



Metropolitan Transportation Authority

June 2015

MTA Board Action Items



MTA Board Meeting

2 Broadway, 20th Floor

New York, N.Y. 10004

Wednesday, 6/24/2015

10:00 AM - 12:00 PM ET

1. PUBLIC COMMENTS PERIOD

2. APPROVAL OF MINUTES

MTA Regular Board Meeting of May 20, 2015

MTAHQ Minutes - May 20, 2015 - Page 5

NYCT/MaBSTOA/SIR/Bus Company Regular Board Meeting of May 20, 2015

NYCTA Minutes - May 20, 2015 - Page 8

MTA Metro-North Railroad Regular Board Meeting of May 20, 2015

Metro-North Minutes - May 20, 2015 - Page 11

MTA Long Island Rail Road Regular Board Meeting of May 20, 2015

LIRR Minutes - May 20, 2015 - Page 15

Triborough Bridge & Tunnel Authority Regular Board Meeting of May 20, 2015

TBTA Minutes - May 20, 2015 - Page 19

MTA Capital Construction Regular Board Meeting of May 20, 2015

MTACC Minutes - May 20, 2015 - Page 24

3. COMMITTEE ON FINANCE

Action Items

i. Approval of Variable Rate Refunding Bond

Approval of Variable Rate Refunding Bond - Page 26

ii. Addition of Outside Counsel to Approved Torts/FELA Panel

Addition of Outside Counsel to Approved Torts/FELA Panel - Page 31

iii. PWEF Assessment

PWEF Assessment - Page 32

Procurements Report

MTAHQ Procurement Report - Page 33

i. Non-Competitive (no items)

ii. Competitive

MTAHQ Competitive Procurements - Page 35

iii. Ratifications (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

R.E. Agenda and Staff Summaries - Page 40

4. COMMITTEE ON NYCT & BUS

Procurements Report

NYCT June Procurement Staff Summary and Resolution - Page 73

i. Non-Competitive (no items)

ii. Competitive

NYCT Competitive Actions - Page 77

iii. Ratifications

NYCT and MTACC Ratifications - Page 85

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

Procurements Report: LIRR, MNR & MTACC

Procurements Report: LIRR/MNR/MTACC - Page 89

LIRR Procurements

i. Non-Competitive

LIRR NonCompetitive Procurements - Page 93

ii. Competitive

LIRR Competitive Procurements - Page 95

iii. Ratifications

LIRR Ratification Procurements - Page 98

MNR Procurements

i. Non-Competitive

MNR Non-Competitive Procurements - Page 101

ii. Competitive

MNR Competitive Procurements - Page 104

iii. Ratification (no items)

MTACC Procurements

i. Non-Competitive (no items)

ii. Competitive

MTA CC CompetitiveProcurements - Page 107

iii. Ratifications (no items)

6. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

Action Item

i. Agreement for All Electronic Tolling (AET) Bank Account

BT Agreement for All Electronic Tolling (AET) Bank Account - Action Item - Page 112

Procurements Report

BT Procurements - Page 115

i. Non-Competitive (no items)

ii. Competitive

BT Competitive - June 2015 - Page 118

iii. Ratifications (no items)

7. FIRST MUTUAL TRANSPORTATION ASSURANCE CO (FMTAC) (no items)

8. EXECUTIVE SESSION

Date of Next Meeting: Wednesday, July 22, 2015

**Metropolitan Transportation Authority
Minutes of
Regular Board Meeting
2 Broadway
New York, NY 10004**

**Wednesday, May 20, 2015
10:00 a.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. 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. Vincent Tessitore
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke**

The following members were absent:

**Hon. James L. Sedore, Jr.
Hon. Neal Zuckerman**

Donna Evans, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Carmen Bianco, President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, SVP, NYCT DoB/President, MTA Bus Company, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

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

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

1. **PUBLIC SPEAKERS.** There were six (6) public speakers. The speakers listed below spoke on items relevant to 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.

William Henderson, PCAC
Murray Bodin, private citizen

2. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on April 29, 2015.
3. **FIRST MUTUAL TRANSPORTATION ASSURANCE COMPANY (FMTAC).** This meeting served as FMTAC's annual Board meeting.
4. **COMMITTEE ON FINANCE.**

- A. **Actions Item.** Upon motion duly made and seconded, the Board approved the following action item. The specifics are set forth in the staff summary and documentation filed with the meeting materials. Board members Charles Moerdler and Jonathan Ballan recused themselves from the vote on the action item below.

1. **Finance Counsel.** Approved the appointment of Nixon Peabody LLP, Orrick, Herrington & Sutcliffe LLP, Bryant Rabbino LLP, and D. Seaton and Associates to serve as bond counsel firms and Hawkins, Delafield & Wood LLP to serve as disclosure counsel and approved a panel of eleven (11) firms/teams on the underwriters' counsel panel for MTA financings.

- B. **Information Item.**

1. **2014-2015 Station Maintenance Billing.** The Board was advised of the submission of the station maintenance billings to New York City and the counties for the period of April 1, 2014 to March 31, 2015.

- C. **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 material

1. **Tresco Industries, LTD – Supply and Install Custom Consoles for B&T – No. 4570-0100.** Approved a non-competitive agreement to supply, deliver and install custom made Tresco console systems (tables, single-operator millwork desks and

Regular Board Meeting
May 20, 2015

related components, etc.) to match the existing Tresco console configuration installed in B&T's Control Room in 2008.

2. AFT Project at LIRR Station. Approved a competitive contract with Roy Nicholson to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the LIRR Hicksville Station.
3. NPA Computers, Inc. – Computer Equipment Maintenance – No. 09229-0100, S/A #3. Approved an amendment to extend a previously Board-approved competitively negotiated miscellaneous services contract with NPA Computer, Inc. to continue to provide labor, material and parts for preventative maintenance of personal computer equipment for MTAHQ, MTAPD and NYCT for an additional eight months.

- D. Real Estate Items.** 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 Kassim Salahi (or corporation to be formed with Kassim Salahi as guarantors) for the operation of a convenience store located at Pelham Parkway Station, Dyre Avenue Line, mezzanine free zone, Bronx, N.Y.

Long Island Rail Road

2. Amendment to a temporary easement agreement at 310-333 East Shore Road, Village of Thomaston, Town of North Hempstead (Section 2, Block 375, Lot 25A on the tax map of Nassau County).
3. License agreement with LaGuardia Community College for the installation of modular habitat frames at LIRR Wheelspur Yard, (Block 68, Lot 150), Queens, N.Y.

Metro-North Railroad

4. Lease modification with SLG Graybar LLC ("Landlord), an affiliate of SL Green Realty Corp for space located at 420 Lexington Avenue a/k/a the Graybar Building, New York, N.Y.

5. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:20 a.m.

Respectively submitted,

Victoria Clement
Assistant Secretary

**Regular Board Meeting
May 20, 2015**

**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**

**2 Broadway
New York, NY 10004**

**Wednesday, May 20, 2015
10:00 a.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. 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. Vincent Tessitore
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke**

The following members were absent:

**Hon. James L. Sedore, Jr.
Hon. Neal Zuckerman**

Donna Evans, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Carmen Bianco, President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Rail Road, James Ferrara, President, TBTA, Darryl Irick, SVP, NYCT DoB/President, MTA Bus Company, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

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

2. **PUBLIC COMMENT PERIOD**

Three (3) public speakers addressed MTA NYC Transit/MTA Bus issues:

Bill Henderson, PCAC, discussed the need for sustainable funding for the MTA's proposed capital plan.

Murray Bodin, Concerned Grandparents, praised Chairman Prendergast for doing a good job running the MTA.

Arthur Clements discussed a proposal for addressing garbage on train tracks.

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 April 29, 2015.

5. **COMMITTEE ON FINANCE**

Real Estate Item:

MTA NYC Transit: Upon motion duly made and seconded, the Board approved a lease agreement for the operation of a convenience store at Pelham Parkway, Dyre Avenue Line, Bronx.

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

Action Item:

Access & Work Agreement for 1066 Third Avenue (Block 1398, Lot 345): Upon motion duly made and seconded, the Board authorized an agreement with 63/64th Street Associates, L.P. ("Landlord") and A&P Real Property ("Tenant") for a not-to-exceed amount of \$71,000.

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

Procurements:

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

Board Member Ballan recused himself from the vote on Item A, 1 (contract with Bombardier Mass Transit Corp.) and Item F, 7 (contract with HNTB New York Engineering and Architecture, PC) in the Agenda.

Competitive Procurements: Upon motion duly made and seconded, the Board approved the competitive procurements requiring a two-thirds vote (Schedule B in the Agenda) and a majority vote (Schedules F, G and H in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of 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 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. ADJOURNMENT

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:20 a.m.

Respectfully submitted,


Mariel A. Thompson
Assistant Secretary

Minutes of the Regular Meeting
Metro-North Commuter Railroad Company
2 Broadway – 20th Floor
New York, NY 10004

Wednesday, May 20, 2015
10:00 a.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. 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. Vincent Tessitore
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke

The following members were absent:

Hon. James L. Sedore, Jr.
Hon. Neal Zuckerman

Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg and Joseph J. Giulietti, President, Metro-North Railroad also attended the meeting as did various other agency presidents and staff, including Carmen Bianco, President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, James Ferrara, President, TBTA, Darryl Irick, SVP, NYCT DoB/President, MTA Bus Company, and Michael Horodniceanu, President, MTA Capital Construction, Catherine Rinaldi, Metro-North Chief of Staff, James B. Henly, Metro-North General Counsel, Donna Evans, Chief of Staff, Jerome F. Page, General Counsel and Stephen J. Morello, Counselor to the Chairman.

Chairman Prendergast called the meeting to order.

1. Public Speakers:

There were six public speakers. The speakers listed below spoke on items relevant to Metro-North matters. Refer to the video recording of the meeting produced by the MTA and

maintained in MTA records for the speakers' comments, and to the other agencies' minutes of this date, for the names of other public speakers.

Neile Weissman, New York Cycle Club
James McCauley, Chappaqua Responsible Housing
Judy McGrath, Chappaqua Responsible Housing

2. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of April 29, 2015 were approved.

3. Committee on Finance:

Information Item:

The following information item that relates to Metro-North was presented to the Board:

- 2014-2015 Station Maintenance Billing

Real Estate Items:

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

- Lease modification with SLG Graybar, LLC, an affiliate of SL Green Realty Corp. for Metro-North Railroad option space at 420 Lexington Avenue, a/k/a the Graybar Building, New York, New York.

The details of the above items are contained in the minutes of the MTA Board meeting 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.

4. Committee on New York City Transit & Bus:

New York City Transit Procurements:

Upon motion duly made and seconded, the Board approved the following New York City Transit item recommended to it by the Committee on New York City Transit & Bus that relates to Metro-North:

- Approval of an all-agency, non-competitive, personal service contract with Microsoft Corporation for Microsoft Premier Support to manage various Microsoft software applications.

The details of the above item are contained in the minutes of the New York City Transit & Bus meeting held this day, a staff summary and report 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:

Action Item:

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

- Memorandum of Understanding (MOU) between Metro-North and City of Newburgh for reimbursement of Ferry Landing/Parking Lease.

Procurements:

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

- Approval to award a non-competitive purchase and public works contract with Powell Electrical Systems, Inc. for immediate delivery of automatic re-closure relays, which are located in 50 DC Electrical substations throughout Metro-North's Harlem and Hudson lines.
- Approval to award a non-competitive five-year miscellaneous service contract with Railquip, Inc. for the annual inspection, maintenance and repair of Metro-North's Car Hoist and Body Support System and the 8-ton and 75-ton Truck/Bogie Turntable located at the Croton Harmon Coach Shop Facility.
- Approval to award a non-competitive three-year miscellaneous service contract with Integrated Display Systems, Inc. for services related to preventative maintenance and software upgrades for the Lift-Net Elevator Monitoring System installed in Grand Central Terminal.

Upon motion duly made and seconded, the Board approved the competitive procurements recommended to it by the Committee on Metro-North Railroad Operations. Board Member Ballan recused himself from the vote on the HNTB New York Engineering and Architecture, P.C. procurement matter listed in the third bullet below. The approved items are as follows:

- Approval to award a contract with Ensco Rail, Inc. for the design, manufacture and delivery of four On-Board Autonomous Track Geometry and Inspection Systems (ATGIS) with an option to provide additional services related to Track Inspections for a three-year period and a second option allows for Long Island Rail Road (LIRR) to acquire two ATGIS which may be elected at their sole discretion.

- Approval of additional funding totaling \$650,000 and a one-year extension of a contract with Georgetown Rail Equipment Company to continue to provide track inspections and joint bar measurement services.
- Approval of additional funding in the amount of \$2,000,000 and a 12-month time extension for Metro-North's On-Call Services for the Track Engineering and Design contract awarded to HNTB New York Engineering and Architecture, P.C.
- Approval, on behalf of Metro-North, Long Island Rail Road and Bridges and Tunnels, to award a contract change order for additional funding in the amount of \$6,526,362 and a one-year contract extension with Sprague Operating Resources, LLC to supply Class B and Class C Bulk Fuel to multiple MTA Agency locations in the NY and CT regions.
- Approval of a modification to a contract with GE Transportation in the amount of \$7,292,039, to be funded through the operating budget, for replacement components for Genesis P32 locomotives built by General Electric and commissioned between 1995 and 2001 that have reached a point in their service life where select engine system components now require engine component change-out consistent with Metro-North's Reliability Centered Maintenance principles and original equipment manufacturer recommendations.

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

- Emergency procurement of one remanufactured D32 Main Generator from Sherwood Electromotion, Inc. for Metro-North's GP-35 Locomotive (Unit No. 102) which is currently out-of-service.
- One year time extension for the firm Loram Maintenance of Way, Inc. to continue to provide shoulder ballast cleaning services for Metro-North Railroad and Long Island Rail Road.
- Emergency procurement of 2,880 sets of disc Brake pads from Railroad Friction Products Corp. for immediate delivery due to the current low stock conditions experienced system wide at Metro-North's storeroom 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. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:20 a.m.

Respectfully submitted,



Linda Montanino
Assistant Secretary

Minutes of the Regular Meeting
Long Island Rail Road Company
2 Broadway – 20th Floor
Wednesday, May 20, 2015
10:00 a.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. 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. Vincent Tessitore
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke

The following members were absent:

Hon. James L. Sedore, Jr.
Hon. Neal Zuckerman

Donna Evans, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Carmen Bianco, President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, SVP, NYCT DoB/President, MTA Bus Company, and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

Chairman Prendergast called the meeting to order.

1. **Public Speakers:**

There were six (6) public speakers. 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. **Approval of Minutes:**

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of April 29, 2015 were approved.

3. **Committee on Finance:**

Information Item:

The following Information Item that relates to LIRR was presented to the Board:

- Submission of 2014-2015 Station Maintenance Billings

Procurements:

The following procurement that relates to LIRR was approved:

- Approval of an Arts for Transit project at Hicksville Station to Roy Nicholson in the amount of \$330,500 for the technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the Station.

Real Estate Items:

The following real estate items that relate to LIRR were approved:

- Amendment to a temporary easement agreement at 310-333 East Shore Road, Village of Thomaston, Town of North Hempstead, Nassau County, New York, with the Grantor 310-333 East Shore Road LLC, for an additional 18 month term, from July 1, 2016 through December 31, 2018, in support of LIRR's Colonial Road Bridge Project.
- License agreement with LaGuardia Community College to install modular habitat frames on the bulkhead of the LIRR Wheelspur Yard in Long Island City, Queens for a term of 10 years, terminable by LIRR on 60 days' notice, payment waived.

The details of the above items are contained in the minutes of the MTA Board meeting held this day and 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.

4. **Committee on Long Island Rail Road:**

Procurements:

Upon motion duly made and seconded, the following LIRR competitive procurement was approved:

- Approval (i) to award a competitively negotiated Personal Services Contract to All Pro Parking, LLC in the not-to-exceed amount of \$14,828,174 to manage, operate and maintain the Mineola Intermodal Center, the Ronkonkoma Parking Garage and the Wyandanch Parking Facility for a five-year period with a two-year LIRR option, (ii) to implement the parking fee structure and parking penalty schedule for Wyandanch, as described in the Staff Summary, and (iii) to modify the Ronkonkoma Parking Garage parking fee structure to make it consistently priced with the Wyandanch Parking Facility.

MTA Capital Construction Procurements:

With respect to MTA Capital Construction, upon motion duly made and seconded, the Board approved the following procurement item:

- Ratification of a modification to Contract CQ032 for the installation of a new support of excavation system for the Queens Bellmouth in the amount of \$5,650,000.00.

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

5. **Committee on New York City Transit & Bus:**

New York City Transit Procurements:

Upon motion duly made and seconded, the Board approved the following New York City Transit item that relates to LIRR:

- Approval of an all-agency, non-competitive, personal service contract with Microsoft Corporation for Microsoft Premier Support to manage various Microsoft software applications.

The details of the above item are contained in a staff summary and report filed with the records of this meeting and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

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

Upon motion duly made and seconded, the Board approved the following Metro-North items that relate to LIRR:

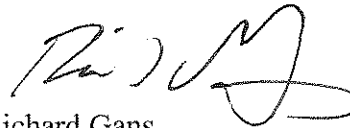
- Approval to award a contract with Ensco Rail, Inc. for the design, manufacture and delivery of four On-Board Autonomous Track Geometry and Inspection Systems (ATGIS) with an option to provide additional services related to Track Inspections for a three-year period and a second option allowing for LIRR to acquire two ATGIS which may be elected at LIRR's sole discretion.
- Approval, on behalf of Metro-North, LIRR and Bridges and Tunnels, to award a contract change order for additional funding in the amount of \$6,526,362 and a one-year contract extension with Sprague Operating Resources, LLC to supply Class B and Class C Bulk Fuel to multiple MTA Agency locations in the NY and CT regions.
- A ratification approving a one year time extension for the firm Loram Maintenance of Way, Inc. to continue to provide shoulder ballast cleaning services for Metro-North Railroad and LIRR.

The details of the above items are contained in the 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 MTA records.

7. **Adjournment:**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:20 a.m.

Respectfully submitted,

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

Richard Gans
Secretary

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

BOARD MINUTES

May 20, 2015

Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority
May 20, 2015

Meeting Held at
2 Broadway, 20th Floor
New York, New York 10004

10:00 a.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. 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. Vincent Tessitore
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke

The following members were absent:

Hon. James L. Sedore, Jr.
Hon. Neal Zuckerman

Donna Evans, Chief of Staff, Jerome F. Page, General Counsel, Stephen J. Morello, Counselor to the Chairman, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Carmen Bianco, President, New York City Transit, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, Triborough Bridge and Tunnel Authority, Darryl Irick, Senior Vice President, New York City Transit Department of Buses/President, MTA Bus Company and Michael Horodniceanu, President, MTA Capital Construction, also attended the meeting.

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

1. Public Speakers

There were six (6) public speakers. None of the speakers specifically commented on issues regarding the Triborough Bridge and Tunnel Authority.

Refer to the video recording of the meeting produced by the Metropolitan Transportation Authority and maintained in MTA records, and to the other agencies' minutes of this date, for the content of the speakers' statements.

2. Approval of the Minutes of the Regular Meeting April 29, 2015

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on April 29, 2015 were approved.

3. Committee on Finance

Upon a motion duly made and seconded, the Board approved the following recommended to it by the Committee on Finance that pertained to the Triborough Bridge and Tunnel Authority:

(a) Action Items:

- Approval to appoint outside law firms to act as bond counsel and disclosure counsel in connection with MTA and TBTA financings and to establish a panel of approved underwriters' counsel.

Copies of the staff summaries, resolutions and documents setting forth the details of the above item and the other items discussed are filed with the minutes of the meeting of the Board of the Metropolitan Transportation Authority held this day.

4. Committee on MTA Bridges and Tunnels Operations

Procurements

Commissioner Cappelli stated that there are three (3) procurements totaling \$3.918 million.

Non-Competitive Procurements

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

Competitive Procurements

Commissioner Cappelli stated that there are three (3) competitive procurements totaling \$3.918million.

Miscellaneous Service Contracts

Clean Rental Services, Inc.	Contract No.15-MNT-2944	\$529,434.00
	On March 13, 2015, TBTA issued a solicitation for the required services for the rental and cleaning of Maintenance personnel uniforms. TBTA's contract with its Maintenance workforce requires TBTA to supply and clean Maintenance personnel uniforms. Additionally, the laundering and repair services required under the prospective contract are not available at TBTA. The service requirements were publicly advertised, the solicitation notice was sent to 190 firms and five firms requested copies of the	

solicitation. On April 21, 2015, two bids were submitted and are ranked as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Clean Rental Services Inc.	\$529, 434.00
Lumal Cleaners d/b/a Amco Uniform Rental	\$868,916.00

The scope of services under the prospective contract has not changed compared with the prior contract. The rates for this contract are based on a sliding scale rate for years 1-3 and years 4-6 for total term of six years. The overall bid amount is 32% lower than the user's estimate of \$778,140.65. Rates decreased for all line items when compared to the pricing of the current Contract. After evaluation of the bids, it was determined that Clean Rental Services, Inc. is the lowest responsive, responsible bidder. Based on competition, the price is considered fair and reasonable. The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for this contract.

Modifications to Purchase & Public Works Contracts

El Sol Contracting and Construction Corp./El Sol Ltd. Enterprises, JV	Contract No. VN-80C/VN-35 Additional work items negotiated with the contractor for furnishing new ramp Gantries, Miscellaneous Steel Repairs and Painting at the Verrazano-Narrows Bridge.	\$3,043,735.59
Verdugos General Contractors Corp.	Contract No. MP-06B Furnishing manpower, equipment and material necessary for the South Abutment Concrete repairs and electrical work at Marine Parkway-Gil Hodges Memorial Bridge.	\$345,404.00

Commissioner Cappelli stated that the Committee members who were present at the Committee Meeting considered and voted in favor of the procurements although a Committee Quorum was not present.

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

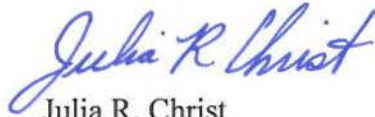
Ratifications

Commissioner Cappelli stated that there are no ratifications.

5. Adjournment

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:20 a.m.

Respectfully submitted,



Julia R. Christ
Acting Assistant Secretary

**Regular Board Meeting
MTA Capital Construction Company
2 Broadway
New York, NY 10004
Wednesday, May 20, 2015
10:00 AM**

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. 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. Vincent Tessitore
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke

The following members were absent:

Hon. James L. Sedore, Jr.
Hon. Neal Zuckerman

Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg and Michael Horodniceanu, President, MTA Capital Construction also attended the meeting as did various other agency presidents and staff including Carmen Bianco, President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, James Ferrara, President, TBTA, Darryl Irick, President, MTA Bus Company, Donna Evans, Chief of Staff, MTA, Jerome F. Page, General Counsel, MTA, Stephen J. Morello, Counselor to the Chairman, MTA and David K. Cannon, Sr. Director & Chief Procurement Officer, MTA Capital Construction.

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

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

Public Comment Period

There were six 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 Regular Meeting of the Board of the Metropolitan Transportation Authority held on May 20, 2015.

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 April 29, 2015.

Committee on New York City Transit & Bus

Action Item

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

An access and work agreement with 63/64th Street Associates, L.P. and A&P Real Property, LLC for a not-to-exceed amount of \$71,000.

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 May 20, 2015.

Procurement

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

A modification to the No. 7 Line Extension Project's Consultant Construction Management Services contract (CM-1311) in the amount of \$3,556,443 for additional funding to support Consultant Construction Management services through the current contract expiration date of December 31, 2015.

A copy of the Resolution, 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 May 20, 2015.

