



Metropolitan Transportation Authority

# June 2013

## MTA Board Action Items



**MEETING AGENDA**  
**METROPOLITAN TRANSPORTATION AUTHORITY BOARD**  
**June 5, 2013 10:00 a.m.**

347 Madison Avenue  
Fifth Floor Board Room  
New York, NY

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**AGENDA ITEMS**

**Page**

**1. PUBLIC COMMENTS PERIOD**

**2. APPROVAL OF MINUTES**

MTA Regular Board Meeting of April 24, 2013	1
NYCT/MaBSTOA/SIR/Bus Company Regular Board Meeting of April 24, 2013	6
MTA Metro-North Railroad Regular Board Meeting of April 24, 2013	10
MTA Long Island Rail Road Regular Board Meeting of April 24, 2013	15
Triborough Bridge & Tunnel Authority Regular Board Meeting of April 24, 2013	20
MTA Capital Construction Regular Board Meeting of April 24, 2013	27

**3. COMMITTEE ON FINANCE**

Action Item	
2013 State PWEF Assessment	30
Information Item	--
2012-2013 Station Maintenance Billing	31
Procurements	49
Non-Competitive (no items)	--
Competitive	51
Ratifications (no items)	--
Real Estate Items	53

**4. COMMITTEE ON NYCT & BUS**

Action Items	
B67 Extension to Brooklyn Navy Yard	79
New B32 Bus Service in Brooklyn and Queens	86
New Q70 Limited Stop Service	93
Procurements	105
Non-Competitive	108
Competitive	109
Ratifications	115

**5. COMMITTEES ON METRO-NORTH RAILROAD**

Action Item	
Agreement with NYSDOT for Superstructure Replacement of the North Barry Avenue Bridge (NH 20.89) in Mamaroneck, NY	131
Procurements	134
Non-Competitive	137
Competitive	139
Ratifications	141

<b>6. COMMITTEES ON LONG ISLAND RAIL ROAD</b>	
Procurements	
LIRR	143
Non-Competitive	146
Competitive (no items)	--
Ratifications	150
MTACC	153
Non-Competitive (no items)	--
Competitive	155
Ratifications	160
<b>7. COMMITTEE ON MTA BRIDGES &amp; TUNNELS OPERATIONS</b>	
Procurements	165
Non-Competitive (no items)	--
Competitive	168
Ratifications	175
<b>8. OTHER MTA BUSINESS</b>	
Action Item	
Updated Title VI Policies	178
<b>9. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (no items)</b>	
<b>10. EXECUTIVE SESSION</b>	

Date of next MTA Board meeting: Wednesday, July 24, 2013 at 10:00 a.m.

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

**Wednesday, April 24, 2013  
10:00 a.m.**

**The following members were present:**

**Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. Ballan  
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. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Andrew M. Saul  
Hon. Carl V. Wortendyke**

**The following members were absent:**

**Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
Hon. David A. Paterson**

Thomas Prendergast, Interim Executive Director, Nuria Fernandez, Chief Operating Officer, Lois Tandler, Acting 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., Carmen Bianco, Acting 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 William Goldstein, Executive V.P., 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 were nine (9) public speakers. None of the speakers addressed matters relating to MTA agenda items. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for a list of the speakers and the content of speakers' statements.

2. **CHAIRMAN'S REMARKS.**

Acting Chairman Ferrer called for a moment of silence in honor of a signal worker who was fatally struck by an E train entering the 46<sup>th</sup> Street station in Astoria Queens. The Chairman indicated that there will be no further comments on the cause of the accident until the NYC Transit's Office of System Safety has concluded its investigation.

Mr. Ferrer announced the reopening of the rehabilitated Smith-Ninth Streets station on the F/G Line, and the completion of capital improvements at the Peekskill Metro-North station. Mr. Ferrer invited Board members to join him and Mr. Prendergast at the ribbon cutting ceremonies on Friday.

Acting Chairman Ferrer congratulated Interim Executive Director Prendergast on his April 15<sup>th</sup> nomination by Governor Cuomo to be MTA Chairman and Chief Executive Officer. Mr. Ferrer stated that he looks forward to the Senate's confirmation of the nominee, expressed his gratitude to the Board, the staff and the public for their support during his service as Acting Chairman, and noted that Governor Cuomo's nomination of Mr. Prendergast was a vote of confidence in the MTA and its agencies.

Interim Executive Director Prendergast acknowledged Mr. Ferrer's service as Acting Chairman and Mr. Carmen Bianco's service as Acting President of NYCTA during this transition period. Mr. Prendergast said that he is thrilled to be nominated as Chairman and honored to be in the company of all the esteemed predecessors who have served as Chairman of the MTA. Mr. Prendergast expressed his appreciation of the confidence of Governor Cuomo, who has been a supporter of mass transit throughout his career, thanked the Governor for meeting the needs of MTA, particularly in the aftermath of Tropical Storm Sandy, and stated that he looks forward to working with the Board to assure New Yorkers that the transportation network is as good as it can possibly be.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on March 13, 2013.

#### 4. COMMITTEE ON FINANCE.

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

1. 2012 Annual Investment Report. Approved the MTA All-Agency Investment Guidelines and authorized the submission of the 2012 Annual Investment Report.
2. Addition of Outside Counsel to Personal Injury Panel. Approved the appointment of law firms (each listed on Attachment A to the staff summary) to the personal injury outside counsel panel and authorized the MTA's execution of retainers with these firms.

B. **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. Various Contractors – Multi-Agency, As-Needed General Construction Services – Nos. 12248-0100 thru 0500. Approved competitively negotiated contracts with Colin Construction Co., Inc., Manhattan Business Interiors, Inc., Scully Construction, LLC, LLF Construction Services, Inc., and Americon Construction, Inc. to provide as-needed office renovation/construction services to support (i) 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.
2. Various Contractors – All-Agency Enterprise Asset Management Consultant Retainer Services – Nos. 12021-0100 thru 0900. Approved competitively negotiated contracts with ABSG Consulting Ltd., Accenture, LLP, Asset Management Consulting LTD (AMCL), Atkins North America, Inc., CH2M Hill New York, Inc., GHD, Inc., International Business Machines Corporation (IBM), Parsons Brinckerhoff, Inc., and UMS Group, Inc. to provide as-needed Enterprise Asset Management (EAM) consulting services.
3. Various Contractors – All-Agency Wireless Services – No. 08019-0100, c/o #1. Approved amended competitively negotiated contracts with Cello Partnership d/b/a Verizon Wireless, AT&T Mobility National Accounts LLC and Sprint Solutions, Inc. (Sprint/Nextel) to allow MTA and its agencies to participate in the Western State Contracting Alliance (WSCA), which is a cooperative multi-state contracting consortium to purchase wireless products and services at the lowest group cost.

- C. **Real Estate Items.** Upon motion duly made and seconded, the Board approved the following real estate items, which are further described in the staff summaries and accompanying documentation. Board member Jeffrey Kay recused himself from the vote on SIRTOA Item # 8 below.

**New York City Transit Authority**

1. License agreement with Nalpak 1196 Company LLC for the operation of a store with an opening into the subway station at 47<sup>th</sup>-50<sup>th</sup> Streets/Rockefeller Center Subway Station, New York, N.Y.

**Long Island Rail Road**

2. Permanent nonexclusive right-of-way easement to Strahl & Pitsch, Inc. on LIRR property located at Great East Neck Road at South Railroad Avenue (District 100, Section 218, Block 1, Lot 5), West Babylon, NY.
3. Lease agreement with East Hampton Storage Corp. for commercial storage at 52 Foster Avenue, Bridgehampton, Suffolk County, N.Y.
4. Resolution authorizing negotiation and execution of agreements by MTA and LIRR to facilitate the construction of a concrete casing to preserve the future subsurface Right-of-Way "ROW" for Amtrak's proposed Gateway Tunnel, underneath the LIRR's Eastern Rail Yard, including the granting of permanent easements with respect to such Project and the preserved ROW, consistent with the parameters as provided in the staff summary and the resolution.

**Metro-North Railroad**

5. Sublease with City of Peekskill of Parcel A, located 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 and Parcel B, located adjacent to Hudson Avenue, on a portion of the right-of-way west of the Hudson Line at MP41, south of Monument 217, for construction and operation of a portion of Westchester RiverWalk, Peekskill, N.Y.
6. Modification of a lease with SLG Graybar LLC, an affiliate of SL Green Realty Corp., relating to office space to be used for MNR headquarters.

**MTA Capital Construction**

7. Approval to proceed with the acquisition by negotiated agreement or condemnation of additional permanent and temporary easements in portions of the building located at 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 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.

Regular Board Meeting  
April 24, 2013

**Staten Island Rapid Transit Operation Authority**

8. Lease amendment with Allied 60 Bay Street, LLC for use of office space for administration functions and staff assignment located at 60 Bay Street, Staten Island, N.Y.
5. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 A.M.

Respectively submitted,

Victoria Clement  
Assistant Secretary

Regular Board Meeting  
April 24, 2013

**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, April 24, 2013  
10:00 a.m.**

**The following members were present:**

**Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. Ballan  
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. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Andrew M. Saul  
Hon. Carl V. Wortendyke**

**The following members were absent:**

**Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
Hon. David A. Paterson**

**Thomas Prendergast, Interim Executive Director, Nuria Fernandez, Chief Operating Officer, Lois Tandler, Acting 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., Carmen Bianco, Acting President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Rail Road, James Ferrara, President, TBTA, Darryl Irick, SVP/NYCT DoB, President MTA Bus, and William Goldstein, Executive V.P., MTA Capital Construction, also attended the meeting.**



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

2. **PUBLIC COMMENT PERIOD**

Nine (9) public speakers addressed NYC Transit/MTA Bus issues.

Gene Russianoff, Straphangers Campaign, and Ryan Lynch, Tri State Transportation Campaign, urged the Board to use funds to restore bus and subway service.

Bill Henderson, PCAC, asked the Board to restore service and to consider other factors such as the cleaning of cars and security.

John Yau, TWU, a former employee of First Transit, Inc., commented on the MTA's spending.

Keisha Wheeler, TWU, asked why the MTA is no longer in contract with First Transit and commented that employees were laid off as a result.

Jermaine Grant, TWU, spoke against the layoffs of First Transit workers.

Marjorie King, TWU, First Transit, expressed concerns relating to the layoffs of First Transit workers.

David Kupferberg, Community for Better Transit, spoke against the implementation of new B84 bus service.

William Colegrove, representative for Councilmember Gail Brewer, asked the Board to use funds to enhance and restore bus and subway service.

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 March 13, 2013.

## **5. COMMITTEE ON FINANCE**

### **Real Estate Item(s):**

MTA New York City Transit: Upon motion duly made and seconded, the Board approved a License agreement with Nalpak 1196 Company LLC to allow use of an opening in a demising wall at the 47<sup>th</sup> 50th Streets/Rockefeller Center Subway Station, New York, New York.

MTA Staten Island Rapid Transit Operating Authority: Upon motion duly made and seconded, the Board approved a lease amendment with Allied 60 Bay Street LLC related to the SIRTOA Administration office at 60 Bay Street, Staten Island.

Board member Jeffrey Kay recused himself from this item.

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**

### **Action Items:**

MTACC Design Services for 301 E. 69<sup>th</sup> Street (Block 1444, Lot1): Upon motion duly made and seconded, the Board authorized MTACC to enter into a design review services agreement with the Owners of 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.

Implement Bx41 Select Bus Service on Webster Avenue and Revise Bx15 and Bx55 Bus Service in the Bronx: Upon motion duly made and seconded, the Board approved the implementation of Bx41 Select Bus Service to replace Bx41 Limited service, and approved revisions to Bx15 and Bx55 bus service on 3<sup>rd</sup> Avenue.

Implement New B84 Bus Service in Spring Creek, Brooklyn 72: Upon motion duly made and seconded, the Board approved the implementation of a new B84 bus route between the New Lots Avenue (#3) Station and Spring Creek, Brooklyn.

Relocation of the full-time staff area at Kingsbridge Road B, D station, Bronx: Upon motion duly made and seconded, the Board approved the re-location of the full-time staffed booth at the Kingsbridge Road, B and 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.

**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 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.

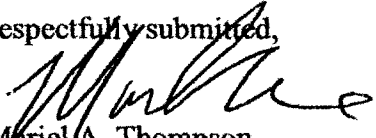
Competitive Procurements: Upon motion duly made and seconded, the Board approved the competitive procurements requiring a majority vote (Schedules F, G, H, I and L in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting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

Procurement Ratifications: Upon motion duly made and seconded, the Board approved the ratifications requiring a 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. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 A.M.

Respectfully submitted,

  
Mariel A. Thompson  
Assistant Secretary

Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
Wednesday, April 24, 2013  
10:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. Ballan  
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. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Andrew M. Saul  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
Hon. David A. Paterson

Thomas Prendergast, Interim Executive Director, Nuria Fernandez, Chief Operating Officer, Lois Tendler, Acting 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., Carmen Bianco, Acting 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 William Goldstein, Executive V.P., 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 were nine public speakers.

Gene Russianoff of the Straphangers Campaign and Ryan Lynch of the Tri-State Transportation Campaign gave a joint statement. Mr. Russianoff noted that both groups agree with the Board Members Capelli and Pally who support adding service restorations and enhancements in the next year's budget. Mr. Russianoff read a statement authored by five ridership groups: Transportation Alternatives, Tri-State Campaign, Straphangers Campaign, Riders' Alliance and Permanent Citizens Advisory Committee of the MTA, noting that several transportation groups wrote to MTA in early April asking it use newly available funds to restore and increase service. Mr. Lynch stated that the ridership groups are pleased that, at the suggestion of Board Members Cappelli and Pally during April MTA Finance Committee, Board Members agreed to have staff consider whether MTA finances permit the restoration of service and enhancements, including the addition of reverse and off-peak Metro-North service and expanding CityTicket on both Railroads.

William Henderson of PCAC thanked Board Members Cappelli and Pally for proposing that some of the unexpected State funding be used to restore and add service. He stated that, in addition to the frequency and reliability of service, riders are concerned with other matters, such as, station and car cleanliness and security. He asked that these things also be considered as part of the things that can be done to enhance service.

The subject matter of the remaining public speakers' 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 led the Board in observing a moment of silence in memory of a NYCT signal maintainer who was fatally struck by a subway train the morning of April 24, 2013.

3. Acting Chairman Ferrer noted that a number of Board Members will be attending a ribbon cutting ceremony at the renovated Metro-North Poughkeepsie Station on April 26, 2013. He noted that, in anticipation of Mr. Prendergast's confirmation, this could be his last Board meeting as Acting Chairman, thanking the Board and Governor for that opportunity. He thanked the Board Members and the public for their support. He noted that the nomination of Thomas Prendergast is a strong vote of confidence by the Governor in support of the MTA. He wished Mr. Prendergast the best. Mr. Prendergast thanked Acting Chairman Ferrer for his assistance during the transition period. He spoke of the honor of being nominated and the appreciation he has for Governor Cuomo's support of mass transit and his specific concern about how customers are served. Mr. Prendergast directed staff to look at how to best use revenue to restore and add service. He noted that the MTA will continue to aggressively manage costs, control spending, achieve savings and focus on post-Sandy restoration. The details of Mr. Prendergast's statement are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

4. Approval of Minutes

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of March 13, 2013 were unanimously approved.



5. Committee on Finance:

Action Items:

The Board voted on action items. Among the items approved were the following items that relate to Metro-North.

- MTA 2012 Annual Investment Report
- Addition of Outside Counsel to Personal Injury Panel

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, personal service contract with nine contractors to provide as-needed Enterprise Asset Management (EAM) consulting services.
- An all-agency, competitively negotiated, modification to a miscellaneous procurement contract with Cello Partnership d/b/a/ Verizon Wireless, AT & T Mobility National Accounts, LLC 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.

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.

- Sublease with the City of Peekskill for the installation, operation and maintenance of a pedestrian trail along the Hudson River in Peekskill, New York.
- Modification of lease with SLG Graybar, LLC an affiliate SL Green Realty Corp.

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

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

Action Items:

There was one action item.

- Set Fares for West Haven Station

Procurements:

**Long Island Rail Road**

The Board voted on Long Island Rail Road procurements recommended to it by the Committee on Metro-North Railroad and Long Island Rail Road Operations. Among the items approved is a four-year, non-competitive, miscellaneous procurement contract with Oracle, USA, Inc. for renewal of software maintenance and support and for the purchase of future Oracle licenses on an as needed basis for Long Island Rail Road, Metro-North, New York City Transit and Bridges and Tunnels. The details of the above procurement are set forth in the minutes of the Long Island Rail Road held this day and the staff summaries and other materials filed with the records of this meeting.

**MTA Metro-North Railroad**

Upon motion duly made and seconded, the Board unanimously approved the following non-competitive procurements recommended to it by the Committee on Metro-North Railroad and Long Island Rail Road Operations.

- A three-year purchase agreement with Oldcastle Enclosure Solutions, an original equipment manufacturer (OEM) and sole supplier of various high density/heavy duty, fire resistant, polymer concrete trays used by Metro-North's Communication and Signals Department throughout Metro North's operating territory.
- A four-month, miscellaneous service contract with New York State Industries for the Disabled (NYSID), a preferred source, funded through a records management improvement grant provided by the New York State Education Department, to perform Document Scanning Services.
- A three-year, negotiated contract extension, funded by MTA Headquarters Office of Security, with Smiths Detection, the original equipment manufacturer (OEM) and original software developer to provide comprehensive maintenance and support of the Chemical Detection Systems presently installed in both Grand Central Terminal and Penn Station.

Upon motion duly made and seconded, the Board unanimously approved the following competitive procurements recommended to it by the Committee on Metro-North Railroad and Long Island Rail Road Operations.

- A 20-month, competitively solicited and negotiated design-build contract funded by a Federal Congestion Mitigation and Air Quality (CMAQ) improvement grant and MNR Capital Program to Prismatic Development Corporation for station access and parking improvements at Metro-North's North White Plains Station.
- Seven competitively solicited, five-year, miscellaneous service contracts funded 100% by a Congestion Mitigation Air Quality Grant from the New York State Department of Transportation for Metro-North Railroad's Guaranteed Ride Home Program (GRHP) offering weekday taxi service to monthly Uni-Ticket customers at Metro-North'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.
- A 60-month, 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 throughout Metro-North's territory in both New York State and Connecticut.

Upon motion duly made and seconded, the Board unanimously approved the following ratification recommended to it by the Committee on Metro-North Railroad and Long Island Rail Road Operations

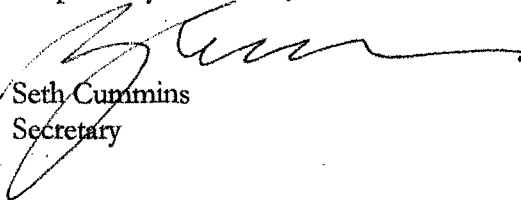
- A non-competitive, negotiated, 18-month, miscellaneous service contract with Penta Corporation to upgrade Metro-North's existing Public Address (PA) System hardware, database, talker servers and communications software located in Grand Central Terminal and in the backup facility in North White Plains.

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

7. Adjournment:

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

Respectfully submitted,

  
Seth Cummins  
Secretary

Apr 2013 Board Minutes  
Legal/Corporate

Minutes of the Regular Meeting  
Long Island Rail Road Company  
347 Madison Avenue  
New York, NY 10017

Wednesday, April 24, 2013  
10:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. Ballan  
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. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Andrew M. Saul  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
Hon. David A. Paterson

Thomas Prendergast, Interim Executive Director, Nuria Fernandez, Chief Operating Officer, Lois Tendler, Acting 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., Carmen Bianco, Acting 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 William Goldstein, Executive V.P., 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 were nine public speakers.

Gene Russianoff of the Straphangers Campaign and Ryan Lynch of the Tri-State Transportation Campaign gave a joint statement. Mr. Russianoff noted that both groups agree with the Board Members Capelli and Pally who support adding service restorations and enhancements in the next year's budget. Mr. Russianoff read a statement authored by five ridership groups: Transportation Alternatives, Tri-State Campaign, Straphangers Campaign, Riders' Alliance and Permanent Citizens Advisory Committee of the MTA, noting that several transportation groups wrote to MTA in early April asking it use newly available funds to restore and increase service. Mr. Lynch stated that the ridership groups are pleased that, at the suggestion of Board Members Cappelli and Pally during the April MTA Finance Committee, Board Members agreed to have staff consider whether MTA finances permit the restoration of service and enhancements, including the addition of more service on LIRR and expanding CityTicket on both Railroads.

William Henderson of PCAC thanked Board Members Cappelli and Pally for proposing that some of the unexpected State funding be used to restore and add service. He stated that, in addition to the frequency and reliability of service, riders are concerned with other matters, such as, station and car cleanliness and security. He asked that these things also be considered as part of the things that can be done to enhance service.

The subject matter of the remaining public speakers' comments is contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, and in the other agencies' minutes of this date.

2. **Opening Remarks:**

Acting Chairman Ferrer led the Board in observing a moment of silence in memory of a NYCT signal maintainer who was fatally struck by a subway train the morning of April 24, 2013.

Acting Chairman Ferrer noted, in anticipation of Mr. Prendergast's confirmation, this could be his last Board meeting as Acting Chairman, thanking the Board and Governor for that opportunity. He thanked the Board Members and the public for their support. He noted that the nomination of Thomas Prendergast is a strong vote of confidence by the Governor in support of the MTA. He wished Mr. Prendergast the best. Mr. Prendergast thanked Acting Chairman Ferrer for his assistance during the transition period. He spoke of the honor of being nominated and the appreciation he has for Governor Cuomo's support of mass transit and his specific concern about how customers are served. Mr. Prendergast directed staff to look at how to best use revenue to restore and add service. He noted that the MTA will continue to aggressively manage costs, control spending, achieve savings and focus on post-Sandy restoration. The details of Mr. Ferrer's and Mr. Prendergast's statements are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.



3. **Approval of Minutes:**

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of March 13, 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:

- MTA 2012 Annual Investment Report
- Addition of Outside Counsel to Personal Injury Panel

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, personal service contract with nine contractors to provide as-needed Enterprise Asset Management (EAM) consulting services.
- An all-agency, competitively negotiated, modification to a miscellaneous procurement contract with Cello Partnership d/b/a/ Verizon Wireless, AT & T Mobility National Accounts, LLC 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.

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.

- 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 Avenue, Bridgehampton, NY.
- Approval of a Resolution authorizing negotiation and execution of agreements by MTA and LIRR to facilitate the construction of a concrete casing to preserve the future subsurface Right of Way for Amtrak's proposed Gateway Tunnel, under the LIRR's Eastern Rail Yard, including the grant of permanent easements with respect to such Project and the preserved Right of Way, consistent with the parameters as provided in the Staff Summary and Resolution.

With respect to the Gateway item, Acting Chairman Ferrer noted a clarification to the language to page 2 of the Resolution, which was adopted by the Board. Staff summaries and reports setting forth the details of the above item are filed with the records of this meeting.

6. **Joint Railroad Committees:**

**Long Island Rail Road Procurements:**

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

- Approval of a non-competitive 36-month Public Works contract (including one option year) to Loram Maintenance of Way, Inc. for the services of the Rail-Vac Machine, in the total not-to-exceed amount of \$6,700,000;
- Approvals of a non-competitive contract to Vapor Stone Rail Systems in the total amount of \$5,500,000 to provide C-3 HVAC Controls Upgrade for the entire C-3 fleet for a four-year period;
- On behalf of LIRR, MTA B&T, NYCT and MNR, approval to enter into a four-year agreement with Oracle USA, Inc., pursuant to a ride of NYSOGS Contract PT64000, for renewal of software maintenance and support, and for the purchase of future Oracle licenses on an as-needed basis, in the total not-to-exceed amount of \$11,200,000; and
- Approval to award a three-year miscellaneous services contract in the not-to-exceed amount of \$40,000 to the NYS Industries for the Disabled ("NYSID"), a preferred source provider, to provide direct mail services to LIRR's Public Affairs Department.

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

**MTA Capital Construction Procurements:**

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

1. A modification to Contract No. CQ032 for additional concrete infill at the Yard Lead Track trench. This is a scope and budget transfer in an amount of \$762,000.

2. A modification to Contract No. CQ031 for the construction of a reinforced concrete track slab with associated work for the Westbound Bypass. This is a scope and budget transfer in the amount of \$4,025,000.
- 3-4. Modifications to Contract No. CH053 for excavation, backfilling and compaction, and to furnish and install the conduits that will pass under and into the Motor Generator buildings at Harold Interlocking and Woodside Station and; for the installation of utilities to the north of Microtunnel Run #12 in the amount of \$1,357,000.
5. Ratification of a modification to Contract No. CM013A for revisions to the temporary street deck foundations in the amount of \$340,000.
6. Ratification of a modification to Contract No. CM004 for construction of the invert for Shaft #1 in the amount of \$2,400,000.

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

7. **Adjournment:**

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

Respectfully submitted,



Richard L. Gans  
Secretary

**Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
April 24, 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. 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. Mark Page  
Hon. Mitchell H. Pally  
Hon. Andrew M. Saul  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke

Not Present:

Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
Hon. David A. Paterson

Thomas Prendergast, Interim Executive Director; Nuria Fernandez, Chief Operating Officer; Lois Tandler, Acting 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.; Carmen Bianco, Acting President, New York City Transit; Helena 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 William Goldstein, Executive Vice 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 were nine public speakers 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 speakers' statements.

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

Acting Chairman Ferrer opened his remarks with a moment of silence for a signal maintainer who was fatally struck by an E train that was entering the 46th Street station in Queens. He also reported that the rehabilitated Smith-9th Street subway station would be reopened and that the capital improvements to the Peekskill Metro-North Railroad station were completed. In anticipation of this meeting being his last, due to the expectation that the Senate will confirm Thomas Prendergast, Interim Executive Director, as Chairman and CEO, Acting Chairman Ferrer expressed his thanks to the Board, transit professionals and public for their support. He also stated that Governor Andrew Cuomo's nomination of Mr. Prendergast was a vote of confidence in the MTA and its agencies.

Interim Executive Director Prendergast addressed the Board and stated that he was thrilled to be nominated to lead the best transit network in the world and that he appreciated Governor Cuomo's confidence in and support of the MTA and mass transit, especially in the wake of Tropical Storm Sandy. He said that we need to provide our customers with safe, reliable and higher quality service and that he hopes that he may be able to restore services, provide new services and not have to implement planned full fare increases by aggressively managing costs, while recognizing that \$700 million was cut from the annual operating budget and that a \$1.2 billion cut is targeted over the next few years. Finally, he stated that there is approximately \$5 to \$8 billion in funds to be used for recovery, mitigation and resiliency efforts to address the MTA system and network that was devastated by Tropical Storm Sandy.

The details of Acting Chairman Ferrer's and Interim Director Prendergast'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 March 13, 2013**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on March 13, 2013 were unanimously approved.



4. **Committee on Finance**

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

(a) Action Items:

- MTA 2012 Annual Investment Report and to re-approve the MTA All Agency Investment Guidelines, pursuant to Public Authorities Law §2925, and
- Appointment of 17 law firms to the personal injury outside counsel panel and authorized the MTA's execution of retainers with the attorneys and firms listed on Appendix A in the Board Book.

(b) Procurements:

- Three competitive procurement actions in the amount of \$43 million.

(c) Real Estate Items:

- Eight real estate action items.

A copy of the staff summaries and documents 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. **Committee on MTA Bridges and Tunnels Operations**

**Procurements**

Commissioner Cappelli stated that there were nine procurements totaling \$41.2 million.

**Non-Competitive Procurements**

Commissioner Cappelli stated that there were no non-competitive procurements.

**Competitive Procurements**

Commissioner Cappelli stated that there were seven competitive procurements totaling \$41.1 million.

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

### **Personal Service Contracts**

HNTB NY Engineering and Architecture, PC	Contracts No. PSC-12-2916A-D Provide biennial bridge inspections and miscellaneous design services at the	\$2,266,624.08
WSP USA Corp.	Throgs Neck, Bronx Whitestone, Cross	\$1,659,397.18
URS Corporation – New York	Bay/Marine Parkway, Henry Hudson and	\$1,443,753.73
Ammann & Whitney – Pennoni, JV	Queens Midtown Tunnel Approach Bridges.	<u>\$1,349,998.00</u> \$6,719,772.99
Ammann & Whitney Consulting Engineers, P.C.	Contract No. PSC-12-2915 Provide construction management and inspection services for Project VN-80C, Construction of a New Ramp at the Verrazano-Narrows Bridge.	\$5,693,203.79
AECOM USA, Inc.	Contract No. PSC-11-2902 Provide construction administration and inspection services for Project RK65R, TBTA Central Maintenance North Facility on Randall's Island.	\$1,933,944.87

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

Ammann & Whitney Consulting Engineers, P.C.	Contracts No. PSC-08-2849A-C Increase funding in the aggregate amount of \$4,400,000 for the 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.	\$4,400,000.00 (aggregate not to exceed amount for the 3 contracts)
LiRo Engineers, Inc. STV Incorporated		
Corporate Counseling Associates	Contract No. PSC-08-2840 Additional funding under the consultant's Work Life Assistance Program.	\$68,716.50

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

Ahern Painting Contractors, Inc.	Contracts No. GFM-495A-H	\$22,000,000.00
Anjac Enterprises, Inc.	Increase funding in the aggregate	(aggregate not to
El Sol Contracting & Construction Corp.	amount of \$22,000,000 for eight	exceed amount for the
Maracap Construction Industries, Inc.	public work contracts for	8 contracts)
Navillus Contracting	miscellaneous construction services	
John P. Picone, Inc.	on an as needed basis.	
Tully Construction Co., Inc.		
Unicorn Construction Enterprises, Inc.		

### **Modifications to Miscellaneous Procurement Contracts**

Stearns and Wheler, LLC	Contract No. 04-MNT-2712	\$261,696.00
	Continued software support services	
	for the Computerized Maintenance	
	Management System.	

### **Ratifications**

Commissioner Cappelli stated that there were two ratifications totaling \$102,000.

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**

Benfield Control Systems, Inc.	Contracts No. 3000001119 and 3000001133	\$84,180.00
	As a result of Tropical Storm 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.

Netixchange, Inc.

Contract No. 3000001233

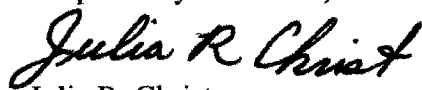
\$17,830.04

As a result of Tropical Storm 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.

6. Adjournment

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Julia R. Christ".

Julia R. Christ

Acting Assistant Secretary

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

**Wednesday, April 24, 2013  
10:00 a.m.**

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Jonathan A. Ballan  
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. Mark Page  
Hon. Mitchell H. Pally  
Hon. James L. Sedore, Jr.  
Hon. Andrew M. Saul  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. John H. Banks, III  
Hon. Charles G. Moerdler  
Hon. David A. Paterson

Thomas Prendergast, Interim Executive Director, Nuria Fernandez, Chief Operating Officer, Lois Tendler, Acting 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., Carmen Bianco, Acting 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 William Goldstein, Executive V.P., 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 were nine public speakers and none of the subject matters of their comments were related to MTA Capital Construction. The subject matter of their comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on April 24, 2013.

### **Acting Chairman'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 April 24, 2013.

### **Interim Executive Director's Remarks**

Interim Executive Director Prendergast's remarks are recorded and filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on April 24, 2013.

### **Approval of Minutes**

Upon motion duly made and seconded, the Board approved the minutes of the regular meeting of the Board of the Metropolitan Transportation Authority held on March 13, 2013.

### **Real Estate Item**

Upon motion duly made and seconded, the Board gave its approval to proceed with the acquisition of various property interests in support of the Second Avenue Project by negotiated purchase or condemnation. A copy of the Staff Summary and details of this item is filed with the records of the meeting of the Board of the Metropolitan Transportation Authority held on April 24, 2013.

### **Action Item**

Upon motion duly made and seconded, the Board gave its approval to allow MTA Capital Construction to enter into an agreement with 301/69 Owner's Corporation to cover the reasonable costs up to \$100,000 that are incurred by 301/69 Owner's Corporation to retain a consultant and legal counsel to assist them in reviewing the design and construction plans for a revised Entrance 1 at 72<sup>nd</sup> St. and Second Ave. A copy of the Staff Summary and details of this item is filed with the records of the meeting of the Board of the Metropolitan Transportation Authority held on April 24, 2013.

### **Procurement Items**

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

1. A modification to the Second Avenue Subway Project's Preliminary and Final Engineering Services contract for additional Construction Phase Support Services and at 12 month contract extension.

2. A modification to the Second Avenue Subway Project's Construction of Part of Second Avenue, 86<sup>th</sup> St. Station, Excavation, Utility Relocation and Road Decking contract for schedule adjustments resulting from the aggregate schedule impact of multiple Additional Work Orders and associated impact costs.
3. A modification to the East Side Access Project's Plaza Substation and Queens Structures contract for additional concrete infill at the Yard Lead Track trench.
4. A modification to the East Side Access Project's Queens Bored Tunnels contract for the construction of a reinforced concrete track slab with associated work for the Westbound Bypass.
5. A modification to the East Side Access Project's Harold Structures Part I 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.
6. A modification to the East Side Access Project's Harold Structures Part I contract for the installation of utilities to the northside of Microtunnel Run #12.

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

1. A modification to the Fulton Transit Center Project's Restoration of the Historical Corbin Building for additional restoration work in the lobby.
2. A modification to the No. 7 Line Project's Preparation of Environmental Impact Statement, Design and Construction Phase Services contract for additional design support during construction and a design allowance budget for unanticipated design changes.
3. A modification to the Second Avenue Subway Project's 86<sup>th</sup> St. Station Cavern Mining, and Heavy Civil Structural contract for additional costs associated with the implementation of an 8PM blasting restriction.
4. A modification to the East Side Access Project's 55<sup>th</sup> Street Ventilation Facility contract for revisions to the temporary street deck foundations.
5. A modification to the East Side Access Project's 44<sup>th</sup> Street Vent Plant and 245 Park Avenue Entrance contract for construction of the invert for Shaft #1.

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 April 24, 2013.

#### **Adjournment**

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



Respectfully submitted,



David K. Cannon  
Assistant Secretary






# Staff Summary

<b>Subject</b> 2013 State PWEF Assessment
<b>Department</b> Chief Financial Officer
<b>Department Head Name</b> Robert E. Foran
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Douglas F. Johnson 

<b>Date</b> May 24, 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.	6/3	X		
2	Board	6/5	X		

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

**Purpose:** To authorize actions relating to the payment of the State assessment on the MTA and its constituent agencies for the Public Work Enforcement Fund for calendar 2013.

**Discussion:** Chapter 511 of the Laws of 1995, as amended, requires State agencies and authorities to pay to the State Comptroller an assessment based upon 1/10 of 1% of the value of public work (construction) contracts entered into (excluding rolling stock contracts). The assessments are deposited in the State Public Work Enforcement Fund to reimburse the State Department of Labor for its costs in enforcing the State's prevailing-wage law. The State and the MTA have entered into a simple annual estimate-and-settlement procedure agreement. Payments are made each year based upon the estimated amount of public works contracts, and are adjusted to reflect the actual experience from the prior year. The 2013 payment, therefore, is based upon a 2013 estimate and an adjustment for 2012.



Based on the actual average spending rates, it is assumed that in calendar year 2013, MTA's constituent agencies are projected to let \$1,939,604,608 worth of construction contracts, which is a \$12.358 million reduction, in contract values from the actual 2012 level. While the 2013 projections include some Tropical Storm Sandy repair work that was added to the Capital Plan in the December 2012 amendment, it does not include \$5.8B of Sandy "mitigation" work that will be added to the Plan at the June Board. This methodology is consistent with past practices (i.e., when PWEF is due prior to the approval of an amendment/plan). It is likely that these additional Tropical Storm Sandy repair numbers will be included as 2013 actuals, and will result in an adjustment to the 2014 PWEF payment.

In 2012, the estimated 2012 assessment was less than required by the actual results, with the underpayment amounting to \$897,378. This underpayment, when added to the estimated 2013 assessment of \$1,939,604,608 requires a total payment of \$2,836,982.

**Financial Implications:** The 2013 MTAHQ Budget contains sufficient funds for this payment.

**Recommendation:** The Board should authorize staff to remit the 2013 assessment, including the adjustment for the 2012 underpayment, to the State Department of Labor.

