



Metropolitan Transportation Authority

# June 2012

## MTA Board Action Items



**MEETING AGENDA**  
**METROPOLITAN TRANSPORTATION AUTHORITY BOARD**  
**June 27, 2012 9:30 a.m.**

347 Madison Avenue  
Fifth Floor Board Room  
New York, NY

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**AGENDA ITEMS**

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**9. EXECUTIVE SESSION**

Date of next MTA Board meeting: Wednesday July 25, 2012 at 9:30 a.m.

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

**Wednesday, May 23, 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. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Fernando Ferrer  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke**

**The following members were absent:**

**Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
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 James F. Blair, Board Member Norman Brown, Board Member Vincent Tessitore, Jr., Thomas Prendergast, President, NYCTA, Helena Williams, President, Long Island Railroad, Howard Permut, President, Metro-North Rail Road, James Ferrara, President, TBTA, Darryl Irick, President, MTA Bus Operations, Michael Horodniceanu, President, MTA Capital Construction, and Hilary Ring, Director, Government Affairs also attended the meeting.

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

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the Metropolitan Suburban Bus Authority, 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 were no public speakers.

2. **CHAIRMAN'S REMARKS.**

Chairman Lhota recognized the heroic actions of MTA Police Officers Patrick Riedel and Kenneth Wilson, who saved the lives of three people during a fire in Westbury, Long Island. On behalf of the MTA, Chairman Lhota presented each of the officers with a token of appreciation for his bravery, service and a job well done.

Chairman Lhota noted the impending retirement of Linda Kleinbaum, Deputy Executive Director of Administration and the departure of Charles Monheim, Director of Strategic Initiatives. The Chairman praised Ms. Kleinbaum and Mr. Monheim for their tremendous contributions to the MTA, New York City and the State through work that has advanced the overall transportation field. Chairman Lhota, on behalf of the entire MTA family, thanked Ms. Kleinbaum and Mr. Monheim for their services and wished them well.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on April 25, 2012.

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.

1. **Remarketing Agent.** Approved adding TD Securities to the existing pool of approved variable rate remarketing agents and dealers.
2. **2011-2012 Station Maintenance Billing.** Approved the issuance of the station maintenance billing to New York City and the counties for the period April 1, 2011 to March 31, 2012.

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. **Various Contractors – Freelance Writers and Editorial Services – Nos. 11202-0100 thru -0500.** Approved the award of competitively negotiated contracts to Susan L Bednarczyk, Jennifer Benepe, Jeffrey D. Bogart d/b/a Bogart Communications, Nelson A. Smith and Karen Tarapata d/b/a You Need A Writer,

to provide as-needed freelance writing services for MTAHQ Marketing & Corporate Communications Department.

2. Institute for Forensic Psychology and AVS Consulting, LLC – Psychological Testing – Nos. 12060-0100 thru 0200. Approved competitively negotiated contracts with Institute for Forensic Psychology and AVS Consulting, LLC to perform initial psychological testing for new MTA police officer candidates and TBTA officers.
3. GSF Capital Markets, LLC – Asset Lease Portfolio Advisory Services – No. 12006-0100. Approved a competitively negotiated contract with GSF Capital Markets, LLC to perform financial advisory services in connection with MTA's asset lease portfolio, including training of staff, oversight of compliance requirements, market intelligence, assistance with unforeseen events such as responding to downgrades of insurers and defeasance obligors, and, where appropriate, facilitating early lease terminations.
4. Various Contractors – Real Estate and Fixture Appraisal Services and Court Testimony – Nos. 11207-0100 thru 1400. Approved competitively negotiated contracts with Daniel P. Lane & Associates, Inc., Grubb & Ellis Consulting Co., Cushman & Wakefield, Inc., Jerome Haims Realty, Inc., Michael Haberman Associates, Inc., The Weitzman Group Inc., MR Valuation Consulting, LLC, Patjo Appraisal Services Inc., Sterling Appraisals, Inc., Charles Land, Rusciano Appraisers & Consultants, Inc., Goodman-Marks Associates, Inc., Beckman Appraisals, Inc., and R.P. Hubbell and Company, Inc. to provide as-needed real estate and fixture appraisal services and court testimony for MTAHQ Real Estate Department.

- 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.

**New York City Transit Authority**

1. License agreement with Mohammed Nur Nabi for the operation of a newsstand located at the Church Avenue Station, Brooklyn, N.Y.
2. Lease modification and extension agreement with 27-35 Jackson Avenue, LLC for the short-term continued occupancy of space located at 27-35 Jackson Avenue, Long Island City, N.Y.

**Long Island Rail Road**

3. License agreements with JTE Enterprises, Inc.; EMD Transportation, Inc., Charles Transportation Services, Inc., Colonial Enterprises & Management, Inc., Global Administrative Services, LLC, Kel Management Corp., LI Carolina Express, Inc., LI Yellow Cab Corp, Moses Limousine Service, Inc., Oyster

Rides, LLC and Woodmere Taxi Association, Ltd. for operation of taxi dispatch offices and taxi parking spaces at Babylon Station, Copiague Station, Floral Park Station, Garden City Station, Hicksville Station, Island Park Station, Little Neck Station, Mineola Station, Nassau Boulevard Station, Northport Station, Port Jefferson Station, Sayville Station, Wantagh Station and Woodmere Station for a five-year period (with the exception of Little Neck, where the expiration will be April 30, 2016, coterminous with the license agreement for the adjacent dispatch office).

4. Lease modification and extension agreement with Sutphin LLC for the short-term continued occupancy of LIRR property located at 90-27 Sutphin Boulevard, Jamaica, Queens, N.Y.

Board member Cappelli and Chairman Lhota commented on scheduled hearings at City Hall concerning the City budget, noting the desirability of City funding to increase the police presence on the system to better protect MTA employees, passengers and property.

5. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an executive session to consider matters concerning collective bargaining negotiations.
6. **PUBLIC SESSION.** Upon motion duly made and seconded, the public session resumed.
7. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:05 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, May 23, 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. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Fernando Ferrer  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke**

**The following members were absent:**

**Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
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 James F. Blair, Board Member Norman Brown, Board Member Vincent Tessitore, Jr., Thomas Prendergast, President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Rail Road, James Ferrara, President, TBTA, Darryl Irick, President, MTA Bus Operations, Michael Horodniceanu, President, MTA Capital Construction, and Hilary Ring, Director, Government Affairs also attended the meeting.

1. **CHAIRMAN LHOTA CALLED THE MEETING TO ORDER**
2. **PUBLIC COMMENT PERIOD**

There were no public speakers.

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 April 25, 2012.

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 License Agreement with Mohammed Nur Nabi for the operation of a newsstand at Church Avenue Station, Nostrand Avenue Line, Brooklyn, New York; (ii) a Lease Modification and Extension Agreement for the Short Term Continued Occupancy of NYCT at 27-35 Jackson Avenue, Long Island City, New York.

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 two-thirds vote (Schedule A in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

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

Procurement Ratifications: Upon motion duly made and seconded, the Board 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.

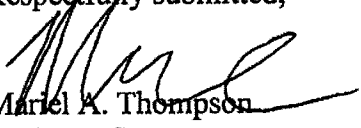
7. **EXECUTIVE SESSION**

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.

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 10:05 a.m.

Respectfully submitted,

  
Mariel A. Thompson  
Assistant Secretary

Amended Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
Wednesday, April 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. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke

The following member was absent:

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, Jr., Thomas Prendergast, President, NYCTA, Helena Williams, President, Long Island Rail Road, Donna Evans, Chief of Staff, Metro-North Railroad, James Ferrara, President, TBTA, Thomas Del Sorbo, Executive Vice President, MTA Bus Operations, Michael Horodniceanu, President, MTA Capital Construction, and Hilary Ring, Director, Government Affairs also attended the meeting.

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

1. Chairman Lhota called the meeting to order.
2. Public Comment:

There were 8 public speakers who did not discuss items specific to Metro-North.  
The subject matter of the public speakers' 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 observed a moment of silence for two employees who died in the line of duty and a contractor's employee. On behalf of the Board, Chairman Lhota extended his deepest condolences to the families of these three individuals. The details of Chairman Lhota's 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 March 28, 2012 were unanimously approved.

5. Committee on Finance Committee:

Action Item:

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

- 2011 Annual Investment Report

MTA HQ Procurements:

Upon motion duly made and seconded, the Board voted on HQ items recommended to it by the Committee on Finance. Among the items approved were (1) a competitive procurement requiring majority vote to award a multi-agency personal service contract to Milliman, Inc. to provide actuarial consulting services for pension and other post-employment benefit plans and (2) a competitive procurement requiring majority vote to award a modification to a miscellaneous procurement contract with Oracle U.S.A. for all-agency maintenance and support of Oracle proprietary software products. Staff summaries and reports setting forth the details of the above items are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

Real Estate Items:

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

- Easement Grant to the County of Westchester for the operation and maintenance of a pedestrian and bicycle path in Yonkers, New York.
- Surrender Agreement with Nextel Communications Inc. for recapture of space at 525 North Broadway in support of the North White Plains Parking and Access Improvements Project in White Plains, New York
- Net Lease with Heartland Brewery Holdings Inc. for the Port Chester station building in Port Chester, New York

- Declaration of Covenants and Restrictions and Access Agreement with the New York State Department of Environmental Conservation at the Harmon Railroad Yard in Croton-on-Hudson, New York
- Lease with Banana Republic, LLC relating to Retail Space 8-57 and Storage Space MCS-5 at Grand Central Terminal

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

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

Metro-North Action Item:

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

- Supplemental agreement between Metro-North and NYSDOT for replacement of the Bridge Street Bridge in the Town of Poughkeepsie.

Long Island Rail Road Procurements:

The Board voted on Long Island Rail Road items. Among the items recommended to the Board for approval were (1) a non-competitive procurement requiring two-thirds vote to award a non-competitive purchase and public works contract on behalf of LIRR and Metro-North for replacement parts needed to maintain Knox Kershaw track equipment and (2) a competitive procurement requiring majority vote to award a miscellaneous service contract on behalf of LIRR and Metro-North for scheduled maintenance and on-call repair services for Cummins Currency Sorters and Counters. Staff summaries and reports setting forth the details of the above items are filed with the minutes of the meeting of the Long Island Rail Road held this day and the staff summaries and reports filed with those minutes.

Metro-North Procurements:

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

Miscellaneous Service Contracts

- Automotive Resources International (ARI) – Multi-agency procurement for the provision of fleet maintenance and management services for the rubber tire fleets.

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

7. Adjournment:

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda Montanino".

Linda Montanino  
Assistant Secretary

Apr 2012 Board Minutes-Amended  
Legal/Corporate

Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
Wednesday, May 23, 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. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Fernando Ferrer  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. LeBow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James E. Sedore, Jr.  
Hon. Carl V. Wortendyke

Not Present:

Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
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 James F. Blair; Board Member Norman Brown; Board Member Vincent Tessitore, Jr.; James Ferrara, President, Triborough Bridge and Tunnel Authority; Darryl Irick, President, MTA Bus Operations; Michael Horodniceanu, President, MTA Capital Construction; Howard Permut, President, Metro-North Rail Road; Thomas Prendergast, President, New York City Transit; Helena E. Williams, President, Long Island Rail Road; and Hilary Ring, Director, Government Affairs also attended the meeting.

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

1. Chairman Lhota called the meeting to order.
2. Public Speakers:

There were no public speakers.

3. Chairman's Opening Remarks:

Chairman Lhota honored two MTA Police Officers, Kenneth Wilson and Patrick Riedel who, during a routine patrol, saved the lives of three people in a building fire in Westbury, Long Island. Chairman Lhota announced the retirement of Linda Kleinbaum, Deputy Director of Administration-MTA, and Charles Monheim, Director of Strategic Initiatives-MTA. On behalf of the Board, Chairman Lhota thanked Ms. Kleinbaum and Mr. Monheim for their years of service and the tremendous contributions they have made to the Metropolitan Transportation Authority. The details of Chairman Lhota's 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 April 25, 2012 were unanimously approved.

5. Committee on Finance Committee:

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

- 2011-2012 Station Maintenance Billing

A staff summary and report setting forth the details of the above item are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

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

Metro-North Procurements:

Upon motion duly made and seconded, the Board unanimously approved the following procurements:

- A non-competitive, two year purchase agreement with Westcode, Inc. for the purchase of various original equipment manufacturer (OEM) friction brake parts used on Metro-North's M-2, M-4 and M-6 railcar fleets.
- A non-competitive, three year purchase agreement with TransTech of SC, Inc. for various original equipment manufacturer (OEM) replacement parts for Metro-North's M-2, M-4 and M-8 railcar fleets.
- Two non-competitive, miscellaneous service contracts with NYSID; one for janitorial services at various Metro-North facilities and the other for additional funding to the all-agency, Metro-North led temporary personnel services contract.

- A non-competitive, two year, miscellaneous service contract with Axion Technologies Ltd., for the repair, return and replacement of radio and train public address system assemblies and sub-assemblies for Metro-North's M-7 railcars. Axion is the original equipment manufacturer (OEM) and the sole source supplier for specific Metro-North radio and public address system assemblies and subassemblies and this service agreement is necessary to support the M-7 fleet.
- A three year, competitively solicited personal service contract with AECOM USA, Inc. to provide for on-call ADA consulting services on an as-needed basis, with each request to be initiated by a task assignment detailing a specific work scope and budget. The contract not-to-exceed amount is \$75,000, and payments issued against this amount will be a draw-down based upon the task in accordance with the work scope and as outlined in the RFP.
- Award of three competitively solicited, four year miscellaneous service contracts to DeAngelo Brothers, Inc., United Right of Way, and Asplundh Railroad Division for weed and brush spraying services. Metro-North led the multi-agency procurement that also included Long Island Rail Road and Staten Island Rapid Transit Operating Authority. This multi-agency procurement was structured to allow for awards to more than one contractor based on each agency's category of vegetation and brush control requirements.
- Approval of request for additional funding in the amount of \$100,000 to Bureau Veritas North America, Inc. to provide inspection services at the various manufacturer's facilities for wheels and axles for Metro-North's M-2, M-3, M-4, M-6 and M-7 railcars.
- A ratification of a competitively solicited, negotiated and awarded personal service contract with Mercer Inc. for consulting services to conduct an expedited assessment of Metro-North's Employee Relations & Diversity ("ER&D") Department. This assessment is time-critical as the Director of ER&D position is currently vacant with an Acting Director performing the functions of that job on a temporary basis.

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

7. Executive Session:

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

8. Adjournment:

Upon a motion duly made and seconded, the members of the Board present voted to adjourn the meeting at 10:05 a.m.

Respectfully submitted,

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

Linda Montanino  
Assistant Secretary

May 2012 Board Minutes  
Legal/Corporate

Minutes of the Regular Meeting  
Long Island Rail Road Company  
Wednesday, May 23, 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. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Fernando Ferrer  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke

The following members were absent:

Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
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 James F. Blair; Board Member Norman Brown; Board Member Vincent Tessitore, Jr.; James Ferrara, President, Triborough Bridge and Tunnel Authority; Darryl Irick, President, MTA Bus Operations; Michael Horodniceanu, President, MTA Capital Construction; Howard Permut, President, Metro-North Rail Road; Thomas Prendergast, President, New York City Transit; Helena Williams, President, Long Island Rail Road; and Hilary Ring, Director, Government Affairs also attended the meeting.

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

1. Chairman Lhota called the meeting to order.
2. **Public Speakers:**

There were no public speakers.

3. **Chairman's Opening Remarks:**

Chairman Lhota honored two MTA Police Officers, Kenneth Wilson and Patrick Riedel who, during a routine patrol, saved the lives of three people in a building fire in Westbury, Long Island. Chairman Lhota announced the retirement of Linda Kleinbaum, Deputy Director of Administration-MTA, and Charles Monheim, Director of Strategic Initiatives-MTA. On behalf of the Board, Chairman Lhota thanked Ms. Kleinbaum and Mr. Monheim for their years of service and the tremendous contributions they have made to the Metropolitan Transportation Authority. The details of Chairman Lhota's 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 April 25, 2012 were unanimously approved.

5. **Committee on Finance:**

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

- 2011-2012 Station Maintenance Billing
- License Agreements for taxi dispatch offices and taxi parking spaces at Amityville, Babylon, Bay Shore, Copiague, Floral Park, Garden City, Hicksville, Island Park, Little Neck, Massapequa, Mineola, Nassau Boulevard, Port Jefferson, Ronkonkoma, Sayville, Wantagh and Woodmere Stations
- Lease Modification and Extension Agreement for the Short Term Continued Occupancy of LIRR at 90-27 Sutphin Boulevard, Queens, New York.

A staff summary and report setting forth the details of the above item are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

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

**Long Island Rail Road Action Item**

Upon motion duly made and seconded, the Board unanimously approved the following action item: to authorize the MTA Real Estate Department and the LIRR to enter into three agreements necessary to effectuate Phase 1 of the Moynihan Station Development Project (the "Project"): (1) an amendment to the existing easement agreement between the New York State Empire State Development Corporation and the LIRR with respect to the West End Concourse ("WEC") portion of Penn Station; (2) a memorandum of understanding ("MOU") between MTA/LIRR and Amtrak that confirms the parties' intent to amend the existing Penn Station lease ("Lease") to address cost and revenue-sharing issues necessitated by the expansion of the WEC during Phase 1; and (3) an amendment of the Lease consistent with the terms of the MOU upon substantial completion of the Phase 1 improvements.

**Long Island Rail Road Procurements**

Upon motion duly made and seconded, the Board unanimously approved the following ratification:

- An Emergency, one-year Public Works Contract to Nouveau Elevators Industries, Inc. for Full-Time Maintenance, On-Call Emergency Maintenance, and Safety Upgrade Services for nineteen escalators at LIRR stations, from May 15, 2012 through May 14, 2013, in the not-to-exceed amount of \$1,547,608.

#### **MTACC Procurements**

Upon motion duly made and seconded, the Board unanimously approved the following procurements, all of which were competitive:

- A modification to the East Side Access General Engineering Contract for revisions to the design for the 48<sup>th</sup> Street entrance and an increase to the Construction Phase Services budget totaling \$18,566,555.
- Modifications to the East Side Access Queens Bored Tunnels Contract for the installation of an additional 47 secant piles and for an increase in the hours for the Tunnel Boring Machine Pressurized Interventions.

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

The Board voted on Metro-North items. Among the items approved were: an action to add funding to an All-Agency Temporary Personnel Services contract, including additional funding for LIRR needs in the amount of \$225,000; and the award of three competitively solicited, four year miscellaneous service contracts to DeAngelo Brothers, Inc., United Right of Way and Asplundh Railroad Division for weed and brush spraying services, including LIRR needs.

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

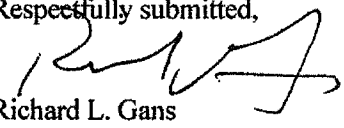
#### **7. Executive Session:**

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

#### **8. Adjournment:**

Upon a motion duly made and seconded, the members of the Board present voted to adjourn the meeting at 10:05 a.m.

Respectfully submitted,

  
Richard L. Gans  
Secretary

**Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
May 23, 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. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Fernando Ferrer  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. LeBow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James E. Sedore, Jr.  
Hon. Carl V. Wortendyke

Not Present:

Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
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 James F. Blair; Board Member Norman Brown; Board Member Vincent Tessitore, Jr.; James Ferrara, President, Triborough Bridge and Tunnel Authority; Darryl Irick, President, MTA Bus Operations; Michael Horodniceanu, President, MTA Capital Construction; Howard Permut, President, Metro-North Rail Road; Thomas Prendergast, President, New York City Transit; Helena E. Williams, President, Long Island Rail Road; and Hilary Ring, Director, Government Affairs also attended the meeting.

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

Chairman Lhota called the meeting to order.

**1. Public Speakers**

There were no public speakers.

**2. Chairman Lhota's Opening Comments**

Chairman Lhota honored two MTA Police Officers, Kenneth Wilson and Patrick Riedel who during a routine patrol saved the lives of three people in a building fire in Westbury, Long Island.

Chairman Lhota stated that Linda Kleinbaum, Deputy Director of Administration-MTA, and Charles Monheim, Director of Strategic Initiatives-MTA, are retiring. On behalf of the Board, Chairman Lhota thanked Ms. Kleinbaum and Mr. Monheim for their years of service and the tremendous contributions they have made to the Metropolitan Transportation Authority.

The details of Chairman Lhota's 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 April 25, 2012**

Upon a motion duly made and seconded, the minutes of the Meeting held April 25, 2012 were unanimously approved.

**4. Finance Committee**

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

- The appointment of TD Securities as an eligible remarketing agent.

A copy of the staff summary is 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 Pally stated that there is one non-competitive procurement totaling \$200,000.

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

### **Miscellaneous Procurement Contracts**

E-Transit, Inc.	Contract No. 12-TD-2891	\$200,040.00
	B&T requires the services of E-Transit, Inc. for Maintenance of the Transmit Host System (System). The System, installed at seven B&T facilities, displays real-time travel information to motorists via electronic message signs in connection with distances to major regional destinations and connecting highways. The System is designed to assist drivers in making informed on-the-road decisions regarding which route to travel. E-Transit developed the System as a subconsultant under a current B&T contract. The services of E-Transit are required to maintain and support the existing software which is proprietary to this firm. B&T does not possess the resources required to perform these services on an in house basis.	

### **Competitive Procurements**

Commissioner Pally stated that there are seven competitive procurements this month totaling \$18.67 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.

### **Miscellaneous Procurement Contracts**

WebHouse, Inc.	Contract No. 3000000919	\$146,841.87
	Contractor to provide NETApp SupportEdge Premium Maintenance.	

### **Personal Service Contracts**

Modjeski and Masters	Contract No. PSC-11-2884	\$8,227,266.53
	Provide design and construction support services for reconstruction and rehabilitation of the Manhattan Approach Ramps to the RFK Bridge.	

NCO Financial Systems, Inc.

Contract No. PSC-10-2883

\$0.00

Consultant to assist B&T in the collection of outstanding E-ZPass tolls and fees that are more than 90 days past due on customer accounts. On occasion, after several warnings when a customer fails to replenish his or her account that has an outstanding balance, the account will be revoked. As part of this process, various fees may also be applied, such as failing to return tags that are registered to the account, or for failing after repeated notification to rectify the account's outstanding financial status. The services required under this contract include:

1. Developing a database of the names of customers who have negative balances;
2. Contacting customers by mailers as well as telephone in an effort to collect the monies owed to B&T; and
3. Collecting unpaid tolls and fees on behalf of B&T. In addition, all toll violations associated with the Henry Hudson Bridge pilot All Electronic Tolling will go to NCO for collection services.

#### **Miscellaneous Service Contracts**

Clean Rental Services, Inc.

Contract No. 11-MNT-2887

\$353,644.00

Contractor to provide all labor, material and equipment necessary for the rental and cleaning of Maintenance personnel uniforms on a weekly basis.

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

WSP -Sells  
STV Incorporated  
HNTB New York Engineering  
& Architecture, P.C.  
Edwards and Kelcey Engineers,  
Inc.  
Gannett Fleming Engineers and  
Architects, P.C.

Contract Nos. PSC-06-2807A - E  
Increase funding in the aggregate amount of \$6,000,000 for five personal service contracts to provide miscellaneous design services on an as-needed basis for various projects, which include design scoping, designing safety and red flag repairs, deck repairs, structural steel repairs, value engineering, condition inspections and engineering investigations.

\$6,000,000.00

(Aggregate not-to-exceed amount for the 5 contracts)

Atkins, P.A.

Contract No. PSC-08-2843  
Continued support for the All Electronic  
Tolling pilot program at the Henry Hudson  
Bridge.

\$334,971.00

**Modifications to Purchase & Public Works Contracts**

John P. Picone, Inc.

Contract No. CB-09  
Additional work and a quantity reduction of  
one line item under Contract CB-09,  
Substructure and Underwater Work at the  
Cross Bay Veterans Memorial Bridge.

\$3,605,850.00

Commissioner Pally 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 negotiations.

**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 10:05 a.m.

Respectfully submitted,



Cindy L. Dugan  
Assistant Secretary

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

**Wednesday, May 23, 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. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Fernando Ferrer  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke**

**The following members were absent:**

**Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
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 James F. Blair, Board Member Norman Brown, Board Member Vincent Tessitore, Jr., Thomas Prendergast, President, NYCTA, Helena Williams, President, Long Island Railroad, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President, MTA Bus Operations, Michael Horodniceanu, President, MTA Capital Construction, and Hilary Ring, Director, Government Affairs also attended the meeting.

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

**Chairman and CEO Lhota called the meeting to order.**

**Public Comment Period**

There were no public speakers.

### **Chairman Lhota's Opening Remarks**

Details of Chairman Lhota's remarks are recorded and filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

### **Approval of Minutes**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular Board meeting held on April 25, 2012.

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

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

### **MTA Capital Construction Procurements**

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

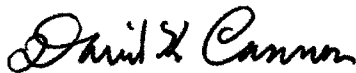
- A modification to the East Side Access Project's General Engineering Consultant contract with PB America/STV/Parsons Transportation Group, Joint Venture for a revised design for the 48<sup>th</sup> St. Entrance and for an increase to the Construction Phase Services budget.
- Two modifications to the East Side Access Project's Queens Bored Tunnels contract with Granite-Traylor-Frontier ("GTF") JV. The first for the installation of an additional 47 secant piles and the second for an increase in the hours for the Tunnel Boring Machine pressurized interventions.

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

### **Adjournment**

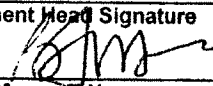

Upon motion duly made and seconded, the MTA Board voted to adjourn the public meeting at 10:05 a.m.

Respectfully submitted,



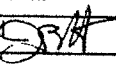
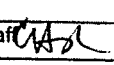
David K. Cannon  
Assistant Secretary

# Staff Summary

<b>Subject</b>
Authorization to Issue Transportation Revenue Bonds, Series 2012E
<b>Department</b>
Finance
<b>Department Head Name</b>
Robert E. Foran, Chief Financial Officer
<b>Department Head Signature</b>

<b>Project Manager Name</b>
Patrick J. McCoy, Director of Finance 

<b>Date</b>
June 27, 2012
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	6/25	X		
2	Board	6/27	X		

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

## BACKGROUND:

In connection with the proposed issuance of Transportation Revenue Bonds, the MTA Finance Department is seeking MTA Board authorization and approval of the necessary documentation to issue new money bonds, notes or other obligations to provide net proceeds (exclusive of premiums) sufficient to fund up to \$1 billion of capital projects contained in approved capital programs of the transit, bus, and commuter systems.

The MTA Finance Department will continue to report to the Finance Committee of the Board at each regularly scheduled meeting of such committee on the status of the proposed debt issuance schedule, the results of each bond issue, planned bond issues for the following month, including potential refundings, and information relating to amendments, modifications, or terminations of previously outstanding swap transactions.

## PURPOSE:

1. To obtain MTA Board approval of the following resolution, documents and activities in connection with the issuance of bonds in an aggregate principal amount necessary to provide net proceeds (exclusive of premiums) sufficient to fund up to \$1 billion of capital projects of the transit, bus, and commuter systems:

- Series 2012E Supplemental Resolution authorizing Metropolitan Transportation Authority Transportation Revenue Obligations, including providing for the issuance of the following:
  - o An aggregate principal amount of Transportation Revenue Bonds in one or more series necessary to finance capital projects of the transit, bus, and commuter systems, plus applicable issuance costs, and any original issue discount, and
  - o Parity Reimbursement Obligations and other Parity Debt in an amount sufficient to secure any Credit Facilities entered into in connection with the issuance of the Transportation Revenue Bonds.

2. With respect to the above-referenced financial transactions set forth in paragraph 1, to obtain MTA Board approval delegating authority to the Chairman and Chief Executive Officer, the Chair of the Finance Committee, the Vice-Chairman, the Chief Financial Officer of MTA, and the Director of Finance of MTA to award the obligations either pursuant to competitive bid or in a negotiated sale to members (or entities related to such firms) of the current MTA underwriting team and to execute and/or deliver in each case, where appropriate:

- o Notices of Sale and bid forms,
- o Purchase Agreements with underwriters,
- o Official Statements and other disclosure documents,
- o Continuing Disclosure Agreements and related filings,
- o Remarketing Agreements,

# Staff Summary

- o Issuing and Paying Agent Agreements,
- o Dealer and Broker-Dealer Agreements,
- o Credit Facilities and related Parity Reimbursement Obligations and Parity Debt, and
- o Investment Agreements.

Any such documents will be in substantially the form of any document previously entered into by MTA 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 related thereto, as they shall deem advisable. The MTA Board hereby further delegates to such officers authority to take such other actions as may be necessary or desirable to effectuate the foregoing transaction.

3. On behalf of MTA and its subsidiaries and affiliates, to authorize the Chairman and Chief Executive Officer, the Chair of the Finance Committee, the Vice-Chairman, the Chief Financial Officer of MTA, and the Director of Finance of MTA to take such other actions as may be necessary or desirable to effectuate the issuance of the new money bonds.

## **ALTERNATIVES:**

There are no alternative sources of funds to provide for the Capital Program Review Board approved bond financed capital needs of the MTA agencies' capital programs.

## **RECOMMENDATION:**

The MTA Board approve the above-referenced resolutions and documents and all other actions described above, including the execution and delivery of such other documents, and the taking of all other actions, from time to time deemed necessary or desirable by such officers in connection therewith.

**METROPOLITAN TRANSPORTATION AUTHORITY**

**SERIES 2012E  
TRANSPORTATION REVENUE BOND  
SUPPLEMENTAL RESOLUTION**

**Adopted June 27, 2012**

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**SERIES 2012E  
TRANSPORTATION REVENUE FUND BOND  
SUPPLEMENTAL RESOLUTION**

BE IT RESOLVED by the Metropolitan Transportation Authority (the "Issuer"),  
as follows:

**ARTICLE I**

**DEFINITIONS AND STATUTORY AUTHORITY**

**Section 1.01. Supplemental Resolution.** This resolution is supplemental to, and is adopted, in accordance with Article II and Article A-VIII of, a resolution of the Issuer adopted on March 26, 2002, entitled "General Resolution Authorizing Transportation Revenue Obligations" (the "Resolution").

**Section 1.02. Definitions.**

1. All capitalized terms which are used but not otherwise defined in this Series 2012E Transportation Revenue Bond Supplemental Resolution (the "Supplemental Resolution") shall have the same meanings, respectively, as such terms are given by Section 102 of the Resolution.

2. In this Supplemental Resolution:

"Authorized Officer" shall include the officers designated as such in the Resolution, and the Chairman and Chief Executive Officer, the Chair of the Finance Committee, the Chief Financial Officer or the Director of Finance, as well as any officer duly designated as "Acting" in said officer's capacity, except that, for the purposes of any delegation set forth herein that does not expressly include any Assistant Secretary, "Authorized Officer" shall not include any Assistant Secretary of the Issuer.

"Board" shall mean the members of the Issuer acting as such pursuant to the provisions of the Issuer Act.

"Bond Counsel" shall mean Hawkins Delafield & Wood LLP, Nixon Peabody LLP or any other attorney or firm of attorneys of nationally recognized standing in the field of law relating to the issuance of obligations by state and municipal entities selected by the Issuer.

"Code" shall mean the Internal Revenue Code of 1986, as amended, and regulations thereunder.

**Section 1.03. Authority for this Supplemental Resolution.** This Supplemental Resolution is adopted pursuant to the provisions of the Issuer Act and the Resolution.

