



Metropolitan Transportation Authority

# January 2015

## MTA Board Action Items



**MTA Board Meeting**  
**347 Madison Avenue - 5th Floor Board Room**  
**New York, N.Y. 10017**  
**Thursday, 1/22/2015**  
**10:00 AM - 12:00 PM ET**

**1. PUBLIC COMMENT PERIOD**

**2. APPROVAL OF MINUTES**

**MTA Regular Board Minutes, December 17, 2014**

*MTAHQ Minutes - December 17, 2014 - Page 5*

**NYCT/MaBSTOA/SIR/Bus Company Regular Board Minutes, December 17, 2014**

*NYCTA Minutes - December 17, 2014 - Page 10*

**MTA Metro-North Railroad Regular Board Minutes, December 17, 2014**

*Metro-North Minutes - December 17, 2014 - Page 14*

**MTA Long Island Rail Road Regular Board Minutes, December 17, 2014**

*LIRR Minutes - December 17, 2014 - Page 19*

**Triborough Bridge & Tunnel Authority Regular Board Minutes, December 17, 2014**

*TBTA Minutes - December 17, 2014 - Page 25*

**MTA Capital Construction Regular Board Minutes, December 17, 2014**

*MTACC Minutes - December 17, 2014 - Page 32*

**3. COMMITTEE ON FINANCE**

**Procurements**

*MTAHQ Procurement Report - Page 36*

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

**ii. Competitive**

*MTAHQ Competitive Procurements - Page 38*

**iii. Ratifications (no items)**

**Real Estate Items**

**i. Real Estate Agenda and Staff Summaries**

*Agenda and Staff Summaries - Page 40*

**4. COMMITTEE ON NYCT & BUS**

**Action Item**

**i. Amendment to NYCT'S 2010-2014 Capital Program**

*Amendment to NYCTs 2010-2014 Capital Program Adding 72 Standard Buses - Page 83*

**Procurements**

*NYC Transit January Procurement Staff Summary and Resolution - Page 85*

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

**ii. Competitive**

*NYCT and MTACC Competitive Actions - Page 89*

**iii. Ratifications**

*NYCT and MTACC Ratifications - Page 94*

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

**Procurements**

*Procurements - Page 100*

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

**ii. Competitive**

*Competitive - Page 103*

**iii. Ratifications**

*Ratifications - Page 106*

**6. COMMITTEE ON LONG ISLAND RAIL ROAD**

**Procurements LIRR (no items)**

**Procurements MTACC**

*MTACC Procurements - Page 108*

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

**ii. Competitive**

*MTACC Competitive - Page 111*

**iii. Ratifications**

*MTACC Ratifications - Page 115*

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

**Procurements**

*BT Procurement Report - January 2015 - Page 117*

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

**ii. Competitive**

*BT Competitive - January 2015 - Page 120*

**iii. Ratifications (no items)**

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

**9. FARE AND CROSSING CHARGE INCREASES (materials distributed separately)**

**Action Items**

**i. 2015 Fare Increases**

**ii. Environmental Determination - Crossing Charge Increase**

**iii. Crossing Charge Increases**

**10. EXECUTIVE SESSION**

Date of Next Meeting: Wednesday, February 25, 2015



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

**Wednesday, December 17, 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. Iris Weinshall  
Hon. Carl V. Wortendyke**

**The following member was absent:**

**Hon. Vincent Tessitore**

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, Donna Evans, Chief of Staff, Metro-North Railroad, Donald J. Spero, Chief Financial Officer, TBTA, Craig Cipriano, Executive V.P. Business Strategies and Operations Support, MTA Bus Operations and Michael Horodniceanu, MTA Capital Construction, also attended the meeting.

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

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

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

1. **PUBLIC SPEAKERS.** There were seven (7) public speakers, the following 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.

James Garcia, private citizen

Mr. X, private citizen

Dr. Thomas Stalcup, private citizen

Michelle Winfield, Representative of Bellevue Hospital

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

Chairman Prendergast welcomed David Mayer, MTA's new Chief Safety Officer.

Chairman Prendergast announced that the Transportation Reinvention Commission ("TRC") has released an excellent report and he thanked the members of the Commission for their hard work. The Chairman said that the report has both short-term and long-term strategies for success and its preliminary guidance has formed the process of developing the 2015 to 2019 Capital Program. Chairman Prendergast provided some highlights of the report, which included the vital importance of the Capital Program to the transit network and the region; the need to keep the MTA infrastructure in a state of good repair; and the need to continually invest in the system. The Chairman said that the report also includes strategies on how to improve operations. He noted that the suggested strategies are being closely examined to determine ways to further improve operations. Chairman Prendergast pointed out that one of the key strategies in the report embraces a more entrepreneurial approach to revenue generation by optimizing MTA assets such as real estate.

In line with the TRC's strategies to optimize MTA's real estate assets, the Chairman stated that he is pleased to announce that the MTA has taken a big step in that direction by moving its Madison Avenue Headquarters to 2 Broadway. Chairman Prendergast said that the last Board meeting at Madison Avenue is scheduled for January and most of the headquarters staff has already moved to 2 Broadway.

Chairman Prendergast announced that later this morning the Board will be asked to approved the Final 2015 Budget and Four-year Financial Plan. The Chairman stated that the agency is on target to cut more than \$1 billion dollars from its annual operating budget this year, with the goal of \$1.6 billion by 2018. Chairman Prendergast said that the savings

**Regular Board Meeting  
December 17, 2014**

have accomplished three critically important things for the network and for the customer, which include helping to reduce the projected fare and toll increase to an equivalent of two percent a year; allowing MTA to add \$68 million into service and service quality enhancements since 2012; and allowing for \$290 million a year to go into a pay-as-you-go account, beginning in 2015, that could generate up to \$5.4 billion for the 2015 to 2019 Program.

Chairman Prendergast said the savings will be utilized for keeping fares as low as possible and providing more and better services.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on November 19, 2014.

4. **COMMITTEE ON FINANCE.**

- A. **Action Item.** Upon motion duly made and seconded, the Board approved the following action items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials. Board member Charles Moerdler recused himself from the vote on item #5 below.

1. **MTA and TBTA Reimbursement Resolution for Federal Tax Purposes.**  
Approved reimbursements resolutions, which are required by Federal tax law to preserve the ability to finance certain capital projects on a tax exempt basis.
    2. **Transportation Revenue Bonds, Dedicated Tax Fund Bonds, and Triborough Bridge and Tunnel Authority General Revenue and Subordinate Revenue Bonds.**  
Approved resolutions, documents and activities in connection with the issuance of bonds in an aggregate principal amount necessary to finance up to \$2.250 billion of capital projects of the transit and commuter systems and MTA B&T set forth in existing approved capital programs.
    3. **Issue Transportation Revenue Refunding Bonds, Dedicated Tax Fund Refunding Bonds, Triborough Bridge and Tunnel Authority General Revenue Refunding and Subordinate Revenue Bonds Refunding Bonds.** Approved resolutions, documents and activities in connection with the issuance of refunding bonds.
    4. **Executive Order 88 Energy Audits and Retrocommissioning Studies – Phase 2.**  
Approved Phase 2 of energy audits and retrocommissioning studies performed in MTA facilities utilizing the services of the New York Power Authority (NYPA), consistent with the MTA/NYPA Energy Services Program Agreement approved by the Board in December 2005, and in furtherance of the objectives of Executive Order 88, governing the improvement of energy efficiency in State buildings.
    5. **Owner Controlled Insurance Program (“OCIP”) Extension Second Avenue Subway (“SAS”) Phase I.** Approved the transfer insurance coverage for the balance of work remaining on the SAS Project Phase I from an OCIP exclusively

for the project to the 2010-2014 Capital Plan OCIP and to provide additional funding for the SAS insurance program in the amount of \$34 million.

**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. Pollen, Inc. d/b/a C2FO – All-Agency Early Payment Management Program – No. 14041-0100. Approved the award of an all-agency competitively negotiated personal services contract to provide MTA with an early payment management program that will enable MTA and its agencies to realize significant savings through identifying vendors who will offer a discount for receipt of early payments by Automated Clearing House (“ACH”) and then to pay the identified vendors by ACH in a timely and efficient manner that entitles MTA to the early payment discount.
2. Hill International, Inc. – Independent Engineer Certification of NYCTA, LIRR, MNR and MTA Bus Program – No. 13053-0100. Approved the award of a competitively negotiated personal services contract to provide Independent Engineer Certification of Transit and Railroad Programs as legally required by the bond covenants of the General Resolution Authorizing Transportation Revenue Obligations for a period of five year from January 31, 2015 to January 31, 2020.
3. PricewaterhouseCoopers LLP – All-Agency Independent Quality Assurance Services – No. 14235-0100. Ratified the award of an all-agency competitively negotiated personal services contract to provide professional consulting services for Independent Verification & Validation (IV & V) of IBM’s implementation of the PeopleSoft 9.2 upgrade at MTA’s Business Services Center (BSC) for a period of two years from November 14, 2014 through November 13, 2016 for a fixed price of \$3,190,873.

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

**New York City Transit Authority**

1. Lease agreement with Bozena and Aleksandra Brzostek (or corporation to be formed) for the operation of a gourmet food market located at 218 Beach 116<sup>th</sup> Street, Queens, N.Y.
2. Lease modification and extension with Concord Business Services, Inc. for parking lot space located at 242 Gold Street, Brooklyn, N.Y.

**Manhattan and Bronx Surface Transit Operating Authority**

3. Lease modification with Royal Charter Properties, Inc. for swing space for bus operations and dispatchers located at 53 Audubon Avenue, New York, N.Y.

**5. MTA 2015 FINAL BUDGET AND MTA 2015-2018 FINANCIAL PLAN.**

Chairman Prendergast introduced MTA Chief Financial Officer Robert Foran, who presented the action items for the MTA 2015 Proposed Final Budget and the Proposed MTA Final 2015-2018 Financial Plan for Board consideration and approval. Copies of the proposed Budget and Plan, together with the accompanying staff summary, were distributed to Board Members and are maintained in MTA records.

The Chairman proposed a motion to adopt the Proposed MTA 2015 Final Budget and the Proposed Final Financial Plan for 2015-2018 and opened the floor for discussion.

Details of the Board Members' extended discussion relating to the MTA 2015 Budget and Financial Plan 2015-2018 are included in the video recording of the meeting produced by the MTA and maintained in the MTA records.

Upon motion duly made and seconded, the Board approved the Adoption of the MTA Consolidated 2015 Budget and 2015-2018 Financial Plan. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

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

Upon motion duly made and seconded, the Board approved the new collective bargaining agreement between the New York City Transit Authority and the Subway Surface Supervisors Association (SSSA), covering approximately 3,635 supervisory employees.

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 11:30 a.m.

Respectively submitted,

Victoria Clement  
Assistant Secretary

**Regular Board Meeting  
December 17, 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, December 17, 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. Iris Weinshall  
Hon. Carl V. Wortendyke**

**The following member was absent:**

**Hon. Vincent Tessitore**

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; Donna Evans, Chief of Staff, Metro-North Railroad; Donald J. Spero, Chief Financial Officer, TBTA; Craig Cipriano, Executive V.P. Business Strategies and Operations Support, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

**1. CHAIRMAN PRENDERGAST CALLED THE MEETING TO ORDER**

**2. PUBLIC COMMENT PERIOD**

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

Jamie Garcia, a minority-owned business owner, discussed his support for “Qualified Transit Plans.”

Mr. X, private citizen, expressed dismay at the order of public speakers at MTA fare hearings, and also spoke about general concerns regarding transit service.

Murray Bodin, private citizen, urged the Board to take action on various transit-related issues.

Dr. Thomas Stalcup, private citizen, voiced concerns about MTA Chief Safety Officer David L. Mayer.

Michelle Winfield, of the Bellevue Hospital Community Advisory Board, spoke in favor of a tariff change relating to children’s fare height requirements.

The remaining two (2) public speakers did not address issues related to MTA NYC Transit/MTA Bus issues. The content of those speakers’ comments are included in the video recording of the meeting produced by the MTA and maintained in MTA records, and the MTA’s and other agencies’ minutes of the meeting on this date.

**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 November 19, 2014.

**5. COMMITTEE ON FINANCE**

**Real Estate Items**

Upon motion duly made and seconded, the Board approved the following real estate items related to MTA NYC Transit and the Manhattan and Bronx Surface Transit Operating Authority. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

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

1. Lease agreement with Bozena and Aleksandra Brzostek (or corporation to be formed) for the operation of a gourmet food market located at 218 Beach 116<sup>th</sup> Street, Queens, N.Y
2. Lease modification and extension with Concord Business Services, Inc. for parking lot space located at 242 Gold Street, Brooklyn, N.Y.

### **Manhattan and Bronx Surface Transit Operating Authority**

3. Lease modification with Royal Charter Properties, Inc. for swing space for bus operations and dispatchers located at 53 Audubon Avenue, New York, N.Y.

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

### **Action Item:**

#### TAB Senior Hearing Officers Retainer Agreements

Upon motion duly made and seconded, the Board approved the Senior Hearing Officers Retainer Agreements for the Transit Adjudication Bureau (TAB).

### **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 majority vote (Schedules G, H, I and L in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of 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. MTA 2015 FINAL BUDGET AND MTA 2015-2018 FINANCIAL PLAN**

Chairman Prendergast introduced MTA Chief Financial Officer Robert Foran, who presented the action items for the MTA 2015 Proposed Final Budget and the Proposed MTA Final 2015-2018 Financial Plan for Board consideration and approval. Copies of the proposed Budget and Plan, together with the accompanying staff summary, were distributed to Board Members and are maintained in MTA records.

The Chairman proposed a motion to adopt the Proposed MTA 2015 Final Budget and the Proposed Final Financial Plan for 2015-2018 and opened the floor for discussion.

Details of the Board Members' extended discussion relating to the MTA 2015 Budget and Financial Plan 2015-2018 are included in the video recording of the meeting produced by the MTA and maintained in MTA records.

Upon motion duly made and seconded, the Board approved the adoption of the MTA Consolidated 2015 Budget and 2015-2018 Financial Plan. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

**8. EXECUTIVE SESSION**

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

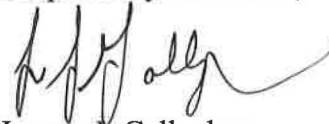
Upon motion duly made and seconded, the Board approved the new collective bargaining agreement between the New York City Transit Authority and the Subway Surface Supervisors Association (SSSA), covering approximately 3,635 supervisory employees.

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

**9. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:30 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. J. Gallagher', written over a horizontal line.

James. J. Gallagher  
Acting Assistant Secretary

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

Wednesday, December 17, 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. Iris Weinshall  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Vincent Tessitore

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, Donna Evans, Chief of Staff, Metro-North Railroad, Donald J. Spero, Chief Financial Officer, TBTA, Craig Cipriano, Executive V.P. Business Strategies and Operations Support, MTA Bus Operations and Michael Horodniceanu, MTA Capital Construction, also attended the meeting.

Chairman Prendergast called the meeting to order.

1. Public Speakers:

There were seven public speakers. Murray Bodin discussed on-time performance statistics and train car configurations. Michael Doyle, outgoing General Chairman, ACRE Local

Division 9, expressed his opinion that Chairman Prendergast and President Giulietti, along with their respective staff and the new MTA Chief Safety Officer, David Mayer, will “turn the railroad around.” Alexander Roberts of the Coalition for Workforce Housing in Westchester County discussed the proposed sale of MTA property in Harrison, New York to a developer of high end apartments. He expressed his opinion that transit oriented development should be equitable and that a condition of the land sale be that 20% of the housing units be set aside to provide housing to individuals with an income of up to \$62,000. The remaining speakers did not discuss Metro-North matters.

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 welcomed David Mayer, MTA’s new Chief Safety Officer.

Chairman Prendergast announced that the Transportation Reinvention Commission (“TRC”) has released an excellent report and he thanked the members of the Commission for their hard work. The Chairman said that the report has both short-term and long-term strategies for success and its preliminary guidance has formed the process of developing the 2015 to 2019 Capital Program. Chairman Prendergast provided some highlights of the report, which included the vital importance of the Capital Program to the transit network and the region; the need to keep the MTA infrastructure in a state of good repair; and the need to continually invest in the system. The Chairman said that the report also includes strategies on how to improve operations. He noted that the suggested strategies are being closely examined to determine ways to further improve operations. Chairman Prendergast pointed out that one of the key strategies in the report embraces a more entrepreneurial approach to revenue generation by optimizing MTA assets such as real estate.

In line with the TRC’s strategies to optimize MTA’s real estate assets, the Chairman stated that he is pleased to announce that the MTA has taken a big step in that direction by moving its Madison Avenue Headquarters to 2 Broadway. Chairman Prendergast said that the last Board meeting at Madison Avenue is scheduled for January and most of the headquarters staff has already moved to 2 Broadway.

Chairman Prendergast announced that later this morning the Board will be asked to approved the Final 2015 Budget and Four-year Financial Plan. The Chairman stated that the agency is on target to cut more than \$1 billion dollars from its annual operating budget this year, with the goal of \$1.6 billion by 2018. Chairman Prendergast said that the savings have accomplished three critically important things for the network and for the customer, which include helping to reduce the projected fare and toll increase to an equivalent of two percent a year; allowing MTA to add \$68 million into service and service quality enhancements since 2012; and allowing for \$290 million a year to go into a pay-as-you-go account, beginning in 2015, that could generate up to \$5.4 billion for the 2015 to 2019 Program.

Chairman Prendergast said the savings will be utilized for keeping fares as low as possible and providing more and better services.

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 November 19, 2014 were approved.

4. Committee on Finance:

Action Items:

The following action items that relate to Metro-North were approved:

- MTA and TBTA Reimbursement Resolutions for Federal Tax Purposes
- Authorization to Issue Transportation Revenue Bonds, Dedicated Tax Fund Bonds, and Triborough Bridge and Tunnel Authority General Revenue and Subordinate Revenue Bonds.
- Authorization to Issue Transportation Revenue Refunding Bonds, Dedicated Tax Fund Refunding Bonds, and Triborough Bridge and Tunnel Authority General Revenue Refunding and Subordinate Revenue Bonds Refunding Bonds.
- Board approval for Phase 2 of energy audits and retro-commissioning studies performed at MTA facilities utilizing the services of the New York Power Authority.

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

Procurements:

The MTA Board voted on MTA Headquarters procurements.

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

- Approval of an all-agency, competitively negotiated, personal services contract to Pollen, Inc. d/d/a/ C2FO to provide MTA with an early payment management program.
- Approval of a competitively negotiated, personal services contract to Hill International, Inc. to provide Independent Engineer Certification of Transit and Railroad Programs as legally required by the bond covenants of the General

Resolution Authorizing Transportation Revenue Obligations, for a period of five years from January 31, 2015 to January 31, 2020, in a fixed amount of \$2,434,000.

- Ratification of the award of an all-agency competitively negotiated, personal services contract to PricewaterhouseCoopers, LLP to provide professional consulting services for Independent Verification & Validation of IBM's implementation of the PeopleSoft 9.2 upgrade at MTA's Business Service Center (BSC), for a period of two years from November 14, 2014 through November 13, 2016, for a fixed price of \$3,190,873.

The details of the above items are contained in the minutes of the MTA Board meeting held this day, the staff summaries and reports filed with those 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 non-competitive procurement recommended to it by the Committee on Metro-North Railroad Operations:

- Approval to award a non-competitive, miscellaneous service contract to Smart Software, Inc. for a period of three years to provide maintenance and support of Metro-North's Algorithmic Forecasting System.

Upon motion duly made and seconded, the Board approved the following competitive procurements recommended to it by the Committee on Metro-North Railroad Operations, Board member Ballan recused himself from the vote on the first two competitive procurements below:

- Approval of a 48-month competitively solicited and negotiated design contract with HNTB New York Engineering & Architecture, P.C. to design various customer communication systems at Grand Central Terminal and at outlying passenger stations.
- Approval to retain General Engineering Consultants to perform personal services for design, engineering, supervision inspection services and miscellaneous professional services to support the 2015-2019 Capital Program and the needs of the operating divisions.
- Approval to award a competitively solicited and negotiated, seven month personal service contract to the firm of Persante Health Care, Inc. to screen, manage, coordinate, evaluate and monitor treatment for up to 250 locomotive engineers for obstructive sleep apnea.
- Approval for additional funding totaling \$510,826 and a one-year extension to Gannett Fleming Engineers and Architects, P.C. for additional design services to advance the Grand Central Terminal escalator replacement drawings from 30% to 100% complete design.
- Approval for additional funding totaling \$149,614 to Konecranes, Inc. to provide preventive maintenance, inspection and repair of all jib and overhead cranes located throughout Metro-North New York and Connecticut facilities.

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. CFO Presentation on MTA 2015 Final Proposed Budget and November Financial Plan 2015-2018 and Budget/Financial Plan Action Item

MTA CFO Robert Foran presented the MTA 2015 Final Proposed Budget and November Financial Plan 2015-2018.

Thereafter, upon motion duly made and seconded, the Board adopted the agencies' proposed budgets and financial plans, including, MTA Metro-North Railroad's (MNR) 2014 November Forecast, 2015 Final Proposed Budget and Four-Year Financial Plan 2015-2018.

The details of that presentation are contained in the minutes of the MTA held this day, staff summaries and reports filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records which recording includes discussions between Board Members, staff and the Chairman pertaining to the presentation.

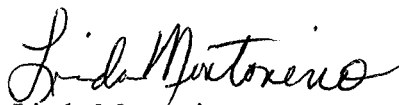
7. Executive Session:

The Board, upon motion duly made and seconded, voted to convene into Executive Session pursuant to Section 105(d) of the New York State Public Officers Law to discuss matters relating to collective negotiations. 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 11:30 a.m.

Respectfully submitted,



Linda Montanino  
Assistant Secretary

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

**Wednesday, December 17, 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. Iris Weinshall  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Vincent Tessitore

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, Donna Evans, Chief of Staff, Metro-North Railroad, Donald J. Spero, Chief Financial Officer, TBTA, Craig Cipriano, Executive V.P. Business Strategies and Operations Support, MTA Bus Operations and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

Chairman Prendergast called the meeting to order.

**1. Public Speakers:**

There were seven public speakers. Murray Bodin spoke concerning On Time Performance statistics and train car configurations. 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 welcomed David Mayer, MTA's new Chief Safety Officer.

Chairman Prendergast announced that the Transportation Reinvention Commission ("TRC") has released an excellent report and he thanked the members of the Commission for their hard work. The Chairman said that the report has both short-term and long-term strategies for success and its preliminary guidance has formed the process of developing the 2015 to 2019 Capital Program. Chairman Prendergast provided some highlights of the report, which included the vital importance of the Capital Program to the transit network and the region; the need to keep the MTA infrastructure in a state of good repair; and the need to continually invest in the system. The Chairman said that the report also includes strategies on how to improve operations. He noted that the suggested strategies are being closely examined to determine ways to further improve operations. Chairman Prendergast pointed out that one of the key strategies in the report embraces a more entrepreneurial approach to revenue generation by optimizing MTA assets such as real estate.

