



Metropolitan Transportation Authority

March 2016

MTA Board Action Items



MTA Board Meeting

Wednesday, 3/23/2016

10:00 AM - 12:00 PM ET

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA Regular Board Minutes - February 24, 2016

MTAHQ Minutes - February 24, 2016 - Page 5

NYCT/MaBSTOA/SIR/Bus Company Regular Board Minutes - February 24, 2016

NYCTA Minutes - February 24, 2016 - Page 9

MTA Metro-North Railroad Regular Board Minutes - February 24, 2016

Metro-North Minutes - February 24, 2016 - Page 12

MTA Long Island Rail Road Regular Board Minutes - February 24, 2016

LIRR Minutes - February 24, 2016 - Page 16

Triborough Bridge & Tunnel Authority Regular Board Minutes - February 24, 2016

TBTA Minutes - February 24, 2016 - Page 20

MTA Capital Construction Regular Board Minutes - February 24, 2016

MTACC Minutes - February 24, 2016 - Page 26

3. COMMITTEE ON FINANCE

Action Item

i. 2015 Annual Procurement Report (report distributed separately)

All Agency Annual Procurement Report Staff Summary (Report Available in Directors' Desk Document Center and MTA.Info) - Page 30

Information Item

i. MTA Prompt Payment Annual Report 2015

MTA Prompt Payment Annual Report 2015 - Page 31

MTAHQ Procurements Report

MTAHQ Procurement Report - Page 36

i. Non-Competitive (no items)

ii. Competitive

MTAHQ Competitive Procurements - Page 38

iii. Ratifications (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 42

4. COMMITTEE ON NYCT & BUS

Action Item

i. MTA Bus Rules and Regulations

NYCT Procurements

NYCT March Procurement Staff Summary and Resolution - Page 80

i. Non-Competitive

NYCT Non-Competitive Actions - Page 84

ii. Competitive

NYCT Competitive Actions - Page 88

iii. Ratifications

NYCT and MTACC Ratifications - Page 107

5. COMMITTEE ON METRO-NORTH RAILROAD

Metro-North Procurements

MNR Procurements - Page 111

i. Non-Competitive

MNR Non-Competitive - Page 115

ii. Competitive

MNR Competitive - Page 117

iii. Ratifications (no items)

6. COMMITTEE ON LONG ISLAND RAIL ROAD

LIRR Procurements

LIRR Procurements - Page 127

i. Non-Competitive

LIRR Non-Competitive Procurement - Page 131

ii. Competitive

LIRR Competitive Procurements - Page 134

iii. Ratifications

LIRR Ratifications - Page 141

LIRR MTACC Procurements (no items)

7. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

BT Procurements

BT Procurements - March 2016 - Page 143

i. Non-Competitive (no items)

ii. Competitive

BT Competitive - March 2016 - Page 146

iii. Ratifications (no items)

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

9. EXECUTIVE SESSION

Date of next MTA Board meeting: April 20, 2016

**Metropolitan Transportation Authority
Minutes of
Regular Board Meeting
2 Broadway
New York, NY 10004
Wednesday, February 24, 2016
10:00 a.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Allen P. Cappelli
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman**

The following members were absent:

**Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Jeffrey A. Kay
Hon. Ed Watt**

Donna Evans, Chief of Staff, Jerome F. Page, General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Board Member Vincent Tessitore, Veronique Hakim, President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giulietti, President, Metro-North Railroad, Donald Spero, Acting President, TBTA, Darryl Irick, SVP, NYCT DoB/President, MTA Bus Company, Michael Horodniceanu, President, MTA Capital Construction, and Stephen Morello, Counselor to the Chairman, NYCT, 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 three (3) public speakers. The following speakers spoke on items relative to the MTA agenda. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for the content of speakers' statements.

Anthony Simon, General Chairman SMART Transportation
Jordan Wouk, private citizen
Cate Contino, Straphanger's Campaign

2. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on January 27, 2016.

3. **COMMITTEE ON FINANCE.**

A. **Action Items.** Upon motion duly made and seconded, the Board approved the following action items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

1. **Approval of Swap Amendment and Novation.** In connection with the transfer and modification of the three existing 2 Broadway Swaps: (a) approved the novation and all related documentation including, but not limited to the Master Agreements, and the form of Interagency Agreement, and the entering into of the Novation Documentation and the Termination Documentation; and (b) authorized the Director of Finance to complete the negotiation and execution of the Novation Documentation and the Termination Documentation, and to make such changes to the Master Agreements and the Interagency Agreement and to execute and deliver such other documentation, in each case as determined by the Director of Finance to be necessary or appropriate.
2. **Extension of Owner Controlled Insurance for East Side Access.** Approved the extension of insurance coverage components of the MTA's Owner Controlled Insurance Program (OCIP) for the East Side Access Project through March 31, 2021.
3. **Mortgage Recording Tax – Escalation Payments to Dutchess, Orange and Rockland Counties.** Approved escalator payments to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.
4. **2015 TBTA Operating Surplus.** Approved resolutions which will: (a) certify and transfer \$750,716,715 operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law of the State of New York; (b) transfer \$182,604 representing 2015 investment income to the MTA pursuant to Section 569-c of the Public Authorities Law of the State of New York; (c) deduct from the operating revenues of the Triborough Bridge and Tunnel Authority for

Regular Board Meeting
February 24, 2016

its fiscal year ending December 31, 2016 the amount of \$26,880,799, which amount shall be paid into the Necessary Reconstruction Reserve established by the Authority by resolution adopted March 29, 1968; and (d) advance the 2016 TBTA Surplus as set forth in the resolution.

B. **Procurement Items.** Upon motion duly made and seconded, the Board approved the following procurement items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials. Vice Chairman Ferrer abstained from the vote on item #1 below.

1. Various Contractors – All-Agency Enterprise Asset Management – Nos. 15133-0100 thru 2000. Approval of the award of twenty (20) competitively negotiated, all-agency personal services retainer contracts to support and implement the next stage of MTA’S Enterprise Asset Management (EAM) Program on an as-needed basis for a period of three (3) year with two additional one-year options from March 31, 2016 through March 30, 2021 in the not-to-exceed amount of \$115 million to the selected firms.
2. CTC, Inc. – Engineering Assessment of MTA Railway-Highway Grade Crossings – No. 15350-0100. Approved the award of a competitively negotiated, personal services contract to CTC, Inc. to provide an independent multidisciplinary engineering assessment of MTA railway-highway grade crossings for a period of three years from March 1, 2016 through February 28, 2019 in the not-to-exceed amount of \$6,110,335, which includes a contingency of \$555,485 for inspections and technical consulting, if required.
3. The McKissack Group – Independent Engineering Consultant – No. 15095-0100. Approved the award of a competitively negotiated, personal services contract to The McKissack Group, a certified MWBE, to provide oversight services of the MTA Capital Program, as required by New York State Public Authorities Law 1263-4(b), for a three-year period from March 1, 2016 through February 28, 2019, with options to renew for four additional one-year periods at MTA’s sole discretion, at a total not-to-exceed cost of \$28,632,368 for the initial three years.
4. Various Contractors – All-Agency, As-Needed Moving Services – Nos. 15496-0100 thru -0900. Approved the award of nine (9) competitively solicited, all-agency contracts, riding New York State Contract No. 22723, for on-call building/office moving services for a period of four (4) years from March 1, 2016 to February 2, 2019 in the not-to-exceed amount of \$2,500,000.
5. DynTek Services, Inc. – IT Technical Consultant Services – No. 16035-0100. Approved the award of a twelve-month competitively awarded contract, riding NYS competitive contract No. PT64308, with Dyntek Services to provide technical IT services for the implementation of SailPoint Identity Governance Suite, the new Identity & Access Management system.
6. Avaya, Inc. – IT Technical Implementation Services – No. 16035-0100. Approved the award of a twelve-month competitively awarded contract with

Avaya, Inc. to provide technical IT services for the installation of new TBTA Avaya Telephone Sets and to upgrade TBTA's PBX telephone system and associated wiring at all seven B&T bridges and two tunnels.

- C. **Real Estate Items.** Upon motion duly made and seconded, the Board approved the following real estate items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials. The Real Estate Item for the approval of the 347 Madison Avenue Development was withdrawn from this month's Agenda.

New York City Transit Authority

1. Lease modification between Allied 60 Bay Street LLC and New York City Transit Authority for office space at 60 Bay Street, Staten Island, N.Y.

Long Island Rail Road

2. Lease agreement with Rosen's Café, LLC for the operation of a quick-serve food concession at retail space on the Exit Concourse of Penn Station, New York, N.Y.

Metropolitan Transportation Authority

3. Exchange of long-term property interests on sub-surface levels of One Vanderbilt, Owner LLC, a Delaware limited liability company owned and controlled by SL Green Realty Corp., Manhattan, N.Y.
4. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 a.m.

Respectively submitted,

Victoria Clement
Assistant Secretary

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

**2 Broadway
New York, NY 10004**

**Wednesday, February 24, 2016
10:00 a.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Allen P. Cappelli
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman**

The following members were absent:

**Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Jeffrey A. Kay
Hon. Ed Watt**

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

1. CHAIRMAN PRENDERGAST CALLED THE MEETING TO ORDER

2. PUBLIC COMMENT PERIOD

Three public speakers addressed MTA NYC Transit/MTA Bus issues.

Anthony Simon, General Chairman, SMART Transportation, praised the MTA for its hard work in response to the recent storm.

Jordan Wouk, private citizen, asked that the plans for Phase 1 of the Second Avenue Subway make explicit the assumptions being made about the sea levels in the next 100+ years.

Cate Contino, Straphanger's Campaign, urged the MTA to call on elected officials to move quickly to confirm Veronica Vanterpool and David Jones to the MTA Board.

Please refer to the video recording of the meeting produced by the MTA and maintained in MTA records for details of the speakers' statements.

3. 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 January 27, 2016.

4. COMMITTEE ON FINANCE

Real Estate Item:

MTA NYC Transit: Upon motion duly made and seconded, the Board approved a lease modification between Allied 60 Bay Street LLC and MTA NYC Transit for office space at 60 Bay Street, Staten Island, N.Y.

5. COMMITTEE ON TRANSIT & BUS OPERATIONS

MTA NYC Transit & MTA Bus Company

Action Item:

Second Ave Subway Acceleration Agreements: Upon motion duly made and seconded, the Board authorized MTACC to enter into agreements to accelerate the work of the following four Second Avenue Subway Contracts, which will accelerate the completion of critical activities necessary to commence Revenue Service on Phase 1 of the Second Avenue Subway in December 2016: C-26009 – Track, Signal, Traction Power, Communications Systems (the “Systems Contract”); C-26010- Second Avenue Subway – 96th Street Station Finishes (the “96th Street Station Contract”); C-26011 – Second Avenue Subway – 72nd Street Station Finishes, Mechanical, Electrical and Plumbing Systems, Ancillary Buildings and Entrances (the “72nd

Street Station Contract”); and C-26012 – Second Avenue Subway – 86th Street Station Finishes, Mechanical, Electrical and Plumbing Systems, Ancillary Buildings and Entrances (the “86th Street Station Contract”).

Procurements:

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

Board Member Ferrer recused himself from the vote on Schedule C, Item No. 1 of the Agenda (pp. 95-97 of the Board book) regarding a contract for the 700/800 MHz Bus Radio System for NYC Transit and 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.

6. ADJOURNMENT

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 a.m.

Respectfully submitted,
/s/Mariel A. Thompson
Mariel A. Thompson
Assistant Secretary

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

Wednesday, February 24, 2016
10:00 a.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Allen P. Cappelli
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman

The following members were absent:

Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Jeffrey A. Kay
Hon. Ed Watt

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

Chairman Prendergast called the meeting to order.

1. Public Speakers:

There were three (3) public speakers, none of whom spoke on Metro-North agenda items. The details of the speakers' comments are contained in the video recording of the meeting,

produced by the MTA and maintained in MTA records, and in the minutes of the other agencies of this date.

2. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of January 27, 2016 were approved.

3. Committee on Finance:

Action Items:

The Board was presented with the following action item recommended to it by the Committee on Finance that relates to Metro-North:

- Approval to authorize MRT-2 escalator payments to Dutchess, Orange and Rockland counties.

Upon motion duly made and seconded, the Board approved the foregoing action item, the details of which 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.

MTAHQ Procurements:

The Board was presented with the following competitive procurements recommended to it by the Committee on Finance that relate to Metro-North:

- Approval of 20 competitively negotiated, all-agency personal services retainer contracts to support and implement the next stage of MTA's Enterprise Asset Management Program on an as-needed basis for a period of three years with two additional one-year options from March 31, 2016 through March 30, 2021 in the not-to-exceed amount of \$115 million, to the following firms: (1) ABS Group, (2) Accenture, (3) AMCL, (4) Amey, (5) Arcadis, (6) ARMS, (7) Asset Analytix, (8) Atkins, PA, (9) Cambridge Sys, (10) CH2M Hill, (11) EAMS Group, (12) eVision, (13) GDH, (14) KPMG, (15) Life Cycle Eng., (16) Parsons Brinkerhoff, (17) Nexus, (18) Palmer, (19) Vesta and (20) Argo.
- Approval of a competitively negotiated, personal services contract to CTC, Inc. to provide an independent multidisciplinary engineering assessment of MTA railway-highway grade crossings for a period of three years from March 1, 2016 through February 28, 2019 in the not-to-exceed amount of \$6,110,335, which includes a contingency of \$555,485 for inspections and technical consulting, if required.
- Approval of nine competitively solicited, all-agency contracts, riding New York State Contract No. 22723, for on-call building/office moving services for a period of four (4) years from March 1, 2016 to February 2, 2019 in the not-to-exceed amount of \$2,500,000, to the following firms: (1) Sher-Del Transfer & Relocation Services, Inc., (2) Smart Moving & Storage, Inc., (3) Viable Holdings, Inc., (4) Moveaway

Transfer & Storage Inc., (5) Business Relocation Services, (6) Elate Moving, LLC, (7) Tri-State Moving Services, Inc., (8) McCollister's Transportation Group, Inc. and (9) Santiago Worldwide, Inc.

Upon motion duly made and seconded, the Board approved the foregoing procurement items, the details of which 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 Metro-North Railroad:

Action Items:

The Board was presented with the following action item recommended to it by the Committee on Metro-North Railroad Operations:

- Approval for Metro-North to enter into a Second Memorandum of Understanding with the City of Newburgh, New York for Metro-North to reimburse the City for lease payments for the parking and ferry landing facilities used by the Newburgh-Beacon ferry for the period January 1, 2016 through January 31, 2017.

Upon motion duly made and seconded, the Board approved the foregoing action item. The details of the above item are contained in a staff summary 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.

Procurements:

The Board was presented with the following competitive procurements recommended to it by the Committee on Metro-North Railroad Operations:

- Approval of a competitively solicited, miscellaneous service contract with Transportation Technology Inc. for the overhaul of nine BL20GH Caterpillar Head End Power Engines and Alternators.
- Approval of a competitively solicited, two-year miscellaneous service contract with Wabtec Passenger Transit, Inc. for the pick-up, repair, and delivery of Wabtec D4 Air Compressors used on Metro-North's M-2 fleet.
- Approval of a competitively solicited, five-year (three-year base with two 1-year options) miscellaneous service contract with Sherwood Electromotion, Inc. for the pick-up, repair, and delivery of D77 and D78 traction motors used on Metro-North's switcher shuttle locomotive fleets.
- Approval to award a competitively solicited, two-year (with options up to four years), miscellaneous service contract with Walco Electric Company, Inc. for the pick-up, repair, and delivery of General Electric GDY54 Double Ended Motors Blower Sets used on Metro-North's M-2 EMU Fleet.
- Approval for additional funding under the current purchase authorizations with Danella Rental Systems, Inc. and TNT Equipment, Inc. in the total amount of \$3,000,000 to

provide continuous rental of heavy equipment and vehicles used by Metro-North's various operating divisions.

Upon motion duly made and seconded, the Board approved the foregoing procurement items. 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.

5. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 a.m.

Respectfully submitted,



Susan Sarch
Acting Secretary

Feb 2016 Board Minutes-FINAL
Legal/Corporate

**Minutes of the Regular Board Meeting
Long Island Rail Road Company
2 Broadway
New York, NY 10004
Wednesday, February 24, 2016
10:00 a.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Allen P. Cappelli
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman**

The following members were absent:

**Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Jeffrey A. Kay
Hon. Ed Watt**

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

Chairman Prendergast called the meeting to order.

1. Public Speakers:

There were three (3) public speakers. Anthony Simon, General Chairman of SMART Transportation Organization on the Long Island Rail Road, spoke about LIRR employee's extraordinary efforts in the recovery and restoration of the LIRR system during the January 23,

2016 blizzard. He commended Chairman Pally, President Nowakowski and the other MTA agency presidents for recognizing the efforts of transportation workers during this historic weather event.

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

2. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of January 27, 2016 were approved.

3. Committee on Finance:

Action Item:

The following action item was presented for approval:

- Approval to extend certain insurance coverage components of the MTA Owner's Controlled Insurance Program for the East Side Access Project through March 31, 2021.

Upon motion duly made and seconded, the Board approved the foregoing action item, the details of which are contained in the minutes of the MTA Board meeting held this day and the staff summary filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

Procurements:

The Board was presented with the following competitive procurements recommended to it by the Committee on Finance that relate to Long Island Rail Road:

- Approval of 20 competitively negotiated, all-agency personal services retainer contracts to support and implement the next stage of MTA's Enterprise Asset Management Program on an as-needed basis for a period of three years with two additional one-year options from March 31, 2016 through March 30, 2021 in the not-to-exceed amount of \$115 million, to the following firms: (1) ABS Group, (2) Accenture, (3) AMCL, (4) Amey, (5) Arcadis, (6) ARMS, (7) Asset Analytix, (8) Atkins, PA, (9) Cambridge Sys, (10) CH2M Hill, (11) EAMS Group, (12) eVision, (13) GDH, (14) KPMG, (15) Life Cycle Eng., (16) Parsons Brinkerhoff, (17) Nexus, (18) Palmer, (19) Vesta and (20) Argo.
- Approval of a competitively negotiated, personal services contract to CTC, Inc. to provide an independent multidisciplinary engineering assessment of MTA railway-highway grade crossings for a period of three years from March 1, 2016 through

February 28, 2019 in the not-to-exceed amount of \$6,110,335, which includes a contingency of \$555,485 for inspections and technical consulting, if required.

- Approval of a competitively negotiated, personal service contract to The McKissack Group, a certified MWBE, to provide oversight services of the MTA Capital Program, for a three-year period from March 1, 2016 through February 28, 2019, with options to renew for four additional one-year periods, in the total not-to-exceed amount of \$28,632,368.
- Approval of nine competitively solicited, all-agency contracts, riding New York State Contract No. 22723, for on-call building/office moving services for a period of four (4) years from March 1, 2016 to February 2, 2019 in the not-to-exceed amount of \$2,500,000, to the following firms: (1) Sher-Del Transfer & Relocation Services, Inc., (2) Smart Moving & Storage, Inc., (3) Viable Holdings, Inc., (4) Moveaway Transfer & Storage Inc., (5) Business Relocation Services, (6) Elate Moving, LLC, (7) Tri-State Moving Services, Inc., (8) McCollister's Transportation Group, Inc. and (9) Santiago Worldwide, Inc.

Upon motion duly made and seconded, the Board approved the foregoing procurement items, the details of which 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.

Real Estate Items:

The Board approved the following Real Estate item that relates to Long Island Rail Road:

- Approval of a lease agreement with Rosen's Café, LLC, at Penn Station, New York – Exit Corridor, for a ten-year term, terminable on 180 days' notice for corporate or transportation purposes.

Upon motion duly made and seconded, the Board approved the foregoing Real Estate item, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summary 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:

The following procurement item was presented for approval:

- **Competitive Request For Proposal ("RFP")** – approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is in the public's best interest to use RFP process pursuant to Section 1265-a of the Public Authorities Law to award a contract to design and furnish signal system

components for the New Second Track – Farmingdale to Ronkonkoma on the LIRR Ronkonkoma Branch.

Upon motion duly made and seconded, the Board approved the foregoing procurement item, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summary filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

MTA Capital Construction:

Action Item:

The following action item was presented for approval:

- MTA Capital Construction seeks Board Approval to enter into an agreement with 415 Madison Avenue LLC for reimbursement of construction services for utility relocation work at 415 Madison Avenue for a not-to-exceed amount of \$14,827,874.

Upon motion duly made and seconded, the Board approved the foregoing action item, the details of which are contained in the minutes of the MTA Board meeting held this day and the staff summary filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

Procurements:

The following procurement item was presented for approval:

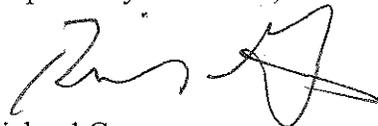
- **Modification to Contract CM014B** to accommodate an entrance to the East Side Access concourse from 43rd Street in the amount of \$2,550,000.

Upon motion duly made and seconded, the Board approved the foregoing procurement item, the details of which are contained in the minutes of the MTA Board meeting held this day, the staff summary filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

5. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:35 a.m.

Respectfully submitted,



Richard Gans
Secretary

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

BOARD MINUTES

February 24, 2016

Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority
February 24, 2016

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. Allen P. Cappelli
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman

The following members were absent:

Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Jeffrey A. Kay
Hon. Ed Watt

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

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

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

1. Public Speakers

There were three (3) 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 (MTA) 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 January 27, 2015

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on January 27, 2016 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:

- Obtain Board approval to transfer the 2015 TBTA operating surplus as described in the Staff Summary and Resolution provided at the Bridges and Tunnels and Finance Committee Meetings.

4. Committee on MTA Bridges and Tunnels Operations

Procurements

Commissioner Cappelli stated that there are four (4) procurements totaling \$27.627 million.

Non-Competitive Procurements

Commissioner Cappelli stated that there is one (1) non-competitive procurement totaling \$22.9 million.

Non-Competitive Purchases and Public Work Contracts

New York City Department of Transportation	Contract No. MOA-HBM-1027	\$22,900,000.00
	Construction of a partial foundation for a future ramp that would permit traffic to go directly from the Robert F. Kennedy Bridge (RFKB) to the northbound Harlem River Drive by agreement between the Authority and NYCDOT.	

Competitive Procurements

Commissioner Cappelli stated that there are three (3) competitive procurements totaling \$4.727 million.

Personal Service Contracts

Commercial Driver Training, Inc.	Contract No. PSC-15-2975 Provide all labor, material and equipment necessary for Commercial Driver License (CDL) Training for Maintenance employees of B&T and MTA New York City Transit (NYCT).	\$1,281,265.00 - B&T \$ 56,760.00 - NYCT \$1,338,025.00
----------------------------------	---	---

Miscellaneous Service Contracts

Catherine S. Cline, Ph.D.	Contract No. PSC-15-2979 B&T requires the services of an Occupational-Industrial Psychologist to provide expert assistance in preparing and developing civil service examinations administered by New York City Department of Citywide Administrative Services (DCAS) under the skilled trade Bridge and Tunnel Maintainer Level I, Level II and Level III tests. The groups of employees known as Bridge and Tunnel Maintainers (Maintainers) are typically a technical class of positions responsible for the maintenance, repair and operation of various B&T facilities and equipment. There are three assignment levels. The Consultant shall perform an analysis of the three levels of Maintainer positions and validate the selection procedures.	\$56,400.00
---------------------------	--	-------------

The service requirements were publicly advertised as a Discretionary Procurement on the MTA website, the NYS Contract Reporter, local newspapers and sent to advocacy groups recommended by MTA DDCR. On December 10, 2015 two firms Catherine S. Cline, Ph.D. (Cline) and Applied Personnel Research (Applied) submitted proposals. The proposals were evaluated against established criteria set forth in the RFP including record of performance of firm, qualifications of firm for specific personnel proposed, depth of understanding of project and related problems, level of expertise and cost. Based on the committee's review of all the proposals, it unanimously selected Cline based on her: (i) extensive record of working with other NYC government agencies (Fire Department of NY, NYC

Parks and DCAS) on civil service exams; (ii) clear and solid understanding of B&T's scope of work; (iii) comprehensive technical approach to performing the work and (iv) skilled and qualified personnel with a high level of expertise in the required field. Applied has limited knowledge of the civil service exam process and failed to demonstrate a strong knowledge of the overall requirements. The committee unanimously waived oral presentations and recommended that negotiations be conducted with Cline, the highest rated proposal and the lowest cost. On January 14, 2016 the Authority commenced negotiations with Cline. Negotiations resulted in a final amount of \$546,400. The negotiated rates are fixed for the three years which is 31% less than the Authority's estimate of \$81,900. Cline is deemed to be a responsible consultant. This award is classified as a *Discretionary Procurement* whereby the proposer must either be a New York State certified Minority or Women Owned Enterprise or Small Business Concern. There are no recommended alternatives. B&T does not possess the resources required to perform these services.

Modifications to Miscellaneous Procurement Contracts

Schneider Electric Mobility NA, Inc.	Contract No. 14-OPS-2924X Amend contract to include additional work (i) to initiate an All-Electronic Tolling (AET) pilot project at the Cross Bay Bridge (CBB) and Marine Parkway Bridge (MPB) and (ii) update the software for the toll registration system.	\$3,332,876.00
---	--	----------------

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

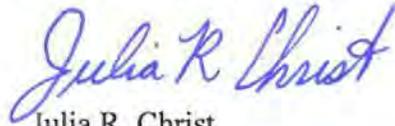
Ratifications

Commissioner Cappelli stated that there were no ratifications.

5. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:35 a.m.

Respectfully submitted,



Julia R. Christ
Acting Assistant Secretary

**Regular Board Meeting
MTA Capital Construction Company
2 Broadway
New York, NY 10004
Wednesday, February 24, 2015
10:00 AM**

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Allen P. Cappelli
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke
Hon. Neal Zuckerman

The following members were absent:

Hon. Jonathan A. Ballan
Hon. John H. Banks, III
Hon. Robert C. Bickford
Hon. Jeffrey A. Kay
Hon. Ed Watt

Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Board Member Vincent Tessitore, and Michael Horodniceanu, President, MTA Capital Construction Company also attended the meeting as did various other agency presidents and staff including: Donna Evans, Chief of Staff, MTA, Jerome F. Page, General Counsel, MTA, Stephen Morello, Counselor to the Chairman, MTA, Veronique Hakim, President, NYCT, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giulietti, President, Metro-North Railroad, Donald Spero, Acting President, TBTA, Darryl Irick, SVP, NYCT DoB/President, MTA Bus Company, Evan M. Eisland, Sr. Vice President, General Counsel and Secretary, MTA Capital Construction Company and David K. Cannon, Sr. Director, Chief Procurement Officer and Assistant Secretary MTA Capital Construction Company.

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 ("Chairman") Prendergast called the meeting to order.

Public Comment Period

There were three public speakers two of whom spoke on MTA Capital Construction matters.

Mr. Jordan Wouk requested that the plans for Phase II of the Second Avenue Subway Project include assumptions for the anticipated change in the sea level over the next one hundred years.

Cate Contino, a Coordinator for the Straphangers Campaign requested that the MTA call on elected officials to confirm the candidates that New York City Mayor de Blasio has nominated to fill two vacancies on the MTA Board.

The name and remarks of the other speaker is noted and filed with the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on February 24, 2016.

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 January 27, 2016.

Committee on Finance

Action Item

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

Extension of the following insurance coverage components of the MTA's Owner Controlled Insurance Program ("OCIP") for the East Side Access Project through March 31, 2021.

