



Metropolitan Transportation Authority

# October 2014

**MTA Board Action Items**



**MTA Board Meeting**  
347 Madison Avenue  
5th, floor Board Room  
Wednesday, 10/29/2014  
10:00 AM - 12:00 PM ET

**1. PUBLIC COMMENTS PERIOD** Discussion

**2. APPROVAL OF MINUTES**

**MTA Regular Board Minutes, September 24, 2014**

*MTAHQ Minutes - September 24, 2014 - Page 5*

**NYCT/MaBSTOA/SIRTOA/Bus Company Regular Board Minutes, September 24, 2014**

*NYCTA Minutes - September 24, 2014 - Page 10*

**MTA Metro-North Railroad Regular Board Minutes, September 24, 2014**

*Metro-North Commuter Railroad Minutes - September 24, 2014 - Page 14*

**MTA Long Island Rail Road Regular Board Minutes, September 24, 2014**

*LIRR Minutes - September 24, 2014 - Page 19*

**Triborough Bridge & Tunnel Authority Regular Board Minutes, September 24, 2014**

*TBTA Minutes - September 24, 2014 - Page 23*

**MTA Capital Construction Regular Board Minutes, September 24, 2014**

*MTACC Minutes - September 24, 2014 - Page 31*

**3. COMMITTEE ON FINANCE**

**Action Item**

**i. Financial Institution and Energy Supplier Responsibility Guidelines**

*Financial Institution and Energy Supplier Responsibility Guidelines - Page 34*

**Procurements**

*MTAHQ Procurement Staff Summary & Resolution - Page 57*

**i. Non-Competitive (no items)**

**ii. Competitive**

*Competitive - Page 59*

**iii. Ratifications (no items)**

**Real Estate Items**

**i. Real Estate Items**

*Real Estate Items - Page 66*

**4. COMMITTEE ON NYCT & BUS**

**Action Item**

**i. MTA Bus Rules and Regulations**

*MTA Bus Rules and Regulations - Page 71*

**Procurements**

**i. Non-Competitive**

*NYCT Non-Competitive Actions - Page 90*

**ii. Competitive**

*NYCT & MTACC Competitive Actions - Page 92*

**iii. Ratifications**

*NYCT & MTACC Ratifications - Page 106*

**5. COMMITTEE ON METRO NORTH RAILROAD**

**Procurements**

*MNR Procurements - October 2014 - Page 116*

**i. Non-Competitive (no items)**

**ii. Competitive**

*MNR Competitive - October 2014 - Page 120*

**iii. Ratifications (no items)**

**6. COMMITTEE ON LIRR**

**Action Item**

**i. LIRR Service Enhancements**

*LIRR Service Enhancements - Page 124*

**Procurements LIRR**

*LIRR October Procurements - Page 127*

**i. Non-Competitive**

*LIRR Non-Competitive Procurements - Page 131*

**ii. Competitive**

*LIRR Competitive Procurements - Page 133*

**iii. Ratifications (no items)**

**Procurements MTACC**

*MTA CC October Procurements - Page 139*

**i. Non-Competitive (no items)**

**ii. Competitive**

*MTACC Competitive Procurements - Page 142*

**iii. Ratifications**

*MTACC Ratifications - Page 144*

**7. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS**

**Action Items**

**i. MOUs with New York City Department of Parks and Recreation**

*MOUs with NYC Dept. of Parks & Recreation - Page 146*

**ii. MOUs with CSX Transportation, Inc.**

*MOUs with CSX Transportation, Inc. - Page 149*

## **Procurements**

*B&T Procurement Report - Page 151*

### **i. Non-Competitive (no items)**

### **ii. Competitive**

*B&T Competitive - Page 154*

### **iii. Ratifications (no items)**

## **8. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (no items)**

## **9. EXECUTIVE SESSION**

Date of next meeting: Wednesday, November 19, 2014 at 10:00 a.m.

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

**Wednesday, September 24, 2014  
10:00 p.m.**

**The following members were present:**

**Hon. Thomas F. Prendergast, Chairman & CEO  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Jeffrey A. Kay  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew M. Saul  
Hon. James L. Sedore, Jr.  
Hon. Vincent Tessitore, Jr.  
Hon. Polly Trottenberg  
Hon. Iris Weinshall  
Hon. Carl V. Wortendyke**

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Norman Brown, Board Member Ira Greenberg, Board Member Neal Zuckerman, Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, 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. **PUBLIC SPEAKERS.** There were seven (7) public speakers, the following speaker spoke on an item specific to the MTA agenda. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for the names of other speakers and for the content of speakers' statements.

Ellyn Shannon, Associate Director, Permanent Citizens Advisory Council (PCAC)

2. **CHAIRMAN'S OPENING COMMENTS.**

Chairman Prendergast recognized the extraordinary actions of nine MTA Bridge and Tunnel Officers who worked together to rescue people from a burning building. The Chairman, on behalf of the MTA organization, presented the following nine officers with tokens of appreciation: Sergeant Paul Leggio, Sergeant Kristopher Owens, Sergeant Jacinth Thomas, Sergeant Anthony Powell, Officer Joseph Vasquez, Officer James McGuigan, Officer David Rivera, Officer Steven Wall, and Officer Ronald Linck, who was not present for the presentation.

Chairman Prendergast announced that later in the meeting Craig Stewart, Sr. Director of Capital Programs, will join him in presenting the 2015-2019 Capital Program. The Chairman said that the investments in the program are essential to renew, enhance, and expand the region's public transportation system, and would create jobs that will fuel the region's economy. Chairman Prendergast said that through this Capital Program the MTA would be fulfilling its responsibility to maintain and improve the \$1 trillion asset.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on July 28, 2014.

4. **COMMITTEE ON FINANCE.**

A. **Action Items.** Upon motion duly made and seconded, the Board approved the following action items, described in further detail in the staff summaries and documentation filed with the meeting materials. Board Member Charles Moerdler abstained from the vote on item # 3 below.

1. **Authorization to File for and Accept Federal Grants.** Approved the resolution authorizing the filing of applications in request for Federal capital assistance for the balance of FFY 2014 and FFY 2015; authorizing the Chairman/Chief Executive Officer or any of his designees to make required certifications; and authorizing acceptance of grants.
2. **Environmental Review Procedures.** Approved the resolution formalizing the current exercise of authority to issue certain environmental determinations and findings.

**Regular Board Meeting  
September 24, 2014**

3. Addition of Outside Counsel to Approved Panel. Approved the addition of three law firms to MTA's panel of outside counsel available for assignment of collection matters relating to post judgment and/or post-eviction sums owed to MTA and its agencies and subsidiaries and other collection matters on an as-needed basis. The three recommended firms are 1) Peter C. Merani, P.C., 2) Strasser & Associates, and 3) Leopold, Gross & Sommers, P.C.
- B. Procurement Items.** Upon motion duly made and seconded, the Board approved the following procurement items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.
1. Various Contractors – All-Agency Investigative Services – Nos. 13275-0100 thru 2100. Approved the award of competitively negotiated all-agency personal services contracts to twenty-one (21) vendors to provide Investigative Services on an as-needed basis.
  2. AFT Projects at Metro-North Railroad (“MNR”) Facilities. Approved competitively negotiated contracts to provide technical design, fabrication, crating, storage, delivery, installation and oversight of installation of materials at the MNR North White Plains Station Parking Garage (Situ Studio); and at the MNR Fordham Station (Dan Funderburgh).
- D. Real Estate Items.** Upon motion duly made and seconded, the Board approved the following real estate items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

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

1. Lease agreement with Subway Real Estate, LLC for the operation of a sandwich shop located at 1581 Myrtle Avenue, Brooklyn, N.Y.
2. Lease with President Maintenance Corporation for warehouse space at 1590 Bedford Avenue, Brooklyn, N.Y.
3. Lease modification and extension agreement with 27-35 Jackson Avenue, LLC for continued occupancy at 27-35 Jackson Avenue, Long Island City, N.Y.

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

4. Lease with Robert Ferrari for the retail sale of coffee, teas, non-alcoholic beverages, breakfast bakery items, newspapers and magazines in the overpass of the North White Plains Station on the Harlem Line.
5. License with R.J.T. Motorist Services, Inc. for storage and parking of vehicles or other ancillary business uses on vacant, landlocked parcel abutting 121

Westmoreland Avenue, situated along the east side of Metro-North's Harlem Line ROW, White Plains, N.Y.

6. Approval to enter into a Joint Development Agreement ("JDA") and, subject to completion of the SEQRA process and further Board review, negotiate a Land Disposition Agreement ("LDA") and other related agreements in connection with the Harrison Transit-Oriented Development.

#### **Metropolitan Transportation Authority**

7. License with Municipal Credit Union for the operation of automated teller machines in the lobby at 2 Broadway, New York, N.Y.

### **5. MTA OTHER BUSINESS.**

#### **A. Presentation of the MTA 2015-2019 Capital Program.**

Chairman Prendergast discussed the reopening of the Montague Street Tube that was out of service for several months as a result of serious damage to the tunnel structure during Hurricane Sandy. The Chairman underscored the importance of making sure that the agencies' assets remain in a state of good repair, and he said that one of his top priorities, as Chairman, is to secure continual funding for new Capital Programs as the need arises.

Chairman Prendergast highlighted certain areas of the Capital Program and its goals on an agency-by-agency basis. The Chairman emphasized that this is the start of a process, which begins a dialogue on ways to fund the Capital Program. Chairman Prendergast invited Craig Stewart, Sr. Director, Capital Programs, to present the details of the 2015-2019 Capital Program.

Following Mr. Stewart's presentation, Chairman Prendergast invited Board discussion concerning the proposed capital program. 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 approved the proposed \$32 billion 2015-2019 Capital Program and authorized the Chairman/CEO to submit the Capital Program Review Board ("CPRB") portion of the 2015-2019 Capital Program to the CPRB for review. Board member Allen Cappelli voted against the proposal. Board members Jonathan Ballan and Carl Wortendyke were not present for the vote

7. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an executive session in accordance with Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective negotiations.

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

Board Members Jonathan Ballan, Robert Bickford, Susan Metzger, Andrew Saul and Carl Wortendyke were not present for the vote.

(i) Collective Bargaining Agreements between the MTA Long Island Rail Road and nine (9) bargaining units covering the period of June 16, 2010 through December 16, 2016;

(ii) Collective Bargaining Agreements between MTA Metro-North and eight (8) bargaining units covering the period of July 16, 2010 through January 15, 2017;

(iii) the Collective Bargaining Agreement between MTA New York City Transit Authority and United Federation of Law Enforcement Officers (UFLEO) covering the period of October 1, 2010 through November 30, 2018;

(iv) the Collective Bargaining Agreement between MTA New York City Transit Authority and Amalgamated Transit Union, Local 726 covering the period of January 16, 2012 through January 15, 2017; and

(vi) the Memorandum of Understanding between the MTA Bus Company and the Transport Workers Union, Local 106 (TSO).

Thereafter, upon motion duly made and seconded, the Board voted to resume proceedings in public session.

8. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:05 p.m.

Respectively submitted,

Victoria Clement  
Assistant Secretary

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

**Wednesday, September 24, 2014  
10:00 a.m.**

**The following members were present:**

**Hon. Thomas F. Prendergast, Chairman & CEO  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Jeffrey A. Kay  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew M. Saul  
Hon. James L. Sedore, Jr.  
Hon. Vincent Tessitore, Jr.  
Hon. Polly Trottenberg  
Hon. Iris Weinshall  
Hon. Carl V. Wortendyke**

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Norman Brown, Board Member Ira Greenberg, Board Member Neal Zuckerman, Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Rail Road, James Ferrara, President, TBTA, Darryl Irick, President/SVP, 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**

Six public speakers addressed MTA NYC Transit/MTA Bus issues:

Ellyn Shannon, PCAC, thanked the MTA for moving forward with a more visual format for the Board materials and public information as well as the MTA's capital program.

Michelle Keller, Civil Service Technical Guild Local 375, urged the Board to complete collective bargaining for Local 375 represented employees.

Janel Patel asked the Board to provide information on raises for employees.

Frank Rizzo, Staten Island Board of Realtors, discussed issues with Staten Island transportation and the need for a light rail in the area.

Amanda Straniere expressed support for North Shore Bus Rapid Transit for Staten Island.

James Fahey, Director of the Executive Board, ACRE, spoke on behalf of military veterans and asked the MTA to create a new program that would allow employees to support veteran programs.

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 NYC Transit/Staten Island Rapid Transit Operating Authority/MTA Bus Company.

4. **MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular board meeting of MTA NYC Transit, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, and MTA Bus Company held on July 28, 2014.

5. **COMMITTEE ON FINANCE**

**Real Estate Item:**

**MTA NYC Transit:** Upon motion duly made and seconded, the Board approved: (i) a lease agreement with Subway Real Estate, LLC for the operation of a sandwich shop at the Myrtle-Wyckoff Avenue Station Complex, 1581 Myrtle Avenue, Brooklyn, New York; (ii) a lease agreement with President Maintenance Corp. for warehouse space at 1590 Bedford Avenue, Brooklyn, New York; and (iii) a lease modification and extension agreement with 27-35 Jackson

Avenue, LLC for MTA NYC Transit continued occupancy at 27-35 Jackson Avenue, Long Island City, New York.

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

**Procurements:**

**Non-Competitive Procurements:** Upon motion duly made and seconded, the Board approved the non-competitive procurements requiring a two-thirds vote (Schedule A in the Agenda). 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 MTA NYC Transit/Staten Island Rapid Transit Operating Authority/MTA Bus Company.

**Competitive Procurements:** Upon motion duly made and seconded, the Board approved the competitive procurements requiring a two-thirds vote (Schedule C in the Agenda) and a majority vote (Schedules G and L in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

**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 MTA NYC Transit /Staten Island Rapid Transit Operating Authority/MTA Bus Company.

**7. OTHER MTA BUSINESS**

**Presentation of the MTA 2015-2019 Capital Program**

Chairman Prendergast highlighted certain areas of the Capital Program and its goals on an agency-by-agency basis. The Chairman emphasized that this is the start of a process, which will include a dialogue on ways to fund the Capital Program. Chairman Prendergast invited Craig Stewart, Sr. Director, Capital Programs, to present the details of the 2015-2019 Capital Program. Copies of the Capital Program were distributed to Board Members at the Board meeting.

Chairman Prendergast invited Board discussion concerning the proposed Capital Program. The details of the presentation and Board Members' comments with respect thereto are included in the recording of the meeting produced by the MTA and maintained in MTA records.

Upon motion duly made and seconded, the Board approved the proposed \$32 billion 2015-2019 Capital Program and authorized the Chairman/CEO to submit the Capital Program Review Board ("CPRB") portion of the 2015-2019 Capital Program to the CPRB for review. Board member Allen Cappelli voted against the proposal. Board members Jonathan Ballan and Carl Wortendyke were not present for the vote.

**8. EXECUTIVE SESSION**

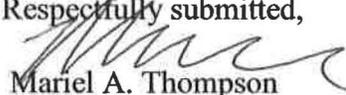
Upon motion duly made and seconded, the Board voted to convene an executive session in accordance with Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

Thereafter, upon motion duly made and seconded, the Board voted to resume proceedings in public session.

**9. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:05 p.m.

Respectfully submitted,

  
Mariel A. Thompson

Assistant Secretary

Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
347 Madison Avenue  
New York, NY 10017

Wednesday, September 24, 2014  
10:00 a.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Jeffrey A. Kay  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew M. Saul  
Hon. James L. Sedore, Jr.  
Hon. Vincent Tessitore, Jr.  
Hon. Polly Trottenberg  
Hon. Iris Weinshall  
Hon. Carl V. Wortendyke

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Norman Brown, Board Member Ira Greenberg, Board Member Neal Zuckerman, Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, 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 seven public speakers. James Fahey, Director of the Executive Board of ACRE, addressed the MTA concerning assistance to veterans. He spoke of the challenges that veterans face in the aftermath of their service. He recognized the efforts of Chairman Prendergast and key MTA and Metro-North staff in enhancing job opportunities for veterans and proposed that further assistance be provided by MTA's creation of a new payroll deduction program through which MTA employees could directly contribute to a fund established to provide support to veterans in need.

The details of this and the other speakers' comments are contained in the video recording of the meeting, produced by the Metropolitan Transportation Authority (MTA) and maintained in MTA records, and in the minutes of the other Agencies of this date.

2. Chairman's Opening Remarks:

Chairman Prendergast recognized nine Bridges & Tunnels officers who rescued more than 12 people from a burning building. He presented the officers with heroism awards. The Chairman also discussed the 2015-2019 Capital Program, noting that it includes essential investments to renew, enhance and expand the MTA system, and that these investments will create hundreds of thousands of jobs. The Chairman stated that through this Capital Plan, MTA will be fulfilling its responsibility to maintain the \$1 trillion of system assets.

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

3. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of July 28, 2014 were approved.

4. Committee on Finance:

Action Items:

Upon motion duly made and seconded, the Board approved the following action items relating to Metro-North:

- Authorization to File for and Accept Federal Grants.
- Formalization of Environmental Review Procedures.
- Addition of Outside Counsel to Approved Panel.

Board member Moerdler abstained from the vote on item three above. The details of the above item above are contained in the minutes of the MTA Board held this day, staff summaries filed with the minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

Procurements:

The MTA Board voted on MTA Headquarters procurements.

The following competitive procurements that relate to Metro-North were approved:

- Approval of a competitively negotiated, all-agency, personal services contract to 21 vendors to provide investigative services on an as-needed basis.

- Approval of two competitively negotiated contracts with AFT for projects at Metro-North facilities.

The details of the above items are contained in the minutes of the MTA Board held this day, staff summaries filed with the minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

Real Estate Item:

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

- Lease with Robert Ferrari for the operation of a newsstand in the overpass of the Metro-North White Plains Station.
- License with RJT Motorist Services, Inc. for the use of vacant land along the Harlem Line in White Plains, New York.
- Harrison transit-oriented development.

The details of the above items are contained in the minutes of the MTA Board held this day, the staff summaries filed with the minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

5. Committee on Metro-North Railroad:

Action Item:

Upon motion duly made and seconded, the Board approved the following action item which was recommended to it by the Committee on Metro-North Railroad Operations.

- Approval to enter into a contract to accept a NYSDOT grant for connecting services.

Procurements:

Upon motion duly made and seconded, the Board approved the non-competitive procurement listed below which was recommended to it by the Committee on Metro-North Railroad Operations.

- Non-competitive, three-year, miscellaneous purchase contract with various original equipment manufacturers (OEM) for OEM parts for various Metro-North railcar and locomotive fleets.

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

- A competitively solicited, miscellaneous service contract with Granite Fluid Power, Inc. to provide preventative maintenance, inspection, repair and replacement parts for two 600-ton wheel press machines located at the Croton Harmon Wheel Shop.

- A competitively solicited, miscellaneous service contract with Power 4U, Inc. to provide preventative maintenance and inspection services for the Uninterrupted Power Supply (UPS) systems in Grand Central Terminal.

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

- Ratification of an emergency purchase of 100 disc brake assemblies for Shoreliner Railcars.
- Ratification of an emergency of a 5100 FCM vacuum pump.

The details of the above items are contained in staff summaries and reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records.

6. Other MTA Business:

Presentation and Associated Action Item:

- Special Presentation of the MTA 2015-2019 Capital Program.

Chairman Prendergast and the MTA Senior Director of Capital Programs, Craig Stewart, presented the MTA 2015-2019 Capital Program. The details of the presentation and the comments of MTA Staff and Board Members are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, which recording includes discussions between Board Members and the Chairman, and in the records of this meeting and minutes of the other Agencies of this date.

Upon motion duly made and seconded, the Board approved the \$32 billion MTA 2015-2019 Capital Program and authorized the Chairman/CFO to submit the \$29 billion Capital Program Review Board (CPRB) portion of the Capital Program to the CPRB for their review, in accordance with Public Authorities Law §1269-b. Board member Cappelli voted in opposition. Board members Ballan and Wortendyke were not present for the vote.

The details of the above item are contained in the staff summary filed with the minutes of the meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records, which recording includes discussions between Board members, Chairman Prendergast and staff relating to the above item.

7. Executive Session:

The Board, upon motion duly made and seconded, voted to convene into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to

collective negotiations. Following discussion, by motion duly made and seconded, the Board approved collective bargaining agreements effective for the period July 16, 2010 through January 15, 2017 between Metro-North and the following eight bargaining units. Board members Ballan, Bickford, Metzger, Saul and Wortendyke were not present for the vote.

- Transportation Communications Union/International Association of Machinists and Aerospace Workers (TCU-IAM)
- Sheet Metal, Air, Rail and Transportation Workers, Mechanical & Engineering (SMART)
- International Brotherhood of Electrical Workers (Supervisors) Local 1573 (IBEW-S)
- International Association of Machinists & Aerospace Workers (IAM)
- American Railway & Airway Supervisors - M of E (ARAS)
- National Conference of Firemen & Oilers (NCFO)
- Association of Commuter Rail Employees Division 113 - Rail Traffic Controllers (ACRE)
- Association of Commuter Rail Employees Division 37 – Power Directors (ACRE)

Upon motion duly made and seconded, the Board voted to reconvene in public session.

8. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:05 p.m.

Respectfully submitted,



Linda Montanino  
Assistant Secretary

Minutes of the Regular Meeting  
Long Island Rail Road Company  
347 Madison Avenue  
New York, NY 10017  
Wednesday, September 24, 2014  
10:00 p.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Jeffrey A. Kay  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew M. Saul  
Hon. James L. Sedore, Jr.  
Hon. Vincent Tessitore, Jr.  
Hon. Polly Trottenberg  
Hon. Iris Weinshall  
Hon. Carl V. Wortendyke

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Norman Brown, Board Member Ira Greenberg, Board Member Neal Zuckerman, Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, 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 seven public speakers. George Haikalis of the Institute for Rationale Urban Mobility commented on alternate plans for the East Side Access project.

The details of the speakers' comments are contained in the video recording of the meeting, produced by the Metropolitan Transportation Authority (MTA) and maintained in MTA records, and in the minutes of the other Agencies of this date.

2. **Opening Remarks:**

The Chairman recognized nine Bridges & Tunnels officers who rescued more than twelve people from a burning building. He presented the officers with heroism awards. Chairman Prendergast noted that the 2015-2019 Capital Program includes essential investments to renew, enhance and expand the MTA system, and that these investments will create hundreds of thousands of jobs. The Chairman stated that through this Capital Plan, MTA will be fulfilling its responsibility to maintain the \$1 trillion of system assets.

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

3. **Approval of Minutes:**

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of July 28, 2014 were approved.

4. **Committee on Finance:**

**Action Items:**

Upon motion duly made and seconded, the Board approved the following action items relating to LIRR:

- Authorization to File for and Accept Federal Grants.
- Formalization of Environmental Review Procedures.
- Addition of Outside Counsel to Approved Panel.

Board member Moerdler abstained from the vote on item three above. Staff summaries setting forth the details of the above items are filed with the minutes of the meeting of the Metropolitan Transportation Authority held this day.

**Procurements:**

Upon motion duly made and seconded, the Board approved the following procurement item relating to LIRR:

- Approval of a competitively negotiated, all-agency, personal services contract to 21 vendors to provide investigative services on an as-needed basis.

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

**5. Long Island Rail Road Committee:**

**Procurements:**

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

- Approval of the award of four separate competitively bid three-year Miscellaneous Service contracts for LIRR and MTAPD, in the combined not-to-exceed amount of \$8,117,656 (\$7,708,986 for LIRR, \$408,670 for MTAPD) to ADCO General Service Corp. and Site Services Group, for snow removal services.
- Approval of the award of two separate competitively bid three-year Miscellaneous Service contracts (with options for two additional years), for LIRR and MTA Bridges & Tunnels, in the combined not-to-exceed amount of \$609,170 (\$575,572 for LIRR and \$33,598 for B&T) to Eagle Building Services, for on-call installation and repair of bird control systems.

Staff summaries 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 approved the following procurement item for MTACC:

- Contract modification for the installation of the structural concrete lining at the North End Back of House area in the Main GCT Station Caverns for the East Side Access Project. This is a scope and budget transfer in the amount of \$22,250,000.

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

**6. Other MTA Business:**

**Presentation and Associated Action Item:**

- Special Presentation of the MTA 2015-2019 Capital Program.

Chairman Prendergast and Craig Stewart presented the MTA 2015-2019 Capital Program. The details of the presentation and the comments of MTA Staff and Board Members are contained in the video recording of the meeting, produced by the MTA and maintained in MTA records, which recording includes discussions between Board Members and the Chairman, and in the records of this meeting and minutes of the other Agencies of this date.

Upon motion duly made and seconded, the Board approved the MTA 2015-2019 Capital Program and authorized the Chairman/CEO to submit the Capital Program Review Board (CPRB) portion of the Capital Program to the CPRB for their review in accordance with Public Authorities Law §1269-b. Board member Capelli voted in opposition. Board members Ballan and Wortendyke were not present for the vote.

The details of the above item are contained in the staff summary filed with the minutes of the meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records, which recording includes discussions between Board members, Chairman Prendergast and staff relating to the above item.

7. **Executive Session:**

The Board convened into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective negotiations. Thereafter, upon motion duly made and seconded, the Board voted to reconvene in public session.

8. **Adjournment:**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard L. Gans', written in a cursive style.

Richard L. Gans  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**September 24, 2014**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
September 24, 2014

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. Andrew Albert  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Jeffrey A. Kay  
Hon. Susan G. Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew M. Saul  
Hon. James L. Sedore, Jr.  
Hon. Vincent Tessitore, Jr.  
Hon. Polly Trottenberg  
Hon. Iris Weinshall  
Hon. Carl V. Wortendyke

Catherine Rinaldi, Chief of Staff; Jerome F. Page, General Counsel; Stephen J. Morello, Counselor to the Chairman; Board Member Norman Brown, Board Member Ira Greenberg, Board Member Neal Zuckerman; Carmen Bianco, President, New York City Transit; Patrick A. Nowakowski, President, Long Island Rail Road; Joseph J. Giulietti, President, Metro-North Railroad; James Ferrara, President, Triborough Bridge and Tunnel Authority; Darryl Irick, President/SVP, 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. Public Speakers**

There were seven (7) 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 to the other agencies' minutes of this date, for the content of the speakers' statements.

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

Chairman and CEO Prendergast opened his remarks by recognizing the extraordinary actions of nine (9) Bridge and Tunnel Officers. These officers rescued more than a dozen people from a burning building. The officers were on duty at the Queens Midtown Tunnel when they noticed smoke coming from a nearby apartment building. They proceeded to the building shouting and banging on doors to get the residents to evacuate. Because of their efforts not a single resident was hurt. The officers were presented with heroism awards.

With regard to the 2015-2019 MTA Capital Program, Chairman and CEO Prendergast stated that the investments are essential to renew, enhance, and expand our region's public transit system. Hundreds of thousands of jobs will be created that will fuel our region's \$1.4 billion economy, which is second in the world only to Tokyo. The MTA Capital Program will maintain and improve a \$1 trillion MTA asset since that is what it would cost to build the MTA's network today.

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.

**3. Approval of the Minutes of the Regular Meeting July 28, 2014**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on July 28, 2014 were approved.

**4. Committee on Finance**

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

(a) Action Items:

- Approve the filing and acceptance of federal grants for Federal fiscal year 2014 and 2015;
- Formalize the existing procedure for the delegation of authority to make certain environmental determinations and findings; and
- Approve the addition of three (3) law firms to the MTA panel of outside counsel for collection matters.

(b) Procurements:

- Three (3) competitive procurement actions in the amount of \$3.4 million.

(c) Real Estate Items:

- Seven (7) real estate action items.

Commissioner Moerdler abstained from the vote on the action item to add collection counsel to the MTA panel of outside counsel. A copy of the staff summaries, resolutions and documents setting forth the details of the above items, as well as discussion with regard to same, are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

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

**Procurements**

Commissioner Cappelli stated that there are six (6) procurements totaling \$30.955 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

Commissioner Cappelli stated that there are six (6) competitive procurements totaling \$30.955 million.

**Personal Service Contracts**

BCC Associates, Inc.	Contract No. PSC-14-2955 Perform revenue processing services as well as maintenance of computer hardware and software used in connection with B&T's money counting operation.	\$9,954,434.00
Jacobs Civil Consultants, Inc.	Contract No. PSC-13-2941A Provide miscellaneous toll collection consultant support services on an as-needed basis.	\$3,000,000.00
STV, Inc.	Contract No. PSC-14-2950 Provide Construction Administration and Inspection Services for Mechanical, Electrical and Plumbing Rehabilitation at the Administration and Maintenance Buildings at the Henry Hudson Bridge and Installation of New Toll Collection Gantries.	\$2,300,305.24
Corporate Counseling Associates, Inc.	Contract No. PSC-13-2943 B&T requires a consultant to perform services in connection with a Work and Life Assistance Program. The scope of the contract includes providing services to the employee consisting of telephone referrals, clinical services, trauma intervention, comprehensive clinical assessment, short term counseling, on-site consultations, substance abuse professional services, follow-ups and elder care, child care and training seminars.	\$253,750.00

The service requirements were publicly advertised. On April 9, 2014 two firms, Corporate Counseling Associates, Inc.

(CCA) and Ceridian (Ceridian), submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including experience of the consultant and its proposed management team, knowledge of overall requirements, responsiveness to the scope of work and cost. Based on the committee's review of all the proposals, it unanimously selected CCA based on its: (i) comprehensive personal approach to serving employees with immediate assistance and referral to long term aid, as needed; (ii) specialized service; (iii) extensive knowledge of B&T's requirements and its individual employee groups; and (iv) highly qualified personnel. Ceridian did not demonstrate a comprehensive understanding of the scope of work and presented a generic proposal not customized to B&T's requirements. The committee unanimously waived oral presentations and recommended that negotiations be conducted with CCA, the highest rated firm. The scope of services as described above for the first three years of the prospective agreement has not changed compared with that under the current contract. The term of the agreement, however, has increased from three to five years. CCA submitted a proposal in the amount of \$280,000; the user's estimate was \$334,950. On August 6 the Authority commenced negotiations with CCA which resulted in a final amount of \$253,750. The negotiated rate per employee is fixed over the five year duration of the contract. In comparison with the rate under the current contract the negotiated rate reflects a 22.8% decrease. The overall negotiated amount of \$253,750 is 24% lower than the user's estimate. Based on the above, this amount is considered fair and reasonable. CCA is deemed to be a responsible consultant. There were no goals established by MTA DDCR for this contract.

#### **Miscellaneous Service Contracts**

George S. Hall, Inc.

