



Metropolitan Transportation Authority

February 2012

MTA Board Action Items



**MEETING AGENDA
METROPOLITAN TRANSPORTATION AUTHORITY BOARD
February 29, 2012 9:30 a.m.**

347 Madison Avenue
Fifth Floor Board Room
New York, NY

AGENDA ITEMS

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Date of next MTA Board meeting: Wednesday March 28, 2012 at 9:30 a.m.

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

**Wednesday, January 25, 2012
9:30 a.m.**

The following members were present:

**Hon. Joseph Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mitchell H. Pally
Hon. Nancy Shevell
Hon. Carl V. Wortendyke**

The following members were absent:

**Hon. Mark Page
Hon. James L. Sedore, Jr.
Hon. Ed Watt**

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira R. Greenberg, Board Member Vincent Tessitore, Thomas Prendergast, President, 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 of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Hilary Ring, Director, Community Affairs also attended the meeting.

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

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the Metropolitan Suburban Bus Authority (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.

1. **PUBLIC SPEAKERS.** There was one (1) public speaker who did not address items specific to the MTA agenda. Refer to the MTA agencies' minutes of this date for the public speaker's comments.

2. **CHAIRMAN'S REMARKS.**

Chairman Lhota, presiding at the first MTA Board meeting following confirmation by the State Senate of his appointment, stated that he looks forward to a long and productive relationship with the Board. The Chairman invited everyone to join in his vision to create "One MTA"—a more unified organization that provides a consistent level of quality service and the highest level of efficiency.

Chairman Lhota noted the resignation of Board member Patrick Foye, who has accepted the position of Executive Director of the Port Authority, and the forthcoming resignation of Board member Nancy Shevell, who conveyed that this would be the last meeting that she would attend in her capacity as a Board member. Chairman Lhota thanked Mr. Foye and Ms. Shevell for their service on the Board, indicating that the Board will formally recognize their contributions at a future meeting. Ms. Shevell thanked Chairman Lhota and the Board and said that her service on the MTA Board is a highlight of her thirty-year professional career.

Chairman Lhota, commenting on the Payroll Mobility Tax ("PMT") and the Capital Program, noted that the Governor's newly-released Executive Budget restores to the MTA all monies lost from reductions to the PMT, and includes the capital funding and increased bond cap that the MTA was anticipating. In addition, the Chairman announced that the MTA has submitted its amended Capital Program, which outlines funding of the last three years of the program, to the Capital Program Review Board.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on December 21, 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 staff summaries and documentation filed with the meeting materials. Board Member Ballan abstained from the vote on items # 2 and # 3 below.

1. **Supplemental Resolutions Authorizing Refunding Bonds.** Approved supplemental resolutions authorizing the issuance of refunding bonds, subject to

the Board's refunding policy, if applicable, and upon determination by the MTA Chief Financial Officer or MTA Director of Finance that the refunding of such bonds or other obligations will be beneficial to the obligors therefor and/or their affiliates and subsidiaries. Authority was delegated to take all such actions, including the award of contracts to underwrite the refunding bonds, and to execute and deliver all such documents as may from time-to-time be deemed necessary or desirable in connection with the authorized refunding. The authorization to issue the Refunding Bonds and take other related actions shall continue in effect without any further action by the Issuer until February 28, 2013, 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.

2. Authorization to Issue Transportation Revenue Bonds, Series 2012A. Approved a Series 2012A Transportation Revenue Bonds Supplemental Resolution authorizing the issuance of new money bonds, notes or other obligations to provide net proceeds sufficient to fund up to \$1 billion of capital projects of the transit, bus and commuter systems. Authority was delegated to the officers identified in the supplemental resolution to take all such actions, including the award of contracts to issue obligations, and to execute and deliver all such documents as may from time-to-time be deemed necessary or desirable in connection with the issuance of authorized new money bonds.
3. Transportation Revenue Bonds, Series 2002B Tender and Refunding Authorization. Approved a public tender offer for all or a portion of \$210.5 million of Transportation Revenue Variable Rate Refunding Bonds, Series 2002B at a price not to exceed 100% plus accrued interest. This item also approves the issuance of the Series 2012B Bonds pursuant to the MTA Multiple Series Transportation Revenue Refunding Bond Supplemental Resolution adopted on January 25, 2012 to fund the purchase of all or a portion of the tendered Series 2002B Bonds, subject to compliance with the present value savings test as described therein, and the taking of all actions related to the public tender and the issuance of the refunding bonds described.

B. Procurement Items. Upon motion duly made and seconded, the Board approved the following procurement items, described in further detail in the staff summaries and documentation filed with the meeting materials.

1. Stantec Corporation – Independent Engineer's Report in Connection with MTA Bridges and Tunnels Bond Issues – No. 11170-0100. Approved a competitive contract to provide consulting services as an Independent Engineer, as required by the MTA Bridges and Tunnels General Revenue Bond Resolution.
2. Various Contractors – Multi-Agency Collision Repair Services – Nos. 11044-0100 thru 1200. Approved competitive contracts with Central Auto Repair and Body, Inc., Deville Auto Collision, Inc., The Gillette Auto Body, Inc., Knights

Collision Repair, Mann's Paint & Body Shop North, Inc., Nationwide Auto Painting, Inc., Nunes Auto Sales & Body Shop, Inc., Stiloski's Automotive Corporation, Tip Top Auto Body, Inc., 54th Street Auto Care, Inc., Ultra Advanced Collision Limited and Wayside Auto Body, Inc. to provide as-needed collision repair services for the MTA Police Department and NYCT non-revenue fleet of vehicles.

3. TDX Construction Corporation – Small Business Mentoring Program (“SBMP”) Construction Mentoring Services – No. 10009-0100. Approved a supplemental agreement to the Board-approved personal services contract with TDX for construction management services for the SBMP.

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 staff summaries and documentation filed with the meeting materials.

Metro-North Commuter Railroad

1. License agreement with Marc Hiltley, as sole proprietor, for the operation of a food and beverage concession located at the new Cortlandt Station overpass, Cortlandt Manor, N.Y.
2. License agreement with The County of Westchester for the operation and maintenance of a commuter parking facility at the North White Plains Station in White Plains, N.Y.
3. Approved easement-related actions with WB Pinebrook Associates, LLC and Westchester County for the termination, relocation and grant of easement rights of parcels located south of North Avenue, west of Palmer Avenue, and east of Metro-North's New Haven Line tracks, in the Village of Larchmont, Westchester County, N.Y.

Long Island Rail Road

4. License agreement with VPCT Realty, LLC for commercial parking on a portion of Block 2974, Lot 162, Brooklyn, N.Y.
5. License agreements with Gonias Caterers Inc.; Valeo Associates Ltd, and Mohamed Shah for the operation of coffee truck concessions in Wantagh Station, Ronkonkoma Station, Huntington Station and Port Washington Station, N.Y.
6. License agreement with Choice Treats Inc. for the operation of an outdoor café located at the LIRR Atlantic Terminal Pavilion, Brooklyn, N.Y.

New York City Transit Authority

7. Reservation of easement rights with Arverne Community Center Corp. for a perpetual easement for the operation, maintenance, repair and reconstruction of NYCTA's existing Rockaway line (A train) elevated railroad structure, and appurtenances connected thereto, along the demapped Rockaway Freeway from a point between Beach 73 Street and Beach 74 Street to a point between Beach 74 Street and Beach 75 Street, Queens, N.Y.
 8. License agreement with Dimazine Newstand, Inc., a N.Y.S. corporation wholly owned by Dinesh Patel, for the operation of a newsstand located at the DeKalb Avenue Subway Station, Brooklyn, N.Y.
 9. License agreement with Champion Vending USA Corp. for vending machine sales of coffee, beverages and snacks located at 130 Livingston Street, Brooklyn, N.Y.
7. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an executive session to discuss matters concerning collective bargaining negotiations and employment. Upon motion duly made and seconded, the Board established a salary and other terms of employment for Mr. Lhota's service as Chairman and Chief Executive Officer. Chairman Lhota was not present for the vote. Thereafter, upon motion duly made and seconded, the Board voted to resume proceedings in public session.
8. **ADJOURNMENT.**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:20 a.m.

Respectively submitted,

Victoria Clement
Assistant Secretary

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

**Wednesday, January 25, 2012
9:30 a.m.**

The following members were present:

**Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mitchell H. Pally
Hon. Nancy Shevell
Hon. Carl V. Wortendyke**

The following members were absent:

**Hon. Mark Page
Hon. James L. Sedore, Jr.
Hon. Ed Watt**

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira R. Greenberg, Board Member Vincent Tessitore, Thomas Prendergast, President, NYCTA, Helena E. Williams, President of Long Island Rail Road, Howard Permut, President of Metro-North Rail Road, James Ferrara, President of TBTA, Darryl Irick, President of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Hilary Ring, Director, Community Affairs also attended the meeting.

1. **CHAIRMAN LHOTA CALLED THE MEETING TO ORDER**

2. **PUBLIC COMMENT PERIOD**

No public speaker addressed NYC Transit/MTA Bus issues.

3. **CHAIRMAN LHOTA'S COMMENTS**

Details of Chairman Lhota'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 NYC Transit, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Railway Transit Operating Authority, and MTA Bus Company held on December 21, 2011.

5. **COMMITTEE ON FINANCE**

Real Estate Action Item(s):

MTA New York City Transit: Upon motion duly made and seconded, the Board voted to approve: (i) a Reservation of Easement Rights with Arvene Community Center Corp. for a permanent easement between Beach 73 Street and Beach 75 Street for continuing operation of the Far Rockaway Branch of the New York City Subway System in Rockaway Peninsula, Queens, New York; (ii) a license agreement for the operation of a newsstand at DeKalb Avenue Subway Station, Fourth Avenue Line, Brooklyn, New York; and (iii) a license with Champion Vending USA Corp. to operate coffee, snack and beverage vending machines at NYCT's offices located at 130 Livingston Street, Brooklyn, NY 11201.

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

Procurements:

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

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

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

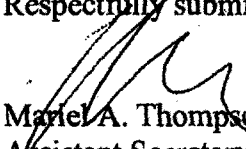
7. **EXECUTIVE SESSION**

Upon motion duly made and seconded, the Board voted to convene an executive session pursuant to New York State Public Officers Law §105(e) to consider matters concerning collective bargaining negotiations and a matter relating to the employment of a person or corporation.

8. **ADJOURMENT**

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 10:20 a.m.

Respectfully submitted,


Mariel A. Thompson
Assistant Secretary

Minutes of the Regular Meeting
Metro-North Commuter Railroad Company
Wednesday, January 25, 2011

9:30 a.m.

The following members were present:

Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mitchell H. Pally
Hon. Nancy Shevell
Hon. Carl V. Wortendyke

The following members were absent:

Hon. Mark Page
Hon. James L. Sedore, Jr.
Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira R. Greenberg, Board Member Vincent Tessitore, Thomas Prendergast, President, 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 of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Hilary Ring, Director, Community Affairs also attended the meeting.

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

1. Chairman Lhota called the meeting to order.

2. Public Comment:

There was 1 public speaker who did not discuss items specific to Metro-North. The subject matter of the public speaker's comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

3. Chairman's Opening Remarks:

Chairman Lhota commented on his confirmation for the position of Chairman & CEO, MTA. He announced that Hon. Patrick J. Foye has stepped down from the Board and that this is the last meeting that the Hon. Nancy Shevell will be attending in her capacity as a Board Member. The details of Chairman Lhota's statement and Board Member comments are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

4. Approval of Minutes – Upon motion duly made and seconded, the minutes of the Regular Board Meeting of December 21, 2011 were unanimously approved.

5. Committee on Finance Committee:

Real Estate Action Items:

Upon motion duly made and seconded, the Board, among other items, approved the following Metro-North related real estate items recommended to it by the Committee on Finance.

- License Agreement with Marc Hiltzley for the operation of a coffee concession at Metro-North's Cortlandt Station.
- License Agreement with Westchester County for the operation of a commuter parking facility at the North White Plains Station in White Plains, New York.
- Approval of easement related actions with WB Pinebrook Associates, LLC and Westchester County, for the termination, relocation and grant of easement rights in Larchmont, New York.

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

6. Committee on New York City Transit Operations:

The Board voted on Transit items. Among the items approved was a non-competitive procurement requiring majority vote to award a multi-agency miscellaneous service contract to Simmons Machine Tool Corporation for the inspection, maintenance and service of wheel truing machines. The details of the above item are contained in the minutes of New York City Transit held this day and the staff summaries and reports filed with those minutes.

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

Metro-North/Long Island Rail Road Action Items:

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

- LIRR and Metro-North Rules of Conduct – Smoking ban extended to additional outdoor areas of stations

MTA Metro-North Railroad Procurements:

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

Non-Competitive Purchase and Public Work Contracts

- Kawasaki Rail Car Company – Purchase agreement for M-8 OEM parts.

Upon motion duly made and seconded, the members of the Board present approved the following non-competitive procurement requiring majority vote by the Board. Board Member Moerdler voted in opposition to the item.

Miscellaneous Procurement Actions

- Axion Technologies – On-board public address equipment units.

Modifications to Miscellaneous Procurement Contracts

- Harsco Track Technologies – Additional funding – OEM replacement parts for work equipment.

Upon motion duly made and seconded, the members of the Board present approved the following competitive procurement requiring majority vote by the Board.

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

8. Executive Session: Upon motion duly made and seconded, the members of the Board present voted to convene in Executive Session to discuss collective bargaining and employment matters. Upon motion duly made and seconded, the members of the Board present voted to re-convene in Public Session.

9. Adjournment:

Upon a motion duly made and seconded, the members of the Board present voted to adjourn the meeting at 10:20 a.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Linda Montanino".

Linda Montanino
Assistant Secretary

Jan 2012 Board Minutes
Legal/Corporate

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

**Meeting Held At
347 Madison Avenue
New York, New York
January 25, 2012
9:30 a.m.**

The following members were present:

Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mitchell H. Pally
Hon. Nancy Shevell
Hon. Carl V. Wortendyke

The following members were absent:

Hon. Mark Page
Hon. James L. Sedore, Jr.
Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira R. Greenberg, Board Member Vincent Tessitore, Thomas Prendergast, President, NYCTA, Helena E. Williams, President of Long Island Rail Road, Howard Permut, President of Metro-North Rail Road, James Ferrara, President of TBTA, Darryl Irick, President of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Hilary Ring, Director, Community Affairs, also attended the meeting.

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

1. Chairman Lhota called the meeting to order.

2. **PUBLIC SPEAKERS**

There was 1 public speaker who did not discuss items specific to LIRR. The subject matter of the public speaker's comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

3. **CHAIRMAN'S OPENING REMARKS**

Chairman Lhota commented on his confirmation for the position of Chairman & CEO, MTA. He announced that Hon. Patrick J. Foye has stepped down from the Board and that this is the last meeting that the Hon. Nancy Shevell will be attending in her capacity as a Board Member. The details of Chairman Lhota's statement and Board Member comments are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

4. **APPROVAL OF MINUTES**

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of December 21, 2011 were unanimously approved.