## ARTICLE II

### AUTHORIZATION OF SERIES 2012E BONDS

#### **Section 2.01. Authorized Principal Amount, Designation and Series.**

Pursuant to the provisions of the Resolution and in order to finance Capital Costs, a Series of Transportation Revenue Obligations (which may be issued in one or more Series or subseries, which for purposes of this Supplemental Resolution shall collectively be referred to herein as the "Series 2012E Bonds", constituting Capital Cost Obligations, subject to redesignation as hereinafter provided) entitled to the benefit, protection and security of such provisions are hereby authorized to be issued in an aggregate principal amount not exceeding the principal amount necessary so that, after giving effect to any net original issue discount and underwriters' discount from the principal amount, the amount to be deposited in the Proceeds Account pursuant to, or otherwise applied to effectuate the purposes of, Section 2.02 and Section 3.01 of this Supplemental Resolution (exclusive of the amount so deposited therein determined in any Certificate of Determination as estimated to be necessary to pay capitalized interest or to pay any Costs of Issuance of the Series 2012E Bonds), shall not exceed the amount or amounts determined in a Certificate of Determination to be necessary to effectuate the purposes set forth in Section 2.02 hereof; provided, however, that the Series 2012E Bonds issued to finance Capital Costs shall not exceed \$1,000,000,000 (excluding all amounts excluded above, such as net original issue discount, underwriters' discount, capitalized interest and Costs of Issuance). For all purposes of this Section 2.01, net original issue premium as determined to be advisable by an Authorized Officer in connection with the marketing of the Series 2012E Bonds shall not be counted.

Series 2012E Bonds shall be designated as, and shall be distinguished from the Obligations of all other Series by the title, "Transportation Revenue Bonds, Series 2012E" or such other title or titles set forth in one or more Certificates of Determination.

**Section 2.02. Purposes.** The purposes for which the Series 2012E Bonds are issued shall be set forth in one or more Certificates of Determination and may include the payment of all or any part of the Capital Costs, all to the extent and in the manner provided in this Supplemental Resolution.

**Section 2.03. Dates, Maturities, Principal Amounts and Interest.** The Series 2012E Bonds, except as otherwise provided in the Resolution, shall be dated the date or dates determined in any Certificate of Determination. The Series 2012E Bonds shall mature on the date or dates and in the year or years and principal amount or amounts, and shall bear interest at the rate or rates per annum, if any, specified in or determined in the manner provided in any Certificate of Determination.

**Section 2.04. Interest Payments.** The Series 2012E Bonds shall bear interest from their date or dates and be payable on such date or dates as may be determined pursuant to any Certificate of Determination. Except as otherwise provided in any Certificate of Determination, interest on the Series 2012E Bonds shall be computed on the basis of twelve 30-day months and a 360-day year.

**Section 2.05. Denominations, Numbers and Letters.** Unless otherwise provided in any Certificate of Determination, the Series 2012E Bonds shall be issued in fully registered form without coupons in the denomination of \$5,000 or any integral multiple thereof.

The Series 2012E Bonds shall be lettered and numbered as provided in any Certificate of Determination.

**Section 2.06. Places of Payment and Paying Agent.** Except as otherwise provided in any Certificate of Determination, principal and Redemption Price of the Series 2012E Bonds shall be payable to the registered owner of each Series 2012E Bond when due upon presentation of such Series 2012E Bond at the principal corporate trust office of the Trustee. Except as otherwise provided in any Certificate of Determination, interest on the registered Series 2012E Bonds will be paid by check or draft mailed on the interest payment date by the Paying Agent, to the registered owner at his address as it appears on the registration books or, at the option of any Owner of at least one million dollars (\$1,000,000) in principal amount of the Series 2012E Bonds, by wire transfer in immediately available funds on each interest payment date to such Owner thereof upon written notice from such Owner to the Trustee, at such address as the Trustee may from time to time notify such Owner, containing the wire transfer address (which shall be in the continental United States) to which such Owner wishes to have such wire directed, if such written notice is received not less than twenty (20) days prior to the related interest payment date (such notice may refer to multiple interest payments).

**Section 2.07. Sinking Fund Installments.** The Series 2012E Bonds, if any, determined in any Certificate of Determination shall be subject to redemption in part, by lot, or otherwise as determined in accordance with Section A-404 of the Resolution, on each date in the year or years determined in any Certificate of Determination at the principal amount thereof plus accrued interest up to but not including the date of redemption thereof, from mandatory Sinking Fund Installments which are required to be made in amounts sufficient to redeem on each such date the principal amount of such Series 2012E Bonds.

**Section 2.08. Redemption Prices and Terms.** The Series 2012E Bonds may also be subject to redemption prior to maturity, at the option of the Issuer, upon notice as provided in Article A-IV of the Resolution, at any time as a whole or in part (and by lot within a maturity, or otherwise as determined in accordance with Section A-404 of the Resolution, if less than all of a maturity is to be redeemed), from maturities designated by the Issuer on and after the date and in the years and at the Redemption Prices (expressed as a percentage of principal amount as determined pursuant to Section 2.09.1(f) or in the case of Taxable Obligations as otherwise provided in any Certificate of Determination) determined in any Certificate of Determination, plus accrued interest up to but not including the redemption date.

**Section 2.09. Delegation to an Authorized Officer.** 1. There is hereby delegated to each Authorized Officer, subject to the limitations contained in this Supplemental Resolution, the following powers with respect to the Series 2012E Bonds:

(a) to determine whether and when to issue any Series 2012E Bonds constituting Capital Cost Obligations, the amount of the Series 2012E Bonds to be applied to

finance Capital Costs, and the amount of the proceeds of the Series 2012E Bonds estimated to be necessary to pay the Costs of Issuance of the Series 2012E Bonds and capitalized interest, if any;

(b) to determine the purpose or purposes for which the Series 2012E Bonds are being issued, which shall be one or more of the purposes set forth in Section 2.02 of this Supplemental Resolution;

(c) to determine the principal amounts of the Series 2012E Bonds to be issued for the purposes set forth in Section 2.02 of this Supplemental Resolution and whether such principal amounts constitute a separate Series or a subseries of Series 2012E Bonds, which principal amounts (and the aggregate of all such Series and subseries) shall not exceed the principal amounts permitted by Section 2.01 of this Supplemental Resolution, and to determine Accreted Values and Appreciated Values, if applicable;

(d) to determine the maturity date and principal amount of each maturity of the Series 2012E Bonds and the amount and due date of each Sinking Fund Installment, if any;

(e) to determine the date or dates which the Series 2012E Bonds shall be dated and the interest rate or rates of the Series 2012E Bonds or the manner of determining such interest rate or rates; provided, however, that any Series 2012E Bonds issued as fixed rate Tax-Exempt Obligations shall be subject to a maximum interest rate of not greater than 10% per annum, any Series 2012E Bonds issued as fixed rate Taxable Obligations shall be subject to a maximum interest rate of not greater than 12% per annum, any Variable Interest Rate Obligations issued as Tax-Exempt Obligations shall be subject to a maximum interest rate of not greater than 15% per annum, any Variable Interest Rate Obligations issued as Taxable Obligations shall be subject to a maximum interest rate of not greater than 18% per annum and any Parity Reimbursement Obligations shall be subject to a maximum interest rate of not greater than 25% per annum, or, in each such case, such higher rate or rates as determined by the Issuer's Board;

(f) to determine the Redemption Price or Redemption Prices, if any, and the redemption terms, if any, for the Series 2012E Bonds; provided, however, that if the Series 2012E Bonds are to be redeemable at the election of the Issuer, the Redemption Price for Series 2012E Bonds issued as Tax-Exempt Obligations shall not be greater than one hundred three percent (103%) of the principal amount of the Series 2012E Bonds to be redeemed, plus accrued interest thereon up to but not including the date of redemption;

(g) to determine whether the sale of the Series 2012E Bonds shall be conducted on either a negotiated or competitive bid basis and, as applicable, to determine the purchase price for the Series 2012E Bonds to be paid by the purchasers referred to in one or more Purchase Agreements or the purchase price for the Series 2012E Bonds to be paid by the winning bidder, if such sale is conducted by competitive bid pursuant to a Notice of Sale (as hereinafter defined), in either case as such document is described in Section 2.10 of this Supplemental Resolution, which may include such original issue discount and original issue premium as shall be determined in the related Certificate of Determination; provided, however, that, in the case of Series 2012E Bonds sold on a negotiated basis, the underwriters' discount

reflected in such purchase price shall not exceed \$10.00 for each one thousand dollars (\$1,000) principal amount of the Series 2012E Bonds;

(h) to take all actions required for the Series 2012E Bonds to be eligible under the rules and regulations of The Depository Trust Company ("DTC") for investment and trading as uncertificated securities, to execute and deliver a standard form of letter of representation with DTC and, notwithstanding any provisions to the contrary contained in this Supplemental Resolution, to include in any Certificate of Determination such terms and provisions as may be appropriate or necessary to provide for uncertificated securities in lieu of Series 2012E Bonds issuable in fully registered form;

(i) to determine whether to issue all or any portion of the Series 2012E Bonds as Tax Exempt Obligations, Taxable Obligations, Put Obligations, Variable Interest Rate Obligations or as any other form of Obligations permitted by the Resolution and any matters related thereto, including (i) the terms and provisions of any such Series 2012E Bonds, (ii) the selection of remarketing agents, tender agents, calculation agents, auction agents, dealers, bidding agents or any other agents or parties to ancillary arrangements and the terms of any such arrangements, and (iii) the methods for determining the accrual of Debt Service;

(j) to determine the advisability, as compared to an unenhanced transaction, of obtaining one or more Credit Facilities, to select a provider or providers thereof and to determine and accept the terms and provisions and price thereof, to determine such other matters related thereto as in the opinion of the officer executing any Certificate of Determination shall be considered necessary or appropriate and to effect such determinations by making any changes in or additions to this Supplemental Resolution required by Credit Facility providers, if any, or required by a Rating Agency in order to attain or maintain specific ratings on the Series 2012E Bonds, or relating to the mechanisms for the repayment of amounts advanced thereunder or payment of fees, premiums, expenses or any other amounts, notices, the provision of information, and such other matters of a technical, mechanical, procedural or descriptive nature necessary or appropriate to obtain or implement a Credit Facility with respect to the Series 2012E Bonds, and to make any changes in connection therewith;

(k) to make such changes in or from the form of this Supplemental Resolution as may be required by a Rating Agency in order to attain or maintain specific ratings on the Series 2012E Bonds;

(l) to make such changes in or from the form of this Supplemental Resolution as may be necessary or desirable in order to cure any ambiguities, inconsistencies or other defects; and

(m) to determine such other matters specified in or permitted by (i) Sections 202, 203, and A-201 of the Resolution or (ii) this Supplemental Resolution, including preparation of any documentation therefor.

2. Any Authorized Officer shall execute any Certificate of Determination evidencing the determinations made pursuant to this Supplemental Resolution and such Certificate of Determination shall be conclusive evidence of the determinations of such

Authorized Officer, as stated therein. More than one Certificate of Determination may be delivered to the extent more than one Series or subseries of Series 2012E Bonds are delivered, or other authority is exercised under this Supplemental Resolution from time to time and each such Certificate of Determination shall be delivered to the Trustee prior to the authentication and delivery of the respective Series or subseries of Series 2012E Bonds by the Trustee or other documentation. Determinations set forth in any Certificate of Determination shall have the same effect as if set forth in this Supplemental Resolution. Any such Authorized Officer may exercise any authority delegated under this Supplemental Resolution from time to time following issuance of any Series 2012E Bonds, as appropriate for any purposes, including, in order to change interest rate modes or auction periods, obtain a substitute or additional Credit Facility or to appoint new or additional agents or other parties deemed appropriate to a particular form or mode of Obligation or manner of sale.

**Section 2.10. Sale of Series 2012E Bonds.** If it is determined that any sale of Bonds shall be conducted on a negotiated basis, each Authorized Officer is hereby authorized to sell and award the Series 2012E Bonds to the purchasers who shall be on the list of underwriters then approved by the Issuer and shall be referred to in the Purchase Agreement or Agreements, which Purchase Agreement or Agreements shall be substantially in the form most recently executed or delivered by the Issuer in connection with the sale of Obligations, with such revisions to reflect the terms and provisions of the Series 2012E Bonds as may be approved by the officer executing the Purchase Agreement (each, a "Purchase Agreement"). Each Authorized Officer is hereby authorized to agree to the selection of the representative of the underwriters as referred to in the Purchase Agreement or Agreements and to execute and deliver the Purchase Agreement or Agreements for and on behalf and in the name of the Issuer with such changes, omissions, insertions and revisions as may be approved by the officer executing the Purchase Agreement or Agreements, said execution being conclusive evidence of such approval and concurrence in the selection of the representative of the underwriters.

If it is determined that any sale of Series 2012E Bonds shall be conducted on a competitive bid basis, each Authorized Officer is hereby further authorized to conduct the sale and award of the Series 2012E Bonds on the basis of a competitive bid, pursuant to the terms of a notice of sale, including bid form (the "Notice of Sale"), in a form, including any limitations on permitted bidders and a description of the basis for determining the winning bidder or bidders, determined by such Authorized Officer. Each Authorized Officer is hereby authorized to conduct such competitive sale of the Series 2012E Bonds in a manner consistent with this Supplemental Resolution and to utilize the services of the Authority's financial advisor and the services of an electronic bidding service, as such Authorized Officer shall determine, and the execution by such Authorized Officer of a letter of award shall be conclusive evidence of such award.

Each Authorized Officer is hereby authorized to make public and to authorize the use and distribution by said purchasers or other appropriate parties of a preliminary official statement, offering circular, or other disclosure document (the "Preliminary Official Statement") in connection with each public offering or any direct placement of the Series 2012E Bonds, in substantially the form most recently executed or delivered by the Issuer in connection with the sale of Obligations, with such changes, omissions, insertions and revisions as such officer shall deem advisable. The Issuer authorizes any of said officers to deliver a certification to the effect

that such Preliminary Official Statement or Official Statement, if deemed necessary or appropriate, together with such other documents, if any, described in such certificate, was deemed final as of its date for purposes of Rule 15c2-12 of the Securities and Exchange Commission as applicable.

Each Authorized Officer is hereby authorized to make public and to authorize distribution of a final Official Statement in substantially the form of each Preliminary Official Statement or the most recently executed and delivered Official Statement if there is not a Preliminary Official Statement, with such changes, omissions, insertions and revisions as such officer shall deem advisable, to sign such Official Statement and to deliver such Official Statement to the purchasers of the Series 2012E Bonds, such execution being conclusive evidence of the approval of such changes, omissions, insertions and revisions.

Each Authorized Officer is hereby authorized to execute and deliver for and on behalf and in the name of the Issuer, to the extent determined by such Authorized Officer to be necessary or convenient, a Continuing Disclosure Agreement, substantially in the form appended to the Purchase Agreement or Notice of Sale, with such changes, omissions, insertions and revisions as such officer shall deem advisable (the "Continuing Disclosure Agreement"), said execution being conclusive evidence of the approval of such changes, omissions, insertions and revisions.

The proceeds of a good faith check, if any, received by the Issuer from the purchasers of the Series 2012E Bonds under the terms of the related Purchase Agreement or Notice of Sale may be invested by the Issuer pending application of the proceeds of such good faith check for the purposes provided in Section 2.02 of this Supplemental Resolution at the time of the issuance and delivery of such Series 2012E Bonds.

Each Authorized Officer (including any Assistant Secretary of the Issuer) is hereby authorized and directed to execute, deliver, amend, replace or terminate any and all documents and instruments (including any remarketing agreements, tender agency agreements, dealer agreements, broker dealer agreements, tender agent agreements, or auction agency agreements, any investment agreements or arrangements, or any reimbursement agreements or documents or instruments relating to a Credit Facility deemed appropriate to a given form or mode of an Obligation) and to do and cause to be done any and all acts necessary or proper for carrying out each Purchase Agreement or Notice of Sale, the Continuing Disclosure Agreement, the terms of any Credit Facility or other such agreement or arrangement, and the issuance, sale and delivery of the Series 2012E Bonds and for implementing the terms of the Series 2012E Bonds and the transactions contemplated hereby or thereby.

When reference is made in this Supplemental Resolution to the authorization of an Authorized Officer to do any act, such act may be accomplished by any of such officers individually.

**Section 2.11. Forms of Series 2012E Bonds and Trustee's Authentication Certificate.** Subject to the provisions of the Resolution, the form of registered Series 2012E Bonds, and the Trustee's certificate of authentication, shall be substantially in the form set forth in Exhibit One to the Resolution including, if necessary, any changes to comply with the

requirements of DTC or the provisions of this Supplemental Resolution or any Certificate of Determination.

**Section 2.12. Appointment of Trustee and Paying Agent.** Unless otherwise provided by Certificate of Determination, The Bank of New York Mellon, as successor in interest to JPMorgan Chase Bank, N.A., shall be the Trustee under the Resolution and the Paying Agent for the Series 2012E Bonds.

### **ARTICLE III**

#### **DISPOSITION OF SERIES 2012E BOND PROCEEDS**

**Section 3.01. Disposition of Series 2012E Bond Proceeds.** Any proceeds of the sale of the Series 2012E Bonds, other than accrued interest and capitalized interest, if any, shall be deposited, simultaneously with the issuance and delivery of the Series 2012E Bonds, in the Proceeds Account which is deemed to be established for such Series in the Proceeds Fund to be applied, or shall otherwise be applied pursuant to any Certificate of Determination to:

- (a) the payment of all or any part of the Capital Costs; and
- (b) the balance of such proceeds, exclusive of accrued interest, shall be deposited in the Costs of Issuance Account and applied to the payment of Costs of Issuance or otherwise applied to the payment of Costs of Issuance.

Unless otherwise provided in any Certificate of Determination, the accrued interest and any capitalized interest, if any, received on the sale of the Series 2012E Bonds shall be deposited in the Debt Service Fund.

### **ARTICLE IV**

#### **TAX COVENANTS AND DEFEASANCE**

**Section 4.01. Tax Covenants Relating to the Series 2012E Bonds.** The Issuer covenants that, in order to maintain the exclusion from gross income for Federal income tax purposes of the interest on the Series 2012E Bonds issued as Tax Exempt Obligations, the Issuer will satisfy, or take such actions as are necessary to cause to be satisfied, each provision of the Code necessary to maintain such exclusion. In furtherance of this covenant, the Issuer agrees to comply with such written instructions as may be provided by Bond Counsel. In furtherance of the covenant contained in the preceding sentence, the Issuer agrees to continually comply with the provisions of any "Arbitrage and Use of Proceeds Certificate" or "Tax Certificate" to be executed by the Issuer in connection with the execution and delivery of any Series 2012E Bonds issued as Tax Exempt Obligations, as amended from time to time.

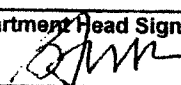
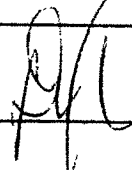
Notwithstanding any other provision of the Resolution to the contrary, upon the Issuer's failure to observe, or refusal to comply with, the above covenant (a) the Owners of the Series 2012E Bonds, or the Trustee acting on their behalf, shall be entitled to the rights and remedies provided to Owners or the Trustee under Section 702 of the Resolution, and (b) neither the Owners of the Obligations of any Series or holders of any Parity Debt (other than the Series

2012E Bonds or the Trustee acting on their behalf), nor the Trustee acting on their behalf, shall be entitled to exercise any right or remedy provided to the Owners, the Parity Debt holders or the Trustee under the Resolution based upon the Issuer's failure to observe, or refusal to comply with, the above covenant.

The provisions of the foregoing covenants set forth in this Section shall not apply to any Series 2012E Bonds, including any subseries thereof, which the Issuer determines pursuant to the applicable Certificate of Determination to issue as Taxable Obligations.




**Section 4.02. Defeasance.** In the event the Issuer shall seek, prior to the maturity or redemption date thereof, to pay or cause to be paid, within the meaning and with the effect expressed in the Resolution, all or less than all Outstanding Series 2012E Bonds issued as Tax Exempt Obligations and the provisions of Section 4.01 hereof shall then be of any force or effect, then, notwithstanding the provisions of Article A-XI of the Resolution, the Series 2012E Bonds issued as Tax Exempt Obligations which the Issuer then seeks to pay or cause to be paid shall not be deemed to have been paid within the meaning and with the effect expressed in Section A-1101 of the Resolution unless (i) the Issuer has confirmed in writing that the Owners of the Series 2012E Bonds issued as Tax Exempt Obligations which the Issuer then seeks to pay or cause to be paid will continue, after such action, to have the benefit of a covenant to the effect of the covenant of the Issuer contained in Section 4.01 hereof or (ii) there shall have been delivered to the Trustee an Opinion of Bond Counsel to the effect that non compliance thereafter with the applicable provisions of the Code will not affect the then current treatment of interest on the Series 2012E Bonds issued as Tax Exempt Obligations in determining gross income for Federal income tax purposes.

# Staff Summary

<b>Subject</b> 2012 State PWEF Assessment
<b>Department</b> Chief Financial Officer
<b>Department Head Name</b> Robert E. Foran
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Douglas F. Johnson 

<b>Date</b> June 5, 2012
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	6/25	X		
2	Board	6/27	X		

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

## Purpose:

To authorize actions relating to the payment of the State assessment on the MTA and its constituent agencies for the Public Work Enforcement Fund for calendar 2012.

## Discussion:

Chapter 511 of the Laws of 1995, as amended, requires State agencies and authorities to pay to the State Comptroller an assessment based upon 1/10 of 1% of the value of public work (construction) contracts entered into (excluding rolling stock contracts). The assessments are deposited in the State Public Work Enforcement Fund to reimburse the State Department of Labor for its costs in enforcing the State's prevailing-wage law. The State and the MTA have entered into a simple annual estimate-and-settlement procedure agreement. Payments are made each year based upon the estimated amount of public works contracts as adjusted to reflect actual experience.

Actual figures show that the estimated 2011 assessment was more than required by the actual results, with the overpayment amounting to \$1,081,774. This overpayment should be subtracted from the estimated 2012 assessment, which is described below. Based on the actual average spending rates, it is assumed that in calendar year 2012, MTA's constituent agencies are projected to let \$2,136,357,941 worth of construction contracts. This represents a \$711 million increase in contract values over the actual 2011 level. Taking into account the 2011 overpayment of \$1,081,774, the total 2012 assessment requires a payment of \$1,054,584.

## Financial Implications:


The 2012 MTAHQ Budget contains sufficient funds for this payment.

## Recommendation:

The Board should authorize staff to remit the 2012 assessment including the adjustment for the 2011 overpayment, to the State Department of Labor.



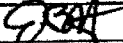
# Staff Summary

Page 1 of 2

<b>Subject</b> Paratransit Cost Savings Initiative
<b>Department</b> Chief Financial Officer
<b>Department Head Name</b> Robert Foran
<b>Department Head Signature</b> 
<b>Project Manager/Division Head</b>

<b>Date</b> June 25, 2012
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25	x		
2	Board	8/27	x		

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Operating Officer 		Civil Rights
3	Chief of Staff 	2	Legal 
	Chief Financial Officer		Administration
	Procurement		Other

## Purpose:

To approve the annexed resolution adopting tariff changes necessary to implement a Paratransit cost savings initiative expected to achieve substantial recurring savings in the MTA's Paratransit program. Under this initiative, special Zero Fare MetroCards would be provided to Paratransit-eligible customers, enabling these customers free passage on fixed route services operated by NYCT, MaBSTOA, MTA Bus and SIRTOA. Paratransit-eligible customers would continue to have access to Paratransit services upon demand, just as at present, but also would be issued Zero Fare MetroCards granting them the privilege of access to fixed route services at no cost for a specified number of trips. Projected reductions in the number of trips taken using the more expensive Paratransit service are anticipated to result in Paratransit program savings in excess of \$90 million per year by 2015 and beyond.

## Discussion:

At present, MTA's Paratransit program provides 6.6 million trips to eligible participants, with an additional 1.9 million trips to personal care attendants and 500,000 to guests accompanying the ADA Paratransit-eligible customers, for a total annual ridership of nine million. From 2005 to 2010, MTA's Paratransit costs grew approximately 20 percent per year. MTA has already implemented cost-saving measures to try to slow the growth in Paratransit program expenses, including by creating a feeder service for ambulatory riders to the fixed route system, requiring trip-by-trip eligibility for some riders to discourage misuse, using more car services and taxis, which are cheaper than our Access-A-Ride vans, and increasing enforcement of our no-show and late policies. However, even after implementation of these measures, program costs are still forecast to increase 50 percent by 2015 because of demographic factors and the high costs of operating the Access-A-Ride service.

The proposed tariff changes (set forth at Attachment A to the annexed resolution) would permit the Paratransit program to offer Zero Fare MetroCards to Paratransit registrants for optional use on fixed route services offered by NYCT, MaBSTOA, MTA Bus and SIRTOA (other than Express bus service). Based on experiences in other cities, such zero-fare cards can be expected to promote the use of fixed route services by those Paratransit riders who, while eligible to participate in the Paratransit program, are physically able to use the fixed route system for some portion of their travel needs over the course of a year. It is estimated that the increased flexibility and free cost associated with a free fixed-route option for Paratransit registrants will result in use of fixed-route options for more than 15% of the trips currently provided by Paratransit carriers. In total, our analysis estimates that approximately 1.47 million Paratransit trips would move to a fixed route service by 2015. An analysis performed by the MTA Audit Division estimates that this program would reduce the Paratransit budget by approximately 14.25% (based upon an anticipated \$677 million budget in 2015, with estimated savings of \$96.5 million). Similar Paratransit incentive programs have been successfully implemented in Washington, D.C. and Los Angeles. NYCT has analyzed the impact of this diversion of Paratransit customers to fixed route service and has determined that the impact upon dwell times will be negligible.

Pursuant to the Board's authorization and publicly advertised notice, a hearing on the Zero Fare MetroCard proposal was held on June 12, 2012, at which Board members heard testimony from interested members of the public. In addition, by public notice MTA invited written comments on the proposed changes. Copies of the transcript of the hearing and of written comments received have been distributed to all Board members in advance of the June Board meeting for their review.

Testimony and written comments were received from a variety of individuals, including from persons affiliated with organizations representing disabled persons. A number of persons voiced support for adoption of the zero-fare program; others expressed concerns regarding the continued availability of Access-a-Ride services and continued barriers to accessibility of fixed route services. Negative comment was received on the proposed charge of \$20 for replacement of lost cards. In addition, questions were asked concerning the number of fixed route trips per day that would be permitted using the Zero Fare MetroCard.

After taking into consideration these public comments, staff recommends that the Board adopt the tariff changes set forth as Attachment A to the resolution which accompanies this Staff Summary, enabling the Paratransit program to proceed with implementation of the zero-fare cost savings initiative. In connection with Zero Fare MetroCard replacements, the proposed tariff changes have been modified in response to public comment to provide for a replacement charge of no greater than \$10.00, rather than \$20.00 as originally contemplated. Charging a replacement fee serves both to absorb costs NYCT incurs associated with card replacement and to minimize instances of lost or misplaced cards. With respect to the number of free trips per day that would be permitted through use of the Zero Fare MetroCard, it is planned at its inception that the Zero Fare MetroCards issued to Paratransit registrants would provide for four daily trips at no cost to the registrant. (In the case of Paratransit registrants certified as requiring the assistance of personal care attendant, the same Zero Fare MetroCard issued to the registrant would provide simultaneous free passage for his or her attendant for the four daily trips.) The tariff would provide the Paratransit program administrators the flexibility to make future adjustments in the cap on daily trips. It is anticipated that the cap will be periodically reviewed as experience with the new program accumulates.

### **Recommendation:**

It is recommended that the Board approve the annexed resolution, adopting the tariff changes set forth as Attachment A hereto, which will enable staff to initiate implementation of this Paratransit cost savings initiative. The \$90 million plus in savings projected from implementation of this initiative are a significant component of MTA's cost saving measures necessary to achieve a balanced budget.

RESOLUTION  
TARIFF CHANGES  
PERTAINING TO NYCTA, MaBSTOA, SIRTOA and MTA BUS

WHEREAS, pursuant to Board action on April 25, 2012, staff was authorized to undertake necessary steps, including publishing required notices and conducting a public hearing, in connection with consideration of proposed tariff changes to allow the issuance to Paratransit-eligible customers of a Zero Fare MetroCard that would provide free passage on fixed route services operated by New York City Transit Authority ("NYCTA"); the Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA"); Staten Island Rapid Transit Operating Authority ("SIRTOA") and MTA Bus Company ("MTA Bus") (collectively, the "MTA Agencies"), other than Express bus service;

WHEREAS, the Zero Fare MetroCard proposal is a Paratransit cost savings initiative projected to achieve recurring savings in the MTA's Paratransit program in excess of \$90 million per year by 2015 and beyond;

WHEREAS, adoption of the proposal would not curtail the right of Paratransit-eligible customers to use Paratransit services, with Paratransit-eligible customers receiving Zero Fare MetroCards that offer free passage on fixed route services continuing to have access to Paratransit services upon demand, as at present;

WHEREAS, issuance of Zero Fare MetroCards is expected to promote the use of fixed route services by those Paratransit riders who, while eligible to participate in the Paratransit program, are physically able to use the fixed route system for some portion of their travel needs over the course of a year; and based on experiences in other cities, it is anticipated that the increased flexibility and free cost associated with a free fixed-route option for Paratransit registrants will result in use of fixed-route options for more than 15% of the trips currently provided by Paratransit carriers, thereby reducing the number of trips that otherwise would be taken by Paratransit-eligible customers using more expensive Paratransit services;

WHEREAS, notices of public hearing on proposed tariff changes needed to implement Zero Fare MetroCards were prepared and posted by the MTA Agencies at transportation facilities of these agencies; and advertisements of said public hearing were contemporaneously published by the MTA Agencies, appearing on May 17, 2012, in *The New York Post*, *El Diario* and in *The Amsterdam News*; and on May 25, 2012 in *Matilda Ziegler Magazine for the Blind*.

WHEREAS, a public hearing was conducted by the MTA Agencies on June 12, 2012, at Reeves Great Hall of the Fashion Institute of Technology, located at the northwest corner of 27<sup>th</sup> Street & Seventh Avenue, Manhattan, at the time set forth in the aforesaid notice of public hearing, at which all persons appearing who wished to

comment on the proposed tariff changes were permitted to speak and written comments for inclusion in the record of the proceeding were invited;

WHEREAS, the Boards of MTA, NYCTA, MaBSTOA, SIRTOA and MTA Bus, have considered the testimony of the public at the public hearings and the written comments that were submitted;

WHEREAS, the Boards of MTA, NYCTA, MaBSTOA, SIRTOA and MTA Bus have considered the financial circumstances of the MTA Agencies and the impacts of proposed fare changes upon riders of mass transportation services, including minority and low-income users of such services;

NOW, THEREFORE, upon motion duly made and seconded, the following resolution was adopted by the Boards of MTA, NYCTA, MaBSTOA, SIRTOA and MTA Bus:

RESOLVED, that consistent with the requirements of section 1205 and 1266 of the Public Authorities Law that fares be established as may in the judgment of the MTA be required to maintain the combined operations of the MTA and its subsidiary corporations on a self-sustaining basis, and as may in the judgment of the NYCTA be necessary to maintain the operations of NYCTA and its subsidiary corporation MaBSTOA on a self-sustaining basis, the Boards of MTA, NYCTA, MaBSTOA, SIRTOA and MTA Bus hereby approve the tariff changes set forth in Attachment A hereto for NYCTA, MaBSTOA, SIRTOA and MTA Bus; and the Presidents of each of NYCTA, MaBSTOA, SIRTOA and MTA Bus, and their designees are hereby authorized and directed to take such steps as may be necessary or desirable to implement such tariff changes on the vehicles and facilities of their respective agencies.

June 27, 2012  
New York, New York

# **ATTACHMENT A**

## I. INTRODUCTION

1. This Tariff delineates the fares charged for regular scheduled bus and subway service operated in the City of New York by the New York City Transit Authority (NYCTA), the MTA Bus Company (MTABC), the Manhattan and Bronx Surface Transit Operating Authority (MaBSTOA) and the Staten Island Rapid Transit Operating Authority (SIRTOA) and for Paratransit service operated under contract for the NYCTA.
2. Basic fares charged by the NYCTA, MTABC and NYCTA Affiliates may be paid by SingleRide Ticket, value-based MetroCard (also referred to as Regular MetroCard), time-based MetroCard, or cash (on buses only).