Committee on Long Island Rail Road

Procurement

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

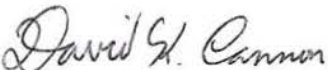
A modification to the East Side Access Project's Plaza Substation and Queens Structures contract (CQ032) in the amount of \$5,650,000 for the installation of a new support of excavation system for the Queens Bellmouth.

A copy of the Resolution, 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 May 20, 2015.

Adjournment

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 10:20 a.m.

Respectfully submitted,



David K. Cannon
Assistant Secretary

Staff Summary

Subject						Date			
Approval of Variable Rate Refunding Bonds						June 24, 2015			
Department						Vendor Name			
Finance Department									
Department Head Name						Contract Number			
Patrick J. McCoy <i>PSM</i>									
Department Head Signature						Contract Manager Name			
Division Head Name						Table of Contents Ref #			
Bob Foran <i>[Signature]</i>									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance	6/22				2	Chief of Staff <i>[Signature]</i>	1	Legal <i>RA</i>
2	Board	6/24							

Purpose:

To obtain Board approval to issue variable rate Transportation Revenue Refunding Bonds in connection with the refunding of certain refundable transportation revenue bonds; Series 2005A, 2005B, 2005F, 2006A, and 2006B (the "Target Refunded Bonds"). The Bonds totaling \$1.282 billion were issued with a 10-year par call right which will enable MTA to refund the bonds for savings this year.

Background and Discussion:

At its meeting in December 2014, the Board approved supplemental refunding resolutions for 2015 refunding transactions. Such approval was conditioned upon transactions meeting the criteria contained in MTA's refunding policy (attached for reference), which provides guidance on the minimum savings threshold required to undertake a refunding with a fixed-rate bond. The refunding policy does not authorize the use of variable rate bonds in refundings. MTA Finance is seeking authority to allow for a portion of the refunding bonds to be issued as variable rate securities to refund bonds that already meet the policy requirements based on a fixed-rate refunding. Such authority is requested to address two principal concerns with respect to refunding the Target Refunded Bonds; the first being the concentration of bonds in maturities that are expected to be difficult to issue; and to address market volatility observed in 2015.

The Target Refunded Bonds mature in the 2019 – 2035 period, with a heavy concentration of bonds totaling \$817.6 million in years 2029-2035. Due to the large concentration of bonds in a part of the yield curve that has historically and continues to be a difficult maturity range for which to issue large par amounts of bonds, MTA Finance is seeking Board Authority to include variable rate refunding bonds in the refunding bond structure. The refunding transactions, with the use of both fixed-rate and variable-rate bonds, are intended to achieve the best possible refunding results. Variable rate refunding authority is also expected to mitigate the potential impact of market volatility, which has been increasing in 2015, and can have a detrimental effect in marketing a fixed-rate transaction.

The variable rate refunding bonds being contemplated will have final maturities in the above referenced 2029 - 2035 period, however, they will be issued as floating rate notes ("FRN"), and/or term rate bonds with a soft-put feature, allowing MTA to take advantage of the lowest cost part of the yield curve, which is in years one through five. The soft-put provides that in the event of a failed remarketing, interest on the bonds will increase to a penalty rate until a remarketing is effected, thereby avoiding a default. MTA has never had a failed remarketing of previously issued FRNs or term rate bonds. While the variable-rate refunding bonds will have this future remarketing risk, MTA's proven market access, extensive experience with variable rate bonds, and the soft-put will enable a robust structure that staff considers to be manageable and are expected

Staff Summary

to generate strong refunding results.

Recommendation:

That the Board authorize the use of variable rate refunding bonds in connection with the refunding of the Target Refunded Bonds.

Staff Summary

RESOLUTION

WHEREAS, The Metropolitan Transportation Authority has a portfolio of outstanding Transportation Revenue Bonds that meet MTA's Refunding Policy criteria (the "Target Refunded Bonds"); and

WHEREAS, The Metropolitan Transportation Authority desires to achieve the lowest possible interest cost in refunding the Target Refunded Bonds; and

WHEREAS, The Metropolitan Transportation Authority has authorized such refundings in December 2014, so long as such refundings were based on criteria contained in the refunding policy ("Refunding Policy") which was adopted by the Board in May, 2010, and

WHEREAS, such refunding policy is limited to fixed-rate refundings of previously issued bonds; and

WHEREAS, market volatility and a concentration of bonds in a difficult part of the yield curve are expected to pose challenges to achieving the best possible refunding results; now

BE IT RESOLVED by the Metropolitan Transportation Authority that it is authorizing specific separate action relating to refunding of the Target Refunded Bonds to also allow for variable rate bonds to be issued as refunding bonds, together with the issuance of fixed-rate refunding bonds.

Staff Summary

Adopted May 26, 2010

BOND AND OTHER DEBT OBLIGATIONS REFUNDING POLICY

WHEREAS, The Metropolitan Transportation Authority has a large portfolio of outstanding bonds and other debt obligations; and

WHEREAS, The Metropolitan Transportation Authority desires to achieve the lowest possible interest cost for such bonds; and

WHEREAS, The Metropolitan Transportation Authority desires, from time to time, to benefit from favorable capital market conditions to undertake refundings of the outstanding bonds and other obligations; and

WHEREAS, The Metropolitan Transportation Authority has determined that in order to provide guidance in the issuance of refunding bonds, a refunding policy ("Refunding Policy") is desirable.

WHEREAS, such refunding bonds must be authorized by the Board in accordance with a supplemental resolution for each of the MTA and TBTA credits, such supplemental resolutions are attached hereto;

BE IT RESOLVED by the Metropolitan Transportation Authority that, except as otherwise provided by separate action of the Authority relating to a particular refunding, the Refunding Policy as set forth below shall be adopted and shall apply to all refundings of bonds or other debt obligations described therein hereafter.

Staff Summary

Metropolitan Transportation Authority and Triborough Bridge and Tunnel Authority Bond and Other Debt Obligations Refunding Policy

This bond and other debt obligations refunding policy establishes conditions precedent to any issuance of fixed rate bonds for the purposes of refunding fixed rate bonds previously issued by the MTA or any of the Related Entities.

- For a standard fixed rate refunding, each individual bond maturity is expected to have net present value (NPV) savings (expressed as a percentage of the par amount of refunded bonds) of at least the following amounts at the time of mailing the Preliminary Official Statement and at the time of the initial pricing of the refunding bonds (nothing herein precludes the addition of individual bond maturities that meet the savings criteria, or the deletion of bond maturities that do not meet the savings criteria on the day of pricing):

Years From Call to Maturity	Years to Call		
	0 to 2	3 to 7	8 plus
0 to 5	0.5%	1.0%	2.0%
6 to 10	1.0%	2.5%	4.0%
11 to 15	3.0%	4.0%	5.0%
16 plus	4.0%	5.0%	5.5%

- In addition to achieving the above maturity-by-maturity NPV savings, aggregate NPV savings must be at least 3.0 percent of the par amount of refunded bonds.
- The arbitrage yield must be utilized in calculating NPV savings.
- Actual escrow investments must be used in calculation of refunding savings at the time of pricing.

Additional Criteria and Instructions

- The evaluation of refunding opportunities with respect to the State Bond Issuance Charge (BIC) shall be factored in as a cost of issuance with respect to total NPV savings requirement calculations. The individual bond-by-bond maturity evaluations shall also include BIC as a factor.
- If it is possible to meet the arbitrage yield in a refunding escrow with SLGS, they should be used. In the event SLGS could provide a yield higher than the arbitrage yield, as many rolling 0 percent SLGS as possible should be used to blend down the arbitrage yield. If the arbitrage yield cannot be met with SLGS or the SLGS window is not open, treasury securities and other open market securities can be considered, consistent with the investment restrictions in the bond resolution.

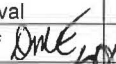



Staff Summary

Page 1 of 2

Subject Addition of Outside Counsel to Approved Torts/ FELA Panel
Department MTA Office of General Counsel
Department Head Name Jerome F. Page
Department Head Signature 
Project Manager/Division Head Jerome F. Page

Date June 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	6/22/15			
2	Board	6/24/15			

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

Purpose:

To obtain Board approval to add the Crumbie Law Group, LLC. ("Crumbie"), a law firm that is a registered New York State Minority Business Enterprise with offices in Connecticut, to MTA's existing panel of approved outside counsel for assignment of tort and FELA matters.

Discussion:

Federal Employers Liability Act (FELA) lawsuits and personal injury lawsuits are brought against Metro-North Railroad from time to time in courts within the State of Connecticut, arising out of Metro-North's operation of the New Haven Line within Connecticut and its employment of railway workers at locations within Connecticut.



The existing panel of MTA-approved firms for tort and FELA matter assignments lacks any New York State-registered M/WBE law firm that maintains offices in Connecticut. Addressing that shortcoming, Board approval is sought to add the Crumbie Law Group, a registered MBE firm with two offices in Connecticut, to the existing MTA tort/FELA panel.

MTA Metro-North lawyers have met with Crumbie Law Group attorneys who practice personal injury law in Connecticut and believe the firm has appropriate personal injury practice experience to warrant its addition to the MTA tort/FELA panel. Such an addition will be a step toward filling this existing geographic gap in the diversity of the tort/FELA panel. The Crumbie firm previously was approved by the MTA Board for inclusion in the separate MTA panel of firms available for assignment of non-tort/FELA matters, last year (together with a number of other M/WBE firms and small business law firms added at that time pursuant to an RFP seeking the addition of small and MWBE firm with employment litigation/civil rights law experience), and is currently handling employment-related assignments in Connecticut in which it represents Metro-North. Board approval of the firm's addition to the tort/FELA panel, at the tort/FELA panel rates set forth in the standard retainer, will provide Metro-North with the ability to select this New York State registered MWBE firm for assignment of appropriate personal injury or FELA matters that are venued in Connecticut.

Recommendation:




It is recommended that the Board approve the appointment of Crumbie Law Group to the MTA's outside counsel Torts/FELA panel.

Staff Summary

Subject 2015 State PWEF Assessment
Department Chief Financial Officer
Department Head Name Robert E. Foran
Department Head Signature 
Project Manager Name Douglas F. Johnson 

Date June 5, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	6/22	X		
2	Board	6/24	X		

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

Purpose: To authorize actions relating to the payment of the State assessment on the MTA and its constituent agencies for the Public Work Enforcement Fund for calendar 2015.

Discussion: Chapter 511 of the Laws of 1995, as amended, requires State agencies and authorities to pay to the State Comptroller an assessment based upon 1/10 of 1% of the value of public work (construction) contracts entered into (excluding rolling stock contracts). The assessments are deposited in the State Public Work Enforcement Fund to reimburse the State Department of Labor for its costs in enforcing the State's prevailing-wage law. The State and the MTA have entered into a simple annual estimate-and-settlement procedure agreement. Payments are made each year based upon the estimated amount of public works contracts, and are adjusted to reflect the actual experience from the prior year. The 2015 payment, therefore, is based upon a 2015 estimate and an adjustment for 2014.



Based on the actual average spending rates, it is assumed that in calendar year 2015, MTA's constituent agencies are projected to let \$1.792 billion worth of construction contracts, which is a \$921 million increase in contract values from the actual 2014 level. Both the 2014 actuals and 2015 projections include Superstorm Sandy repair and resiliency work that were added to the Capital Plan in the July 2013 Board approved amendment.

In 2014, the estimated 2014 assessment of \$1,634,110 was less than the actual assessment by \$1,080,224. This underpayment, when added to the estimated 2015 assessment of \$1,792,905, requires a total payment of \$2,873,129.

Financial Implications: The 2015 MTAHQ Budget contains sufficient funds for this payment.


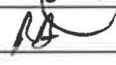
Recommendation: The Board should authorize staff to remit the 2015 assessment, including the adjustment for the 2014 underpayment, to the State Department of Labor.

Staff Summary

Subject Request for Authorization to Award Various Procurements
Department Executive
Department Head Name Bob Foran
Department Head Signature 
Division Head Name Angel Barbosa 

Date June 5, 2015
Vendor Name Various
Contract Number Various
Contract Manager Name Various
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	6/22/2015	X		
2	Board	6/24/2015	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:

of Actions \$ Amount

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

Schedules Requiring Majority Vote

None None

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts

2 \$ 3,435,966.00

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

1 \$ 13,600,000.00

SUBTOTAL 3 \$ 17,035,966.00

MTAHQ presents the following procurement actions for Ratification:

None None

TOTAL 3 \$ 17,035,966.00

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

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

BOARD RESOLUTION

METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

LIST OF PROCUREMENTS FOR BOARD APPROVAL, JUNE 2015
COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

E. Miscellaneous Procurement Contracts

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

- | | | |
|---|-------------------------------------|--------------------------------------|
| 1. B2GNow
Diversity Management Software
Implementation and Support
Contract No. 15131-0100 | \$435,966
(Not-to-exceed) | <u>Staff Summary Attached</u> |
|---|-------------------------------------|--------------------------------------|

Ride OGS Contract No. CM00265 – 60 months
To recommend that the Board approve the award of a Miscellaneous Procurement Contract riding New York State Contract No. CM00265 to purchase Diversity Management Software including implementation and technical support for MTAHQ's Department of Diversity and Civil Rights, which includes licensing fees for a period of five years from July 1, 2015 to June 30, 2020 in a not-to-exceed amount of \$435,966 which includes a contingency of \$26,000. In order to ensure consistency with respect to MWBE Contract Compliance and Reporting, all New York State Agencies and Public Authorities will migrate and utilize the B2GNow System. In addition, the software will allow the MTA's Department of Diversity and Civil Rights to close out projects in a timely manner and accurately report MWDBE contract awards and payments. The pricing being obligated under this agreement is the same pricing offered under the NY State contract.

- | | | |
|---|---------------------------------------|--------------------------------------|
| 2. Supply/Install and Repair Emergency
Lighting, Graphics, Communication and
Other Related Equipment on MTAPD Vehicles
Contract Nos. 14390-0100 thru 0200 <ol style="list-style-type: none">a. Mobile Fleet, Inc.b. TCD Cellular Communications | \$3,000,000
(Not-to-exceed) | <u>Staff Summary Attached</u> |
|---|---------------------------------------|--------------------------------------|

Competitively negotiated – 2 proposals – 36 months
To recommend that the Board approve the award of two (2) competitively negotiated, miscellaneous procurement contracts with Mobile Fleet, Inc. and TCD Cellular Communications (TCD) for the supply, installation/removal and repair of emergency lighting, graphics, communication and other equipment on new and existing MTA Police Department (MTAPD) vehicles and repair services of this equipment for a period of thirty-six (36) months from July 1, 2015 through June 30, 2018. The combined total amount obligated under this contract for the three-year period is not to exceed \$3,000,000. Mobile Fleet (incumbent) proposed an hourly rate of \$65 which is the same as that which was negotiated under the current competitively awarded three year contract. The second vendor, TCD Cellular Communications (incumbent), initially proposed a rate of \$85 which was negotiated down to \$76.50, an increase of \$1.50 compared to the current contract, and a 2% annual increase or CPI, whichever is lower. MTA will be receiving discounts that range from 5% to 46% off of list price for equipment purchases. Based on the above, the negotiated pricing is deemed fair and reasonable.

METROPOLITAN TRANSPORTATION AUTHORITY

COMPETITIVE PROCUREMENTS

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

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

- | | | |
|--|------------------------|--------------------------------------|
| 3. Various | \$13,600,000 | <u>Staff Summary Attached</u> |
| All-Agency Temporary IT Consultant Services | (Not-to-Exceed) | |
| Contract No. 70816 (MNR) | | |

Base plus previous change orders: \$50,305,000

To recommend that the Board approve an amendment to a previously Board-approved, all-agency, competitively negotiated, personal services contract with thirty-eight (38) retainer firms. This amendment includes a six-month time extension and an additional \$13,600,000 to continue to provide All-Agency Temporary Information Technology Consulting Services on an as-needed basis until a new competitive contract is issued and approved by the Board. The proposed contract amendment will support the newly consolidated MTA IT Department under the Business Service Center and will provide the ability to retain project consultants, as well as temporarily supplement in-house staff until existing vacancies can be filled. Additionally, this time extension will ensure a transition phase for consultants that are currently working on critical projects to ensure uninterrupted service. Without the support of the temporary consultants retained via this contract, planned maintenance and enhancements for critical operational and administrative systems would be adversely impacted as MTA does not currently have available resources to support these systems. The negotiated rates ranging from \$40 to \$120 as established under the base agreement will remain the same, therefore these rates are considered and reasonable.

Schedule E: Miscellaneous Procurement Contracts

Page 1 of 1

Item Number:

Vendor Name (& Location): B2GNow		Contract Number: 15131-0100	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description: Diversity Management Software Purchase, Implementation and Support		Total Amount: \$435,966	
Contract Term (including Options, if any): June 1, 2015 to May 31, 2020		Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No		Requesting Dept/Div & Dept/Div Head Name: M. Garner	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Contract Manager: Elissa I. Stewart	
Solicitation Type: <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:			

DISCUSSION:

To recommend that the Board approve the award of a Miscellaneous Procurement Contract riding New York State Contract No. CM00265 to B2GNow to purchase Diversity Management Software including implementation and technical support for MTAHQ's Department of Diversity and Civil Rights (DDCR), which includes licensing fees for a period of five years from July 1, 2015 to June 30, 2020 in a not-to-exceed amount of \$435,966 which includes a contingency of \$26,000.

In order to ensure consistency with respect to MWBE Contract Compliance and Reporting, all New York State Agencies and Public Authorities will migrate and utilize the B2GNow System. In addition, the software will allow the MTA's Department of Diversity and Civil Rights to close out projects in a timely manner and accurately report MWDBE contract awards and payments. Also, the software is a Contract Compliance and Certification tool that helps to maintain compliance with federal, and state, MWDBE policies and procedures, improves communication with primes, general contractors and certified MWDBEs, streamlines the MTA's DBE Certification process and monitors and reports MWDBE payments.

The Department of Diversity and Civil Rights currently utilizes the Skyline software system which will be phased out by July 2016. The active and inactive (archived) data within the existing Skyline system will be migrated to the B2Gnow system which will be implemented over a 16-week period.

The MTA worked with the New York Empire State Development (ESD) to develop the requirements and the project timeline. Minimal customizations to the software will be required based on the Gap Analysis performed by MTA-IT, DDCR, and ESD.

The pricing being obligated under this agreement is the same pricing offered under the NY State contract.

Staff Summary

Schedule E: Miscellaneous Procurement Contracts

Item Number:

Vendor Name (& Location): Mobile Fleet, Inc. and TCD Cellular Communications	Contract Number: 14390-0100 and 0200	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Description: Supply/Install and Repair Emergency Lighting, Graphics, Communication and Other Related Equipment on MTA Police Vehicles	Total Amount: \$3,000,000 (not-to-exceed)	
Contract Term (including Options, if any): Thirty-Six (36) Months	Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Requesting Dept/Div & Dept/Div Head Name: Safety & Security/R. Diaz & MTAPD/ Chief Connor	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Contract Manager: Damon Chan	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		

DISCUSSION:

To recommend that the Board approve the award of two (2) competitively negotiated, miscellaneous procurement contracts with Mobile Fleet, Inc. and TCD Cellular Communications (TCD) for the supply, installation/removal and repair of emergency lighting, graphics, communication and other equipment on new and existing MTA Police Department (MTAPD) vehicles and repair services of this equipment for a period of thirty-six (36) months from July 1, 2015 through June 30, 2018. The combined total amount obligated under this contract for the three-year period is not to exceed \$3,000,000.

MTAPD requires the services of these Contractors to supply, install/remove and repair of emergency lighting, graphics, communication and other equipment on new and existing MTA Police vehicles. Emergency equipment includes, but is not limited to: emergency lighting, communication equipment (i.e. radios, computers, etc.), canine equipment and vehicle identification graphics, etc.

The current competitively awarded contracts for these services will expire in the next few months. In order to continue to provide these services, a competitive Request for Proposal was publicly advertised and letters informing prospective proposers of the availability of the RFP package were mailed to a total of ten firms. Two proposals were received. A selection committee comprised of representatives from the MTAPD reviewed and evaluated the two proposals. The Selection Committee deemed both firms to be technically qualified and recommended Procurement to negotiate with both. MTA has conducted a responsibility review and other due diligence on Mobile Fleet and TCD Cellular Communications and has deemed them to be responsible for award.

Mobile Fleet (incumbent) proposed an hourly rate of \$65 which is the same as that which was negotiated under the current competitively awarded three year contract. The second vendor, TCD Cellular Communications (incumbent), initially proposed a rate of \$85 which was negotiated down to \$76.50, an increase of \$1.50 compared to the current contract, and a 2% annual increase or CPI, whichever is lower. MTA will be receiving discounts that range from 5% to 46% off of list price for equipment purchases. Based on the above, the negotiated pricing is deemed fair and reasonable.

MTA's Department of Diversity and Civil Rights determined not to assign any goals to this contract.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Item Number:

Page 1 of 1

Vendor Name (& Location): Various	Contract Number: 70816 (MNR)	AWO/Modification # 2
Description: All-Agency Temporary IT Consulting Services	Original Amount: \$32,370,000	
Contract Term (including Options, if any): January 1, 2011 through December 31, 2015	Prior Modifications: \$17,935,000	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases: \$ -	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount: \$50,305,000	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request: \$13,600,000	
Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount: 27 %	
Requesting Dept/Div & Dept/Div Head Name: BSC/Wael Hibri & MTA IT/CIO Sidney Gellineau	% of Modifications (including This Request) to Original Amount: 42%	

DISCUSSION:

To recommend that the Board approve an amendment to a previously Board-approved, all-agency, competitive negotiated, personal services contract with the thirty-eight (38) retainer firms listed below. This amendment includes a six-month time extension and an additional \$13,600,000 to continue to provide All-Agency Temporary Information Technology Consulting Services on an as-needed basis until a new competitive contract is issued and approved by the Board. An All-Agency competitive RFP has already been publicly advertised and is expected to be presented to the Board for award by the end of 2015.

- | | | | |
|------------------------------|---------------------------|-------------------------------|---------------------------|
| 1 22nd Century Technologies | 11 Computer Aid, Inc. | 21 Lancaster Systems | 31 Technisource |
| 2 A-1 Technology | 12 COMS | 22 PruTech Solutions | 32 Technodyne |
| 3 Aegistech, Inc. | 13 Derive Technologies | 23 PSI International | 33 TekSystems |
| 4 Artech Information Systems | 14 DTG Consulting | 24 QED National | 34 Unique Computer, Inc. |
| 5 ASR International | 15 EKI Consulting | 25 RCG Information Technology | 35 Universal Technologies |
| 6 Avaya | 16 Enterprise Engineering | 26 Rotator Staffing Services | 36 US Tech Solutions |
| 7 Bowne Management Group | 17 ExpInfo, Inc. | 27 Sharp Decisions | 37 Verizon Business |
| 8 CMA Consulting | 18 Infopeople Corporation | 28 SoftSol | 38 V Group, Inc. |
| 9 CMC Americas | 19 InfoSys International | 29 Staffing Solutions USA | |
| 10 CompuForce | 20 InTrans Group | 30 Tailwind Associates | |

In November 2010, Board approval was received to award an All-Agency, five-year, personal services contract to retain the services of thirty-eight vendors to furnish IT Consulting Services on an as-needed basis. IT consulting services are required to support various strategic IT development projects and supplement in-house IT staff with certain specialized skills and expertise.

In the year and a half leading up to the consolidation of IT, agencies had an increasing number of vacancies that amounted to almost 20% of funded positions. The rationale for the high vacancy rate was to ensure that new employees hired for the new IT Organization have the skills to address the long-term needs of the MTA. This coincided with a period of high application development activity which included enriching the PeopleSoft platform and implementation of other application upgrades, all to ensure continued critical product support and functionality.