5. **COMMITTEE ON FINANCE**

Real Estate Action Items

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

- License Agreement with VPCT Realty LLC for commercial parking on a portion of Block 2974 Lot 162, Brooklyn, New York.
- License Agreements with Gonias Caterers Inc. for the coffee truck concession at Wantagh Station, Wantagh, New York; with Valeo Associates Ltd. for the coffee truck concession at Ronkonkoma Station, Ronkonkoma, New York; and with Mohamed Shah for the coffee truck concessions at Huntington Station, Huntington, New York and Port Washington Station, Port Washington, New York.
- License Agreement with Choice Treats Inc. for the operation of a café kiosk at the pavilion at LIRR Atlantic Terminal in Brooklyn, New York.

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

6. **COMMITTEE ON NEW YORK CITY TRANSIT OPERATIONS**

The Board voted on Transit items. Among the items approved was a non-competitive procurement requiring majority vote to award a multi-agency miscellaneous service contract to Simmons Machine Tool Corporation for the inspection, maintenance and service of wheel truing machines. The details of the above item are contained in the minutes of the meeting of New York City Transit held this day and the staff summaries and reports filed with those minutes.

7. **COMMITTEE ON METRO-NORTH RAILROAD AND LONG ISLAND RAIL ROAD OPERATIONS:**

Metro-North/Long Island Rail Road Action Items

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

- LIRR and Metro-North Rules of Conduct – Smoking Ban.

MTACC Procurements

Upon motion duly made and seconded, the members of the Board present approved the following competitive procurement requiring majority vote by the Board:

A request for approval to award to Perini Corporation a multi-part modification for the fabrication, delivery and installation of nine signal bridges and construction of their foundations; and modifications to Contracts CM009 and CM019 with Dragados USA, Inc./Judlau Contracting, Inc. – A Joint Venture, to adjust the scope of work to be performed by the Joint Venture, provide a revised substantial completion date of August 31, 2013, and appropriately incentivize the Joint Venture's achievement of substantial completion by that date.

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

8. **EXECUTIVE SESSION**

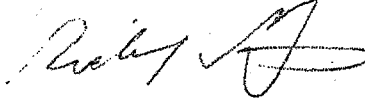
Upon motion duly made and seconded, the members of the Board present voted to convene in Executive Session to discuss collective bargaining and employment matters.

Upon motion duly made and seconded, the members of the Board present voted to re-convene in Public Session.

9. **ADJOURNMENT**

Upon a motion duly made and seconded, the members of the Board present voted to adjourn the meeting at 10:20 a.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Richard L. Gans", written in dark ink.

Richard L. Gans
Secretary

**Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority
January 25, 2012**

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

9:30 a.m.

The following members were present:

Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Jeffrey A. Kay
Hon. Mark D. LeBow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mitchell H. Pally
Hon. Nancy Shevell
Hon. Carl V. Wortendyke

Not Present:

Hon. James E. Sedore, Jr.
Hon. Mark Page
Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer; Catherine Rinaldi, Chief of Staff; James B. Henly, General Counsel, MTA; Board Member Andrew Albert; Board Member Norman Brown; Board Member Ira Greenberg; Board Member Vincent Tessitore; James Ferrara, President, MTA Bridges and Tunnels; Michael Horodniceanu, President, MTA Capital Construction; Darryl Irick, President, MTA Bus Operations;

Thomas F. Prendergast, President, New York City Transit; Howard Permut, President, Metro-North Commuter Railroad; Helena E. Williams, President, Long Island Rail Road; and Hilary Ring, Director, Community Affairs, MTA also attended the meeting.

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

Chairman Lhota called the meeting to order.

1. Public Speakers

There was one public speaker, Murray Bodin, Concerned Grandparents. Mr. Bodin referred to the minutes of the December Bridges and Tunnels Committee meeting where he requested to meet with representatives from B&T to discuss his questions and concerns. Mr. Bodin expressed his opinion that B&T publishes statistics that are meaningless.

2. Chairman Lhota's Opening Comments

Chairman Lhota stated that he was honored to chair his first Board meeting since his confirmation by the New York State Senate, and is committed to moving the organization forward.

Chairman Lhota stated that Commissioner Foye has stepped down from the Board and that he looks forward to working with him in his capacity as the Executive Director of the Port Authority. Chairman Lhota also noted that this is the last meeting for Commissioner Shevell.

The details of Chairman Lhota's statement and Board Member comments are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

3. Approval of the Minutes of the Regular Meeting December 21, 2011

Upon a motion duly made and seconded, the minutes of the Meeting held December 21, 2011 were unanimously approved.

4. Finance Committee

Upon a motion duly made and seconded, the MTA and TBTA Board approved supplemental resolutions authorizing the issuance of refunding bonds, from time to time, subject, if applicable, to the refunding policy adopted by the Board in May, 2010, as amended from time to time, 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.

With respect to the above-reference financial transactions, the MTA and TBTA Board approved, as applicable, delegating 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 underwriting of the refunding bonds either pursuant to competitive bidding process or to members (or entities related to such firms) of the MTA underwriting syndicate, and to execute and deliver in each case, where appropriate:

- Notices of Sale and bid forms,
- Purchase Agreements with underwriters,
- Related Parity Reimbursement Obligations and other related Parity Debt,
- Official Statements and other disclosure documents,
- Continuing Disclosure Agreements and related filings,
- Dealer Agreements,
- Related Subordinated Contract Obligations,
- Verification Reports,
- Escrow Agreements, and
- Investments 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 have further delegated to such officers authority to take such other actions as may be necessary or desirable to effectuate such transactions.

A copy of the staff summary, supplemental resolutions, documents 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 Cappelli stated that there are no non-competitive procurements this month.

Competitive Procurements

Commissioner Cappelli stated that there are four competitive procurements totaling \$11.321 million.

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

Personal Service Contracts

Weidlinger Associates, Inc./
Parsons Brinckerhoff, A
Joint Venture

Contract No. PSC-11-2897
Provide design and construction support
services for Project TN-49, Deck
Rehabilitation/Replacement of the
Suspended Spans at the Throgs Neck
Bridge.

\$4,837,206.14

Miscellaneous Service Contracts

Summit Security Services, Inc.	Contract No. 11-ISD-2888 Provide armed guard services on Randall's Island and other locations within the New York City area.	\$5,542,328.08
J.G. Electrical Testing Corporation	Contract No. 10-MNT-2878Y Contractor to provide all labor, material and equipment necessary to perform maintenance, testing, repair and inspection of low and medium voltage electrical distribution equipment located at various facilities.	\$739,800.00

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

Parsons Transportation Group of New York, Inc.	Contract No. PSC-07-2821 Additional design support services during construction for Project TN-82B, Interim Repair of Orthotropic Deck Structures on the Approaches at the Throgs Neck Bridge.	\$202,202.57
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Commissioner Cappelli stated that there are no ratifications.

6. Executive Session

Upon a motion duly made and seconded, the Board voted to convene in Executive session to discuss matters related to collective bargaining and the employment of a person or corporation.

7. Public Session

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

8. Adjournment

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:20 a.m.

Respectfully submitted,


Cindy L. Dugan
Assistant Secretary

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

Wednesday, January 25, 2012

9:30 a.m.

The following members were present:

Hon. Joseph J. Lhota, Chairman and CEO
Hon. Andrew M. Saul, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. James F. Blair
Hon. Allen P. Cappelli
Hon. Fernando Ferrer
Hon. Jeffrey A. Kay
Hon. Mark D. Lebow
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. Mitchell H. Pally
Hon. Nancy Shevell
Hon. Carl V. Wortendyke

The following members were absent:

Hon. Mark Page
Hon. James L. Sedore, Jr.
Hon. Ed Watt

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira R. Greenberg, Board Member Vincent Tessitore, Thomas Prendergast, President, 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 of MTA Bus Operations, Michael Horodniceanu, President of MTA Capital Construction, and Hilary Ring, Director, Community Affairs also attended the meeting.

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

Chairman and CEO Lhota 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 Dec 21, 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:

- Two modifications to the Fulton Street Transit Center design and construction phase services contract with Ove Arup & Partners, Consulting Engineers, P.C.
- Ratification of a modification to the Second Avenue Subway 96th Street Station Structural and Civil contract with E.E. Cruz and Tully Construction Company, JV.
- Ratification of a modification to the No. 7 Line Extension design and construction phase services contract with PB Americas, Inc.
- Modification to the East Side Access Harold Structures Part I contract with Perini Corporation.
- Modifications to the East Side Access Manhattan Tunnels Excavation and Manhattan Structures I contracts with Dragados USA, Inc. / Judlau Contracting, Inc. – a Joint Venture.

Adjournment

Upon motion duly made and seconded, the MTA Board voted to adjourn the public meeting at 10:20 a.m.

Respectfully submitted,

Patrick Killackey
Secretary

Staff Summary



Subject:	2011 TBTA Operating Surplus
Department:	Finance
Department Head Name	Donald Spero <i>DS</i>
Department Head Signature	
Project Manager Name	James Elkin <i>JE</i>

Date	February 6, 2012
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	MTA B&T Committee	02/27/12			
2	MTA Finance Committee	02/27/12			
3	MTA Board	02/29/12			

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

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	Chief Financial Officer <i>[Signature]</i>		Chief Technology Officer		Chief Health & Safety Officer		Chief EEO Officer
	Chief Security Officer		Chief Maintenance Officer		MTA Office of Civil Rights		Other

PURPOSE:

To obtain MTA Board approval of resolutions which will:

- Certify and transfer \$527,658,028 operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law of the State of New York.
- Transfer \$85,100 representing 2011 investment income to the MTA pursuant to Section 569-c of the Public Authorities Law of the State of New York.
- Deduct from the operating revenues of the Triborough Bridge and Tunnel Authority for its fiscal year ending December 31, 2012 the amount of \$14,548,000, which amount shall be paid into the Necessary Reconstruction Reserve established by the Authority by resolution adopted March 29, 1968.
- Deduct from the operating revenues of the Triborough Bridge and Tunnel Authority for its fiscal year ending December 31, 2012 and set aside into a special account, an amount determined from time to time by such Authority to help fund post-retirement liabilities other than pension benefits of its employees.
- Advance the 2012 TBTA Surplus as per attached Resolution.

DISCUSSION:

The attached calculation and letter from Deloitte & Touche LLP represents the Triborough Bridge and Tunnel Authority's operating surplus for fiscal year ending December 31, 2011. The amount of surplus available for transfer to the MTA and NYCTA is \$527,658,028. The amount of investment income that is surplus funds and available to transfer to MTA for fiscal year 2011 is \$85,100. It is also requested to set aside \$14,548,000 from operating revenues of the Triborough Bridge and Tunnel Authority for fiscal year ending December 31, 2012. This money will be used to pay for the cost and expense of current and anticipated necessary construction for the TBTA facilities. It is also requested to set aside into a special account, from operating revenues of the Triborough Bridge and Tunnel Authority for fiscal year ending December 31, 2012 an amount determined from time to time by such Authority to help fund post-retirement liabilities other than pension benefits of its employees.

BUDGET IMPACT: None.

ALTERNATIVES: None.

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

RESOLVED, that the Chairman and Chief Executive Officer be, and he hereby is, authorized to certify to the Mayor of the City of New York and to the Chairman of the Metropolitan Transportation Authority, that for the purposes of Section 1219-a (2) (e) of the Public Authorities Law of the State of New York, the amount of the Authority's operating surplus for its fiscal year ending December 31, 2011 is \$527,658,028.

RESOLVED, that this Authority hereby makes the following determination in respect of its operating surplus for its fiscal year ending December 31, 2011, for the purposes of Section 1219-a (2) (e) of the Public Authorities Law of the State of New York:

Operating Revenue	\$ 1,525,585,556
Operating Expense	<u>358,845,159</u>
	\$ 1,166,740,397
Establishment of Necessary Reconstruction Reserve Account	(14,353,000)
GASB Reserve	(1,786,880)
Debt Service on Bonds	(617,855,110)
Interest Income on Unexpended Bond Proceeds and Debt Service Fund	199,853
Purchase of Capital Assets Funded from Operations	(4,363,988)
Increase in Prepaid Expenses and other Adjustments	<u>(923,244)</u>
Operating Surplus	<u>\$ 527,658,028</u>

February 29, 2012

RESOLVED, that the amount of \$85,100 representing the Authority's investment income for the year 2011 is determined to be surplus funds of the Authority; and be it further

RESOLVED, that the amount of \$85,100 be transferred and paid over to Metropolitan Transportation Authority in a lump sum as soon as practicable pursuant to Section 569-c of the Public Authorities Law.

RESOLVED, that there be set aside and deducted from the operating revenues of the Triborough Bridge and Tunnel Authority for its fiscal year ending December 31, 2012 the amount of \$14,548,000 which amount shall be paid into the Necessary Reconstruction Reserve established by the Authority by resolution adopted March 29, 1968. Money credited to the Reserve, together with interest income earned thereon, are to be applied to the payment of the cost and expense of current and anticipated necessary construction of each of the TBTA Facilities within the meaning of the General Resolution Authorizing General Revenue Bonds (the "General Revenue Bond Resolution") of the Authority adopted on March 26, 2002.

RESOLVED, that the monies thus authorized will be advanced monthly during the fiscal year ending December 31, 2012 and used for the purposes of payment of the cost and expense of necessary construction of each of the TBTA Facilities.

RESOLVED, that there be set aside into a special account and deducted from the operating revenues of the Triborough Bridge and Tunnel Authority for its fiscal year ending December 31, 2012 an amount determined from time to time by such Authority to help fund post-retirement liabilities other than pension benefits of its employees.

RESOLVED, pursuant to the provisions of paragraphs (b), (c), and (d) of subdivision 2 of Section 1219-a of the Public Authorities Law, that the Chairman and Chief Executive Officer is authorized in his discretion, to advance to Metropolitan Transportation Authority and New York City Transit Authority monthly, out of funds in the General Fund created by the General Revenue Bond Resolution which are attributable to the operations of the 2012 fiscal year (other than funds arising out of the investment of monies of the Authority) and which have been released and paid over to the Authority free and clear of the lien and the pledge of the General Revenue Bond Resolution as provided in Section 506 thereof, an aggregate amount not to exceed 90% of the Chairman's estimate of the sum which that month's operations, if available, will contribute to the "operating surplus" of the Authority which he anticipates will or may be certified and transferred for the fiscal year in which such month falls; and

February 29, 2012

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

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

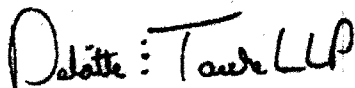
INDEPENDENT ACCOUNTANTS' REPORT ON APPLYING AGREED-UPON PROCEDURES

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

We have performed the procedures enumerated in Exhibit B, which were agreed to by the Triborough Bridge and Tunnel Authority (the "Authority"), a public benefit corporation which is part of the related financial reporting group of the Metropolitan Transportation Authority ("MTA"), solely to assist you in agreeing financial information presented in the Schedule of Operating Surplus for the year ended December 31, 2011 (Exhibit A) to the accounting records of the Authority. Authority's management is responsible for the Authority's accounting records and the preparation of the Schedule of Operating Surplus (Exhibit A) and Supporting Schedule to the Schedule of Operating Surplus (Exhibit C) for the year ended December 31, 2011. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of those procedures is solely the responsibility of the Authority. Consequently, we make no representation regarding the sufficiency of the procedures described in Exhibit B either for the purpose for which this report has been requested or for any other purpose.

