



Metropolitan Transportation Authority

# September 2013

**MTA Board Action Items**



**MEETING AGENDA**  
**METROPOLITAN TRANSPORTATION AUTHORITY BOARD**  
**September 18, 2013 10:00 a.m.**

347 Madison Avenue  
Fifth Floor Board Room  
New York, NY

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**AGENDA ITEMS**

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**8. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC)**

FMTAC Annual Board Meeting (materials separately distributed)

**9. EXECUTIVE SESSION**

Date of next MTA Board meeting: Wednesday, November 13, 2013 at 10:00 a.m.

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

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

**The following members were present:**

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

**The following member was absent:**

**Hon. Andrew M. Saul**

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Carmen Bianco, Acting President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Stephen Vidal, V.P., Transportation, Safety and Training, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

The Board of the Metropolitan Transportation Authority also met as the Board of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road, the Metro-North



Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the Metropolitan Suburban Bus Authority, and the First Mutual Transportation Assurance Company. Refer to the other agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

**1. CHAIRMAN'S OPENING COMMENTS.**

Chairman Prendergast thanked Governor Cuomo for his nomination as MTA Chairman and the New York State Senate for confirming the nomination last month. Chairman Prendergast stated that he appreciates the support of the Governor and the Senate and he looks forward to working with the Board members.

Chairman Prendergast called for a moment of silence in honor of Susan Kupferman, Senior Advisor to the Chairman, who died last month. The Chairman noted Ms. Kupferman's lengthy and distinguished record of public service, which included her prior service as MTA's Chief Operating Officer, as President of MTA Bridges & Tunnels, as an MTA Board member, and as Director of the Mayor's Office of Operations. Chairman Prendergast spoke of Ms. Kupferman's dedication to the MTA throughout her long-term illness, and extended condolences to Ms. Kupferman's family.

Chairman Prendergast acknowledged and thanked the following employees who took extraordinary measures, at risk to their own lives, to protect customers: Antoine Taylor, NYCTA, James Fortunato, V.P. of MTA B&T, and MTA B&T Officers Jimmy Moy and John Esposito. Chairman Prendergast said that these employees will be formally recognized for their heroism at the September Board meeting.

- 2. PUBLIC SPEAKERS.** The thirty-eight (38) speakers listed below addressed matters related to MTA programs. Refer to the other agencies' minutes of this date, and to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of the speakers' statements. Due to the number of public speakers, after one hour of statements were received from public speakers, Chairman Prendergast suspended the public speakers' portion of the meeting to allow the Board to conduct its regular business. The public speakers' testimony resumed upon the conclusion of the regular business listed on the MTA Board agenda.

William Henderson, PCAC  
Assemblyman James Brennan, 44<sup>th</sup> Assembly District  
Kevin Carroll, representative for Councilmember Levin  
Councilman Robert Jackson, representing District #7  
Councilman Andy King, representing District #12  
Kenneth Kearns, District Manager Community Board #10, Bronx  
Amy Varghese, representative for Councilmember Margret Chin  
Assembly Member William Colton, representing 47<sup>th</sup> Assembly District

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Priscilla Consolo, staff member of Councilman Colton  
 Mark Tryger, Staff of Councilman Colton  
 Daniel Wiley, representative of Congresswoman Nydia Velazquez  
 John Rose, Disability Advocacy  
 Violeta Maya, Restore the B37 Coalition  
 Maria Esclara, Lutheran Family Health Center  
 Murad Awawdeh, UPROSE/Restore the B37 Coalition  
 Frank Austin, TWU Local 100  
 LaTonya Crisp-Sauray, TWU Local 100  
 Maurice Jenkins, TWU Local 100  
 Mr. X, private citizen  
 Kendall Collins, TWU Local 100  
 Alvin Ponder, private citizen  
 Angelo Vega, private citizen  
 John Dennie, private citizen  
 Bernard Cylich, Riverbay Corporation – Co-op City Board of Directors  
 Hattie Overman, Co-op City resident  
 Stuart Edwards, Co-op City resident  
 Kermit Saltus, Retired Transit worker  
 Ira Herschaft, private citizen  
 Melisa Chapman, Brooklyn Chamber of Commerce  
 Robert Cornegy, representative for NYS Senator Velhmia Montgomery  
 Eugene B. Stamper, Co-op City resident  
 Sally Kya-Hill, Co-op City resident  
 Anthony Gronowicz, private citizen  
 Vincent Austin, First Transit  
 Kisha Wheeler, First Transit  
 John Simino, TWU Local 100  
 Benjamin Gamoran, private citizen  
 Phil Fox, private citizen

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on June 5, 2013.

4. **CHAIRMAN'S ADDITIONAL REMARKS.**

Chairman Prendergast introduced new Board Member John J. Molloy, and congratulated Mr. Molloy and Board member Mitchell H. Pally on their respective appointment and reappointment to the MTA Board.

Chairman Prendergast expressed concern about the increase in assaults on bus operators, and discussed measures being taken to combat the problem, which include the introduction by the Governor of the Transit Watch Program and the installation of protective partition barriers and security cameras on buses. Chairman Prendergast stated that he is working with the TWU's Bus Operation Action Committee to come up with new and innovative ways to further address the problem.

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Chairman Prendergast also noted that Board approval would be sought at the meeting for an amendment to the Capital Program Plan, highlighting some of the details of the proposed amendments to the Plan.

5. **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 summary and documentation filed with the meeting materials.
1. **MTA 2010-2014 Capital Plan Amendment.** Approved amendments to the 2010-2014 Capital Program Plan, which included (1) project-level adjustments reflecting the full funding for the Plan approved by the MTA Board on December 21, 2011; and (2) additional projects totaling \$5.770 billion for agency mitigation initiatives identified in the wake of Superstorm Sandy. The Board further authorized submission of the CPRB-covered plan amendment to the Capital Program Review Board to secure its approval in accordance with state law.
  2. **Authorization to Modify Swap Agreements.** Approved a resolution authorizing MTA, MTA New York City Transit and MTA Bridges and Tunnels, as needed, (a) to enter into agreements relating to changes in laws impacting swap transactions as a result of the Dodd-Frank Wall Street Reform and Consumer Protection Action of 2010, including the International Swap Dealers Association, Inc. ("ISDA") March 2013 DF Protocol and future ISDA Protocols (collectively, the "DF Protocols") and/or direct agreements to be entered into with individual Swap dealers; and (b) to make necessary amendments and elections to existing Swap agreements pursuant to such DF Protocols and direct agreements. The resolution also ratified all prior actions taken with respect thereto or with respect to the ISDA August 2012 DF Protocol.
  3. **Transportation Revenue Anticipation Notes.** Approved a resolution and documents, and all other actions described in the staff summary, including the execution and delivery of such other documents, and the taking of all other actions, from time-to-time deemed necessary or desirable by such officers in connection with the issuance of revenue anticipation notes under the Transportation Revenue Resolution to provide for short-term liquidity of up to \$350 million. The notes will be used from time-to-time, and may be repaid and reissued, to address potential unanticipated operating funding needs.
  4. **Transportation Revenue Commercial Paper Program.** Approved the resolution and documents and all other actions described in the staff summary, including the execution and delivery of such other documents, and the taking of all other actions, from time-to-time deemed necessary or desirable by such officers in connection with the issuance of up to \$350 million of Transportation Revenue Bonds Anticipation Notes to be issued in the form of Commercial Paper ("CP-3")

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to finance existing approved transit and commuter capital projects; and authorized long-term financing to permanently finance such CP-3 from time-to-time including accrued interest thereon.

**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. EB Jacobs, LLC – Promotional Examinations for MTA Police Sergeants and Lieutenants – No. 13033-0100. Approved a competitively negotiated contract to develop, supply, deliver, administer and score promotional examinations for police officers eligible for promotion to the ranks of Sergeants and Lieutenants in the MTA Police Department.
2. Various Contractors – Arts For Transit Projects. Approved competitively negotiated contracts to provide technical design, fabrication, crating, storage, deliver and oversight of installation of materials at NYCT and Metro-North stations as follows: Soonae Tark, Buhre Avenue Station; James Arredondo, Zerega Avenue Station; SLO, Inc. (Amanda Schachter & Alexander Levi), Middletown Road Station; Priscila De Carvelho, Castle Hill Avenue Station; and Kim Cridler, Metro-North, Mamaroneck Station.
3. Shallow Creek Kennels – Acquisition of Police Dogs for MTA Police Department K-9 Unit – No. 10106-0600. Ratification of a contract made for the acquisition of three untrained dogs (two German Shepherd and one Belgian Malinois) to replace retired canines that have been retired due to age and health issues.

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

**New York City Transit Authority**

1. Lease with Deck 18-6309, LLC for the operation of a Dunkin Donuts franchise located at 6309-6311 18<sup>th</sup> Avenue, Brooklyn, N.Y.
2. Temporary permit from 239<sup>th</sup> Street Realty Corp to NYCT for construction staging for overhead track work located at 4600 White Plains Road (Block 5087, lot 40), Bronx, N.Y.
3. Release of property located at 19 East Houston Street (Block 511, Lot 19), New York, N.Y., from master lease with the City of New York.
4. Short-term lease from Forest City Pierrepont Associates of property located at One Pierrepont Plaza, Brooklyn, N.Y. to address emergency Sandy-related needs of NYCT Capital Program Management.

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### Metro-North Railroad

5. Lease with The Steam Company d/b/a The Beverage Bar for the retail sale of coffee, non-alcoholic beverages, candy and snack items, and a limited selection of pre-packaged sandwiches and salads located at the North End Passage at Grand Center Terminal (NEA-1), New York, N.Y.
6. Lease agreement with A Ceriello Corp d/b/a Ceriello Fine Foods ("Ceriello") for retail operation of a high quality butcher shop, including the sale of specialty Italian food products and tenant-prepared Italian side dishes located at Retail Space MKT-08, 09, 10 and 11 and Storage Space BS-05, Grand Central Terminal, New York, N.Y.
7. Lease agreement with Café Grumpy Holdings LLC d/b/a Café Grumpy for the retail sale of tenant-branded coffee, coffee beverages and related menu items located at Retail Space MC-72, Grand Central Terminal, New York, N.Y.
8. Lease agreement with Westchester Consumer Empowerment Center for the retail sale of coffee, teas, non-alcoholic beverages, breakfast bakery items, newspapers and magazines at the Mount Vernon East Station on Metro-North's New Haven Line.
9. Lease agreement with Whitehall Café, Inc. for the retail sale of coffee, teas, non-alcoholic beverages, breakfast bakery items, newspapers and magazines located at the North White Plains Station on Metro-North's Harlem Line.
10. License agreement with Alfonso Quinones-Sanchez d/b/a AJ Taxi Services for the operation of taxi parking spaces located at Metro-North's Beacon Station parking facility.
11. License agreement with Shahnaz Kausar d/b/a Perfect Car and Limo, Inc. for the operation of taxi parking spaces located at Metro-North's Yonkers Station.
12. License agreement with Manor Car Service, Inc. for the operation of taxi parking spaces located at Metro-North's Pelham Station parking facility.
13. License agreement with 83 Calvert Street Realty LLC for access and parking at Metro-North's New Haven Line adjacent to 83 Calvert Street, Harrison, N.Y.
14. License agreement with New York State Office of Parks, Recreation and Historic Preservation for a portion of right-of-way for park use located north of the Morris Heights station, Hudson Line, adjacent to Roberto Clemente State Park, Bronx, N.Y.

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### **Long Island Rail Road**

15. License agreement with NGK Realty Inc., d/b/a K.E.D. Food Service Corporation for a portion of unused right-of-way for access and parking located to adjacent 150 Denton Avenue, Lynbrook, N.Y.
16. Acquisition from Aron Forem of property located at 40-36 Main Street (Block 5037, Lot 57), Queens, N.Y.

### **Metropolitan Transportation Authority**

17. Revocable consent from Department of Transportation of the City of New York for installation and maintenance of sidewalk bollards located on the sidewalks adjacent to Grand Central Terminal, New York, N.Y.
18. Lease with Salmar Properties, LLC for warehouse and archival storage space to be utilized by New York City Transit Museum and various NYCT departments located at Liberty View Industrial Plaza, 850 Third Avenue, Brooklyn, N.Y.
19. Permit with State University of New York for purposes of holding the Chairman's Safety Awards on July 30, 2013 located at SUNY Global Center 116 East 55<sup>th</sup> Street, New York, N.Y.

## **6. OTHER MTA BUSINESS.**

- A. Changes to Board Meeting Schedule and Committee Structure. Upon motion duly made and seconded, the Board approved a resolution adopting amendments to the MTA and agency by-laws, MTA governance guidelines and annexed Committee charters, to provide for meetings at least eleven times per year, to become effective as of January 1, 2014.
- B. All-Agency Procurement Guidelines and All-Agency Guidelines for Procurement of Services. Upon motion duly made and seconded, the Board approved revisions to the All-Agency Procurement Guidelines and the All-Agency Guidelines for Procurement of Services that keep pace with inflation and that will expedite the process of change orders.
- C. Travel and Business Expense Policy. Upon motion duly made and seconded, the Board approved revisions to the All-Agency Travel and Business Expense Policy.

## **7. JOINT SESSION OF THE BOARD AND FINANCE COMMITTEE OF THE MTA FOR CHIEF FINANCIAL OFFICER'S PRESENTATION OF 2013 MID-YEAR FORECAST, 2014 PRELIMINARY BUDGET AND 2014 -2017 FINANCIAL PLAN.**

MTA Chief Financial Officer Robert Foran presented the MTA 2013 Mid-Year Forecast, 2014 Preliminary Budget and the 2014-2017 Financial Plan to the Finance Committee and

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MTA Board members. Copies of the Mid-Year Forecast, Preliminary Budget, and Financial Plan were distributed to Board members at the Board meeting.

Chairman Prendergast thanked Robert Foran for the presentation and invited Board discussion concerning the proposed financial plan. The details of the presentation and Board members' comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

Upon motion duly made and seconded, the Board authorized the Chairman and CEO and his designees to take all steps, including the publishing of notices and the conducting of any public hearings, necessary or appropriate in connection with proposed service improvements that require a public hearing.

8. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:40 P.M.

Respectively submitted,

Victoria Clement  
Assistant Secretary

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

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

**The following members were present:**

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

**The following member was absent:**

**Hon. Andrew M. Saul**

**Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Carmen Bianco, Acting President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Rail Road, James Ferrara, President, TBTA, Stephen Vidal, V.P., Transportation, Safety and Training, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.**



1. CHAIRMAN PRENDERGAST CALLED THE MEETING TO ORDER

2. PUBLIC COMMENT PERIOD

Thirty-eight public speakers addressed NYC Transit/MTA Bus issues.

William Henderson, PCAC, commended the MTA for proposing changes to the Board meeting schedule and for proposing service enhancements.

James Brennan, Member of the NYS Assembly, expressed support for the proposed service enhancements, and discussed two pieces of legislation relating to transportation.

John Rose, Disability Advocacy, discussed issues with bus service for disabled riders.

Robert Jackson, NYC Council member, urged the Board to restore station booths and various bus services.

Violeta Maya urged the Board to restore B37 service.

Andy King, NYC Council member, asked the Board to consider the transit needs of Co-op City.

Maria Esclara, Lutheran Family Health Center, appealed to the Board to approve the restoration of the B37.

William Colton, Member of the NYS Assembly, thanked the Board for restoring certain bus service but asked the Board to restore X28 service.

Murad Awawdeh asked the Board to vote for the restoration of the B37.

Kenneth Kearns, District Manager Community Board #10, Bronx, expressed support for the Board's proposal to conduct a traffic study in Co-op City.

Frank Austin, TWU Local 100, urged the Board to take greater measures to protect bus operators from assaults.

Kevin Carroll, representative for NYC Councilman Levin, expressed support for the restoration of B37 service.

LaTonya Crisp-Sauray, TWU Local 100, discussed issues relating to restroom facilities within the transit system.

Priscilla Consolo, staff of Councilman Bill Colton, asked the Board to consider weekend service for the X28 express bus.

Maurice Jenkins, TWU Local 100, discussed the importance of station agents within the transit system.

Mr. X commented on prior public hearings held by the MTA.

Kendall Collins, Transit Forward, urged the Board to restore the B37, X28 and other bus service.

Alvin Ponder asked the Board to restore bus service in Co-op City.

Daniel Wiley, representative of Congresswoman Nydia Velazquez, urged the Board to restore B37 bus service and to re-open station booths on the N/R line.

Angelo Vega asked the Board to re-install an elevator at 149<sup>th</sup> Street Grand Concourse.

John Dennie discussed workers' rights.

Mark Tryger, staff of Councilman Colton, urged the Board to restore the B64 and X28 weekend service.

Bernard Cylich, Riverbay Corporation - Co-op City Board of Directors, appealed to the Board to consider the transit needs of Co-op City.

Hattie Overman asked the Board to restore bus service in Co-op City.

Stuart Edwards urged the Board to restore bus service in Co-op city.

Kermit Saltus discussed issues concerning emergency evacuation plans for Co-op City.

Vaughn Brooks, TWU Local 100, commented on bus service in Co-op City.

Melissa Chapman, Brooklyn Chamber of Commerce, commended the Board for planning to restore B37 bus service.

Eugene B. Stamper urged the Board to improve transit service in Co-op City.

Sally Kya-Hill discussed issues with the existing transit options in Co-op City.

Anthony Gronowicz urged the Board to restore previous service cuts.

Vincent Austin opposed the layoffs of First Transit workers.

Amy Varghese, representative for Councilmember Margaret Chin, expressed support for the proposed service enhancements but asked for improved service in lower Manhattan.

Robert Cornegy, representative for NYS Senator Velhmia Montgomery, expressed support for the restoration of the B37.

Kisha Wheeler opposed the layoffs of First Transit workers.

John Simino, TWU Local 100, discussed issues relating to transit employees' wages and the layoffs of First Transit workers.

Benjamin Gamoran discussed issues with MetroCards and the need for station agents.

Phil Fox discussed issues with express bus service in Staten Island.

3. **CHAIRMAN PRENDERGAST'S COMMENTS**

Details of Chairman Prendergast'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 MTA New York City Transit/SIR/MTA Bus Company.

4. **MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular board meeting of MTA New York City Transit, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Railway Transit Operating Authority, and MTA Bus Company held on June 5, 2013.

5. **COMMITTEE ON FINANCE**

**Real Estate Item(s):**

MTA New York City Transit: Upon motion duly made and seconded, the Board approved: (i) a lease with Deck 18-6309, LLC for a restaurant at 6309-6311 18th Avenue, Brooklyn, NY; (ii) a temporary permit to stage NYCT construction on 239th St Realty Corp property, Bronx, NY; (iii) a temporary permit to stage NYCT construction on property at 2391h Street, Bronx, NY; (iv) a release of 19 East Houston Street (Block 511, Lot 19), New York, NY from the master lease with the City of New York; and (v) a short-term lease at One Pierrepont Plaza, Brooklyn to address emergency Sandy-related needs of NYCT Capital Program Management.

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

**Action Item(s):**

TAB Senior Hearing Officers: Upon motion duly made and seconded, the Board approved the renewal of retainer agreements with TAB's current panel of two Senior Hearing Officers, each in an amount not to exceed \$35,000 for the period of August 1, 2013 - December 31, 2013.

Details of the above item are set forth in a staff summary, copies of which are on file with the records of the meeting of the Board of New York City Transit/SIR/MTA Bus Company.

### Procurements:

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

Competitive Procurements: Upon motion duly made and seconded, the Board approved the competitive procurements requiring a two-thirds vote (Schedules B and C in the Agenda) and a majority vote (Schedules G, H and I 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 New York City 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 New York City Transit/SIR/MTA Bus Company.

## **7. OTHER MTA BUSINESS**

### Action Item(s):

Changes in Board Meeting Schedule and Committee Structure: Upon motion duly made and seconded, the Board approved a resolution authorizing amendments to the MTA and agency bylaws, committee charters and governance guidelines to reflect changes to the scheduling of Board and Committee meetings.

All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services: Upon motion duly made and seconded, the Board adopted revisions to the All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services that keep pace with inflation and that will expedite the processing of change orders.

All Agency Travel and Business Expense Policy: Upon motion duly made and seconded, the Board approved a proposed non-substantive revision to the All-Agency Travel and Business Expense Policy.

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 New York City Transit/SIR/MTA Bus Company.



8. **CFO PRESENTATION TO A JOINT SESSION OF THE BOARD & FINANCE COMMITTEE**

In accordance with Board policy governing financial planning and the budget process, the Chairman Prendergast and Robert E. Foran, Chief Financial Officer, presented to the Board, for informational purposes, the MTA's Preliminary 2014 Budget and July Financial Plan for 2014-2017 ("Financial Plan"). In November 2013, a proposed final 2014 budget, together with a revised four-year plan for 2014-2017 will be presented to the Board for adoption in December, 2013. Members of the public will have an opportunity to comment on all elements of the Financial Plan at regularly scheduled Board meetings this fall.

The Financial Plan included the following proposed service investments for New York City Transit:

- Increase G service to eight minute headways from 3 p.m. to 9 p.m.
- Add S93 service middays and evenings until 10 p.m.
- Extend M service to the Delancey Street-Essex Street station from the Myrtle Avenue station on weekends
- Add Q77 service on Sundays
- Extend the Bx24 to Hutchinson Metro Center from Westchester Square
- Restore service (B37) along 34rd Avenue between Bay Ridge and Atlantic Avenue-Barclays Ctr. Station 6 a.m. to 11 p.m.
- Restore the B70 to 7<sup>th</sup> Avenue
- Restore B8 service to Bay Ridge-95<sup>th</sup> St. R. station at all times
- Implement a to-be-determined Select Bus Service route
- Restore Q31 service on weekends
- Staten Island – Eltingville area super express bus restructuring
- Restore M8 service on weekends
- Reroute the M100 in northern Manhattan via Dyckman St and 10<sup>th</sup> Ave to serve the Sherman Creek neighborhood.

In an effort to evaluate the adequacy of existing bus service in Co-op City, NYCT and MTA Bus will also be launching a joint bus study. In this study, which is expected to take five months, NYCT and MTA Bus will undertake a comprehensive review of existing bus operations and ridership in the vicinity of Co-op City to assess the reliability of existing service and opportunities for improved connectivity.

The July Financial Plan also includes the following NYCT service quality improvements as part of NYCT's service investment package:

- Improved track cleaning (hiring of two additional crews)
- Additional improved station cleaning at heavily used stations/complexes in each borough (ten stations)
- Improved A division service management at the Rail Control Center

- Modification of fare control areas in high priority areas and installation of remote gate control at 54 stations with a staffed booth on one side and no crossover capability for passengers
- Installation of cameras at ten key fare control areas to assist the NYPD in arresting MVM vandals and swipe sellers.


Upon motion duly made and seconded, the Board authorized the publishing of any required notices and the holding of any public hearings necessary or appropriate in connection with the proposed service investments.

The details of the presentation on the proposed budget and financial plan and Board members' comments and questions with respect thereto are included in the video recording of the meeting produced by the MTA and maintained in MTA records.

9. ADJOURNMENT

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:40 p.m.

Respectfully submitted,

  
Mariel A. Thompson  
Assistant Secretary

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

The following members were present:

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

The following member was absent:

Hon. Andrew M. Saul

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Carmen Bianco, Acting President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Stephen Vidal, V.P., Transportation, Safety and Training, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

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

1. Chairman Prendergast called the meeting to order. He extended his thanks to Governor Cuomo for nominating him for the position of Chairman & CEO, MTA and to the New York State Senate for confirming that nomination. Chairman Prendergast stated

that he looks forward to working with the Board in dealing with all the challenges and opportunities the MTA faces.

Chairman Prendergast discussed the passing of Susan Kupferman, Senior Advisor to the Chairman of the MTA and formerly the MTA's Chief Operating Officer and President of Bridges and Tunnels. He stated that she was a talented, thoughtful, warm human being and dedicated public servant who, despite her debilitating illness and treatment for that illness, continued to devote her full energies to serving the MTA. Chairman Prendergast extended deepest sympathy to Ms. Kupferman's family and friends and led the Board in observing a moment of silence in her memory.

Chairman Prendergast recognized four MTA employees who risked their lives, taking extraordinary measures to protect MTA customers. The employees will be formally commended at the September meeting. The details of the remaining comments by Chairman Prendergast are 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. Public Speakers: There were 38 public speakers.

William Hendersen, Executive Director of the PCAC, spoke in favor of the 11-meeting Board schedule and of the Presidents' Forums, as well as, the recent service enhancements. He noted that the PCAC is concerned with future funding for the MTA, and believes that the MTA and its operating agencies should have a discussion with elected leaders to establish stable, reliable funding to meet existing and future rider demands.

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.

3. Chairman Prendergast welcomed Hon. John J. Molloy of Nassau County who was confirmed as an MTA Board Member.

4. Approval of Minutes

Upon motion duly made and seconded, the members of the Board present approved the minutes of the Regular Board Meeting of June 5, 2013.

5. Committee on Finance:

Action Items:

The Board voted on action items. Upon motion duly made and seconded, the members of the Board present approved the following items that relate to Metro-North.

- Approval of an amended 2010-2014 Capital Program which: (1) makes project-level adjustments reflecting the full funding for the Plan approved by the MTA Board on



December 21, 2011; and (2) adds projects totaling \$5.770 billion for agency mitigation initiatives identified in the wake of Superstorm Sandy.

- Board authorization of the necessary documentation and activities to issue revenue anticipation notes under the Transportation Revenue Resolution to provide for short-term liquidity of up to \$350 million to address potential unanticipated operating funding needs.
- Board authorization of (1) the necessary documentation and activities to issue up to \$350 million of Transportation Revenue Bond Anticipation Notes to be issued in the form of Commercial Paper (CP-3) to finance existing approved transit and commuter Capital Projects and (2) for long-term financing to permanently finance such CP-3 from time to time including accrued interest thereon.

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. Upon motion duly made and seconded, the members of the Board present approved the following competitive procurements that relate to Metro-North.

- A competitively negotiated personal service contract with AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at five NYCT Stations and Metro-North's Mamaroneck Station.

A report setting forth the details of the above item is 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 members of the Board present approved the following real estate items recommended to it by the Committee on Finance that relate to Metro-North.

- Lease with The Steam Company, dba The Beverage Bar, for Retail Space NEA-1 at Grand Central Terminal.
- Lease with A Ceriello Corp, dba Ceriello Fine Foods, for Retail Space MKT-08, 09, 10, 11 at Grand Central Terminal.
- Lease with Cafe Grumpy Holdings LLC, dba Cafe Grumpy, for Retail Space MC-72 at Grand Central Terminal
- Lease with Westchester Consumer Empowerment Center for retail concession at Mount Vernon East Station.
- Lease with Whitehall Cafe, Inc. for coffee concession at North White Plains Station.

- License agreement with AJ Taxi Service for 5 taxi parking spaces at Metro-North's Beacon Station
- License agreement with Perfect Car & Limo Service for 2 taxi parking spaces at Metro-North's Yonkers Station.
- License agreement with Manor Car Service, Inc. for 3 taxi parking spaces at Metro-North's Pelham Station.
- License agreement with 83 Calvert Realty for use of property along Metro-North's New Haven Line in Harrison, NY.
- License agreement with New York State Office of Parks and Historic Preservation for use of property along Metro-North's Hudson Line in the Bronx, NY.

Staff summaries 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.

6. Committee on Metro-North Railroad Operations:

Procurements:

Upon motion duly made and seconded, the members of the Board present approved the following non-competitive procurement recommended to it by the Committee on Metro-North Railroad Operations.

- A 6-month, New York State Preferred Source, miscellaneous service contract with NYS Industries for the Disabled (NYSID) to perform document scanning services of Metro-North's Plan Room Research Library as part of the Metro-North Madison Avenue Relocation project.

Upon motion duly made and seconded, the members of the Board present approved the following competitive procurements recommended to it by the Committee on Metro-North Railroad Operations.

- A competitively solicited 3-year miscellaneous service contract with Brookville Equipment Corporation for the overhaul of 7 GP35 Locomotives used in support of Metro-North's East of Hudson Service.
- A competitively solicited 2-year miscellaneous service contract with Atlantic Detroit Diesel Allison to provide pick up and unit exchange services (UTEX) for Brookville Locomotive fuel injectors.
- A competitively solicited 2-year miscellaneous service contract with Sherwood Electromotion for the repair and return of Metro-North M-7 Propulsion Inverter and APS Blower Assemblies required to maintain Metro-North's 336 M-7 rail cars.
- A competitively solicited miscellaneous service contract for up to a 5-year period (2-year base, 3 1-year options) with Contemporary Machinery, Inc. to provide preventative maintenance and inspection of Metro-North's Axle Lathe located at the Croton Harmon Wheel Shop.

- A competitively solicited miscellaneous service contract with Jala Equipment Company (Jala) to perform an upgrade to the Metro-North Car Wash facility in Stamford, Connecticut.
- A competitively solicited 5-year miscellaneous service contract with Walco Electric to provide repair and return of Metro-North's M-3 railcar motor alternators.
- A competitively solicited 5-year miscellaneous service contract to Newmont Elevator Analysts, Inc. (Newmont) to provide third-party witnessing of the safety inspections and testing services of 112 elevators and two escalators at various Metro-North stations and employee facilities in New York and Connecticut.
- A contract extension to a previous competitively solicited procurement for a self-propelled slot train used primarily for tie, rail and other track material pick-up and cleanup along the Right-of-Way.

Upon motion duly made and seconded, the members of the Board present approved the following ratifications recommended to it by the Committee on Metro-North Railroad Operations.

- A non-competitive, negotiated and awarded personal services contract with Transportation Technology Center, Inc. (TTCI) for consulting services to conduct an expedited review and assessment of Metro-North's Maintenance of Way Division, including an option for LIRR and NYCT to use TTCI for a similar assessment in accordance with the pricing, terms and conditions of Metro-North's contract.
- Ratification of a non-competitive, personal service contract with Jacobs Civil Consultants, Inc. for engineering design services for the rehabilitation of two AC substations on the Harlem Lift Bridge and the replacement of three traction power substations on the Hudson Line that were damaged by Superstorm Sandy's flood and tidal surge.
- Ratification of a miscellaneous procurement contract with Railware, Inc. to upgrade the present Track Driver Professional Blocking System Software Module to prohibit Rail Traffic Controllers (RTC's) from lifting or removing a block without approval or confirmation from roadway workers, enhancing the level of safety for the Railroad.

The details of the approved procurements are set forth in the staff summaries and reports filed with the records of this meeting.

7. Committee on Long Island Rail Road Operations:

The Board voted on Long Island Rail Road procurements. Upon motion duly made and seconded, the members of the Board present approved the following competitive procurements that relate to Metro-North.

- On behalf of LIRR, Metro-North and NYCTA, approval of a negotiated Public Works Contract to Loram Maintenance of Way, Inc. in the not-to-exceed amount of \$3,220,072 to provide Self-Propelled Rail Grinding Machine Services (Equipment and Personnel) at various points along the Agencies' Rights of Way.
- On behalf of LIRR, Metro-North and MTA BSC, approval to award a contract in the not-to-exceed amount of \$8,745,171 to EMC2 Corp. utilizing NYSOGS Contract PT60953, for the maintenance and support of the Agencies' Storage Area Networks for a five-year period, and also covering the expansion and upgrade of the SANs for this period.

Staff summaries and reports setting forth the details of the above items are filed with the minutes of the meeting of the Long Island Rail Road held this day.

8. Committee on Bridges and Tunnels:

The Board voted on Bridges and Tunnels procurements. Upon motion duly made and seconded, the members of the Board present approved the following competitive procurement that relates to Metro-North.

- An all-Agency personal service contract to Sterling Infosystems, Inc. for background verification and investigation services including \$1,200,000 for services to Metro-North.

A staff summary and report setting forth the details of the above item is filed with the minutes of the meeting of Bridges and Tunnels held this day.

9. Other MTA Business:

Action Items:

Upon motion duly made and seconded, the members of the Board present approved the following action items.

- Approval authorizing amendments to the MTA and Agency by-laws, Committee charters and Governance guidelines to reflect changes to the scheduling of Board and Committee meetings, returning to the traditional 11-meeting yearly Board cycle.
- Approval to adopt revisions to the All Agency Procurement Guidelines and All Agency Guidelines for the Procurement of Services, including increasing the value of change orders subject to Board approval.
- Approval of a proposed non-substantive revision of the All Agency Travel and Business Expense Policy.

Staff summaries 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.

10. CFO Presentation to a Joint Session of the Board and Finance Committee:

MTA Chief Financial Officer Robert Foran made a presentation, for informational purposes, of the MTA 2014 Preliminary Budget and July Financial Plan for 2014-17. The Financial Plan includes service investments, including expansion of real-time train status information at all New York State Metro-North stations via LCD monitors that use cellular connectivity. These monitors display the departure time, real-time train status, track information and station stops for the next nine trains. The first three stations would be completed in 2013, with an average of ten stations to be completed each year thereafter until the installation project is concluded in 2020. Board Member Moerdler expressed his opinion that the MTA and the Board should work towards providing unionized employees with fair and reasonable contracts and unrepresented employees with raises.

The presentation and related materials, including a staff summary setting forth the details of the above item is filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

11. Adjournment:

Upon motion duly made and seconded, the members of the Board present voted to adjourn the meeting at 12:40 p.m.

Respectfully submitted,



Linda Montanino  
Assistant Secretary

July 2013 Board Minutes  
Legal/Corporate

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

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

The following members were present:

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

The following member was absent:

Hon. Andrew M. Saul

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Carmen Bianco, Acting President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Stephen Vidal, V.P., Transportation, Safety and Training, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

Chairman Prendergast called the meeting to order.

1. **Public Speakers:**

There were thirty-eight public speakers. William Hendersen, Executive Director of the PCAC, spoke in favor of the 11-meeting per year Board schedule and of the Presidents' Forums, as well as the proposed service enhancements.

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:

Chairman Prendergast extended his thanks to Governor Cuomo for nominating him for the position of Chairman & CEO of the MTA and to the New York State Senate for confirming his nomination. Chairman Prendergast stated that he looks forward to working with the Board in dealing with all the challenges and opportunities the MTA faces.

Chairman Prendergast discussed the passing of Susan Kupferman, Senior Advisor to the Chairman of the MTA and formerly the MTA's Chief Operating Officer and President of Bridges and Tunnels. He extended deepest sympathy to Ms. Kupferman's family and friends and led the Board in observing a moment of silence in her memory.

Chairman Prendergast also recognized four MTA employees who risked their lives, taking extraordinary measures to protect MTA customers. The employees will be formally commended at the September meeting.

The details of Chairman Prendergast's opening remarks are 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.

3. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of June 5, 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:

- Approval of an amended 2010-2014 Capital Program which: (1) makes project-level adjustments reflecting the full funding for the Plan approved by the MTA Board on December 21, 2011; and (2) adds projects totaling \$5.770 billion for agency mitigation initiatives identified in the wake of Superstorm Sandy.
- Board authorization of the necessary documentation and activities to issue revenue anticipation notes under the Transportation Revenue Resolution to provide for short-term liquidity of up to \$350 million to address potential unanticipated operating funding needs.
- Board authorization of (1) the necessary documentation and activities to issue up to \$350 million of Transportation Revenue Bond Anticipation Notes to be issued in the form of Commercial Paper (CP-3) to finance existing approved transit and commuter Capital Projects and (2) for long-term financing to permanently finance such CP-3 from time to time including accrued interest thereon.

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 items recommended to it by the Committee on Finance.

- License agreement with NGK Realty, Inc. d/b/a K.E.D. Food Service Corporation for a portion of unused Right-of-Way adjacent to 150 Denton Avenue, Lynbrook, NY for 10 years; and
- Authorization to commence acquisition of the property known as 40-36 Main Street, Flushing, NY in connection with capital improvements to the LIRR Flushing-Main Street Station.

Staff summaries 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. **Metro-North Railroad Procurements:**

Among the procurements approved for Metro-North was a ratification of a consulting contract with Transportation Technology Center, Inc. (TTCI) to review Maintenance of Way Departments' operations, track inspection, and maintenance and replacement practices, including a not-to-exceed amount of \$750,000 for services provided to LIRR.

6. **Long Island Rail Road Procurements:**

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

- Approval to use the RFP process to award a contract to provide an upgrade to the Babylon Tower Supervisory Control System in order to accommodate both the upcoming Speonk to Montauk Signalization Project and the new Massapequa Pocket Track Project;
- On behalf of LIRR, Metro-North and NYCTA, approval of a negotiated Public Works Contract to Loram Maintenance of Way, Inc. in the not-to-exceed amount of \$3,220,072 to provide Self-Propelled Rail Grinding Machine Services (Equipment and Personnel) at various points along the Agencies' Rights of Way;
- On behalf of LIRR, Metro-North and MTA BSC, approval to award a contract in the not-to-exceed amount of \$8,745,171 to EMC2 Corp. utilizing NYSOGS Contract PT60953, for the maintenance and support of the Agencies' Storage Area Networks for a five-year period, and also covering the expansion and upgrade of the SANs for this period; and



- Approval of a contract modification in the amount of \$1,769,973 to GIRO, Inc. for a three-year contract extension and upgrade of LIRR's existing HASTUS 2007 Crew Schedules and Equipment Schedules Systems Software to HASTUS 2013, and for LIRR and Metro-North system maintenance and support.

Staff summaries and reports setting forth the details of the above items are filed with the minutes of the meeting of the Metropolitan Transportation Authority held this day

**MTA Capital Construction Procurements:**

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

1. Modification to Contract No. CM019 for incentive payments earned by the Contractor for achieving the early completion of four milestones in an amount of \$7,500,000.
2. Modification to Contract No. CH054A for Tutor Perini to furnish transformers, control panels and disconnects in the amount of \$1,355,000.
3. Modifications to Contract No. CM014A to furnish, install and energize two new distribution panels and to relocate and upgrade four circuit breakers in the amount of \$413,124.
4. Modification to Contract No. CH053 for the permanent rerouting of the Amtrak Car Wash feeder cables in the amount of \$369,133.
5. Modification to Contract No. PS837 to reconfigure the MTAPD C3 Center space and provide additional monitors and communication consoles and other incidentals in the amount of \$360,000.
6. Ratification of a modification to Contract No. CM009 for the installation of concrete invert slabs, embedded conduits, subsoil drainage, embedded track drainage systems and mudslabs along with maintaining existing systems within the CM009 and CM019 worksites. This is a scope and budget transfer in the amount of \$28,400,000.
7. Ratification of a modification to Contract No. CH053 to provide two temporary generators to power the Amtrak Car Wash for 22 months from December 2011 to October 2013 in the amount of \$845,000.

Staff summaries and reports setting forth the details of the above items are filed with the minutes of the meeting of the Metropolitan Transportation Authority held this day.

7. **Bridges and Tunnels Procurements:**

Among the items approved for Bridges and Tunnels was an All-Agency personal service contract to Sterling Infosystems, Inc. for background verification and investigation services, including \$1,081,147.50 for services to LIRR.

8. **Other MTA Business:**

**Action Items:**

Upon motion duly made and seconded, the members of the Board present approved the following action items

- Approval authorizing amendments to the MTA and Agency by-laws, Committee charters and Governance guidelines to reflect changes to the scheduling of Board and Committee meetings, returning to the traditional 11-meeting yearly Board cycle;
- Approval to adopt revisions to the All Agency Procurement Guidelines and All Agency Guidelines for the Procurement of Services, including increasing the value of change orders subject to Board approval; and
- Approval of a proposed non-substantive revision of the All Agency Travel and Business Expense Policy.

Staff summaries setting forth the details of the above items are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

9. **CFO Presentation to a Joint Session of the Board and Finance Committee:**

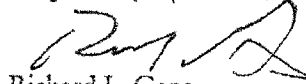
MTA Chief Financial Officer Robert Foran made a presentation, for informational purposes, of the MTA 2014 Preliminary Budget and July Financial Plan for 2014-17. The presentation and related materials are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

Upon motion duly made and seconded, the members of the Board present granted authorization for the publishing of required notices and the holding of any public hearings necessary or appropriate in connection with service investments that require a public hearing, including LIRR's restoration of half-hourly weekend Port Washington service and changes to Greenport service. A staff summary setting forth the details of the above item is filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

10. **Adjournment:**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:40 p.m.

Respectfully submitted,



Richard L. Gans  
Secretary

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
July 24, 2013

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

10:00 a.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO, MTA  
Hon. Fernando Ferrer, Vice Chairman, MTA  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Norman Brown  
Hon. Allen P. Cappelli  
Hon. Ira R. Greenberg  
Hon. Jeffrey A. Kay  
Hon. Mark D. LeBow  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Malloy  
Hon. Mark Page  
Hon. Mitchell H. Pally  
Hon. David A. Paterson  
Hon. James L. Sedore, Jr.  
Hon. Carl V. Wortendyke

Not Present:

Hon. Andrew M. Saul

Nuria Fernandez, Chief Operating Officer; Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel; Stephen J. Morello, Counselor to the Chairman; Board Member Andrew Albert; Board Member James Blair; Board Member Vincent Tessitore, Jr.; 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; Stephen Vidal, Vice President, Transportation, Safety and Training, MTA Bus Operations; and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

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

Chairman and Chief Executive Officer Prendergast called the meeting to order.

**1. Chairman and Chief Executive Officer Prendergast's Opening Comments**

Chairman and CEO Prendergast opened his remarks by expressing his thanks to Governor Cuomo for nominating him as MTA Chairman and CEO and the New York State Senate for confirming his nomination. He stated that he looks forward to working with the Board Members in dealing with the challenges and opportunities that the MTA faces. After recognizing Susan Kupferman's public service and dedication to the MTA as Senior Advisor to the MTA Chairman and formerly the MTA Chief Operating Officer and President of the Triborough Bridge and Tunnel Authority, Chairman and CEO Prendergast asked for a moment of silence to remember Susan Kupferman whom he described as an exceptionally talented, thoughtful and warm human being. Finally, Chairman and CEO Prendergast recognized four MTA employees for their bravery and heroism – one New York City Transit employee, Antoine Taylor, rescued a customer who fell onto the subway tracks as a train was approaching the station; and three Triborough Bridge and Tunnel Authority employees, Vice President and Chief of Operations James Fortunato, Bridge and Tunnel Officer Jimmy Moy and Bridge and Tunnel Officer John Esposito, who rescued two motorists trapped in a burning truck after it had collided with a garbage truck on the Verrazano Narrows Bridge. Chairman & CEO Prendergast stated that the four MTA employees will be formally commended at the September Board meeting.

The details of Chairman and CEO 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.

**2. Public Speakers**

There were 38 public speakers. None of the speakers specifically commented 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. It should be noted that due to the number of public speakers, Chairman and CEO Prendergast temporarily suspended testimony in order for the Board to conduct its business; public speaking resumed at the end of the meeting.

**3. Approval of the Minutes of the Regular Meeting June 5, 2013**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on June 5, 2013 were unanimously approved.

4. **Chairman and Chief Executive Officer Prendergast's Additional Remarks**

After congratulating Board Members Pally and Molloy on their confirmation as Board members, Chairman and CEO Prendergast discussed his concern over bus operator assaults and discussed how the Transit Watch Program rewards information leading to the arrest and conviction of offenders who assault MTA workers. He stated that Board approval would also be sought for an amendment to the Capital Program, which runs to the end of 2014, to 1) implement the \$2 billion in savings achieved through efficiencies on a project by project basis; 2) add \$5.8 billion for mitigation work to harden the system for future storm occurrences; and 3) update the Capital Program Review Board's review and approval obligations under the Public Authorities Law.

The details of Chairman and CEO Prendergast's remarks 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.

5. **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:

- Amendment to the 2010-2014 Capital Plan which (a) makes project-level adjustments reflecting the full funding of the Plan approved by the MTA Board on December 21, 2011, and (b) adds projects totaling \$5.770 billion for agency mitigation initiatives identified in the wake of Tropical Storm Sandy; and, authorizes submission of the Capital Program Review Board-covered plan amendment to the CPRB for consideration and approval.
- Resolution to authorize MTA, New York City Transit and Triborough Bridge and Tunnel Authority as needed from time to time to (a) enter into an amendment of all existing Internal Swap Dealers Association, Inc. (ISDA) Master Agreements and make elections regarding ISDA Master Agreements and related swap transactions as a result of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 and the ISDA Protocols; (b) designate staff to execute any and all necessary, desirable or appropriate agreements to effectuate such amendments and elections; and (c) ratify prior actions related thereto.
- Issue revenue anticipation notes under the Transportation Revenue Resolution to provide for short-term liquidity up to \$350 million and to approve the delegation of authority to take action to effectuate such transactions. The notes will be used from time to time, and may be repaid and reissued, to address potential unanticipated operating fund needs.
- Issue up to \$350 million of Transportation Revenue Bond Anticipation Notes (BANs) to be issued in the form of Commercial Paper (CP-3) to finance existing approved transit and commuter capital projects. Authorization was also requested for long-term financing to permanently finance such CP-3 from time to time including accrued interest thereon.

(b) Procurements:

- Six competitive procurement actions in the amount of \$1.028 million, and
- One ratification action in the amount of \$21,000.

(c) Real Estate Items:

- 20 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.

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

**Procurements**

Commissioner Cappelli stated that there were 23 procurements totaling \$26.7 million.

**Non-Competitive Procurements**

Commissioner Cappelli stated that there was one non-competitive procurement totaling \$500,000.

**Personal Service Contracts**

John W. Fisher & Associates, Inc.	Contract No. PSC-13-2934	\$500,000.00
	Provide expert technical advisory services on fracture and fatigue damage at various Authority facilities.	(Not to Exceed)

**Competitive Procurements**

Commissioner Cappelli stated that there were 15 competitive procurements totaling \$22.7 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:

**Request to Use RFP for Procurement of Purchase & Public Works  
in lieu of Sealed Bid**

Contractor to be Determined	Contract No. RK-65R2	Cost to be Determined
	Request that the Board declare competitive bidding to be impractical and/or inappropriate and authorize B&T to enter into a competitive Request for Proposal process for Design/Build Services for the TBTA Training Facility on Randall's Island.	

Contractor to be Determined

Contract No. MP-21  
Request that the Board declare competitive bidding to be impractical and/or inappropriate and authorize B&T to enter into a competitive Request for Proposal process for Design/Build Services for Rehabilitation of the Rockaway Point Boulevard Bridge and Jacob Riis Pedestrian Bridge.

Cost to be Determined

**Personal Service Contracts**

Sterling Infosystems, Inc.

Contract No. PSC-11-2893  
Provide background verification and investigation services.

\$3,172,492.75

URS Corporation – New York

Contract No. PSC-12-2921  
Provide construction administration and inspection services for Project TN Task 26, Integrated Electronic Security System at the Throgs Neck Bridge.

\$2,922,570.12

Weidlinger Associates, Inc.

Contract No. PSC-13-2927  
Provide design and construction support services for Project TN-60, Dehumidification System for the Main Cable Splays and Elimination of Water Infiltration at the Throgs Neck Bridge.

\$983,385.67

**Miscellaneous Service Contracts**

Engineered Energy Solutions, Inc.

Contract No. 12-MNT-2899  
In December 2012 B&T issued a solicitation for a Contractor to provide preventive maintenance and repair services for the traffic and signal control system located at the Hugh L. Carey Tunnel. The services are required so that lane signals and variable message signs may be properly controlled and monitored throughout the tunnels and at the portals. The service requirements were publicly advertised. The

\$742,003.00

solicitation notice was sent to 332 firms. Five (5) firms requested copies of the solicitation. On April 26, 2013, two bids were submitted as follows:

Bidders	Bid Amount
Engineered Energy Solutions	\$742,003.00
Jacobs Civil Consultants, Inc.	\$901,215.33

The scope of services for the first three years of the five year prospective contract with Engineered Energy Solutions for preventive maintenance, emergency work and unscheduled repair work during normal business hours is the same as that compared with the current contract. The preventive maintenance and repair rates for the initial three year period under the prospective contract compared with the same period under the current contract are on average 32% lower than the current rates. The rates are fixed over the five year period. After evaluation of the bids, it was determined that Engineered Energy Solutions, Inc. is a responsive, responsible bidder. Based on competition, the prices are considered fair and reasonable. The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for this contract. The contract will not be awarded until the M/WBE requirements are satisfied. Funding is available in the Operating Budget under GL #711315.

Highway Locksmiths, Inc.

Contract No. 12-MNT-2901X	\$418,900.00
In April 2013 B&T issued a solicitation for a Contractor to provide labor, material and equipment necessary to provide locksmith services at various locations. The service requirements were publicly advertised. The solicitation notice	



was sent to thirty (30) firms. Two (2) firms requested copies of the solicitation. On April 19 two bids were submitted as follows:

Bidders	Bid Amount
Highway Locksmiths, Inc.	\$418,900.00
Nicholas Simon & Sierra Inc. (dba Popalock of Queens)	\$757,975.00

The scope of repair and emergency services under the prospective contract is the same as that compared with the current contract. Estimated hours for shop repairs (when the contractor performs services at its facility) increased significantly; however, the labor rate decreased compared with the current contract's price. The rates under the prospective contract, which are fixed over the three year period, are on average 13.6% lower than the current rates. After evaluation of the bids, it was determined that Highway Locksmiths, Inc. is a responsive, responsible bidder. Based on competition, the price is 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 #714220.

Continental Lift Truck, Inc.

Contract No. 12-MNT-2898X	\$161,050.00
In March 2013 B&T issued a solicitation for a Contractor to provide maintenance and repair services for "off road" heavy-duty vehicles and equipment. Such vehicles, e.g. frontend loaders and trucks with mobile light towers, are intended for use when services are required to be performed at a reasonable distance from main transportation routes or standard roadways. The services include: (i) preventive maintenance inspections; (ii) scheduled and	

unscheduled maintenance; and (iii) required repair work and vehicular modifications. The service requirements were publicly advertised. The solicitation notice was sent to 144 firms. Three (3) firms requested copies of the solicitation. On April 19 two bids were submitted as follows:

Bidders	Bid Amount
Continental Lift Truck Inc.	\$161,050.00
First Star Auto Repair, Inc. dba Daimner Fleet	\$183,520.00

The scope of services under the prospective five year contract differs from that compared with the current three year contract. The estimated quantity for maintenance and repair work for the initial three year period under the prospective contract compared with the same period under the current contract reflects a 17% increase. Continental's overall bid is 17% lower than the user's estimate of \$193,500. The rates are fixed over the five year period. After evaluation of the bids, it was determined that Continental Lift Truck Inc. is a responsive, responsible bidder. Based on competition, the prices are considered fair and reasonable. The MTA Department of Diversity and Civil Rights established goals of 10% MBE and 10% WBE participation under this contract. The contract will not be awarded until the M/WBE requirements are satisfied. Funding is available in the Operating Budget under GL #710901.

