



Metropolitan Transportation Authority

# November 2014

## MTA Board Action Items



**MTA Board Meeting**  
**347 Madison Avenue - 5th Floor Board Room**  
**New York, N.Y. 10017**  
**Wednesday, 11/19/2014**  
**10:00 AM - 12:00 PM ET**

**1. PUBLIC COMMENTS PERIOD    Discussion**

**2. APPROVAL OF MINUTES**

**MTA Regular Board Meeting of October 29, 2014**

*MTAHQ Minutes - October 29, 2014 - Page 5*

**NYCT/MaBSTOA/SIR/Bus Company Regular Board Meeting of October 29, 2014**

*NYCTA Minutes - October 29, 2014 - Page 9*

**MTA Metro-North Railroad Regular Board Meeting of October 29, 2014**

*Metro-North Minutes - October 29, 2014 - Page 13*

**MTA Long Island Rail Road Regular Board Meeting of October 29, 2014**

*LIRR Minutes - October 29, 2014 - Page 17*

**Triborough Bridge & Tunnel Authority Regular Board Meeting of October 29, 2014**

*TBTA Minutes - October 29, 2014 - Page 22*

**MTA Capital Construction Regular Board Meeting of October 29, 2014**

*MTACC Minutes - October 29, 2014 - Page 29*

**3. COMMITTEE ON FINANCE**

**Information Item**

**i. 2013-2014 Station Maintenance Receivable**

*Station Maintenance Billing Update - Page 32*

**Procurements**

*MTAHQ Procurement Report - Page 35*

**i. Non-Competitive**

*MTAHQ Non-Competitive Procurements - Page 37*

**ii. Competitive**

*MTAHQ Competitive Procurements - Page 39*

**iii. Ratifications (no items)**

**Real Estate Items**

*Real Estate Items - Page 41*

**4. COMMITTEE ON NYCT & BUS**

**Action Item**

**i. Amendment of TAB Hearing Officers Contracts**

*Amendment of TAB Hearing Officers Contracts - Page 53*

**Procurements**

*NYC Transit Procurement Staff Summary & Resolution - Page 55*

**i. Non-Competitive**

*MTA Bus Non-Competitive Actions - Page 59*

**ii. Competitive**

*NYCT Competitive Actions - Page 61*

**iii. Ratifications**

*NYCT Ratifications - Page 80*

**5. COMMITTEE ON METRO NORTH RAILROAD & LONG ISLAND RAIL ROAD**

**Action Item**

**i. MNR - New Haven Line Connecticut Fare Increase**

*MNR - New Haven Line Connecticut Fare Increase - Page 82*

**Procurements Report & Staff Summary: MNR & LIRR**

*November Procurements - Page 100*

**Procurements Report & Staff Summary: MNR**

*MNR Procurements - Page 104*

**i. Non-Competitive**

*MNR Non Competitive Procurements - Page 107*

**ii. Competitive**

*MNR Competitive Procurements - Page 110*

**iii. Ratifications (no items)**

**Procurements Report & Staff Summary: LIRR**

*LIRR November Procurements - Page 123*

**i. Non-Competitive**

*LIRR Non-Competitive Procurements - Page 126*

**ii. Competitive**

*LIRR Competitive Procurements - Page 128*

**iii. Ratification (no items)**

**Procurements: MTACC (no items)**

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

**Procurements**

*BT Procurement Report - November 2014 - Page 130*

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

**ii. Competitive**

*BT Competitive - November 2014 - Page 133*

**iii. Ratifications (no items)**

**7. CORPORATE GOVERNANCE COMMITTEE**

**Action Items**

**i. MTA Whistleblower Protection Policy Staff Summary & Updates**

*MTA Whistleblower Protection Policy: Staff Summary & Updates - Page 137*

**ii. All-Agency & Board Members Code of Ethics Revisions - Staff Summary**

*Staff Summary - Code of Ethics - Page 142*

**iii. All-Agency Code of Ethics Revisions**

*All-Agency Code of Ethics Redline Revisions - Page 144*

**iv. Board Members Code of Ethics Revisions**

*Board Members' Code of Ethics Redline Revisions - Page 180*

**8. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (No Items)**

**9. CFO PRESENTATION ON MTA 2015 FINAL PROPOSED BUDGET AND NOVEMBER FINANCIAL PLAN 2015-2018**

Date of next meeting: Wednesday, December 17, 2014 at 10:00 a.m.



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

**Wednesday, October 29, 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. Polly Trottenberg  
Hon. Carl V. Wortendyke**

**The following Members were absent:**

**Hon. Vincent Tessitore, Jr.  
Hon. Iris Weinshall**

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 Anthony D'Amico, Vice President & Chief Financial Officer, 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 six (6) public speakers, the following speakers spoke on items relevant 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.

George McAnanama, TWU, Local 100  
Priscilla Reed, Westchester Coalition Against Islamic Phobia  
Chloe Breyer, Interfaith Center of New York  
Jon Moscow, Jews for Racial Economic Justice  
Enrique Colon, South Bronx Community Congress

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

Chairman Prendergast acknowledged the passing of MTA's first Chairman, William J. Ronan, who was 101 years old. The Chairman highlighted some of Mr. Ronan's accomplishments during his tenure at the MTA and in the public transportation field. On behalf of the MTA, Chairman Prendergast expressed condolences to the Ronan family and asked for a moment of silence in his honor.

Chairman Prendergast recognized the extraordinary actions of Dave Tooley, an electrician in Metro-North's Power Department, whose heroic actions help rescue people from a burning building. The Chairman, on behalf of the MTA organization, presented Mr. Tooley with an award in recognition of his bravery. The Chairman also recognized the extraordinary actions of NYPD Officers Ryan Gargan, Ericka Malave, Thomas Clark and Christopher Britton for saving a woman on the Metro-North tracks in the Bronx. On behalf of the MTA Organization, Chairman Prendergast thanked the officers for saving lives and bravely stepping up to protect New Yorkers.

Chairman Prendergast announced the appointment of David L. Mayer, former managing director of the National Transportation Safety Board, as MTA's Chief Safety Officer. Chairman Prendergast noted that the new position was created to reinforce safety as the top priority for all MTA agencies as they continue to improve work practices and invest in new technology and equipment. Mr. Mayer will begin at the MTA on December 1. The Chairman stated that the Chief Safety Officers at each of the Agencies will continue to report to their respective Agency Presidents, and that accountability for safety at each Agency will continue to reside with the President. Chairman Prendergast noted that Mr.

Mayer's role will be to ensure that the Chief Safety Officers have the resources and direction they need to succeed.

Chairman Prendergast acknowledged the 110<sup>th</sup> year anniversary of the opening of the IRT Line and the two-year anniversary since Superstorm Sandy. In recognition of the two-year Sandy anniversary, the Chairman presented highlights of the repair work that has been done since the storm, and he noted that much more work needs to be done to make the system more resilient. The Chairman said that we have a responsibility as custodians of the system assets to do everything we can to minimize the effects of future storms, and that the Sandy experience is one more example of why the MTA needs a fully-funded Capital Program.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on September 24, 2014.

4. **COMMITTEE ON FINANCE.**

- A. **Action Items** Upon motion duly made and seconded, the Board approved the following action item, described in further detail in the staff summary and documentation filed with the meeting materials.
  1. **MTA Headquarters ("MTAHQ") Financial Institution and Energy Supplier Responsibility Guidelines.** Approved the resolution adopting the MTAHQ Financial Institution and Energy Supplier Responsibility Guidelines.
- 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 Independent Integrity Monitor - Nos. 14047-0100 thru 0300-.** Approved the award of competitively negotiated all-agency personal services contracts with KPMG, Navigant Consulting, Inc. and Thacher Associates, LLC to provide 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.
  2. **P&A Administrative Services, Inc. – Administrative & Record Keeping Services for MTA's Consolidated Budget Reconciliation Act ("COBRA") – No. 14057-0100.** Approved the award of a competitively negotiated, all-agency personal services contract for administrative and record-keeping services for MTA's COBRA Benefits Plan.
- 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. Approved the resolution authorizing the Chairman or designated staff member 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 166-15 107<sup>th</sup> Avenue, Jamaica, Queens (Block 10164, Lots 74, 76, 79, 89, 90, and 95) on behalf of NYCT Department of Buses.
2. License agreement with 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 (Block 522, Lot 43).

### **Metropolitan Transportation Authority**

3. Lease amendment between 111 Washington Avenue, LLC for office space for MTA's Albany Legislative Office located at 111 Washington Avenue, Albany, N.Y.

5. **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 new collective bargaining agreement with Metro-North and the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers covering the period of July 16, 2010 through January 15, 2014; and the new collective bargaining agreement between the MTA New York City Transit Authority and Amalgamated Transit Union, Local 1056.

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

6. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:50 a.m.

Respectively submitted,

Victoria Clement  
Assistant Secretary

**Regular Board Meeting  
October 29, 2014**

**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, October 29, 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. Polly Trottenberg  
Hon. Carl V. Wortendyke**

**The following Members were absent:**

**Hon. Vincent Tessitore, Jr.  
Hon. Iris Weinshall**

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. Giuliatti, President, Metro-North Rail Road, James Ferrara, President, TBTA, Darryl Irick, President/SVP, MTA Bus Operations and Anthony D'Amico, Vice President & Chief Financial Officer, 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:

Robert Cohen discussed issues with transit service in Murray Hill.

George McAnanama, TWU Local 100, spoke about issues he has with advertising on the transit system.

Priscilla Reed, Westchester Coalition Against Islamic-phobia, urged the MTA to take proactive steps to distance itself from certain ads placed on the transit system.

Chloe Breyer, Interfaith Center of New York, asked the MTA to take steps to counter certain ads placed on transit vehicles.

Jon Moscow, Jews for Racial and Economic Justice, urged the MTA to use the funds it obtains from certain advertising on the system to place countervailing ads on those vehicles.

Enrique Colon, South Bronx Community Congress, urged the Board to re-install elevators at the East 149<sup>th</sup> Street concourse station.

**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 September 24, 2014.

**5. COMMITTEE ON FINANCE**

**Real Estate Item:**

MTA NYC Transit: Upon motion duly made and seconded, the Board: (i) authorized the acquisition by negotiated purchase or condemnation of the fee interests in 104-28, 104-32, 105-02, 105-22, 106-04 Merrick Boulevard, and 166-15 107<sup>th</sup> Avenue, Jamaica, Queens (Block 10164, Lots 74, 76, 79, 89, 90 and 95) on behalf of NYCT Department of Buses; and (ii) approved a license between MTA NYC Transit and 321 Lafayette Realty LLC for access to the area surrounding MTA NYC Transit stairs at the Bleecker Street Subway Station entrance at the northwest corner of Houston and Mulberry Streets (Manhattan Block 522, Lot 43).

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

**Action Item:**

**MTA Bus Rules and Regulations:** Upon motion duly made and seconded, the Board approved the commencement of the rulemaking process mandated under the State Administrative Procedures Act 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.

Board Member Moerdler indicated his understanding that the proposed rules and regulations would be returning to the Board for approval and Chairman Prendergast confirmed that such understanding was correct.

**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 F, H and I in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of 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. EXECUTIVE SESSION**

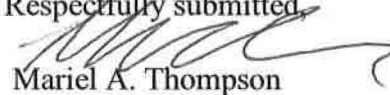
Upon motion duly made and seconded, the Board voted to convene an executive session in accordance with Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

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

8. **ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:50 a.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, October 29, 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. Polly Trottenberg  
Hon. Carl V. Wortendyke

The following Members were absent:

Hon. Vincent Tessitore, Jr.  
Hon. Iris Weinshall

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 Anthony D'Amico, Vice President & Chief Financial Officer, MTA Capital Construction, also attended the meeting.

Chairman Prendergast called the meeting to order.

1. Public Speakers:

There were six public speakers, none of whom spoke concerning Metro-North agenda items. 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. Chairman's Opening Remarks:

Chairman Prendergast led the Board in a moment of silence in memory of the first chairman of the MTA Board, William J. Ronan, who recently passed away at the age of 101.

Chairman Prendergast presented David Tooley, a Drawbridge Electrician in Metro-North's Power Department at Bridgeport, with an award in honor of his bravery and heroism for saving 11 people, including a sleeping elderly woman, from a home that was engulfed in flame. Chairman Prendergast also applauded four New York City police officers who rescued a woman from the subway tracks.

Chairman Prendergast announced the appointment of David L. Mayer as MTA's Chief Safety Officer. He noted that this is a new position created to reinforce safety as the top priority for all MTA agencies as they continue to improve work practices and invest in new technology and equipment. Prior to the appointment, Mr. Mayer had served since 2009 as the managing director of the National Transportation Safety Board, the highest career-level position at that agency. Mr. Mayer will begin at the MTA on December 1. He will report directly to the Chairman and CEO. The Chairman stated that the Chief Safety Officers at each of the Agencies will continue to report to their respective Agency Presidents, and that accountability for safety at each Agency will continue to reside with the President. Chairman Prendergast noted that Mr. Mayer's role will be to ensure that the Chief Safety Officers have the resources and direction they need to succeed.

Chairman Prendergast noted that it has been two years since Superstorm Sandy. He presented highlights of the repair work that has been done since the storm, noting that much more work needs to be done to make the system more resilient.

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 September 24, 2014 were approved.

4. Committee on Finance:

Procurements:

The MTA Board voted on MTA Headquarters procurements.

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

- Approval of competitively negotiated, all-agency, personal services contracts with (1) KPMG, (2) Navigant Consulting, Inc. and (3) Thacher Associates, LLC for independent integrity monitoring services mandated by the Federal Transit Administration to independently monitor sandy-related funds on an as-needed basis, reporting to the MTA's Auditor General.
- Approval of a competitively negotiated, all-agency personal services contract to P&A Administrative Services, Inc. for administrative and record-keeping services for MTA's Consolidated Omnibus Budget Reconciliation Act (COBRA) Benefits Plan.

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.

5. Committee on Metro-North Railroad:

Procurements:

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

- Two competitively solicited, five-year, miscellaneous service contracts, one with Miller Environmental Group, Inc. to perform system-wide environmental remediation services in the State of New York and one with System Wide Environmental Remediation Services to perform system-wide environmental remediation services in the State of Connecticut.
- A competitively solicited, three-year, miscellaneous service contract with Tri-Lift, Inc. for the preventative and remedial maintenance of material handling equipment.

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. 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 unanimously approved a collective bargaining agreement effective for the period of July 16, 2010 through January 15, 2017 between Metro-North and the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers covering five (5) employees who retired during the contractual period. No new bargaining unit members are being hired and there are no incumbent employees.

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

7. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:50 a.m.

Respectfully submitted,

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

Linda Montanino  
Assistant Secretary

October 2014 Board Minutes  
Legal/Corporate

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

**Wednesday, October 29, 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. Polly Trottenberg  
Hon. Carl V. Wortendyke

The following Members were absent:

Hon. Vincent Tessitore, Jr.  
Hon. Iris Weinshall

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 Anthony D'Amico, Vice President & Chief Financial Officer, MTA Capital Construction, also attended the meeting.

Chairman Prendergast called the meeting to order.

**1. Public Speakers:**

There were six public speakers, none of whom spoke concerning LIRR agenda items. 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:**

Chairman Prendergast led the Board in a moment of silence in memory of the first chairman of the MTA, William J. Ronan, who recently passed away at the age of 101. Thereafter, the Chairman recognized a Metro-North electrician and four New York City Police Officers for their acts of bravery.

Chairman Prendergast announced the appointment of the former managing director of the National Transportation Safety Board, David L. Mayer, as MTA's Chief Safety Officer. He noted that this is a new position created to reinforce safety as the top priority for all MTA agencies as they continue to improve work practices and invest in new technology and equipment. Mr. Mayer will begin at the MTA on December 1. The Chairman noted that the Chief Safety Officers at each of the Agencies will continue to report to their respective Agency Presidents, and that accountability for safety at each Agency will continue to reside with the President. Mr. Mayer's role will be to ensure that the Chief Safety Officers have the resources and direction they need to succeed.

Chairman Prendergast then remarked upon the two year anniversary of Superstorm Sandy and the 110 year anniversary of the opening of the IRT subway. The Chairman said that we have a responsibility as custodians of the system assets to do everything we can to minimize the effects of future storms. He said that Superstorm Sandy proved the essential function that the MTA plays in the region's economy. He presented highlights of the repair work that has been done since the storm, noting that much more work needs to be done to make the system more resilient. The Chairman said that the Sandy experience is one more example of why the MTA needs a fully-funded Capital Program.

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, which recording includes discussions between Board Members and the Chairman, 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 September 24, 2014 were approved.

**4. Committee on Finance:**

**Action Item:**

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

- MTA Headquarters Financial Institution and Energy Supplier Responsibility Guidelines

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.

**Procurements:**

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

- Approval of competitively negotiated, all-agency, personal services contracts to (1) KPMG, (2) Navigant Consulting, Inc. and (3) Thacher Associates, LLC for All-Agency Independent Integrity Monitor services, in the total combined not-to-exceed amount of \$3,000,000, as mandated by the Federal Transit Administration to monitor Sandy-related funds.
- Approval to award a competitively negotiated, all-agency personal services contract to P&A Administrative Services, Inc. for Administrative and Record-keeping services for the MTA's COBRA Plan, in the not-to-exceed amount of \$1,413,250.

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.

**5. MTA, NYCT & BUS Committees:**

Among the procurements approved for MTA NYCT was a modification to the contract with International Business Machines Corp. in the amount of \$971,412 for a capacity upgrade to the existing PeopleSoft Tivoli Storage Manager Backup and Recovery infrastructure, which services the MTA Business Service Center PeopleSoft environment.

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

**Procurements:**

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

- Approval to award a sixty month, sole source miscellaneous service contract in the not-to-exceed amount of \$210,268.33 to Basin Haulage, Inc., for rubbish removal at the LIRR Bethpage facility.
- Approval to award a sole source miscellaneous service renewal contract to Heidelberg, USA, Inc. for maintenance and repair of print shop equipment, for a term of 24 months, in the not-to-exceed amount of \$60,000.
- Approval to award, pursuant to a competitive Request for Proposal, 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 Massapequa Pocket Track.
- Approval to award, pursuant to a competitive Request for Proposal, a firm fixed price contract to Railroad Construction Company, Inc., in the amount of \$24,900,000 for the installation of a double-ended pocket track and replacement of the Colonial Road Bridge, and improved drainage beneath the bridge.
- Approval to award a competitively solicited personal services contract to Strategic Planning Partners for a Security Protocol and Document Control Consultant for the West Side Yard Overbuild Project, in the not-to-exceed amount of \$606,662, for a period of two years with two one-year options.

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 items for MTACC:

- A Contract modification to CM005 – Manhattan South Structures 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 in the amount of \$26,700,000.



- Ratification of a modification to CM005 – Manhattan South Structures for the creation of three new unit rate payment items for concrete surface preparation and replenishment of Bid Item No. 5 in the amount of \$2,132,500.

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

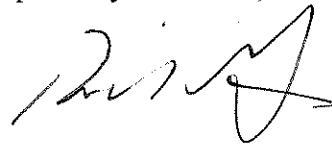
7. **Executive Session:**

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 10:50 a.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**

**October 29, 2014**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
October 29, 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. Polly Trottenberg  
Hon. Carl V. Wortendyke

Not Present:

Hon. Vincent Tessitore, Jr.  
Hon. Iris Weinshall

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. Giuliatti, President, Metro-North Railroad; James Ferrara, President, Triborough Bridge and Tunnel Authority; Darryl Irick, President/SVP, MTA Bus Operations; and Anthony D'Amico, Vice President & Chief Financial Officer, 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 six (6) 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 and after recognizing Bill Ronan, the first MTA Chairman who died at the age of 101, as a legend in the public transportation field and an inspiration to everyone who understands that mass transit is the engine that powers New York, he asked for a moment of silence. Chairman and CEO Prendergast recognized Dave Tooley, a Metro North electrician, who rescued occupants of a social service residence that was on fire and four NYPD officers who rescued a distraught woman running on Metro-North tracks in the Bronx toward an oncoming train. Chairman and CEO Prendergast next introduced David Mayer, former NTSB managing director, as MTA Chief Safety Officer a position that will reinforce safety as the top priority for all MTA agencies. Finally, Chairman and CEO Prendergast discussed progress being made in fixing and fortifying the transportation network on the two year anniversary of Superstorm Sandy.

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 September 24, 2014**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on September 24, 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 Item:

- Approve the MTA Headquarters Financial Institution and Energy Supplier Responsibility Guidelines.

(b) Procurements:

- Two (2) competitive procurement actions in the amount of \$4.4 million. It was noted that the procurement to Marsh USA, Inc. would not be presented for approval at the meeting.

(c) Real Estate Items:

- Three (3) real estate action items.

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

### Action Items

Prior to Commissioner Cappelli's report, Chairman & CEO Prendergast stated that there were questions raised by Commissioner Ballan and other Board members regarding a Memorandum of Understanding that TBTA needs to have with the New York City Department of Parks and Recreation regarding the cost of tree removal and replacement associated with a project to replace the street approach ramps to the Robert F. Kennedy Bridge. Since Commissioner Ballan's questions have not yet been answered that action item was tabled for the November meeting. Commissioner Ballan thanked Chairman and CEO Prendergast for tabling the item to find a reasonable and fair solution that would balance the need to preserve trees with the MTA's fiscal situation.

Commissioner Cappelli stated that there were two action items. The first was tabled for the November meeting and the second action item was to approve two agreements for access to railroad property required to perform construction projects.

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

### Procurements

Commissioner Cappelli stated that there are six (6) procurements totaling \$14.5 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 \$14.5 million.

### Competitive Procurements

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

Air Tech Lab Inc.	Contract No. 12-HS-2894A, B, C and D	\$1,000,000.00
Delta Environmental Inc.	Provide asbestos and incidental lead	(Aggregate not to exceed amount)
ETS Contracting, Inc.	abatement on an as-needed basis at various	
Trio Asbestos Removal Corp.	Authority facilities.	

### Personal Service Contracts

Hardesty & Hanover Construction Services, LLC	Contract No. PSC-14-2959 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.	\$3,627,903.00
---	---	----------------

Ammann & Whitney Consulting Engineers, P.C.	Contract No. PSC-14-2961 Design and Construction Support Services for Project VN-34, Main Cable and Suspender Rope Inspection and Testing at the Verrazano-Narrows Bridge.	\$2,495,582.00
--	--	----------------

**Miscellaneous Service Contracts**

The LandTek Group, Inc.	Contract No. 13-MNT-2914X 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 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:	\$194,132.00
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**Bidders**

**Bid Amount**

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.

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

WSP Sells/HNTB JV	Contract No. PSC-11-2865 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.	\$5,309,380.64
Modjeski & Masters, Inc.	Contract No. PSC-11-2884 Perform construction support services for Project RK-23A, Reconstruction and Rehabilitation of the Manhattan Approach Ramps to the RFK Bridge.	\$1,900,262.00

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. **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.

7. **Public Session**

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

8. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:50 a.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Julia R. Christ". The signature is written in a cursive, flowing style.

Julia R. Christ  
Acting Assistant Secretary



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

**Monday, October 29, 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. Polly Trottenberg  
Hon. Carl V. Wortendyke

The following Members were absent:

Hon. Vincent Tessitore, Jr.  
Hon. Iris Weinshall

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 Anthony D'Amico, Interim Executive Vice President & Chief Financial Officer, 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 five public speakers, none of whom spoke on MTA Capital Construction Company matters. The names of the 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 October 29, 2014.

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

The Chairman paid tribute to Bill Ronan who, in 1965, became the first Chairman of the MTA. Bill passed away earlier this month. A moment of silence was held in his honor.

The Chairman announced the hiring of David Mayer as the MTA's new Chief Safety Officer. Mr. Mayer was the former Managing Director of the National Transportation Safety Board and will begin in his new role on December 1<sup>st</sup>. The position was created to reinforce safety as the top priority for all of the MTA agencies and will report directly to the Chairman.

The Chairman noted that it was the anniversary of Superstorm Sandy and highlighted several projects that have been completed since Sandy to fix and fortify the MTA system.

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 October 29, 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 September 24, 2014.

### **Committee on Finance**

#### Procurement

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

1. Award of three competitively negotiated, All-Agency personal service Contracts 14047-0100, 14047-0200 and 14047-0300 for Independent Integrity Monitoring Services to independently monitor Sandy-related funds on an as-needed basis reporting to the MTA's Auditor General for a total not-to-exceed amount of \$3,000,000 and for a total of four years.
2. Award of a competitively negotiated, All-Agency personal service Contract 14057-0100 for administrative and record-keeping services for the MTA's consolidated Omnibus Budget Reconciliation Act Benefits for a total not-to-exceed amount of \$1,413,250 and for a total of five years

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 October 29, 2014.

### **Committee on NYCT & Bus**

#### Procurement

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

1. Award of competitively negotiated All-Agency purchase contract RFQ 57710 for the 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 NYCT 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 and for an eleven year term.
2. A modification to Contract 03A8602-1 for a capacity upgrade to the existing PeopleSoft Tivoli Storage Manager Backup and Recovery infrastructure, which services the MTA-Business Service Center PeopleSoft environment in the amount of \$971,412.
3. A modification to Contract C-26005, Civil, Structural and Utility Relocation, 96<sup>th</sup> St. Station for the Second Avenue Subway Project to address impact costs associated with a compensable extension of time granted under Modification No. 48 for the re-sequencing of the slurry wall for 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 in the amount of \$2,463,000.
4. A modification to Contract C-26005, Civil, Structural and Utility Relocation, 96<sup>th</sup> St. Station for the Second Avenue Subway Project to address impact costs associated with a compensable extension of time granted under Modification No. 116 for the remaining 38 work days for a revised sewer system alignment totaling \$1,352,000.

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

A modification to Contract C-26008, 86<sup>th</sup> Street Station Cavern Mining, and Heavy Civil Structural for the Second Avenue Subway Project for modifications to the longitudinal reinforcement in the station cavern lining in the amount of \$1,175,000.

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 October 29, 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 CM005, Manhattan South Structures for the East Side Access Project, for the installation of the structural concrete walls in the lower level of the Main GCT Station Caverns for the amount of \$26,700,000. This is a scope and budget transfer.

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

A Modification to Contract CM005, Manhattan South Structures for the East Side Access Project, for the creation of three new unit items for surface preparation and replenishment of Bid Item No. 5 in the amount of \$2,132,000.

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 October 29, 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**


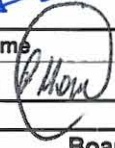


Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 10:50 a.m.

Respectfully submitted,



David K. Cannon  
Assistant Secretary

# Staff Summary

<b>Subject</b> <b>2013-2014 Station Maintenance Receivable</b>						<b>Date</b> <b>November 3, 2014</b>			
<b>Department</b> <b>Chief Financial Officer</b>						<b>Vendor Name</b>			
<b>Department Head Name</b> <b>Robert E. Foran</b>						<b>Contract Number</b>			
<b>Department Head Signature</b> 						<b>Contract Manager Name</b>			
<b>Project Manager Name</b> <b>Patrick Kane</b> 						<b>Table of Contents Ref #</b>			
<b>Board Action</b>						<b>Internal Approvals</b>			
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1	Finance Com.	11/17				1	Legal 		
2	Board	11/19				2	Chief of Staff 		

**Narrative**

The MTA bills the counties and the City of New York for station maintenance each fiscal year based on a statutory formula, which incorporates an annual CPI adjustment factor.

Under Section 1277 of the Public Authorities Law, if a municipality fails to make a full payment of the amounts owed the MTA, the Chief Executive Officer of the MTA or such other person as the Chairman shall designate and shall certify to the State Comptroller for the collection of the amount due and owing.

The attached schedule shows all monies billed and received by the MTA for Station Maintenance as of October 31, 2014.



**METROPOLITAN TRANSPORTATION AUTHORITY  
STATION MAINTENANCE RECEIVABLE AS OF 10/31/14  
FOR THE BILLING PERIOD 4/1/13 - 3/31/14**

	<u>AMOUNT BILLED</u>	<u>AMOUNT RECEIVED</u>	<u>BALANCE DUE</u>
NEW YORK CITY	\$ 92,000,613	\$ 92,000,613	\$ 0
NASSAU	28,752,377	28,752,377	0
SUFFOLK	17,721,783	17,721,783	0
WESTCHESTER	19,871,052	19,871,052	0
DUTCHESS	2,368,897	2,368,897	0
PUTNAM	926,393	926,393	0
ORANGE	490,059	459,059	0
ROCKLAND	<u>52,102</u>	<u>52,102</u>	<u>0</u>
TOTAL	<u>\$162,183,276</u>	<u>\$162,183,276</u>	<u>\$ 0</u>

Master Page # 34 of 194 - MTA Board Meeting 11/19/2014




[illegible]

# 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 Barbosa 

<b>Date</b> November 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	11/17/2014			
2	Board	11/19/2014			

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:

# of Actions   \$ Amount

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

### Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contract

- New York State Industries for the Disabled (NYSID) = 1,417,064.50      1      \$ 1,417,064.50

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

### Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts

Schedule G: Modifications to Personal Service/Misc. Service Contracts

	1	\$ 860,000.00
	1	\$ 10,000,000.00
<b>SUBTOTAL</b>	3	\$ 12,277,064.50

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

None      None

**TOTAL**      3      \$ 12,277,064.50

**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, NOVEMBER 2014**  
**NON-COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**G. Miscellaneous Service Contracts**

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

- |           |  |  |                                      |
|-----------|--|--|--------------------------------------|
| <b>1.</b> | <b>Digital Document Scanning and Imaging Services</b><br><b>New York State Industries for the Disabled (NYSID)</b><br><b>Contract No. 14370-0100</b> | <b>\$1,417,064.50</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|-----------|--|--|--------------------------------------|

Preferred Source – 12 months

To recommend that the Board approve the award of a New York State Preferred Source, miscellaneous service contract with the New York State Industries for the Disabled (NYSID) to perform digital document scanning and imaging processing services for MTA Headquarters (MTAHQ) departments located at 341, 345, 347 Madison Avenue as part of the Relocation Project. This contract will allow MTAHQ staff to transition to new office space located at 2 Broadway congruent with the document storage capacity allotted for their respective departments and will provide a cost-effective method of producing backup copies of records that support mission-critical operations. NYSID original proposed cost of \$1,591,725.00 was negotiated down to \$1,417,064.50 representing a savings of \$174,660.50 or 10.97% for these services. The negotiated unit prices are less than what is offered to other New York State Agencies and authorities for the same type of scanning services.

# Staff Summary

## Schedule G: Miscellaneous Service Contracts

Page 1 of 1

Item Number:

<b>Vendor Name (&amp; Location):</b> New York State Industries for the Disabled (NYSID)	<b>Contract Number:</b> 14370 -0100	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description:</b> Digital Document Scanning and Imaging Services	<b>Total Amount:</b> \$1,417,064.50	
<b>Contract Term (including Options, if any):</b> December 1, 2014 through November 30, 2015	<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> EITG/D. Queally, Systems Development//M. Fuchs	
<b>Procurement Type:</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	<b>Contract Manager:</b> Michelle S. Davy-George	
<b>Solicitation Type:</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Preferred Source		

### DISCUSSION:

To recommend that the Board approve the award of a New York State Preferred Source, miscellaneous service contract with the New York State Industries for the Disabled (NYSID) to perform digital document scanning and imaging processing services for MTA Headquarters (MTAHQ) departments located at 341, 345, 347 Madison Avenue as part of the Relocation Project. The period of performance is for one year effective December 1, 2014 through November 30, 2015 in a not-to-exceed amount of \$1,417,064.50.

To advance special social and economic goals, Section 162 of the New York State Finance Law requires that all State agencies, political subdivisions and public benefit corporations obtain commodities and services from "preferred sources" when such commodities and services are on the List of Preferred Source Offerings and when they meet the required form, function and utility. The service requirements must be defined in terms of the minimum essential requirements and every reasonable effort must be made to obtain services through the Preferred Source. The acquisition of document imaging and scanning services is one of the services listed and it is exempted from statutory competitive procurement requirements. The NYS Commissioner of General Services is responsible for reviewing and approving the prices of all services provided by Preferred Sources.

The scope of services includes assessing paper records maintained by MTAHQ departments. This contract will allow MTAHQ staff to transition to new office space located at 2 Broadway congruent with the document storage capacity allotted for their respective departments and will provide a cost-effective method of producing backup copies of records that support mission-critical operations.

NYSID original proposed cost of \$1,591,725.00 was negotiated down to \$1,417,064.50 representing a savings of \$174,660.50 or 10.97% for these services. The negotiated unit prices are less than what is offered to other New York State Agencies and authorities for the same type of scanning services.

**METROPOLITAN TRANSPORTATION AUTHORITY**

# Staff Summary

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

Item Number:

Page 1 of 1

<b>Vendor Name (&amp; Location):</b> Marsh USA, Inc.	<b>Contract Number:</b> 11257-0100	<b>AWO/Modification #</b> 1
<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>Original Amount:</b> \$ 9,245,195	
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Prior Modifications:</b> \$ 0	
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>Prior Budgetary Increases:</b> \$ 0	
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>Current Amount:</b> \$ 9,245,195	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Risk & Insurance Management/L. Coyne	<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.

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 core services such as: coverage monitoring, claims services, risk management information system services, safety and loss control services and captive management services.

In June 2012 the Board approved a contract that was negotiated utilizing the e-procurement platform for a five year period at a cost of \$9,245,195 of which \$7,245,195 is for core services plus a contingent amount of \$2,000,000 for unanticipated services that may be required. Of the \$2,000,000 contingency, \$544,478 was obligated for the placement and maintenance of Builders Risk Insurance for the Owner Controlled Insurance Program (OCIP), leaving a contingency balance of \$1,455,522 which has been fully expensed for services provided on the Sandy claim. Core contract funds have been used to pay for the core and contingency services and there is \$301,159.50 in funds remaining on the base contract. We are requesting an additional \$10,000,000 as follows: \$3,552,651 for Master Broker core services, \$5,000,000 for Sandy claims services and \$1,447,349 for future unanticipated projects that may arise requiring specialized Marsh services.

Risk and Insurance Management engaged the services of the Marsh Forensic Accounting Claims Services (FACS) Practice for their expertise in preparing and handling the complex Sandy property insurance and FEMA claims. The FACS team which is comprised of insurance adjusters, accountants and engineers has been preparing evidence and the proof of loss which will support the MTA in the claim resolution with insurers and FEMA. When the contract was negotiated MTA procurement secured a FACS hourly rate of \$256 per hour and no allowance for travel. The averages rates for these service provided by comparable vendors are between \$275 and \$300 per hour plus travel and administration.

These additional funds are necessary for MTA Risk to maximize the Sandy insurance and FEMA recovery 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, which are the lowest rate that Marsh offers any other State, Federal, or private firm(s).

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

**ACTION ITEMS**

**MTA NEW YORK CITY TRANSIT**

Lease Extension between MTA New York City Transit Authority and SAG, LLC for warehouse space at 58 Second Avenue, Brooklyn, NY

**MTA LONG ISLAND RAIL ROAD**

License agreement with Danny Enterprises Inc. for employee and visitor parking at Hoffman Avenue and West 6th Street, Lindenhurst, NY

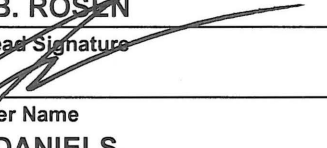
Lease agreement with Shahid Haroon for the operation of a newsstand at LIRR's Babylon Station, Babylon, NY

Lease agreement with Parking Systems Plus, Inc., for the operation of the Douglaston, Little Neck, and Westbury Commuter Parking Lots

**METROPOLITAN TRANSPORTATION AUTHORITY& MTA LONG ISLAND RAIL ROAD**


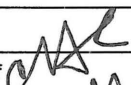

Gateway Tunnel

# Staff Summary

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

Date <b>NOVEMBER 17, 2014</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/17/14	X		
2	Board	11/19/14	X		

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

AGENCY: MTA New York City Transit Authority ("NYCT" or "Tenant")

LANDLORD: SAG, LLC

LOCATION: 58 2<sup>nd</sup> Avenue, Brooklyn, NY

ACTION REQUESTED: Approval of terms

SPACE: Approximately 33,000 rsf of warehouse space

TERM: Up to three (3) years

TERMINATION RIGHT: After the first six months with 120-days notice to Landlord

Base Rent: Year 1 - \$406,890 per annum/\$12.33 (1/1/15 -12/31/15)  
Year 2 - \$ 417,120per annum/\$12.64 (1/1/16 -12/31/16)  
Year 3 - \$ 427,680per annum/\$12.96 (1/1/18 -12/31/17)

UTILITIES: Tenant's responsibility – directly metered

REAL ESTATE TAXES: Tenant is responsible for proportionate share (6.6%)

REPAIRS AND MAINTENANCE: All interior building maintenance is NYCT's responsibility.

COMMENTS:

Since 1999 NYCT's Station Maintenance Services and its successor, Bus Stop Management, have been domiciled at 58 2<sup>nd</sup> Ave. 58 2<sup>nd</sup> Avenue, located in a flood zone adjacent to the Gowanus Canal, was damaged during Superstorm Sandy, and, while the facility was repaired by the Landlord, NYCT has since mandated that all warehouse user groups be located outside of flood zones, and therefore a search for replacement space in close proximity to other NYCT facilities is ongoing.

The lease at 58 2<sup>nd</sup> Avenue expires December 31, 2014. To date, MTA Real Estate has been unable to identify any suitable leased or owned space within the MTA's current inventory, and MTA Real Estate's outside consultant, Cushman & Wakefield has not yet been able to find alternative space acceptable to the user group. However, MTA Real Estate will continue to work with the user group to find an operationally acceptable location outside of flood zones.

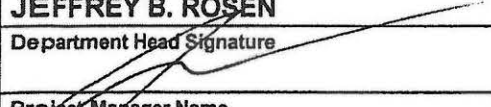
In the meanwhile, MTA Real Estate has successfully negotiated a lease renewal as described above with a rolling cancellation option in favor of NYCT to allow Bus Stop Management to continue to occupy 58 2<sup>nd</sup> Avenue while the search for replacement space continues.

# Staff Summary

## FINANCE COMMITTEE MEETING SAG, LLC (Cont'd.)

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

# Staff Summary

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

Date <b>NOVEMBER 17, 2014</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/17/14	X		
2	Board	11/19/14	X		

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

AGENCY: MTA Long Island Rail Road ("LIRR")  
 LICENSEE: Danny Enterprises Inc.  
 LOCATION: Parcel of land under LIRR's Babylon Branch Line at West Hoffman Avenue on the west side of 6<sup>th</sup> Street, Lindenhurst, New York  
 ACTIVITY: Parking for employees and visitors  
 ACTION REQUESTED: Approval of terms  
 TERM: Ten years, terminable at will on 60 days' notice by LIRR  
 SPACE: Approximately 5,781 square feet  
 COMPENSATION:

Year	Annual	Monthly	% Increase	Per Square Foot
1	\$6,500.00	\$541.67		\$1.12
2	\$6,695.00	\$557.92	3%	\$1.16
3	\$6,895.85	\$574.65	3%	\$1.19
4	\$7,102.73	\$591.89	3%	\$1.23
5	\$7,315.81	\$609.65	3%	\$1.27
6	\$7,535.28	\$627.94	3%	\$1.30
7	\$7,761.34	\$646.78	3%	\$1.34
8	\$7,994.18	\$666.18	3%	\$1.38
9	\$8,234.01	\$686.17	3%	\$1.42
10	\$8,481.03	\$706.75	3%	\$1.47

## COMMENTS:

LIRR 's paved but otherwise unimproved parcel of land under the Babylon Branch, is not currently used and was recently offered for license by means of a request for proposals. After consultation with local brokers MTA Real Estate suggested in the RFP the first-year compensation of \$6,500, which it deems to be the estimated fair market value for the property given the terminable nature of the license.



