



Metropolitan Transportation Authority

# April 2013

## MTA Board Action Items



**MEETING AGENDA**  
**METROPOLITAN TRANSPORTATION AUTHORITY BOARD**  
**April 24, 2013 10:00 a.m.**

347 Madison Avenue  
Fifth Floor Board Room  
New York, NY

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**AGENDA ITEMS**

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Date of next MTA Board meeting: Wednesday, June 5, 2013 at 10:00 a.m.

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

**Wednesday, March 13, 2013  
10:00 a.m.**

**The following members were present:**

**Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Norman Brown  
Hon. Allen P. Cappelli  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. David A. Paterson  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke**

**The following member was absent:**

**Hon. Andrew M. Saul**

Thomas Prendergast, Interim Executive Director, Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, SVP/NYCT DoB, President MTA Bus, and Michael Horodniceanu, President, MTA Capital Construction, 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 was one (1) public speaker, Matthew Shotkin, who commented on the recent fare increase. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of this speaker's statement.

2. **CHAIRMAN'S REMARKS.**

Acting Chairman Ferrer, commenting on the devastating impact that Superstorm Sandy had on the MTA's infrastructure, stated that he is pleased to announce the forthcoming reopening of the old loop station at South Ferry in early April, bringing "1" line service back to the tip of Lower Manhattan. Mr. Ferrer also commented on some hidden effects that the storm had on the MTA system, including the build-out of Bus Time, MTA's online, real-time bus tracking service. Acting Chairman Ferrer stated that Bus Time has proven to be extremely popular among riders on Staten Island and the Bronx, and he noted that the agency continues to move forward with an aggressive timetable to introduce Bus Time in the other three boroughs in the future.

3. **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. Acting Chairman Fernando Ferrer and Board member Charles Moerdler abstained from the vote on action item # 7 below.

1. Authorization to Issue Transportation Revenue Bonds and Triborough Bridge and Tunnel Authority General Revenue Bonds. Approved resolutions and all necessary documentation and all other actions to issue new money bonds to finance up to \$1.5 billion of capital projects set forth in existing approved transit and commuter capital programs, and up to \$200 million to finance capital projects set forth in existing approved bridges and tunnels capital programs.
2. Approval of Amendments to Swap Policy. Approved amendments to the Guidelines for Entering into Payment Agreements to comply with the Dodd-Frank Act.
3. Authorization to Amend existing Interest Rate Payment Agreements to conform to Dodd-Frank Protocol. Approved a resolution, which (a) designates MTA, NYCTA, and B&T as "Protocol Participants" to the International Swap and Derivatives Association, Inc. August 2012 Dodd Frank Protocol as published by ISDA on

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August 13, 2012 (the "DF Protocol"); and (b) authorizes NYCTA and B&T to make necessary amendments to existing swap agreements pursuant to the DF Protocol.

4. Authority to Use Sandy Liquidity Facilities for Approved Capital Projects. Approved the use of proceeds of new money Bond Anticipation Notes, authorized in December 2012 for the purposes of restoration of infrastructure damaged by Hurricane Sandy, for interim funding of ongoing costs for any existing approved capital projects of MTA or TBTA.
5. Mortgage Recording Tax ("MRT") – Escalation Payments to Dutchess, Orange and Rockland Counties. Approved escalator payments to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.
6. 2012 Annual Procurement Report. Authorized the filing with the State of New York of the annual MTA All-Agency Procurement report for the period of January 1, 2012 – December 31, 2012, as required under Section 2879 of the Public Authorities Law.
7. Law Firm Panel Addition – Sandy Insurance Claims. Approved the addition of Covington & Burling, LLP and Anderson Kill & Olick, PC to the MTA outside counsel panel, in connection with MTA's advancement of Tropical Storm Sandy insurance claims.
8. 2012 TBTA Operating Surplus. Approved resolutions which will: (i) certify and transfer \$497,642,783 of operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law ("PAL"); (ii) transfer \$135,889 representing 2012 investment income to the MTA pursuant to Section 569-c of the PAL; (iii) deduct from the operating revenues of the TBTA for its fiscal year ending December 31, 2013 the amount of \$25,415,000, which amount shall be paid into the Necessary Reconstruction Reserve established by the Authority by resolution adopted March 29, 1968; (iv) deduct from the operating revenues of the TBTA for its fiscal year ending December 31, 2013 and set aside into a special account, an amount determined from time-to-time by such Authority to help fund post-retirement liabilities other than pension benefits of its employees; and (v) advance the 2013 TBTA Surplus in accordance with the resolution.

**B. Information Item.**

1. MTA Prompt Payment Annual Report 2012. The Board received the MTA Prompt Payment Annual Report that is required to be submitted to the State Comptroller, State Director of the Budget, the Chairman of the Senate Finance Committee, and the Chairman of the Assembly Ways and Means Committee.

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C. **Procurement Items.** Upon motion duly made and seconded, the Board approved the following procurement items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

1. **MIS Science Corporation – All-Agency Customer E-Mail/Text Message Alter System – No. 12011-0100.** Approved a competitively negotiated contract to provide all-agency e-mail and text-message notification system which will send unlimited text messages or e-mails to customers' designated e-mail accounts, cell phones, smartphones, Blackberrys and other similar communications devices.
2. **Sarah Sze Studio, Inc. – AFT Project.** Approved a competitively negotiated contract with contractor to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at 96<sup>th</sup> Street, Second Avenue Line.
3. **PC Helps, LLC – Help Desk Support Services – No. 12207-0100.** Approved a competitively negotiated contract with PC Helps, LLC to provide 24-hour/seven days per week help desk coverage to continue to supplement MTA's technical help-desk support for employees.
4. **Transwestern Commercial Services LLC – Property Management Services – No. 11231-0100.** Approved a competitively negotiated contract to provide property management services at : (i) 2 Broadway, New York, NY, (ii) 525 North Broadway, North White Plains, NY, (iii) The Jamaica Control Center, 141-41 94<sup>th</sup> Avenue, Jamaica, NY and (iv) 242/250 Old Country Road, Mineola, NY, for a period of thirty-six (36) months.
5. **Various Contractors – All-Agency Employee Development and Training Program – Nos. 12194-0100 thru 1700.** Approved competitively negotiated contracts with ATS Consulting, Balancing Life's Issues, Beverly Hyman, Complete Learning Solutions, Contract Trainers, Curt Schleier, Esta, Inc. French & Associates, Gotham Culture, KiThoughtbridge, Kleiman & Associates, Krieger, PeopleNRG, Phillip Vassallo, Research Foundation City College of New York, Stephanie Twin, and Technology Transfer to provide as-needed professional training development services for MTAHQ and its operating agencies' employees.

D. **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. Board member John Banks recused himself from the vote on NYCTA Item #7 below.

### **Long Island Rail Road**

1. Lease with EMD Transport Inc., d/b/a Islandwide Transportation, for a taxi dispatch office located in the Riverhead Station Building, Town of Riverhead, Suffolk County, N.Y.

### **Metro-North Railroad**

2. Lease with Grand Central Soups LLC, d/b/a Hale and Hearty, for the retail sale of tenant-prepared soups, salads, sandwiches, a limited selection of dessert items and non-alcoholic beverages located at Retail Space LC-49A and Storage Space LCS-01F at Grand Central Terminal, N.Y.
3. Lease with Rent-A-Chef Inc., d/b/a Babycakes Café ("Babycakes"), for the operation of a café at the Poughkeepsie Station Building, Poughkeepsie, N.Y.
4. Sublease between Metro-North and the City of New York for installation, maintenance and repair of piping and drainage improvements located at the Railroad Terrace at West 254<sup>th</sup> Street, and a portion of Metro-North's Riverdale Station parking lot, Hudson Line, Bronx, N.Y.

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

5. Lease amendment between NYCTA and 3120 Bainbridge LLC relating to swing space for bus operators' and dispatchers' rest space at 3120 Bainbridge Avenue, Bronx, N.Y.
6. Resolution authorizing, in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the Authority to proceed with the acquisition by negotiated agreement or eminent domain of fee interests in the properties located at 104-01 165<sup>th</sup> Street, 103-16, 103-30, 103-34, 104-02, 104-10, 104-12 and 104-22 Merrick Boulevard (Block 10164, Lots 41, 53, 60, 61, 63, 66, 68, & 72), on behalf of NYCTA Department of Buses and MTA Bus, Jamaica, Queens, N.Y.
7. Lease with Gaelic Park Restaurant and Catering, LLC for the construction and operation of a bar and banquet hall facility at 201 West 240<sup>th</sup> Street (Block 5776, lot 401), Bronx, N.Y.
8. License agreement with Control Group, Inc. to acquire at least 47 interactive On The Go Travel Station kiosks that will be installed in specified locations in various subway stations. Licensee will design and manage the customer interface and certain of the applications and will sell and display advertising.
9. License agreement with the College of Staten Island of the City University of New York for S93 bus route expansion at 2800 Victory Boulevard, Staten Island, N.Y.

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**Mahattan and Bronx Surface Transit Operating Authority**

10. Lease amendment between MaBSTOA and Royal Charter Properties, Inc. for use as swing space for bus operations and dispatchers located at 53 Audubon Avenue, New York, N.Y.

**Metropolitan Transportation Authority**

11. All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by Public Authorities Law Sections 2895-2897.

**4. BOARD MEMBER SUSAN METZGER ACKNOWLEDGMENT.**

Acting Chairman Ferrer asked the Board members to join him in acknowledging Board member Susan Metzger for her leadership and hard work on the MTA Small Business Mentoring Program and within the Minority/Women Business Enterprise ("M/WBE") community.

Rev. Jacques Andre DeGraff, Vice President of 100 Black Men, joined by Michael Garner, MTA Chief Diversity Officer and other leaders of the M/WBE community, presented a plaque to Board member Susan Metzger acknowledging and thanking her for her tireless work and leadership in the M/WBE community.

Board member Susan Metzger thanked Rev. DeGraff, Michael Garner, and other M/WBE community leaders for their acknowledgment. Ms. Metzger also thanked the Board members for entrusting her with the Diversity Committee. Ms. Metzger said that the MTA Mentoring Program is necessary to achieve the goals set by MTA to increase minority contractors' participation. Board member Metzger stated that she has asked Acting Chairman Ferrer to take over as Chair of the Diversity Committee and she said that she hopes that MTA will place emphasis on diversity within its workforce, in addition to focusing on the M/WBE diversity.

**5. COMMITTEE ON CORPORATE GOVERNANCE**

- 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. Mission Statement and Performance Indicator Report. Approved the MTA's Mission Statement and performance measurements and authorized the submission of the 2012 Mission Statement and Performance Measurement Report to the State Authorities Budget Office.
  2. Travel and Business Expense Policy. Approved the revisions to the All-Agency Travel and Business Expense Policy, as set forth in Attachment A to the staff summary.

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3. All-Agency Procurement Guidelines. Approved revisions to the All-Agency Procurement Guidelines and the All-Agency Guidelines for Procurement of Services, together, the "Procurement Guidelines"), pursuant to Public Authorities Law Section 2879.
6. **ADJOURNMENT**. Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:25 A.M.

Respectively submitted,

Victoria Clement  
Assistant Secretary

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

Wednesday, March 13, 2013  
**10:00** a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. **Ballan**  
Hon. John H. Banks, **III**  
Hon. Robert C. Bickford  
Hon. Norman Brown  
Hon. Allen P. Cappelli  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. David A. Paterson  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Andrew M. Saul

Thomas Prendergast, Interim Executive Director, **Nuria** Fernandez, Chief Operating Officer, Catherine **Rinaldi**, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. **Morello**, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Robert **Bergen**, Executive Vice President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Rail Road, James Ferrara, President, TBTA, **Darryl** Irick, **SYP/NYCT DoB**, President MTA Bus, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

1. **ACTING CHAIRMAN FERRER CALLED THE MEETING TO ORDER**

2. **PUBLIC COMMENT PERIOD**

One public speaker addressed NYC Transit/MTA Bus issues.

Matthew Shotkin spoke against the fare increase.

3. **ACTING CHAIRMAN FERRER'S COMMENTS**

Details of Acting Chairman Ferrer'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 January 30, 2013.

5. **COMMITTEE ON FINANCE**

**Real Estate Item(s):**

MTA New York City Transit: Upon motion duly made and seconded, the Board voted to approve: (i) a lease amendment between New York City Transit and 3120 Bainbridge, LLC relating to a Department of Buses swing room at 3120 Bainbridge Avenue, Bronx NY; (ii) authorization to proceed with acquisition by negotiated purchase or condemnation of the fee interests in 104-01 165<sup>th</sup> Street, 103-16, 103-30, 103-34, 104-02, 104-10, 104-12 and 104-22 Merrick Boulevard, Jamaica, Queens (Block 10164, Lots 41, 53, 60, 61, 63, 66, 68 & 72) on behalf of NYCT Department of Buses and MTA Bus; (iii) a lease with Gaelic Park Restaurant and Catering, LLC for the construction and operation of a bar and banquet hall facility at 201 West 240<sup>th</sup> Street, Bronx, NY; (iv) an "On the Go" kiosk pilot agreement with Control Group, Inc.; and (v) a license agreement between New York City Transit and College of S.I. (CUNY) for the operation of a bus route.

Board member John Banks recused himself from the vote on real estate item "(iii)" above (p. 107), concerning Gaelic Park Restaurant and Catering, LLC

Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA"): Upon motion duly made and seconded, the Board voted to approve a lease agreement between MaBSTOA and Royal Charter Properties, Inc. relating to a Department of Buses swing room at 53 Audubon Avenue, New York, NY.

Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of the NYC Transit/SIR/MTA Bus Company.

**6. COMMITTEE ON TRANSIT & BUS OPERATIONS**  
**NYC Transit & MTA Bus Company**

**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) and a majority vote (Schedules G, H and J 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 non-competitive procurements requiring a two-thirds vote (Schedule B in the Agenda) and 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 two-thirds vote (Schedule D in the Agenda) and 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. COMMITTEE ON CORPORATE GOVERNANCE**

**Action Item(s):**

Approval of Mission Statement and Measurement Report: Upon motion duly made and seconded, the Board: (i) approved the MTA's mission statement and performance measurements, which includes a **summary** that evaluates NYC Transit's performance on the applicable indicators in the past year; and (ii) authorized submission of the annexed 2012 Mission Statement and Performance Measurement Report to the State Authorities Budget Office.

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.

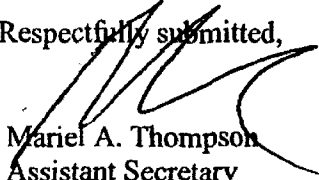
Approval of All Agency Procurement Guidelines: Upon motion duly made and seconded, the Board approved revisions to the All Agency Procurement Guidelines and the All Agency Guidelines for Procurement of Services, pursuant to Public Authorities Law Section 2879.

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.

8. ADJOURNMENT

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:25 A.M.

Respectfully submitted,



Mariel A. Thompson  
Assistant Secretary



Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
Wednesday, March 13, 2013  
10:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Norman Brown  
Hon. Allen P. Cappelli  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. David A. Paterson  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Andrew M. Saul

Thomas Prendergast, Interim Executive Director, Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Robert Bergen, Executive Vice President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, SVP/NYCT DoB, President MTA Bus, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

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

1. Public Speakers: There was one public speaker who did not discuss items specific to Metro-North. The subject matter of the public speaker's comments is contained in the

video recording of the meeting, produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date.

2. Acting Chairman Ferrer discussed the impact of Hurricane Sandy on the MTA's infrastructure, stating that much of the impact is hidden from public view. He noted that components damaged in the storm, such as, signals, switches and relays may be currently operational but have a reduced useful life due to the damage sustained. The details of Acting Chairman Ferrer's opening remarks are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records, and in the MTA and other agencies' minutes of the meeting held this day.

3. Approval of Minutes

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of January 30, 2013 were unanimously approved.

4. Committee on Finance:

Action Items:

The Board voted on action items. Among the items approved were the following items that relate to Metro-North. Acting Chairman Ferrer and Board member Moerdler abstained from the vote to add two law firms to the list of MTA approved outside counsel in connection with MTA's advancement of Hurricane Sandy insurance claims.

- Approval to authorize MRT-2 escalator payments to Dutchess, Orange and Rockland Counties.
- Authorization to file the MTA All-Agency 2012 Annual Procurement Report with the State of New York.
- Approval to add two law firms to the list of MTA approved outside counsel in connection with MTA's advancement of Hurricane Sandy insurance claims.

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.

Procurements:

The Board voted on MTA Headquarters procurements. Among the items approved were the following competitive procurements that relate to Metro-North.

- An all-agency, competitively negotiated, miscellaneous procurement contract with MIS Corporation to provide an all-agency e-mail and text message notification system to send unlimited text messages and e-mails to customers' designated e-mail accounts, cell phones, smartphones, Blackberrys and other similar communication devices.

- An all-agency, competitively negotiated, personal services contract with Transwestern Commercial Services, LLC to provide property management services to four locations, including 525 North Broadway, North White Plains, New York.
- Approval of 18 competitively negotiated, all-agency personal service contracts to provide as-needed professional training development services to employees.

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 Action Items:

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

- Lease with Grand Central Soups, LLC d/b/a Hale and Hearty for the retail sale of tenant-prepared soups, salads and sandwiches, a limited selection of dessert items and non-alcoholic beverages at Grand Central Terminal.
- Lease with Rent-A-Chef, Inc. d/b/a/ Babycakes Café for the operation of a café in the Poughkeepsie Station building, Poughkeepsie, New York.
- Sublease between Metro-North and the City of New York for installation, maintenance and repair of piping and drainage improvements in Riverdale, New York.
- All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by Public Authorities Law Sections 2895-2897.

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.

#### 5. Board Member Susan Metzger Acknowledgment

Acting Chairman Ferrer asked the Board members to join him in acknowledging Board member Susan Metzger for her leadership and hard work on the MTA Small Business Mentoring Program and within the Minority/Women Business Enterprise ("M/WBE") community.

Reverend Jacques Andre DeGraff, Vice President of 100 Black Men, joined by Michael Garner, MTA Chief Diversity Officer and other leaders of the M/WBE community, presented a plaque to Board member Susan Metzger acknowledging and thanking her for her tireless work and leadership in the M/WBE community.

Board member Susan Metzger thanked Reverend DeGraff, Michael Garner, and other M/WBE community leaders for their acknowledgment. She also thanked the Board members for entrusting her with the Diversity Committee. She said that the MTA

Mentoring Program is necessary to achieve the goals set by MTA to increase minority contractors' participation. Board member Metzger added that she has asked Acting Chairman Ferrer to take over as Chair of the Diversity Committee and that she hopes the MTA will place emphasis on diversity within its workforce, in addition to focusing on the M/WBE diversity.

6. Committee on Metro-North Railroad Operations:

Procurements:

Upon motion duly made and seconded, the Board unanimously approved the following ratifications recommended to it by the Committee on Metro-North Railroad Operations. The ratifications were executed as emergency actions to restore Metro-North service following Hurricane Sandy in 2012.

- Emergency procurement of battery charging systems and battery banks for Tarrytown and Grand Central Terminal.
- Replacement of damaged radio base stations that were flooded due to Hurricane Sandy.
- Replacement of impedance bond boxes used throughout Metro-North territory; the boxes are critical to reliable train operations with the signal and traction return systems.
- Replacement of flood damaged box office trailer used by the Communications & Signals Department in Tarrytown.

Details of the above items are set forth in the materials filed with the records of this meeting.

7. Committee on Long Island Rail Road Operations

The Board voted on Long Island Rail Road procurements. Among the items approved were the following procurements that relate to Metro-North:

- A non-competitive purchase and public works contract with Monogram Systems, Inc. for various original equipment manufacturer ("OEM") toilet replacement parts required by the railroad to maintain the toilet system on the M-2, M-3, M-4, M-8 and Coach Car fleets.
- A competitively solicited personal service contract with Bureau Veritas for quality assurance inspections of rail car wheels and axles.

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.

8. Corporate Governance

Action Items:

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

- Approval of the MTA's mission statement & performance measurements and authorization to submit the 2012 Mission Statement and Performance Measurement Report to the State Authorities Budget Office.
- Authorization of proposed revisions to the All-Agency Travel and Business Expense Policy.
- Approval of revisions to the All-Agency Procurement Guidelines and the All-Agency Guidelines for the Procurement of Services (together, the "Procurement Guidelines") pursuant to Public Authorities Law Section 2879.

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.

9. Adjournment:

Upon motion duly made and seconded, the members of the Board present voted to adjourn the meeting at 10:25 a.m.

Respectfully submitted,



Linda Montanino  
Assistant Secretary

Mar 2013 Board Minutes  
Legal/Corporate



Minutes of the Regular Meeting  
Long Island Rail Road Company  
Wednesday, March 13, 2013  
10:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Norman Brown  
Hon. Allen P. Cappelli  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. David A. Paterson  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Andrew M. Saul

Thomas Prendergast, Interim Executive Director, Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Robert Bergen, Executive Vice President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, SVP/NYCT DoB, President MTA Bus, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

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

1. **Public Speakers:**

There was one public speaker who did not discuss items specific to the Long Island Rail Road. The subject matter of the public speaker's comments is contained in the video

recording of the meeting, produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date.

2. **Opening Remarks:**

Acting Chairman Ferrer called the meeting to order. He discussed the impact of Superstorm Sandy, stating that much of the impact is hidden from public view. He noted that components damaged in the storm, such as signals, switches and relays may be currently operational but have a reduced useful life due to the damage sustained. The details of Acting Chairman Ferrer's opening remarks are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records, and in the MTA and other agencies' minutes of the meeting held this day.

3. **Approval of Minutes:**

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of January 30, 2013 were unanimously approved.

4. **Committee on Finance:**

**Action Items:**

The Board voted on action items. Among the items approved were the following items that relate to LIRR. Acting Chairman Ferrer and Board member Moerdler abstained from the vote to add two law firms to the list of MTA approved outside counsel in connection with MTA's advancement of Hurricane Sandy insurance claims.

- Authorization to file the MTA All-Agency 2012 Annual Procurement Report with the State of New York.
- Approval to add two law firms to the list of MTA approved outside counsel in connection with MTA's advancement of Hurricane Sandy insurance claims.

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.

**Procurements:**

The Board voted on MTA Headquarters procurements. Among the items approved were the following competitive procurements that relate to LIRR:

- An all-agency, competitively negotiated, miscellaneous procurement contract with MIS Corporation to provide an all-agency e-mail and text message notification system to send unlimited text messages or e-mails to customers' designated e-mail accounts, cell phones, smartphones, Blackberrys and other similar communication devices.
- An all-agency, competitively negotiated, personal services contract with Transwestern Commercial Services, LLC to provide property management services to four locations, including the Jamaica Control Center and 242/250 Old Country Road, Mineola, NY.

- Approval of 18 competitively negotiated, all-agency personal service contracts to provide as-needed professional training development services to employees.

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 unanimously approved, among other items, the following item recommended to it by the Committee on Finance.

- A ten-year lease agreement with EMD Transport Inc. (d/b/a Islandwide Transportation) for approximately 1,200 square feet of space at the Riverhead Station Building, Town of Riverhead, Suffolk County, New York.

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

5. **Board Member Susan Metzger Acknowledgment:**

Acting Chairman Ferrer asked the Board members to join him in acknowledging Board member Susan Metzger for her leadership and hard work on the MTA Small Business Mentoring Program and within the Minority/Women Business Enterprise ("M/WBE") community.

Reverend Jacques Andre DeGraff, Vice President of 100 Black Men, joined by Michael Garner, MTA Chief Diversity Officer and other leaders of the M/WBE community, presented a plaque to Board member Susan Metzger acknowledging and thanking her for her tireless work and leadership in the M/WBE community.

Board member Susan Metzger thanked Reverend DeGraff, Michael Garner, and other M/WBE community leaders for their acknowledgment. She also thanked the Board members for entrusting her with the Diversity Committee. Ms. Metzger said that the MTA Mentoring Program is necessary to achieve the goals set by MTA to increase minority contractors' participation. Board member Metzger stated that she has asked Acting Chairman Ferrer to take over as Chair of the Diversity Committee and she said that she hopes that MTA will place emphasis on diversity within its workforce, in addition to focusing on the M/WBE diversity.

6. **Committee on Long Island Rail Road:**

**Long Island Rail Road Procurements:**

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

- on behalf of LIRR and Metro-North, approval to award a non-competitive award of a contract for a 36-month period to Monogram Systems, Inc., in the total not-to-exceed

amount of \$250,000 for various OEM toilet replacement parts for LIRR's M-3 fleet and Metro-North's M-2, 3, 4, 8 and Coach Car fleets;

- approvals to use the competitive Request for Proposal ("RFP") process to award a Design/Build construction contract to reconfigure the existing Johnson Avenue Train Yard as part of Jamaica Capacity Improvements – Phase I project; a Design/Build contract for system-wide demolition services and asbestos, lead and biological material abatement services on LIRR property; a Civil Works/Site preparation Design/Build construction contract for Phase I of the New Second Track on the Main Line Ronkonkoma Branch; and a Design/Build construction contract for a new Wyandanch Intermodal Facility/Parking Garage;
- approval to award a ten-year competitive Public Works contract to IntraLogic Solutions Inc. with two five-year options with contingency funding in the total not-to-exceed amount of \$6,711,325 for the design, installation, full service maintenance and augmentation of intrusion detection, CCTV and fire alarm systems within specified LIRR terminals, passenger stations and facilities;
- pursuant to a competitive RFP, approval to award a contract in the amount of \$11,618,000 to Kiewit Infrastructure Co. to provide Design/Build services of Direct Fixation Fastener Replacement on both East and West bound Tracks at the Massapequa Viaduct;
- on behalf of LIRR and Metro-North, approval to award a two-year competitive Personal Services contract for quality assurance inspections of rail car wheels and axles to Bureau Veritas North America for an aggregate not-to-exceed amount of \$240,000;
- approval to issue a change order in the not-to-exceed amount of \$957,000 to Standard Parking Corp. under Contract #C4BP02775 for: (i) funding to cover Standard's costs associated with repairing and upgrading two garage elevators and shafts and other necessary work directed by LIRR; and (ii) funding for a six-month contract extension with a three-month extension option to support the continued management, operation and maintenance of the Mineola Intermodal Center Parking Garage ("MIC") through September 2013 to allow for the completion of a competitive RFP for replacement of the current expiring Operation and Maintenance contract;
- approval to issue a change order to Central Parking System of New York under contract #C4BP03113. This request is for a six-month contract extension with a three-month extension option to support the continued management, operation and maintenance of the Ronkonkoma Parking Garage through September 2013. The change order will be issued at no additional cost to the LIRR; and
- ratification of a four-month LIRR ride of the NYCT Contract 06K9558 with JES Plumbing & Heating Corporation, for On-Call Plumbing Maintenance & Repair Services performed at the Atlantic Avenue Tunnels between May 29, 2012 and September 17, 2012, in the fixed price amount of \$244,556.

Staff summaries and reports setting forth the details of the above items are filed with the records of this meeting. Board member Jonathan Ballan recused himself from the LIRR

Competitive Procurement involving awards to Standard Parking Corporation and Central Parking System Contract (on page 162 of the Board book).

**MTA Capital Construction Procurements:**

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

1. Board authorization to use the Request for Proposal ("RFP") method for Contract CM006 in an amount to be determined.
2. A new procurement item to award a competitively solicited negotiated miscellaneous service contract to Active Risk Management for the implementation, integration and maintenance of a risk management software system in the amount of \$274,070.
3. A modification to Contract No. 98-0040-01R to incorporate design changes and add funding for Construction Phase Services in the amount of \$13,937,714.
4. A modification to Contract No. PS836 to configure and integrate additional Access Control; Devices into the Integrated Electronic Security System in the amount of \$475,000.
5. A modification to Contract No. CH054A for a revision to the 12kv duct bank layout in the amount of \$14,641,209.
6. A modification to contract CM014A for the excavation of the elevator pit and the fit-out for the adjacent Terminal Management center and the Station Manager's Office. This is a scope and budget transfer in the amount of \$350,000
7. Modification to Contract No. CQ032 for rock excavation and installation of a mud slab and the removal of temporary works installed under CQ031. This is a scope and budget transfer in the amount of \$6,539,195.
8. Modification to Contract No. CM019 for multiple scope transfers from CM012 in the amount of \$6,544,000.
9. Modification to Contract No. CM019 to repair the over-break at the Eastbound Tunnel No. 4 at 55<sup>th</sup> Street due to poor ground conditions in the amount of \$385,000.
10. Modification to Contract CQ031 for the support and excavation for the Tunnel A Approach Structure in the amount of \$22,807,922.
11. Ratification to Contract No. CM013 for the installation of a final arch lining and invert slab in the Approach Tunnel in the amount of \$300,000.
12. & 13. Ratifications to Contract No. CQ031 for additional payment to the Contractor for standby time as a result of TBM delays in the amount of \$1,075,000.
14. Ratification to Contract No. CQ039 to compensate the Contractor for revisions to the specified waterproofing system in the amount of \$285,120.
15. Ratification to Contract No. CM004 for revisions to the blasting plan for the excavation of shaft #1 in the amount of \$374,368

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

7. **Committee on MTA Bridges & Tunnels Operations:**

Among the procurements approved for B&T was a three-year noncompetitive award to New York State Industries for the Disabled, a statutory preferred source vendor, to provide on-site document destruction services, in an amount of \$23,980 for LIRR.



8. **Corporate Governance:**

**Action Items:**

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

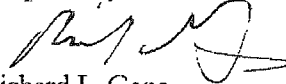
- Approval of the MTA's mission statement & performance measurements and authorized submission of the 2012 Mission Statement and Performance Measurement Report to the State Authorities Budget Office.
- Authorization of proposed revisions to the All-Agency Travel and Business Expense Policy.
- Approval of revisions to the All-Agency Procurement Guidelines and the All-Agency Guidelines for the Procurement of Services (together, the "Procurement Guidelines") pursuant to Public Authorities Law Section 2879.

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.

9. **Adjournment:**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:25 a.m.

Respectfully submitted,



Richard L. Gans  
Secretary

**Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
March 13, 2013**

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

10:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman, MTA  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Norman Brown  
Hon. Allen P. Cappelli  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. LeBow  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. David A. Paterson  
Hon. Andrew M. Saul  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke

Not Present:

Hon. Andrew M. Saul

Thomas Prendergast, Interim Executive Director and President, New York City Transit; Nuria Fernandez, Chief Operating Officer; Catherine Rinaldi, Chief of Staff; James B. Henly, MTA General Counsel; Stephen J. Morello, Counselor to the Chairman; Board Member Andrew Albert; Board Member James Blair; Board Member Vincent Tessitore, Jr.; Robert Bergen, Executive Vice President, New York City Transit; Helena E. Williams, President, Long Island Rail Road; Howard Permut, President, Metro-North Railroad; James Ferrara, President, Triborough Bridge and Tunnel Authority; Darryl Irick, President/Senior Vice President, MTA Bus Company/New York City Transit, Department of Buses; and Michael Horodniceanu, President, MTA Capital Construction, 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.

Acting Chairman Ferrer called the meeting to order.

**1. Public Speakers**

There was one public speaker who did not specifically comment on issues regarding the Triborough Bridge and Tunnel Authority. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and the MTA's and other agencies' minutes of the meeting of this date, for the content of the speaker's statements.

**2. Acting Chairman Ferrer's Opening Comments**

Due to the devastating and historic impact of Tropical Storm Sandy on the MTA's infrastructure, Acting Chairman Ferrer expressed that the MTA is working hard to fully restore the system. He stated that the lack of subway service to South Ferry, which has been one of the prominent continuing impacts of the storm, would be resolved by early next month. While the storm has also affected the build-out of Bus Time, the MTA's popular on-line, real-time bus tracking service, he expects that it will be completely rolled out through the entire system during the First Quarter of 2014.

The details of Acting Chairman Ferrer's comments are contained in the video recording of this meeting, produced by the MTA and maintained in MTA records, and the MTA's and other agencies' minutes of the meeting of this date.

**3. Approval of the Minutes of the Regular Meeting January 30, 2013**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on January 30, 2013 were unanimously approved.

**4. Committee on Finance**

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

- **Authorization to Issue Transportation Revenue Bonds and TBTA General Revenue Bonds** – and approval of necessary documentation to issue new money bonds to finance:
  - a. Up to \$1.5 billion of capital projects set forth in existing approved transit and commuter capital programs; and
  - b. Up to \$200 million to finance capital projects set forth in existing approved bridges and tunnels capital programs.

This action item included two Supplemental Resolutions: the first authorizes Multiple series 2013 TRB Bonds and the second authorizes multiple series 2013 TBTA General Revenue Bonds.

- Approval of Amendments to Swap Policy - to obtain MTA and TBTA Board adoption of amendments to the Guidelines for Entering into Payment Agreements so the MTA and TBTA will be in compliance with the Dodd-Frank Act and enable MTA to effectively manage its derivative portfolio.
- Authorization to Implement Dodd-Frank Protocol – to obtain Board approval of a resolution which designates MTA, MTA New York City Transit, and MTA Bridges and Tunnels as Protocol Participants to the International Swap and Derivatives Association, Inc., August 2012 Dodd Frank Protocol and authorizes these agencies to make necessary amendments to existing swap agreements pursuant to the Dodd-Frank Protocol.
- Authority to Use Sandy Liquidity Facilities for Approved Capital Projects – to obtain MTA and TBTA Board authorization to use the proceeds of new money Bond Anticipation Notes (BANs) which were authorized in December 2012 for the purposes of restoration of infrastructure damaged by Tropical Storm Sandy, to also be applied for interim funding of ongoing costs for any existing approved capital project of MTA or TBTA.

A copy of the staff summaries, resolutions and documents setting forth the details of the above items are filed with the minutes of the Metropolitan Transportation Authority and the Triborough Bridge and Tunnel Authority held this day.

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

- **2012 TBTA Operating Surplus** - to approve resolutions which will:
  - a. Certify and transfer \$497,642,783 operating surplus to the MTA and MTA New York City Transit pursuant to the requirements of the Public Authorities Law;
  - b. Transfer \$135,889 to the MTA representing 2012 investment income;
  - c. Deduct \$25,415,000 from TBTA operating revenues for fiscal year ending December 31, 2013 and pay this sum into the Necessary Reconstruction Reserve established by resolution on March 29, 1968;
  - d. Deduct additional money from TBTA operating revenues for fiscal year ending December 31, 2013, in an amount to be determined from time to time by that Authority, and deposit this sum into a special account to help fund post-retirement liabilities other than pension benefits of TBTA employees; and
  - e. Advance the 2013 TBTA Surplus.

- **Mortgage Recording Tax – Escalation Payments to Dutchess, Orange and Rockland Counties** - to obtain Board approval to authorize MRT-2 escalator payments to Dutchess, Orange and Rockland counties.
- **Authorization to File All-Agency Annual Procurement Report with the State of New York** - to authorize the filing with the State of New York of the annual MTA All-Agency Procurement report for the period January 1, 2012 – December 31, 2012 as required by Public Authorities Law section 2879.
- **Addition to Law Firm Panel – Sandy Insurance Claims** – to obtain Board approval to add two law firms, Covington & Burling LLP and Anderson Kill & Olick, PC to the list of MTA approved outside counsel. Acting Chairman Ferrer and Board Member Moerdler abstained from the vote on this action item.

A copy of the staff summaries and documents setting forth the details of the above items are filed with the minutes of the Metropolitan Transportation Authority held this day.

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

**Procurements**

Commissioner Cappelli stated that there were fourteen action items this month totaling \$12.6 million.

**Non-Competitive Procurements**

Commissioner Cappelli stated that there was one non-competitive procurement this month totaling \$48,249.

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 Service Contracts**

New York State Industries for the Disabled	Contract No. 12-STS-2905 B&T and LIRR require the services of the New York State Industries for the Disabled (NYSID) to provide on-site document destruction services in a secure, mobile shredding vehicle. Under New York State Finance Law §162, B&T is required to purchase designated services from preferred sources such as NYSID. The award, made pursuant to this Section of the Finance Law, is exempt from statutory competitive procurement requirements. American Security Shredding Corporation, an associate	\$24,269.00 – B&T \$23,980.00 - LIRR \$48,249.00 Total
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member of NYSID, will provide these services.

### **Competitive Procurements**

Commissioner Cappelli stated that there were five competitive procurements this month totaling \$11.8 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:

### **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. Jacobs Civil Consultants, Inc. Gannett Fleming Engineers and Architects, P.C.	Contract No. PSC-06-2807 A – E Increase funding in the aggregate amount of \$8,500,000 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.	\$8,500,000.00 (aggregate not-to- exceed amount for the 5 contracts)
Henningson, Durham & Richardson Architecture and Engineering, P.C.	Contract No. PSC-10-2885 Additional design and engineering services for Project MP-03, Electrical and Mechanical Rehabilitation at the Marine Parkway-Gil Hodges Memorial Bridge.	\$787,281.77
HNTB New York Engineering and Architecture, PC	Contract No. PSC-10-2875 Additional design services for Project MP- 06, Substructure and Underwater Work at the Marine Parkway – Gil Hodges Memorial Bridge.	\$287,047.00

### **Modifications to Purchase & Public Works Contracts**

Ahern Painting Contractors, Inc.	Contract No. TN-82B Additional work to furnish and install 3" conduit under the Bronx Approach at the Throgs Neck Bridge.	\$1,250,000.00
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El Sol Contracting and Construction Corp./El Sol Limited Enterprises, Inc. (a Joint Venture)	Contract No. TN-85C Additional work to furnish and install 3" conduit under the suspended span at the Throgs Neck Bridge.	\$952,000.00
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**Ratifications**

Commissioner Cappelli stated that there were eight ratifications this month totaling \$0.083 million.

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

**Ratification of Completed Procurement Actions**

Auster Rubber Co., Inc.	Contract No. 3000001170 Six inch Polyvinyl chloride piping components and parts for use at the Queens Midtown Tunnel.	\$83,479.23
Schwing Electric Supply Corp.	Contract No. 3000001164 Ballasts for lighting the east and west tubes of the Hugh L. Carey Tunnel.	\$62,740.00
Western Oilfields Supply d/b/a Rain for Rent	Contract Nos. 3000001191 and 3000001192 Pumping and cleaning of the Queens Midtown Tunnel and rental of emergency generators at the Queens Midtown and Hugh L. Carey Tunnels.	\$187,193.65
Servpro of Northeast Queens	Contract Nos. 3000001137 and 3000001181 Dewater the trailers and toll plaza at the Cross Bay Veterans Memorial Bridge and pump out water, clean and disinfect the Queens Midtown Tunnel Ventilation Building gun range.	\$51,884.10
JG Electrical Testing Corporation	Contract No. 10-MNT-2878Y Amendment for installation of electrical breakers and wiring to repair and restore equipment at the Bronx- Whitestone and Cross Bay Veterans Memorial, Marine Parkway-Gil	\$370,000.00

Hodges Memorial, Verrazano-Narrows and Robert F. Kennedy Bridges and at the Hugh L. Carey and Queens Midtown Tunnels.

GenServe, Inc.

Contract No. 09-MNT-2847  
Amendment for generator repairs performed at the Hugh L. Carey Tunnel (HCT) and Cross Bay Veterans Memorial Bridge and the acquisition of a generator at the HCT.

\$70,000.00

**6. Committee on Corporate Governance**

Acting Chairman Ferrer stated that there were three action items as follows:

to review the MTA's mission statement and performance measurements and to authorize the submission of the 2012 Mission Statement and Performance Measurement Report to the State Authorities Budget Office in accordance with Public Authorities Law §§ 1269-f and 2824-a;

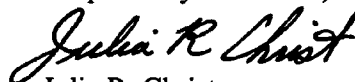
- to approve and adopt the revised All Agency Travel and Business Expense policy; and
- to approve and adopt the revised All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.

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

**7. Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:25 a.m.

Respectfully submitted,



Julia R. Christ  
Acting Assistant Secretary



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

**Wednesday, March 13, 2013  
10:00 a.m.**

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Norman Brown  
Hon. Allen P. Cappelli  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. Lebow  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. David A. Paterson  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Andrew M. Saul

Thomas Prendergast, Interim Executive Director, Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Robert Bergen, Executive Vice President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, SVP/NYCT DoB, President MTA Bus, and Michael Horodniceanu, President, MTA Capital Construction, 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.

Acting Chairman Ferrer called the meeting to order.