The proposed contract amendment will support the MTA IT Department and Business Service Center and will provide the ability to retain project consultants, as well as temporarily supplement in-house project staff. Additionally, this time extension will provide a transition phase for consultants currently working on active projects to ensure uninterrupted service. The additional funds will provide resources to support critical projects including but not limited to:

- PeopleSoft 9.2 Upgrade & PeopleSoft Pension
- NYCT Applications Replacement/Upgrade
- MNR and LIRR Applications Replacement/Enhancement/Upgrade (ex. Revenue Systems, Database Administration)
- Enterprise Asset Management Systems
- Various NYCT consulting services for subway & bus projects
- Desktop Support Technicians
- MTA IT Project Management Office (IT project oversight)

Without the support of the temporary consultants retained via this contract, planned maintenance and enhancements for critical operational and administrative systems would be adversely impacted as MTA does not currently have available resources to support these systems. These consultants are essential to provide specialized expertise needed for a limited time for specific projects.

The negotiated rates ranging from \$40 to \$120 as established under the base agreement will remain the same, therefore these rates are considered and reasonable. The MTA Department of Diversity & Civil Rights has established goals of 10% MBE and 10% WBE for the contract which will continue to be applicable.

JUNE 2015
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

ACTION ITEMS

MTA NEW YORK CITY TRANSIT

Surrender of the MaBSTOA 126th Street Depot Property to the City of New York pursuant to the MaBSTOA Master Lease

Permit to allow New York City Department of Parks and Recreation temporary access to install a mural on a New York City Transit wall adjacent to Umma Park, Brooklyn, NY

Permit with John O'Connell for a temporary construction fence at the Spring Creek Bus Depot, Brooklyn, New York

MTA METRO-NORTH RAILROAD

License with Elrac, Inc., d/b/a Enterprise Rent-A-Car for the operation of car rental services at selected Metro-North Stations

License with Zipcar, Inc, for the operation of car sharing services at selected Metro-North Stations

Sublease and development restriction agreement with Chappaqua Station LLC, for use of property on Metro-North's Harlem Line adjacent to 54 Hunts Place in Chappaqua, Town of New Castle, New York

License agreement with Harlem Valley Investing Co., Inc. for use of property on Metro-North's Harlem Line adjacent to at 9 Hunts Place in Chappaqua, Town of New Castle, New York

MTA LONG ISLAND RAIL ROAD

Lease agreement with Osher Produce Inc. for vacant property adjacent to LIRR's Main Line in Rego Park, Queens, New York

MTA MANHATTAN AND BRONX SURFACE TRANSIT OPERATION AUTHORITY

Lease adjustment between Royal Charter Properties, Inc. and Manhattan and Bronx Surface Transit Operating Authority

Lease rent adjustment between 16 Westchester LLC and MTA Manhattan and Bronx Surface Transit Operating Authority

MTA CAPITAL CONSTRUCTION

Lease Modification with ARC NYW@3401, LLC (American Realty Capital, principal), successor to 333 West 34th Street LLC (SL Green, principal) for MTACC extended occupancy at 333 West 34th Street, New York, New York

MTA MANHATTAN AND BRONX SURFACE TRANSIT OPERATION AUTHORITY

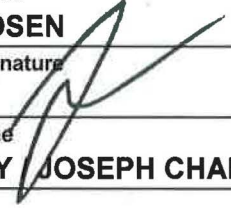
Rent adjustment to lease between Royal Charter Properties, Inc. and Manhattan and Bronx Surface Transit Operating Authority

Rent adjustment to lease between 16 Westchester LLC and MTA Manhattan and Bronx Surface Transit Operating Authority

MTA NEW YORK CITY TRANSIT, MTA MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY, MTA BUS COMPANY

Modification of month-to-month restroom license compensation policy (NYCT, MaBSTOA and MTA Bus Company)

Staff Summary

Subject SURRENDER OF 126th ST DEPOT PROPERTY
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name ROBERT PALEY JOSEPH CHAN

Date June 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/22/15	X		
2	Board	06/24/15	X		

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

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

LANDLORD: City of New York ("City")

LOCATION: 2460 Second Avenue, New York, NY 10035 (Block 1803, Lot 1) (the "Subject Property")

ACTIVITY: Surrender of the 126th Street Bus Depot property to the City

ACTION REQUESTED: Approval to surrender Subject Property to City property pursuant to MaBSTOA Master Lease

COMPENSATION: Contingent payment if Subject Property redeveloped by City for commercial or other revenue generating use

COMMENTS:

New York City Transit ("NYCT") recently closed for operations the 126th Street Bus Depot (the "Depot") located at 2460 Second Avenue, in the Borough of Manhattan. With the reopening of the Mother Clara Hale ("MCH") Depot earlier this year coupled with a review and a full evaluation of the substantial cost to rehabilitate the existing facility, NYCT made the decision to close the Depot and requested that the property be surrendered to the City under the terms of the Manhattan & Bronx Surface Transit Operating Authority ("MaBSTOA") master lease.

The Third Avenue Railway built the Depot in 1947 to house the new bus fleet operated by its subsidiary, the Surface Transportation System, which eventually became a subsidiary of Fifth Avenue Coach in 1956. The City of New York (the "City") inherited the Depot structure as part of the condemnation process for the Fifth Avenue Coach in 1962. Eight months later, the New York State Legislature created MaBSTOA as an operating subsidiary of the entity created in 1953 as the NYC Transit Authority to operate a host of Bronx and Manhattan bus lines. Soon thereafter, MaBSTOA assumed responsibility for the Depot under a master lease with the City (the "MaBSTOA Master Lease").

NYCT determined that the Depot structure does not meet current demands for bus service and maintenance requirements, and found that closing it will yield substantial cost savings for the following reasons:

1. To remain open and operational the Depot needs significant repair, renovation, or reconstruction and would require a substantial financial investment that NYCT cannot provide. The project would be time consuming, as well as fiscally and logistically daunting, complicated by the location of a colonial-era African burial site which came to light in 2010.

Staff Summary

FINANCE COMMITTEE MEETING

Subject (Cont'd.)

2. With the reopening of MCH Depot in 2015, NYCT has adequate capacity within other depots to maintain bus service without the 126th Street facility.
3. Manhattan bus ridership has been trending down. When/if demand increases, NYCT has capacity at the remaining operating depots in Manhattan to make up for the closing of the 126th Street facility. In particular, there is additional capacity at Amsterdam Depot which is currently used for training, storage and other uses, and should offset any future demands for bus service.


Pursuant to the terms of Section 2.7 of the MaBSTOA Master Lease Agreement dated March 20, 1962 with the City, property no longer required by MaBSTOA must be surrendered to the City without compensation. However, MTA has proposed that the City follow current practice for the release of NYCT Master Lease properties in which MTA receives net disposition proceeds for surplus master lease properties. MTA proposed that in the event that City determines that the Subject Property or a portion thereof is redeveloped for revenue-generating purposes, the MTA would receive net disposition proceeds. At this time, the City is contemplating using the site, or a portion of the site, as a public memorial for the African Burial Grounds and no revenue is contemplated from such use.

MTA understands that New York City Economic Development Corporation ("EDC"), acting on behalf of the City, will determine the future use of the Subject Property in order to achieve various City objectives, among which may include the African Burial Ground memorial. In the event that the City objectives include redevelopment of the Subject Property, MTA would receive the net proceeds of the sale or long term lease of the Subject Property and such amounts would be credited to the City's commitment to contribute \$250 million to MTA's 2010 - 2014 Capital Program in an arrangement similar to that provided for in the March 2012 MOU among EDC, NYCT, MTA and the New York City Department of Citywide Administrative Services on behalf of The City of New York.

Based on the foregoing, MTA Real Estate requests authorization to surrender the Subject Property to the City to permit the sale or redevelopment of the Subject Property, on the above-described terms and conditions.

Staff Summary



Subject LICENSE AGREEMENT FOR MURAL
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name JANELLE MAMMINI

Date JUNE 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/22/15	X		
2	Board	06/24/15	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal <i>gas</i>
3	Chief of Staff <i>DME</i>		
2	Chief Financial Officer <i>W</i>		

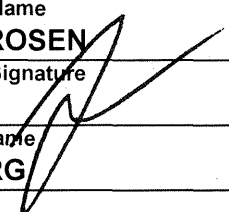
AGENCY: MTA New York City Transit ("NYCT")
LICENSEE: New York City Department of Parks and Recreation ("NYCDPR")
LOCATION: Umma Park – 108 Woodruff Avenue, Brooklyn, NY
ACTIVITY: License agreement
ACTION REQUESTED: Approval of terms
TERM: Twelve months
COMPENSATION: \$1/compensation waived

COMMENTS

NYCDPR, in collaboration with CITYarts, an established New York public arts organization, plans to collaborate with various local community groups surrounding Umma Park, including the Umma Group, M.S. 246 Walt Whitman School, Erasmus H.S. for Service Learning, and Madison Square Boys and Girls Club of America, to produce a temporary outdoor mural covering an NYCT-controlled wall that faces on Umma Park. This NYCT protective wall is 10' x 150' and stands along the southwest border of the park, serving as a divide between the at-grade park and the below-grade subway tracks of NYCT's Brighton Line. At the expiration of the term, NYCDPR will return NYCT's wall to its original condition at NYCT's request.




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

Staff Summary

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

Date JUNE 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/22/15	X		
2	Board	6/24/15	X		

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

Narrative

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

PERMITTEE: John O'Connell

LOCATION: Brooklyn Block 4566, Lot 45

ACTIVITY: Permit to enter

TERM: May 15, 2015 to February 15, 2016

COMPENSATION: \$1,100.00

COMMENTS:

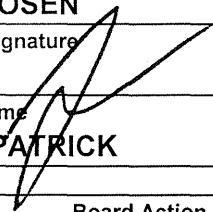
Mr. John O'Connell owns Brooklyn Block 4566, Lot 45, which is surrounded on three sides by the Spring Creek Bus Depot (Brooklyn Block 4566, Lot 5). Mr. O'Connell requests NYCT's permission to erect a temporary construction fence four feet beyond his property line during construction on his lot.

Spring Creek Bus Depot staff were consulted and have confirmed the fence will not impact depot operations. A standard permit to enter will be executed, and Mr. O'Connell will be charged a fee of \$1,100, which is the rate typically charged for such a permit to enter by other MTA agencies. NYCT will require Mr. O'Connell to provide the appropriate insurance coverages and indemnification.

Based on the foregoing, MTA Real Estate requests authorization to enter into a permit agreement with John O'Connell on the above-described terms and conditions.




Staff Summary



Subject LICENSE FOR CAR RENTAL SERVICES
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name PAUL M. FITZPATRICK

Date JUNE 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/22/15	X		
2	Board	6/24/15	X		
3	Metro-North Committee			X	

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

AGENCY: Metro-North Commuter Railroad ("Metro-North").

LICENSEE: Elrac, LLC, doing business as Enterprise Rent-A-Car ("Enterprise").

STATIONS:

<u>New Haven Line</u>	<u>Harlem Line</u>	<u>Hudson Line</u>	<u>Pascack Valley Line</u>
Port Chester	Patterson	Poughkeepsie	Spring Valley
Harrison	Southeast	New Hamburg	Nanuet
Mamaroneck	Brewster	Beacon	Pearl River
Pelham	Purdy's	Cortlandt	
Mt. Vernon East	Golden's Br.	Ossining	<u>Port Jervis Line</u>
	N. White Plains	Irvington	Middletown
	Woodlawn	Riverdale	Campbell Hall
			Salisbury Mills
			Harriman

ACTIVITY: Car rental services with pickup service for Metro-North customers from Enterprise locations near the stations listed above.

ACTION REQUESTED: Approval of terms.

TERM: 5 years, terminable at will by Metro-North on 60 days' notice.

SPACE: 1 to 3 parking permits will be allocated at each licensed station to allow for drop-off.

ANNUAL BASE COMPENSATION:	<u>Year</u>	<u>Annual</u>	<u>Monthly</u>	<u>% Increase</u>
	1	\$28,000.00	\$2,333.33	
	2	\$28,560.00	\$2,380.00	2%
	3	\$29,131.20	\$2,427.60	2%
	4	\$29,713.82	\$2,476.15	2%
	5	\$30,308.10	\$2,525.68	2%

Staff Summary

FINANCE COMMITTEE MEETING Enterprise (Cont'd.)

PERCENTAGE RENT: In addition to Annual Base Compensation, Enterprise will pay a percentage of gross revenues for reservations captured off of the web link on any MTA website (the "Revenue Share") based on the tiers shown in the following table:

<u>Tier</u>	<u>Dollar Amount of Car Rentals</u>	<u>Revenue Share</u>
1	\$20,000.00 - \$39,999.99	2.5%
2	\$40,000.00 - \$59,999.99	3.0%
3	\$60,000.00 - \$99,999.00	4.0%
4	\$100,000.00 and over	5.0%

COMMENTS:

As part of its mission to improve station access and improve regional mobility, Metro-North has managed a successful program with Enterprise Rent-a-Car over the last seven years, during which time the program has grown continuously. This program provides an important tool for extending and completing trips of Metro-North customers.

In order to offer customers additional flexibility and continue to expand the program, MTA Real Estate issued an RFP for car rental and car sharing services in 2014. The RFP sought proposals for either or both of such services, as car rental and car sharing customers both seek a convenient way to extend trips from Metro-North stations, but individual customers may prefer one service over the other. As noted in a separate staff summary in this month's Board package, a proposal for car sharing services was received from Zipcar, Inc. The only proposal to provide car rental services was from Enterprise, whose rental locations are geographically more proximate to the Metro-North stations listed above than those of other car rental companies.

Enterprise will continue its daily rental program under the new agreement, which will also allow for the addition of more stations based on demand. Customers typically will reserve vehicles via Enterprise's website, which is linked to Metro-North's website. Enterprise provides pick-up service to customers at stations and transportation to nearby Enterprise locations, where rental vehicles are obtained. At the conclusion of the rental period, customers may leave vehicles in the parking lots in unoccupied parking spaces at the station of origin and deposit the keys in a secure Enterprise lock box located at the station. Enterprise will retrieve the vehicles within 24 hours.

In addition to the terms above, the agreement with Enterprise will contain the following key business terms:

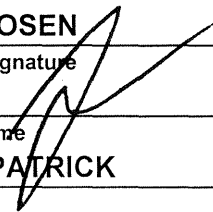
- Customers will be able to rent vehicles at a daily rate for one or more days.
- Additional stations may be added during the term by mutual agreement between the parties.
- Default and termination provisions within the agreement protect Metro-North from substandard performance.
- Enterprise will provide customers a choice of environmentally-friendly vehicles, such as hybrids.
- Enterprise will be responsible for the cost of all improvements (typically signage and key-drop installations) required for the program.
- Enterprise will offer a 5 percent discount to Metro-North customers and employees who reserve vehicles through the Enterprise links on the Metro-North website.

Additional benefits of the agreement will include the ability for Enterprise to participate in Metro-North events and programs such as Metro-North "Getaway" packages, and provision of space for co-branded posters and co-branded digital advertisements. Metro-North anticipates that the agreement, combined with enhanced joint marketing efforts, will positively impact both customer satisfaction and regional economic development through increased tourism, and expand the areas that can be covered by packages while reinforcing Metro-North's role as a primary method of transportation.

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




Staff Summary



Subject LICENSE AGREEMENT FOR CARSHARING
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name PAUL M. FITZPATRICK

Date JUNE 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/22/15	X		
2	Board	6/24/15	X		
3	Metro-North Committee			X	

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

AGENCY: Metro-North Commuter Railroad ("Metro-North").

LICENSEE: Zipcar, Inc. ("Zipcar").

LOCATIONS:	<u>New Haven Line</u> Port Chester Rye Harrison Mamaroneck Larchmont Pelham Mt. Vernon East	<u>Harlem Line</u> Wassaic Dover Plains Harlem Valley Patterson Southeast Brewster Purdy's Pawling Golden's Br. Mt. Kisco N. White Plains Scarsdale Woodlawn	<u>Hudson Line</u> Poughkeepsie New Hamburg Beacon Cold Spring Garrison Peekskill Cortlandt Ossining Tarrytown Irvington Dobbs Ferry Hastings-on-Hudson	<u>Pascack Valley Line</u> Spring Valley Nanuet Pearl River
				<u>Port Jervis Line</u> Port Jervis Otisville Middletown Campbell Hall Salisbury Mills Harriman

ACTIVITY: Provision of car sharing services at commuter parking facilities at the above Metro-North stations.

ACTION REQUESTED: Approval of terms.

TERM: 5 years, terminable at will by Metro-North on 60 days' notice.

SPACE: 1 to 3 dedicated parking spaces at each station.

24-HOUR PERMIT: For each dedicated parking space, Zipcar will purchase a 24 hour parking permit, the cost of which will include any applicable taxes.

ANNUAL BASE COMPENSATION: As set forth below, Zipcar will also pay Metro-North \$50 per month (or \$600 per year) per dedicated parking space.

PERCENTAGE RENT: 5% of gross revenue that exceeds the breakpoints shown below

<u>Year</u>	<u>Annual Base Rent</u>	<u>Annual Increase</u>	<u>Percentage Rent Break Point</u>
1	\$600.00 per car in place		\$400,000
2	\$618.00 per car in place	3%	\$800,000
3	\$636.54 per car in place	3%	\$1,100,000
4	\$655.64 per car in place	3%	\$1,350,000
5	\$675.31 per car in place	3%	\$1,500,000

Temporary Locations: From time-to-time, subject to Metro-North approval, Zipcar may use additional spaces at certain Metro-North stations on a temporary basis during periods of high demand, for which Zipcar will pay the current daily parking rate.

COMMENTS:

MTA Real Estate issued an RFP for car rental and car sharing services in 2014. The RFP sought proposals for either or both of such services, as car rental and/or car sharing customers seek a convenient way to extend trips from Metro-North stations, but individual customers may prefer one service over the other. As noted in a separate staff summary in this month's Board package, a proposal for car rental services was received from Enterprise Rent-a-Car. The only proposal to provide an hourly carsharing service was received from Zipcar.

Under Zipcar's negotiated proposal, Zipcar will station vehicles at pre-approved dedicated spaces at Metro-North commuter parking facilities. These dedicated spaces will be striped and have signage for customers' ease of identification and to prevent other cars from parking in such spaces when a Zipcar is in use. Customers typically subscribe to Zipcar's services via a membership program giving them the ability to reserve any Zipcar. Metro-North customers will reserve vehicles via Zipcar's website (a link to which will be placed on three of Metro-North's web pages.) The Zipcar will be returned to a dedicated space at the commuter parking facility of origin. Metro-North has confirmed that commuter parking will not be adversely impacted by this program.

In addition to the terms above, the agreement with Zipcar will contain the following key business terms:

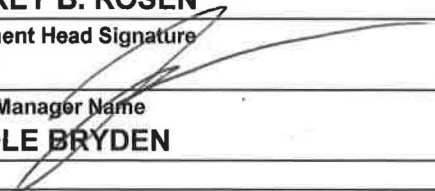
- Zipcar and Metro-North will roll out Zipcar's car sharing services in phases. Zipcar will choose the commuter parking facilities for each phase from among the Metro-North pre-approved stations.
- Additional stations may be added to the list, subject to demand and Metro-North approval.
- Default and termination provisions in the agreement will protect Metro-North from substandard performance.
- Zipcar will provide customers a choice of environmentally-friendly vehicles, such as hybrids.
- Zipcar will be responsible for the cost of all improvements (signage and striping of dedicated parking spaces) required for the program.
- Zipcar will offer discounted rates to Metro-North customers who join Zipcar and use its service.

Additional benefits of the agreement include the ability for Zipcar to participate in Metro-North events and programs such as Metro-North "Getaway" packages, links to Zipcar's website on Metro-North web pages, and provision of space for co-branded posters and co-branded digital advertisements. Metro-North believes that the agreement, combined with enhanced joint marketing efforts, will positively impact both customer satisfaction and regional economic development through increased tourism and reinforce Metro-North as a primary method of transportation through the provision of an additional method for customers to extend trips that originate on Metro-North.

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

Staff Summary



Subject SUBLEASE AND DEVELOPMENT RESTRICTION AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name CAROLE BRYDEN

Date JUNE 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/22/15	X		
2	Board	6/24/15	X		

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

AGENCY: Metro-North Commuter Railroad Company ("Metro-North")

SUBLESSEE: Chappaqua Station, LLC ("Developer"), an affiliate of Conifer Realty, LLC

LOCATION: Metro-North right-of-way adjoining private development site at 54 Hunts Lane, Chappaqua, Town of New Castle, New York 10514
Section 100.11, Block 1, Lot 5

SUBJECT PROPERTY: 1,134± square feet for sidewalk purposes
1,512± square feet for light and air

ACTION REQUESTED: Approval of terms

TERM: Ninety-nine years

COMPENSATION: \$11,000.00, one-time payment

COMMENTS:

Chappaqua Station (the "Development") is a four-story multi-family residential building, to be comprised of approximately 28 affordable housing units over a 1-story lobby and at-grade parking, that the Developer proposes to develop at the above-referenced location (the "Development Site"). The Development is to be developed pursuant to a site plan approved and special permit granted by the Town of New Castle. In addition, the Hudson Valley Regional Review Board of the New York Department of State has granted variances under the building and fire codes of the State of New York to permit the Development on the Development Site. Metro-North has reviewed the Development from a safety and operations perspective in terms of potential impact to the Harlem Line right-of-way, and has determined that with the development restrictions and safety protocols, the Development should not impact Harlem Line operations.

In order to maximize the use of the Development Site, the Developer has requested that Metro-North (through the Metropolitan Transportation Authority, acting as lessee under the long-term master lease pursuant to which Metro-North controls the Harlem Line right-of way) enter into (i) a 99-year sublease with respect to a 4 ½' - wide strip of property immediately adjoining the Development Site (the "4 ½'-Wide Strip") and (ii) a development restriction agreement with respect to an additional 6' - wide strip of property that separates the 4 ½'-Wide Strip from Metro-North's operating Harlem Line right-of-way (the "6'-Wide Strip" and together with the 4 ½'-Wide Strip, collectively, the "Metro-North Property").

The Developer will install a pervious sidewalk on the 4 1/2'-Wide Strip, to facilitate emergency egress from the Development and pedestrian ingress and egress to parking and storage areas in the Development. An 8' tall safety and

Staff Summary

FINANCE COMMITTEE MEETING Chappaqua Station, LLC (Cont'd.)

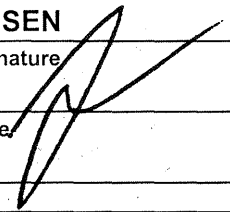
security fence will be installed by the Developer immediately adjacent to the sidewalk to prevent entry onto Metro-North's right of way. Such sidewalk and fence may be temporarily removed and replaced by Metro-North, at Developer's or subsequent owner's expense, should such removal be required to facilitate any future Metro-North work that would require access to the Metro-North Property. By way of the afore-mentioned development restriction agreement, Metro-North will agree not to construct any buildings on the 6'-Wide Strip, so as to preserve light and air for the Development. The Sublessee will not have any access rights with respect to the 6'-Wide Strip.

Due to its prior use as a fuel oil tank farm, the Development Site contains petroleum and other chemical contamination. The NYS Department of Environmental Conservation (DEC) approved a Brownfields Cleanup Program cleanup plan in November 2014 after a public comment period. Such plan requires the excavation of contaminated soil on the Development Site to a depth of ten feet, followed by a vacuum enhanced fluid recovery program, to the extent feasible without disturbing or destabilizing critical infrastructure; based on field conditions, excavation is required to be benched along the boundary between the Development Site and the Metro-North Property, so as to protect railroad infrastructure. The proposed sublease will include provisions to require the Developer to safeguard such infrastructure and, to the extent required by law and environmental conditions, to address any contamination that has migrated from the Development Site onto Metro-North property. The Developer, its successors and assigns will be required to indemnify and defend MTA and Metro-North against all claims, suits, liabilities, etc. arising from or related to the Development, including but not limited to the contamination and clean-up.