In line with the TRC's strategies to optimize MTA's real estate assets, the Chairman stated that he is pleased to announce that the MTA has taken a big step in that direction by moving its Madison Avenue Headquarters to 2 Broadway. Chairman Prendergast said that the last Board meeting at Madison Avenue is scheduled for January and most of the headquarters staff has already moved to 2 Broadway.

Chairman Prendergast announced that later this morning the Board will be asked to approved the Final 2015 Budget and Four-year Financial Plan. The Chairman stated that the agency is on target to cut more than \$1 billion dollars from its annual operating budget this year, with the goal of \$1.6 billion by 2018. Chairman Prendergast said that the savings have accomplished three critically important things for the network and for the customer, which include helping to reduce the projected fare and toll increase to an equivalent of two percent a year; allowing MTA to add \$68 million into service and service quality enhancements since 2012; and allowing for \$290 million a year to go into a pay-as-you-go account, beginning in 2015, that could generate up to \$5.4 billion for the 2015 to 2019 Program.

Chairman Prendergast said the savings will be utilized for keeping fares as low as possible and providing more and better services.



3. **Approval of Minutes:**

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of November 19, 2014 were approved.

4. **Committee on Finance:**

**Action Items:**

The following action items were approved by the Board:

- MTA and TBTA Reimbursement Resolutions for Federal Tax Purposes
- Authorization to Issue Bonds and Approval of Supplemental Resolutions Authorizing Refunding Bonds
- Phase 2 of Energy Audits and Retrocommissioning Studies Performed at MTA Facilities Utilizing the Service of NYPA

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

**Procurements:**

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

- Approval of an all-agency, competitively negotiated, personal services contract to Pollen, Inc. d/d/a/ C2FO to provide MTA with an early payment management program.
- Approval of a competitively negotiated, personal services contract to Hill International, Inc. to provide Independent Engineer Certification of Transit and Railroad Programs as legally required by the bond covenants of the General Resolution Authorizing Transportation Revenue Obligations, for a period of five (5) years from January 31, 2015 to January 31, 2020, in a fixed amount of \$2,434,000.
- Ratification of the award of an all-agency competitively negotiated, personal services contract to PricewaterhouseCoopers LLP to provide professional consulting services for Independent Verification & Validation of IBM's implementation of the PeopleSoft 9.2 upgrade at MTA's Business Service Center (BSC) for a period of two years from November 14, 2014 through November 13, 2016 for a fixed price of \$3,190,873.

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. **Committee on Metro-North Railroad:**

**Metro-North Procurements:**

Among the procurements approved for Metro-North was a joint procurement endeavor, including LIRR, to identify and retain qualified engineering, design and construction management consultant engineering firms who will be available to the Agencies for future service assignments, in a combined not-to-exceed amount of \$250,000,000.

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

**LIRR Procurements:**

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

- Approval to award a Sole Source Public Works contract to Simplex Grinnell LP for a three-year period in the not-to-exceed amount of \$343,800, to provide all labor, materials and equipment necessary for the testing, inspection, maintenance and repairs of the Fire Alarm Detection and Command System located throughout the Long Island Rail Road's Hillside Maintenance Complex.
- Pursuant to a competitive Request for Proposal, approval to award a Public Works Contract to Mass Electric Construction Company in the amount of \$4,966,500 (Base Work and one Abatement Option) to provide Design-Build Services for A/C Switchgear in the First Avenue Substation, to replace equipment damaged by Superstorm Sandy.
- Pursuant to a competitive Request for Proposal, approval to award a Firm Fixed Price contract to Posillico Civil Inc. in the amount of \$7,073,000 to provide Design-Build Services for the Ellison Avenue Bridge Replacement Project.
- Pursuant to a competitive Request for Proposal, approval to award a Public Works Contract to Railworks Transit, Inc. in the amount of \$15,782,000 to provide construction services for the Atlantic Branch (between Jamaica and Brooklyn) Half-Tie Replacement project (21,5000 half-ties).

- Pursuant to a competitive Request for Proposal, LIRR, on behalf of itself, NYCT and SIRTOA, approval to award a Miscellaneous Service Contract to HILO Materials Handling Group in the estimated quantity amount of \$8,846,758, to provide material handling equipment maintenance and repair services for a period of five years.
- Pursuant to a competitive Request for Proposal, approval to exercise a two-year option to the competitively negotiated Personal Services contract with Staples Marketing LLC, in the not-to-exceed amount of \$300,000 for the development and implementation of a Marketing Campaign to increase public transportation usage throughout Nassau County.

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.

### **MTACC:**

#### **Action Item and Procurements:**

Upon motion duly made and seconded, the one action item and three procurement items were approved by the Board:

1. Authorization to enter into agreement with the Yale Club located at 50 Vanderbilt Avenue to compensate the owner for design, construction and construction management costs for façade repair and waterproofing work in the amount of \$455,000.
2. Modification to Contract CQ032 for the construction of a duct bench in the Yard Lead Tunnel. This is a scope and budget transfer in the amount of \$6,525,000.
3. Ratification of a modification to Contract CM014A to incorporate revisions to the Supervisory Control and Data Acquisition System in the amount of \$2,799,000.
4. Ratification of a modification to Contract CQ032 for the final two stages of the re-bracing and construction of the Early Access Chamber in the amount of \$2,400,000.

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.

#### **7. CFO Presentation on MTA 2015 Final Proposed Budget and November Financial Plan 2015-2018:**

MTA CFO Robert Foran presented, and the Board approved, the Final MTA 2015 Financial Plan. The details of that presentation are contained in the minutes of the MTA held this day, reports filed with the minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records which recording includes discussions between Board Members, staff and the Chairman pertaining to the presentation.

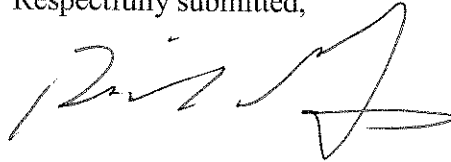
**8. Executive Session:**

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

**9. Adjournment:**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11 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**

**December 17, 2014**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
December 17, 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  
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. Iris Weinshall  
Hon. Carl V. Wortendyke

The following member was absent:

Hon. Vincent Tessitore

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, Donna Evans, Chief of Staff, Metro-North Railroad, Donald J. Spero, Chief Financial Officer, Triborough Bridge and Tunnel Authority, Craig Cipriano, Executive Vice President Business Strategies and Operations Support, MTA Bus Operations and Michael Horodniceanu, MTA Capital Construction, also attended the meeting.

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

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

**1. Public Speakers**

There were seven (7) public speakers. Murray Bodin of Concerned Grandparents stated that the agenda for the MTA Bridges and Tunnels Committee Meeting should list a public comments period and he discussed roadway markings, signage and the toll plaza at the Henry Hudson Bridge. None of the other speakers specifically commented on issues regarding the Triborough Bridge and Tunnel Authority. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for the content of the speakers' statements.

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

Chairman and CEO Prendergast opened his remarks by welcoming the new MTA Chief Safety Officer, David Mayer, former Managing Director of the National Transportation Safety Board (NTSB). Chairman and CEO Prendergast discussed the Transportation Reinvention Commission's report, which includes strategies for success and highlights the importance of the Capital Program to the MTA's transit network and the region; the need to keep the infrastructure in a state of good repair; and the need to continually invest in order to do so. Chairman and CEO Prendergast announced that MTA Headquarters is in the process of moving from its office space on Madison Avenue to 2 Broadway to consolidate assets. The January 2015 Board Meeting will be the last meeting held at 347 Madison Avenue. Chairman and CEO Prendergast stated that the Final 2015 Budget and Financial Plan 2015-2018 will be presented to the Board for approval and that the MTA is on target to cut more than a billion dollars out of its annual operating budget this year with a goal to get that number to \$1.6 billion a year by 2018. The savings have helped to reduce projected fare and toll increases to an equivalent of two (2) percent per year; \$68 million has been added into service and service quality enhancements since 2012; and beginning in 2015, \$290 million has been put into a "Pay-As-You-Go" account that could generate up to \$5.4 billion for the 2015 to 2019 program. Finally, Chairman and CEO Prendergast thanked the NYPD Transit Bureau as he discussed the increase in subway ridership to over 6 million people carried and the decrease in felonies to five (5) to six (6) felonies a day as compared to when he left subways in 1994 when ridership was 3.5 million with 50 to 60 felonies a day.

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 November 19, 2014**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on November 19, 2014 were approved.

**4. Committee on Finance**

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

(a) Action Items:

- Adopt MTA and TBTA Reimbursement Resolutions for Federal Tax Purposes;
- Authorize Transportation Revenue Bonds, Dedicated Tax Fund Bonds, TBTA General Revenue Bonds, and TBTA Subordinate Revenue Bonds to finance the Bond funded portion of existing approved capital projects in 2015;
- Authorize Supplemental Resolutions Authorizing Refunding Bonds that meet the Board approved Refunding Policy in 2015;
- Approve Executive Order 88 Energy Audits and Retro-commissioning Studies; and.

- Approve the transfer of insurance coverage for the balance of work remaining on the Second Avenue Subway Project Phase I in the amount of \$34 million from the Owner Controlled Insurance Program (OCIP) to the 2010-2014 Capital Plan OCIP.

(b) Procurements:

- Two (2) competitive procurement actions in the amount of \$2.4 million; and
- One (1) ratification in the amount of \$3.2 million.

(c) Real Estate Items:

- Three (3) real estate action items.

Commissioner Moerdler recused himself from the OCIP Action Item. The Finance Committee also considered and voted to recommend the adoption of the MTA 2015 Budget and Financial Plan 2015-2018. Copies of the staff summaries, resolutions and documents setting forth the details of the above items, as well as discussion with regard to same, are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

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

**Procurements**

Commissioner Cappelli stated that there are eight (8) procurements totaling \$31.868 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

Commissioner Cappelli stated that there are seven (7) competitive procurements totaling \$31.833 million.

**Competitive Procurements**

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

John P. Picone, Inc.	Contract No. MP-21 Provide Design/Build Services for Project MP-21, Rehabilitation of the Rockaway Point Boulevard and Jacob Riis Pedestrian Overpasses at the Marine Parkway-Gil Hodges Memorial Bridge.	\$13,916,000.00
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**Personal Service Contracts**

Parsons/GPI	Contract No. PSC-14-2956 Provide Construction Administration and Inspection Services for Project RK-23A, Reconstruction and Rehabilitation of the Manhattan Approach Ramps to the RFK Bridge.	\$6,827,695.06
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WSP-HNTB, JV	Contract No. PSC-14-2957 Perform a Feasibility Study and Conceptual Design for Project RK-65B, Reconstruction of Manhattan Plaza of the Robert F. Kennedy Bridge and Associated Ramps.	\$3,641,416.00
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**Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services**

URS Corporation-NY	Contract No. PSC-12-2920 Add funding for construction support services for Projects QM-40S, Superstorm Sandy Restoration and Mitigation and Projects QM-40/QM-18, Tunnel Leak Control and Rehabilitation of the Manhattan Exit Plaza at the Queens Midtown Tunnel.	\$4,510,552.17
WSP/URS, a Joint Venture	Contract No. PSC-12-2906 Add funding for construction support services and additional design services for Project HH-88A, Reconstruction of the Upper and Lower Level Toll Plazas and Southbound Approach at the Henry Hudson Bridge.	\$1,397,203.11
Weidlinger Associates, Inc.	Contract No. PSC-13-2927 Perform additional design services for Project TN-60, Dehumidification System for the Main Cable Splays and Elimination of Water Infiltration at the Throgs Neck Bridge.	\$353,427.32

**Modifications to Purchase & Public Works Contracts**

D'Onofrio General Contractors Corp.	Contract No. MP-06 Perform additional substructure and underwater work at the Marine Parkway - Gil Hodges Memorial Bridge.	\$1,186,865.49
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With regard to Contract MP-21 with John P. Picone, Inc., Commissioner Ballan requested that a more descriptive summary be substituted after the Board had approved the procurement but Mr. Page stated that such a substitution could not be made post-approval. Donald Spero, TBTA Chief Financial Officer, explained that there was a discrepancy between the engineer's estimate and the final proposal, which included additional safety improvements that were not in the original estimate. The gap between the proposal and final estimate was reduced to two (2) percent instead of six (6) percent. Going forward, the staff summaries will include explanations when there are discrepancies between an estimate and final proposal. Commissioner Weinshall asked if this scope of work was bid and whether every bidder knew what work was required. M. Margaret Terry, TBTA Senior Vice President and General Counsel, explained that this was not a bid but an RFP for a design-build project and that there are often negotiations as to how to approach a project under an RFP that one would not have in a competitively

bid project where everybody bids on the exact same scope of work. Commissioner Weinshall asked whether those who responded to the RFP knew that the additional work was added or did TBTA just negotiate with the firm that was selected. Romolo DeSantis, TBTA Deputy Chief Engineer, explained that all of the contractors knew these were option items and they all had an opportunity to submit proposals with safety improvements. The winning proposal added LED lights which was an option that was not included in the engineer's estimate.

### **Ratifications**

Commissioner Cappelli stated that there was one ratification in the amount of \$35,000.00.

### **Ratifications**

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

New York City Department of Parks and Recreation Agreement	MOU-14-70 B&T is seeking the Board's ratification under the All-Agency Procurement Guidelines of the award of an agreement (Memorandum of Understanding) designated as MOU-14-70 to the New York City Department of Parks and Recreation (NYCDPR) for repairing a drainage system on its property for the amount of \$34,691.	\$34,691.00
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While performing construction tasks at Inwood Hill Park adjacent to B&T's Northbound Parkway between Staff Street and Dyckman Street Bridges, NYCDPR discovered that runoff from a portion of the parkway drains into a B&T storm system that runs through a project site where NYCDPR is constructing an ADA Pedestrian ramp under its Contract MG-609. This drainage system was not functioning properly and repair was needed. NYCDPR agreed to repair B&T's drainage system under its Contract MG-609 at the unit prices in its contract subject to the drainage system repair not delaying the NYCDPR work. Failure to act at this time would either leave a non-performing drainage system in place or be substantially more costly due to: (i) re-mobilization costs and (ii) a need to demolish and later reconstruct work being performed under NYCDPR's Contract MG-609. Furthermore, the drainage system is on NYCDPR's property requiring special permits and access, which are costs that B&T will avoid. Therefore, on September 11, 2014 B&T provided a letter of intent to

have this work performed. After completing the drainage repair work, NYCDPR provided a final amount for this work of \$34,691 based on the actual costs incurred. B&T has reviewed NYCDPR's costs and found them fair and reasonable. Costs incurred under this agreement must be paid directly to NYCDPR. Funding is available in B&T's Major Maintenance Project HHM-382.

Upon a motion duly made and seconded, the Board approved the procurements and ratification recommended to it by the Committee for MTA Bridges and Tunnels Operations. In addition, Commissioner Cappelli stated that the Bridges and Tunnels Committee considered and voted to recommend the adoption of the Bridges and Tunnels 2015 Budget and Financial Plan 2015-2018, which will be presented to the Board with the adoption of the MTA 2015 Budget and Financial Plan 2015-2018.

6. **MTA 2015 Budget and Financial Plan 2015-2018**

MTA Chief Financial Officer Robert Foran distributed action item materials and discussed the MTA's 2015 Budget and Financial Plan 2015-2018 ("Budget and Plan"). A motion was made to adopt the Budget and Plan. After discussion and upon a motion duly made and seconded, the Board voted to adopt the Budget and Plan.

A copy of the staff summary setting forth the details of the above items and the MTA 2015 Budget and Financial Plan 2015-2018 adoption materials are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority.

7. **Executive Session**

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

8. **Public Session**

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

9. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 11:30 a.m.

Respectfully submitted,



Julia R. Christ  
Acting Assistant Secretary

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

**Monday, December 17, 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. Iris Weinshall  
Hon. Carl V. Wortendyke

The following Members were absent:

Hon. Vincent Tessitore, Jr.

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, Donna Evans, Chief of Staff, Metro-North Railroad, Donald J. Spero, Chief Financial Officer, TBTA, Craig Cipriano, Executive V.P. Business Strategies and Operations Support, MTA Bus Operations and Michael Horodniceanu, MTA Capital Construction, also attended the meeting.

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

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

**Public Comment Period**

There were seven public speakers, 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 December 17, 2014.

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

The Chairman welcomed Dr. David Mayer as the MTA's new Chief Safety Officer.

The Chairman thanked the Transportation Reinvention Commission for its report, noting that "it contains both short and long term strategies for success and that its preliminary guidance was instrumental in the formulation of the MTA's 2015 – 2019 Capital Program Plan with a focus on stronger resiliency to protect the system against weather events in the future as well as the changing demographics which this region will see over the next twenty to thirty years."

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 December 17, 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 November 19, 2014.

### **Committee on Finance**

#### Action Item

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

The transfer of insurance coverage for the balance of work remaining on the Second Avenue Subway Project Phase I from an Owner Controlled Insurance Program ("OCIP") exclusively for that project to the 2010-2014 Capital Plan OCIP and to provide additional funding for the Second Avenue Subway insurance program in the amount of \$34M.

A copy of the Staff Summary and details of the above item is filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on December 17, 2014.

#### Procurement

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

Award of an All-Agency, competitively negotiated, Personal Service Contract 14041-0100 to Pollen Inc. d/b/a C2FO to provide MTA with an early payment management program that will enable MTA and its agencies to realize significant savings through identifying vendors who will offer a discount for receipt of early payments by Automated Clearing House ("ACH") and then to pay the identified vendors by ACH in a timely and efficient manner that entitles MTA to the early payment discount. The contract is for a term of three years with two one year options with a 75% MTA and 24% Consultant split of the early payment discounts actually realized by the MTA and its agencies.

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

Award of an All-Agency, competitively negotiated, Personal Service Contract 14235-0100 to PriceWaterhouseCooper LLP to provide professional consulting services for Independent Verification & Validation of IBM's implementation of the PeopleSoft 9.2 upgrade at MTA's Business Service Center (BSC) for a period of two years for a fixed price of \$3,190,873.

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 December 17, 2014.

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

#### Procurement

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

A Modification to Contract A36125 Fulton Street Transit Center ("Fulton Center") Enclosure, to resolve the contractor's claim for costs associated with additional fire watch personnel required by the revised NYC Fire Code for the amount of \$1,048,500.

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

A Modification to Contract C-26010, 96<sup>th</sup> Street Station Finishes to address utility design changes in the amount of \$2,475,000.

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 December 17, 2014.



## **Committee on Metro North Railroad**

### Procurement

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

A Multi-Agency procurement to retain the consultants listed in an attachment to the Staff Summary to perform personal services for design, engineering, supervision inspection services and miscellaneous professional services to support the 2015-2019 Capital Program and the needs of the Operating Divisions.

Board Member Ballan recused himself from the vote on this item.

A copy of the Resolution, Staff Summary, list of firms and details of the above item is filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on December 17, 2014.

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

### Action Item

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

Authorization to enter into an agreement with the Yale Club located at 50 Vanderbilt Avenue to compensate the owner for design, construction and construction management costs for façade repair and waterproofing work in the amount of \$455,000.

Board Member Moedler recused himself from the vote on this item.

A copy of the Staff Summary and details of the above item is filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on December 17, 2014.

### Procurement

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

A Modification to Contract CQ032, Plaza Substation and Queens Structures for the East Side Access Project, to add the construction of a duct bench in the Yard Lead Tunnel for the amount of \$6,525,000.

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

1. A modification to Contract CM014A, GCT Concourse and Facilities Fit-Out for the East Side Access Project, to incorporate revisions to the Supervisory Control and Data Acquisition System in the amount of \$2,799,000.
2. A Modification to Contract CQ032, Plaza Substation and Queens Structures for the East Side Access Project, for the final two stages of the re-bracing and construction of the Early Access Chamber in the amount of \$2,400,000

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 December 17, 2014.

## **MTA 2015 Budget Adoption**

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

The adoption of the MTA's (inclusive of each individual MTA Agencies and the Office of the Inspector General) 2015 Budget and 2015 -2018 Financial Plan.

A copy of the 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 December 17, 2014.

## **Executive Session**

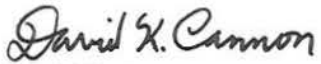
Upon motion duly made and seconded, the Board voted to convene into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

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 11:30 a.m.

Respectfully submitted,

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

David K. Cannon  
Assistant Secretary

# Staff Summary



Metropolitan Transportation Authority

Page 1 of 1

<b>Subject</b> 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> December 24, 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	1/20/2015	X		
2	Board	1/22/2015	X		

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

## PURPOSE:

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

## DISCUSSION:

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

# of Actions	\$ Amount
None	None

MTAHQ proposes to award Competitive procurements in the following categories:

### Schedules Requiring Majority Vote

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

	1	526,839.72
	4	\$ 732,000.00
<b>SUBTOTAL</b>	5	\$ 1,258,839.72

MTAHQ presents the following procurement actions for Ratification:

None	None
------	------

<b>TOTAL</b>	5	\$ 1,258,839.72
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**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.



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**JANUARY 2015**  
**MTA REAL ESTATE**  
**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**ACTION ITEMS**

**MTA NEW YORK CITY TRANSIT**

Lease with Mohammed Abdul Jabbar Howladar for operation of a newsstand at Parsons Boulevard station, Queens Boulevard line, Queens

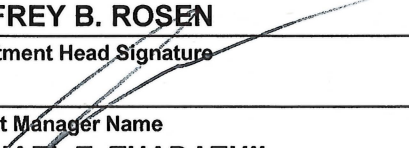
Lease with Gateway Foods Holding LLC for operation of a retail coffee shop at 14 Street-Union Square station, Lexington Avenue line, Manhattan

**MTA METRO-NORTH RAILROAD**

Amendment of easement agreement with Westchester County at Metro-North's Harmon Yard in the Village of Croton-on-Hudson, New York




Sub lease and easement with Fareri Associates relating to property on and adjoining the Harlem Line in Bronxville, New York

# 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>MICHAEL T. THADATHIL</b>

Date <b>JANUARY 20, 2015</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	01/20/15	X		
2	Board	01/22/15	X		

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

AGENCY: MTA New York City Transit ("NYCT")  
 LESSEE: Mohammed Abdul Jabbar Howladar  
 LOCATION: Unit 01, Parsons Boulevard Station (Queens Boulevard Line), Queens  
 ACTIVITY: Operation of a newsstand  
 ACTION REQUESTED: Approval of terms  
 TERM: 10 years  
 SPACE: 100 square feet  
 COMPENSATION:

<u>Year</u>	<u>Annual</u>	<u>Monthly</u>	<u>% Increase</u>	<u>Per Sq. Ft.</u>
1	\$12,000.00	\$1,000.00		\$120.00
2	\$12,360.00	\$1,030.00	3.0%	\$123.60
3	\$12,730.80	\$1,060.90	3.0%	\$127.31
4	\$13,124.18	\$1,093.68	3.0%	\$131.24
5	\$13,517.91	\$1,126.49	3.0%	\$135.18
6	\$13,923.44	\$1,160.29	3.0%	\$139.23
7	\$14,341.15	\$1,195.10	3.0%	\$143.41
8	\$14,771.38	\$1,230.95	3.0%	\$147.71
9	\$15,214.52	\$1,267.88	3.0%	\$152.15
10	\$15,670.96	\$1,305.91	3.0%	\$156.71

## COMMENTS:

MTA Real Estate issued a request for proposals ("RFP") for this retail / newsstand space and received three responsive proposals. As indicated in the chart below, Mohammed Abdul Jabbar Howladar ("Howladar") proposed the second-highest rent, offering \$12,000 for the initial year with 3% annual increases over the term of the lease. Such proposed rent exceeds the fair market value of the space as estimated by MTA Real Estate's independent consultant. Over the ten-year term, the present value of the proposed rent, using a 9% discount rate, is \$86,511.