Contract No. 13-MNT-2909

\$11,487,492.48

On January 16, 2014, B&T issued a joint solicitation for a contractor to provide all labor equipment and materials for the

maintenance and repair of the heating, ventilation and air conditioning systems located at various B&T, NYCT - Department of Buses (DOB) and Staten Island Railway Operating Authority (SIRTOA) facilities. This work was outsourced since the agencies neither have the equipment nor the resources required to perform these services on an in-house basis. The service requirements were publicly advertised and sent to 256 firms; fifteen firms requested copies of the solicitation. B&T submitted its recommendation on behalf of the DOB and SIRTOA to the May 2014 Board for awards to separate contractors. In that Staff Summary, the Board was advised that our evaluation of the apparent low bidder (Best Climate Control Corp.) was ongoing and that our award recommendation for this service would be presented to the Board for approval at a later date. Four bids were submitted on March 4 for B&T as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Best Climate Control Corp.	\$10,476,684.12
George S. Hall, Inc.	\$11,487,492.48*
Guardian	\$12,298,980.00
AWL Industries, Inc.	\$12,437,690.00
Ultimate Power, Inc.	No bid

\* Lowest responsive bid

The scope of services for the first three years of the prospective contract has not changed compared with the initial three year period under the current contract. The term of this contract has increased from three to five years. B&T's estimate for these services is \$11,630,716. Based on an extensive evaluation of the bid submitted by the apparent low bidder, Best Climate Control Corp., this firm was determined to be non-responsive to the requirements of the solicitation. Following an evaluation of the second apparent low firm's bid, submitted by George S. Hall, Inc. (GSH), its overall average rates in comparison with those under B&T's current contract represent a decrease of 5.6%. The rates for this contract are fixed for the initial three year period and

then are subject to an increase which is fixed for years four and five. GSH's overall bid is 1.2% lower than the user's estimate. GSH was determined to be fully responsive to the requirements of the solicitation. Based on competition, the price submitted by GSH is considered fair and reasonable. This firm is deemed to be a responsible contractor. The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for this contract.

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

Telvent USA, LLC	Contract No. 07-OPS-2809	\$3,960,468.00
	Extend the period of performance six (6) months for the maintenance and repair of all hardware and software components that are essential to the operation of B&T's Electronic Toll Registry System at ten facilities.	

Upon a motion duly made and seconded, the Board approved the procurements recommended to it by the Committee for MTA Bridges and Tunnels Operations.

### **Ratifications**

Commissioner Cappelli stated that there are no ratifications.

## **6. Presentation of the 2015-2019 MTA Capital Program**

Chairman and CEO Prendergast and Craig Stewart, Senior Director of MTA Capital Programs, jointly presented the 2015-2019 MTA Capital Program that is comprised of vital investments that will renew, enhance, and expand the MTA network. Funding the Capital Program is necessary to ensure that the regional mobility and construction and manufacturing jobs provided by the MTA will continue to be the economic engine of the New York metropolitan area and the rest of the State.

Upon motions duly made and seconded, the Board approved the following presented by Chairman and CEO Prendergast:

Action Items:

- Approve the proposed 2015-2019 MTA Capital Program; and
- Authorize the Chairman and CEO to submit the Capital Program Review Board (CPRB) portion of the Capital Program to the CPRB for their review in accordance with Public Authorities Law §1269-b.

With regard to the vote on the approval of the proposed 2015-2019 MTA Capital Program, Commissioner Cappelli voted against the proposal and Commissioners Ballan and Wortendyke were not present for the vote. The 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.

The details of MTA Chairman and CEO Prendergast's and Craig Stewart's presentation 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.

7. **Executive Session**

Upon a motion duly made and seconded, the Board unanimously voted to convene in Executive Session pursuant to Public Officers Law §105(1)(e) to discuss matters relating to collective negotiations.

8. **Public Session**

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

9. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 12:05 p.m.

Respectfully submitted,



Julia R. Christ  
Acting Assistant Secretary

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

**Monday, September 24, 2014  
10:00 PM**

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Andrew Albert  
Hon. Jonathan A. Ballan  
Hon. John H. Banks, III  
Hon. Robert C. Bickford  
Hon. Allen P. Cappelli  
Hon. Jeffrey A. Kay  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew M. Saul  
Hon. James L. Sedore, Jr.  
Hon. Vincent Tessitore, Jr.  
Hon. Polly Trottenberg  
Hon. Iris Weinshall  
Hon. Carl V. Wortendyke

Catherine Rinaldi, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Norman Brown, Board Member Ira Greenberg, Board Member Neal Zuckerman, Carmen Bianco, President, NYCTA, Patrick A. Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President/SVP, 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 ("Chairman") Prendergast called the meeting to order.

**Public Comment Period**

There were seven public speakers.

George Haikalis, President of the Institute of Rational Urban Mobility requested that the MTA Board reconsider the Upper Level Loop Alternative developed by the Delcan Corporation to replace the deep cavern plan for the East Side Access Project. He further requested that the MTA reconsider its plan to construct a new rail yard for the midday storage of cars in Sunnyside Queens.

The names of the remaining speakers and the subject matter of their comments are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held on September 24, 2014.

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

The Chairman spoke in support of the proposed 2015-2019 Capital Program. The Chairman's remarks are more fully noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on September 24, 2014.

## **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 and the MTA Capital Construction Company held on July 28, 2014.

## **Committee on Finance**

### Action Item

Upon motion duly made and seconded, the Board approved the addition of three firms to the MTA's all-agency panel of outside counsel available for assignment of collection matters relating to post judgment and/or post-eviction sums owed to the MTA and its agencies and subsidiaries and other collection matters on an as-needed basis.

### Procurement

Upon motion duly made and seconded with Commissioner Moerdler abstaining, the Board approved the following competitive procurement item:

Award of a competitively negotiated, all-agency personal service Contract Nos. 13275-0100 thru 2100 for Investigative Services on an as-needed basis for a total not-to-exceed amount of \$3,000,000 and for a total of three years.

A copy of the Resolution, Staff Summary and details of the above item are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on September 24, 2014.

## **Committee on NYCT & Bus**

### Procurement

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

1. A modification to Contract CM-1188 in order to add funding to provide additional Consultant Support During Construction and extend the contract term by an additional 24 months and 12 days for the amount of \$24,647,081.
2. A modification to Contract CM-1265 in order to provide additional construction and closeout support services and extend the contract term by 18 months for the amount of \$4,794,048.
3. A modification to Contract C-26009 in order to change Customer Assistance Intercoms located in various locations throughout the stations and change Elevator Cab/Landing Speaker Phones from analog-based to Internet Protocol based for the amount of \$1,300,000.
4. A modification to Contract C-26011 in order to implement changes to the medium voltage switch gear and transformer equipment related to facility power in the amount of \$1,160,484.
5. A modification to Contract C-26011 for additional costs associated with the replacement of Rigid Galvanized Steel conduit with Intermediate Metal Conduit for fire-related circuits for the amount of \$1,330,000.

A copy of the Resolution, Staff Summaries and details of the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on September 24, 2014.

## **Committee on Long Island Rail Road**

### Procurement

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

A Modification to Contract CM006 for the installation of the structural concrete lining at the North End Back of House area in the Main GCT Station Caverns for the amount of \$22,250,000. This is a scope and budget transfer.

A copy of the Resolution, Staff Summary and details of the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on September 24, 2014.

## **Other MTA Business**

### Special Presentation

Chairman Prendergast and the MTA's Sr. Director of Capital Programs, Craig Stewart, gave a presentation on the MTA's proposed 2015-2019 Capital Program. The details of the presentation, as well as the discussion in regard to the same, are more fully noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on September 24, 2014.

### Action Item

After discussion and comments, upon motion duly made and seconded, the Board approved (with Commissioner Cappelli voting against) the proposed \$32B 2015-2019 Capital Program and authorized the Chairman/CEO to submit the \$29B Capital Program Review Board (CPRB) portion of the Capital Program to the CPRB for their review, in accordance with Public Authorities Law §1269-b. Commissioner's Ballan and Worthendyke were not present for the vote.

A copy of the Staff Summary and details for the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on September 24, 2014.

### **Executive Session**

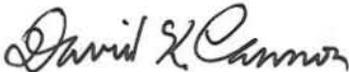
Upon motion duly made and seconded, the Board voted to convene into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

Thereafter, upon motion duly made and seconded, the Board voted to resume proceedings in public session.

### **Adjournment**

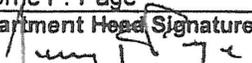
Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 12:05 PM.

Respectfully submitted,



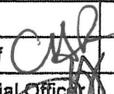
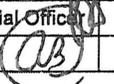
David K. Cannon  
Assistant Secretary

# Staff Summary

<b>Subject</b> MTA Headquarters Financial Institution and Energy Supplier Responsibility Guidelines
<b>Department</b> General Counsel
<b>Department Head Name</b> Jerome F. Page
<b>Department Head Signature</b> 
<b>Project Manager/Division Head</b> Roberta Bender

<b>Date</b> October 27, 2014
<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	10/27/14	X		
2	Board	10/29/14	X		

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

**Purpose:**

To obtain Board approval of MTA Headquarters Financial Institution and Energy Supplier Responsibility Guidelines (the "HQFIES Guidelines").

**Discussion:**

The All-Agency Contractor Responsibility Guidelines ("Contractor Guidelines"), originally adopted in 1988, were last revised in 2010. Although the Contractor Guidelines apply to all vendors, they are not appropriately tailored to responsibility determinations for (a) financial institutions entering into financial services agreements in connection with financing transactions that are managed by MTA Headquarters ("MTAHQ") and (b) third party energy suppliers entering into energy services agreements to provide energy such as natural gas, electricity or fuel and/or energy-related derivative services and products to the MTA. The proposed HQFIES Guidelines and accompanying responsibility form, which are annexed as Attachment 1, would apply to all responsibility determinations for such financial institutions and energy suppliers in lieu of the Contractor Guidelines.

The HQFEIS Guidelines generally follow the Contractor Guidelines but address information specifically pertinent to the types of financial institutions and energy suppliers with whom MTA contracts. The large majority of firms that will be subject to the HQFEIS Guidelines are regulated by federal, state or industry self-regulatory bodies such as the SEC, FDIC, MSRB, Federal Reserve and FERC. Although many of the firms that MTA does business with in the finance arena, including the nation's largest banks, have been the subject of enforcement actions and other legal remedies resulting from the financial crisis, the HQFEIS Guidelines focus more on the specific entity's current status under its regulatory regime than on past acts in the global or national markets. However, the HQFEIS Guidelines do ask broad questions regarding the entity's history in connection with transactions with MTA and all other New York state and municipal governmental entities. Such local experience is considered highly relevant to the determination of the responsibility and integrity of any firm that proposes contracting with MTA.

The HQFIES Guidelines also include a Certification and Undertaking which, among other things, creates an ongoing obligation for the financial institution or energy supplier to update MTAHQ if there are any changes to the answers to the questions in the original submission of the firm's Financial Institution and Energy Supplier Responsibility Form. This is important in the context of financial institutions and energy suppliers because in many cases MTAHQ selects panels of qualified firms but does not enter into any agreements with those firms until they are selected for a specific engagement. For example, from time to time the Board approves a panel that includes as many as 30 underwriters. When a particular bond offering is contemplated, MTAHQ will engage firms from the panel for different roles in the particular syndicate, at which time a bond purchase agreement is executed. It may be months or years after the original submission of the responsibility form before the firm is selected for a transaction. The responsibility submission may be stale by that time if there isn't an ongoing obligation on the part of the firm to update MTAHQ as to new and relevant information.

The Financial Institution and Energy Supplier Responsibility Form will be completed by financial institutions and energy suppliers in connection with all awards by MTAHQ of financial services agreements and energy services agreements involving par amounts, funds or consideration equal to or greater than \$250,000.

The HQFIES Guidelines retain the same procedures as the Contractor Guidelines for review of Significant Adverse Information and for Chairman/CEO waiver.

**Recommendation:**

It is recommended that the Board approve the annexed resolution and adopt the proposed MTAHQ Financial Institution and Energy Supplier Responsibility Guidelines annexed hereto.

**RESOLUTION**  
**METROPOLITAN TRANSPORTATION AUTHORITY HEADQUARTERS**  
**FINANCIAL INSTITUTION AND ENERGY SUPPLIER RESPONSIBILITY GUIDELINES**

**WHEREAS**, the Boards of Metropolitan Transportation Authority (“MTAHQ”) and each of its subsidiaries and affiliates (each, an “Agency”, and together with MTAHQ, the “MTA”) adopted a revised version of the All Agency Responsibility Guidelines (the “Contractor Guidelines”) for the procurement of public works, goods, miscellaneous procurements, and services in 2010; and

**WHEREAS**, the Contractor Guidelines specify the process for determining the responsibility of firms under consideration for the award of MTA contracts; and

**WHEREAS**, it has been determined that the Contractor Guidelines are not appropriately tailored to responsibility determinations for (a) financial institutions entering into financial services agreements in connection with financing transactions that are managed by MTAHQ and (b) third party energy suppliers entering into energy services agreements to provide energy such as natural gas, electricity or fuel and/or energy-related derivative services and products to the MTA; and

**WHEREAS**, the annexed MTAHQ Financial Institution and Energy Supplier Responsibility Guidelines (the “HQFIES Guidelines”) follow the general framework of the Contractor Guidelines but address information specifically pertinent to the types of financial institutions and energy suppliers with whom MTA contracts; and

**WHEREAS**, the objective of the determination of a financial institution’s and energy supplier’s responsibility under the HQFIES Guidelines is similar to the objective under the Contractor Guidelines, namely to award a contract to a firm that has the experience, integrity, and financial and other capacity to properly perform the contract in a timely and cost-effective manner; and

**WHEREAS**, pursuant to the HQFIES Guidelines, the determination of a financial institution’s or energy supplier’s responsibility involves: consideration of the stability of the firm, with consideration of its organizational structure, management expertise and depth, financial condition and capacity, and regulatory oversight; the firm’s record with respect to integrity and business ethics; the firm’s record of performance in connection with relationships with MTA and the Agencies; its compliance with applicable DBE/WBE/MBE requirements; any remedial steps taken by the firm to address concerns about its responsibility; and any other factors deemed relevant by the Agencies.

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the annexed MTAHQ Financial Institution and Energy Supplier Responsibility Guidelines, which shall apply in lieu of the Contractor Guidelines to responsibility determinations relating to agreements with the financial institutions and energy suppliers covered by such Guidelines; and

BE IT FURTHER RESOLVED that this resolution is effective immediately provided that the MTAHQ is granted discretion to continue to apply existing responsibility guidelines for such financial institution or energy supplier agreements which are solicited within sixty days after the date hereof.

Dated: October 29, 2014

**METROPOLITAN TRANSPORTATION AUTHORITY HEADQUARTERS  
FINANCIAL INSTITUTION AND ENERGY SUPPLIER RESPONSIBILITY  
GUIDELINES**

1. The Board of the Metropolitan Transportation Authority (together with its subsidiaries and affiliates, the “MTA”) has previously adopted All-Agency Responsibility Guidelines (the “AARGs”) that apply to the award of any contract where the MTA personnel authorized to determine a bidder’s or proposer’s responsibility (the “Contracting Officer”) is required to determine the responsibility of a firm when the estimated value of the contract at the time of award is equal to or greater than \$250,000. The MTA Board has determined that the AARGs are not well suited to responsibility determinations for (a) financial institutions entering into financial services agreements with MTA that are managed by MTA Headquarters (“MTAHQ”) and (b) third party energy suppliers entering into energy services agreements with MTA that are managed by MTAHQ. For this reason, the MTA Board has adopted these MTAHQ Financial Institution and Energy Supplier Responsibility Guidelines (“HQFIES Responsibility Guidelines”) to apply to all responsibility determinations for such financial institutions and energy suppliers (hereafter the “Submitting Entities”) in lieu of the AARGs.

2. These HQFIES Responsibility Guidelines shall be followed in connection with all awards of FE Services Agreements by MTAHQ involving par amounts, funds or consideration equal to or greater than \$250,000. The term “FE Services Agreement” means (a) any agreement or contract between MTA and a financial institution for the purposes of providing financial services in connection with financing transactions that are managed by MTAHQ or (b) any agreement or contract between MTA and a third party energy supplier to provide energy such as natural gas, electricity, or fuel and/or energy-related derivative services and products to the MTA that are managed by MTAHQ for which MTA expects to compensate such entity. FE Services Agreements include: bond purchase agreements; credit or liquidity agreements; remarketing agreements; agreements with bond trustees, issuing and paying agents, swap and fuel hedge counterparties, depository banks and bond insurers; financial advisory agreements; principal and brokerage agreements, energy supply agreements, agreements related to Renewable Energy Certificates, and any other FE Services Agreement. The services provided to MTA under a FE Services Agreement are “FE Services”.

3. Nothing in these HQFIES Responsibility Guidelines is intended to preclude MTAHQ in particular cases from requiring Submitting Entities to provide more information or data than set forth herein. No FE Services Agreement should be awarded by MTAHQ unless all questions on the applicable HQFIES Responsibility Form(s) have been answered and reviewed, or duly waived in writing.

4. MTAHQ shall require each Submitting Entity to complete and submit the information specified on the annexed HQFIES Responsibility Form together with the annexed Certification and Undertaking. The timing of such submittal shall be determined by MTAHQ based on the procurement process being utilized, provided, however, that in all cases a HQFIES Responsibility Form shall have been submitted and a responsibility

review and determination completed before a contract is awarded to a financial institution or energy supplier for the provision of FE Services to MTAHQ. MTAHQ may require, as part of the contract documents or in connection with a qualification review or hearing, answers to additional questions or additional representations by a Submitting Entity as MTAHQ deems appropriate in each instance.

5. A Submitting Entity doing business with MTAHQ pursuant to a FE Services Agreement has the obligation to demonstrate its responsibility. After receipt of a completed HQFIES Responsibility Form, MTAHQ may require such entity to provide additional information, or to clarify or supplement information already furnished including but not limited to information relating to its past performance, its plan for providing the subject FE Services, investigations, indictments, convictions, and financial condition. MTAHQ may also perform additional inquiries with other public and private agencies such as the MTA Inspector General, the New York City Department of Investigation, public prosecutor offices, and State and local agencies and authorities, as appropriate. If any such investigation uncovers allegations of improprieties or other matters that give rise to concerns about criminal wrongdoing, appropriate agencies may be contacted.

6. Information obtained with regard to a Submitting Entity shall be incorporated into the responsibility determination record of MTAHQ. If the Contracting Officer determines that significant adverse information regarding a Submitting Entity has been obtained, the determination that the entity is responsible or not responsible shall include the rationale for the decision in light of the adverse information and, if the determination is that the Submitting Entity is responsible and the FE Services Agreements involves par amounts, funds or consideration equal to or greater than \$250,000, shall be approved by the MTA Chairman/CEO in consultation with the MTA's General Counsel. Significant adverse information regarding a Submitting Entity includes but is not limited to an answer of "YES" to any of questions 14 through 22 in the HQFIES Responsibility Form. If the award is subject to Board approval after receipt of the HQFIES Responsibility Form, the existence of significant adverse information shall be included in the staff summary.

7. In order to permit a finding of responsibility or non-responsibility, the evaluation of a Submitting Entity's responsibility by the Contracting Officer shall include, but not be limited to consideration of factors such as:

- A. The stability of the Submitting Entity, with consideration of its organizational structure, management expertise and depth, financial condition and capacity, and regulatory oversight.
- B. Whether the Submitting Entity is currently authorized by the applicable governing regulatory authority(ies) to provide the FE Services which are the subject of the proposed FE Services Agreement, and whether the Submitting Entity has been sanctioned by any such regulatory authority in the past with respect to providing the services which are the subject of this award to the MTA

or any other municipal and state governmental entities within the State of New York, including quasi-public agencies, authorities and corporations, public development corporations, public benefit corporations and local development corporations (“NY Government Agencies”).

C. The record of performance of the Submitting Entity in connection with relationships with MTA including:

- i. history of alleged civil and criminal misconduct with the MTA or any other NY Government Agencies, the status of any investigations into or pending litigation regarding such activity and any penalties imposed;
- ii. history of findings of violations, settlements, non-prosecution agreements, deferred prosecution agreements, and consent decrees with law enforcement and regulatory authorities regarding previous and/or pending contracts with the MTA or any other NY Government Agencies, including any payments made;
- iii. history of defaults, debarments and non-responsibility determinations with the MTA or any other NY Government Agencies;
- iv. compliance with applicable DBE/WBE/MBE requirements in previous and/or pending contracts with the MTA or any other NY Government Agencies; and
- v. any remedial steps taken by the Submitting Entity to address concerns about its responsibility; and

D. Any other factors deemed relevant by MTAHQ.

8. Before MTAHQ makes a final determination that a Submitting Entity is not responsible, MTAHQ must give notice to the Submitting Entity of the reasons which lead to such finding and the Submitting Entity must be offered a reasonable opportunity to respond to such reasons. The Submitting Entity’s response must be submitted in writing.

9. MTAHQ may, if it deems it necessary, convene a hearing to determine or make a recommendation with respect to: i) a Submitting Entity’s pre-contract award qualification/responsibility; and/or ii) post-contract award information about the Submitting Entity. A recording or transcript of the hearing may be made if MTAHQ deems it appropriate to do so.

10. MTAHQ shall document its files with its findings and the reasons therefor and, if a finding of non-responsibility is made, may enter into a FE Services Agreement with a different financial institution or energy supplier in accordance with applicable law and established procedures.

11. After a FE Services Agreement is awarded and the annexed Certificate and Undertaking has been executed and delivered by the Submitting Entity, the entity has a continuing obligation to update and correct the information provided in response to the HQFIES Responsibility Form. Any information so obtained shall be included in MTA’s

contract records, and shall be taken into account in the management and administration of the applicable FE Services Agreement.

12. The relevant MTAHQ databases and/or files shall be updated with required and other information about the financial institution's or energy supplier's performance.

13. In instances in which a Submitting Entity institution is submitting a new bid or proposal, but has previously submitted a HQFIES Responsibility Form within the prior year, and has no material changes the Submitting Entity may file an Affidavit of No Change and Acknowledgement, certifying that there have been no such changes in responsibility information, rather than completing a new Form.

14. These guidelines are intended for the guidance of officers and employees of MTAHQ. Nothing contained herein is intended or shall be construed to confer upon any person, firm or corporation any right, remedy, claim or benefit under, or by reason of, any requirement or provision hereof.

15. Except to the extent MTAHQ is granted discretion under these guidelines, nothing contained in these guidelines shall be deemed to alter, affect the validity of, modify the terms of or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of these guidelines.

16. For joint ventures or syndicates, these HQFIES Responsibility Guidelines shall apply to each joint venture or syndicate member whose participation involves par amounts, funds or consideration equal to or greater than \$250,000.

**Responsibility Determination Process for Financial Institutions  
and Energy Suppliers Doing Business with MTA**

As part of the process of selecting a financial institution to enter into FE Services Agreements in connection with financing transactions that are managed by Metropolitan Transportation Authority Headquarters (“MTAHQ”) and third party energy suppliers to provide energy such as natural gas, electricity or fuel and/or energy-related derivative services and products (e.g., renewable energy certificates) to the Metropolitan Transportation Authority, its subsidiaries and affiliates (together, the “MTA”), MTAHQ must make a determination that such financial institution is “responsible”. For these purposes, MTAHQ considers a number of factors, including but not limited to:

- A. The stability of the financial institution or energy supplier (the “Submitting Entity”), with consideration of its organizational structure, management expertise and depth, financial condition and capacity, and regulatory oversight.
- B. Whether the Submitting Entity is currently authorized by the applicable governing regulatory authority(ies) to provide the FE Services which are the subject of the proposed FE Services Agreement and whether the Submitting Entity has been sanctioned by any such regulatory authority in the past with respect to FE Services provided to the MTA or any other municipal and state governmental entities within the State of New York, including quasi-public agencies, authorities and corporations, public development corporations, public benefit corporations and local development corporations (“NY Government Agencies”).
- C. The record of performance of the Submitting Entity in connection with relationships with the MTA and other NY Government Agencies, including:
  - i. history of alleged civil and criminal misconduct , the status of any investigations into or pending litigation regarding such activity and any penalties imposed;
  - ii. history of findings of violations, settlements, non-prosecution agreements, deferred prosecution agreements, and consent decrees with law enforcement and regulatory authorities regarding previous and/or pending contracts, including any payments made;
  - iii. history of defaults, debarments and non-responsibility determinations;
  - iv. compliance with applicable DBE/WBE/MBE requirements in previous and/or pending contracts; and
  - v. any remedial steps taken by the Submitting Entity to address concerns about its responsibility.
- D. Any other factors deemed relevant by MTAHQ.

The Submitting Entity that may or will be entering into FE Services Agreement with MTAHQ is required to complete and submit to MTAHQ the attached MTA Headquarters Financial Institution and Energy Supplier Responsibility Form to provide information to assist MTAHQ in its responsibility review and determination. In addition, such Submitting Entity shall execute and submit to MTAHQ the Certification and Undertaking. In addition to including various representations, the Certification and Undertaking includes a continuing obligation on the part of the Submitting Entity to keep MTAHQ informed of any new responsibility related information that becomes known after the date of the financial institution's submission of the Financial Institution and Energy Supplier Responsibility Form.

## METROPOLITAN TRANSPORTATION AUTHORITY HEADQUARTERS

### Financial Institution and Energy Supplier Responsibility Form

#### Background and Instructions

- A. This Financial Institution and Energy Supplier Responsibility Form shall be prepared and executed by an authorized officer of the Submitting Entity and submitted as part of Submitting Entity's bid or proposal.
- B. All questions on this Form must be answered; do not leave blanks. Where appropriate, state "None" or "Not Applicable" (N/A). If the Submitting Entity has answered YES to any question in the Form, the Submitting Entity shall submit as part of the Form a description of the relevant facts and circumstances underlying such YES answer. In responding to questions, legal matters, including those on appeal, must be disclosed. **Please note that questions that reference the defined terms "financial institution" or "energy supplier" include the Submitting Entity and Affiliates.**
- C. In answering questions, after providing a narrative answer, it is permissible to also cross-reference specific pages in publicly available disclosure and reporting documents filed with state or federal regulatory agencies provided that a hyperlink to such document on the internet is also provided and such hyperlink is active and correct.
- D. MTAHQ reserves the right to inquire further with respect to the Submitting Entity's responses; and Submitting Entity consents to such further inquiry and agrees to furnish all relevant documents and information as requested by MTAHQ.
- E. Definitions for terms used in this Form and the Certificate and Undertaking:
- i. Affiliate: any person or entity Controlling or Controlled by or under common Control with such specific entity.
  - ii. Control: the possession, directly or indirectly, of (a) more than 50% of the direct or indirect ownership of the equity of an entity or (b) the power to direct or cause the direction of the management and policies of such entity, whether by ownership of equity, by contract, or otherwise.
  - iii. Energy Suppliers: third party entities entering into FE Services Agreements to provide energy such as natural gas, electricity, or fuel and/or energy-related derivative services and products (e.g., renewable energy certificates) to the MTA.
  - iv. FE Services: Services provided to MTA under a FE Services Agreement.
  - v. FE Services Agreement: means (a) any agreement or contract between MTA and a financial institution for the purposes of providing financial services in

connection with financing transactions that are managed by MTAHQ or (b) any agreement or contract between MTA and a third party energy supplier to provide energy such as natural gas, electricity, or fuel and/or energy-related derivative services and products to the MTA that are managed by MTAHQ for which MTA expects to compensate such entity. FE Services Agreements include: bond purchase agreements; credit or liquidity agreements; remarketing agreements; agreements with bond trustees, issuing and paying agents, swap and fuel hedge counterparties, depository banks and bond insurers; financial advisory agreements; principal and brokerage agreements, energy supply agreements, agreements related to Renewable Energy Certificates, and any other FE Services Agreement.

- vi. Financial institution: entities that enter into FE Services Agreements in connection with financing transactions that are managed by MTAHQ.
  - vii. MTA: Metropolitan Transportation Authority together with its subsidiaries and affiliates.
  - viii. MTAHQ: MTA Headquarters.
  - ix. NY Government Agency(ies): all municipal and state governmental entities within the State of New York, including quasi-public agencies, authorities and corporations, public development corporations, public benefit corporations and local development corporations.
  - x. Officer: Any individual who serves as or performs the functions of chief executive officer, chief financial officer, or chief operating officer of the Submitting Entity, without regard to such individual's title, and the president, vice presidents, secretary, treasurer, board chairperson, and trustees (individual or entity who administers a trust) or their equivalents.
  - xi. Significant Adverse Information: includes but is not limited to an answer of "YES" to any of questions 14 through 22 in the Form.
  - xii. Submitting Entity: The financial institution or energy supplier that may or will be entering into a FE Services Agreement with MTA, which entity is submitting the Financial Institution and Energy Supplier Responsibility Form.
- F. **Personal Privacy Protection Law Notification**: The information the Submitting Entity is providing on this application is requested pursuant to the New York State Public Authorities Law for the purposes of determining the Submitting Entity's responsibility for a contract award. Such information may be shared by MTAHQ with any MTA agency in connection with a determination by such agency of the responsibility of a proposer or

bidder for a contract with that agency. Failure to provide the specified information and authorization requested may, in the sole discretion of MTAHQ, prevent your firm's award of a contract by MTA and/or its affiliates and subsidiaries. The information will be kept in a file maintained by MTAHQ or other files maintained under the authority of MTAHQ. Information which, because of any name, number, symbol, mark or other identifier, can be used to identify an individual and is not otherwise publicly available, shall be received, maintained and used by MTA and its affiliates and subsidiaries solely for the above-stated purposes and will be protected from public disclosure to the fullest extent permitted by law. Nothing herein shall prevent MTAHQ or any MTA agency from disclosing such information as may be required to be disclosed pursuant to the Freedom of Information Law or otherwise by law.

**The Questions and Requests for Information**

Provide answers to all of the following:

1. Full legal name of the Submitting Entity:
2. Employer Identification Number or Tax ID Number:
3. Form of entity, jurisdiction of organization and year organized:
4. Mailing address:
5. Street address:
6. Email address for point of contact regarding questions or follow-up inquiries:
7. Name, title, employer, telephone number and email address of the person signing this Form:
8. What type of financial institution or energy supplier is the Submitting Entity? (Please check all that apply)
  - 5 Bank Holding Company
  - 5 Financial Holding Company
  - 5 S&L/Thrift Holding Company
  - 5 National Bank
  - 5 Federally Chartered Thrift
  - 5 State-Chartered Member Bank of the Federal Reserve
  - 5 FDIC-Insured State-Chartered Non-Member Bank
  - 5 FDIC-Insured State-Chartered Thrift

- 5 Federal Credit Union
- 5 FDIC-Insured State-Chartered Credit Union
- 5 Fannie Mae, Freddie Mac & Federal Home Loan Bank
- 5 Registered Broker and/or Dealer
- 5 Registered Municipal Advisor
- 5 Branch of a Foreign Bank
- 5 Trust Company
- 5 Credit Rating Agency
- 5 Insurance Company
- 5 Qualified Independent Representative
- 5 CFTC Regulated Swap Dealer
- 5 Third Party Energy Supplier
- 5 Local Distribution Company
- 5 Natural Gas Producer
- 5 Electricity Generator
- 5 \_\_\_\_\_
- 5 \_\_\_\_\_
- 5 Other: \_\_\_\_\_

9. Does Submitting Entity currently hold all of the licenses/authorizations which are necessary to perform the services which are the subject of this award?