# Staff Summary

## FINANCE COMMITTEE MEETING Danny Enterprises Inc. (Cont'd.)

One proposal was received, from Danny Enterprises Inc. ("Danny's"). Danny's (under another corporate name) previously licensed the parcel until four years ago, since which time it has been vacant. Danny's originally offered \$5,800 for the first year, but MTA Real Estate was able to negotiate the first year rent up to \$6,500 with 3% annual increases thereafter, yielding a present value, calculated at 9%, of \$46,834.15 over the 10-year term. Danny's will repair or replace the existing fence as required by LIRR, install protective covering around sides of columns supporting the elevated tracks, and maintain and insure the site, which otherwise would need to be maintained by LIRR forces.

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

# Staff Summary



Metropolitan Transportation Authority

Page 1 of 2

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

Date <b>NOVEMBER 17, 2014</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/17/14	X		
2	Board	11/19/14	X		

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

AGENCY: MTA Long Island Rail Road ("LIRR")  
 LESSEE: Shahid Haroon  
 LOCATION: LIRR's Babylon Station  
 ACTIVITY: Newsstand  
 ACTION REQUESTED: Approval of terms  
 TERM: Ten years  
 SPACE: Approximately 120 square feet  
 COMPENSATION:

Year	Annual	Monthly	% Increase	Per Square Foot
1	\$24,000.00	\$2,000.00		\$200.00
2	\$24,720.00	\$2,060.00	3%	\$206.00
3	\$25,462.00	\$2,121.83	3%	\$212.18
4	\$26,225.00	\$2,185.42	3%	\$218.54
5	\$27,012.00	\$2,251.00	3%	\$225.10
6	\$27,822.00	\$2,318.50	3%	\$231.85
7	\$28,658.00	\$2,388.17	3%	\$238.82
8	\$29,517.00	\$2,459.75	3%	\$245.98
9	\$30,403.00	\$2,533.58	3%	\$253.36
10	\$31,315.00	\$2,609.58	3%	\$260.96

## COMMENTS:

LIRR issued a request for proposals for a newsstand located under LIRR's Babylon Line just west of the Babylon Station Building in Babylon, New York, and received two proposals. Shahid Haroon submitted a proposal with a present value, calculated using a discount rate of 9%, of \$172,926.44 over the 10-year term, with plans to undertake approximately \$60,000 in improvement work. Kunal Kapoor submitted a proposal offering rent with a present value over the 10-year term of \$139,366.92 and approximately \$33,000 in

# Staff Summary

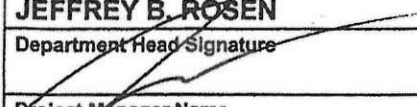
## **FINANCE COMMITTEE MEETING Shahid Haroon (Cont'd.)**

improvement work. Mr. Haroon's offer approximates the fair market value of the property as estimated by MTA Real Estate's independent consultant.

Mr. Haroon has successfully operated newsstand/coffee concessions at other LIRR locations. He will renovate the newsstand as required by LIRR.


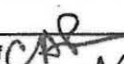

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Shahid Haroon on the above-described terms and conditions.

# Staff Summary

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

Date <b>NOVEMBER 17, 2014</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/17/14	X		
2	Board	11/19/14	X		

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

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

TENANT: Parking Systems Plus, Inc.

LOCATIONS: LIRR's Douglaston commuter parking lot, Little Neck commuter parking lot, and Westbury commuter parking lot (the "Parking Lots").

ACTIVITY: Operation of the Parking Lots

ACTION REQUESTED: Approval of terms

TERM: Ten years, terminable on 90 days' notice

SPACES: Douglaston: 122 parking spaces  
Little Neck: 106 parking spaces  
Westbury: 302 parking spaces

## COMPENSATION:

Proposed Rent	DOUGLASTON	LITTLE NECK	WESTBURY
Year 1	\$168,000.00	\$130,000.00	\$234,250.00
Year 2	\$169,000.00	\$131,000.00	\$236,593.00
Year 3	\$170,000.00	\$132,000.00	\$238,958.00
Year 4	\$171,000.00	\$133,000.00	\$241,348.00
Year 5	\$172,000.00	\$134,000.00	\$243,761.00
Year 6	\$173,000.00	\$135,000.00	\$246,199.00
Year 7	\$174,000.00	\$136,000.00	\$248,661.00
Year 8	\$175,000.00	\$137,000.00	\$251,148.00
Year 9	\$176,000.00	\$138,000.00	\$253,659.00
Year 10	\$177,000.00	\$139,000.00	\$256,196.00
NPV @ 9%	\$1,102,539.27	\$858,668.27	\$1,561,849.03

# Staff Summary

## FINANCE COMMITTEE MEETING

### Parking Systems Plus, Inc. (Cont'd.)



#### COMMENTS:

Lease interests in Parking Lots, which are currently operated by private operators under contract to LIRR, were offered in a recent request for proposals ("RFP"). The RFP authorized maximum daily parking fees of up to \$7.50 per day for the spaces at Douglaston and Little Neck, and a daily parking fee of up to \$5.00 per day for the space at the Westbury station. Monthly, annual, and semi-annual permits may be issued at rates less than the aggregate daily rate for a given permit period. Rates may be increased on an annual basis by an amount equal to the Producer Price Index (PPI) after the first license year.

Six firms submitted proposals for the Westbury lot, and five firms submitted proposals for the Little Neck and Douglaston lots. The present values of the rents offered by each proposer (discounted at 9%) are shown below:

#### Douglaston:

- Parking Systems: \$1,102,539.27
- 231 Street Parking LLC DBA All County Parking: \$1,093,359.88
- Impark Longacre, LLC: \$847,130.82
- Park Right Corp.: \$800,992.70 (incumbent)
- LAZ Parking, LLC: \$398,789.98

#### Little Neck:

- Parking Systems: \$858,668.27
- 231 Street Parking LLC DBA All County Parking: \$838,240.00
- Park Right Corp.: \$628,275.07 (incumbent)
- Impark Longacre, LLC: \$566,037.41
- LAZ Parking, LLC: \$346,489.65

#### Westbury:

- Parking Systems: \$1,561,849.03
- 231 Street Parking LLC DBA All County Parking: \$1,329,125.14
- JPNB Enterprises, Inc.: \$1,288,456.81 (incumbent)
- Impark Longacre, LLC: \$1,155,178.39
- LAZ Parking, LLC: \$987,168.66
- Park Right Corp.: \$877,536.91

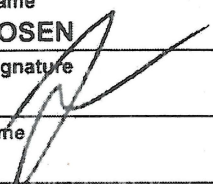
Parking Systems' offers exceeded MTA's estimates of fair market value at each location, which took into account the rent restrictions set forth in the RFP.

Parking Systems has 26 years of experience in parking lot management on Long Island. For the past five years, it has effectively operated one of LIRR's commuter parking lots at the Babylon Station.

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






# Staff Summary

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

Date <b>NOVEMBER 17, 2014</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/17/14	X		
2	Board	11/19/14	X		

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

## PURPOSE:

To obtain Board approval of the annexed resolution, authorizing the negotiation and execution of agreements by MTA and LIRR to facilitate the construction of a concrete casing to preserve the future subsurface Right of Way ("ROW") for Amtrak's proposed Gateway Tunnel ("the Tunnel Casing Project") for the segment underneath 11<sup>th</sup> Avenue ("the 11th Avenue Extension"), and to provide \$5.5 million as a capital contribution to Amtrak for such work.

## DISCUSSION:

In April 2013, the Board approved a Staff Summary and Resolution which authorized Amtrak to construct a concrete Tunnel Casing beneath the Eastern Rail Yard portion of the LIRR's West Side Yard so as preserve the future subsurface ROW for Amtrak's proposed Gateway Tunnel. As noted in that Staff Summary, Amtrak determined that the optimum tunnel alignment between the Hudson River and Penn Station runs under the LIRR's West Side Yard between 10<sup>th</sup> and 12<sup>th</sup> Avenues in Manhattan. As the Board is aware, LIRR's West Side Yard is also the location of the mixed-use commercial overbuild project that is a joint venture between affiliates of The Related Companies and Oxford Properties (the "Developers"), which is progressing pursuant to existing agreements with the MTA/LIRR (the "Overbuild Project"). The construction of the Tunnel Casing, in advance of the completion of the Overbuild Project, will prevent the permanent loss of this ROW. The previous Staff Summary authorized the MTA and LIRR to facilitate the Tunnel Casing Project by agreeing, among other things, to: (a) temporarily relocate certain LIRR Maintenance of Equipment ("MoE") functions; (b) permit the demolition and subsequent rebuilding of the MoE facility at the Eastern Rail Yard; and (c) grant a temporary construction license and permanent easement in the Eastern Rail Yard for the construction of the Tunnel Casing and subsequent installation and operation of the railroad facilities inside such casing. Since that time, Amtrak has been progressing with the construction of the Concrete Casing beneath the ERY. Amtrak is now seeking to extend the Tunnel Casing to beneath 11<sup>th</sup> Avenue (between the Eastern Rail Yard and Western Rail Yard portions of West Side Yard). It is anticipated that Amtrak will follow the 11th Avenue Extension with construction of the Tunnel Casing under the Western Rail Yard and under 10<sup>th</sup> Avenue.

# Staff Summary

## FINANCE COMMITTEE MEETING

### Gateway Tunnel (Cont'd)

The Tunnel Casing in the ERY was the subject of an Environmental Assessment, which was undertaken by the Federal Railroad Administration ("FRA") and Amtrak under NEPA. The FRA has conducted a Supplemental Environmental Assessment ("SEA") with respect to the proposed project in the Western Rail Yard and under 11<sup>th</sup> Avenue. After review of the SEA, the MTA and LIRR have issued a Negative Declaration, concluding that there are no significant adverse environmental impacts from the project.

In connection with the federal competitive Sandy resiliency grant funding, MTA made a soft commitment, subject to Board approval, to providing \$5.5 million in local match funding to Amtrak if Amtrak's request for funding of the 11<sup>th</sup> Avenue Extension received funding because of MTA's interest in expediting the Tunnel Casing Project to minimize disruption to the Overbuild Project. The 11<sup>th</sup> Avenue Extension was not included among the winning projects and Amtrak has identified alternative funding for what would have been the federal share of the 11<sup>th</sup> Avenue Extension funding. Amtrak still needs MTA and New Jersey Transit to each contribute \$5.5 million so that Amtrak can proceed on a schedule that meets the requirements for coordination with the construction of the Overbuild Project.

In furtherance of the Tunnel Casing Project, and preservation of the ROW, MTA and LIRR accordingly request Board approval of the accompanying Resolution, authorizing the entry into such agreements as are necessary and desirable to effectuate the 11<sup>th</sup> Avenue Extension, in accordance with the following terms:

- (1) MTA/LIRR shall provide \$5.5 million toward the cost of the 11th Avenue Extension. Given that MTA will be receiving in excess of \$1 billion from the Developers in connection with the Overbuild Project, MTA benefits by facilitating Amtrak's preservation of the Gateway alignment in a manner that has minimal impact on the Developers' construction and avoids potential claims and disputes. This is not precedential with regard to future funding.
- (2) Amtrak will agree that, in connection with the performance of the 11<sup>th</sup> Avenue Extension (to the extent that such work occurs within 200 feet of the extension of the No. 7 subway line), Amtrak will comply, at its expense with the requirements of NYCT and MTACC. NYCT will provide Force Account personnel for this portion of the project, with such costs to be reimbursed by Amtrak. NYCT and MTACC will be signatories of the agreement for this provision only.
- (3) Amtrak and Developer will waive any and all claims they might otherwise have against MTA/LIRR based upon its cooperation with or participation in the Tunnel Casing Project, such that MTA/LIRR will have no liability to Amtrak or the Developers and neither Amtrak nor the Developers will be excused from any monetary obligation to MTA/LIRR under the agreements relating to the Tunnel Casing Project and/or the Overbuild Project or otherwise, by reason of any act or omission other than willful misconduct of MTA/LIRR relating to the Tunnel Casing Project, or by reason of any act or omission whatsoever of Amtrak or any other Tunnel Casing Project participant apart from MTA/LIRR.
- (4) In addition, such agreements will provide MTA/LIRR with the rights to approve and inspect elements of the work affecting LIRR operations, and such other rights and protections as are deemed prudent.

## **RECOMMENDATION**

It is recommended that the Board authorize the annexed resolution, authorizing entry into agreements necessary to effectuate the Tunnel Casing Project in conformity with the terms as set forth in this Staff Summary.

RESOLUTION

BOARDS OF THE

METROPOLITAN TRANSPORTATION AUTHORITY

LONG ISLAND RAIL ROAD COMPANY

WHEREAS, Amtrak has developed a conceptual program known as the "Gateway Program", to build a new tunnel under the Hudson River from New Jersey through the west side of Manhattan to connect with Penn Station; and

WHEREAS, Amtrak has commenced work on the Gateway project in the Eastern Rail Yard;

WHEREAS, Amtrak is proposing to undertake the design and construction of an underground rectangular structure under 11<sup>th</sup> Avenue and to be constructed within the future subsurface Right of Way, to allow for the potential future development of the Gateway Tunnel;

WHEREAS, LIRR and MTA have issued a Negative Declaration, concluding that there are no significant adverse environmental impacts from the project;

WHEREAS, in connection with the performance of the 11<sup>th</sup> Avenue Extension (to the extent that such work occurs within 200 feet of the No. 7 subway line), Amtrak will comply, at its expense, with the requirements of NYCT and MTACC;

WHEREAS, any transaction with Amtrak to effectuate the Tunnel Casing Project shall be consistent with the terms and conditions set forth in this resolution and the accompanying staff summary; and

WHEREAS, the Boards of the MTA and LIRR find the terms and conditions set forth herein and in the attached Staff Summary to be advantageous to the MTA and LIRR, and that the actions proposed are necessary to preserve the potential effectuation of the Gateway Program;


NOW, THEREFORE, the Boards of the MTA and LIRR resolve as follows:

1. The Chairman, Vice Chairman and their designees, acting singly, are hereby authorized to negotiate, execute and deliver contracts and any other necessary or appropriate agreements or instruments as are necessary and desirable to effectuate the Tunnel Casing Project, in conformity with the terms and conditions set forth in this resolution and the attached Staff Summary;
2. The MTA/LIRR is authorized to make a capital contribution of \$5.5 million to Amtrak, to be used for the Tunnel Casing Project; and
3. The Chairman, Vice Chairman and their designees, acting singly, are hereby authorized to take any and all actions as may be necessary, desirable or convenient to satisfy all applicable legal or regulatory requirements in connection with the foregoing actions.





# Staff Summary

Page 1 of 2

<b>Subject</b> Amendment of Salary Cap in TAB Hearing Officer Contracts
<b>Department</b> Law Department
<b>Department Head Name</b> Lewis Finkelman
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Mary-Ann Maloney

<b>Date</b> October 31, 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	NYCT Comm.	11/14	X		
2	MTA Board	11/14	X		

Internal Approvals			
Order	Approval	Order	Approval
	President		
	Executive VP		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Law		Human Resources		Labor Relations		Materiel

## Narrative

### Purpose

To obtain Board approval for the amendment of the retainer agreements between the MTA New York City Transit and the below-named 12 attorneys for the provision of legal services to the Transit Adjudication Bureau (TAB) in the capacity of per diem hearing officers.

### Discussion

In accordance with Paragraph Two of Section 1209-a of the Public Authorities Law, the Transit Adjudication Bureau (TAB) maintains a roster of per diem hearing officers who are appointed by the President of the Authority. There are currently forty-three (43) attorneys on our roster and, of those, two (2) are providing services as per diem Senior Hearing Officers under separate contracts.

Appointees to the hearing officer position serve on a per diem basis for seven (7) hours and are paid at an hourly rate. Under the retainer agreements (that will cover the period from January 1, 2014 through December 31, 2014), each hearing officer's compensation will be \$39.47 per hour [or \$276.29 for a seven(7)hour day] and the agreement includes a provision that compensation to a per diem hearing officer shall not exceed the sum of \$19,500. As a result, the maximum number of days each hearing officer can be assigned to work is seventy (70).

# Staff Summary

Page 2 of 2

Therefore, the Authority requests the Board's approval to amend its agreements with the following twelve (12) current TAB hearing officers in order to extend the limitation on the annual compensation to \$30,000, which will enable each hearing officer to work an additional thirty-eight (38) days if needed.

- Ebonette Bates
- Melissa Brody
- Anthony Bianchino
- Mary Ann D' Alto
- Rona Feinberg
- Anthony Feldmesser
- Eugene Gaer
- Pauline Glaser
- Maria Ann Ogorek
- Barry Port
- Lawrence Schwartz
- Helene Trueman

The factors that contribute to the need to increase assignments for the enumerated hearing officers include, but are not limited to, the unavailability of some of the members of the roster to accept assignments at any given time due to other professional and personal commitments and the on-going need to have staffing flexibility to respond to enforcement initiatives of the MTA and the New York City Police Department, including, but not limited to, the Eagle Team initiative to address fare evasion on buses. As a result of these initiatives, TAB has witnessed a 21% increase (18,700 to 22,580) in the number of hearings held through the 3<sup>rd</sup> quarter of 2014 as compared to the same period in 2013. Therefore, it is necessary to increase the number of days these 12 hearing officers are able to work under their retainer agreements.

## Alternatives

None.

## Impact on Funding

Funding for per diem hearing officers has been included in TAB's 2014 operating budget.

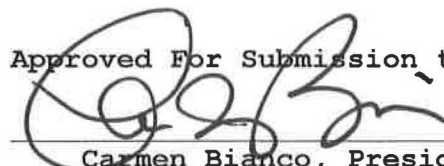
## Recommendation

That the Board approves the amendment of the January 1, 2014 - December 31, 2014 agreements with the aforementioned hearing officers, to extend the limitation on annual compensation to \$30,000.

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

11/7/14

Approved For Submission to the Board:




Carmen Bianco, President

# Report

## PROCUREMENTS

The Procurement Agenda this month includes 20 actions for a proposed expenditure of \$304.8M.

<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Materiel Division – NYCT					
<b>Department Head Name</b> Stephen M. Plochochi					
<b>Department Head Signature</b> 					
<b>Project Manager Name</b> Rose Davis					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	11/17/14			
2	Board	11/19/14			

November 7, 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>
<i>NYCT</i>	President NYCT		President MTACC
<i>MTA</i>	Executive VP	<i>CS</i>	President MTA Bus
<i>X</i>	Capital Prog. Management	<i>X</i>	Subways
	Law	<i>X</i>	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: NONE

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:

Procurements Requiring Two Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$ .08 M
• MCI Service Parts, Inc. \$ .08 M		
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ .08 M</b>

**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)	1	\$ 23.0 M
<u>Schedules Requiring Majority Vote:</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule F:	Personal Service Contracts	7	\$ 250.0 M
Schedule G:	Miscellaneous Service Contracts	7	\$ 25.8 M
Schedule I:	Modifications to Purchase /Public Work Contracts	2	\$ 3.9 M
Schedule L:	Budget Adjustments to Estimated Quantity Contracts	1	\$ 1.1 M
SUBTOTAL		18	\$ 303.8 M

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

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

**MTA Capital Construction proposes to award Ratifications 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:**

Schedules Requiring Majority Vote:

Schedule K:	Ratification of Completed Procurement Actions	1	\$ 1.0 M
SUBTOTAL		1	\$ 1.0 M
TOTAL		20	\$ 304.8 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.

**NOVEMBER 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, MTA Bus Company attempted to secure a price reduction. No other substantive negotiations were held except as indicated for individual solicitations.

- |  |                 |                                      |
|--|-----------------|--------------------------------------|
| <b>1. MCI Service Parts, Inc.</b>  | <b>\$83,338</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# SS141988</b>  |                 |                                      |
| Structural retrofit as to original OEM specifications and workmanship of two 2005-2007 MCI Buses with work process validation. |                 |                                      |

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

Item Number: 1

<b>Vendor Name (&amp; Location)</b> MCI Service Parts, Inc. (Loudenville, OH)
<b>Description</b> Structural retrofit of two 2005-2007 MCI Buses
<b>Contract Term (including Options, if any)</b> Evaluation for an Indefinite Period
<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: Test and evaluate

<b>Contract Number</b> SS141988	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> \$83,338	
<b>Funding Source</b>	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA Bus Company, Darryl C. Irick	

### Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to the All Agency Procurement Guidelines for structural retrofit work on two 2005-2007 MCI buses to test and evaluate said buses for vehicle life extension, using the bus builder Motor Coach Industries (MCI). The scope of work requires the use of OEM components and replacement parts and an engineering validation for two 2005-2007 MCI Buses. MCI is the original bus manufacturer of the D4500 coach and is the most suitable entity to perform this work at this time. This fleet has been identified for extended revenue service beyond its original twelve years of service life. The work was advertised and there were no other responses.

The purpose of this award is to structurally retrofit two MCI pilot buses based on a scope of work developed by an engineering consultant in 2007 and specific vehicle life extension recommendations made by MCI. The award will require that MCI structurally retrofit the buses and fully document and validate all work process procedures, bill of materials, labor times for all tasks, and provide the MTA Bus Company (MTA Bus) with retrofit drawings. These deliverables may be used by MTA Bus in the future to competitively solicit bids for the remaining 223 buses from the 2005-2007 fleet or to perform this work with in house resources.

MCI will contractually honor the original new bus contract structural warranty of 12 years on the retrofit buses and will also warranty the retrofit structural work on the retrofit buses for a period of two years from date of acceptance by MTA Bus. The price was negotiated with MCI and deemed fair and reasonable.



**NOVEMBER 2014**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two-Thirds Vote:**

**C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)**

(Staff Summaries required for items requiring Board approval.)

- |  |                            |   |
|--|----------------------------|---|
| <p><b>1. NEU International Railways</b><br/> <b>Sixty-month contract</b><br/> <b>Contract# R-34251</b><br/>         Purchase of three vacuum trains.</p> | <p><b>\$22,966,046</b></p> | <p><b><u>Staff Summary Attached</u></b></p> |
|--|----------------------------|---|

**Procurements Requiring Majority Vote:**

**F. Personal Service Contracts**

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

- |  |  |   |
|--|--|---|
| <p><b>2. ARCADIS of New York, Inc.</b><br/> <b>3. Ove Arup &amp; Partners, PC</b><br/> <b>4. Henningson Durham &amp; Richardson</b><br/> <b>Architecture and Engineering, P.C.</b><br/> <b>5. STV Incorporated</b><br/> <b>Four-Proposals – Five-year contract</b><br/> <b>Contract#s CM-1552, CM-1553, CM-1554, CM-1566</b><br/>         Federally-funded Indefinite Quantity consultant service contracts to provide engineering design services for Superstorm Sandy-related repairs, resiliency projects and miscellaneous construction.</p> | <p><b>\$75 Million (Est. Aggregate)</b></p>  | <p><b><u>Staff Summary Attached</u></b><br/>         ↓<br/>         ↓<br/>         ↓<br/>         ↓</p> |
| <p><b>6. HAKS Engineers,</b><br/> <b>Architects and Land Surveyors, P.C.</b><br/> <b>7. Hill International, Inc.</b><br/> <b>8. LiRo Engineering, Inc.</b><br/> <b>Three-Proposals – Five-year contract</b><br/> <b>Contract#s CM-1555, CM-1556, CM-1557</b><br/>         Federally-funded Indefinite Quantity consultant construction management and inspection service contracts for Superstorm Sandy-related repairs, resiliency projects and miscellaneous construction.</p>   | <p><b>\$175 Million (Est. Aggregate)</b></p> | <p><b><u>Staff Summary Attached</u></b><br/>         ↓<br/>         ↓<br/>         ↓</p>                |

**NOVEMBER 2014**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

**G. Miscellaneous Service Contracts**

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

- |  |  |   |
|--|--|---|
| <p><b>9. Clean Venture, Inc.</b><br/> <b>Six Bids/Low Bidder – Five-year contract</b><br/> <b>RFQ# 64914</b></p> <p>Handling, removal, transportation and disposal of various types of hazardous/contaminated waste for NYC Transit and MTA Bus Company.</p>   | <p><b>\$2,494,713 (Est.)</b></p>   | <p><b><u>Staff Summary Attached</u></b></p>                   |
| <p><b>10. Compulink Technologies, Inc.</b><br/> <b>Three Bids/Low bidder – Three-year contract</b><br/> <b>RFQ# 71628</b></p> <p>Maintenance of Cisco hardware and software, as well as training and engineering services.</p>   | <p><b>\$4,382,027 (Est.)</b></p>   | <p><b><u>Staff Summary Attached</u></b></p>                   |
| <p><b>11. Tierney and Courtney</b><br/> <b>Overhead Door Sales Company, Inc.</b></p>   | <p><b>\$414,353 (Est.)</b></p>   | <p><b><u>Staff Summary Attached</u></b></p>                   |
| <p><b>12. United Steel Products, Inc.</b><br/> <b>Five Bids/Low Bidder – Three-year contract</b><br/> <b>IFB# 83798</b></p> <p>Multi-agency contract for the repair of rapid roll-up doors for NYC Transit, MTA Bus Company and MTA Bridges and Tunnels.</p>   | <p><b>\$231,471 (Est.)</b></p>   | <p>↓</p> <p>↓</p>   |
| <p><b>13. Horizon Healthcare Staffing, Corp.</b><br/> <b>Go Medical Services, P.L.L.C.</b><br/> <b>AHRC Healthcare, Inc. d/b/a Access</b><br/> <b>Community Health Center</b><br/> <b>Five-year contract, with two, one-year options</b><br/> <b>RFP# 65192</b></p> <p>Assessment services for Paratransit and Reduced-Fare MetroCard Eligibility.</p> | <p><b>\$8,704,237 (Est.)</b></p> <p><b>\$7,484,451 (Est.)</b></p> <p><b>\$2,107,967 (Est.)</b></p> | <p><b><u>Staff Summary Attached</u></b></p> <p>↓</p> <p>↓</p> |

**NOVEMBER 2014**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

**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.)

**Init Innovations in  
Transportation, Inc.**

**Staff Summary Attached**

**16. Contract# W-32645.3** **\$3,004,309 (Est.)**

↓

**17. Contract# 05L9315.3** **\$929,788 (Est.)**

↓

Modification to the contract for the Automatic Vehicle Location Monitoring (AVLM) System, in order to extend the term of each of the contracts by six years and for additional AVLM services and equipment.

**NOVEMBER 2014**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

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

**18. Nordco Rail Services**

**\$1,063,818**


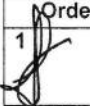


**Staff Summary Attached**

**Four-year contract**

**RFQ# 2857**

Ultrasonic rail testing services.

# 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		

<b>SUMMARY INFORMATION</b>	
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

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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.

On the morning of October 27<sup>th</sup>, prior to presentation of the award recommendation of this Vacuum Train procurement at the NYC Transit Committee's October meeting, a protest was received from Schorling. As a result, the award recommendation was removed from consideration at both the NYC Transit Committee's and the MTA Board's October meetings, in order to afford NYC Transit an opportunity to review the protest. Pursuant to NYC Transit's protest procedures a Protest Officer was assigned. The review has been conducted and the result is that the protest was found to be without merit and all demands for relief were denied. The determination from the Protest Officer has been transmitted in writing to Schorling.

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

SUMMARY INFORMATION	
Vendor Name	Contract Nos.
Four Awards – See below	CM-1552, 1553, 1554, 1566
Description	
IQ Engineering Design Services for Superstorm Sandy-Related Repairs and Resiliency Projects and Miscellaneous Construction	
Total Amount	
\$75M Estimated Aggregate Budget	
Contract Term (including Options, if any)	
60 months	
Option(s) included in Total Amount?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE

To obtain Board approval to award four competitively negotiated Indefinite Quantity (IQ) Federally Funded contracts for Engineering Design Services for Superstorm Sandy-Related Repair and Resiliency Projects and miscellaneous construction to the following firms: CM-1552 to ARCADIS of New York Inc. (ARCADIS), CM-1553 to Ove Arup & Partners, P.C. (ARUP), CM-1554 to Henningson, Durham & Richardson Architecture and Engineering, P.C. (HDR) and CM-1566 to STV Incorporated (STV). Under these contracts, selected consultants will compete for specific projects on a "Task Order" (TO) basis. The contracts are "zero dollar" based with no minimum guarantee of any assignments. The aggregate pool for all four contracts is for an estimated value of \$75 million for a 60 month duration.

## DISCUSSION

The unforeseen and devastating effects of Superstorm Sandy on October 29, 2012, and thereafter, have necessitated a series of emergency assessments, repairs, and purchases to restore service as well as provide resiliency to the NYCT system. The selected consultants will provide indefinite quantity design services on an as-needed basis, on various NYCT Sandy-related projects. To meet the needs for design and construction management for recovery and resiliency projects, in September 2013, the Board approved the award of six competitive contracts with an estimated total expenditure of \$250 million for 60 months. However, in the ensuing year, the volume of consultant work has been more than anticipated. To supplement the needs, NYCT has solicited new, separate RFPs for both design and construction management services in order to increase the amount of available resources. Services include feasibility studies, design work, pre-construction and construction phase support, and closeout support of various ongoing NYCT Sandy-related projects. Task orders will generally be competed among this pool and NYCT's existing pool of Sandy-related engineering consultants.

The consultants were selected via a qualifications based 2-step procurement process established by the Federal Brooks Act, whereby, contracts for A/E services are negotiated with the A/E team that is determined to be the most technically qualified. Price is not a consideration in the selection or ranking. Since four firms were approved by the SC, negotiations were conducted with the four most technically preferred firms.



# Staff Summary

Page 2 of 2

Step 1 – In response to NYCT’s advertisement, 10 submissions consisting of a Letter of Interest, Schedule J Responsibility Questionnaire, Federal SF 330 form and a qualification statement were received. The SC reviewed the submissions and recommended the following six firms to move on to Step 2: ARCADIS, ARUP, Dewberry Engineers Inc. (DEWBERRY), HDR, HNTB New York Engineering and Architecture, P.C. (HNTB) and STV. The firms not selected, D&B Engineers and Architects, P.C. /KS Engineers, P.C., JV; SYSTRA Engineering, Inc.; TranSystems Architect and Engineer, P.C.; and VHB Engineering Surveying and Landscape Architecture, P.C. had insufficient staffing or lacked the pertinent design flood mitigation experience relevant to Sandy-related work.

Step 2 – Technical Proposals from the short listed firms were reviewed. Following SC review and evaluation, ARUP, ARCADIS, HDR, and STV were selected as the four most preferred. The firms were chosen based on their superior technical qualifications as demonstrated by their local and global experience involving hydrology, asset hardening, and flood mitigation and protection techniques. The selected consultants have extensive experience supporting rail transit projects and have provided similar services to NYCT, MTACC and other state and public agencies. These firms not recommended for negotiations, DEWBERRY and HNTB met the minimum requirements of the RFP, but did not have as much flood mitigation experience and staffing.

After being selected and approved for price negotiations, the cost proposals for the four top-ranked firms were opened and evaluated. To ensure a fair evaluation, the RFP required that proposals be based on a fixed distribution of hours and a fixed amount for out-of-pocket costs. Initial cost proposals were based upon 162,500 hours as provided in the RFP and were as follows: \$30,076,154 for ARCADIS, \$30,289,800 for ARUP, \$27,952,906 for HDR, and \$30,237,655 for STV. The engineer’s estimate was \$25,064,665. Negotiations focused on labor rates, overhead and fees.

Best and Final Offers (BAFO) were received in order to determine if the rates offered by these firms were in an acceptable competitive range, as they will be used as the basis for task orders issued. Based on an evaluation of the labor rates, overhead and fees, the BAFOs were determined to be in an acceptable competitive range and considered to be fair and reasonable. The BAFOs were as follows: \$26,437,677 for ARCADIS, \$27,486,878 for ARUP, \$24,854,286 for HDR and \$24,553,209 for STV. ARCADIS’ BAFO was \$1,373,012 (6%) higher than the engineer’s estimate and represents a reduction of \$3,638,477 from its initial proposal. ARUP’s BAFO was \$2,422,213 (9.7%) higher than the engineer’s estimate and represents a reduction of \$2,802,922 from its initial proposal. HDR’s BAFO was \$210,379 (1%) less than the engineer’s estimate and represents a reduction of \$3,098,620 from its initial proposal. STV’s BAFO was \$511,456 (2%) less than the engineer’s estimate and represents a reduction of \$5,684,446 from its initial proposal.

Background investigations and material revealed that all four of the selected consultants disclosed no “significant adverse information” (SAI) within the meaning of the All-Agency Responsibility Guidelines. ARCADIS, ARUP, HDR and STV were found fully responsible for award. Previous work of the selected consultants for the MTA or affiliates: All of the consultants have prior experience on NYC Transit IQ contracts as either a prime or sub-consultant.

## M/W/DBE

The Department of Diversity and Civil Rights has established a Disadvantaged Business Enterprise (DBE) goal of 17%. ARUP and STV achieved their previous M/W/DBE goals on previous MTA contracts. ARCADIS and HDR have not completed any MTA contracts; therefore, no assessment of the firm’s M/W/DBE performance can be determined at this time.

## IMPACT ON FUNDING

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

## ALTERNATIVES

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

## CAPITAL PROGRAM REPORTING


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

## RECOMMENDATION

It is recommended that the Board approve the award of four competitively negotiated Indefinite Quantity (IQ) Federally Funded contracts for Engineering Design Services for Superstorm Sandy-Related Repair and Resiliency Projects and miscellaneous construction.



# Staff Summary

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

SUMMARY INFORMATION	
<b>Vendor Name</b>	<b>Contract Nos.</b>
Three Awards – See below	CM-1555 CM-1556 CM-1557
<b>Description</b> IQ Consultant Construction Management and Inspection Services for Superstorm Sandy-Related Repairs and Resiliency Projects and Miscellaneous Construction	
<b>Total Amount</b> \$175M Estimated Aggregate Budget	
<b>Contract Term (including Options, if any)</b> 60 months	
<b>Option(s) included in Total Amount?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE

To obtain Board approval to award three competitively negotiated Indefinite Quantity (IQ) Federally-funded contracts for Consultant Construction Management and Inspection Services for Superstorm Sandy-Related Repair and Resiliency Projects and miscellaneous construction to the following firms: CM-1555 to HAKS Engineers, Architects and Land Surveyors, P.C., (HAKS), CM-1556 to Hill International, Inc., (HILL), CM-1557 to LiRo Engineering, Inc., (LiRo). Under these contracts, selected consultants compete for specific projects on a "Task Order" (TO) basis. The contracts are "zero dollar" based with no minimum guarantee of any assignments. The aggregate pool for all three contracts is for an estimated amount of \$175 million for a 60 month duration.

## DISCUSSION

The unforeseen and devastating effects of Superstorm Sandy on October 29, 2012 and thereafter have necessitated a series of emergency assessments, repairs, and purchases to restore service as well as provide resiliency to the NYCT system. The selected consultants will provide indefinite quantities consultant construction management and inspection services on an as needed basis, on various NYCT Sandy-related projects. To meet the needs for design and construction management for recovery and resiliency projects, in September 2013, the Board approved the award of six competitive contracts with an estimated total expenditure of \$250 million for 60 months. However, in the ensuing year, the volume of consultant work has been more than anticipated. To supplement the needs, NYCT has solicited new, separate RFPs for both design and construction management services in order to increase the amount of available resources. Services include procurement and construction phase support, and closeout support of various ongoing NYCT Sandy-related Projects. Task orders will generally be competed among this pool and NYCT's existing pool of Sandy-related Construction Management Consultants.

The consultants were selected via a qualifications based 2-step procurement process established by the Federal Brooks Act, whereby, contracts for A/E services are negotiated with the A/E team that is determined to be the most technically qualified. Price is not a consideration in the selection or ranking. Since three awards were planned under this RFP, negotiations were conducted with the three most technically preferred firms.

## Staff Summary

Page 2 of 2

Step 1 – In response to NYCT's advertisement, 11 submissions consisting of a Letter of Interest, Schedule J Responsibility Questionnaire, Federal SF 330 form and a qualification statement were received. The SC reviewed the submissions and recommended the following six firms to move on to Step 2: HAKS; HILL; HNTB New York Engineering and Architecture, P.C., (HNTB); Hunter Roberts Construction Group, (Hunter Roberts); LiRo; and the Tectonic Engineering & Surveying Consultants P.C. and Gannett Fleming, Inc., J.V., (Tectonic/Gannett Fleming, J.V.). The firms not selected, AI Engineers, Inc., (AI); Copper River Information Technology, LLC, (Copper River); D&B Engineers and Architects, P.C., (D&B); DiMarco Constructors, LLC, (DiMarco); and Henningson, Durham & Richardson Architecture & Engineering, P.C. (HDR) had insufficient staffing or lacked pertinent construction management and inspection services experience for flood mitigation relevant to Sandy-related work.

Step 2 – Technical Proposals were received from all of the firms selected in Step 1, with the exception of Hunter Roberts, who chose not to submit a proposal due to staffing concerns. Following SC review and evaluation, HAKS, HILL and LiRo were selected as the three most preferred. The consultants were chosen based on their superior technical qualifications as demonstrated by their local and global experience involving hydrology, asset hardening, and flood mitigation and protection techniques. The selected consultants have extensive experience supporting rail transit projects and have provided similar services to NYCT, MTACC and other state and public agencies. HNTB's proposal supported the firm's experience in providing Superstorm Sandy-related design support services and did not demonstrate sufficient experience in providing construction management and inspection services. Tectonic/Gannett Fleming, J.V. was not selected because the firm lacked the adequate flood mitigation experience and sufficient staffing.

After being selected and approved for price negotiations, the cost proposals for the three top-ranked firms were opened and evaluated. To ensure a fair evaluation, the RFP required that proposals be based on a fixed distribution of hours and a fixed amount for out-of-pocket costs. Initial cost proposals were based upon 466,000 hours as provided in the RFP and were as follows: \$58,340,765 for HAKS, \$60,341,856 for HILL, and \$66,255,503 for LiRo. The engineer's estimate was \$56,739,408. Negotiations focused on labor rates, overhead and fees.