Stertil-Koni, USA, Inc.

Contract No. 12-MNT-2907X

\$86,739.00

In April 2013 B&T issued a solicitation for a Contractor to provide labor, material and equipment necessary to inspect, maintain and repair B&T's vehicle lifts and overhead crane equipment. The service requirements were publicly advertised. The solicitation notice was sent to 160 firms. Two (2) requested copies of the solicitation. On May 17 two bids were submitted as follows:

Bidders	Bid Amount
Stertil-Koni USA, Inc.	\$86,739.00
Permador Industries Inc. dba Sissco	\$105,992.50

The scope of services under the prospective five year contract differs from that compared with the current three year contract. The estimated hours for maintenance, repair and inspection of vehicle lift equipment for the initial three year period under the prospective contract compared with the same period under the current contract reflect a 20% increase. Stertil-Konti's overall bid is 7% lower than the user's estimate of \$93,240. The rates are fixed over the five year period. After evaluation of the bids, it was determined that Stertil-Koni, USA, Inc. is a responsive, responsible bidder. Based on competition, the price is considered fair and reasonable. The MTA Department of Diversity and Civil Rights established goals of 10% MBE and 10% WBE participation under this contract. The contract will not be awarded until the M/WBE requirements are satisfied. Funding is available in the Operating Budget under GL #710901.

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

Hatch Mott MacDonald, NY Inc.	Contract No. PSC-12-2913 Perform emergency and in-depth condition inspections, damage reporting and restoration design activities as a result of Tropical Storm Sandy under Project BB-28, Phase II Rehabilitation of the Tunnel Walls, Roadway, Drainage, Ceiling and Fireline at the Brooklyn Battery Tunnel (now known as the Hugh L. Carey Tunnel).	\$4,862,545.00
URS Corporation-New York	Contract No. PSC-12-2913 Perform structural, civil, electrical, mechanical designs as well as hardening designs, restoration and mitigation services as a result of Tropical Storm Sandy under Project QM-40, Tunnel Control at the Queens Midtown Tunnel.	\$3,977,373.88
Peak Technical Services, Inc. Rotator Staffing Services, Inc HEPCO, Inc Metro-Tech Consultant Services, Inc. L.J. Gonzer Associates, Inc.	Contract Nos. 3000001036 (Peak) 3000001212 (Rotator) 3000001289 (HEPCO) 3000001390 (Metro-Tech) 3000001391 (Gonzer) Amend Purchase Orders issued or to be issued by B&T that ride NYCT Contracts for temporary professional and technical staffing (Job Shopper) services.	\$1,950,000.00
PB Americas, Inc.	Contract No. PSC-06-2805 Perform electrical and mechanical designs, restoration, mitigation and construction support services as a result of Tropical Storm Sandy under Project QM-30, Electrical Switchgear Replacement at the Queens Midtown Tunnel.	\$1,831,528.00

AWL Industries, Inc.	Contract No. 10-MNT-2860	\$1,231,639.28 (B&T)
	Perform additional maintenance and	\$ 0.00 (SIRT)
Ultimate Power, Inc.	repair of heating, ventilation and air conditioning systems located at various B&T, SIRT and NYCT DOB facilities and extend each contract through January 2014.	\$ 180,000.00 (NYCT DOB)

**Modifications to Purchase & Public Works Contracts**

Franklin Company Contractors, Inc.	Contract No. 3000000957	\$153,873.75
	In May 2012 New York City Transit (NYCT) awarded three (3), three (3) year public work contracts to Franklin for the Department of Buses/MTA Bus Company, Department of Subways and Triborough Bridge and Tunnel Authority (B&T) for the repair, replacement and testing of petroleum tanks and associated piping at various agency facilities. B&T issued a delivery order to Franklin against NYCT Contract RFQ5482 from June 1, 2012 through May 21, 2015 in an amount of \$180,915. Payment for these services is in accordance with the prices and terms contained in the NYCT Contract.	

The Maintenance Division requires that additional funding be added to our delivery order in an amount of \$153,873.75. Such additional funds are necessary to remove and dispose of contaminated soil, remediate the land area, adjust tank air venting and install tank monitoring equipment at the Robert Moses Building located on Randall's Island. Such efforts are in accordance with the contract and NYS DEC regulations. Additionally, B&T requires Franklin to perform

precision tank tightness testing to ensure conformance with the specifications and verify that the cathodic protection system is effectively controlling corrosion of the metal surfaces of the tanks. Since the rates payable are the same as those contained in the NYCT contract, the value of this amendment is considered fair and reasonable. Funding for this amendment is available in the Operating Budget under GL #711437.

### **Ratifications**

Commissioner Cappelli stated that there were seven ratifications totaling \$3.5 million. Upon a motion duly made and seconded, the Board unanimously approved the following ratifications recommended to it by the Committee for MTA Bridges and Tunnels Operations:

### **Ratification of Completed Procurement Actions**

American Littoral Society	Contract No. MOU-13-60 Compensation to the American Littoral Society (ALS) for anticipated loss of channel bottom habitat in Jamaica Bay, Queens due to upcoming construction under Project MP-06, Substructure and Underwater Work at the Marine Parkway-Gil Hodges Memorial Bridge. ALS will use the funds for wetlands mitigation, plantings, protection and monitoring services for the Rulers Bar Marsh Islands Restoration Project.	\$500,000.00
Tamco Mechanical Inc.	Contract No. 3000001252 Temporary repairs to the drainage pump motors and associated equipment at the Hugh L. Carey Tunnel that were damaged as a result of Tropical Storm Sandy.	\$271,750.35

Satin American Corporation	Contract No. 3000001201 Rebuild and reinstall the motor control equipment at the Queens Midtown Tunnel's pump room that was damaged as a result of Tropical Storm Sandy.	\$88,507.50
TAP Electrical Contracting Service, Inc.	Contract No. BB-45 Amendment for temporary repairs to the lighting system at the Hugh L. Carey Tunnel (formerly BBT) as a result of Tropical Storm Sandy under Contract BB-45, Replacement of Switchgear and Power Distribution System at the Brooklyn Battery Tunnel.	\$1,098,580.40
Michael Stapleton Associates Ltd., dba MSA Security	Contract No. 3000001380 Provide trained explosive detection canine teams (canines and handlers) at designated locations on an as needed basis.	\$833,000.00
Dewberry Engineering Inc., NY	Contract No. PSC-03-2682 Amendment for repair and restoration design work and construction support services at two facilities as a result of Tropical Storm Sandy under Project CB-08, Deck and Drainage Rehabilitation at the Cross Bay Bridge.	\$401,660.49
Ammann & Whitney Consulting Engineers, PC.	Contract No. PSC-06-2787 Amendment for construction management and inspection services during construction restoration activities at two facilities as a result of Tropical Storm Sandy under Project CB-08/CB-09, Deck and Structural Rehabilitation/Substructure and Underwater Work at the Cross Bay Veterans Memorial Bridge.	\$325,075.24

7. **Corporate Governance Committee Report**

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

(a) Action Items:

- Amend the MTA and Agency by-laws, committee charters and governance guidelines to change the Board's meeting schedule to provide for meetings at least 11 times per year effective January 1, 2014.
- Revise the All-Agency Procurement Guidelines and All-Agency Guidelines for Procurement of Services by increasing the minimum threshold for change orders that may be approved without Board action to expedite the approval process for change orders. Board approval of change orders would only be required if the change order is over \$750,000 or over \$250,000 if the change order exceeds 15% of the adjusted contract value. Agencies will report to the Capital Program Oversight Committee as information items those change orders approved by Agency presidents under the new thresholds for amounts greater than \$250,000 or greater than \$50,000 if the change order exceeds 15% of the adjusted contract value.
- Revise the All-Agency Travel and Business Expense Policy.

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.

8. **Chief Financial Officer Presentation**

Prior to Chief Financial Officer Robert Foran's presentation on the July Financial Plan and Report, Chairman and CEO Prendergast remarked that sustainability is the key to new and restored services, which add ongoing expenses to the budget. He stated, however, that the overall financial package, which recognized increased revenue from subsidies, dedicated taxes, State aid and cost-cutting, proposes new investments to improve frequency and quality of services offered to customers on a daily basis. Millions of dollars will be invested in new subway, bus and commuter rail services, which make services better with increased station cleanings, improved communication and new investments in technology.

Chief Financial Officer Foran presented and discussed the July Financial Plan 2014 to 2017. Upon Mr. Foran's recommendation, a motion was duly made and seconded authorizing the publishing of any required notices and the holding of any public hearings necessary or appropriate in connection with those service investments that require a public hearing and that were presented to the Board. The details of Mr. Foran's presentation are contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

9. **Public Speakers (Continued)**

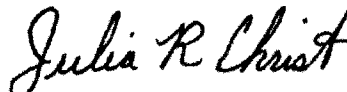
The public speakers segment of the meeting resumed.



10. Adjournment

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 12:40 p.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, July 24, 2013  
10:00 a.m.**

The following members were present:

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

The following member was absent:

Hon. Andrew M. Saul

Nuria Fernandez, Chief Operating Officer, Catherine Rinaldi, Chief of Staff, James B. Henly, MTA General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member James Blair, Board Member Vincent Tessitore, Jr., Carmen Bianco, Acting President, NYCTA, Helena Williams, President, Long Island Rail Road, Howard Permut, President, Metro-North Railroad, James Ferrara, President, TBTA, Stephen Vidal, V.P., Transportation, Safety and Training, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

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

Chairman and Chief Executive Officer Prendergast called the meeting to order.

### **Chairman and Chief Executive Officer's Remarks**

Chairman and Chief Executive Officer Prendergast reflected on the service to the MTA of Susan Kupferman who passed away last month. He offered his condolences to her family and asked for a moment of silence in her memory.

The remainder of the Chairman and Chief Executive Officer's remarks are recorded and filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on July 24, 2013.

### **Public Comment Period**

There were thirty eight (38) public speakers. The subject matter of their comments is contained in the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on July 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 June 5, 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 Civil, Structural and Utility Relocation - 96<sup>th</sup> Street Station contract to reconcile the price of steel in accordance with the contracts price adjustment clause.
2. A modification to the Second Avenue Subway Project's 63<sup>rd</sup> St./Lexington Avenue Station contract for the installation of a new ventilation system for the Con Edison vault and Electrical Distribution Room 1.
3. A modification to the No. 7 Line Extension Project's Furnishing and Installing Finishes and Systems contract to address miscellaneous changes associated with the issuance of revised drawings.
4. A modification to the No. 7 Line Extension Project's Furnishing and Installing Finishes and Systems contract for changes to the 34<sup>th</sup> Street Platform Pump Room equipment layout.
5. A modification to the East Side Access Project's Manhattan Structures Part I contract to make incentive payments earned by the Contractor for achieving early completion of four milestones.
6. A modification to the East Side Access Project's Harold Structures Part IIA contract to furnish transformers, control panels and disconnects.
7. A modification to the East Side Access Project's GCT Concourse and Facilities Fit-Out contract to furnish, install and energize two new distribution panels (with all related conduit, cable runs, concrete, etc.) and to relocate and upgrade four circuit breakers from 800A to 1600A.

8. A modification to the East Side Access Project's Harold Structures Part I contract for the rerouting of the Amtrak Car Wash feeder cables.
9. A modification to the Security Program's Activu Video Wall and Associated Electrical Work for the MTAPD C3 Center contract for the reconfiguration of the C3 Center space and for additional monitors and communication consoles and other incidentals.

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

1. A modification to the Second Avenue Subway Project's Preliminary and Final Engineering Services contract for the relocation of the 72<sup>nd</sup> Street Station entrance.
2. A modification to the Second Avenue Subway Project's Civil, Structural and Utility Relocation – 96<sup>th</sup> St. contract for the transfer of tunnel dewatering from Contract C-26002.
3. A modification to the Second Avenue Subway Project's Civil, Structural and Utility Relocation – 96<sup>th</sup> St. contract for the resolution of a claim associated with the removal of left behind end stops.
4. A modification to the Fulton Center's A/C Mezzanine Reconstruction and J/M/Z Vertical Circulation contract for the construction and fit-out of NYCT employee facilities at the north end of the J/Z southbound platform at the Fulton Street Station.
5. A modification to the East Side Access Project's Manhattan Tunnels Excavation contract for a scope and budget transfer for additional concrete invert slabs and mudslabs
6. A modification to the East Side Access Project's Harold Structures Part I contract to provide two temporary power generators for a 22 month period.

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 July 24, 2013.

#### **Governance**

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

1. A resolution authorizing amendments to the MTA and agency by-laws, committee charters and governance guidelines to reflect changes to the scheduling of Board and Committee meetings.
2. Revisions to the All Agency Procurement Guidelines and All Agency Guidelines for Procurement Services that keeps pace with inflation and that will expedite the processing of change orders.
3. A non-substantive revision to the All-Agency Travel and Business Expense Policy.

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 July 24, 2013.

**Adjournment**

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 12:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "David K. Cannon".


David K. Cannon  
Assistant Secretary

# Staff Summary






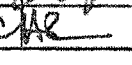

Metropolitan Transportation Authority

Page 1 of 1

<b>Subject</b>
Board Authorization to File for and Accept Federal Grants
<b>Department</b>
Capital Programs
<b>Department Head Name</b>
Craig Stewart
<b>Department Head Signature</b>

<b>Project Manager Name</b>
Marc Albrecht

<b>Date</b>
September 18, 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	App	Info	Other
1	Finance	9/16/2013	x		
2	Board	09/18/2013	x		

Internal Approvals			
Order	Approval	Order	Approval
1	Capital Programs		
2	Corporate Affairs		
3	CFO		
4	Legal		
5	Chief of Staff		

## Narrative

### Purpose

To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal Year (FFY) 2013 and 2014.

### Discussion

Enclosed is a resolution for Board action prepared in conformance with past practices to:

- 1) Authorize filing of applications in request of Federal capital assistance for the balance of FFY 2013 and FFY 2014.
- 2) Authorize the Chairman/Chief Executive Officer or any of his designees to make required certifications.
- 3) Authorize acceptance of grants.

Projects authorized to be submitted for Federal funding are those referenced in the published Notice of Public Hearing and described in the MTA Description of Projects for FFY 2014. A copy of the resolution requesting MTA Board approval and the list of the projects are attached to this staff summary.

A Public Hearing inviting public comment on the projects proposed to be submitted for federal funding was held in accordance with FTA regulations on June 18, 2013 at the MTA, at which the Deputy Director of Grant Management read into the record the amounts of Federal funds and dollar amounts of work covered by the Notice.

A transcript of the hearing and written statements submitted in conjunction with the hearing are attached under separate cover. Eight members of the public spoke at the public hearing. There were comments from speakers about the recently announced service changes and some comments about the proposed capital projects. In accordance with applicable federal requirements, MTA and agency staff have reviewed and considered all substantive public comments concerning the proposed program of capital projects for federal funding.

### Recommendation

It is recommended that the MTA Board approve the attached resolution in order to permit the filing and acceptance of Federal capital assistance for FFY 2013 and 2014.

**Proposed Program of Projects  
Federal Fiscal Year 2014**

**ACEP ID/ Agency PIN    Program/Project Description**

**LONG ISLAND RAILROAD**

***Stations***

L60204UC	Wantagh Station Platform Replacement
L60204UD	Escalator Replacement Program
L60204UE	East Side Access (ESA)/Grand Central Terminal (GCT) Support
L60204UH	Elevator Replacement Program
L60205U1	Wyandanch Parking Facility

***Track***

L60301TE	2014 Annual Track Program
L60301TF	Construction Equipment
L60304TU	Jamaica Capacity Improvements - Phase I
L60304TX	Second Track Farmingdale to Ronkonkoma - Phase I

***Line Structures***

ELO402ZA	East River Tunnels
ELO402ZB	Line Structures

***Communications and Signals***

ELO502ZC	Long Beach Branch System
L60502LA	Positive Train Control (PTC)

***Shops and Yards***

ELO602ZD	Western Rail Yards
L506XXUF	Mets/Willets Pt. Station Renovation
L60601YB	Hillside Facility Roof Renewal
L60604YT	Employee Facilities Renewal

***Power***

ELO702ZE	Substation Replacement
L60701AQ	Port Washington Substation Replacement
L60701AR	Richmond Hill Substation Replacement

***Miscellaneous***

ELO902ZF	Infrastructure System Upgrade
L60904NA	Program Administration

## **METRO-NORTH RAILROAD**

### ***Rolling Stock***

**EM010201      Rolling Stock Restoration**

### ***Stations***

**M6020101      GCT Train Shed/Tunnel Structure**  
**M6020106      GCT Elevator Renewal**  
**M6020108      GCT Utilities**  
**M6020203      Harlem Line Stations Improvements –Phase I**  
**M6020208      Customer Communication/Connectivity Impr**

### ***Track and Structures***

**EM030202      Right-of-Way Restoration**  
**M5030206      Overhead Bridge Program – East of Hudson**  
**M6030102      Turnouts: Mainline/High Speed**  
**M6030103      GCT Turnouts/Switch Renewal**  
**M6030104      Turnout Yards and Sidings**  
**M6030114      2014 Cyclical Track Program**  
**M6030209      Employee Welfare and Storage Facility**

### ***Communication and Signals***

**EM040205      C&S Infrastructure**  
**M6040101      Positive Train Control - East of Hudson**

### ***Power***

**EM050206      Power Infrastructure**  
**M6050103      Harlem & Hudson Lines Power Improvements**  
**M6050104      Replace Motor Alternators**

### ***Shops and Yards***

**M6060101      Harmon Shop Replacement**

### ***Miscellaneous***

**EM080201      Haverstraw Ferry Terminal**  
**M6080106      Program Administration**

## **MTA BUS**

### ***Facilities***

**EU030201      Far Rockaway Recovery**  
**U6030205      Depot Equipment**  
**U6030225/226      Bus Radio System & Command Center - MTABC**



## **CAPITAL CONSTRUCTION COMPANY**

### ***Miscellaneous***

EG160214 Integrated Electronic Security System

## **NEW YORK CITY TRANSIT**

### ***Staten Island Railway***

ES070209 Staten Island Railway Storm Damage Restoration  
S6070103 Modernize Interlocking: St. George Interlocking, Ph 1 Staten Island  
S6070105 New Power Substation: Prince's Bay

### ***Subway Cars***

T6010102 Purchase 300 B-Division Railcars

### ***Buses***

T6030207 Purchase 285 Express Buses  
T6030215 Purchase 156 Articulated Buses  
T6030217 Purchase 222 Paratransit Vehicles

### ***Stations***

ET040201 South Ferry/Whitehall Storm Damage Restoration  
ET040204 Major Station Storm Damage Restoration  
T6040705 10 Hydraulic Elevators - Lexington Ave Line  
T6041202 Station Renewal and Components: 9 Stations on the Culver Line  
T6041223 Station Component Repairs: 2014  
T6041238 Station Renewal: 9 Location, Sea Beach Line  
T6041241 Station Renewal: 6 Stations on the New Lots Line  
T6041260 Station Component: 6 Stations, Jamaica Line  
T6041264 Station Component: 3 Locations, Astoria Line  
T6041307 ADA: 68th Street-Hunter College Station - Lexington Line  
T6041405 Grand Central Station Access Improvements  
T6041406 Station Reconstruction: Times Square, North End Stair

### ***Track***

T6050213 2014 Mainline Track Replacement  
T6050216 2014 Continuous Welded Rail (CWR)  
T6050305 2014 Mainline Switch Replacement

### ***Line Equipment***

T6060401 Rehabilitate Deep Wells: Nostrand Avenue - Ph 2  
T6060403 Pumps: 4 Locations / Pelham-Jerome-Lenox Lines

### ***Line Structures***

T6070311	Flood Mitigation at 6 Locations
T6070312	Rehabilitate Retaining Walls/ Sea Beach Line
T6070317	Overcoat Painting: West 8th to Church Ave Portal - Culver Line
T6070319	Overcoat Painting: Broadway Junction-New Lots, Canarsie Line

### ***Signals and Communications***

ET080202	Rockaway Line Storm Damage Restoration
ET080207	Signals Storm Damage Restoration
T6080310	Modernize 2 Interlockings: Union Turnpike and 71st Ave-Queens Blvd Line
T6080312	Signal Control Modifications, Ph 5
T6080313	Dyre Ave Line Signals
T6080315	34 St Interlocking - 6th Avenue Line
T6080316	West 4 St Interlocking / 6th Avenue
T6080319	CBTC Queens Blvd - West 50 Street to Union Turnpike

### ***Power***

T6090206	Substation Hatchways: Phase 3 - Various Locations
T6090405	CBH 403 Vanderbilt / Flushing Line
T6090407	Replace Emergency Alarms
T6090409	Rehabilitate CBH #275: Pearl Street / Clark St Line

### ***Shops***

ET100208	Shops, Yards, and Other Facilities Storm Damage Restoration
T6100401	207 St Overhaul Shop: Expand AC Shop
T6100407	Department of Car Equipment Shop Repairs Ph 2
T6100409	Yard Lighting: Jerome and Westchester Yards - Bronx
T6100415	2014 Yard Track
T6100421	2014 Yard Switches

### ***Depots***

T6120403	Bus Radio System & Command Center
T6120416	8 Bus Washers at 4 Bus Depots

### ***Service Vehicles***

T6130202	Purchase 54 Flat Cars
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### ***Miscellaneous***

T6160709	Department of Subways Roof Replacement Phase 3
T6160712	Power Upgrade: RCC, PCC

**RESOLUTION ADOPTED AT A MEETING OF  
METROPOLITAN TRANSPORTATION AUTHORITY**

**September 18, 2013**

**WHEREAS**, on and after May 23, 2013, a Notice of Public Hearing on the projects to be considered for inclusion in applications to the United States Department of Transportation (USDOT) for Federal financial assistance under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under Title I of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) was published in newspapers of general circulation (including newspapers oriented to minority communities) in the geographic area to be served thereby, which Notice contained a summary of the capital improvement program for the balance of federal fiscal year 2013 and federal fiscal year 2014 for the New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, Long Island Rail Road, Metro-North Commuter Railroad, Capital Construction Company, MTA Bus Company, Staten Island Rapid Transit Operating Authority; and

**WHEREAS**, the full program of projects, including descriptions of individual projects, for the balance of federal fiscal year 2013 and federal fiscal year 2014, was available to the public, as indicated in the notices published in newspapers, either by request or at public offices in the area served by the Authority; and

**WHEREAS**, all of the principal elected officials of each general purpose unit of government within the service areas of the mass transportation operators for whom assistance is being sought under the said project application were notified by mail of such application; and

**WHEREAS**, on June 18, 2013 the Public Hearing was conducted by the Authority affording to all concerned the opportunity to present their views, and to submit written statements concerning the projects, including consideration of the economic and social effects of the projects, their impact on the environment and their consistency with the goals and objectives of such urban planning as has been promulgated by the affected communities; and

**WHEREAS**, the members of the Authority have had an opportunity to review the testimony given at the said Public Hearing, and the statements submitted in connection therewith.

**NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN TRANSPORTATION  
AUTHORITY:**

1. The Chairman and Chief Executive Officer, or any of his designees, be and each of them hereby is, with respect to applications for grants for projects under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit under Title I of MAP-21, authorized to certify to the United States Department of Transportation that the Authority has (a) afforded an adequate opportunity for a Public

Hearing on the projects pursuant to adequate prior notice, and has held such Hearing; (b) considered the economic and social effects of the projects and their impact on the environment, including requirements under the Clean Air Act, the Federal Water Pollution Control Act and other applicable federal environmental statutes, and their consistency with goals and objectives of such urban planning as has been promulgated by the affected communities; (c) found that the projects are consistent with the official plans for the comprehensive development of the urban area to be affected; and (d) found that the projects are in the best overall public interest taking into consideration the need for fast, safe and efficient public transportation services, and conservation of environment, historic sites and natural resources and the cost of eliminating or minimizing any adverse effects.

2. The Chairman and Chief Executive Officer, or any of his designees be, and each of them hereby is, authorized to deliver to the said department a copy of the published notices of and transcript of the said Hearing, including those written statements submitted in connection therewith, and to advise the said department (a) that it may consider the applications as the Authority's final applications, subject to such revisions as the Chairman and Chief Executive Officer or his designees may deem acceptable; (b) that the views, if any, concerning the projects of those principal elected officials of each general purpose unit of government within the service areas of the mass transportation operators for whom assistance is being sought under the said applications, are as set forth in the transcript of the said Public Hearing and those written statements submitted in connection therewith.
3. The Chairman and Chief Executive Officer, or any of his designees be and each of them hereby is, authorized to execute and file applications and accept from the United States of America, on behalf of the Authority, grants of financial assistance under successor legislation to Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under Title I of MAP-21 (in such amounts as may become available) in connection with the projects upon such terms and conditions as the Chairman and Chief Executive Officer, or any of their designees shall deem acceptable.

**CERTIFICATION**

The undersigned hereby certifies that she is the Assistant Secretary of Metropolitan Transportation Authority, a public benefit corporation of the State of New York, and that the foregoing is a true and correct copy of a resolution adopted at a meeting of the said Authority duly held on the 18<sup>th</sup> day of September 2013, at 347 Madison Avenue, New York, New York at which meeting a quorum of the said Authority was present and acting throughout.

Victoria Clement  
Assistant Secretary

Dated: \_\_\_\_\_



**Investment Performance by Type of Fund**  
**For the Period Jan. 1, 2013 to June 30, 2013**

Type of Fund	Net Earnings this Period	Average Daily Portfolio Balance	End of Period Portfolio Balance	Weighted Average Yield at End of Period	Weighted Average Days to Maturity	Net Portfolio Yield, 365- day Basis
All Agency Investments	\$ 284,885	\$ 576,261,341	\$ 664,016,841	0.10 %	59	0.10 %
MTA Special Assistance Fund	274,742	415,937,202	462,510,881	0.13	44	0.13
TBTA Investments	68,222	141,827,905	104,455,931	0.09	10	0.10
MTA Finance Fund	165,357	311,833,198	367,716,681	0.12	13	0.11
MTA Transportation Resolution Funds	1,356,324	1,328,436,282	1,621,326,815	0.16	148	0.21
State Service Contract Debt Service Fund	245	792,946	34,258,000	0.05	1	0.06
MTA Dedicated Tax Fund Resolution Funds	53,393	130,468,180	142,921,282	0.05	138	0.08
2 Broadway Certificates' Funds	5,613	12,747,880	10,307,958	0.04	53	0.09
TBTA General Purpose Resolution Funds	115,636	258,967,596	388,242,803	0.09	83	0.09
TBTA Subordinate Resolution Funds	11,471	30,035,526	43,689,822	0.06	138	0.08
Other Restricted Funds	108,866	204,332,543	216,265,876	0.09	94	0.11
	\$ 2,444,754	\$ 3,411,640,600	\$ 4,055,712,890	0.12 %	95	0.14 %

Average Yield on 6 month Generic Treasury Bill (1/1/13 – 6/30/13) ..... 0.09%  
 Average Yield on 12 month Generic Treasury Note (1/1/13 – 6/30/13) ..... 0.13%

Note 1: Table above only includes information on funds actively managed by MTA Treasury in accordance with the Board approved Investment Guidelines. It does not include defeasance investments for tax benefit lease transactions or insurance set asides.

Note 2: 'Other Restricted Funds' includes:

Fulton Street Maintenance,  
 MTA Real Estate and Advertising Revenue,

Hudson Yard ERYWRY - From Related,  
 Relocation from Madison Ave.,

Hudson Yard Infra Corp.,  
 SIRT OA-Capital.



## Metropolitan Transportation Authority

Investment Inventory with Market Value  
By Security Type

As of: 6/30/2013

Instrument Type	Sched Par	Original Settlement Amount	Sched Book Value	Market Value*	Accrued Interest	Accrued (Prem)/Disc	Amortized Book Value
Certificates of Deposit	\$ 6,980,055	\$ 6,980,055	\$ 6,980,055	\$ 6,980,055	\$ 6,792	\$ -	\$ 6,980,055
Commercial Paper	1,307,456,000	1,307,375,955	1,307,375,955	1,307,375,955	43,591	-	1,307,375,955
Federal Farm Credit Bank Discount Notes	64,066,000	64,021,430	64,021,430	64,022,108	29,941	-	64,021,430
Federal National Mortgage Association Discount Notes	181,035,000	180,925,139	180,925,139	180,929,793	64,991	-	180,925,139
FHLB Discount Notes	249,836,000	249,709,462	249,709,462	249,789,851	43,031	-	249,709,462
Freddie Mac Discount Notes	241,098,000	240,950,807	240,950,807	240,950,807	69,651	-	240,950,807
REFCO Strip Principal	47,403,000	19,670,626	19,670,626	24,291,193	-	3,825,896	23,496,523
Repurchase Agreement - Interest	383,649,000	383,649,000	383,649,000	383,649,000	2,354	-	383,649,000
US Treasury Bill	596,824,000	596,635,587	596,635,587	596,780,671	102,613	-	596,635,587
US Treasury Notes End of Month	50,000,000	50,092,919	50,092,919	50,042,969	52,141	(2,416)	50,042,506
US Treasury Notes Middle of Month	942,930,000	945,781,657	945,575,041	944,468,507	1,163,746	(545,666)	944,684,591
US Treasury Strips	15,205,000	10,126,868	10,126,868	13,493,118	-	1,541,112	11,667,980
<b>Grand Total</b>	<b>\$ 4,086,482,055</b>	<b>\$ 4,055,919,506</b>	<b>\$ 4,055,712,890</b>	<b>\$ 4,062,774,020</b>	<b>\$ 1,578,851</b>	<b>\$ 4,818,926</b>	<b>\$ 4,060,139,035</b>



# Metropolitan Transportation Authority

## Portfolio Statistics By Security Type

As of: 6/30/2013

Instrument Type	Wtd Avg Rate	Wtd Avg Yield	Wtd Avg Days to Mat	Scheduled Par Value	Scheduled Book Value
Certificates of Deposit	0.40%	0.40%	101	\$ 6,980,055	\$ 6,980,055
Commercial Paper	-	0.12	9	1,307,456,000	1,307,375,955
Federal Farm Credit Bank Discount Notes	-	0.12	73	64,066,000	64,021,430
Federal National Mortgage Association Discount Notes	-	0.12	74	181,035,000	180,925,139
FHLB Discount Notes	-	0.11	106	249,836,000	249,709,462
Freddie Mac Discount Notes	-	0.13	95	241,098,000	240,950,807
REFCO Strip Principal	-	4.34	6,043	47,403,000	19,670,626
Repurchase Agreement - Interest	0.07	0.07	2	383,649,000	383,649,000
US Treasury Bill	-	0.06	66	596,824,000	596,635,587
US Treasury Notes End of Month	0.25	0.10	215	50,000,000	50,092,919
US Treasury Notes Middle of Month	0.58	0.08	127	942,930,000	945,575,041
US Treasury Strips	-	2.70	1,547	15,205,000	10,126,868
<b>Grand Total</b>	<b>0.15%</b>	<b>0.12%</b>	<b>95</b>	<b>\$ 4,086,482,055</b>	<b>\$ 4,055,712,890</b>





# Metropolitan Transportation Authority

## Investment Maturity Distribution

As of: 6/30/2013

Maturity Curve	No. of Secs.	Principal Cost*	%	Cum %
one day to 1 Month(s)	51	\$ 1,935,077,781	47.71 %	47.71 %
1 to 2 Month(s)	22	469,245,080	11.57	59.28
2 to 3 Month(s)	29	478,680,207	11.80	71.08
3 to 4 Month(s)	15	71,613,935	1.77	72.85
4 to 5 Month(s)	23	745,372,022	18.38	91.22
5 to 6 Month(s)	6	109,420,345	2.70	93.92
6 to 12 Month(s)	15	222,115,695	5.48	99.40
12 to 120 Month(s)	3	4,715,028	0.12	99.52
>120 Months	2	19,670,626	0.48	100.00 %
<b>Grand Total</b>	<b>166</b>	<b>\$ 4,055,910,718</b>	<b>100.00 %</b>	

\* Principal Cost includes current purchase interest.



## Metropolitan Transportation Authority

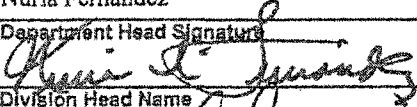
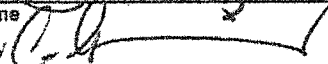
## Broker Activity Distribution

From: 1/1/2013

To: 6/30/2013





Broker	Total No. of Trans	Purchase of Securities	Principal Roll In	% Purchases & Roll In	Sale of Securities	% Sales	REPOS	% REPOS	Net Total	% Net Total
Barclays	173	\$ (4,191,336,529)	\$ -	17.20 %	\$ 325,844,789	38.29 %	\$ -	0.00 %	\$ (3,865,491,740)	5.06 %
Bank of America/Merril Lynch	496	(10,864,104,359)	-	44.58	304,439,447	35.78	(10,063,487,000)	19.01	(20,623,151,912)	26.98
DAIWA	225	(259,444,638)	-	1.06	-	0.00	(22,418,751,000)	42.36	(22,678,195,638)	29.67
Goldman Sachs	71	(2,939,841,562)	-	12.06	46,314	0.01	-	0.00	(2,939,795,248)	3.85
HSBC	147	(623,922,749)	-	2.56	124,531,323	14.62	(7,616,222,000)	14.39	(8,115,613,426)	10.62
Mizuho	168	(90,182,649)	-	0.37	-	0.00	(12,826,963,000)	24.24	(12,917,145,649)	16.90
Morgan Stanley	177	(4,685,477,322)	-	19.23	93,638,906	11.01	-	0.00	(4,591,838,416)	6.01
No Broker	8	(2,500,000)	(6,107,200)	0.04	2,563,591	0.30	-	0.00	(6,043,609)	0.01
UBS	18	(675,181,906)	-	2.77	-	0.00	-	0.00	(675,181,906)	0.88
Wells Fargo	1	(31,445,137)	-	0.13	-	0.00	-	0.00	(31,445,137)	0.04
Wilmington	2	(924,898)	-	0.00	-	0.00	-	0.00	(924,898)	0.00
<b>Grand Total</b>	<b>1,486</b>	<b>\$ (24,364,361,749)</b>	<b>\$ (6,107,200)</b>	<b>100.00 %</b>	<b>\$ 851,064,371</b>	<b>100.00 %</b>	<b>\$ (52,925,423,000)</b>	<b>100.00 %</b>	<b>\$ (76,444,827,579)</b>	<b>100.00 %</b>

# Staff Summary

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

<b>Date</b> September 9, 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	9/16/13			
2	Board	9/18/13			

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

## PURPOSE:

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

## DISCUSSION:

# of Actions   \$ Amount

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

Schedule F: Personal Services Procurements

- Louis T. Cerny
  - Mortimer L. Downey
  - Jack Quinn
  - Conrad Ruppert, Jr.
  - Rodney E. Slater
  - William Van Trump
- } = \$ 294,208

	6	\$ 294,208.00
<b>SUBTOTAL</b>	6	\$ 294,208.00

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

- Schedule E: Miscellaneous Procurement Contracts
- Schedule F: Personal Service Contracts

	1	\$ 80,000.00
	3	\$22,800,000.00
<b>SUBTOTAL</b>	4	\$22,880,000.00

MTAHQ presents the following procurement actions for Ratification:

	None	None
<b>TOTAL</b>	10	\$23,174,208.00

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

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

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 2013**  
**NON-COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**F. Personal Service Contracts**

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

- |                                   |                 |                                      |
|-----------------------------------|-----------------|--------------------------------------|
| 1. Blue Ribbon Panel              | \$294,208       | <i><u>Staff Summary Attached</u></i> |
| Contract No. 13191-0100 thru 0600 | (not-to-exceed) |                                      |
| a. Louis T. Cerny                 |                 |                                      |
| b. Mortimer L. Downey             |                 |                                      |
| c. Jack Quinn                     |                 |                                      |
| d. Conrad Ruppert, Jr.            |                 |                                      |
| e. Rodney E. Slater               |                 |                                      |
| f. William Van Trump              |                 |                                      |

Non-Competitive – 6 months

MTAHQ to engage the services of a Blue Ribbon Panel of transportation safety officials and railroad industry leaders, following a recent series of safety-related incidents, including derailments and workplace accidents, involving MTA Metro-North Railroad, MTA Long Island Rail Road and MTA New York City Transit. The Blue Ribbon Panel members are uniquely qualified to review the maintenance and workplace practices, protocols and strategies at each of the three agencies and determine if they promote an appropriate culture of safety at the agencies. The Panel will also provide assistance in identifying improvements to agency track and infrastructure programs in order to help prevent future occurrences. The six (6) selected panel members will be paid their customary rates, ranging from \$150/hr. to \$300/hr., which fall within the range that these experts have charged Federal and State Governments. Based on the above, these hourly rates are considered fair and reasonable.

# Staff Summary

## Schedule F: Personal Service Contracts



Page 1 of 2

Item Number: 1					
Dept & Dept Head Name: Chief of Staff					
Division & Division Head Name: Catherine A. Rinaldi					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance	9/16/13	X		
2	Board	9/18/13	X		
Internal Approvals					
Order	Approval	Order	Approval		
1	Procurement <i>[Signature]</i>	3	Diversity and Civil Rights <i>[Signature]</i>		
2	Chief of Staff <i>[Signature]</i>	4	Legal <i>[Signature]</i>		
		5	CFO <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name: Various	Contract Number: 13191-0100 thru 0600
Description: Blue Ribbon Panel	
Total Amount: \$294,208.00	
Contract Term (Including Options, if any) September 19, 2013 to March 18, 2014	
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type: <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type: <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source	
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

### Narrative

#### I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of six (6) negotiated, non-competitive personal services contracts to engage a Blue Ribbon Panel of transportation safety officials and railroad industry leaders, following a recent series of safety-related incidents, including derailments and workplace accidents, involving MTA Metro-North Railroad, MTA Long Island Rail Road and MTA New York City Transit. The Blue Ribbon Panel members are uniquely qualified to review the maintenance and workplace practices, protocols and strategies at each of the three agencies and determine if they promote an appropriate culture of safety at the agencies. The Panel will also provide assistance in identifying improvements to agency track and infrastructure programs in order to help prevent future occurrences. The contracts are for a six-month period from September 19, 2013 to March 18, 2014, to panel members listed below, in an amount of \$234,208.00, with a contingency of \$60,000 for an aggregate amount of \$294,208.00

- |                       |                        |
|-----------------------|------------------------|
| 1. Louis T. Cerny     | 4. Conrad Ruppert, Jr. |
| 2. Mortimer L. Downey | 5. Rodney E. Slater    |
| 3. Jack Quinn         | 6. William Van Trump   |

#### II. DISCUSSION

Over the past several months, Metro-North, LIRR and New York City Transit have experienced a series of mainline derailments. Since the derailments had track-related defects identified as either a potential cause or contributing factor, track maintenance practices are currently being examined. In addition, as a result of a recent employee fatality involving the operation of a revenue service train on a section of track that had been closed to traffic, the agencies have been reviewing safety procedures and the overall culture at the agencies. The work of the Panel is expected to complement the work of TTCL, which, pursuant to Board approval in July, has been retained by Metro-North to conduct an expedited review and assessment of Metro-North's Maintenance of Way Division. The TTCL contract approved by Board also included an option for LIRR to use TTCL for a similar assessment, which assessment is expected to begin this fall.

In light of these incidents and the concerns that they have raised, Chairman Thomas F. Prendergast has formed a Blue Ribbon Panel of six distinguished railroad and transportation experts. Rodney Slater was director of the Federal Highway Administration and U.S. Secretary of Transportation in the Clinton Administration. Jack Quinn is a former member of the House of Representatives who served on the Transportation and Infrastructure Committee. Mortimer L. Downey held the position of U.S. Deputy Secretary of Transportation for eight years, and was for 12 years the MTA's executive director and chief financial officer. Conrad Ruppert is a senior research engineer at the University of Illinois and a 35-year veteran of Amtrak with expertise in railway

# Staff Summary



Contract No. 13191-0100 thru 0600

track engineering, track safety, maintenance operations, and track research. Louis Cerny is a former executive director of the American Railway Engineering Association (AREA, now known as AREMA) and executive director of the Association of American Railroads (AAR) Engineering Division. William Van Trump is a former Senior Assistant Vice President of Engineering for the Union Pacific Railroad and a director and past president of AREMA. The Blue Ribbon Panel members are uniquely qualified to review the recent derailments and to make recommendations regarding track maintenance practices and how the agencies can improve their safety using best industry practices and current technologies.

The objectives of the Blue Ribbon Panel Initiative include but are not limited to the following:

- to ensure that a culture exists in which agency leadership embraces the importance of safety and effectively communicates safety as a core agency value and in which staff and first-line management possess the core competencies to implement necessary changes to existing practices and procedures;
- to identify any commonalities among the recent incidents and determine if there are any system-wide improvements to agency track and infrastructure programs that would help prevent future occurrences;
- to determine if we are complying with internal and external standards for maintaining and inspecting track and infrastructure system elements;
- to assess the adequacy of existing inspection and maintenance programs, including the use of available technologies, and identify whether track and infrastructure programs and practices are effective in meeting our objectives; and
- to identify latent conditions and/or active failures that have the potential to pose a safety hazard, including the prioritization and timely response to these conditions, and implement appropriate corrective actions to address any such conditions in a meaningful, permanent and effective manner, in accordance with industry best practices.

The six (6) selected panel members will be paid their customary rates, ranging from \$150/hr. to \$300/hr., which fall within the range that these experts have charged Federal and State Governments. Based on the above, these hourly rates are considered fair and reasonable.

### III. D/M/WBE INFORMATION

No D/M/WBE goals were established by the MTA's Department of Diversity and Civil Rights for this contract. There are no subcontracting opportunities for the nature of services to be provided.

### IV. IMPACT ON FUNDING

This contract is being funded by MTA Headquarters.

### V. ALTERNATIVES

1. Perform all services in-house. This alternative is not feasible. The MTA needs to engage independent experts to examine MTA practices and procedures from an outside perspective.

2. Do not approve award of the contracts. This would impair MTA's ability to identify improvements.

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, SEPTEMBER 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)

- |  |                        |
|--|------------------------|
| <b>1. NASDAQ OMX Corporate Solutions</b> | <b>\$80,000</b>        |
| <b>Board Communication System</b>        | <b>(not to exceed)</b> |
| <b>Contract No. 13119-0100</b>           |                        |

Competitively Negotiated – 4 proposals – 36 months

To recommend that the Board approve an award to NASDAQ OMX Corporate Solutions to provide software service that will publish Board and committee materials and support board communications, offering features and functionality that will improve efficiency, reduce paper usage, enhance flexibility, and offer easy-to-use collaboration tools. The Board and its committees each typically hold a set of meetings eight times per year at roughly six week intervals, although the frequency of Board and most committee meetings will be increased to eleven times per year, beginning January, 2014. For every MTA meeting cycle, over one thousand pages of preparatory material are printed, bound in multiple books, and delivered to the Board members. This current process is antiquated and the materials are extremely cumbersome. The new software would allow Board Members and MTA staff to instantly access Board and Committee books and other pertinent documents in a more efficient and timely manner through a secure internet-based portal via iPad, laptop or desktop computer. As a result of negotiation, the yearly cost was negotiated down from \$32,500 to \$25,000, a savings of \$7,500 or 23.07% (\$5,000 is included for implementation and as needed training). There are no prior contracts for these services. Based on the above, the negotiated price is deemed fair and reasonable.

**F. Personal Service Contracts**

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

- |   |                        |                                      |
|---|------------------------|--------------------------------------|
| <b>2. Miller Advertising Agency, Inc.</b>           | <b>\$5,800,000</b>     | <b><u>Staff Summary Attached</u></b> |
| <b>All-Agency Classified, Legal and Recruitment</b> | <b>(not-to-exceed)</b> |                                      |
| <b>Advertising Services</b>                         |                        |                                      |
| <b>Contract No. 13102-0100</b>                      |                        |                                      |

Competitively Negotiated – 2 proposals – 48 months

Contractor to provide as-needed classified, legal and recruitment advertising services. Various departments at MTA and the agencies place classified/legal/recruitment advertisements on an ongoing basis. These advertisements are placed either due to legally mandated requirements or business necessity. As a result of negotiations, MTA will receive a discount for all media equal to 9.25% of the 15% commission (industry standard rate is 15% commission which is not typically shared). This discount is .75% greater than the discount under the current contract. Based on a projected four-year media expenditure of \$5,800,000.00, which includes a contingency of \$200,000.00, the 9.25% discount MTA will receive represents a savings of \$536,500. Based on the above, the negotiated discount is considered fair and reasonable.



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

3. Business Transformation Consulting Services \$5,000,000 Staff Summary Attached  
Contract No. 13200-0100 thru 0800 (not-to-exceed)
- a. Deloitte Consulting LLP
  - b. First Data Government Solutions LP
  - c. Grant Thornton LLP
  - d. KPMG LLP
  - e. McKinsey & Company, Inc.
  - f. Public Financial Management, Inc.
  - g. Public Strategies Group
  - h. International Business Machines, Corp.
- Ride Competitively negotiated NY State Contract No. C000410 – 36 months
- Contractors to provide as-needed business transformation consulting services. For several years, MTA has been aggressively reducing costs and increasing revenues from its non-core functions. The consulting services utilized under this agreement will complement and enhance MTA's efforts to improve its business processes, identify and implement opportunities for operating and capital cost savings, and increase revenue generation. It is anticipated that additional management consulting support from these firms may be helpful in identifying additional savings opportunities going forward. These as-needed services will be performed based on the rate structure established in each firm's NY State contract (ranging from a low of \$116 to a high of \$719 per hour). Specific work assignments with these firms will be awarded after conducting a mini-RFP process among all of the firms. The pricing being obligated under this agreements is the same pricing offered under the NY State contract.
4. Pulsar Advertising, Inc./Arcade Creative Group, Inc. \$12,000,000 Staff Summary Attached  
All-Agency Full Service Marketing Agency (not-to-exceed)  
Contract No. 12104-00100
- Competitively Negotiated – 9 proposals – 36 months
- Contractors to provide full service marketing and advertising services to MTAHQ and its agencies. Due to rapid change in the way MTA customers wish to access information about MTA services, the marketing needs of the MTA are similarly evolving from print to digital advertising. As a result of negotiations, the firm's originally proposed fully-loaded hourly rates ranging from \$100 to \$230 (for production) were negotiated down to a range of \$55.65 to \$195 for a savings of 15.21% to 44.35% (these rates are lower than the firm's federal government rates). These fully-loaded rates are \$24.15 to \$105 higher than the rates under the previous contracts which were in effect since 1998, or 15 years. Projected spending utilizing the negotiated hourly rates (for production) and commission rates (for media) demonstrates a combined savings of 4.2%. The negotiated fully-loaded rates and commission percentages will remain firm for the base three year period, with the optional years (i.e. Years 4 and 5) subject to escalation of 3% or CPI, whichever is lower. Based on the above, the negotiated rates are considered fair and reasonable.

# Staff Summary

## Schedule F: Personal Service Contracts

Item Number:					
Dept & Dept Head Name: Corporate & Internal Communications/Paul Fleurbaey					
Division & Division Head Name: Marketing & Communications/Mark Heavey					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance	9/18/13			
2	Board	9/18/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Procurement <i>Re</i>	4	Dept. of Diversity and Civil Rights <i>Re</i>		
2	Marketing & Comm. <i>Re</i>	5	Legal <i>Re</i>		
3	Corp. & Internal Comm. <i>Re</i>	6	CFO <i>Re</i>		

SUMMARY INFORMATION	
Vendor Name: Miller Advertising Agency, Inc.	Contract Number: 13102-0100
Description: All Agency Classified, Legal and Recruitment Advertising Services for MTA and the Agencies	
Total Amount: \$5,800,000.00	
Contract Term (including Options, if any): October 1, 2013 – September 30, 2017	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

### Narrative

#### I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of a competitively negotiated, all-agency personal services contract to Miller Advertising Agency, Inc. to provide classified, legal and recruitment advertising services to comply with legal mandates or business necessity for a period of four (4) years from October 1, 2013 through September 30, 2017, in the not-to-exceed amount of \$5,600,000.00 with \$200,000.00 for contingencies for an overall cost of \$5,800,000.00.

#### II. DISCUSSION

The current contract for classified, legal and recruitment advertising services will expire on September 30, 2013. In order to continue the services, a Request for Proposals (RFP) was publicly advertised and letters advising potential proposers of the RFP's availability were sent to 30 vendors, 10 of which are D/M/WBE firms. Two (2) proposals were received. The firms were evaluated based on their relevant experience and expertise in providing classified, legal and recruitment advertising services, staff qualifications and cost. The Selection Committee, consisting of representatives from MTA Marketing Division, MTA New York City Transit, MTA Long Island Rail Road, MTA Metro-North Railroad and MTA Bridges and Tunnels, evaluated the proposals and recommended the award be made to Miller Advertising, the incumbent, on the basis of the quality of their proposal and best pricing.

Various departments at MTA and the agencies place classified/legal/recruitment advertisements on an ongoing basis. These advertisements are placed either due to legally mandated requirements or business necessity. Since July 1992, all of the agencies have been using one master contract for these services. As a result, savings and efficiencies have been achieved in a variety of ways, as indicated below.

Miller will continue to assist MTA and the agencies to further reduce advertising costs and improve advertising effectiveness through the following services:

- i) On a regular basis, reduce advertising costs by redesigning advertisements to use less linage, columns and other variables that go into the media charges.

# Staff Summary

Contract No. 13102-0100

Page 2 of 2

- ii) Reduce costs and improve effectiveness by combining the advertisements of one or more agencies.
- ii) Continue to encourage the major newspapers to view the MTA system in a favorable manner for the purpose of the rate schedules that will be applied.
- iii) Reduce costs through commission sharing.
- iv) Improve the effectiveness of recruitment advertising programs for specific positions, through the use of the Internet and other new technologies that will be in addition to, or in lieu of, traditional print media.