NO 5 YES 5

Please list the regulatory institutions: \_\_\_\_\_  
 \_\_\_\_\_

10. Provide certified financial statements for the Submitting Entity's last three (3) fiscal years.

11. Within the past ten (10) years has the Submitting Entity been declared not responsible in connection with any solicitations by MTA or any other NY Government Agency?

NO 5 YES 5

12. Within the past ten (10) years has the Submitting Entity defaulted, or been terminated for cause in connection with, a contract with the MTA or any other NY Government Agency?

NO 5 YES 5

13. Within the past ten (10) years has the Submitting Entity been debarred, suspended or otherwise disqualified from bidding, proposing or entering into agreements with the MTA or any other NY Government Agency?

NO 5 YES 5

14. Within the past five (5) years have any of the following regulatory or law enforcement authorities

- a. made findings of, or otherwise formally asserted, statutory and/or regulatory violations involving,
- b. entered into settlement with,
- c. imposed sanctions including, but not limited to, civil or criminal penalties or damages on,
- d. revoked license or authorization to provide the services which are the subject of this award by, and/or
- e. sought an injunction against,

the Submitting Entity relating to services provided to the MTA, or any other NY Government Agency, and arising from the business areas in which the Submitting Entity would provide services to MTA and which are material to the services the Submitting Entity would provide to MTA?

	Yes	No	Not Applicable
Federal Deposit Insurance Corporation	5	5	5
Federal Energy Regulatory Commission	5	5	5
Federal Housing Finance Agency	5	5	5
Federal Trade Commission	5	5	5
Financial Industry Regulatory Authority	5	5	5
National Credit Union Administration	5	5	5
New York Independent System Operator	5	5	5
New York State Department of Financial Services	5	5	5
New York State Attorney General's Office	5	5	5
New York State Public Service Commission	5	5	5
North American Electric Reliability Corporation	5	5	5
U.S. Commodity Futures Trading Commission	5	5	5
U.S. Department of Justice	5	5	5
U.S. Federal Reserve	5	5	5
U.S. Office of the Comptroller of the Currency	5	5	5
U.S. Securities and Exchange Commission	5	5	5

Other Regulatory Entity  
or Law Enforcement Agency (Please specify)

_____	5	5	5
_____	5	5	5
_____	5	5	5

15. Within the past five (5) years, has the Submitting Entity entered into a consent decree, deferred prosecution agreement, or a non-prosecution agreement relating to any past or pending contract with the MTA or any other NY Government Agency?

NO 5 YES 5

16. Within the past five (5) years has the Submitting Entity settled – or is the Submitting Entity the subject of pending civil litigation regarding any past or pending contract with the MTA or any other NY Government Agency in relation to: (i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing an agreement to provide the services which are the subject of this award; (ii) collusion with another person or entity in connection with any such acts; (iii) violation of federal or state antitrust statutes or False Claims Acts; or (iv) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement(s) or receiving stolen property

NO 5 YES 5

17. Within the past ten (10) years, has the Submitting Entity been convicted of, or pleaded *nolo contendere* to, (i) any felony, or (ii) a misdemeanor related to truthfulness in connection with its business conduct, in either case relating to any past or pending contract with the MTA or any other NY Government Agency?

NO 5 YES 5

18. Are there any indictments or informations related to the commission of a crime by the Submitting Entity or any of its executive officers pending before any federal or state grand jury or court with regard to any past or pending contract with the MTA or any other NY Government Agency?

NO 5 YES 5

19. Is the Submitting Entity the subject of a pending investigation by any grand jury, commission, committee or other entity or agency or authority of any local, state, or the

federal government in connection with the commission or alleged commission of a crime with regard to any past or pending contract with the MTA or any other NY Government Agency?

NO 5 YES 5

20. Within the past five (5) years, has the Submitting Entity or any of its officers refused to testify or to answer any question concerning a contract with or the provision of the services which are the subject of this award to the MTA or any other NY Government Agency, when called before a grand jury or other committee, agency or forum which is empowered to compel the attendance of witnesses and examine them under oath, upon being advised that neither the person's statement nor any information or evidence derived from such statement will be used against that person in any subsequent criminal proceeding?

NO 5 YES 5

21. Is the Submitting Entity currently disqualified from submitting a bid or proposal to, or providing the services which are the subject of this award to, the MTA or any other NY Government Agency because, within the past five (5) years, such entity or person refused to testify or to answer any relevant question concerning a transaction or contract with any NY Government Agency, when called before a grand jury or other state or local department, commission or agency which is empowered to compel the attendance of witnesses and examine them under oath, upon being advised that neither that person's statement nor any information or evidence derived from such statement will be used against that person in any subsequent criminal proceeding?

NO 5 YES 5

22. Within the last ten (10) years has the Submitting Entity been convicted of or had a civil judgment rendered against it for or in relation to: (i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing an agreement to provide the services which are the subject of this award to the MTA or any other NY Government Agency; (ii) collusion with another person or entity in connection with any such acts; (iii) violation of federal or state antitrust statutes or False Claims Acts; or (iv) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement(s) or receiving stolen property?

NO 5 YES 5

Execution by an authorized officer:

**Name of Submitting Entity:** \_\_\_\_\_

**By** \_\_\_\_\_

**Name:**

**Title:**

**Date:**

**METROPOLITAN TRANSPORTATION AUTHORITY HEADQUARTERS  
FINANCIAL INSTITUTION AND ENERGY SUPPLIER RESPONSIBILITY FORM**

**AFFIDAVIT AND ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )

) SS:

COUNTY OF \_\_\_\_\_ )

The undersigned, \_\_\_\_\_ being duly sworn, hereby deposes and say:

1. I am \_\_\_\_\_ of \_\_\_\_\_.  
(Print title) (Print name of Submitting Entity)
2. I am duly authorized to sign this Metropolitan Transportation Authority Headquarters Financial Institution and Energy Supplier Responsibility Form (the "Form") as an officer of said Submitting Entity.
3. To the best of my knowledge after reasonable inquiry, the answers to the questions set forth in the Form are true, accurate and complete.

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Notary Public \_\_\_\_\_ County

My commission expires: \_\_\_\_\_

**METROPOLITAN TRANSPORTATION AUTHORITY HEADQUARTERS  
FINANCIAL INSTITUTION AND ENERGY SUPPLIER RESPONSIBILITY FORM**

**Certification and Undertaking**

1. **Non-Collusion Representation:** By submission of this Certification and Undertaking, each proposer (the "Submitting Entity") and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his/her knowledge and belief:
  - a. The prices in this proposal have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;
  - b. Unless otherwise required by law, the prices which have been proposed in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to the bid opening or submission due date directly or indirectly, to any other proposer or to any competitor; and
  - c. No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.
  
2. **No Conflict of Interest Representation:** By submission of this Certification and Undertaking, the Submitting Entity certifies that no appointed or elected official, member or other officer or employee of the City or State of New York or of MTA has been or will be offered or given any tangible or intangible consideration in connection with the FE Services, if any, that have been or will be provided by the Submitting Entity to MTAHQ.
  
3. **Continuing Disclosure and Default:** The undersigned financial institution acknowledges and agrees that as part of the consideration for entering into a FE Services related agreement with MTAHQ, such Submitting Entity shall promptly notify MTAHQ if the entity has reason to believe any answer to any question it has provided with respect to such Submitting Entity in the Financial Institution and Energy Supplier Responsibility Form that it most recently submitted to MTA was not accurate or complete when provided or there is any material change to such answers, which notice shall include the details in connection with such change. A "material change" is a change that a reasonable person would consider to have significantly altered the total mix of information previously disclosed to MTA. Such notice shall be sent by email to the MTAHQ designated point of contact referenced in the original bid document or request for proposals. The Submitting Entity shall cooperate with the MTAHQ's review and investigation of such information.

Any failure to cure a material non-compliance with this continuing disclosure obligation within 30 days following notice of such non-compliance from MTAHQ may result in the suspension of the Submitting Entity's eligibility to transact new business with the MTA and may cause the MTA to seek remedies under any existing agreements with the Submitting Entity.

4. **Consent to Jurisdiction:**

- a. If Submitting Entity is not organized under the laws of the State of New York, Submitting Entity consents to the jurisdiction of the Courts of the State of New York and to the jurisdiction of any federal court located within the City of New York, with respect to any provision of FE Services to MTA.
- b. Submitting Entity agrees that service of process in any judicial or administrative action may be made upon it by certified mail, return receipt requested, sent to the mailing address for Submitting Entity specified above.
- c. Submitting Entity agrees that any judicial or administrative action or proceeding commenced by Submitting Entity against MTA shall only be commenced in a state or federal court or agency located within the City of New York.

**Name of Submitting Entity:** \_\_\_\_\_

**By** \_\_\_\_\_

**Name:**

**Title:**

**Date:**

**METROPOLITAN TRANSPORTATION AUTHORITY HEADQUARTERS  
FINANCIAL INSTITUTION AND ENERGY SUPPLIER RESPONSIBILITY FORM**

**CERTIFICATION AND UNDERTAKING  
AFFIDAVIT AND ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_)

) SS:

COUNTY OF \_\_\_\_\_)

The undersigned, \_\_\_\_\_ being duly sworn, hereby deposes and say:

1. I am \_\_\_\_\_ of \_\_\_\_\_.  
(Print title) (Print name of Submitting Entity)
2. I am duly authorized to sign this Certification and Undertaking (the "Undertaking") as an officer of said Submitting Entity.
3. To the best of my knowledge after reasonable inquiry, the representations set forth in the Certification and Undertaking are true and accurate.

\_\_\_\_\_

Signature

Sworn to and subscribed to before me

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Notary Public \_\_\_\_\_ County

My commission expires: \_\_\_\_\_

**METROPOLITAN TRANSPORTATION AUTHORITY HEADQUARTERS  
FINANCIAL INSTITUTION AND ENERGY SUPPLIER RESPONSIBILITY FORM**

**CERTIFICATION OF NO CHANGE**

1. The undersigned Submitting Entity previously submitted a Financial Institution and Energy Supplier Responsibility Form to the Metropolitan Transportation Authority or an MTA subsidiary or affiliate within one (1) year prior to the date hereof.
  
2. Attached is an accurate and true copy of such previously submitted MTA Financial Institution and Energy Supplier Responsibility Form.
  
3. Nothing has occurred since the date of the submission of such previous Financial Institution and Energy Supplier Responsibility Form that would require the undersigned Submitting Entity to change the answers set forth in such Financial Institution and Energy Supplier Responsibility Form were it submitted as of the date hereof except as follows:  
  
\_\_\_\_\_  
  
\_\_\_\_\_
  
4. The undersigned Submitting Entity acknowledges and understands that the previously submitted MTA Financial Institution and Energy Supplier Responsibility Form includes provisions which are deemed included in the MTA's contract records and shall be taken into account in the management and administration of the applicable FE Services Agreement.

Execution by an authorized officer:

**Name of Submitting Entity:** \_\_\_\_\_

**By** \_\_\_\_\_

**Name:**

**Title:**

**Date:**

**METROPOLITAN TRANSPORTATION AUTHORITY HEADQUARTERS  
FINANCIAL INSTITUTION AND ENERGY SUPPLIER RESPONSIBILITY FORM**

**CERTIFICATION OF NO CHANGE AFFIDAVIT AND ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came and appeared \_\_\_\_\_ by me known to be said person, who swore under oath as follows:

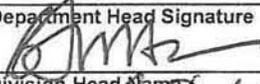
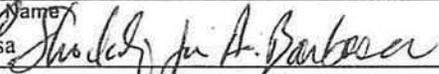
1. I am \_\_\_\_\_ of \_\_\_\_\_.  
(Print name and title) (Print name of Submitting Entity)
2. I am duly authorized to sign the Certification of No Change on behalf of said firm and duly signed this document pursuant to said authorization.
3. To the best of my knowledge after reasonable inquiry, the representations set forth in the Certificate of No Change are true and accurate.

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County  
My commission expires: \_\_\_\_\_

# Staff Summary

<b>Subject</b> Request for Authorization to Award Various Procurements
<b>Department</b> Executive
<b>Department Head Name</b> Bob Foran
<b>Department Head Signature</b> 
<b>Division Head Name</b> Angel Barboza 

<b>Date</b> October 7, 2014
<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	10/27/2014			
2	Board	10/29/2014			

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

**PURPOSE:**

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

**DISCUSSION:**

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

	# of Actions	\$ Amount
None	None	None

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts	2	\$ 4,413,250.00
Schedule H: Modification to Personal Services/Misc. Service Contracts	1	\$ 10,000,000.00
<b>SUBTOTAL</b>	<b>3</b>	<b>\$ 14,413,250.00</b>

MTAHQ presents the following procurement actions for Ratification:

None	None
<b>TOTAL</b>	<b>3</b>

**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, OCTOBER 2014**  
**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. **All-Agency Independent Integrity Monitor** **\$3,000,000** **Staff Summary Attached**  
**Contract No. 14047-0100 thru 0300** (not-to-exceed)

**a. KPMG**

**b. Navigant Consulting, Inc.**

**c. Thacher Associates, LLC**

Competitively negotiated – 8 proposals – 48 months

To recommend that the Board approve the award of a competitively negotiated, all agency, personal services contract to the above firms for Independent Integrity Monitoring services mandated by the Federal Transit Administration (FTA) to independently monitor sandy-related funds on an as-needed basis, reporting to MTA’s Auditor General. The MTA is expecting to receive over \$100 million (a portion of which it has already received) in Sandy recovery funds and is required by the FTA to engage an Independent Integrity Monitor (IIM) to perform oversight of the funds. The MTA Board Audit Committee established an MTA Sandy Oversight Committee to implement and coordinate all Sandy-related integrity monitoring activities MTA-wide. The Committee will identify and assign forensic review and investigative work to the selected firms on an “as needed” basis. As a result of negotiations, the three (3) selected firms originally proposed rates ranging from \$73.61 to \$554.57 per hour were negotiated down to a range of \$73.61 to \$275, representing reductions ranging from 0% to 50.4% and will remain fixed for the three-year term. There are no prior contracts for this service with which these rates can be compared; however, the above rates are equal to or lower than rates offered to other governmental agencies. Based on the above, the negotiated hourly rates are deemed fair and reasonable.

2. **P&A Administrative Services, Inc.** **\$1,413,250** **Staff Summary Attached**  
**Administrative & Record Keeping Services for COBRA** (not-to-exceed)  
**Contract No. 14057-0100**

Competitively negotiated – 3proposals – 60 months

To recommend that the Board approve the award of a competitively negotiated, All-agency Personal Services contract to P&A Administrative Services, Inc. (P&A) for Administrative and Record-keeping Services for MTA’s Consolidated Omnibus Budget Reconciliation Act (COBRA) Benefits Plan. The COBRA program allows employees to pay for health care and dependent care upon employment termination for reasons of retirement, death, or other reasons, and for coverage to continue on a paid basis from 18 months for the employee to 36 months for dependents. Approximately 3,000 employees or spouses currently participate in the COBRA program, along with 4,000 dependents. P&A proposed a fee of \$282,650 per year. This fee will remain unchanged for the five-year contract period and is 65% less than the other two firms (\$423,125 and \$431,000). This fee is the same under the current contract with P&A for these services. Based on the above, the total amount of \$1,413,250 is fair and reasonable.

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

**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.)

- |          |  |   |                                      |
|----------|--|---|--------------------------------------|
| <b>3</b> | <b>Marsh USA, Inc.</b><br><b>All-Agency Master Broker Services</b><br><b>Contract No. 11257-0100, S/A #1</b> | <b>\$10,000,000</b><br><b>(not-to-exceed)</b> | <b><u>Staff Summary Attached</u></b> |
|----------|--|---|--------------------------------------|

Base Amount = \$9,245,195

To recommend that the Board approve an amendment to the Board-approved, competitively negotiated personal services contract with Marsh USA, Inc. to replenish funds in the amount of \$10 million due to unanticipated forensic accounting and other professional and expert services arising out of the Sandy insurance and FEMA claims. Upon settlement of the Sandy claims, some of the administrative costs will be credited back to the MTA. The utilization of a master broker is necessary for MTA RIM to place specialty coverages as well as other insurance programs on behalf of the Agencies. Those coverages include, but are not limited to, All-Agency Excess Liability, All-Agency Property, Comprehensive and Paratransit Automobile Liability, Environmental Liability, Fiduciary Liability, and Crime, as well as the commuter rails' station liability and force account insurance. These additional funds are necessary for MTA Risk to complete the Sandy project and to continue to provide master broker services for the MTA and its agencies. The fees will remain the same as negotiated under the base contract.

# Staff Summary

## Schedule F: Personal Service Contracts

Item Number:					
Dept & Dept Head Name: Audit Services, Michael J. Fucilli					
Division & Division Head Name: Audit Services, Wenceslao Formanes					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	Finance	10/27/2014	X		
2	Board	10/29/2014	X		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Procurement <i>[Signature]</i>	3	Diversity and Civil Rights <i>[Signature]</i>		
2	Audit Services <i>[Signature]</i>	4	Legal <i>[Signature]</i>		
		5	CFO <i>[Signature]</i>		

<b>SUMMARY INFORMATION</b>	
Vendor Name: Various	Contract Number: 14047-0100 thru 0300
Description: Independent Integrity Monitor	
Total Amount: \$3,000,000	
Contract Term (including Options, if any) November 1, 2014 – October 31, 2017	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" 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 the firms listed below for Independent Integrity Monitoring services mandated by the Federal Transit Administration (FTA) to independently monitor sandy-related funds on an as-needed basis reporting to MTA's Auditor General. The period of performance is three years from November 1, 2014 to October 31, 2017 in a not-to-exceed amount of \$3 million.

1. KPMG
2. Navigant Consulting, Inc.
3. Thacher Associates, LLC

**II. DISCUSSION**

The MTA is expecting to receive over \$100 million (a portion of which it has already received) in Sandy recovery funds and is required by the FTA to engage an Independent Integrity Monitor (IIM) to perform oversight of the funds, including: (1) conducting reviews of internal processes for susceptibility to fraud, corruption, and cost abuse; (2) performing forensic reviews of payment requisitions and supporting documentation, payments, change-orders and reviews for indication of bid-rigging and overcharging; (3) conducting investigative services to include project and business site visits including unannounced headcounts of workers; and (4) being present at scope reviews, meetings with prospective contractors and vendors, as well as bid openings to ensure procurements are conducted in accordance with rules, regulations and the highest ethical standards. The MTA Board Audit Committee established an MTA Sandy Oversight Committee to implement and coordinate all Sandy-related integrity monitoring activities MTA-wide. The Committee will identify and assign forensic review and investigative work to the selected firms on an "as needed" basis.

In order to obtain these services, a competitive Request for Proposals (RFP) was publicly advertised in the NYS Contract Reporter, Minority Commerce Weekly, El Diario, and the NY Post, and letters advising potential proposers of the RFP's availability were sent to thirty-six (36) firms, three (3) of which were D/M/WBE firms. On June 20, 2014, eight (8) proposals were received, one (1) of which is a certified DBE firm. The Selection Committee, consisting of representatives from Audit Services, Construction Oversight, Corporate Compliance, IG Office and NYC Transit evaluated the proposals and determined that three (3) of the eight (8) firms are technically qualified to perform the services identified in the RFP. MTA has conducted a responsibility review and other due diligence on all firms and has deemed them to be responsible for award.

As a result of negotiations, the three (3) selected firms originally proposed rates ranging from \$73.61 to \$554.57 per hour were negotiated down to a range of \$73.61 to \$275, representing reductions ranging from 0% to 50.4% and will remain fixed for the three-year term. There are no prior contracts for this service with which these rates can be compared; however, the above rates are equal to or lower than rates offered to other governmental agencies. Based on the above, the negotiated hourly rates are deemed fair and reasonable.

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

The MTA's Department of Diversity and Civil Rights established a 17% DBE goal for these contracts.

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

Funds for this contract have been identified in the "Traction Power Restoration: Various Locations" (ET090230) project in NYC Transit's Sandy Repair program.

### **V. ALTERNATIVES**

Do not approve award of this contract. The services of an Independent Integrity Monitor for the Emergency Relief Program are mandated by the federal government.



Contract No. 14057-0100

P&A proposed a fee of \$282,650 per year. This fee will remain unchanged for the five-year contract period and is 34% less than the other two firms (\$423,125 and \$431,000). This fee is the same under the current contract with P&A for these services. Based on the above, the total amount of \$1,413,250 is fair and reasonable.

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

The Department of Diversity/Civil Rights have assigned goals of 10% MBE and 10% WBE. P&A has not completed any MTA contracts; therefore, no assessment of the firm's MWDBE performance can be determined at this time.

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

None. Employees and their dependents pay for COBRA services.

### **V. ALTERNATIVE**

Perform the Services In-house: This is not efficient or economically viable. MTA performed these services in the past and it was determined that this service could be performed more efficiently and at a lower cost if it was outsourced.

# Staff Summary

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

Item Number:

<b>Vendor Name (&amp; Location):</b> Marsh USA, Inc.	
<b>Description:</b> All-Agency Master Broker Services	
<b>Contract Term (including Options, if any):</b> August 1, 2012 – July 31, 2017	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input 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 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> <i>J. L. Coyne</i>	
Risk & Insurance Management/L. Coyne	

<b>Contract Number:</b> 11257-0100	<b>AWO/Modification #</b> 1
<b>Original Amount:</b>	\$ 9,245,195
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 9,245,195
<b>This Request:</b>	\$10,000,000
<b>% of This Request to Current Amount:</b>	% 100.08
<b>% of Modifications (including This Request) to Original Amount:</b>	% 100.08

### DISCUSSION:

To recommend that the Board approve an amendment to the Board-approved, competitively negotiated personal services contract with Marsh USA, Inc. to replenish funds in the amount of \$10 million due to unanticipated forensic accounting and other professional and expert services arising out of the Sandy insurance and FEMA claims. Upon settlement of the Sandy claims, some of the administrative costs will be credited back to the MTA.

In June 2012, the Board approved a contract for master broker services for a five-year period from August 1, 2012 through July 31, 2017 in an amount of \$9,245,195 (including contingency). MTA Risk & Insurance Management Department (MTA RIM) has responsibility for acquiring insurance and administering the insured and self-insured programs of the MTA Agencies, as well as programs insured by First Mutual Transportation Assurance Company (FMTAC), MTA's wholly-owned captive insurance company. The utilization of a master broker is necessary for MTA RIM to place specialty coverages as well as other insurance programs on behalf of the Agencies. Those coverages include, but are not limited to, All-Agency Excess Liability, All-Agency Property, Comprehensive and Paratransit Automobile Liability, Environmental Liability, Fiduciary Liability, and Crime, as well as the commuter rails' station liability and force account insurance. In addition to the acquisition of insurance, Marsh performs services such as: coverage monitoring, claims services, risk management information system services, safety and loss control services and captive management services.

These additional funds are necessary for MTA Risk to complete the Sandy project and to continue to provide master broker services for the MTA and its agencies. The fees will remain the same as negotiated under the base contract.

**OCTOBER 2014**  
**MTA REAL ESTATE**  
**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**ACTION ITEMS**

**MTA NEW YORK CITY TRANSIT**

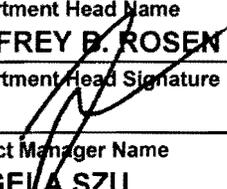
Authorization to proceed with acquisition by negotiated purchase or condemnation of the fee interests in 104-28, 104-32, 105-02, 105-22, 106-04 Merrick Boulevard, and 166-15 107th Avenue, Jamaica, Queens (Block 10164, Lots 74, 76, 79, 89, 90, and 95) on behalf of NYCT Department of Buses

License between MTA New York City Transit and 321 Lafayette Realty LLC for access to area surrounding NYCT stairs at the Bleecker Street Subway Station entrance at the northwest corner of Houston and Mulberry Streets (Manhattan Block 522, Lot 43)

**METROPOLITAN TRANSPORTATION AUTHORITY**

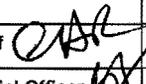
Lease Amendment between 111 Washington Avenue LLC and Metropolitan Transportation Authority

# Staff Summary

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

Date <b>OCTOBER 27, 2014</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/27/14	X		
2	Board	10/29/14	X		

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

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

PROPERTY: 104-28, 104-32, 105-02, 105-22, 106-04 Merrick Boulevard, and 166-15 107<sup>th</sup> Avenue, Jamaica, Queens (Block 10164, Lots 74, 76, 79, 89, 90, and 95) (the "Properties")

OWNERS: Various

ACTIVITY: Acquisition of fee title

ACTION REQUESTED: Authorization to commence steps for acquisition

**COMMENTS:**

NYCT's Jamaica Depot (the "Depot") located on the west side of Merrick Boulevard between South Road and 107th Avenue in Jamaica, Queens, was constructed in 1940 and is the oldest existing NYCT bus depot. To provide space for future construction of a modernized bus facility as contemplated in the capital plan and, in the interim, accommodate the current bus parking overflows around the Depot, the NYCT Department of Buses has requested that MTA Real Estate ("MTA RE") acquire the Properties, which are immediately adjacent to the Depot. On NYCT's behalf, MTA RE has already recently acquired eight other properties on the block for the same purposes.

104-28 Merrick Boulevard (Lot 74) currently has two retail businesses within a one-story industrial building. 104-32 Merrick Boulevard (Lot 76) currently is a fenced vacant lot. 105-02 Merrick Boulevard (Lot 79) currently has multiple tenants, with Domino's Pizza occupying the storefront on Merrick Boulevard and multiple industrial uses in the rear portion of the property. 105-22 Merrick Boulevard (Lot 89) is a three-story building with ground floor retail and four residential units; the entire building appears to be vacant at this time. 106-04 Merrick Boulevard (Lot 90) and 166-15 107<sup>th</sup> Avenue (Lot 95) are owned by the same entity and has multiple industrial tenants.

MTA RE will endeavor to acquire the Properties through negotiation. If negotiated agreements are not reached with some or all of the respective owners and tenants, MTA will be compelled to initiate proceedings to acquire their interests in the Properties by eminent domain. The acquisitions will be subject to satisfactory completion of any necessary environmental reviews.

Based on the foregoing, MTA RE requests authorization to commence negotiations to acquire fee title to the Properties and, if necessary, to take preliminary steps to commence the eminent domain process including the holding of any public hearing required under the Eminent Domain Procedure Law. Attached is a resolution for Board approval that will authorize MTA to commence the proposed acquisition process.

## RESOLUTION

**WHEREAS**, the MTA New York City Transit ("NYCT") Department of Buses operates the Jamaica Bus Depot in Jamaica, Queens (Block 10164 and Lots 46, 80, 84, 97 and 103), located on the west side of Merrick Boulevard between South Road and 107th Avenue in Jamaica, Queens;

**WHEREAS**, acquisition in fee simple of Lots 74, 76, 79, 89, 90, and 95 in Queens County Block 10164 (a/k/a 104-28, 104-32, 105-02, 105-22, 106-04 Merrick Boulevard, and 166-15 107<sup>th</sup> Avenue, Queens, New York) (the "Properties"), which are adjacent to Jamaica Depot, is required to provide space for future construction of a modernized bus facility and, in the interim, accommodate the current bus parking overflows around the Depot;

**WHEREAS**, MTA Real Estate will seek to acquire the Properties through negotiated agreements; and

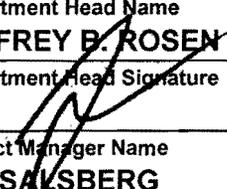
**WHEREAS**, if such negotiated agreements cannot be concluded in a timely manner, acquisition of the Properties by eminent domain will be required;

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

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

This Resolution shall take effect immediately upon its adoption.

# Staff Summary

Subject <b>PERMIT TO ENTER</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>IAN SALSBERG</b>

Date <b>OCTOBER 27, 2014</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/27/14	X		
2	Board	10/29/14	X		

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

AGENCY: MTA New York City Transit ("NYCT")  
 PERMITTEE: 321 Lafayette Realty LLC ("321 Lafayette")  
 LOCATION: Manhattan Block 522, Lot 43 (northwest corner of Houston and Mulberry Streets)  
 ACTIVITY: License agreement  
 ACTION REQUESTED: Approval of terms  
 TERM: Month-to-month  
 SPACE: Approximately 87 square feet  
 COMPENSATION: \$1/payment waived

**COMMENTS:**

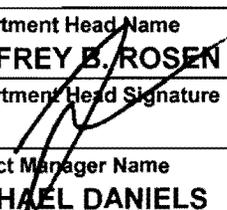
As part of the recent Bleecker Street subway station rehabilitation a previously constructed but closed subway entrance that had been built in anticipation of a future rehabilitation was connected to the station and made available for public use. The stairway is located within a permanent easement in a private property (321 Lafayette) at the northwest corner of Houston and Mulberry Streets. The stairway easement volume includes the stairs and a small space between the stairway's sidewalk-level railings and the walls of 321 Lafayette on three sides. This space varies between 10.5 inches and 4 feet in width, totaling approximately 87 square feet.

321 Lafayette has requested a license agreement to access the small space surrounding the stairs to allow it to keep the area clean and swept, to remove graffiti and repaint the walls of 321 Lafayette as necessary, and to maintain direct-application advertising signage on its walls. 321 Lafayette has agreed that signage on its property will adhere to MTA's advertising standards and will not protrude into the easement area. 321 Lafayette also proposes to add, at its expense, additional lighting to the area for enhanced safety and to discourage loitering around the stairs. Under the existing easement agreement, 321 Lafayette has no obligation to maintain the area surrounding the stairs.

The proposed agreement will save NYCT cleaning costs significantly in excess of the estimated \$7,500 that the advertising will generate per annum for 321 Lafayette, and will provide important additional value to NYCT by virtue of the additional lighting and graffiti removal obligations the owner will undertake.

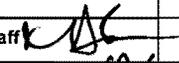
Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with 321 Lafayette on the above-described terms and conditions.

# Staff Summary

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

Date <b>OCTOBER 27, 2014</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/27/14	X		
2	Board	10/29/14	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA" or "Tenant")

LICENSOR: 111 Washington Avenue, LLC

LOCATION: 111 Washington Avenue, Albany, NY

ACTION REQUESTED: Approval of terms

AMENDED TERM: Additional five years commencing 12/1/14

RENEWAL OPTION: One additional year with 180-day prior written notice.

SPACE: Approximately 720 rentable square feet ("rsf") of 2<sup>nd</sup> floor office space, 80 rsf of basement storage space and 3 parking spaces.