# Staff Summary

<b>Subject</b> <b>2012 – 2013 Station Maintenance Billing</b>						<b>Date</b> <b>May 15, 2013</b>			
<b>Department</b> <b>Chief Financial Officer</b>						<b>Vendor Name</b>			
<b>Department Head Name</b> <b>Robert E. Foran</b>						<b>Contract Number</b>			
<b>Department Head Signature</b> 						<b>Contract Manager Name</b>			
<b>Project Manager Name</b> <b>Patrick Kane</b> 						<b>Table of Contents Ref #</b>			
<b>Board Action</b>						<b>Internal Approvals</b>			
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1	Finance	6/3		X		2	Chief of Staff	1	Legal
2	Board	6/5		X					

<p><b>Narrative</b></p> <p><b>Purpose:</b> To advise the Board of submission of the station maintenance billings to New York City and the counties for the period April 1, 2012 to March 31, 2013.</p> <p><b>Discussion:</b> The attached schedule provides a summary of the station maintenance use and operations billing to the counties and New York City for the period April 1, 2012 through March 31, 2013.</p> <p>Current legislation provides that on or before June first of each year the MTA shall determine and certify to New York City and the counties the cost for station maintenance use and operations for the twelve month period ending the preceding March thirty-first for the stations within the municipality. The MTA bills New York City and the counties each fiscal year based on a statutorily established formula adjusted annually by the CPI-W for the New York, Northwestern New Jersey and Long Island Region. The net increase in the CPI factor for the twelve month period ending March 31, 2013 was 1.85% which results in a \$2,909,235 increase over the prior year's billed amount.</p>
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**Metropolitan Transportation Authority  
Station Maintenance, Use and Operations  
March 31, 2013**

	<b>Billed Amount 2011 - 2012</b>	<b>Change In CPI</b>	<b>Increased Amount</b>	<b>Billed Amount 2012 - 2013</b>
Dutchess	\$ 2,296,927	1.85%	\$ 42,492	\$ 2,339,419
Nassau	27,878,846	1.85	515,759	28,394,605
New York City	89,205,527	1.85	1,650,302	90,855,829
Orange	475,170	1.85	8,791	483,961
Putnam	898,248	1.85	16,618	914,866
Rockland	50,519	1.85	935	51,454
Suffolk	17,183,375	1.85	317,892	17,501,267
Westchester	<u>19,267,346</u>	1.85	<u>356,446</u>	<u>19,623,792</u>
Grand Total	<u>\$157,255,958</u>		<u>\$ 2,909,235</u>	<u>\$160,165,193</u>

## Bureau of Labor Statistics

# Consumer Price Index - Urban Wage Earners and Clerical

## Original Data Value

Series Id: CWURA101SA0  
 Not Seasonally Adjusted  
 Area: New York-Northern New Jersey-Long Island, NY-  
 Item: All items  
 Base Period: 1982-84=100  
 Years: 2003 to 2013

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2003	189.7	191.3	192.1	191.8	191.7	191.9	192.8	194.1	195.0	195.2	194.7	194.6	192.9	191.4	194.4
2004	194.9	196.3	198.2	198.5	199.1	200.4	200.1	200.3	200.6	201.9	202.2	201.8	199.5	197.9	201.2
2005	202.6	203.3	205.5	206.0	205.6	205.1	206.5	208.3	211.0	211.0	209.9	208.7	207.0	204.7	209.2
2006	210.2	210.6	212.0	214.0	215.5	216.7	216.8	217.8	216.9	215.3	214.7	215.2	214.6	213.2	216.1
2007	215.793	216.771	218.510	219.791	221.396	222.322	222.237	221.905	222.174	222.624	223.716	223.873	220.926	219.097	222.755
2008	224.557	225.281	226.951	228.215	230.923	233.776	235.446	235.510	234.703	232.778	228.727	227.223	230.341	228.284	232.398
2009	227.503	228.653	229.064	229.639	230.307	231.916	232.177	232.841	233.502	233.084	233.893	233.448	231.336	229.514	233.158
2010	234.067	234.153	235.240	235.750	236.144	235.916	236.330	236.820	236.725	237.483	237.606	237.575	236.151	235.212	237.090
2011	238.396	239.750	241.667	242.697	244.316	244.601	245.265	246.025	246.877	246.297	245.546	244.586	243.835	241.905	245.766
2012	245.541	246.539	248.152	248.706	248.955	248.488	248.162	249.734	250.980	250.539	250.586	249.535	248.826	247.730	249.923
2013	250.849	252.317	252.739	252.024											

**STATION MAINTENANCE  
FOR THE YEAR 4/1/12 - 3/31/13**

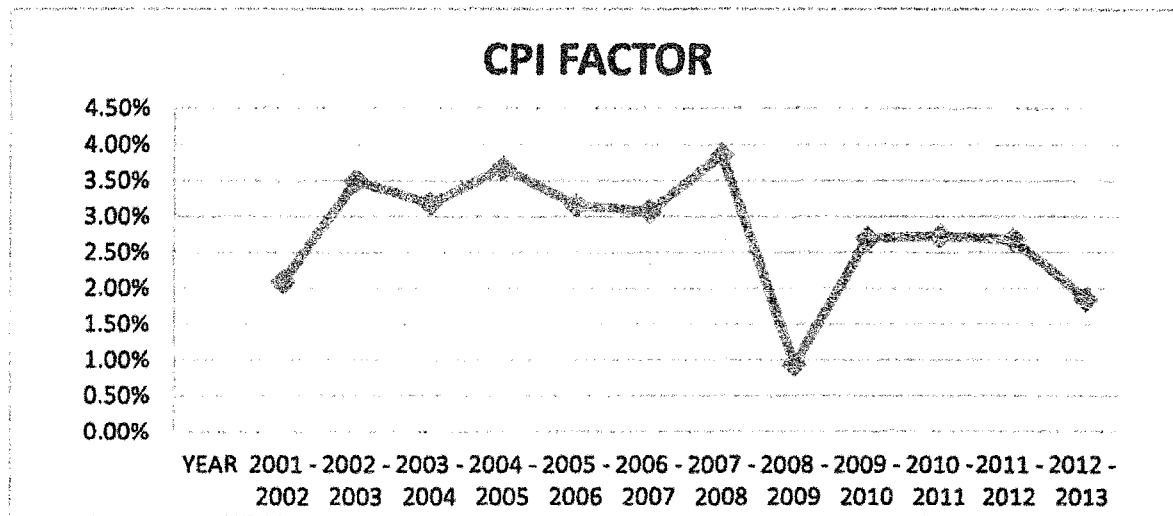
	<b>BILLED AMOUNT 2011-2012</b>	<b>CHANGE IN CPI</b>	<b>INCREASED AMOUNT</b>	<b>BILL AMOUNT 2012-2013</b>	<b>BILL AMOUNT 2012-2013 ROUNDED</b>
DUTCHESS	2,296,927	0.0185	42,493.15	2,339,420.15	2,339,420
NASSAU	27,878,846	0.0185	515,758.65	28,394,604.65	28,394,605
NEW YORK CITY	89,205,527	0.0185	1,650,302.25	90,855,829.25	90,855,829
ORANGE	475,170	0.0185	8,790.65	483,960.65	483,961
PUTNAM	898,248	0.0185	16,617.59	914,865.59	914,866
ROCKLAND	50,519	0.0185	934.60	51,453.60	51,454
SUFFOLK	17,183,375	0.0185	317,892.44	17,501,267.44	17,501,267
WESTCHESTER	19,267,346	0.0185	356,445.90	19,623,791.90	19,623,792
GRAND TOTAL	157,255,958.00		2,909,235.22	160,165,193.22	160,165,193
MARCH 2012 CPI	248.152				
MARCH 2013 CPI	252.739				
CHANGE	4.587				
	4.587/248.152				
% INCREASE	0.018484638				

## 2012-2013 STATION MAINTENANCE

- CPI factor used is the Consumer Price Index for Wage Earners and Clerical Workers for the New York, Northeastern New Jersey for twelve month period
- All monies due the MTA for 2011-2012 was received
- **CPI FACTOR**

YEAR	CPI FACTOR		YEAR	CPI FACTOR		YEAR	CPI FACTOR
2012 - 2013	1.85%	*	2008 - 2009	0.93%		2004 - 2005	3.68%
2011 - 2012	2.68%		2007 - 2008	3.86%		2003 - 2004	3.18%
2010 - 2011	2.73%		2006 - 2007	3.07%		2002 - 2003	3.50%
2009 - 2010	2.70%		2005 - 2006	3.16%		2001 - 2002	2.09%

\* Current Year



### • BILLING

YEAR	TOTAL AMOUNT	ANNUAL INCREASE		YEAR	TOTAL AMOUNT	ANNUAL INCREASE
2012 - 2013	160,165,193	2,909,235	*	2006 - 2007	138,479,319	4,124,687
2011 - 2012	157,255,958	4,104,460		2005 - 2006	134,354,633	4,115,555
2010 - 2011	153,151,498	4,069,927		2004 - 2005	130,239,078	4,622,683
2009 - 2010	149,081,571	3,919,379		2003 - 2004	125,616,395	3,871,488
2008 - 2009	145,162,191	1,337,569		2002 - 2003	121,744,907	4,116,978
2007 - 2008	143,824,622	5,345,302		2001 - 2002	117,627,929	2,408,095

\* Current Year

- 1998 was the last year New York City was billed on actual cost for both the LIRR and Metro North
- Legislation was enacted in 1995, and renewed in 1999 and 2004, for station maintenance billing using the CPI factor.
- Station Maintenance is billed by June 1, and payment is due by September 1st.

# **Annual Review of MTA Pension Funds**

**As of December 31, 2012**

**Report to the MTA Finance Committee  
June 2013**

# MTA Defined Benefit Plan Master Trust Summary

## Board of Managers:

Margaret Connor, Chair  
 Kim Porcelain, Metro-North Representative  
 Douglas Johnson, MTA Representative  
 Joseph Pokorny, LIRR Representative  
 Kevin McKenna, SIRTOA Representative  
 Patrick McCoy, MTA Bus Co. Representative  
 Vinay Dayal, LIB Representative  
 \$2,864,807,103 (as of 12/31/12)  
 NEPC, LLC  
 Milliman, USA

## Total Assets:

## Pension Consultant:

## Actuary:

## Asset Managers:

### Firm

### Equity Managers:

Wells Capital Fundamental LCG  
 Robeco Boston Partners  
 Mellon Index  
 RhumbLine  
 Atlanta Capital  
 Earnest Partners  
 Capital Guardian  
 Mercator  
 Mellon Capital  
 Eaton Vance  
 The Boston Company

### Asset Class

Large Cap Equity  
 Large Cap Value  
 S&P 500 Index Fund  
 S&P 500 Index Fund  
 Small Cap Growth  
 Small Cap Value  
 International Equity  
 International Equity  
 International Equity Index Fund  
 Emerging Markets Intl Equity  
 Emerging Markets Intl Equity

### Firm

### Real Estate:

JP Morgan  
 Siguler Guff

### Absolute Return:

Bridgewater  
 Crestline  
 Gottex Value Fund  
 JP Morgan Multi-Strategy  
 Mellon Capital  
 Allianz  
 Mariner

### Asset Class

Core Real Estate  
 Distressed Real Estate

Hedge Fund  
 Hedge Fund of Funds  
 Hedge Fund of Funds  
 Hedge Fund of Funds  
 Global Alpha II  
 Structure Alpha Yield  
 Hedge Fund

## Fixed Income Managers:

PIMCo  
 GW Capital  
 Advent Capital  
 Wellington

Core Bonds  
 Corporate Bonds  
 Convertible Bonds  
 Emerging Market Bonds

## Opportunistic Investments:

PIMCo DISCO II  
 Fort Hill  
 Perella Weinberg  
 Entrust  
 Crescent

Distressed Credit Opportunities  
 Debtor-in-Possession Loans  
 Asset Based Value Opportunities  
 Special Opportunities Fund  
 High Income Fund

## Global Asset Allocation Managers:

Bridgewater  
 Mellon Capital  
 PIMCo  
 Wellington

All Weather – Risk Parity  
 Global Alpha I  
 All Asset Fund  
 Opportunistic Investment

## Private Equity:

Goldman Sachs  
 TCW/Crescent  
 Pantheon  
 Lexington  
 JFL Equity  
 Apollo  
 LightYear Capital  
 AEA  
 EIG

Distressed Debt  
 Mezzanine Loans  
 Secondaries  
 Secondaries  
 Growth Equity  
 European Principal Finance  
 Growth Equity  
 Growth Equity  
 Energy

## Real Assets:

Wellington  
 EIG  
 NGP

Diversified Inflation Hedges  
 Energy  
 Natural Resources

## Cash:

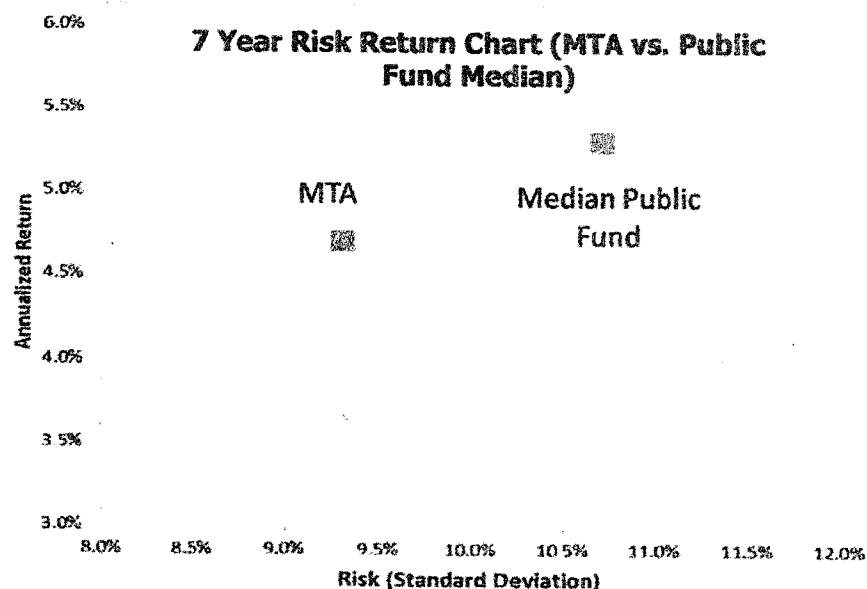
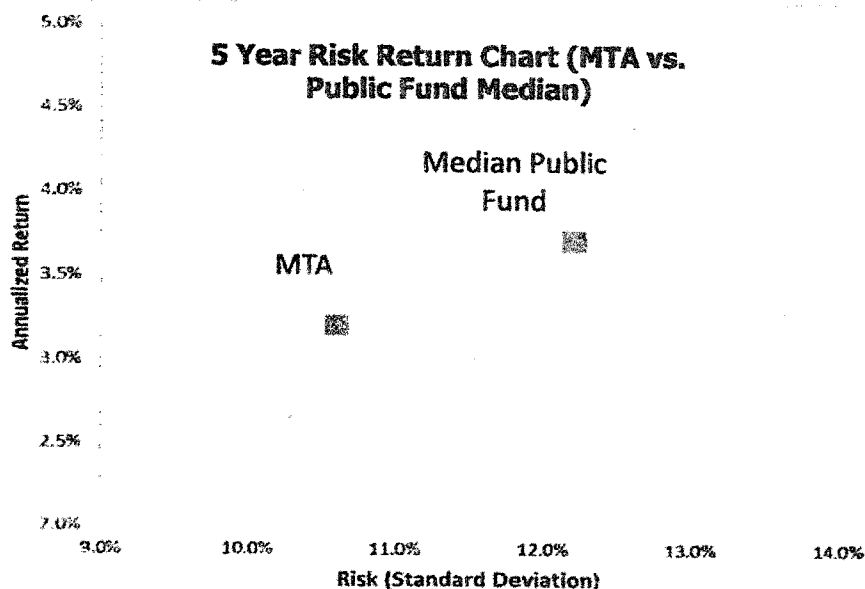
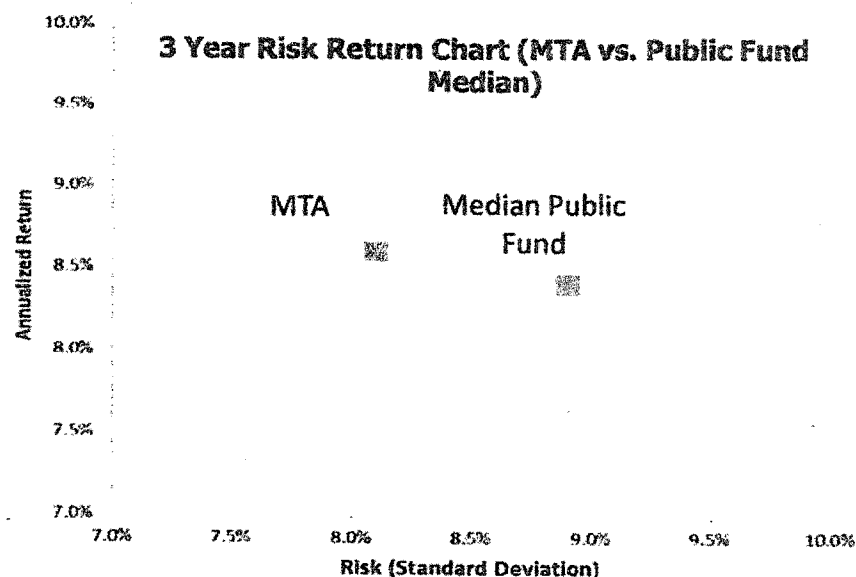
JP Morgan Chase  
 Williams Capital  
 The Clifton Group

Cash Portfolio  
 Cash Portfolio  
 Index Overlay



## MTA Asset Allocation:

	<u>Target</u>	<u>Actual</u>
<u>(12/31/12)*</u>		
Domestic Equities	15.5%	16.5%
Large Cap	10.0%	10.6%
Small Cap	5.5%	5.9%
International Equity	13.5%	11.4%
Developed Markets	10.0%	7.7%
Emerging Markets	3.5%	3.7%
Fixed Income	16.0%	16.1%
Core/Core Plus	12.0%	12.1%
Emerging Markets	4.0%	4.0%
Global Balanced	17.0%	23.0%
Absolute Return	18.0%	16.9%
Real Assets	5.0%	3.0%
Real Estate	3.0%	2.8%
Opportunistic	5.0%	8.6%
Private Equity	7.0%	1.7%
Cash/Overlay	0.0%	
* Excludes Cash		



(1) While cash is not specifically part of the target asset allocation, from a policy standpoint, the fund keeps enough cash available to meet liquidity needs. Generally, the cash amount is around 2% of total assets.

# Manhattan and Bronx Surface Transit Operating Authority (MaBSTOA) Pension Summary

## Investment Committee:

Margaret Connor, Chair  
Arthur Mahler, MaBSTOA Representative  
James Whalen, TWU Representative  
John Jimison, TWU Representative  
\$1,815,642,774 (as of 12/31/12)  
NEPC, LLC  
Milliman, USA

## Total Assets:

## Pension Consultant:

## Actuary:

## Asset Managers:

### Firm

### Equity Managers:

Axel Capital  
Mellon Portable Alpha  
Clifton Portable Alpha  
RhumbLine  
Times Square  
Pzena  
Keel  
Mercator  
The Boston Company  
Eaton Vance

### Fixed Income:

PIMCo  
GW Capital  
Taplin, Canida & Habacht  
Advent Capital  
Wellington

### Global Asset Allocation Managers:

PIMCo  
Bridgewater  
Wellington

### Real Assets:

Wellington  
EIG

### NGP

### Cash:

JP Morgan Chase  
Williams Capital  
Clifton Group

### Asset Class

Long/Short Equity  
Large Cap  
Large Cap  
S&P 500 Index Fund  
Small Cap Growth  
Small Cap Value  
Mid Cap  
International Equity  
Emerging Markets Intl Equity  
Emerging Markets Intl Equity

Core Bonds  
Corporate Bonds  
Investment Grade Corporate Bonds  
Convertible Bonds  
Emerging Market Bonds

All Asset Fund  
All Weather – Risk Parity  
Opportunistic Investment

Diversified Inflation Hedges  
Energy  
Natural Resources

Cash Portfolio  
Cash Portfolio  
Index Overlay

### Firm

### Real Estate:

Siguler Guff  
JP Morgan  
UBS

### Absolute Return:

Bridgewater Pure Alpha  
Crestline  
Gottex  
JP Morgan Multi-Strategy  
Allianz  
Mariner

### Opportunistic Investments:

PIMCo DISCO II  
Fort Hill  
Aladdin  
Perella Weinberg  
Entrust  
Crescent  
Private Equity:  
Goldman Sachs  
TCW/Crescent  
Pantheon  
Lexington

### J.F. L.

### Apollo

LightYear Capital

### AEA

### EIG

### Asset Class

Distressed Real Estate

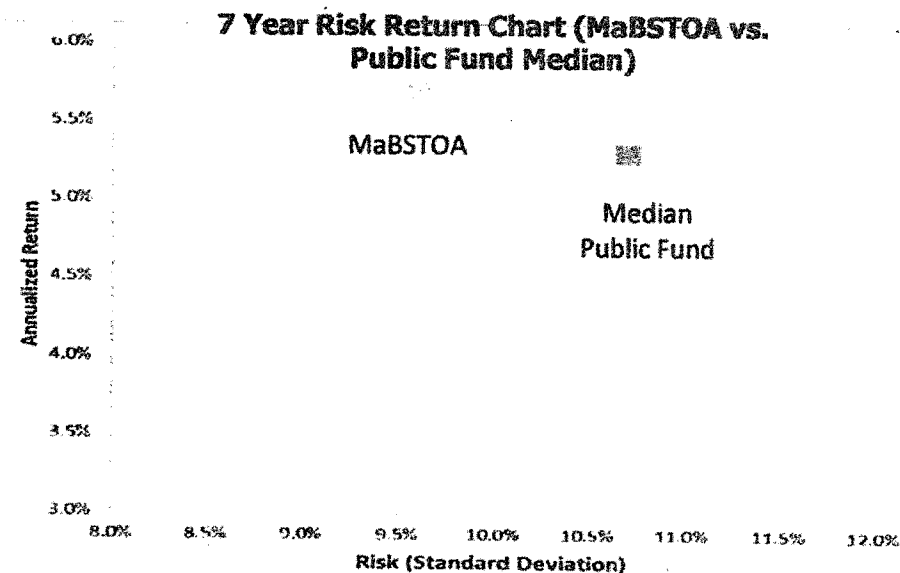
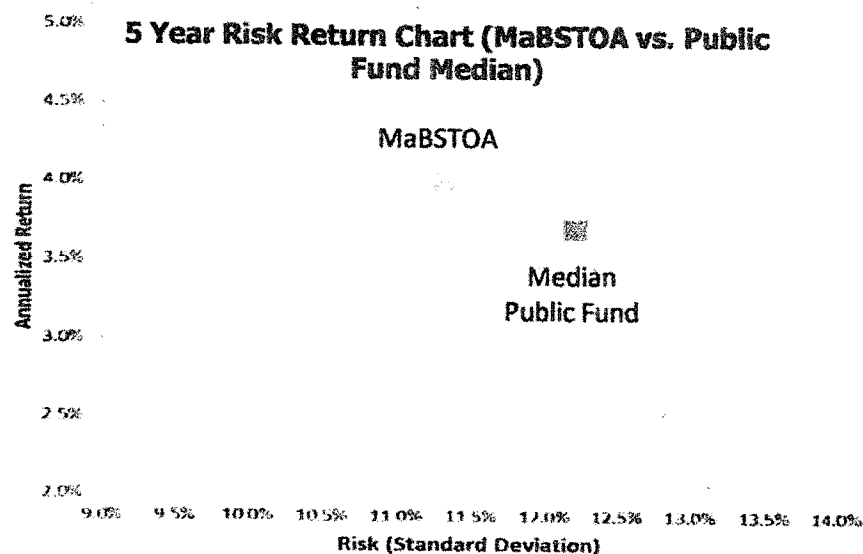
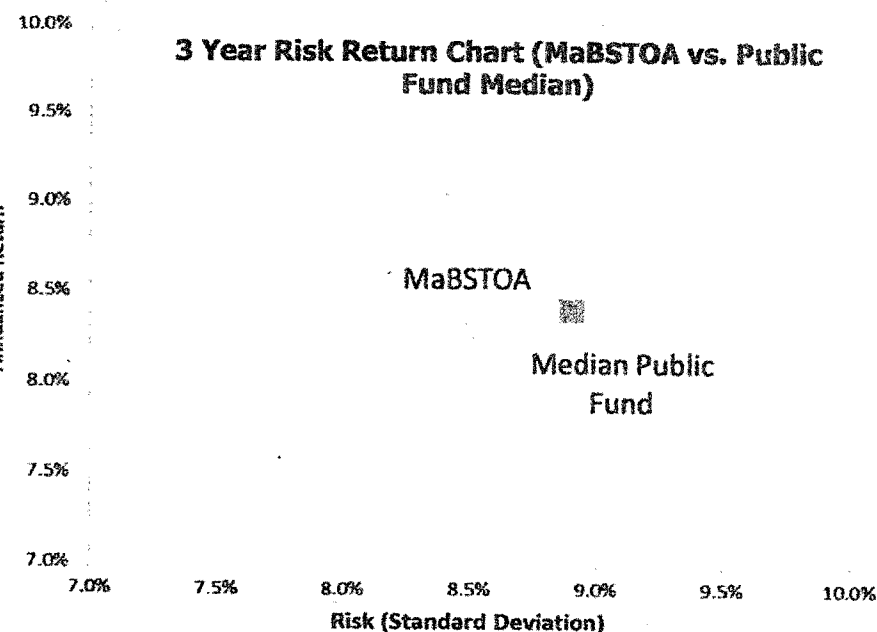
Hedge Fund  
Hedge Fund of Funds  
Hedge Fund of Funds  
Hedge Fund of Funds  
Structure Alpha Yield  
Hedge Fund

Distressed Credit Opportunities  
Debtor – in – Possession Loans  
Bank & Debtor-in-Possession Loans  
Asset Based Value Opportunities  
Special Opportunities Fund  
High Income

Distressed Debt  
Mezzanine Loans  
Secondaries  
Secondaries  
Growth Equity  
European Principal Finance  
Growth Equity  
Growth Equity  
Energy

## MaBSTOA Asset Allocation:

	<u>Target</u>	<u>Actual (12/31/12) *</u>
Domestic Equities	15.5%	16.2%
Large Cap	10.0%	9.7%
Small & Mid Cap	5.5%	5.5%
International Equities	13.5%	12.5%
Developed Markets	10.0%	8.5%
Emerging Markets	3.5%	4.0%
Fixed Income	16.0%	16.2%
Core/Core Plus	12.0%	11.8%
Emerging Markets	4.0%	4.4%
Global Balanced	17.0%	24.9%
Absolute Return	18.0%	17.5%
Real Assets	5.0%	3.3%
Real Estate	3.0%	0.9%
Opportunistic	5.0%	7.7%
Private Equity	7.0%	1.6%
Cash/Overlay	0.0%	
* Excludes Cash		



(1) While cash is not specifically part of the target asset allocation, from a policy standpoint, the fund keeps enough cash available to meet liquidity needs. Generally, the cash amount is around 2% of total assets.

# Market Overview

## Market Overview 2012

US equities posted mixed results for the fourth quarter amid uncertainties around the outcomes of the presidential election and the fiscal cliff. Macroeconomic concerns also took a bite out of returns. For the three months ended Dec. 31, the S&P 500 Index recorded a loss of 0.4%. Small cap stocks, as measured by the Russell 2000 Index, gained 1.9%. For the full year, however, US equity markets rose strongly with gains fueled by improving fundamentals in the financial services sector, a more robust housing market and lower unemployment. In terms of strategy, value trumped growth across all market capitalizations.

International equity markets, buoyed by positive news flow within the Euro zone, Japanese export-driven stocks and stronger economic data from China, beat domestic and emerging markets in the fourth quarter. To this end, the MSCI EAFE Index recorded gains of 6.6% during the period, with consumer discretionary and financial sectors leading the pack.

Emerging markets trailed developed markets in the fourth quarter. Posting gains of 5.6% during the period, developing countries initially started the quarter trading sideways. They subsequently rallied after the US elections, positive commentary out of Europe, and the change in leadership in China coupled with encouraging economic data. Asian markets led the group, bolstered by solid performance in China. Latin America finished last, with Brazil posting the strongest performance

Risky fixed income assets continued their relentless march in the fourth quarter. Emerging markets debt and high yield bonds rose the most as yield hungry investors sought higher returns in the low interest rate environment.

Even as massive government stimulus poured into Treasuries, the yield curve shifted upwards in the quarter, retreating from all-time lows in the summer. Despite the recent increase, Treasury yields were suppressed in 2012, defying the consensus that they could only go up. The yield on the 10-year Treasury ended the year at 1.8%, compared to 1.7% in the third quarter and 1.9% a year earlier.

The Barclays Aggregate Index returned 0.2% in the fourth quarter. Gains in credit and commercial mortgage backed securities (CMBS) aided results, which were partially offset by the increase in rates. Banks and financials dominated investment grade credit. Agency MBS delivered positive returns over the year but were in the red in the fourth quarter, at -0.2%.

The MTA Master Trust returned 1.4%, and MaBSTOA returned 1.5%, in 2012. It is important to highlight that over the last few years, both plans have made concentrated efforts to bring down the overall equity commitment and diversify among other asset classes. Both plans had less than a 40% equity commitment in 2012.

Both MTA and MaBSTOA continued to diversify in 2012 by making investments in real assets, real estate, private equity and opportunistic managers. The Board of Pension Managers of the Trust recognizes the importance of diversification and reducing volatility, as well as the need to monitor the portfolio's performance on an ongoing basis.

### **Investment Outlook 2013**

As we enter the new year, we acknowledge the extent of gains in 2012 was likely greater than the relatively limited improvements in underlying economic conditions. Thus, markets may have borrowed from future returns as developed economies continue deleveraging and growth expectations remain subdued. Potential drivers of volatility loom large, including the impending political impasse in the US around the debt ceiling and spending cuts, the ongoing euro-zone debt crisis, slowing growth in the developing world, and turmoil in the Middle East. To combat these macroeconomic perils, we recommend investors reassess their asset allocation to ensure a balance of exposures across broad categories of risk. Investors should also be prepared to take advantage of market volatility to add to risky asset categories as valuations improve.

Non-US stocks appear attractive on a relative basis although they carry higher risks. Investing in emerging markets remains a compelling opportunity, particularly in smaller company and consumer oriented stocks. In addition, local currency debt of emerging economies features higher coupons, shorter duration and better credit quality than hard currency issues. Also investors with the ability to lock-up capital in illiquid investments have the potential to profit from replacing banks and other traditional funding sources for businesses. Finally, massive monetary stimulus by central banks the world over may fuel inflation. To this end, we continue to recommend building strategic exposure to inflation hedging investments for those programs with liabilities sensitive to rising prices.

*Source: NEPC, LLC*

# MTA Sponsored Pension Plans

## \$ in millions

		<u>Normal Contribution</u>	<u>Amortization of the Unfunded Accrued Liability</u>	<u>Total Contribution</u>	<u>% of Covered Payroll</u>
<b>LIRR-Additional Plan</b>					
	1/1/2012	\$5.4	\$114.8	\$116.0	289.8%
	1/1/2011	\$5.8	\$107.5	\$109.0	213.0%
	1/1/2010	\$7.3	\$104.1	\$107.2	164.5%
	1/1/2009	\$7.8	\$105.1	\$108.7	149.5%
	1/1/2008	\$8.5	\$91.8	\$100.3	124.0%
	1/1/2007	\$9.2	\$91.7	\$100.9	107.3%
	1/1/2006	\$10.8	\$97.7	\$108.5	92.5%
<b>MaBSTOA</b>					
	1/1/2012	\$109.6	\$127.5	\$237.1	41.1%
	1/1/2011	\$100.2	\$93.8	\$194.0	33.4%
	1/1/2010	\$97.0	\$109.0	\$206.7	35.0%
	1/1/2009	\$97.9	\$113.3	\$211.3	37.1%
	1/1/2008	\$78.6	\$135.1	\$213.7	38.0%
	1/1/2007	\$69.8	\$115.5	\$185.3	35.7%
	1/1/2006	\$61.3	\$107.7	\$169.0	33.9%
<b>MTA DB Plan</b>					
	1/1/2012	\$154.4	\$65.9	\$212.4	N/A *
	1/1/2011	\$136.9	\$35.8	\$166.2	N/A *
	1/1/2010	\$131.2	\$30.2	\$155.3	N/A *
	1/1/2009	\$130.1	\$21.8	\$146.1	N/A *
	1/1/2008	\$90.2	\$17.6	\$107.8	N/A *
	1/1/2007	\$71.0	\$10.7	\$81.7	N/A *
	1/1/2006	\$55.9	\$16.7	\$72.6	N/A *

\* Not applicable because the benefits of most MTA Bus employees are not pay related.

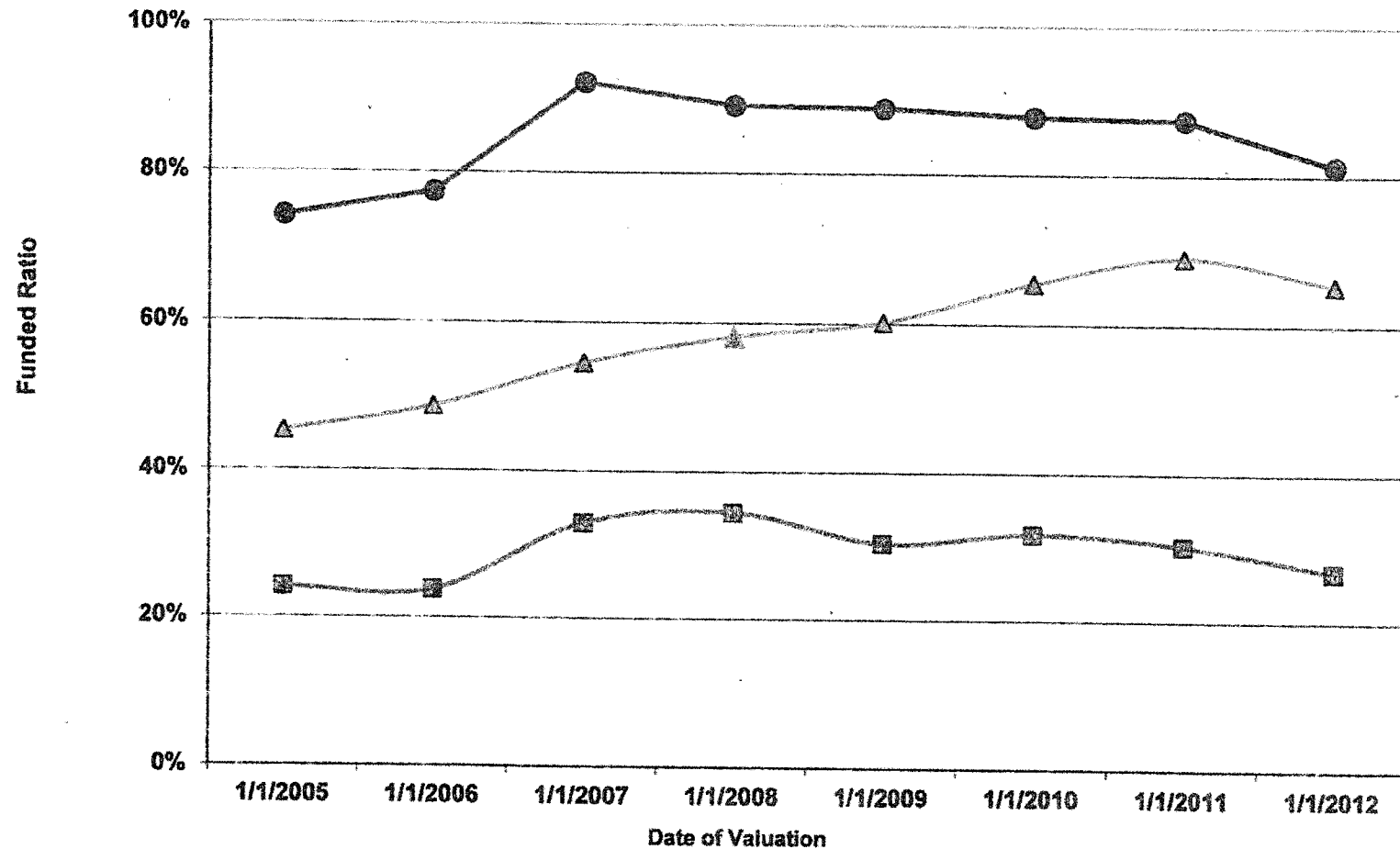
### Notes:

For MaBSTOA, the increase in the 2008 contribution is due to the refund of additional 55/25 member contributions, which was amortized over a 1-year period.

The increase in the total contribution in 2009 (for all plans) is primarily the result of the market performance during 2008. The impact is being phased in over a 5-year period.

The 2012 increase in the Amortization of the Unfunded Accrued Liability and Total Contributions is the result of the change in the investment rate assumption from 8% to 7.5%

# Metropolitan Transportation Authority Funding Progress of MTA Sponsored Defined Benefit Plans



■ LIRR Additional Plan

▲ MaBSTOA

● MTA DB



## Defined Benefit Pension Plans sponsored by the MTA

Impact of Asset Smoothing  
 Asset Values as of January 1, 2012  
 (\$ in millions)

<u>System</u>	<u>Market Value</u>	<u>Actuarial Value</u>	<u>Difference From Market Value</u>
LIRR-Additional Plan	\$ 405.3	\$ 437.4	\$ 32.1
MaBSTOA	\$1,567.3	\$1,624.3	\$ 57.0
MTA DB Plan	\$2,087.6	\$2,212.5	\$ 124.9

Source: Milliman USA

# Defined Benefit Pension Plans sponsored by the MTA

## Investment Return Assumptions January 1, 2012 Valuation

<u>System</u>	<u>Investment Rate *</u>	<u>Investment Expenses</u>
LIRR Additional Plan	7.5% Gross	Added to Normal Cost
MaBSTOA	7.5% Gross	Added to Normal Cost
MTA DB Plan	7.5% Gross	Added to Normal Cost

\*After consultation with the Actuary it has been determined that it would be prudent to change the assumed investment rate to 7.0%. The change in investment assumption rate will be effective January 1, 2013. The 7% investment rate will be a net rate with investment expenses no longer added to the normal costs.

Source: Milliman USA

# Metropolitan Transportation Authority

## Accrued Pension Costs by Plan

(in \$ millions)

Pension Plan	# of Active Members	2012 Final Estimate	2013 Adopted Budget	2014 Plan
NYCERS	39,942	\$ 824	\$ 789	\$ 834
MaBSTOA	7,470	231	252	239
LIRR Additional Plan	478	114	119	118
MTA DB Plan	15,986	206	244	241
RRB (employer tax only)		196	205	217
MNR 401(k)	764	3	3	3
TCU/HQ 401(k)	37	0	0	0
NYSLRS	959	15	18	19
Totals	<u>65,636</u>	<u>\$ 1,590</u>	<u>\$ 1,629</u>	<u>\$ 1,670</u>

Notes: 1) The Financial figures are per the 2013 February Financial Plan (February Financial Plan 2013-2016).

2) Financial Plan estimates may differ from the Actuarial Certification since Agencies may anticipate hires, terminations and transfers. These changes could occur after the date used by the Actuary to determine the valuation results.

3) Number of active members are based on the latest actuarial valuations.

4) Budget figures for "TCU/HQ 401K)" are less than \$1 million:

2012 Budget final = \$30,870

2013 Adopted = \$36,709

2014 Plan - \$37,810

# 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>
<i>Nuria Fernandez</i> 5/17/13
<b>Division Head Name</b>
Clifford Shockley

<b>Date</b>
May 13, 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	6/03/13			
2	Board	6/05/13			

Internal Approvals			
Order	Approval	Order	Approval
1	Procurement CA	3	COO <i>[Signature]</i>
2	Legal RA	4	CFO <i>[Signature]</i>

## PURPOSE:

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

## DISCUSSION:

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

# of Actions \$ Amount

None None

MTAHQ proposes to award Competitive procurements in the following categories:

### Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts  
Schedule F: Personal Services Contracts

1	\$ 150,000.00
3	\$ 135,537.78

<b>SUBTOTAL</b>	4	\$ 285,537.78
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MTAHQ presents the following procurement actions for Ratification:

None None

<b>TOTAL</b>	4	\$ 285,537.78
--------------	---	---------------

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

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

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

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

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**E. Miscellaneous Procurement Contracts**

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

1. **Lingualinx** **\$150,000**  
**All-Agency Translation and Layout Services** **(not-to-exceed)**  
**Contract No. 12239-0100**  
Competitively negotiated – 7 proposals – 36 months  
Contractor to provide as-needed, multi-language translation and layout services of brochures, notices and advertisements for the MTA and its agencies. The hourly rates of \$35 to \$40 for layout services and the unit costs of 0.13 to 0.32 per word translation remains the same as was established under the current three-year contract and are thus deemed to be reasonable.