### **Public Comment Period**

There was one public speaker and the subject matter of his comments was not related to MTA Capital Construction. The subject matter of his comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on March 13, 2013.

### **Acting Chairman Ferrer's Opening Remarks**

Acting Chairman Ferrer's remarks are recorded and filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on March 13, 2013.

### **Approval of Minutes**

Upon motion duly made and seconded, the MTA Board approved the minutes of the regular Board meeting held on January 30, 2012.

### **Procurements**

Upon motion duly made and seconded, the Board adopted a resolution declaring that competitive bidding is impractical or inappropriate and it is in the public interest to issue a competitive Request for Proposal ("RFP") for Contract CM006, Construction of North Structures for the East Side Access Project.

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

1. Award of a competitively solicited and negotiated miscellaneous service contract for the implementation, integration and maintenance of a risk management software system.
2. A modification to the East Side Access Project's General Engineering Consultant contract to incorporate design changes and add funding for Construction Phase Services.
3. A modification to the Security Program's IESS Cisco Upgrade contract to configure and integrate additional Access Control Devices into the Integrated Electronic Security System.
4. A modification to the East Side Access Project's Harold Structures Part IIA contract for revisions to the 12Kv ductbank layout.
5. A modification to the East Side Access Project's GCT Concourse and Facilities Fit-out contract to add the excavation of an elevator pit and the fit-out of the adjacent Terminal Management Center and the Station Manager's Office areas.
6. A modification to the East Side Access Project's Plaza Substation and Queens Structures contract for rock excavation, the installation of a mud slab, and the removal of temporary works installed under Contract CQ031.
7. A modification to the East Side Access Project's Manhattan Structures Part I contract for scope transfers from Contract CM012.
8. A modification to the East Side Access Project's Manhattan Structures Part I contract to repair the over-break that occurred in the Eastbound Tunnel No. 4 (EB4) at 55th Street due to poor ground conditions.

9. A modification to the East Side Access Project's Queens Bored Tunnels contract for the support of excavation for the Tunnel A Approach Structure.

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

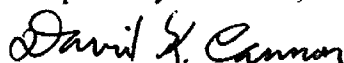
1. A modification to the Second Avenue Subway Project's civil, structural and utility relocation contract for the 96<sup>th</sup> St. Station for additional work associated with waterproofing
2. A modification to the Second Avenue Subway Project's civil, structural and utility relocation contract for the 96<sup>th</sup> St. Station for the repair and replacement of gas main hangers in the Launch Box.
3. A modification to the Second Avenue Subway Project's Station Finishes for the 96<sup>th</sup> St. Station contract for additional work associated with changes to waterproofing construction.
4. A modification to the Second Avenue Subway Project's 63<sup>rd</sup> St. and Lexington Ave. Station contract for the construction of a new duct bank at an electrical distribution room.
5. A modification to the East Side Access Project's 50<sup>th</sup> Street Ventilation Facility contract for the installation of a final arch tunnel lining and invert slab in the Approach Tunnel.
6. A modification to the East Side Access Project's Queens Bored Tunnels contract to compensate the Contractor for standby time as a result of delays to Tunnel Boring Machine operations during tunneling operations for Track A.
7. A modification to the East Side Access Project's Queens Bored Tunnels contract to compensate the Contractor for standby time experienced during the B/C Tunnel boring operations.
8. A modification to the East Side Access Project's Northern Boulevard Crossing contract to incorporate revisions to the specified waterproofing system.
9. A modification to the East Side Access Project's 44<sup>th</sup> Street Vent Plant and 245 Park Avenue Entrance contract for a revision to the blasting plan for the excavation of shaft#1 from elevation 282' to 233'.

A copy of the resolutions, Staff Summaries and details of the above items are filed with the records of the meeting of the Board of the Metropolitan Transportation Authority held on March 13, 2013.

#### **Adjournment**

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 10:25 a.m.


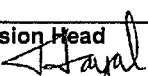
Respectfully submitted,



David K. Cannon  
Assistant Secretary



## Staff Summary

Page 1 of 2

<b>Subject</b> 2012 Annual Investment Report
<b>Department</b> CFO/Treasury
<b>Department Head Name</b> Robert E. Foran
<b>Department Head Signature</b> 
<b>Project Manager/Division Head</b> Vinay T. Dayal 

<b>Date</b> April 8, 2013
<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.	4/22			
2	Board	4/24			

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

### Purpose:

To provide the MTA Board information on the MTA portfolio investment performance for the period 01/01/2012 to 12/31/2012 and obtain Board approval of the MTA 2012 Annual Investment Report and the MTA All Agency Investment Guidelines, pursuant to Public Authorities Law Section 2925.

### Discussion:

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

The separate 2012 MTA Annual Investment Report contains the additional information:

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

### Recommendation(s):

It is recommended that the MTA Board re-approve the Board adopted Investment Guidelines and approve the MTA's submission of the 2012 Annual Investment Report.

# Staff Summary

**Metropolitan Transportation Authority  
Investment Performance by Type of Fund  
For the Period Jan. 1, 2012 to Dec. 31, 2012**

<u>Type of Fund</u>	<u>Net Earnings this Period</u>	<u>Average Daily Portfolio Balance</u>	<u>Net Portfolio Yield, 365-day Basis</u>
All Agency Investments	\$ 1,209,270	\$ 786,402,936	0.15%
MTA Special Assistance Fund	608,337	416,776,383	0.15%
TBTA Investments	170,864	91,196,087	0.19%
MTA Finance Fund	328,782	363,324,380	0.09%
MTA Transportation Resolution Funds	2,500,804	1,024,032,321	0.24%
State Service Contract Debt Service Fund	4,858	13,750,397	0.04%
MTA Dedicated Tax Fund Resolution Funds	292,138	143,848,546	0.20%
2 Broadway Certificates' Funds	30,426	19,950,496	0.15%
TBTA General Purpose Resolution Funds	305,354	291,124,270	0.10%
TBTA Subordinate Resolution Funds	53,646	49,259,880	0.11%
Other Capital Restricted Funds	170,989	115,373,918	0.15%
	<b>\$ 5,675,470</b>	<b>\$ 3,315,039,615</b>	<b>0.17%</b>
Average Yield on 6 month Generic Treasury Bill (1/1/12 – 12/31/12)			0.13%
Average Yield on 12 month Generic Treasury Note (1/1/12 – 12/31/12)			0.16%

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

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

**Staff Summary**

Page 1 of 2

<b>Subject</b> Addition of Outside Counsel to Personal Injury Panel
<b>Department</b> MTA Office of General Counsel
<b>Department Head Name</b> James Henly
<b>Department Head Signature</b> 
<b>Project Manager/Division Head</b> James Henly/Roberta Bender

<b>Date</b> April 22, 2013
<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.	4/22			
2	Board	4/24			

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

**Purpose:**

To obtain Board approval to appoint the law firms listed on Attachment A to MTA's panel of outside counsel available for assignment of Tort/FELA/Worker's Compensation matters ("personal injury matters"). The seventeen listed firms, all of which are either New York State certified Minority/Women Business Enterprises (MWBEs) or qualify as small business concerns under the New York State Finance Law, were selected through a competitive Request for Proposal ("RFP") process conducted pursuant to Section 2879(3)(b)(i) of the Public Authorities Law. As a condition of the retainers to be entered into with each added firm, rates charged for legal services will be no greater than (and in several cases, actually lower than) the existing standard MTA rates applicable to personal injury matters.

**Discussion:**

In personal injury matters commenced against MTA agencies, legal representation is provided by in-house counsel employed within agency legal departments, and, on an as needed basis, by outside law firms listed on MTA's personal injury matter panel. Seeking to expand participation on the personal injury outside counsel panel by qualified MWBE firms and/or other qualified small law firms, MTA issued an RFP at the end of January, 2013 pursuant to the discretionary procurement authority granted by Section 2879(3)(b)(i) of the Public Authorities Law.

To maximize MWBE and small firm participation in the RFP, in addition to advertising the RFP in the New York Law Journal and the New York State Contract Reporter, MTA sent notice of the RFP to all New York State MWBE law firms listed in the State MWBE registry, placed ads in the Minority Commerce Weekly, provided notice of the RFP to a number of minority and women's bar associations, and separately, sent notice of the RFP to law firms identified by Martindale-Hubbell as having 5 to 10 employees and practicing in the personal injury area within the Metropolitan region.

A total of 31 firms submitted responsive proposals, including six MWBE certified firms. The 17 firms recommended for addition to the panel, identified on Appendix A, include four firms certified as NYS certified MWBEs and a fifth firm that is in the process of obtaining certification. Approval of the proposed list will double the number of MWBE firms available to agencies for assignment of personal injury matters, and add a number of small firms (MWBE and otherwise) offering favorable fee arrangements.



The seventeen firms were selected competitively. Proposals received were initially reviewed and individually scored by several MTA in-house counsel who represent MTA agencies in person injury matters. The numerical ratings of the assigned in-house counsel were reviewed by a Selection Panel consisting of the General Counsel of several MTA agencies that regularly handle personal injury matters (NYCT, MTA Bus, MTAHQ, Metro-North, and LIRR). Based on the in-house counsel ratings, the Selection Panel is recommending to the Board the seventeen firms identified on Appendix A, for addition to the All-Agency personal injury outside counsel panel. (The RFP criteria, which were used to evaluate the proposals, were (i) the qualifications and experience of the firm and of the particular attorneys who would be handling the MTA's matters; (ii) the cost of legal services and disbursements, including such factors as rates, discounts, staffing, cost-effectiveness, and proposals for alternative fee arrangements; (iii) the firm's equal employment opportunity profile and commitment to diversity, including its status as an MWBE and/or its history of hiring, training, developing, promoting and retaining minority and women attorneys; and (iv) the overall quality of the response and the firm's demonstration of an understanding of the MTA's mission.)

Upon Board approval of these additions to the personal injury panel and the execution of retainers, the firms listed on Attachment A may be contractually assigned the handling of particular personal injury matters. It is a goal of the MTA to obtain quality legal representation in personal injury matters at the most cost-efficient rates achievable. The retainers to be executed by the approved firms accordingly provide for fares no greater than the existing standard rates paid by the MTA agencies on personal injury matters, and in several instances, will contain even lower customized rates where a firm selected offered a more preferential rate structure. Firms added to the panel pursuant to this RFP shall not receive payments in excess of \$ 200,000 for any contractual assignment, consistent with Section 2879(3)(b)(i) of the Public Authorities Law.

As in the past, it is requested that the Board's approval of the firms listed on the Appendix also entail the approved use of a successor firm, in the event a firm on the list hereafter should merge into another firm, or a partner or principal lawyer in charge of an MTA matter at one of the listed firms moves to a different firm.

**Recommendation:**

It is recommended that the Board approve the appointment of the firms listed on Appendix A to the personal injury outside counsel panel and authorize the MTA's execution of retainers with the attorneys and firms identified on the attached Appendix A.

**ATTACHMENT A**

**LAW FIRMS ADDED TO MTA ALL-AGENCY TORT/FELA/WC PANEL PURSUANT TO RFP #13029**

**Brill & Associates, PC**

**Chesney & Nicholas**

**Law Offices of Curtis, Vassle, PC**

**Fiden & Norris, LLP**

**Fitzpatrick & Hunt**

**Furey, Kerley, Walsh, Matera & Cinquemani, P.C.**

**Gladstein Keane & Partners**

**Law Offices of Marian Polovy\***

**Jon E. Newman, PC**

**O'Brien & Jacobs PLLC**

**Pressley, PLLC\***

**Purtell & Ingrao, PC**

**Roach Bernard, PLLC\***

**Robert Macchia & Associates**

**Shafer Glazer, LLP**

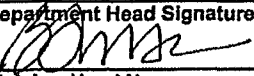
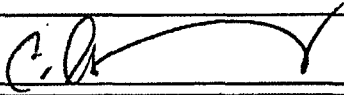
**Shearer & Dwyer LLP**

**Wilson & Chan, LLP\***

**\*=certified MWBE firm**







# 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>
April 15, 2013
<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	4/22/13			
2	Board	4/24/13			

Internal Approvals			
Order	Approval	Order	Approval
1	Procurement 	3	COO 
2	Legal 	4	CFO 

## PURPOSE:

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

## DISCUSSION:

**# of Actions**    **\$ Amount**

MTAHQ proposes to award Non-competitive procurements in the following categories:

None    None

MTAHQ proposes to award Competitive procurements in the following categories:

### Schedules Requiring Majority Vote

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$33,000,000.00
Schedule F: Personal Services Contracts	1	\$10,000,000.00
Schedule J: Modification to Miscellaneous Procurement Contracts	1	\$ 0.00
<b>SUBTOTAL</b>	<b>3</b>	<b>\$43,000,000.00</b>

MTAHQ presents the following procurement actions for Ratification:

None    None

**TOTAL**    **3**    **\$43,000,000.00**

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

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

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, APRIL 2013**  
**COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

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

1. **Multi-Agency, As-Needed General Construction Services** **\$33,000,000\*** **Staff Summary Attached**  
**Contract Nos. 12248-0100 thru 0500** (\*combined for 5 firms – not-to-exceed)  
a. Colin Construction Co., Inc.  
b. Manhattan Business Interiors, Inc.  
c. Scully Construction, LLC  
d. LLF Construction Services, Inc.  
e. Americon Construction, Inc.  
Competitively negotiated – 10 proposals – 36 months  
Contractors to provide: (i) as-needed office renovation/construction services to support the MTA's Office Space Right-Sizing Plan at 2 Broadway, (ii) MTAPD's relocation from the Madison Avenue properties, (iii) the Basement hardening project at 2 Broadway and (iv) archives relocation from 2 Broadway to an undetermined location. In July 2011, the MTA Real Estate Department received Board approval for a competitively negotiated, personal services contract with Cushman Wakefield, Inc., to provide real estate brokerage, advisory, design and project management services for the undertaking of a comprehensive review of the MTA facilities and its office space right sizing plan. As a result of Cushman Wakefield's review and office right sizing plan and recommendations to the Real Estate Department, a competitive RFP process was conducted to acquire as-need general construction services. The selected firms' originally proposed hourly rates ranging from \$25.50 to \$208.09 were negotiated down to a range of \$25.50 to \$161.00 over the three-year period for a savings of 0% to 22.6%. These rates are within the same range of rates under MTA's current five-year, on-call construction contract. Based on the above, the negotiated hourly rates are considered fair and reasonable.

**F. Personal Service Contracts**

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

2. **All-Agency Enterprise Asset Management Consultant Retainer Services** **\$10,000,000\*** **Staff Summary Attached**  
**Contract Nos. 12021-0100 thru 0900** (\*combined for 9 firms – not-to-exceed)  
a. ABSG Consulting Ltd.  
b. Accenture, LLP  
c. Asset Management Consulting LTD (AMCL)  
d. Atkins North America, Inc.  
e. CH2M Hill New York, Inc.  
f. GHD, Inc.  
g. International Business Machines Corporation (IBM)  
h. Parsons Brinckerhoff, Inc.  
i. UMS Group, Inc.  
Competitively negotiated – 14 proposals – 60 months  
Contractors to provide as-needed Enterprise Asset Management (EAM) consulting services. EAM is the management of assets across an entire organization. This spans departments, divisions, and business units

## METROPOLITAN TRANSPORTATION AUTHORITY COMPETITIVE PROCUREMENTS

across all locations and facilities. By managing assets uniformly across the enterprise, organizations can, through common business practices, economies of scale, and data sharing: (i) improve asset utilization and performance, (ii) reduce asset related operating costs, (iii) reduce capital costs, (iv) optimize scheduled work, (v) reduce unscheduled work, (vi) optimize inventory levels, (vii) optimize planning, (viii) extend asset life, and (ix) increase an asset ROI (return on investment). EAM impacts the entire organization by having inter-dependencies with operations, planning, asset performance, personnel productivity and lifecycle costs. MTA has conducted a responsibility review and other due diligence on the proposed awardees and seven of the firms have been deemed to be responsible for award. Significant adverse information was discovered concerning the remaining two firms; IBM and CH2M Hill New York, Inc. An award will not be made until the required approvals are obtained and IBM and CH2M Hill New York, Inc. are viewed to be responsible vendors. The nine (9) selected firms originally proposed hourly rates ranging from \$475 (Project Director) to \$43.28 (for Document Control Clerk). These hourly rates were negotiated down to a range of \$350 to \$43.28 representing a reduction of 26.31 % to 0 %. Annual rate escalations for five (5) of the firms for years 2 through 5 will be subject to 3% escalation or CPI; whichever is lower. The remaining four (4) firms' rates will remain the same throughout the life of the contract. There are no prior contracts for these specific services which cost can be compared. Based on the above, the negotiated hourly rates are considered fair and reasonable.

### J. Modifications to Miscellaneous Procurement Contracts

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

- |   |        |                               |
|---|--------|-------------------------------|
| 3. All-Agency Wireless Services<br>Contract No. 08019-0100, c/o # 1 | \$0.00 | <u>Staff Summary Attached</u> |
| a. Cello Partnership d/b/a Verizon Wireless                         |        |                               |
| b. AT&T Mobility National Accounts LLC                              |        |                               |
| c. Sprint Solutions, Inc. (Sprint/Nextel)                           |        |                               |

Base Amount = \$23,521,931

To recommend that the Board amend the Board-approved, all-agency contract with Cello Partnership d/b/a Verizon Wireless (Verizon), AT&T Mobility National Accounts LLC (AT&T Wireless) and Sprint Solutions, Inc. (Sprint/Nextel) to allow MTA and its agencies to participate in the Western States Contracting Alliance (WSCA), which is a cooperative multi-state contracting consortium to purchase wireless products and services at the lowest group cost. At the time of award of the base agreement with Verizon Wireless, AT&T and Sprint/Nextel, WSCA was not available. Since then, all three entities have created WSCA, which is a cooperative group-contracting consortium for state governments, institutions, and agencies (e.g. some of the states included in the consortium are: Arizona, California, Colorado, Nevada, Minnesota, etc.). Its primary purpose is to establish the means by which participating states may join together in cooperative multi-state contracting in order to purchase wireless phone services and products at the lowest possible price. Under the WSCA agreement MTA will receive a 23% to 25% discount on wireless services which is a 4% to 6% increase in savings as compared to the 19% discount under the current agreements. Based on the above, the additional discount is deemed fair and reasonable.

# Staff Summary

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

Page 1 of 1

Item Number:

<b>Vendor Name (&amp; Location):</b> Multiple-see below
<b>Description:</b> As-Needed General Construction Services
<b>Contract Term (Including Options, if any):</b> May 1, 2013 April 30, 2016
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contract Number:</b> 12248-0000	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$ \$33,000,000	
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> CFO/Real Estate/B. Foran/J. Rosen	
<b>Contract Manager:</b> Scott Mayclim	

### DISCUSSION:

To recommend that the Board approve the award of the following five (5) competitively negotiated, multi-agency (HQ and NYCT), public works contracts to provide: (i) as-needed office renovation/construction services to support the MTA's Office Space Right-Sizing Plan at 2 Broadway, (ii) MTAPD's relocation from the Madison Avenue properties, (iii) the Basement hardening project at 2 Broadway and (iv) archives relocation from 2 Broadway to an undetermined location, for a period of thirty-six (36) months for a not-to-exceed amount of \$33,000,000.

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| 1. Colin Construction Co. Inc.       | 4. LLF Construction Services, Inc. |
| 2. Manhattan Business Interiors Inc. | 5. Americon Construction Inc.      |
| 3. Scully Construction LLC.          |                                    |

In July 2011, the MTA Real Estate Department received Board approval for a competitively negotiated, personal services contract with Cushman Wakefield, Inc., to provide real estate brokerage, advisory, design and project management services for the undertaking of a comprehensive review of the MTA facilities and its office space right sizing plan. The contract included two (2) phases: i) office space portfolio review, analysis and preliminary design services for the proposed re-stacking of 2 Broadway; including the relocation of MTA offices at 341-347 Madison Avenue and ii) full architectural, engineering and/or project management services with respect to renovations at 2 Broadway and/or the fitting-out of newly leased or acquired office space. As a result of Cushman Wakefield's review and office right sizing plan, there is a need for office space renovation and reconfiguration at 2 Broadway, storm mitigation efforts to the basement at 2 Broadway, a possible build-out for the MTA Police in Queens, NY and miscellaneous construction services at MTAHQ until the relocation to 2 Broadway is completed.

To obtain these services, a competitive Request for Proposal (RFP) using the e-procurement process was publicly advertised and letters informing prospective proposers of the availability of the RFP package were sent to fifty (50) firms of which ten (10) were D/M/WBE firms. The Office of Diversity and Civil Rights established 10% MBE and 10% WBE goals under this contract. Ten proposals were received. A Selection Committee consisting of representatives from MTAHQ, and NYCT evaluated the proposals and unanimously determined that seven of the firms were technically qualified and were invited to participate in the live, on-line e-procurement process. As a result of the e-procurement process and subsequent negotiations, the five (5) firms who technically scored the highest with the lowest cost are being retained. The number of firms retained was determined based upon (i) securing a sufficient number of firms to ensure adequate competition for each work assignment and (ii) having a wide range of expertise to ensure the best technical and project support for each work assignment. These services will be performed based on the hourly rates established in the base contract and will be awarded as work assignments after conducting a mini-competitive process among some or all of the firms, at MTA's sole discretion. MTA has conducted a responsibility review and other due diligence on the five firms and has deemed these firms to be responsible for award.

As a result of negotiations, the selected firms' originally proposed hourly rates ranging from \$25.50 to \$208.09 were negotiated down to a range of \$25.50 to \$161.00 over the three-year period for a savings of 0% to 22.6%. These rates are within the same range of rates under MTA's current five-year, on-call construction contract. Based on the above, the negotiated hourly rates are considered fair and reasonable.

# Staff Summary

## Schedule F: Personal Service Contracts



Page 1 of 2

Item Number:					
Dept & Dept Head Name: Executive					
Division & Division Head Name: Nuria Fernandez					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance	4/22/13			
2	Board	4/24/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Procurement <i>CS</i>	3	Diversity and Civil Rights <i>CS</i>		
2	NYC Office of the Comptroller <i>CS</i>	4	Legal <i>CS</i>		
3	COO <i>CS</i>	5	CFO <i>CS</i>		

<b>SUMMARY INFORMATION</b>	
Vendor Name: Various	Contract Number: 12021-0100 thru 0900
Description All-Agency Enterprise Asset Management Services	
Total Amount: \$10,000,000	
Contract Term (Including Options, If any): May 1, 2013 – April 30, 2018	
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

### I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of nine (9) competitively negotiated, all-agency personal services contracts to provide Enterprise Asset Management consulting services on an as-needed basis for a period of sixty- months from May 1, 2013 – April 30, 2018 in the not-to-exceed amount of \$10 million to the following companies:

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. ABSG Consulting, Ltd.</li> <li>2. Accenture, LLP</li> <li>3. Asset Management Consulting, LTD (AMCL)</li> <li>4. Atkins North America, Inc.</li> <li>5. CH2M Hill New York, Inc.</li> </ol> | <ol style="list-style-type: none"> <li>6. GHD, Inc.</li> <li>7. International Business Machines Corporation (IBM)</li> <li>8. Parson Brinckerhoff, Inc.</li> <li>9. UMS Group, Inc.</li> </ol> |
|---|--|

### II. DISCUSSION

The MTA has invested more than \$70 billion since 1982 to rebuild and enhance the infrastructure, facilities, rolling stock, and systems, etc. Today's tight fiscal climate and increased expectations demand that we maximize the MTA's efficiency and effectiveness to make every dollar count. Enterprise Asset Management (EAM) is at the forefront of strategies to organize and prioritize the allocation of resources in complex, asset-intensive and financially constrained organizations. The purpose of undertaking an Enterprise Asset Management approach is to move from a reactive maintenance and replace model to a model that promotes a more effective whole life approach.

Enterprise Asset Management (EAM) is the management of assets across an entire organization. This spans departments, divisions, and business units across all locations and facilities. By managing assets uniformly across the enterprise, organizations can, through common business practices, economies of scale, and data sharing: (i) improve asset utilization and performance, (ii) reduce asset related operating costs, (iii) reduce capital costs, (iv) optimize scheduled work, (v) reduce unscheduled work,

# Staff Summary

Contract No. 12021-0100 thru 0900

Page 2 of 2

(vi) optimize inventory levels, (vii) optimize planning, (viii) extend asset life, and (ix) increase an asset ROI (return on investment). EAM impacts the entire organization by having inter-dependencies with operations, planning, asset performance, personnel productivity and lifecycle costs. The consultants will perform specific work assignments, on an as-needed basis, based on hourly rates established in the base contracts. The base contracts will be issued as zero-dollar-based Work Assignment, retainer-type agreements. MTA plans to award individual work assignments/Task Orders, pursuant to a competitive process among some or all firms, or to any one firm as determined by MTA project management. The following describes the types of tasks MTA and the consultants will undertake:

- Asset Management Business Architecture, Strategy, and Planning
- Life-Cycle Investment Decision-Making and Optimization
- Life-Cycle Delivery (Acquisition, Maintenance, Operations and Disposal)
- Asset Information Strategy, Standard, Systems and Data
- Risk and Performance Management Systems
- Business Process Review, Re-engineering and Standardization

In order to provide these services, a Request for Proposals (RFP) was publicly advertised and letters advising potential proposers of the RFP's availability were electronically sent to fifty (50) firms of which ten (10) were M/WBE firms. Fourteen (14) proposals were received. The Selection Committee consisted of representatives from MTA Headquarters, MTA New York City Transit, MTA Bus, MTA Long Island Rail Road, MTA Metro-North Railroad, MTA Bridges & Tunnels, and MTA Capital Construction. Based on the evaluation of proposals and oral presentations, the selection committee determined that the nine firms listed above were the most technically qualified and best suited to perform the services identified by the RFP. MTA has conducted a responsibility review and other due diligence on the proposed awardees and seven of the firms have been deemed to be responsible for award. Significant adverse information was discovered concerning the remaining two firms; IBM and CH2M Hill New York, Inc. An award will not be made until the required approvals are obtained and IBM and CH2M Hill New York, Inc. are viewed to be responsible vendors.

The nine (9) selected firms originally proposed hourly rates ranging from \$475 (Project Director) to \$43.28 (for Document Control Clerk). These hourly rates were negotiated down to a range of \$350 to \$43.28 representing a reduction of 26.31 % to 0 %. Annual rate escalations for five (5) of the firms for years 2 through 5 will be subject to 3% escalation or CPI; whichever is lower. The remaining four (4) firms' rates will remain the same throughout the life of the contract. There are no prior contracts for these specific services which cost can be compared. Based on the above, the negotiated hourly rates are considered fair and reasonable.

### III. D/M/WBE INFORMATION

The MTA's Department of Diversity and Civil Rights established 10% MBE and 10% WBE goals for these contracts.

### IV. IMPACT ON FUNDING

Funding is allocated in each agency's operating budgets.

### V. ALTERNATIVES

1. Perform all services in-house. This alternative is not feasible. The MTA and its agencies does not have the resources or the trained personnel to perform these services.

2. Do not approve award of the contracts. This is not practical. This would delay and compromise MTA's ability to streamline its operations and realize recurring savings as a result of these services.

# Staff Summary

## Schedule J: Modifications to Miscellaneous Procurement Contracts



Page 1 of 1

Item Number:

Vendor Name (& Location): Cello Partnership d/b/a Verizon AT&T Mobility National Accounts LLC; Sprint Solutions, Inc.	
Description: All-Agency Wireless Services	
Contract Term (Including Options, if any): May 1, 2013 through October 31, 2016	
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: EITG/Dan Queally	

Contract Number: 08019-0100 thru 0300	AWO/Modification #1 1
Original Amount:	\$23,521,931
Prior Modifications:	\$0.00
Prior Budgetary Increases:	\$0.00
Current Amount:	\$23,521,931
This Request:	\$0.00
% of This Request to Current Amount:	0%
% of Modifications (Including This Request) to Original Amount:	0%

### DISCUSSION:

To recommend that the Board amend the Board-approved, all-agency contracts with Cello Partnership d/b/a Verizon Wireless (Verizon), AT&T Mobility National Accounts LLC (AT&T Wireless) and Sprint Solutions, Inc. (Sprint/Nextel) to allow MTA and its agencies to participate in the Western States Contracting Alliance (WSCA), which is a cooperative multi-state contracting consortium to purchase wireless products and services at the lowest group cost at a zero-dollar increase to the master contract.

In February, 2009, the Board approved three, all-agency, competitively negotiated contracts with Verizon Wireless, AT&T Wireless and Sprint/Nextel to provide wireless voice and data services for a period of five (5) years from March 1, 2009 to February 28, 2014 for a total combined, not-to-exceed amount of \$23,521,931. At the time of award of the base agreement with Verizon, AT&T and Sprint/Nextel, WSCA was not available. Since then, all three entities have established WSCA, which is a cooperative group-contracting consortium for state governments, institutions, and agencies (e.g. some of the states included in the consortium are: Arizona, California, Colorado, Nevada, Minnesota, etc.). Its primary purpose is to establish the means by which participating states may join together in cooperative multi-state contracting in order to purchase wireless phone services and products at the lowest possible price.

In order to continue to improve operational efficiencies and further reduce cost when purchasing products and services, it is in the interest of the MTA to participate in WSCA to purchase various smartphones, tablets, accessories and other wireless products and to benefit from deeper discounts than available under the current competitive agreements. Under the WSCA agreement MTA will receive a 23% to 25% discount on wireless services which is a 4% to 6% increase in savings as compared to the 19% discount under the current agreements. Based on the above, the additional discount is deemed fair and reasonable.



**APRIL 2013**  
**MTA REAL ESTATE**  
**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**ACTION ITEMS**

**MTA NEW YORK CITY TRANSIT**

License agreement with Nalpak 1196 Company LLC to allow use of an opening in a demising wall at the 47<sup>th</sup>-50<sup>th</sup> Streets/Rockefeller Center Subway Station, New York, New York

**MTA LONG ISLAND RAIL ROAD**

Disposition of a permanent nonexclusive right-of-way easement on LIRR property at Great East Neck Road at South Rail Road Avenue, West Babylon, NY, to Strahl & Pitsch, Inc.

Lease Agreement with East Hampton Storage Corp. for construction of a storage facility at Foster Ave., Bridgehampton, New York

**MTA METRO-NORTH RAILROAD**

Sublease with the City of Peekskill for the installation, operation and maintenance of a pedestrian trail along the Hudson River in Peekskill, New York

**MTA CAPITAL CONSTRUCTION**

Approval to Proceed with the acquisition of various property interests in support of the MTACC Second Avenue Subway Project by negotiated purchase or condemnation

**MTA STATEN ISLAND RAPID TRANSIT OPERATION AUTHORITY**

Lease amendment with Allied 60 Bay Street LLC related to the SIR Administration office at 60 Bay Street, Staten Island

# Staff Summary



Metropolitan Transportation Authority

Page 1 of 2

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>IAN SALSBERG</b>

Date <b>APRIL 22, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	04/22/13	X		
2	Board	04/24/13	X		

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

AGENCY: New York City Transit ("NYCT")  
 LICENSEE: Nalpak 1196 Company LLC ("Nalpak")  
 LOCATION: 47<sup>th</sup> - 50<sup>th</sup> Streets / Rockefeller Center Subway Station  
 ACTIVITY: License to permit operation of a store with an opening into the subway station  
 ACTION REQUESTED: Approval of terms  
 TERM: Ten years, subject to termination at will by NYCT on 60 days' notice  
 COMPENSATION:

Year	Annual	Monthly	% Increase
1	\$42,000.00	\$3,500.00	
2	\$43,260.00	\$3,605.00	3%
3	\$44,556.00	\$3,713.00	3%
4	\$45,900.00	\$3,825.00	3%
5	\$47,280.00	\$3,940.00	3%
6	\$48,696.00	\$4,058.00	3%
7	\$50,160.00	\$4,180.00	3%
8	\$51,660.00	\$4,305.00	3%
9	\$53,208.00	\$4,434.00	3%
10	\$54,804.00	\$4,567.00	3%

## COMMENTS

The privately-owned building located at 1196 Sixth Avenue (on the southeast corner of 47th Street and Sixth Avenue) has a basement space that is located adjacent to the intermediate landing of stairs S1 and S6 at the 47th-50th Street / Rockefeller Center Subway Station.

In 1955, Nalpak, the owner of 1196 Sixth, obtained from NYCT a license to create an opening in the demising wall of the intermediate landing that allowed it to create a store in the basement area of 1196 Sixth to serve passengers exiting and entering the subway station. Nalpak has licensed the opening from NYCT and leased the space to private operators as a

## Staff Summary

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



Page 2 of 2

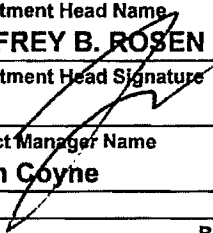
store continuously since then. The most recent license agreement has expired and Nalpak has requested a renewal. The current use of the space is a convenience store.

The NYCT Station Environment and NYCT Stations Planning departments have been consulted and have no objection to renewing the current license agreement for a new 10-year term.

MTA Real Estate has negotiated an increase in the license fee of 42.25% over the current compensation. The proposed \$42,000 year one compensation significantly exceeds the estimated fair market compensation for use of the opening (estimated by MTA Real Estate's independent consultant to equal 50% of the annual rental value of the store, which is estimated at an annual rental value of \$60,000), and includes 3% increases in subsequent years.

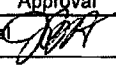


Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with Nalpak on the above-described terms and conditions.

# Staff Summary

Subject <b>GRANT OF EASEMENT</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>APRIL 22, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	04/22/13	X		
2	Board	04/24/13	X		

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

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

GRANTEE: Strahl & Pitsch, Inc. ("Strahl & Pitsch")

LOCATION: Great East Neck Road at South Railroad Avenue, West Babylon, NY; District 100, Section 218, Block 1, Lot 5 (the "Subject Parcel")

ACTIVITY: Grant of nonexclusive permanent access easement

ACTION REQUESTED: Approval of terms

SPACE: Approximately 3,000 square feet

COMPENSATION: \$40,000.00

## COMMENTS

MTA Real Estate received a request from Strahl & Pitsch ("Strahl & Pitsch"), an importer and distributor of wax products located in West Babylon, New York, to grant it a permanent nonexclusive right-of-way easement over the Subject Parcel, which is a narrow strip of paved but otherwise vacant land adjacent to an LIRR substation. Strahl & Pitsch owns the adjoining property to the west (the "Strahl & Pitsch Property"), and Great East Neck Road borders the Subject Parcel to the east.

The Strahl & Pitsch Property was the beneficiary of a 1915 access easement across the Subject Parcel, granted by LIRR for one dollar. That 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, the automatically triggered extinguishment provision in the 1915 grant only recently came to light, and Strahl & Pitsch wishes to have continued access across the Subject Parcel for the convenience of its employees. LIRR uses the parcel on a regular basis to access its nearby substation but, after review, has confirmed that it has no objection to Strahl & Pitsch's shared use of the Subject Parcel.

While LIRR review of Strahl & Pitsch's request for permanent easement rights was pending, MTA Real Estate entered into a month-to-month license agreement to afford Strahl & Pitsch temporary access across the Subject Parcel in the interim. That transaction was presented to the Finance Committee at its June, 2012, meeting, and included a negotiated payment by Strahl & Pitsch for its prior undocumented use of the Subject Parcel. LIRR has since approved Strahl & Pitsch's easement request, and MTA Real Estate, pursuant to its Board-approved policies and procedures, issued a request for proposals ("RFP") for the property interest. Strahl & Pitsch submitted the only response to the RFP, offering a one-time payment of \$40,000 for the permanent nonexclusive easement interest across the Subject Parcel, an amount that exceeds the estimated fair market value of the nonexclusive access rights as determined by an appraisal commissioned by MTA.

## **Staff Summary**

### **FINANCE COMMITTEE MEETING Grant of Easement (Cont'd.)**



**Metropolitan Transportation Authority**

Page 2 of 2

Based on the foregoing, MTA Real Estate requests authorization to enter into an easement agreement with Strahl & Pitsch 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>DORRIE MASSARIA ROBERTS</b>

Date <b>APRIL 22, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	04/22/13	X		
2	Board	04/24/13	X		

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

AGENCY: MTA Long Island Rail Road ("LIRR")  
 TENANT: East Hampton Storage Corp. ("East Hampton Storage")  
 LOCATION: 52 Foster Avenue, Bridgehampton, Suffolk County, New York (the "Property")  
 ACTIVITY: Commercial storage  
 ACTION REQUESTED: Approval of terms  
 TERM: 20 Years with one 10 year option, terminable for corporate purposes on 360 days' notice  
 SPACE: Approximately 91,000 square feet of vacant land and a one-story wood frame building of approximately 17,000 square feet.

COMPENSATION:	Year	Annual Rent	Year	Annual Rent
	1	\$ 55,000.00	16	\$ 91,511.68
	2	\$ 56,650.00	17	\$ 94,257.03
	3	\$ 58,349.50	18	\$ 97,084.74
	4	\$ 60,099.99	19	\$ 99,997.28
	5	\$ 61,902.98	20	\$ 102,997.20
	6	\$ 63,706.07	21	\$ 113,296.92
	7	\$ 65,672.88	22	\$ 116,695.83
	8	\$ 67,643.06	23	\$ 120,196.70
	9	\$ 69,672.35	24	\$ 123,802.60
	10	\$ 71,762.53	25	\$ 127,516.68
	11	\$ 78,938.78	26	\$ 131,342.18
	12	\$ 81,306.94	27	\$ 135,282.45
	13	\$ 83,746.15	28	\$ 139,340.92
	14	\$ 86,258.53	29	\$ 143,521.15
	15	\$ 88,846.29	30	\$ 147,826.78

**Present Value (discounted at 9%): \$782,172**

# Staff Summary

## FINANCE COMMITTEE MEETING East Hampton Storage, Corp. (Cont'd.)



Page 2 of 2

### COMMENTS

The Property is located in LIRR's Bridgehampton Yard, and is currently encumbered by a vacant, dilapidated building. LIRR has no current or planned use for the property, but wishes to retain ownership should future operating needs ever require it to recapture the Property.

With the dual goals of monetizing the value of the Property and relieving LIRR of maintenance responsibility for property not required for operating purposes, MTA Real Estate issued a request for proposals offering a 10 year leasehold interest in the Property and two 10-year tenant renewal options. Potential tenants were informed that the existing structure would have to be significantly renovated or torn down, and that LIRR would be able to terminate the lease, upon prior notice, if LIRR identified a corporate need for the Property. Three proposals were submitted in response to the RFP, as follows (all discounted using a 9% discount rate):

- East Hampton Storage, a local commercial storage company proposing to demolish the existing building and construct a new building on the property for commercial storage, submitted a proposal with a present value of \$782,172.
- Summerhill Landscapers, Inc., a local landscaping company proposing to use the Property in its existing condition to store landscaping equipment, submitted a proposal with a present value of \$721,759. Summerhill later withdrew its proposal after determining that it did not wish to undertake asbestos removal that would be required as part of the demolition of the building.
- Butch Payne, Inc., a local landscaping company proposing to use the Property in its existing condition to store its equipment, submitted a proposal with a present value of \$537, 859.

East Hampton Storage's proposed rent is at the upper end of the market rental value of \$50,000 - \$55,000 per annum, as estimated by MTA Real Estate's independent consultant. East Hampton Storage is owned solely by Christopher Denon, who also owns and operates three other similar businesses. MTA Real Estate's credit report for Mr. Denon and his largest company, Twin Forks Moving & Storage, Inc. indicated that Mr. Denon has sufficient financial resources to construct the building, estimated to cost \$1,500,000, to pay the proposed rent and to guarantee completion of construction of the improvements.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease with East Hampton Storage Corp. on the above-described terms and conditions.