# Staff Summary

## FINANCE COMMITTEE MEETING Mohammed AJ Howladar (Cont'd.)

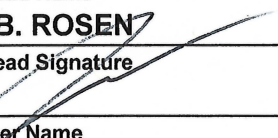
Name of Proposer	First Year Rent	Present Value: Ten Year Term, 9% Discount Rate
MD Tanvir Hossain	\$11,940	\$93,307
Mohammed AJ Howladar	\$12,000	\$86,511
Mehrab Jan	\$8,100	\$58,363

MD Tanvir Hossain, the highest proposer on a present value basis (though not on a first-year rent basis, as shown above), withdrew his proposal after being interviewed due to his assessment that the construction costs for certain NYCT fire alarm code compliance requirements would be too high to make the project financially feasible.

Mr. Howladar has operated the newsstand at Fordham Road station (Bronx, #4 train) since 2008 and he has a good rent payment history at that location and has sufficient experience and financial resources to open and operate at Parsons Boulevard as well.




Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Mohammed Abdul Jabbar Howladar 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>MICHAEL T. THADATHIL</b>

Date <b>JANUARY 20, 2015</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	01/20/15	X		
2	Board	01/22/15	X		

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

AGENCY: MTA New York City Transit ("NYCT")  
 LESSEE: Gateway Foods Holding LLC dba Tim Hortons ("Gateway")  
 LOCATION: Unit 01, 14th Street-Union Square Station (Lexington Avenue Line), Manhattan ("Unit 01")  
 ACTIVITY: Retail sale of fresh baked goods, snacks, coffee, tea, juice, and other "to-go" foods  
 ACTION REQUESTED: Approval of terms  
 TERM: 10 years  
 SPACE: 294 square feet  
 COMPENSATION:

Year	Annual	Monthly	% Increase	Per Sq. Ft.
1	\$123,000.00	\$10,250.00		\$418.37
2	\$126,690.00	\$10,557.50	3.0%	\$430.92
3	\$130,491.00	\$10,874.25	3.0%	\$443.85
4	\$134,405.00	\$11,200.42	3.0%	\$457.16
5	\$138,438.00	\$11,536.50	3.0%	\$470.88
6	\$142,591.00	\$11,882.58	3.0%	\$485.00
7	\$146,868.00	\$12,239.00	3.0%	\$499.55
8	\$151,274.00	\$12,606.17	3.0%	\$514.54
9	\$155,813.00	\$12,984.42	3.0%	\$529.98
10	\$160,487.00	\$13,373.92	3.0%	\$545.87

## COMMENTS:

MTA Real Estate issued a request for proposals ("RFP") for this retail space, located in the unpaid zone adjacent to the open-air street escalator and street stairs at the corner of 14<sup>th</sup> Street and Park Avenue South at the 14<sup>th</sup> Street-Union Square Station, and received 5 responsive proposals. Gateway was the top proposer, even after revising its rent offer downward in response to MTA Real Estate's request that it exclude certain items from its proposed menu. The second-ranked proposer, The New Stand LLC, withdrew its proposal after being awarded other concession spaces at 14th Street-Union Square and 47-50 Rockefeller Center pursuant to separate RFPs. The third-ranked proposer, Fresh Routes LLC, withdrew its proposal due to other business opportunities. The fourth-ranked proposer was Hot & Crusty, which operates stores at Grand Central Station and Penn Station and proposed a new café concept, "Brod", the first of which has just opened on the Upper East Side. The fifth-ranked proposer, Rosen's Café LLC, made a non-competitive rent offer. The

# Staff Summary

## FINANCE COMMITTEE MEETING

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

two remaining viable proposers, Gateway and Hot & Crusty, were closely ranked, and accordingly MTARE issued a request for best and final offers ("BAFOs") to Gateway and Hot & Crusty. The resulting BAFO's were as follows:

Name of Proposer	First Year Rent	Present Value: Ten Year Term, 9% Discount Rate
Gateway Foods Holding LLC	\$123,000	\$886,246
Hot & Crusty	\$108,000	\$778,160


The proposed rent exceeds the fair market value of the space as estimated by MTA Real Estate's independent consultant.

Mr. Aziz Premji, the owner of Gateway, has extensive experience operating quick service food & beverage operations in high-traffic transit locations in the New York/ New Jersey metro area, including New Jersey Transit's Secaucus and Hoboken stations and the Port Authority of NY/NJ's JFK AirTrain terminal, and recently has been awarded a lease to operate a Tim Hortons at Metro-North's White Plains Station. At Union Square, he plans to operate a franchised Tim Hortons, with a menu that features premium coffee, soda & juice beverages, fresh baked goods, snacks, and other "to-go" foods. There are currently more than 700 Tim Hortons locations in the United States and nearly 3,300 locations in Canada. Mr. Premji's proposal includes extensive renovations to the existing concession space. This will significantly enhance the overall appearance of the unpaid area inside the station's main entrance on the north side of 14<sup>th</sup> Street and Park Avenue South. Mr. Premji has a good credit history and sufficient financial resources to undertake the design, construction and operation of the business. He will personally guarantee the Gateway's obligations of his corporate entity under the lease.

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






# Staff Summary

Subject <b>AMENDMENT TO EASEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>CAROLE BRYDEN</b>

Date <b>JANUARY 20, 2015</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	1/20/15	X		
2	Board	1/22/15	X		

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

AGENCY: MTA Metro-North Railroad ("Metro-North")  
GRANTOR: The County of Westchester (the "County")  
LOCATION: Hudson Line at the southern end of Metro-North's Harmon Yard  
Village of Croton-on-Hudson, Westchester County, New York

ACTIVITY: Modification of easement agreement  
ACTION REQUESTED: Approval of terms  
TERM: Permanent  
SPACE: Existing easement area consisting of 16,000± square feet  
Added easement area of 5,011± square feet  
COMPENSATION: \$1/ payment waived

## COMMENTS:

In 2005, the County granted Metro-North an easement for the installation and maintenance of an oil water separator, drainage line and tail track improvements related to the Harmon Yard (the "Existing Easement"). Now, as part of Metro-North's Power Infrastructure Restoration Project, Metro-North is seeking to replace the electrical substation that was damaged by Superstorm Sandy. Construction of a new electrical substation requires the modification of the use provisions of the Existing Easement. An access road used by Metro-North pursuant to the Existing Easement will need to be maintained (Is this a new requirement for MNR?), and will be rerouted on to an additional 5,011± square feet of County property (the "Additional Easement Area"), which will be added to the Existing Easement.

An appraisal of the real estate interests described above determined the value of the easements to be \$8,832. The County has agreed to modify the Existing Easement to include the Additional Easement Area for \$1/payment waived.

Based on the foregoing, MTA Real Estate requests authorization to enter into the requisite modification agreement.

# Staff Summary



Subject <b>SUBLEASE AND EASEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>DAVID ROTH</b>

Date <b>JANUARY 20, 2015</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	1/20/15	X		
2	Board	1/21/15	X		

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

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

LESSEE / GRANTOR: Fareri Associates ("Developer")

SITE: 15-27 Kensington Road, Village of Bronxville, Town of Eastchester, NY, (the, "Site")

ACTIVITY: Granting of easement by Developer to Metro-North (the "Easement") and Sublease by Metro-North to Developer (the "Sublease")

ACTION REQUESTED: Approval of terms

TERM: Easement: permanent

Sublease: 260 years to expire February 27, 2274 unless option to purchase is exercised at an earlier date.

SPACE: Easement area: 2,197± Square Feet;

Subleased area: 2,276± Square Feet

COMPENSATION: Easement: No compensation

Sub-lease: \$66,000, one-time payment

## COMMENTS:

The Developer has obtained approvals from the Village of Bronxville (the "Village"), the current owner of the Site, to acquire the Site, which consists of approximately 1.75 acres located along the eastern side of the northern end of the Metro-North Bronxville Station's outbound platform, and develop a 54-unit residential condominium complex with a 300-space parking garage.

As part of Metro-North's review of the development plans, Metro-North asked the Developer to make certain improvements to mitigate the storm water runoff onto the railroad tracks that currently occurs during heavy rains. The Developer agreed and will construct and maintain a storm water retention system. This storm water retention system will be installed partially on the Site and partially on land leased by Metro-North from Midtown Trackage Ventures pursuant to the so-called Harlem-Hudson Lease (which land will be sublet to the Developer pursuant to the Sublease), beneath a driveway that crosses both the Site and the sublet land.

The portion of the driveway on the Site will be utilized by the future condominium occupants and by Metro-North. Metro-North requires a right of continued ingress and egress over this driveway (which was previously informally permitted by the Village but undocumented) to access its existing electrical circuit house. The Developer will therefore grant the

# Staff Summary

## FINANCE COMMITTEE MEETING Fareri Associates (“Developer”) (Cont’d.)

easement to Metro-North over the driveway to accommodate these Metro-North requirements and to provide Metro-North with the rights to locate a new electrical vault on the Site and a subsurface duct bank as described in the following paragraph (the “Easement”).

To meet the new development’s needs and Metro-North’s power needs in support of a new electrical substation, new high voltage subsurface power lines will be brought to new electrical vaults, one for the development and one for Metro-North. Both vaults will be located on the Site. A subsurface duct bank from the new Metro-North vault to Metro-North’s nearby electrical circuit house will also be installed on the Site. The new vaults and duct bank will be constructed and paid for by the Developer and the improvements will be maintained by Metro-North.

The Village of Bronxville completed a Final Environmental Impact Statement in connection with the approvals necessary for this development on the Site. A copy of the FEIS has been provided to the Board members under separate cover for their review, together with the approvals and the Village Planning Boards Findings Statement issued by the Village and its Planning Board. Pursuant to the NYS Department of Environmental Conservation’s regulations implementing SEQRA, the MTA has prepared environmental findings based upon the FEIS. Attached is a proposed resolution setting forth the environmental findings.

Pursuant to the Public Authorities Law Section 2897, appraisals were obtained for the Sublease and the Easement. The subleased premises was valued at \$66,000 (present value) and the Easement was valued at \$70,000. This transaction was permissibly negotiated with the Developer under Section 2897. Metro- North will receive fair market value for the Sublease, and, in addition, it will acquire at no cost, formal recognition of the above-described ingress and egress rights, which it needs to maintain and operate for its electrical circuit house and future new electrical substation. It will also secure mitigation of storm run-off onto its tracts and useful improvements to it’s property constructed at the Developer’s cost, as described above. The transaction as a whole furthers Metro – North’s transportation purpose and mission.

If MTA exercises its purchase option under the Harlem-Hudson Lease, the Sublease will be converted to an easement.

Based on the foregoing, Real Estate requests authorization to enter into the above-described transactions with the Developer on the terms and conditions described above.

RESOLUTION OF THE BOARD OF THE  
METROPOLITAN TRANSPORTATION AUTHORITY (MTA)

WHEREAS, as described in more detail in the Staff Summary to which this Resolution is attached, Fareri Associates (“Developer”) is currently developing a 54-unit residential condominium complex with a 300-space parking garage on approximately 1.75 acres located along the eastern side of the northern end of the Metro-North Bronxville Station’s outbound platform (the “Site”);

WHEREAS, Metro-North requested that the Developer make certain improvements to mitigate the storm water runoff onto the railroad tracks that currently occurs during heavy rains, and consequently the Developer has agreed to construct and maintain a storm water retention system partially on the Site and partially on land leased by Metro-North from Midtown Trackage Ventures pursuant to the so-called Harlem-Hudson Lease (which land will be sublet to the Developer pursuant to the Sublease), beneath a driveway that crosses both; and

WHEREAS, in order to allow metro-North access to a nearby electrical circuit house, the Developer will grant the Metro-North an easement over a portion of the driveway on the Site; and

WHEREAS, to meet Metro-North’s power needs for a new electrical substation, new high voltage subsurface power lines will be brought to new electrical vaults on the Site for Metro-North and the development; a subsurface duct bank from the new Metro-North vault to Metro-North’s nearby electrical circuit house will be installed on the Site; the new vaults and duct bank will be constructed and paid for by the Developer; and these improvements will be maintained by Metro-North which will be granted an access easement to the Site; and

WHEREAS, it is necessary for the Board to issue findings in connection with the Final Environmental Impact Statement that was prepared and issued in connection with the Project prior to entering into the agreements;

NOW THEREFORE, the Board of the MTA resolves as follows:

1. MTA hereby adopts the attached SEQRA Findings Statement.
2. The Chairman of MTA and his designees, including the MTA Director of Real Estate and the President of Metro- North Commuter Railroad, are hereby authorized to execute and deliver any and all documents and other necessary or appropriate agreements, writings and other instruments and to take any other necessary or appropriate steps as he or she may deem necessary, desirable or appropriate to implement this Resolution.

Dated: January 22, 2015

STATEMENT OF FINDINGS & DECISION  
THE KENSINGTON BRONXVILLE PROJECT

Lead Agency: Village of Bronxville Planning Board

Lead Agency Contact: Jim Palmer  
Village of Bronxville – Village Hall  
200 Pondfield Road  
Bronxville, NY 10708

SEQRA Classification: Unlisted

Location: Kensington Road, Bronxville, NY (Section 11, Block 5, Lots 1, 6 and 16)

Involved Agency: Metropolitan Transportation Authority/Metro-North Commuter Railroad

Involved Agency Contact: David Roth  
MTA Real Estate Dept.  
2 Broadway – 4<sup>th</sup> Floor  
New York, NY 10004  
212-878-7190

Date Final Environmental Impact Statement Filed: April 12, 2006

**FINDINGS & DECISION**

This Statement of Findings and Decision has been prepared in accordance with the environmental review requirements of Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), as set forth in Section 617.11 of its implementing regulations. This Statement of Findings 1) certifies that the procedural requirements of 6 NYCRR Part 617 have been met; 2) has taken into consideration the relevant environmental impacts, facts, and conclusions disclosed in the Final Environmental Impact Statement (FEIS); 3) has weighed and balanced the relevant environmental impacts of the proposed actions with social, economic, and other considerations; and 4) provides a rationale for the decision of the Board of the Metropolitan Transportation Authority. The MTA, acting on behalf of the Metro-North Commuter Railroad, is an Involved Agency relative to this project for the purposes of SEQRA.

The Kensington Project in Bronxville consists of the construction and occupancy of 54 condominium residences, including 5 penthouses, in two four-story buildings designed in Mission-style architecture. One- and two-bedroom residences will range in size from 1,311 to 2,267 square feet. Included in the project will be concierge service, a fitness center, a community room, and a fully landscaped plaza courtyard. Two levels of underground parking



with 309 spaces, of which 203 will be designated for Village of Bronxville commuters and shoppers. The project site (the “Site”) is located adjacent to the Metro North train station with lighted public pedestrian access from Kensington Road.

The Bronxville Planning Board and the Bronxville Board of Trustees granted a special permit, site plan approval, and zoning text amendments in January 2007 following issuance of the FEIS and public hearings on the application by the then-developer. By resolution dated January 8, 2014, the Village Planning Board reaffirmed the Special Permit Approval and the Final Site Plan Approval granted for Kensington Project by resolutions of the Planning Board in 2007. The developer of the Kensington Project is Fareri Associates of Greenwich, Connecticut.

Fareri Associates has agreed to make certain improvements to mitigate the storm water runoff onto the railroad tracks that currently occurs during heavy rains, including construction and maintenance of a storm water retention system partially on the Site and partially on land leased by Metro-North from Midtown Trackage Ventures pursuant to the so-called Harlem-Hudson Lease (which land will be sublet to Fareri Associates pursuant to a sublease), beneath a driveway that crosses both. In order to allow Metro-North access to a nearby electrical circuit house, Fareri Associates will grant the Metro-North an easement over a portion of the driveway on the Site. These measures are consistent with the stormwater management system required by the Village Planning Board and described in the FEIS.

To meet Metro-North’s power needs for a new electrical substation, new high voltage subsurface power lines will be brought to new electrical vaults on the Site for Metro-North and the development; a subsurface duct bank from the new Metro-North vault to Metro-North’s nearby electrical circuit house will be installed on the Site; the new vaults and duct bank will be constructed and paid for by the Fareri Associates; and these improvements will be maintained by Metro-North which will be granted an access easement to the Site. The construction and operation of the vault and improvements to Metro-North’s electrical system will not create any new or different impacts than those addressed in the FEIS.

Because the measures described above relating to stormwater management and improvements to the electrical power distribution system for Metro-North are transportation projects occurring on property immediately adjacent to property used for a transportation purpose, the entry into agreements with Fareri Associates to undertake this work and the acts and activities associated therewith are exempt from SEQRA pursuant to Public Authorities Law §1266(11). Nevertheless, the MTA and Metro-North have examined the proposed transactions in light of SEQRA and the FEIS conducted by the Bronxville Planning Board and issue this Statement of Findings .

For the reasons set forth in the FEIS, the MTA adopts and incorporates by reference into its Statement of Findings, that Statement of Findings and report on the environmental review and alternatives examined contained therein that was adopted by the Bronxville Planning Board, a copy of which is attached. Consistent with social, economic and other considerations, the transactions required of the MTA and described above do not result in any environmental impacts not heretofore described in the FEIS. The MTA certifies that the requirements of 6 NYCRR Part 617 have been met, and that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or

minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the FEIS.

For the foregoing reasons, and pursuant to our obligations as an Involved Agency under SEQRA, the Board of the MTA hereby issues these Findings.

DATED: January 22, 2014

**Village of Bronxville Planning Board  
Lead Agency Findings Statement  
For  
The Kensington**

**Adopted: August 31, 2006**



## **I. Introduction**

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## **I. INTRODUCTION**

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### **A. Introduction**

This findings statement has been prepared pursuant to and as required by Part 617.9(c) of NYCRR part 617, Title 6 (the statewide regulations implementing the New York State Environmental Quality Review Act). This findings statement pertains to The Kensington project ("the proposed action") in the Village of Bronxville. Implementation of the proposed project will require approvals from all necessary local, state and federal agencies as more fully described in Section F, below. The Lead Agency, the Village of Bronxville Planning Board, has jurisdiction to grant special permit approval to the project under the proposed revised zoning code provisions, as well as site plan approval. The Village of Bronxville Board of Trustees has jurisdiction over the proposed zone text amendments and the contract for the sale of the Village-owned site to the developer. The Westchester County Department of Health has jurisdiction over the proposed sewer and water facilities.

The Village of Bronxville Planning Board determined the DEIS to be adequate for commencing public review on July 13, 2005 and an FEIS was completed by the Planning Board on April 12, 2006. This findings statement is based upon these documents, which are on file with the Lead Agency.

### **B. Procedural History**

The Kensington Road property that is the subject of this application has been recognized by the Village as an important redevelopment site. In furtherance thereof, the Village issued a Request for Proposals (RFP) on November 15, 2002, seeking development proposals that would address the parking concerns described in the community plan and which would also provide additional and distinctive housing opportunities in the downtown central business district area.

In response to that RFP, the Village received proposals from Spectrum Kensington LLC (hereinafter "Spectrum") and several other developers. Following a review of all proposals, as well as numerous written and oral submissions made to the Village, on October 14, 2003, the Village of Bronxville Board of Trustees adopted a resolution selecting Spectrum as the Preferred Developer of this property. On June 14, 2004, the Village Board approved a contract with Spectrum, which contract was executed on June 21, 2004. The contract is executory, and the completion of the sale of the property is conditioned upon SEQRA review as well as other conditions.

On June 16, 2004, Spectrum submitted an application for site plan approval to the Planning Board of the Village of Bronxville. On that same date, Spectrum submitted an application for certain zoning code text amendments to the Bronxville Board of Trustees.

On June 16, 2004, the Planning Board declared its intent to act as Lead Agency with respect to the environmental review of the proposed project and directed circulation of notice of said intent to become Lead Agency to all involved agencies. A Lead Agency determination notice dated June 16, 2004 was circulated to all involved agencies.

By resolution dated July 12, 2004, the Village Board of Trustees consented to the Planning Board acting as lead agency and requested that the Planning Board review and issue a recommendation on the proposed zoning code text amendments.

On September 8, 2004, the Planning Board adopted two resolutions pursuant to which the Planning Board:

1. Confirmed its status as Lead Agency;
2. Determined that the project is an unlisted action;
3. Issued a positive declaration requiring the preparation of a Draft Environmental Impact Statement ("DEIS");
4. Adopted a notice of intent to prepare a Draft Environmental Impact Statement and directed circulation of same as required by law;
5. Scheduled a public scoping session to be held on October 13, 2004; and
6. Directed that the draft scope be circulated as required by law.

By notice dated September 8, 2004, the Planning Board forwarded to all interested and involved agencies a notice of intent to prepare a DEIS, including the date and time for the public scoping session, together with a proposed draft DEIS scope.

On October 13, 2004, the Planning Board conducted the public scoping session and adopted a final scoping outline for the DEIS. On November 11, 2004, the Planning Board circulated to all involved and interested agencies a copy of the final scoping outline for the proposed project, identifying the issues to be addressed in the DEIS for the proposed action.

The applicant submitted a preliminary DEIS to the Planning Board on April 20, 2005. In response to the preliminary DEIS, the Planning Board, with the assistance of its professional consultants, reviewed same and provided specific comments to the completeness thereof at Planning Board meetings held on May 11, 2005 and June 8, 2005. All of the aforesaid comments were addressed and the revised preliminary DEIS was submitted to the Planning Board on June 19, 2005.

By resolution dated July 13, 2005, the Planning Board unanimously accepted the revised preliminary DEIS as complete with respect to its scope, content and adequacy for the purpose of commencing public review. The Planning Board adopted a notice of completion with respect to the DEIS and scheduled a public hearing with respect to the DEIS and the application for preliminary site plan approval to be held on September 14, 2005. The DEIS and the notice of completion containing the notice of public hearing were circulated and/or published as required by law.

The duly noticed public hearing was commenced on September 14, 2005, at which time all those wishing to be heard were given the opportunity to be heard. The public hearing was adjourned and continued on September 28, 2005, at which time the hearing was again adjourned and continued on October 12, 2005. On October 12, 2005, the public hearing with

respect to the DEIS was closed and the public hearing on the site plan application was adjourned and has been continuously adjourned from month to month.

Following the close of the written comment period on October 31, 2005, Spectrum prepared a preliminary Final Environmental Impact Statement ("FEIS") to address all of the comments received with respect to the DEIS, both at the public hearing and in writing thereafter.