Pursuant to the Public Authorities Law Section 2897, an appraisal was obtained with respect to the value of the proposed sublease. The appraiser estimated the fair market value of such sublease to be \$11,000.00.




Based on the foregoing, MTA Real Estate requests authorization to enter into a sublease and development restriction agreement for the Metro-North Property on the above-described terms and conditions.

Staff Summary

Subject LICENSE AGREEMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name ALICIA BIGGS

Date JUNE 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	06/22/15	X		
2	Board	06/24/15	X		

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

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

LICENSEE: Harlem Valley Investing Co., Inc. ("Harlem Valley")

LOCATION: 2,003± square feet of property located along the rear of 9 Hunts Lane, Chappaqua, NY

ACTIVITY: License allowing access to rear of licensee's building

ACTION REQUESTED: Approval of terms

TERM: Ten years, terminable at will by Metro-North on 60 days' notice

COMPENSATION: \$6,487.32 for the first year with annual increases of 2% or CPI, whichever is greater.

COMMENTS

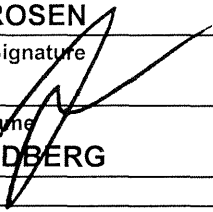
The above-described area, a portion of Metro-North's Harlem Line right-of-way that is not currently needed for railroad operations, has been licensed to the owner of the adjacent building since 1986 for use for handicapped and other access to licensee's adjacent building.

MTA Real Estate has negotiated a license agreement to replace the current agreement. The new license includes updated terms and an increase in compensation that exceeds the fair market value of the licensed area as estimated by MTA Real Estate's independent consultant. Harlem Valley is the only possible user of the parcel.

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




Staff Summary



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

Date JUNE 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/22/15	X		
2	Board	6/24/15	X		

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

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

LESSEE: Osher Produce Inc. ("Osher")

LOCATION: Vacant land on the south side of LIRR's Main Line, west of 63rd Drive, in Rego Park, Queens, New York.

ACTIVITY: Storage

ACTION REQUESTED: Approval of terms

TERM: 10 years, with one 10-year option, terminable by LIRR on 60 days' notice

SPACE: Approximately 1,400 square feet

RENT:

<u>Year</u>	<u>Annual</u>	<u>Monthly</u>	<u>% Increase</u>	<u>Per sq. ft.</u>
1	\$7,000.00	\$583.33		\$5.00
2	\$7,210.00	\$600.83	3%	\$5.15
3	\$7,426.30	\$618.86	3%	\$5.30
4	\$7,649.09	\$637.42	3%	\$5.46
5	\$7,878.56	\$656.55	3%	\$5.63
6	\$8,114.92	\$676.24	3%	\$5.80
7	\$8,358.37	\$696.53	3%	\$5.97
8	\$8,609.12	\$717.43	3%	\$6.15
9	\$8,867.39	\$738.95	3%	\$6.33
10	\$9,133.41	\$761.12	3%	\$6.52
11	\$10,046.75	\$837.23	10%	\$7.18
12	\$10,348.16	\$862.35	3%	\$7.39
13	\$10,658.60	\$888.22	3%	\$7.61
14	\$10,978.36	\$914.86	3%	\$7.84

Staff Summary

FINANCE COMMITTEE MEETING

Subject: Lease Agreement (Cont'd.)

Page 2 of 2

15	\$11,307.71	\$942.31	3%	\$8.08
16	\$12,438.48	\$1,036.54	10%	\$8.88
17	\$12,811.63	\$1,067.64	3%	\$9.15
18	\$13,195.98	\$1,099.67	3%	\$9.43
19	\$13,591.86	\$1,132.66	3%	\$9.71
20	\$13,999.62	\$1,166.64	3%	\$10.00


COMMENTS:

MTA Real Estate issued a request for proposals ("RFP") for this narrow, unused portion of land adjacent to LIRR's Main Line right-of-way in Rego Park, Queens, and received one proposal, from Osher, which runs a produce business. Osher will use the property for the installation of a refrigeration unit and compactor.

Osher occupies the only adjacent property to this parcel and is therefore the only feasible lessee. Osher's original proposal of \$3,000 rent in year 1, below the RFP's suggested rent of \$7,000, but after negotiations, Osher agreed to increase its offer to \$7,000, with 3% annual increases and 10% increases in years 11 and 16 of the option period. The present value over initial term is \$50,436.77. The negotiated rent approximates the fair market value of the interest offered, as estimated by MTA Real Estate's independent consultant. LIRR has no current plans to use the property, but should it require all or a portion of the property to access the adjacent Main Line, the lease may be terminated on 60 days' notice.

Based on the forgoing, MTA Real Estate requests authorization to enter into an agreement with Osher on the above-described terms and conditions.

Staff Summary

Subject LEASE MODIFICATION
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name ANDREW D. GREENBERG

Date June 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/22/15	X		
2	Board	6/22/15	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal <i>gas</i>
3	Chief of Staff <i>AME</i>		
2	Chief Financial Officer <i>[Signature]</i>		

AGENCY: Metropolitan Transportation Authority ("MTA")

LANDLORD: ARC NY333W@3401, LLC (American Realty Capital, principal), successor-in-interest to 333 West 34th Street LLC (SL Green, principal)

LOCATION: 333 West 34th Street, New York, New York (the "Premises")

ACTIVITY: Lease modification and extension

ACTION REQUESTED: Approval of terms

TERM: 8/1/15- 12/31/16

PREMISES: Approximately 17,503 rentable square feet (12,198 usable) of office space comprising a portion of the 5th floor

COMPENSATION: MONTH NET RENT PER MONTH
8/1/15 – 12/31/16 \$70,741.29

ESCALATIONS: None

ELECTRICITY: Submeter

COMMENTS:

MTACC uses the Premises as a field office for MTACC and MTACC consultant employees engaged in the management of the #7 Line Extension project (the "Project"), pursuant to a lease (the "Lease") that is currently scheduled to expire on 7/31/15. Upon such expiration, The Segal Company (Eastern States), Inc. ("Segal") -- which occupies other space in the building -- is obligated to lease the Premises pursuant to a separate agreement between Landlord and Segal. However, both Landlord and Segal have agreed to allow the MTA to remain in occupancy, in order to accommodate the Project's ongoing space needs.

An announcement of the opening of the new 34th Street Station is expected shortly. However, construction of a secondary entrance to such station will continue, with a likely completion date of November/December, 2016. Therefore, MTACC will be in a position to make good and full use of the Premises even after initial contract close-out activities are concluded, thereby avoiding the need to reimburse its contractors for the cost of housing Project personnel at separate offices.

Staff Summary

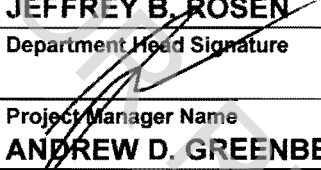
FINANCE COMMITTEE MEETING Subject (Cont'd.)

The proposed fixed monthly rent of \$70,741 is \$10,730 less than the \$81,471 that the MTA currently pays to Landlord, and less than the market rent that MTACC's contractor's would need to pay for suitable alternative space, as such monthly amount is based on the rent that would have otherwise been paid by Segal to Landlord, net of real estate taxes from which the Landlord will remain exempt for so long as MTACC occupies the Premises and net of a \$12,995.98 monthly contribution from Segal.

Hudson Yards Development Corporation continues to provide funding for the construction and administration of the Project, including rent under the current Lease, and will likewise be responsible for funding the rent payable under the proposed Lease extension.


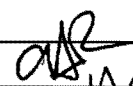

Based on the foregoing, MTA Real Estate requests authorization to enter into an extension of the Lease on the above-described terms and conditions.

Staff Summary

Subject EXERCISE OF RENEWAL OPTION
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name ANDREW D. GREENBERG

Date July 28, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	7/28/14	X		
2	Board	7/28/14	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA")

LANDLORD: ARC NY333W3401, LLC (American Realty Capital, principal), successor to 333 West 34th Street LLC (SL Green, principal)

LOCATION: 333 West 34th Street, New York, New York (the, "Premises")

ACTIVITY: Exercise of renewal option

ACTION REQUESTED: Approval of terms

TERM: Six Months – 2/1/15 through 7/31/15

PREMISES: Approximately 17,503 rentable square feet (12,198 usable square feet) of office space comprising a portion of the 5th floor

COMPENSATION:

<u>MONTH</u>	<u>RENT PER MONTH</u>
2/1/15 - 2/28/15	\$79,210.02
3/1/15 – 7/31/15	\$81,471.02

COMMENTS

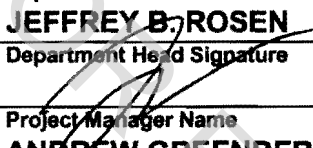
The MTA leases the Premises for use as a field office for MTACC and MTACC consultant employees engaged in the management of the #7 Line extension project (the "Project"). The initial term of the subject lease (the "Lease") is scheduled to expire on January 31, 2015. (The approved September 2010 staff summary is attached.)

MTACC has advised that, in light of the current Project Schedule, it will be necessary to exercise the single, six-month renewal option that is provided for in the Lease (the "Renewal Option"). At the end of such six-month period, the Premises have been committed to the subject building's other tenant, but MTACC expects to be in a position to vacate the Premises at that time.

The rent during the renewal period is in accordance with the Lease, based on the rent that will be payable by such other tenant, net of real estate taxes. Hudson Yards Development Corporation is providing the funding for the construction and administration of the Project, including the rent under the current lease and the proposed lease renewal. With the exception of rent, all other terms and conditions of the Lease remain unchanged.

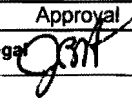
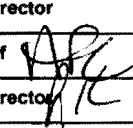

Based on the foregoing, MTA Real Estate requests authorization to exercise the Renewal Option on the above-described terms and conditions.

Staff Summary

Subject LEASE
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name ANDREW GREENBERG

Date SEPTEMBER 27, 2010
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	9/27/10	X		
2	Board	9/29/10	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	1	Legal 
3	Chief of Staff 		
2	Managing Director 		
	Civil Rights		

Narrative							
AGENCY/TENANT:	Metropolitan Transportation Authority ("MTA")						
LANDLORD:	333 West 34 SLG Owner LLC (SL Green, principal)						
LOCATION:	333 West 34 th Street, New York, New York						
ACTIVITY:	Office space for MTA Capital Construction Company ("MTACC"), to house construction management field office for 7 line extension project						
ACTION REQUESTED:	Approval of terms						
SPACE:	Approximately 17,503 rentable sq. ft. ("rsf") / approximately 12,198 usable sq. ft. ("usf") of office space comprising part of the 5 th floor						
POSSESSION:	On delivery of the space with Landlord's Work (see below), to be substantially complete no later than January 1, 2011						
RENT COMMENCEMENT:	One month from possession						
TERM:	To commence on possession and expire January 31, 2015						
BASE RENT:	Tenant responsible for fixed annual Net Rent, payable as follows:						
	<table border="1"> <tr> <th>Gross Base Rent</th> <th>Net Rent*</th> <th>Net Rent per rsf</th> </tr> <tr> <td>\$545,918.57</td> <td>\$452,277.52</td> <td>\$25.84</td> </tr> </table>	Gross Base Rent	Net Rent*	Net Rent per rsf	\$545,918.57	\$452,277.52	\$25.84
Gross Base Rent	Net Rent*	Net Rent per rsf					
\$545,918.57	\$452,277.52	\$25.84					
	<p>* Landlord will create a separate condominium unit and tax lot coinciding with the space to be leased to MTA. The foregoing Net Rent amounts were derived by subtracting the current taxes (\$5.25 per rsf) from the Gross Base Rent. Such amounts will be subject to a one-time adjustment to reflect the City of New York's final assessment for its fiscal year 2010/2011.</p>						
REAL PROPERTY TAXES:	Tenant will not be responsible for any tax payments until the condominium unit is created, at which point it will become responsible for reimbursing the Landlord for 100% of any taxes attributable to the condominium unit. It is anticipated that the MTA will exercise its tax exemption at that time, or as soon thereafter as possible.						

CAPITAL CONSTRUCTION/PLANNING/REAL ESTATE COMMITTEE MEETING**333 West 34 SLG Owner LLC (Cont'd)**

OPERATING EXPENSE ESCALATION:	Tenant to pay its proportionate share of increases in operating expenses over a 2011 base calendar year
RENEWAL OPTION:	One 6-month extension option at fair market rent (net of real property taxes)
UTILITIES:	Tenant will be responsible for the cost of electricity via submeter, at Landlord's actual cost with no mark-up. All other utilities are included in base rent.
SERVICES:	Cleaning, HVAC service, building security and building messenger center will be provided by Landlord and included in base rent. Landlord will provide access to its emergency generator in consideration of Tenant paying Tenant's proportionate share of associated actual costs and expenses. Supplemental air-conditioning will be provided at a cost of \$400 per ton per year. If so requested, Landlord will provide up to a maximum of \$55,000 of fixtures, furniture and equipment, to be repaid by Tenant as additional rent over the term at 5% interest. Landlord will also provide, at no additional cost to Tenant, approximately 200 square feet of basement storage space.
MAINTENANCE & REPAIR:	Maintenance and repair of building common areas, common building systems and all structural components of the building will be performed by Landlord and included in base rent. Tenant will be responsible for all non-structural repairs within the leased space.
LANDLORD'S WORK:	The space is already built-out. Landlord will make certain agreed upon modifications at its own cost.
SECURITY DEPOSIT:	None

COMMENTS:

MTACC requires a field office to house approximately 84 MTACC and MTACC consultant employees engaged in the management of the #7 line extension project (the "Project"). This office needs to be in close proximity to the Project site and possession is required by 1/1/11. It is expected that 90% occupancy will be achieved on possession and the remainder will be occupied by the end of the first quarter of 2011. Hudson Yards Development Corporation is providing the funding for the construction and administration of the Project, including the rent under the proposed lease.

Historically, MTACC construction contracts have typically required contractors to provide space in their field offices for MTACC and MTACC consultant personnel; and space for such personnel is included in the field office for the first phase of the Project, located at 21 Penn Plaza, which is being provided by the phase 1 contractor at such contractor's cost pursuant to a lease in the phase 1 contractor's name that commenced in 2007 and is scheduled to expire in 2012. However, as the next phase of the Project will be undertaken pursuant to multiple construction contracts, MTACC determined that it would be most efficient and cost effective to manage such contracts from one centralized field office and thereby eliminate redundancies and avoid contractor mark-ups.

To accommodate MTACC's short time frame for possession, search criteria included an open space layout containing an existing fit-out that could largely be re-used, thereby avoiding the cost and time required for extensive alterations and/or furniture procurements.

Site visits were conducted at eleven potential locations. Evaluations based on operational needs, cost and space configurations yielded a short list consisting of three buildings: (a) 21 Penn Plaza; (b) 450 West 33rd Street; and (c) 333 West 34th Street. However, shortly after the site tour, the owners of 21 Penn Plaza decided to enter into a lease with another tenant; and the owner of 450 West 33rd Street expressed concerns regarding whether it could meet our timeline and were uncertain of the extent to which it could fund needed improvements. Thus, 333 West 34th Street became the only viable alternative, although it required MTACC to squeeze into approximately 10% less square footage than had been programmed.

CAPITAL CONSTRUCTION/PLANNING/REAL ESTATE COMMITTEE MEETING

333 West 34 SLG Owner LLC (Cont'd)

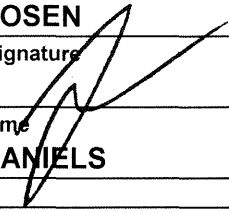
COMMENT: (Cont'd)

333 West 34th Street already houses the MTA Business Services Center, and it will therefore be possible to document the lease quickly and inexpensively through a modification of the BSC lease and to achieve economies by sharing certain BSC infrastructure. And, of the aforementioned prospective landlords, only the owner of 333 West 34th Street was able and willing to create a separate condominium unit to lease to the MTA, which will allow the MTA to take advantage of its tax exempt status and thereby significantly lower its occupancy costs. All costs of creating the condominium unit are to be included in the base rent. Accordingly, the rent at 333 West 34th Street will be only \$25.84 per rsf (as under the BSC lease), significantly lower than the asking rents at the other properties surveyed.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease modification agreement with 333 West 34 SLG Owner LLC on the above-described terms and conditions.


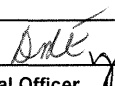

Staff Summary



Subject LEASE AMENDMENT ADJUSTMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name MICHAEL B. DANIELS

Date JUNE 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/22/15	X		
2	Board	6/24/15			

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

AGENCY: Manhattan and Bronx Surface Transit Operating Authority ('MaBSTOA')

LANDORD: Royal Charter Properties, Inc.

LOCATION: 53 Audubon Avenue

USE: Swing room for bus operators and dispatchers

ACTION REQUESTED: Approval of sidewalk charge


COMPENSATION FOR SIDEWALK SERVICE : \$558.97 per month, with 4% annual escalations..

COMMENTS:

The Board approved lease renewal terms for the above location in December 2014, as described in the attached staff summary. Before executing the lease amendment the landlord began to renegotiate the reimbursement rate for cleaning and snow and ice removal for the sidewalk in front of the leased premises as provided in the December 2014 staff summary. The Landlord determined that it needed to maintain the current reimbursement of \$558.97 per month, but agreed to a 4% escalation, instead of a 5% escalation. The base rent as set forth in the December 2014 staff summary remains unchanged. There are no other suitable and available spaces in the vicinity.




Based on the foregoing, MTA Real Estate requests authorization to enter into a lease amendment on the terms approved by the Board in December, 2014, modified as described above.

Staff Summary

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

Date DECEMBER 15, 2014
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	12/16/14	X		
2	Board	12/17/14	X		

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

AGENCY: Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA")

LANDLORD: Royal Charter Properties, Inc.

LOCATION: 53 Audubon Avenue, NY, NY

USE: Swing space for bus operations and dispatchers

ACTION REQUESTED: Approval of terms

TERM: Five years

OPTION TERM: Five years

SPACE: Approximately 705 square feet – 1st floor retail space

BASE RENT:

1/1/15 - 12/31/15	\$43,389.96
1/1/16 - 12/31/16	\$44,691.66
1/1/17 - 12/31/17	\$46,032.41
1/1/18 - 12/31/18	\$47,413.38
1/1/19 - 12/31/19	\$48,835.78

TAX ESCALATION: Tenant to pay its proportionate share over 2015/2016 base year

RENEWAL OPTION: Five years with rent escalation of 3.5% per annum

ELECTRICITY: Tenant expense via direct meter. Water and heat included in rent.

SERVICES: Tenant to pay for snow, ice and debris removal from sidewalk - \$3,500 per annum (\$292 per month), subject to 3% annual escalation.

COMMENTS:

MaBSTOA has occupied this swing room since 2007 and is satisfied with the location. There are no current plans to change the bus routes (M2, M3, M5) that would impact the location of the swing space. Approximately 30 operators and 2 dispatchers utilize this location 7 days per week. The renegotiated rent, which represents a 3% increase over the current rent, is considered to be reasonable. A search revealed no suitable alternative spaces in the immediate area.

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

Staff Summary

Subject RENT ADJUSTMENT
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name MICHAEL DANIELS

Date JUNE 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/22/15	X		
2	Board	6/24/15	X		

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

AGENCY: MTA Manhattan and Bronx Surface Transit Operating Authority ("Tenant")

LESSOR: 16 Westchester LLC

LOCATION: 16 Westchester Square, Bronx, NY

USE: Swing room for bus operators and dispatchers

ACTION REQUESTED: Approval of terms

SPACE: Approximately 500 rentable square feet.

INITIAL TERM: 7 years

OPTION TERM: Two 5-year options, with 3% annual increases over prior year's rent

RENT

Year 1:	\$18,000.00 per annum / \$36.00 per rentable sq. ft.
Year 2:	\$18,540.00 per annum / \$37.08 per rentable sq. ft.
Year 3:	\$19,096.20 per annum / \$38.19 per rentable sq. ft.
Year 4:	\$19,669.09 per annum / \$39.34 per rentable sq. ft.
Year 5:	\$20,259.16 per annum / \$40.52 per rentable sq. ft.
Year 6:	\$20,866.93 per annum / \$41.73 per rentable sq. ft.
Year 7:	\$21,492.94 per annum / \$42.99 per rentable sq. ft.

RENT ESCALATION: 3% per annum

RENT COMMENCEMENT: Upon substantial completion the Landlord's work.

TAXES: Tenant is responsible for its proportionate share of Landlord's real estate taxes.

ELECTRICITY: Direct meter

LANDLORD'S WORK: Landlord, at its cost, will build-out Tenant's space pursuant to Tenant's architectural drawings, which will include one private restroom, electrical heating units and air conditioning to be maintained by Tenant. Landlord will repaint every five years.

Staff Summary

FINANCE COMMITTEE MEETING Rent Adjustment (Cont'd.)

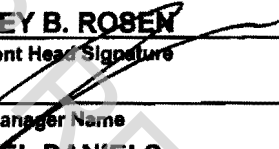
Page 2 of 2

COMMENTS:

In November 2013 the Board approved (see attached staff summary) economic terms and conditions to lease this space for a swing room space in a building that was being reconstructed. Due to uncertainty regarding the completion date, the Landlord withheld signing the lease. The Landlord is now ready to sign and commence the fit out of the space, but due to the improved real estate market, seeks to increase the first years rent by \$3,125 per annum (\$6.25 per RSF). The swing room must be in close proximity to the Westchester Square transportation hub and there are no other suitable options in the immediate area.

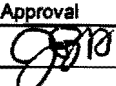


Based on the foregoing, MTA Real Estate requests authorization to enter into a lease on the above described terms and conditions.

Staff Summary

Subject	LEASE
Department	REAL ESTATE
Department Head Name	JEFFREY B. ROSEN
Department Head Signature	
Project Manager Name	MICHAEL DANIELS

Date	NOVEMBER 12, 2013
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref. #	

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/12/13	X		
2	Board	11/13/13	X		

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

AGENCY: MTA Manhattan and Bronx Surface Transit Operating Authority ("Tenant")

LANDLORD: 16 Westchester LLC

LOCATION: 16 Westchester Square, Bronx, NY

USE: Swing room for bus operators and dispatchers

ACTION REQUESTED: Approval of terms

SPACE: Approximately 500 rentable square feet on the second floor

INITIAL TERM: 7 years

OPTION TERM: Two 5-year options, with 3% annual increases over prior year's rent

RENT

Year 1:	\$14,875.00 per annum / \$29.75 per rentable sq. ft.
Year 2:	\$15,321.25 per annum / \$30.64 per rentable sq. ft.
Year 3:	\$15,780.89 per annum / \$31.56 per rentable sq. ft.
Year 4:	\$16,254.31 per annum / \$32.51 per rentable sq. ft.
Year 5:	\$16,741.94 per annum / \$33.48 per rentable sq. ft.
Year 6:	\$17,244.20 per annum / \$34.49 per rentable sq. ft.
Year 7:	\$17,761.53 per annum / \$35.52 per rentable sq. ft.

RENT ESCALATION: 3% per annum for the initial term and option terms.

RENT COMMENCEMENT: Upon substantial completion of Landlord's work.

TAXES: Tenant will be responsible for a proportionate share of Landlord's real property taxes.

ELECTRICITY: Direct meter

LANDLORD'S WORK: Landlord, at its cost, will build-out Tenant's space pursuant to Tenant's architectural drawings, which will include one private restroom and electrical heating units and air conditioning, to be maintained by Tenant. Landlord will repaint every five years.