# Staff Summary



Metropolitan Transportation Authority

Page 1 of 2

Subject <b>SUBLEASE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>PAUL M. FITZPATRICK</b>

Date <b>APRIL 22, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/22/13	X		
2	Board	4/24/13	X		

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

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

SUBLESSEE: City of Peekskill (the "City")

LOCATIONS: Parcel A – Adjacent to Travis Cove at the Louisa Street Bridge, along an embankment on the Hudson River west of the Hudson Line at MP 40-41, Monuments 215-216

Parcel B – Adjacent to Hudson Avenue, on a portion of the right of way west of the Hudson Line at MP 41, south of Monument 217

ACTIVITY: Sublease of Parcel A and Parcel B (the "Parcels") for construction and operation of a portion of Westchester RiverWalk

ACTION REQUESTED: Approval of terms

TERM: Ending one day earlier than Metro-North's lease with Midtown Trackage Ventures, LLC (the "Harlem-Hudson Lease")

SPACE: Parcel A: Approximately 15,000 square feet  
Parcel B: Approximately 2,900 square feet

COMPENSATION: One dollar, payment waived

## COMMENTS

The City of Peekskill plans to construct a continuous waterfront trail along the Peekskill waterfront, which includes the above parcels (the "Project"). The Project is part of the Westchester RiverWalk initiative, a planned 51.5 mile pathway paralleling the Hudson River in Westchester County, to increase public access to the Hudson River.

Metro-North's Harlem/Hudson Lease for the Hudson Line, which includes the Parcels, permits the MTA to enter into sublease agreements. The City desires to execute a sublease of such parcels through the year 2274 (ending one day earlier than the Harlem/Hudson Lease). This sublease will allow the City and its contractors to enter onto the parcels to complete the portions of the Project that are to be located there, at the City's sole cost and expense and subject to Metro-North's approval of construction plans. Metro-North has confirmed that construction of the Project on the Parcels will not impact railroad operations.

An appraisal was obtained as required by to the Public Authorities Law. It estimated the value of the leasehold interests in Parcels A and B at \$13,000 and \$7,800, respectively. As permitted by the Public Authorities Law, Metro-North proposes to grant such rights to the City for \$1, payment waived, in consideration of the public purpose and benefit of the Project,



# Staff Summary

## FINANCE COMMITTEE MEETING Sublease (Cont'd.)



Page 2 of 2

and the sublease will stipulate that the subleased interest and its use will remain with the City. There is no reasonable alternative to the proposed subleases that would achieve the same purpose as such transfer.

Based on the foregoing, MTA Real Estate requests that the Board (a) determine that there is no reasonable alternative to the proposed subleases that would achieve the same public purpose, and (b) authorize entry into subleases with the City on the terms and conditions described above.

# Staff Summary



Metropolitan Transportation Authority

Page 1 of 2

Subject <b>PROPERTY ACQUISITION</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>HELENE CINQUE</b>

Date <b>APRIL 22, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/22/13	X		
2	Board	4/24/13	X		

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

AGENCY: MTA Capital Construction Company ("MTACC")

LOCATION: 301 East 69<sup>th</sup> Street (Block 1444, Condominium #377, formerly Lot 1), located on the northeast corner of Second Avenue and East 69<sup>th</sup> Street in Manhattan (the "Building")

ACTION REQUESTED: Approval to proceed with the acquisition by negotiated agreement or condemnation of additional permanent and temporary easements in portions of the Building in order to commence and complete construction of a new station entrance for the 72<sup>nd</sup> Street Station of the Second Avenue Subway Project.

## COMMENTS:

In September 2010, the MTA acquired by eminent domain permanent and temporary easements in the ground floor, basement and sub-surface levels of the Building for purposes of constructing and maintaining a new subway entrance for the Second Avenue Subway. Newly proposed design modifications for the entrance now require acquisition of additional permanent and temporary easements.

Specifically, MTACC needs a permanent subsurface easement to construct an opening in the Building's foundation wall to accommodate a new subsurface passageway that will link the entrance to the 72<sup>nd</sup> Street Station mezzanine. Additionally, the MTA's existing temporary easement must be expanded to encompass the entire underground parking garage in order to accommodate essential work associated with the entrance and station. This work will require temporary closure of the garage for up to 24 months. Finally, temporary easements affecting three street-level retail stores and in the remainder of the Building's basement may be needed to perform utility relocations or modifications.

The MTA will endeavor to secure the additional permanent and temporary easements in the Building through voluntary agreements with the affected residential, commercial and garage condominium unit owners and retail tenants. If such agreements cannot be negotiated in a timely manner, the MTA must take preliminary steps under the Eminent Domain Procedure Law ("EDPL") to secure the property interests needed to perform the work.

Consequently, MTA Real Estate requests approval of the attached Resolution authorizing the MTA to proceed with acquisition, by negotiated agreement or condemnation, of the additional permanent and temporary easements described above and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the EDPL in connection with the acquisition of such easements. If a public hearing is held under the EDPL, the requisite findings and a request for final approval to proceed with condemnation will be submitted to the Board for approval.

The proposed acquisitions will be subject to prior, satisfactory completion of any required environmental reviews.

# Staff Summary

FINANCE COMMITTEE MEETING  
Property Acquisition (Cont'd.)  
Page 2 of 2



## BOARD RESOLUTION

**WHEREAS**, the MTA and the MTA Capital Construction Company (collectively, the "MTA") are engaged in construction of the Second Avenue Subway Project (the "Project"); and

**WHEREAS**, on September 23, 2010, the MTA acquired permanent and temporary easements by eminent domain in a residential / commercial condominium building located at 301 E. 69th Street (Block 1444, Condominium #377, formerly Lot 1) (the "Building"), on the northeast corner of Second Avenue and East 69<sup>th</sup> Street, for purposes of constructing a new subway entrance for the Project's 72nd Street Station; and

**WHEREAS**, in order to accommodate newly proposed design modifications for the entrance, MTA must acquire additional easements in the Building as follows: a permanent subsurface easement to construct an opening in the Building's foundation wall to accommodate a new subsurface passageway that will link the entrance to the 72nd Street Station mezzanine; a temporary easement over the entire underground parking garage in order to perform essential work associated with the entrance and station; and temporary easements in three street-level retail stores and in the remainder of the Building's basement to perform utility relocations or modifications, if necessary; and

**WHEREAS**, the MTA will endeavor to secure the additional permanent and temporary easements in the Building through voluntary agreements with the affected residential, commercial and garage condominium unit owners and retail tenants, but if agreements cannot be negotiated in a timely manner, the MTA must take preliminary steps under the Eminent Domain Procedure Law to secure the property interests needed to perform this work.

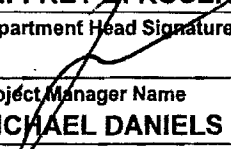
## **NOW THEREFORE, BE IT**

**RESOLVED**, that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member of the Authority is authorized to proceed with the acquisition by negotiated agreement or eminent domain of the permanent and temporary easements in the Building described above and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the Eminent Domain Procedure Law, in connection with such acquisitions; and

**BE IT FURTHER RESOLVED**, that the proposed acquisitions will be subject to prior, satisfactory completion of any required environmental reviews.




This Resolution shall take effect immediately upon its adoption.

# Staff Summary

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

Date <b>April 22, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	04/22/13	X		
2	Board	04/24/13	X		

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

AGENCY: Staten Island Rapid Transit Operating Authority ("SIRTOA")  
 LESSOR: Allied 60 Bay Street LLC  
 LOCATION: 60 Bay Street, Staten Island, NY  
 USE: Office space for administration functions and staff assignment  
 ACTION REQUESTED: Approval of terms  
 TERM: 10 years  
 SPACE: Approximately 8,528 square feet – 5<sup>th</sup> floor (net of SIRTOA relinquishing 1,468 sf on the 3<sup>rd</sup> floor and expanding into 3,647 sf on the 5<sup>th</sup> floor)  
 CURRENT RENT: \$159,325.00 annum / \$25.09 square foot for current year of lease (based on 6,349 sf)  
 NEW RENT: \$200,408.00 annum / \$23.50 square foot  
 RENT INCREASES: 2.5% per annum

OPERATING EXPENSE ESCALATION: Tenant pays proportionate share over 2013/2014 base year  
 TAXES: Tenant pays proportionate share over 2013/2014 base year  
 UTILITIES: Electricity is directly metered. Owner provides HVAC at its expense.  
 SERVICES: Landlord provides office cleaning.  
 LANDLORD'S WORK: Landlord will build out the additional space to SIR specifications at an estimated cost of \$130,000, which shall be a Landlord contribution.

## COMMENTS:

SIRTOA has occupied 6,349 square feet office space in this building since 1996 and the current lease expires in December, 2016. Following Superstorm Sandy, SIRTOA senior management decided to vacate the ground floor space at the Clifton Mechanical Shop at the Front Street Transportation Center at St. George's Terminal, which had flooded during the storm, and to consolidate its Purchasing & Stores, Timekeeping, Administrative and Crew Assignment functions at 60 Bay Street. The consolidation will also increase efficiencies and provide desk space for MTA and outside audit personnel as required. The additional space will increase SIRTOA's rent by approximately \$41,000 per annum, but such rent is 6%

# Staff Summary

## FINANCE COMMITTEE MEETING Lease Amendment (Cont'd.)



Page 2 of 2

less on a per square foot basis than the rent due under the current lease, while removing staff from the flood zone. The lease amendment, in addition to increasing the size of the leased space, will extend the lease term by 10 years. Based on the foregoing, MTA Real Estate requests authorization to enter into a lease amendment on the above-described terms and conditions.

# Staff Summary



<b>Subject</b> Design Review Services for 301 E. 69th Street (Block 1444, Lot1)
<b>Department</b> Second Avenue Subway Project
<b>Department Head Name</b> William E. Goodrich
<b>Department Head Signature</b> 
<b>Program Manager / Project Manager Name</b> Anil Parikh/Tim Gianfrancesco

<b>Date</b> April 2013
<b>Vendor Name</b> 301/69 Owner's Corp.
<b>Contract Number</b> N/A
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	NYCT Committee	4/22			
2	Finance Committee	4/22			
3	MTA Board	4/24			

Internal Approvals			
Order	Approval	Order	Approval
	President MTACC 4/8/13		
	General Counsel 4/8/13		
	Chief Financial Officer 4/14/13		
	Human Resources		

## **BACKGROUND:**

The Second Avenue Subway ("SAS") Project has acquired permanent and temporary easements for entrances, ancillary facilities and other support functions to be built partially or entirely within privately-owned commercial and residential spaces along the subway alignment. As project design has progressed, it has become necessary in some cases to enter into agreements with property owners to secure their full cooperation and minimize potential impacts and consequential damages associated with project-related utility relocation and/or structural modification work in the affected buildings. Therefore, the project periodically has entered into cooperative arrangements with building owners to cover the owners' costs for design review and construction oversight consultants to assist MTACC and its contractors through all phases of utility relocation, structural and other project-related work.

## **PURPOSE:**

To seek Board Authorization to enter into a design review services agreement with the Owners of 301 East 69<sup>th</sup> Street for a not-to-exceed amount of \$100,000, to reimburse Owners for costs incurred in retaining consultants to assist them in reviewing our design and construction plans for a revised Entrance 1 at 72<sup>nd</sup> Street Station and in understanding the extent the revised Entrance design will impact the Owner's utilities, equipment, and building structures.

## **DISCUSSION:**

Because the Property's owner does not have the in-house experience necessary to read the design plans and understand the potential impacts the revised Entrance may have on the Owner's utilities, equipment, and building structures, MTACC tentatively has agreed to reimburse the Owner for the architectural and engineering consultants and legal counsel (the "Consultants") it retains as reasonably necessary to assist the Owner with design review. Under the proposed agreement, MTACC will be responsible for all reasonable fees and expenses to be paid to the Consultants for a not-to-exceed amount of \$100,000. The work to be performed under this agreement will include:

1. Design phase consultant services to review utility relocation/Structural/architectural design.

The previous agreement with Owners to reimburse them for design review was limited to the original entrance design and was terminated in August 2012.

## **ALTERNATIVES:**

The alternative is for the MTACC to proceed with the construction in the Property without the assistance of the Property owner and the owner's professional Consultants. This is not recommended because it would expose the project to uncertainty, additional risk and potential delay.

## **Staff Summary**

### **FUNDING IMPACT:**

The work will be funded from the MTA's 2005-2009 Capital Plan.

### **RECOMMENDATIONS:**

MTACC recommends that the Board authorize MTACC to enter into an agreement with 301/69 Owner's Corp., owner of the building located at 301 East 69<sup>th</sup> Street, to compensate the owner's design Consultants, for a not-to-exceed amount of \$100,000, to assist MTACC and its contractors through the design and permitting phases of utility relocation and other project-related work associated with MTACC's design and planned construction of a revised subway entrance at that location.

# Staff Summary



New York City Transit

Page 1 of 4

<b>Subject</b>	Implement Bx41 Select Bus Service on Webster Avenue and Revise Bx15 and Bx55 Bus Service in the Bronx
<b>Department</b>	Operations Planning
<b>Department Head Name</b>	Peter G. Cafiero
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	Judith McClain

<b>Date</b>	April 5, 2013
<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>	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	President		X		
2	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
8	President	4	Director OMB
7	Executive VP	X 3	VP General Counsel
6	SVP Bus	2	VP GCR
X 5	VP Corp. Comm.	1	Chief OP

## Purpose

To obtain Board approval to revise Bx15 and Bx55 bus service in the Bronx. To inform the Board that Bx41 Select Bus Service will be implemented on Webster Avenue. This staff summary also addresses the required schedule and fare collection changes.

## Discussion

MTA New York City Transit (NYCT) has been closely working with the New York City Department of Transportation (NYCDOT) to implement Bus Rapid Transit in New York City. Bus Rapid Transit is a high-performance surface transportation system that incorporates elements such as bus lanes, proof-of-payment fare collection, and high-capacity low-floor buses to bring a noteworthy improvement in speed and service reliability. In New York City, Bus Rapid Transit is branded Select Bus Service. These features, which are currently in place on four routes in New York City, have on average improved bus speeds by 20% and increased ridership by 10%.

In 2009, the Bus Rapid Transit Phase II: Future Corridors study, which included substantial input from elected officials and community members, recommended the Webster Avenue/3<sup>rd</sup> Avenue transportation corridor as a prime location for improved bus service. Webster Avenue and 3<sup>rd</sup> Avenue are parallel north/south avenues in the southern and central Bronx that traverse neighborhoods long distances from the nearest subway.

In developing a proposal to speed up bus service and increase reliability in these neighborhoods, both Webster Avenue and 3<sup>rd</sup> Avenue were examined to determine which avenue would allow for the greatest improvement to service. Webster Avenue was selected for Select Bus Service because



it is generally a wider street than 3<sup>rd</sup> Avenue, allowing for more beneficial use of features such as bus lanes. In addition, the residential population within walking distance of Webster Avenue is greater than the population within the same distance of 3<sup>rd</sup> Avenue. Enhanced bus service along Webster Avenue would benefit not only residents along Webster Avenue but also many residents along 3<sup>rd</sup> Avenue, as these streets are generally no more than ¼-mile apart. Focusing efforts on Webster Avenue, the proposal would convert the Bx41 Limited to the Bx41 SBS. Bx41 SBS would include standard SBS features such as off-board fare collection, bus lanes, traffic signal priority, and specially-branded buses.

### **Webster Avenue Service Changes**

The Bx41 is a 5.3 mile, north-south route that provides local and limited-stop bus service between The Hub at East 149<sup>th</sup> Street/3<sup>rd</sup> Avenue and the Gun Hill Intermodal Terminal at East Gun Hill Road/White Plains Road via Melrose Avenue, Webster Avenue, and East Gun Hill Road.

The Bx41 SBS will replace the Bx41 Limited. All Bx41 service, including the SBS, would operate with one service pattern between The Hub and Gun Hill Road Intermodal Terminal. From The Hub, the service will operate via 3<sup>rd</sup> Avenue, East 152<sup>nd</sup> Street, Melrose Avenue, Webster Avenue and East Gun Hill Road (see Figure 1).

It will provide customers the opportunity to transfer to the ②⑤ subway lines at both terminals (3 Av-149 St and Gun Hill Rd), as well as to 23 other New York City Transit bus routes and three Westchester Bee-Line bus routes.

The Bx41 SBS will make all of the same stops as the Bx41 Limited with the exception of the northbound stops at 189<sup>th</sup> Street and Westchester Avenue.

### **Bx41 SBS Span and Frequency**

The implementation of Bx41 SBS service is expected to generate an increase in ridership. On weekdays and weekends, Bx41 SBS will have substantially longer hours of service than the current peak-hour-only Limited. SBS service will begin at approximately 6:00 a.m. and end at approximately 9:30 p.m. Both weekday and weekend SBS service will operate with greater frequency than the current Bx41 Limited. The total number of bus trips operating on the Bx41 will increase by 30% on weekdays, 22% on Saturdays and 51% on Sundays over current scheduled service.

This service change also proposes removing the Bx55 from the segment of Webster Avenue north of Fordham Road. Currently alternate Bx55 trips traverse the northern portion of Webster Avenue between Fordham Road and East Gun Hill Road along the same route path and making the same stops as the Bx41 Limited. As this segment will be better served by the expanded and enhanced Bx41 SBS, it is proposed to eliminate the duplicative Bx55 Limited trips north of Fordham Plaza.

### **Bus Lanes and Bus Bulbs**

With Bx41 SBS, NYCDOT will introduce bus lanes between East 165<sup>th</sup> Street and East Gun Hill Road, a distance of 4 miles. The bus lanes will be offset, or one lane away from the curb, which better accommodates deliveries, community parking needs, and right turns (see Figure 2).

# Staff Summary

Roadway, traffic and pedestrian safety modifications associated with the Webster Avenue bus lane near Tremont Av, will require eastbound Bx40/42 and westbound Bx36 buses to be permanently rerouted off of a one block section of Webster Avenue (see Figures 3 and 4).

Sixteen stations on Webster Avenue, from East 167<sup>th</sup> Street to East 204<sup>th</sup> Street, will be designed with bus bulbs, which will extend the existing sidewalk into the parking lane to meet the offset bus lane. Most of the bus bulbs will be built during 2014 and 2015.

## Public Outreach

NYCT and NYCDOT staff have attended approximately 20 community meetings on the Webster Avenue SBS project. Every affected Community Board has had at least one presentation and two informational open houses were held. Additionally, a Community Advisory Committee (CAC) was convened to provide guidance in the design and implementation of SBS in this corridor. The CAC is comprised of a broad range of stakeholders, from elected officials to Community Boards to major area institutions. There has been thorough discussion of all the issues, and many points of concern have been addressed through changes to the project.

## 3<sup>rd</sup> Avenue Service Changes

Two routes currently operate on 3<sup>rd</sup> Avenue. The Bx15 provides all local service between West 125<sup>th</sup> Street/12<sup>th</sup> Avenue in Manhattan and Fordham Plaza in the Bronx. The Bx55 provides supplemental weekday-only, limited-stop service between the hours of 6:30 a.m. and 7:30 p.m. between The Hub and Fordham Plaza, with alternate trips extended north to the Gun Hill Intermodal Terminal via Webster Avenue and East Gun Hill Road.

With paired local and limited-stop routes, it is optimal for the route traveling the longest distance to be the limited route and the shorter route to be the local route. This proposal would rename the Bx55 Limited as the Bx15 Limited. The proposed Bx15 Limited would operate between Fordham Plaza in the Bronx and West 125<sup>th</sup> Street/12<sup>th</sup> Avenue in Manhattan, making limited stops between Fordham Plaza and The Hub and all local stops south of The Hub and along 125<sup>th</sup> Street. Bx15 local service would operate at all times between Fordham Plaza and The Hub, with service extended to West 125<sup>th</sup> Street/12<sup>th</sup> Avenue in Manhattan nights and weekends when the Bx15 Limited is not operating. This route structure would speed up interborough trips from 3<sup>rd</sup> Avenue to Manhattan (please see Figures 5 and 6).

The Bx15 Limited will make all of the same stops as the Bx55 Limited south of Fordham Road with the exception of the southbound stop at East 161<sup>st</sup> Street and stops in both directions at East 174<sup>th</sup> Street. The Bx15 Limited would not operate between Fordham Road and East Gun Hill Road/White Plains Road.

## Public Outreach

The Bx15/55 proposal has been well-received by the public at community outreach meetings as well as at a public hearing that was held on March 19, 2013 at the Bronx Library Center, as required by MTA's Service Guidelines. This hearing was held to solicit public comments about these service changes. Responses to comments received from the public are attached.

# Staff Summary

## Recommendation

Implement Bx41 Select Bus Service (SBS) replacing Bx41 Limited service and revise Bx15 and Bx55 bus service on 3<sup>rd</sup> Avenue.

## Alternatives

1. *Implement Select Bus Service on 3<sup>rd</sup> Avenue.* This alternative was studied but was rejected in favor of Select Bus Service on Webster Avenue. Webster Avenue is a wider street than 3<sup>rd</sup> Avenue, allowing for more productive use of bus lanes, bus bulbs, and other SBS features. In addition, the community favored Webster Avenue over 3<sup>rd</sup> Avenue for SBS implementation.
2. *Leave Bx15 and Bx55 service as is.* Inefficient and duplicative service on Webster Avenue north of Fordham Plaza will continue to operate and an opportunity to provide a new limited through service to Harlem will be forfeited.

## Budget Impact


Implementation of Bx41 SBS on Webster Avenue, net of changes to 3<sup>rd</sup> Avenue bus service, will result in increased bus operating costs of \$1.28 million annually. This figure includes a cost savings of \$700,000 annually gained from conversion of the Bx55 to the Bx15 Limited. SBS service will operate longer hours and with greater frequency than does the current Bx41 Limited-Stop service.

There are annual operating costs for maintenance of fare machines (\$900,000), revenue collection (\$150,000), and enforcement of fare payment (\$1.2 million). These costs are included in the approved operating budget. Enforcement has reduced fare evasion on other SBS routes across New York City and will have a similar effect on Bx41 SBS.

## Implementation Date

June 2013.

Approved for submission to the Board:

  
Thomas F. Prendergast  
President

## **BOARD RESOLUTION**

WHEREAS, in a Staff Summary dated April 5, 2013, the Chief of Operations Planning has recommended the following action:

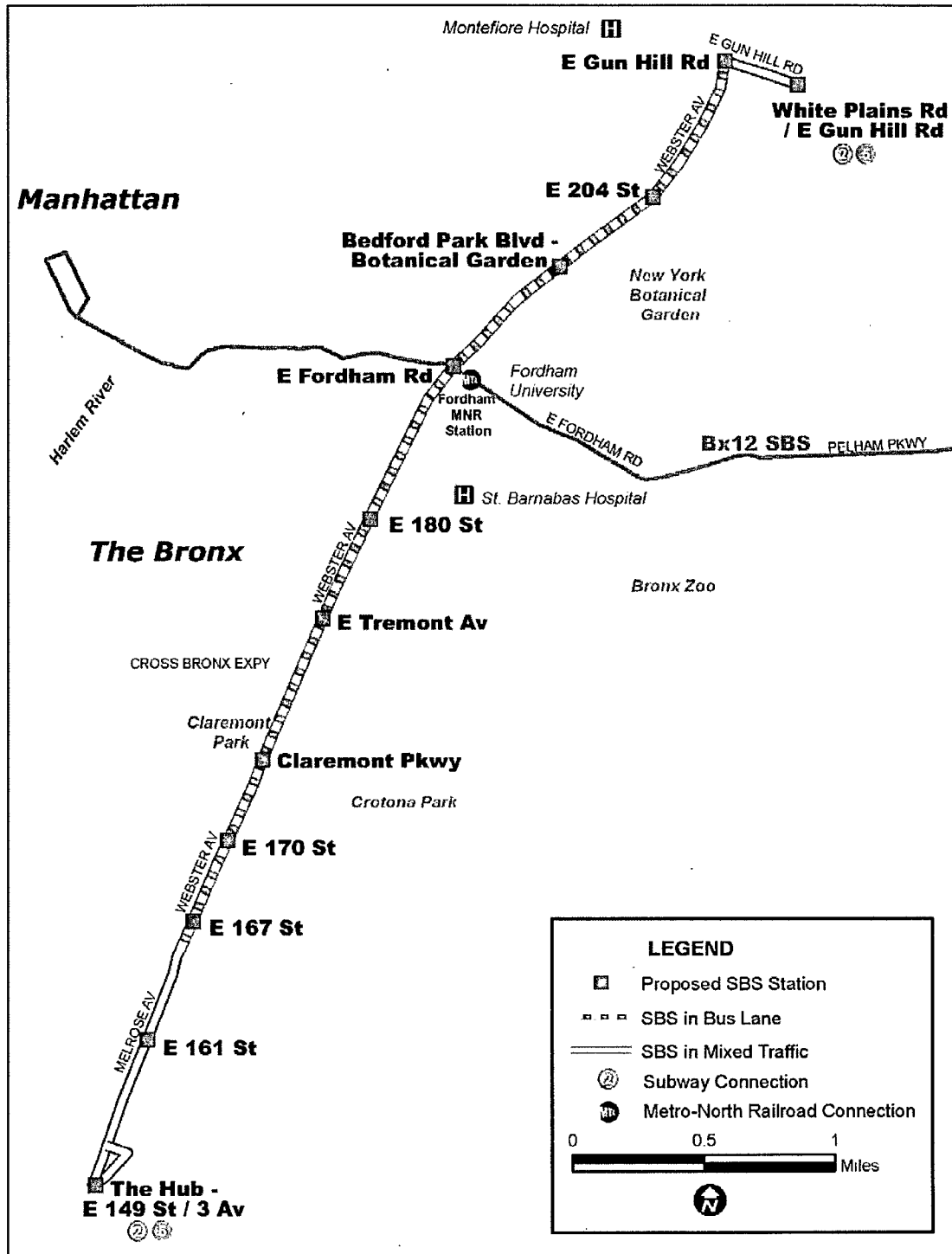
- Revise Bx15/Bx55 Service in the Bronx

WHEREAS a, public hearing, as required by MTA Board-adopted Service guidelines, was held on the proposed changes on March 19, 2013 and a summary of public comment and NYC Transit staff response accompanied the Staff Summary; and

WHEREAS, upon a review of the Staff Summary and the documents referenced in or attached to it, the Board has determined that the proposed changes would provide a new limited through service to Harlem and would eliminate inefficient and duplicative service on Webster Avenue north of Fordham Plaza;

NOW, THEREFORE IT IS RESOLVED that the Board approves the service changes described in said Staff Summary and attachments; and authorizes the President or his designee to implement such changes at such time as deemed practicable.

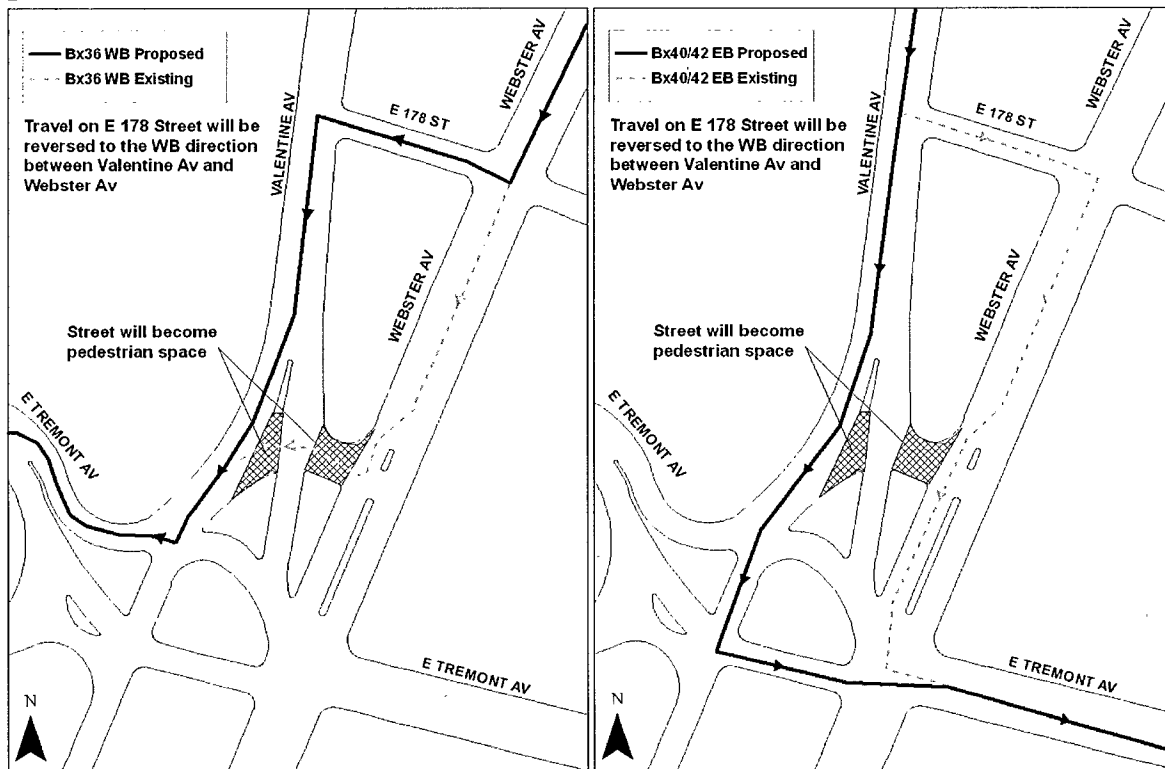
# Figure 1 – Proposed Bx41 Select Bus Service and Webster Avenue Bus Lane



**Figure 2 – Rendering of Webster Avenue  
Offset Bus Lanes with Bus Bulbs**

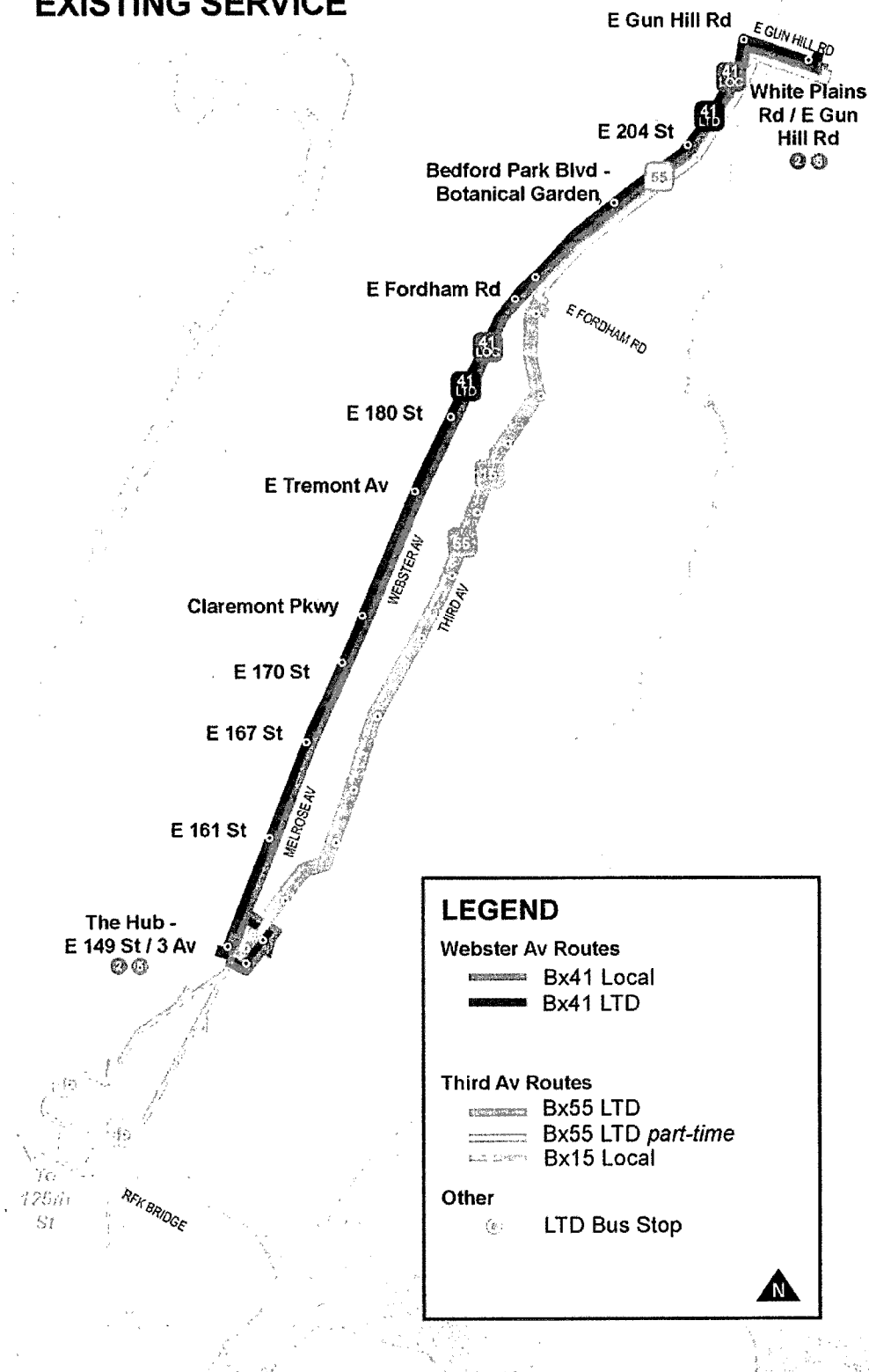


**Figures 3 & 4 – E Tremont Av Bx36/40/42 Reroute**



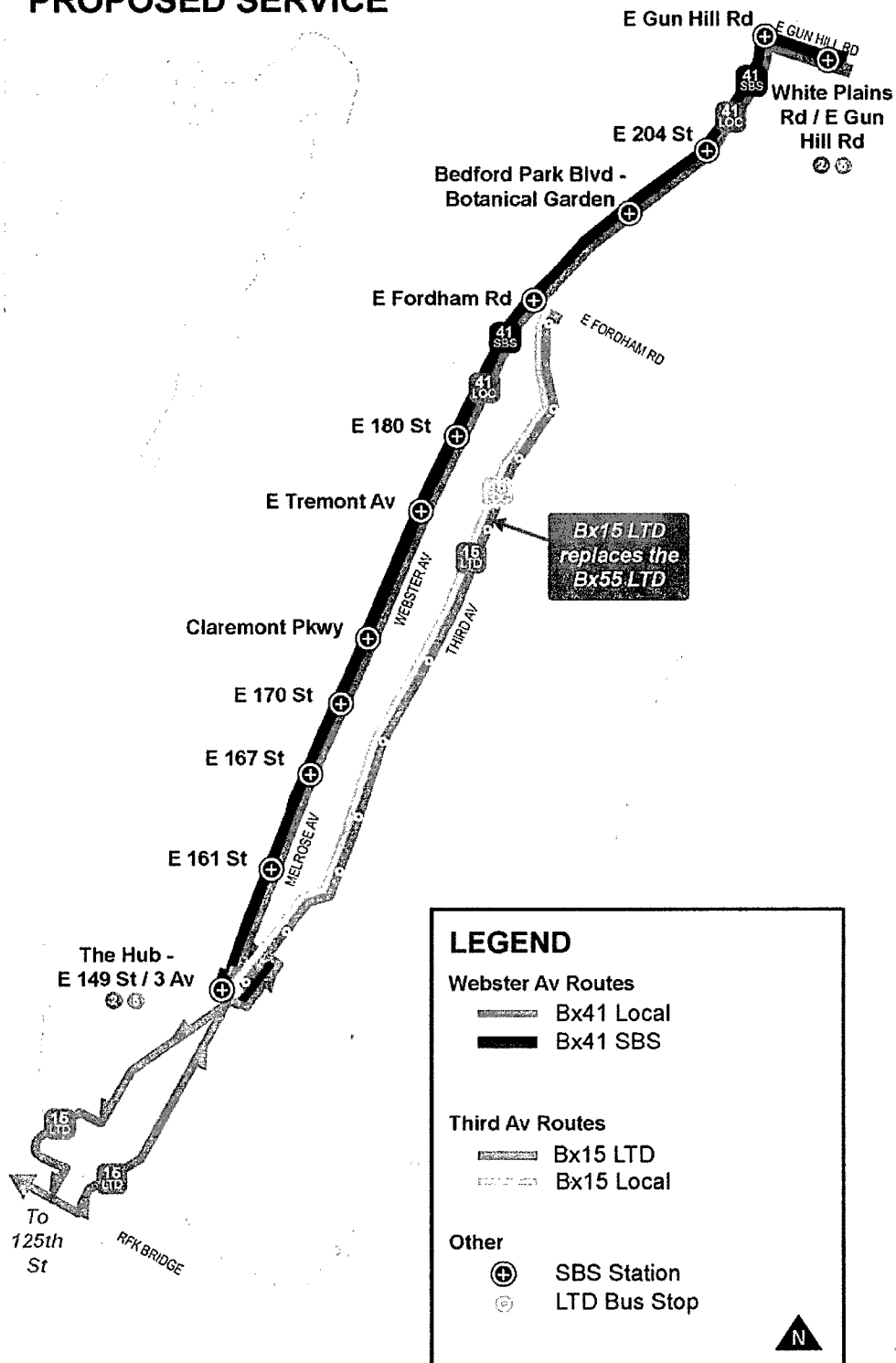
# Figure 5 – Existing Webster/3<sup>rd</sup> Avenue Service

## EXISTING SERVICE



# Figure 6 – Proposed Webster/3<sup>rd</sup> Avenue Service

## PROPOSED SERVICE







## **Public Comments on Revised Bx15 and Bx55 Bus Service in the Bronx**

### Summary of Public Comments and Staff Responses

New York City Transit staff presented the proposed service revision plan at numerous public meetings, including to Bronx Community Boards 1, 3, 4, 5, 6, and 7. In addition, a MTA Public Hearing was held on March 19, 2013 in the Bronx. Community members were invited to submit oral and written comments.

The reception to the plan was positive at all meetings, with some suggestions provided. This report summarizes oral comments received at the March 19, 2013 Bronx Public Hearing and written comments submitted to MTA. The comments below are paraphrased for clarity. Following each comment is the New York City Transit staff response.

---

**Comment:** The proposed service revision is rational and matches well with Census data from the surrounding neighborhoods (oral comment at Public Hearing).

**Response:** No response necessary.

**Comment:** Renaming the Bx55 Limited as the Bx15 Limited is logical and will be clearer to customers (this comment was stated by several people).

**Response:** No response necessary.

**Comment:** Extending the Limited bus route into Manhattan, as opposed to the Local route, will benefit customers traveling between the Bronx and Manhattan (this comment was stated by several people).

**Response:** No response necessary.

**Comment:** 3<sup>rd</sup> Avenue bus service should not be removed from the segment of Webster Avenue between Fordham Plaza and East Gun Hill Road (oral comment at Public Hearing).

**Response:** While some customers, under the proposed service revisions, will need to transfer at Fordham Plaza to continue their trip, many others are traveling to or from locations equidistant from Webster Avenue and 3<sup>rd</sup> Avenue and will benefit from enhanced Bx41 SBS with a similar walking distance. Others will simply transfer from their previous crosstown bus at Webster Avenue instead of at 3<sup>rd</sup> Avenue. Overall, there will be an increase in bus trips on the segment of Webster Avenue between Fordham Plaza and East Gun Hill Road, with a significant increase on weekends. Residents in this area will greatly benefit from these proposed revisions.

**Public Comments on Revised Bx15 and Bx55 Bus Service in the Bronx**

Page 2 of 2

March 25, 2013

**Comment:** There should not be any decrease in 3<sup>rd</sup> Avenue bus service (oral comment at Public Hearing).

**Response:** There will be no decrease in the frequency or span of bus service on 3<sup>rd</sup> Avenue between Fordham Plaza and The Hub (3<sup>rd</sup> Avenue/East 149<sup>th</sup> Street), or between The Hub and Manhattan.

**Comment:** The Bx55 Limited should be converted to Select Bus Service as well as the Bx41 Limited (oral comment at Public Hearing).

**Response:** The BRT Phase II Report was developed with extensive public consultation. This report identified Webster Avenue as the most suitable corridor in the Bronx for Select Bus Service. The Webster Avenue and 3<sup>rd</sup> Avenue corridors are at most a quarter-mile apart. New York City Transit staff's research found that there was greater population density on Webster Avenue as compared to 3<sup>rd</sup> Avenue. In addition, Webster Avenue is a more suitable street for Select Bus Service features. For these reasons, the Bx41 was prioritized in its conversion to SBS.

# Report



**New York City Transit**

**SERVICE CHANGES:      IMPLEMENT NEW B84 BUS SERVICE IN SPRING CREEK, BROOKLYN**

**Service Issue**

As part of the 2012 NYC Transit Service Enhancements, a new bus route is recommended to serve Spring Creek, Brooklyn. Over the past years, this neighborhood has experienced steady growth and there have been ongoing requests for better transit service from elected officials, employers and residents. The new residential areas to the north of the Gateway Center Mall are not within convenient walking distance to other transit options.