**F. Personal Service Contracts**

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

2. **Vicom Computer Services** **\$43,200**  
**NetApp Professional Services in support of move from** **(not-to-exceed)**  
**IBM SIDC facility to 2 Broadway and LPDC locations**  
**Contract No. 13065-0100**  
Ride Competitively-bid NY State Contract No. PT60947 – 12 months  
Vicom Computer Services (a value-added reseller of NetApp Hardware, Software, and Services under NY State Contract No. PT60947) to provide NetApp consultant services to assist MTA in support of the move from IBM SIDC facility to MTA New York City Transit's 2 Broadway and 130 Livingston Street (LPDC) locations. As a result of negotiations, MTA is paying \$2,160.00 or 4.8% lower than the New York State Contract No. PT60947.
3. **Compulink Technologies, Inc.** **\$49,245**  
**EMC Professional Services in support of move from** **(not-to-exceed)**  
**IBM SIDC facility to 2 Broadway and LPDC locations**  
**Contract No. 13066-0100**  
Ride Competitively-bid NY State Contract No. PT60953 – 12 months  
Compulink Technologies, Inc. (a value-added reseller of EMC Hardware, Software, and Services under NY State Contract No. PT60953) to provide EMC consultant services to assist MTA in support of move from IBM SIDC facility to MTA New York City Transit's 2 Broadway and 130 Livingston Street (LPDC) locations. As a result of negotiations, MTA is paying \$399 or .8% lower than the New York State Contract No. PT60953.

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

4. **Systems Management Planning, Inc.** **\$43,092.78**  
**F5 Training (Five Days Onsite)** (not to exceed)  
**Contract No. 13062-0100**

Ride Competitively-bid NY State Contract No. PT64450 – 12 months  
Systems Management Planning, Inc. (a value-added reseller of F5 Networks, Inc. Comprehensive Telecommunications Equipment and Solutions under NY State Contract No. PT64450) to provide on-site IT training. The F5 environment contains MTA critical data that must be maintained by qualified MTA personnel. As a result of negotiations, MTA is paying \$1,557.22 or 3.5% lower than the New York State Contract No. PT64450.

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

**ACTION ITEMS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

Transfer of property known as Section 9, Block 675, Lot 4 in the Village of Mineola for re-dedication as a street.

**MTA NEW YORK CITY TRANSIT**

License agreement with AT&T Corp. for the continued operation, maintenance and upgrade of an existing fiber optic cable facility running through the Cranberry Street tunnel from Manhattan to Brooklyn

Clarification regarding sublease at 2368 12<sup>th</sup> Avenue

Short-term lease at One Pierrepont Plaza, Brooklyn to address emergency Sandy-related needs of NYCT Capital Program Management

Surrender to City of New York of master-leased property at 211<sup>th</sup> Street in the Bronx

**MTA METRO-NORTH RAILROAD**

License agreement with City of White Plains for the installation and maintenance of a subsurface utility duct bank in support of Metro-North's building operations at 525 North Broadway, White Plains, New York

License agreement with the Village of Cold Spring, to replace, operate and maintain a sewage pump under Metro-North's Cold Spring Station parking facility in Cold Spring, New York

Lease agreement with Gateway Foods Holding LLC for the operation of a coffee concession at the White Plains Station in White Plains, NY

Lease agreement with Gateway Foods Holding LLC for the operation of a newsstand at the White Plains Station in White Plains, NY

Lease agreement with Moe International, Inc. for the operation of a Café at the Bronxville Station in Bronxville, NY

Settlement of dispute with Grand Central Oyster Bar, Inc.

**MTA CAPITAL CONSTRUCTION**

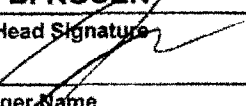
Authorization to acquire permanent and temporary easements to construct a customer elevator at 280 Park Avenue to serve the East Side Access concourse



**MTA STATEN ISLAND RAILWAY**


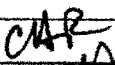

Temporary license for use of portion of MTA SIR's employee parking lot during church renovations

# Staff Summary

Subject <b>DISPOSITION OF PROPERTY</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>STEPHEN BROWN</b>

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13	X		
2	Board	06/05/13	X		

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

GRANTOR: Metropolitan Transportation Authority ("MTA")

GRANTEE The Village of Mineola, Nassau County, New York (the "Village")

PROPERTY: Section 9, Block 675, Lot 4 ("Lot 4") in the Village located to the south of the Mineola Intermodal Center ("MIC") at the Mineola Station of the MTA Long Island Rail Road ("LIRR")

ACTIVITY: Disposition of property

ACTION REQUESTED: Approval of terms

AREA Approximately 19,781 square feet (50' x 395')

COMPENSATION: One Dollar (\$1.00), payment waived

## COMMENTS:

Pursuant to a Board approval dated June 26, 2003, in 2005 MTA purchased from Keyspan Gas East Corporation ("Keyspan") property near LIRR's Mineola Station (Section 9, Block 675, Lots 2a, 2b, 4, 5, 6, 7 and 8, the "Properties") for the construction of the MIC, which provides structured commuter parking and accommodates bus-rail transfers. The MIC, built mainly on Lots 5, 6, 7 and 8, has since been completed and put it into service.

Lot 4, formerly part of the Village's Third Street, had been demapped by Keyspan during its period of ownership of the Properties and used as employee parking and an access way between its parking lots and office buildings on the Properties. As part of the MIC project, the LIRR rebuilt the street on Lot 4, which now provides essential ingress and egress to and from the MIC. Both the portion of the Properties on which the MIC is located and Lot 4 were purchased with funds from the FTA, and the MTA funding application to the FTA contemplated that Lot 4 would be re-dedicated as a public street following the completion of the MIC. The Village, which is prepared for such re-dedication to be consummated, currently provides all municipal street-related services on Lot 4, including snow removal, traffic enforcement and police protection, and will continue to do so when Lot 4 is rededicated.

As required by the Public Authorities Law, MTA Real Estate obtained an independent appraisal that valued Lot 4 at \$30,000. However, notwithstanding such appraisal, as a practical matter Lot 4 could not be sold to anyone other than the Village, and MTA is obligated by the terms of the federal funding received for the MIC to transfer Lot 4 back to the Village at no cost.

Consistent with Public Authorities Law section 2897(7)(a)(i), the ownership of Lot 4 will remain in the Village and it will remain dedicated exclusively to public use, with the deed to the Village to so stipulate. Given the important governmental and public purposes served by the MIC, Lot 4's limited utility and the terms of FTA grant agreement, MTA Real Estate

# Staff Summary

## FINANCE COMMITTEE MEETING Disposition of Property (Cont'd.)



Page 2 of 2

and LIRR believe that it is appropriate to convey Lot 4 to the Village on a sole source basis. Based on the foregoing, there is no reasonable alternative to the proposed below-market transfer that would achieve the same purpose of such transfer.

### **BOARD RESOLUTION**

**WHEREAS**, the MTA purchased Section 9, Block 675, Lot 4 ("Lot 4"), formerly Third Street, the Village of Mineola, Town of North Hempstead, County of Nassau, State of Mineola (the "Village") as part of the properties from Keyspan Gas East Corporation in order to build the Mineola Intermodal Center ("MIC") at the Mineola Station of the Long Island Rail Road which provides structured commuter parking and bus-rail transfers;

**WHEREAS**, as part of the construction of the MIC, MTA rebuilt Lot 4 as a street and contemplated that Lot 4 would be re-dedicated as street following completion of the MIC.

**WHEREAS**, Lot 4 is being used for the public's access to and from the MIC upon the MIC's completion, and the Village, has been providing essential municipal street-related services on Lot 4;

**WHEREAS**, the MTA wishes to convey Lot 4 to the Village for rededication as a street;

**WHEREAS**, the ownership of Lot 4 will remain with the Village and it will remain dedicated exclusively to public use, with the deed to the Village to so stipulate;

**WHEREAS**, the Board determines that there is no reasonable alternative to the proposed below-market transfer that would achieve the same purpose of such transfer;

### **NOW THEREFORE, BE IT**

**RESOLVED**, that the Chairman or designated staff member of the Authority is authorized to convey Section 9, Block 675, Lot 4 to the Village of Mineola for use as a public street.

This Resolution shall take effect immediately upon its adoption.

# Staff Summary

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

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13	X		
2	Board	06/05/13	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 New York City Transit ("NYCT")

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

LOCATION: Running from a point near the intersection of Fulton Street and Front Street in Manhattan, through NYCT's Cranberry Street Tunnel, to a manhole at Furman Street in Brooklyn

ACTIVITY: Non-exclusive license for the operation and maintenance of one 432 fiber-strand cable, to replace an existing 96 fiber-strand fiber optic cable

ACTION REQUESTED: Approval of terms

TERM: 10 years, with two 5-year renewal options, subject to termination at will by MTA on 60 days' notice

SPACE: Approximately 3,475 linear feet

COMPENSATION: \$163,864.25 for the first license year, with annual increases based on CPI

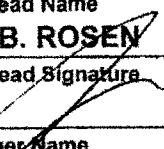
## COMMENTS

AT&T currently owns, operates and maintains one 96 fiber-strand fiber optic cable that runs approximately 3,475 linear feet through NYCT's Cranberry Street tunnel along portions of NYCT's ROW from Manhattan to Brooklyn. The installation is the subject of a license agreement that recently expired. AT&T has requested a new license agreement for the continued occupancy of the Cranberry Street tunnel, and permission to replace the existing 96 fiber-strand cable with a new 432 fiber-strand fiber optic cable.

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


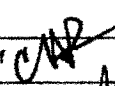

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with AT&T on the above-described terms and conditions.

# Staff Summary

Subject <b>Clarification of Terms</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>ANDREW GREENBERG</b>

Date <b>June 5, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/3/13	X		
2	Board	6/5/13	X		

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

AGENCY: MTA New York City Transit  
 FEE OWNER: 12<sup>th</sup> Avenue Realty Corporation  
 SUBLESSOR: Mizey Realty, Co., Inc.  
 LOCATION: 2368 12<sup>th</sup> Avenue, New York, New York  
 ACTION REQUESTED: Approval of revised terms

## COMMENTS

The attached staff summary, which was presented at the January 28, 2013 meeting of the Finance Committee, set forth a formula for the calculation of "Billboard Sublease Rent" to be paid by Mizey that inadvertently failed to reflect the intended result of MTA Real Estate's negotiations with Mizey.

As described in the January staff summary, Mizey, as lessee, will be entering into a lease of the subject property with the owner of such property (the "Ground Lease"); Mizey will sublet the entire property to NYCT pursuant to a sublease (the "Sublease"); and NYCT will sub-sublet the billboard back to Mizey, pursuant to a sub-sublease (the "Sub-Sublease"), for licensing by Mizey's affiliate Van Wagner to advertisers. The intent of Mizey and MTA Real Estate was and remains that Mizey will be responsible for rent under the Sub-Sublease equal to the greater of (a) the rent under the Sublease or (b) 50% of the net revenues realized by Mizey/Van Wagner from the licensing of the billboard, with net revenues to be defined as gross revenues less (i) Mizey's expenses of electrifying the billboard and (ii) the amount by which (1) the rent payable under the Ground Lease exceeds (2) the rent payable by NYCT under the Sublease.

The alternative formula that was initially set forth in the January staff summary appeared to yield the same result, but upon further examination, that has proved not to be the case. The proposed transaction remains highly beneficial to the MTA, for all the reasons that are set forth in the January staff summary, and authorization is hereby requested to proceed with the transaction as if the January staff summary had set forth the formula for rent under the Sub-Sublease that is set forth above.

# Staff Summary

# FOR REFERENCE PURPOSES



Subject <b>SUBLEASE AGREEMENT</b>	Date <b>JANUARY 28, 2013</b>
Department <b>REAL ESTATE</b>	Vendor Name
Department Head Name <b>JEFFREY B. ROSEN</b>	Contract Number
Department Head Signature	Contract Manager Name
Project Manager Name <b>ANDREW D. GREENBERG</b>	Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	01/28/13	X		
2	Board	01/30/13	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 New York City Transit ("NYCT")  
 FEE OWNER: 12<sup>th</sup> Avenue Realty Corporation ("Fee Owner")  
 SUBLESSOR: Mizey Realty, Co., Inc. ("Mizey")  
 LOCATION: 2368 12th Avenue, New York, New York (the "Property")  
 ACTIVITY: Lease of industrial property, and lease-back of billboard  
 ACTION REQUESTED: Approval of terms  
 TERM: 20 years  
 PROPERTY DESCRIPTION: Approximately 12,720 sq. ft. of paved and fenced land, 3,000 sq. ft. single-story garage-type building and one two-sided 20' x 60' freestanding billboard. Space delivered "as-is"  
 RENT: Initially \$300,000 per annum, subject to 3% annual increases  
 BILLBOARD SUBLEASE RENT: Initially \$300,000 per annum, subject to 3% annual increases, plus 50% of the net advertising revenues generated by Van Wagner (net revenues being defined as gross revenues less expenses of electrifying sign) when such revenues exceed the ground rent payable by Mizey to Fee Owner, which starts at \$500,000 per annum, and increases by 3% annually and 10% in year 11  
 UTILITIES: NYCT responsible for utilities, except for electricity for billboard  
 REAL PROPERTY TAXES: Property will be exempt by virtue of NYCT's leasehold interest.  
 SECURITY DEPOSIT: None

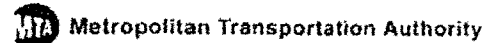
## COMMENTS

Due to the impending West Side Yards redevelopment, the Subway Maintenance Group of NYCT's Division of Station Environment and Operation, which services subway stations in Manhattan, must relocate from its current location under the High Line at 30<sup>th</sup> Street and Eleventh Avenue. There are no suitable relocation sites in the MTA's existing portfolio of properties.

The Subway Maintenance Group operates 24/7 and is vital to the operation of the subways. It requires a location for large trucks, vans, and outdoor and indoor storage of supplies and equipment. NYCT preferred a location below 59<sup>th</sup> Street, but

## Staff Summary

### FINANCE COMMITTEE MEETING



Mizey Realty, Co., Inc., an affiliate of Van Wagner Communications, LLC (Cont'd.)

Page 2 of 2

no suitable sites for purchase or lease could be located. Expanding the search, Cushman & Wakefield, the MTA's broker, identified seven available upper Manhattan sites, including the Property. The other sites were more costly than the Property and in several cases determined to be located too far away from the Subway Maintenance Group's preferred base of operations. However, the Property, located at 134<sup>th</sup> Street, is suitable in all respects and available for a reasonable base rent, which will itself be fully offset by income that will be generated by the Property's existing freestanding billboard site.

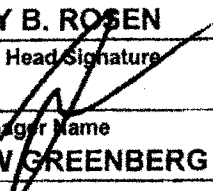
The Property is leased from Fee Owner by Mizey, an affiliate of the advertising company Van Wagner Communications LLC. Mizey is prepared to sublet the facility to NYCT pursuant to an arrangement under which NYCT will sub-sublet the billboard back to Mizey for licensing by Van Wagner. Should the billboard generate sufficient revenue, NYCT will receive, in addition to the guaranteed base rent under the sub-sublease (which will completely offset NYCT's rent under the sublease, which represents the fair market value of the warehouse facility), 50% of the net income from the billboard as described above.

Based on the foregoing, MTA Real Estate requests authorization to enter into agreements with Mizey Realty, Co., Inc. on the above described terms and conditions.

**FOR REFERENCE  
PURPOSES  
ONLY**

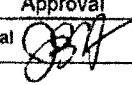




# Staff Summary

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>ANDREW GREENBERG</b>

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/3/13	X		
2	Board	6/5/13	X		

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

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

LANDLORD: Forest City Pierrepont Associates

LOCATION: One Pierrepont Plaza, Brooklyn, New York

ACTIVITY: Lease of temporary office space

ACTION REQUESTED: Approval of terms

TERM: Three years

SPACE: Entire 6<sup>th</sup> floor - approx. 44,027 rentable square feet (approx. 34,341 usable sq. ft.)

COMPENSATION: \$35.00 per rentable sq. ft. (\$1,540,945.00 per year, \$128,412.08 per month) commencing three months following Possession.

LANDLORD WORK: The space is to be provided fully built and furnished. Landlord will provide specified base building alterations and improvements at its sole cost and expense, and make additional improvements to "fit-out" the space and contribute up to \$770,472.50 towards the cost. The additional improvements are estimated to cost \$668,443, well within the Landlord's contribution based on current scope.

POSSESSION: Upon substantial completion of Landlord's Work

RENEWAL OPTION: Two one- year renewal options, as follows:  
1<sup>st</sup> Option Year - \$40.00 per rentable sq. ft. (\$1,761,080.00 per year, \$146,756.66 per month), on 12 months' prior notice;  
2<sup>nd</sup> Option Year - \$41.00 per rentable sq. ft. (\$1,805,107.00 per year, \$150,425.58 per month), on 9 months' prior notice.

OPERATING EXPENSE ESCALATION: Proportionate share of increases over a calendar 2013 base year with no increase during the initial 12 months from the possession date.

REAL ESTATE TAX ESCALATION: Tenant to pay proportionate share of increases over a fiscal 2013/14 base tax year.

UTILITIES: Tenant to pay for actual cost of submetered electrical consumption. Cost of all other utilities included in the base rent.

SERVICES: Cleaning, HVAC service during normal building hours and building security will be provided at no extra cost to Tenant. Chilled water for Tenant's supplemental air-conditioning will be provided at cost.

# Staff Summary

## FINANCE COMMITTEE MEETING

### Lease Agreement (Cont'd)

#### REPAIRS AND MAINTENANCE:

Landlord will be responsible for repairs and maintenance of building common areas and common building systems and structural components.

Tenant will be responsible for maintenance and repair of any supplemental air-conditioning and for non-structural repairs within the space.

#### SECURITY DEPOSIT:

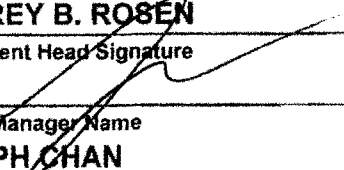
None.

#### COMMENTS

The Capital Project Management group of NYCT requires suitable furnished, move-in-condition, downtown Manhattan or Brooklyn offices to house approximately 140 engineers (and associated support staff) on a short-term basis to accommodate emergency hiring and procurements necessitated by reason of NYCT's need to repair and enhance systems damaged during Hurricane Sandy. Following a comprehensive survey of available pre-built space within the specified areas, Cushman & Wakefield identified four downtown Manhattan facilities and three downtown Brooklyn facilities, all in close proximity to public transportation. All seven were inspected and two buildings - 1 Liberty Plaza in downtown Manhattan and 1 Pierrepont Plaza in downtown Brooklyn - were identified as potentially suitable. Requests for proposals were sent to the owners of these properties and following negotiations with such owners it was determined that the least costly alternative was 1 Pierrepont Plaza.

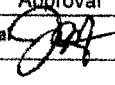

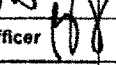
Based on the foregoing, MTA Real Estate requests authorization to enter into a lease with Forest City Pierrepont Associates on the above described terms and conditions.

# Staff Summary

Subject <b>707 EAST 211<sup>TH</sup> STREET DISPOSITION</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>JOSEPH CHAN</b>

Date <b>June 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13	X		
2	Board	06/05/13	X		

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

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

LANDLORD: The City of New York (the "City")

LOCATION: Deactivated substation at 707 East 211<sup>th</sup> Street (the "Property")

ACTIVITY: Release of property from master lease

ACTION REQUESTED: Approval of terms

COMPENSATION: \$475,000

## COMMENTS:

Like most of the properties and buildings used by NYCT in its operations, the Property is owned by the City and leased to NYCT via the 1953 master lease between the City and NYCT (as amended, the "Master Lease"). The Property is a four-story structure on an approximately 7,200 square foot lot that was constructed by the Interborough Rapid Transit Company in 1917 for the expansion of the IRT subway line in the Bronx. The Property was in active service until the early 1990's, when NYCT transitioned to modern, more efficient substation equipment and facilities that require less space. Since its closing, the Property has been in poor condition and it constitutes a maintenance liability for NYCT.

The Master Lease contemplates that NYCT will surrender master leased property to the City without compensation when NYCT determines that it no longer requires a property for transportation purposes. However, in March of 2012, as part of its real property value capture initiative first presented to the MTA Board in September of 2011, the MTA entered into an arrangement whereby (a) the Property and six other Master Lease properties (collectively the "Master Lease Properties") would be marketed through a request for proposals ("RFP") process to be undertaken by the New York City Economic Development Corporation ("EDC"), (b) following the selection of a purchaser for any such property and requisite City and MTA Board approvals, NYCT would surrender such property to the City for conveyance through EDC to the successful proposer, and (c) the net proceeds from such sale (after reimbursement to MTA for pre-funded marketing costs, and, in the case of two of the Master Lease Properties, MTA's prior acquisition costs), would be contributed by the City to the MTA's 2010-2014 capital program and credited against an incremental \$250 million contribution that the City has undertaken to make toward such capital program.

In March of 2012, EDC issued an RFP for the Property that resulted in a purchase offer of \$475,000 from the adjacent property owner. Such amount exceeded the estimated fair market value of the property as determined by an appraiser engaged by EDC.

# Staff Summary

## FINANCE COMMITTEE MEETING Disposition of Property (Cont'd.)

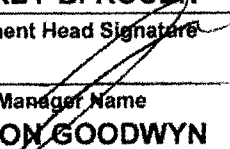
Page 2 of 2



Metropolitan Transportation Authority


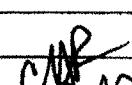

Based on the foregoing, MTA Real Estate requests authorization to surrender the Property to the City to permit the sale of the Property as described above.

# Staff Summary

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

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13	X		
2	Board	06/05/13	X		

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

AGENCY: MTA Metro-North Railroad ("Metro-North")  
 LICENSOR: The City of White Plains, New York ( the "City")  
 LOCATION: Haarlem Avenue, White Plains, New York  
 ACTIVITY: Subsurface utility duct bank installation  
 ACTION REQUESTED: Approval of terms  
 TERM: 15 years plus one 15-year extension at Metro-North's option  
 SPACE: Approximately 150 square feet  
 COMPENSATION: \$4,000 per annum with a biennial increment of 5%

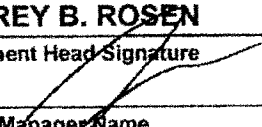
## COMMENTS

The MTA owns the building at 525 North Broadway in North White Plains (the "Building"), at which Metro-North operates a regional command/communications/control center, an emergency control center, and a customer information center, as well as office space housing Metro-North administration personnel.

At Metro-North's request, in 2009 MTA Real Estate acquired a license from the City of White Plains to install a subsurface utility duct bank between Metro-North's North White Plains Yard and the Building. A back-up utility service crosses Haarlem Avenue to the south via wires carried on telephone poles, and Metro-North plans to more securely bury these wires in a second subsurface duct bank for which the subject license is now being obtained from the City of White Plains. The second duct bank will be installed as part of Metro-North's North White Plains Parking Garage Project. The compensation is based upon a preset fee schedule used by the City and a license is the standard interest the City grants for this use.

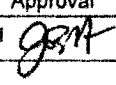
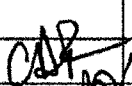

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with the City of White Plains on the above-described terms and conditions.

# Staff Summary

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

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13	X		
2	Board	06/05/13	X		

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

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

LICENSEE: Village of Cold Spring, New York (the "Village")

LOCATION: Cold Spring Station Parking Facility, northwest corner

ACTIVITY: Replacement and maintenance of sewer pump

ACTION REQUESTED: Approval of terms

TERM: One year with automatic renewals thereafter, subject to termination at will by MTA on 60 days' notice

SPACE: 1,397± square feet, subsurface

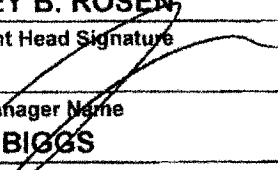
COMPENSATION: One Dollar (\$1.00), payment waived

## COMMENTS:

The Village has requested the use of space under a section of Metro-North's Cold Spring commuter parking facility to uncover, replace and maintain a lift pump serving its sewer system. Since the occupancy is subsurface and maintenance access will not impact parking operations, Metro-North has consented to this work. The replacement of the sewer pump will require limited temporary impacts to the parking operations, which will be addressed in an entry permit to be issued directly by Metro-North to the Village. The license agreement will provide for the protections typically required by Metro-North.


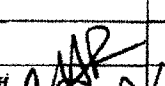

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with the Village on the above-described terms and conditions.

# 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>ALICIA BIGGS</b>

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13	x		
2	Board	06/05/13	x		

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

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

LESSEE: Gateway Foods Holding LLC dba Tim Hortons ("Gateway")

LOCATION: White Plains Station on Metro-North's Harlem Line

ACTIVITY: Retail sale of premium coffee, teas, espresso-based beverages, soda, juice, fresh baked goods, snacks and other "to-go" foods.

ACTION REQUESTED: Approval of terms

TERM: Ten years

SPACE: 232 sq. ft. concession space along with 90 sq. ft. of storage space

COMPENSATION:	Year	Annual	Monthly	% Increase	Per Sq. Ft.
	1	\$79,200.00	\$6,600.00	3%	\$245.96
	2	\$81,576.00	\$6,798.00	3%	\$253.34
	3	\$84,023.00	\$7,001.92	3%	\$260.94
	4	\$86,544.00	\$7,212.00	3%	\$268.77
	5	\$89,140.00	\$7,428.33	3%	\$276.83
	6	\$91,815.00	\$7,651.25	3%	\$285.14
	7	\$94,569.00	\$7,880.75	3%	\$293.69
	8	\$97,406.00	\$8,117.17	3%	\$302.50
	9	\$100,328.00	\$8,360.67	3%	\$311.58
	10	\$103,339.00	\$8,611.58	3%	\$320.93

## COMMENTS:

In response to a recent MTA request for proposals for the existing retail coffee concession space at Metro-North's White Plains Station, 21 proposals were received. The highest rent was proposed by Gateway, which offered \$79,200 for the initial year with 3% annual increases over the term of the lease. Such rent exceeds the estimated fair market value of the space as estimated by MTA Real Estate's independent consultant. Over the ten year term, the present value of the proposed rent, using a 9% discount rate, is \$570,656.31.

Details of the other proposals are listed in the following table:

# Staff Summary

## FINANCE COMMITTEE MEETING Gateway Foods Holding LLC (Cont'd.)



Page 2 of 2

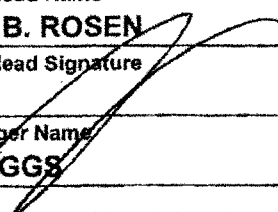
Name of Proposer	Proposed First Year Rent	Net Present Value over Ten Year Term
AMH Newsstand Inc.	\$72,144.00	\$520,587.80
Shahanara Zaman	\$72,200.00	\$520,219.26
Bean & Leaf LLC	\$63,000.00	\$454,507.02
Barista's Coffee Inc.	\$61,560.00	\$443,224.84
Fresh Delights, Inc.	\$60,000.00	\$432,306.46
Station Café	\$57,000.00	\$410,697.14
Whitehall Café Inc.	\$51,200.00	\$368,906.95
Fatemah Jarrahan	\$48,000.00	\$395,080.94
Azhar Khan	\$48,000.00	\$326,253.29
Global Java LLC	\$43,200.00	\$311,244.83
Main News Inc.	\$39,600.00	\$256,576.52
Airport Restaurant Inc.	\$39,000.00	\$281,004.84
Sadiq Ali Chandrani dba Tim Hortons	\$37,440.00	\$291,976.82
Munassar Yafee	\$33,600.00	\$242,088.19
Mohamed Saleh	\$31,200.00	\$224,798.33
Zina's Place	\$30,000.00	\$216,157.61
CR Beans, Inc.	\$30,000.00	\$216,157.58
Munassar Saleh	\$30,000.00	\$216,147.78
TBG Food Acquisition dba Dunkin Donuts	\$30,000.00	\$211,965.47
Mohamed Almerdie	\$30,000.00	\$199,623.08

The president of Gateway, Mr. Aziz Premji, has extensive experience operating quick service food and beverage operations in high traffic transit locations in the New York/New Jersey metro area, including New Jersey Transit's Secaucus and Hoboken stations and the Port Authority of NY/NJ's JFK AirTrain terminal at Jamaica. He proposes to operate a franchised Tim Hortons at the subject location. His proposal includes extensive renovations to the existing concession space, which will significantly enhance the overall appearance of the station's main entrance. Gateway was also the high proposer for the newsstand in the station lobby, under a separate RFP, and the synergies of one operator managing the limited storage areas at the station will facilitate a less cluttered appearance in the lobby. Mr. Aziz has a good credit history and has demonstrated the financial capacity to build out, maintain and operate the concession. He will personally guarantee Gateway's obligations under the lease.

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

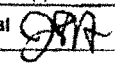
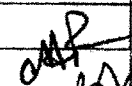



# Staff Summary

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>ALICIA BIGGS</b>

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13	x		
2	Board	06/05/13	x		

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

AGENCY: MTA Metro-North Railroad ("Metro-North")  
 LESSEE: Gateway Foods Holding LLC dba TEAM Newsstand ("Gateway")  
 LOCATION: White Plains Station on Metro-North's Harlem Line  
 ACTIVITY: Retail sale of magazines, newspapers, candies, snacks, etc.  
 ACTION REQUESTED: Approval of terms  
 TERM: Ten years  
 SPACE: 156 sq. ft. newsstand space along with 90 sq. ft. of storage space

COMPENSATION:	Year	Annual	Monthly	% Increase	Per Sq. Ft.
	1	\$63,360.00	\$5,280.00	3%	\$257.56
	2	\$65,261.00	\$5,438.42	3%	\$265.29
	3	\$67,219.00	\$5,601.58	3%	\$273.25
	4	\$69,235.00	\$5,769.58	3%	\$281.44
	5	\$71,312.00	\$5,942.67	3%	\$289.89
	6	\$73,452.00	\$6,121.00	3%	\$298.59
	7	\$75,655.00	\$6,304.58	3%	\$307.54
	8	\$77,925.00	\$6,493.75	3%	\$316.77
	9	\$80,263.00	\$6,688.58	3%	\$326.27
	10	\$82,670.00	\$6,889.17	3%	\$336.06

## COMMENTS:

In response to a recent MTA request for proposals for the newsstand concession space at Metro-North's White Plains Station, 14 proposals were received. The highest rent was proposed by Gateway, which offered \$63,360 for the initial year with 3% annual increases over the term of the lease. Such rent exceeds the estimated fair market value estimated by MTA Real Estate's independent consultant. Over the ten year term, the present value of the proposed rent, using a 9% discount rate, is \$456,525.30.

Details of the other proposals are listed in the following table:

# Staff Summary

## FINANCE COMMITTEE MEETING

### Gateway Foods Holding LLC (Cont'd.)



Metropolitan Transportation Authority

Page 2 of 2

Net Present Value over Ten  
Year Term

Name of Proposer	Proposed First Year Rent	Net Present Value over Ten Year Term
Shahanara Zaman	\$56,120.00	\$404,659.08
AMH Newsstand Inc.	\$55,344.00	\$399,392.61
Edible News Inc.	\$39,960.00	\$287,954.60
Airport Mart Inc.	\$36,000.00	\$259,389.13
Main News Inc.	\$37,200.00	\$241,174.14
Station News	\$32,000.00	\$230,565.20
Azhar Khan	\$32,000.00	\$212,514.75
Hudson River Express	\$28,800.00	\$207,511.64
Global Java LLC	\$27,000.00	\$194,551.93
Munassar Yafee	\$25,200.00	\$181,563.75
Mohamed Almerdie	\$24,000.00	\$172,926.06
Munassar Saleh	\$24,000.00	\$172,913.43
Mohamed Saleh	\$24,000.00	\$172,896.60

As indicated in the accompanying staff summary recommending that Gateway be awarded the coffee concession at White Plains, Mr. Aziz Premji, Gateway's president, has extensive experience operating quick service food and beverage operations in high traffic transit locations in the New York New Jersey metro area, and also has experience operating newsstands. Gateway proposes to make extensive renovations to the subject space, which, together with the renovations Gateway proposes to make to the coffee concession space and the better utilization of the limited storage at the station, will enhance the appearance of the main entrance of the busy White Plains station. Mr. Premji has a good credit history and has demonstrated the financial capacity, verified in his credit report, to build out and operate the newsstand. Mr. Premji will personally guarantee Gateway's obligations under the lease.

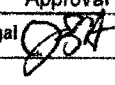
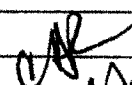
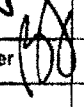
Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Gateway on the above-described terms and conditions.

# 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>ALICIA BIGGS</b>

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13			
2	Board	06/05/13			

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

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

LESSEE: Moe International, Inc.

LOCATION: Bronxville Station on Metro-North's Harlem Line

ACTIVITY: Café and gourmet takeout

ACTION REQUESTED: Approval of terms

TERM: Ten years

SPACE: Approximately 665 sq. ft.

COMPENSATION: Base Rent as follows:

Year	Annual	Monthly	% Increase	Per Sq. Ft.
1	\$42,000.00	\$3,500.00	3%	\$63.16
2	\$43,260.00	\$3,605.00	3%	\$65.05
3	\$44,557.80	\$3,713.15	3%	\$67.00
4	\$45,894.48	\$3,824.54	3%	\$69.01
5	\$47,271.36	\$3,939.28	3%	\$71.08
6	\$48,689.52	\$4,057.46	3%	\$73.22
7	\$50,150.16	\$4,179.18	3%	\$75.41
8	\$51,654.72	\$4,304.56	3%	\$77.68
9	\$53,204.40	\$4,433.70	3%	\$80.01
10	\$54,800.52	\$4,566.71	3%	\$82.41

## COMMENTS:

In response to a recent MTA request for proposals for retail space at Metro-North's Bronxville Station, three proposals were received. The highest rent proposal was from Moe International, Inc., which offered \$42,000 for the initial year with 3% annual increases over the term of the lease. Such rent exceeds the fair market rental value of \$24,000 per annum, as estimated by MTA Real Estate's independent consultant. Over the 10 year term, the present value of such proposed rent, using a 9% discount rate, is \$302,620.63. The remaining proposals were from Global Java LLC, which submitted a proposal with a present value of \$281,001.52, and from Green Leaf Café which submitted a proposal with a present value of \$216,157.49.

# Staff Summary

## FINANCE COMMITTEE MEETING

### Moe International, Inc. (Cont'd.)

Page 2 of 2

The owner of Moe International, Mr. Guglielmo Mattiello, currently owns and operates a well-known Italian restaurant in Manhattan, Via Emilia. He proposes to operate a café that will offer freshly-prepared Italian coffees and gourmet foods for commuters and locals to take out throughout the day, including take-away lunches and dinners. He will cater from the space as well. He and his partner are local residents and are very familiar with the station. He has a good credit history and the financial resources to renovate the space and operate the café/restaurant. Mr. Mattiello has agreed to personally guarantee the obligations of the corporate entity under the lease.

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

# Staff Summary

Subject <b>AMENDMENT OF LEASE SETTLEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature
Project Manager Name <b>NANCY MARSHALL</b>

Date <b>JUNE 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13	X		
2	Board	06/05/13	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 Metro-North Railroad ("Metro-North")

LESSEE: Grand Central Oyster Bar, Inc. ("Tenant")

LOCATION: The Oyster Bar Restaurant in the Lower Concourse at Grand Central Terminal (the "Restaurant")

ACTION REQUESTED: Lease Amendment

## COMMENTS:

The Restaurant is the longest-standing retail use in Grand Central Terminal, pre-dating the renovation that the Terminal underwent in the late '90s, and Tenant has owned the Restaurant since 1974. The current lease (the "Lease"), which was entered into in 1996, is currently generating annual fixed and percentage rent of approximately \$1.063 million based on gross sales of \$17.35 million. The current term of the Lease is scheduled to expire on 12/31/2020, subject to two five-year Tenant renewal options effective 1/1/2021 and 1/1/2026 that are contingent upon Tenant achieving an average of \$17 million in gross sales in 2018-2019 and \$20 million in 2023-2024 respectively.

The Restaurant's vaulted Guastavino tile ceiling, its most distinctive architectural feature, is in need of major repairs to stabilize loose tiles and to replace the pointing mortar (the "Work"), similar in scope to work Metro-North performed in 2012 to repair the Guastavino tile ceiling in the so-called Whispering Gallery that adjoins the entrance to the Restaurant. The Lease does not expressly contemplate this repair, and Landlord and Tenant have differing interpretations as to the application of the provisions of the Lease that bear on apportioning responsibility for the Work. To avoid the cost and uncertainty of litigation over financial responsibility for the Work, and to enable the necessary repairs to proceed without delay, the parties have reached a proposed settlement, requiring entry into a Lease Amendment.

As amended, the Lease will require that the hard and soft costs of the repair -- estimated at \$2.2 million, including contingency -- be shared between the parties on a 50%-50% basis. Under the Lease Amendment:

- to enable Tenant to amortize its costs associated with this repair, Tenant will be permitted and deemed to have exercised the above-described renewal options, as of the date of the settlement.

# Staff Summary

## FINANCE COMMITTEE MEETING Approval of Settlement (Cont'd.)

Page 2 of 2

- to the extent that Tenant's one-half share of the costs of the Work exceeds \$500,000, Landlord will advance the remainder of Tenant's share and Tenant will repay such advance with interest in equal monthly payments over the remainder of the initial lease term (i.e. between the substantial completion of the work and December, 2020).
- the work will be performed in 3 phases – expected to last for a total of 6 months (4 months of partial closure and 2 months of full closure) – and the monthly fixed rent will be abated in proportion to the percentage of the floor area of the Restaurant that is closed during each phase. Percentage rent will not be abated, and the Percentage Rent Base Amount (the "breakpoint") will be reduced in proportion to the abatement of the fixed rent.

