Visa, MasterCard, American Express, Discover, and others that had maintained their own standards and compliance programs since 2001. The PCI-DSS governs the safekeeping of card holder and other sensitive information as it is processed, stored and transmitted within the merchant environment. In June 2007, NYC Transit was escalated to Level 1 merchant status (six million credit card transactions per year) and, as a result of this status level, had to undergo an extensive on-site review to determine compliance with the PCI-DSS to receive a Report of Compliance. To commence PCI-DSS compliance validation and vulnerability assessment services, NYC Transit awarded a competitively negotiated contract to TW, a Qualified Security Assessor (QSA).

Since award, eight modifications have been issued to TW to exercise the option to extend the term for one year, add external and internal vulnerability testing, network monitoring and alerts, and purchase file integrity monitoring software and support services. An extension of compliance validation and vulnerability assessment services for two years and addition of PIN security compliance validation services were approved by the Board in June 2009.

Under this modification, TW's QSA consultants will advise on industry-standard security-related requirements for data and network security in connection with the in-station network design for subway stations in support of New Fare Payment Systems project. The network will transport credit card information from the card reader to the authorized bank. Industry expertise is required to ensure that final designs will be PCI-DSS compliant. The QSA consultants will perform gap analysis of proposed and final designs and propose solutions to close any gaps in the design as well as provide technical assistance in areas of vulnerability management, access control measures and security policies.

TW's price of \$125,500 includes both on-site and remote consulting services to be used over the balance of the current contract and the two year extension on an as-needed basis. TW's rates for these services are approximately 4% less than their standard customer rates and will be fixed for two years. Based on the foregoing, TW's rates have been found to be fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions



Item Number: **1**

Vendor Name (& Location) Granite Construction Northeast, Inc. (Tarrytown, NY)
Description Design and construction of a bus depot and central maintenance facility at Grand Avenue – Queens
Contract Term (including Options, if any) December 29, 2003 – January 31, 2008
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith

Contract Number C-40418	AWO/Modification # 111
Original Amount:	\$ 216,750,000
Prior Modifications:	\$ 6,204,403
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 222,954,403
This Request:	\$ 450,000 (Est.)
% of This Request to Current Amount:	0.2%
% of Modifications (including This Request) to Original Amount:	3.1%

Discussion:

This retroactive modification is for the resolution of a dispute determination decision.

This contract is for the design and construction of a bus depot and central maintenance facility at Grand Avenue in the borough of Queens. The contract calls for an emergency power generation system, including a diesel-powered generator, switchgear, cabling, etc., sized to provide electric power for the building's emergency systems such as the emergency lighting system, the fire alarm system, the fire pump system, and the communications systems.

In May 2008, the Board approved AWO# 53 for \$840,492 to supplement the emergency power generation system, as requested by the Department of Buses (DOB), so the depot and maintenance facility can provide full bus operations and maintenance during an outage. Supplementary power is provided by portable diesel generators which are in DOB inventory and stored at East New York. In the event of an extended Con Edison power outage, DOB will bring the portable generators to Grand Avenue and connect them to the electrical power distribution system. The scope of AWO# 53 included: design; furnishing and installation of the electrical connection; furnishing and installation of additional equipment, such as switchgear; and finally, the furnishing and installation of additional cable and conduit needed between the new portable generator connection and new switchgear located on an interior mezzanine. The cost of AWO# 53 was negotiated in four parts. Agreement was reached on three parts: \$380,625 for design, \$220,000 for equipment and \$19,200 for clean up, loading and unloading. Agreement was not reached on part four: the costs for the cable and conduits needed between the new portable generator connection and the new switchgear located on an interior mezzanine. NYC Transit issued a unilateral directive for part four in the lump sum amount of \$218,667, which was the original in-house estimate.

The contractor filed a claim in the amount of \$2,193,214 for the disputed part four. The contractor did not limit its claim to the costs for the cable and conduits needed between the new portable generator connection and the new switchgear located on an interior mezzanine, but also included extraneous costs pertaining to the mezzanine itself. In July 2009, the SVP & Chief Engineer ruled that the contractor must limit its claim to the additional cable and conduit costs, and directed the contractor and NYC Transit to negotiate the additional costs based on the as-built cable and conduit scope. The work includes the furnishing and installation of more than 1200 linear feet of 4" diameter conduit with enclosed power cable, and associated couplings and brackets and a gas detection system in the mezzanine.

The contractor eventually submitted a revised proposal of \$935,713. NYC Transit's revised estimate of compensation above the previously issued directive amount was \$421,080. Following negotiations, the final price of \$450,000 was agreed upon and found to be fair and reasonable. A savings of \$503,713 was achieved.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 2

Vendor Name (& Location) Lanmark Group, Inc. (Brooklyn, NY)	
Description Rehabilitation of three substation enclosures: Broadway/West 53 rd Street Substation in Manhattan; Pelham/St. Ann's Avenue and Pelham/Tiffany Street Substations in the Bronx	
Contract Term (including Options, if any) July 14, 2009 – January 13, 2011	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith	

Contract Number C-30815	AWO/Modification # 15
Original Amount:	\$ 6,555,000
Prior Modifications:	\$ 324,508
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 6,879,508
This Request:	\$ 276,471 (Est.)
% of This Request to Current Amount:	4.0%
% of Modifications (including This Request) to Original Amount:	9.2%

Discussion:

This retroactive modification is for the labor and equipment needed to perform additional repairs to the terra cotta façade of a landmark building at Broadway & West 53rd Street in Manhattan and an extension of time. The terra cotta material was purchased under a prior modification.

This contract is for the rehabilitation of a substation enclosure at each of three locations: the Broadway/West 53rd Street Substation in Manhattan, and the Pelham/St. Anns Avenue and Pelham/Tiffany Street Substations in The Bronx. The work includes restoration of masonry and terra cotta façade, installation of new roofs, painting, structural concrete and steel repairs, renovation of bathrooms, restoration of sidewalks, and the installation of new doors and frames.

The Broadway/West 53rd Street Substation enclosure is listed on the National Register of Historic places. It was completed in 1904 as a facility for electricity conversion for the IRT system. The four-story building is designed in a Beaux-Arts style and includes decorative terra cotta cornices (projecting ledges) and modillions (brackets supporting a cornice) on the upper stories. The contract calls for the removal and replacement of three terra cotta modillions. During design, an assessment of upper story terra cotta was limited to a visual inspection from street level. In order to look behind the façade and see the nature/depth of cracks would have required hiring a certified historical contractor, erecting scaffolding and removal of a section to assess the conditions, then temporary restoration while design was completed. Therefore, the contract calls for the contractor to erect scaffolding and probe the façade wall at certain defined locations, to allow a thorough condition survey prior to any terra cotta work. A probe is the removal of a 1' x 1' section of façade, to expose a cross section of the terra cotta construction for inspection. The condition survey determined that the façade requires the replacement of an additional 39 terra cotta units (13 trim units, 12 upper cornice units, 10 lower cornice units and 4 modillion bracket units) and 155 linear feet of terra cotta crack repairs, 455 square inches of terra cotta patch repairs, and 1,030 square inches of terra cotta glaze repairs. This modification covers the labor and equipment needed to perform additional repairs to the terra cotta façade. In September 2010, a separate modification in the amount of \$96K was awarded for the contractor's historic preservationist consultant (\$38K) and the long lead purchase of the 39 terra cotta units (\$58K). In January 2011, the contractor submitted an initial proposal of \$510,585. NYC Transit's revised estimate was \$260,000. Following negotiations, the lump sum of \$276,471 was agreed upon and is considered fair and reasonable.

On March 8, 2011, agreement was reached on a 101 workday extension of time to June 6, 2011. Agreement was not reached on the number of impactable days. To minimize the impact of this work on the schedule, the Senior Vice President and Chief Engineer, CPM approved a retroactive waiver on March 17, 2011 and the contractor was directed to proceed immediately on a unilateral basis with respect to impactable days. The modification for impact costs may require Board approval.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

Vendor Name (& Location) Siemens Transit Technologies, Inc. (New York, NY)
Description ATM Communications Network System for Subways "B" Division
Contract Term (including Options, if any) December 30, 2004 – March 31, 2009
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith

Contract Number W-32652	AWO/Modification # 129
Original Amount :	\$ 61,384,158
Option Amount:	\$ 122,511,926
Total Amount:	\$ 183,896,084
Prior Modifications:	\$ 40,236,467
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 224,132,651
This Request:	\$ 423,000
% of This Request to Current Amount:	0.2%
% of Modifications (including This Request) to Original Amount:	22.1%

Discussion:

This retroactive modification is for the completion of the power plant installations that were to be performed under the IESS/C3 security contract.

This contract provides for the furnishing and installation of an ATM network for Subways 'B' Division. This is the second of two contracts needed to build the new fiber optic system. The first contract (W-32648), which was awarded to the same contractor, provided a core SONET network and an ATM network for Subways 'A' Division. When this second contract (W-32652) is complete, the network will handle PA/CIS, Automatic Train Supervision, Automatic Fare Collection, e-mail, facsimile, timekeeping, and phone communications, and more for NYC Transit over a single, integrated fiber optic network controlled from the Rail Control Center. MTACC/NYC Transit issued a notice of default to Lockheed after which Lockheed performed no further work on the IESS/C3 security contract.

A power plant is a system of cabinets, rectifiers, inverters, battery strings, isolation transformers, etc., that converts and conditions incoming electric power, making it suitable to power electronic equipment. The Lockheed contract called for power plants manufactured by Benning. The subject contract was selected as the vehicle for completing this Lockheed work, because it also calls for Benning power plants to power ATM switches in 'B' Division communications rooms.

The modification covers the installation of power plant equipment that had been delivered to various work sites and not installed prior to the default of Lockheed. The modification also covers the furnishing and installation of certain power plant equipment that Lockheed had failed to furnish, the furnishing and installation of all associated cable, conduit, wiring and electrical hardware, and engineering required for site surveys and the preparation of as-built drawings, and site testing of the completed power plant systems. The contractor submitted a cost proposal in the amount of \$848,787. NYC Transit's estimate was \$411,200. Following negotiations, the lump sum of \$423,000 was agreed upon and found to be fair and reasonable. Savings of \$425,787 were achieved.

On April 5, 2011, the SVP & Chief Engineer approved a retroactive waiver and the contractor was directed to proceed. These power plants are critical for the completion of the IESS security project.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 4-5

Vendor Name (& Location) Tully Construction Company, Inc. (Flushing, NY)
Description Design and construction of the Charleston Annex Bus Facility – Staten Island
Contract Term (including Options, if any) January 30, 2008 – March 31, 2011
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith

Contract Number C-40419	AWO/Modification # 39 & 40
Original Amount:	\$ 112,900,000
Prior Modifications:	\$ 2,573,498
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 115,473,498
This Request:	
AWO #39: \$547,000	\$ 902,000
AWO #40: \$355,000	
% of This Request to Current Amount:	0.8%
% of Modifications (including This Request) to Original Amount:	3.1%

Discussion:

This contract is for the design and construction of the Charleston Bus Facility in Staten Island. The designer of record is the contractor's consultant.

AWO # 39:

This modification is for the resolution of a claim for costs required to provide a ventilation system that provides 4 air changes per hour at low fan speed and 6 air changes per hour at high fan speed. The contract includes an Owners Project Requirements (OPR) document, upon which the contractor's designer based its design. Buses generate diesel exhaust gases as they enter and leave a facility, so the OPR addresses requirements for the ventilation system needed to ensure a healthy working environment. The OPR states that the contractor must design and construct the ventilation system with "two operating speeds producing 4 to 6 air changes (per hour) for the Bus maintenance/service areas of the facility." The contract calls for Heat Recovery Unit (HRU) based system to provide heat and ventilation. Each HRU includes ventilation fans, a natural gas-fired heater, and a heat exchanger for energy conservation. In August 2008, the contractor submitted a final design which would have provided five HRU's with two fan speeds but only 2.67 air changes per hour at low fan speed and 4 air changes per hour at high fan speed. NYC Transit did not accept that design and directed the contractor to redesign the ventilation system to provide 4 air changes per hour at low fan speed and 6 air changes per hour at high fan speed. The contractor complied, but in April 2009 the contractor filed a claim with the Chief Engineer, arguing that its proposal was based on interpreting the OPR as a range from 4 to 6 air changes per hour and its original design would have achieved 4 air changes per hour, thereby falling within the specified range. The contractor claimed \$902,008 in increased cost for its consultant's redesign costs, for furnishing and installing one additional HRU, and for costs associated with increased ductwork and support steel; it also made an unspecific, unsupported claim for extension of time. NYC Transit argued that the OPR was clarified by other specifications regarding the fan motors. In October 2009, the SVP & Chief Engineer, CPM ruled in favor of the contractor, that "the Contract should have specified this in clear unambiguous language instead of expecting the design-build team to make correlations based on information found in different parts of the Contract" and directed that this AWO be negotiated. Scope review and negotiations were held from March 2010 to February 2011. The contractor's claim was \$902,008. NYC Transit's revised estimate was \$544,330. Following negotiations, the final price of \$547,000 was agreed upon and found to be fair and reasonable. Savings of \$355,008 were achieved.

AWO # 40:

The NYS Department of Environmental Conservation (NYS DEC) regulates the discharge into NYS waters, in this case the Arthur Kill, of storm water from construction sites because the unpaved sites are subject to soil erosion during rainstorms. To comply with the NYS DEC permit, NYC Transit constructed a temporary system, consisting of a single catch basin 80 ft long x 45 ft wide x 35 ft deep, with infiltration wells at the bottom of the basin to distribute the storm water into the soil. In October 2009, the Board approved AWO# 26 for \$431,277 for the purchase and delivery of long-lead king piles and steel plates, to be used to construct the basin walls. In April 2010, the Board approved AWO# 32 for the balance of materials and labor needed to construct the temporary system. The subject modification is principally to reimburse the contractor for the cost of pumping and disposal of sediment laden water from the catch basin during the period of March 19, 2009 through September 15, 2010. The contract stated that, under a separate contract, NYC Transit would construct a permanent storm water sewer system by March 19, 2009. However, the design and environmental approvals necessary for the permanent storm water sewer system, which requires construction in the wetlands and the outfall discharge into the Arthur Kill, took longer than anticipated. Accordingly, the contractor had to maintain the temporary system beyond March 19, 2009, until September 15, 2010, at which time all site paving was accomplished and soil erosion ceased. The contract for the permanent storm water sewer system was advertised in March 2011. The balance of this modification is to reimburse the contractor for the design and construction of sediment traps ("excavations and embankments formed to intercept sediment laden runoff, used to break up the natural drainage area into smaller sections where a sediment basin would be less effective") and furnishing a hydrodynamic separator ("a flow-through structure made of metal with a settling or separation unit to remove sediments") which were also required by NYC DEC. The contractor's initial proposal was \$384,735; NYC Transit's revised estimate was \$384,280. Following negotiations, the lump sum price of \$355,000 was agreed upon and found to be fair and reasonable. A savings of \$29,735 was achieved. Of the \$355K lump sum, approximately, \$56K is for the construction of sediment traps, \$15K for furnishing the hydrodynamic separator, and \$284K is for the maintenance of the catch basin, sediment traps and hydrodynamic separator.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

Vendor Name (& Location) ARINC, Inc. (Annapolis, MD)	
Engineering Services in support of the IESS/C3 Security System Project	
Contract Term (including Options, if any) July 10, 2009 - December 31, 2010	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Michael Horodniceanu	

Contract Number CM-1402	AWO/Modification # 3
Original Amount:	\$ 651,092
Prior Modifications:	\$ 1,228,021
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 1,879,113
This Request:	\$ 1,555,621 (NTE)
% of This Request to Current Amount:	82.8%
% of Modifications (including This Request) to Original Amount:	427.5%

Discussion:

This retroactive modification will extend the contract for an additional 12 months from December 31, 2010 to December 31, 2011 and increase the contract value.

Contract C-52038, originally awarded to Lockheed Martin in August of 2005, included a state-of-the-art electronic security system that would help to prevent, detect, alert, protect, respond to and recover from threats or incidents through use of equipment for surveillance of critical facilities and the creation of security command centers throughout the MTA region.

As a result of the default of Lockheed Martin in June 2009, MTACC and NYC Transit have worked to engage the major subcontractors and subconsultants that worked under the Integrated Electronic Security System (IESS/C3) contract to complete the work to the point that the core functions of the IESS/C3 system will be ready for operation within the original contract funding. ARINC, Inc. was the technology services subconsultant under IESS/C3, primarily tasked with establishing network engineering and network connectivity between security locations, MTA agency-specific control centers, and the MTA's centralized control center. Services provided by ARINC under Contract CM-1402 primarily involve network assessment, including completion of key network spans, consolidation of leased-line circuits for MTAPD to facilitate MTAPD dispatching, implementation and configuration of network management system(s), implementation of sufficient network IT security measures for the project, support for various application vendors to complete subsystem components on the project, and support for network training to MTA's Operations/Maintenance staff.

Modification No. 1 was issued in the not to exceed amount of \$994,045 and extended the contract duration approximately 9 months to September 30, 2010. Work included the completion of the MTAPD and LIRR systems and assessment and documentation of the current state of completeness of the MNR and NYC Transit systems. Also included was an out-of-pocket (OOP) expense budget of \$250,000 for critical IT security licensing and miscellaneous incidentals required to obtain network connectivity. Modification No. 2 extended the contract by three months to December 31, 2010 for the not to exceed amount of \$233,976.

Despite having made significant progress to achieve the system's current operational state, MTACC has determined that the base IESS System will not be completed until the end of 2011, due to various delays resulting from dependencies on numerous contract agreements between the MTA and subsystem suppliers who were originally part of the Lockheed team; insufficient designs and lack of configuration left over by Lockheed; progress of the various contractors performing completion work and introduction of NYPD's camera feeds initiative. Therefore, an extension of the current contract requiring the presence of specific personnel to support the IESS/C3 project for an additional 12 month period is necessary. Despite the current end date of the contract, ARINC has continued to provide services in support of the IESS project in anticipation of the issuance of this modification. Therefore, this modification is retroactive to January 1, 2011.