A preliminary FEIS was submitted to the Planning Board on January 20, 2006. In response to the preliminary FEIS, the Planning Board, with the assistance of its professional consultants, reviewed same and provided specific comments to the completeness thereof at Planning Board meetings held on February 8, 2006, March 1, 2006, March 8, 2006, and April 12, 2006. All of the aforesaid comments were addressed and revised preliminary FEIS sections were submitted on February 23, 2006, March 15, 2006 and April 10, 2006.

By resolution dated April 12, 2006, the Planning Board unanimously accepted the revised preliminary FEIS as complete. The Planning Board adopted a notice of completion with respect to the FEIS and the notice of completion was circulated and/or published as required by law.

#### **C. Site and Area Characteristics**

The Kensington development site is located adjacent to the central business district in the northwest part of the Village of Bronxville, Town of Eastchester, Westchester County, New York. The 1.63 acre project site is located just north of the intersections of Kensington Road, Sagamore Road and Pondfield Road. The site is currently used for at-grade parking by the Village of Bronxville and is developed with 179 spaces in three detached paved parking areas, designated as the south lot, the middle lot and the north lot. The site is located directly east of the Metro-North Railroad right of way. Access to the northbound platform of Metro-North Railroad's Bronxville Station on the Harlem line is provided from the middle parking lot.

The site is located within a predominantly multi-family residential neighborhood, which has a higher density than single-family neighborhoods in the Village of Bronxville; therefore, the proposed action would be compatible with existing neighborhood development. The property lies within the Six Story Multiple Residence D Zoning District, which allows age-restricted residential development as-of-right.

Regional access to the project site is provided via the Bronx River Parkway and Sprain Brook Parkways, which run west of the Village. The Cross County Parkway and Hutchinson River Parkway are within one mile of the border of the Village of Bronxville. These parkways provide access to the New York State Thruway and Saw Mill River Parkway, west of Bronxville. Metro-North Railroad provides public transportation within the region and beyond.

## D. Proposed Action

The proposed action includes 54 age-targeted condominiums in two four-story buildings, a below grade two-level parking garage, and landscaped open space ("The Kensington"). The condominiums, by design and pricing, will be marketed to empty nesters from Bronxville and other surrounding Westchester communities. The project is designed with sensitivity to its immediate surrounding context.

Based on comments offered by the Board and the residents of the Village of Bronxville in their review of the DEIS, the Proposed Action has been revised from that described in the DEIS. The table below presents a comparison of the Proposed Action as it was originally presented in the DEIS and the Applicant's Preferred Alternative discussed herein.

Comparison of Original and Revised Proposed Action

	Original Proposed Action (DEIS)	Applicant's Preferred Alternative
<b>Gross Square Feet</b>	110,000	110,000
<b>Number of Units</b>	61	54
<b>Unit Size</b>	1,200 –1,500 s.f.	1,300-2,000 s.f.
<b>Open Space per unit</b>	537 square feet	505 square feet
<b>Parking Spaces</b>	+/-300	+/- 300
<b>Architectural Style</b>	One Mission Style/One Tudor Style	Two Mission Style
<b>Building Height</b>	4 Story	4 Story

### 1. The Applicant's Preferred Alternative

The Applicant's Preferred Alternative will consist of 54 for sale condominiums in approximately 110,000 gross square feet. The condominiums, by design and pricing, will be marketed to empty nesters. The condominium residences will range from 1,300 to approximately 2,000 square feet and will typically feature a large master bedroom suite and a small second bedroom. Certain units in The Kensington would have a den, measuring approximately 9 1/2 x 12 feet. Dens would not have doors or closets and would not be located near bathrooms.

The Applicant's Preferred Alternative proposes two four-story buildings both designed in the Mission architectural style, reflective of the surrounding architectural context. A paved entry court/piazza is proposed between the two buildings. Locating the court yard across from Christ Church would permit uninterrupted light to flow from the west to the stained glass windows at the Church.

The buildings would be connected by a one-story structure set at the western portion of the entry court. This one-story building would house the concierge services and allow for a covered connection between the buildings. In addition, The Kensington residents would park on the lower level of the proposed parking garage and would have access to the Metro-North Railroad northbound platform via a gate from this one-story concierge building.

The proposed action is an age-targeted residential condominium development, aimed at attracting empty nesters. At present the Village of Bronxville does not include a definition for an Age-Targeted Multiple Residence Facility in its zoning code. The proposed action seeks more intensive use in terms of site coverage due to the proposed below grade parking structure, but less overall density in terms of number of units and building height pursuant to a special permit.

## **2. Parking**

The proposed action includes an approximately 295-space parking garage with approximately 95 of the parking spaces for the condominium units and 200 spaces for use by the Village to replace the existing 179 off-street parking spaces. The proposed parking structure would be two levels, located below grade. Due to the topography of the site, a portion of the façade of the parking structure would be visible from the street at the northern and southern sections of the project site.

Parking for Kensington residents would be provided on the lower level of the parking garage. No fewer than 95 spaces including approximately 30 tandem spaces and approximately 65 fully accessible spaces with at least one fully accessible space assigned to each unit would be provided for residents and their guests. Two elevators would allow access from the lower level of the parking garage to any level of the proposed residential buildings. Vehicular access to resident parking would be via a controlled-access gate.

No fewer than 200 spaces for Village and commuter parking would be located on the upper level of the parking structure and on a portion of the lower level. At least one elevator with card key access via permit would be provided from the Village/commuter parking level to the ground floor level of The Kensington for handicapped accessibility.

The number and allocation of Village and project parking spaces in the below grade parking garage in the Preferred Alternative remains the same as in the original Proposed Action.

## **3. Metro North Access**

Public pedestrian access to the northbound platform of the Metro-North Railroad Bronxville Station from the Kensington Road sidewalk would be provided by an ADA-accessible sloped walkway adjacent to but separate from the vehicular entrance. The walkway would be lighted and separated from the vehicular travel ways by guardrails.

In addition, The Kensington residents would have access to the lower level of the proposed parking garage and to the Metro-North railroad northbound platform via a gate located in the one-story concierge building.

#### 4. Landscaping/Open Space

The project provides approximately 505 square feet of open space per unit.

As mentioned above, a paved piazza/entry court is proposed between the two buildings. The Applicant's Preferred Alternative includes a private landscaped garden/open space located at the southeast corner of the project site adjacent to One Pondfield Road. This garden would be for the use of the residents of The Kensington. A landscaped buffer will be provided at sidewalk level between the sidewalk and the façade of the garage along Kensington Road.

Two private terraces for use by the residents of The Kensington will be provided on the west side of the building. In addition to providing an amenity to the residents, these open spaces serve to break up the mass of the west façade of The Kensington. These setbacks provide a more varied façade on the western side of the proposed building, which provide a positive visual impact and help minimize any sound absorption and reverberation produced by trains.

#### E. Alternatives Considered

The DEIS scope called for, and the DEIS analyzed, a number of alternatives to the proposed actions. These alternatives are, as follows:

1. No Build
2. No Zoning Text Change
3. Age Restricted Residence
4. Alternative Architectural Designs
5. Alternative Site Plan

These alternatives are discussed in more detail in Section III, Summary of Alternatives.

#### F. Required Approvals

The proposed project will require a series of discretionary permits and approvals from local and state agencies. These are summarized in the table below.

**Required Permits, Reviews and Approvals**

Agency	Permits and Approvals
Village of Bronxville Planning Board	SEQRA Review as Lead Agency Special Permit Site Plan Approval

## Required Permits, Reviews and Approvals

Agency	Permits and Approvals
Village of Bronxville Board of Trustees	Zone Text Amendments Contract for Sale of Land (PSDA)
Westchester County Department of Health	Sewer and Water Facilities; Remedial Action Plan for contaminated soils
Village of Bronxville	Blasting Permit, if needed
Westchester County Soil/Water Conservation District	Referral and Recommendation
Westchester County Department of Planning	Referral and Recommendation
New York State Department of Environmental Conservation (NYSDEC)	SPDES permit for stormwater discharge Certificate of Completion; Remedial Action Plan for contaminated soils.
New York State Department of Parks, Recreation and Historic Preservation	Cultural Resource Review under SEQRA
Metropolitan Transportation Authority- Metro North Railroad	Entry Permit

Note: Four easements will also be required as follows:

<sup>1</sup> MTA and United Water for the relocated water main on MTA property.

<sup>2</sup> MTA and Village for relocated storm drain

<sup>3</sup> Spectrum and MTA for driveway and utility access to sub-station

<sup>4</sup> Spectrum, MTA and Con Ed for underground service line between road and sub-station, which was recently installed.



## **II. Environmental Findings**

## **II. ENVIRONMENTAL FINDINGS**

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### **A. Land Use and Zoning**

#### **1. Consistency with Local and Regional Planning**

The Village Planning Board finds that the Proposed Action, a 54 unit age-targeted condominium development is consistent with the Village's land use and zoning policies. The Proposed Action includes 54 units on the 1.63 acre site, which has a gross residential density (GRD) of 33 units/acre. The County's *Patterns* report does not discuss age-targeted housing.

Both the 1997 and the 2002 Village of Bronxville Community Plans identified The Kensington site as being appropriate for potential redevelopment. To further this objective, in 2002, the Village studied ways to create additional parking on the site and concluded "*future development of the [Kensington] site should incorporate a Village parking component to alleviate commuter and shopper parking demand.*" The Planning Board finds that the proposed project not only accommodates project generated parking demand, but also provides 200 spaces for use by the Village of Bronxville for commuters and shoppers.

Among its development objectives, the Community Plan specifically identifies "*development of appropriately scaled multi-family residential units adjacent to or within the CBD, including opportunities for mixed-income and senior citizen housing.*" The Village finds that the project proposes higher density age-targeted housing directly adjacent to the downtown area, serving an existing and previously defined demand in a context sensitive manner.

The Community Plan also identified development of The Kensington project site as a way to help offset anticipated tax increases in the future and add to the commercial tax base of the Village. The sale of the subject site will put the property back on the Village tax rolls and create an additional revenue generator.

#### **2. Consistency with Existing Study Area Land Uses**

The Village Planning Board finds that the Proposed Action will allow a modified, yet previously approved, land use on the subject site. The proposed age-targeted residential development is consistent with the higher density residential developments within the land use study area. In addition, the proposed project will replace and augment the existing municipal parking in a below-grade parking structure on the site.

#### **3. Temporary Displacement of Parking**

The Village of Bronxville has prepared a parking plan to accommodate users of the 179 existing site parking spaces during construction of the proposed project. The plan includes the following:

- The New York State Legislature has approved and the Governor has signed legislation permitting temporary designation of 125 on-street parking spaces as "permit/reserved"

parking. These spaces could be located along Sagamore Road, Valley Road, Paxton Avenue and Dewitt Avenue.

- The Village and the Applicant are working with Avalon Properties to utilize an existing Mobil lot location. The lot would be repaved and the existing building on site razed. This lot would provide parking for approximately 90 vehicles.
- In any event, the Planning Board finds that any site plan and/or special permit approval shall require that there be a total number of alternate parking spaces provided during construction to offset the loss of spaces caused by such construction.

#### 4. Proposed Zoning Amendments.

The Village Planning Board finds that the proposed zoning code text amendments seek certain more restrictive area and bulk requirements for an age-targeted use by special permit than are currently permitted as-of-right for an age-restricted use in the Six-Story Multiple Residence D zoning district. The proposed amendments to the zoning code text will formally define the proposed age-targeted use and modify the existing district regulations for the proposed use. The special permit for age-targeted use would only be allowed for developments, which, by design, are intended for occupancy by families without children and which meet certain other criteria to demonstrate the need for additional density. In comparison to the age-restricted zoning regulations, the proposed zoning will reduce the permitted maximum number of units from 90 to 55, reduce the permitted height and increase the requirements for the amount of open space and parking per dwelling unit.

The proposed zoning text amendments would also decrease the minimum required lot depth and front, side and rear yard requirements, and increase the maximum permitted building coverage.

#### B. Demographics

Using demographic multipliers from the CUPR/ULI Development Impact Assessment Handbook, it is anticipated that between 110 and 112 new residents will move into the Village of Bronxville as a result of the 54 new dwellings in the proposed project, representing an approximate 1.711 and 1.681 percent increase over the 2000 and 2003 Village populations, respectively.

The Village Planning Board finds that based on industry experience with age-targeted housing, it is anticipated that no more than one or two school-aged children will live at The Kensington. Even if non-empty nesters occupied 50 percent of the units, the likely number of school-aged children that would be generated by the project (using ULI and CUPR generation rates) would not exceed four.

### **C. Visual Resources**

The Village Planning Board finds that The Kensington development has been designed with sensitivity to its immediate surroundings as well as to the context of the Village of Bronxville. The decision to propose a building with two wings separated by a one-story lobby and center courtyard directly responded to the need to minimize the mass of the building, given the difficult design constraints of the narrow, linear site, and to protect the flow of sunlight to the stained glass windows at The Christ Church of Bronxville, which is located across the street from the subject site. The Applicant's Preferred Alternative includes two connected buildings in the Spanish Mission architectural style, which the Planning Board finds is compatible with existing buildings in the Village designed in the Spanish Mission style. The Planning Board further finds that buildings designed in the style of English Tudor architecture also would be compatible with existing buildings of the same style in the vicinity of the project. Therefore, use of either, or both styles, would result in buildings that responded to the existing architectural context of the neighborhood, eliminating any negative impacts related to the architectural style of the buildings.

The proposed buildings are set back at varying levels from the railroad right-of-way, providing two private terraces for The Kensington residents, as well as a more varied façade on the western side of the proposed buildings. These setbacks serve to break up the mass of the west façade of The Kensington, providing a positive visual impact, as well as helping to minimize any sound absorption and reverberation produced by trains.

Due to the topography of the project site, a portion of the below-grade parking structure will be visible at the northern end and the extreme southern end of the project site, adjoining One Pondfield Road. The exposed exterior wall tapers gradually to the plaza deck courtyard, located between the two proposed buildings, where the wall will be entirely below grade and therefore not visible from the sidewalk. The exposed façade of the wall will be covered with a stone and stucco veneer. Street trees and additional landscaping along the property line will help to limit views of the garage façade from the street.

The Applicant proposes to employ the same type of historic street lighting used by the Village of Bronxville throughout its downtown for its Kensington Road frontage and courtyard. This will help provide project open space consistent with the Bronxville streetscape. The project will also include selective up-lighting. This type of lighting is used to accentuate plant materials and building details, and will not result in light trespass onto adjacent properties. Upon completion, the project landscape and lighting will provide an established appearance, improving the Kensington Road streetscape.

### **D. Historic, Cultural and Archeological Resources**

#### **1. Character of Surrounding Area**

The physical form of Bronxville exemplifies successful suburban planning of the early twentieth century. The commercial district of the Village surrounds the railroad station. Bronxville's downtown consists of a series of low-rise commercial blocks, designed in traditional styles of architecture, including Tudor, neo-Classical, and Spanish Mission. Abutting the commercial district and located in the vicinity of the station are apartment

buildings designed in traditional styles in the second and third decades of the twentieth century, with notable stucco-fronted Mission and Tudor style buildings, as well as brick buildings in the Colonial Revival and Tudor styles.

The Village Planning Board finds that (1) use of either English Tudor or Spanish Mission style architecture or both styles for the proposed buildings would complement two of the prominent architectural styles found throughout the Village of Bronxville; (2) many design elements currently found in the immediate project study area should be incorporated into the project design; and (3) each building should be articulated with form and context (including the use of appropriate building materials and colors) to reflect architectural styles found throughout the Village in order to be consistent and complimentary with them.

## **2. Historic and Archeological Resources**

The Village Planning Board finds that there are no reported historical archaeological sites within the project parcel or within a 1.5 mile radius of the project site. It is unlikely that there is any historic archaeological potential within the project site due to the prior construction of multi-storied buildings, a power plant, and underground storage tanks on the property.

Bronxville has two individual structures listed in the National Register of Historic Places, a residence and the Bronxville Post Office building. The Lawrence Park Historic District (LPHD), located within the Village, includes the Lawrence Park residential development, as well as the commercial Gramatan Arcade, south of the proposed project, and Christ Church Episcopal Church, across the street from the proposed project. The Gramatan Court Apartments located north of Christ Church, designed in the Spanish Mission Style, could potentially be eligible for future inclusion in the LPHD. The Bronx River Parkway, which runs along the western edge of Bronxville a few blocks west of the railroad tracks, is also listed in the National Register. The Bronxville railroad station, in the Spanish Mission Style, has officially been declared eligible for National Register listing, although it has not been formally listed.

The Village Planning Board finds that because The Kensington will be erected close to buildings that are already listed in the National Register or are eligible for listing, extreme care must be taken to ensure that there are no adverse impacts on these buildings. This is especially important with respect to Christ Church Bronxville, which has a series of pre-1926 stained-glass windows of exceptional quality and a historic pipe-organ.

The Village Planning Board finds that before construction begins, Christ Church's stained glass windows and pipe-organ will be evaluated to determine their condition. The Applicant and its contractors will be responsible for protecting nearby structures, including providing any extraordinary measures that would be required to protect the stained glass windows and the organ in the church. The Applicant and contractors will be required to comply with all Building Department procedures regarding the blasting process and construction activities, including provision of insurance in amounts to be determined by the superintendent.

The Village Planning Board finds that construction management policies to mitigate against any accidental damage to nearby buildings shall include fencing the project site, monitoring of construction activity, adequate ingress and egress for all construction vehicles and temporary shoring of 1 Pondfield Road, if necessary. Prior to initiation of construction, a blasting and/or chipping plan will be submitted to the Village for review and approval. As such, The Kensington should have no negative impacts on historic resources. Indeed, it will convert an unsightly parking lot into a viable residential community that is in keeping with the design of other buildings in Bronxville.

## **E. Traffic and Parking**

### **1. Traffic Impacts**

Access to the project site is via Sagamore Road and Kensington Road from the north and by the Sagamore Road/Pondfield Road/Kraft Avenue traffic circle to the south. Kensington Road is a two lane local road that provides access to three parking lots that comprise the project site. Metered parking is provided along Kensington Road in the vicinity of the project site. South of the project site, Kensington Road intersects Sagamore Road and the Sagamore Road/Pondfield Road/Kraft Avenue traffic circle. Sagamore Road is a two-lane road, which provides access to the project site to/from the north and provides access to/from the south via the Sagamore Road/Pondfield Road/Kraft Avenue traffic circle. Metered parking is also provided along Sagamore Road. Pondfield Road and Kraft Avenue are also two-lane roads that provide access to/from the southwest/southeast via the Sagamore Road/Pondfield Road/Kraft Avenue traffic circle.

Alternative 5 in the DEIS analyzes site generated traffic for a 55 unit condominium development, which is estimated to generate 31 vehicles at the AM Peak Hour and 36 vehicles at the PM Peak Hour. It should also be noted that these rates reflect typical condominium type units and were not adjusted to reflect lower age-targeted rates or a reduction in rates due to the close proximity of the train-station.

Using this traffic generation data, a traffic analysis was conducted for the original plan to compare Year 2004 traffic at key area intersections to Year 2007 traffic, under Build and No-Build conditions. The study found that the traffic generated by the proposed development will not create a significant impact on the roadway system in the vicinity of the site. Based on the analysis, similar Levels of Service and delays will be experienced under Future No-Build and Future Build Conditions. Because even less traffic will be generated with the current 54-unit plan, the same conclusions hold true.

The Village Planning Board finds that the project's reorganization of traffic to and from the site could potentially improve traffic conditions on Kensington Road. The three parking lots, which are currently served by separate driveways, will be replaced by the parking garage, which will be served via an improved single full movement driveway connection to Kensington Road. With the new reconfigured site driveway and removal of adjacent metered parking, sight lines will be improved. During the continued site plan

process, the Kensington/Sagamore/Pondfield Road intersection will be examined in greater detail to determine whether modifications to the intersection will be implemented.

As part of the street improvements, metered parking spaces in the vicinity of the proposed driveways will be eliminated (approximately 6 spaces) and replaced with a sidewalk and landscaped elements. At a minimum, a line of sight of 200 feet or greater will be provided.

## **2. Parking**

### **a. Upon Project Completion**

The site currently consists of three separate parking lots, providing 179 at-grade parking spaces for use by the Village. Access to the northbound platform of the Metro-North Railroad's Bronxville Station on the Harlem line is provided from the middle parking lot. A parking utilization study was completed to determine the peak demand at the existing parking lots. Parking lot counts were taken 7 times over a period of three days. Of the 179 parking spots available in the three existing at-grade lots, a maximum of 131 spaces were occupied during the peak Monday AM observation hour.

The Village Planning Board finds that as part of the project, the Applicant will construct an approximately 295-space parking garage with approximately 95 of the parking spaces for the condominium units and 200 of the parking spaces for use by the Village to replace the existing 179 off-street parking spaces occupying the site as present. This is an increase of 21 off-street parking spaces for use by the Village. On Kensington Road, adjacent to The Kensington, approximately six existing parking spaces would be removed. Public access to the northbound Metro-North Railroad Bronxville Station platform would be provided from the upper level of the parking garage at the southern end of the project site.

### **b. During Project Construction**

The Village of Bronxville has prepared a parking plan to accommodate the 179 existing parking spaces during construction of the proposed project. The plan includes the following:

- The New York State Legislature has approved and the Governor has signed legislation permitting temporary designation of 125 on-street parking spaces for "permit/reserved" parking. These spaces will be located along Sagamore Road, Valley Road, Paxton Avenue and Dewitt Avenue.
- The Village and the Applicant are working with Avalon Properties to utilize the existing Mobil lot. The lot would be repaved and the existing building on site razed. This lot would provide parking for approximately 90 vehicles.
- In any event, the Planning Board finds that any site plan and/or special permit approval shall require that there be a total number of alternate parking spaces

provided during construction to offset the loss of spaces caused by such construction.

The Village Planning Board finds that for workers during construction, parking will not be required for employees who take Metro-North to work, as they would utilize either existing feeder transit to Metro-North or park at existing Metro North stations. During the construction process, there will be approximately 30-40 construction workers on-site each day. The number of construction workers will increase to some 100 workers during the "finished phase" of the project. In order to ensure that the construction workers will not utilize on-street parking spaces, the Applicant is in the process of entering into agreement with the Bronxville Women's Club to use their parking lot on weekdays. This parking lot would allow for parking of approximately 40 vehicles. During the time of peak activity, the General Contractor will be responsible for obtaining alternate sites outside of Bronxville for parking for construction workers. The General Contractor will be required to provide documentation that all temporary parking needs have been provided for, to the satisfaction of the Village of Bronxville.

## **F. Soils and Groundwater**

### **1. Soils**

The Applicant has completed Phase I and Phase II Environmental Assessments for the site. The analytical data confirms that the subject property has been affected by contaminants that are consistent with the past use of the parcels (i.e., former gasoline service station, automotive repair and parking facility on the south parking lot; and a former heat, light and power plant on the central parking lot property). The nature of contaminants detected is not unusual for previously developed urban sites. The analytical data collected as part of this investigation indicates that the affected soils do not meet the criteria for hazardous waste as defined under applicable federal, state and local regulations, and the area of groundwater impact appears to be isolated on the site.