As a result of negotiations, MTA will receive a discount for all media equal to 9.25% of the 15% commission (industry standard rate is 15% commission which is not typically shared). This discount is .75% greater than the discount under the current contract. Based on a projected four-year media expenditure of \$5,800,000.00, which includes a contingency of \$200,000.00, the 9.25% discount MTA will receive represents a savings of \$536,500. Based on the above, the negotiated discount is considered fair and reasonable.

### III. D/M/WBE INFORMATION

No MBE/WBE goals were established by the MTA Office of Civil Rights for this contract. The MBE/WBE requirement was waived due to the nature of the classified/recruitment advertising business, which affords no opportunities for sub-contracting.

### IV. IMPACT ON FUNDING

The actual expenditures for classified, legal and recruitment advertising are dependent on the actual need for the advertisements and will be funded from each Agency's operating budget. Funding is not to exceed \$5,800,000.00 including a contingency of \$200,000.00.

### V. ALTERNATIVES

1. Contract directly with Media. This alternative is neither cost-effective nor practical. If MTA and the agencies deal directly with the media, there would be no cost savings and the individual agencies would incur additional administrative costs associated with placing advertisements directly with the media.
2. Do not approve placement of legal and recruitment advertising. This is not a feasible alternative since these advertisements are placed because they are legally mandated or of business necessity.

# Staff Summary

## Schedule F: Personal Service Contracts



Page 1 of 2

Item Number:					
Dept & Dept Head Name: CFO, Bob Foran					
Division & Division Head Name:					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance	9/16/13			
2	Board	9/18/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Procurement <i>OK</i>	3	Diversity and Civil Rights <i>MA</i>		
		4	Legal <i>BT</i>		
		2	CFO <i>BT</i>		

SUMMARY INFORMATION	
Vendor Name: Various	Contract Number: 13200-0100 thru 0800
Description: Business Transformation Consulting Services	
Total Amount: 5,000,000 NTE	
Contract Term (including Options, if any) September 25, 2013 to August 8, 2016	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

### Narrative

#### I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of eight (8) competitively negotiated, personal services contracts, riding New York State Contract C000410 for as-needed business transformation consulting services for a period of three (3) years from September 25, 2013 to August 8, 2016 (two option years are included), to the firms listed below in the not-to-exceed amount of \$5,000,000.

- |                             |                                       |
|-----------------------------|---------------------------------------|
| 1. Deloitte Consulting LLP  | 5. First Data Government Solutions LP |
| 2. IBM                      | 6. Grant Thornton LLP                 |
| 3. McKinsey & Company, Inc. | 7. Public Financial Management, Inc.  |
| 4. KPMG LLP                 | 8. Public Strategies Group            |

#### II. DISCUSSION

For several years, MTA has been aggressively reducing costs and increasing revenues from its non-core functions. MTA's July Financial Plan 2014-2017 contemplates that MTA will identify and implement additional saving initiatives and revenue opportunities over the next four years. The consulting services utilized under this agreement will complement and enhance MTA's efforts to improve its business processes, identify and implement opportunities for operating and capital cost savings, and increase revenue generation.

Business transformation consulting services may include, but are not limited to:

- Analysis of business and operational processes and identification of opportunities for improving efficiency, sharing services, reducing costs, raising revenues and enhancing the customer experience; and
- Review of existing organizational and governance practices, policies and structures and recommendations for improvements.

# Staff Summary



Contract No. 13200-0100 thru 0800

In 2009 and 2010, the MTA introduced a number of savings initiatives and programs that included operational consolidations, strategic initiatives, paratransit savings and improved MTA-wide business practices. When combined with new recurring savings initiatives, these efficiencies are projected to yield \$809 million of recurring savings in 2013, growing to more than \$1.3 billion annually by 2017. Included in these projections are assumed savings, as yet unidentified, of \$25 million in 2014, \$50 million in 2015, and \$95 million in 2016 and 2017. In the November Plan, MTA Division of Management and Budget anticipates increasing the annually recurring savings targets further.

Management consulting support from several firms, including Accenture and McKinsey, has been instrumental in enabling MTA to achieve savings to date in many areas. For example, in connection with initiatives developed by McKinsey under its Board-approved gain-share contract, MTA has already achieved \$26 million in savings and MTA estimates annual recurring savings from these initiatives of \$112 million starting in 2015. It is anticipated that additional management consulting support from the firms eligible under New York State Contract C000410 may be helpful in identifying additional savings opportunities going forward. As has been the case in the past, consultant services will only be used in connection with initiatives where the expected savings are a significant multiple of the associated consulting fees.

In addition, MTA faces significant challenges preserving existing and identifying new funding sources for the Capital Program. Consulting services from one or more of the eligible firms under this contract may be determined to be useful in support of MTA's efforts with respect to future Capital Program funding and the related operating budget impacts.

These as-needed services will be performed based on the rate structure established in each firm's NY State contract (ranging from a low of \$116 to a high of \$719 per hour). Specific work assignments with these firms will be awarded after conducting a mini-RFP process among all of the firms. The pricing being obligated under this agreements is the same pricing offered under the NY State contract. In conformity with the applicable provisions of the Public Authorities Law, the MTA will not issue any specific work assignments to its outside auditor without the approval of the Audit Committee.

### III. D/M/WBE INFORMATION

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

### IV. IMPACT ON FUNDING

The work under this contract will be funded from the MTAHQ operating budget. It is anticipated that any costs will be more than made-up with operating savings throughout the MTA and its Agencies.

### V. ALTERNATIVES

1. Do not Approve Award of these Contracts. This is not practical or cost effective. This would delay and compromise MTA's ability to streamline its operations and realize recurring savings as a result of these services.

2. Perform the Services In-house. This alternative is not practical. The Authority does not have all of the resources or the trained personnel to perform these services.

# Staff Summary

## Schedule F: Personal Service Contracts

Item Number:					
Dept & Dept Head Name:					
Corporate & Internal Communications/Paul Fleuranges					
Division & Division Head Name:					
Marketing & Communications/Mark Heavey					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance	9/16/13			
2	Board	9/18/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Procurement	4	Diversity and Civil Rights		
2	Marketing & Comm	3	Legal		
3	Corporate & Internal Comm	5	CFO		

SUMMARY INFORMATION	
Vendor Name:	Contract Number:
Pulsar Advertising, Inc./ Arcade Creative Group, Inc.	12104-0100
Description:	
All-Agency Full Service Marketing Agency	
Total Amount:	
\$12,000,000	
Contract Term (including Options, if any)	
October 1, 2013 to September 30, 2018	
Option(s) included in Total Amount?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type:	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type:	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source:	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

### Narrative

#### I. PURPOSE/RECOMMENDATION:

To recommend that the Board approve the award of an All-Agency competitively negotiated personal services contract to Pulsar Advertising, Inc. and Arcade Creative Group, Inc. to provide full service marketing and advertising services for a period of thirty-six (36) months from October 1, 2013 to September 30, 2016, with an option for two additional one-year periods. Total marketing expenditures will not exceed \$2 million for the balance of the 2013 calendar year, and \$10 million for the 2014 calendar year. Expenditures for subsequent years will be determined by the marketing programs planned and Board approval of budgets for those years.

#### II. DISCUSSION:

The current competitively awarded contract for a full service advertising agency expires on December 31, 2013. Due to rapid change in the way MTA customers wish to access information about MTA services, the marketing needs of the MTA are similarly evolving from print to digital advertising. Pulsar Advertising, Inc./Arcade Creative Group, Inc. will provide MTA and its agencies full service marketing services in order to:

1. Continue to provide service-related information necessary for customers to use the MTA's transit system.
2. Increase awareness of MTA corporate communications initiatives, including campaigns for security, safety, capital improvements, and special programs.
3. Continue to improve perceptions of the MTA by leveraging the benefits of the region-wide public transportation system and keep customers aware of improvements, diversions, service enhancements, and other customer-focused initiatives; and
4. Expand the MTA's customer communications outreach via new electronic, social, and emerging media forms to better accommodate the preferred information sources of our customers, such as via mobile devices and social networking, and shift media spending toward these more cost-effective and highly measurable media forms.

In order to continue the Authority's advertising and marketing programs and respond to such emerging customer needs, a competitive Request for Proposal (RFP) using the e-procurement process was publicly advertised and letters informing prospective proposers of the availability of the RFP package were sent to thirteen firms, three of which were DBE firms. The Office of Diversity and Civil Rights established 17% DBE goals under this contract. Nine (9) proposals were received, one of which was a DBE firm. The Selection Committee, consisting of representatives from MTA Marketing & Corporate Communications, MTA New York City Transit, MTA Long Island Rail Road, MTA Metro-North Railroad, MTA Bridges Tunnels, MTA Office of Civil Rights Office, and MTA Office of Security evaluated the proposals and unanimously determined that five of the firms were technically qualified. Those firms were invited for oral presentations of which two firms were short-listed to participate in the live, on-line e-procurement negotiations.

# Staff Summary

As a result of the e-procurement process and subsequent negotiations, the selection committee determined that Pulsar Advertising, Inc./Arcade Creative Group was the most technically qualified and best suited to perform the services identified by the RFP. MTA has conducted a responsibility review and other due diligence on the proposed awardees and has deemed each to be responsible for the award.

As a result of negotiations, the firm's originally proposed fully-loaded hourly rates ranging from \$100 to \$230 (for production) were negotiated down to a range of \$55.65 to \$195 for a savings of 15.21% to 44.35% (these rates are lower than the firm's federal government rates). These fully-loaded rates are \$24.15 to \$105 higher than the rates under the previous contracts which were in effect since 1998, or 15 years.

The current contract commission rates (for media) averages 13.87%. The negotiated commission rates averages 5.5% which is 8.37% lower than the current contract rates.

Projected spending utilizing the negotiated hourly rates (for production) and commission rates (for media), demonstrates a combined savings of 4.2%.

The negotiated fully-loaded rates and commission percentages will remain firm for the base three year period. Option years 4 and 5 are subject to escalation of 3% or CPI, whichever is lower.

Based on the above, the negotiated rates are considered fair and reasonable.

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

The MTA's Department of Diversity and Civil Rights established 17% DBE goals for this contract.

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

Total marketing expenditures will not exceed \$4 million for the balance of the 2013 calendar year, and \$10 million for the 2014 calendar year. Expenditures for subsequent years will be determined by the marketing programs planned and Board approval of budgets for those years.

Actual expenditures for the balance of 2013 are dependent upon approval of projects currently in development or anticipated. Any expenditure incurred will be apportioned to the operating agencies and the MTA in accordance with the cost of projects actually implemented by the respective entities.

### **V. ALTERNATIVES:**

1. Do not approve the award of the contract. This would not be practical. Without the ability to communicate broadly, customers and potential customers would not receive the service-related information they need to know, or the service improvement information they ought to know. Furthermore, any absence of communication could negatively impact perceptions of the MTA among customers.

2. Perform the work in-house. This alternative is not feasible. The MTA and its operating agencies do not have the staff nor expertise to buy media or create the breadth and depth of communications required to meet their marketing objectives.

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

**ACTION ITEMS**

**MTA NEW YORK CITY TRANSIT**

License agreement between New York City Transit Authority and The Brooklyn Navy Yard

License agreement between New York City Transit Authority and SpringCreek/Gateway Center

**MTA LONG ISLAND RAIL ROAD**

License agreement with Incorporated Village of Lynbrook for commuter and commercial parking lots at Lynbrook Station, Lynbrook, New York

Lease with BT To Go PS LLC for sale at Penn Station of specialty beers, cheeses, prepared meats, condiments, dry packaged goods and gift items

Lease with Hudson Group Retail, LLC for operation of Dunkin' Donuts franchise at Penn Station

Sale to 93-94 Sutphin, LLC of property on Sutphin Boulevard in Jamaica, Queens

**MTA METRO-NORTH RAILROAD**

Lease with Central Watch Band Stand, Ltd. dba Central Watch for the repair, servicing and retail sale of watches and related accessories in Retail Space Y1-Y5 at Grand Central Terminal

Lease with Menta, Inc. dba Dishes At Home for the sale of tenant-prepared appetizers, entrees, side dishes, desserts and a limited selection of juices, iced teas and condiments in Retail Space MKT-25/26 at Grand Central Terminal

Lease for the operation of a café, restaurant and bar (with a corporation to be formed by Steven Cross, as principal) at the Peekskill station building in Peekskill, New York

**MTA CAPITAL CONSTRUCTION**

Determination and findings pursuant to a public hearing for acquisition of various property interests in connection with new entrance for 72nd Street Station of Second Avenue Subway Project, Manhattan, New York

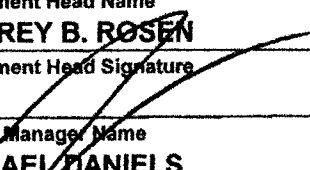
**METROPOLITAN TRANSPORTATION AUTHORITY**

Proposal to modify certain existing policies and approve additional policies regulating how MTA Real Estate enters into certain agreements






# **MTA NEW YORK CITY TRANSIT**

# Staff Summary

Subject <b>LICENSE AGREEMENT RATIFICATION</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>MICHAEL DANIELS</b>

Date <b>September 16, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/16/13	X		
2	Board	09/18/13	X		

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

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

LICENSOR: The Brooklyn Navy Yard Development Corporation ("Licensor")

LOCATION: The Brooklyn Navy Yard (the "Yard")

ACTIVITY: Extension of bus route B67 to serve the Brooklyn Navy Yard

TERM: One year, automatically extending year to year, with termination by either party upon at least 90-days prior written notice to the other party.

ACTION REQUESTED: Ratification of terms

COMPENSATION: None

## COMMENTS

Starting September 9, 2013, as part of the 2013-2014 Service Investments, NYCT implemented its plan to extend the B67 bus route to serve DUMBO, Vinegar Hill, and the Yard. The route extension will operate weekdays from 5 a.m. to 7 p.m. This route extension request was approved by the NYCT Committee and the MTA Board in June, 2013.

Brooklyn Navy Yard Development Corporation, which operates the Brooklyn Navy Yards, has granted NYCT and MTA Real Estate has accepted a license to operate the service through the Yard, with two northbound stops and three southbound stops within the Yard.

Based on the foregoing, MTA Real Estate requests Board ratification of its acceptance of such license.

# Staff Summary



Metropolitan Transportation Authority

Page 1 of 1

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>MICHAEL DANIELS</b>

Date <b>September 16, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/16/13			
2	Board	9/16/13	X		

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

AGENCIES: MTA New York City Transit and MTA Bus (collectively, "MTA Buses")

LICENSOR: Gateway Center Properties Phase II, LLC ("Licensor")

LOCATION: Gateway Center Boulevard, Spring Creek section of Brooklyn

ACTIVITY: Diversion of three bus routes to a bus terminal facility (the "Bus Terminal Facility") to be built by Licensor at a new shopping center ("Gateway Center II")

TERM: Two-years, to commence with the opening of Gateway Center II and then be extended year to year, subject to termination on 90 days prior notice after the expiration of such two-year period.

COMPENSATION: None

## COMMENTS:

Licensor is planning to open Gateway Center II in the next year or two and will include in the project at its own cost the construction of the NYCT-approved Bus Terminal Facility. Three bus routes – the B3, B13 and Q8 – will terminate at the Bus Terminal Facility for the convenience of Gateway Center II's employees and the public.

The Bus Terminal Facility will have three bus shelters and will be able to accommodate six buses at any one time and will have an area for a layover. Sidewalks will permit passengers to disembark, queue and board the buses in an orderly fashion. Licensor will be responsible for upkeep and maintenance of the Bus Terminal Facility.


In consideration, MTA Bus has agreed to commit to provide this bus service to Gateway Center II for a minimum of two years. After two years, MTA Bus will review usage and determine whether or not to continue the service.

A license agreement embodying the foregoing terms and conditions was executed on August 26, 2013 in order to permit the project to proceed on schedule.

Based on the foregoing, MTA Real Estate requests ratification of agreement.


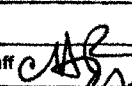

# **MTA LONG ISLAND RAIL ROAD**

# Staff Summary

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

Date <b>SEPTEMBER 16, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/16/13			
2	Board	09/18/13			

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

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

LICENSEE: Village of Lynbrook

LOCATION: Commuter and commercial parking lots at Lynbrook Station, Nassau County

ACTIVITY: License agreement

ACTION REQUESTED: Approval of terms

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

SPACE: 5 surface parking lots containing a total of 233 parking spaces

COMPENSATION: Base Rent as follows (note payments will be made quarterly at the Village's request):

Year	Annual	Quarterly	Annual Increase
1	\$65,961.00	\$16,491.00	
2	\$70,737.00	\$17,685.00	7%
3	\$72,859.00	\$18,216.00	3%
4	\$75,044.00	\$18,762.00	3%
5	\$77,296.00	\$19,323.00	3%
6	\$79,615.00	\$19,905.00	3%
7	\$82,003.00	\$20,502.00	3%
8	\$84,463.00	\$21,117.00	3%
9	\$86,997.00	\$21,750.00	3%
10	\$89,607.00	\$22,401.00	3%

## COMMENTS:

The Incorporated Village of Lynbrook (the "Village") wishes to enter into a license agreement with LIRR to operate the five LIRR-owned surface parking lots at and around Lynbrook Station. Four of the five parking lots are currently licensed to Flash Parking, Inc., a private parking operator, under a commuter parking license that expired in June, 2012 and is operating on a month-to-month basis. The one parking lot not currently licensed to Flash Parking, is already licensed to the Village on a month-to-month basis and would be consolidated into the new license agreement.

# Staff Summary

## FINANCE COMMITTEE MEETING Incorporated Village of Lynbrook (Cont'd.)



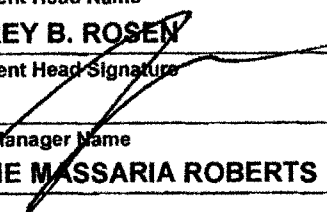
Metropolitan Transportation Authority

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The guaranteed compensation the Village will pay LIRR under the proposed license agreement represents 50% of the estimated gross revenue the parking lots are capable of generating based on current utilization levels, assuming estimated fair market rates are charged. This equates to compensation to LIRR of \$283 per space in the base year, and \$303.60 in the second year. The base year compensation is more than 100% higher than the compensation currently paid by Flash Parking. Because the base year compensation factors in an anticipated temporary drop in parking lot utilization during the first six months of the Village's operation due to the increased fees it plans to charge, there is a 7% adjustment to the compensation at the end of year 1, with 3% annual compensation increases thereafter. As a condition of the agreement, the Village will agree to limit the use of all but 20 spaces reserved for commercial vehicles in the easternmost lot, for which there is current commercial demand, for the express municipal purpose of commuter parking. The 20 commercial spaces are located more than a third of a mile from the station in a lot that currently experiences only 60% utilization. The license agreement will allow LIRR to reallocate these spaces for commuter use at its sole discretion.


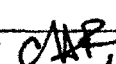

Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with the Village of Lynbrook on the terms described above.

# Staff Summary

Subject <b>LEASE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>DORRIE MASSARIA ROBERTS</b>

Date <b>SEPTEMBER 16, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/16/13	X		
2	Board	9/18/13	X		

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

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

LESSEE: BT To Go PS LLC (to be formed) d/b/a Beer Table To Go ("Beer Table")

LOCATION: Penn Station, Level A, Exit Corridor, Space 8

ACTIVITY: Retail sale of specialty beer, cheeses, prepared meat, condiments, dry packaged goods and gift items

ACTION REQUESTED: Approval of terms

TERM: Ten years, terminable on 180 days' notice for corporate purposes

SPACE: Approximately 980 square feet and approximately 94 square feet of storage

COMPENSATION: Annual base rent plus 10% of gross sales over a breakpoint, as follows:

Year	Annual	Monthly	Breakpoint	Per Sq. Ft.	% Increase
1	\$148,250.00	\$12,354.17	\$1,482,500.00	\$151.28	
2	\$152,697.50	\$12,724.79	\$1,526,975.00	\$155.81	3%
3	\$157,278.42	\$13,106.54	\$1,572,784.20	\$160.49	3%
4	\$161,996.77	\$13,499.73	\$1,619,967.70	\$165.30	3%
5	\$166,856.67	\$13,904.72	\$1,668,566.70	\$170.26	3%
6	\$171,862.37	\$14,321.86	\$1,718,623.70	\$175.37	3%
7	\$177,018.24	\$14,751.52	\$1,770,182.40	\$180.63	3%
8	\$182,328.78	\$15,194.07	\$1,823,287.80	\$186.05	3%
9	\$187,798.64	\$15,649.89	\$1,877,986.40	\$191.63	3%
10	\$193,432.59	\$16,119.38	\$1,934,325.90	\$197.38	3%

STORAGE RENT: \$6,000 or \$63.83 per sq. ft. per year, increasing annually by 3%.

# Staff Summary

## FINANCE COMMITTEE MEETING Beer Table (Cont'd.)



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### COMMENTS

In response to a recent MTA request for proposals ("RFP") for Space 8 on the Exit Corridor of Level A of Penn Station, five proposals were received. Beer Table's rent proposal was the second highest. While the highest rent for Space 8 was offered by KT Donuts LLC ("KT Donuts"), which proposed a Dunkin' Donuts store, KT Donuts and another proposer, Hudson Group Retail LLC ("Hudson") also proposed Dunkin' Donuts operations for the adjacent Space 13, which was also offered for lease in the RFP. Given that it would be counterproductive to have two Dunkin' Donuts operating in adjacent spaces, the combination of proposals for Spaces 8 and 13 that, 1) offers the highest rent to the MTA and 2), best augments the mix of retail tenants at Penn Station, is Beer Table's proposal for Space 8 and Hudson's proposal for Space 13. The combined present value of the rent proposals of Hudson and Beer Table (calculated using a discount rate of 9%) is \$1,932,808, which exceeds the present value of the offers of the alternative combination of tenants (KT Donuts in Space 8 and a Subway sandwich store in Space 13), which would have a combined present value of \$1,819,268. Beer Table's proposal with a present value of \$1,068,178.73 is approximately 13% below the fair market value estimated by MTA Real Estate's consultant, but represents a significant increase over the rent that was paid by the previous tenant.

Details of the remaining three proposals are as follows:

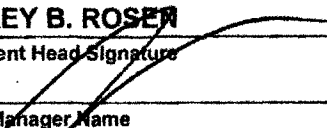
<u>Name of Proposer</u>	<u>Proposed First Year Rent</u>	<u>Present Value</u>
Shahid Haroon	\$84,000	\$605,241.27
Rosen's Café	\$68,600	\$494,279.92
Pepper's Mexican Grill	\$68,600	\$494,279.92

Beer Table is a tenant at Grand Central Terminal, where it has established a successful and growing operation selling specialty beers from a small space in the Graybar Passage. For the Penn Station location, the principal of Beer Table, Justin Phillips, has partnered with Bruce Caulfield, the principal of Tracks Bar and Restaurant and Penn Wines, long-time and successful tenants at Penn Station (Penn Wines is situated across the Exit Corridor from Space 8). Beer Table's offerings at Penn Station will include, in addition to its specialty beer selections, an assortment of cheeses, prepared meat, condiments, dry packaged goods, and gift items. In addition, Beer Table will make extensive renovations to the space.

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






# Staff Summary

P Subject <b>LEASE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>DORRIE MASSARIA ROBERTS</b>

Date <b>SEPTEMBER 16, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/16/13	X		
2	Board	9/18/13	X		

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

AGENCY: MTA Long Island Rail Road ("LIRR")  
 LESSEE: Hudson Group (HG) Retail, LLC ("Hudson")  
 LOCATION: Penn Station, Level A, Exit Corridor, Space 13  
 ACTIVITY: Retail operation of a Dunkin' Donuts  
 ACTION REQUESTED: Approval of terms  
 TERM: 10 years, terminable on 180 days' notice for corporate purposes  
 SPACE: Approximately 365 square feet  
 COMPENSATION: Annual base rent plus 10% of gross sales over a breakpoint, as follows:

Year	Annual	Monthly	Breakpoint	Per Sq. Ft.	% Increase
1	\$120,000	\$10,000.00	\$1,200,000	\$329	
2	\$123,600	\$10,300.00	\$1,236,000	\$338	3%
3	\$127,308	\$10,609.00	\$1,273,080	\$349	3%
4	\$131,127	\$10,927.25	\$1,311,270	\$359	3%
5	\$135,061	\$11,255.08	\$1,350,610	\$370	3%
6	\$139,113	\$11,592.75	\$1,391,130	\$381	3%
7	\$143,286	\$11,940.50	\$1,432,860	\$393	3%
8	\$147,585	\$12,298.75	\$1,475,850	\$404	3%
9	\$152,012	\$12,667.67	\$1,520,120	\$416	3%
10	\$156,573	\$13,047.75	\$1,565,730	\$429	3%

## COMMENTS

In response to a recent MTA request for proposals ("RFP") for Space 13 on the Exit Corridor of Level A at Penn Station, four proposals were received. The highest proposal was received from Hudson, which offered \$120,000 for the initial year with 3% annual increases over the term of the lease. The proposed rent exceeds the estimated fair market value of the

## Staff Summary

### FINANCE COMMITTEE MEETING

#### Hudson Group (HG) Retail, LLC ("Hudson") (Cont'd.)



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space as estimated by MTA Real Estate's consultant. Over the ten year term, the present value of the proposed rent, using a 9% discount rate, is \$864,630.08.

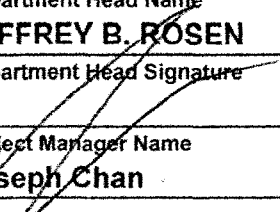
The details of the other proposals are as follows:

<u>Name of Proposer</u>	<u>Proposed First Year Rent</u>	<u>Present Value</u>
KT Donuts	\$84,000	\$605,253.47
Subway	\$81,000	\$583,299.43
AMD Shoe Repair	\$51,000	\$367,468.08

Hudson proposes to operate a Dunkin' Donuts franchise in the space. It has extensive experience with the operation of Dunkin' Donuts at three other locations on Level B (the Amtrak level) of Penn Station. All baking and food preparation will take place at Hudson's commissary on Level A, which supplies its other stores at Penn as well. Hudson will completely renovate the space, enhancing the overall appearance of this corner at the intersection of the Exit Corridor and the Hilton Passageway.


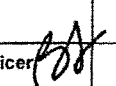
Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Hudson on the above-described terms and conditions.

# Staff Summary

Subject <b>SALE OF PROPERTY – SUTPHIN BLVD, JAMAICA, QUEENS</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>SEPTEMBER 16, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	LIRR Committee	09/16 /13		X	
2	Finance Committee	09/16/13	X		
3	Board	09/18/13	X		

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

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

PROPERTY AFFECTED: A 3,408 sq. ft. parcel adjacent to the Sutphin Blvd. underpass in Jamaica, Queens (the "Loading Dock Parcel") and a 773 sq.ft. adjoining parcel under such underpass (the "Underpass Parcel").

PURCHASER: 93-43 Sutphin, LLC

ACTION REQUESTED: Approval of terms

COMPENSATION: \$1.7 million

## COMMENTS:

Pursuant to a memorandum of understanding dated March 2013 (the "MOU"), LIRR and Greater Jamaica Development Corporation ("GJDC") agreed to jointly market, through a request for proposals, the Loading Dock Parcel and Underpass Parcel (collectively, the "LIRR Parcel") together with an adjoining 0.13 acre (5,794 sq. ft.) GJDC-owned parcel (the "GJDC Parcel") in Jamaica, Queens (together, the "Combined Parcel"), so as to allow a hotel with retail uses to be developed on the Combined Parcel. Such request for proposals (the "RFP") was issued on July 27, 2012.

The Loading Dock Parcel contains an open air loading dock and compactor serving the commissary and station cleaning operations for LIRR's Jamaica, Flatbush and Penn Stations, as well as a Consolidated Edison switchgear service, which provides power to the Jamaica Station. The RFP contemplated that such facilities would either need to remain undisturbed by such development or else be relocated by the developer without cost to LIRR.

Under the applicable zoning, the entire Combined Parcel has been assigned a maximum permitted floor area ratio ("FAR") of 12, except that the Underpass Parcel has been assigned an FAR of 1. Thus, the LIRR Parcel can accommodate 41,669 square feet of building area, which is 38% of the total buildable square footage of the Combined Parcel (111,197 buildable square feet). In accordance with the MOU, LIRR and GJDC will therefore divide the net proceeds from the sale 38% - 62%.

Purchaser was one of two firms that submitted responses to the RFP. However, the other proposal, submitted by BRP Development Corp., contained unacceptable contingencies that were inconsistent with the requirements of the RFP.

Purchaser has proposed to purchase the fee interest in the Underpass Parcel and the GJDC Parcel, together with the fee interest in so much of the Loading Dock Parcel as is not occupied by the aforementioned Con Edison facilities and LIRR loading dock and the development rights associated with the remainder of the Loading Dock Parcel (to be used to build a taller building than would otherwise be permitted on the GJDC Parcel), for a purchase price of \$4.50 million, of which

# Staff Summary

## FINANCE COMMITTEE MEETING

### PROPERTY DISPOSITION – SUTPHIN BLVD, JAMAICA, QUEENS (Cont'd.)



Metropolitan Transportation Authority

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LIRR will receive proceeds of slightly over \$1.70 million (38% of the gross proceeds from the sale of the Combined Parcel that will remain after payment of transaction costs amounting to \$49,500). The purchase price exceeds the fair market value of the Combined Parcel, as estimated by an independent appraiser prior to the issuance of the RFP, consistent with the requirements of the Public Authorities Law.

Purchaser plans to construct and operate an approximately 210-room, 24-story focus service hotel (minimum 3 stars) with retail and a franchise restaurant. The building footprint will encompass Lots 42, 43, 47 and most of 48 of Block 9998. The LIRR loading docks and Con Ed switchgear (which are located on Lot 52) will be provided by Purchaser with a decorative front but will otherwise be unaffected. Purchaser has agreed to reimburse the LIRR for whatever force account costs may be incurred in connection with the project.

Purchaser is an affiliate of Able Management Group, Inc. ("Able Hotels"), which is a NY-based firm that specializes in developing, branding and operating hotels in the New York metropolitan area. Able Hotels currently owns and manages a 125-room full service hotel in Plainview, NY, and a 110-room focus service hotel in Brentwood, NY.

The Combined Parcel is located in the Downtown Jamaica Urban Renewal Area; and the GJDC Parcel was purchased by GJDC using funds provided by the Port Authority of New York & New Jersey, in anticipation of and in order to facilitate development on the Combined Parcel of the kind proposed by Purchaser. The proposed sale and resulting hotel development will complement and enhance initiatives by LIRR, the Port Authority and GJDC to foster transportation-oriented development in the vicinity of Jamaica Station and JFK Airport.

Based on the foregoing, MTA Real Estate requests authorization to convey a combination of the fee interest and development rights associated with the Loading Dock Parcel as described above, together with the fee interest in the Underpass Parcel, to 93-43 Sutphin, LLC on the above-described terms and conditions.

# **MTA METRO NORTH RAILROAD**

# Staff Summary



Metropolitan Transportation Authority

Page 1 of 2

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>NANCY MARSHALL</b>

Date <b>SEPTEMBER 16, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/16/13	X		
2	Board	09/18/13	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: Central Watch Band Stand, Ltd. dba Central Watch  
 LOCATION: Retail spaces Y-1, Y-2, Y-3, Y-4, Y-5  
 ACTIVITY: The repair, servicing and retail sale of watches and related accessories  
 ACTION REQUESTED: Approval of terms  
 TERM: 5 years  
 SPACE: Approximately 315 sq. ft.  
 COMPENSATION: Annual Base Rent plus 8% of gross sales over a Breakpoint, as follows:

Year	Annual Base Rent	PSF	Breakpoint
1	\$78,000.00	\$247.62	\$1,100,000.00
2	\$80,340.00	\$255.05	\$1,133,000.00
3	\$82,750.20	\$262.70	\$1,166,990.00
4	\$85,232.50	\$270.60	\$1,201,999.70
5	\$87,789.48	\$278.70	\$1,238,059.69

MARKETING: \$10.61 per sq. ft. per year, increasing annually by 3%  
 TRASH: \$ 6.00 per sq. ft. per year, increasing annually by 3%  
 SECURITY: Three months minimum rent plus a guaranty of a principal of Central Watch Band Stand, Ltd. (limited to six months' rent after vacating of premises)  
 INSURANCE: Standard  
 CONSTRUCTION PERIOD: 60 days

# Staff Summary

## FINANCE COMMITTEE MEETING

### Central Watch Band Stand, Ltd. dba Central Watch (Cont'd.)

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Metropolitan Transportation Authority

#### COMMENTS:

In response to a recent MTA request for proposals for Retail Space Y-1, Y-2, Y-3, Y-4, Y-5 at Grand Central Terminal, a single proposal was received from Central Watch Band Stand, Ltd. dba Central Watch.

Central Watch has been owned and operated by the Kivel family since opening in the Terminal in 1952. Central Watch's primary business is the repair and servicing of watches, however it also carries a full line of watches and watch accessories. Central Watch has maintained a solid reputation in NYC and the loyalty of a wide customer base.

The proposed guaranteed minimum rent exceeds the fair market rental value of the subject space, as estimated by Williams Jackson Ewing, and represents a significant increase over the current guaranteed rent amount.


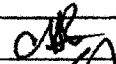

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease with Central Watch on the above-described terms and conditions.

# Staff Summary

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

<b>Date</b> <b>SEPTEMBER 16, 2013</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/16/13	X		
2	Board	09/18/13	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:** Menta, Inc. dba Dishes At Home  
**LOCATION:** Retail Space MKT-25/26 and Storage Space BS-06  
**ACTIVITY:** The retail sale of tenant-prepared appetizers, entrees, side dishes, desserts and a limited selection of juices, iced teas and condiments  
**ACTION REQUESTED:** Approval of terms  
**TERM:** 10 years  
**SPACE:** Approximately 471 sq. ft. and approximately 80 sq. ft. of storage space  
**COMPENSATION:** Annual Base Rent plus 8% of gross sales over a Breakpoint, as follows:

Year	Annual Base Rent	PSF	Breakpoint
1	\$188,871.00	\$401.00	\$2,500,000.00
2	\$194,537.13	\$413.03	\$2,575,000.00
3	\$200,373.24	\$425.42	\$2,652,250.00
4	\$206,384.44	\$438.18	\$2,731,817.50
5	\$212,575.97	\$451.32	\$2,813,772.03
6	\$218,953.25	\$464.86	\$2,898,185.19
7	\$225,521.85	\$478.81	\$2,985,130.74
8	\$232,287.51	\$493.17	\$3,074,684.66
9	\$239,256.13	\$507.97	\$3,166,925.20
10	\$246,433.82	\$523.21	\$3,261,932.96

**STORAGE RENT:** \$82.00 per sq. ft. per year, increasing annually by 3%  
**MARKETING:** \$10.61 per sq. ft. per year, increasing annually by 3%  
**TRASH:** \$ 9.00 per sq. ft. per year, increasing annually by 3%  
**SECURITY:** Three months minimum rent plus a guaranty from Moshe Mallul, a Menta, Inc. principal (limited to six months' rent after vacating of premises)  
**INSURANCE:** Standard



# Staff Summary

## FINANCE COMMITTEE MEETING

### Menta, Inc. dba Dishes At Home (Cont'd.)

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Metropolitan Transportation Authority

#### CONSTRUCTION

PERIOD: 60 days

#### COMMENTS:

In response to a recent MTA Request for Proposals ("RFP") for Retail Space MKT-25/26, Grand Central Terminal, three proposals were received. Subsequently Eli's Manhattan Warehouse Inc. dba Eli's Table withdrew its proposal. The two remaining proposals were received from Menta, Inc. dba Dishes At Home and A Ceriello Corp dba Ceriello Fine Foods.

Per the Guidelines for Selection of Tenants for Grand Central Terminal approved by the MTA Board in November 2009, such proposals were independently evaluated by Williams Jackson Ewing and Jones Lang LaSalle, and subsequently evaluated by the Director of GCT Development. When evaluating the proposals, two evaluation criteria were taken into account. Selection Criterion A, which accounts for 70% of the score, is designed to evaluate the direct economic value of a proposal. Selection Criterion B, which accounts for 30% of the score, is the evaluator's determination of a proposal's indirect economic benefit to the MTA.

As illustrated in the attached chart, Dishes At Home's Unadjusted Guaranteed Rent Amount (i.e. the proposed guaranteed minimum rent, on a present value basis determined using a discount rate of 6%) and its Total Selection Criteria Score were both higher than those for the other proposer; and consequently a selection committee was not convened. The rent proposed by Dishes At Home exceeds the estimated fair market rental value of the subject space, as determined by Williams Jackson Ewing.

Dishes At Home has been a successful tenant in the Grand Central Market since 2003. Dishes has proposed a significant renovation, including the installation of new equipment and other fixtures throughout the store, as well as, a reconfiguration of the space by eliminating an existing back wall so as to enable customers to enter the space, thereby increasing selling space and significantly improving customer flow.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Menta, Inc. dba Dishes At Home on the above-described terms and conditions.

# Staff Summary



Metropolitan Transportation Authority

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## Grand Central Terminal Retail Leasing Evaluation Sheet

Evaluator: Nancy Marshall, Director GCT Development

Space: MKT- 25/26 (currently Dishes)

Date: July 22, 2013

Scoring	A	B	C	D	E	F	G	H	I	J
	<u>Unadjusted Guaranteed Rent Amount</u>	<u>Guaranteed Rent Adjustment Factor*</u>	<u>Adjusted Guaranteed Rent Amount (A x B)</u>	<u>Unadjusted Percentage Rent Amount</u>	<u>Percentage Rent Adjustment Factor**</u>	<u>Adjusted Percentage Rent Amount (D x E)</u>	<u>Adjusted Total Rent Amount (C + F)</u>	<u>Selection Criterion A Score *** (0-70)</u>	<u>Selection Criterion B Score (0-30)</u>	<u>Total Selection Criterion Score (H + I)</u>
Menta Qba Dishes At Home	\$ 1,571,179.17	1	\$ 1,571,179.17	\$ 109,197.58	0	0	\$ 1,571,179.17	70	30	100
Ceretto Fine Foods	\$ 1,409,151.67	1	\$ 1,409,151.67	0	0	0	\$ 1,409,151.67	62.8	20	82.8
* Guaranteed Rent Adjustment Factor: from 1.00 (no uncertainty about A) to as low as 0.50 (great uncertainty about A); however may be as low as 0.00 per guidelines										
** Percentage Rent Adjustment Factor: as high as 0.50 (no uncertainty about D) to as low as zero (great uncertainty about D)										
*** Selection Criterion A Score: 70 multiplied by the ratio of the Adjusted Total Rent Amount for the proposer to the highest Adjusted Total Rent Amount (from column G)										

# Staff Summary

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

<b>Date</b> <b>SEPTEMBER 16, 2013</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/16/13			
2	Board	09/18/13			

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")

TENANT: Corporation to be formed ("TBF") with Steven Cross as principal

LOCATION: Peekskill Station on Metro-North's Hudson Line

ACTIVITY: Net lease of station building for operation of a restaurant, bar and coffee concession

ACTION REQUESTED: Approval of terms

TERM: Ten years

SPACE: Station building & loft area – approximately 3,000 square feet  
Partial basement – approximately 1,000 square feet  
Outdoor plaza – approximately 1,630 square feet

COMPENSATION: Base Rent as follows:

<u>Year</u>	<u>Annual</u>	<u>Monthly</u>	<u>Annual Increase</u>
1	\$60,000.00	\$5,000.00	
2	\$61,800.00	\$5,150.00	3%
3	\$63,654.00	\$5,304.50	3%
4	\$65,563.62	\$5,463.64	3%
5	\$67,530.53	\$5,627.54	3%
6	\$69,556.44	\$5,796.37	3%
7	\$71,643.14	\$5,970.26	3%
8	\$73,792.43	\$6,149.37	3%
9	\$76,006.20	\$6,333.85	3%
10	\$78,286.39	\$6,523.87	3%

## COMMENTS:

In furtherance of a net leasing program that MTA Real Estate and Metro-North have developed to provide for the adaptive re-use of selected Metro-North station buildings, a request for proposals ("RFP") was issued seeking proposals to utilize and maintain the entire Peekskill Station Building (the "Building"), consisting of a restaurant area, kitchen, closed ticket office, concession space, waiting room and bathrooms.

## Staff Summary

### FINANCE COMMITTEE MEETING

#### Peekskill Station. (Cont'd.)

Page 2 of 2



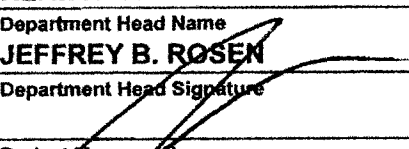
In response to the RFP, a single proposal was received, from TBF, which offered \$60,000 for the initial year with 3% increases over the term of the lease. Over the 10-year term, the present value of such proposed rent, using a 9% discount rate, is \$432,315.20.

Steven Cross currently owns and operates two successful restaurants in Westchester. TBF proposes to operate a bar and grill in the Building, which was, formerly occupied by another Metro-North tenant called Kelly's. TBF has proposed to undertake approximately \$165,000 worth of improvements to the Building, including the addition of a commercial air conditioning system, renovation of an existing kitchen with updated fixtures and appliances and refurbishment of the former ticket office as a coffee concession serving morning rush hour customers. A waiting area and access to bathrooms will continue to be provided to Metro-North customers, whether or not they patronize the coffee concession or restaurant. TBF may also install solar panels on the roof, subject to required approvals beforehand. A portion of the cost of the new air conditioning system for the waiting area - which will benefit Metro-North customers - will be shared by Metro-North, but the remainder of the foregoing improvements will be paid for by TBF. Additionally, the TBF has agreed to replace the roof of the Building (at Metro-North's cost and option) and repair the windows at Metro-North's cost. Steven Cross will provide a guaranty for completion of the project as well as all other obligations of TBF under the lease for a period of six months subsequent to any surrender of the premises or termination of the lease.

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


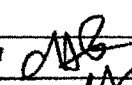

# **MTA CAPITAL CONSTRUCTION**

# Staff Summary

<b>Subject</b> <b>EMINENT DOMAIN DETERMINATION &amp; FINDINGS</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JEFFREY B. ROSEN</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>HELENE CINQUE</b>

<b>Date</b> <b>SEPTEMBER 16, 2013</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/16/13	X		
2	Board	9/16/13	X		

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

**AGENCY:** MTA Capital Construction Company ("MTACC")

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

**ACTION REQUESTED:** Approval of Determination and Findings under the New York Eminent Domain Procedure Law ("EDPL") to acquire additional permanent and temporary easements in portions of the Building in order to construct a new subway station entrance ("Entrance 1") for the 72<sup>nd</sup> Street Station of the Second Avenue Subway Project.

## COMMENTS:

In September 2010, the MTA acquired by eminent domain permanent and temporary easements in the ground floor, basement and sub-surface levels of the Building for purposes of constructing and maintaining Entrance 1 for the Second Avenue Subway's 72<sup>nd</sup> Street Station. MTACC's recent design modifications for Entrance 1, which will move the entrance at street level from street level space in the Building to two canopied entrances in a sidewalk bump-out on Second Avenue, will require acquisition of additional permanent and temporary easements in the Building. Specifically, a permanent subsurface easement is needed to construct an opening in the Building's foundation wall to accommodate a new subsurface passageway that will link the sidewalk entrance to the 72<sup>nd</sup> Street Station mezzanine. Additionally, the MTA's existing temporary easement must be expanded over the entire underground parking garage in order to perform essential work associated with the construction of the entrance and station. This work will require temporary closure of the garage for up to 24 months. Finally, temporary easements in three street-level retail stores and in the remainder of the Building's basement are needed to perform utility relocation work.

On July 24, 2013, the MTA held an EDPL public hearing to review the public use, benefits and purposes of Entrance 1, the additional easements that will be needed to construct Entrance 1, and the impact that Entrance 1 and its construction may have on the environment and residents of the area. As required by law, a notice of the hearing was published in newspapers and sent by certified mail to the affected owners or their legal representatives. The hearing followed two prior public presentations of the Entrance 1 design modifications to Manhattan Community Board 8 and private meetings with affected owners in the Building.

Following a presentation by the MTA's hearing officer at the July 24<sup>th</sup> EDPL hearing, two speakers made statements about the proposed property acquisitions and associated impacts. In addition, MTA received written comments on behalf of another party prior to the hearing. The three sets of comments are summarized as follows:

# Staff Summary



## FINANCE COMMITTEE MEETING

### Eminent Domain Determinations and Findings (Cont'd.)

Page 2 of 2

1. An attorney representing 301 E. 69<sup>th</sup> Street Owners Corp. (owners of the Building's residential co-op) congratulated the MTA for moving Entrance 1 out of the Building at street level; raised concerns about structural work, utility relocations and construction impacts to the Building under the new Entrance 1 design; and requested that the co-op's representatives be fully involved going forward in partnering with MTACC on construction-related issues.
2. An attorney representing MacArthur Properties, LLC (owners of commercial condominium units located in the street and basement levels of the Building) submitted a letter that preserved his client's right to challenge the MTA's proposed condemnation and to seek additional monetary compensation from MTA; and raised concerns that construction-related impacts and permanent impacts from Entrance 1's relocation to the sidewalk adjacent to his client's store spaces could, in his opinion, negatively impact the rental income and market value of those spaces.
3. A member of the public made general comments about the Second Avenue Subway Project that were unrelated to Entrance 1 and complained that the MTA's EDPL public hearing presentation (lasting 31 minutes) was too long.

With respect to the portions of comments #1 and #2 above relating to concerns about the construction and operational impacts of Entrance 1 on the Building, it should be noted that the MTA prepared a technical memorandum ("Tech Memo") that evaluated the current Entrance 1 design change and concluded that the change did not give rise to any new environmental impacts beyond those already addressed in Final Environmental Impact Statement for the Second Avenue Subway Project. The Federal Transit Administration ("FTA") approved the Tech Memo on June 7, 2013. Among other things, the Tech Memo noted that the new Entrance 1 design would mitigate utility relocation and other construction-related impacts that would have occurred under the former design, which sited the entire entrance box inside the Building. Both before and after the EDPL public hearing, MTA and MTACC staff and consultants have been in contact with the affected owners' representatives to discuss the project and will continue to work with the affected owners and occupants of the Building to address their concerns and mitigate impacts as much as reasonably possible. MTA Legal and MTA Real Estate also will endeavor to reach negotiated agreements to secure the required easements in lieu of eminent domain, if possible.

After due consideration of all statements and comments received during the EDPL public hearing comment period, MTA staff recommends Board approval of the acquisition, by eminent domain, if necessary, of the property interests described in the attached Determination and Findings. This action will authorize MTA staff and counsel to continue with the proceedings to acquire the required property interests by eminent domain, if necessary.

**DETERMINATION AND FINDINGS PURSUANT TO ARTICLE 2  
OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW**

**SECOND AVENUE SUBWAY PROJECT**

**72<sup>nd</sup> Street Station – Entrance 1**

**301 East 69<sup>th</sup> Street, Manhattan (a/k/a Manhattan Block 1444, Former Lot 1, Condo #377)**

In accordance with Section 204 of the New York Eminent Domain Procedure Law ("EDPL"), the Board of the Metropolitan Transportation Authority ("MTA") hereby approves the acquisition of property interests described below by eminent domain, if necessary, and adopts the following statutory findings:

**1. EDPL Public Hearing.** On July 24, 2013, on prior notice duly given to the public and the affected property owners, MTA held an EDPL public hearing to inform the public and to receive the public's comments on the proposed acquisition of a permanent easement and temporary easements in the building at 301 East 69<sup>th</sup> Street in Manhattan (the "Building") to support construction of Entrance 1 of the Second Avenue Subway Project's 72nd Street Station ("Entrance 1"). All oral and written comments received during the public comment period have been reviewed, made part of the record, and given due consideration.

**2. Additional Property Interests Needed to Construct Entrance 1 under its Modified Design and Reasons Supporting the Design and Location Change.** Under its original design, Entrance 1 would have been located entirely within the Building, a 19-story condominium building consisting of residential apartments on floors 2 to 19, first floor retail currently subdivided into 5 stores with basement space, and an underground parking garage. The residential space, retail space, and garage each comprises a separately-owned condominium unit. The residential condominium unit is operated as a co-op; the garage condominium has a single owner; and the retail condominium presently is subdivided into 5 separate store spaces.

In September 2010, MTA acquired permanent and temporary easements in a portion of the Building's ground-level retail space, garage and other areas of the basement to accommodate entrance construction under the original design. The acquisitions required MTA to permanently displace the two commercial tenants closest to the corner at East 69th Street – Patsy's Pizzeria and the New York City Off-Track Betting Corporation's "OTB" betting parlor.

In early 2010, in an effort to minimize entrance construction impacts and risks associated with utility relocations and structural modifications to the Building, MTA began a consultation process with the three condominium unit owners. To address the Building's utility concerns and meet the needs for a subway entrance at this location, MTA and its consultants have developed a modified design for Entrance 1.

At street level, the modified design relocates Entrance 1 from the former Patsy's Pizzeria and OTB spaces into two canopy-sheltered entrances within a widened public sidewalk on the east side of Second Avenue adjacent to the Building. The sidewalk will be bumped out by an additional 9 feet from its existing width of 20 feet. Each canopy structure will measure approximately 13 feet, 10 inches wide by 40 feet, 8 inches long. Each canopy will consist of a granite base topped by a glass and steel canopy. The canopy will be tallest (15 feet, 7 inches) where the stairway or stairway/escalator meets the sidewalk. The canopy will slope downward to a height of 6 to 7 feet above the sidewalk.

The northernmost canopy will house an escalator and a staircase. The southernmost canopy will house a staircase. Below street level, the two entrances will enter the basement and garage areas



of the Building utilizing the permanent easement areas that MTA previously acquired by eminent domain and lead to a common mezzanine and escalator bank for the 72<sup>nd</sup> Street Station. The escalator bank will lead customers downward to the station control area.