### Regular Fare Services (Subway, Local Bus, and SIRTOA)

<u>Fare Category</u>	<u>Fare/Fare Medium</u>
Basic Fare	-- A valid SingleRide Ticket (sold for \$2.50) or the deduction of \$2.25 from a valid value-based MetroCard. --Payment of \$2.25 with combination of MetroCard then coin on buses only. --Payment of \$2.25 in exact change on buses only. --Swipe or dip of valid time-based MetroCard*
Senior Citizen/Disabled—Subway	--\$2.25 Round Trip or the deduction of \$1.10 per trip from a valid Reduced Fare MetroCard. --Swipe of valid time-based Reduced Fare MetroCard.*
Senior Citizen/Disabled--Local Bus	--\$1.10 in exact change or one NYCTA Return-Trip Coupon or the deduction of \$1.10 from a valid Reduced Fare MetroCard or the payment of \$1.10 with a combination of Reduced Fare MetroCard then coin. --Dip of valid time-based Reduced Fare MetroCard.*
Senior Citizen/Disabled—SIRTOA	--\$1.10 or the deduction of \$1.10 from a valid Reduced Fare MetroCard. --Swipe of valid time-based Reduced Fare MetroCard.*
<u>ADA Paratransit-eligible person approved for Paratransit services</u>	<u>--Swipe of valid Zero Fare MetroCard</u>
Students with Bus Half-Fare School Pass	\$1.10
Children 44" & Under Accompanied by Adult	Free

\*See Section I.7, page 3, for complete list of time-based MetroCards (unlimited ride passes).

II. REGULAR FARE SERVICES  
(continued)

D. Transfers (continued)

14. Transfers from NYCTA Paratransit Service for Individuals with Disabilities. Transfers from NYCTA Paratransit service are honored on all NYCTA/MaBSTOA/MTABC local bus routes at locations indicated on the Paratransit transfer, subject to the following conditions:
  - a. Individuals with disabilities presenting NYCTA Paratransit transfers must present a valid Paratransit Identification Card, as outlined in Chapter IV, Section B, Paragraph 5 of the "NYCTA & Affiliates, MTABC Tariff."
  - b. Guests who are accompanying individuals with disabilities transferring from NYCTA Paratransit may also present NYCTA Paratransit transfers for travel on NYCTA/MaBSTOA/MTABC local bus routes. No more than one guest is permitted per certified Paratransit rider.
15. Transfer of Express Bus Passengers to Subways or Local Buses or SIRTOA. NYCTA/MaBSTOA/MTABC express bus passengers may transfer free to any subway line or NYCTA/MaBSTOA/MTABC local bus route or SIRTOA train subject to the following conditions:
  - a. Regular and reduced-fare NYCTA/MaBSTOA/MTABC express bus passengers using value-based MetroCards and having the appropriate fare deducted on the express bus may transfer free to any NYCTA subway line upon swiping the MetroCard at any station entry turnstile; or to any NYCTA/MaBSTOA/MTABC local bus route by dipping the MetroCard in the local bus farebox; or to SIRTOA by swiping the MetroCard through the turnstile to enter or exit SIRTOA at St George or Tompkinsville if entering or exiting SIRTOA at either station. The transfer must be used within two hours of the initial fare deduction.
16. Mutilated Transfers. Mutilated transfers of any kind will not be accepted. A passenger presenting a mutilated transfer must pay the appropriate fare.
17. An electronic paper transfer may only be used by the passenger to whom it was issued.

II. REGULAR FARE SERVICES  
(continued)

F. Free Transportation (continued)

- g. MTABC managers and non-represented employees, and other employees to the extent provided in collective bargaining agreements, with proper identification pass, may ride free on MTABC local and express buses. Employees of NYCTA & affiliates are not entitled to ride free on MTABC.
- 2. NYCTA/MaBSTOA/MTABC Only. The following persons will be carried at no charge on regular scheduled NYCTA subway and NYCTA/MaBSTOA/MTABC local bus service:
  - a. Individuals using an NYCTA Temporary Transportation Pass or a Mobility Instructor Pass when accompanied by a disabled person being trained to travel on NYCTA/MaBSTOA/MTABC trains and buses.
- 3. NYCTA Subway/SIRTOA Only. The following persons will be carried at no charge on regular scheduled NYCTA subway and SIRTOA train service:
  - a. New York City Youth Services and Board of Education groups presenting Certificates of Free Transportation, during the following off-peak hours only:
    - NYC Youth Services: Monday to Friday: 9:00am to 4:00pm/7:00pm to 11:30pm; Weekends/Holidays: 9:00am to 11:30pm.
    - Board of Education: Monday to Friday: 9:30am to 3:00pm.
- 4. NYCTA Subway Only. The following persons will be carried at no charge on regular scheduled NYCTA subway service:
  - a. Individuals entitled to free entry to the subway system only when a Transit System Entrance Voucher is submitted for that individual by a Police Officer to a station agent.
  - b. Authorized student groups from Nassau County presenting LIRR Group Transportation Voucher.
- 5. NYCTA Subway/SIRTOA and NYCTA/MaBSTOA/MTABC Local Bus. The following persons will be carried at no charge on regular scheduled NYCTA Subway and NYCTA/MaBSTOA/MTABC local bus service.
  - a. An ADA Paratransit-eligible person presenting a Zero Fare MetroCard, provided the maximum number of free trips per day authorized by the Zero Fare MetroCard issued to such person has not been exceeded at the time of presentation.
  - b. Personal Care Attendants accompanying ADA Paratransit-eligible persons who are certified on their Paratransit Identification Cards or Zero Fare MetroCards as requiring the assistance of a Personal Care Attendant.

6. SIRTOA Only. The following persons will be carried at no charge on regular scheduled SIRTOA train service:
  - a. Individuals displaying SIRTOA Visitor or SIRTOA Summer Youth Program Pass.

#### IV. PARATRANSIT SERVICES

##### A. Covered Services

1. This section delineates the fares governing Paratransit services provided by the NYCTA and also addresses issuance by NYCTA of revocable Zero Fare MetroCards.
2. NYCTA Paratransit service may be provided either by the NYCTA or via contracted private services.
3. NYCTA has the discretion to issue revocable Zero Fare MetroCards to ADA Paratransit-eligible persons who have been approved to receive Paratransit services.
4. The Zero Fare MetroCard shall permit one or more free trips per day within New York City on subway and bus services (other than Express bus services) provided by NYCTA, MaBSTOA, MTABC, and SIRTOA.
5. The maximum number of free trips per day permitted by the Zero Fare MetroCards is subject to determination by NYCTA.

##### B. Regular Fares

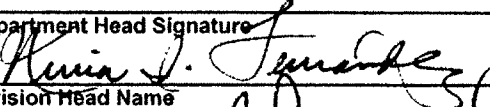
1. A Paratransit passenger paying \$2.25 in exact fare or presenting a TransitChek Access-A-Ride Coupon or presenting a valid NYCTA/MaBSTOA/MTABC local bus transfer (provided the local bus trip was part of a prearranged trip), is entitled to make a prearranged one-way trip on Paratransit services provided by the NYCTA, subject to the conditions below.
2. A Paratransit passenger whose prearranged one-way Paratransit trip entails a transfer to a NYCTA/MaBSTOA/MTABC local bus is entitled to receive a Paratransit transfer at no additional charge.
3. A Paratransit passenger is entitled to use Paratransit services in conjunction with his or her use of the Zero Fare MetroCard on subway and bus services (other than Express bus services) provided by NYCTA, MaBSTOA, MTABC, and SIRTOA.
4. An ADA Paratransit-eligible person presenting a Zero Fare MetroCard is permitted to ride on subway and bus services (other than Express bus services) provided by NYCTA, MaBSTOA, MTABC, and SIRTOA without payment of fare, provided the maximum number of free trips per day authorized by the Zero Fare MetroCard issued to such person has not been exceeded.
5. An ADA Paratransit-eligible person must present valid identification indicating that he or she is eligible for Paratransit service. The following identification is acceptable:
  - a. A Paratransit Identification Card issued by the NYCTA or the City of New York.
  - b. A Zero Fare MetroCard issued by the NYCTA.

IV. PARATRANSIT SERVICES  
(continued)

B. Regular Fares (continued)





- c. Visitors are persons with disabilities who do not reside in New York City.
  - (1) A visitor may present documentation that he or she is eligible for Paratransit service under the criteria of U.S. DOT's regulation at 49 C.F.R. §37.125 (implementing the Americans with Disabilities Act) in the jurisdiction in which he or she resides.
  - (2) A visitor who does not have documentation that he or she is eligible for Paratransit service in the jurisdiction in which he or she resides may qualify for service by presenting documentation of his or her place of residence and, if the visitor's disability is not apparent, of his or her disability.
  - (3) Paratransit service for visitors with disabilities will not be provided for more than 21 days in any calendar year without NYCTA Paratransit certification. A visitor with disabilities who requires Paratransit services for more than 21 days must apply for a Paratransit Identification Card issued by the NYCTA.
- 6. Individuals not eligible for Paratransit services will not be permitted to ride a paratransit vehicle, except as follows:
  - a. A Personal Care Attendant accompanying an ADA Paratransit-eligible person who is certified on his or her Paratransit Identification Card as requiring the assistance of a Personal Care Attendant is entitled to make a pre-arranged one-way trip without charge on Paratransit services provided by the NYCTA.
  - b. A single guest accompanying an ADA Paratransit-eligible person who is eligible for Paratransit services is entitled to make a prearranged one-way trip on Paratransit services provided by the NYCTA. Additional guests per certified Paratransit rider are permitted subject to availability of seating as determined by NYCTA. All guests are subject to the same fare as certified Paratransit riders.
- 7. Personal Care Attendants accompanying ADA Paratransit-eligible persons who are certified on their Paratransit Identification Cards or Zero Fare MetroCards as requiring the assistance of a Personal Care Attendant are permitted to ride on subway and bus services (other than Express bus services) provided by NYCTA, MaBSTOA, MTABC, and SIRTOA without payment of fare only when accompanying an ADA Paratransit-eligible person.
- 8. A fee in an amount not to exceed \$10.00 will be assessed for the replacement of lost, stolen or damaged Zero Fare MetroCards.
- 9. Zero Fare MetroCards are for the exclusive use of the person issued the card. Use by any other person will result in confiscation of the card and the elimination of the zero fare privileges.

# Staff Summary

<b>Subject</b> Request for Authorization to Award Various Procurements
<b>Department</b> Executive
<b>Department Head Name</b> Nuria Fernandez
<b>Department Head Signature</b> 
<b>Division Head Name</b> Clifford Shockley

<b>Date</b> June 14, 2012
<b>Vendor Name</b> Various
<b>Contract Number</b> Various
<b>Contract Manager Name</b> Various
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	6/25/12			
2	Board	6/27/12			

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 F: Personal Service Contracts

Schedule G: Miscellaneous Service Contracts

	1	\$9,245,195
	1	\$ 268,000
<b>SUBTOTAL</b>	2	\$9,513,195

MTAHQ presents the following procurement actions for Ratification:

None                  None

**TOTAL**                  2                  \$ 9,513,195

**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, JUNE 2012**  
**COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**F. Personal Service Contracts**

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

- |  |                                       |                                      |
|--|---------------------------------------|--------------------------------------|
| <b>1. Marsh USA, Inc.</b><br><b>All-Agency Master Broker Services</b><br><b>Contract No. 11257 -0100</b> | <b>\$9,245,195</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|--|---------------------------------------|--------------------------------------|

Competitively negotiated – 4 proposals – 60 months

Contractor to provide services related to the procurement/maintenance of insurance and other miscellaneous services (Master Broker Services) in support of the MTA's All-Agency Risk Management Program for a period of five (5) years from August 1, 2012 through July 31, 2017 at a total cost not to exceed \$9,245,195, which includes a contingency of \$2,000,000. MTA Risk & Insurance Management Department (MTA RIM) has responsibility for acquiring insurance and administering the insured and self-insured programs of the MTA Agencies, as well as programs insured by First Mutual Transportation Assurance Company (FMTAC), MTA's wholly-owned captive insurance company. The utilization of a master broker is necessary for MTA RIM to place specialty coverages as well as other insurance programs on behalf of the Agencies. Those coverages include, but are not limited to, All-Agency Excess Liability, All-Agency Property, Comprehensive and Paratransit Automobile Liability, Environmental Liability, Fiduciary Liability, and Crime, as well as the commuter rails' station liability and force account insurance. In addition to the acquisition of insurance, services to be performed by the selected broker include: coverage monitoring, claims services, risk management information system services, safety and loss control services and captive management services. Marsh proposed a total five-year cost of \$9,156,204. As a result of negotiations, this five-year cost was reduced to \$7,245,195, which represents a price reduction of \$1,911,009 or 20.9%. This five-year, negotiated cost of \$7,245,195 (which includes all core services, including captive management services in the 2012-17 period) is \$2,142,965 (or 22.8%) lower than the comparable five year cost for the same core services under the 2007-12 contract pricing. Based on the above, the five-year cost of \$7,245,195 is deemed to be fair and reasonable. A contingent amount of \$2,000,000 is included for unanticipated master broker services that may be required during the five year period, a reduction of \$500,000 from the contingency approved for the 2007-12 period.

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

**G. Miscellaneous Service Contracts**

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

- |   |                        |
|---|------------------------|
| <b>2. ImageMaster, Inc.</b>                   | <b>\$268,000</b>       |
| <b>Printing and Delivery of Financial and</b> | <b>(not-to-exceed)</b> |
| <b>Legal Bond Documents for the MTA</b>       |                        |
| <b>Contract No. 12076 -0100</b>               |                        |

Competitively negotiated – 3 proposals – 60 months

Contractor to print and deliver on an as needed basis, hard and electronic copies of bond documents (Official Statements and other financing documents), which are required for the issuance of bonds under MTA's capital and non-capital program debt financings. The RFP was publicly advertised and letters advising potential proposers of the RFP's availability were mailed to twenty (20) vendors, ten (10) of which were M/WBE firms. No goals were established by the MTA Department of Diversity and Civil Rights for this contract. The Selection Committee, made up of representatives from the Finance and Legal Departments, unanimously determined that ImageMaster was the most technically qualified firm to provide these services and they also proposed the lowest cost.

The major services to be performed will be printing and delivery of Official Statements and the Annual Report. The negotiated cost for 500 copies of: i) Preliminary and Final Official Statements is \$1,140; and ii) the Annual Report is \$5,550. These prices are \$60 and \$300 lower than current five-year contract. Based on the above negotiations, the unit prices for the five-year period are deemed reasonable.

## Staff Summary

### Schedule F: Personal Service Contracts

<b>Item Number:</b> <b>Dept &amp; Dept Head Name:</b> General Counsel/James Henly <b>Division &amp; Division Head Name:</b> Risk & Insurance Management/Laureen Coyne						<b>SUMMARY INFORMATION</b> <b>Vendor Names:</b> Marsh USA, Inc.		<b>Contract Number</b> 11257-0100
<b>Description</b> All-Agency Master Broker Services						<b>Total Amount</b> \$9,245,195 (including contingency)		
<b>Contract Term (including Options, if any)</b> August 1, 2012 – July 31, 2017						<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No						<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:						<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		

#### Narrative

#### I. PURPOSE/RECOMMENDATION

To obtain Board approval to award a competitively negotiated, personal services contract to Marsh USA, Inc., the incumbent, for the procurement/maintenance of insurance and other miscellaneous services (Master Broker Services) in support of the MTA's All-Agency Risk Management Program for a period of five (5) years from August 1, 2012 through July 31, 2017 at a total cost not to exceed \$9,245,195, which includes a contingency of \$2,000,000.

#### II. DISCUSSION

MTA Risk & Insurance Management Department (MTA RIM) has responsibility for acquiring insurance and administering the insured and self-insured programs of the MTA Agencies, as well as programs insured by First Mutual Transportation Assurance Company (FMTAC), MTA's wholly-owned captive insurance company. The utilization of a master broker is necessary for MTA RIM to place specialty coverages as well as other insurance programs on behalf of the Agencies. Those coverages include, but are not limited to, All-Agency Excess Liability, All-Agency Property, Comprehensive and Paratransit Automobile Liability, Environmental Liability, Fiduciary Liability, and Crime, as well as the commuter rails' station liability and force account insurance. In addition to the acquisition of insurance, services to be performed by the selected broker include: coverage monitoring, claims services, risk management information system services, safety and loss control services and captive management services.

The current competitively awarded master broker services contract, approved by the Board in July 2007, will expire on July 31, 2012. To procure master broker services for the five year period commencing August 1, 2012, a competitive Request for Proposals (RFP) using the e-procurement process was publicly advertised and letters informing potential proposers of the availability of the RFP package were mailed to sixteen (16) firms. The Office of Diversity and Civil Rights established goals of 10% MBE and 10% WBE for these contracts. Four (4) proposals were received. A selection committee, consisting of representatives from the MTA HQ, Long Island Rail Road, Metro-North, New York City Transit and Bridges and Tunnels recommended that, through the e-procurement process, Procurement negotiate with the three firms found to be technically qualified (AON, Marsh USA, Inc. and Willis of New York). After negotiations the Selection Committee unanimously recommended Marsh USA, Inc. for contract award. Marsh was rated the most technically qualified firm to provide the services outlined in the proposal as well as the only firm to meet the M/WBE goals with core business services. Compared to the other proposals Marsh demonstrated a clear understanding of the objectives and offered creative and practical recommendations to ensure cost effective solutions. In addition, Marsh has

# Staff Summary

significant transportation client experience which has been a resource for the MTA in addressing coverage and loss control concerns concerning agency transportation operations.

Marsh proposed a total five-year cost of \$9,156,204. As a result of negotiations, this five-year cost was reduced to \$7,245,195, which represents a price reduction of \$1,911,009 or 20.9%. This five-year, negotiated cost of \$7,245,195 (which includes all core services, including captive management services in the 2012-17 period) is \$2,142,965 (or 22.8%) lower than the comparable five year cost for the same core services under the 2007-12 contract pricing. Based on the above, the five-year cost of \$7,245,195 is deemed to be fair and reasonable. A contingent amount of \$2,000,000 is included for unanticipated master broker services that may be required during the five year period, a reduction of \$500,000 from the contingency approved for the 2007-12 period.

Although other proposers priced their services somewhat lower than Marsh, the Selection Committee, after considering all of the selection criteria (RFP responsiveness/demonstration of understanding of objectives; ability to advance creative cost effective solutions for risk management program; overall qualification and experience in handling transportation-related risks; commitment, capability and experience of staff to be assigned to perform brokerage services; ability to identify/perform value added consulting services; and cost of services), unanimously recommended the award to Marsh, based upon its superior proposal.

MTA has conducted a responsibility review and other due diligence with regard to Marsh USA, Inc. and has deemed Marsh USA, Inc. to be responsible for award.

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

Participation goals of 10% MBE and 10% WBE were established by the MTA's Department of Diversity and Civil Rights Office for this contract.

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

The total, not-to-exceed cost of \$9,245,165 consisting of \$7,245,165 for the five-year contract and \$2,000,000 for contingencies will be funded through the Risk and Insurance Management Department.

### **V. ALTERNATIVES:**

Do not contract for Master Broker Services – This alternative is not feasible. Failure to have these services would prohibit the MTA from accessing the commercial insurance marketplace needed for acquiring/maintaining insurance programs as well as other ancillary services that are utilized to protect the assets of the MTA and its agencies.

Perform service in-house – This alternative is neither feasible nor cost effective. MTA does not have the staff with the specialized expertise or experience to perform the necessary brokerage services.

**JUNE 2012**  
**MTA REAL ESTATE**  
**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**ACTION ITEMS**

**MTA NEW YORK CITY TRANSIT**

License Agreement with Teleport Communications New York for the continued operation and maintenance of an existing fiber optic cable facility running through the Cranberry Street tunnel from Manhattan to Brooklyn

License Agreement with Teleport Communications New York for the continued operation and maintenance of an existing fiber optic cable facility running through the Clark Street tunnel from Manhattan to Brooklyn

License Agreement with Light Tower Fiber Long Island LLC for the continued operation and maintenance of an existing fiber optic cable facility running through the Cranberry Street tunnel from Manhattan to Brooklyn

Lease with Vanessa Vitiello to operate a fruit, vegetable and flower shop at 1498 Sheepshead Bay Road, Brooklyn NY

Lease with Bazlor Rob Hazari and Ayub Ali for the operation of two newsstands at the 51<sup>st</sup> and Lexington Avenue station in New York, NY

License Agreement with Jai Bajrang Newsstand Corp. for the Operation of 3 Newsstands and a Storage Space at 34<sup>th</sup> Street – Herald Square Station, Manhattan

Lease with Golden Gourmet Corp to operate a gourmet deli at 1501 Sheepshead Bay Road, Brooklyn NY

Lease Modification and Extension Agreement for the long Term Continued Occupancy of NYCT at 519 Eight Avenue, New York, NY

**METROPOLITAN TRANSPORTION AUTHORITY**

License for parking of MTA vehicles and bicycles displaced by the temporary closure of the Grand Central Terminal Garage in connection with East Side Access construction

**MTA METRO-NORTH RAILROAD**

License Agreement with AT&T Corp. for the continued operation and maintenance of an existing fiber optic cable facility running along Metro-North's Right of Way north of the Poughkeepsie station

Easement agreements with the Village of Pelham and Pico Electronics Inc. for access to a new circuit breaker house on Metro-North's New Haven Line right of way in Pelham, New York

Lease Modification and Extension Agreement for the long term continued occupancy and renovation of MNR Garrison Station Parking at Philipstown, Putnam, NY

**MTA LONG ISLAND RAIL ROAD**

License agreements for taxi dispatch offices and taxi parking spaces at Amityville, Copiague, Westbury, Bay Shore, Kings Park, Lynbrook, Ronkonkoma, and Hicksville Stations

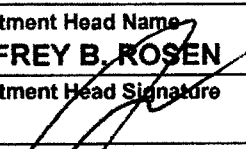
License agreement with Strahl & Pitsch, Inc., for a portion of Long Island Rail Road Babylon Branch right of way in West Babylon, New York

Disposition by MTA Long Island Rail Road of a 1.49-acre parcel to the Town of Babylon in exchange for a 2.16-acre parcel owned by the Town of Babylon

**MTA LONG ISLAND RAIL ROAD/ STATEN ISLAND RAPID TRANSIT RAILWAY**

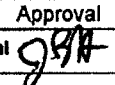
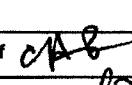

Lease Agreement with Buckeye Pipe Line Company, L.P. for the continued operation and maintenance of two pipelines running a) along LIRR's Montauk Branch between Blissville Yard and Fresh Pond Junction, and b) crossing SIRTOA's Right of Way in the vicinity of I-287. The pipelines are used to transport high pressure jet fuel to Kennedy and LaGuardia Airports

# Staff Summary

Subject <b>LICENSE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>GEORGE MCDONALD</b>

Date <b>JUNE 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/25/12	X		

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

AGENCY: New York City Transit Authority ("NYCT")

LICENSEE: Teleport Communications New York ("Teleport")

LOCATION: Running from the intersection of Fulton Street and Water Street in Manhattan, through NYCT's Cranberry Street tunnel to NYCT's Jay Street / Borough Hall subway station in Brooklyn

ACTIVITY: Non-exclusive license for the operation and maintenance of one 144 -strand fiber optic cable and one 216-strand fiber optic cable

ACTION REQUESTED: Approval of terms

TERM: Ten years, with two 5-year renewal options, subject to termination at will by MTA on 60 days' notice

SPACE: Approximately 3,880 linear feet

COMPENSATION: \$209,496.38 for the first license year, with annual increases based on CPI

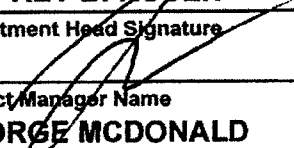
## COMMENTS

Teleport currently owns, operates and maintains two existing fiber optic cables which run approximately 3,880 linear feet through NYCT's Cranberry Street tunnel and along a portion of NYCT's ROW from Manhattan to Brooklyn. The previous license agreement with NYCT between NYCT and Teleport has expired.

In accordance with MTA Real Estate Department's licensing guidelines, this license was not offered by RFP because this occupancy is non-exclusive, there is room for additional occupancies by other parties, and the license is terminable at will by MTA upon not more than 60 days' notice. The proposed compensation reflects market value for 144 and 216-strand fiber optic cable installations, based on a comparative utility rate analysis conducted by an independent consultant.


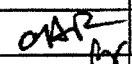

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with Teleport on the above-described terms and conditions.

# Staff Summary

Subject <b>LICENSE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>GEORGE MCDONALD</b>

Date <b>JUNE 25 , 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

AGENCY: New York City Transit ("NYCT")

LICENSEE: Teleport Communications New York ("Teleport")

LOCATION: Running approximately 4,881 linear feet in NYCT's Clark Street tunnel from Manhattan to Brooklyn

ACTIVITY: Non-exclusive license for the operation and maintenance of one 16-strand fiber optic cable and one 432-strand fiber optic cable

ACTION REQUESTED: Approval of terms

TERM: Ten years, with two 5-year renewal options, subject to termination at will by MTA on 60 days' notice

SPACE: Approximately 4,881 linear feet

COMPENSATION: \$263,476.38 for the first license year, with annual increases based on CPI

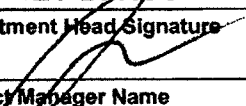
COMMENTS:

Teleport currently owns, operates and maintains two existing fiber optic cables that run approximately 4,881 linear feet through NYCT's Clark Street tunnel from Manhattan to Brooklyn. The installation is currently the subject of a month-to-month license agreement with NYCT.

In accordance with MTA Real Estate Department's licensing guidelines, this license was not offered by RFP because this occupancy is non-exclusive, there is room for additional occupancies by other parties, and the license is terminable at will by MTA upon not more than 60 days' notice. The proposed compensation reflects market value for 16-strand and 432-strand fiber optic cable installations, based on a comparative utility rate analysis conducted by an independent consultant.


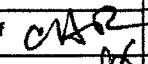

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with Teleport on the above-described terms.

# Staff Summary

Subject <b>LICENSE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>GEORGE MCDONALD</b>

Date <b>JUNE 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/25/12	X		

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

AGENCY: New York City Transit Authority ("NYCT")

LICENSEE: Light Tower Fiber Long Island LLC ("Light Tower")

LOCATION: Running from NYCT's vent shaft building at Fulton Street in Manhattan, through NYCT's Cranberry Street tunnel, to NYCT's vent shaft building at Furman Street in Brooklyn

ACTIVITY: Non-exclusive license for the operation and maintenance of one 864-strand fiber optic cable

ACTION REQUESTED: Approval of terms

TERM: Ten years, with two 5-year renewal options, subject to termination at will by MTA on 60 days' notice

SPACE: Approximately 3,475 linear feet

COMPENSATION: \$267,297.00 for the first license year, with annual increases based on CPI

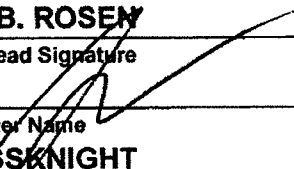
## COMMENTS:

Light Tower currently owns, operates and maintains one 864-strand fiber optic cable that runs approximately 3,475 linear feet through NYCT's Cranberry Street tunnel and along portions of NYCT's ROW from Manhattan to Brooklyn. The installation is the subject of a license agreement that is due to expire on August 31, 2012.

In accordance with MTA Real Estate Department's licensing guidelines, this license was not offered by RFP because this occupancy is non-exclusive, there is room for additional occupancies by other parties, and the license is terminable at will by MTA upon not more than 60 days' notice. The proposed compensation reflects market value for the 864-strand fiber optic cable installation, based on a comparative utility rate analysis conducted by an independent consultant.




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

# Staff Summary

Subject <b>LEASE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>LEAH BASSEKNIGHT</b>

Date <b>JUNE 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

AGENCY: MTA New York City Transit ("NYCT")

LESSEE: Vanessa Vitiello

LOCATION: 1498 Sheepshead Bay Road, Brooklyn

ACTIVITY: Retail sale of fruit, vegetables and flowers

ACTION REQUESTED: Approval of terms

TERM: 10 years

SPACE: Street level retail – approx. 220 sq. ft.

SECURITY: Three months' rent, with periodic increases to match rent increases.

COMPENSATION:

<u>Year</u>	<u>Annual</u>	<u>Monthly</u>	<u>% Increase</u>	<u>\$PSF</u>
1	\$18,000.00	\$1,500.00		\$82
2	\$18,000.00	\$1,500.00	0.00%	\$82
3	\$18,900.00	\$1,575.00	5.00%	\$86
4	\$19,845.00	\$1,653.75	5.00%	\$90
5	\$20,838.00	\$1,736.50	5.00%	\$95
6	\$21,463.00	\$1,788.58	3.00%	\$98
7	\$22,107.00	\$1,842.25	3.00%	\$100
8	\$22,770.00	\$1,897.50	3.00%	\$104
9	\$23,453.00	\$1,954.42	3.00%	\$107
10	\$24,157.00	\$2,013.08	3.00%	\$110

## COMMENTS

This retail space adjacent to the entrance of the Sheepshead Bay Station was recently offered via a request for proposals ("RFP"). Six proposals were received in response to the RFP, and Ms. Vitiello was the highest bidder. The present value of the rent proposed by Ms. Vitiello (calculated using a 9% discount rate) is \$131,181.30. The present values of the rents proposed by the other 5 proposers were as follows: \$129,703.69 by Danny Tung; \$122,481.77 by Abdul Rahim; \$121,049.53 by Misha Aranov; \$51,878.29 by Muhammad Akram; and \$43,254.68 by Mohamed Almerdaie.

# Staff Summary

## FINANCE COMMITTEE MEETING

### Vanessa Vitiello (Cont'd.)



Metropolitan Transportation Authority

Page 2 of 2

Ms. Vitiello proposes to sell organic fruit and vegetables and flowers at this location. There are a number of retail establishments on Sheepshead Bay Road and for this store, given its small size (approx. 220 sq. ft.) and the current mix of retailers on Sheepshead Bay Road, the proposed use is ideal. Ms. Vitiello has an acceptable credit score and has demonstrated that she has enough funds to cover proposed renovations (at an estimated cost of \$14,000) and start-up costs. Her father, Frank Vitiello, who owns several fruit vending carts throughout Brooklyn and the Bronx, will assist Ms. Vitiello in managing the store and operating the business. Mr. Vitiello will also guarantee Ms. Vitiello's obligations under the lease.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Vanessa Vitiello on the above-described terms and conditions.

# Staff Summary



Subject <b>LEASE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>LEAH BASSKNIGHT</b>

Date <b>JUNE 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

AGENCY: MTA New York City Transit ("NYCT")  
 LESSEE: Bazlor Rob Hazari and Ayub Ali  
 LOCATION: 51<sup>st</sup> Street Station, Lexington Avenue Line  
 ACTIVITY: Operation of newsstands on the uptown and downtown platforms  
 ACTION REQUESTED: Approval of terms  
 TERM: 10 years  
 SPACE: 154 sq. ft. on the uptown platform and 96 sq. ft. on the downtown platform.  
 SECURITY: Three months' rent, with periodic increases to match rent increases.  
 COMPENSATION:

Year	<u>Annual</u>	<u>Monthly</u>	<u>% Increase</u>	<u>\$PSF</u>
1	\$132,000.00	\$11,000.00		\$528
2	\$135,960.00	\$11,330.00	3.00%	\$544
3	\$140,038.00	\$11,669.83	3.00%	\$560
4	\$144,239.00	\$12,019.92	3.00%	\$577
5	\$148,566.00	\$12,380.50	3.00%	\$594
6	\$153,022.00	\$12,751.83	3.00%	\$612
7	\$157,612.00	\$13,134.33	3.00%	\$630
8	\$162,340.00	\$13,528.33	3.00%	\$649
9	\$167,210.00	\$13,934.17	3.00%	\$669
10	\$167,210.00	\$13,934.17	0.00%	\$669

## COMMENTS

These newsstands were recently offered for a 10-year lease via a request for proposals ("RFP"). Seven proposals were received in response to the RFP. Bazlor Rob Hazari and Ayub Ali were the highest bidders. The present value of the rent proposed by Mr. Hazari and Mr. Ali (calculated using a 9% discount rate) is \$948,964.60. The present values of the rent proposed by the other six proposers were as follows: \$847,130.82 by Mohammed Salahuddin; \$791,140.20 by

# Staff Summary

## FINANCE COMMITTEE MEETING

### Bazlor Rob Hazari and Ayub Ali (Cont'd.)



Metropolitan Transportation Authority

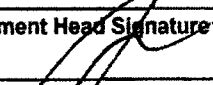
Page 2 of 2

Mahabubar Rahman; \$731,324.17 by Abdul Rahim; \$648,473.66 by Bachubhai Mehta; \$648,472.74 by Ashanul Kabir; and \$518,768.46 by Zashim Uddin.