**Recommendation**

Implement new B84 bus route between the New Lots Avenue ③ Station and Spring Creek, Brooklyn.


**Budget Impact**

The net operational cost associated with this service is \$900,000 annually. Funding for the service was included in the 2012 Service Investments, approved by the MTA Board in July 2012.

**Proposed Implementation Date**







June 2013.

# Staff Summary

Subject	Implement New B84 Service in Spring Creek, Brooklyn
Department	Operations Planning
Department Head Name	Peter G. Cafiero
Department Head Signature	
Project Manager Name	Judith McClain

Date	April 3, 2013
Vendor Name	N/A
Contract Number	N/A
Contract Manager Name	N/A
Table of Contents Ref #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	President		X		
2	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
8	President 	X 4	VP General Counsel
7	Executive VP 	3	Director OMB 
6	SVP Buses 	2	VP GCR  4/14
X 5	VP Corp. Comm.	1	Chief OP  4/3


## Purpose

To obtain Board approval of a recommendation for the new B84 bus route to serve the Spring Creek, Brooklyn neighborhood.

## Discussion

As part of the 2012 Service Investments, a new bus route is recommended to serve Spring Creek, Brooklyn. Over the past years, this neighborhood has experienced steady residential, institutional and commercial growth and there have been ongoing requests for better transit service from elected officials, employers and residents. The new residential areas to the north of the Gateway Center Mall are not within convenient walking distance to other transit options.

This proposal has been well-received by the public at community outreach meetings as well as at the Public Hearing held at the Spring Creek Education Campus on March 7, 2013. Responses to comments received from the public are attached.

The route would operate between the New Lots Avenue  Station and Spring Creek via Ashford Street, Cozine Avenue, Jerome Street, Flatlands Avenue, Fountain Avenue, Seaview Avenue, Erskine Street, and Vandalia Avenue (see attached map).

# Staff Summary

This route will initially operate seven days a week on a 30-minute headway. The service span will be:

Weekday:	5:30 a.m. - 9:00 p.m.
Saturday & Sunday:	10:00 a.m. - 6:00 p.m.

## Recommendation

Implement new B84 bus route between the New Lots Avenue ③ Station and Spring Creek, Brooklyn.

## Alternatives to the Proposed Service Change

1. *Do nothing.* The Spring Creek neighborhood is a growing transit need area located far away from subway service. The significant commercial and residential development in the area indicates a demand for a new bus service to connect this area with the nearest subway, which is the ③ at the New Lots Avenue station.
2. *Extend or create a new branch of the B6.* Splitting B6 service to operate to Spring Creek would adversely affect current New Lots Avenue-bound B6 riders because in order to avoid additional operating costs a number of current New Lots Avenue B6 trips would be diverted to Spring Creek. In addition this would route Spring Creek customers to the Rockaway Parkway ① station when a more direct subway connection exists at the New Lots Avenue ③ station.

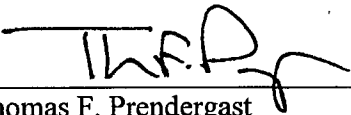
## Budget Impact

The net operational cost associated with this service is \$900,000 annually. Funding for the service was included in the 2012 Service Investments, approved by the MTA Board in July 2012.

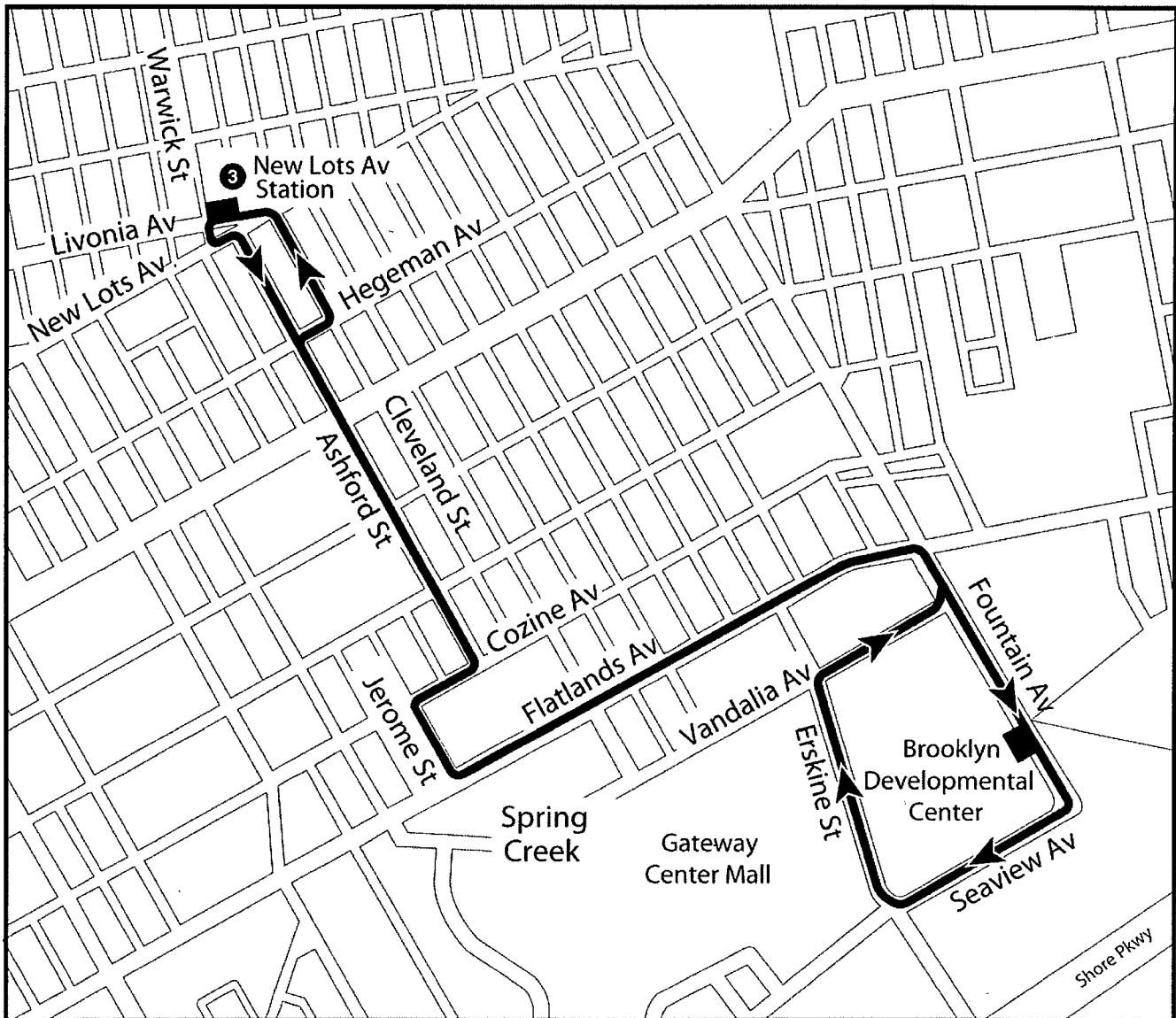
## Proposed Implementation Date

June 2013.

Approved for submission to the Board:

  
Thomas F. Prendergast  
President

## Proposed B84 Bus Service



## **BOARD RESOLUTION**

WHEREAS, in a Staff Summary dated April 3, 2013, the Chief of Operations Planning has recommended the following action as a part of the 2012 Service Investments:

- Implement a new B84 bus route to serve the Spring Creek neighborhood

WHEREAS, a public hearing was held on the proposed change on March 7, 2013 and a summary of public comment and NYC Transit staff response accompanied the Staff Summary; and

WHEREAS, upon a review of the Staff Summary and the documents referenced in or attached to it, the Board has determined that the proposed changes are funded as part of the 2012 Service Investments;

NOW, THEREFORE IT IS RESOLVED that the Board approves the service changes described in said Staff Summary and attachments; and authorizes the President or his designee to implement such changes at such time as deemed practicable.



## **Public Comments on the New Local B84 Bus Service in Spring Creek, Brooklyn**

### Summary of Public Comments and Staff Responses

New York City Transit staff presented a preliminary route plan to Brooklyn Community Board 5, including local elected officials and the East New York Brooklyn Congregations on Friday, October 26, 2012 at 1:00 pm at the Brooklyn Community Board 5 offices located at 127 Pennsylvania Avenue, Brooklyn, NY. Based on comments received at this meeting and subsequent discussions with the Community Board, the route path was changed from Vandalia Avenue to operate on Flatlands Avenue. The service plan was also revised to provide later weeknight service and less service on the weekends as a compromise to provide service within the original allotted budget.

This modified service was then presented at the MTA Public Hearing held on March 7, 2013 at the Spring Creek Educational Campus at 1065 Elton Street, Brooklyn, NY. Community members were invited to submit oral and written comments on the proposed plan.

The reception to the plan was positive at both meetings, with some suggestions provided. This document summarizes oral comments received at the March 7, 2013 Public Hearing and written comments submitted to the MTA through March 12, 2013. For the purpose of the Staff Summary, the only comments listed below are those directly related to the new Spring Creek bus service and are paraphrased for clarity. Comments are listed in order of frequency heard. Following each comment is the New York City Transit staff response.

---

**Comment:** Install a bus stop at Erskine Street and Vandalia Avenue for the Q8 and B84.

**Response:** The grassy median between the sidewalk and the roadway at this intersection prohibits NYCDOT from placing a stop because the stop would not be ADA accessible. NYCT will work with NYCDOT and the Brooklyn Developmental Center to install a proper sidewalk at this location, thereby allowing the placement of a bus stop.

**Comment:** The B84 should run more frequently than every 30 minutes.

**Response:** All new routes as part of the 2012-2013 Service Investments are starting at a 30 minute headway. Service will be monitored and adjustments will be made as appropriate.

**Comment:** Students and Staff at the Spring Creek Educational Campus and residents at the Nehemiah Spring Creek Houses will benefit from the new B84 service.

**Response:** No response necessary.



**Public Comments on the New Local B84 Bus Service in Spring Creek, Brooklyn**

Page 2 of 3

April 3, 2013

**Comment:** The B84 should continue to Rockaway Parkway **L** Station.

**Response:** Limited funding was available for this route, restricting the distance that is possible. The service will be monitored and adjustments will be made as appropriate.

**Comment:** B84 should connect to Starrett City.

**Response:** Limited funding was available for this route, restricting the distance that is possible. The service will be monitored and adjustments will be made as appropriate.

**Comment:** The B6 should be used instead of creating a new B84.

**Response:** This would require that a certain number of New Lots Avenue-bound B6 trips be diverted to Spring Creek which would be inconvenient for customers destined for New Lots Avenue. B6 buses also connect to the Rockaway Parkway **L** station which is less direct than the connection at the New Lots Avenue **3** station.

**Comment:** The B84 should run later at night on weekdays and the weekend span should be increased.

**Response:** Based on initial comments from community board and elected officials, the preliminary service plan was revised to provide later weeknight service and less service on the weekends as a compromise to provide service within the original allotted budget. After implementation, service will be monitored and adjustments will be made as appropriate.

**Comment:** NYCT should provide ADA accessible path from the stop to Gateway Mall.

**Response:** Property owners are responsible for building and maintaining sidewalks. NYCDOT is the agency responsible for intersection and roadway geometries and for enforcement of proper sidewalks. This comment will be forwarded to NYCDOT. In addition, with the opening of Gateway II, there will be an ADA accessible bus stop on the mall property.

**Comment:** Extend B103 service that currently deadheads on Flatlands Avenue.

**Response:** Although out-of-service B103 trips may travel on Flatlands Avenue through this area, the operation is on an as-needed basis and is not on a regular headway. In order to expand the current deadhead service to provide the typical base service required on a corridor of this type, separate operational funding for MTA Bus would be required that is presently unavailable.

**Comment:** The bus stop on Fountain Avenue should be closer to the entrance of the Brooklyn Developmental Center.

**Response:** NYCT will revise the terminal for the B84 to be in front of the Brooklyn Developmental Center.

**Comment:** The MTA should conduct a cost / benefit analysis on the new route and alternative options, such as rerouting the Q7, Q8, B15, B20, and B7.

**Response:** Limited funding was available for this route, restricting the distance that is possible. The service will be monitored and adjustments will be made as appropriate.

**Public Comments on the New Local B84 Bus Service in Spring Creek, Brooklyn**

Page 3 of 3

April 3, 2013

**Comment:** B84 should continue to the Euclid Avenue **A** Station.

**Response:** Limited funding was available for this route, restricting the distance that is possible. The service will be monitored and adjustments will be made as appropriate.

**Comment:** Proper lighting and pedestrian space needs to be provided at the New Lots Avenue **3** station.

**Response:** Lighting, roadway geometry and pedestrian spaces around the New Lot Avenue **3** Station are the responsibility of NYCDOT. This comment will be forwarded to NYCDOT.

**Comment:** The B84 should travel counter-clockwise around the Brooklyn Developmental Center.

**Response:** A bus stop is not possible in front of the Gateway Center Mall on the west side of the street because there is no sidewalk.

**Comment:** The B84 should make connections to the existing bus network.

**Response:** The B84 will connect with the B6, B13, B15, B20, B83, and Q8.

**Comment:** Proper supervision is required on new and existing routes in the area.

**Response:** This comment has been forwarded to the appropriate NYCT department for consideration.

**Comment:** The bus should use Elton Street between Flatlands Avenue and Cozine Avenue instead of Jerome Street.

**Response:** The proposed route was determined based on existing development and future proposed development in the area.



**New York City Transit**

# Report

**SERVICE CHANGES:      RELOCATION OF THE FULL-TIME STAFF AREA  
AT KINGSBRIDGE ROAD **B** **D** STATION, BRONX**

**Service Issue**

To allow wheelchair users direct access to a station agent, NYC Transit proposes to relocate the full-time staffed booth at the Kingsbridge Road **B** **D** station from its existing location at the station's northern entrance on 196<sup>th</sup> Street and Grand Concourse to the station's southern entrance at Kingsbridge Road and Grand Concourse, where new ADA elevators are currently being installed. Although a station agent will no longer be located at the northern entrance, it will remain open for our customers 24 hours a day, seven days a week. While it is not required to have staff in the vicinity of elevators, it is considered good practice, allowing passengers using wheelchairs direct access to a station agent.

**Recommendation**

Relocate the full-time staffed booth from 196<sup>th</sup> Street and Grand Concourse to Kingsbridge Road and Grand Concourse.

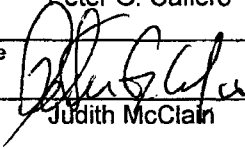
**Budget Impact**

The proposed change is cost neutral since the station, which currently has one full-time staffed booth, will continue to operate with one full-time staffed booth.


**Proposed Implementation Date**



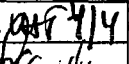
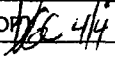
NYC Transit will implement this change in conjunction with the opening of the ADA elevators. The anticipated completion of the elevator installation is during the spring of 2014.

# Staff Summary

Subject	Relocation of the full-time staff area at Kingsbridge Road <b>B D</b> station, Bronx
Department	Operations Planning
Department Head Name	Peter G. Cafiero
Department Head Signature	
Project Manager Name	Judith McClain

Date	April 3, 2013
Vendor Name	N/A
Contract Number	N/A
Contract Manager Name	N/A
Table of Contents Ref #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	President 	4/15/13	X		
2	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
8	President	X 4	VP General Counsel
7	Executive VP 	3	Director OMB 
X 6	SVP Subways	2	VP GCR 
X 5	VP Corp. Comm.	1	Chief OF 

## Purpose

To obtain Board approval of a recommendation to relocate the full-time staffed booth at the Kingsbridge Road **B D** station from its existing location at the station's northern entrance on 196<sup>th</sup> Street and Grand Concourse to the station's southern entrance at Kingsbridge Road and Grand Concourse, where new ADA elevators are currently being installed.

## Discussion

The Kingsbridge Road station is currently served by two control areas: 1) N221 at the north end of the station (at 196<sup>th</sup> Street) is currently the station's only control area that is staffed; 2) N220 at the south end of the station (at Kingsbridge Road) currently operates as an unstaffed control area. The station is an ADA key station and from a layout and construction perspective, southern control area N220 is the better location for retrofitting the station with ADA elevators. Construction for the ADA retrofit began in March of 2012 and the elevators are expected to be in operation in the spring of 2014. While it is not required to have staff in the vicinity of elevators, it is considered good practice, allowing passengers using wheelchairs direct access to a station agent.

Details of this planned relocation have been shared with the community at various meetings during the course of the project.

A public hearing was held for this action on March 19, 2013. The only pertinent comment received voiced support for the proposed action; the commenter stated that the southern entrance at Kingsbridge Road should always have been where the full-time staffed agent is located. The only other comment that was received was a more general comment in which the notion of having all station entrances served by full-time station agents was recommended.

# Staff Summary

## **Recommendation**

Relocate the full-time staffed booth from 196<sup>th</sup> Street and Grand Concourse to Kingsbridge Road and Grand Concourse.

## **Alternatives to the Proposed Service Change**

*Do Nothing.* Under this scenario, station operations would remain as they currently are with one exception. The exception is: by the spring of 2014, ADA elevators will be installed at the southern end of the station and customers wishing to use the elevators would not have access to a station agent. While it is not required to have staff in the vicinity of elevators, it is considered good practice.

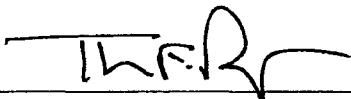
## **Budget Impact**

The proposed change is cost neutral since the station, which currently has one full-time staffed booth, will continue to operate with one full-time staffed booth.

## **Proposed Implementation Date**

NYC Transit will implement this change in conjunction with the opening of the ADA elevators. The anticipated completion of the elevator installation is during the spring of 2014.

Approved for Submission to the Board:

  
\_\_\_\_\_  
Thomas F. Prendergast  
President

## **BOARD RESOLUTION**

WHEREAS, in a Staff Summary dated April 3, 2013, the Chief of Operations Planning has recommended the following action:

- Relocate the full-time staffed area of the Kingsbridge Road **B D** station

WHEREAS, a public hearing was held on the proposed changes on March 19, 2013 and a summary of public comment and NYC Transit staff response accompanied the Staff Summary; and

WHEREAS, upon a review of the Staff Summary and the documents referenced in or attached to it, the Board has determined that the proposed changes would provide ADA customers with direct access to a station agent;

NOW, THEREFORE IT IS RESOLVED that the Board approves the service changes described in said Staff Summary and attachments; and authorizes the President or his designee to implement such changes at such time as deemed practicable.

## 84

Currently is unstaffed.

Architectural floor plan of the South Mezzanine of the Grand Central Terminal. The plan shows a complex layout of rooms, corridors, and staircases. Key areas include the 'GRAND CONCOURSE' on the right, 'KINGSBRIDGE ROAD' on the left, and 'ROAD' at the top. The plan is labeled with various room numbers (e.g., M2A, M2B, M3A, M3B, M4, M5, M6, M7, M8, M9, M10, M11, M12, M13, M14, M15, M16, M17, M18, M19, M20, M21, M22, M23, M24, M25, M26, M27, M28, M29, M30, M31, M32, M33, M34, M35, M36, M37, M38, M39, M40, M41, M42, M43, M44, M45, M46, M47, M48, M49, M50, M51, M52, M53, M54, M55, M56, M57, M58, M59, M60, M61, M62, M63, M64, M65, M66, M67, M68, M69, M70, M71, M72, M73, M74, M75, M76, M77, M78, M79, M80, M81, M82, M83, M84, M85, M86, M87, M88, M89, M90, M91, M92, M93, M94, M95, M96, M97, M98, M99, M100) and includes a title 'PLAN OF SOUTH MEZZANINE' at the bottom.

Currently is station's staffed control area.

[illegible]

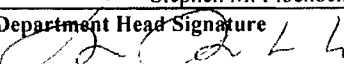
# Report

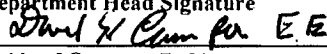






## PROCUREMENTS

The Procurement Agenda this month includes 35 actions for a proposed expenditure of \$182.7M.



<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Materiel Division – NYCT					
<b>Department Head Name</b> Stephen M. Plochochi					
<b>Department Head Signature</b> 					
<b>Project Manager Name</b> Rose Davis					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	4/22/13			
2	Board	4/24/13			

April 10, 2013			
<b>Department</b> Law and Procurement – MTACC			
<b>Department Head Name</b> Evan Eisland			
<b>Department Head Signature</b> 			
<b>Table of Contents Ref #</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President NYCT		President MTACC
	Executive VP		President MTA Bus
X	Capital Prog. Management	X	Subways
	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	5	\$ 23.8 M
• Alstom Signaling, Inc. \$ 4.9 M		
• Alstom Transportation, Inc. \$ 5.0 M		
• New Flyer Industries Canada \$ 12.0 M		
ULC		
• Construction Polymers Co. \$ .9 M		
• Star Machine & Tool \$ 1.0 M		

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts	1	\$ .3 M
• Tec Solutions, Inc. \$ .3 M		
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 9.8 M
• Corporate Transportation \$ 9.8 M		
Group, LTD		
<b>SUBTOTAL</b>	<b>7</b>	<b>\$ 33.9 M</b>

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

MTA Bus Company 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	5	\$	22.2 M
Schedule G:	Miscellaneous Service Contracts	5	\$	43.0 M
Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	1	\$	7.6 M
Schedule I:	Modifications to Purchase and Public Works Contracts	1	\$	.5 M
Schedule L:	Budget Adjustments to Estimated Quantity Contracts	9	\$	27.0 M
		<b>SUBTOTAL</b>		<b>21 \$ 100.3 M</b>

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

Schedules Requiring Majority Vote

Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	1	\$	18.2 M
Schedule I:	Modifications to Purchase and Public Works Contracts	1	\$	2.2 M
		<b>SUBTOTAL</b>		<b>2 \$ 20.4 M</b>

**MTA Bus Company proposes to award Competitive procurements in the following categories: NONE**

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

Schedules Requiring Two-Thirds Vote:

Schedule D:	Ratification of Completed Procurement Actions	1	\$	12.8 M
		<b>SUBTOTAL</b>		<b>1 \$ 12.8 M</b>

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

Schedules Requiring Majority Vote:

Schedule K:	Ratification of Completed Procurement Actions	3		14.5
		<b>SUBTOTAL</b>		<b>3 14.5</b>

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

Schedules Requiring Two-Thirds Vote:

Schedule D:	Ratification of Completed Procurement Actions	1	\$	.8 M
		<b>SUBTOTAL</b>		<b>1 \$ .8 M</b>
		<b>TOTAL</b>		<b>35 \$ 182.7 M</b>

**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 funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.

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

## **BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

**APRIL 2013**

**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. | <b>Alstom Signaling, Inc.</b><br><b>Sole Source - Three-year omnibus</b><br>Multi-agency purchase of inventory and non-inventory signal and switch system equipment.  | <b>\$4,875,000 (Est.)</b><br><br><i><u>Staff Summary Attached</u></i>  |
| 2. | <b>Alstom Transportation, Inc.</b><br><b>Sole Source - Three-year omnibus</b><br>Purchase of inventory and non-inventory subway car parts.  | <b>\$5,000,000 (Est.)</b><br><br><i><u>Staff Summary Attached</u></i>  |
| 3. | <b>New Flyer Industries Canada ULC</b><br><b>Sole Source - Three-year omnibus</b><br>Multi-agency purchase of sole source replacement bus parts.  | <b>\$12,000,000 (Est.)</b><br><br><i><u>Staff Summary Attached</u></i> |
| 4. | <b>Construction Polymers Co.</b><br><b>Sole Source</b><br><b>Req. # 12512</b><br>Purchase of GreenRock Solid Cast Polymer pre-cast blocks.  | <b>\$864,200 (Est.)</b><br><br><i><u>Staff Summary Attached</u></i>    |
| 5. | <b>Star Machine &amp; Tool</b><br><b>Sole Source - Four-year contract</b><br><b>RFQ # 46927</b><br>Multi-agency estimated quantity contract for the purchase of double spindle brake lathes and modified cutting tool bits. | <b>\$991,550 (Est.)</b><br><br><i><u>Staff Summary Attached</u></i>    |

**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.)

- |    |  |   |
|----|--|---|
| 6. | <b>Tec Solutions, Inc.</b><br><b>Non-Competitive – Five-year contract</b><br><b>RFQ # 51504</b><br>Migration and consolidation of five databases and the hardware upgrade of a Cyberlock Web Enterprise System with five years of support. | <b>\$338,817 (Est.)</b><br><br><i><u>Staff Summary Attached</u></i> |
|----|--|---|

**APRIL 2013**

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

**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.)

**7. Corporate Transportation Group, Ltd.    \$9,777,423 (Est.)  
Contract # 10L0373.3**

**Staff Summary Attached**

Modification to the contract for the test and evaluation of a broker car/livery service program for Paratransit, in order to extend the term of the contract.



APRIL 2013

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. Dewberry Engineers, Inc. \$14,000,000 (Aggregate) Staff Summary Attached
2. STV Inc.  
Eleven-Proposals – Sixty-month contract  
Contract #sCM-1518/1519  
Indefinite quantity (IQ) Environmental Consulting Services contracts for miscellaneous construction projects.
3. NYU Hospital for Joint Diseases \$4,216,357 (Est.) Staff Summary Attached  
Occupational and Industrial Orthopaedic Center  
One Proposal – Three-year contract  
RFQ #22182  
Consultant services for the update, enhancement and supplement of NYC Transit's Medical Standards and Job Profiles.
4. Systra Engineering, Inc. \$1,998,745 (NTE) Staff Summary Attached  
Two Proposals – Fifty-one month contract  
Contract #CM-1524  
Independent Safety Assessor (ISA) for Signal System Modernization for the Dyre Avenue Solid State Interlocking Project.
5. Audubon Architecture, Engineering, \$1,993,787 (Est.) Staff Summary Attached  
Surveying & Landscape Architecture, PC (Wendel)  
Three Proposals – Five-Year contract  
Contract #RFP 3337  
Expert gaseous fuel consulting services.

**APRIL 2013**

## **LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

### **G. Miscellaneous Service Contracts**

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

6.	<b>Action Carting Environmental Services, Inc.</b>	<b>\$37,104,680 (Est.)</b>
	<b>Five Bids/Low Bidder – Five-year contract</b>	
	<b>Contract # RFQ 33134</b>	

This contract is to provide collection, recycling and disposal of refuse for NYC Transit, MTA Bus Company and Staten Island Railway. Services to be performed include: scheduled refuse pick-up at depots, shops, yards, barns, administrative offices and subway refuse platforms; post-collection removal of recyclable material from the subway waste stream; removal and recycling of source separated material from administrative facilities; disposal of non-recyclable waste and construction debris; providing various types of containers to facilitate the collection of refuse; destruction of confidential documents and sensitive material and other related services.

Procurement and Asset Recovery conducted an extensive outreach to the marketplace which led to the receipt of five bids on this solicitation as compared to three bids on the prior solicitation. The low bidder, Action Carting Environmental Services, Inc. (Action) submitted a bid that is approximately 2% below the next low bidder. Additionally, when comparing like items from the previous contract to those under this bid (representing 95% of the value of the bid), Action's bid price is approximately 16% lower than the previous contract pricing. Based upon the aforementioned price analysis and effective price competition, Action's pricing was found to be fair and reasonable.

Action has been in business since 1998 and is currently providing refuse removal and recycling services for various government and private entities. A background check conducted on Action, including verification that Action is licensed by the New York City Business Integrity Commission, resulted in Action being found responsible.

APRIL 2013

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

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

**7. Inspectorate America Corp. \$1,512,688 (Est.) (five categories)**

**8. Clean Venture, Inc. \$1,268,027 (Est.) (two categories)**

**Seven Bids/Low Bidders – Five-Year Contract**

**RFQ #8677**

These multi-agency contracts will provide chemical and physical testing of various materials on an as needed basis to ensure that materials meet specifications. The work includes sample pick-up, documentation and written reports on all tests performed. Testing services are needed to ensure that incoming materials meet the specifications required, including materials as provided by contractors under capital construction contracts. The Price Schedule contained fifteen categories and bidders could bid on any and all items. Approval is sought to award five categories to Inspectorate America Corp. (Inspectorate) to perform testing of: 1) Diesel Oils (\$1,073,785) – 3 bids, 2) Transformer Oils (\$121,779) – 3 bids, 3) Heating Oils (\$181,030) – 4 bids, one of which was non-responsive, 4) Diesel Exhaust Fluid (\$46,694) – 3 bids, and 5) Diesel Fuel Analysis for Metro-North Railroad (\$89,400) – 3 bids; and two categories to Clean Venture, Inc. to perform testing of: 1) Cleaners, Solvents, & Absorbents (\$1,145,922) – 2 bids and 2) Water (\$122,105) – 1 bid. For the water testing category receiving a single bid, a post-bid survey of other potential labs revealed that they either could not perform the test procedures as specified or would not have offered lower pricing. Based on the bids received and the market survey, the bid results are considered fair and reasonable.

The bid solicitation was designed to be awarded to the lowest responsive and responsible bidder on a category basis in order to afford the greatest flexibility and economic advantage for the participating agencies. The remaining categories will be awarded at a future date after completing the qualification process. The receipt of multiple bids was the result of extensive investigation and outreach to firms to encourage them to participate in this solicitation.

To qualify for award, Inspectorate's credentials were reviewed and a site visit of their laboratory took place to observe tests being conducted and Inspectorate was deemed technically qualified to perform the work. Clean Venture is the incumbent under the current contract for the same work and, due to their satisfactory performance, was deemed technically qualified to perform the work.



**APRIL 2013**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

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

**9. Tri-Dim Filter Corporation. \$2,658,205 (Est.)**

**Five Bids/Low Bidder – Four-year contract**

**IFB 36423**

This multi-agency contract is to provide cleaning service of HVAC system components and associated ductwork for NYC Transit Department of Buses (DOB) and Department of Subways Maintenance of Way (MOW), MTA Bus Company (MTABC), and Long Island Railroad (LIRR). The work also includes installation of additional access points as needed to facilitate the cleaning process. Maintaining clean HVAC system components and associated ductwork helps preserve the overall indoor air quality.

The work will take place at various agencies' depots, buildings and stations located within the five boroughs of New York City, Yonkers, and Nassau and Suffolk counties. The Price Schedule is split into Class A covering DOB and MTABC requirements in the amount of \$2,269,660; Class B covering MOW requirements in the amount of \$166,697; and Class C covering LIRR requirements in the amount of \$221,848.

Procurement conducted an extensive outreach to the marketplace which led to receipt of five bids on this solicitation as compared to three bids on the prior solicitation. The low bidder, Tri-Dim Filter Corporation (Tri-Dim) submitted a bid that is approximately 4% lower than the bid submitted by the second low bidder. Additionally, when comparing like items from the previous contract to those under this bid (representing 91% of the value of the bid), Tri-Dim's bid price represents an increase of less than 1% from the previous contract pricing. Based upon the aforementioned price analysis and effective price competition, Tri-Dim's pricing was found fair and reasonable.

**10. US Technologies Inc. \$437,379 (Est.)**

**Two Bids/Low Bidder – Four-year contract**

**IFB #26362**

This contract is to provide repair service for Traction Battery Conditioner (TBC) units for NYC Transit Department of Buses (DOB) and MTA Bus Company (MTABC). A TBC unit is a power supply system used to perform periodic maintenance on lead-acid traction batteries installed on diesel-electric hybrid buses in order to maintain optimal battery performance. A TBC unit is approximately the size of a home refrigerator, with an LED monitor, keyboard and software used to operate the unit and facilitate monitoring the charge levels during the conditioning cycle.

There are 24 TBC units located at 13 different DOB and MTABC depots. On a six-month interval, each hybrid bus equipped with lead acid batteries is connected to a TBC unit for a cycle lasting up to 12 hours that brings the batteries to 100% state of charge. In the hybrid buses, the lead-acid traction batteries normally work between about 60% and 80% state of charge to allow for recapture of the energy associated with the regenerative braking. Periodically bringing the batteries to 100% state of charge through use of the TBC restores battery capacity and maximizes battery lifespan. There are a total of 46 lead-acid traction batteries per bus contained in traction battery enclosures located on the roof of the bus.

Two bids were received. The low bidder, US Technologies, Inc. (US Technologies) submitted a bid that was 23% lower than the bid submitted by the second low bidder. Additionally, when comparing like items from the previous contract to those under this bid (representing 86% of the value of the bid), US Technologies' bid price is approximately 27% lower than the previous contract pricing. Based upon the aforementioned price analysis and effective price competition, US Technologies' pricing was found fair and reasonable.

**APRIL 2013**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**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.)

- 11. AlliedBarton Security Services**                      **\$7,622,613 (Est.)**                      *Staff Summary Attached*  
**Contract # 06H9503.5**

Modification to the contract to provide uniformed armed security guard services, in order to extend the contract term.

**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.)

- 12. WDF, Inc.**    **\$530,000**    *Staff Summary Attached*  
**Contract # A-36018.24**

Modification to the contract for the Rehabilitation of Five Stations on the Far Rockaway Line, in order to resolve a claim associated with an allowance for the boxing-out of wire-mesh screen support and canopy column bases on station platforms.

APRIL 2013LIST 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.)

**IQ asbestos and lead environmental engineering services (CM-1377)**

13. Environmental Planning & Management, Inc. Contract # CM-1377 March 4, 2009 - March 3, 2014	Original Amount:	\$ 5,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 5,000,000
	This Request:	\$ 3,000,000
	% of This Request to Current Amount:	60.0%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	60.0%

**IQ hazardous materials remediation (C-31671 and C-31674)**

14. TRIO Asbestos Removal Corporation Contract # C-31671 December 3, 2010 - December 2, 2013	Original Amount:	\$ 5,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 5,000,000
	This Request:	\$ 3,000,000
	% of This Request to Current Amount:	60.0%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	60.0%
15. Coastal Environmental Group, Inc. Contract # C-31674 December 3, 2010 - December 2, 2013	Original Amount:	\$ 5,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 5,000,000
	This Request:	\$ 3,000,000
	% of This Request to Current Amount:	60.0%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	60.0%

APRIL 2013LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**L. Budget Adjustments to Estimated Quantity Contracts Cont'd**

(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.)

**IQ design services for construction projects for MTA Bus Company (CM-1364, CM-1375 and CM-1376)**

16. HDR, Inc. Contract # CM-1364 August 8, 2008 – August 7, 2013	Original Amount:	\$ 3,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 3,000,000
	This Request:	\$ 3,000,000
	% of This Request to Current Amount:	100.0%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	100.0%
17. PB Americas, Inc. Contract # CM-1375 August 22, 2008 – August 21, 2013	Original Amount:	\$ 3,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 3,000,000
	This Request:	\$ 3,000,000
	% of This Request to Current Amount:	100.0%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	100.0%
18. DiDomenico & Partners, Inc. Contract # CM-1376 August 12, 2008 – August 11, 2013	Original Amount:	\$ 3,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 3,000,000
	This Request:	\$ 3,000,000
	% of This Request to Current Amount:	100.0%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	100.0%

APRIL 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

**L. Budget Adjustments to Estimated Quantity Contracts Cont'd**

(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.)

**IQ Consultant Construction Management and inspection services for miscellaneous federally funded projects (CM-1365, CM-1373 and CM-1374)**

19. LiRo Engineers, Inc. Contract # CM-1365 August 19, 2008 – August 18, 2013	Original Amount:	\$ 3,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 1,500,000
	Current Amount:	\$ 4,500,000
	This Request:	\$ 3,000,000
	% of This Request to Current Amount:	66.0%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	150.0%
20. Tectonics, Inc. Contract # CM-1373 August 13, 2008 – August 12, 2013	Original Amount:	\$ 3,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 3,000,000
	This Request:	\$ 3,000,000
	% of This Request to Current Amount:	100.0%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	100.0%
21. Haks Engineers, Architects & Land Surveyors Contract # CM-1374 August 6, 2008 – August 5, 2013	Original Amount:	\$ 3,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 3,000,000
	This Request:	\$ 3,000,000
	% of This Request to Current Amount:	100.0%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	100.0%

APRIL 2013

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**L. Budget Adjustments to Estimated Quantity Contracts Cont'd**

(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.)

**Discussion (Items 13-21):**

The effects of Superstorm Sandy have necessitated a series of emergency assessments and repairs to restore service to the NYC Transit system. As the transportation system is reviewed for damage, immediate action will be taken to promptly detect and repair the storm related damage and to mitigate future damage, and/or enhance the response to future storms in a manner that maximizes public and employee health and safety. The emergency repairs will require the following support services which will be procured through existing contracts: IQ asbestos and lead environmental engineering services (CM-1377); IQ hazardous materials remediation (C-31671/C-31674); IQ design services for construction projects for MTA Bus Company (CM-1364, CM-1375, CM-1376); and IQ Consultant Construction Management and inspection services for miscellaneous federally funded projects (CM-1365, CM-1373, CM-1374). Task orders for the required services will be let competitively. These nine budget actions will increase the budgets of existing competitive contracts that were already in place and enable NYC Transit to react quickly and meet the needs for immediate services while we solicit additional contracts for the above services.

APRIL 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

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

1. AECOM\*Arup (JV) \$18,178,009 (NTE) Staff Summary Attached  
Contract # CM-1188.85

Modification to the contract to provide design services for the Second Avenue Subway, in order to increase construction phase support and extend the term of the contract.

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

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

2. J. D'Annunzio & Sons, Inc. \$2,240,000 Staff Summary Attached  
Contract # C-26013.27

Modification to the contract for station excavation, utility relocation and road decking for the Second Avenue Subway, 86th Street Station, in order to address schedule adjustments resulting from the aggregate schedule impact of multiple AWOs and associated impact costs.

APRIL 2013

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.

- |   |              |                               |
|---|--------------|-------------------------------|
| 1. TAP Electrical Contracting<br>Services, Inc.<br>Contract # C-52116 | \$12,750,000 | <u>Staff Summary Attached</u> |
| Contract to secure under river tunnels, Phase II.                     |              |                               |



**APRIL 2013**

**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. **Judlau Contracting, Inc.** **\$330,000** **Staff Summary Attached**  
**Contract # A-36126.112**  
Modification to the contract for the restoration of the historical Corbin Building, in order to perform additional restoration work in the lobby.
2. **Parsons Brinckerhoff, Inc.** **\$9,000,000 (NTE)** **Staff Summary Attached**  
**Contract #CM-1189R.27**  
Modification to the contract for engineering design services for the No. 7 (Flushing) Line extension, in order to make revisions to design support during construction services.
3. **Skanska/Traylor, JV** **\$5,200,000** **Staff Summaries Attached**  
**Contract # C-26008.31**  
Modification to the contract for station cavern mining and heavy civil/structural work for the Second Avenue Subway, 86th Street Station, in order to address changes required to mitigate the impact of the 8:00 PM blasting restriction.

**APRIL 2013**

**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.

1. **Sprague Operating Resources, LLC**      **\$840,000 (Est.)**      Staff Summary Attached  
**Contract # AA121454R**  
Purchase of bulk gasoline for MTA Bus Company's non-revenue fleet.

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



Item Number: 1

<b>Vendor Name (&amp; Location)</b> Alstom Signaling, Inc. (West Henrietta, 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 signal and switch system parts		<b>Total Amount:</b> \$4,875,000 (Est.) NYC Transit \$3,600,000 LIRR \$500,000 MNR \$775,000	
<b>Contract Term (including Options, if any)</b> Three years		<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 multi-agency omnibus approval will cover items identified as obtainable only from Alstom Signaling, Inc. (Alstom) 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 omnibus 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 821 items for NYC Transit, 69 items for Long Island Rail Road (LIRR) and 50 items for Metro North Railroad (MNR) covered by this approval for the purchase of replacement signal and switch system parts supplied by Alstom. These items are identified as obtainable only from Alstom 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 Alstom. These items are advertised a minimum of once every twelve months to seek competition. A list of Alstom sole source items, as well as NYC Transit's intention to buy items on the list without competitive bidding, is available for download from the NYC Transit website at any time by any prospective vendor. These sole source parts will be purchased on an as-required basis.

The current omnibus approval for the three agencies, approved by the Board in June 2010 and expiring on June 22, 2013, was for a total of \$4,415,000 (NYC Transit - \$3,795,000; LIRR's - \$500,000 and MNR - \$120,000). There are remaining balances of \$879,424, \$131,000 and \$0, respectively, for each agency.