Best and Final Offers (BAFO) were received in order to determine if the rates offered by these firms were in an acceptable competitive range, as they will be used as the basis for task orders issued. Based on an evaluation of the labor rates, overhead and fees, the BAFOs were determined to be in an acceptable competitive range and considered to be fair and reasonable. The BAFOs were as follows: \$57,065,322 for HAKS, \$55,834,247 for HILL, and \$53,090,731 for LiRo. HAKS' BAFO was \$325,914 (1%) higher than the engineer's estimate and represents a reduction of \$1,275,443 from its initial proposal. HILL's BAFO was \$905,161 (1.6%) less than the engineer's estimate and represents a reduction of \$4,507,609 from its initial proposal. LiRo's BAFO was \$3,648,677 (6.4%) less than the engineer's estimate and represents a reduction of \$13,164,772 from its initial proposal.

Background investigations and material revealed that all three of the selected Consultants disclosed no "significant adverse information" (SAI) within the meaning of the All-Agency Responsibility Guidelines. HAKS, HILL and LiRo were found responsible for award. Previous work of the selected consultants for the MTA or affiliates: All of the consultants have prior experience on NYC Transit IQ and/or A/E contracts as either prime or sub-consultants.

### M/W/DBE

The Department of Diversity and Civil Rights has established a Disadvantaged Business Enterprise (DBE) goal of 17%. HAKS and LiRo achieved their previous M/W/DBE goals on previous MTA contracts. Hill has not completed any MTA contracts; therefore, no assessment of the firm's M/W/DBE performance can be determined at this time.

### IMPACT ON FUNDING

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

### ALTERNATIVES

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

### CAPITAL PROGRAM REPORTING

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

### RECOMMENDATION

It is requested that the Board approve the award of three competitively negotiated Indefinite Quantity (IQ) Federally-funded contracts for Consultant Construction Management and Inspection Services for Superstorm Sandy-Related Repair and Resiliency Projects and miscellaneous construction.

## Schedule G: Miscellaneous Service Contracts

Item Number: 9

<b>Vendor Name (&amp; Location)</b> Clean Venture, Inc. (Elizabeth, NJ)	
<b>Description</b> Handling, Removal, Transportation, and Disposal of Hazardous/Contaminated Waste	
<b>Contract Term (including Options, if any)</b> Five years	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	

<b>Contract Number</b> RFQ 64914	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> NYC Transit: \$1,895,982 MTABC: \$598,731 \$2,494,713 (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> Office of System Safety, Cheryl Kennedy MTA Bus Company, Darryl C. Irick	

### Discussion:

This multi-agency contract is for the handling, removal, transportation, and disposal of various types of hazardous/contaminated waste by Clean Venture, Inc. (Clean Venture) for five years in the estimated amounts of \$1,895,982 for NYC Transit and \$598,731 for MTA Bus Company (MTABC) for a total estimated amount of \$2,494,713.

NYC Transit Office of System Safety and MTABC require the services of a contractor to handle, remove, transport, and dispose of hazardous/contaminated waste as mandated by Federal, State, and local laws. The contractor is required to provide emergency spill response and cleanup services when requested by the project manager. The contract will be utilized on an as-needed basis without any obligation for either agency to commit to a minimum amount.

An Invitation for Bids was advertised in May 2014, resulting in the receipt of six bids. An extensive outreach to increase competition was performed prior to this solicitation by NYC Transit Procurement resulting in the receipt of six bids, four bids more than were received on the last solicitation. Clean Venture's bid of \$2,494,713 was 23% lower than the next lowest bid. Clean Venture is the contractor under the previous contract.

When the unit prices of the proposed and previous contracts are evaluated at the current quantities, the overall price decreased by 6.8%. Based on adequate competition and a comparison to the unit prices in the previous contract, Clean Venture's pricing is considered to be fair and reasonable.

## Schedule G: Miscellaneous Service Contracts

Item Number: 10

<b>Vendor Name (&amp; Location)</b> Compulink Technologies, Inc. (New York, NY)		<b>Contract Number</b> RFQ 71628	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description</b> Maintenance of Cisco Hardware and Software, Training and Engineering Services		<b>Total Amount:</b> NYC Transit: \$3,180,063 B&T: \$604,040 MNR: \$597,924	
<b>Contract Term (including Options, if any)</b> Three years, with one-year option		\$4,382,027 (Est.)	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a		<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Subways, Joseph Leader and MTA-IT, Sidney Gellineau	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:			

### Discussion:

This three year multi-agency competitive miscellaneous service contract with Compulink Technologies, Inc. (Compulink) is for hardware and software maintenance of Cisco network equipment. The Cisco equipment to be maintained under this contract is predominantly older, legacy equipment that is at or near end-of-life (EOL). Compulink is a value added reseller (VAR) for maintenance that will be provided by Cisco.

Under this contract, hardware and software maintenance will be provided for Cisco equipment that is near or has reached end-of-life. Equipment that is EOL will receive limited maintenance support based on the availability of parts and the supportability of the software.

Routers and other network equipment, which provide connectivity to NYC Transit's major applications, will be maintained under this contract. Also included are training and engineering services. This multi-agency contract will provide support to NYC Transit, Bridges and Tunnels, and MetroNorth Railroad.

Quotes were solicited from four value added resellers under NY state OGS contract PT64525. Three quotes were received; one quote was non-responsive as it utilized a non-conforming price schedule. Compulink submitted the low quote with a discount of 25.5% from the OGS price for maintenance. The other responsive quote only offered a discount of 16.0% off the OGS price for maintenance. The maintenance discount for the requested contract is approximately 1.7% higher than the discount under the prior contract. The price was found to be fair and reasonable based on adequate price competition.

The EOL Cisco equipment covered under this contract that is supported by MTA-IT will be replaced under the Network Infrastructure Upgrade contract. Cisco equipment covered under this contract that is supported by NYC Transit's Electronics Maintenance Division will not be replaced under the Network Infrastructure Upgrade contract, but is anticipated to be replaced under the 2015-2019 Capital Program.

## Schedule G: Miscellaneous Service Contracts

**Item Number:** 11-12

<b>Vendor Name (&amp; Location)</b> Tierney and Courtney Overhead Door Sales Co., Inc. (Maspeth, NY) United Steel Products. Inc. (Flushing, NY)		<b>Contract Number</b>  IFB 83798	<b>Renewal?</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description</b>  Repair of rapid roll-up doors		<b>Total Amount:</b> \$645,824 (Est.)  Tierney and Courtney: \$414,353 (Class A: \$352,603 & Class D: \$61,750)  United Steel: \$231,471 (Class B: \$165,261 & Class C: \$66,210)	
<b>Contract Term (including Options, if any)</b>  Three Years		<b>Funding Source</b>  <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Buses, Darryl C. Irick	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive			
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:			

### Discussion:

This multi-agency contract is to provide repair of rapid roll-up doors for NYC Transit Department of Buses (DOB) and Department of Subways (DOS), MTA Bus Company (MTABC) and MTA Bridges and Tunnels (B&T). The contractor is required to supply all labor, materials and equipment necessary for repair of Rytec, Albany and Marathon rapid roll-up doors at various DOB, DOS, MTABC and B&T locations. Rapid roll-up doors open automatically when a vehicle is entering or exiting a facility and help maintain the inside ambient temperature.

Due to the varied nature of parts required for the different brands of rapid roll-up doors and the multiple agencies under the scope of work, the bid was split into four classes, Class A for Rytec doors and included DOB, MTABC, and DOS, Class B for Albany doors for DOB only, Class C for Marathon doors for DOB only, and Class D for Rytec doors for B&T only. Procurement conducted an extensive outreach to the marketplace which led to the receipt of four bids in each class of this solicitation as compared to two bids on Classes A and B and one bid on Class C of the previous contract.

Tierney and Courtney Overhead Door Sales Co. Inc. (Tierney and Courtney), a new vendor to NYC Transit is the low bidder on Class A for Rytec doors in the amount of \$352,603 (comprised of \$299,895 for DOB and MTABC and \$52,708 for DOS) and Class D also for Rytec doors in the amount of \$61,750 for B&T. Tierney and Courtney's bids on Classes A and D are approximately 10% lower than the next low bids. United Steel Products, Inc. (United Steel) is the low bidder on Class B for Albany doors for DOB in the amount of \$165,261 and Class C for Marathon doors for DOB in the amount of \$66,210. United Steel's bids on Classes B and C are approximately 18% lower than the next low bids. Additionally, when comparing like items from the previous contract to those under this bid for Classes A, B and C (representing approximately 98% of the overall value of the low bids submitted by Tierney and Courtney and United Steel), the bids reflect decreases in pricing of 14% for Class A, 32% for Class B and 15% for Class C. This is the first time B&T participated in a joint procurement for this type of service; therefore, no previous pricing exists for Class D.

A qualification hearing was held with Tierney and Courtney and it was deemed technically qualified based on its experience in this field and its comprehensive understanding of the contract requirements. United Steel was found technically qualified based on its performance under the previous contract.

Based upon the aforementioned price analysis and effective price competition, pricing from Tierney and Courtney and United Steel was found to be fair and reasonable.



**Item Number:** 13-15

<b>Vendor Name (&amp; Location)</b> Horizon Healthcare Staffing Corp. (Hicksville, NY) Go Medical Services, P.L.L.C. (Rego Park, NY) AHRC Healthcare Inc., d/b/a Access Community Health Center (New York, NY)
<b>Description</b> Assessment Services for Paratransit and Reduced-Fare MetroCard Eligibility
<b>Contract Term (including Options, if any)</b> January 7, 2015 – January 6, 2020
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contract Number</b> RFP 65192	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$18,296,655 (Est.) \$8,704,237 (Horizon, BK-BX-SI) \$7,484,451 (Go Medical, BK-QN) \$2,107,967 (Access, Manhattan)	
<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 C. Irick	

**Discussion:**

These estimated quantity, miscellaneous service contracts are for the provision of eligibility assessment service for the Paratransit Eligibility Determination Unit (Paratransit) and Reduced-Fare MetroCard Unit (Reduced-Fare). The Scope of Work requires multiple contractors to perform eligibility assessments operating from their own facility(ies), utilizing medical professionals to conduct in-person evaluations of individuals applying for Access-A-Ride (AAR) paratransit transportation service, as well as individuals appealing for Reduced-Fare MetroCard privileges. The Contractor evaluates how an applicant's disability may or may not prevent him/her from using fixed-route transportation, and subsequently provides an independent eligibility recommendation which assists NYC Transit personnel in its final determination of the service being requested.

In March 2014, Request for Proposals (RFP) 65192 was competitively solicited for renewal contracts for the above mentioned services. The term of the renewal Contracts is five years with an option to extend for up to an additional two years. Board approval will be sought if NYC Transit wishes to exercise its option.

The evaluation criteria for RFP65192, listed in descending order of importance, were as follows: Overall Technical Qualification to provide eligibility assessment service, Overall Price and Other Relevant Matters. The solicitation was structured in five classes, each class representing a borough covering the needs of both Paratransit and Reduced-Fare. One assessment center is required in each of the five boroughs, with the exception of Brooklyn, which requires two centers as it represents the largest number of assessments. Pricing is based on a per-assessment rate and shall remain fixed for years 1-3 and 4-5 of the base contract. Separate pricing was requested for each option year. A single Proposer would be eligible to receive 100% of the estimated assessments allocated for that borough, with the exception of Brooklyn. Proposers were informed that an evenly-split award for Brooklyn would be made to two vendors.

Procurement performed an extensive outreach including directly calling 250 healthcare industry professionals which resulted in 18 firms having picked up the RFP package, 17 companies attending the pre-proposal conference, and 11 proposals being submitted in response to the RFP. The Selection Committee (SC) evaluated the proposals throughout each phase of the RFP in accordance with the evaluation criteria. Following the SC's review, two proposals were eliminated immediately as the Proposers failed to demonstrate an adequate level of understanding of the work. The remaining nine Proposers were invited for oral presentations. Subsequent to oral presentations, one Proposer was eliminated as the SC determined that this Proposer lacked an understanding of the Scope of Work requirements and did not effectively communicate its approach to conducting the service. Three additional Proposers were eliminated after visits to the proposed facilities were made, as the SC determined that logistical and/or physical barriers to performing the service could not be overcome.

Five Proposers were invited for negotiations. Negotiations centered on the caliber and quantity of staff, the quality and physical layout of the facility, and pricing. One Proposer was unable to offer satisfactory modifications to the physical layout

## Schedule G: Miscellaneous Service Contracts

of its facility and was therefore eliminated. Best and Final Offers (BAFOs) were received on October 16, 2014 from the four remaining Proposers: Horizon Healthcare Staffing Corp., (Horizon), Go Medical Services, P.L.L.C., (Go Medical), Access Community Health Center (Access), and Kennedy Advanced Professional Services, Ltd. (KAPS).

The chart below identifies the boroughs for which each Proposer quoted, the incumbents and the awardee(s). In all instances the SC unanimously voted to award to the Proposers with the highest technical ranking and lowest price with the exception of the Bronx. While Access and Go Medical had lower pricing, Horizon had the highest technical ranking, and the SC questioned the financial ability for Access to handle two boroughs, and for Go Medical to handle three.

Proposer	Brooklyn	Queens	Bronx	Manhattan	Staten Island
Horizon	<b>\$3,388,483*</b>		<b>\$3,702,253*</b>		<b>\$1,613,501*</b>
Go Medical	<b>\$2,989,078</b>	<b>\$4,495,373*</b>	<del>\$3,440,998</del>		
Access			<del>\$2,606,881</del>	<b>\$2,107,967*</b>	
KAPS		<del>\$4,554,864</del>			

\* Denotes incumbent; shaded/bold cell denotes the awardee and amount for each borough, and strikethrough denotes the proposer/borough for which an award was not made.

Through negotiations, the BAFO pricing from Horizon (for the boroughs of Brooklyn, Bronx and Staten Island) is \$994,683 or 10.3% lower than its initial pricing; from Go Medical (for the boroughs of Brooklyn and Queens) it is \$417,090 or 5.3% lower than its initial pricing; and from Access (for the borough of Manhattan) it is \$534,218 or 20.2% lower than its initial pricing. This represents an estimated savings of \$1.9M. Both Horizon and Go Medical are financially qualified to perform the work at the recommended award amounts. Access did not satisfy the financial qualification requirements; however, it has been a consistent and reliable provider of the service since award of its contract in May 2011. Taking into account its past performance, strategically located facility and continuity of key personnel, award to Access is being recommended based on a business decision. In addition, under these contracts, risk is minimized as payment is made after the provision of service, and if Access is subsequently unable to perform, applicants will be sent to facilities in alternate boroughs for an interim period. Prices from all three Proposers are considered fair and reasonable.

Additionally, a comparison of the weighted average price per assessment from the existing contract(s) to renewal pricing shows a range of cost savings from \$3.56 to \$16.20 (or 4.6% to 20.4%) across the five boroughs. This calculation uses the existing price per assessment multiplied by the number of renewal assessments for each borough.



Item Number: 16-17

<b>Vendor Name (&amp; Location)</b> Init Innovations in Transportation, Inc. (Chesapeake, VA)		<b>Contract Number</b> W32645 and 05L9315		<b>AWO/Mod. #</b> 3	
<b>Description</b>  Paratransit Automatic Vehicle Location Monitoring (AVLM) System Contract to equip new vehicles		<b>Original Amount:</b> W32645: \$11,330,086 05L9315: \$4,998,192      \$ 20,952,364			
		<b>Option Amount:</b> W32645: \$4,624,086			
<b>Contract Term (including Options, if any)</b>  December 23, 2005 – September 15, 2015		<b>Prior Modifications (not including option):</b> W32645: \$6,716,166 05L9315: \$5,347,002      \$ 12,063,168			
		<b>Prior Budgetary Increases:</b> \$ 0			
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a		<b>Current Amount:</b> W32645: \$22,670,338 05L9315: \$10,345,194      \$ 33,015,532			
<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 checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>This Request:</b> W32645:\$3,004,309 (Est.)      \$ 3,934,097 (Est.) 05L9315:\$929,788 (Est.)			
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Buses, Darryl C. Irick		<b>% of This Request to Current Amount:</b> 11.9%			
		<b>% of Modifications (including This Request) to Total Amount:</b> 76.4%			

**Discussion:**

These modifications for Capital Contract W32645 and Operating Contract 05L9315 are for the extension of the term of each of the contracts by six years from September 15, 2015 to September 14, 2021 and for additional services and equipment for the Paratransit Automatic Vehicle Location Monitoring (AVLM) system provided by Init Innovations in Transportation, Inc. (Init).

The October 2005 Board approved the award of the AVLM project to Init via a competitively solicited RFP that resulted in two separate awards, one covering the capially funded requirements (on board vehicle equipment and land based software and hardware) and the other for operating requirements (maintenance and communications). The AVLM system remotely monitors vehicle location in real time and feeds this information to Paratransit's scheduling software to provide computer aided dispatching information for Paratransit's Command Center personnel. AVLM also provides vehicle operators their customer pickup and drop-off locations on a map showing the route to the scheduled destination along with spoken directions. Each AVLM equipped vehicle has a Mobile Data Terminal (MDT) utilizing Global Positioning Satellites (GPS), a wireless data cellular communications network and a Geographical Information System (GIS) providing the map functions. The AVLM system has an estimated lifespan of at least 15 years. AVLM utilizes Init's specially designed and manufactured hardware, operating via a proprietary software application which is an integral part of Paratransit's linked technology systems including the StrataGen Adaptive Decision Engine for Passenger Transportation (ADEPT) scheduling software and Interactive Voice Response systems. These systems have been customized to inter-communicate and share information, facilitate trip scheduling and provide vehicle location information to deliver efficient trips meeting ADA requirements. Through prior Board approved modifications, each of the contract's terms was extended to September 15, 2015. Under a separate action in this month's agenda, Board ratification is also being sought for Modification #4 for AVLM requirements associated with Superstorm Sandy.

These modifications will extend each of the contract's terms to September 14, 2021 for an estimated \$3,934,097, and includes a wide variety of services and equipment to provide for the continued use, refreshing and updating of the AVLM system. The cost

is broken out as follows: Capital costs totaling \$3,004,309 include vehicle wiring and installation costs for \$1,870,019, fixed-end hardware including installation for \$572,424 and programming for software enhancements for \$561,866; Operating Costs totaling \$929,788 include software maintenance, licensing and support for \$371,054 and on-board vehicle equipment removal and installation services and non-warranty repairs and parts for \$558,734. This modification does not include the purchase of any additional MDTs.

Init's initial proposal for Modification #3 was \$5,148,667. Through a cost analysis conducted by MTA Audit and the Procurement Cost Price Unit, and as a result of negotiations for both modifications #3 and #4 conducted simultaneously (due to their shared common items), total pricing was reduced to \$3,934,097, which is \$1,214,570 below the initial price proposal. Based on the cost analysis and negotiations, Init's pricing has been found to be fair and reasonable.

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

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

<b>18. Nordco Rail Services</b> <b>RFQ# 2857</b> <b>March 12, 2012 – March 11,</b> <b>2016</b>	<b>Original Amount:</b>	\$ 1,710,915
	<b>Prior Modifications:</b>	\$ 0
	<b>Prior Budgetary Increases:</b>	\$ 0
	<b>Current Amount:</b>	\$ <u>1,710,915</u>
	<b>This Request:</b>	\$ 1,063,818
	<b>% of This Request to Current Amount:</b>	62.2%
	<b>% of Mods/Budget Adjustments (including This Request) to Original Amount:</b>	62.2%

**Discussion:**

This contract is for ultrasonic rail flaw detection services (UT) which uses sound waves to identify defects in the rail. Use of this equipment allows track personnel to proactively repair flaws before they become problematic. Nordco Rail Services was retained in 2012 to perform these services utilizing NYC Transit Track Geometry Cars #3 and #4. These cars were previously purchased from Plasser American Corporation with the Nordco brand equipment already installed.

At the time of award, the estimated inspection duration was 96 weeks over a four-year term (an average of 24 UT inspections per year). During the first half of the contract term, the actual number of test weeks increased significantly. A total of 91 weeks of UT inspections occurred from the start of the contract term in March 2012 to the end of September 2014. This was the primary cause for the depletion of funds at a faster rate (an average of 36.4 UT inspections per year).

Several conditions or events created the need for the additional weeks of UT inspections and resultant accelerated expenditures:

- Extra post-Superstorm Sandy UT special inspections of the flooded subway tracks and yards;
- Extra Nordco UT inspections covering NYC Transit's main line tracks due to availability issues with the Sperry SRS-403 UT inspection vehicle (Sperry currently provides the same service utilizing its aging SRS-403 vehicle, soon to be replaced by NYC Transit's TGC #2 vehicle that recently had the new Sperry brand equipment installed);
- Increased frequency of UT inspections of critical subway corridors.
- Additional costs associated with increased usage of spare and consumable parts.

From contract award in March 2012 to September 30, 2014, approximately \$1,557,700 of the contract value was expended leaving \$153,215 remaining in the contract. The work scheduled for October 1, 2014 through December 31, 2014 involves 12 weeks of UT inspections at an estimated cost of \$196,284. This will deplete the remaining funds in the contract before the end of December 2014 and before completion of the 12 UT inspections leaving a budget shortfall of \$43,069. From January 1, 2015 through the contract expiration on March 11, 2016 there will be 55 weeks of UT inspections at an estimated cost of \$899,635. The cost of necessary additional spare and consumable parts (such as UT probes) from October 1, 2014 through the contract expiration is estimated at \$121,114.

This Budget Adjustment will increase the total estimated value of the contract by \$1,063,818 to a total estimated amount of \$2,774,733. This amount is sufficient to meet NYC Transit's anticipated needs for additional UT inspections through the expiration of the contract.

**NOVEMBER 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. Init Innovations in<br/>Transportation, Inc.<br/>Contract# 05L9315.4</b> | <b>\$977,894 (Est.)</b> | <b><u>Staff Summary Attached</u></b> |
|--|-------------------------|--------------------------------------|

Modification to the contract for the Paratransit Automatic Vehicle Location Monitoring Contract, in order to address repair and/or replacement of equipment and hardware damaged by Superstorm Sandy.

## Schedule K: Ratification of Completed Procurement Actions

Item Number: 1

<b>Vendor Name (&amp; Location)</b> Init Innovations in Transportation, Inc. (Chesapeake, VA)		<b>Contract Number</b> 05L9315	<b>AWO/Mod. #</b> 4
Paratransit Automatic Vehicle Location Monitoring (AVLM) System contract		<b>Original Amount:</b>	\$ 4,998,192
<b>Contract Term (including Options, if any)</b> December 23, 2005 – September 15, 2015		<b>Prior Modifications:</b>	\$ 5,347,002
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		<b>Prior Budgetary Increases:</b>	\$ 0
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b>	\$ 10,345,194
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		<b>This Request:</b>	\$ 977,894 (Est.)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b>	9.5%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Buses, Darryl C. Irick		<b>% of Modifications (including This Request) to Original Amount:</b>	126.5%

### Discussion:

This retroactive Modification #4 to Operating Contract 05L9315 provides services and equipment for the Paratransit Automatic Vehicle Location Monitoring (AVLM) system provided by Init Innovations in Transportation, Inc. (Init). This work was done under the Declaration of Emergency for Hurricane (Superstorm) Sandy of November 1, 2012.

The October 2005 Board approved the award of the AVLM project to Init via a competitively solicited RFP that resulted in two separate awards, W32645 covering the capitolly funded requirements (on board vehicle equipment and land based software and hardware), and 05L9315 for operating requirements (maintenance and communications). The AVLM system remotely monitors vehicle location in real time and feeds this information to Paratransit's scheduling software to provide computer aided dispatching information for Paratransit's Command Center personnel. AVLM also provides vehicle operators their customer pickup and drop-off locations on a map showing the route to the scheduled destination along with spoken directions. Each AVLM equipped vehicle has a Mobile Data Terminal (MDT) utilizing Global Positioning Satellites (GPS), a wireless data cellular communications network and a Geographical Information System (GIS) providing the map functions. The AVLM system has an estimated lifespan of at least 15 years. AVLM utilizes Init's specially designed and manufactured hardware, operating via a proprietary software application which is an integral part of Paratransit's linked technology systems including the StrataGen Adaptive Decision Engine for Passenger Transportation (ADEPT) scheduling software and Interactive Voice Response systems. These systems have been customized to inter-communicate and share information, facilitate trip scheduling and provide vehicle location information to deliver efficient trips meeting ADA requirements. Through prior Board approved modifications, the contract term was extended to September 15, 2015. Under a separate action in this month's agenda, Board approval is also being sought for Modification #3 for AVLM requirements not associated with Superstorm Sandy.

Modification #4 totals an estimated \$977,894 in operating funds and constitutes costs associated with the repair and/or replacement of the AVLM system in 221 vehicles damaged beyond repair by Superstorm Sandy in October 2012. The on-board vehicle hardware (MDT, modem and GPS) was removed from these vehicles, cleaned and diagnostically tested to ensure compliance with applicable specifications. This Modification includes \$505,753 for cleaning and diagnostic testing together with the purchase of 95 replacement MDTs, 91 modems, and 95 GPS components and \$472,141 for AVLM vehicle installation costs, including miscellaneous parts (cables, brackets, etc.). These units were installed in 221 new MV-1 replacement vehicles.

Init's initial proposal for Modification #4 was \$1,411,695. Through a cost analysis conducted by MTA Audit and the Procurement Cost Price Unit, and as a result of negotiations for both modifications #3 and #4 conducted simultaneously (due to their shared common items), total pricing for Modification #4 was reduced to \$977,894, which is \$433,801 below the initial price proposal. Based on the cost analysis and negotiations, Init's pricing has been found to be fair and reasonable.

# Staff Summary

Page 1 of 2

<b>Subject</b> New Haven Line Connecticut Fare Increase	<b>Date</b> November 3, 2014
<b>Department</b> Operations Planning and Analysis	<b>Vendor Name</b> N/A
<b>Department Head Name</b> Delana Glenn <i>Delana Glenn</i>	<b>Contract Number</b> N/A
<b>Department Head Signature</b>	<b>Contract Manager Name</b> N/A
<b>Project Manager Name</b> Jay Fiegerman	<b>Table of Contents Ref#</b>

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
	M-N Comm. Mtg.	11/17				4	President <i>[Signature]</i>		Budget
	MTA Fin. Comm.	11/17					VP Operations		VP Capital Programs
	MTA Board Mtg.	11/19				3 <i>[Signature]</i>	VP Financial Admin		Engr/Const
							Controller		Project Reporting

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
1	VP Planning <i>[Signature]</i>		Government Relations		Labor Relations	2	General Counsel <i>[Signature]</i>
	Press		VP Human Resources		Human Resources		Other

**PURPOSE:** To obtain Board adoption of a resolution authorizing implementation of one percent increases legislated by the State of Connecticut in Metro-North New Haven Main Line fares for travel to or from Connecticut stations.

**DISCUSSION:** In 2011, as part of the plan of finance for the new M-8 cars, the Connecticut Legislature enacted legislation providing for a series of seven consecutive annual one percent fare increases for travel on the New Haven Main Line to or from Connecticut stations. The first three of these fare increases, in combination with other larger fare increases, were approved by the Board on October 26, 2011. Fares were increased by 5.3% on January 1, 2012; 5.04% on January 1, 2013, and 5.04% on January 1, 2014.

With 2015 approaching, the Connecticut Department of Transportation (CDOT) requests Board authorization of the remaining series of Connecticut-legislated one percent New Haven Line fare increases for travel to or from stations located in the State of Connecticut, consisting of a 1.0% increase effective on January 1, 2015; a 1.0% increase effective on January 1, 2016; a 1.0% increase effective on January 1, 2017 and a 1.0% increase effective on January 1, 2018. The cumulative amount of these four consecutive annual one percent increases is approximately 4.1%.

Under the terms of the MTA/Metro-North/State of Connecticut Service Agreement, joint approval by the Board and CDOT is needed to implement the remaining years of the CDOT-proposed fare increases for the New Haven Main Line. As noted, the series of seven consecutive increases is a significant component of Connecticut's plan of finance for the new M-8 cars. No additional public hearings are necessary prior to action on the remainder of these fare increases as CDOT, with Metro-North participation, in August 2011 held public hearings for the entire set of one percent proposed fare increases. Since MTA Board approval previously obtained extended only to the first three of the proposed consecutive fare increases, a further resolution of the Board is required at this time to implement the remainder of this series of Connecticut-legislated increases.

The specific proposed individual fare increases for 2015 are detailed in the tables attached (with fare tables for the one percent increases that will take effect in 2016 through 2018 to be provided to the Board for informational purposes prior to their implementation). Metro-North will also implement Connecticut Branch Line fare increases in the same percentage amounts and at the same times as the New Haven Main Line increases as requested by CDOT. (Under the Service Agreement, Branch Line fares are solely determined by CDOT). UniRail and UniTicket prices will also be increased based upon CDOT's determination of fares.

## Staff Summary

The one percent increases proposed will not change fares charged on the New Haven Line for travel taking place wholly within New York State.

**BUDGET IMPACT:** With a January 1, 2015 effective date, it is estimated that the proposed fare increase of 1.0% will increase 2015 total New Haven Line revenue by approximately \$2.2 million (the MTA share is about \$0.8 million and the CDOT share is about \$1.4 million). Over four years, it is estimated that the proposed fare increases will increase total New Haven Line revenue by approximately \$8 million (the MTA share is about \$2.8 million and the CDOT share is about \$5.2 million).

**RECOMMENDATION:** That the Board adopt the Resolution attached to this staff summary, authorizing the CDOT-proposed increases in Metro-North New Haven Line fares for travel to or from Connecticut stations.

The legal name of MTA Metro-North Railroad is Metro-North Commuter Railroad Company

## RESOLUTION

### FARE CHANGES APPLICABLE TO METRO-NORTH'S NEW HAVEN MAIN LINE FOR TRAVEL TO OR FROM CONNECTICUT STATIONS

WHEREAS, the Amended and Restated Service Agreement by and among the Metropolitan Transportation Authority ("MTA"), Metro-North Commuter Railroad Company ("Metro-North") and the Connecticut Department of Transportation ("CDOT") requires joint approval by the MTA Board and CDOT to implement fare increases for travel to or from Connecticut stations on Metro-North's New Haven Main Line;

WHEREAS, public hearings for these fare increases were previously conducted by CDOT, with the participation of Metro-North, in August 2011;

WHEREAS, at CDOT's request, the Board has reviewed the results of the analysis of the fare proposals prepared in accordance with Title VI requirements, has considered impacts of proposed fare changes upon riders of mass transportation services, including minority and low-income users of such services and approves the analysis of this proposed change;

NOW, THEREFORE, upon motion duly made and seconded, the following resolution was adopted by the MTA Board:

RESOLVED, that in accordance with the requirements of section 1266 of the Public Authorities Law, the MTA Board hereby approves an increase to the Metro-North New Haven Line Main Lines fares for travel to or from Connecticut stations in the cumulative amount of approximately 4.1%, which increase shall be implemented in four phases: a 1.0% increase, effective January 1, 2015; a 1.0% increase, effective January 1, 2016; a 1.0% increase, effective January 1, 2017; and a 1.0% increase, effective January 1, 2018; that the increases to specific fares to become effective on January 1, 2015, shall be as set forth in Attachment A hereto (based upon a 1.0% increase); and the President of Metro-North and his designees are hereby authorized and directed to take such additional and further steps as may be necessary or desirable to implement the approved increases in fares.

November 19, 2014  
New York, New York



**MTA Metro-North Railroad**  
**2015-2018 Connecticut Fare Increase Proposal Overview**

**2015-2018 Cumulative Fare Increase:**

<b>Travel to From Manhattan</b>	<b>Range of Increase</b>
One-Way, Round-Trip and Ten Trip	1.6%-6.6%
Monthly Commutation	3.9%-4.2%
Weekly Commutation	3.7%-4.4%
 <b>Intermediate Travel</b>	 <b>Range of Increase</b>
One-Way, Round-Trip and Ten Trip	0%-11.1%
Monthly Commutation	3.4%-5.2%
Weekly Commutation	3.0%-6.1%

Increases of more than 5% will be held to a maximum of \$0.75 per ride.

**Proposed January 2015 Fares:**

Table 1: Proposed New Haven Line Station Fares to/from Manhattan

Table 2: Proposed New Haven Line Intermediate One Way Station Fares

Table 3: Proposed New Haven Line Intermediate Monthly Commutation Fares

Table 4: Proposed New Haven Line Intermediate Weekly Commutation Fares

Table 5: Proposed New Haven Line Intermediate Ten-Trip Fares

Table 6: Proposed New Haven Line Intermediate One Way Senior Citizen/Disabled Fares

Table 7: Proposed New Haven Line Intermediate School Commutation Fares

**Table 1**  
**PROPOSED NEW HAVEN LINE STATION FARES TO/FROM MANHATTAN** <sup>(1,2)</sup>  
**(Effective 1/1/2015)**  
 (Page 1 of 2)

Station	Monthly Commutation		Weekly Commutation		10-Trip Peak		10-Trip Off-Peak		10-Trip Senior/ Disabled/Medicare	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
Mount Vernon										
Pelham	\$222.00	\$222.00	\$71.00	\$71.00	\$100.00	\$100.00	\$63.75	\$63.75	\$50.00	\$50.00
New Rochelle										
Larchmont										
Mamaroneck	\$249.00	\$249.00	\$79.75	\$79.75	\$112.50	\$112.50	\$72.25	\$72.25	\$55.00	\$55.00
Harrison										
Rye	\$269.00	\$269.00	\$86.00	\$86.00	\$120.00	\$120.00	\$76.50	\$76.50	\$60.00	\$60.00
Port Chester										
Greenwich										
Cos Cob	\$276.00	\$279.00	\$88.50	\$89.25	\$127.50	\$127.50	\$80.75	\$80.75	\$62.50	\$62.50
Riverside										
Old Greenwich										
Stamford										
Noroton Heights	\$307.00	\$310.00	\$98.25	\$99.25	\$145.00	\$145.00	\$91.50	\$93.50	\$72.50	\$72.50
Darien										
Rowayton										
South Norwalk	\$330.00	\$333.00	\$105.50	\$106.50	\$152.50	\$152.50	\$95.75	\$97.75	\$75.00	\$75.00
East Norwalk										
Westport										
Green's Farms										
Southport	\$358.00	\$362.00	\$114.50	\$115.75	\$165.00	\$165.00	\$104.25	\$106.25	\$82.50	\$82.50
Fairfield										
Fairfield Metro										
Bridgeport	\$390.00	\$394.00	\$124.75	\$126.00	\$180.00	\$182.50	\$114.75	\$117.00	\$90.00	\$90.00
Stratford	\$411.00	\$415.00	\$131.25	\$132.75	\$192.50	\$195.00	\$125.50	\$125.50	\$95.00	\$97.50
Milford										
New Haven	\$458.00	\$463.00	\$146.50	\$148.25	\$215.00	\$217.50	\$138.25	\$138.25	\$107.50	\$107.50
NH State Street										
Glenbrook										
Springdale	\$307.00	\$310.00	\$98.25	\$99.25	\$145.00	\$145.00	\$91.50	\$93.50	\$72.50	\$72.50
Talmadge Hill										
New Canaan										
Merritt-7										
Wilton	\$340.00	\$343.00	\$109.00	\$109.75	\$157.50	\$157.50	\$97.75	\$100.00	\$77.50	\$77.50
Cannondale										
Branchville										
Redding	\$358.00	\$361.00	\$114.50	\$115.50	\$165.00	\$165.00	\$104.25	\$106.25	\$82.50	\$82.50
Bethel										
Danbury										
Derby Shelton										
Ansonia										
Seymour	\$413.00	\$417.00	\$132.25	\$133.50	\$190.00	\$192.50	\$123.25	\$123.25	\$95.00	\$95.00
Beacon Falls										
Naugatuck										
Waterbury										

**Notes:**

- (1) Reflects fares for principal ticket types sold at ticket offices and ticket vending machines.
- (2) Fares for travel within NY state do not change.
- (3) Fares for one way peak and one way off-peak tickets purchased onboard trains are calculated as the station fare plus \$6.00, rounded to the nearest dollar. Fares for senior citizen/disabled tickets purchased onboard trains are the same as the station fares.
- (4) Discounts of 2% for monthly commutation tickets and 5% for weekly and ten-trip tickets are available for advance ticket purchases through Mail&Ride and WebTicket programs for travel to/from Connecticut stations.

Table 1 (continued)  
**PROPOSED NEW HAVEN LINE STATION FARES TO/FROM MANHATTAN** <sup>(1,2)</sup>  
 (Effective 1/1/2015)  
 (Page 2 of 2)

Station	One-Way Peak		One-Way Off-Peak		One-Way Senior/ Disabled/Medicare		School Commutation	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
Mount Vernon								
Pelham	\$10.00	\$10.00	\$7.50	\$7.50	\$5.00	\$5.00	\$149.00	\$149.00
New Rochelle								
Larchmont								
Mamaroneck	\$11.25	\$11.25	\$8.50	\$8.50	\$5.50	\$5.50	\$167.00	\$167.00
Harrison								
Rye	\$12.00	\$12.00	\$9.00	\$9.00	\$6.00	\$6.00	\$180.00	\$180.00
Port Chester								
Greenwich								
Cos Cob	\$12.75	\$12.75	\$9.50	\$9.50	\$6.25	\$6.25	\$185.00	\$187.00
Riverside								
Old Greenwich								
Stamford								
Noroton Heights	\$14.50	\$14.50	\$10.75	\$11.00	\$7.25	\$7.25	\$206.00	\$208.00
Darien								
Rowayton								
South Norwalk	\$15.25	\$15.25	\$11.25	\$11.50	\$7.50	\$7.50	\$221.00	\$223.00
East Norwalk								
Westport								
Green's Farms								
Southport	\$16.50	\$16.50	\$12.25	\$12.50	\$8.25	\$8.25	\$240.00	\$243.00
Fairfield								
Fairfield Metro								
Bridgeport	\$18.00	\$18.25	\$13.50	\$13.75	\$9.00	\$9.00	\$261.00	\$264.00
Stratford	\$19.25	\$19.50	\$14.75	\$14.75	\$9.50	\$9.75	\$275.00	\$278.00
Milford								
New Haven	\$21.50	\$21.75	\$16.25	\$16.25	\$10.75	\$10.75	\$307.00	\$310.00
NH State Street								
Glenbrook								
Springdale	\$14.50	\$14.50	\$10.75	\$11.00	\$7.25	\$7.25	\$206.00	\$208.00
Talmadge Hill								
New Canaan								
Merritt-7								
Wilton	\$15.75	\$15.75	\$11.50	\$11.75	\$7.75	\$7.75	\$228.00	\$230.00
Cannondale								
Branchville								
Redding	\$16.50	\$16.50	\$12.25	\$12.50	\$8.25	\$8.25	\$240.00	\$242.00
Bethel								
Danbury								
Derby Shelton								
Ansonia								
Seymour	\$19.00	\$19.25	\$14.50	\$14.50	\$9.50	\$9.50	\$277.00	\$279.00
Beacon Falls								
Naugatuck								
Waterbury								

**Notes:**

- (1) Reflects fares for principal ticket types sold at ticket offices and ticket vending machines.
- (2) Fares for travel within NY state do not change.
- (3) Fares for one way peak and one way off-peak tickets purchased onboard trains are calculated as the station fare plus \$6.00, rounded to the nearest dollar. Fares for senior citizen/disabled tickets purchased onboard trains are the same as the station fares.
- (4) Discounts of 2% for monthly commutation tickets and 5% for weekly and ten-trip tickets are available for advance ticket purchases through Mail&Ride and WebTicket programs for travel to/from Connecticut stations.