Mr. Hazari is an experienced business operator; he currently owns a grocery store at 124 Beverly Road in Brooklyn and his credit rating is good. His partner, Mr. Ali, has been employed since 2005 by Bachubhai Mehta (a current licensee in good standing who operates various newsstands throughout the transit system). Mr. Ali is experienced in the day-to-day operations of newsstands and for 7 years has managed newsstands within the transit system. Mr. Hazari and Mr. Ali have sufficient funds to refurbish and operate the newsstands.


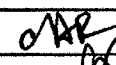

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Mr. Hazari and Mr. Ali on the above-described terms and conditions.

# Staff Summary

Subject <b>LICENSE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>ARTURO ESPINOZA</b>

Date <b>June 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

AGENCY: MTA New York City Transit ("NYCT")  
 LICENSEE: Jai Bajrang Newsstand Corp.  
 LOCATION: 34<sup>th</sup> Street-Herald Square Station, Manhattan, NY  
 ACTIVITY: Operation of newsstands  
 ACTION REQUESTED: Approval of terms  
 TERM: 10 years, subject to termination by NYCT at will upon 60 days' notice  
 SPACE: 568 sq. ft. total at 4 locations:
 

- 190 sq. ft. main concourse - north end
- 192 sq.ft. main concourse - south end
- 94 sq.ft. intermediate mezzanine - south end
- 92 sq. ft. of storage space at lower intermediate mezzanine

COMPENSATION:	Year	Annual	Monthly	% Increase	Per Sq. Ft.
	1	\$276,000.00	\$23,000.00		\$485.92
	2	\$284,280.00	\$23,690.00	3.00%	\$500.49
	3	\$292,809.00	\$24,400.75	3.00%	\$515.51
	4	\$301,594.00	\$25,132.83	3.00%	\$530.98
	5	\$310,642.00	\$25,886.83	3.00%	\$546.90
	6	\$319,962.00	\$26,663.50	3.00%	\$563.31
	7	\$329,561.00	\$27,463.42	3.00%	\$580.21
	8	\$339,448.00	\$28,287.33	3.00%	\$597.62
	9	\$349,632.00	\$29,136.00	3.00%	\$615.55
	10	\$360,121.00	\$30,010.08	3.00%	\$634.02

## COMMENTS

The subject newsstands were publicly offered via a request for proposals ("RFP") as a group. MTA Real Estate received a total of 13 responsive proposals. By addendum to the RFP (the "Lottery Addendum"), all 13 proposers were given the opportunity to modify their compensation offers when NYCT subsequently granted permission for newsstands to sell New York State Lottery products at subway newsstands. Nine revised proposals were received in response to the Lottery Addendum.

# Staff Summary

## FINANCE COMMITTEE MEETING

### 34<sup>th</sup> Street – Herald Square Station (Cont'd.)

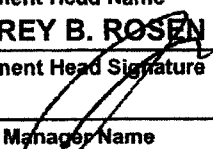
The license fees proposed (calculated on a present value basis using a discount rate of 9%) ranged from a low of \$564,170 to a high of \$1,988,660. The top two proposals on a present value basis were:

1. Jai Bajrang Newsstand Corp. - \$1,988,660; and
2. Zashim Uddin - \$1,810,487.

Mr. Sudhir Patel, the owner of Jai Bajrang Newsstand Corp., is also the owner of Jai Ambe Newsstand Corp., which currently operates newsstands at the 42<sup>nd</sup> Street-Port Authority Station and the 5<sup>th</sup> Avenue-53<sup>rd</sup> Street Station in midtown Manhattan. MTA Real Estate considers Jai Ambe Newsstand Corp. to be a licensee in good standing. Mr. Patel has significant experience owning and operating newsstands and the financial resources to successfully operate the busy 34<sup>th</sup> Street-Herald Square newsstands.


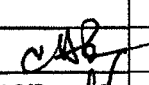

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with Jai Bajrang Newsstand Corp. on the above-described terms and conditions.

# Staff Summary

Subject <b>LEASE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>LEAH BASSKNIGHT</b>

Date <b>JUNE 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

AGENCY: MTA New York City Transit ("NYCT")  
 LESSEE: Golden Gourmet Corp. ("Golden Gourmet")  
 LOCATION: 1501 Sheepshead Bay Road, Brooklyn NY 11225  
 ACTIVITY: Operation of a deli  
 ACTION REQUESTED: Approval of terms  
 TERM: 10 years  
 SPACE: Street level retail – approx. 600 sq. ft.  
 SECURITY: Three months' rent, with periodic increases to match rent increases.  
 COMPENSATION:

Year	Annual	Monthly	% Increase	\$PSF
1	\$30,000.00	\$2,500.00		\$50
2	\$30,960.00	\$2,580.00	3.20%	\$51
3	\$31,950.72	\$2,662.56	3.20%	\$53
4	\$32,973.14	\$2,747.76	3.20%	\$55
5	\$34,028.28	\$2,835.69	3.20%	\$57
6	\$35,117.19	\$2,926.43	3.20%	\$59
7	\$36,240.94	\$3,020.08	3.20%	\$60
8	\$37,400.65	\$3,116.72	3.20%	\$62
9	\$38,597.47	\$3,216.46	3.20%	\$64
10	\$39,832.59	\$3,319.38	3.20%	\$66

## COMMENTS:

This retail space, located across Sheepshead Bay Road from NYCT's Sheepshead Bay Station, was recently offered via a request for proposals ("RFP"). Three proposals were received in response to the RFP, and Golden Gourmet was the highest bidder. The present value of the rent proposed by Golden Gourmet(calculated at a 9% discount rate) is \$217,859.67. The present values of the rents proposed by the other two proposers were as follows: \$209,145.29 by Adel Alahwas and \$172,913.85 by Levent Demirgil.

# Staff Summary

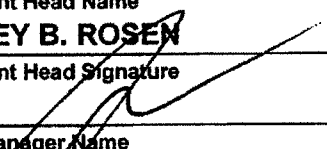
## FINANCE COMMITTEE MEETING Golden Gourmet Corp (Cont'd.)

Golden Gourmet is operated by Mr. Almerdaie. Mr. Almerdaie will personally guarantee the obligations of Golden Gourmet under the lease, including the replacement of the roof, which was a requirement of the RFP. Mr. Almerdaie proposes to operate a gourmet deli specializing in international foods with a focus on Russian and Turkish foods.

Mr. Almerdaie currently operates four other businesses, including the Caton Deli and Luncheonette located at 1818 Caton Avenue, Brooklyn NY, adjacent to the entrance of the Church Avenue Station on NYCT's Brighton Line. The Caton Deli and Luncheonette operates under a ten-year license with NYCT, and Mr. Almerdaie is considered a licensee in good standing. the Caton Deli and Luncheonette is well patronized and provides an attractive retail experience.


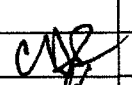

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Golden Gourmet on the above-described terms and conditions.

# Staff Summary

<b>Subject</b> <b>LEASE MODIFICATION &amp; EXTENSION</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JEFFREY B. ROSEN</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>MICHAEL DANIELS</b>

<b>Date</b> <b>June 25, 2012</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

**AGENCY:** MTA New York City Transit ("NYCT")  
**LANDLORD:** Kaufman 8<sup>th</sup> Avenue Associates ("Landlord")  
**LOCATION:** 519 8<sup>th</sup> Avenue, New York, NY  
**ACTIVITY:** Lease modification and extension  
**ACTION REQUESTED:** Approval of terms  
**TERM:** Ten years from execution date of lease extension agreement  
**TERMINATION OPTION:** By NYCT on the 5<sup>th</sup> anniversary date, upon six months' prior written notice and payment of a penalty equal to the unamortized expenses of Landlord's renovation work  
**SPACE:** Part of 7<sup>th</sup> floor (Suite 7 South – 7,072 rentable sq. ft.)  
**COMPENSATION:** \$208,624 per annum (\$29.50 per sq.ft.)  
**ESCALATIONS:** Annual CPI increases, capped at 4%  
**RENEWAL OPTION:** Upon twelve months' prior written notice, one 5-year renewal option at 100% of fair market value with adjusted tax and operating expenses bases  
**REAL ESTATE TAXES:** Proportionate share of increases over a 2012/2013 fiscal year  
**LANDLORD'S WORK:** At its expense, Landlord will paint, install new carpeting and replace damaged ceiling tiles throughout the entire premises  
**CLEANING:** Included in rent  
**ELECTRICITY:** Submetered

## COMMENTS:

NYCT's Union Assistance Program (UAP) has been domiciled at 519 8<sup>th</sup> Avenue since 1999. UAP provides services administrated by the Transport Workers Union and Amalgamated Transit Union and is funded by NYCT. These services assess employees for substance abuse, manage treatment of such employees to expedite recovery, and remove chemically-dependent employees from safety-sensitive work. To maintain the privacy of clients, the UAP cannot be co-located at other NYCT facilities.

Cushman & Wakefield was retained to find possible alternative locations. Due to the significant capital expense (construction, furniture and technology) of a new installation, renewing at 519 Eighth Avenue was determined to be the

# Staff Summary

## FINANCE COMMITTEE MEETING

### Kaufman 8<sup>th</sup> Avenue Associates (Cont'd.)



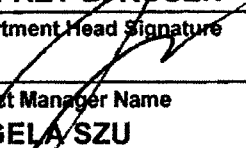
Metropolitan Transportation Authority

Page 2 of 2

least expensive option. The proposed rent per square foot is favorable compared to similar spaces in the area. The Landlord has agreed to paint, install new carpet, and replace defective ceiling tiles and base boards at no cost to the NYCT, work that is estimated to cost \$75,000. However, if NYCT were to exercise its termination option, it would pay a penalty equal to the unamortized cost, depreciated on a 10-year straight-line basis, of such renovations.


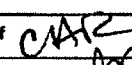

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease modification and extension agreement with Kaufman 8th Avenue Associates on the above-described terms and conditions terms and conditions.

# Staff Summary

<b>Subject</b> <b>LICENSE FOR TEMPORARY PARKING</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JEFFREY B. ROSEN</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>ANGELA SZU</b>

<b>Date</b> <b>JUNE 25, 2012</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

**LICENSOR:** Edison NY Parking, LLC ("Edison")  
**AGENCY:** Metropolitan Transportation Authority ("MTA")  
**LOCATION:** Hippodrome Garage at 1120 Avenue of the Americas, New York, NY 10036  
**ACTIVITY:** License for temporary parking  
**ACTION REQUESTED:** Approval of terms  
**TERM:** Three months.  
**SPACE:** 10 vehicle parking spaces; additional spaces as needed  
**COMPENSATION:** \$338.00 per month, per vehicle

## COMMENTS

As part of the East Side Access Project, MTACC will install three Con Edison manholes and duct banks across the base of the Biltmore Garage adjoining Grand Central Terminal (the "GCT Garage") in order to meet the new power requirements of the LIRR ESA concourse. At the same time, the 12" DEP water main along the south wall of the GCT Garage will be replaced. This construction is expected to require a temporary closure of the GCT Garage for approximately three months.

Metro-North controls the GCT Garage via the same long-term "Harlem-Hudson" Lease pursuant to which it controls Grand Central Terminal. The GCT Garage is operated by 335 Madison Avenue, LLC, the owner of the building above it, pursuant to a permit that reserves spaces for MTA operations. As a consequence of the temporary GCT Garage closure, alternate parking arrangements in proximity to 347 Madison Avenue must be made for 10 vehicles used by operating and other essential personnel.

Several local garages were approached regarding fees they would charge for the temporary usage described above, and the Edison-operated Hippodrome submitted the most competitive rate. Should alternate parking arrangements be required beyond 3 months due to construction delays, either an extension with Edison or an alternative license agreement at a neighboring garage will be negotiated at the lowest possible rates.

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

# Staff Summary



Subject <b>LICENSE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>GEORGE MCDONALD</b>

Date <b>JUNE 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

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

LICENSEE: AT&T Corp. ("AT&T")

LOCATION: A portion of Metro-North's Hudson Line right-of-way

ACTIVITY: Non-exclusive license for the operation and maintenance of one 24-strand fiber optic cable

ACTION REQUESTED: Approval of terms

TERM: Three years, plus four 1-year renewal options, subject to termination at will by MTA on 60 days' notice

SPACE: Approximately 4,860 linear feet

COMPENSATION: \$51,000.00 for the first license year with annual increases based on CPI

## COMMENTS

AT&T currently owns, operates and maintains one 24-strand fiber optic cable running along approximately 4,860 linear feet of Metro-North's ROW north of the Poughkeepsie station. The license agreement for the existing installation expired in April 2012.

In accordance with MTA Real Estate Department's licensing guidelines, this license was not offered by RFP because this occupancy is non-exclusive, there is room for additional occupancies by other parties, and the license is terminable at will by MTA upon not more than 60 days' notice. The proposed compensation exceeds market value for a 24-strand fiber optic cable installation, based on a comparative utility rate analysis conducted by an independent consultant.

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

# Staff Summary



Metropolitan Transportation Authority

Page 1 of 2

<b>Subject</b> <b>EASEMENT AGREEMENT</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JEFFREY B. ROSEN</b>
<b>Department Head Signature</b>
<b>Project Manager Name</b> <b>DANIEL LEVINE</b>

<b>Date</b> <b>JUNE 25, 2012</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal <i>SBH</i>
3	Chief of Staff <i>CHS</i>		
2	Chief Financial Officer <i>CF</i>		

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

**GRANTOR:** The Village of Pelham (the "Village")  
Pico Electronics Inc. ("Pico")

**LOCATIONS:** 195 Sparks Avenue, Pelham, New York 10803  
Section 163.51, Block 1, Lot 70 ("Village Easement 1") and Section 163.43, Block 1, Lot 2 ("Village Easement 2"), Town of Pelham, Westchester County, New York

143 Sparks Avenue, Pelham, New York 10803  
Section 163.43, Block 1, Lot 1 ("Pico Easement"), Town of Pelham, Westchester County, New York

**ACTIVITY:** Grant of Easements to Metro-North

**ACTION REQUESTED:** Approval of terms

**TERM:** Permanent

**SPACE:** Village Easement 1: approximately 5,027 square feet  
Village Easement 2: approximately 1,600 square feet  
Pico Easement: approximately 7,253 square feet

**COMPENSATION (one-time payments):** Village Easement 1: \$5,132  
Village Easement 2: \$1,473  
Pico Easement: \$15,831.00

## COMMENTS:

Metro-North is planning power improvements to the New York portion of the New Haven Line to support the electrical requirements of the new M8 fleet as well as to increase the reliability of service on the line. As part of these improvements, Metro North has determined that construction of a new circuit breaker house ("CBH") is required at the subject location in Pelham. The CBH will be located on the Metro-North right of way on the south side of the New Haven Line tracks west of Wolfs Lane.

The CBH facility will be constructed entirely on Metro-North property. However, access to the facility for construction and maintenance will require permanent non-exclusive access easements over and across four adjacent land parcels. Two of these land parcels are owned by the Village. A third parcel is owned by Pico.

# Staff Summary

## FINANCE COMMITTEE MEETING Easement Agreement (Cont'd.)



Metropolitan Transportation Authority

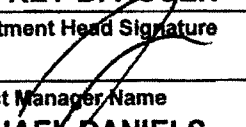
Page 2 of 2

It is anticipated that construction of the CBH facility will take approximately one year. Once construction of the facility is completed, Metro-North forces will visit the CBH approximately once a month for periodic maintenance and as needed in the event that unscheduled or emergency maintenance is required. The Village and Pico will be required to keep the access areas free of obstructions.

The Village Easements were appraised at a total of \$6,605, and the Pico easements were appraised for \$15,831. The Village and Pico have agreed to grant Metro-North the easements for the appraised values.




Based on the foregoing, MTA Real Estate requests authorization to execute easement agreements with the Village and Pico on the terms described above.

# Staff Summary

Subject <b>LEASE MODIFICATION &amp; EXTENSION</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>MICHAEL DANIELS</b>

Date <b>June 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	6/25/12		X	
2	Finance Committee	6/25/12	X		
3	Board	6/27/12	X		

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

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

LESSOR: Garrison Station Plaza, Inc.

LOCATION: Garrison Station, Philipstown, Putnam County, NY

ACTIVITY: Lease extension

ACTION REQUESTED: Approval of terms

EXTENSION OF LEASE: April 1, 2022 - March 31, 2037 (currently the lease expires March 31, 2022)

SPACE: Garrison Station Parking Lot (near County Road 12)

COMPENSATION: The current compensation of \$25,033 per annum will continue to be adjusted through the extension term to reflect any increases in parking fees, consistent with the terms of the current agreement

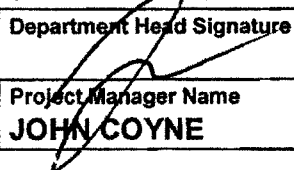
## COMMENTS:

To remediate on-going drainage and surface conditions caused by the substandard gravel surface within the leased parking area at Garrison Station, Metro-North will upgrade the facility by paving a portion of the lot and drive isles and improving the overall drainage. The work will be completed prior to next winter and will benefit the commuters that use the Garrison Station.

In conjunction with the planning for the upgrades of the facility, Metro-North requested a 15-year extension from Garrison Station Plaza, Inc. for Metro-North's lease of the Garrison Station parking area, beyond its current March 31, 2022 expiration. Garrison Station Plaza, Inc. has agreed to the proposed repairs and the agreement extension as described above.


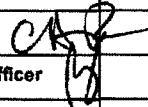

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease modification and extension agreement with Garrison Station Plaza, Inc. on the above-described terms and conditions.

# Staff Summary

Subject <b>LICENSE AGREEMENTS</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>JOHN COYNE</b>

Date <b>JUNE 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

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

LICENSEES: J.T.E. Enterprises, Inc.; L.I. Carolina Express, Inc.; All Seasons Management Corp.; David Enterprises, Inc.; Village Car Service, Inc.; LI Yellow Cab Corp.

LOCATIONS: Amityville Station; Copiague Station; Westbury Station; Bay Shore Station; Kings Park Station; Lynbrook Station; Ronkonkoma Station; Hicksville Station

ACTIVITY: Operation of taxi dispatch offices and taxi parking spaces

ACTION REQUESTED: Approval of terms

TERMS: 5 years (with the exception of Lynbrook, where the expiration will be 4/30/2016, coterminus with the license agreement for the adjacent dispatch office)

COMPENSATION: As described below

COMMENTS:

Virtually all of the LIRR licenses for taxi spaces and taxi dispatch offices will expire at the end of June, 2012. In anticipation of this, in January 2012, MTA Real Estate issued a request for proposals ("RFP") for the expiring inventory. The RFP offered the inventory in 40 parcels, with parcels consisting of taxi parking only (each parcel being from 1 to 15 spaces), taxi spaces with an adjacent dispatch office, or stand-alone dispatch offices. Last month, the Board approved the grant of licenses for 24 of these parcels.

Proposals received in response to the RFP for 11 additional parcels are summarized below. All proposers were offered the opportunity to submit best and final offers after submitting their initial offers. Proposals received in response to the best and final offer process are identified parenthetically as "BAFO" proposals.

In all but two cases, the recommended proposer, which is shown in boldface type, is the highest proposer; in the two cases where the recommended proposers are not the highest, they are nonetheless within 1% of the high proposal, and the reasons for their recommendation are described. As contemplated by MTA Real Estate's Board-approved guidelines, all present value ("PV") calculations were made using a 9% discount rate.

The proposed compensation to be received for the 11 parcels identified below far exceeds LIRR's current revenue from such parcels. Under current licenses, with rates for most of the licenses set by Board-approved policy, LIRR receives \$43,200 per annum for these parcels, or \$162,260 on a present value basis were this rate to be projected out five years. The projected first year license revenue under the new agreements described below is \$138,180, and \$545,323 on a present value basis over the 5-year term. This represents a one year increase of 220%, and an increase of 236% on a present value basis over current revenues.

# Staff Summary

## FINANCE COMMITTEE MEETING

### Taxi Dispatch Offices & Parking at Various LIRR Stations (Cont'd.)

Amityville Station - 3 Parking Spaces		
Proposer Name	PV	Discussion
J.T.E. Enterprises, Inc. (BAFO)	\$13,560.33	J.T.E. Enterprises, Inc. ("JTE"), a taxi company based in Islandia, New York, has been in operation since 1992. Its principal, John Tomitz, has sufficient financial resources to successfully operate the business under this proposed license.
J.T.E. Enterprises, Inc.	\$12,574.12	
Amityville Taxi Inc.	\$11,094.31	

Amityville Station - 1 Parking Spaces		
Proposer Name	PV	Discussion
L.I. Carolina Express, Inc. (BAFO)	\$10,093.93	L.I. Carolina Express, Inc., a taxi company based in Copiague, New York, has been active since 2010. Its principal, Jose Pastora, has sufficient financial resources to successfully operate the business under this proposed license.
L.I. Carolina Express, Inc.	\$5,023.13	
J.T.E. Enterprises, Inc. (BAFO)	\$4,520.08	
J.T.E. Enterprises, Inc.	\$4,191.37	

Copiague Station - 1 Taxi Parking Space		
Proposer Name	PV	Discussion
L.I. Carolina Express, Inc.	\$5,023.13	See discussion of L.I. Carolina Express, Inc., above.
J.T.E. Enterprises, Inc.	\$4,191.37	

Westbury Station - 4 Parking Spaces		
Proposer Name	PV	Discussion
All Seasons Management	\$4,930.38	All Seasons Management, a taxi company based in Westbury, New York, has been in operation since 1994. Its principal, Joseph Piscitello, has sufficient financial resources to successfully operate the business under this proposed license.
H & F Taxi, Inc.	\$4,307.87	

Bay Shore Station - 5 Parking Spaces (increase to 11 during summer)		
Proposer Name	PV	Discussion
David Enterprises, Inc.	\$34,671.29	David Enterprises, Inc., based in Bay Shore, New York, is the incumbent at both parcels at Bay Shore station. It has been active since 2003, and its principals, Charles David and John Tomitz, have over a decade of experience in operating taxi businesses on Long Island. Mr. David and Mr. Tomitz have sufficient financial resources to successfully operate the business under this proposed license.

Bay Shore Station - 5 Parking Spaces (increase to 11 during summer)		
Proposer Name	PV	Discussion

# Staff Summary

## FINANCE COMMITTEE MEETING

### Taxi Dispatch Offices & Parking at Various LIRR Stations (Cont'd.)



Metropolitan Transportation Authority

Page 3 of 4

David Enterprises, Inc.	\$34,671.29	See discussion of David Enterprises, Inc. above.
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Kings Park Station - 2 Parking Spaces		
Proposer Name	PV	Discussion
J.T.E. Enterprises Inc.	\$7,396.55	See discussion of J.T.E. Enterprises, Inc., above.

Lynbrook Station - 5 Parking Spaces		
Proposer Name	PV	Discussion
Village Car Service, Inc.	\$45,835.87	Village Car Service, Inc. is a taxi company based in Lynbrook, New York, which has been in operation since 2010. Its principals, Roman Shustarovich and David O'Neill, have sufficient financial resources to successfully operate the business under this proposed license.
Global Administrative Services LLC	\$12,366.94	

Ronkonkoma Station - 4 Parking Spaces		
Proposer Name	PV	Discussion
EMD Transportation Inc.	\$41,297.38	JTE, discussed above, is the incumbent at this location, and operates a taxi dispatch office in a building adjacent to these parking spaces under a separate lease agreement with a private landlord. In light of JTE's experience at this location and the benefits to LIRR customers of continuity between the taxi dispatch service and operation of the taxi parking spaces, MTA Real Estate deems the \$205.48, or 0.5% difference between JTE's proposal and the highest proposal, submitted by EMD Transportation, Inc., to be de minimis.
J.T.E. Enterprises, Inc. (BAFO)	\$41,091.90	
J.T.E. Enterprises, Inc.	\$23,422.38	

Ronkonkoma Station - 4 Parking Spaces		
Proposer Name	PV	Discussion
EMD Transportation Inc.	\$41,400.10	For the foregoing reasons, MTA deems the \$308.20, or 0.74% difference between JTE's proposal, and the highest proposal submitted by EMD Transportation, Inc., to be de minimis.
J.T.E. Enterprises, Inc. (BAFO)	\$41,091.90	
J.T.E. Enterprises, Inc.	\$23,422.38	

Hicksville Station - Dispatch Office and 10 Parking Spaces		
Proposer Name	PV	Discussion

# Staff Summary

## FINANCE COMMITTEE MEETING



Metropolitan Transportation Authority

### Taxi Dispatch Offices & Parking at Various LIRR Stations (Cont'd.)

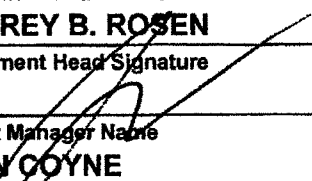
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LI Yellow Cab Corp (BAFO)	\$306,956.49	LI Yellow Cab Corp., a taxi company based in Hicksville, New York, has been in operation since 1963, and the incumbent at this location since 1977. Its principal, Keith Kaufman, has sufficient financial resources to successfully operate the business under this proposed license.
Railroad Transportation Corp.	\$184,913.43	
Oyster Rides (BAFO)	\$170,532.72	
Oyster Rides	\$156,149.11	
LI Yellow Cab Corp	\$149,903.24	

There are 5 remaining parcels offered in the RFP but accounted for neither in last month's staff summary nor this month's staff summary. Of these five, three will be reoffered in a future RFP (one dispatch location at Hicksville, spaces at Massapequa, and a dispatch office at Huntington). The other two (Bayside parking spaces and one of the taxi dispatch offices at Hicksville) received no proposals and will be evaluated for remarketing in the future.


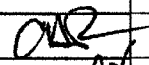

Based on the foregoing, MTA Real Estate requests authorization to enter into license agreements for the 11 parcels as described above.

# Staff Summary

Subject <b>LICENSE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>JOHN COYNE</b>

Date <b>JUNE 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	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: Strahl & Pitsch, Inc.

LOCATION: Babylon Branch ROW adjacent to Great East Neck Road in West Babylon, New York (the "Subject Parcel")

ACTIVITY: Right of way for vehicular access

ACTION REQUESTED: Approval of terms

TERM: Month to month

SPACE: Approx. 3,000 square feet

COMPENSATION: \$5,000 one-time lump-sum payment, plus \$250 per month.

## COMMENTS:

MTA Real Estate has received a request from Strahl & Pitsch, Inc. ("Strahl & Pitsch"), an importer and distributor of wax products located in West Babylon, New York, to grant it a permanent or long term easement on the Subject Parcel, which is a narrow strip of paved but otherwise vacant land adjacent to an LIRR substation. The Subject Parcel is adjacent to property owned by Strahl & Pitsch to the west (the "Strahl & Pitsch Property") and Great East Neck Road to the east. The Strahl & Pitsch Property was the beneficiary of a 1915 right-of-way easement across the Subject Parcel, granted by LIRR for one dollar. This easement contained a provision that triggered its automatic termination upon construction of an alternate means of access to the Strahl & Pitsch property. Although an alternate means of access was constructed in 1962, only recently did the triggered extinguishment provision in the 1915 grant come to light.

Strahl & Pitsch, which is now undertaking an expansion project, has requested a formal long term agreement be put in place authorizing Strahl & Pitsch access across the Subject Parcel to access Great East Neck Road, should they continue to use that access for their business. LIRR is presently reviewing that request but in the interim, LIRR does not object to granting a month-to-month license agreement to Strahl & Pitsch allowing temporary use of the Subject Parcel, in the same manner as it is currently being used, for no more than 18 months. Should LIRR determine it is amenable to imposition of a long term easement on the Subject Parcel, MTA Real Estate will determine the fair market value of the interest and offer it competitively via a request for proposals process, and, in addition, perform all needed environmental reviews prior to entry into any long term easement agreement.

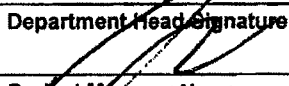
For the month-to-month license, Strahl & Pitsch has agreed to pay a lump-sum of \$5,000 upon execution of the license agreement, negotiated in consideration of its past use of the area as described above, and \$250 per month for up to 18 months. MTA Real Estate has determined that the monthly license compensation is market rate for such license.

# Staff Summary

## FINANCE COMMITTEE MEETING Babylon Branch ROW (Cont'd.)


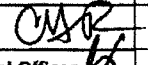

Based on the foregoing, MTA Real Estate requests authorization to enter into a temporary license agreement with Strahl & Pitsch, Inc., on the above-described terms and conditions.

# Staff Summary

<b>Subject</b> <b>PROPERTY DISPOSITION - WYANDANCH</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JEFFREY B. ROSEN</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>PEDRO ZEVALLOS</b>

<b>Date</b> <b>June 25, 2012</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	LIRR Committee	06/25/12		X	
2	Finance Committee	06/25/12	X		
3	Board	06/27/12	X		

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

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

**LOCATION:** Right of Way Parcel adjacent to LIRR's Wyandanch Station in the Town of Babylon ("Town")

**ACTIVITY:** Property exchange

**COUNTERPARTY:** Town of Babylon

**ACTION REQUESTED:** Approval of the terms

**COMPENSATION:** LIRR will transfer ownership of a 1.49 acre LIRR-owned parcel to the Town of Babylon. In exchange, the Town of Babylon will transfer ownership of a 2.16 acre parcel to the LIRR. Both parcels have been appraised, and in conformance with the Public Authorities Law, the LIRR will receive a parcel from the Town of Babylon that is of equal or greater value than the parcel it is transferring to the Town of Babylon. This swap is part of a larger MOU that maintains current levels of parking at Wyandanch Station and allows for a future parking structure to be constructed on the newly acquired parcel that will provide added parking at Wyandanch and much needed additional access to the LIRR's Main Line service.

## COMMENTS:

The proposed property exchange involves two parcels adjacent to LIRR's Wyandanch Station. The exchange will support the Wyandanch Rising project, a major community revitalization initiative that will transform an economically distressed area into a transit-oriented, pedestrian-friendly and environmentally sustainable downtown. The Town has received federal and state grants toward this initiative and is one of three communities in New York State to be named a Brownfield Opportunity Area (BOA) Spotlight Community. The Wyandanch Rising initiative was also selected as "transformative" project by the Long Island Regional Economic Development Council and, as a result, received NYS funds for infrastructure improvements. In addition to new housing units, retail space, open space and infrastructure, the designated developer for the project will construct a new LIRR Wyandanch Station building, replacing the existing station building, at no cost to the LIRR. The Town of Babylon has selected Albanese Organization, Inc., as the master developer for the Wyandanch Rising project.

The LIRR has worked collaboratively with the Town of Babylon on this regionally important project. The LIRR and Town will enter into a binding agreement that: the current level of flat surface parking will be maintained throughout each phase of the Wyandanch Rising project; it will be accessible and well lit for LIRR customers and that the future construction of an intermodal facility on the new site will provide additive parking, enhancing station access to LIRR's Main Line.

# Staff Summary

## FINANCE COMMITTEE MEETING PROPERTY DISPOSITION - WYANDANCH (Cont'd.)

The two parcels that will be exchanged to facilitate this mutually beneficial project are : (1) a 1.49 acre parcel owned by LIRR located along the LIRR right of way (the "RoW Parcel"); and (2) a 2.16 acre parcel owned by the Town commonly referred to as the "Honda Parcel." The Honda Parcel is of equal or greater value than the RoW Parcel.

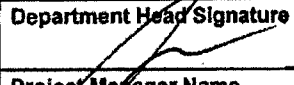
The RoW Parcel is currently used for LIRR commuter parking, providing 148 spaces; the Honda Parcel is vacant and undeveloped. Following the exchange, the Town intends to integrate the RoW Parcel into the Wyandanch Rising project. Deed restrictions and easements on the RoW Parcel will allow unrestricted access to LIRR personnel for operational purposes as well as LIRR customer access to the station building and platforms.