Since December 2010, there were a series of scope meetings. Final negotiations were conducted on March 30, 2011. MTACC's estimate was adjusted to \$1,570,362 with 9,840 total labor hours. ARINC's BAFO was \$1,555,621 with 10,009 total labor hours and represents 48.0% less than their original proposal and \$14,741 or 0.9% less than the final revised Estimate. For this modification, labor rates were escalated by 2.6% which was the negotiated percentage increase for calendar year 2011 under another ARINC contract with NYC Transit.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 2-3

Vendor Name (& Location) E.E. Cruz and Tully Construction Company, JV, LLC (Holmdel, NJ)	
Civil, structural, and utility relocation for the Second Avenue Subway route – 96 th Street Station	
Contract Term (including Options, if any) May 28, 2009 – May 3, 2013	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Michael Horodniceanu	

Contract Number C-26005	AWO/Modification # 42 & 47
Original Amount:	\$ 325,000,000
Prior Modifications:	\$ 6,489,021
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 331,489,021
This Request:	
AWO #42: \$317,500	\$ 1,367,500
AWO #47: \$1,050,000	
% of This Request to Current Amount:	0.4%
% of Modifications (including This Request) to Original Amount:	2.4%

Discussion:

These retroactive modifications are for a) miscellaneous changes in the NYC Department of Environmental Protection (DEP) water system and b) the installation of a 12-inch high pressure gas line at 96th Street. This contract is for civil, structural, and utility relocation work for the new 96th Street Station for the Second Avenue Subway project. The work includes cut and cover excavation for the Station, from 95th to 99th Streets. This contract includes the relocation and the restoration of utilities, demolition of the existing Century Lumber Building and interior demolition at the 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 99th Street; installation of temporary roadway decking; construction of the 96th Street Station invert slab; construction of certain station entrance and ancillary building structural elements.

AWO # 42

This retroactive modification covers miscellaneous changes in the NYC Department of Environmental Protection (DEP) water system. Although DEP comments were incorporated in the awarded contract, DEP also made post-award comments in September 2009, which MTACC incorporated into revised drawings which were first provided to the contractor in January 2010. These miscellaneous changes required by DEP (such as excavation and removal of manhole; removal of a 36" steel water main; furnishing and installation of a new water main; and repair of a broken water valve) account for about 65% of the lump sum price. Also, during construction an additional hydrant location and the repair of a leaking water valve were required by the DEP site representative. This accounts for about 20% of the lump sum price. Finally, water service for two buildings needed to be relocated so as to not interfere with a new sewer chamber and a new manhole, for buildings 1838 and 1928 respectively. This represents about 15% of the lump sum price. The contractor's initial proposal was \$488,571. MTACC's revised estimate was \$317,344. Following negotiations, the lump sum of \$317,500 was agreed upon and found to be fair and reasonable. Savings of \$171,071 were achieved. In December 2010, the President, MTACC approved a retroactive waiver and on January 19, 2011, the contractor was directed to proceed in order to avoid impacting schedule.

AWO #47

This retroactive modification is for the installation of a 12-inch high pressure (HP) gas at 96th Street. An existing 12-inch HP gas line crosses 96th Street. Prior to contract solicitation, in response to MTACC's need to remove the 12-inch HP line to allow construction of slurry walls at that location, Con Edison requested the existing 12-inch HP gas line be terminated and capped and replaced with 4" HP gas line to maintain building services and additional low pressure (LP) gas line ties to offset the loss of gas volume in the network. The contract was solicited and awarded accordingly. However, post-award, Con Edison determined that the demand for gas had increased to the extent that the LP ties could not handle the volume once the 12" HP pipe is capped. Also, Con Edison realized the 12" HP line was part of a critical feed to Mount Sinai Hospital, which is several blocks away, and hospital service cannot be interrupted. Accordingly, Con Edison requested a new 12" HP line constructed away from the slurry wall construction location, while maintaining the existing pipe and providing by-pass valves, to enable cutover of gas service from the existing line to the new line, thereby allowing the construction of the slurry panels to take place while always maintaining gas flow. This modification provides for the installation of a new 12-inch HP gas crossing and regulator valve system accordingly. The contractor's initial proposal was \$1,224,777; MTACC's revised estimate was \$974,527. Following negotiations, the lump sum of \$1,050,000 was agreed upon and found to be fair and reasonable. Savings of \$250,250 were achieved. On October 11, 2010, the President, MTACC approved a retroactive waiver; the contractor was directed to proceed on March 20, 2011.

PROCUREMENTS

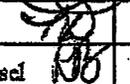
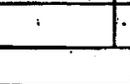
The Procurement Agenda this month includes 5 actions for a proposed expenditure of \$4.3M.

Staff Summary

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

Date	April 13, 2011
Vendor Name	N/A
Contract Number	N/A
Contract Manager Name	N/A
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	4/21/11	X		
2	Board	4/27/11	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>
Schedule G: Miscellaneous Service Contracts	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>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$1.7M

	<u># of Actions</u>	<u>\$Amount</u>
Total Non-Competitive Procurements	2	\$1.8M

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:

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

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

None

	<u># of Actions</u>	<u>\$ Amount</u>
Total Competitive Procurements	1	\$0.1M

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:

<u>Procurements Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K: Ratification of Completed Procurement Actions (Involving Schedule E-J)	2	\$2.4M

	<u># of Actions</u>	<u>\$ Amount</u>
Total Ratifications	2	\$2.4M

	<u># of Actions</u>	<u>\$ Amount</u>
Total Procurements	5	\$4.3M

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.

APRIL 2011

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

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.)

1. **INFOR Global Solutions, Inc.** **\$115,014.58** Staff Summary Attached
Contract #E-3991
 Maintenance Support Services for Smartstream (GEAC) System.

APRIL 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. MV Sales & Leasing, Inc.
Contract # U-A221774, U-A221772 | \$1,667,295.00 (Est.) | <u><i>Staff Summary Attached</i></u> |
| Purchase of 15 gasoline-powered MV-1 vehicles and 15 CNG powered MV-1 vehicles for test and evaluation. | | |

APRIL 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. **StrataGen Systems, Inc.** **\$2,097,500.00 (Est.)** *Staff Summary Attached*
Contract #04F8952.3
Modification to the contract to provide a new software engine for the ADEPT software utilized by Paratransit, in order to program changes to the scheduling software.

2. **Zenco Systems Ltd.** **\$292,620.00 (Est.)** *Staff Summary Attached*
Contract # 10D0274.1
Modification to the contract for the test and evaluation of a Bus Lane Enforcement System, in order to add two more test vehicles, extend the term of the contract and increase funding.

Schedule G: Miscellaneous Service Contracts



Item Number: G-1

Vendor Name (& Location) INFOR Global Solutions, Inc., Alpharetta,GA		Contract Number E-3991	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Description Maintenance Support Services for Smartstream (GEAC) System		Total Amount: \$ 115,014.58	
Contract Term (including Options, if any) May 1, 2011 – April 30, 2012		Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Requesting Dept/Div & Dept/Div Head Name: IT Department – Mike Moran, CIO	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-Competitive		Contract Manager: Patti Robertson	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source			

Discussion:

Long Island Bus (LIB), on behalf of itself and MTA Bus Company (MTABC), requests MTA Board approval to renew their noncompetitive, sole source, miscellaneous service contracts with INFOR Global Solutions, Inc. (INFOR) for maintenance support services for the May 1, 2011 through April 30, 2012 period, in the not-to-exceed prices of \$96,131.44 and \$18,883.14, respectively. INFOR is the incumbent and sole provider of maintenance support services for an enhanced version of its proprietary SmartStream (GEAC) 7.0.03 System, in which LI Bus and MTABC utilize its Payroll and Human Resources software. This request is related to, and is coordinated with, the MTA Business Service Center’s (BSC) initiative to implement a PeopleSoft ERP Financial & Human Resources System.

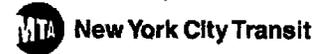
LI Bus has successfully utilized INFOR’s enhanced SmartStream (GEAC) System for over 10 years and requires on-going maintenance support services. In 2008, LI Bus and MTA Bus began a project to configure and install an enhanced SmartStream (GEAC) System for MTABC’s use. INFOR was contracted to configure and install the enhanced SmartStream (GEAC) system. Thus far, this project has automated and modernized MTABC’s former payroll processes for approximately 65% of the total MTABC headcount, and has evolved these into a single, deeply functional and integrated Payroll and Human Resource System. This outcome greatly reduces risks and enhances performance, functionality and usability. Full implementation of the SmartStream (GEAC) 7.0.03 system will permit MTABC to eliminate costly legacy system maintenance contracts prior to migration to the BSC PeopleSoft system on January 1, 2012. The payroll process migration for the 35% of remaining MTABC staff is planned for the end of second quarter 2011. Without these SmartStream (GEAC) renewals there is a high risk the payrolls will fail, thus the renewals are critical to ensure payroll is processed and distributed timely.

The New York City Transit Unified Timekeeping System (UTS) is in the final stage of implementation at LI Bus and MTABC for all Bus Operator Timekeeping, Picking and Dispatch purposes. By January 1, 2012, UTS is scheduled to be modified to communicate with the BSC, for the New York City Transit Human Resources and Payroll implementation at the BSC. At that time, LI Bus and MTABC will no longer require the SmartStream (GEAC) System for payroll processing and timekeeping collection purposes.

As it did in 2010, INFOR again proposed a 5% increase in its standard support rate in 2011 to partially offset higher labor rates and software upgrade/replacement costs. And again, LIB successfully negotiated with INFOR and reached agreement to hold existing contract prices firm for another one year term for LI Bus and MTABC, for a savings of \$5,750.73. LI Bus advertised its intent to award a sole source contract to INFOR in the NYS Contract Reporter, Minority Commerce Weekly, El Diario and Newsday. To date, LI Bus has not identified another vendor who is interested and qualified to provide services for this system. INFOR informs its prices and rates for this scope of work are the lowest it would offer to any of its customers or governmental agencies. Thus, prices are deemed fair and reasonable. There are no recommended alternatives as neither LI Bus nor MTABC possess the proprietary source code and cannot support the application with in-house resources.

It is recommended the MTA Board approve awards for two sole source miscellaneous service contracts to INFOR Global Solutions, Inc. for SmartStream (GEAC) maintenance support services, for LIB and MTABC, in an amount not-to-exceed \$115,014.58. The MTA Department of Diversity and Civil Rights established a 0% DBE goal. Each contract will be funded from its respective agency’s operating budget. LI Bus’ operating budget will fund this procurement until the date of Nassau County’s privatization of LI Bus.

Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: **A-1**

Vendor Name (& Location) MV Sales & Leasing (Fairfield, CA)
Description Purchase of 15 MV-1 gasoline vehicles and 15 MV-1 CNG vehicles for test and evaluation
Contract Term (including Options, if any) Delivery within 90 days of notice of award
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Non-competitive

Contract Number U-A221774, U-A221772	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount:	\$1,667,295 (Est.)
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: 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 15 MV-1 gasoline vehicles and 15 MV-1 Compressed Natural Gas (CNG) vehicles for test and evaluation.

In an ongoing effort to reduce operating costs and environmental impact, Paratransit is currently evaluating all aspects of its operations, including its vehicle fleet size and type. Paratransit operates a fleet of 2,556 vehicles, comprised of 1,893 buses with wheelchair accessibility and 663 sedans dedicated to ambulatory customers. In evaluating its current fleet, Paratransit recognized the need to transition the majority of its vehicle fleet from larger, less fuel efficient buses to smaller, standardized and more economical vehicle types including sedans and wheelchair accessible vehicles. Since wheelchair accessible vehicles will always be required, Paratransit is seeking to test and evaluate the wheelchair accessible MV-1, which is a smaller, more versatile alternative to its current fleet of Paratransit buses. There are no immediate plans to purchase additional buses in the next 2 years, however if successful, the MV-1, instead of the buses currently used, will be the subject of any upcoming procurement for accessible vehicles in the years to come.

The Vehicle Production Group (VPG) is the designer, developer, marketer of the MV-1. The MV-1 is being manufactured under contract by AM General (manufacturer of the HUMVEE for the U.S. Military) and is the first OEM designed and assembled accessibility vehicle in the country. It is the first purpose-built vehicle for both ambulatory and mobility impaired passengers to meet ADA vehicle guidelines. It seats up to five passengers with dedicated space for a wheelchair or scooter situated next to the driver. The MV-1 features an extremely large doorway with a low step-in for easy entry and a fully integrated power ramp with a 1,200-lb capacity. VPG partnered with MV Transportation (MVT) and has identified MVT as the local service and warranty support facility for MV-1 vehicles. MV Sales & Leasing (MVSL), a subsidiary of MVT, is the sole authorized sales distributor for fleet application of the MV-1. NYC Transit will receive the same five year/175,000 mile extended structural warranty required by Paratransit for its buses.

The purpose of testing the MV-1 is to gain first-hand experience in operating this new vehicle in revenue service in the New York City environment, as well as to evaluate its reliability, maintainability and fuel economy. All major components and structures will be inspected on a monthly basis, along with a complete review of all maintenance files, fuel efficiencies and operational costs. The propulsion system of the MV-1 is available as gasoline or CNG. City fuel economy for the gasoline MV-1 is approximately 15 miles per gallon (MPG) and 13 MPG on the CNG MV-1 compared to the 7 MPG on the Paratransit bus.

The initial pricing received from MVSL was \$54,742.53 for each Gasoline model and \$67,806.53 for each CNG model. MVSL submitted its BAFO of \$49,231 for the gasoline model and \$61,922 for the CNG model. Through rigorous negotiations between Procurement and MVSL, the BAFO resulted in a total cost savings of \$170,941. The price received is either better or the same as other municipal agencies which have ordered like or significantly larger quantities. Based on this the final pricing was found to be fair and reasonable. Delivery will be 90 days after notice of award. In accordance with Public Authorities Law Section 1209, paragraph 9, this contract will not be awarded earlier than 30 days from the date on which the Board declares competitive bidding impractical or inappropriate.

Schedule K: Ratification of Completed Procurement Actions



Item Number: **K-1**

Vendor Name (& Location) StrataGen Systems, Inc. (Kirkland, WA)	
Description Provide Software Development, Maintenance and Support	
Contract Term (including Options, if any) June 1, 2004 – January 10, 2017	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Department of Buses, Darryl C. Irick	

Contract Number 04F8952	AWO/Modification # 3
Original Amount:	\$ 1,044,720
Prior Modifications:	\$ 9,290,199
Prior Budgetary Increases:	\$ 1,432,000
Current Amount:	\$ 11,766,919
This Request:	\$ 2,097,500 (Est.)
% of This Request to Current Amount:	17.8%
% of Modifications (Including This Request) to Original Amount:	1,227.3%

Discussion:

This retroactive modification is for programming changes to scheduling software to allow trip-by-trip, feeder and fixed route service to be incorporated into Americans with Disabilities Act (ADA) Paratransit trip scheduling.

StrataGen Systems, Inc. provides a software program known as ADEPT (A d a p t i v e e n g i n e f o r P a s s e n g e r T r a n s p o r t a t i o n) which schedules trips for Paratransit. The contract was previously modified to increase the scheduling capacity from 20,000 trips per day to 50,000 trips per day (\$5,985,000) and for an Interactive Voice Response System (IVR) (\$3,305,199).

Detailed studies indicated NYC Transit could achieve significant cost savings for Paratransit through trip-by-trip scheduling based on customer eligibility conditions – Phase 1, and/or by ADA compliant feeder service (Paratransit service provided from the pick-up location to a bus stop or from a bus stop to a customer’s destination) – Phase 2. However, the ADEPT program would require significant modification to allow it to produce customized itineraries that, when applicable, would include the use of fixed route service for a portion or the entire trip as requested by eligible Paratransit customers.

Paratransit estimated that implementation of these changes would yield significant savings, that the sooner the implementation could begin the sooner these significant savings could be realized. These savings were made part of the Paratransit 2010 – 2011 Cost Reduction Program. The contract includes a provision for task orders for programming changes; however, it was not structured for a task order of this magnitude. The tasks undertaken under this modification required more complex programming work.

Numerous planning discussions and negotiations ensued to determine the most efficient and timely manner in which to conduct these changes. Due to the significant savings to be achieved which would commence as soon as completion of the programming, StrataGen was offered an incentive on a sliding scale to complete the work as fast as possible. The incentive offer ranged from zero incentive for completion of the first phase by January 15, 2011 with a \$50,000/month incentive up to a maximum of \$150,000 if this phase was completed by October 15, 2010. StrataGen’s final price for these changes was \$1,947,500 (Phase 1 = \$650,000 + \$97,500 for annual software maintenance and support + Phase 2 = \$1,200,000) plus the incentive of \$150,000 as the project was completed by October 15, 2010. Phase 2 will be completed in April 2011.

Phase 1 was rolled out on November 1, 2010 resulting in a savings of \$600,000 for the balance of 2010. It is anticipated that the 2011 savings for Phase 1 will be approximately \$11.9M. Phase 2 is being tested with an anticipated roll-out in the second quarter of 2011, with the savings for the balance of 2011 estimated to be approximately \$17.8M. These savings will continue into the upcoming years for an estimated annual savings of \$35M. Paratransit intends to pursue additional programming changes to increase feeder service through the integration of fixed route subway service and itineraries with more than 2 segments which will result in additional savings. This next software enhancement as well as additional changes to the IVR system will be the subject of a future board approval.

Schedule K: Ratification of Completed Procurement Actions



Item Number: **K-2**

Vendor Name (& Location) Zenco Systems, Ltd. (London, UK)	
Description Rental of a Bus Lane Enforcement System	
Contract Term (including Options, if any) June 30, 2010 – April 30, 2011	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Department of Buses, Darryl C. Irick	

Contract Number 10D0272	AWO/Modification # 1
Original Amount:	\$ 167,100
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 167,100
This Request:	\$ 292,620 (Est.)
% of This Request to Current Amount:	175.1%
% of Modifications (including This Request) to Original Amount:	175.1%

Discussion

This retroactive modification will extend the contract term by up to an additional 12 months, equip 2 additional articulated buses (for a new total of six vehicles) with on-board vehicle equipment, replacing one camera each on 2 existing buses and 2 existing SUVs and adding software in order to issue summonses to violators of bus lane traffic restrictions. The camera replacement and addition of software for issuance of summonses is retroactive.

This contract is for the test and evaluation of a Bus Lane Enforcement System (BLES) for NYC Transit's Department of Buses (DOB). The initial test covered the period from November 2010 through April 2011 during which DOB successfully operated the Zenco Systems, Ltd. (Zenco) system on two articulated buses and on two SUVs and determined that mobile cameras can effectively capture sufficient video evidence for enforcement of bus lane traffic restrictions. During the period of this test, legislation was passed by the New York State Assembly enabling enforcement of bus lane traffic regulations on designated Select Bus Service (SBS) routes. In advance of this request, in order to build on this success, Zenco was requested to add the capability of actually creating traffic summonses suitable for issuance and mailing to bus lane violators. DOB personnel review the video evidence as supplied by the Zenco system to determine if a violation has occurred and a summons is to be issued. The capability for on-line viewing of evidence, which assists both the public and judges in making an informed decision with regard to the legitimacy of the evidence provided, has also been included in this modification. DOB requested that four of the original cameras used for capturing license plate information be replaced with new improved cameras with the capability of capturing a view of the rear of the vehicle itself as well as the license plate detail, providing further identification to support the accuracy of the evidence compiled. Commencing March 2011, DOB utilizing the Zenco system has been generating approximately one hundred tickets per week for which payment is to be made to the New York City Department of Finance.

DOB intends to continue conducting the BLES test in full operational mode, testing the ability to issue summonses for violations, interfacing with the NYC Department of Finance and the NYS Department of Motor Vehicles, and to determine its continued effectiveness as a deterrent in keeping unauthorized vehicles out of designated bus lanes in its SBS Corridors.