When the FEIS was prepared, the New York City Department of Transportation had a policy against sidewalk bump-outs along Second Avenue south of 72nd Street. However, at this time the City DOT is planning a bike lane in the east lane of Second Avenue and will now allow sidewalk bump-outs adjacent to the bike lane. With this change, a widened sidewalk on Second Avenue in front of the Building is now possible and will complement the City DOT's plans for a bike lane at this location. City DOT also has agreed to a bump-out configuration that could remain at this location in the event that a bike lane is not constructed.

Under this location and design change, there will be much less impact to the Building's utilities. A relocation of the boiler room will not be necessary, changes to the gas service mains will not be required, and the duration of outages is likely to be reduced. Only minimal building utility lines will remain in the entrance space as compared to the original Entrance 1 design.

With the Entrance 1 design and location change, some portions of the entrance structure will remain in subsurface areas under the Building, but there will be less impact to the Building's utilities and minimal permanent use of its ground floor space. In order to construct Entrance 1, however, MTA must acquire additional easement rights in the building as follows: (1) extension of the existing temporary easement over the entire garage for a period up to 24 months; (2) modification of the existing permanent easement to accommodate a subsurface opening in west side of the Building's foundation wall; (3) temporary easements in the three retail stores for utility relocation; (4) a temporary easement in the store previously used as a tanning salon for structural modifications; and (5) a non-exclusive temporary easement over the remaining basement area of the residential co-op for access during construction of Entrance 1.

**3. Public Use, Benefits and Purposes.** The public use, benefits and purposes of the Second Avenue Subway Project are extensively discussed in the Final Environmental Impact Statement for the Second Avenue Subway Project ("FEIS") that was issued in April 2004. In short, the Second Avenue Subway will provide much-needed subway service to new areas on Manhattan's East Side and an alternative to the overcrowded Lexington Avenue Line. Entrance 1 is an essential element to the subway's 72<sup>nd</sup> Street Station.

**4. General Effect on the Environment and Residents of the Locality.** A complete description of the environmental impacts of the Second Avenue Subway Project is set forth in the FEIS. The potential impacts associated with the new design for Entrance 1 were evaluated in MTA's Technical Memorandum No. 11 ("Tech Memo 11"), which the Federal Transit Administration approved on June 7, 2013. The following is a summary of impacts most applicable to the work in and around Entrance 1 and the 72<sup>nd</sup> Street Station.

#### Construction Impacts

With the modified Entrance 1 design, material that is excavated during construction will no longer be removed through the Building's retail space. The utility network in the former Patsy's Pizzeria and OTB spaces will remain largely in place and will not allow for a large enough opening between the basement and street levels for removal of construction spoils.

Under the modified design, spoils will be removed from two locations. Spoils from the station adit, which is the inclined escalator tunnel connecting the mined subway tunnel to the Building's basement, will be removed via the parking garage and possibly from the Second Avenue sidewalk area. Spoils from the sidewalk entrances and area immediately beneath the sidewalk will be

removed from the Second Avenue sidewalk area.

Spoils from the adit removed through the Building's parking garage will require its full closure for up to 24 months. The amount of the spoils removal from the adit is the same as for the original design.

Spoils from the sidewalk entrances will be carted from a work zone along Second Avenue. Spoils removal is expected to take place for about 33 days. Tech Memo 1 concluded that the amount and duration of spoils removal under the modified entrance design will not meaningfully change the construction means and methods or the analysis of construction impacts presented in the FEIS.

As with all construction on this project, MTA will monitor noise, vibration and air quality to insure that all applicable performance standards are met by its contractors.

During construction of Entrance 1, preventive measures will be undertaken to protect the safety of Building residents, the public, and construction workers from any contaminated materials that may be encountered. Any asbestos or lead paint abatement work that may be encountered in the course of utility relocation and structural work inside the Building will be performed in accordance with all applicable standards and regulatory requirements.

#### Pedestrian and Traffic Impacts

MTA's pedestrian analysis for the modified Entrance 1 design concluded that in the morning and evening peak periods for subway ridership, the east side of Second Avenue and north side of East 69th Street, the north and east crosswalks, and the northeast corner at the intersection of East 69th Street and Second Avenue will operate at LOS D or better, which is acceptable for this location, will not adversely impact pedestrian flows, and will not result in a degradation of the LOS as compared to the original Entrance 1 design.

The sidewalk bump-out that would accommodate the modified design for Entrance 1 will eliminate approximately 6 to 8 metered parking spaces that were planned along the east sidewalk of Second Avenue. As with the original design, the modified design will permanently remove about 18 of the 40 striped parking spaces in the Building's garage. In addition, the modified design will temporarily close the garage during construction for up to 24 months.

Tech Memo 11 shows that the study area around Entrance 1 currently has a surplus of off-street parking. It concludes that the loss of 6 to 8 metered spaces that were planned for in the original design will not significantly impact parking supply and that the reduction of about half of the garage's parking spaces will not result in a shortfall of off-street parking spaces in the parking study area.

MTA has developed an Interagency Traffic Management Task Force to implement and monitor traffic mitigation for the Project. The traffic mitigation will be refined as needed to accommodate traveler and community needs while maintaining the safe and efficient construction of the subway in as timely a manner as possible.

#### Land Use Impacts

The modified design will utilize only about 170 square feet out of the 2,717 square feet of the Building's ground floor retail space for a Station Entrance Control Room and scale back the area needed in the basement from 4,658 square feet to 2,945-square feet of space. This will result in a net reduction of 4,260 square feet of space within the Building than was needed under the original entrance design. At some point in the future after construction of Entrance 1 is completed, MTA may be in a position to sell or lease the excess space for retail or other non-transit uses.

The new canopied subway entrances along the expanded sidewalk of Second Avenue will

introduce new visual elements on the sidewalk. As noted in the FEIS, subway-related structures will not have significant visual effects along the Second Avenue Subway alignment because they are similar to other common features of Manhattan streetscapes and will not be incongruous to the visual environment.

While some utility relocation within the Building is still required, the modified design substantially reduces the impacts to the Building's utility functions as compared to the original design. A utility access easement will continue to be reserved for the portion of Entrance 1 that will remain in the Building's basement to allow the Building's owners to access and service those utilities.

#### Socio-Economic Impacts

Businesses could be adversely affected by the disruptions associated with construction activities, such as reduced pedestrian and vehicular access, removal of parking, and reduction in the visibility of some businesses. Though temporary, these disruptions could affect the businesses' revenue streams and could make the areas in the vicinity of construction activities less desirable locations while construction is underway.

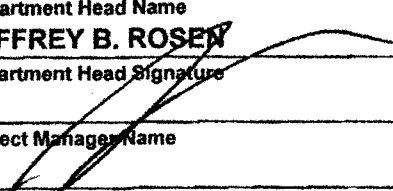
To help mitigate these impacts, MTA will coordinate with businesses in each phase to address access/delivery issues; and provide special loading and unloading areas on nearby side streets to locations where access will be curtailed in front of buildings during construction. In those designated side street areas, parking may be prohibited to allow more reliable deliveries and pick-ups.

MTA will continue to employ its community outreach program throughout construction to keep the affected neighborhood informed about construction activities taking place.

**ANYONE SEEKING JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS MUST COMMENCE LEGAL ACTION IN ACCORDANCE WITH EDPL § 207 NO LATER THAN 30 DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DOCUMENT, OR A SYNOPSIS THEREOF.**




# **METROPOLITAN TRANSPORTATION AUTHORITY**

# Staff Summary

Subject <b>REAL ESTATE POLICIES</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name

Date <b>SEPTEMBER 16, 2013</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/16/13	X		
2	Board	9/18/13	X		

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

AGENCY: All agencies

PURPOSE: To obtain Board approval to modify certain existing policies and approve additional policies regulating how MTA Real Estate ("MTARE") enters into certain agreements as set forth in the attached resolution

## COMMENTS:

In an effort to streamline and expedite the process by which MTARE enters into real estate agreements, the MTA Board has approved a number of policies setting forth the parameters under which MTARE may enter into specific categories of agreements with third parties without prior Board approval, in most cases notifying the Board of the terms of the agreement subsequent to the agreement's execution.

MTARE is hereby proposing to amend two of these policies and add three additional policies, as described below. Board approval of these proposals will permit MTARE to more rapidly execute certain transactions under circumstances in which (i) time is a factor; (ii) the transaction is between public entities and the value is low; (iii) the real estate transaction is essentially ministerial; or (iv) where there is a clear winner amongst multiple proposers pursuant to a publicly-advertised request for proposals.

Proposed modifications to existing policies:

### A. Modification to Policy on Month-to-Month License for Passenger Amenities, dated June 9, 1988 (Real Estate Department Policy #9, copy attached)

This policy permits MTARE to enter into month-to-month agreements for vacant concessions that provide amenities for MTA customers (such as newsstands and coffee shops). MTARE seeks to modify paragraph B, "Type of Services" of the policy to include the month-to-month licensing of vacant space for "pop-up" retailers of various kinds, which would include any use permitted by the MTA agency in whose facility the retail space is located.

The phenomenon of "pop-up" retail has grown rapidly of late allowing small entrepreneurs, online businesses (so-called "e-tailers"), and established corporations to rent space in generally "as-is" condition to provide short-term "showroom" exposure for products or services. MTARE believes pop-ups will provide a fresh and beneficial element to our facilities, while also providing revenue in spaces that would otherwise be vacant while the request for proposals process for a term tenant is underway. MTARE will obtain market compensation if possible, percentage rents where market rates are unknown, or the highest compensation that can be negotiated for any given situation. The agreements will be month-to-month in duration, terminable at will by the MTA; Finance Committee notification of these agreements will be provided as information items.

# Staff Summary

FINANCE COMMITTEE MEETING  
Real Estate Policies (Cont'd.)  
Page 2 of 3



**B. Modification to Policy on Leased-in access agreements, dated November, 15, 1999, as amended February 24, 2010 (Real Estate Department Policy #11)**

This policy allows MTARE to negotiate access rights and privileges required by MTA operating agencies for capital projects or maintenance or repairs of operating facilities, typically for the duration of the project for which the rights are required, subject to a \$2,000 per month limit. Such permits or licenses are typically obtained from other public entities.

MTARE seeks to make this policy reciprocal (except that the \$2,000 limit would not apply) so as to permit MTARE to license or grant permits with respect to property controlled by MTA agencies to other public entities for capital projects or maintenance or repairs of their operating facilities for a term no longer than the duration of the applicable project. Finance Committee notification of these transactions will be provided as information items.

Proposed new policies:

**A. Agreements covering bus route reroutings**

From time to time MTARE enters into license or permit agreements with public or private land owners at the request of MTA New York City Transit or MTA Bus to permit bus routes to traverse public or private property not considered part of the public street grid, such as park property, parking lots owned by other agencies, colleges or shopping mall parking lots, to name a few examples.

The agreements usually (though not always) do not require payment on the part of either party. MTA New York City Transit or MTA Bus already informs the Transit Committee of the MTA Board of bus rerouting, as information items, or obtains committee and Board approval of a rerouting if 25% or more of a route is thereby changed. Nothing in this proposed new MTARE policy would affect the policy of MTA New York City Transit or MTA Bus addressing Board approval relating to route changes that meet the definition of "major service changes" (where the distance of a route is changed by 25% or more of the route).

Since the agreements are primarily ministerial in nature, and since Board members are already notified of the applicable rerouting, MTARE seeks permission to enter into such agreements without Board approval. An information item (or approval, in the case of "major service changes") will be provided to the Board before or after the transaction takes place.

**B. Agreements with public entities where compensation is nominal (estimated fair market value under \$15,000 for permanent rights or, on a present value basis, for leased or licensed rights), and where the ownership and use of the property will remain with such public entities**

From time to time, licenses, permits, leases or easements are either acquired by the MTA from or granted by the MTA to other public entities. Frequently, these interests are relatively minor and the ownership and use remain with the governmental or public entity to which the lease, license, permit or easement is being granted, MTARE seeks Board authorization to enter into such low value transactions, defined as those with an estimated fair market value under \$15,000 (on a present value basis) and in which the grantee is a governmental or public entity that will remain the owner and user of the rights in question, without specific Board approval. Such transactions are not subject to the Public Authorities Law requirements by virtue of having an estimated fair market value of under \$15,000. An appraisal will be obtained as required by the Public Authorities Law to estimate fair market value of dispositions as defined by the law. Finance Committee notification of such transactions will be provided as information items.

**C. Leases or licenses for retail locations awarded pursuant to a request for proposals process where at least three responsive proposals are received from proposers considered to be responsible per MTA Real Estate's Board-approved policies and procedures**

MTARE generally offers retail locations for lease or license through a publicly advertised request for proposals process. In each case where three *responsive* (i.e., complete and meeting the criteria of the RFP) bids are received, each from a *responsible* proposer, as defined in MTARE's *Policies and Procedures for the Leasing-out*

# Staff Summary

## FINANCE COMMITTEE MEETING

### Real Estate Policies (Cont'd.)

Page 3 of 3



Metropolitan Transportation Authority

*and Sale of Real Property*, approved by the Board in March of 2013, and where the applicable lease or license is to be awarded to the proposer offering the highest guaranteed (as opposed to percentage) rent, determined on a present value basis in accordance with such Policies and Procedures, MTA RE proposes -in lieu of preparing a staff summary requiring committee and Board approval - to list the applicable transaction in chart form in the Finance Committee book (listing all bidders and their bids, as required by the Public Authorities Law), subsequent to the consummation of such transaction.

**RESOLUTION**

**BOARD OF THE  
METROPOLITAN TRANSPORTATION AUTHORITY**

WHEREAS, the Real Estate Department ("RED") of the Metropolitan Transportation Authority ("MTA") is tasked with acquiring various real property rights and entering into leases, licenses, permits and other like agreements on behalf of itself and its operating agencies, and whereas RED seeks enter into such agreements as efficiently as possible while keeping the MTA Board apprised of its activities, and has therefore requested that the Board amend two of RED's existing policies and approve three new policies;

NOW THEREFORE, BE IT RESOLVED that the Board of MTA hereby authorizes the MTA Director of Real Estate to negotiate and enter into agreements with third parties as described in the attached staff summary, and that each such agreement shall:

1. Be in a form approved by the MTA Legal Department;
2. Provide the MTA with appropriate indemnifications and insurance protections;  
and
3. Not permit material adverse impacts on station cleanliness.

Prior to entry into any such agreement, MTA shall comply with all applicable requirements of the State Environmental Quality Review Act (SEQRA).



# Memorandum

Item 1

DATE: June 9, 1988  
TO: Real Estate Committee  
FROM: Frederick Harris *FH*  
RE: Proposed Policy on Month To Month License for Passenger Amenities

-----  
This policy would permit the more rapid opening or reopening of concessions which primarily serve as passenger amenities. Under the policy, the Real Estate Department would negotiate month to month license agreements without the Real Estate Committee or Board approval. These agreements would remain in force on an interim basis during the RFP process. The Committee will receive a monthly status report on these actions.

Typically, several months elapse before the conclusion of an agreement after the preparation and issuance of an RFP. In cases where an agreement will result in services to passengers, such as newsstands and coffee concessions, our passengers are inconvenienced when the space is vacant.

The abandonment of two Metro-North newsstand/coffee concessions at Mt. Vernon West and North White Plains by the Licensee prior to the end of the License term and the termination of the Kapoor NYCTA master newsstand license are examples.

WB:dm

0007 - 47

# STAFF SUMMARY SHEET

ALL AGENCIES

R.E.C. Item No. 9  
Board Item No. 1  
Page 1 of 3

**M** Metropolitan Transportation Authority

ROUTING	TO	BY DATE

FOR
Approval
Signature
Vote
Concurrence
Information
Other

DEPT. FROM	DATE
Real Estate Department	06/15/88
PREPARED BY	TELEPHONE
Frederick S. Harris	878-7013
SUBJECT	
Real Estate Agenda	
REFERENCE(S)	

IMPLICATIONS (The implications checked below are involved in this action, and are discussed below or provided as a separate enclosure, and have been considered in the attendant recommendation.)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Capital Budget/Program | <input type="checkbox"/> Real Estate                           | <input type="checkbox"/> Inspector General  |
| <input type="checkbox"/> Operating Budget       | <input type="checkbox"/> Real Estate                           | <input type="checkbox"/> Audit              |
| <input type="checkbox"/> Financing              | <input type="checkbox"/> Public Affairs                        | <input type="checkbox"/> Planning           |
| <input type="checkbox"/> Affirmative Action     | <input type="checkbox"/> Administration                        | <input type="checkbox"/> Other MTA Agencies |
|   | <input type="checkbox"/> Legal                                 |   |
|   | <input type="checkbox"/> Information Systems, Tech. & Planning |   |

**FOR REFERENCE PURPOSES ONLY**

## NARRATIVE

REAL ESTATE COMMITTEE MEETING: June 15, 1988

BOARD MEETING: June 24, 1988

## PURPOSE:

The purpose of this staff summary is to obtain Board approval for a Real Estate Department procedure for awarding "passenger service oriented concessions" on a month-to-month basis pending the issuance of an RFP and the selection of a long-term tenant.

## DISCUSSION:

Where feasible, the Real Estate Department follows procedures for offering properties and concessions which provide fair and open competition. The preparation, advertising, and negotiation in the RFP process, however, is time-consuming. In certain situations and locations, the delay caused by the RFP process has a detrimental impact on services to our riders.

The proposed procedure is designed to overcome these interim inconveniences. The Department will seek tenants to operate passenger service oriented concessions on a month-to-month basis while the RFP process is underway.

#4607 - 50-52

## CHAIRMAN

## COORDINATION (Initials)

Executive Director/CFO  
Chief of Staff  
Affirmative Action  
Public Affairs  
General Counsel  
Audit

Press Secretary  
Administration  
Planning  
Labor Relations  
Real Estate  
ISTAP  
Other

## ENCLOSURE(S)

## SIGNATURE OF REQUESTOR

*[Signature]*

# STAFF SUMMARY SHEET

M Metropolitan Transportation Authority

Page 2 of 3

REAL ESTATE COMMITTEE MEETING

June 15, 1988

## BACKGROUND (continued):

Where possible, the Department will select licensees who currently run similar operations and who have proven satisfactory in other locations. The temporary licensee will be encouraged to participate in the RFP for that particular location.

The primary drawback of this proposed procedure is that a temporary licensee may have to vacate the premises upon completion of the RFP process which results in the selection of a new concessionaire. We hope to avoid such situations by (a) entering into agreements with existing tenants where possible and (b) by utilizing the form of license specifically designed for this purpose.

## TEMPORARY CONCESSION POLICY:

### A. Locations:

Month-to-month temporary concession agreements will be restricted to locations approved by the appropriate operating agency as suitable for long-term concession agreements.

### B. Type of Services:

These agreements will be restricted to concessions which the affected operating agency indicates are amenities for their customers. Included in this category might be concessions such as newsstands, commuter coffee services, or parking lots. The standards set for operating hours, type of items sold and other matters will generally conform to the standards specified in the RFP marketing materials. Renovations and alterations of the site shall be kept to a minimum.

### C. Form of Agreement:

Agreements shall be month-to-month and provide for prompt vacating of the premises upon the approval of a long-term agreement in response to an RFP or otherwise. Compensation may be set at a nominal or below-market (for term agreements) level.

# STAFF SUMMARY SHEET

 Metropolitan Transportation Authority

Page 3 of 3

REAL ESTATE COMMITTEE MEETING

June 15, 1988

## D. Reporting Requirement

The Real Estate Committee will receive a monthly status report detailing all such agreements and projected termination dates.

## ALTERNATIVES:

- FOR REFERENCE  
PURPOSES  
ONLY**
- A. Continue the current practice which leaves these sites vacant until an RFP is completed and a licensee is selected and approved by the Real Estate Committee and Board.
  - B. Enter into long-term agreements directly without public notice and competition in the RFP process.

## IMPACT ON FUNDING:

This policy will have little impact on revenues. The arrangements will be designed to provide new, or continued, service to customers in locations where a new concession is to be offered or an existing concession has closed unexpectedly. While rent will be nominal, licensees will have no secure term.

## RECOMMENDATION:

We recommend that the MTA Board adopt this policy to provide these services to our customers.

# Memorandum



## Metropolitan Transportation Authority

State of New York

Date February 22, 2010

To Members of the Capital Construction, Planning and Real Estate Committee

From Jeffrey B. Rosen, Director, Real Estate

Re **Proposed Amendment to Policy on Construction Access Agreements**

FOR REFERENCE PURPOSES ONLY

From time to time, the operating agencies require that the Real Estate Department negotiate access rights and privileges to real property for its contractors, employees, and others in connection with capital construction projects or the maintenance and repair of agency facilities. These rights are typically required to stage construction work, store construction-related equipment and materials and implement other access to the job site, particularly in fully-developed, physically constrained areas of the city.

In the alternative, the task of securing access agreements is sometimes made the responsibility of the contractor after construction award. This arrangement, however, burdens the contractor with the considerable risk that such access will be more costly than expected, or refused outright. This risk is then necessarily built into the contractor's bid. By negotiating for such access itself, the MTA can mitigate such risks and thereby help lower the operating agencies' overall project costs.

These agreements are normally structured as permits or licenses and are typically of a duration coinciding with the duration of the applicable construction projects. They typically involve uncomplicated transactions with zero to nominal compensation costs.

As per the attached November, 1999 MTA Board Resolution, the Real Estate Department requested, and received, authorization to negotiate and enter into these agreements directly with property owners with compensation not to exceed \$1,000.00 per month, without further notification to, or approval from, the Board.

Approximately ten years later, due to inflation, instances have started to arise where it has been difficult to keep the compensation within such \$1,000.00 per month limit. The Real Estate Department therefore requests that the Board increase such limit to \$2,000.00 per month.

# Staff Summary

Subject <b>BOARD POLICY ON ACCESS AGREEMENTS</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature
Project Manager Name <b>SHIELA ANTMAN</b>

Date <b>FEBRUARY 22, 2010</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	CC/P/RE Committee	2/22/10	X		
2	Board	2/24/10	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	1	Legal
4	Chief of Staff		
	Dep Exec Dir of Admin		
2	Civil Rights		

**FOR REFERENCE  
PURPOSES  
ONLY**

## Narrative

Be IT RESOLVED that the Board hereby authorizes the MTA Director of Real Estate to negotiate and enter into agreements on behalf of all MTA agencies for the purpose of securing certain access rights to real property for their contractors, employees and agents in connection with capital construction projects and maintenance and repairs related to MTA facilities.

Each agreement shall:

- 1) be in the form approved by the Legal Department
- 2) provide for compensation not to exceed \$2,000.00 per month and
- 3) provide for a term not to exceed the overall project duration.

This resolution is applicable only to the acquisition of access rights that are (1) minor temporary uses of land having negligible or no permanent impact on the environment; or (2) are in connection with a project to be constructed upon real property therefore used for a transportation purpose or on an insubstantial addition to such property contiguous thereto and which will not change in a material respect the general character of such prior transportation use shall take effect immediately upon its adoption.

# Memorandum



## Metropolitan Transportation Authority

State of New York

Date November 15, 1999

To Members of the MTA Planning/Real Estate Committee

From Roco Krsulic

Re Proposed policy on leased-in access agreements

**FOR REFERENCE**

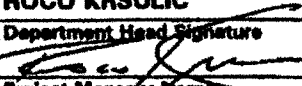
From time to time, the operating agencies require that the Real Estate Department negotiate certain access rights in order to use City property for its contractors, employees, and agents in connection with capital construction projects. These rights are typically required to stage portions of the construction work, store materials needed for the project, and improve overall access to the job site, particularly in fully-developed, physically constrained areas of the City.

In the alternative, the task of securing access agreements is sometimes the responsibility of the contractor after construction award. This arrangement, however, burdens the contractor with a considerable risk that such access will be more costly than expected or refused outright. This risk is then necessarily built into the contractor's bid. By negotiating such access in advance, however, the operating agency can lower its overall total costs by removing these risks from the equation.

These agreements are normally structured as permits or licenses and are typically of a duration equivalent to the overall project duration. While these agreements can be time-consuming to negotiate with parties who are often unfamiliar with real estate transactions, they are typically uncomplicated deals and often come at zero or nominal cost. Only in exceptional cases, where access is particularly disruptive, does compensation exceed \$1,000 per month.

Real Estate is requesting authorization to negotiate and enter into agreements directly with property owners for such access agreements as described hereinabove without further notification to or approval from the Committee and Board.

## Staff Summary

Subject	BOARD POLICY ON ACCESS AGREEMENTS
Department	REAL ESTATE
Department Head Name	ROCO KRSULIC
Department Head Signature	
Project Manager Name	BEAU EVERETT

Date	NOVEMBER 15, 1999
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	P/RE Committee	11/15/99	X		
2	Board	11/22/99	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
3	Chief of Staff	1	Legal
4	Chief Financial Officer		IST&P
	Procurement		Other

### Narrative

BE IT RESOLVED that the Board hereby authorizes the MTA Director of Real Estate to negotiate and enter into Agreements on behalf of NYC Transit, LIRR, LI Bx, MTA, and MTA B&T for the purpose of securing certain access rights to real property for their contractors, employees, and agents in connection with capital construction projects.

### Each Agreement shall:

- 1) be in a form approved by the Legal Department;
- 2) provide for compensation not to exceed \$1,000.00 per month; and
- 3) provide for a term not to exceed the overall project duration.


This resolution shall take effect immediately upon its adoption.



# Report


## PROCUREMENTS





The Procurement Agenda this month includes 38 actions for a proposed expenditure of \$610.6M.

<b>Subject</b>	Request for Authorization to Award Various Procurements
<b>Department</b>	Materiel Division - NYCT
<b>Department Head Name</b>	Stephen M. Pichochi
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	Rose Davis

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	9/16/13			
2	Board	9/18/13			

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

September 5, 2013	
<b>Department</b>	Law and Procurement - MTACC
<b>Department Head Name</b>	Evan Ejsland
<b>Department Head Signature</b>	
<b>Table of Contents Ref #</b>	

Internal Approvals			
	Approval		Approval
 President NYCT			President MTABUS
 Executive VP			President MTACC
X Capital Prog. Management	X		Subways
X Law	X		Diversity/Civil Rights

### PURPOSE:

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

### DISCUSSION:

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

Procurements Requiring Two-Thirds Vote:		# of Actions	\$ Amount
Schedule A:	Non-Competitive Purchases and Public Work Contracts	2	\$ 10.5 M
	• Albatros North America d/b/a \$ 2.5 M		
	SEPSA North America		
	• Bombardier Transportation \$ 8.0 M		
	(Holdings) USA, Inc.		
<u>Schedules Requiring Majority Vote</u>			
Schedule G:	Miscellaneous Service Contracts	1	\$ 1.7 M
	• NYS Industries for the Disabled \$ 1.7 M		
Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	1	\$ 1.7 M
	• NYS Industries for the Disabled \$ 1.7 M		
SUBTOTAL		4	\$ 13.9 M

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:**

<u>Procurements Requiring Two-Thirds Vote:</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule B:	Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	2	\$ TBD M
<u>Schedules Requiring Majority Vote</u>			
Schedule F:	Personal Service Contracts	12	\$ 305.0 M
Schedule G:	Miscellaneous Service Contracts	4	\$ 1.5 M
Schedule L:	Budget Adjustments to Estimated Quantity Contracts	2	\$ 2.2 M
SUBTOTAL		20	\$ 308.7 M

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

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

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

Schedules Requiring Two-Thirds Vote:

Schedule D:	Ratification of Completed Procurement Actions	1	\$ 126.0 M
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Schedules Requiring Majority Vote:

Schedule K:	Ratification of Completed Procurement Actions	8	\$ 121.9 M
SUBTOTAL		9	\$ 247.9 M

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

Schedules Requiring Majority Vote:

Schedule K:	Ratification of Completed Procurement Actions	5	\$ 40.1 M
SUBTOTAL		5	\$ 40.1 M

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

TOTAL 38 \$ 610.6 M

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

**BUDGET IMPACT:** The purchases/contracts will result in obligating 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.

**SEPTEMBER 2013**

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

**Procurements Requiring Two-Thirds Vote:**

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

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

1. **Albatros North America d/b/a** **\$2,500,000 (Est.)** **Staff Summary Attached**  
**SEPSA North America**  
**Sole Source – Three-year omnibus**  
 Omnibus approval request for the purchase of inventory and non-inventory subway car low voltage power supply and HVAC inverter parts for NYC Transit subway cars.
  
2. **Bombardier Transportation (Holdings)** **\$8,000,000 (Est.)** **Staff Summary Attached**  
**USA, Inc.**  
**Sole Source – Three-year omnibus**  
 Omnibus approval request for the purchase of traction motor and propulsion controller parts for NYC Transit subway cars.

**Procurements Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

3. **NYS Industries for the Disabled** **\$1,711,075 (Est.)** **Staff Summary Attached**  
**Preferred Source – Five-year contract**  
**RFQ #26065**  
 Mail room support services at 130 Livingston Street and to provide other mail and messenger services between NYC Transit locations in the five boroughs.

**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.)

4. **NYS Industries for the Disabled** **\$1,657,545 (Est.)** **Staff Summary Attached**  
**Contract # 05H9259.4**  
 Modification to the contract for janitorial and window cleaning services, in order to extend the contract term.

SEPTEMBER 2013LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVALProcurements 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.)

- |   |                       |                               |
|---|-----------------------|-------------------------------|
| 1. Contractor To Be Determined<br>Five-Year Contract<br>Contract # TBD  | Cost To Be Determined | <u>Staff Summary Attached</u> |
| RFP Authorizing Resolution for the purchase and delivery of Ultra Low Sulfur Diesel Fuel for revenue bus service. |                       |                               |
| 2. Contractor To Be Determined<br>Contract Term To Be Determined<br>Contract # R-34251                            | Cost To Be Determined | <u>Staff Summary Attached</u> |
| RFP Authorizing Resolution for the purchase of two vacuum trains.   |                       |                               |

Procurements Requiring Majority Vote:**F. Personal Service Contracts**

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

- |  |                                |                               |
|--|--------------------------------|-------------------------------|
| 3. AECOM USA, Inc.   | \$250,000,000 (Est. Aggregate) | <u>Staff Summary Attached</u> |
| 4. Jacobs Civil Consultants, Inc.  |                                | ↓                             |
| 5. Parsons Brinckerhoff, Inc.  |                                | ↓                             |
| 6. Stantec Consulting Services, Inc.   |                                | ↓                             |
| 7. T.Y. Lin International/Hatch Mott McDonald, JV  |                                | ↓                             |
| 8. URS Corporation   |                                | ↓                             |
| Twelve -Proposals – Five-Year contracts<br>Contract #sCM-1530/1531/1532/1533/1534/1535<br>Indefinite Quantity consultant service contracts to provide engineering services for Superstorm Sandy-related repairs, resiliency projects and miscellaneous construction. |                                |                               |
| 9. The Kohl Group  | \$25,000,000 (Est. Aggregate)  | <u>Staff Summary Attached</u> |
| 10. AECOM USA, Inc.  |                                | ↓                             |
| 11. HEPCO, Inc.  |                                | ↓                             |
| Eight -Proposals – Five-Year contracts<br>Contract #sCM-1510/1511/1512<br>Indefinite Quantity contracts to provide temporary staffing services to support NYC Transit's Signal and Train Control System Projects on an as-needed basis.                              |                                |                               |
| 12. Core Environmental Consultants, Inc.   | \$30,000,000 (Est. Aggregate)  | <u>Staff Summary Attached</u> |
| 13. Environmental Planning & Management, Inc.  |                                | ↓                             |
| 14. Parsons Brinckerhoff, Inc.   |                                | ↓                             |
| Five -Proposals – Five-Year contracts<br>Contract #sCM-1515/1516/1517<br>Indefinite Quantity contracts for asbestos and lead monitoring and design services for miscellaneous construction projects.   |                                |                               |

**SEPTEMBER 2013**

## LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

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

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

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

15. Lighthouse International	\$163,423
Six Bids/Low Bidder – Three-year contract	
Bid #54674	

This contract is for voice recording and specialized formatting for E-mail services and will provide material in alternative forms of communication to Paratransit customers and applicants who are print disabled and thus unable to read visually delivered materials (i.e. those in standard printed formats). Paratransit is required to provide this service as it is mandated by the Americans with Disabilities Act (ADA). These communications will be provided (per the customer's choice) as voice recordings on either cassette or USB Flash Drive or as text documents via specialized formatting for E-mail (which computers easily convert to speech output via computer software or may be read via on-screen magnification or via larger font size). This material may also be requested in Spanish.

Materials provided include both individual letters as well as general communications including mass mailings of applications, policies and procedures, user guides, newsletters, etc. The contractor is required to record material provided by Paratransit, edit the recordings, duplicate, label and package recorded tapes and/or USB flash drives, and mail them to the Paratransit office and/or directly to customers and applicants as directed. Hard copies of the original text documents are often sent with alternative communications, especially if a form is to be returned to Paratransit requesting insertion of information or a signature.

This contract will accommodate specific customer requests for computerized media formats (the aforementioned USB Flash Drives and specialized formatting for E-mail) as cassette media and related players are becoming increasingly obsolete and more scarce to find.

An extensive outreach was conducted by Procurement to cultivate competition, resulting in six bids received as compared to three bids received on the prior solicitation. The incumbent, Lighthouse International, Inc., submitted the lowest bid price of \$163,423, which is 27% lower than the price for the previous recording contract and 4.3% lower than the second lowest bidder. The price reduction was primarily attributed to the presence of additional competition and a simplification of the price schedule. Based on effective competition, the final price is considered fair and reasonable.

**SEPTEMBER 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.)

- 16. Russian & Slavic Language Services, Inc.      \$580,496 (Est.)
  - 17. Legal Interpreting Services, Inc.              \$580,496 (Est.)
- Four Bids/First and Second Low Bidders – Five-year contracts  
RFQ #52573

These contracts are for legal interpreting services for NYC Transit and MTA Bus Company (MTABC) on an 'as-needed' basis. The contractor will provide interpreting services in statutory hearings and examinations before trial for NYC Transit's and MTABC's Law Departments. Interpreters are required to provide translations of questions and responses without paraphrasing.

The original solicitation opened on February 20, 2013. However, after reviewing the bids received, Procurement determined that both were non-responsive due to a misinterpretation of the price schedule. Both bidders, instead of submitting hourly rates as called for in the price schedule, bid two-hour session rates. After consulting with the Law Department and both bidders, a decision was made to cancel the bid and re-solicit.

The second solicitation included clarifications and changes to the scope of work and unlike the first bid, which had estimated number of hours for two language categories, Spanish and All other languages, it now identified three language categories: 1) Spanish; 2) Russian, Italian, Chinese, Korean and Haitian Creole; and 3) All other languages. This bid also allowed for two awards, which will provide NYC Transit and MTABC flexibility in order to have a second provider in case a rarely spoken language or dialect could not be provided by one of the firms. In response to the IFB, four bids were received and each bid exceeded the overall budget. Russian & Slavic Language Services, Inc. (R&S) was the lowest bidder and Legal Interpreting Services, Inc.'s (Legal) bid was 2% higher than R&S. NYC Transit requested a price reduction from the two lowest bidders. R&S offered to reduce their fee per hour for all three categories by \$1 for Years 1-3 and by \$2 for Years 4-5. Legal stated an inability to reduce their prices as they had submitted their best offer.

Both NYC Transit's and MTABC's Law Departments will control expenditures of the two contracts so that the amount spent between both contracts does not exceed their approved budget amounts of \$426,668 (NYC Transit) and \$153,828 (MTABC) for the five-year term for a total amount of \$580,496.

When translators are available from both contracts, the less expensive contract for a required language will be utilized. A comparison of the lowest hourly rate for Spanish to the previous contract shows an annual increase of less than 1%, and the same comparison for all other languages shows an annual increase of less than 2%. These increases compare favorably to the relevant Producer Price Index which has had an approximate annual 3% increase. Based on these comparisons, the rates contained in both contracts have been deemed fair and reasonable.



SEPTEMBER 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; SIM RFP; No Staff Summary required if sealed bid procurement.)

- 18. U.S. Plastic Coatings Corporation                      \$198,500 (Est.)**  
**Three Bids/Low Bidder – Five-year contract**  
**RFQ #55889**

This contract is for the insulation of wire baskets. The wire baskets are placed under the roadbed of elevated track structures to prevent track bolts, braces and other hardware that might loosen due to vibrations caused by train traffic from falling to the street and causing personal injury or property damage. These wire baskets require insulation to prevent contact between the wire baskets and the track circuits used in the signal system or with an energized third rail. Having insulation on the wire baskets is critical to ensure the safety of the public, track workers and train operation.

Three bids were received. U.S. Plastic's bid of \$198,500 was \$46,000 or 19.8% less than the second low bidder. The unit price of \$3.97 is 10% lower than the previous price of \$4.42 that was paid for insulating each wire basket. The final price is considered fair and reasonable.

**SEPTEMBER 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.)

<b>19. Abalon Exterminating Co., Inc.</b> <b>Contract # 06%1826</b> <b>January 1, 2012 – December 31, 2015</b>	<b>Original Amount:</b>	\$ 2,221,816
	<b>Prior Modifications:</b>	\$ 0
	<b>Prior Budgetary Increases:</b>	\$ 217,135
	<b>Current Amount:</b>	\$ 2,438,951
	<b>This Request:</b>	\$ 1,239,322
	<b>% of This Request to Current Amount:</b>	51%
	<b>% of Mods/Budget Adjustments (including This Request) to Original Amount:</b>	66%

**Discussion:**

This budget adjustment is for additional funding for continued pest control services. In January 2012, Metro-North awarded a competitively bid, Board approved, four-year multi-agency contract to Abalon Exterminating, Co. (Abalon) for pest control services. The total estimated contract value was \$3,488,540, with NYC Transit's portion of the contract estimated at \$2,221,816 for the Department of Buses, MTA Bus Company and Maintenance of Way (MOW). Long Island Rail Road's and Metro- North Railroad's portion of the contract totaled \$1,266,724.

Using the existing multi-agency contract, Station Environment (Stations) ran a six-month pilot program from February 2012 through August 2012, surveying 27 stations in order to do an assessment of the rodent conditions within the subway system. This pilot was funded through MOW's portion of the multi-agency contract as baiting the refuse rooms is a part of the existing scope of work under MOW.

During the six-month pilot Abalon conducted intense baiting of 54 refuse rooms covering the 27 stations. Stations also did extensive work on selected refuse rooms by installing new doors and door sweeps, plugging holes and openings, as well as cleaning, power washing and sanitizing the rooms. These physical changes, coupled with the baiting, significantly reduced the rodent population. The final results of the pilot program found that the prior rodent conditions returned when the rodent baiting ceased, notwithstanding the changes to the refuse rooms. As a result, Stations requested this Budget Adjustment to allow for a system-wide expansion of the pilot program.

This budget adjustment will increase NYC Transit's portion of the contract by an additional \$1,239,322 in order to meet Stations' long-term plan to bait every refuse room throughout the subway system. Stations estimates that it will cost approximately \$1,456,457 to fully implement rodent baiting at each of the 468 stations located throughout the subway system from August 2013 through the end of the contract term in December 2015. In order to effect this service immediately, an interim Budget Adjustment was requested and is being processed for \$217,135 to address Stations' immediate requirements.

Abalon was the lowest bidder, and has offered a unilateral price concession valued at \$355,106 for the expansion of this contract service.

**SEPTEMBER 2013**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

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

20. Parsons Brinckerhoff, Inc. Contract #CM-1358.1 November 3, 2008 - November 2, 2013	Original Amount:	\$ 8,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 0
	Current Amount:	\$ 8,000,000
	This Request:	\$ 1,000,000
	% of This Request to Current Amount:	12.5%
	% of Modifications (including This Request) to Original Amount:	1.125%

**Discussion:**

This budget adjustment is for additional funding for Indefinite Quantity (IQ) Architectural & Engineering Design Services for miscellaneous construction projects.

In 2008, this competitive contract was awarded to Parsons Brinckerhoff, Inc. (PB) in the amount of \$8,000,000. In December 2011, PB was awarded a critical inspection task order at the Steinway Tube to determine the existing conditions and level of deterioration due to water intrusion. This task order left the remaining balance of the contract at \$500,000. Procurement and CPM agreed that PB would not receive any new solicitations and that the balance of their contract would be held to fund any required changes to task orders already in place.

Several active task order projects require revisions to the scopes of work and extension of services. The following task order projects under this contract are still active: 148<sup>th</sup> Street Station/Yard, Flood mitigation; S-32733 Signal Control Modification Phases 3 and 4; Steinway Tube, assessment and structural integrity analysis; Vent Plant #6420 (46<sup>th</sup> St/Northern Blvd), geotechnical probing; and Mulry Square Vent Plant, geotechnical probing and site design.

These active projects will require task order revisions estimated at approximately \$1 million which will allow each project to remain on schedule and successfully completed.

**SEPTEMBER 2013**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Two-Thirds Vote:**

**D. Ratification of Completed Procurement Actions**

(Staff Summaries required for items requiring Board approval.) Note – in the following solicitations, NYC Transit attempted to secure a price reduction. No other substantive negotiations were held except as indicated for individual solicitations.

- |   |                      |                               |
|---|----------------------|-------------------------------|
| 1. Various Contractors<br>Various Contract #s<br>Emergency Declaration<br>Superstorm Sandy Emergency Procurement Actions. | \$125,980,396 (Est.) | <u>Staff Summary Attached</u> |
|---|----------------------|-------------------------------|

**Procurements Requiring Majority Vote:**

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

(Staff Summaries required for items requiring Board approval.)

- |  |                           |  |
|--|---------------------------|--|
| 2. URS Corporation<br>3. AECOM USA, Inc.<br>4. Systra Engineering, Inc.<br>5. Haks Engineers, Architects and Land Surveyors, P.C.<br>6. LiRo Engineers, Inc.<br>7. Parsons Brinckerhoff, Inc.<br>Seven -Proposals – Five-Year contracts<br>Contract #s CM-1506/1507/1508/1509/1528/1529<br>Indefinite Quantity (IQ) consultant service contracts to provide Construction Management and Inspection Services to support NYC Transit's Security and Construction Projects. | \$120,000,000 (Aggregate) | <u>Staff Summary Attached</u><br>↓<br>↓<br>↓<br>↓<br>↓ |
| 8. John Civetta & Sons<br>Contract #A-36065.42<br>Modification to the contract for the rehabilitation of the Dyckman Street Station and component repair of five stations on the Broadway/Seventh Avenue Line in Manhattan and the Bronx, in order to build an ADA ramp, create ADA paths at ground level, perform sidewalk rehabilitation and all related site work.  | \$1,080,000               | <u>Staff Summary Attached</u>                          |
| 9. Judlau Contracting, Inc.<br>Contract #C-34763.88<br>Modification to the contract for the rehabilitation of the Culver Line Viaduct, in order to perform various track bench repairs of spalled concrete.  | \$800,000                 | <u>Staff Summary Attached</u>                          |

SEPTEMBER 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>AECOM*Arup, JV</b>   |              | <u><i>Staff Summary Attached</i></u> |
| 1. Contract # CM-1188.58  | \$4,900,000  |                                      |
| 2. Contract # CM-1188.93  | \$1,663,094  |                                      |
| Modification to the contract to provide design services for the Second Avenue Subway, in order to resolve claim items and make payments for overhead adjustments owed to the consultant.                                    |              |                                      |
| 3. E.E. Cruz and Tully Construction Company, JV, LLC  | \$2,725,000  | <u><i>Staff Summary Attached</i></u> |
| Contract # C-26010.7  |              |                                      |
| Modification to the contract for Station finishes for the Second Avenue Subway, 96 <sup>th</sup> Street Station, for the installation of PVC waterproofing on the station roof and remaining secant pile walls and inverts. |              |                                      |
| 4. Judlau Contracting, Inc.   |              | <u><i>Staff Summary Attached</i></u> |
| Contract #C-26006.30  | \$1,826,698  |                                      |
| Modification to the contract for the construction of the Second Avenue Subway – 63 <sup>rd</sup> Street and Lexington Avenue Station, in order to relocate building utilities.  |              |                                      |
| 5. Parsons Brinckerhoff, Inc.   | \$28,939,662 | <u><i>Staff Summary Attached</i></u> |
| Contract # CM-1338.15   |              |                                      |
| Modification to the contract for Consultant Construction Management (CCM) for the Second Avenue Subway, in order to increase CCM services.  |              |                                      |

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



Item Number: 1

<b>Vendor Name (&amp; Location)</b> Albatros North America d/b/a SEPSA North America (Ballston Spa, NY)		<b>Contract Number</b> NONE		<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Description</b> Purchase of inventory and non-inventory replacement parts used on the low voltage power supply and HVAC inverters for the compressor and evaporator motors.		<b>Total Amount:</b>		\$2,500,000 (Est.)	
<b>Contract Term (including Options, if any)</b> Three years		<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:			
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Division of Materiel, Stephen M. Plochochi			
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive					
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Omnibus Sole Source Approval					

## DISCUSSION:

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

There are approximately 462 items covered by this approval for the purchase of SEPSA provided replacement parts used on the low voltage power supply and HVAC inverters for the compressor and evaporator motors on various NYC Transit subway cars. These items are identified as obtainable only from SEPSA for the following reasons: sole pre-qualified source on the quality products list, and not available from any distributors or other sources; publicly advertised within a twelve month period without an acceptable alternate supplier; or proprietary to SEPSA. These items are advertised a minimum of once every twelve months to seek competition. A list of SEPSA sole source items, as well as NYC Transit's intention to buy items on the list without competitive bidding, is available for download from the NYC Transit website at any time by any prospective vendor. These sole source parts will be purchased on an as-required basis. NYC Transit's Division of Car Equipment (DCE) will utilize these sole source parts on approximately 3,546 subway cars: 315 R62 cars, 824 R62A cars, 425 R68 cars, 200 R68A cars, 752 R46 cars and 1,030 R142 cars for Scheduled Maintenance System (SMS) and running repair requirements. The current omnibus approval for \$3,000,000 was approved by the Board in October 2010 and expires on September 30, 2013. There is a remaining balance of \$985,617 on the current omnibus approval.

Procurement has performed a price analysis on the 10 sole source items for which contracts were issued during the term of the current omnibus approval which exceeded the \$15,000 threshold, each of which was deemed fair and reasonable based on a thorough analysis. Of the 10 items, four items purchased during the term of the current omnibus approval have a comparative price history. These four items amounted to a total of \$148,870 or 18% of the value of the contracts issued under the current omnibus approval. A comparative price analysis of these four items revealed an annual weighted average price increase of approximately 7% over the past three years. However, the price of one item increased inordinately because at the time of the last purchase, SEPSA supplied NYC Transit with excess units that were sold to NYC Transit at a lower than normal price. If this item is excluded from the analysis, the annual weighted average price increase is 3.02%. As these items are manufactured in Spain, an analysis was conducted using the Spanish Industrial Price Index (IPI) for the manufacture of electric motors, generators and transformers, Series ID: 2711. The IPI analysis coupled with a comparison of Euro-to-US Dollar exchange rates yielded an average annual escalation of 4.5% over the last three years.

Based on the current forecasts as well as projections for 2014 through 2016 as provided by DCE, it is anticipated that DCE will require approximately \$2,500,000 for sole source items from SEPSA during the term of this omnibus approval request. Procurement believes that the amount requested on this omnibus approval is sufficient to procure all sole source materials from SEPSA for the next three year period. Procurement and DCE will continue to research alternate sources of supply wherever possible.

Under this omnibus approval, pricing for any procurement is established by requesting a quotation for each item from SEPSA on an as-required basis. Each item purchased under this omnibus approval will be subject to a price analysis and determination that the negotiated price is found to be fair and reasonable.

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



Item Number: 2

<b>Vendor Name (&amp; Location)</b> Bombardier Transportation (Holdings) USA, Inc. (Pittsburgh, PA)
<b>Description</b> Purchase of inventory and non-inventory replacement traction motor and propulsion controller parts
<b>Contract Term (including Options, if any)</b> Three 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 type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Omnibus Sole Source Approval

<b>Contract Number</b> NONE	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$8,000,000 (Est.)	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Division of Materiel, Stephen M. Plochochi	

## DISCUSSION:

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

There are approximately 10,476 items covered by this approval for the purchase of Bombardier provided traction motor and propulsion controller replacement parts for various NYC Transit subway cars. These items are identified as obtainable only from Bombardier for the following reasons: sole pre-qualified source on the quality products list, and not available from any distributors or other sources; publicly advertised within a twelve month period without an acceptable alternate supplier; or proprietary to Bombardier. These items are advertised a minimum of once every twelve months to seek competition. A list of Bombardier sole source items, as well as NYC Transit's intention to buy items on the list without competitive bidding, is available for download from the NYC Transit website at any time by any prospective vendor. These sole source parts will be purchased on an as-required basis. NYC Transit's Division of Car Equipment (DCE) will utilize these sole source parts on approximately 2,261 subway cars: 824 R62A cars, 425 R68 cars, 200 R68A cars, 600 R142A cars and 212 R143 cars for Scheduled Maintenance System (SMS) and running repair requirements. The current omnibus approval for \$10,000,000 was approved by the Board in November 2010 and expires on November 30, 2013. There is a remaining balance of \$2,014,434 on the current omnibus approval.

This omnibus approval will be used to obtain sole source material needed for 2013 through 2017 SMS programs. For the first time, the R142A subway cars are undergoing a heavy overhaul of the propulsion systems. This overhaul will be performed in 2013 and 2014 as well as during the period of 2016 through 2019. The propulsion system for the R143 subway cars will undergo a heavy overhaul for the first time as well during the period of 2015 through 2017.

Procurement has performed a price analysis on the 40 sole source items for which contracts were issued during the term of the current omnibus approval which exceeded the \$15,000 threshold, each of which was deemed fair and reasonable based on a thorough analysis. Of the 40 items, 30 items purchased during the term of the current omnibus approval have a comparative price history. A comparative price analysis of these 30 items revealed an annual weighted average price increase of approximately 1.9% over the past three years. These 30 items amount to a total of \$3,405,436 or 73% of the value of the contracts issued under the current omnibus approval. A review of the Producer Price Index for Transportation Equipment Railroad Car Parts and Accessories, Series ID WPU144203, revealed an annual weighted average price increase of 1.9% over the past three years.