BASE RENT: Years 1 to 5 - \$21,000.00 per annum / \$29.17 per rsf  
Year 6 (Renewal) - \$22,000.00 annum / \$30.56 per rsf

TAX AND OPERATING COST ESCALATIONS: Tenant to be responsible for its proportionate share of increases over a 2014 base year.

ELECTRICITY: Flat rate of \$ 1,392 per annum (\$1.93 per rsf), subject to annual CPI increases capped at 3% per annum.

CLEANING: Included in rent

TERMINATION OPTION: Tenant will have the right to terminate the lease at any time after 11/30/16 on 180-day written notice, without penalty.

ALTERATIONS: Landlord will repaint the premises and clean the carpet within 60 days of lease execution.

COMMENTS:

The MTA's Albany Legislative Office has occupied space at 111 Washington Avenue since 1987 and the current lease expires 11/30/14. The building is well located for the MTA's operations in Albany and provides parking, which is very difficult to find in the area. The annual rent of \$21,000 represents a 6% increase, but is reflective of current market rents.

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

# Staff Summary



Subject	Rules and Regulations
Department	Law Department
Department Head Name	Elizabeth A. Cooney
Department Head Signature	
Project Manager Name	N/A

Date	September 22, 2014
Vendor Name	N/A
Contract Number	N/A
Contract Manager Name	N/A
Table of Contents Ref #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Transit & Bus Committee				
2	Board				

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	MTABC, President		

## Narrative

### PURPOSE:

To obtain the Board's approval to commence the rulemaking process mandated under the State Administrative Procedures Act ("SAPA") for the promulgation of rules and regulations governing the conduct and safety of the public in the facilities and on the buses of the MTA Bus Company ("MTABC").

### DISCUSSION:

MTABC does not have a codified set of rules and regulations to govern the conduct and safety of the public on its buses and in its facilities. To date, regulation of public conduct has been based almost exclusively on State penal statutes.

The purpose of the proposed rules and regulations is to codify in a single document standards of conduct for MTABC's customers and for the public at large with respect to the use of the MTABC facilities and buses. The promulgation of the proposed rules and regulations will permit an expansion of the enforcement team (the "Eagle Team") to issue appearance tickets and/or order ejection from an MTABC facility or bus for the violation of any of these rules. The Board's action in approving the commencement of the statutory process for the promulgation of rules and regulations will lead to the publication of a notice of rulemaking and an opportunity for the public to submit written comments with respect to the proposed rules and regulations. Thereafter, MTABC will return to the Board for approval to conclude the

regulation process and formal adoption of the rules in accordance with the Executive Law/State Administrative Procedure Act.

Attached as Exhibit A is a copy of the proposed rules and regulations which have been modelled after the Rules and Regulations promulgated by the New York City Transit Authority/MaBSTOA and the Staten Island Transit Operating Authority approved by the Board and codified by the State in its official Code of Rules and Regulations.

Section 7, entitled “Prohibited Uses,” is an all-purpose provision that lists a broad spectrum of conduct that shall be barred in MTABC facilities and on MTABC buses. Included in this list as prohibited activities are, among other things, blocking the free movement of pedestrians, lying down, occupying more than a single seat, vandalizing or defacing property, creating extensive noise (a phrase defined in Section 2, subparagraph (e)), fighting, entering restricted areas, consuming illegal drugs, consuming alcohol, being impaired by alcohol or drugs, smoking, riding on any areas outside of a bus, and other like behaviors. The purpose of these prohibitions is to protect the safety and comfort of customers, employees, and the public at large as well as to preserve MTABC’s facilities.

Sections 8 through 11 of the proposed rules and regulations require little in the way of explanation beyond their plain words. They prohibit littering (Section 8), unhygienic conduct (Section 9), animals, except under controlled circumstances (Section 10), the unlicensed carrying of firearms (Section 11), the transport of dangerous substances (Section 12) and interference with MTABC’s various mechanical, electrical, and safety and communication systems (Section 12).

Section 14 of the proposed rules and regulations, entitled “Enforcement,” grants authority to an authorized police officer or as noted above, the agency enforcement team to issue a summons and/or to eject a person from MTABC facilities or buses for violating any provision of the rules. The maximum penalty for violating a provision of the rules is a fine not exceeding \$50 or imprisonment not exceeding 30 days, which are the maximum penalties authorized by Public Authorities Law section 1266(4).

Finally, Section 15 of the proposed rules also provides to the public, notice of the provisions of NY Penal Law §165.16 as to the unauthorized sale of certain transportation services, as required pursuant to Part T, Section 2 of Chapter 57 of the Laws of 2005.

# Staff Summary



**Recommendation:**

That the Board approve the commencement of the steps required by law for promulgation of the attached rules and regulations for the MTA Bus Company.

## Exhibit A

21 NYCRR \_\_\_\_\_

**OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE  
STATE OF NEW YORK  
TITLE 21. MISCELLANEOUS  
CHAPTER XXI. METROPOLITAN TRANSPORTATION AUTHORITY  
SUBCHAPTER D. RULES AND REGULATIONS GOVERNING THE CONDUCT  
AND SAFETY OF THE  
PUBLIC  
PART \_\_\_\_\_ RULES GOVERNING THE CONDUCT AND SAFETY OF THE  
PUBLIC IN THE USE  
OF THE FACILITIES OF THE MTA BUS COMPANY  
Text is current through \_\_\_\_\_.**

**Section \_\_\_\_\_.1 Authorization and purpose.**

- (a) MTA Bus Company ("MTABC") is a public benefit corporation and an independent subsidiary of the Metropolitan Transportation Authority ("MTA") created pursuant to Public Authorities Law, section 1266(5). As such, MTABC is empowered by the New York State Public Authorities Law to make rules and regulations governing the conduct and safety of the public in the use and operation of its transportation facilities, buses and other conveyances. Public Authorities Law, sections 1265(5), 1265(14), 1266(4) and 1266(8).
- (b) These rules are established by MTABC to promote safety, to facilitate the proper use of MTABC transportation facilities, and to protect its transportation facilities, its customers, its employees and the public and to assure the payment of fares and other lawful charges for the use of its system. In addition to these rules, all applicable provisions of the Penal Law or any other applicable law shall continue to be enforceable.
- (c) These rules may be amended or added to from time to time at the sole discretion of MTABC in accordance with law.

**Section \_\_\_\_\_.2 Definitions.**

The following terms as used in this part shall have the following meanings:

- (a) "Authority" means the Metropolitan Transportation Authority, the public benefit corporation created by Section 1263 of the Public Authorities Law.
- (b) "Facilities" includes all property and equipment, including, without limitation, fuel, communication systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices and other real estate or personalty used or held for or incidental to the operation, rehabilitation or improvement of any bus line of MTABC.
- (c) "Service animal" means a guide dog, signal dog, or other animal individually trained to perform tasks for the benefit of a person with a disability that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items or providing rescue assistance. The term service animal does not include a therapy animal or animal used for emotional support.
- (d) "Sound production device" includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, compact disc player, speaker device or system, and any sound amplifier or any other sound-producing device of similar nature.
- (e) "Excessive noise" means excessively or unusually loud sounds produced by any means which are audible to another person and which cause public inconvenience, annoyance or alarm, or which interfere with transit operations, but does not include conversational speech or sounds incident to walking or normal movement. The emission of any sound in excess of 85 dBA on the A weighted scale measured at five feet from the source of the sound is excessive noise and is prohibited. The term excessive noise also includes sounds which interfere with the audibility of the normal communication, audio communication equipment and speaker system of a terminal, station or bus.
- (f) "Conveyance" includes any bus or other vehicle used or held for use by MTABC as a means of transportation of passengers.
- (g) "Commercial activities" means activities whose main purpose is the sale of goods or services or the promotion or advertising of goods or services, including the distribution of goods or materials for free. Commercial activities include:
  - (i) the advertising, display, sale, lease, offer for sale or lease, or distribution of food, goods, services or entertainment (including the free distribution of promotional goods or materials); and

- (ii) the solicitation of money or payment for food, goods, services or entertainment.
- (h) "Controlled substance" means those substances designated as controlled substances by the New York State Penal Law.
- (i) "Rules" means these rules.
- (j) "Person" means any natural person, individual, firm, partnership, corporation, society, organization, association or company or other entity.
- (k) "Police Officer" refers to any member of the New York City Police and any other police officer duly appointed pursuant to New York Criminal Procedure Law, Section 1.20 who pursuant to his authority, has jurisdiction within a terminal, station or bus.
- (l) "Fare" means the lawful charges established by the Authority for the use of facilities.
- (m) "Fare Media" means the various instruments issued by or on behalf of or accepted by MTABC to use for the payment of fare, including, but not limited to, farecards, passes, transfers, tickets, and vouchers.
- (n) "Farecards" include, but are not limited to, (i) value-based, magnetically encoded cards (frequently referred to as pay-per-ride MetroCards) containing stored monetary value from which a specified amount of value is deducted as payment of a fare, and (ii) time-based, magnetically encoded cards (frequently referred to as unlimited ride MetroCards) which permit entrance onto conveyances for a specified period of time.
- (o) "Payment of the fare" includes the use at a fare collection device of a time-based farecard for purposes of gaining lawful entry onto a conveyance.
- (p) "Noncommercial activities" means activities involving public speaking; distribution of written materials related to a charitable, religious or political causes; solicitation of contributions for charitable, religious or political causes; and artistic performances, including the acceptance of donations for such performances.

**Section \_\_\_\_\_.3 Construction.**

In interpreting or applying these rules, the following provisions shall apply:

- (a) MTABC reserves the right from time to time to suspend, modify or revoke application of any or all of the rules as it deems necessary or desirable.

- (b) No act otherwise prohibited by any of these rules may be undertaken unless specifically authorized by the terms of any written contract, agreement, permit, license or lease of the type issued in the ordinary course of business of MTABC, provided that such act is otherwise in compliance with any other applicable laws, rules and regulations. Any act otherwise prohibited by these rules is lawful if performed by an officer, employee or designated agent of MTABC acting within the scope of his employment or agency.
- (c) The rules shall not apply to an MTABC employee acting within the course of his employment in an area which is closed to the public. Conduct by employees in areas closed to the public shall continue to be governed in accordance with applicable rules, laws and MTABC operating and disciplinary procedures.
- (d) The rules shall apply with equal force to any person assisting, aiding or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting another, including a minor, in the avoidance of any of the requirements of the rules.
- (e) The order or judgment of a court or other tribunal of competent jurisdiction that any provision of the rules is invalid shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate any other provision of the rules or the application of any part of the rules to any other person or circumstance; the provisions of the rules are declared to be severable.
- (f) The singular shall mean and include the plural; the masculine gender shall mean and include the feminine, and vice versa.

**Section \_\_\_\_ .4 General provisions.**

- (a) Public areas within terminals or stations are open to the public at such times as may be established by MTABC from time to time. Public areas are those areas of the terminals or stations which are open for use by the public in gaining access to transportation, terminals or stations, in traveling through the terminals or stations from one point to another, in waiting for transportation, and in utilizing public toilet facilities and public pay telephones or other services as may be permitted pursuant to these rules.
- (b) No persons except persons assigned to duty therein by MTABC or the Authority shall enter any area of a depot, storage yard or any other facility that is not a public area or that is closed to the public, except in a public safety capacity or pursuant to the terms of a lease, license, operating agreement or concession granted by MTABC or the Authority.
- (c) No person, unless duly authorized by MTABC or the Authority, shall engage in any commercial activity upon any facility or bus. No person shall panhandle or beg upon any facility or bus.

- (d) Except as expressly authorized and permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation. The following nontransit activities are authorized and permitted by MTABC, provided they do not impede transit activities and they are conducted in accordance with the rules governing the conduct and safety of the public in the use of MTA Bus facilities and conveyances: public speaking; distribution of written noncommercial materials; artistic performances, including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that:
- (i) have been licensed for any public solicitation within the preceding 12 months by the Commissioner of Social Services of the City of New York under Section 21-111 of the Administrative Code of the City of New York or any successor provision;
  - (ii) are duly registered as charitable organizations with the Attorney General of the State of New York under Section 172 of the New York Executive Law or any successor provision; or
  - (iii) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision.

Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications. The aforementioned nontransit uses within the stations and terminals are deemed to be authorized provided that such activities:

- (i) do not impede or interfere with or impair transportation services or the movement of persons to or from a bus;
  - (ii) do not violate any of the prohibitions contained in these rules; and
  - (iii) do not take place on buses.
- (e) Photography, filming or video recording in any facility or bus is permitted except that ancillary equipment such as lights, reflectors or tripods may not be used. Members of the press holding valid identification issued by the New York City Police Department are hereby authorized to use necessary ancillary equipment. All photographic activity must be conducted in accordance with the provisions of these rules.

#### **Section \_\_\_\_ .5 Payment of Fare and Access to MTABC Facilities**

- (a) No person shall use or enter upon the facilities or conveyances of MTABC, for any purpose, without the payment of the fare or tender of other valid fare media used in accordance with any conditions and restrictions imposed by the Authority.

For the purposes of this section, it shall be considered an entrance into a facility or conveyance whenever a person passes through a point at which a fare is required or collected.

- (b) Except for employees of MTABC acting within the scope of their employment, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of MTABC without the written permission of a representative of MTABC duly authorized by the Authority to grant such right to others.
- (c) No person shall put or attempt to put any paper, article, instrument or item, other than fare media issued by the Authority and valid for the place, time and manner in which used, into any farebox, turnstile, pass reader or other fare collection instrument, receptacle, device, machine or location.
- (d) Fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with the rules shall be confiscated.

**Section \_\_.6 Property and Equipment.**

- (a) No person shall destroy, mark, soil or paint, or draw, inscribe, write, spray paint or place graffiti upon, or remove, injure or tamper with any facility, conveyance, sign, advertisement, or notice of MTABC, including any facilities under the jurisdiction of tenants or licensees, except that this provision shall not apply to any work within the scope of any contract made by or on behalf of MTABC.
- (b) No person shall post, distribute or display any sign, poster, notice, advertisement or other printed or written matter in or on any facility or conveyance without the permission of MTABC, except as otherwise provided by law.
- (c) Except as an incident to travel on MTABC conveyances for which a fare has been paid or which has otherwise been duly authorized by MTABC, no conveyance or facility may be occupied, used or handled, except by permit, agreement, license or other authorization of the Authority or MTABC duly made.

**Section \_\_.7 Prohibited uses.**

No person in a facility or bus shall:

- (a) block free movement of another person or persons; lie on the floor, stairs or occupy more than one seat when to do so would interfere with the operation of MTABC's transportation system or the comfort of other passengers; or place his or her foot, or item on any seat;

- (b) create any sound through the use of any sound production device, except as is specifically authorized by these rules. In no event will the use of amplification devices of any kind, electronic or otherwise, be permitted on a bus. Use of radios and other devices listened to solely by headphones or earphones and inaudible to others is permitted;
- (c) throw, drop or cause to be propelled any object, projectile or other article at, from, upon, in or on a facility or bus;
- (d) bring into a facility or carry onto a bus liquid in an open container, or drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage;
- (e) consume any controlled substance except pursuant to valid prescription;
- (f) enter or remain in any facility or bus while his or her ability to function safely in the environment of the facility or bus is impaired by the consumption of alcohol or by the taking of any drug;
- (g) endanger the safety of others, engage in fighting or assault another person or persons, or threaten another person with such conduct;
- (h) vandalize, injure, deface, alter, write upon, destroy, remove or tamper with the facilities or buses, including any facilities under the jurisdiction of tenants or permittees;
- (i) except as specifically authorized by the Authority or MTABC, enter or attempt to enter into any area not open to the public, including, but not limited to, bus operator's seat location, closed-off areas, mechanical or equipment rooms, storage areas, interior rooms, catwalks, emergency stairways (except in cases of an emergency), roadbeds, plants, shops, barns, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment.
- (j) enter or attempt to enter any area which is locked or otherwise restricted from public access by any means including, but not limited to, barricades, fencing, doors and signs, or enter or leave a facility or bus except by designated entrance ways or exits;
- (k) ride or otherwise stand on a skateboard, wear roller skates or in-line skates, ride or straddle a bicycle while in motion, or ride a scooter or any other self-propelled vehicle or motor-propelled vehicle or device, on or through any part of a facility or bus, or while attached to the outside of a bus. This provision does not apply to the proper use of self-propelled or motor-propelled vehicles or similar devices by nonambulatory persons;

- (l) cook, light a fire or otherwise create a fire except pursuant to the terms of any lease, license, operating agreement or concession granted by MTABC or the Authority;
- (m) dispense commercial merchandise with or without charge or carry on any commercial activity except pursuant to the terms of a lease, license, operating agreement or concession granted MTABC or the Authority;
- (n) burn a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco or any tobacco substitute on a bus or within any facility;
- (o) engage in any activity which interferes with the commercial activities of lessees, tenants or their customers;
- (p) engage in noncommercial activities, except as expressly permitted by these rules;
- (q) misrepresent through words, signs, leaflets, attire or otherwise, such person's affiliation with or lack of affiliation with or support by any organization, group, entity, or cause, including any affiliation with or support by MTABC or the Authority;
- (r) carry on or bring to any facility or bus any item that:
  - (i) is so long as to extend outside the window or door of a bus;
  - (ii) constitutes a hazard to the operation of MTABC, interferes with passenger traffic or impedes service; or
  - (iii) constitutes a danger or hazard to other persons. Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes, or other physical assistance devices;
- (s) bring a bicycle into a facility or bus;
- (t) extend his or her hand, arm, leg, head or other part of his or her person, or extend any item, article or other substance outside of the window or door of a bus or other conveyance operated by MTABC.
- (u) ride on the roof or any other area outside a bus or any other conveyance operated by MTABC;
- (v) refuse or fail to relinquish a seat on a conveyance which has been designated as "PRIORITY SEATING", "WHEELCHAIR PRIORITY SEATING" or words of similar import, if requested to do so by or on behalf of a person with a disability, or occupy any location on a conveyance designated for persons using wheelchairs if such location is required to accommodate a person using a wheelchair; and

- (w) gain entry into a bus in any unauthorized manner through an exit door or through or past any point at which a fare is required or collected, and it shall be no defense to a charge of a violation of this subdivision that fare media, a fare media sales device or a fare collection device was malfunctioning.

**Section \_\_.8 Littering and dumping rubbish and refuse.**

No person shall litter in a facility or bus. All persons shall use receptacles provided for the disposal of refuse, if any. No bulk refuse generated or collected on property outside the jurisdiction of MTABC may be taken into, dumped within or carried through a facility or bus or deposited in any facility receptacle. Trash and other waste materials contained in waste receptacles within a facility or bus shall not be removed except by persons duly authorized to do so.

**Section \_\_.9 Hygiene.**

- (a) No person shall spit in or upon any facility or bus.
- (b) No person shall urinate or defecate in any part of a facility or bus, other than in a urinal or toilet intended for that purpose.
- (c) No person shall use any water fountain, drinking fountain, or any other water found in a facility for the purpose of washing or cleaning himself or herself, his or her clothing, or other personal belongings. This subdivision shall not apply to those areas within the facilities which are specifically designated for personal hygiene purposes (i.e., wash basin, bathroom, shower room) for employees provided, however, that no person shall wash his or her clothes or personal belongings in such areas and that only one person at a time may occupy a shower.

**Section \_\_.10 Animals**

- (a) No person, except as otherwise provided in subdivision (b) of this section, may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.
- (b) Subdivision (a) of this section does not apply to working dogs for law enforcement agencies, to service animals which have been trained or are being trained to aid or guide a person with a disability and are accompanying persons with disabilities, or to service animals which are being trained by a professional trainer. All service animals must be harnessed or leashed.
- (c) Upon request by a Police officer or other designated employee of MTABC or the Authority, a trainer must display proof of affiliation with professional training school and that the animal is a licensed service animal or an animal being trained as a service animal. Upon request of a Police Officer or designated MTABC or Authority personnel, a passenger must provide evidence that an animal claimed to

be a service animal and thus exempt from the provisions of subdivision (a) of this section qualifies as such or is being trained as a service animal. Such evidence may be supplied through: the display of a service animal license issued by the New York City Department of Health, New York State Department of Agriculture and Markets or by other governmental agencies in New York or elsewhere authorized to issue such licenses, the display of an identification from a professional training school that the animal is a trained service animal, the presence of a harness or a marking on a harness, or the credible verbal assurances of the person with a disability using the service animal or animal being trained as such. For purposes of this paragraph, credible verbal assurances may include a description of one or more tasks that the animal performs or is being trained to perform for the benefit of the person with a disability.

- (d) As an alternative to any of the methods described in subdivision (c) of this section for providing evidence that an animal meets the definition of service animal, persons with disabilities who use service animals who do not have a service animal license or other written documentation that the accompanying animal is a service animal may apply to the Authority for a service animal identification card.
- (e) Police Officers or designated MTABC or Authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which poses a direct threat to the safety of other passengers.

**Section \_\_\_\_ .11 Firearms or other weapons.**

No weapon, dangerous instrument, or any other item intended for use as a weapon may be carried in or on any facility or conveyance. This provision does not apply to law enforcement personnel and persons to whom a license for such weapon has been duly issued and is in force (provided in the latter case the weapon is concealed from view). For the purposes hereof, a weapon or dangerous instrument shall include, but not be limited to, a firearm, switchblade knife, gravity knife, box cutter, straight razor or razorblades that are not wrapped or enclosed in a protective covering, sword, shotgun or rifle.

**Section \_\_\_\_ .12 Explosives, acids, inflammables, compressed gases, and other dangerous substances.**

No person shall bring into or carry in a facility or bus any explosives, acids, inflammables, compressed gases or articles or materials having or capable of producing strong offensive odors, explosion or fire, or articles or materials likely to endanger persons or property. No person shall bring or cause to be brought into or kept in a facility or bus any signal flare or any container filled with or which has been emptied or partially emptied of oil, gas, petroleum products, paint or varnish.

**Section \_\_\_\_ .13 Unauthorized interference with or use of systems or equipment prohibited.**

No person shall do or permit to be done anything which may interfere with the effectiveness or accessibility of the fire protection system, sprinkler system, drainage system, alarm system, telephone system, electrical system, public announcement and intercommunications system, plumbing system, lighting system, security system, air-conditioning system, ventilation system, fire hydrants, hoses, fire extinguishers, towing equipment or other mechanical systems, facilities or equipment installed or located at or in any facility or bus, including closed circuit television cameras and monitors, signs and notices; nor shall any person operate, adjust or otherwise handle or manipulate, without permission, any of the aforesaid systems or portions thereof, or any machinery, equipment or other devices installed in or located at or in a facility or bus. Tags showing date of last inspection attached to units of fire extinguishing and fire fighting equipment shall not be removed therefrom, nor shall any person plug a television, radio or other electrical device into any outlet or connect any device to any utility at or in any facility or bus, except with the permission of an authorized MTABC employee.

**Section \_\_\_\_ .14 Enforcement.**

- (a) Any person violating any of these rules may receive a summons and/or may be subject to ejection from a facility or bus.
- (b) Any Police officer or member of MTABC or the Authority enforcement team is empowered to issue an appearance ticket and/or order ejection from a facility or bus for violation of any of these rules.
- (c) Violation of these rules shall constitute an offense punishable by a fine not exceeding \$50 or imprisonment for not more than 30 days or both.

**Section \_\_\_\_ .15 Public notice of the provisions of New York Penal Law 165.16 (as added by chapter 57 of the Laws of 2005).**

The following notice of the provisions of New York Penal Law is provided pursuant to part T, section 2 of chapter 57 of the Laws of 2005. New York Penal Law, section 165.16 states:

Unauthorized sale of certain transportation services.

1. A person is guilty of unauthorized sale of certain transportation services when, with intent to avoid payment by another person to the metropolitan transportation authority, New York city transit authority or a subsidiary or affiliate of either such authority of the lawful charge for transportation services on a railroad, subway, bus or mass transit service operated by either such authority or a subsidiary or affiliate thereof, he or she, in exchange for value, sells access to such transportation services to such person, without authorization, through the use of an unlimited farecard or doctored farecard. This section shall apply only to such sales that occur in a transportation

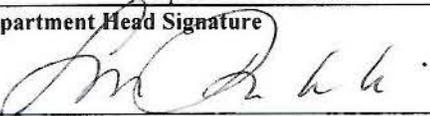
facility, as such term is defined in subdivision two of section 240.00 of this chapter, operated by such metropolitan transportation authority, New York city transit authority or subsidiary or affiliate of such authority, when public notice of the prohibitions of its section and the exemptions thereto appears on the face of the farecard or is conspicuously posted in transportation facilities operated by such metropolitan transportation authority, New York city transit authority or such subsidiary or affiliate of such authority.

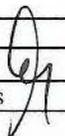
2. It shall be a defense to a prosecution under this section that a person, firm, partnership, corporation, or association: (a) selling a farecard containing value, other than a doctored farecard, relinquished all rights and privileges thereto upon consummation of the sale; or (b) sold access to transportation services through the use of a farecard, other than a doctored farecard, when such sale was made at the request of the purchaser as an accommodation to the purchaser at a time when a farecard was not immediately available to the purchaser, provided, however, that the seller lawfully acquired the farecard and did not, by means of an unlawful act, contribute to the circumstances that caused the purchaser to make such request.
3. For purposes of this section:
  - (a) "farecard" means a value-based, magnetically encoded card containing stored monetary value from which a specified amount of value is deducted as payment of a fare;
  - (b) "unlimited farecard" means a farecard that is time-based, magnetically encoded and which permits entrance an unlimited number of times into facilities and conveyances for a specified period of time; and
  - (c) "doctored farecard" means a farecard that has been bent or manipulated or altered so as to facilitate a person's access to transportation services, without paying the lawful charge. Unauthorized sale of transportation services is a class B misdemeanor.

# Report

## PROCUREMENTS

The Procurement Agenda this month includes 13 actions for a proposed expenditure of \$111.4M.

<b>Subject</b>	Request for Authorization to Award Various Procurements				
<b>Department</b>	Materiel Division – NYCT				
<b>Department Head Name</b>	Stephen M. Plochochi				
<b>Department Head Signature</b>					
<b>Project Manager Name</b>	Rose Davis				
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	10/27/14			
2	Board	10/29/14			

October 15, 2014			
<b>Department</b>			
Law and Procurement – MTACC			
<b>Department Head Name</b>			
Evan Eisland			
<b>Department Head Signature</b>			
			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President NYCT 		President MTACC 
	Executive VP 		President MTA Bus
X	Capital Prog. Management	X	Subways
	Law	X	Diversity/Civil Rights

<b>Internal Approvals (cont.)</b>							
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>

**PURPOSE:**

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

**DISCUSSION:**

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

Procurements Requiring Two Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$ 3.0 M
• Knorr Brake Corporation      \$ 3.0 M		
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 3.0 M</b>

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

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

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

<u>Procurements Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	2	\$ 53.5 M
<u>Schedules Requiring Majority Vote:</u>		
Schedule F: Personal Service Contracts	2	\$ 15.1 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 1.0 M
SUBTOTAL	5	\$ 69.6 M

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

Schedule I: Modifications to Purchase and Public Works Contracts	2	\$ 3.8 M
SUBTOTAL	2	\$ 3.8 M

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

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

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

<u>Schedules Requiring Two-Thirds Vote:</u>		
Schedule D: Ratification of Completed Procurement Actions	3	\$ 22.4 M
<u>Schedules Requiring Majority Vote:</u>		
Schedule K: Ratification of Completed Procurement Actions	1	\$ 11.4 M
SUBTOTAL	4	\$ 33.8 M

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

<u>Schedules Requiring Majority Vote:</u>		
Schedule K: Ratification of Completed Procurement Actions	1	\$ 1.2 M
SUBTOTAL	1	\$ 1.2 M
TOTAL	13	\$ 111.4 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.

**OCTOBER 2014**

**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.

- |   |                           |   |
|---|---------------------------|---|
| <b>1. Knorr Brake Corporation</b>   | <b>\$3,000,000 (Est.)</b> | <b><i><u>Staff Summary Attached</u></i></b> |
| <b>Sole Source - Three-year omnibus</b>   |                           |   |
| Purchase of inventory and non-inventory replacement air brake parts and other sole source subway car parts. |                           |   |

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

Item Number: 1

<b>Vendor Name (&amp; Location)</b> Knorr Brake Corporation (Westminster, MD)
<b>Description</b> Purchase of inventory and non-inventory air brake parts and other sole source subway cars
<b>Contract Term (including Options, if any)</b> December 2, 2014 – December 1, 2017
<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>	\$3,000,000 (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 Knorr Brake Corporation (Knorr) and will eliminate the need to advertise and prepare individual staff summaries for Board approval for each procurement over the \$15,000 small purchase threshold. NYC Transit is not obligated to generate any purchase orders pursuant to an omnibus approval. Any purchases made under this approval will be made pursuant to paragraph 9 (b) of Public Authorities Law §1209, which allows for purchases of items that are available from only a single responsible source to be conducted without competitive bidding.

There are approximately 2,227 items covered by this approval for the purchase of all air brake components and to a lesser extent certain other sole source inventory and non-inventory parts such as leveling valves and coupler sensors for NYC Transit subway cars. These items are identified as obtainable only from Knorr for the following reasons: sole pre-qualified source on the Qualified Products List and not available from any distributor or other sources; publicly advertised within a twelve month period without an acceptable alternate supplier; or proprietary to Knorr. These items are advertised a minimum of once every twelve months to seek competition. A list of Knorr 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. Knorr is approved to supply parts on 3,031 NYC Transit subway cars (752 R46, 824 R62A, 425 R68, and 1,030 R142).

The current omnibus approval for \$5,000,000 was approved by the Board in November 2011 and expires on December 1, 2014. There is a remaining balance of \$1,789,267 on the current omnibus approval. The remaining balance is attributable to forecast revisions and work scope changes to the Division of Car Equipment’s (DCE) Scheduled Maintenance System (SMS) plans since the current omnibus was approved. During the term of the new omnibus approval, the R62A subway cars will undergo a seven-year overhaul and the R46 and R142 subway cars will undergo a 14-year heavy overhaul.

Procurement performed a price analysis on 45 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 45 items, 23 items during the term of the current omnibus approval have a comparative price history. A comparative price analysis of these 23 items revealed an annual weighted average price decrease of approximately 2.93%. These 23 items amount to a total of \$1,559,991 or 51% of the value of the contracts issued under the current omnibus approval. However, the pricing for two of these items was influenced by a significant quantity increase and if these items are excluded from the calculation, the prices for the remaining 21 items show an overall weighted average annual price increase of 0.75%. This increase compares favorably to the annual average increase of approximately 1.32% in a weighted average of the Produce Price Indices for these items.

Based on the current forecasts and projections for 2015 through 2018 as provided by DCE, it is anticipated that DCE will require approximately \$3,000,000 for sole source items from Knorr 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 Knorr 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 Knorr on an as-required basis. Each item purchased under this approval will be subject to a cost and/or price analysis and determination that the negotiated price is found to be fair and reasonable.