In support of the Town's redevelopment goals and to address growing parking needs on the Ronkonkoma branch, over the longer term LIRR intends to redevelop the Honda Parcel into an intermodal facility serving LIRR customers and enhancing the viability of the Wyandanch Rising project. Construction of the Wyandanch Rising project will result in the removal of the existing 148-space surface parking on the RoW Parcel, as well as the removal of other existing commuter spaces in certain other nearby parcels as necessary for construction. In order to accommodate the loss of the existing surface parking spaces, the Town of Babylon will create temporary paved off-street replacement parking spaces in other available parcels adjacent to the Station, including the Honda Parcel, equal to the total number of parking spaces lost. The Town of Babylon will pave and stripe 323 surface parking spaces at the Honda Parcel prior to the conveyance of the Honda Parcel to LIRR. The required environmental reviews have been completed for the intermodal facility project, finding no significant adverse impacts.

The existing station building was constructed with use of federal funds, among other funding sources. Accordingly, funds equivalent to the non-depreciated value of the existing station building will be re-invested into a new FTA-approved asset.

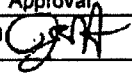
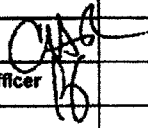
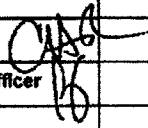
Based on the foregoing, Real Estate requests authorization to complete the swap of property interests with the Town of Babylon as described above subject to Town Board approval which is anticipated to be obtained prior to the MTA Committee and Board meetings.

# Staff Summary

Subject <b>LEASE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>GEORGE MCDONALD</b>

Date <b>JUNE 25, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/25/12	X		
2	Board	6/27/12	X		

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

AGENCY: MTA Long Island Rail Road ("LIRR") and Staten Island Rapid Transit Operating Authority ("SIRTOA")

LESSEE: Buckeye Pipe Line Company, L.P.

LOCATIONS: LIRR: Montauk Branch right-of-way between Blissville Yard and Fresh Pond Junction, Queens  
SIRTOA: Right-of-way crossing in the vicinity of Interstate 278

ACTIVITY: Operation and maintenance of two 12-inch pipelines used to transport high pressure jet fuel to Kennedy and LaGuardia Airports

ACTION REQUESTED: Approval of terms

TERM: 20 years commencing retroactive to June 1, 2010 and expiring on May 31, 2030

COMPENSATION: LIRR: \$390,750.00 annually, with increases every 5 years equal to the greater of CPI or 15%.  
SIRTOA: \$10,000.00 annually, with increases every 5 years equal to the greater of CPI or 15%

## COMMENTS:

### Long Island Rail Road (LIRR)

Buckeye Pipe Line Company, L.P. ("Buckeye") currently owns and operates two existing underground 12-inch pipelines that run along approximately 18,000 linear feet of Long Island Rail Road's Montauk Branch right-of-way between Blissville Yard and Fresh Pond Junction in Queens, NY. The installation is part of a larger pipeline network used to deliver high pressure jet fuel to Kennedy and LaGuardia Airports.

The pipelines were initially installed by the Long Island Pipe Line Corporation in 1965 under a 25-year license agreement with LIRR, which was extended for an additional 20 years and expired on May 31, 2010. MTA Real Estate seeks authority to enter into a new 20-year lease agreement retroactive to June 1, 2010, expiring on May 31, 2030, with initial annual compensation to be \$390,750.00, with increases every 5 years based on the greater of CPI or 15%. The proposed compensation is based on an appraisal conducted by an independent appraiser.

### Staten Island Rapid Transit Operating Authority (SIRTOA)

# Staff Summary

## FINANCE COMMITTEE MEETING

Buckeye Pipeline Company, L.P. (Cont'd.)



Metropolitan Transportation Authority

Page 2 of 2

The Buckeye pipelines described above also run from New Jersey across Staten Island to Brooklyn, and thence to the LIRR-owned areas on the Montauk Branch. In Staten Island, the pipelines cross SIRTOA's Right-of-way in the vicinity of I-278 (Station 54+94.7, V.S. 4.1(2), Grasmere, NY). This installation is currently operated by Buckeye under a year-to-year license agreement. MTA Real Estate seeks authorization to grant Buckeye a new lease, to be coterminous with the lease described above for the LIRR Montauk Branch, with an initial annual compensation of \$10,000.00, with increases every 5 years based on the greater of CPI or 15%. The proposed compensation reflects market value for this type of underground pipe installation based on a comparative utility rate analysis conducted by an independent consultant.

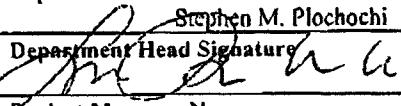
These extensions of pre-existing dispositions are not susceptible to a competitive process because they involve segments of an interstate pipeline where the owner may have a condemnation right were the respective MTA agencies not to voluntarily convey the necessary property rights. MTA Real Estate is confident that the specified rent represents fair market value for the rights being granted. Pursuant to the requirements of Public Authorities Law Section 2897, these dispositions are (1) being submitted to the Governor and the two houses of the State Legislature, each of which will have a veto right, and (2) the subject of an explanatory statement to State officials.

Based on the foregoing, MTA Real Estate requests authorization to enter into lease agreements with Buckeye on the above-described terms and conditions.

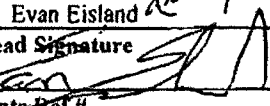



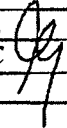

## PROCUREMENTS

The Procurement Agenda this month includes 16 actions for a proposed expenditure of \$88.5M.

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	6/25/12			
2	Board	6/27/12			

June 15, 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:

#### Procurements Requiring Two Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	2	\$ 25.0 M
• Bombardier Mass Transit Corp.		\$ 5.0 M
• Kawasaki Rail Car, Inc.		\$ 20.0 M

#### Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts	1	\$ .2 M
• Domino Amjet, Inc.		\$ .2 M

SUBTOTAL 3 \$ 25.2 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 F: Personal Service Contracts	1	\$	17.9 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$	14.3 M
Schedule I: Modifications to Purchase and Public Works Contracts	1	\$	.3 M
Schedule L: Budget Adjustments to Estimated Quantity Contracts	2	\$	4.9 M
SUBTOTAL		5	\$ 37.4 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	1	\$	.6 M
SUBTOTAL		1	\$ .6 M

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

Schedules Requiring Two-Thirds Vote:

Schedule D: Ratification of Completed Procurement Actions	2	\$	20.1 M
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Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions	2	\$	1.2 M
SUBTOTAL		4	\$ 21.3 M

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

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions	3	\$	4.0 M
SUBTOTAL		3	\$ 4.0 M
TOTAL		16	\$ 88.5 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.

JUNE 2012

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

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

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

1. **Bombardier Mass Transit Corp.**                      \$5,000,000 (Est.)                      Staff Summary Attached  
Sole Source - Three-year omnibus  
Purchase of inventory and non-inventory replacement truck components, undercarriage equipment and other car parts.
2. **Kawasaki Rail Car, Inc.**                              \$20,000,000 (Est.)                      Staff Summary Attached  
Sole Source - Three-year omnibus  
Purchase of inventory and non-inventory replacement truck components, undercarriage equipment and other car parts.

JUNE 2012

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

**G. Miscellaneous Service Contracts**

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

3. Domino Amjet, Inc. \$156,600 (Est.)  
Non-Competitive – Three-year contract  
REQ #5520

This contract is for preventive and remedial maintenance of 29 Domino A-200 series printers that are located at the Consolidated Revenue Facility and disaster recovery site.

NYC Transit's Division of Revenue Control is responsible for the management and production of over 10 million MetroCards per month. These Domino printers are networked to the High Production Encoding Machines and are used to encode fare cards with certain data and expiration dates. The encoded information enables NYC Transit to track and/or replace lost, stolen or malfunctioning MetroCards. The printers operate at full capacity daily, and require both preventive and remedial maintenance to ensure their proper operation. Domino Amjet, Inc. (Domino) is the designer and manufacturer of these printers and the sole provider of certified factory trained services, parts and 24 hours/7days a week technical support.

Following negotiations, Domino agreed to hold their current rate the same for this three year renewal as the current contract. Domino's rate for service is their standard rate charged to all customers, including government agencies and commercial companies regardless of the number of printers covered. Based on the forgoing, Procurement finds Domino's price of \$156,000 to be fair and reasonable.

JUNE 2012

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

**F. Personal Service Contracts**

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

- |    |  |              |                               |
|----|--|--------------|-------------------------------|
| 1. | Louis T. Klauder and Associates<br>Two-Proposals – Ninety-nine month contract<br>Contract #CM-1423<br>Consulting services for the R-179 Subway cars. | \$17,922,156 | <u>Staff Summary Attached</u> |
|----|--|--------------|-------------------------------|

**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. | CGI Technologies and Solutions, Inc.<br>Contract # 00F7849.4<br>Option 1<br>Option 2<br>Modification to the contract to provide services for the operation of the Transit Adjudication Bureau, in order to add funding and extend the term of the contract. | \$8,346,052<br>\$3,437,590<br>\$2,490,000 | <u>Staff Summary Attached</u><br>↓<br>↓<br>↓ |
|----|---|---|--|

**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.)

- |    |   |           |                               |
|----|---|-----------|-------------------------------|
| 3. | EIC Associates, Inc.<br>Contract # C-40458.9<br>Modification to the contract for the design and construction of a new private storm water sewer for the Charleston Bus Depot, in order to widen the road in front of the Depot. | \$338,000 | <u>Staff Summary Attached</u> |
|----|---|-----------|-------------------------------|

**JUNE 2012**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

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

<b>4. AON Consulting, Inc. The Segal Company Mercer Health &amp; Benefits, LLC Contract #CMM-1567A December 9, 2009 – December 8, 2014</b>	<b>Original Amount: (NYCT - \$750K &amp; MTAHQ - \$150K)</b>	<b>\$ 900,000</b>
	<b>Prior Modifications: (NYCT)</b>	<b>\$ 936,111*</b>
	<b>Prior Budgetary Increases: (NYCT)</b>	<b>\$ 1,300,000**</b>
	<b>Current Combined Amount:</b>	<b>\$ 3,136,111</b>
	<b>This Request: (Combined amount - NYCT - \$2.4M &amp; MTAHQ - \$1M)</b>	<b>\$ 3,400,000</b>
<b>*\$801,516 (Mod. # 1) Dependent Eligibility Verification Audit &amp; \$134,595 (Mod. # 2) for project extension.</b>	<b>% of This Request to Current Amount:</b>	<b>108.4%</b>
<b>** The full amount requested and approved by the Board in Nov. 2010 was \$1,300,000 of which \$775,000 was allocated to the AON contract and the remaining \$525,000 was to be used for projects handled by Mercer and Segal.</b>	<b>% of Mods/Budget Adjustments (including This Request) to Original Amount:</b>	<b>626.2%</b>

**Discussion**

This budget adjustment will increase the respective budgets for NYC Transit by \$2.4M and MTAHQ by \$1M to allow for continued medical benefits consultant services.

In September 2009, the MTA Board approved the award of three competitively negotiated five-year personal service contracts to AON Consulting, Inc. (AON), effective December 9, 2009, The Segal Company (Segal), effective October 1, 2009, and Mercer Health and Benefits, LLC. (Mercer), effective October 19, 2009 to provide employee benefits consultant services on an as needed basis. The total budget for the five years was \$750K for NYC Transit and \$150K for MTAHQ. Using these contracts, the consultants provide advice in areas such as the cost impact of proposed changes in benefits; interpretation of regulations; calculations of various funding methods; assist in the renewal and negotiations of medical, pharmaceutical, dental and vision plans.

Subsequent to the initial awards, NYC Transit aggressively pursued benefits-related savings through negotiations, audits, analysis of benefit providers, drug pricing, claims processing, and other cost avoidance and cost savings projects. In February 2010 the Board approved a modification to this contract for a Dependent Eligibility Verification Audit that resulted in the prior modifications amount shown above. In order to support the rest of the cost savings projects, in November 2010 the Board approved additional funding of \$1.3M, increasing NYC Transit's overall as-needed benefits consulting budget. All of the money allocated to date has been expended and NYC Transit requests approval to increase the budget. This allocation of \$2.4M in additional funding will allow NYC Transit to pursue additional cost savings, support efforts to secure competitive contracts for Medicare conversion and recovery services, Pharmacy Benefits Manager, wellness, dental and vision care, and provide assistance as needed to address health benefits issues. To support these initiatives, NYC Transit will allocate funds to the consultants as tasks are assigned after an initial allocation to AON, which is owed approximately \$500K for prior work assignments. MTA Headquarters has also expanded the use of this contract and engaged AON to assist them in determining whether the all agency (except NYC Transit represented employees) dental and vision plans covering certain represented and non represented employees and retirees were competitively priced. This exercise included issuing an RFP, which resulted in new rates, effective March 1, 2012 and a projected savings of \$17.5M over a 5 year period. The cost of this project was approximately \$435K.

MTAHQ's funding request for an additional \$1M will pay AON \$435K for the recent initiatives for dental and vision and the balance of \$565,000 will be allocated to the AON contract to allow MTAHQ to pursue cost savings strategies such as RFPs for Metro-North Railroad benefits coverage, for renewal of the Life Insurance Plan and COBRA Administration.

JUNE 2012LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**L. Budget Adjustments to Estimated Quantity Contracts**

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

5. LiRo Engineers, Inc. Contract CM-1365 August 19, 2008 – August 18, 2013	Original Amount:	\$ 3,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 3,000,000
	This Request:	\$ 1,500,000
	% of This Request to Current Amount:	50%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	50%

**Discussion:**

This budget adjustment will increase the contract value and allow for continued consultant construction management and inspection services.

In August 2008, NYC Transit awarded three federally funded Indefinite Quantity Consultant contracts to provide consultant construction management (CCM) and inspection support services during construction on behalf of MTA Bus Company (MTABC). These services are provided on an 'as-needed' basis for miscellaneous federally funded projects and allow an IQ consultant to be retained under a separate task order funded by individual projects.

In 2011, the MTA Security Program was transferred from MTACC to NYC Transit. Prior to this, MTACC was utilizing a series of federally funded IQ CCM and inspection services contracts. These contracts expired in 2010. At this time, the MTABC contracts are the only available federally funded IQ CCM and inspection services contracts. NYC Transit is in the process of procuring a series of similar contracts slated to begin in 2013. However, to provide CCM services for Contract C-52099 to furnish and install an Electronic Security System (ESS) at Rockefeller Center, NYC Transit will use this MTABC Contract. Concurrent with this budget adjustment, the Board is asked to approve the ratification of that Contract C-52099. Procuring a new consultant contract would adversely impact the schedule for C-52099 and also risk federal funding for CCM and inspection support. Approval of this budget adjustment will permit the necessary CCM services to be performed while a new RFP is being solicited.

A task order for CCM services for the Rockefeller Center ESS project was competed among the three MTABC IQ consultants. LiRo Engineers (LiRo) was selected as the most technically qualified consultant to handle the complexity of the construction project based on prior experience performing similar work and will be awarded a task order for \$1.5M to perform these services. This request for a budget adjustment will fund NYC Transit's task order without depleting MTABC's remaining contract funding.



JUNE 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. Scalamandre/Oliveira JV                      \$550,000  
Contract #C-26511.4

Staff Summary Attached

Modification to the contract for the excavation and construction of a ventilation building at Site K on the No. 7 Line Extension, in order to perform work resulting from revised DEP drawings.



JUNE 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.) Note – in the following solicitations, NYC Transit attempted to secure a price reduction. No other substantive negotiations were held except as indicated for individual solicitations.

Henry Brothers Electronics, Inc.

Staff Summary Attached

1. Contract #C-52099 \$8,328,503
2. Contract #C-52100 \$11,750,860

Furnish, install, and integrate an Electronic Security System at the Rockefeller Center Station Complex and furnish, install, and integrate an Electronic Security System at the Herald Square Station Complex.

Procurements Requiring Majority Vote:

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

(Staff Summaries required for items requiring Board approval.)

3. John P. Picone, Inc. \$376,000 Staff Summary Attached  
Contract # A-35784.33

Modification to the contract for the rehabilitation of five stations and line structures on the West End Line, in order to perform column base repairs.

4. Silverite Construction Company, Inc. \$809,920 Staff Summary Attached  
Contract # C-40455.3

Modification to the contract for the design and construction of the Mother Clara Hale Bus Depot, in order to excavate and remove underground obstructions.

**JUNE 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. | <b>E.E. Cruz and Tully Construction Company, JV, LLC</b><br><b>Contract # C-26005.98</b><br>Modification to the contract for civil, structural, and utility relocation for the Second Avenue Subway, 96th Street Station, in order to perform utility relocation and structural renovation at 245 East 93 <sup>rd</sup> Street. | <b>\$700,000</b><br><br><i><u>Staff Summary Attached</u></i>                                      |
|    |   |   |
| 2. | <b>Plaza Schiavone JV</b><br><b>Contract # A-36125.74</b>   | <b>\$3,275,000 (Aggregate)</b><br><b>\$2,400,000</b><br><i><u>Staff Summary Attached</u></i><br>↓ |
| 3. | <b>Contract # A-36125.95</b><br>Modifications to the contract for the Fulton Street Transit Center Enclosure, in order to perform Modification No. 54 related communication and storefront changes.   | <b>\$875,000</b><br>↓   |

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

Item Number: 1

<b>Vendor Name (&amp; Location)</b> Bombardier Mass Transit Corp. (Mississauga, Ontario, Canada)	
<b>Description</b> Purchase of inventory and non-inventory replacement truck components, undercarriage equipment and other car parts	
<b>Contract Term (including Options, if any)</b> July 2, 2012 – July 1, 2015	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Omnibus Sole Source Approval	

<b>Contract Number</b> NONE	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$5,000,000 (Est.)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Division of Materiel, Stephen M. Plochochi	

## Discussion:

This omnibus approval will cover items identified as obtainable only from Bombardier Mass Transit Corporation (Bombardier) and will eliminate the need to advertise and prepare individual procurement staff summaries for Board approval for each procurement over the \$15,000 small purchase threshold. NYC Transit is not obligated to generate any expenditures pursuant to an omnibus approval. Any purchases made under this approval will be made pursuant to paragraph 9 (b) of PAL 1209, which allows purchases of items that are available from only a single responsible source to be conducted without competitive bidding.

There are approximately 1,950 items covered by this approval for the purchase of all replacement truck components, undercarriage equipment and other car parts supplied by Bombardier. These Bombardier-supplied items will be used by the Division of Car Equipment (DCE) for normal maintenance and Scheduled Maintenance System (SMS) on the R62A and R142 fleets.

This approval will apply to inventory and non-inventory items identified as obtainable only from Bombardier for the following reasons: sole pre-qualified source on the QPL, and not available from any distributors or other sources; publicly advertised within a twelve month period without an acceptable alternate supplier; or proprietary to Bombardier. These sole source parts will be purchased on an as-required basis during the three year period.

The current omnibus approval, approved by the Board in July 2009 and expiring July 2012, was for \$5,000,000. However, there is a remaining balance of \$3,357,264. The reason for the remaining funds is due to numerous forecast revisions and work scope changes to DCE's SMS plans since the current omnibus was approved. Based on forecasts and projections for the upcoming SMS programs, it is anticipated that DCE will require approximately \$5,000,000 of sole source items from Bombardier during the term of this omnibus approval request.

Procurement has performed a price analysis on eight sole source items for which contracts were issued during the term of the current omnibus approval which exceeded the \$15,000 threshold. Of the eight items, all have a comparative history and these eight items represent 100% of the value of the contracts issued under the current omnibus. A comparative price analysis of these eight items shows a weighted average annual price decrease of less than 1%. The decrease compares favorably to the corresponding Producer Price Index over the same time period which is essentially flat. Each item to be purchased under the omnibus approval will be subject to a price analysis and determination that the negotiated price is found to be fair and reasonable.

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

Item Number: 2

<b>Vendor Name (&amp; Location)</b> Kawasaki Rail Car, Inc. (Yonkers, NY)		<b>Contract Number</b> NONE	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description</b> Purchase of inventory and non-inventory replacement truck components, undercarriage equipment and other car parts		<b>Total Amount:</b> \$20,000,000 (Est.)	
<b>Contract Term (including Options, if any)</b> July 2, 2012 – July 1, 2015		<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Division of Materiel, Stephen M. Plochochi	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive			
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Omnibus Sole Source Approval			

## Discussion:

This omnibus approval will cover items identified as obtainable only from Kawasaki Rail Car, Inc. (Kawasaki) and will eliminate the need to advertise and prepare individual procurement staff summaries for Board approval for each procurement over the \$15,000 small purchase threshold. NYC Transit is not obligated to generate any expenditures pursuant to an omnibus approval. Any purchases made under this approval will be made pursuant to paragraph 9 (b) of PAL 1209, which allows purchases of items that are available from only a single responsible source to be conducted without competitive bidding.

There are approximately 17,270 items covered by this approval for the purchase of all replacement truck components, undercarriage equipment and other car parts supplied by Kawasaki, and, to a lesser extent, after-market spare parts used on NYC Transit subway cars from Toshiba International Corporation (low voltage power supplies), Fuji Electric Systems Co., Inc. (door equipment) and Koito Industries (monitoring & diagnostic equipment), for which Kawasaki is the sole distributor and reseller. All these Kawasaki-supplied items will be used by the Division of Car Equipment (DCE) for normal maintenance and Scheduled Maintenance System (SMS) on the R62, R68A, R142A, R143 and R160 fleets.

This approval will apply to inventory and non-inventory items identified as obtainable only from Kawasaki for the following reasons: sole pre-qualified source on the QPL, and not available from any distributors or other sources; publicly advertised within a twelve month period without an acceptable alternate supplier; or proprietary to Kawasaki. These sole source parts will be purchased on an as-required basis during the three year period.

The current omnibus approval, approved by the Board in June 2009 and expiring July 2012, was for \$10,000,000. However, there is a remaining balance of \$4,640,672. The reason for the remaining funds is due to numerous forecast revisions and work scope changes to DCE's SMS plans since the current omnibus was approved. Based on forecasts and projections for the upcoming SMS programs, it is anticipated that DCE will require approximately \$20,000,000 of sole source items from Kawasaki during the term of this omnibus approval request.

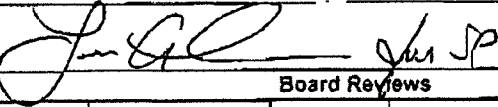



Procurement has performed a price analysis on 24 sole source items for which contracts were issued during the term of the current omnibus approval which exceeded the \$15,000 threshold. Of the 24 items, 16 items have a comparative history and these 16 items represent 91% of the value of the contracts issued under the current omnibus. A comparative price analysis of these 16 items shows an overall weighted average annual price increase of 10.5%. However, these items are manufactured in Japan and the depreciation of the US dollar versus the Japanese yen decreased the purchasing power of the dollar. Moreover, prices for two of the 16 items increased abnormally due to significant increases in the price of their primary raw material, rubber. Thus, economic factors implied an average annual price increase of 14.6%, while negotiations limited actual price increases to 10.5%. Each item to be purchased under the omnibus approval will be subject to a price analysis and determination that the negotiated price is found to be fair and reasonable.

# Staff Summary



New York City Transit

Page 1 of 2

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

SUMMARY INFORMATION	
Vendor Name	Contract Number
Louis T. Klauder and Associates	CM-1423
Description	
Consulting Services for the R-179 Subway Cars	
Total Amount	
\$17,922,156	
Contract Term (including Options, if any)	
99 months from NOA	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE:

To obtain Board approval to award a competitively solicited personal services contract to Louis T. Klauder and Associates (LTK) to provide consulting services for the R-179 subway cars at a total price of \$17,922,156 for a period of 99 months.

## DISCUSSION:

LTK will provide consulting services for 300 R-179 subway cars for a duration of 99 months by assisting NYC Transit with post-award design reviews, production inspection services at the Carbuilder's facilities, quality control, quality assurance, "Buy America" audits, acceptance testing and on-site engineering reviews. The production inspection services at the Carbuilder's facilities shall include the review and evaluation of engineering changes and inspections for conformance with Contract specifications during manufacturing and assembly activities. The Consultant will also assist NYC Transit during the warranty and close-out phase.

The RFP was publicly advertised in April 2011 and notification was sent to five firms. Three firms picked up the RFP package. On July 19, 2011, two of the firms, LTK and STV Incorporated (STV) submitted proposals in the amounts of \$15,223,631 and \$18,893,947, respectively. Additionally LTK and STV submitted alternate proposals. None of the proposals included estimated out-of-pocket expenses because the estimated travel and per-diem expenses could not be established until a Carbuilder was identified for the R-179 subway car contract. The third firm, Booz Allen, which was subsequently taken over by CH2M Hill, did not propose because it became a subconsultant to LTK. The fourth and fifth firms, Parsons Brinckerhoff and URS, opted not to propose.

After evaluating LTK's and STV's proposals, the Selection Committee determined that both firms were qualified to perform the work. This evaluation was conducted in accordance with the stated evaluation criteria which included plan of approach; experience in relevant areas such as type and magnitude of the work including mass transit experience, engineering design review, establishing requirements for a safe and sound environment, etc., demonstrated abilities to establish appropriate standards for all subway car systems and developing estimates, preparing change orders and conducting "Buy America" audits; experience of project team; experience of prime and sub-consultant key personnel, current workload of prime and sub-consultants; past performance on similar projects; project organizational chart and description of how it will manage the contract; description of quality assurance plan; pricing and other relevant matters including quality of written proposal, and quality of oral presentation. The Selection Committee voted unanimously to invite both firms to give oral presentations. After oral presentations, the Selection Committee unanimously decided to negotiate with both firms.

After the Board approved Bombardier as the Carbuilder for the R-179 subway cars, NYC Transit requested that LTK and STV submit revised Price Proposals with travel and per diem estimated quantities based on the locations of Bombardier's production facilities. Negotiations commenced April 12, 2012 and focused on the Consultants' average hourly labor rates, fixed fees, overhead and out-of-pocket expenses. Each firm was asked to adjust its overhead rates based on a review of its pricing documentation. Since the labor rates were considerably higher than the Cost/Price objective for such rates, each firm was encouraged to lower its labor rates, as well as its fees. Prices on the alternate proposals were considerably lower than the prices on the base proposals due to large reductions in labor hours; these alternate proposals were deemed unreasonable by the Project Manager in view of NYC Transit's required Scope of Work.

## DISCUSSION CONT'D:

Revised price proposals were requested and received on April 18, 2012 as follows: LTK proposed \$17,945,628 of which \$2,302,444 was for travel and per-diem and STV proposed \$21,480,012 of which \$2,690,595 was for travel and per diem. Negotiations continued to focus on lowering labor rates and encouraging deeper discounts off per diem rates. Additionally, NYC Transit established a \$2,300,000 ceiling on travel/out-of-pocket expenses for both proposers. On May 25, 2012, NYC Transit requested Best and Final Offers (BAFOs). BAFOs were received on June 5, 2012 as follows:

LTK	STV
\$17,922,156	\$18,956,364

Procurement and the Division of Car Equipment (DCE) consider LTK's and STV's proposals fair and reasonable, based on the competitive nature of the RFP as well as a favorable comparison to DCE's in house estimate of \$18,892,033. After review of the BAFOs in accordance with the evaluation criteria, the Selection Committee unanimously chose LTK for award of this contract based on the following. Both proposers were deemed technically qualified; however LTK was rated higher technically due to LTK's extensive experience with previous NYC Transit subway projects, particularly the R160 on whose design the R179 is based. LTK's price was significantly lower than that of STV by \$1,034,208 or 5.5%.

Additionally, LTK offered two enhancements in its BAFO including attractive discounts off the General Services Administration per diem rates for meals and incidentals as well as discounts off its lodging for longer term stays and financial assurance to maintain continuity of project management staff.

Background investigations and Questionnaires submitted by LTK disclosed no "significant adverse information" within the meaning of the All-Agency Responsibility Guidelines. Procurement finds LTK to be responsible and financially qualified to receive this contract award.

## MBE/WBE:

The goals for the project have been established at 10% Minority Business Enterprise (MBE) and 5% Women owned Business Enterprise (WBE). The contract will not be awarded until the MTA Department of Diversity and Civil Rights (DDCR) requirements are satisfied.

## IMPACT ON FUNDING:

The funding consisting of 100% MTA funds is available under Planning Number CMO9-7115, Project Number T31509. A WAR certificate will be requested and the contract will not be executed until a WAR certificate has been issued.

## ALTERNATIVE:

Perform the work using in-house personnel. At this time, DCE does not have the staff to perform some of the specific tasks required under the Scope of Work for this project.

## RECOMMENDATION:

That the Board approve this request to award a competitively solicited personal services contract to Louis T. Klauder and Associates to provide consulting services for the R179 Subway Car Contract at a total price of \$17,922,156 for a period of 99 months.

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



Item Number: 2

Vendor Name (& Location)	
CGI Technologies and Solutions, Inc. (New York, NY)	
Operation of the Transit Adjudication Bureau	
Contract Term (including Options, if any)	
November 1, 2001 – June 30, 2012	
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:	
Law Department, Martin B. Schnabel	

Contract Number	AWO/Modification #
00F7849	4
Original Amount:	\$ 18,201,762
Option Amount:	\$ 15,944,300
Total Amount:	\$ 34,146,062
Prior Modifications:	\$ 240,000
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 34,386,062
This Request	\$ 8,346,052
Option 1 (one-year extension)	\$ 3,437,570
Option 2 (Replatforming)	\$ 2,490,000
% of This Request to Current Amount:	41.5%
% of Modifications (including This Request) to Original Amount:	42.5%

## Discussion:

This modification is for a 30 month contract extension (July 1, 2012 through December 31, 2014) for continued operation of the Transit Adjudication Bureau (TAB) in the amount of \$8,346,052, plus two options: one to extend the contract term for up to 12 additional months in the amount of \$3,437,570 and another for the replatforming of the TAB application in the amount of \$2,490,000.

TAB was established in 1985 to provide a forum for the processing and adjudication of Notices of Violations issued by the police for violations of the Transit Rules governing the use of the Transit System. The functions of TAB include administrative processes such as staff support for hearings and appeals, payment processing, information services, telephone collections, judgment enforcement, data entry and running the software application that processes all transactions (IT processing). Since its inception, American Management Systems (AMS), which was acquired by CGI Technologies and Solutions, Inc. (CGI), managed the entire operations of TAB, with supervision by NYC Transit personnel, requiring CGI to provide up to 40 full time staff and/or subcontract services as necessary to maintain and operate the office located in Brooklyn, New York.

The TAB Processing System currently operates on NATURAL/ADABAS software developed by Software AG. CGI has utilized this software for summons processing and to operate TAB since its inception and the software needs to be replaced. NYC Transit's Law Department, in coordination with Technology & Information Services (TIS) is investigating alternatives, which include developing a new software system for TAB, whether it be developed and maintained by in-house personnel or by CGI. TIS review has been completed and the approval process of this initiative is now being undertaken and, if approved and implemented, will form the basis of the requirements of an RFP for TAB operations. Separating TAB operations from IT processing is expected to enable future competition. Budget constraints prevented this from occurring earlier. Also included in this extension is an option for the replatforming of the TAB application, in which CGI will design, develop, test and upgrade the present TAB application into a more current technical architecture for a not-to-exceed amount of \$2,000,000 including a module for credit card payment processing for \$490,000 for a combined not to exceed amount of \$2,490,000. This amount of \$2,490,000 for the replatforming option is subject to negotiation if NYC Transit does not perform the work.

CGI's initial proposal for the 30 month extension was \$8,787,024 for TAB operations and IT processing. Following negotiations, \$8,346,052 was accepted for the 30 month extension; \$3,437,590 for the one year extension, and \$2,490,000 for the replatforming option noted above. For this modification, the cost for direct labor salaries includes an annual escalation of 2.5%; the overhead rate will remain the same as the original contract rate negotiated in 2001. Data processing costs will not be subject to any escalation and remain firm for the term of the extension and option period.