Historical laboratory analysis of soil and groundwater samples collected from the south end of the subject property (former Gramatan Garage) has demonstrated the presence of elevated petroleum constituents. Laboratory analysis of soil samples collected from the area of the former heat, light and power plant have shown the presence of elevated total petroleum hydrocarbons. Both these areas of the subject property have been assigned spill numbers by the New York State Department of Environmental Conservation (NYSDEC).

The Village Planning Board finds that the proposed redevelopment of the subject property will require the demolition of existing structures and the removal of soil inundated with rocks and debris from past demolition activities to accommodate a subsurface parking garage. The affected soil to be excavated for construction activities will require transport to an appropriate disposal or treatment facility. Subsurface construction and demolition debris should be separated from the affected soils and taken to a recycling or disposal facility, as appropriate.



The Village Planning Board finds that as part of the proposed development, the vast majority of these contaminated soils will be removed from the site via a route and during times approved by the Village Police Chief, and properly treated or disposed of, leaving only uncontaminated bedrock exposed.

The Village Planning Board finds that as an additional precaution, engineering controls, in the form of an active venting system will be installed. This system will be made of a network of perforated pipes beneath the structure with a fan to actively vent out contaminants that may be present before they can accumulate at any significant concentration. The air leaving the vent will be sampled under the oversight of the New York State Department of Environmental Conservation. Such sampling may be performed by the developer, the DEC, an independent third party, or any combination of these. In the unlikely event that contaminant readings are unsatisfactory, a carbon adsorption unit could be added to virtually eliminate emissions. Periodic sampling (monitoring) would be conducted until such time when levels have decreased to, and remain at, safe limits determined by the DEC.

A Remedial Action Plan (RAP) will be prepared in conjunction with a Brownfield Application and submitted to the New York State Department of Environmental Conservation, to describe and document the technical approach, scope of work and remedial methodology to either eliminate the detected contamination or reduce it to an acceptable level deemed protective of public health and the environment.

## **2. Groundwater**

The Village Planning Board finds that there are no surface water features located on the subject property lots. The subject property is located within the Bronx River Drainage Basin, and is physically located approximately 2,400 feet to the east-southeast of the Bronx River. No other surface water features are in close proximity to the subject property. The Bronx River is not used as a source of drinking water. Surficial aquifers are located in the Westchester County area; however, these aquifers are not currently used as a significant source of potable water.

Groundwater samples were collected from the existing monitoring wells, which are located in the easement along Kensington Road and the south parking lot area (site of the former gas station, garage and automotive repair facility). Some volatile organic compounds (VOCs) and metals were detected in the groundwater samples above the NYSDEC Ambient Water Quality Standards and Guidance Values. The groundwater in the subject property area is not a source of potable drinking water.

## **G. Water and Sanitary Sewage**

### **1. Water**

United Water Company services the project site. United Water obtains their water supply from the New York City Catskill Reservoir system. Water distribution facilities servicing the project site are located within Kensington Road.

The Village Planning Board finds that the proposed project would have an estimated population of 112 persons and an average estimated daily water usage of 8,400 gallons per day ( $112 \text{ residents} \times 75 \text{ gpd/resident} = 8,400 \text{ gpd}$ ). Peak daily water usage is anticipated to be  $8,400 \text{ gpd} \times 1.8$  or 15,120 gpd. Adequate flow and pressure are available to service the project.

The Applicant has submitted an application to United Water to replace the existing six (6) inch water main that currently runs through the project site with a new connection to the Pondfield Road West water main. The proposed water main improvements will entail the installation of approximately 300 linear feet of eight (8) inch diameter cement lined Class 54 ductile iron pipe. The route of the proposed water main will connect to the existing ten (10) inch diameter water main at the intersection of Palmer Avenue and Parkway Road. The route of the main shall be the western portion along Parkway Road and connect to the existing eight (8) inch diameter water main at the intersection of Parkway Road and Pondfield Road West.

## **2. Sanitary Sewage**

The project site is serviced by the Village of Bronxville Sanitary Sewer Collection System and Westchester County Bronx River Valley Trunk Sewer System. Sewage flows from the project will be treated at the Westchester County Yonkers Treatment Plant and, ultimately, discharged to the Hudson River.

The Village Planning Board finds that although actual sewage flow from the project shall be slightly less than water consumption, the "Recommended Standards for Sewage Flow" recommends new sewer systems be designed at a minimum per capita flow of 100 gallons per day. Average daily design flows for the proposed project would be 11,200 gpd ( $112 \text{ persons} \times 100 \text{ gpd/person} = 11,200 \text{ gpd}$ ). Peak daily sewer flow would be 16,200 gpd ( $54 \text{ condos} \times 300 \text{ gpd/condo} = 16,200 \text{ gpd}$ .) There is adequate capacity within both the Village and County systems to service the project.

The Village Planning Board finds that each of the two buildings shall have a single six (6) inch diameter ductile iron service main, which shall connect from the buildings directly to sanitary sewer manholes, located within Kensington Road and shall be gravity systems. Water service shall comply with Village regulations and have a minimum pipe slope of two percent.

## **H. Stormwater Management**

The Village Planning Board finds that the existing project site is almost completely covered by impervious surfaces. Most of the site is an asphalt parking lot with a few small garage-type buildings. The proposed plan will reduce peak drainage flows to both the MTA property and the Village drainage system, through on-site stormwater detention and a stormwater management system.

The Village Planning Board finds that stormwater flows to the MTA property are expected to be reduced to approximately 75 percent of the flows that presently drain to MTA. Future flows will be limited to off-site runoff, via a proposed 24" diameter drainage system that will route runoff around and north of the MTA building. On-site flows, which presently discharge to the MTA property, are proposed to be detained and filtered and then redirected to the Village drainage system. The applicant will achieve this with the construction of an approximately 75,000-gallon below-grade on-site stormwater storage tank that will mitigate the potential impact from the diversion of these storm flows.

The Village Planning Board finds that the stormwater management system is proposed to collect, detain and treat all stormwater runoff from the site for storm events up to the 100 year storm. The below grade system located under the first level of parking shall collect, treat and discharge site runoff. Runoff will flow through an organic filter manufactured by Stormwater Management, Inc. After leaving the filter, the cleaned water will discharge to the Village drainage system. A diverting manhole shall direct water quality volume (WQv) to the treatment system and larger flows to the detention system.

Management of all regulated stormwater runoff for quality and discharge rate mitigation will be within NYSDEC approved best management practices and methods to demonstrate "design compliance with the SPDES General Permit for Stormwater Discharge from Construction Activities" (GP-02-01).

## **I. Community Facilities**

### **1. Schools**

The project will be designed for and marketed to empty nesters and is expected to have little or no impact on the Bronxville School District. However, a worst-case assessment analysis was completed to estimate a range of potential impacts that could hypothetically occur were non-empty nesters to move to The Kensington.

The analysis used generation rates from nationally recognized sources (the Urban Land Institute (ULI) and the Rutgers University Center for Urban Policy Research (CUPR)) as well as several similar existing projects in New Rochelle and White Plains. Using the most conservative estimate (CUPR), the likely number of school-aged children that would be generated by the proposed development, if non-empty nesters occupied 50 percent of units at The Kensington, would not exceed four school-aged children. If there were four school-aged children realized from this project, the effect on the school district in terms of overall enrollment would be minimal, given the total enrollment of nearly 1,500 students.

The Village Planning Board finds that in the unlikely event of the worst-case scenario where up to four school-aged children would be realized, the educational cost would be \$73,240 (assuming \$18,310 per child, the local per pupil expenditure for the 2003/2004 academic year). According to the Village of Bronxville tax assessor, the projected tax revenue generated by the project to the Bronxville Central School District is estimated to be approximately \$595,899, a projected surplus of \$522,659 (\$595,899-\$73,240).

## **2. Fire, Emergency and Police Services**

The Village Planning Board finds that the proposed Kensington residential buildings and subsurface parking garages are classified as Type I and Type II construction. Type I and Type II construction involves using non-combustible materials for all building elements. The design of the building will comply with all State and local fire safety standards and codes.

The Village Planning Board finds that the Town of Eastchester Fire Department indicated that a fire would be approached from the Kensington Road side of the development, supplemented by approaches from the plaza area where a dry standpipe will be provided on the west side of the plaza to allow fire hose hookups. In addition, at the north end of the project site, adjacent to the Metro North railroad access right of way, Fire Department personnel could gain access in an emergency to the rear of the proposed building. Fire trucks and ladders will not require access into the parking garage, as standpipes will be installed at several to-be-determined locations within the parking garage, on each garage level.

The Eastchester Volunteer Ambulance Corps (EVAC) is a volunteer organization with an average staff size of twenty volunteers, responding to approximately 2,000 calls per year. EVAC maintains two ambulances, which are dispatched from 257 Main Street in Eastchester. The average response time to the project site is estimated at two to three minutes. The Village Planning Board finds that the primary concerns in terms of project design with respect to emergency medical services are: (1) access and (2) that elevators shall be sized to accommodate stretchers. Adequate access will be provided through the center courtyard. In addition, at least one elevator will be sized to accommodate a stretcher.

The Village Planning Board finds that the proposed project is not anticipated to have any significant impact on the Town of Eastchester Fire Department, the EVAC or the Bronxville Police Department and no additional capital costs are expected according to each of the agencies.

## **3. Recreation**

The Village Planning Board finds that the increase in the Village population of approximately 112 new residents represents a growth in Village population of 1.711% over the 2000 population. This increase may cause an increase in the usage of existing parks and recreation facilities. However, there is capacity to accommodate additional demand. Additionally residents of The Kensington will have access to several new private parks and terraces provided by the project that would help to mitigate any potential increase in use of existing parks.

## **4. Public Works/Solid Waste**

The Village Planning Board finds that the addition of approximately 112 new residents will generate approximately 71 tons of additional solid waste per year (0.00175 tons/resident/day). Trash chutes will run through the buildings to a compactor room

located in the garage. Although the Village of Bronxville provides curbside solid waste (and recycling) removal service and could accommodate project generated solid waste, the project will utilize a private carting service with pick-up of trash and recycling at least two times per week; therefore eliminating a potential impact to the Village solid waste disposal system.

#### **J. Fiscal Impacts**

The Village Planning Board finds that the site is currently assessed at \$599,100, but due to its public ownership by the Village of Bronxville, the site does not generate any tax revenue to any taxing jurisdictions. Fair Market Value for the project is estimated by the Bronxville Assessor to be \$36,000,000 for the 54-unit residential development containing 110,000 square feet of gross residential floor area. This represents approximately the same Fair Market Value as for the originally proposed 61-unit development because overall square footage remains the same.

Equalization rates for the Village of Bronxville (3.65 percent) and Town of Eastchester (1.62 percent) were applied to the Fair Market Value to determine the assessed value of the project. Applying these rates yields an assessed value for the project in the Village of \$1,314,000 and in the Town of \$583,200. These assessed values have the potential to change to the extent that the determination of fair market value changes in the future. In addition, the Village of Bronxville and the Town of Eastchester will make independent determinations of fair market value that may differ. Estimated taxes could vary to the extent that the equalization rates change in the future.

The Village Planning Board finds that total tax revenue to be generated by the project upon completion is estimated at \$899,849 using current tax rates. Taxes payable to the Village of Bronxville are estimated to total \$703,899, including \$595,899 for the Bronxville Central School District. Taxes paid to the Town of Eastchester are estimated to total \$196,596, broken down as follows: Town of Eastchester, \$10,907; Eastchester Fire Department, \$50,763; Westchester County: \$109,024; County Refuse Disposal District, \$13,202; Bronx Valley County Sewer District, \$12,700. These taxes may differ in the future to the extent that the tax rates for the taxing municipalities change.

The Village Planning Board finds that as discussed above, the Fire Department, Police Department, and Ambulance Corps have indicated that no additional personnel or equipment will be necessary to serve the proposed project. The project is estimated to create zero school-aged children, but even if non-empty nesters occupied 50 percent of the units and the likely number of four school-aged children is generated by the project (using ULI and CUPR generation rates), the School District has an estimated benefit of \$522,659. No additional cost will be incurred by the Village for solid waste or recycling pick-up due to private carting, and other increases in Village service costs due to the project are anticipated to be offset by increased Village revenues. Overall, the estimated tax revenues indicate that the proposed Kensington development will have a beneficial fiscal impact on local and regional jurisdictions.

Finally, one element of the consideration for the sale of the property is \$1,000,000 to the Village of Bronxville, resulting in an additional, one-time increase of revenue for the municipality.

## **K. Noise and Vibration**

### **1. Proposed Project Noise Impact to Area**

#### **a. Surrounding Land Uses**

The Village Planning Board finds that the completed project would not significantly increase and may decrease intrusive train noise to the Christ Church and other buildings on Sagamore Road, as it will provide a barrier between these buildings and trains. Considering the Alger Court residences to the west, if all sound energy from the trains reflected off Kensington façade and was incident to Northgate, Southgate and Rivermere, an increase of +3 dB is the most that could be expected, a change considered barely perceptible to the human ear. However, as the Alger Court residences are set farther back from the tracks and the ground floor level of Kensington will be several feet above a similar location at Rivermere, the increase would be more on the order of 1dB, which is imperceptible. Additional noise samples taken at the request of Lake Avenue Owners, Inc. confirmed this conclusion.

The design of the west-facing façade will create a façade with portions that are set back and organized around landscaped open spaces so that the façade is not a flat surface. This undulation in the building façade will serve to further mitigate some of the sound reverberation.

#### **b. Construction**

All equipment proposed and scheduled (See the Construction Management Plan, Appendix D of the FEIS) for the proposed Kensington development would be required to comply with all applicable local noise codes, including the Village of Bronxville noise ordinance. Construction noise will be limited as much as possible through use of modern methods and equipment to conduct site work as expeditiously as possible. Truck noise will be greatest during morning hours when the site noise levels are already elevated due to increased train and commuter vehicular activity. Once the shells of the buildings are erected, this will provide a natural shield to noise exposure from interior construction. The Village Planning Board finds that construction noise will be mitigated as much as is practicable through compliance with all applicable noise codes and careful scheduling of construction activities.

### **2. Vibration Impacts**

According to the vibration study performed by the Applicant's Consultant, ambient on-site vibration levels were measured and found to be imperceptible but there is significant clearly perceptible vibration due to each train pass-by event. Other vibration may occur during construction due to equipment use and rock handling activities.

### **3. Impacts to Christ Church**

The noise and vibration analysis performed by the applicant's consultant examined the impact the proposed project would have on Christ Church and specifically the potential noise and vibration impacts of construction activity on the Church during services, on the stained glass windows, and the future impact of the development itself.

Noise and vibration transmission from construction activities will impact the Church and its windows. The construction activities generating the most impact will be any blasting (though unlikely), and pneumatic drills and equipment used to break pavement and/or rocks. Considering distance to the Church, and noise reduction through the windows, the Applicant would expect blasting and pavement breaking (if they were to occur at the same time) to result in noise levels inside the Church of between 60 and 70 dB(A) at perimeter areas with windows, and 10 dB less in interior spaces. Levels of 70 dB(A) would be intrusive to, and likely disrupt, ongoing Church services. The Applicant will coordinate with the Church to understand their events calendar and manage and potentially suspend construction activities accordingly.

Because the Church's stained glass windows are made of small panes of glass each held in their own section of the overall decorative frame, their installation is more damped than a single large pane, and they are therefore less susceptible to ground vibration. The applicant has discussed possible impacts with a stained glass consultant who has indicated that, in general, stained glass seems to handle ground vibration better than other types of windows. Before construction, the stained glass windows will be evaluated to determine their condition. The Applicant and its contractors will be responsible for protecting the stained glass windows according to a plan submitted by the Contractor and approved by the Village and the Church officials.

### **L. Construction Impacts**

The Village Planning Board finds that construction of any proposed development on the site would have short-term impacts on the Village of Bronxville. The short-term impacts associated with construction can be divided into two categories – local impacts felt in the neighborhood surrounding the site that are caused by construction activities on the site and impacts felt some distance from the site that are associated with off-site construction activities such as utility and infrastructure improvements, including relocation of a water main to the west side of the MTA right-of-way, temporary parking and transport of materials and workers to and from the site.

Local impacts include noise, dust, vibration, traffic congestion, loss of on and off-street parking spaces and altered pedestrian pathways. Distant impacts may include noise, dust, vibration, traffic congestion, location of temporary parking and altered pedestrian pathways.

The Planning Board finds that while short-term construction impacts are unavoidable, they can be mitigated by a detailed, comprehensive, construction management plan that complies with the Village of Bronxville Noise Code and all other applicable Village regulations.

A preliminary construction management plan was included in the FEIS. This plan will be developed, reviewed and further detailed in consultation with Village staff and consultants as the design and engineering for the project progresses. Coordination of all construction work, on and off-site, will be also be detailed during design development and site plan review.

The Planning Board finds that the construction management/work coordination plan must protect people and property, mitigate on and off-site construction impacts to the greatest extent practicable, and establish a legitimate duration and scope of work. Any site plan approval will require submission of an updated comprehensive construction management/work coordination plan acceptable to the Village and the MTA. This plan will be required to be advanced in detail to the point reasonably practicable in light of the level of detail provided in the site plan drawings and supporting information. In addition, any site plan approval would require that the comprehensive construction management/work coordination plan be further advanced in detail and submitted to the Village at the time construction drawings are submitted for issuance of a building permit. It shall be a pre-condition of issuance of the building permit that the construction management/work coordination plan be approved by the Village Building Inspector, upon advice of any public safety official(s) the Building Inspector deems appropriate, prior to issuance of the building permit.



### **III. Summary of Alternatives**

### **III. SUMMARY OF ALTERNATIVES**

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The Village Planning Board finds that the DEIS considered five alternative development scenarios to the proposed project, the basis for which were established in the Scoping Document. For each Alternative, the Planning Board examined numerous factors and potential impacts, including land use and zoning, demographics, visual resources, historic, cultural, and archeological resources, traffic and parking, soils and groundwater, water and sanitary sewer, stormwater management, community facilities, fiscal impacts, and noise and vibration.

#### **A. No-Build**

The No-Build Alternative assumes that the site will remain in its current state, operating as an approximately 179-car at-grade commuter parking lot owned, operated and maintained by the Village of Bronxville. The No-Build Alternative would not involve additional traffic or population, and would not impact on community facilities, historic, cultural or archeological resources, or stormwater. However, the No-Build Alternative's continuation of the existing use would not be in conformance with the recommendations of the Village-adopted Bronxville 2002 Community Plan as specifically related to the project site. In addition, the Village would not receive the beneficial impacts that are expected to occur with the proposed action, including increased tax revenue to the Village and Town, increased parking for the Village, improved pedestrian access to the railroad station, integration of the site into the visual character of the neighborhood, and remediation of on-site contaminated soils.

#### **B. No Zoning Text Change**

Two Alternatives address development possibilities if there is no change to the existing site zoning. Under the first, development could proceed in accordance with existing Multiple Residence D Zoning District requirements. Given this zoning, presumably a multi-family residential building with market-rate apartments would be constructed on the site. Assuming a 6-story building with a 17,751 s.f. footprint (the maximum possible height and footprint, respectively), the total building size would be 106,506 s.f. At 1,500 s.f. per unit (zoning requires a minimum habitable dwelling area of 1,500 s.f.), the proposed building under current zoning would have approximately 71 units.

At 71 units (17 more than the Proposed Action), Alternative 2 would lead to a greater population increase for the Village (145 to 147 new residents) as compared with the proposed project (110 to 112 new residents). Additionally, because the development would not be age-targeted, between 10 and 12 school-age children would result from Alternative 2. Tax revenues from the project, which are estimated to be roughly the same as in the Proposed Action, would result in a lower surplus for the Bronxville School District because of the introduction of additional students.

The 6-story building in Alternative 2 could potentially have a greater impact on the visual resources of the neighborhood due to its increased height. Its increased number of units could also mean less open space per unit on the site. The Multiple Residence D Zoning District requires only 300 square feet of open space per unit, as opposed to the 505 square feet per unit provided by the proposed action.

Because of its increased size and increased number of units, Alternative 2 would likely have greater impacts on traffic and parking, water and sanitary sewer, and community facilities. Impacts on land use, historic/cultural resources, soils, stormwater management, and noise would be similar to the proposed project. In sum, due to a greater number of units and a younger potential population, Alternative 2 would have the same or greater impacts than the Proposed Action.

### **C. Age Restricted Residence**

Another development possibility for the site assuming that zoning is unchanged is construction of an age-restricted residence instead of the proposed age-targeted facility, and proceeding with the Multiple Residence D Age-Restricted Zoning District requirements. Given the area and bulk requirements (maximum height 6 stories, maximum coverage 55 percent, maximum 90 units, minimum dwelling area of 750 square feet), Alternative 3 would involve an age-restricted housing development of 6 stories, 72 feet in height, with ninety 750 square foot units.

At 90 units (36 more than the proposed project), Alternative 3 would have greater demographic impacts than the proposed project. It would be anticipated that between 183 and 188 residents would occupy the 90 Alternative 3 units (73 to 76 residents greater than the Proposed Action). Despite the population increase, since the development would be age-restricted, it would not include any school-age children. As a result, Alternative 3 would not have an impact on the school-age population.

As with Alternative 2, Alternative 3's increased unit count and increased population would mean greater impacts than the proposed project in the areas of traffic and parking, water and sanitary sewer, and community facilities (but no impact on schools). Likewise, similar impacts to the proposed project would be anticipated with land use, historic/cultural resources, soils, stormwater management, fiscal impacts, and noise. Again, like Alternative 2, the increased height of Alternative 3 could lead to greater impacts on the visual resources of the neighborhood. The age-restricted zoning for Alternative 3 requires only 300 square feet of open space per unit, as compared to the 505 square feet of open space provided by the proposed project.

Overall, Alternative 3 would have similar or greater impacts on the community to the proposed action, except in the area of schools, where it would have no impact.

### **D. Alternative Architectural Designs**

Alternative 4 was prepared in response to interest by some Bronxville residents and explored using one architectural style for both buildings. The buildings were identical in size, shape, number and size of units, massing, landscaping and amenities as the Applicant's initial proposal that contemplated one building in the Tudor style and the other in the Spanish Mission style. Two versions of Alternative 4 were developed: one option explored two Tudor style buildings, and the other option explored two Mission style buildings. The all Mission style alternative became the Applicant's Preferred Alternative.

The Applicant's Preferred Alternative includes two buildings in the Spanish Mission architectural style, which the Planning Board finds is compatible with existing buildings in the village designed in the Spanish Mission style. The Planning Board further finds that buildings designed in the style of English Tudor architecture also would be compatible with existing buildings of the same style in the vicinity of the project. Therefore, use of either, or both styles, would result in buildings that responded to the existing architectural context of the neighborhood, eliminating any negative impacts related to the architectural style of the buildings.

#### **E. Alternative Site Plan**

Alternative 5 presents one approximately 110,000 s.f. six-story Mission style building set at the north end of the project site. The south end of the project site would be set aside as approximately 20,000 s.f. of open space for use by Village and The Kensington residents. Alternative 5 would include 55 units, ranging in size from 1,200 to 1,500 s.f.