**OCTOBER 2014**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

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

**E.E. Cruz/Tully Construction  
Company, JV, LLC**

- |    |                              |                    |                               |
|----|------------------------------|--------------------|-------------------------------|
| 1. | <b>Contract# C-26005.94</b>  | <b>\$2,463,000</b> | <u>Staff Summary Attached</u> |
| 2. | <b>Contract# C-26005.161</b> | <b>\$1,352,000</b> | ↓                             |

Modifications to the contract for civil, structural and utility relocation work for the Second Avenue Subway, 96<sup>th</sup> Street Station, in order to address impact costs associated with compensable extensions of time granted under previous modifications.

# Staff Summary

Item Number 1			
Division/Division Head/Signature: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel	6	President
2 X	Law		
3 X	Capital Budget		
4 X	Subways		
5	EVP		

SUMMARY INFORMATION	
Vendor Name	Contract Nos.
NEU International Railways	R34251
Description	
Purchase of Three Vacuum Trains	
Total Amount	
\$22,966,046	
Contract Term (including Options, if any)	
60 months from NOA	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**PURPOSE:**

To obtain Board approval to award a competitively solicited contract to NEU International Railways (NEU) to purchase three vacuum trains at a total price of \$22,966,046. This action also requests Board approval to increase the scope of the Purchase Vacuum Trains project in the 2010-2014 Capital Program from two to three vacuum trains.

**DISCUSSION:**

Pursuant to subdivision 9(f) of Section 1209 of the Public Authorities Law, an Authorizing Resolution to issue a Request for Proposals (RFP) was approved by the Board in September 2013 for the purchase of two vacuum trains, with the funding for the equipment provided in the MTA Capital Program. Prior to issuance of the RFP, in order to cultivate competition, members from the Department of Subways (DOS) - the Divisions of Car Equipment (DCE) and Maintenance of Way - as well as Procurement visited vacuum train manufacturers and transit properties in Europe who own vacuum trains. Further, a Request for Information (RFI) was generated in December 2012 in an attempt to identify more competition. This RFI was advertised internationally and the outreach included contacting 26 firms with responses received from 12 firms.

The RFP was publicly advertised, both locally and internationally, in January 2014 and a notice was sent to all firms who responded to the RFI. A total of 12 firms picked up the RFP package. On May 16, 2014, proposals were received from three firms: Oregon Iron Works Inc. (OIW), NEU and Schorling kommunal GmbH (Schorling), in the amounts \$35,156,467, \$19,626,375 and \$16,941,260 respectively.

A vacuum train is a piece of track bed cleaning equipment consisting of an operator cab, self-powered vacuuming and filtering apparatus and storage space for the debris collected. Vacuum trains are used in DOS' Division of Track operations to remove debris from the track bed which can cause fires resulting in delays in service. The new vacuum trains will replace the two existing self-propelled vacuum trains which began service in 1997 and 2000 and have now reached the end of their useful lives. In order to eliminate dependency on its own propulsion system and maximize availability, in the event of a propulsion failure, the new vacuum trains will not be self-propelled. Each train will be moved through the system by NYC Transit locomotives. The new vacuum trains will employ improved debris agitation and suction systems to improve vacuuming efficiency in a single pass and enable NYC Transit to increase the amount of track bed to be cleaned and maximize the speed and effectiveness of the cleaning operation.

After evaluating initial proposals for the purchase of two vacuum trains, the Selection Committee determined that the three proposers appeared to be qualified to perform the work. This evaluation was conducted in accordance with the stated evaluation criteria, which included compliance with the specifications; experience of the project team in similar projects; management approach and staffing plan;

# Staff Summary

product maintainability (including optimizing the use of Commercial Off The Shelf components) and operation of equipment; plan to meet or reduce the maximum delivery schedule; the quality assurance program; experience in providing quality training, manuals, drawings, and aftermarket support; overall project cost and value to the Authority; and other relevant matters including compliance with and acceptance of NYC Transit's terms and conditions; clarity and completeness of the written proposal, quality of oral presentation.

The Selection Committee voted unanimously to invite all three proposers to give oral presentations. The technical ranking of the proposers was NEU first, OIW second and Schorling third. After oral presentations, the Selection Committee unanimously decided to negotiate with NEU and Schorling, both of whom have demonstrated significant experience in building vacuum trains. OIW was eliminated from further consideration because its price was significantly outside of the competitive range and the oral presentation further illuminated that the nature of its proposal was primarily research and development based, with no prior experience of having actually built a vacuum train.

Negotiations were held with both NEU and Schorling between July and September 2014 with a focus on pricing, the technical aspects of the proposals, delivery schedules as well as the commercial aspects of each proposal, including payment terms and bonding.

During the course of the negotiation period, the issue of acquiring a third vacuum train was raised by DOS. This third vacuum train will allow NYC Transit to further increase its cleaning frequency, allow for more efficient vacuum train operations and support operation of the trains in as many as three of the sub-divisions simultaneously. The third train will also permit more efficient preventative maintenance of the vacuum trains while still providing adequate system coverage. Collectively, with the purchase of these three vacuum trains, NYC Transit will effectively reduce the debris buildup which can cause track fires, thus mitigating service delays. Procurement leveraged this quantity change in its negotiations with both proposers to reduce pricing by taking into account economies of scale. As a result, a request for pricing for three vacuum trains was included in the request for Best and Final Offers (BAFOs).

On October 2, 2014, NYC Transit requested BAFOs which included price proposals for the purchase of both two and three trains. BAFOs were received on October 10, 2014 as follows:

	<u>Three Trains</u>	<u>Two Trains</u>
NEU	\$22,966,046*	\$17,280,969*
Schorling	\$25,005,310	\$17,182,730

\*This represents NEU's BAFO prices which included an advantageous alternate accelerated delivery schedule (deemed acceptable by NYC Transit prior to BAFO) with an associated monetary credit.

After review of the BAFOs in accordance with the evaluation criteria, the Selection Committee unanimously selected NEU for award of this contract as NEU was evaluated as being technically superior, based on its demonstrated higher level of proficiency in vacuuming technology and its ability to integrate NYC Transit's requirements into its design solution, as well as offering the lowest overall price for the purchase of three trains. NEU's accelerated delivery schedule was considerably better than that offered by Schorling and is an improvement over the RFP schedule. NEU will manufacture the vacuuming equipment at its plant in Lille, France and ship it to its strategic subcontractor Socofer. Socofer, the carbuilder, located in Tours, France, will integrate NEU's equipment into the train. The first train will arrive 24 months after Notice of Award (NOA) as per the schedule in the RFP, with the second and third train being delivered 31 and 35 months after NOA respectively, which is an improvement of four months and six months respectively over the RFP schedule. The Selection Committee determined that based on its technical superiority, the accelerated delivery schedule and lower price, NEU's proposal offers the best overall value to NYC Transit. NEU was the manufacturer of NYC Transit's existing vacuum trains and is recognized as a world leader in the supply of vacuum trains with equipment in operation in Paris, Brussels, Rome, Munich, Seoul and Santiago (Chile). The Selection Committee also unanimously determined that if the award was being made on the basis of two trains NEU would also have been the selected awardee.

It should be noted that despite having been given multiple opportunities by NYC Transit through the process, Schorling was unable to demonstrate the viability of its proposed vacuuming/suction hood design solution and how it would meet the exhaust temperature and noise requirements.

NEU's price of \$22,966,046 is broken out as follows: three vacuum trains at \$21,023,940 (\$7,007,980 each x 3) plus \$1,942,106 comprised of non-car items (which includes spare parts, special tools, manuals, training, car history books, drawings and bonding costs). Procurement, NYC Transit's Cost/Price Analysis Unit and DCE's Work Car Engineering group reviewed the prices and concluded that NEU's price of \$22,966,046, which is \$13,518,231 (37%) lower than the three train in-house estimate of \$36,484,277,

## Staff Summary

is fair and reasonable. The price per train for two trains from the initial price proposal was \$8,322,103. The price per train for the BAFO representing three trains is \$7,007,980 resulting in a reduction in the price of \$1,314,123 (16%) per train.

The trains proposed by NEU will consist of three cars: two filter cars, one of which will house the operator's cab, and a third center car which houses the vacuuming system.

Background investigations and Questionnaires submitted by NEU disclosed no "significant adverse information" within the meaning of the All-Agency Responsibility Guidelines. Procurement and DCE finds NEU to be responsible and the NYC Transit Controller's Office determined that the firm is financially qualified to receive this contract award.

Note, this contract is subject to review and approval of the Office of the NY State Comptroller (OSC) and award will not be made prior to this approval.

**MBE/WBE:**

Based on the Scope of Work and lack of subcontracting opportunities, no goals were established.

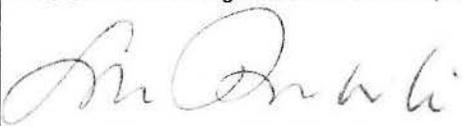
**IMPACT ON FUNDING:**

Additional funding has been made available via the Capital Plan Amendment staff summary dated July 28, 2014 providing funding for the Service Vehicles category of NYC Transit's 2010-2014 Capital Program, which allowed a \$35.6 million budget to be established for the Purchase Vacuum Trains project. This \$35.6 million budget was based on an earlier bid estimate (prior to advertisement) of \$26.5 million to purchase two vacuum trains, plus design and support costs. Since the negotiated price of \$22,966,046 for the purchase of three trains is less than the earlier bid estimate, there is sufficient funding in the project budget to award the project.

**RECOMMENDATION:**

It is recommended that the Board approve award of a competitively solicited contract to NEU International Railways for the purchase of three vacuum trains at a total price of \$22,966,046 and concurrently approve a scope increase to the Purchase Vacuum Train project in the 2010-2014 Capital Program for a total of three vacuum trains.

# Staff Summary

Item Number <u>2</u>			
Division/Div. Head/Signature: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel	6 X	MTA-IT
2 X	Law	7	EVP 
3 X	Operating Budget	8	President 
4 X	Capital Budget	9	
5 X	DDCR	10	

SUMMARY INFORMATION	
Vendor Name Vicom Computer Services, Inc.	Contract Number RFQ 57710
Description Network Infrastructure Upgrade	
Total Amount \$30,640,539 (Est.)	
Contract Term (including Options, if any) Eleven Years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**PURPOSE**

To obtain approval from the Board to award a competitively negotiated All-Agency eleven-year purchase contract to Vicom Computer Services, Inc., (Vicom) to design, furnish, install and maintain data communications hardware (routers, switches and wireless LANs), software and a comprehensive enterprise management system for a network infrastructure upgrade at three NYC Transit core data center locations, six concentrator locations, 58 major facilities and approximately 250 smaller remote network locations throughout NYC Transit as well as future estimated purchases of network equipment, maintenance and professional services for all MTA Agencies in the combined estimated amount of \$30,640,539.

**DISCUSSION**

Pursuant to Subdivision 9(f) of §1209 of the Public Authorities Law, an authorizing resolution to utilize the Request for Proposal (RFP) process for this procurement was approved by the Board in March 2013. The existing NYC Transit core data network infrastructure was installed approximately 20 years ago and consists of over 1,200 network devices. Most of the current data infrastructure is now considered end of life and is no longer supported by product vendors. The older hardware that is still supported is costly to maintain. Day-to-day support of network components is difficult and the existing infrastructure has limited functionality as MTA Information Technology (MTA-IT) incorporates new technologies such as virtualization and storage area networks (SANs) to support disaster recovery and other systems into the NYC Transit network.

The project encompasses creating a fully redundant core data network to support SANs and application redundancy across the three core data centers and upgrade user access to applications at facilities throughout NYC Transit. These systems support critical applications which are vital to NYC Transit's core business and must be included in a disaster recovery/business continuity plan. The intent is to enhance support and services by including wireless capabilities, minimize system downtime and provide expanded disaster recovery capabilities at the NYC Transit core data center locations. Additionally, concentrator locations, major facilities and remote locations need to have network hardware components replaced. At these locations, user access to the network is limited by current transmission technology that was implemented over 15 years ago. This transmission technology is static and slow by today's standards, limiting application and internet access. It does not allow for future growth. Under this contract, the hardware will be replaced in several phases over a two-year period. The contractor will perform installation at the three core, and six concentrator locations as well as the 58 major facilities while MTA-IT staff will perform installation at the remote locations. The contract will provide one year of enhanced warranty and a seven-year maintenance agreement for hardware and software support. By combining the maintenance with the initial purchase decision, NYC Transit sought to leverage its purchasing power and avoid future non-competitive maintenance contracts by employing life cycle costing analysis with the initial acquisition.

A Request for Proposals was advertised in September 2013, resulting in the receipt of nine proposals from Alcatel-Lucent, Copper River, Hewlett-Packard, IBM, Integration Partners, Netfast, Vandis, Verizon and Vicom. Based on the evaluations of these proposals by the Selection and Technical Committees, three firms and their respective manufacturers were invited for oral presentations: Integration Partners/Avaya, Netfast/Brocade and Vicom/Cisco. The remaining six firms were eliminated from further consideration due to their inability to meet all requirements of the Scope of Work such as: inability to optimize network utilization; the proposed

## Staff Summary

hardware does not have a lifecycle of at least seven years from time of award; and the proposed hardware does not allow for upgrades of the network in the future. Based on the oral presentations and continuing review of the proposals, the Selection Committee recommended two firms for negotiations: Netfast and Vicom. Integration Partners was eliminated due to issues regarding its management software, network traffic and the capacity of its equipment.

The other MTA agencies were consulted about this RFP, but initially opted out of this procurement since they had standardized their network hardware and were committed to maintaining a state of good repair utilizing equipment from their current manufacturers. However, while the RFP was in progress, the IT departments of the various MTA agencies were consolidated into MTA-IT. After the consolidation, Procurement proposed a strategy whereby all MTA agencies will utilize this contract to satisfy upcoming demands for replacement network devices. Therefore, the estimated requirements of all MTA agencies over a three-year period were added to the scope of the contract via an addendum to the RFP. This will provide all MTA agencies with access to very competitive volume discount pricing for certain network equipment and maintenance on that equipment.

Initial proposals included only the NYC Transit Portion; the corresponding prices were \$19,212,445 for Netfast and \$30,788,266 for Vicom. Negotiations focused on technical clarifications, contract terms, implementation schedule and cost. The NYC Transit Portion of the network equipment and maintenance is known and the quantities are fully specified. However, the requirement for future purchases of network equipment, maintenance and professional services for all MTA agencies (“All-Agency Portion”) is estimated and the full extent of the requirement is not known with certainty at this time. Therefore, prior to requesting Best and Final Offers (BAFOs), it was determined that a weighted price would be used when comparing BAFO prices. The weighted price was computed based on a conservative estimate of the type and quantity of devices the MTA was anticipated to need. This resulted in weighting, for evaluation purposes, 100% of the price for the NYC Transit Portion and 50% of the price for the All-Agency Portion. Interim proposals were obtained after the requirements of the other agencies were added and pricing continued to be volatile throughout the negotiation process. At the conclusion of negotiations, BAFOs were requested from Netfast for Brocade equipment and Vicom for Cisco equipment. BAFOs were received August 15, 2014. The following chart summarizes the BAFOs:

	NYCT	All-Agency	Total	Evaluated Price
<b>Netfast</b>	\$20,130,517	\$14,630,276	\$34,760,793	\$27,445,655
<b>Vicom</b>	\$20,880,338	\$10,510,730	\$31,391,068	\$26,135,703

Based on the results of the BAFO proposals and in accordance with the stated evaluation criteria, the Selection Committee unanimously voted to select Vicom for award of this contract. All members of the Selection Committee found Vicom to be technically superior. Vicom has a demonstrated successful performance record and had positive reference checks with several enterprise firms and government agencies. Although not presently NYC Transit’s primary network equipment, Cisco devices are used in many locations and applications at NYC Transit and have performed well (maintenance for existing Cisco equipment is provided under a separate contract). Vicom’s evaluated BAFO price was \$26,135,703 which was \$1.3M (4.8%) less than Netfast’s evaluated BAFO price.

After Final Selection, Procurement requested a unilateral price reduction from Vicom. Vicom provided a price reduction of \$750,529, reflecting a reduction in its price for the NYC Transit Portion. The final pricing is as follows: NYC Transit Portion - \$20,129,809; All-Agency Portion - \$10,510,730; Total - \$30,640,539; Evaluated Price - \$25,385,174. The final price for the contract is \$30,640,539. NYC Transit’s revised in-house estimate is \$37.4M. Through negotiations, NYC Transit has achieved savings of \$10.7M. The price has been found fair and reasonable based on adequate price competition and comparison to NY State OGS pricing. A review of Vicom’s submittals and a background check disclosed no significant adverse information within the meaning of the All-Agency Responsibility Guidelines. After considering all relevant information, Vicom was found fully responsible for award.

### M/W/DBE INFORMATION

The MBE/WBE goals are 10% MBE and 10% WBE. The Department of Diversity and Civil Rights has approved Vicom’s MBE/WBE utilization plan. Vicom has not completed any MTA contracts with MBE/WBE goals, therefore, no assessment of the firm’s MBE/WBE performance can be determined at this time.

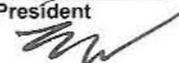
### IMPACT ON FUNDING

The hardware acquisition, installation and warranty for the NYC Transit Portion will be funded in the first instance by the operating budget and will be reimbursed by MTA capital funds that are available from WAR certificates T00023544 and T00023320. Maintenance costs will be funded by the operating budget; funding for the NYC Transit Portion is available in MTA-IT’s operating budget in RC 7522, GLA 711557. Separate budget approvals will be obtained for any expenditures under the All-Agency Portion of the contract.

### ALTERNATIVES

None recommended. Due to aged equipment and lack of support for the current network, NYC Transit must bring the network up to date to meet current and future needs in the IT environment. MTA-IT does not possess sufficient staff with the requisite skills to perform the requirements of this Contract.

# Staff Summary

Item Number 3			
Division/Division Head/Signature: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel 	6 X	Subways
2 X	Law	7	EVP 
3 X	Budget	8	President 
4 X	DDCR		
5 X	CPM		

SUMMARY INFORMATION	
Vendor Name SYSTRA Engineering, Inc.	Contract Nos. CM-1539
Description Consultant Services to Support the Construction of the Communication Based Train Control (CBTC)/AWS Signal System for the Queens Blvd Line (QBL) and for the Qualification of a Future CBTC Vendor	
Total Amount \$12,555,698 (NTE)	
Contract Term (including Options, if any) Seventy-three 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:	

**PURPOSE:**

To obtain Board approval to award a competitively negotiated contract for Consultant Services to Support Construction of the Communication Based Train Control (CBTC)/Auxiliary Wayside Signaling (AWS) System for the Queens Boulevard Line (QBL) and for the Qualification of a Future CBTC Vendor to SYSTRA Engineering, Inc. (SYSTRA) in the not-to-exceed amount of \$12,555,698 with a duration of 73 months.

**DISCUSSION:**

As part of its ongoing modernization program, NYCT is upgrading its signal system, from fixed block, wayside signal/train stop technology to a CBTC system. The Canarsie Line was selected to be the pilot and first location at NYCT to be equipped with CBTC technology. The Flushing Line was the subsequent project and the signal systems were designed and procured to utilize this NYCT "standard" CBTC system technology developed under the Canarsie CBTC project. NYCT is developing and validating interoperability interface specifications (I2S) for this technology. A state-of-the-art signal system is being designed for the Queens Boulevard Line based on interoperable CBTC technology being finalized on the Culver Test Track project. This new CBTC signal system will work in coordination with an AWS system. These systems will be integrated to permit both CBTC equipped and unequipped trains to operate on the Queens Boulevard Line.

Under this contract, the consultant will support the project design effort and ongoing revisions to the specifications and provide construction management support necessary for the installation, testing, and commissioning of a CBTC system for NYC Transit's Queens Boulevard Line, and for the qualification of an additional vendor for future CBTC projects. Services also include tasks related to development of functional and system requirements, modifying specifications, comprehensive analyses, review of technology demonstration tests and other deliverables that include approval of plans and drawings, estimating, resolving technical issues and monitoring schedule compliance.

A One-step RFP was advertised in April 2014. This is a highly specialized field and outreach efforts were made to the consulting industry to encourage competition for this and similar RFPs. Five firms purchased the RFP package. Three firms declined to propose due to insufficient technical qualifications including a lack of CBTC experience. Proposals were received from CH2M Hill (CH2M) and SYSTRA. Both firms were found to be technically capable to perform the work and were invited for oral presentations in support of their written technical proposals. During the oral presentations, both firms presented strong team approaches to the project with a well structured management plan, a high level of expertise in the areas of management, engineering, signaling and design, and the key personnel's extensive experience with complex CBTC and Signaling projects.

# Staff Summary

The Selection Committee voted unanimously to negotiate with both firms. The initial cost proposals for the 73-month contract were as follows: SYSTRA \$18,987,699 and CH2M \$16,805,326. The engineer's estimate was \$19,017,001. Negotiations focused on the proposed titles and labor hours, ensuring that there was a unified understanding as to what type of qualifications and experience were required for each title. Negotiations also focused on direct rates, fixed fee, overhead rates, other direct costs, and a clarification of significant reductions in the Scope of Work (SOW), including the fact that approximately 75% of this work should use field overhead rates.

Based upon reductions in the SOW and overhead clarification, the engineer's estimate was revised to \$15,460,565. Best and Final Offers (BAFO) were received as follows: SYSTRA \$12,555,698 and CH2M with \$15,639,642. Both BAFOs are considered "Fair and Reasonable" by Procurement and CPM based on the competitive nature of the RFP.

Based on the technical proposal submittals, oral presentations and the BAFOs, and in accordance with the evaluation criteria, the Selection Committee (SC) unanimously voted to recommend award of the contract to SYSTRA. Both firms were deemed to be technically qualified. CH2M was rated technically higher than SYSTRA; however, the SC determined that there was not a significant technical variance to justify the cost difference presented in their respective Best & Final Offers. SYSTRA has successfully completed numerous complex projects for NYCT and other MTA agencies and provides well known key personnel, each with 20 to 30 years of successful and relevant experience. Project Team members have worked on dozens of similar projects around the world. SYSTRA is well qualified and represents the best overall value to NYCT.

SYSTRA has extensive experience in CBTC, Signaling and Solid State Interlocking (SSI). SYSTRA is the Independent Safety Assessor (ISA) on the Dyre Avenue SSI as well as the Canarsie CBTC project; provided support of the NYCT Rail Control Center ATS 'A'; NYCT Operations Simulations for Queens Blvd. Line Signal System Modernization as well as multiple worldwide CBTC and Signal projects.

A review of SYSTRA's submittals and the Division of Materiel background check disclosed no "significant adverse information" within the meaning of the All-Agency Responsibility Guidelines.

## **M/W/DBE:**

The MTA Department of Diversity and Civil Rights (DDCR) has established goals at 0.5% Minority-owned Business Enterprise (MBE) and 0.5% Woman-owned Business Enterprise (WBE) for this contract. DDCR has approved the M/WBE Utilization Plan for SYSTRA.

SYSTRA has achieved its previous MWDBE goals on previous MTA Contracts.

## **PREVIOUS WORK OF THE SELECTED CONSULTANT FOR MTA OR AFFILIATES**

CM-1062 Canarsie Communication Based Train Control (CBTC) ISA

CM-1508 I.Q. Services for Construction Management and Inspection Services for Construction and Security Projects.

CM-1524 Independent Safety Assessor for System Signal Modernization for the Dyre Avenue Solid State Interlocking Project.

## **IMPACT ON FUNDING:**

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

## **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 inputs have been secured from the responsible functional departments.

## **RECOMMENDATION:**

That the Board approve the award of the competitively negotiated contract for Consultant Services to Support Construction of the Communication Based Train Control/Auxiliary Wayside Signaling System for the Queens Boulevard Line and for the Qualification of a Future CBTC Vendor to SYSTRA Engineering, Inc. in the not-to-exceed amount of \$12,555,698 with a duration of 73 months.

# Staff Summary

Item Number <u>4</u>			
Division/Division Head/Signature: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel 	6 X	Subways
2 X	Law	7	EVP 
3 X	Budget	8	President 
4 X	DDCR		
5 X	CPM		

SUMMARY INFORMATION	
Vendor Name	Contract Nos.
SYSTRA/Rail Safety Consulting JV	CM-1112
Description	
Independent Safety Assessor (ISA) Signal Modernization for West 4 <sup>th</sup> St. and 34 <sup>th</sup> St. Solid State Interlocking Projects	
Total Amount	
\$2,495,343 (NTE)	
Contract Term (including Options, if any)	
Fifty-three 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:	

**PURPOSE:**

To obtain Board approval to award a competitively negotiated contract for an Independent Safety Assessor (ISA) for the Signal Modernization for the West 4<sup>th</sup> Street and 34<sup>th</sup> Street Solid State Interlocking (SSI) Projects to SYSTRA Engineering Inc./Rail Safety Consulting JV (SYSTRA/RSC JV) in the not-to-exceed amount of \$2,495,343 with a duration of 53 months.

**DISCUSSION:**

This contract requires the services of a consultant to provide an independent safety assessment for the implementation of new SSI technology being installed for the West 4<sup>th</sup> and 34<sup>th</sup> Street SSI Projects. Construction contracts for the West 4<sup>th</sup> Street and 34<sup>th</sup> Street SSI Projects were awarded in July 2014 and April 2014 respectively, and use two different manufacturers of SSI equipment. This new SSI technology will be replacing two conventional relay-based interlockings, and will have safety-critical interfaces with the Communication Based Train Control (CBTC) system. The ISA will conduct independent reviews during the design, development, manufacture, integration, factory testing, installation, field testing and commissioning of the two SSIs to ensure that all safety related requirements have been met. The ISA will provide an independent evaluation of each SSI manufacturer's use of safety design practices and will evaluate the NYC Transit Rail Safety Program Plan (RSPP) as well as the Product Safety Plan (PSP) from each SSI manufacturer and conduct independent reviews of Verification and Validation (V&V) procedures developed for safety certification.

A One-Step RFP was advertised in April 2014. This is a highly specialized field and outreach efforts were made to the consulting industry to encourage competition for this and similar RFPs. Six firms purchased the RFP packages and two proposals were received. Three of the six firms joined the procurement either as subconsultants or as part of a Joint Venture (JV), and one firm declined to participate. Proposals were received from Battelle Memorial Institute (Battelle) and SYSTRA/RSC JV. Both firms were found to be technically capable of performing the work and were invited for oral presentations in support of their written technical proposals. During the oral presentations, both firms demonstrated comprehensive knowledge and experience with SSI and NYC Transit signaling and procedures.

The Selection Committee (SC) voted unanimously to negotiate with both firms. The initial cost proposals for the 53-month contract were as follows: SYSTRA/RSC JV \$2,753,784 and Battelle \$3,683,115. The engineer's estimate was \$3,208,866. Negotiations focused on the proposed titles and labor hours, ensuring that there was a unified understanding as to what type of qualifications and experience was required for each title. Negotiations also focused on direct rates, fixed fee, overhead rates, other direct costs, and clarifications of the scope of work.

# Staff Summary

Best and Final Offers (BAFO) were received as follows: SYSTRA/RSC JV \$2,495,343 and Battelle \$2,964,603. Based on the technical proposals, oral presentations and the BAFOs, and in accordance with the evaluation criteria, the SC unanimously voted to recommend award of the contract to SYSTRA/RSC JV. Although both firms were deemed to be technically well-qualified with extensive worldwide experience, the SYSTRA/RSC JV proposal offered the best overall value to NYC Transit. Both members of the Joint Venture have extensive experience with the implementation, verification and maintenance of SSI systems. SYSTRA Engineering Inc. is the ISA on the Dyre Avenue SSI as well as the Canarsie CBTC project; provided support of the NYC Transit Rail Control Center ATS 'A'; Bay Area Rapid Transit Automatic Train Control Systems (San Francisco) and Los Angeles County Metropolitan Transit Authority Safety Certification. RSC has performed as a subconsultant on multiple NYC Transit projects and is also a Division of TUV Rheinland Mobility Inc., a global provider of safety assessment and certification services.

The SYSTRA/RSC JV BAFO of \$2,495,343 was \$713,523 below the estimate of \$3,208,866. Battelle's BAFO of \$2,964,603 was \$244,263 below the estimate. Both BAFOs are considered "Fair & Reasonable" by Procurement and CPM based on the competitive nature of the RFP.

A review of SYSTRA/RSC JV submittals and the Division of Materiel background check disclosed no "significant adverse information" within the meaning of the All-Agency Responsibility Guidelines. Procurement finds SYSTRA/RSC JV to be fully responsible for award.

## **M/W/DBE:**

The MTA Department of Diversity and Civil Rights (DDCR) has established goals at 5% MBE and 0% WBE for this contract. DDCR has approved the MBE Utilization Plan for SYSTRA/RSC JV.

SYSTRA Engineering Inc. has achieved its previous MWDBE goals on previous MTA Contracts.

The joint venture partner, Rail Safety Consulting, Inc., has not participated as a prime on MTA/NYC Transit contracts.

## **PREVIOUS WORK OF THE SELECTED CONSULTANT FOR MTA OR AFFILIATES**

CM-1062 Canarsie Communication Based Train Control ISA

CM-1508 I.Q. Services for Construction Management and Inspection Services for Construction and Security Projects.

CM-1524 ISA Signal System Modernization Dyre Avenue Solid State Interlocking

## **IMPACT ON FUNDING:**

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

## **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 inputs have been secured from the responsible functional departments.

## **RECOMMENDATION:**

That the Board approve the award of this competitively negotiated consultant contract for an Independent Safety Assessor for the Signal Modernization for West 4<sup>th</sup> Street and 34<sup>th</sup> Street Solid State Interlocking Projects to SYSTRA/RSC JV in the not-to-exceed amount of \$2,495,343 with a duration of 53 months.

Item Number: 5

<b>Vendor Name (&amp; Location)</b> International Business Machines Corp. (Albany, NY)
Data Center IT Support Services
<b>Contract Term (including Options, if any)</b> February 1, 2005 – May 31, 2018
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA-IT, Sidney Gellineau

<b>Contract Number</b> 03A8602-1	<b>ASWO/Mod.#:</b> 109
<b>Original Amount:</b>	\$ 65,228,757
<b>Option Amount:</b>	\$ 35,711,692
<b>Total Amount:</b>	\$ 100,940,449
<b>Prior Modifications:</b>	\$ 79,996,582
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 180,937,031
<b>This request:</b>	\$ 971,412
<b>% of This Request to Current Amount:</b>	0.5%
<b>% of Modifications (including This Request) to Total Amount:</b>	80.2%

**Discussion:**

This modification is for a capacity upgrade to the existing PeopleSoft Tivoli Storage Manager (TSM) Backup and Recovery infrastructure, which services the MTA-Business Service Center (MTA-BSC) PeopleSoft environment.