- Authorization to increase funding and extend OCIP General Liability and Worker's Compensation through March 31, 2021. Total additional funding is estimated at \$183.5M.
- Authorization to increase funding and extend Excess Liability, Pollution Liability and Railroad Protective Liability through March 31, 2021. Total additional funding is estimated at \$62M.
- Authorization to increase the maximum fee under the broker services contract for OCIP services through December 1, 2022, by \$2,541,362.

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 February 24, 2015.

Procurement

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

1. Award of twenty competitively negotiated, all-agency personal services retainer contracts (151333-0100 through 14133-2000) to support and implement the next stage of MTA's Enterprise Asset Management Program on an as-needed basis for a period of three years with two additional one-year options (March 31, 2016 through March 30, 2021) in the not-to-exceed amount of \$115M.
2. Award of a competitively negotiated, personal services contract (15095-0100) to provide oversight services of the MTA Capital Program as required by New York State Public Authorities Law 1263-4(b), for a three year period (March 1, 2016 through February 28, 2019) with options to renew for four additional one year periods at MTA's sole discretion at a total not-to-exceed cost of \$28,632,368.
3. Award of nine competitively solicited, all-agency contracts (15496-0100 through 15496-0900), riding New York State Contract No. 22723 for on-call building/office moving services for a period of four (4) years from March 1, 2016 – February 2, 2019 in the not-to-exceed amount of \$2.5M.

A copy of the Resolution, Staff Summaries and details of the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on February 24, 2015.

Committee on New York City Transit and Bus

Action Item

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

Authorization to enter into acceleration agreements with the following four Second Avenue Subway Project Phase I Contracts:

- Track Signal, Traction Power and Communication Systems contract (C-26009), for a total not-to-exceed amount of \$16M.

- 96th St. Station Finishes contract (C-2610) for a total not-to-exceed amount of \$14M.
- 72nd St. Station Finishes, Mechanical, Electrical and Plumbing Systems, Ancillary Buildings and Entrances contract (C-26011) for a total not-to-exceed amount of \$17.5M.
- 86th St. Station Finishes, Mechanical, Electrical and Plumbing Systems, Ancillary Buildings and Entrances contract (C-26012) for a total not-to-exceed amount of \$18.5M.

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 February 24, 2015.

Procurement

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

1. A Modification to the Second Avenue Subway Project's 72nd St. Station Finishes, Mechanical, Electrical and Plumbing Systems, Ancillary Buildings and Entrances contract (C-26011) to address compensable contractor costs associated with conduit and wiring changes from the mimic panels to the substation and SCADA equipment in the amount of \$913,867.
2. A Modification to the Second Avenue Subway Project's 63rd Street/Lexington Avenue Station Reconstruction contract (C-26006) to furnish and install additional fire dampers and motorized dampers for the amount of \$927,000
3. A Modification to the Second Avenue Subway Project's 63rd Street/Lexington Avenue Station Reconstruction contract (C-26006) to perform grouting/leak mitigation in the amount of \$3.75M.

A copy of the Resolution, Staff Summaries and details of the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on February 24, 2015.

Committee on Long Island Rail Road

Action Item

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

Authorization to enter into an agreement with 415 Madison Avenue LLC for reimbursement of construction services for utility location work at 415 Madison Avenue for the not-to-exceed amount of \$14,827,874.

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 February 24, 2015.

Procurement

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

A modification to the East Side Access Project's GCT Concourse and Facilities Fit-Out contract (CM014B) to accommodate an entrance to the East Side Access Concourse from 43rd St. in the amount of \$2.55M

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 February 24, 2015.

Adjournment

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 10:35a.m.

Respectfully submitted,



David K. Cannon
Assistant Secretary

Staff Summary

Subject 2015 Annual Procurement Report
Department MTAHQ Procurement
Department Head Name Angel Barbosa
Department Head Signature <i>Angel Barbosa</i>
Division Head Name Procurement Directors

Date March 3, 2016
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/21/15	X		
2	Board	3/23/15	X		

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

Purpose:

To authorize the filing with the State of New York of the annual MTA All-Agency Procurement report for the period January 1, 2015 – December 31, 2015 as required under Section 2879 of the Public Authorities Law ("PAL").

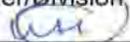
This report includes the following required material:

1. Contracts awarded in 2015 as prepared by each agency with payments made in 2015 as prepared by each agency and
2. Contracts awarded prior to 2015 as prepared by each agency with payments made in 2015 as prepared by each agency.

The report, which is being submitted separately, conforms to the format/content requirements of both PAL Section 2879 as well as the Public Authorities Reporting Information System (PARIS) overseen by the New York State Independent Authorities Budget Office. The All –Agency Procurement Guidelines will be attached to the report, as required by PAL Section 2879.

Many of the contracts on this list came before the Board during the course of the calendar year. The active contracts that were awarded prior to this calendar year were also included in the prior years' annual procurement reports, which have previously been reviewed by the Board.

Staff Summary

Subject MTA Prompt Payment Annual Report 2015
Department Chief Financial Officer
Department Head Name Bob Foran
Department Head Signature 
Project Manager/Division Head Wael Hibri 

Date February 4, 2016
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.				
2	Board				

Internal Approvals			
Order	Approval	Order	Approval
1	Legal 		
2	Chief of Staff 		

Purpose:

To report to the Board the compliance by the MTA Business Service Center with the New York State Prompt Payment Legislation.

Discussion:

The Prompt Payment Legislation, implemented in April, 1988 requires that the Authority must pay amounts due under its contracts within 30 days of the receipt of a proper invoice or the receipt of the goods or services, whichever is later. When payment of a proper invoice is delayed beyond the allotted time, the agency must pay interest at the rate set forth by the New York State Commission of Taxation and Finance which is currently at 7.5%, if such interest payment exceeds a ten dollars threshold.

Additionally, the Prompt Payment Legislation requires that the MTA issue an annual report within ninety days after each fiscal year. This report shall include the following:

- 1) A listing of the types of categories of contracts which the Authority entered into during the twelve month period covered by the report, together with a brief description of whether each such type or category of contract was subject to the prompt payment requirements promulgated by the Authority and, if not, the reasons why;
- 2) The total amount and number of interest payments made to vendors for contracts allocated to the type or category;
- 3) The number of interest "chargeable" days and the total number of days required to process each delayed/late contract vendor payment; and
- 4) A summary of the "principal" reasons why such delayed/late payments occurred.

For the current period, the total amount of prompt payment interest paid, Agency-wide is \$62,988 on a total invoice value paid of \$10,412,642,072. This is a 21% decrease in the amount of prompt payment interest compared to the 2014 amount paid.

The principal reason for the late payments is as follows:

- 1) Public works (Capital) related invoices are approved in a capital system outside of the PeopleSoft environment. On occasion (.006%) invoices are not remitted timely to PeopleSoft for payment.

The Legislation requires the MTA to file the report with the State Comptroller, State Director of the Budget, the Chairman of the Senate Finance committee, and the Chairman of the Assembly Ways and Means Committee.

Enclosed is a copy of the Annual Prompt Payment Report for 2015, which will be filed by the MTA in accordance with the legislation requirement.

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2015 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	64,700	624,946,896	-	-	0.0000%	0.0000%
MNR	53,955	575,501,954	-	-	0.0000%	0.0000%
MTA	40,736	5,613,537,875	28	62,988	0.0687%	0.0011%
LIB	1,797	7,620,940	-	-	0.0000%	0.0000%
NYCTA	223,211	3,223,859,144	-	-	0.0000%	0.0000%
SIRTOA	2,623	14,587,833	-	-	0.0000%	0.0000%
B & T	8,917	156,970,014	-	-	0.0000%	0.0000%
BUS	69,024	195,617,416	-	-	0.0000%	0.0000%
TOTALS	464,963	10,412,642,072	28	62,988	0.0060%	0.0006%

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2014 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	65,270	637,429,808	-	-	0.0000%	0.0000%
MNR	51,934	564,529,466	-	-	0.0000%	0.0000%
MTA	37,108	5,126,502,319	44	80,011	0.1186%	0.0016%
LIB	2,232	10,136,842	-	-	0.0000%	0.0000%
NYCTA	222,782	3,166,783,660	-	-	0.0000%	0.0000%
SIRTOA	2,903	13,704,655	-	-	0.0000%	0.0000%
B & T	9,400	159,047,875	-	-	0.0000%	0.0000%
BUS	62,233	182,398,455	-	-	0.0000%	0.0000%
TOTALS	453,862	9,860,533,080	44	80,011	0.0097%	0.0008%

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2013 TOTAL PAYMENTS**

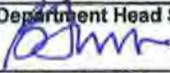
<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	61,184	565,556,397	-	-	0.0000%	0.0000%
MNR	48,980	515,614,865	-	-	0.0000%	0.0000%
MTA	35,383	5,215,253,125	40	54,068	0.1130%	0.0010%
LIB	2,610	14,204,653	-	-	0.0000%	0.0000%
NYCTA	207,523	3,007,265,756	-	-	0.0000%	0.0000%
SIRTOA	2,793	15,391,092	-	-	0.0000%	0.0000%
B & T	8,548	101,980,089	-	-	0.0000%	0.0000%
BUS	53,481	172,748,169	-	-	0.0000%	0.0000%
TOTALS	420,502	9,608,014,147	40	54,068	0.0095%	0.0006%

**MTA AND CONSTITUENT AGENCIES
ANALYSIS OF 2012 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	58,585	545,055,919	-	-	0.0000%	0.0000%
MNR	50,241	516,797,806	-	-	0.0000%	0.0000%
MTA	34,096	5,337,984,957	106	103,204	0.3109%	0.0019%
LIB	4,333	15,885,627	-	-	0.0000%	0.0000%
NYCTA	192,630	2,792,783,178	1	11,106	0.0005%	0.0004%
SIRTOA	1,450	8,803,844	-	-	0.0000%	0.0000%
B & T	9,476	88,776,621	-	-	0.0000%	0.0000%
BUS	48,753	143,155,892	-	-	0.0000%	0.0000%
TOTALS	399,564	9,449,243,844	107	114,310	0.0268%	0.0012%

MTA AND CONSTITUENT AGENCIES ANALYSIS OF 2011 TOTAL PAYMENTS						
AGENCY	TOTAL NUMBER OF INVOICES PAID	TOTAL VALUE OF INVOICES PAID	NUMBER OF INTEREST INVOICES PAID	VALUE OF INTEREST INVOICES PAID	PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID	PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID
LIRR	55,915	469,672,581	193	6,636	0.3452%	0.0014%
MNR	55,475	442,413,198	158	3,848	0.2848%	0.0009%
MTA	31,590	4,573,334,432	31	607	0.0981%	0.0000%
LIB	13,655	73,634,145	3	4.29	0.0220%	0.0000%
NYCTA	194,520	2,869,352,413	-	-	0.0000%	0.0000%
SIRTOA	455	581,052	-	-	0.0000%	0.0000%
B & T	9,238	95,215,104	57	1,650	0.6170%	0.0017%
BUS	49,284	115,563,716	28	18,424	0.0568%	0.0159%
TOTALS	410,132	8,639,766,641	470	31,170	0.1146%	0.0004%
MTA AND CONSTITUENT AGENCIES ANALYSIS OF 2010 TOTAL PAYMENTS						
AGENCY	TOTAL NUMBER OF INVOICES PAID	TOTAL VALUE OF INVOICES PAID	NUMBER OF INTEREST INVOICES PAID	VALUE OF INTEREST INVOICES PAID	PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID	PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID
LIRR	52,031	1,057,285,548	56	5,970	0.1076%	0.0006%
MNR	65,880	359,061,186	-	-	0.0000%	0.0000%
MTA	35,209	5,371,540,551	6	369	0.0170%	0.0000%
LIB	13,475	52,716,872	71	2278	0.5269%	0.0043%
NYCTA	86,623	1,059,400,000	512	32,667	0.5911%	0.0031%
SIRTOA	2,147	15,334,580	-	-	0.0000%	0.0000%
B & T	12,776	466,311,223	1	1	0.0078%	0.0000%
TOTALS	268,141	8,381,649,960	646	41,285	0.2409%	0.0005%

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 March 14, 2016
Vendor Name Various
Contract Number Various
Contract Manager Name Various
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/21/2016	X		
2	Board	3/23/2016	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:** None None

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

Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts	1	\$26,957,290.00
Schedule G: Miscellaneous Service Contracts	1	\$ 199,943.00
Schedule H: Modification to Personal Services/Miscellaneous Service Contracts	2	\$ 5,600,000.00
SUBTOTAL	4	\$32,757,233.00

MTAHQ presents the following procurement actions for **Ratification:** None None

TOTAL 4 \$32,757,233.00

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, MARCH 2016
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. **Syigma Technology/infor** **\$26,957,290** **Staff Summary Attached**
Enterprise Asset Management Software and Maintenance (Total)
Contract No. 15030

To recommend that the Board approve the award of a competitively negotiated, all-agency miscellaneous procurement contract to Syigma Technology/INFOR to purchase Enterprise Asset Management (EAM) Software and interim hosting services which is required to implement the next stage of MTA's Enterprise Asset Management (EAM) Program previously approved by the Board. The cost of the software is \$10,701,985 and the cost of maintenance over a ten year period is \$16,255,305 for a combined amount of \$26,957,290. MTA is seeking to purchase this software as the primary tool to handle all maintenance, strategic planning and reliability initiatives in an integrated and uniform manner. This platform will allow better strategic planning with the use of its analytical tools and will ultimately ensure the success of the EAM initiative and create opportunities for rapid improvements across the agencies. As a result of negotiations, the originally proposed cost of \$48,231,177 proposed by Syigma Technology/INFOR was reduced to \$26,957,290 representing a negotiated savings of \$22,273,887 or 46%. There are no prior comparable software purchases with which this cost can be compared. Based on the negotiated savings, the total combined cost of \$26,957,290 is deemed fair and reasonable.

G. Miscellaneous Service Contracts

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

2. **Fire Suppression System Maintenance and Repair** **\$199,943**
(Multiple MTAPD Locations) **(not-to-exceed)**
Associated Fire Protection
Contract No. 15274-0100

Sealed Bid/Low Bidder – 2 Bids – 36 months

Contractor to perform Fire Suppression System Maintenance and Repair for the MTA Police located at the following facilities: 420 Lexington Avenue, ii) 10 West Suffolk Avenue, Central Islip NY and iii) 33-01 Northern Boulevard Long Island City NY. Based on competitive bidding the low bid is considered to be fair and reasonable.

METROPOLITAN TRANSPORTATION AUTHORITY
COMPETITIVE PROCUREMENTS

H. Modifications to Personal /Miscellaneous Service Contracts

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

3. Pagones-O'Neill, Inc. \$0

All-Agency Investigative Services

Contract No. 13275-2200

Approval is requested to add an additional firm to the previously MTA Board approved All Agency Investigative services contract. This contract was originally executed to provide all of the Agencies access to investigators to conduct investigations ranging from personal injury under the Federal Employers Liability Act and Workers Compensation and No Fault Laws to Disability and sick leave abuse. Metro North is requesting at this time that one additional firm be added to the twenty-one previously approved firms. The current listing does not have a firm that has a local presence in Dutchess or Putnam Counties. The firm recommended by Metro North, Pagones - O'Neill, Inc. is located in Dutchess County and has all of the necessary resources and experience to complete these services if called upon. Pagones - O'Neill, Inc. has expertise in, but is not limited to Complete Criminal and Civil Investigations, Insurance and Worker Compensation Investigations, Background Investigations, Interview and Statement Taking, Fraud Investigations, Accident Site Documentation & Investigation and Asset Locating and Recovery. Metro North has no identified need for these services at this time but would like to add Pagones - O'Neill, Inc. to the pool of investigators in the event future services is required. The actual expenditures for investigative services are dependent on each agency's actual needs. Pagones hourly rates fall within the negotiated range of the previously approved firms. The addition of Pagones - O'Neill Inc. has no budgetary impact.

4. ABM Janitorial Services Northeast, Inc. \$5,600,000 Staff Summary Attached

Custodial and Engineering Services

Contract No. 12096-0100

To recommend that the Board: (i) approve an amendment to a previously Board-approved, competitively awarded, miscellaneous service contract with ABM Janitorial Services Northeast, Inc. ("ABM") for additional funding in the amount of \$5,600,000 and (ii) extend the contract period of performance for seven months from April 1, 2016 to October 31, 2016. MTA is in the process of consolidating custodial and engineering services to include Metro-North Railroad (420 Lexington Ave.), Grand Central Terminal and the MTA Police locations throughout the tri-state region, therefore, additional time and funds are required to complete a competitive RFP process for these essential services. The rates, which are based on the New York State Prevailing Wage Rates will remain the same.

Staff Summary

Schedule E: Miscellaneous Procurement Contracts

Item Number:

Vendor Name (& Location): Sygma Technology/INFOR	Contract Number: 15030-0100	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description: Enterprise Asset Management Software and Maintenance	Total Amount: \$26,957,290	
Contract Term (including Options, if any): April 1, 2016 through March 31, 2026	Funding Source: <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" 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: Executive/MTA EAM & Craig Stewart/ Michael Salvato	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Contract Manager: Feroze Khan	
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 a competitively negotiated, all-agency miscellaneous procurement contract to Sygma Technology/INFOR to purchase Enterprise Asset Management (EAM) Software and interim hosting services which is required to implement the next stage of MTA’s Enterprise Asset Management (EAM) Program previously presented to the Board. The cost of the software is \$10,701,985 and the cost of maintenance over a ten year period is \$16,255,305 for a combined amount of \$26,957,290.

The EAM Program was initiated to enable all levels of the organization to make more informed, transparent and data-driven capital and operating decisions, to achieve better utilization of our resources and lower the cost of keeping our systems running while improving the safety and reliability of our operations. The purpose of undertaking an Enterprise Asset Management approach is to transition from a reactive maintenance and replace model to a model that promotes a more effective life cycle approach to maintaining MTA’s nearly \$1 trillion asset base. By managing assets uniformly across the agencies MTA can, through common business practices, economies of scale, and data sharing: (i) improve asset utilization and performance, (ii) reduce asset related operating costs, (iii) reduce capital costs, (iv) optimize scheduled work, (v) reduce unscheduled work, etc.

MTA is seeking to purchase this software as the primary tool to handle all maintenance, strategic planning and reliability initiatives in an integrated and uniform manner. This platform will allow better strategic planning with the use of its analytical tools and will ultimately ensure the success of the EAM initiative and create opportunities for rapid improvements across the agencies. Through the use of this software, the MTA will be better suited to achieve industry best practices that will contribute to achieving the following: (i) Safety, (ii) Reliability, (iii) Cost-Effectiveness, (iv) Customer Experience, and (v) Resiliency. In addition, moving to an enterprise software platform will enable the rationalization of the existing portfolio of related systems and associated support costs including staff.

In order to acquire this software, a Request for Proposals (RFP) was publicly advertised and eighty-four (84) firms received the RFP. Six (6) proposals were received. The Selection Committee, consisting of representatives from MTA Headquarters, MTA New York City Transit, MTA Bus, MTA Long Island Rail Road, MTA Metro-North Railroad, MTA Bridges & Tunnels, and MTA Information and Technology, evaluated the proposals based on the criteria set forth in the RFP and recommended that two of the six firms be invited to make oral presentations. Upon conclusion of the oral presentations, the Selection Committee determined that Sygma Technology/INFOR is the most qualified and best suited to provide this software and maintenance. MTA conducted a responsibility review and other due diligence on Sygma Technology/INFOR and has deemed them to be responsible for award

As a result of negotiations, the originally proposed cost of \$48,231,177 proposed by Sygma Technology/INFOR was reduced to \$26,957,290 representing a negotiated savings of \$22,273,887 or 46%. There are no prior comparable software purchases with which this cost can be compared. Based on the negotiated savings, the total combined cost of \$26,957,290 is deemed fair and reasonable.

MTA Department of Diversity and Civil Rights has assigned a 17% DBE goal to this contract. Sygma Technology/INFOR has not completed any MTA contracts with goal; therefore, no assessment of the firm’s MWDBE performance can be determined at this time.

Staff Summary

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts

Item Number:

Page 1 of 2

Vendor Name (& Location): ABM Janitorial Services Northeast, Inc.	Contract Number: 12096-0100	AWO/Modification # 2
Description: Custodial and Engineering Services	Original Amount:	\$24,937,853.00
Contract Term (including Options, if any): March 1, 2013 to October 31, 2016	Prior Modifications:	\$ -
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:	\$24,937,853.00
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$5,600,000
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:	22.5%
Requesting Dept/Div & Dept/Div Head Name: Real Estate/Facilities & J. Rosen/ P. DeCapua	% of Modifications (including This Request) to Original Amount:	22.5%

DISCUSSION:

To recommend that the Board: (i) approve an amendment to a previously Board-approved, competitively awarded, miscellaneous service contract with ABM Janitorial Services Northeast, Inc. (“ABM”) for additional funding in the amount of \$5,600,000 and (ii) extend the contract period of performance for seven months from April 1, 2016 to October 31, 2016.

In January 2013, the Board approved a contract with ABM Janitorial Services Northeast, Inc., to provide Custodial & Engineering Services for 2 Broadway and Custodial Services only for 525 North White Plains and the Jamaica Control Center for a three-year period. MTA is in the process of consolidating custodial and engineering services to include Metro-North Railroad (420 Lexington Ave.), Grand Central Terminal and the MTA Police locations throughout the tri-state region, therefore, additional time and funds are required to complete a competitive RFP process for these essential services.

The rates, which are based on the New York State Prevailing Wage Rates will remain the same.

MARCH 2016
MTA REAL ESTATE
LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL

MTA NEW YORK CITY TRANSIT

Acquisition of property adjacent to NYCT's Myrtle Viaduct, Block 3193, Brooklyn, NY

License agreement with Newsday LLC d/b/a amNewYork and SB New York, Inc. d/b/a Metro for newsracks at select NYCT subway stations

Reconfiguration of entrances at 370 Jay Street, Brooklyn, NY

METROPOLITAN TRANSPORTATION AUTHORITY

Determination and findings under New York Eminent Domain Procedure Law to terminate sublease for public parking garage at 2 Broadway in Manhattan

All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by Public Authorities Law Sections 2895-2897
(Available on Director's Desk Exhibit Book & MTA.INFO)

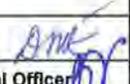
Sale of excess zoning floor area in eastern rail yard at John D. Caemmerer West Side Yard in Manhattan

Staff Summary

Subject PROPERTY ACQUISITION
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name FRANK PHILLIPS

Date MARCH 21, 2016
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/21/2016	X		
2	Board	3/23/2016	X		

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

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

PROJECT: Myrtle Viaduct Reconstruction Project

LOCATION: Kings County Tax Block 3193, Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 20, 21, 22, 37, 38, 120, and 121 (the "Properties")

ACTION REQUESTED: Authorization to commence preliminary steps for acquisition of property interests in any or all of the Properties listed above

COMMENTS:

The Myrtle Viaduct (the "Viaduct") is a 310 foot elevated, s-shaped viaduct segment located at the intersection of the Myrtle Line (accommodating the "M" subway service) and the Jamaica Line (accommodating the "J" and "Z" subway service) in the Borough of Brooklyn. The structure is the only connection between the Myrtle Line and Jamaica Line in Brooklyn. The Viaduct, which carries two tracks, cuts through Kings County Tax Block 3193, a triangularly-shaped parcel bounded by Myrtle Avenue, Broadway and Ditmars Street. It was built in the early 1900's adjacent to existing structures that still remain, coming within 10 feet of seven two-story residential buildings to the east and within one foot, in places, of the rear of a two-story mixed-use building to the west. While interim repairs have been made, the current condition of the Viaduct necessitates prompt attention. NYCT's plan for the Viaduct project calls for demolishing and removing the existing concrete pier, deck and track structures and replacing them with new concrete piers, deck and track, together with new third rail and signaling appurtenances. The project's design is anticipated to be completed next month and NYCT anticipates awarding the construction contract in November 2016.

The Project work will involve demolition and removal of existing pier, deck and structures and placing new piers, decks and tracks into place. Because of the close proximity of residential and commercial properties to the work site, NYCT has determined that all occupants in properties adjacent to the Viaduct in Block 3193 may need to be vacated while Viaduct demolition and new construction work is underway. Currently, there are approximately 26 residential and 2 commercial occupants on the block. The anticipated duration of the relocations is between 6 to 10 months. MTA Real Estate and Legal will work with an on-call relocation consultant to complete all relocations to provide suitable accommodations, relocation assistance and compensation to the affected individuals and businesses, and without delay to the project.

Because of the potentially long durations of the relocations, it is possible that some property owners may not wish to return or may wish to sell their properties while NYCT's work is underway. These properties consist of 7 homes, 2 commercial buildings and 2 vacant sites, one of which has approvals in place for a new residential development. Because it may be difficult if not impossible for owners to sell or develop their properties while NYCT's Viaduct work is underway, we seek MTA

Staff Summary

FINANCE COMMITTEE MEETING Myrtle Viaduct Reconstruction Project (Cont'd.)

Board approval to give property owners the option of selling their properties outright to MTA at fair market value or receiving fair rental value while they or their tenants are displaced. For negotiated property purchases, MTA would offer compensation at its highest approved appraisal and seek further Board approvals for any proposed purchases that exceed the amounts of MTA's appraisals. If MTA purchases any of these properties, MTA Real Estate will develop a plan to dispose of them at the highest achievable price after NYCT's Viaduct Project is completed.

Finally, NYCT's existing property rights to maintain the Viaduct, which were obtained by NYCT's predecessors prior to the Viaduct's construction in the early 1900's, may need to be expanded to accommodate the anticipated demolition and reconstruction work as well as additional access rights across private properties during the project and for future maintenance and repair of the new Viaduct.

If negotiated agreements cannot be reached, MTA will commence condemnation proceedings in state court to temporarily vacate occupants, gain access rights to all properties during construction and obtain permanent easements for future access and maintenance of the new Viaduct. Condemnation will not be used to acquire any of the 7 homes or 2 commercial buildings. Any acquisitions of those sites only will proceed on a voluntary basis.

The following is a list of the properties where acquisition of property interests for the Project may be required and a site plan showing the location of the Viaduct in relation to the affected properties:

Address:	Block 3193 Lot #:
1178 Myrtle Avenue	1
1168 Myrtle Avenue	3
29 Ditmars Street	4
27 Ditmars Street	5
25 Ditmars Street	6
23 Ditmars Street	7
21 Ditmars Street	8
19 Ditmars Street	9
17 Ditmars Street	10
15 Ditmars Street	11
13 Ditmars Street	12
11 Ditmars Street	13
979 Broadway	17
977 Broadway	18
975 Broadway	20
971 Broadway	21
967 Broadway	22
1156 Myrtle Avenue	37
1158 Myrtle Avenue	38
973 Broadway	120
969 Broadway	121

Based on the foregoing, MTA Real Estate requests approval to commence the tenant relocation and property acquisition process described above and to adopt the attached Resolution authorizing MTA to commence the proposed acquisition process in order to preserve MTA's rights and lessen the potential for future delays to the Project. If negotiated agreements are reached with respect to any temporary and permanent easements prior to the filing of condemnation papers with the court, the terms of such agreements will also be presented to the Finance Committee and Board for approval.

Staff Summary

FINANCE COMMITTEE MEETING
Myrtle Viaduct Reconstruction Project (Cont'd.)