COMMENTS:

This lease is for a swing room, with a restroom, to be used by bus operators and dispatchers at the Westchester Square transportation hub. The Bx4, Bx4a, Bx8, Bx31 and Bx42 bus lines provide service to this area. The current break room is in a converted bus, and bus operators and dispatchers use a NYC Parks Department restroom or nearby restaurant

Staff Summary

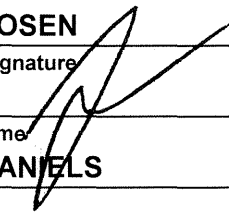
FINANCE COMMITTEE MEETING 16 Westchester LLC (Cont'd.)

restrooms. The subject space should be ready for occupancy by year end and will be accessible 24/7. The negotiated rent is considered reasonable and no other suitable alternative spaces in the immediate area were located.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease with 16 Westchester LLC on the above-described terms and conditions.


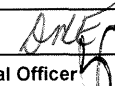

Staff Summary



Subject RESTROOM LICENSE COMPENSATION POLICY
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name MICHAEL B. DANIELS

Date June 22, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/22/15	X		
2	Board	6/24/15	X		

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

AGENCIES: MTA New York City Transit, MaBSTOA, MTA Bus Company

LICENSORS: Various

LOCATION: Throughout the service areas of the above-listed agencies

ACTIVITY: Use of restroom facilities

ACTION REQUESTED: Approval of terms

TERM: One-year, subject to automatic one year extensions

SPACE: Non-exclusive restroom facilities

TERMINATION: On 60 days' written notice by the applicable MTA agency

COMPENSATION: Not to exceed \$200.00 per month.

In 1994, the Board approved a policy authorizing MTA Real Estate to enter into license agreements with private businesses for the use of restroom facilities throughout the five boroughs by bus drivers and dispatchers while on their routes or in the field. The policy authorized MTA Real Estate to enter into these agreements at monthly compensation rates up to \$100.00 without the need for further Committee or Board approval. The Board approved an increase in the rate of up to \$150.00 in February 2002 (see attached).

Due to market increases over 13 years, MTA Real Estate requests the Board adopt the attached resolution increasing such compensation limit from \$150.00 to \$200.00 per month, which is in line with increases in the Consumer Price Index since 2002.

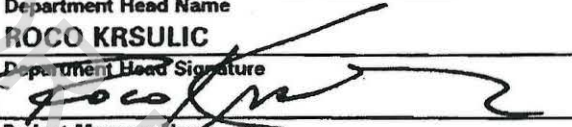
RESOLUTION

BE IT RESOLVED that the Board hereby authorizes MTA Real Estate to enter into license agreements on behalf of the New York City Transit Authority, the MTA Bus Company and MaBSTOA for the purpose of providing non-exclusive restroom facilities use for its bus operators and dispatchers.

Each such agreement shall:

1. Provide compensation not exceeding \$200.00 per month.
2. Provide for termination by the MTA agency licensing the facility on 60 days' or less written notice.

Staff Summary

Subject
RESTROOM LICENSE COMPENSATION POLICY
Department
REAL ESTATE
Department Head Name
ROCO KRSULIC
Department Head Signature

Project Manager Name
MICHAEL B. DANIELS

Date
FEBRUARY 25, 2002
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	P/RE Committee	02/25/02	X		
2	Board	02/26/02	X		

Internal Approvals			
Order	Approval	Order	Approval
	Executive Director	2	Civil Rights
3	Chief of Staff 	1	Legal 
4	Director of BRFM 		

Narrative

COMMENTS:

BE IT RESOLVED that the Board hereby authorizes the MTA Director of Real Estate to enter into license agreements on behalf of the New York City Transit Authority for the purpose of providing non-exclusive restroom facilities use for NYCTA and MaBSTOA bus operators.

Each agreement shall:

- 1) Provide compensation to be paid that will not exceed \$150.00 per month.
- 2) Provide for the termination on sixty (60) days or less written notice.

Memorandum



Metropolitan Transportation Authority

State of New York

Date February 25, 2002
To Members of the Planning/Real Estate Committee
From Roco Krsulic
Re **Modification To The Policy on Month-to-Month Restroom Agreements For The MTA New York City Transit ("Authority")**

In 1994, the Board approved a policy permitting the Director of Real Estate to enter into license agreements with various business for the use of their restroom facilities throughout the five (5) boroughs by the Authority bus drivers while on their routes. The policy authorized the Director to enter into these agreements at monthly compensation rates up to \$100.00 without the need for individual Committee or Board approval (see attached).

In light of the passage of time and the change in the market, the attached resolution recommends that the compensation limit be increased from \$100.00 to \$150.00 per month.

The adoption of this policy would continue to allow the Director of Real Estate to enter into such license agreements without individual Committee and Board approvals.

STAFF SUMMARY SHEET

Page 1 of 2

From	To	By Date

For
Approval
Signature
Vote
Concurrence
Information
Other

Department From	Real Estate Department	Date	1/12/93
Prepared By	Susan E. Fine	Telephone	878-7013
Subject	Real Estate Agenda		
Reference(s)			

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

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

Narrative

REAL ESTATE COMMITTEE MEETING: January 12, 1994

BOARD MEETING: January 28, 1994

BE IT RESOLVED that the Board hereby authorizes the MTA Director of Real Estate to enter into license agreements on behalf of the New York City Transit Authority for the purpose of providing restroom facilities for TA Surface drivers.

Each agreement shall:

- 1) provide compensation paid by TA will not exceed \$100/month.
- 2) provide for termination on sixty (60) days written notice.

Jerry Tung

VIII-11

Chairman

Coordination (Initials)

Executive Director/CFO
Chief of Staff
Affirmative Action
Policy and Planning
General Counsel
Audit

Press Secretary
Administration
Labor Relations
Real Estate
IST&P
Other

Enclosure(s)

Signature of Requestor

Fine



Date: January 12, 1994
To: Real Estate Committee
From: Susan E. Fine
Re: Proposed Policy on Month-to-Month Restroom Agreements for the New York City Transit Authority ("NYCTA")


The MTA Real Estate Department is frequently requested by NYCTA Surface Department to secure license agreements with various businesses, throughout the five (5) boroughs, for the use of their restroom facilities by the NYCTA bus operators. The agreements normally provide for monthly compensation by the NYCTA, of no more than \$100.00/month.

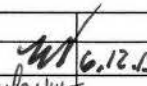


Adoption of this policy would allow the Director of Real Estate to enter into such month to month license agreements without individual Committee or Board approval.

Report

PROCUREMENTS

The Procurement Agenda this month includes 14 actions for a proposed expenditure of \$173.8M.

Subject Request for Authorization to Award Various Procurements					
Department Materiel Division – NYCT					
Department Head Name Stephen M. Plochochi					
Department Head Signature 					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	6/22/15			
2	Board	6/24/15			

June 10, 2015			
Department Law and Procurement – MTACC			
Department Head Name Evan Eisland			
Department Head Signature 			
Internal Approvals			
	Approval		Approval
	President NYCT  6.12.15		President MTACC 
	Executive VP  6/14/15		President MTA 
X	Capital Prog. Management	X	Subways
	Law	X	Diversity/Civil Rights

Internal Approvals (cont.)							
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:

Schedules Requiring Majority Vote:

Schedule F:	Personal Service Contracts	3	\$	30.0 M
Schedule G:	Miscellaneous Service Contracts	1	\$	0.3 M
Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	1	\$	94.8 M
Schedule I:	Modifications to Purchase and Public Works Contracts	1	\$	12.5 M
Schedule L:	Budget Adjustments to Estimated Quantity Contracts	1	\$	35.0 M
SUBTOTAL		7	\$	172.6 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:

Schedules Requiring Two-Thirds Vote:

Schedule D:	Ratification of Completed Procurement Actions	6	\$	0.2 M
SUBTOTAL		6	\$	0.2 M

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

Schedules Requiring Majority Vote:

Schedule K:	Ratification of Completed Procurement Actions	1		1.0 M
SUBTOTAL		1		1.0 M

TOTAL	14	\$	173.8 M
-------	----	----	---------

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

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

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

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

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

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

4. As to each action set forth in Schedule D, the Board declares competitive bidding impractical or inappropriate for the reasons specified therein, and ratifies each action for which ratification is requested.

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

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

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

JUNE 2015

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

F. Personal Service Contracts

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

- | | | |
|---|---------------------------------|--------------------------------------|
| 1. Environmental Planning & Management, Inc. | \$30,000,000 (Aggregate) | <u>Staff Summary Attached</u> |
| 2. LiRo Engineers, Inc. | | ↓ |
| 3. Parsons Brinckerhoff, Inc. | | ↓ |
| Seven-Proposals – Five-year contract | | |
| Contract #'s CM-1563, CM-1564, CM-1565 | | |
| Indefinite quantity lead and asbestos design and air monitoring services. | | |

JUNE 2015

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote cont'd:

G. Miscellaneous Service Contracts

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

4. **DynaServ Industries, Inc.** **\$314,496 (Est.)** **Staff Summary Attached**
Four Bids/Low Bidder – Three-year contract
RFQ# 85475
Cleaning of Select Bus Service Fare Collectors.

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

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

5. **TransCare New York, Inc.** **\$94,818,340 (Est.)** **Staff Summary Attached**
Contract# 07H9751T.7
Modification to the contract for Access-A-Ride Paratransit Transportation Services; in order to extend the contract term through October 31, 2019.

I. Modifications to Purchase and Public Work Contracts

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

6. **Affinity Specialty Apparel, Inc.** **\$12,500,000 (Est.)** **Staff Summary Attached**
Contract# 08B9834A.6
Modification to the multi-agency contract for the supply and distribution of uniform garments, in order to exercise the option to extend the contract term for three years.


L. Budget Adjustments to Estimated Quantity Contracts

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

7. **PB/PTG, JV** **\$35,000,000** **Staff Summary Attached**
Contract# CM-1409
Federally-funded IQ Architectural/Engineering Design Services.

Staff Summary

Page 1 of 2

Item Number 1-3			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel <i>wo</i>	6	EVP, MTA Bus <i>WEC for DC 4/12/15</i>
2 X	Law	7	President, MTA Bus <i>[Signature] 6/12/15</i>
3 X	Budget	8	EVP, NYCT <i>(ACTING) MPC 6/12/15</i>
4 X	DDCR	9	President, NYCT <i>[Signature]</i>
5 X	CPM	10	

SUMMARY INFORMATION	
Vendor Name	Contract No.
Environmental Planning & Management, Inc.	CM-1563
LiRo Engineers, Inc.	CM-1564
Parsons Brinckerhoff, Inc.	CM-1565
Description	
Indefinite Quantity Lead and Asbestos Design and Air Monitoring Services	
Total Amount	
\$30 Million (Aggregate)	
Contract Term (including Options, if any)	
Five Years	
Option(s) included in Total Amount?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE

To obtain Board approval to award three competitively solicited Federally-funded Indefinite Quantity (IQ) Lead and Asbestos Design and Air Monitoring Services contracts within a total aggregate budget of \$30 Million over a five-year contract term. MTA Bus Company (MTABC) will be a participant along with NYC Transit on these contracts. NYC Transit's budget is estimated at \$29.9 Million and MTABC's budget is estimated at \$100,000. Each contract will be "zero-dollar" based with no minimum guarantee of any assignments. The awardees are as follows:

Consultants

1. Environmental Planning & Management, Inc. (EPM) – a certified DBE
2. LiRo Engineers, Inc. (LiRo)
3. Parsons Brinckerhoff, Inc. (PB)

Contract No.

CM-1563
CM-1564
CM-1565

DISCUSSION

Under these contracts, the Consultants will provide services related to a variety of environmental activities as required by Capital Program Management (CPM) to support the capital program. These services can be categorized as follows: a) Lead Paint Disturbance Management and b) Asbestos Management. Under both categories, the Consultant will perform: site surveys to investigate and identify lead and asbestos-containing materials; design and specification development; project monitoring; air monitoring; sample collection and analyses; and support services including preparing final reports and maintaining all required records and documentation. The Consultant will act as the on-site representative for NYC Transit and will have the authority to direct the actions of the Abatement Contractors as necessary. Contracts CM-1563, CM-1564, and CM-1565 will replace Federally-funded contracts currently in place for IQ Lead and Asbestos Design and Air Monitoring Services. Work will be performed on an as-needed task order basis, which will be competed between the selected firms.

The Consultants were selected via a Two-Step qualifications based procurement process established by the Federal Brooks Act. Under the Federal Brooks Act, contracts for A/E and other Federally-defined services are negotiated with the firm(s) that is/are determined to be the most technically qualified by the Selection Committee (SC) based on established evaluation criteria. Price is not a consideration in the selection or ranking of the firm(s). Since three awards are planned under this Request For Proposal (RFP), negotiations were conducted with the three most technically preferred firms.

Staff Summary

A Two-Step solicitation was advertised in various publications and direct notices were sent to potential providers. The following 14 firms submitted Qualification Packages during Step 1: Arcadis of New York, Inc. (Arcadis); ATC Group Services Inc. dba Cardno ATC (ATC); Buffalo Environmental Consultants, Inc. dba AFI Environmental (AFI); Louis Berger & Assoc., P.C. (Berger); Core Environmental Consultants, Inc. (Core); Emteque LLC (Emteque); EnTech Engineering, PC (EnTech); EPM; LiRo; New York Environmental & Analytical Labs, Inc. (NYE); PB; STV Incorporated (STV); TRC Environmental Corporation (TRC); and Warren Panzer Engineers, PC (WP). The SC reviewed the submittals and, based on their specified relevant knowledge and experience, recommended the following seven firms to advance to Step 2 and receive the RFP: ATC; Berger; Core; EnTech; EPM; LiRo; and PB. The remaining seven firms were not recommended because they lacked sufficient qualifications and experience to successfully perform the services required under these contracts.

An RFP was issued to the shortlisted firms and proposals were received from all seven firms. The SC reviewed the written technical proposals in accordance with the established evaluation criteria, which included: plan of approach, experience of the project team and key personnel, management and quality assurance plans and conducted oral presentations with the respondents to the RFP. EPM, LiRo, and PB were determined by the SC to be the three most technically qualified firms and were subsequently recommended for negotiations. In their technical proposals and oral presentations, these firms demonstrated the most extensive relevant work experience, having performed the required services for NYC Transit through current or past contracts. ATC, Berger, Core, and EnTech were not recommended for negotiations as their technical proposals and plan of approach were deficient, they lacked team members with relevant experience or did not demonstrate to the SC sufficient technical qualifications to successfully perform the work.

After being selected and approved for negotiations, the cost proposals from EPM, LiRo and PB were opened and evaluated. To ensure a fair and equitable evaluation of cost, the price schedule contained in the RFP provided labor titles with the estimated hours per title and an estimated sample price list that each Consultant submitted as their cost proposal. The initial cost proposals from the three selected firms included an allowance for Out-of-Pocket (OOP) expenses and were as follows: EPM - \$10,161,782, LiRo - \$10,502,858, and PB - \$10,789,161. The in-house estimate is \$9,828,445.

Several negotiations were held with the three firms which focused on the estimated direct labor rates, overhead, fixed-fee and sample pricing. Best and Final Offers (BAFOs) were requested and received as follows: EPM - \$9,846,365, LiRo - \$9,685,028 and PB - \$10,312,963. Based on the competitive nature of the RFP and the cost analysis performed, all three BAFOs were determined to be fair and reasonable.

Background investigations and materials submitted by these firms disclosed no "significant adverse information" within the meaning of the All-Agency Responsibility Guidelines.

M/W/DBE

The Department of Diversity and Civil Rights (DDCR) has established DBE goals of 17% for this contract. EPM, LiRo and PB have submitted their DBE Utilization Plans to achieve the 17% DBE goal, which have been approved by DDCR. Since EPM is a certified DBE firm, all work performed by EPM will be credited towards the 17% DBE goal. DDCR has confirmed that all three Consultants have achieved their M/W/DBE goals on previous MTA contracts.

IMPACT ON FUNDING

Projects will be Federally-funded on an individual task order basis. A WAR certificate will be issued for each task order prior to award. No task order will be awarded without an approved WAR certificate.

ALTERNATIVES

None. Currently, CPM lacks available in-house technical personnel to perform the specific tasks required under the scope of work for this contract.

CAPITAL PROGRAM REPORTING

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

RECOMMENDATION

To obtain Board approval to award three competitively solicited Federally-funded IQ contracts to EPM for CM-1563, LiRo for CM-1564, and PB for CM-1565 to perform Lead and Asbestos Design and Air Monitoring Services for NYC Transit and MTABC within a total aggregate budget of \$30 Million over a five-year contract term.

Schedule G: Miscellaneous Service Contracts

Item Number: 4

Vendor Name (& Location) DynaServ Industries, Inc. (Maspeth, NY)		Contract Number RFQ 85475	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Cleaning of Select Bus Service Fare Collectors		Total Amount: \$314,496 (Est.)	
Contract Term (including Options, if any) July 1, 2015 – June 31, 2018		Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		Requesting Dept./Div. & Dept./Div. Head Name: Division of Operations Planning, Peter Cafiero	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive			
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:			

Discussion:

This contract is for the cleaning of MetroCard Fare Collectors and Coin Fare Collectors (SBS Fare Collectors) located at Select Bus Service (SBS) stations. MetroCard Fare Collectors allow customers to purchase SBS tickets using a MetroCard for payment. Coin Fare Collectors allow customers to purchase SBS tickets using coins. The scope of work includes hand washing of the SBS Fare Collectors and their pedestals; power washing of the surrounding sidewalk areas; removal of stickers, graffiti, debris and refuse; replacement of SBS decals on Fare Collectors if damaged or missing; and cleaning of the ground surrounding the SBS Fare Collectors. This is an estimated quantity contract and the number of stations included in the scope may be increased or decreased during the contract term.

In the past, NYC Transit did not have a cleaning service to maintain the proper appearance and condition of the SBS Fare Collectors. Without cleaning, the SBS Fare Collectors were prone to becoming dirty and subject to graffiti, torn SBS decals and other vandalism. A one year pilot cleaning program was undertaken to understand the costs and type of cleaning needed. DynaServ Industries, Inc. (DynaServ), a subcontractor that provides cleaning services for NYC Department of Transportation bus shelters, was the contractor for the pilot program. As a result of the pilot the scope of work was adjusted to increase the frequency of cleaning to two cleanings per month.

Extensive outreach was performed to identify and contact potential bidders. In response to the invitation for bids, four bids were received. The bid from DynaServ was 17% below the next lowest bid. The price per cleaning for the Fare Collectors at each SBS station will be \$24.00 per SBS station. Based on adequate price competition, DynaServ's price is considered to be fair and reasonable.



Item Number: 5

Vendor Name (& Location) TransCare New York, Inc. (Brooklyn, NY)	
Description: Access-A-Ride Paratransit Transportation Services	
Contract Term (including Options, if any) November 1, 2009 – July 31, 2015	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	
Procurement Type	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other	
Requesting Dept./Div. & Dept./Div. Head Name Department of Buses, Darryl C. Irick	

Contract Number: 07H9751T	AWO/Mod # 7
Original Amount:	\$ 435,493,854
Prior Modifications:	\$ (253,268,945)
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 182,224,909
This Request:	\$ 94,818,340 (Est.)
% of This Request to Current Amount:	52.0%
% of Modifications (including This Request) to Original Amount:	-36.4%

Discussion:

This modification will exercise a revised option to TransCare New York, Inc.'s (TransCare) contract to continue providing Access-A-Ride (AAR) Paratransit Transportation Services for the Department of Buses, Division of Paratransit for 51 months, through October 31, 2019. This is part of an ongoing strategic savings initiative for which the January 2015 Board was previously advised whereby all 14 primary AAR Carrier contracts are being audited to determine whether cost savings can be obtained.

In 2008, Contract 07H9751 was competitively solicited, and competitive awards were made to a series of contractors which included TransCare. 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, TransCare reduced the term of its contract to a five-year base with a five-year mutually agreeable option. The RPI actions, memorialized through contract modifications, resulted in operational savings and a contract term reduction for TransCare.

As the RPI-revised base contract expiration date neared, Paratransit requested that service provided by TransCare continue, as service forecasts, both near and long term, require sufficient capacity for AAR Paratransit service. As part of the savings initiative, NYC Transit requested that MTA Audit Services perform an audit on TransCare's contract to review and assess the costs incurred for a given 12-month period. NYC Transit then negotiated new reduced pricing based on the audit results, for which substantial savings will be realized in the revised option.

Pricing for this contract 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 TransCare's full compliment of 300 vehicles is utilized, approximately \$139.8 million will be spent during the extension period. Additional funding of \$94.8 million is being requested as \$45 million will remain in the contract as of August 1, 2015.

Procurement strategically targeted segments of the FLVSH for negotiations where cost reductions could be maximized. TransCare's FLVSH rate was reduced from \$44.43 to \$41.92 or 5.6% resulting in a total estimated savings of \$10.7 million over the five year period. These savings apply retroactively from November 1, 2014 through the expiration date of October 31, 2019. Pricing is fair and reasonable based on the targets established from the audit and the savings achieved.

TransCare did not satisfy the financial qualification requirements; however, it has been a consistent provider of the service since 2006. Taking into account its past performance and favorable pricing, award to TransCare is being recommended based on a business decision.

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 6

Vendor Name (& Location) Affinity Specialty Apparel, Inc. (Fairborn, OH)	Contract Number 08B9834A	AWO/Mod. # 6
Description Purchase of Uniform Garments	Original Amount: \$ 29,094,391 23,347,894 (NYCT/MTABC) 5,746,497 (LIRR)	
Contract Term (including Options, if any) March 15, 2010 - July 15, 2015	Prior Modifications: \$ 0 Prior Budgetary Increases: \$ 0	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a	Current Amount: \$ 29,094,391 23,347,894 (NYCT/MTABC) 5,746,497 (LIRR)	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	This Request: \$ 12,500,000 10,500,000 (NYCT/MTABC) 2,000,000 (LIRR)	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	(Est.)	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount: 43.0%	
Requesting Dept/Div & Dept/Div Head Name: Division of Materiel, Stephen M. Plochochi	% of Modifications (including This Request) to Original 43.0%	

Discussion:

This modification is to exercise the contractual option that will extend the contract term for three years, from July 16, 2015 through July 15, 2018. This contract is for supply and delivery of uniform garments to NYC Transit, MTA Bus Company (MTABC) and Long Island Rail Road (LIRR).

NYC Transit, MTABC and LIRR require that certain employees wear uniforms as part of their job duties. Uniforms are supplied to over 27,500 employees in 28 different workgroups at no cost to the employee. Each workgroup has its own uniform that has been designed to improve customer recognition and safety. Uniforms are provided through an ordering and distribution process that utilizes internet or phone with home delivery. The contractor takes orders and produces, warehouses and distributes garments to the employees. The contractor also produces a catalog and provides a website to facilitate ordering of uniform garments by employees. The amount shown above for NYC Transit and MTABC includes \$888,195 for MTABC.

In January 2010, the Board approved the award of a five-year competitively negotiated purchase contract to Lion Uniform Group, a Division of G&K Services, Co. for the supply and distribution of uniform garments. At that time, the Board was informed about the option and that NYC Transit would seek separate approval to exercise the option. After contract award, a name change to G&K Direct was processed. In 2015, an assignment agreement was executed to assign the contract from G&K Direct to Affinity Specialty Apparel, Inc. (Affinity). Since award, there have been four modifications in addition to the name change and assignment agreement. The project managers are satisfied with the service being provided by Affinity.