This contract is for Data Center IT Services that include mainframe and midrange server processing for NYC Transit, MTA-BSC, and other agencies including MTA Headquarters, MTA Bridges and Tunnels, MTA Long Island Railroad, and MTA Metro-North Railroad.

TSM is an automated back up and recovery platform consisting of hardware (server, tape drives, disk units) and software components. TSM is used to organize, schedule and perform automated back ups of enterprise data.

The current TSM platform is near maximum capacity and is in need of an upgrade. The TSM upgrade has become immediately necessary in order to accommodate the back ups of data stored on additional equipment that will be installed in the MTA’s main data center for the PeopleSoft upgrade project. MTA-IT is upgrading the PeopleSoft environment from version 9.0 to version 9.2 because the current 9.0 version has reached end-of-support from Oracle and continued maintenance and support costs will increase. The migration from PeopleSoft version 9.0 to version 9.2 will require both versions to run concurrently. This increases the amount of storage that must be backed up daily by approximately 35%. This significant expansion will overload the current TSM platform, making the TSM upgrade necessary to allow for back ups during the migration period. This TSM upgrade will address the need to back up additional data during the migration as well as the expanded capacity that will be needed for growth under PeopleSoft version 9.2.

IBM submitted an initial proposal of \$1,277,152. Negotiations were held in August 2014. As a result of negotiations, IBM submitted a revised proposal of \$971,412. The final price was found to be fair and reasonable. Savings of \$305,740 were achieved.

Item Number: 1-2

<b>Vendor Name (&amp; Location)</b> E.E. Cruz/Tully Construction Company, JV, LLC (New York, NY)	
<b>Description</b>  Civil, Structural, and Utility Relocation for the Second Avenue Subway – 96 <sup>th</sup> Street Station	
<b>Contract Term (including Options, if any)</b> May 28, 2009 – November 5, 2013	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA Capital Construction, Dr. Michael Horodniceanu	

<b>Contract Number</b>	<b>AWO/Mod. #</b>
C-26005	94 & 161
<b>Original Amount:</b> 303,863,700	
<b>Option 1 Amount:</b>	\$ 17,526,300
<b>Option 2 Amount</b>	\$ 3,610,000
<b>Total Amount:</b>	\$ 325,000,000
<b>Prior Modifications:</b>	\$ 43,054,872
<b>Prior Budgetary Increases:</b>	\$
<b>Current Amount:</b>	\$ 368,054,872
<b>This Request:</b>	
Mod. 94: \$2,463,000	\$ 3,815,000
Mod. 161: \$1,352,000	
<b>% of This Request to Current Amount:</b>	1.0%
<b>% of Modifications (including This Request) to Original Amount:</b>	14.4%

**Discussion:**

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

**Modification No. 94**

The Contract includes the relocation of utilities along 2nd Avenue to make way for the construction of the 96<sup>th</sup> Station. During the performance of this work, the contractor encountered several conditions requiring modifications including revisions to their SOE, ground treatment for building stabilization, modified sewer excavation, revisions to a 12” gas line and additional building protection for various buildings along the project site. These changes potentially resulted in a cumulative delay of approximately 139 work days to Substantial Completion. In order to mitigate this delay to the extent possible, MTACC developed a re-sequencing plan of the slurry wall work which resulted in the mitigation of 101 work days. Modification No. 48 for this re-sequencing plan was approved by the Board in June 2013. This modification addresses the impact costs associated with the remaining 38 excusable and compensable work days including increased costs (trade labor escalation) for contract work that was pushed-out into higher wage periods. The Contractor’s proposal was \$7,852,977; MTACC’s revised estimate was \$2,602,544. Following review by MTA Audit, negotiations resulted in agreement on a lump sum price of \$2,463,000 which is considered fair and reasonable. The agreement includes approximately \$1.1 million for trade labor escalation. Savings of \$5,389,977 were achieved.

**Modification No. 161**

Modification No. 116 addressed the aggregate schedule impact and partial impact costs of several modifications issued between August 25, 2010 and December 1, 2012. Among those was Modification No. 66 which implemented a revised sewer system alignment due to conflicts with an existing duct bank and was determined to have the primary schedule impact. Agreement was subsequently reached under Modification No. 116 on an aggregate delay of 57 compensable work days including partial impact costs associated with 19 work days. This modification addresses the impact costs associated with the remaining 38 work days. The Contractor’s proposal was \$2,712,426; MTACC’s revised estimate was \$1,632,215. Following review by MTA Audit, negotiations resulted in agreement on a lump sum price of \$1,352,000, which is considered fair and reasonable. Savings of \$1,360,426 were achieved.

**OCTOBER 2014**

**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. <b>Electro Switch, Inc.</b>  | <b>\$304,151 (Est.)</b>    | <b><u>Staff Summary Attached</u></b> |
| 2. <b>Neopart, LLC</b><br><b>Various Contracts</b><br><b>Immediate Operating Need</b> |                            | ↓                                    |
| Purchase of kneeling sensor switches used on all RTS buses.                           |                            |                                      |
| 3. <b>Various Contractors</b>   | <b>\$22,074,318 (Est.)</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Various Contracts</b><br><b>Emergency Declaration</b>                              |                            |                                      |
| Superstorm Sandy Emergency Procurement Actions.                                       |                            |                                      |

**Procurements Requiring Majority Vote:**

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

(Staff Summaries required for items requiring Board approval.)

- |   |                     |                                      |
|---|---------------------|--------------------------------------|
| 4. <b>Fox Industries, Ltd.</b><br><b>Contract# C-42000.4</b>  | <b>\$11,429,000</b> | <b><u>Staff Summary Attached</u></b> |
| Modification to the contract for the rehabilitation of the Culver Line Viaduct Phase III, in order to provide for various concrete repairs, lead abatement, painting and a credit for deleted work. |                     |                                      |

OCTOBER 2014

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

**K. Ratification of Completed Procurement Actions (Involving Schedule E-J)**  
(Staff Summaries required for items requiring Board approval.)

- |                               |                    |                                      |
|-------------------------------|--------------------|--------------------------------------|
| <b>1. Skanska/Traylor, JV</b> | <b>\$1,175,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# C-26008.71</b>   |                    |                                      |
- Modification to the contract for station cavern mining and heavy civil/structural work for the Second Avenue Subway, 86<sup>th</sup> Street Station, in order to address modifications to longitudinal reinforcement in the station cavern lining.

Item Number: 1-2

<b>Vendor Name (&amp; Location)</b> Electro Switch, Inc. (Raleigh, NC) Neopart, LLC (Honey Brook, PA)	
<b>Description</b> Purchase of Kneeling Sensor Switches	
<b>Contract Term (including Options, if any)</b> Various	
<b>Option(s) included in Total Amount?</b>	<input 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 type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Informal Competition	

<b>Contract Number</b> Various	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> Electro Switch: \$90,221 Neopart: \$213,930 \$304,151 (Est.)	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Buses, Darryl Irick	

**Discussion:**

It is requested that the Board formally ratify the declaration of an Immediate Operating Need (ION) made by the Vice President, Materiel waiving formal competitive bidding pursuant to Article III, Paragraph A of the All-Agency Procurement Guidelines and Public Authorities Law § 1209 subsection 9(a) and approve various awards for kneeling sensor switches to Electro Switch, Inc. (Electro Switch) in the amount of \$90,221 and to Neopart, LLC (Neopart) in the estimated amount of \$213,930 for a total estimated amount of \$304,151.

There are two switches that are used in the kneeling system on the RTS high floor 40-foot bus. The kneeling system allows the front of the bus to lower to the ground in order to make boarding and egress at the front door easier for passengers. The switches are used in conjunction with the bus' kneeling system to prevent the bus from going too far down, or above level when utilized. The switches are manufactured by Electro Switch, Inc.

In May 2011 premature failures of these switches resulted in a high replacement rate precipitating the need to purchase additional material. At the time, both switches were on contract with Megabite Electronics, Inc. (Megabite) an aftermarket distributor of electrical parts. Megabite, purportedly supplying Electro Switch parts, was notified of the problem and advised NYC Transit that the defective switches would be replaced and that it would investigate the cause of the failures. Electro Switch, the original equipment manufacturer, was also contacted by Procurement regarding the increase in failures relating to these switches. Electro Switch was able to establish it did not produce the failing switches, and thus an investigation of Megabite commenced, suspecting it of supplying non-genuine parts.

While the investigation was ongoing, an ION was declared in order to keep purchasing parts. Initially, parts were purchased directly from Electro Switch until its remaining inventory was depleted, a total value of \$90,221. Electro Switch's prices were found fair and reasonable based on previous history. When Electro Switch again began to manufacture the item it reestablished a network of distributors through which it would supply parts. Procurement conducted an informal competitive procurement among Electro Switch's distributors, and awarded two 27-month estimated quantity contracts for both switches to Neopart in the estimated total amount of \$213,930. Neopart's prices were found fair and reasonable based on adequate price competition.

On January 30, 2014, Megabite pled guilty to one count of identity theft, and the president of Megabite pled guilty to one count of felony grand larceny. Following sentencing, Megabite was fined \$1,000 and the president of Megabite was ordered to pay \$330,081.50 in restitution to NYC Transit, as well as serve 30 days in jail. NYC Transit has received the restitution payment.

# Staff Summary

Item Number <b>3</b>			
Division/Div. Head/Signature: VP Materiel, Stephen M. Plochochi 			
Internal Approvals			
Order	Approval	Date	Approval
1 <i>SMS</i> <i>10/16/14</i>	Materiel	5	President
2 X	Law	6	
3 X	Capital Budget	7	
4 X	Operating Budget	8	
5	EVP <i>MS</i>	9	

SUMMARY INFORMATION	
Vendor Name Various	Contract Number Various
Description Superstorm Sandy Emergency Procurement Actions	
Total Amount \$22,074,318 (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 Hurricane (Superstorm) Sandy and 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, 2012, 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 award 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 remaining critical repairs, reconstruction, rehabilitation, and mitigation work, and to 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 bidding 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 through Executive Order No. 101, signed June 18, 2013; again by Executive Order No. 109, signed July 15, 2013; and lastly by Executive Order No. 112, signed September 6, 2013 (collectively, the "Governor's Executive Orders"), which cumulatively extended the original Executive Order through September 14, 2013. A number of procurement actions were authorized pursuant to the Governor's Executive Orders, as the use of sealed bidding and other prescribed competitive measures would have been impractical and inappropriate. Those procurement actions that were authorized under the Governor's Executive Orders were initiated prior to their cumulative expiration on September 14, 2013.

The Presidents' Emergency Declaration indicated that Board approval would be sought in the form of approval or ratification of those actions that require it. Accordingly, in September 2013, the Board ratified 158 emergency procurement actions that had been finalized at that time, for approximately \$126 million.

NYC Transit is now submitting to the Board additional emergency procurement actions related to Superstorm Sandy. This current request includes nine procurement actions listed in the attachment that were authorized under the Presidents' Emergency Declaration for approximately \$6.0 million and eight procurement actions listed in the attachment that were authorized under the Governor's Executive Orders for approximately \$16.1 million.

In all, NYC Transit is submitting to the Board a total of 17 Superstorm Sandy-related procurement actions comprising approximately \$22.1 million. Most of these were awarded as public work contracts and change orders to existing public work contracts. These actions were for emergency repairs to hard-hit areas such as the Rockaways, Staten Island, and NYC Transit's under-river tunnels. Of the total amount being submitted to the Board, \$15.2 million was awarded using informal competition, representing approximately 69% of the total dollar amount.

Additional Sandy-related procurement actions will be awarded in the future, including some which may require approval or ratification by the Board.

**IMPACT ON FUNDING:**

Funding for these projects was initially provided through MTA and NYC Transit Operating and Capital budgets. Reimbursement is being sought for these costs from the FTA and insurance.

**RECOMMENDATION:**

That the Board ratify the procurement actions described above and listed in the attachment, which were conducted pursuant to the Presidents' Declaration of Emergency for Hurricane (Superstorm) Sandy or New York State Executive Order No. 99 and its extensions.

**ATTACHMENT: SUPERSTORM SANDY PROCUREMENT ACTIONS FOR RATIFICATION**

<b>Procurement Actions Authorized Pursuant to the MTA Presidents' Emergency Declaration</b>		
	<u>Number of Actions</u>	<u>Value</u>
Public Work Contract	1	\$349,500
Public Work Modifications	6	\$3,653,700
Miscellaneous Procurement	1	\$1,043,000
Purchase Contract	1	\$957,519
<b>Sub Total:</b>	<b>9</b>	<b>\$6,003,719</b>

<b>Procurement Actions Authorized Pursuant to the Governor's Executive Orders</b>		
	<u>Number of Actions</u>	<u>Value</u>
Public Work Contracts	2	\$14,967,420
Public Work Modification	1	\$586,000
Purchase Contracts	5	\$517,179
<b>Sub Total:</b>	<b>8</b>	<b>\$16,070,599</b>

**TOTAL: 17 \$22,074,318**

<b>Procurement Actions Authorized Pursuant to the MTA Presidents' Emergency Declaration</b>							
<b>Category</b>	<b>Date Contractor Directed to Perform Work</b>	<b>Award Date</b>	<b>Contract #</b>	<b>Description</b>	<b>Contractor</b>	<b>Solicitation Method</b>	<b>Value</b>
Public Work Modification	4/30/13	5/18/14	C-52115 AWO 11	Repair of Security System Damage in 5 Under River Tunnels	Henry Bros. Electronics	Change Order	\$1,645,000
Public Work Modification	6/27/14	8/29/14	C-52116 AWO 5	Repair of Security System Damage in Montague Tube	TAP Electric	Change Order	\$1,450,000
Misc. Procurement	11/3/12	4/10/14	6243 / 6030100827	Removal, Storage, Rehabilitation, and Return of Flood Damaged CPM Archive Drawings and CDs	Document Reprocessors	Non Competitive	\$1,043,000 Estimated
Purchase Contract	9/22/14	9/22/14	RFQ 83718	Purchase of Two Complete Keene Vacuum Revenue Collection Units, and Purchase of Spare Parts for Three Keene Units	SPX Genfare	Sole Source	\$957,519
Public Work	11/20/12	3/21/14	C-31673 Work Order 51	Emergency Repairs of Boilers at Clifton Shop (SIR)	Lighton Industries	Non Competitive	\$349,500
Public Work Modification	5/2/13	5/30/13	S-32761 AWO 20	Rockaway Park – Installation of Mechanical Compressor Equipment	TC Electric	Change Order	\$189,000
Public Work Modification	5/30/13	5/30/13	S-32761 AWO 29	Rockaway Park – Restoration and Installation of Signal Line Cables F6-861 CIH	TC Electric	Change Order	\$66,500
Public Work Modification	7/17/13	8/7/13	S-32761 AWO 51	Rockaway Park – Restoration of Damaged Signs and Track Wires on F5 Test Track	TC Electric	Change Order	\$165,000
Public Work Modification	11/26/12	1/10/13	C-52062 AWO 37	St. George, Clifton Shop, Tottenville – Survey and Repair Damage to Electrical Systems	Tap Electric	Change Order	\$138,200
<b>Total Authorized Pursuant to the MTA Presidents' Emergency Declaration:</b>							<b>\$6,003,719</b>

**Procurement Actions Authorized Pursuant to the Governor's Executive Orders**

<b>Category</b>	<b>Date Contractor Directed to Perform Work</b>	<b>Award Date</b>	<b>Contract #</b>	<b>Description</b>	<b>Contractor</b>	<b>Solicitation Method</b>	<b>Value</b>
Public Work	10/24/13	10/24/13	E-40828	Steinway Tube Pump Room and Track Work (Supplemental Agreement to S-32773 Dyre Avenue Line Signal Modernization)	JTJ Contracting	Informal Competition	\$10,900,000
Public Work	12/11/13	12/11/13	S-32165	Install PLC Signal Equipment, Rockaway Line (Supplemental Agreement to S-32773 Dyre Avenue Line Signal Modernization)	JTJ Contracting	Informal Competition	\$4,067,420
Public Work Modification	6/21/13	6/28/13	S-32742 AWO 46	Signal Circuit Modification to Allow Montague Tube Rehabilitation (AWO 46 to S-32742)	L.K. Comstock	Change Order	\$586,000
Purchase Contract	9/9/13	1/30/14	6030115394	Purchase of Piping for Three Prototype Hose and Reach Cars	Ferguson Enterprises	Non Competitive	\$150,342
Purchase Contract	8/26/14	8/26/14	6030137541	Purchase of Automatic Fire Suppression Systems for Pump Trains	Statewide Fire Protection	Informal Competition	\$144,696
Purchase Contract	9/9/13	1/30/14	6030115356	Purchase of Piping for One Prototype Pump Train	Ferguson Enterprises	Non Competitive	\$108,181
Purchase Contract	11/18/13	11/18/13	6030105781	Purchase of Discharge Hoses for the Prototype Pump Train	JGB Enterprises	Informal Competition	\$84,960
Purchase Contract	10/24/13	10/24/13	6030104383	Purchase of Two Diesel Generators for the Prototype Pump Trains	WW Grainger	Informal Competition	\$29,000
<b>Total Authorized Pursuant to the Governor's Executive Orders:</b>							<b>\$16,070,599</b>

Presidents' Emergency Declaration Total:	\$6,003,719
Governor's Executive Orders Total:	\$16,070,599
<b>TOTAL:</b>	<b>\$22,074,318</b>

**Schedule K: Ratification of Completed Procurement Actions**



**Item Number: 4**

<b>Vendor Name (&amp; Location)</b> Fox Industries Ltd. (Brooklyn, NY)	
Rehabilitation of the Culver Line Viaduct – Phase III	
<b>Contract Term (including Options, if any)</b> May 3, 2011 – June 10, 2013	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Capital Program Management, Frederick E. Smith	

<b>Contract Number</b> C-42000	<b>AWO/Mod.#:</b> 4
<b>Original Amount:</b>	\$ 43,378,000
<b>Prior Modifications:</b>	\$ 591,702
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 43,969,702
<b>This Request:</b>	\$ 11,429,000
<b>% of This Request to Current Amount:</b>	26.0%
<b>% of Modifications (including This Request) to Original Amount:</b>	27.7%

**Discussion:**

This retroactive modification provides various items of added work, credit for various items of deleted work, and a time extension of 519 work days, excusable and non-impactable, from June 11, 2013 to October 19, 2015.

The contract is the last of three contracts awarded to rehabilitate the Culver Viaduct. The contract includes removal of temporary wrapping and safety net systems from the underside of the concrete deck; restoring the spalled concrete surfaces on the concrete encasement of all columns, bracings, deck floor beams and girders, and the underside of concrete deck, as well sealing all cracks; repairing structural steel; wrapping for all columns, bracings, floor beams and girders with fiber reinforced polymer (FRP) strengthening system; supporting and maintaining all drainage pipes and utilities attached to the structure; and lead abatement and painting. The contract is currently 91% complete.

This modification provides for concrete encasement removal, spall repairs, lead abatement, painting, structural steel repairs, and scaffolding. This modification also includes a credit for deleted FRP wrap, grouting, and crack repairs.

Prior to contract award, much of the underside of the viaduct was concealed by temporary safety netting installed during Phase I of the rehabilitation through a contract awarded in 1998. The extent of the deterioration of the concrete encasements and the structural steel within the encasements could not be accurately assessed due to this safety netting. As such, the bid documents contained estimated quantities of various types of repairs.

After contract award, during condition surveys conducted jointly by NYC Transit and the contractor, it was determined that additional work was required, such as: the removal of additional concrete encasement; additional concrete spall repair; additional lead abatement; additional painting on steel surfaces; additional structural steel repair; and additional scaffolding had to be utilized.

On April 17, 2013 the SVP & Chief Engineer approved a retroactive memo directing the contractor to proceed with the additional work. The cost of the added work is partly offset by contractual work that need not be performed, as follows: concrete spall repair under the deck and on beams; spall concrete at columns; concrete reinforcement; grout application; crack repairs; and FRP wrapping.

On April 17, 2014, the VP Materiel approved the payment of \$5.25M for additional work performed through November 2013. The contractor’s revised proposal was \$11,610,815 net additional cost (\$17,481,955 added work offset by \$5,871,140 deleted work); NYC Transit’s revised estimate was \$11,093,000 net additional cost (\$17,163,000 added work offset by \$6,070,000 deleted work). Negotiations, conducted after coordination with MTA Audit, resulted in the agreed net additional cost of \$11,429,000 (\$17,300,140 added work offset by \$5,871,140 deleted work). Agreed price is based on firm unit prices and estimated quantities. The unit prices shall apply to any increase or decrease in actual quantities of work performed.

The contractor and NYC Transit also agreed on an extension of 519 work days, excusable and non-impactable.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

<b>Vendor Name (&amp; Location)</b> Skanska/Traylor, JV (New York, NY)	
Second Avenue Subway - 86th Street Station Cavern Mining, and Heavy Civil Structural - Manhattan "B" Division	
<b>Contract Term (including Options, if any)</b> August 4, 2011 – December 16, 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	

<b>Contract Number</b> C-26008	<b>AWO/Mod. #:</b> 71
<b>Original Amount:</b>	\$ 294,360,000
<b>Option 1 Amount:</b>	\$ 7,500,000
<b>Total Amount:</b>	\$ 301,860,000
<b>Prior Modifications:</b>	\$ 15,814,592
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 317,674,592
<b>This Request:</b>	\$ 1,175,000
<b>% of This Request to Current Amount:</b>	0.4%
<b>% of Modifications (including This Request) to Original Amount:</b>	5.6%

**Discussion:**

This retroactive Modification No. 71 is for modifications to longitudinal reinforcement in the station cavern lining.

The contract includes the mining of the 86<sup>th</sup> Street Station cavern including mine shafts, adits for the entrances, an elevator shaft, electrical shafts, ancillaries, cross passages and underpinning for existing structures.

The contract design requires the use of #5 rebar at 9 inch spacing for the longitudinal reinforcement in the interior and exterior face of the Public and Ancillary Cavern Final Lining; and #5 rebar at 9 inch spacing for splices in the cavern lining vertical construction joints. As a result of shop drawing reviews and after further analysis, the Designer of Record determined that the longitudinal reinforcement in the interior and exterior face of the Public and Ancillary Cavern Final Lining was insufficient. This modification includes the use of #5 rebar at 6 inch spacing and #7 dowels and couplers at 12 inch spacing for splices in the cavern lining vertical construction joints. This modification also includes a credit for the deletion of previously required #5 rebar for splices. Based on present information, it appears that this modification is the result of an apparent design error/omission.

In order to maintain the schedule for the first cavern wall pour, which took place on October 2, 2013, it was necessary to proceed with these changes on a retroactive basis. Approval from the MTACC President was subsequently obtained.

The contractor’s proposal was \$1,660,527. MTACC’s revised estimate is \$1,164,655. Negotiations resulted in a net lump sum price of \$1,175,000 which was found to be fair and reasonable. Savings of \$485,527 were achieved.



**Metro-North Railroad**

# **Procurements October 2014**

**Subject** Request for Authorization to Award Various Procurements

**Department** Procurement and Material Management

**Department Head Name**  
Alfred Muir, Acting Sr. Director *AM*

**Department Head Signature**

**Project Manager Name**

**Date**  
October 6, 2014

**Vendor Name**  
Various

**Contract Number**  
Various

**Contract Manager Name**  
Various

**Table of Contents Ref #**

Board Action					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg.	10-27-14	X		
2	MTA Board Mtg.	10-29-14	X		

Internal Approvals			
	Approval		Approval
X	President <i>[Signature]</i>		V.P. Planning
X	Sr. V.P. Operations <i>[Signature]</i>		Capital Programs
X	V.P. Finance & IT <i>[Signature]</i>	X	V.P. General Counsel <i>[Signature]</i>
X	V.P. Engineering <i>[Signature]</i>	X	Chief of Staff <i>[Signature]</i>

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
		X	Chief Safety Officer <i>[Signature]</i>				Other

**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:

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	3	\$5,869,697
• Miller Environmental Group, Inc.		\$3,174,550
• Moran Environmental Recover, LLC		\$1,550,687
• Tri-Lift, Inc.		\$1,144,460
SUB TOTAL:	3	\$5,869,697

**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>		
SUB TOTAL:		
TOTAL:	3	\$5,869,697

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.

**OCTOBER 2014**

**METRO-NORTH RAILROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Schedules Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

1. **Miller Environmental Group, Inc.**      **\$3,174,550 (not-to-exceed)**      **Staff Summary Attached**
2. **Moran Environmental Recovery, LLC**      **\$1,550,687 (not-to-exceed)**

**System Wide Environmental Remediation Services**

Approval is requested to award two competitively negotiated, five-year, miscellaneous service contracts to the firms Miller Environmental Group Inc., to perform system wide environmental remediation services in the State of New York and Moran Environmental Recovery, LLC, to perform system wide environmental remediation services in the State of Connecticut. These services are required at MNR's facilities throughout the Harlem, Hudson, New Haven, and West of Hudson Lines. Work includes: 1) cleanup of hazardous material, petroleum and biological releases; 2) clean out tanks, storm water detention systems, oil water separator systems, wastewater treatment systems and track drains; 3) prepare waste, both hazardous and non-hazardous, for transport and disposal; 4) take samples from various environmental systems and clean-up sites; 5) install, maintain and remove monitoring wells; 6) monitor, operate and maintain remedial systems; 7) provide confined space air monitoring for confined space entry by MNR employees; and 8) remediate mold conditions.

In accordance with MNR and MTA procurement guidelines, an RFP was advertised in the New York State Contract Reporter, New York Post, El Diario, and the MNR website. A Selection Committee comprised of members representing MNR's Procurement and Material Management, Safety and Environmental Compliance and Services Departments evaluated the proposals. Eight proposals were received; four firms were shortlisted. Miller Environmental Group Inc. ("Miller") was selected to perform remediation services in New York State and Moran Environmental Recovery, LLC ("Moran") was selected to perform work in Connecticut. The MNR Selection Committee unanimously determined these firms' best met the criteria for selection of the Request for Proposal. Services are split between the two states which will allow quicker response times with a larger available workforce that can comply with the statutory emergency response time of two hours for petroleum and hazardous material spills.

Both firms submitted the lowest fixed proposal prices for their territory for the full term of the contract. Miller proposed \$3,174,550 and Moran proposed \$1,550,687. The period of performance is five years and the total cost for this work is not-to-exceed \$4,725,237. This procurement is to be funded by the MNR Operating Budget.

**3. Tri-Lift, Inc. \$1,144,460 (not-to-exceed)**  
**Preventative Maintenance, Inspections and Repair of Material Handling Equipment**

Approval is requested to award a competitively solicited (two bids received) three-year miscellaneous service contract to Tri-Lift, Inc. the lowest, responsive, responsible bidder for the Preventative and Remedial Maintenance of material handling equipment. This scope of work covers repair and maintenance of equipment which includes propane & electric forklifts, electric pallet jacks, scissor lifts, man lifts, and all charging station equipment used within facilities and storerooms by various MNR Departments. The maintenance and upkeep of MNR's material handling equipment is critical as the equipment is integral to administering support to various aspects of rail service operations.

In accordance with MNR and MTA procurement guidelines, an advertisement for the Preventive and Remedial Repairs of Material Handling Equipment was placed in the New York Post, the minority publications, El Diario and The Daily Challenge, New York State Contract Reporter and posted on Metro-North's website.

The solicitation was forwarded to vendors known to perform this type of work. A total of 17 firms received this solicitation. The pricing (based on an hourly labor rate) will remain fixed for the initial year with annual increases, as determined by the Bureau of Labor Statistics, for the remaining two-year period. A comparison of hourly rates from the previous agreement with the new three-year agreement reflects a 5.12% increase. Tri-Lift's proposed hourly rates are significantly lower than the other bidder's rates. Therefore, based on the above, the pricing offered by Tri-Lift, Inc. has been deemed fair and reasonable.

The total cost of this procurement is not-to-exceed \$1,144,460. This procurement is to be funded by the MNR Operating Budget.

# Staff Summary

Item Number G					
Dept. & Dept. Head Name: Procurement & Material Management – Alfred Muir, Acting Sr. Director					
Division & Division Head Name:					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	10-27-14	X		
2	MTA Board Mtg.	10-29-14	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President		V.P. Planning		
	Sr. V.P. Operations	X	V.P. & General Counsel		
X	V.P. Finance & IT	X	V.P. Engineering		
	V.P. Capital Programs	X	Chief Safety Officer		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Miller Environmental Group, Inc. (NY)	30215
Moran Environmental Recovery, LLC (CT)	39265
Description	
System-Wide Environmental Remediation Services	
Total Amount	
\$4,725,237 (\$3,174,550 for NY & \$1,550,687 for CT)	
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 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:**

Approval is requested to award two competitively negotiated, five-year, miscellaneous service contracts (one RFP process resulting in two awards, eight proposals received) to Miller Environmental Group Inc., to perform system wide environmental remediation services in the State of New York and Moran Environmental Recovery, LLC, to perform system wide environmental remediation services in the State of Connecticut.

**II. DISCUSSION:**

MNR operates facilities in New York State and Connecticut. MNR's facilities include passenger stations, shops, yards, power and communications facilities, railroad right-of-way and other structures that are located throughout the Harlem, Hudson, New Haven, and West of Hudson Lines. In support of these facilities, MNR's Environmental Compliance and Services, Safety and Maintenance of Way Departments must be prepared to, in part: 1) cleanup hazardous material, petroleum and biological releases; 2) clean out tanks, storm water detention systems, oil water separator systems, wastewater treatment systems and track drains; 3) prepare waste, both hazardous and non-hazardous, for transport and disposal; 4) take samples from various environmental systems and clean-up sites; 5) install, maintain, and remove monitoring wells; 6) monitor, operate, and maintain remedial systems; 7) provide confined space air monitoring for confined space entry by MNR employees; and 8) remediate mold conditions.

In support of these requirements, MNR requires the services of one vendor to primarily provide services in New York State and another to primarily provide services in Connecticut. Services are split between the two regions to allow for quicker response times with a larger available workforce that can comply with the statutory emergency response time of two hours for petroleum and hazardous material spills and in order to promptly address environmental and safety issues. . MNR plans to award two competitively negotiated, five-year miscellaneous service contracts to provide on-call environmental remediation services.

# Staff Summary

In accordance with MNR and MTA procurement guidelines, RFP No. 30215 was advertised in the New York State Contract Reporter, New York Post, El Diario, and the MNR website. A Selection Committee comprised of members representing MNR's Procurement and Material Management, Safety and Environmental Compliance and Services Departments evaluated the proposals. Eight proposals were received on April 2, 2014. Proposals were evaluated based on the criteria for selection established by the RFP, which were; 1) Project Plan, 2) Past Experience on Similar Projects, 3) Experience, and 4) Cost.