BOARD RESOLUTION

WHEREAS, New York City Transit (“NYCT”) is undertaking a project (the “Project”) to demolish and reconstruct the Myrtle Avenue Viaduct (the “Viaduct”), a 310 foot elevated, s-shaped viaduct segment located at the intersection of the Myrtle Line (accommodating the “M” subway service) and the Jamaica Line (accommodating the “J” and “Z” subway service) in the Borough of Brooklyn.

WHEREAS, the Viaduct cuts through Kings County Tax Block 3193, a triangularly shaped parcel bounded by Myrtle Avenue, Broadway and Ditmars Street.

WHEREAS, in connection with the Project, the following real estate related actions may be required:

- Temporary relocations of residential and commercial occupants in properties adjacent to the Viaduct in Block 3193 for an estimated 6 to 10 months, but potentially longer.
- Because of the potentially long durations of the relocations, it is possible that some property owners may not wish to return or may wish to sell their properties while NYCT’s work is underway. These properties consist of 7 homes, 2 commercial buildings and 2 vacant sites, one of which has approvals in place for a new residential development. Because it may be difficult if not impossible for owners to sell or develop their properties while NYCT’s Viaduct Project is underway, property owners will have the option of selling their properties outright to MTA at fair market value or receiving fair rental value while they or their tenants are displaced. For property purchases, MTA would offer compensation at its highest approved appraisal and seek further Board approvals for any proposed purchases that exceed the amounts of MTA’s appraisals. If MTA purchases any of these properties, MTA Real Estate will develop a plan to dispose of them at the highest achievable price after NYCT’s Viaduct Project is completed.
- NYCT’s existing property rights to maintain the Viaduct, which were obtained by NYCT’s predecessors prior to the Viaduct’s construction in the early 1900’s, may need to be expanded to accommodate the anticipated demolition and reconstruction work as well as additional access rights across private properties during the Project and for future maintenance and repair of the new Viaduct.
- The properties that may be subject to the foregoing real estate related actions are as follows: Kings County Tax Block 3193, Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 20, 21, 22, 37, 38, 120, and 121 (the “Properties”)

WHEREAS, MTA will seek to reach negotiated agreements to temporarily vacate occupants, gain necessary access rights to all Properties during construction and obtain permanent easements for future access and maintenance of the new Viaduct and will commence eminent domain proceedings in state court with respect to those temporary relocations and foregoing access rights and property interests that cannot be obtained by agreements with the affected parties. Eminent domain will not be used to acquire any of the 7 homes or 2 commercial buildings. Any acquisitions of those sites only will proceed on a voluntary basis.

NOW, THEREFORE BE IT

RESOLVED, that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member is authorized to proceed with the real estate related activities described above through negotiated agreements (subject to further approval by the Finance Committee and Board of MTA of the material economic terms of any property interests that exceed MTA’s appraised values) or eminent domain, except that acquisitions of any of the 7 homes and 2 commercial buildings will only proceed on a voluntary basis with MTA Board’s approval.

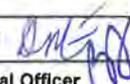
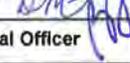
This Resolution shall take effect immediately upon its adoption.

Staff Summary

Subject LICENSE AGREEMENT
Department MTA REAL ESTATE & NYCT LAW DEPARTMENT
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name IAN SALSBERG / DIANE M. NARDI

Date MARCH 21, 2016
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/21/16	X		
2	Board	3/23/16	X		

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

AGENCY: New York City Transit ("NYCT")

LICENSEES: Newsday LLC d/b/a amNewYork and SB New York, Inc. d/b/a Metro (the "Publications")

LOCATIONS: Approved stations throughout the subway system

ACTIVITY: Installation of news racks for distribution of free papers

ACTION REQUESTED: Approval of terms

TERM: Up to six years, terminable at will by NYCT upon 30 days' notice, or by Licensee annually

COMPENSATION: 1 full-page 4-color ad per week in each Publication (the "Publication Ad Space")

COMMENTS:

To address concerns arising out of the distribution of free newspapers in NYCT subway stations, in December 2013 NYCT entered into a pilot program to assess the feasibility and desirability of facilitating distribution of the Publications' newspapers by means of agency-approved self-service news racks (the "Pilot"). Prior to the implementation of the Pilot, the Publications customarily distributed their newspapers through "hawkers" and/or by leaving them in unattended bundles. These practices created safety concerns, in that they impeded customer flow and resulted in bottlenecking at ingress and egress points; and they increased litter levels within the station, as unused bundles were left for NYCT employees to remove and papers would often end up on the train tracks, increasing the likelihood of track fires. A total of eight subway stations participated in the Pilot, which ran for approximately two years.

Having deemed the Pilot a success, NYCT is now prepared to enter into non-exclusive license agreements with the Publications, providing for the use at approved locations throughout the subway system of news racks of a uniform design as to which both NYCT's Architecture Subdivision and MTA Arts & Design have provided input (the "Racks"). Each Publication will be required to fill its own Racks and to remove uncollected papers daily by designated times in the morning and evening, as well as to clean areas immediately surrounding its Racks. The Publications will be prohibited from disposing of surplus papers in NYCT's garbage receptacles, and from distributing their newspapers within the subway system by any method other than use of the Racks.

Entering into the proposed license agreements will enable NYCT to avoid paying the tens of thousands of dollars that NYCT has been spending annually in recent years to obtain use of advertising space for agency messaging, in addition to the significant trash removal expenses that NYCT anticipates it will avoid annually by reason of such agreements being in effect. In addition to the cost savings, the compensation proposed will provide an added value in that the Agency will be guaranteed more visible four-color ads in the front portion of papers that have proven to be efficient vehicles for important messaging to its customers.

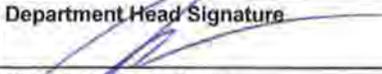
Staff Summary

FINANCE COMMITTEE MEETING

amNY and Metro Newspapers (Cont'd.)

Based on the foregoing, MTA Real Estate and NYCT request authorization to enter into license agreements with the Publications on the above-described terms and conditions.

Staff Summary

Subject RECONFIGURATION OF ENTRANCES
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name Anthony Febrizio, NYCT

Date MARCH 21, 2016
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/21/16	X		
2	Board	3/23/16	X		

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

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

LOCATION: The entrances to the Jay Street/Metrotech Station on the A, C, F and R lines that are located within the building at 370 Jay Street, Brooklyn, New York (the "Entrances").

ACTION REQUESTED: To obtain Board authorization for the reconfiguration of the Entrances and to surrender the resulting surplus property to the City of New York (the "City") as contemplated by the master lease dated June 1, 1953 as amended, between the City and NYCT (the "Master Lease").

COMMENTS:

Until recently, the entire building at 370 Jay Street (the "Building"), which formerly housed NYCT's headquarters, was leased by NYCT from the City pursuant to the Master Lease. In 2012, based on the attached April 19, 2012 staff summary, the MTA Board approved and MTA Real Estate executed on behalf of NYCT an agreement with the City and NYU that provided for the surrender of the Building to the City, and the re-letting of the Building to New York University ("NYU") for redevelopment by NYU (the "Redevelopment"). Such agreement provided that such surrender and re-letting would be subject to the retention by NYCT of the Entrances, as well as certain other areas to be used for among other purposes a new NYCT telecommunications room to be built by NYCT with NYU funding (together with the Entrances, the "Retained Areas").

On March 6, 2015, approximately 18 months earlier than anticipated, NYCT surrendered the Building to the City, exclusive of the Retained Areas, and executed an easement agreement with the City and NYU governing the parties' respective rights and obligations with respect to the Retained Areas, which continue to be covered by the Master Lease.

At the time of the original negotiations, NYCT and NYU discussed, but did not reach agreement concerning, a possible reconfiguration of the Entrances, the current layout of which results in awkward and inefficient passenger flow, and which contain spaces at and below street level that are oversized for their purpose and difficult to maintain. However, now that the Redevelopment is in progress, the parties have resumed such discussions, with an eye toward coordinating construction work relating to the entrances with the Redevelopment so as to minimize cost and disruption.

The Entrances currently contain four escalators - two at each end of the Building. NYCT now proposes to replace such escalators with two up-only escalators (one at each end of the Building), to shrink and realign the Entrances in order to eliminate wasted space and provide for more direct and safer passenger flow, and, subject to the City's agreement, to surrender to the City the resulting surplus areas, for which NYCT has no use, thereby improving NYCT's customer experience and avoiding an estimated \$150,000 per year in maintenance expenses.

Staff Summary

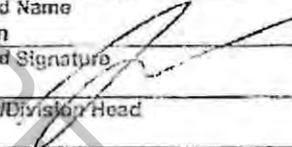
FINANCE COMMITTEE MEETING RECONFIGURATION OF ENTRANCES (Cont'd.)

As a result of negotiations, NYU has agreed to design and perform such work (the "Entrance Work") as part of the Redevelopment. NYCT would reimburse NYU for its documented out-of-pocket costs relating to the Entrance Work, without any mark-up for overhead and profit. Separate purchase orders would be issued for the Entrance Work with NYCT's approval, based on separate bids to be solicited from trade contractors by Skanska, NYU's construction manager. All such bids would be delivered in sealed envelopes; bid openings would be witnessed by three NYU personnel and at least two NYCT representatives; and bid results would be recorded by NYU and verified by NYCT. Skanska's fee and charges for general conditions would be calculated in the same manner for the Entrance Work as for the rest of the Redevelopment. The estimated cost of consultant design is \$750,000 or approximately 5% of the construction value. NYCT finds this to be appropriate and in keeping with its experience with similar projects.

Based on the remaining useful life of the existing escalators in the Entrances, the Entrance Work would in the normal course be scheduled for 2021, when the Redevelopment would have been completed, certain work performed in connection with the Redevelopment would have to be demolished and then restored at NYCT's cost and NYU's new facilities would be in active use, such that the performance of the Entrance Work would be more difficult and costly. Indeed, NYCT has estimated that performing the Entrance Work itself in 2021 and in accordance with its conventional contracting procedures would cost approximately \$25 million, approximately \$10 million in excess of Skanska's current estimate.

Based on the foregoing, MTA Real Estate requests authorization to enter into agreements providing for the reconfiguration of the Entrances on the above-described terms and conditions.

Staff Summary

Subject 370 Jay Street Disposition
Department Real Estate
Department Head Name Jeffrey B. Rosen
Department Head Signature 
Project Manager/Division Head

Date April 19, 2012
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/23	x		
2	Board	4/25	x		
3					

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

Purpose:

To obtain Board authorization to surrender NYCT's former headquarters at 370 Jay Street in Brooklyn, New York ("the Building") to the City of New York ("City"), subject to the reservation of easements necessary to allow for the relocation of certain vital NYCT telecommunications equipment still located in the Building.

Discussion:

Like many of the buildings NYCT uses in its operations, the Building is owned by the City and is covered by the so-called "master lease" between the City and NYCT dated June 1, 1953, as amended (the "Master Lease"). The Building still houses certain vital telecommunications equipment (the "NYCT Equipment"), as well as a small number of NYCT operations and some equipment belonging to the Transit Bureau of the New York City Police Department (the "NYPD Equipment"). However, much of the Building has been vacant since NYCT headquarters moved to 2 Broadway. The Building is in poor condition, and both its façade and all of its major building systems require replacement.

At one time -- when office rents elsewhere in the City were higher than they are today and prior to the MTA's recent administrative headcount reductions -- it was anticipated that it would be cost effective to use NYCT capital dollars to renovate the Building for NYCT office use, thereby enabling NYCT to reduce its operating expenses by allowing space leases at other locations to expire. Last year, however, it was determined that the MTA's financial interests would be better served by increasing the number of employees occupying its office facility at 2 Broadway, at a relatively small marginal cost per desk, and selling the MTA's property at 341-347 Madison Avenue, rather than renovating the Building. This decision took into account a variety of factors, including the very substantial projected cost of such renovation (in excess of \$200 million), the relatively favorable terms on which the MTA has been able to rent space at 333 West 34th Street and elsewhere and, above all, the impact of the MTA's recent downsizing initiatives on the MTA's office space needs.

The Master Lease contemplates that, when and if NYCT determines that a Master Lease property is no longer required by it, NYCT shall surrender such property to the City without compensation. In the present case, NYCT will be in a position to determine that the Building is no longer required and suitable for surrender only if NYCT is paid an amount sufficient to cover its cost of relocating the NYCT Equipment. Accordingly, the City has agreed to an arrangement whereby NYCT will be paid \$50 million, the estimated cost of such relocation.

Once a Master Lease property is surrendered, it is the City's prerogative to dispose of such property in any lawful manner, and, as is its customary practice, the City has elected to offer the Building for sale or lease through the New York City Economic Development Corporation ("EDC"). Pursuant to EDC's July 2011 request for proposals from educational institutions interested in developing applied sciences campus in the City (the "RFP"), New York University ("NYU") has proposed to acquire the Building for the purpose of establishing a new "Center for Urban Science and Progress" ("CUSP"); and, subject to EDC Board approval and mayoral authorization pursuant to Section 384(b)(4) of the New York City Charter (which will require completion of review under the State Environmental Quality Review Act ("SEQRA") that

will include the MTA and NYCT as "involved agencies"), the City and EDC have agreed to cause the Building to be net leased to NYU, in consideration of NYU (a) accepting the Building in its "as is" condition, (b) paying for the relocation from the Building of the NYPD Equipment and (c) paying \$50 million to NYCT. The rent under such lease will be \$1 per year, as EDC has determined that the payments to be made to the MTA and NYPD constitute fair compensation for the value of the Building.

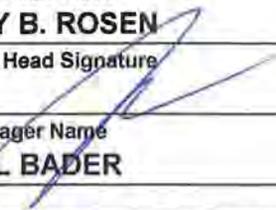
In consideration of NYU depositing such \$50 million amount in escrow, NYCT will relocate the NYCT Equipment in two phases of work. By the end of the 24-month first phase (which will commence after certain pre-conditions to the start of the work have been satisfied), NYCT will be obligated to vacate all but certain specified above- and below-ground temporary and permanent easement areas, and it is then that the surrender of the Building by NYCT and leasing of the Building by the City to NYU (subject to such easements) will take place. By the end of the following 18-month second phase, NYCT will be obligated to vacate all but the below-grade permanent easement areas (which will house the relocated NYCT Equipment). The pre-conditions to NYCT's obligation to begin the relocation work will include EDC Board approval and Mayoral authorization (following completion and consideration of the SEQRA review), completion by NYU of its due diligence with respect to the condition of the Building and the depositing by NYU of the aforementioned \$50 million payment with an escrow agent (to be disbursed by such escrow agent to NYCT in installments as specified steps in the relocation of the NYCT Equipment are completed). If, as a result of negative findings during its due diligence, NYU decides not to proceed with the transaction, the position of NYCT and the City with respect to the Building will revert to the status quo.

The \$50 million payment due from NYU to NYCT will be subject to reduction to the extent of specified liquidated damages in the event of unexcused lateness in the abandonment of the premises by NYCT. However, such damages will be capped at \$9 million pre-closing and \$5 million post-closing, and NYCT is confident that it can accomplish the required work in the allotted time.

Recommendation:

It is recommended that the Board authorize the surrender of the Building to the City (subject to the reservation of appropriate easements to accommodate the relocation of the NYCT Equipment), such that the Building shall no longer be subject to the Master Lease, on the above-described terms and conditions.

Staff Summary

Subject EMINENT DOMAIN DETERMINATION & FINDINGS
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name MICHAEL BADER

Date MARCH 21, 2016
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/21/16	X		
2	Board	3/23/16	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA")
 PROPERTY: 2 Broadway Garage (Manhattan; Block: 11; Lot: 1)
 TENANT: Kura River Management Ltd. ("Kura River")
 ACTION REQUESTED: Approval of Determination and Findings under the New York Eminent Domain Procedure Law to terminate the sublease to a private garage operator for public parking in the basement of 2 Broadway and to take over that space for MTA's own use.

COMMENTS:

Board approval is sought to terminate, by eminent domain, MTA's sublease to a private garage operator for public parking in the basement of 2 Broadway, New York, New York. As we advised the Board in our July 2015 staff summary (in which we requested Board approval to take preliminary steps in the eminent domain process), MTA's master lease for 2 Broadway includes a pre-existing sublease to the garage tenant/operator, Kura River Management Ltd. ("Kura River").

MTA's move of its headquarters to 2 Broadway and consolidation of other MTA agency functions in the building has resulted in increased needs for storage and office support space in the basement and other areas of the building and, as critical functions have been further consolidated in one building, security issues have been revisited. Consequently, it has been determined that it would be in MTA's best interests to terminate the garage tenancy and take over the garage space for MTA's own use. Because Kura River's sublease does not provide for any termination other than by reason of tenant defaults, MTA must terminate the sublease through a negotiated agreement or by eminent domain.

On February 29, 2016, MTA held a public hearing under the New York Eminent Domain Procedure Law ("EDPL") to review the public uses, benefits, purposes, and general impacts of terminating the garage sublease and taking over the garage space for MTA's own use and to give the public an opportunity to comment on MTA's proposed actions. As required by law, a notice of the hearing was published in newspapers and was sent by certified mail to the garage tenant and other interested parties. Following a presentation by the MTA's hearing officer, meeting attendees were given an opportunity to make statements on the record, but none of the attendees elected to do so and no written comments on MTA's proposed actions were received.

MTA Real Estate and Legal will continue discussions with the garage tenant's representatives and MTA Legal will commence a court proceeding to terminate the lease by eminent domain if those discussions are not fruitful. Therefore, MTA staff recommends Board approval of the termination, by eminent domain if necessary, of the garage sublease and approval of the attached Determination and Findings that are legally required under the EDPL.

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

Termination of Sublease for Garage Parking

Subleased Premises: Garage area in the basement of the building at 2 Broadway, New York, New York (a/k/a Manhattan Tax Block 11, Lot 1) together with the entrance thereto on Stone Street.

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

1. EDPL Public Hearing.

On February 29, 2016, on prior notice duly given to the public and to the affected tenant and property owner, MTA held an EDPL public hearing to inform the public and to receive the public's comments on MTA's proposed termination of public parking operations in the basement of MTA's office building at 2 Broadway in Lower Manhattan. In order to effectuate such a termination of public parking and MTA's takeover of that space for MTA's own uses, MTA must terminate the private garage operator's sublease. No oral or written comments were received prior to or during the public hearing with respect to MTA's proposed actions.

2. Location and Nature of Property Interests.

In 1998, MTA entered into a long-term net lease of 2 Broadway with the building's owner. MTA's lease has an initial term of 49 years, with two 15-year renewal options. MTA's master lease for 2 Broadway is subject to a pre-existing sub-lease to Kura River Management Ltd. for a public parking garage in the basement with a legal capacity of 56 parking spaces. The space demised under the sublease includes a basement parking garage with an access ramp on Stone Street. Kura River's sublease, which was assigned to MTA, commenced on January 1, 1997 and will expire on December 31, 2026.

3. Public Uses, Benefits and Purposes.

MTA has made extensive renovations to 2 Broadway and over time has expanded its use of the building for itself and its various subsidiaries and affiliates, including New York City Transit, MTA Bridges and Tunnels, the MTA Bus Company, and the MTA Capital Construction Company. Over the past several few years, 2 major moves to 2 Broadway have taken place: New York City Transit's move of personnel from its former headquarters in downtown Brooklyn and MTA's move of its former headquarters in Midtown Manhattan. In addition, MTA has consolidated various operating agency functions at 2 Broadway, including its Data Center. These actions have resulted in greatly increased needs for storage and office support space in the basement and other areas of the building.

As critical functions for various MTA agencies have been, or are in the process of being consolidated at 2 Broadway, MTA has taken a hard look at ways to improve security in the building. MTA has determined that it would be in its best interests to terminate the garage tenancy and take over the garage space for MTA's own use. Although terminating the garage lease will result in a loss of income to MTA, the income loss will be more than offset by the value of reclaiming the space for MTA's needs, completing storm water mitigation and building resiliency projects, and enhancing the building's overall safety and security. None of these objectives can be satisfactorily achieved without terminating the garage operator's sublease and eliminating public parking in 2 Broadway's basement. Because Kura River's sublease does not provide for any termination other than by reason of tenant defaults, MTA must terminate the lease by agreement with the subtenant or by eminent domain in order to effectuate the public uses, benefits and purposes described above.

MTA's proposed action is limited to terminating the sublease to Kura River only. The termination of the sublease to Kura River will neither impact the fee interest to 2 Broadway nor the owner's master lease of 2 Broadway to MTA, which will remain in effect as to the premises demised under the master lease, including the garage space. Consequently, there will be no reduction in MTA's net rent payable to the owner and no change in MTA's obligations under the master lease as a result of terminating the garage sublease. Finally, MTA's right to occupy the garage space after the garage lease is terminated will be coterminous with, and will not extend beyond, the term of MTA's master lease for 2 Broadway and any extended term of the master lease for which MTA has given the requisite notice to its landlord.

4. Reasons for Selecting the Location of Property Interests to Be Acquired for MTA's Needs.

MTA's expanded use of office space at 2 Broadway requires additional space for on-site storage and back office support space. Terminating the garage operator's sublease will allow MTA to address those needs on-site while also providing space for MTA's storm water mitigation and building resiliency projects and increasing security at 2 Broadway by eliminating public access to the basement.

5. General Effects of the Project on the Environment and Residents of the Local Community.

MTA's proposed termination of the parking garage sublease at 2 Broadway and MTA's proposed use of the garage space for its own public purposes are actions that are exempt from the State Environmental Quality Review Act under Section 1266(11) of the Public Authorities Law because they constitute insubstantial additions to MTA's existing transportation use of the building. In any case, the termination of public parking at 2 Broadway will involve the loss of only 56 public parking spaces in the neighborhood. There are more than enough public parking garages in Lower Manhattan to accommodate the garage's current users and the garage tenant will be compensated for the unexpired term of its lease in accordance with New York law. All construction work in the garage to facilitate MTA's new uses will be conducted in accordance with all applicable standards and mitigation measures will be incorporated as practicable.

ATTENTION: PURSUANT TO EDPL § 207, ANY PERSON WHO CLAIMS TO BE AGGRIEVED BY THIS DETERMINATION AND FINDINGS MAY SEEK JUDICIAL REVIEW OF IT BY DULY COMMENCING A LEGAL PROCEEDING IN THE APPELLATE DIVISION, FIRST DEPARTMENT, 27 MADISON AVENUE, NEW YORK, NEW YORK NO LATER THAN THIRTY (30) DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DETERMINATION AND FINDINGS OR A SYNOPSIS THEREOF.

Staff Summary

Subject PROPERTY DISPOSITION GUIDELINES
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN; LAMOND W. KEARSE
Department Head Signature 
Project Manager Name STEPHEN AMBOS; LAMOND KEARSE

Date MARCH 21, 2016
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/21/16	X		
2	Board	3/23/16	X		

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

Purpose:

To obtain MTA Board approval of revised and updated 2016 MTA Real Estate Department Policies and Procedures for the Leasing-Out and Sale of Real Property (the "2016 Real Property Disposition Guidelines") and the 2016 All-Agency Guidelines for the Disposal of Personal Property (the "2016 Personal Property Disposition Guidelines"), each promulgated in accordance with Sections 2895-2897 of the New York Public Authorities Law (the "Property Disposition Law").

Discussion:

The Property Disposition Law requires that public authorities annually review and approve guidelines regarding the disposition of property. The 2016 Real Property Disposition Guidelines, prepared by the MTA Real Estate Department, are annexed as Attachment A to this staff summary. The 2016 Personal Property Disposition Guidelines, prepared by MTA Corporate Compliance in consultation with Agency procurement departments, are annexed as Attachment B to this staff summary. Attachment C to this staff summary contains a list of the Personal Property Disposition Contracting Officers, as required by Property Disposition Law.

Real Property Disposition Guidelines

In March of 2015, the MTA Board adopted the MTA Real Estate Department's current real property disposition guidelines, which (i) detailed MTA Real Estate's operative policies and procedures regarding the disposition of real property, consistent with the requirements of the Property Disposition Law, and (ii) designated the MTA Director of Real Estate as the Real Property Disposition Contracting Officer for the MTA and the MTA agencies.

The 2016 Real Property Disposition Guidelines (see Attachment A) are substantially the same as the 2015 guidelines approved by the Board, and contain only minor technical changes and corrections, as well as attaching to it the current GCT Leasing Guidelines.

Personal Property Disposition Guidelines

In March of 2015, the MTA Board adopted the current All-Agency Guidelines for the Disposal of Personal Property to provide a consistent set of personal property disposal policies and practices, which comply with the Property Disposition Law, across the MTA agencies.

The 2016 Personal Property Disposition Guidelines (see Attachment B) are substantially the same as the 2015 guidelines.

Staff Summary

FINANCE COMMITTEE MEETING Property Disposition Guidelines (Cont'd.)

Recommendation:

It is recommended that the Board adopt the resolution attached to this Staff Summary approving the 2016 Real Property Guidelines and the 2016 Personal Property Guidelines, ratifying the appointment of the MTA Director of Real Estate as the Real Property Disposition Contracting Officer for the MTA and MTA Agencies, and designating the MTA and MTA agency staff members listed on Attachment C to this Staff Summary as the Contracting Officers for the MTA and MTA Agencies as the officers responsible for disposition of personal property.

RESOLUTION

WHEREAS, the Public Authorities Law in Sections 2895-2897 (the “Property Disposition Law”) requires annual review and approval by resolution of guidelines detailing a public authority’s operative policy and instructions regarding disposition of property and the designation of a contracting officer responsible for the administration of such disposition guidelines;

WHEREAS, the boards of Metropolitan Transportation Authority and its subsidiaries and affiliates (collectively, the “MTA Agencies”), in accordance with the requirements of the Property Disposition Law, have reviewed and by this resolution wish to approve of the MTA Real Estate Department Policies and Procedures for the Leasing-Out and Sale of Real Property (the “ 2016 Real Property Guidelines”) and the MTA All-Agency Guidelines for the Disposal of Personal Property (the “2016 Personal Property Guidelines”) referred to in the Staff Summary to which this Resolution is attached (the “Staff Summary”) and to designate the MTA Director of Real Estate as the Real Property Disposition Contracting Officer and to designate the MTA Agency staff persons listed in Attachment C to the Staff Summary as Personal Property Disposition Contracting Officers;

NOW, THEREFORE, BE IT:

RESOLVED, that the 2016 Real Property Guidelines are hereby adopted in accordance with the requirements of the Property Disposition Law; and

RESOLVED, that the 2016 Personal Property Guidelines are hereby adopted in accordance with the requirements of the Property Disposition Law; and

RESOLVED, that the MTA Director of Real Estate is hereby designated as the Real Property Disposition Contracting Officer for the MTA Agencies in accordance with the requirements of Property Disposition Law; and

RESOLVED, that the persons listed in Attachment C to the Staff Summary are hereby designated as Personal Property Disposition Contracting Officers in accordance with the requirements of the Property Disposition Law.