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

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



February 6, 2012

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

SCHEDULE OF OPERATING SURPLUS
YEAR ENDED DECEMBER 31, 2011

OPERATING REVENUES (Note 2)	\$ 1,525,585,556
OPERATING EXPENSES (Note 3)	<u>(358,845,159)</u>
NET OPERATING REVENUE	1,166,740,397
INCREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Note 3)	(923,244)
DEBT SERVICE ON BONDS (Note 4)	(617,855,110)
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS (Note 5)	199,853
ESTABLISHMENT OF GASB 43 RESERVE ACCOUNT (Note 8)	(1,786,880)
PURCHASE OF CAPITAL ASSETS FUNDED FROM OPERATIONS (Note 6)	(4,363,988)
ESTABLISHMENT OF NECESSARY RECONSTRUCTION RESERVE ACCOUNT (Note 7)	<u>(14,353,000)</u>
OPERATING SURPLUS	<u>\$ 527,658,028</u>

See Independent Accountants' Report on Applying
Agreed-Upon Procedures and accompanying notes.

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**NOTES AND AGREED-UPON PROCEDURES PERFORMED
IN CONNECTION WITH THE SCHEDULE OF
OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2011 (Exhibit A)**

1. OPERATING SURPLUS CALCULATION REQUIREMENTS

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

2. OPERATING REVENUES

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

3. OPERATING EXPENSES

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

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

NOTES AND AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2011 (Exhibit A)

4. DEBT SERVICE

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

5. INTEREST INCOME

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

6. CAPITAL ASSETS FUNDED FROM OPERATIONS

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

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

NOTES AND AGREED-UPON PROCEDURES PERFORMED IN CONNECTION WITH THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2011 (Exhibit A)

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

7. NECESSARY RECONSTRUCTION RESERVE

- Agreed the amount appearing on the Schedule of Operating Surplus (Exhibit A) as "Establishment of Necessary Reconstruction Reserve Account" to the Finance Committee minutes to set aside and reduce operating surplus by \$14,353,000 (The Necessary Reconstruction Reserve Account was established by the TBTA by resolution adopted March 29, 1968) and noted no differences. We have been informed that this amount, together with interest income thereon, is to be used to fund reconstruction of present facilities within the meaning of the TBTA's General Revenue Bond Resolution.

8. GASB 43 RESERVE

- Agreed the amount appearing on the Schedule of Operating Surplus (Exhibit A) as "Establishment of GASB 43 Reserve Account" of \$1,786,880 to the MTA Bridges and Tunnels November Financial Plan 2011-2014 noting no differences. We have been informed that the Staff Summary, which was approved by the Finance Committee, authorizes the establishment of the GASB 43 Reserve. GASB 43 refers to Governmental Accounting Standards Board Statement No. 43, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*. The GASB 43 Reserve Account was established by the TBTA by resolution adopted December 13, 2006. We have been informed that this amount, together with interest income, thereon, is to be used to fund post-retirement liabilities other than pension benefits.

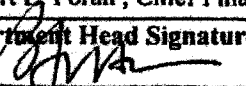
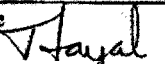
* * * * *



TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

SUPPORTING SCHEDULE TO THE SCHEDULE OF OPERATING SURPLUS YEAR ENDED DECEMBER 31, 2011

TOTAL REVENUES		\$ 1,525,670,657
LESS INTEREST INCOME		<u>85,101</u>
OPERATING REVENUES (Exhibit A)		<u>\$ 1,525,585,556</u>
TOTAL EXPENSES		\$ 794,336,576
LESS: Interest Expense and Debt Service Related Expenses	\$421,269,610	
Reimbursement of Personnel Costs	<u>14,221,807</u>	<u>435,491,417</u>
OPERATING EXPENSES (Exhibit A)		<u>\$ 358,845,159</u>
PREPAID EXPENSES AND OTHER ADJUSTMENTS:		
Balance December 31, 2010	\$ 15,370,170	
Balance December 31, 2011	<u>16,293,414</u>	
INCREASE IN PREPAID EXPENSES AND OTHER ADJUSTMENTS (Exhibit A)		<u>\$ 923,244</u>
DEBT SERVICE:		
TBTA	\$205,813,387	
MTA	131,636,793	
NYCTA	<u>280,205,077</u>	
Subtotal	617,655,257	
INTEREST INCOME ON UNEXPENDED BOND PROCEEDS AND DEBT SERVICE FUNDS	<u>199,853</u>	
TOTAL DEBT SERVICE ON BONDS (Exhibit A)		<u>\$ 617,855,110</u>

Staff Summary

Subject Mortgage Recording Tax – Escalation Payments to Dutchess, Orange and Rockland Counties					
Department Chief Financial Officer / Treasury Department					
Department Head Name Robert E. Foran, Chief Financial Officer					
Department Head Signature 					
Division Head Name Vinay T. Dayal 					
Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	2/27/12	X		
2	Board	2/29/12	X		

Date February 8, 2012			
Vendor Name			
Contract Number			
Contract Manager Name			
Table of Contents Ref #			
Internal Approvals			
Order	Approval	Order	Approval
1	Legal 	2	Chief of Staff 

I. Purpose

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

II. Discussion

The MTA statute requires that certain "mass transportation operating assistance" payments be made by the MTA to Dutchess, Orange and Rockland counties from MTA's MRT-2 receipts. (These payments are made from funds established by PAL §1270-a, the Metropolitan Transportation Authority Special Assistance Fund.) Under the statute, Dutchess and Orange Counties are each to receive no less than \$1.5 million annually, and Rockland County is to receive no less than \$2.0 million annually. The counties were paid these amounts in quarterly installments during 2011.

In addition to providing a minimum mass transportation operating assistance payment, the statute provides for an "escalator payment" based on the total MRT-1 and MRT-2 receipts attributable to any of these counties that exceeds the receipts received in 1989. Pursuant to PAL §1270-a (4)(c), the MRT-1 increase is to be calculated as if the MRT-1 tax was 25 cents per \$100 of mortgage recorded and not the current 30 cents per \$100 of mortgage recorded. The escalator payment due each county based on the FY 2011 MRT receipts is determined as follows:

$$(\text{FY2011 MRT Receipts} - \text{FY1989 Base Year MRT Receipts}) / \text{FY1989 Base Year MRT Receipts} = \text{Escalator Rate}$$

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

The results of the above formulas for each county are:

<u>County</u>	<u>1989 Base Year MRT Receipt</u>	<u>2011 MRT Receipts Adj.¹</u>	<u>Escalator Rate</u>	<u>Escalator Payments</u>
Dutchess Cty	\$3,569,702.51	\$4,625,995.68	29.59%	\$ 443,857.65
Orange Cty	\$4,433,935.06	\$4,982,578.55	12.37%	\$ 185,606.06
Rockland Cty	\$4,524,064.27	\$6,073,183.11	34.24%	\$ 684,835.03
			Total	<u>\$ 1,314,298.74</u>


III. Recommendations

It is recommended that the Board authorize escalator payments totaling \$1,314,298.74 to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.

¹ The actual 2011 gross receipts for each of the counties was:





Dutchess Cty	\$ 5,173,327.70
Orange Cty	\$ 5,534,584.02
Rockland Cty	\$ 6,752,252.31

Staff Summary

Subject
Request for Authorization to Award Various Procurements
Department
Strategic Initiative
Department Head Name
Charlie Monheim
Department Head Signature
Division Head Name
Clifford Shockley 

Date
February 3, 2010
Vendor Name
Various
Contract Number
Various
Contract Manager Name
Various
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	2/27/12			
2	Board	2/29/12			

Internal Approvals			
Order	Approval	Order	Approval
			Office of Civil Rights
		2	Legal 
4	CFO 		EITG
1	Procurement 	3	Strategic Initiative 

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	None

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule H: Modification to Personal Services Contracts & Misc. Service Contracts	2	\$ 3,604,232.52
SUBTOTAL	2	\$ 3,604,232.52

MTAHQ presents the following procurement actions for Ratification:

None	None
TOTAL	2
	\$ 3,604,232.52

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, FEBRUARY 2012
COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Two-Thirds 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 original contract to equal or exceed monetary or durational threshold required for Board approval.)

1. **Oracle America, Inc.** **\$604,280.52** Staff Summary Attached
Maintenance and Monitoring Services (Total)
of Proprietary Oracle Hardware
Contract No. 01186-0100
Base Amount = \$932,520.57
Increase Funding to continue the maintenance of proprietary sun equipment and software. Oracle equipment and software are required to support all Internet/Intranet applications, the MTA.info website, as well as LIRR and MNR Schedules. The cost of \$604,280.52 (\$302,140.26 per year) for the two-year contract (retroactive from April 2011) which is negotiated down from the rates of the NYS Contract is 336,536.60 or 35.8% lower than Oracle's published list price of \$940,817.12. The annual cost of \$302,140.26 is \$8,699.93 or 2.8% lower than the current annual contract price of \$310,840.19. Based on the above, the overall cost of \$604,280.52 is considered fair and reasonable

2. **TDX Construction Corporation** **\$2,999,952** Staff Summary Attached
Small Business Federal Program Services (Not-to-exceed)
Contract No. 10009-00100, S/A #3
Base plus previous supplements = 13,572,847
Board approval is sought for an amendment to an existing personal services contract with TDX to provide services to support a newly created Small Business Federal Program ("SBFP") upon Federal Transportation Administration ("FTA") approval. The new SBFP will be closely coupled with the MTA's Small Business Mentoring Program ("SBMP") for State and locally funded projects, successfully managed by TDX, and will use relevant SBMP Procedures and Contractual Terms and Conditions. TDX will focus its work efforts to prequalify firms for the federal program, provide training, conduct progress assessments, facilitate loans and bonding, and develop a bid list for each project. All agencies, except B&T (which does not accept FTA funds), are expected to participate in the Program. The goal of the SBMP is to expand the pool of qualified and diverse contractors who compete for MTA's capital projects by addressing the major impediments small businesses face. The SBFP shares the same goal. The total budget for this three year program, \$3,500,000, is being funded from the Skanska legal settlement fund. For the SBFP, TDX proposed a three year cost of \$4,226,652, which was negotiated down to \$2,999,952 by modifying scope and hours, a reduction of \$1,226,700 or 29.0%. Based on the negotiated savings of \$1,226,700 and costs incurred by TDX for similar program elements of the SBMP, \$2,999,952 is deemed fair and reasonable. The remaining amount of \$500,048 will be retained by the MTA as contingency to support the expected growth in the program and possible new features as program needs develop.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number:

Page 1 of 1

Vendor Name (& Location): Oracle America, Inc.
Description: Maintenance and Monitoring Services of Proprietary Oracle Hardware
Contract Term (including Options, if any): April 1, 2011 thru March 31, 2013
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 :Ride MNR Contr
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:

Contract Number: 08021-0100	AWO/Modification # 1
Original Amount: \$932,520.57	
Prior Modifications: --	
Prior Budgetary Increases: --	
Current Amount:	
This Request: \$604,280.52	
% of This Request to Current Amount:	64.8%
% of Modifications (including This Request) to Original Amount:	0%

DISCUSSION:

To recommend that the Board approve an amendment to the existing Board-approved contract with Oracle America, Inc. (Oracle acquired Sun Microsystems, Inc. in 2008) for maintenance of proprietary sun equipment and software. Only the Original Equipment Manufacturer (OEM) can perform maintenance on their proprietary products. Additional funding is required to continue maintenance. Pricing is in accordance with NYS's competitive Contract PS61989. Oracle equipment and software are required to support all Internet/Intranet applications, the MTA.info website, as well as LIRR and MNR Schedules.

The cost of \$604,280.52 (\$302,140.26 per year) for the two-year contract (retroactive from April 2011) which is negotiated down from the rates of the NYS Contract is 336,536.60 or 35.8% lower than Oracle's published list price of \$940,817.12. The annual cost of \$302,140.26 is \$8,699.93 or 2.8% lower than the current annual contract price of \$310,840.19. Based on the above, the overall cost of \$604,280.52 is considered fair and reasonable.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Item Number:

Page 1 of 1

Vendor Name (& Location): TDX Construction Corporation		Contract Number: 10009-0100		AWO/Modification # 3	
Description: Small Business Federal Program Services		Original Amount: \$ 12,416,447			
Contract Term (including Options, if any): July 30, 2010 thru July 29, 2014 (base) with 2 One Year Options		Prior Modifications:		\$ 1,156,400	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Prior Budgetary Increases:		\$ 1,156,400	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Current Amount:		\$ 13,572,847	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		This Request:		\$ 2,999,952	
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:		% 22.1	
Requesting Dept/Div & Dept/Div Head Name: R. Saporita/OCO + M. Garner/DDCR and L. Kleinbaum/Admin		% of Modifications (including This Request) to Original Amount:		% 33.5	

DISCUSSION:

Board approval is sought of an amendment to an existing personal services contract with TDX to provide services to support a newly created Small Business Federal Program ("SBFP") upon Federal Transportation Administration ("FTA") approval. This program is in the process of being approved by the FTA to enable the MTA to assist small businesses, including Disadvantaged Business Enterprises ("DBEs"), in performing work on MTA and its agencies' Federally funded projects. The new SBFP will be closely coupled with the MTA's Small Business Mentoring Program ("SBMP") for State and Locally funded projects, successfully managed by TDX, and will use relevant SBMP Procedures and Contractual Terms and Conditions.

TDX will focus its work efforts to prequalify firms for the federal program, provide training, conduct progress assessments, facilitate loans and bonding, and develop a bid list for each project. All agencies, except B&T (which does not accept FTA funds), are expected to participate in the Program.

The goal of the SBMP is to expand the pool of qualified and diverse contractors who compete for MTA's capital projects by addressing the major impediments small businesses face. The SBFP shares the same goal. Because less mentoring is necessary for "larger" (up to \$3 million) projects in the SBFP, the agencies will assume responsibility for managing the construction projects. Therefore, TDX will not be providing field staff to oversee the construction activity as is currently done for the SBMP (Tier 1 projects for up to \$1 million). The SBFP is closely aligned with the procedures for the future SBMP Tier 2 Program. SBMP Tier 2 Program will also have projects up to \$3 million. The participants in both programs will be required to obtain third party bonding. Thus, the SBFP program will help "jump start" Tier 2. It is noteworthy that the new SBFP will be the first of its kind nation-wide federal program upon approval of the FTA.

The total budget for this three year program, \$3,500,000, is being funded from the Skanska legal settlement fund. For the SBFP, TDX proposed a three year cost of \$4,226,652, which was negotiated down to \$2,999,952 by modifying scope and hours, a reduction of \$1,226,700 or 29.0%. Based on the negotiated savings of \$1,226,700 and costs incurred by TDX for similar program elements of the SBMP, \$2,999,952 is deemed fair and reasonable. The remaining amount of \$500,048 will be retained by the MTA as contingency to support the expected growth in the program and possible new features as program needs develop.

As stated, the available funding is for one, three year program. After that, MTA and its agencies will review the program, including its costs and the results of the program, to determine funding and other issues going forward.