Of the total \$292,620 being requested, the cost for extending the initial test and evaluation for up to an additional twelve months is \$192,600.00. The cost for adding new capability to create traffic summonses and for equipping two additional buses (including software and hardware costs and for ongoing maintenance and support), is \$100,020.00 of which \$30,900 for the camera replacement and addition of software for issuance of summonses is retroactive.

During this extension, DOB will utilize the six vehicle test fleet along the M15 SBS route in Manhattan, which travels from lower Manhattan to the Upper East Side using First and Second Avenue bus lanes. A full program approach (through a procurement action and/or in house efforts) for the provision of a BLES for use on SBS bus lane routes system-wide is under development. DOB's intention is to continue to conduct this pilot until the full program is implemented to provide a seamless transition from this test in terms of continued deterrence for motorists violating bus lane rules.

With the exception of server hosting, which has increased from \$2,625/month for the initial contract to \$2,850 for the twelve month extension period, all other monthly costs for continuation of the initial test remain at the same rates. Zenco has reduced the rental of the bus borne equipment for the 2 additional articulated buses from \$2,625 per bus/month to \$1,550 per bus/month.

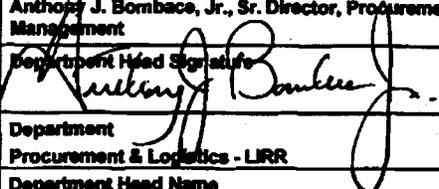
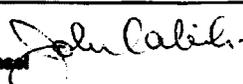
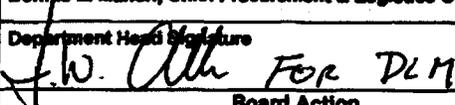
**METRO-NORTH/LONG ISLAND
COMMITTEES**

PROCUREMENTS

FOR

BOARD ACTION

APRIL 21, 2011

Subject Request for Authorization to Award Various Procurements						Date April 4, 2011			
Department Procurement & Material Management - MNR						Department Law and Procurement - MTACC			
Department Head Name Anthony J. Bombace, Jr., Sr. Director, Procurement & Material Management						Department Head Name John Abill, Acting Deputy General Counsel			
Department Head Signature 						Department Head Signature 			
Department Procurement & Logistics - LIRR									
Department Head Name Dennis L. Mahon, Chief Procurement & Logistics Officer									
Department Head Signature 									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	MNR/LIRR Committee	4.21.11	X			X	President, MNR		
2	MTA Board	4.27.11	X			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:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$9,447,993
Schedule G: Miscellaneous Service Contracts	1	\$110,000
SUBTOTAL:	2	\$9,557,993

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:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule C:	Competitive Requests for Proposals	2	\$40,704,495
<u>Schedules Requiring Majority Vote</u>			
Schedule G:	Miscellaneous Service Contracts	1	\$9,269,032
Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	2	\$10,512,206
SUBTOTAL:		5	\$60,485,733

LIRR proposes to award Competitive Procurements in the following categories:

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule G:	Miscellaneous Service Contracts	1	\$27,080
Schedule I:	Modifications to Purchase Contracts and Public Contracts	1	\$1,329,000
SUBTOTAL:		2	\$1,356,080

MTACC proposes to award Competitive Procurements in the following categories:

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule I:	Modifications to Purchase & Public Work Contracts	3	\$4,922,662
SUBTOTAL:		3	\$4,922,662

MNR proposes to award Ratifications in the following categories:

		<u># of Actions</u>	<u>\$ Amount</u>
Schedule K:	Ratification of Completed Procurement Actions	1	\$162,977
SUBTOTAL:		1	\$162,977

LIRR proposes to award Ratifications in the following categories:

Schedule D:	Ratification of Completed Procurement Actions	1	\$9,540,000
SUBTOTAL:		1	\$9,540,000

MTACC proposes to award Ratifications in the following categories: NONE

TOTAL:	14	\$86,025,445
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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.

APRIL 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. SAFT America, Inc. \$9,447,993 (not-to-exceed) Staff Summary Attached
Five-Year Purchase Agreement of SAFT Railcar Batteries-MNR and NYCT

Non-competitive, negotiated, miscellaneous procurement contract for a five-year period for the purchase of SAFT batteries for MNR railcar and NYCT subway car fleets. In conjunction with MTA's Joint Procurement Initiatives (JPI), MNR and NYCT continue to review possible opportunities to leverage material purchases by combining the buying power of their respective agencies. SAFT America, Inc is an OEM, a sole source, and a common material supplier to the MTA agencies and a multi-year purchase agreement authorization with SAFT is a cost effective way to achieve JPI goals. Advertisements placed in the last 12 months and outreach to prospective alternative suppliers have not identified any additional interest from other sources.

In October 2010, MNR solicited a non-competitive multi-year bid for the purchase of railcar batteries for MNR's M-2, 3, 4, 6, 7 & Coach Railcar fleets. NYCT decided to join the procurement based on their forecasted demand to supply batteries for their existing R62, R62A, R68 and R68A Subway Car fleets. LIRR did not participate in this joint procurement due to their current inventory levels and capabilities.

The OEM, Saft America, was the sole respondent to the solicitation, and MNR and NYCT proceeded to negotiate for the best pricing. MNR and NYCT negotiated fixed pricing for five-year period of the agreement (2011-2016). The fixed pricing represents an estimated cost avoidance of over \$450K. Approval of this Purchase Agreement will also eliminate the need and expense of individually advertising prospective procurements as well as reducing administrative costs, material delivery, and procurement lead times which are critical as the batteries have long production lead times. On behalf of both agencies, NYCT Cost/Price Analysis Unit performed a detailed analysis of the cost data submitted by SAFT. The review of the individual battery types found an overall price increase of 4% which was substantiated through the current PPI. Therefore, based on the previous cost history and the negotiated fixed price for the new five-year contract (2011-2016), it is deemed to be fair and reasonable.

The total cost of this five-year Purchase Agreement authorization is not-to-exceed \$9,447,993 (MNR=\$3,705,030 & NYCT = \$5,742,963) and is to be funded by the MNR and NYCT Operating Budgets.

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.)

**2. InterDynamics Ltd. \$110,000 (not-to-exceed)
Purchase & Implementation of Fatigue Management Software- MNR and LIRR**

Non-competitive, negotiated, miscellaneous service contract with the firm, InterDynamics Ltd., to furnish, install, and implement a Fatigue Audit InterDyne (FAID) also referred to as Fatigue Management software for both MNR and LIRR. This software will provide the Railroads with necessary tools to better identify, analyze and mitigate the fatigue risk in employee work schedules. This software is needed to comply with the Federal Railroad Safety Improvement Act (RSIA) Law. Compliance is required by October 2011. In conjunction with MNR/LIRR Joint Procurement Initiative (JPI), MNR, on behalf of both Railroads, negotiated the combined requirements for the purchase and implementation of FAID software.

Presently, there are only two risk management software models approved by the FRA. Both firms' products were technically reviewed by the Railroads and the product provided by InterDynamics is recommended due to its ease of use, adaptation to the railroad environment and its lower cost. Negotiations with InterDynamics resulted in a reduction of their standard FAID software licensing fees by 20% (from \$48,000 to \$38,400 for six licenses per Agency) as well as reductions of up to 15% in costs for on-going training & support services. The contract duration is for 17 months (five months implementation and one year maintenance & support services) and includes all necessary installations, testing, software upgrades, email/telephone support, and necessary consulting services. Maintenance and support services commence upon system acceptance. The total cost is not-to-exceed \$110,000 (\$55K each for MNR and LIRR). This project is anticipated to start in May 2011 and funding is to be provided by each Agency's Operating Budget.

Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: **A**

Vendor Name (& Location) SAFT America, Inc
Description : Purchase of SAFT Batteries for respective MNR Rail Car and Subway Car Fleets
Contract Term (including Options, if any) Five (5) Years
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source/OEM

Contract Number 8649-A Purchase Agreement	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount:	\$9,447,993.00 (not-to-exceed) MNR=\$3,705,030; NYCT=\$5,742,963
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Procurement & Material Management, Anthony J. Bombace, Jr.	
Contract Manager: O. Messado	

Discussion:

Non-competitive, negotiated, miscellaneous procurement contract for a five-year period for the purchase of SAFT batteries for MNR railcar and NYCT subway car fleets. In conjunction with MTA's Joint Procurement Initiatives (JPI), MNR and NYCT continue to review possible opportunities to leverage material purchases by combining the buying power of their respective agencies. SAFT America, Inc is an OEM, a sole source, and a common material supplier to the MTA agencies and a multi-year purchase agreement authorization with SAFT is a cost effective way to achieve JPI goals. Advertisements placed in the last 12 months and outreach to prospective alternative suppliers have not identified any additional interest from other sources.

In October 2010, MNR solicited a non-competitive multi-year bid for the purchase of railcar batteries for MNR's M-2, 3, 4, 6, 7 & Coach Railcar fleets. NYCT decided to join the procurement based on their forecasted demand to supply batteries for their existing R62, R62A, R68 and R68A Subway Car fleets. LIRR did not participate in this joint procurement due to their current inventory levels and capabilities.

The OEM, Saft America, was the sole respondent to the solicitation, and MNR and NYCT proceeded to negotiate for the best pricing. MNR and NYCT negotiated fixed pricing for five-year period of the agreement (2011-2016). The fixed pricing represents an estimated cost avoidance of over \$450K. Approval of this Purchase Agreement will also eliminate the need and expense of individually advertising prospective procurements as well as reducing administrative costs, material delivery, and procurement lead times which are critical as the batteries have long production lead times. On behalf of both agencies, NYCT Cost/Price Analysis Unit performed a detailed analysis of the cost data submitted by SAFT. The review of the individual battery types found an overall price increase of 4% which was substantiated through the current PPI. Therefore, based on the previous cost history and the negotiated fixed price for the new five-year contract (2011-2016), it is deemed to be fair and reasonable.

The total cost of this five-year Purchase Agreement authorization is not-to-exceed \$9,447,993 (MNR=\$3,705,030 & NYCT = \$5,742,963) and is to be funded by the MNR and NYCT Operating Budgets.

APRIL 2011

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

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

1. Choice Distribution Inc. \$40,258,495 (estimated) Staff Summary Sheet Attached
Multi-Agency Procurement – Contract Award for Hardware Fastener Program

The MTA Agencies' hardware fastener program requires the provision, on-going replenishment and overall management of common hardware fasteners to the MTA agencies. Hardware fasteners (nuts, bolts, washers, lock nuts etc.) are integral components needed by MTA maintenance forces to repair all types of equipment (rail cars, locomotives, subway cars, buses, maintenance vehicles, communications apparatus etc.). Under the program, a vendor is required to maintain vendor-supplied cabinet assemblies with required hardware material customized to the work needs of the maintenance operation, monitor and maintain on-site minimum/maximum reorder levels and provide computerized inventory reports detailing usage at each facility.

In 2005, Metro-North Railroad, through a competitive bid, issued a contract to the firm, Choice Distribution, Inc., for a five-year period (2005-2010) with a two-year option for the hardware fastener program. The multi-agency procurement included New York City Transit Bus and Subway Divisions, Long Island Rail Road and Staten Island Rapid Transit. In 2006, MTA Bus joined the contract and Choice successfully responded to requests for hardware set-ups at those new depots. In October 2009, MNR, on behalf of the MTA agencies (MNR, LIRR, NYCT Subways, NYCT Buses, MTA Bus, LI Bus, and SIRTOA), received Board approval for a two-year extension at fixed pricing to the contract for the hardware fastener program. During that extension period, MNR was requested to formulate a new solicitation with the Agencies to determine the overall best pricing for the program. An RFP was advertised, solicited, four proposals were received and BAFOs subsequently requested. After the Multi-agency Selection Committee evaluated and negotiated proposals, Choice Distribution, Inc. (the incumbent firm for the services) was unanimously chosen as the best overall firm for the services with the lowest cost.

At this time, MNR is requesting MTA Board approval of a five-year purchase contract with Choice Distribution, Inc. Negotiated pricing of the agencies' Market Basket (MB) (agency-wide, common, and high-use hardware items) resulted in a 31.7% decrease when compared to current pricing for the same items. Pricing will also be fixed for an initial 30-month period; and for the remaining 30-month period will be adjusted by the Producer Price Index (PPI) with a maximum price increase or decrease of 5%. MTA Agencies will realize cost savings and efficiencies estimated at \$3.6M per year under the new contract when compared to prices under the last contract.

The five-year combined Agency estimated cost is \$40,258,495 and the breakdown by agency is as follows: New York City Transit Buses \$13,586,164, Long Island Rail Road \$9,448,246, New York City Transit Subways \$7,655,148, MTA Bus \$4,703,434, Metro-North Railroad \$4,241,366, Long Island Bus

\$589,653 and Staten Island Rapid Transit \$34,483. Funding is included in each Agency's respective Operating Budgets.

2. **American Pipe & Tank Lining Co. Inc. \$446,000** *Staff Summary Attached*
**Design/Build Services for the Installation of Protective Coatings for the Cold and Hot Water Tanks
GCT, Hall "A" Building**

RFP process, three proposals received, six-month contract to perform repairs and installation of protective coatings for the domestic/potable water and heating hot water expansion tanks on the 7th floor of the Grand Central Terminal Hall "A" Building.

The domestic/potable water system consists of one 20,000 gallon water tank on the 7th floor of Grand Central Terminal's Hall "A" Building. This water tank supplies potable water to Grand Central Terminal and its restaurants and office spaces. It presently has a pin-hole leak, and has been kept in service and operable through temporary repairs. Permanent repairs, consisting of re-lining of the tank and repair of the leak, is necessary at this time to prevent potential structural damage and loss of potable water. In order to continue to furnish potable water during the repairs and re-lining of the water tank, Metro-North will utilize the 10,000 gallon heating hot water expansion tank located in the same area, as a temporary source for potable water. This heating hot water tank will also be re-lined prior to its utilization to meet safe potable water standards. These repairs must be made during the non-heating season between April 15 and October 15.

The MTA Board previously approved the use of the Design /Build RFP process to solicit and evaluate proposals from contractors/vendors. Subsequently, MNR advertised and issued a Request for Proposal in January 2011. The RFP clearly indicated to prospective bidders that MNR would select the best overall product considering price, durability of products and warranty. Three firms submitted technical and cost proposals. After considering their products, processes and price to provide the required services, the Selection Committee unanimously determined that the firm, American Pipe & Tank Lining Co. Inc., was the best qualified contractor to perform the work and their proposal was the lowest cost of the 3 proposers for the work. The total cost of the contract is \$446,000. This procurement is to be funded by the MNR Capital Budget.

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.)

3. **Frontier Industrial Corp. \$5,564,800 (not-to-exceed)** *Staff Summary Attached*
Removal and Disposal of Obsolete Railcars for MNR
Sims Metal Management \$3,704,232 (estimated)
Removal and Disposal of Obsolete Subway Cars for NYCT

Competitively solicited (RFP process, three proposals received), MNR-led, negotiated, five-year miscellaneous service contracts to the firms, Frontier Industrial Corp. (Frontier) and Sims Metal Management (Sims) for the removal and disposal of (i) obsolete electric propelled passenger coaches for MTA Metro-North Railroad (MNR) used on the New Haven Line, and (ii) selected obsolete subway cars for MTA New York City Transit (NYCT). In conjunction with MTA's Joint Procurement Initiatives (JPI), MNR and NYCT continued to review possible opportunities to leverage contracting requirements by combining service needs. In this instance the agencies combined the railcar/subway car disposal work scopes to achieve increased economies of scale and improved pricing.

After evaluating the three proposals in accordance with the established selection criteria, including oral presentations, the Selection Committee undertook negotiations with two proposers, Frontier and Sims. Additional questions were posed to the two proposers and a Best and Final Offer was requested. Based on the results of the BAFO, the Selection Committee unanimously agreed to select Frontier for MNR's portion of the work and Sims for NYCT's portion. The contract includes removal of the equipment from MNR property by Frontier and NYCT property by Sims, and disposal/recycling of all equipment and materials, including disposal of all hazardous materials within the equipment in accordance with all applicable regulatory requirements.

Frontier is a full service, nationwide company specializing in removal/salvage operations. Frontier held MNR's prior contract for railcar disposal, including the M-1 railcar and other miscellaneous rolling stock for the period 2004-2010, and performed satisfactorily. The railcars are only removable via rail and will be shipped from New Haven, CT to Frontier's decommissioning facility in Ashtabula, OH for final dismantling and disposal. The MNR cars, due to their size and weight, are too large to be moved by truck to Sims' Newark, NJ facility as the NYCT cars will be. Frontier is better suited to conduct MNR's portion of the work and provided better pricing.

Conversely, NYCT's subway cars cannot be shipped via rail because the gauge of subway tracks and the width of the wheels/trucks is not compatible (too narrow) with shipment on freight railroads; and must be shipped via truck. Sims' proposed use of its Newark, NJ facility is therefore favorable to NYCT due to its close proximity to the 207th Street Overhaul Shop, where the affected subway cars are currently awaiting removal, as their transportation costs associated with such trucking is considerably lower than that of other vendors, resulting in lower overall pricing for NYCT. In addition, Sims has successfully worked with NYCT on a previous pilot program for the disposal of subway cars and currently has a contract with NYCT for their bus disposal that includes handling hazardous material disposal. Sims has been dismantling and recycling transit buses for the past 40 years.

The total not-to-exceed value for MNR's portion of the work is \$5,564,800, including \$5,064,800 for disposal for up to a maximum of 337 railcars (M-2/4/6) plus \$500,000 for disposal of additional miscellaneous rolling stock, which will be utilized on an as-needed basis only throughout the contract term. MNR's price includes a scrap credit per railcar calculated on a fixed basis throughout the contract term. This is deemed favorable to MNR due to: (i) actual removal of railcars is not expected to commence before late 2011, and (ii) the pace of removal will be gradual and uncertain over the contract, based on acceptance of the new M-8 Railcars into revenue service. The total estimated cost of NYCT's portion of the work is \$3,704,232 for disposal of 357 subway cars. NYCT's price includes a scrap credit based on a variable index basis. This is deemed favorable to NYCT because its subway cars are ready for removal and disposal at a predictable pace, and NYCT can take advantage of current high scrap metal values immediately upon contract award. There is no cost discount afforded by either contractor for the aggregation of MNR's railcars with NYCT subway cars due to significant differences for disposal requirements. The procurement is to be funded by the MNR Operating Budget in accordance with MNR/CDOT Service Agreement; and by the NYCT Operating Budget.