**Table 2**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE ONE WAY STATION FARES**  
**Effective 1/1/2015**  
 (Page 1 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwlk- E.Norwlk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
12	Mt. Vernon East Pelham New Rochelle	<b>Proposed</b>	<b>\$3.00</b>	<b>\$3.00</b>													
		Existing	\$3.00	\$3.00													
13	Larchmont Mamaroneck Harrison	<b>Proposed</b>	<b>\$3.50</b>	<b>\$3.00</b>	<b>\$3.00</b>												
		Existing	\$3.50	\$3.00	\$3.00												
14	Rye Port Chester	<b>Proposed</b>	<b>\$4.75</b>	<b>\$3.25</b>	<b>\$3.25</b>	<b>\$3.00</b>											
		Existing	\$4.75	\$3.25	\$3.25	\$3.00											
15	Greenwich Cos Cob Riverside Old Greenwich	<b>Proposed</b>	<b>\$4.75</b>	<b>\$4.50</b>	<b>\$3.50</b>	<b>\$3.25</b>	<b>\$2.75</b>										
		Existing	\$4.75	\$4.25	\$3.50	\$3.25	\$2.50										
16	Stamford Noroton Hts. Darien Rowayton	<b>Proposed</b>	<b>\$5.50</b>	<b>\$5.50</b>	<b>\$4.75</b>	<b>\$4.50</b>	<b>\$2.75</b>	<b>\$2.75</b>									
		Existing	\$5.50	\$5.50	\$4.75	\$4.25	\$2.50	\$2.50									
17	South Norwalk East Norwalk	<b>Proposed</b>	<b>\$6.50</b>	<b>\$6.50</b>	<b>\$5.50</b>	<b>\$5.25</b>	<b>\$3.25</b>	<b>\$2.75</b>	<b>\$2.75</b>								
		Existing	\$6.50	\$6.50	\$5.50	\$5.25	\$3.25	\$2.50	\$2.50								
18	Westport Greens Farms Southport Fairfield Fairfield Metro	<b>Proposed</b>	<b>\$8.00</b>	<b>\$8.00</b>	<b>\$6.75</b>	<b>\$6.50</b>	<b>\$4.00</b>	<b>\$2.75</b>	<b>\$2.75</b>	<b>\$2.75</b>							
		Existing	\$7.75	\$7.75	\$6.75	\$6.50	\$4.00	\$2.50	\$2.50	\$2.50							

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.  
 (2) A 5% discount is available for tickets purchased thru WebTicket program for travel to/from Connecticut stations.  
 (3) Fares shown for NY State stations will not change.

**Table 2 (continued)**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE ONE WAY STATION FARES**  
**Effective 1/1/2015**  
 (Page 2 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwtk- E.Norwtk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
19	Bridgeport	<b>Proposed</b>	<b>\$9.50</b>	<b>\$9.50</b>	<b>\$8.25</b>	<b>\$7.75</b>	<b>\$5.50</b>	<b>\$4.00</b>	<b>\$3.50</b>	<b>\$2.75</b>							
		Existing	\$9.25	\$9.25	\$8.25	\$7.50	\$5.50	\$4.00	\$3.50	\$2.50							
20	Stratford Milford	<b>Proposed</b>	<b>\$10.50</b>	<b>\$10.50</b>	<b>\$9.50</b>	<b>\$8.75</b>	<b>\$6.75</b>	<b>\$5.00</b>	<b>\$4.25</b>	<b>\$3.25</b>	<b>\$2.75</b>	<b>\$2.75</b>					
		Existing	\$10.50	\$10.50	\$9.25	\$8.75	\$6.75	\$5.00	\$4.00	\$3.25	\$2.50	\$2.50					
21	West Haven New Haven NH State Street	<b>Proposed</b>	<b>\$13.00</b>	<b>\$13.00</b>	<b>\$11.75</b>	<b>\$11.25</b>	<b>\$9.00</b>	<b>\$7.25</b>	<b>\$6.50</b>	<b>\$5.25</b>	<b>\$3.50</b>	<b>\$3.25</b>	<b>\$2.75</b>				
		Existing	\$12.75	\$12.75	\$11.50	\$11.00	\$9.00	\$7.25	\$6.50	\$5.00	\$3.50	\$3.25	\$2.50				
31	Glenbrook Springdale Talmadge Hill New Canaan	<b>Proposed</b>	<b>\$5.50</b>	<b>\$5.50</b>	<b>\$4.75</b>	<b>\$4.50</b>	<b>\$2.75</b>	<b>\$2.75</b>	<b>\$3.25</b>	<b>\$4.00</b>	<b>\$5.25</b>	<b>\$5.75</b>	<b>\$8.00</b>	<b>\$2.75</b>			
		Existing	\$5.50	\$5.50	\$4.75	\$4.25	\$2.50	\$2.50	\$3.25	\$4.00	\$5.25	\$5.75	\$7.75	\$2.50			
41	Merritt-7 Wilton Cannondale	<b>Proposed</b>	<b>\$7.00</b>	<b>\$7.00</b>	<b>\$5.75</b>	<b>\$5.50</b>	<b>\$3.75</b>	<b>\$3.25</b>	<b>\$2.75</b>	<b>\$3.25</b>	<b>\$4.00</b>	<b>\$4.75</b>	<b>\$6.50</b>	<b>\$4.00</b>	<b>\$2.25</b>		
		Existing	\$7.00	\$7.00	\$5.75	\$5.50	\$3.75	\$3.25	\$2.50	\$3.25	\$4.00	\$4.75	\$6.50	\$4.00	\$2.25		
42	Branchville Redding Bethel Danbury	<b>Proposed</b>	<b>\$9.00</b>	<b>\$8.00</b>	<b>\$7.00</b>	<b>\$6.50</b>	<b>\$5.25</b>	<b>\$4.50</b>	<b>\$3.25</b>	<b>\$4.75</b>	<b>\$5.50</b>	<b>\$5.75</b>	<b>\$8.25</b>	<b>\$5.25</b>	<b>\$2.25</b>	<b>\$2.25</b>	
		Existing	\$9.00	\$7.75	\$7.00	\$6.50	\$5.25	\$4.25	\$3.25	\$4.75	\$5.50	\$5.75	\$8.25	\$5.25	\$2.25	\$2.25	
51	Derby-Shelton Ansonia Seymour Naugatuck Waterbury	<b>Proposed</b>	<b>\$11.25</b>	<b>\$10.75</b>	<b>\$10.00</b>	<b>\$9.75</b>	<b>\$7.25</b>	<b>\$6.25</b>	<b>\$5.50</b>	<b>\$4.75</b>	<b>\$2.75</b>	<b>\$2.75</b>	<b>\$5.50</b>	<b>\$7.25</b>	<b>\$6.50</b>	<b>\$8.25</b>	<b>\$2.25</b>
		Existing	\$11.00	\$10.75	\$10.00	\$9.50	\$7.25	\$6.00	\$5.50	\$4.75	\$2.50	\$2.50	\$5.50	\$7.25	\$6.50	\$8.25	\$2.25

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.  
 (2) A 5% discount is available for tickets purchased thru WebTicket program for travel to/from Connecticut stations.  
 (3) Fares shown for NY State stations will not change.

**Table 3**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE MONTHLY COMMUTATION FARES**  
**Effective 1/1/2015**  
 (Page 1 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwlk- E.Norwlk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
12	Mt. Vernon East Pelham New Rochelle	<b>Proposed</b> Existing	<b>\$64.75</b> \$64.75	<b>\$64.75</b> \$64.75													
13	Larchmont Mamaroneck Harrison	<b>Proposed</b> Existing	<b>\$72.00</b> \$72.00	<b>\$64.75</b> \$64.75	<b>\$64.75</b> \$64.75												
14	Rye Port Chester	<b>Proposed</b> Existing	<b>\$90.75</b> \$90.75	<b>\$65.75</b> \$65.75	<b>\$65.75</b> \$65.75	<b>\$62.50</b> \$62.50											
15	Greenwich Cos Cob Riverside Old Greenwich	<b>Proposed</b> Existing	<b>\$91.75</b> \$90.75	<b>\$91.75</b> \$90.75	<b>\$71.75</b> \$71.00	<b>\$63.25</b> \$62.50	<b>\$58.75</b> \$58.25										
16	Stamford Noroton Hts. Darien Rowayton	<b>Proposed</b> Existing	<b>\$121.00</b> \$119.75	<b>\$121.00</b> \$119.75	<b>\$101.75</b> \$100.75	<b>\$87.00</b> \$86.25	<b>\$58.75</b> \$58.25	<b>\$58.75</b> \$58.25									
17	South Norwalk East Norwalk	<b>Proposed</b> Existing	<b>\$142.25</b> \$140.75	<b>\$142.25</b> \$140.75	<b>\$122.00</b> \$120.75	<b>\$108.25</b> \$107.25	<b>\$65.75</b> \$65.00	<b>\$58.75</b> \$58.25	<b>\$58.75</b> \$58.25								
18	Westport Greens Farms Southport Fairfield Fairfield Metro	<b>Proposed</b> Existing	<b>\$170.25</b> \$168.50	<b>\$170.25</b> \$168.50	<b>\$149.00</b> \$147.50	<b>\$133.50</b> \$132.25	<b>\$83.50</b> \$82.75	<b>\$63.25</b> \$62.50	<b>\$58.75</b> \$58.25	<b>\$58.75</b> \$58.25							

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.
- (2) A 2% discount is available for monthly commutation tickets purchased thru Mail&Ride or WebTicket program for travel to/from Connecticut stations.
- (3) Fares shown for NY State stations will not change.

**Table 3 (continued)**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE MONTHLY COMMUTATION FARES**  
**Effective 1/1/2015**  
 (Page 2 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwtk- E.Norwtk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
19	Bridgeport	<b>Proposed</b>	<b>\$203.25</b>	<b>\$203.25</b>	<b>\$178.25</b>	<b>\$170.25</b>	<b>\$116.25</b>	<b>\$85.25</b>	<b>\$69.50</b>	<b>\$58.75</b>							
		Existing	\$201.25	\$201.25	\$176.50	\$168.50	\$115.00	\$84.50	\$68.75	\$58.25							
20	Stratford Milford	<b>Proposed</b>	<b>\$222.75</b>	<b>\$222.75</b>	<b>\$198.50</b>	<b>\$183.00</b>	<b>\$136.25</b>	<b>\$105.00</b>	<b>\$82.00</b>	<b>\$58.75</b>	<b>\$58.75</b>	<b>\$58.75</b>					
		Existing	\$220.50	\$220.50	\$196.50	\$181.25	\$135.00	\$104.00	\$81.00	\$58.25	\$58.25	\$58.25					
21	West Haven New Haven NH State Street	<b>Proposed</b>	<b>\$271.25</b>	<b>\$271.25</b>	<b>\$246.75</b>	<b>\$231.25</b>	<b>\$184.00</b>	<b>\$153.00</b>	<b>\$130.00</b>	<b>\$108.25</b>	<b>\$70.50</b>	<b>\$70.50</b>	<b>\$59.75</b>				
		Existing	\$268.50	\$268.50	\$244.25	\$229.00	\$182.25	\$151.25	\$128.25	\$107.25	\$69.75	\$69.75	\$59.25				
31	Glenbrook Springdale Talmadge Hill New Canaan	<b>Proposed</b>	<b>\$121.00</b>	<b>\$121.00</b>	<b>\$101.75</b>	<b>\$87.00</b>	<b>\$58.75</b>	<b>\$58.75</b>	<b>\$68.00</b>	<b>\$88.00</b>	<b>\$112.25</b>	<b>\$125.75</b>	<b>\$166.75</b>	<b>\$58.75</b>			
		Existing	\$119.75	\$119.75	\$100.75	\$86.25	\$58.25	\$58.25	\$67.25	\$87.25	\$111.25	\$124.50	\$165.00	\$58.25			
41	Merritt-7 Wilton Cannondale	<b>Proposed</b>	<b>\$154.75</b>	<b>\$151.25</b>	<b>\$131.50</b>	<b>\$116.25</b>	<b>\$81.00</b>	<b>\$67.00</b>	<b>\$51.50</b>	<b>\$68.00</b>	<b>\$91.75</b>	<b>\$100.75</b>	<b>\$137.25</b>	<b>\$87.00</b>	<b>\$51.50</b>		
		Existing	\$153.25	\$149.75	\$130.25	\$115.00	\$80.25	\$66.25	\$51.00	\$67.25	\$90.75	\$99.75	\$136.00	\$86.25	\$51.00		
42	Branchville Redding Bethel Danbury	<b>Proposed</b>	<b>\$186.50</b>	<b>\$170.25</b>	<b>\$154.75</b>	<b>\$139.75</b>	<b>\$112.25</b>	<b>\$94.00</b>	<b>\$68.00</b>	<b>\$100.75</b>	<b>\$118.25</b>	<b>\$125.75</b>	<b>\$175.00</b>	<b>\$112.25</b>	<b>\$51.50</b>	<b>\$51.50</b>	
		Existing	\$184.75	\$168.50	\$153.25	\$138.25	\$111.25	\$93.00	\$67.25	\$99.75	\$117.00	\$124.50	\$173.25	\$111.25	\$51.00	\$51.00	
51	Derby-Shelton Ansonia Seymour Naugatuck Waterbury	<b>Proposed</b>	<b>\$234.50</b>	<b>\$225.50</b>	<b>\$204.25</b>	<b>\$190.00</b>	<b>\$154.75</b>	<b>\$131.50</b>	<b>\$118.25</b>	<b>\$100.75</b>	<b>\$62.00</b>	<b>\$62.00</b>	<b>\$118.25</b>	<b>\$154.75</b>	<b>\$138.25</b>	<b>\$175.00</b>	<b>\$51.50</b>
		Existing	\$232.25	\$223.25	\$202.25	\$188.00	\$153.25	\$130.25	\$117.00	\$99.75	\$61.50	\$61.50	\$117.00	\$153.25	\$137.00	\$173.25	\$51.00

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.  
 (2) A 2% discount is available for monthly commutation tickets purchased thru Mail&Ride or WebTicket program for travel to/from Connecticut stations.  
 (3) Fares shown for NY State stations will not change.

**Table 4**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE WEEKLY COMMUTATION FARES**  
**Effective 1/1/2015**  
 (Page 1 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwlk- E.Norwlk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
12	Mt. Vernon East Pelham New Rochelle	<b>Proposed</b> Existing	<b>\$20.00</b> \$20.00	<b>\$20.00</b> \$20.00													
13	Larchmont Mamaroneck Harrison	<b>Proposed</b> Existing	<b>\$22.25</b> \$22.25	<b>\$20.00</b> \$20.00	<b>\$20.00</b> \$20.00												
14	Rye Port Chester	<b>Proposed</b> Existing	<b>\$28.25</b> \$28.25	<b>\$20.50</b> \$20.50	<b>\$20.50</b> \$20.50	<b>\$19.50</b> \$19.50											
15	Greenwich Cos Cob Riverside Old Greenwich	<b>Proposed</b> Existing	<b>\$28.50</b> \$28.25	<b>\$28.50</b> \$28.25	<b>\$22.25</b> \$22.00	<b>\$19.50</b> \$19.50	<b>\$18.25</b> \$18.00										
16	Stamford Noroton Hts. Darien Rowayton	<b>Proposed</b> Existing	<b>\$37.50</b> \$37.00	<b>\$37.50</b> \$37.00	<b>\$31.50</b> \$31.25	<b>\$27.00</b> \$26.75	<b>\$18.25</b> \$18.00	<b>\$18.25</b> \$18.00									
17	South Norwalk East Norwalk	<b>Proposed</b> Existing	<b>\$44.00</b> \$43.75	<b>\$44.00</b> \$43.75	<b>\$37.75</b> \$37.50	<b>\$33.50</b> \$33.25	<b>\$20.50</b> \$20.25	<b>\$18.25</b> \$18.00	<b>\$18.25</b> \$18.00								
18	Westport Greens Farms Southport Fairfield Fairfield Metro	<b>Proposed</b> Existing	<b>\$52.75</b> \$52.25	<b>\$52.75</b> \$52.25	<b>\$46.25</b> \$45.75	<b>\$41.50</b> \$41.00	<b>\$26.50</b> \$26.00	<b>\$19.50</b> \$19.50	<b>\$18.25</b> \$18.00	<b>\$18.25</b> \$18.00							

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.
- (2) A 5% discount is available for tickets purchased thru WebTicket program for travel to/from Connecticut stations.
- (3) Fares shown for NY State stations will not change.



**Table 4 (continued)**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE WEEKLY COMMUTATION FARES**  
**Effective 1/1/2015**  
 (Page 2 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwtk- E.Norwtk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
19	Bridgeport	<b>Proposed</b>	<b>\$63.00</b>	<b>\$63.00</b>	<b>\$55.25</b>	<b>\$52.75</b>	<b>\$36.75</b>	<b>\$26.75</b>	<b>\$21.50</b>	<b>\$18.25</b>							
		Existing	\$62.50	\$62.50	\$54.75	\$52.25	\$36.25	\$26.50	\$21.25	\$18.00							
20	Stratford Milford	<b>Proposed</b>	<b>\$69.00</b>	<b>\$69.00</b>	<b>\$61.50</b>	<b>\$56.75</b>	<b>\$43.50</b>	<b>\$33.50</b>	<b>\$26.25</b>	<b>\$18.25</b>	<b>\$18.25</b>	<b>\$18.25</b>					
		Existing	\$68.25	\$68.25	\$61.00	\$56.25	\$42.75	\$33.00	\$25.75	\$18.00	\$18.00	\$18.00					
21	West Haven New Haven NH State Street	<b>Proposed</b>	<b>\$84.00</b>	<b>\$84.00</b>	<b>\$76.50</b>	<b>\$71.75</b>	<b>\$59.00</b>	<b>\$49.00</b>	<b>\$41.75</b>	<b>\$33.50</b>	<b>\$22.25</b>	<b>\$21.75</b>	<b>\$18.50</b>				
		Existing	\$83.25	\$83.25	\$75.75	\$71.00	\$58.00	\$48.25	\$41.00	\$33.25	\$21.75	\$21.50	\$18.25				
31	Glenbrook Springdale Talmadge Hill New Canaan	<b>Proposed</b>	<b>\$37.50</b>	<b>\$37.50</b>	<b>\$31.50</b>	<b>\$27.00</b>	<b>\$18.25</b>	<b>\$18.25</b>	<b>\$21.00</b>	<b>\$27.25</b>	<b>\$34.75</b>	<b>\$39.00</b>	<b>\$51.75</b>	<b>\$18.25</b>			
		Existing	\$37.00	\$37.00	\$31.25	\$26.75	\$18.00	\$18.00	\$20.75	\$27.00	\$34.50	\$38.50	\$51.25	\$18.00			
41	Merritt-7 Wilton Cannondale	<b>Proposed</b>	<b>\$48.00</b>	<b>\$47.00</b>	<b>\$40.75</b>	<b>\$36.00</b>	<b>\$25.00</b>	<b>\$20.75</b>	<b>\$16.00</b>	<b>\$21.00</b>	<b>\$28.50</b>	<b>\$31.25</b>	<b>\$42.50</b>	<b>\$27.00</b>	<b>\$16.00</b>		
		Existing	\$47.50	\$46.50	\$40.50	\$35.75	\$25.00	\$20.50	\$15.75	\$20.75	\$28.25	\$31.00	\$42.25	\$26.75	\$15.75		
42	Branchville Redding Bethel Danbury	<b>Proposed</b>	<b>\$57.75</b>	<b>\$52.75</b>	<b>\$48.00</b>	<b>\$43.25</b>	<b>\$34.75</b>	<b>\$29.25</b>	<b>\$21.00</b>	<b>\$31.25</b>	<b>\$36.75</b>	<b>\$39.00</b>	<b>\$54.25</b>	<b>\$34.75</b>	<b>\$16.00</b>	<b>\$16.00</b>	
		Existing	\$57.25	\$52.25	\$47.50	\$42.75	\$34.50	\$28.75	\$20.75	\$31.00	\$36.25	\$38.50	\$53.75	\$34.50	\$15.75	\$15.75	
51	Derby-Shelton Ansonia Seymour Naugatuck Waterbury	<b>Proposed</b>	<b>\$72.75</b>	<b>\$70.00</b>	<b>\$63.25</b>	<b>\$59.00</b>	<b>\$48.00</b>	<b>\$40.75</b>	<b>\$36.75</b>	<b>\$31.25</b>	<b>\$19.25</b>	<b>\$19.25</b>	<b>\$36.75</b>	<b>\$48.00</b>	<b>\$42.75</b>	<b>\$54.25</b>	<b>\$16.00</b>
		Existing	\$72.00	\$69.25	\$62.75	\$58.25	\$47.50	\$40.50	\$36.25	\$31.00	\$19.00	\$19.00	\$36.25	\$47.50	\$42.50	\$53.75	\$15.75

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.  
 (2) A 5% discount is available for tickets purchased thru WebTicket program for travel to/from Connecticut stations.  
 (3) Fares shown for NY State stations will not change.

**Table 5**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE TEN-TRIP FARES**  
**Effective 1/1/2015**  
 (Page 1 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwlk- E.Norwlk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
12	Mt. Vernon East Pelham New Rochelle	<b>Proposed</b> Existing	<b>\$25.50</b> \$25.50	<b>\$25.50</b> \$25.50													
13	Larchmont Mamaroneck Harrison	<b>Proposed</b> Existing	<b>\$29.75</b> \$29.75	<b>\$25.50</b> \$25.50	<b>\$25.50</b> \$25.50												
14	Rye Port Chester	<b>Proposed</b> Existing	<b>\$40.50</b> \$40.50	<b>\$27.75</b> \$27.75	<b>\$27.75</b> \$27.75	<b>\$25.50</b> \$25.50											
15	Greenwich Cos Cob Riverside Old Greenwich	<b>Proposed</b> Existing	<b>\$40.50</b> \$40.50	<b>\$38.25</b> \$36.25	<b>\$29.75</b> \$29.75	<b>\$27.75</b> \$27.75	<b>\$23.50</b> \$21.25										
16	Stamford Noroton Hts. Darien Rowayton	<b>Proposed</b> Existing	<b>\$46.75</b> \$46.75	<b>\$46.75</b> \$46.75	<b>\$40.50</b> \$40.50	<b>\$38.25</b> \$36.25	<b>\$23.50</b> \$21.25	<b>\$23.50</b> \$21.25									
17	South Norwalk East Norwalk	<b>Proposed</b> Existing	<b>\$55.25</b> \$55.25	<b>\$55.25</b> \$55.25	<b>\$46.75</b> \$46.75	<b>\$44.75</b> \$44.75	<b>\$27.75</b> \$27.75	<b>\$23.50</b> \$21.25	<b>\$23.50</b> \$21.25								
18	Westport Greens Farms Southport Fairfield Fairfield Metro	<b>Proposed</b> Existing	<b>\$68.00</b> \$66.00	<b>\$68.00</b> \$66.00	<b>\$57.50</b> \$57.50	<b>\$55.25</b> \$55.25	<b>\$34.00</b> \$34.00	<b>\$23.50</b> \$21.25	<b>\$23.50</b> \$21.25	<b>\$23.50</b> \$21.25							

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.
- (2) A 5% discount is available for tickets purchased thru WebTicket program for travel to/from Connecticut stations.
- (3) Fares shown for NY State stations will not change.

**Table 5 (continued)**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE TEN-TRIP FARES**  
**Effective 1/1/2015**  
 (Page 2 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwtk- E.Norwtk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
19	Bridgeport	<b>Proposed</b>	<b>\$80.75</b>	<b>\$80.75</b>	<b>\$70.25</b>	<b>\$66.00</b>	<b>\$46.75</b>	<b>\$34.00</b>	<b>\$29.75</b>	<b>\$23.50</b>							
		Existing	\$78.75	\$78.75	\$70.25	\$63.75	\$46.75	\$34.00	\$29.75	\$21.25							
20	Stratford Milford	<b>Proposed</b>	<b>\$89.25</b>	<b>\$89.25</b>	<b>\$80.75</b>	<b>\$74.50</b>	<b>\$57.50</b>	<b>\$42.50</b>	<b>\$36.25</b>	<b>\$27.75</b>	<b>\$23.50</b>	<b>\$23.50</b>					
		Existing	\$89.25	\$89.25	\$78.75	\$74.50	\$57.50	\$42.50	\$34.00	\$27.75	\$21.25	\$21.25					
21	West Haven New Haven NH State Street	<b>Proposed</b>	<b>\$110.50</b>	<b>\$110.50</b>	<b>\$100.00</b>	<b>\$95.75</b>	<b>\$76.50</b>	<b>\$61.75</b>	<b>\$55.25</b>	<b>\$44.75</b>	<b>\$29.75</b>	<b>\$27.75</b>	<b>\$23.50</b>				
		Existing	\$108.50	\$108.50	\$97.75	\$93.50	\$76.50	\$61.75	\$55.25	\$42.50	\$29.75	\$27.75	\$21.25				
31	Glenbrook Springdale Talmadge Hill New Canaan	<b>Proposed</b>	<b>\$46.75</b>	<b>\$46.75</b>	<b>\$40.50</b>	<b>\$38.25</b>	<b>\$23.50</b>	<b>\$23.50</b>	<b>\$27.75</b>	<b>\$34.00</b>	<b>\$44.75</b>	<b>\$49.00</b>	<b>\$68.00</b>	<b>\$23.50</b>			
		Existing	\$46.75	\$46.75	\$40.50	\$36.25	\$21.25	\$21.25	\$27.75	\$34.00	\$44.75	\$49.00	\$66.00	\$21.25			
41	Merritt-7 Wilton Cannondale	<b>Proposed</b>	<b>\$59.50</b>	<b>\$59.50</b>	<b>\$49.00</b>	<b>\$46.75</b>	<b>\$32.00</b>	<b>\$27.75</b>	<b>\$23.50</b>	<b>\$27.75</b>	<b>\$34.00</b>	<b>\$40.50</b>	<b>\$55.25</b>	<b>\$34.00</b>	<b>\$19.25</b>		
		Existing	\$59.50	\$59.50	\$49.00	\$46.75	\$32.00	\$27.75	\$21.25	\$27.75	\$34.00	\$40.50	\$55.25	\$34.00	\$19.25		
42	Branchville Redding Bethel Danbury	<b>Proposed</b>	<b>\$76.50</b>	<b>\$68.00</b>	<b>\$59.50</b>	<b>\$55.25</b>	<b>\$44.75</b>	<b>\$38.25</b>	<b>\$27.75</b>	<b>\$40.50</b>	<b>\$46.75</b>	<b>\$49.00</b>	<b>\$70.25</b>	<b>\$44.75</b>	<b>\$19.25</b>	<b>\$19.25</b>	
		Existing	\$76.50	\$66.00	\$59.50	\$55.25	\$44.75	\$36.25	\$27.75	\$40.50	\$46.75	\$49.00	\$70.25	\$44.75	\$19.25	\$19.25	
51	Derby-Shelton Ansonia Seymour Naugatuck Waterbury	<b>Proposed</b>	<b>\$95.75</b>	<b>\$91.50</b>	<b>\$85.00</b>	<b>\$83.00</b>	<b>\$61.75</b>	<b>\$53.25</b>	<b>\$46.75</b>	<b>\$40.50</b>	<b>\$23.50</b>	<b>\$23.50</b>	<b>\$46.75</b>	<b>\$61.75</b>	<b>\$55.25</b>	<b>\$70.25</b>	<b>\$19.25</b>
		Existing	\$93.50	\$91.50	\$85.00	\$80.75	\$61.75	\$51.00	\$46.75	\$40.50	\$21.25	\$21.25	\$46.75	\$61.75	\$55.25	\$70.25	\$19.25

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.  
 (2) A 5% discount is available for tickets purchased thru WebTicket program for travel to/from Connecticut stations.  
 (3) Fares shown for NY State stations will not change.

**Table 6**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE ONE WAY SENIOR CITIZEN/DISABLED FARES**  
**Effective 1/1/2015**  
 (Page 1 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwlk- E.Norwlk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
12	Mt. Vernon East Pelham New Rochelle	<b>Proposed</b> Existing	<b>\$1.50</b> \$1.50	<b>\$1.50</b> \$1.50													
13	Larchmont Mamaroneck Harrison	<b>Proposed</b> Existing	<b>\$1.75</b> \$1.75	<b>\$1.50</b> \$1.50	<b>\$1.50</b> \$1.50												
14	Rye Port Chester	<b>Proposed</b> Existing	<b>\$2.25</b> \$2.25	<b>\$1.50</b> \$1.50	<b>\$1.50</b> \$1.50	<b>\$1.50</b> \$1.50											
15	Greenwich Cos Cob Riverside Old Greenwich	<b>Proposed</b> Existing	<b>\$2.25</b> \$2.25	<b>\$2.25</b> \$2.00	<b>\$1.75</b> \$1.75	<b>\$1.50</b> \$1.50	<b>\$1.25</b> \$1.25										
16	Stamford Noroton Hts. Darien Rowayton	<b>Proposed</b> Existing	<b>\$2.75</b> \$2.75	<b>\$2.75</b> \$2.75	<b>\$2.25</b> \$2.25	<b>\$2.25</b> \$2.00	<b>\$1.25</b> \$1.25	<b>\$1.25</b> \$1.25									
17	South Norwalk East Norwalk	<b>Proposed</b> Existing	<b>\$3.25</b> \$3.25	<b>\$3.25</b> \$3.25	<b>\$2.75</b> \$2.75	<b>\$2.50</b> \$2.50	<b>\$1.50</b> \$1.50	<b>\$1.25</b> \$1.25	<b>\$1.25</b> \$1.25								
18	Westport Greens Farms Southport Fairfield Fairfield Metro	<b>Proposed</b> Existing	<b>\$4.00</b> \$3.75	<b>\$4.00</b> \$3.75	<b>\$3.25</b> \$3.25	<b>\$3.25</b> \$3.25	<b>\$2.00</b> \$2.00	<b>\$1.25</b> \$1.25	<b>\$1.25</b> \$1.25	<b>\$1.25</b> \$1.25							

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.
- (2) A 5% discount is available for tickets purchased thru WebTicket program for travel to/from Connecticut stations.
- (3) Fares shown for NY State stations will not change.

**Table 6 (continued)**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE ONE WAY SENIOR CITIZEN/DISABLED FARES**  
**Effective 1/1/2015**  
 (Page 2 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwtk- E.Norwtk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
19	Bridgeport	<b>Proposed</b>	<b>\$4.75</b>	<b>\$4.75</b>	<b>\$4.00</b>	<b>\$3.75</b>	<b>\$2.75</b>	<b>\$2.00</b>	<b>\$1.75</b>	<b>\$1.25</b>							
		Existing	\$4.50	\$4.50	\$4.00	\$3.75	\$2.75	\$2.00	\$1.75	\$1.25							
20	Stratford Milford	<b>Proposed</b>	<b>\$5.25</b>	<b>\$5.25</b>	<b>\$4.75</b>	<b>\$4.25</b>	<b>\$3.25</b>	<b>\$2.50</b>	<b>\$2.00</b>	<b>\$1.50</b>	<b>\$1.25</b>	<b>\$1.25</b>					
		Existing	\$5.25	\$5.25	\$4.50	\$4.25	\$3.25	\$2.50	\$2.00	\$1.50	\$1.25	\$1.25					
21	West Haven New Haven NH State Street	<b>Proposed</b>	<b>\$6.50</b>	<b>\$6.50</b>	<b>\$5.75</b>	<b>\$5.50</b>	<b>\$4.50</b>	<b>\$3.50</b>	<b>\$3.25</b>	<b>\$2.50</b>	<b>\$1.75</b>	<b>\$1.50</b>	<b>\$1.25</b>				
		Existing	\$6.25	\$6.25	\$5.75	\$5.50	\$4.50	\$3.50	\$3.25	\$2.50	\$1.75	\$1.50	\$1.25				
31	Glenbrook Springdale Talmadge Hill New Canaan	<b>Proposed</b>	<b>\$2.75</b>	<b>\$2.75</b>	<b>\$2.25</b>	<b>\$2.25</b>	<b>\$1.25</b>	<b>\$1.25</b>	<b>\$1.50</b>	<b>\$2.00</b>	<b>\$2.50</b>	<b>\$2.75</b>	<b>\$4.00</b>	<b>\$1.25</b>			
		Existing	\$2.75	\$2.75	\$2.25	\$2.00	\$1.25	\$1.25	\$1.50	\$2.00	\$2.50	\$2.75	\$3.75	\$1.25			
41	Merritt-7 Wilton Cannondale	<b>Proposed</b>	<b>\$3.50</b>	<b>\$3.50</b>	<b>\$2.75</b>	<b>\$2.75</b>	<b>\$1.75</b>	<b>\$1.50</b>	<b>\$1.25</b>	<b>\$1.50</b>	<b>\$2.00</b>	<b>\$2.25</b>	<b>\$3.25</b>	<b>\$2.00</b>	<b>\$1.00</b>		
		Existing	\$3.50	\$3.50	\$2.75	\$2.75	\$1.75	\$1.50	\$1.25	\$1.50	\$2.00	\$2.25	\$3.25	\$2.00	\$1.00		
42	Branchville Redding Bethel Danbury	<b>Proposed</b>	<b>\$4.50</b>	<b>\$4.00</b>	<b>\$3.50</b>	<b>\$3.25</b>	<b>\$2.50</b>	<b>\$2.25</b>	<b>\$1.50</b>	<b>\$2.25</b>	<b>\$2.75</b>	<b>\$2.75</b>	<b>\$4.00</b>	<b>\$2.50</b>	<b>\$1.00</b>	<b>\$1.00</b>	
		Existing	\$4.50	\$3.75	\$3.50	\$3.25	\$2.50	\$2.00	\$1.50	\$2.25	\$2.75	\$2.75	\$4.00	\$2.50	\$1.00	\$1.00	
51	Derby-Shelton Ansonia Seymour Naugatuck Waterbury	<b>Proposed</b>	<b>\$5.50</b>	<b>\$5.25</b>	<b>\$5.00</b>	<b>\$4.75</b>	<b>\$3.50</b>	<b>\$3.00</b>	<b>\$2.75</b>	<b>\$2.25</b>	<b>\$1.25</b>	<b>\$1.25</b>	<b>\$2.75</b>	<b>\$3.50</b>	<b>\$3.25</b>	<b>\$4.00</b>	<b>\$1.00</b>
		Existing	\$5.50	\$5.25	\$5.00	\$4.75	\$3.50	\$3.00	\$2.75	\$2.25	\$1.25	\$1.25	\$2.75	\$3.50	\$3.25	\$4.00	\$1.00

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.  
 (2) A 5% discount is available for tickets purchased thru WebTicket program for travel to/from Connecticut stations.  
 (3) Fares shown for NY State stations will not change.

**Table 7**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE SCHOOL COMMUTATION FARES**  
**Effective 1/1/2015**  
 (Page 1 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwlk- E.Norwlk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
12	Mt. Vernon East Pelham New Rochelle	<b>Proposed</b> Existing	<b>\$43.50</b> \$43.50	<b>\$43.50</b> \$43.50													
13	Larchmont Mamaroneck Harrison	<b>Proposed</b> Existing	<b>\$48.25</b> \$48.25	<b>\$43.50</b> \$43.50	<b>\$43.50</b> \$43.50												
14	Rye Port Chester	<b>Proposed</b> Existing	<b>\$60.75</b> \$60.75	<b>\$44.00</b> \$44.00	<b>\$44.00</b> \$44.00	<b>\$42.00</b> \$42.00											
15	Greenwich Cos Cob Riverside Old Greenwich	<b>Proposed</b> Existing	<b>\$61.50</b> \$60.75	<b>\$61.50</b> \$60.75	<b>\$48.00</b> \$47.50	<b>\$42.50</b> \$42.00	<b>\$39.25</b> \$39.00										
16	Stamford Noroton Hts. Darien Rowayton	<b>Proposed</b> Existing	<b>\$81.00</b> \$80.25	<b>\$81.00</b> \$80.25	<b>\$68.25</b> \$67.50	<b>\$58.25</b> \$57.75	<b>\$39.25</b> \$39.00	<b>\$39.25</b> \$39.00									
17	South Norwalk East Norwalk	<b>Proposed</b> Existing	<b>\$95.25</b> \$94.25	<b>\$95.25</b> \$94.25	<b>\$81.75</b> \$81.00	<b>\$72.50</b> \$71.75	<b>\$44.00</b> \$43.50	<b>\$39.25</b> \$39.00	<b>\$39.25</b> \$39.00								
18	Westport Greens Farms Southport Fairfield Fairfield Metro	<b>Proposed</b> Existing	<b>\$114.00</b> \$113.00	<b>\$114.00</b> \$113.00	<b>\$99.75</b> \$98.75	<b>\$89.50</b> \$88.50	<b>\$56.00</b> \$55.50	<b>\$42.50</b> \$42.00	<b>\$39.25</b> \$39.00	<b>\$39.25</b> \$39.00							

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.  
 (2) Fares shown for NY State stations will not change.