The alternative is to competitively solicit these services to others. This alternative would negatively impact the SBFP by adding administrative costs, incurring a loss in economy of scale to TDX's current work, preventing effective sharing of the lessons learned for the SBMP Tier 2 (in TDX's contract), and delaying the commencement of the program.

FEBRUARY 2012
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

ACTION ITEMS

MTA LONG ISLAND RAIL ROAD

License Agreement with Hempstead Lincoln-Mercury Motors Corp., for parking of cars and trucks on the non-operating West Hempstead Branch right of way, between Wendell Street and Intersection Street, Hempstead, New York

License Agreement with 82-60 Austin Street Corp., d/b/a Austin's Ale House, for the operation of an outdoor dining area and maintenance of adjacent LIRR Green Area, at Kew Gardens Station, New York

Staff Summary



Metropolitan Transportation Authority

Page 1 of 1

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature
Project Manager Name ROBERT GOLDBERG

Date FEBRUARY 27, 2012
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	2/27/12	X		
2	Board	2/29/12	X		

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

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

LICENSEE: Hempstead Lincoln-Mercury Motors Corp. ("Hempstead")

LOCATION: Vacant land between Wendell Street and Intersection Street, Hempstead, NY

ACTIVITY: Parking of cars and trucks

ACTION REQUESTED: Approval of terms

TERM: 10 years, subject to termination at will by MTA on 60 days' notice.

SPACE: Approximately 15,653 sq. ft.

COMPENSATION: \$50,000 for year one (\$3.19 per sq. ft.), with 3% annual increases throughout the term of the agreement


COMMENTS:

In response to MTA Real Estate's recent request for proposals to license the subject property, a single proposal was received, from Hempstead. Hempstead proposes to clear the property of vegetation and debris, and install gravel, lighting, and security fencing. The location consists of a parcel of vacant land along the non-operating West Hempstead Branch right of way, between Wendell Street and Intersection Street in Hempstead, New York. The LIRR does not wish to sell or permanently encumber the property, as it needs to reserve the ability to use it for operating purposes in the future. The proposal submitted was for 10 years with a base year compensation of \$50,000 and 3% annual increases (present value of \$360,262.83 at 9%). The proposed compensation of \$3.19 per sq. ft. for lease of vacant land is consistent with market value, per discussions with local brokers.

Hempstead currently occupies LIRR property contiguous to this RFP site, under a license agreement dated January 31, 2010, which it uses for the parking of motor vehicles as part of its business operations. Hempstead proposes to use the subject parcel for additional parking for its growing inventory of cars and trucks. Hempstead has submitted documentation showing that it is sufficiently capitalized to make the necessary improvements and pay the proposed compensation. In addition to receiving a new revenue stream, LIRR will benefit from no longer having to maintain the property.

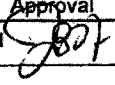
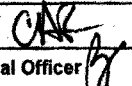

Based on the foregoing, MTA Real Estate requests authorization to grant a license to Hempstead on the above-described terms and conditions.

Staff Summary

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name DORRIE MASSARIA ROBERTS

Date FEBRUARY 27, 2012
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	2/27/12	X		
2	Board	2/29/12	X		

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

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

LICENSEE: 82-60 Austin Street Corp., d/b/a Austin's Ale House ("Austin's")

LOCATION: Landscaped right-of-way adjacent to the Kew Gardens station (the "Subject Parcel")

ACTIVITY: Seasonal use of outdoor dining area and landscaping of adjacent right-of-way

ACTION REQUESTED: Approval of terms

TERM: Eight years (co-terminus with Austin's existing sub-license agreement for the use of an adjacent outdoor dining and storage area), subject to termination at will by MTA on 60 days' notice.

SPACE: Approximately 1,200 square feet of outdoor dining area and approximately 1,500 square feet of adjacent right-of-way (to be landscaped but otherwise not used)

COMPENSATION:	Year	Annual Compensation	Price PSF	Annual Increase
	1	\$3,600.00	\$3.00	
	2	\$3,708.00	\$3.09	3.0%
	3	\$3,819.24	\$3.18	3.0%
	4	\$3,933.82	\$3.28	3.0%
	5	\$4,051.83	\$3.38	3.0%
	6	\$4,173.39	\$3.48	3.0%
	7	\$4,298.59	\$3.58	3.0%
	8	\$4,427.55	\$3.69	3.0%

COMMENTS:

In response to a recent request for proposals to utilize and maintain landscaped portions of the LIRR right-of-way near the Kew Gardens train station, MTA Real Estate received a single proposal, from Austin's. Austin's, which is located at 82-70 Austin Street, currently sub-licenses from LIRR licensee, Zee N Kay Management, an area adjacent to the Subject parcel which it uses as storage and for the operation of an outdoor dining area. Austin's will use 1,200 square feet of the area offered in the RFP as a dining area, and will also maintain both that area and an adjacent 1,500 square foot, landscaped portion of the right-of-way, heretofore the responsibility of LIRR to maintain. Within the dining portion of the licensed area, Austin's will install pavers, fencing, and planters. Austin's will provide the required insurance coverage and will indemnify MTA and LIRR.

Staff Summary

FINANCE COMMITTEE MEETING

82-60 Austin Street Corp., d/b/a Austin's Ale House (Cont'd.)




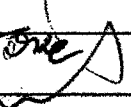

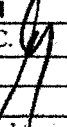

Metropolitan Transportation Authority

Page 2 of 2

In addition to the compensation described above, by entering into this license, LIRR will be relieved of the time and expense of maintaining the adjacent 1,500 square foot landscaped property. Based on an analysis of rental rates of comparable properties in the surrounding area and the value of the maintenance work, MTA will receive market value for the interest being granted.

Based on the foregoing, MTA Real Estate requests authorization to grant a license to Austin's on the above-described terms and conditions.

Subject	Request for Authorization to Award Various Procurements				
Department	Materiel Division – NYCT				
Department Head Name	Stephen M. Plochochi				
Department Head Signature					
Project Manager Name	Rose Davis				
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	2/27/12			
2	Board	2/29/12			

February 16, 2012			
Department Law and Procurement - MTACC			
Department Head Name Evan Eisland			
Department Head Signature 			
Table of Contents Ref #			
Internal Approvals			
	Approval		Approval
	President NYCT		President MTACC. 
	Executive VP	X	Subways
X	Capital Prog. Management	X	Buses
	Law	X	Diversity/Civil Rights

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

PURPOSE:

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

DISCUSSION:

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

Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts	1	\$.06 M
• Micro Focus, Inc.		\$.06 M
SUBTOTAL			
	1	\$.06 M

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

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

Schedules Requiring Majority Vote

Schedule I: Modifications to Purchase and Public Works Contracts	1	\$	2.6 M
SUBTOTAL	1	\$	2.6 M

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

Schedules Requiring Majority Vote

Schedule I: Modifications to Purchase and Public Works Contracts	2	\$	2.9 M
SUBTOTAL	2	\$	2.9 M

NYC Transit proposes to award Ratifications in the following categories:

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions	4	\$	4.6 M
SUBTOTAL	4	\$	4.6 M

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

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions	1	\$.4 M
SUBTOTAL	1	\$.4 M
TOTAL	9	\$	10.6 M

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

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

FEBRUARY 2012

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

E. Miscellaneous Procurement Contracts

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

1. Micro Focus, Inc.

\$56,790 (NTE)

Req. # 7235

This contract will purchase an upgrade of existing AcuCobol software.

In 1998, AcuCobol software was purchased for NYC Transit as part of the Wang Migration project that converted and migrated the Division of Materiel (Materiel) and the Department of Law's (Law) applications onto Hewlett Packard 9000 servers. Since the initial installation, the software has been upgraded several times.

The Division of Technology and Information Services (TIS) has requested an additional software upgrade for its four AcuCobol software modules. AcuCobol software modules are used to develop, enhance and run software applications for Materiel and Law. Currently, TIS is running AcuCobol Version 5.2 on a UNIX platform. It is essential that the four AcuCobol software modules be upgraded to Version 9.0 because Law and Materiel's applications need to be migrated to the new HP/UNIX Superdome given that the current HP/UNIX platform is obsolete. In addition, AcuCobol Version 5.2 will no longer be supported by Micro Focus as it is more than ten years old.

Micro Focus, Inc. is the sole licensor for AcuCobol software and the sole provider of support services. Support for the current version is provided under a separate contract with Micro Focus, Inc. They have one price list for all customers and charge according to the level of upgrade. Based on a comparison to the in-house estimate and prior upgrade purchases for AcuCobol, the price of \$56,790 is considered fair and reasonable.

FEBRUARY 2012**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL****Procurements Requiring Majority Vote:****I. Modifications to Purchase and Public Work Contracts**

(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K.)

- | | | |
|------------------------------------|--------------------|--------------------------------------|
| 1. Kiska Construction, Inc. | \$2,600,000 | <u>Staff Summary Attached</u> |
| Contract #C-34790/C-33132.2 | | |

Modification to the contract for elevated structure rehabilitation and overcoat painting from the Cypress Hill Station to the 130th Street Abutment on the Jamaica Line, in order to perform additional steel repairs.

FEBRUARY 2012

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

I. Modifications to Purchase and Public Work Contracts

(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K.)

- | | | | |
|---------------|---|-------------------------------|--|
| 1 | S3 Tunnel Constructors, JV
Contract #C-26002.70 | <u>\$1,200,000</u> | <u>Staff Summaries Attached</u> |
| | <p>Modification to the contract for the construction of the Second Avenue Subway Tunnel from 92nd to 63rd Streets, in order to address impact costs associated with the aggregate delays resulting from various additional work orders.</p> | | |
|
2. |
Skanska USA Civil Northeast
Contract #A-36138.59 |
<u>\$1,720,000</u> |
<u>Staff Summaries Attached</u> |
| | <p>Modification to the contract for the finishes of the Dey Street Concourse as part of the Fulton Street Transit Center, in order to furnish custom extruded aluminum cladding wall panels and custom slatted laminated glass wall panels.</p> | | |

FEBRUARY 2012

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. | DVI Communications, Inc. &
Federal Engineering, Inc., JV
Contract #CM-1325.6 | \$2,874,823 | <u>Staff Summary Attached</u> |
| | Modification to the consultant contract for the design of the 800MHz Bus Radio System and Command Center, in order to provide additional design services for the New Regional Bus Command Center and completion of the New Bus Radio System and extend the term of the contract by an additional 46 months. | | |
| 2. | Gazebo Contracting Inc.
Contract #C-80269.10 | \$650,000 | <u>Staff Summary Attached</u> |
| | Modification to the contract for the St. George Terminal floor repair and replacement in Staten Island, in order to remove and replace additional floor areas. | | |
| 3. | John Civetta & Sons
Contract #A-36065.15 | \$360,000 | <u>Staff Summary Attached</u> |
| | Modification to the contract for the rehabilitation of the Dyckman Street Station and component repair of five stations on the Broadway/Seventh Avenue Line in Manhattan and The Bronx, in order to reconfigure the employee facilities at Dyckman Street to be fully ADA compliant and to build an elevator machine room. | | |
| 4. | Lee Harris Pomeroy Architects &
Weidlinger Associates, JV
Contract #CM-1197.9 | \$706,630 | Staff Summary Attached |
| | Modification to the consultant contract for the design of the Bleecker Street Station, in order to provide additional design and construction support services. | | |

FEBRUARY 2012

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. Scalamandre/Oliveira JV	\$417,025	<u>Staff Summary Attached</u>
Contract #C-26511.1		

Modification to the contract for construction at the Site K on the #7 Line Extension in order to expand the Javits Center plenum connection.

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 1

Vendor Name (& Location) Kiska Construction, Inc. (Richmond Hill, NY)	
Description Rehabilitation and Overcoat Painting of elevated structures – Cypress Hill Station to 130 th Street Abutment, Jamaica Line.	
Contract Term (including Options, if any) December 30, 2010 – April 30, 2013	
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 type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith	

Contract Number C-34790/C-33132	AWO/Modification # 2
Original Amount:	\$ 20,280,000
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 20,280,000
This Request:	\$ 2,600,000
% of This Request to Current Amount:	12.8%
% of Modifications (including This Request) to Original Amount:	12.8%

Discussion:

This modification is for the rehabilitation of an additional 70,000 lbs of longitudinal track girders.

This contract provides for rehabilitation, including overcoat painting, of approximately 3.1 miles of elevated structure on the Jamaica Line in the boroughs of Queens and Brooklyn, which was constructed circa 1888. The elevated structure includes longitudinal girders which support track ties. The contract calls for the rehabilitation of longitudinal girders at numerous locations, requiring the repair and replacement of approximately 360,000 lbs of top flanges, top and bottom flange angles, and miscellaneous steel members.

Since NYC Transit's design was based on a visual survey, the contract requires a detailed pre-construction condition survey to be performed by the contractor with NYC Transit engineers. The joint survey was performed with contractually-required ultrasound equipment, using scissor-lifts situated at street level, for which the contractor secured permits from NYC DOT for street closures and provided maintenance and protection of street traffic. CPM and Subways MOW engineers determined that rehabilitation of longitudinal girders was needed at 18 additional locations. This modification will address the sections that need repair at this time, while other locations identified for repair will be part of a future capital project.

This modification provides for the rehabilitation of longitudinal girders at an additional 18 locations, requiring the repair or replacement of approximately 70,000 lbs of additional steel, including: repair and replacement of top flanges; repair of top flange angles including tie seats, cross frames, lateral bracing and gusset plates; repair of bottom flange angles; replacement of miscellaneous steel members including tie seats, gusset plates, sway braces, cover plates and stiffeners. The contractor is required to brace and support the existing structure during the work and perform a track alignment survey and profile before and after the work. The contractor submitted a revised proposal of \$2,716,423; NYC Transit's revised estimate was \$2,445,000 following several scope revisions. Negotiations resulted in the agreed upon lump sum of \$2,600,000. Savings of \$116,423 were achieved. The final price was found to be fair and reasonable. The work will be performed during weekend diversions of service beginning in April 2012 and ending March 2013.

Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 2

Vendor Name (& Location) S3 Tunnel Constructors, JV (Queens, NY)	
Description Second Avenue Subway: Tunnels from 92 nd Street to 63 rd Street	
Contract Term (including Options, if any) March 20, 2007- July 20, 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: MTA Capital Construction, Michael Horodniceanu	

Contract Number	AWO/Modification #
C-26002	70
Original Amount:	\$ 337,025,000
Prior Modifications:	\$ 45,539,248
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 382,564,248
This Request:	\$ 1,200,000
% of This Request to Current Amount:	0.3%
% of Modifications (including This Request) to Original Amount:	13.9%

Discussion:

This modification is for impact costs associated with the delay resulting from additional work included in Mod. #29.

The contract calls for two tunnels to be mined under Second Avenue using a single tunnel boring machine (TBM) from a TBM launch box constructed between 95th and 91st Streets, to the existing 63rd Street Station at Lexington Avenue. The contract also calls for the relocation and restoration of utilities, construction of access shafts at 69th and 72nd Streets, as well as providing sump pumps, drainage, lighting systems and temporary decking.