NYC Transit Procurement has performed a price analysis on the 15 sole source items for which contracts were issued during the term of the current omnibus approval which exceeded the \$15,000 threshold; each of which was deemed fair and reasonable based on a thorough analysis. Of the 15 NYC Transit sole source items, 9 items purchased during the term of the current omnibus approval have a comparative price history. A comparative price analysis of these 9 items revealed an annual weighted average price increase of approximately 3.7% over the past three years. These 9 items amount to a total of \$1,259,256 or 44% of the value of the contracts issued under the current omnibus approval. A review of the Producer Price Index (PPI) for Machinery and Equipment, Industrial Controls and Related Parts and Accessories, Series ID WPU117507, revealed an average annual 3.7% increase over the past three years.

The next three year plan developed by NYC Transit, LIRR and MNR estimates expenditures for sole source material to be in the estimated amounts of \$3,600,000, \$500,000 and \$775,000, respectively. The agencies based their estimates on historical expenditures, forecasted maintenance requirements and track relay programs. The agencies will continue to research alternate sources of supply wherever possible.

Under this omnibus approval, pricing for any procurement which would otherwise be advertised is established by requesting a quotation for each item from Alstom on an as-required basis. Each item 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> Alstom Transportation, Inc. (Naperville, IL)		<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 traction motor, propulsion controller and car body parts		<b>Total Amount:</b> \$5,000,000.00 (Est.)	
<b>Contract Term (including Options, if any)</b> Three years		<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 is an omnibus approval request for items identified as obtainable only from Alstom Transportation Incorporated (Alstom) 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 1,028 items covered by this approval for the purchase of replacement traction motor, propulsion controller and car body parts supplied by Alstom. These items are identified as obtainable only from Alstom 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 Alstom. These items are advertised a minimum of once every twelve months to seek competition. A list of Alstom sole source items, as well as NYC Transit's intention to buy items on the list without competitive bidding, is available for download from the NYC Transit website at any time by any prospective vendor. These sole source parts will be purchased on an as-required basis. NYC Transit's Division of Car Equipment (DCE) will utilize these sole source parts on approximately 2,432 subway cars: 1,030 R142 and 1,402 R160 subway cars for Scheduled Maintenance System (SMS) and running repair requirements. The current omnibus approval for \$4,000,000 was approved by the Board in June 2010 and expires on May 31, 2013. There is a remaining balance of \$634,335 on the current omnibus approval.

Procurement has performed a price analysis on the 13 sole source items for which contracts were issued during the term of the current Omnibus Approval which exceeded the \$15,000 threshold, each of which was deemed fair and reasonable based on a thorough analysis. Of the 13 items, three items purchased during the term of the current omnibus approval have a comparative price history. A comparative price analysis of these three items revealed an annual weighted average price increase of approximately 2.2% over the past three years. These three items amount to a total of \$1,776,765 or 49% of the value of the contracts issued under the current omnibus approval. A review of the Producer Price Index for Transportation Equipment Railroad Car Parts and Accessories, Series ID WPU144203, revealed an average annual 1.7% increase over the past three years. However, the price of one of the three items (NYC Transit Stock #08-42-5286, resilient bushing) increased by 17.9% when compared with the prior procurement due to a significant reduction in the order quantity from 4,800 pieces to 1,600 pieces and sharp increases in metal prices.

Based on the current forecasts as well as projections for 2014 through 2016 as provided by DCE, it is anticipated that DCE will require approximately \$5,000,000 for sole source items from Alstom during the term of this omnibus approval request. Procurement believes that the amount requested on this omnibus approval is sufficient to procure all sole source materials from Alstom for the next three year period. Procurement and DCE will continue to research alternate sources of supply wherever possible.

Under this omnibus approval, pricing for any procurement, which would otherwise be advertised, is established by requesting a quotation for each item from Alstom on an as-required basis. Each item purchased under this 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: 3

<b>Vendor Name (&amp; Location)</b> New Flyer Industries Canada ULC (Winnipeg, Manitoba, Canada)
<b>Description</b> Purchase of inventory and non-inventory replacement bus parts
<b>Contract Term (including Options, if any)</b> December 1, 2012 – November 30, 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>Existing Omnibus Approval Amount:</b>	\$7,000,000 (Est.)
<b>This Request:</b> (NYC Transit: \$9M, MTAB \$3M)	\$12,000,000 (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:

To obtain Board approval to increase funds to include all Orion sole source aftermarket parts for both inventory and non-inventory items identified as obtainable only from New Flyer Industries Canada ULC (New Flyer) for the duration of the existing New Flyer Omnibus Approval, that was previously approved by the November 2012 Board and will expire November 2015. The existing New Flyer Omnibus Approval is in the estimated amount of \$7M (\$5M for NYC Transit and \$2M for MTABC). This request is for an additional \$12M (\$9M for NYC Transit and \$3M for MTABC) resulting in a revised total estimated amount of \$19M (\$7M for the existing New Flyer Omnibus Approval + \$12M for this request) solely for the inclusion of Orion sole source materials.

On April 25, 2012, Daimler Buses North America (DBNA) announced that it planned to cease production of transit buses and exit the transit bus manufacturing industry in North America. DBNA marketed its buses under the "Orion" brand name. Subsequently on March 1, 2013, New Flyer announced that it had acquired all Orion aftermarket parts inventory for heavy-duty transit buses and had acquired an exclusive license to supply Orion aftermarket parts, including use of DBNA's proprietary part designs. New Flyer will be the exclusive supplier of Orion parts. Prior to the announcement of New Flyer's acquisition of Orion parts, Procurement anticipated going forward with a new DBNA Omnibus Approval for NYC Transit and MTABC. However, it was determined that in light of the acquisition it would be best to incorporate the proposed \$12M for this approval into the existing New Flyer Omnibus Approval, bringing the total estimated amount of the New Flyer Omnibus Approval to \$19M.

The New Flyer Omnibus Approval pertains to procurements exceeding \$15,000 for any sole source item, eliminating the need to process each procurement individually, thereby saving the cost of individual advertisements and reducing the administrative and procurement lead times. Any purchases made under this omnibus 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. NYC Transit is not obligated to generate any expenditures pursuant to an omnibus approval. New Flyer sells directly to NYC Transit and MTABC and does not utilize a network of distributors. These sole source parts will be used by NYC Transit's Department of Buses (DOB) and MTABC for normal maintenance and replenishment of inventory and non-inventory bus parts. Procurement and DOB will continue to research alternate sources of supply wherever possible.

Currently there are a total of 908 (710 NYC Transit, 198 MTABC) New Flyer buses in the fleet as well as 2,440 (1,964 NYC Transit, 476 MTABC) Orion buses. New Flyer will now serve as the sole aftermarket distributor for items identified as sole source Orion and New Flyer parts for approximately 59% of the entire bus fleet. In order to support the operation of the Orion and New Flyer fleets and maximize bus availability, it is necessary to maintain a sufficient inventory of spare parts. Numerous items are available in the competitive marketplace, however approximately 12,557 Orion items as well as 4,402 New Flyer items, for a total of 16,959 items are now considered sole source and only obtainable from New Flyer for one of the following reasons: sole source pre-qualified items on the Qualified Product List for NYC Transit and/or MTABC and not available from any distributor or other sources; publicly advertised within a twelve month period without an acceptable alternate supplier; or are proprietary to New Flyer. A list of New Flyer's sole source items, as well as NYC Transit's intention to buy items on the list without competitive bidding is available for download from the NYC Transit website at any time by any prospective vendor.

Procurement has performed a price analysis on the 145 sole source items for which contracts were issued during the term of the current DBNA Omnibus Approval which exceeded the \$15,000 threshold, each of which was deemed fair and reasonable based on a thorough analysis. Of the 145 items, 93 purchased during the term of the current DBNA Omnibus Approval have a comparative price history. A comparative price analysis of these 93 items revealed an annual weighted average price decrease of approximately -0.5% over the past three years. These 93 items amount to a total of \$8,012,011 or 78% of the value of the contracts issued under the current DBNA Omnibus Approval. A review of the Producer Price Index (PPI) for Transportation Equipment, Motor Vehicle Parts, Series ID WPU1412, revealed an average 1.3% annual increase over the past three years. DBNA's annual weighted average price decrease of -0.5% compared favorably with the aforementioned PPI. The negotiated price is found to be fair and reasonable.

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

Item Number: 4

<b>Vendor Name (&amp; Location)</b> Construction Polymers Co. (Chagrin Falls, OH)
<b>Description</b>  Purchase of GreenRock Solid Cast Polymer Pre-Cast blocks
<b>Contract Term (including Options, if any)</b> Immediate Use
<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: Sole Source

<b>Contract Number</b> Req. # 12512	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>This request:</b> \$864,200 (Est.)	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Subways, Carmen Bianco	

**Discussion:**

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to PAL §1209, subsection 9(b) and approve the purchase of 2,900 GreenRock Solid Cast Polymer (SCP) pre-cast blocks (and labor associated with attaching RF Plates to the blocks, as described below) that will be used as an alternative material and methodology for the spot replacement of wooden tie blocks for unguarded and tangent type II track locations. Type II track is a concrete ballasted type track used primarily in the subway tunnels. SCP is a high strength composite material made from a proprietary polymer formulation which complies with NYC Transit specifications. Presently, these blocks are only available from Construction Polymers.

The GreenRock SCP pre-cast block is created by pouring liquid SCP material into a mold. Before the liquid SCP material hardens, Construction Polymers affixes a NYC Transit supplied RF Plate onto the liquid SCP material to create the SCP pre-cast block assembly. These assemblies (consisting of the SCP pre-cast block with an attached RF Plate) are utilized to facilitate the process of track construction in the field. An RF Plate consists of a top plate, bottom plate, vibration pad, bushings and springs. The RF Plate type of rail fastener provides elasticity and resiliency to the track, and absorbs the vibration and stresses that would otherwise be transmitted by the interface between the wheel and the rail into a tie block or tie, thereby extending the life of the rail and providing a significant reduction in noise and vibration levels. RF Plates have been purchased pursuant to a competitive bid process.

This SCP initiative has been undertaken because the traditional method of replacing old, deteriorated wood tie blocks involves demolishing or "chipping out" the existing concrete which in many cases continues to be in good condition, and then skeletonizing the track and pouring new concrete with the new wood tie blocks embedded therein. Performing this work is labor intensive and causes a greater disruption to train service. As a result, a small maintenance job utilizing the traditional method turns into a large capital project because it is not economical for Track Construction to mobilize its work forces for track jobs of 200 feet or less.

In order to develop a competitive source of polymer blocks, Procurement conducted a Request for Information (RFI) in July 2011 to seek expressions of interest in order to identify and obtain information from firms experienced in furnishing and delivering solid cast polymer or other material that could be used to create blocks for the permanent replacement of deteriorated wood tie blocks in the subway system. Procurement is currently in discussions with another company that is interested in developing a competitive equivalent polymer material. Other materials that might be used in lieu of either wood or polymer are also under review by Subways Engineering.

Construction Polymers initially proposed a unit price of \$304 for this procurement. However, Procurement successfully obtained a price concession reducing the unit price to \$298 for a total savings of \$17,400. Procurement compared the purchasing history of this item which shows that the current price of \$298 represents a price decrease of 2.0% from the previous procurement awarded to Construction Polymers in May 2011 for 975 pieces at a unit price of \$304. Construction Polymers provided a written statement that NYC Transit is receiving its most favored customer pricing. Based on the aforementioned, the price quoted by Construction Polymers was found to be fair and reasonable.

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



Item Number: 5

<b>Vendor Name (&amp; Location)</b> Star Machine & Tool (Minneapolis, MN)
<b>Description</b>  Purchase of 12 Transfermatic Double Spindle Brake Lathes and 5,000 modified cutting tool bits
<b>Contract Term (including Options, if any)</b> Four Year Contract
<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 checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contract Number</b> RFQ # 46927	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
<table> <tr> <td>This request:</td> <td>\$991,550 (Est.)</td> </tr> </table>		This request:	\$991,550 (Est.)
This request:	\$991,550 (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> Department of Buses, Darryl Irick			

## Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to PAL §1209, subsection 9(b) due to the existence of a single responsible source and approve the award of a four year estimated quantity sole source contract to Star Machine & Tool (Star) for the purchase of 12 Transfermatic Double Spindle Brake Lathes, eight for NYC Transit and four for MTA Bus Company (MTABC) to be used in bus depots and Central Maintenance Facilities for the machining of brake drums and shoes. Also included is a requirement for 5,000 modified cutting tool bits, a consumable replacement part used on the Transfermatic Double Spindle Brake Lathe.

The lathes manufactured by Star are the only brake lathes available in the industry that cut brake drums and precision arc the brake shoes at the same time for perfect mating of brake material and drum surface, thereby maximizing productivity by eliminating the need to separately cut the drum and shoe and substantially extending brake life. There are currently 60 lathes in use throughout DOB and MTABC depots and shops. The lathes are maintained by DOB and MTABC facilities personnel on a regular basis. While in service, the brake lathes go through a factory reconditioning process as part of their regular maintenance cycle. The reconditioning typically happens within 5-10 years of operation and the machine is usually reconditioned twice. Eventually, the reconditioning is no longer possible, and a new lathe is required. This contract is for the purchase of new lathes to replace those that can no longer be reconditioned. The reconditioning program is offered by Star and a three year estimated quantity contract, currently being processed, will be the subject of a future Board action. The main consumable replacement part used on the brake lathe is the modified cutting tool bit, which is used to cut the drum.

Star does not have any distributors for its products. A national outreach to a series of tool and equipment manufacturers specializing in the transportation industry was conducted, none of which could manufacture this type of specialized machine. No new sources were identified and thus it was determined that Star is the only manufacturer that can provide brake lathes as required by NYC Transit and MTA Bus Company.

After the national outreach, sole source advertisements, and posting on NYC Transit's website rendered no responses, Procurement solicited Star for pricing. Star's unit price of \$76,250 per brake lathe is 20.7% higher than the last procurement in 2007. This equates to an annual price increase of approximately 3.5%, which is generally in line with the Producer Price Index (PPI) for "Machinery & Equipment-Metal Cutting Machine Tools, Series ID WPU1137". The price quoted by Star represents a 4.8% discount from Star's current published price list. Star's quote for 5,000 of stock# 42-79-7715, the consumable replacement tool bit, is \$15.31 for a total price of \$76,550, which reflects no change from the previous contract price awarded in 2007. The unit pricing for both items will be held firm for all four years of the contract. Star has stated that NYC Transit is receiving "most favored" customer pricing. Based upon the aforementioned, the pricing is considered fair and reasonable.

## Schedule G: Non-Competitive Miscellaneous Service Contracts



Item Number: 6

<b>Vendor Name (&amp; Location)</b> Tec Solutions, Inc. (New York, NY)	
<b>Description</b> Upgrade of CyberLock Web Enterprise System with support services	
<b>Contract Term (including Options, if any)</b> Five years	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Non-competitive	

<b>Contract Number</b> 51504	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$338,817 (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> Department of Subways – Carmen Bianco	

### Discussion:

This is a non-competitive contract with Tec Solutions, Inc. (Tec Solutions) to expand the CyberLock Web Enterprise System to include the existing standard CyberLock databases, plus five years of support and the purchase of additional key authorizing devices.

Since 2007, NYC Transit's Department of Subways (DOS) - Electronic Maintenance Division (EMD) has utilized a CyberLock Web Enterprise System (as manufactured by Videx) to secure critical safety sensitive communication and data system assets located in communication rooms throughout the NYC Transit system. The CyberLock Web Enterprise System enables EMD to control, authorize and track access to secure rooms from a remote workstation. This system records access times at a location, logs all access events, creates masters and resets Cyberkeys, disables lost Cyberkeys, sets automatic key expirations, sets multiple schedules per key, emails notifications of specific events and generates reports of the Cyberkeys' activity.

The CyberLock Web Enterprise System provides a superior level of security by utilizing an electronic key-based locking system designed to track and control access using an enhanced mechanical lock cylinder and keys that are programmed with access privileges for each user. When a Cyberkey is used, an information exchange occurs to determine if the key has access to that specific lock cylinder. The event and time is stored in both the lock and key. Lock cylinders and keys also record when an unauthorized attempt to open a lock has occurred.

There are five divisions within DOS: Stations, Lighting, HVAC, Hydraulics and Signals, which currently utilize an earlier standard version of a CyberLock system, also manufactured by Videx, which is slow, not web based, and not designed to support the current quantity of key and lock transactions. DOS requires the upgrade and consolidation of the five divisions into EMD's higher level CyberLock Web Enterprise System. It would be cost prohibitive to change the locks to another type, and therefore, the best course is to expand the existing platform already in use in EMD. The migration will consist of the upgrade of computer hardware and programming, which is estimated to take from 3-5 months. This must be accomplished by Tec Solutions, the sole authorized reseller to support this system in this region. By upgrading DOS' standard CyberLock system to the existing EMD CyberLock Web Enterprise System, it will eliminate the need to purchase new computer hardware with separate support. After the upgrade, the CyberLock Web Enterprise System will allow DOS to remotely monitor security of communication rooms, store rooms, spare equipment cabinets, high-value test equipment, PA/CIS cabinets, proximity alarm enclosures, and many other secure locations. The CyberLock Web Enterprise System will be centrally managed by EMD.

The support of the CyberLock Web Enterprise System consists of software and firmware upgrades, training, database management, semi-annual preventive maintenance and repair of key authorizing devices. Preventive maintenance will be performed monthly on the operating database system and every six months on key authorizing devices. Emergency response is within 5 hours of notification, and technical support is available 24 hours a day, 7 days a week.

Following negotiations with Tec Solutions, the agreed upon price is \$338,817, which includes \$49,250 for upgrading services, \$60,287 for deliverables such as 62 remote web based key authorizing devices, and \$229,280 for five years of hardware and software support. The discounts for deliverables and maintenance range from 9% to 75% off the manufacturer's list price. Due to the volume of equipment NYC Transit presently has, this is the highest level discount offered to any customer. Tec Solutions' price of \$338,817 is considered fair and reasonable based on the discounts being provided.



# Schedule H: Modifications to Miscellaneous and Personal Service Contracts



Item Number: 7

<b>Vendor Name (&amp; Location)</b>	
Corporate Transportation Group, Ltd. (Brooklyn, NY)	
<b>Description</b>	
Broker Car Service for Paratransit Access-A-Ride Program	
<b>Contract Term (including Options, if any)</b>	
January 13, 2011 – May 31, 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 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:
<b>Funding Source</b>	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
Department of Buses, Darryl Irick	

Contract Number	AWO/Modification #
10L0373	3
<b>Original Amount:</b>	
	\$ 49,208,816
<b>Prior Modifications:</b>	
	\$ 0.00
<b>Prior Budgetary Increases:</b>	
	\$ 32,686,941
<b>Current Amount:</b>	
	\$ 81,895,757
<b>This Request:</b>	
	\$ 9,777,423 (Est.)
<b>% of This Request to Current Amount:</b>	
	12.0%
<b>% of Modifications (including This Request) to Original Amount:</b>	
	86.0%

## Discussion:

This modification will extend the contract for up to an additional three months from June 1, 2013 up to August 31, 2013 and request additional funding in the amount of \$9,777,423 in order to provide the necessary time needed to complete negotiations and award the replacement contract for Broker Car Service for the Paratransit Access-A-Ride program.

Contract No. 10L0373 was originally awarded to Corporate Transportation Group, Ltd. (CTG) in January 2011 as a two-year test-and-evaluation pilot initiative of a "Broker" concept that utilizes one contractor to schedule and dispatch pre-arranged trips for Paratransit's ambulatory passengers through a non-dedicated subcontractor network of livery and black car service providers. The purpose of the pilot initiative was to test and evaluate the concept that the Broker model could provide the vehicle capacity to perform a high volume of trips without compromising the quality of service. The use of a non-dedicated service provides a cost benefit to NYC Transit in that Paratransit does not bear the direct responsibility for maintenance and other operating costs, as is the case with the dedicated Primary service for Paratransit. The pilot initiative offered pricing that is on average 39.0% lower than the average cost-per-trip of \$53 for dedicated Primary service. The current average cost-per-trip for Broker trips is \$32.

CTG provided the capacity for an accelerated ramp up of trips, allowing them to reach service levels of 5,000 trips per week day and 3,150 trips per weekend day by January 2012, nine months earlier than anticipated. A Budget Adjustment (Mod. No. 1) in the amount of \$32,686,941 was approved by the July 2012 Board in order to continue the Broker pilot, cover a shortfall in funding caused by an accelerated ramp up of completed trips and address the projected increase in trip volume through the end of the contract term.





In January 2013, Mod. No. 2 was awarded to extend the term of the pilot through May 31, 2013 as additional time was required to complete the ongoing negotiations for the replacement Broker Car Service contract. Additional funding was not required for Mod. No. 2 as money remained in the contract from the July 2012 budget adjustment.

In the latter part of 2012 changes were initiated to the RFP for the replacement Broker Car Service contract Scope of Work (i.e., the inclusion of performance standards) and the Broker Price Proposal (i.e., the introduction of separate classes in the event of making split awards) which resulted in extended negotiations and the need to request additional interim proposals. Upon receipt, review and analysis of the interim pricing submitted in February 2013, additional negotiations continue to be required prior to requesting Best and Final Offers in order to achieve the best value for NYC Transit. Thus, this Mod. No. 3 for additional time and money is being requested in the interest of facilitating continued service and a smooth transition into the replacement Broker Car Service contract.

Pricing for this extension period will remain as specified in the price schedule. The pricing for this contract is considered fair and reasonable.

The Broker contract has achieved an approximate savings of \$41.7M through February 2013 and will continue to yield savings through the extension period.

# Staff Summary

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

SUMMARY INFORMATION	
Vendor Name Dewberry Engineers, Inc. and STV Inc.	Contract Number CM-1518/1519
Description Indefinite Quantity (IQ) Environmental Consulting Services for Miscellaneous Construction Projects	
Total Amount \$14M Aggregate Pool (Two contracts)	
Contract Term (including Options, if any) 60 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## I. PURPOSE/RECOMMENDATION

To obtain Board approval to award two consultant contracts, CM-1518 and CM-1519, on a competitive basis to Dewberry Engineers, Inc. (Dewberry) and STV Inc. (STV) to provide Indefinite Quantity (IQ) Environmental Consulting Services for Miscellaneous Construction Projects, for a total estimated aggregate cost of \$14M for both contracts over a 60 month duration.

## II. DISCUSSION

NYC Transit is seeking to retain the services of two Environmental Engineering Consultants to provide IQ Environmental Consulting Services for Miscellaneous Construction Projects on an as-needed task order basis. The consultants will supplement in-house CPM engineering disciplines on NYC Transit capital projects. The work will include: performing air monitoring of emissions; field surveys; design remediation and mitigation plans; and preparation of Environmental Assessments (EA) and Environmental Impact Statements (EIS). Each task order will generally be awarded on a competitive basis. Currently there are two contracts in place for these services which expire June 2013.

A two-step Request for Proposal (RFP) was advertised for this solicitation that resulted in submittals from the following eleven firms: AECOM, Airtex Environmental Corporation, AKRF, Inc. (AKRF), Dewberry, Gannett Fleming Engineering and Architects, P.C., GEI Consultants, Inc., P.C., HDR, Parsons Brinckerhoff (PB), STV, URS Corporation and VHB Engineering, Surveying and Landscape Architecture, P.C. Each submittal consisted of a Federal SF330 form, a Schedule 'J' Responsibility Questionnaire and a customized qualification statement. The Selection Committee (SC) reviewed the packages, in accordance with the evaluation criteria, and recommended that the following six firms receive the RFP: AECOM, AKRF, Dewberry, HDR, PB and STV. The other five firms were found not to be as technically qualified by the SC because they generally presented insufficient staff and/or experience.

Technical and price proposals were received from all six selected Proposers. The technical proposals were evaluated utilizing the two-step evaluation criteria contained in the RFP which included relevant experience of the consultant firm and key personnel. Based upon a review of each consultant's technical proposal, the SC invited all six firms for oral presentations. After oral presentations, the SC recommended that negotiations be conducted with the following three firms: Dewberry, PB and STV. The three firms were considered the most qualified teams to perform the work as they were technically superior to the other firms based primarily on their current and past environmental engineering experience in both transit and non-transit. While STV and PB are the incumbent Consultants on the current Environmental Consultant contracts, Dewberry has similar experience having completed task orders for the performance of due diligence assessments and cultural/archaeological activities under a previous IQ Environmental Services contract as well as providing remedial investigation/design and an environmental assessment statement for the rehabilitation of the Manhattan bound entrance to the Brooklyn Battery Tunnel under a MTA Bridges and Tunnels contract.

# Staff Summary

The RFP provided proposers with hours for each specific title and a fixed total cost for out of pocket expenses to facilitate equal price comparison and evaluation. The initial Cost Proposals, based on 34,400 total hours for the 5-year contract, were as follows: Dewberry - \$6,336,509; PB - \$6,949,712; STV - \$6,737,952. The in-house estimate was \$6,998,119. During negotiations, direct labor rates and fixed fee were discussed and negotiated to levels consistent with the Cost/Price objective and competitive price range for the project. In addition, the overhead rates were negotiated in accordance with MTA Audit recommendations.

BAFOs were received on March 4, 2013 as follows: Dewberry - \$6,087,267; PB - \$6,546,679; STV - \$5,952,903. Dewberry's BAFO was 13.0% lower than the in-house estimate and represents a reduction of \$249,242 from their initial proposal. PB's BAFO was 6.5% lower than the in-house estimate and represents a reduction of \$403,033 from their initial proposal. STV's BAFO was 14.9% lower than the in-house estimate and represents a reduction of \$785,049 from their initial proposal. Both Procurement and CPM find the BAFOs to be fair and reasonable based on the competitive nature of the RFP. STV's proposed fully loaded weighted average rate (FLWAR) is 6.5% lower than their current rate and 7.2% lower than PB's current rate. Dewberry's proposed FLWAR is 2.63% lower than STV's current rate and 3.4% lower than PB's current rate.

The intent of this solicitation was to award two contracts in order to ensure continuity, maintain competition and cover all prospective work. The SC voted unanimously to recommend award of the contracts to Dewberry and STV since they were both deemed to be technically well qualified with strong teams and experience to perform the work at lower costs, thus offering the best overall value to NYC Transit.

Background investigations and review of the documents submitted by Dewberry and STV disclosed no "significant adverse information" within the meaning of the All-Agency Responsibility Guidelines. Having evaluated all the available facts, Procurement finds Dewberry and STV to be fully responsible for award.

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

The Department of Diversity and Civil Rights (DDCR) has established goals of 10% MBE and 10% WBE. Dewberry has achieved its previous M/WBE goals based on previous MTA contracts. STV has achieved its previous M/WBE goals based on previous MTA contracts.

The M/WBE Utilization Plans for both firms have been submitted to DDCR for approval. An award will not be made until DDCR approval is obtained.

### **IV. PREVIOUS WORK OF THE SELECTED CONSULTANTS FOR MTA OR AFFILIATES**

Dewberry – NYCT CM-1275 Environmental Services and CM-1204 Engineering Design Services for Misc. Construction Projects

STV – NYCT CM-1321 Environmental Engineering Consultant Services, CM-1357 IQ A/E Design Services for Miscellaneous Construction Projects and CM-1411 IQ A/E Design Services for Federally Funded Miscellaneous Construction & Capital Security Projects

### **V. IMPACT ON FUNDING**

This contract will be funded with 100% MTA funds provided on a task order basis by the individual capital project requiring these services. Task orders will not be executed until an approved WAR Certificate is received.

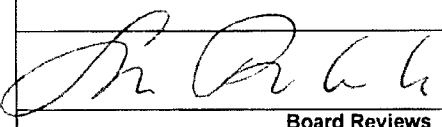



### **VI. ALTERNATIVES**

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

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

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

# Staff Summary

Item Number <b>3</b>					
Division & Division Head Name: VP Materiel, Stephen Plochochi					
					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1 	Materiel	5 X	Labor Relations		
2 X	Law	6 X	Human Resources		
3 X	Budget	7 	Executive VP		
4 X	DDCR	8 	President		

<b>SUMMARY INFORMATION</b>	
Vendor Name NYU Hospital for Joint Diseases Occupational & Industrial Orthopaedic Center	Contract Number RFQ No. 22182
Description Update, Enhance & Supplement NYC Transit's Medical Standards	
Total Amount \$4,216,357 (Est.)	
Contract Term (including Options, if any) 36 Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## I. PURPOSE/RECOMMENDATION

To obtain approval from the Board to award a three year competitively solicited personal services contract to NYU Hospital for Joint Diseases Occupational & Industrial Orthopaedic Center (OIOC) to update, enhance and supplement NYC Transit's Medical Standards and Job Profiles in the estimated amount of \$4,216,357.

## II. DISCUSSION

Beginning in December 1987 under a competitive contract, and continuing in December 1993, OIOC researched and developed NYC Transit's Medical Standards for 24 Safety Sensitive job titles, which included physical, cognitive and psychological requirements that are related to worker safety and have an impact on job performance. The work performed under these contracts was updated under Contract No. CMM-1109 awarded to OIOC in September 1997. Since then, medical standards for two more job profiles were created by OIOC in 2001.

NYC Transit's Medical Standards are comprised of two components: 1) A Physician Reference Manual that describes medical conditions, illnesses or injuries that can affect an individual's ability to perform certain NYC Transit jobs, and 2) Job Profiles that describe the physical abilities and work place conditions for titles subject to medical assessment. Together, these two components establish the medical standards that guide Division of Human Resources Occupational Health Services (OHS) physicians when making individualized work status determinations as a result of conducting medical assessments of applicants and/or employees.

The purpose of this contract is to update, enhance, and supplement NYC Transit's job related medical standards to reflect the latest medical, scientific and occupational health discoveries. The consultant will first conduct a study to examine the feasibility of how to incorporate cognitive abilities and psychological demands into existing Job Profiles. After completing that, the consultant will recommend a job profile assessment tool to update and enhance the existing Job Profiles. Using the job assessment tool recommended and approved by NYC Transit, the consultant will update, enhance and supplement the Job Profiles and Physician's Manual of the Medical Standards. Additional job profiles may also be created.

# Staff Summary

This procurement was advertised as a competitive Request for Proposal (RFP) with selection criteria that included the consultant's knowledge, experience with developing and updating medical standards, qualifications and experience of its organization and personnel, project cost, and other relevant matters. Only one proposal was received, from OIOC for this competitive solicitation. The RFP was purchased by four firms: OIOC, Med-Tox Health Services, Best Med Consultants P.A. and Sandler Occupational Medicine (SOMA). Efforts were made to attract other potential sources, but were unsuccessful due to the unique knowledge and expertise required to update the existing standards. For example, there are more than 18 different fields of medical specialty required to perform these services. Med-Tox Health Services joined OIOC's team as a subcontractor. Best Med Consultants P.A. did not have enough trained personnel and experience to fulfill all the requirements. SOMA decided not to submit a proposal because they could not satisfy all the requirements. Furthermore, market research was performed on other firms in the industry, but they were not big enough to perform the work for a large organization such as NYC Transit. OIOC still has the staff that performed the previous work, and therefore, has the proven expertise, experience, and understanding of NYC Transit's work environment needed to establish medical standards and perform other necessary tasks related to preparing job profiles.

The Selection Committee reviewed OIOC's proposal. OIOC was invited for oral presentations and subsequently to engage in negotiations. Negotiations focused on hourly rates, qualifications of staff, and contract terms and conditions. OIOC's proposal of \$4,371,527 was \$1,328,473 or 23.3% less than the in-house estimate. Nevertheless, OIOC was asked to reduce their pricing in their Best and Final Offer (BAFO), resulting in a BAFO submission of \$4,216,357.

OIOC's final price is based upon fully loaded hourly billing rates with a weighted average hourly rate of \$348. It is estimated that a total of 11,663 hours will be required to perform the work. The number of hours proposed is considered by OHS to be commensurate with the tasks outlined in the Scope of Work. The pricing reflects the customary rates charged by OIOC for performing consulting services for other institutional clients. To support their pricing, OIOC provided copies of pricing for similar contracts. This documentation showed that the rates being charged to NYC Transit were more favorable than rates charged to other customers for the same titles. Based on the forgoing and a comparison to the in-house estimate, OIOC's BAFO of \$4,216,357 was found to be fair and reasonable.

Following negotiations with OIOC, the Selection Committee reviewed OIOC's BAFO and unanimously recommended OIOC for the award. OHS has determined OIOC to be technically qualified to perform the contract work as a result of their past satisfactory performance. OIOC's client list includes many government and private employers. All reference checks were satisfactory.

Background search and review of the documents submitted by OIOC have disclosed no significant adverse information within the meaning of the All-Agency Responsibility Guidelines. Having evaluated all of the available facts, Procurement finds OIOC responsible for award.

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

Based on the Scope of Work, the Department of Diversity and Civil Rights (DDCR) initially established goals at 10% MBE and 10% WBE for this contract. OIOC requested a total waiver of these goals, which was approved by DDCR.

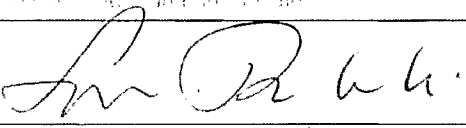



### **IV. ALTERNATIVES**

None. Job related medical standards and profiles need to be updated to reflect the latest medical and scientific health discoveries.

### **V. IMPACT ON FUNDING**

Funds are available in Human Resource's Operating Budget under Responsibility Center 7134, General Ledger Account # 712542, Function Code 900.

# Staff Summary

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

<b>SUMMARY INFORMATION</b>	
Vendor Name Systra Engineering, Inc.	Contract Number CM-1524
Description Independent Safety Assessor (ISA) for Signal System Modernization for Dyre Avenue Solid State Interlocking Project	
Total Amount \$1,998,745	
Contract Term (including Options, if any) 51 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## I. PURPOSE/RECOMMENDATION

To obtain Board approval to award Contract CM-1524 for an Independent Safety Assessor (ISA) for the Signal System Modernization on the Dyre Avenue Solid State Interlocking (SSI) Project to Systra Engineering, Inc. (SE) in the not to exceed amount of \$1,998,745 with a duration of 51 months.

## II. DISCUSSION

This contract requires the services of a consultant to provide an Independent Safety Assessment for the implementation of new SSI technology being provided for the Dyre Avenue SSI Project for CPM. Bids for the Dyre Avenue SSI Project were received in March 2013, and required that two different manufacturers of SSI equipment be used. This new SSI technology will be replacing two conventional relay-based interlockings. The ISA will conduct independent reviews during the design, development, manufacture, integration, factory testing, installation, field testing and commissioning of the two SSIs to ensure verification that all safety related requirements have been met. The ISA will provide an independent evaluation of each SSI manufacturer's use of safety design practices. The ISA will evaluate the NYC Transit Rail Safety Program Plan (RSPP) as well as the Product Safety Plan (PSP) from each SSI manufacturer and conduct independent reviews of Verification and Validation (V&V) procedures developed for safety certification.

An RFP was issued on October 22, 2012. This is a highly specialized field, and outreach efforts were made to other firms that were believed to be technically capable of performing the Scope of Work (SOW). However, a few firms declined to propose due to organizational conflicts of interest and insufficient personnel, while another joined a proposal team as a sub-consultant. Proposals were received from Rail Safety Consulting (RSC) and SE. Both firms were found to be technically acceptable and were invited for oral presentations in support of their written technical proposals. At presentations, both firms demonstrated comprehensive knowledge and experience with SSI and NYC Transit signaling systems and procedures.

The Selection Committee voted unanimously to negotiate with both firms. The initial Cost Proposals for the 51-month contract were as follows: RSC - \$2,049,364 with 10,942 hours and SE - \$2,860,956 with 14,330 hours. The initial engineer's estimate was \$2,102,230 with 8,490 hours. The final engineer's estimate was revised to \$1,901,842 with 11,388 hours. Although the hours increased, the engineer's estimate decreased due to lowering the initial estimated overhead rate and fixed fee to more reasonable levels. Negotiations focused on the proposed titles, ensuring that there was a unified understanding as to what type of qualifications and experience were required for each title. Discussions also focused on fixed fee, other direct costs, and clarification of the SOW. A second negotiation meeting took place which focused on overhead and labor rates.

# Staff Summary

Best and Final Offers (BAFO) were received as follows: RSC - \$1,995,906 with 11,390 hours and SE - \$2,086,900 with 9,901 hours. Based on the technical proposal submittals, oral presentations and the BAFOs, the Selection Committee unanimously voted to recommend award of the contract to SE. SE was deemed to be technically superior to RSC and offered a proposal with the best overall value. SE proposed a more innovative and state of the art approach to performing the work and has extensive experience with the implementation, verification and maintenance of SSI systems. The hours reduced from SE's original proposal were intended for items that were over and above the requirements of the SOW.

A review of the SE BAFO revealed they were using a higher overhead than the MTA audited rate and their out of pocket expense budget needed to be lowered. SE subsequently submitted a corrected BAFO of \$1,998,745 with 9,878 hours and a lower overhead rate. RSC's BAFO is \$94,064 (4.9%) higher than the in-house estimate and represents a reduction of \$53,458 from their initial proposal. SE's corrected BAFO is \$96,903 (5.1%) higher than the in-house estimate and represents a reduction of \$862,211 from their initial proposal. SE's price is \$2,839 or 0.1% higher than RSC's price and both proposals are considered fair and reasonable based upon the pricing received, negotiations and the competitive nature of the RFP.

A review of SE's submittals and the Division of Materiel background check disclosed no "significant adverse information" within the meaning of the All Agency Responsibility Guidelines. Procurement finds SE to be fully responsible for award.

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

The Department of Diversity and Civil Rights (DDCR) has established goals of 5% MBE and 0% WBE. SE has achieved its previous M/WBE goals on previous MTA contracts.

The M/WBE Utilization Plan for SE has been submitted to DDCR for approval. An award will not be made until DDCR approval is obtained.

### **IV. PREVIOUS WORK OF THE SELECTED CONSULTANTS FOR MTA OR AFFILIATES**

NYCT CM-1044 ATS-A Rapid Transit Control Center; Planning, Design & Construction  
NYCT CM-1210 Phase III Control Center Modernization Program

### **V. IMPACT ON FUNDING**

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

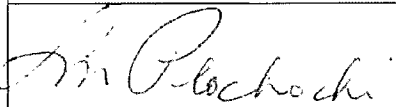



### **VI. ALTERNATIVES**

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

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

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

# Staff Summary

Item Number <b>5</b>					
Division & Division Head Name: VP Materiel, Stephen M. Plochocki					
Contract Period Signature & Date					
					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
1 	Materiel	5 	President		
2 X	Law				
3 X	SVP Buses/Pres. MTAB				
4 	EVP				

SUMMARY INFORMATION	
Vendor Name	Contract Number
Audubon Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel)	RFP No. 3337
Description	
Fuel Consulting Services Pertaining to Various Gaseous Fuels Including, But Not Limited to, Compressed Natural Gas	
Total Amount	
\$1,993,787 (Est.)	
Contract Term (including Options, if any)	
Five years from NOA	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## I. PURPOSE/RECOMMENDATION:

To obtain Board approval to award a competitively solicited personal service Contract No. RFP3337 to Audubon Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel) to provide expert fuel consulting services pertaining to various gaseous fuels including, but not limited to compressed natural gas for New York City Transit Department of Buses and MTA Bus Company at a total estimated price of \$1,993,787 for a period of five years.

## II. DISCUSSION:

Under this five-year contract Wendel will, on an as needed basis, provide NYC Transit Department of Buses (DOB) and MTA Bus Company (MTABC) with consulting services pertaining to various gaseous fuels including consulting services relating to design of CNG fueling facilities or modification to existing facilities, development of CNG-related technical specifications and provision of technical advice during an award process, emergency troubleshooting and proposal of corrective actions, maintenance oversight, verification of contractors' work, inspection of equipment being manufactured, overseeing the commissioning and acceptance of new or updated CNG facilities and devising strategies regarding alternative procurement methods to achieve most economical means of purchasing various gaseous fuels. Wendel, a 70 year old, Buffalo, NY based firm, is a multi-discipline company with a team of mechanical, civil and electrical engineers and architects who have direct experience with CNG and public transportation facilities.