Based on the current forecasts as well as projections for 2014 through 2016 as provided by DCE, it is anticipated that DCE will require approximately \$8,000,000 for sole source items from Bombardier during the term of this omnibus approval request. Procurement believes that the amount requested on this omnibus approval is sufficient to procure all sole source materials from Bombardier for the next three year period. Procurement and DCE will continue to research alternate sources of supply wherever possible.

Under this omnibus approval, pricing for any procurement is established by requesting a quotation for each item from Bombardier on an as-required basis. Each item purchased under this omnibus approval will be subject to a cost and/or price analysis and determination that the negotiated price is found to be fair and reasonable.

# Schedule G: Miscellaneous Service Contracts



Item Number: 3

<b>Vendor Name (&amp; Location)</b>	
NYS Industries for the Disabled (New York, NY)	
<b>Description</b>	
Comprehensive mail 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 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: Preferred Source	

<b>Contract Number</b>	<b>Renewal?</b>
RFQ # 26065	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$1,711,075 (Est.)	
<b>Funding Source</b>	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
Division of Materiel, Stephen M. Plochochi	

## DISCUSSION:

This contract is for comprehensive mail related services for NYC Transit.

This contract will be awarded in accordance with Section 162 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 comprehensive mail related services from Federation of Employment and Guidance Services (FEES), which is represented by the NYS Industries for the Disabled (NYSID), a certified preferred source.

The services provided under this contract include all work, labor and materials required to support NYC Transit's central mail room operations located at 130 Livingston Street, Brooklyn, New York. The scope of work includes processing outbound postal and interoffice mail, sorting of inbound postal and interoffice mail, inspecting inbound postal mail and inbound vendor deliveries, various internal and inter-building delivery services, and miscellaneous clerical and record keeping services related to the contract. This contract also provides for certain mail delivery to and from the Post Office and to a lesser extent, messenger service for special deliveries to field locations within the five boroughs.

NYSID submitted a final price proposal of \$1,711,075 for this five-year contract which represents a reduction of \$396,094 or 18.8% from NYSID's initial proposal of \$2,107,169. Reductions were obtained through negotiations that resulted in FEES readjusting its direct labor and overhead rates. An overall price comparison between NYSID's final pricing for the term of this contract is approximately 3.3% lower than that of the Year 5 pricing under NYSID's previous Contract No. 0619510.

After a thorough review of NYSID's pricing, an analysis conducted by MTA Audit Services, and the price reduction obtained, it has been determined that the final price is fair and reasonable and in compliance with the State Finance Law.

This contract is subject to approval by the Office of the NYS Comptroller (OSC). As required by Section 162 of the New York State Finance Law, the pricing for this contract is currently under review by the NYS Office of General Services (OGS). This contract can not be submitted to the OSC until the OGS approval has been obtained. Award will be made upon receipt of OSC approval.



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



Item Number: 4

<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 – September 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	

Contract Number	AWO/Modification #
05H9259	4
Original Amount:	\$ 37,997,359
Prior Modifications:	\$ 3,666,651
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 41,664,010
This Request:	\$ 1,657,545 (Est.)
% of This Request to Current Amount:	4.0%
% of Modifications (including This Request) to Original Amount:	14.0%

**DISCUSSION:**

This modification will extend the contract for janitorial and window cleaning services for up to three months to December 31, 2013, or until the NYS Comptroller approves the award of a new contract RFQ #25986, whichever occurs first. Board approval for the award of contract RFQ #25986 was received on June 5, 2013. As required by section 162 of the New York State Finance Law, the pricing for Contract RFQ# 25986 was reviewed by the Commissioner of the NYS Office of General Services (OGS) and pricing approval was granted on September 6, 2013. Following the receipt of OGS pricing approval Contract RFQ# 25986 was submitted to the NYS Comptroller for review and approval pursuant to Section 2879-a of the Public Authorities Law.


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 existing contract. Prices have been determined to be fair and reasonable.

# Staff Summary

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

<b>SUMMARY INFORMATION</b>	
Vendor Name	Contract Number
RFP Authorizing Resolution	TBD
Description	
Purchase & Delivery of ULSD #2 Fuel for Revenue Bus Service	
Total Amount	
TBD	
Contract Term (including Options, if any)	
Five-Years	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE:

To request that the Board determine that competitive bidding is impractical or inappropriate and that it is in the public interest to use the competitive Request for Proposals (RFP) process, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law, for the purchase and delivery of Ultra Low Sulfur Diesel #2, 15 ppm or less (ULSD) fuel for bus operations at approximately 30 locations for both NYC Transit (NYCT) and MTA Bus Company (MTABC).

## DISCUSSION:

Subdivision 9(f) of Section 1209 of the Public Authorities Law permits the Board to adopt a resolution declaring that competitive bidding is impractical or inappropriate because it is in the public interest to award a contract pursuant to a process of competitive request for proposals. NYCT for itself and on behalf of MTABC is desirous of utilizing such a procedure with respect to the procurement of bus fuel.

The combined diesel fuel requirement for buses for NYCT and MTABC is approximately 46 million gallons annually. Bus fuel represents one of the most critical commodities procured; its quality and availability cannot be compromised. The fuel must conform to strict requirements from the bus engine manufacturers whose warranties mandate fuel specifications including cetane level and the use of detergency to maintain clean fuel injectors. Also, additional chemical additives for cold weather operability must be blended with the fuel at specific rates which vary by the season (and temperature). Fuel used in buses is subject to rigorous sampling and testing procedures to ensure consistency in meeting the technical specifications. Failure to meet these exacting specifications can impact operability of bus engines as well as depot on-site fuel tanks and filtration systems. The fuel supplier is required to remotely monitor depot fuel inventory and ensure that adequate replenishment deliveries are made on a timely basis.

In order to achieve best value, utilizing the RFP process enables NYCT and MTABC to have maximum flexibility in obtaining the most competitively priced product that complies with specifications and delivery requirements. NYCT procurement seeks to award one or more five-year contracts to qualified vendors who will be invited to propose system-wide or on a borough-by-borough basis (including Yonkers) under the belief that an RFP provides the best method of awarding contract(s) for this work so that critical factors other than price can be evaluated. For the contract currently in place NYCT and MTABC utilized the RFP process which yielded competition and favorable pricing. Through this process, NYCT and MTABC will have greater freedom to negotiate and structure a contract that best meets their needs, including having the ability to: 1) provide qualitative and quantitative product consistency; 2) maintain a satisfactory supply chain with suitable inventory levels; 3) compare price incentives based on appropriate product price index selection, volume and payable discounts; 4) select between variables such as single versus multiple contract awards and 5) assess supplier ability to meet all or part of the demand.

## Staff Summary

Upon completion of the RFP process NYCT will seek Board approval for the actual contract award(s) for itself and on behalf of MTABC.

### **IMPACT ON FUNDING:**

Funds are available under NYCT Account No. 706202, Responsibility Center 3531 - 3534, Function No. 120.

Funds are available under MTABC Account No. 706602, Responsibility Center 5286, Function No. 120.

### **ALTERNATIVES:**

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

### **RECOMMENDATION:**

It is recommended that the Board determine that competitive bidding is impractical or inappropriate and that it is in the public interest to use the competitive RFP process, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law, for the purchase and delivery of ULSD Fuel for bus operations for both NYCT and MTABC.

# Staff Summary

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

<b>SUMMARY INFORMATION</b>	
Vendor Name	Contract Number
RFP Authorizing Resolution	R-34251
Description	
Purchase of Two (2) Vacuum Trains	
Total Amount	
TBD	
Contract Term (including Options, if any)	
TBD	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE:

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for the procurement of two vacuum trains, and that it is in the public interest to issue a competitive request for proposals (RFP) pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law.

## DISCUSSION:

Subdivision 9(f) of Section 1209 of the Public Authorities Law permits the Board to adopt a resolution declaring that competitive bidding is impractical or inappropriate because it is in the public interest to award a contract pursuant to a process of competitive requests for proposals. NYC Transit is desirous of utilizing such a procedure with respect to the procurement of these two vacuum trains.

A vacuum train is a piece of track bed cleaning equipment which consists of an operator cab, self-powered vacuuming and filtering apparatus and storage space for the debris collected. In order to maximize reliability the new vacuum trains will not be self-propelled and will therefore require a NYC Transit locomotive to move them in either direction through the NYC Transit system. The vacuum trains are used in the Department of Subways' Division of Track operations to remove debris from the track bed which can cause safety issues and/or delays in service.

The two new vacuum trains will replace the two existing self-propelled vacuum trains which began service in 1997 and 2000. The new vacuum trains will employ improved debris agitation and suction systems to improve vacuuming efficiency in a single pass. The purchase of these two vacuum trains will enable NYC Transit to increase the amount of track bed to be cleaned and maximize the effectiveness of eliminating debris during the designated time in which the track cleaning operations occur.

NYC Transit will be utilizing a performance specification for this solicitation. Prospective proposers have advised that vacuum trains will have to be custom designed to meet NYC Transit's tunnel, third rail and signal clearances. The use of a detailed specification in a bid would leave no latitude for NYC Transit to consider proposers' different design approaches. In order to achieve best value, utilizing the RFP process enables NYC Transit to negotiate the price, terms and conditions such as warranty and payment terms, and other technical matters as deemed appropriate, as well as weigh the overall quality of the proposer and the product being offered.

## Staff Summary

The RFP process will allow NYC Transit to arrive at the best overall proposal through negotiations and evaluation based on criteria that reflect the critical needs of the agency. Upon completion of the RFP process, NYC Transit intends to obtain Board approval for the actual contract award.

### **IMPACT ON FUNDING:**

The first vacuum train was added as a new project in the July 2013 plan revision for which funding is available under Planning Number MW10-6878; Project PSE Number R34251, Primary MTA Project Number T61302/07. Additional funding for the second train will be made available under Planning Number MW10-6702 (2010-14 Capital Plan – Purchase of 54 Flat Cars).

### **ALTERNATIVES:**

Issue a competitive IFB. Not recommended given the complexity of this procurement and the advantages offered by the RFP process.

### **RECOMMENDATION:**

It is recommended that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for the procurement of two vacuum trains, and that it is in the public interest to issue a competitive request for proposals pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law.

# Staff Summary

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

<b>SUMMARY INFORMATION</b>	
Vendor Name	Contract Number
Six Awards - See below	CM-1530, 1531, 1532, 1533, 1534, 1535
Description	
IQ Engineering Services for Superstorm Sandy-Related Repairs and Resiliency Projects and Miscellaneous Construction	
Total Amount	
\$250M Estimated Aggregate Budget	
Contract Term (including Options, if any)	
60 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other	
Funding Source	
<input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other	

## PURPOSE:

To obtain Board approval to award six contracts for Indefinite Quantity (IQ) Federally Funded Engineering Services for Superstorm Sandy-Related Repair and Resiliency Projects on a competitive basis: CM-1530 to AECOM USA, Inc. (AECOM), CM-1531 to Jacobs Civil Consultants Inc. (JACOBS), CM-1532 to Parsons Brinckerhoff, Inc. (PB), CM-1533 to Stantec Consulting Services Inc. (STANTEC), CM-1534 to T.Y. Lin International/Hatch Mott MacDonald, JV (T.Y. LIN), and CM-1535 to URS Corporation (URS). Under these contracts, selected consultants compete for specific projects on a task order basis. The contracts are "zero dollar" based with no minimum guarantee of any assignments. The aggregate pool for all six contracts is for an estimated amount of \$250 million for a 60 month duration.

## DISCUSSION:

The unforeseen and devastating effects of Superstorm Sandy on October 29, 2012 and thereafter have necessitated a series of emergency assessments, repairs, and purchases to restore service as well as provide resiliency to the NYCT system. The selected consultants will provide indefinite quantities design, consultant construction management and inspection services on an as needed basis, on various NYCT Sandy-related projects. Services include feasibility studies, design work, pre-construction and construction phase support, and closeout support of various ongoing NYCT Sandy-related Projects. Consultants are given opportunities to submit proposals to compete for individual task orders, which are issued after review, evaluation and completion of negotiations of consultants' task order proposals.

The consultants were selected via a qualifications based 2-step procurement process established by the Federal Brooks Act. Under the Brooks Act, contracts for A/E services are negotiated with the A/E team that is determined to be the most technically qualified by the Selection Committee (SC) after evaluation of the consultant's qualifications and technical proposals. Price is not a consideration in the selection or ranking. Cost proposals remain sealed until the conclusion of the technical evaluations. Only the cost proposal for the most preferred proposer is opened and considered for negotiations. Since six awards were planned under this RFP, negotiations were conducted with the six most technically preferred firms.

Step 1 - In response to NYCT's advertisement, 12 submissions consisting of Technical Proposals including a Letter of Interest, Schedule J Responsibility Questionnaire, Federal SF 330 form and a qualification statement were received. The SC reviewed the submissions and recommended the following ten firms to move on to Step 2: AECOM, JACOBS, PB, STANTEC, T.Y. LIN, URS, Henningson Durham & Richardson Architecture and Engineering, P.C. (HDR), Haks Engineers, Architects and Land Surveyors, P.C./Weidlinger Associates, Inc., JV (HAKS/WEIDLINGER), FST Engineers, Inc./Tectonic Engineering and Surveying Consultants, P.C., JV (FST/TECTONIC), Hill International, Inc./SYSTRA Engineering, Inc., JV (HILL/SYSTRA). The firms not selected, Burns and Roe Enterprises, Inc., and Shaw Environmental & Infrastructure Engineering, P.C./Dewberry Engineers Inc., JV lacked pertinent flood mitigation experience relevant to Sandy-related work. Step 2 - Technical Proposals from the shortlisted firms were reviewed. Following SC review and evaluation, AECOM, JACOBS, PB, STANTEC, T.Y. LIN, and URS were selected as the six most preferred. The firms were chosen based on their superior technical qualifications as demonstrated by their local and global experience involving hydrology, asset hardening, and flood mitigation and protection techniques.

## Staff Summary

The selected consultants have extensive experience supporting rail transit projects and have provided similar services to the MTA and other state and public agencies. The firms not recommended for negotiations, HDR, HAKS/WEIDLINGER, FST/TECTONIC, and HILL/SYSTRA met the minimum requirements of the RFP, but lacked the adequate flood mitigation experience.

After being selected and approved for price negotiations, the cost proposals for the six top-ranked firms were opened and evaluated. To ensure a fair evaluation, the RFP required that proposals be based on a fixed distribution of hours and a fixed amount for out-of-pocket costs. Initial cost proposals were based upon 317,000 hours as provided in the RFP and were as follows: \$45,622,701 for AECOM, \$42,546,929 for JACOBS, \$42,940,012 for PB, \$48,035,754 for STANTEC, \$50,116,870 for T.Y. LIN, and \$46,456,654 for URS. The engineer's estimate was \$41,584,675. Negotiations focused on labor rates, overhead and fees.

Best and Final Offers (BAFO) were received as follows and found to be within a competitive range: \$41,617,307 for AECOM, \$37,351,394 for JACOBS, \$42,117,014 for PB, \$42,696,714 for STANTEC, \$40,726,433 for T.Y. LIN, and \$38,226,867 for URS. The Fixed Fee was negotiated at or below 8% consistent with the in-house estimate. BAFO pricing is consistent with labor rates on existing incumbent contracts and is binding for the term of the contract. AECOM's BAFO was \$32,632 (0.08%) more than the engineer's estimate and represents a reduction of \$4,005,394 from its initial proposal. JACOBS' BAFO was \$4,233,281 (10.2%) less than the engineer's estimate and represents a reduction of \$5,195,535 from its initial proposal. PB's BAFO was \$532,339 (1.3%) more than the engineer's estimate and represents a reduction of \$822,998 from its initial proposal. STANTEC's BAFO was \$1,112,039 (2.7%) more than the engineer's estimate and represents a reduction of \$5,339,040 from its initial proposal. T.Y. LIN's BAFO was \$858,242 (2.1%) less than the estimate and represents a reduction of \$9,390,437 from its initial proposal. URS' BAFO was \$3,357,808 (8.1%) less than the engineer's estimate and represents a reduction of \$8,229,787 from its initial proposal.

Background investigations and material revealed that three of the selected consultants, JACOBS, STANTEC and T.Y. LIN, disclosed no "significant adverse information" (SAI) within the meaning of the All-Agency Responsibility Guidelines. AECOM, PB and URS had disclosed information that was considered SAI, but subsequently received MTA Management approval. Accordingly, all firms were found fully responsible for award.

Previous work of the selected consultants for the MTA or affiliates:

All of the consultants have prior experience on NYC Transit IQ contracts, as either prime or sub-consultants.

### M/W/DBE INFORMATION:

The Department of Diversity and Civil Rights has established a Disadvantaged Business Enterprise (DBE) goal of 17% and has approved the Consultants' utilization plans. In consideration of the selected Consultants' past M/W/DBE performance, AECOM, PB and URS achieved their M/W/DBE goals on previous MTA contracts. An assessment of JACOBS, STANTEC and T.Y. LIN's M/W/DBE performance cannot be determined at this time because they have not completed any MTA contracts.

### IMPACT ON FUNDING:

This contract will be funded with 100% Federal funds provided on a task order basis by the individual capital project requiring these services. Task orders will not be issued until approved WAR Certificates are received.

### ALTERNATIVES:

None. NYC Transit lacks available in-house technical personnel to perform the specific tasks required for this contract.

### CAPITAL PROGRAM REPORTING:

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

### RECOMMENDATION:

It is recommended that the Board approve award of six IQ Federally funded Engineering Service contracts for Superstorm Sandy-Related Repair and Resiliency Projects on a competitive basis.

# Staff Summary

Item Number 9-11					
Division & Division Head Name: VP Materiel, Stephen M. Plochocki					
<i>Transit for Steve Plochocki</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
Internal Approvals					
Order	Approval	Order	Approval		
1	Materiel	5 X	CPM		
2 X	Law	6	EVP		
3 X	Budget	7	President		
4 X	DDCR	8			

SUMMARY INFORMATION	
Vendor Name	Contract Number
Various - See below	CM-1510/1511/1512
Description	
IQ Temporary Staffing for Signal and Train Control System Projects	
Total Amount	
\$25M Estimated Aggregate Budget	
Contract Term (including Options, if any)	
60 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE:

To obtain Board approval to award three Indefinite Quantity (IQ) contracts on a competitive basis for Temporary Staffing Services to support New York City Transit (NYCT) Signal and Train Control System Projects: CM-1510 to the KOHL Group (KOHL), CM-1511 to AECOM USA, Inc. (AECOM), and CM-1512 to HEPCO, Inc. (HEPCO) on an as needed basis for a period of 60 months. The aggregate pool for all three contracts is for an estimated amount of \$25 million. These will be "zero-dollar" based contracts with no minimum guarantee of any assignments.

## DISCUSSION:

The Temporary Staffing firm will provide temporary professional and technical staff on an as needed basis for Signal and Train Control projects. The professional/technical personnel to be provided include: Signal Design Engineers, Signal Resident Representatives, Signal System Engineers, System Engineers, and Communications Design Engineers. Unlike a contract awarded to an engineering consultant firm, where the firm would have responsibility for executing an entire project or assigned portion thereof, this contract will enable NYCT to meet the need for temporary staff to perform project specific support and specialized assignments under the direction of in-house personnel.

Work orders for new staffing requirements will be competitively solicited from all three firms. A definitive selection process will be followed to select personnel to support NYCT requirements based on the resumes submitted for the proposed candidates. The contract award does not represent a commitment on the part of NYCT to the awardees. The only commitment is to give the awardees the opportunity to compete for future personnel assignments.

Costs will be incurred only when the work order has been issued and the work has been performed. The staffing firms will pre-qualify all candidates prior to referral. Pre-qualification shall include interview, background verification, reference checks and review of resumes for prospective candidates. The staffing firms will be paid the actual salary of the person whose services are provided to the agency, plus a Mark-up. This approach has been used successfully under previous and current temporary staffing contracts. The firms were selected for award via a qualification based one-step procurement process in accordance with established Federal Brooks Act guidelines whereby selection is determined by the Selection Committee (SC) after evaluation of the technical proposals based on the established evaluation criteria, including oral presentations by the firms. This will permit work orders to be eligible for Federal or MTA funding.

An RFP was issued in October 2012. Despite outreach attempts to get other firms to propose, only one proposal was received in response to this solicitation. The firms that purchased the RFP were queried as to why they did not propose. Their response revealed that the A/E firms viewed this as a staffing contract and the temporary staffing firms viewed this as an A/E contract. Other issues that discouraged more firms from submitting proposals included the M/WBE goals and low Mark-up (25%) imposed. In an attempt to increase the number of respondents to this RFP, the MBE/WBE goals were subsequently revisited by Department of Diversity and Civil Rights (DDCR) and revised from 10% MBE and 10% WBE to 0% MBE and 0% WBE due to the lack of subcontracting opportunities and the capped 25% Mark-up rate was removed.



# Staff Summary

The RFP was re-solicited via addendum and reposted on NYCT's website with these changes. In response to NYCT's revised solicitation, eight firms submitted proposals: AECOM, ATKINS North America, Inc., CH2M HILL, HEPCO, KOHL, L.J. Gonzer Associates, Peak Technical Staffing, USA and Rotator Staffing Services, Inc.

The SC reviewed the written technical proposals and evaluated the firms based on the evaluation criteria contained in the RFP. Oral presentations were held with all eight firms. The SC members were asked to list firms in the order of preference based on the technical proposal submissions and the oral presentations. The votes were tallied and since three awards will be made, three firms were selected for negotiations: KOHL, CH2M HILL and AECOM. These three firms were found to be the most technically qualified based on their experience, recruitment method utilized and the size of the database of professionals from which to select.

Initial negotiations were held with the top three most technically-preferred firms: KOHL, CH2M HILL and AECOM. CH2M HILL's proposed Mark-up far exceeded the competitive range of comparable Mark-ups offered by firms providing similar temporary staffing services to NYCT. After several negotiation sessions, agreement could not be reached with CH2M HILL. Accordingly, CH2M HILL was notified that they were no longer under consideration for an award. Therefore, negotiations were commenced with the fourth ranked technically preferred firm, ATKINS. Agreement could not be reached with ATKINS as their Mark-up also far exceeded the established objective and was far above the competitive range. ATKINS subsequently submitted a letter officially withdrawing from consideration on this Procurement. Negotiations then moved to the next technically ranked firm, HEPCO. Agreement was reached with HEPCO.

Best and Final Offers (BAFOs) were received as follows:

Proposer	Mark-up	Renewal Fee (>2080hrs)	Finder's Fee (<2080hrs)	Finder's Fee (>2080hrs)	≥4160hrs
KOHL	39.00%	38.00%	15.00%	8.00%	NO FEE
AECOM	42.00%	35.00%	15.00%	10.00%	NO FEE
HEPCO	29.00%	27.00%	20.00%	00.00%	NO FEE

The Mark-up is paid to the Consultant and represents Overhead and Profit. The Mark-up compensates the Consultants for their efforts locating, screening, referring, and managing the payroll (and associated costs) of selected candidates. The Renewal Fee will be applied in lieu of the initial Mark-up in the event that temporary staff is renewed for an additional time period beyond 2080 hours. The contract also includes a Finder's Fee if temporary staff is subsequently hired as a full time employee after a designated period of time. Procurement and CPM consider the BAFOs received from the selected firms to be fair and reasonable. The three selected firms, KOHL, AECOM and HEPCO represent a formidable group comprised of a firm strong in engineering services and staffing, a solid consultant firm with a depth of relevant engineering expertise and a strong temporary staffing firm that has previously supplied these types of positions.

Background investigations and materials revealed that AECOM had disclosed information that was considered Significant Adverse Information (SAI) within the meaning of the All Agency Responsibility Guidelines. Approval had previously been obtained from MTA Management to find AECOM to responsible. No SAI material was disclosed regarding KOHL and HEPCO, who were also found fully responsible for award.

The selected firms were previously awarded the following contracts for NYCT:

KOHL: CM-1237, CM-1314, CM-1341. AECOM: CM-1286, CM-1308, CM-1342, CM-1356.

HEPCO: CM-1270, CM-1298, CM-1413, CM-1418.

## M/W/DBE INFORMATION:

Based on the Scope of Work and lack of subcontracting opportunities, M/W/DBE goals were established at 0% for these contracts. Goals were also established at 0% on previous staffing contracts awarded to KOHL and HEPCO, therefore, no assessment of the firm's previous performance meeting goals can be determined at this time. AECOM has achieved its previous M/W/DBE goals.

## IMPACT ON FUNDING:

These contracts will be funded with Federal/MTA funds provided on a work order basis. Task orders will not be issued until an approved WAR Certificate is received.

## ALTERNATIVES:

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

**CAPITAL PROGRAM REPORTING:** This contract has been reviewed for compliance with the requirements of the 1986 legislation applicable to Capital Contracts Awards and the necessary inputs have been secured from the responsible functional departments.

## RECOMMENDATION:

It is recommended that the Board approve award of three IQ contracts for Temporary Staffing Services on an as needed basis for a period of 60 months.

# Staff Summary

Item Number <b>12-14</b>						<b>SUMMARY INFORMATION</b>	
Division & Division Head Name: VP Materiel, Stephen M. Plochochi						Vendor Name	
						Three awards -- See below	
						Contract Number CM-1515, CM-1516 and CM-1517	
						Description	
						Indefinite Quantity Asbestos and Lead Monitoring and Design Services for Miscellaneous Construction projects	
						Total Amount	
						\$30M Estimated Aggregate Budget	
						Contract Term (including Options, if any)	
						60 months	
						Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
						Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
						Procurement Type	
						<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
						Solicitation Type	
						<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
						Funding Source	
						<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Board Reviews					
Order	To	Date	Approval	Info	Other

Internal Approvals			
Order	Approval	Order	Approval
1	Materiel <input checked="" type="checkbox"/>	5	X CPM
2	X Law	6	EVP <input checked="" type="checkbox"/>
3	X Budget	7	President <input checked="" type="checkbox"/>
4	X DDCR		

## PURPOSE:

To obtain Board approval to award three competitively negotiated personal service consultant contracts for Indefinite Quantity (IQ) Asbestos and Lead Monitoring and Design Services for Miscellaneous Construction projects: CM-1515 to Core Environmental Consultants, Inc. (Core), CM-1516 to Environmental Planning & Management, Inc. (EPM), and CM-1517 to Parsons Brinckerhoff, Inc. (PB) for a total estimated aggregate amount of \$30 million for all three contracts over a 60 month duration. These will be "zero-dollar" based contracts with no minimum guarantee of any assignments.

## DISCUSSION:

Under these contracts, the consultants shall provide asbestos and lead monitoring and design services on an as-needed task order basis for the Department of Capital Program Management. The consultants will perform site surveys; investigate and identify lead and asbestos containing materials; perform project monitoring and air monitoring services of third party contractors who will perform the actual abatement. A typical task would involve visiting the site, taking air samples of the contaminated area, developing an abatement plan and monitoring removal of the contaminants. Task orders will be competitively solicited from all three firms. However, some task orders may be assigned based on consultant availability, workload, past performance and cost.

A 2-Step Request for Proposal (RFP) was advertised in December 2012. On January 17, 2013, the following nine firms submitted Qualification Packages: PB; Airtek Environmental Corp. (Airtek); Cardno ATC (Cardno); Core; Emteque LLC (Emteque); EPM; Gannett Fleming Engineers & Architects, P.C. (Gannett); Entech Engineers, Inc. (Entech) and Liro Engineers, Inc. (Liro). The Selection Committee (SC) reviewed the submittals and, based on the proposers' knowledge and experience, recommended the following five consultant firms to receive the RFP: PB, Core, EPM, Gannett and Entech. Airtek and Emteque were not recommended because the SC believed, based on the information submitted, that they lacked sufficient qualified experience to successfully perform the work. Cardno and Liro were not considered as qualified to continue to the next step of the solicitation.

Proposals were received from all five respondents. The SC reviewed the written technical proposals, conducted oral presentations with all five firms and, based on the established RFP selection criteria, recommended all five for negotiations.

After the SC selected firms for negotiations, the cost proposals were opened and evaluated. To facilitate equal price comparison, the RFP required that proposals be based upon a fixed number and distribution of hours, specific titles and a fixed amount for out-of-pocket expenses. Initial cost proposals were based upon the 95,300 hours as provided in the RFP and were as follows: \$9,508,263 for Core, \$9,499,618 for EPM, \$9,998,856 for PB, \$11,077,416 for Gannett and \$11,274,542 for Entech. The engineer's estimate was \$10,837,420. Negotiations focused on labor rates, air sample rates, overhead and fees.

# Staff Summary

Best and Final Offers (BAFO) were received as follows and found to be within a competitive range: \$9,412,758 for Core, \$9,438,161 for EPM, \$9,891,316 for PB, \$10,206,193 for Gannett and \$10,768,967 for Entech. The fixed fee was negotiated to 8% for all teams consistent with the in-house estimate. The BAFO rates are valid for the term of each contract.

Core's BAFO was \$1,424,662 (13.15%) lower than the in-house estimate and represents a reduction of \$95,505 from their initial proposal. EPM's BAFO was \$1,399,259 (12.91%) lower than the in-house estimate and represents a reduction of \$61,457 from their initial proposal. PB's BAFO was \$946,104 (8.73%) lower than the in-house estimate and represents a reduction of \$107,540 from their initial proposal. Gannett's BAFO was \$631,227 (5.82%) lower than the in-house estimate and represents a reduction of \$871,223 from their initial proposal. Entech's BAFO was \$68,453 (0.63%) lower than the in-house estimate and represents a reduction of \$505,575 from their initial proposal. The Weighted Average Hourly Rate (WAHR) of the five BAFOs is 1% lower than the WAHR for the previous contracts awarded in March 2007. Both Procurement and CPM find the BAFOs to be fair and reasonable based on the competitive prices received.

After negotiations, the SC unanimously voted to award the contracts to Core, EPM and PB as they are the lowest in cost, have proven management teams and presented technical proposals that were detailed and exhibited their comprehensive knowledge of lead and asbestos monitoring. Both Core and EPM are incumbent firms who have satisfactorily performed similar services for both CPM and the Office of System Safety. PB has also performed satisfactorily on several NYCT contracts and has extensive experience with NYCT policies and procedures.

Background investigations and materials revealed that PB had disclosed information that was considered Significant Adverse Information (SAI) within the meaning of the All-Agency Responsibility Guidelines. Approval had previously been obtained from MTA Management to find PB to responsible. No SAI material was disclosed regarding Core and EPM, who were also found fully responsible for award.

## M/WBE:

The Department of Diversity and Civil Rights (DDCR) has established goals of 10% MBE and 10% WBE for this Contract. Core, EPM and PB have achieved their previous M/WBE goals on previous MTA contracts. The M/WBE Utilization Plans for the three firms have been approved by DDCR.

Previous work of the selected consultant for the MTA or affiliates:

Core - NYCT CM-1320 - IQ Lead and Asbestos Monitoring

EPM - NYCT CM-1377 - IQ Lead and Asbestos Monitoring

PB - NYCT - CM-1278 - IQ A/E Design and Construction Management for MTA Security Program.

## IMPACT ON FUNDING:

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

## ALTERNATIVES:

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

## CAPITAL PROGRAM REPORTING:

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

## RECOMMENDATION:

It is recommended that the Board approve award of three competitively negotiated personal service contracts for IQ Asbestos and Lead Monitoring and Design Services for Miscellaneous Construction projects.

# Staff Summary

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

SUMMARY INFORMATION	
Vendor Name	Contract Number
Various	Various
Description	
Superstorm Sandy Emergency Procurement Actions	
Total Amount	
\$125,980,396 (Est.)	
Contract Term (including Options, if any)	
N/A	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive <input checked="" type="checkbox"/> Various	
Solicitation Type	
<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Various	
Funding Source	
<input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Various	

## PURPOSE:

To obtain Board ratification for procurement actions conducted under the Presidents' Emergency Declaration for Superstorm Sandy, as well as under New York State Executive Order No. 99 and its extensions.

## DISCUSSION:

On October 29, 2012, Superstorm Sandy hit the New York metropolitan area, causing widespread damage to MTA property, equipment, and facilities. The devastating effects of the storm necessitated a series of emergency procurement actions to restore service to the NYC Transit System. On November 1, 2013, as permitted by statute and Board guidelines, the Presidents of NYC Transit, MTA Capital Construction, and MTA Bus Company signed a Declaration of Emergency for Hurricane Sandy (the "Presidents' Emergency Declaration"), recognizing the danger to life, safety, and property caused by the storm. The Presidents' Emergency Declaration deemed formal bidding impractical and inappropriate for the award of contracts, and authorized the awarding of contracts and change orders without prior Board approval using competition to the extent practical. A number of procurement actions which could not await competitive bidding were undertaken pursuant to the Presidents' Emergency Declaration. These procurement actions included contracts to assess, mitigate, and remedy the effects of flood and wind at passenger stations, bus depots, infrastructure and other transit facilities, as well as to repair, restore, and/or replace equipment and property at numerous MTA locations, including track and signal equipment throughout the NYC Transit System.

Thereafter, in order to expedite the award of contracts necessary for additional critical repairs, reconstruction, rehabilitation, and mitigation work and maximize the use of federal assistance money, Governor Andrew M. Cuomo issued Executive Order No. 99, the Temporary Suspension of Provisions Relating to Transportation Infrastructure Recovery for the State Disaster Emergency ("Executive Order No. 99") on May 17, 2013. Executive Order No. 99 temporarily suspended sections 1209, 1265-a, and 2879(3)(b)(ii) of the Public Authorities Law, to the extent that the Chief Executive Officer or Executive Director of the MTA determined it necessary to authorize the award of contracts without the use of sealed bids or other prescribed competitive measures. The Executive Order also authorized the addition of work, sites, and time to existing MTA contracts. Executive Order No. 99 was continued by the Governor by Executive Order No. 101, signed June 18, 2013, by Executive Order No. 109, signed July 15, 2013, and again by Executive Order No. 112, signed September 6, 2013 (collectively, the "Executive Orders"), which cumulatively extended the original Executive Order through September 14, 2013. A number of procurement actions were authorized pursuant to the Executive Orders, as the use of sealed bids and other prescribed competitive measures would have been impractical or inappropriate.

## Staff Summary

The Presidents' Emergency Declaration indicated that Board approval would be sought in the form of a ratification for those actions that require it. Accordingly, NYC Transit is seeking Board ratification of the procurement actions listed in the attached documents. Attachment 1 is a summary of the categories of expenditures. Attachment 2 is a list of the procurement actions for which NYC Transit is seeking ratification. One-hundred-thirty-nine procurement actions for approximately \$19.2 million were authorized under the Presidents' Emergency Declaration, and 19 procurement actions for approximately \$106.8 million were authorized under the Executive Orders, for a total of approximately \$126.0 million and 158 procurement actions.

Additional Sandy-related procurement actions will be awarded in the future, including some which will require approval or ratification by the Board. Some are expected to be made pursuant to the Presidents' Emergency Declaration and Executive Orders.

Additional Superstorm Sandy-related procurement actions valued at approximately \$53.5 million have already been approved by the Board. Under a separate action in this month's agenda, Board approval is also being sought for six indefinite quantity engineering contracts for an estimated value of \$250 million for Superstorm Sandy-related projects.

Finally, NYC Transit has made a number of Superstorm Sandy-related procurement actions that do not require Board approval.

### **IMPACT ON FUNDING:**

Funding for these projects was initially provided through MTA and NYC Transit Operating and Capital budgets. Reimbursement is presently being sought for these costs from the FTA and insurance.

### **RECOMMENDATION:**

That the Board ratify the procurement actions conducted under the Presidents' Emergency Declaration for Superstorm Sandy, as well as under New York State Executive Order No. 99 and its extensions.

Attachment 1: Superstorm Sandy Procurement Actions Summary  
Categories of Expenditures

Procurement Actions Authorized Pursuant to the MTA Presidents' Emergency Declaration

	<u># Procurements</u>	<u>Value</u>
Purchase Contracts	76	\$12,815,875
Miscellaneous Services	1	\$68,040
Public Work Contract Modifications	62	\$6,335,532
	<u>139</u>	<u>\$19,219,447</u>

Procurement Actions Authorized Pursuant to Executive Orders

	<u># Procurements</u>	<u>Value</u>
Purchase Contracts	15	\$1,189,979
Public Work Contracts	1	\$102,443,000
Miscellaneous Services	1	\$165,000
Miscellaneous Procurements	1	\$95,470
Public Work Contract Modifications	1	\$2,867,500
	<u>19</u>	<u>\$106,760,949</u>

Grand Total:	<u>158</u>	<u>\$125,980,396</u>
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Attachment 2: Superstorm Sandy Procurement Actions

Procurement Actions Authorized Pursuant to the MTA Presidents' Emergency Declaration

Purchase Contracts

<u>Award Date</u>	<u>Contract #</u>	<u>Description</u>	<u>Contractor</u>	<u>Solicitation Method</u>	<u>Value</u>
11/19/2012	PO 6030067309	Capacitor Motor 60 HZ. Stock # 03-22-3565	Twincor	Informal Competition	\$148,750
11/19/2012	PO 6030067310	Rebuilt Induction Stop Circuit Controller. Stock # 03-22-2710	Twincor	Informal Competition	\$66,487
11/19/2012	PO 6030067326	Train stop mechanism. Stock # 03-23-4305	Twincor	Informal Competition	\$34,110
11/26/2012	PO 6030067726	Microchron. Stock # 03-05-2950	Alstom	Sole Source	\$32,925
11/26/2012	PO 6030067727	B2V Kit Rebuilt 4F/4B. Stock # 03-07-1900	Alstom	Sole Source	\$54,998
11/26/2012	PO 6030067729	Switch, M-5 L/H. Stock # 03-13-4304	Alstom	Sole Source	\$209,993
11/26/2012	PO 6030067730	Switch, M-5 R/H. Stock # 03-13-4305	Alstom	Sole Source	\$209,993
11/26/2012	PO 6030067733	Resistor. Stock # 02-43-7170	Ansaldo	Sole Source	\$23,154
11/26/2012	PO 6030067734	Transformer. Stock # 02-47-3715	Ansaldo	Sole Source	\$41,110
11/26/2012	PO 6030067741	Transformer. Stock # 02-47-1080	Ansaldo	Sole Source	\$24,872
11/26/2012	PO 6030067742	M3 Switch Contractor Assembly. Stock # 02-24-1222	Ansaldo	Sole Source	\$64,654
11/26/2012	PO 6030067743	Valve, A10 Switch. Stock # 02-22-8200	Ansaldo	Sole Source	\$162,708
11/26/2012	PO 6030067744	Switch, M-3 R/H. Stock # 02-22-5902	Ansaldo	Sole Source	\$152,171

11/26/2012	PO 6030067745	Switch, M-3 L/H. Stock # 02-22-5900	Ansaldo	Sole Source	\$152,171
11/26/2012	PO 6030067746	Relay, PV250, Rebuilt. Stock # 02-11-7700	Ansaldo	Sole Source	\$76,772
11/26/2012	PO 6030067747	Relay, PN-150B, 4FB-2F-1B. Stock # 02-08-7555	Ansaldo	Sole Source	\$122,250
11/26/2012	PO 6030067748	Relay, DC biased line, PN250B. Stock # 02-08-2000	Ansaldo	Sole Source	\$40,670
11/26/2012	PO 6030067749	Resistor. Stock # 02-43-7060	Ansaldo	Sole Source	\$17,462
11/26/2012	PO 6030067750	M3 Switch Motor Kit. Stock # 02-24-1422	Ansaldo	Sole Source	\$102,960
11/26/2012	PO 6030067751	Magnet, 400 Ohm. Stock # 02-31-8990	Ansaldo	Sole Source	\$52,481
11/26/2012	PO 6030067752	Resistor, 0-1.5 Ohm-4B. Stock # 02-43-7040	Ansaldo	Sole Source	\$33,932
11/26/2012	PO 6030067825	RD Relay Cover. Stock # 02-11-0850	Ansaldo	Sole Source	\$22,000
11/26/2012	PO 6030067731	Rectifier, 25VDC with Test Posts. Stock # 03-31-7510	Alstom	Sole Source	\$20,625
11/26/2012	PO 6030067824	Resistor, 1.2 Ohm A & B. Stock # 03-31-9140	PHW	Informal Competition	\$16,500
11/27/2012	PO 6030068042	Bearing, Jeweled B2V. Stock # 03-06-1910	Alstom	Sole Source	\$19,725
11/27/2012	PO 6030068055	Rectifier, 12.5VDC with Test Posts. Stock # 03-31-7505	Alstom	Sole Source	\$30,965
11/27/2012	PO 6030068087	Impedance, Balancing Reactor. Stock # 03-31-4820	Alstom	Sole Source	\$39,600
11/27/2012	PO 6030068089	Transformer, Type V1 Matching. Stock # 03-33-5113	Alstom	Sole Source	\$50,688
11/27/2012	PO 6030068108	Transformer, Type U, Size 1. Stock # 03-33-5090	Alstom	Sole Source	\$280,575
11/27/2012	PO 6030068117	Pole Changer - M5 Switch. Stock # 03-14-1810	Alstom	Sole Source	\$303,279



11/27/2012	PO 6030068148	Circuit Breaker. Stock # 03-21-4095	Twincor	Informal Competition	\$64,750
11/27/2012	PO 6030068152	Relay, B2V 110V 60 Cycle 2F-2B. Stock # 03-05-3020	Alstom	Informal Competition	\$497,392
11/27/2012	PO 6030068162	Air Stop Circuit Controller 6/4 Stock # 02-30-9365	Ansaldo	Sole Source	\$82,750
12/3/2012	PO 6030068721	Protector IV Wheel/Rail Interface Lubrication System	LB Foster	Informal Competition	\$48,750
12/5/2012	PO6030069068	Copper Lug. Stock # 01-14-2162	Erico	Informal Competition	\$23,200
1/14/2013	PO 6030073625	Purchase of Combination On-Site Office/Storage Container for Rockaway Shuttle	Pac-Van	Informal Competition	\$27,250
1/24/2013	PO 6030075017	Arc Proofing Tape. Stock # 61-50-3000	Greenvale Electric	Informal Competition	\$47,663
1/24/2013	PO 6030075018	Tape Sealant. Stock # 61-51-3860	Multi-Source Electrical Corp.	Informal Competition	\$41,820
1/25/2013	PO 6030075198	Security Storage Box. Stock # 24-79-1022	Colonial Hardware	Informal Competition	\$17,640
2/9/2013	PO 6030077106	Hydraulic Crimp Tools	Cembre	Informal Competition	\$120,948
2/13/2013	PO 6030077610	Messenger Wire. Stock # 61-56-3140	Loos & Co.	Informal Competition	\$130,000
2/15/2013	PO 6030074831	500 MCM cable. Stock # 20-06-6362	Montana Datacom	Informal Competition	\$70,665
2/21/2013	PO 6030078220	Strap, hanger lashing, for messenger wire. Stock # 33-75-1391	Schwing Electric	Informal Competition	\$281,190
2/21/2013	PO 6030078321	2000 MCM cable. Stock # 20-06-8680	Draka	Informal Competition	\$2,121,257
2/21/2013	PO 6030078322	2000 MCM cable. Stock # 20-06-8680	Draka	Informal Competition	\$834,593
2/22/2013	PO 6030077003	Messenger wire for Rockaway cable project. Stock # 61-56-3140	Aceco Industrial Packaging	Informal Competition	\$57,225

2/23/2013	PO 6030078553	Stanley Padlocks	Doorware	Informal Competition	\$23,490
2/24/2013	PO 6030078561	13" Rail Bond. Stock # 01-13-3010	Erico	Informal Competition	\$209,336
2/24/2013	PO 6030078562	36" Rail Bond. Stock # 01-13-3040	Erico	Informal Competition	\$21,664
2/24/2013	PO 6030078563	Cartridge. Stock # 01-14-1050	Railtech Boutet	Informal Competition	\$16,211
2/24/2013	PO 6030078564	Copper Lug. Stock # 01-14-2162	Erico	Informal Competition	\$94,598
2/24/2013	PO 6030078565	T-8 Welder. Stock # 01-14-3040	Railtech Boutet	Informal Competition	\$15,714
2/25/2013	PO 6030078578	Heater Cable. Stock # 01-20-0100	Lawrence Lowy Assoc.	Informal Competition	\$238,000
2/26/2013	PO 6030078800	25 pair cable. Stock # 20-72-0777	Monroe Cable	Informal Competition	\$282,500
2/26/2013	PO 6030078874	25 pair cable. Stock # 20-72-0751	Monroe Cable	Informal Competition	\$28,260
2/27/2013	PO 6030079102	Two conductor cable. Stock # 20-04-2040	Monroe Cable	Informal Competition	\$438,000
2/27/2013	PO 6030079105	Two conductor cable. Stock # 20-04-2040	Monroe Cable	Informal Competition	\$324,120
2/28/2013	PO 6030079244	Knife Switches, 1200 AMP, 600 volts. Stock # 26-46-3650	Selco	Informal Competition	\$114,000
3/1/2013	PO 6030079380	12 Pair Cable. Stock # 20-72-0426	Monroe Cable	Informal Competition	\$105,840
3/1/2013	PO 6030079477	Channel. Stock # 01-55-1302	RTR Tech.	Informal Competition	\$31,200
3/1/2013	PO 6030079831	12 Pair Cable. Stock # 20-72-0426	Monroe Cable	Informal Competition	\$22,320
3/8/2013	PO 6030080376	Rail Bond Terminal. Stock # 01-55-4164	Cembre	Informal Competition	\$24,365
3/8/2013	PO 6030080377	Rail Bond Kit. Stock # 01-55-4170	Cembre	Informal Competition	\$27,575

3/19/2013	PO 6030081361	36 Fiber Cable. Stock # 20-80-8336	Montana Datacom	Informal Competition	\$99,900
4/22/2013	PO 6030076008	1000 MCM cable. Stock # 20-06-7874	Southwire	Informal Competition	\$85,000
4/24/2013	PO 6030081974	Gas Powered Drills	Cembre	Informal Competition	\$86,601
4/29/2013	PO 6030085791	Metal Clad Cable, Connectors and Enclosures	Adams Electric	Informal Competition	\$2,265,738
4/29/2013	PO 6030080218	2000 MCM cable. Stock # 20-06-8680	Southwire	Informal Competition	\$286,000
5/1/2013	PO 6030086395	Screw Spike. Stock # 01-84-0527	Yangtze Railroad	Informal Competition	\$40,824
5/2/2013	PO 6030086468	Tropical Hardwood Tie Blocks, 24". Stock # 66-08-0510	William G. Moore & Son	Informal Competition	\$280,800
5/2/2013	PO 6030086469	Tropical Hardwood Ties, 9'6". Stock # 66-65-0352	William G. Moore & Son	Informal Competition	\$123,741
5/14/2013	PO 6030087856	Screw Spike. Stock # 01-84-0527	A&K Railroad Materials	Informal Competition	\$40,608
5/31/2013	PO 6030078511	36 Fiber Cable. Stock # 20-80-8336	Montana Datacom	Informal Competition	\$299,700
6/27/2013	PO 6030092424	Fiberglass Cable Racking. Stock # 06-61-1350	Resolite Polyglass	Informal Competition	\$26,497
6/28/2013	PO 6030092562	Fire Dept Sound Power Boxes	MKJ Comm.	Informal Competition	\$56,150
7/25/2013	PO 6030094849	DN22B Relays (Non-inventory)	Ansaldo	Sole Source	\$31,450

Total: \$12,815,875

Miscellaneous Services

<u>Award Date</u>	<u>Contract #</u>	<u>Description</u>	<u>Contractor</u>	<u>Solicitation Method</u>	<u>Value</u>
3/22/2013	PO 6030081770	Rail Grinding Services	Advanced Rail Management	Informal Competition	\$68,040
Total:					<u>\$68,040</u>

**Public Work Contract Modifications**

<u>Award Date</u>	<u>Contract #</u>	<u>Description</u>	<u>Contractor</u>	<u>Solicitation Method</u>	<u>Value</u>
11/30/2013	A-36136	AWO 7: Flood prevention during Hurricane Sandy	AD Tech Enterprises	Change Order	\$29,200
11/6/2012	S-32731	AWO 141: Broad Channel: Assess damages, mobilize, survey, prepare scope.	TC Electric Corp.	Change Order	\$49,500
11/6/2012	S-32731	AWO 142: Rockaway Line: Assess damages, mobilize, survey, prepare scope.	TC Electric Corp.	Change Order	\$49,500
11/28/2012	S-32731	AWO 143: Broad Channel: Clean signal equipment rooms, remove damaged equipment & deliver to NYCT signal shop.	TC Electric Corp.	Change Order	\$49,500
11/19/2012	S-32731	AWO 145: Broad Channel: Assess damages, mobilize, survey, prepare scope.	TC Electric Corp.	Change Order	\$49,500
11/19/2012	S-32731	AWO 146: Rockaway Line: Assess damages, mobilize, survey, prepare scope.	TC Electric Corp.	Change Order	\$49,500
11/6/2012	S-32742	AWO 27: South Ferry: Assess damages, mobilize, survey, prepare scope.	LK Comstock	Change Order	\$49,500
11/6/2012	S-32742	AWO 29: Coney Island: Assess damages, mobilize, survey, prepare scope.	LK Comstock	Change Order	\$49,500
11/14/2012	S-32742	AWO 30: South Ferry: Removal of damaged equipment. Repair equipment and perform tests as needed.	LK Comstock	Change Order	\$49,500
11/14/2012	S-32742	AWO 31: Coney Island: Removal of damaged equipment, repair equipment, perform tests as needed.	LK Comstock	Change Order	\$49,500
11/16/2012	S-32742	AWO 32: Coney Island: Assess damages, mobilize, survey, prepare scope, removal, testing, & repair as needed. Priority items 2 & 3.	LK Comstock	Change Order	\$49,500
11/16/2012	S-32742	AWO 33: Coney Island: Assess damages, mobilize, survey, prepare scope, removal, testing, & repair as needed. Priority items 4, 5 & 6.	LK Comstock	Change Order	\$49,500
12/26/2012	S-32742	AWO 34: Coney Island: Cleaning, overhaul, testing of 10 switch machines, remove motors, and cleaning of 90 switch machines, replacement of 7 stop machines.	LK Comstock	Change Order	\$249,500
12/7/2012	S-32742	AWO 35: Coney Island: Overhaul 25 existing track switches and appurtenances including installation of replacement switch motors.	LK Comstock	Change Order	\$166,000