**Table 7 (continued)**  
**PROPOSED NEW HAVEN LINE INTERMEDIATE SCHOOL COMMUTATION FARES**  
**Effective 1/1/2015**  
 (Page 2 of 2)

Zone #	Station	Fare	11	12	13	14	15	16	17	18	19	20	21	31	41	42	51
			Fordham	Mt. Vrn- New Roch	Larchmnt- Harrison	Rye- Port Chstr	Greenwch- Old Grwch	Stamford- Rowayton	S.Norwtk- E.Norwtk	Westport- Fairfield	Bridgept	Stratford- Milford	West Hvn- New Hvn	Glenbrk- New Can.	Merritt-7- Cannondl	Branchvle- Danbury	Waterbury Branch
19	Bridgeport	<b>Proposed</b>	<b>\$136.25</b>	<b>\$136.25</b>	<b>\$119.50</b>	<b>\$114.00</b>	<b>\$78.00</b>	<b>\$57.00</b>	<b>\$46.50</b>	<b>\$39.25</b>							
		Existing	\$134.75	\$134.75	\$118.25	\$113.00	\$77.00	\$56.50	\$46.00	\$39.00							
20	Stratford Milford	<b>Proposed</b>	<b>\$149.25</b>	<b>\$149.25</b>	<b>\$133.00</b>	<b>\$122.50</b>	<b>\$91.25</b>	<b>\$70.25</b>	<b>\$55.00</b>	<b>\$39.25</b>	<b>\$39.25</b>	<b>\$39.25</b>					
		Existing	\$147.75	\$147.75	\$131.75	\$121.50	\$90.50	\$69.75	\$54.25	\$39.00	\$39.00	\$39.00					
21	West Haven New Haven NH State Street	<b>Proposed</b>	<b>\$181.75</b>	<b>\$181.75</b>	<b>\$165.25</b>	<b>\$155.00</b>	<b>\$123.25</b>	<b>\$102.50</b>	<b>\$87.00</b>	<b>\$72.50</b>	<b>\$47.25</b>	<b>\$47.25</b>	<b>\$40.00</b>				
		Existing	\$180.00	\$180.00	\$163.75	\$153.50	\$122.00	\$101.25	\$86.00	\$71.75	\$46.75	\$46.75	\$39.75				
31	Glenbrook Springdale Talmadge Hill New Canaan	<b>Proposed</b>	<b>\$81.00</b>	<b>\$81.00</b>	<b>\$68.25</b>	<b>\$58.25</b>	<b>\$39.25</b>	<b>\$39.25</b>	<b>\$45.50</b>	<b>\$59.00</b>	<b>\$75.25</b>	<b>\$84.25</b>	<b>\$111.75</b>	<b>\$39.25</b>			
		Existing	\$80.25	\$80.25	\$67.50	\$57.75	\$39.00	\$39.00	\$45.00	\$58.50	\$74.50	\$83.50	\$110.50	\$39.00			
41	Merritt-7 Wilton Cannondale	<b>Proposed</b>	<b>\$103.75</b>	<b>\$101.25</b>	<b>\$88.00</b>	<b>\$78.00</b>	<b>\$54.25</b>	<b>\$45.00</b>	<b>\$34.50</b>	<b>\$45.50</b>	<b>\$61.50</b>	<b>\$67.50</b>	<b>\$92.00</b>	<b>\$58.25</b>	<b>\$34.50</b>		
		Existing	\$102.75	\$100.25	\$87.25	\$77.00	\$53.75	\$44.50	\$34.25	\$45.00	\$60.75	\$66.75	\$91.00	\$57.75	\$34.25		
42	Branchville Redding Bethel Danbury	<b>Proposed</b>	<b>\$125.00</b>	<b>\$114.00</b>	<b>\$103.75</b>	<b>\$93.75</b>	<b>\$75.25</b>	<b>\$63.00</b>	<b>\$45.50</b>	<b>\$67.50</b>	<b>\$79.25</b>	<b>\$84.25</b>	<b>\$117.25</b>	<b>\$75.25</b>	<b>\$34.50</b>	<b>\$34.50</b>	
		Existing	\$123.75	\$113.00	\$102.75	\$92.75	\$74.50	\$62.25	\$45.00	\$66.75	\$78.50	\$83.50	\$116.00	\$74.50	\$34.25	\$34.25	
51	Derby-Shelton Ansonia Seymour Naugatuck Waterbury	<b>Proposed</b>	<b>\$157.00</b>	<b>\$151.00</b>	<b>\$136.75</b>	<b>\$127.25</b>	<b>\$103.75</b>	<b>\$88.00</b>	<b>\$79.25</b>	<b>\$67.50</b>	<b>\$41.50</b>	<b>\$41.50</b>	<b>\$79.25</b>	<b>\$103.75</b>	<b>\$92.75</b>	<b>\$117.25</b>	<b>\$34.50</b>
		Existing	\$155.50	\$149.50	\$135.50	\$126.00	\$102.75	\$87.25	\$78.50	\$66.75	\$41.25	\$41.25	\$78.50	\$102.75	\$91.75	\$116.00	\$34.25

**Notes:**

- (1) Reflects fares for tickets sold at ticket offices and ticket vending machines.  
 (2) Fares shown for NY State stations will not change.

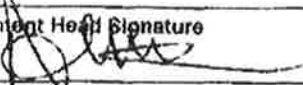

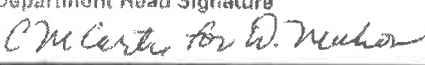

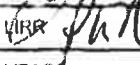
**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**November 19, 2014**



<b>Subject</b> Request for Authorization to Award Various Procurements						<b>Date</b> November 3, 2014			
<b>Department</b> Procurement & Material Management - MNR						<b>Department</b> Law and Procurement - MTACC			
<b>Department Head Name</b> Al Muir, Acting Sr. Director, Procurement & Material Management						<b>Department Head Name</b> Evan M. Eisland, Sr. Vice President & General Counsel			
<b>Department Head Signature</b> 						<b>Department Head Signature</b> 			
<b>Department</b> Procurement & Logistics - LIRR									
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement & Logistics Officer									
<b>Department Head Signature</b> 									
<b>Board Action</b>						<b>Internal Approvals</b>			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	MNR/LIRR Committee	11-17-14	X			X	President, MNR 		
2	MTA Board	11-19-14	X			X	President, LIRR 		
							President, MTACC		

**PURPOSE:**

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

**DISCUSSION:**

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Majority Vote</u>		
Schedule L:    Information Items/Budget Adjustments to Estimated Quantity Contracts	1	\$4,350,000
<b>SUBTOTAL:</b>	1	\$4,350,000

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote</u>		
Schedule A:    Non-Competitive Purchases and Public Work Contracts	1	\$14,800,000
<b>SUBTOTAL:</b>		\$14,800,000

**MTACC proposes to award Non-Competitive procurements in the following categories:** NONE

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

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule C:	Competitive Requests for Proposals	3	\$279,835,384
		3	\$279,835,384
<u>Schedules Requiring Majority Vote</u>			
Schedule G:	Miscellaneous Service Contracts	2	\$22,000,000
		2	\$22,000,000

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

<u>Schedules Requiring Two-Thirds Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule F:	Personal Service Contracts	2	\$229,952
		2	\$229,952

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

**MNR proposes to award Ratifications in the following categories: NONE**

**LIRR proposes to award Ratifications in the following categories: NONE**

**MTACC proposes to award Ratifications in the following categories: NONE**

**TOTAL:** 9 \$321,215,336

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

**BUDGET IMPACT:**

The purchases/contracts will result in obligating Long Island Rail Road, Metro-North Railroad and MTA Capital Construction operating and capital funds in the amount listed. Funds are available in the current operating/capital budgets for this purpose.

**RECOMMENDATION:**

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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



<b>Subject</b>	Request for Authorization to Award Various Procurements
<b>Department</b>	Procurement and Material Management
<b>Department Head Name</b>	Al Muir, Acting Sr. Director
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	

<b>Date</b>	November 3, 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	MNR Comm. Mtg.	11-17-14	X		
2	MTA Board Mtg.	11-19-14	X		

Internal Approvals			
	Approval		Approval
X	President	X	V.P. Planning
X	Sr. V.P. Operations	X	V.P. Capital Programs
X	V.P. Finance & IT	X	V.P. & General Counsel
X	V.P. Engineering	X	Chief of Staff

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

**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>		
Schedule L: Information Items/Budget Adjustments to Estimated Quantity Contracts	1	\$4,350,000
• New York State Industries for the Disabled (NYSID) \$4,350,000		
SUB TOTAL:		1 \$4,350,000

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

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	3	\$279,835,384
<ul style="list-style-type: none"> <li>• Skanska-ECCO III Joint Venture \$245,213,556</li> <li>• Sepsa North America (MNR) \$17,923,300</li> <li>• 4D Security Solutions (LIRR) \$16,698,528</li> </ul>		

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts	2	\$22,000,000
<ul style="list-style-type: none"> <li>• Port Imperial Ferry Corp. d/b/a NY Waterway \$16,000,000</li> <li>• Bus Services \$6,000,000</li> </ul>		

SUB TOTAL: 5 \$301,835,384

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

Schedules Requiring Two-Thirds Vote (or more, where noted) NONE

Schedules Requiring Majority Vote NONE

SUB TOTAL:  
TOTAL: 6 \$306,185,384

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.

**NOVEMBER 2014**

**METRO-NORTH RAILROAD**

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

**Schedules Requiring Majority Vote:**

**L. Information Items/Budget Adjustments to Estimated Quantity Contracts**

**1. New York State Industries for the Disabled (NYSID) \$4,350,000 (estimated) Staff Summary Attached  
Additional funding to MTA All-Agency Temporary Personnel Services Agreement**

Approval is requested for additional funding totaling an estimated \$4,350,000 to an in-place, negotiated and Board approved all-Agency agreement with NYSID for as-needed Temporary Personnel Services. In November 2010, the MTA Board approved a five-year (2011 through 2015), Metro-North led, all-agency personal services agreement with NYSID for as-needed and short-term temporary personnel services. Participating Agencies/Departments include: Metro-North Railroad, MTA Business Service Center, New York City Transit, Long Island Rail Road, MTA Bus Company and MTA Audit. The master agreement consolidated separate agreements that were previously held individually by the Agencies.

Since award, MTA Agencies have had to supplement existing staff with short-term temporary personnel at larger numbers than originally anticipated during recent periods of increased production and as such, additional funds are required by the Agencies to cover services through the remaining contract term.

All Board-approved pricing and terms from 2010 are in-place and will remain fixed for the remaining contract term. Personnel are utilized on an as-needed, as-requested task order basis and no services are guaranteed. Individual tasks or requests for short-term temporary personnel and related funding are approved within each agency prior to any personnel request. The alternative of hiring permanent MTA employees to perform short-term work would greatly exceed the cost of this contract. Funding is included in each Agency's Operating Budget.

## Schedule L: Budget Adjustments to Estimated Quantity Contracts

**Name of Vendor:**

New York State Industries for the Disabled  
(NYSID)

**Original Amount:** \$ 16,800,000

**Contract Number:** 62940

**Prior Modifications:** \$ 0

**Term of Contract:** 1/1/11 – 12/31/15

**Prior Budgetary Increases:** \$ 9,950,000

**Current Amount:** \$ 26,750,000

**This Request:** \$ 4,350,000

**% of This Request to Current Amount:** 16%

**% of Modifications (including This Request) to Original Amount:** 84%

**Discussion:**

Approval is requested for additional funding totaling an estimated \$4,350,000 to an in-place, negotiated and Board approved all-Agency agreement with NYSID for as-needed Temporary Personnel Services. This master agreement was awarded in January 2011 for a five-year period and consolidated separate agreements that were previously held individually by the Agencies. Use of NYSID's services is in accordance with Section 162 of the New York State Finance Law, which provides that preferred sources shall be granted the right to provide services to New York State Agencies in order to advance social and economic goals. Under the State Finance Law, a contract award to a preferred source provider such as NYSID is exempt from New York State Statutory competitive procurement requirements provided, (i) it is capable of providing the service in the form, function and utility required and (ii) the price offered is as close to the prevailing market prices as is practicable.

In May 2012, the MTA Board approved additional funding in the amount of \$9,950,000 bringing the overall contract value to \$26,750,000. The current values for each participating Agencies/Departments are Metro-North Railroad (\$6,800,000), MTA Business Service Center (\$5,500,000), New York City Transit (\$11,200,000), Long Island Rail Road (\$1,700,000), MTA Bus Company (\$900,000) and MTA Audit (\$450,000). In addition, as the contract was awarded in 2011, the contract included Long Island Bus (\$200,000).

Significant requests for short-term temporary personnel have led to higher than anticipated usage of NYSID's services. The increased usage reduced allotted funding at a faster pace than originally anticipated and has led to a request for funding replenishment. Since the award, MTA Agencies have had to supplement existing staff with short-term temporary personnel at larger numbers than originally anticipated during recent periods of increased production and as such additional funds are required by the Agencies to cover services through the remaining contract term. The additional requested funding totaling \$4,350,000 is broken down by agency as follows: NYCT \$2,500,000, MNR \$1,200,000 and LIRR \$650,000.

New York City Transit has required additional temporary resources to backfill vacant positions for various departments, to support operations in departments such as ParaTransit to process reimbursement vouchers and provide database support, in Corporate Communications to assist in the call centers and print shop, as well as in the EMD, Law, CPM and Material departments for other administrative functions formerly administered by DCAS.

Metro-North has required additional funds to cover significant increases in temporary personnel in support of the Temperature Measurement and Passenger Count functions, as well as for increases in administrative personnel gaps for critical office functions, which include FMLA Administrator, Revenue Control Specialist, and several Administrative Analysts. The Long Island Rail Road requires additional funds to provide for additional Passenger Counts which will need to be performed in 2014 and 2015, and the continued need for a temporary legal counsel and clerical labor, both of which are due to various extended medical leaves of LIRR employees. The required funds will back fill and cover anticipated usage through the completion of the



## Schedule L: Budget Adjustments to Estimated Quantity Contracts

contract.

All Board-approved pricing and terms from 2010 are in place and will remain fixed for the remaining contract term. Services are rendered on an as-needed, as-requested task order basis and are not guaranteed. Individual tasks or requests for short-term temporary personnel and related funding are approved within each agency prior to any personnel request. Funding is included in each Agency's Operating Budget.

**NOVEMBER 2014**

**METRO-NORTH RAILROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Schedules Requiring Two-Thirds Vote:**

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

**1. Skanska-ECCO III Joint Venture      \$245,213,556 (not-to-exceed)      Staff Summary Attached**  
**Design/Build Harmon Yard Shop Improvements Phase V, Stage 1**

Approval is requested to award a 36-month competitively solicited and negotiated design-build contract (RFP process, 6 proposals received; 2 shortlisted) to Skanska-ECCO III Joint Venture (Skanska-ECCO) for the first stage of the complete replacement of the current Main Shop (Bldg. 6) along with a new EMU Annex Building located in Croton Harmon, New York.

MNR solicited proposals from Design-Build teams to provide for the replacement of a portion of the current Main Shop (Bldg. 6) with a consist-based maintenance facility as the first stage of the new Harmon Electric Multiple Unit (EMU) Shop. MNR also included an option to build an EMU Annex Building in addition to the consist-based maintenance facility.

In accordance with MNR and MTA procurement guidelines, an advertisement for the required services was placed in the New York State Contract Reporter, New York Post, El Diario, Daily Challenge and posted on MNR's website. On February 14, 2014, proposals containing qualifications from six design-build teams were received. Six proposals were received and evaluated based on the criteria established in the RFP. The Selection Committee short-listed two firms and invited them for oral presentations and to submit Best and Final Offers. At the conclusion of the evaluation process, the Selection Committee unanimously selected Skanska-ECCO. Skanska-ECCO not only offered the lowest proposal price but proposed viable design and construction concepts that were deemed to be well engineered, time/labor efficient, and compliant with the intent of the preliminary design. Skanska-ECCO has been determined to be technically competent, capable and compliant with the contract terms and conditions.

Skanska-ECCO's Best and Final Offer of \$245,213,556 is 2% below the amount of the in-house estimate and is deemed to be fair and reasonable. The not-to-exceed cost includes options for the EMU Annex; removal of the round house and fan building foundation; and, the purchase of the construction trailer complex. This thirty-six month project is to be funded by the MNR Capital Budget.

2. **SepSA North America – MNR \$17,923,300 (not-to-exceed)** Staff Summary Attached  
**4D Security Solutions – LIRR \$16,698,528 (not-to-exceed)**

**Design, Manufacture, Assembly and Deliver of an On-Board Video Camera Recording System**

Metro-North Railroad on behalf of itself and Long Island Railroad requests approval to award two 36 month competitively solicited contracts (RFP process, 11 proposals received) to 4D Security Solutions and SepSA North America for the Design and Delivery of Video Recording Systems for Metro-North and Long Island Railroads.

The Railroads have elected to install inward and outward facing video and audio recorders consistent with the Rail Industry's necessity to increase safety and security. In March 2014, MTA Metro-North Railroad (MNR), on behalf of itself and LIRR (the "Railroads") requested and received permission to utilize the Request for Proposal (RFP) process to solicit and evaluate proposals from prospective vendors for the design, manufacture, assembly, and delivery of an On-Board Video Camera Recording System ("System"). In addition to the two cab cameras, the Railroads have elected to incorporate passenger area cameras to improve passenger and crew safety by acting as a deterrent to crime and providing forensic investigative capability.

In May 2014, a Request for Proposal (RFP) was advertised in the New York State Contract Reporter, New York Post, El Diario, and posted on MNR's website. The Selection Committee was comprised of members representing the Railroads Capital, Maintenance and Security Departments. MNR's Procurement and Material Management Department chaired the committee. The four firms shortlisted (4D Security, SepSA North America, Wabtec and Axion) all demonstrated prior experience in the delivery of camera systems on heavy rail equipment. The firms were requested to submit their Best and Final Offers. After careful consideration of the selection criteria, 4D's price of \$16,698,528 was approximately 8% less than the competitions. 4D was deemed the best value for the LIRR M-7 fleet Railroad. 4D's proposed equipment and design is based upon commercial off the shelf components (COTS) with no proprietary software design. SepSA's price of \$17,923,300 was approximately 15% less than the competition. SepSA's proposed equipment and design is fully compliant to the technical specification and is deemed fair and reasonable for the level of work performed and material anticipated for this project.

At this time, Board approval is requested in the not-to-exceed amount of \$34,621,828 (MNR = \$17,923,300, LIRR = \$16,698,528). This project is to be funded by the each Agency's Operating Budget and CDOT. The Railroads shall retain the right to elect options in the amount of \$9,321,735 (included in the total cost) which may be elected as funding becomes available.

**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.)

3. **Port Imperial Ferry Corp. d/b/a NY Waterway \$16,000,000 (not-to-exceed)** Staff Summary Attached  
**Ferry & Ancillary Services**

Approval is requested to award a competitively solicited and negotiated (RFP process, one proposal received) miscellaneous service contract to Port Imperial Ferry Corp. d/b/a NY Waterway for trans-Hudson River Commuter Ferry and Ancillary Services. The period of performance for this contract is four years with three (2)-year renewal options. The Haverstraw-Ossining Ferry Service began in September 2000, and the Newburgh-Beacon Ferry Service was launched in October 2005. The ferry

services for both routes provide regularly-scheduled commuter ferry service from a dock facility to the pre-determined Metro-North Railroad (MNR) train station from Monday through Friday during AM and PM peak times, and on holidays recognized in MNR's timetables. These services play an important role in providing needed transportation services for MNR's Orange and Rockland constituents.

In accordance with MNR and MTA procurement guidelines, an advertisement for the required service was placed in the New York State Contract Reporter, Daily Challenge, El Diario, New York Post, Minority Commerce Weekly and posted on MNR's website. In addition, the RFP was issued to 11 firms.

A single proposal was received and evaluated based on established selection criteria contained within the RFP documents which included: understanding of work scope requirements; detailed description of how the services would be performed; commitment of relevant resources to the project including qualifications of key personnel and reliability to perform the services; demonstrated past experience on similar projects; and, overall cost.

The NY Waterway's original proposed cost vs. their BAFO (\$3,425,760 vs. \$3,271,320) yielded savings of \$154,440 or 4.5% overall, and all costs were deemed fair and reasonable. The total award of this contract is not-to-exceed \$16,000,000 for the four year period of performance. Funding is being finalized for this contract and will be provided by MNR and NYSDOT grants using Federal and State funds.

**4. Greater Bridgeport Transit/ Peter Pan Lines/  
Leprechaun Lines/ White Plains Bus Co. \$6,000,000 (not-to-exceed) Staff Summary Attached  
Emergency & Scheduled Bus Services**

Approval is requested to award a competitively solicited three-year miscellaneous service contract (RFP process, four proposals received) to retain four pre-qualified vendors to furnish emergency and scheduled bus services on an as-needed basis: Peter Pan Bus Lines, Leprechaun Lines, White Plains Bus Co. and Greater Bridgeport Transit. Emergency and scheduled bus services are needed to transport railroad passengers and/or crews between stations and various MNR locations. Emergency busing is defined as the need for immediate service due to a sudden disruption in scheduled train service and scheduled busing is a request for service to supplement a planned disruption in scheduled train service as a result of capital improvement projects.

In accordance with MNR and MTA procurement guidelines, an advertisement for the required services was placed in the New York State Contract Reporter, Daily Challenge, New York Post, El Diario, Minority Commerce Weekly and posted on the MNR's website.

Four proposals were received and evaluated based on the requirements established in the RFP which included: available bus fleet, response times, 24/7 dispatching centers, pricing, and overall qualifications and reliability to perform the services. The selection committee determined that all four firms met the required criteria for the work and were selected for pre-qualification. The Procurement Department obtained Best and Final Offer submissions which yielded up to 22% reductions in proposed hourly rates. All prices are fixed for the three-year term, and are deemed fair and reasonable for the services to be provided. The total award of this contract is not-to-exceed \$6,000,000 for the total three-year period. This procurement is to be funded by the State of Connecticut, the MNR Operating and Capital Budgets, and FTA funds.

# Staff Summary

Item Number C					
Dept. & Dept. Head Name: Procurement & Material Management, Al Munir - Acting Sr. Director					
Division & Division Head Name:					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	11-17-14	X		
2	MTA Board Mtg.	11-19-14	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	V.P. & General Counsel		
	Sr. V.P. Operations		V.P. Planning		
X	V.P. Finance & IT		V.P. Engineering		
X	V.P. Capital Programs				

<b>SUMMARY INFORMATION</b>	
Vendor Name Skanska-ECCO III Joint Venture	Contract Number 27044
Description Design/Build Harmon Yard Shop Improvements Phase V, Stage 1	
Total Amount \$245,213,556 (not-to-exceed)	
Contract Term (including Options, if any) 36 months	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION:

Approval is requested to award a 36-month contract to Skanska-ECCO III Joint Venture (Skanska-ECCO) to design and construct the first stage of the complete replacement of the current Main Shop (Building 6) along with a new EMU Annex Building both located in Croton Harmon, New York.

### II. DISCUSSION:

The Harmon Shops & Yards campus has been and remains the center of Metro-North Railroad's equipment maintenance activities. The current Main Shop facility (Building #6) was built in 1909, expanded in 1928, and is still in use over 100 years later. This project is a continuation of MNR's multi-phase Harmon Shop Replacement project.

The major elements of the Design/Build Harmon Yard Shop Improvements Phase V, Stage 1 include:

1. Demolition of the eastern portion of Bldg. #6 and construction of a consist-based maintenance facility in its place between the current footprints of Tracks 132 & 146. Elements of the 141,000 square foot facility include:

- Two 10-car Consist Tracks and supporting area
- Partial second floor and mezzanine

2. Stand-alone EMU Annex Building west of yard tracks 84 and 86 and Building #6. (This item is an elected Option.) The new EMU Annex Building, a two-story 55,600 square foot structure includes space for the following functional work areas and support spaces:

- Wheel and Axle Shop
- Plant Maintenance Workshop
- Carpentry Shop
- Machine Shop
- Sheet Metal Shop
- Mobile Equipment Storage Area
- Support Shop Supervisors' Offices
- Mechanical Department Locker Rooms and Welfare Facilities.

# Staff Summary

A Request for Proposal (RFP), dated December 5, 2013, was prepared and advertised in the New York State Contract Reporter, New York Post, El Dario, Daily Challenge and posted on the Metro-North's website. On February 14, 2014, proposals containing qualifications from six design-build teams were received.

The criteria for selection established in the RFP for the qualification round are as follows:

1. Past experience on similar projects
  - a. Design-Build Projects
  - b. Specific experience in Shops and Yards Construction
  - c. Experience working together as a Design-Build Team
  - d. Performance on Design-Build Projects
2. Confidence level, commitment of relevant resources to the project including the qualifications and experience of key personnel, team qualifications and reliability to perform the services including subcontractor services including Proposer's demonstrated capability and financial resources to perform the work in the time projected
3. Demonstrated understanding of the Work Scope requirements, including but not limited to the quality and completeness of the Work Plan and any required submissions
4. Proposed staging plan and effective use of Railroad support personnel

The Selection Committee was comprised of members representing MNR's Procurement and Material Management, Capital Engineering, Transportation, Maintenance of Equipment and Power Departments. The Committee evaluated all proposals received in accordance with the selection criteria of the RFP and MNR's procedures. Two firms were short-listed as a result of the Selection Committee meeting: Tutor Perini Corporation and Skanska-ECCO III Joint Venture. The two short-listed firms submitted technical proposals, including cost. The Committee invited the two shortlisted firms to prepare an oral presentation and submit a Best and Final Offer. Following oral presentations, both firms were deemed to be technically competent, capable, and compliant with the contract terms and conditions and preliminary design.

The criteria for selection established in the RFP for the technical round are as follows:

1. Cost
2. Confidence Level
  - Qualifications and experience of key personnel
  - Commitment of relevant resources
  - Team qualifications
  - Reliability to perform the services including subcontracts
3. Demonstrated Understanding of the work scope
  - Quality and completeness of work plan
  - Constructability
  - Maintainability
4. Quality & Innovativeness of design
  - Innovativeness
  - Quality of materials
5. Proposed Staging Plan and Schedule
  - Proposed Staging Plan
  - Schedule

Final BAFO prices (inclusive of option items) were submitted. Gross sum proposal prices were received in the following amounts: 1) Tutor-Perini at \$318,280,000; 2) Skanska-ECCO at \$251,800,000. In accordance with the criteria for selection, the Selection Committee unanimously recommended contract award to Skanska-ECCO. Skanska-ECCO not only offered the lowest proposal price but proposed viable design alternatives and construction concepts that were deemed to be well engineered, time/labor efficient, and compliant with the intent of the preliminary design. Skanska-ECCO has extensive experience with building maintenance facilities in rail yards, including the design-build of the Harmon Coach and Locomotive Shops.

# Staff Summary

Further negotiations with Skanska-ECCO resulted in a negotiated price of \$245,213,556, inclusive of options for the EMU Annex; removal of the round house and fan building foundation; and, the purchase of the construction trailer complex. Costs are 2% below our in-house estimate and deemed to be fair and reasonable.

A background check performed by the Procurement & Material Management Department revealed that information disclosed by Skanska is considered Significant Adverse Information (SAI) within the meaning of the All Agency Responsibility Guidelines. An award will not be made until the required approvals are obtained and Skanska has been determined to be a responsible proposer.

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

The MTA Department of Diversity and Civil Rights (DDCR) established 10% MBE and a 10% WBE goals for this project. The contract will not be awarded until DDCR requirements have been satisfied.

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

Board approval is requested in the not-to-exceed amount of \$245,213,556. Funding originally programmed in the 2010-2014 Capital Program for the rehabilitation of select stations on the Harlem Line will be utilized to advance the EMU Annex as part of the Consist Facility construction. Implementation of the station project had already been pushed back until after the completion of a new interlocking in the Bronx (CP109) which will allow for a more efficient construction. Funding for the station project will be a priority in the 2015-2019 Capital Program.

### **V. ALTERNATIVES:**

MNR does not have the available in-house staff with both the expertise and capability to perform the required design and construction services as specified.



# Staff Summary

Item Number C					
Dept & Dept Head Name:					
Procurement & Material Management – Al Muir, Acting Sr. Director					
Division & Division Head Name:					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	11-17-14	X		
2	MTA Board Mtg.	11-19-14	X		
Internal Approvals					
Order	Approval	Order	Approval		
x	President		Sr. V.P. Operations		
x	V.P. Planning	x	V.P. Finance & IT		
x	V.P. & General Counsel	x	V.P. Capital Programs		

SUMMARY INFORMATION	
Vendor Name Sepsa North America.- MNR 4D Security Solutions - LIRR	Contract Number TBD
Description Design, Manufacture, Assembly, and Delivery of an On-Board Video Camera Recording System	
Total Amount \$34,621,828 (not-to-exceed) (MNR = \$ 17,923,300 LIRR = \$16,698,528) (inclusive of options)	
Contract Term (including Options, if any) 36 months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input 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:

Metro-North Railroad (MNR), on behalf of itself and Long Island Rail Road (LIRR), is requesting approval to award two 36-month competitively solicited contracts for the Design and Delivery of Video and Audio Recording Systems to Sepsa North America (for MNR) and 4D Security Solutions (for LIRR). Board approval is requested in the amount of \$34,621,828 (MNR = \$17,923,300 LIRR = \$16,698,528), inclusive of base and option work.

### II. DISCUSSION:

As a result of recommendations from the National Transportation Safety Board (NTSB), the Chairman/CEO of the Metropolitan Transportation Authority (MTA) directed the MTA's Commuter Railroads to begin the process for design, delivery and installation of inward and outward facing video and audio recorders in the cabs of their railcar fleets. The outward facing camera shall be used to record track and wayside activities; the inward facing camera shall be used to record the engineer's control stand area while the equipment is in operation.

In March 2014, MTA Metro-North Railroad (MNR), on behalf of itself and LIRR (the "Railroads"), requested and received permission to utilize the Request for Proposal (RFP) process to solicit and evaluate proposals from prospective vendors for the design, manufacture, assembly, and delivery of an On-Board Video Camera Recording System ("System"). In addition to the two cab cameras, the Railroads have elected to incorporate passenger area cameras, which are intended to improve passenger and crew safety by acting as a deterrent to crime and providing forensic investigative capability.

A Request for Proposal (RFP) dated May 5, 2014 was advertised in the New York State Contract Reporter, New York Post, El Diario, and posted on MNR's website. As a result, 11 proposals were received.

A Selection Committee was established to evaluate the proposals. The Selection Committee was comprised of members representing the Capital, Maintenance and Security Departments of both Railroads. MNR's Procurement and Material Management Department chaired the committee. The Committee evaluated all eleven proposals received in accordance



# Staff Summary

with the selection criteria of the RFP and MNR's procedures. The criteria for selection established in the RFP were as follows:

1. Technical Capability: Ability to provide technical services, equipment and systems as required in the RFP, including but not limited to quality and completeness of the required engineering, testing, training and documentation. (A system that can be installed with the least labor on the part of railroad forces is desirable and an efficient installation is considered a key design element.)
2. Cost: Completeness and competitiveness of cost and price submittal.
3. Experience: Recently designed and implemented systems that were both similar to the requirements of this RFP and successfully installed in heavy rail vehicles within the last 5 years. Demonstrated qualifications and availability of key personnel including a commitment that the key resources remain constant throughout the project, including subconsultant/subcontractor services.
4. Project Plan: Proposer's demonstrated ability to manage and coordinate the Work in the RFP.

The scope of work as articulated in the RFP includes:

- Detailed engineering/design of all hardware and system configuration requirements.
- Delivery of camera equipment and recording devices.
- Provide written installation instructions on a Fleet by Fleet basis
- Provide the Railroad employee training on system installation servicing and maintenance.
- Provide on-site field support during the Railroad's installation of the equipment.

The following cars/car classes are included in the base contract requirements:

- MNR's M-8 railcars, locomotive fleet (P32, BL-20, BL-14, GP-35) coach fleet
- MNR's and LIRR's M-7 railcar fleets
- LIRR's Locomotive fleet (DE/DM30,MP15,SW1001) and C3 Coaches

A total of 2,064 Railcars and/or Locomotives are to be outfitted under base contract requirements.

The Railroads have also elected to retain the right to exercise the following options:

- MNR's M-3 fleet
- Increased memory capacity (from 7 days to 30 days)
- The addition of a multiple functioning WIFI antenna.
- LIRR's Remote Access Capability

Certain of the above option items may be elected with the base award, dependent on funding.

As a result of the evaluation, the Committee shortlisted four firms: 4D Security, Sepsa North America, Wabtec and Axion. These four firms were then requested to submit their Best and Final Offers.

After considering the Best and Final Offers submitted, and in accordance with the selection criteria, the Committee unanimously recommended awarding 4D Security Solutions for LIRR and Sepsa North America for MNR. This recommendation is based on the overall quality of the technical proposals submitted by both 4D Security Solutions and Sepsa North America in meeting the respective Railroads' needs, and the assessment of their cost proposals.

4D's price of \$16,698,528 was approximately 8% less than the closest competitor's price for LIRR's video recording needs, and accordingly was determined to be the best value for LIRR. 4D's proposed equipment and design is fully compliant to the technical specification and is deemed fair and reasonable for the level of work performed and material anticipated for this project. 4D's proposed equipment and design is based upon commercial off the shelf components with no proprietary software design. This is deemed to be highly advantageous in the long-term maintainability of this equipment and maximizes the efficiencies of installation and possible future maintenance.

With respect to MNR's video recording needs, Sepsa's price of \$ 17,923,300 was approximately 15% less than the closest competitor's cost, and accordingly was determined to be the best value for MNR. Sepsa's proposed equipment and design is fully compliant to the technical specification and is deemed fair and reasonable for the level of work to be performed and

# Staff Summary

material anticipated for this project. The Sepsa design is also based upon interchangeability of components that will preclude future sole sourcing of materials to support the fleet.

The Railroads have conducted a responsibility review and other due diligence with regard to 4D Security Solutions and Sepsa North America and has deemed 4D and Sepsa to be responsible for award.

Post-BAFO, Sepsa and 4D were given the chance to reduce their overall price based upon an award encompassing the M-7 fleets of both Railroads. Neither firm offered an additional discount in response to this request.

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

The MTA Department of Diversity and Civil Rights (DDCR) established a 10% MBE and 10% WBE goal for this project. The contracts will not be awarded until satisfactory utilization plans are provided to MTA Department of Diversity and Civil Rights (DDCR).

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

At this time, Board approval is requested in the not-to-exceed amount of \$34,621,828 (MNR = \$ 17,923,300 LIRR = \$16,698,528), inclusive of base and option work. This project is to be funded by the each Agency's Operating Budget and CDOT. The Railroads shall retain the right to elect options in the amount of \$ 9,321,735 (included in the total cost) which may be elected as funding becomes available and technical determinations are made that warrants inclusion of options.

### **V. ALTERNATIVES:**

The Railroads do not have the available in-house staff with both the expertise and experience to complete the full spectrum of design, engineering, and fabrication of video camera systems as specified.

# Staff Summary

Item Number G					
Dept. & Dept. Head Name: <i>Al Muir</i>					
Procurement & Material Management, Al Muir, Acting Sr. Director					
Division & Division Head Name:					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	11-17-14	X		
2	MTA Board Mtg.	11-19-14	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President <i>[Signature]</i>	X	V.P. & General Counsel <i>[Signature]</i>		
	Sr. V.P. Operations <i>[Signature]</i>	X	V.P. Planning <i>[Signature]</i>		
X	V.P. Finance & IT <i>[Signature]</i>				
	V.P. Capital Programs				

SUMMARY INFORMATION	
Vendor Name Port Imperial Ferry Corp. d/b/a NY Waterway	Contract Number 1000044225
Description Ferry Services (including Ancillary Services)	
Total Amount \$16,000,000	
Contract Term (including Options, if any) Four Year with three (2) -Year Renewal Options	
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 checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION:

Approval is requested to award a competitively solicited and negotiated (RFP process, one proposal received) miscellaneous service contract to Port Imperial Ferry Corp. d/b/a NY Waterway (NY Waterway) for trans-Hudson River Commuter Ferry and Ancillary Services. The period of performance for this contract is four years with three (2)-year renewal options. The not-to-exceed amount of \$16,000,000 includes the four-year base period.

### II. DISCUSSION:

The Haverstraw-Ossining Ferry Service began in September 2000. In October 2005, the Newburgh-Beacon Ferry Service was launched. Ferry services have been provided under contract to NY Waterway since their inceptions. The ferry services are funded by NYSDOT and MTA grants using state and federal funds. The Ferry Services for both routes provides regularly-scheduled commuter ferry service Monday through Friday during AM and PM peak times, and on certain holidays designated by MNR. Ancillary services provided include daily maintenance of the parking facilities; trash removal; snow removal; repairs; and, management of substitute bus services when the ferry cannot operate.

A comprehensive RFP was advertised in the New York State Contract Reporter, New York Post, Daily Challenge, El Diario, Minority Commerce Weekly and posted on MNR's website in June 2014. The RFP was issued to 11 firms on July 3, 2014. The RFP established minimum vendor requirements and requested supporting information that provided evidence of their capability to meet the requirements on an ongoing basis.

A Selection Committee, comprised of representatives from MNR's Operations Planning & Analysis, Legal and the Procurement & Material Management departments, evaluated the single proposal received using the established selection criteria set forth in the RFP as follows:

- (1) Demonstrated understanding of the workscope requirements, including but not limited to the quality and completeness of any required submissions;
- (2) Project plan (detailed description of how the services will be performed);
- (3) Confidence level, based on commitment of relevant resources to the project including the qualifications of key personnel and reliability to perform the services including subconsultant/subcontractor services;
- (4) Past experience on similar projects;
- (5) Cost.

# Staff Summary

A single proposal was received on August 1, 2014. The Selection Committee agreed that NY Waterway met all the criteria and negotiations might yield additional cost savings to MNR. After considerable negotiation, NY Waterway proposed a Best and Final Offer, which yielded a 3.5% reduction in their proposed hourly rate for ferry services on both routes, from \$700 to \$675. Parking lot maintenance was also negotiated from \$32 per hour to \$24 per hour, for an estimated 25% in savings for these ancillary services. NY Waterway's original proposed cost vs. their BAFO (\$3,425,760 vs. \$3,271,320) yielded savings of \$154,440 or 4.5% overall, and all costs are considered fair and reasonable.

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

The MTA Department of Diversity and Civil Rights established a 17% DBE goal for this project. NY Waterway has partnered with a certified DBE firm to provide fuel to meet this 17% requirement.

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

The total cost of this agreement is not-to-exceed \$16,000,000, for the four year base period. Funding is being finalized for this contract and will be provided by MNR and NYSDOT grants using Federal and State funds.

### **V. ALTERNATIVES:**

There are no alternatives to these services.



# Staff Summary

Item Number G					
Dept. & Dept. Head Name: <i>Al Muir</i> Procurement & Material Management, Al Muir, Acting Sr. Director					
Division & Division Head Name:					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	11-17-14	X		
2	MTA Board Mtg.	11-19-14	X		
Internal Approvals					
Order	Approval	Order	Approval		
x	President <i>John F. White</i>	X	V.P. Planning <i>Al Muir</i>		
	Sr. V.P. Operations <i>Al Muir</i>	X	V.P. & General Counsel <i>Al Muir</i>		
x	V.P. Finance & IT <i>Al Muir</i>				
	V.P. Capital Programs				

<b>SUMMARY INFORMATION</b>	
Vendor Name Various Bus Companies	Contract Number 9319-A
Description Emergency & Scheduled Bus Services	
Total Amount \$6,000,000 (estimated)	
Contract Term (including Options, if any) Three 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 checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION:

Approval is requested to award a three-year, miscellaneous services contract (RFP process, four proposals received) to retain pre-qualified vendors to furnish emergency and scheduled bus services on an as-needed basis for a total estimated not-to-exceed cost of \$6,000,000. Metro-North Railroad requires emergency and scheduled bus service for transporting railroad passengers and/or crews between stations and various MNR locations.

### II. DISCUSSION:

Metro-North Railroad has evaluated how bus services are provided with the intent of leveraging both public and private resources to achieve better responses within geographic zones, improve communications and contain overall costs. To this end, a Memorandum of Understanding (MOU) was established with both MTA Bus and CT Transit for the provision of programmed bus services. These MOU's will be used in conjunction with a competitive RFP process that will utilize the vendor prequalification approach to support scheduled capital and operations requirements and unscheduled bus services related to mechanical failures and storms. The primary work requested under this solicitation is emergency busing services which by nature are difficult to predict. Emergency busing is defined as the need for immediate service due to a sudden disruption in scheduled train service. Scheduled busing is a request for service to supplement a planned disruption in scheduled train service as a result of capital improvement projects.