Because Alternative 5 has a similar number of units as the proposed project (55 as compared to 54) with the same gross square footage, most impacts, including traffic and parking, demographics, water and sanitary sewer and community facilities, would be approximately the same. The primary difference in impact would be that one building, two stories higher than the Applicant's preferred alternative, would be significantly more bulky in appearance than the Applicant's preferred alternative, even taking into account the proposed increase in open space. It should also be noted that Alternative 5 would require modifications to the Applicants' contract with the Village of Bronxville, as well as modifications to the draft zoning code provisions.

## **IV. Certification**

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#### **IV. CERTIFICATION**

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Having fully considered the relevant environmental impacts, facts, and conclusions disclosed in the Final EIS for The Kensington project, and having weighed and balanced the relevant environmental impacts with the social, economic and other considerations set forth in this Findings Statement, and more fully evaluated in the specific findings on the preceding pages, the Village of Bronxville Planning Board, as lead agency, hereby certifies that: (a) the requirements of 6 NYCRR Part 617 have been met; (b) consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the approval and construction of the Applicant's preferred alternative (in whichever architectural style[s] the Planning Board ultimately determines) is one that minimizes or avoids adverse environmental impacts disclosed in the EIS to the maximum extent practicable; (c) adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision these mitigation measures which have been identified in the DEIS, FEIS, and Findings as practicable, and the Board hereby further finds that all the mitigation measures identified in the DEIS, FEIS, and Findings are practicable.



## Staff Summary

Page 1 of 2

<b>Subject</b> An Amendment to NYCT's 2010-2014 Capital Program, Adding 72 Standard buses and deferring 25 Articulated buses
<b>Department</b> Executive Vice President
<b>Department Head Name</b> Robert Bergen <i>MCHL FOR R. BERGEN</i>
<b>Department Head Signature</b>
<b>Project Manager Name</b> David Henley

<b>Date</b> December 29, 2014
<b>Vendor Name</b> n/a
<b>Contract Number</b> B40656, B40660
<b>Contract Manager Name</b> John Higgins, CMO, Dept of Buses
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	NYCT Committee	1/20	X		
2	Finance Committee	1/20	X		
3	MTA Board	1/22	X		

Internal Approvals			
Order	Approval	Order	Approval
6	President <i>[Signature]</i>		
5	Executive VP <i>MCHL FOR RB 1/18/15</i>	3	SVP Subways <i>[Signature]</i>
	SVP Capital Prog. Management	4	SVP Buses <i>[Signature]</i>
	VP, Capital Planning & Budget		

Purpose:

To obtain MTA Board approval to reprioritize scheduled bus purchases between the funded 2010-2014 Capital Program and the unfunded 2015-2019 Capital Program proposal. This action, if approved, would:

- advance the purchase of 72 standard diesel buses from the 2015 plan year of the 2015-2019 Capital Program, and
- defer the purchase of 25 articulated buses, currently part of the 2010-2014 Capital Program, to be included in the 2015-2019 Capital Program.

There would be no net change in the total values of the funded 2010-2014 Capital Program or the proposed 2015-2019 Capital Program. The 2010-2014 Capital Program currently includes a project for the purchase of 256 articulated buses, with a budget of \$245 million. The scope of this project would be reduced to purchase 231 articulated buses, and the resulting savings of \$42 million would be reallocated to the purchase of 72 standard buses.

Discussion:

Contract B40656 was competitively procured and awarded to two vendors in December 2013/January 2014. The base contract (funded in existing capital programs) is for 690 standard diesel buses with an option (to be funded in the 2015-2019 Capital Program) for up to 700 additional buses. With the delivery of the base buses, 417 buses from model year 1999 will remain in the fleet – 72 Orion V buses and 345 Nova RTS buses. It was originally planned that these remaining 15 year old buses would be replaced by exercising the option for 700 additional buses in 2015. However, the Orion 1999 fleet, in particular, has proved to be expensive, unreliable, and susceptible to unrepairable structural corrosion.

NYCT's Department of Buses has determined that there is an immediate operating need to replace the 72 Orion buses, which cannot wait for approval of the 2015-2019 Capital Program. Therefore, NYCT requests to fund 72 additional standard buses in the 2010-2014 Capital Program, advanced from the planned option of 700 buses in 2015 of the 2015-2019 Capital Program. These 72 additional standard buses would be awarded as a contract modification to the base contract B40656, at an estimated cost of \$42 million.

Funding for the advancement of 72 standard buses would be provided by reallocating a portion of the \$245 million of uncommitted bus purchase funds in the 2010-2014 Capital Program, which are currently budgeted for the purchase of 256 articulated buses. Articulated buses are planned to be purchased under contract B40660 (not yet awarded), with a base contract for 256 buses in the 2010-2014 Capital Program and an option for 275 buses in 2015-2019. With this action, twenty-five (25) articulated buses would be deferred from the base to the option, yielding savings of \$42 million, so the reformulated contract would be for 231 (base) plus 300 (option). Both option purchases (standards and articulated buses) are included in the 2015-2019 proposed Capital program.

**Staff Summary**

Page 2

Contract		Current			Proposed			Change		
		2005-2009	2010-2014	2015-2019	2005-2009	2010-2014	2015-2019	2005-2009	2010-2014	2015-2019
B40656	1,390 Standard Diesel Buses	90	600	700	90	672	628	—	+72	-72
B40660	531 Articulated Buses	—	256	275	—	231	300	—	-25	+25

The 25 articulated buses being deferred are normal replacement buses for the 2003 New Flyer articulated bus fleet. These buses are just reaching their planned replacement age of 12 years. NYCT's Department of Buses has decided that the continued operation of the articulated buses to age 13-14 involves much less operational and financial risk than the continued reliance on 1999 Orion standards into age 16-17.

Impact on Funding:

The proposed addition of 72 standard diesel buses to the New York City Transit 2010-2014 Capital Program is to be funded by compensating project deferral of 25 articulated buses. This deferral would yield a total project cost savings of \$42 million in the 2010-2014 Capital Program, equal to the current estimate to advance 72 standard buses. Therefore, the size of the overall NYCT capital program remains unchanged

Alternatives:

Proceed with the approved, funded project for the replacement of 256 articulated buses and wait for approval of 2015-2019 Capital Program to begin the process of procuring standard buses to replace expensive, unreliable, significantly over-age buses. This alternative is not recommended, for the reasons of operational and financial risks.

Recommendation:

That the MTA Board approve the reprioritization of scheduled bus purchases between the funded 2010-2014 Capital Program and the unfunded 2015-2019 Capital Program proposal; specifically:

- advance the purchase of 72 standard diesel buses from the 2015 plan year, and
- defer 25 articulated buses to be included in the 2015-2019 program.

APPROVED FOR SUBMISSION TO THE BOARD

Carmen Bianco  
President

1.8.15


Date



# Report

## PROCUREMENTS

The Procurement Agenda this month includes 8 actions for a proposed expenditure of \$133.3M.

<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	1/20/15			
2	Board	1/22/15			

January 9, 2015			
<b>Department</b> Law and Procurement – MTACC			
<b>Department Head Name</b> Evan Eisland			
<b>Department Head Signature</b> 			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President NYCT		President MTACC
	Executive VP		President MTA Bus
X	Capital Prog. Management	X	Subways
	Law	X	Diversity/Civil Rights

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

**PURPOSE:**

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

**DISCUSSION:**

NYC Transit proposes to award Non-Competitive procurements in the following categories: 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: NONE

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

<u>Schedules Requiring Majority Vote:</u>		<u># of Actions</u>	<u>\$Amount</u>
Schedule G:	Miscellaneous Service Contracts	1	\$ 3.5 M
Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	3	\$ 109.8 M
SUBTOTAL		4	\$ 113.3 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 Bus Company proposes to award Ratifications in the following categories: NONE**

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

<u>Schedules Requiring Majority Vote:</u>			
Schedule K:	Ratification of Completed Procurement Actions	1	\$ .9 M
SUBTOTAL		1	\$ .9 M

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

<u>Schedules Requiring Majority Vote:</u>			
Schedule K:	Ratification of Completed Procurement Actions	3	19.1 M
SUBTOTAL		3	\$ 19.1 M
TOTAL		8	\$ 133.3 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.

**JANUARY 2015**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

1. **Clean Venture, Inc.** **\$3,504,005 (Est.)** **Staff Summary Attached**  
**Four Bids/Low Bidder – Five-year contract**  
**RFQ# 64968**  
Removal, handling, transportation and disposal/recycling of various types of non-hazardous industrial waste for NYC Transit and MTA Bus Company.

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

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

- Columbus Transit, LLC** **Staff Summary Attached**  
**PTM Management Corp.**
2. **Contract# 07H9751M.8** **\$0** ↓
3. **Contract# 07H9751V.6** **\$95,337,802** ↓  
Modification to the contracts for Access-A-Ride Paratransit transportation services, in order to achieve savings and extend the existing contracts through November 2018 and March 2019, respectively.
4. **Parsons Brinckerhoff, Americas, Inc.** **Staff Summary Attached**  
**CMM-1570.2** **\$14,476,800**  
Modification to the contract for worldwide technical inspections, in order to extend the contract term for eighteen months, with an option for up to an additional six months.

## Schedule G: Miscellaneous Service Contracts

Item Number: 1

<b>Vendor Name (&amp; Location)</b> Clean Venture, Inc. (Elizabeth, NJ)		<b>Contract Number</b> RFQ. 64968		<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Description</b> Multi-Agency Removal, Handling, Transportation, and Disposal/Recycling of Non-Hazardous Industrial Waste		<b>Total Amount:</b> NYC Transit: \$3,468,965 MTABC: \$35,040		
<b>Contract Term (including Options, if any)</b> Five Years		\$3,504,005 (Est.)		
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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> Division of Materiel, Stephen M. Plochochi		
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:				

### Discussion:

This multi-agency contract is for the removal, handling, transportation, and disposal/recycling of various types of non-hazardous industrial waste by Clean Venture, Inc. (Clean Venture) for five years in the estimated amounts of \$3,468,965 for NYC Transit and \$35,040 for MTA Bus Company (MTABC) for a total estimated amount of \$3,504,005.

NYC Transit and MTABC require the services of a contractor to provide all labor, materials, and equipment necessary for removal, handling, transportation, and disposal/recycling of non-hazardous industrial waste as mandated by Federal, State, and local laws. 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 (IFB) was advertised in September 2014. An extensive outreach to increase competition was performed prior to this solicitation by NYC Transit Procurement, resulting in the receipt of four bids, two more bids than were submitted on the last solicitation. Clean Venture's bid of \$3,504,005 was 5% lower than the next lowest bid. When the unit prices of the proposed and previous contracts are evaluated at the proposed quantities, the overall price increased 3.9% per year. Based on adequate competition, Clean Venture's pricing is considered to be fair and reasonable. When questioned about the price increase, Clean Venture stated that it had inadvertently underpriced the prior contract and, having honored the price for the prior contract for the five year term, it adjusted its bid for the current contract.

A bid protest was received from the second low bidder; a protest officer was assigned and the protest was found to have no merit.

After a careful review of the licenses and permits required by the states of New York and New Jersey for this work, MTA Department of Diversity and Civil Rights and the New York State Department of Economic Development approved an adjustment of the goals to comport with the lack of availability of certified MWBEs with the necessary licenses and permits to perform as transportation subcontractors. Goals, which were originally set at 10% MBE and 10% WBE, were adjusted to 4.28% MBE and 1.47% WBE.

Item Number: 2-3

<b>Vendor Name (&amp; Location)</b> Columbus Transit, LLC (Mount Vernon, NY) PTM Management Corp. (Queens, NY)		<b>Contract Number:</b> 07H9751M 07H9751V		<b>AWO/Mod #</b> 8 6
<b>Description:</b> Access-A-Ride Paratransit Transportation Services		<b>Original Amount:</b> 07H9751M: \$379,084,216      \$ 660,156,246 07H9751V: \$281,072,030		
<b>Contract Term (including Options, if any)</b> 07H9751M: November 17, 2008 – January 31, 2015 07H9751V: April 1, 2009 – January 31, 2015		<b>Prior Modifications:</b> 07H9751M: \$(265,627,991)      \$ (421,213,327) 07H9751V: \$(155,585,336)		
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a		<b>Prior Budgetary Increases:</b> \$ 0		
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> 07H9751M: \$113,456,225      \$ 238,942,919 07H9751V: \$125,486,694		
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		<b>This Request:</b> 07H9751M: \$0      \$ 95,337,802 07H9751V: \$95,337,802		
<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> 39.9%		
<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> (49.4)%		

**Discussion:**

These modifications will each extend the term of Contract 07H9751M with Columbus Transit, LLC (Columbus), a NYS Certified MBE, through November 30, 2018 and Contract 07H9751V with PTM Management Corp. (PTM) through March 31, 2019 to continue providing Access-A-Ride Paratransit Transportation Services (AAR) for the Department of Buses, Division of Paratransit.

In 2008, Contract 07H9751 was competitively solicited, and awards were made to a series of contractors which included Columbus and PTM. Each contract was awarded for a 10-year base contract term with a unilateral option to extend for up to an additional 10 years. In March 2010, following an MTA-wide action to reduce operational costs known as the Rapid Procurement Initiative (RPI) led by an outside consultant, both Columbus and PTM reduced the term of their contracts to a 5-year base with a 5-year mutually agreeable option (PTM's agreement also included a second option for 10 years, subsequent to the first option period). The RPI actions, memorialized through contract modifications, resulted in operational savings and contract term reductions for Columbus and PTM.

As the RPI-revised base contract expiration dates neared for each contract, Paratransit requested that service provided by Columbus and PTM continue as service forecasts, both near and long term, require sufficient capacity for AAR Paratransit service. In lieu of a market survey to determine the reasonableness of the contractor's pricing, NYC Transit requested that MTA Audit Services perform an audit on each contract to review and assess the costs incurred compared to the carrier's total compensation for a given 12-month period. Although the options were available, NYC Transit negotiated new reduced pricing based on the audit results, for which substantial savings were realized. Thus, this action does not exercise contractual options but rather continues to extend the terms to the agreed upon expiration date of the options established in the RPI (November 30, 2018 for Columbus and March 31, 2019 for PTM).

Pricing for these contracts is based on a fully-loaded vehicle service hour (FLVSH) rate. The major component of the FLVSH is the vehicle service hour (VSH) rate, which is made up of driver salaries, profit, benefits, and other related costs (e.g., overtime, pre/post vehicle inspections) as well as non-vehicle and per-vehicle related fixed costs (e.g., facility overhead, management salaries, uniforms and driver training) and vehicle maintenance costs, all of which roll up into a FLVSH rate. The FLVSH varies from carrier to carrier, and therefore can be used to compare carrier pricing and determine a range of reasonableness for overall pricing. The FLVSH does not include pass-through costs such as tolls, collision insurance, vehicle registration, computer software, driver bonuses, and mobilization, if any.

It is anticipated that if the full compliment of vehicles are utilized (Columbus 100/PTM 151) approximately \$59.9M will be spent with Columbus and \$95.431M will be spent with PTM for the modification period. Additional funding for Columbus is not required as \$59.9M remains in the contract and \$95.3M is being requested for PTM as \$93.4K remains in its contract.

Procurement strategically targeted segments of the FLVSH for negotiations where cost reductions could be maximized. Columbus' FLVSH rate was reduced from \$49.58 to \$43.89 or 11.48% and PTM's FLVSH was reduced from \$52.18 to \$45.21 or 13.36% for respective savings of \$7,799,053 and \$14,916,361. This resulted in a total savings of \$22,715,414 for both carriers. These savings apply retroactively from April 1, 2014 through the respective expiration dates in 2018 and 2019.

Procurement has requested that MTA Audit Services perform an audit on the remaining 12 carriers to determine whether cost reductions can be obtained.



Item Number: 4

<b>Vendor Name (&amp; Location)</b> Parsons Brinckerhoff, Americas, Inc. (New York, NY)	
<b>Description</b> Consultant for Worldwide Technical Inspection Services	
<b>Contract Term (including Options, if any)</b> November 2, 2009 – January 31, 2015	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type:</b> <input 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: Mod	
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Division of Materiel, Stephen M. Plochochi	

Contract Number	AWO/Mod. #
CMM-1570	2
<b>Original Amount:</b>	\$ 31,000,000
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 31,000,000
<b>This Request:</b>	\$ 14,476,800
<b>% of This Request to Current Amount:</b>	46.7%
<b>% of Modifications (including This Request) to Original Amount:</b>	46.7%

#### Discussion:

This modification will extend the contract term for eighteen months, with an option for up to an additional six month extension. It is anticipated that \$10,857,600 will be expended during the eighteen month extension and that \$3,619,200 will be expended during the six month option. Approval is requested for both the extension and the option.

The consultant performs in-plant inspections of materials throughout the world before those materials are shipped. The consultant supplies inspectors with multi-disciplinary expertise that is not available in-house and who are required to travel throughout the United States and abroad. The inspections are required to ensure that materials and supplies purchased by NYC Transit, as well as those provided by contractors for capital projects, adhere to NYC Transit's specifications. In addition to in-plant inspections, the contractor develops inspection protocols, which are detailed scripts for determining whether material complies with the specification requirements, performs quality audits of production processes, and prepares reports documenting and detailing compliance or non-compliance with material specifications. The types of material inspected under this contract include safety sensitive materials and equipment such as specially fabricated track work; steel, rail and related products; electrical, communications, and signal equipment; railroad ties; and other products.

The requested extension is necessary in order to continue preparations for a new RFP solicitation, negotiate and award a renewal contract, and to allow for a six month ramp-up period for the new consultant. Due to the complex nature of this contract, previous solicitations have elicited limited competition; therefore time was required to perform outreach and to allow potential proposers adequate time to prepare project teams.

The competitively negotiated base contract contained a provision to increase the rates by an average of 4.4% for the last two years of the contract. For this modification, the rates will increase by 1% for the first year and by an additional 1% for the following six months and the option period. This compares favorably with the most recent Producer Price Index which indicated an increase of 2.1% annually. The final price was found to be fair and reasonable.

**JANUARY 2015**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

1. **Technico Construction Services, Inc.** Staff Summary Attached  
**Contract# C-44508/C-42001.11                      \$942,754**  
Modification to the contract for repair of the tunnel, portals, abutment walls and elevated structure of the Broadway/7<sup>th</sup> Avenue IRT Line, in order to repair the bridge at 133<sup>rd</sup> Street and Broadway.

## Schedule K: Ratification of Completed Procurement Actions



New York City Transit

Item Number: 1

<b>Vendor Name (&amp; Location)</b> Technico Construction Services, Inc. (Long Island City, NY)		<b>Contract Number</b> C-44508/C-42001	<b>AWO/Mod.#</b> 11
<b>Description</b> Repair of the tunnel, portals, abutment walls and elevated structure along the Broadway/7 <sup>th</sup> Avenue IRT Line		<b>Original Amount:</b> \$ 13,899,000	
<b>Contract Term (including Options, if any)</b> March 4, 2013 – March 4, 2015		<b>Prior Modifications:</b> \$ 821,959	
<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> \$ 14,720,959	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification		<b>This Request:</b> \$ 942,754	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 6.4%	
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Capital Program Management, Frederick E. Smith		<b>% of Modifications (including This Request) to Original Amount:</b> 12.7%	

### Discussion:

This retroactive modification is for repair of the bridge at 133<sup>rd</sup> Street and Broadway that was damaged by a vehicular accident.

The base contract is for repair of the tunnel, portals, abutment walls and elevated structure of the Broadway/7<sup>th</sup> Avenue IRT Line in Manhattan between 120<sup>th</sup> and 143<sup>rd</sup> Streets. The work includes steel structure and concrete roof repair of portals, one at 122<sup>nd</sup> Street and one at 135<sup>th</sup> Street; elevated steel structure repair; abutment wall repair in open cut areas; and replacement of deteriorated steel columns in tunnel vent areas.

On March 20, 2014, the Broadway/7<sup>th</sup> Avenue IRT Line bridge structure over 133<sup>rd</sup> Street was hit and damaged by a cement truck that was attempting to drive underneath it. NYC Transit Maintenance of Way (MOW) installed temporary supports to shore up the elevated railroad and performed other immediate emergency repairs, inspected the structure, and restored train service. The intersection of Broadway and 133<sup>rd</sup> Street has been closed to traffic since the date of the accident.

On April 28, 2014, CPM completed the design for repairs. It was determined that the repair work should be done as a modification to this contract, because the location of the damaged bridge is within the limits of the contract; the repair work is similar to the contractual work and can be performed during diversions of service scheduled for this contract; and having this contractor perform the work eliminates any impact on the contract work and avoids coordination issues that would arise by having two contractors work in the same location. The work to be performed under this modification will be performed mainly by the Minority Business Enterprise (MBE) structural steel subcontractor and includes repair of a through-span girder, replacement of an inverted knee brace, and repair and replacement of horizontal cross braces.

The contractor's initial proposal was \$1,098,130. NYC Transit's revised estimate was \$865,000. Negotiations resulted in a lump sum price of \$942,754 which was found to be fair and reasonable. Savings of \$155,376 were achieved.

On November 14, 2014, the SVP & Chief Engineer approved a retroactive waiver, and the contractor was directed to proceed in order to begin repairs during a diversion of service that month. Repairs will be completed during diversions of service scheduled for two occasions in January that are for contract work and two additional diversions scheduled for one each in March and April 2015. The contract is forecast to be substantially complete in May 2015 due to an extension of time being negotiated under a separate modification that does not require Board approval.

**JANUARY 2015**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

1. **E.E. Cruz/Tully Construction  
Company, JV, LLC**  
**Contract# C-26010.52**

**Staff Summary Attached**

**\$4,000,000**

Modification to the contract for station finishes for the Second Avenue Subway, 96<sup>th</sup> Street Station, in order to address Con Edison changes to facility power.

**Judlau Contracting, Inc.**

**Staff Summary Attached**

2. **Contract# C-26011.10** **\$12,838,840**  
3. **Contract# C-26011.51** **\$2,266,000**



Modifications to the contract for station finishes for the Second Avenue Subway, 72nd Street Station, in order to address changes to Entrance 1 associated with the installation of the lower escalator concrete lining and additional excavation associated with the reconfiguration of Entrance 1 to a sidewalk entrance.

Item Number: 1

<b>Vendor Name (&amp; Location)</b> E. E. Cruz/Tully Construction Company, JV, LLC (New York, NY)	
<b>Description</b> Second Avenue Subway– 96 <sup>th</sup> Street Station Finishes	
<b>Contract Term (including Options, if any)</b> June 22, 2012 – December 20, 2015	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> MTA Capital Construction, Dr. Michael Horodniceanu	

Contract Number	AWO/Mod.#
C-26010	52
<b>Original Amount:</b>	\$ 324,600,000
<b>Prior Modifications:</b>	\$ 13,774,479
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 338,374,479
<b>This Request:</b>	\$ 4,000,000
<b>% of This Request to Current Amount:</b>	1.2%
<b>% of Modifications (including This Request) to Original Amount:</b>	5.5%

**Discussion:**

This retroactive modification will address Con Edison changes to facility power. This contract is for 96<sup>th</sup> Street Station Finishes for the Second Avenue Subway Project, and requires rehabilitation and retrofit of the existing 99<sup>th</sup> – 105<sup>th</sup> Street Tunnel; construction of invert slab and benches in the newly constructed 87<sup>th</sup> – 92<sup>nd</sup> Street Tunnels and in the northern section of the 97<sup>th</sup> – 99<sup>th</sup> Street Tunnel; installation of mechanical systems including HVAC, electrical medium voltage and 120V systems; plumbing; supply and installation of elevators and escalators in the station and entrances; construction of the station platform, mezzanine levels, ancillaries and entrances; construction of interior walls and rooms; installation of architectural finishes; restoration of the surface of Second Avenue and adjacent streets; removal of temporary road decking installed in previous contracts; and maintenance of the station until contract completion.