This Modification No. 6 exercises the option to extend the contract for NYC Transit, MTABC and LIRR for three years. Prices for the base contract and option years were competitively negotiated at the same time and were both considered in the selection for award. The original option amount has been reduced due to under-runs in the base contract. Option prices are on average 0.3% per year higher than those for years four and five of the base contract. The Producer Price Index used for the price analysis indicates a 0.9% annual increase for the period from March 2014, the mid-point of years four and five of the base contract, to April 2015, the most recent month for which PPI data is available. The 0.9% annual increase in the PPI is 0.6% per year higher than the increase reflected in the option year pricing. Procurement conducted a market survey by contacting the prior contractor, who was also the proposer with the second lowest price in the Request For Proposal (RFP) for this contract. That firm responded that if proposing today, it would offer its original RFP Best and Final Offer price for the three year option period, which is approximately \$950,000 higher than the option price with Affinity. The option price has been found to be fair and reasonable.

L. Budget Adjustments to Estimated Quantity Contracts

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

7. PB/PTG, JV Contract# CM-1409 October 14, 2011 – October 13, 2016	Original Amount:	\$ 25,000,000
	Prior Modifications:	\$ 0
	Prior Budgetary Increases:	\$ 25,000,000
	Current Amount:	\$ 50,000,000
	This Request:	\$ 35,000,000
	% of This Request to Current Amount:	70%
	% of Mods/Budget Adjustments (including This Request) to Original Amount:	240%

Discussion:

This Budget Adjustment is for continued Sandy task order revisions and new Security and Miscellaneous Construction tasks and revisions.

Contract No. CM-1409 was awarded to PB/PTG, JV on October 14, 2011 as one of four consultants to provide Design and Construction Phase Services for Federally-Funded Miscellaneous Construction and Capital Security projects on an indefinite-quantity, competitively solicited task order basis in the estimated amount of \$25,000,000 with a term of 60 months.

The effects of Superstorm Sandy necessitated a series of emergency assessments of damages, repairs to restore service as well as provide resiliency to the NYC Transit system. In order to conduct engineering surveys of damage and to design repair and resiliency measures, NYC Transit competed work assignments among various Indefinite Quantity (IQ) contract holders that had been procured using a Federally-approved award process. All of the Federally-funded IQ contracts for design services were heavily utilized for Sandy projects and the Board has approved several Budget Adjustments to authorize additional contract funding for these tasks. PB/PTG competitively won several of the larger design initiatives, such as Montague, Canarsie and Clark Street Tubes in addition to South Ferry Station Restoration. The scope of services included damage assessments, designs for repair and resiliency and construction phase services. As the scope of the various projects awarded to PB/PTG increased, the need for added funding has also increased. Accordingly, the Board is requested to approve this additional Budget Adjustment to allow for the completion of Sandy projects as well as to restore funding that was initially intended for Miscellaneous Construction and Security tasks.

This contract was only used to respond to the initial Sandy related Task Orders that arose in early 2013. Since that time, several new RFPs were initiated and new consultant contract pools were established to meet needs for Sandy projects. All new tasks are competed among the new consultant pool. However, for existing projects that are either in the design or construction phase, only the original engineer can make design revisions and is best suited to review shop drawings, prepare scopes for change orders and address unforeseeable field conditions. Accordingly, this Budget Adjustment is required.

To date, 11 Sandy related projects have been initiated under Contract CM-1409 with an aggregate value of \$30.8 million in task orders issued. To date, \$11.6 million has been issued for Security and other Federally-funded design projects, which brings the total amount issued to \$42.4 million. Currently, there are task order revisions for Sandy design projects for South Ferry and the Canarsie Tube, new competitively solicited Security design task orders and one Miscellaneous Construction design task order revision that total approximately \$18.9M that are pending final negotiations or funding. This brings the amount issued and to be processed in the near term to \$61.3 million. Since there is \$7.6 million available under prior Board authorizations of \$50 million, additional funding is required. The budget increase of \$35 million will fund the \$11.3 million in planned tasks that exceed the current \$50 million allocation and \$23.7 million in pending tasks. Future expenditures will be for Sandy task order revisions and for new Security and Federally funded task orders and revisions until the expiration of the contract. It is anticipated that future expenditures will be equally divided between Sandy and Security requirements. Contract No. CM-1409 is a non-budgeted contract. Every task order and revision is funded by the program area requesting support services on a per occurrence basis from an existing project budget.

The Board previously approved budget adjustments of \$75,000,000, in order to accommodate Sandy work issued to consultants under this contract series. This requested budget adjustment will increase the total Sandy expenditures under this contract series to \$110M.

JUNE 2015

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

D. Ratification of Completed Procurement Actions

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

Various Contractors		<u>Staff Summary Attached</u>
	\$210,849 (Aggregate)	
1. Olympic Glove & Safety Co.	\$19,475	↓
2. Fremont Industrial Corp.	\$50,561	↓
3. Olympic Glove & Safety Co.	\$24,640	↓
4. Olympic Glove & Safety Co.	\$27,140	↓
5. Aramsco, Inc.	\$64,240	↓
6. Fremont Industrial Corp.	\$24,793	↓
Immediate Operating Need		
PO#s 6030144826, 6030144998, 6030145173, 6030145661, 6030145355 and 6030146367		
Purchase of various Ebola virus preparedness supplies.		

Schedule D: Ratification of Completed Procurement Actions

Item Number: 1-6

Vendor Name (& Location) Various Contractors	Contract Number Various	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description Purchase of various Ebola virus preparedness supplies	Total Amount: \$210,849	
Contract Term (including Options, if any) Immediate	Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	Requesting Dept/Div & Dept/Div Head Name: Office of System Safety, Cheryl Kennedy	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need		

Discussion:

It is requested that the Board ratify the declaration of an Immediate Operating Need (ION) made by the Vice President, Materiel, waiving competitive bidding pursuant to Public Authorities Law 1209, subsection 9(a) and ratify the award of various purchase orders for Ebola virus preparedness supplies for NYC Transit employees.

The Ebola virus is a severe and potentially fatal illness that can be transmitted from human-to-human through direct contact with infected bodily fluids and with surfaces and materials contaminated with these fluids. As a result of the Ebola outbreak in Western Africa, the transport of ill patients to the United States, and a few cases involving health care workers in the United States that became ill, the MTA coordinated the development of consistent Ebola virus preparedness plans among the MTA Agencies in October 2014. These plans were based on Occupational Safety and Health Administration (OSHA) and NYS Department of Health Ebola virus guidance documents. The NYC Transit plan required the immediate procurement of supplies that would be used to minimize the potential risk to certain NYC Transit employee titles that may become exposed to the virus within our system.

The items and quantities were identified by NYC Transit to cover estimated employee needs for a 12-week period as recommended by OSHA. As a result of extraordinarily high world-wide demand for Ebola virus-related supplies, the selected items listed were in extremely limited supply. An ION was declared so that the required quantities of these items could be obtained by Procurement in an expedited manner. Procurement utilized small purchase procedures and existing competitively awarded contracts in order to obtain these items. Six items above the small purchase threshold and not available through existing contracts needed to be informally solicited. For each item, multiple (three to five) quotations were received to ensure competitiveness. These six orders, shown below, consisted of nitrile gloves, headgear, face shields, coveralls - size 2XL, coveralls - size 3XL, and bio-hazard bags.

Vendor	Item	Amount
Olympic Glove*	12" Nitrile Glove	\$19,475
Fremont Industrial	Headgear	\$50,561
Olympic Glove*	Face Shield	\$24,640
Olympic Glove*	Coverall Size 2XL	\$27,140
Aramco	Coverall Size 3XL	\$64,240
Fremont Industrial	Bio-Hazard Bag	\$24,793

*Certified NYS WBE

Total: \$210,849

Every effort was made to obtain the lowest prices possible and earliest delivery. All pricing was deemed fair and reasonable under the circumstances. All materials were delivered within the time frames required. Items that were purchased and are being maintained in inventory for the Ebola virus preparedness plan are also being utilized for other applications.

JUNE 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. Skanska/Railworks JV
Contract# C-26505.164 | \$998,500 | <u>Staff Summary Attached</u> |
| Modification to the contract for the furnishing and installation of finishes and systems, No. 7 Flushing Line extension, in order to address changes required to ensure adequate ventilation in certain communication rooms during a power outage. | | |

Item Number: 1

Vendor Name (& Location) Skanska/Railworks JV (New York, NY)
Furnishing and Installation of Finishes and Systems – No.7 Line Extension
Contract Term (including Options, if any) August 10, 2011 – February 24, 2015
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: HYDC
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Dr. Michael Horodniceanu

Contract Number C-26505	AWO/Mod. # 164
Original Amount:	\$ 513,700,497
Prior Modifications:	\$ 35,598,589
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 549,299,086
This Request:	\$ 998,500
% of This Request to Current Amount:	0.2%
% of Modifications (including This Request) to Original Amount:	7.1%

Discussion:

This retroactive modification addresses changes required to ensure adequate ventilation in certain communication rooms during a power outage. Funding for this modification will be provided by Hudson Yards Development Corporation (HYDC).

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

As a result of a heat and temperature analysis performed by the Designer of Record of all communication rooms on the No. 7 Line Extension; it was determined that 11 communication rooms require additional modifications to maintain acceptable temperatures during power outages. Many of the systems contained in these rooms are designed with battery back-up in case of power outages. Accordingly, the equipment contained in these rooms will continue to generate heat. This modification is necessary to ensure that the identified rooms continue to be ventilated during power outages in order to maintain the various communication systems while operating under back-up power. This modification includes additional wall openings and the furnishing and installation of fire dampers, motorized dampers, exhaust fans and ductwork, as well as associated electrical and communications hardware. It appears that this modification may be the result of a design error/omission. An analysis will be performed to determine the cause.

In order to mitigate potential delays, it was necessary to proceed with the work immediately. The contractor was directed to proceed on March 14, 2014. The MTACC President subsequently approved that direction.

The contractor's proposal was \$1,476,931. MTACC's revised estimate was \$941,407. Negotiations resulted in a lump sum price of \$998,500, which was found to be fair and reasonable. Savings of \$478,431 were achieved.




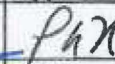
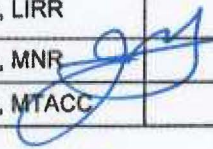
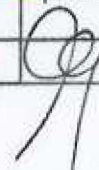
LONG ISLAND RAIL ROAD

PROCUREMENTS

FOR

BOARD ACTION

June 24, 2015

Subject Request for Authorization to Award Various Procurements						Date June 24, 2015			
Department Procurement and Logistics - LIRR						Department Law and Procurement - MTACC			
Department Head Name Dennis L. Mahon, Chief Procurement and Logistics Officer						Department Head Name Evan M. Eisland, Senior Vice President and General Counsel			
Department Head Signature 						Department Head Signature 			
Department Procurement and Material Management - MNR									
Department Head Name Al Muir, Sr. Director, Procurement & Material Management									
Department Head Signature 									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LIRR/MNR Committee	6.22.15	x			X	President, LIRR		
2	MTA Board	6.24.15	x			X	President, MNR		
						X	President, MTACC		

PURPOSE:

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

DISCUSSION:

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Majority Vote:</u>		
Schedule I: Modifications to Purchase Contracts and Public Work Contracts	1	\$38,000,000
SUBTOTAL:	1	\$38,000,000

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

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Majority Vote:</u>		
Schedule G: Miscellaneous Service Contracts	2	\$1,640,635
SUBTOTAL:	2	\$1,640,635

MTACC proposes to award Non-Comp. procurements in the following categories: NONE

LIRR proposes to award Competitive procurements in the following categories:

	<u># of Actions</u>	<u>\$ Amount</u>
<u>Schedules Requiring Two-Thirds Vote:</u>		
Schedule C: Competitive Requests for Proposals (Award)	1	\$70,688,209
SUBTOTAL:	1	\$70,688,209

MNR proposes to award Competitive procurements in the following categories:

<u>Schedules Requiring Majority Vote:</u>		
Schedule G: Miscellaneous Service Contracts	2	\$6,073,515
SUBTOTAL:	2	\$6,073,515

MTACC proposes to award Competitive procurements in the following categories:

<u>Schedules Requiring Majority Vote:</u>		
Schedule H: Mods to Personal Service Contracts & Misc. Service Contracts	3	\$47,939,917
SUBTOTAL:	3	\$47,939,917

LIRR proposes to award Ratifications in the following categories:

<u>Schedules Requiring Majority Vote:</u>		
Schedule K: Ratification of Completed Procurement Actions	2	\$581,120
SUBTOTAL:	2	\$581,120

MNR proposes to award Ratifications in the following categories: NONE

MTACC proposes to award Ratifications in the following categories: NONE

TOTAL: 11 \$164,923,396

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

BUDGET IMPACT:

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

RECOMMENDATION:

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

METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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



JUNE 2015

MTA LONG ISLAND RAIL ROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

Schedule I: Modifications to Purchase Contracts and Public Work Contracts

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

- | | | | |
|-----------|------------------------------------|---------------------|--------------------------------------|
| 1. | Electro-Motive Diesel, Inc. | \$38,000,000 | <i><u>Staff Summary Attached</u></i> |
| | Contract No. Various | | |

LIRR requests MTA Board approval to exercise a contract option with Electro-Motive Diesel, Inc. (EMD) to extend the period of performance of EMD's contract by an additional two years through December 2017 and increase the funding by \$38,000,000. This modification will permit the continued procurement of additional spare parts and any updates required to operate and maintain LIRR's Diesel Electric/Dual Mode (DE/DM) fleet of 45 diesel locomotives. The additional funding will cover procurements for the balance of the current contract term, which expires in December 2015, and for the two-year option period ending in December 2017.

Schedule I: Modifications to Purchase and Public Works Contracts

Staff Summary



Item Number: 1

Vendor Name (& Location) Electro-Motive Diesel, Inc. (LaGrange, IL)
Description DE/DM-30 Locomotive Parts Agreement
Contract Term (including Options, if any) December 8, 2003 - December 8, 2017 (option 2 of 5 two year extensions)
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-Competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Maintenance of Equipment, Daniel Cleary

Contact Number	AWO/Modificaiton #
Various Contracts (BPOs)	
Original Amount:	\$58,000,000
Prior Modifications:	\$24,000,000
Prior Budgetary Increases:	- 0 -
Current Amount:	\$82,000,000
This Request:	\$38,000,000
% of This Request to Current	46%
% of Modifications (including This Request) to Original Amount:	107%

Discussion:

LIRR requests MTA Board approval to exercise a contract option with Electro-Motive Diesel, Inc. (EMD) to extend the period of performance of EMD's contract by an additional two years through December 2017 and increase the funding by \$38,000,000. This modification will permit the continued procurement of additional spare parts and any updates required to operate and maintain LIRR's Diesel Electric/Dual Mode (DE/DM) fleet of 45 diesel locomotives. The additional funding will cover procurements for the balance of the current contract term, which expires in December 2015, and for the two-year option period ending in December 2017.

In December 2003, the MTA Board approved the award of a contract to Electro-Motive Diesel, Inc. (EMD) for a ten (10) year Original Equipment Manufacturer (OEM) spare parts agreement in the amount of \$58,000,000 to enable the LIRR to repair and maintain its fleet of 45 DE/DM diesel locomotives. This agreement established fixed prices for the first year and subsequent price adjustments based on specified Producer Price Indices (PPIs) for each subsequent year. In addition, it included an option for five two-year extensions. In June 2013, The MTA Board approved exercise of the first of these five options, which increased the funding by \$24,000,000, for a new total amount of \$82,000,000. The approval of this request, will exercise the second of those five options, bringing the new total amount to \$120,000,000.

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

As of this date, LIRR has expended approximately \$79.3M against the \$82.0M amount authorized in the contract. LIRR estimates that an additional \$38.0M will be required to cover the remaining period under the original contract and the two-year option period. This amount includes expenditures under the RCM program which are necessary to replace certain Traction Motors and Engines reaching the end of their useful life. Of the \$38.0M, an estimated \$29.0M is for continued RCM and the remaining \$9.0M is required to purchase OEM material to perform unscheduled maintenance repairs and to replace other miscellaneous parts.

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

JUNE 2015

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

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

- | | | | |
|-----------|---|---------------------------------------|--------------------------------------|
| 2. | Harris Corporation
Competitive RFP
Contract No. 6155 | \$70,688,209
Not-to-Exceed | <i><u>Staff Summary Attached</u></i> |
|-----------|---|---------------------------------------|--------------------------------------|

LIRR, on behalf of Metropolitan Transportation Authority Police Department (MTAPD), requests approval to award a contract to Harris Corporation in the not-to-exceed amount of \$70,688,209 to implement a Design-Build Contract for the Upgrade of the MTAPD Radio System.

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

Staff Summary



Item Number: 2					
Dept. & Dept Head Name: Procurement & Logistics, Dennis Mahon					
Department Head Signature & Date: <i>[Signature]</i>					
Division & Division Head Name: Dept. of Program Management, Rich Oakley <i>R. Farz w Rich Oakley</i>					
Division Head Signature & Date: <i>6/16/15</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee	6.22.15			
2	MTA Board	6.24.15			
Internal Approvals					
Order	Approval	Order	Approval		
6	President <i>[Signature]</i>	3	Sr. VP/Engineering <i>[Signature]</i>		
5	Executive VP <i>[Signature]</i>	2	VP/Gen'l Counsel & Sec'y <i>[Signature]</i>		
4	Sr. VP/Operations <i>[Signature]</i>	1	VP/CFO <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Harris Corporation	6155
Description	
Total Amount	
\$70,688,209 "Not to Exceed" (Base, Allowances, + Options)	
Contract Term (Including Options, If any)	
4 Years (Base Work) + 20 Years Maintenance (Options)	
Options(s) Included in Total Amount:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION:

LIRR, on behalf of Metropolitan Transportation Authority Police Department (MTAPD), requests approval to award a contract to Harris Corporation in the not-to-exceed amount of \$70,688,209 to implement a Design-Build Contract for the Upgrade of the MTAPD Radio System.

II. DISCUSSION:

The MTAPD is the police agency of New York's Metropolitan Transportation Authority (MTA). Officers of the MTAPD are fully empowered under the New York State Criminal Procedure Laws and are commissioned in the state of Connecticut. Its jurisdiction extends across fourteen counties in two states, covers approximately 5,000 square miles, including New York City, Long Island, southeastern New York State and southern Connecticut, serves a population of 14.4 million people, and ensures the safety and well-being of over 169 million MTA riders each year. As part of daily operations, MTAPD police officers require the use of a two-way radio system as the primary method of receiving dispatch orders, reporting information back to headquarters, and to call for emergency aid and assistance. This project provides for the upgrade and enhancement of the MTAPD radio system and associated infrastructure through strategic partnerships with local and state agencies, as well as the installation of contemporary equipment and technologies throughout the 14 counties served by the MTAPD. This project was solicited as a design-build contract under which the vendor will complete an existing 30% design (from a different vendor) and construct the system in the field at 69 sites. The solicitation included Base Work and Options (including system maintenance for 20 years).

This RFP was advertised in the New York State Contract Reporter, N.Y. Post, and the MTA webpage on March 6, 2014, and in addition 10 firms deemed capable of performing this work were sent notifications of the solicitation. Technical and cost (base work plus all options) proposals were submitted by two firms: Harris Corporation (\$72,442,457) and Motorola (\$79,898,470). The firms were invited to give oral presentations, after which a Technical Evaluation

Staff Summary



Committee (which included a member of the MTA PD) convened and technically evaluated the firms based on: Technical Proposal; Proposed Staff Technical Expertise; and Proposer's Experience. Harris and Motorola were evaluated as equally able to perform the work of this contract. Both firms were asked for "Best and Final Offers" based on clarifications and additions to the scope of work. Both firms responded: Harris proposed \$63,431,699 (including \$37,745,000 for Base Work); Motorola proposed \$80,576,169 (including \$39,921,931 for Base Work). The firms were technically re-evaluated by the TEC based on BAFO technical submissions and the technical evaluation did not change. The proposers being deemed technically comparable, the TEC advised negotiating with Harris due to the significant discrepancy in the overall pricing.

After technical discussions and clarifications with Harris, LIRR and MTA PD requested some additional elements in the proposal to enhance system performance, address constructability issues, and augment maintenance coverage. These additional elements increased Harris' price to \$70,688,209 which includes a fixed lump-sum amount of \$36.2 million, as well as \$9.56 million in allowance items (for both base work and options) to be issued if and only if the needs arise, and fixed-price options of nearly \$25 million for maintenance at 69 sites in 14 regional counties over 20 years. The final "not to exceed" amount is fair and reasonable, and is \$9.9 million less than Motorola's BAFO. Harris' responsibility has been reviewed and the firm has been found to be a responsible vendor.

III. D/M/WBE INFORMATION:

The Department of Diversity and Civil Rights has assigned this contract a 7.75% MBE and 7.75% WBE goal, which Harris has agreed to meet. Harris Corporation has not completed any MTA contracts; therefore, no assessment of the firm's MWDBE goal performance can be determined at this time.

IV. IMPACT ON FUNDING:

This non-federally-funded project is funded in the 2010 – 2014 Capital Program as project PN-16. "Maintenance" options will be operationally-funded. The project is expected to yield operational efficiencies by reducing the number of two-person patrols. The MTAPD has committed to a \$2.4 million reduction in annual operating expenses.

V. ALTERNATIVES:

LIRR does not have the ability to design, furnish and install this work. Hence, the only alternative to retaining a third-party vendor is to not undertake the work. This is not a viable alternative to this public safety project.

VI. FUTURE TASKS:

Work of a similar nature will be solicited by "Request for Proposal" for Penn Station & Atlantic Terminal in the next few months. Recommendation for award of contract will be brought to the MTA Board for approval at the end of that solicitation.

JUNE 2015

MTA LONG ISLAND RAIL ROAD

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

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

(Staff Summaries required for items requiring Board approval)

3. **East Coast Railroad Services, Inc.** **\$527,586** *Staff Summary Attached*
Contract No. 1038 **Not-to-Exceed**

LIRR requests MTA Board ratification of an Emergency, competitively bid, Miscellaneous Service contract in the not-to-exceed (NTE) amount of \$527,586 to East Coast Railroad Services, LLC. (East Coast), for the lawful disposal of creosote coated railroad ties, tie stubs, wooden third rail protection boards, telephone poles and cable reels located in rail yards throughout Nassau, Suffolk and Queens counties. The period of performance for the work to be performed is from April 17, 2015 through October 17, 2015, and includes six, one-month options for continued service to accommodate the Engineering Department's spring track program.

4. **KoneCranes Inc.** **\$53,534** *Staff Summary Attached*
Contract No. 4000066003

Pursuant to an Emergency Declaration, LIRR requests MTA Board ratification of an award to KoneCranes, Inc. in the amount of \$53,534 for the repair of stress cracks on an overhead crane at LIRR's Hillside Maintenance Complex.

LIRR declared an emergency upon discovery of stress cracks identified during a routine inspection of the overhead 15 ton Bridge Crane (equipment ID# CCO-1) located at the Hillside Maintenance Complex. This situation required immediate action that could not await competitive bidding and, in fact, had to be repaired by the certified Original Equipment Manufacturer (OEM), KoneCranes (formerly Landel). Further propagation of the cracks could have led to catastrophic structural failure of the overhead crane with the possibility of the entire structure falling to the ground. Since the crane required detailed structural repairs that required analysis of the unit's original proprietary drawings and design, the OEM was the only source for this information. Furthermore, due to the safety-sensitive nature of the overhead cranes as well as liability, any structural repairs or modifications had to be performed by the OEM. The OEM has since certified the crane, upon completion of all necessary repairs.

Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

Staff Summary



Item Number: 3

Vendor Name (& Location) East Coast Railroad Services, LLC. 42 Argenio Drive New Windsor, N.Y. 12553
Description Lawful removal & disposal of creosote coated wooden railroad ties, scrap ties, 3rd rail protection boards.
Contract Term (including Options, if any) 4/17/2015 through 10/17/2015 (with 6, one-month options)
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: Glen Greenberg – Asst. CE-Maint Of Way

Contact Number	AWO/Modificaiton #
04000...1038	
Original Amount:	\$527,586-NTE
Prior Modifications:	\$00.00
Prior Budgetary Increases:	\$00.00
Current Amount:	\$527,586-NTE
This Request:	\$527,586-NTE
% of This Request to Current	0%
% of Modifications (including This Request) to Original Amount:	0%

Discussion:

LIRR requests MTA Board ratification of an Emergency, competitively bid, Miscellaneous Service contract in the not-to-exceed (NTE) amount of \$527,586 to East Coast Railroad Services, LLC. (East Coast), for the lawful disposal of creosote coated railroad ties, tie stubs, wooden third rail protection boards, telephone poles and cable reels located in rail yards throughout Nassau, Suffolk and Queens counties. The period of performance for the work to be performed is from April 17, 2015 through October 17, 2015, and includes six, one-month options for continued service to accommodate the Engineering Department's spring track program.

This contract was issued pursuant to a Declaration of Emergency (DOER) dated 9/19/2014, prompted by default of LIRR's current service provider, (Ecology Sanitation Corp.), for non-compliance with contract requirements. The LIRR required an interim contract for services while MNR finalizes its five-year follow-on solicitation for a joint procurement to include LIRR's future needs. These materials have been accumulating along the LIRR's Right of Way, posing a safety hazard; therefore LIRR could not await formal competitive bidding in order to secure their removal.

Previously, the LIRR participated in MNR's joint agency solicitation, resulting in the MTA's May 2010 Board approval of two separate, five-year contracts based on their geographic locations: Ecology Sanitation Corp. for the LIRR and East Coast for MNR. The LIRR at first attempted to ride MNR's contract with East Coast for these interim services, however East Coast could not honor the MNR prices in light of LIRR's geographic locations which required increased backhauling, tipping, trucking, storage and disposal fees, fuel, driver time and tolls.

The LIRR subsequently issued a Request for Expression of Interest (RFEI) to survey the market in an effort to seek more favorable pricing. The RFEI was advertised on the MTA Website, in the NYS Contract Reporter, in the NY Post, and notice was given to known M/W/DBE vendors on 12/24/2014. Fifteen contractors responded to the RFEI, none of whom were M/W/DBE certified. All 15 contractors were subsequently solicited through an informal bid process. Six bids were received and opened on 3/23/2015. Bids ranged from \$527,586 to \$2,038,408. East Coast was the low bidder at \$527,586, which was \$471,889 or 47% lower than the second lowest bidder, Thomas Novelli Contracting (\$999,475). Based on the competitive bids received, East Coast's bid price is deemed fair and reasonable. The LIRR reviewed East Coast's references and qualifications and deems them acceptable. All appropriate due diligence has been performed revealing no significant adverse information. Accordingly, East Coast is deemed the lowest responsive and responsible bidder. This contract will be funded through a combination of Federal (80%) and Operating (20%) funds, depending on the project associated with the materials to be removed, at a total not-to-exceed cost of \$527,586. DDCR waived the M/W/DBE goals.

Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

Staff Summary



Long Island Rail Road

Item Number: 4

Vendor Name (& Location) KoneCranes Inc.
Description Repair of stress cracks on Overhead Crane
Contract Term (including Options, if any) N/A
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-Competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:

Contact Number 4000066003	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: \$ 53,534	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Maintenance of Equipment – D. Cleary	
Contract Manager : Carl Cipriano/Robert Vandermark	

Discussion:

Pursuant to an Emergency Declaration, LIRR requests MTA Board ratification of an award to KoneCranes, Inc. in the amount of \$53,534 for the repair of stress cracks on an overhead crane at LIRR's Hillside Maintenance Complex.

LIRR declared an emergency upon discovery of stress cracks identified during a routine inspection of the overhead 15 ton Bridge Crane (equipment ID# CCO-1) located at the Hillside Maintenance Complex. This situation required immediate action that could not await competitive bidding and, in fact, had to be repaired by the certified Original Equipment Manufacturer (OEM), KoneCranes (formerly Landel). Further propagation of the cracks could have led to catastrophic structural failure of the overhead crane with the possibility of the entire structure falling to the ground. Since the crane required detailed structural repairs that required analysis of the unit's original proprietary drawings and design, the OEM was the only source for this information. Furthermore, due to the safety-sensitive nature of the overhead cranes as well as liability, any structural repairs or modifications had to be performed by the OEM. The OEM has since certified the crane, upon completion of all necessary repairs.

Scope of work and schedule was reviewed and approved by Plant Equipment Engineering. Proposed pricing is in line with New York State Prevailing Wages and GSA per diem rates. Base on the aforementioned, pricing is deemed to be fair and reasonable.

This contract will be funded through LIRR's Operating Budget. It is recommended that the MTA Board ratify the award to KoneCranes Inc. in the amount of \$53,534 for the overhead crane repair and certification services provided.

JUNE 2015

METRO-NORTH RAILROAD

LIST OF NON-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. Kato Engineering, Inc. \$45,857

Repair & Return of BL20 Locomotive Alternator

Approval is requested to award a non-competitive one-time miscellaneous service contract with Kato Engineering Inc., for the repair and return of a BL20 locomotive alternator. The repairs are necessary to return a locomotive to a state-of-good-repair. Kato Engineering is the Original Equipment Manufacturer (OEM) and the sole authorized maintainer of this alternator.

MNR has complied with the MTA All-Agency Procurement Guidelines and with PAL§1265-a (3) regarding the posting of advertisements in order to identify potential alternate suppliers. In addition to the advertisement, direct outreach by the MNR Procurement Department was performed and no alternate suppliers have been identified.

The total cost of this procurement is \$45,857 and its costs are deemed fair and reasonable for the level of service required. The procurement is to be funded by the MNR Operating Budget.

**2. New York State Industries for the Disabled \$1,594,778 (not-to-exceed) Staff Summary Attached
Janitorial Services Agreements for Various Metro-North Facilities & Station**

Approval is requested to award three year miscellaneous service agreements to the New York State Industries for the Disabled (NYSID) to provide comprehensive janitorial services at each of the following MNR facilities and station: Beacon, Croton-Harmon (Buildings 1 and 33), Poughkeepsie, North White Plains, Mott Haven and Campbell Hall facilities and Yankees E. 153rd St. Station. NYSID is a preferred source under section 162 of the New York State Finance Law.

NYSID's combined proposal for the above eight locations is \$1,594,778 and was reviewed by MNR Procurement to ensure that the proposed manpower and rates were adequate and correct to support the level of required cleaning services for each location. The three year cost for the above referenced MNR locations is all-inclusive of labor, cleaning supplies & equipment and waste removal/recycling services.

NYSID's pricing has been approved by New York State Office of General Services. Additionally, a market survey of costs in the cleaning industry was conducted and NYSID's costs are within prevailing market rates. This procurement is to be funded by the MNR Operating Budget.

Staff Summary

Item Number G					
Dept. & Dept. Head Name: Procurement & Material Management, Alfred Muir, Sr. Director					
Division & Division Head Name: Executive Vice President, Catherine Rinaldi					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	6-22-15	X		
2	MTA Board Mtg.	6-24-15	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	Sr. V.P. Operations		
X	V.P. Engineering	X	V.P. Finance & IT		
X	VP & General Counsel		Capital Programs		

SUMMARY INFORMATION	
Vendor Name NYSID New York State Industries for the Disabled	Contract Number MNR55555
Description Janitorial Services – Beacon, Poughkeepsie, Croton-Harmon, NWP, Yankee Stadium Station, Mott Haven & Campbell Hall Facility	
Total Amount \$1,594,778 (not-to-exceed)	
Contract Term (including Options, if any) Three years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: NYS Preferred Source	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION:

Approval is requested to award three year miscellaneous service agreements in the total not-to-exceed amount of \$1,594,778 to the New York State Industries for the Disabled ("NYSID") member agencies to provide comprehensive janitorial services at each of the following MNR facilities and station: Beacon, Croton-Harmon Buildings #1 and #33, Poughkeepsie, North White Plains, Mott Haven and Campbell Hall facilities and Yankees E. 153rd St. Station. NYSID is a preferred source under section 162 of the New York State Finance Law.

II. DISCUSSION:

In accordance with Section 162 of the New York State Finance Law, preferred sources shall be granted the right to provide services to New York State Agencies in order to advance social and economic goals. Under the State Finance Law, a contract award to a preferred source provider such as NYSID is exempt from New York State statutory competitive procurement requirements provided, (i) it is capable of providing the service in the form, function and utility required and (ii) the price offered is as close to the prevailing market prices as is practicable.

The three year cost for the above referenced MNR locations is all-inclusive of labor, cleaning supplies & equipment and waste removal/recycling services. Additionally, floor stripping, waxing and cleaning of conference rooms, locker rooms, foyers, reception areas and restrooms is also included. NYSID has been providing janitorial services utilizing Member Agencies AHRC, NYC Chapter, NYS ARC, Jawonio, Inc., Occupations, Inc. and Westchester County ARC for MNR since 1997.

III. COST/PRICE ANALYSIS

NYSID's combined proposal for the above eight locations is \$1,594,778 and was reviewed by MNR Procurement to ensure that the proposed manpower and rates were adequate and correct to support the level of required cleaning services for each location. A market survey of costs in the cleaning industry was conducted and NYSID's costs are within prevailing market rates. Pricing includes labor, water supply for power washing equipment, waste removal and recycling, cleaning supplies

Staff Summary

and equipment, and is based on the New York State Department of Labor prevailing wage schedule. NYSID's pricing has been approved by New York State Office of General Services. Pricing shall remain firm for the three year period and costs are deemed fair and reasonable.

Listed below is NYSID's all-inclusive cost/price submittal for each location:

Beacon	\$62,404
Croton-Harmon/Bldg. #1	\$51,884
Croton-Harmon/Bldg. #33	\$51,884
Poughkeepsie	\$132,791
North White Plains	\$213,902
Yankees E. 153 rd St. Station	\$904,980
Mott Haven	\$102,317
Campbell Hall Facility	\$74,616
Total not-to-exceed	<u>\$1,594,778</u>

III. IMPACT ON FUNDING:

The total award amount for the six agreements shall not exceed \$1,594,778 over the three year period. Funding is to be provided by the MNR Operating Budget.

IV. ALTERNATIVES:

There are no recommended alternatives. MNR does not have the resources to perform these services in-house.

JUNE 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. K&G Power Systems \$193,515 (not-to-exceed)
Compressor Maintenance Services for Grand Central Terminal (“GCT”)**

Approval is requested to award a five year competitively solicited and negotiated, miscellaneous service contract (RFQ process, one bid received) to provide preventative maintenance services and repair/replacement parts for compressors located in Grand Central Terminal (“GCT”).

Metro-North’s Maintenance of Way Department requires a firm to provide maintenance services for three ‘Ingersoll Rand’ compressors located in GCT. These compressors were installed in 2013 under the ‘NYPA’/‘Source 1’ Energy Conservation Project and the original warranty has expired. The compressors operate the GCT lower level sewer ejectors, various HVAC units and the upper level track level brake zones. The vendor will comply with Ingersoll Rand’s OEM maintenance schedules for compressed air systems which include all preventative, predictive, and corrective maintenance. The work includes: inspections and monitoring of the equipment, cleaning cooler coils, tanks, dryer coils, and motor vents as well as replace filter elements, belts, muffler cores and coolant as-needed.

In accordance with MTA procurement guidelines, an advertisement for the subject service was placed in the New York State Contract Reporter, New York Post, El Diario, Daily Challenge, and posted on the MNR website. Five vendors were provided the solicitation and one bid was received from K&G Power Systems (“K&G”) in the amount of \$199,500. MNR elected to negotiate this procurement which resulted in a 3% reduction to the gross sum bid amount, from \$199,500 to \$193,515. All pricing will remain firm and fixed for the five year contract period. The total award of this contract is not-to-exceed \$193,515 and is to be funded by the MNR Operating Budget.

**2. Loram Maintenance of Way, Inc. \$960,000 - MNR *Staff Summary Attached*
Rail Grinding Services \$4,920,000 - LIRR
\$5,880,000 (not to exceed)**

Approval is requested, by Metro North Railroad (MNR) and Long Island Rail Road (LIRR) to award a three year competitively solicited, miscellaneous service contract (RFQ process, one bid received) to Loram Maintenance of Way, Inc. to provide self-propelled rail grinding machine services (equipment and personnel) at various points along each Railroad’s track. Rail grinding is an on-going program that reduces rail wear, lowers fuel/power consumption and reduces the number of broken rails. Loram’s

pricing is inclusive of all equipment, labor and supervision. Loram forces will work under the supervision and direction of the each Railroad's track supervisors along their right-of-way.

In accordance with MTA procurement guidelines, an advertisement for the subject service was placed in the New York State Contract Reporter, New York Post, El Diario, Daily Challenge, and posted on the MNR website. Six vendors were provided the solicitation and one bid was received from Loram. The award amount is based upon a unit cost that has been applied to the Railroad's estimated hours of rail grinding. Loram has certified that all the participating MTA Agencies are receiving its "Most Favored Customer" pricing for these service. Due to priority track work being accomplished during this time period and the resulting reduction in track availability, MNR has estimated that it will require fewer rail grinding services than LIRR.

The total award of this contract is not-to-exceed \$5,880,000 and will be funded by each Railroad's Operating Budget.

Schedule G: Miscellaneous Service Contracts

Item Number: G

Vendor Name (& Location) Loram Maintenance of Way, Inc. (Hamel, MN)	
Description Rail Grinding Services	
Contract Term (including Options, if any) Three Years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Competitive Negotiation	

Contract Number 01-559	AWO/Modification #
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: \$5,880,000	\$960,000 MNR \$4,920,000 LIRR
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: Procurement & Material Management – Al Muir, Sr. Director	

Discussion:

Approval is requested, by Metro North Railroad (MNR) and Long Island Rail Road (LIRR) to award a three year competitively solicited, miscellaneous service contract (RFQ process, one bid received) to Loram Maintenance of Way, Inc. to provide self-propelled rail grinding machine services (equipment and personnel) at various points along the Railroads' rights-of-way. Rail grinding is an on-going program that reduces rail wear, extends the surfacing cycles, lowers fuel/power consumption and reduces the number of broken rails. Loram's pricing is inclusive of all equipment, labor and supervision. Loram forces will work under the supervision and direction of each Railroad's track supervisors along their right-of-way.

Loram's rates are fixed for all work to be completed in 2015. These fixed rates include the furnishing of all necessary equipment, labor (operators, etc.), consumables (oil, etc.), materials, tools, permits and maintenance of equipment for the duration of the contract. All rates beginning January 1, 2016, will be adjusted annually based upon the Consumer Price Index – All Urban Consumers (CPI-U).

An advertisement for the required services was placed in the New York State Contract Reporter, the New York Post, El Diario and the Daily Challenge and was posted on the MNR website. Six vendors were provided the solicitation and one bid was received from Loram. The award amount is based upon a unit cost that has been applied to the Railroads estimated hours of rail grinding. Loram has certified that the Railroads are receiving its "Most Favored Customer" pricing for these services. Due to priority track work being accomplished during this time period and the resulting reduction in track availability, MNR has estimated that it will require fewer rail grinding services than LIRR.

This negotiated three year public works contract to provide rail grinding services shall be awarded in the not-to-exceed amount of \$5,880,000 (MNR \$960,000 and LIRR \$4,920,000) and is to be funded by each Railroad's Operating Budget.

JUNE 2015

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

Schedule H. Modifications To Purchase and Public Work Contracts

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

- | | | | |
|----|--|---------------------|--------------------------------------|
| 1. | URS Corporation- New York
Transportation Group, JV
Contract No. 98-0040-01R
Modification No. 34 | \$27,000,000 | <u>Staff Summary Attached</u> |
|----|--|---------------------|--------------------------------------|

In accordance with Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, MTACC seeks Board approval of a modification to the Contract to extend the Contract through December 2015 and to increase the Contract amount sufficient to continue services during this extended period.

- | | | | |
|----|---|---------------------|--------------------------------------|
| 2. | Jacobs/LiRo Joint Venture
Contract No. PS819
Modification No. 13 | \$ 9,059,917 | <u>Staff Summary Attached</u> |
|----|---|---------------------|--------------------------------------|

In accordance with Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, MTACC seeks Board approval of a modification to the Contract to extend the Contract through December 2015 and to increase the Contract amount sufficient to continue services during this extended period.

- | | | | |
|----|---|---------------------|--------------------------------------|
| 3. | Parsons Brinckerhoff/STV/Parsons
Transportation Group, JV
Contract No. 98-0040-01R
Modification No. 95 | \$11,880,000 | <u>Staff Summary Attached</u> |
|----|---|---------------------|--------------------------------------|

In accordance with Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, MTACC seeks Board approval of a modification to the Contract to increase the Contract amount allocated to Construction Phase Services (CPS) to allow the Consultant to continue to provide CPS through December 2015.

Item Number:1

Page | 1 of 2

Vendor Name (& Location) URS Corporation – New York (New York, NY)	Contract Number 98-0001-01	AWO/Modification # 34
Description Program Management Consultant Services	Original Contract Award Amount: \$ 28,556,770 Original Board Approved Option Amount: \$ 135,535,230 Original Board Approved Contract Amount: \$ 164,092,000	
Contract Term (including Options, if any) October 5, 1998 – June 30, 2015	Prior Modifications: \$ 421,250,601	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Prior Budgetary Increases: \$ -0-	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount: \$ 585,342,601	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: Modification	This Request \$ 27,000,000	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	% of This Request to Current Amount: 4.6%	
Requesting Dept/Div & Dept/Div Head Name: East Side Access, W. Goodrich	% of Modifications (including this Request) to Original Board Approved Amount: 273.1%	

Discussion:

The work under this Contract includes program and construction management services along with general conditions work for the East Side Access (“ESA”) Project and in support of other MTACC projects. In accordance with Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, Board approval is requested to extend the Contract through December 2015 and to increase the Contract amount sufficient to continue services during this extended period.

On July 29, 1998, the MTA Board approved a personal services contract with Bechtel/URS Joint Venture (the Contract has since been assigned solely to URS) to provide program management services for the East Side Access Project (“ESA”) in the amount of \$164,092,000. The Contract initially was awarded at a cost not-to-exceed \$28,556,770 for preliminary engineering for Phase I. MTACC included several options in the Contract to exercise upon the approval of the Environmental Impact Statement and an executed Full Funding Grant Agreement between the MTA and the FTA. The options provided for program management services for Phase II: Detailed Design; Phase III: Construction; and Phase IV: Start-up, Testing & Closeout along with Construction Management services and general conditions work.

MTACC has historically requested Board approval for these Modifications in one or two year increments. In October 2000, the MTA Board approved a modification (an increase of which extended the preliminary engineering phase, exercised the options for program management services for Phase II – IV and extended the overall term under this Contract to December 31, 2011) and increased the Board approved amount from \$164,092,000 to a cost not-to-exceed \$207,074,000. In February 2002, the Board approved the exercise of the remaining options under the Contract for construction management services (\$120,693,000) and general conditions work (\$50,100,000) along with establishing a 15% contingency in the amount of \$18,104,000 totaling an amount not-to-exceed of \$395,971,000.

Since 2008, there have been several changes to the ESA project that have and will impact the contract scope, value and duration. To accommodate these changes, MTACC has revised the Project's construction sequencing and extended the construction end date. Additional construction contracts were added and as a result the URS scope expanded to include some of these construction contracts and other specialized task order work. This extended the duration of the project, added additional labor, overhead and associated escalation costs.

The URS contract provides essential services for the ESA Project and MTACC's other projects. ESA currently has active construction contracts valued over \$3B and plans to award an additional \$2B of construction contracts over the next year. Many of these contracts have work performed in multiple shifts, and in some cases, periods of operation are six days per week.

URS supplements the 20 MTACC employees dedicated full time to the project by providing program management services including; design management, procurement and contract administration and project controls including; cost and schedule control, systems integration, operational readiness and office administration. URS also provides the construction management staff that serve as the authorized representative for designated third party contracts. URS also provides project-wide services in support of safety, quality, code compliance, environmental testing and third party coordination. URS provides general conditions services which include construction support typically provided by contractors, such as site access control and security, provision of work trains to support contractor needs, geotechnical instrumentation, and survey work. These services are combined under this contract for better control and efficiency reasons given the number of contractors occupying the same or adjoining work sites simultaneously and sequentially. URS also maintains key contracts which include rental of a warehouse and contracts to maintain the information network (switches, servers, etc.) from the central office to each site, copiers, software licenses, etc.

URS also provides program and construction management services for MTACC HQ and other MTACC projects under this Contract. These services include the provision of key personnel to supplement MTACC staff in the areas of project cost estimating, scheduling, risk, quality, safety, community relations, contract compliance, and claims analysis. Funding for non-ESA work comes from MTACC's administrative budget or from the MTACC project receiving the service.

MTACC evaluated the benefits and impacts of re-soliciting this Contract in 2014 and reported to the Finance Committee in March 2014 its conclusion that re-soliciting this contract would be too disruptive to the continuity of the project. Although MTACC continues to evaluate the option of re-solicitation, its determination has not changed. The re-solicitation of this contract would result in the loss of key seasoned team members and key contracts and require a costly extensive transition period.

Currently, MTACC is seeking a contract extension through December 2015 for which funding is available in the 2010 – 2014 Capital Program. MTACC intends to return to the Board for a further extension when additional funds become available.

The MTA's estimate of the cost to continue services through December 2015 is \$30M while the Consultant proposed \$31M. Negotiations were held and the parties agreed to a not-to-exceed cost of \$27,000,000 which is considered to be fair and reasonable and reflects the Contractor's agreement to hold rates and fees at their current levels for the duration of the Contract term. The breakdown of these funds is the following: \$6,451,892 for Project Management services; \$14,888,563 for Construction Management and; \$5,659,545 for General Conditions.

Item Number: 2

Vendor Name (& Location) Jacobs/LiRo Joint Venture (New York, NY)	
Description Consultant Construction Management Services for the East Side Access Project	
Contract Term (including Options, if any) 89 Months	
Option(s) included in Total Amount?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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: Modification
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: East Side Access, W. Goodrich	

Contract Number	AWO/Modification #
PS819	13
Original Contract Amount:	
	\$ 74,550,734
Prior Modifications:	
	\$ 24,407,919
Prior Unallocated Board Approved Budgetary Increases:	
	\$ -0-
Current Amount:	
	\$ 98,958,653
This Request	
	\$ 9,059,317
% of This Request to Current Amount:	
	9.2 %
% of Modifications (including this Request) to Original Amount:	
	44.9 %

Discussion:

This Contract is for consultant construction management services for the East Side Access Project. In accordance with Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, Board approval is requested to extend the Contract through December 2015 and to increase the Contract amount sufficient to continue services during this extended period.

This competitively negotiated and Board approved Contract was awarded to the Jacobs/E&K/LiRo Joint Venture (now known as Jacobs/LiRo Joint Venture) on January 24, 2008 for \$75M and an 84-month duration. The scope of work includes construction management services for third party and force account contracts and equipment and material procurements. The services include, among other things, acting as the MTA's Authorized Representative on a discrete number of third party contracts; overseeing and inspecting construction work; inspecting worksites for safety and quality requirements; managing the project schedule and budget; monitoring and coordinating shop drawings and requests for information; conducting progress meetings; reviewing and processing change orders; processing payments; reviewing claims; assisting in securing necessary permits; and overseeing systems installation and testing.

Since 2008, there have been several changes to the ESA project that have and will impact the contract scope, value and duration. The Project's construction sequencing has been revised and the construction end date has been extended. Additional construction contracts have been added as a result of the re-sequencing of construction work. The scope and duration of this Contract has been expanded to include some of these additional construction contracts and other specialized task order work.