As a result of that evaluation, the Selection Committee unanimously shortlisted four firms; two firms proposing to perform work in New York State and two in Connecticut. Miller Environmental Group, Inc. @\$5,160,156 and AB Oil Services Ltd @\$7,119,687 were shortlisted for work in New York State. Moran Environmental Recovery LLC @\$2,684,612 and Triumvirate Environmental, Inc. @\$3,769,644 were shortlisted for work in Connecticut. All four best met MNR's selection criteria. Cost proposals were derived by each firm providing fixed unit prices for the period of performance, based on MNR's estimated maximum quantities for every potential remediation service possible. Their technical and cost proposals were further evaluated and oral presentations were conducted. After oral presentations, the Selection Committee unanimously recommended Miller Environmental Group Inc. ("Miller") to perform the subject work in New York State and Moran Environmental Recovery, LLC ("Moran") to perform the work in Connecticut. The Committee determined that the proposals from both Miller and Moran were complete, demonstrated the proper understanding of the services to be provided and showed that both firms could supply the required services. Both Miller and Moran provided the lowest average fixed unit and overall prices. Miller's northern and southern New York locations offer resources that best meet the demands and specific response times for MNR's New York State territories. Moran has particular expertise in dealing with the specific issues in MNR's Connecticut territory.

Subsequent to selection, MNR's Environmental Compliance and Services Department refined the estimated quantities of remediation work necessary over the next five year period. After the adjustments to total anticipated quantities; with no change to the proposed rates, the revised proposal prices for Miller and Moran, equal \$3,174,550 and \$1,550,687 respectively. The MNR in-house estimates equal \$3,094,658 and \$1,804,370 for New York State and Connecticut respectively. In consideration of the marginal variance between the proposed unit prices and in-house estimated unit prices, Miller and Moran's cost proposals are deemed to be fair and reasonable.

The period of performance is five years. The current approved funding allocation from the MNR Operating Budget will be sufficient to fund work for the five-year period. The total budget requirements are based on the number of MNR facilities and the length of right-of-way existing in each state, as well as past experience with vendor billings on previous projects.

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

The MTA Department of Diversity and Civil Rights established 0% MBE and WBE minority participation goals for this contract.

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

The total cost for this work is not-to-exceed \$4,725,237 with \$3,174,550 for NYS and \$1,550,687 for CT. The period of performance is five years and is to be funded by the MNR Operating Budget.

### **V. ALTERNATIVES:**

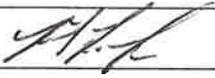
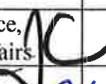
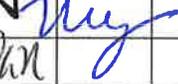
None at this time. MNR does not have the required environmental equipment and personnel to provide the required services.



# Long Island Rail Road

## **ACTION ITEM**

## Staff Summary

<b>Subject</b> LIRR Service Investments						<b>Date</b> October 2, 2014			
<b>Department</b> Chief Transportation Officer						<b>Vendor Name</b> N/A			
<b>Department Head Name</b> Robert Free						<b>Contract Number</b> N/A			
<b>Department Head Signature</b> 						<b>Contract Manager Signature</b> N/A			
<b>Project Manager Name</b> N/A									
<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	LIRR Comm.	10/27	x			1	VP Customer Service, Mktg. & Public Affairs 		
2	MTA Fin. Comm.	10/27	x			2	VP Mgmt. & Finance 		
3	MTA Board	10/29	x			3	President 		

### Purpose

To obtain Board approval of a proposal to restore weekend and holiday service on the West Hempstead Branch.

### Discussion

As part of its service investments, the LIRR proposed restoring weekend and holiday train service on the West Hempstead Branch, effective Saturday, November 22, 2014. Weekend/holiday service would operate every two hours between West Hempstead and Penn Station/Atlantic Terminal, with connecting service at Valley Stream and Jamaica Station. Currently, no West Hempstead Branch trains operate on Saturdays, Sundays or Holidays.

The MTA held a public hearing on the proposed changes on September 15, 2014 at Malverne Village Hall. Board Members are being provided with the comments made by the public.

A service equity analysis, conducted in accordance with Federal Transit Administration guidance materials on Title VI of the Civil Rights Act of 1964 and Environmental Justice, found that the restoration of weekend and holiday service on the West Hempstead Branch would not result in a disproportionate impact on either minority or below-poverty populations.

### Budget impact

The net cost is as submitted to the Board as part of the July Financial Plan.

### Recommendation

That the Board adopt the attached Resolution and approve the restoration of weekend and holiday train service on the West Hempstead Branch, and also approve the Title VI and Environmental Justice analysis.

**The Long Island Rail Road Company**  
**BOARD RESOLUTION**

**WHEREAS**, in a Staff Summary dated October 2, 2014, the Long Island Rail Road has recommended the following action:

- To restore weekend and holiday service on the West Hempstead branch.

**WHEREAS**, a public hearing, as required by MTA Board-adopted Service Change Guidelines, was held on the proposed change on September 15, 2014 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 change would provide increased service on the West Hempstead branch;
- The funding for the proposed change is included in the July Financial Plan.

**WHEREAS**, the Board of the LIRR has considered the analysis of this major change prepared in accordance with Title VI and Environmental Justice requirements, and has considered impacts of this proposed change 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 change described in such Staff Summary and the Title VI and Environmental Justice analysis associated with such service change, and authorizes the President or his designee to implement such change at such time deemed practicable.

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**October 29, 2014**

# Staff Summary

<b>Subject</b> Request for Authorization to Award Various Procurements						<b>Date</b> October 29, 2014			
<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>			
<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 Committee	10.27.14	x			X	President <i>PAR</i>		VP & Chief Financial Officer
2	MTA Board	10.29.14	x			X	Sr. VP-Administration <i>JAM</i>		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:**

**LIRR proposes to award Non-Competitive Procurements in the following**

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts	# of Actions	\$ Amount
	2	\$270,268
<b>SUBTOTAL:</b>	2	\$270,268

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

Schedules Requiring Two-Thirds Vote

Schedule C: Competitive Requests for Proposals	# of Actions	\$ Amount
	2	\$26,755,000
<b>SUBTOTAL:</b>	3	\$27,361,662

Schedules Requiring Majority Vote

Schedule F: Personal Service Contracts	# of Actions	\$ Amount
	1	\$606,662
<b>SUBTOTAL:</b>	3	\$27,361,662

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

	# of Actions	\$ Amount
	None	
<b>TOTAL:</b>	<u>5</u>	<u>\$27,631,930</u>

**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.

**OCTOBER 2014**

**MTA LONG ISLAND RAIL ROAD**

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

*Procurements Requiring Majority Vote*

**Schedule G: Miscellaneous Service Contracts**

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

- |    |                            |                      |                                      |
|----|----------------------------|----------------------|--------------------------------------|
| 1. | <b>Basin Haulage, Inc.</b> | <b>\$210,268.33</b>  | <i><u>Staff Summary Attached</u></i> |
|    | <b>Sole Source</b>         | <b>Not-to-Exceed</b> |                                      |
|    | <b>Contract No. TBD</b>    |                      |                                      |

LIRR requests MTA Board approval to award a sixty (60) month, sole source miscellaneous service contract in the amount of \$210,268.33 to Basin Haulage, Inc. for rubbish removal services to be provided at LIRR's Bethpage facility. This is a renewal contract and is in accordance with the existing facility lease agreement with the building owner.

- |    |                                  |                      |  |
|----|----------------------------------|----------------------|--|
| 2. | <b>Heidelberg USA, Inc.</b>      | <b>\$60,000</b>      |  |
|    | <b>Two-Year Contract</b>         | <b>Not-To-Exceed</b> |  |
|    | <b>Contract No. 141125GS1SAN</b> |                      |  |

LIRR requests MTA Board approval to award a sole source Miscellaneous Service renewal contract to Heidelberg USA, Inc. ("Heidelberg") for maintenance and repair of Heidelberg Print Shop equipment. The LIRR Print shop utilizes five different pieces of Heidelberg equipment. Heidelberg USA is the only authorized provider of parts and service for their equipment. This renewal contract will be for a twenty-four (24) month term, from December 1, 2014, through November 30, 2016. The Railroad explored whether there were opportunities to "piggy-back" existing contracts with other MTA agencies rather than solicit a renewal contract and found that those Agencies that have a print shop do not have Heidelberg equipment. The required OEM manufactured products appear on the New York State Approved Exemption/Exclusion list. The not-to-exceed contract value is based on Heidelberg's Published rates, projected repair and maintenance hours and related parts. The bid price schedule is based on fixed hourly rates, and discounts off manufacturer's list pricing for parts. Heidelberg uses published, non-negotiable rates, the same rates offered to all NY State Agencies. Heidelberg's 2014 - 2016 rates increased an average of 7.5% from the previous two contracts, both having rates which remained unchanged since 2010, are within the PPI index of 8.9% and therefore determined to be fair & reasonable. Funding for this contract is included in LIRR's operating budget.

**Schedule G: Miscellaneous Service Contracts**

**Staff Summary**



Item Number: 1

<b>Vendor Name (&amp; Location)</b> Basin Haulage, Inc. (Maspeth, NY)
<b>Description</b> Rubbish removal from LIRR, Bethpage, NY facility
<b>Contract Term (including Options, if any)</b> December 1, 2014 – November 30, 2019
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-Competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source

<b>Contact Number</b> TBD	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$210,268.33 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> Engineering, John Collins	
<b>Contract Manager :</b> Donald Riker	

**Discussion:**

The LIRR requests MTA Board approval to award a sixty (60) month, sole source, miscellaneous service contract to Basin Haulage, Inc. (Basin) in the not-to-exceed amount of \$210,268.33, for rubbish removal services to be performed at LIRR’s Bethpage, NY employee facility. This sixty (60) month renewal contract replaces the existing 38 month contract which expires on November 30, 2014, and is co-terminus with the November 30, 2019 lease end date.

LIRR’s Structures Department occupies the facility located at 610 Hicksville Road, Bethpage, NY pursuant to a fifteen year lease agreement with the building’s owner, Steel B, LLC (the “landlord”). The original term of the Lease was from December 2, 1999, through November 30, 2014. On February 24, 2014, the LIRR exercised an option to extend the lease an additional five (5) years, through November 30, 2019. The Lease states “Tenant agrees to utilize the services of the garbage collector designated by Landlord, provided the garbage collector’s rates are competitive”. In accordance with this provision, Basin, who continues to be the Landlord’s designated garbage collector, is to continue to provide these services under this successor contract for a sixty (60) month period from December 1, 2014, through November 30, 2019, with no changes in services. DDCR has established 0%/0% goals for this procurement.

Basin has proposed a monthly cost of \$3,504.48 for this contract including, \$109.98 per month for a 6 cubic yard container, picked up once per week; \$147.00 per month for a 8 cubic yard container, picked up once per week; and \$3,247.50 per month for a 20 cubic yard container, picked up twice per week. Basin’s proposed monthly rate of \$3,504.48, for this sixty (60) month renewal, is unchanged from the current contract, and 3.5% lower than the internal cost estimate of \$3,631.88, based upon recent competitive bids from other rubbish removers who perform the same work at other LIRR owned locations. Based on the above, the proposed rates are considered fair and reasonable.

A Contractor Data Base search revealed no adverse findings for Basin. The LIRR’s Operating Budget will fund this Contract.

**OCTOBER 2014**

**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)

3. **Ansaldo-STC USA, Inc.** **\$1,855,000** *Staff Summary Attached*  
**Competitive RFP** **Firm Fixed Price**  
**Contract No. 6152**

Pursuant to a competitive RFP, Long Island Rail Road requests MTA Board approval to award a Firm Fixed Price contract to Ansaldo-STC USA, Inc. in the amount of \$1,855,000 to Design and Build the Signal Hut System for the Massapequa Pocket Track. This new Signal Hut will provide the necessary signal system for the interlocking to control the movement of trains into and out of the pocket track.

4. **Railroad Construction Company, Inc.** **\$24,900,000** *Staff Summary Attached*  
**Competitive RFP** **Firm Fixed Price**  
**Contract No. 6151**

Pursuant to a competitive RFP, Long Island Rail Road requests MTA Board approval to award a Firm Fixed Price contract to Railroad Construction Company, Inc. ("Railroad Construction"), in the amount of \$24,900,000 for the installation of a double-ended pocket track, the replacement of 115 year old, structurally deteriorated Colonial Road Bridge, and improved drainage beneath the bridge. This work will take place on the Port Washington Branch, in the Town of North Hempstead, Nassau County. These construction improvements will enable the Railroad to provide reliable service, now and in the future, and improve the safety of LIRR infrastructure on the Port Washington Branch and the local community. The contract is scheduled to begin in November 2014 and attain Substantial Completion in December 2016.

**Schedule F: Personal Service Contracts**

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

5. **Strategic Planning Partners** **\$606,662**  
**Competitive RFP** **Not-to-Exceed**  
**Contract No. 141101GS7-SA-N**

Long Island Rail Road requests MTA Board approval to award a competitively solicited Personal Services Contract to Strategic Planning Partners (SPP) for a Security Protocol and Document Control Consultant for the West Side yard Overbuild Project for a period of two years, with two one-year options, in a total not-to-exceed amount of \$606,662. Under the terms of this contract the full time, on-site Security Protocol and Document Control Consultant ("Consultant") will facilitate all security matters of the West Side Yard Overbuild ("Overbuild") which include classifying security sensitive information and ensuring its confidentiality. The Consultant will be responsible for security

submissions, procedural review for classifying security sensitive information and the distribution of the documentation. Additional responsibilities include oversight and supervision of the Overbuild Developer to ensure that confidentiality of the information is maintained. This includes records management and maintenance of the database of all non-disclosure related documents, as well as all records pertaining to the access, preservation, use, reproduction, disposal and transmission of all material containing MTA Security Sensitive information. The Consultant shall be the liaison between LIRR Office of Security and the Overbuild Developer and oversee the performance of the project's contract. The Consultant shall report on progress, non-conformance issues, and incidents having either actual or potential impact to the security of confidential information and its maintenance.

The MTA Department of Diversity and Civil Rights established 0%/0% M/WBE goals for this procurement. The 2-Step RFP was advertised on the MTA website, in the NYS Contract Reporter and the New York Post. Seven firms responded to the Phase 1 – Request For Expression of Interest resulting in the release of the RFP to six firms. Four firms submitted Technical and Cost Proposals, as follows: Systra, \$1,703,348; Brian McCabe \$905,600; SPP, \$606,662; Summit Security Services (Summit), \$539,000. SPP was deemed to be the technically qualified firm by the TEC. Summit was ranked number 2 overall. Oral presentations were conducted by SPP and Summit on September 3<sup>rd</sup> and 5<sup>th</sup>, 2014. Subsequent to the oral presentations the TEC unanimously selected SPP as the overall preferred consultant. SPP's burdened hourly rate is \$55.08/Hr. as opposed to Summit's \$55.63/Hr. SPP's proposed Other Direct Costs, Overhead and fee is currently being reviewed by MTA Audit. Funding for this work will be reimbursed through ERY Construction Agreement.

Staff Summary



Item Number: 3					
Dept & Dept Head Name: Procurement & Logistics Dept. Dennis L. Mahon, Chief Procurement Officer <i>[Signature]</i> 10/27/14					
Division & Division Head Name: Long Island Railroad Richard Oakley, Acting Vice President DPM Signature & Date <i>[Signature]</i> 10/9/14					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	LI Committee	10.27.14			
2	MTA Board	10.29.14			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
6	President <i>[Signature]</i>	3	VP/CFO <i>[Signature]</i>		
5	Executive VP <i>[Signature]</i>	2	Sr. VP/Operations		
4	VP/Gen'l Counsel & Sec'y <i>[Signature]</i>	1	Sr. VP/Administration <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name Ansaldo – STS USA, Inc.	Contract Number 6152
Description: Design – Build of a Signal Hut System for Massapequa Pocket Track	
Total Amount \$ 1,855,000	
Contract Term (including Options, if any) November 1, 2014 through June 30, 2015	
Options(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:	

**Narrative:**

**I. PURPOSE/RECOMMENDATION:**

Pursuant to a competitive RFP, Long Island Rail Road requests MTA Board approval to award a Firm Fixed Price contract to Ansaldo-STs USA, Inc. (“ASUI”) in the amount of \$ 1,855,000 to Design and Build the Signal Hut System for the Massapequa Pocket Track. This new Signal Hut will provide the necessary signal system for the interlocking to control the movement of trains into and out of the pocket track.

**II. DISCUSSION:**

This RFP requires the vendor to finalize the design of Signal Hut equipment, fabricate and deliver this equipment to LIRR, and assist LIRR forces with installation. The vendor must create the software necessary to interface the equipment to LIRR’s Signal System, and assist in commissioning the Massapequa Pocket Track signal system.

Solicitation and Competitiveness Concerns

On June 19<sup>th</sup>, 2014 The LIRR published an Advertisement for a Request for Proposal (“RFP”) in the NY State Contract Reporter, the New York Post and the MTA Web Site, and sent a notice of the advertisement for this RFP to the following suppliers:

- 1) Alstom, Inc. (Alstom)
- 2) Ansaldo-STs USA, Inc. (ASUI)
- 3) GE Transportation Systems (GETS)
- 4) Siemens Rail Systems, Inc. (SRS)
- 5) Thales, TSL

## Staff Summary

Due to past consolidation in the industry, and the fact that a service-proven system meeting Federal Railroad Administration approval is required for reasons of safety and reliability, proposers on similar, recent LIRR and Metro-North procurements have been limited to Alstom, ASUI and/or GETS. SRS and Thales may not currently have compliant systems, but potentially have the resources and expertise to develop such systems.

On August 7, 2014, one proposer, ASUI, responded to LIRR's Request for Proposal.

Following receipt of the single proposal, LIRR canvassed the other firms who have proposed on other similar projects. Neither Alstom nor GETS indicated that the specifications for this project were exclusionary or required proprietary knowledge which they do not possess. Rather, both firms cited business reasons for not proposing, such as their existing backlog of work. In an effort to achieve greater competition, LIRR will arrange senior-level meetings with Alstom, GETS, SRS and Thales TSL to encourage their participation in future LIRR signal equipment procurements.

### Review of ASUI's Proposal

A Technical Evaluation Committee reviewed ASUI's proposal to determine compliance with LIRR's specifications set forth in the RFP. The Evaluation Criteria consisted of clear understanding of design architecture (processors, software and signal hut) objectives, conformance with the technical specifications; and ability to meet the mission critical project schedule. Following exchange of questions and vendor responses, the Evaluation Committee determined that ASUI met all LIRR technical requirements.

As ASUI was the only respondent to the RFP, as per its procurement procedures, LIRR entered into negotiations with ASUI.

Following these negotiations, the LIRR requested that ASUI submit a Best and Final Offer. ASUI submitted a BAFO on September 18, 2014 with a price of \$1,855,000. As a result of the negotiations, the BAFO price provided by ASUI is deemed to be fair and reasonable price

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

MTA's Department of Diversity and Civil Rights has set Disadvantaged Business Enterprise Goals of 4.0% for this Project due to the limited ability to sub-contract materials and services for this project. ASUI has committed to meeting this goal.

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

This contract will be funded by a Federal Transit Administration Grant and LIRR's 2010 to 2014 Capital Program Budget (PN-TV).

### **V. ALTERNATIVES:**

None. The LIRR lacks sufficient manpower and expertise to design and fabricate a signal system capable of achieving FRA approval and therefore must procure these requirements from a qualified 3<sup>rd</sup> party.

Staff Summary



<b>Item Number:</b> 4					
<b>Dept &amp; Dept Head Name:</b> Procurement & Logistics dept. Dennis L. Mahon, Chief Procurement Officer <i>[Signature]</i>					
<b>Division &amp; Division Head Name:</b> Long Island Railroad Richard Oakley, Acting Vice President DPM					
Signature & Date <i>[Signature]</i> 10/9/14					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	LI Committee	10.27.14			
2	MTA Board	10.29.14			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
6	President <i>[Signature]</i>	3	VP/CFO <i>[Signature]</i>		
5	Executive VP <i>[Signature]</i>	2	Sr. VP/Operations		
4	VP/Gen'l Counsel & Sec'y <i>[Signature]</i>	1	Sr. VP/Administration <i>[Signature]</i>		

SUMMARY INFORMATION	
<b>Vendor Name</b> Railroad Construction Company Inc.	<b>Contract Number</b> 6151
<b>Description:</b> Design – Build of Improvements to Colonial Road Bridge and Installation of a Pocket Track on the Port Washington Branch	
<b>Total Amount</b> \$24,900,000	
<b>Contract Term (including Options, if any)</b> November 1, 2014 through December 30, 2016	
<b>Options(s) included in Total Amount:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Renewal?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative:**

**I. PURPOSE/RECOMMENDATION:**

Pursuant to a competitive RFP, Long Island Rail Road requests MTA Board approval to award a Firm Fixed Price contract to Railroad Construction Company, Inc. (“Railroad Construction”), in the amount of \$24,900,000 for the installation of a double-ended pocket track, the replacement of 115 year old, structurally deteriorated Colonial Road Bridge, and improved drainage beneath the bridge. This work will take place on the Port Washington Branch, in the Town of North Hempstead, Nassau County. These construction improvements will enable the Railroad to provide reliable service, now and in the future, and improve the safety of LIRR infrastructure on the Port Washington Branch and the local community. The contract is scheduled to begin in November 2014 and attain Substantial Completion in December 2016.

**II. DISCUSSION:**

The contract requires Railroad Construction to utilize the Design-Build Documents dated December 20, 2013 along with the additional reference documents to advance the design from approximately the 60% level to the 100% Final Design. The contractor shall assume the responsibility of Designer of Record.

Upon approval of the final design, the Contractor shall provide all services, labor, material, equipment and facilities required to complete the Work identified in the Contract Documents. The Contractor will be provided with a total of six weekend outages during 2015 and 2016 to support various stages of construction.

In January 2014 the LIRR advertised in the New York State Contract Reporter a Request for Expression of Interest (“RFEI”) for this project. Six (6) Companies submitted their response on February 12, 2014. The LIRR invited four (4) of these companies to meet with the LIRR’s Project team to discuss their responses. Information obtained from these discussions and written responses were used to improve the Technical Specifications and Statement of Work.

## Staff Summary



The LIRR then advertised a Request for Proposal (“RFP”) in the NY State Contract Reporter, the New York Post and the MTA Web Site, and sent copies of the RFP to all six (6) companies that submitted responses to the RFEI.

On June 26, 2014, six (6) proposers responded to the LIRR’s Request for Proposal. They were:

- 1) Halmar International, LLC
- 2) Judlau-Grace Joint Venture
- 3) Northeast – Remsco Inc.
- 4) Picone-Bove-Schiavone, Joint Venture.
- 5) Posillico Civil, Inc.
- 6) Railroad Construction Company, Inc.

A Technical Evaluation Committee reviewed each proposal based upon criteria set forth in the RFP. Contractors’ experience, proposed construction methods with respect to the physical constraints of working within the Railroad Right-of-Way, the proposed schedule, and required LIRR support were taken into consideration as part of the initial technical evaluation.

Oral discussions were then held with all six proposers. Specific technical questions were prepared for each proposer based upon the need for clarifications of their individual technical proposals. Additional information discussed included the number of track outages, and work trains needed for material deliveries so as to determine the amount of related LIRR support required.

Best and Final Proposals were submitted on September 5, 2014. Railroad Construction submitted a BAFO price of \$24,900,000. It was determined that Railroad Construction provides the best technical approach and the lowest price of the six proposers. Railroad Construction was the lowest, in addition a savings of approximately \$775,000 in support costs resulting from a reduction of five months in the completion schedule.

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

MTA’s department of Diversity and Civil Rights has set Disadvantaged Small Business Enterprise Goals of 17.0% for this Project. A review of DDCR’s records indicates this firm has not had previous goal assignments and there is no comparative information available to determine past performance on goal attainment.

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

This contract will be funded by a Federal Transit Administration Grant and LIRR’s 2010 to 2014 Capital Program Budget (PN-TW and PN-BC)

### **V. ALTERNATIVES:**

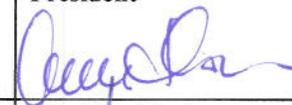
The LIRR currently lacks sufficient manpower and in house design expertise to complete the design and construction of the Pocket Track and Bridge Replacement. Therefore we must hire a third party contractor with design/build expertise in Bridge replacement and development of retaining walls.

**LONG ISLAND RAILROAD COMMITTEE**

**BOARD PROCUREMENT PACKAGE**

**OCTOBER 2014**

<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Law and Procurement					
<b>Department Head Name</b> Evan M. Eisland					
<b>Department Head Signature</b> 					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Long Island Railroad Committee	10/27/14	X		
2	Board	10/29/14	X		

<b>Date:</b> October 8, 2014			
<b>Vendor Name</b> Michels Corporation			
<b>Contract Number</b> CM005			
<b>Contract Manager Name</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
4	President 	3	Interim Executive Vice President AD
2	Vice President, Program Controls 	1	Chief Procurement Officer 

**PURPOSE**

To obtain the approval of the Board award contract modifications and to inform the Long Island Committee of these procurement actions.

**DISCUSSION**

MTA Capital Construction proposes to award a Competitive Procurement in the following category:

**Schedules Requiring Majority Vote:**

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule I Modifications to Purchase and Public Work Contracts	1	\$26,700,000
<b>SUBTOTAL</b>	<b>1</b>	<b>\$26,700,000</b>

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

**Schedules Requiring Majority Vote:**

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K Ratification of Completed Procurement Action	1	\$ 2,132,500
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 2,132,500</b>
<b>TOTAL</b>		<b>\$28,832,500</b>

**Budget Impact:**

The approval of the modifications will obligate MTA Capital Construction capital funds in the respective amounts listed. Funds are available in the current capital budget for this purpose.

**Recommendation:**

That the modifications 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.

**OCTOBER 2014**

**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 \$750K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$250K)**

- |           |   |                     |                                      |
|-----------|---|---------------------|--------------------------------------|
| <b>1.</b> | <b>Michels Corporation<br/>Contract No. CM005<br/>Modification No. 12</b> | <b>\$26,700,000</b> | <b><u>Staff Summary Attached</u></b> |
|-----------|---|---------------------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC is requesting Board approval of a contract modification for the installation of the structural concrete walls in the lower level of the Main GCT Station Caverns for the East Side Access Project. This is a scope and budget transfer.

Item Number: 1

<b>Vendor Name (&amp; Location)</b> Michels Corporation (Mount Vernon, NY)
<b>Description</b> Manhattan South Structures
<b>Contract Term (including Options, if any)</b> 880 Calendar 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 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 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 W. Goodrich, P.E., Sr. Vice President and Sr. Program Executive

<b>Contract Number</b> CM005	<b>AWO/Modification #</b> 12
<b>Original Amount:</b>	\$ 200,602,743
<b>Prior Modifications:</b>	\$ 6,699,152
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 207,301,895
<b>This Request</b>	\$ 26,700,000
<b>% of This Request to Current Amount:</b>	12.9%
<b>% of Modifications (including This Request) to Original Amount:</b>	16.6%

**Discussion:**

In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC is requesting Board approval of a contract modification for the installation of the structural concrete walls in the lower level of the Main GCT Station Caverns for the East Side Access Project. This is a scope and budget transfer.

The work under the CM005 Contract includes the fabrication and construction of the permanent structural concrete lining, interior structures, and fit-out for caverns and tunnels previously excavated by others.

Following the rejection of all bids received under CM012R, a decision was made to divide the work into several new contract packages - CM005, CM006 & CM007. CM005 is currently under construction and anticipated to be substantially complete in the first quarter of 2016. CM006 was awarded on March 31<sup>st</sup> 2014 and is currently performing contract work. CM007, however, is currently being packaged and it is anticipated to be out for bid in the 4<sup>th</sup> quarter of 2014. Part of the scope of work from CM007 is to install the concrete walls of the Main GCT Station Caverns. However, in the course of repackaging these contracts, MTACC has determined that there are schedule advantages to transferring a portion of this work to the CM005 Contractor. Michels is currently performing contract work in the main caverns and can provide the resources needed to complete the reinforcing steel, cast in place concrete, and plumbing work required to complete the installation of the lower level cavern walls from the invert to the mezzanine level.

The portion of the scope to be transferred under this modification includes:

1. Installation of the reinforcing steel and cast in place lower level walls from invert to mezzanine level.
2. Installation of embedded plumbing elements within the lower level walls.
3. Installation of the horizontal waterproofing at the top of wall at the GCT East and West Caverns.
4. Installation of the invert slab of Access Tunnel #2
5. Installation of the invert slab of the East and West lobbies of the 45<sup>th</sup> Street Cross Passage Elevators.
6. Reinstallation of the Access walkways at each of the elevator shafts for future access for Contract CM014B.

Other than the installation of the structural concrete lining at the North Back of House which is a new Contract Modification under CM006, there is no other work being performed in the GCT Caverns prior to April 2016, when CM007 is scheduled to begin site work. Performing this work now will not interfere with the CM006 Contract work nor any ongoing work. Moreover, performing this work now will remove these items from the critical path of the CM007 schedule and the critical path of the program.

The Contractor submitted a combined proposal of \$31,207,536 and the MTA combined estimate was for \$24,319,934. Negotiations were held and the parties agreed to a cost of \$26,700,000 for this complete scope of work which is deemed to be fair and reasonable. The budget for this work will be transferred from Contract CM007. There shall be no extensions of time awarded for this change order. The Substantial and Final Completion Dates will remain the same.

**OCTOBER 2014**

**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)**

<b>2.</b>	<b>Michels Corporation Contract No. CM005 Modification No. 8</b>	<b>\$ 2,132,500</b>	<b><u>Staff Summary Attached</u></b>
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Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC requests the Board ratify a retroactive contract modification for the creation of three new unit items for surface preparation and replenishment of Bid item No. 5.

**Item Number 2**

<b>Vendor Name (&amp; Location)</b> Michels Corporation (Mount Vernon, NY)
<b>Description</b> Manhattan South Structures
<b>Contract Term (including Options, if any)</b> 880 Calendar 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 checked="" 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 W. Goodrich, P.E., Sr. Vice President and Sr. Program Executive

<b>Contract Number</b> CM005	<b>AWO/Modification #</b> 8
<b>Original Amount:</b>	\$ 200,602,743
<b>Prior Modifications:</b>	\$ 6,699,152
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 207,301,895
<b>This Request</b>	\$ 2,132,500
<b>% of This Request to Current Amount:</b>	1.0%
<b>% of Modifications (including This Request) to Original Amount:</b>	4.4%

**Discussion:**

In accordance with Article IX of the MTA All-Agency Procurement Guidelines, MTACC request the Board ratify retroactive Modification No. 8 for the creation of three new unit items for surface preparation and replenishment of Bid Item No. 5.

This Contract is for the construction of the Manhattan South Structures in the lower level of Grand Central Station for the East Side Access (ESA) project. The Contract requires that all surfaces be prepared prior to the installation of waterproofing. This includes the removal of all projecting protrusions greater than 1/2-inch, cutting and patching of rock bolts, and the application of additional shotcrete or concrete hand patching to achieve the specified smoothness required for the installation of the waterproofing materials. This work is included within Bid Item No.5 in the Contract, however the \$750,000 budget for this item has been exhausted because additional areas, beyond those anticipated in the contract documents, require surface preparation.