Dated: March 23, 2016

Staff Summary

Subject SALE OF DEVELOPMENT RIGHTS
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name ROBERT PALEY

Date MARCH 21, 2016
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/21/16	X		
2	Board	3/23/16	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA")
 PURCHASER: ERY Tenant LCC or affiliate c/o Related Companies LP ("Purchaser")
 LOCATION: Eastern Rail Yard of the John D. Caemmerer West Side Yard bounded by 33rd and 31st Streets and 10th and 11th Avenues
 ACTIVITY: Sale of 60,000 square feet of excess Zoning Floor Area
 ACTION REQUESTED: Approval of terms
 COMPENSATION: \$15,750,000; \$262.50 per square foot of ZFA

COMMENTS:

The Declaration of Easements for the Eastern Rail Yard ("ERY") imposed by MTA in connection with the development of the ERY provides that up to 100,000 square feet of excess Zoning Floor Area ("Excess ZFA") may be made available by MTA to any owner of a subdivided development site of the ERY air rights parcel (each a "Severed Parcel"). The New York City Zoning Resolution provides that the Excess ZFA may only be used on Severed Parcels at the ERY, and not on other sites. The Related Companies, L.P. ("Related"), the developer of the ERY, owns, through various controlled subsidiaries, all of the Severed Parcels of the ERY. Thus, Related is the only potential purchaser of the Excess ZFA. Related has requested the purchase of 60,000 square feet of Excess ZFA to be incorporated into Tower E, and to reserve any additional Excess ZFA as may be needed when the five buildings under construction on ERY are measured at the end of construction. The initial sale would be closed upon execution of the Severed Parcel Lease for Tower E, currently anticipated for May.

The availability of the 100,000 square feet of Excess ZFA arose because the Culture Shed, a not for profit cultural facility being constructed on the ERY, used only 100,000 of the initial 200,000 ZFA allotted to it in the original development plan. Because the 100,000 square feet of Excess ZFA may only be used on the ERY and Related controls the development of all severed parcels, the only feasible way to sell the Excess ZFA is by a negotiated disposal.

The Excess ZFA is in addition to (and legally separate from) the ERY Transferable Development Rights ("TDR's") as provided for in the New York City Zoning Resolution. ERY TDR's, which total 4.5 million square feet, are sold from time to time to eligible receiving sites located off-site of the ERY designated as such in the New York City Zoning Resolution. By agreement with the City of New York, Hudson Yards Development Corporation (HYDC) acts as agent for the sale of these TDRs. Because ERY TDR's cannot be sold by bid or other competitive means due to limitations placed by zoning, HYDC established an ERY TDR pricing mechanism policy. That policy determines the fair market price of the TDR's by first establishing a fair market value for the fee that is to receive the TDR's. It then discounts that fee value by a percentage as

Staff Summary

FINANCE COMMITTEE MEETING Related Companies LP (Cont'd.)

determined by the discount applied by the market to TDR sales in general. HYDC's current discount as determined by a 2013 study is 65%.

MTA retained an independent appraiser to evaluate both the fee value of the Tower E Parcel to which 60,000 ZFA of the Excess ZFA would be transferred, and to give guidance with respect to the appropriate discount. MTA's appraiser determined that the fee value of the parcel is \$350 per square foot. The appraiser further determined that the range of comparable discounts for air rights sales in the surrounding area is between 35.9% and 95.7%; the average of all sales is 59.5% and the median is 65.8%. The latter is very close to HYDC's 65% discount, which would yield an Excess ZFA price of \$227.50 per square foot. Purchaser initially offered to pay 60% of the fee value, which would yield an Excess ZFA price of \$210 per square foot. MTA's appraiser advised that it would be reasonable to seek a higher discount, equal to 75% of the fee value. This discount rate is 15 percentage points above Purchaser's initial offer and 10 percentage points above the HYDC discount. Based on this discount, MTA negotiated with Purchaser to achieve a purchase price of \$262.50 per square foot of Excess ZFA for a total purchase price for the 60,000 square feet of \$15,750,000.

Because this is a negotiated disposal, the circumstances and terms as subject to MTA board approval are simultaneously being provided to all of the appropriate public officials pursuant to Section 2897 of the Public Authorities Law by submitting both an explanatory statement and a written notification sufficiently in advance of the disposal.

MTA Real Estate recommends approval of the pricing mechanism and the sale of up to 60,000 square feet of excess ZFA as the sale proceeds represents a significant and unanticipated new source of capital revenue. Not proceeding with a transaction with Related for sale of this ZFA would result in the value of this ZFA not being realized by MTA, because once the buildings are completed there would be no further market for this ZFA.

Staff Summary

Subject	Rules and Regulations
Department	Law
Department Head Name	Paige Graves
Department Head Signature	
Project Manager Name	N/A

Date	March 23, 2016
Vendor Name	N/A
Contract Numbers	N/A
Contract Manager Name	N/A
Table of Contents Ref. #	N/A

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

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

PURPOSE

The MTA Bus Company (“MTABC”) seeks Board approval to adopt Proposed Rules of Conduct (“Rules of Conduct”). The Rules of Conduct are intended to promote safety, to facilitate the proper use of MTABC transportation facilities, and to protect its transportation facilities, its customers, its employees and the public. Additionally, the Rules of Conduct are intended to ensure the payment of fares and other lawful charges for the use of MTABC systems.

DISCUSSION

On September 22, 2014, MTABC sought and received Board approval to commence the process for establishing agency rules as set forth in the State Administrative Procedure Act (“SAPA”). As explained in the September 22, 2014 accompanying Staff Summary, MTABC does not have a codified set of rules and regulations to govern conduct on its buses and in its facilities. To date, the regulation of conduct has been based almost exclusively on State penal statutes. The promulgation of the Proposed Rules of Conduct will permit an expansion of the Enforcement Team (“Eagle Team”) to issue appearance tickets and/or order ejection from any MTABC facility for rule violations. Following the receipt of the Board’s approval to commence the rulemaking process, MTABC published its Proposed Rules and supporting materials in the State Register. Pursuant to SAPA §202(1)(a), MTABC accepted the public’s comments on the Proposed Rules for a minimum of 45 days after the Notice of Proposed Rules were published in the State Register. MTABC is seeking the Board’s permission to adopt the Rules of Conduct, to be effective immediately.

Attached as Exhibit A is a summary of the comments and MTABC’s response, and attached as Exhibit B is the 2014 Staff Summary.

FUNDING IMPACT

No funding is required.

ALTERNATIVES

There are no recommended alternatives.

RECOMMENDATION

That the Board adopts the Proposed Rules of Conduct for publication in the NYCRR and the State Register.

EXHIBIT A

ASSESSMENT OF PUBLIC COMMENT

The MTA Bus Company (“MTABC”) published a Notice of Proposed Rule Making in the New York State Register on December 16, 2015. The Notice of Proposed Rule Making entitled “Rules and Regulations Governing the Conduct and Safety of the Public” sets forth rules of conduct to promote safety; to facilitate the proper use of MTABC transportation facilities; and to protect MTABC transportation facilities, its customers, employees and the public (“Proposed Rules”). Pursuant to State Administrative Procedure Act (S.A.P.A) Section 202(1)(a), MTABC accepted public comments for forty-five days after the Notice of Proposed Rule Making was published in the New York State Register.

During the forty-five day period, MTABC received six comments. The comments suggested the following revisions to the Proposed Rules: (1) include emotional support animals in the definition of service animals; (2) exclude eating and drinking from paid areas; (3) extend the definition of farecard to include radio-frequency identification card; (4) remove photography restrictions; (5) remove restriction that passengers refrain from blocking the free movement of others by putting their feet or item on the seat.

The comments and the MTABC’s responses are summarized below:

1. Emotional Support Animals

Two commenters suggested that MTABC include emotional support animal in the definition of “service animals.” One commenter stated that prohibiting emotional support service animals violates the Americans with Disabilities Act (“ADA”). Another commenter suggested that excluding emotional support animals may make it more difficult for veterans with PTSD to use public transportation. The commenters’ suggestions explicitly contradict the Americans with Disabilities Act (“ADA”) and the respective U.S. Department of Justice’s guidance material.

First, the Proposed Rules define “service animal” as:

“a guide dog, signal dog, or other animal individually trained to perform tasks for the benefit of a person with a disability that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a wheelchair, retrieving dropped items or providing rescue assistance. *The term service animal does not include a therapy animal or animal used for emotional support.*” (*Emphasis added*)

The abovementioned definition is consistent with 28 *CFR* 36.104. §36.104 explains that “...the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks . . .” under the definition of “service animal.”

Second, to further clarify the work and tasks that a “service animal” provides, the U.S. Department of Justice’s guidance material explains that:

“... work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.” U.S. Department of Justice: ADA Requirements, http://www.ada.gov/service_animals_2010.htm (last visited Feb. 23, 2016).

Based on the foregoing, the definition of service animal in the Proposed Rules is consistent with the definition set forth in the 28 CFR 36.104 and the U.S. Department of Justice's guidance material.

Finally, the definitions in MTABC's Proposed Rules of Conduct are based on New York City Transit's ("NYCT") Rules of Conduct. Therefore, the requirement for service animals should be consistent, so as not to confuse the public.

2. Exclude Eating And Drinking From Paid Areas

One commenter suggested that customers should be prohibited from eating and drinking in paid areas to save money on cleaning costs. The commenter further suggested that the cost of enforcing the rule should be covered by rule violators. MTABC's Proposed Rules of Conduct are based on NYCT's Rules of Conduct. NYCT's Rules of Conduct do not prohibit eating and drinking in paid areas. Therefore, both rules should be consistent, so as not to confuse the public.

3. Farecard Definition

One commenter suggested that MTABC extends the definition of farecard from magnetically encoded cards to include radio-frequency identification cards. The commenter acknowledges that the definition accurately describes the current farecard system. However, the commenter posits that should MTABC transition to radio-frequency identification cards such as those used in Boston, Atlanta, and Chicago, MTABC will be required to rewrite its definition of farecard. The Proposed Rules explain that farecards "*include, but are not limited to*, (i) value-based, magnetically encoded cards (frequently referred to as pay-per-ride MetroCards) containing stored monetary value from which a specified amount of value is deducted as payment of a fare, and (ii) time-based, magnetically encoded cards (frequently referred to as unlimited ride MetroCards) which permit entrance onto conveyances for a specified period of time." (*Emphasis added*) MTABC acknowledges that its farecard may not solely be limited to magnetically encoded card. Therefore, the definition contains the phrase "*include, but are not limited to*." The phrase denotes that the list is neither restrictive nor exhaustive. Therefore, if MTABC transitions to radio-frequency identification cards, the definition would still apply.

4. Photography Restrictions

One commenter suggested that MTABC remove the restriction for a passenger to take photographs. The Proposed Rules contain no such restriction. The Proposed Rules make clear that "[p]hotography, filming or video recording in any facility or bus is permitted except that ancillary equipment such as lights, reflectors or tripods may not be used. Members of the press holding valid identification issued by the New York City Police Department are hereby authorized to use necessary ancillary equipment. All photographic activity must be conducted in accordance with the provisions of these rules."

5. Blocking Free Movement

One commenter suggested that MTABC remove the restriction that passengers refrain from blocking the free movement of others by putting their feet or items on the seat. The commenter posits that "for many well-meaning passengers it [would be] . . . impossible not to break this rule." MTABC disagrees with this assessment. The Proposed Rules are established to promote safety and protect MTABC transportation facilities. Blocking the free movement of other passengers and placing one's feet on the seat are among the activities MTABC intends to discourage.

EXHIBIT B

Staff Summary



MTA Bus Company

Page 1 of 3

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

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

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

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

Narrative

PURPOSE:

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

DISCUSSION:

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

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

The legal name of MTA Bus is MTA Bus Company.



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

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

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

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

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

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

Staff Summary



Recommendation:

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

Exhibit A

21 NYCRR _____

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

Section _____.1 Authorization and purpose.

- (a) MTA Bus Company ("MTABC") is a public benefit corporation and an independent subsidiary of the Metropolitan Transportation Authority ("MTA") created pursuant to Public Authorities Law, section 1266(5). As such, MTABC is empowered by the New York State Public Authorities Law to make rules and regulations governing the conduct and safety of the public in the use and operation of its transportation facilities, buses and other conveyances. Public Authorities Law, sections 1265(5), 1265(14), 1266(4) and 1266(8).

- (b) These rules are established by MTABC to promote safety, to facilitate the proper use of MTABC transportation facilities, and to protect its transportation facilities, its customers, its employees and the public and to assure the payment of fares and other lawful charges for the use of its system. In addition to these rules, all applicable provisions of the Penal Law or any other applicable law shall continue to be enforceable.

- (c) These rules may be amended or added to from time to time at the sole discretion of MTABC in accordance with law.

Section _____.2 Definitions.

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

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

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

Section _____.3 Construction.

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

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

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

Section ____ .4 General provisions.

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

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

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

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

Section ____ .5 Payment of Fare and Access to MTABC Facilities

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

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

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

Section __.6 Property and Equipment.

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

Section __.7 Prohibited uses.

No person in a facility or bus shall:

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

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

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

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

Section __.8 Littering and dumping rubbish and refuse.

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

Section __.9 Hygiene.

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

Section __.10 Animals

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

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

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

Section ____ .11 Firearms or other weapons.

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

Section ____ .12 Explosives, acids, inflammables, compressed gases, and other dangerous substances.

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

Section ____ .13 Unauthorized interference with or use of systems or equipment prohibited.

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

Section ____ .14 Enforcement.

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

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

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

Unauthorized sale of certain transportation services.

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

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

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

PROCUREMENTS

The Procurement Agenda this month includes 18 actions for a proposed expenditure of \$146.1M.

Subject Request for Authorization to Award Various Procurements

Department Materiel Division – NYCT

Department Head Name Stephen M. Plochochi

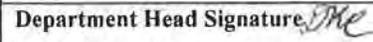
Department Head Signature


Project Manager Name Rose Davis

March 16, 2016

Department Law and Procurement – MTACC

Department Head Name Evan Eisland

Department Head Signature

 David S. Com for EE

Board Action

Order	To	Date	Approval	Info	Other
1	Committee	3/21/16			
2	Board	3/23/16			

Internal Approvals

	Approval		Approval
	President NYCT		President MTACC
	Executive VP (ACTING)		President MTA Bus, Subways
X	Capital Prog. Management	X	Diversity/Civil Rights
	Law	X	

Internal Approvals (cont.)

Order	Approval	Order	Approval	Order	Approval	Order	Approval

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

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

<u>Procurements Requiring Two Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$ 12.0 M
• Alstom Transportation, Inc. \$ 12.0 M		
 <u>Schedules Requiring Majority Vote:</u>		
Schedule E: Miscellaneous Procurement Contracts	1	\$.6 M
• McCulloch Rail \$.6 M		
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 15.5 M
• Siemens Industry, Inc. \$ 15.5 M		
SUBTOTAL	3	\$ 28.1 M

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

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

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

<u>Procurements Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	7	\$ TBD M
<u>Schedules Requiring Majority Vote:</u>		
Schedule F: Personal Service Contracts	4	\$ 50.0 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 6.6 M
Schedule J: Modifications Miscellaneous Procurement Contracts	1	\$ 57.2 M
SUBTOTAL	13	\$ 113.8 M

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

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

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

NYC Transit proposes to award Ratifications in the following categories:

<u>Schedules Requiring Two-Thirds Vote:</u>		
Schedule D: Ratification of Completed Procurement Actions	1	\$.2 M
SUBTOTAL	1	\$.2 M

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

<u>Schedules Requiring Majority Vote:</u>		
Schedule K: Ratification of Completed Procurement Actions	1	\$ 4.0 M
SUBTOTAL	1	\$ 4.0 M
TOTAL	18	\$ 146.1 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.

MARCH 2016

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

A. Non-Competitive Purchases and Public Work Contracts

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

- | | | |
|---|----------------------------|--------------------------------------|
| 1. Alstom Transportation, Inc. | \$12,000,000 (Est.) | <u>Staff Summary Attached</u> |
| Sole Source - Three-year omnibus | | |
| Purchase of inventory and non-inventory replacement traction motor, propulsion controller and car body parts for subway cars. | | |

Procurements Requiring Majority Vote:

E. Miscellaneous Procurement Contracts

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

- | | | |
|---------------------------------------|-------------------------|--------------------------------------|
| 2. McCulloch Rail | \$548,173 (Est.) | <u>Staff Summary Attached</u> |
| RFQ# 114028 | | |
| Lease of three Trac Rail Transposers. | | |

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.)

- | | | |
|--|----------------------------|--------------------------------------|
| 3. Siemens Industry, Inc. | \$15,535,990 (Est.) | <u>Staff Summary Attached</u> |
| Contract # CMM-1467.6 | | |
| Modification to the contract for Software and System Maintenance and Support for ATS-A, in order to add funds and extend the term of the contract by an additional four years. | | |

Schedule A: Non-Competitive Purchase and Public Work Contracts



Item Number: 1

Vendor Name (& Location) Alstom Transportation, Inc. (Naperville, IL)
Description Purchase of inventory and non-inventory replacement traction motor, propulsion controller and car body parts for subway cars
Contract Term (including Options, if any) April 1, 2016 – March 31, 2019
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
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: Omnibus Sole Source Approval

Contract Number NONE	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount:	\$12,000,000 (Est.)
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: Division of Materiel, Stephen M. Plochochi	

Discussion:

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

There are approximately 1,062 items covered by this approval for the purchase of replacement traction motor, propulsion controller and car body parts used on NYC Transit’s subway cars. These items are identified as obtainable only from Alstom for the following reasons: sole pre-qualified item on the Qualified Products List and not available from any distributor or other source; publicly advertised within a twelve month period without an acceptable alternate supplier; or proprietary to Alstom. These items are advertised a minimum of once every twelve months to seek competition. A list of Alstom’s sole source items, as well as NYC Transit’s intention to buy items on the list without competitive bidding, is available for download from the NYC Transit website at any time by any prospective vendor. These sole source parts will be used by the Division of Car Equipment (DCE) for Scheduled Maintenance System (SMS) and normal maintenance for 2,432 subway cars (1,030 R142 and 1,402 R160) in the NYC Transit fleet.

The existing Alstom omnibus approval for \$5,000,000 was approved by the Board in April 2013 and will expire on May 31, 2016. There is a remaining balance of \$843,995 of unexpended funds on the existing omnibus approval. The balance of the existing omnibus approval will be expended in order to satisfy awards pending approval.

Procurement performed an analysis on the 34 contracts issued during the term of the existing omnibus approval that exceeded the \$15,000 threshold, which represents a total contract value of \$2,484,924. Of the 34 contracts, 15 have comparative history and represent 50.9%, or \$1,266,537, of the total dollar value of the contracts. A comparative price analysis of these 15 items revealed an annual weighted average price decrease of 6.40%. Because pricing for three of the 15 items exhibited significant price variances that substantially impacted the overall price comparison calculation, they were excluded from the analysis. The resultant comparative price analysis of the remaining 12 contracts revealed an annual weighted average price increase of 0.29%. This compares favorably with the Producer Price Index used for the analysis over the same time period, which revealed an annual average increase of 0.81%.

Based on the current forecasts as well as projections for 2016 through 2019, it is anticipated that DCE will require approximately \$12,000,000 for sole source items from Alstom during the term of this new omnibus approval request. The primary reason for the additional \$7,000,000 required for the new omnibus approval compared to the \$5,000,000 existing omnibus approval is attributable to the upcoming purchase of 100 new traction motors, valued at \$5,550,000. Additionally, the mix of cars undergoing SMS during the term of the new omnibus approval includes a greater number of Alstom-equipped cars compared to the number that underwent SMS during the term of the existing omnibus approval. Specifically, during the term of the new omnibus approval, 582 R142 cars will undergo SMS while during the term of the existing omnibus approval, 320 R142 cars underwent SMS – an increase of 262 Alstom-equipped cars. Procurement believes that the amount requested will be sufficient to procure all sole source materials from Alstom for the next three year period. Procurement and DCE will continue to research alternate sources of supply wherever possible. Under this new omnibus approval, pricing for any procurement is established by requesting a quotation for each item from Alstom on an as-required basis. Each item to be purchased under this new approval will be subject to a cost and/or price analysis and determination that the price is found to be fair and reasonable.

Schedule E: Miscellaneous Procurement Contracts



Item Number: 2

Vendor Name (& Location) McCulloch Rail (South Ayrshire, Scotland)
Description Lease of three Trac Rail Transposers
Contract Term (including Options, if any) One year
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
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: Test and Evaluate

Contract Number RFQ 114028	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: \$548,173 (Est.)	
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 Subways, Wynton Habersham	

Discussion:

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law, Section 1209, subdivision 9(d), and approve the award of a miscellaneous procurement contract for leasing three Trac Rail Transposers (TRTs), manufactured by McCulloch Rail, for up to one year, including the training and certification of in-house forces in the proper operation and maintenance of the TRTs, in order to test and evaluate the TRT machines.

In connection with the 2015 – 2019 Capital Program, the Department of Subways/Track (Track) has planned to replace approximately 29 miles of bolted track with Continuous Welded Rail (CWR). The CWR consists of strings of 100lb or 115lb rail that are 390-foot long, and are currently handled and set in place manually by track crews. The benefits of CWR include the elimination of joints, thereby reducing track defects, and improving comfort for the subway ridership.

Utilizing TRTs, which are designed, manufactured and solely distributed by McCulloch Rail, is an innovative way to improve both worker safety and system efficiency. McCulloch Rail is a rail handling and rail logistics business based in Scotland. In May 2015, McCulloch Rail shipped two TRTs to New York and demonstrated the TRTs’ capabilities in both mechanizing CWR installation, and moving and installing switches, stick rail and various equipment. Each TRT is approximately 7.5 feet long and 5.5 feet high, and is specifically designed to move rail and rail components. The TRT is small enough to work in the NYC Transit tunnel environment, and durable enough to withstand its rigors. Track plans to lease three TRTs on a short-term basis for up to one year. It is anticipated that using TRTs will reduce Track’s maintenance and construction costs by promoting greater productivity and efficiencies during each general order (GO) and will also provide a safer working environment. Currently, Track uses up to a 30-person crew per tour to lay 10-12 CWR strings during a weekend GO. With the use of the TRTs, Track anticipates an increase in weekend productivity to over 20 CWR strings using a 17-person crew per tour, saving approximately \$3.18 million in labor costs over the course of one year. Personnel can then be redeployed elsewhere.

Procurement performed a market survey, which determined that no other equipment on the market combines the TRT’s small size, durable characteristics, ease of use and numerous safety features. Procurement reached out to London Underground, which uses TRTs and whose tunnel system is somewhat similar to NYC Transit. London Underground confirmed its satisfaction with the TRT’s performance in safely and efficiently laying CWR.

Through extensive negotiations, Procurement was able to obtain a weekly lease rate of \$2,500 per TRT, which is more favorable than McCulloch’s pricing with London Underground (\$2,731 per week using current exchange rates) and England’s Network Rail (\$2,640 per week using current exchange rates). The price is considered acceptable based on the potential for savings calculated by Track. NYC Transit has the right to purchase the TRTs at any time during the lease term at a purchase price of \$225,000 per TRT, reduced by 30% of the lease payments made per TRT up to the time the purchase agreement is finalized. If the TRTs perform well, Board approval will be sought prior to purchasing the TRTs.

NYC Transit will operate and maintain the TRTs using in-house forces. NYC Transit personnel will be trained prior to using the equipment. The training program will be administered by four McCulloch Rail operators over a 23-day period and includes classroom, yard and track instruction. At the completion of the training period, which includes “train the trainer” instruction, it is anticipated that up to 24 NYC Transit personnel will be certified in operation and maintenance of the TRT.

Schedule H: Modifications to Personal Service & Miscellaneous Service Contracts



Item Number: 3

Vendor Name (& Location) Siemens Industry, Inc. (New York, NY)
Description Software and System Maintenance and Support Services for the Automatic Train Supervision System (ATS)
Contract Term (including Options, if any) June 1, 2007 – March 27, 2016
Option(s) included in Total Amt.? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
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: Modification
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: MTA IT, Sidney Gellineau

Contract Number CMM-1467	AWO/Mod. # 6
Original Amount:	\$ 20,456,582
Option Amount:	\$ 9,474,207
Total Amount:	\$ 29,930,789
Prior Modifications (including options):	\$ 12,935,108
Prior Budgetary Increases:	\$ 4,900,000
Current Amount:	\$ 47,765,897
This Request:	\$ 15,535,990 (Est.)
% of This Request to Current Amount:	32.5%
% of Modifications (including This Request) to Total Amount:	111.5%

Discussion:

This modification will extend the contract term for an additional four years from March 28, 2016 through March 27, 2020 and increase the contract amount by \$15,535,990, in order to provide continued software and system maintenance and support services for the Automatic Train Supervision System (ATS-A).

This non-competitive, estimated quantity, contract is for software and systems maintenance and support services for the Automatic Train Supervision system that was originally competitively procured under contract S-32333. The ATS-A system provides centralized train traffic control, real-time train tracking, integrated voice communications, automated vehicle identification, and computer aided automatic routing and dispatching for NYC Transit’s A-Division lines.

The contract consists of two parts, maintenance and support. Under the maintenance portion, Siemens Industry, Inc. (SII) performs corrective measures relating to software, hardware and system problems during day-to-day operations. Under the support portion, NYC Transit can negotiate and award specific task orders for upgrades to the ATS-A system, primarily resulting from design and field changes to the NYC Transit signal system; the task orders are based on pre-negotiated labor rates.

SII designed and coded the ATS-A software system that is configured to NYC Transit’s signaling procedures and rules and the software applications include SII proprietary code. The ATS-A controls train movements and is critical to the safe operation of the transit system. SII is uniquely qualified to maintain this mission critical system.

After award, funds were added via budget adjustment primarily to allow for additional capital and operating funded task orders for software enhancements. Modification No. 3 exercised two one-year options in the amount of \$9.5 million that extended the contract term for two years and reduced the contract amount for the two option years by \$5.1 million. This savings was achieved by NYC Transit taking over some maintenance responsibilities from SII. Subsequently, the contract was extended for an additional three years.

The labor rates for this extension will be the same as those negotiated with Siemens in 2015 after a review by MTA Audit. This price has been found to be fair and reasonable.

MARCH 2016

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)

(Staff Summaries required for items estimated to be greater than \$1M.)

1. **Contractor To Be Determined** **Cost To Be Determined** **Staff Summary Attached**
Contract Term To Be Determined
Contract# C-48702
RFP Authorizing Resolution for the Viaduct and Bridge Replacement on the Myrtle Avenue Line in the Boroughs of Brooklyn and Queens.

2. **Contractor To Be Determined** **Cost To Be Determined** **Staff Summary Attached**
Contract Term To Be Determined
Contract# P-36437
RFP Authorizing Resolution for the Canarsie Tunnel Rehabilitation and Core Capacity Improvements in the Boroughs of Manhattan and Brooklyn.

3. **Contractor To Be Determined** **Cost To Be Determined** **Staff Summary Attached**
Contract Term To Be Determined
Contract# P-36699
RFP Authorizing Resolution for the Design and Construction of a New Substation at Harrison Place, on the Canarsie Line.

4. **Contractor To Be Determined** **Cost To Be Determined** **Staff Summary Attached**
Contract Term To Be Determined
Contract# A-37122
RFP Authorizing Resolution for the Design and Construction of New Stairs and Reconfiguration of a Support Facility at the Court Square Station, on the G Line (IND), in the Borough of Queens.

- 5-6. **Contractors To Be Determined** **Cost To Be Determined** **Staff Summary Attached**
Contract Term To Be Determined
Contract# R-34252, R-34254
RFP Authorizing Resolution for the purchase of 27 Refuse Flat Cars and either 92 Flat Cars or 54 Flat Cars and 38 Flat Car Frames.