# Staff Summary

Subject	<b>PERMANENT AND TEMPORARY EASEMENTS</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>JUNE 3, 2013</b>
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/03/13	X		
2	Board	06/05/13	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>		
	Civil Rights		

<b>Narrative</b>	
AGENCY:	MTA Capital Construction Company ("MTACC")
LOCATION:	Privately owned plaza serving a 41 story office building located at 280 Park Avenue (on the north side of East 48 <sup>th</sup> Street between Madison and Park Avenues) in Manhattan Tax Block 1284, Lot 26 ("280 Park")
ACTION REQUESTED:	Approval to acquire permanent and temporary easements to construct a customer elevator that will serve the East Side Access Project.
COMMENTS:	<p>MTACC and MTA Real Estate are engaged in discussions to acquire permanent and temporary easements to construct a new elevator for customer access from 280 Park's public plaza area (on the north side of East 48<sup>th</sup> Street) to the Grand Central Concourse as part of MTA LIRR's East Side Access ("ESA") Project. Under the project's current schedule, installation of the elevator is not contemplated before mid-2015. We recently learned, however, that 280 Park's owner is in the process of undertaking a substantial renovation of the plaza in which the ESA elevator will be located. If MTACC's construction of the elevator shaft that will house the new elevator is deferred until mid-2015 as currently scheduled, the work could damage or require removal of plaza improvements that 280 Park soon will be installing. To avoid such impacts to 280 Park's plaza and increased plaza restoration costs to MTACC, the parties are working toward an agreement whereby MTACC would coordinate its construction of a structural box for the elevator shaft with 280 Park's plaza renovation work. MTACC's work will start in July 2013 and be limited to the structural box for the elevator shaft only. In 2015, MTACC will install the elevator and associated equipment. In the interim, the elevator shaft will be covered and secured with a removable concrete slab.</p> <p>In accordance with the Eminent Domain Procedure Law, MTA will make an advance payment to 280 Park in the amount of MTA's appraised value for the permanent and temporary easements. If we are unable to reach agreement with 280 Park on compensation, we will commence a condemnation proceeding that will trigger a court-supervised valuation process to determine compensation. 280 Park has agreed that our construction work in the easement areas may proceed while final compensation for the easements is determined, either by negotiations or the condemnation process.</p> <p>For all the foregoing reasons, MTA Real Estate requests approval of the attached Resolution authorizing the MTA to proceed with the acquisition, by negotiated agreement or condemnation, of the permanent and temporary easements needed to construct an ESA elevator at 280 Park.</p>

## BOARD RESOLUTION

**WHEREAS**, MTA and the MTA Capital Construction Company (collectively, the "MTA") are engaged in constructing the East Side Access Project (the "Project"), which includes among other things a new MTA Long Island Rail Road station at Grand Central Terminal in Manhattan; and

**WHEREAS**, to support the Project, MTA is planning to construct a new elevator for customer access to the Grand Central Concourse from a privately owned public plaza area at 280 Park Avenue, on the north side of East 48th Street between Madison and Park Avenues, in Manhattan Tax Block 1284, Lot 26 ("280 Park"); and

**WHEREAS**, MTA requires permanent and temporary easements at 280 Park to construct a structural box for the elevator shaft and to install the elevator and associated equipment; and

**WHEREAS**, MTA is negotiating an agreement with 280 Park that will (1) permit MTA to construct the structural box for the elevator shaft in 280 Park's plaza starting in July 2015, in coordination with 280 Park's own plaza renovation work, (2) allow MTA's work to proceed while the parties negotiate the purchase price for the permanent and temporary easements required in connection with the elevator and (3) provide for compensation for such permanent and temporary easements to be determined in accordance with the Eminent Domain Procedure Law if the parties cannot reach agreement on the value of the required easements.

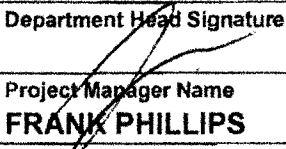
### **NOW THEREFORE, BE IT**

**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 condemnation of permanent and temporary easements in a privately owned public plaza located at 280 Park Avenue, in Manhattan Tax Block 1284, Lot 26, for purposes of constructing a new elevator to provide customer access to Grand Central Terminal for the East Side Access Project.

This Resolution shall take effect immediately upon its adoption.

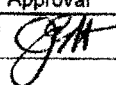
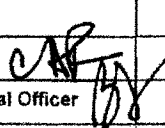
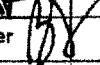


# Staff Summary

Subject <b>ACCESS PERMIT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>FRANK PHILLIPS</b>

Date <b>June 3, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/3/13	X		
2	Board	6/5/13	X		

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

AGENCY: MTA Staten Island Railway ("MTA SIR")

LICENSEE: Mountain of Fire and Miracles Ministries ("MOFAMM")

LOCATION: Portion of MTA SIR employee parking lot at 735 Bay Street, Richmond County, NY

ACTIVITY: Temporary parking during church construction

ACTION REQUESTED: Approval of terms

TERM: One year, terminable upon 60 days' notice

SPACE: 10 parking spaces

COMPENSATION: \$2 per vehicle (Sunday parking only)

## COMMENTS:

MOFAMM, located at 171 Broad Street, recently purchased a building located at 860 Bay Street, Staten Island, which it is renovating for use as a church. During the renovation, MOFAMM needs temporary parking to comply with New York City code requirements. MOFAMM approached MTA SIR with a request to use a small portion of its employee medical assessment center parking lot nearby at 735 Bay Street on a temporary basis for three hours a week for its parishioners, from 9 a.m. - 12 p.m. on Sundays.

MTA SIR is willing to accommodate this request as the proposed use will have no effect on its operations; the lot is very lightly used by MTA SIR on Sundays, and MOFAMM will provide a security guard and insurance coverage for the 10 vehicles that will use the property. A fee of \$2 per car per week will be paid by MOFAMM.

Based on the foregoing, MTA Real Estate requests authorization to enter into an access permit agreement with Mountain of Fire and Miracles Ministries on the above-described terms and conditions.

# Report



**New York City Transit**

**SERVICE CHANGES:      IMPLEMENT B67 EXTENSION TO THE  
BROOKLYN NAVY YARD**

**Service Issue**

As part of the 2012-2013 Service Investments, a weekday extension of the B67 bus route is recommended to serve DUMBO, Vinegar Hill and the Brooklyn Navy Yard. Along with Downtown Brooklyn, these areas are part of the Brooklyn Tech Triangle, a growing cluster of economic activity in the region. These areas expect to add significantly more jobs and residents in the next few years, but they still have limited transportation options. There have been ongoing requests for better transit service from elected officials, employers and residents.

**Recommendation**

Implement new B67 bus route extension between Downtown Brooklyn and South Williamsburg via the Brooklyn Navy Yard on weekdays.

**Budget Impact**

The net operational cost associated with this service is \$500,000 annually. Funding for the service was included in the 2012-2013 Service Investments Package, approved by the MTA Board in July 2012.

**Proposed Implementation Date**

September 2013.

# Staff Summary



New York City Transit

Page 1 of 2

Subject	Implement B67 Bus Extension to the Brooklyn Navy Yard
Department	Operations Planning
Department Head Name	Peter G. Cafiero
Department Head Signature	
Project Manager Name	Judith McClain

Date	May 13, 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
X 6	SVP Buses	2	VP GCR
X 5	VP Corp. Comm.	1	Chief OP

## Purpose

To obtain Presidential and MTA Board approval for the new B67 bus route extension to connect Downtown Brooklyn, DUMBO and the Brooklyn Navy Yard. These areas form the Brooklyn Tech Triangle, a growing cluster of economic activity in the region.

## Discussion

As part of the 2012-2013 Service Investments, a weekday extension of the B67 bus route is recommended to serve DUMBO, Vinegar Hill and the Brooklyn Navy Yard. Over the past years, these areas have experienced steady residential and commercial growth and there have been ongoing requests for better transit service from elected officials, employers and residents. Furthermore, NYC Transit has received many requests to implement a bus route to serve the Brooklyn Tech Triangle which consists of Downtown Brooklyn, DUMBO and the Brooklyn Navy Yard.

This proposal has been well-received by the public at community outreach meetings as well as at the Public Hearing held at Brooklyn Borough Hall on April 29, 2013. Responses to comments received from the public are attached.

The route would operate along its current route from Kensington to Downtown Brooklyn, travel along Jay Street, Front Street, Bridge Street, York Street, Gold Street, Sands Street, through the Brooklyn Navy Yard, and Kent Avenue to its northern terminal on Division Avenue, where it would connect with the B62 (see attached map).

Southbound, the route would travel along Wythe Avenue, Clymer Street, through the Brooklyn Navy Yard, Sands Street, Gold Street, York Street, Pearl Street, Sands Street, and Jay Street to resume the existing route to Kensington. In both directions the B67 extension would serve the York Street **F** Station.

# Staff Summary

This extension will operate weekdays from 5 a.m. to 7 p.m. Evening, night and weekend B67 service will not change. Its northern terminus will remain at Sands Street, far side, Jay Street with its current span of service.

## **Recommendation**

Implement new B67 bus route extension from Downtown Brooklyn to the Brooklyn Navy Yard.

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

1. *Do nothing.* Does not address the requests of the community for transit service.
2. *Reroute B62 through the Brooklyn Navy Yard.* This would degrade service for the regular B62 riders by removing service from Park Avenue, Kent Avenue and Wythe Avenue.
3. *Reroute B69 through the Brooklyn Navy Yard.* This would degrade service for the regular B69 riders by removing service from Flushing Avenue. Also, this alternative would only provide service to the southern sections of the Brooklyn Navy Yard and doesn't connect the Brooklyn Navy Yard with Downtown Brooklyn.

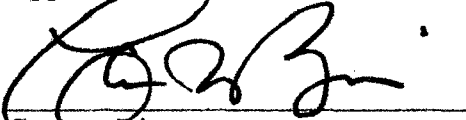
## **Budget Impact**

The net operational cost associated with this service is \$500,000 annually. Funding for the service was included in the 2012-2013 Service Investments Package, approved by the MTA Board in July 2012.

## **Proposed Implementation Date**

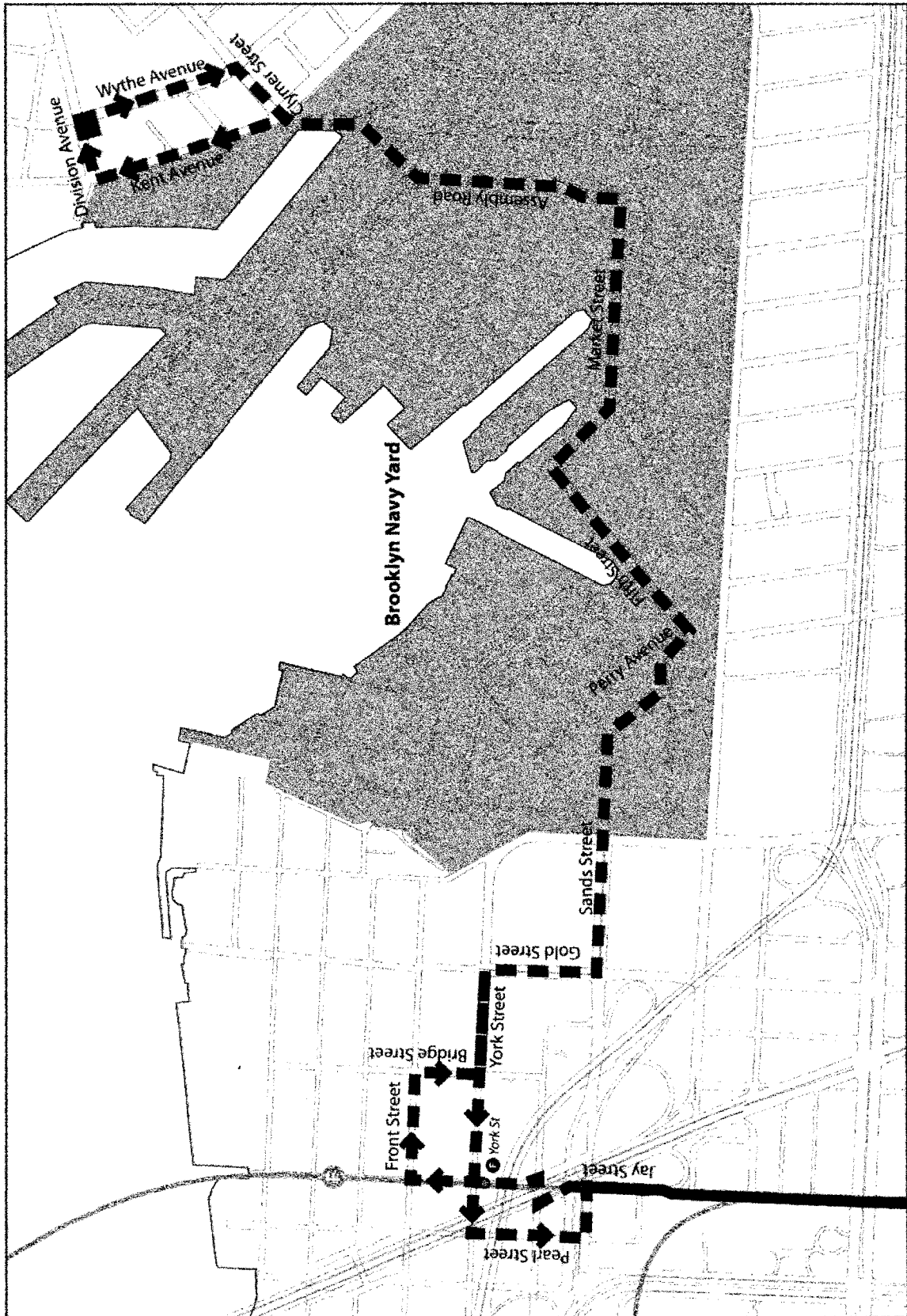
September 2013.

Approved for submission to the Board:



Carmen Bianco  
Acting President

# Proposed B67 Extension



## **BOARD RESOLUTION**

WHEREAS, in a Staff Summary dated May 13, 2013, the Chief of Operations Planning has recommended the following action as a part of the 2012 Service Investments:

- Extend the B67 bus route to serve the DUMBO and Vinegar Hill neighborhoods and the Brooklyn Navy Yard.

WHEREAS, a public hearing was held on the proposed change on April 29, 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;

WHEREAS, the Board has considered the analysis of this major service change prepared in accordance with Title VI requirements, and has considered the impacts of this proposed change upon riders of mass transportation services, including minority and low-income users of such services;

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 B67 Bus Extension to Brooklyn Navy Yard**

### Summary of Public Comments and Staff Responses

New York City Transit staff presented a preliminary route plan to local elected officials and community leaders on Tuesday, October 23, 2012 at 11:00 a.m. at Brooklyn Borough Hall located at 209 Joralemon Street, Brooklyn, NY. Based on comments received at this meeting and after a series of smaller meetings with affected stakeholders, the route path was changed from terminating within the Brooklyn Navy Yard to terminating on Division Avenue and Wythe Avenue in South Williamsburg. At the community's request, the service plan was also revised to provide no service on the weekends as a compromise to provide a longer route within the original allotted budget.

This modified service was then presented at the MTA Public Hearing held on April 29, 2013 at Brooklyn Borough Hall at 209 Joralemon 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 April 29, 2013 Public Hearing and written comments submitted to the MTA through May 1, 2013. For the purpose of the Staff Summary, the only comments listed below are those directly related to the new B67 bus extension and are paraphrased for clarity. Comments are listed in order of frequency heard. Following each comment is the New York City Transit staff response.

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**Comment:** The B67 should operate along the perimeter of DUMBO, not through it – traveling along Prospect Street and Bridge Street as suggested by DUMBO Neighborhood Association.

**Response:** If the B67 operated along the perimeter of DUMBO it would not serve DUMBO and Vinegar Hill as well – particularly southbound. It would not connect to the York Street **F** station since the nearest possible northbound stop would be on Prospect Street, far side, Jay Street, more than 375 feet from the station entrance and the nearest southbound stop would be even farther away on Sands Street.

**Comment:** The B67 should run more frequently than every 30 minutes.

**Response:** The B67 will continue to operate on its existing headway, which is every 15 minutes in the morning, every 30 minutes midday, every 18 minutes in the afternoon, and every 30 minutes in the evening. Service will be monitored and adjustments will be made as appropriate.

**Comment:** The B67 should continue to Williamsburg Bridge Plaza.

## **Public Comments on the B67 Bus Extension to Brooklyn Navy Yard**

Page 2 of 2

May 13, 2013

**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:** Extend B25 to Brooklyn Navy Yard, instead of B67.

**Response:** Extending the B25 was studied and it was determined that it was cost prohibitive due to the length and frequency of service on that route.

**Comment:** The B67 extension is too long.

**Response:** The B67 extension is 2.0 miles.

**Comment:** A B57 reroute would serve Vinegar Hill better than the B67 extension.

**Response:** A mid-route reroute of the B57 would inconvenience most riders traveling between Maspeth and Downtown Brooklyn.

**Comment:** The B67 rarely runs on-time and the extension will exacerbate issue.

**Response:** B67 service will be monitored and adjustments will be made as appropriate.

**Comment:** A B32 extension would be better than a B67 extension

**Response:** The primary purpose of the B67 extension is to connect Downtown Brooklyn, DUMBO and the Navy Yard, the three areas that comprise the Brooklyn Tech Triangle. The B67 already serves Downtown Brooklyn. This extension allows it to serve DUMBO and the Brooklyn Navy Yard. The primary purpose of the proposed B32 is to serve the developing waterfront areas of Williamsburg and Greenpoint.

**Comment:** The B67 extension will create noise and air pollution in DUMBO.

**Response:** NYCT uses clean natural gas and hybrid buses to reduce air pollution.

**Comment:** DUMBO is heavily congested.

**Response:** Providing public transit to the area should reduce the demand for private vehicles and ease congestion in DUMBO.

**Comment:** The B67 extension service span should be extended to midnight.

**Response:** Limited funding was available for this route, restricting the service span that is possible. The Brooklyn Navy Yard's entrances used by the B67 close at 8 p.m. The service will be monitored and adjustments will be made as appropriate.

**Comment:** The B67 extension should be 7 days a week rather than 5 days a week.

**Response:** Limited funding was available for this route, restricting the span that is possible. The service will be monitored and adjustments will be made as appropriate. Earlier meetings with the community indicated that extending the route to Division Avenue and Wythe Avenue was more important than providing weekend service.





**New York City Transit**

# Report

**SERVICE CHANGES:      IMPLEMENT NEW B32 BUS SERVICE IN  
BROOKLYN AND QUEENS**

**Service Issue**

As part of the 2012-2013 Service Investments, a new bus route is recommended to serve waterfront areas in Williamsburg and Greenpoint, and Long Island City. Over the past years, the waterfront areas in Williamsburg and Greenpoint have experienced significant growth, but the areas still have limited transportation options. There have been ongoing requests for better transit service from elected officials, employers and residents.

**Recommendation**

Implement new B32 bus route between the Williamsburg Bridge Plaza and Court Square - 23 Street **E M** Station in Long Island City.

**Budget Impact**

The net operational cost associated with this service is \$1,500,000 annually. Funding for the service was included in the 2012-2013 Service Investments Package, approved by the MTA Board in July 2012.

**Proposed Implementation Date**

September 2013.

# Staff Summary



New York City Transit

Page 1 of 2

Subject	Implement New B32 Bus Service in Brooklyn and Queens
Department	Operations Planning
Department Head Name	Peter G. Cafiero
Department Head Signature	
Project Manager Name	Judith McClain

Date	May 13, 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
X 6	SVP Buses	2	VP GCR
X 5	VP Corp. Comm.	1	Chief OF

## Purpose

To obtain Presidential and MTA Board approval for the new B32 bus route to serve Williamsburg, Greenpoint and Long Island City.

## Discussion

As part of the 2012-2013 Service Investments, a new bus route is recommended to serve waterfront areas in Williamsburg and Greenpoint, and Long Island City. Over the past years, these neighborhoods have experienced steady residential and commercial growth and there have been ongoing requests for better transit service from elected officials, employers and residents. There is no subway and limited bus service to the waterfront areas.

This proposal has been well-received by the public at community outreach meetings as well as at the Public Hearing held at Brooklyn Borough Hall on April 29, 2013. Responses to comments received from the public are attached.

The route would operate between Williamsburg Bridge Plaza and Court Square – 23 Street **E M** Station in Long Island City. The B32's southern terminal at Williamsburg Bridge Plaza would provide connections to the Marcy Avenue **J M Z** Station and the B24, B39, B44, B46, B60, B62, Q54, and Q59 bus routes. Northbound, the B32 would travel along Broadway, Kent Avenue, Franklin Street, Green Street, McGuinness Boulevard, 11<sup>th</sup> Street, and 44<sup>th</sup> Drive to the Court Square- 23 Street **E M** Station. Southbound, the B32 would travel along 21<sup>st</sup> Street, Jackson Avenue, McGuinness Boulevard, Freeman Street, Franklin Street, North 14<sup>th</sup> Street, Wythe Avenue, and Broadway (see attached map).

# Staff Summary



New York City Transit

Page 2 of 2

This route will operate seven days a week on a 30-minute headway from 7 a.m. to 9 p.m.

## Recommendation

Implement new B32 bus route between Williamsburg Bridge Plaza and Court Square -- 23 Street  
**E M** Station in Long Island City.

## Alternatives to the Proposed Service Change

1. *Do nothing.* Does not address the requests of the community for transit service.

## Budget Impact

The net operational cost associated with this service is \$1,500,000 annually. Funding for the service was included in the 2012-2013 Service Investments Package, approved by the MTA Board in July 2012.

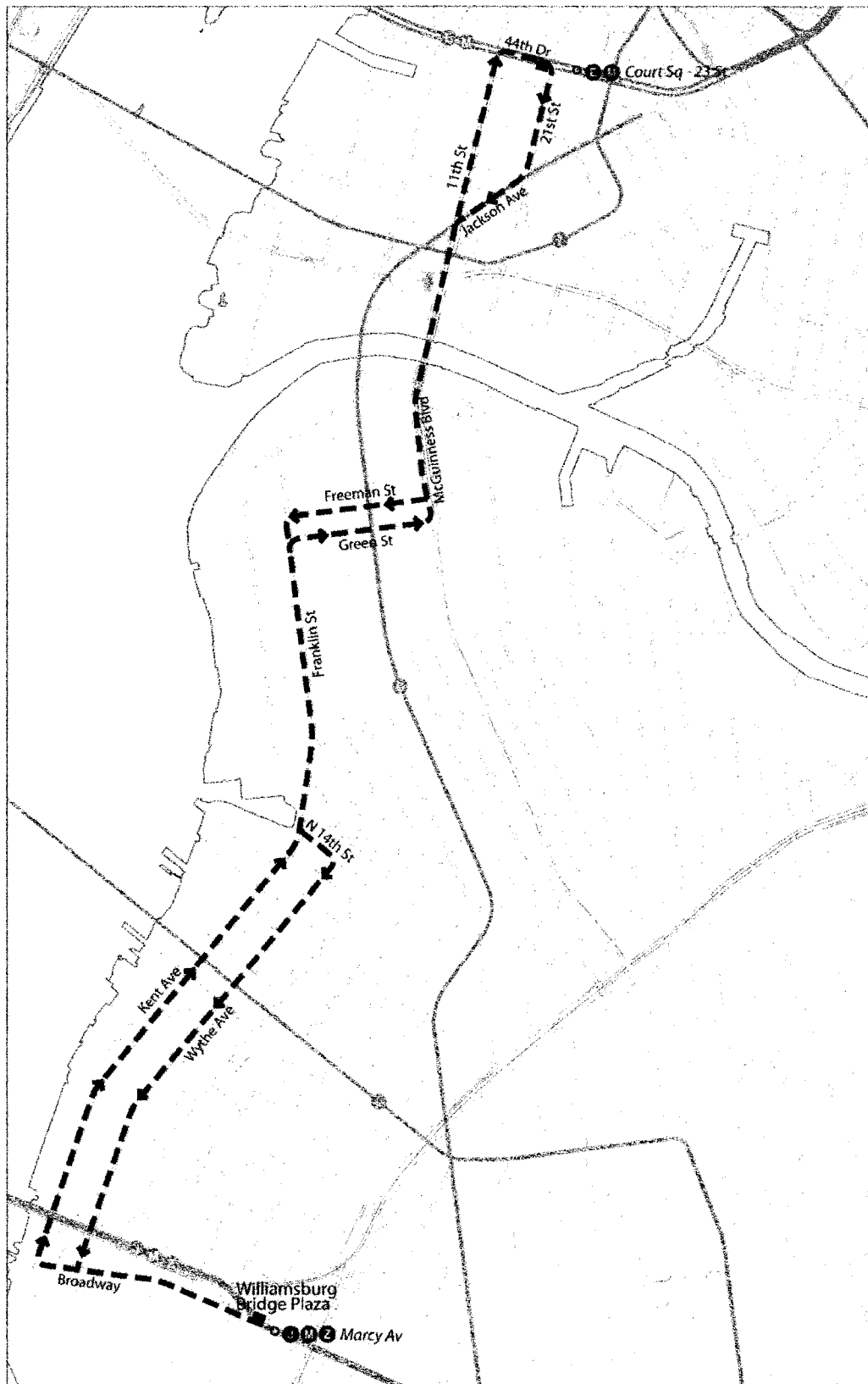
## Proposed Implementation Date

September 2013.

Approved for submission to the Board:

Carmen Bianco  
Acting President

# Proposed B32 Bus Service



## BOARD RESOLUTION

WHEREAS, in a Staff Summary dated May 13, 2013, the Chief of Operations Planning has recommended the following action as a part of the 2012 Service Investments:

- Implement a new B32 bus route to serve the Williamsburg, Greenpoint and Long Island City neighborhoods.

WHEREAS, a public hearing was held on the proposed change on April 29, 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;

WHEREAS, the Board has considered the analysis of this major service change prepared in accordance with Title VI requirements, and has considered the impacts of this proposed change upon riders of mass transportation services, including minority and low-income users of such services;

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 B32 Bus Service in Brooklyn and Queens**

### Summary of Public Comments and Staff Responses

The new B32 bus route was presented at the MTA Public Hearing held on April 29, 2013 at the Brooklyn Borough Hall at 209 Joralemon Street, Brooklyn, NY. Community members were invited to submit oral and written comments on the proposed plan. Prior to the public hearing, a series of smaller meetings with affected stakeholders were held and some suggestions were provided.

This document summarizes oral comments received at the April 29, 2013 Public Hearing and written comments submitted to the MTA through May 1, 2013. For the purpose of the Staff Summary, the only comments listed below are those directly related to the new B32 bus service, and they are paraphrased for clarity. Comments are listed in order of frequency heard. Following each comment is the New York City Transit staff response.

---

**Comment:** The B32 should be extended to northern Greenpoint, Queensboro Plaza, Long Island City waterfront areas, and/or Manhattan.

**Response:** The funding available for this route limits the distance. The service will be monitored and adjustments will be made as appropriate.

- As new development occurs in northern Greenpoint, service will be re-evaluated.
- Queensboro Plaza is served by the B62, which connects with the B32.
- The current road network in Long Island City waterfront areas does not facilitate B32 bus service. As the road network expands, routing changes will be evaluated.
- It is faster and more reliable for customers to transfer to a subway from the B32 to reach Manhattan destinations.

**Comment:** The B32 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:** The B32 service should start at 5 a.m.

**Response:** The funding available for this route limits the service span. The service will be monitored and adjustments will be made as appropriate.

**Comment:** The B32 duplicates the B62.

**Response:** The B32 does parallel the B62 but operates on different streets and serves a different customer base. The route will provide a closer connection to the waterfront areas of Williamsburg and Greenpoint.

**Public Comments on the New B32 Bus Service in Brooklyn and Queens**

Page 2 of 2

May 13, 2013

**Comment:** The B32 should not travel along Freeman Street.

**Response:** Freeman Street provides the most direct access for the B32 route to access Long Island City via the Pulaski Bridge.



**SERVICE CHANGES: IMPLEMENT LAGUARDIA AIRPORT  
SERVICE REVISIONS:  
NEW Q70 LIMITED-STOP SERVICE and  
REVISIONS TO Q33 SERVICE in QUEENS**

**SERVICE ISSUE:**

As part of the *LaGuardia Airport Access Alternatives Analysis* study, MTA Bus has been working closely with the New York City Department of Transportation in a joint effort with MTA New York City Transit (NYCT) and the Port Authority of New York and New Jersey to analyze transit access alternatives to LaGuardia Airport.

For MTA Bus, the study recommends a new route connecting LaGuardia Airport with regional transit hubs at Woodside and Jackson Heights, and revisions to the local Q33 bus route. Although the Q33 local bus route currently provides a connection between Jackson Heights and the airport, it primarily serves as a feeder for the local community to and from the subway. The Q33 travels on narrow local residential and commercial streets, which are frequently congested or obstructed, thereby slowing service and affecting reliability. This plan is in addition to efforts by NYCT to improve LaGuardia Airport access on the M60 route.

Consistent with the recommendations of the study, it is proposed that MTA Bus establish a new route, the Q70 Limited, and revise the Q33.

**RECOMMENDED SOLUTION:**

Implement a new Q70 Limited route between Woodside-Jackson Heights and LaGuardia Airport; and revise the Q33 to terminate outside the airport on 95<sup>th</sup> Street at Ditmars Boulevard.

**ESTIMATED IMPACT:**

Implementation of Q70 Limited between Woodside-Jackson Heights and LaGuardia Airport will increase operational costs by approximately \$1.0 million annually; including offsetting savings resulting from the Q33 revisions. Provision for this cost has been included in the 2013 budget. Initial ridership projections indicate a growth of 1170 weekday customers and a slightly lesser number on weekend days. It is expected that this ridership will increase over time as the attraction for this service becomes known through marketing efforts.

**PROPOSED IMPLEMENTATION DATE:**

September 2013.



# Staff Summary

Page 1 of 4

<b>Subject</b>	LaGuardia Airport Bus Service Revisions: New Q70 Limited-Stop Service and Revisions to Q33 Service in Queens
<b>Department</b>	Operations Planning
<b>Department Head Name</b>	Norman C. Silverman
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	Robert Lai

<b>Date</b>	May 6, 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
4	President		
3	Executive Vice President		
2	VP, Intergovernmental and Community Affairs		
1	Vice President, Operations Planning		

## Narrative

### PURPOSE:

The purpose of this staff summary is to obtain Board approval for implementation of the new Q70 Limited-Stop Service, a faster and more direct route to LaGuardia Airport from Woodside and Jackson Heights in Queens; and to revise the Q33, which currently provides local bus access between Jackson Heights and LaGuardia Airport.

The Q33 was formerly operated by the Triboro Coach Corporation and transitioned into MTA Bus service on February 20, 2006.

### DISCUSSION:

MTA Bus has been working closely with the New York City Department of Transportation (NYCDOT) in a joint effort including MTA New York City Transit (NYCT) and the Port Authority of New York and New Jersey (PANYNJ) to analyze transit access alternatives to LaGuardia Airport as part of the *LaGuardia Airport Access Alternatives Analysis* study. LaGuardia Airport was chosen for analysis following recommendations in the joint-NYCDOT and MTA 2009 *Bus Rapid Transit Phase II: Future Corridors* study, which analyzed potential corridors citywide for Bus Rapid Transit.

LaGuardia Airport is currently served by MTA Bus local bus routes Q33, Q47 and Q72, and NYCT local bus routes M60 and Q48. The Q33 operates between LaGuardia Airport's central terminals (Terminal B, C and D) and East Elmhurst and Jackson Heights. The Q47 operates between LaGuardia Airport's Marine Air Terminal only (Terminal A) and Jackson Heights and Glendale. The Q72 operates between LaGuardia Airport's central terminals (Terminal B, C and D) and East Elmhurst, Corona and Rego Park. The M60 operates between all passenger terminals at LaGuardia Airport and Astoria,

Harlem, Morningside Heights and the Upper West Side of Manhattan. The Q48 operates between all passenger terminals at LaGuardia Airport and East Elmhurst, Corona and Flushing.

The M60 provides good airport access from the northern sections of New York City (Bronx and Upper Manhattan); however, the M60 is an indirect travel path for customers from the southern sections of New York City, including Midtown Manhattan, Lower Manhattan, Queens, Brooklyn and Staten Island. The Q33 and Q47 currently provide local bus connections to the Jackson Heights transit hub, where passengers can transfer to the **E F M R 7** rail transit routes with direct connections to Midtown Manhattan and eastern Queens. However, there are issues with the Q33 and Q47 as currently configured that discourage their use for airport trips, as their primary function is subway feeder service for the local community with passenger boarding and alighting along the routes.


The *Alternatives Analysis* study focused on improved transit access to the busiest central terminal areas of LaGuardia Airport served by the Q33 (Terminals B, C and D). Since the Q47 only serves a remote, lesser used section of the airport at the Marine Air Terminal (Terminal A), the study does not recommend revisions to the Q47.

Analysis conducted for the study and public feedback received during the study has highlighted that the current Q33 travel time is long and frequently subjected to unpredictable delays along its route. The Q33 primarily travels on local one-way residential streets and congested commercial streets where it is subject to delays due to double parked vehicles in the travel lanes. Passengers in the local community traveling to and from the subway are inconvenienced by airport passengers carrying luggage, which takes up space on the buses. The Q33 servicing the airport also contributes to reliability issues for passengers from the local community. Security concerns and space limitations constrain layovers of buses at an airport terminal; therefore, all Q33 trips operate in a loop configuration at the northern end of the route at the airport, and therefore there is no recovery time scheduled. Recovery time is extra time, after completion of the trip, typically added to bus schedules to compensate for variability in travel times along the route helping to maintain schedule reliability.

Consistent with the recommendations of the study to improve transit access to LaGuardia Airport, it is proposed that MTA Bus add a new route, the Q70 Limited, and revise the Q33 to no longer enter the airport.

## Proposed Q70 Limited

The proposed Q70 route would operate as a full-time limited-stop service providing a fast and reliable bus connection between LaGuardia Airport and regional transit hubs. The Q70 would serve the Woodside-61<sup>st</sup> Street Long Island Rail Road and **7** subway stations (both local and weekday peak direction express service), the **E F M R 7** station at Jackson Heights-Roosevelt Avenue, and then travel directly non-stop to and from LaGuardia Airport via the limited-access Brooklyn-Queens Expressway (BQE) and Grand Central Parkway. On the airport, the Q70 would serve all central airport terminals currently served by the Q33 (Terminals B, C and D). The Q70 would not serve the very remote and lightly-used Marine Air Terminal (Terminal A); passengers may continue to access this terminal to/from Jackson Heights via the Q47. The Q70 would be analogous in function to AirTrain at JFK Airport, but utilize the existing road network and take advantage of the limited-access highway system in lieu of a fixed guideway. The proposed Q70 travel path is shown in Map 1.

The proposed Q70 Limited is designed to provide an attractive service for airport passengers by reducing travel time by over 40% from Jackson Heights (compared with the current Q33), providing improved reliability, and new regional connections via the Long Island Rail Road (LIRR) and  express train at Woodside. Faster travel speeds would be achieved primarily by spacing bus stops widely and the use of the highway providing a direct, faster path to/from the airport. Travel times between Midtown Manhattan and LaGuardia Airport connecting at Woodside or Jackson Heights is estimated to be as fast as 45 minutes. Direct connections with the LIRR at Woodside would facilitate regional transit access to LaGuardia Airport from the eight LIRR branches that currently have no access.

It is proposed that the Q70 Limited operate 24 hours, 7 days a week, the same hours of service as the current Q33. Initially the Q70 would run on a 12-minute frequency during most of the day, 15-minute and 20-minute during early morning and late evening periods, and 30-minute during overnight periods, 7 days a week.

Initial ridership projections indicate a growth of 1170 weekday customers and a slightly lesser number on weekend days. It is expected that this ridership will increase over time as the attraction for this service becomes known through marketing efforts.

## Q33 Revision

The Q33 currently has two functions: its primary function is a feeder to and from the subway for the local East Elmhurst and Jackson Heights communities; and its secondary function is to provide a connection between the subway and LaGuardia Airport. The Q33 has a current ridership of approximately 9,800 passengers per weekday, 7,000 passengers per Saturday and 5,900 passengers per Sunday, of this total, approximately 20 percent, or 1,900 passengers per weekday, and a slightly lesser number on weekends, travel to or from LaGuardia Airport. The volume of airport passengers transported by the Q33 is only 20% of its overall ridership; however, the Q33 transports the second highest volume of transit passengers to and from the airport, following the M60.

With the proposed Q70 Limited providing the primary service from Woodside and Jackson Heights to the airport, it is proposed to shorten the Q33 to terminate outside the airport on 95<sup>th</sup> Street at Ditmars Boulevard, as shown in Map 2. Shortening the Q33 would avoid redundant service between LaGuardia Airport and Jackson Heights, allow the Q33 to better serve its primary ridership in the local communities to and from the intermodal hub at Roosevelt Avenue/74<sup>th</sup> Street, separate local community ridership from airport ridership and the associated luggage, and improve reliability on the Q33 by providing scheduled recovery time at both ends of the route. It is proposed that the Q33 retain its current hours of service operating 24 hours a day, seven days a week. There will be minor modifications in the Q33 frequency during the AM peak and weekend periods based on changes in ridership levels due to the re-distribution of most of the current LaGuardia Airport customers to the new Q70.

Based on data collected as part of the *Alternatives Analysis* study, the majority large of current Q33 passengers traveling to and from the airport travel board or alight at a transfer point at the intermodal hub in Jackson Heights. Only approximately 3 percent of the current total ridership, or 300 passengers per weekday and a lesser number on weekends, travel between the local community and the airport. Under the proposed revision, these passengers would be able to transfer proximately to or from the Q72 to access the airport. Additionally, northbound Q33 passengers would have the added option to transfer to the M60 at a stop shared with the Q33 to enter the airport as well; only northbound passengers have this added option because of the one-way loop configuration of the M60 travel path at the airport. Also

# Staff Summary

Page 4 of 4

customers of the Q29 who now travel to the airport by transferring to the Q33 at Roosevelt Avenue and 82<sup>nd</sup> Street will still be able to do so for a single fare. Such passengers would be provided with "three-leg" transfer privileges; this would allow making another free transfer to the Q72 or M60 at Ditmars Boulevard.

## **PUBLIC OUTREACH**

Since initiation of the study in early 2011, input from elected officials and community members has been included in the planning process. Furthermore, the Q70 proposal has been generally well-received by the public at community outreach meetings as well as at a public hearing that was held on May 1, 2013 at The Clarion Hotel LaGuardia, as required by MTA's Service Change Guidelines. This hearing was held to solicit public comments about the Q70 and Q33 service changes. Responses to comments received from the public are attached.

## **RECOMMENDATION:**

Implement new Q70 Limited between Woodside-Jackson Heights and LaGuardia Airport; and revise the Q33 to terminate outside the airport on 95<sup>th</sup> Street at Ditmars Boulevard.

## **ALTERNATIVES:**

The only alternative is to leave bus service between LaGuardia Airport and Jackson Heights unchanged; however this would forego the opportunity to provide much faster, more reliable service to LaGuardia Airport and enhance transit access, on a regional and local level, to the airport. The current transit options are frequently affected by slow speeds and low reliability related to congestion on narrow, local streets and long dwell times.

## **IMPACT ON FUNDING:**

Implementation of Q70 Limited between Woodside-Jackson Heights and LaGuardia Airport will increase operational costs by approximately \$1.0 million annually; including offsetting savings resulting from the Q33 revisions. Provision for this cost has been included in the 2013 budget.