Modification #s 26 and 29 were approved by the Board in September 2008. Modification #26, in the amount of \$658,000, was for the installation of a 30" gas main and enclosure as stipulated by Con Ed. It included an agreed upon time extension of 49 excusable working days extending the contract Substantial Completion date from November 9, 2010 to January 24, 2011. This time extension addressed overlapping excusable delays associated with five separate modifications (19, 26, 28, 29 and 33). However, the number of compensable days could not be agreed upon. It was MTACC's position that the entire delay was non-compensable, as it was driven by Mod. #26, which was categorized as a non-compensable delay. Modification #26 was therefore issued as a unilateral directive, relative to compensable time. The Contractor initiated a dispute in accordance with the contract provisions. Thereafter, settlement discussions were held during which the Contractor presented additional information regarding the sequence of the work.

Modification #29, in the amount of \$1,837,200, was due to a redesign of the sewer foundation plan, which called for the use of drilled concrete piles and mini-piles in lieu of the 20-ton timber piles specified in the contract. Modification #29 was required due to the excess vibrations that would be caused by the installation of the 20-ton timber piles which were in close proximity to fragile buildings. Absent the concurrent non-compensable delay associated with Mod. #26; Mod. #29 would have been on the Critical Path and subject to impact costs.

MTACC's initial schedule analysis assumed that the work associated with Mod. #s 26 and 29 could be performed in parallel concluding that the delay associated with Mod. # 29 was concurrent with the non-compensable delay associated with Mod. #26. As discussions continued regarding the Contractor's dispute related to the compensable portion of the excusable delay, it was determined that the close proximity of the work areas for each Modification prevented the work from being done in parallel. Instead, the sewer work associated with Mod. #29 had to start first with the Con Ed gas main work associated with Mod. #26 starting 30 days later. The updated analysis showed the first 30 days of the work associated with Mod. #29 to no longer be concurrent with the delays associated with Mod. #26. Therefore, it was agreed that the 30 working days were subject to impact costs. This Mod. #70 addresses the impact costs due to the 30 compensable days associated with Mod. #29.

The contractor's proposal was \$2,641,852; MTACC's revised estimate was \$1,203,373. Following negotiations, the price of \$1,200,000 was agreed upon and is considered fair and reasonable. Savings of \$1,441,852 were achieved.

Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 1

Vendor Name (& Location) Skanska USA Civil Northeast, Inc. (Whitestone, NY)	
Description Dey Street Concourse, R/W Underpass and Platform Finishes	
Contract Term (including Options, if any) March 30, 2010- October 29, 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: MTA Capital Construction, Michael Horodniceanu	

Contract Number	AWO/Modification #
A-36138	59
Original Amount:	\$ 17,093,000
Prior Modifications:	\$ 1,304,970
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 18,397,970
This Request:	\$ 1,720,000
% of This Request to Current Amount:	9.3%
% of Modifications (including This Request) to Original Amount:	17.7%

Discussion:

This modification is for the furnishing of custom extruded aluminum cladding wall panels and custom slatted laminated glass wall panels.

The Contract provides for the finishes of the Dey Street Concourse, R/W Underpass and Platform Finishes at Cortlandt Street Station as part of the Fulton Street Transit Center (FSTC).

This is the first of several modifications to be presented to the Board, across the various FSTC contracts, for the implementation of the reprogramming of space previously identified for use by NYC Transit personnel at the Fulton Street Transit Center and Corbin Building into commercial tenant, retail and public spaces. The preliminary estimate for the total cost of all reprogramming is approximately \$35M.

Modification #49 was a larger modification to revise the finishes and technology in the Dey Street Concourse including the wall finishes, LED signage and video displays. Due to the long lead times associated with the procurement of the aluminum and glass wall panels, MTACC decided to proceed immediately with the material purchase as part of a new Mod. #59, in order to mitigate potential schedule impact. The balance of the scope of work including labor, remaining materials, equipment, a credit for the deleted work, schedule impact and impact costs will be negotiated under Mod. #49 while the wall panels are addressed under this modification.

The contractor's proposal was \$1,855,195; MTACC's estimate is \$1,696,175. Following negotiations, the price of \$1,720,000 was agreed upon and is considered fair and reasonable. Savings of \$135,195 were achieved.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

Vendor Name (& Location)	
DVI Communications, Inc. & Federal Engineering, Inc. JV	
Consultant Services for the Design of the 800 MHz Bus Radio System and Command/Dispatch Center	
Contract Term (including Options, if any)	
March 8, 2007 – March 7, 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 type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name:	
Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #:
CM-1325	6
Original Amount:	\$ 4,745,608
Option Amount:	\$ 3,807,192
Total Amount:	\$ 8,552,800
Prior Modifications:	\$ 1,149,000
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 9,701,800
This Request:	\$ 2,874,823
% of This Request to Current Amount:	29.6%
% of Modifications (including This Request) to Total Amount:	47%

Discussion:

This retroactive modification is for additional design for the New Regional Bus Command and Dispatch Center and design of the new 800 MHz bus radio system, as well as an extension of the contract for an additional 46 months. The base contract also includes an option for construction support services which has not yet been exercised.

To date, five modifications have been issued. Modification No. 1 (for \$1.149M) was approved by the Board for the addition of the MTA Bus Company (MTABC) fleet to the contract. The other modifications were for minor, no cost administrative changes.

DVI Communications, Inc. & Federal Engineering, Inc. JV (DVI/Federal) is performing design for the entire Bus Radio project, which involves the furnishing, installation and development of a new two-way land mobile digital radio system in the 800 MHz band including a new Bus Command and Dispatch Center. This new system will support the needs of NYC Transit's Department of Buses and MTABC. The new system will increase capacity, improve two-way communications with buses and support vehicles in the field, as well as upgrade the existing 800 MHz analog system with a modern digital Time Division Multiplex Access based two-way land mobile radio system. The project has been delayed due to issues concerning where to locate the new Bus Command and Dispatch Center (BCC), which is currently located at the East New York (ENY) Bus Depot. Alternate designs/locations to the ENY Depot were reviewed, including existing buildings and various open space sites. In 2010, the adoption of the new NY State Building code (including new seismic standards) eliminated most buildings from consideration. Various building configurations on open space sites near the existing BCC would entail new construction which would more easily comply with the requirements of the new code. The changes in location for the BCC resulted in multiple site location studies, design revisions as well as increased scope and time extension. This redesign will incorporate a complete structural design of a new efficient two-story 22,000 square-foot building, rather than a redesign and reconfiguration of the ENY 3rd floor for the originally planned 30,000 square-foot BCC. The original design requirements for the radio system included designs for 26 radio sites to transmit radio signals to cover bus routes in all five boroughs and surrounding areas. The latest radio technology allows for support of multiple frequency bands, therefore, a revised design will now add newly acquired 700 MHz spectrum in addition to current 800 MHz channels and dedicated wireless telecommunications backup for each site; the back-up power systems of each site shall also be updated to increase capacity. This modification will extend the base contract by an additional 46 months to December 2012.

The contractor's initial proposal was \$3,192,988; NYC Transit's revised estimate was \$2,759,176. Negotiations resulted in the BAFO amount of \$2,874,823. The final price was found to be fair and reasonable. Savings of \$318,165 were achieved. There were no changes to the existing contract rates.

The SVP, CPM approved a waiver directing the consultant to proceed, in order to maintain the revised design schedule.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 2

Vendor Name (& Location)	
Gazebo Contracting, Inc. (Astoria, NY)	
Rehabilitation and replacement of St. George Terminal Floor, Staten Island Railway	
Contract Term (including Options, if any)	
December 29, 2009 – October 5, 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 type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name:	
Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #:
C-80269	10
Original Amount:	\$ 1,948,000
Prior Modifications:	\$ 856,900
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 2,804,900
This Request:	\$ 650,000
% of This Request to Current Amount:	23.2%
% of Modifications (including This Request) to Original Amount:	77.4%

Discussion:

This retroactive modification is for replacement of the existing 8 inch thick reinforced concrete floor slab with a new 6 inch thick reinforced concrete slab with metal decking in high traffic pedestrian areas of the St. George Terminal and a 162 work day extension of time for substantial completion.

This contract is for the rehabilitation of the floor of the St. George Terminal, Staten Island Railway (SIR) in Staten Island. It includes replacing approximately 3,800 square feet of the existing concrete slab and scarifying 3,170 square feet of the existing concrete slab, installing new acrylic resin topping over the entire rehabilitated floor, constructing a new security booth, relocating automatic fare collection (AFC) arrays during construction, and temporary support of utilities during construction. The contract covers essentially the entire floor accessible to the public; it excludes the floors in areas off-limits to the public, such as the agent booth, machine room, the switch room, etc. A large room below the floor is used for DOT storage. The passenger area floor is the ceiling of the DOT storage room, so the contract also requires protective decking of the storage room ceiling during construction.

When scarification of the existing slab began, visual observation showed the slab was in poor condition; also the underside of the slab exhibited cracks. Accordingly, core samples of the concrete slab were taken to determine its compressive strength as measured in psi. NYC Transit's current standard is 3,000 psi and 4,000 psi is typically specified to ensure the 3,000 psi standard is achieved. The NYC Transit standard at the time of original construction (circa 1955) was 2,500 psi. The design incorporated into this contract assumed that the existing slab had been constructed in accordance with the 1955 standard and a corresponding margin, which would have resulted in a compressive strength equivalent to today's standard. However, laboratory test results showed the existing concrete has a compressive strength of only 1,500 to 1,800 psi. Accordingly, the 3,170 square feet of existing floor slab that was only to be scarified now must be replaced instead.

To minimize inconvenience to customers, the contract requires the construction to proceed in phased areas. In July 2011, the Board approved a retroactive modification for \$675K to replace the floor slab in the 1,720 square foot area surrounding the existing agent booth. The Board was advised that as work progresses, additional substandard areas would be addressed by future modification.

This retroactive modification is for the replacement of the floor slab in the remaining phased area, which consists of 1,450 square feet. The additional work included: the removal of the existing 8-inch thick floor slabs in order to replace them with new, reinforced 6 inch thick concrete slabs with metal decking, monitoring lead disposal as per NYC Transit Environmental regulation; installation of temporary lighting, new sprinkler heads, hanger supports, lighting fixtures, and temporary support for all existing utilities beneath the slabs.

The contractor's revised proposal was \$810,266; NYC Transit's revised estimate was \$606,000. Following negotiations, the lump sum of \$650,000 was agreed upon and found to be fair and reasonable. Savings of \$160,266 were achieved. The contractor proposed a 173 work day time extension; however the contractor agreed to NYC Transit's schedule analysis that provides an extension of 162 excusable and non-impactable work days; from October 5, 2011 to May 23, 2012. To mitigate delay, on October 5, 2011 the SVP & Chief Engineer approved a retroactive waiver and the contractor was directed to proceed that day.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

Vendor Name (& Location) John Civetta & Sons (Bronx, NY)		Contract Number A-36065	AWO/Modification # 15
Description Full Rehabilitation of Dyckman Street Station and Component Repair of Five Stations on the Broadway/Seventh Avenue Line in Manhattan and The Bronx		Original Amount: \$ 46,906,344	
Contract Term (including Options, if any) June 29, 2010 – June 29, 2012		Prior Modifications: \$ 740,233	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No		Prior Budgetary Increases: \$ 0	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Current Amount: 4 47,646,577	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		This Request: \$ 360,000	
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: 0.8%	
Requesting Dept/Div & Dept/Div Head Name: Capital Program Management, Frederick E. Smith		% of Modifications (including This Request) to Original Amount: 2.3%	

Discussion:

This retroactive modification provides the reconfiguration of employee facility rooms to allow space for an elevator machine room, and provides the civil and structural construction of the elevator machine room.

The contract covers stations on the Broadway/Seventh Avenue Line in Manhattan (Dyckman Street, 207th and 215th Street Stations) and The Bronx (225th, 238th and 242nd Street Stations). The contract provides for the full rehabilitation of the Dyckman Street Station. The contract also provides for component replacements at five stations, consisting of the replacement of street stairs at two stations (207th and 225th Streets) and the replacement of platform edges and canopies at five stations (207th, 215th, 225th, 238th and 242nd Streets).

At Dyckman Street, the contract provides the following ADA improvements: raising the platform to be level with the subway car floor; rebuilding stair cases to be less steep; and installing ADA compliant railings and door handles. After contract award, a disability advocacy group filed a federal lawsuit claiming that the Americans with Disabilities Act requires MTA to provide more ADA elements. In March 2011, the lawsuit was settled with NYC Transit's agreement to provide an elevator on southbound side.

This retroactive modification provides for the reconfiguration of the employee facility rooms to allow space for the construction of a new elevator machine room. The elevator machine room civil and structural work was performed, readying the room for future installation of electrical and mechanical elevator machinery. The employee facility rooms are: track construction workers' locker room and toilet/shower; station workers' locker room and toilet; and floor scrubber storage room. All needed to be reconfigured by moving walls, appurtenances, etc. Also, the station workers' locker room and toilet were provided with ADA-compliant hardware, doors, lighting, plumbing fixtures, etc. The contractor submitted a revised proposal in the amount of \$617,812; NYC Transit's revised estimate was \$355,750. Negotiations resulted in the agreed upon lump sum of \$360,000. The final price was found to be fair and reasonable. Savings of \$257,812 were achieved.

On October 25, 2011, the SVP & Chief Engineer signed a retroactive waiver and a direction to proceed was issued immediately.

This modification is the first of several modifications required to provide an elevator and access ramp for the southbound platform of the Dyckman Street Station. To mitigate delay and impact costs, the work was divided into five packages. Future modifications will provide construction of landmark enhancements (required by the NY State Office of Parks, Recreation and Historic Preservation); construction of the elevator platform slab; furnishing and installation of the elevator cab, machinery and controls; and construction of an ADA compliant access ramp and sidewalk improvements. Construction of the elevator and related changes to the station by means of a separate contract was estimated to cost more than one third greater than the combined value of the change orders to be issued to accomplish this work.

Extension of time required for this and the next modification will be negotiated together. The next modification will provide landmark finishes, including a new station entrance, façade work and interior work.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 4

Consultant Name (& Location)	
Lee Harris Pomeroy Architects + Weidlinger Associates, JV (NY, NY)	
Description	
Consultant Services for the Design of the Bleecker Street Station	
Contract Term (including Options, if any)	
July 17, 2002 – May 16, 2012	
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:	
Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
CM-1197	9
Original Amount:	\$ 2,706,700
Prior Modifications:	\$ 2,098,382
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 4,805,082
This Request:	\$ 706,630
% of This Request to Current Amount:	14.7%
% of Modifications (including This Request) to Original Amount:	103.6%

Discussion:

This retroactive modification is for additional Construction Phase Support (CPS) services and extension of the contract by an additional 1 ½ months from May 16, 2012 to June 30, 2012.