H. Modifications to Personal/Miscellaneous Service Contracts

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

4. GE Capital Fleet Services \$ 6,902,500 (not-to-exceed) Staff Summary Attached Contract Extension – Multi-Agency Procurement Fleet Maintenance & Management Program

GE Capital Fleet Services, under a competitively solicited, Board-approved contract, has provided multi-agency repair coordination services for both revenue and non-revenue MTA vehicles since 2003. In October 2010, service requirements were reviewed/updated and incorporated into a new RFP and issued by MNR on behalf of the participating Agencies (MNR, LIRR, LIB, & NYCT Paratransit). Subsequently, an MTA strategic sourcing initiative regarding vehicles was undertaken to consider the feasibility of standardizing vehicle specifications, forecasting fleet requirements, improving approach to market, and optimizing maintenance and repair practices. The overall MTA fleet maintenance strategy will be reviewed and assessed with the assistance of the MTA Agencies, MTA Audit and McKinsey and Company to identify cost saving opportunities and to implement best practices in how the MTA procures, manages and maintains its vehicle fleet. To allow for completion of the strategic sourcing initiative, an extension of the existing GE Capital agreement has been proposed and negotiated to allow for incorporation of recommendations and prospective re-solicitation of proposals.

For the extension period, MNR negotiated to utilize the various rates proposed by GE in their recent Oct. 2010 RFP submission. The monthly maintenance fee to be paid by type of vehicle during the extension period is substantially less (approx. 40%) than the fee presently being paid, and results in an estimated \$10K in savings per month.

At this time, MNR, on behalf of the participating agencies (MNR, LIRR, LIB and NYCT Paratransit) seeks approval of a six-month (May through October 2011) extension with GE Capital Fleet Services. During the extension period, GE has agreed to support the MTA agencies to improve current processes to gain best value for vehicle repairs and provide reports and data to assist in MTA's evaluation. The Agencies will retain a six-month extension option if additional time is needed to complete the evaluation. The total not-to-exceed cost is \$6,902,500. Funding is included in each Agency's Operating Budget.

5. AECOM Technical Services Northeast, Inc. \$3,609,706 (not-to-exceed) Staff Summary Attached West of Hudson Regional Transit Access Study (WHRTAS) -Phase II

Approval is requested to issue a supplemental agreement to the firm, AECOM Technical Services Northeast, Inc. (AECOM), to conduct the West of Hudson Regional Transit Access Study (WHRTAS) Alternatives Analysis Phase 2. As part of this effort, AECOM will provide a detailed evaluation of the short list of alternatives emanating from Phase 1, resulting in the identification of a Locally Preferred Alternative. The total not-to-exceed amount of this supplemental agreement is \$3,609,760 with a 20-month extension to the contract period of performance.

Through use of the competitive RFP process, a Board-approved personal service contract with the firm, Earth Tech Northeast, Inc (d.b.a. AECOM Technical Services Northeast, Inc), was awarded in May 2008 to perform the WHRTAS Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS), in two phases. The contract was awarded for completion of Phase I at a total not-to-exceed amount of \$4,677,468. The contract also included a Phase 2 planning effort, which would complete the Alternatives

Analysis and produce a Draft Environmental Impact Statement. The scope, cost, and time required to complete Phase 2 were to be estimated upon the completion of Phase 1.

WHRTAS is a multi-phase transit study with goals focused on improving transit travel to MNR's West of Hudson Region and to Stewart International Airport from the Hudson Valley and New York City. It is being performed in conformance with the Federal Transit Administration's Alternative Analysis requirements and FTA regulations implementing the National Environmental Policy Act. WHRTAS Phase 1 involved identifying and screening a long list of 106 transit alternatives for providing commuter and airport access in the West of Hudson area. An Alternatives Analysis Phase 1 Report will be issued by late April 2011 that identifies a "short list" of alternatives for a more detailed analysis in Phase 2. Upon receipt of this report, Phase 1 will be completed. The alternatives include the following: 1) Direct Regional Bus from NYC and Northern New Jersey; 2) Commuter Rail Extension from Salisbury Mills; 3) Commuter Rail Transit to the Port Jervis Line Salisbury Mills Station with transfers to Bus/Bus Rapid Transit service to Stewart; 4) Commuter Rail Transit to the Hudson Line Beacon Station with a transfer to direct bus service to Stewart Airport and 5) Low cost Transit Demand Management/Transit System Management Improvement Strategies.

Presently, MNR is seeking Board approval to complete the WHRTAS Phase 2. The Phase 2 work is required to provide a detailed evaluation of the short list of alternatives resulting in the identification of a Locally Preferred Alternative. These will include refinements of alignments, services costs, project benefits, travel demand forecasts and potential impacts. The refinements will assume that the Access to the Region's Core will not be constructed. However, a sensitivity analysis will be performed to determine the influence that a reconstructed Tappan Zee Bridge/I-287 corridor with transit facilities on it will have on the alternatives. The public outreach and coordination efforts initiated in Phase 1 will be continued in Phase 2.

Although a Locally Preferred Alternative may not be built for many years, advancing the alternatives analysis and then the environmental process is necessary in order to preserve any Right-Of-Way (ROW) for future transit use between the Salisbury Mills station and Stewart Airport as development is occurring in this area. In addition, as part of this effort MNR will also advance the study of West of Hudson Improvements to address the infrastructure needs of the Port Jervis Line. The work elements include capacity improvements on the Port Jervis Line, including a site for a new train yard mid-point along the line between Harriman and Campbell Hall and double-tracking segments of the line north of Sloatsburg. The new Mid-Point Yard, double-tracking and other Port Jervis Line improvements are essential for MNR to operate similar services it currently operates in its East of Hudson service area (i.e. zonal express, reverse peak, and frequent mid-day) and reduce operational and maintenance costs. Reports will be issued as part of Phase 2 that will describe the alternatives analysis process, the determination of the Locally Preferred Alternative and proposed Port Jervis Line improvements.

For Phase 2, AECOM submitted an initial proposal in the amount of \$3,993,040. Subsequent to discussion and negotiations, AECOM submitted a revised proposal in the amount of \$3,609,760. AECOM's hourly rates were submitted as currently approved for Phase 1 work. MNR determined the proposed amount to be fair and reasonable. The consultant cost for the WHRTAS Phase 2 Study is not-to-exceed \$3,609,760 for a 20-month period. The sources of funding include: 1) \$516,000 from the original FTA grant (NY-39-0001); 2) \$1,900,000 amendment to the FTA grant which was obtained through US State Senator Charles Schumer; and 3) \$1,594,000 from the MTA's 2005-2009 Capital Program.

Staff Summary

Item Number C					
Dept & Dept Head Name: Procurement & Material Management, Anthony M. Lombace, Jr.					
Division & Division Head Name: Sen. VP – Administration, Raymond Burney					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR/LIRR Comm.Mtg.	4-21-11	X		
2	MTA Board Mtg.	4-27-11	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	Sr. V.P. Operations		
X	Sr. V.P. Admin.	X	V.P. Planning		
X	V.P. Finance & IT	X	General Counsel		
	Capital Programs				

SUMMARY INFORMATION	
Vendor Name Choice Distribution, Inc.	Contract Number
Description Hardware Fastener Program	
Total Amount \$40,258,495 (estimated value)	
Contract Term (including Options, if any) Five 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 X Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type X RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source X Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

I. PURPOSE/RECOMMENDATION:

To obtain MTA Board Approval to award a five-year competitively solicited, negotiated, multi-agency (MNR, LIRR, NYCT Subways, NYCT Buses, MTA Bus, LI Bus, and SIRTOA) purchase agreement to the firm, Choice Distribution, Inc., for the provision, on-going replenishment and overall management of common hardware fasteners to the agencies. Hardware fasteners (nuts, bolts, washers, lock nuts etc.) are integral components needed by MTA maintenance operations to repair all types of equipment (rail cars, locomotives, subway cars, buses, vehicles etc.). Under this contract, Choice shall maintain vendor supplied cabinet assemblies with required hardware material customized to the work needs at each facility, monitor and maintain on-site reorder levels and provide computerized inventory reports detailing usage at each facility.

II. DISCUSSION:

In 2005, Metro-North Railroad, through a competitive bid, issued a contract to the firm, Choice Distribution, Inc., for a five-year period (2005-2010) with a two-year option for the hardware fastener program. The multi-agency procurement included New York City Transit Bus and Subway Divisions, Long Island Rail Road and Staten Island Rapid Transit. In 2006, MTA Bus joined the contract and Choice successfully responded to requests for hardware set-ups at those new depots.

As part of a request for information, key national and local hardware suppliers provided industry best practice information, which was incorporated into the final all-agency RFP that was issued in June 2010. The RFP was forwarded directly to 14 firms. Additionally, a notice of the RFP was publicly advertised in Fastener Journal (a trade publication) as well as the following metropolitan area publications: New York Post, the Daily Challenge the New York State Contract Reporter and on the MNR website. Pre-proposal conferences & facility site tours were held on July 30, and September 14 & 15, 2010. Seven addenda were issued prior to receipt of the proposals.

On November 5, 2010, four proposals were received from: Choice Distribution, Inc., W.W. Grainger, Lawson Products and Tifco Industries. The RFP selection evaluation criterion was as follows:

- Overall Hardware Program Plan (detailed description of material sourcing, delivery, replenishment etc.)
- Cost
- Material Quality Control / Quality Assurance
- Description of reporting capabilities including provision of usage & pricing data
- Past experience handling large commercial accounts

Staff Summary

The Selection Committee short listed two firms: Choice Distribution, Inc. and Lawson Products. Proposals provided by W.W. Grainger (deemed non-responsive) and Tifco Industries (servicing model would result in substantially higher cost to the agencies) were removed from further consideration.

Oral presentations were held on December 20th and 22nd, 2010 and site tours to Choice (January 18, 2011) and Lawson's (January 19, 2011) facilities were conducted. Following the oral presentations and after various clarification discussions with both firms, the Selection Committee was confident that both firms could address the service aspect of the RFP.

The RFP included a price schedule broken into two separate parts: a market basket (MB) and a product catalog (PC). The MB consists of a list of over 1,000 previously ordered fasteners by all agencies with their associated five-year usage, accounting for roughly 35% of the overall agency-wide spend for the prior five-year period. The PC is pricing and descriptions of parts that all agencies could purchase as needed during the contract period. The price schedule allowed for a maximum price adjustment of 5% (increase or decrease) at the 30-month mark using the proposer's specified indices. Negotiations with Choice Distribution and Lawson Products clarified their service approach, market basket pricing, price adjustment clauses, website access for reports, sourcing resources etc.

Choice Distribution (the incumbent firm for the services) had a stronger approach to servicing each facility, has a proven ability to provide delivery/logistical support as required, and provided the lowest cost. The Selection Committee unanimously determined that Choice Distribution is the best proposer and should be awarded the contract.

Cost Price Analysis

Best and Final Offers (BAFO's) were requested and received on Feb. 23. The evaluated base contract (over five years, applying the Market Basket percentage savings to the estimated line catalog spend) totals \$40,258,495, which is 31.7% lower than under the current Choice pricing.

Savings: The Choice Distribution five-year proposal is substantially lower than the total MTA estimate, based on prior expenditures. Choice stated that they are able to offer lower material prices as they are now affiliated with Kimball Midwest, a large national supplier of hardware. As a result of this relationship, Choice & Kimball are able to leverage their resources and purchasing power and offer MTA reduced pricing. Kimball Midwest has an extensive supplier base with expanded product lines and technology expertise. Under the agreement, the agencies receive the benefit of a large national hardware provider via a local distributor who has the flexibility, knowledge and commitment to service all agency operations.

Pricing will also be fixed for an initial 30-month period; and for the remaining 30-month period will be adjusted by the Producer Price Index (PPI) with a maximum increase or decrease price adjustment of 5%. MTA Agencies will realize a cost savings and efficiencies estimated at \$3.6 M per year under the new contract when compared to prices under the last contract.

III. M/WBE INFORMATION: MTA Department of Diversity and Civil Rights (DDCR) established a 10% MBE and a 5% WBE goal for this contract.

IV. IMPACT ON FUNDING: The five-year combined agency estimated total cost is \$40,258,495 and the breakdown by agency is as follows: New York City Transit Buses \$13,586,164, Long Island Rail Road \$9,448,246, New York City Transit Subways \$7,655,149, MTA Bus \$4,703,434, Metro-North Railroad \$4,241,366, Long Island Bus \$589,653 and Staten Island Rapid Transit \$34,483. Funding for hardware material is included in each Agency's respective Operating Budgets.

V. ALTERNATIVES: None at this time. The MTA Agencies do not have additional in-house staff that would be needed to stock, order and replenish the volume and range of hardware material needed to support all MTA Agency maintenance operations.

Staff Summary

Item Number C					
Dept & Dept Head Name: Procurement & Material Management, Anthony J. Boniface, Jr.					
Division & Division Head Name: Sen. VP – Administration, Raymond Burney					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR-LIRR Comm.Mtg.	4-21-11	X		
2	MTA Board Mtg.	4-27-11	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	Sr. V.P. Operations		
X	Sr. V.P. Admin.	X	V.P. Planning		
X	V.P. Finance & IT	X	General Counsel		
X	Capital				

SUMMARY INFORMATION	
Vendor Name American Pipe & Tank Lining Co. Inc.	Contract Number RFP-69079
Description Installation of Protective Coatings for Domestic Water Tank and Heating Hot Water Expansion Tank, GCT Hall "A" Building	
Total Amount \$446,000	
Contract Term (including Options, if any) 6 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

I. PURPOSE/RECOMMENDATION:

To obtain MTA Board approval to award a design/build contract to the firm, American Pipe & Tank Lining Co. Inc., for repairs and installation of protective coatings for the domestic/potable water and heating hot water expansion tanks on the 7th floor of the Grand Central Terminal Hall "A" Building.

II. DISCUSSION:

The domestic/potable water system consists of one 20,000 gallon water tank on the 7th floor of Grand Central Terminal's Hall "A" Building. This water tank supplies potable water to Grand Central Terminal and its restaurants and office spaces. It presently has a pin-hole leak, and has been kept in service and operable through temporary repairs. Permanent repairs, consisting of re-lining of the tank and repair of the leak, is necessary at this time to prevent potential structural damage and loss of potable water. In order to continue to furnish potable water during the repairs and re-lining of the water tank, Metro-North will utilize the 10,000 gallon heating hot water expansion tank located in the same area, as a temporary source for potable water. This heating hot water tank will also be re-lined prior to its utilization to meet safe potable water standards. These repairs must be made during the non-heating season between April 15 and October 15.

The MTA Board previously approved the use of the RFP process to solicit and evaluate proposals from contractors/vendors. On January 27, 2011, RFP No. 69079 was advertised in the New York State Contract Reporter, the New York Post, El Diario and The Daily Challenge. On February 25, 2011, three technical and cost proposals were received from the following firms: 1) Masterpiece US Inc. & H2M, 2) A& W Maintenance Inc., and 3) American Pipe & Tank Lining Company Inc.

The Selection Committee, comprised of five members from MNR's Capital Engineering, GCT Building OPS, and P&MM Departments, evaluated the proposals. The criteria for selection established in the RFP were as follows:

- A. Demonstrated understanding of the Work scope requirements.
- B. Quality and Innovativeness of design, product, process, reliability and past experience on similar projects.
- C. Project plan (detailed description of how the Services will be performed).
- D. Confidence level, commitment of relevant resources to the project including the qualifications of key personnel.
- E. Cost Effectiveness of the Proposed Price
- F. Coating Warrantees.

Staff Summary

After technical and cost evaluation of the three proposals, the Selection Committee selected all three firms with different products and processes to provide oral presentations. The Committee's review of the technical and cost proposals and subsequent discussion about surface preparations and tank hole repair, led to the selection of American Pipe & Tank Lining Co., Inc. as the best firm to perform the work.

The Selection Committee unanimously agreed that American Pipe and Tank's proposed coating with 10-year warranty and a projected completion schedule of 10 weeks as the best proposal that will meet all of MNR's needs. Further, American Pipe and Tank demonstrated their product safe for potable water and well suited for MNR requirements. American Pipe and Tank's proposal was the lowest of the three proposals and was substantially below the engineer's estimate for the work.

It is recommended that the MTA Board approve the selection of the firm, American Pipe and Tank Company, Inc. for the repairs and installation of protective coatings for the domestic water and heating hot water expansion tanks, above GCT Hall 7A, for a total lump sum amount of \$446,000.

III. D/M/WBE INFORMATION:

The MTA Department of Diversity and Civil Rights did not establish minority participation goals for this contract.

IV. IMPACT ON FUNDING:

The total cost for this contract is \$446,000. The period of performance is six months. This procurement is to be funded by MNR's Capital Budget.

V. ALTERNATIVES:

None. MNR does not have the in-house capability for design, construction repairs and protective coating for water conveyance utilities.

Schedule G: Miscellaneous Service Contracts



Item Number G					
Dept & Dept Head Name: Procurement & Material Management, Anthony J. Boniface, Jr.					
Division & Division Head Name: Sen. VP -- Administration, Raymond Burney					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	4-21-11	X		
2	MTA Board Mtg.	4-27-11	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	Sr. V.P. Operations		
X	Sr. V.P. Admin.	X	V.P. Planning		
X	V.P. Finance & IT	X	General Counsel		
	Capital Programs				

SUMMARY INFORMATION	
Vendor Name Frontier Industrial Corp. & Sims Metal Mgmt.	Contract Number 2010-001-C
Description Removal and disposal of (i) obsolete electric propelled passenger coaches for MTA Metro-North Railroad (MNR) used on the New Haven Line, and (ii) selected obsolete subway cars for MTA New York City Transit (NYCT)	
Total Amount \$5.6M (MNR) not-to-exceed \$3.7M (NYCT) est.	
Contract Term (including Options, if any) Five 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 checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

I. PURPOSE/RECOMMENDATION:

Recommendation to award a five-year, competitively solicited and negotiated miscellaneous service contract to the firms, Frontier Industrial Corp. (Frontier) and Sims Metal Management (Sims) for the removal and disposal of (i) obsolete electric propelled passenger coaches used on Metro-North Railroad's (MNR) New Haven Line, and (ii) selected obsolete subway cars for New York City Transit (NYCT). The contract includes removal of the equipment from MNR property by Frontier and from NYCT property by Sims and disposal/recycling of all equipment and materials, including disposal of all hazardous materials within the equipment in accordance with all applicable regulatory requirements. In conjunction with MTA's Joint Procurement Initiatives (JPI), MNR and NYCT continued to review possible opportunities to leverage contracting requirements by combining service needs. In this instance the agencies combined the railcar/subway car disposal work scopes to achieve increased economies of scale and improved pricing.

II. DISCUSSION & BACKGROUND:

MNR is currently under contract with Kawasaki Rail Car Inc. for the production and delivery of the new M-8 electric railcar for use on the New Haven Line. The delivery and introduction into service of the new M-8 fleet will allow for the removal and disposal of current New Haven Line railcars that are past their useful life and are deemed obsolete. As a result, MNR requires the services of a qualified contractor to remove and dispose of the obsolete equipment including the proper handling of all hazardous materials. MNR was granted approval at the February 2009 MTA Board meeting to use the Request for Proposal Process to retain a qualified contractor to provide this service.