## **PROPOSED IMPLEMENTATION DATE:**

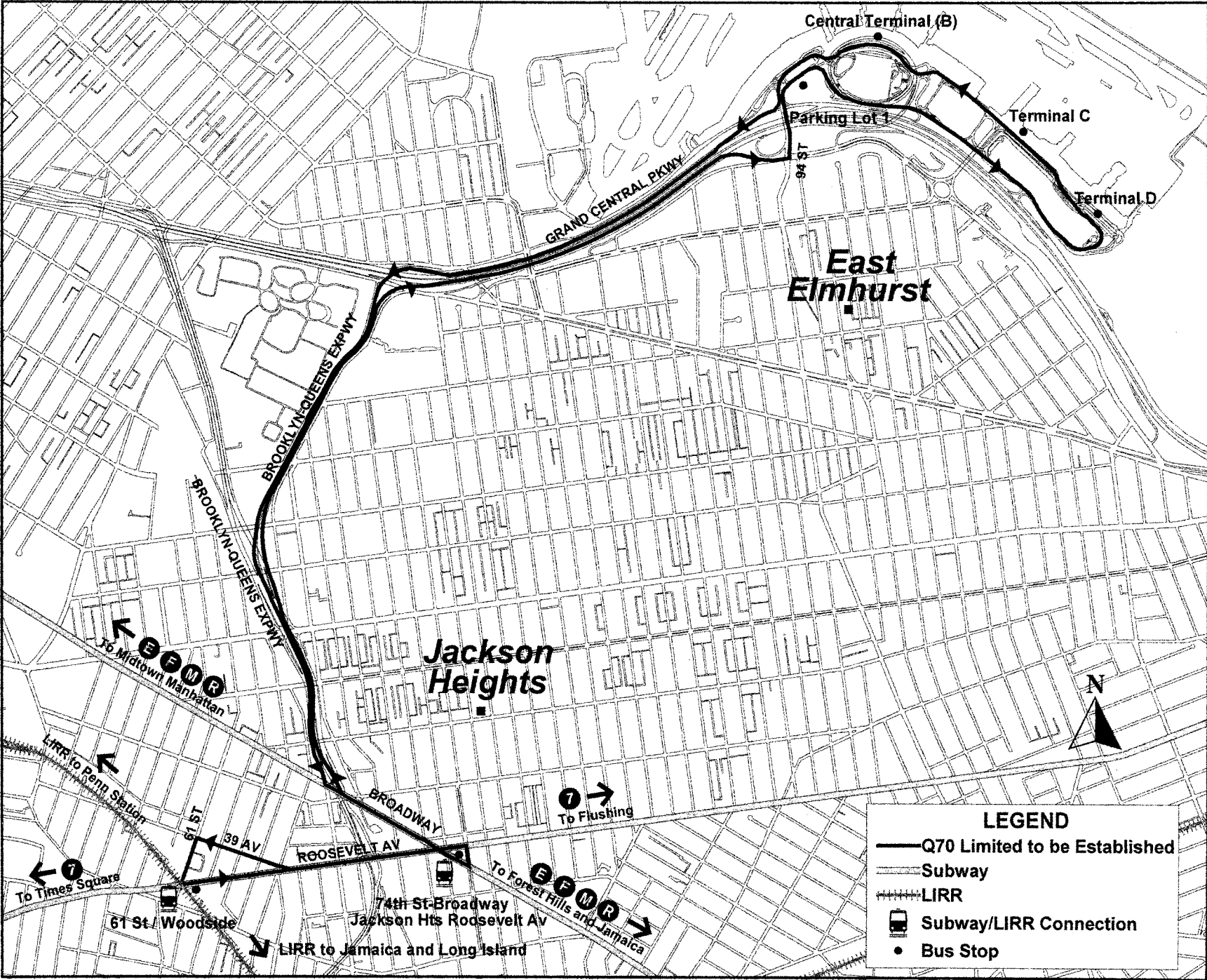
September 2013.

Approved for Submission to the Board:

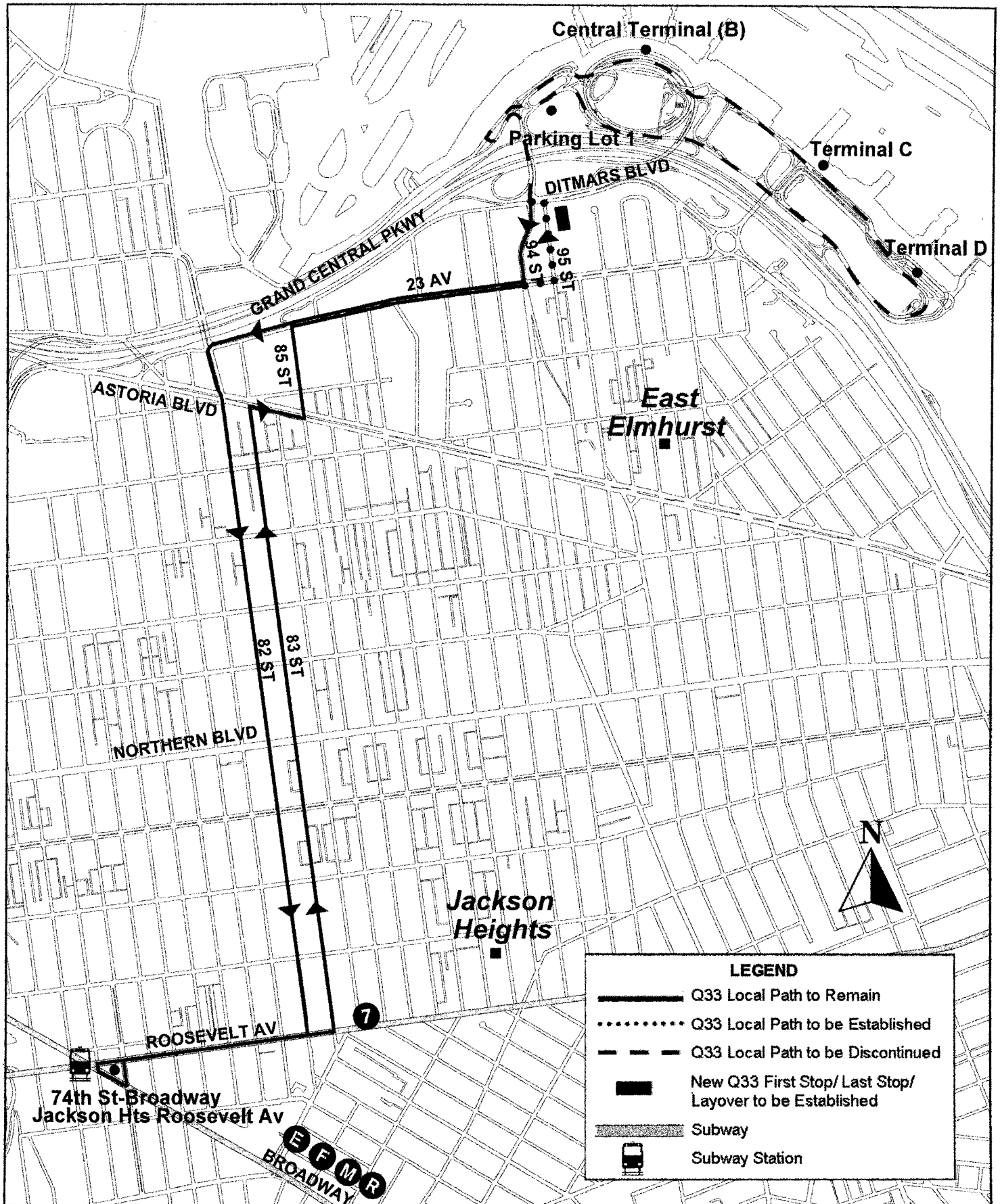


Darryl C. Irick  
President

Map 1 - Proposed Q70 Limited



## Map 2 - Q33 Path Revision





# Bus Company

## **MTA Bus Company BOARD RESOLUTION**

**WHEREAS**, in a Staff Summary dated May 6, 2013, the Vice President of Operations Planning has recommended the following actions:

- Implement a new Q70 Limited-stop bus route to serve LaGuardia Airport from Woodside and Jackson Heights.
- Revise Q33 service in Northern Queens.

**WHEREAS**, a public hearing, as required by MTA Board-adopted Service Change Guidelines, was held on the proposed changes on May 1, 2013 and a summary of public comment and MTA Bus Company staff response accompanied the Staff Summary;

**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 faster, more reliable service to LaGuardia Airport and would avoid redundant service from Jackson Heights;
- the funding for the proposed changes are included in the 2013 budget; and

**WHEREAS**, the Boards of NYCTA and MTA Bus have considered the analyses of these major service changes prepared in accordance with Title VI requirements, and have considered impacts of these proposed changes upon riders of mass transportation services, including minority and low-income users of such services;

**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 New Q70 Limited-stop Bus Service and Revised Q33 Local Bus Service in Queens.**

### Summary of Public Comments and Staff Responses

MTA Bus Company staff presented the proposed service revision plan at numerous public meetings. In addition, a MTA Public Hearing was held on May 1, 2013 in Queens. Community members and elected officials were invited to submit oral and written comments.

The plan was well-received at all meetings, with some suggestions provided. This report summarizes oral comments received at the May 1, 2013 Clarion Hotel Public Hearing and written comments submitted to MTA. For the purpose of the Staff Summary, the only comments listed below are those directly related to the new Q70 Limited route and revision to the Q33 service, and these comments are paraphrased for clarity. Comments are listed in order of frequency heard. Following each comment is the MTA Bus Company staff response.

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**Comment:** Shortening the Q33 to terminate at 95<sup>th</sup> Street and Ditmars Boulevard would inconvenience the local community and airport employees traveling to and from LaGuardia Airport. The Q33 should continue operating to and from LaGuardia Airport.

**Response:** For the Q33 to attempt to continue to serve the current Q33 first bus stop inside the airport at Parking Lot 1 and then to immediately exit is not recommended because the available roadways would require either a difficult and unsafe driving maneuver and/or significant extended travel time and delays. For the Q33 to attempt to serve a different single bus stop at the airport would require accommodation of a new bus stop with a compact turnaround that would generate additional travel distance, travel time and cost, with minimal benefit. This option is not available.

Q33 riders wishing to travel to La Guardia Airport would still be able to do so by making a transfer to the Q72 and M60 routes at its terminal point. Riders of the Q29 route who now travel to the airport by transferring to the Q33 at Roosevelt Avenue and 82<sup>nd</sup> Street will still be able to do so. They will have "three-leg" transfer privileges, allowing them to make another free transfer to the Q72 or M60 at Ditmars Boulevard.

**Comment:** Implementation of the Q70 Limited would highly improve LaGuardia Airport transit access to customers that currently use the Q33 by speeding up the connection between the rail modes and the airport.

**Response:** No response necessary.



**Comment:** Using the Grand Central Parkway and the Brooklyn-Queens Expressway as the alignment of the Q70 Limited route is a mistake because both of these highways are subject to continuous traffic congestion.

**Response:** The Brooklyn-Queens Expressway section between Grand Central Parkway and Broadway is not typically congested. Multiple alignment alternatives were analyzed as part of the *LaGuardia Airport Access Alternatives Analysis* study, including the use of local roads (such as by exiting the airport at the 82<sup>nd</sup> Street exit) to exit the airport. It was found that using the Grand Central Parkway and the Brooklyn-Queens Expressway in both directions was the fastest option.

**Comment:** There are a high number of local passengers that currently use the Q33 to/from LaGuardia Airport.

**Response:** Data collected during the *LaGuardia Airport Access Alternatives Analysis* study indicates that only approximately 3 percent of the current total Q33 ridership, or 300 passengers per weekday and a lesser number on weekends, travel between the local community and the airport. Under the proposed revisions, these passengers would be able to transfer proximately to or from the Q72 or M60 to access the airport.

**Comment:** Provide a Q70 Limited Stop at Ditmars Boulevard and 94<sup>th</sup> Street prior entering the Airport.

**Response:** On its northbound path, the Q70 is planned to exit the Grand Central Parkway through Exit 6 onto Ditmars Boulevard and immediately turn left onto 94<sup>th</sup> Street, before entering LaGuardia Airport. Serving a bus stop at this intersection would require an unsafe driving maneuver in order to merge from the bus stop to the left lanes and then to enter the Airport. Furthermore, convenient and reliable bus service is designed around symmetrical stops that allow for passenger trips to start and end in roughly the same location. The usefulness of service is severely limited if the area can only be served in a single direction, as would be the case with only a southbound stop. The road configuration in this area prohibits the creation of symmetrical stops, and therefore prohibits reliable, convenient service to this area.

**Comment:** At least 25% of current Q33 service should continue to make stops at the LaGuardia Airport Terminals, the other 75% service should terminate at 95<sup>th</sup> Street and Ditmars Boulevard.

**Response:** Only about 20% of current Q33 passengers use this route to access the airport and the vast majority of these will now be better served by the new Q70 route; there is insufficient neighborhood demand to/from the airport to substantiate a large proportion of Q33 extended trips in addition to the new Q70. Marketable reliable service is best provided by regular service patterns avoiding multiple paths and/or variations of the scheduled service.



**Comment:** The new Q70 Limited buses should be equipped with luggage racks for customers' convenience.

**Response:** It is planned that buses operating on the Q70 Limited route would be equipped with luggage racks.

**Comment:** The current Q33 bus stop at the Jackson Heights-Roosevelt Av bus terminal is very convenient for passengers carrying luggage; the Q70 Limited should use the same bus bay to avoid extensive walking distances.

**Response:** It is planned that the new Q70 Limited bus stop would stop on street level, near to the exit of the bus terminal on Roosevelt Avenue, offering the same level of convenience, but at a different access point.

**Comment:** The Limited-Stop service is more feasible for the route than Select Bus Service.

**Response:** No response necessary.

**Comment:** For faster airport commutes BRT enhanced bus lanes should be implemented on various streets and highways.


**Response:** Bus Rapid Transit (BRT) enhancements were reviewed during the *LaGuardia Airport Access Alternatives Analysis* study. However, the currently planned combination of highway use and widely spaced stops would provide the most benefit within cost constraints.






# Report



## PROCUREMENTS

The Procurement Agenda this month includes 22 actions for a proposed expenditure of \$113.8M.

<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	6/3/13			
2	Board	6/5/13			

May 20, 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:

Schedules Requiring Majority Vote

Schedule G:	Miscellaneous Service Contracts	1	\$	38.2 M
	• NYS Industries for the Disabled		\$	38.2 M
Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	1	\$	1.7 M
	• NYS Industries for the Disabled		\$	1.7 M
		<b>SUBTOTAL</b>	<b>2</b>	<b>\$ 39.9 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 G: Miscellaneous Service Contracts	8	\$	5.1 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$	.7 M
Schedule L: Budget Adjustments to Estimated Quantity Contracts	2	\$	50.0 M
	SUBTOTAL	11	\$ 55.8 M

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

Schedules Requiring Majority Vote

Schedule I: Modifications to Purchase and Public Works Contracts	2	\$	1.4 M
	SUBTOTAL	2	\$ 1.4 M

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

Schedules Requiring Two-Thirds Vote:

Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	2	\$	TBD M
	SUBTOTAL	2	\$ TBD M

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

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions	2	\$	13.5 M
	SUBTOTAL	2	\$ 13.5 M

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

Schedules Requiring Majority Vote:

Schedule K: Ratification of Completed Procurement Actions	3	\$	3.2 M
	SUBTOTAL	3	\$ 3.2 M

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

TOTAL	22	\$	113.8 M
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**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.

**JUNE 2013**

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

**Procurements Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

**1. NYS Industries for the Disabled                      \$38,243,979 (Est.)**

*Staff Summary Attached*

**Preferred Source - Five-year contract**

**RFQ # 25986**

Multi-agency contract for janitorial and window cleaning services at various NYC Transit and MTA Bus Company locations.

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

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

**2. NYS Industries for the Disabled                      \$1,657,545 (Est.)**

*Staff Summary Attached*

**Preferred Source - Five-year contract**

**Contract # 05H9259.3**

Modification to the multi-agency contract for janitorial and window cleaning services, in order to extend the contract for up to three months.

**JUNE 2013**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

1. **ANA Laboratories, Inc.** **\$863,348 (Est.)**  
**Four Bids/Low Bidder – Four-year contract**  
**Contract # IFB 24828**

This contract is for the periodic testing and analysis of bus engine oil, transmission fluid, and traction motor oil drawn from revenue service buses for NYC Transit's Department of Buses (DOB) and MTA Bus Company (MTABC). DOB and MTABC adhere to a Bus Oil Analysis Program, following Standard Industry Practices, as a means of predicting failures of engines, transmissions and traction motors prior to their occurrence in order to ensure that these vital driveline components are kept at peak performance. Engine oil, transmission fluid and traction motor oil samples from each bus are subjected to a pre-established series of physical and chemical analyses.

In addition to the testing, this contract includes providing analysis trends and reports, and for abnormal oil sample results deemed significant, making specific recommendations such as re-sampling or oil and filter changes. The contract also includes a requirement for conducting training of DOB and MTABC personnel covering correct oil sampling techniques, oil analysis basics, and oil formulation and additives.

Procurement conducted an extensive market outreach which led to receipt of four bids on this solicitation as compared to two bids on the prior solicitation. ANA Laboratories, Inc., the incumbent, bid a price of \$6.99 per sample which is 33% lower than the price of the next low bidder and 3% lower than the price of the current contract. The price is considered fair and reasonable.

2. **Corporate Courier NY, Inc.** **\$267,293 (Est.)**  
**Four Bids/Low Bidder – Five-year contract**  
**Contract # RFQ 42650**

This contract is for fixed route messenger services for the Department of Capital Program Management (CPM). Services to be performed include: the collection and delivery of mail and/or packages from 2 Broadway on a daily basis to all Program and Construction Management offices, as well as deliveries to other locations throughout NYC for CPM. Delivery services will be performed Monday through Friday, with some locations limited to two or three deliveries per week.

NYC Transit Procurement performed outreach to identify and encourage firms to participate in this solicitation. This effort resulted in the receipt of four bids as compared to two bids on the prior solicitation.

The low bidder, Corporate Courier NY, Inc. (Corporate Courier), a NYS Certified MBE, submitted a bid that is 32% lower than the next low bidder and 33% lower than the previous contract. Based on these comparisons and adequate price competition, Corporate Courier's price of \$267,293 is considered fair and reasonable.



**JUNE 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.)

- |   |                                       |
|---|---------------------------------------|
| 3. Intertek USA, Inc.                         | \$1,802,365 (Est.) (three categories) |
| 4. Corrosion Control Consultants & Labs, Inc. | \$758,819 (Est.) (one category)       |
| 5. Ana Laboratories, Inc.                     | \$83,125 (Est.) (one category)        |
| 6. Inspectorate America Corp.                 | \$38,225 (Est.) (one category)        |

**Seven Bids/Low Bidders – Five-Year Contracts  
RFQ #8677**

These 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 required specifications, including materials provided by contractors under capital construction contracts. The Price Schedule contained fifteen categories and bidders could bid on any and all items. In April 2013, the Board approved the award of two contracts for seven of the fifteen categories. For this action, approval is sought to award six of the fifteen categories to four contractors. Three categories to Intertek USA, Inc. to perform testing of: 1) Oils and Greases (\$665,081) – 2 bids, one of which was non-responsive, 2) Hydraulic Oils (\$301,550) – 2 bids, one of which was non-responsive, 3) Engine Coolant/Antifreeze (\$835,734) – 2 bids, one of which was non-responsive; one category to Corrosion Control Consultants & Labs, Inc. to perform testing of Paints (\$758,819) – 2 bids, one of which was non-responsive; one category to Ana Laboratories, Inc. to perform testing of Locomotive Crankcase Lube Oil for LIRR (\$83,125) – 4 bids, one of which was non-responsive; and one category to Inspectorate America Corp. to perform Diesel Fuel Analysis for LIRR (\$38,225) – 3 bids. Based on the bids received, comparison to the prices currently being charged and pricing information obtained through a market survey, the bid amounts 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. To increase competition, NYC Transit Procurement performed outreach to identify and encourage firms to participate in this solicitation. Overall, this exercise did result in the receipt of bids for 13 out of the 15 categories with the exception of two categories that only require intermittent testing: 1) Rubber and 2) Textiles, paper, epoxy and plastic bags. A survey of bidders revealed that low test quantities and the infrequency of testing made these categories not worth pursuing. These categories will be added to one or more of the new awarded contracts via modification.

All four contractors have been deemed technically qualified to perform the work.

**JUNE 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. Ubiquis Reporting, Inc. \$494,825 (Est.)**  
**Nine Bids/Third Low Bidder – Five-year contract**  
**Bid #10437**

This multi-agency contract is for audio transcription services.

In an effort to reduce costs, NYC Transit implemented audio transcription of pre-action 50-h Statutory hearings (preliminary tort related hearings) in March 1995. NYC Transit and MTA Bus Company (MTABC) Law Departments have requested a five year miscellaneous service contract for a contractor to transcribe audio recorded pre-action 50-h Statutory hearings with claimants. NYC Transit utilizes court reporters from stenographic firms to record and prepare typed transcripts of other proceedings such as pre trial depositions, since by law, parties to a deposition have a right to demand a stenographer. If a dispute on the accuracy arises, both parties rely on the stenographer to attest to what was stated for the record. The transcription of audio recordings is a less costly alternative to having a stenographer present at a 50-h Statutory hearing. Although a cost savings, the ability to use audio transcription is limited by NY State to only certain types of proceedings.

The lowest bidder was deemed non-responsive because its quotes were based on the original version of the price schedule, which did not reflect MTABC's requirements that were later added via Addendum in a revised price schedule. The second lowest bidder was also deemed non-responsive due to its failure to disclose a conflict of interest. Ubiquis Reporting, Inc.'s (Ubiquis) bid is the lowest of the remaining seven bids and is 25% lower than the next low bidder. Based on adequate price competition, Ubiquis' bid is deemed fair and reasonable. The award amount of \$494,825 includes \$297,500 for NYC Transit and \$197,325 for MTABC.

- 8. SSDC Services Corp. \$787,610 (Est.)**  
**Two Proposals – Five-year contract**  
**RFQ # 26287**

Staff Summary Attached

Medicare Coordination Services.

**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.)

- 9. Crown Lift Trucks \$692,258 (Est.)**  
**Contract # 08D9872.1**

Staff Summary Attached

Modification to the contract for preventive and remedial maintenance of material handling equipment (forklifts), in order to add funds to the contract.

**JUNE 2013**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

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

10.	PB/PTG, JV Contract # CM-1409 October 14, 2011 – October 13, 2016	Original Amount:	\$ 25,000,000
		Prior Modifications:	\$ 0
		Prior Budgetary Increases:	\$ 0
		Current Amount:	\$ 25,000,000
		 This Request:	 \$ 25,000,000
		 % of This Request to Current Amount:	 100%
		% of Mods/Budget Adjustments (including This Request) to Original Amount:	100%
11.	HNTB New York Engineering & Architecture Contract # CM-1412 October 8, 2011 – October 13, 2016	Original Amount:	\$ 25,000,000
		Prior Modifications:	\$ 0
		Prior Budgetary Increases:	\$ 0
		Current Amount:	\$ 25,000,000
		 This Request:	 \$ 25,000,000
		 % of This Request to Current Amount:	 100%
		% of Mods/Budget Adjustments (including This Request) to Original Amount:	100%

**Discussion:**

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 support services which will be procured through existing, federally funded IQ Architectural/Engineering Design Services contracts, CM-1409 and CM-1412. Task orders for the required services will be let competitively. These two budget actions will increase the budgets of 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.

JUNE 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

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

**1. Comstock- Skanska, J.V.**

Staff Summaries Attached

**Contract #C-26009.10**

**\$435,000**

Modification to the contract for track, signal, traction power and communication systems for the Second Avenue Subway, in order to change the Traction Power Transformers.

**2. Skanska/Railworks, JV**

Staff Summaries Attached

**Contract #C-26505.32**

**\$950,000**

Modification to the contract for the furnishing and installing of finishes and systems for the No. 7 Line Extension, in order to install permanent stairs at Site J.

JUNE 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

**B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)**  
(Staff Summaries required for items estimated to be greater than \$1M.)

Contractor To Be Determined  
Contract Term To Be Determined

Cost To Be Determined

Staff Summary Attached

1. Contract #B-40658
2. Contract #B-40659

RFP Authorizing Resolution for the purchase of up to 45 low floor, 40-foot clean diesel buses and up to 75 low floor articulated buses for MTA Bus Company.

**JUNE 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.)

- |  |                        |                                      |
|--|------------------------|--------------------------------------|
| <b>1. Siemens Industry, Inc.</b>   | <b>\$12,935,108</b>    | <b><u>Staff Summary Attached</u></b> |
| <b>Contract # CMM-1467.4</b>   |                        |                                      |
| Modification to the contract for Software and System Maintenance and Support for ATS-A, in order to add funds and extend the term of the contract. |                        |                                      |
|  |                        |                                      |
| <b>2. Vicom Computer Services</b>  | <b>\$520,000 (NTE)</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Non-Competitive – 39-month contract</b>   |                        |                                      |
| <b>RFQ #4788</b>   |                        |                                      |
| Disaster Recovery Services.  |                        |                                      |

JUNE 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. **AECOM\*Arup, JV** **\$1,859,486 (NTE)** **Staff Summary Attached**  
**Contract # CM-1188.71**  
Modification to the contract to provide design services for the Second Avenue Subway, in order to pay for overhead adjustments owed to the consultant.
2. **E.E. Cruz and Tully Construction** **\$350,000** **Staff Summary Attached**  
**Company, JV, LLC**  
**Contract # C-26005.48**  
Modification to the contract for civil, structural, and utility relocation for the Second Avenue Subway, 96th Street Station, in order to implement a schedule re-sequencing plan.
3. **Skanska USA Civil Northeast, Inc.** **\$1,040,000** **Staff Summary Attached**  
**Contract #A-36121.191**  
Modification to the Fulton Center contract for the reconstruction of the A/C Mezzanine and J/M/Z Vertical Circulation, in order to implement new technology changes.

# Schedule G: Miscellaneous Service Contracts



Item Number: 1

<b>Vendor Name (&amp; Location)</b> NYS Industries for the Disabled (New York, NY)		<b>Contract Number</b> RFQ # 25986		<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Description</b> Janitorial and window cleaning services		<b>Total Amount:</b>		\$38,243,979 (Est.)	
<b>Contract Term (including Options, if any)</b> Five 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> Department of Subways, Joseph Leader & Department of Buses, Darryl Irick			
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		MTA Bus Company, Darryl Irick			
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Preferred Source					

## Discussion:

This contract is for janitorial and window cleaning services for NYC Transit's Department of Subways (DOS), Department of Buses (DOB) and MTA Bus Company (MTABC) locations in Brooklyn, Queens, the Bronx, Manhattan and Staten Island.

This contract will be awarded in accordance with Sections 162 and 163 of the New York State Finance Law, pursuant to which NYC Transit is required to purchase designated services from preferred sources. This contract provides for janitorial services from Fedcap Rehabilitation Services, Inc. and the New York City Association for the Help of Retarded Citizens. Both are represented by the NYS Industries for the Disabled (NYSID), the central non-profit facilitator who represents certified disabled preferred sources. NYSID's performance under the current Contract #05H9259 is considered to be satisfactory.

The contract includes all labor, materials and equipment to provide janitorial and window cleaning services for 27 locations consisting mainly of administrative offices; but also including several operating locations. The services include cleaning of lavatories, dusting, vacuum cleaning, carpet cleaning, trash removal, snow removal, window cleaning and graffiti removal, landscaping, etc., necessary to maintain NYC Transit and MTABC facilities in a clean and healthful condition.

NYSID's pricing of \$7,206,522 for year one is 14.2% below DOS's, DOB's and MTABC's combined in-house estimate of \$8,403,280 and represents a reduction of \$664,691 or 8.4% from NYSID's initial proposal of \$7,871,213. The expiring contract did not include MTABC. The first year price of \$6,630,177 for DOS and DOB is 7.3% lower for this contract than the price for the final year of the expiring contract. Reductions in price were obtained through negotiations that focused NYSID on providing reductions in the following areas: labor hours, administrative fees, fringe benefits and a more favorable ratio of experienced workers to new workers.

The estimated \$38,243,979 five year price for this contract provides for annual adjustments in wages and supplemental benefits based on changes in the NYC Comptroller's Schedule of Prevailing Wages and Supplemental Benefits.

This contract is subject to approval by the New York State Comptroller. Therefore this Board meeting agenda includes a request for an extension of the current Contract #05H9259 for up to an additional three months, to September 30, 2013, in order to obtain said approval.

After a thorough review of NYSID's pricing documentation, an analysis conducted by MTA Internal Audit, and price reductions obtained, it has been determined that the prices are fair and reasonable and in compliance with the State Finance Law.





Item Number: 2

<b>Vendor Name (&amp; Location)</b> NYS Industries for the Disabled (NYSID) (New York, NY)	
<b>Description</b> Janitorial and window cleaning services	
<b>Contract Term (including Options, if any)</b> January 1, 2008 – June 30, 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: Modification	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Subways, Joseph Leader	

<b>Contract Number</b> 05H9259	<b>AWO/Modification #</b> 3
<b>Original Amount:</b>	\$ 37,997,359
<b>Prior Modifications:</b>	\$ 3,666,651
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 41,664,010
<b>This Request:</b>	\$ 1,657,545 (Est.)
<b>% of This Request to Current Amount:</b>	4.0%
<b>% of Modifications (including This Request) to Original Amount:</b>	14.0%

**Discussion:**

This modification will extend the contract for janitorial and window cleaning services for up to three months to September 30, 2013, or until the NYS Comptroller approves the award of a new contract RFQ #25986, whichever occurs first. Simultaneous with this action is another action requesting that the Board approve the new contract RFQ #25986 with NYSID.

This contract was awarded in accordance with Sections 162 and 163 of the New York State Finance Law, pursuant to which NYC Transit is required to purchase designated services from preferred sources. This contract provides for janitorial services from Fedcap Rehabilitation Services, Inc. and the New York City Association for the Help of Retarded Citizens. Both are represented by the NYS Industries for the Disabled (NYSID), the central non-profit facilitator who represents certified disabled preferred sources.

The contract includes all labor and equipment to provide janitorial and window cleaning services for 20 administrative offices and other NYC Transit operating locations of varying sizes and requirements in Brooklyn, Queens, the Bronx, Manhattan and Staten Island. The services include cleaning of lavatories, dusting, vacuum cleaning, carpet cleaning, trash removal, snow removal, window cleaning and graffiti removal, landscaping, etc. necessary to maintain NYC Transit's facilities in a clean and healthful condition.

NYSID has provided satisfactory service to NYC Transit over the term of this contract.

Pricing for this extension is at the new rates that have been agreed upon by NYSID and NYC Transit for the new contract RFQ #25986. These new rates are lower than the rates under the prior six month extension that was approved by the Board in November 2012. Prices have been determined to be fair and reasonable.

## Schedule G: Miscellaneous Service Contracts



Item Number: 8

<b>Vendor Name (&amp; Location)</b> SSDC Services, Corp. (Novi, MI)	
<b>Description</b> Medicare Coordination Services	
<b>Contract Term (including Options, if any)</b> Five years	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input 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> RFQ # 26287	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$787,610 (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 Human Resources, Dawn Pinnock	

### Discussion:

This contract is to facilitate the enrollment of eligible disabled retirees under the age of 65 into Medicare Part A and B making Medicare the retiree's primary coverage and thereby reducing NYC Transit's medical costs.

NYC Transit's medical plans for retirees provide medical coverage that is secondary to Medicare for retirees who are Medicare eligible. For retirees who are disabled and under age 65, Medicare would provide primary coverage (80%), when the retiree has been receiving Social Security Disability Insurance (SSDI) for at least 24 consecutive months.

According to research, identifying and converting early retirees' status from NYC Transit's primary to Medicare primary for medical coverage will reduce NYC Transit's medical expenses for these individuals. Presently, there is a known population of approximately 1,300 early retirees who separated from NYC Transit with a disability pension. Research suggests that approximately 50% or 650 of these retirees will qualify for SSDI and may already be enrolled, but are not enrolled in Medicare. For retirees that have been receiving SSDI for at least 24 months, the contractor will get them enrolled in Medicare and convert their status to Medicare primary. The average annual spend for a Medicare retiree is \$12,765. It is projected that if the retiree is converted to Medicare, NYC Transit will realize a cost reduction of 71% for each retiree, which equals \$9,063 or an estimated total savings of \$5.7 million per year.

Additional savings, estimated at \$470,000, could be realized by recovering monies paid for past claims when Medicare should have been the primary coverage. The contractor will assist NYC Transit in recovering monies paid by carriers, which is permitted retroactively for 12 rolling months from the time the retiree became eligible for Medicare. To realize further savings, estimated at \$285,000, the contractor will also reach out to retirees under age 65 to determine their disability status, and, if disabled, assist them in navigating the complex process of applying for SSDI, which will lead to eligibility for Medicare, that will become their primary medical coverage.

This procurement was advertised as a competitive Request for Proposal (RFP) with selection criteria that included the contractor's knowledge and experience in converting eligible retirees to Medicare and assisting participants in enrolling in SSDI. Two proposals were received from Allsup, Inc (Allsup) in the amount of \$910,725 and SSDC Services, Corp. (SSDC) in the amount of \$967,901. The Selection Committee initially evaluated both proposals and found SSDC to be technically superior to Allsup. Both firms were invited for oral presentations and negotiations. Allsup, whose proposal did not take any specific exceptions to the terms and conditions, presented at negotiations an extensive list of exceptions to all the contract terms and conditions. In response, NYC Transit requested Allsup to reduce their number of exceptions, which they agreed to limit to those that were critical. These exceptions were all successfully negotiated. However, at the conclusion of negotiations, Allsup requested to revert to their initial exceptions. Allsup was advised that negotiations were completed and, in response, Allsup decided to withdraw from the RFP process. NYC Transit successfully negotiated with SSDC and requested a Best and Final Offer (BAFO). SSDC submitted their BAFO of \$787,610, which was \$180,291 or 19% less than their initial proposal. The fees are entirely based on the contractor's performance and only paid upon actual savings realized. Based on the forgoing, SSDC's final price was found to be fair and reasonable and the Selection Committee unanimously recommended SSDC for the award.

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

**New York City Transit**
**Item Number: 9**

<b>Vendor Name (&amp; Location)</b> Crown Lift Trucks (Hicksville, NY)	
<b>Description</b> Preventive and remedial maintenance of material handling equipment	
<b>Contract Term (including Options, if any)</b> January 1, 2009 – December 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 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 Materiel, Stephen M. Plochochi	

<b>Contract Number</b> 08D9872	<b>AWO/Modification #</b> 1
<b>Original Amount:</b>	\$ 6,004,120
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 6,004,120
<b>This Request:</b>	\$ 692,258 (Est.)
<b>% of This Request to Current Amount:</b>	11.5%
<b>% of Modifications (including This Request) to Original Amount:</b>	11.5%

**Discussion:**

This modification is to add funding to the contract for preventive and remedial maintenance of material handling equipment as well as to cover all parts, including Original Equipment Manufacturer (OEM) and non-OEM parts, which are used to perform maintenance and effect repairs. The funding requested is needed to meet anticipated expenditures through the end of the contract term, December 31, 2013. This contract is used by NYC Transit's Department of Supply Logistics, Subways, Revenue, Corporate Communications, Training, Central Electronics Shop, and other departments/divisions to maintain their fleet of material handling equipment.

In November 2008, Long Island Railroad (LIRR) received Board approval to award contracts to Crown Lift Trucks (Crown) to provide preventive and remedial maintenance and the purchase of parts for material handling equipment for LIRR, NYC Transit and Staten Island Rapid Transit, which for NYC Transit includes various gas, propane, electric, rider, stand on and walk behind forklift trucks.

At the end of February 2013, NYC Transit's contract total amount expended was \$5,526,326 with a balance of \$477,794. The average monthly expenditures are \$117,000. Based on this and that the contract runs through the end of the year, additional funding of \$692,258 is required to pay for repair work and parts until December 31, 2013. LIRR has begun working on a new multi-year contract solicitation and anticipates that they will have it awarded by the end of 2013.

NYC Transit's Materiel Operations is requesting additional funds due to (1) increase in the size of the inventory of material handling equipment by 129 units or 15% from 861 covered units to 990 units, and (2) a greater than anticipated expenditure on the purchase of heavy duty industrial batteries to replace older batteries that are reaching the end of their useful life. For these reasons, additional funding in the amount of \$692,258 is required to meet anticipated expenditures through the end of the contract.

# Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 1

<b>Vendor Name (&amp; Location)</b> Comstock-Skanska, JV (New York, NY)	
<b>Description</b> Track, Signal, Traction Power, Communication Systems - Second Avenue Subway	
<b>Contract Term (including Options, if any)</b> January 18, 2012 – August 18, 2016	
<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	

<b>Contract Number</b> C-26009	<b>AWO/Modification #s</b> 10
<b>Original Amount:</b>	\$ 261,900,000
<b>Prior Modifications:</b>	\$ 269,360
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 262,169,360
<b>This Request:</b>	\$ 435,000
<b>% of This Request to Current Amount:</b>	0.2%
<b>% of Modifications (including This Request) to Original Amount:</b>	0.3%

## Discussion:

This modification changes the traction power transformers to be installed at the 72<sup>nd</sup>, 86<sup>th</sup> and 96<sup>th</sup> Street Stations.

This contract is for the supply and installation of systems including Track, Train Signals, Communications, and Traction Power for the Second Avenue Line from 63<sup>rd</sup> Street / Lexington Avenue to 105<sup>th</sup> Street / 2<sup>nd</sup> Avenue.

The work to be performed under this contract includes: installation of Low-Vibration Track (LVT) with an aluminum third rail; a relay based block wayside signaling system; standard NYC Transit communication systems including SONET, Public Address, Customer Information Signs, CCTV, emergency alarms, radio wireless systems, fire alarms, and an Emergency Booth Communication system; and a Traction Power System including traction power distribution, conversion to DC power and three new substations. The work also includes the modification of existing facilities and systems to interface with the Second Avenue Subway systems.

The contract requires the furnishing and installation of two ANSI 31 traction power transformers in each of the 72<sup>nd</sup>, 86<sup>th</sup> and 96<sup>th</sup> Street Stations. The contract also provides an alternate transformer with ANSI 25/26 circuits. The contractor's bid was based on the use of the less-expensive ANSI 31 transformers which had been NYC Transit's standard requirement. Over the past decade, NYC Transit has installed ANSI 25/26 transformers in their substation rehabilitations and have found that the ANSI 25/26 transformers have a lower failure rate and are considered more robust and reliable based on their higher load balancing. As a result, the ANSI 25/26 transformer has become NYC Transit's new standard. A similar change in traction power transformers was implemented on the #7 Line Extension project.