7. **Contractor To Be Determined** **Cost To Be Determined** **Staff Summary Attached**
Contract Term To Be Determined
Contract# R-34211
RFP Authorizing Resolution for the purchase of 565 B Division Rapid Transit Cars (R211A), 75 Staten Island Railway Rapid Transit Cars (R211S) and 10 Open Gangway Test Cars (R211T) with an option to purchase 375 additional R211A Cars and a second option to purchase a range of approximately 280 to 520 additional R211A cars.

MARCH 2016

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.)

8. **Jacobs Civil Consultants, Inc.** \$50,000,000 (Aggregate)

Staff Summary Attached

9. **Parsons Transportation Group of New York, Inc.**

↓

10. **CH2M Hill**

11. **SYSTRA/HAKS JV**

Five-Proposals – Six-year contract

Contract# CM-1116, CM-1120, CM-1121, CM-1122

Consultant contract to provide Program-wide Construction Management and Inspection Services for Signals and Train Control Program.

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.)

12. **Palm Coast Data, LLC** \$6,600,000 (Est.)

Staff Summary Attached

Contract # 05F9218.6

Modification to the contract for MetroCard Extended Sales Fulfillment Services, in order to extend the contract term for up to two years.

J. Modification to Miscellaneous Procurement 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.)

13. **The Goodyear Tire & Rubber Company** \$57,241,616 (Est.)

Staff Summary Attached

Contract# 07E9693.8

Modification to the contract for the furnishing, leasing and servicing of radial tires and wheels, in order to extend the contract term by forty-two months.

Item Number 1			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1 <i>for RFP</i>	Materiel	6 3/15/16	EVP (ACTIVE) <i>MPC</i>
2 X	Law	7	President <i>UP</i>
3 X	Budget	8	
4 X	CPM	9	
5 X	Subways	10	

SUMMARY INFORMATION	
Vendor Name	Contract No.
RFP Authorizing Resolution	C-48702
Description	
Viaduct and Bridge Replacement on the Myrtle Avenue Line, in the Boroughs of Brooklyn and Queens	
Total Amount	
TBD	
Contract Term (including Options, if any)	
TBD	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE:

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for award of Contract C-48702, Viaduct and Bridge Replacement, Myrtle Avenue Line (BMT) in the Boroughs of Brooklyn and Queens, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law, and that it is in the public interest to authorize NYC Transit to issue a competitive Request for Proposal (RFP) in lieu of a sealed competitive bid. This project will be managed by NYC Transit's Department of Capital Program Management.

DISCUSSION:

This project will replace two elevated structures (the Bushwick Cut and the bridge located over New York and Atlantic Railway) on the Myrtle Line and construct an inspection enclosure at the Fresh Pond Yard. The Bushwick Cut is a 310-foot viaduct located between Broadway and Bushwick Avenue and connects the Myrtle Avenue ("M") and Jamaica ("J/Z") Lines. The bridge is a 52-foot structure located over New York and Atlantic Railway and is adjacent to the Fresh Pond Rail Yard. Both the viaduct and the bridge are over 100 years old and have severely deteriorated.

The work under this Contract C-48702 includes the demolition and replacement of the Bushwick Cut and the single-span bridge over New York and Atlantic Railway, including track and third rail. During construction, trains will not be able to access the East New York Maintenance Facility, where cars on the "M" Line are inspected and maintained. As a result, a two-car inspection enclosure will be constructed at the Fresh Pond Yard for inspection and maintenance of the subway car fleet that will provide shuttle service during the Myrtle Line closure.

Prior to effecting repairs on the Canarsie Tunnel, NYC Transit has an urgent need to replace both elevated structures on the Myrtle ("M") Line to resolve structural and operational issues necessary to increase service and reliability on the "M" Line for the riding public during the tunnel rehabilitation. This critical infrastructure project will require a more streamlined implementation to minimize the impact on the community and ridership. This will include examining alternate project execution and construction means and methods to achieve the overall best value and approach for NYC Transit and the public. Therefore, in accordance with Section 1209 of the Public Authorities Law, NYC Transit requests that the Board approve a resolution authorizing NYC Transit to utilize a competitive RFP process to award Contract C-48702.

NYC Transit is pursuing an aggressive schedule to restore the “M” Line with the goals of expediting the critical repairs and maximizing service availability. Utilizing a competitive two-step RFP process is the best way to solicit this project. In Step 1, the most qualified firms will be selected to participate in Step 2. During Step 2, NYC Transit will provide complete design documents and specifications; however, as part of the RFP process, proposers will be encouraged to provide alternate proposals with emphasis on minimizing service outages and accelerating the construction schedule.

Given the complex nature of this project, it is in the best interest of NYC Transit to be able to consider technical factors, such as construction approach, technical ability, performance record, proposed schedule improvements, in addition to cost, and other relevant matters to select a contractor to perform the work and determine which proposal offers the best overall value. In addition, the RFP process will allow NYC Transit greater flexibility (than a low bid process) to negotiate alternative approaches to the work, incentives for early completion, as well as contract terms and conditions, which could potentially shorten the project duration and minimize the service outages while still achieving NYC Transit’s requirements.

ALTERNATIVES:

The use of a sealed bid process, in which factors other than cost cannot be considered, is not recommended as it does not provide a means to negotiate an accelerated schedule, evaluate technical matters, negotiate alternate proposals or consider creative solutions.

IMPACT ON FUNDING:

Contract C-48702 will be funded as part of NYC Transit’s proposed 2015-2019 Capital Program. Award will be subject to approval of the 2015-2019 program by the New York State Capital Program Review Board.

RECOMMENDATION:

It is recommended that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is in the public interest to use the competitive Request for Proposal process, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law for the Viaduct and Bridge Replacement, Myrtle Avenue Line (BMT) in the Boroughs of Brooklyn and Queens.

Item Number 2			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel <i>WD</i>	6 <i>3/15/16</i>	EVP (ACTING) <i>MPC</i>
2 X	Law	7	President <i>WJ</i>
3 X	Budget	8	
4 X	CPM	9	
5 X	Subways	10	

SUMMARY INFORMATION	
Vendor Name	Contract No.
RFP Authorizing Resolution	P-36437
Description	
Canarsie Tunnel Rehabilitation and Core Capacity Improvements in the Boroughs of Manhattan and Brooklyn	
Total Amount	
TBD	
Contract Term (including Options, if any)	
TBD	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE:

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for award of Contract P-36437, the Canarsie Tunnel Rehabilitation and Core Capacity Improvements in the Boroughs of Manhattan and Brooklyn, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law, and that it is in the public interest to authorize NYC Transit to issue a competitive Request for Proposal (RFP) in lieu of a sealed competitive bid for this capital project. This project will be managed by NYC Transit's Department of Capital Program Management.

DISCUSSION:

A series of emergency repairs and resiliency measures continue to be needed to address structural and operational issues following the unforeseen and devastating effects of Superstorm Sandy. During the storm, brackish water filled the Canarsie Tunnel and damaged critical systems therein. NYC Transit has an urgent need to perform repairs and implement resiliency measures to improve service and harden this tunnel to prevent future storm damage.

The work under this contract will address the salt water damage caused by Superstorm Sandy by repairing and upgrading the structural, power, lighting, signals and communications components in the tunnel. These repairs will improve service and reliability for the riding public. The work will include demolition and replacement of the ductbanks and cables, replacement of emergency systems and track, installation of lighting upgrades, and reconstruction of two circuit breaker houses. Resiliency measures will also be implemented to protect the tube, including construction of resilient cables and ducts and installation of a new discharge line. Additionally, extensive street work will be performed prior to the tunnel work. The street work includes several improvements that will be implemented with the goals of increasing operational efficiency, improving accessibility and enhancing station aesthetics. These elements include new station entrances and stairways, four ADA compliant elevators, and construction of a new Avenue B substation.

This project will require a more streamlined implementation to minimize the impact on the community and ridership. This will include examining alternate project execution and construction means and methods to achieve the overall best value and approach for NYC Transit and the public. Therefore, in accordance with Section 1209 of the Public Authorities Law, NYC Transit requests that the Board approve a resolution authorizing NYC Transit to utilize a competitive RFP process to award Contract P-36437.

NYC Transit is pursuing an aggressive schedule for the Canarsie Tunnel project to expedite the critical repairs and maximize service availability. Utilizing a competitive two-step RFP process is the best way to solicit this project. In Step 1, the most qualified firms will be selected to participate in Step 2. During Step 2, NYC Transit will provide complete design documents and specifications; however, as part of the RFP process, proposers will be encouraged to provide alternate proposals with emphasis on minimizing service outages and accelerating the construction schedule.

Given the complex nature of this project, it is in the best interest of NYC Transit to be able to consider technical factors, such as construction approach, technical ability, performance record, proposed schedule improvements, in addition to cost, and other relevant matters to select a contractor to perform the work and determine which proposal offers the best overall value. In addition, the RFP process will allow NYC Transit greater flexibility (than a low bid process) to negotiate alternative approaches to the work, incentives for early completion, as well as contract terms and conditions, which could potentially shorten the project duration and minimize the service outages while still achieving NYC Transit's requirements.

ALTERNATIVES:

The use of a sealed bid process, in which factors other than cost cannot be considered, is not recommended as it does not provide a means to negotiate an accelerated schedule, evaluate technical matters, negotiate alternate proposals or consider creative solutions.

IMPACT ON FUNDING:

Contract P-36437 will be funded as part of NYC Transit's Hurricane Sandy Repair and Resiliency Capital Program as well as the proposed 2015-2019 Capital Program. Award will be subject to approval of the 2015-2019 program by the New York State Capital Program Review Board.

RECOMMENDATION:

It is recommended that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is in the public interest to use the competitive Request for Proposal process, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law for the Canarsie Tunnel Rehabilitation and Core Capacity Improvements in the Boroughs of Manhattan and Brooklyn.

Item Number 3			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel <i>WD</i>	6 <i>March 3/15/16</i>	EVP (Acting) <i>VP</i>
2 X	Law	7	President <i>VP</i>
3 X	Budget	8	
4 X	Subways	9	
5 X	CPM	10	

SUMMARY INFORMATION	
Vendor Name	Contract No.
RFP Authorizing Resolution	P-36699
Description Design and Construction of a New Substation at Harrison Place, Canarsie Line (BMT), in the Borough of Brooklyn	
Total Amount TBD	
Contract Term (including Options, if any) TBD	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE:

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for the award of Contract -P36699, and that, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law and that it is in the public interest to authorize NYC Transit to issue a competitive Request for Proposal (RFP) in lieu of a sealed competitive bid for the Design and Construction of a new Substation at Harrison Place in the Borough of Brooklyn. This project will be managed by NYC Transit's Department of Capital Program Management.

DISCUSSION:

NYC Transit is pursuing a more streamlined design and construction strategy for certain types of capital projects, as well as alternate project delivery and procurement methods to achieve overall best value and approach for NYC Transit and the public. As a result, this project is part of a Design-Build program within the 2015-2019 timeframe, which promises efficient and faster delivery of projects, while achieving best value benefits. The purpose of this project is to design and construct a new below ground Substation on the Canarsie line at Harrison Place. The substation, which consists of various electrical equipment, is part of the electrical and distribution system for the third rail, which provides traction power to the trains.

Prior to the implementation of Communication Based Train Control (CBTC) on the Canarsie Line, 12-15 trains per hour (TPH) were able to run along the line. Since 2006, when CBTC became fully operational along the full length of the Canarsie Line, the number of TPH increased to 20. However, as part of NYC Transit's continuing efforts to improve service through CBTC to address the increased ridership, three additional power substations are required in order to increase the number of TPH from 20 to 22 at the peak load point. This substation represents one of the three additional substations required. The remaining two substations are being procured under separate procurement actions.

NYC Transit intends to award overlapping design and construction responsibilities to a single contract entity, a Design-Build contractor, in the fourth quarter of 2016. NYC Transit conceptual design documents are being prepared by NYC Transit staff and will be the basis for soliciting proposals to complete the design and perform the construction.

The RFP process will allow NYC Transit flexibility to negotiate technical matters and specific contract terms as well as evaluate alternatives that could potentially result in an accelerated project execution and lower overall cost for the project while still achieving NYC Transit's requirements.

Selection will be accomplished using a competitive two-step RFP process. In Step 1, the most qualified Design-Build teams will be selected to participate in Step 2. In accordance with FTA requirements, the first step will be based on a review of the prospective Design-Build teams' technical qualifications and technical approach. During Step 2, the selected Design-Build teams will receive a Request for Proposal including conceptual design documents and the proposed contract terms. As part of Step 2, prospective Design-Build teams will propose their design and construction approach and will be encouraged to provide alternate proposals to NYC Transit requirements in addition to proposed costs. In accordance with MTA policy regarding the use of the design-build contracting strategy, a stipend will be paid to Design-Build teams that were not selected yet provided detailed proposals. This will be done in order to enhance competition and defray proposal costs.

Utilizing an RFP process is the best way to solicit this project. Given the complex nature of this project, it is in the best interest of NYC Transit to be able to consider technical factors, such as design and construction approach, technical ability, performance record, proposed schedule improvements, in addition to cost, and other relevant matters to select a Design-Build team to perform the work and determine which proposal offers the best overall value. In addition, the RFP process will allow NYC Transit greater flexibility (than a low bid process) to negotiate alternative approaches to the work, incentives for early completion, as well as contract terms and conditions, which could potentially shorten the project duration.

ALTERNATIVES:

The use of a sealed bid process, in which factors other than cost cannot be considered, is not recommended as it does not provide a means to negotiate an accelerated schedule, evaluate design and construction approach and technical matters, negotiate alternate proposals or consider creative solutions.

IMPACT ON FUNDING:

This contract will be funded as part of NYC Transit's proposed 2015-2019 Capital Program. Award will be subject to approval of the 2015-2019 program by the New York State Capital Program Review Board.

RECOMMENDATION:

That the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate, and that, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law, it is in the public interest to issue a competitive Request for Proposal (RFP) for the Design and Construction of the New Substation at Harrison Place in the Borough of Brooklyn.

Item Number 4			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel	6 3/16/16	EVP (ACTING) <i>[Signature]</i>
2 X	Law	7	President <i>[Signature]</i>
3 X	Budget	8	
4 X	CPM	9	
5 X	Subways	10	

SUMMARY INFORMATION	
Vendor Name	Contract No.
RFP Authorizing Resolution	A-37122
Description Design and Construction of New Stairs and Reconfiguration of Support Facilities at the Court Square Station on the G Line (IND), in the Borough of Queens	
Total Amount TBD	
Contract Term (including Options, if any) TBD	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE:

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for award of Contract A-37122, the design and construction of New Stairs and Reconfiguration of Support Facilities at the Court Square Station on the "G" Line (IND), in the Borough of Queens, pursuant to Subdivision 9 (f) of Section 1209 of the Public Authorities Law, and that it is in the public interest to authorize NYC Transit to issue a competitive Request for Proposal (RFP) in lieu of a sealed competitive bid for this capital project. This project will be managed by NYC Transit's Department of Capital Program Management.

DISCUSSION:

NYC Transit is pursuing a more streamlined design and construction strategy for certain types of capital projects, as well as alternate project execution and procurement methods to achieve the overall best value and approach for NYC Transit and the public. NYC Transit is proposing to increase/expand stair capacity at the Court Square Station to mitigate the impact of the expected increase in ridership as a result of the work to be performed by the "Sandy" Canarsie Tunnel Rehabilitation project.

The need to provide the additional capacity will require the construction of two additional platform stairways, the widening of two existing platform stairways, shifting of an existing platform stairway by one bay, and the demolition and reconfiguration of the Support Facilities on the mezzanine.

The need for these modifications contemplates a very aggressive design and construction schedule in order to complete the facility and stairs work before the Canarsie tunnel work. To meet this schedule, NYC Transit intends to award overlapping design and construction responsibilities to a single contract entity – a Design-Build contractor – in the first quarter of 2017. A conceptual design document is being prepared by NYC Transit staff and will be the basis for soliciting proposals to complete the design and perform the construction.

Utilizing a competitive two-step RFP process is the best way to solicit this project. In Step 1, the most qualified Design-Build teams will be selected to participate in Step 2. During Step 2, the selected Design-Build teams will receive a Request for Proposal including conceptual design documents and the proposed contract terms. As part of Step 2, prospective Design-Build teams will propose their design and construction approach and be encouraged to provide alternate proposals with emphasis on minimizing service outages and accelerating the construction schedule. In accordance with MTA policy regarding the use of the design-build contracting strategy, a stipend will be paid to the Design-Build teams that were not selected yet provided detailed proposals. This will be done in order to enhance competition and defray proposal costs.

Given the complex nature of this project, it is in the best interest of NYC Transit to be able to consider technical factors, such as design and construction approach, technical ability, performance record, proposed schedule improvements, in addition to cost, and other relevant matters to select a Design-Build team to perform the work and determine which proposal offers the best overall value. In addition, the RFP process will allow NYC Transit greater flexibility (than a low bid process) to negotiate alternative approaches to the work, incentives for early completion, as well as contract terms and conditions, which could potentially shorten the project duration.

ALTERNATIVES:

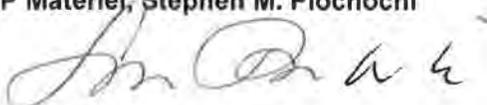
The use of a sealed bid process, in which factors other than cost cannot be considered, is not recommended as it does not provide a means to negotiate an accelerated schedule, evaluate design approaches, and technical matters, negotiate alternate proposals or consider creative solutions.

IMPACT ON FUNDING:

The contract will be funded as part of NYC Transit's proposed 2015-2019 Capital Program. Award will be subject to approval of the 2015-2019 program by the New York State Capital Program Review Board.

RECOMMENDATION:

It is recommended that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate, and that it is in the public interest to use the competitive Request for Proposal process for the Design and Construction of New Stairs and Reconfiguration of a Support Facility at the Court Square Station on the "G" Line (IND) in the Borough of Queens.

Item Number 5-6			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi 			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel	6	President 
2 X	Law	7	
3 X	Budget	8	
4 X	Subways	9	
5	EVP (ACTUAL)	10	

SUMMARY INFORMATION	
Vendor Name RFP Authorizing Resolution	Contract No. R-34252 R-34254
Description Purchase of 27 Refuse Flat Cars and either 92 Flat Cars or 54 Flat Cars and 38 Flat Car Frames	
Total Amount TBD	
Contract Term (including Options, if any) TBD	
Option(s) included in Total Amt?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE:

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for the procurement of 27 refuse flat cars and either 92 flat cars or 54 flat cars and 38 flat car frames, and that it is in the public interest to issue a competitive request for proposals (RFP) pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law.

DISCUSSION:

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

A flat car, which consists of a frame (a frame is a flat steel structure with a deck), mounted on a pair of trucks (a truck is a chassis with two axles, each axle having two wheels), is designed to handle and transport, throughout the NYC Transit system, track maintenance machinery and other heavy equipment, materials and supplies, as well as mobile industrial vehicles, such as forklifts. The R252 Flat Cars, which will be procured under this contract, will be used to support work at various NYC Transit job site locations and FASTRACK operations. A refuse flat car is a flat car equipped with special railings attached to the frame used to secure and stabilize wheeled garbage containers while these refuse flat cars are moved throughout the NYC Transit system. The R254 Refuse Flat Cars, which will be procured under this contract subject to funding approval under the 2015-2019 Capital Program, will be used for system-wide garbage collection from stations.

NYC Transit's Department of Subways (Subways) plans to purchase the following to replace the flat cars that have exceeded their useful life:

- 54 R252 Flat Cars to replace two of NYC Transit's existing flat car classes: 24 R72 Flat Cars and 30 R101 Flat Cars
- 27 R254 Refuse Flat Cars to replace the existing fleet of 27 R58 Refuse Flat Cars

Subways also plans to purchase 38 flat car frames to replace the frames on the existing fleet of R141 Flat Cars, with the trucks to be reconditioned by in-house forces. Although the R141 Flat Cars have not exceeded their useful life, they have aged prematurely due to the nature of the work for which they are used, such as the removal of wet concrete chip-outs (a chip-out is broken concrete removed from a track bed) and other debris in support of track work, which has led to accelerated structural deterioration of the flat car frames.

Separate structural and repair cost assessments were conducted. Subways concluded that in order for the entire R141 fleet to meet its full life cycle, an extensive, cost prohibitive repair of the frames, including replacement of major structural elements, would be required.

As an alternative to purchasing the 38 new flat car frames, depending on the pricing received in the proposals, Subways may consider purchasing an additional complete 38 flat cars instead of just the 38 frames, which would increase the total number of R252 Flat Cars to be purchased to 92. When soliciting proposals, Procurement will request pricing for *a*) 54 flat cars plus 38 frames and 27 refuse flat cars, and *b*) separate pricing for 92 (54 + 38) flat cars and 27 refuse flat cars. After evaluating the proposals for both scenarios, NYC Transit will perform a comparative analysis and make a determination as to which proposal offers the best value.

The RFP process, through negotiations and evaluation based on criteria that reflect the critical needs of the agency, will allow NYC Transit to select the proposal that offers the best value. More specifically NYC Transit will be able to consider many factors such as: 1) the technical proposal and overall technical qualifications including the quality of product, the experience of proposer and delivery schedule; 2) overall project cost and value to NYC Transit; and 3) other relevant matters.

Upon completion of the RFP process, NYC Transit intends to obtain Board approval for the actual contract award.

IMPACT ON FUNDING:

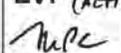
Funding for the purchase of the 54 flat cars is available under Planning No. MW10-6702, Project PSE No. R34252, Primary MTA Project No. 61302/02. Funding for the purchase of the 38 flat cars or 38 flat car frames is available under DCE's Operating Budget Account No. 711401, Activity No. 01035, Responsibility Center No. 2506, Function Code No. 810. Funding for the component of the contract to purchase the 27 refuse flat cars is part of NYC Transit's proposed 2015-2019 Capital Program. Award of this component of the contract will be subject to approval of the 2015-2019 program by the New York State Capital Program Review Board.

ALTERNATIVES:

Issue a competitive Invitation for Bid. Not recommended, given the complexity of this procurement and the advantages discussed above offered by the RFP process.

RECOMMENDATION:

It is recommended that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for the procurement of 27 refuse flat cars and either 92 flat cars or 54 flat cars and 38 flat car frames, and that it is in the public interest to issue a competitive request for proposals pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law.

Item Number 7			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel	6	President 
2 X	Law	7	
3 X	Budget	8	
4 X	Subways	9	
5 5/16/16	EVP (ACTING) 	10	

SUMMARY INFORMATION	
Vendor Name	Contract No.
TBD	R34211
Description	
Purchase of 565 "B" Division Rapid Transit Cars (R211A), 75 Staten Island Railway Rapid Transit Cars (R211S) and 10 Open Gangway Test Cars (R211T) with an option to purchase 375 additional R211A Cars and a second option to purchase a range of approximately 280 to 520 additional R211A cars.	
Total Amount	
TBD	
Contract Term (including Options, if any)	
TBD	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE:

To request that the Board determine that competitive bidding is impractical or inappropriate for the procurement of 565 "B" Division Rapid Transit Cars (R211A), 75 Staten Island Railway (SIR) Cars (R211S) and 10 Open Gangway Test Cars (R211T) with one option to purchase 375 additional R211A Cars and a second option to purchase approximately 280 to 520 R211A Cars and that it is in the public interest to issue a competitive request for proposals (RFP) pursuant to subdivision 9(g) of Section 1209 of the Public Authorities Law.

DISCUSSION:

Subdivision 9(g) of Section 1209 of the Public Authorities Law permits NYC Transit to use a competitive RFP in lieu of competitive bidding to award a contract for the purchase or rehabilitation of rapid transit cars or omnibuses. NYC Transit is desirous of utilizing such a procedure with respect to the procurement of 940 R211A Cars, divided into the following; a base of 565 cars and an option of 375 cars. Included in the base along with the 565 R211A Cars are 75 R211S Cars and 10 R211T Cars. This purchase of 940 R211A Cars, 75 R211S Cars and 10 R211T Cars is anticipated to be supported by the 2015 – 2019 capital budget funds allocated for new train procurements.

This purchase supports NYC Transit's Rapid Transit Car Procurement Plan. The base quantity of 565 R211A Cars plus the 375 R211A Cars from the option for the NYC Transit "B" Division, totaling 940 60-foot cars, will be purchased to replace 752 75-foot R46 Cars which are scheduled for retirement. The 75 R211S Cars, all of which are 60-foot cars, will be purchased to replace all 64 75-foot R44 Cars in the SIR fleet, which are scheduled for retirement. The R211T will provide the opportunity to evaluate whether a train with open gangways can safely and reliably operate within NYC Transit's "B" Division infrastructure. The solicitation will include a second option for cars to support ridership growth as well as other operational needs. This option would be funded by the 2020-2024 Capital Program and may include a range of approximately 280 to 520 cars.

The RFP process, through negotiations and evaluation based on criteria that reflect the critical needs of the agency, will allow NYC Transit to select the proposal that offers the best value. More specifically NYC Transit will be able to consider many factors such as: 1) the technical proposal and overall technical qualifications including the quality of product, the experience of proposer and delivery schedule; 2) overall project cost and value to NYC Transit; and 3) other relevant matters. Upon completion of the RFP process, NYC Transit intends to obtain Board approval for the actual contract award.

IMPACT ON FUNDING:

The procurement of the 565 R211A Cars, 75 R211S Cars, 10 R211T Cars and the 375 R211A option Cars is anticipated to be funded as part of the MTA NYC Transit proposed 2015-2019 Capital Program. Award will be subject to approval of the 2015-2019 program by the New York State Capital Program Review Board. The second option, with a range of approximately 280 to 520 cars, is anticipated to be funded as part of the 2020-2024 Capital Program. This project is anticipated to be primarily federally funded.

ALTERNATIVE:

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

RECOMMENDATION:

It is recommended that the Board determine that competitive bidding is impractical or inappropriate for the procurement of 565 R211A Cars, 75 R211S Cars and 10 R211T Cars with one option for 375 additional R211A Cars and a second option to purchase approximately 280 to 520 R211A Cars for NYC Transit and that it is in the public interest to issue a competitive RFP pursuant to subdivision 9(g) of Section 1209 of the Public Authorities Law.

Staff Summary

Item Number 8-11			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel <i>WD</i>	6 <i>M/C</i>	EVP (ACTING) <i>3/15/16</i>
2 X	Law	7	President <i>MA</i>
3 X	Budget	8	
4 X	DDCR	9	
5 X	CPM	10	

SUMMARY INFORMATION	
Vendor Name: Jacobs Civil Consultants, Inc.; Parsons Transportation Group of New York, Inc.; CH2M Hill; and SYSTRA-HAKS JV	Contract Nos. CM-1116 CM-1120 CM-1121 CM-1122
Description Program-wide Consultant Construction Management (CCM) and Inspection Services for Signals and Train Control Program	
Total Amount \$50 Million (Aggregate)	
Contract Term (including Options, if any) Six Years	
Option(s) included in Total Amount?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE:

To obtain Board approval to award four competitively solicited consultant contracts for Indefinite Quantity (IQ) Program-wide Consultant Construction Management (CCM) and Inspection Services for the Signals and Train Control Program within a total estimated aggregate MTA-funded budget of \$50 million over a 72-month (6 year) contract term. The consultants will compete for awards of Task Orders under contracts which will be “zero-dollar” based with no minimum guarantee of any assignments. The recommended awardees are as follows:

<u>Consultant Firms</u>	<u>Contract No.</u>
1. Jacobs Civil Consultants, Inc.	CM-1116
2. Parsons Transportation Group of New York, Inc.	CM-1120
3. CH2M Hill	CM-1121
4. SYSTRA-HAKS JV	CM-1122

DISCUSSION:

Capital Program Management (CPM) requires consultants to perform Consultant Construction Management and Inspection Services for the Signals and Train Control program. The Consultant will provide Construction Management, Inspection Services and Administrative support to each Construction Management office overseeing Construction Contracts which will modernize the Signal and Train Control Systems. These services will be provided on an as-needed task order basis, which will generally be awarded competitively to one of the CCM firms. These CCM firms will provide services for multiple disciplines including Signals, Communications, Electrical, Civil and Mechanical, and support disciplines such as Office Engineering/Administration, expertise in new signal technologies including Communications Based Train Control (CBTC), Automatic Train Supervision (ATS) and Solid State Interlocking (SSI). Each Task Order may not exceed \$5 million without the approval of Procurement. This is the first such CCM contract for signals as inspection work was previously done exclusively by in-house staff.