# Schedule I: Modifications to Purchase and Public Work Contracts



New York City Transit

Item Number: 3

<b>Vendor Name (&amp; Location)</b>	
EIC Associates, Inc. (Springfield, NJ)	
<b>Description</b>	
Sewer Installation along Arthur Kill Road and Allentown Lane for the Charleston Bus Depot in the Borough of Staten Island	
<b>Contract Term (including Options, If any)</b>	
July 29, 2011 – September 11, 2012	
<b>Option(s) Included in Total Amount?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> NYC DOT	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
C-40458	9
Original Amount:	\$ 10,625,000
Prior Modifications:	\$ 299,466
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 10,924,466
This Request:	\$ 338,000
% of This Request to Current Amount:	3.1%
% of Modifications (Including This Request) to Original Amount:	6.0%

## Discussion:

This modification is for the widening of the Arthur Kill Road in front of the Charleston Bus Depot.

This contract is for the installation of a storm water sewer for the Charleston Bus Depot (Depot) on Staten Island. The sewer will provide storm water drainage from the Depot to the Arthur Kill Bay. It is being installed underneath Arthur Kill Road and Allentown Lane. The work of the base contract includes the installation of approximately 2,200 linear feet of pre-cast reinforced concrete sewer piping, varying from 36 inches to 54 inches in diameter, and relocation of utility gas lines. Additionally, the work includes installation of steel sheet piles, excavation, decking, a temporary de-watering system, and the maintenance and protection of vehicular and pedestrian traffic.

Arthur Kill Road in this vicinity is only two lanes. New York City Department of Transportation (DOT) has a long-range plan to widen it to four lanes. The Borough President of Staten Island, who has long advanced road widenings in his borough, requested that Arthur Kill Road be widened in front of the Charleston Bus Depot. He allocated funding for this purpose and NYC Transit and DOT developed a plan to accommodate the Borough President. Accordingly, in May 2012, DOT and NYC Transit entered into a Memorandum of Agreement under which NYC Transit will modify the subject contract to provide the construction of a parking lane on the east side of Arthur Kill Road in front of the Depot. In the future, DOT will use the parking lane as a traffic lane. NYC Transit is responsible for the design and construction. NYC Transit's costs, including contract modification costs and costs for engineering, project management, etc., will be funded by DOT with funds provided by the Staten Island Borough President.

For approximately 600 linear feet along the front of the Depot property, the work under this modification will provide for: reconstructing the roadway to widen it by one lane (11 feet wide); providing a grass/utility strip (4 feet wide); and constructing a sidewalk (5 feet wide). The work includes relocating trees. The work is scheduled to be performed concurrently with original contract work, so as not to effect the contract substantial completion date. Relocating utility poles will be "ordered out" by DOT to Con Edison in accordance with City statute.

The contractor's proposal was \$561,175; NYC Transit's estimate was \$322,460. Following negotiations, the lump sum of \$338,000 was agreed upon and found to be fair and reasonable. Savings of \$223,175 were achieved.

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



Item Number: 1

Vendor Name (& Location)	
Scalamandre/Oliveira JV (Freeport, NY)	
Description	
Construction of a Ventilation Building and Reconstruction of 11 <sup>th</sup> avenue and West 36 <sup>th</sup> Street at Site K – No. 7 Line Extension	
Contract Term (Including Options, if any)	
February 27, 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 checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: HYDC	
Requesting Dept/Div & Dept/Div Head Name:	
MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number	AWO/Modification #
C-26511	4
Original Amount:	
	\$ 56,447,000
Prior Modifications:	
	\$ 417,025
Prior Budgetary Increases:	
	\$ 0
Current Amount:	
	\$ 56,864,025
This Request:	
	\$ 550,000
% of This Request to Current Amount:	
	1.0%
% of Modifications (including This Request) to Original Amount:	
	1.7%

## Discussion:

This modification is for changes requested by the Department of Environmental Protection (DEP) as part of the reconstruction of 11<sup>th</sup> Avenue and 36<sup>th</sup> Street.

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; demolishing and removal of the existing viaduct on 11<sup>th</sup> Avenue between West 35<sup>th</sup> and 37<sup>th</sup> Streets as well as the existing West 36<sup>th</sup> Street viaduct; and reconstruction of the roadway on 11<sup>th</sup> Avenue and West 36<sup>th</sup> Street. The ventilation building also includes one story below grade level that extends into 11<sup>th</sup> Avenue, below the roadway. The interior fit-out for finishes and systems equipment for the ventilation building structure will be provided under a future contract.

As part of the reconstruction of 11th Avenue and 36th Street, the contract requires changes to the sewer and water systems to accommodate future development in the neighborhood. Under this modification, DEP has requested additional changes to the sewer and water systems for additional city amenities and improvements. These changes include: increased sewer and water capacity, additional manholes, replacement of existing catch basins and roadway restoration.

The contractor submitted a proposal in the lump sum amount of \$618,793; MTACC's estimate was \$532,098. Negotiations resulted in the agreed upon lump sum amount of \$550,000. Savings of \$68,793 were achieved. The final price was found to be fair and reasonable.

# Schedule D: Ratification of Completed Procurement Actions



New York City Transit

Item Number: 1-2

<b>Vendor Name (&amp; Location)</b> Henry Brothers Electronics, Inc. (Fair Lawn, NJ)
<b>Description</b> Furnish, install and integrate an Electronic Security System for the Rockefeller Center Station Complex (C-52099) and Furnish, install and integrate an Electronic Security System for the Herald Square Station Complex (C-52100)
<b>Contract Term (including Options, if any)</b> Eighteen months (C-52099) and twelve months (C-52100)
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contract Number</b> C-52099 & C-52100	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<table> <tr> <td>Rockefeller Center Station Complex</td> <td>\$8,328,503</td> </tr> <tr> <td>Herald Square Station Complex</td> <td>\$11,750,860</td> </tr> </table>		Rockefeller Center Station Complex	\$8,328,503	Herald Square Station Complex	\$11,750,860
Rockefeller Center Station Complex	\$8,328,503				
Herald Square Station Complex	\$11,750,860				
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:					
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Capital Program Management, Frederick E. Smith					

## Discussion:

The MTA Security Program is developing an integrated Inter-Agency Electronic Security System (ESS) infrastructure to allow for commonality across all MTA agencies, as well as direct communication to NYC Police Department (NYPD). The ESS is an infrastructure consisting of hardware and software that will integrate all NYC Transit legacy security subsystems as well as new applications onto a single platform.

Contract C-52099 is to furnish, install, and integrate an ESS for the Rockefeller Center Station Complex and the Physical Security Information Management System (PSIM). The PSIM is a comprehensive platform that interfaces with NYC Transit subsystems and the Command Center. This contract has been awarded pursuant to an Emergency Declaration signed by all agency presidents in December 2002. Requests for letters of interest were sent to 13 contractors previously identified as possessing the capability to perform this work. In addition, any qualified contractors that were not pre-selected were allowed to participate if they signed a non-disclosure agreement and had worked previously with NYC Transit on similar projects.

Following outreach to potential contractors, six bids were received. HBE submitted the lowest bid of \$8,328,503 and it is fair and reasonable.

Concurrent with this ratification, the Board is asked to approve a budget adjustment to provide consultant construction management services for Contract C-52099.

Contract C-52100 is to furnish, install, and integrate an ESS infrastructure at the Herald Square Station Complex, 34<sup>th</sup> Street at Broadway and 6<sup>th</sup> Avenue (B, D, F, M, N, Q, R Lines), including integration of the ESS to the PSIM. This contract has been awarded pursuant to an Emergency Declaration signed by all agency presidents in December 2002. This contract was solicited using a two-step selection process whereby interested bidders were evaluated and selected based on their technical experience and integrity. This pre-selection process afforded NYC Transit the ability to control the distribution of its security sensitive information and have free and open competition for this procurement.

Following advertisement, six bids were received. HBE submitted the lowest bid of \$11,750,860 and it is fair and reasonable.

Henry Brothers has achieved its previous M/W/DBE goals on its previous MTA contract. Therefore, Henry Brothers has complied with its previous M/W/DBE requirements.

# Schedule K: Ratification of Completed Procurement Actions



New York City Transit

Item Number: 3

<b>Vendor Name (&amp; Location)</b>	
John P. Picone, Inc. (Lawrence, NY)	
<b>Description</b>	
Rehabilitation of Five Stations – West End Line	
<b>Contract Term (Including Options, if any)</b>	
August 21, 2009 – July 11, 2012	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
A-35784	33
Original Amount:	\$ 65,460,000
Prior Modifications:	\$ 4,410,488
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 69,870,488
This Request:	\$ 376,000
% of This Request to Current Amount:	0.5%
% of Modifications (including This Request) to Original Amount:	7.3%

## Discussion:

This retroactive modification is for an additional quantity of column base repairs.

This contract is for improvements to five stations (9<sup>th</sup> Avenue, Fort Hamilton, 50<sup>th</sup> Street, 55<sup>th</sup> Street and 62<sup>nd</sup> Street) and line structure rehabilitation on the West End Line.

The contract requires the repair of the line structure columns. There are 203 columns total. Each column base structure includes two flanges and a web, which are encased in concrete. The contract calls for the repair of 163 flanges and 48 webs.

Following the demolition of the existing column base encasements, a survey was performed to determine the actual condition of the column bases. The survey revealed the need to repair an additional 27 flanges and 2 webs.

This modification will provide for the additional repairs, including the abatement of existing lead paint, removal of existing rivets, drilling new holes in existing columns for new bolts, furnishing and installing new high-strength bolts, furnishing and installing new flanges and webs, quality testing and painting. The contractor's initial proposal was \$533,222; NYC Transit's revised estimate was \$359,996. Following negotiations, the lump sum of \$376,000 was agreed upon and found to be fair and reasonable. A savings of \$157,227 were achieved.

On May 31, 2012, the Senior Vice President and Chief Engineer approved a retroactive waiver and the contractor was directed to proceed the same day to avoid delay to the contractual substantial completion date.

# Schedule K: Ratification of Completed Procurement Actions

Item Number: 4

<b>Vendor Name (&amp; Location)</b>	
Silverite Construction Company (Hicksville, NY)	
<b>Design and construction of Mother Clara Hale Bus Depot</b>	
<b>Contract Term (including Options, if any)</b>	
November 2, 2010 – September 1, 2013	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
Capital Program Management, Frederick E. Smith	

<b>Contract Number</b>	<b>AWO/Modification #:</b>
C-40455	3
<b>Original Amount:</b>	\$ 214,000,000
<b>Prior Modifications:</b>	\$ 29,000
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 214,029,000
<b>This Request:</b>	\$ 809,920
<b>% of This Request to Current Amount:</b>	0.4%
<b>% of Modifications (including This Request) to Original Amount:</b>	0.4%

## Discussion:

This retroactive modification is for the removal of underground obstructions.

This contract is for the design and construction of the new Mother Clara Hale Bus Depot in Manhattan, which will replace the existing depot with a new green building that has environmentally friendly features. The new depot will be a three-story structure built to accommodate 150 buses – 25 more than the current depot. All buses will use ultra-low sulfur diesel fuel, and many of the buses will be hybrid-electric vehicles or other low-emissions technology buses. The Mother Clara Hale Depot was originally a trolley barn built in 1895. It was structurally modified in 1939 to become the 146th Street Bus Depot. NYC Transit rehabilitated the depot in 1990, renaming it in honor of Mother Clara McBride Hale in 1993. The old depot was demolished in 2009 to make way for the new depot.

Prior to the award of this contract, a different contractor removed the old depot's underground storage tanks and remediated contaminated soil in the vicinity of the tanks. While doing that work, the remediation contractor found underground concrete and masonry structures which it had to remove. Based on that history, and test borings done on the balance of the site, NYC Transit anticipated that 800 cubic yards of concrete and masonry obstacles would be found during excavation and construction activities on the balance of the site. The contract price for the removal and disposal of those anticipated concrete and masonry obstacles is \$1,000,000, equivalent to \$1,250 per cubic yard.

During pile driving, foundation work and excavation of the remainder of the site, more underground concrete and masonry structures were found than anticipated. The unexpected structures found below grade were concrete slabs, track pits (which originally gave maintenance workers access to the underside of the trolley cars), walls and stairways dating back to the 1895 trolley barn. During the 1939 renovation of the trolley barn these structures were buried and paved over; no record of that had been kept.

By the end of March 2012, the contractor had actually removed 2,714 cubic yards. NYC Transit estimates that the total volume that will need to be removed is 3,600 cubic yards, or a total additional 2,800 cubic yards.

This modification provides for the removal and disposal of an additional 2,800 cubic yards of underground concrete and masonry structures. The first ten percent of the overrun, or 80 cubic yards, is priced at the original contract rate of \$1,250 per cubic yard. The balance of the overrun, or 2,720 cubic yards, is subject to negotiations. The contractor proposed \$633 per cubic yard for the entire additional 2,800 cubic yards, or \$1,772,400 total. After examining time and material records, NYC Transit allowed \$1,250 per cubic yard for 80 cubic yards and \$261 per cubic yard for the balance of 2,720 cubic yards, or \$809,920 total. After negotiations, the contractor agreed to the lump sum price of \$809,920 which was found to be fair and reasonable.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

<b>Vendor Name (&amp; Location)</b> E.E. Cruz and Tully Construction Company, JV, LLC (Holmdel, NJ)	
Civil, structural, and utility relocation for the Second Avenue Subway route – 96 <sup>th</sup> Street Station	
<b>Contract Term (including Options, if any)</b> May 28, 2009 – June 14, 2013	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA Capital Construction, Dr. Michael Horodniceanu	

<b>Contract Number</b> C-26005	<b>AWO/Modification #:</b> 98
<b>Original Amount:</b>	\$ 303,863,700
<b>Option 1 Amount:</b>	\$ 17,526,300
<b>Option 2 Amount:</b>	\$ 3,610,000
<b>Total Amount:</b>	\$ 325,000,000
<b>Prior Modifications:</b>	\$ 14,403,867
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 339,403,867
<b>This Request:</b>	\$ 700,000
<b>% of This Request to Current Amount:</b>	0.2%
<b>% of Modifications (including This Request) to Total Amount:</b>	4.6%

## Discussion:

This retroactive modification is for the relocation of building utilities at 245 East 93<sup>rd</sup> Street.

This contract is for civil, structural, and utility relocation work for the new 96<sup>th</sup> Street Station for the Second Avenue Subway.

The work to be performed under this contract includes: the relocation of utilities, demolition of the existing Century Lumber Building and interior demolition at Astor Terrace Condominium; construction of temporary and permanent Support of Excavation retaining structures including the construction of slurry walls, secant piles and micro pile walls; connection to the existing tunnel north of 99<sup>th</sup> Street; installation of temporary roadway decking; construction of the 96<sup>th</sup> Street Station invert slab; and construction of certain station entrance and ancillary building structural elements.

MTACC acquired two easements within the commercial space, formerly Rainbow Hardware store, of the Astor Terrace Condominiums: a permanent easement for the 96<sup>th</sup> Street Station entrance and a temporary easement for the duration of the subway construction. To perform the contract work in these areas, it is necessary to relocate building mechanical, electrical and plumbing (MEP) services. During the design phase, MTACC planned to execute an agreement (separate from this contract) with the building owner under which the building owner would be reimbursed for costs associated with the relocation of the building MEP services out of the easement areas. However, the terms of the agreement could not be finalized. If left unaddressed, the associated delay in the building utility relocation work would negatively impact the project schedule.

In an effort to mitigate potential delays, MTACC has determined to perform the work under this Contract. The design for the structural demolition and building utility relocation was completed as part of Mod. No. 79 to this contract. The drawings produced under Mod. No. 79 represent the additional work to be performed under this Mod. No. 98. This Modification includes demolition and relocation of steam mains, sprinkler systems and basement slab drainage to clear the basement and first floor area for the permanent easement; structural demolition and restoration in the remaining reconfigured commercial space within the temporary easement area; and the removal and disposal of an HVAC unit.

The contractor submitted a cost proposal in the amount of \$998,725; MTACC's estimate was \$667,753. Negotiations resulted in the agreed upon net lump sum price of \$700,000, which is considered fair and reasonable. Savings of \$298,725 were achieved. The contractor will be directed to proceed with the work upon approval of a retroactive waiver by the MTACC President prior to the June Board meeting.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 2-3

<b>Vendor Name (&amp; Location)</b> Plaza Schiavone, JV (New York, NY)	
<b>Description</b> Fulton Street Transit Center Enclosure	
<b>Contract Term (Including Options, If any)</b> August 5, 2010 – February 4, 2014	
<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number	AWO/Modification #
A-36125	74 & 95
Original Amount:	\$ 175,988,000
Prior Modifications:	\$ 2,067,755
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 178,055,755
This Request: Mod 74: \$2,400,000 Mod 95: \$875,000  <div style="text-align: right;">\$3,275,000</div>	
% of This Request to Current Amount:	1.8%
% of Modifications (Including This Request) to Original Amount:	3.0%

## Discussion:

These modifications are for communication and storefront changes at the Fulton Street Transit Center Enclosure (Fulton Center). These are two of several modifications initiated across the various Fulton Center contracts, for the implementation of enhancements. technology changes and the reprogramming of space previously identified for use by NYC Transit personnel at Fulton Center and Corbin Building into commercial tenant, retail and public spaces. Sufficient funding is available in Program Reserve. To avoid schedule impact, the work associated with Modification No. 74 had to commence without delay. Consequently, the MTACC President approved a retroactive waiver on March 16, 2012.

This contract calls for the construction of the Fulton Center.

## Modification No. 74

The original contract required a single network for all communication systems. As a result of the reprogramming of Fulton Center space as well as technology changes associated with the introduction of new dynamic signage and advertising; the communications network has been separated into three segregated networks: one for NYC Transit communications systems, one for the Security Network and one for retail spaces that will be maintained by a third party. Work under this modification includes: the construction of a new communications room on the platform level; additional conduit in support of the future installation of new dynamic signage; and reconfiguration of the building's Telecom, Fire Alarm and Intrusion and Access Control systems. This modification also addresses the deletion of communications rooms and equipment originally planned to be located on the third floor.

The contractor submitted a proposal in the amount of \$6,176,968; MTACC's estimate was \$2,293,171. Negotiations resulted in the agreed upon lump sum of \$2,400,000, which is considered fair and reasonable. Savings of \$3,776,968 were achieved.

## Modification No. 95

This modification includes the installation of new stainless steel storefronts on the concourse, platform, and street levels as well as revisions to the glazing of existing storefronts on the platform level. The contractor's proposal was \$907,496. MTACC's estimate was \$823,720. Negotiations resulted in the agreed upon lump sum of \$875,000 that was found to be fair and reasonable. Savings of \$32,496 were achieved.

## PROCUREMENTS

The Procurement Agenda this month includes 1 action for a proposed expenditure of \$63.7M.

## Staff Summary

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

<b>Date</b>
June 18, 2012
<b>Vendor Name</b>
N/A
<b>Contract Number</b>
N/A
<b>Contract Manager Name</b>
N/A
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	6/25/12	X		
2	Board	6/27/12	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:

#### Procurements Requiring Two-Thirds Vote

Schedule A: Purchases and Public Works Contracts

# of Actions

1

\$ Amount

\$63.7M

# of Actions

1

\$ Amount

\$63.7M

Total Non-Competitive Procurements

**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:**

**None**

	<u># of Actions</u>	<u>\$ Amount</u>
Total Competitive Procurements	0	\$0

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

**None**

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

**None**

	<u># of Actions</u>	<u>\$ Amount</u>
Total Ratifications	0	\$0

	<u># of Actions</u>	<u>\$ Amount</u>
Total Procurements	1	\$63.7M

## 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.

JUNE 2012

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

**A. Purchases and Public Work Contracts**

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

- |  |                            |                               |
|--|----------------------------|-------------------------------|
| 1. <b>New Flyer of America, Inc.</b><br><b>Contract # B-40651</b>                        | <b>\$63,689,941 (Est.)</b> | <u>Staff Summary Attached</u> |
| Purchase of 90 low-floor 60-foot articulated clean diesel buses for test and evaluation. |                            |                               |

# Schedule A: Purchases and Public Work Contracts



Item Number: 1

<b>Vendor Name (&amp; Location)</b> New Flyer of America, Inc. (St. Cloud, MN)		<b>Contract Number</b> B-40651	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description</b> Purchase of 90 low-floor clean diesel articulated buses for test and evaluation		<b>Total Amount:</b> \$63,689,941 (Est.)	
<b>Contract Term (including Options, if any)</b> August 2012 - June 2018		<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Buses, Darryl C. Irick	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive			
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Non-competitive			

## Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law § 1209, subsection 9(d), and approve the purchase of 90 low-floor 60-foot clean diesel articulated buses from New Flyer of America (New Flyer) for test and evaluation.

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

New Flyer has successfully completed structural integrity testing, and will provide a 12-year structural warranty. This test fleet of 90 buses will be outfitted with an EPA 2010 compliant drive train and be subjected to a fuel economy and emissions dynamometer test, along with the usual specification compliance performance testing. Fuel economy, fleet availability, reliability, maintenance costs and vendor responsiveness will be monitored. The results of the program will be incorporated into the evaluation criteria of a future RFP for an upcoming low-floor 60-foot diesel articulated bus procurement.

The 90 buses will have two different configurations that will enable NYC Transit to evaluate their effects on fuel economy and maintainability. 75 buses will be configured with an Allison transmission and 15 buses will substitute a ZF transmission for the Allison transmission, the price for each configuration is \$700,000 per bus.

New Flyer's original proposal included a price per bus of \$720,891. As a result of negotiations, this price was reduced to \$700,000. The total contract award of \$63,689,941 will consist of \$63,000,000 for the 90 buses, \$482,589 for qualification testing, manuals, and diagnostic tools, \$65,000 for tailpipe emission profile testing and \$142,352 for an estimated quantity of training. This is a savings of approximately \$2.0M or 3.0% from New Flyer's initial proposal of \$65,669,963.

The New Flyer per bus price compares favorably to the average per bus price paid to Nova Bus (\$703,588) under Contract B-40650 awarded June 2011 for similarly configured low-floor 60-foot clean diesel articulated buses. In addition, the prices in this contract have been deemed fair and reasonable by the Cost Price Analysis Unit based on the results of a cost audit conducted by MTA Audit Services. Funds are available for this procurement as part of the 2010-2014 Capital Plan.

In order to expedite the testing required and accelerate the process for qualification of its bus, New Flyer has built two buses at its own risk; one of which will be used for an in-service evaluation while the second bus will be used for a configuration audit and qualification testing. The in-service evaluation bus will be the subject of a loan agreement. Upon award of the contract these buses will be purchased as part of this 90 bus contract; in the event this contract does not get awarded these two buses will be returned to New Flyer at no cost to NYC Transit.

In accordance with Public Authorities Law, § 1209, paragraph 9, this contract will not be awarded earlier than 30 days from the date on which the Board declares competitive bidding to be impractical or inappropriate. In addition, this contract is subject to review and approval of the Office of the NY State Comptroller (OSC) and award will not be made prior to this approval. It is anticipated that delivery of the production buses will commence 90 days after Notice of Award and be completed 280 days after Notice of Award.

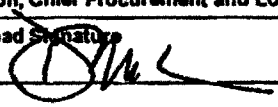

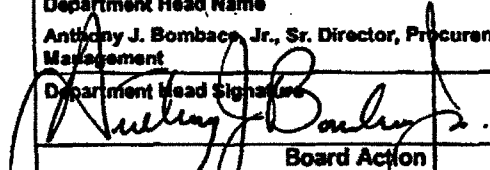
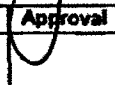

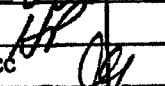

**LONG ISLAND/METRO NORTH  
COMMITTEES**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**June 27, 2012**

<b>Subject</b> Request for Authorization to Award Various Procurements						<b>Date</b> June 27, 2012			
<b>Department</b> Procurement and Logistics - LIRR						<b>Department</b> Law and Procurement - MTACC			
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement and Logistics Officer						<b>Department Head Name</b> Evan M. Eisland, Senior Vice President and General Counsel			
<b>Department Head Signature</b> 						<b>Department Head Signature</b> 			
<b>Department</b> Procurement and Material Management - MNR									
<b>Department Head Name</b> Anthony J. Bombace, Jr., Sr. Director, Procurement & Material Management									
<b>Department Head Signature</b> 									
<b>Board Action</b>						<b>Internal Approvals</b>			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LIRR/MNR Committee	6.25.12				X	President, LIRR		
2	MTA Board	6.27.12				X	President, MNR		
						X	President, MTACC		

**PURPOSE:**

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

**DISCUSSION:**

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

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	3	\$923,000
<b>SUBTOTAL:</b>	3	\$923,000

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	1	\$437,677
<b>SUBTOTAL:</b>	1	\$437,677

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

<u>Schedules Requiring Two-Thirds Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule C:	Competitive Requests for Proposals	1	\$11,211,289
<u>Schedules Requiring Majority Vote</u>			
Schedule G:	Miscellaneous Service Contracts	2	\$1,716,142.44
SUBTOTAL:		3	\$12,927,431.44

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

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule G:	Miscellaneous Service Contracts	1	\$135,000
SUBTOTAL:		1	\$135,000

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

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule I:	Modifications To Purchase and Public Work Contracts	1	\$335,000
SUBTOTAL:		1	\$335,000

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

None

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

None

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

None

<b>TOTAL:</b>	<u>9</u>	<u>\$14,758,108.44</u>
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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.

JUNE 2012

METRO-NORTH RAILROAD

LIST OF NON-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.)

- |   |                                  |
|---|----------------------------------|
| <b>1. Contemporary Machinery &amp; Engineering Services, Inc.</b> | <u>Staff Summary Attached</u>    |
| <b>Emergency Repair/Upgrade of Wheel Boring Machine</b>           | <b>\$407,500 (not-to-exceed)</b> |
| <b>Upgrade of Second Wheel Boring Machine</b>                     | <b>\$407,500 (not-to-exceed)</b> |

Approval is requested to award a consolidated agreement covering two separate services: (i) emergency repair and upgrade of one wheel boring machine; and (ii) upgrade of a second wheel boring machine on a non-emergency basis. The service is to be provided by Contemporary Machinery & Engineering Services, Inc. (Contemporary) at a total cost not-to-exceed \$815,000. The consolidated agreement with Contemporary will eliminate the need for two separate contracts and standardize terms, conditions and payment provisions.

MNR's only wheel shop is located in Croton Harmon where two wheel boring machines are used to prepare the wheel axle holes to fit a specified axle. The wheels are then pressed on the axles for use on all MNR railcars. These machines were purchased as prototypes in 1995 from Contemporary (the Original Equipment Manufacturer). Since Contemporary manufactures parts for their use only, they are the only firm that can repair and upgrade the machines. No other firms are authorized to purchase the parts or make repairs.

Recently, one of the wheel boring machines experienced a catastrophic failure and cannot be repaired to useful service utilizing in-house forces or the existing maintenance agreement. There is an immediate need to repair and upgrade the machine as soon as possible. Further, to meet the needs of the service, MNR requires a second functional and reliable wheel boring machine.

**A) Emergency Repair/Upgrade of Out-of-Service Wheel Boring Machine**

Contemporary was requested to provide a proposal to repair/upgrade the out-of-service unit and MNR Procurement Department negotiated a price of \$407,500 for the complete service. MNR Procurement and M of E considered the possibility of using alternate wheel boring services, including the LIRR and NYCT but it was determined to be logistically not feasible to outsource this work due to the limited number of wheels that can be prepared and sent back to MNR. MNR Procurement also researched the possibility of procuring new wheel boring machines as opposed to the repair/upgrade. The price negotiated for this procurement was 42.6% less (\$407,500 repair/upgrade vs. \$954,000 new) than the estimated cost for replacement. Additional benefits will include a new machine warranty for two years, as well as an expedited three month turnaround as opposed to the standard eight month lead time for this level of work. This was achieved by negotiating the use of existing key material from a brand new machine at Contemporary's facility without any additional cost. This was deemed to be fair and reasonable and will provide the machine with an additional 15 to 20 years of useful life.

**B) Upgrade of Second Wheel Boring Machine**

The second machine though currently operational, is also a prototype and is at risk of operational failure and needs to be rebuilt and upgraded. The upgrade of the second machine would eliminate this risk and prevent another emergency repair.

The cost to upgrade the second machine (\$407,500) is the same as the negotiated cost of the out-of-service machine. Similarly, this cost is 42% lower than the option of purchasing a second machine. Further, the second machine like the first will receive a new machine warranty for two years and will provide an additional useful life of 15 to 20 years in its overall procured value and extended beneficial use. Additionally, the second machine's upgrade will be completed in 5-6 months which was negotiated down from an originally proposed 7-8 months.

The total not-to-exceed cost of \$815,000 for both machines is deemed to be fair and reasonable for the level of services to be provided. This procurement is to be funded by the MNR Operating Budget.

**2. Railquip Inc. \$108,000 (not-to-exceed) Staff Summary Attached  
Annual Inspection, Maintenance and Repair of the Car Hoist System and Turntables at Croton  
Harmon Repair Facility**

Approval is requested for a non-competitive, negotiated three-year miscellaneous service contract (one year base and 2, one-year options) for the annual inspection, maintenance and repair of the car hoists support systems and turntables at the Croton Harmon Repair Facility. Railquip Inc. is the Original Equipment Manufacturer (OEM), sole source and only authorized maintainer of the Car Hoists System and Turntables.

This procurement is required to maintain and ensure the safe operation of the car hoists support systems and the turntables for MNR's Commuter Railcar Fleets and obtainable only from Railquip Inc. for the following reasons a) sole source and only authorized maintainer; and b) system and parts are proprietary to Railquip Inc. This equipment was specifically designed and built for the Harmon Shops and is not compatible with any LIRR or NYCT equipment. MNR has complied with the MTA All-Agency Procurement Guidelines and with PAL 1265-a (3) regarding the posting of advertisements in order to identify potential alternate suppliers. In addition to the advertisement, direct outreach by the MNR Procurement Department was performed and no alternate suppliers have been identified.

Prices proposed for the new contract have not increased from the previous contract. The total not-to-exceed cost of \$108,000 (\$36K x 3yrs.) shall be fixed throughout the contract, and is considered fair and reasonable. This procurement is to be funded by the MNR Operating Budget.

# Staff Summary

Item Number G					
Dept & Dept Head Name: Procurement & Material Management - Anthony J. Bombace, Jr					
Division & Division Head Name: Administration - Raymond Burney - Sr VP Administration					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	6-25-12	x		
2	MTA Board Mtg.	6-27-12	x		
Internal Approvals					
Order	Approval	Order	Approval		
x	President	x	Sr. V.P. Operations		
x	Sr. V.P. Administration	x	V.P. Finance & IT		
x	General Counsel		Capital Programs		

SUMMARY INFORMATION	
Vendor Name Contemporary Machinery & Engineering Svcs. Inc.	Contract
Description Upgrade of Wheel Boring Machine	
Total Amount \$407,500 (not-to-exceed)	
Contract Term (including Options, if any) TBD	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes x No
Renewal?	<input type="checkbox"/> Yes x No
Procurement Type <input type="checkbox"/> Competitive x Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid x Other:	
Funding Source x Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION:

Approval is requested to award a miscellaneous service agreement for the upgrade of a wheel boring machine by Contemporary Machinery & Engineering Services, Inc. totaling a not-to-exceed \$407,500.

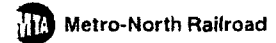
MNR's only wheel shop is located in Croton Harmon where two wheel boring machines are used to prepare the wheel axle holes to fit a specified axle. The wheels are then pressed on the axles for use on all MNR railcars. These machines were purchased as prototypes in 1995 from Contemporary (the Original Equipment Manufacturer). Recently, one of the wheel boring machines experienced a catastrophic failure and cannot be repaired to useful service utilizing in-house forces or the existing maintenance agreement. An emergency for the immediate, repairs to the out-of-service machine accompanies this request for approval. This staff summary sets forth the request to upgrade the second wheel boring machine to achieve the same level of reliability and extended useful life.

The second machine though currently operational, is also a prototype and is at risk of operational failure, and needs to be rebuilt and upgraded. The upgrade of the second machine would eliminate this risk and prevent another emergency repair.