This modification provides for the furnishing and installation of six ANSI 25/26 traction power transformers in lieu of ANSI 31 transformers, two each, at the 72<sup>nd</sup>, 86<sup>th</sup> and 96<sup>th</sup> Street Stations.

The contractor's proposal was \$500,852; MTACC's estimate was \$408,188. Negotiations resulted in the agreed upon net lump sum price of \$435,000, which is considered fair and reasonable. Savings of \$65,852 were achieved.

# Schedule I: Modifications to Purchase and Public Work Contracts



Item Number: 2

<b>Vendor Name (&amp; Location)</b> Skanska/Railworks Joint Venture (New York, NY)	
<b>Description</b> Furnishing and Installing Finishes and Systems – No. 7 Line Extension	
<b>Contract Term (including Options, if any)</b> August 10, 2011 - June 9, 2014	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: HYDC	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA Capital Construction, Dr. Michael Horodniceanu	

<b>Contract Number</b> C-26505	<b>AWO/Modification #</b> 32
<b>Original Amount:</b>	\$ 513,700,497
<b>Prior Modifications:</b>	\$ 4,862,295
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 518,562,792
<b>This Request:</b>	\$ 950,000
<b>% of This Request to Current Amount:</b>	0.2%
<b>% of Modifications (including This Request) to Original Amount:</b>	1.1%

## Discussion:

This modification is for installation of three permanent stairs at Site J on the No. 7 Line Extension Project. Funding for this modification will be provided by the Hudson Yards Development Corporation.

This contract includes the completion of the 34<sup>th</sup> Street Station and covers the entire No. 7 Line extension which runs from Times Square to Site A at 26<sup>th</sup> Street and 11<sup>th</sup> Avenue. It includes the furnishing and installation of finishes and systems including elevators and escalators; HVAC, tunnel ventilation and fire protection; plumbing, electrical power and lighting; signal, communications and traction power systems; and track work. The work also includes construction of the ventilation building at Site A.

The No. 7 Line Extension Project originally consisted of three construction packages: C-26503 for the excavation of the running tunnels and the 34<sup>th</sup> Street Station cavern; C-26504 for the utility tunnels, station entrance and Sites, J, K, L and P facility buildings; and C-26505 for the Systems and finishes of the 34<sup>th</sup> Street Station and facility buildings. In early 2010, MTACC repackaged contract C-26504 into four separate packages in order to maximize bidding opportunities. One package was created for each of the facility building sites. The Site J contract documents (C-26510) note that Stairs A, E, and F are "Not in Contract" (NIC), implying that they will be constructed under one of the other contract packages. The Systems & Finishes contract documents (C-26505), reflect the stairs, including detail drawings, but indicate that they are existing. Due to this error, these stairs must now be constructed under this contract. These steel stairs consist of concrete-filled landings and treads, galvanized steel guardrails and stainless steel handrails. This modification also includes the construction and subsequent removal of temporary timber stairs at Stairs E and F in order to safely facilitate access to those work areas until such time that the permanent stairs are constructed. Based on present information, it appears that an Error/Omission (E/O) is involved with this modification. An E/O Report will be prepared and, if it is established that the design consultant was responsible for the E/O, a determination will be made on whether the consultant should be backcharged.

The contractor's proposal was \$1,259,885; MTACC's revised estimate was \$864,107. Negotiations resulted in the agreed upon lump sum price of \$950,000 which is considered fair and reasonable. Savings of \$309,885 were achieved.

# Staff Summary

<b>Item Number</b> 1-2					
<b>Division &amp; Division Head Name:</b> VP Materiel, Stephen M. Plochochi					
Division Head Signature & Date					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
1	Materiel	5	President, MTAB		
2	Law, MTAB				
3	Budget				
4	Executive VP, MTAB				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> NA	<b>Contract Number</b> B40658 & B40659
<b>Description</b> Purchase of up to 45 low floor 40-foot clean diesel buses (B40658) and up to 75 low floor 60-foot articulated clean diesel buses (B40659).	
<b>Total Amount</b> N/A	
<b>Contract Term (including Options, if any)</b> TBD	
<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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE:

To request that the Board determine that competitive bidding is impractical or inappropriate for the federally funded procurement of up to 45 low floor 40-foot clean diesel and up to 75 low floor 60-foot articulated clean diesel buses for MTA Bus Company (MTABC), and that it is in the public interest to issue a competitive request for proposals (RFP) pursuant to subdivision 4(g) of Section 1265-a of the Public Authorities Law.

## DISCUSSION:

Subdivision 4(g) of Section 1265-a of the Public Authorities Law permits MTABC to use a competitive RFP in lieu of competitive bidding to award a contract based on a formal evaluation of characteristics such as quality, cost, etc. against stated selection criteria. MTABC is desirous of utilizing such a procedure with respect to the procurement of up to 45 low floor 40-foot clean diesel and up to 75 low floor 60-foot articulated clean diesel buses.

This procurement will be conducted by NYC Transit on behalf of MTABC. The RFP process will allow MTABC to arrive at the best overall proposal through negotiations and evaluation based on criteria that reflect the critical needs of the agency. As a result of the successful implementation of test fleets under the NYC Transit New Bus Qualification Program, this will be the first time that the MTA will have competition for 60-foot articulated buses. Upon completion of the RFP process, NYC Transit intends to obtain Board approval for the actual contract award.

The 45 low floor 40-foot clean diesel buses will be purchased based on the need to replace aging 40-foot diesel buses that have reached the end of their 12-year useful life. The 75 low floor 60-foot articulated clean diesel buses will be purchased based on the need to replace aging 40-foot diesel buses that have reached the end of their 12-year useful life and to permit the conversion of bus routes from 40-foot buses to 60-foot articulated buses. Converting routes from 40-foot to 60-foot articulated buses will maximize efficiencies and reduce operating costs.

The marketplace for both 40-foot and 60-foot articulated clean diesel buses are primarily made up of the same bus manufacturers. Combining these two requirements into one procurement will expedite the procurement process and allow the Authority and the bus manufacturing community to take advantage of administrative efficiencies. The procurement will be structured to enable NYC Transit to award the requirements of both bus types to a single vendor or award each bus type to a separate vendor, whichever ensures the best value to the Authority.

By utilizing the RFP process, MTABC will be able to: 1) weigh factors such as overall project price, overall quality of proposer and product including but not limited to fuel economy; 2) negotiate specific contract terms, such as warranty and payment terms; 3) negotiate technical matters as deemed appropriate; and 4) include any other factors that MTABC deems relevant to its operation.

## **ALTERNATIVE:**

Issue a competitive Invitation for Bid. Not recommended, given the complexity of this procurement and the advantages offered by the RFP process.

## **IMPACT ON FUNDING:**

The procurement of the 45 low floor 40-foot clean diesel buses will be funded under SF02-0078. The procurement of the 75 low floor 60-foot articulated clean diesel buses will be funded under SF02-0082. It is anticipated that 35 of the 45 low floor 40-foot clean diesel buses and all 75 low floor 60-foot articulated clean diesel buses are to be 80% federally funded under the "State of Good Repair – Bus and Bus Facilities" Federal Grant and 20% locally funded. The remaining 10 low floor 40-foot clean diesel buses are to be federally funded using formula funds.

## **RECOMMENDATION:**

It is recommended that the Board determine that competitive bidding is impractical or inappropriate for the federally funded procurement of up to 45 low floor 40-foot clean diesel and up to 75 low floor 60-foot articulated clean diesel buses, and that it is in the public interest to issue a competitive request for proposals (RFP) pursuant to subdivision 4(g) of Section 1265-a of the Public Authorities Law.

# Schedule K: Ratification of Completed Procurement Actions

Item Number: 1

<b>Vendor Name (&amp; Location)</b> Siemens Industry, Inc. (New York, NY)	
<b>Description</b>  Software and System Maintenance and Support for ATS-A	
<b>Contract Term (including Options, if any)</b> June 1, 2007 - March 27, 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 type="checkbox"/> Competitive <input checked="" 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 checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>  Technology and Information Services, Sidney Gellineau	

Contract Number	AWO/Modification #
CMM-1467	4
<b>Original Amount:</b>	\$ 20,456,582
<b>Option Amount:</b>	\$ 9,474,207
<b>Total Amount:</b>	\$ 29,930,789
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 4,900,000
<b>Current Amount:</b>	\$ 34,830,789
<b>This Request:</b>	\$ 12,935,108
<b>% of This Request to Current Amount:</b>	37.1%
<b>% of Modifications (including This Request) to Total Amount:</b>	59.6%

## Discussion:

This retroactive modification is for continued maintenance services and task order support. The contract term will be extended by an additional 36 months, from March 28, 2013 to March 27, 2016 and the contract value will be increased by an additional \$12,935,108. The modification is retroactive due to protracted price negotiations.

This contract was awarded to Siemens Transportation Systems, Inc. (STS) to provide software, hardware, and system maintenance services in support of the Automatic Train Supervision System (ATS-A) that was originally procured under contract S-32333 in 1997. The ATS-A system provides centralized train traffic control, real-time train tracking, integrated voice communications, automated vehicle identification, and computer aided automatic routing and dispatching for the A-Division, IRT line. To date, three modifications have been issued. Modification No. 1 effectuated a name change from STS to Siemens Industry Inc. (SII) and represented zero dollars. Modification No. 2, approved by the MTA Board in January 2011, was for a budget adjustment in the total amount of \$4,900,000 to cover additional maintenance services and task orders. Modification No. 3 exercised 2 one-year options in the amount of \$9.5M that extended the contract term through March 28, 2013 and incorporated the optional maintenance coverage contained in the original contract at a reduced amount as NYC Transit prepared to take over responsibility for the ATS-A system software. As a result of NYC Transit's pro-active approach to increasing its responsibility for ATS - A systems software support including enhancements, \$5.1M in savings were achieved against the original 2-year option amount of \$14.6M. Modification No. 3 incorporated a provision whereby monthly maintenance costs would be offset by task order work as performed by certain specified titles. Under this arrangement, NYC Transit received a credit of \$2.2M for maintenance over the remaining 18 months. Non-competitive maintenance and support modification awards to SII are required since ATS-A software applications include SII proprietary code. The ATS-A system is a mission critical system. SII designed the software system that is configured to NYC Transit signaling procedure and rules. SII is uniquely qualified to provide training and support that is required for NYC Transit personnel to assume the maintenance support role in the future.

Under this retroactive Mod. No. 4, SII will provide continued maintenance services consisting of on-site, on-call and/or remote access coverage to perform corrective measures related to ATS-A software, hardware and system problems as well as capital and non-capitally funded task orders for upgrades to the ATS-A system to be made on an as-needed basis. There are no changes to the scope of work as contained in Mod. No. 3 and no changes to the terms and conditions. NYC Transit will continue to work to take on more maintenance and enhancement responsibilities, but cannot risk implementing software enhancements without SII's review of the work to ensure that new releases will restart after installation.

The final negotiated price of \$12,935,108 is less than 1% above NYC Transit's estimate of \$12,879,319 and is considered fair and reasonable. The total amount of \$12,935,108 includes \$6,230,108 (\$2.08M per year) for maintenance costs, \$6M (\$2M per year) for capital task orders, \$600K (\$200K per year) for non-capital task orders and \$105K (\$35K per year) for hardware, tools and equipment. Pricing is based upon historical SII negotiated rates with annual 2% escalation (reduced from 3.5% in Mod. No. 3) which will be maintained for the extended period. This modification contains the same cost saving arrangement as Mod. No. 3 whereby the costs associated with the work performed by certain specified titles for task order work will be deducted from an established pool of hours, thereby reducing monthly maintenance charges.



# Schedule K: Ratification of Completed Procurement Actions

Item Number: 2

<b>Vendor Name (&amp; Location)</b> Vicom Computer Services (Farmingdale, NY)		<b>Contract Number</b> 4788	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description</b>  Disaster recovery services of NYC Transit's Data Storage Area Network		<b>Total Amount:</b> \$520,000 (NTE)	
<b>Contract Term (including Options, if any)</b> March 11, 2013 – June 10, 2016		<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" 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> Technology and Information Services, Robert Bergen	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive			
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Non-competitive			

## Discussion:

This request is for ratification of a procurement action made in response to an exigent circumstance regarding NYC Transit's ability to quickly restore the network environment in the event of an outage. This contract is for virtual machine remediation and alignment and health check assessments of NYC Transit's Data Storage Area Network (SAN) and to establish disaster recovery procedures in the event of a site disaster.

During the aftermath of Superstorm Sandy, the SAN at 2 Broadway was rendered inoperable. In the two weeks following the storm, the Division of Technology and Information Services (TIS), with Vicom's assistance, was able to restore the network environment so that 2 Broadway is now better prepared for emergencies where fail-over actions are necessary. Vicom, as a value added reseller (VAR), has provided NYC Transit VMware and NetApp devices in excess of \$3.5M through competitive procurements handled by Unisys, Inc. Vicom was selected to perform this work because they are a VAR and partner to VMware and NetApp and are uniquely qualified due to their in-depth knowledge of the NYC Transit network environment and the assistance they provided TIS in restoring the 2 Broadway network after Superstorm Sandy. After the storm, Vicom's VMware and NetApp support staff were able to rebuild, correct and guide TIS toward a network environment at 2 Broadway that could react faster in the event of a disaster. Vicom performed this work at no expense to NYC Transit.

NYC Transit's Livingston Street location needed to mirror the 2 Broadway network environment so that in the event of a disaster, fail-over and recovery could be easily implemented. This remediation needed to be completed with urgency so that NYC Transit would be prepared in the event of another outage, which might result in a lengthy delay to bring the network environment back up and running.

The work under this contract includes three phases: 1) Network Disk Misalignment Repair and Remediation Services, 2) Disaster Recovery Services and 3) VMware and Storage Health Check Assessments. The misalignment and remediation services phase will repair all misaligned disks in NYC Transit's network environment in approximately three months. The disaster recovery services phase will set up a disaster recovery solution.

Vicom's initial proposal for all three phases was \$540,000. As a result of negotiations, Vicom agreed to reduce their proposal by \$20,000 to \$520,000. A cost analysis using the cost data provided by Vicom was performed and supported the proposed rate of \$200/hr. Vicom's labor rate also compared favorably to a NYS OGS Contract discounted rate of \$215/hr for similar skills. Based on a review of the rate supporting data and rate comparison for similar skills, Vicom's price of \$520,000 was deemed fair and reasonable. Due to the urgency of this critical work, the Vice President of Materiel authorized the award of this contract effective March 11, 2013 prior to seeking Board approval.

## Schedule K: Ratification of Completed Procurement Actions

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, 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 #
CM-1188	71
Original Amount:	\$ 200,478,227
Option Amount:	\$ 150,400,897
Total Amount:	\$ 350,879,124
Prior Modifications (excluding options):	\$ 42,310,829
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 393,189,953
This Request:	\$ 1,859,486 (NTE)
% of This Request to Current Amount:	0.5%
% of Modifications (including This Request) to Total Amount:	12.6%

### Discussion:

This modification is for payment of overhead adjustments, per federal regulations, owed to Ove Arup & Partners (Arup) as a result of two audits covering six fiscal years (FY) 2006 through 2011.

Arup is a Joint Venture partner of AECOM on this design services contract for the Second Avenue Subway (SAS). The base contract provided for preliminary engineering (PE) of the segment running from 125th Street to Midtown, PE of the segment running from Midtown to Lower Manhattan, and support services during the construction phase for tunnel boring machine activities. The contract also included three options for final design and construction support services for the civil/structural elements, systems and stations. The contract utilizes the federal overhead procedures detailed under the Safe Accountable Flexible Efficient Transportation Equity Act and requires an annual review and adjustment of consultant overhead rates.

The two audits show that the actual annual overhead rates for these six years have been higher and lower than the provisional contract rate and this modification will cover the net payment of overhead adjustments owed to Arup.

Arup submitted an initial amount of \$1,654,676 for overhead adjustments for FY 2006 through 2009. MTA Audit (Audit) calculations for the same timeframe were \$1,399,478. Arup did not agree with Audit's findings; however, after negotiations and clarifications, Arup submitted a revised proposal of \$1,457,039 which was agreed upon, resulting in a reduction of \$197,637 or 11.9% compared to the original proposal.

For FY 2010 and 2011, Audit's review found that the actual overhead rates resulted in adjustments of \$402,447 which matched Arup's calculations. The total amount of \$1,859,486 covering both audit periods was found to be fair and reasonable. AECOM, the Joint Venture partner is undergoing similar audits and once completed it will be brought to a future Board for approval.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: **2**

<b>Vendor Name (&amp; Location)</b> E.E. Cruz and Tully Construction Company, JV, LLC (Holmdel, NJ)	
<b>Description</b> Civil, Structural, and Utility Relocation for the Second Avenue Subway route – 96 <sup>th</sup> Street Station	
<b>Contract Term (including Options, if any)</b> May 28, 2009 – February 28, 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 #:
C-26005	48
Original Amount:	\$ 303,863,700
Option 1 Amount:	\$ 17,526,300
Option 2 Amount:	\$ 3,610,000
Total Amount:	\$ 325,000,000
Prior Modifications:	\$ 35,543,759
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 360,543,759
This Request:	350,000
% of This Request to Current Amount:	0.1%
% of Modifications (including this Request) to Total Amount:	11%

## Discussion:

This retroactive modification addresses the resequencing of utility relocation, slurry wall and decking work along 2<sup>nd</sup> Avenue between 95<sup>th</sup> and 99<sup>th</sup> Streets in order to mitigate schedule delays.

This contract is for civil, structural, and utility relocation work for the 96th Street Station for the Second Avenue Subway. The work to be performed under this contract includes: the relocation of utilities, demolition of the existing Century Lumber Building and interior demolition at Astor Terrace Condominium; construction of temporary and permanent support of excavation (SOE) retaining structures including the construction of slurry walls, secant piles and micro pile walls; connection to the existing tunnel north of 99th Street; installation of temporary roadway decking; construction of the 96th Street Station invert slab; and construction of certain station entrance and ancillary building structural elements.

During the performance of this work, the contractor encountered several conditions requiring changes including revisions to their support of excavation (SOE), ground treatment for building stabilization, modified sewer excavation, revisions to a 12" gas line and additional building protection for various buildings along the project site. These changes were addressed in multiple modifications; all of which potentially result in a cumulative delay of approximately 139 work days to the Substantial Completion date. Due to access and utility restraints, the original construction sequence for utility relocation, slurry wall and decking work on the east and west sides of 2<sup>nd</sup> Avenue required that the work take place in multiple stages with the contractor unable to complete many operations within one stage. This resequencing plan requires an additional slurry crew and allows for all west side slurry wall work and decking work to be performed in one stage prior to shifting operations to the east side. It reduces the schedule impact down to 38 compensable work days resulting in a revised Substantial Completion date of April 22, 2013. Additional work included in this modification consists of development of additional rebar fabrication laydown area, an additional excavating crane, an additional crane for handling rebar cages, additional trailers for rebar delivery, increased size of slurry plant, additional slurry lines and increased General Contractor support for 2nd shift operations. Credit items addressed in this Mod include the deletion of the installation and demolition of a temporary 60 LF SOE cutoff wall and separate maintenance and protection of traffic (MPT) setup between 95th and 96th Street (combining of separate Stages).

The work performed under this schedule resequencing plan was required to begin in September 2010 in order to maximize schedule recovery time. Retroactive approval was obtained from the MTACC President on September 26, 2011.

The contractor's proposal was \$1,099,352; MTACC's revised estimate was \$330,701. Negotiations resulted in the agreed upon net lump sum price of \$350,000, which is considered fair and reasonable. Savings of \$749,352 were achieved. Impact costs associated with the time extension will be addressed in a separate modification.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

<b>Vendor Name (&amp; Location)</b>	
Skanska USA Civil Northeast, Inc. (Whitestone, NY)	
Fulton Street Transit Center, A/C Mezzanine Reconstruction and J/M/Z Vertical Circulation	
<b>Contract Term (including Options, if any)</b>	
July 31, 2009 – March 4, 2013	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input 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>
A-36121	191
<b>Original Amount:</b>	\$ 119,965,000
<b>Prior Modifications:</b>	\$ 13,505,106
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 133,470,106
<b>This Request:</b>	\$ 1,040,000
<b>% of This Request to Current Amount:</b>	0.8%
<b>% of Modifications (including This Request) to Total Amount:</b>	12.1%

## Discussion:

This retroactive modification is for the implementation of new technology changes in the A/C West and A/C East Mezzanines of the Broadway-Nassau Street Station.

This contract is for the reconstruction of the A/C Mezzanine at the Broadway-Nassau Street Station and ADA access and vertical circulation revisions at the J/M/Z Fulton Street Station to improve pedestrian access.

This is another of several modifications to be presented to the Board, across the various Fulton Center contracts, for the implementation of technology changes and the reprogramming of space previously identified for use by NYC Transit personnel at Fulton Center and the Corbin Building into commercial tenant, retail and public spaces. The original design did not call for any of these technology elements. After this contract was awarded, and as a result of a new technology initiative undertaken by the MTA, the designer proposed a new continuous station-wide technology system that would utilize dynamic visual displays. The new system will network all way-finding signage and information panels throughout Fulton Center's various subway lines and also create uniformity.

This modification will provide the necessary power and communication infrastructure to support the new dynamic LED panels in the A/C West and A/C East Mezzanines of the Broadway-Nassau Street Station. The work includes the installation of new power panels, connections, conduit & cable, new communication panels, equipment for both power and fiber optics and 27 custom fabricated enclosures with a solid state cooling system. This modification also includes the furnishing and installation of 6 – 42" video display panels for testing. The remaining video display panels will be addressed in the Master Lease for Fulton Center. This modification also includes a non-compensable time extension of the Substantial Completion date to June 30, 2013.

The contractor submitted a proposal in the amount of \$1,331,643; MTACC's revised estimate was in the amount of \$994,273. Negotiations resulted in the agreed upon lump sum price of \$1,040,000 which is considered fair and reasonable and represents a reduction of \$291,643. A retroactive waiver was approved by the MTACC President on March 20, 2013.



**Metro-North Railroad**

# **Action Item**

## **June 2013**

# STAFF SUMMARY

Page 1 of 2

**Subject:** Supplemental Agreement between Metro-North Railroad and New York State Department of Transportation for the Superstructure Replacement of the North Barry Avenue Bridge (NH 20.89) in Mamaroneck, Westchester County, New York

**Department:** Capital Engineering

**Department Head Name:** Timothy McCarthy *[Signature]*

**Department Head Signature:**

**Project Manager Name:** Ziona Rubin  
**Program Manager Name:** Ronald Bottacari

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg.	6/3/13			
2	MTA Fin. Comm.	6/3/13			
3	MTA Board Mtg.	6/5/13			

**Date:** 4/10/13

**Vendor Name:** N/A

**Contract Number:** N/A

**Contract Manager Name:** N/A

**Table of Contents Ref#:** N/A

Internal Approvals			
Order	Approval	Order	Approval
5 <i>[Signature]</i>	President	4	Budget <i>[Signature]</i>
	VP Operations		Sr. Director Capital Programs <i>[Signature]</i>
	VP Financial Admin		Engr/Const
	Controller		Project Reporting

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
3 <i>[Signature]</i>	APP Planning		Government Relations		Labor Relations	2	General Counsel <i>[Signature]</i>
	Pres:		VP Human Resources		Personnel		Other

## Narrative:

- Purpose: To obtain Board approval to execute a supplemental agreement for \$10,351,000 between New York State Department of Transportation (NYSDOT) and Metro-North Railroad for the following:
  - The construction phase costs (\$9,641,000) associated with the superstructure replacement of North Barry Avenue Bridge, located in the Village of Mamaroneck in Westchester County, New York.
  - The remaining \$710,000, which was allotted for the design phase, was previously approved.
- Background and Discussion: The North Barry Avenue Bridge carries two traffic lanes, two sidewalks and several utilities over four tracks of the New Haven Line, at Milepost NH 20.89. The bridge, which was built in 1887, is 64 feet long. The bridge superstructure is in poor and deteriorated condition. The bridge has a restricted load limit of 6 tons due to its condition. In 2000 Metro-North signed a grant agreement with NYSDOT for the design phase costs associated with the replacement of the bridge. The design was completed and approved by NYSDOT. The project is programmed to receive construction funding in September 2013.

## STAFF SUMMARY

Page 2 of 2

Metro-North, as the administrating agency is responsible for performing the design and construction according to Federal Highway Administration (FHWA) Guidelines. NYSDOT provides federal funding for 80% of all the costs, and Metro-North is funding the remaining 20%. MNR has to execute the supplemental agreement with NYSDOT in order to obtain the federal funding and be reimbursed for the project related costs.

3. Budget Impacts: NYSDOT provides federal funding for 80% of the project costs, and the remainder is funded by MNR's Capital Budget. The total amount of this agreement is \$10,351,000. NYSDOT share is \$8,280,800 and Metro-North's share is \$2,070,200. This agreement adds construction, construction inspection and soft costs associated with the construction phase of the project.
4. Recommendations: That the board authorizes Metro-North to execute a supplemental agreement with NYSDOT for the construction phase costs for the superstructure replacement of the North Barry Avenue Bridge, located in the Village of Mamaroneck in Westchester County.

Approved for Submission to the Board

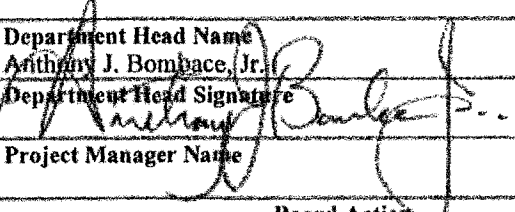
  
\_\_\_\_\_  
President



**Metro-North Railroad**

**Procurements  
June 2013**



<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Procurement and Material Management					
<b>Department Head Name</b> Anthony J. Bombace, Jr.					
<b>Department Head Signature</b> 					
<b>Project Manager Name</b>					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	MNRComm Mtg	6-3-13	X		
2	MTA Board Mtg	6-5-13	X		

<b>Date</b> May 8, 2013			
<b>Vendor Name</b> Various			
<b>Contract Number</b> Various			
<b>Contract Manager Name</b> Various			
<b>Table of Contents Ref #</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
X	President	X	General Counsel
X	Sr VP Administration		Capital Programs
X	Acting VP Operations		VP Planning
X	VP Finance & IT	X	Chief of Staff

<b>Internal Approvals (cont.)</b>							
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
			Government Relations		Labor Relations		Other
	Press		Safety		Human Resources		

**PURPOSE:**

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

**DISCUSSION:**

MNR proposes to award non-competitive procurements in the following categories:

		<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>		NONE	
<u>Schedules Requiring Majority Vote</u>			
Schedule E:	Miscellaneous Procurement Contracts	1	\$300,990
	• NetBoss Technologies, Inc. \$300,990		
SUB TOTAL:		1	\$300,990

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	1	\$192,000
• Fred A. Cook Jr., Inc. \$192,000		
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$75,000
• Dependable Repair, Inc. \$75,000		
SUB TOTAL:	2	\$267,000

**MNR presents the following procurement actions for Ratification:**

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>		
Schedule K: Ratification of Completed Procurement Actions		
• Wesco Distribution \$131,643	1	\$131,643
SUB TOTAL:	1	\$131,643
TOTAL:	4	\$699,633

The contractors noted above and on the following Staff Summary Sheets have been found in all respects responsive and responsible, and are in compliance with State laws and regulations concerning procurements.

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

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

JUNE 2013

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

**E. Miscellaneous Procurement Contracts**

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

**1. NetBoss Technologies, Inc.                      \$300,990 (not-to-exceed)                      Staff Summary Attached**  
**Network Management System Maintenance & Support Contract**

Approval is requested for a non-competitive miscellaneous procurement with NetBoss Technologies, Inc. (previously Harris-Stratex Networks, Inc.) for a three year maintenance & support contract on MNR's NetBoss Network Management System (NMS) software.

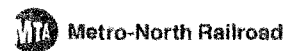
In 2005, the NetBoss NMS software was customized, installed and integrated into MNR's fiber optic telecommunication network. The NetBoss software is one of the key components of the network that provides diagnostic information, fault management and trouble reporting related to the entire MNR network communication and related subsystems. It monitors and reports real-time status of MNR's overall network condition, and it drives various applications such as circuit failovers and network monitoring applications.

Netboss Technologies is the OEM, the original software developer and the sole authorized provider of all NetBoss hardware, software, and all associated maintenance and support services.

Negotiations for a multiyear maintenance and support contract resulted in a 9.5% discount from NetBoss' standard commercial price of \$332,640. Comparing the midpoint of the new contract with the last contract results in a unit price increase of approximately 2.5% per year. The total cost of the three year maintenance & support contract is not-to-exceed \$300,990 and the pricing is deemed to be fair and reasonable.

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. Advertisements were placed in the New York State Contract Reporter, the MTA/MNR website, and The New York Post, which did not yield interest from other sources. MNR shall continue to seek alternate suppliers through vendor outreach and advertisement. This procurement is to be funded by the Metro-North Operating Budget.

## Schedule E: Miscellaneous Procurement Contracts



Item Number: E

<b>Vendor Name (&amp; Location)</b> Netboss Technologies, Inc.	
<b>Description</b> Software & Maintenance Support Agreement	
<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-Proprietary software	

<b>Contract Number</b> 1000024842	<b>AWO/Modification #</b>
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$300,990 ( not-to-exceed)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Procurement Material Management, Anthony J. Bombace, Jr.	

**Discussion:**

Approval is requested for a non-competitive miscellaneous procurement with NetBoss Technologies, Inc. (previously Harris-Stratex Networks, Inc.) for a three year maintenance & support contract on MNR's NetBoss Network Management System (NMS) software.

In 2005, the NetBoss NMS software was customized, installed and integrated into MNR's fiber optic telecommunication network. The NetBoss software is one of the key components of the network that provides diagnostic information, fault management and trouble reporting related to the entire MNR network communication and related subsystems. It monitors and reports real-time status of MNR's overall network condition, and it drives various applications such as circuit failovers and network monitoring applications.

Netboss Technologies is the OEM, the original software developer and the sole authorized provider of all NetBoss hardware, software, and all associated maintenance and support services.

Negotiations for a multiyear maintenance and support contract resulted in a 9.5% discount from NetBoss' standard commercial price of \$332,640. Comparing the midpoint of the new contract with the last contract results in a unit price increase of approximately 2.5% per year. The total cost of the three year maintenance & support contract is not-to-exceed \$300,990 and the pricing is deemed to be fair and reasonable.

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. Advertisements were placed in the New York State Contract Reporter, the MTA/MNR website, and The New York Post, which did not yield interest from other sources. MNR shall continue to seek alternate suppliers through vendor outreach and advertisement. This procurement is to be funded by the Metro-North Operating Budget.

JUNE 2013

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

**G. Miscellaneous Service Contracts**

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

**1. Fred A. Cook Jr., Inc. \$192,000 (not-to-exceed)**  
**Rail Vactor Truck Services**

Approval is requested to award a competitively solicited (three bids received) three year miscellaneous service contract to Fred A. Cook, Jr., Inc. to provide clearing and cleaning of storm sewers, sanitary lines and manholes along MNR's rights-of-way and in Grand Central Terminal. Services are provided on an as-needed basis, utilizing specialized Hi-Rail Vactor (vacuum) Truck equipment with an operator.

In accordance with MNR and MTA procurement guidelines, an advertisement for the required services was placed in the New York State Contract Reporter, The New York Post and the Daily Challenge and posted on Metro-North Railroad's Website. Fourteen contractors were sent the solicitation. Three vendors responded to the solicitation and the remaining vendors did not have the specialized hi-rail mounted equipment required by MNR.

Fred Cook Jr., Inc. is the present contractor for this service. Based on the estimated quantities provided with the bid, P&MM compared the previous prices to the proposed prices and an analysis shows an overall decrease of 5.2% vs. the prior prices. All prices in the new agreement are less than those paid by MNR in the prior agreement. Services are provided on an as-needed basis, utilizing specialized Hi-Rail Vactor (vacuum) Truck equipment with an operator. MNR is not obligated for any minimum expenditure in this contract as services are paid on an as-needed, as-called-for basis.

The all-inclusive unit pricing shall remain in effect throughout the new three year contract and it is deemed fair and reasonable. The total cost of the three year contract is not-to-exceed \$192,000. This procurement is to be funded by the MNR Operating Budget.

**H. Modifications to Personal /Miscellaneous Service Contracts**

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

**2. Dependable Repair Inc. \$75,000 ( not-to-exceed)**  
**Preventive & Remedial Maintenance-Various Material Handling Equipment**

Approval is requested for additional funding totaling \$75,000 to Dependable Repair Inc. for various material handling equipment. In 2011, the MTA Board approved a three year miscellaneous service contract for preventive and remedial maintenance of material handling equipment (including propane & electric forklifts, electric pallet jacks, shrink-wrap machines, scissor lifts, manlifts, and all charging

station equipment) used within facilities by MNR's Maintenance of Equipment Department. The maintenance of MNR's material handling equipment is critical as the equipment is integral to administering support to various aspects of rail service operations. Many of the machines are more than 5-7 yrs. old and have required additional servicing and repairs.

Presently, MNR has exhausted the originally budgeted funds prior to the contract completion date of March 2014 and requires additional funding for the remainder of the contract period. The original contract funding was exhausted due to unanticipated repairs performed on the machines. Based on the revised estimate for preventative maintenance and anticipated repairs for these aged machines, the total additional funds required by MNR are not-to-exceed \$75,000. All contract terms, conditions and rates remain unchanged. The additional funding will be provided by the MNR Operating Budget.

JUNE 2013

**METRO-NORTH RAILROAD**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Schedules Requiring Majority Vote:**

**K. Ratification of Completed Procurement Actions**

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

1. **Wesco Distribution** **\$131,643**  
**Emergency Procurement of Cable- Restoration of Traction Power between New Rochelle and Mount Vernon.**

Approval is requested for a competitive, negotiated and awarded purchase contract for the replacement of failed Traction Power Feeder Cable. On January 25, 2013, one of two MNR's 40 year old 500MCM 27.6KV traction power feeder cables (FT1) located between New Rochelle and Mt. Vernon failed. This left Metro-North without traction feeder redundancy, and in an extremely risky situation of having the remaining feeder cable providing the sole power source to the NH Line. If the remaining feeder cable had failed, MNR would not have been able to operate electric train service on the NH Line. The immediate replacement of the traction power feeder cable was required to restore contingency power between New Rochelle and Mount Vernon, NY.

Bids were solicited on an emergency basis from vendors known to be able to supply the required power feeder cables. Two bids were received and Wesco Distribution was the only vendor that had sufficient inventory in stock to meet the immediate need for this replacement. The price paid for this procurement was \$131,643, is 1.6% less than the engineer's estimate and is deemed to be fair and reasonable. Wesco Distribution is a vendor in good standing with Metro-North Railroad. The total cost of this procurement was \$131,643 and it was funded by Metro-North's Operating Budget.



**LONG ISLAND COMMITTEE**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**June 5, 2013**



<b>Subject</b> Request for Authorization to Award Various Procurements						<b>Date</b> June 5, 2013	
<b>Department</b> Procurement & Logistics						<b>Vendor Name</b>	
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement & Logistics Officer						<b>Contract Number</b>	
<b>Department Head Signature</b> 						<b>Contract Manager Signature</b>	
<b>Project Manager Name</b>							
<b>Board Action</b>						<b>Internal Approvals</b>	
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Order</b>	<b>Approval</b>
	LI Committee	6.3.13				X	President
	MTA Board	6.5.13				X	Executive VP
							VP, General Counsel & Secy
							VP & Chief Financial Officer
							Information Technology Chief Information Officer
							M of E Chief Mechanical Officer
							Procurement & Logistics Chief P&L Officer
							Human Resources Executive Director

**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:**

LIRR proposes to award Non-Competitive Procurements in the following categories:

**Schedules Requiring Majority Vote**

		<b><u># of Actions</u></b>	<b><u>\$ Amount</u></b>
<b><u>Schedule G:</u></b>	Miscellaneous Service Contracts	1	\$ 1.509M
<b><u>Schedule I:</u></b>	Modification to Purchase & Public Works Contracts	1	24.000M
<b>SUBTOTAL:</b>		<b>2</b>	<b>\$25.509M</b>

LIRR proposes to award Competitive Procurements in the following categories:

**None**

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

Schedules Requiring Majority Vote

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedule K:</u> Ratification of Completed Procurement Actions (Involving Schedule E-J)	1	\$ 0.068M
<b>SUBTOTAL:</b>	<b>1</b>	<b>\$ 0.068M</b>
<b><u>TOTAL:</u></b>	<b>3</b>	<b><u>\$25.577M</u></b>

**BUDGET IMPACT:**

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.

**RECOMMENDATION:**

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

**JUNE 2013**

**MTA LONG ISLAND RAIL ROAD**

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

*Procurements Requiring Majority Vote*

**Schedule G: Miscellaneous Service Contracts**

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

- |    |                                       |                    |                                      |
|----|---------------------------------------|--------------------|--------------------------------------|
| 1. | <b>Siemens Industry, Incorporated</b> | <b>\$1,509,331</b> | <i><u>Staff Summary Attached</u></i> |
|    | <b>Sole Source</b>                    |                    |                                      |
|    | <b>Contract No. 6093</b>              |                    |                                      |

LIRR requests MTA Board approval of a non-competitive Miscellaneous Services contract in the negotiated amount of \$1,509,331 for a five (5) year period plus a one-year option, to Siemens Transportation Systems, Inc. (Siemens) for 24/7 on-call preventive maintenance and remedial repair of the Siemens's proprietary Power SCADA System located at Jamaica Central Control (JCC).

*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)

- |    |                                    |                     |                                      |
|----|------------------------------------|---------------------|--------------------------------------|
| 2. | <b>Electro-Motive Diesel, Inc.</b> | <b>\$24,000,000</b> | <i><u>Staff Summary Attached</u></i> |
|    | <b>Non-Competitive</b>             |                     |                                      |
|    | <b>Various Contracts</b>           |                     |                                      |

LIRR requests Board approval to issue a Contract modification to exercise its option to (i) extend the period of performance for an additional two years through December 2015 and (ii) increase the funding by \$24,000,000 to allow for the continued procurement of additional spare parts and modifications that are required to operate and maintain LIRR's DE/DM-30 fleet of 45 diesel locomotives. The additional funding will cover procurements for the balance of the original contract term, which expires in December 2013, and for the two-year option period ending in December 2015.