This RFP was publicly advertised in June 2012 and notification was sent to 33 firms. Further, in the interest of maximizing competition, a notification of this solicitation was published in the June 2012 issue of NGV America's weekly newsletter. NGV America is a natural gas trade association which advocates the use of natural gas vehicles. Eight firms picked up the RFP package. On August 8, 2012, three proposals were received. P.W. Grosser Consulting (Grosser), incumbent Fuel Solutions Inc. (FSI), and Wendel submitted proposals in the amounts of \$1,786,273, \$1,964,916, and \$2,204,311, respectively. Among the rest of the firms who picked up the RFP package, some joined the Wendel or FSI team as subconsultants. Others opted not to propose as they were unable to fulfill the technical requirements or were unable to satisfy the organizational conflict of interest requirement which prohibits consultants who also provide equipment and construction services relating to gaseous fuels from participating in this solicitation, to ensure that the consultant's advice and judgment would remain independent.



# Staff Summary

After evaluating all three proposals, the Selection Committee believed that all proposers were qualified to perform the work. This evaluation was conducted in accordance with the stated evaluation criteria, which included the following: knowledge, experience and competence in relevant areas; experience of prime and sub-consultant key personnel; past performance on similar projects; knowledge of NYC Transit and MTABC's overall operational requirements; pricing and other relevant matters including quality of written proposal, quality of oral presentation and compliance with and acceptance of NYC Transit's terms and conditions.

The Selection Committee voted to invite all proposers to give oral presentations. After oral presentations, the Selection Committee decided to only negotiate with Wendel and FSI since it became apparent that Grosser did not have the necessary experience related to projects of similar magnitude and complexity.

Negotiations with Wendel and FSI took place on February 8, 2013 and February 11, 2013, respectively. Each session focused primarily on each proposer's pricing since neither took exceptions to the contract provisions. Since both firms' labor rates were considerably higher than the Cost/Price objective for such rates, Wendel and FSI were encouraged to lower their labor rates.

BAFOs were received on February 22, 2013 as listed below. The pricing includes labor rate reductions offered by both proposers.

<u>Wendel</u>	<u>FSI</u>
\$1,993,787	\$1,957,926

Procurement, in connection with the Cost/Price Analysis Unit, DOB and MTABC, considers Wendel's and FSI's proposals fair and reasonable, based on the competitive nature of the RFP, as well as the favorable comparison to DOB and MTABC's in-house estimate of \$1,993,450.

After review of the BAFOs in accordance with the evaluation criteria, the Selection Committee unanimously determined Wendel to be technically superior based on its broad range of expertise and experience, and its ability to provide comprehensive, high-quality consultant services. Wendel has an extensive network of engineering professionals with direct CNG experience allowing Wendel to simultaneously deal with multiple projects. In addition Wendel will utilize Marathon Technical Services as a subcontractor, whose principal has been at the forefront in CNG consulting and engineering for 28 years. The superior technical qualifications of Wendel were judged by the Selection Committee to greatly outweigh the minimal cost difference of 1.8% between the two proposals. The Selection Committee unanimously chose Wendel for award of this contract.

Wendel is currently working on two energy improvement projects relating to energy consumption reduction at NYC Transit's MJ Quill and Grand Avenue bus depots through Wendel's contract with the New York Power Authority. Reference checks of Wendel's current and past clients provided positive feedback supporting the Selection Committee's determination of Wendel's superior technical capabilities.

A background investigation and information submitted by Wendel disclosed no "significant adverse information" within the meaning of the All-Agency Responsibility Guidelines. Procurement finds Wendel to be responsible and financially qualified to receive this contract award.

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

Based on the Scope of Work and lack of subcontracting opportunities, a MBE/WBE goal was not established for this contract.

### **IV. ALTERNATIVES:**

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

### **V. IMPACT ON FUNDING:**

Funds are available in New York City Transit Department of Buses' and MTABC's Operating Fund Account No. 712542, Responsibility Center 3105 and Function No. 950.

# Schedule H: Modifications to Miscellaneous and Personal Service Contracts



New York City Transit

Item Number: 11

<b>Vendor Name (&amp; Location)</b> AlliedBarton Security Services, LLC.	
<b>Description</b>  Armed Security Guard Services	
<b>Contract Term (including Options, if any)</b> April 1, 2008 – April 30, 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 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 Revenue Control, Alan Putre Department of Security, Vincent DeMarino	

Contract Number	AWO/Modification #
06H9503	5
<b>Original Amount: Estimated</b>	
	\$ 21,885,332
<b>Option Amount</b>	
	12,043,290
<b>Total Amount:</b>	
	33,928,622
<b>Prior Modifications: (excluding options)</b>	
	\$ 0
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 33,928,622
<b>This Request:</b>	
	\$ 7,622,613 (Est.)
<b>% of This Request to Current Amount:</b>	
	22.5%
<b>% of Modifications (including This Request) to Total Amount:</b>	
	22.5%

## Discussion:

This modification will extend the contract with AlliedBarton Security Services, LLC (Allied) for an additional year, from May 1, 2013 to April 30, 2014, to continue to provide armed security guard services.

In December 2007, the Board approved the award of a three year competitively negotiated miscellaneous service contract to Allied to provide armed security guard services in the amount of \$21,885,332, plus 2 one-year options in the amount of \$8,090,686 and \$8,450,483 for a combined total amount of \$38,426,501. Both options were exercised, but for lower amounts totaling \$12,043,290 as needs in the Department of Security were less than had been anticipated. This resulted in a current contract amount of \$33,928,622. Under this contract, Allied provides armed security guards for NYC Transit's Division of Revenue Control (Revenue) at the Consolidated Revenue facility in Queens, where they are used to conduct patrols, control access to the facility, monitor all activities utilizing closed circuit television, monitor alarms and handle emergencies. Allied also provides armed security guards who perform similar duties for the Department of Security at designated NYC Transit locations.

This Modification No. 5 is needed to allow NYC Transit sufficient time to solicit and award a new multi-year contract for armed guard services. Solicitation of a new multi-year contract has been delayed in order to incorporate changes, including a new price schedule.

The rates for this extension have increased due to increases in the price schedule because of changes in the prevailing wage schedule. Expenditures through the end of the current contract term are anticipated to be \$33,152,520 and estimated expenditures for this extension are \$8,398,715, resulting in a combined amount of \$41,551,235. This amount will be offset by the remaining balance in the contract of \$776,102, resulting in a net increase to the contract of \$7,622,613.

# Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 12

<b>Vendor Name (&amp; Location)</b> WDF, Inc. (Mt. Vernon, NY)	
<b>Description</b> Rehabilitation of five stations: Beach 25 <sup>th</sup> , 36 <sup>th</sup> , 44 <sup>th</sup> , 60 <sup>th</sup> , 67 <sup>th</sup> Street Stations – Far Rockaway Line	
<b>Contract Term (including Options, if any)</b> January 20, 2009 – September 20, 2011	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Capital Program Management, Frederick E. Smith	

<b>Contract Number</b> A-36018	<b>AWO/Modification #</b> 24
<b>Original Amount:</b> \$ 63,787,000	
<b>Prior Modifications:</b> \$ 2,203,905	
<b>Prior Budgetary Increases:</b> \$ 0	
<b>Current Amount:</b> \$ 65,990,905	
<b>This Request:</b> \$ 530,000	
<b>% of This Request to Current Amount:</b> 0.8	
<b>% of Modifications (including This Request) to Original Amount:</b> 4.3	

## Discussion:

This modification is for settlement of claims brought by the contractor in connection with retroactive Mod. No. 10 (which provided revised structural connections for windscreen columns) and retroactive Mod. No. 15 (which provided additional steel repair for platform canopy columns).

This contract is for the rehabilitation of the Beach 25<sup>th</sup>, 36<sup>th</sup>, 44<sup>th</sup>, 60<sup>th</sup> and 67<sup>th</sup> Street Stations on the Far Rockaway Line, including electrical, architectural, communications and structural rehabilitation of the elevated platforms and street stairs at all stations. These stations were placed in service in 1941 and have not been rehabilitated since then.

On July 12, 2011, the SVP & Chief Engineer issued decisions on multiple contractor claims associated with retroactive Mod. Nos. 10 and 15. All were denied except the claims for the cost of boxing-out certain column locations on the elevated platforms. In a normal construction sequence, columns are installed first and then the platform concrete is poured, encasing the columns in the concrete platform slab. The platform work was being performed under a general order while the platform was closed to the public for an extended time. In order to reopen the platform before the end of the general order, the concrete had to be poured before engineering decisions associated with Mod. Nos. 10 and 15 had been finalized. In order to maintain the project schedule, the contractor boxed-out certain column locations, allowing the concrete platforms to be poured while leaving the box-outs exposed, so columns could be installed later.

It was decided to proceed in two steps. Since the scope of work for Mod. Nos. 10 and 15 was agreed upon, those retroactive modifications were negotiated first. After those were awarded, the cost of the box-out work was negotiated as directed by the SVP & Chief Engineer.

In April 2012, NYC Transit awarded retroactive Mod. No. 10, in the amount of \$163,000, for revised structural connections for windscreen columns at all five stations. The revision was required to avoid interference with a fiber optic cable on the structure; it had been installed under a separate contract after the design for this contract was completed and so did not appear on the drawings associated with this contract. In May 2012, the Board approved retroactive Mod. No. 15 in the amount of \$850,000 for additional steel repair for platform canopy columns and street stair columns at all five stations; the Board was advised of the claim and that a separate modification would be negotiated and may require Board approval.

The subject modification implements the decision of the SVP & Chief Engineer. It covers the contractor's costs incurred for windscreen column box-outs at 84 locations and canopy column box-outs at 62 locations. At all 146 locations, the contractor was required to furnish, install and subsequently strip away wooden framing. At all 146 locations, the contractor was required to cut previously installed rebar, and at 100 of those locations to splice in new rebar, in accordance with the finalized column details. Finally, the contractor was required to provide labor to hand mix and place concrete in each of the 146 boxed-out locations. The contractor's initial proposal was \$1,061,601; NYC Transit's revised estimate was \$485,137. Following negotiations, the lump sum amount of \$530,000 was agreed upon and is considered fair and reasonable. Savings of \$531,601 were achieved. The contractor submitted a request for an extension of time and impact costs on the overall project, which will be addressed under a separate AWO if justified.

# Schedule H: Modifications to Miscellaneous and Personal Service Contracts



Item Number: 1

<b>Vendor Name (&amp; Location)</b>	
AECOM*Arup, JV (New York, NY)	
Preliminary and final engineering services for the Second Avenue Subway project.	
<b>Contract Term (including Options, if any)</b>	
December 20, 2001 - December 19, 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	

Contract Number	AWO/Modification #
CM-1188	85
Original Amount:	\$ 200,478,227
Option Amount:	\$ 150,400,897
Total Amount:	\$ 350,879,124
Prior Modifications (excluding options):	\$ 28,971,819
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 379,850,943
This Request:	\$ 18,178,009 (NTE)
% of This Request to Current Amount:	4.8%
% of Modifications (including This Request) to Total Amount:	13.4%

## Discussion:

This modification is for additional Construction Phase Support (CPS) services and to extend the contract by an additional 12 months through December 19, 2014.

This contract is for design services for the Second Avenue Subway (SAS). The base contract provided for preliminary engineering (PE) of the segment running from 125th St. to Midtown, PE of the segment running from Midtown to Lower Manhattan, and support services during the construction phase for tunnel boring machine (TBM) activities. The contract also included three options for final design and construction support services for the civil/structural elements, systems and stations. The SAS project is currently in the construction phase with nine contracts in place and the tenth to be awarded in the second quarter of 2013.

Under this modification, AECOM\*Arup, JV (AAJV) will perform additional CPS services as a result of the increase in the number of construction contracts. Initially, six contracts were planned, however, these were subsequently increased to ten in an effort to enhance competition and seek more favorable pricing. The basic CPS services to be performed include the review and approval of Contractor shop drawings, inspection and acceptance of materials delivered to construction sites, design services required by unforeseen or differing site conditions, review of various requests for information (RFI) submitted by the Contractors and the coordination and integration of multiple Contractor activities. The additional effort has resulted in CPS funds being exhausted approximately eight months sooner than anticipated.

In addition to the expanded CPS services, this modification will also increase the staffing support required by the SAS project in areas previously required by the FTA and NYC DOT. The additional support of CPS services includes an Estimating Manager, for the FTA mandated Enterprise Level Project Execution Plan, and a Maintenance and Protection of Traffic manager required by the NYC DOT.

Project staffing averages approximately 25 FTEs, peaking now through February 2014. These services are projected to be required through 2016. However, MTACC has reduced the scope of the extension to 12 months to December 19, 2014, as by this time, the project would have reached the peak of submittals and more definitive information will be available to accurately assess the additional CPS funds required through completion in 2016. MTACC's estimate was \$16,091,124 while AAJV submitted a proposal of \$23,499,968. Subsequent negotiation meetings discussed the estimated number of submittals and a new audited AECOM overhead rate.

AAJV submitted a BAFO in the amount of \$18,178,009 showing \$8.6M to complete the work for 2013 and \$9.57M for 2014. This amount was \$1,336,797 less than MTACC's revised estimate of \$19,514,806. The BAFO reflects a negotiated direct labor escalation for 2014 of 1.3% versus the 3.65% annual escalation in the base contract. This is considered fair and reasonable.

# Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 2

<b>Vendor Name (&amp; Location)</b>	
J. D'Annunzio & Sons, Inc. (Clark, NJ)	
Construction of Part of Second Avenue, 86 <sup>th</sup> Street Station Excavation, Utility Relocation and Road Decking	
<b>Contract Term (including Options, if any)</b> July 8, 2009 – February 8, 2011	
<b>Option(s) included in Total Amount?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA Capital Construction, Dr. Michael Horodniceanu	

<b>Contract Number</b>	<b>AWO/Modification #:</b>
C-26013	27
<b>Original Amount:</b>	\$ 34,070,039
<b>Prior Modifications:</b>	\$ 4,285,471
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 38,355,510
<b>This Request:</b>	\$ 2,240,000
<b>% of This Request to Current Amount:</b>	5.8%
<b>% of Modifications (including This Request) to Original Amount:</b>	19.0%

## Discussion:

This modification is for schedule adjustments resulting from the aggregate schedule impact of multiple AWOs and associated impact costs.

This contract is for the relocation and the restoration of utilities, construction of station access shafts and temporary roadway decking for the 86<sup>th</sup> Street Station.

This modification addresses the aggregate schedule impact resulting from change orders issued during the course of the contract as well as various third-party utility delays which are considered non-compensable. The direct cost of all additional work was addressed in the individual modifications and it was agreed that the aggregate schedule impact would be addressed in a subsequent modification, to expedite the work as well as account for any overlaps in schedule analyses.

This modification includes an extension of 198 working days, 151 of which are compensable, to the Substantial Completion from February 8, 2011 to November 16, 2011. Primarily, these delays resulted from modifications associated with field conditions, re-sequenced work at the south shaft, relocation and reconfiguration of the north shaft, additional building utility services, environmental remediation work and utility agency-requests.

The contractor's total impact cost proposal was in the amount of \$3,525,919; MTACC's total estimate was in the amount of \$2,045,688. Negotiations resulted in the agreed upon lump sum price of \$2,240,000 which is considered fair and reasonable and represents a reduction of \$1,285,919.

# Schedule D: Ratification of Completed Procurement Actions



New York City Transit

Item Number: 1

<b>Vendor Name (&amp; Location)</b> TAP Electrical Contracting Services, Inc. (Holbrook, NY)
<b>Description</b> Electronic Security in Under River Tunnel – URT 2 Project
<b>Contract Term (including Options, if any)</b> Twenty-four months
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contract Number</b> C-52116	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$12,750,000
<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	

## Discussion:

The MTA Security Program is developing an Inter-Agency Electronic Security System ("ESS") infrastructure to integrate and standardize security subsystems across all MTA Agencies, as well as direct communication to NYPD. As part of this effort, MTACC awarded a Contract to Lockheed Martin Transportation & Security Solutions (LMTSS) for the furnishing and installation of an integrated electronic security system (IESS) in the under river tunnels ("URTs"). In June 2009, the contract was terminated for default. The remainder of the work to be performed under the contract was divided into two phases. In June 2011, the first phase ("URT-1") was awarded to Henry Bros. Electronics by competitive RFP in the amount of \$8,495,254. URT-1 involves the furnishing and installation of IESS in 18 URT communications rooms and is scheduled for completion in October 2013.

Under this Contract C-52116, the contractor will perform the second phase of the project ("URT-2"), which will include the furnishing, installing, testing and maintenance/warranty (for one year after substantial completion) of ESS equipment in 16 communication rooms located in 12 stations, and in 7 URTs throughout the boroughs of Manhattan, Bronx, Brooklyn and Queens. The work includes the furnish and installation of infrared spotlights, card readers, intercoms, intrusion detection systems, wiring and testing of video cabinets and fiber distribution panels.

An Emergency Declaration signed by all agency presidents in December 2002 acknowledged that certain types of work, like the work contemplated in this project, include NYC Transit security sensitive information. The declaration allows for competition only to the extent practicable, in lieu of publicly advertised procurements. This contract was publicly advertised utilizing a two-step selection process whereby interested bidders were evaluated and selected by NYC Transit 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 competition for this procurement. A total of 23 firms were pre-selected using this process. These pre-selected firms were all known contractors who worked successfully with NYC Transit and/or other government agencies in projects with similar scopes of work. All of the firms were required to sign Non-Disclosure Agreements prior to receipt of bid documents.

Seven bids were received. TAP Electrical Contracting (TAP) submitted the lowest bid of \$12,750,000, which is 15.8% less than the in-house estimate of \$15,135,000. A review of the Bid Breakdown indicates that TAP fully understands the tasks contained in the work scope and has addressed all the areas of work in its bid. Based upon adequate price competition, TAP's bid was found to be fair and reasonable.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

<b>Vendor Name (&amp; Location)</b> Judlau Contracting, Inc. (College Point, NY)	
<b>Description</b> Restoration of the Historical Corbin Building	
<b>Contract Term (including Options, if any)</b> February 19, 2010 – December 18, 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> MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number	AWO/Modification #
A-36126	112
Original Amount:	\$ 59,210,000
Prior Modifications:	\$ 7,307,862
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 66,517,862
This Request:	\$ 330,000
% of This Request to Current Amount:	0.5%
% of Modifications (including This Request) to Original Amount:	12.9%

## Discussion:

This retroactive modification is for additional restoration work in the lobby of the historical Corbin Building.

This contract is for the restoration of the historical Corbin Building which is on the National Register of Historic Places.

The contract calls for the restoration of the lobby including installation of floor tiles, patching of plaster walls/ceiling and installation of pendent mounted ceiling fixtures. The contract also requires the installation of several ceiling-mounted conduits for various services including communication, lighting and the sprinkler system. During the demolition of the hung ceilings and sheetrock walls of the lobby, a gothic style cast/wrought iron ceiling and an ornamental iron elevator cage were discovered. Additionally, a historical plaster ceiling was discovered during the demolition work on the mezzanine level. In light of these newly discovered elements, and in keeping with the preservation of this historical building, the State Historic Preservation Office recommended that MTACC restore the lobby to its 1917 appearance, including the restoration and/or replication of the newly discovered elements.

This modification includes restoration/replication of the elevator cage, repair and restoration of the cast/wrought iron ceiling in the lobby and replication of the mezzanine level historical plaster ceiling. Also included is the replication/restoration of the cast iron stair railings and wood handrails to match the upper floors, installation of slate stair treads, changes to the various light fixtures to be installed in the lobby and mezzanine, rerouting of sprinkler lines and standpipe through the basement, additional patching and the deletion of a new 6' x 4' window above the entrance door. Additionally, in order to maintain the historical appearance of the entrance lobby and ceiling, the conduits will no longer be mounted to the ceiling, but rerouted into the walls and floor slab.

To mitigate the impact to the Substantial Completion date, a retroactive waiver was approved by the MTACC President on October 12, 2012 and the contractor was directed to commence the above work on the same day. This modification also includes a non-compensable time extension of the Substantial Completion date to April 8, 2013.

The contractor's proposal was \$428,275; MTACC's revised estimate was \$300,321. Negotiations resulted in the agreed upon lump sum price of \$330,000, which is considered fair and reasonable. Savings of \$98,275 were achieved.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 2

<b>Vendor Name (&amp; Location)</b>	
Parsons Brinckerhoff, Inc. (New York, NY)	
Preparation of Environmental Impact Statement, Design and Construction Phase Services for the No. 7 Subway Line Extension	
<b>Contract Term (including Options, if any)</b>	
September 30, 2002 – August 7, 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 type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: NYC/HYDC	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number	AWO/Modification #
CM-1189R	27
Original Amount:	\$ 40,784,046
Option Amount:	\$ 45,806,163
Total Amount:	\$ 86,590,209
Prior Modifications (excluding options):	\$ 75,369,244
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 161,959,453
This Request:	\$ 9,000,000 (NTE)
% of This Request to Current Amount:	5.6%
% of Modifications (including This Request) to Total Amount:	97.4%

## Discussion:

This retroactive modification is for additional Design Support During Construction (DSDC) services on the No. 7 Subway Line extension plus a design allowance budget for unanticipated design changes. The contract will also be extended by an additional 35 months from August 7, 2013 to June 30, 2016.

This contract was awarded to Parsons Brinckerhoff, Inc. (PB) for the preparation of a draft and final environmental impact statement (D/FEIS) and engineering design and construction phase services for the No. 7 Subway Line extension. To date, 26 modifications have been issued, including the exercise of options and extensions of the contract end date by 82 months to August 7, 2013. The contract is primarily in the construction support stage.

Under this retroactive modification, the DSDC services will continue for the No. 7 Subway Line extension through close-out and will address the following five construction contracts: 1) Systems & Finishes, 2) Site L Core & Shell, 3) Site J Core & Shell, 4) Site K Core & Shell, and 5) Site P Core & Shell. The scope includes: a) technical reviews (Submittals, Requests for Information and Non-Conformance Reports b) meetings with contractors, MTACC, MTA agencies, Consultant Construction Manager and field visits; c) interface with outside parties and miscellaneous tasks involving other parties such as developers and/or the Hudson Yards Development Corporation d) reviews of contractors' proposals and change requests; and e) management support for the project manager, task leaders, and their assistants. DSDC services will be performed on these construction contracts through their respective end dates. On July 28, 2012, work covered by this modification continued with retroactive approval by the MTACC President, in order not to interrupt work progress. Approximately 50% of the total modification cost has been expended to date.

PB's initial proposal was \$15,096,224. After detailed scope discussions and price negotiations, MTACC and PB agreed to a Guaranteed Maximum Price (GMP) of \$8,000,000: \$5.1M through the end of the current contract + \$2.9M over the extension period. Monthly invoices are monitored and the price is capped at the GMP. PB would be responsible for any cost overruns above this cap as well as share equally in any cost savings if the billings total less than \$7,800,000. PB agrees to refrain from making any further requests for compensation for the services rendered within the GMP cap. In addition, a Design Allowance (DA) budget of \$1M was also established to handle small task orders (currently averaging \$38,000 each) for unanticipated design changes during construction. These task orders will be paid at the contract rates.

PB submitted its BAFO of \$9,000,000 (DSDC \$8M + DA \$1M), based on the agreed upon DSDC scope of work and GMP. MTACC's revised estimate was \$8,661,358; \$7,661,358 for the DSDC GMP plus the \$1M Design Allowance. The BAFO includes annual escalation of 1.5% versus the existing contractual escalation of 3.65%. There is no change to overhead and profit. This is considered fair and reasonable. This will be funded by HYDC.



# Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

<b>Vendor Name (&amp; Location)</b>	
Skanska/Traylor, JV (New York, NY)	
Construction of Second Avenue Subway Route 132A: 86th Street Station Cavern Mining, and Heavy Civil Structural in the Borough of Manhattan "B" Division	
<b>Contract Term (including Options, if any)</b>	
August 4, 2011 – September 4, 2014	
<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	

Contract Number	AWO/Modification #:
C-26008	31
<b>Original Amount:</b>	\$ 294,360,000
<b>Option 1 Amount:</b>	\$ 7,500,000
<b>Total Amount:</b>	\$ 301,860,000
<b>Prior Modifications:</b>	\$ 2,055,188
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 303,915,188
<b>This Request:</b>	\$ 5,200,000
<b>% of This Request to Current Amount:</b>	1.7%
<b>% of Modifications (including This Request) to Total Amount:</b>	2.4%

## Discussion:

This retroactive modification will address additional costs associated with the implementation of an 8PM blasting restriction at the 86<sup>th</sup> Street Station.

This contract is for 86th Street Station Cavern Mining and Heavy Civil Structural work for the Second Avenue Subway.

In order to address the concerns of the community with regard to blasting activities in the 86<sup>th</sup> Street cavern, MTACC requires that the contractor cease blasting after 8PM. This Mod. No. 31 was initiated following discussions between MTACC and the contractor on how best to meet this 8PM deadline without impacting the contract schedule. The Board has previously approved a similar modification for the 72<sup>nd</sup> Street Cavern contract. This modification addresses additional costs associated with extending the contractor's first shift to 9 hours by starting 1 hour earlier (6AM instead of 7AM) and working all three shifts through lunch for approximately 8 months during the blasting phase. The extra hours will significantly reduce the likelihood that blasts would need to occur after 8PM and preserve the contract schedule.

The contractor submitted a proposal of \$5,817,171; MTACC's estimate was \$5,047,332. Negotiations resulted in the agreed upon lump sum price of \$5,200,000 which is considered acceptable as it fully mitigates a potentially significant schedule impact and associated costs. This agreement represents a reduction of \$617,171. A retroactive waiver was approved by the MTACC President on March 18, 2013.

## Schedule D: Ratification of Completed Procurement Actions



Item Number: 1

<b>Vendor Name (&amp; Location)</b> Sprague Operating Resources, LLC (Portsmouth, NH)
<b>Description</b> Purchase of Bulk Gasoline
<b>Contract Term (including Options, if any)</b> November 17, 2012 – April 30, 2015
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: ION

<b>Contract Number</b> AA121454R	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> \$840,000 (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> MTA Bus Company; Darryl Irick	

### DISCUSSION:

It is requested that the Board formally ratify the Immediate Operating Need (ION) declared by the Chief Officer, Procurement, MTA Bus Company (MTABC) effective September 24, 2012, waiving formal competitive bidding pursuant to PAL §1265, and approve the issuance of various interim purchase orders and the award of contracts issued under the ION to ensure that MTABC had and continues to have an uninterrupted supply of bulk gasoline for its non-revenue fleet.

Metro Fuel Corp. (Metro) was awarded several five-year contracts under a multi-agency procurement led by Metro-North Railroad (MNR) commencing May 2010. These non "requirements" contracts awarded to Metro for MTABC provided bulk gasoline under Contract AA121454. Metro advised it could no longer provide these fuels as of September 24, 2012. Metro made an agreement with Sprague Operating Resources, LLC (Sprague) for Sprague to provide this fuel for a period of ten days, to October 4, 2012. Metro filed for Chapter 11 bankruptcy protection on September 27, 2012. Sprague agreed and successfully provided fuel to MTABC for several short term extensions, through November 16, 2012 for gasoline, a period that ultimately included the aftermath of Hurricane Sandy, during which the marketplace for fuel was severely compromised.

Shortly after that time, MTABC Procurement was required to establish a contract with a replacement provider who could promptly mobilize and provide this critical fuel at competitive pricing. Since NYC Transit Procurement had awarded a contract to Sprague for gasoline from November 17, 2012 through April 30, 2015, based on its original bid to MNR; MTABC Procurement determined that Sprague's pricing under the MNR bid and to NYC Transit, which has a considerably larger volume than MTABC, represented the best competitive pricing for gasoline in the market at this time.

Pricing is based on the differential prices that Sprague quoted in its original MNR bid and is comparable to prices received by NYC Transit for gasoline based on the ratification approved last month. Bids were received in the original solicitation, from Metro, Sprague and Global Montello. Sprague's gross sum total bid was only 0.63% higher than that of Metro and it was 7% lower than Global Montello. Based on this information, Sprague's pricing is considered fair and reasonable.

The funds remaining in the Metro contracts have been transferred into this new award to Sprague. It is anticipated that these funds will cover the expenditure for the term of the contracts. It should be noted that about \$80,000 of the amount requested for approval is retroactive.



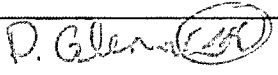
**Metro-North Railroad**

# **Action Item**

## **April 2013**

# Staff Summary

Page 1 of 2

<b>Subject</b> Establishment of West Haven Station Fares	<b>Date</b> April 5, 2013
<b>Department</b> Operations Planning & Analysis	<b>Vendor Name</b>
<b>Department Head Name</b> D. Glenn	<b>Contract Number</b>
<b>Department Head Signature</b> 	<b>Contract Manager Name</b>
<b>Project Manager Name</b> J Fiegeman	<b>Table of Contents Ref#</b>

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	M-N Comm Mtg	4/22	X			4	President		Budget
2	MTA Fin. Comm	4/22	X				VP Operations		VP Capital Programs
3	MTA Board Mtg.	4/24	X			3	VP Financial Admin		Engr/Const
							Controller		Project Reporting

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	VP Planning		Government Relations		Labor Relations	2	General Counsel
	Press		VP Human Resources		Personnel		Other

## Narrative

### Purpose:

To authorize the establishment of fares for travel to/from the new West Haven Station, effective with the opening of the station which is tentatively scheduled for 3<sup>rd</sup> Quarter 2013.

### Discussion:

Metro-North will commence service to/from West Haven station, tentatively scheduled for 3<sup>rd</sup> Quarter 2013. In conjunction with the opening of this station, Metro-North and Connecticut Department of Transportation (CDOT) have jointly agreed that the fares for travel to/from this station should be the same as the existing fares to the New Haven zone.

Examples of the proposed fares to/from West Haven Station are as follows:

<u>Station Pair</u>	<u>One Way Peak/ Intermediate Fare</u>	<u>Monthly Commutation Fare</u>
West Haven-GCT	\$20.50	\$436.00
West Haven-Greenwich	\$8.75	\$173.50
West Haven-Stamford	\$6.75	\$144.00
West Haven-Bridgeport	\$3.50	\$66.50
West Haven-New Haven	\$2.50	\$56.50

The MTA Board conducted a public hearing on this proposal pursuant to Section 1266 of the New York Public Authorities Law. The hearing took place on March 4, 2013. There were no public speakers at the hearing. The MTA public hearing was advertised in newspapers of general circulation as well as on seat notices distributed on Metro-North New Haven Line trains.

## Staff Summary

**Recommendation:**

That the Board authorize the establishment of fares for travel to/from the new West Haven station, effective with the opening of the station which is tentatively scheduled for 3<sup>rd</sup> Quarter 2013.

Approved for Submission to the Board



Howard Permut, President

**METRO-NORTH/LONG ISLAND**

**COMMITTEE**

**PROCUREMENTS**

**FOR BOARD**



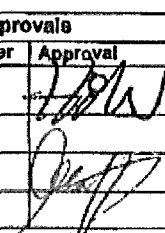
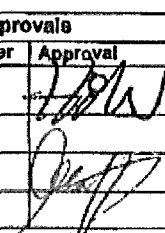
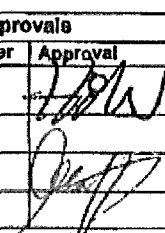
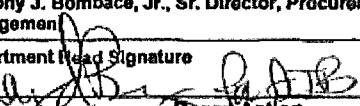
**ACTION**

**April 22, 2013**

MTA Long Island Rail Road

MTA Metro-North Railroad

MTA Capital Construction

<b>Subject</b> Request for Authorization to Award Various Procurements						<b>Date</b> April 24, 2013																					
<b>Department</b> Procurement & Logistics						<b>Department</b> Law and Procurement - MTACC																					
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement & Logistics Officer						<b>Department Head Name</b> Evan M. Elsland																					
<b>Department Head Signature</b> 						<b>Department Head Signature</b> 																					
<b>Department</b> Procurement and Material Management - MNR						<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4">Internal Approvals</th></tr> <tr> <th>Order</th><th>Approval</th><th>Order</th><th>Approval</th></tr> <tr> <td>X</td><td>President, LIRR</td><td></td><td rowspan="3"></td></tr> <tr> <td>X</td><td>President, MNR</td><td></td></tr> <tr> <td>X</td><td>President, MTACC</td><td></td></tr> </table>				Internal Approvals				Order	Approval	Order	Approval	X	President, LIRR			X	President, MNR		X	President, MTACC	
Internal Approvals																											
Order	Approval	Order	Approval																								
X	President, LIRR																										
X	President, MNR																										
X	President, MTACC																										
<b>Department Head Name</b> Anthony J. Bombace, Jr., Sr. Director, Procurement & Material Management																											
<b>Department Head Signature</b> 																											
<b>Board Action</b>																											
Order	To	Date	Approval	Info	Other																						
1	LIRR/MNR Committee	4.22.13																									
2	MTA Board	4.24.13																									

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

**DISCUSSION:**

	# of Actions	\$ Amount
<b>LIRR proposes to award Non-Competitive Procurements in the following categories:</b>		
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule A: Non-Competitive Purchases and Public Work Contracts	2	\$12,200,000
<u>Schedules Requiring Majority Vote</u>		
Schedule E: Miscellaneous Procurement Contracts	1	\$11,200,000
Schedule G: Miscellaneous Service Contracts	1	\$40,000
<b>SUBTOTAL:</b>	<b>4</b>	<b>\$23,440,000</b>
<b>MNR proposes to award Non-Competitive Procurements in the following categories:</b>		
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$1,735,880
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	1	\$62,500
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$1,881,161
<b>SUBTOTAL:</b>	<b>3</b>	<b>\$3,679,541</b>
<b>MTACC proposes to award Non-Competitive Procurements in the following categories:</b>	<b>NONE</b>	

	<u># of Actions</u>	<u>\$ Amount</u>
<b>LIRR proposes to award Competitive Procurements in the following categories:</b>	<b>NONE</b>	
<b>MNR proposes to award Competitive Procurements in the following categories:</b>		
<u>Schedules Requiring Two-Thirds Vote:</u>		
Schedule C: Competitive Requests for Proposals (Award of Purchase & Public Work Contracts)	1	\$26,514,000
<u>Schedules Requiring Majority Vote:</u>		
Schedule G: Miscellaneous Service Contracts	8	\$5,500,000
<b>SUBTOTAL:</b>	<b>9</b>	<b>\$32,014,000</b>
<b>MTACC proposes to award Competitive Procurements in the following categories:</b>		
<u>Schedules Requiring Majority Vote</u>		
Schedule I: Modifications to Purchase and Public Work Contracts	4	\$6,144,000
<b>SUBTOTAL:</b>	<b>4</b>	<b>\$6,144,000</b>
	<u># of Actions</u>	<u>\$ Amount</u>
<b>LIRR proposes to award Ratifications in the following categories:</b>	<b>NONE</b>	
<b>MNR proposes to award Ratifications in the following categories:</b>		
<u>Schedules Requiring Two-Thirds Vote:</u>		
Schedule D: Ratification of Completed Procurement	1	\$350,000
<b>SUBTOTAL:</b>	<b>1</b>	<b>\$350,000</b>
<b>MTACC proposes to award Ratifications in the following categories:</b>		
<u>Schedules Requiring Majority Vote</u>		
Schedule K: Ratifications of Completed Procurement Actions	2	\$2,740,000
<b>SUBTOTAL:</b>	<b>2</b>	<b>\$2,740,000</b>
<b><u>TOTAL:</u></b>	<b><u>23</u></b>	<b><u>\$68,367,541</u></b>
<b>BUDGET IMPACT:</b>		
The purchases/contracts will result in obligating LIRR operating and capital funds in the amount listed. Funds are available in the current operating/capital budgets for this purpose.		
<b>RECOMMENDATION:</b>		
That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)		



## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

**APRIL 2013**

**MTA LONG ISLAND RAIL ROAD**

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

**Procurements Requiring Two-Thirds Vote**

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

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

- |  |  |  |                                      |
|--|--|--|--------------------------------------|
| 1.   | <b>Loram Maintenance of Way, Inc.</b><br><b>Non-Competitive</b><br><b>Contract No. TBD</b> | <b>\$6,700,000</b><br><b>Not-to-Exceed</b> | <i><u>Staff Summary Attached</u></i> |
| <p>LIRR requests MTA Board approval to award a non-competitive 36-month Public Works contract (two years plus one-year option) to Loram Maintenance of Way, Inc. (Loram) in an amount not-to-exceed \$6,700,000 (\$4,420,400 for two years, and \$2,279,600 for one-year option) for the services of the Rail-Vac Machine. LIRR utilizes Loram's Rail-Vac machine to excavate ballast along rights of way to ensure that any weak spots in the track bed are corrected to help avoid situations in which speed restrictions must be imposed as track safety measures. Loram has provided Rail-Vac services for LIRR pursuant to a prior MTA Board approved sole source contract.</p>   |  |  |                                      |
| 2.   | <b>Vapor Stone Rail Systems</b><br><b>Non-Competitive</b><br><b>Contract No. TBD</b>       | <b>\$5,500,000</b>                         | <i><u>Staff Summary Attached</u></i> |
| <p>LIRR requests MTA Board approval to award a non-competitive contract to Vapor Stone Rail Systems (VSRS) in the total amount of \$5,500,000 to provide C-3 HVAC Controls Upgrade for LIRR's entire fleet of 134 C-3 Coach Cars over a four (4) year period. VSRS is the Original Equipment Manufacturer of the control box, control panel and train-line control software presently installed in the two Rooftop HVAC units on each C-3 Coach Car. These units were manufactured in the late 90s, making the HVAC technology 20 years old. VSRS previously overhauled and upgraded the C-3 HVAC units in between 2005 and 2006 increasing reliability and reducing the number of hot cars. The HVAC units now have obsolete and outdated control systems with analog communications control components that are difficult, and in some cases impossible, to procure for unscheduled and scheduled maintenance, which is necessary to maintain the operational reliability of the C-3 Coach Cars.</p> |  |  |                                      |

**Procurements Requiring Majority Vote**

**Schedule E: Miscellaneous Procurement Contracts**

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

- |  |  |   |                                      |
|--|--|---|--------------------------------------|
| 3.   | <b>Oracle USA, Inc.</b><br><b>Non-Competitive</b><br><b>Contract No. TBD</b> | <b>\$11,200,000</b><br><b>Not-to-Exceed</b> | <i><u>Staff Summary Attached</u></i> |
| <p>LIRR requests, on behalf of MTA Bridges &amp; Tunnels (B&amp;T), MTA New York City Transit (NYCT) and MTA Metro-North Railroad (MNR), MTA Board approval to enter into a four-year agreement with Oracle USA, Inc. (Oracle), pursuant to a ride of Oracle's New York State Office of General Services Contract No. PT64000, for renewal of software maintenance and support and for the purchase of future Oracle licenses on an as needed basis for LIRR, MNR, NYCT and B&amp;T. Oracle software products are used to support existing applications ensuring interoperability between databases and facilitating application integration in support of mission critical business requirements.</p> |  |   |                                      |

## Schedule G: Miscellaneous Service Contracts

4.	<b>New York State Industries</b> <b>For the Blind</b> <b>Non-Competitive</b> <b>Contract No. 0400000000000000000000000000613</b>	<b>\$40,000</b> <b>Not-to-Exceed</b>
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Item Number: 1

<b>Vendor Name (&amp; Location)</b> Loram Maintenance of Way, Inc. (Hamel, MN)
<b>Description</b> Loram Rail-Vac Machine Services
<b>Contract Term (including Options, if any)</b> 3 years (2 years, plus one-year option)
<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, Public Works

<b>Contact Number</b> TBD	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$6,700,000 NTE	
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering Dept. /Kevin Tomlinson-Chief Engineer	
<b>Contract Manager :</b> Carl Cipriano	

**Discussion:**

LIRR requests MTA Board approval to award a non-competitive 36-month Public Works contract (two years plus one-year option) to Loram Maintenance of Way, Inc. (Loram) in an amount not-to-exceed \$6,700,000 (\$4,420,400 for two years, and \$2,279,600 for one-year option) for the services of the Rail-Vac Machine. LIRR utilizes Loram's Rail-Vac machine to excavate ballast along rights of way to ensure that any weak spots in the track bed are corrected to help avoid situations in which speed restrictions must be imposed as track safety measures.

The Rail-Vac machine conveys material through vacuum and airflow and excavates in a non-destructive manner thereby allowing work to be performed in the time between when trains pass through the section of track under repair. Loram is the only vendor who provides this equipment and these services that meet LIRR's operating profile for excavating ballast without damaging cables and pipes in third rail territory, performing cross-trenching excavation, and removing ballast from bridge decks and grade crossings without removing ties or rail.