In July 2002, the base contract was awarded to Lee Harris Pomeroy Architects + Weidlinger Associates, a Joint Venture (LHPA) for consultant services for the Design of the Rehabilitation of Bleecker Street Station, on the Lexington Ave, No.6 Line. The original contract duration was 66 months to January 16, 2008 and includes preliminary engineering, final design and construction phase support. In December 2003, after the completion of Preliminary Engineering (PE), the design was placed on hold as the planned construction project was shifted into the next capital plan. Design restarted in March 2007 and was completed in October 2007. A total of eight modifications have been issued to date. Three modifications were no cost; four modifications added a total of \$1,260,952 to the contract for design changes, unforeseen site conditions and revisions to NYC Transit design specifications; and one modification added \$837,430 for additional design support services, project management/administration, and extended the contract by 52 months from January 17, 2008 to May 16, 2012 to account for the time the design was on hold and for the new construction schedule.

The construction contract for the Rehabilitation of Bleecker Street Station was awarded on July 31, 2008. The work performed under the construction contract will provide a free transfer between the Broadway-Lafayette Street Station, IND and the Bleecker Street Station, IRT and make the Bleecker Street/Broadway-Lafayette Street Station complex fully ADA accessible. Approximately 50% of this project is street level work which includes complex excavation of Houston and Bleecker Streets and relocation of major utilities along Houston Street. During excavation and construction, unforeseen field conditions were encountered that required more construction and consultant support work than anticipated. The excavation required the opening up of sidewalks and finding ways to mitigate the impact on affected businesses. The additional construction effort necessitated additional CPS services and a new substantial completion date of June 30, 2012.

This Modification No. 9 is for additional CPS services as a result of the increased and extended construction effort. The additional CPS services include additional shop drawing reviews, additional field meetings, and increased coordination efforts. LHPA continued providing construction support services within existing contract funds until July 2010 when the funds were essentially expended. Some residual funds remained for subs and per diems consultants. This modification includes funding for the retroactive work that commenced July 2010 and the additional CPS services to be performed through project completion. Evaluation of the consultants' costs delayed processing this modification until now. A retroactive memo was approved by the Senior Vice President of CPM. Retroactive work was validated through the review of timecards.

The consultant submitted an initial proposal of \$852,438. NYC Transit's revised estimate was \$692,583. LHPA submitted a BAFO in the amount of \$706,630. The LHPA BAFO was separated into validated retroactive work of \$473,212 with 3,335.5 labor hours over the period July 2010 through October 30, 2011, and remaining work costing \$233,418 using 1,550 labor hours with no change to the rates in the contract.

Savings of \$145,808 or 17.1 % were achieved when compared to LHPA's initial proposal. The final price was considered fair and reasonable.

Schedule K: Ratification of Completed Procurement Actions

Item Number: 1

Vendor Name (& Location) Scalamandre/Oliveira JV (Freeport, NY)	
Construction of a ventilation building and reconstruction of 11 th Avenue and West 36 th Street at Site K, No. 7 Line Extension	
Contract Term (including Options, if any) February 28, 2011 - February 27, 2013	
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 type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: HYDC	
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Michael Horodniceanu	

Contract Number C-26511	AWO/Modification #: 1
Original Amount:	\$ 56,447,000
Prior Modifications:	\$ 0
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 56,447,000
This Request:	\$ 417,025
% of This Request to Current Amount:	0.7%
% of Modifications (including This Request) to Original Amount:	0.7%

Discussion:

This retroactive modification is for revisions to the Jacob Javits Convention Center (JJCC) ventilation plenum.

This contract is for construction at Site K on the No. 7 Line Extension and includes the excavation and construction of a three-story above-grade ventilation building structure, including foundation walls, slabs, columns, footings and exterior building façade envelope; construction of a ventilation plenum servicing the JJCC; demolishing and removal of the existing viaduct on 11th Avenue between West 35th and 37th Streets, as well as the existing West 36th Street viaduct and reconstruction of the roadway on 11th Avenue and West 36th Street. The ventilation building also includes one story below grade level that extends into 11th Avenue, below the roadway. The base contract work includes excavation of soil and rock debris; interim temporary mechanical ventilation; electrical power; groundwater dewatering; obtaining all regulatory permits; maintenance and pedestrian protection of traffic; and geotechnical instrumentation and monitoring for the duration of the contract.

This revision to the JJCC ventilation plenum is necessary to accommodate JJCC's design changes to its planned fan booster system which were made after bids were received for this contract. Revisions to the JJCC ventilation plenum include changes to the plenum layout, revisions to the wall and slab reinforcement details, addition of a concrete stair and ramp, addition of handrail/guardrail details, revisions to the waterproofing details and revision to the location of a Con Ed manhole to provide required clearance to the enlarged section of the ventilation plenum structure. The funds for this revision will be provided by NYC's Hudson Yards Development Corporation (HYDC) with no impact on MTA funds.

In order to avoid significant delays and keep the project on schedule, the contractor was directed to proceed with the work by September 9, 2011. The MTACC President approved a retroactive waiver. The majority of the work was performed in September. Approximately 10% of the work remains to be completed.

The contractor submitted a proposal in the lump sum amount of \$740,395; NYC Transit's revised estimate was \$384,056. Negotiations resulted in the agreed upon lump sum amount of \$417,025. Savings of \$323,370 were achieved. The final price was found to be fair and reasonable.

PROCUREMENTS

The Procurement Agenda this month includes 4 actions for a proposed expenditure of \$7.6M.

Staff Summary

Subject Requests for Authorization to Award Various Procurements
Department MTA Bus Company/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 February 6, 2012
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	2/27/12	X		
2	Board	2/29/12	X		

Internal Approvals			
Order	Approval	Order	Approval
3	President <i>(Signature)</i>		
2	Executive VP <i>(Signature)</i>		
1	General Counsel <i>(Signature)</i>		

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

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

<u>Procurements Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
---	---------------------	------------------

Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services	1	\$2.1M
---	---	--------

	<u># of Actions</u>	<u>\$ Amount</u>
--	---------------------	------------------

Total Non - Competitive Procurements	1	\$2.1M
--------------------------------------	---	--------

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

None

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

<u>Procurements Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services	1	\$5.4M
	<u># of Actions</u>	<u>\$ Amount</u>
Total Competitive Procurements	1	\$5.4M

MTA Bus Company proposes seeks Ratifications in the following categories:

<u>Procurements Requiring Two-Thirds Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K: Ratification of Completed Procurement Actions Involving Schedules E-J	1	\$0.05M

NYC Transit Department of Buses seeks Ratifications the following categories:

<u>Procurements Requiring Two-Thirds Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule D: Ratifications of Completed Procurement Actions	1	\$0.05M
	<u># of Actions</u>	<u>\$ Amount</u>
Total Ratifications	2	\$0.05M
	<u># of Actions</u>	<u>\$ Amount</u>
Total Procurements	4	\$7.6M

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

FEBRUARY 2012

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.)

- | | | |
|-----------------------------|---------------------------|--------------------------------------|
| I. Clever Devices | \$2,129,500 (Est.) | <u>Staff Summary Attached</u> |
| Contract # B-40642.4 | | |

Modification to the contract for an Intelligent Vehicle Network (IVN) in order to purchase and install new depot equipment at four depots and purchase six mobile diagnostic kits.

FEBRUARY 2012

LIST OF 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.)

2. AHRC Healthcare, Inc. \$5,427,361

Staff Summary Attached

d/b/a Access Community Health Center
Bedford Stuyvesant Family Health Center
Horizon Healthcare Staffing Corp.
Airport Medical Offices

Contract #s 10K0359A/B and 05F9234A1/2, B1/2, E1/2, F1/2, G1/2

Modifications to the contracts to perform eligibility assessment for Paratransit applicants and appeals assessment for Reduced-Fare MetroCard customers, in order to exercise the options to extend the contract terms.

FEBRUARY 2012

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

D. Ratification of Completed Procurement Actions

(Staff Summaries required for items requiring Board approval.) .

- | | | |
|--|-----------------|--------------------------------------|
| 1. Air Graphix, Inc. | \$49,950 | <u>Staff Summary Attached</u> |
| RFQ # 15476 | | |
| Immediate Operating Need | | |
| Furnish, deliver and install bus wraps on 40-foot buses. | | |

FEBRUARY 2012

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

K. Ratifications of Completed Procurement Actions (Involving Schedules E-J)

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

- | | | |
|---|-----------------|-------------------------------|
| 1. Steiner Consulting, Inc.
Contract No. PSN111153
Immediate Operating Need
Labor Costing Services for MTA Bus Company | \$45,000 (est.) | <u>Staff Summary Attached</u> |
|---|-----------------|-------------------------------|

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Item Number: **H-1**

Vendor Name (& Location) Clever Devices (Plainview, NY)	
Description Purchase and installation of an Intelligent Vehicle Network	
Contract Term (Including Options, if any) March 19, 2009 – December 31, 2014	
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 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	

Contract Number:	AWO/Modification #
B-40642	4
Original Amount:	
	\$ 1,021,180
Prior Modifications:	
	\$ 7,588,164
Prior Budgetary Increases:	
	\$ 0
Current Amount:	
	\$ 8,609,344
This Request:	
	\$ 2,129,500
% of This Request to Current Amount:	
	24.7%
% of Modifications (Including This Request) to Original Amount:	
	951.6%

Discussion:

This modification is for the provision and installation of Clever Devices' Intelligent Vehicle Network (IVN) depot equipment, including servers, cabling, and switches at four depots (100th Street, Charleston, East New York and Meredith) and the purchase of six mobile diagnostic kits. Clever Devices is the manufacturer of the hardware and software and does not have any authorized agents that can provide the required items.

IVN was originally purchased by NYC Transit and MTA Bus Company (MTABC) in 2008, in order to address concerns associated with the active, high temperature regeneration exhaust process being used on buses purchased from both Motor Coach Industries (MCI) and Daimler Buses North America (DBNA). EPA 2007 and later model diesel engines generate high exhaust temperatures and as such NYC Transit and MTABC have opted to use IVN to automatically disable and enable the regeneration process. IVN is also used to collect and upload diagnostic status data from key systems (engine, transmission, hybrid propulsion system, brakes, doors, air conditioning and electrical) when buses return to the depot.

Since 2008, specifications for all new buses purchased for NYC Transit and MTABC include the IVN system. IVN was installed on the DBNA hybrid buses through modifications to DBNA Contract B-31195. This contract, B-40642 subsequently awarded on a sole source basis, covered the installation of IVN on MCI buses and provides IVN equipment for depots as well as software maintenance and post warranty product support. 1,375 buses are presently equipped with IVN, another 755 IVN-equipped buses are on order and will be delivered within approximately 14 months. Depending on funding availability, there may be additional orders for up to 1,502 IVN-equipped buses that are part of the 2010-2014 Capital Plan.

The additional depot equipment for four depots is required to monitor IVN-equipped buses that will be assigned to these depots. After the four depots are equipped with IVN depot equipment, all NYC Transit depots will have been equipped. MTABC plans to equip its four remaining depots (Baisley Park, Eastchester, Far Rockaway and Yonkers) with the IVN depot equipment when IVN-equipped buses are assigned to these depots and funds become available. The mobile diagnostic kits are required to provide depot staff and Department of Bus Technical Engineering Staff with the ability to evaluate the health of, and diagnose problems with the on-bus IVN units.

Clever Devices has agreed to maintain the prices previously established under Modification #2 of \$528,931 per depot and \$2,296 per mobile diagnostic kit. There has been no price increase for these items over the term of the contract. These prices are in line with MTA Audit's recommendation based on a previous audit performed for Modification #2 of Clever Devices' costs, including those for depot equipment and the mobile diagnostic kits. The final price of \$2,129,500 was found to be fair and reasonable.

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Item Number: H-2

Vendor Name (& Location)	
AHRC Healthcare, Inc. d/b/a Access Community Health Center (NY,NY) Bedford Stuyvesant Family Health Care (Bklyn, NY) Horizon Healthcare Staffing, Corp. (Bronx, Bklyn, S.I., NY) Airport Medical Offices (Queens, NY)	
Description	
Certifier Services for Paratransit and Reduced- Fare MetroCard Applicants	
Contract Term (including Options, if any)	
March 7, 2007 – March 6, 2014	
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 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	AWO/Modification #
10K0359A/B 05F9234A1/A2 05F9234B1/B2, E1/E2, F1/F2 05F9234G1/G2	1
Original Amount: \$ 14,818,158	
Option Amount: \$ 5,427,361	
Total Amount: \$ 20,245,519	
Prior Modifications: \$ 0	
Prior Budgetary Increases: \$ 1,225,647	
Current Amount: \$ 21,471,166	
This Request: AHRC (\$773,149) Bed-Stuy (\$1,293,083) Horizon (\$3,266,175) Airport Medical (\$94,954) (Total)	
\$ 5,427,361	
% of This Request to Current Amount: 25.3%	
% of Modifications (including This Request) to Total Amount: 32.8%	

Discussion:

This modification exercises the option to extend the term of the current contracts for Paratransit and Reduced Fare certifier services from March 7, 2012 to March 6, 2014. The Paratransit Eligibility Determination Unit (Paratransit) and Reduced-Fare MetroCard Unit (Reduced Fare) require that 100% of applicants be screened at independent certifier centers to determine eligibility for services. Exercising this option will allow medical professionals of each certifier center to continue to assess how an applicant's disability may or may not prevent him/her from using fixed-route bus and subway transportation and provide their recommendations for eligibility to Paratransit and Reduced Fare. Assessments consist of four types: Paratransit assessments include 1) interview-only evaluations for visible disabilities and 2) functional testing for less apparent impairments, such as cognitive disorders; Reduced-Fare assessments include evaluations of 3) a visual, auditory, or ambulatory disability and 4) mentally ill or challenged individuals.

These five-year term contracts were competitively solicited and awarded in 2007 to Airport Medical Offices (Airport Medical) for the borough of Queens; Bedford Stuyvesant Family Health Center (BSFHC) for the borough of Brooklyn; Horizon Healthcare Staffing, Corp. (Horizon) for the boroughs of Brooklyn, Staten Island and The Bronx; and North General Hospital for the borough of Manhattan. North General Hospital, however, declared bankruptcy and ceased operations in June 2010. After an informal solicitation of 41 vendors, a replacement contract for the borough of Manhattan was awarded to Access Community Health Center (Access) in April 2011 under an authorized Immediate Operating Need (ION).

The price schedules for these contracts provide fixed pricing per assessment for years one through three, years four and five, and for the two option years. For this option term, Procurement obtained price reductions from Access and Airport Medical, as both contractors agreed to continue operating at current rates, which are 2.2% to 9% lower than the option year contractual rates across the assessment categories. BSFHC and Horizon will operate at the contractual rates for the option term.

Estimated expenditure for the option period is \$7,135,121; however, approximately \$1,707,760 remains from the original award, thus additional funding of \$5,427,361 is required. A market survey yielded no other potential providers of this service for the option term. The pricing for the option years were found to be fair and reasonable.

Schedule D: Ratification of Completed Procurement Actions



Item Number: D-1

Vendor Name (& Location) Air Graphix, Inc. (Bayville, NJ)
Description Furnish, deliver and install bus wraps on 40-foot buses
Contract Term (Including Options, if any) Immediate
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: Immediate Operating Need

Contract Number RFQ No. 15476	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$49,950	
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	

Discussion:

It is requested that the Board formally ratify the declaration of an Immediate Operating Need (ION) made by the Vice President, Materiel, waiving competitive bidding pursuant to Article III-A of the All-Agency Procurement Guidelines and approve the award to furnish, deliver and install bus wraps on 40-foot buses for the 34th Street Select Bus Service (SBS) program.