A One-Step RFP was publicly advertised. Twelve firms purchased the RFP, and five submitted proposals: AECOM USA, Inc. (AECOM), CH2M Hill (CH2M), Jacobs Civil Consultants, Inc. (Jacobs), Parsons Transportation Group of NY, Inc. (Parsons), SYSTRA-HAKS, JV (SYSTRA-HAKS). The Selection Committee (SC) reviewed and evaluated the written technical proposals in accordance with the established evaluation criteria, which included: plan of approach, experience in relevant areas, experience of project team and key personnel, current workload, past performance on similar projects, management, quality assurance plans and cost. The SC also participated in oral presentations with all five firms. After oral presentations, the SC recommended all five firms for negotiations. These five firms were considered qualified to perform the work, based on their current and past signal inspection experience in the transit industry. The RFP provided the firms with work hours for each title and a fixed total cost for out of pocket expenses to facilitate an equal price comparison and evaluation. The in-house estimate was \$16,687,744.

Staff Summary

Negotiations with the five firms focused on the signal inspection service requirements in the Scope of Work, and reducing the proposed direct labor rates, and fixed-fee rates. In addition, NYC Transit provided the firms with overhead rates that were in accordance with MTA Audit recommendations. The firms were requested to submit interim cost proposals to insure that they complied with MTA Audit's recommended field overhead rates as well as Procurement's recommended direct labor rates. The in-house estimate remained unchanged. After a second round of negotiations all five firms were requested to submit their Best and Final Offers (BAFOs), which were received on December 1, 2015.

Following is a comparison of the five firms' initial cost proposals, interim cost proposals and their BAFOs:
Estimate \$16,687,744

	AECOM*	CH2M	JACOBS	PTG	SYSTRA-HAKS
Initial Proposal	\$15,868,695	\$13,987,579	\$15,239,495	\$17,796,067	\$16,553,253
Interim Proposal	\$13,481,442	\$13,330,252	\$14,194,442	\$13,156,815	\$15,177,663
BAFO	\$12,427,623	\$12,749,336	\$13,973,794	\$12,633,294	\$14,383,256

*Not Selected

Based on the Evaluation Criteria, the SC voted and selected Jacobs, PTG, CH2M and SYSTRA-HAKS for awards as they were deemed to have strong teams and expertise to perform the work, thus offering the best overall value to NYC Transit. Although this RFP was advertised for up to three awards, because of the highly specialized labor required for these IQ projects, it was decided that it would be in the best interest of NYC Transit to add a fourth consultant. Both Procurement and CPM concurred that all BAFOs were "Fair & Reasonable" based on the competitive nature of the RFP.

Although AECOM's BAFO was the lowest, they were not recommended for award because their technical rating was significantly lower than the other firms regarding experience in relevant areas and experience of the project team. Jacobs has performed satisfactorily on contracts for construction management, interlocking and signal inspection services for the MTA East Side Access Project and provided IQ engineering services for Superstorm Sandy-related repair. The Jacobs team also included two major engineering firms as sub-consultants with extensive related experience. PTG provided consultant and construction support on the CBTC/AWS Signal Systems for the Second Avenue Subway and Flushing Line contract and performed systems engineering, interlocking and system design work on the MTA East Side Access Project. As a sub-consultant, CH2M performed design, installation, and testing on the CBTC for the Canarsie Line contract and technology signal design, communication and system engineering work on the IQ Professional, Technical and Administrative Support for New/High Technology and Conventional Signal & Communication System Projects contract. SYSTRA-HAKS provided construction management services for the Electronic Security System (ESS) Upgrade at the Atlantic Avenue Station Complex contract, CBTC technology services on the NYC Transit Queens Boulevard West contract and provided safety reviews of the solid state interlockings on the Independent Safety Assessor (ISA) West 4th and 34th Street contract.

A review of the firms' submittals and the Division of Materiel's background checks disclosed, "no significant adverse information" within the meaning of the All-Agency Responsibility Guidelines was found. Procurement finds that Jacobs, PTG, CH2M and SYSTRA-HAKS are "fully responsible" to receive awards.

M/W/DBE INFORMATION:

The Department of Diversity and Civil Rights (DDCR) established goals of 10% for MBE and 10% for WBE participation for these contracts. Jacobs, PTG and HAKS have achieved their MWDBE goals on previous MTA contracts. SYSTRA and CH2M Hill have not completed any MTA contracts; therefore, no assessment of their previous MWDBE performance can be determined at this time. Awards will not be made until the DDCR approvals are obtained.

IMPACT ON FUNDING:

These contracts will be issued for zero-dollar totals and are structured to permit the issuance of task orders. The four firms will compete for the award of task orders under these contracts. These task orders will be 100% MTA funded and will not be issued until receipt of individual WAR certificates.

ALTERNATIVES:

None, as CPM does not have sufficient signal inspection professionals to support multiple simultaneous projects and will require fully independent signal inspection firms.

CAPITAL PROGRAM REPORTING:

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

RECOMMENDATION:

That the Board approve the award of four competitively-negotiated contracts for Program-wide Consultant Construction Management (CCM) and Inspection Services for the Signals and Train Control Program as follows: Contract CM-1116 to Jacobs Civil Consultants, Inc., CM-1120 to Parsons Transportation Group of New York, Inc., CM-1121 to CH2M Hill, and CM-1122 to SYSTRA-HAKS JV, each with a term of six years.

Schedule H: Modifications to Personal Service & Miscellaneous Contracts



Item Number: 12

Vendor Name (& Location) Palm Coast Data, LLC (Palm Coast, FL)	
Description Provide MetroCard extended sales fulfillment services	
Contract Term (including Options, if any) August 9, 2006 – March 31, 2016	
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 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: Revenue Control, Alan Putre	

Contract Number 05F9218	AWO/Mod. # 6
Original Amount:	\$ 13,567,242
Option Amount:	\$ 5,511,918
Total Amount:	\$ 19,079,160
Prior Modifications:	\$ 6,584,779
Prior Budgetary Increases:	\$ 858,909
Current Amount:	\$ 26,522,848
This Request:	\$ 6,600,000 (Est.)
% of This Request to Current Amount:	24.9%
% of Modifications (including This Request) to Total Amount:	144.1%

Discussion:

This modification is to extend the contract term by two additional years from April 1, 2016 through March 31, 2018 for continued MetroCard extended sales fulfillment services.

This competitively awarded contract is for MetroCard fulfillment services. MetroCards are distributed out-of-system through the MetroCard Extended Sales Merchant Network, which is comprised of over 4,500 merchants located throughout New York City, Long Island and Westchester. The program offers customers a convenient alternative means to purchase MetroCards, especially for those customers that only use NYC Transit buses and do not ordinarily use subway stations where most MetroCard Vending Machines are located.

Under this contract, Palm Coast Data, LLC, (Palm Coast) is responsible for accepting orders from network merchants and processing each order for shipment. A telephone customer service center is staffed to address the full range of MetroCard merchants' orders. Palm Coast is also responsible for providing secure warehousing, fulfillment, inventory management, payment processing, accounting and other related services. Palm Coast picks up MetroCards from NYC Transit and ships MetroCards to Network merchants via armored trucks. In 2015, over 62,000 secured deliveries were made of over 27.7 million MetroCards that were sold through this program accounting for \$316.5 million in sales revenue to NYC Transit. Contract pricing is based on estimated quantities of various types of transactions related to ordering, packaging, shipping and payment for MetroCards.

This competitively awarded contract was originally awarded to Kable News Company (Kable). Subsequently, the contract was assigned from Kable to Palm Coast per a request made by their shared parent company. The option was exercised in July 2012 and the contract was extended once.

This two year extension will allow sufficient time to solicit and award a new multi-year contract and will allow for coordination of these services with similar services to be provided under the New Fare Payment System contract.

The unit prices for this extension will be the same as those that became effective in August 2009. The Consumer Price Index (CPI) and the relevant Producer Price Index (PPI) for the period of August 2009 to the present have increased 10.5% and 16.5%, respectively. Therefore, the price is considered fair and reasonable.

Item Number: 13

Vendor Name (& Location) The Goodyear Tire & Rubber Company (Akron, OH)
Description Tire leasing and wheel servicing
Contract Term (including Options, if any) September 30, 2008 – March 31, 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 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/ MTA Bus Company, Darryl C. Irick

Contract Number 07E9693	AWO/Mod. # 8
Original Amount:	\$ 79,076,895
Prior Modifications:	\$ 9,501,602
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 88,578,497
This Request:	\$ 57,241,616 (Est.)
% of This Request to Current Amount:	72.4%
% of Modifications (including This Request) to Original Amount:	84.4%

Discussion:

This modification will extend the expiration date of the contract from March 31, 2016 through September 30, 2019 and will add funding in the amount of \$57,241,616.

The tire requirements for approximately 5,800 buses operated by both NYC Transit’s Department of Buses (DOB) and MTA Bus Company (MTABC) were solicited under a competitive Request for Proposal, approved by the Board in September 2008 and awarded to The Goodyear Tire & Rubber Company (Goodyear). The contractor is required to furnish radial tires on a lease basis with prices per mile for high floor bus and low floor bus tires, and provide depot-based labor and material to service these tires based on a monthly price per person and to paint wheels at a fixed price through the term of the contract. The tire lease rates are subject to a formula tied to raw material price indices for rubber and tire manufacturing labor as published by the U.S. Bureau of Labor Statistics.

Due to the increased number of snow events in recent winters, modifications were issued to expand upon a test program to evaluate the concept of using rear traction tires as an alternative to snow chains. Snow chains are purchased by NYC Transit and MTABC and installed on the tires on rear axles of the bus along with center axles on articulated buses by in-house labor prior to an anticipated snow event. In an effort to reduce overall costs associated with installing snow chains, DOB decided to test the use of traction tires on rear axles along with center axles on articulated buses. Traction tires are composed of a softer rubber compound than a standard transit tire and are produced with a tread pattern designed to have a larger contact patch with the road in snow conditions, thus providing more traction than a standard transit tire in such conditions. A tradeoff exists with the use of traction tires because they have a shorter useful life than a transit tire, and using them during all seasons accelerates their wear. Therefore, the cost per tire mile of a traction tire is greater than a standard transit tire.

While the use of the tire chains on standard transit tires provides increased traction when installed, their use can potentially damage the tires, the wheel well, or panels if they come loose from the tire. In addition the use of snow chains is an operational challenge due to the time and coordination involved in the installation and removal of snow chains prior to and after each snow event. The overall concept was to test whether traction tires could be used continuously through all seasons, eliminating the need for snow chain installations and removals associated with snow events, and whether the concept was operationally viable. The test of concept proved so; therefore, DOB has requested that the various traction tires currently in use continue to be used and evaluated through the upcoming winter season. In addition, Goodyear has engineered a new traction tire developed specifically for use on transit buses that were introduced in early 2016 that DOB is currently evaluating.

Concurrently, Procurement and DOB are working with additional tire companies in an effort to award test and evaluation agreements to develop additional competition and determine what traction tire offerings will best satisfy NYC Transit’s requirements. As a result of an extensive outreach two additional tire companies have expressed interest in participating in a competitive RFP for the next tire leasing contract. However, the tire companies have all indicated the need for a period of at least two years to test traction tires in the NYC duty cycle in order to conduct their due diligence to be able to participate in a competitive

solicitation. These anticipated test and evaluation contracts will be the subject of a future Board action. It was estimated that a three-year period of time was necessary for the test and evaluation to first, equip the depots with tire servicing equipment and swap out the Goodyear tires with the tires to be tested and subsequently, to adequately test the tires and accumulate enough data to reasonably draw conclusions from the evaluation culminating in a separate competitive solicitation and award of the long term tire leasing replacement contract. Not only will the test result in enhancing competition on the upcoming solicitation, but it will also allow for DOB to perform comparative analyses between competitors and traction tire types prior to the solicitation taking place.

As part of Modification No. 7, the Board was informed this future modification would be presented to extend the contract by three additional years for continued service with Goodyear while the test and evaluations are ongoing, to solicit, negotiate and award the aforementioned long term tire leasing replacement contract, and to allow time to potentially transition from the incumbent to a new contractor. However the time required to develop scopes of work for the test and evaluation agreements took longer than anticipated resulting in the need to extend this contract with Goodyear for 42 months. This will allow for the 2 year period needed to test the traction tires.

The Board was also informed that a cost audit would be performed on all tires included and added to this contract over its term, however due to the complexity of the contract the cost audit is still ongoing. Once completed, the results will be used to negotiate pricing on all the tires, which will be applied retroactively to the dates the tires were first included in the contract. A fair and reasonable determination will then be made.

MARCH 2016

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote:

D. Ratification of Completed Procurement Actions

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

- | | | |
|---|------------------|-------------------------------|
| 1. Analysts, Inc.
IFB# 84314
Immediate Operating Need | \$180,221 (Est.) | <u>Staff Summary Attached</u> |
|---|------------------|-------------------------------|
- Physical and chemical testing of bus engine oil, transmission fluid, and traction motor oil.

Schedule D: Ratification of Completed Procurement Actions



Item Number: 1

Vendor Name (& Location) Analysts, Inc. (Houston, TX)
Description Physical and chemical tests of bus engine oil, transmission fluid and traction motor oil
Contract Term (including Options, if any) One Year
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: Immediate Operating Need

Contract Number IFB 84314	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Amount: \$180,221 (Est.)	
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 and MTA Bus Company, Darryl C. Irick	

Discussion:

It is requested that the Board formally ratify the Immediate Operating Need declared by the Vice President, Materiel, waiving competitive bidding pursuant to the All-Agency Guidelines for the Procurement of Services, Article IV, paragraph (c) and ratify the award of this contract for the physical and chemical testing of used bus engine oil, transmission fluid, and traction motor oil.

The physical and chemical testing of used bus engine oil, transmission fluid, and traction motor oil is an essential service for the New York City Transit’s Department of Buses (DOB) and MTA Bus Company (MTABC) because it is used to detect the presence of contaminants in these fluids. Contaminants in the fluids generally suggest a problem in the engine, transmission, or traction motor that may require further action by the depots. The contractor is required to test approximately 100 samples per day in strict accordance with various American Society for Testing and Materials standards.

On July 15, 2013 a three-year estimated quantity contract for this service was awarded to ANA Laboratories (ANA). Over the course of the contract, DOB suspected and confirmed that fluid contaminants were not being accurately detected or identified by ANA. As a result, NYC Transit ceased use of the contract with ANA and immediately requested a new contract from another provider for this critical service. Procurement informally solicited bids for a new contract to cover service requirements while a formal solicitation took place. Through an extensive market outreach, four bids were received. Analysts, Inc. was the lowest bidder offering pricing that was 36% lower than the next lowest bidder, and 13.7% lower than the contract with ANA. Subsequent to a qualification hearing and a visit to Analysts’ laboratories, a one year contract for physical and chemical testing of bus engine oil, transmission fluid and traction motor oil was awarded to Analysts on May 7, 2015 in the estimated amount of \$180,221. The pricing offered was found fair and reasonable based on adequate competition.

MARCH 2016

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

1. **E.E. Cruz/Tully Construction JV** **\$4,000,000** *Staff Summary Attached*
Contract# C-26010.172

Modification to the contract for the Second Avenue Subway Route 132A – 96th Street Station Finishes, in order to address additional surface restoration along Second Avenue.

Schedule K: Ratification of Completed Procurement Actions



Item Number: 1

Vendor Name (& Location) E.E. Cruz/Tully Construction Co., JV, LLC (New York, NY)
Description Second Avenue Subway Route 132A – 96 th Street Station Finishes
Contract Term (including Options, if any) June 22, 2012 – March 29, 2016
Option(s) included in Total Amt? <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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
Requesting Dept/Div & Dept/Div Head Name: MTA Capital Construction, Dr. Michael Horodniceanu

Contract Number C-26010	AWO/Mod. # 172
Original Amount:	\$ 324,600,000
Prior Modifications:	\$ 32,636,842
Prior Budgetary Increases:	\$ 0
Current Amount:	\$ 357,236,842
This Request:	\$ 4,000,000
% of This Request to Current Amt:	1.1%
% of Modifications (including This Request) to Original Amt:	11.3%

Discussion:

This retroactive modification addresses additional surface restoration along Second Avenue.

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

The contract requires the restoration of Second Avenue roadway and sidewalks from the 90th Street intersection to the south side of the 105th Street intersection, and approximately 25 feet up every side street including final placement of utilities, concrete roadway base and asphalt, steel curbing, full width sidewalks, light poles and masts with associated conduit, traffic signals and permanent lane markings. MTACC and NYC DOT have agreed that there should be a consistent streetscape along Second Avenue after SAS Phase 1 construction is completed. In order to implement this vision, MTACC agreed to expand the limits of the contract surface restoration work south to 88th Street and approximately 100 feet north of the 105th Street intersection as well as implement changes to specified materials such as street lights, signals and pavement markings to reflect the current NYC street finishing specifications developed over the course of the Second Avenue Subway Project. The Board has previously approved Modification No. 171, at a cost of \$3,750,000, for the acceleration of base contract work associated with final placement of street utilities and surface restoration to be completed by August 31, 2016.

The scope of work for this modification includes roadway pavement changes, additional curb and sidewalk concrete work, street light changes, traffic signal changes, SBS bus stop-electrical service, additional tree restoration and a reduction in the quantity of temporary asphalt and pavement markings resulting from the Contractor’s elimination of a construction phase in the performance of the surface restoration work. The roadway changes consist of the addition of milling and paving of Second Avenue from 90th Street to 88th Street, the 100’ section north of 105th Street and a 200’ section east on 105th Street; roadway upgrade from milling and paving to full depth restoration of seven side streets on the east side of Second Avenue (93rd, 95th, 96th, 97th, 99th, 102nd & 105th) and four side streets on the west side of Second Avenue (92nd, 95th, 96th & 97th); and removal and replacement of sidewalk on five blocks along the west side of Second Avenue (91st, 92nd, 97th, 102nd & 104th) and on four blocks along the east side of Second Avenue (92nd, 97th, 101st & 104th). This modification also includes premium time to ensure completion of this additional work by the accelerated completion date of August 31, 2016 for all surface restoration work.

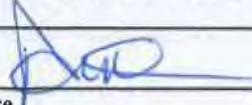
Due to the long lead time associated with the street light fixtures and in order to meet the utility and street restoration accelerated completion date of August 31, 2016 established in Modification No. 171, it was necessary to direct the Contractor to procure the fixtures immediately. Approval to process this modification on a retroactive basis was obtained from the MTACC President on September 22, 2015 and the Contractor was directed to procure the light fixtures on September 23, 2015.

The Contractor’s proposal was \$5,368,312. MTACC’s revised estimate was \$3,918,575. Negotiations resulted in a lump sum price of \$4,000,000 which was found to be fair and reasonable. Savings of \$1,368,312 were achieved.



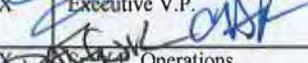
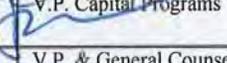
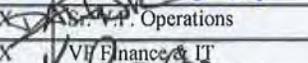
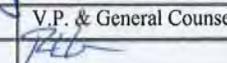
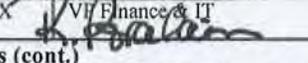
Metro-North Railroad

Procurements

Subject	Request for Authorization to Award Various Procurements
Department	Procurement and Material Management
Department Head Name	Alfred Muir, Sr. Director
Department Head Signature	
Project Manager Name	

Date	March 14, 2016
Vendor Name	Various
Contract Number	Various
Contract Manager Name	Various
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	3/21/16	X		
2	MTA Board Mtg.	3/23/16	X		

Internal Approvals			
	Approval		Approval
X	President 	X	V.P. Planning 
X	Executive V.P. 	X	V.P. Capital Programs 
X	ASST. V.P. Operations 	X	V.P. & General Counsel 
X	V.P. Finance & IT 		

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

PURPOSE:

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

DISCUSSION:

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

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts <ul style="list-style-type: none"> • Ansaldo STS USA, Inc. \$124,347 	1	\$124,347
<u>Schedules Requiring Majority Vote</u>	NONE	
SUB TOTAL:	1	\$124,347

MNR proposes to award competitive procurements in the following categories:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B: Competitive Requests for Proposals <ul style="list-style-type: none"> • Request to Use RFP Process 	1	TBD
Schedule C: Competitive Requests for Proposals <ul style="list-style-type: none"> • Plasser American Corporation \$4,432,388 	1	\$4,432,388
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts <ul style="list-style-type: none"> • East Coast Railroad Services (MNR) \$2,675,030 • National Waste Services (LIRR) \$1,090,470 	2	\$3,765,500
Schedule H: Modifications to Personal/Miscellaneous Service Contracts <ul style="list-style-type: none"> • WSB Parsons Brinkerhoff, Inc. \$1,851,439 	1	\$1,851,439
SUB TOTAL:	5	\$10,049,327
TOTAL:	6	\$10,173,674

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

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

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

METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

MARCH 2016

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

A. Non-Competitive Purchases and Public Work Contracts

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

**1. Ansaldo STS USA, Inc. \$124,347(not-to-exceed) Staff Summary Attached
Purchase of OEM Cab Signal Replacement Parts**

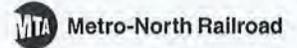
Approval is requested to award a non-competitive purchase contract for up to a three year period to Ansaldo STS USA, Inc. (“Ansaldo”). Ansaldo is the Original Equipment Manufacturer (OEM) for various cab signal replacement parts and components for MNR’s M-7 railcars. The parts included in this agreement have been fully vetted to reflect only those materials that cannot be acquired from other sources. They include but are not limited to: printed circuit boards, relays, transformers and track signal receivers; which are essential to maintaining the M-7 cab signal system in a state of good repair.

This is a requirement-based purchase agreement and MNR is not obligated to generate a minimum amount of purchase orders. The purchase agreement will eliminate the need and expense of individually advertising prospective procurements, reduce administrative costs and possible procurement lead times for separate purchase orders and expedite material delivery. Ansaldo will be required to maintain tooling and manufacturing capabilities necessary to produce the parts for the duration of this agreement

In requesting this Board authorization, MNR has complied with PAL§1265-a (3) (advertisement for alternate suppliers) and with MTA All-Agency Procurement Guidelines for the purchase of sole source material. Advertisements were placed in the New York State Contract Reporter, The New York Post, Daily Challenge, El Diario and posted on the MNR website, which did not yield interest from other sources.

The purchase agreement will have fixed pricing for the three year term. The total not to exceed for the three year period is \$124,347 and it is to be funded by the MNR Operating Budget.

Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: A

Vendor Name (& Location) Ansaldo STS USA, Inc.
Description Purchase Agreement for OEM Replacement Parts
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 type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
Solicitation Type <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source/OEM

Contract Number 9690-A	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: \$124,347 (not to exceed)	
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	
Contract Manager: Maria Brancaccio-Stoto – Manager, Operations Procurement	

Discussion:

Approval is requested to award a non-competitive purchase contract for up to a three year period to Ansaldo STS USA, Inc. (“Ansaldo”). Ansaldo is the Original Equipment Manufacturer (OEM) for various cab signal replacement parts and components for MNR’s M-7 railcars. The parts included in this agreement have been fully vetted to reflect only those materials that cannot be acquired from other sources. They include but are not limited to: printed circuit boards, relays, transformers and track signal receivers which are essential to maintaining the M-7 cab signal system in a state of good repair.

This is a requirement-based purchase agreement and MNR is not obligated to generate a minimum amount of purchase orders. The purchase agreement will eliminate the need and expense of individually advertising prospective procurements, reduce administrative costs and procurement lead times for separate purchase orders and expedite material delivery. Ansaldo will be required to maintain tooling and manufacturing capabilities necessary to produce the parts for the duration of this agreement.

In requesting this Board authorization, MNR has complied with PAL§1265-a (3) (advertisement for alternate suppliers) and with MTA All-Agency Procurement Guidelines for the purchase of sole source material. Advertisements were placed in the New York State Contract Reporter, The New York Post, Daily Challenge, El Diario and posted on the MNR website, which did not yield interest from other sources.

The purchase agreement will have fixed pricing for the three year term. The total not to exceed for the three year period is \$124,347 and it is to be funded by the MNR Operating Budget.

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

2. Plasser American Corporation \$4,432,388 (not-to-exceed) Staff Summary Attached
Purchase of Two Catenary Maintenance Vehicles

Approval is requested to award a 24-month competitively solicited RFP (four proposals received) contract to the firm, Plasser American Corporation (Plasser), to design, build and deliver two Catenary Maintenance Vehicles (CMV). This award includes authorization to exercise options to provide a single flat car on-track trailer and miscellaneous support systems (hydraulic, de-icing and degreaser). In addition, Plasser shall supply certain spare parts for the long term maintenance of the vehicles.

The CMV is used to perform continuous maintenance as well as emergency repairs on MNR's New Haven Catenary System. The inspection and maintenance activities are critical to ensuring the safety and reliability of the AC high voltage overhead traction power system. The CMV is an on-track, self-propelled vehicle with a vertically raised and lowered work platform. The CMV also transports MNR staff and materials that are performing catenary inspections during both energized and de-energized conditions. With the exercised options, the CMVs will be further enhanced with unique features such as an extended single flat car on-track trailer and miscellaneous support systems (hydraulic, de-icing and degreaser). The new CMVs will replace the existing CMVs which have reached the end of their useful life. The CMV's will be maintained by MNR's Maintenance of Way (MofW) Power Department.

MNR received Board approval to use the Request for Proposal (RFP) process for this procurement at the March 2015 MTA Board meeting. On September 15th 2015, RFP No. 9663-A was advertised in the New York State Contract Reporter, Railway Age, Progressive Railroading, and posted on the MNR website. On October 30th 2015, four technical and cost proposals were received from the firms: Harsco Rail, Inc., Tesmec USA, Inc., Plasser American Corporation, and Geismar Modern Track Machinery, Inc.

Accordingly, it is recommended that the Board approve the selection of Plasser American Corporation design, build and delivery of two Catenary Maintenance Vehicles (CMV) which includes the exercising of options to provide a single flat car on-track trailer and miscellaneous support systems (hydraulic, de-icing and degreaser), and supply of spare parts and consumables. Plasser's final BAFO cost of \$4,432,388 is 1.5% lower than the Engineers estimate and \$782,252 less than their initial proposal. In addition, Plasser's final price was 20.5% lower than the next lowest proposer (Geismar). This price is considered fair and reasonable. This procurement is to be funded by MNR's Operating Budget.