Loram's pricing includes all equipment, labor, supervision and consumables (oil, hydraulic fluids, etc.) necessary to perform these services and is in accordance with all terms, conditions and specifications of the previous contracts. Pricing for this new requirement is based on previous (2010-2013) base contract pricing plus escalation based on the Consumer Price Index – All Urban Consumers – U.S. City Average. This escalation formula has resulted in an average annual increase of 1.5 % over four years. These rates are in compliance with prevailing wage rate requirements and are applicable to the scheduled timeframe of the work, as defined by the LIRR, and are therefore considered fair and reasonable. Entering into this contract at this time will also avoid the need to demobilize the equipment only to re-mobilize it at a later date at a cost of \$26,580. LIRR advertised its intent to procure the services on a sole source basis and no other firm expressed an interest in participating in this procurement. Funding for this contract is included in LIRR's capital budget for 2013 & 2014 and option years (if budgeted) will allow continued use of equipment at current contract rates and avoid future Mobilization charges.

LIRR requests MTA Board approval to award a Sole Source Blanket Purchase Order for a 36-month period to Loram Maintenance of Way, Inc. ("Loram") in an amount not-to-exceed \$6,700,000 for the services of the Rail-Vac Machine.

Item Number: 2

<b>Vendor Name (&amp; Location)</b> Vapor Stone Rail Systems (Plattsburg, NY)
<b>Description</b> C-3 HVAC System Controller Upgrade for C-3 Coach
<b>Contract Term (including Options, if any)</b> 4 Years
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes
<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>Contact Number</b> TBD	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> \$5,500,000	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Maintenance of Equipment, Daniel Cleary - CMO	
<b>Contract Manager :</b> Virginia Mahr	

**Discussion:**

LIRR requests MTA Board approval to award a non-competitive contract to Vapor Stone Rail Systems (VSRS) in the total amount of \$5,500,000 to provide C-3 HVAC Controls Upgrade for LIRR's entire fleet of 134 C-3 Coach Cars over a four (4) year period.

VSRS is the Original Equipment Manufacturer of the control box, control panel and train-line control software presently installed in the two Rooftop HVAC units on each C-3 Coach Car. These units were manufactured in the late 90s, making the HVAC technology 20 years old. VSRS previously overhauled and upgraded the C-3 HVAC units between 2005 and 2006 increasing reliability and reducing the number of hot cars. The HVAC units now have obsolete and outdated control systems with analog communications control components that are difficult, and in some cases impossible, to procure for unscheduled and scheduled maintenance, which is necessary to maintain the operational reliability of the C-3 Coach Cars.

VSRS was the only firm to respond to LIRR's advertised Request for Expression of Interest issued in July 2008 to provide an upgraded prototype C-3 HVAC unit control box assembly. As part of its response, VSRS provided to LIRR, at its own expense, two (2) state of the art control boxes utilizing digital communication control logic and an upgraded control panel for testing. These units were installed on a C-3 Coach (4033) for validation testing and, during the last two years, have been operating trouble free.

Pursuant to its statutory obligation under Section 1265-a(4)(b) of the Public Authorities Law, LIRR advertised its intent to award a sole source contract in the New York State Contract Reporter and New York Post. No other vendor expressed an interest in competing for this LIRR procurement.

The scope of the project is to upgrade the C-3 fleet HVAC Control System by replacing that obsolete system with a modern upgrade control system in all 134 C-3 Coach Cars for continued maintainability, reliability and customer comfort. LIRR intends to perform the upgrades over a four-year cycle at a rate of 34 Cars per year as defined by its Reliability Centered Maintenance (RCM) program. A review of the pricing by LIRR's Procurement & Logistics Department and Maintenance of Equipment Department (Fleet Engineering and Diesel Operations) found the pricing to be fair and reasonable. Pricing takes into account moving from a prototype to a production effort and will remain firm for the four-year duration of the program with a two year warranty on the system.

This procurement is to be funded by LIRR's operating budget.

Item Number: 3

<b>Vendor Name (&amp; Location)</b> Oracle USA, Inc., 1910 Oracle Way, Reston, VA 20190
<b>Description</b> Renewal of Oracle Software Maintenance and Support
<b>Contract Term (including Options, if any)</b> May 30, 2013 – May 29, 2017
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-Competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source

<b>Contact Number</b> TBD	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$11,200,00.00 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> Information Technology, Scott Dietrich, CIO	
<b>Contract Manager :</b> Cliff De Risi/John Latterner	

## Discussion:

### I. PURPOSE/RECOMMENDATION

LIRR requests, on behalf of MTA Bridges & Tunnels (B&T), MTA New York City Transit (NYCT) and MTA Metro-North Railroad (MNR), MTA Board approval to enter into a four-year agreement with Oracle USA, Inc. (Oracle), pursuant to a ride of the Oracle's New York State Office of General Services Contract No. PT64000, for renewal of software maintenance, support and the purchase of future Oracle licenses on an as-needed basis for the LIRR, MNR, NYCT and B&T. Oracle software products are used to support existing applications ensuring interoperability between databases and facilitating application integration in support of mission critical business requirements.

### II. BACKGROUND

Oracle software is an integral part of the MTA and constituent agencies providing PeopleSoft, Hyperion Budgeting, Service Oriented Architecture (SOA) middleware and Database application software, which have all been purchased in recent years. Oracle has purchased a number of other vendors such as Hyperion, BEA and PeopleSoft which is used by the BSC to consolidate all Enterprise Resource Planning (ERP) and purchasing functions at the BSC. Oracle Software is used in support of mission critical agency applications such as Ticket Selling Systems, Mail & Ride, Identity & Access Management, Corporate Time & Attendance, Document Management, and Corporate Asset Management Systems. This renewal is consistent with MTA and Agency directives to standardize on common systems, database software as well as middleware software to achieve a more integrated approach to processes which provides added flexibility and reduces the technology curve and training for the entire MTA. The services provided under the contract include software, maintenance and support needed to maintain the MTA agency database environments to ensure a state of good repair and continued availability for existing business applications. Oracle software will continue to be used to foster increased integration among the application products of key technology initiatives as required by the respective agency business users. Additionally, this common technology approach for software integration will result in cost savings by renewing software maintenance licenses jointly achieving price concessions.

The Oracle Software is proprietary to Oracle with no vendor having any rights to the Oracle source code, which is needed to perform the work. As has been done in the past, sole source advertisements have been placed in the New York State Contact Reporter and local newspapers. Oracle originally proposed a total of \$8,225,742.53 for the four-year period, which represented an uplift of 3% per year for all the MTA agencies. By leveraging the combined buying power of NYCT, LIRR, MNR and B&T for the software maintenance and support renewals, LIRR was able to limit the 3% uplift to the first year only, with no escalation in maintenance charges for years 2 through 4, for a total of \$7,864,686.88. This represents a cost savings of \$361,055.64 over the term of the agreement.

In addition to the renewal of maintenance and support costs, LIRR, MNR, NYCT and B&T anticipate future software purchases of Oracle software licenses in the combined amount of approximately \$3,300,000.00 over the four-year term. These projected purchases are required to support the expansion of database license and security compliance requirements for the three MTA agencies. Pricing

will be in accordance with the then current New York State Office of General Services discounts, with the ability to obtain additional discounts through further negotiations and combining purchases. Significant adverse information was discovered concerning Oracle. An award will not be made until the required approvals are obtained and Oracle is viewed to be a responsible vendor.

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

New York State has zero goals established for its Oracle contract.

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

The total not-to-exceed cost for this contract award for ongoing maintenance, software support and new licenses is in the amount not to exceed \$11,200,000.00. As stated above, all of this funding already has been included in each agency budget and financial plan. This contract is funded through the respective Agency Operating budgets.

The cost per Agency for the renewal of software maintenance and support over the 4-year period is as follows:

MTA NYCT - \$3,207,567.13

MTA LIRR - \$2,778,046.87

MTA MNR - \$1,385,932.11

MTA B&T - \$493,140.78

For the purchase of new licenses, the estimate is \$1,000,000.00 for NYCT, \$1,000,000.00 for LIRR, \$800,000.00 for MNR and \$500,000 for B&T.

### **V. ALTERNATIVES**

There are no alternatives to this procurement. The Oracle software is proprietary and cannot be maintained or updated by any other vendor.

APRIL 2013

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

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

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

**1. Oldcastle Enclosure Solutions      \$1,735,880      Staff Summary Attached**  
**Blanket Purchase Agreement for Various Oldcastle Plastibeton Signal Cable Trays**

Non-competitive, negotiated, three year, Blanket Purchase Agreement to Oldcastle Enclosure Solutions (Oldcastle), the Original Equipment Manufacturer (OEM), for the purchase of Various Signal Plastibeton Cable Trays. Cable trays are installed throughout Metro North Railroad (MNR) operating territory and must withstand extreme weights from heavily-loaded railroad equipment. They are situated in trenches to carry and protect signal, power and communication cable from damage and exposure to the elements. Since the 1990's, MNR has conducted numerous tests on various types of cable trays including stainless steel, fiberglass, standard concrete, plastic-based, and polymer concrete trays. Alternative plastic based interlocking trays were previously installed but resulted in poor performance, collapsing under the weight of yard traffic and facilitating combustion leading to cable damage. The specialized Plastibeton cable trays manufactured by Oldcastle are high density/heavy duty, fire resistant, polymer concrete trays and have proven to be the best units that can sustain heavy railroad trucks, cranes, catenary structures and other rail vehicles. The cable trays are also designed and tested to support 40,000 pounds and are not affected by water, acids, salts, chemicals, and extreme freeze/thaw cycles.

Additionally, these trays are successfully being used by railroads in the Northeast corridor including LIRR, Amtrak, New Jersey Transit and SEPTA, and meet the requirements for Low Smoke Zero Halogen (LSZH) which is a necessary protection for signal cables due to the potential for damage from brush fires, arcs from the third rail, and diesel locomotive exhaust sparks. The contract includes the ability for all MTA Agencies to take advantage of the MNR/Oldcastle favorable pricing structure should they decide to utilize the purchase agreement.

This purchase agreement will reduce administrative costs and advertising expenses, eliminate lead time for individual purchase orders and expedite material delivery. In requesting this Board authorization, MNR has complied with PAL§ 1265-a (3) regarding the posting of advertisements in order to identify potential alternate suppliers and with MTA All-Agency Procurement Guidelines for the purchase of sole source material. MNR shall continue to seek alternate suppliers through vendor outreach and advertisement.

Overall negotiations resulted in savings of 620,436 or 35%, when comparing the Oldcastle Enclosure Solutions' Best and Final Offer (BAFO) of \$1,735,880 to their initial proposed price of \$2,356,316. This purchase is 100% Federally funded.



**Schedules Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

**2. New York State Industries for the Disabled (NYSID)      \$62,500 (not-to-exceed)**

**Document Scanning Services**

Approval is requested for a New York State Preferred Source, four month, miscellaneous service contract to the New York State Industries for the Disabled (NYSID) to perform Document Scanning Services in accordance with Section 162 of the New York State Finance Law.

To advance special social and economic goals, the NYS Finance Law requires that all State agencies, political subdivisions and public benefit corporations obtain commodities and services from "preferred sources" when such commodities and services are on the List of Preferred Source Offerings and when they meet the form, function and utility required by the agencies. The service requirements must be defined in terms of the minimum essential requirements and every reasonable effort must be made to obtain services through the Preferred Source. The acquisition of document imaging and scanning services is one of the services listed and it is exempted from statutory competitive procurement requirements. The NYS Commissioner of General Services is responsible for reviewing and approving the prices of all services provided by Preferred Sources. In approving the prices, the NYS Office of General Services ensures that prices do not exceed 15% of the prevailing market prices among responsive and responsible offers for the same or equivalent services.

The scope of services includes scanning of maps and other documents related to MNR's track system, bridges, stations and property agreements currently maintained by MNR's Maintenance of Way. MNR employees, contractors and other authorized personnel regularly review and utilize these documents. The scanning project will allow for the records to be available for online access, thereby saving time and labor. It will also protect the records from physical damage due to repeated handling; permit transfer of original records to offsite storage, thereby saving office space; and provide a cost-effective method of producing backup copies of records that support mission-critical operations.

The total contract cost is not-to-exceed \$62,500. All pricing is deemed within 15% of the prevailing market prices as required by the NYS Preferred Source Law. This procurement is funded through a records management improvement grant provided by the New York State Education Department.

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

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

**3. Smiths Detection                                      \$1,881,161 (not-to-exceed)                                      Staff Summary Attached**  
**Three Year Maint. & Support Services for the MNR (GCT) and LIRR (Penn Station) Chemical Detection Systems & Equipment (MNR = \$940,581 and LIRR = \$940,580)**

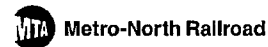
Approval is requested for a three year, negotiated contract extension in the total not-to-exceed amount of \$1,881,161 to Smiths Detection for the MNR and LIRR Chemical Detection Systems. The term of the contract will be from April 2013 through March 2016 and it will provide comprehensive maintenance and support of the Chemical Detection Systems presently installed in both Grand Central Terminal (GCT) and Penn Station. Smiths Detection is the Original Equipment Manufacturer (OEM) and original software developer of the Chemical Detection Systems and is presently performing maintenance services satisfactorily.

In 2006, MTA Office of Security in conjunction with the Department of Homeland Security (DHS), evaluated and concluded that the sensor mechanisms within the devices that were developed by Argonne National Laboratories, are the premiere equipment for sensing chemical, biological and radiological agents. The detail of the systems' software and hardware is called the "Protect" system, and is licensed exclusively to Smiths Detection. In the event of a chemical attack at either of MTA's two high profile facilities, the installed system will provide essential detection and notification to key response MTA, MNR, & LIRR personnel. Smiths is the sole authorized maintainer and distributor for the Protect system, including software and hardware components. Services provided by Smiths include on-site weekly maintenance, system and network software support, hardware maintenance including replacement parts and on-going testing.

During the term of this contract, MTA, MNR and LIRR personnel will work with the Department of Homeland Security, as well as several National Laboratories to evaluate emerging technologies. The agencies will complete the review of available technologies and determine/recommend a future course of action which may include a procurement to solicit proposals for a new Chemical Detection platform or an upgrade to the existing Smiths Detection Protect System. Should the new system or upgrade be implemented prior to the conclusion of the three year maintenance period, the Railroads will activate a termination clause that will be part of the contract.

The total value of this contract for up to a three year period is not-to-exceed \$1,881,161 (MNR = \$940,581; LIRR= \$940,580) covering the term April 1, 2013-March 31, 2016. Under the contract, the MTA and the Railroads are afforded pricing negotiated by the U.S. General Services Administration (GSA) for comprehensive maintenance and support which increases by an acceptable 3% per year, based on the average rate of inflation. This procurement is to be funded by MTA HQ-Office of Security.

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



Item Number: A

<b>Vendor Name (&amp; Location)</b> Oldcastle Enclosure Solutions
<b>Description :</b> Purchase of Various Signal Plastibeton Cable Trays
<b>Contract Term (including Options, if any)</b> Three (3) Years
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source/OEM

<b>Contract Number</b> 8892-A	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$1,735,880 (not-to-exceed)
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Procurement & Material Management, Anthony J. Bombace, Jr.	
<b>Contract Manager:</b> J. Walker	

## Discussion:

Non-competitive, negotiated, three year, Blanket Purchase Agreement to Oldcastle Enclosure Solutions (Oldcastle), the Original Equipment Manufacturer (OEM), for the purchase of Various Signal Plastibeton Cable Trays. Cable trays are installed throughout Metro North Railroad (MNR) operating territory and must withstand extreme weights from heavily-loaded railroad equipment. They are situated in trenches to carry and protect signal, power and communication cable from damage and exposure to the elements. Since the 1990's, MNR has conducted numerous tests on various types of cable trays including stainless steel, fiberglass, standard concrete, plastic-based, and polymer concrete trays. Alternative plastic based interlocking trays were previously installed but resulted in poor performance, collapsing under the weight of yard traffic and facilitating combustion leading to cable damage. The specialized Plastibeton cable trays manufactured by Oldcastle are high density/heavy duty, fire resistant, polymer concrete trays and have proven to be the best units that can sustain heavy railroad trucks, cranes, catenary structures and other rail vehicles. The cable trays are also designed and tested to support 40,000 pounds and are not affected by water, acids, salts, chemicals, and extreme freeze/thaw cycles.

Additionally, these trays are successfully being used by railroads in the Northeast corridor including LIRR, Amtrak, New Jersey Transit and SEPTA, and meet the requirements for Low Smoke Zero Halogen (LSZH) which is a necessary protection for signal cables due to the potential for damage from brush fires, arcs from the third rail, and diesel locomotive exhaust sparks. The contract includes the ability for all MTA Agencies to take advantage of the MNR/Oldcastle favorable pricing structure should they decide to utilize the purchase agreement.

This purchase agreement will reduce administrative costs and advertising expenses, eliminate lead time for individual purchase orders and expedite material delivery. In requesting this Board authorization, MNR has complied with PAL§ 1265-a (3) regarding the posting of advertisements in order to identify potential alternate suppliers and with MTA All-Agency Procurement Guidelines for the purchase of sole source material. MNR shall continue to seek alternate suppliers through vendor outreach and advertisement.

Overall negotiations resulted in savings of 620,436 or 35%, when comparing the Oldcastle Enclosure Solutions' Best and Final Offer (BAFO) of \$1,735,880 to their initial proposed price of \$2,356,316. This purchase is 100% Federally funded.

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



Item Number: H

<b>Vendor Name (&amp; Location)</b> Smiths Detection		<b>Contract Number</b> 1000007489C	<b>AWO/Modification #</b>
<b>Description</b> Maintenance of the Chemical Detection System		<b>Original Amount:</b> \$3,963,017	
<b>Contract Term (Including Options, if any)</b> Three Years		<b>Prior Modifications:</b> \$129,179	
<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$4,092,196	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:		<b>This Request:</b> \$1,881, 161	
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 46%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Procurement & Material Management, Anthony J. Bombace, Jr.		<b>% of Modifications (Including This Request) to Original Amount:</b> 51%	

**Discussion:**

Approval is requested for a three year, negotiated contract extension in the total not-to-exceed amount of \$1,881,161 to Smiths Detection for the MNR and LIRR Chemical Detection Systems. The term of the contract will be from April 2013 through March 2016 and it will provide comprehensive maintenance and support of the Chemical Detection Systems presently installed in both Grand Central Terminal (GCT) and Penn Station. Smiths Detection is the Original Equipment Manufacturer (OEM) and original software developer of the Chemical Detection Systems and is presently performing maintenance services satisfactorily.

In 2006, MTA Office of Security in conjunction with the Department of Homeland Security (DHS), evaluated and concluded that the sensor mechanisms within the devices that were developed by Argonne National Laboratories, are the premiere equipment for sensing chemical, biological and radiological agents. The detail of the systems' software and hardware is called the "Protect" system, and is licensed exclusively to Smiths Detection. In the event of a chemical attack at either of MTA's two high profile facilities, the installed system will provide essential detection and notification to key response MTA, MNR, & LIRR personnel. Smiths is the sole authorized maintainer and distributor for the Protect system, including software and hardware components. Services provided by Smiths include on-site weekly maintenance, system and network software support, hardware maintenance including replacement parts and on-going testing.

During the term of this contract, MTA, MNR and LIRR personnel will work with the Department of Homeland Security, as well as several National Laboratories to evaluate emerging technologies. The agencies will complete the review of available technologies and determine/recommend a future course of action which may include a procurement to solicit proposals for a new Chemical Detection platform or an upgrade to the existing Smiths Detection Protect System. Should the new system or upgrade be implemented prior to the conclusion of the three year maintenance period, the Railroads will activate a termination clause that will be part of the contract.

The total value of this contract for up to a three year period is not-to-exceed \$1,881,161 (MNR = \$940,581; LIRR = \$940,580) covering the term April 1, 2013-March 31, 2016. Under the contract, the MTA and the Railroads are afforded pricing negotiated by the U.S. General Services Administration (GSA) for comprehensive maintenance and support which increases by an acceptable 3% per year, based on the average rate of inflation. This procurement is to be funded by MTA HQ-Office of Security.

APRIL 2013

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

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

**1. Prismatic Development Corporation                      \$26,514,000                      Staff Summary Attached**  
**Improved Station Access and Parking at North White Plains Station**

Approval is requested to award a twenty month, competitively solicited and negotiated design-build contract (RFP process, 17 proposals received, three shortlisted) to Prismatic Development Corporation for station access and parking improvements at MNR's North White Plains Station.

There is currently a parking availability shortfall at North White Plains Station and with projections of ridership growth over the next few years, improving station access and providing additional parking for Metro-North's service territory will support customers. To address this growth, consultants were contracted to prepare an Environmental Assessment to study alternatives to improve parking and access to the station. The study resulted in the selection of a Preferred Alternative including an option to prepare a 30% design. On June 30, 2011 the FTA issued a Finding of No Significant Impact for MNR's Preferred Alternative, completing the federal environmental review process. The option for the 30% design was then awarded in November 2011.

Based on the 30% design of the Preferred Alternative, MNR requires the services of a design-builder to complete the 100% design for station access and parking improvements at North White Plains Station and then construct the same. The design-builder will first demolish a 109-space parking garage, a utility building and telecommunications equipment shed. Once demolition is complete, they will construct a 186,000 sq. ft. ground level plus four-story parking structure for approximately 500 parking spaces. The garage will include: bicycle and scooter parking spaces, administrative and storage space for the garage's operation, a utility room to include relocated existing and new utilities and other ancillary site improvements including pedestrian crosswalks, and options for 1,000-1500 sq. ft. of retail space and electric car charging stations.

Proposals were received from 17 firms and the Selection Committee shortlisted three for oral presentations and to eventually submit a Best and Final Offer. At the conclusion of the oral presentations, evaluations and BAFO process, the Selection Committee unanimously selected Prismatic Development Corporation (Prismatic) for award. Prismatic not only offered the lowest price but also proposed viable design and construction concepts that were deemed to be well engineered, time/labor efficient, and compliant with the intent of the preliminary design. Prismatic has been determined to be technically competent, capable, and compliant with the contract terms and conditions.

Prismatic's Best and Final Offer of \$26,514,000 is inclusive of the two options (for retail and car-changing), is 12% below MNR's in-house estimate and is deemed to be fair and reasonable. The period of performance of this contract is twenty months. Significant adverse information was discovered concerning Prismatic. An award will not be made until the required approvals are obtained and Prismatic is viewed to be a responsible vendor. This project is funded by a Federal Congestion Mitigation and Air Quality (CMAQ) improvement grant and MNR Capital Program.

**Schedules Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

2. Westside Taxi - Beacon	\$15,000 (not-to-exceed)
Manny's Taxi - Brewster	\$60,000 "
Express Taxi - Croton Falls	\$25,000 "
Katonah Taxi - Katonah	\$100,000 "
Call-A-Cab - Poughkeepsie	\$10,000 "
Manny's Taxi - Southeast	\$40,000 "
All County Transportation - Tarrytown	\$250,000 "

**MNR's Guaranteed Ride Home Program (GRIHP) from Select MNR Train Stations**

Approval is requested to award seven competitively solicited (eight bids received) five year, miscellaneous service contracts for Metro-North Railroad's Guaranteed Ride Home Program (GRHP). The GRHP is a no-cost program to MNR that is funded 100% by a Congestion Mitigation Air Quality Grant from the New York State Department of Transportation.

The MNR GRHP offers weekday taxi service to monthly Uni-Ticket customers at the MNR's Beacon, Brewster, Croton Falls, Katonah, Poughkeepsie, Southeast and Tarrytown stations at specified off peak times when regular connecting bus or ferry service is not scheduled or available. Uni-Ticket customers are offered up to two Guaranteed Ride Home trips per month within the travel zones specified in the GRHP. Bids to provide transportation service at MNR's stations were solely solicited from taxi companies authorized by the individual Towns of Beacon, Brewster, Katonah, Poughkeepsie and Tarrytown. A direct outreach was conducted for prospective taxi companies for the Towns of Croton Falls and Southeast. Under the contract, taxi companies are required to maintain all necessary licenses, permits and authorizations required to pick up and transport passengers within their territory and destination zones.

The overall rate(s) for taxi services have decreased by approximately 14% due to the competitive solicitation. Additionally, the unit prices per ride are comparable to other taxi companies in the area. Further, the prices quoted are all-inclusive fixed rates guaranteed for a five year period, and are deemed fair and reasonable. The total cost of the estimated services for all seven contracts is not-to- exceed \$500,000 for the contract term of five years.

3. **Cardno ATC**

**\$5,000,000 (not-to-exceed)**

*Staff Summary Attached*

**Asbestos and Lead Air Monitoring and Testing Services**

Approval is requested to award a sixty month competitively solicited miscellaneous service contract (RFP process, 11 proposals received, three short-listed) to Cardno ATC to perform on-call system-wide asbestos and lead air monitoring and testing services on an as-needed, task order basis.

MNR's Safety and Security Department (Safety) currently requires a firm to: (a) provide abatement project monitoring/supervision and air monitoring and analysis; (b) provide assistance to MNR for coordination efforts with all regulatory agencies; (c) provide design documents (specifications, drawings, estimates) to be utilized to solicit bids; and (d) provide assessments of work detailing the extent of contamination and the best method for remediation. Work is required throughout MNR's territory in both New York State and Connecticut.

Proposals were received from 11 firms and the Selection Committee short-listed three for oral presentations with two firms submitting a Best and Final Offer. At the conclusion of the process, the Selection Committee unanimously selected Cardno ATC for award. Not only did Cardno ATC offer the lowest price, but they proposed a thorough and comprehensive project plan. They have ample personnel resources with a diverse range of experience, which will encompass the full range of services specified by the RFP.

Cardno ATC's Best and Final Offer of \$4,939,295.52 is deemed to be fair and reasonable. The combined average cost of these services decreased by 5.3% when compared with the midpoint of the prior contract. Cardno ATC submitted competitive unit prices that were the lowest of the short-listed proposers, which are on average 9.8% below the in-house estimate. Cardno ATC's unit prices will be fixed for the new five year contract and are deemed fair and reasonable for the level of service to be provided. The total cost of these services is not-to-exceed \$5,000,000. The period of performance of this contract is sixty months and is funded by the MNR Operating Budget. Work performed on behalf of Capital Engineering and CDOT will be reimbursed accordingly on a task-by-task basis.

# Staff Summary

Item Number C					
Dept & Dept Head Name: Procurement & Material Management, Anthony J. Bombace, Jr.					
Division & Division Head Name: Sen. VP – Administration, Raymond Burney					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	4-22-13	X		
2	MTA Board Mtg.	4-24-13	X		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
X	President	W	Sr. V.P. Operations		
X	Sr. V.P. Admin.		V.P. Planning		
X	V.P. Finance & IT	X	General Counsel		
X	Capital Programs				

<b>SUMMARY INFORMATION</b>	
Vendor Name Prismatic Development Corporation	Contract Number 14632
Description Improved Station Access and Parking at North White Plains Station	
Total Amount \$26,514,000	
Contract Term (including Options, if any) Twenty Months	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION:

MNR requests MTA Board approval to award a contract to Prismatic Development Corporation to design-build station access and parking improvements at MNR's North White Plains Station. The period of performance of this contract is 20 months.

### II. BACKGROUND & DISCUSSION:

There is currently a parking availability shortfall at North White Plains Station and with projections of ridership growth over the next few years, improving station access and providing additional parking for Metro-North's service territory will support customers. To address this growth, consultants were contracted to prepare an Environmental Assessment to study alternatives to improve parking and access to the station. The study resulted in the selection of a Preferred Alternative including an option to prepare a 30% design. On June 30, 2011 the FTA issued a Finding of No Significant Impact for MNR's Preferred Alternative, completing the federal environmental review process. The option for the 30% design was then awarded in November 2011.

Based on the 30% design of the Preferred Alternative, MNR requires the services of a design-builder to complete the 100% design for station access and parking improvements at North White Plains Station and then construct the same. The design-builder will first demolish a 109-space parking garage, a utility building and telecommunications equipment shed. Once demolition is complete, they will construct a 186,000 sq. ft. ground level plus four-story parking structure for approximately 500 parking spaces. The garage will include: bicycle and scooter parking spaces, administrative and storage space for the garage's operation, a utility room to include relocated existing and new utilities and other ancillary site improvements including pedestrian crosswalks, and options for 1,000-1500 sq. ft. of retail space and electric car charging stations.

A Request for Proposal (RFP), dated September 14, 2012, was prepared and advertised in the MTA/MNR website, the New York State Contract Reporter, the New York Post and the Daily Challenge and direct outreach was made by MNR Procurement to prospective contractors and A/E's. On November 8, 2012, technical proposals were received from 17 design-build teams.



## Staff Summary

The criteria for selection established in the RFP for the final round of evaluations are as follows:

1. Project Plan, understanding of the workscope requirements and schedule.
2. Past experience with similar projects.
3. Confidence level, commitment of relevant resources to the project.
4. Cost.

The Selection Committee was comprised of members representing MNR's Procurement and Material Management, Capital Engineering, and Business Development, Facilities and Marketing Departments. The Committee evaluated all proposals received in accordance with the selection criteria of the RFP and MNR's procurement procedures. Following the shortlisting process, the Committee selected three design-build teams: Prismatic Development Corporation (Prismatic), Halmar International (Halmar), and ECCO III Enterprises (ECCO). The Committee invited the three shortlisted design-build teams to prepare an oral presentation and submit a Best and Final Offer. Following oral presentations, evaluations and review, all three design-build teams were deemed to be technically competent, capable, and compliant with the contract terms and conditions and preliminary design.

Final BAFO prices, inclusive of two options, were submitted. Lump sum proposal prices were received in the following amounts: 1) Prismatic at \$26,514,000; 2) ECCO at \$27,193,778; 3) Halmar at \$29,498,440. In accordance with the criteria for selection, the Selection Committee unanimously recommended contract award to Prismatic. Prismatic not only offered the lowest price but also proposed viable design and construction concepts that were deemed to be well engineered, time/labor efficient, and compliant with the intent of the preliminary design. Prismatic has extensive experience with building parking garages, including the construction of three public parking garages for the new Yankee Stadium. Prismatic's proposal price of \$26,514,000 is 12% below MNR's in-house estimate and is deemed to be fair and reasonable. Significant adverse information was discovered concerning Prismatic. An award will not be made until the required approvals are obtained and Prismatic is viewed to be a responsible vendor.

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

The MTA Department of Diversity and Civil Rights (DDCR) established a 17% DBE goal for this project. The contract will not be awarded until DDCR requirements have been satisfied. Prismatic has achieved its previous DBE goals on MTA contracts.

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

Board approval is requested in the amount of \$26,514,000. This project is funded by a Federal Congestion Mitigation and Air Quality (CMAQ) improvement grant and the MNR Capital Program.

### **V. ALTERNATIVES:**

MNR does not have the available in-house staff with both the expertise and capability to perform the required design, build and construction services as specified.

# Staff Summary



Metro-North Railroad

Page 1 of 2

Item Number G					
Dept & Dept Head Name: Procurement & Material Management, Anthony J. Bombace, Jr.					
Division & Division Head Name: Sen. VP – Administration, Raymond Bungey					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	4-22-13	X		
2	MTA Board Mtg.	4-24-13	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	HT	Sr. V.P. Operations		
X	Sr. V.P. Admin.		V.P. Planning		
X	V.P. Finance & IT	X	General Counsel		
X	Capital Programs				

<b>SUMMARY INFORMATION</b>	
Vendor Name Cardno ATC	Contract Number 17316
Description Asbestos and Lead Air Monitoring and Testing Services	
Total Amount \$5,000,000	
Contract Term (including Options, if any) 5 years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION:

MNR requests MTA Board approval to award a competitively solicited miscellaneous service contract to Cardno ATC to perform on-call system-wide asbestos and lead air monitoring and testing services on an as-needed, task order basis. The period of performance is sixty months.

### II. DISCUSSION:

MNR's Safety and Security Department (Safety) currently requires a firm to: (a) provide abatement project monitoring/supervision and air monitoring and analysis; (b) provide assistance to MNR for coordination efforts with all regulatory agencies; (c) provide design documents (specifications, drawings, estimates) to be utilized to solicit bids; and (d) provide assessments of work detailing the extent of contamination and the best method for remediation. Work is required throughout MNR's territory in both New York State and Connecticut.

A Request for Proposal (RFP), dated December 17, 2013, was prepared and advertised in the MTA/MNR website, the New York State Contract Reporter, the New York Post and the Daily Challenge, while direct outreach was made by MNR Procurement to prospective contractors. On January 18, 2013, technical and cost proposals were received from 11 firms.

The criteria for selection established in the RFP are as follows:

1. Project Plan, understanding of the workscope requirements and schedule.
2. Past experience with similar projects.
3. Confidence level, commitment of relevant resources to the project.
4. Cost

## Staff Summary

The Selection Committee was comprised of members representing MNR's Procurement and Material Management, Safety and Security, Capital Engineering, Track & Structures, and MTA Real Estate Departments. The Committee evaluated the 11 proposals received in accordance with the selection criteria of the RFP and MNR's procurement procedures. As a result of the evaluation, the Committee selected for short-list: Cardno ATC, Leadcare Inc., and Warren Panzer Engineers, P.C. based on the ranking of their overall scores. The short-listed firms were invited to provide oral presentations to the Committee. Following the oral presentations, evaluations and review, both Cardno ATC and Leadcare Inc. were deemed to be the most technically competent and capable of performing the work. As such, both were invited to submit a Best and Final Offer.

Final BAFO prices were submitted in the following amounts: Cardno ATC at \$4,939,296 and Leadcare at \$5,159,333. In accordance with the criteria for selection, it was the unanimous decision of the Committee to recommend Cardno ATC for award. Not only did Cardno ATC offer the lowest price, but they proposed a thorough and comprehensive project plan. They have ample personnel resources with a diverse range of experience, which will encompass the full range of services specified by the RFP.

The combined average cost of these services decreased by 5.3% when compared with the midpoint of the prior contract. Cardno ATC submitted competitive unit prices that were the lowest of the short-listed proposers, which are on average 9.8% below the in-house estimate. Cardno ATC's unit prices will be fixed for the new five year contract and are deemed fair and reasonable for the level of service to be provided. The total cost of these services is not-to-exceed \$5,000,000.

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

The MTA Department of Diversity and Civil Rights (DDCR) established a 17% DBE goal for this project. The contract will not be awarded until the MTA Department of Diversity and Civil Rights (DDCR) requirements have been satisfied.

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

Board approval is requested for an award to Cardno ATC in the total not-to-exceed amount of \$5,000,000, for a duration of sixty months. This procurement will be funded by the MNR Operating Budget. Work performed on behalf of Capital Engineering and CDOT will be reimbursed accordingly on a task-by-task basis.

### **V. ALTERNATIVES:**

MNR does not have the available in-house staff with both the expertise and experience to complete the full spectrum of system-wide asbestos and lead air monitoring and testing services.

**APRIL 2013**

**METRO-NORTH RAILROAD**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Schedules Requiring Two-Thirds Vote:**

**D. Ratification of Completed Procurement Actions**

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

**Penta Corporation                      \$350,000 (not-to-exceed)**

**Upgrade of Metro-North's Public Address System**

Non-competitive, negotiated, 18-month, miscellaneous service contract with Penta Corporation to upgrade Metro-North's existing Public Address (PA) System hardware, database, talker servers and communications software located in Grand Central Terminal and the backup facility in North White Plains. Penta Corporation is the Original Equipment Manufacturer and original software developer of Metro-North's PA system. All consoles, ancillary equipment, microprocessor devices, and software are all proprietary to Penta, and any upgrade of existing systems is obtainable only through Penta Corporation. Penta was directed to begin work to mitigate risks associated with an existing contractor's failure to provide a completed replacement system design and the decreasing reliability of the existing PA system.

This upgrade will prolong system life by five years, and will also allow time for Metro-North to assess and implement a complete replacement. This procurement is funded by the Metro-North's Operating Budget. This upgrade will facilitate enhanced technology for audio and video communications in Metro-North's 99 outlying stations. Under this upgrade, Penta will test and provide alternatives for the discontinued sound cards, provide newer database versions, replace older computers with compatible current industrial model servers, and perform all necessary installations, configurations, testing and system commissioning.

The negotiated not-to-exceed upgrade cost of \$350K includes services of Penta's software engineers, technicians and project managers at the same rate provided in 2007 under prior contracts with Penta. Pricing for all upgraded equipment is also the same as the pricing currently in place with LIRR and NYCT. The \$350K upgrade cost also includes provisions for spare parts and one year maintenance and support coverage following a successful system acceptance. All pricing is deemed fair and reasonable. This procurement is funded by the Metro-North's Operating Budget.

**APRIL 2013**

**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. **Tutor Perini Corporation** **\$762,000** **Staff Summary Attached**  
**Contract No. CQ032**  
**Modification No. 25**  
Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification to the Contract for additional concrete infill at the Yard Lead Track (YLT) trench. This is a scope and budget transfer.
  
2. **Granite-Traylor-Frontier Joint Venture** **\$4,025,000** **Staff Summary Attached**  
**Contract No. CQ031**  
**Modification No. 91**  
Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification to the Contract for the construction of a reinforced concrete track slab with associated work for the Westbound Bypass (WBBY). This is a scope and budget transfer.
  
- 3 & 4. **Tutor Perini Corporation** **\$1,357,000** **Staff Summary Attached**  
**Contract No. CH053**  
**Modification No. 74 Part 1C (\$620,000)**  
**Modification No. 101 (\$737,000)**  
Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for modifications to the Contract for: excavation, backfilling and compaction, and to furnish and install the conduits that will pass under and into the Motor Generator (MG) buildings at Harold Interlocking and Woodside Station and; for the installation of utilities to the northside of Microtunnel Run #12.

## Schedule I: Modification to Purchase or Public Work Contracts



Item Number: 1

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation (Peekskill, New York)	
<b>Description</b> Plaza Substation and Queens Structures for the ESA Project	
<b>Contract Term (including Options, if any)</b> February 3, 2010 – August 13, 2014 (1,653 days)	
<b>Option(s) included in Total Amount?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input 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.	

<b>Contract Number</b> CQ032	<b>AWO/Modification #</b> 25
<b>Original Amount:</b>	\$ 147,377,000
<b>Prior Modifications:</b>	\$ 18,910,986
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 166,287,986
<b>This Request</b>	\$ 762,000
<b>% of This Request to Current Amount:</b>	0.46%
<b>% of Modifications (including This Request) to Original Amount:</b>	13.35%

**Discussion:**

This Contract is for the structural and architectural rehabilitation to existing facilities along the existing 63rd Street Tunnel including construction of Plaza Interlocking and Facility Power Substation B10 for the East Side Access (ESA) Project. In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC is requesting Board approval to modify the contract for the additional concrete in-fill at the Yard Lead Track (YLT) trench. This is a scope and budget transfer.

The Yard Lead Track trench (YLT) is to be constructed at the base of the open cut excavation in Queens. As part of the concrete trench structure, concrete infill must be installed over the rock surface to provide a smooth face for application of the waterproofing membrane. Because of overbreak of the rock surface (rock excavation beyond design limits) during excavation by the previous contractor (Contract CQ031), concrete infill is required beyond the amounts specified in the contract drawings. This modification provides compensation to the contractor for placement of the additional concrete infill.

The Contractor submitted a cost proposal in the amount of \$820,389. MTACC's estimate is \$752,328. Negotiations were held and the parties agreed to the cost \$762,000 for the work. The negotiated cost is considered to be fair and reasonable. A portion of the funding for this modification will come from CQ031 as a credit for the portion of the infill to correct the overbreak not attributable to differing site conditions. The amount is currently being negotiated. The balance of the funding will come from the CQ032 contingency.