The cost to upgrade the second machine (\$407,500) is the same as the negotiated cost of the out-of-service machine. Similarly, this cost is 42% lower than the option of purchasing a second machine. Further, the second machine like the first will receive a new machine warranty for two years and will provide an additional useful life of 15 to 20 years in its overall procured value and extended beneficial use. Additionally, the second machine's upgrade will be completed in 5-6 months which was negotiated down from an originally proposed 7-8 months.

The total not-to-exceed cost of \$407,500 for the second machine is deemed to be fair and reasonable for the level of services to be provided. This procurement is to be funded by the MNR Operating Budget.

# Schedule G: Miscellaneous Service Contracts



Item Number: G

<b>Vendor Name (&amp; Location)</b> Railquip Inc, 3731 Northcrest Rd, Atlanta GA 30340	
<b>Description</b> Annual Insp, Maint and Repair—Car Hoist, support Sys, turntables	
<b>Contract Term (including Options, if any)</b> Three years	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source	

<b>Contract Number</b> Bid 8750-A – PO 15579	<b>AWO/Modification #</b>
<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Total Amount:</b>	\$ 108,000 (not-to-exceed)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Procurement & Material Management, Anthony J. Bombace, Jr.	

## Discussion:

Approval is requested for a non-competitive, negotiated three-year miscellaneous service contract (one year base and 2, one-year options) for the annual inspection, maintenance and repair of the car hoists support systems and turntables at the Croton Harmon Repair Facility. Railquip Inc. is the Original Equipment Manufacturer (OEM), sole source and only authorized maintainer of the Car Hoists System and Turntables.

This procurement is required to maintain and ensure the safe operation of the car hoists support systems and the turntables for MNR's Commuter Railcar Fleets and obtainable only from Railquip Inc. for the following reasons a) sole source and only authorized maintainer; and b) system and parts are proprietary to Railquip Inc. This equipment was specifically designed and built for the Harmon Shops and is not compatible with any LIRR or NYCT equipment. MNR has complied with the MTA All-Agency Procurement Guidelines and with PAL 1265-a (3) regarding the posting of advertisements in order to identify potential alternate suppliers. In addition to the advertisement, direct outreach by the MNR Procurement Department was performed and no alternate suppliers have been identified.

Prices proposed for the new contract have not increased from the previous contract. The total not-to-exceed cost of \$108,000 (\$36K x 3yrs.) shall be fixed throughout the contract, and is considered fair and reasonable. This procurement is to be funded by the MNR Operating Budget.

**JUNE 2012**

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

**Procurements Requiring Majority Vote**

**Schedule 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)

- |    |   |                  |                                      |
|----|---|------------------|--------------------------------------|
| 1. | <b>Zetron Incorporated<br/>Contract No. MS839</b> | <b>\$437,677</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|------------------|--------------------------------------|

Pursuant with Article IIC of the MTA All Agency Guidelines for the Procurement of Services and the Emergency Declaration for Security Projects, MTACC requests the Board approve the award of a non-competitive negotiated miscellaneous service contract for the configuration and installation of Zetron voice communications equipment.

Staff Summary

Page 1 of 1

<b>Item Number 1</b>					
<b>Department and Department Head Name:</b> Chief Engineer/M. Kyriacou <i>M. Kyriacou</i>					
<b>Division and Division Head Name:</b> Security Program/ T. Reed <i>T. Reed</i>					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Rail Road Committee		X		
2	Board		X		
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
3	Chief Financial Officer				
	Sr. Vice President & General Counsel	5	President		
	Sr. Director & Chief Procurement Officer		Executive Vice President		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> Zetron Incorporated (Redmond, Wa)	<b>Contract Number</b> MS839
<b>Description</b> IESS Communications Work At MNR and NYCT	
<b>Total Amount</b> \$437,677(NTE)	
<b>Contract Term</b> 6 Months	
<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Negotiation	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**I. PURPOSE/RECOMMENDATION:**

Pursuant to Article IIC of the MTA All-Agency Guidelines for the Procurement of Services and the Emergency Declaration for Security Projects, MTACC requests Board approval of a non-competitive negotiated miscellaneous service contract to Zetron Incorporated ("Zetron"), for the configuration and installation of Zetron voice communications equipment. The equipment is located at various Metro North and New York City Transit locations.

**II. DISCUSSION:**

Zetron provided its dispatch consoles and communications software as a subcontractor to Lockheed Martin under the Integratex Electronic Security System (IESS/C3) Contract. The approximate value of the equipment and software provided is \$5 million. Configuration and installation of the Zetron equipment was not completed at the time that the MTA terminated the Lockheed Martin Contract for default. Therefore, to bring this system to operational readiness, we require Zetron to complete the configuration and testing its equipment and to provide training for MTA users. Competitive bidding is not practical here because Zetron's communications software is proprietary and, therefore, no other entity can configure Zetron's consoles and software. The only alternative would be to purchase a new system which is impractical because the MTA has already paid \$5 million for the Zetron equipment under the IESS/C3 Contract and because purchasing a new system would further delay full implementation of this subsystem.

Zetron proposed \$461,514 while the MTACC in-house estimate was \$426,770. Negotiations were held and the parties agreed to a cost of \$437,677 which is considered fair and reasonable as it falls within an acceptable parameter (under 10%) of the estimate.

**III. IMPACT ON FUNDING:**

Funding for this Contract is available through the IESS Reserve.

**IV. ALTERNATIVES:**

To purchase a new system would be impractical because the MTA has already paid \$5 million for the existing Zetron equipment and purchasing a new system would further delay full implementation of this subsystem to the IESS.

**V. RECOMMENDATION:**

MTACC recommends that the Board approve award of this personal services contract to Zetron Incorporated ("Zetron") in the amount of \$437,677.

**JUNE 2012**

**MTA LONG ISLAND RAIL ROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

*Procurements Requiring Two-Thirds Vote*

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

- |    |   |                     |                                      |
|----|---|---------------------|--------------------------------------|
| 1. | <b>HNTB Corporation</b><br><b>Competitive RFP</b><br><b>Contract No. 6075</b> | <b>\$11,211,289</b> | <u><i>Staff Summary Attached</i></u> |
|----|---|---------------------|--------------------------------------|

LIRR requests MTA Board approval to award a design contract to HNTB Corporation in the amount of \$11,211,289 to (i) design the first phase of the Jamaica Capacity Improvements Project and (ii) provide construction phase services during that phase of the project. This project includes critical infrastructure modifications necessary to support East Side Access opening day to Grand Central Terminal. Funding for this project is included in LIRR's 2010 – 2014 Capital program.

*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)

- |    |  |   |                                      |
|----|--|---|--------------------------------------|
| 2. | <b>Brandon Associates</b><br><b>Competitive RFP</b><br><b>Contract No.</b> | <b>\$1,565,062.44</b><br><b>Not-to-Exceed</b> | <u><i>Staff Summary Attached</i></u> |
|----|--|---|--------------------------------------|

LIRR requests MTA Board Approval to award a five-year Miscellaneous Service Contract to Brandon Associates with two (1) year options in the not-to-exceed amount of \$1,565,062.44. The contract is for preventative maintenance, scheduled and unscheduled repairs, emergency services, service calls and maintenance for both Wide Area Network (WAN) and Internet access required to maintain the operation and temperature control of HVAC and related equipment controlled by the Facilities Management Department's Building Management System (BMS). Preventative maintenance and repair services are required to ensure the continued proper operation and maintenance of the system and its components, which include among other things, controllers, computers, networking products, file servers, graphics software, real-time software, firmware, programming, sensors and power supplies. Funding for this contract is included in LIRR's operating budget.

- |    |   |   |
|----|---|---|
| 3. | <b>Mayday Communications, Inc.</b><br><b>Competitive RFQ</b><br><b>Contract No. TBD</b> | <b>\$151,080</b><br><b>Fixed Amount</b> |
|----|---|---|

LIRR requests MTA Board approval to award a three-year Miscellaneous Service contract to Mayday Communications, Inc. ("Mayday") in a fixed amount of \$151,080, to perform maintenance and repair of various voice recording equipment imbedded in seven digital voice recording systems which are located at Penn Station, Jamaica Station and LIRR's Hillside Maintenance facility. The Voice Recording Systems are used to archive all radio and voice communications affecting train movement, manpower call outs and safety related issues. The scope of the contract covers all parts and labor necessary to maintain and service the voice logging and recording equipment, as well as on-site service at the LIRR on a 24/7 basis. Service to be performed includes testing, furnishing replacement parts and troubleshooting. Mayday shall



maintain an inventory of spare parts to meet any single repair requirement in order to avoid any downtime on any given recorder. LIRR advertised this procurement in the New York Post, as well as NYS Contract Reporter. Verint, the manufacturer of the voice recording equipment, provided LIRR with the names of three qualified distributors who could maintain, repair and update our equipment. Two of these firms requested solicitation packages, but ultimately chose not to submit proposals, citing our required two hour response time and their location (one in New Jersey and one in Connecticut) as their reasons for being unable to provide a competitive bid. Mayday, the incumbent provider for these services for the past three years, submitted the only proposal and was subsequently determined to be qualified to perform these services. Mayday's aggregate proposed price for the three-year term of this contract is approximately 1.7% higher than its previous contract on an annualized basis. As a result, Mayday's price has been determined to be fair and reasonable. Funding for this contract is included in LIRR's operating budget.

## Schedule C: Competitive Request for Proposals (Award)



Long Island Rail Road

## Staff Summary

Item Number 1						<b>SUMMARY INFORMATION</b>	
Dept & Dept Head Name: Procurement & Logistics; Dennis Mahon						Vendor Name	
Department Head Signature & Date <i>[Signature]</i>						HNTB Corporation	
Division & Division Head Name: Richard Oakley, Chief Program Officer						Contract Number	
Department Head Signature & Date <i>Richard Oakley 6/7/12</i>						6075	
						Description	
						Design of Jamaica Capacity Improvements Phase I	
						Total Amount	
						\$11,211,289 (Base + Options)	
						Contract Term (including Options, if any)	
						730 days from award (design)	
						Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
						Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
						Procurement Type	
						<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
						Solicitation Type	
						<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Sole Source	
						Funding Source	
						<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee	6-25-12			
2	MTA Board	6-27-12			
Internal Approvals					
Order	Approval	Order	Approval		
5	President <i>[Signature]</i>	2	VP, Chief Financial Officer <i>[Signature]</i>		
4	Exec. Vice President <i>[Signature]</i>	1	VP, Gen'l Counsel & Sec'y <i>[Signature]</i>		
3	Sr. VP Operations <i>[Signature]</i>				

**I. PURPOSE/RECOMMENDATION**

The Long Island Rail Road (LIRR) requests MTA Board approval to award a design contract to HNTB Corporation (HNTB) in the amount of \$11,211,289 to (i) design the first phase of the Jamaica Capacity Improvements Project (JCIP) and (ii) provide construction phase services during that phase of the project.

**II. DISCUSSION**

LIRR requires the services of a Consultant to prepare final design documents for the construction of Jamaica Capacity Improvements - Phase I, which will provide early benefits, as well as infrastructure modifications at Jamaica necessary to support East Side Access (ESA) Opening Day to Grand Central Terminal. The scope of Phase I includes: the construction of a new Platform (designated Platform F) at Jamaica Station for Cross-Borough Scoot service between Jamaica and Atlantic Terminal - Brooklyn; removal/installation of selected switches; reconfiguration of track south of existing Jamaica Station platforms; realignment of the existing Johnson Avenue Train Yard; construction of a freight bypass track; and modifications to existing railroad systems.

The scope of Phase I construction, which is scheduled to be completed in the fourth quarter of 2017, will provide early benefits to LIRR's operations as key elements of work are completed. Construction of Johnson Yard Improvements will include upgrades to lighting and utilities, new track and remotely controlled yard switches that will improve train movement and eliminate the need for train crews to throw switches manually. Universal Switches, to be installed at four specific locations within the interlockings, were chosen to afford greater train access to all existing platforms as well as to provide alternate routes during perturbed conditions. Switches installed will provide crossover capabilities that do not exist today between mainline tracks. The creation of the new Jamaica passenger platform will permit Brooklyn service to operate as a scoot with seven minute service intervals rather than the current fifteen minute intervals during peak service between Jamaica and Brooklyn. When the improvements are implemented, additional capacity for service to Grand Central Terminal will become available at Jamaica station platforms. Consistent with the new service opportunity provided by East Side Access, the planned service level will be increased on Westbound Mainline Tracks by approximately 40%, increasing the number of AM peak hour trains through Jamaica from 34 trains per hour to 48 trains per hour (excluding Port Washington Branch trains).

A "Request for Qualifications" was publicly advertised on August 11, 2011, and invitations were also sent directly to 56 Architectural and Engineering firms. Of the 56 firms, LIRR's Technical Evaluation Committee (TEC) determined that five firms/teams submitting qualifications were qualified to receive the full Request for Proposals (RFP) for this contract. The RFP included the base design work of the contract, as well as options for additional scope considerations. The Base design work includes scope elements identified in the paragraph above, while major Optional work includes Construction Phase Services, the breakoff of Johnson Avenue Train Yard Reconfiguration as a Design-Build Project, and Operational Analysis of Construction Staging. Four firms submitted proposals which



## **Staff Summary**

were reviewed by the TEC. After initial evaluations, each of the firms was given the opportunity to present clarifications to the TEC. Thereafter, the TEC conducted final evaluations of the proposals, with HNTB being the top-ranked firm.

The TEC cited the following reasons for HNTB receiving the highest overall rating when compared to the other proposers:

- The Project Management/Engineering Team proposed by HNTB has the highest rated significant relevant project experience. For example, HNTB has provided the most designs for projects with similar size and/or complexities, including work on many of the LIRR's new interlockings. Also, the HNTB team has recently completed a successful Metro-North project with aspects and elements similar to JCI Phase I.
- The HNTB Design Team has an extensive understanding of LIRR's operations, and its track and signal system requirements.
- HNTB demonstrated a full understanding of the requirements of the Project, and the ability to complete the work.

From a cost perspective, HNTB's proposal for the base and option work in the amount of \$11,211,289 is \$3,368,825 less than the next highest rated proposer. Despite the disparity in cost, HNTB's understanding of the scope and contract requirements was thoroughly validated based on the many questions answered by HNTB. HNTB demonstrated that they completely understood the scope and schedule requirements and will perform the work within the man-hours and dollars presented in their proposal. Hence, when all the evaluation criteria were ranked by the TEC, HNTB received the highest combined overall score, and highest individual rankings in both the Technical and Cost categories.

Through negotiations, overhead and labor rates for HNTB and its sub-consultants were reviewed, adjusted and found acceptable. HNTB's final cost proposal of \$11,211,289 is less than LIRR's adjusted estimate of \$13,945,245. For these reasons, HNTB's final negotiated price is deemed fair and reasonable.

Based upon the evaluation process outlined above, LIRR recommends that HNTB be awarded this design contract for the total not-to-exceed price of \$11,211,289.

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

This contract has a 10% MBE and a 10% WBE goal. HNTB's proposal satisfies these requirements.

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

This contract will be funded by the LIRR 2010-2014 Capital Program.

### **V. ALTERNATIVES**

The services of a 3<sup>rd</sup>-party A&E firm are required, or LIRR will not be able to proceed with the implementation of this critical infrastructure project.

## Schedule G: Miscellaneous Service Contracts

### Staff Summary



Item Number: 2

<b>Vendor Name (&amp; Location)</b> Brandon Associates (Farmingdale, NY)
<b>Description</b> Maintenance and Repair Services
<b>Contract Term (including Options, if any)</b> July 1, 2012 – July 31, 2019
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contact Number</b> TBD	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$1,565,062.44 NTE	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Chief Engineer, Kevin Tomlinson	
<b>Contract Manager :</b> Louis R. Drago/Cliff De Risi	

#### **DISCUSSION:**

LIRR requests MTA Board Approval to award a five-year Miscellaneous Service Contract to Brandon Associates ("Brandon") with two (1) year options in the not-to-exceed amount of \$1,565,062.44. The contract is for preventative maintenance, scheduled and unscheduled repairs, emergency services, service calls and maintenance for both Wide Area Network (WAN) and Internet access required to maintain the operation and temperature control of HVAC and related equipment controlled by the Facilities Management Department's Building Management System (BMS).

LIRR requires preventative maintenance services, scheduled and unscheduled repairs and emergency services for hardware and software application manufactured by American Auto Matrix (AAM). Brandon is qualified by AAM as a "Solution Integrator" and is authorized to perform the required maintenance and repair services for the LIRR to ensure a state of good repair. LIRR advertised this procurement to elicit additional competition, however, only one response from Brandon Associates was received.

Preventative maintenance and repair services are required to ensure the continued proper operation and maintenance of the system and its components, which include among other things, controllers, computers, networking products, file servers, graphics software, real-time software, firmware, programming, sensors, and power supplies.

Brandon Associates proposed a price of \$1,768,517.68, and through negotiations, was reduced to \$1,304,218.70, realizing a \$464,298.98 reduction or 26% savings over the seven year term. The negotiated price of \$1,304,218.70 is 5% less than LIRR's internal cost estimate of \$1,368,286.75 and is therefore deemed fair and reasonable. The requested approval amount includes an additional \$260,843.74 for unscheduled repairs, vandalism and acts of god.

**D/M/WBE INFORMATION:** The MTA Department of Diversity and Civil Rights established 0% MBE/WBE goals.

#### **ALTERNATIVES:**

LIRR does not have the qualified resources available to maintain the system. There are no other viable alternatives to Brandon Associates maintaining the Automated Building Management System since they provided the only proposal through this competitive procurement process.

#### **IMPACT ON FUNDING:**

This contract is funded by LIRR's Operating Budget.

#### **RECOMMENDATION:**

It is recommended that the MTA Board approve the award of a competitive Miscellaneous Service Contract to Brandon Associates at a total price of \$1,565,062.44.

JUNE 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. Management Mentors, Inc. \$135,000 (not-to-exceed)**

**Mentoring Program for Metro-North Railroad**

Approval is requested for a negotiated miscellaneous services contract, (RFP process, three proposals received) with Management Mentors, Inc. for a period of three years to develop and deliver a professional mentoring program for Metro-North's workforce. The goal of this program is twofold a) to increase the development opportunities of MNR's management staff; and b) to support MNR's succession planning and diversity activities in support of MNR's overall operation. The MNR mentoring program is critical to furthering the development of employees who have the potential for advancement into key leadership roles as MNR prepares for significant retirements beginning in 2013.

Three proposals were received in response to the RFP and the Selection Committee short-listed two vendors. Management Mentors, Inc. was unanimously selected as the best overall solution based on company experience, superior solution capability and lowest price. Management Mentors proposed solution addresses all of MNR's stated current and anticipated future requirements, provides a proven training plan, best-in-class software support, and has a robust reporting and metrics capability. The contract also includes the ability for all MTA Agencies to take advantage of the MNR/Management Mentors favorable pricing structure should they decide to implement a professional Mentoring Program.

The total three-year contract with Management Mentors includes program design, development & implementation, online services inclusive of licensing fees and certified/on-site trainers. Negotiations with the vendor resulted in an overall 20% discount (\$68,720 to \$55,000) for the cost of the base services (design, development, implementation), additional training services provided at no charge (and valued at \$24,000), and a negotiated increase in the user license discount from 6% to 6.6% based on future usage of the program. The total three year cost is not-to-exceed \$135,000. The final negotiated pricing is deemed fair and reasonable. This project is anticipated to start in early July 2012 and funding is provided by MNR's Operating Budget

JUNE 2012

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

**Schedule 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. | <b>Granite-Taylor-Frontier (GTF), Joint Venture</b> | <b>\$335,000</b> | <b><u>Staff Summary Attached</u></b> |
|    | <b>Contract No. CQ031</b>                           |                  |                                      |
|    | <b>Modification No. 67</b>                          |                  |                                      |

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval to modify the contract for additional ground water level monitoring and sampling.

# Schedule I: Modifications to Purchase and Public Work Contracts



## Item Number 1

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

Contract Number	AWO/Modification #
CQ031	67
Original Amount:	\$ 659,200,700
Prior Modifications:	\$ 116,459,048 (includes an option of \$58,400,700)
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 775,659,748
This Request	\$ 335,000
% of This Request to Current Amount:	.04%
% of Modifications (including This Request) to Original Amount:	17.72%

### Discussion:

The work under this Contract includes the construction of four soft-ground bored tunnels and miscellaneous demolition of surface structures for the East Side Access project. In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC seeks Board approval to modify the contract for additional ground water level monitoring and sampling.

This contract requires the contractor to comply with certain water monitoring requirement in accordance with a Long Island Well Permit ("LIWP") issued by the New York State Department of Conservation ("NYSDEC"). At the time the contract was entered, the LIWP required weekly monitoring of water levels during the first three months of construction and monthly monitoring thereafter. In addition, the LIWP required water sampling and testing twice a year through the end of the work. NYDEC has since issued a new LIWP with additional monitoring and sampling requirements. The new LIWP requires collection of daily water level readings until the completion of the work, sampling every three months and additional reporting requirements.

The Contractor submitted a cost proposal of \$398,225 for compliance with the new LIWP. MTACC's estimate for the additional requirements imposed by the LIWP was \$311,054. Negotiations were held and the parties agreed to a cost of \$335,000. The negotiated amount is considered to be fair and reasonable because it is within 10% of the estimate.



# **Bridges and Tunnels**

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## **Procurements June 2012**

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# Staff Summary

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

<b>Date</b>	June 6, 2012
<b>Vendor Name</b>	
<b>Contract Number</b>	
<b>Contract Manager Name</b>	
<b>Table of Contents Ref #</b>	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	6/6/12	<i>[Signature]</i>		
2	MTA B&T Committee	6/25/12			
3	MTA Board	6/27/12			

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:

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	1	\$0.000M
SUBTOTAL		1	\$0.000M

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

<u>Schedules Requiring Two-Thirds Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule C	Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$50.200M
<u>Schedules Requiring Majority Vote</u>			
Schedule E	Miscellaneous Procurement Contracts	1	\$ 0.075M
Schedule F	Personal Service Contracts	4	\$24.352M
Schedule G	Miscellaneous Service Contracts	1	\$ 0.247M
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	5	\$ 1.672M
Schedule I	Modifications to Purchase & Public Works Contracts	2	\$ 2.714M
SUBTOTAL		14	\$78.670M

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

TOTAL	15	\$79.260M
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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 and MTA HQ's operating budgets for this purpose.

**RECOMMENDATION:**

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

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

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

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

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

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

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

**LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 2012**

**MTA BRIDGES & TUNNELS**

**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 original contract to equal or exceed monetary or durational threshold required for Board approval)

- |    |  |                |                               |
|----|--|----------------|-------------------------------|
| 1. | Catherine S. Cline, PhD<br>Contract No. 3000000596 | \$        0.00 | <u>Staff Summary Attached</u> |
|----|--|----------------|-------------------------------|

Extend the period of performance beyond one year for an additional seven months for the consultant to continue to provide test validation services for the civil service exam for B&T's occupational title of Maintainer.

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

Item Number: **1** (Final)

<b>Vendor Name (&amp; Location)</b> Catherine S. Cline, PhD, New York, NY		<b>Contract Number</b> PO 3000000596		<b>AWO/Modification #</b>	
<b>Description</b> Test Validation Services					
<b>Contract Term (including Options, if any)</b> August 1, 2011 – July 30, 2012		<b>Original Amount:</b> \$24,000			
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Modifications:</b> \$20,000			
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		<b>Prior Budgetary Increases:</b> \$0.00			
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:		<b>Current Amount:</b> \$44,000			
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>This Request:</b> \$0.00			
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Staff Services/Catherine Sweeney		<b>% of This Request to Current Amount:</b> 0.00%			
		<b>% of Modifications (including This Request) to Original Amount:</b> 0.00%			

### Discussion:

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to modify a non-competitive personal service contract with Catherine S. Cline, PhD (Dr. Cline) to extend the period of performance beyond one year from August 1, 2012 through February 28, 2013 at no additional cost.

Effective August 1, 2011, B&T awarded this contract to Dr. Cline in the amount of \$24,000 for a duration of one year to retain services of an Occupational-Industrial Psychologist to provide expert assistance in preparing and developing a civil service exam for B&T's occupational title of Bridge and Tunnel Sergeant. Dr. Cline has an established reputation in all areas critical to the completion of this project including the validation of tests, analysis of various positions through job descriptions and conferring with the client regarding the job duties and responsibilities. The New York City Department of Citywide Administrative Services will no longer be developing and administering certain civil service examinations and we do not possess the in-house resources required to perform such test validation services. In February 2012, the contract was amended to include test validation services for the occupational title of Maintainer. The proposed amendment will extend the contract term through February 28, 2013 to enable Dr. Cline to continue test validation services for the Maintainer title.

Testing for the Maintainer title is tentatively scheduled in October and Dr. Cline's expertise will be required to validate the final test for difficulty and a discrimination/adverse impact. In addition, Dr. Cline shall assist and support B&T in defending any claims which may arise that challenge the validity of the test. Dr. Cline will be compensated in accordance with the rates included in the contract. Sufficient funding is available in the contract to support this extension which is considered fair and reasonable. This contract is funded from the Operating Budget under General Ledger No. 712549

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 2012**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Two-Thirds Vote:**

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

1. **Halmar International** **\$ 50,200,000.00** **Staff Summary Attached**  
**Contract No. RK-73**  
2 yr. 2 mo. contract – Competitive RFP- 6 Proposals  
Provide design/build services for the reconstruction of Ramp MQ at the Robert F. Kennedy Bridge.

**Procurements Requiring Majority Vote:**

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

2. **Empire Municipal Equipment, LLC** **\$ 74,572.00**  
**Contract No. 3000000961**  
12 mo. contract - PANYNJ Contract  
Approval is requested to award a miscellaneous procurement contract to Empire Municipal Equipment, LLC (Empire) to provide the rental on an as needed basis of one Sewer Jet/Vac truck in an amount not-to-exceed \$74,572 for a one year period. B&T will utilize the pricing under a competitively bid contract awarded to Empire by the Port Authority of New York and New Jersey (PANYNJ), Contract OP1408197, but incorporate our terms and conditions in the contract. B&T requires that a sewer jet/vac truck be rented on an as needed basis as a backup so that if one of the two trucks in our fleet is out of service for maintenance or repair work we will be properly equipped to support our facilities' needs. Sewer jet/vac trucks are used for maintenance of roadways, including but not limited to removing debris from storm drains, gutters and finger joint pans located under the gratings of the bridges. This work is performed primarily during the spring, summer and fall. In July 2011 B&T issued a Request for Quotes to rent the sewer jet/vac truck in accordance with New York State Office of General Services (OGS) Contract for Heavy Equipment Rental Standby. The request was sent to four vendors; one quote was received in the amount of \$110,400 and rejected. Based on the rate in PANYNJ Contract OP 1408197, Empire would charge an amount not-to-exceed \$74,572, which is 32.5% or \$35,828 less than the price under the OGS contract. In accordance with the All Agency Procurement Guidelines, it is determined that it is in the public interest for B&T to award this contract to Empire using the pricing under the competitively bid PANYNJ Contract OP 1408197. Such pricing is considered fair and reasonable. Empire is deemed to be a responsible contractor. Funding is available in the Operating Budget under General Ledger # 713011.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 2012**

**F: Personal Service Contracts**

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

3. **Greenman Pedersen Inc.** \$ 18,540,102.30 **Staff Summary Attached**  
**Contract No. PSC-11-2903**  
6 yr. contract – Competitive RFP – 5 Proposals  
Provide construction management and inspection services for VN-80B, Replacement of the Upper Level Roadway Deck at the Suspended Span of the Verrazano-Narrows Bridge.
4. **LiRo Engineers, Inc.** \$ 3,635,380.00 **Staff Summary Attached**  
**Contract No. PSC-11-2894**  
2 yr. 8 mo. contract – Competitive RFP – 5 Proposals  
Provide construction administration and inspection services for reconstruction of the Manhattan to Queens Ramp at the RFK Bridge.
5. **Parsons Brinckerhoff** \$ 1,586,341.00 **Staff Summary Attached**  
**Contract No. PSC-11-2904**  
4 yr. contract – Competitive RFP – 5 Proposals  
Provide design and design support services for Task 26A, Integrated Electronic Security Systems at the Robert F. Kennedy and the Bronx Whitestone Bridges.
6. **Jacobs Civil Consultants, Inc.** \$ 590,035.00  
**Contract No. PSC-11-2896**  
4 yr. 8 mo. contract – Competitive RFP – 6 Proposals  
B&T requires the services of a consultant to provide design and construction support services for Project MP-21, Rehabilitation of the Rockaway Point Boulevard and Jacob Riis Overpasses at the Marine Parkway - Gil Hodges Memorial Bridge (MPB). The design activities required include but are not limited to the following: repair of concrete decks; rehabilitation of center pier bearings; increase the capacity of the stringers at the Rockaway Point Boulevard Overpass; repair and/or replace the Jacob Riis Overpass handrails; replace the approach slabs at the Rockaway Point Boulevard Overpass; and phased construction support services. The service requirements were publicly advertised; twelve (12) firms submitted qualification information. Six (6) firms, Jacobs Civil Consultants (Jacobs), Parsons Transportation Group (PTG), Dewberry-Goodkind Inc. (DG), Weidlinger Associates (WAI), AECOM and Michael Baker Engineering (MBE) were chosen to receive the RFP based on a review of their qualifications and all firms submitted proposals. 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 recommended that B&T enter into negotiations with Jacobs, the highest rated firm. Jacobs' proposal reflected a thorough understanding of the scope and its Project Team demonstrated extensive experience working on similar structures. Its proposed cost, which was the second lowest among the 6 firms, was considered by the committee to be the most favorable. DG's proposal did not place emphasis on potential construction cost

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 2012**

efficiencies such as mobile containment structures for painting and lead abatement. WAI raised concerns regarding the availability of its proposed team due to commitments under a separate project. Although AECOM proposed the lowest cost, it omitted details with respect to providing a primary design alternative. Since PTG proposed the highest total number of manhours in conjunction with the next to highest proposed cost, its proposal was not selected. MBE's submittal focused on less significant technical issues and it also proposed the highest cost. The Engineer's estimate is \$1,130,516. Based on a comparison of all costs it was determined that the Engineer's estimate was overstated. Jacobs proposed an amount of \$598,190. Negotiations were conducted and the parties agreed to an amount of \$590,035, which is considered fair and reasonable. After an extensive review Jacobs was deemed to be a responsible consultant notwithstanding the existence of significant adverse information. 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. Jacobs has no recently completed contracts with B&T. Funding is available under Project MP-21 in the amount of \$590,035 in the 2010-2014 Capital Budget.