Schedules Requiring Majority Vote:

G. Miscellaneous Service Contracts

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

3. **East Coast Railroad Services (MNR) \$2,675,030 (not-to-exceed)**
National Waste Services (LIRR) \$1,090,470 (not-to-exceed)

Disposal of Ties, Ties Stubs & other Wooden Items

Approval is requested, by Metro North Railroad (MNR) and Long Island Rail Road (LIRR) to award two individual five year, competitively solicited, miscellaneous service contracts (RFQ process, four bids received MNR and five Bids received LIRR) to East Coast Railroad Services (MNR) and National Waste Services (LIRR) for the on-going removal and lawful disposal of railroad ties and stubs throughout MNR's and LIRR's operating territories. The solicitation was structured to permit bids based on service territory, wherein a contractor could elect to bid or not bid on specific territories. Bid results yielded low bids from East Coast Railroad Services for MNR and National Waste Services for LIRR. For each award, the firm will be required to provide debris containers as needed on-site throughout the operating territories to accommodate track right-of-way projects.

MNR/ East Coast Railroad Services (ECSR) - ECSR shall remove, transport and dispose of wooden ties to multiple MNR pre-approved disposal sites. ECSR is the incumbent contractor for these services. There unit prices reflect a slight increase which is attributable to an increase in hauling and disposal fees to the disposal site. ECSR's pricing was 70% less than the second lowest bidder. The proposed pricing is considered fair and reasonable.

LIRR/National Waste Services (National Waste) - National Waste shall remove, transport and dispose of wooden ties in one of two landfills located on Long Island. National Waste's bid price of \$3.34 per tie represents a 46% decrease in LIRR's current contract cost of \$6.18 per tie. National Waste's proposed pricing is less than 1% lower than ECSR (LIRR locations) - the next lowest bidder and is considered fair and reasonable. The unit prices shall remain firm for the duration of both agreements

The total award of these contracts is not-to-exceed \$2,675,030 for MNR and \$1,090,470 for LIRR and is to be funded by each Railroad's Operating Budget.

H. Modifications to Personal/Miscellaneous Service Contracts

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

4. **WSB Parsons Brinkerhoff, Inc. \$1,851,439 Staff Summary Attached**
MIS/EIS for MNR Penn Station Access

Approval is requested for additional funding in the amount of \$1,851,439 for a contract modification to an existing, competitively solicited, personal service contract with WSP Parsons Brinkerhoff, Inc. ("PB"). This contract is for the planning and engineering services required to prepare a Major Investment Study (Alternatives Analysis) and Federal Environmental documentation for MNR's Penn Station Access project ("Project"). The Project, which includes the construction of four new stations in the Bronx, will provide direct rail service along Amtrak's Hell Gate Line to Penn Station, NY (PSNY). The Project will improve network resiliency through an alternative New Haven Line connection to Manhattan in the event

of future service disruptions, severe weather events and other emergencies, and will substantially reduce travel times for people traveling by public transportation between Manhattan's West Side and areas within Metro-North's east of Hudson service territory. It will also allow for direct rail service for East Bronx residents to jobs on Manhattan's West Side and along the NHL in Westchester and Connecticut and introduce easier access to East Bronx employers from communities along the New Haven Line in Westchester and Connecticut and from the West Side of Manhattan.

Upon award in 1998, PB began the initial planning and data collection in connection with the federal environmental review under the National Environmental Policy Act ("NEPA"). A Comparative Screening Report, which narrowed the planning effort to four alternatives for new services to PSNY, was issued in 2002. From 2002 to 2007, environmental analyses for the four alternatives were performed and documented. Upon review of this draft document, and considering that the proposed service and stations fell within Amtrak's existing rail Right Of Way, FTA requested that MNR prepare an Environmental Assessment instead of an EIS. Shortly after, in 2009, a multi-agency operations simulation of the PSNY complex and its approaches was launched. This effort was managed by the MTA and completed in 2015. While the Penn Station Operations Simulations occurred, MNR in parallel, concentrated its efforts on performing planning and environmental work for the New Haven Line service to PSNY and the four new stations in the Eastern Bronx.

To date, MNR has identified potential infrastructure improvements (mostly on the Hell Gate Line) to allow for MNR New Haven Line service into PSNY and to construct the four new Bronx Stations. The recently completed MTA Penn Station Operations Study confirmed the ability to operate MNR service into PSNY in conjunction with initiation of LIRR East Side Access service, currently projected for 2022. In late 2015, MTA, MNR and LIRR executed an agreement with Amtrak to work together to verify the required infrastructure improvements along Amtrak's right of way and confirm the Amtrak and MNR services that can be run on the Hell Gate and New Haven Lines.

Now that MNR has obtained Amtrak's agreement to cooperate in finalizing the scope of the necessary infrastructure improvements, MNR requires PB to perform the following tasks in order to bring the planning and environmental review process to a close: prepare topographic surveys and mapping; perform right-of-way and bridge inspections and assessments; verify alignments; confirm station platform locations in light of other infrastructure improvements required in the right-of way; perform property assessments; and refine ridership forecasts. Using the solidified scope of work and working with the agencies, PB will prepare a Project Implementation Plan, which will include conceptual construction staging, contract packaging concepts, a refined project cost estimate and schedule using the solidified scope of work. Lastly, a study of Transit Oriented Development and Value Capture opportunities will be prepared for the new Bronx Stations.

The total cost of this work, which is not to exceed \$1,851,439, has been reviewed and found to be fair and reasonable for the level of effort required. The technical service described above is expected to be completed in early 2017 and the environmental review process, include all legally required opportunities for public comment, is expected to be completed by January 31, 2018, thus requiring an extension of the PB contract. The current contract completion date of December 31, 2016 will be extended thirteen months to January 31, 2018.

The total cost of this agreement, in the not to exceed amount of \$1,851,439 is to be funded by the Capital Program Budget.

Staff Summary

Item Number B					
Dept & Dept Head Name: Procurement & Material Management, Al Muir, Sr. Director <i>AM</i>					
Division & Division Head Name: Executive Vice President, Catherine Rinaldi <i>CR</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	3-21-16	x		
2	MTA Board Mtg.	3-23-16	x		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	V.P. Planning <i>PL</i>		
X	V.P. Operations	X	Acting V.P. & General Counsel <i>RLG</i>		
X	V.P. Capital Programs				
X	V.P. Finance & IT				

SUMMARY INFORMATION	
Vendor Name TBD	Contract Number TBD
Description Request to use the RFP process to solicit proposals for a Powered Continuous Work Platform with a Steel Track Excavator	
Total Amount TBD	
Contract Term (including Options, if any) TBD	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION:

To obtain MTA Board approval to use the competitive Request for Proposals (RFP) process to solicit and evaluate proposals from prospective contractors for the design, manufacture, and delivery of one Powered Continuous Work Platform (PCWP) with a Steel Track Excavator.

II. DISCUSSION:

This project consists of the design, manufacture and delivery of one Powered Continuous Work Platform (PCWP) with a Steel Track Excavator for the majority of MNR's operational railroad corridor. A PCWP is a nine platform articulated consist, suitable for hauling and distributing ballast, maintenance of way materials and rails up to 250 ft. in length which complies with clearance restrictions on MNR territory without interference to electrical operations. The Steel Track Excavator, a component of the PCWP, will have a reduced tail swing design that allows the PCWP to work in the MNR locations with minimum disruption to railroad traffic. The PCWP and Steel Track Excavator will be capable of negotiating all of MNR's track, tunnels, and structures, and stay within the dynamic envelope. The PCWP with a Steel Track Excavator will conform to all MNR restrictions regarding height, width, curvature and weight and is capable of performing all work functions throughout the majority of MNR locations.

Requirements of the PCWP include:

- An enclosed weather tight powered platform housing an operator's cab with full consist operational controls, HVAC and occupant capacity of two with additional jump seat. Diesel engine /alternator gen set present in separate enclosure.
- Diesel engine meeting all federal emissions standards.
- Consist shall be equipped with braking system designed to meet the current requirements of the AAR (Association of American Railroads).
- Rear gondola will have provisions to incorporate a removable rear operator's cab. This cab will provide a point of control through a remote, as well as necessary safe operational controls and displays that will be train lined with a removable plug in connection to the removable rear cab.

In order to ensure the selection of a contractor with the necessary experience and expertise, it is in the public interest to use the RFP process to properly evaluate the technical and remanufacturing capabilities of prospective proposers. The Contractor will be selected based on an evaluation of technical capability, past performance, organization resources, experience of team members, and cost. This procurement will be federally funded.

III. D/M/WBE INFORMATION:

TBD. The Contractor shall be required to comply with goals determined by DDCR.

IV. IMPACT ON FUNDING:

Federal Funds

V. ALTERNATIVES:

MNR does not have the available in-house design or capacity to complete the scope of the specified work.

Staff Summary

Item Number C					
Dept. & Dept. Head Name: Procurement & Material Management, Al Muir, Sr. Director					
Division & Division Head Name: Executive Vice President, Catherine Rinaldi					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	3-21-16	x		
2	MTA Board Mtg.	3-23-16	x		
Internal Approvals					
Order	Approval	Order	Approval		
X	President				
X	V.P. Operations	X	V.P. Planning		
X	V.P. Finance & IT	X	Acting V.P. & General Counsel		
X	V.P. Capital Programs				

SUMMARY INFORMATION	
Vendor Name Plasser American Corporation	Contract Number 9663-A
Description Purchase of Two Catenary Maintenance Vehicles	
Total Amount \$4,432,388	
Contract Term (including Options, if any) 24 Months	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION:

Approval is requested to award a 24-month competitively solicited RFP (four proposals received) contract to the firm, Plasser American Corporation (Plasser), to design, build and deliver two Catenary Maintenance Vehicles (CMV). This award includes authorization to exercise options to provide a single flat car on-track trailer and miscellaneous support systems (hydraulic, de-icing and degreaser). In addition, Plasser shall supply certain spare parts for the long term maintenance of the vehicles.

II. DISCUSSION:

The objective of this program is to design, build and deliver two CMVs with associated features exercised under the available options. The CMV is used to perform close inspections and continuous maintenance as well as emergency repairs on MNR's New Haven Catenary System. The inspections and maintenance activities are critical to ensuring the safety and reliability of the New Haven Line's AC high voltage overhead traction power system. The CMV is an on-track, self-propelled vehicle with a telescopic raised and lowered work platform to which is attached a crane mounted lift bucket. The CMV also transports MNR staff and material in performing catenary inspection during both energized and de-energized conditions. With the exercised options, the CMVs will be further enhanced with unique features such as a single flat car on-track trailer and miscellaneous support systems (hydraulic, de-icing and degreaser) for increased staff safety and a supply of spare parts. The new CMVs will replace the existing CMVs which have reached the end of their useful life. The CMVs will be maintained by MNR's Maintenance of Way (MofW) Power Department.

At the March 2015 Board meeting, MNR received approval to use the Request for Proposal (RFP) process for this procurement. On September 15th 2015, RFP No. 9663-A was advertised in the New York State Contract Reporter, Railway Age, Progressive Railroading, and posted on the MNR website. On October 30th 2015, four technical and cost proposals were received from the firms: Harsco Rail, Inc., Tesmec USA, Inc., Plasser American Corporation, and Geismar Modern Track Machinery, Inc.

A Selection Committee comprised of seven members representing MNR's Power, Track and Structures and Procurement & Material Management Departments evaluated the proposals using a two phase approach. The criteria in order of importance for selection established in the RFP were as follows:

Phase 1

1. Demonstrated understanding of the Technical Specification Requirements
2. Past Experience and performance on similar projects
3. Demonstrated capability and financial resources to perform the assigned Scope of Work in the time projected

Phase 2

1. Technical Merit
2. Cost

During the Phase 1 evaluations, presentations were made by each of the proposers including a question and answer period based on previously prepared questions. Each committee member scored the proposers against the Phase 1 criteria. Based upon numerical overall evaluations of the proposals, a “shortlist” was established and the following three firms were selected to participate in Phase 2; and asked to provide full Technical and Commercial proposals:

1. Tesmec USA, Inc.
2. Plasser American Corporation
3. Geismar Modern Track Machinery, Inc.

After reviewing the Phase 2 proposals, the Selection Committee unanimously agreed that although all contractors could perform the scope of work as provided in the contract and their proposals met the requirement of the RFP, Plasser provided the best value to MNR. Plasser’s cost is \$1,127,882 (20.38%) lower than the second lowest proposer (Geismar). Further, Plasser’s proposal was within the MofW Power Department’s estimated budget which allowed for execution of available options. Plasser was able to clearly demonstrate to the committee their ability to successfully complete all requirements within the 24 month schedule.

Accordingly, it is recommended that the Board approve the selection of Plasser American Corporation for the design, build and delivery of two Catenary vehicles, miscellaneous support systems (hydraulic, de-icing and degreaser), and supply of spare parts and consumables.

III. D/M/WBE INFORMATION:

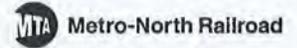
The MTA Office of Civil Rights has established a 0% MBE and 0% WBE goal for this contract.

IV. IMPACT ON FUNDING: The total cost for this procurement is not to exceed \$4,432,388 and is to be funded by MNR’s Operating Budget.

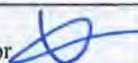
V. ALTERNATIVES:

MNR does not have the manufacturing capability to design, build and deliver these unique vehicles.

Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts



Item Number: H

Vendor Name (& Location) WSP Parsons Brinckerhoff, Inc.	Contract Number 9388	AWO/Modification # 16
Description MIS/EIS for MNR Penn Station Access	Original Amount:	\$2,884,647.00
Contract Term (including Options, if any) 1998- 2016	Prior Modifications:	\$3,513,175.00
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Prior Budgetary Increases:	\$
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$6,397,822.00
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$1,851,439
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:	29%
Requesting Dept/Div & Dept/Div Head Name: Procurement & Material Management, Al Muir, Sr. Director 	% of Modifications (including This Request) to Original Amount:	186%

Discussion:

Approval is requested for additional funding in the amount of \$1,851,439 for a contract modification to an existing, competitively solicited, personal service contract with WSP Parsons Brinckerhoff, Inc. ("PB"). This contract is for the planning and engineering services required to prepare a Major Investment Study (Alternatives Analysis) and Federal Environmental documentation for MNR's Penn Station Access project ("Project"). The Project, which includes the construction of four new stations in the Bronx, will provide direct rail service along Amtrak's Hell Gate Line to Penn Station, NY (PSNY). The Project will improve network resiliency through an alternative New Haven Line connection to Manhattan in the event of future service disruptions, severe weather events and other emergencies, and will substantially reduce travel times for people traveling by public transportation between Manhattan's West Side and areas within Metro-North's east of Hudson service territory. It will also allow for direct rail service for East Bronx residents to jobs on Manhattan's West Side and along the NHL in Westchester and Connecticut and introduce easier access to East Bronx employers from communities along the New Haven Line in Westchester and Connecticut and from the West Side of Manhattan.

Upon award in 1998, PB began the initial planning and data collection in connection with the federal environmental review under the National Environmental Policy Act ("NEPA"). A Comparative Screening Report, which narrowed the planning effort to four alternatives for new services to PSNY, was issued in 2002. From 2002 to 2007, environmental analyses for the four alternatives were performed and documented. Upon review of this draft document, and considering that the proposed service and stations fell within Amtrak's existing rail Right Of Way, FTA requested that MNR prepare an Environmental Assessment instead of an EIS. Shortly after, in 2009, a multi-agency operations simulation of the PSNY complex and its approaches was launched. This effort was managed by the MTA and completed in 2015. While the Penn Station Operations Simulations occurred, MNR in parallel concentrated its efforts on performing planning and environmental work for the New Haven Line service to PSNY and the four new stations in the Eastern Bronx.

To date, MNR has identified potential infrastructure improvements (mostly on the Hell Gate Line) to allow for MNR New Haven Line service into PSNY and to construct the four new Bronx Stations. The recently completed MTA Penn Station Operations Study confirmed the ability to operate MNR service into PSNY in conjunction with initiation of LIRR East Side Access service, currently projected for 2022. In late 2015, MTA, MNR and LIRR executed an agreement with Amtrak to work together to verify the required infrastructure improvements along Amtrak's right of way and confirm Amtrak and MNR services that can be run on the Hell Gate and New Haven Lines.

Now that MNR has obtained Amtrak's agreement to cooperate in finalizing the scope of the necessary infrastructure improvements, MNR requires PB to perform the following tasks in order to bring the planning and environmental review process to a close: prepare topographic surveys and mapping; perform right-of-way and bridge inspections and

Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts

assessments; verify alignments; confirm station platform locations in light of other infrastructure improvements required in the right-of way; perform property assessments; and refine ridership forecasts. Using the solidified scope of work and working with the agencies, PB will prepare a Project Implementation Plan, which will include conceptual construction staging, contract packaging concepts, a refined project cost estimate and schedule using the solidified scope of work. Lastly, a study of Transit Oriented Development and Value Capture opportunities will be prepared for the new Bronx Stations.

The total cost of this work, which is not to exceed \$1,851,439, has been reviewed and found to be fair and reasonable for the level of effort required. The technical service described above is expected to be completed in early 2017 and the environmental review process, include all legally required opportunities for public comment, is expected to be completed by January 31, 2018, thus requiring an extension of the PB contract. The current contract completion date of December 31, 2016 will be extended thirteen months to January 31, 2018.

The total cost of this agreement, in the not to exceed amount of \$1,851,439 is to be funded by the Capital Program Budget.

LONG ISLAND RAIL ROAD

PROCUREMENTS

FOR

BOARD ACTION

March 23, 2016

Staff Summary



Subject : Request for Authorization to Award Various Procurements						Date March 23, 2016			
Department Procurement & Logistics									
Department Head Name Dennis L. Mahon, Chief Procurement & Logistics Officer									
Department Head Signature 									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	03.21.16	X			X	President		VP & CFO
2	MTA Board	03.23.16	X			X	Exec. Vice President		VP, Gen. Counsel & Secy
							Sr. VP-Operations		
							Executive VP		

PURPOSE:

To obtain approval of the Board to award various contracts and purchase orders, and to inform the Long Island Rail Road Committee of these procurement actions.

DISCUSSION:

LIRR proposes to award Non-Competitive Procurements in the following categories: # of Actions \$ Amount

Schedule Requiring Majority Vote

Schedule F: Personal Service Contract	1	\$419,834
SUBTOTAL	1	\$419,834

LIRR proposes to award Competitive Procurements in the following categories: # of Actions \$ Amount

Schedules Requiring Two-Thirds Vote

Schedule B: Competitive Requests For Proposals	3	\$TBD
SUBTOTAL	3	\$TBD

LIRR proposes to award Ratifications in the following categories: # of Actions \$ Amount

Schedules Requiring Majority Vote

Schedule K: Ratification of Completed Procurement Actions	1	\$50,178
SUBTOTAL	1	\$50,178

TOTAL: 5 \$470,012

BUDGET IMPACT:

The purchases/contracts will result in obligating LIRR operating and capital funds in the amounts listed. Funds are available in the current operating budget 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.

MARCH 2016

MTA LONG ISLAND RAIL ROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

Schedule F: Personal Service Contract

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

- | | | | |
|-----------|------------------------------|----------------------|--------------------------------------|
| 1. | KLD Labs Incorporated | \$419,834 | <i><u>Staff Summary Attached</u></i> |
| | Sole Source | Not-to-Exceed | |
| | Contract TBD | | |

LIRR requests MTA Board approval to award a three-year sole source contract to KLD Labs Incorporated (“KLD”) in an amount not to exceed \$419,834, to (i) provide quarterly scheduled maintenance and extended warranty service for both the ORION and TRMS systems on LIRR’s Track Geometry Vehicle (“TC82”); (ii) furnish and install upgrades to TRMS-1 to allow for measurement of Third Rail and Center of Track temperature; and (iii) provide spare parts and labor for items not covered by warranty service.

Schedule F: Personal Service 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: Engineering Christopher Calvagna Division Head Signature & Date <i>[Signature]</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee	3.21.16	X		
2	MTA Board	3.23.16	X		
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/CFO <i>[Signature]</i>		
4	Sr. VP/Operations <i>[Signature]</i>	1	VP/Gen'l Counsel & Sec'y <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name KLD Labs Incorporated	Contract Number TBD
Description Maintenance, Repair & Upgrade of the Orion 7.0 & TRMS 1.0 subsystems on the LIRR Track Geometry Vehicle (TC82)	
Total Amount \$419,834 NTE	
Contract Term (including Options, if any) May 1, 2016 – April 30, 2019	
Options(s) included in Total Amount:	Yes X No
Renewal?	X Yes 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:	

Narrative:

I. PURPOSE/RECOMMENDATION

LIRR requests MTA Board approval to award a three-year sole source contract to KLD Labs Incorporated (“KLD”) in an amount not to exceed \$419,834, to (i) provide quarterly scheduled maintenance and extended warranty service for both the ORION and TRMS systems on LIRR’s Track Geometry Vehicle (“TC82”), (ii) furnish and install upgrades to TRMS-1 to allow for measurement of Third Rail and Center of Track temperature, and (iii) provide spare parts and labor for items not covered by warranty service.

II. DISCUSSION

LIRR Operating Procedures and FRA Guidelines require regular inspection and maintenance of track to ensure the safe operation of train movement. To achieve this, LIRR utilizes a TC82 car, which was purchased in March 2000 for \$4.1 million. The TC82 and its major subsystems must be in good working order for inspection service to take place. The contract with KLD for verification, alignment, calibration and repair services of the Orion and TRMS subsystems requires KLD to respond within 48 hours, which will minimize the time that the TC82 will be out of service.

KLD is the Original Equipment Manufacturer of the ORION and TRMS subsystems, which are proprietary. KLD is the only known responsible source for these services. Under previous contracts, KLD provided these services in an acceptable manner. LIRR advertised its intent to award a sole-source contract to KLD in the NYS Contract Reporter, the NY Post and on MTA’s website. No other supplier expressed an interest in competing for this contract.

Staff Summary

A breakdown of the \$419,834 NTE amount includes (i) a fixed price of \$227,954 for quarterly scheduled maintenance and extended warranty service for both the ORION and TRMS systems, (ii) \$148,247 to provide and install upgrades of the existing TRMS-1 to allow for Measurement of Third Rail and Center of Track temperature and (iii) \$43,633 for spare parts and labor in the event of damage to the systems caused by accident and not covered by warranty service.

KLD's price for system maintenance and extended warranty represents a 3.8% annual increase over its most recent contract with LIRR. This equals the CPI-U (All Urban Consumers-U.S. City average) for that period. Accordingly, these prices have been determined to be fair and reasonable.

III. D/M/WBE INFORMATION

There are no D/M/WBE goals for this solicitation.

IV. IMPACT ON FUNDING

This contract will be funded by LIRR's operating budget.

V. ALTERNATIVES

KLD is the Original Equipment Manufacturer of the ORION and TRMS subsystems, which are proprietary. KLD is the only known responsible source for these services.

MARCH 2016

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)

(Staff Summaries only required for items estimated to be greater than \$1 million)

2. **TBD** **\$TBD** *Staff Summary Attached*
Competitive RFP
Contract No. TBD

LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public interest to use the competitive Request for Proposal (RFP) procurement method pursuant to Section 1265-a of the Public Authorities Law to award a contract for the design, manufacture, test and delivery of two Work Locomotives (Locomotives) to support LIRR's East Side Access (ESA) service to Grand Central Terminal (GCT).

3. **TBD** **\$TBD** *Staff Summary Attached*
Competitive RFP
Contract No. TBD

LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public interest to use the competitive Request for Proposal (RFP) procurement method pursuant to Section 1265-a of the Public Authorities Law to award a contract for the design, manufacture, test and delivery of Electric Multiple Units ("EMU's") to support LIRR's East Side Access service to Grand Central Terminal (hereinafter referred to as the M-9A "Railcars").

4. **TBD** **\$TBD** *Staff Summary Attached*
Competitive RFP
Contract No. TBD

The LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is in the public's best interest to use the Request for Proposal (RFP) procurement method pursuant to Section 1265-a of the Public Authorities Law to award a Design/Build construction contract for the Post Ave Bridge Replacement Project. The bridge replacement project is located on the Long Island Rail Road's Main Line, in the Village of Westbury, Nassau County, New York.

Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)

Staff Summary



Item Number: 2					
Dept & Dept Head Name: Procurement & Logistics, Dennis Mahon <i>Dennis Mahon</i>					
Division & Division Head Name: Sr. Vice President-Operations David J. Kubicek <i>David J. Kubicek</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LIRR Committee	3/21/16	X		
2	MTA Board	3/23/16	X		
Internal Approvals					
Order	Approval	Order	Approval		
6	President <i>PWN</i>	3	Sr. VP/ Engineering <i>GRP</i>		
5	Executive VP <i>ERP</i>	2	VP/CFO <i>my</i>		
4	Sr. VP/Operations <i>MD</i>	1	VP/Gen'l Counsel & Sec'y <i>RA</i>		

SUMMARY INFORMATION	
Vendor Name TBD	Contract Number TBD
Description Purchase Two Work Locomotives	
Total Amount \$TBD	
Contract Term (including Options, if any) TBD	
Options(s) included in Total Amount: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative:

I. PURPOSE/RECOMMENDATION:

LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public interest to use the competitive Request for Proposal (RFP) procurement method pursuant to Section 1265-a of the Public Authorities Law to award a contract for the design, manufacture, test and delivery of two Work Locomotives (Locomotives) to support LIRR's East Side Access (ESA) service to Grand Central Terminal (GCT).

II. DISCUSSION:

LIRR seeks to move forward with the ESA Locomotives procurement to ensure the availability of these Locomotives to support opening day ESA service to GCT. The work consists of the design, manufacture, assembly, test and delivery of new diesel-electric Locomotives. The Locomotives, designated 3G-20 by the Railroad, shall be capable of operating at speeds up to 65 mph, in push and/or pull operation, in a single or multiple locomotive consist. The locomotives shall also be capable of controlling and being controlled by other locomotives in a multiple unit consist. These locomotives will primarily be used for yard switching and rescuing disabled trains from various locations throughout the LIRR.

These Locomotives were identified in the FTA/MTA Full Funding Grant Agreement (FFGA) for ESA, and therefore are required to follow FTA Procurement Guidelines, including Buy America requirements.

Staff Summary



III. D/M/WBE INFORMATION:

Because this Contract is subject to Federal Procurement guidelines, the FTA Transit Vehicle Manufacturer (TVM) program applies. Requirements for subcontracting with disadvantaged business entities will be enforced in accordance with the controlling FTA regulations.

IV. IMPACT ON FUNDING:

This contract will be funded with MTA Capital Construction East Side Access Funds, which are anticipated to be included in the MTA's 2015-2019 Capital Program. No award will be made until the Capital Program has been approved.

V. ALTERNATIVES:

The alternative is to use the Invitation for Bid (IFB) procurement method. The IFB method limits the Railroad's ability to have pre-award discussions with manufacturers, and as a result LIRR would lose the ability to consider factors such as proposer experience, plant capacity and locomotive reliability, in addition to price.

Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)

Staff Summary



Item Number: 3					
Dept & Dept Head Name: Procurement & Logistics, Dennis Mahon <i>[Signature]</i>					
Division & Division Head Name: Sr. Vice President-Operations David J. Kubicek <i>[Signature]</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee	3/21/16	X		
2	MTA Board	3/23/16	X		
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/CFO <i>[Signature]</i>		
4	Sr. VP/Operations <i>[Signature]</i>	1	VP/Gen'l Counsel & Sec'y <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name TBD	Contract Number TBD
Description Purchase 160 M-9A Railcars for ESA	
Total Amount \$TBD	
Contract Term (including Options, if any) TBD	
Options(s) included in Total Amount: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative:

I. PURPOSE/RECOMMENDATION:

LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public interest to use the competitive Request for Proposal (RFP) procurement method pursuant to Section 1265-a of the Public Authorities Law to award a contract for the design, manufacture, test and delivery of Electric Multiple Units (“EMU’s”) to support LIRR’s East Side Access service to Grand Central Terminal (hereinafter referred to as the M-9A “Railcars”).