Procurement Discussion

The original scope of work in the RFP included the removal and disposal of a minimum of 232 M-2 New Haven Line railcars, which represent the oldest portion of the New Haven Line fleet. In addition, the RFP contained an option provision for removal of an additional 105 railcars, MNR's M-4 and M-6 railcars also used on the New Haven Line, for a maximum of 337 railcars. There is also a provision for the removal and disposal of miscellaneous rolling stock, including but not limited to, locomotives, flatcars, boxcars and gondola cars.

The decision for the removal of the optional railcars will be based upon MNR's ultimate operational requirements for its New Haven Line service. The RFP provided for the removal of the obsolete railcars in anticipated monthly stages, as the new M-8 equipment is accepted into revenue service. It is noted that the railcars contain a number of environmentally regulated substances including asbestos (except for the M-6s), lead paint, and petroleum, among others.

In June 2010, RFP No. 2010-001-C was advertised in the New York State Contract Reporter, the New York Post, the Daily Challenge, and several Connecticut newspapers including, the Stamford Advocate, New Haven Register, and the Hartford Courant, as well as MNR's Procurement Department's website. The RFP was advertised in a higher number of sources in an attempt to generate maximum competition for this procurement. The RFP was also issued to a total of 30 firms. A site tour was held on July 27, 2010 at MNR's New Haven facility to allow prospective vendors to view the affected MNR railcars. A second site visit was held on August 16, 2010. A total of four proposals were received on August 27, 2010. Bidders were as follows: Gershow Recycling Corp., Frontier Industrial Corp. (Frontier), Sims Metal Management (Sims), and Halsey Development Corp (Halsey). Shortly after the initial submission of proposals, Gershow was allowed to withdraw its proposal. During the initial stages of the RFP, NYCT expressed interest in participating in the solicitation as they presently have a considerable number of obsolete subway cars to be disposed. In order to include NYCT as part of the solicitation, MNR issued an addendum on October 21, 2010 including NYCT's requirements for the disposal of 254 subway cars. In addition to the inclusion of NYCT's requirements, the addendum advised proposers that MNR and NYCT would seek to leverage the combined

Schedule G: Miscellaneous Service Contracts



Page 2 of 3

requirements of both agencies in a single award, but would also reserve the right to make awards for each portion of the work to separate vendors if deemed in the best interest of the agencies to do so. A site tour at NYCT's 207th Street Overhaul Shop was held on October 25, 2010. On November 3, 2010, MNR received updated proposals from three firms: Frontier Industrial Corp. (Frontier), Sims Metal Management (Sims), and Halsey Development Corp (Halsey) incorporating the revised requirements.

Evaluation of Proposals

The three proposals received were evaluated based on the selection criteria within the RFP which included the following:

- Demonstrated understanding of the work scope including but not limited to the quality and completeness of any required submissions;
- Project plan (detailed description of how the services will be performed);
- Cost;
- Past Experience on Similar projects, including the proper handling and disposal of hazardous substances;
- Confidence level, commitment of relevant resources to the project including the qualifications of key personnel and reliability to perform the Services including subconsultant/subcontractor services.

As a result of the initial Selection Committee review of the revised proposals, the three respondents were invited for oral presentations. Detailed questions were provided to each proposer in advance of the orals. Proposers were instructed to provide answers to the submitted questions as part of their presentation as well their approach to the disposal process. After conclusion of the oral presentations, the Selection Committee chose to undertake negotiations with two proposers, Sims and Frontier, based upon the Committee's determination that each understood the work scope and met all selection criteria. The Committee judged Halsey's proposal to be technically insufficient in terms of its approach to the work requirements.

Additional questions were posed to Sims and Frontier to continue the evaluation process and a Best and Final Offer (BAFO) was requested. Both responded to the questions and revised their pricing. Frontier took no exceptions to the RFP terms and conditions while Sims took a number of exceptions which were addressed and resolved by NYCT during negotiations. Neither proposer offered any additional discount in consideration for receiving both the MNR and NYCT awards.

III. PRICING and ANALYSIS :

Frontier Pricing for MNR

The pricing submitted by Frontier in their BAFO for the MNR portion of the work, inclusive of a scrap credit, totaled \$5,064,800 and was \$202,900 or 4% less than the pricing submitted by Sims. Further, Frontier took no exceptions to the RFP.

Frontier is a full service, nationwide company specializing in removal/salvage operations. They have successfully worked with MNR over the last six years removing MNR's fleet of M-1 equipment and various locomotive and miscellaneous rail cars. The railcars are only removable via rail and will be shipped from New Haven, CT to Frontier's decommissioning facility in Ashtabula, OH for final dismantling and disposal. The MNR cars, due to their size and weight, are too large to be moved by truck to Sims' Newark, NJ facility as the NYCT cars will be. Frontier is well suited to perform the final disposal of all scrap and hazardous material at the Ashtabula, OH location. Further, Sims could not match Frontier's price.

Sims Pricing for NYCT

The pricing submitted by Sims in their BAFO for the NYCT portion of the work, inclusive of a scrap credit, totaled \$3,704,232 and was \$1.8M or 33% less than the pricing submitted by Frontier.

For NYCT, Sims proposed its facility in Newark, NJ for dismantling and disposal of the subway cars. NYCT's subway cars cannot be shipped via rail because the gauge of subway tracks and the width of the wheels/trucks is not compatible (too narrow) with shipment on freight railroads; and must be shipped via truck. Sims would remove the subway cars from NYCT's 207th Street Overhaul Shop for transport to the Newark site, again saving considerable effort and expense as compared to the locations of other vendors. Sims is the largest scrap metal company in North America, has successfully worked with NYCT on a previous pilot program for the disposal of subway cars and currently has a contract with NYCT for their bus disposal that includes handling hazardous material disposal. Sims has been dismantling and recycling transit buses for the past 40 years. Sims processes ferrous metal for resale through a variety of methods, including sorting, shredding, cutting, torching, baling or breaking.

Cost Analysis

MNR -After the original proposal was received, discussions and negotiations with Frontier resulted in a BAFO that was \$4.8M less than the original proposal; and was \$203K or 4% less than Sims' BAFO. The BAFO proposal represents a fixed cost on a per car basis for the duration of the contract period.

The previous contract to remove and dispose of MNR M-1 railcars (2004-2010) with Frontier, did not include PCB transformers, was \$17,900/car. The current proposed cost for M-2 railcars, that do not include PCB transformers, is \$15,200/car. This is essentially similar to the M-1 Car disposal, and represents a savings of \$2,700/car or 15% less than the previous contract cost.

NYCT- After the original proposal was received, discussions and negotiations with Sims resulted in a BAFO that was \$936K less than the original proposal; and was \$1.8M less than Frontier's BAFO. The BAFO proposal represents a fixed cost on a per car basis for the duration of the contract period.

There is no cost discount afforded by either contractor for the aggregation of MNR's railcars with NYCT subway cars due to significant differences for disposal requirements.

Schedule G: Miscellaneous Service Contracts

Page 3 of 3

It is also noted that the disposal price portion for MNR's cars is higher for each vendor than the disposal price portion for NYCT. This is attributable to:

- Disposal of PCB transformers for the 224 M-2 cars (add'l \$3,000 per car)
- Greater concentration of ACM for MNR Cars v. subway cars
- Shipping costs associated with movement on own wheels to Ohio (Frontier)
- Costs associated with the start-up, on-going maintenance, and ultimate decommissioning of dedicated CT facility (Sims)

Frontier's Scrap value for the M-2/4/6 Cars is fixed for the contract duration and is based on the Ashtabula, OH processing site. The scrap value as applied by Sims is based on the dismantling facility located in Newark NJ with overseas shipping capabilities to other than domestic markets. However, as outlined above due to the inclusion of transformers (PCB), greater hazardous material (bigger heavier cars with more asbestos), and shipping requirements (truck to Newark vs. ship via rail to Ashtabula) and the schedule of availability (NYCT immediate and constant vs. MNR fluctuating and uncertain), MNR car disposal costs will be greater, regardless of the scrap value methodology used.

III. D/M/WBE INFORMATION:

The MTA Department of Diversity and Civil Rights did not assign M/WBE participation goals to this contract.

IV. IMPACT ON FUNDING:

This procurement is to be funded by each Agency's Operating Budget.

Metro-North Railroad	\$5,564,800 (Note: includes an additional amount of \$500,000 for disposal of additional miscellaneous rolling stock, which will be utilized on an as-needed basis.)
New York City Transit	\$3,704,232
Total	\$9,269,032

V. ALTERNATIVES:

All the rail and subway cars identified as a part of this project are now obsolete and must be removed and disposed of. Neither MNR nor NYCT has the capability or expertise to perform this work as proper disposal of the rail/subway cars, including the hazardous materials, requires the services of specialty/qualified contractors with the proper plant and equipment to provide all appropriate dismantling and disposal services in accordance with all regulatory requirements.

Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts



Item Number: **H**

Vendor Name (& Location) GE Capital Fleet Services	
Description Fleet Maintenance and Management Services	
Contract Term (include Options, if any) 6-month ext. + 6-month option	
Option(s) included in Total Amount? <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 checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Procurement & Material Management, Anthony J. Ambace, Jr.	

Contract Number	AWO/Modification #
	#3
Original Amount:	\$ 34,062,781
Prior Modifications:	\$ 15,231,327
Prior Budgetary Increases:	\$ 4,500,000
Current Amount:	\$ 53,794,108
This Request:	\$6,902,500 (not-to-exceed)
% of This Request to Current Amount:	12.83%
% of Modifications (including This Request) to Original Amount:	236.12%

Discussion:

GE Capital Fleet Services, under a competitively solicited, Board-approved contract, has provided multi-agency repair coordination services for both revenue and non-revenue MTA vehicles since 2003. In October 2010, service requirements were reviewed/updated and incorporated into a new RFP and issued by MNR on behalf of the participating Agencies (MNR, LIRR, LIB, & NYCT Paratransit). Subsequently, an MTA strategic sourcing initiative regarding vehicles was undertaken to consider the feasibility of standardizing vehicle specifications, forecasting fleet requirements, improving approach to market, and optimizing maintenance and repair practices. The overall MTA fleet maintenance strategy will be reviewed and assessed with the assistance of the MTA Agencies, MTA Audit and McKinsey and Company to identify cost saving opportunities and to implement best practices in how the MTA procures, manages and maintains its vehicle fleet.

For the extension period, MNR negotiated to utilize the various rates proposed by GE in their recent Oct. 2010 RFP submission. The monthly maintenance fee to be paid by type of vehicle during the extension period is substantially less (approx. 40%) than the fee presently being paid, and results in an estimated \$10K in savings per month.

At this time, MNR, on behalf of the participating agencies (MNR, LIRR, LIB and NYCT Paratransit) seeks approval of a six-month (May through October 2011) extension with GE Capital Fleet Services. During the extension period, GE has agreed to support the MTA agencies to improve current processes to gain best value for vehicle repairs and provide reports and data to assist in MTA's evaluation. The Agencies will retain a six-month extension option if additional time is needed to complete the evaluation. The total not-to-exceed cost is \$6,902,500. Funding is included in each Agency's Operating Budget.

Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts



Item Number: H

Vendor Name (& Location) AECOM Technical Services Northeast, Inc.
Description West of Hudson Regional Transit Access Study Alternatives Analysis
Contract Term (including Options, if any) 33 Months
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Procurement & Material Management, Anthony J. Bombace, Jr.

Contract Number 35097	AWO/Modification # 7
Original Amount:	\$4,677,468
Prior Modifications:	\$ 315,965
Prior Budgetary Increases:	\$ 0
Current Amount:	\$4,993,433
This Request:	not-to-exceed \$3,609,706
% of This Request to Current Amount:	72.3%
% of Modifications (including This Request) to Original Amount:	83.9%

I. Purpose/Recommendation:

Approval is requested to issue a supplemental agreement to the firm, AECOM Technical Services Northeast, Inc. (AECOM), to conduct the West of Hudson Regional Transit Access Study (WHRTAS) Alternatives Analysis Phase 2. As part of this effort, AECOM will provide a detailed evaluation of the short list of alternatives emanating from Phase 1, resulting in the identification of a Locally Preferred Alternative. The total not-to-exceed amount of this supplemental agreement is \$3,609,760 with a 20-month extension to the period of performance.

II. Background

Through use of the competitive RFP process, the MTA Board approved in February 2008 a personal service agreement to the firm, Earth Tech Northeast, Inc (d.b.a. AECOM Technical Services Northeast, Inc), to perform the WHRTAS Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS), in two phases. The contract to AECOM was awarded in May 2008 in the total not-to-exceed amount of \$4,677,468 for completion of Phase 1. The contract also included a Phase 2 planning effort, which would complete the Alternatives Analysis and produce a Draft Environmental Impact Statement. The scope, cost, and time required to complete Phase 2 were to be estimated upon the completion of Phase 1. Previous supplemental agreements provided time extensions that were required to address extensive outreach and coordination efforts with involved agencies, local governments and stakeholders, and issues that arose as part of this process for a total cost of \$315,965.

III. Completed Phase 1 Effort

WHRTAS is a multi-phase transit study with goals focused on improving transit travel to MNR's West of Hudson Region and to Stewart International Airport from the Hudson Valley and New York City. It is being performed in conformance with the Federal Transit Administration's Alternative Analysis requirements and FTA regulations implementing the National Environmental Policy Act. WHRTAS Phase 1 involved identifying and screening a long list of 106 transit alternatives for providing commuter and airport access in the West of Hudson area. It was performed in partnership with the Port Authority of New York and New Jersey and also involved coordination with a working group consisting of New York State Department of Transportation and New Jersey Transit along with owners and operators of transportation facilities in the corridor.

An Alternatives Analysis Phase 1 Report will be issued by late April 2011 that identifies a "short list" of alternatives for a more detailed analysis in Phase 2. Upon receipt of this report, Phase 1 will be completed. The alternatives include the following: 1) Direct Regional Bus from NYC and Northern New Jersey; 2) Commuter Rail Extension from Salisbury Mills; 3) Hybrid (Commuter Rail Transit & Bus/Bus Rapid Transit) via the Port Jervis Line Salisbury Mills Station; 4) Hybrid (CRT & Bus) via the Hudson Line Beacon Station; and 5) Low cost Transit Demand Management/Transit System Management Improvement Strategies.

Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts

IV. New Phase 2 Effort

Page 2 of 2

Presently, MNR is seeking Board approval to complete the WHRTAS Phase 2. The Phase 2 work is required to provide a detailed evaluation of the short list of alternatives resulting in the identification of a Locally Preferred Alternative. These will include refinements of alignments, services costs, project benefits, travel demand forecasts and potential impacts. The refinements will assume that the Access to the Region's Core will not be constructed. However, a sensitivity analysis will be performed to determine the influence that a reconstructed Tappan Zee Bridge/I-287 corridor with transit facilities on it will have on the alternatives. The public outreach and coordination efforts initiated in Phase 1 will be continued in Phase 2.

Although a Locally Preferred Alternative may not be built for many years, advancing the alternatives analysis and then the environmental process is necessary in order to preserve any right-of-way (ROW) for future transit use between the Salisbury Mills station and Stewart Airport as development is occurring in this area. In addition, as part of this effort Metro-North will also advance the study of West of Hudson Improvements to address the infrastructure needs of the Port Jervis Line. The work elements include capacity improvements on the Port Jervis Line, including a site for a new train yard mid-point along the line between Harriman and Campbell Hall and double-tracking segments of the line north of Slootsburg. The new Mid-Point Yard, double-tracking and other Port Jervis Line improvements are essential for MNR to operate similar services it currently operates in its East of Hudson service area (i.e. zonal express, reverse peak, and frequent mid-day) and reduce operational and maintenance costs. Reports will be issued as part of Phase 2 that will describe the alternatives analysis process, the determination of the Locally Preferred Alternative and proposed Port Jervis Line improvements.

V. Impact on Funding

A supplemental agreement for Phase 2 was negotiated with AECOM and agreed upon. The procurement process was based upon a scope of work developed by MNR staff, including an independent estimate, to which AECOM submitted a proposal in the amount of \$3,993,040. The scope of Phase 2 work and the proposed hours to complete the work were negotiated. Subsequent to discussion and negotiations, AECOM submitted a revised proposal in the amount of \$3,609,760. AECOM's hourly rates were submitted as currently approved for Phase 1 work. MNR determined the proposed amount to be fair and reasonable. The consultant cost for the WHRTAS Phase 2 Study is not-to-exceed \$3,609,760 for a 20-month period.

The total cost of the Phase 2 study is \$4,010,000: \$3,609,760 is required for consultant costs and \$400,240 for project contingency and MNR staff work. The sources of funding include: 1) \$516,000 from the original FTA grant (NY-39-0001) -- the balance of funds designated for travel demand forecasting remaining from Phase 1; 2) \$1,900,000 amendment to the FTA grant which was obtained through US State Senator Charles Schumer; and 3) \$1,594,000 from the MTA's 2005-2009 Capital Program.

VI. Recommendation

Board approval to award the Supplemental Agreement to AECOM and to fund Phase 2 of the West of Hudson Regional Transit Access Study in the total amount of \$3,609,760 is requested, along with a 20-month extension to the contract period. Funding will be provided from federal sources and the 2005-2009 Capital Program.



APRIL 2011

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

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

- 1. **Amity Vacuum, Inc.** **\$27,080**
Four-Year Contract **Not-To-Exceed**
Contract No. TBD

LIRR requests approval to award a competitively bid Miscellaneous Service contract to Amity Vacuum, Inc. ("Amity"), for maintenance and repair of various office cleaning and other small equipment for the LIRR Transportation Services Department. Under this four-year contract Amity will provide all required repair work for the equipment (i.e. power washers; floor polishers/scrubbers; vacuums/wet vacs and snow blowers/snow brooms) covered under this repair and return agreement. LIRR requires the services of a third-party vendor because it is not cost effective to utilize in-house resources to perform the work. NYCT and MNR have the capability to repair some of their own equipment; however, neither has the capacity or resources to cover LIRR's needs. This procurement was advertised in both the New York State Contract Reporter and the New York Post. Four bids were received, including one from Amity, the incumbent, who has been determined to be the lowest responsive and responsible bidder. Amity's bid of \$27,080 is 29% less than LIRR's estimated value of \$35,000, and 8% less than the next lowest bidder. Amity's fixed rates remain unchanged from their previous four-year contract and, are therefore, considered fair and reasonable. This contract will be funded by the LIRR's Operating Budget.

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)

- 2. **ARINC, Inc.** **\$1,329,000** Staff Summary Attached
Competitive RFP
Contract No. 6014

In December of 2008, the MTA Board approved the competitive award of Contract 6014 to ARINC, Inc., in the not-to-exceed amount of \$7,061,307 to design and furnish a new Supervisory Train Control System for Harold Interlocking in connection with the East Side Access Project ("ESA"). This amount included an allowance of \$600,000 for then unknown work that likely would be required to coordinate the efforts under the Contract with Amtrak activities and initiatives in the area. The scope of the coordination work has been identified, and MTACC and LIRR now request Board approval to increase funding to Contract 6014 in the amount of \$1,329,000 to support additional control system work, including design, material, manufacture, test, delivery and on-site training, installation and test support. The contract is an essential element to the Harold Signalization Project ("Project"), which is on the critical path to the ESA schedule.