Item Number: 1

<b>Vendor Name (&amp; Location)</b> Siemens Industry, Incorporated 498 Seventh Ave., 16 <sup>th</sup> Fl., New York, NY 10018	
<b>Description</b> Software System Maintenance and Support Services Agreement for SI Proprietary Power SCADA System	
<b>Contract Term (including Options, if any)</b>  July 1, 2013 – June 31, 2019 (includes a 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	

<b>Contact Number</b>  6093	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
  \$1,509,331	
<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> Engineering / Kevin Tomlinson –Chief Engineer	
<b>Contract Manager :</b> Richard A. Mack	

**Discussion:**

Long Island Rail Road (LIRR) requests MTA Board approval of a non-competitive Miscellaneous Services contract in the negotiated amount of \$1,509,331 for a five (5) year period plus a one year option, to Siemens Industry, Inc. (Siemens) for 24/7 on-call preventive maintenance and remedial repair of the Siemen's proprietary Power Supervisory Control and Data Acquisition ("SCADA") System located at Jamaica Central Control (JCC).

The SCADA system is a critical element in the safe operation of trains throughout LIRR's territory controlling all high voltage switchgear (power from the utility company), a DC traction power to the third rail and the power system for the signal and speed control systems used by the Signal Department. Under the terms of the contract, Siemens will be required to supply technical/programming support, replacement hardware, assistance in the configuration of new hardware and perform modifications as needed. Siemens, the Original Equipment Manufacturer (OEM), possesses the necessary experience and technical resources and is uniquely qualified to responsibly support, modify and repair their proprietary software/hardware SCADA system that was developed and customized for the LIRR. Sole source advertisements were placed in the New York State Contract Reporter, on LIRR's website and in local newspapers and other publications, however no other sources expressed interest in this work.

Under the terms of the proposed agreement, Siemens shall fully maintain and support the SCADA System, hardware and software, including system upgrades and provide an on-site response within four hours when notified of a critical item failure and a maximum 14 day on-site response for non-critical failures.

**Negotiated Amount**

LIRR requested that MTA Audit analyze the costs proposed by Siemens. This effort resulted in a price reduction of 2% with the final five year period priced at \$1,360,847 and the one year option at \$148,484. These rates will remain fixed for the entire five-year base term and one-year option term of the agreement and are deemed to be fair and reasonable under industry standards. A vendor responsibility review was conducted on Siemens and revealed Significant Adverse Information. Award will not be made until Siemens Industry Inc. is deemed a responsible vendor and a waiver of the SAI is approved by the MTA Chairman.

**MBE/WBE GOALS:**

0% MBE/WBE Goals have been assigned to this Procurement.

**ALTERNATIVES:**

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

**IMPACT ON FUNDING:**

The total cost for this contract award for ongoing maintenance, software support is in the amount not to exceed \$1,509,331. The agreement will be funded by the Railroad's Operating Budget.

**RECOMMENDATION:**

It is recommended that the MTA Board approve the award of a non-competitive contract to Siemens at the negotiated amount of \$1,509,331 for a five (5) year term plus a one-year option.

Item Number: 2

<b>Vendor Name (&amp; Location)</b> Electro-Motive Diesel, Inc. (LaGrange, IL)
<b>Description</b> DE/DM-30 Locomotive Parts Agreement
<b>Contract Term (Including Options, if any)</b> December 8, 2003 - December 8, 2013 (option for 5 two year extensions)
<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:
<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

Contact Number	AWO/Modificaiton #
Various Contracts (BP0s)	
Original Amount:	\$58,000,000
Prior Modifications:	- 0 -
Prior Budgetary Increases:	- 0 -
Current Amount:	\$58,000,000
This Request:	\$24,000,000
% of This Request to Current Amount:	41%
% of Modifications (including This Request) to Original Amount:	41%

#### Discussion:

LIRR requests Board approval to issue a Contract modification to exercise a contract option which extends the period of performance for an additional two years through December 2015 and increases the funding by \$24,000,000. This modification will permit the continued procurement of additional spare parts required to operate and maintain LIRR's Diesel Electric/Dual Mode (DE/DM) fleet of 45 diesel locomotives. The additional funding will cover procurements for the balance of the original contract term, which expires in December 2013, and for the two-year option period ending in December 2015.

In December 2003, the MTA Board approved the award of a contract to Electro-Motive Diesel, Inc. (EMD) for a ten (10) year Original Equipment Manufacturer (OEM) spare parts agreement in the amount of \$58,000,000 to enable the LIRR to repair and maintain its fleet of 45 DE/DM diesel locomotives. This agreement established fixed prices for the first year and subsequent price adjustments based on specified producer price indices for each subsequent year. In addition, it included an option for five two-year extensions. This approval will exercise the first of those five options.

The agreement on parts permitted the LIRR to add or delete parts from the original list as needed and as a result, the LIRR has increased the parts list to supply inventory for the Reliability Centered Maintenance (RCM) program and unscheduled repairs. Over the past several years, the LIRR migrated repairs to an RCM cycle to improve fleet performance. Pricing for additions to the parts list is based on a determination of fair and reasonable pricing and most favored customer pricing. These parts can only be provided by EMD, the OEM.

As of this date, LIRR has expended approximately \$57.5M against the \$58.0M amount authorized in the contract. LIRR estimates that an additional \$24.0M will be required to cover the remaining period under the original contract and the two-year option period. Of the \$24.0M, an estimated \$18.0M is for continued RCM and the remaining \$6.0M is required to purchase OEM material to perform unscheduled maintenance repairs and to replace other miscellaneous parts.

The requirements discussed herein are funded by LIRR's operating budget.



**JUNE 2013**

**MTA LONG ISLAND RAIL ROAD**

**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)**

- |    |  |                 |                                      |
|----|--|-----------------|--------------------------------------|
| 3. | <b>Lucius Pitkin, Inc.</b><br><b>Declaration of Emergency</b><br><b>Contract No. TBD</b> | <b>\$67,500</b> | <i><u>Staff Summary Attached</u></i> |
|----|--|-----------------|--------------------------------------|

Pursuant to a Declaration of Emergency in connection with a derailment which occurred on March 18<sup>th</sup> along LIRR's Mainline in Rego Park, LIRR requests MTA Board approval to ratify a personal services contract in the amount of \$67,500 issued to Lucius Pitkin, Inc. (LPI). Because the situation required immediate action that could not await competitive bidding, LIRR engaged LPI to analyze the integrity of the track components, including metallurgical testing; to perform a failure analysis; and to determine if there was a potential risk to other parts of the system.

Item Number: 3

<b>Vendor Name (&amp; Location)</b> Lucius Pitkin, Inc. (NY, NY)	
<b>Description</b> Engineering Services (Failure Analysis)	
<b>Contract Term (including Options, if any)</b> March 19, 2013 – July 1, 2013	
<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:	
<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> Safety & Training, Loretta Ebbighausen	

<b>Contact Number</b> PO	<b>AWO/Modificaiton #</b>
<b>Original Amount:</b> \$67,500	
<b>Prior Modifications:</b> \$0	
<b>Prior Budgetary Increases:</b> \$0	
<b>Current Amount:</b> \$0	
<b>This Request:</b> \$67,500	
<b>% of This Request to Current Amount:</b> 0%	
<b>% of Modifications (including This Request) to Original Amount:</b> 0%	

**Discussion:**

Pursuant to a Declaration of Emergency in connection with a derailment which occurred on March 18<sup>th</sup> along LIRR's Mainline in Rego Park, LIRR requests MTA Board approval to ratify a personal services contract in the amount of \$67,500 issued to Lucius Pitkin, Inc. (LPI). Because the situation required immediate action that could not await competitive bidding, LIRR engaged LPI to analyze the integrity of the track components, including metallurgical testing; to perform a failure analysis; and to determine if there was a potential risk to other parts of the system.

LPI is a qualified firm based on performance of similar services (3<sup>rd</sup> Rail Failure Analysis – Pinelawn PO 4000024549) on a competitively bid basis. LPI has been awarded similar work in the past for non-emergency work, pursuant to competitive procurements and has agreed to utilize the same hourly labor rates for this work. Additionally, these hourly rates are the same rates LPI uses on its contract with NYCT. The total contract price of \$67,500 is therefore fair and reasonable. In addition, LPI was able to provide qualified on-site engineering personnel within two hours of LIRR's request. It is therefore recommended that the Board ratify this contract in the NTE amount of \$67,500.

**LONG ISLAND COMMITTEE**  
**BOARD PROCUREMENT PACKAGE**  
**JUNE 2013**

# Staff Summary



<b>Subject</b>	Request for Authorization to Award Various Procurements				
<b>Department</b>	Law and Procurement				
<b>Department Head Name</b>	Evan M. Eisland				
<b>Department Head Signature</b>					
<b>Project Manager Name</b>	David K. Cannon				
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	LI Committee	6/3/13	X		
2	Board	6/5/13	X		

<b>Date</b>	May 15, 2013		
<b>Vendor Name</b>	Various		
<b>Contract Number</b>	Various		
<b>Contract Manager Name</b>	Various		
<b>Table of Contents Ref #</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President	2 AD	Chief Financial Officer
	Executive Vice President	1 DME	Chief Procurement Officer

## PURPOSE

To obtain (i) Board approval to award various contracts/contract modifications and purchase orders and, (ii) Board ratification of the procurement actions listed below as reviewed by the Long Island Committee.

## DISCUSSION

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

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule H Modifications to Personal/Miscellaneous Service Contracts	1	\$2,955,936
Schedule I Modifications To Purchase and Public Work Contracts	2	\$1,146,000
<b>SUBTOTAL</b>	<b>3</b>	<b>\$4,101,936</b>

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

<u>Schedules Requiring Majority Vote</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K Ratifications of Completed Procurement Actions	3	\$2,958,829
<b>SUBTOTAL</b>	<b>3</b>	<b>\$2,958,829</b>
<b>TOTAL</b>	<b>6</b>	<b>\$7,060,765</b>

## Responsibility/Responsiveness and Compliance

The contractors/consultants noted on the following Staff Summary Sheets have been found in all respects responsive and responsible, and are in compliance with State laws and regulations concerning procurements.

## Budget Impact:

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

## Recommendation:

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

**MTA Capital Construction Company**  
**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 works 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;

**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; vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.
7. The Board authorizes the budget adjustments to estimated contracts set forth in Schedule L.

JUNE 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

**Schedule H. Modifications To Personal and Miscellaneous Service Contracts**

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

- |    |   |                    |                                      |
|----|---|--------------------|--------------------------------------|
| 1. | <b>PB America/STV/Parsons Transportation<br/>Group, Joint Venture<br/>Contract No. 98-0040-01R<br/>Modification No.</b> | <b>\$2,955,936</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|--------------------|--------------------------------------|

Pursuant to Article XIII of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval of a contract modification for repackaging, additional design services, increase to the Other Direct Costs budget and overhead adjustments.

**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)

- |    |   |                  |                                      |
|----|---|------------------|--------------------------------------|
| 2. | <b>Tutor Perini Corporation<br/>Contract No. CH053<br/>Modification No. 105</b> | <b>\$336,000</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|------------------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval of a contract modification for the removal of two signal towers and three catenary structures. This is a scope and budget transfer.

- |    |   |                  |                                      |
|----|---|------------------|--------------------------------------|
| 3. | <b>Tutor Perini Corporation<br/>Contract No. CH054A<br/>Modification No. 31</b> | <b>\$810,000</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|------------------|--------------------------------------|

In accordance with Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval of a contract modification to furnish and deliver Power Cases and equipment needed for power separation in Harold Interlocking and a Woodside Facility.

## Schedule H: Modification to Personal or Miscellaneous Service Contracts



Capital Construction

Item Number: 1

Page 1 of 2

<b>Vendor Name (&amp; Location)</b> Parsons Brinckerhoff/STV/Parsons Transportation Group, JV (NY)	
<b>Description</b> East Side Access General Engineering Consultant (GEC) Services	
<b>Contract Term (including Options, if any)</b> March 2016	
<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 checked="" 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	

Contract Number	AWO/Modification #
98-0040-01R	45
<b>Original Amount:</b>	
\$ 140,000,000	
<b>Prior Modifications:</b>	
\$ 224,417,765	
<b>Prior Budgetary Increases:</b>	
\$ 0	
<b>Current Amount:</b>	
\$ 364,417,765	
<b>This Request</b>	
\$ 2,955,936	
<b>% of This Request to Current Amount:</b>	
0.81%	
<b>% of Modifications (including This Request) to Original Amount:</b>	
162%	

**Discussion:**

This Contract is for engineering, design and construction phase services for the LIRR East Side Access (ESA) project. In accordance with Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, Board approval is requested to modify the Contract.

The Contract has been modified several times to reflect changes in the scope of Final Design. These changes have been required to satisfy various Program objectives such as implementation of Railroad operating requirements, realization of construction cost savings, resolution of schedule conflicts, mitigation of technical and contractual risk, and retroactive adjustment to overhead rates. The Contract has also been modified several times to increase the Contract amount allocated to Construction Phase Services (CPS). A breakdown of the Current Contract and Proposed Contract amounts is given in the following table.

Work Category	Original Contract	Previous Modifications	Current Contract	Proposed Modification	Proposed Contract
Final Design	\$120,000,000	\$153,273,353	\$ 273,273,353	\$ 2,958,715	\$ 276,232,068
Construction Phase Services	\$ 20,000,000	\$ 70,609,782	\$ 90,609,782	\$ 0	\$ 90,609,782
Misc Technical Support	\$ 0	\$ 534,630	\$ 534,630	\$ 0	\$ 534,630
<b>TOTAL</b>	<b>\$ 140,000,000</b>	<b>\$ 224,417,765</b>	<b>\$ 364,417,765</b>	<b>\$ 2,958,715</b>	<b>\$ 367,376,480</b>

The Proposed Contract amount includes \$2,779 previously approved by the Board for task orders and repackaging work which had not been allocated prior to this Modification.

This Modification is for the following items:

1. CM007 Grand Central Terminal (GCT) Station Caverns

After rejecting all bids on contract package CM012R, a decision was made to divide the CM012R scope of work into smaller packages in an effort to increase competition among bidders and reduce costs. One of the new packages being created is CM007 GCT Station Caverns. The scope of this package includes construction of all interior concrete structures in the GCT Caverns including platforms; and provision of all architectural finishes; heating, ventilation and air conditioning including smoke ventilation; electrical substations and power distribution; lighting; plumbing and utilities; fire protection and elevators & escalators. This modification will increase the Contract amount by \$1,029,321 for the development of final design documents for Contract Package CM007.

2. Contracts CM009 and CM019 (CM009/19) Impacts on Contract CM012

In 2009, certain changes in the GCT Caverns were implemented in the CM009/19 construction contracts that modified the cavern geometry, initial rock support and final lining to take advantage of an alternative, Contractor-proposed, tunneling method that provided significant cost and schedule benefits to MTA. In addition, the Cavern invert slab was re-designed to allow improved access for material deliveries. These changes implemented in CM009/019 had a significant impact on the CM012 design that was being developed at the same time: auxiliary spaces had to be relocated and rearranged, the structural design of slabs and partitions were affected, and architectural fit-out, embedded conduit, plumbing and track drainage work in the Caverns had to be revised. The



Item No. 1

Page 2 of 2

Consultant revised the CM012 design during 2009 and 2010, and, in 2012, submitted a request for change order for the additional design work it had performed. This modification will increase the Contract amount by \$484,104 to compensate the Consultant for this additional design work.

3. Additional funding for Other Direct Costs

Contract terms & conditions regarding payment for Other Direct Costs (ODCs) provide for reimbursement of charges for outside reproduction and printing. This modification will increase the Contract amount allocated to ODCs by \$296,987 to reimburse the Consultant for additional printing costs incurred.

4. Mid-Day Storage Yard Ancillary Buildings

The initial design of the Mid-Day Storage Yard Ancillary Buildings was performed before the specific functional requirements for these buildings had been fully determined. Now that those specific functional requirements are known, additional design work is necessary to satisfy these requirements. This modification will increase the Contract amount by \$133,128 to compensate the Consultant for this additional design work.

5. Overhead Adjustments

Contract terms & conditions related to provisional overhead billing rates allow an adjustment in the GEC contract amount if an audit or other objective evidence indicates that an adjustment in provisional rates is appropriate. MTA Audit Services has conducted financial audits on the three prime consultants and on thirteen sub-consultants for the period August 1, 2004 through December 31, 2010 and issued Audit Reports recommending a net upward adjustment of \$1,015,175 in retroactive overhead costs.

For the items 1-4, the Consultant proposed \$2,153,247 while MTACC's estimate was \$1,938,347. Negotiations were held and the parties agreed to a cost of \$1,943,540, which is considered fair and reasonable. This, together with the adjustment for overhead, brings the total amount of this modification to \$2,958,715.



## Schedule I: Modification to Purchase or Public Work Contracts



Capital Construction

Item Number: 2

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation (Peekskill, New York)		<b>Contract Number</b> CH053	<b>AWO/Modification #</b> 105
<b>Description</b> Construct Harold Structures Part I for the ESA Project		<b>Original Amount:</b> \$ 139,280,000	
<b>Contract Term (including Options, if any)</b> 42 Months		<b>Prior Modifications:</b> \$ 72,025,329	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" 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> \$ 211,305,329	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		<b>This Request</b> \$ 336,000	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other: <i>Other</i>		<b>% of This Request to Current Amount:</b> .16%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> East Side Access, A. Paskoff, P.E. <i>[Signature]</i>		<b>% of Modifications (including This Request) to Original Amount:</b> 54%	

**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 to modify the Contract for the removal of two signal towers and three catenary structures. This is a scope and budget transfer.

This modification is for the removal of existing Signal Towers 12 & 13 and existing Catenary Structures B-920W-MS, B-921W-M and B-921W-MS. This work was originally to be performed in future Contract CH057 together with the Westbound Bypass Track Slab. However, in order to take advantage of scheduled track outages in July and August, the Westbound Bypass Track Slab work was transferred to Contract CQ031. Signal Towers 12 & 13 and existing Catenary Structures B-920W-MS, B-921W-M and B-921W-MS must be removed prior to performing the Westbound Bypass Track Slab work. The CH053 Contractor is the best suited to remove the towers and structures because it is already on-site and has experience performing this type of work under this Contract.

The Contractor submitted a cost proposal of \$354,032 while the MTACC estimate was \$357,852. Negotiations were held, and both parties agreed to \$336,000 which is considered fair and reasonable. There is no time impact associated with the modification. The budget for this work will be transferred from CH057.

# Schedule I: Modification to Purchase or Public Work Contracts



Item Number: 3

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation (Peekskill, New York)		<b>Contract Number</b> CH054A	<b>AWO/Modification #</b> 31
<b>Description</b> Construct Harold Structures Part IIA for the ESA Project		<b>Original Amount:</b> \$ 21,777,777	
<b>Contract Term (Including Options, If any)</b> 28 Months		<b>Prior Modifications:</b> \$ 554,197	
<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" 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> \$ 22,331,974	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		<b>This Request</b> \$ 810,000	
<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> 2.95%	
<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> 29.5%	

## Discussion:

The work under this Contract involves civil construction work consisting of demolition, clearing, grubbing and grading, construction of retaining walls, storm sewers and utility relocation in the Harold Interlocking area for the East Side Access Project. Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for a modification to furnish and deliver Power Cases.

This modification is to fabricate, assemble and deliver one (1) Type-B Power Case and four (4) Type-C Power Cases. The Power Cases are required to change the incoming Con Edison power frequency from 60Hz to 91 2/3Hz but were omitted from the original design documents. This work is being given to Contract CH054A because this Contract has fabricated and delivered similar equipment for Long Island Railroad in the past.

The Contractor submitted a cost proposal in the amount of \$834,468 and MTACC's estimate was \$812,862. Negotiations were held and the parties agreed to a cost of \$810,000, which is considered fair and reasonable. There is no time impact associated with this 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.

JUNE 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. **Granite-Traylor-Frontier, Joint Venture** **\$1,275,000** **Staff Summary Attached**  
**Contract No. CQ031**  
**Modification No. 94**  
In accordance with Articles IX and X of the All-Agency Procurement Guidelines, MTACC requests that the Board ratify a contract modification for the construction of a concrete ductbank and re-route the 2.4 kV power line North of the Tunnel A Approach Structure.
2. **Tutor Perini Corporation** **\$1,273,829** **Staff Summary Attached**  
**Contract No. CQ032**  
**Modification No. 26**  
In accordance with Articles IX and X of the All-Agency Procurement Guidelines, MTACC is requesting the Board ratify a contract modification to relocate a signal vault, revise a structural invert and reroute electrical conduits to account for a rock plinth which obstructs the originally designed layout.
3. **Tutor Perini Corporation** **\$410,000** **Staff Summary Attached**  
**Contract No. CH053**  
**Modification No. 102**  
In accordance with Articles IX and X of the All-Agency Procurement Guidelines, MTACC is requesting the Board ratify a contract modification for the temporary rerouting of existing power lines.

# Schedule K: Ratification of Completed Procurement Actions



Item Number:1

<b>Vendor Name (&amp; Location)</b> Granite-Taylor-Frontier (GTF), Joint Venture		<b>Contract Number</b> CQ031	<b>AWO/Modification #</b> 94
<b>Description</b> Queens Bored Tunnels and Structures		<b>Original Amount:</b> \$ 659,200,700	
<b>Contract Term (including Options, if any)</b> 53 Months		<b>Prior Modifications:</b> \$ 112,343,614 (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> \$ 771,544,314	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		<b>This Request</b> \$ 1,275,000	
<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> 17%	
<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> 17.24%	

## Discussion:

The work under this contract includes construction of four soft-ground bored tunnels and miscellaneous demolition of surface structures for the East Side Access (ESA) project. In accordance with Articles IX and X of the All-Agency Procurement Guidelines, MTACC requests that the Board ratify a modification to the contract to construct a concrete ductbank and reroute the 2.4 kV power line North of the Tunnel A Approach Structure.

There is presently an existing 2.4 kV power cable interfering with the installation of secant piles for the Tunnel A Approach Structure (TAAS). Accordingly, this cable must be temporarily rerouted around the Approach Structure so that the secant pile installation can continue.

In addition, ESA needs to construct a concrete encased communication ductbank in area of the TAAS. The ductbank is required by August 31, 2013 because it is linked to the H3 Central Instrumentation Location (H3 CIL) cutover. The H3 CIL cutover is scheduled for March 8, 2014 and requires 6 months of preparation to pull cables and test prior to the cutover. Because the CQ031 Contractor will be working on the excavation of the TAAS in August and will require full use of the area to the north where the ductbank is to be constructed, to minimize contractor interferences and coordination issues it makes sense to transfer the installation of the portion of the ductbank in the vicinity of the TAAS to this Contract.

The Contractor submitted a total cost of \$1,468,468 for this work, while MTACC's project estimate was \$1,282,513. Negotiations were held and the parties agreed to a cost of \$1,275,000. This cost is considered to be fair and reasonable. There is no time impact associated with this modification. Funding is available through the Contract's contingency.

To the extent this modification is the result of an errors and omissions in design, MTACC intends to seek compensation for any resulting damages from the designer.

In order to complete this work by August 13, 2013, a retroactive memorandum was approved by the MTACC President and the Contractor was directed to proceed on May 14, 2013.

# Schedule K: Ratification of Completed Procurement Actions



## Item Number 2

<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.	

Contract Number	AWO/Modification #
CQ032	26
<b>Original Amount:</b>	
	\$ 147,377,000
<b>Prior Modifications:</b>	
	\$ 29,057,615
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 176,434,615
<b>This Request</b>	
	\$ 1,273,829
<b>% of This Request to Current Amount:</b>	
	.72%
<b>% of Modifications (including This Request) to Original Amount:</b>	
	20.58%

### Discussion:

This Contract is for the structural and architectural rehabilitation of existing facilities within the 63<sup>rd</sup> Street Tunnel as well as the construction of the Plaza Interlocking and Facility Power Substation B10 for the East Side Access (ESA) Project. In accordance with Articles IX and X of the All-Agency Procurement Guidelines, MTACC requests that the Board ratify a modification to the contract to relocate a signal vault, revise a structural invert and reroute electrical conduits to account for a rock plinth which obstructs the originally designed layout.

In order to maintain the stability of the North Runner Bridge, which is supported by piles improperly installed by the defaulted CQ028 contractor (for which we received the full amount of the penal bond of \$84,950,000), a concrete/rock plinth was created around the deficient piles. The plinth, however, obstructs the originally designed layout of the planned signal vault where all of the conduits enter the Plaza Central Instrument Room. Accordingly, the signal vault had to be relocated from its originally planned location and the physical layout of the Plaza Central Instrument Room was completely revised to account for the new location. This modification includes the work required to address these issues, including relocating the signal vault, revising the structural invert under the Plaza Central Instrument Room and revising the electrical system, including rerouting and resizing of electrical conduits.

The Contractor submitted a cost proposal in the amount of \$ 1,439,515 while MTACC's estimate is \$ 1,283,072. Negotiations were held and the parties agreed to cost proposal in the amount of \$1,273,829 for the work. The negotiated cost is considered to be fair and reasonable. There is no time impact associated with the modification as there is no impact on the CQ032's schedule or substantial completion date.

In order to avoid impacting the critical path of this contract, a retroactive memorandum was approved by the MTACC President and the Contractor was directed to proceed on May 10, 2013.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation (Peekskill, New York)		<b>Contract Number</b> CH053	<b>AWO/Modification #</b> 102
<b>Description</b> Construct Harold Structures Part I for the ESA Project		<b>Original Amount:</b> \$ 139,280,000	
<b>Contract Term (including Options, if any)</b> 42 Months		<b>Prior Modifications:</b> \$ 72,025,329	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" 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> \$ 211,305,329	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		<b>This Request</b> \$ 410,000	
<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> .19%	
<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> 54%	

## 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. In accordance with Articles IX and X of the All-Agency Procurement Guidelines, MTACC requests that the Board ratify a modification to the contract for the rerouting of the existing 2.4kV signal power cable.

There are currently signal towers and signal power lines that are within the footprint of the portion of the Tunnel A Approach structure to be constructed under this Contract - CH053. These lines and towers would have been removed already but for the design change to incorporate signal power separation and now these powers lines must be maintained until signal power separation is completed, which is scheduled for the end of 2013. Accordingly, the cable must be temporarily re-routed around the Tunnel A Approach Structure to permit construction to proceed. The Tunnel "A" Approach structure is on the critical path to complete CH053 and, therefore, failure to temporarily reroute this cable will add approximately three months to the schedule.

The Contractor submitted a cost proposal of \$461,115. MTACC's internal estimate was \$414,369. Negotiations were held, and both parties agreed to \$410,000, 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.

In order to avoid impacting the critical path of this contract, a retroactive memorandum was approved by the MTACC and the Contractor was directed to proceed.



# **Bridges and Tunnels**

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## **Procurements June 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
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	Various

<b>Date</b>	May 13, 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	5/13/13			
2	MTA B&T Committee	6/3/13			
3	MTA Board	6/5/13			

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

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

## PURPOSE:

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

## DISCUSSION:

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

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

		# of Actions	\$ Amount
<u>Schedules Requiring Majority Vote</u>			
Schedule G	Miscellaneous Service Contracts	2	\$0.644M
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	1	\$0.260M
Schedule I	Modifications to Purchase & Public Works Contracts	4	\$3.071M
SUBTOTAL		7	\$3.975M

MTA B&T presents the following procurement actions for Ratification:

		# of Actions	\$ Amount
<u>Schedules Requiring Majority Vote</u>			
Schedule K	Ratification of Completed Procurement Actions (Involving Schedule E-J)	2	\$3.795M
SUBTOTAL		2	\$3.795M
TOTAL		9	\$7.770M



**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**  
**JUNE 2013**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Two-Thirds Vote:**

**G: Miscellaneous Service Contracts**

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

1. **Atlantic Detroit Diesel-Allison, LLC** **\$518,260.00**  
**Contract No. 12-MNT-2895(B)**

5 yr. contract – Competitive Bid – Low responsive bid/3 bids.

In August 2012 B&T issued a joint solicitation for a Contractor to provide preventive maintenance and repair of emergency generators at various B&T and MTA facilities. The services under this procurement are required to maintain peak performance of B&T's generators in the event that they are needed in an emergency, e.g. a power outage at a bridge or an office building. The solicitation notice was publicly advertised and sent to sixty-three (63) firms; eight (8) firms requested copies of the solicitation. B&T submitted its recommendation for the MTA facilities to the Board in January 2013 for award to a separate contractor. In that Staff Summary, the Board was advised that our evaluation of the apparent low bidder, Atlantic Detroit Diesel-Allison, LLC (ADDA), was ongoing and that our award recommendation for this service would be presented to the Board for approval at a later date. There were three bids submitted on October 12, 2012 for maintenance and repair of B&T's generators. They were as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Atlantic Detroit Diesel-Allison, LLC	\$518,260
GenServe, Inc.	\$570,430
National Grid Energy Management, LLC	\$1,411,600

The scope of services under the prospective contract is the same as that compared with the prior contract. The term of the new contract has been revised from three to five years and the rates for preventive maintenance services at the sites are fixed for the five year period. A comparison of the preventive maintenance rates over the first three years of the prospective contract are on average 18.6% lower than those under the current contract. ADDA's overall bid of \$518,260 is 23.7% higher than the user's estimate of \$418,825. This disparity may primarily be attributed to understated projections for labor and operating expenses. After evaluation of the bids, it was determined that Atlantic Detroit Diesel-Allison, LLC is a responsive, responsible bidder. Based on competition, the prices are considered fair and reasonable. No M/WBE goals were established by the MTA Department of Diversity and Civil Rights. Funding is available in the Operating Budget under GL #711604.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 2013**

2. **Mark-Rene, Inc. dba I. Calderon** **\$125,910.00**  
**Contract No. 12-MNT-2901**

3 yr. contract – Competitive Bid – Low responsive bid/2 bids

In January 2013 B&T issued a solicitation for a Contractor to provide all labor, materials and equipment necessary to perform locksmith services on a “per call” basis at various B&T and MTA facilities. The service requirements were publicly advertised. The solicitation notice was sent to thirty (30) firms. Four (4) firms requested copies of the solicitation. On February 8, 2013, two bids were submitted as follows:

<u>Bidder – MTA</u>	<u>Bid Amount</u>
Mark-Rene, Inc. dba I. Calderon (I. Calderon)	\$125,910.00
Highway Locksmiths, Inc.	\$166,896.60

This request is for approval to award a contract to I. Calderon on behalf of the MTA. B&T has rejected the single bid it received under this procurement and has resolicited the service.

The scope of services under this contract is the same as that under the prior contract. The prices quoted for the MTA are on average 31.6% lower than the current prices. I. Calderon’s bid of \$125,910 is 28.3% less than the user’s estimate of \$175,656. After evaluation of the bids, it was determined that Mark-Rene, Inc. dba I. Calderon is a responsive, responsible bidder. Based on competition, the prices are considered fair and reasonable. No M/WBE goals were established by the MTA Department of Diversity and Civil Rights. Funding is available in the MTA’s Operating Budget.

**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)

3. **Modjeski & Masters, Inc.** **\$260,153.50** **Staff Summary Attached**  
**Contract No. PSC-11-2884**

Additional funding for a preliminary study and design services for Project RK-23, Reconstruction and Rehabilitation of the Manhattan Approach Ramps to the Robert F. Kennedy Bridge.

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

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

4. **E-J Electric Installation Co.** **\$1,957,240.28** **Staff Summary Attached**  
**Contract No. RK-65D**

Additional work and adjustments to estimated quantities under Contract RK-65D, Existing Utility Relocation at the RFK Bridge and Randall’s Island.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 2013**

5.   **Canon Business Solutions, Inc.**                               **\$665,000.00**                               **Staff Summary Attached**  
      **Contract Nos. 3000001328 and**  
      **3000001329**  
          Additional funding for B&T under the MTA All-Agency Copier Equipment Contract.
  
6.   **Iron Bridge Group, Inc.**                                       **\$448,350.00**                               **Staff Summary Attached**  
      **Contract No. HH-07**  
          Additional work under Contract HH-07, Structural Rehabilitation at the Henry Hudson Bridge.

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

### Item Number

<b>Vendor Name (&amp; Location)</b> Modjeski & Masters, Inc., Poughkeepsie, NY		<b>Contract Number</b> PSC-11-2884	<b>AWO/Modification #</b>
<b>Description</b> Design and Construction Support Services for Project RK-23, Reconstruction and Rehabilitation of the Manhattan Approach Ramps to the Robert F. Kennedy Bridge			
<b>Contract Term (including Options, if any)</b> June 15, 2012 – June 14, 2018			
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Original Amount:</b> \$8,227,266.53	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>Prior Modifications:</b> \$239,970.66	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>Prior Budgetary Increases:</b> \$0.00	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>Current Amount:</b> \$8,467,237.19	
		<b>This Request:</b> \$260,153.50	
		<b>% of This Request to Current Amount:</b> 3%	
		<b>% of Modifications (including This Request) to Original Amount:</b> 6%	

### Discussion:

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to amend this contract with Modjeski and Masters, Inc. (M&M) for additional funding in the amount of \$260,153.50. Consistent with the Procurement Guidelines, this amendment together with the previous amendment constitutes a substantial change.

Pursuant to Board approval in June 2012, Contract PSC-11-2884 was awarded to Modjeski and Masters, Inc. in the amount of \$8,227,266.53 for a six-year duration to perform design and construction support services for Project RK-23, Reconstruction and Rehabilitation of the Manhattan Approach Ramps to the Robert F. Kennedy Bridge (RFKB). In its 20-year needs assessment, B&T had identified the need to construct a new ramp from the Harlem River Lift Span of the RFKB to the Northbound Harlem River Drive (HRD) to complete this missing critical direct connection and allow traffic that currently must take very busy local streets to directly access the HRD from the RFKB. B&T has accelerated its plan to construct this ramp due to: (i) the Governor's 2100 Report recommending improved system connections and resiliency of regional transportation routes; (ii) recently acquired knowledge that New York City Department of Transportation (NYCDOT) is in the design phase for the reconstruction, widening and improving this segment of the HRD in the area where a ramp from RFKB would merge onto the HRD; and (iii) the unique opportunity to implement long overdue, dramatic traffic improvements in this congested sector, thereby improving traffic movement on the RFKB, locally on the street network and on the HRD.

This proposed amendment is to perform: (i) preliminary study and conceptual design to determine the best means of connecting a ramp from the RFKB with the HRD and (ii) design modifications to the 125<sup>th</sup> Street off-bound ramp to minimize the cost, schedule and traffic impacts when the future ramp is constructed. On April 17, 2013, B&T authorized M&M to perform the preliminary study and conceptual design in an amount not to exceed \$190,000 to take advantage of significant cost savings by working with NYCDOT and its designer to coordinate the merge point now rather than potentially make costly changes to the HRD after it is designed and/or constructed. M&M proposed \$260,153.50 for these services; the Engineer's estimate is \$271,000. M&M's proposed cost is 4% below the estimate and is considered fair and reasonable. Funding for this amendment is available in the 2010-2014 Capital Program under Project RK-23.

# Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: 4 (Final)

<b>Vendor Name (&amp; Location)</b> E-J Electric Installation Co., Long Island City, NY		<b>Contract Number</b> RK-65D	<b>AWO/Modification #</b>
<b>Description</b> Existing Utility Relocation at the RFK Bridge and Randall's Island			
<b>Contract Term (including Options, if any)</b> June 1, 2011 - May 31, 2013		<b>Original Amount:</b> \$10,631,387.52	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Modifications:</b> \$1,477,909.96	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Prior Budgetary Increases:</b> N/A	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>Current Amount:</b> \$12,109,297.48	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>This Request:</b> \$1,957,240.28	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>% of This Request to Current Amount:</b> 16.2%	
		<b>% of Modifications (including This Request) to Original Amount:</b> 32.3%	

## Discussion:

B&T is seeking the Board's approval under the All-Agency Procurement Guidelines to modify this Contract with E-J Electric Installation Co. (E-J) for the net amount of \$1,957,240.28. The items are summarized as follows:

- 1) Due to relocation of the substation, the Engineer determined that the concrete substation vault wall must be sawcut in lieu of the original contract requirement to core the concrete. E-J proposed \$99,304 for this work; the Engineer's estimate is \$92,572. When compared with the estimate, the negotiated amount of \$92,000 (0.6% under the estimate) is considered fair and reasonable. The credit for the unit items for coring in the amount of \$7,236 will be taken under a subsequent amendment. To avoid contract delays and associated impact costs, B&T authorized the contractor to proceed with this work in the amount of \$80,000.
- 2) After Superstorm Sandy, the Engineer determined that adjustments should be made to mitigate the effects of future storms, including: (i) elevating the substation two feet higher to protect B&T's power needs on Randall's Island and (ii) providing a 5KV generator cable assembly to ensure easy hookup for generators in case of an emergency. E-J submitted proposals totaling \$374,965 for these items; the Engineer's estimates total \$347,511. When compared with the Engineer's estimates the negotiated total of \$369,290 (6.3% above the estimate) is considered fair and reasonable. To avoid contract delays and associated impact costs, B&T authorized the contractor to proceed with elevating the substation in the amount of \$233,000.
- 3) The Engineer determined that the installation of certain upgrades will enhance the project and reduce costs under future projects. The upgrades are: (i) installing a Powell switchgear assembly to accommodate the future SCADA system; (ii) installing fire alarm inner-ducts to leave useable space in the conduits for future work; (iii) installing pull boxes for a future underground feeder lines for NYPD, which purchases its power via the B&T substation; (iv) installing larger stainless steel pull/splice boxes to accommodate planned upgrades of B&T's upcoming security and fiber optic projects; and (v) providing temporary back up generators for power switch over for B&T facilities. E-J submitted proposals totaling \$289,395; the Engineer's estimates total \$276,978. When compared with the estimates, the negotiated total of \$279,705 (1.0% above the estimates) is fair and reasonable.
- 4) This amendment includes increases to the estimated quantities totaling \$1,732,245.55 and decreases totaling \$516,000.27. These quantity changes are due to: (i) field conditions; (ii) updated B&T operational needs; (iii) avoiding disruption of B&T operations by running conduits around certain property rather than through it; and (iv) unanticipated underground obstructions. The net increase of \$1,216,245.28 is considered fair and reasonable.

The overall net increase to the contract equates to \$1,957,240.28. The impacts from all of these changes will result in a 70 calendar day time extension through August 9, 2013. Funding for this amendment is available in the 2010-14 Capital Budget under Project RK-65D.

# Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: **5** (Final)

<b>Vendor Name (&amp; Location)</b> Canon Business Solutions, Inc., New York, NY		<b>Contract Number</b> 3000001328 and 3000001329		<b>AWO/Modification #</b>	
<b>Description</b> MTA All-Agency Copier Equipment Contract					
<b>Contract Term (including Options, if any)</b> June 15, 2012 through June 14, 2021		<b>Original Amount:</b> \$198,941.00			
		<b>Prior Modifications:</b> \$0.00			
		<b>Prior Budgetary Increases:</b> \$0.00			
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Current Amount:</b> \$198,941.00			
<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>This Request:</b> \$665,000.00			
<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> 334%			
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Staff Services, Catherine Sweeney		<b>% of Modifications (including This Request) to Original Amount:</b> 334%			

## Discussion:

B&T is seeking approval in accordance with the All-Agency Procurement Guidelines for additional funds in an amount of \$665,000 so that delivery orders may be issued under the MTA All-Agency Copier Equipment Contract RFQ2880 with Canon Business Solutions Inc. (Canon). Pursuant to a competitive bid process, NYC Transit on behalf of itself, Bridges and Tunnels, the MTA, Long Island Rail Road, Metro-North Railroad, Staten Island Rapid Transit and MTA Bus Company awarded a purchase contract, MTA All-Agency Contract RFQ2880, to Canon. The contract has been in effect since June 15, 2012 and extends for nine years in a combined amount of \$6,361,219 for all the agencies. B&T's budgeted amount was \$198,941; thus far we have committed approximately 50% of this amount. Under this contract Canon provides: copier equipment on a purchase or lease basis; preventive and remedial maintenance; accessories; and equipment relocation to other areas/sites when, or if, required by the agencies.

Based on a thorough reevaluation of our current equipment (67 copiers), 25 older copier machines are producing less than satisfactory quality and are becoming increasingly unreliable and require immediate replacement. In addition, based on useful lifecycles, we expect to replace another 32 copiers in the future. New equipment will offer enhanced performance and functionality and may be connected to a PC for utilization as scanners, printers and copiers.

Staff Services has identified additional funding in the amount of \$665,000 to cover immediate needs and future requirements through June 2021. Since the Contractor will be compensated in accordance with the rates under Contract RFQ2880, the additional funding is considered fair and reasonable. Such funding is available in the Operating Budgets under GL #s711502 and 711558.



# Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: 6 (Final)

<b>Vendor Name (&amp; Location)</b> Iron Bridge Group, Inc., North Brunswick, NJ		<b>Contract Number</b> HH-07	<b>AWO/Modification #</b>
<b>Description</b> Structural Rehabilitation at the Henry Hudson Bridge			
<b>Contract Term (including Options, if any)</b> December 29, 2011 - December 28, 2013		<b>Original Amount:</b> \$5,615,400	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Modifications:</b> \$585,397	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Prior Budgetary Increases:</b> N/A	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>Current Amount:</b> \$6,200,797	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>This Request:</b> \$448,350	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>% of This Request to Current Amount:</b> 7.2%	
		<b>% of Modifications (including This Request) to Original Amount:</b> 18.4%	

## Discussion:

B&T is seeking the Board's approval under the All-Agency Procurement Guidelines to modify this Contract with Iron Bridge Group, Inc. (IBG) in the amount of \$448,350.

Based on field conditions, the Engineer determined that it is necessary to increase the quantity of six Contract items for steel removal and repair at the Henry Hudson Bridge totaling \$369,350. In accordance with Article 3.02, Variable Quantities Clause, the Engineer determined that using the existing unit price for each item is equitable to both parties. In order to maintain the integrity of the structure, this proposed amendment also adds miscellaneous painting as ordered by the Engineer to perform painting in areas where the temporary work platform is up but the existing coating has been compromised. IBG submitted a proposal for \$85,276 for this work; the Engineer's estimate is \$79,175. When compared with the estimate, the negotiated price of \$79,000 (based on an estimated 100 locations at a unit price of \$790/location) is 0.2% under the estimate and is considered fair and reasonable. Based on the above, the total amendment value of \$448,350 is considered fair and reasonable. Funding for this amendment is available in the 2010-14 Capital Budget under Project HH-07.

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**  
**JUNE 2013**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

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

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

1.     **John P. Picone, Inc.**                                     **\$3,150,000.00**                     **Staff Summary Attached**  
       **Contract No. CB-09**  
          Amendment for recovery and restoration work at two facilities as a result of Superstorm Sandy under Contract CB-09, Substructure and Underwater Work at the Cross Bay Veterans Memorial Bridge.
  
2.     **TAP Electrical Contracting Service,**             **\$644,574.96**                     **Staff Summary Attached**  
       **Inc.**  
       **Contract No. BB-45**  
          Amendment for temporary repairs to the lighting system at the Queens Midtown Tunnel as a result of Superstorm Sandy under Contract BB-45, Replacement of Switchgear and Power Distribution System at the Brooklyn Battery Tunnel.

# Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E Through J)

Item Number: 1 (Final)

<b>Vendor Name (&amp; Location)</b> John P. Picone, Inc., Lawrence, New York		<b>Contract Number</b> CB-09	<b>AWO/Modification #</b>
<b>Description</b> Substructure and Underwater Work at the Cross Bay Veterans Memorial Bridge		<b>Original Amount:</b> \$13,182,300.00	
<b>Contract Term (including Options, if any)</b> November 29, 2010 – November 30, 2013		<b>Prior Modifications:</b> \$3,088,620.73	
<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> \$16,270,920.73	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b>	
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Sandy		Cross Bay Veterans Memorial Bridge \$900,000.00	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		Marine Parkway-Gil Hodges Memorial \$2,250,000.00	
		<b>% of This Request to Current Amount:</b> 19.3%	
		<b>% of Modifications (including This Request) to Original Amount:</b> 47.3%	

## Discussion:

As a result of Superstorm Sandy, B&T is seeking the Board's ratification under the All-Agency Procurement Guidelines under the Declaration of Emergency issued by the President effective on October 29, 2012 for the recovery and restoration work performed by John P. Picone, Inc. (Picone) at the Cross Bay Veterans Memorial and Marine Parkway-Gil Hodges Memorial Bridges in an amount totaling \$3,150,000. Picone was mobilized at the site under Contract CB-09 and was the most qualified and cost effective means of performing the Work.

## Cross Bay Veterans Memorial Bridge:

High winds and storm surges in the area of the north abutment caused the following damage: (i) extensive erosion and scour holes at the east side; (ii) cracking and shifting of a low concrete wall below the roadway; and (iii) extensive erosion and slope failure at embankments on the west side. These areas required immediate repair and restoration in order to prevent further structural damage and to protect the facility should another significant weather event occur. The scope of work required: clearing of debris along with excavation and disposal activities; placement of rip-rap (stone) in gabion baskets and mats and re-establishing the turf and plantings. Picone provided an immediate response and submitted a proposal in an amount totaling \$1,093,778. The Engineer's estimate totaled \$898,414. Negotiations resulted in the negotiated amount of \$900,000, which is 0.2% above the estimate and is fair and reasonable.

## Marine Parkway-Gil Hodges Memorial Bridge:

High winds and storm surges in the area of the south abutment caused the following damage: (i) undermining of a concrete wing-wall at the east end of the rip-rap; (ii) undermined and destabilized areas of the walkway along the seawall, east and west of the south abutment; (iii) extensive erosion of approximately 1,100 linear feet of the shoreline embankment, thereby destabilizing the existing rip-rap on the east and west sides of the south abutment; (iv) damage to three 24" concrete outfall pipes along the east end; and (v) erosion in and around the arched underpass behind the south abutment. The scope of work required: clearing of debris along with excavation and disposal activities; replacement of a section of the concrete seawall below and above the water line; placement of rip-rap in gabion baskets and mats; replacement of the asphalt walkway; and re-establishing the turf and plantings. Picone provided an immediate response and submitted a proposal in an amount totaling \$2,555,675. The Engineer's estimate totaled \$2,304,219. Negotiations resulted in the negotiated amount of \$2,250,000, which is 2.4% below the estimate and is fair and reasonable.

Funds are available in the 2010 – 2014 Capital Program (Sandy Restoration Program).

# Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E Through J)

Item Number: **2** (Final)

<b>Vendor Name (&amp; Location)</b> TAP Electrical Contracting Service, Inc., Holbrook, NY		<b>Contract Number</b> BB-45	<b>AWO/Modification #</b>
<b>Description</b> Replacement of Switchgear and Power Distribution System at the Brooklyn Battery Tunnel		<b>Original Amount:</b> \$43,650,000.00	
<b>Contract Term (including Options, if any)</b> December 29, 2010 – May 28, 2014		<b>Prior Modifications:</b> \$2,007,937.73	
<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> \$45,657,937.73	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$644,574.96	
<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> 1.4%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering and Construction, Joe Keane, P.E.		<b>% of Modifications (including This Request) to Original Amount:</b> 6.1%	

## Discussion:

As a result of Superstorm Sandy, B&T is seeking the Board's ratification under the All-Agency Procurement Guidelines of work awarded under the Declaration of Emergency issued by the President effective October 29, 2012. TAP Electrical Contracting Service, Inc. (TAP) was performing non-storm related electrical work under Contract BB-45 at the Hugh L. Carey Tunnel. After the storm TAP was directed to provide temporary repairs to the Queens Midtown Tunnel (QMT) lighting system. The total cost for the temporary repairs performed by TAP is \$644,574.96.

Due to the flooding from Superstorm Sandy at the QMT the electrical systems sustained significant damage. In order to re-open the tunnel in an expedited manner that would ensure an acceptable level of lighting for the safe operation and resumption of traffic flow, temporary repairs to the lighting system were required. The north and south tubes required 467 fixtures to be temporarily rehabilitated. The rehabilitation included installation of new ballasts and bulbs, dewatering of existing conduits and replacing 175,000 linear feet of wire. The scope of work to complete the permanent QMT lighting repairs is currently being designed.

Two amendments totaling \$644,574.96 were issued to TAP for the Work performed at the QMT. The Engineer has verified the hours worked, the material quantities and costs and the labor rates have been reviewed and negotiated. The negotiated amount of \$644,574.96 is considered fair and reasonable. Funding is available in the Operating Budget, Sandy-B&T Emergency Repairs to Critical Infrastructure Projects.

# Staff Summary




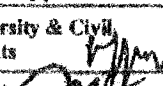

Metropolitan Transportation Authority

Page 1 of 1

<b>Subject</b> Updated Title VI Policies
<b>Department</b> Department of Diversity and Civil Rights
<b>Department Head Name</b> Michael J. Garner
<b>Department Head Signature</b>
<b>Project Manager Name</b> Naeem Din

<b>Date</b> May 28, 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	Diversity Committee	6/3/13	X		
2	Board	6/5/13	X		

Internal Approvals			
Order	Approval	Order	Approval
3	Chief of Staff 	1	Diversity & Civil Rights 
		2	Legal 

## Purpose:

To obtain Board adoption of the annexed updated Policies under Title VI of the Civil Rights Act of 1964 ("Title VI Policies"), governing MTA New York City Transit ("NYC Transit"), MTA Bus Company ("MTA Bus"), MTA Long Island Rail Road ("LIRR") and MTA Metro-North Railroad ("MNR"), in satisfaction of FTA requirements set forth in its revised Title VI Circular.

## Discussion:

The Federal Transit Administration ("FTA") has issued a revised Title VI Circular (Circular 4702.1B, effective October 1, 2012), to assist its grantees in complying with their obligations under Title VI. The FTA Circular requires, among other things, that transportation agencies update, and post for public comment, a set of Title VI policies as part of their Title VI Programs. Pursuant to the requirements of the Circular, the MTA's operating agencies have reviewed and updated their existing Title VI policies, which include existing policies for evaluation of fare and service changes as well as existing system-wide service standards and service policies.

Consistent with the Circular's guidance, the updated Title VI Policies have been organized by mode of service. The attachment thus contains a set of Title VI Policies for commuter rail service provided by MTA LIRR and MTA MNR and a parallel set of Title VI Policies for subway and bus services provided by MTA NYC Transit and MTA Bus. The policies, now organized in the manner conforming to the new Circular, remain substantially the same in content as the pre-existing Title VI policies of the agencies.

In accordance with the public input requirements of the FTA Circular, MTA posted the proposed updated Title VI Policies on MTA's website, inviting comment. As of May 24, 2013, no comments of a substantive nature had been received. MTA and agency representatives also held a focus group meeting on May 22, 2013, with transportation advocacy and community groups, at which the updated Title VI Policies were reviewed.

## Recommendation:

It is recommended that the Board adopt the annexed Title VI Policies, in satisfaction of the requirements of the FTA Title VI Circular.

## **BOARD RESOLUTION**

WHEREAS, in a Staff Summary, dated June 3, 2013, the Department of Diversity and Civil Rights has recommended that the Board adopt updated policies under Title VI of the Civil Rights Act of 1964 ("Title VI"), governing MTA New York City Transit, MTA Bus Company, MTA Long Island Rail Road and MTA Metro-North Railroad, in satisfaction of Federal Transit Administration ("FTA") requirements set forth in its revised Title VI Circular;

WHEREAS, the proposed policies attached to the Staff Summary incorporate existing policies for the evaluation of fare and service changes as well as existing system-wide service standards and service policies;

WHEREAS, in accordance with the FTA Title VI Circular, the proposed policies were posted on MTA's website, inviting comments, and a meeting was held on May 22, 2013, with transportation advocacy groups, at which the updated Title VI policies were reviewed;

NOW, THEREFORE IT IS RESOLVED that the Board adopts the Title VI Policies described in and attached to said Staff Summary.

**MTA New York City Transit and MTA Bus Company  
Major Service and Fare Change Policy, and  
System-wide Service Standards and Policies**

In accordance with Title VI of the Civil Rights Act of 1964 (Title VI), MTA New York City Transit (NYCT)<sup>1</sup> and MTA Bus Company (MTA Bus) have established their Major Service and Fare Change Policy, and System-wide Service Standards and Policies for each mode of service that is provided.

**I. MTA New York City Transit and MTA Bus Company Major Service and Fare Change Policy**

**1. Major Service Change**

Prior to conducting a service change analysis under Title VI, NYCT and MTA Bus first determine whether a particular service change is considered to be major or minor.<sup>2</sup> If a service change is determined to be "major," a Title VI analysis is conducted in order to determine whether the major service change will have a disparate impact or result in a disproportionate burden on any Title VI or Environmental Justice ("EJ") protected class.

NYCT and MTA Bus use the following definitions of "major" service changes:

- Route restructuring actions resulting in at least a 25% change in overall route length;
- Service frequency changes resulting in at least a 25% change in annual revenue vehicle miles ("RVM") Annual RVMs are a compilation of Weekday, Saturday and Sunday RVMs; or
- Span change actions resulting in at least one hour change in service span.

The following exceptions to the definition of "major" service changes apply:

- Demonstration projects or experimental service;
- Standard seasonal or holiday adjustments;
- Temporary schedule changes to enable performance of line maintenance or capital improvement work; or
- Temporary changes in response to emergency situations, service disruptions or events beyond the control of NYCT or MTA Bus.

**2. Fare Changes**

NYCT and MTA Bus require a Title VI fare equity analysis to be performed for any proposed fare change presented to the Board.

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<sup>1</sup> For purposes of these standards and policies, NYCT refers to the New York City Transit Authority and its statutory subsidiary, Manhattan and Bronx Transit Operating Authority (MaBSTOA).

<sup>2</sup> Multiple changes implemented concurrently as a single related action will be reviewed as a single change for purposes of determining whether such change is major.

### 3. Disparate Impact/Disproportionate Burden Policy

#### Adverse Effects

NYCT and MTA Bus perform statistical analyses for minority/non-minority and for at or below poverty/above poverty groups to assess if proposed changes may disproportionately affect any of the protected classes in terms of average trip cost, travel time or passenger loading (for Major Service Changes) or average fare media cost (for Fare Changes).

#### Threshold

Using a statistical test (t-test and/or Chi-square, where appropriate), NYCTA and MTA Bus will apply a 95 +/- 5% confidence level to ascertain if there are significant differences between any of the groups being compared, using results from the impact analysis.

- If the result falls within the boundaries of the test statistic, there is no "statistically significant" difference between the groups and no further analysis is necessary.
- If the result falls outside the test statistic there is a "statistically significant difference" between the groups associated with the service change. It then must be determined if the difference represents an adverse impact to any protected class (e.g., an increase in average travel time for minorities for a service reduction represents an adverse impact).
- Any adverse impact will result in a consideration of an alteration to the service change and/or implementation of mitigation measures, or, where neither alteration nor mitigation is possible, an explanation for the adverse impact and/or justification for the service change.

## II. MTA New York City Transit and MTA Bus Company System-wide Service Standards

The following fixed route modes are provided by NYCT: Subway, Local Bus and Express Bus. MTA Bus provides Local Bus and Express Bus modes.

### 1. Service Availability

Service availability is a general measure of the distribution of routes within a transit system. NYCT and MTA Bus use differing measures as a result of their dissimilar service area densities and operational characteristics. NYCT Bus services are designed to be complementary with NYCT Subway services, providing feeder routes to many subway locations, which are part of a fixed infrastructure, allowing riders to transfer easily between modes to complete their trips. Therefore, NYCT Service Availability includes both bus and subway stops.

The NYCT service area comprises the five counties of New York City: New York, Queens, Bronx, Kings and Richmond, and provides high density local, express and select bus routes and subway lines in a complimentary service pattern. The MTA Bus service area comprises the counties of Bronx, Kings, Nassau, New York, Queens and Westchester, providing express and local bus service.



### NYCT (Bus & Subway)

NYCT measures Service Availability by the distance that a person must travel to gain access to its (Bus stop or Subway station) services. The distance to transit service is measured by the distance from the geographic center of a given Census tract to the closest available service. NYCT aims to provide transit service within ¼ mile from the geographic center of a given Census tract (or Centroid). Factors governing bus stop placement include route spacing, land use, population density and the location of major traffic generators, and type of bus service (local, limited or express).

### MTA Bus

MTA Bus measures Service Availability by the distribution of express and local routes within the MTA Bus service area, which includes Bus Stop Spacing. MTA Bus uses different criteria for express service and local service bus stop spacing, pursuant to the "Bus Stop Spacing Guidelines." Local bus routes have minimum desired spacing interval of approximately 750 feet or about three blocks between bus stops while express bus routes have a minimum desired spacing interval of approximately 1,300 feet or about five blocks between bus stops.

## 2. On-Time Performance

On-Time Performance is a measure of trips completed as scheduled. Several criteria may define what is considered to be "on time."

### NYCT (Bus & Subway Wait Assessment)

NYCT's measurement of On-Time Performance is called "Wait Assessment." "Wait Assessment" is measured on bus routes with the highest passenger volume within each borough (plus eight associated limited services and two +SelectBus routes) and for all Subway routes, as part of the Performance Indicator ("PI") program.

Wait Assessment measures whether scheduled headways are maintained during the hours of most frequent service and is defined as the number of service intervals that are no more than the scheduled interval plus the following:

<u>Local Bus</u>	<u>7 am to midnight</u>
<u>Acceptable Interval in Excess of Scheduled Interval</u>	
+ 3 Minutes (Peak), + 5 Minutes (Off-Peak)	
Peak hours are 7 am - 9 am and 4 pm - 7 pm	
Off-Peak hours are 9 am - 4 pm and 7 pm - 12 am	

<u>Subway</u>	<u>6 am to midnight</u>
<u>Acceptable Interval in Excess of Scheduled Interval</u>	
+ 25% of scheduled interval (6 am- midnight)	

Routes may be added or deleted to the program as required (i.e., a new +SelectBus route is started).

### **MTA Bus (On-Time Performance)**

MTA Bus uses the following methodology to measure On-Time Performance. On-Time Performance is presently assessed by MTA Bus by the use of traffic checks of the bus trips that either leave an enroute location or arrive at a terminal in accord with the public schedule. The times that the buses leave timepoint locations are then tabulated. These tabulations result in a measure of the On-Time Performance.

The parameters for On-Time Performance assessment require that each bus trip of a particular route must not be earlier than one minute before or not be later than five minutes after its scheduled departure time at each of its assessed (terminal or enroute) time points.

### **3. Vehicle Headway**

Vehicle Headway is the time interval between two vehicles, traveling in the same direction on the same route.

#### **Subway**

The Subway headway, expressed in minutes, indicates the average maximum amount of time that a person should spend waiting for a train during the analyzed time period. Shorter headways, with less waiting time, are indicative of "better" service provision. Average headways are taken from official and authorized subway timetables, and display the average scheduled interval between trains (in minutes) for a given route at a specific time-point location. If there are a large number of riders, then the headway is short since more frequent service is needed to maintain guideline loading levels. Although headways are route specific, more than one service may run on a given set of tracks, at certain locations, thus decreasing overall wait times.

NYCT subway headways are based on publicly approved Service Guidelines, which specify "policy," or minimum service headways, which are 10 minutes (Peak, Weekday Mid-day and Saturday Mid-day), 12 minutes (Weekday Evening, Saturday Evening and Sunday) and 20 minutes (Overnight) so that even during low ridership hours, transit riders have an expectation that a fixed level of service will be maintained.

#### **Bus**

The parameters for setting bus headways for local and express services are based on Board approved system-wide loading guidelines. If there are a large number of riders, then the headway is short since required trips must be more frequent. The guidelines also specify a "policy," or minimum service headway, so that even during low ridership hours, transit riders have an expectation that a fixed level of service will be maintained. The guideline used by NYCT and MTA Bus is based on the volume of ridership passing maximum load points ("MLPs"), with

lessening thresholds of service (longer headways) when loads do not justify more frequent service. The guideline varies by type of service (express and local) and size of bus (45-foot express, 40-foot standard local, 60-foot articulated local). We schedule for up to a maximum of a seated load on express buses at all times, up to a maximum of a seated load on local buses during off-peak periods, and up to a maximum of approximately 50% standees in addition to seated load on local buses during peak periods.

#### 4. Vehicle Load

Vehicle loading standards are established by Board-approved passenger loading guidelines, which mandate acceptable maximum vehicle capacities. NYCT and MTA Bus use the average load factor for conducting evaluations under Title VI.

##### Subway

For Subway travel, most passengers travel toward the Central Business District ("CBD") in the a.m. rush period, and away from the CBD during the p.m. rush period. Ridership is generally lower and spread over a longer period of time in the p.m. rush period. As a result, ridership levels at the MLP for most routes will be lower during the p.m. rush period than the a.m. rush period.

The load factor is the average passengers per car divided by the scheduled load. The number of passengers per car ("Average/Car") is the number of passengers divided by the number of cars, with the result rounded to the nearest whole number. The scheduled load is the Board-approved loading guideline for the class of cars in service. Subway loading guidelines differ for the three sizes of subway cars used by NYC Transit: "A" Division 51-foot cars (car classes R62, R62A, R142, and R142A), "B" Division 60-foot cars (car classes R32, R42, R143, R160A, and R160B), and "B" Division 75-foot cars (car classes R46, R68, and R68A). All subway service is scheduled to provide for standees during peak periods. When service operates more frequently, the guidelines allow more customers per car. The maximum capacity for each car size is based on a standing space of three square feet per standing customer. The number of allowable peak period riders per "A" Division car is 110. Similarly the numbers of allowable peak period riders per "B" Division cars are 145 and 175, for 60-foot and 75-foot cars, respectively.

All subway service is scheduled up to 125 percent of a seated load during off-peak periods.

A factor of less than one (1.0) indicates that the average load is below the loading guidelines. In cases where factors are greater than one (1.0), the fixed rail infrastructure and safe distance vehicle operation may prevent adding service on lines running at maximum operational levels.

##### Bus

The guideline for average riders per trip for local and express bus services is based on official system-wide loading guidelines, previously approved by the Board. These loading guidelines vary between different times of day/week, bus sizes and bus route configurations (grid vs. feeder). A feeder route takes most riders to the same final destination in the morning, and takes them away from that point in the evening. The destination is often a transfer point such as a ferry terminal or a subway station. The MLP for a feeder route is usually at the destination point

or at a stop very near the end, in the a.m. period, and at the same point, which becomes the new origin, in the p.m. period. In contrast, a grid route picks up and discharges passengers throughout the entire route, in both directions. The MLP of a grid route tends to be near the center of the route in both the a.m. and the p.m. periods.

The average load factor is the average riders per trip divided by the number of bus seats. The average number of seats per bus for Standard size, Coach, and Articulated buses are 40, 55 and 62, respectively. Therefore, a factor that is less than one (1.0) indicates that the actual loads are below established guidelines at the MLP point.

### **III. MTA New York City Transit and MTA Bus Company System-Wide Service Policies**

NYCT and MTA Bus apply the following Policies for System-wide Policy Indicators, based on the NYCT Service Guidelines Manual, the Department of Subways ("DOS") Rail Fleet Management Plan and the Department of Buses ("DOB") Program Standards. The following fixed route modes are provided by NYCT: Subway, Local Bus and Express Bus. MTA Bus provides Local Bus and Express Bus modes.

#### **1. Vehicle Assignment**

Vehicle Assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout a transit system.

##### **Subway**

The assignment of subway cars to individual subway routes is guided by the practices outlined in the Rail Fleet Management Plan. As detailed in the Rail Fleet Management Plan, car assignments are based on several factors, which include ridership levels on each subway route, operational factors such as subway clearance and car class compatibility, and maintenance factors, such as the location of repair and overhaul facilities.

Ridership concerns, such as severe overcrowding, can lead to major capital investments to increase capacity, such as the purchase of additional subway cars or the construction of new subway lines like the Second Avenue Subway. Maintenance and operational factors are important as the NYCT fleet is not uniform and no single car class can operate in passenger service on all subway routes. NYCT Subways has two physically separate divisions with different gauges and, consequently, different car sizes. Cars and trains on the A Division (numbered routes 1 through 7, plus the S 42nd Street Shuttle) are physically smaller than those on the B Division. Signal system needs may affect car assignments and will become increasingly important as NYCT modernizes with Communications-Based Train Control ("CBTC"). New technology cars delivered since 2000 are all CBTC-compatible.

Subway cars are maintained on a daily basis at 13 car maintenance shops throughout the system, supported by two heavy overhaul shops, all of which handle specific car classes. As a result of the ridership, operational, and maintenance considerations outlined above, certain car classes tend to cluster at specific shops and, hence, are assigned to specific routes. Car assignments for individual routes and shops also tend to remain fairly steady for years, and sometimes decades,

except when new fleets are replacing older fleets. Therefore, there is no applicable standard or guideline for subway fleet age.

### Bus

NYCT and MTA Bus seek to maintain a uniform fleet age across the system, with the average fleet age standard for any depot or division between 6 and 7 ½ years. DOB has developed extensive supporting policies to facilitate compliance with this standard.

New buses are assigned to various depots in the system based on the needs of the individual depot, not the needs of the individual route. The assignment of vehicles is depot based, not route based. However, express buses are assigned only to express routes. Depot assignment is predicated on a number of independent and interrelated factors, such as peak service requirements by mode, uniform fleet age and alternative fuel types.

The depots with the oldest buses will in general get the greatest share of any new buses. However, in order to properly maintain buses at each location, it is necessary that a limited variety of buses be assigned to each depot. This enables mechanics at a given location to be familiar with a variety of buses and minimizes inventory needs for repair parts. Specific equipment assignments for a route are not made within the depot; each route is served with the first bus available. The average bus age is independent of a particular route in a depot, given that bus assignments are not route specific.

## 2. Transit Amenities

Transit amenities refer to items of comfort and convenience available to the general riding public.

### Subway

The transit amenities and corresponding standards listed below apply to Subway stations. The following measures are used to evaluate subway transit amenities:

- Benches - Benches are placed in paid areas on mezzanines or at platform level.
- Trash Receptacles - Trash receptacles are to be placed near seating benches and on platforms. Final locations will be based on the recommendations of the maintenance unit of the Stations Department.
- Train Arrival Annunciator - Every station, where the (24 hours) fare control area is on a different level from the train platform, has at least one train arrival annunciator to alert passengers with audio and/or visual components of impending train arrivals and to direct them to the proper platform.
- MetroCard Vending Machines ("MVM") - Space permitting, there should be least two MVMs per entry control area (excluding High Entry and Exit Turnstile locations within a station) selling fare media with multilingual capabilities. Where space is not available for two MVMs, at least one MVM should be provided.
- Passenger Information Center ("PIC") - PIC displays shall be installed in the unpaid zone of every full-time control area; installation depends on the availability of wall space; installation in part-time control areas depends on the

display's vulnerability to vandalism. Where available wall space does not permit complete installation of the PIC display, the items below should be displayed in order of priority: 1. Guide-A-Ride Maps 2. System Map 3. Neighborhood Map 4. Notice Board (for service notices of diversions) 5. Bus Maps.

- Subway System Maps - System maps shall be installed in both the paid and unpaid zones of stations. In unpaid zones, they will be installed as part of the PIC. They shall be wall-mounted at typical platforms. At island platforms, maps will be installed in free-standing frame elements parallel to the track and located so that they do not obstruct the flow of passengers.

### Bus

Neither NYCT nor MTA Bus report on bus stops or bus shelters as these right-of-way amenity elements are maintained by the New York City Department of Transportation ("NYCDOT").

**MTA Long Island Rail Road and MTA Metro-North Railroad  
Major Service and Fare Change Analysis Policy, and  
System-wide Service Standards and Policies**

In accordance with Title VI of the Civil Rights Act of 1964 (Title VI), MTA Long Island Rail Road (LIRR) and MTA Metro-North Railroad (MNR) have established their Major Service and Fare Change Policy and System-wide Service Standards and Policies.

**I. Long Island Rail Road and MTA Metro-North Railroad Major Service and Fare Change Analysis Policy**

LIRR and MNR apply the following definitions and procedures in conducting their analyses of proposed major service changes and fare changes pursuant to Title VI.

**1. Major Service Change**

LIRR and MNR will conduct an analysis of those service changes that meet or exceed the definition of a "Major Service Change" provided below. Both railroads will use a statistical test to determine whether the proposed service change will have a disproportionate impact upon minority or low income riders with regard to, as applicable, train service, consist length, station, line segment, or service frequency.

LIRR and MNR define a Major Service Change as follows:

- The addition or deletion of trains estimated to carry 25% or more of the total line ridership on the day of the week for which the change is made;
- The addition or deletion of trains or cars constituting more than 25% of the revenue car miles operated on the line on the day of the week for which the change is proposed;
- The establishment or discontinuance of service over a line segment;
- The establishment or discontinuance of a station; or
- A change in frequency of service to a station on a given day by more than 25%.

The following exceptions to the definition of Major Service Change apply:

- Demonstration projects or experimental service;
- Standard seasonal or holiday adjustments;
- Temporary schedule changes to enable performance of line maintenance or capital improvement work; or
- Temporary changes in response to emergency situations, service disruptions or events beyond the control of the railroads.

**2. Fare Change**

LIRR and MNR will conduct an analysis to determine whether a proposed fare change would result in a disparate impact on either minority or low income LIRR or MNR customers.

This analysis is based on data from the annual LIRR and MNR Customer Satisfaction Surveys and Origin/Destination Studies for each railroad, as well as other available socio-economic data (e.g., Census data).

3. Disparate Impact/Disproportionate Burden Policy

The following disparate impact and disproportionate burden policy applies to both LIRR and MNR. MNR and LIRR shall, prior to the implementation of any Major Service Change or fare change, evaluate whether the proposed change may result in adverse effects borne disproportionately by minority or low-income populations.

Adverse Effects

An adverse effect exists where a "statistically significant" difference in service or cost causes a disparate impact or disproportionate burden to minority and/or low-income populations.

Threshold

The threshold is determined by utilizing a statistical test based on available survey, census, operations, and other relevant information. The statistical tests used by the LIRR and MNR measure data to arrive at results with 95% degree of confidence and an error margin of plus or minus 5%. A "statistically significant" difference is demonstrated if the statistical result falls outside of the critical value. In such instances, MNR or LIRR will review the proposed change and consider measures to avoid, minimize or mitigate adverse effects.

**II. MTA Long Island Rail Road and MTA Metro-North Railroad System-wide Service Standards**

The following system-wide service standards apply to LIRR and MNR operations.

1. Service Availability

Service Availability is a general measure of the distribution of routes within the areas serviced by LIRR and MNR.

The commuter rail routes are distributed to provide service to commuters who reside within the service territories of LIRR and MNR. These service territories are each defined as all census tracts that are within (and touching) 2.5 miles of all the commuter rail stations. For MNR, the service territory includes all MNR stations in Manhattan, the Bronx, Westchester, Putnam, Dutchess, Rockland and Orange Counties in New York State and Fairfield and New Haven Counties in Connecticut. For LIRR, the service territory includes all LIRR stations in Manhattan, Brooklyn, Queens, Nassau and Suffolk Counties.

For purposes of conducting a Title VI analysis of service availability, the distance (distribution of stations -- fixed access points) that a person must travel to gain entry to LIRR and/or MNR commuter rail services must be determined. The distance from the centroid of each census tract to the closest commuter rail station is computed and will be used for conducting such a Title VI analysis.



## 2. On Time Performance

On-time performance is a measure of runs completed as scheduled. At LIRR and MNR, a train is recorded as on time if it arrives at its final destination within five minutes and 59 seconds of its scheduled arrival. All trains operated should complete their assigned trips. Unless noted on the timetable, trains will not depart early from passenger stations where they are scheduled to receive passengers.

## 3. Vehicle Headway

Vehicle Headway is a measure of how often a train is scheduled to stop at a particular station. Maximum Vehicle Headway is based upon the station's level of service (determined by ridership by station or average ridership within specific operating line segments). Factors considered when determining service frequency also include availability of equipment, track scheduling, and operating resources.

Maximum Vehicle Headway differs for peak, reverse peak, weekday off-peak, and weekends.

### **LIRR Maximum Headway Guideline**

The chart below presents the Maximum Vehicle Headway by station level of service and time of day for LIRR stations in Zones 1-12. Zone 14 stations, Mets-Willets Point (only open seasonally for Mets home games and other special events), and Belmont (only open seasonally when races are taking place) are not covered by this guideline.

<b>Level of Service</b>	<b>Peak</b>	<b>Rev. Peak</b>	<b>Off-Peak</b>	<b>Weekend</b>
Level 1*	20 minutes	60 minutes	60 minutes	60 minutes
Level 2	30 minutes	60 minutes	60 minutes	60 minutes
Level 3	45 minutes	90 minutes	90 minutes	90 minutes
Level 4	60 minutes	120 minutes	120 minutes	120 minutes

\* Due to infrastructure constraints, Huntington and Ronkonkoma do not provide peak service at this headway. These constraints include: single track territory east of Farmingdale, existence of only two tracks west of Hicksville, and lack of a yard east of Huntington. Hunterspoint Avenue station does not provide service at Level 1 headways, because unlike the other LIRR stations, this station operates only weekday peak-period, peak-direction service.

## MNR Maximum Headway Guideline

The chart below presents the maximum vehicle headway by operating line segment and time of day for MNR stations.

Line Segment	Peak	Rev. Peak	Off-Peak	Weekend
<b>Hudson Line</b>				
Bronx	30 minutes	60 minutes	60 minutes	60 minutes
Mid-Hudson	25 minutes	30 minutes	60 minutes	60 minutes
Upper Hudson	30 minutes	30 minutes	60 minutes	60 minutes
<b>Harlem Line</b>				
Bronx	30 minutes	60 minutes	60 minutes	60 minutes
Mid-Harlem	20 minutes	30 minutes	60 minutes	60 minutes
Upper Harlem	25 minutes	30 minutes	60 minutes	60 minutes
Southeast - Wassaic	45 minutes	60 minutes	120 minutes	120 minutes
<b>New Haven Line</b>				
Inner New Haven	20 minutes	30 minutes	60 minutes	60 minutes
Outer New Haven	25 minutes	30 minutes	60 minutes	60 minutes
New Canaan Branch	30 minutes	60 minutes	60 minutes	60 minutes
Danbury Branch	45 minutes	60 minutes	120 minutes	120 minutes
Waterbury Branch	45 minutes	60 minutes	120 minutes	120 minutes
<b>Pascack Valley Line</b>	45 minutes	60 minutes	120 minutes	120 minutes
<b>Port Jervis Line</b>	30 minutes	60 minutes	60 minutes	60 minutes

### 4. Loading Guidelines

Loading standards are used to determine seating capacity, to assign equipment (e.g., number/type of railcars), and to make subsequent adjustments by lengthening or shortening trains. Because a primary method of controlling costs is to minimize surplus car-miles while providing a seat for every customer, LIRR and MNR will adjust the assignment of cars and length of trains in accordance with the below occupancy policies.

Train lengths are adjusted to conform to the loading standard using train-by-train ridership data, which is monitored throughout the year. Train lengths are modified to ensure that adequate seating is provided while controlling the total car-miles operated.

### Maximum Recommended Occupancy Policy:

	Lengthening Trains If Occupancy Exceeds...	Shortening Trains If Occupancy (after reduction) Would Not Exceed...
AM Peak, PM Peak, Reverse Peak	95%	95%
Off-Peak Weekday	85%	85%
Weekend	75%	75%



**Holiday/Special Event Adjustments:** Adjustments to the regular equipment assignments are made to account for changes in travel patterns and demand on holidays and holiday weekends and other special events throughout the year.

### **III. MTA Long Island Rail Road and MTA Metro-North Railroad System-wide Service Policies**

The following system-wide service policies apply to both LIRR and MNR.

#### **1. Vehicle Assignment Policy**

Both LIRR and MNR operate diesel and electric powered trains.

The primary criterion in assigning transit vehicles is the type of propulsion power required for a particular branch or line segment. Diesel locomotive-hauled coaches are used on non-electrified territory (Main Line east of Ronkonkoma, Oyster Bay, Port Jefferson, and Montauk branches on the LIRR; Hudson Line north of Croton-Harmon, Harlem Line north of Southeast, Danbury Branch and Waterbury Branch on MNR). Electric Multiple-Unit (EMU) vehicles are used on electrified territory (all remaining lines/branches). Where a train operates over both electrified and non-electrified territory, diesel locomotive hauled coaches must be assigned.

All coaches and EMUs have similar amenities including air conditioning, rest rooms, and like decor which provide the same level of customer comfort and convenience. Vehicles are assigned as required, with seating capacity and maintenance cycles driving the assignments. Cars are not assigned to specific routes or branches within electric or diesel territory but are cycled from line/branch to line/branch to achieve optimum car utilization efficiency. Short-term rolling stock assignment plans are developed for deployment of railcars.

**Average Age of Fleet:** Vehicles are assigned to trains based on required propulsion power (diesel or electric) for the route, individual train ridership and seating capacity, and maintenance and storage yard requirements.

#### **2. Transit Amenities**

Transit amenities are items of comfort and convenience made available to railroad customers.

Amenities available at train stations can include benches, waiting rooms, platform shelters, restrooms, vending machines, information kiosks, recycling/trash bins, public address (PA) speakers, visual information displays, escalators, elevators, and ramps. The station amenities provided are based on a station's daily ridership, length of platform, and size of station, but may be limited or constrained by physical layout, available space, and utility infrastructure constraints (e.g., local commercial electric power availability). Stations are categorized into levels; stations in the highest ridership category receive the full range of amenities if available space allows.



Amenities onboard trains include heating and air conditioning, interior lighting, bathrooms, baggage racks, and public address systems. All trains regardless of car type (coaches or multiple-units) and method of propulsion (diesel or electric) are equipped with similar amenities.