The contract requires Con Edison service for facility power at the 96<sup>th</sup> Street Station associated with two facility power substations that will provide power for lighting, tunnel ventilation fans, escalators, elevators, communication rooms, HVAC and plumbing systems. The contract includes a performance-based facility power design which is based on requirements from Con Edison's specifications for providing High Tension Service. These specifications require multiple submissions (i.e. 30% & 60%) to Con Edison for review based on a collaborative effort that includes input from the installation contractor and the selected manufacturer of the switchgear and transformer equipment. Modification No. 20 was approved by the Board in February 2014 for \$1,855,875 and primarily addressed changes to the mimic panels in the north and south switchgear rooms so that the mimic panel in each room could remotely operate all of the functions in the other room. At that time, the Board was advised that further facility power changes would be forthcoming for this contract as well as the 72<sup>nd</sup> Street and 86<sup>th</sup> Street Stations.

In response to the latest submission (60%), Con Edison's comments required additional changes to the high tension switchgear and transformer equipment, grounding, and the requirement for two new battery rooms in the North and South Ancillary spaces. This modification addresses revisions to the dimensions and configuration of the switchgear equipment and incoming feeders in the substations to achieve required separation clearances between switchgear lineups. This modification also includes additional protective relaying and grounding with related modifications to the mimic panels, as well as the construction and fit-out of two new battery rooms in the North and South Ancillary spaces. It appears that a design error/omission may have contributed to the need for these changes.

Due to the exposure to potential time impact associated with this additional work, and in order to mitigate delays, it was necessary to proceed with the work immediately. Approval was obtained retroactively from the MTACC President on August 8, 2014. The schedule impact of this modification will be reviewed in aggregate with other facility power delays and will be addressed in a subsequent modification.

The contractor's proposal was \$6,115,653. MTACC's revised estimate is \$3,908,124. Following review by MTA Audit, negotiations resulted in a lump sum price of \$4,000,000, which was found to be fair and reasonable. Savings of \$2,115,653 were achieved.



Item Number: 2-3

<b>Vendor Name (&amp; Location)</b> Judlau Contracting, Inc. (College Point, NY)	<b>Contract Number</b> C-26011	<b>AWO/Mod.#</b> 10 and 51
<b>Description</b> Second Avenue Subway – 72 <sup>nd</sup> Street Station Finishes, Mechanical, Electrical and Plumbing Systems, Ancillary Buildings and Entrances	<b>Original Amount:</b>	\$ 247,048,405
	<b>Option 1:</b>	\$ 3,934,595
	<b>Option 2:</b>	\$ 1,270,000
	<b>Option 3:</b>	\$ 6,100,000
	<b>Total Amount:</b>	\$ 258,353,000
<b>Contract Term (including Options, if any)</b> February 14, 2013 – November 13, 2015	<b>Prior Modifications:</b>	\$ 4,632,252
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	<b>Prior Budgetary Increases:</b>	\$ 0
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$ 262,985,252
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>This Request:</b>	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	Mod.10: \$12,838,840	
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> MTA Capital Construction, Dr. Michael Horodniceanu	Mod 51: \$2,266,000	\$ 15,104,840
	<b>% of This Request to Current Amount:</b>	5.7%
	<b>% of Modifications (including This Request) to Total Amount:</b>	7.6%

**Discussion:**

These retroactive modifications address changes to Entrance 1 of the 72<sup>nd</sup> Street Station of the Second Avenue Subway, and include installation of concrete lining in the lower escalator tunnel incline, and additional excavation for the reconfiguration of Entrance 1 to a sidewalk entrance.

The contract work includes the installation of mechanical systems including HVAC in the station and ancillary facilities; tunnel ventilation systems in the adjacent tunnels; electrical medium voltage and 120V systems; plumbing for track, sanitary, and storm drainage, hot and cold water supply, pump systems, and fire suppression; escalators and elevators in the station entrances; construction of the station platform and mezzanine levels, ancillary facilities, and entrances; construction of interior walls and rooms; architectural finishes including floors, ceilings, wall treatments, signage, stairs, handrails, guardrails, and station elements including the Station Service Center and Concession Booth; building exteriors including walls, roofing, glazed storefronts, and canopies at station entrances and ancillary facilities; and restoration of Second Avenue and adjacent streets impacted by construction.

**Modification 10**

This modification addresses the installation of waterproofing, reinforcing steel, and concrete lining for the Entrance 1 lower escalator inclined tunnel of the 72<sup>nd</sup> Street Station. This work was originally included in Contract C-26007 72<sup>nd</sup> Street Cavern Mining. However, denial of access by the building owners at the location of Entrance 1 prevented this work from being performed under Contract C-26007. MTACC determined that transferring this work to the 72<sup>nd</sup> Street Finish contract presented the best alternative in terms of overall project cost and schedule. This modification addresses the lower escalator concrete lining work and the cost differential for performing contract work previously designated for Trade Labor with Tunnel Workers (Sandhogs), including the installation of approximately 15,500 SF of waterproofing; 230,500 pounds of reinforcing steel; and 1,250 CY of concrete lining.

Due to potential time impact associated with this additional work, and in order to mitigate delays, it was necessary to proceed with the work immediately. Approval was obtained retroactively from the MTACC President on August 13, 2014. The schedule impact of this modification will be reviewed in aggregate with other Entrance 1 delays and addressed in a subsequent modification. Additionally, the VP Materiel has previously authorized partial payment to the contractor for work performed up to \$2.9 million.

The contractor's initial proposal was \$16,493,097. MTACC's revised estimate is \$12,325,394. Following review by MTA Audit, negotiations resulted in a lump sum price of \$12,838,840 which is considered fair and reasonable. Savings of \$3,654,257 were achieved.

**Modification 51**

This modification is associated with the reconfiguration of Entrance 1 to a sidewalk entrance, due to the inability to reach an agreement with the property owners at Entrance 1 for a building entrance. The construction of the Alternative Entrance 1 Design includes a street bump-out structure that requires additional excavation along Second Avenue, relocation of pedestrian traffic, installation of timber lagging for the support of excavation wall, and a credit for excavation work associated with the original Entrance 1 configuration within the building limits.

Due to potential time impact associated with this additional work, and in order to mitigate delays, it was necessary to proceed with the work immediately. Approval was obtained retroactively from the MTACC President on December 5, 2014. The schedule impact of this modification will be reviewed in aggregate with other Entrance 1 delays and addressed in a subsequent modification.

The contractor's initial proposal was \$3,343,763. The revised in-house estimate is \$2,161,094. Negotiations resulted in a lump sum price of \$2,266,000 which is considered fair and reasonable. Savings of \$1,077,763 were achieved.

<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>	January 6, 2015
<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	M-N Comm. Mtg.		X		
2	MTA Board Mtg.		X		

Internal Approvals			
	Approval		Approval
X	President		V.P. Planning
X	Sr. V.P. Operations		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
			Safety				
							Other

**PURPOSE:**

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

**DISCUSSION:**

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	

<u>Schedules Requiring Majority Vote</u>	NONE
--	------

SUB TOTAL:



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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u>NONE</u>	
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	1	\$192,400
• East Coast Railroad Services		\$192,400
Schedule J: Modifications to Miscellaneous Procurement Contracts	1	\$15,320,000
• Choice Distribution, Inc.		\$15,320,000
<b>SUB TOTAL:</b>	<b>2</b>	<b>\$15,512,400</b>

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

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u>NONE</u>	
Schedule D: Ratification of Completed Procurement Actions		
<u>Schedules Requiring Majority Vote</u>		
Schedule K: Ratification of Completed Procurement Actions	4	\$380,604
• National Industries for the Blind		\$80,100
• A&M Industrial Supply Co., Inc.		\$17,514
• Edmer Sanitary Supply Co., Inc.		\$22,990
• Schneider Electric USA, Inc.		\$260,000
<b>SUB TOTAL:</b>	<b>4</b>	<b>\$380,604</b>
<b>TOTAL:</b>	<b>6</b>	<b>\$15,893,004</b>

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

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

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

**JANUARY 2015**

**METRO-NORTH RAILROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Schedules Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

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

**1. East Coast Railroad Services                      \$192,400 (not-to-exceed)**  
**Re-Punching of Tie Plates**

Approval is requested to award a competitively solicited (two bids received) three-year miscellaneous service contract to East Coast Railroad Services (ECRS), the lowest, responsive, responsible bidder to provide tie plate re-punching services. The scope of work includes material pick-up, re-punching of round holes over square holes on Pandrol Tie Plates, palletize using steel bands and delivery to specified Metro-North Railroad (MNR) location(s).

In accordance with MNR and MTA procurement guidelines, an advertisement for the re-punching of tie plates was placed in the New York Post, the minority publications El Diario and The Daily Challenge, New York State Contract Reporter and posted on the MNR website.

The all-inclusive low bid price of \$3.70/per re-punched tie plate received from ECRS represents a 1.3% decrease from the prior unit price paid by MNR. By re-punching the tie plates, MNR will be offsetting the need to procure new tie plates over the contract period and will realize cost avoidance. The pricing (per plate) will remain fixed for the entire term of the contract. Therefore based on the above, the pricing offered by East Coast Railroad Services has been deemed fair and reasonable.

The total cost of this procurement is not-to-exceed \$192,400 and is to be funded by the MNR Operating Budget.

**J. Modification to Miscellaneous Procurement Contracts**

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

**2. Choice Distribution, Inc.                                      \$15,320,000 (not-to-exceed)    Staff Summary Attached**  
**Hardware Fastener Program**

Approval is requested for a contract change for additional funding in the total not-to-exceed amount of \$15,320,000 to an existing competitively-awarded miscellaneous purchase agreement with Choice Distribution, Inc. (Choice). Choice is the current All-Agency supplier of hardware and fasteners. The current agreement will expire in May 2016.

In April 2011, MNR, on behalf of itself, New York City Transit, Long Island Rail Road, Staten Island Rapid Transit and MTA Bus awarded a competitively solicited, miscellaneous procurement contract for a five year base + two (2) year option period, for the provision and on-going replenishment of common hardware fasteners (nuts, bolts, washers, lock nuts etc.) to Choice. The various hardware fasteners are

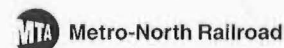
required and are integral components throughout the MTA Agencies' facilities to support maintenance and repair of all types of equipment (rail cars, locomotives, subway cars, buses, maintenance vehicles, communication apparatus, etc.). Choice is required to monitor and maintain on-site minimum/maximum material reorder levels and provide computerized reports detailing usage at each setup location.

Choice has also established and tailored cabinet setups at various locations within each Agency, based on the most frequently used material and on-going operational needs. Prior to award of the contract, each Agency maintained individual contracts for hardware fasteners, and material was delivered and maintained in centralized storeroom locations within each agency.

Since the original award in the amount of \$40,258,495 in 2011, usage of this contract by the operating agencies has been increasing with the addition of new railroad cars, subway cars and buses, as well as the expansion of rail / subway shops and facilities' requirements and Choice has been able to meet these additional needs.

As each agency has insufficient levels of funding remaining in its original authorization, at this time, on behalf of MNR and the MTA agencies, MNR requests additional funding to continue these services through the contract completion date of May, 2016. The agencies will be evaluating this hardware fastener program and current Vendor market prior to the consideration of the optional two years contained within the original award. The additional funding required by agency is as follows: NYCT Subways \$2,300,000, NYCT Bus \$5,500,000, MTA Bus \$4,300,000, MNR \$1,000,000, LIRR \$2,200,000 and SIRTOA \$20,000. The unit prices which were competitively established in 2011 will remain consistent with the original contract terms and conditions and are deemed fair and reasonable. This procurement is to be funded by each Agency's respective Operating Budget.

# Schedule J: Modifications to Miscellaneous Procurement Contracts



Item Number: J

<b>Vendor Name (&amp; Location)</b> Choice Distribution, Inc. 111 Bell Street, W. Babylon, NY 11704		<b>Contract Number</b> Various	<b>AWO/Modification #</b> 1
<b>Description</b> Hardware Fastener Program		<b>Original Amount:</b> \$ 40,258,495	
<b>Contract Term (including Options, if any)</b> Five Year Base, with Two Year Options		<b>Prior Modifications:</b> \$ 0	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$ 0	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$ 40,258,495	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$ 15,320,000	
<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> % 38	
<b>Requesting Dept./Div &amp; Dept./Div Head Name:</b> M of W Depts. (Power, GCT, M/E, Track, Structures, C&S) <i>[Signature]</i> Procurement & Material Management, Al Muir, Acting Sr. Director		<b>% of Modifications/Options (including This Request) to Original Amount:</b> % 38	

## Background & Discussion:

Approval is requested for a contract change for additional funding in the total not-to-exceed amount of \$15,320,000 to an existing competitively-awarded miscellaneous purchase agreement with Choice Distribution, Inc. (Choice). Choice is the current All-Agency supplier of hardware and fasteners. The current agreement will expire in May 2016.

In April 2011, MNR, on behalf of itself, New York City Transit, Long Island Rail Road, Staten Island Rapid Transit and MTA Bus awarded a competitively solicited, miscellaneous procurement contract for a five year base + two (2) year option period, for the provision and on-going replenishment of common hardware fasteners (nuts, bolts, washers, lock nuts etc.) to Choice. The various hardware fasteners are required and are integral components throughout the MTA Agencies' facilities to support maintenance and repair of all types of equipment (rail cars, locomotives, subway cars, buses, maintenance vehicles, communication apparatus, etc.). Choice is required to monitor and maintain on-site minimum/maximum material reorder levels and provide computerized reports detailing usage at each setup location.

Choice has also established and tailored cabinet setups at various locations within each Agency, based on the most frequently used material and on-going operational needs. Prior to award of the contract, each Agency maintained individual contracts for hardware fasteners, and material was delivered and maintained in centralized storeroom locations within each agency.

Since the original award in the amount of \$40,258,495 in 2011, usage of this contract by the operating agencies has been increasing with the addition of new railroad cars, subway cars and buses, as well as the expansion of rail / subway shops and facilities' requirements and Choice has been able to meet these additional needs.

As each agency has insufficient levels of funding remaining in its original authorization, at this time, on behalf of MNR and the MTA agencies, MNR requests additional funding to continue these services through the contract completion date of May, 2016. The agencies will be evaluating this hardware fastener program and current Vendor market prior to the consideration of the optional two years contained within the original award. The additional funding required by agency is as follows: NYCT Subways \$2,300,000, NYCT Bus \$5,500,000, MTA Bus \$4,300,000, MNR \$1,000,000, LIRR \$2,200,000 and SIRTOA \$20,000. The unit prices which were competitively established in 2011 will remain consistent with the original contract terms and conditions and are deemed fair and reasonable. This procurement is to be funded by each Agency's respective Operating Budget.

**JANUARY 2015**

**METRO-NORTH RAILROAD**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Schedules Requiring Majority Vote:**

**K. Ratification of Completed Procurement Actions**

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

- |       |                                   |          |
|-------|-----------------------------------|----------|
| 1. a) | National Industries for the Blind | \$80,100 |
| b)    | A&M Industrial Supply Co., Inc.   | \$17,514 |
| c)    | Edmer Sanitary Supply Co., Inc.   | \$22,990 |

In an effort to proactively address potential health concerns related to the Ebola virus, MNR took immediate action in securing increased inventory quantities to support possible emergency actions. Expedited inventory purchases were conducted for medical waste trash bags, cloth disinfectant, gloves, and instant hand sanitizers for potential increased use throughout MNR's operating territory.

Under the MTA All-Agency Procurement Guidelines, expedited procurement actions were initiated in order to avoid any possible shortfalls of key materials that may have been necessitated by a local outbreak. All reasonable efforts were made to solicit quotes from more than one supplier with expedited delivery dates. Costs were reviewed in accordance with those agreements already in place, where feasible and are deemed fair and reasonable. This procurement is being funded by the MNR Operating Budget.

**2. Schneider Electric USA, Inc. \$260,000**  
**Maintenance and Support for GCT Power Network and SCADA System**

Emergency award for the maintenance and support for GCT power network and SCADA system. Schneider Electric USA Inc. was awarded a contract by the New York Power Authority for the design, fabrication, testing and commissioning of a new Supervisory Control and Data Acquisition (SCADA) system as part of the GCT Power Network. The GCT SCADA system automatically reacts to coordinate emergency power in the event of power loss for any reason and is the power management interface between MNR's Power Director's office and GCT's electrical distribution network. It allows remote access and monitoring of the electrical distribution network serving the 48 acre, multi-level facility. As this recently commissioned system is now in operation, it has become the responsibility of MNR to provide maintenance and support.

The non-competitive procurement was advertised in the New York State Contractor Reporter, New York Post and Daily Challenge without any response received. In preparation for an emergency event, it is imperative that the GCT Power Network be in a ready state. Schneider, having been the firm that developed the SCADA system is the Original Equipment Manufacturer (OEM) and owner of the proprietary software. Schneider is the only qualified provider of these services. This five year service

contract will provide total SCADA support, 24/7 by phone and on-site support. The support will be for emergency response services, maintenance response services, managed support services and software support. It will include capability to troubleshoot system issues, support routine SCADA system maintenance, and inspect and report on the condition of the GCT Power Network.

The cost of \$260,000 represents \$185,000 over a five year period for maintenance and support and a \$75,000 allowance for emergency support, if required. A savings over five years of \$9,250 or 5% is realized for the multi-year contract. This procurement is being funded by MNR Operating Budget.

**LONG ISLAND RAILROAD COMMITTEE**  
**BOARD PROCUREMENT PACKAGE**  
**JANUARY 2015**



## Staff Summary



<b>Subject</b>	Request for Authorization to Award Various Procurements				
<b>Department</b>	Law and Procurement				
<b>Department Head Name</b>	Evan M. Eisland				
<b>Department Head Signature</b>					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Long Island Rail Road Committee	1/20/15	X		
2	Board	1/21/15	X		

<b>Date:</b> January 16, 2015			
<b>Vendor Name</b> Various			
<b>Contract Number</b> Various			
<b>Contract Manager Name</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
4	President 	3	Interim Executive Vice President AD
2	Vice President, Program Controls 	1	Chief Procurement Officer 

### PURPOSE

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

### DISCUSSION

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

#### Schedules Requiring Two-Thirds Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C Competitive Request for Proposals (Award of Purchase or Public Work Contracts)	1	\$428,900,000
<b>SUBTOTAL</b>	<b>1</b>	<b>\$428,900,000</b>

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

#### Schedules Requiring Majority Vote:

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K Ratification of Completed Procurement Actions	1	\$ 1,511,740
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 1,511,740</b>
<b>TOTAL</b>	<b>2</b>	<b>\$430,411,740</b>

### Competitive Bidding Requirements

The procurement action in Schedule C is subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. The Procurement action in the remaining Schedule is not subject to these requirements.

### Budget Impact:

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

### Recommendation:

That the contract and modification be approved as proposed. (The item is included in the resolution of approval at the beginning of the Procurement Section.)

**MTA Capital Construction Company**

**BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

JANUARY 2015

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL****Procurements Requiring Two-Thirds Vote:****Schedule C. Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)**  
**(Staff Summaries required for items requiring Board Approval)**

- |    |   |                      |                                      |
|----|---|----------------------|--------------------------------------|
| 1. | <b>GCT Constructors, JV</b><br><b>Contract No. CS179</b><br><b>Modification No. 1</b> | <b>\$428,900,000</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|----------------------|--------------------------------------|

Pursuant to Article IV of the MTA All-Agency Procurement Guidelines, MTACC requests Board approval to award Contract CM014B -- GCT Concourse and Facilities Fit-Out for the East Side Access Contract

MTACC request Board approval to move work within the East Side Access Portion of the MTA 2010-2014 and 2015-2019 Capital Plans in order to make sufficient funding available in the 2010-2014 Capital Plan to award Contract CM014B.

**Schedule C Competitive Request for Proposals (Award of Purchase or Public Work Contracts)**

**Staff Summary**



Page 1 of 3

<b>Item Number</b> 2						<b>SUMMARY INFORMATION</b>	
<b>Dept &amp; Dept Head Name:</b> East Side Access, W. Goodrich						<b>Vendor Name</b> GCT Constructors JV	
<b>Division and Division Head Name:</b>						<b>Contract Number</b> CM014B	
<b>Board Reviews</b>						<b>Description</b> GCT Concourse and Facilities Fit-Out for the East Side Access Project	
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Total Amount</b> \$ 428,900,000	
1	LI Committee	1/20/15	X			<b>Contract Term</b> 56 Months	
2	Board	1/22/15	X			<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
						<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Internal Approvals</b>						<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>				
3.	Sr. Vice President & General Counsel	5	President				
2	Vice President, Program Controls	4	Interim Executive Vice President				
1	Sr. Director and Chief Procurement Officer						
						<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
						<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**I. PURPOSE/RECOMMENDATION:**

- Pursuant to Article IV of the MTA All-Agency Procurement Guidelines, MTACC requests Board approval to award East Side Access Contract CM014B -- GCT Concourse and Facilities Fit-Out to GCT Constructors JV in the amount of \$428,900,000 (\$404,622,096 for the base contract and \$24,277,904 for four options) and for a period of 56 Months.
- To obtain MTA Board approval to move work and funds within the East Side Access Portion of the MTA 2010-2014 and 2015-2019 Capital Plans in order to make sufficient funding available in the 2010-2014 Capital Plan to award Contract CM014B and to replenish project contingency. These adjustments will have no impact to the project's overall budget.

**II. DISCUSSION:**

On February 26, 2014, MTACC requested that the Board adopt a resolution declaring that competitive bidding was impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article III (A) (6) of the All Agency Procurement Guidelines, it is in the public interest to issue a Competitive Request for Proposal ("RFP") for CM014B - GCT Concourse and Facilities Fit-Out. The work of this Contract generally consists of the architectural, structural, mechanical and electrical fit-out of the future Long Island Rail Road (LIRR) Concourse and the 44<sup>th</sup> and 50<sup>th</sup> Street Ventilation Plants.

Prior to the solicitation for CM014B, MTACC conducted an industry outreach to obtain comments on how best to package the work. Meetings were held with the contractors to discuss issues such as packaging, scheduling and specifications, lead times for the fabrication of equipment and material, coordination between contracts, and industry capacity to handle the work. MTACC's Request for Proposal ("RFP") for CM014B incorporated the information gleaned from this outreach effort.