12/3/2012	S-32742	AWO 36: Coney Island: Additional cleaning of switch machines and junction boxes. Provide office trailer for 6 months for TA personnel.	LK Comstock	Change Order	\$89,000
1/3/2013	S-32742	AWO 37: Coney Island: Install switch motors and place in-service 28 track switches.	LK Comstock	Change Order	\$170,520
1/9/2013	S-32742	AWO 38: Coney Island: Install switch motors and place in-service additional 30 track switches.	LK Comstock	Change Order	\$182,000
1/23/2013	S-32742	AWO 39: Coney Island: Install switch motors and place in-service additional 12 track switches.	LK Comstock	Change Order	\$73,000
1/29/2013	S-32742	AWO 40: Coney Island: Install switch machine cables and conduits. Reinstall one Stop Machine.	LK Comstock	Change Order	\$55,000
1/31/2013	S-32742	AWO 41: Coney Island: Install switch motors and place in-service additional 10 track switches.	LK Comstock	Change Order	\$60,900
3/8/2013	S-32742	AWO 42: South Ferry: Technical support by for Gap fillers.	LK Comstock	Change Order	\$49,500
4/24/2013	S-32742	AWO 45: South Ferry: Furnish replacement parts for gap fillers.	LK Comstock	Change Order	\$89,086
6/7/2013	S-32742	AWO 48: South Ferry Demobilization of Tools, Materials, and Facilities.	LK Comstock	Change Order	\$27,000
12/19/2012	S-32761	AWO 5: Rockaway Line: Meggering and continuity testing of cables.	TC Electric Corp.	Change Order	\$234,000
12/28/2012	S-32761	AWO 6: Rockaway Line: Furnish & Install new local cables at each home signal locations F3 to F5.	TC Electric Corp.	Change Order	\$165,000
12/28/2012	S-32761	AWO 7: Rockaway Line: Furnish & Install new local cables at each automatic signal locations F3 & F4.	TC Electric Corp.	Change Order	\$170,000
12/28/2012	S-32761	AWO 8: Rockaway Line: Furnish & Install new local cables at each switch machine locations.	TC Electric Corp.	Change Order	\$109,000
12/28/2012	S-32761	AWO 9: Rockaway Line: Furnish new home cables to replace damaged from case to case or case to relay room.	TC Electric Corp.	Change Order	\$238,000
1/17/2013	S-32761	AWO 10: Rockaway Line: Furnish & install new cables at each home signal locations F6 to F12.	TC Electric Corp.	Change Order	\$188,600
1/17/2013	S-32761	AWO 11: Rockaway Line: Furnish & Install new cables at each automatic signal locations F6 to F12.	TC Electric Corp.	Change Order	\$164,190

1/17/2013	S-32761	AWO 12: Rockaway Line Purchase of compressor equipment.	TC Electric Corp.	Change Order	\$182,760
1/17/2013	S-32761	AWO 13: Rockaway Line: Remove and reinstall 9 switch machines.	TC Electric Corp.	Change Order	\$90,000
1/15/2013	S-32761	AWO 14: Rockaway Line: Purchase additional 500 MCM EPR Cable.	TC Electric Corp.	Change Order	\$23,080
2/6/2013	S-32761	AWO 15: Rockaway Line: Restore service to signal compressor eqpt.	TC Electric Corp.	Change Order	\$173,000
2/6/2013	S-32761	AWO 16: Rockaway Line: Restore control panel at tower.	TC Electric Corp.	Change Order	\$150,000
2/6/2013	S-32761	AWO 17: Rockaway Line: Restore and install circuit breakers in EDRs, EPR and Signal Power Room.	TC Electric Corp.	Change Order	\$196,500
2/6/2013	S-32761	AWO 18: Rockaway Line: Provide safety coverage for five months and job site clean-up.	TC Electric Corp.	Change Order	\$195,250
2/25/2013	S-32761	AWO 19: Rockaway Line: Provide full time signal engineering coverage for 4 months restoration work.	TC Electric Corp.	Change Order	\$107,500
2/7/2013	S-32761	AWO 21: Rockaway Line: Restore and install damaged 500 MCM signal power feeder cable.	TC Electric Corp.	Change Order	\$32,000
4/17/2013	S-32761	AWO 22: Rockaway Line: Installation of new messenger cable.	TC Electric Corp.	Change Order	\$65,000
4/17/2013	S-32761	AWO 23: Rockaway Line: Restoration of line cables F3-858 CIH.	TC Electric Corp.	Change Order	\$218,500
4/17/2013	S-32761	AWO 24: Rockaway Line: Restoration of line cables F3-852 CIH.	TC Electric Corp.	Change Order	\$33,500
4/17/2013	S-32761	AWO 25: Rockaway Line: Restoration of line cables F3-854 CIH.	TC Electric Corp.	Change Order	\$71,000
4/17/2013	S-32761	AWO 26: Rockaway Line: Restoration of line cables F3-849 CIH.	TC Electric Corp.	Change Order	\$89,000
4/17/2013	S-32761	AWO 27: Rockaway Line: Restoration of line cables F6-851 CIH.	TC Electric Corp.	Change Order	\$66,200
4/17/2013	S-32761	AWO 28: Rockaway Line: Restoration of line cables F9-853 CIH.	TC Electric Corp.	Change Order	\$143,700
4/12/2013	S-32761	AWO 30: Rockaway Line: Restoration and installation of new signal line cables in F30837 CIH.	TC Electric Corp.	Change Order	\$104,790

6/11/2013	S-32761	AWO 31: Rockaway Line: Restoration and installation of readjusted signal cables at F4-854, F6-851, and F10-854.	TC Electric Corp.	Change Order	\$147,300
4/17/2013	S-32761	AWO 32: Rockaway Line: Provide bar chart CPM schedule and three months updates.	TC Electric Corp.	Change Order	\$2,510
4/17/2013	S-32761	AWO 33: Rockaway Line: Replace 10-conductor cable for EDR and compressor room.	TC Electric Corp.	Change Order	\$5,500
5/2/2013	S-32761	AWO 35: Rockaway Line: Disconnect and re-terminate line cables.	TC Electric Corp.	Change Order	\$5,600
5/30/2013	S-32761	AWO 36: Rockaway Line: Replace damaged wires in conduit for platform lighting.	TC Electric Corp.	Change Order	\$45,000
6/11/2013	S-32761	AWO 37: Rockaway Line: Restoration/installation of signal cables at F7-852, F8-852, F6-861, F12-861 and 101 and 107 switches.	TC Electric Corp.	Change Order	\$188,700
6/11/2013	S-32761	AWO 38: Rockaway Line: Restoration/installation of signal cables at F3-861, F4-861, F11-854 and F12-854 switches.	TC Electric Corp.	Change Order	\$193,300
5/30/2013	S-32761	AWO 40: Rockaway Line: Perform breakdown testing, operating and in-service testing of signal track circuits and equipment.	TC Electric Corp.	Change Order	\$171,800
5/30/2013	S-32761	AWO 41: Rockaway Line: Restoration/installation of damaged cables at F3-837 and F4-830 CIH.	TC Electric Corp.	Change Order	\$31,000
5/28/2013	S-32761	AWO 42: Rockaway Line: Replace damaged cable trays at Seaside-Beach 105th St. and Playland-Beach 90th St.	TC Electric Corp.	Change Order	\$49,000
6/12/2013	S-32761	AWO 43: Rockaway Line: Replace damaged generator and associated equipment.	TC Electric Corp.	Change Order	\$180,600
6/12/2013	S-32761	AWO 44: Rockaway Line: Replace damaged signal code cable between Rockaway Line and Hammels Wye Relay Rooms.	TC Electric Corp.	Change Order	\$249,500
6/12/2013	S-32761	AWO 45: Rockaway Line: Replace damaged stop magnet and stop machines at 23 locations.	TC Electric Corp.	Change Order	\$53,000
7/18/2013	S-32761	AWO 49: Rockaway Line: Replace next train signs and annunciator.	TC Electric Corp.	Change Order	\$10,630
7/17/2013	S-32761	AWO 50: Rockaway Line: Plumbing work at compressor rooms.	TC Electric Corp.	Change Order	\$6,316
Total:					<u>\$6,335,532</u>

Total Authorized Pursuant to the MTA Presidents' Emergency Declaration: \$19,219,447

Procurement Actions Authorized Pursuant to Executive Orders

Purchase Contracts

<u>Award</u>	<u>Date</u>	<u>Contract #</u>	<u>Description</u>	<u>Contractor</u>	<u>Solicitation Method</u>	<u>Value</u>
	5/29/2013	PO 6030089213	Emergency Alarms for Greenpoint Tube	Meridien Assoc.	Informal Competition	\$242,414
	5/30/2013	PO 6030089328	Fiberglass Extension. Stock # 01-33-2000	Delta Composites	Informal Competition	\$65,550
	5/30/2013	PO 6030089302	Plate Shim, RF-A, 1/4". Stock # 01-63-1534	Edsal Machine Products	Informal Competition	\$51,300
	5/30/2013	PO 6030089300	Plate Shim, RF-A, 1/8". Stock # 01-63-1530	Edsal Machine Products	Informal Competition	\$40,950
	6/13/2013	PO 6030090906	Fire Hoses	J.G.B. Enterprises	Informal Competition	\$154,950
	7/5/2013	PO 6030093108	Rebuild Kit. Stock # 02-11-7800	Ansaldo	Sole Source	\$79,183
	7/5/2013	PO 6030083132	Rack, with Piston. Stock # 02-20-8535	Ansaldo	Sole Source	\$34,196
	7/8/2013	PO 6030093162	Complete Circuit Controllers. Stock # 02-11-4360	Ansaldo	Sole Source	\$35,250
	7/9/2013	PO 6030093233	Cover & Guide for Lock Rod. Stock # 02-18-6025	Ansaldo	Sole Source	\$21,509
	7/15/2013	PO 6030093837	M5 Relay. Stock # 03-50-3000	Alstom	Sole Source	\$45,151
	7/15/2013	PO 6030093854	Cut-out M3 Assembly. Stock # 02-24-1224	Ansaldo	Sole Source	\$21,798
	7/16/2013	PO 6030093985	PN 152-S0 Relay. Stock # 02-08-7540	Ansaldo	Sole Source	\$44,996



7/25/2013	PO 6030094960	130 Ohms DC Valve. Stock # 02-22-8400	Ansaldo	Sole Source	\$104,880
7/25/2013	PO 6030094933	PV250 Relay. Stock # 02-08-2549	Ansaldo	Sole Source	\$89,528
7/29/2013	PO 6030095135	AC 60 Cycle Type B2V Track Relay. Stock # 03-05-3000	Alstom	Sole Source	\$158,324
<b>Total:</b>					<b>\$1,189,979</b>

**Public Work**

<u>Award</u>		<u>Description</u>	<u>Contractor</u>	<u>Solicitation</u>	<u>Value</u>
<u>Date</u>	<u>Contract #</u>			<u>Method</u>	
7/31/2013	P-36435	Montague Tubes: Rehabilitation of the Montague Tubes	JTJ Contracting	Sealed Bid	\$102,443,000
<b>Total:</b>					<b>\$102,443,000</b>

**Miscellaneous Services**

<u>Award</u>		<u>Description</u>	<u>Contractor</u>	<u>Solicitation</u>	<u>Value</u>
<u>Date</u>	<u>Contract #</u>			<u>Method</u>	
6/18/2013	PO 6030091396	Repair of Four Armored Vehicles for NYCT Department of Buses.	Diehl & Sons	Informal Competition	\$165,000
<b>Total:</b>					<b>\$165,000</b>

**Miscellaneous Procurements**

<u>Award</u>					<u>Solicitation</u>	<u>Value</u>
<u>Date</u>	<u>Contract #</u>	<u>Description</u>	<u>Contractor</u>	<u>Method</u>		
7/3/2013	PO 6030093013	Rental of two pumps for pump cars	Goodwin	Informal Competition		\$95,470
				<b>Total:</b>		<b>\$95,470</b>

**Public Work Contract Modifications**





<u>Award</u>					<u>Solicitation</u>	<u>Value</u>
<u>Date</u>	<u>Contract #</u>	<u>Description</u>	<u>Contractor</u>	<u>Method</u>		
7/26/2013	S-32742	AWO 54: Greenpoint Tubes: Replace Signal Equipment, Cables and Power Supply	LK Comstock	Competitive Change Order		\$2,867,500
				<b>Total:</b>		<b>\$2,867,500</b>

**Total Authorized Pursuant to Executive Orders:     \$106,760,949**

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**Grand Total:     \$125,980,396**

# Staff Summary

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

<b>SUMMARY INFORMATION</b>	
Vendor Name	Contract Number
Six Awards - See below	CM-1506, 1507, 1508, 1509, 1528, 1529
Description	
IQ Consultant Services for Construction Management and Inspection Services for Federally Funded Miscellaneous Construction and Capital Security Projects	
Total Amount	
\$120M Estimated Aggregate Budget	
Contract Term (including Options, if any)	
60 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE:

To obtain Board ratification pursuant to the Emergency Declaration signed by the agency presidents in December 2002 for the award of six Contracts for Indefinite Quantity (IQ) Consultant Services for Construction Management and Inspection Services (CMIS) for Federally Funded Miscellaneous Construction and Capital Security Projects on a competitive basis: CM-1506 to URS Corporation – New York (URS), CM-1507 to AECOM USA, Inc. (AECOM), CM-1508 to SYSTRA Engineering, Inc. (SYSTRA), CM-1509 to HAKS Engineers, Architects and Land Surveyors, P.C. (HAKS), CM-1528 to LiRo Engineers, Inc. (LiRo) and CM-1529 to Parsons Brinckerhoff, Inc. (PB). Under these Contracts, selected Consultants compete for specific projects on a task order basis. The contracts are "zero dollar" with no minimum guarantee of any assignment. The aggregate pool for all six contracts is for an estimated amount of \$120 million for a 60 month duration.

## DISCUSSION:

NYC Transit is proceeding to develop projects that are designed to protect the public, employees, and all transit facilities relating to the operation of the transit system, its sensitive systems and structures. The six consultants: URS, AECOM, SYSTRA, HAKS, LiRo, and PB (collectively, the Consultants) were selected to provide IQ CMIS on an as-needed competitive task order basis on various NYC Federally-funded construction and Capital Security Projects. A typical task will involve pre-construction, construction and closeout phases support of various NYC Transit Projects; constructability reviews of design solutions; oversight of contractors' work during construction; monitoring of DBE compliance; assistance in the change order process; and performance of pre-final and final inspections of contractors' work. These contracts replaced expired CMIS IQ contracts. Consultants are given opportunities to submit proposals on individual task orders, which are issued after review, evaluation and completion of negotiations of the Consultants' proposals.

The Consultants were selected via a qualifications based 2-step procurement process established by the Federal Brooks Act. As such, contracts for A/E services are negotiated with the A/E team that is determined to be most preferred by the Selection Committee (SC) after evaluation of the Consultant's qualifications and technical proposals. Price is not a consideration in the selection or ranking. Cost proposals remain sealed until the conclusion of the technical evaluations. Only the cost proposal for the top-ranked proposer is opened and considered for negotiations. Since six awards were planned under this RFP, negotiations were conducted with the six most technically preferred firms. The contracts were awarded under the December 2002 Declaration due to an imminent need to retain CMIS in the performance of constructability reviews prior to solicitation of upcoming Construction contracts. In order to permit immediate use of the new Security CMIS pool, the first of these contracts was awarded on July 30, 2013.

Step 1 – In response to NYC Transit's advertisement, nine submissions consisting of a Schedule J Responsibility Questionnaire, Federal SF 330 form, and a qualification statement were received. The SC reviewed the submissions and recommended the following eight firms to receive the RFP for this solicitation: URS, AECOM, SYSTRA, HAKS, LiRo, PB, Tectonics Engineering & Surveying Consultants P.C. (Tectonics) and STV Incorporated (STV). The firm not selected, Ardanuy Consulting Inc., lacked Transit experience and adequate financial capacity. Step 2 – Technical Proposals were received from all of the firms selected in Step 1, with the exception of STV, who did not submit a proposal due to their internal administrative error.

# Staff Summary

Following SC review and evaluation, AECOM, HAKS, LiRo, PB, SYSTRA and URS were selected as the six most preferred. The Consultants were chosen based on their superior technical qualifications, plan of approach, relevant areas of experience, project team and key personnel experience, current workload of prime and sub-consultants, past experience, and ability to adequately staff the project. The selected firms also have extensive experience in providing CMIS, and/or A/E design services to the MTA and other state and public agencies. Tectonic was not selected for negotiations because the firm's proposal did not demonstrate sufficient expertise in security initiatives.

After being selected and approved for negotiations, the cost proposals for the six most preferred firms were opened and evaluated. To ensure a fair evaluation, the RFP required that proposals be based on a fixed distribution of hours, titles and a fixed amount for out-of-pocket costs. Initial cost proposals were based upon 164,000 hours as provided in the RFP and were as follows: \$19,925,932 for URS, \$26,625,607 for AECOM, \$22,654,723 for SYSTRA, \$24,271,629 for HAKS, \$22,784,975 for LiRo, and \$24,776,457 for PB. The engineer's estimate was \$18,686,629. Negotiations focused on labor rates, overhead and fees.

Best and Final Offers (BAFO) were received as follows and found to be in a competitive range: \$18,336,402 for URS, \$20,442,424 for AECOM, \$20,360,161 for SYSTRA, \$20,486,968 for HAKS, \$19,391,245 for LiRo, and \$20,073,368 for PB. The negotiated fixed fee was consistent with the in-house estimate. BAFO pricing is consistent with labor rates on existing incumbent contracts and is binding for the term of the contract. The URS BAFO was \$350,227 (1.87%) less than the engineer's estimate and represents a reduction of \$1,589,530 from their initial proposal. AECOM's BAFO was \$1,755,795 (9.39%) more than the engineer's estimate and represents a reduction of \$6,183,183 from their initial proposal. SYSTRA's BAFO was \$1,673,532 (8.95%) more than the engineer's estimate and represents a reduction of \$2,294,562 from their initial proposal. HAKS' BAFO was \$1,800,339 (9.63%) more than the engineer's estimate and represents a reduction of \$3,784,661 from their initial proposal. LiRo's BAFO was \$704,616 (3.77%) more than the engineer's estimate and represents a reduction of \$3,393,730 from their initial proposal. PB's BAFO was \$1,386,739 (7.42%) more than the engineer's estimate and represents a reduction of \$4,703,089 from their initial proposal.

Background investigations and materials revealed that SYSTRA, HAKS and LiRo disclosed no "significant adverse information" (SAI) within the meaning of the All-Agency Responsibility Guidelines. AECOM, PB and URS had disclosed information that was considered SAI, but subsequently received MTA Management approval. Accordingly, all firms were found fully responsible for award.

Previous work of the selected consultants for the MTA or affiliates:

All of the consultants have prior experience on NYC Transit IQ contracts, as either prime or sub-consultants.

## **M/W/DBE INFORMATION:**

The Department of Diversity and Civil Rights established a Disadvantaged Business Enterprise (DBE) goal of 17%, and has approved the Consultants' utilization plans. HAKS is a New York State Certified MBE. In consideration of the selected Consultants' past M/W/DBE performance, all of the consultants have achieved their M/W/DBE goals on previous MTA contracts.

## **IMPACT ON FUNDING:**

This contract will be funded with 100% Federal funds provided on a task order basis by the individual capital project requiring these services. Task orders will not be issued until approved WAR Certificates are received.

## **ALTERNATIVES:**

None. NYC Transit lacks available in-house technical personnel to perform the specific tasks required for these contracts.

## **CAPITAL PROGRAM REPORTING:**

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

## **RECOMMENDATION:**

That the Board ratify award of six contracts for IQ Consultant Services for CMIS for Federally Funded Miscellaneous Construction and Capital Security Projects pursuant to the Emergency Declaration signed by the agency presidents in December 2002.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 8

<b>Vendor Name (&amp; Location)</b>	
John Civetta & Sons (Bronx, NY)	
<b>Description</b>	
Full Rehabilitation of Dyckman Street Station and Component Repair of Five Stations on the Broadway/Seventh Avenue Line	
<b>Contract Term (including Options, if any)</b>	
June 29, 2010 – September 25, 2013	
<b>Option(s) included in Total Amount?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
A-36065	42
<b>Original Amount:</b>	\$ 46,906,344
<b>Prior Modifications:</b>	\$ 3,944,617
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 50,850,961
<b>This Request:</b>	\$ 1,080,000
<b>% of This Request to Current Amount:</b>	2.1%
<b>% of Modifications (including This Request) to Original Amount:</b>	10.7%

## DISCUSSION:

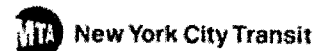
This retroactive modification provided for building an ADA ramp, creating ADA paths at ground level, sidewalk rehab, and all related site work at the Dyckman Street Station in the borough of Manhattan.

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

The contract calls for the installation of ADA elements at the Dyckman Street Station. These elements involve raising the platform; rebuilding stair cases; and installing ADA compliant railings and door handles. Although this is not a designated fully accessible key station, these elements enhance ADA accessibility to the Dyckman Street Station. After contract award, a disability advocacy group filed a federal lawsuit claiming that the Americans with Disabilities Act requires MTA to provide more ADA elements. In March 2011, the lawsuit was settled with NYC Transit's agreement to provide an elevator and access ramp for the southbound platform at the Dyckman Street Station. To accomplish this, the Board has approved several contract modifications that added civil and structural work, and provided an elevator, including associated electrical elements, all of which extended the contract to September 25, 2013.

This retroactive modification provided for the construction of an ADA compliant ramp for access to the station entrance and elevator. It also provided for the construction of a new station entry plaza approved by NYC DOT, with ADA paths and an expanded sidewalk area which enhances pedestrian safety and access to the station. The utilities in the area were relocated to accommodate the new plaza layout. Street drainage was enhanced and drainage capacity increased by the addition of expanded catch basins. Gas lines and electrical lines embedded in the street were relocated due to the new street and sewer layout. An existing fire hydrant was relocated as well. The contractor's initial proposal was \$1,527,411. NYC Transit's estimate was \$1,020,000. Negotiations resulted in the agreed upon price of \$1,080,000. Based upon an analysis of the contractor's proposal and NYC Transit's estimate, the final price was found to be fair and reasonable. A savings of \$447,411.00 was achieved. On September 25, 2012, the SVP & Chief Engineer signed a retroactive waiver and the contractor was directed to proceed in order to mitigate delay.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 9

<b>Vendor Name (&amp; Location)</b>	
Judlau Contracting, Inc. (College Point, NY)	
<b>Description</b>	
Rehabilitation of the Culver Line Viaduct	
<b>Contract Term (including Options, if any)</b>	
March 5, 2009 – February 5, 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>	
Capital Program Management, Frederick E. Smith	

Contract Number	AWO/Modification #
C-34763	88
Original Amount:	\$ 178,800,000
Prior Modifications:	\$ 10,189,575
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 188,989,575
This Request:	\$ 800,000
% of This Request to Current Amount:	0.4%
% of Modifications (including This Request) to Original Amount:	6.2%

## DISCUSSION:

This retroactive modification is for additional spall repairs on the Culver Line Viaduct.

This contract is for the rehabilitation of the Culver Line Viaduct in Brooklyn, which was built in 1930, including rehabilitation of the concrete viaduct deck, removal of existing ballasted tracks, signals and cables, installation of new Low Vibration Tracks using resilient blocks, replacement of existing switches and signals, installation of a new diamond crossover interlocking, installation of new CBTC-ready signal switches, construction of a new signal relay room to support the new interlocking and CBTC signaling, and drainage work. The contract work is located between the 7th Avenue Station (in the south) and the Bergen Street Station (in the north).

The contract provides for spall repairs to the concrete track benches for all four tracks of the Culver Line Viaduct. A spall is a defect in the surface of concrete. Spalls are the result of water seeping into concrete and forcing the surface to peel, pop out, or flake off. Based on a pre-award survey, the contract called for 9,000 square feet of spall repairs less than three inches in depth. During construction, the track ballast and track slab were removed. The exposed surfaces of the track benches showed greater than expected concrete deterioration.

Spall repairs are complete. The contractor actually repaired 54,293 square feet of spall less than three inches, which is 45,293 square feet more than the 9,000 square feet called for in the contract.

The modification provides for repairing the additional 45,293 square feet of concrete spall less than three inches in depth on all four tracks on the viaduct. Repairs include saw-cutting affected areas, removing loose concrete, installing wire mesh and pins and patching the affected areas. The contractor's initial proposal was \$995,171. NYC Transit's estimate was \$848,000. Following negotiations, a lump sum price of \$800,000 was agreed upon. Savings of \$195,171 were achieved.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 1-2

<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	58 & 93
Original Amount:	\$ 200,478,227
Option Amount:	\$ 150,400,897
Total Amount:	\$ 350,879,124
Prior Modifications (excluding options):	\$ 70,891,848
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 421,770,972
<b>This Request:</b>	
Mod. 58: \$4,900,000	\$ 6,563,094
Mod. 93: \$1,863,094	
% of This Request to Current Amount:	1.6%
% of Modifications (including This Request) to Total Amount:	22.1%

## DISCUSSION:

These retroactive modifications are: 1) for the resolution of a claim for 17 design items classified as outside of the contractual scope of work; and 2) for payment of overhead adjustments, per federal regulations, owed to AECOM, Inc. (AECOM) as a result of two audits performed by MTA Audit (Audit) covering six fiscal years (FY) 2006 through 2011.

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.

### Modification No. 58:

Originally, AECOM\*Arup, JV (AAJV) filed a claim against MTACC for 37 out-of-scope items in a letter dated May 14, 2009. Following review meetings from May 2009 through February 2012, both parties agreed that 17 items had merit. AAJV agreed not to pursue the remaining 20 items.

Of the 17 items, 13 items are distributed over each of the four SAS stations and the remaining four encompass the entire project:

(1) 96<sup>th</sup> Street Station: 1. Ancillary #2 connection to station, 2. Analysis and redesign of back-pitched sewer at 95<sup>th</sup> Street, 3. Addition of RTO Tower, and 4. Additional Con Ed required changes; (2) 86<sup>th</sup> Street Station: 1. Relocation of Entrance #2, and 2. Additional Central Instrument Room; (3) 72<sup>nd</sup> Street Station: 1. Relocation of Entrance #3 from inside 305 East 72<sup>nd</sup> Street to a sidewalk location, 2. Deletion of access shafts, and 3. Addition of retail spaces (4) 63<sup>rd</sup> Street Station: 1. PE and FE Design for mechanical ventilation, vertical circulation and entrance layouts, 2. Additional entrance redesigns per NYCDOT, 3. Vent Structure on 63<sup>rd</sup> Street, and 4. Alternative water leak remedies and changes to station platforms. (5) Project-Wide: 1. Schedule Preparation of Level IV Construction Schedule, 2. Contract Packaging plan increased the number of construction contracts from six to ten to increase competition, 3. Entrance Canopy to be redesigned to a curved arch form, and 4. Street Restoration Limits are increased to more than 100 feet due to utility relocations. For the 17 agreed to scope items, AAJV submitted an initial proposal of \$9,840,445. MTACC's revised estimate was \$4,860,086. Subsequent negotiation meetings discussed productivity, the number of drawings needed and focused on the items with major variances. AAJV submitted a BAFO in the amount of \$4,900,000, which is considered fair and reasonable. Savings of \$4,940,445 were achieved.

### Modification No. 93:

AECOM is a Joint Venture partner of Arup on this design services contract for the Second Avenue Subway (SAS). In June, the Board approved an overhead rate adjustment for ARUP and was informed at that time that this adjustment for AECOM was forthcoming. The two overhead reconciliation audits show that the actual annual overhead rates for these six years have ranged higher and lower than the provisional contract rate. This modification will cover the net payment of overhead adjustments owed to AECOM. For the first audit covering FYE 2006 through 2008, Audit's review found that the actual overhead rates resulted in adjustments of \$351,915, which AECOM agreed with.

For the second audit covering FYE 2009 through 2011, AECOM submitted an initial amount of \$2,122,762 for overhead adjustments. AECOM explained that much of the lost overhead had been written off their books and they favored a mutually beneficial agreement for past years' overhead. Negotiations resulted in the agreed upon revised proposal of \$1,311,179; a savings of \$811,583, or 38.2% lower than the original proposal was achieved. The total amount of \$1,663,094 covering both audit periods was found to be fair and reasonable.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 3

<b>Vendor Name (&amp; Location)</b> E. E. Cruz and Tully Construction Company, JV, LLC (New York, NY)	
<b>Description</b> Second Avenue Subway route - 96 <sup>th</sup> Street Station Finishes	
<b>Contract Term (including Options, if any)</b> June 22, 2012 - December 22, 2015	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input 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-26010	<b>AWO/Modification #s</b> 7
<b>Original Amount:</b>	\$ 324,600,000
<b>Prior Modifications:</b>	\$ 1,738,543
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 326,338,543
<b>This Request:</b>	\$ 2,725,000
<b>% of This Request to Current Amount:</b>	0.8%
<b>% of Modifications (including This Request) to Original Amount:</b>	1.4%

## DISCUSSION:

This retroactive modification will address additional station waterproofing changes for the 96<sup>th</sup> Street Station including the entire station roof, remaining secant pile side walls and Entrance 1, 2 and 3 invert slabs.

This contract is for station finishes for the Second Avenue Subway - 96<sup>th</sup> Street Station.

The work to be performed under this contract includes: the rehabilitation and retrofit of the existing 99th - 105th Street Tunnel; construction of invert slab and benches in the newly constructed 87th - 92nd Street Tunnels and in the northern section of the 97th - 99th Street Tunnel; waterproofing; installation of mechanical systems including HVAC, electrical medium voltage and 120V systems; plumbing; supply and installation of elevators and escalators in the station and entrances; construction of the station platform, mezzanine levels, ancillaries and entrances; construction of interior walls and rooms; installation of architectural finishes; restoration of the surface of Second Avenue and adjacent streets; removal of the temporary road deck installed in previous contracts; and perform maintenance of the station until contract completion.

In December 2011, NYC Transit's Departments of Subways and CPM determined that all waterproofing in the cut-and-cover structures of the 2<sup>nd</sup> Avenue Subway Project would be changed from the previously specified High-Density Polyethylene (HDPE) membrane system to a Thermoplastic Membrane PVC system. However, further direction regarding the 96<sup>th</sup> Street Station was required since Contract C-26005, for the civil, structural, and utility relocation work was already under construction. In May 2012, it was determined that the 96<sup>th</sup> Street Station would have a combination of the two systems. These changes could not be incorporated into the C-26010 bid documents as the decision regarding 96<sup>th</sup> Street was not made until after bids had opened. Modification No. 124 under Contract C-26005, which was approved by the March 2013 Board, addressed the change to PVC waterproofing for approximately 30,000 square feet of the invert slab and secant pile side walls in the areas of Ancillaries 1 and 2. Additionally, Modification No. 1 under Contract C-26010, also approved by the March 2013 Board, addressed additional changes to PVC waterproofing for approximately 34,000 square feet of the invert slab and secant pile side walls in the north and south ends of the Main Station Box constructed without slurry walls.

This modification addresses the balance of PVC waterproofing changes for the 96th Street Station including the entire station roof (approximately 160,000 square feet), remaining secant pile side walls (approximately 56,000 square feet) and Entrance 1, 2 and 3 invert slabs (approximately 12,000 square feet). To avoid any schedule impact, the work for the secant pile side walls at Ancillary 1 and 2 was started in June 2013 as those areas affected the progress of Contract C-26005. It is anticipated that approximately 30% of the waterproofing work will have been completed by the time Board approval is obtained. As such, retroactive approval was obtained from the MTACC President on July 26, 2013.

The contractor submitted a cost proposal in the net amount of \$4,094,332; MTACC's revised estimate was \$2,557,664. Negotiations resulted in the agreed upon lump sum of \$2,725,000, which is considered fair and reasonable. Savings of \$1,369,332 were achieved.



## Schedule K: Ratification of Completed Procurement Actions



Item Number: 4

<b>Vendor Name (&amp; Location)</b>	
Judlau Contracting, Inc. (New York, NY)	
<b>Description</b>	
Second Avenue Subway - 63 <sup>rd</sup> St/Lexington Avenue Station Reconstruction	
<b>Contract Term (including Options, if any)</b>	
January 13, 2011 – May 13, 2014	
<b>Option(s) included in Total Amount?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b>	
MTA Capital Construction, Dr. Michael Horodniceanu	

<b>Contract Number</b>	<b>AWO/Modification #</b>
C-26006	30
<b>Original Amount:</b>	\$ 176,450,000
<b>Prior Modifications:</b>	\$ 4,472,934
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 180,922,934
<b>This Request:</b>	\$ 1,826,698
<b>% of This Request to Current Amount:</b>	1.0%
<b>% of Modifications (including This Request) to Original Amount:</b>	3.6%

**DISCUSSION:**

This modification is for the relocation of building utilities at 200 East 63<sup>rd</sup> Street (Entrance 1) associated with the Second Avenue Subway – 63<sup>rd</sup> St./Lexington Avenue Station.

The contract calls for station reconstruction, as well as rehabilitation and reconstruction of new entrances to allow access from 3<sup>rd</sup> Avenue; connect new entrances to platforms; utility installation and relocation; and installation of elevators and escalators in the station and entrances.

Denial of access by the owners of 200 East 63<sup>rd</sup> Street prevented the design and inclusion in the contract bid documents of the utility relocation work associated with the construction of Station Entrance 1. Access to the building was eventually obtained approximately 13-15 months after contract award. Subsequently, the location was surveyed, the design was completed and a set of drawings were issued, which is the scope of work for this modification.

This modification includes mechanical, electrical and plumbing work associated with the relocation of building gas, electric, water, sewer and telephone services including associated structural, architectural and civil work. The work also includes overall testing, adjusting, balancing, special and progress inspections, and coordination and shop drawings.

Retroactive approval was obtained from the MTACC President on February 26, 2013 and the contractor was directed to proceed on February 27, 2013. The VP of Materiel has previously authorized partial payment to the Contractor for work performed up to \$1.2 million. The schedule impact of this modification, as well as mitigation efforts, is still under review and will be addressed under a subsequent modification.

The contractor's proposal was \$2,399,085; MTACC's estimate was \$1,822,696. Negotiations resulted in the agreed upon lump sum of \$1,826,698, which is considered fair and reasonable. Savings of \$572,387 were achieved.

# Schedule K: Ratification of Completed Procurement Actions



Item Number: 5

<b>Vendor Name (&amp; Location)</b> Parsons Brinckerhoff, Inc. (New York, NY)	
<b>Description</b> Consultant Construction Management Services for the Second Avenue Subway Project, Phase I	
<b>Contract Term (including Options, if any)</b> May 31, 2007 – December 31, 2014	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA Capital Construction, Dr. Michael Horodniceanu	

<b>Contract Number</b> CM-1338	<b>AWO/Modification #</b> 15
<b>Original Amount:</b> \$ 80,940,647	
<b>Prior Modifications:</b> \$ 5,732,026	
<b>Prior Budgetary Increases:</b> \$ 0	
<b>Current Amount:</b> \$ 86,672,673	
<b>This Request:</b> \$28,939,662	
<b>% of This Request to Current Amount:</b> 33.4%	
<b>% of Modifications (including This Request) to Original Amount:</b> 42.8%	

## DISCUSSION:

This partially retroactive modification is for additional Consultant Construction Management (CCM) services on Phase I of the Second Avenue Subway (SAS) Project.

Contract CM-1338 was awarded to Parsons Brinckerhoff, Inc. (PB) on May 31, 2007. Initially six contracts were planned for the construction of Phase I of the SAS project. It was subsequently decided by MTACC to increase the number of contracts from six to ten in order to provide for smaller construction packages which would in turn enhance competition and receive more favorable pricing. All ten construction contracts have been awarded and the project is on schedule. As a result of the repackaging, MTACC has enjoyed aggregate bid cost savings significantly greater than the cost of the additional CCM work required.

Under this modification, PB will provide additional CCM services as a result of the increased number of construction contracts, the increase in the level of effort associated with various CCM tasks, and additional staffing for expanded and new scope requirements which were not anticipated in the original contract. The basic CCM services under this contract include the monitoring and managing of all construction related activities such as the coordination of work with contractors and other agencies, conducting inspections and reporting non-conformances, ensuring adherence to environmental specifications, reviewing contractor submittals and performing various administrative, budget/payment and project scheduling services.

In addition to the expanded CCM services, this modification will also increase the staffing support required by the SAS project in newly identified areas. The implementation of one Interface Manager and four Interface Coordinators is required to work as liaisons between the station contracts. This task was originally performed by the Construction Manager and his staff; however, the increased quantity of contracts and the additional level of complexity associated with coordinating these additional contracts has necessitated additional support to ensure that transitions are made effectively, efficiently and successfully. The SAS project also requires a Safety and Security Certification Manager newly mandated by the FTA. This will enable the SAS project to obtain a 'Safety and Security Certification' for Phase I.

The total projected effort under this modification averages approximately 102 Full Time Equivalents (FTEs) (16 are for new positions with 11 having already been put in place by MTACC direction or prior modifications). These services are projected to be required through construction completion, forecast for December, 2016. MTACC will re-evaluate its staffing requirements prior to the December, 2014 completion date of this contract, as by this time, more definitive information will be available to accurately assess the additional CCM funds required as projects progress.

Based on the current spend rate, the contract budget will be exhausted by October 1, 2013. PB's final proposal, based on 15 months of staffing support from October 2013 through December 2014, was \$28,939,662. MTACC's revised estimate was \$28,919,950. The pricing reflects existing contract rates. The final price is considered fair and reasonable.

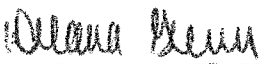


**Metro-North Railroad**

# **Action Item**

## **September 2013**

# Staff Summary

<b>Subject</b> NYSDOT Grant for Connecting Services	
<b>Department</b> Operations Planning and Analysis	
<b>Department Head Name</b> Delana Glenn	
<b>Department Head Signature</b> 	
<b>Project Manager Name</b> Edilma Jarvis	<b>Program Manager Name</b>

<b>Date</b> August 28, 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>

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtn	09/16	X		
2	MTA Finance Mtn	09/16	X		
3	MTA Board Mtn	09/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	President		
2	VP Financial Admin		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	VP Planning					2	General Counsel
	Pres						

## Narrative

### PURPOSE:

To obtain MTA Board approval to enter into a contract to accept \$300,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYSDOT) to support connecting services, covering the period from October 1, 2013 through September 30, 2014.

### DISCUSSION:

Metro-North has worked with NYSDOT to implement various projects to improve access to Metro-North stations. These projects, which include connecting buses (e.g. Transport of Rockland, Newburgh-Beacon Shuttle, Dutchess LOOP, HART, etc.), the Haverstraw-Ossining Ferry, the Newburgh-Beacon Ferry and Guaranteed Ride Home programs, create station access/egress and increase ridership and revenue for the Railroad, as well as reduce the number of single occupancy vehicles on the roads.

Over the past fifteen years, Metro-North has received over \$3.5 million from similar NYSDOT(CMAQ) grants. These funds have been used for a variety of operational and marketing activities: providing customer information (e.g. signage, kiosks, pocket timetables, etc.); marketing/advertising to launch and support these services; supporting Metro-North's Guaranteed Ride Home programs; and for miscellaneous operational improvements. Metro-North plans to use the \$300,000 from the new CMAQ grant in a similar fashion, working with our regional partners to maintain service quality and improve station access.

### BUDGET IMPACT:

No budget impact. These monies allow for projects that would not otherwise be implemented.

### RECOMMENDATION:

That the MTA Board grant approval to enter into a contract to accept \$300,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYSDOT) to support connecting services, covering the period from October 1, 2013 through September 30, 2014.

The legal name of MTA Metro-North Railroad is Metro-North Commuter Railroad Company



**Metro-North Railroad**

**Procurements  
September 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>Date</b>	September 3, 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	MNRComm Mtg	9-16-13	X		
2	MTA Board Mtg	9-18-13	X		

Internal Approvals			
	Approval		Approval
X	President	X	General Counsel
X	Acting Sr. VP Operations	X	Safety
X	Sr. VP Administration		VP Planning
X	VP Finance & IT	X	Chief of Staff

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Press		Government Relations		Labor Relations		Other
					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:

	# of Actions	\$ Amount
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>	NONE	

SUB TOTAL: NONE

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

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	1	TBD
• Request to use RFP Process      TBD		
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	1	\$297,000
• Mermec, Inc.      \$297,000		
<b>SUB TOTAL:</b>	<b>2</b>	<b>\$297,000</b>

**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	4	\$2,713,671
• Transportation Technology Center, Inc. (TTCI)      \$900,000		
• C&G Surfacing      \$1,400,000		
• Simplex Grinnell      \$57,993		
• Delta Rail Group, Ltd.      \$355,678		
<b>SUB TOTAL:</b>	<b>4</b>	<b>\$2,713,671</b>
<b>TOTAL:</b>	<b>6</b>	<b>\$3,010,671</b>

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.



SEPTEMBER 2013

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

NONE

**SEPTEMBER 2013**

**METRO-NORTH RAILROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Schedules Requiring Two-Thirds Vote:**

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

**1. Request to use RFP Process** **TBD**  
**Overhaul of the Catenary Maintenance Vehicles (CMV) and On-Track Reel Trailers**

Approval is requested for permission to use the Request for Proposal (RFP) process to solicit and evaluate proposals from prospective vendors to perform a complete refurbishment on the existing Catenary Maintenance Vehicles and reel trailers utilized by MNR's Maintenance of Way Division. The current vehicles and trailers are approximately ten years old and require refurbishment. The overall goal is to bring the equipment back into a state-of-good-repair.

The scope of work for the overhaul of the CMVs and Reel Trailers includes the following subsystems: interior carbody refurbishment, exterior carbody repair, pantograph replacement, mechanical upgrades, main diesel engine replacement, crane overhaul, trailer body & lighting, and trailer mechanical system overhaul.

In order to assure the selection of the vendor with the necessary vehicle overhaul experience and expertise, it is in the public interest to use the RFP process to properly evaluate the technical and overhaul capabilities of prospective proposers. The vendor will be selected based on an evaluation of technical capability, past performance, organizational resources, experience of personnel, and cost. This procurement is to be funded by the MNR Operating Budget.

**Schedules Requiring Majority Vote:**

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

**2. Mermec, Inc.** **\$297,000 (not-to-exceed)**

**Track Geometry Testing – East of Hudson**

Approval is requested for a competitively solicited (three bids received), three year miscellaneous service contract for track geometry testing along MNR's Hudson, Harlem and New Haven lines. Track Geometry services are needed for ongoing track condition assessment and to ensure further compliance with all FRA standards and regulations. Two tests are performed each year and measure the position, curvature and alignment of the track and provide analysis of collected data. The services to be provided require specialized passenger car-mounted equipment.

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, El Diario, The Daily Challenge and the Metro-North website. Five contractors were sent the solicitation. Three vendors submitted bids.

Merrec, Inc. is the incumbent contractor for this service. MNR Procurement compared the previously paid prices to the proposed pricing and there is no cost increase for these services. Pricing will remain fixed throughout the new three year contract and it is deemed fair and reasonable for the level of service to be provided. The total cost of the three year contract is not-to-exceed \$297,000. This procurement is funded by the MNR Operating Budget.

SEPTEMBER 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)

In response to the derailment and collision of M-8 railcars in Bridgeport, CT and the derailment of the CSX refuse train in the Bronx, NY, MNR expedited various procurement actions in order to provide for the recovery and efficient operation of MNR services as well as to implement a comprehensive right-of-way program in the Bronx that includes track and drainage improvements, tie replacement, fencing repairs and general cleanup of the area. The scope of work has been expanded to identify and correct additional areas of inadequate drainage throughout the entire right-of-way aided by the use of new technology such as ground penetrating radar. The new technology will help MNR identify areas of our tracks where we need to improve the condition of the infrastructure as well as prevent its future deterioration.

In order to meet the needs and initiatives above, MNR Procurement competitively solicited vendors, sought other Railroad's equipment and contracts, and where necessary, extended in-place contracts to facilitate the timely and efficient completion of the work. MNR Procurement expedited these agreements to enable work to begin as soon as possible. Rates and costs were reviewed in accordance with prior contracts for like services and with those agreements already in place, and are deemed fair and reasonable for the level of equipment and/or services provided. The actions were performed in accordance with PAL§ 1265-a (4 a) and in conjunction with the MTA All-Agency Procurement Guidelines Art III-A; and are as follows:

**1. a) Transportation Technology Center, Inc. (TTCI)      \$900,000 (not-to-exceed)**  
**Consulting Services – Review of MNR Maintenance of Way Departments Operations, Track**  
**Inspection, Maintenance and Replacement Practices – Optional Ground Penetrating Radar**

Ratification is requested for the election of a contract option for TTCI to conduct a Ground Penetrating Radar (GPR) survey and analysis of Metro-North's main line tracks (approx. 755 miles). Since June 2013, TTCI has been performing a review of MNR's Maintenance of Way Division. The contract with TTCI included an option for the performance of a Ground Penetrating Radar survey and analysis of MNR's main line tracks by utilizing a hi-rail vehicle-based system. The GPR is a non-destructive method for mapping the condition of the track ballast and subgrade. This information is critical to the track rehabilitation projects underway (including the Harlem Line in the Bronx) and will provide critical input to the development of future rehabilitation projects.

The services to be provided by TTCI include geotechnical data collection, processing, reporting and analysis specific to the track substructure and the cost includes all labor, equipment, tools and hi-rail equipment necessary to perform the GPR survey and assessment. The estimated cost for MNR is not-to-exceed \$450,000. As the MNR contract with TTCI includes an option for LIRR to complete their assessment, the estimated cost of the GPR for both Railroads is a total not-to-exceed \$900,000 (MNR=\$450K and LIRR=\$450K) and is to be funded by each Railroad's Operating Budget.

**b.) C&G Surfacing** **\$1,400,000 (not-to-exceed)**

**Right-of-Way Surfacing Services for MNR's Hudson, Harlem and New Haven Lines**

Ratification is requested for a non-competitive, negotiated and awarded miscellaneous service contract to C&G Surfacing for rights-of-way surfacing being provided in support of MNR's Maintenance of Way Division. C&G is the only known service provider of production level tamping equipment that can provide the equipment immediately with trained operators to meet MNR's current needs. MNR Procurement conducted an outreach to other railroads to secure equipment that may be or become available. No equipment was readily available.

Under the contract, C&G will provide two Mark IV tampers along with two regulators and an operating crew to support M of W's efforts to presently remediate track conditions. These services are vital to returning the track and track bed back to a state-of-good repair. Currently, C&G is estimated to provide these services through the end of November 2013. The cost of these services, inclusive of 4 pieces of equipment and the labor to support them is a total not-to-exceed \$1,400,000 and is to be funded by the MNR Operating Budget.

**2. Simplex Grinnell** **\$57,993 (not-to-exceed)**

**Emergency Repairs to Fire Alarm Control Panel**

Ratification is requested for a non-competitive, negotiated and awarded miscellaneous service contract to Simplex Grinnell for emergency repairs to a fire alarm control panel. MNR declared an emergency with regard to the purchase and installation of a fire alarm control panel located at MNR's facility in Bridgeport, CT. The fire alarm control panel was damaged and un-repairable as a result of a power surge from a motor vehicle striking a utility pole feed that services the Bridgeport facility's power supply. In order to maintain employee safety at the facility, it was necessary to expedite the procurement for the repairs needed to bring the fire alarm panel back into working order. All pricing, terms and conditions are in accordance with the existing State of Connecticut contract with Simplex Grinnell. The total cost of this emergency procurement is not-to-exceed \$57,993 and is to be funded 100% by CDOT.

**3. Delta Rail Group, Ltd.** **\$355,678 (not-to-exceed)**

**Relocation of MNR's Wheel Chex Detection System**

Ratification is requested for a non-competitive, negotiated and awarded miscellaneous service contract to Delta Rail Group, Ltd. for the relocation of MNR's Wheel Chex System. MNR is currently planning a reconstruction of the M-86-Substation in the latter part of 2013 and it requires the relocation of the Wheel Chex Detection System. The Wheel Chex system was installed and commissioned in January 2010 prior to the M86 Substation design development. Due to the constraint requirement(s) at the referenced location, the Wheel Chex panels had to be immediately relocated to place a new 15KV walk-in AC switchgear on the East platform adjacent to Track #4.

The Delta Rail Wheel Chex Detection System is used for the timely identification of wheel defects. Delta Rail is the Original Equipment Manufacturer (OEM) and the only authorized company to maintain their proprietary software for these systems.

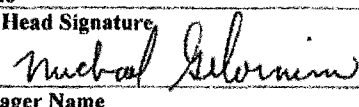
In conjunction with the M-86 Substation project, and in order to minimize the effects on MNR operations with significant track outages and the possibility of construction delay claims from the M-86

Substation contractor, MNR expedited an agreement with Delta Rail for the commissioning, re-commissioning and recalibration of the new sensors and relocation of the panels.

The total cost for services and material is not-to-exceed \$355,678, with a 20 week period of performance. Overall costs were negotiated down by 2.3% from the original proposed costs, and included all material, labor and travel expenses which were consistent with the previous competitively solicited maintenance and support contract awarded to Delta Rail in January 2013. The pricing is deemed fair and reasonable for the level of equipment and/or services provided. This procurement is to be funded by the MNR Operating Budget.

**ACTION ITEM**

## Staff Summary

<b>Subject</b> LIRR Service Investments						<b>Date</b> September 16, 2013			
<b>Department</b> Sr. Vice President – Operations						<b>Vendor Name</b>			
<b>Department Head Name</b> M. Gelormino						<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 Approval</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	LI Comm.	9/16				4	President		
2	MTA Fin. Comm.	9/16				3	Sr. VP Op.		
3	MTA Board	9/18				2	VP Mgmt. & Finance		
						1	VP Mkt. Dev. & Public Affairs		

### Purpose

To obtain Board approval of a proposal to restore half-hourly service on the Port Washington Branch on weekends, and to operate weekend service on the Ronkonkoma Branch between Ronkonkoma and Greenport for approximately 10 additional weekends each year.