**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)

7. **Trip Consultants USA, Inc.** **\$ 246,645.00**  
**Contract No. GES-194**

3 yr. contract – Competitive Bid – 2<sup>nd</sup> Low Bid/4 Bids

On January 30, 2012, B&T issued a solicitation for a contractor to provide all labor, equipment and materials for traffic volume counting and/or related traffic data services. These services are used by Engineering & Construction: (i) to develop maintenance and protection of traffic schemes and to schedule the season and hours of construction that require lane closures; (ii) to coordinate lane closure activity with the Operations Department; and (iii) to analyze speed measurements at B&T's roadways to develop safety improvements at those facilities. B&T does not possess the resources required to perform these services. The service requirements were publicly advertised, the solicitation notice was sent to 195 firms and eight firms requested copies of the solicitation. On February 28, 2012, four bids were submitted. The scope of services under the prospective contract has not changed compared with that under the current contract. On April 29, Quality Traffic Data, LLC withdrew its bid. Following the evaluation of the bid submitted by the next lowest firm, Trip Consultants USA, Inc. (Trip) was considered fully responsive to the requirements of the solicitation. The rates for this contract are fixed for the three year term. Rates remained the same for four of the five items and decreased for the fifth item when compared with the pricing under the current contract. Trip's overall bid is 15% lower than the user's estimate of \$290,000. Trip is deemed to be a responsible bidder. Based on competition, the price is considered fair and reasonable. Funding is available in the Operating Budget chargeable to General Ledger # 712151.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 2012**

**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)

8. **PB Americas, Inc.** \$ **1,036,281.19** **Staff Summary Attached**  
**Contract No. PSC-06-2805**  
Add construction support services and include an allowance for unanticipated designs during construction for Project QM-30, Electrical Switchgear Replacement at the Queens Midtown Tunnel.
9. **Parsons Brinckerhoff/Chas. H. Sells, A** \$ **249,278.22** **Staff Summary Attached**  
**Joint Venture**  
**Contract No. PSC-03-2672**  
Additional construction support services for Project BW-89, Elevated and On-Grade Approach Deck Replacement at the Bronx-Whitestone Bridge.
10. **Ammann & Whitney/Gannett Fleming,** \$ **170,869.44** **Staff Summary Attached**  
**A Joint Venture**  
**Contract No. PSC-04-2726**  
Additional construction support services, increase the allowance for unanticipated design services during construction and delete unused funding for the toll plaza design and construction support services under Projects HH-85 and HH-10, Replacement of Upper Level Deck and Toll Plaza and the Upper Level Curb Stringer and Safety Barrier at the Henry Hudson Bridge.
11. **NYMP Acquisition LLC** \$ **75,000.00 (B&T)** **Staff Summary Attached**  
**Contract No. 07-MNT-2784** \$ **55,500.00 (MTAHQ)**  
\$ **130,500.00 Total**  
Perform additional maintenance and repair of fire/smoke alarms located at various B&T and MTA Headquarters (MTA HQ) facilities.
12. **GenServe Inc.** \$ **85,000.00** **Staff Summary Attached**  
**Contract No. 09-MNT-2847**  
Perform additional maintenance and repair of emergency generators located at various facilities.

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

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

13. **E-J Electric Installation Co., Inc.** \$ **1,853,912.52** **Staff Summary Attached**  
**Contract No. RK-65D**  
Increase the estimated quantity of nine unit price items due to more underground obstructions than had been anticipated under Contract RK-65D, Existing Utility Relocation at the RFK Bridge and Randall's Island.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 2012**

14. **Maracap Construction Industries, Inc.**      \$      **859,900.00**      **Staff Summary Attached**  
**Contract No. TN-87B**  
Additional work and deletion of unit price items under Contract TN-87B, Anchorage  
and Tower Protection at the Throgs Neck Bridge.

# Staff Summary

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Item Number 1 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering and Construction, Vincent Montanti, P.E. <i>VM</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	06/06/12			
2	MTA B&T Committee	06/25/12			
3	MTA Board	06/27/12			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>DS</i>	4	Chief of Staff		
2	General Counsel <i>MM</i>	5	Executive Vice President <i>MM</i>		
3	Chief Procurement Officer <i>AW</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name Halmar International	Contract Number RK-73
Description: Design/Build Services for the Reconstruction of Ramp MQ at the Robert F. Kennedy Bridge	
Total Amount \$50,200,000	
Contract Term (including Options, if any) 26 Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Procurement Guidelines to award a public work contract for Design/Build Services for the Reconstruction of Ramp MQ at the Robert F. Kennedy Bridge to Halmar International (Halmar) for a period of 2 years, 2 months at a cost of \$50,200,000.

### II. DISCUSSION

In June 2011, the Board authorized B&T to enter into a competitive Request for Proposal (RFP) process for design/build services for the reconstruction of the Manhattan to Queens Ramp (Ramp MQ) at the Robert F. Kennedy Bridge. The work generally consists of: (i) design and replacement of the existing elevated Manhattan to Queens Ramp from the abutment to where the ramp merges with the Queens to Bronx mainline to meet HS-25 design loads and current seismic standards; (ii) widening a portion of the ramp; (iii) closing the gap between the Queens Bronx mainline and the MQ Ramp; (iv) design and retrofit of the existing footings; (v) repairs to the existing piers and cap beams; and (vi) replacement of pedestals, bearings, roadway decks, barriers, light poles and fixtures, drainage, roadway striping and traffic devices and signage.

The service requirements were publicly advertised; twelve firms submitted qualification information. All twelve firms were chosen to receive the RFP based on a review of those qualifications and six of the firms submitted proposals: DeFoe Corp. (DeFoe); Ecco III Enterprises, Inc. (Ecco); Halmar International (Halmar); Kiewit Infrastructure Co.;

# Staff Summary

Page 2 of 2

Schiavone Construction Co., LLC; and Tully Construction Co., Inc. The proposals were evaluated against established criteria set forth in the RFP, including cost, duration for work requiring permanent lane closures, project design and understanding, record of performance, quality and thoroughness of proposal, qualifications of the firm and proposed personnel. The selection committee requested oral presentations from DeFoe, Ecco and Halmar.

After oral presentations, the committee selected Halmar on the basis that its proposal included: (i) the lowest cost, (ii) an aggressive schedule, (iii) the most conservative approach to pier support system; (iv) a working relationship between Halmar and its proposed design engineering firm, Hardesty and Hanover; (v) technical alternatives resulting in overall cost savings; and (vi) a commitment to achieving the M/WBE goals. The committee found DeFoe and Ecco capable of performing the work, but their costs were more than 2% higher and their schedules more than two months longer than Halmar's.

Halmar submitted a proposal of \$49,875,500. The Engineer's estimate was \$63,000,000. Negotiations were conducted and the parties agreed to \$50,200,000 including the following additional construction services: (i) a \$150,000 increase to the contract allowance to address field conditions that could not be determined prior to contract award; (ii) an increase to the quantity of communication cables to be installed under this contract; (iii) installing power for an additional camera; and (iv) a full time on-site safety representative in lieu of a roving site representative. The Engineer's estimate for these additional services is \$478,000, revising the estimate to \$63,478,000. The negotiated amount of \$50,200,000 is 21% below the Engineer's revised estimate, remains as the lowest cost and is considered fair and reasonable. Halmar is deemed to be a responsible contractor.

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

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. Halmar has no recently completed contracts with B&T.

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

Funding is available under Project RK-73 in the 2010-14 Capital Budget.

### **V. ALTERNATIVES**

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

# Staff Summary

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Item Number 3 (Final)					
Dept & Dept Head Name:					
Engineering and Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name:					
Engineering and Construction, Vincent Montanti, P.E. <i>Vincent Montanti</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	06/06/12	<i>[Signature]</i>		
2	MTA B&T Committee	06/25/12			
3	MTA Board	06/27/12			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff		
2	General Counsel <i>mmT</i>	5	Executive Vice President <i>[Signature]</i>		
3	Chief Procurement Officer <i>awK</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Greenman Pedersen Inc.	PSC-11-2903
Description:	
Construction Management and Inspection Services for VN-80B, Replacement of the Upper Level Roadway Deck at the Suspended Span of the Verrazano-Narrows Bridge	
Total Amount	
\$18,540,102.30	
Contract Term (Including Options, if any)	
Six years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to award a personal service contract for Construction Management and Inspection Services for VN-80B, Replacement of the Upper Level Roadway Deck at the Suspended Span of the Verrazano-Narrows Bridge to Greenman Pedersen Inc. (GPI) in the amount of \$18,540,102.30 for a period of six years.

### II. DISCUSSION

B&T requires the services of a consultant to provide construction management and inspection services for the replacement of the upper level roadway deck at the suspended spans of the Verrazano-Narrows Bridge. The construction activities include but are not limited to: removal of existing upper roadway deck and barriers; installation of new upper level orthotropic steel deck, overlay, drainage systems, sign structures and barriers; replacement of the upper and lower deck roadway lighting; MPT; and, installation of a movable barrier to accommodate a reversible lane.

The service requirements were publicly advertised; five firms submitted qualification information. All five firms, Ammann & Whitney (A&W), GPI, HAKS/AECOM a Joint Venture, Hardesty & Hanover (H&H) and LiRo/PB a Joint Venture were chosen to receive the RFP based on a review of their qualifications. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements and expertise, proposed personnel,

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# Staff Summary

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oral presentations and cost. The Selection Committee unanimously selected GPI on the basis that its proposal: (i) demonstrated significant hands-on experience in the installation of orthotropic decks; (ii) included a Resident Engineer and Project Manager that managed multiple orthotropic deck projects (iii) reflected a clear understanding of the potential problems and the technical solutions and processes that are a major part of this design; and (iv) included a strong welding expert for ongoing technical support during both the fabrication and the installation of the orthotropic deck. GPI had the second lowest cost proposal and it was less than the Engineer's estimate. Although A&W's cost proposal was lower, its Resident Engineer lacked the significant orthotropic deck experience necessary for this project. LiRo/PB proposed an experienced Resident Engineer, but they could not meet the GPI team's overall experience and their cost proposal was higher. The committee determined that both H&H and HAKS/AECOM did not provide the level of experience required for this complex project and their costs were also higher than GPI's proposal.

GPI submitted a proposal in the amount of \$18,551,288.14. The Engineer's estimate is \$21,959,814. Negotiations were conducted and the parties agreed to an amount of \$18,540,102.30, which is 15.6% below the estimate and is considered fair and reasonable. GPI is deemed to be a responsible consultant.

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

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. GPI was in full compliance with the M/WBE goals on its most recently completed contract (PSC-06-2798, Construction Management and Inspection Services for VN-17A, Rehabilitation of the Lower Level Approaches at the Verrazano-Narrows Bridge).

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

Funding in the amount of \$17,381,448.30 is available in the 2010 – 2014 Capital Program under Project D602 VN-80 and \$1,158,654 in the Structural Painting Program under D607 VN80.

### **IV. ALTERNATIVES**

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

# Staff Summary

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Item Number 4 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>JK</i>					
Division & Division Head Name: Engineering and Construction, Vincent Montanti, P.E. <i>VM</i>					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	6/6/12	<i>[Signature]</i>		
2	MTA B&T Committee	6/25/12			
3	MTA Board	6/27/12			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff <i>[Signature]</i>		
2	General Counsel <i>mm</i>	5	Executive Vice President <i>[Signature]</i>		
3	Chief Procurement Officer	6	President <i>[Signature]</i>		

<b>SUMMARY INFORMATION</b>	
Vendor Name LiRo Engineers, Inc.	Contract Number PSC-11-2894
Description: Construction Administration and Inspection Services for Reconstruction of the Manhattan to Queens Ramp at the RFK Bridge	
Total Amount \$3,635,380	
Contract Term (Including Options, if any) Two years, eight months	
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Construction Administration and Support Services for Reconstruction of the Manhattan to Queens Ramp at the RFK Bridge to LiRo Engineers, Inc. (LiRo) for a period of two years, eight months at a cost of \$3,635,380.

### II. DISCUSSION

B&T requires the services of a consultant to provide construction administration and inspection services for Project RK-73, Reconstruction of the Manhattan to Queens Ramp at the Robert F. Kennedy Bridge (RFK). Project RK-73 will be performed using the design-build method. The work includes but is not limited to: design and replacement of the existing elevated Manhattan to Queens Ramp; widening of the ramp; closing the gap between the Queens-Bronx mainline and the Manhattan to Queens ramp; retrofit of the existing footings; repairs to the existing piers and cap beams; replacement of pedestals and roadway decks.

The service requirements were publicly advertised; nine firms submitted qualification information. Five firms were chosen to receive the RFP based on a review of those qualifications and all five firms submitted proposals: AECOM USA, Inc. (AECOM), Greenman-Pederson, Inc. (GPI), HAKS Engineers Architects and Land Surveyors (HAKS) Hardesty & Hanover (H&H) and LiRo Engineers, Inc (LiRo). 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.

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# Staff Summary

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Based on the committee's evaluation of the proposals, LiRo, AECOM and GPI were determined to be in the competitive range and conducted oral presentations. The committee selected LiRo on the basis that it offered: (i) a highly qualified team including a project manager with 35 years of experience that includes three design/build projects; (ii) the recommended formation of a collaborative relationship with B&T's Engineering team to ensure the expedited approval of designs submitted by the design-build Contractor; (iii) recent experience at the RFK facility on Project TB-23, Design/Build Services for the Reconstruction of the Harlem River Drive Ramp at the Robert F. Kennedy Bridge; (iv) access to LiRo personnel who are working on Project RK-65D, Existing Utility Relocation at the RFK Bridge and Randall's Island, who are very familiar with the subsurface work that will be required under this project; and (v) a proposed cost which is less than B&T's estimate and the lowest proposed cost of all firms in the competitive range. AECOM's proposed project manager did not have design/build experience on bridges. The technical proposal from GPI did not reflect that the consultant had relevant design/build experience. H&H was considered ineligible due to its status as the design engineer for the selected design/builder proposer for RK-73, Design/Build Services for the Reconstruction of Ramp MQ at the Robert F. Kennedy Bridge. HAKS' proposal did not exhibit a thorough understanding of the project as compared with the other proposers.

LiRo submitted a proposal of \$3,635,380. The Engineer's estimate is \$5,760,000. Negotiations were conducted and the parties agreed to the proposed amount of \$3,635,380, which is 37% below the Engineer's estimate and is considered fair and reasonable. LiRo is deemed to be a responsible consultant.

## III. D/M/WBE INFORMATION

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. LiRo was in full compliance with the M/WBE goals on its most recently completed contract (Contract PSC-04-2719, Construction and Inspection Support Services for Project TB-64B, Deck Replacement on the Randall's and Ward's Island Viaducts at the Triborough Bridge).

## IV. IMPACT ON FUNDING

Funding is available under Project RK-73 in the 2010-14 Capital Budget.

## V. ALTERNATIVES

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

# Staff Summary

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Item Number 5 (Final)					
Dept & Dept Head Name:					
Engineering and Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name:					
Engineering and Construction, Vincent Montanti, P.E. <i>VM</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	6/6/12	<i>[Signature]</i>		
2	MTA B&T Committee	6/25/12			
3	MTA Board	6/27/12			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>DS</i>	4	Chief of Staff		
2	General Counsel <i>mm</i>	5	Executive Vice President <i>[Signature]</i>		
3	Chief Procurement Officer <i>awK</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Parsons Brinckerhoff	PSC-11-2904
Description:	
Design and Design Support Services for Task 26A, Integrated Electronic Security Systems at the Robert F. Kennedy and the Bronx Whitestone Bridges	
Total Amount	
\$1,586,341	
Contract Term (including Options, if any)	
Four years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: DHS Grant	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Design and Design Support Services for Task 26A, Integrated Electronic Security Systems at the Robert F. Kennedy and Bronx Whitestone Bridges to Parsons Brinckerhoff (PB) in an amount of \$1,586,341 for a period of four years.

### II. DISCUSSION

B&T is the recipient of Federal Homeland Security Funding through the Department of Homeland Security for the design and design support services for Task 26A, the furnishing and installation of an integrated electronic security system at the Robert F. Kennedy (RFK) and Bronx Whitestone (BW) Bridges.

The service requirements were publicly advertised; fifteen (15) firms submitted qualification information and five firms, Gannett Fleming (GF), PB, Parsons Transportation Group of NY, Inc. (PTG), Ross & Baruzzini (R&B) and URS, were chosen to receive the RFP based on a review of their qualifications. All firms submitted proposals which were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements and expertise,

## Staff Summary

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proposed personnel, oral presentations and cost.

After evaluating the technical proposals, oral presentations and cost proposals, the Selection Committee recommended that negotiations be conducted with the two highest rated firms, PB and URS, and that these firms submit best and final offers (BAFOs). After evaluating the BAFOs from PB and URS, the Selection Committee unanimously recommended that PB be awarded this contract. This recommendation is supported by: (i) the extensive and relevant experience of PB's team, including a subconsultant who designed the fiber communication infrastructure that will be used to transport the security signals and data for the system as well as a team leader who has extensive experience with the MTA Agency-wide security networks; (ii) PB's commitment to reducing the 100% design completion date from twelve months to ten months; and (iii) a reduction in its original cost proposal from \$1,703,248.24 to \$1,586,341.

URS presented a sufficient technical and cost proposal, however, the committee indicated that its proposed team was not as qualified as PB's and determined that PB's offer to shorten the design lead time was more desirable. URS' BAFO was \$1,569,000, which is only slightly lower than PB's cost. Both proposals are well below the estimate of \$3,169,000, which did not consider the efficiencies of these firms based on their prior experience performing projects at the sites. Based on the above, PB's BAFO is considered fair and reasonable. PB is deemed to be a responsible consultant.

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

The MTA DDCR has established goals of 17% DBE for the referenced contract. This contract will not be awarded without approval of MTA DDCR. PB was in full compliance with the M/WBE goals on its most recently completed contract (PSC-04-2723A, Biennial Bridge Inspection and Design of Miscellaneous Structural Repairs for the Throgs Neck Bridge).

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

Funding in the amount of \$1,586,341 is available through the G Program under G5140109.

### **IV. ALTERNATIVES**

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

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

Item Number: **8** (Final)

<b>Vendor Name (&amp; Location)</b> PB Americas, Inc., New York, New York		<b>Contract Number</b> PSC-06-2805	<b>AWO/Modification #</b>
<b>Description</b> Design Services for Project QM-30, Electrical Switchgear Replacement at the Queens Midtown Tunnel		<b>Original Amount:</b> \$ 2,111,179.00	
<b>Contract Term (including Options, if any)</b> July 30, 2008 - June 30, 2012		<b>Prior Modifications:</b> \$ 62,179.76	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$ 0.00	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$ 2,173,358.76	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$ 1,036,281.19	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 47.7%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>% of Modifications (including This Request) to Original Amount:</b> 52.0%	

### Discussion:

B&T is seeking Board approval in accordance the All Agency Guidelines for Procurement of Services to amend the Contract with PB Americas, Inc. (PBA) for construction support services (CSS) in the amount of \$1,036,281.19. Consistent with the Procurement Guidelines this amendment constitutes a substantial change.

Contract PSC-06-2805 was approved by the Board in June 2008 and awarded to PBA in July 2008. This contract contained the requirements for a complete design and CSS, however, the contract included the cost for design services only. The cost for CSS was targeted for negotiation prior to the award of Contract QM-30, Facility Wide Electrical Upgrade and Ventilation Buildings Switchgear and Motor Control Center Replacement at the Queens Midtown Tunnel. The procurement process for this construction contract has commenced. The CSS to be provided by PBA includes review and analysis of Contractor submittals for shop drawings, requests for information, calculations, equipment factory and field test results and ensuring computer and control system functionality. PBA submitted a cost proposal for CSS in the amount of \$1,049,247. The Engineer's estimate is \$1,082,140. Based on discussions with PBA, B&T accepted its proposal in the amount of \$1,049,247. In addition, the Engineer deemed it prudent to add a \$50,000 allowance for unanticipated designs during construction (the \$50,000 was included in the estimate). The revised amount of \$1,099,247 is 1.6% above the estimate and is fair and reasonable. Remaining design funds totaling \$62,965.81 will be reallocated to CSS to reduce the additional funding required for this amendment to \$1,036,281.19. This amendment also includes a five year, nine month extension through March 2018 so that CSS will be performed concurrently through the completion of construction. Funding for this amendment is available in the 2010 - 2014 Capital program under Project QM-30.

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

Item Number: **9** (Final)

<b>Vendor Name (&amp; Location)</b> Parsons Brinckerhoff/Chas. H. Sells, A Joint Venture, New York, New York
<b>Description</b> Conceptual Design for Project BW-89, Elevated and On-Grade Approach Deck Replacement at the Bronx-Whitestone Bridge
<b>Contract Term (including Options, if any)</b> July 31, 2003 - March 31, 2013
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.

Contract Number	AWO/Modification #
PSC-03-2672	
<b>Original Amount:</b>	\$ 1,522,677.49
<b>Prior Modifications:</b>	\$10,609,619.98
<b>Prior Budgetary Increases:</b>	\$ 0.00
<b>Current Amount:</b>	\$12,132,297.47
<b>This Request:</b>	\$ 249,278.22
<b>% of This Request to Current Amount:</b>	2.1%
<b>% of Modifications (including This Request) to Original Amount:</b>	713.1%

### Discussion:

B&T is seeking Board approval in accordance with the All Agency Guidelines for Procurement of Services to amend the Contract with Parsons Brinckerhoff/Chas. H. Sells, A Joint Venture (PB/Sells) for additional construction support services in the amount of \$249,278.22. Consistent with the Procurement Guidelines, this amendment together with the previous amendment in an amount of \$334,208 constitutes a substantial change.

### Previously Approved:

The Contract was planned and structured as a phased contract so that each design phase of Project BW-89 would proceed after the best course of action had been determined. Initially, the Contract was negotiated and awarded in an amount of \$1,522,677.49 pursuant to Board approval in July 2003 for the feasibility study and conceptual design for Project BW-89, as well as a traffic study for the Bronx-Whitestone Bridge/Throgs Neck Bridge traffic corridor. An amendment for supplemental feasibility study information was issued in December 2004 in the amount of \$147,235.93. Several amendments have since been issued for design and construction support services for Contract BW-89, Replacement of the Bronx Approach and Miscellaneous Repairs to the Queens Approach at the Bronx-Whitestone Bridge (contract value - \$206,725,881.40), including Board approved amendments in 2005, 2006, 2008 and 2009 totaling \$10,462,384.05 which resulted in a revised value of \$12,132,297.47.

### Current Request for Board Approval:

The prospective amendment is required to support additional requests for Contractor submittals that include requests for information, catalog cuts and shop drawings that require review, and changes to the fire standpipe. These additional Contractor submittals are the result of limited site access and varying field conditions, which require greater planning, coordination and review prior to performing the Work in the field. This proposed amendment includes a three month extension of time through June 30, 2013. PB/Sells submitted a proposal \$368,696.60. The Engineer's estimate is \$404,773.67. Negotiations resulted in B&T and PB/Sells agreeing to the negotiated amount of \$339,278.22 which is 16.2% lower than the estimate and is considered fair and reasonable. Remaining design funds totaling \$90,000 will be reallocated to construction support services to reduce the additional funding required for this amendment to \$249,278.22. Funding for this amendment is available from the 2000-2004 Capital Program under Project BW-89.

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

Item Number: **10** (Final)

<b>Vendor Name (&amp; Location)</b> Ammann & Whitney/Gannett Fleming, a Joint Venture, New York, NY		<b>Contract Number</b> PSC-04-2726	<b>AWO/Modification #</b>
<b>Description</b> Design and Design Services During Construction for Projects HH-85 and HH-10, Replacement of Upper Level Deck and Toll Plaza and the Upper Level Curb Stringer and Safety Barrier at the Henry Hudson Bridge			
<b>Contract Term (including Options, if any)</b> June 27, 2005– June 26, 2014			
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Original Amount:</b> \$2,399,999.83	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>Prior Modifications:</b> \$1,175,610.19	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>Prior Budgetary Increases:</b> N/A	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>Current Amount:</b> \$3,575,610.02	
		<b>This Request:</b> \$170,869.44	
		<b>% of This Request to Current Amount:</b> 4.8%	
		<b>% of Modifications (including This Request) to Original Amount:</b> 56%	

### Discussion:

B&T is seeking Board approval under the All Agency Guidelines for the Procurement of Services to modify this Contract with Ammann & Whitney/Gannett Fleming, a Joint Venture (AWGF) for the net amount of \$170,869.44. Consistent with the Procurement Guidelines, this amendment constitutes a substantial change. This proposed amendment is for three separate items as follows:

- 1) AWGF requested additional funding for construction support services for Project HH-10 citing new steel repairs added to the construction contract in response to the most current biennial inspection and bridge conditions that were uncovered during the demolition of the deck. The impact of those differences resulted in: (i) field conditions requiring engineering input that would not typically have been required, (ii) additional requests for information, and (iii) more field drawings and shop drawing reviews. Additionally, AWGF incurred additional costs not contemplated in its original cost proposal and a greater than anticipated number of shop drawings. AWGF submitted a proposal in the amount of \$587,776. The Engineer's estimate was \$538,402. When compared with the estimate, the negotiated amount of \$547,466 is considered fair and reasonable.
- 2) The Contract contains an allowance for unanticipated design services during construction which is awarded via work orders as the need arises. That allowance is nearly depleted with insufficient funding to support the remainder of construction. Therefore, the Engineer determined that the allowance should be increased by \$150,000 to replenish funding for these services.
- 3) The Contract included design for the replacement of the existing toll plaza. However, this design has been on hold at 70% completion pending decisions on the future course of action on toll collection. B&T has been engaged in a pilot program for all electronic tolling at this site. The method of toll collection will directly impact the design for the toll plaza. Therefore, B&T has determined that a new toll plaza design should be performed under a separate contract and deleted from this Contract. The unused funding for the toll plaza design and construction support services is \$526,596.56; the value of this credit is considered fair and reasonable.

Based on the above, the net negotiated amount of \$170,869.44 is considered fair and reasonable. Funding for this amendment is available in the 2005-09 Capital Budget under Project HH-10.

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

Item Number: **11** (Final)

<b>Vendor Name (&amp; Location)</b> NYMP Acquisition LLC, Freeport, NY
<b>Description</b> Maintenance and Repair of Fire/Smoke Alarms
<b>Contract Term (including Options, if any)</b>  December 4, 2007 through July 31, 2012
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Maintenance Division, Patrick J. Parisi

Contract Number	AWO/Modification #
07-MNT-2784	
<b>Original Amount:</b>	\$218,525.00 (B&T) \$200,850(MTAHQ)
<b>Prior Modifications:</b>	\$ 0.00 (B&T) \$65,500.00(MTAHQ)
<b>Prior Budgetary Increases:</b>	\$ 0.00
<b>Current Amount:</b>	\$218,525.00 (B&T) \$266,350.00 (MTAHQ))
<b>This Request:</b>	\$75,000.00 (B&T) \$55,500.00 (MTAHQ)
<b>% of This Request to Current Amount:</b>	34% (B&T) 21% (MTAHQ)
<b>% of Modifications (including This Request) to Original Amount:</b>	34% (B&T) 60% (MTAHQ)

### Discussion:

B&T is seeking approval in accordance with the All-Agency Guidelines for Procurement of Services to modify a miscellaneous service procurement with NYMP Acquisition LLC (NYMP) (formerly New York Merchants Protective Co., Inc.) to perform additional maintenance and repair of fire/smoke alarms located at various B&T and MTA Headquarters (MTA HQ) facilities in the aggregate amount of \$130,500 (B&T - \$75,000 and MTA HQ - \$55,500). Consistent with the Procurement Guidelines, the total amount of these amendments together with the previous amendments constitutes a substantial change.

In March 2012, B&T rejected all bids for a contractor to provide all labor, materials and equipment necessary for the maintenance and repair of fire/smoke alarms located at various B&T, MTA HQ, MTA Police Department (MTA PD) and Metro North Railroad (MNR) facilities. Such bids were rejected since the agencies determined that the specifications and price schedule needed to be revised. B&T and MTA HQ (including the majority of MTA PD facilities) have requested that additional funding be added in an aggregate amount of \$130,500 (B&T - \$75,000 and MTA HQ - \$55,500) for: (i) required preventive maintenance and (ii) installation of equipment upgrades at various facilities. The Contracts will be extended from August 1 through December 31, 2012 during which time the specifications will be revisited and finalized so that a new joint procurement can be solicited and awarded. MNR and MTA PD facilities not covered under the subject contract currently obtain these services under separate contracts. Since the contractor will be compensated in accordance with the rates included in the contracts, the value of this amendment is considered fair and reasonable. Funding for this amendment is available in B&T's Operating Budget chargeable to General Ledger # 711315 and MTA HQ's Operating Budget chargeable to General Ledger #s 711604 and 711558.

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

Item Number: **12** (Final)

<b>Vendor Name (&amp; Location)</b> GenServe Inc., Bayshore, NY
<b>Description</b> Preventive Maintenance and Repair of the Authority's Emergency Generators
<b>Contract Term (including Options, if any)</b> February 1, 2010 through January 31, 2013
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Maintenance Division, Patrick J. Parisi

Contract Number	AWO/Modification #
09-MNT-2847	
Original Amount:	\$ 172,950.00
Prior Modifications:	\$ 65,000.00
Prior Budgetary Increases:	\$ 0.00
Current Amount:	\$ 237,950.00
This Request:	\$ 85,000.00
% of This Request to Current Amount:	35.7%
% of Modifications (including This Request) to Original Amount:	86.7%

### Discussion:

B&T is seeking approval in accordance with the All-Agency Guidelines for Procurement of Services to modify a miscellaneous service contract with GenServe Inc. (GenServe) to perform additional maintenance and repair of our emergency generators located at various facilities in the amount of \$85,000. Consistent with the Procurement Guidelines, this amendment together with the previous amendment constitutes a substantial change.

B&T presently has 22 emergency generators located at various facilities. Over the course of the contract, a greater than anticipated number of emergency calls and repairs were required. Additionally, when B&T-owned generators are being serviced the duration of generator rentals for use at facilities has been longer than anticipated. Maintenance has therefore requested that additional funding be added in an amount of \$85,000 so that the services may continue to be performed. Since the contractor will be compensated in accordance with the rates included in the contract, the value of this amendment is considered fair and reasonable. Funding for this amendment is available in the Operating Budget chargeable to General Ledger #713302.

# Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: **13** (Final)

<b>Vendor Name (&amp; Location)</b> E-J Electric Installation Co., Long Island City, NY		<b>Contract Number</b> RK-65D	<b>AWO/Modification #</b>
<b>Description</b> Existing Utility Relocation at the RFK Bridge and Randall's Island			
<b>Contract Term (including Options, if any)</b> June 1, 2011 – May 31, 2013		<b>Original Amount:</b> \$10,631,387.52	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Modifications:</b> (\$376,002.56)	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Prior Budgetary Increases:</b> N/A	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>Current Amount:</b> \$10,255,384.96	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>This Request:</b> \$1,853,912.52	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>% of This Request to Current Amount:</b> 18.1%	
		<b>% of Modifications (including This Request) to Original Amount:</b> 13.9%	

## Discussion:

B&T is seeking Board approval under the All-Agency Procurement Guidelines to modify this Contract with E-J Electric Installation Co. (E-J) in the amount of \$1,853,912.52. The Engineer has determined that the estimated quantities of nine unit price items need to be increased by \$1,853,912.52 primarily due to more underground obstructions, e.g. previously unidentified utilities, than had been anticipated. In accordance with Article 3.02, Variable Quantities Clause, the Engineer determined all of the bid prices were equitable to both parties except for two which are to be adjusted upward. In order to avoid contract delays and associated impact costs, B&T authorized \$218,200 through June 2012 to enable E-J to commence performance of this work. Based on the above, the quantity increases for nine unit price items totaling \$1,853,912.52 is considered fair and reasonable. Funding for this amendment is available in the 2010-14 Capital Budget under Project RK-65D.

# Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: **14** (Final)

<b>Vendor Name (&amp; Location)</b> Maracap Construction Industries, Inc., College Point, New York		<b>Contract Number</b> TN-87B	<b>AWO/Modification #</b>
<b>Description</b> Anchorage and Tower Protection at the Throgs Neck Bridge		<b>Original Amount:</b> \$12,370,100.00	
<b>Contract Term (including Options, if any)</b> March 29, 2010 - June 18, 2012		<b>Prior Modifications:</b> \$533,376.54	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> N/A	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$12,903,476.54	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$859,900.00	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 6.7%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>% of Modifications (including This Request) to Original Amount:</b> 11.3%	

## Discussion:

B&T is seeking Board approval under the All-Agency Procurement Guidelines to modify this Contract with Maracap Construction Industries, Inc. (Maracap) in the net amount of \$859,900.

Inspections of the tower fender systems' support framing at the Throgs Neck Bridge (TN) have resulted in the need for additional repairs and replacements to ensure the structural integrity of the fenders and walkways. The Work requires Maracap to perform twenty-four steel repairs to the fender support framing systems at the Bronx and Queens towers. Maracap submitted a proposal in the amount of \$1,451,556.72. The Engineer's estimate is \$1,065,375.90. B&T and Maracap agreed to the negotiated amount totaling \$1,285,000. The negotiated amount is fair and reasonable since the estimate overstated anticipated production rates and understated the duration of time required to repair these systems located on the water. The amendment includes an extension of time through December 31, 2012.

Additionally, this amendment includes the deletion of nine unit price steel repair items in their entirety at the Contract prices. This credit totals \$425,100 and is considered fair and reasonable. The net amount of this amendment is \$859,900. Funding is available in the 2005 – 2009 Capital Program under Project TN-87.