A comprehensive RFP was advertised in the New York State Contract Reporter, New York Post, Daily Challenge, El Diario, Minority Commerce Weekly and posted on MNR's website in June 2014. The RFP was issued to 17 firms on July 1, 2014. The RFP established minimum vendor requirements and requested supporting information that provided evidence of their capability to meet the requirements on an ongoing basis.

A Selection Committee, comprised of representatives from MNR's Customer Service, Operations Services and the Procurement departments, evaluated the proposals received using the established selection criteria set forth in the RFP as follows:

- (1) Demonstrated understanding of MNR's operating territory and commitment to responding to emergency requests, including but not limited to facility locations, available bus fleet and qualified operators and 24/7 dispatching center.
- (2) Confidence level, commitment of relevant resources to MNR's work, including the qualifications of key

# Staff Summary

- personnel and reliability to perform the Services.  
(3) Cost per hour.

Four proposals were received on August 7, 2014. After considerable internal discussion and vendor negotiations, the Selection Committee unanimously agreed to select all four participating firms for contract award: Greater Bridgeport Transit, Peter Pan Bus Lines, Leprechaun Lines, and White Plains Bus Co.

Final Best and Final Offer submissions yielded up to 22% reductions in proposed hourly rates. Leprechaun Lines reduced their hourly rate for emergency bus service from \$253.75 to \$199, and also reduced their hourly rate for scheduled bus service from \$137.50 to \$119; Peter Pan confirmed that their hourly rates for emergency and scheduled services would remain the same as those under the previous contract, at \$160 and \$139 - respectively. Both White Plains Bus Co. and Greater Bridgeport Transit proposed rates that were consistent with the industry for their respective geographical locations. White Plains Bus Co. confirmed an hourly rate of \$125 for emergency services and \$105 for scheduled services. Greater Bridgeport Transit confirmed an hourly rate of \$125 for both emergency and scheduled bus services. The price schedule is fixed for a three-year term, and the costs are deemed fair and reasonable for the services to be provided.

The agreements will provide emergency bus services within five defined zones, back-up services for scheduled work and an hourly rate structure based on a 4 hour minimum service block. MNR will continue to utilize these bus company agreements in conjunction with an MOU agreement already in-place with MTA Bus and CT Transit, to provide a comprehensive plan for emergency and scheduled bus services throughout MNR's territory in the most responsive and cost effective manner.

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

The MTA Department of Diversity and Civil Rights established a 0% DBE goal for this procurement.

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

The total three-year cost is estimated at \$6,000,000. This procurement is to be funded by the State of Connecticut, MNR Operating and Capital Budgets, and FTA funds.

### **V. ALTERNATIVES:**

Independent contracts with individual bus firms would not result in Metro-North Railroad receiving the most favorable rates. The prequalification approach significantly reduces the procurement lead time for bus service demands, and reduces the overall cost and response times to service requests. This approach also allows MNR to foster relationships with bus companies to meet increasing bus service needs.

# Staff Summary



<b>Subject : Request for Authorization to Award Various Procurements</b>						<b>Date</b> November 19, 2014			
<b>Department</b> Procurement & Logistics									
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement & Logistics Officer									
<b>Department Head Signature</b> <i>C. V. Carter for D. Mahon</i>									
<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	11.17.14	X			X	President <i>Ph</i>		VP & CFO
2	MTA Board	11.19.14	X			X	Sr. VP-Administration <i>Am</i>		VP, Gen. 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 categories:**

### Schedules Requiring Two-Thirds Vote

Schedule A: Non-Competitive Purchases and Public Work Contracts	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$14.8M
<b>SUBTOTAL:</b>	1	\$14.8M

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

### Schedules Requiring Majority Vote

Schedule F: Personal Service Contracts	<u># of Actions</u>	<u>\$ Amount</u>
	2	\$0.230M
<b>SUBTOTAL:</b>	2	\$0.230M

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

	<u># of Actions</u>	<u>\$ Amount</u>
	None	
<b>TOTAL:</b>	<b>3</b>	<b>\$15.030M</b>

**BUDGET IMPACT:**

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

**RECOMMENDATION:**

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



## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in the annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.
3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.
4. The Board ratifies each action taken set forth in Schedule D for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; and vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

**NOVEMBER 2014**

**MTA LONG ISLAND RAIL ROAD**

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

*Procurements Requiring Two-Thirds Vote*

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

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

- |           |                              |  |                                      |
|-----------|------------------------------|--|--------------------------------------|
| <b>1.</b> | <b>Ansaldo STS USA, Inc.</b> | <b>\$ 4,300,000 – LIRR</b>                 | <i><u>Staff Summary Attached</u></i> |
|           | <b>Sole Source</b>           | <b>\$ 4,000,000 – MNR</b>                  |                                      |
|           | <b>Contract No. TBD</b>      | <b><u>\$ 6,500,000 – NYCT</u></b>          |                                      |
|           |                              | <b><u>\$14,800,000 – Not-to-Exceed</u></b> |                                      |

Long Island Rail Road (LIRR), on behalf of itself, Metro-North Railroad (MNR), and New York City Transit (NYCT), (“the Agencies”) requests Board approval to issue a Sole Source Omnibus award to Ansaldo STS USA, Inc. (Ansaldo) in an aggregate not-to-exceed amount of \$14.8M (\$4.3M – LIRR; \$4M – MNR; \$6.5M – NYCT, parts only for NYCT) over a 36-month period for engineering services and parts to support the Agencies’ current inventory of equipment designed and manufactured by Ansaldo. Ansaldo is the Original Equipment Manufacturer (OEM) and designer and only responsible source for, various wayside switch and signal systems installed and operated by LIRR, NYCT and MNR (“the Agencies”), as well as Automatic Speed Control System installed on LIRR and MNR rolling stock. The Agencies will procure these items on an “as required” basis, in various quantities during the 36-month term of this contract to allow the Agencies to operate and maintain the safety-critical systems.

## Schedule A: Non-Competitive Purchases and Public Works

### Staff Summary



Item Number: 1

<b>Vendor Name</b> Ansaldo STS USA, Inc. - Batesburg, SC
<b>Description</b> Various Signal, Switch, Car Borne Parts and Services
<b>Contract Term (including Options, if any)</b> 3 Years
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-Competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source

<b>Contact Number</b> TBD	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$14,800,000 (Not-to-Exceed) MNR = \$4,000,000(NTE); LIRR = \$4,300,000 (NTE); NYCT = \$6,500,000 (NTE).
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Maintenance of Way – John Collins, Chief Engineer Maintenance of Equipment – Dan Cleary, CMO LIRR/East Side Access/Special Projects – Lori Katzman, VP	
<b>Contract Manager:</b> Richard Barone/Carl Cipriano	

#### Discussion:

Long Island Rail Road (LIRR), on behalf of itself, Metro-North Railroad (MNR), and New York City Transit (NYCT), (“the Agencies”) requests Board approval to issue a Sole Source Omnibus award to Ansaldo STS USA, Inc. (Ansaldo) in an aggregate not-to-exceed amount of \$14.8M (\$4.3M – LIRR; \$4M – MNR; \$6.5M – NYCT, parts only for NYCT) over a 36-month period for engineering services and parts to support the Agencies’ current inventory of equipment designed and manufactured by Ansaldo.

Ansaldo is the Original Equipment Manufacturer (OEM) and designer and only responsible source for various wayside switch and signal systems operated by the Agencies. With regard to these systems, Ansaldo provides approximately 225 different replacement parts for LIRR, 1,100 for NYCT and 120 for MNR. The Agencies will procure these items on an “as required” basis, in various quantities during the 36-month term of this contract, thereby allowing the Agencies to operate and maintain these safety-critical systems in a safe and reliable manner.

Ansaldo is also the OEM for the Automatic Speed Control (ASC) systems installed on LIRR’s entire fleet of rolling stock and various MNR cars. The ASC system is a safety-critical system that is fully integrated with associated wayside systems. In support of LIRR and MNR rolling stock, Ansaldo provides approximately 75 different replacement parts. In addition to the hardware discussed above, the LIRR and MNR (but not NYCT) require the services, on an as required basis, of Ansaldo engineers and technicians to assist with trouble shooting and non-warranty repairs of Ansaldo parts and systems, including software. This work, if and when required, will be performed on a time and material basis, pursuant to approved labor rates.

Ansaldo possesses the proprietary designs and software, as well as the requisite expertise, necessary to support the LIRR and MNR maintenance and operation of their safety-critical equipment. LIRR advertised this procurement in the New York State Contract Reporter, New York Post and the LIRR web site and no other firm expressed an interest in participating in this procurement. Thus, Ansaldo is the only responsible source from which to obtain these parts and services.

Pursuant to the Omnibus process, a determination of price reasonableness will be made prior to issuing any individual Purchase Orders resulting from this authorization. All orders issued under the previous Omnibus approval were found fair and reasonable by the Procurement departments of LIRR and MNR. Upon review of 45 high-usage items with comparative price history, the Cost/Price Analysis Unit of NYC Transit has found Ansaldo’s price offerings fair and reasonable. The items that were analyzed were NYCT high-usage items with releases over \$15,000 that were made pursuant to the current Ansaldo Omnibus approval. The Agencies are confident that through the use of these joint procurements, Ansaldo is offering each Agency more beneficial prices than if each Agency were to procure the same items individually. There is no obligation for the Agencies to procure any minimum quantity of parts under these contracts.

The parts and services identified above will be funded via the Agencies’ Operating, Capital (Federal) and ESA Budgets.

**NOVEMBER 2014**

**MTA LONG ISLAND RAIL ROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

*Procurements Requiring Two-Thirds Vote*

**Schedule F: Personal Service Contracts**

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

2.     **HARSCO Rail**                                     **\$59,578**  
          **Competitive Bid**                               **Not-To-Exceed**  
          **Contract No. 150101GS5SAN**

Long Island Rail Road hereby requests MTA Board approval to award a competitively bid Personal Service Contract to HARSCO Rail (HARSCO), for Derailment Investigation & Prevention Training Seminars, for a period of three years, with two one-year options, in the total not-to-exceed amount of \$59,578. Under the terms of this contract, HARSCO will conduct customized derailment investigation and prevention training relevant to LIRR's operating rules, equipment, and infrastructure for employees who may be involved in the investigation of rail incidents. This training will provide these employees with the knowledge and skills to successfully investigate various types of rail incidents, and to comply with all applicable laws and regulations. This solicitation was advertised on the MTA Website and in the NYS Contract Reporter beginning on July 29, 2014, and in the New York Post on August 7, 2014. MTA Department of Diversity and Civil Rights has established 0%/0% M/WBE Goals for this procurement. Notification of this solicitation was sent out to four M/WBE companies, none of which responded to this invitation. Two vendors submitted Bids under this solicitation; HARSCO (\$59,578) and TUV Rheinland (TUV) (\$275,800). HARSCO's rates were 78.4% lower than TUV's rates. The LIRR has reviewed HARSCO's references and qualifications and deem them acceptable. All appropriate due diligence has been performed revealing no adverse information. Accordingly, HARSCO is deemed the lowest responsive and responsible bidder. This Contract will be funded by the LIRR's Operating Budget.

3.     **Phoenix Environmental Labs, Inc.**           **\$170,374**  
          **Competitive IFB**                           **Not-To-Exceed**  
          **Contract No: 150101GS7-SA-N**

Long Island Rail Road requests MTA Board approval to award a competitively bid Personal Service Contract, in the total amount of \$170,374 to Phoenix Environmental Labs, Inc. (Phoenix) for as-needed laboratory testing services, for a period of three years. Under this contract, Phoenix will provide certified environmental analytical services (on-site sample collection and laboratory analysis) of various media (air, water, soil, industrial wastewater influent/effluent, waste characterization, etc.) from LIRR facilities. In accordance with MTA initiatives, all agencies were invited to join the solicitation and all declined. MTA Department of Diversity and Civil Rights has established 0%/0%

M/WBE Goals for this procurement. The solicitation was initially advertised as a Discretionary Procurement on the MTA website 8/5/2014 and sent to eleven (11) MWBE firms, however there were no respondents. Subsequently, a competitive solicitation was publically advertised in the New York State Contract Reporter on 9/16/2014, on the MTA website and in the New York Post on 9/18/2014. The Invitations to Bid were sent to thirty-seven (37) firms. Six (6) bids were received and opened on October 8, 2014. Pricing ranged from \$170,374 to \$331,939. Phoenix was the low bidder at \$170,374.00, which was \$20,736, or 10.8 % less than the next lowest bidder, Pace Analytical Services (\$191,110). The LIRR has reviewed Phoenix's references and qualifications and deem them acceptable. All appropriate due diligence has been performed revealing no adverse information. Accordingly Phoenix is deemed the lowest responsive and responsible bidder. Funding will be provided through the LIRR's Operating Budget.



# Bridges and Tunnels

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## Procurements November 2014

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# Staff Summary

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

<b>Date</b>	November 5, 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	11/5/14	<i>[Signature]</i>		
2	MTA B&T Committee	11/17/14			
3	MTA Board	11/19/14			

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

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer <i>ns</i>		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:

Schedules Requiring Majority Vote		# of Actions	\$ Amount
Schedule C	Competitive Requests for Proposals	1	\$ 282.454M

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

TOTAL	1	\$ 282.454M
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## BUDGET IMPACT:

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

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.

**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**  
**NOVEMBER 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. | <b>Tully Construction Company, Inc.</b><br><b>Contract No. BB-28S</b>   | <b>\$282,454,276.12</b> | <b><u>Staff Summary Attached</u></b> |
|    | 4 yr. contract – Competitive RFP – 8 Proposals<br>Sandy Restoration and Project BB-28, Phase II/BB-54 Rehabilitation of the Tunnel and<br>Brooklyn Plaza at the Hugh L. Carey Tunnel. |                         |                                      |

# Staff Summary

Page 1 of 3

Item Number <b>1</b> (Final)					
Dept & Dept Head Name: Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Romolo DeSantis, P.E. <i>Romolo de Santis</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	11/05/14	<i>[Signature]</i>		
2	MTA B&T Committee	11/17/14			
3	MTA Board	11/19/14			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>DJ</i>	4	Executive Vice President <i>[Signature]</i>		
2	General Counsel <i>mmt</i>	5	President <i>[Signature]</i>		
3	Chief Procurement Office <i>[Signature]</i>				

SUMMARY INFORMATION	
Vendor Name Tully Construction Company, Inc.	Contract Number BB-28S
Description: Sandy Restoration and Projects BB-28, Phase II Rehabilitation of the Tunnel and Brooklyn Plaza at the Hugh L. Carey Tunnel	
Total Amount \$282,454,276.12	
Contract Term (including Options, if any) Four (4) Years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input 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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval in accordance with the All Agency Procurement Guidelines to award the competitively procured public work contract, Contract BB-28S, Sandy Restoration and Project BB-28, Phase II/BB-54 Rehabilitation of the Tunnel and Brooklyn Plaza at Hugh L. Carey Tunnel to Tully Construction Company, Inc., located at 127-50 Northern Boulevard, New York, New York 11368 in the low bid amount of \$282,454,276.12 and the duration of four (4) years.

### II. DISCUSSION

In September 2013, the MTA Board adopted a resolution authorizing B&T to enter into a two-step competitive Request For Proposal (RFP) for the award of Contract BB-28S, Sandy Restoration and Projects BB-28, Phase II/BB-54, Rehabilitation of the Tunnel and Brooklyn Plaza at the Hugh L. Carey Tunnel (HCT). The initial step enabled B&T to pre-qualify prospective proposers based on their prior tunnel experience, responsibility, safety, as well as their technical and financial capabilities due to the magnitude and complexities of the project, thereby maximizing competition and advancing the procurement phase while the designs were being finalized. The Project requirements were publicly advertised and twenty-four (24) firms or teams submitted qualification information. Fourteen (14) firms/teams were deemed eligible to receive the RFP.

B&T issued the RFP to the fourteen (14) eligible firms/teams to commence the second step of the process and held three (3) site tours to provide the contractors access to the site. B&T shall award the Contract to the low responsive responsible bidder in accordance with standard procurement practice.

(rev. 1/22/14)

## Staff Summary

Page 2 of 3

The Scope of Work required to restore the HCT to a pre-storm state of good repair include system replacements as follows: tunnel pumping; electrical; lighting; communications, monitoring and control systems; tunnel structural and civil repairs; tunnel wall tile, ceiling panels, polymer panels, curbs and gutters; and tunnel ventilation building rehabilitation as well as asbestos and incidental lead abatement and maintenance and protection of traffic. Also, Capital Program Projects BB-28, Ph. II and BB-54 scopes include fire line replacements and rehabilitation of the Brooklyn Plaza. The Contract includes an incentive for early substantial completion of \$14,000/day for up to 275 calendar days, which shall not exceed \$3,850,000.

On September 30, 2014 eight (8) bids were received and verified as follows:

Tully Construction Company, Inc.	\$282,454,276.12
Picone/Schiavone III	\$288,593,000.00
CCA Civil/Plaza Construction, JV	\$314,849,480.60
Judlau Contracting, Inc.	\$326,760,000.00
Tutor-Perini Corporation	\$351,377,000.00
Michels - Halmar, JV	\$411,603,837.00
Granite/Railworks, JV	\$433,803,350.98
Silverite Construction Co., Inc./ECCO III, JV	\$448,175,000.00

On October 14, 2014 a qualification hearing was conducted with Tully to determine whether they were technically, professionally and financially qualified to perform the Work required under the Contract. Tully satisfactorily responded to the Authority's questions regarding their technical approach, previous work experience, on-going projects, management team and ability to perform the Work for the bid price. Tully also noted their prior similar experience at the HCT under Contract BB-28, Phase I, Rehabilitation of the Tunnel Walls, Roadway and Drainage System, Rebuild Tunnel Water System at the Brooklyn Battery Tunnel awarded in November 2002 in the amount of \$63.7M. Tully has provided a letter from their surety expressing the surety's willingness to provide performance and payment bonds and Tully is deemed financially capable to perform the Work. Tully's bid compares favorably to the Engineer's estimate. The Engineering and Construction Department (E&C) has determined that Tully is technically qualified to perform the Work and recommends award. Tully is deemed the low responsive, responsible bidder for the award of the Contract. Based on competition the bid is fair and reasonable.

### III. D/M/WBE INFORMATION

The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for the Contract. Tully has achieved its MWBE goals on prior B&T and other MTA agency contracts.

### IV. IMPACT ON FUNDING

Funding for the Project totals \$282,454,276.12 with allocations for: BB-28S Sandy Restoration - \$215,261,880.86; BB-28, Phase II - \$50,252,254.78; BB-54 - \$12,072,238.60 and Major Maintenance - \$4,867,901.88. Funding reallocation totaling \$9,000,000 is required from Sandy Restoration ACEP ED010228 to Sandy Restoration ACEP ED050202.

<u>ACEP</u>	<u>Task</u>	<u>Funding</u>
ED010228-Structures	E02050	\$ 82,389,605.95
ED020202-Roadway	E02068	\$ 5,151,116.64
ED040243-Utilities	E02181	\$112,174,576.93
ED040243-Utilities	E03245	\$ 2,149,795.00
<u>ED050202-Environmental Cleanup</u>	<u>E02307</u>	<u>\$ 13,396,786.34</u>
BB-28S Sandy Subtotal		\$215,261,880.86
D601BB28, Phase II	D02562	\$ 50,252,254.78
D602BB54	D02574	\$ 12,072,238.60
Major Maintenance		\$ 4,867,901.88


# Staff Summary

Page 3 of 3

## V. ALTERNATIVES

None are recommended. B&T does not possess the in-house forces to perform this work.

# Staff Summary

<b>Subject</b> <b>Revisions to MTA Whistleblower Policy</b>
<b>Department</b> <b>Corporate Compliance</b>
<b>Department Head Name</b> <b>Lamond W. Kearse, Chief Compliance Officer</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>Lamond W. Kearse</b>

<b>Date</b> <b>November 19, 2014</b>
<b>Vendor Name</b> <b>N/A</b>
<b>Contract Number</b> <b>N/A</b>
<b>Contract Manager Name</b> <b>N/A</b>
<b>Table of Contents Ref #</b> <b>N/A</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	11/17/14	X		
2	Board	11/19/14	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal		
2	Corporate Compliance		
3	Chief of Staff		

## Purpose:

To obtain Board authorization of the annexed whistleblower protection policy.

## Discussion:

In June 2010, the MTA Board adopted the current version of the All Agency Whistleblower Protection Policy to protect MTA employees who report violations of laws, regulations, policies, or procedures against punitive sanctions, reprisals or other penalties on account of their reporting of such violations.

Subsequently, the Authorities Budget Office ("ABO") issued Recommended Guidance on a Whistleblower Access and Assistance Program to delineate best practices for use of public authorities. The proposed revisions to the All Agency Whistleblower Protection Policy make conforming changes to maintain consistency with ABO's Guidance, as well as to clarify usage of certain defined terms.

Among the changes necessitated by the ABO Guidance are that: a) the identity of the whistleblower and the substance of his or report shall be kept confidential to the extent possible; b) MTA Employees are prohibited from interfering with other MTA Employees' disclosures of a wrongful act; and c) this policy is not intended to limit, diminish or impair the rights of any MTA Employee under any provision of law or regulation.

## Recommendation:

It is recommended that the Board adopt the annexed revised policy with respect to whistleblower protection.



# All Agency Policy Directive

## WHISTLEBLOWER PROTECTION

Policy Number	Responsible Agency/Department	Effective Date	Page
11-041	MTAHQ/General Counsel	<del>June 23, 2010</del> <u>TBD November 19, 2014</u>	Page 1 of 4

### I. PURPOSE

To encourage and enable the reporting by MTA employees of wrongful acts, protect MTA employees from retaliation for whistleblowing and ensure that the MTA complies with applicable law protecting whistleblowers.

### II. SCOPE

This policy directive applies to all officers and employees of the MTA including MTA Headquarters (including the Business Service Center); MTA Long Island Rail Road; MTA Capital Construction Company; MTA Bridges and Tunnels; MTA Bus Company; MTA Long Island Bus; MTA Metro-North Railroad; MTA New York City Transit, including the Manhattan and Bronx Surface Transportation Operating Authority and the Staten Island Rapid Transit Operating Authority; and, any future subsidiary or affiliated entity of the Metropolitan Transportation Authority.

### III. DEFINITIONS

For purposes of this policy, the following terms shall have the meaning stated below:

**Adverse Action** means to fire, discharge, discipline, demote, suspend, threaten, harass, or discriminate against an MTA Employee and includes, but is not limited to, an action that adversely affects an MTA Employee's compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement, or evaluation of performance.

**MTA Agency** means any of the following: MTA Headquarters (including the Business Service Center); MTA Long Island Rail Road; MTA Capital Construction Company; MTA Bridges and Tunnels; MTA Bus Company; MTA Long Island Bus; MTA Metro-North Railroad; MTA New York City Transit, including the Manhattan and Bronx Surface Transportation Operating Authority and the Staten Island Rapid Transit Operating Authority; and, any future subsidiary or affiliated entity of the Metropolitan Transportation Authority.

**MTA Codes of Ethics** mean the All-Agency Code of Ethics, the MTA Board Member Code of Ethics, and the Vendor Code of Ethics.

**MTA Employee** means any officer or employee of an MTA Agency and includes, but is not limited to, full-time and part-time employees, those employees on probation, temporary employees including persons hired

Issued by: MTA Board

# All Agency Policy Directive

## WHISTLEBLOWER PROTECTION

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on a seasonal, per diem, or part time basis.

**Whistleblower** means an MTA Employee who pursuant to statute or the All-Agency Code of Ethics reports a Wrongful Act or an MTA Employee who discloses information concerning a Wrongful Act, insofar as the actions taken by the MTA Employee are legal.

**Wrongful Act** means an act by any MTA Employee or MTA Board member, or by a person doing business with an MTA Agency, of alleged fraud, or corruption, criminal or unethical activity or violating the MTA Codes of Ethics or a law or regulation applicable to an MTA Agency and shall include an act of wrongdoing, misconduct, malfeasance or other inappropriate behavior, concerning any MTA Agency's investments, travel, acquisition of real or personal property, disposition of real or personal property, or procurements of goods or services.

### IV. POLICY

#### A. Reporting of Wrongful Acts.

MTA Employees are encouraged to report any Wrongful Act. Such a report may be made through a number of mechanisms including, but not limited to:

- Direct contact with:
  - the MTA Chief Compliance Officer;
  - the MTA Inspector General;
  - their Agency's Ethics Officer; or
  - any other internal complaint office designated by their Agency President.
- A Report to the Hotline maintained by the MTA Chief Compliance Officer: 888-U-ASK-MTA (888-827-5682). Such a report may be made anonymously.
- A report to the New York State Authorities Budget Office.

The identity of the whistleblower and the substance of his or her report shall be kept confidential to the extent possible.

Issued by: MTA Board

# All Agency Policy Directive

## WHISTLEBLOWER PROTECTION

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Reports by an MTA Employee of a Wrongful Act involving corruption, fraud or criminal activity should be made to the MTA Inspector General:

Office of the Inspector General,  
Metropolitan Transportation Authority  
Two Penn Plaza, 5<sup>th</sup> Floor  
New York, New York 10121  
800-MTA-IG4U (800-682-4448)

An MTA Employee should also feel free to discuss concerns about a Wrongful Act with their supervisor, but no supervisor may discourage an MTA Employee from making a report of a Wrongful Act.

### B. Investigation of Reported Wrongful Acts

1. Alleged Wrongful Acts that have been reported by MTA Employees to the MTA Chief Compliance Officer, to an Agency's Ethics Officer, or to such other internal complaint office designated by an Agency President shall be promptly investigated by the applicable MTA Agency or, in the case of reports involving alleged corruption, fraud or criminal activity, shall be referred to the MTA Inspector General for investigation.

2. No MTA Employee alleged to have been involved in a Wrongful Act shall supervise or conduct the investigation of such Wrongful Act. Each MTA Employee must cooperate fully and honestly with such investigations of alleged Wrongful Acts.

3. The findings of an investigation undertaken by an MTA Agency pursuant to this policy shall be provided to the President of the applicable MTA Agency or his or her designee, or in the case of MTA Headquarters ~~with to~~ the Chairman/Chief ~~Operating Officer~~ Executive Officer or his or her designee (unless a President ~~or the Chief Operating Officer~~ is the subject of the investigation, in which case the finding shall be discussed directly with the Chairman/Chief Executive Officer), for review and determination of what further action should be taken.

### C. No Retaliation for Whistleblowing; Investigation of Adverse Action

Issued by: MTA Board



# All Agency Policy Directive

## WHISTLEBLOWER PROTECTION

Policy Number	Responsible Agency/Department	Effective Date	Page
11-041	MTAHQ/General Counsel	<del>June 23, 2010</del> <u>TBD November 19, 2014</u>	Page 4 of 4

1. No MTA Employee shall take any Adverse Action against another MTA Employee because of such MTA Employee's lawful disclosure or reporting of information concerning a Wrongful Act or because of such MTA Employee's role as a Whistleblower. An MTA Employee is prohibited from interfering with another MTA Employee's disclosure of a wrongful act. Violations of this policy are subject to disciplinary action up to and including termination from employment.

2. An MTA Employee who has reason to believe he or she has been the target of an Adverse Action in violation of Section IV.C.1 of this policy directive, or who has reason to believe that an Adverse Action has been taken against another MTA Employee in violation of Section IV.C.1 of this policy directive, shall immediately report such suspected Adverse Action to the MTA Chief Compliance Officer or such other person as may be designated by an MTA Agency President for the receipt of such a report, and an investigation thereof shall be promptly undertaken.

3. All allegations of Adverse Actions in violation of Section IV.C.1 shall be investigated in the same manner as set forth above for investigation of claims of Wrongful Acts. Each MTA Employee must cooperate fully and honestly with such investigations of alleged Adverse Actions. An MTA Employee alleged to have been involved in an Adverse Action shall not supervise or conduct the investigation of such Adverse Action.

### D. False Allegations

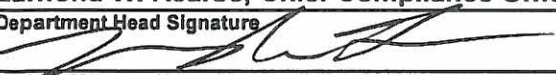
No MTA Employee may knowingly and willfully make a false report of a Wrongful Act or of an Adverse Action. Any MTA Employee who knowingly and willfully makes a false report of a Wrongful Act or of an Adverse Action is subject to disciplinary action up to and including termination of employment.

### E. No Impairment of Rights

Nothing in this policy is intended to limit, diminish or impair the rights of any MTA Employee under any provision of law or regulation.

Issued by: MTA Board

# Staff Summary

<b>Subject</b> Revisions to MTA Codes of Ethics
<b>Department</b> Corporate Compliance
<b>Department Head Name</b> Lamond W. Kearse, Chief Compliance Officer
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Lamond W. Kearse

<b>Date</b> November 19, 2014
<b>Vendor Name</b> N/A
<b>Contract Number</b> N/A
<b>Contract Manager Name</b> N/A
<b>Table of Contents Ref #</b> N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	11/17/14	X		
2	Board	11/19/14	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal	1	
2	Corporate Compliance	2	
3	Chief of Staff	3	

## Purpose:

To obtain Board adoption of proposed amendments to the existing MTA All-Agency Code of Ethics (the "All-Agency Code of Ethics") and MTA Board Member Code of Ethics (the "Board Code of Ethics") as indicated in this staff summary.

## Discussion:

In February 2014, the MTA Board adopted the current version of the All Agency Code of Ethics, which sets forth the MTA's ethical rules, including those relating to such matters as gifts, conflicts of interest, attendance at industry events, outside employment and post-employment service.

Subsequent to the adoption of the February 2014 version of the All Agency Code of Ethics, the Joint Commission on Public Ethics ("JCOPE") issued new/revised regulations on gifts, honoraria and travel reimbursement. The proposed revisions to the All Agency Code of Ethics and the Board Code of Ethics make conforming changes to maintain consistency with the JCOPE regulations, as well as to clarify usage of certain defined terms.

Among the changes necessitated by the JCOPE regulations is expansion of the definition of Prohibited Source to include entities that contract with other State agencies for the benefit of the MTA and entities that apply to the MTA for funds, and to regulate gifts between government entities and MTA employees. In addition, all references to the MTA having to report the receipt of honoraria by its employees to JCOPE have been removed. However, employees must now obtain written approval to accept honoraria.

In addition, the Board Code of Ethics has been revised to include the changes described above and to include restrictions on Board Members' political activities consistent with JCOPE's regulations. Specifically, Board Members are not permitted to serve as: (1) officers of any political party or Political Organization or (2) members of any political party committee, including political party district leaders or as members of a political party national committee. "Political Organization" means any organization affiliated with a political party but does not include a judicial nominating committee, an organization supporting a particular cause with no partisan activities, a campaign or fundraising committee, or serving as a delegate to a state or national party convention. In addition, a Board Member interested in running for elective office shall give notice of his or her intentions to the Chairman so that a determination can be made whether, and upon what conditions, seeking elective public office would be consistent with the ethics laws and regulations.

**Alternative:**

Not to adopt the revised Codes of Ethics. This is not recommended, as the Codes of Ethics would not comply with the new JCOPE regulations.

**Recommendation:**

It is recommended that the Board adopt the revised Codes of Ethics.

# CODE OF **ETHICS**



Adopted by the MTA Board  
~~February 26~~November 19, 2014

Originally Issued

June 1, 2005

Revised

March 29, 2006

March 28, 2007

December 16, 2009

November 16, 2011

February 26, 2014

November 19, 2014

Additional copies may be obtained from  
MTA Corporate Compliance or your Agency's Human Resources Department

Internal Control Number GRC001921



## Introduction

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The Metropolitan Transportation Authority provides services to more than eight million customers a day, each one of whom expects a high standard of service. As ~~Employees~~employees of the MTA, you are entrusted with the duty to provide this high standard of service. The ability to provide a high standard of service is grounded in a strong work ethic, clear corporate policies, and the dedication of a creative work force. The adherence to a strict code of ethics is central to gaining and keeping the trust of our customers.

~~The~~This Metropolitan Transportation Authority All-Agency Code of Ethics (“Code of Ethics”) applies to every ~~Employee~~employee of the MTA, including its current and future subsidiaries and affiliates. For ease of reference, this Code of Ethics will refer to all such ~~Employees~~employees as “~~MTA~~-Employees.” In addition, persons performing services for the MTA and its subsidiaries and affiliates may be subject to the Code of Ethics by contract or agreement.

There is only one Code of Ethics for the entire MTA. You are expected to become familiar with this Code, and the various applicable statutes, regulations, professional codes of ethics, and disciplinary rules. You are expected to read this Code immediately upon receipt.

The Code of Ethics is intended to provide guidance to all ~~MTA~~-Employees with respect to applicable laws governing ethical conduct and the ~~Agency’s~~MTA’s ethical standards, which sometimes exceed the requirements of State law.

While the Code of Ethics sets out specific standards, in our evolving business environment, no written code can anticipate every possible situation. However, this Code of Ethics establishes a standard against which you can measure your daily decisions and actions. The Code of Ethics is not a restatement of all applicable laws and standards; you are expected to be familiar with and comply with all laws and standards related to your specific job. The principal source of most New York State law governing the ethical conduct of public employees and officers is the Public Officers Law, the applicable provisions of which are available from the Law and Human Resources departments at each MTA Agency.

As an ~~MTA~~-Employee, you are expected to be an ethical role model. Managers and supervisors must foster an atmosphere that encourages ~~employees~~Employees to seek assistance if faced with ethical dilemmas. Every ~~MTA~~ Employee must be alert to potential ethical issues and be ready to respond appropriately.

Responsibility for compliance with the applicable rules and standards for ethical conduct, including the related financial disclosure requirements, ultimately rests with you. If you have an ethics-related question, you should ask your supervisor or the applicable Agency Ethics Committee for guidance.

Violations of the Code of Ethics or applicable statutory provisions may subject an ~~employee~~Employee to discipline up to and including dismissal and/or expose the ~~employee~~Employee to civil or criminal penalties. (See Chapter 9)

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## Chapter 1: Definitions/Structure

### Section 1.01 Definitions

As used in this Code, capitalized terms shall have the following meanings:

**Agency Ethics Committee** means the ethics committee established at each individual MTA ~~Agencies~~ Agency.

**All-Agency Ethics Committee** means the committee comprised of the chairpersons of each Agency Ethics Committee and the Chief Compliance Officer.

**Annual Statement of Financial Disclosure** means the financial disclosure statement required to be filed with the Joint Commission on Public Ethics by certain ~~MTA-employees~~ Employees pursuant to Public Officers Law Section 73-a and this Code.

**Business** means any activity, paid or unpaid, by an Employee or any individual, firm, company, corporation or other entity, wherein the goal or objective is obtaining monetary income or other ~~thing~~ things of value or operating an enterprise. Such activity may be for profit or not-for-profit.

**Code** means this MTA All-Agency Code of Ethics.

**Confidential Information** means information, whether or not set forth in writing, that is available to an Employee only because of such Employee's position within an MTA Agency and which is treated by such MTA Agency as being confidential or which the Employee has reason to believe is confidential. Information does not have to be formally labeled "confidential" to be confidential.

**Department Head** means a Department Head as that term is generally used within the applicable MTA Agency.

**Employee** means an officer or employee of an MTA Agency.

**Employment** means performance of services, for or on behalf of any entity or individual, to obtain economic or other material benefit.

**Family Member** means (i) an Employee's ~~Spouse, Domestic Partner, Child~~ spouse, domestic partner, child or ~~Siblings~~ sibling; (ii) a person who is a direct descendant (or the spouse of a direct descendant) of a ~~Grandparent~~ grandparent of the ~~MTA-Employee~~ or a ~~Grandparent~~ grandparent of the ~~MTA-Employee's~~ Spouse spouse or ~~Domestic Partner~~ domestic partner; or (iii) a person living in the same household as an ~~MTA-Employee~~.

**Fundraising** means the raising of funds for an organization through solicitation of funds or sale of items or participation in the conduct of an event.

**Gift(s)** means the transfer, without equivalent consideration, of ~~any thing~~ anything or benefit, tangible or intangible, having more than nominal value, including, but not limited to, loans,



forbearance, services, travel, gratuities of any kind, favors, money, meals, refreshments, entertainment, hospitality, promises, tickets to entertainment or sporting events, weekend trips, golf outings, loans of equipment, or other thing or benefit. **(See definition of “Items of Nominal Value” below.)** Note: The State Legislature has determined that provision of local transportation by a Prohibited Source for purposes of inspection or touring of facilities, operations or property located in New York State, where such inspection or tour is related to an Employee’s official duties or responsibilities, does not constitute a Gift.

~~**Honoraria Disclosure Unit** means the office within the applicable MTA Agency set forth in Appendix A hereto.~~

**Honorarium** means (a) payment, fee or other compensation in connection with a service rendered by an Employee not related to the person’s official duties, and for which MTA Agency equipment or staff are not used, which is in the nature of a gratuity or as an award or an honor (e.g., for delivering a speech, for attending a conference, for writing an article); and (b) a payment, whether to a lodging site or a provider of transportation, for travel expenses made to or on behalf of an Employee, or reimbursement made to the Employee for travel expenses incurred, for services rendered by an Employee not related to their official duties.

**Items of Nominal Value** means items such as mugs, key rings, calendars, pens and the like that are of minimal value unless such items are being given under circumstances where it reasonably can be inferred that such item was intended to influence the Employee in the performance of such Employee’s official duties. For purposes of determining value, an item is not deemed reduced in value by virtue of its being embossed or otherwise marked with a company logo, identification, or advertising.

**Joint Commission on Public Ethics** means the Commission established within the New York Department of State under Section 94 of the New York Executive Law pursuant to the Public Integrity Reform Act of 2011.

**MTA Agency or MTA** means any of the following: Metropolitan Transportation Authority Headquarters, MTA New York City Transit, Manhattan and Bronx Surface Transit Operating Authority, MTA Long Island Rail Road, MTA Metro-North Railroad, MTA Long Island Bus, MTA Bus Company, MTA Capital Construction Company, the Staten Island Rapid Transit Operating Authority, the First Mutual Transportation Assurance Company, MTA Bridges and Tunnels and all future affiliated and subsidiary entities of the MTA.

**New York State Agency** means any New York State department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority, or commission at least one of whose members is appointed by the Governor, or the State University of New York, or the City University of New York, including all their constituent units except community colleges of the State University of New York and the independent institutions operating statutory or contract colleges on behalf of the State. All MTA Agencies are New York State Agencies for purposes of this Code.



**Participation in the Conduct of an Event** means active and visible participation in the promotion, production or presentation of the event and includes serving as honorary chairperson or committee member or sitting at the head table during the event. The term does not mean the mere attendance at the event, provided the Employee's attendance is not being used by the non-profit to promote the event.