### Discussion

As part of its service investments, the LIRR proposed an increase in service on the Port Washington and Ronkonkoma branches. The increase in service will include the restoration of 32 daily weekend trains on the Port Washington Branch to provide half-hour service, effective with the November 11 schedule. Currently, trains operate hourly on the weekend. The increase in service will also include the extension of weekend service on the Ronkonkoma branch to and from Greenport by approximately 10 weeks, providing service starting in April and extending through November of each year. Currently, weekend Greenport service runs from Memorial Day Weekend through Columbus Day Weekend.

The MTA held a public hearing on the proposed changes on August 27, 2013 at the MTA Board Room. It also permitted customers to record videotaped comments about the proposed changes on August 28, 2013 at the Great Neck and Port Washington Stations and on August 29, 2013 at the Ronkonkoma and Riverhead Stations. Board Members are being provided with the comments made by the public.

### Budget impact

The net cost is as submitted to the Board as part of the July Financial Plan.

### Recommendation

That the Board approve the restoration of half-hourly service on the Port Washington Branch on weekends, and weekend service on the Ronkonkoma Branch between Ronkonkoma and Greenport for approximately 10 additional weekends each year.



**The Long Island Rail Road Company**  
**BOARD RESOLUTION**

**WHEREAS**, in a Staff Summary dated September 16, 2013, the Senior Vice President of Operations has recommended the following actions:

- To restore half-hourly service on the Port Washington branch on weekends.
- To operate weekend service on the Ronkonkoma branch between Ronkonkoma and Greenport for approximately 10 additional weekends per year.

**WHEREAS**, a public hearing, as required by MTA Board-adopted Service Change Guidelines, was held on the proposed changes on August 27, 2013 and a summary of public comments was provided to Board Members;

**WHEREAS**, upon a review of the Staff Summary and the documents provided to Board Members, the Board has determined that:

- The Proposed changes would provide increased service on the Port Washington and Ronkonkoma branches;
- The funding for the proposed changes are included in the July Financial Plan; and

**WHEREAS**, Board of the LIRR has considered the analyses of these major service changes prepared in accordance with Title VI requirements, and has considered impacts of these proposed changes upon riders of commuter rail 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 authorizes the President or her designee to implement such changes at such time as deemed practicable.

**LONG ISLAND COMMITTEE**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**September 18, 2013**



<b>Subject</b> Request for Authorization to Award Various Procurements						<b>Date</b> September 18, 2013			
<b>Department</b> Procurement & Logistics									
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement & Logistics Officer									
<b>Department Head Signature</b> 									
<b>Board Action</b>						<b>Internal Approvals</b>			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	9.16.13				X	President		VP & Chief Financial Officer
2	MTA Board	9.18.13				X	Sr. VP-Administration		VP, General Counsel & Secy
							Sr. VP-Operations		
							Executive VP		

**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:**

	<u># of Actions</u>	<u># of Actions</u>
<b>LIRR proposes to award Non-Competitive Procurements in the following categories:</b>		
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule A: Non-Competitive Purchases and Public Works	1	\$21,293,021
<b>SUBTOTAL:</b>	1	\$21,293,021
	<u># of Actions</u>	<u># of Actions</u>
<b>LIRR proposes to award Competitive Procurements in the following categories:</b>		
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule C: Competitive Requests for Proposals (Award of Purchase & Public Wk Contracts)	2	\$2,256,183,664
<b>SUBTOTAL:</b>	2	\$2,256,183,664
<u>Schedules Requiring Majority Vote</u>		
Schedule E: Miscellaneous Procurement Contracts	1	\$4,164,788
Schedule G: Miscellaneous Service Contracts	1	\$9,393,004
<b>SUBTOTAL:</b>	2	\$13,557,792
<b>LIRR proposes to award Ratifications in the following categories:</b>		
	NONE	
<b>TOTAL:</b>	<b>5</b>	<b>\$2,291,034,477</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.

**SEPTEMBER 2013**

**MTA LONG ISLAND RAIL ROAD**

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

*Procurements Requiring Two-Thirds Vote*

**Schedule A: Non-Competitive Purchases and Public Work Contracts)**  
(Staff Summaries required for all items greater than \$100K Sole Source; \$250K Other Non-Competitive)

*Procurements Requiring Two-Thirds Vote*

**Schedule A: Non-Competitive Purchases and Public Work Contracts**  
(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive)

- |   |   |                                      |
|---|---|--------------------------------------|
| <b>1. New York State Industries<br/>For the Disabled (NYSID)<br/>Contract No. TBD</b> | <b>Renewal - \$19,510,997 EST<br/>Ratification - \$ 1,782,024 FFP<br/>For Approval - \$21,293,021 EST</b> | <i><u>Staff Summary Attached</u></i> |
|---|---|--------------------------------------|

LIRR requests MTA Board approval to award a renewal contract to a preferred source, New York State Industries for the Disabled ("NYSID"), to provide Janitorial Services at LIRR's Penn Station and West Side Yard Facilities, that includes all labor, material, and equipment for a period of 5 years, from January 1, 2014 thru December 31, 2018, in the estimated amount of \$19,510,997, and to ratify a 6 month extension from July 1, 2013 thru December 31, 2013 in the firm fixed amount of \$1,782,024 and at the current monthly rate of \$297,004 that is required to finalize negotiations and to provide the time (up to 90 days) to obtain contract approval from the NYS Office of the State Comptroller.

Item Number: 1

<b>Vendor Name (&amp; Location)</b> New York State Industries for the Disabled, Inc.
<b>Description</b> Penn Station and West Side Yard Janitorial Services
<b>Contract Term (including Options, if any)</b> January 1, 2014 thru December 31, 2018
<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: Preferred Source

<b>Contract Number</b> TBD	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	Renewal- \$19,510,997 EST Ratification- \$ 1,782,024 FFP For Approval- \$21,293,021 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> Transportation Dept. / Rod Brooks, VP, Transportation	
<b>Contract Manager:</b> Donald Riker	

### Discussion:

LIRR requests MTA Board approval to award a renewal contract to a preferred source, New York State Industries for the Disabled ("NYSID"), to provide Janitorial Services at LIRR's Penn Station and West Side Yard Facilities, that includes all labor, material, and equipment for a period of 5 years, from January 1, 2014 thru December 31, 2018, in the estimated amount of \$19,510,997, and to ratify a 6 month extension from July 1, 2013 thru December 31, 2013 in the firm fixed amount of \$1,782,024 and at the current monthly rate of \$297,004 that is required to finalize negotiations and to provide the time (up to 90 days) to obtain contract approval from the NYS Office of General Services and Office of the State Comptroller.

This renewal contract is being awarded to NYSID in accordance with Section 162 of the New York State Finance Law (State Finance Law), which states that preferred sources shall be granted the right to provide services to New York State Agencies in order to advance social and economic goals. Under the State Finance Law, a contract award to a preferred source provider such as NYSID is expressly exempt from New York State Statutory competitive procurement requirements provided (i) it is capable of providing the service in the form, function and utility required by LIRR and (ii) the price it offers is as close to the prevailing market prices as is practicable, but in no event greater than 15% above the prevailing market price.

NYSID's proposed pricing for this 5 year contract was \$19,612,842. LIRR P&L and MTA Audit staff identified opportunities for targeted savings, which consisted mostly of salary and fringe benefits. Pursuant to negotiations, reductions were obtained in, labor hours, salary and fringe benefits and a revision to the ratio of experienced to new workers. These negotiations achieved the MTA suggested savings and reduced the 5 year total to \$19,005,506 or an average price per year of \$3,801,101. The hours and administrative fees from the prior contract remain unchanged during the term of the new contract. However, the negotiated contract value reflects a 6% increase over the prior contract value due primarily to the increase in the July 1, 2013 published adjustment in wage and supplemental benefit changes in the NYS Prevailing Wage Rates. Specifically, rates for an experienced worker increased from \$26.63 to \$33.54 and from \$20.94 to \$26.16 for a new worker over the current contract. These prevailing wage rates are effective for the next two years and are reflected in the firm fixed pricing for years 1 and 2 of the new contract. Absent the same prevailing wage rate information for the remaining three years of the contract, years 3, 4 and 5 reflect an estimated increase of 2% per year, and will be adjusted annually based on the revised prevailing wage rate schedule released each July. Taking all factors into account, the costs associated with this contract are deemed to be fair and reasonable.

To ensure proper charging for the headcount associated with this contract, NYSID will use a biometric time clock system at Penn Station and will supply monthly certified payroll records that will be reconciled semi-annually. The Business Service Center reviewed the Scope of Work and determined that, due to the unique nature and level of the services required for Penn Station cleaning versus traditional office cleaning, this service was not an appropriate candidate for a multiagency joint procurement.

This Contract is subject to approval by the New York State Office of General Services and the New York State Comptroller. Therefore, the 6 month ratification includes a request for an additional 3 months extension to obtain said approvals.

Funding will be provided through the LIRR's Operating Budget.

SEPTEMBER 2013

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

*Procurements Requiring Two-Thirds Vote*

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

2. **Bombardier Transportation/Invensys Rail**      **\$421,295,044**      *Staff Summary Attached*  
**Competitive**  
**Contract No. TBD**

LIRR requests MTA Board approval to authorize LIRR and MNR (the Railroads) to award contracts to a joint venture of Bombardier Transportation/Invensys Rail (BT/IR) in the amount, inclusive of options, of \$214,420,544 for LIRR and \$206,874,500 for MNR to design, integrate and furnish Positive Train Control ("PTC") systems necessary to comply with the railroads' obligations as commuter railroads under the Rail Safety Improvement Act of 2008 and the implementing FRA Regulations; and (ii) authorize LIRR and MNR to exercise respective options consistent with approved capital funding in 2015-2019. PTC is a technology that is capable of preventing train-to-train collisions, over-speed derailments, and injuries to workers as the result of unauthorized incursions by a train. LIRR as lead agency solicited proposals for a system integrator. Two vendors responded to the RFP issued on April 9, 2012, as follows: Bombardier Transportation and Invensys Rail (as a joint venture) and Parsons Transportation. Both proposers were found qualified and thus invited to submit technical and price proposals, and thereafter, Best and Final Offers ("BAFOs"). The joint venture was the highest rated proposer with the lowest overall price and highest rated technical proposal.

3. **Kawasaki Rail Car, Inc.**      **\$1,834,888,620**      *Staff Summary Attached*  
**Competitive**  
**Contract No. TBD**

LIRR requests MTA Board approval to authorize LIRR and MNR to award the M-9 Car Procurement Contract to Kawasaki Rail Car, Inc. (KRC) in an amount not-to-exceed \$1,834,888,620 to design, test, furnish and deliver up to 92 LIRR self-powered married pair cars on a base order and up to 584 LIRR and MNR cars (including unpowered cars) on future options. The base order costs include spare parts, special tools, diagnostic test equipment, technical documentation and training. Base order cars, which will replace an equal number of M-3 vehicles, are funded in the 2010-2014 Capital Program. Option cars would be funded in the approved 2015-2019 program. Three carbuilders submitted Best and Final Offers (BAFOs). Based on the Railroads' evaluation of the technical and price proposals associated with the BAFOs, Kawasaki Rail Car ("KRC") was the highest rated proposer with the lowest unit price and overall price.



Procurements Requiring Majority Vote

**Schedule E: Miscellaneous Procurement Contracts**

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

- |    |                           |                                  |                               |
|----|---------------------------|----------------------------------|-------------------------------|
| 4. | <b>BSM Wireless, Inc.</b> | <b>\$1,929,305-LIRR</b>          | <i>Staff Summary Attached</i> |
|    | <b>Competitive RFP</b>    | <b>\$1,928,450-MNR</b>           |                               |
|    | <b>Contract No. TBD</b>   | <b><u>\$ 307,033-B&amp;T</u></b> |                               |
|    |                           | <b>\$4,164,788-NTE</b>           |                               |

LIRR, on behalf of itself, Metro-North, and Bridges and Tunnels requests MTA Board approval to award a five-year competitively negotiated Miscellaneous Procurement Lease Contract to BSM Wireless, Inc. (BSM) in the not-to-exceed amount of \$4,164,788. The contract covers the furnishing, installation, and maintenance of an Automatic Vehicle Location Monitoring (AVLM) System on up to 1420 highway vehicles (650 LIRR, 650 MNR and 120 B&T). Also included in this request is the option to continue the lease for an additional five year period.

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)

- |    |                                     |  |
|----|-------------------------------------|--|
| 5. | <b>Royal Waste Service, Inc.</b>    | <b>\$5,926,148 (LIRR \$5,807,619; MTAHQ \$118,529)</b> |
|    | <b>Atlas Roll-Off</b>               | <b>\$1,547,050 (LIRR)</b>                              |
|    | <b>Jet Sanitation Service Corp.</b> | <b>\$ 733,699 (LIRR)</b>                               |
|    | <b>IESI NY</b>                      | <b>\$ 653,338 (LIRR)</b>                               |
|    | <b>Jamaica Ash &amp; Rubbish</b>    | <b><u>\$ 532,769 (LIRR)</u></b>                        |
|    | <b>Contract No. TBD</b>             | <b>\$9,393,004 NTE</b>                                 |

In accordance with MTA All-Agency Procurement initiatives, and pursuant to sealed competitive bidding, the Long Island Rail Road on behalf of itself and MTA Headquarters (MTAHQ), requests MTA Board approval to award 5 separate, 3- year Miscellaneous Service Contracts with one option for 2 additional years, for Scheduled Rubbish Removal and On-Call Container Services to Royal Waste Service (\$5,926,148), Atlas Roll-Off (\$1,547,050), Jet Sanitation (\$733,699), IESI, NY (\$653,338), and Jamaica Ash & Rubbish (\$532,769) in the combined, five-year not-to-exceed amount of \$9,393,004. The MTA Business Service Center identified only MTAHQ as a candidate for this joint-agency service solicitation. A scheduled service consists of a defined number of pick-ups of specific size containers located at listed stations, facilities, and yards. Scheduled services were offered in 6 geographic regions under separate price schedules. On-call container services include the delivery and removal of 10, 20, and 30 cubic yard containers, as requested, in support of engineering grade crossing work along the right-of-way. On-call container service was offered in 2 regional groupings under separate price schedules. The solicitation allowed contractors to bid on any or all of the regional groupings. Eight bidders responded to this solicitation. Aggregate prices for seven of the eight geographical Groupings resulted in savings ranging from 9% to 29% over the prior contract in 2007. Unit prices are established for all labor, equipment, and dumping fees, and are fixed for the entire period of performance and, based on the above savings, are therefore considered fair and reasonable. All awardees are licensed to operate in their respective regions and are either current or previous service providers. These Contracts will be funded by each agency's Operating Budget.

The Department of Diversity and Civil Rights has assigned 10% MBE and 10% WBE goals on the Scheduled Rubbish Removal and 17% DBE goals on the federally funded On-Call Container Service. Supplier MBE/WBE/DBE submittals are with the Department of Diversity and Civil Rights for review and approval.

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

**Staff Summary**



**Long Island Rail Road**

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Item Number: <b>2</b>					
Dept & Dept Head Name: Procurement & Logistics, Dennis Mahon					
Department Head Signature & Date					
Division & Division Head Name: Strategic Investments, Elisa Picca					
Division Head Signature & Date					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	LI Committee	9/16/2013			
2	MTA Board	9/18/2013			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
6	President	3	VP/CFO		
5	Executive VP	2	Sr. VP/Operations		
4	VP/Gen'l Counsel & Sec'y		Sr. VP/Administration		

<b>SUMMARY INFORMATION</b>	
Vendor Name Bombardier Transportation/Invensys Rail	Contract Number TBD
Description: Positive Train Control System Integrator	
Total Amount \$421,295,044	
Contract Term (including Options, if any) September 2013 – December 31, 2018	
Options(s) included in Total Amount:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**PURPOSE:** To obtain Board approval to authorize LIRR and MNR (the Railroads) to award contracts to a joint venture of Bombardier Transportation/Invensys Rail in the amount, inclusive of phases and options, of \$214,420,544 for LIRR and \$206,874,500 for MNR to design, integrate and furnish Positive Train Control ("PTC") systems necessary to comply with the railroads' obligations as commuter railroads under the Rail Safety Improvement Act of 2008 and the implementing FRA Regulations; and (ii) authorize LIRR and MNR to exercise respective phases and options (e.g. – Post Warranty Software Maintenance, Railway Workers Protection System, etc.) consistent with approved capital funding in 2015-2019.

**DISCUSSION:**

PTC is a technology that meets the requirements mandated by the 2008 Rail Safety Improvement Act (RSIA) and implementing FRA regulations. MNR/LIRR are among 42 railroads and commuter agencies nationwide that are required to implement a PTC system. PTC is capable of preventing train-to-train collisions, over-speed derailments, and injuries to workers as the result of unauthorized incursions by a train into work zones.

The LIRR as lead agency solicited proposals for a System Integrator (SI). Two vendors responded to the RFP issued on April 9, 2012, as follows: Bombardier Transportation and Invensys Rail (as a joint venture) and Parsons Transportation. Both proposers were found qualified and thus invited to submit technical and price proposals, and thereafter, Best And Final Offers ("BAFOs"). Invensys Rail initially responded to the RFP on its own behalf; but thereafter joint ventured with Bombardier. The Railroads conducted a series of technical and contractual meetings with the proposers to clarify the requirements of the PTC system and ensure that the proposers fully understood the system requirements.

The SI is responsible to develop, modify, design, deliver, provide, test and commission a new PTC system for each Railroad. The vendor will provide a PTC system interoperable with Amtrak's ACSES II, an FRA Type Approved system. The PTC system is comprised of four subsystems. These include the central back office, wayside, communications and onboard systems. The system provided must comply with FRA regulations in 49 CFR 236, subpart I. The procurement

## **Staff Summary**



Page 2 of 2

was structured to require the SI to provide common hardware and software systems that will be installed by the Railroads. This approach permits economies of scale and assists in reducing costs.

The contract will be executed in three phases: the design/engineering phase, the Pilot Phase and the Production Phase. During the design/engineering phase, the SI will develop the necessary hardware and software systems to provide the PTC functionality. The functionality will be demonstrated in two Pilot tests for each railroad. The Pilots require the installation, testing and FRA approval of the hardware and software systems. All functionality will be verified during the Pilots. Also, all wayside and onboard equipment will be tested and verified. The Production Phase will be based on the successful completion of the Pilot Phase. The main Production Phase consists of the delivery of the wayside and onboard systems for various segments for installation by the Railroads' work forces.

Based on the Railroads' evaluation of the technical and price proposals associated with the Best and Final Offers (BAFOs), Bombardier/Invensys ("Bombardier") was the highest rated proposer with the lowest overall price and highest rated technical proposal. Bombardier was rated slightly above Parsons in the technical scoring and submitted a substantially lower price.

LIRR and MNR filed updates to their respective PTC implementation plans with the FRA and reported that compliance by the currently mandated date of December 2015 was not possible, and advocated for an extension of the deadline until 2018. The Railroads will make all reasonable efforts to implement PTC at the earliest date possible.

The contract includes competitively solicited spare parts provisioning (a 10% level of spares), most favored customer pricing for additional parts and an option for software maintenance services.

### **IMPACT ON FUNDING:**

Base funding is included in the 2005-2009 program (LIRR and Metro-North), and the 2010-2014 Capital Program (LIRR and MNR) and funding for subsequent phases and contract options will be included in the 2015-2019 Capital Program (LIRR and MNR). The State of Connecticut will fund \$53 million of the cost of PTC on the Metro-North system.

### **DBE:**

Bombardier/Invensys has committed to meeting the established DBE goal of 8%.

### **ALTERNATIVES:**

There are none. PTC is a federal mandate. Through this RFP, the Railroads have obtained favorable pricing from well-qualified proposers, and award of this contract presents the best opportunity to progress these mandatory requirements in the most timely manner.

### **RECOMMENDATION:**

It is recommended that the Board (i) approve the award of a competitively negotiated contracts to the joint venture of Bombardier Transportation/Invensys Rail in the amounts of \$214,420,544 for LIRR and \$206,874,500 for MNR (inclusive of phases and options) to design, integrate, and furnish PTC systems necessary to comply with the Railroads' obligations as commuter railroads under the Rail Safety Improvement Act of 2008 and the implementing FRA Regulations; and (ii) authorize LIRR and MNR to exercise respective phases and options consistent with the total contract price as indicated above and the approved Capital funding in 2015-2019.

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

**Staff Summary**



**Long Island Rail Road**

Page 1 of 2

<b>Item Number: 3</b>					
<b>Dept &amp; Dept Head Name: Procurement &amp; Logistics, Dennis Mahon</b>					
<b>Department Head Signature &amp; Date</b>					
<b>Division &amp; Division Head Name: Strategic Investments, Elisa Picca</b>					
<b>Division Head Signature &amp; Date</b>					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	LI Committee	9/16/13			
2	MTA Board	9/18/13			
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
6	President	3	VP/CFO		
5	Executive VP	2	Sr. VP/Operations		
4	VP/Gen'l Counsel & Sec'y	1	Sr. VP/Administration		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> Kawasaki Rail Car, Inc (KRC)	<b>Contract Number</b> TBD
<b>Description</b> Design, manufacture, test and deliver M-9 Rail cars	
<b>Total Amount</b> \$1,834,888,620	
<b>Contract Term (including Options, if any)</b> 9 Years	
<b>Options(s) included in Total Amount:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative**

**I. PURPOSE:** To obtain Board approval to authorize LIRR and MNR to award the M-9 Car Procurement Contract to Kawasaki Rail Car Inc. (KRC) in an amount not-to-exceed \$1,834,888,620 to design, test, furnish and deliver up to 92 LIRR self-powered married pair cars on a base order and up to 584 LIRR and MNR cars (including unpowered cars) on future options. The base order costs include spare parts, special tools, diagnostic test equipment, technical documentation and training. Base order cars, which will replace an equal number of M-3 vehicles, are funded in the 2010-2014 Capital Program. Option cars, which would be funded in the approved 2015-2019 program, will be used for both Railroads' M-3 car replacements and ridership growth.

**II. DISCUSSION:** The M-9 car will be produced as an electric Multiple Unit (EMU) in pair configuration as well as an unpowered single car. The M-9 car builds on the success of the M-7 car and M-8 car procurements and continues to modernize the Railroads' fleets. For example, each car utilizes AC traction, has unitized HVAC systems for improved reliability and customer comfort, improved diagnostics, larger windows, single leaf car doors for improved reliability, and incorporates automated public address announcements in the car interior and exteriors.

Based on the Railroads' evaluation of the technical and price proposals associated with the Best and Final Offers (BAFOs), and evaluation credits described below, Kawasaki Rail Car ("KRC") was clearly the highest rated proposer (only slightly below the highest technical rating and KRC offered the lowest unit price and overall price).

In June 2012, the M-9 RFP was advertised in compliance with Public Authorities Law Section 1265-a. Aggressive outreach by the Railroads resulted in 12 separate carbuilders receiving the RFP package. Of these, seven carbuilders fully participated in the vendor qualification discussions, and six were found qualified to submit Price and Technical Proposals. Initial Technical and Price Proposals were received in April 2013 from three out of the qualified six as follows: KRC, CAF USA, Inc. ("CAF") and Bombardier Transportation ("BT"). The proposals were evaluated by the Railroads in accordance with the advertised technical and financial criteria. The proposers were invited to provide oral presentations and participate in a series of separate technical reviews. All three proposers were found qualified and invited to submit Best And Final Offers, which were received on August 12, 2013.

BAFOs were evaluated based on stated criteria including price of base and option cars and related apparatus (80%), and technical qualifications (20%). KRC provided the most attractive BAFO pricing. The evaluation took the BAFO pricing

## Staff Summary



Page 2 of 2

and adjusted it based on the probability of the base cars being awarded (100% probability) and option cars (ranging from 20% to 95% probability) being exercised by both Railroads. The final evaluation also gave credit for higher technical evaluation, improvements offered to Life Cycle Cost, NYS Content and Domestic Steel content. In addition to its favorable pricing, KRC provided an attractive proposal in terms of Domestic Steel content (where it committed to the highest US steel content), and in terms of NYS Content (CAF had the highest proposed NYS content at 36.45%, but KRC committed to 33.5%). Using this evaluation approach, KRC had the lowest evaluation price while meeting all technical requirements.

In post-BAFO discussions KRC agreed to increase the base car order by 16 cars and reduce the total option quantity to 584 cars. This base order quantity was increased due to the very favorable car pricing offered by KRC. Further, the Railroads negotiated a provision requiring KRC to use commercially reasonable efforts to obtain at least 40% of the generally purchased spare parts as "Commercial Off-The-Shelf" products or products available from multiple sources. This is a significant improvement over M-7 spare parts sourcing. Additionally, the RFP incorporated new provisions used by NYCT in its car procurement to require the following: KRC must make spare parts available for twenty years after the warranty for the last car has expired, provide "most favored customer pricing," including cost disclosure to the Railroads for their procurement of spare parts in the aftermarket, and finally cap profits at 8%.

Optional car features include customer amenities such as assisted listening devices, customer information media screens, and internet access. An option is also included for interoperability between M-9 and future M-9A.

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

KRC has committed to achieving 4.80% MBE participation and 3.99% WBE participation as against the total contract value. This is significantly better than the other proposers (Bombardier - 3.12/2.12% and CAF - 3.50/0.4%). Additionally, this is a significant improvement on prior state-funded car procurements where M/WBE requirements were based on only the NYS Content portion of contracts. Thus, KRC's M/WBE commitments yield a per car average of \$278,553, as opposed to M-7, where \$62,978 per car was required. The Railroads were able to maximize M/WBE participation working closely with the MTA Department of Diversity and Civil Rights.

**IV. IMPACT ON FUNDING:** The Base Contract will be funded from LIRR's approved 2010-2014 Capital Program and Options for additional LIRR/MNR cars will be funded in an approved 2015-2019 MTA Capital Program.

**V. ALTERNATIVES:** None. A new solicitation is highly unlikely to result in better pricing.

**VI. RECOMMENDATION:** It is recommended that the Board (i) approve the award of a competitively negotiated contract to KRC in the amount of \$1,834,888,620 to design, furnish and deliver base order cars to LIRR and related non-car items such as spare parts, special tools, diagnostic test equipment, technical documentation and training, and (ii) authorize LIRR and MNR to exercise their respective car and apparatus options pursuant to an M-9 contract and consistent with an approved 2015-2019 Capital Program.

Item Number: 4

<b>Vendor Name (&amp; Location)</b> BSM Wireless, Inc. (Toronto, Canada)
<b>Description</b> Five (5) Year Lease, with Option for Five (5) additional years to Furnish, Install and Maintain an Automatic Vehicle Location Monitoring (AVLM) System
<b>Contract Term (including Options, if any)</b> October 1, 2013 – September 30, 2023
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contract Number</b> TBD	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$1,929,305 – LIRR \$1,928,450 – MNR \$ 307,033 – B&T \$4,164,788 – NTE
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Office of Security / R. Murphy, Chief of Security Systems	
<b>Contract Manager :</b> D. Riker, Manager / J. Callis, Contract Specialist	

#### Discussion:

LIRR, on behalf of itself, Metro-North, and Bridges and Tunnels requests MTA Board approval to award a five-year competitively negotiated Miscellaneous Procurement Lease Contract to BSM Wireless, Inc. (BSM) in the not-to-exceed amount of \$4,164,788. The contract covers the furnishing, installation, and maintenance of an Automatic Vehicle Location Monitoring (AVLM) System on up to 1420 highway vehicles (650 LIRR, 650 MNR and 120 B&T). Also included in this request is the option to continue the lease for an additional five year period.

The AVLM System is a leased, vendor-hosted software system that uses globally positioned, satellite-based technology to be installed in LIRR, MNR, and B&T's fleet of highway vehicles including cars, light and heavy duty trucks, high rail vehicles and tow trucks. The purpose of the AVLM system is to provide (i) immediate vehicle location information covering on-and-offsite travel (ii) improved adherence to maintenance schedules through remote diagnostics, (iii) enhanced reporting, including but not limited to; idling reports, high/low vehicle usage, commutation reporting, and (iv) monitoring of fuel efficiency and safety.

In March 2013, the LIRR issued an RFP on behalf of the agencies, for a leased, vendor hosted AVLM system, including all associated engineering, software, and onboard vehicle hardware, consisting of an electronic black box, antenna, proximity badge reader, security panic alarm, and cabling, wireless data communications, maintenance, repairs and training. The RFP was advertised in the New York Post and the New York State Contract Reporter in March 2013. Four (4) known sources were sent copies of the RFP with eighteen (18) additional companies requesting copies. A Pre-Proposal Conference was held in April 2013, with four proposers attending. Three proposals were received by the May 17, 2013 due date: Interfleet (\$6,897,959), Radio Satellite Integrators ("RSI") (\$5,834,110), and BSM Wireless ("BSM") (\$4,164,788). The Technical Evaluation Committee (TEC) comprised of representatives from the LIRR, MNR and B&T evaluated each proposal in accordance with the following criteria; (i) Technical Proposal and Approach, (ii) Price, (iii) Relevant Experience, and (iv) Other Relevant Matters. The TEC found each proposer to be technically acceptable and within the competitive range. All three proposers made oral presentations in June. Subsequent to the presentation, the TEC requested additional information and Best and Final Offers (BAFOs) from each proposer. BSM and RSI's BAFO pricing remained unchanged from their original proposals, while the Interfleet price increased 6% from \$6,897,959 to \$7,309,599. Final TEC evaluations determined BSM Wireless offered the best technical solution at the lowest total price for each agency.

LIRR's previous lease with Interfleet, was based on a unit price of \$2,733/unit. BSM's final offer of \$4,164,788 is based on a unit price of \$2,968/unit, representing an 8.6% increase since 2006. As a result, the TEC unanimously recommended making award of the Joint-Agency contract to BSM in an amount not-to-exceed \$4,164,788. Based on competitive solicitation, the price is considered fair and reasonable.

BSM, founded in 1999, with corporate headquarters in Toronto, and regional offices in Montreal and Chicago, supports industries in the rail, transportation, oil, gas, and constructions fields. BSM has demonstrated relevant experience through the provision of similar AVLM systems installed and maintained for the Union Pacific and Canadian National Railroads. Accordingly, BSM has been deemed a qualified and responsible proposer.

This Contract will be funded by each agencies Operating Funds.

**LONG ISLAND COMMITTEE**  
**BOARD PROCUREMENT PACKAGE**  
**SEPTEMBER 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>	<i>[Signature]</i>				
<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	9/16/13	X		
2	Board	9/18/13	X		

<b>Date</b> August 30, 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>
5	President	3	Chief Financial Officer
4	Executive Vice President	2	Vice President, Project Controls
		1	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:

Schedules Requiring Majority Vote	# of Actions	\$ Amount
Schedule I Modifications To Purchase and Public Work Contracts	1	\$ 1,454,697
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 1,454,697</b>

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

Schedules Requiring Majority Vote	# of Actions	\$ Amount
Schedule K Ratification of Completed Procurement Actions	3	\$28,802,919
<b>SUBTOTAL</b>	<b>3</b>	<b>\$28,802,919</b>
<b>TOTAL</b>	<b>4</b>	<b>\$30,257,616</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.

SEPTEMBER 2013

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

**Schedule I. Modifications To Purchase and Public Work Contracts**

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

- |    |   |              |                               |
|----|---|--------------|-------------------------------|
| 1. | Tutor Perini Corporation<br>Contract No. CH053<br>Modification No. 64 Part 1E | \$ 1,454,697 | <u>Staff Summary Attached</u> |
|----|---|--------------|-------------------------------|
- In accordance with Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval of a contract modification for additional funding related to the installation of signal bridges.

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



Capital Construction

Item Number 1

Page 1 of 2

<b>Vendor Name (&amp; Location)</b>		<b>Contract Number</b>	<b>AWO/Modification #</b>
Tutor Perini Corporation (Peekskill, New York)		CH053	64 Part 1E
<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>		<b>Prior Modifications:</b> \$ 85,440,945	
42 Months		<b>Prior Budgetary Increases:</b> 0	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		<b>Current Amount:</b> \$224,720,945	
<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 checked="" type="checkbox"/> Other: Modification		<b>This Request</b> \$ 1,454,697	
<b>Funding Source</b>		<b>% of This Request to Current Amount:</b> 65%	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of Modifications (including This Request) to Original Amount:</b> 62.39%	
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> East Side Access, A. Paskoff, P.E.			

**Discussion:**

This contract is for the construction of various civil infrastructure elements in Harold Interlocking and to expand the existing LIRR/Amtrak right-of-way to enable mainline track diversions and facilitate the future construction of tunnels for the East Side Access ("ESA") Project. Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC seeks Board approval for additional funding related to the installation of Signal Bridges.

In January 2012, the Board approved a multi-part modification in a lump sum amount of \$3.8 million for the design, fabrication, delivery and installation of nine Signal Bridge Structures (12, 15, 16, 20, 21, 23, 24, 30 & E35), the scope of which was transferred from future Force Account packages FHL02 and VHL02. The plan was to negotiate and finalize each Signal Bridge package once their design was complete and to deduct the cost for each partial modification from the \$3.8M which was MTACC's estimate for the work. To date, there have been four Signal Bridge packages negotiated as Modifications (64 Part 1A, 1B, 1C, 1D) for a total of \$1,675,897, and this amount was deducted from the \$3.8M lump sum (see table below). These four Modifications included the fabrication of all nine Signal Bridges and the installation of the foundations for and erection of Signal Bridge E35.

In order to limit the overall duration of the CH053 Contract, MTACC has transferred the scope and corresponding budget for the installation of Signal Bridges 16, 24 & 30 in the amount of \$1,173,000, to future Contract CH057A and the installation of Signal Bridge 23 in the amount of \$306,000, to the future Contract CH057. This leaves a balance of \$645,303 for the remaining Signal Bridge Work in this Contract which includes the installation of the foundations for and erection of Signal Bridges 12, 15, 20 & 21 and off-loading Signal Bridges 16, 23, 24 & 30.

The purpose of this Modification is to increase the Contract amount for the remaining Signal Bridge Work. This is necessary because the original design for the Signal Bridges included standard pre-cast foundations. Due to site constraints and the proximity of the rail lines, these foundations do not work at the Signal Bridge locations. Therefore, the design of the foundations was revised to cast-in-place, which increased the overall cost of installation. In order to accommodate the new design, the size of the foundations increased and, therefore, support of excavation and reinforcement were required to be installed. In addition, there are significantly more labor costs for casting the foundations on site. Railroad Protection is also required to cover the increased time for installation. 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.

This final CH053 Signal Bridge Mod 64 Part 1E includes the installation of foundations for and erection of Signal Bridges 12, 15, 20 & 21, as well as the off-loading of the remaining Signal Bridges 16, 23, 24 & 30 to storage for installation in Contracts CH057 and CH057A.A negotiation session was held. The Contractor's proposal was \$2,327,227. MTACC's estimate was \$2,001,111. Both parties agreed to a cost of \$2,100,000 which is considered fair and reasonable. As noted above, the amount remaining in this Contract for this Work is \$645,303. Therefore, this request is for the difference between the negotiated amount of \$2,100,000 and the remaining \$645,303, which nets to \$1,454,697.

**SEPTEMBER 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. | <b>Tutor Perini Corporation</b><br><b>Contract No. CQ032</b><br><b>Modification No. 32</b>  | <b>\$25,600,000</b> | <b><u>Staff Summary Attached</u></b> |
|    | <p>In accordance with Article IX of the MTA All-Agency Procurement Guidelines, MTACC is requesting Board ratification of a modification to the Contract to perform a portion of the rehabilitation and ductbench work for the East Bound 63<sup>rd</sup> Street Tunnel. This is a scope and budget transfer.</p>                                |                     |                                      |
| 2. | <b>Tutor Perini Corporation</b><br><b>Contract No. CH053</b><br><b>Modification No. 109</b>   | <b>\$ 1,853,971</b> | <b><u>Staff Summary Attached</u></b> |
|    | <p>Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC is requesting Board ratification of a modification to the contract for revisions to the Support of Excavation of the Tunnel A Approach Reception Pit.</p>   |                     |                                      |
| 3. | <b>PB America/STV/Parsons Transportation</b><br><b>Group, Joint Venture</b><br><b>Contract No. 98-0040-01R</b><br><b>Modification No. 47</b>  | <b>\$ 1,348,948</b> | <b><u>Staff Summary Attached</u></b> |
|    | <p>Pursuant to Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, MTACC seeks Board ratification of a Contract modification to increase the Guaranteed Maximum Cost by \$1,348,948 to reimburse the Contract's Task Order Budget for the partial repackaging of Contract CM012R into Contracts CM005 and CM006.</p> |                     |                                      |

## Schedule K: Ratification of Completed Procurement



## Item Number 1

<b>Vendor Name (&amp; Location)</b>	
Tutor Perini Corporation (Peekskill, New York)	
<b>Description</b>	
Plaza Substation and Queens Structures for the ESA Project	
<b>Contract Term (including Options, if any)</b>	
February 3, 2010 – August 13, 2014 (1,853 days)	
<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>	
East Side Access, A. Paskoff, P.E.	

Contract Number	AWO/Modification #
CQ032	32
<b>Original Amount:</b>	
	\$ 147,377,000
<b>Prior Modifications:</b>	
	\$ 32,035,444
<b>Prior Budgetary Increases:</b>	
	\$ 0
<b>Current Amount:</b>	
	\$ 179,412,444
<b>This Request</b>	
	\$ 25,600,000
<b>% of This Request to Current Amount:</b>	
	14.27%
<b>% of Modifications (Including This Request) to Original Amount:</b>	
	39.11%

**Discussion:**

The work under 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 Article IX of the All-Agency Procurement Guidelines, MTACC is requesting Board ratification of a modification to the Contract to perform a portion of the rehabilitation and ductbench work for the East Bound 63<sup>rd</sup> Street Tunnel. This is a scope and budget transfer.

The Work of this modification was originally included in the scope of future Contract CS179 (currently in negotiations) and was subsequently included as part of Contract CM012R. However, following the rejection of all bids received under CM012R, the portion of the rehabilitation and ductbench Work for the East Bound Tube of the 63<sup>rd</sup> St. Tunnel (from the Bellmouth in Queens to the FDR Drive in Manhattan) is being transferred to this Contract, CQ032. The advantage of transferring the Work to this Contract is that it will allow this Work to be completed at least nine months earlier than the alternative of transferring the Work back into Contract CS179 which is still in negotiations. Earlier completion of this Work will improve access for follow-on Contractors, alleviate some adjacent Contractor interferences and improve overall program efficiency. The West Bound Tube work (and the remainder of East Bound Tube Work) will be completed under the CM006 Contract – Manhattan North Structures, which is currently in procurement. The West Bound Tube Work cannot proceed simultaneously with the East Bound Tube Work because one tube must remain available to support construction access requirements.

The Contractor submitted a cost proposal in the amount of \$36,157,286 while MTACC's estimate is \$21,804,182. Negotiations were held and the parties agreed to a cost of \$25,600,000 for this Work which is considered to be fair and reasonable. Funding for this Modification will be transferred from CS179 to CQ032. In addition, a new Milestone will be added and there is no impact cost associated with the addition of the Milestone. The addition of this scope of work will not impact the CQ032's schedule or substantial completion date. In order to achieve the schedule savings and efficiency benefits discussed above, the MTACC President approved a retroactive memorandum and on August 27, 2013, the Contractor was directed to proceed with the work up to the not-to exceed amount of \$3,000,000. Authorization to proceed with the remainder of the work under this modification will be given upon Board ratification of this modification.

# Schedule K: Ratification of Completed Procurement



Item Number: 2

<b>Vendor Name (&amp; Location)</b>	
Tutor Perini Corporation (Peekskill, New York)	
<b>Description</b>	
Construct Harold Structures Part I for the ESA Project	
<b>Contract Term (including Options, if any)</b>	
42 Months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Modification <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:	
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b>	
East Side Access, A. Paskoff, P.E.	

Contract Number	AWO/Modification #
CH053	109
<b>Original Amount:</b>	
\$ 139,280,000	
<b>Prior Modifications:</b>	
\$ 85,440,945	
<b>Prior Budgetary Increases:</b>	
\$0	
<b>Current Amount:</b>	
\$ 224,720,945	
<b>This Request</b>	
\$ 1,853,971	
<b>% of This Request to Current Amount:</b>	
.83%	
<b>% of Modifications (including This Request) to Original Amount:</b>	
63%	

## 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 of the MTA All-Agency Procurement Guidelines, MTACC seeks Board ratification of a modification to the contract for revisions to the Support of Excavation of the Tunnel A Approach Reception Pit.

The original scope of work for the CH053 Contract included the Tunnel A Approach Reception Pit (TARP), along with the design and construction of the accompanying Support of Excavation (SOE) (from Sta 1203+85.11 to Sta 1204+81.79). The TARP was originally designed to receive and remove the Tunnel Boring Machine (TBM) that was mining Tunnel A under the CQ031 Contract, and later to house signal and utility rooms. Due to delays with the 12 kV work (currently the subject of an errors and omission claim against the designer), the CH053 Contractor was unable to complete the TARP in time to receive the TBM and the TBM was re-directed on a tangential path for removal. Although the TARP was not used for its first intent, the removal of the TBM, it will still house the signal and utility rooms. Subsequently, the Project conducted a value engineering analysis related to system ventilation requirements which eliminated fans and utility rooms from the Three Tunnel (Tunnels A, B, C) and Tunnel D Emergency Exits. The TARP was then redesigned to house some of the control and signal rooms, and jet fans displaced by the eliminated Three Tunnel Emergency Exit. The new design widened the TARP and extended it to the West (now from Sta 1203+10 to Sta 1204+81.79) to accommodate the additional utilities.

Consequently, the SOE for the TARP was redesigned to support the modified TARP as well as the extensive excavations required on the north side of the TARP. The excavations in this area include a portion of Microtunnel Run 12, which contains conduits for the 27 kV, 2.4 kV car wash feed, 12 kV, and signal power feed, and a new power feed for the jet fans; manholes and a communications ductbank. The new design strengthens the SOE on the north side of the TARP so it can be used for two phases of construction: first the gross excavation to the north for the ductbanks and Microtunnel, eliminating the multiple trench excavations that would be required, and then for the excavation of the TARP.

The Contractor submitted a cost proposal of \$2,328,971 which included a credit for the original scope of work. MTACC's internal estimate was \$1,482,489. Negotiations were held, and both parties agreed to \$1,853,971, which is considered fair and reasonable. In order to avoid impacting the critical path of this contract, the Contractor was directed to proceed with the work up to the not-to exceed amount of \$250,000. Authorization to proceed with the remainder of the work under this modification will be given upon Board ratification of this modification.

## Schedule K: Ratification of Completed Procurement



Capital Construction

Item Number: 3

Page 1 of 1

<b>Vendor Name (&amp; Location)</b> Parsons Brinckerhoff/STV/Parsons Transportation Group, JV (NY, NY)	<b>Contract Number</b> 98-0040-01R	<b>AWO/Modification #</b> 47
<b>Description</b> East Side Access General Engineering Consultant (GEC) Services	<b>Original Amount:</b>	\$ 140,000,000
<b>Contract Term (including Options, if any)</b> March 2016	<b>Prior Modifications:</b>	\$ 227,960,563
<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<b>Prior Budgetary Increases:</b>	\$ 0
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$ 367,960,563
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>This Request</b>	\$ 1,348,948
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	0.37%
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> East Side Access, A. Paskoff	<b>% of Modifications (Including This Request) to Original Amount:</b>	164%

## 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, MTACC seeks Board ratification of a Contract modification to increase the Guaranteed Maximum Cost by \$1,348,948 to reimburse the Contract's Task Order Budget for the partial repackaging of Contract CM012R into Contracts CM005 and CM006.

This 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	\$ 156,706,670	\$ 276,706,670	\$ 1,348,948	\$ 278,055,618
Construction Phase Services	\$ 20,000,000	\$ 70,707,435	\$ 90,707,435	\$ 0	\$ 90,707,435
Misc. Technical Support	\$ 0	\$ 546,458	\$ 546,458	\$ 0	\$ 546,458
<b>TOTAL</b>	<b>\$ 140,000,000</b>	<b>\$227,960,563</b>	<b>\$ 367,960,563</b>	<b>\$ 1,348,948</b>	<b>\$ 369,309,511</b>

On October 24, 2012, bids were received for Contract CM012R, Manhattan Structures 2 and Facilities Fit-Out. All of the bids were considerably higher than the budget and estimate for this work and were, therefore, rejected. The revised strategy for procurement of the work that was to be included in CM012R is to issue several modifications to current Contracts, and to solicit and award three new Contracts, CM005, CM006 and CM007. This required the Consultant to repackage the CM012R drawings and specifications. The repackaging work under the Task Orders budget in order to maintain the procurement schedules for CM005 (actual bid opening on June 20, 2013) and CM006 (RFP due date is scheduled for fourth quarter of this year). The purpose of this modification is to increase the Contract amount to account for this repackaging, reclassify the Work from Task Order to Contract Modification and thereby replenish the Task Order Budget.

1. CM005 Manhattan South Structures

The scope of this package includes repackaging the permanent final lining, architectural fit-out, plumbing & drainage, and embedded electrical conduits of the 38th St Ventilation Facility; GCT 1&2 Caverns; and Tail Track Tunnels and Cross Passages. The GCT East and West Cavern waterproofing and inverts are also part of the CM005 scope. The Consultant proposed \$505,373 for this work while MTACC's estimate was for \$489,796. Negotiations were held and the parties agreed to a cost of \$491,949 which is considered fair and reasonable.

2. CM006 Manhattan North Structures

The scope of this package includes repackaging the Manhattan approach tunnel linings, cross passages and bench north of the GCT Caverns; the permanent final lining, architectural fit-out, plumbing & drainage, and embedded electrical conduits of the 50th St and 55th St Air Plenum Caverns; the GCT 3/4/5 Interlocking Caverns and auxiliary spaces; and Cross Flue. A portion of the 63rd St Tunnel rehabilitation work is also part of the CM006 scope. The Consultant proposed \$996,947 for this work while MTACC's estimate was for \$801,465. Negotiations were held and the parties agreed to a cost of \$856,999 which is considered fair and reasonable.



# **Bridges and Tunnels**

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## **Procurements September 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>	August 30, 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	8/30/13	<i>[Signature]</i>		
2	MTA B&T Committee	9/16/13			
3	MTA Board	9/18/13			

Internal Approvals			
Order	Approval	Order	Approval
	President	<i>[Signature]</i>	VP Operations
	Executive Vice President <i>17 S for PM</i>		Chief Procurement Officer
	VP Staff Services/COS		Chief Engineer
	General Counsel		VP Labor Relations

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer		Chief Technology Officer		Chief Health & Safety Officer		Chief EEO Officer
	Chief Security Officer		Chief Maintenance Officer		MTA Office of Civil Rights		

## PURPOSE:

To obtain approval of the Board to award various contracts and purchase orders, and to inform the MTA B&T Committee of these procurement actions.

## DISCUSSION:

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

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

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

<u>Schedules Requiring Two-Thirds Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule B	Request to Use RFP for Procurement of Purchase & Public Works in lieu of Sealed Bid	3	TBD
Schedule C	Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$ 80.000M
<u>Schedules Requiring Majority Vote</u>			
Schedule F	Personal Service Contracts	5	\$ 50.322M
Schedule G	Miscellaneous Service Contracts	1	\$ 0.110M
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	2	\$ 9.656M
SUBTOTAL		12	\$140.088M
TOTAL		13	\$140.088M

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

## Staff Summary

### **BUDGET IMPACT:**

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

### **RECOMMENDATION:**

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

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

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

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

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

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

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

**LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**SEPTEMBER 2013**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

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

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

- |    |  |        |                               |
|----|--|--------|-------------------------------|
| 1. | Catherine S. Cline, PhD<br>Contract No. 3000001095 | \$0.00 | <u>Staff Summary Attached</u> |
|----|--|--------|-------------------------------|

Extend the period of performance from October 9, 2013 through April 30, 2014 to enable the consultant to continue to perform test validation services in connection with the occupational title of Bridge and Tunnel Lieutenant. The value of this amendment is \$0.00.

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

Item Number: **1** (Final)

<b>Vendor Name (&amp; Location)</b> Catherine S. Cline, PhD, New York, NY		<b>Contract Number</b> PO 3000001095	<b>AWO/Modification #</b>
<b>Description</b> Test Validation Services		<b>Original Amount:</b>	\$25,000.00
<b>Contract Term (including Options, if any)</b> October 9, 2012 - October 8, 2013		<b>Prior Modifications:</b>	\$0.00
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b>	\$0.00
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		<b>Current Amount:</b>	\$25,000.00
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b>	\$0.00
<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>	0.00%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Staff Services/Catherine Sweeney		<b>% of Modifications (including This Request) to Original Amount:</b>	0.00%

**Discussion:**

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to modify a non-competitive personal service contract with Catherine S. Cline, PhD (Dr. Cline) to extend the period of performance from October 9, 2013 through April 30, 2014 at no additional cost.

On October 9, 2012, B&T awarded a test validation services contract to Dr. Cline, an Occupational-Industrial Psychologist, in the amount of \$25,000 for a duration of one year. The consultant provides expert assistance in preparing and developing a civil service exam to fill positions for the occupational title of Bridge and Tunnel Lieutenant. Since this exam is customized to meet B&T's needs, we had determined that the New York City Department of Citywide Administrative Services does not develop and administer this specialized civil service examination. Further, B&T does not possess the in-house resources required to perform these services. Dr. Cline has an established reputation in all areas critical to the completion of this project including analyzing the need for various skills through job descriptions and preparing complementary exams, as required; validating the candidate's test results; and, conferring with the client regarding job duties and responsibilities. The new exam is still under preparation and testing will be scheduled no later than the first quarter of 2014. The prospective amendment will extend the contract term through April 30, 2014 which will enable Dr. Cline to continue to perform.