In order to manage this work more efficiently, three new unit price payment items have been created. Bid Item 10A for Rock Bolt Cutting and Patching; 10B for Hand Patching; and 10C for Shotcrete Smoothing. In addition, Bid Item No. 5 has been modified to address only remediation work on the existing structures not covered under the new bid items.

The unit rates for Bid Items 10A-C were negotiated. For Bid Item 10A, MTACC’s estimate was \$343/EA and the Contractor proposed \$152/EA. Following negotiations the parties agreed to a unit price for Bid Item 10A of \$152/EA which is considered fair and reasonable. The total quantity for this item is estimated at 1,500 bolts resulting in a total dollar amount for this item of \$227,700. For Bid Item 10B, MTACC’s estimate was \$85.31/SF and the Contractor proposed \$113.24/SF. Following negotiations the parties agreed to a unit price for Bid Item 10B of \$83.81/SF which is considered fair and reasonable. The total quantity for this item is estimated at 500 SF resulting in a total dollar amount for this item of \$41,905. For Bid Item 10C, MTACC’s estimate was \$2,284.35/CY and the Contractor proposed \$56.09/SF. Following negotiations the parties agreed to a unit price for Bid Item 10C of \$2,461.16/CY which is considered fair and reasonable. The total quantity for this item is estimated at 472.5 CY resulting in a total dollar amount for this item of \$1,162,898.

Bid Item 5 remains an allowance item which is paid on a time and material basis. Based on estimates of remaining work within this bid item this allowance will be replenished in the amount of \$700,000. The sum of the three new unit price bid items and the replenishment to Bid Item No. 5 totals \$2,132,500 which is the amount for which Board approval is sought under this Modification.

In order to maintain the current construction schedule, the President approved a retroactive memorandum on September 4, 2014 and the Contractor was directed to proceed with the work.



# Bridges and Tunnels

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**Memoranda of Understanding with the New York  
City Department of Parks and Recreation and  
CSX Transportation, Inc.  
(Action Items)**



# Staff Summary

Subject	Mitigation of NYCDPR Occupancy and Tree Removal for B&T Project RK-23A
Department	Law
Department Head Name	M. Margaret Terry <i>MMT</i>
Department Head Signature	
Project Manager Name	Adam Rose

Date	October 1, 2014
Vendor Name	New York City Dept of Parks and Recreation
Contract Numbers	MOU-14-66 MOU-14-67
Contract Manager Name	Del Hamm
Table of Contents Ref. #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	President	10/9/14			
2	MTA B&T Committee	10/27/14			
3	MTA Board	10/29/14			

Internal Approvals			
Order	Approval	Order	Approval
5	President <i>gm</i>	1	VP Procurement
3	General Counsel <i>MMT</i>		VP Operations
4	Executive VP		VP Labor Relations
	VP Operations Support	2	VP & Chief Engineer

Internal Approval (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer <i>MMT</i>		Chief Security Officer		Chief Maintenance Officer		Other
	Chief Information Officer		Chief Health & Safety Officer		Affirmative Action		Other

**Narrative:**

**I. PURPOSE/RECOMMENDATION**

B&T is seeking Board approval to enter into two agreements (memoranda of understanding) designated as MOU-14-66 and MOU-14-67 to the New York City Department of Parks and Recreation ("NYCDPR") for its mitigation costs associated with B&T Project RK-23A, Replacement of Manhattan On-Bound and Off-Bound 125<sup>th</sup> Street Ramps to the Robert F. Kennedy Bridge for the amount of \$454,000 and \$750,000; respectively.

**II. DISCUSSION**

In the development of the design for Project RK-23A, B&T identified certain pre-existing conditions at the planned project site that pose potential impediments to B&T's ability to perform its work under the referenced Project as follows:

- NYCDPR has been occupying the enclosed space underneath B&T's on-bound 125<sup>th</sup> Street ramp in Manhattan since 1970. Although no formal agreement for the lease and/or occupancy of that space exists, B&T has determined that, given the passage of time, NYCDPR could reasonably take the position that it has a vested interest in maintaining its operations in the premises therefore requiring that B&T to go through an extensive and time consuming process to have NYCDPR vacate the area under the 125<sup>th</sup> Street Ramp. As a result, in order to ensure that there are no delays to the award of RK-23A and the important replacement of this ramp, B&T determined it is in its best interest to have NYCDPR vacate the premises voluntarily on an expedited basis whereby the B&T would reimburse NYCDPR for the costs associated with moving and relocating its operations from underneath on-bound 125<sup>th</sup> Street ramp. Under the agreement (MOU-14-66) NYCDPR submitted an estimate of \$455,520 for these services. After review by both parties, it was agreed that B&T would pay all of NYCDPR's actual costs up to a maximum amount of \$454,000. Considering the fact that B&T will only pay for costs actually incurred, this amount is considered fair and reasonable.
- NYCDPR owns the land surrounding B&T's 125<sup>th</sup> Street Ramps. To progress the construction work under RK-23A, it is necessary to obtain a forestry permit from NYCDPR to remove the trees. NYCDPR has agreed that it is necessary to remove fifteen large trees and replace them with new trees throughout New York City. Pursuant to its authority under the New York City Charter, NYCDPR has established a standard basal area replacement formula which it uses to determine the reimbursement of costs for replacing existing trees on City owned property which equates to \$520,550. B&T affirms this with its estimate of \$520,550. As it is imperative that Project RK-23A not be allowed to be

delayed in the case that it is determined that additional trees must be removed and replaced according to the basal area replacement formula, it is recommended that B&T be authorized to pay up to \$750,000 under this agreement (MOU-14-67). Therefore, costs not to exceed \$750,000 are considered fair and reasonable.

**III. IMPACT ON FUNDING**

Funding for both agreements are available in the 2010-2014 Capital Budget under Projects RK-23A.

**IV. ALTERNATIVES**

There are no recommended alternatives. Alternatives for paying NYCDPR would likely result in project delays and further degradation of the Manhattan Ramps, which are not recommended. The payment for the replacement of trees must be paid to NYCDPR since they own the trees.

# Staff Summary

Subject	Agreements for Railroad Access for Construction Projects
Department	Law
Department Head Name	M. Margaret Terry <i>MMT</i>
Department Head Signature	
Project Manager Name	Armindo Monteiro

Date	October 1, 2014
Vendor Name	CSX Transportation, Inc.
Contract Numbers	MOU-14-65A MOU-14-65B
Contract Manager Name	Del Hamm
Table of Contents Ref. #	N/A

Order	To	Date	Approval	Info	Other
1	President	10/9/14			
2	MTA B&T Committee	10/27/14			
3	MTA Board	10/29/14			

Order	Approval	Order	Approval
5	President <i>GM</i>	1	VP Procurement
3	General Counsel <i>MMT</i>		VP Operations
4	Executive VP		VP Labor Relations
	VP Operations Support	2	VP & Chief Engineer

Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer <i>JS</i>		Chief Security Officer		Chief Maintenance Officer		Other
	Chief Information Officer		Chief Health & Safety Officer		Affirmative Action		Other

**Narrative:**

**I. PURPOSE/RECOMMENDATION**

B&T is seeking Board approval to enter into two agreements with CSX Transportation, Inc. ("CSXT") hereinafter MOU-14-65A and MOU-14-65B for the negotiated amounts of \$24,503 (MOU-14-65A) and \$100,709 (MOU-14-65B), each for a duration of approximately six years through December 2020.

**II. DISCUSSION**

The Authority has two projects which require work to be performed on the Bronx Kills Truss Span (BKTS) of the Robert F. Kennedy Bridge (RFKB), The BKTS passes over the railroad owned and operated by CSXT. Project RK-65A includes modifications to the median barrier and temporary lighting to enhance traffic flow during construction. Project RK-76 includes priority steel and concrete repairs on the BKTS to maintain bridge safety. In order for B&T to gain access to this area, CSXT requires construction agreements (MOU-14-65A for Project RK-65A and MOU-14-65B for Project RK-76) to provide the terms of access by the construction contractor(s) for the respective Projects. The purpose of these agreements are to ensure that CSXT's property and operations are not compromised during construction. The MOU requires B&T to compensate CSXT to monitor the Work, review the construction drawings and provide safety flagging protection.

CSXT's estimated cost for these services are \$24,503 and \$100,709 for MOU-14-65A and MOU-14-65B, respectively. Under these MOUs, B&T will provide CSXT advance payments and CSXT shall reimburse B&T for costs not incurred. These are standard terms and conditions required of all owners by CSXT for access. The Engineer's estimates for these services are \$25,960 and \$106,260 for MOU-14-65A and MOU-14-65B, respectively. Discussions with CSXT resulted in B&T accepting the CSXT's proposals. When compared with the Engineer's estimates, the negotiated amounts of \$24,503 and \$100,709 for MOU-14-65A and MOU-14-65B, respectively are considered fair and reasonable.

**III. IMPACT ON FUNDING**

Funding is available in the 2010-2014 Capital Budget under Projects RK-65A (\$24,503) and RK-76 (\$100,709).

#### **IV. ALTERNATIVES**

There are no recommended alternatives. The property is owned by CSXT and B&T must obtain their authorization to perform the Work. It is CSXT's policy to contract directly with B&T as the owner of the bridge when work is performed that may impact CSXT's property and operations.



# Bridges and Tunnels

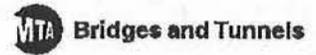
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## Procurements October 2014



# Staff Summary



<b>Subject:</b> Request for Authorization to Award Various Procurements
<b>Department:</b> Procurement
<b>Department Head Name:</b> M. Margaret Terry <i>MMT</i>
<b>Department Head Signature:</b> <i>MMT</i>
<b>Project Manager Name:</b> Various

<b>Date:</b> October 9, 2014
<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	10/9/14	<i>JF/MMT</i>		
2	MTA B&T Committee	10/27/14			
3	MTA Board	10/29/14			

Internal Approvals			
Order	Approval	Order	Approval
	President <i>JF/MMT</i>		VP Operations
	Executive Vice President <i>JF/MMT</i>		VP & Chief Engineer
	SVP & General Counsel		Chief Procurement Officer
	VP Administration		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer		Chief Technology Officer		Chief Health & Safety Officer		Chief EEO Officer
	Chief Security Officer		Chief Maintenance Officer		MTA Office of Civil Rights		

**PURPOSE:**

To obtain approval of the Board to award various contracts and purchase orders, and to inform the MTA B&T Committee of these procurement actions.

**DISCUSSION:**

MTA B&T proposes to award Non-Competitive procurements in the following categories: None.

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

<u>Schedules Requiring Two-Thirds Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule C	Competitive Requests for Proposals	1	\$ 1.000M
<u>Schedules Requiring Majority Vote</u>			
Schedule F	Personal Service Contracts	2	\$ 6.123M
Schedule G	Miscellaneous Service Contracts	1	\$ 0.194M
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	2	\$ 7.210M
<b>TOTAL</b>		<b>6</b>	<b>\$ 14.527M</b>

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

**BUDGET IMPACT:**

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

**RECOMMENDATION:**

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

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

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

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

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

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

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

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**OCTOBER 2014**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

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

1. **Air Tech Lab Inc.** **\$1,000,000.00** **Staff Summary Attached**  
**Delta Environmental Inc.** **(Aggregate not to**  
**ETS Contracting, Inc.** **exceed amount)**  
**Trio Asbestos Removal Corp.**  
**Contract No. 12-HS-2894A, B, C and D**  
3 yr. contract – Competitive RFP – 8 Proposals  
Provide asbestos and incidental lead abatement on an as-needed basis at various Authority facilities.

**F: Personal Service Contracts**

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

2. **Hardesty & Hanover Construction** **\$3,627,903.00** **Staff Summary Attached**  
**Services, LLC**  
**Contract No. PSC-14-2959**  
3 yr. 3 mo. contract - Competitive RFP - 4 Proposals  
Provide Construction Administration and Inspection Services for Project GFM-513, which include cleaning and painting the main cables, suspender ropes and suspended span towers at the Robert F. Kennedy Bridge as well as miscellaneous Authority-wide painting.
3. **Ammann & Whitney Consulting** **\$2,495,582.00** **Staff Summary Attached**  
**Engineers, P.C.**  
**Contract No. PSC-14-2961**  
5 yr. contract - Competitive RFP - 2 Proposals  
Design and Construction Support Services for Project VN-34, Main Cable and Suspender Rope Inspection and Testing at the Verrazano Narrows 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)

4. **The LandTek Group, Inc.** **\$194,132.00**  
**Contract No. 13-MNT-2914X**  
5 yr. contract – Competitive Bid – Low responsive bid/4 bids  
On May 27, 2014 B&T issued a solicitation for a contractor to provide service, repair and maintenance of motorized security gates at various B&T facilities. This work was outsourced since B&T neither has the equipment nor the resources required to perform

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**OCTOBER 2014**

these services on an in-house basis. The gates are installed at the portals of the Queens Midtown and Hugh L. Carey Tunnels and at various locations at the Bronx-Whitestone, Throgs Neck and Verrazano-Narrows Bridges. The service requirements were publicly advertised and a notice was sent to 125 firms; six firms requested a copy of the solicitation. On June 26, four (4) bids were submitted as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Deem Construction	\$172,525.00
The LandTek Group, Inc.	\$194,132.00*
United Steel Products, Inc.	\$274,660.00
Yaboo Fence Co., Inc.	\$939,172.00

\*Lowest responsive bid

The scope of services for the first three years of the five year prospective contract differs from that compared with the current three year contract. Two new line items have been added for semi-annual preventive maintenance, one to provide services at the tunnels and the other to service the bridges, as required. The overall average estimated quantity for repairs and emergency repair services has increased by approximately 43% compared with that under the current contract. In addition, the rates for hourly and emergency repair services have increased significantly. This variance is attributed to higher costs for maintaining new motorized (computer operated) high security gates versus the cost required for manual operation of the sliding gates. Such manually operated gates had been serviced under the current contract but were gradually replaced by the new gates; during this transition period the rates under the current contract remained the same. Based on an evaluation of the bid submitted by the apparent low bidder, Deem Construction, this firm was determined to be non-responsive to the requirements of the solicitation. Following an evaluation of the second low firm's bid, submitted by The LandTek Group, Inc. (LandTek), its overall bid is 2.2% lower than the user's estimate of \$198,525. The rates are fixed over the initial three year period and then are subject to an increase which is fixed for years four and five. LandTek is fully responsive to the requirements of the solicitation. Based on competition, the price submitted by LandTek is considered fair and reasonable. This firm is deemed to be a responsible contractor. The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for this contract. Funding is available in the Operating Budget under GL #711315.

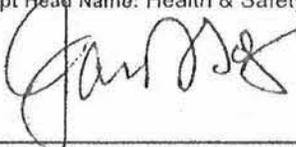
**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**OCTOBER 2014**

**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)

- |    |   |                       |   |
|----|---|-----------------------|---|
| 5. | <b>WSP Sells/HNTB JV</b><br><b>Contract No. PSC-11-2865</b>   | <b>\$5,309,380.64</b> | <b><i><u>Staff Summary Attached</u></i></b> |
|    | Add funding for construction support services and additional design services for Project RK-65A, Design and Construction Support Services for Bronx Plaza Structure Rehabilitation and Interim Rehabilitation of the Manhattan Plaza at the RFK Bridge. |                       |   |
| 6. | <b>Modjeski &amp; Masters, Inc.</b><br><b>Contract No. PSC-11-2884</b>  | <b>\$1,900,262.00</b> | <b><i><u>Staff Summary Attached</u></i></b> |
|    | Perform construction support services for Project RK-23A, Reconstruction and Rehabilitation of the Manhattan Approach Ramps to the RFK Bridge.  |                       |   |

# Staff Summary

Item Number 1 (Final)					
Dept & Dept Head Name: Health & Safety, James F. Foley 					
Division & Division Head Name: Health & Safety, A. Petrovich					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	10/9/14			
2	MTA B&T Committee	10/27/14			
3	MTA Board	10/29/14			
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 A-Air Tech Lab Inc. B-Delta Environmental Inc. C-ETS Contracting, Inc. D-Trio Asbestos Removal Corp.	Contract Number  12-HS-2894 A, B, C and D
Description: Asbestos and Incidental Lead Abatement on an As-Needed Basis at Various Authority Facilities	
Total Amount \$1,000,000	
Contract Term (Including Options, if any) Three (3) years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input 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 four public work contracts for Asbestos and Incidental Lead Abatement on an As-Needed Basis at Various Authority Facilities, solicited on a competitive RFP process to the following contractors: (A) Air Tech Lab Inc, 251 53<sup>rd</sup> Street, Brooklyn, NY 11220; (B) Delta Environmental Inc, 71 Green Street, Brooklyn, NY 11222; (C) ETS Contracting, Inc., 160 Clay Street, Brooklyn, NY 11222 and (D) Trio Asbestos Removal Corp, 14-20 129<sup>th</sup> Street, College Point, NY 11356. The total aggregate not-to-exceed amount of the Contracts is \$1,000,000 for a duration of three (3) years.

**II. DISCUSSION**

In January 2013, the Board authorized the use of a competitive Request for Proposal (RFP) process in order to procure asbestos and incidental lead abatement services. The subject RFP was intended to allow contract awards to multiple contractors who will respond to requests for asbestos and incidental lead abatement services on an as-needed basis, pursuant to the various services required under the Contract. The Work shall be awarded via a project specific work order. As each project is identified, the contracted firms shall be provided the scope requirements, specifications and a site tour. Subsequently, the contracted firms will submit bids to perform the required work. The firm that submits the lowest bid for that particular scope shall be awarded the Work Order.

## Staff Summary

The service requirements were publicly advertised and eight (8) proposals were received. In accordance with the evaluation criteria set forth in the RFP, B&T's Selection Committee chose four (4) firms: Air Tech Lab Inc (Air Tech), Delta Environmental Inc (Delta), ETS Contracting, Inc. (ETS) and Trio Asbestos Removal Corp (Trio). Each of these firms demonstrated their extensive asbestos and lead abatement experience to the committee's satisfaction. It is recommended that the Board authorize the Authority to enter into contracts with recommended four (4) firms to provide asbestos and incidental lead abatement on an as-needed basis at various Authority facilities in an aggregate amount of \$1,000,000. The four (4) firms are deemed responsive and responsible contractors.

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

The MTA DDCR has established goals of 5% MBE and 5% WBE for the referenced contract.

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

Funding is available in the Capital Budget under Project AW-12 in the amount of \$150,000 and in the Operating Budget under Project GFM-503 in the amount of \$850,000.

### **V. ALTERNATIVES**

There are no recommended alternatives. The Authority does not possess the resources required to perform these services.

Item Number <b>2</b> (Final)					
Dept & Dept Head Name: Engineering & Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering & Construction, Aris Stathopoulos, P.E.					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	10/03/14	<i>[Signature]</i>		
2	MTA B&T Committee	10/27/14			
3	MTA Board	10/29/14			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Procurement Officer	4	Chief Financial Officer		
2	SVP & General Counsel	5	Executive Vice President		
3	Director, Strategic Initiatives	6	President		

<b>SUMMARY INFORMATION</b>	
Vendor Name Hardesty & Hanover Construction Services, LLC	Contract Number PSC-14-2959
Description Construction Administration & Inspection Services for Project GFM-513, Robert F. Kennedy Bridge & Miscellaneous Authority Wide Painting	
Total Amount \$3,627,903	
Contract Term (including Options, if any) Thirty-nine 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 checked="" 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-14-2959 to Hardesty & Hanover Construction Services, LLC (H&H) for Construction Administration & Inspection Services for Project GFM-513, Robert F. Kennedy Bridge & Miscellaneous Authority Wide Painting under GFM-513 in the amount of \$3,627,903 and for thirty-nine months.

**II. DISCUSSION**

B&T requires the services of a consultant firm to provide construction administration and inspection services for Project GFM-513, which includes cleaning and painting of the main cables, suspender ropes and suspended span towers at the Robert F. Kennedy Bridge; maintenance cleaning and touch-up painting of the toll booths Authority-wide, and paint warranty inspections on various Authority painting projects.

The service requirements were publically advertised. Seven firms submitted qualification information for review and evaluation by the selection committee. Four firms, AECOM USA, Inc., Greenman-Pedersen, Inc., Hardesty & Hanover Construction Services, LLC and LiRo Engineers, Inc. were chosen to receive the RFP based on review of those qualifications and all four firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP, including technical work proposed, depth of understanding of the project, and qualifications of the firm for specific personnel proposed and all four firms were subsequently invited to give oral presentations. Based on the detailed review of all submittals, presentations and proposed costs, the selection committee recommended that negotiations be conducted with H&H.

The committee selected H&H based on (i) H&H's proposed Project Manager for this contract has extensive experience with construction and coatings; (ii) H&H's proposed Resident Engineer has extensive experience with coatings, as well as with steel repairs and work occurring in "confined space"; (iii) H&H has direct experience in working with the local community on previous projects; (iv) H&H has a thorough understanding of the safety issues, including confined space requirements and noise requirements. AECOM's overall proposal was rated lower. GPI's proposed use of part-time staffing for key personnel was considered less favorable. LiRo's key staffing had a lower overall rating.

H&H submitted a proposal of \$3,627,903. The Engineer's estimate is \$3,650,673. When compared with the Engineer's estimate, the proposed amount of \$3,627,903 (0.6% under the Engineer's estimate) is considered fair and reasonable.

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

The Department of Diversity and Civil Rights (DDCR) has established goals of 10% MBE and 10% WBE. H&H has achieved their M/WBE goals on previous MTA contracts.

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

Funding is available in the Major Maintenance Budget (GL 711101) under Project GFM-513 (\$2,599,644) and in the 2010-2014 Capital Budget under Project RK-44 (\$1,028,259).

### **V. ALTERNATIVES**

There are no recommended alternatives. B&T does not possess the resources required to perform these services.

# Staff Summary

Item Number 3 (Final)						<b>SUMMARY INFORMATION</b>					
Dept & Dept Head Name: Joe Keane, P.E. <i>Joe Keane</i>						Vendor Name Ammann & Whitney Consulting Engineers, P.C.			Contract Number PSC-14-2961		
Division & Division Head Name: Aris Stathopoulos, P.E. <i>Aris Stathopoulos</i>						Description Design and Construction Support Services for Project VN-34, Main Cable and Suspender Rope Inspection and Testing at the Verrazano-Narrows Bridge					
<b>Board Reviews</b>						Total Amount \$2,495,582					
Order	To	Date	Approval	Info	Other	Contract Term (Including Options, if any) Five (5) years					
1	President	10/09/14				Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
2	MTA B&T Committee	10/27/14				Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
3	MTA Board	10/29/14				Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive					
<b>Internal Approvals</b>						Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:					
Order	Approval	Order	Approval			Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:					
1	Chief Financial Officer <i>DS</i>	4	Executive Vice President <i>AP for JF</i>								
2	General Counsel <i>LRD for MMT</i>	5	President <i>[Signature]</i>								
3	Chief Procurement Officer <i>GM</i>										

**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 VN-34, Main Cable and Suspender Rope Inspection and Testing at the Verrazano-Narrows Bridge (VNB) to Ammann & Whitney Consulting Engineers, P.C. (A&W) located at 96 Morton Street, New York, New York 10014 in the not-to-exceed amount of \$2,495,582 for a period of five (5) years.

**II. DISCUSSION**

B&T requires the services of an engineering consultant to provide complete design services and preparation of construction plans and specifications and construction support services for Project VN-34, including: (i) review of previous cable strength and rope testing reports; (ii) determining locations of main cable sections for testing and identifying suspender ropes to be removed and tested that will accurately reflect their condition; (iii) design and detail the work of fabricating, furnishing and installing new suspender ropes, jacks and other accessories required for the removal and replacement of eight suspender ropes including safe removal, storage and delivery of existing suspender ropes for off-site laboratory testing; (iv) inspection of main cable segments at a minimum of 9 locations; (v) preparation of plans, specifications and other bid documents for unwrapping, wedging open for inspection access, sampling wires and rewinding of main cables to allow in-depth inspection of main cable segments; (vi) evaluation of laboratory testing; (vii) cable strength modeling to calculate remaining strength and factor of safety and (viii) preparing investigative reports and recommendations for maximizing main cable/suspender rope lifespans.

## Staff Summary

The service requirements were publicly advertised and three firms submitted qualification information. All three firms were shortlisted: A&W; Buckland & Taylor International/Weidlinger Associates, Inc. JV (BTI/WAI) and EI Team, Inc. (EIT) to receive the RFP based on a review of their qualifications. Two firms submitted proposals. EIT did not submit a proposal due to: (i) difficulty in obtaining professional liability insurance for this specialized cable project and (ii) further assessment of the project requirements after the site inspection. Due to the limited response, B&T conducted a survey of other firms with cable experience to determine reasons for limited response to the solicitation. Several firms responded that they either did not have the required level of cable/suspender rope engineering experience or their current workload prevented their firm from assembling a proper team and proposal. B&T determined that there are project specific and industry factors which resulted in the reduced level of competition for this procurement including: (i) highly specialized nature of this main cable/suspender rope design work and (ii) teaming of qualified engineering firms for this project (i.e. A&W teamed with AECOM USA, Inc., and Parsons Transportation Group of New York, Inc. and BTI joint ventured with WAI).

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. Following completion of the evaluation, the committee unanimously selected A&W on the basis that their proposal included: (i) thoroughly addressing the key scope issues (main cable testing, suspender rope removal and testing, cable strength modeling, maximizing main cable/suspender rope lifespans) that distinguished their proposal based on extensive experience at the VNB and their engineering capabilities; (ii) strategies proposed to improve the preservation of the suspender ropes; (iii) a team with site-specific knowledge and personnel who previously worked on a cable investigation at the VNB and were involved in similar rope testing at other facilities; (iv) the proper level of oversight, including a full time Resident Engineer for safety, security and maintenance and protection of traffic on this project that involves key structural elements with difficult access and (v) the lowest proposed rate per hour. BTI/WAI submitted an acceptable proposal and a lower cost, but the committee concluded: (i) the hours proposed understated the effort required (BTI/WAI proposed hours were 11% below the estimate); (ii) the proposal was not as comprehensive as compared to A&W's proposal and (iii) A&W offered a higher level of main cable/suspender rope experience than BTI/WAI.

The Engineer's estimate is \$3,079,879. A&W submitted a cost proposal in the amount of \$2,667,301. Negotiations resulted in the parties agreeing to the negotiated not-to-exceed amount of \$2,495,582, which is below the estimate and is considered fair and reasonable. A&W is considered a responsible consultant.

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

The MTA DDCR has established goals of 10% MBE and 10% WBE for the Contract PSC-14-2961. A&W has achieved their M/WBE goals on previous MTA contracts.

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

Funding is available under in the 2010-2014 Capital Program under Project VN-34.

### **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: 5 (Final)

<b>Vendor Name (&amp; Location)</b> WSP Sells/HNTB JV., Briarcliff Manor, NY	<b>Contract Number</b> PSC-11-2865	<b>AWOModification#</b> 3
<b>Description</b> Design and Construction Support Services for Bronx Plaza Structure Rehabilitation and Interim Rehabilitation of the Manhattan Plaza at the RFK Bridge		
<b>Contract Term (including Options, if any)</b> December 30, 2011–June 29, 2019		
<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>	\$10,428,880.09
	<b>Prior Modifications:</b>	\$1,121,876.84
	<b>Prior Budgetary Increases:</b>	\$0.00
	<b>Current Amount:</b>	\$11,550,756.93
	<b>This Request:</b>	\$5,309,380.64
	<b>% of This Request to Current Amount:</b>	46%
	<b>% of Modifications (including This Request) to Original Amount:</b>	62%

### Discussion:

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to amend this contract with WSP Sells/HNTB JV. (W/H) for: (i) construction support services (CSS) and (ii) additional design costs for Project RK-65A, Design and Construction Support Services for Bronx Plaza Structure Rehabilitation and Interim Rehabilitation of the Manhattan Plaza at the RFK Bridge in the amount of \$5,309,380.64.

- (i) The performance of CSS was included in the original scope of services, however, costs associated with Construction Support Services were not included until the Project scope was better defined so levels of effort could be estimated. The engineering services required during construction include reviews of shop drawings, requests for information, catalog cuts, calculations, meetings and unanticipated designs. W/H submitted a proposal totaling \$4,151,508.37. The Engineer's estimate is \$4,996,271.00. When compared with the estimate, B&T determined W/H's proposal in the amount totaling \$4,151,508.37 (17% under the estimate) is fair and reasonable. Funding is available in the 2010-2014 Capital Program under Project RK-65A CSS (\$3,869,865.76) and RK-75 CSS (\$281,642.00).
- (ii) During the design, W/H encountered several issues that resulted in additional effort to complete the design services: (i) shifting the adjacent ramp that ties into the designed plaza; (ii) changes to the roadway profile; (iii) seismic upgrades resulting in improved overall deck and superstructure performance; (iv) increased security and communication system details; (v) W/H performance of test pits during the design, resulting in mitigation of risk of unforeseen conditions and reduced cost during construction; (vi) additional constructability reviews, which shall result in future construction and maintenance savings; (vii) drainage system enhancements for increased durability and reduced unanticipated underground utility conflicts; and (viii) changes to the Bronx Kills Span resulting in mitigation of traffic impacts during construction. W/H submitted a proposal totaling \$1,157,872.27 for the additional services; the Engineer's estimate is \$1,287,946. When compared with the estimate, B&T determined W/H's proposal in the amount totaling \$1,157,872.27 (10% under the estimate) is fair and reasonable. Funding is available in the 2010-2014 Capital Program under Project RK-65A.

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

Item Number : 6 (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>	\$8,457,190.75
	<b>Prior Budgetary Increases:</b>	\$0.00
	<b>Current Amount:</b>	\$16,684,457.28
	<b>This Request:</b>	\$1,900,262.00
	<b>% of This Request to Current Amount:</b>	11.39%
	<b>% of Modifications (including This Request) to Original Amount:</b>	125.89%

### Discussion:

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to amend this contract with Modjeski & Masters, Inc. (M&M) for construction support services (CSS) for Project RK-23A, Reconstruction and Rehabilitation of the 125th Street Manhattan Approach Ramps to the RFK Bridge in the amount of \$1,900,262.

The performance of CSS was included in the original scope of services. Funding was not included since the construction scope was not determined for the Project. The engineering services required during construction include reviews of shop drawings, requests for information, catalog cuts, calculations, meetings and unanticipated designs. M&M submitted a proposal totaling \$1,900,262. The Engineer's estimate is \$1,800,263. Upon review and discussion, B&T accepted M&M's proposal in the amount totaling \$1,900,262, which is 5.6% above the estimate and is fair and reasonable. Funding is available in the 2010-2014 Capital Program under Project RK-23.