The Request for Proposal was advertised on May 2, 2014. The advertisement appeared in the New York State Contract Reporter, the New York Post, Engineering News-Record, Minority Commerce Weekly and on the MTA Website. A total of 32 firms requested the RFP documents and 10 entities submitted technical proposals on August 26, 2014 and cost proposals on September 9, 2014. The entities that submitted proposals are as follows:

## Staff Summary

Item No. 1

Page 2 of 3

1. Barnard-Citnalta JV,
2. CCA Civil-Plaza JV
3. Concourse Constructors LLC
4. E.E. Cruz - Tully - Turner, A Joint Venture
5. GCT Constructors JV
6. Judlau Contracting Inc
7. Skanska USA Civil Northeast Inc.
8. Tutor Perini Corporation
9. Walsh Construction Company II, LLC
10. Yonkers Contracting Company, Inc.

The Technical Proposals were evaluated first (which included evaluation of the written proposals and written clarifications from all Proposers). Based upon the evaluation of technical proposals, Barnard-Citnalta, JV and Judlau Contracting Inc. were deemed to be not responsive because they did not meet the minimum criteria.

The Selection Committee found the remaining eight (8) Technical Proposals to have satisfied the minimum criteria. Accordingly, on October 1, 2014, the Cost Proposals were opened. MTACC held discussions with the eight remaining firms regarding the makeup of their Project Schedules and Cost Proposals. After the conclusion of these discussions, the eight firms were requested to submit revised Schedules and Cost Proposals which were received on November 20, 2014. The Selection Committee reviewed the revised Schedules and Cost Proposals and scored each of the eight proposals according to the established evaluation criteria. Based on the results, the Selection Committee determined that Skanska Civil USA, Yonkers Contracting Company, Inc., GCT Constructors and E.E. Cruz-Tully-Turner A Joint Venture were in a competitive range and the President authorized the negotiating committee to proceed to negotiations with these 4 proposers.

Negotiations were held with each of the 4 proposers in the competitive range and then each firm was requested to provide revised cost proposals and cost savings alternatives. On December 19, 2014, the revised Cost Proposals were received and it was determined that two firms, GCT Constructors JV and Yonkers Contracting Company, Inc. (Yonkers) remained in a competitive range and negotiations continued with those two firms. At the conclusion of negotiations, MTACC requested Best and Final Offers (BAFOs) from GCT Constructors JV and Yonkers. The BAFO's were received on January 13, 2015 in the following amounts.

GCT Constructors JV	\$430,900,000
Yonkers Contracting Company, Inc.	\$473,511,250

The Selection Committee reviewed the BAFOs and unanimously selected the BAFO from GCT Constructors JV (a joint venture consisting of Schiavone Construction Co., LLC ("Schiavone") and John P. Picone Inc. ("Picone")) as the best overall proposal and as offering the best value to the MTA. GCT Constructors JV's BAFO in the amount of \$430,900,000 is \$42,611,050 less than the number two ranked firm. MTACC's revised estimate for the work is \$425,976,883.

One final negotiation session was held with GCT Constructors JV to obtain further concessions and the parties agreed to a cost of \$428,900,000 (\$404,622,096 for the base contract and \$24,277,904 for the four options) which is considered to be fair and reasonable based on a comparison with the revised estimate and the other proposals received.

While the Contract will initially be awarded for the Base amount of \$404,622,096, MTACC is seeking Board approval for the entire contract amount of \$428,900,000. The Options will be exercised by MTACC subject to MTACC gaining property rights for the installation of three elevators (Options totaling \$5,689,548) and with regard to the fourth option for the construction of the North Transfer Station Unified Trash Facility at a cost of \$18,588,356, subject to approval of the MTA's proposed 2015-2019 Capital Plan.

Responsibility checks were performed on the firms that make up GCT Constructors JV and there is pre-existing Significant Adverse Information ("SAI") as defined in the All-Agency Responsibility Guidelines. The members of GCT Constructors JV share an ultimate parent with Dragados USA, Inc. ("Dragados") and the SAI involves the parent, Dragados. By memorandum dated July 27, 2012, the Chairman and CEO addressed the previous SAI and granted approval to make future awards to Dragados and all of its subsidiaries and affiliates unless new SAI is uncovered. No new SAI has been uncovered with regard to Dragados or the members of GCT Constructors JV since that time.

## Staff Summary

Item No. 1

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

This Contract is federally funded and is therefore covered by the regulation promulgated by the U.S Department of Transportation at 49 CFR Part 26. The Department of Diversity and Civil Rights (DDCR) reviewed the requirements of the Contract and after

undertaking a thorough analysis, DDCR determined a goal of 17% for this contract due to the nature of the work and the availability of DBE contractors able to perform the work.

GCT Constructors JV has indicated that they will meet the DBE Goal and their Utilization Plan is under review by the MTA's Department of Diversity. The members of GCT Constructors JV, Schiavone and Picone, are currently performing work on another MTACC project as another Joint Venture and their DBE performance on that project has been satisfactory.

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

The negotiated value for the contract, including the options is \$428,900,000. Adding to that a 7.5% contingency brings the total to \$461,067,500 which is \$94,336,352 over the budget for this contract. The shortfall will be paid from funds available in the approved \$10.177 Billion budget; specifically, utilizing \$36 million from the low bid received on the Traction Power contract CS084, \$10 million from unallocated construction contingency, and \$42,968,290 from the ESA management reserve.

In addition, this project includes the Biltmore Room Connection which is funded separately by the MTA Interagency budget through Metro North Railroad.. The proposed cost for this work is \$1,974,873 over the budget. This shortfall will be temporarily funded by reallocating funds from the Project's contingency. In addition, there is an option for a Unified Trash Facility which is \$3,393,190 over budget. Funding for the overrun for this option will be shared by Metro-North and the Long Island Rail Road and will be requested as part of the proposed 2015-2019 Capital Plan.

In the short term, in order to award this Contract under the 2010-2014 Capital Plan and to replenish project contingency, MTACC will reallocate a total of \$112,469,726, currently allocated to the contracts for CM007 - GCT Caverns Contract (\$59,352,225), CH058/FHL58-Harold Structures Part 3B (\$48,858,212) and FHL04-Harold Stage 4 LIRR Work (\$4,259,290). As a result, \$42,968,290 will be used for CM014B and the remainder will be allocated to contingency. Based on the current project schedule, these contracts will not be awarded before later this year, so the funds are available now to award CM014B. The budgets for CM007, CH058/FHL58 and FHL04 will be assigned to the 2015-2019 Capital Plan. As noted above, these adjustments will have no impact to the project's overall budget.

A portion of the funding for this Contract will come from the Federal Transit Administration (FTA).

### **V. ALTERNATIVES:**

There are no viable alternatives for procuring this work at this time. Based on the evaluation of the RFPs, GCT Constructors JV was the highest rated firm and provided the overall best value to the MTA.

JANUARY 2015

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

- |    |   |                    |                                      |
|----|---|--------------------|--------------------------------------|
| 1. | <b>Tutor Perini Corporation</b><br><b>Contract No. CS179</b><br><b>Modification No. 1</b> | <b>\$1,511,740</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|--------------------|--------------------------------------|

Pursuant to Article IX of the MTA All-Agency Procurement Guidelines, MTACC requests the Board ratify a retroactive contract modification to operate and maintain the temporary power supply equipment at Madison Yard and the 2<sup>nd</sup> Avenue Vent Facility.

## Item Number 1

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation (Peekskill, New York)	
<b>Description</b> Systems Facilities Package No. 1	
<b>Contract Term (including Options, if any)</b>  Temporary	
<b>Option(s) included in Total Amount?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> East Side Access, W. Goodrich, P.E.	

Contract Number	AWO/Modification #	
CS179	1	
Original Amount:	\$	333,588,000
Prior Modifications:	\$	0
Prior Budgetary Increases:	\$	0
Current Amount:	\$	333,588,000
This Request	\$	1,511,740
% of This Request to Current Amount:	%	0.45
% of Modifications (including This Request) to Original Amount:	%	0.45

**Discussion:**

The work under this contract includes the design, procurement and installation of communication, fire detection, tunnel ventilation, facility power, signal power, tunnel lighting and SCADA systems for the East Side Access (ESA) project. In accordance with Articles IX of the All-Agency Procurement Guidelines, MTACC requests that the Board ratify a modification to the contract to operate and maintain the temporary power supply equipment at Madison Yard and the 2<sup>nd</sup> Avenue Vent Facility.

This modification is to provide round-the-clock services of an electrician crew to maintain the temporary power supply equipment within Madison Yard and at 2<sup>nd</sup> Avenue. Temporary power is required during construction in order to run ESA life and safety systems such as ventilation fans, lights and alarms within Madison Yard and the tunnels and cavern. Temporary power was originally maintained by the CM009 and CM019 contractor and the plan was to hand-over that scope of work to CM012. With the repackaging of CM012, however, it became necessary to determine which contracts were best suited to handle this scope of work. MTACC has determined that the most efficient solution at this time, until the CM014B contractor is mobilized and on-site, is to add the work to the CS179 Contract which already includes some temporary power maintenance.

The Contractor submitted a cost proposal in the amount of \$1,442,295 for this work, while MTACC's estimate was \$1,404,914. However, both the estimate and the proposal failed to consider a recent change to Local 3 Union work rules which increased the crew size required to perform this work. After adjusting for the increased crew size, negotiations were held and the parties agreed to a cost of \$1,511,740 which is considered to be fair and reasonable. The duration of the work is from October 24, 2014 through June 29, 2015 at which time it is anticipated that future Contract CM014B will take over. There is no time impact to the CS179 Contract associated with this modification.

To ensure continuous maintenance of temporary power, a retroactive memorandum was approved by the MTACC President and on October 24, 2014, and the Contractor was directed to proceed with a not-to-exceed amount of \$428,565. Authorization to proceed with the remainder of the work under this modification will be given upon Board ratification of this modification.





# Bridges and Tunnels

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## Procurements January 2015



# 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>	January 6, 2015
<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	1/6/15	<i>[Signature]</i>		
2	MTA B&T Committee	1/20/15			
3	MTA Board	1/22/15			

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

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer <i>125</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 F	Personal Service Contracts	1	\$ 2.307M
Schedule G	Miscellaneous Service Contracts	2	\$ 1.288M
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	1	\$ 0.0M
Schedule I	Modifications to Purchase & Public Works Contracts	1	\$ 1.335M
SUBTOTAL		5	\$ 4.930M

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

TOTAL	5	\$ 4.930M
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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**  
**JANUARY 2015**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

**F: Personal Service Contracts**

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

1. **EnviroMed Services, Inc.** **\$2,306,818.38** **Staff Summary Attached**  
**Contract No. PSC-14-2962X**  
2 yr. contract - Competitive RFP - 3 Proposals  
Provide Independent Safety Monitoring Services for Ongoing B&T Construction Projects.

**G: Miscellaneous Service Contracts**

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

2. **Nationwide Auto Painting, Inc.** **\$481,550.00 - B&T**  
**Contract No. 14-MNT-2933** **\$653,070.00 - NYCT**  
**Total \$1,134,620.00**

4 yr. contract – Competitive Bid – Low responsive bid/4 bids

In October 2014 B&T issued a joint solicitation for a contractor to provide all labor, materials and equipment necessary to perform body repairs for B&T's fleet of light, medium and heavy duty vehicles and NYCT's fleet of medium and heavy duty vehicles on an as needed basis for a four (4) year period. This work was outsourced since the agencies neither have the equipment nor the resources required to perform these services on an in-house basis. The service requirements were publicly advertised. The solicitation notice was sent to 109 firms and eleven firms requested copies of the solicitation. On December 4 the following bids were submitted:

<u>Bidders</u>	<u>B&amp;T</u>	<u>NYCT</u>	<u>Total</u>
XXL Auto Body Shop LLC*	\$307,000	\$438,320	\$745,320
Nationwide Auto Painting, Inc.	\$481,550	\$653,070	\$1,134,620
Truck and Trailer Service, LTD	\$529,000	\$880,320	\$1,409,320
Climaco Auto Body Inc.	\$740,500	\$1,048,320	\$1,788,820

\*XXL Auto Body Shop LLC has been determined to be non-responsive.

This solicitation included a modest reduction in hours for scheduled and unscheduled body and paint repairs for NYCT's medium and heavy duty vehicles. The scope of services under B&T's portion of the prospective contract has not changed compared with that under

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JANUARY 2015**

its current contract. The prices are fixed for the four year duration of the contract. A price analysis comparing the prospective rates under this procurement with the rates under its current contract reflects an overall average increase of approximately 20%. This difference may be attributed to increased material and labor costs. In connection with the agencies' estimates, however, the bid amounts are: (i) 9% lower than the estimate of \$529,000 for B&T and (ii) 0.04% lower than the estimate of \$653,320 for NYCT. After evaluation of the bids, it was determined that Nationwide Auto Painting, Inc. is a responsive, responsible bidder. Based on competition, the prices are considered fair and reasonable. The MTA Department of Diversity and Civil Rights has established goals of 0% MBE and 0% WBE for this contract. Funding for B&T is available in its Operating Budget under GL #710901. NYCT has funding available in its Operating Budget to support this contract.

**3.     Triport International A.G.E.R., Inc.                             \$153,400.00**  
**Contract No. 13-MNT-2921**

5yr. contract – Competitive Bid – Low responsive bid/3 bids

In October 2014 B&T issued a solicitation for a contractor to perform scheduled and unscheduled maintenance and repairs, safety inspections and testing of our aerial lift equipment. Due to the specialized training and equipment necessary to perform the work, B&T neither possesses the resources nor the equipment to perform the services on an in-house basis. The service requirements were publicly advertised and a solicitation notice was sent to 318 firms; three firms requested copies of the solicitation. On October 24 three bids were submitted as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Triport International A.G.E.R., Inc.	\$153,400
Aerial Rise LLC	\$158,700 *
Dependable Repair Inc.	\$167,000

\*B&T corrected math error

The scope of services for the first two years of this five year prospective contract differ compared with the initial two year period of the current contract. Semi-annual preventive maintenance inspections were removed under the new contract since this service is no longer required. The hours for scheduled and unscheduled maintenance and repairs were reduced due to a 20% reduction of aerial lift equipment units. All other line items remained the same. The rates under the prospective contract are fixed over the five year period and have not increased compared with those under the current contract. Triport's overall bid is 9% lower than the user's estimate of \$168,500. It has been determined that Triport is fully responsive to the requirements of the solicitation. Based on competition, the price is considered fair and reasonable. This firm is deemed to be a responsible contractor. No M/WBE goals were established by the MTA Department of Diversity and Civil Rights. Funding is available in the Operating Budget under General Ledger #710901.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JANUARY 2015**

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

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

4. **Peter C. Merani, P.C.** **\$0.00** **Staff Summary Attached**  
**Leopold, Gross & Sommers, P.C.**  
**Contract Nos. PSC-13-2948A and B**

Modify two legal retainer agreements to exercise the one-year option under each contract to enable the firms to provide professional services in connection with toll and non-toll collection and related activities on an as-needed basis.

**I: Modifications to Purchase & Public Works Contracts**

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

5. **Restani Construction Corp.** **\$1,335,000.00** **Staff Summary Attached**  
**Contract No. VN-03B**

Add funding to provide an incentive payment to the contractor for early completion of work under Contract VN-03B, Toll Plaza Improvements at the Verrazano-Narrows Bridge.



# Staff Summary

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Item Number 1 (Final)					
Dept & Dept Head Name: <i>Send to DS for</i> Engineering & Construction, Joe Keane P.E.					
Division & Division Head Name: <i>Ed Stathopoulos</i> Engineering & Construction, Aris Stathopoulos, P.E.					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	01/06/15	<i>[Signature]</i>		
2	MTA B&T Committee	01/20/15			
3	MTA Board	01/21/15			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff		
2	General Counsel <i>[Signature]</i>	5	Executive Vice President		
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name EnviroMed Services, Inc., Meriden CT	Contract Number PSC-14-2962X
Description Independent Safety Monitoring Services for Ongoing Authority Construction Projects	
Total Amount \$2,306,818.38	
Contract Term (Including Options, if any) Two (2) Years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract to provide independent safety monitoring services for ongoing B&T construction projects to the incumbent EnviroMed Services, Inc. (EnviroMed) for a period of two (2) years at a cost of \$2,306,818.38.

### DISCUSSION

B&T requires the services of a consultant to provide independent safety monitoring services for ongoing B&T construction projects. The Contract requires the Consultant to perform short term and continuous on-site monitoring; safety analysis; report preparation and presentations; and additional services as required to aid in ensuring a safe working environment on B&T construction projects.

The service requirements were publicly advertised and eight (8) firms submitted qualification information: EnTech; EnviroMed Services, Inc. (EnviroMed); Kupper Engineering Inc; LS Engineering; PARS Environmental Inc; Pyramid Health & Safety Solutions; Safety Dynamics; Safety First. Five (5) firms were chosen to receive the RFP based on a review of those qualifications and three (3) firms submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including an understanding of the technical requirements and expertise, qualifications of proposed personnel, oral presentations and cost. The Selection Committee unanimously selected EnviroMed based on: their demonstrated knowledge concerning project safety; the team's current approach which utilizes quality assurance, cross checking and feedback methodologies for stakeholders; current quality field reporting sheets for safety audits and hygiene and the lowest cost proposal. Safety Dynamics' proposal and oral presentation demonstrated a strong understanding of

(rev. 4/07/10)

## Staff Summary

Page 2 of 2

the project requirements, but they proposed a higher cost. Pyramid Health & Safety Solutions proposal lacked an overall understanding of the requirements of the Contract and proposed the highest cost.

The scope of services under the prospective contract cannot be compared with that under the existing contract due to required oversight of multiple new capital construction projects recently awarded. However, EnviroMed's proposed average hourly rate under the prospective contract reflects an overall increase of approximately 4% as compared to the existing contract. The hourly rates are fixed for the duration of the agreement. EnviroMed, the incumbent, submitted a cost proposal in the amount of \$2,306,818.38. The Engineer's estimate is \$2,773,922. Negotiations resulted in B&T and EnviroMed agreeing to a cost totaling \$2,306,818.38, which is 16% below the estimate and is considered fair and reasonable. EnviroMed is deemed to be a responsible consultant.

### **D/M/WBE INFORMATION**

The MTA DDCR has established goals of 10% MBE and 10% WBE for the referenced contract. EnviroMed does not have any completed contracts with the MTA.

### **IMPACT ON FUNDING**

Funding is available in the Operating Budget under GES-211 in the amount of \$2,306,818.38.

### **ALTERNATIVES**

There are no recommended alternatives. B&T does not have the resources needed to perform these services.



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

Item Number: **4** (Final)

<b>Vendor Name (&amp; Location)</b> Peter C. Merani, P.C., New York, NY Leopold, Gross & Sommers, Brooklyn, NY		<b>Contract Number</b> PSC-13-2948A PSC-13-2948B	<b>AWO/Modification</b>
<b>Description</b> Performance of Expert Professional Legal Counsel for Toll and Non-Toll Collection and Related Services		<b>Original Amount:</b>	\$100,000
<b>Contract Term (including Options, if any)</b> February 3, 2014 – February 2, 2015		<b>Prior Modifications:</b>	\$0
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b>	\$0.00
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$100,000
<b>Solicitation Type</b>	<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$0
<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>	N/A%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Law and Procurement, M. Margaret Terry		<b>% of Modifications (including This Request) to Original Amount:</b>	0%

### Discussion:

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to modify two legal retainer agreements to exercise each contract's one-year option to provide professional legal counsel services for toll and non-toll collection and related services on an as-needed basis.

In March 2013, B&T and The Port Authority of New York and New Jersey (PANYNJ) issued a joint RFP for the performance of expert professional legal counsel for toll and non-toll collection and related services on an "as needed" basis. Pursuant to the terms of the joint RFP, each Agency chose its own separate outside counsel and entered into separate retainer agreements with its chosen outside counsel.

As a result of the RFP, B&T awarded contracts to Peter C. Merani, P.C. and Leopold, Gross & Sommers, P.C. for a one-year trial period with two one-year options. If the services proved beneficial to B&T, then B&T could exercise one or both of the one-year options under the contracts. The contracts provide professional legal services in connection with the collection of unpaid tolls and administrative violation fees owed to B&T. These services generally consist of taking legal action against B&T's toll violators who have incurred substantial amounts of unpaid tolls and administrative violation fees and other amounts due. The legal services also include taking action against vendors and current and former B&T employees and others for amounts due to B&T for "Non-Toll Violation Matters". B&T is working with the other New York toll authorities on legislation that if enacted would reduce the need to use outside counsel to pursue civil actions against toll violators.

The not-to-exceed amount of \$100,000 per contract includes the cost for on-site paralegal services and all reasonable and necessary costs incurred by the firms in performing the legal services. The contingency fees are deducted from the funds collected by the firms and are in accordance with the terms of the contract and are considered fair and reasonable.

## Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: 5 (Final)

<b>Vendor Name (&amp; Location)</b> Restani Construction Corp.	<b>Contract Number</b> VN-03B	<b>AWO/Modification #</b>
<b>Contract Title:</b> Toll Plaza Improvements at the Verrazano-Narrows Bridge		
<b>Contract Term (including Options, if any)</b> September 30, 2011 - June 29, 2015		
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		
	<b>Original Amount:</b>	\$49,949,976.35
	<b>Prior Modifications:</b>	\$4,387,393.22
	<b>Prior Budgetary Increases:</b>	N/A
	<b>Current Amount:</b>	\$54,337,369.57
	<b>This Request:</b>	\$1,335,000.00
	<b>% of This Request to Current Amount:</b>	2.5%
	<b>% of Modifications (including This Request) to Original Amount:</b>	11.5%

### Discussion:

B&T is seeking the Board's approval under the All-Agency Procurement Guidelines to modify this contract with Restani Construction Corp. (Restani) to fund the Contract's provision for an incentive for early completion of the Work in the not to exceed amount of \$1,335,000.

On September 30, 2011, Contract VN-03B was awarded to Restani Construction Corp. (Restani), subsequent to a competitive bid, in the amount of \$49,949,976.35. The objective of this project is to rehabilitate the east bound toll plaza interchange and the east bound Staten Island Expressway corridor to the Verrazano-Narrows Bridge. Prior to this requested funding increase, the contract was amended for additional work and quantity adjustments (including a prior Board ratified amendment for dewatering and cleaning work associated with Sandy) increasing the current Contract amount to \$54,337,369.57.

It is imperative to complete the Work in a minimum amount of time in order to prevent traffic delays that would inconvenience the public. Therefore, in an effort to complete this project ahead of schedule, the contract terms and conditions stipulated, that the Contractor shall be eligible to receive an incentive payment of five thousand dollars (\$5,000) per day, for a maximum of 300 days, and not to exceed a total of one million five hundred thousand dollars (\$1,500,000) for substantial completion of the work prior to the Work completion date. The project was substantially complete 267 days ahead of schedule and therefore entitles the Contractor to an incentive payment of \$1,335,000. This amendment to fund this stipulated incentive is deemed to be in the best interest of the Authority and is considered fair and reasonable.

Funding for this amendment is available in the 2010-14 Capital Budget under Project VN-03.