Dr. Cline will be compensated in accordance with the rates contained in the contract. Sufficient funding is available in the contract to support this time extension. The value of this amendment is considered fair and reasonable. This contract is funded from the Operating Budget under GL #712542.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**SEPTEMBER 2013**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Two-Thirds Vote:**

**B: Request to Use RFP for Procurement of Purchase & Public Works in lieu of Sealed Bid**  
(Staff Summaries only required for items estimated to be greater than \$1 million)

- |    |  |                               |                                      |
|----|--|-------------------------------|--------------------------------------|
| 1. | <b>Contractor to be Determined</b><br><b>Contract No. MP-03S</b><br>Request that the Board declare competitive bidding to be impractical and/or inappropriate and authorize B&T to enter into a competitive Request for Proposal process for Design/Build Services for the Replacement and Relocation of the Electrical Equipment from the North Abutment at the Marine Parkway – Gil Hodges Memorial Bridge.                                    | <b>Cost to be Determined</b>  | <b><u>Staff Summary Attached</u></b> |
|    |  |                               |                                      |
| 2. | <b>Contractor to be Determined</b><br><b>Contract No. CB-99S</b><br>Request that the Board declare competitive bidding to be impractical and/or inappropriate and authorize B&T to enter into a competitive Request for Proposal process for Design/Build Services for the Replacement and Relocation of the Mechanical and Electrical Equipment Located in the Service Building and South Abutment at the Cross Bay – Veterans Memorial Bridge. | <b>Cost to be Determined</b>  | <b><u>Staff Summary Attached</u></b> |
|    |  |                               |                                      |
| 3. | <b>Contractors to be Determined</b><br><b>Contract No. BB-28S/QM-40S</b><br>Request that the Board declare competitive bidding to be impractical and/or inappropriate and authorize B&T to enter into a competitive Request for Proposal process for the Superstorm Sandy Restoration and Capital Program construction projects at the Hugh L. Carey and Queens Midtown Tunnels.   | <b>Costs to be Determined</b> | <b><u>Staff Summary Attached</u></b> |

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

- |    |  |   |                                      |
|----|--|---|--------------------------------------|
| 4. | <b>Various Contractors</b><br><b>Contract No. GFM-509A through J</b><br><b>and A-F through J-F</b><br>6 yr. contracts – Competitive RFP – 18 Proposals<br>Miscellaneous construction services on an as-needed basis. | <b>\$80,000,000.00</b><br>(Aggregate not to<br>exceed amount) | <b><u>Staff Summary Attached</u></b> |
|----|--|---|--------------------------------------|

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**SEPTEMBER 2013**

**Procurements Requiring Majority Vote:**

**F: Personal Service Contracts**

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

5. A) AECOM USA, Inc. - PSC-12-2891A /A-F \$40,000,000.00 Staff Summary Attached  
 B) Dewberry Engineers, Inc. - PSC-12-2891B /B-F (aggregate not to  
 C) Gannett Fleming Engineers exceed amount for  
 and Architects, PC - PSC-12-2891C /C-F the fourteen  
 D) Haks Engineers, Architects contracts)  
 & Land Surveyors, PC - PSC-12-2891D /D-F  
 E) Henningson, Durham  
 and Richardson, PC - PSC-12-2891E /E-F  
 F) HNTB NY Engineering  
 and Architecture, PC - PSC-12-2891F /F-F  
 G) Jacobs Civil Consultants,  
 Inc. - PSC-12-2891G /G-F  
 H) Parsons Brinckerhoff,  
 Inc. - PSC-12-2891H /H-F  
 I) Parsons Transportation  
 Group of New York, Inc. - PSC-12-2891I /I-F  
 J) STV, Incorporated - PSC-12-2891J /J-F  
 K) URS Corporation - New  
 York - PSC-12-2891K /K-F  
 L) WSP USA Corp. - PSC-12-2891L /L-F  
 M) Ysrael A. Seinuk, PC - PSC-12-2891M /M-F  
 N) Gandhi Engineering,  
 Inc. - PSC-12-2891N /N-F  
 Contract Nos. PSC-12-2891A - N and  
 A-F through N-F  
 6 yr. Contract - Competitive RFP - 14 Proposals  
 Provide miscellaneous design and inspection services on an as-needed basis.

6. Weidlinger Associates, Inc. \$3,375,821.44 Staff Summary Attached  
 Contract No. PSC-13-2925  
 3 yr. 6 mo. Contract - Competitive RFP - 3 Proposals  
 Provide design and construction support services for Project BW-14, Various Repairs  
 and Removal of Tuned Mass Damper and Project BW-84, Inspection of Select Main  
 Cable Panels at the Bronx-Whitestone Bridge.

7. HNTB New York Engineering and \$3,364,897.00 Staff Summary Attached  
 Architecture, PC  
 Contract No. PSC-12-2922  
 2 yr. contract - Competitive RFP – 5 Proposals  
 Provide scoping services for toll plaza layouts at various facilities.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**SEPTEMBER 2013**

8. **AECOM USA, Inc.** **\$2,186,282.49** **Staff Summary Attached**  
**Contract No. PSC-12-2917**

2 yr. contract - Competitive RFP – 3 Proposals  
 Provide scoping development, environmental assessments, and permit acquisition services for Project BW-07, Installation of Fender Protection for Towers and Anchorages at the Bronx-Whitestone and Throgs Neck Bridges.

9. **Ammann and Whitney Consulting Engineers, PC** **\$1,395,189.00** **Staff Summary Attached**  
**Contract No. PSC-13-2924**

1 yr. 9 mo. contract – Competitive RFP – 5 Proposals  
 Provide construction administration and inspection services for Project MP-06, Substructure and Underwater Work at the Marine Parkway - Gil Hodges Memorial Bridge.

**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)

10. **Cycle Chem, Inc.** **\$109,982.00**  
**Contract No. 12-HS-2908**

4 yr. contract – Competitive Bid – Low responsive bid/6 bids  
 In April 2013 B&T issued a solicitation for a contractor to perform removal, transportation and disposal of hazardous and/or industrial wastes at various Authority facilities. The service requirements were publicly advertised. The solicitation notice was sent to 270 firms. Twelve firms requested copies of the solicitation. On May 21, six bids were submitted as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Allstate Power Vac, Inc.	\$72,667.50
Cycle Chem, Inc.	\$109,982.00*
Triumvirate Environmental	\$146,928.30
Aarco Environmental	\$152,218.75
Environmental Industrial Services Corp. of New Jersey	\$153,854.34
MXI Environmental	\$157,498.66

\*Lowest responsive, responsible bidder.

On May 29 the apparent low bidder, Allstate Power Vac, Inc., withdrew its bid due to an error. The scope of services under the new contract differs from that compared with the current contract. Estimated quantities in connection with various wastes to be removed and disposed of under the prospective contract have either increased or decreased. Based on these quantity variations a meaningful comparison between the rates in each contract cannot be made. Cycle Chem's overall bid is substantially higher than the user's



**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**SEPTEMBER 2013**

estimate of \$69,917. This disparity may primarily be attributed to the user's application of a nominal increase to the rates under the current contract which resulted in understated projected costs for this service over the four year period of the new contract. The rates are fixed over the four year period. After evaluation of the bids, it was determined that Cycle Chem is the lowest 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 #711642.

**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)

- |     |  |                       |                                      |
|-----|--|-----------------------|--------------------------------------|
| 11. | <b>Modjeski and Masters, Inc.</b><br><b>Contract No. PSC-11-2884</b>   | <b>\$7,440,274.00</b> | <b><u>Staff Summary Attached</u></b> |
|     | Perform additional design work and render design changes under Project RK-23, Reconstruction and Rehabilitation of the Manhattan Approach Ramps to the Robert F. Kennedy Bridge.   |                       |                                      |
| 12. | <b>Ammann and Whitney Consulting Engineers, PC</b><br><b>Contract No. PSC-12-2915</b>  | <b>\$2,216,410.26</b> | <b><u>Staff Summary Attached</u></b> |
|     | Perform construction management and inspection services under Project VN-80C, Construction of a New Ramp at the Verrazano Narrows Bridge (VNB) and add the scope of work under Project VN-35, Miscellaneous Steel Repairs and Painting at the VNB. |                       |                                      |



# Staff Summary

Page 1 of 2

<b>Item Number 1 (Final)</b>						<b>SUMMARY INFORMATION</b>																							
<b>Dept &amp; Dept Head Name:</b> Engineering and Construction, Joe Keane, P.E.						<b>Vendor Name</b> N/A		<b>Contract Number</b> MP-03																					
<b>Division &amp; Division Head Name:</b> Engineering and Construction, Aris Stathopoulos, P.E.						<b>Description</b> Design-Build Services for Project MP-03S, Replacement and Relocation of Marine Parkway – Gil Hodges Memorial Bridge North Abutment Electrical Equipment Room																							
<b>Board Reviews</b>						<b>Total Amount</b> \$6,800,000 (Design Build Budget)																							
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Order</th> <th>To</th> <th>Date</th> <th>Approval</th> <th>Info</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>President</td> <td style="text-align: center;">8/30/13</td> <td style="text-align: center;"></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">2</td> <td>MTA B&amp;T Committee</td> <td style="text-align: center;">9/16/13</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">3</td> <td>MTA Board</td> <td style="text-align: center;">9/18/13</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Order	To	Date	Approval	Info	Other	1	President	8/30/13				2	MTA B&T Committee	9/16/13				3	MTA Board	9/18/13				<b>Contract Term (Including Options, if any)</b> 2 years				
Order	To	Date	Approval	Info	Other																								
1	President	8/30/13																											
2	MTA B&T Committee	9/16/13																											
3	MTA Board	9/18/13																											
<b>Internal Approvals</b>						<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																							
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Order</th> <th>Approval</th> <th>Order</th> <th>Approval</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Chief Financial Officer </td> <td style="text-align: center;">4</td> <td>Chief of Staff </td> </tr> <tr> <td style="text-align: center;">2</td> <td>General Counsel </td> <td style="text-align: center;">5</td> <td>Executive Vice President </td> </tr> <tr> <td style="text-align: center;">3</td> <td>Chief Procurement Officer </td> <td style="text-align: center;">6</td> <td>President </td> </tr> </tbody> </table>						Order	Approval	Order	Approval	1	Chief Financial Officer 	4	Chief of Staff 	2	General Counsel 	5	Executive Vice President 	3	Chief Procurement Officer 	6	President 	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
Order	Approval	Order	Approval																										
1	Chief Financial Officer 	4	Chief of Staff 																										
2	General Counsel 	5	Executive Vice President 																										
3	Chief Procurement Officer 	6	President 																										
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive						<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:																							
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:																													

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Procurement Guidelines to declare competitive bidding to be impractical and/or inappropriate in accordance with the All-Agency Procurement Guidelines, Article III.A.6. and Public Authorities Law §559 and authorize B&T to enter into a competitive Request For Proposal (RFP) process for Design-Build Services for the Replacement and Relocation of the Electrical Equipment in the North Abutment at the Marine Parkway Bridge (MPB).

### II. DISCUSSION

Storm surges from Super Storm Sandy flooded and damaged electrical equipment located in the North Abutment of the MPB revealing vulnerabilities of the equipment in its current location. The equipment provides critical power for the lift span and other power needs for the MPB. It is recommended that the damaged electrical equipment be replaced to restore the MPB to a pre-storm state of repair and relocated to a higher elevation to mitigate the exposure to future flood related events. B&T has determined that it is prudent to accelerate this project in order to ensure a reliable power source for lift span operations, mitigate risk to the public, maintain critical transportation and evacuation infrastructure and for reasons of public safety.

The Scope of Work includes designing and constructing a new pre-engineered substation enclosure and installing new electrical switchgear, transformers, and emergency generator. The design/build procurement process will allow this work to be awarded and completed approximately twelve months sooner than the typical design/bid/build procurement method and take advantage of currently favorable construction market conditions. The design and construction budget is \$6,800,000 and the Contract duration is 2 years. Based on the above, B&T deems it to be in the public interest to request

that the Board adopt a resolution declaring competitive bidding to be impractical in favor of contract award by means of a competitive RFP process.

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

The MTA DDCR will assign applicable goals prior to the issuance of the Request for Proposals.

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

Funding is available under 2010-2014 Capital Program under Project D604MP03 (\$3,300,000) and ED040207 Sandy Restoration (\$3,500,000).

### **V. ALTERNATIVES**

Utilize the conventional design/bid/build procurement process. This process is impractical due to B&T's requirements to expedite mitigation projects at its facilities to minimize its exposure to future weather related events.



## Staff Summary

Page 1 of 2

<b>Item Number</b> 2 <span style="float: right;">(Final)</span>					
<b>Dept &amp; Dept Head Name:</b> Joe Keane, P.E.					
<b>Division &amp; Division Head Name:</b> Aris Stathopoulos, P.E.					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	8/30/13	[Signature]		
2	MTA B&T Committee	9/16/13			
3	MTA Board	9/18/13			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer [Signature]	4	Chief of Staff		
2	General Counsel [Signature]	5	Executive Vice President [Signature]		
3	Chief Procurement Officer [Signature]	6	President [Signature]		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> N/A	<b>Contract Number</b> CB-99S
<b>Description</b> Design-Build Services for the Replacement and Relocation of Mechanical and Electrical Equipment from the Service Building and South Abutment at the Cross Bay-Veterans Memorial Bridge	
<b>Total Amount</b> \$6,300,000 (Design Build Budget)	
<b>Contract Term (Including Options, if any)</b> 2 years	
<b>Option(s) included in Total Amount?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
<b>Renewal?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

**I. PURPOSE/RECOMMENDATION**

B&T is seeking Board approval under the All-Agency Procurement Guidelines to declare competitive bidding to be impractical and/or inappropriate in accordance with the All-Agency Procurement Guidelines, Article III.A.6. and Public Authorities Law §559 and authorize B&T to enter into a competitive Request For Proposal (RFP) process for Design-Build Services for the Replacement and Relocation of the Mechanical and Electrical Equipment currently located in the Service Building and South Abutment at the Cross Bay-Veterans Memorial Bridge (CBB).

**II. DISCUSSION**

Storm surges from Super Storm Sandy flooded and damaged mechanical and electrical equipment located in the CBB service building and South Abutment. The equipment provides critical facility power, emergency power and heating needs. The equipment has proven to be unreliable due to the infiltration of salt water, debris and contaminant-laden floodwaters entering the service building and the south abutment. Temporary repairs are continuously required. It is recommended that the damaged mechanical and electrical equipment be replaced to restore the CBB to a pre-storm state of repair and relocated to a higher elevation to mitigate the exposure to future flood related events. Rooms that contain equipment that cannot be relocated will be flood proofed. B&T has determined that it is prudent to accelerate this project in order to ensure a reliable power source and heating for bridge operations, safe work environment for employees, to mitigate risk to the public, maintain critical transportation and evacuation infrastructure and for public safety.

The Scope of Work includes designing and constructing a new pre-engineered substation enclosure, installation of new electrical equipment consisting of new switchgear and transformers, and new heating equipment. The design/build procurement process will enable the project to be awarded and completed approximately twelve months sooner than the typical design/bid/build procurement method and take advantage of currently favorable construction market conditions.

The design and construction budget is \$6,300,000 and the Contract duration is 2 years. Based on the above, B&T deems it to be in the public interest to request that the Board adopt a resolution declaring competitive bidding to be impractical in favor of contract award by means of a competitive RFP process.

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

The MTA DDCR will assign applicable goals prior to the issuance of the Request for Proposals.

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




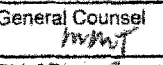
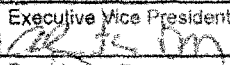


Funding is available under Project ED040210 in the Sandy Restoration Program.

### **V. ALTERNATIVES**

Utilize the conventional design/bid/build procurement process. This process is impractical due to B&T's requirements to expedite mitigation projects at its facilities to minimize its exposure to future weather related events.

# Staff Summary

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<b>Item Number 3 (Final)</b>						<b>SUMMARY INFORMATION</b>		
<b>Dept &amp; Dept Head Name:</b> Engineering and Construction, Joe Keane, P.E.						<b>Vendor Name</b> N/A		<b>Contract Number</b>
<b>Division &amp; Division Head Name:</b> Engineering and Construction, Romolo DeSantis, P.E.						<b>Description</b> Construction for Project BB-28S, Sandy Restoration and Projects BB-28, Ph II/BB-54, Rehabilitation of the Tunnel and Brooklyn Plaza at the Hugh L. Carey Tunnel (HCT) and Construction for Project QM-40S, Sandy Restoration and Projects QM-40/QM-18, Rehabilitation of the Tunnel and Manhattan Exit Plaza at the Queens Midtown Tunnel (QMT)		
<b>Board Reviews</b>						<b>Total Amount</b> HCT - \$350,000,000 and QMT - \$250,000,000 (project budgets)		
Order	To	Date	Approval	Info	Other	<b>Contract Term (including Options, if any)</b> 5 years (HCT) and 4 years (QMT)		
1	President	8/30/13				<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
2	MTA B&T Committee	9/16/13				<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3	MTA Board	9/16/13				<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		
<b>Internal Approvals</b>						<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		
Order	Approval	Order	Approval	<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:				
1	Chief Financial Officer 	4	Chief of Staff 					
2	General Counsel 	5	Executive Vice President 					
3	Chief Procurement Officer 	6	President 					

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Procurement Guidelines to declare competitive bidding to be impractical and/or inappropriate in accordance with the All-Agency Procurement Guidelines, Article III.A.6. and Public Authorities Law §559 and authorize B&T to enter into a two-step competitive Request For Proposal (RFP) process for the Super Storm Sandy Restoration and Capital Program construction projects at the Hugh L. Carey Tunnel (HCT) and Queens Midtown Tunnel (QMT). This measure will be enacted in order to pre-qualify prospective bidders based on their prior tunnel experience, responsibility as well as their technical and financial capabilities due to the magnitude and complexities of these projects.

### II. DISCUSSION

Designs of the Super Storm Sandy restoration construction projects as well as Projects BB-28 Phase II, BB-54 and QM-40 are underway for the HCT and QMT. B&T determined it is judicious to pre-qualify experienced tunnel contractors to mitigate risk to the public and to minimize the duration of the Sandy restoration projects. The initial step in this RFP process is to pre-qualify responsible construction firms or teams of firms who meet requisite levels of experience, technical and financial capability in order to maximize competition while advancing the procurement phase as the designs are finalized. The second step to this RFP process shall be to issue the final bid documents to the qualified contractors for pricing, submission of bids and award of the Contracts to the low responsive responsible bidder in accordance with standard procurement practice.

The scopes of work required to restore the HCT and the QMT to a pre-storm state of good repair include system replacements as follows: tunnel pumping; electrical; lighting; communications, monitoring and control systems; tunnel structural and civil repairs; tunnel wall tile, ceiling panels, polymer panels, curbs and gutters; and tunnel ventilation building rehabilitation. Also, Capital Program Projects BB-28, Ph II and BB-54 scopes include fire line replacements; and rehabilitation of the Brooklyn Plaza. QMT Projects QM-40 and QM-18 scopes include fire line replacements; and rehabilitation of the Manhattan Exit Plaza. These Capital Program projects are being included with the Super Storm Sandy Restoration construction for reasons of facility operational coordination, scheduling and to minimize the construction impact on the public. The construction project budgets are HCT - \$350,000,000 and QMT - \$250,000,000 and the project duration are 5 years for the HCT and 4 years for QMT.

Based on the above, B&T deems it to be in the public interest to request that the Board adopt a resolution declaring competitive bidding to be impractical and/or inappropriate in favor of contract award by means of a competitive RFP process.

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

The MTA DDCR will assign applicable goals prior to the issuance of the Request for Proposals.

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

Funding is available for these projects as follows.

Sandy Restoration Program - HCT Projects: ED010228; ED020202; ED040243; ED050202; ED050221; and the 2010 – 2014 Capital Program under Projects BB-28, Ph II and BB-54.

Sandy restoration Program - QMT Projects: ED010240; ED020203; ED040203; ED040281; ED050203; and the 2010 – 2014 Capital Program under Projects QM-40 and QM-18.

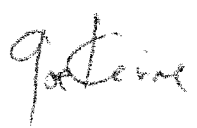
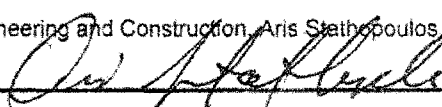




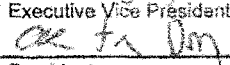
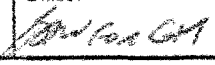

### **V. ALTERNATIVES**

Utilize the conventional construction bid procurement process. This process is considered impractical due to the need to advance the procurement phase to pre-qualifying responsible, experienced, technically and financially capable contractors prior to bidding the construction projects at the HCT and QMT.



## Staff Summary

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Item Number 4 (Final)					
Dept & Dept Head Name:   Engineering and Construction, Joseph Keane, P.E.					
Division & Division Head Name: Engineering and Construction, Aris Stathopoulos, P.E. 					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	8/30/13			
2	MTA B&T Committee	9/16/13			
3	MTA Board	9/18/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer 	4	Chief of Staff 		
2	General Counsel 	5	Executive Vice President 		
3	Chief Procurement Officer 	6	President 		

SUMMARY INFORMATION	
Vendor Name	Contract Number
A) Ahern Painting Contractors, Inc.	GFM-509A /A-F
B) Defoe Corp.	GFM-509B /B-F
C) Ecco III Enterprises/Transit Construction JV	GFM-509C /C-F
D) El Sol Contracting & Construction Corp.	GFM-509D /D-F
E) Judlau Contracting, Inc.	GFM-509E /E-F
F) Maracap Construction Industries, Inc.	GFM-509F /F-F
G) Navillus Tile, Inc. dba Navillus Contracting	GFM-509G /G-F
H) Restani Construction Corp.	GFM-509H /H-F
I) Paul J. Scariano, Inc.	GFM-509I /I-F
J) Unicorn Construction Enterprises, Inc.	GFM-509J /J-F
Description	
Miscellaneous Construction on an As-Needed Basis at Various Bridge and Tunnel Facilities	
Total Amount	
Aggregate Total: \$80,000,000	
Contract Term (including Options, if any)	
Four (4) years	
Option(s) Included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid. <input type="checkbox"/> Other:	
Funding Source	
<input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Funding Source to be allocated by Work Order. Each firm will be awarded a Federal Contract and a non-Federal Contract.	



## Narrative

### **I. PURPOSE/RECOMMENDATION**

B&T is seeking Board approval under the All-Agency Procurement Guidelines to award public work contracts via the competitive RFP process for Miscellaneous Construction on an As-Needed Basis at Various Bridge and Tunnel Facilities to the ten firms listed above for the aggregate amount of \$80,000,000 for a duration of four years.

### **II. DISCUSSION**

In January 2013, the Board authorized B&T's use of the competitive Request for Proposal (RFP) process in order to procure miscellaneous construction services on an as-needed basis. The requirements were publicly advertised. A RFP was issued and the committee selection process was conducted. The selected firms will be awarded a Federal contract and a non-Federal Contract. The contracts containing federal provisions will be used primarily to provide construction services for which B&T will be seeking reimbursement from the Federal Emergency Management Agency (FEMA), which includes but may not be limited to costs associated with Superstorm Sandy.

During the contract term, as a Scope of Work for each miscellaneous work order is identified, the contracted firms will be provided with the scope, a site tour will be conducted and bids shall be submitted. The contractor submitting the lowest bid shall be awarded that specific work order. Since most of the construction projects are small-scale and/or involve urgently needed repairs, it would be inefficient, time-consuming and not meet B&T's expedited needs at times to conduct separate competitively bid solicitations for each project.

The selection of contractors to be awarded these as-needed contracts was accomplished by a one step RFP process. Eighteen proposals were received. These eighteen proposals were evaluated against established criteria including proposer's record of performance, qualifications of firm's specific personnel proposed, safety record and quality assurance program. Based on the established criteria, B&T's Selection Committee chose eleven firms: (Ahern Painting Contractors, Inc., Defoe Corp., Ecco III Enterprises/Transit Construction JV, El Sol Contracting and Construction Corp., Judlau Contracting, Inc., Halmar International, LLC, Maracap Construction Enterprises, Inc., Navillus Tile Inc. dba Navillus Contracting, Restani Construction Corp., Paul J. Scariano, Inc. and Unicorn Construction Enterprises, Inc.). On August 26, 2013, Halmar International, LLC withdrew its proposal. Nine of the selected ten firms, except for Judlau Contracting, Inc. (Judlau), were determined to be responsive and responsible contractors with extensive background of prior and current public agency work. A Contract award will not be made to Judlau until the remaining responsibility issues are resolved and Judlau is deemed a responsible contractor.

It is recommended that the Board authorize the B&T to enter into contracts with the selected firms.

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

The MTA Department of Diversity and Civil Rights (DDCR) has established goals of 10% MBE and 10% WBE for each of these contracts to be applied over each Contract. The Contracts will not be awarded until the M/WBE requirements are satisfied. It is noted that the Federal contracts will utilize the MTA M/WBE goals established by DDCR. The ten selected firms were in compliance with the M/WBE goals on their most recently completed contract.

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

Funding will be established for each individual work order prior to their issuance.

### **V. ALTERNATIVES**

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



## Staff Summary

Item Number 5 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering and Construction, Chris Stathopoulos, P.E. <i>Chris Stathopoulos</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	8/29/13	<i>[Signature]</i>		
2	MTA B&T Committee	9/16/13			
3	MTA Board	9/18/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff		
2	General Counsel <i>[Signature]</i>	5	EVP <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name	Contract Number
A) AECOM USA, Inc.	PSC-12-2891A /A-F
B) Dewberry Engineers, Inc.	PSC-12-2891B /B-F
C) Gannett Fleming Engineers and Architects, PC	PSC-12-2891C /C-F
D) Haks Engineers, Architects and Land Surveyors, PC	PSC-12-2891D /D-F
E) Henningson, Durham and Richardson, PC	PSC-12-2891E /E-F
F) HNTB NY Engineering and Architecture, PC	PSC-12-2891F /F-F
G) Jacobs Civil Consultants, Inc	PSC-12-2891G /G-F
H) Parsons Brinckerhoff, Inc.	PSC-12-2891H /H-F
I) Parsons Transportation Group of New York, Inc.	PSC-12-2891I /I-F
J) STV, Incorporated	PSC-12-2891J /J-F
K) URS Corporation – New York	PSC-12-2891K /K-F
L) WSP USA Corp.	PSC-12-2891L /L-F
M) Ysrael A. Seinuk, PC	PSC-12-2891M /M-F
N) Gandhi Engineering, Inc.	PSC-12-2891N/N-F
Description Authority-Wide As-Needed Engineering Services	
Total Amount Aggregate total: \$40,000,000	
Contract Term (including Options, if any) Six Years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Funding Source to be allocated by Work Order. Each firm will be awarded a Federal Contract and a non-Federal Contract.	

## Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to award personal service contracts to the fourteen firms listed above for the aggregate amount of \$40,000,000. Each of the fourteen firms will be awarded a Federal contract and a non-Federal Contract for a duration of six years.

II. DISCUSSION

B&T requires the services of multiple consultant firms to provide as-needed inspection and design services, expert engineering services, biddability, constructability and operability reviews and technical assignments for supplemental

## Staff Summary

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engineering support services. The services under these contracts will be awarded via work orders as needs arise. The contracts containing federal provisions will be used primarily to provide engineering and architectural services for which B&T will be seeking reimbursement under the Federal Emergency Management Agency (FEMA), which includes but may not be limited to costs associated with Superstorm Sandy. To increase efficiency and effectiveness, the services under these new contracts are renewals of three separate groups of contracts that will be expiring or have expired.

The requirements were publicly advertised. Nineteen firms submitted qualification information for review and evaluation by the selection committee. Based on a review of those qualifications, sixteen firms were selected to receive the RFP as follows: AECOM USA, Inc. (AECOM), Ove Arup & Partners, P.C. (Arup), Dewberry Engineers, Inc. (Dewberry), Gandhi Engineering, Inc. (Gandhi), Gannett Fleming Engineers and Architects, PC (GF), Haks Engineers, Architects and Land Surveyors, PC (Haks), Henningson, Durham and Richardson, PC (HDR), HNTB NY Engineering and Architecture, PC (HNTB), Jacobs Civil Consultants, Inc. (Jacobs), Parsons Brinckerhoff, Inc. (PB), Parsons Transportation Group of New York, Inc. (PTG), Stantec Consulting Services, Inc. (Stantec), STV, Incorporated (STV), URS Corporation – New York (URS), WSP USA Corp. (WSP), and Ysrael A. Seinuk, PC (Seinuk). Of these firms, fourteen (all except Arup and Stantec) submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, qualifications of the firm for specific personnel proposed and cost. Based on the committee's review of all submittals and its consideration of proposed costs, the committee selected all fourteen firms to receive contracts under the referenced contracts. The committee's selections were based on the following:

- In light of the needs planned in 2013 and the next capital program, the committee found that using a larger pool of consultants would provide additional flexibility, competition and depth of talent.
- Many firms like AECOM, HDR, Jacobs, Parsons Brinckerhoff, Parsons Transportation, STV and URS offered a very large organization with significant diversity of engineering and architectural disciplines that could provide services for almost every conceivable task. Other firms like Dewberry, GF, Haks, HNTB, and WSP were multi-disciplinary firms that can handle almost any task that B&T will require. Additionally, all of these firms have performed successfully under contracts with B&T.
- HNTB, Jacobs, STV and WSP are incumbents on the current as-needed Design Engineering contract.
- Seinuk and Gandhi are smaller structural engineering firms that the committee thought capable of performing a number of tasks that B&T will require, including structural design reviews and smaller bridge tasks.
- Several of the selected firms have a history of providing value engineering services for B&T in the past, including HNTB and Jacobs. Several other firms also had in-house value engineering capabilities and others proposed subconsultant specialists to perform these services. Several other firms, like STV and URS have performed peer review services in the past.
- Costs were reviewed by the Committee through the use of sample tasks. While there was a wide array of costs for given tasks, all of the firms submitted costs that the committee generally found acceptable.

Services under these Contracts will be awarded via work orders utilizing the negotiated Contract labor, overhead and profit rates. These negotiated rates are considered fair and reasonable. The cost elements for individual work orders will be reviewed separately to ensure that they are fair and reasonable. Depending on a variety of factors including type and estimated value of the services, some of the work orders will be issued based on competition between some or all of the firms being awarded these contracts. There is no direct comparison of costs between these Contracts and the contracts being renewed since services are performed as unique tasks arise and there are no repetitive tasks. All fourteen firms are considered to be responsible consultants.

## Staff Summary

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### III. D/M/WBE INFORMATION

The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for each of these contracts to be applied over each contract. These contracts will not be awarded until the M/WBE requirements are satisfied. It is noted that the Federal contracts will utilize M/WBE goals in accordance with the standards set by FEMA. Gandhi and Seinuk have no recently completed contracts with B&T. All of the other twelve consultants were found to be in compliance with the M/WBE goals on recently completed contracts.

### IV. IMPACT ON FUNDING

Funding will be established for each individual work order prior to their issuance.

### V. ALTERNATIVES

The determination regarding B&T's alternatives will be made prior to issuing the work orders.



## Staff Summary

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Item Number 6 (Final)					
Dept & Dept Head Name: Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Aris Stathopoulos, P.E. <i>Aris Stathopoulos</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	8/30/13	<i>[Signature]</i>		
2	MTA B&T Committee	9/16/13			
3	MTA Board	9/18/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>OK for JS</i>	4	Chief of Staff <i>[Signature]</i>		
2	General Counsel <i>MMT</i>	5	Executive Vice President <i>OK for DM</i>		
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name Weidlinger Associates, Inc.	Contract Number PSC-13-2925
Description Design and Construction Support Services for Project BW-14, Various Repairs and Removal of Tuned Mass Damper and Project BW-84, Inspection of Select Main Cable Panels at the Bronx-Whitestone	
Total Amount \$3,375,821.44	
Contract Term (including Options, if any) Three (3) years, six (6) months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

## I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for the Design and Construction Support Services for Project BW-14, Various Repairs and Removal of Tuned Mass Damper and Project BW-84, Inspection of Select Main Cable Panels at the Bronx-Whitestone Bridge (BWB) to Weidlinger Associates, Inc. (WAI) located at 40 Wall Street, New York, New York 10005 in the amount of \$3,375,821.44 for a period of two (2) years.

## II. DISCUSSION

B&T requires the services of an engineering consultant to provide complete design services and preparation of construction plans and specifications for these phased projects at the Bronx-Whitestone Bridge for: Project BW-14 - various structural repairs at the suspended spans and anchorages resulting from the biennial bridge inspections, the sequenced removal of the mass tuned damper, extending/retrofitting the existing traveler systems and an allowance for additional design services; Project BW-84 - opening and in-depth inspection of select main cable panels, removal and testing of select cable wire specimens, and main cable strength evaluations, analyses, modeling and reporting.

The service requirements were publicly advertised and four firms submitted qualification information. All four firms were shortlisted: WAI; Parsons Brinckerhoff (PB); Modjeski & Masters, Inc. (M&M) and Parsons Transportation Group of NY, Inc. (PTG) to receive the RFP based on a review of their qualifications. Three firms submitted proposals. PTG did not submit a proposal due to the business decision to team as a subconsultant with PB. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements and expertise, proposed personnel, oral presentations and cost. The Selection Committee unanimously recommended that B&T enter into negotiations with WAI. Their proposal thoroughly addressed the key scope issues (Main Cable Investigation, Various Structural Repairs, Tuned Mass Damper Removal, Traveler System and Bridge Clearance Survey) that distinguished their proposal based extensive experience at the BWB and engineering capabilities. WAI demonstrated the best understanding regarding the removal of the tuned mass damper and its aerodynamic impacts to the bridge as compared to the other consultants. Both PB and M&M understated the overall levels of effort in terms of hours by approximately 20% as compared to the estimate.

The Engineer's estimate is \$4,087,781. WAI submitted a cost proposal in the amount of \$3,585,070.07. Negotiations resulted in the parties agreeing to the negotiated amount of \$3,375,821.44, which is below the estimate and is considered fair and reasonable. WAI is a responsible consultant.

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

The MTA DDCR has established goals of 10% MBE and 10% WBE for the Contract. This contract will not be awarded without approval of MTA DDCR. WAI was in compliance with the M/WBE goals on its most recently completed contract, PSC-05-2736.

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

Funding is available under in the 2010-2014 Capital Program under Project BW-14 (\$2,056,444.43) and Project BW-84 (\$1,319,377.01).

### **V. ALTERNATIVES**

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



## Staff Summary

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Item Number 7 (Final)					
Dept & Dept Head Name: <i>Joe Keane</i> Engineering and Construction, Joe Keane, P.E.					
Division & Division Head Name: Engineering and Construction, Aris Stathopoulos, P.E. <i>Aris Stathopoulos</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	8/30/13			<i>OK</i>
2	MTA B&T Committee	9/16/13			
3	MTA Board	9/18/13			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>OK for DS</i>	4	Chief of Staff		
2	General Counsel <i>MMT</i>	5	Executive Vice President <i>OK for DS</i>		
3	Chief Procurement Officer <i>DWK</i>	5	President <i>OK</i>		

SUMMARY INFORMATION	
Vendor Name HNTB New York Engineering and Architecture, PC	Contract Number PSC-12-2922
Description: Scoping Services for Toll Plaza Layouts at Various Facilities	
Total Amount \$3,364,897.00	
Contract Term (including Options, if any) Two years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to award a personal service contract, Contract PSC-12-2922, for Scoping Services for Toll Plaza Layouts at Various Facilities to HNTB New York Engineering and Architecture, PC (HNTB). The total value of this procurement is \$3,364,897 over a period of two years.

II. DISCUSSION

B&T requires the services of a consultant to conceptually design toll plaza layouts at various facilities. The design services under this project include: (i) evaluating various methods of toll collection at all plazas; such methods encompass the use of gates vs. gateless, cash vs. cashless (automatic electronic tolling or AET), two-way tolling and utilization of hybrid toll plazas (which would incorporate a variety of toll collection methods at one plaza). This process is essential in order to optimize toll collection operations as this technology evolves over the next 20 years.; (ii) examining and producing toll plaza layouts based on multiple toll options at eight (8) toll plazas so that our goal of operating safe, efficient, modern toll plazas that are in compliance with environmental laws is achieved; (iii) identifying civil improvements needed for safe and efficient traffic flow through our toll collection systems, nearby ramps, roadways, intersections, and approaches; and (iv) designing a weigh-in-motion system to measure the weight of the trucks traveling over B&T bridges.

The service requirements were publicly advertised; eight firms submitted qualification information. Five firms were chosen to receive the RFP based on a review of those qualifications and five firms, AECOM USA Inc. (AECOM), Henningson, Durham & Richardson Architects and Engineering, PC (HDR), HNTB New York Engineering and Architecture, PC (HNTB), Stantec Consulting Services, Inc. (Stantec) and URS Corporation-New York (URS) submitted proposals. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements, technical expertise, proposed personnel, oral presentations and cost. Three firms were chosen to provide oral presentations: HNTB, Stantec and URS. The committee unanimously selected HNTB on the basis that its proposal: (i) described in detail its experience with regard to performing projects of a similar nature, in particular, its current efforts under Project RK-65 which covers plaza layout design services at the RFK Bronx facility and Henry Hudson Bridge and (ii) a highly qualified team with outstanding expertise in designing toll plaza configurations. Although HNTB proposed the second lowest cost the committee determined that its proposal most closely met the requirements of the RFP. Stantec presented a satisfactory understanding of the project, however, its proposal was geared toward concurrently working at all facilities, which the committee determined may have an adverse impact on toll collection operations. URS demonstrated a thorough understanding of traffic flow and toll booth configuration requirements under this project, however its proposed cost was significantly higher than the Engineer's estimate.

HNTB proposed an amount of \$3,449,017. The Engineer's estimate is \$3,349,406 which includes an allowance for additional design services in the event that additional work is required beyond the original scope of the contract. Negotiations were conducted and the parties agreed to an amount of \$3,364,897, which is considered fair and reasonable. HNTB is deemed to be a responsible consultant.

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

The MTA DDCR has established goals of 10% MBE and 10% WBE for the referenced contract. This contract will not be awarded without approval of MTA DDCR. HNTB has achieved its previous MWBE goals on previous MTA contracts.

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

Funding is available under Project AW-48 in the 2010-2014 Capital Budget.

### **V. ALTERNATIVES**

There are no recommended alternatives. B&T does not possess the resources required to perform these services.



# Staff Summary

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Item Number 8 (Final)					
Dept & Dept Head Name: Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Aris Stathopoulos, P.E. <i>Aris Stathopoulos</i>					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	8/30/13	<i>[Signature]</i>		
2	MTA B&T Committee	9/16/13			
3	MTA Board	9/18/13			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff <i>[Signature]</i>		
2	General Counsel <i>MMT</i>	5	Executive Vice President		
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>		

<b>SUMMARY INFORMATION</b>	
Vendor Name AECOM USA, Inc.	Contract Number PSC-12-2917
Description Scope Development, Environmental Assessment and Permit Acquisition for Project BW-07, Installation of Fender Protection at Towers and Anchorages of the Bronx-Whitestone and Throgs Neck Bridges	
Total Amount \$2,186,282.49	
Contract Term (including Options, if any) Two (2) years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for the Scope Development, Environmental Assessment and Permit Acquisition for Project BW-07, Installation of Fender Protection at Towers and Anchorages of the Bronx-Whitestone (BWB) and Throgs Neck Bridges (TNB) to AECOM USA, Inc. (AECOM) located at 20 Exchange Place, New York, New York 10005 in the amount of \$2,186,282.49 for a period of two (2) years.

### II. DISCUSSION

B&T requires the services of an engineering consultant to provide scoping development, environmental assessments and permit acquisition services in support of Project BW-07, Installation of Fender Protection for Towers and Anchorages at the BWB and TNB. The services required include but are not limited to the following: review of existing reports and fender alternatives; development of new alternative(s) through 40% design for each location; conducting a flood elevation study; an allowance for risk mitigation services; environmental assessment and permit acquisitions.

The service requirements were publicly advertised; seven firms submitted qualification information. Five firms were shortlisted: AECOM, CH2M Hill, Moffatt & Nichol (M&N), Meuser Rutledge (MR), and Modjeski & Masters, Inc. (M&M) were chosen to receive the RFP based on a review of their qualifications. Three firms submitted proposals. Two firms (MR and M&M) did not submit proposals for reasons of personnel unavailability and the RFP's scope requirements. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements and expertise, proposed personnel, oral presentations and cost. The Selection Committee unanimously recommended that B&T enter into negotiations with AECOM. Their proposal thoroughly addressed the key issues pertinent to this project. AECOM's proposed permitting specialist demonstrated direct regulatory and permitting experience with the Army Corps of Engineers and NYS Department of Environmental Conservation, which the Committee considers critical to the success of the Project; the technical proposal demonstrated a thorough understanding of the fender system scoping; AECOM proposed additional advanced computational analyses for the structures; and AECOM demonstrated the strongest understanding of the methodology for the successful completion of the flood elevation study as compared to the other proposers. CH2M Hill and Moffatt & Nichol did not demonstrate as thorough an understanding of the environmental permitting requirements as compared to AECOM.

The Engineer's estimate is \$2,430,034. AECOM submitted a cost proposal in the amount of \$2,305,820. Negotiations resulted in the parties agreeing to the negotiated amount of \$2,186,282.49, which is 10.0% below the estimate and is considered fair and reasonable. AECOM is deemed a responsible consultant.

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

The MTA DDCR has established goals of 10% MBE and 10% WBE for the Contract. This contract will not be awarded without approval of MTA DDCR. AECOM was in compliance with the M/WBE goals on its most recently completed contract, PSC-05-2749A.

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

Funding is available under Project BW-07 in the amount of \$2,186,282.49 in the 2010-2014 Capital Budget.

### **V. ALTERNATIVES**

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

# Staff Summary

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Item Number 9 (Final)					
Dept & Dept Head Name: Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Aris Stathopoulos, P.E. <i>Wentick for 2.20.13</i>					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	8/29/13	<i>[Signature]</i>		
2	MTA B&T Committee	9/16/13			
3	MTA Board	9/18/13			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer	4	Chief of Staff		
2	General Counsel	5	Executive Vice President		
3	Chief Procurement Officer	6	President		

<b>SUMMARY INFORMATION</b>	
Vendor Name Ammann & Whitney Consulting Engineers, PC	Contract Number PSC-13-2924
Description: Construction Administration and Inspection Services for Project MP-06, Substructure and Under Water Work at the Marine Parkway – Gil Hodges Memorial Bridge (MPB)	
Total Amount \$1,395,189	
Contract Term (including Options, if any) One (1) year, nine (9) months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract for Construction Administration and Inspection Services for Project MP-06, Substructure and Under Water Work at the Marine Parkway – Gil Hodges Memorial Bridge (MPB) to Ammann & Whitney Consulting Engineers, PC (A&W) located at 96 Morton Street, New York, NY 10014 for a period of one (1) year, nine (9) months in the amount of \$1,395,189.

### II. DISCUSSION

B&T requires the services of a consulting engineering firm to provide the construction administration and inspection services necessary to assist B&T's Engineering and Construction Department in the supervision of the construction work required under Project MP-06, Substructure and Under Water Work at the MPB. The services that shall be provided include: i) pre-construction services, which shall include, but not be limited to verifying contractor and subcontractor qualifications; (ii) construction administration and inspection services to include diving inspections, supervision and incidental lead abatement and (iii) project closeout.

The service requirements were publicly advertised; five firms submitted qualification information. All five firms, Ammann & Whitney Consulting Engineers, PC (A&W), A DiCesare Associates, PC (ADA), B&H Engineering, PC (B&H), CH2MHill New York, Inc. (CH2MHill) and HAKS Engineers, Architects and Land Surveyors, PC (HAKS) were

approved to receive the RFP based on a review of their qualifications. All five firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements and expertise, proposed personnel, oral presentations and cost. The Selection Committee unanimously recommended that B&T enter into negotiations with the two highest rated firms A&W and ADA, followed by submission of best and final offers (BAFO's).

Based on evaluation of BAFO's, the Committee unanimously recommended the selection of A&W. The Committee felt that both firms were technically qualified to perform the Work, however, A&W's proposal was deemed the best value for B&T in terms of cost and staffing. A&W proposed 25 more diving crew days than ADA and they proposed the lowest cost. A&W has assembled an inspection team that is experienced and has performed satisfactorily on similar projects for B&T. A&W's BAFO cost is \$1,395,189 and is 13.7% below the Engineer's estimate totaling \$1,616,800. The BAFO in the amount of \$1,395,189 is fair and reasonable. A&W is deemed a responsible consultant.

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

The MTA DDCR has established goals of 10% MBE and 10% WBE for the referenced contract. This contract will not be awarded without approval of MTA DDCR. A&W was in full compliance with the M/WBE goals on its most recently completed contract, PSC-06-2787.

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

Funding is available under Project MP-06 in the amount of \$1,395,189.

### **V. ALTERNATIVES**

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

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

Item Number : 11 (Final)

<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>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		
	<b>Original Amount:</b>	\$8,227,266.53
	<b>Prior Modifications:</b>	\$500,124.16
	<b>Prior Budgetary Increases:</b>	\$0.00
	<b>Current Amount:</b>	\$8,727,390.69
	<b>This Request:</b>	\$7,440,274.00
	<b>% of This Request to Current Amount:</b>	85%
	<b>% of Modifications (including This Request) to Original Amount:</b>	97%

### 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 \$7,440,274. Consistent with the Procurement Guidelines, this 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 identified the need to construct a new ramp to permit traffic to go directly from the Harlem River Lift Span of the RFKB to the Northbound Harlem River Drive (HRD) instead of the accessing the HRD via very busy local streets. In response to the Governor's 2010 Report recommending improved system connections and resiliency of regional transportation routes and with recently acquired information regarding a New York City Department of Transportation (NYCDOT) Project for the reconstruction of the HRD (NYCDOT Project) just north of the RFKB, B&T issued a previous amendment for M&M to perform a study to determine the feasibility of constructing a ramp from the RFKB to the Northbound HRD. One of the outcomes of that study was the realization that tens of millions of dollars in construction costs can be saved by accelerating the design of the planned ramp so that it is fully coordinated with the final design and construction of the NYCDOT Project and thereby minimize demolition and additional reconstruction work on the HRD at a later date. The NYCDOT Project design is 100% complete and will be put out for bid this Fall with construction scheduled to begin June 2014. In order to take advantage of this opportunity, it is necessary to immediately begin redesigning the new HRD Ramp and associated changes to the currently proposed NYCDOT Project.

This proposed amendment is to: (i) perform a preliminary design of the new HRD Ramp, which is required to determine the design changes that must be made to the NYCDOT project; (ii) perform a complete design of footings for the new HRD Ramp (which the City has agreed to construct on behalf of B&T pursuant to a memorandum of understanding to be developed by both parties); (iii) modify the off-bound 125<sup>th</sup> Street Ramp design which is necessary to accommodate the new HRD ramp; (iv) perform complete design of five spans of the new HRD ramp where the new HRD Ramp structure ties into the existing off-bound 125<sup>th</sup> Street Ramp structure (to be constructed under Project RK-23A at the same time as the 125<sup>th</sup> Street off-bound ramp); (v) prepare the necessary environmental documentation for the new ramp; and (vi) in cooperation with NYCDOT, re-design the NYCDOT Project plans to realign the northbound viaduct to the east to accommodate the new ramp, and revise the environmental documentation for the overall improvements. The re-design of the northbound viaduct must be completed and accepted by the Federal Highway Administration by the end of 2015 in order to maintain NYCDOT's construction schedule.

In order to meet this aggressive schedule and minimize future costs, on August 1, 2013, B&T authorized M&M to proceed with design of the Northbound HRD Ramp and design changes to the NYCDOT Project in an amount not to exceed \$400,000. For all of the proposed amendment services, M&M proposed \$8,688,985; the Engineer's estimate is \$7,500,000. The negotiated price of \$7,440,274 is 0.8% 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 H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts

Item Number: **12** (Final)

<b>Vendor Name (&amp; Location)</b> Ammann & Whitney Consulting Engineers, P.C., NY, NY		<b>Contract Number</b> PSC-12-2915	<b>AWO/Modification #</b>
<b>Description</b> Construction Management and Inspection Services for VN-80C, Construction of a New Ramp at the Verrazano-Narrows Bridge		<b>Original Amount:</b> \$5,693,203.79	
<b>Contract Term (Including Options, if any)</b> April 30, 2013- February 28, 2017		<b>Prior Modifications:</b> \$0.00	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$0.00	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$5,693,203.79	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$2,216,410.26	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 38.9%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>% of Modifications (including This Request) to Original Amount:</b> 38.9%	

### Discussion:

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to amend this contract with Ammann & Whitney Consulting Engineers, P.C. (A&W) for additional services and associated funding in the amount of \$2,216,410.26. Consistent with the Procurement Guidelines, this amendment constitutes a substantial change.

Pursuant to Board approval in April 2013, Contract PSC-12-2915 was awarded to A&W in the negotiated amount of \$5,693,203.79 for a duration of three years, ten months to provide Construction Management and Inspection Services for VN-80C, Construction of a New Ramp at the Verrazano-Narrows Bridge (VNB). Subsequent to the receipt of bids for VN-80C, a bid mistake by the lowest apparent bidder ultimately led to a determination to reject all bids. This enabled B&T to add the scope of work under Project VN-35, Miscellaneous Steel Repairs and Painting at the VNB to that of VN-80C. This assimilation of work into the VN-80C package would allow B&T to realize significant savings, as combining these two projects will result in cost savings by eliminating redundancies from separate inspection projects at the same locations and improve overall coordination and staging of the work. Therefore, it would also be a financial benefit for B&T to combine the separate construction management and inspection tasks into one contract.

The proposed services under this amendment consist of providing all pre-construction and construction administration, inspection, testing and support services necessary to coordinate and independently monitor the project from commencement through completion and final acceptance. These services shall be required for Work that includes: i) structural steel and concrete repairs at six Brooklyn ramps, suspended span catwalks, and main span flag repairs; ii) removal and replacement of the paint coating system on the Brooklyn and Staten Island lower level approaches; and iii) repairs to guide rails at the Belt Parkway bridges and seismic upgrades to the saddles within the Staten Island and Brooklyn Towers. A&W proposed \$2,216,410.26 for these services; the Engineer's estimate is \$2,763,000. A&W's cost proposal is 19.8% below the estimate and is accepted as fair and reasonable. Funding for this amendment is available in the 2010-2014 Capital Program under VN-35 (\$746,663.88 for steel repair and \$1,469,746.38 for painting).