As of 2008, the SBS program has provided a faster, high-performance bus service along key NYC Transit routes. The system features more frequent service, specially marked buses, dedicated bus lanes and an off-board fare collection system that speeds passenger boarding and allows boarding at all bus doors. Passengers receive a payment receipt from the off-board fare payment machines, either by purchasing rides or swiping their Metrocards. The first set of buses to receive the SBS bus wrap were 60-foot articulated models used on the Bronx Bx12 route.

The introduction of SBS service on 34th Street promises to significantly improve bus service along one of the slowest routes in NYC, as documented by NYC Transit travel time data. The initial plan envisioned that the wrap would be obtained using an existing contract. However it was subsequently determined that this was not a viable solution and insufficient time existed to conduct a formal competitive solicitation for this requirement. Operations Planning therefore requested an ION to contract for the purchase and installation of bus wraps to ensure that buses would be appropriately labeled for service on Sunday November 13, 2011. The bus wrap is an essential element of this SBS program as it is part of an overall branding that differentiates to the riders, buses operating in SBS service from other buses. This required that a contractor be selected and ready to provide and install the bus wrap over the weekend of November 11-13.

As a result of this requirement being an ION, Procurement informally solicited competitive quotes without advertising. Procurement assembled a bidders list of those vendors who responded to prior solicitations to wrap articulated buses, as well as names of vendors collected from an extensive internet search. A total of nine vendors attended at least one of the two site inspections/pre-bid conferences. Bidders were asked to quote on providing material and labor to wrap an estimated 30 buses and provide five complete spare sets of bus wraps. Six informal quotes were received.

Air Graphix's price of \$49,950, is comprised of a unit price of \$1,515 for materials and labor to wrap 30 40-foot buses, plus furnishing an additional five spares at \$900 each. The price submitted by Air Graphix, the lowest price of the six bidders, was found to be fair and reasonable based on price competition.

Schedule K: Ratification of Completed Procurement Actions



Item Number: **K-1**

Vendor Name (& Location) Steiner Consulting, Inc (Oakdale, NY)
Description Labor Costing Services for MTA Bus Company
Contract Term (including Options, if any) 12 months
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: immediate Operating Need

Contract Number PSN111153	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: \$45,000 (est.)	
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: NYC Transit Department of Labor Relations Christopher P. Johnson	

Discussion:

It is requested that the Board formally ratify the declaration of an Immediate Operating Need (ION) made by the Chief Officer, Procurement, waiving competitive bidding pursuant to Article III-A of the All-Agency Procurement Guidelines and the approve the award to provide as needed labor costing services for MTA Bus Company's (MTABC) labor negotiations.

NYC Transit's (NYCT) Department of Labor Relations (LR) is responsible for negotiating MTABC's collective bargaining agreements and is currently in negotiations with several unions. In December 2012, MTABC and NYCT Labor Relations jointly determined that MTABC lacked sufficient in-house resources to provide the extensive and timely cost analysis required to evaluate complicated labor proposals. Prior to considering a consultant for this analysis, LR advertised on two occasions to fill a vacant budgeted position responsible for contract costing, but was unsuccessful in identifying any qualified candidates. Following the attempt to fill this need internally, LR initially considered a different consultant already performing similar labor costing services for the MTA, but this consultant was unavailable due to existing commitments on other assignments. Given the urgency of the start of collective bargaining negotiations for MTABC, LR requested a non-competitive award for these services be made to Dennis Steiner, who has 23 years of experience with NYC's Office of Labor Relations as the chief fiscal analyst in all city labor negotiations and contract arbitrations, and served as the Director of Financial Systems Management providing services similar to those required by MTABC for many negotiations to for NYC's Office of Labor Relations Employee Benefits Program.

Services under this contract include the review and development of costing models to produce line-by-line economic analysis for each proposal for each year covered by a contract to assess the financial impacts to MTABC.

The Consultant proposed a fully loaded hourly rated of \$165 to perform the services. Through negotiations, MTABC achieved a reduction of 6.1%, decreasing the fully loaded hourly rate to \$155, which is considered fair and reasonable.



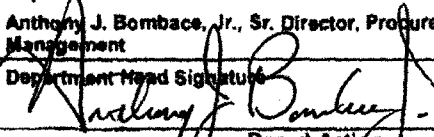









**LONG ISLAND/METRO-NORTH
COMMITTEES**

PROCUREMENTS

FOR

BOARD ACTION

February 29, 2012

Subject Request for Authorization to Award Various Procurements	Date February 29, 2012																																						
Department Procurement and Logistics - LIRR	Department Law and Procurement - MTACC																																						
Department Head Name Dennis L. Mahon, Chief Procurement and Logistics Officer	Department Head Name Evan M. Eisland, Senior Vice President and General Counsel																																						
Department Head Signature 	Department Head Signature 																																						
Department Procurement and Material Management - MNR																																							
Department Head Name Anthony J. Bombace, Jr., Sr. Director, Procurement & Material Management																																							
Department Head Signature 																																							
Board Action																																							
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Order</th> <th>To</th> <th>Date</th> <th>Approval</th> <th>Info</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>LIRR/MNR Committee</td> <td>2.27.12</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>MTA Board</td> <td>2.29.12</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Order	To	Date	Approval	Info	Other	1	LIRR/MNR Committee	2.27.12				2	MTA Board	2.29.12				<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">Internal Approvals</th> </tr> <tr> <th>Order</th> <th>Approval</th> <th>Order</th> <th>Approval</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>President, LIRR</td> <td>3/9/12</td> <td></td> </tr> <tr> <td>X</td> <td>President, MNR</td> <td></td> <td></td> </tr> <tr> <td>X</td> <td>President, MTACC</td> <td>4/4/12</td> <td></td> </tr> </tbody> </table>	Internal Approvals				Order	Approval	Order	Approval	X	President, LIRR	3/9/12		X	President, MNR			X	President, MTACC	4/4/12	
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X	President, LIRR	3/9/12																																					
X	President, MNR																																						
X	President, MTACC	4/4/12																																					

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:

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

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

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

LIRR proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

	# of Actions	\$ Amount
	1	\$3,842,350
SUBTOTAL:	1	\$3,842,350

MNR proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

	# of Actions	\$ Amount
	2	\$652,420
SUBTOTAL:	2	\$652,420

MTACC proposes to award Competitive procurements in the following categories:

Schedules Requiring Two-Thirds Vote

Schedule B: Competitive Request for Proposal

	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$TBD
SUBTOTAL:	1	\$TBD

Schedules Requiring Majority Vote

Schedule I: Modifications to Purchase and Public Work Contracts

	2	\$1,372,342
SUBTOTAL:	2	\$1,372,342

LIRR proposes to award Ratifications in the following categories: None

MNR proposes to award Ratifications in the following categories:

Schedules Requiring Majority Vote

Schedule K: Ratification of Completed Procurement Actions

	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$27,589
SUBTOTAL:	1	\$27,589

MTACC proposes to award Ratifications in the following categories: None

<u>TOTAL:</u>	7	\$5,894,701
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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.

**FEBRUARY 2012****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;
No Staff Summary required if Sealed Bid Procurement)

1.	HAKS, Engineering	\$2,520,064 (NYCT \$2,388,950; MNR \$131,114)
	Tectonic Engineering	\$1,292,616 (NYCT \$997,820; LIRR \$294,796)
	Haider Engineering	\$ 17,075 (LIRR)
	Advance Testing Co.	\$ 12,595 (MNR)
		\$3,842,350 Est.

In accordance with MTA All-Agency Procurement Initiatives, and pursuant to competitive bidding, the MTA Long Island Rail Road (LIRR) on behalf of itself, New York City Transit Authority (NYCTA) and MTA Metro-North Railroad (MNR) requests MTA Board approval to award six (6) separate Miscellaneous Service Contracts, as detailed below, for concrete testing and inspection services in the combined, estimated amount of \$3,842,350. These renewal contracts will each be issued for a term of five (5) years, beginning March 1, 2012, through February 28, 2017. Services will be performed for two stages of concrete to be used in MTA construction projects; Cylinder Testing and Field Testing ("Cylinder Testing") are conducted on concrete upon arrival at the construction site, while Batch Plant Inspection and Witnessing Concrete Mix Design ("Batch Plant") is conducted on concrete prior to delivery and at the time concrete is mixed and loaded at the concrete Batch Plant. Due to differences in testing requirements and large geographic regions, the agencies used their own Price Schedules, each divided into two sections to address the two stages of concrete testing. While contractors were allowed to bid on any or all Price Schedules, in order to avoid any potential conflict of interest, the terms of this solicitation stipulated that no contractor could be awarded both Cylinder and Batch Plant testing services for any individual agency. The solicitation was advertised in the NYS Contract Reporter on June 10, 2011 and in the New York Post on June 16, 2011. Seven bids were received from Twin Peaks, Inc., Universal Testing & Inspection, Certified Testing Lab, HAKS, Tectonic Engineering, Advance Testing Co., and Haider Engineering. No less than three (3) bids were received for each agency. Twin Peaks submitted a bid of \$1,396,850 for NYCT's Batch Plant inspection work. However, the bid was determined to be non-responsive as it was received unsigned, and did not include the required management employee information, testing and lab accreditations, field inspector and lab technician certifications, resumes and experience. As a result, a unilateral price adjustment was requested and received from the next eligible low bidder, HAKS, Engineering. HAKS reduced their bid by \$700,042 from \$3,088,992 to \$2,388,950, which is lower than the bids of \$3,112,675 from Advance Testing and \$3,293,475 from Haider Engineering. Rates are fixed for each of the five years of the contract, and are based on estimated quantities of inspections and tests. The costs of these contracts are 16% less than the joint agency aggregate estimates, which were based on previous rates, and are deemed to be fair and reasonable. The other agency contracts are being awarded to the lowest bidders. These Contracts will be funded by each agency's Operating Budget.

FEBRUARY 2012

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

G. Miscellaneous Service Contracts

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

1. Walco Electric Company \$177,420 (estimated)
Repair and Return of Gear Box Shells

Approval is requested for a competitively solicited 2-year miscellaneous service contract (7 bids received) for the pick-up, repair, and delivery of an estimated sixty (60) gear box shells used on MNR's M-2/M-3/M-4/M-6 Commuter Railcar Fleet. The solicitation was based on the projected amount of gear box shells requiring repair and the unit prices to accomplish these repairs. The services are required to maintain the efficient and safe operation of MNR M-3 fleet and MNR's M-2/M-4/M-6 fleets, until their anticipated retirement in the coming years.

Walco Electric Company was deemed the lowest responsive and responsible bidder. A comparison of prices from the previous agreement ('09-'11) with the new 2-year agreement reflects a decrease in unit cost of 8.9%. Pricing is fixed for the new 2-year contract period and is deemed to be fair and reasonable. The total not-to-exceed amount of this contract will be \$177,420. This procurement is to be funded by the MNR Operating Budget.

2. CR Quality Services, Inc. (CRQS) Metro-North Railroad \$350,000 (estimated)
Inspection Services - Ties and Timber Long Island Rail Road \$125,000 (estimated)

Approval is requested for a competitively solicited (MNR-led joint procurement with LIRR) (3 bids received), 5-year miscellaneous service contract for at-plant inspection services of railroad ties and timber for MNR and LIRR projects. The solicitation was based on an all-inclusive daily billing rate applied to the estimated number of visits or inspections to be performed for ties and timber at various production sites.

CR Quality Services, Inc. (CRQS), the low bidder, and the incumbent vendor for these services, will provide quality control testing, evaluation and reports of unfinished timber and finished ties, including switch and bridge timber and cross and bracket ties at the designated manufacturer's production facilities to ensure that items are produced in accordance with A.R.E.M.A. (American Railway Engineering and Maintenance of Way) specifications and in accordance with American Wood Preserver's Association (AWPA) Standards. CRQS will review the ties and timber at various critical stages of their manufacture in order to evaluate material and dimensional quality, and upon final inspection, provide a report detailing performance evaluation information.

The cost of these services has increased 2% per year comparing the midpoint of the two contracts. The total award for both Railroads is estimated at \$475,000 for the 5-year period (MNR = \$350,000 and LIRR = \$125,000). These procurements are funded by each Railroad's Operating Budget.

February 2012

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

B. Competitive Request for Proposal
(Staff Summaries required for items requiring Board Approval)

1. **To Be Determined** **\$ To Be Determined** **Staff Summary Attached**
Contract No. VS086
 MTACC requests that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article III(A)(6) of the All Agency Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposal ("RFP"), for System Package 3 – Tunnel Signal Procurement Package, for the East Side Access Project.

- I. Modifications To Purchase and Public Work Contracts**
 (Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K)

2. **Tutor Perini Corporation** **\$ 713,342** **Staff Summary Attached**
Contract No. CQ032
Modification No. 6
 Pursuant to Article IX of the All-Agency Procurement Guidelines, Board approval is requested to modify the Contract to provide for temporary support of the conveyor system in use on Contract CM019 and other related work, so that construction of the B10 Substation can proceed simultaneously with the work on adjacent contract CM019. Funding is available in the Contract's contingency and there will be no increase to the overall Project's budget.

3. **Schiavone/Kiewit, JV** **\$ 659,000** **Staff Summary Attached**
Contract No. CQ039
Modification 15
 Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval to modify the contract for the relocation of utilities. Funding is available in the Contract's contingency and there will be no increase to the overall Project's budget.

Schedule B: Competitive Requests for Proposals



Staff Summary

Item Number: 1						SUMMARY INFORMATION	
Dept & Dept Head Name: Law & Procurement; E. Eisland							
Division & Division Head Name: Procurement, D. Cannon <i>David L. Cannon</i>							
Board Reviews							
Order	To	Date	Approval	Info	Other	Vendor Name RFP Authorizing Resolution	
1	Metro North & LIRR Committee	2/27/12	X			Contract Number VS086	
2	Board	2/29/12	X			Description System Package 3 – Tunnel Signal Procurement Package	
Internal Approvals						Total Amount N/A	
Order	Approval	Order	Approval	Contract Term (including Options, if any) TBD Months			
2	Executive Vice President	3	President	Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
1	Sr. VP & Program Executive, ESA			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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:			

I. PURPOSE/RECOMMENDATION

To request and recommend that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article III(A)(6) of the All Agency Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposal ("RFP"), for System Package 3 – Tunnel Signal Procurement Package, VS086, for the East Side Access Project ("ESA").

I. DISCUSSION

The VS086 Contract will require the contractor to furnish signal equipment and wayside signal enclosures for the GCT Tunnel Central Instrument Rooms (CIRs) and wayside locations of the East Side Access Project. The equipment will be installed under future contracts CS284 - Tunnel Systems, and CS179 - Tunnel Facilities Systems, however, the VS086 contract will require that the contractor provide installation and integration related support.

The equipment specifications will be performance based, which will allow potential suppliers to propose products/systems of their choosing. However, the equipment must be compatible with the existing LIRR signal equipment and the LIRR Positive Train Control design and must conform to FRA guidelines (Code of Federal Regulations, Title 49, Part 236). Thus, it is in the best interest of MTACC and the public to be able to consider factors, such as compatibility, technical application, staff qualifications, past performance and schedule adherence in addition to compliance and cost. It is for this reason that the RFP process is recommended for this contract.