# Schedule I: Modification to Purchase or Public Work Contracts



Item Number: 2

<b>Vendor Name (&amp; Location)</b> Granite-Traylor-Frontier ("GTF"), Joint Venture	<b>Contract Number</b> CQ031	<b>AWO/Modification #</b> 91
<b>Description</b> Queens Bored Tunnels and Structures	<b>Original Amount:</b> \$ 659,200,700	
<b>Contract Term (including Options, if any)</b> 40 Months	<b>Prior Modifications:</b> \$ 137,424,824 (includes an option of \$58,400,000)	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Prior Budgetary Increases:</b> \$ 0	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b> \$ 796,625,524	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>This Request</b> \$ 4,025,000	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other	<b>% of This Request to Current Amount:</b> 0.51%	
<b>Requesting Dept/Div&amp;Dept/Div Head Name:</b> East Side Access, A. Paskoff, P.E.	<b>% of Modifications (including This Request) to Original Amount:</b> 21.46%	

## 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 (ESA) project. In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC is requesting the Board approve a modification for the construction of a reinforced concrete track slab and associated work for the Westbound Bypass (WBBY). This is a scope and budget transfer.

This modification includes all labor, materials and equipment for the construction of approximately 600 linear feet of reinforced concrete track slab, partial demolitions of two tower foundations and removal of three catenary pole foundations.

When completed, the WBBY Approach Structure will provide a route for Amtrak trains from New England to the East River Tunnel (ERT) to bypass Harold Interlocking and reduce congestion with LIRR trains. This route will pass beneath existing Amtrak ERT Lines 2 and 4 in a tunnel to be constructed by future Contract CH057. In order to construct the WBBY tunnel, the existing Amtrak ERT Line 2 and 4 must be protected and supported on a concrete track slab to be constructed under this modification. In addition, to permit the construction of the track slab, two Amtrak tower foundations will need to be partially demolished and three catenary pole foundations will be completely removed.

To facilitate this work, Amtrak and the Long Island Railroad have scheduled track outages in July and August 2013. This presents a small window of opportunity to demolish the foundations and construct the track slab. This scope of work was originally part of contract CH057 however that contract will not be awarded in time to take advantage of the summer outages. MTACC has determined that the CQ031 Contractor, which is already onsite has the necessary resources and experience coordinating with the railroad, is in the best position to perform this work and support the fast-paced and time sensitive schedule.

The Contractor submitted a total cost of \$4,414,498 for this work, while MTACC's project estimate was \$3,732,620. Negotiations were held and the parties agreed to a cost of \$4,025,000. This cost is considered to be fair and reasonable. The addition of this work will require new milestones, and this work will not be linked to the revised substantial completion of CQ031. Funding is available will be transferred from the CH057 budget.

# Schedule I: Modification to Purchase or Public Work Contracts



## Item Numbers 3 & 4

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation	<b>Contract Number</b> CH053	<b>AWO/Modification #s</b> 74 Part IC & 101
<b>Description</b> Construct Harold Structures Part I for the East Side Access Project		
<b>Contract Term (including Options, if any)</b> 42 Months	<b>Original Amount:</b>	\$ 139,280,000
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Prior Modifications:</b>	\$ 74,107,616
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Prior Budgetary Increases:</b>	\$ 0
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>Current Amount:</b>	\$ 213,387,616
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other	<b>This Request</b>	\$ 1,357,000
<b>Requesting Dept/Div&amp;Dept/Div Head Name:</b> East Side Access, A. Paskoff, P.E.	<b>% of This Request to Current Amount:</b>	.64%
	<b>% of Modifications (including This Request) to Original Amount:</b>	54.18%

### Discussion:

This contract is for the construction of various civil infrastructure elements in Harold Interlocking and to expand the existing LIRR/AMTRAK right-of-way to enable mainline track diversions and facilitate the future construction of tunnels for the East Side Access ("ESA") Project. Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for the following:

### Modification No. 74 Part 1C - Conduits and ductbanks under MG Buildings at Harold and Woodside

This modification is for excavation, backfilling and compaction, and to furnish and install the conduits that will pass under and into the Motor Generator (MG) buildings at Harold Interlocking and Woodside Station.

As explained previously and in connection with related modifications, LIRR and Amtrak currently share power for their signals within the Harold Interlocking area. As part of the ESA project, signal power is being separated so that LIRR and Amtrak will have independent signal power (this work was not in the original contract and is part of an Errors and Omissions claim). This modification is for installation of conduits and ductbanks into the Motor Generator buildings to support the signal power separation. Because the CH053 Contractor will be performing the foundation work for the MG Buildings, it makes sense for that Contractor to also install the conduits and concrete encased ductbanks under the buildings and in the vicinity of the foundations.

The Contractor submitted a cost proposal of \$806,433 while the MTACC estimate was \$549,628. Negotiations were held, and the parties agreed to a cost of \$620,000, which is considered fair and reasonable. Funding for this modification will come from the Contract's contingency. There is no time impact associated with the modification. To the extent that this modification is the result of errors and omissions in design, MTACC intends to seek compensation for any resulting damages from the designer.

### Modification No. 101 – Microtunnel Run #12 – North Side

This modification is for the installation of utilities to the northside of Microtunnel Run #12. Microtunnel Run #12 was added as a modification to this Contract to replace the original design of aerial crossings. The original design was rejected by Amtrak and LIRR because of the long-term track outages that would have been required for installation. Modification #80 was for the installation of utilities in and to the south of Microtunnel Run #12 and was approved by the Board in December 2012. At that time, the Board was informed that a future modification would address the work on the north side to allow for a potential redesign. The redesign has been completed and results in a shorter schedule and reduced resources. The north side work includes construction and installation of four manholes and 300' of reinforced concrete ductbank.

The Contractor submitted a cost proposal of \$944,169 while MTACC's estimate was \$750,447. Negotiations were held, and both parties agreed to \$737,000, which is considered fair and reasonable. There is no time impact associated with the modification. To the extent that this modification is the result of errors and omissions in design, MTACC intends to seek compensation for any resulting damages from the designer.



APRIL 2013

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

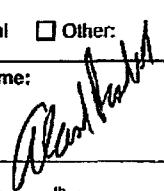
Schedule K. Ratification of Completed Procurement Actions (Involving Schedule E – J)  
(Staff Summaries required for items requiring Board approval.)

- |    |  |             |                               |
|----|--|-------------|-------------------------------|
| 1. | SCC-JJP Joint Venture<br>Contract No. CM013A<br>Modification No. 1   | \$340,000   | <u>Staff Summary Attached</u> |
|    | Pursuant to Articles IX and X of the All-Agency Procurement Guidelines, MTACC is requesting the Board ratify a contract modification to the contract for revisions to the temporary street deck foundations.           |             |                               |
| 2. | Yonkers Contracting Company<br>Contract No. CM004<br>Modification No. 67   | \$2,400,000 | <u>Staff Summary Attached</u> |
|    | Pursuant to Articles IX and X of the All-Agency Procurement Guidelines, MTACC is requesting the Board ratify a contract modification for construction of the invert for Shaft #1. This is a scope and budget transfer. |             |                               |

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

<b>Vendor Name (&amp; Location)</b> SCC-JJP Joint Venture		<b>Contract Number</b> CM013A	<b>AWO/Modification #</b> 1
<b>Description</b> 55 <sup>th</sup> Street Ventilation Facility for the East Side Access Project		<b>Original Amount:</b> \$ 56,044,000	
<b>Contract Term (Including Options, if any)</b> 737 Calendar Days		<b>Prior Modifications:</b> \$ 0	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		<b>Prior Budgetary Increases:</b> \$ 0	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$ 56,044,000	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		<b>This Request</b> \$ 340,000	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 0.61%	
<b>Requesting Dept/Div&amp;Dept/Div Head Name:</b> East Side Access, A. Paskoff, P.E. 		<b>% of Modifications (Including This Request) to Original Amount:</b> 0.61%	

## Discussion:

This contract is for the construction of the 55<sup>th</sup> Street Ventilation Facility for the East Side Access ("ESA") project. In accordance with Article IX and X of the All-Agency Procurement Guidelines, MTACC is requesting that the Board ratify a contract modification for revisions to the temporary street deck foundations.

During the course its work, the contractor discovered a differing site condition in that the expected rock line had been over excavated during construction of an adjacent building. As a result, the Contractor had to revise its design for the temporary deck foundations from concrete capped drilled piles (into the rock) to deep concrete piers. In addition to the design costs, the Contractor incurred additional costs to excavate the piers.

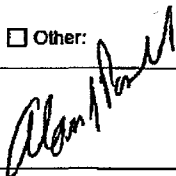
The Contractor submitted a cost proposal in the amount of \$362,356 while MTACC's estimate was \$381,510. Negotiations were held and the parties agreed to cost proposal in the amount of \$340,000 for the work which is considered to be fair and reasonable. Funding is available in the Contract's contingency and there will be no increase to the overall Project's budget.

In order to maintain project schedule, the MTACC President approved two retroactive memorandums for this work (one for the contractor to revise its design and the other for construction of the piers) on February 13, 2013 and April 4, 2013 and, the Contractor was directed to proceed with the work.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 2

<b>Vendor Name (&amp; Location)</b> Yonkers Contracting Company (Yonkers, New York)		<b>Contract Number</b> CM004	<b>AWO/Modification #</b> 67
<b>Description</b> 44 <sup>th</sup> Street Vent Plant and 245 Park Avenue Entrance for the ESA Project		<b>Original Amount:</b> \$ 40,765,000	
<b>Contract Term (Including Options, If any)</b> 737 Calendar Days		<b>Prior Modifications:</b> \$ 14,128,387	
<b>Option(s) Included In Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$ 0	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$ 54,893,387	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bld <input checked="" type="checkbox"/> Other: Modification		<b>This Request</b> \$ 2,400,000	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 4.4%	
<b>Requesting Dept/Div&amp;Dept/Div Head Name:</b> East Side Access, A. Paskoff, P.E. 		<b>% of Modifications (Including This Request) to Original Amount:</b> 40.5%	

## Discussion:

The work under this Contract is to complete excavation/final lining of Shaft #1 and construct the 44<sup>th</sup> Street Ventilation Facility, and the 245 Park Avenue Entrance of the East Side Access (ESA) project. In accordance with Article IX and X of the All-Agency Procurement Guidelines, MTACC is requesting the Board ratify a contract modification for construction of the invert for Access Tunnel #1. This retroactive modification is a scope and budget transfer.

On October 24, 2012, bids were received for Contract CM012, Manhattan Structures II and Facilities Fit-Out. All of the bids were considerably higher than the budget and estimate for this work and were, therefore, rejected on November 21, 2012. The revised strategy for procurement of the work that was to be included in CM012 is to issue several modifications to current Contracts, and to solicit and award three new Contracts, CM005, CM006 and CM007.

The CM012 work being transferred into CM004 under this modification is for the construction of the invert for Access Tunnel #1. Access Tunnel # 1 has been identified as a key entrance point for the future CM005 and CM006 contracts and performing this work (together with the work discussed in Modification No. 68) ahead of award of those contracts, which are scheduled to be awarded in 2013, will free up a key access point for those follow-on contracts. The CM004 Contractor is already mobilized and on site completing final lining of Shaft #1 and can perform the additional work concurrently with his other ongoing work.

The work under this modification is as follows:

1. Install sub-soil drainage system and piping along 250' length of adit
2. Install a waterproofing substrate on sidewalls to a height 8' above invert along 250' length of adit
3. Construct 250' of reinforced concrete invert slab

The Contractor submitted a proposal for the Access Tunnel #1 Invert Scope Transfer in the amount of \$2,808,723 and the MTACC revised estimate was \$2,404,204. Negotiations were held and the parties agreed to a cost of \$2,400,000 for the work which is considered fair and reasonable. The funding for this modification will be transferred from the CM012 budget. This modification will result in a time extension of 168 non-compensable calendar days.

In order to provide this access into the caverns and avoid potential delays to future Contract CM005 (currently in the solicitation phase) the MTACC President approved a retroactive memorandum and the Contractor was directed to proceed with the work on March 25, 2013.



# **Bridges and Tunnels**

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## **Procurements April 2013**

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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>	M. Margaret Terry <i>mmv</i>
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	Various

<b>Date</b>	April 3, 2013
<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	4/5/13			
2	MTA B&T Committee	4/22/13			
3	MTA Board	4/24/13			

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

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

## **PURPOSE:**

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

## **DISCUSSION:**

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

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

<u>Schedules Requiring Two-Thirds Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule F	Personal Service Contracts	3	\$14.347M
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	2	\$ 4.469M
Schedule I	Modifications to Purchase & Public Works Contracts	1	\$22.000M
Schedule J	Modifications to Miscellaneous Procurement Contracts	1	\$ 0.262M
SUBTOTAL		7	\$41.078M

MTA B&T presents the following procurement actions for Ratification:

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule D	Ratification of Completed Procurement Actions (Involving Schedule A-C)	2	\$ 0.102M
SUBTOTAL		2	\$ 0.102M
TOTAL		9	\$41.180M

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

# Staff Summary

## **BUDGET IMPACT:**

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

## **RECOMMENDATION:**

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

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

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

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

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

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

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

## **LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**APRIL 2013**

### **MTA BRIDGES & TUNNELS**

#### **Procurements Requiring Majority Vote:**

##### **F: Personal Service Contracts**

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

1. **HNTB NY Engineering and Architecture, PC** **\$2,266,624.08** **Staff Summary Attached**  
**WSP USA Corp.** **\$1,659,397.18**  
**URS Corporation – New York** **\$1,443,753.73**  
**Ammann & Whitney – Pennoni, JV** **\$1,349,998.00**  
**Contract No. PSC-12-2916A-D** **\$6,719,772.99**  
2 yr. 8 mo. contracts – Competitive RFP – 7 Proposals  
Provide biennial bridge inspections and miscellaneous design services at the Throgs Neck, Bronx Whitestone, Cross Bay/Marine Parkway, Henry Hudson and Queens Midtown Tunnel Approach Bridges.
2. **Ammann & Whitney Consulting Engineers, P.C.** **\$5,693,203.79** **Staff Summary Attached**  
**Contract No. PSC-12-2915**  
3 yr. 10 mo. contract – Competitive RFP – 6 Proposals  
Provide construction management and inspection services for Project VN-80C, Construction of a New Ramp at the Verrazano-Narrows Bridge.
3. **AECOM USA, Inc.** **\$1,933,944.87** **Staff Summary Attached**  
**Contract No. PSC-11-2902**  
2 yr. 4 mo. contract – Competitive RFP – 4 Proposals  
Provide construction administration and inspection services for Project RK65R, TBTA Central Maintenance North Facility on Randall's Island.

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

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

4. **Ammann & Whitney Consulting Engineers, P.C.** **\$4,400,000.00** **Staff Summary Attached**  
**LiRo Engineers, Inc.** **(aggregate not-to-exceed amount for the 3 contracts)**  
**STV Incorporated**  
**Contract No. PSC-08-2849A-C**  
Increase funding in the aggregate amount of \$4,400,000 for three personal service contracts to provide construction inspection services on an as-needed basis for various projects, which include roadway repairs, safety and red flag repairs, structural steel and building repairs.



**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**APRIL 2013**

5.    **Corporate Counseling Associates**                      **\$68,716.50**                      **Staff Summary Attached**  
      **Contract No. PSC-08-2840**  
         Additional funding under the consultant's Work Life Assistance Program.

**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)

6.    **Ahern Painting Contractors, Inc.**                      **\$22,000,000.00**                      **Staff Summary Attached**  
      **Anjac Enterprises, Inc.**                                      (aggregate not to  
      **El Sol Contracting & Construction**                      exceed amount for  
      **Corp.**    the 8 contracts)  
      **Maracap Construction Industries, Inc.**  
      **Navillus Contracting**  
      **John P. Picone, Inc.**  
      **Tully Construction Co., Inc.**  
      **Unicorn Construction Enterprises, Inc.**  
      **Contract No. GFM-495A-H**  
         Increase funding in the aggregate amount of \$22,000,000 for eight public work contracts for miscellaneous construction services on an as needed basis.

**J: Modifications to Miscellaneous Procurement Contracts**

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

7.    **Stearns and Wheler, LLC**                                      **\$261,696.00**                      **Staff Summary Attached**  
      **Contract No. 04-MNT-2712**  
         Continued software support services for the Computerized Maintenance Management System.

# Staff Summary

Page 1 of 3

Item Number <b>1</b> (Final)					
<b>Dept &amp; Dept Head Name:</b> Engineering and Construction, Joe Keane, P.E.					
<b>Division &amp; Division Head Name:</b> Engineering and Construction, Aris Stathopoulos, P.E.					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	4/5/13	[Signature]		
2	MTA B&T Committee	4/22/13			
3	MTA Board	4/24/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer	4	Chief of Staff		
2	General Counsel	5	EVP		
3	Chief Procurement Officer	6	President		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> A) HNTB NY Engineering and Architecture, PC B) WSP USA Corp C) URS Corporation – New York D) Amman & Whitney – Pennoni JV	<b>Contract Number</b> PSC-12-2916A PSC-12-2916B PSC-12-2916C PSC-12-2916D
<b>Description</b> 2013 Biennial Bridge Inspections and Design of Miscellaneous Structural Repairs at the Throgs Neck, Bronx Whitestone, Cross Bay/ Marine Parkway, Henry Hudson and QMT Bridges	
<b>Total Amount</b> PSC-12-2916A, \$2,266,624.08; PSC-12-2916B, \$1,659,397.18, PSC-12-2916C, \$1,443,753.73; PSC-12-2916D, \$1,349,998.00	
<b>Contract Term (including Options, if any)</b> Two (2) years eight months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" 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

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to award four personal service contracts for the 2013 Biennial Bridge Inspections at the: (i) Throgs Neck Bridge (Contract PSC-12-2916A) to HNTB NY Engineering and Architecture, PC (HNTB), (ii) Bronx Whitestone (Contract PSC-12-2916B) to WSP USA Corp. (WSP) (formerly WSP-Sells), (iii) Cross Bay and Marine Parkway Bridges (Contract PSC-12-2916C) to URS Corporation-New York (URS), and (iv) Henry Hudson Bridge and Queens Midtown Tunnel (QMT) Approach Bridge (Contract PSC-12-2916D) to Ammann & Whitney-Pennoni, Joint Venture (A&W-P). The negotiated contract amounts are: (A) \$2,266,624.08 (B) \$1,659,397.18 (C) \$1,443,753.73 and (D) \$1,349,998.00. Each contract will be for a duration of two years, eight months.

### II DISCUSSION

B&T requires the services of four consultant firms to provide biennial bridge inspection and miscellaneous design services at the: Throgs Neck Bridge (TNB), Bronx Whitestone Bridge (BWB), Cross Bay/Marine Parkway (CBB/MPB) and Henry Hudson Bridge and QMT Approach Bridge (HHB/QMT). The inspections are required by the New York State Department of Transportation.

The requirements were publicly advertised. Ten firms submitted qualification information for review and evaluation by the selection committee. Seven firms: A&W-P; HAKS Engineering (HAKS); Hardesty and Hanover (H&H); HNTB; TranSystems (TS); URS; and WSP were chosen to receive the RFP based on a review of those qualifications and all

## Staff Summary

seven firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, qualifications of the firm for specific personnel proposed and cost. Based on the committee's review of all submittals and its consideration of proposed costs, the committee selected HNTB for Group A (Throgs Neck Bridge), WSP for Group B (Bronx Whitestone Bridge), URS for Group C (Cross Bay/Marine Parkway Bridges) and A&W-P for Group D (Henry Hudson Bridge and QMT Approach Bridge). The committee's selections were based on the following:

- HNTB proposed an inspection team which has the necessary experience and qualified personnel for Group A with extensive experience working at various B&T structures. HNTB demonstrated an in-depth understanding of the inspection requirements and related field issues as well as an excellent past performance at the Throgs Neck Bridge. HNTB was unanimously ranked highest technically for this Group with sufficient resources to perform a biennial inspection of the magnitude of Group A. HNTB's proposed cost was 6.3% above the estimate.

- WSP's proposed inspection team has the necessary experience and qualified personnel for Group B (Bronx Whitestone Bridge) with extensive experience and knowledge of the inspection requirements for this facility. WSP was unanimously ranked highest technically for this Group and has the resources necessary to perform the Biennial Inspection at the BWB. WSP submitted the lowest proposed cost.

- URS exhibited a thorough knowledge of the requirements for Group C and offered extensive experience and knowledge of the inspection requirement for this facility. URS proposed a highly qualified field and management team for this project and has performed similar services for other agencies throughout the region including Biennial Bridge Inspections at the George Washington Bridge and New Jersey Marine Terminal Bridges. In addition, URS has an in-house team to perform the required lift span and electrical mechanical inspections at the Marine Parkway Bridge. URS was unanimously ranked highest technically for this Group. URS's proposed cost was 8.2% above the estimate.

- AW-P demonstrated a wide range of experience with B&T and other agencies throughout the region including major bridge inspections for the Maryland Transportation Authority, and the Delaware River Port Authority. A&W-P has the resources necessary to perform the Biennial Inspection at the HHB/QMT. A&W-P was unanimously ranked highest technically for this Group. Although three firms had a lower proposed cost, two firms were selected for other facilities and the third was not considered as technically qualified. In addition, AW-P's proposed man-hours were on par with the estimate and the excess out-of-pocket expenses were removed through negotiation, resulting in a final contract amount that is less than 2% above the estimate.

Though considered technically qualified, the technical and cost proposals from TS, H&H and HAKS were rated lower than that of the selected firms.

The following represents a summary of costs incurred in the preceding 2011 Biennial Contracts (PSC-10-2881) (excluding allowances), the costs proposed, estimated and negotiated for the recommended 2013 Biennial Contracts.

Group	2011 Contracts	2013 Contracts			Comparisons	
	Amount	B&T Estimate	Proposed	Negotiated	2013 Negotiated vs 2011	2013 Negotiated vs Estimate
A	\$1,488,573.45	\$1,596,402.00	\$1,696,607.94	\$1,591,624.08	6.9%	-0.3%
B	\$1,373,719.56	\$1,383,037.00	\$1,190,126.30	\$1,184,397.18	-13.8%	-14.4%
C	\$1,199,124.00	\$1,199,690.00	\$1,298,508.95	\$1,193,753.73	-0.4%	-0.5%
D	\$730,927.00	\$980,959.00	\$1,280,092.00	\$999,998.00	36.8%	1.9%

The negotiated cost for Group D is 37% higher than the 2011 Contract, which variance is primarily attributed to the addition of three special tasks at the facility and highly aggressive pricing from the consultant in 2011.

Based on the above, the negotiated amounts are considered fair and reasonable. HNTB, WSP and A&W-P are considered to be responsible consultants. Significant adverse information was discovered concerning URS. A Contract award will not be made to URS until the required approvals are obtained and URS is deemed to be a responsible consultant.

## Staff Summary

Summary of 2013 Proposed Contracts			
Group	Negotiated Amount	Allowance	Contract Amount with Allowance
A	\$1,591,624.08	\$675,000.00	\$2,266,624.08
B	\$1,184,397.18	\$475,000.00	\$1,659,397.18
C	\$1,193,753.73	\$250,000.00	\$1,443,753.73
D	\$999,998.00	\$350,000.00	\$1,349,998.00

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

### III. D/M/WBE INFORMATION

The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for each of these contracts. The contracts will not be awarded until the M/WBE requirements are satisfied. HNTB, WSP, URS and A&W-P have each achieved their MWDBE goals on previous MTA contracts.

### IV. IMPACT ON FUNDING

Funding in the amount of \$6,719,772.99 is available in the Operating Budget under GFM-501, General Ledger #711101.

### V. ALTERNATIVES

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

# Staff Summary

Page 1 of 2

Item Number <b>2</b> (Final)					
Dept & Dept Head Name: <i>Aris Stathopoulos</i> Engineering and Construction, Joe Keane, P.E.					
Division & Division Head Name: <i>Aris Stathopoulos</i> <b>VN</b> Engineering and Construction, Aris Stathopoulos, P.E.					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	4/5/13	<i>[Signature]</i>		
2	MTA B&T Committee	4/22/13			
3	MTA Board	4/24/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff <i>[Signature]</i>		
2	General Counsel <i>[Signature]</i>	5	Executive Vice President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name Ammann & Whitney Consulting Engineers P.C.	Contract Number PSC-12-2915
Description: Construction Management and Inspection Services for VN-80C, Construction of a New Ramp at the Verrazano-Narrows Bridge	
Total Amount \$5,693,203.79	
Contract Term (including Options, if any) Three years, ten 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 Management and Inspection Services for VN-80C, Construction of a New Ramp at the Verrazano-Narrows Bridge to Ammann & Whitney Consulting Engineers P.C. (A&W) in the amount of \$5,693,203.79 for a period of three years, ten months.

### II. DISCUSSION

B&T requires the services of a consultant to provide construction management and inspection services for the construction of a new ramp at the Verrazano-Narrows Bridge (VNB). The construction activities include but are not limited to: construction of a new ramp from the Verrazano upper level to the Gowanus Expressway at the Brooklyn approach of the structure, widening of the approach spans to accommodate the addition of a seventh lane to operate as the HOV lane, demolishing and rebuilding two separate ramps, and other associated civil, structural and electrical work.

The service requirements were publicly advertised; ten firms submitted qualification information. Six firms, Ammann & Whitney (A&W), Hardesty & Hanover/LiRo, (H&H/LiRo) a Joint Venture, Michael Baker Engineering Inc. (Baker), STV Corp. (STV), Shaw, and Weidinger Associates, Inc. (WAI) 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

## Staff Summary

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of the technical requirements, record of performance, proposed personnel, technical work proposed and cost. The Selection Committee selected A&W on the basis that its proposal: (i) included a Resident Engineer and Project Manager with strong experience providing inspection services at this facility and who demonstrated a clear understanding of the Work under this project in the oral presentation; (ii) a strong MBE sub-consultant with expertise in micro-piles and who will provide ongoing technical support during the installation of the below grade footings, and (iii) the lowest and most competitive cost proposal. A&W provided the most advantageous hourly and overhead rates, and its cost proposal most closely reflected the Engineer's estimate. Both WAI and Baker provided a strong management team, but both their proposed man-hours and costs were significantly higher than those of A&W. H&H/LiRo proposed an experienced Resident Engineer, but A&W's overall experience was determined to be more qualified and H&H/LiRo's cost proposal was higher. The committee determined that Shaw and STV did not provide staffing that matched the qualifications of the A&W team, and their proposed costs were higher than A&W's. Although all the firms are qualified, B&T is best suited to have A&W perform the required services.

A&W submitted a proposal in the amount of \$5,844,196.15. The Engineer's estimate was \$5,553,000. After negotiations, the parties agreed to an amount of \$5,693,203.79, which is 2.5% above the estimate and is considered fair and reasonable. A&W 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. A&W has achieved its previous M/WBE goals on previous MTA contracts.

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

Funding is available in the 2010 – 2014 Capital Program under Project VN-80.

### **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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<b>Item Number 3 (Final)</b>					
<b>Dept &amp; Dept Head Name:</b>					
Engineering and Construction, Joe Keane, P.E. <i>JK</i>					
<b>Division &amp; Division Head Name:</b>					
Engineering and Construction, Vincent Montanti, P.E. <i>VM</i>					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	President	4/5/13	<i>[Signature]</i>		
2	MTA B&T Committee	4/22/13			
3	MTA Board	4/24/13			
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff <i>[Signature]</i>		
2	General Counsel	5	Executive Vice President		
3	Chief Procurement Officer	6	President <i>[Signature]</i>		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract Number</b>
AECOM USA, Inc.	PSC-11-2902
<b>Description:</b>	
Construction Administration and Inspection Services for Project RK-65R, TBTA Central Maintenance North Facility on Randall's Island	
<b>Total Amount</b>	
\$1,933,944.87	
<b>Contract Term (including Options, if any)</b>	
Two years, four 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 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:	

## 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 Inspection Services for Project RK-65R, TBTA Central Maintenance North Facility on Randall's Island to AECOM USA, Inc. (AECOM) in the amount of \$1,933,944.87 for a period of two years, four months.

**II. DISCUSSION**

B&T requires the services of a consultant to provide construction administration and inspection services for Project RK-65R as described above. The work includes but is not limited to: design and construction of a new pre-engineered Central Maintenance North Facility containing offices, maintenance shops, storage and male and female locker rooms. Work under Project RK-65R will be performed based on the design-build method.

The service requirements were publicly advertised; eleven firms submitted qualification information. Four firms were chosen to receive the RFP based on a review of those qualifications and all four firms submitted proposals: AECOM USA, Inc. (AECOM), LiRo Engineers, Inc (LiRo), Shaw Environmental & Infrastructure Engineering of New York, P.C. (Shaw) and URS Corporation-New York (URS). 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.

## Staff Summary

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The committee selected AECOM based on: (i) a highly qualified team with experience that includes New York City Transit's Grand Avenue Bus Terminal and Central Maintenance Facility design/build project; (ii) a mechanical design reviewer that has a vast amount of experience in conjunction with utility work at Randall's Island (Project TB-54, Electrical Improvements at the Randall's Island Facility) and other B&T sites; (iii) the consultant's thorough knowledge of design-build requirements needed during construction; and (iv) its substantial experience in connection with the type of pre-engineered buildings that will be constructed under this project. AECOM submitted the second lowest cost and it was less than the Engineer's estimate. Although LiRo proposed the lowest cost its proposal did not reflect a thorough understanding of the scope in comparison with the other proposers. Shaw's oral presentation did not provide sufficient project-specific details and did not demonstrate a complete understanding of the design review requirements. URS's staff did not possess the level of experience compared with AECOM's team and URS proposed the highest cost.

AECOM submitted a proposal of \$1,944,643.66. The Engineer's estimate is \$2,313,536. Negotiations were conducted and the parties agreed to the proposed amount of \$1,933,944.87. The negotiated amount of \$1,933,944.87 is 16% below the Engineer's estimate and is considered fair and reasonable. Significant adverse information was discovered concerning AECOM. An award will not be made until the required approvals are obtained and AECOM 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. AECOM has achieved its previous MWBE goals on its prior MTA contract (Contract PSC-05-2749A, Construction Inspection Services on an As-Needed Basis for Project GFM 454).

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

Funding is available under Project RK-65R in the 2010-14 Capital Budget.

### **V. ALTERNATIVES**

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



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

Item Number : 4 (Final)

<b>Vendor Name (&amp; Location)</b> Ammann & Whitney Consulting Engineers, P.C., New York, NY LiRo Engineers, Inc., Syosset, NY STV Incorporated, New York, NY		<b>Contract Number</b> PSC-08-2849A PSC-08-2849B PSC-08-2849C	<b>AWO/Modification #</b>
<b>Description</b> Construction Inspection Services on an As-Needed Basis		<b>Original Amount:</b> \$7,000,000	
<b>Contract Term (including Options, if any)</b> November 16, 2009 - November 15, 2014 (A) November 16, 2009 - November 15, 2014 (B) December 18, 2009 - December 17, 2014 (C)		<b>Prior Modifications:</b> \$0	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> N/A	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$7,000,000	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> Aggregate NTE \$4,400,000	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 63%	
<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> 63%	

### Discussion:

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to increase funding under three personal service contracts for construction inspection services on an as-needed basis in the aggregate amount of \$4,400,000. Consistent with the Procurement Guidelines these amendments constitute a substantial change. Contracts PSC-08-2849A through PSC-08-2849C were awarded pursuant to a competitive proposal process to the above three firms in an aggregate amount not to exceed \$7M over a period of five years. Under these contracts B&T issues work orders to perform construction inspection services for various projects, which typically include roadway repairs, safety and red flag repairs, structural steel repairs and building repairs. Through March 1, 2013, work orders totaling over \$6.3M have been awarded or are in process of award. Through the remainder of 2013, B&T estimates another \$5.1M in work orders will be required. Activity under these contracts has significantly increased due in large part to the impact that Superstorm Sandy has had on our facilities and operations. B&T has determined that continuing to acquire these types of services by utilizing these miscellaneous construction inspection contracts is more cost effective and time efficient than soliciting these services under separate RFPs. A new group of contracts for these requirements has been initiated and is anticipated to be awarded in the fourth quarter of 2013.

The additional funding requested under this amendment will support essential miscellaneous design needs in the 2012-14 Major Maintenance Budget, 2010-14 Capital Program and for Sandy restoration projects until new contracts are awarded. The consultants will be compensated in accordance with the rates included in the contracts. Based on the above, the aggregate value of \$4,400,000 under the prospective contract amendments is considered fair and reasonable.

**Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts**Item Number: **5** (Final)

<b>Vendor Name (&amp; Location)</b> Corporate Counseling Associates, Inc., New York, NY	<b>Contract Number</b> PSC-08-2840	<b>AWO/Modification #</b>
<b>Description</b> Work Life Assistance Program	<b>Original Amount:</b>	\$200,163
<b>Contract Term (including Options, if any)</b> March 6, 2009 – April 30, 2013	<b>Prior Modifications:</b>	\$86,710
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input 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>	\$286,873
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$68,716.50
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	24.0%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Staff Services, Catherine Sweeney, VP	<b>% of Modifications (including This Request) to Original Amount:</b>	77.7%

**Discussion:**

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to modify a competitively negotiated personal service contract with Corporate Counseling Associates, Inc. (CCA) for additional funding in an amount of \$68,716.50. Consistent with the Procurement Guidelines, this amendment together with the previous amendments constitutes a substantial change.

CCA provides services to B&T employees under its Work Life Assistance Program including telephone referrals, clinical services, trauma intervention, comprehensive clinical assessment, short term counseling, on-site consultations, elder care and child care services. In order to enable the consultant to continue to provide follow-up counseling support for our personnel and provide the standard services offered under this program, Staff Services has requested additional funding under this contract. The contract will be extended from May 1, 2013 through March 5, 2014 in the amount of \$68,716.50. During this period, new specifications will be prepared so that a follow-on contract can be awarded. CCA proposed an amount of \$69,741.30; the user's estimate is \$71,331.80. Negotiations resulted in an amount of \$68,716.50 which is 3.7% less than the estimate and is considered fair and reasonable. Funding for this amendment is available in the Operating Budget under GL #712701.

# Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: **6** (Final)

<b>Vendor Name (&amp; Location)</b> Ahern Painting Contractors, Inc., Woodside, NY Anjac Enterprises, Inc., Brooklyn, NY El Sol Contracting & Construction Corp., Maspeth, NY Maracap Construction Industries, Inc., College Point, NY Navillus Contracting, New York, NY John P. Picone, Inc., Lawrence, NY Tully Construction Co., Inc., Flushing, NY Unicorn Construction Enterprises, Inc., Montvale, NJ		<b>Contract Number</b>  GFM-495A – GFM-495H	<b>AWO/Modification #</b>
<b>Description</b> Miscellaneous Construction on an As-Needed Basis		<b>Original Amount:</b> \$36,000,000.00	
<b>Contract Term (including Options, if any)</b> June 1 (or later), 2011 – May 31, 2014		<b>Prior Modifications:</b> \$0.00	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$0.00	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$36,000,000.00	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$22,000,000.00	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 61.1%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Vincent Montanti, P.E.		<b>% of Modifications (including This Request) to Original Amount:</b> 61.1%	

## Discussion:

B&T is seeking the Board's approval under the All-Agency Procurement Guidelines to add funding under eight public work contracts for miscellaneous construction on an as-needed basis in an aggregate amount of \$22,000,000. Contracts GFM-495A – GFM-495H were awarded to eight firms pursuant to a competitive proposal process in an aggregate amount of \$36,000,000 over a period of three years. The eight contractors are invited to bid on specific construction projects throughout B&T's facilities, which are awarded by work order to the lowest bidders. Since the requirements under these contracts address a wide variety of work, from complex sub-tasks related to some of our larger projects, to projects which have time-sensitive needs, and critical projects that address safety issues, it would be inefficient and time-consuming to conduct a separate competitive bidding process for each project. By using these as-needed contracts for this work, the Authority benefits from having its miscellaneous construction projects performed in a timely manner. Through March 25, 2013, work orders totaling over \$29,500,000 have been awarded or are in the process of award. Activity under these contracts has significantly increased due in large part to the impact that Superstorm Sandy has had on our facilities and operations. Through the remainder of 2013, B&T estimates another \$24M in work orders will be required. The Authority plans to request proposals for new contracts under a new solicitation by the second quarter of 2013, however these new contracts will not be awarded until later in 2013.

The additional funding requested under these amendments will support essential miscellaneous construction needs in the Major Maintenance Program, 2010-14 Capital Program and Capitalized Assets Program and Sandy restoration projects until the new contracts are awarded. Since the contractors will be paid based on the lowest responsive bids issued under these contracts, the aggregate value of \$22,000,000 under the prospective amendments is considered fair and reasonable.

## Schedule J: Modifications to Miscellaneous Procurement Contracts

Item Number: **7** (Final)

<b>Vendor Name (&amp; Location)</b> Stearns and Wheler, LLC, Cazenovia, NY		<b>Contract Number</b> 04-MNT-2712	<b>AWO/Modification #</b>
<b>Description</b> Design, Furnish and Install a Computerized Maintenance Management System		<b>Original Amount:</b> \$1,905,347.00	
<b>Contract Term (including Options, if any)</b> June 28, 2005 - April 30, 2013		<b>Prior Modifications:</b> \$599,891.32	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input 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> \$2,505,238.32	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$261,696.00	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 10.5%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Technology Department, Tariq Habib		<b>% of Modifications (including This Request) to Original Amount:</b> 45.2%	

### Discussion:

B&T is seeking Board approval in accordance with the All-Agency Procurement Guidelines to modify Contract 04-MNT-2712 with Stearns and Wheler (S&W) for additional funding in the amount of \$261,696.

Pursuant to a competitive RFP process, this contract for a Computerized Maintenance Management System (CMMS) was approved by the Board in March 2005 and awarded to S&W in June 2005 in the amount of \$1,905,347. The CMMS is a software system used by our Operations, Internal Security and Technology Departments that maintains a computer database of information in connection with B&T's equipment and property. The CMMS automatically schedules preventive maintenance for equipment based on established maintenance plans. The system also records data about equipment and property such as maintenance activities, specifications, service history, spare parts and other information that may be of use to B&T management. Previous amendments totaling \$599,891 were issued to purchase additional licenses and renew software support for the CMMS. The contract extends through April 30, 2013.

S&W's CMMS software is proprietary to this firm. Our analysis indicates that it is more cost effective to continue to maintain and use the current CMMS system rather than soliciting a contract for a new system. In order to enable the contractor to continue to provide maintenance and support of the system, B&T will extend the contract through December 31, 2015.

S&W submitted a proposal in the amount of \$261,696, which is consistent with the project manager's estimate. The proposed man-hours were reviewed by project management and found to be acceptable. The rates are in accordance with the contract. The proposed amount of \$261,696 was agreed to between the parties and is considered fair and reasonable. Funding for this amendment is available in the Operating Budget under GL #711558.

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**  
**APRIL 2013**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

**D: Ratification of Completed Procurement Actions**

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

1. **Benfield Control Systems, Inc.** **\$ 84,180.00**  
**Contract Nos. 3000001119 and (total for two POs)**  
**3000001133**

As a result of Superstorm Sandy, B&T is seeking the Board's ratification under the All-Agency Procurement Guidelines of Purchase Orders awarded under the Declaration of Emergency issued by the President effective on October 29, 2012. Flooding in the tubes of the Queens Midtown Tunnel (QMT) and Hugh L. Carey Tunnel (HCT) resulted in significant damage to the electrical systems. Authorization was given to purchase replacement equipment including drainage pump motors, motor starters and transformers from Benfield Control Systems (Benfield). Contractors installed this equipment in order to restore the pumping and lighting systems. Such activity was required to ensure the safety of our employees and customers and render the facilities operational. Purchase orders 3000001119 and 3000001133 were awarded to Benfield in the amount of \$24,945 for equipment supplied at the QMT and \$59,235 for equipment supplied at the HCT, respectively. Since Benfield's costs compared favorably with the estimates, the prices were considered fair and reasonable. This firm was deemed to be a responsible contractor. Funding is available in the Operating Budget, Sandy-B&T Emergency Repairs to Critical Infrastructure Projects.

2. **Netixchange, Inc.** **\$17,830.04**  
**Contract No. 3000001233**

As a result of Superstorm Sandy, B&T is seeking the Board's ratification under the All-Agency Procurement Guidelines of a Purchase Order awarded to Netixchange, Inc. (Netixchange) for the replacement of lockers at the Cross Bay Veterans Memorial Bridge service building. Due to floodwaters that poured into this site, the lockers were significantly damaged and required replacement. Competitive quotes were requested and two quotes were received; Netixchange submitted the lowest price in the amount of \$17,830.04. Based on competition the price was considered fair and reasonable. Netixchange was deemed to be a responsible contractor. Funding is available in the Operating Budget, Sandy-B&T Emergency Repairs to Critical Infrastructure Projects.