Schedule I: Modifications to Purchase and Public Work Contracts

Staff Summary



Long Island Rail Road

Item Number: 2

Vendor Name (& Location) ARINC, Inc., Marina del Rey, California
Description F Harold Alternate Control System – Design modification
Contract Term (including Options, if any) April 2011 – December 2016
Option(s) included in Total Amount? <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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: LIRR/East Side Access

Contact Number 6014	AWO/Modification #
Original Amount:	\$7,061,307.00
Prior Modifications:	[\$196,858.89]
Prior Budgetary Increases:	\$0.00
Current Amount:	\$6,864,448.11
This Request:	\$1,329,000.00
% of This Request to Current Amount:	19.36%
% of Modifications (including This Request) to Original Amount:	16.03%

I. PURPOSE:

In December of 2008, the MTA Board approved the competitive award of Contract 6014 to ARINC, Inc. (“ARINC”), in the not-to-exceed amount of \$7,061,307 to design and furnish a new Supervisory Train Control System for Harold Interlocking in connection with the East Side Access Project (“ESA”). This amount included an allowance of \$600,000 for work to be defined after construction phases were developed and coordinated with Amtrak. MTACC and LIRR now request Board approval for a contract modification to increase funding to Contract 6014 in the amount of \$1,329,000 to support additional control system work, including design, material, manufacture, test, delivery and on-site training, installation and test support. The contract is an essential element to the Harold Signalization Project, which is on the critical path to the ESA schedule.

II. DISCUSSION:

ESA requires modernization of the existing signal system at Harold Interlocking and integration of the new Supervisory Control System with different railroad control systems. The additional control system work that is the subject of this Staff Summary includes software design and acceptance testing, including the integration and testing of the ARINC-designed software with the Central Instrument Locations that are being designed and furnished by Ansaldo as part of Contract 6013 for a new vital micro-processor-based interlocking control system in Harold Interlocking.

The modernization of Harold Interlocking is occurring in four construction stages that will allow LIRR, Amtrak and NJ Transit to maintain their 24/7 train operations throughout the construction period with minimal impact. The software releases to be designed by ARINC will be installed sequentially as the four stages of construction progress. The purpose of the ARINC-designed software is to ensure that the Human Machine Interface (“HMI”) used at PSCC and Harold Tower for LIRR, Amtrak and New Jersey Transit train dispatch and supervisory control incorporates and reflects the completion of each stage of construction. ARINC will remain available on an as needed basis to support software installation as construction progresses, but the software design and acceptance testing that is included in the base contract and change order are expected to be complete by the end of 2012.

The proposed change order also includes costs related to the installation of additional servers. The original scope of work assumed that a server and a backup server would be installed at Harold Interlocking only and that the servers would be operated from Harold Tower and from Penn Station Central Control (“PSCC”). After the contract was awarded, Amtrak raised a concern that the new servers were not located at PSCC, contending that its system would be at risk if communication to the servers at Harold Tower were lost. The agreed-upon technical solution was the addition of a pair of redundant servers at PSCC in addition to those at Harold Tower.



Staff Summary

Upon a review of ARINC's change order proposal and scope of work, ESA and LIRR technical staff, including representatives from LIRR's Engineering, Transportation, and Procurement & Logistics Departments, met with ARINC to review the hours and level of effort that ARINC maintained was necessary to perform the change order work. An analysis of ARINC's cost breakdown by LIRR, in light of the vendor's required level of effort demonstrated that the price for the work is fair and reasonable. The total negotiated price of the change order, inclusive of the \$600,000 allowance, is \$1,929,000. ARINC's pricing includes all design, equipment and technical assistance necessary to complete this project. The material portion consists of control system hardware and console equipment to be installed in PSCC. The labor portion includes design, documentation, test, delivery, on-site installation and test support. Finally, the pricing includes approximately \$60,000 for bonding costs related to the additional work and the extension of the current performance bond until the end of 2012, when design and testing is expected to be completed. This sum, which represents a little more than three percent of the value of the change order, is considered fair and reasonable.

The original RFP required ARINC to provide LIRR with the source code for all software installed pursuant to the contract. Accordingly, LIRR will own the software updates and would not be precluded from making modifications.

LIRR has determined that a second competitive procurement is not feasible because the additional control system work to be performed pursuant to this change is integral to the base contract work and must necessarily rely upon the same technology; accordingly, ARINC is the sole responsible source capable of performing this work.

ARINC has the requisite experience for this work and is a responsible vendor.

III. D/M/WBE INFORMATION:

There are 0% DBE goals for this contract.

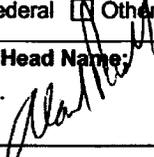
IV. IMPACT ON FUNDING:

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

MTA CAPITAL CONSTRUCTION**APRIL 2011****LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL****Procurements Requiring Majority Vote**

1. **Perini Corporation** **\$3,057,592** **Staff Summary Attached**
Contract No. CH053
Modifications Nos. 50, 51 & 52
This request is for the approval of modifications for revisions to catenary poles in areas B & G, the installation of two new fiber optic cables and the addition of an Aerial Utility Structure across the Harold Interlocking. The budget for these modifications will come from the ESA Project's contingency and there will be no additional cost to the overall Project's budget.
2. **Perini Corporation** **\$391,070** **Staff Summary Attached**
Contract No. CH054A
Modification No. 11
This modification is for revisions to storm sewer manholes, the location of associated piping and, the demolition and removal of an abandoned duct bank. The budget for this modification will come from the ESA Project's contingency and there will be no additional cost to the overall Project's budget.
3. **Granite-Traylor-Frontier Joint Venture** **\$1,474,000** **Staff Summary Attached**
Contract No. CQ031
Modification Nos. 42 & 46
This request is for the approval of modifications for construction of a reinforced concrete structure around the south pier of the Amtrak North Runner Bridge and for an increase to an existing allowance item for asbestos containing material ("ACM") removal and disposal. The budget for these modifications will come from the Contract's contingency and there will be no additional cost to the overall Project's budget.

Schedule I: Modifications To Purchase & Public Work Contracts

Item 1
Vendor Name (& Location) Perini Corporation, Civil Construction (Peekskill, NY)
Description Harold Structures Part 1
Contract Term (including Options, if any) 1/2/08 – 9/3/10
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: East Side Access, A. Paskoff, P.E. 

Contract Number CH053	AWO/Modification # 50, 51 and 52
Original Amount:	\$ 137,280,000.00
Prior Modifications:	\$ 26,853,840.01
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 164,133,840.01
This Request	\$ 3,057,592.00
% of This Request to Current Amount:	2.3%
% of Modifications (including This Request) to Original Amount:	21.8%

Discussion:

The work of this contract generally involves civil construction work consisting of demolition, clearing and grubbing, retaining walls, catenary poles and signal towers, 12 KV duct-banks, substation, and an access bridge in the area of the Harold Interlocking. MTACC requests that the Board approve the following modifications:

Modification # 50

This modification is for revisions to catenary poles in areas B & G.

Amtrak required revisions to catenary poles in Subsets B & G (total of 14 poles) during the design and the staging drawing approval process (Amtrak did not approve the original designs). The revisions included the lengths of the vertical pole structures, truss members, cross arms, cantilever brackets, guy anchors and miscellaneous plates. In addition, Amtrak requested that wind load requirements be in accordance with revised Amtrak standards and added power sectionalizing switches to reduce power interruptions and track outages in Sunnyside yard which will have some benefit to future ESA work.

Perini submitted a cost proposal in the amount of \$421,071 and the MTACC estimate was \$459,746. Negotiations were held and the parties agreed to a cost of \$414,039 for the work which is considered fair and reasonable as it compares favorably to the estimate. Time impact and any related costs for this modification is still under review and if there is any, will be addressed in a Part II of this modification. The budget for this modification will come from the ESA Project's contingency and there will be no additional cost to the overall Project's budget. An errors and omissions analysis will be conducted to determine if the cost for this modification is recoverable from the designer.

Modification #51

This modification is for the installation of two new fiber optic cables.

In order for the contractor to install the contract-specified 43rd street bridge piers on the west side of the Amtrak loop tracks, the existing fiber optic cable needs to be re-routed. This work was to be done by Amtrak forces and requires numerous outages and splicing of the existing 20 strand fiber cable. Amtrak currently cannot provide the necessary forces to support this relocation. ESA Project Management determined that in lieu of Amtrak relocating the existing cable, a new fiber optic cable should be installed by the Contractor at the contract specified new location. This solution would be more advantageous overall since the existing fiber optic cable is at or near capacity. In addition, it will significantly reduce the need for outages while allowing the contractor to commence the work on the westbound bypass west bridge pier.

In addition, Amtrak's 20/24 strand optic cable, which is currently located where the new westbound bypass pier is to be constructed, needs to be relocated. This relocation is not in the contract. ESA Project Management also determined it would be in the Project's best interest to have the contractor install a new optic cable instead of relocating the existing cable for the same reasons mentioned in the previous paragraph. It is noted that Amtrak forces have the resources and will perform the splicing of the new cables at the end of each cable run.

The scope of work for this modification includes the installation of 4,500 feet of fiber optic cable from to facilitate and expedite (reducing and eliminating outages) the cutover of the temporary and permanent communications cables. The contractor will install the cable along the existing catenary poles, install a splice box and loop the wire in order for Amtrak to perform the final splicing.

Perini submitted a cost proposal in the amount of \$583,428. MTACC's estimate for the work was \$534,305. Negotiations were held and the parties agreed to a cost of \$515,553. The negotiated amount includes an allowance of \$100,000. This allowance is to address loss of track outages and planned work due to operating problems and emergencies affecting Amtrak operation and which would require Amtrak to take one or both tracks back on short notice. The allowance of \$100,000 will only be used if Amtrak or LIRR cancel track outages. The negotiated amount is considered fair and reasonable as it compares favorably to the estimate. There is no time impact associated with this modification. As this work was to have been previously done by AMTRAK, the budget for this modification will be transferred from the appropriate AMTRAK Force Account contract. As such, there will be no additional cost to the overall Project's budget.

Modification #52

This modification is for the addition of an aerial utility structure across the Harold Interlocking.

The CH053 original design provided for a temporary route for relocation of the negative returns and feeders. In addition a route was required for Communications fiber and cables from the northern part to the southern part of Harold Interlocking. This wasn't included in the design. ESA Project Management determined that an aerial utility crossing structure would remove all the temporary power, communications and negative return cables and communications fiber from the Westbound By Pass (Northern Harold) and Eastbound Reroute (Southern Harold) Structures. It would also provide a permanent solution to the relocation and routing of these cables. This work needs to be performed now in order to prevent interference with another ESA contract, CQ031 (Queens Bored Tunnels), which has two items of work items which is scheduled to begin this summer and requires these relocations to be completed.

Perini submitted a cost proposal in the amount of \$2,225,538 and the MTACC estimate was \$2,004,855. Negotiations were held and the parties agreed to a cost of \$2,128,000 for the work which is considered fair and reasonable as it comes within an acceptable parameter (6.1%) of the estimate. Time impact and any related costs for this modification is still under review and if there is any, will be addressed in a Part II of this modification. The budget for this modification will come from the ESA Project's contingency and there will be no additional cost to the overall Project's budget. An errors and omissions analysis will be conducted to determine if the cost for this modification is recoverable from the designer.

Schedule I: Modifications To Purchase & Public Work Contracts



Item **2**

Vendor Name (& Location) Perini Corporation, Civil Construction (Peekskill, NY)
Description Harold Structures Part 2A
Contract Term (including Options, if any) August – 2009 thru December 2011
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: East Side Access, A. Paskoff, P.E. <i>[Signature]</i>

Contract Number	AWO/Modification #
CH054A	11
Original Amount:	\$ 21,777,777
Prior Modifications:	\$ 554,197
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 22,331,974
This Request	\$ 391,070
% of This Request to Current Amount:	2.0%
% of Modifications (including This Request) to Original Amount:	5.0%

Discussion:

MTACC requests that the Board approve a modification for revisions to storm sewer manholes, the location of associated piping and, the demolition and removal of an abandoned duct bank.

The work under this contract involves civil construction work consisting of demolition, clearing, grubbing and grading, construction of retaining walls, storm sewers and utility relocation in the Harold Interlocking area for the East Side Access Project.

Due to a conflict with the foundation of an existing billboard, storm sewer manhole #11 needs to be relocated north of its current location. This will require realignment of the sewer pipe, which in turn requires two additional storm sewer manholes to be repositioned. The sewer pipe also conflicts with Pier No. 13 of the Thompson Ave. Bridge and a new retaining wall constructed under this Contract. To overcome these conflicts, the sewer pipe needs to be repositioned at Pier No.13 and a manhole needs to be added to the sewer run. The contractor will have to demolish and remove an abandoned duct bank before the additional manhole can be installed.

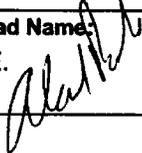
Finally, during the course of the work, while performing a survey for another sewer manhole, the rim elevations of several manholes were set to the existing grade (as specified in the contract) rather than to the final grade. As a result, the rim elevations for these manholes have to be revised.

Perini submitted a cost proposal in the amount of \$447,365.83. MTACC's estimate for the work was \$356,630. Negotiations were held and the parties agreed to a cost of \$391,070 for the work. The negotiated cost is considered fair and reasonable as it falls within an acceptable parameter (9.7%) of the estimate. There is no time impact associated with this modification. The budget for this modification will come from the ESA Project's contingency and there will be no additional cost to the overall Project's budget. An errors and omissions analysis will be conducted to determine if the cost for this modification is recoverable from the designer.

Schedule I: Modifications to Purchase or Public Work Contracts

Item 3

Page 1 of 2

Vendor Name (& Location) Granite-Traylor-Frontier ("GTF"), Joint Venture	
Description Queens Bored Tunnels and Structures	
Contract Term (Including Options, if any) 9/28/09 – 4/30/12	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: East Side Access, A. Paskoff, P.E. 	

Contract Number CQ031	AWO/Modification # 42 & 46
Original Amount:	\$ 659,200,700.00
Prior Modifications:	\$ 96,802,489.20
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 756,003,189.20
This Request	\$ 1,474,000
% of This Request to Current Amount:	.2%
% of Modifications (including This Request) to Original Amount:	14.9%

Discussion:

The work under the subject contract generally consists of construction of four soft-ground bored tunnels and miscellaneous demolition of surface structures for the East Side Access project. MTACC requests that the Board approve the following Modifications:

Modification No. 42

This modification is for the construction of a reinforced concrete structure around the south pier of the Amtrak North Runner Bridge.

During the course of the work while excavating rock around the bridge piers it was discovered that the casing for the bridge piers were not properly installed into rock. The bridge was constructed under Contract CQ028, Queens Open-Cut Excavation (the contractor, Pile Foundation was found to be in default, the contract was terminated and the MTA received the full value of an \$83.7M bond as a settlement from the surety and as such there is no further monetary claims that can be made against the surety or the contractor). It will therefore be necessary to stabilize the bridge piers by constructing a reinforced concrete structure and incorporating rock bolts to further secure the structure to the underlying rock mass. It will also require the removal of surrounding rock in order to maintain a sound rock mass.

GTF submitted a cost proposal for \$282,000 and the estimate was \$249,464. Negotiations were held and both parties agreed to a cost of \$274,000, which is considered fair and reasonable as it falls within an acceptable parameter (9.8%) of the estimate. The budget for this modification will come from the Contract's contingency and there will be no additional cost to the overall Project's budget. Time impact and any related costs for this modification is still under review and if there is any, will be addressed in a Part II of this modification.

Modification No. 46

This modification is for an increase of \$1,200,000 to an existing allowance item for asbestos containing material ("ACM") removal and disposal.

At the time of CQ031 design, access to the Sunnyside Yard, including the Three Tunnel Emergency Exit, was very limited. Much of the knowledge of the site was gained through review of historic documents. Based on the information available at that time, the design for the contract called for the removal and disposal of ACM in accordance with New York City and NYS Department of Labor regulations at the Mechanical Control Center (MCC) Building near the planned Three Tunnel Emergency Exit. An estimated quantity of ACM was provided in the Contract Documents and was included as part of the base scope in Bid Item 1. However during the course of the work, the quantity of ACM at this location was found to be significantly higher (>50% higher) than anticipated. Furthermore, additional (and unanticipated) ACM has been encountered in utility trenches. This area requires abatement work to allow the development of shaft sites and/or tunnel safe havens. Given the 110-year history of the Sunnyside Yard site and the near-daily encountering of asbestos in utility trenches and ductbanks, it is anticipated that additional ACM will be encountered at other locations within the CQ031 work area. A \$200,000 allowance for asbestos abatement was established as part of Modification No. 29. This allowance has since been depleted. Project Management has determined that a replenishment of this allowance item in the amount of \$1,200,000 for ACM abatement and removal will be required to cover the known additional ACM removal and abatement work. The Contractor will be paid at the pre-negotiated unit prices where applicable. The budget for this modification will come from the Contract's contingency and there will be no additional cost to the overall Project's budget. There is no time impact associated with this change.

APRIL 2011

METRO-NORTH RAILROAD

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

K. Ratification of Completed Procurement Actions

(Staff Summaries required for unusually large or complex items which otherwise would require Board approval)

**1. Tilcon Connecticut, Inc. \$162,977
Emergency Procurement of Ballast for the Danbury Line**

An emergency miscellaneous procurement was awarded for the purchase of 5,371 tons of ballast in March 2011

During the weekend of March 5-6, 2011, the New York Metropolitan area received significant rainfall which resulted in the complete wash out of the underpinning material along a 200 ft. section of track on the Danbury Line in Bethel, Ct. In order to restore train service to that section of track, 5,371 tons of ballast stone was required and ordered immediately from MNR's current vendor, Tilcon Connecticut, Inc. Tilcon provided the material at the established contract rate which was competitively awarded in May 2009. The total cost for ballast and delivery totaled \$162,977. This procurement is to be funded 100% by CDOT.

APRIL 2011

MTA LONG ISLAND RAIL ROAD

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

Schedule D: Ratification of Completed Procurement Actions

(Ratifications are to be briefly summarized with staff summaries attached only for unusually large or especially significant items)

- | | | | |
|-----------|--------------------------|----------------------|--------------------------------------|
| 3. | DeFoe Corp. | \$9,540,000 | <u>Staff Summary Attached</u> |
| | Change Order | Not-to-Exceed | |
| | Contract No. 6026 | | |

LIRR requests MTA Board approval to award an emergency-related Change Order to DeFoe Corp. ("DeFoe"), in the not-to-exceed amount of \$9,540,000 to rehabilitate a 3,600 feet portion of the existing 80-year-old retaining wall ("Retaining Wall") along the Port Washington ("PW") branch in the Corona section of Queens.