Proposals will be reviewed against the MTACC established evaluation criteria, with the technical submittals being reviewed first, followed by review of the cost proposals for those proposers that satisfy the technical proposal requirements. Award will be made to the proposer whose proposal as a whole best meets the stated selection criteria.

III. D/M/WBE

The DBE goals for this contract have not been determined at this time.

IV. IMPACT ON FUNDING

Funding for this Contract will be from the Capital Program.

V. ALTERNATIVES

The use of a sealed bid process would not provide sufficient opportunity to evaluate compatibility with the existing LIRR systems and FRA Guidelines, technical application, staff qualifications, past performance and schedule and, therefore, is not recommended.

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 2

Vendor Name (& Location)	
Tutor Perini Corporation (Peekskill, New York)	
Description	
Plaza Substation and Queens Structures for the ESA Project	
Contract Term (Including Options, if any)	
3 Years	
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	AWO/Modification #
CQ032	6
Original Amount:	
\$ 147,377,000	
Prior Modifications:	
\$ (150,000)	
Prior Budgetary Increases:	
\$ 0	
Current Amount:	
\$ 147,227,000	
This Request	
\$ 713,342	
% of This Request to Current Amount:	
0.48%	
% of Modifications (including This Request) to Original Amount:	
0.38%	

Discussion:

Pursuant to Article IX of the All-Agency Procurement Guidelines, Board approval is requested to modify the Contract to provide for temporary support of the conveyor system in use on Contract CM019 and other related work, so that construction of the B10 Substation can proceed simultaneously with the work on CM019.

This contract, for the East Side Access ("ESA") Project, is for the structural and architectural rehabilitation of existing facilities along the 63rd Street Tunnel, which includes, among other things, construction of the B10 Substation. The solicitation for this Contract was publically advertised and was awarded to the lowest responsive and responsible bidder, Tutor Perini Corporation ("Perini") on August 5, 2011. In accordance with Article IX of the All-Agency Procurement Guidelines, Board approval is requested to modify the Contract to provide for temporary support of the conveyor system in use on Contract CM019 and other related work, so that construction of the B10 Substation can proceed simultaneously with the work on CM019.

During a program risk assessment, delay in the completion of the B10 substation was identified as a schedule risk to multiple follow-on contracts. Accordingly, MTACC is coordinating the contracts and schedules within the area in order to accelerate construction of the B10 Substation. The conveyor in use on CM019 runs through the footprint of the B10 Substation building and its existing support system interferes with construction of the B10 substation. This Modification will address this conflict by removing the conveyor concrete spread footing and installing a mini-pile foundation system to support the conveyor that does not interfere with the construction of the B10 Substation. Approval is sought in a separate Staff Summary to relocate utilities, which is also necessary for the B10 Substation construction work to proceed.

The Contractor submitted a cost proposal in the amount of \$950,467. MTACC's estimate was \$672,493. Negotiations were held and the parties agreed to cost proposal in the amount of \$713,342 for the work. The negotiated cost is considered to be fair and reasonable and it falls within ten percent (10%) of MTACC's estimate. Funding is available in the Contract's contingency and there will be no increase to the overall Project's budget.

Once the work in this Modification and the utility relocation work have been completed, Tutor Perini will proceed with the B10 Substation work as originally intended by this Contract.

Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 3

Vendor Name (& Location)	
Schiavone/Kiewit, JV	
Description	
Northern Blvd. Crossing	
Contract Term (including Options, If any)	
910 Days	
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	AWO/Modification #
CQ039	15
Original Amount:	
	\$ 84,950,000
Prior Modifications:	
	\$ 11,499,540
Prior Budgetary Increases:	
	\$ 0
Current Amount:	
	\$ 96,149,540
This Request	
	\$ 659,000
% of This Request to Current Amount:	
	0.6%
% of Modifications (including This Request) to Original Amount:	
	14.3 %

Discussion:

Pursuant to Article IX of the All-Agency Procurement Guidelines, Board approval is requested to modify the Contract to relocate the utilities for this contract, which are interfering with construction of the B10 Substation.

This competitively solicited and negotiated contract was awarded on February 3, 2010. The scope of work under this Contract includes, but is not limited to, excavation beneath Northern Boulevard, provision and maintenance of temporary construction services and facilities, design and installation of ground treatment, ground freezing, and underpinning systems, and design for support of excavation, sequence, initial support and lining systems.

The completion of the B10 substation which is to be constructed under Contract CQ032 has been identified through risk assessment as a schedule risk to multiple follow-on contracts. Accordingly, MTACC is coordinating contracts and schedules so that the CQ032 contractor can accelerate construction of the B10 Substation. Currently, the electrical panel conex box, electrical lines, and other utilities which provide temporary construction service for Contract CQ039 are located within the footprint of where the adjacent contract CQ032 B10 Substation foundation is to be constructed. This modification is for the relocation of the CQ039 electrical conduits and other utilities to an area outside of the CQ032 B10 Substation footprint which will allow construction of the B10 substation to begin.

The Contractor submitted a cost proposal for this work in the amount of \$1,489,551. The contractor's estimate assumed the need to supply temporary power by way of electric generators over an eight week period. MTACC believes that the use of generators will only be required for approximately five days and MTACC's estimate of \$438,405 included only five days of temporary power support. MTACC's cost estimate without any days of temporary power support is \$348,885.

Negotiations were held and the parties agreed to a cost of \$380,000 for the work outlined above without temporary power support, which is considered fair and reasonable as it falls within ten percent (10%) of MTACC's estimate. The parties further negotiated a daily rate for running the job site on temporary power of \$17,800/day plus Con Edison's fees. The amount of this request includes the negotiated price of \$380,000 plus an allowance for 14 days of temporary power support and Con Edison's fees for that period. The negotiated cost is considered fair and reasonable. Funding is available in the Contract's contingency and there will be no increase to the overall Project's budget.

FEBRUARY 2012

METRO-NORTH RAILROAD

LIST OF RATIFICATIONS FOR BOARD APPROVAL

K. Ratification of Completed Procurement Actions

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

1. **Brookville Equipment Corporation** **\$27,589 (not-to-exceed)**
Purchase of a Module Induction Generator

Emergency purchase of 1 Module Induction Generator for MNR's BL-14 Locomotive (Unit No. 402) which is currently out-of-service. The module induction generator provides control for the engine/generator set and acts as an inverter in order to start the BL14 Locomotive.

MNR has two BL-14s which are currently assigned to the MTA East Side Access Project. The BL-14s are used to transport construction material and debris daily to and from the East Side Access Project site. The absence of one BL14 negatively impacts the East Side Access project's activities and schedule and is deemed crucial to the program's continuance.

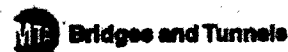
MNR's Diesel Locomotive Shop did not have the required induction generator nor was this item deemed repairable. Brookville Equipment is the only known vendor to supply the induction generator immediately in order to return the locomotive back to service. The feasibility of finding additional sources for this material is being researched to allow for future competitive solicitation of this material. The price to be paid for this procurement is 1% less than the internal estimate and is deemed to be fair and reasonable. This procurement is to be funded by the MNR Operating Budget.



Bridges and Tunnels

Procurements February 2012

Staff Summary



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

Date	February 8, 2012
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	2/8/12	<i>[Signature]</i>		
2	MTA B&T Committee	2/27/12			
3	MTA Board	2/29/12			

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

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer		Chief Technology Officer		Chief Health & Safety Officer		Chief 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: None

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

Schedules Requiring Majority Vote		# of Actions	\$ Amount
Schedule E	Miscellaneous Procurement Contracts	1	\$.026M
Schedule F	Personal Service Contracts	2	\$1.612M
Schedule G	Miscellaneous Service Contracts	1	<u>\$.050M</u>
SUBTOTAL		4	\$1.688M

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

TOTAL	4	\$1.688M
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BUDGET IMPACT:

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

RECOMMENDATION:

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

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

MTA BRIDGES & TUNNELS
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
FEBRUARY 2012

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

E: Miscellaneous Procurement Contracts

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

1. **Shared Solutions and Services, Inc.** \$ **25,686.38**
Contract No. 3000000827

1 yr. contract – Competitive Bid – Low Bid/2 Bids

B&T requires the services of a contractor to provide all labor and materials required to maintain, repair and provide spare parts for Ciena Dense Wavelength Division Multiplexing (DWDM) hardware and software for a period of one year. The solicitation included two one year renewal options. DWDM provides a network communications path between multiple facilities where dedicated fiber is available. This technology integrates data from different sources on fiber while simultaneously enabling the separation of networks (e.g. Integrated Electronic Security System, E-ZPass, etc.) so that specific information may be received at the appropriate destination. On October 11, 2011, B&T issued a joint solicitation on behalf of itself and MTAHQ for these services so that support may be provided when complex or unresolved hardware and software maintenance issues need to be addressed. Three authorized resellers of Ciena equipment were issued copies of the solicitation. On October 20, 2011 two bids were submitted for each agency. The work under the prospective contract has not changed compared with that under the prior contract. In view of the consolidation of certain services and the changing of parts numbers, a meaningful price comparison between the prospective and current contracts cannot be made. After evaluation of the bids, it was determined that Shared Solutions and Services, Inc. is the low bidder for B&T in an amount of \$25,686.38. Based on competition, the price is considered fair and reasonable. Shared Solutions and Services, Inc. is considered a responsible bidder. Funding is available in the Operating Budget under GL # 711558. Given that the amount bid for MTAHQ is within the small purchase threshold their award to Shared Solutions and Services, Inc. is being independently processed.

F: Personal Service Contracts

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

2. **Hardesty & Hanover, LLP** \$ **878,368.00**
Contract No. PSC-11-2892

2 yr. 6mo. contract – Competitive RFP- 4 Proposals

B&T requires the services of a consultant to provide construction management and inspection services for Project HH-07, Structural Rehabilitation at the Henry Hudson Bridge (HHB). The construction includes repairing or replacing various deteriorated structural steel members of the bridge and repairing and sealing concrete surfaces of the approach piers and skewbacks. The service requirements were publicly advertised; nine firms submitted qualification information. Four firms were chosen to receive the RFP

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
FEBRUARY 2012

based on a review of those qualifications and all four firms submitted proposals: Ammann & Whitney (A&W), Gibbons, Esposito & Boyce Engineers (GEB), Hardesty & Hanover, LLP (H&H) and Shaw Environmental and Infrastructure Engineering of New York (Shaw). The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements, technical expertise, proposed personnel, oral presentations and cost. The selection committee unanimously selected H&H on the basis that its proposal included: (i) an excellent understanding of this project including options for platform installation and contractor staging; (ii) experience in similar projects at the HHB facility including an ongoing project that H&H is currently providing similar services; (iii) a working knowledge of the contractor that was awarded this construction project; (iv) a staff which is very familiar with the issues that affect the local community; (v) efficient utilization of staff between the two projects which results in overall project cost savings; and (vi) the lowest proposed cost. A&W's oral presentation covered less project-specific issues and concerns than H&H's oral presentation. GEB's technical proposal did not address major elements of the Work such as staging. Shaw's over-staffing was indicative of lack of project understanding. H&H submitted a proposal of \$899,181. The Engineer's estimate is \$1,032,873. Negotiations were conducted and the parties agreed to the amount of \$878,368, which is 15% below the Engineer's estimate and is considered fair and reasonable. H&H is deemed to be a responsible consultant. The MTA DDCR has established goals of 10% MBE and 10% WBE for the referenced contract. This contract will not be awarded without approval of MTA DDCR. Funding is available under Project HH-07 in the 2010-14 Capital Budget.

3. **EnviroMed Services, Inc.** **\$ 734,085.00**
Contract No. PSC-11-2898

2 yr. contract – Competitive RFP – 4 Proposals

B&T requires the services of a consultant to provide independent safety monitoring services for ongoing construction projects. The Contract requires the consultant to perform short term and continuous on-site monitoring; safety analysis; report preparation and presentations; training and additional services as required to maximize a safe working environment in connection with our construction projects. The service requirements were publicly advertised and ten firms submitted qualification information. Six firms were chosen to receive the RFP based on a review of those qualifications and four firms submitted proposals: EnviroMed Services, Inc. (EnviroMed); Total Safety Consulting LLC (Total Safety); Safety Dynamics, LLC (Safety Dynamics); and Omega Environmental Services, Inc. (Omega). The proposals were evaluated against established criteria set forth in the RFP including an understanding of the technical requirements and expertise, proposed personnel, oral presentations and cost. The selection committee unanimously selected EnviroMed based on: their demonstrated knowledge concerning project safety; the team's proposed approach which utilizes quality assurance, cross checking and feedback methodologies for stakeholders; development of field reporting sheets for safety, audits and hygiene; and its proposed cost which was the lowest among the four firms. Total Safety (the incumbent) demonstrated a strong understanding of the project requirements, however, it proposed the highest cost. Safety Dynamics' proposal and oral presentation were not as complete

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
FEBRUARY 2012

in comparison with the other firms' proposals. Omega's proposal lacked an overall understanding of the requirements. EnviroMed submitted a cost proposal in the amount of \$742,689. The Engineer's estimate is \$894,516. Negotiations resulted in B&T and EnviroMed agreeing to a cost totaling \$734,085, which is 18% below the estimate. The scope of services for this contract is similar to the current agreement. Training has been added to the prospective contract. The average loaded labor rate for the prospective contract is \$65.44, which is 25% lower than the rate of the current contract. Based on the above the negotiated amount is considered fair and reasonable. EnviroMed is deemed to be a responsible consultant. The MTA DDCR has established goals of 10% MBE and 10% WBE for the referenced contract. This contract will not be awarded without the approval of MTA DDCR. Funding is available in the Operating Budget under GES-184 in the amount of \$734,085.

G: Miscellaneous Service Contracts

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

4. **Verrazano Exterminating Corp.** \$ **49,695.00**
Contract No. 11-MNT-2889

3 yr. contract –Competitive Bid – Low Bid/7 Bids

B&T requires the services of a contractor to provide all labor, materials and equipment necessary to perform indoor and outdoor exterminating services at various facilities. The total value of this procurement is \$49,695 over a period of three years. On November 23, 2011 B&T issued a solicitation for a contractor to perform these services since B&T does not employ personnel that are certified in the application of the required chemicals under federal, state and local laws. The service requirements were publicly advertised. The solicitation notice was sent to 39 firms. Fifteen firms requested copies of the solicitation. On December 16, 2011, seven bids were submitted. The work to be performed under the prospective contract is generally the same compared with that under the current contract. The prospective contract includes two new line items. A comparison of prices for 21 items included in both the prospective and current contracts disclosed that two unit prices remained the same, one decreased and 18 increased. Excluding the two new items, the average cost per site visit is \$45 compared to \$30 per site visit under the current contract. The overall bid amount is 1.4% higher than the user's estimate of \$48,990. The prices are fixed for a three year period. After evaluation of the bids, it was determined that Verrazano Exterminating Corp. is the lowest responsive, responsible bidder. Based on competition, the price is considered fair and reasonable. Funding is available in the Operating Budget under GL # 711315.