**Policy-Making Position** means those management and non-management positions designated as policy-making positions by each MTA Agency, because the individual holding the position exercises responsibilities of a broad scope in the formulation of plans for the implementation of action or policy for an MTA Agency or has an effective or substantial influence on an individual in such a position; e.g., positions in which Employees have discretion to (i) significantly influence, control, or bind an MTA Agency in the expenditure or receipt of money, (ii) significantly influence the discretionary selection or rejection of Employees, their promotion, transfer, or salary increases, (iii) select or supervise ~~Vendors~~Prohibited Sources, (iv) negotiate leases, real estate agreements, estates, purchase or sale of goods or services, or (v) supervise or approve additional work orders and progress payments to ~~Vendors~~Prohibited Sources retained by an MTA Agency.

**Prohibited Source** means:

- (a) a Vendor including any person ~~or non-governmental~~, seller of goods or services, bidder, proposer, consultant, contractor, trade, contractor or industry association, or any other person/entity with which your MTA Agency is doing business, as well as those persons and business entities who have expressed an interest in doing business with your MTA Agency, whose activities directly or indirectly benefit your Agency, or who have a history of doing business with your Agency in the recent past; or
- (b) a tenant or licensee of your MTA Agency; ~~and/or~~
- (c) ~~another individual or non-governmental~~ any person or entity who, on his, her or its own behalf, or on behalf of ~~another non-governmental~~ any other person or entity, ~~satisfies any one of the following:~~
  - (1) is regulated by ~~your MTA Agency~~, ~~(2)~~, negotiates with, appears before ~~your MTA Agency on~~ in other than a ministerial ~~matters~~, ~~(3)~~ matter, seeks to contract with or has contracts with, or does other business with: (i) the Employee, in his or her official capacity; (ii) your MTA Agency; or (iii) any other New York State Agency when your MTA Agency is to receive the benefits of the contract; or
  - (2) is required to be listed on a statement of registration pursuant to §1-e(a)(1) of article 1-A of the Legislative Law and lobbies or attempts to influence actions, decisions, or policies of your MTA Agency's procurements, or your MTA Agency's positions on legislation ~~Agency~~; or ~~regulation~~;
  - (3) is the spouse or unemancipated child of any individual satisfying the requirements of subsection (c)(2) above; or



- (4) is involved in ~~litigation~~ any action or proceeding, in which administrative and judicial remedies thereto have not been exhausted, and which is adverse to either: (i) the Employee in his or her official capacity; or (ii) your MTA Agency ~~and no final order has been issued, or; or~~
- (5) has received or applied for funds from your MTA Agency ~~within the preceding year at any time during the previous 12 months up to and including the date of the proposed or actual receipt of the item or service of more than Nominal Value. This does not include a request for funds received by the MTA in the ordinary course of business. For example, this does not include a customer's request for a refund or MTA's purchase of tickets or a table to an event.~~

For purposes of this definition, the term “your Agency” refers to the Agency by which you are employed. However, certain Employees working on matters involving more than one MTA Agency may be considered an Employee of multiple MTA Agencies for purposes of this Code.

**Solicitation** means any request, invitation, or suggestion (oral or written) made under circumstances where it reasonably could be concluded that the individual or entity receiving same is being asked to, or is expected to, comply with a request, invitation, or suggestion.

**State Ethics Law** means New York Public Officers Law Sections 73, 73-a, 74 as may be amended or modified by the New York State Legislature and the rules and regulations promulgated thereunder.

## Section 1.02 Agency Ethics Committees

The Metropolitan Transportation Authority Headquarters, MTA New York City Transit, MTA Long Island Rail Road, MTA Metro-North Railroad, MTA ~~Long Island Bus, MTA~~ Bus Company, MTA Capital Construction Company, and MTA Bridges and Tunnels shall each establish an Ethics Committee and appoint an Agency Ethics Officer thereto to render guidance on ethics-related questions, including conflicts of interest. The procedures for the appointment of the Agency Ethics Officer shall be determined by each MTA Agency upon consultation with the Chief Compliance Officer. However, each Committee will designate one senior-level executive as Chairperson of the Agency Ethics Committee. Upon request, information disclosed to the Agency Ethics Committees and their members shall be deemed confidential, provided that appropriate disclosure of such information must be made in accordance with applicable laws, rules, and regulations.

The Chairperson of each Agency Ethics Committee will serve as a member of an All-Agency Ethics Committee, which will be chaired by the MTA's Chief Compliance Officer. The Committee will meet periodically to review the current state of ethics at the MTA and to review or revise the Code of Ethics as needed.

## Section 1.03 Ethics & Financial Disclosure Questions

Questions concerning this Code or potential conflicts of interest may be directed to the applicable Agency Ethics Committee at the phone number set forth in Appendix ~~C.A.~~ It is not the function of



a supervisor, an Agency Ethics Committee, or an MTA Agency lawyer to act as counsel to any individual Employee.

Information regarding violations of this Code or questions concerning ethics-related matters, may also be directed to:

*MTA Corporate Compliance  
Metropolitan Transportation Authority  
2 Broadway, 16<sup>th</sup> Floor  
New York, New York 10004  
888-U-ASK-MTA (888-827-5682)*

Any ~~MTA~~ Employee who has a complaint or allegation regarding the MTA may also contact the MTA Inspector General.

*Office of the Inspector General  
Metropolitan Transportation Authority  
Two Penn Plaza, 5th Floor  
New York, New York 10121  
800-MTA-IG4U (800-682-4448)*

#### **Section 1.04    Revocation of Agencies' Ethics Policies**

This Code supersedes and by effect rescinds the MTA All-Agency Acceptance of Gifts Policy Statement 11-007, the MTA Guideline Document—Gifts, and all MTA Agencies' Ethics Policies and Codes.

#### **Section 1.05    Duty to Disclose**

Employees must promptly report any violation or potential violation of the MTA's Codes of Ethics (All-Agency Code of Ethics, Board Member Code of Ethics or Vendor Code of Ethics) as well as any actual or potential violation of law, regulations, or policies and procedures, relating to the MTA, whether committed by an ~~MTA~~-Employee or by a person doing business with the MTA. Employees should report to the MTA Inspector General allegations or information involving corruption, fraud, criminal activity or abuse.

Employees should report to their Agency's Ethics Officer, their Agency General Counsel, the MTA's Chief Compliance Officer or to the MTA Inspector General, all other violations or potential violations. Employees should feel free to discuss their concerns initially with their supervisor, but no supervisor may discourage an Employee from making a report.

NOTE: To obtain answers to questions or increase their understanding, Employees are encouraged to discuss particular situations or concerns they have regarding violations or potential violations of this Code or any laws, regulations or policies or procedures with their Agency Ethics Officer, the MTA Chief Compliance Officer or the MTA Inspector General.



## **Section 1.06 No Reprisals/Whistle-Blowing**

Employees who report violations or potential violations of this Code or any actual or potential violations of laws, regulations or policies and procedures are protected under MTA All Agency Whistleblower Protection Policy, No. 11-041 and will not be subjected to punitive sanctions, reprisals, or other penalties solely for reporting such violations. Employees who file an intentionally false report may be subject to appropriate disciplinary penalty, up to and including dismissal as well as civil or criminal charges.

## **Section 1.07 Cooperation with Audits and Investigations**

Employees must cooperate fully and honestly with audits and investigations conducted by the MTA Inspector General, Joint Commission on Public Ethics, Auditor General, Chief Compliance Officer, or other governmental agency. Failure to so cooperate will subject an Employee to appropriate disciplinary penalty, up to and including dismissal.

## **Section 1.08 Mandatory Ethics Training**

Employees subject to the financial disclosure requirements of Section 6.01 of this Code must complete a comprehensive ethics training course within three months of becoming subject to that requirement.

Employees subject to the financial disclosure requirements and such other ~~employees~~ Employees as may be determined by their Agency Ethics Committee are required to attend continuing ethics training every three years.

## **Section 1.09 Certifications**

Employees upon hire must certify to the MTA Code of Ethics by signing an Acknowledgment Form. Additionally, Employees may be required periodically to sign a certification or recertification attesting to their familiarity with the MTA Code of Ethics.

# **Chapter 2: Gifts, Awards and Honoraria**

## **Section 2.01 Gift Prohibition-Zero Tolerance**

Employees are prohibited from soliciting or receiving Gifts, directly or indirectly, from any Prohibited Source. The defined term “Gift” does not include items of truly nominal value. **(See definitions of “Gifts” and “Items of Nominal Value.”)**

However, Employees may accept Gifts from employees of a Prohibited Source if these Gifts are reflective of a personal relationship independent of the relationship between the Prohibited Source and the MTA. For example, if the sibling of an MTA Agency Employee worked for a Prohibited Source, the MTA Agency Employee could nonetheless accept a Gift that reflects this personal relationship. In addition, an Employee can accept a modest, reasonable, and customary offering on





an extraordinary occasion, such as a wedding, retirement, funeral, or serious illness. A Gift shall not be considered representative of a personal relationship – and thus permissible – if the donor seeks to charge or deduct the value of the Gift as a business expense or seeks reimbursement from a Prohibited Source or when gifts from the same Prohibited Source are offered to multiple Employees at or about the same time.

Employees are permitted to accept discounts or special offers from a Prohibited Source so long as those discounts or special offers are generally available to similarly situated employees of other public and private sector organizations. Employees should check with their Agency Ethics Officer before accepting such discounts or special offers from a Prohibited Source.

Under no circumstances may an Employee accept an item, even an Item of Nominal Value, under circumstances in which it could be reasonably inferred that the item was intended to influence the Employee, or could reasonably be expected to influence the Employee, in the performance of the Employee's official duties or was intended as a reward for any official action on such Employee's part.

#### Reminders:

- (a) Employees should avoid accepting numerous items of nominal value from the same Prohibited Source because their aggregate value is likely to exceed the nominal threshold. The MTA will aggregate the value of items received from the same Prohibited Source in any 12-month period.
- (b) Accepting Gifts in connection with the performance of official duties from persons or entities **other than** Prohibited Sources could still be a violation of State law and this Code, if it could be reasonably inferred that the Gift was intended to influence the Employee, or could reasonably be expected to influence the Employee, in the performance of the Employee's official duties or was intended as a reward for any official action on such Employee's part.
- (c) Proof that an Employee was actually influenced by a Gift is not necessary for a finding of a violation of this Code or State Ethics Law.
- (d) Employees should use caution in accepting such items they believe are of nominal value because it may not always be easy to determine if an item is truly of nominal value.
- (e) An Employee may not designate a friend, ~~family member~~ Family Member, or entity (such as a charity) to receive a Gift that the Employee would not be permitted to receive.

#### Examples:

- (a) A Prohibited Source offers an Employee a briefcase with the Prohibited Source's logo embroidered on it. Because that briefcase, without such logo, would have a retail



cost greater than nominal value, the Employee is prohibited from accepting it, even if the Employee considers it valueless because of the logo.

(b) An Employee receives 10 coffee mugs valued at \$1.00 each within a 12-month period from the same Prohibited Source. Your total value received is \$10.00 and therefore you have received a Gift (the mugs) of greater than nominal value.

**Common Gift Issues:** It is not practical in a code of this type to describe all of the circumstances that might give rise to a prohibited Gift. The following are some of the situations that have come up in the past and are examples of Gift-related actions that are prohibited:

- (a) Any Solicitation or attempt to Solicit a job for a relative from a Prohibited Source, including a summer job; or
- (b) Any Solicitation or acceptance from a Prohibited Source of:
  - (1) tickets to a concert, play, sporting event, or show;
  - (2) a golf outing, a weekend trip, a vacation, use of a vacation home, or an airline ticket; or
  - (3) individual discounts to Employees on goods or services (such as televisions, computers, clothing, home improvements, or car or appliance repairs).

## Section 2.02 Monetary Gifts and Kickbacks

**Gifts of money** to an Employee from a Prohibited Source are prohibited regardless of amount and shall be **deemed to be a kickback or bribe** intended to influence the Employee in the performance of the Employee's official duties.

Employees may not give or promise to give any portion of their compensation or any money or valuable thing to any person, nor shall any person accept any such money, or valuable thing, in connection with appointment, employment, promotion, assignment, or reassignment by an MTA Agency. Employees may not, directly or indirectly, make (or request that other Employees make) any contribution or pay any assessment in order to secure promotion, compensation, or to affect job status, duties, or functions, or in consideration of being appointed or employed at an MTA Agency.

## Section 2.03 Tips

Employees are not permitted to accept tips or other gratuities in connection with the performance of their official duties unless:

- (1) the Employee is represented by a labor union; ~~and~~





- (2) it has been customary in the past for MTA Agency Employees in the relevant job classification to receive tips in connection with the performance of their official duties; and
- (3) in the private sector it would be customary for an Employee in the equivalent job classification (such as a bartender) to receive tips as part of their income.

## Section 2.04 Reporting Gift or Gift Offers

An Employee to whom a Gift is offered or given in violation of Section 2.01 above shall promptly report such offer or Gift to the applicable Agency Ethics Committee and, in the case where a Gift has been given, the Employee or Agency Ethics Committee shall promptly return the Gift to the person or entity giving the Gift with a copy of the MTA Gift return letter. A copy of the executed gift return letter shall be sent to MTA Corporate Compliance.

## Section 2.05 Awards, Plaques and Honors

Awards and plaques publicly presented in recognition of an Employee's service to an MTA Agency or non-job-related public service may be accepted. Employees must notify and seek the approval of their Agency Ethics Committee prior to accepting an award, plaque, or honor presented by a Prohibited Source.

However, awards or plaques presented by a Prohibited Source in recognition of job-related MTA Agency service and valued at more than seventy-five dollars (\$75) shall become the property of the applicable MTA Agency. The MTA Agency's Ethics Committee can determine the disposition of the award or plaque.

## Section 2.06 Honoraria

An Employee may not accept an honorarium for services related to his or her duties for the MTA.

Employees must obtain written approval from their Agency Ethics Committee with the concurrence of Corporate Compliance prior to accepting an Honorarium. The approval request should be in writing and received by the Agency Ethics Committee no less than thirty (30) days prior to the time performance of the service for which the Honorarium is being offered is due to occur or thirty (30) days prior to the receipt of the honorarium. A detailed statement of all of the circumstances in which an Employee may accept an honorarium from a third party is set forth in Title 19 NYCRR Part 930.

The following is a summary of the rules relating to honoraria.

**Prohibited Honoraria:** An Employee may not accept an Honorarium (or payment in lieu of Honorarium) that is offered for services related to his or her official duties for the MTA. In such circumstances, payment for services related to official MTA duties must be made directly to the applicable MTA Agency.

In addition, an Honorarium may not be accepted by any Employee from ~~any individual or organization that (i) does any business with the applicable MTA Agency, (ii) is regulated by~~



~~the MTA Agency, (iii) is involved in litigation adverse to the MTA Agency, (iv) receives funds from the MTA Agency, or (v) lobbies before an MTA Agency, a Prohibited Source without the written approval of the Chief Compliance Officer.~~

~~Disclosure of Honoraria: Each year the MTA is required to file a report with the Joint Commission on Public Ethics, which lists honoraria, whether approved or not, received by its Employees. Therefore, every Employee who has received one or more honoraria during the reporting period must file a report with the Honoraria Disclosure Unit for their MTA Agency identified in Exhibit A hereto, using the form provided at Appendix B of this Code, as may be amended from time to time. Each Honorarium recipient must file the completed form with such Honoraria Disclosure Unit no later than April 15 of each year for the period April 1 of the previous year through March 31 of the current year. Where prior approval was received, the Employee shall include a copy of the authorizing memorandum as an attachment to the annual report to the applicable Honoraria Disclosure Unit.~~

Irrespective of whether approval was obtained in advance, however, any receipt of an honorarium ~~must be reported to the applicable Honoraria Disclosure Unit~~ in excess of \$1000 must be included in the Employee's annual financial disclosure statement. .

## Chapter 3: Prohibited-Source Sponsored Events, Receptions, and Meals

### Section 3.01 Business Meals

In general, Employees are prohibited from accepting a meal from a Prohibited Source. However, an Employee may accept free **modest** meals or refreshments from a Prohibited Source under the following limited circumstances:

- (a) in the course of and for the purpose of conducting MTA Agency business at a Prohibited Source's facility, when offered unexpectedly during a meeting which the Employee is attending for official reasons, or when offered at a company cafeteria or other company facility at the Prohibited Source's place of business and individual payment is **impractical**; or
- (b) when attending a seminar or conference in connection with an MTA Agency and meals or refreshments are provided to all participants.

A meal is considered modest for purposes of the foregoing if the food and beverage is valued at fifteen dollars or less. Under the MTA Code of Ethics, an Employee may accept such a modest meal only under the circumstances noted above.

An Employee may not accept a meal from a Prohibited Source outside of a Prohibited Source's facility (except at a seminar or conference as set forth in Section 3.01(b) above). If an Employee has a meal with a Prohibited Source, the Employee shall pay the full value of such meal with his or her own funds with or without MTA Agency reimbursement.



**Reminders:** If you have a meal with a Prohibited Source and simply split the bill, you may be in violation of this Code if you do not pay the full value of your meal. **It is prudent for Employees to obtain proof of payment because simply putting money on the table may not provide an adequate basis for proving that an Employee paid for his or her own meal. The better practice is to get a separate check and keep the receipt.**

### Section 3.02 Educational Seminars

Employees are encouraged to continue to participate in events that will enhance their professional development. In certain professions, it is customary for Prohibited Sources, including companies that do business with the MTA, and industry groups, to sponsor lectures and continuing education seminars. Occasionally, such educational events are targeted to ~~MTA~~ Employees and do not include other similarly situated public or private sector employees. Employees may attend such educational events if attendance at the event would further the interests of the MTA Agency, if the event relates to the Employee's official duties, and if the invitation does not involve recreational activities such as golf, tennis, or cruises.

However, Employees who manage the Prohibited Source's work or are involved in the review/approval of payments to the Prohibited Source must consult with their Agency's Ethics Officer before accepting professional continuing education credits.

### Section 3.03 Attendance at Prohibited-Source/Industry-Sponsored Events and Receptions

Employees are encouraged to continue to participate in events that will enhance their professional development. Employees frequently receive complimentary invitations to Prohibited Source/industry groups sponsored events that include receptions or hospitality suites sponsored by a Prohibited Source/industry group. **Employees should evaluate any such invitations with caution and obtain prior approval from their Agency Ethics Officer.** Employees may attend complimentary Prohibited Source/industry-sponsored events, including receptions or hospitality suites only if **all** of the following conditions are met:

- (1) Attendance at the event would further the interests of the MTA Agency;
- (2) The event relates to the Employee's official duties or responsibilities or allows the Employee to perform a ceremonial function appropriate to his or her position;
- (3) The event is a "widely attended event" at which at least twenty-five individuals other than ~~MTA employees~~ Employees attend or were, in good faith, invited to attend and the event is also complimentary to such other non-~~MTA employees~~ Employees attending or invited to attend;
- (4) Any reception or hospitality suite is open to all event attendees; and
- (5) The event does not include a formal sit-down meal or involve recreational activities such as golf, tennis, or cruises.



In evaluating approval of such participation, your Agency Ethics Officer will take into consideration a number of factors, including but not limited to: the nature of any pending matter affecting the sponsor or donor's interest, the importance of the event to the MTA, the significance of the Employee's role in the event and whether the MTA Agency's interest in the Employee's participation outweighs the likelihood that such participation would be perceived as improperly influencing the Employee in the performance of his or her official duties, the timing of the event, the purpose of the event, the identity of other expected participants and the monetary value of the event.

In circumstances in which a significant activity at the event will be a speaker or attendee addressing an issue of public interest or concern, the State Legislature has determined the requirement that the event "relate to official duties or responsibilities" is satisfied.

An Employee's travel expenses relating to attendance at an industry or Prohibited Source-sponsored event may not be reimbursed or paid for by the event sponsor or other Prohibited Source. (See Travel Reimbursement Section 3.08)

An Employee may attend a Prohibited Source-sponsored event at his or her own expense but the cost paid by the Employee shall be based on the price paid by the other paying attendees or if there is no admission fee required, then based on the actual cost to the sponsor. **It is prudent for Employees to obtain proof of payment.**

#### **Section 3.04 Senior Management Attendance at Prohibited-Source Sponsored Events**

The Chair/Chief Executive Officer of MTA, the President of an MTA Agency, or their designee(s) may attend functions sponsored and paid for by Prohibited Sources when attendance is related and appropriate to that attendee's official duties or when the purpose of attendance is the performance of a ceremonial or other function that is appropriate to that attendee's official duties with their MTA Agency. The attendee shall provide advance written notice of such invitation to the MTA Chief Compliance Officer and their Agency's General Counsel.

#### **Section 3.05 Attendance at Banquets, Galas and Fund-Raising Events**

(a) Employees may purchase tickets using their own funds and may attend fund-raising and charitable events sponsored by Prohibited Sources on their own time, subject to compliance with the applicable provisions of the State Ethics Law, this Code, and any other applicable statutes, rules, regulations, policies, or procedures.

(b) Employees may attend fund-raising and charitable events with tickets purchased by an MTA Agency in compliance with the applicable policies and procedures relating to such purchases.

(c) Employees may not accept from any individual or firm, directly or indirectly, tickets to any banquet, gala, or fund-raising event by a Prohibited Source, if those tickets were subsidized or paid for directly or indirectly by the Prohibited Source including without limitation the Transit Museum Gala. Such tickets may not be donated by an individual or firm to an MTA Agency and then distributed to Employees of an MTA Agency.



### **Section 3.06 Charitable/Political Benefits Contributions and Fundraising Activities**

Solicitation by Employees of charitable or political contributions from Prohibited Sources, including giving Prohibited Sources invitations to charitable or political functions or events, is prohibited.

Employees are prohibited from using the MTA's name, their official title, position or authority in any fundraising activity unless authorized by MTA's Chief Compliance Officer. Authorization may be granted **only if** the fundraising is in furtherance of the MTA's mission and does not create an appearance of or any actual conflict of interest.

Employees may engage in fundraising in a personal capacity provided they do not use their title, position or authority to further their fundraising activities and do not personally solicit funds from a subordinate or from persons known to the Employee to be a Prohibited Source.

### **Section 3.07 Events Honoring an Employee**

Prohibited Sources should only be invited to events honoring an Employee (such as an Employee's retirement dinner or an event where the Employee is one of the honored guests) if they have a personal relationship with the honored Employee and there is no actual, implied, or apparent promise of benefit from accepting, or actual, implied, or apparent threat of retaliation from refusing, such invitation. Such invitations should be made with caution.

### **Section 3.08 Reimbursement of Travel Expenses for Official Duties**

Under no circumstances shall an Employee accept reimbursement of travel expenses, including but not limited to, transportation costs, registration fees, food or lodging from a Prohibited Source.

Employees may accept reimbursement from entities other than Prohibited Sources for travel expenses related to the Employees' official duties if the purpose of the travel benefits the MTA Agency in the conduct of its business and prior approval has been received in accordance with the procedures set by the applicable MTA Agency and this Code.

Employees must obtain approval from their Agency Ethics Officer with the concurrence of Corporate Compliance prior to accepting such travel reimbursement. The approval request must be in writing and received by the Agency Ethics Officer reasonably in advance of the time the travel is to begin.

Employees required to file a financial disclosure statement must report any reimbursement for travel expenses which totals in excess of \$1,000.

A detailed statement of all of the circumstances in which an Employee may accept reimbursement of travel expenses from a third party is set forth in Title 19 NYCRR Part ~~930.931~~.

## **Chapter 4: Conflicts of Interest, Other Employment and Political Activities**

### **Section 4.01 Conflicts of Interest**



Employees shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is or may be in conflict with the proper discharge of his or her duties. Employees must notify their Agency Ethics Committee regarding any possible conflict of interest.

**Reminders:**

- (a) If an Employee is uncertain as to whether a given situation creates a real or potential conflict of interest, such Employee should promptly disclose that situation to, and seek guidance from, his or her supervisor, Department Head, the applicable Agency Ethics Committee, or MTA Chief Compliance Officer.
- (b) With respect to all work an Employee performs, such Employee must be vigilant about the existence of any circumstances, interests, or relationships which might create or might be reasonably perceived by others as constituting a conflict of interest. If an Employee is uncertain as to whether a given situation creates a real or potential conflict of interest, such Employee must promptly disclose that situation to, and seek guidance from, such Employee's supervisor, Department Head, applicable Agency Ethics Committee, or MTA Chief Compliance Officer. In order to avoid a conflict of interest or the appearance of one, it may be necessary for Employees to recuse themselves from involvement with a matter before an MTA Agency. Employees must adhere strictly to the conflict of interest guidance they receive from their supervisor, Department Head, applicable Agency Ethics Committee, or applicable Agency law department.

**Example:** It would be a conflict of interest if an Employee participated in a transaction involving an MTA Agency in which transaction the Employee or someone associated with the Employee (Family Member or by a Business or financial relationship) had, directly or indirectly, a financial or other private interest (other than a de minimis financial interest as discussed in Section 4.04 below).

**Section 4.02 Public Trust**

- (a) Employees shall not engage in a course of conduct that will raise suspicion among the public that they are likely to be engaged in acts that are in violation of the public trust. Employees shall avoid even the appearance that they can be improperly (1) influenced in the performance of their official duties or (2) induced to violate the public trust or impair their independence of judgment in the exercise of their official duties.

**Example:** An Employee's undisclosed social relationship with a Prohibited Source might create an impression of impropriety if the Employee were in a position to act favorably toward the Prohibited Source in an MTA Agency matter.

- (b) Employees shall not use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others.





(c) Employees shall not by their conduct give reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position, or influence of any party or person.

### Section 4.03 Confidential Information

Employees shall not disclose Confidential Information without the permission of the General Counsel of the MTA Agency at which such individual is employed for any purpose, or use such information to further their personal interests.

### Section 4.04 Financial Interest

(a) An Employee, or firm or association of which such Employee is a member, or corporation, ten per cent (10%) or more of the stock of which is owned or controlled directly or indirectly by such Employee, shall not (1) sell any goods or services having a value in excess of twenty-five dollars (\$25) to any New York State Agency, or (2) contract for or provide such goods or services with or to any private entity where the power to contract, appoint or retain on behalf of such private entity is exercised, directly or indirectly, by a New York State Agency or officer thereof, unless such goods or services are provided pursuant to an award or contract let after public notice and competitive bidding.

**Exception:** This restriction does not apply to the publication of resolutions, advertisements, or other legal propositions or notices in newspapers designated pursuant to law for such purpose and for which the rates are fixed pursuant to law.

(b) Employees shall not knowingly engage in any transaction on behalf of an MTA Agency with any business entity in which they or a ~~family member~~Family Member has a direct or indirect financial interest, excluding mutual ~~funds or exchange traded~~ funds, that might reasonably tend to conflict with the proper discharge of their official duties. These provisions may be waived if **both** the Head of the Agency's Procurement Department and the Agency General Counsel state in writing that it is in the best interests of the Agency to waive the provisions.

In addition, New York Public Officers Law §74 provides for civil penalties in circumstances of self dealing and makes it a misdemeanor offense for an Employee of NYCT to have any interest, direct or indirect, in any contract entered into by the Employee's Agency.

### Section 4.05 Employees Engaged in Selection, Award and Administration of Contracts

(a) Employees shall not participate in the selection, award, or administration of a contract if the Employee knows that he/she or any of his/her ~~family members~~Family Members, his/her business partner, or an organization that employs or is about to employ any of the above, has a financial or other interest, other than mutual funds or exchange traded funds, in any of the companies, their parent company, its affiliates or subsidiaries ("the company") that propose or bid on or are awarded such contract. The provisions of Section 4.05(a) may be waived if the Head of the relevant Agency's Department, as well Agency General Counsel, and the Agency's Ethics Officer state in writing that it



is in the best interests of the Agency to waive the provisions of this Section for a specific procurement or contract. Copies of any approved Waiver Request must also be filed with MTA Corporate Compliance.

(b) If a waiver is granted, (1) the Employee engaged in the **award or selection** of a contract, shall not during the selection process and for two weeks after the award of the contract buy or sell any of the company's securities or (2) the Employee engaged in the **administration** of a contract shall not buy or sell any of the awarded company's securities for six months after the award of the contract.

(c) An Employee shall not buy or sell any of the company's securities based upon information received as a result of their employment with an MTA Agency or for two weeks after the public release of information by any MTA Agency regarding the company.

(d) For two years from the commencement of employment with an MTA Agency, an Employee shall not do either of the following in relation to the Employee's immediate past non-governmental employer: (1) participate in the selection or award of a contract in which a bidder or proposer is such immediate past employer; or (2) administer a contract awarded to such immediate past employer, unless the Employee has notified the Employee's Department Head in writing of the potential conflict and has received from such Department Head, Agency General Counsel, and the Agency Ethics Committee a written waiver stating that it is in the best interests of the applicable MTA Agency for such Employee to act in such a role. A copy of such waiver request must be submitted to the MTA Chief Compliance Officer for approval.

(e) No ~~MTA-employee~~Employee may ask a current or former contractor, or any officer, director or employee thereof, to disclose: (i) the political party affiliation of such contractor, or any officer, director or employee thereof; (ii) whether such contractor, or any officer, director or employee thereof, has made campaign contributions to any party, elected official, or candidate for elective office; or (iii) whether such contractor, or any officer, director or employee thereof, cast a vote for or against any elected official, candidate or political party. No ~~MTA-employee~~Employee may award or decline to award any contract, or recommend, promise or threaten to do so, in whole or in part, because of a current or prospective contractor's refusal to answer any inquiry regarding the above.

#### Section 4.06 Representation of Other Parties and Certain Appearances and Services

Employees shall not, directly or indirectly, act or appear on behalf of any individual, firm, or corporation, in any Business dealings with, or any matter against the interests of, an MTA Agency, or any other New York State Agency, other than as a fact witness. Employees of an MTA Agency are prohibited from appearing for compensation of any kind before a New York State Agency in connection with the purchase or sale of real estate, any rate-making proceeding, licensing, obtaining grants of money or loans, proceedings related to franchise(s), or the adoption or repeal of any rule having the force of law.

##### Exceptions

(a) Employees may appear before an MTA Agency or any New York State Agency or tribunal (1) in a representative capacity on behalf of an Employee organization or





association or (2) in connection with a ministerial matter, such as acting as a notary or translator.

(b) Uncompensated work by Employees for not-for-profit entities doing Business with the State or City is not automatically a conflict of interest if the Employee takes no part in such Business dealings and the entity in question is not subject to supervision, control, or regulation by an MTA Agency. For example, an Employee might serve, without fee, on the Board of a community or church-sponsored day-care center that receives State funds. In such a case, the Employee cannot communicate with the State concerning receipt of those funds.

#### Section 4.07 Other Employment and Outside Activities

Outside employment/activities may pose ethical issues if there is a conflict between the Employee's duties as an ~~MTA~~ Employee and the requirements of the outside employment/activity.

Employees are prohibited from outside employment, business, professional, or other outside activity that interferes or is in conflict with the proper and effective discharge of the individual's official duties or responsibilities. Each MTA Agency requires that Employees devote appropriate time and attention to their employment with that agency. Full-time employment with an MTA Agency is deemed to be an Employee's primary employment. All Employees must be fit for duty during their work hours.

~~MTA~~ Employees who wish to engage in outside employment/activities must consult with their Agency's Human Resources Department or Ethics Committee to determine what dual employment or outside activity policy exists at the employing Agency.

Employees may engage in outside employment/activity provided that (1) such employment/activity does not interfere with their ability to devote appropriate time and attention to their employment with their MTA Agency; (2) such employment/activity does not violate the specific guidelines for other employment set by their MTA Agency; (3) they do not use any MTA Agency resources (e.g., time, equipment, telephone, etc.) in connection with such employment; and (4) they obtain the required approvals as set forth in the specific procedures for approval of other employment set by their MTA Agency. Any ~~MTA~~ Employee interested in running for elective office must also comply with the provisions of Section 4.08 of the Code.

Employees holding Policy-Making Positions must comply with certain additional requirements in connection with engaging in outside employment/activities:

- (1) Employees holding Policy-Making Positions are prohibited from serving as a director or officer of a Prohibited Source (including nonprofit organizations) or corporation or institution engaged in profit-making activities, without the prior approval of the applicable Agency Ethics Committee. Employees must also receive the approval of the Joint Commission on Public Ethics prior to serving as a director or officer of a corporation or institution engaged in profit-making activities.



- (2) Employees in Policy-Making Positions shall not engage in any private employment, profession or Business or other outside activity, without the following prior approvals:
  - (a) Annual compensation up to \$1,000—No approval required.
  - (b) Annual compensation in excess of \$1,000 to \$4,000—~~Approval~~Written approval by the applicable MTA Agency Ethics Officer.
  - (c) Annual compensation in excess of \$4,000—~~Approval~~Written approval by the applicable MTA Agency and the Joint Commission on Public Ethics.
- (3) Employees in Policy-Making Positions with approved outside activities must inform their Agency Ethics Officer if there is any material change to either their approved outside activity or their current job responsibilities which would require a new evaluation of their outside activity approval. ~~In addition, Employees~~In addition, no more than three years following the date of written approval of an outside activity and no more than three years from each subsequent certification employees in Policy-Making Positions with approved outside activities shall file a certification with their Agency Ethics Officer ~~every three years~~ attesting to the fact that there have been no material changes to either their approved outside activity or their current job responsibilities which would require a new evaluation of their outside activity approval.

**Remember:**

- (a) These approvals are in addition to any approvals which may be required by your Agency.
- (b) Employees must comply with all conflict of interest rules and may not use any MTA Agency resources in connection with such activities.
- (c) Employees holding Policy-Making Positions who request approval from the Joint Commission on Public Ethics to engage in outside activities must file a written request with the Commission which contains the approval of the activity by the applicable MTA Agency. Each Agency Ethics Committee shall establish a form for requests of approval of such outside activity. The Agency Ethics Committee acts as the agent of the applicable MTA Agency in approving or disapproving such requests. The Agency Ethics Committee's disapproval is final.

**Section 4.08 Political Activities of Employees**

- (a) An Employee interested in running for elective office shall give written notice of his or her intentions to the applicable Agency Ethics Committee, so that it may determine whether, and upon what conditions, seeking elective public office would be consistent with the ethics laws and regulations. Notice and approval of the Joint Commission on Public Ethics may also be required for



Employees holding Policy-Making Positions pursuant to Title 19 NYCRR Part 932. In advance of running as a candidate in any election, the provisions of the Hatch Act should also be evaluated to determine whether such a candidacy is permitted under its terms.

(b) Employees shall not conduct political activities during work hours. MTA Agency property, including, without limitation, telephone, copy machines, computers, and other MTA Agency equipment, vehicles, office space, and services may not be used for political activities under any circumstances.

(c) Employees are prohibited from using federal funds for partisan political purposes of any kind in the administration of MTA Agency programs, either directly or through individuals or organizations with whom the MTA Agency contracts.

(d) Employees shall not use their positions or influence for the purpose of interfering with or affecting the result of an election. No Employee shall, directly or indirectly, use his or her official authority to compel or induce any other Employee or state official to make or promise to make any political contribution, whether by gift of money, service or other thing of value.

(e) Employees holding Policy-Making Positions shall not serve as: (1) officers of any political party or political organization or (2) members of any political party committee, including political party district leaders or as members of a political party national committee. "Political organization" means any organization affiliated with a political party but does not include a judicial nominating committee, an organization supporting a particular cause with no partisan activities, a campaign or fundraising committee, or serving as a delegate to a state or national party convention.

(f) Consistent with this Code, Employees are otherwise free to participate in the political process on their own time, but there must be a clear separation between their political activities and the discharge of their duties as Employees of an MTA Agency.

(g) No ~~MTA~~ Employee may during the consideration of an employment decision ask any applicant to disclose: (i) their political party affiliation; (ii) whether they made campaign contributions to any party, elected official or candidate for elective office; or (iii) whether the applicant cast a vote for or against any elected official, candidate or political party. The provisions of this paragraph shall not apply where such inquiry is necessary for the proper application of any state law or regulation.

No ~~MTA~~ Employee may decline to hire or promote, discharge, discipline, or in any manner change the official rank or compensation of any Employee, or applicant for employment, or promise or threaten to do so, based upon a refusal to answer any inquiry prohibited by this section or for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

(h) The MTA's Chairman and Chief Executive Officer and Agency Presidents shall not seek nomination or election to any compensated federal, state or local public office, or shall become a candidate for such office, unless such individual first resigns from his or her employment, or requests and is granted a leave of absence without pay, such resignation or leave must commence before such individual engages in any campaign activities, including but not limited to, announcing



a candidacy, circulating petitions, soliciting contributions, distributing literature, or taking any other action to actively promote oneself as a candidate for elective office.

#### **Section 4.09 Other State Employment**

Employees who are subject to the New York State Civil Service Law shall not accept appointment or employment on a full-time or part-time basis, in a State department or agency, or in the Legislature or the judiciary, for which compensation is payable, without the prior consent in writing of the Agency President and Agency Ethics Officer. The written consent shall be filed with the NYS Office of the Comptroller and MTA Corporate Compliance.

### **Chapter 5: Future Employment**

#### **Section 5.01 Restrictions on Future Employment-Purpose**

Employment with an MTA Agency restricts to a degree the type of employment one may accept upon leaving an MTA Agency. These restrictions are based upon statutory requirements. Both this Code and applicable statutes seek to discourage actual conflicts of interest and conduct from which reasonable inferences may be drawn that Employees of an MTA Agency might not have been loyally serving such MTA Agency's interests during their employment or, thereafter, might be taking undue advantage of inside information or positioning derived from their former employment with an MTA Agency.

#### **Section 5.02 Restrictions on Future Employment – Limited and Lifetime Bars**

##### **(a) Two-Year Bar**

No former Employee shall, within two (2) years after termination of employment with an MTA Agency, appear before such agency or receive compensation for, or render compensated services on behalf of, any person, firm, corporation, or association in relation to any case, proceeding or application or any other matter before such MTA Agency.

##### **(b) Lifetime Bar**

No former Employee shall ever appear, practice, communicate, or otherwise render any services or receive compensation for such services rendered before an MTA Agency or any New York State Agency for, or on behalf of, any person, firm, corporation, or other entity in relation to any case, proceeding, or transaction with respect to which such person was directly concerned and in which he or she personally participated during the period of service or employment, or which was under their active consideration. The definition of what constitutes "ever appear, practice, communicate or otherwise render any services" is given a broad interpretation. Employees should contact their Agency Ethics Officer regarding this definition before rendering any such service.



### Exceptions:

- (1) These restrictions on future employment do not apply to subsequent services rendered in an official capacity as an elected official or an Employee of another governmental entity.
- (2) The Agency may seek a waiver with respect to a former Employee pursuant to Public Officer Law Section 73 if the Employee has expertise, knowledge, or experience with respect to a particular matter that meets the needs of the agency and is otherwise unavailable at a comparable cost.
- (3) The Agency may seek a waiver with respect to a former Employee pursuant to Public Officer Law Section 73 if the services of such former officer or Employee are required in connection with the agency's response to a disaster emergency declared by the governor pursuant to section twenty-eight of the Executive Law.