Schedule D: Ratification of Completed Procurement Actions

Staff Summary



Long Island Rail Road

Item Number:

Vendor Name (& Location) DeFoe Corp.
Description Port Washington Branch Retaining Wall Rehabilitation
Contract Term (including Options, if any) 37 weeks
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:

Contact Number 6026	Renewal? <input type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$9,540,000 Not-to-Exceed	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Department Program Management, Kevin Tomlinson	
Contract Manager : Richard Mack, Director, Capital & Operating Projects	

I. PURPOSE

Pursuant to its emergency procurement procedure, the LIRR awarded a contract modification in the amount of \$8.7M for rehabilitation of 3,600 feet of the retaining wall on the Port Washington (PW) Branch. The retaining wall supports an earthen embankment that in turn supports two elevated main line tracks servicing the PW branch. The LIRR requests ratification of this action.

II. DISCUSSION

During the recent severe winter weather, the LIRR operated diesel equipment and snow removal equipment on the PW branch. This equipment is heavier than the electric equipment that regularly operates on the PW branch. The heavier loads combined with greater freezing and thawing throughout the winter resulted in greater deterioration of this portion of the 80-year old retaining wall than had been anticipated.

The 3,600 foot stretch of retaining wall is regularly inspected and repaired if necessary to confirm continued safe operating conditions. However, it is imperative that the wall be rehabilitated before next winter, both to protect the wall from further deterioration during repeated freeze/thaw cycles and to allow the operation of diesel and snow removal equipment on the PW branch as needed. The emergency rehabilitation will include repair of cracking concrete and installation of soil anchors.

In order to ensure that the work begin immediately and be completed before the next winter season, LIRR undertook an informal bidding process in accordance with its emergency procedure. The scope of work detailing the current condition of the retaining wall was provided to five contractors who could perform the work. Only two firms responded to the solicitation with DeFoe having the lowest price as well as the ability to meet the aggressive schedule. The other bid proposed a price of \$13.5M.

LIRR previously issued a contract in the amount of \$14.2M to DeFoe for rehabilitation of six bridge abutments, a pedestrian underpass and 5000 feet of the retaining wall on the PW branch. (At that time, LIRR anticipated that the remaining portion of the retaining wall, the 3,600 feet addressed in this staff summary, was structurally durable and could be rehabilitated at a later date.) As a result, the LIRR is familiar with the contractor's methods, means and pricing for retaining wall work, and believes it can meet the aggressive schedule for completion of the work before next winter. The existing contract will be modified to include the new scope of work under this emergency.

LIRR has awarded a contract modification and issued a Notice to Proceed to DeFoe on April 8, 2011, in the amount of \$8,671,450.20 for rehabilitation of 3,600 feet of retaining wall. The LIRR requests ratification of \$9,540,000 which includes a 10% contingency to cover the cost of any unknown site conditions that may occur during the execution of this work.

Schedule D: Ratification of Completed Procurement Actions

Staff Summary



Long Island Rail Road

Page 2 of 2

II. IMPACT ON FUNDING

Funding for this emergency project will be redirected from other Line Structures projects in the LIRR's approved Capital Program.

III. D/M/WBE INFORMATION

The Contractor has met the existing DBE goal of 8.8% and the additional work will continue to meet this goal.

IV. ALTERNATIVES

None - there is no viable alternative because of the service and safety impacts outlined above.



Bridges and Tunnels

Procurements April 2011

Staff Summary



Subject: Request for Authorization to Award Various Procurements
Department: Procurement
Department Head Name Anthony W. Koestler
Department Head Signature
Project Manager Name Various

Date April 1, 2011
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	President	4/1/11			
2	MTA B&T Committee	4/21/11			
3	MTA Board	4/27/11			

Internal Approvals			
Order	Approval	Order	Approval
	President		VP Operations
	Executive Vice President 		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 EEO 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:

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule J Modifications to Miscellaneous Procurement Contracts	1	\$1.537M
SUBTOTAL	1	\$1.537M

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

<u>Schedules Requiring Two-Thirds Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$126.000M
<u>Schedules Requiring Majority Vote</u>		
Schedule F Personal Service Contracts	2	\$7.329M
Schedule H Modifications to Personal/Miscellaneous Service Contracts	1	\$2.695M
Schedule I Modifications to Purchase & Public Works Contracts	1	\$1.147M
SUBTOTAL	5	\$137.171M

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

TOTAL	6	\$138.708M
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BUDGET IMPACT:

The purchases/contracts will result in obligating MTA B&T and capital construction funds, and NYC Transit, Long Island Railroad and MTA Capital Construction Co. funds in the amounts listed. Funds are available in each agencies 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.)

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 NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
APRIL 2011

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

J: Modifications to Miscellaneous Procurement Contracts

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

- | | | | |
|----|--------------------------------|----------------------------------|--------------------------------------|
| 1. | Kronos, Inc. | \$ 1,237,350.00 (B&T) | <u>Staff Summary Attached</u> |
| | Contract No. 06-TD-2768 | \$ <u>300,000.00 (MN)</u> | |
| | | \$ 1,537,350.00 | |

Additional services are required by B&T and MN for a multi-agency contract with Kronos, Inc. (i) to modify and upgrade B&T's Kronos timekeeper system and to install and configure the Kronos Wage and Absence Control modules, and (ii) for MN's continuation of Kronos' services such as repair/maintenance services, hardware and software products, and professional and consulting services.

Schedule J: Modifications to Miscellaneous Procurement Contracts

Item Number: 1 (Final)

Vendor Name (& Location) Kronos, Inc., Chelmsford, MA
Description Provide, Deliver, Install and Maintain Kronos Timekeeper System Hardware and Software with Incidental Training and Consultancy as Required.
Contract Term (including Options, if any) April 18, 2007 – June 30, 2012
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Technology/Tariq Habib

Contract Number 06-TD-2768	AWO/Modification #												
Original Amount:	<table> <tr><td>B&T</td><td>\$655,000</td></tr> <tr><td>LIRR</td><td>\$1,245,775</td></tr> <tr><td>NYCT</td><td>\$3,790,253</td></tr> <tr><td>LIB</td><td>\$704,771.95</td></tr> <tr><td>MN</td><td>\$2,418,000</td></tr> <tr><td>MTA Bus</td><td>\$513,725.45</td></tr> </table>	B&T	\$655,000	LIRR	\$1,245,775	NYCT	\$3,790,253	LIB	\$704,771.95	MN	\$2,418,000	MTA Bus	\$513,725.45
B&T	\$655,000												
LIRR	\$1,245,775												
NYCT	\$3,790,253												
LIB	\$704,771.95												
MN	\$2,418,000												
MTA Bus	\$513,725.45												
Prior Modifications:	<table> <tr><td>B&T</td><td>\$551,021.86</td></tr> <tr><td>LIRR</td><td>\$6,900,000</td></tr> <tr><td>NYCT</td><td>\$0.00</td></tr> <tr><td>LIB</td><td>\$90,747.71</td></tr> <tr><td>MN</td><td>\$0.00</td></tr> <tr><td>MTA Bus</td><td>\$5,669.17</td></tr> </table>	B&T	\$551,021.86	LIRR	\$6,900,000	NYCT	\$0.00	LIB	\$90,747.71	MN	\$0.00	MTA Bus	\$5,669.17
B&T	\$551,021.86												
LIRR	\$6,900,000												
NYCT	\$0.00												
LIB	\$90,747.71												
MN	\$0.00												
MTA Bus	\$5,669.17												
Prior Budgetary Increases:	\$0.00												
Current Amount:	<table> <tr><td>B&T</td><td>\$1,206,021.86</td></tr> <tr><td>LIRR</td><td>\$8,145,775</td></tr> <tr><td>NYCT</td><td>\$3,790,253</td></tr> <tr><td>LIB</td><td>\$795,519.66</td></tr> <tr><td>MN</td><td>\$2,418,000</td></tr> <tr><td>MTA Bus</td><td>\$519,394.62</td></tr> </table>	B&T	\$1,206,021.86	LIRR	\$8,145,775	NYCT	\$3,790,253	LIB	\$795,519.66	MN	\$2,418,000	MTA Bus	\$519,394.62
B&T	\$1,206,021.86												
LIRR	\$8,145,775												
NYCT	\$3,790,253												
LIB	\$795,519.66												
MN	\$2,418,000												
MTA Bus	\$519,394.62												
This Request:	<table> <tr><td>B&T</td><td>\$1,237,350</td></tr> <tr><td>MN</td><td>\$ 300,000</td></tr> </table>	B&T	\$1,237,350	MN	\$ 300,000								
B&T	\$1,237,350												
MN	\$ 300,000												
% of This Request to Current Amount:	<table> <tr><td>B&T</td><td>102.6%</td></tr> <tr><td>MN</td><td>12.4%</td></tr> </table>	B&T	102.6%	MN	12.4%								
B&T	102.6%												
MN	12.4%												
% of Modifications (including This Request) to Original Amount:	<table> <tr><td>B&T</td><td>273.03%</td></tr> <tr><td>MN</td><td>12.4%</td></tr> </table>	B&T	273.03%	MN	12.4%								
B&T	273.03%												
MN	12.4%												

Discussion:

B&T is seeking Board approval under the All-Agency Procurement Guidelines to modify this multi-agency non-competitive contract with Kronos, Inc. for: (i) additional work for B&T in an amount of \$1,237,350 and (ii) an increase in funding for MN in the amount of \$300,000.

The prospective amendment for B&T, a joint agency effort with the BSC, is for the modification and upgrade to the current system (v5.0) to Kronos v6.1 and the installation and configuration of the Kronos Wage and Absence Control modules. This upgrade will also implement and support the required integration between existing B&T time keeping systems and BSC's PeopleSoft system to facilitate the transfer of payroll functions from B&T to BSC. In the new system the process will be re-engineered to gain greater control over the time keeping and absence processes. Kronos submitted a proposal in the amount of \$1,607,312. The user's estimate was \$1,100,000. Based on the collaborative effort between B&T and the BSC, Kronos' proposal was reduced to a firm fixed price of \$1,237,350, resulting in a savings of \$369,962. The Authority verbally authorized the Contractor to initiate work on April 1, 2011 in an amount of \$68,600. This project will extend through June 30, 2012. Project Management has accepted the negotiated number of hours. Since the hourly rate is consistent with that utilized under the NYS Office of General Services contract the value of this amendment is fair and reasonable.

Staff Summary

The prospective amendment for MN totaling \$300,000 is for continuation of Kronos' services including but not limited to repair/maintenance services, hardware and software products as well as professional and consulting services. The Contractor will be reimbursed in accordance with the terms in the contract, therefore the value of MN's amendment is considered fair and reasonable.

Funding for MN and B&T is available in each agency's Operating Budget.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
APRIL 2011

MTA BRIDGES & TUNNELS

Procurements Requiring Two-Thirds Vote:

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

- | | | |
|-----------------------------|---|--------------------------------------|
| 1. Various Contractors | aggregate not-to exceed amount for each agency: | <u>Staff Summary Attached</u> |
| Contract Nos. GFM-495 (B&T) | \$ 36,000,000.00 (B&T) | |
| C-31673 (NYCT) | \$ 50,000,000.00 (NYCT) | |
| 6061 (LIRR) | \$ 10,000,000.00 (LIRR) | |
| MC-832 (MTACC) | \$ 30,000,000.00 (MTACC) | |
| | \$126,000,000.00 | |
- 3 yr. contracts – Competitive RFP
B&T – 23 Proposals received - 8 Contracts to be awarded
NYCT – 22 Proposals received - 9 Contracts to be awarded
LIRR – 20 Proposals received - 5 Contracts to be awarded
MTACC – 19 Proposals received - 11 Contracts to be awarded
Multi-agency procurement for miscellaneous construction on an as-needed basis for B&T, NYCT, LIRR and MTACC.

Procurements Requiring Majority Vote:

- F: Personal Service Contracts**
(Staff Summaries required for items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M Competitive)
- | | | |
|--|-----------------|--------------------------------------|
| 2. WSP Sells Transportation & Infrastructure | \$ 2,113,573.45 | <u>Staff Summary Attached</u> |
| HNTB NY Engineering and Architecture, PC | \$ 1,873,719.56 | |
| Hardesty and Hanover, LLP | \$ 1,399,124.00 | |
| Contract Nos. PSC-10-2881 A - C | \$ 5,386,417.01 | |
- 2 yr. contracts – Competitive RFP – 8 Proposals
Provide biennial bridge inspection and miscellaneous design services at the Throgs Neck, Bronx-Whitestone, Marine Parkway and Cross Bay Bridges.
- | | | |
|--------------------------|-----------------|--------------------------------------|
| 3. PB Americas, Inc. | \$ 1,942,368.00 | <u>Staff Summary Attached</u> |
| Contract No. PSC-10-2877 | | |
- 2 yr. 6 mo. contract - Competitive RFP – 3 Proposals
Provide feasibility study services for tunnel modernization and improvement at the Queens Midtown and the Brooklyn-Battery tunnels.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
APRIL 2011

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)

4. **PB Americas, Inc./Chas. H. Sells, A** \$ **2,695,188.18** **Staff Summary Attached**
Joint Venture
Contract No. PSC-06-2810
Add funding for design support services during construction and an allowance for unanticipated design work during construction that will be allocated on an as-needed basis for Project BW-89C, Replacement of the Queens Approach at the Bronx-Whitestone Bridge.

I: Modifications to Purchase & Public Works Contracts

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

5. **Conti of New York, LLC** \$ **1,147,037.81** **Staff Summary Attached**
Contract No. BW-89
Additional work under Contract BW-89, Replacement of the Bronx Approach and Miscellaneous Repairs to the Queens Approach at the Bronx-Whitestone Bridge.

Staff Summary

Item Number 1 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joseph Keane, P.E. Chief Engineer <i>jqkeane</i>					
Division & Division Head Name: Engineering and Construction, Vincent Montanti, P.E. Deputy Chief Engineer, Program Management <i>VM</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	4/1/11			
2	MTA B&T Committee	4/21/11			
3	MTA Board	4/27/11			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff <i>[Signature]</i>		
2	General Counsel <i>[Signature]</i>	5	Executive Vice President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name Various	Contract Number B&T GFM-495 NYCT C-31673 LIRR 6061 MTACC MC-832
Description Miscellaneous Construct on on an As-Needed Basis	
Total Amount B&T GFM-495 \$36,000,000 NYCT C-31673 \$50,000,000 LIRR 6061 \$10,000,000 MTACC MC-832 \$30,000,000	
Contract Term (including Options, if any) Three (3) years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>(B&T, NYCT & LIRR) (MTACC)</small>	
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 checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION

To obtain approval in accordance with the All-Agency Procurement Guidelines to award multi-agency public work contracts via the competitive RFP process for Miscellaneous Construction on an As-Needed Basis for these participating agencies: B&T, NYCT, LIRR and MTACC. Each agency separately selected firms as listed below:

B&T Contract GFM-495 – Eight (8) firms selected:

- Ahern Painting Contractors, Inc., ("Ahern"), 69-24 49th Ave., Woodside, NY 11377
- Anjac Enterprises, Inc., ("Anjac"), 310 Nassau Ave., Brooklyn, NY 11222
- El Sol Contracting & Construction Corp., ("El Sol") 43-06 54th Rd., Maspeth, NY 11378
- Maracap Construction Industries, Inc., ("Maracap"), 110-18 15th Ave., College Point, NY 11356
- Navillus Tile, Inc. dba Navillus Contracting, ("Navillus") 460 Park Ave. NY, NY 10022
- John P. Picone, Inc., ("Picone") 31 Garden Lane, Lawrence, NY 11559

Staff Summary

- Tully Construction Co., Inc., ("Tully") 127-50 Northern Blvd., Flushing, NY 11368
- Unicorn Construction Enterprises, Inc., ("Unicorn") 305 West Grand Ave. Montvale, NJ 07645

The total aggregate not-to-exceed cost for B&T GFM-495 is \$36,000,000.00 for a duration of three (3) years.

NYCT Contract C-31673 – Nine (9) firms selected:

- Ad-Tech Enterprises, Inc., ("Ad-Tech"), 21 Warren Place, Mt. Vernon, NY 10550
- D & K Construction, Inc., ("D&K"), 155 Union Ave., Middlesex, NJ 08846
- E-J Electrical Installation Co., (E-J), 46-41 Vernon Blvd., Long Island City, NY 11101
- F & S Contracting, LLC, ("F&S"), 18-24 126th St., College Point, NY 11356
- Geomatrix Services, Inc. ("Geomatrix"), 210 East High St., Bound Brook, NJ 08805
- J-Track, LLC ("J-Track"), 14-45 117th St., College Point, NY 11356
- Lighton Industries, Inc., ("Lighton"), 699 Cross St., Lakewood, NJ 08701
- Prude Construction Corp. ("Prude"), 126-24 Farmers Blvd., Jamaica, NY 11434
- T. Moriarty & Son Inc. ("Moriarty"), 63 Creamer St., Brooklyn, NY 11231

The total aggregate not-to-exceed cost for NYCT C-31673 is \$50,000,000.00 for a duration of three (3) years.

LIRR Contract 6061 – Five (5) firms selected:

- J-Track, LLC ("J-Track"), 14-45 117th St., College Point, NY 11356
- Lipsky LoDuca JV, LLC ("Lipsky/LoDuca"), 814 Montauk Highway, Bayport, NY 11705
- Maracap Construction Industries, Inc. ("Maracap"), 110-18 15th Ave., College Point, NY 11356
- T. Moriarty & Son Inc. ("Moriarty"), 63 Creamer St., Brooklyn, NY 11231
- Railroad Construction ("Railroad Construction"), 75-77 Grace St., Paterson, NJ 07503

The total aggregate not-to-exceed cost for LIRR 6061 is \$10,000,000.00 for a duration of three (3) years.

MTACC Contract MC-832 – Eleven (11) firms selected:

- Ad-Tech Enterprises, Inc., ("Ad-Tech"), 21 Warren Place, Mt. Vernon, NY 10550
- Constantine Designer & Builders ("Constantine"), 14-51 Broadway, Long Island City, NY 11106
- D & K Construction, Inc., ("D&K"), 155 Union Ave., Middlesex, NJ 08846
- El Sol Contracting & Construction Corp., ("El Sol"), 43-06 54th Rd., Maspeth, NY 11378
- Geomatrix Services, Inc. ("Geomatrix"), 210 East High St., Bound Brook, NJ 08805
- J-Track, LLC ("J-Track"), 14-45 117th St., College Point, NY 11356
- Masterpiece U.S., Inc. ("Masterpiece"), 18-57 41st St., Astoria, NY 11105
- T. Moriarty & Son Inc. ("Moriarty"), 63 Creamer St., Brooklyn, NY 11231
- Prude Construction ("Prude"), 126-24 Farmers Blvd., Jamaica, NY 11434
- Railroad Construction Co., Inc. ("Railroad Construction"), 75-77 Grace St., Paterson, NJ 07503
- Tully Construction Co., Inc., ("Tully"), 127-50 Northern Blvd., Flushing, NY 11368

The total aggregate not-to-exceed cost for MTACC MC-832 is \$30,000,000.00 for a duration of three (3) years.