Currently, MTACC is seeking a contract extension through December 2015 for which funding is available in the 2010 – 2014 Capital Program. MTACC intends to return to the Board for a further extension when additional funds become available.

The in-house estimate to continue services through December 2015 is \$9.5M. The Consultant proposed \$11.9M. Negotiations were held and the parties agreed to a not-to-exceed cost of \$9,059,917 which is considered to be fair and reasonable.

Item Number: 3

Vendor Name (& Location) Parsons Brinckerhoff/STV/Parsons Transportation Group, JV (NY)	
Description East Side Access General Engineering Consultant Services	
Contract Term (including Options, if any) March 2016	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
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: Modification	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
Requesting Dept/Div & Dept/Div Head Name: East Side Access, W. Goodrich	

Contract Number	AWO/Modification #
98-0040-01R	95
Original Amount:	
	\$ 140,000,000
Prior Modifications:	
	\$ 263,832,327
Prior Budgetary Increases:	
	\$ -0-
Current Amount:	
	\$ 403,832,327
This Request	
	\$ 11,880,000
% of This Request to Current Amount:	
	2.9%
% of Modifications (including this Request) to Original Amount:	
	197%

Discussion:

This Contract is for engineering, design and construction phase services for the LIRR East Side Access (ESA) project. In accordance with Article XIII of the MTA All-Agency Guidelines for the Procurement of Services, Board approval is requested to modify the Contract to increase the Contract amount allocated to Construction Phase Services (CPS) to allow the Consultant to continue to provide CPS through December 2015.

In March 2014, the Board approved a Modification which included an increase in the CPS budget in the amount of \$18,890,316 to allow CPS to continue through June 2015. The Board was advised at that time that MTACC would come back in 2015 for additional funding for CPS for the second half of 2015.

By way of background, CPS is provided on a cost-plus-fixed-fee, level-of-effort, not-to-exceed basis. CPS are provided in support of third party or force account construction contracts/packages during construction and may include review of contractor's submissions, shop drawings and requests for information; site inspections; resolution of technical issues; preparation of supplementary drawings; and preparation of record drawings for force account packages.

At Contract inception in August 2004, the contract budget for CPS was \$20,000,000. As the construction program progressed, the amount allocated to CPS was reviewed, new CPS estimates were prepared, and the contract budget for CPS was increased accordingly. Based on the most recent Integrated Program Schedule, which includes longer construction duration and a revised contract packaging plan involving more contract packages, the current CPS estimate through program completion is \$167,219,102. By this modification, MTACC is requesting an increase to the contract budget for CPS in the amount of \$11,880,000, from \$109,597,751 to \$121,477,751 to fund CPS through December 2015. These funds will be allocated on an as-needed basis. MTACC intends to return to the Board for additional funding for CPS for 2016 and beyond when additional funds become available.




Bridges and Tunnels

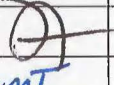


Memorandum of Agreement with The Port Authority of New York and New Jersey (PANYNJ) and the New York State Thruway Authority (NYSTA) for All Electronic Tolling (AET) Bank Account (Action Item)


Staff Summary

Subject	Agreement for All Electronic Tolling (AET) Bank Account
Department	Office of the CFO,
Department Head Name	Donald Spero
Department Head Signature	
Project Manager Name	Angelo Cerbone

Date	June 2, 2015
Vendor Name	The Port Authority of New York & New Jersey The New York State Thruway Authority
Contract Numbers	MOA-15-71
Contract Manager Name	Lynn Gore
Table of Contents Ref. #	N/A

Board Action					
Order	To	Date	Approval	Info	Other
1	President	6/10/15			
2	MTA B&T Committee	6/22/15			
3	MTA Board	6/24/15			

Internal Approvals			
Order	Approval	Order	Approval
5	President 	1	VP Procurement
3	General Counsel 		VP Operations
4	Executive VP 		VP Labor Relations
	VP Operations Support	2	VP & Chief Engineer

Internal Approval (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer 		Chief Security Officer		Chief Maintenance Officer		Other
	Chief Information Officer		Chief Health & Safety Officer		Affirmative Action		Other

Narrative:

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval to enter into a Memorandum of Agreement (MOA) with The Port Authority of New York and New Jersey and the New York State Thruway Authority to establish a bank account for the deposit of consolidated AET revenues.

II. DISCUSSION

The purpose of this MOA is to set forth (i) the roles and responsibilities of the participating agencies in the All Electronic Tolling (AET) program; (ii) the method for reimbursement to the current participating agencies as well as subsequent participating agencies; and (iii) the designation of B&T as the Lead Agency with respect to the deposit and subsequent disbursement of AET revenues collected through the Tolls by Mail program.

On January 1, 2015, B&T's AET pilot program at the Henry Hudson Bridge became a permanent method of toll collection at that facility. The software developed for the B&T AET program is currently being modified to enable The Port Authority of New York and New Jersey and the New York State Thruway Authority to deploy AET at some of their toll facilities. Common software and common business rules are necessary to provide a consolidated, state-wide AET program that will be a seamless experience to all of the participating agencies' AET customers regardless of what AET facility is being used.

In its role as the Lead Agency, B&T will be required to open a new bank account specifically for the deposit of consolidated AET revenues and the disbursement of these revenues to the MOA participating agencies, including B&T. This new account is required to segregate AET revenues from E-ZPass revenues, for both reconciliation and audit purposes.

III. IMPACT ON FUNDING

No Funding is required.

IV. ALTERNATIVES

There are no recommended alternatives.

RESOLUTION

WHEREAS, MTA Bridges and Tunnels' (B&T) MOA-15-71 is to establish a bank account for the deposit and distribution of consolidated AET revenues;

WHEREAS, B&T's MOA-15-71, will require B&T to open a new bank account specifically for the deposit of AET revenues from The Port Authority of New York and New Jersey, the New York State Thruway Authority and MTA Bridges and Tunnels (the MOA Participating Agencies), and the disbursement of these revenues to the MOA Participating Agencies;

WHEREAS, The AET consolidated bank account is required to segregate AET revenues from E-ZPass revenues, for both reconciliation and audit purposes; and

WHEREAS, the Board has considered all of the above.

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

RESOLVED, the President of B&T or his designee is hereby fully authorized to enter into agreements with The Port Authority of New York and New Jersey and the New York State Thruway Authority, MOA-15-71 for the establishment of a bank account for deposit and distribution of consolidated AET revenues from The Port Authority of New York and New Jersey, the New York State Thruway Authority and MTA Bridges and Tunnels.

New York, New York
June 24, 2015



Bridges and Tunnels

Procurements June 2015



Staff Summary

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

Date	June 10, 2015
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	6/10/15	<i>[Signature]</i>		
2	MTA B&T Committee	6/22/15			
3	MTA Board	6/24/15			

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

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

<u>Schedules Requiring Two-Thirds Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule B	Competitive RFP's (Solicitation of Purchase and Public Works Contracts)	1	TBD
Schedule F	Personal Service Contracts	1	\$ 0.650M
Schedule G	Miscellaneous Service Contracts	1	\$ 1.474M
Schedule H	Modifications to Personal/Miscellaneous Service Contracts	1	\$ 0.459M
Schedule I	Modifications to Purchase & Public Work Contracts	1	\$ 1.300M
TOTAL		5	\$ 3.883M

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

BUDGET IMPACT:

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

RECOMMENDATION:

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

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
JUNE 2015

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

B: Request to Use RFP for Procurement of Purchase & Public Works in lieu of Sealed Bid
(Staff Summaries only required for items estimated to be greater than \$1 million)

- | | | | |
|----|---|------------------------------|--------------------------------------|
| 1. | Contractors to be Determined
Contract Nos. GFM-516 (B&T),
C-31711 (NYCT), 6194 (LIRR),
MC-852 (MTACC) | Cost to be Determined | <u>Staff Summary Attached</u> |
| | <p>Request that the Board declare competitive bidding to be impractical and/or inappropriate and authorize B&T, NYCT, LIRR and MTACC to enter into a competitive Request for Proposal (RFP) process for a joint solicitation to obtain Miscellaneous Construction Services on an As-Needed Basis at Various Authority Facilities. The budget for these as yet undefined projects is \$95,000,000 for B&T, \$50,000,000 for NYCT, \$10,000,000 for LIRR, and \$40,000,000 for MTACC. The duration of these contracts will be three years, with two one-year options.</p> | | |

F: Personal Service Contracts

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

- | | | | |
|----|---|---------------------|--------------------------------------|
| 2. | LiRo Engineers, Inc.
Contract No. PSC-14-2964 | \$650,000.00 | <u>Staff Summary Attached</u> |
| | <p>5 yr. contract - Competitive RFP - 6 Proposals
Perform environmental analysis and management services on an as-needed basis at various Authority facilities.</p> | | |

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)

- | | | | |
|----|---|-----------------------|--|
| 3. | J.G. Electrical Testing Corporation
Contract No. 14-MNT-2931 | \$1,473,865.00 | |
| | <p>5 yr. contract - Competitive Bid – 4 Bids
On March 17, 2015 B&T issued a solicitation for the required service to provide maintenance, testing, repair and inspection of low and medium voltage electrical distribution equipment located at various Authority facilities. Due to the specialized training and equipment necessary to perform the work, the Authority does not possess the expertise to perform the services in-house. The service requirements were publicly advertised, the solicitation notice was sent to 322 firms and six firms requested copies of the solicitation. On May 8, 2015 four bids were submitted and are ranked as follows:</p> | | |

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
JUNE 2015

<u>Bidders</u>	<u>Bid Amount</u>
J.G. Electrical Testing Corporation	\$1,473,865
Longo Electrical-Mechanical, Inc.	\$1,558,240
Elemco Services, Inc.	\$1,852,338
Yonkers Electric Contracting Corp.	\$2,006,785

The scope of services of this five year prospective contract has not changed compared with the current three year contract. After evaluation of the bids, JGE was deemed the lowest responsive, responsible bidder. The low bid submitted by JGE is \$99,648 or 7.3% above the cost estimate of \$1,374,217. The primary difference between the estimate and the low bid is attributed to higher overhead rates than anticipated in the estimate. Based on competition, the price is considered fair and reasonable. The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for this contract. Funding is available in the Operating Budget chargeable to General Ledger #711315.

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. **Jacobs Civil Consultants, Inc.** **\$459,239.00** **Staff Summary Attached**
Contract No. PSC-06-2809B
Add funding for additional work needed to design and coordinate the installation of travel time variable message signs on Approaching highways to B&T facilities.

I: Modifications to Purchase & Public Works Contracts

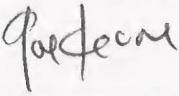
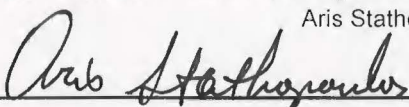
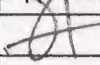


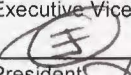

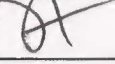

(Approvals/Staff Summaries required for individual change orders greater than \$250K. Approvals without Staff Summaries required for change orders greater than 15% of previous approved amount which are also at least \$50K)

5. **ARC Electrical and Mechanical** **\$1,300,000.00** **Staff Summary Attached**
Contractors Corporation
Contract No. QM-30
Perform additional work associated with the relocation of the main tunnel ventilation control system fiber optic cable at the Queens Midtown Tunnel.



Staff Summary

Page 1 of 2

Item Number 1 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. 					
Division & Division Head Name: Engineering and Construction Aris Stathopoulos, P.E. 					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	6/10/15			
2	MTA B&T Committee	6/22/15			
3	MTA Board	6/24/15			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer 	4	Executive Vice President 		
2	General Counsel 	5	President 		
3	Chief Procurement Officer 				

SUMMARY INFORMATION	
Vendor Name N/A	Contract Number B&T: GFM-516 NYCT: C-31711 LIRR: 6194 MTACC: MC-852
Description Miscellaneous Construction on an As-Needed Basis at Various Authority Facilities	
Total Amount B&T: \$95,000,000; NYCT: \$50,000,000; LIRR: \$10,000,000; MTACC: \$40,000,000	
Contract Term (including Options, if any) Three (3) Years, with two (2), one-year options	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Procurement Guidelines to declare competitive bidding to be impractical and/or inappropriate and authorize B&T, NYCT, LIRR, and MTACC to enter into a competitive Request for Proposal (RFP) process for a joint solicitation to obtain Miscellaneous Construction Services on an As-Needed Basis at Various Authority Facilities.

II. DISCUSSION

In accordance with the All-Agency Procurement Guidelines, Article III. A.6, and various Public Authorities Laws, B&T, NYCT, LIRR, and MTACC are requesting that the Board declare competitive bidding to be impractical for this joint solicitation and authorize the subject agencies to enter into a competitive RFP process to award contracts for miscellaneous construction services. These contracts will be awarded to multiple contractors who could provide competitive bids for various construction projects. B&T has successfully utilized this type of as-needed contract since 2000 to meet certain construction requirements on an expedited basis. The Board previously approved this request in January 2013 for B&T Contract GFM-509, and in June 2010 for a prior joint solicitation with B&T, NYCT, LIRR, and MTACC. The budget for these as yet undefined projects is \$95,000,000 for B&T, \$50,000,000 for NYCT, \$10,000,000 for LIRR, and \$40,000,000 for MTACC. The duration of these contracts will be three years, with two one-year options.

Staff Summary

The selected contractors are invited to bid on specific construction projects throughout Authority facilities which are awarded to the lowest bidders. Funds from the aggregate amount are allocated to individual contracts to pay contractors for the work they perform. Projected requirements under these contracts will address a wide variety of work, from complex sub-tasks related to larger projects which have time-sensitive needs, smaller scale construction projects, and those critical projects that address safety issues and budget concerns. In addition, they will also be utilized for projects such as deck and structural steel repairs, concrete sidewalks and ramps, brick pavers, retaining wall structures, platform canopies, safety railings, demolition, wrap up work for subway stations, minor electrical work, electrical communication room work, fencing, and roof repairs. Based on these requirements it would be inefficient and time consuming to conduct a separate competitive bidding process for each project.

The scopes of these miscellaneous as-needed construction projects cannot be readily determined at this time. During the contract term, the Scope of Work for each miscellaneous work order will be identified. Each of the contracted firms will then be given the Scope of Work for the prospective work order. Subsequent to a site tour, bids will be submitted. The contractor submitting the lowest bid price shall be awarded that specific work order.

This competitive RFP method of selection is in the public's interest and provides the Authority with the following benefits:

- i) Immediate response and resolution to potential emergency and other unforeseen situations with a responsible contractor performing the work;
- ii) Price competition between previously selected contractors for each work order;
- iii) Reduces the need for and is an alternative to amendments (which are non-competitive) to existing construction contracts.

Therefore, B&T, NYCT, LIRR, and MTACC deems it to be in the public's interest to request that the Board adopt a resolution to declare competitive bidding impractical in favor of contract award by means of a competitive request for proposal process.

III. D/M/WBE INFORMATION

MTA DDCR will assign applicable goals prior to issuance of the Request for Proposals.

IV. IMPACT ON FUNDING




Funding under B&T Contract GFM-516 will be provided in the Operating and Capital Budgets in the amount of \$95,000,000. Funding under NYCT Contract C-31711 will be provided from Federal Funds, Capital and Operating Budgets in the amount of \$50,000,000. Funding under LIRR Contract 6194 will be provided from Federal funds, Capital and Operating Budgets in the amount of \$10,000,000. Funding under MTACC Contract MC-852 will be provided from Federal and other funds and Capital Budget in the amount of \$40,000,000.

V. ALTERNATIVES

Utilize a standard competitive bidding process to award each as-needed construction project. This process is impractical due to potential lengthy delays in obtaining construction services from responsible firms for smaller, immediate or unanticipated/emergency needs and would not be in the best interest of the MTA agencies.

Staff Summary

Page 1 of 2

Item Number 2 (Final)					
Dept & Dept Head Name: Safety & Health – James Foley VP, Safety Programs and Initiatives					
Division & Division Head Name: Safety & Health, Pashko Camaj Manager, Environmental Compliance & Lead Programs					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	6/10/15			
2	MTA B&T Committee	6/22/15			
3	MTA Board	6/24/15			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer 	4	Executive Vice President 		
2	General Counsel 	5	President 		
3	Chief Procurement Officer 				

SUMMARY INFORMATION	
Vendor Name LiRo Engineers, Inc.	Contract Number PSC-14-2964
Description Environmental Analysis and Management Services on an As-Needed Basis at Various Authority Facilities	
Total Amount \$650,000	
Contract Term (including Options, if any) Five (5) years	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No One (1) year option	
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:	

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract, Contract PSC-14-2964 solicited on a competitive basis to LiRo Engineers, Inc. (LiRo) located at Three Aerial Way, Syosset, NY 11791 for environmental analysis and management services on an as-needed basis at various Authority facilities in an amount not-to-exceed \$650,000 for a period of five (5) years.

II. DISCUSSION

B&T is seeking a consultant to provide environmental analysis and management services on an as-needed basis to assist the Authority in achieving compliance with applicable local, state and federal regulations governing various environmental issues. The service requirements were publicly advertised and invitation letters were sent to four hundred eighty-five (485) companies. Twenty-five (25) firms requested a copy of the solicitation and six (6) proposals were received. The six (6) firms that submitted proposals were: LiRo Engineers, Inc. (LiRo), Langan Engineering, STV Incorporated, D&B Engineers and Architects, P.C., FPM Engineering Group, P.C. and GEI Consultants, Inc. The Authority's Selection Committee ("Committee") evaluated the proposals against established criteria set forth in the RFP including record of performance, qualifications of firm for specific personnel, depth of understanding of the work and cost.

LiRo's technical proposal was rated the highest by the Committee as it: (i) demonstrated a thorough understanding of the work, (ii) proposed the most qualified personnel to perform the services and (iii) demonstrated extensive experience in performing similar type of services. LiRo's cost proposal had the most competitive labor and overhead rates for the work.

(rev. 4/07/10)

Staff Summary

Accordingly, the Committee determined that LiRo was the most qualified firm to perform the work of the Contract. LiRo demonstrated their clear understanding of the Authority's environmental analysis and management requirements and also provided the best value based on the Authority's requirements.

III. D/M/WBE INFORMATION

MTA DDCR has established goals of 10% MBE and 10% WBE for the referenced contract.

IV. IMPACT ON FUNDING

Funding is available in the Operating Budget under Agency Project GFM-506, General Ledger # 711101.

V. ALTERNATIVES

There are no recommended alternatives. B&T does not possess the in-house resources required to perform these services.

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

Item Number: **4** (Final)

Vendor Name (& Location) Jacobs Civil Consultants, Inc. New York, NY		Contract Number PSC-06-2809B	AWO/Modification #
Description ITS Design Consultant Services on an As Needed Basis		Original Amount:	\$820,000.00
Contract Term (including Options, if any) 12/29/08 – 12/31/15		Prior Modifications:	\$150,000.00
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Prior Budgetary Increases:	\$0.00
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		Current Amount:	\$970,000.00
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		This Request:	\$459,239.00
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		% of This Request to Current Amount:	42.6%
Requesting Dept/Div & Dept/Div Head Name: Information Technology, ITS , Tariq Habib		% of Modifications (including This Request) to Original Amount:	74.3%

Discussion:

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to amend a personal services contract with Jacobs Civil Contracts, Inc. (JCCI) for additional work needed in the amount of \$459,239.

The contract was awarded to JCCI in December 2008 in the not-to-exceed amount of \$820,000 for a duration of 4 years to provide design services for miscellaneous Intelligent Transportation System services on an as-needed basis. Amendments 1 and 2 increased the contract by \$150,000 and extended the contract until December 31, 2015. This amendment will increase the contract value by \$459,239 from \$970,000 to \$1,129,239 and extend the performance by one year to December 31, 2016. It is noted that the Authority is in the process of soliciting a new contract for ITS design services and anticipates an award sometime in 2016.

As part of B&T's effort to inform the public of driving conditions through its facilities, B&T is preparing to install Travel Time Variable Message signs on approaching highways to all its facilities. Work Order No. 5, Regional Variable Message Signs (VMS) design was issued in May 2013 to design and coordinate the installation of these signs and hybrid VMS signs. Because of design changes and unforeseen site conditions an additional \$459,239 is required to achieve complete design. The planning and evaluation of the sites and signs require: i) more CADD and base mapping than anticipated; ii) additional structural analysis for VMS and hybrid VMS signs; iii) some original locations were deemed not feasible, therefore, alternate locations must be evaluated; and iv) additional efforts required for potential environmental restoration.

JCCI proposed an amount of \$492,071 for the additional design services. The estimate is \$420,801. Through negotiations, the price was reduced to \$459,239 (8.36% higher than estimate). The variance from the estimate was primarily attributed to labor hours and rates that were underestimated. The labor hours have been reviewed by project management and found to be acceptable; therefore, the negotiated amount is considered fair and reasonable. Funding for this amendment is available in the 2010 – 2014 Capital Program under AW-80.

Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: **5** (Final)

Vendor Name (& Location) ARC Electrical and Mechanical Contractors Corporation Brooklyn, New York	Contract Number QM-30	AWO/Modification #
Description Facility Wide Electrical Upgrade and Ventilation Buildings Switchgear and Motor Control Center Replacement at the Queens Midtown Tunnel	Original Amount: \$38,808,536.00	
Contract Term (including Options, if any) December 21, 2012 - September 2, 2017	Prior Modifications: \$2,161,830.77	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases: \$0.00	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount: \$40,970,366.77	
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request: \$1,300,000.00	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Sandy	% of This Request to Current Amount: 3.2%	
Requesting Dept/Div & Dept/Div Head Name: Engineering & Construction, Joe Keane, P.E.	% of Modifications (including This Request) to Original Amount: 7.7%	

Discussion:

B&T is seeking the Board's approval under the All-Agency Procurement Guidelines to modify Contract QM-30 with ARC Electrical and Mechanical Contractors Corporation (ARC) for additional work associated with the relocation of the main tunnel ventilation control system fiber optic cable at the Queens Midtown Tunnel (QMT) in the negotiated net amount of \$1,300,000.

The QM-30 Contract, which was in the process of being awarded prior to Superstorm Sandy occurring, calls for ARC to install the tunnel ventilation control fiber cable through the existing duct bank that runs alongside the roadway. However, as a result of damage sustained during Superstorm Sandy, the existing ductbank is now scheduled to be demolished and replaced under recently awarded Contract QM-40S. Therefore, installation of the fiber cable in the existing duct bank is no longer viable. Instead B&T will amend the QM-30 contract, so that the ventilation control fiber cable can be installed in the ventilation ducts rather than the existing duct bank. The fiber cable will be routed in a cable tray that will also provide an interim cable path (portal to portal) not only for the tunnel ventilation fiber cable, but also for electrical and control cables until the low tension duct bank can be completely replaced under Contract QM-40S. This change will contain a number of Sandy mitigation tasks including moving the switchgear for the midriver pump room to the Manhattan Vent Building and raising the elevation of several fiber patch panels. This amendment will also result in the deletion of a number of contract items associated with the midriver pump room, which are being completely upgraded and storm hardened under Contract QM-40S.

ARC submitted a proposal in the net amount of \$1,757,401. The Engineer's net estimate is \$1,180,161. Negotiations resulted in the parties agreeing to the net increase of \$1,300,000 to perform the Work, which is 10.2% above the estimate. The major difference between the estimate and the proposal is associated with the safety requirements and lower production rates when working in the ventilation ducts. The negotiated price is considered fair and reasonable. Given that the related material for this change is a long lead item and ARC needs to complete this work before Work under QM-40S is to begin at this location, B&T authorized \$250,000 for materials purchases. This contract will also be extended through January 2, 2018. Funding in the amount of \$893,000 is available in the 2010 to 2014 Capital Program under Project QM-30 and \$407,000 in the Sandy Capital Program.