### Reminders:

- (1) For purposes of the post-employment bars, certain Employees, particularly those at MTA Headquarters and MTA Capital Construction, may be considered to be Employees of multiple MTA Agencies based on the scope of their job responsibilities. For clarification of their particular circumstances, the Employees may seek guidance from their former Agency Ethics Officer or MTA Corporate Compliance.
- (2) The Joint Commission on Public Ethics may not consider not-for-profit entities in the transportation field and certain quasi-governmental organizations as governmental entities for purposes of the exception noted above and employment at such entities may be subject to the post-employment bars described above.

The following are examples of the application of the two-year and lifetime bars:

**Example 1:** A former Construction Manager in the Department of Capital Program Management at New York City Transit (NYCT) may not, within two years after termination of NYCT employment, render services on behalf of a contractor in connection with any Business the contractor has with NYCT.

**Example 2:** No former Metro-North Employee, for a period of two years subsequent to his or her termination from employment (including retirement) may contract with Metro-North as a consultant to perform services of any kind on behalf of Metro-North, unless MNR has obtained a waiver from the Joint Commission on Public Ethics as set forth above.

**Example 3:** A former procurement representative in the procurement department at LIRR who was directly concerned with, or was responsible for, the negotiation of a contract during his or her LIRR employment may never appear before an MTA Agency or any other New York State Agency or render services on behalf of any outside person or firm, such as a contractor or subcontractor with regard to that



contract, including but not limited to, the preparation or evaluation of claims, or the negotiations of change orders, relating to the contract.

### Section 5.03 Negotiations for Future Employment

#### (a) Solicited

~~MTA~~ Employees are prohibited from soliciting an employment opportunity with a non-governmental individual or entity that has a specific pending matter before the Employee.

Those Employees seeking employment outside of government with an entity or individual that has a specific pending matter before the Employee may only solicit an employment opportunity with the non-governmental individual or entity after waiting:

- (1) 30 days from the time the matter before the Employee is closed, or
- (2) 30 days from the time the Employee has no further involvement with the matter because of recusal or reassignment.

#### (b) Unsolicited

~~MTA~~ Employees who receive an unsolicited post-government employment-related communication from a non-governmental individual or entity that has a specific pending matter before the Employee cannot pursue employment with the non-governmental entity or individual unless the following occurs:

- (1) they recuse themselves from the matter and any further official contact with the entity or individual and
- (2) they wait 30 days from such recusal to enter into post-government employment communications with the entity or individual.

#### (c) Notification

~~MTA~~ Employees must promptly notify their supervisor and Agency Ethics Officer of such outside employment related communications whether or not they intend to pursue the post-government employment opportunity.

In the event of such notification of a solicitation and Employee's desire to pursue the solicitation, the Employee's supervisor is obligated to advise such supervisor's superiors, in writing, up to and including the Department Head, of the Employee's desire to pursue the solicitation and the manager's intention to establish recusal procedures, if practical, to reassign the individual or to refuse reassignment.

#### (d) Recusal





Recusal procedures shall be applied only if practical and in the best interests of the applicable MTA Agency. Reassignment shall be refused when the manager determines that reassignment would be impractical or inappropriate. The manager may not take action with respect to notifying the Employee of such manager's decision until approved by the Department Head. If recusal procedures are not practical and in the best interests of the applicable MTA Agency or if reassignment is refused, the Employee is prohibited from pursuing the solicitation.

**Exception:** This provision does not apply to employment negotiations with other government agencies.

**Remember:** The higher the level of responsibility which an Employee holds within an MTA Agency, the greater the number of matters which are likely to be deemed as specific pending matters before him or her. Employees should take an expansive view as to the existence of possible conflicts when deciding whether to give notice as described in this Section.

The following are examples of the application of the employment negotiation procedures:

**Example 1:** A Deputy Vice President in the Department of Capital Program Management at NYCT who receives an unsolicited job offer from a Prohibited Source with specific pending matters before such Employee may not negotiate for such position without full compliance with the notice, approval, and recusal procedures set forth above.

**Example 2:** A manager at LIRR whose duties include procurement is approached by a firm with which he or she has a specific pending matter and told "if you ever decide to leave the LIRR, we have a place for you in our firm." The LIRR manager must notify his or her supervisor and ethics officer of this conversation because it would be considered a communication intended to solicit employment.

#### **Section 5.04 Notice of Future Employment Restrictions**

An Employee who provides notice of leaving service at an MTA Agency, either by retirement or resignation, or whose employment is terminated, will receive a memorandum summarizing the future-employment restrictions of the Ethics Law and of this Code. All Employees in management and non-represented titles and Employees in certain represented titles designated by the applicable MTA Agency may be required to sign a certification stating that the policies outlined in the memorandum have been complied with, and to state the name of a new employer, if applicable.

**Exception:** From time to time, the Future-Employment restrictions have been legislatively modified to permit exceptions to these policies when Employees are laid off. An Employee in such a position should consult with the applicable Agency Ethics Committee if there is a question of whether such exceptions are in force.



## Chapter 6: Financial Disclosure

### Section 6.01 Covered Employees

Employees must file an Annual Statement of Financial Disclosure if such Employee:

- (a) Has a gross salary within the preceding calendar year that exceeded the annual salary of state employees at the SG-24 job rate as of April 1 of the year in which the Annual Statement of Financial Disclosure is to be filed, unless specifically exempted in accordance with the State Ethics in Government Act; or
- (b) Regardless of income, holds a Policy-Making Position.

#### Notes:

- (a) The Joint Commission on Public Ethics is required to make Annual Statements of Financial Disclosure available to the public upon request, except as to values and amounts, and except to the extent the reporting individual has obtained a ruling from the Joint Commission on Public Ethics preventing or limiting public disclosure.
- (b) Each MTA Agency shall prepare a list of Employees in Policy-Making Positions and shall, during February of each year, notify the Joint Commission on Public Ethics of the identity of all such titles and persons required to file an Annual Statement of Financial Disclosure with the Commission. Procedures shall also be established for identifying to the Joint Commission on Public Ethics all Employees newly subject to the filing requirements by reason of having assumed Policy-Making Positions. The Joint Commission on Public Ethics may be asked to render advisory opinions or issue guidelines for such determinations.
- (c) The Annual Statement of Financial Disclosure solicits various items of information concerning the finances and employment of the Employee, the Employee's spouse, and unemancipated children.

#### Exceptions:

- (a) Non-policy making Employees, or their bargaining or other representatives, may request that the Joint Commission on Public Ethics grant exemptions, either in whole or in part, from the reporting requirements. Appeals from denials of such an exemption are to be made to the Joint Commission on Public Ethics.
- (b) Employees who are required to file an Annual Statement of Financial Disclosure based on their gross salary but do not hold Policy-Making Positions may be entitled to an exemption from the financial disclosure requirements, on the grounds that the public interest does not require disclosure and that the Employee is not involved with the discretionary, Business, or regulatory activities of the applicable MTA Agency.





(c) Employees may seek an exemption from any requirement to report one or more items of information pertaining to the financial status of their spouse or unemancipated child. An Employee may also request deletion of portions of information called for on the Annual Statement of Financial Disclosure form that could otherwise be publicly disclosed. Grounds supporting such requests are that the spouse or child (where applicable) objects to providing the information necessary to make such disclosure and that such information would have no material bearing on the discharge of the reporting Employee's duties.

## **Section 6.02    Dates for Filing and Related Penalties**

(a) Employees required to file pursuant to Section 6.01 must file their Annual Statement of Financial Disclosure by May 15th of each year, **or within thirty (30) days of a covered Employee's appointment or promotion**, whichever is later. An Employee may indicate with respect to any item of the Annual Statement of Financial Disclosure that information with respect thereto is lacking and will be supplied in a supplemental statement to be filed no later than the seventh (7th) day following the date to which that Employee could have received an automatic extension to file their income tax returns for that year. The Joint Commission on Public Ethics may also grant hardship applications.

(b) If an Employee fails to file the Annual Statement of Financial Disclosure as required or omits relevant information, he or she shall be subject to discipline, up to and including dismissal. In addition, criminal or civil penalties may be imposed as set forth in Chapter 9 below.

## **Chapter 7: Books And Records**

### **Section 7.01    Accuracy and Completeness of Financial Records**

(a) Employees who are involved in the preparation of the MTA Agency's financial records must ensure that the accounting and financial records of their MTA Agency meet the highest standards of accuracy and completeness. Reporting accurate and complete information about the MTA Agency's financial condition is an essential responsibility of all Employees.

(b) If you have reason to believe that any of the MTA Agency's financial records are not being maintained in an accurate or complete manner, you are expected to report this immediately to your Agency's General Counsel's Office or Chief Compliance Officer or your Agency's Chief Financial Officer or the Auditor General.

### **Section 7.02    Financial Statements and Accounts**

Employees who are involved in the preparation of the MTA Agency's financial statements must do so according to generally accepted accounting principles and other applicable accounting standards and rules, so that the statements fairly and completely reflect the operations and financial condition of the MTA Agency.

## **Chapter 8: Other Ethics Issues**



## Section 8.01 Nepotism

It is the policy of the MTA Agencies to ensure that all job opportunities at MTA Agencies are based on merit and qualifications. Employees are prohibited from participating in any hiring or employment decision relating to a ~~family member~~Family Member. If a hiring or employment matter arises relating to a ~~family member~~Family Member, then the ~~employee~~Employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter. There will be no preferential treatment for ~~family members~~Family Members of current Employees and/or union officials.

MTA Agencies must ensure that contracting opportunities are based only on merit and qualifications. There will be no preferential treatment for ~~family members~~Family Members of current or former Employees and/or union officials. Employees are prohibited from taking part in any contracting decision: (i) relating to a ~~family member~~Family Member; or (ii) relating to any entity in which either they or a ~~family member~~Family Member is an officer, director or partner, or in which a ~~family member~~Family Member owns or controls 10% or more of the stock (or 1% or more if in the case of a corporation whose stock is regularly traded on an established securities exchange) of such entity. If a contracting matter arises relating to a ~~family member~~Family Member, then the ~~employee~~Employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.

An ~~MTA~~ Employee cannot participate in any decision to invest MTA funds in any security of any entity in which that ~~employee~~Employee or any ~~relative~~Family Member of that Employee has a financial interest, is an underwriter, or receives any brokerage, origination or servicing fees.

~~MTA~~ Employees are required to comply with and should consult the All Agency Policy Directive, Anti-Nepotism Employment Procedures.

## Section 8.02 Business Relationships between Employees

MTA managers and supervisors are prohibited from hiring ~~MTA~~ Employees whom they directly or indirectly supervise or manage to work for or with them as full-time, part-time, or temporary employees or as consultants in any outside business entity.

## Section 8.03 Financial Transactions between Employees

MTA managers and supervisors are prohibited from engaging in financial transactions with ~~MTA~~ Employees whom they directly or indirectly supervise or manage. MTA managers and supervisors may not obtain or use or attempt to use the credit of any ~~MTA~~ Employee whom they directly or indirectly supervise or manage as applicant, maker, co-signer, or endorser of any credit instrument in any connection with a loan or similar transaction.

## Section 8.04 Prohibition Against the Use of MTA Property



MTA's names, logos, supplies, equipment, computers, personnel, and other resources may not be utilized for non-governmental purposes, including for personal purposes or for outside activities of any kind except as may be specifically authorized herein:

- a) Official stationery may not be used for non-governmental purposes, nor may MTA resources be used to mail personal correspondence. The designation "personal" on MTA Agency stationery means only that the contents are meant for the personal viewing of the addressee and not that the sender is acting unofficially. All letters and other written materials printed on such official stationery are considered official, and thus the designation "unofficial" has no meaning and may not be used.
- b) Under no circumstances may MTA mail, postage, internal office mail, or inter-city couriers be used for non-governmental purposes.
- c) MTA telephones may not be used for non-governmental long-distance calls, except for toll-free calls, collect calls, and calls billed to a personal telephone number. MTA telephones may be used for incidental and necessary personal local calls that are of limited number and duration and do not conflict with the proper exercise of the duties of the ~~MTA employee~~ Employee.
- d) MTA computers may be used for incidental and necessary personal purposes, such as sending personal electronic mail messages, provided that such use is in a limited amount and duration and does not conflict with the proper exercise of the duties of the ~~MTA employee~~ Employee.
- e) MTA vehicles shall be used for official business or incidental use associated with official business away from an Employee's official work station. Individuals who are authorized by their Agency to use a vehicle for personal purposes shall keep records of such use, and the value of such personal use shall be calculated and reported as personal income to such individual for tax purposes.

Any Agency policy regarding use of MTA property must be consistent with or more restrictive than this Section of the Code.

## Chapter 9: Discipline/Penalty for Violation of this Code or State Ethics Laws

### Section 9.01 General

Employees who violate any provision of the State Ethics Laws or of this Code may be subject to disciplinary action consistent with that administered for violations of the rules and regulations of the applicable MTA Agency, up to and including termination.

### Section 9.02 Civil Penalties



A violation of Public Officers Law Sections 73(2), (3), (4), (5), (7), (8), (12), (14), (15), (16), (17) and Sections 73-a, may result in the Joint Commission on Public Ethics imposing a civil penalty of up to forty thousand dollars (\$40,000) and the value of any gift, compensation, or benefit received as a result of such violation. These sections include but are not limited to prohibitions concerning gifts, future employment, and financial interests in MTA contracts as well as obligations in connection with the filing of Annual Statements of Financial Disclosure.

A violation of Public Officers Law Section 74 may result in the Joint Commission on Public Ethics imposing a civil penalty of up to ten thousand dollars (\$10,000) and the value of any gift, compensation, or benefit received as a result of such violation.

### **Section 9.03 Criminal Penalties**

A violation of Public Officers Law Section 73(2), (3), (4), (5), (7), (8), and Section 73-a, may result, in lieu of civil penalties, the Joint Commission on Public Ethics referring the violation to the New York State Attorney General or local prosecutor for criminal prosecution as a Class A misdemeanor, punishable by imprisonment for up to one year and a fine up to one thousand dollars (\$1,000).



**~~APPENDIX A: Contact Information for each Agency's Honoraria Disclosure Unit~~**

**~~MTA Headquarters~~**

~~Michael Amrick~~

~~212-878-7422~~

**~~MTA New York City Transit~~**

~~Patricia Lodge~~

~~347-643-8435~~

**~~MTA Long Island Rail Road~~**

~~Stephen N. Papandon~~

~~718-558-8327~~

**~~MTA Metro-North Railroad~~**

~~James Henly~~

~~212-340-4933~~

**~~MTA Bridges and Tunnels~~**

~~Sharon Gallo-Kotcher~~

~~212-360-3015~~

**~~MTA Capital Construction~~**

~~Anthony D'Amico~~

~~646-252-4200~~

**~~MTA Bus Company~~**

~~Elizabeth Cooney~~

~~646-252-3754~~

**~~To obtain a current list, please call the Helpline at 888-U-ASK-MTA or go to the MTA Intranet Home Page and click Compliance.~~**



**APPENDIX B: Form for Annual Report of Receipt of Honoraria**

**ANNUAL REPORT OF HONORARIUM**

Employee's Name \_\_\_\_\_ Title \_\_\_\_\_

Department/Division \_\_\_\_\_ Office Phone # \_\_\_\_\_

If you need additional space, complete and sign a separate Annual Report of Honorarium form. Separate forms must be attached and submitted at the time.

- The above organizations do not do business with my Agency
- The service was not part of my individual duties
- Service was performed on other than work time or was charged to accrued leave
- Agency resources were not used to prepare or deliver service
- My Agency did not reimburse my travel expenses

Employee Signature \_\_\_\_\_ Date: \_\_\_\_\_

This form may be obtained from your Agency's Honoraria Disclosure Unit or the MTAHQ Intranet Home Page by clicking on the word Compliance and following the links.



**~~APPENDIX~~APPENDIX A: AGENCY ETHICS COMMITTEE CONTACT INFORMATION**

**MTA Headquarters**

Lamond Kearse  
646-252-1329

**MTA New York City Transit**

Paige Graves  
718-694-5719

**MTA Long Island Rail Road**

Stephen N. Papandon  
718-558-8327

**MTA Metro-North Railroad**

James Henly  
212-340-4933

**MTA Bridges and Tunnels**

M. Margaret Terry  
646-252-7619

**MTA Capital Construction**

Evan Eisland  
646-252-4274

**MTA Bus Company**

Elizabeth Cooney  
646-252-3754

To obtain a current list of Ethics Officers, please call the Ethics/Compliance Helpline at 888 U ASK MTA or go to ~~the MTA Intranet Home Page~~Today page and ~~click Compliance~~search for Code of Ethics.

## **BOARD MEMBERS**

## **CODE OF ETHICS**

**INTEGRITY**

**ACCOUNTABILITY**

**COMPLIANCE**

**TRANSPARENCY**

Adopted by the Board November ~~16, 2011~~19,  
2014



As Board Members of the MTA, we have been entrusted with the responsibility of overseeing the operation of an organization that serves more than 2.4 billion people on its subways, buses and railroads and almost 300 million people on its bridges and tunnels each year. The MTA is committed to fostering a climate of transparency and the highest ethical standards in its operations and in its dealings with the public. In accordance with the Public Authorities Law, the MTA Board is required to adopt a Board Member Code of Ethics that reflects these goals. The Board Member Code of Ethics is intended to provide guidance with respect to applicable laws and standards governing ethical conduct and help Board Members recognize and deal with ethical issues that they may confront in their capacity as Board Members.

The principal source of most New York State law governing the ethical conduct of Board Members is Section 74 of the Public Officers Law of the State of New York, which establishes certain rules with respect to conflicts of interest. Copies of this statute are available from the Joint Commission on Public Ethics directly or from the MTA Corporate Compliance. Under this section, no Board Member “should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.”

Board Members are encouraged to bring questions about particular circumstances that may implicate the State Ethics Law or one or more of the provisions of this Code to the Chairman or to either the MTA General Counsel or the Chief Compliance Officer.

| Each ~~MTA Board Member~~Board Member brings his or her unique personal experiences and perspectives to bear in making official decisions on behalf of the MTA as a whole. We have a duty to exhibit high standards of integrity and commitment in the performance of our official duties. I am proud of the tremendous progress that MTA has made in improving its corporate governance practices, and this Board Member Code of Ethics reaffirms and memorializes MTA’s commitment to the highest ethical standards in the manner in which it conducts its official business.

**Thomas F. Prendergast**  
**Chairman and Chief Executive Officer**

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## Chapter 1: DEFINITIONS/STRUCTURE

### Section 1.01 Definitions

As used in this Code, capitalized terms, except where it is clear by the context that another meaning is intended, shall have the following meanings:

**Annual Statement of Financial Disclosure** means the financial disclosure statement required to be filed with the Joint Commission on Public Ethics by certain public employees and board members under the State Ethics in Government Act, Public Officers Law Section 73-a [and this Code](#).

**Board Member** means the Chairman or any of the individuals appointed to serve as a Member of the Board, both voting and non-voting, of the Metropolitan Transportation Authority. All Board Members also serve *ex officio* as members of MTA New York City Transit, Manhattan and Bronx Surface Transit Operating Authority, MTA Long Island Rail Road, MTA Metro-North Railroad, MTA Long Island Bus, MTA Bus Company, MTA Capital Construction Company, the Staten Island Rapid Transit Operating Authority, the First Mutual Transportation Assurance Company, MTA Bridges and Tunnels, and all future affiliated or subsidiary entities of the MTA. All of such entities are hereinafter collectively referred to as the MTA.

**Business** means any activity, paid or unpaid, by a Board Member or any individual, firm, company, corporation or other entity, wherein the goal or objective is obtaining monetary income or other things of value or operating an enterprise. Such activity may be for profit or not-for-profit.

**Code** means this ~~MTA Board Member~~[Board Members'](#) Code of Ethics.

**Confidential Information** means information, whether or not set forth in writing, that is available to a Board Member only because of such Member's position and which is treated by the MTA as being confidential or which the Board Member has reason to believe is confidential. Information does not have to be formally labeled "confidential" to be confidential. Confidential information includes information disclosed during an executive session of the MTA Board.

**Compensation** means any money, thing of value or financial benefit conferred, directly or indirectly, in whatever form, in return for services rendered or to be rendered. With regard to matters undertaken by a firm, corporation or association, compensation shall mean net revenues, as defined in accordance with generally accepted accounting principles.

**Employment** means performance of services, for or on behalf of any entity or individual, to obtain economic or other material benefit.

**Family Member** means (i) a Board Member's spouse, domestic partner, child or sibling; (ii) a person who is a direct descendant (or the spouse of a direct descendant) of a grandparent

of the Board Member or a grandparent of the Board Member's spouse or domestic partner; or (iii) a person living in the same household as an Board Member.

**Fundraising** means the raising of funds for an organization through solicitation of funds or sale of items or participation in the conduct of an event.

**Gift** means the transfer, without equivalent consideration, of any-thing or benefit, tangible or intangible, having more than nominal value, including, but not limited to, loans, forbearance, services, travel, gratuities of any kind, favors, money, meals, refreshments, entertainment, hospitality, promises, tickets to entertainment or sporting events, weekend trips, golf outings, loans of equipment, or other thing or benefit. (See definition of "Items of Nominal Value" below.)

**Items of Nominal Value** means items such as mugs, key rings, calendars, pens and the like that are of minimal value unless such items are being given under circumstances where it reasonably can be inferred that such item was intended to influence the Board Member in the performance of such Board member's official duties. For purposes of determining value, an item is not deemed reduced in value by virtue of ~~it~~<sup>its</sup> being embossed or otherwise marked with a company logo, identification, or advertising.

**Joint Commission on Public Ethics** means the Commission established within the New York Department of State under Section 94 of the New York Executive Law pursuant to the Public Integrity Reform Act of 2011.

**New York State Agency** means any New York State department, or division, board, commission, or bureau of any state department, any public benefit corporation, public authority, or commission at least one of whose members is appointed by the Governor, or the State University of New York, or the City University of New York, including all their constituent units except community colleges of the State University of New York and the independent institutions operating statutory or contract colleges on behalf of the State. All MTA Agencies are New York State Agencies for purposes of this Code.

**Participation in the Conduct of an Event** means active and visible participation in the promotion, production or presentation of the event and includes serving as honorary chairperson or committee member or sitting at the head table during the event. The term does not mean the mere attendance at the event, provided the Board Member's attendance is not being used by the non-profit to promote the event.

**Prohibited Source means:**

- (a) a Vendor~~;~~ including any person~~-or non-governmental~~, seller of goods or services, bidder, proposer, consultant, contractor, trade, contractor or industry association, or any other person/entity with which the MTA is doing business, as well as those persons and business entities who have expressed an interest in doing business with the MTA, whose activities directly or indirectly benefit the MTA, or who have a history of doing business with the MTA in the recent past; or

- (b) a tenant or licensee of the MTA; ~~and/or~~
- (c) ~~another individual or non-governmental~~ any person or entity who, on his, her or its own behalf, or on behalf of ~~another non-governmental any other person or entity~~, satisfies any one of the following:
  - (1) ~~is regulated by the MTA, (2) negotiates with,~~ appears before ~~the MTA on~~ in other than ministerial matters, ~~(3) a Ministerial Matter, seeks to contract with or has contracts with, or does other business with:~~ (i) the Board Member, in his or her official capacity as a Board Member; (ii) the MTA; or (iii) any other New York State Agency when the MTA is to receive the benefits of the contract; or
  - (2) is required to be listed on a statement of registration pursuant to §1-e(a)(1) of article 1-A of the Legislative Law and lobbies or attempts to influence ~~the actions, decisions, or policies of the MTA's procurements; or positions on legislation~~
  - (3) is the spouse or ~~regulation, unemancipated child of any individual satisfying the requirements of subsection (c)(2) above; or~~
  - (4) is involved in ~~litigation~~ any action or proceeding, in which administrative and judicial remedies thereto have not been exhausted, and which is adverse to either: (i) the Board Member in his or her official capacity as a Board Member; or (ii) the MTA ~~and no final order has been issued;~~ or
  - (5) ~~has received or applied for funds from the MTA within the preceding year at any time during the previous 12 months up to and including the date of the proposed or actual receipt of the item or service of more than Nominal Value.~~

**Representative Capacity** means the representation of the interests of a client or other person pursuant to an agreement express or implied, for compensation for services.

**Regulatory Agency** shall mean the banking department, insurance department, state liquor authority, department of agriculture and markets, department of education, department of environmental conservation, department of health, division of housing and community renewal, department of state (other than the division of corporations and state records), department of public service, the industrial board of appeals in the department of labor and the department of law (other than when the attorney general or his agents or employees are performing duties specified in Section Sixty-Three of the Executive Law such as investigation, prosecution and defense of actions in which the State is interested).

**Solicitation** means any request, invitation, or suggestion (oral or written) made under circumstances where it reasonably could be concluded that the individual or entity receiving same is being asked to, or is expected to, comply with a request, invitation, or suggestion.

**State Ethics Law** means New York Public Officers Law Sections 73-a, ~~74 and the rules and regulations promulgated there under~~ and 74 as may be amended or modified by the New York State Legislature. ~~and the rules and regulations promulgated thereunder.~~

### **Section 1.02 Training**

Under the Public Authorities Accountability Act of 2005, all new Board Members are required to participate in an orientation program to familiarize new members with their legal, fiduciary, financial, and ethical responsibilities. Existing Board Members are required to participate in continuing education regarding their ethical and fiduciary obligations.

Board Members must complete a comprehensive ethics training course within three months of becoming subject to the financial disclosure requirements of Public Officers Law Section 73-a and shall attend continuing ethics training every three years.

### **Section 1.03 Ethics & Financial Disclosure Questions**

All Board members are required to complete the Annual Statement of Financial Disclosure. Questions concerning the Annual Statement of Financial Disclosure may be directed to the Chairman, the MTA General Counsel, or the MTA Chief Compliance Officer, who may direct you to the Joint Commission on Public Ethics.

Any questions regarding this Code may be directed to the Chairman or to the MTA General Counsel, or the MTA Chief Compliance Officer. Any general question regarding the State Ethics Law may also be directed to the Joint Commission on Public Ethics.

## **Chapter 2: DUTIES**

### **Section 2.01 Confidentiality**

The State Ethics Law requires Board Members to maintain the confidentiality of Confidential Information entrusted to them by the MTA and any other confidential information about the MTA that comes to them, from whatever source, in their capacity as Board Members, except when disclosure is authorized or legally mandated. A Board Member shall not use Confidential Information to further his or her own interest. Board Members are expected to maintain this confidentiality both while Board Members and after their services to the MTA have ended.

### **Section 2.02 Compliance with Laws, Rules and Regulations**

Board Members shall comply with all applicable laws, rules and regulations applicable to the MTA.

### **Section 2.03 Encouraging The Reporting of Any Illegal or Unethical Behavior**



Board Members shall encourage ethical behavior and take steps to ensure that the MTA: (a) encourages Employees to report violations of laws, rules, regulations or the MTA's Code of Ethics to appropriate personnel; and (b) encourages Employees to talk to supervisors, managers and other appropriate personnel when in doubt about the best course of action in a particular situation.

#### **Section 2.04 Duty to Disclose**

Board Members shall promptly report any violation or possible violation of this Code, as well as any actual or potential violation of laws, regulations, or policies and procedures to the Chairman or the Chairman of the Audit Committee.

#### **Section 2.05 Corporate Directorships or Board Memberships**

In order to protect against conflicts of interest in violation of the State Ethics Law, Board Members should inform the Chairman or the Chairman of the Audit Committee prior to accepting a position as a director, officer, or board member of a corporation or charitable organization. The Chairman or Chairman of the Audit Committee, as the case may be, may direct the Chief Compliance Officer, as needed, to review the business of the company or organization to determine whether a conflict of interest exists between the MTA and the Company and to advise, as necessary, on steps to address any such conflict.

#### **Section 2.06 Law Firm and Other Professional Association**

The State Ethics Law provides that Board members are not permitted to accept other employment that will impair the independence of judgment in the exercise of their official duties. Accordingly, Board Members should inform the Chairman or the Chairman of the Audit Committee prior to affiliating with a law firm, accounting firm or other business that provides services to the MTA. The Chairman or Chairman of the Audit Committee, as the case may be, may direct the Chief Compliance Officer, as needed, to determine whether a conflict of interest exists between the MTA and the Company and to advise, as necessary, on steps to address any such conflict.

### **Chapter 3: GIFTS, EVENTS, RECEPTIONS, AND MEALS**

#### **Section 3.01 Gifts**

The State Ethics Law provides that Board members should not by their conduct give reasonable basis for the impression that any person can improperly influence them or enjoy their favor in the performance of their official duties. In the Code of Ethics applicable to its employees, MTA has adopted a zero-tolerance policy for Gifts. The defined term "Gift" does not include items of truly nominal value. (See definitions of "Gifts" and "Items of Nominal Value"). Board members are required to adhere to the zero-tolerance policy on gifts, as contained in [Section 2.01 of](#) the MTA Code of Ethics.



As is the case with employees, Board Members may accept Gifts from employees of a Prohibited Source if these Gifts are reflective of a personal relationship independent of the relationship between the Prohibited Source and the MTA.

### **Section 3.02 Reporting Gift or Gift Offers**

A Board Member to whom a Gift is offered or given arising out of his or her affiliation with MTA shall promptly report such offer or Gift either to the Chairman or to the Chairman of the Audit Committee. Board Members should promptly return Gifts to the person or entity giving the Gift.

### **Section 3.03 Business Meals**

It is possible that Board Members may receive invitations for business meals from Prohibited Sources. To the extent that those invitations arise out of the Board Member's affiliation with MTA, such invitations should be viewed with caution because acceptance of such invitations may create the impression that they can be improperly influenced in the performance of their official duties. Board Members may accept free, modest meals in the course of and for the purpose of conducting MTA Agency business at a Prohibited Source's facility or when attending a seminar or conference in connection with MTA business and meals or refreshments are provided to all participants.

### **Section 3.04 Awards, Plaques and Honors**

Awards and plaques publicly presented in recognition of a Board Member's service to the MTA may be accepted. However, Board Members should notify the Chairman or the Chairman of the Audit Committee prior to accepting such an award, plaque, or honor presented by a Prohibited Source. The Board Member or their designee(s) may attend functions sponsored and paid for by Prohibited Sources when attendance is related and appropriate to that attendee's official duties or when the purpose of attendance is the performance of a ceremonial or other function that is appropriate to that attendee's official duties with the MTA. In such cases, however, the Board Member shall provide advance written notice of such invitation to the Chairman or to the Chairman of the Audit Committee.

## **| Chapter 4: CONFLICTS OF INTEREST AND POLITICAL ACTIVITIES**

### **Section 4.01 Financial or Business Interest**

In order to preserve independence of judgment in the exercise of their official duties, Board Members shall not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, or accept any non-governmental employment, which is in substantial conflict with the proper discharge of the Board Member's duties in the public interest.

### **Section 4.02 Unwarranted Privileges**

Board Members shall not use or attempt to use their official position to secure unwarranted privileges or exemption for the Board Member or others.

#### **Section 4.03 Undue Influence**

Board Members' conduct should not give reasonable basis for the impression that any person can improperly influence the Board Member or unduly enjoy the Board Member's favor in the performance of the Board Member's official duties, or that the Board Member is affected by the kinship, rank, position or influence of any party or person.

#### **Section 4.04 Course of Conduct**

Board Members should endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of the Board Members' trust.

#### **Section 4.05 Recusal/Conflict of Interest**

Board Members must not only avoid conflicts of interest with the MTA but also even the appearance of a conflict. If a Board Member believes he or she has an actual or potential conflict of interest with the MTA on a particular matter, or if the Board Member becomes aware that he or she has an actual or potential conflict of interest on a particular matter during a Committee or Board meeting, the Board Member shall promptly notify the Chairman of the Board or the Chairman of the Committee and shall immediately recuse themselves from further consideration of or action on such matter.

**NOTE:** **Recusal** requires that the Board Member not participate in any discussion, decision or vote by the Board or Committee that in any way relates to the matter that gives rise to the conflict of interest. Whenever practicable, the Board Member must leave the Board room until any discussion about the matter that gives rise to the conflict of interest has concluded.

#### **Section 4.06 Financial Interest**

No Board Member or firm or association of which such Board Member is a member, or corporation, ten per cent or more of the stock of which is owned or controlled directly or indirectly by such Board Member, shall sell any goods or services to the MTA, unless such goods or services are provided pursuant to an award of contract after public notice and competitive bidding or after a competitive request for proposal process. For the purposes of this paragraph, the term "services" shall not include employment as an employee.

This paragraph shall not preclude a firm, association or corporation from selling goods or services to the MTA if the interested Board Member did not participate in any way on behalf of any party in the bidding, solicitation or negotiation process, does not share in the net revenues derived from that sale and does not participate in the decision to award the contract.

Except as permitted above, no Board Member shall be in any way or any manner interested, directly or indirectly, in any contract made by the MTA.

No Board Member, pursuant to ~~Executive Order~~, may make or offer to make any monetary contribution to the campaign of the Governor, or to any political campaign committee organized by or for the specific benefit of the Governor.

No Board Member may request or demand that any other person make or offer to make any monetary contribution to the campaign of the Governor, or to any political campaign committee organized by or for the specific benefit of the Governor.

#### **Section 4.07 Compensation**

No Board Members, other than in the proper discharge of official duties as a Board Member of the MTA or as an officer or employee of a federal, state or local government or agency, shall receive, directly or indirectly, or enter into any agreement, express or implied, for any compensation for the appearance or rendition of services by the Board Member or another in relation to any case, proceeding, application or other matter before the MTA.

A Board Member who is a member, associate, retired member, of counsel to, or shareholder of, any firm, association or corporation which is appearing or rendering services, with or without compensation, in connection with any matter before, or transacting any business with, the MTA shall not communicate as to the merits of such cause with an officer (including another Board Member) or employee of the MTA, without first disclosing the nature and extent of his or her interest in the matter before, or business being transacted with, the MTA.

#### **Section 4.08 Appearance before MTA**

A Board Member may appear before the MTA (i) in a representative capacity on behalf of an employee organization, a federal, state or local government or agency, or a transportation advocacy organization or (ii) in connection with a ministerial action.

### Section 4.09 Nepotism in Hiring and Contracting

No person who has served as a Board Member shall take part in any hiring or employment decision relating to a family member. If such matter arises, the Board Member must notify the Chairman and recuse themselves from any discussions or decisions related to that matter.

No person who has served as a Board Member shall take part in any contracting decision: (1) relating to a family member; or (2) relating to any entity in which a family member is an officer, director or partner, or in which a family member owns or controls 10% or more of the stock of such entity. If such matter arises, the Board Member must notify the Chairman and recuse themselves from any discussions or decisions related to that matter.

### Section 4.10 Prohibition Against the Use of MTA Property

MTA supplies, equipment, computers, personnel, and other resources may not be utilized for non-governmental purposes, including for personal purposes or for outside activities of any kind. This prohibition includes but is not limited to the following:

- a) Official stationery may not be used for non-governmental purposes, nor may MTA resources be used to mail personal correspondence. The designation "personal" on MTA stationery means only that the contents are meant for the personal viewing of the addressee and not that the sender is acting unofficially. All letters and other written materials printed on such official stationery are considered official, and thus the designation "unofficial" has no meaning and may not be used.
- b) Under no circumstances may MTA mail, postage, internal office mail, or inter-city couriers be used for non-governmental purposes.
- c) MTA telephones may not be used for non-governmental long-distance calls, except for toll-free calls, collect calls, and calls billed to a personal telephone number. MTA telephones may be used for incidental and necessary personal local calls that are of limited number and duration and do not conflict with the proper exercise of the duties of the ~~MTA Board Member~~Board Member.
- d) MTA computers may be used for incidental and necessary personal purposes, such as sending personal electronic mail messages, provided that such use is in a limited amount and duration and does not conflict with the proper exercise of the duties of the ~~MTA Board Member~~Board Member.
- e) No Board Member shall use the MTA's name, their official title, position or authority in any fundraising activity unless authorized by MTA's Chief Compliance Officer. Authorization may be granted only if the fundraising is in furtherance of the MTA's mission and does not create an appearance of or any actual conflict of interest. A Board Member may engage in fundraising in a personal capacity provided they do not use their title, position or authority to further their fundraising activities and do not personally solicit funds from MTA employees or from persons known to the Board Member to be a Prohibited Source.

### Section 4.11 Political Activities

- a) Consistent with this Code, Board Members are free to participate in the political process but there must be a clear separation between their political activities and the discharge of their duties as Board Members.
- b) Board Members shall not serve as: (1) officers of any political party or political organization or (2) members of any political party committee, including political party district leaders or as members of a political party national committee. "Political organization" means any organization affiliated with a political party but does not include a judicial nominating committee, an organization supporting a particular cause with no partisan activities, a campaign or fundraising committee, or serving as a delegate to a state or national party convention.
- c) A Board Member interested in running for elective office shall give notice of his or her intentions to the Chairman so that we may determine whether, and upon what conditions, seeking elective public office would be consistent with the ethics laws and regulations. In advance of running as a candidate in any election, the provisions of the Hatch Act should also be evaluated to determine whether such a candidacy is permitted under its terms.
- d) A ~~MTA Board Member~~Board Member shall not use their position on the Board for the purpose of interfering with or affecting the result of an election.
- e) MTA property, including, without limitation, telephone, copy machines, computers, and other MTA Agency equipment, vehicles, office space, and services may not be used for political activities under any circumstances.

## **Chapter 5: POST BOARD SERVICE RESTRICTIONS**

### **Section 5.01 Two-Year Post Service Bar**

No person who has served as a Board Member shall, within a period of two years after the termination of such service, appear or practice before the MTA or receive compensation for any services rendered by such former Board Member on behalf of any person or any non-governmental firm, corporation, association or other entity in relation to any case, proceeding or application or other matter before the MTA.

### **Section 5.02 Lifetime Bar**

No person who has served as a Board Member shall, after the termination of such service, appear, practice, communicate or otherwise render services before the MTA or receive compensation for any such services rendered by such former, Board Member on behalf of any person or any non-governmental firm, corporation, association or other entity in relation to any case, proceeding, application or transaction with respect to which such person was directly and personally concerned during the period of his or her service.

**Exception:** The restrictions contained in this paragraph shall not apply to any appearance, practice, communication or rendition of services before the MTA, or to the receipt of compensation for any such services rendered by a former Board Member, which is made while carrying out official duties as an elected official or employee of a federal, state or local government or one of its agencies.

### **Section 5.03 Waiver of Post Service Bar**

To the extent permitted by law, nothing contained in this Code shall be construed or applied to prohibit the MTA, at any time, from contracting with or hiring any former Board Member to provide services to the MTA for a specific matter in circumstances in which contracting with or hiring such former Board Member would be in the public interest due to such former Board Member's specialized knowledge of the matter and the efficient and cost-effective results that contracting with or hiring such former Board Member would produce.

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