Staff Summary

II. DISCUSSION

In June 2010, the Board authorized the use of the competitive Request for Proposal (RFP) process in order to procure miscellaneous construction services on an as-needed basis for the participating agencies (B&T, NYCT, LIRR and MTACC). The four agencies' requirements were publicly advertised on a joint basis. Under this joint solicitation, led by B&T, each agency will award and administer their respective as-needed contracts. Separate RFPs were issued and the committee selection process was conducted individually by each agency due to the varying requirements among the agencies including the need to support the work at multiple locations and the consideration that many smaller firms would be unable to provide the personnel to simultaneously meet all four agencies' construction service requests. During the contract term, as a Scope of Work for each miscellaneous work order is identified, each of the contracted firms will be given the scope, a site tour will be conducted and bids will be submitted. The contractor submitting the lowest bid shall be awarded that specific work order. Since most of the construction projects are small-scale and/or involve urgently needed repairs, it would be inefficient and time-consuming to conduct separate competitive bidding process for each project.

The selection of contractors to be awarded these as-needed contracts was accomplished by a one step RFP process. The four agencies all evaluated firms against established criteria including proposer's record of performance, qualifications of firm's specific personnel proposed, safety record and quality assurance program. Proposals for the four agencies' contracts were received on January 25, 2011. All the selected firms were determined by the individual agencies to be responsive and responsible contractors with extensive background of prior and current public agency work. The selections are summarized below:

B&T Contract GFM-495:

Twenty-three proposals were received. Based on the established criteria, B&T's Selection Committee chose eight firms (Ahern, Anjac, El Sol, Maracap, Navillus, Picone, Tully and Unicorn).

NYCT Contract C-31673:

Twenty-two proposals were received. Based on the established criteria, NYCT's Selection Committee chose nine firms (Ad-Tech, D&K, E-J, F&S, Geomatrix, J-Track, Lighton, Prude and Moriarty).

LIRR Contract 6061:

Twenty proposals were received. Based on the established criteria, LIRR's Selection Committee chose five firms (J-Track, Lipsky/LoDuca, Maracap, Moriarty and Railroad Construction).

MTACC Contract MC-832:

Nineteen proposals were received. Based on the established criteria, MTACC's Selection Committee chose eleven firms (Ad-Tech, Constantine, D&K, El Sol, Geomatrix, J-Track, Masterpiece, Moriarty, Prude, Railroad Construction and Tully).

It is recommended that the Board authorize the Authority to enter into contracts with the above selected firms. Each firm is considered to be a responsible Contractor.

III. D/M/WBE INFORMATION

The MTA DDCR established the following goals for the four agencies: (i) B&T GFM-495 MBE/WBE goals of 10%/5% respectively; (ii) NYCT C-31673 DBE/MBE/WBE goals 15%/10%/5% respectively; (iii) LIRR 6061 DBE/MBE/WBE goals 15%/10%/5% respectively and MTACC MC-832 DBE/MBE/WBE goals 15%/10%/5% respectively. The contracts will not be awarded without approval of MTA DDCR.

Staff Summary

IV. IMPACT ON FUNDING

Funding under B&T Contract GFM-495 will be provided from the Operating Budget in the amount of \$36,000,000. Funding under the NYCT Contract C-31673 will be provided from Federal funds, Capital and Operating Budgets in an amount of \$50,000,000. Funding under LIRR Contract 6061 will be provided from Federal funds, Capital and Operating Budgets in an amount of \$10,000,000. Funding under MTACC Contract MC-832 will be provided from Federal and other funds and Capital Budget in an amount of \$30,000,000.

V. ALTERNATIVES

There are no recommended alternatives. The Authority's agencies do not have the resources to perform this work with in-house forces.

Staff Summary

Item Number 2 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering and Construction, Aris Stathopoulos, P.E. <i>Aris Stathopoulos</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	4/1/11			
2	MTA B&T Committee	4/21/11			
3	MTA Board	4/27/11			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>TC/Gen. Counsel</i>	4	Chief of Staff		
2	General Counsel <i>TC/Gen. Counsel</i>	5	Executive Vice President <i>TC/Gen. Counsel</i>		
3	Chief Procurement Officer <i>TC/Gen. Counsel</i>	6	President <i>TC/Gen. Counsel</i>		

SUMMARY INFORMATION	
Vendor Name	Contract Number
A) WSP Sells Transportation & Infrastructure	PSC-10-2881A
B) HNTB NY Engineering and Architecture, PC	PSC-10-2881B
C) Hardesty and Hanover, LLP	PSC-10-2881C
Description	
2011 Biennial Bridge Inspection and Design of Miscellaneous Structural Repairs at the Throgs Neck, Bronx-Whitestone, Marine Parkway and Cross Bay Bridges	
Total Amount	
PSC-10-2881A, \$2,113,573.45; PSC-10-2881B, \$1,873,719.56; PSC-10-2881C, \$1,399,124.00	
Contract Term (including Options, if any)	
Two (2) years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input checked="" type="checkbox"/> Operating <input 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 three personal service contracts for 2011 Biennial Bridge Inspection and Design of Miscellaneous Structural Repairs at the Throgs Neck, Bronx-Whitestone, Cross Bay and Marine Parkway, Bridges to: (A) WSP Sells (SELLS) for the Throgs Neck Bridge, (B) HNTB NY Engineering and Architecture, PC (HNTB) for the Bronx-Whitestone Bridge, and (C) Hardesty & Hanover, LLP (H&H) for the Marine Parkway and Cross Bay Bridges. The negotiated contract amounts are as follows: (A) \$2,113,573.45 (B) \$1,873,719.56, and (C) \$1,399,124.00. Each contract shall be for a duration of two (2) years.

II. DISCUSSION

B&T requires the services of consultants to provide biennial bridge inspection and miscellaneous design services at the Throgs Neck, Bronx-Whitestone, Marine Parkway and Cross Bay Bridges. The inspections are required by the New York State Department of Transportation.

The requirements were publicly advertised. Sixteen firms submitted qualification information for review and evaluation by the selection committee. The eight firms of Ammann & Whitney (A&W), WSP Sells (SELLS), TranSystems Corporation (TS), HAKS Engineers, Architects and Land Surveyors, P.C. (HAKS), B&H Engineering, PC (B&H), HNTB New York Engineering and Architecture, PC (HNTB), Hardesty & Hanover, LLP (H&H), and Stantec Consulting Services Inc. (Stantec) were chosen to receive the RFP based on a review of those qualifications and all eight firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, qualifications of the firm for specific personnel proposed and cost. Based on the committee's detailed review of all submittals and its consideration of proposed costs, the committee selected Sells for Group A (Throgs Neck Bridge), HNTB for Group B (Bronx-Whitestone Bridge) and H&H for Group C (Marine Parkway and Cross Bay Bridges). B&H, HAKS and Stantec are all under consideration for Group D (Henry Hudson and Queens

Staff Summary

Midtown Tunnel Approach Bridges), which will result in an award recommendation in a future Board package. The committee's selections were based on the following:

- SELLS exhibited a thorough knowledge of the requirements in Group A (Throgs Neck Bridge). SELLS offered extensive experience and knowledge of the inspection requirements and related field issues for this facility. Additionally, SELLS has managed the designations between different types of Flags in a methodical manner. SELLS has a history of completing projects without field problems and timely submission of deliverables. SELLS also provided highly competitive pricing.
- HNTB proposed an inspection team that has the necessary experience and qualified personnel for Group B (Bronx-Whitestone Bridge) with extensive experience working at various B&T structures. HNTB demonstrated a thorough project understanding of the orthotropic deck issues, the condition of the Queens approach and the on-going construction of the Bronx approach and the need for coordination with other contractors working at the facility. HNTB has an excellent performance record on previous biennial contracts.
- H&H proposed an inspection team that has the necessary experience and qualified personnel for Group C (Marine Parkway and Cross Bay Bridges) with extensive experience working at various B&T structures. H&H has a thorough understanding of the deck trusses; thru-span trusses and the lift span trusses that require detailed hands-on inspection and measurements of gusset plates. Additionally H&H was the designer of several major rehabilitation projects at the Marine Parkway Bridge and understands the design details that require in-depth inspection and was the only firm with an in-house electrical and mechanical department to inspect the lift span. H&H's proposed price was lower than the other proposers that were considered technically proficient to perform a biennial inspection of Group C.

The selection committee rated TranSystems' proposed personnel lower than the recommended firms. A&W's proposal reflected an understanding of the project; however, their cost was considerably higher than B&T's estimates.

The following represents a summary of the costs proposed, estimated and negotiated for the recommended contracts.

<u>Contract</u>	<u>2009 Contract</u>	<u>Estimated</u>	<u>Proposed</u>	<u>Negotiated</u>	<u>Allowance</u>	<u>Contract</u>
PSC-10-2881A	\$1,347,385	\$1,521,000	\$1,565,170.00	\$1,488,573.45	\$625,000	\$2,113,573.45
PSC-10-2881B	\$1,091,476	\$1,242,000	\$1,543,292.76	\$1,373,719.56	\$500,000	\$1,873,719.56
PSC-10-2881C	\$963,215	\$1,250,000	\$1,227,285.00	\$1,199,124.00	\$200,000	\$1,399,124.00

Negotiations under A resulted in an amount that is 2% below the estimate and 10% higher than the 2009 value. The negotiated cost for B was 11% higher than the estimate and 26% higher than the 2009 value. The cost variance from the 2009 contract may be attributed to additional tasks such as sounding of concrete and diving inspection were added to the scope of work. The negotiated cost for C was 4% lower than the estimate and 24% higher than the 2009 value. The cost variance from the 2009 contract may be attributed to the inclusion of additional tasks such as sounding of concrete, tower plumbness survey at the Marine Parkway Bridge and the girder camber survey at navigation spans 3 through 7 at the Cross Bay Bridge. Based on the above, the negotiated amounts are considered fair and reasonable. Each firm is considered to be a responsible consultant.

The total amount for each contract will include the assigned allowances as shown in the table above, which are based on historical cost information. These allowances are to provide support services based on the results of the inspection and include: (i) interim or special inspections; (ii) sign gantries and light standard inspections; (iii) auxiliary design services for the repair of various structural conditions; (iv) preliminary design investigations toward alternative solutions; and (v) auxiliary testing services for elements such as concrete cores, steel coupons, and cable wires. All of these services will be provided via work order on an as-needed basis to permit B&T to quickly respond to the needs of each facility.

III. D/M/WBE INFORMATION

The MTA DDCR has established goals of 0% MBE and 0% WBE for each of these contracts.

IV. IMPACT ON FUNDING

Funding is available in the Operating Budget under GFM-498, Agency R ACEP #R610AWAF, General Ledger # 711102.

V. ALTERNATIVES

There are no recommended alternatives. B&T does not have the resources needed to perform these New York State inspection requirements.

Staff Summary

Item Number 3 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering and Construction, Vincent Montanti, P.E. <i>VM</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	4/1/11			
2	MTA B&T Committee	4/21/11			
3	MTA Board	4/27/11			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>DS</i>	4	Chief of Staff		
2	General Counsel <i>MMT</i>	5	Executive Vice President <i>[Signature]</i>		
3	Chief Procurement Officer <i>AWK</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name PB Americas, Inc.	Contract Number PSC-10-2877
Description: Consultant Services for Project AW-98, Feasibility Study for Tunnel Modernization and Improvements at the Queens Midtown and the Brooklyn-Battery Tunnels	
Total Amount \$1,942,368	
Contract Term (including Options, if any) Two years, six months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Consultant Services for Project AW-98, Feasibility Study for Tunnel Modernization and Improvements at the Queens Midtown and the Brooklyn-Battery Tunnels for a period of two years, six months at a cost of \$1,942,368.

II. DISCUSSION

B&T requires the services of a consultant to provide feasibility study services for tunnel modernization and improvement at the Queens Midtown (QMT) and Brooklyn-Battery (BBT) tunnels. This will consist of a comprehensive assessment of the existing tunnel structure and systems under emergency conditions (including significant fire, flood or storm surges, and earthquakes), as well as recommendations and practical and appropriate conceptual designs for future improvements to the tunnels and tunnel systems.

The service requirements were publicly advertised; four firms submitted qualification information. Three firms were chosen to receive the RFP based on a review of those qualifications and all three firms, Hatch Mott MacDonald (HMM), PB Americas (PB) and Jenny Engineering (Jenny), submitted proposals. The proposals were evaluated against

Staff Summary

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established criteria set forth in the RFP, including an understanding of the technical requirements, technical expertise, proposed personnel, oral presentations and cost. The committee unanimously selected PB on the basis that its proposal included: (i) a highly qualified team with vast expertise in the analysis of the potential vulnerabilities and emergency conditions previously indicated; (ii) the possession of significant historical data and research available to them through other projects; and (iii) proposed man-hours and costs that most closely reflected the level of effort required for this project. Although HMM submitted the lowest cost it: i) did not provide the technical expertise compared with that proposed by PB and ii) significantly underestimated man-hours necessary to perform the work. Jenny submitted the highest cost proposal. In addition, it did not demonstrate a sufficient understanding of certain vulnerability issues and submitted redundancies in its project management proposal.

PB submitted a cost proposal in the amount of \$1,972,611. The Engineer's estimate is \$2,243,000. Negotiations were conducted and the negotiated cost of \$1,942,368 is 13.4% below the Engineer's estimate and is considered fair and reasonable. PB is deemed to be a responsible consultant.

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 is available under Project AW-98 in the amount of \$1,942,368 in the 2010-14 Capital Budget.

V. ALTERNATIVES

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

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

Item Number: 4 (Final)

Vendor Name (& Location) PB Americas, Inc./Chas. H. Sells, A Joint Venture, New York, NY	Contract Number PSC-06-2810	AWO/Modification #
Description Design for Project BW-89C, Replacement of the Queens Approach at the Bronx-Whitestone Bridge	Original Amount:	\$5,477,783.00
Contract Term (including Options, if any) June 30, 2008 – February 28, 2015	Prior Modifications:	\$244,753.23
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases:	N/A
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$5,722,536.23
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$2,695,188.18
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	47.1%
Requesting Dept/Div & Dept/Div Head Name: Engineering & Construction, Joe Keane, P.E.	% of Modifications (including This Request) to Original Amount:	53.7%

Discussion:

B&T is seeking Board approval under the All Agency Guidelines for the Procurement of Services to modify this Contract with PB Americas, Inc./Chas. H. Sells, A Joint Venture (PB/Sells) to include funding for design support services during construction in the amount of \$2,695,188.18.

Pursuant to Board approval, on June 30, 2008 Contract PSC-06-2810 was awarded to PB/Sells in the amount of \$5,477,783 for a duration of six years, eight months. The Contract contained all elements for the complete design to replace the Queens Approach at the Bronx-Whitestone Bridge (BWB) and other tasks that included: (i) the complete replacement design (100%) of the interchange for both the 14th Avenue and 3rd Avenue exit ramps (Building Block C) and (ii) a conceptual design (10%) for the Queens Interchange (south of 14th Avenue on the Whitestone Expressway, to east of 147th Street on the Cross Island Parkway to the Queens Approach).

The performance of design support services during construction (DSDC) was included in the original scope of services. However, proposers were requested to exclude DSDC costs since the Project BW-89C construction scope had yet to be determined. This proposed amendment is to add funding for DSDC. PB/Sells proposed \$3,258,435.04 to review in excess of 3,000 contractor submissions (e.g. shop drawings, requests for information, catalog cuts and calculations). The Engineer's estimate was \$3,398,497. The estimate was reviewed and certain elements were overstated that included escalation, as-needed design and permitting costs. The revision of these elements resulted in a reduction of the estimate to \$2,750,000. Negotiations resulted in a revised proposal in the amount of \$2,595,188.18, which was reviewed and accepted as fair and reasonable.

The Engineer also requires an allowance for unanticipated design work during construction in the amount of \$100,000. Based on the above the negotiated amount of \$2,695,188.18 is considered fair and reasonable. Consistent with the Procurement Guidelines, this amendment constitutes a substantial change. Funding for this amendment is available in the 2010 - 2014 Capital Program under Project BW-89C.

Schedule I: Modifications to Purchase and Public Works Contracts
Item Number: 5 (Final)

Vendor Name (& Location) Conti of New York, LLC, Edison, New Jersey	Contract Number BW-89	AWO/Modification #
Description Replacement of the Bronx Approach and Miscellaneous Repairs to the Queens Approach at the Bronx-Whitestone Bridge	Original Amount:	\$192,777,291.00
Contract Term (including Options, if any) October 23, 2008 – October 22, 2012	Prior Modifications:	\$11,683,746.64
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases:	\$0.00
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$204,461,037.64
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$1,147,037.81
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount:	0.6%
Requesting Dept/Div & Dept/Div Head Name: Engineering & Construction/Joe Keane, P.E.	% of Modifications (including This Request) to Original Amount:	6.7%

Discussion:

B&T is seeking the Board's approval under the All Agency Procurement Guidelines to modify this Contract with Conti of New York, LLC (Conti) for additional site work, civil, structural and electrical unit price quantity increases as well as the addition of six new light poles and luminaires with floodlight extensions at the Bronx-Whitestone Bridge toll plaza in the total amount of \$1,147,037.81. The items are summarized as follows:

1. B&T experienced quantity overruns in four unit price items resulting from: (i) an underestimation of two original contract quantities and (ii) a difference in the contract quantity for two items due to actual field conditions. The contract unit prices were applied to the additional quantities for two of the four items, totaling \$792,000. For the other two items with quantity increases greater than 50% the Engineer determined, in accordance with Article 3.02, that payment at the bid price would create a substantial inequity and the unit price was decreased for one item and increased for the other. For these two items, the unit price was used for the initial 50% increase in quantity and the new unit price was used for the remaining quantities, for an additional amount totaling \$124,321, which is fair and reasonable. Overall, the unit price quantity increases total \$916,321.

2. The Engineer determined that six deteriorated toll plaza light poles require replacement with new light poles and luminaires, floodlight extensions and associated wire and conduit to supply power. The new light poles have an impact on nine unit price item quantities, resulting in a total increase of \$95,502.00. Additional associated work such as demolition, excavation, light pole modifications, and maintenance and protection of traffic is required due to the limited access for the new poles and lights. Conti proposed \$187,131.04 for this additional work; the Engineer estimated \$133,451.42. Negotiations resulted in reductions totaling \$51,916.23. B&T and Conti agreed to the amount of \$135,214.81 for the additional work, which is 1.3% above the estimate and is fair and reasonable. The total amount to replace the existing six light poles is \$230,716.81.

The total amendment amount of \$1,147,037.81, which is 0.3% above the estimates totaling \$1,142,647.33 is considered fair and reasonable. Funding for this amendment is available in the 2005 – 2009 Capital Program under Projects BW-89 (\$896,037.81) and BW-89 GASB 49 (\$104,000) and the Major Maintenance Budget under Project WBM-342, GL #711102 (\$147,000).