II. DISCUSSION:

In a Staff Summary dated December 2011, LIRR (jointly with Metro-North) received approval to solicit via the RFP process M-9 Cars for replacement of M-3 cars and for ridership growth. LIRR also at that time received approval to solicit East Side Access cars (M-9A cars) which were identified in the FTA/MTA Full Funding Grant Agreement (FFGA) for East Side Access (ESA), and therefore are required to follow FTA Procurement Guidelines, including Buy America requirements. However, due to funding limitations at that time, and based on discussions with FTA which did not sanction simultaneous M-9 and M-9A solicitations, the M-9A procurement was deferred to a later date.

LIRR now seeks to move forward with the M-9A procurement so as to ensure the availability of these cars to support opening day ESA service. The M-9A specification will be similar to the M-9 specification, although lessons-learned during the current M-9 contract will be applied. LIRR will seek to make further gains with respect to the use of “Commercial Off-the-Shelf” and other non-proprietary parts, significantly limiting future sole source procurements. M-9A cars will be purchased in a married pair configuration, as all of LIRR’s shops facilities are designed to service married pairs.

Staff Summary



III. D/M/WBE INFORMATION:

Because this Contract is subject to Federal Procurement guidelines, the FTA Transit Vehicle Manufacturer (TVM) program applies. Requirements for subcontracting with disadvantaged business entities will be enforced in accordance with the controlling FTA regulations.

IV. IMPACT ON FUNDING:

This contract will be funded with MTA Capital Construction East Side Access Funds, which are anticipated to be included in the MTA's 2015-2019 Capital Program. No award will be made unless and until such funding is fully approved and available.

V. ALTERNATIVES:

The alternative is to use the Invitation for Bid (IFB) procurement method. The IFB method limits the Railroad's ability to have pre-award discussions with any carbuilder, and as a result LIRR would lose the ability to negotiate life cycle costs and improvements to the fleet. The RFP process also allows the Railroad to consider factors such as proposer experience, plant capacity and car system reliability, in addition to price.

Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)

Staff Summary



Item Number: 4					
Dept/Dept Head Name: Procurement & Logistics, Dennis Mahon					
Department Head Signature & Date <i>[Signature]</i> 4/8/16					
Division/Division Head Name: Program Management, Richard Oakley					
Division Head Signature & Date <i>[Signature]</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee	3/21/16	X		
2	MTA Board	3/21/16	X		
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/CFO <i>[Signature]</i>		
4	Sr. VP/Operations <i>[Signature]</i>	1	VP/Gen'l Counsel & Sec'y <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name	Contract Number
TBD	6234
Description Design Build Services for Post Ave. Bridge Replacement	
Total Amount TBD	
Contract Term (including Options, if any) 560 Calendar Days	
Options(s) included in Total Amount: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative:

I. PURPOSE/RECOMMENDATION

The LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is in the public's best interest to use the competitive Request for Proposal (RFP) procurement method pursuant to Section 1265-a of the Public Authorities Law to award a Design/Build construction contract for the Post Ave Bridge Replacement Project. The bridge replacement project is located on the Long Island Railroad's Main Line, in the Village of Westbury, Nassau County, New York.

II. DISCUSSION

The scope of work for this project consists of the replacement of the existing one-hundred year old Post Ave. Bridge. The bridge was built in 1914 as a **single** span which contains two tracks utilizing a steel-thru plate girder with solid concrete deck, and reinforced concrete support structures. The two track bridge is critical to the service reliability of the Long Island Railroad's Main Line Branch, which services approximately 200 LIRR passenger trains daily. The bridge exhibits significant deterioration in the concrete and steel elements due to weathering and corrosion as well as damage due to low roadway clearance (12ft.10in.) and vehicle strikes to the superstructure. The replacement bridge will be raised to 14ft. above the roadway to address the vehicle strike issue while bringing the structure back to a State of Good Repair. The new bridge will include a bay for a third track needed to accommodate plans for the future expansion of the Main Line Branch.

Staff Summary



The LIRR is requesting to use the RFP method for a design/build procurement to ensure that the design is consistent with the necessary means and methods and to encourage the selected proposer to identify innovative construction methods to minimize impacts to the project schedule, LIRR operations, and the surrounding residential area. Furthermore, the competitive RFP procurement method allows the LIRR to negotiate with and evaluate contractors and proposal terms other than price alone based on technical capability, past performance and work experience in a railroad environment, qualifications of key personnel, safety record, and completion schedule as well as the contractor's approach to key components of the project such as site constraints, access issues, and bridge removal/replacement.

III. D/M/WBE INFORMATION

Goals for this Contract are to be determined by the MTA Office of Civil Rights and Diversity.

IV. IMPACT ON FUNDING

This contract will be funded by Federal Transit Administration Grant and LIRR's proposed 2015 to 2019 Capital Program Budget. However no contract will be awarded until the Capital Program has been approved.

V. ALTERNATIVES

The alternative is to use the Invitation for Bid (IFB) procurement method. The IFB procurement method does not allow the LIRR to negotiate costs or select a Contractor based upon best experience, technical capability, construction means and methods and/or proposed work completion schedule. In addition, an IFB would (i) require drawings to be at the 100% level, thus potentially delaying the start of construction, and (ii) delay meaningful dialogue with the Contractor until after award, thereby preventing the LIRR from being able to negotiate improvements to the construction schedule and incorporate more efficient means and methods for construction.

MARCH 2016

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)

5. **Advance Relocation and Storage, Inc.** **\$50,178** *Staff Summary Attached*
Contract No. 4000079269 **Not-to-Exceed**

LIRR requests MTA Board ratification of a Miscellaneous Service contract in the amount of \$50,178 to Advance Relocation and Storage, Inc. (“The Advance Group”), for moving services required to relocate LIRR’s Procurement and Logistics Department (“P&L”) from 90-27 Sutphin Blvd. Jamaica, N.Y to 347 Madison Ave, N.Y. The duration of this contract was from 12/1/15 through 1/6/2016, and was issued pursuant to a “Ride” of MTAHQ’s competitively negotiated Miscellaneous Service Contract #12062 which was awarded pursuant to an e-procurement process and approved by the MTA Board in December 2012. The Advance Group was one of seven (7) firms that was pre-qualified and awarded a zero dollar contract to provide as-needed moving services for the MTA Agencies.

Staff Summary



Item Number: 5

Vendor Name (& Location) Advance Relocation and Storage, Inc. 195 Sweet Hollow Rd. Old Bethpage, N.Y.11804
Description Moving Services
Contract Term (including Options, if any) 12-01-2015 through 1-6-2016
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: Ride
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: Strategic Investments/Facilities Planning/D. Betty

Contact Number	AWO/Modification #
4000079269	
Original Amount:	\$50,178
Prior Modifications:	\$0
Prior Budgetary Increases:	\$0
Current Amount:	\$50,178
This Request:	\$50,178
% of This Request to Current Amount:	0%
% of Modifications (including This Request) to Original Amount:	0%

Discussion:

LIRR requests MTA Board ratification of a Miscellaneous Service contract in the amount of \$50,178 to Advance Relocation and Storage, Inc. (“The Advance Group”), for moving services required to relocate LIRR’s Procurement and Logistics Department (“P&L”) from 90-27 Sutphin Blvd. Jamaica, N.Y to 347 Madison Ave, N.Y. The duration of this contract was from 12/1/15 through 1/6/2016, and was issued pursuant to a “Ride” of MTAHQ’s competitively negotiated Miscellaneous Service Contract #12062 which was awarded pursuant to an e-procurement process and approved by the MTA Board in December 2012. The Advance Group was one of seven (7) firms that was pre-qualified and awarded a zero dollar contract to provide as-needed moving services for the MTA Agencies. MTA Department of Diversity and Civil Rights assigned zero M/WBE goals under MTAHQ’s Contract.

In October 2015, the LIRR was advised it needed to (i) relocate LIRR’s Procurement and Logistics Department from its Queens location due to the site’s lease expiration date of December 31, 2015 and (ii) decommission the site returning it to its original state at the inception of the lease. LIRR’s current contractor for moving services (Mazel) did not have the resources and the project management capabilities needed to complete the moving tasks within the pressing time constraints. The Advance Group was selected to provide these services for LIRR’s relocation and decommissioning as it had demonstrated it had the expertise to plan, organize, coordinate and effectively execute the tasks during a similar recent relocation of Metro North Railroad’s Procurement Department from 347 Madison Ave. to 420 Lexington Ave. N.Y. The Advance Group had the resources and equipment to accommodate performing the majority of the move over a defined weekend in order to minimize the disruption of work for LIRR P&L personnel, and to complete all of the moving services within a short timeframe.

The Advance Group’s straight time rate of \$35.00 per hour for a mover was 16.6% lower than the \$42.00 rate in the LIRR’s contract with Mazel. The driver’s straight time rate of \$42.00 per hour was the same for both companies. In addition, there were no overtime rates included in the Mazel contract for weekend hours, during which the move was to take place. The Advance Group’s straight and overtime rates for movers, drivers and supervisors were lower than four of the other pre-qualified firms on MTAHQ’s list of contractors. The LIRR further negotiated a 20.8% discount (\$13,163.36) from The Advance Group’s initial proposal of \$63,341.36 to \$50,178.00. Based 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 Advance Relocation and Storage Group, Inc. in the amount of \$50,178 for moving services for the relocation of LIRR’s P&L Department.



Bridges and Tunnels

Procurements March 2016



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	March 2, 2016
Vendor Name	
Contract Number	
Contract Manager Name	
Table of Contents Ref #	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	3/2/16			
2	MTA B&T Committee	3/21/16			
3	MTA Board	3/23/16			

Internal Approvals			
Order	Approval	Order	Approval
	President		VP Operations
	Executive Vice President		VP & Chief Engineer
	SVP & General Counsel		VP & Chief Procurement Officer
	VP Administration		

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

PURPOSE:

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

DISCUSSION:

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

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

<u>Schedules Requiring Majority Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule C	Competitive Requests for Proposals	1	\$145.000M
<u>Schedules Requiring Two-Thirds Vote</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule F	Personal Service Contracts	3	\$ 46.942M
Schedule G	Miscellaneous Service Contracts	1	\$ 0.173M
Schedule I	Modifications to Purchase and Public Works Contracts	1	\$ 1.937M
SUBTOTAL		6	\$ 194.052M

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

TOTAL	6	\$ 194.052M
-------	---	-------------

BUDGET IMPACT:

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

RECOMMENDATION:

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

MTA BRIDGES & TUNNELS
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
MARCH 2016

MTA BRIDGES & TUNNELS

Procurements Requiring Majority Vote:

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

- | | | | |
|----|-----------------------------|--|--------------------------------------|
| 1. | Various Contractors | Aggregate not- to exceed amount for each agency: | <u>Staff Summary Attached</u> |
| | Contract Nos. GFM-516 (B&T) | \$95,000,000.00 (B&T) | |
| | C-31711 (NYCT) | <u>\$50,000,000.00 (NYCT)</u> | |
| | | \$145,000,000.00 | |
- 3 yr. contract – Competitive RFP
B&T –20 Proposals--9 Contracts to be awarded
NYCT –20 Proposals--8 Contracts to be awarded
Multi-agency procurement for miscellaneous construction services on an as-needed basis for B&T and NYCT.

Procurements Requiring Two-Thirds Vote:

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

- | | | | |
|----|--|------------------------|--------------------------------------|
| 1. | Ammann & Whitney Consulting Engineers, P.C. | \$36,000,000.00 | <u>Staff Summary Attached</u> |
| | Contract No. PSC-15-2973A | | |
| | Hardesty & Hanover Construction Services, LLC | | |
| | Contract No. PSC-15-2973B | | |
| | Henningson, Durham & Richardson Architectural and Engineering, P.C. | | |
| | Contract No. PSC-15-2973C | | |
| | LiRo Engineers, Inc. | | |
| | Contract No. PSC-15-2973D | | |
| | Parsons Brickerhoff, Inc. | | |
| | Contract No. PSC-15-2973E | | |
| | STV Incorporated | | |
| | Contract No. PSC-15-297F | | |
- 6 yr. contract - Competitive RFP-11 Proposals
Provide as-needed construction administrative, inspection and support services to fully oversee construction projects on a broad range of construction projects, including bridge and tunnel facilities, equipment, buildings and ancillary structures.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
MARCH 2016

2. **WSP USA Corporation** **\$2,967,937.38** *Staff Summary Attached*
Contract No. PSC-15-2978A
Hardesty & Hanover, LLC **\$2,820,090.00**
Contract No. PSC-15-2978B
HNTB New York Engineering & Architecture, P.C. **\$3,003,355.37**
Contract No. PSC-15-2978C
Ammann & Whitney Consulting Engineers, P.C. **\$1,550,520.00**
Contract No. PSC-15-2978D **\$10,341,902.75**
2 yr. 9 mo. contract - Competitive RFP-7 Proposals
Provide biennial bridge inspection and miscellaneous design services at the Robert F. Kennedy and Verrazano-Narrows Bridges.

3. **Elzly Technology Corporation**
Contract No. PSC-15-2971 **\$600,000.00**
4 yr. contract-Competitive RFP-2 Proposals
B&T requires the services of a consultant to assist B&T's Engineering and Construction Paint Group on issues pertaining to coatings on an as-needed basis. The services required include studying, analyzing and evaluating existing coating systems utilized on B&T's structures. The Consultant shall assist in: (i) recommending compatible coating systems, surface preparations and other construction means and methods for future paint program activities; and (ii) review and/or prepare technical specifications for B&T based on its findings from site investigations, current available data and new technologies. The scope of services under the prospective contract has not significantly changed compared with the prior contract.

The service requirements were publicly advertised; three firms submitted qualification information. All three firms, Alta Vista Solutions, PC (AVS), Elzly Technology Corp (Elzly) and Simpson Gumpertz & Heger (SGH) were selected to receive the RFP. Two firms, AVS and Elzly, submitted proposals. The proposals were evaluated against established criteria set forth in the RFP, including an understanding of the technical requirements, the expertise of the proposed personnel, and cost. The Selection Committee unanimously recommended that the Authority enter into negotiations with Elzly. The recommendation stressed Elzly's thorough understanding of the scope of work. Of the two proposals submitted, Elzly demonstrated the highest level of expertise with regard to corrosion protection and protective coatings. Elzly has extensive experience advising B&T on painting/coating projects, they are thoroughly familiar with B&T's computerized bridge maintenance program.

Elzly submitted rates for direct labor, overhead and profit based on the sample tasking contained in the RFP that were deemed far more competitive than AVS's. Elzly's proposed direct labor rates and overhead reflect a marginal increase over the rates in their current contract and the profit rate remains unchanged. Therefore, Elzly's proposed rates are deemed fair and reasonable. Elzly is deemed to be a responsible consultant.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
MARCH 2016

G: Miscellaneous Service Contracts

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

4. **Longo Electrical-Mechanical, Inc.** **\$172,700.00**
Contract No. 14-MNT-2932

5 yr. contract - Competitive Bid – 4 bids

MTA Bridges and Tunnels (B&T) is seeking Board approval under the All-Agency Guidelines for Procurement of Services for the award of a competitively bid miscellaneous service contract to Longo Electrical-Mechanical, Inc. (Longo) to provide maintenance, repair, fabrication and inspection of mechanical motors located at the Harlem River and Marine Parkway lift spans.

On March 11, 2015 B&T issued a solicitation for a Contractor to provide maintenance, repair, fabrication and inspection of mechanical motors located at the Harlem River and Marine Parkway lift spans for a period of five (5) years. Due to the specialized nature of the work, which requires rigging large electric motors in and out of the liftspan motor rooms, as well as troubleshooting and repairing large electric motors, B&T neither possesses the resources nor the equipment to perform the services. Therefore, the service requirements were publicly advertised. The solicitation notice was sent to 224 firms and four firms requested copies of the solicitation. On April 16, 2015, four bids were submitted and are ranked as follows:

<u>Bidders</u>	<u>Bid Amount</u>
Longo Electrical-Mechanical, Inc.	\$172,700.00
Walco Electric Company	\$174,406.25
K&G Power Systems	\$199,850.00
Premco Inc.	\$224,725.00

The scope of services under this contract has not changed from the prior contract. These bid prices are fixed for a five year period and represent a 3.5% decrease when compared with prices under the current contract. Based on competition, the price is considered fair and reasonable. Longo has Significant Adverse Information (“SAI”) as defined in the All-Agency Responsibility Guidelines. Longo addressed the issue to the satisfaction of the B&T General Counsel and the Chief Procurement Officer who determined them responsible notwithstanding the SAI on January 12, 2016. After evaluation of the bids, it was determined that Longo is the lowest responsive, responsible bidder. The MTA Department of Diversity and Civil Rights initially established goals of 10% MBE and 10% WBE for this contract but approved a total waiver of those goals based on (i) Longo’s good faith effort to secure MWBE participation; (ii) the highly specialized nature of the work on electrical motors; and (iii) the size of the contract. Funding is available in the Operating Budget chargeable to General Ledger 711627.

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL
MARCH 2016

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. **El Sol Contracting & Construction Corp./ El Sol Limited Enterprises J.V.** **\$1,937,000.00** **Staff Summary Attached**
Contract No. RK-65A

B&T is seeking the Board's approval under the All-Agency Procurement Guidelines to modify this contract with El Sol Contracting & Construction Corp. / El Sol Limited Enterprises J.V. (El Sol) for additional work to remove and dispose of additional asbestos containing material.

Staff Summary

Item Number 1 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joseph Keane, P.E. <i>Joseph Keane</i>					
Division & Division Head Name: Engineering and Construction, Aris Stathopoulos, P.E. <i>Aris Stathopoulos</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	3/2/16			
2	MTA B&T Committee	3/21/16			
3	MTA Board	3/23/16			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Executive Vice President <i>[Signature]</i>		
2	General Counsel <i>[Signature]</i>	5	President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>				

SUMMARY INFORMATION	
Vendor Name Various	Contract Number B&T GFM-516 NYCT C-31711
Description Miscellaneous Construction on an As-Needed Basis	
Total Amount Aggregate Total: B&T GFM-516 \$95,000,000 NYCT C-31711 \$50,000,000	
Contract Term (including Options, if any) Three (3) years with (two 1-year options)	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Funding Source to be allocated by Work Order.	

Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Procurement Guidelines to award multi-agency public work contracts via the competitive RFP process for Miscellaneous Construction on an As-Needed Basis for these participating agencies: B&T and NYCT. Each agency separately selected firms as listed below:

B&T Contract GFM-516 - Nine (9) firms selected:

- D'Onofrio General Contractors Corp.
- El Sol Contracting & Construction Corp.
- Halmar International, LLC
- John P. Picone, Inc.
- Masterpiece U.S., Inc.
- Navillus Tile, Inc. dba Navillus Contracting
- Paul J. Scariano, Inc. (PJS)

(Rev. 1/22/14)

Staff Summary

- Restani Construction Corp.
- Unicorn Construction Enterprises, Inc.

NYCT Contract C-31711 – Eight (8) firms selected:

- Geomatrix Services
- J-Track, LLC
- John P. Picone
- Lighton Industries, Inc.
- Masterpiece US Inc.
- Poscillico Civil, Inc.
- T. Moriarty & Son Inc.
- RailWorks Transit, Inc.

II. DISCUSSION

In June 2015, the Board authorized the use of the competitive Request for Proposal (RFP) process in order to procure miscellaneous construction services on an as-needed basis for four participating agencies (B&T, NYCT, LIRR and MTACC). At the time of solicitation, MTACC decided that they would not participate in the joint procurement and would instead conduct their own separate solicitation. LIRR has not yet completed their selection process, and B&T will therefore seek Board approval on their behalf once their final selections are made. The three agencies' requirements were publicly advertised. Under this joint solicitation, led by B&T, each agency will award and administer their respective as-needed contracts. Separate RFPs were issued and the committee selection process was conducted individually by each agency due to the varying requirements among the agencies including the need to support the work at multiple locations and the consideration that many smaller firms would be unable to provide the personnel to simultaneously meet all of the agencies' construction service requests.

During the contract term, as a Scope of Work for each miscellaneous work order is identified, the contracted firms will be provided with the scope, a site tour will be conducted and bids will be submitted. The contractor submitting the lowest bid shall be awarded that specific work order. Since most of the construction projects are smaller than our individual projects and/or involve urgently needed repairs, it would be inefficient, time-consuming and would not meet the agencies' expedited needs at times to conduct separate competitively bid solicitations for each project.

The selection of contractors to be awarded these as-needed contracts was accomplished by a one-step RFP process. The three agencies all evaluated firms against established criteria including proposer's record of performance, qualifications of firm's specific personnel proposed, safety record and quality assurance program. Proposals for the agencies' contracts were received on January 15, 2016.

The selections are summarized below:

B&T Contract GFM-516:

Twenty proposals were received. Based on the established criteria, B&T's Selection Committee chose eleven firms (Ahern, D'Onofrio, E.E. Cruz, El Sol, Halmar, Picone, Masterpiece, Navillus, PJS, Restani, and Unicorn). Nine of the selected eleven firms, except for Ahern and E.E. Cruz were determined to be responsive and responsible contractors with extensive background of prior and current public agency work. PJS has Significant Adverse Information ("SAI") as determined by the All-Agency Responsibility Guidelines. PJS addressed the issue to the satisfaction of the Chairman, who determined them responsible notwithstanding the SAI on 2/23/16. Two firms, Ahern Painting Contractors Corp., and E.E. Cruz & Company, Inc. are still in the evaluation process and we anticipate that these contracts will be presented to the Board in the near future.

Staff Summary

NYCT Contract C-31711:

Twenty proposals were received. Based on the established criteria, NYCT's Selection Committee chose eight firms (Geomatrix, J-Track, Picone, Lighton, Masterpiece, Poscillico, T. Moriarty, and RailWorks). All eight of the selected firms were determined to be responsive and responsible contractors with extensive background of prior and current public agency work. Railworks has Significant Adverse Information ("SAI") as determined by the All-Agency Responsibility Guidelines. RailWorks addressed the issue to the satisfaction of the Chairman, who determined them responsible notwithstanding the SAI on 2/26/16.

It is recommended that the Board authorize the Authority to enter into contracts with the above selected firms.

III. D/M/WBE INFORMATION

The MTA DDCR established the following goals for the two agencies: (i) B&T GFM-516 MBE/WBE goals of 15%/15% respectively; and (ii) NYCT C-31711 DBE/MBE/WBE goals 17%/15%/15% respectively. All of the firms, with the exception of D'Onofrio General Contractors Corporation and Poscillico Civil, Inc., have achieved its previous MWDBE goals on previous MTA contracts. D'Onofrio General Contractors Corporation and Poscillico Civil, Inc. have not completed any MTA contracts with goals; therefore, no assessment of the firms' MWDBE performance can be determined at this time.

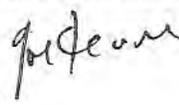
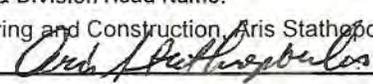
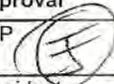
IV. IMPACT ON FUNDING

Funding will be established for each individual work order prior to their issuance.

V. ALTERNATIVES

There are no recommended alternatives. The Authority's agencies do not have the resources to perform this work with in-house forces.

Staff Summary

Item Number 1 (Final)						SUMMARY INFORMATION					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. 						Vendor Name				Contract Number	
Division & Division Head Name: Engineering and Construction, Aris Stathopoulos, P.E. 						A) Ammann & Whitney Consulting Engineers, P.C.				PSC-15-2973A	
						B) Hardesty & Hanover Construction Services, LLC				PSC-15-2973B	
						C) Henningson, Durham & Richardson Architectural and Engineering P.C.				PSC-15-2973C	
						D) LiRo Engineers, Inc.				PSC-15-2973D	
						E) Parsons Brinckerhoff, Inc.				PSC-15-2973E	
						F) STV Incorporated				PSC-15-2973F	
Description						As-Needed Construction Administration, Inspection And Support Services					
Total Amount						Aggregate total: \$36,000,000					
Board Reviews						Contract Term (including Options, if any)					
Order	To	Date	Approval	Info	Other	Six Years					
1	President	3/2/16				Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
2	MTA B&T Committee	3/21/16				Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
3	MTA Board	3/23/16				Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive					
Internal Approvals						Solicitation Type					
Order	Approval	Order	Approval			<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:					
1	Chief Financial Officer 	4	EVP 			Funding Source <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Funding Source to be allocated by Work Order.					
2	SVP & General Counsel 	5	President 								
3	VP & Chief Procurement Officer										

Narrative
I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to award personal service contracts to the six firms listed above for the aggregate amount of \$36,000,000 and a contract duration of six years.

II. DISCUSSION

B&T requires the services of multiple consultant firms to provide as-needed construction administrative, inspection and support services to fully oversee construction projects on a broad range of construction projects, including bridge and tunnel facilities, equipment, buildings and ancillary structures. The services under these contracts will be awarded via work orders as needs arise. These contracts are for "zero-dollar" with no minimum guarantee of any assignment and will replace eight contracts currently in place where remaining funding is limited.

The requirements were publicly advertised. Twenty-three firms submitted qualification information for review and evaluation by the selection committee. Based on a review of those qualifications, twelve firms were selected to receive the RFP as follows: AECOM USA, Inc. (AECOM), Ammann & Whitney Consulting Engineers, P.C. (A&W), Hardesty & Hanover Construction Services, LLC (H&H), HAKS Engineers, Architects and Land Surveyors, PC (HAKS), Henningson, Durham & Richardson Architectural and Engineering P.C. (HDR), Hill International, Inc. (Hill), KS Engineers, P.C. (KSE), LiRo

Staff Summary

Engineers, Inc. (LiRo), Parsons Brinckerhoff, Inc. (PB), STV Incorporated (STV), T.Y. Lin International Engineering, Architecture and Land Surveying, P.C. (TYLIN), and Tectonic Engineering & Surveying Consultants P.C. (Tectonic). Eleven firms submitted proposals (all but Hill), which were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, qualifications of the firm for specific personnel proposed and cost. Costs were reviewed by the Committee through the use of sample tasks. All selected firms submitted a competitive proposal compared to the Engineering Estimate. Based on the committee's review of all submittals and its consideration of proposed costs, the Agency is recommending six firms to receive contracts under the referenced RFP. The committee's selections were based on the following:

A&W, H&H, LiRo, PB and STV were selected by the selection committee due to their superior technical ratings and their satisfactory performance as incumbents on the current as-needed contract. HDR was also selected based on their technical proposal and their good understanding of the work.

Services under these Contracts will be awarded via work orders utilizing the negotiated Contract labor, overhead and fixed fees. These negotiated rates are considered fair and reasonable. The cost elements for individual work orders will be reviewed separately to ensure that they are fair and reasonable. Depending on a variety of factors including type and estimated value of the services, most of the work will be issued based on competition between the firms being awarded these contracts. A comparison of the rates and overheads of the proposals to the existing contracts found the costs in-line with the current contracts. All six firms are considered to be responsible consultants.

III. D/M/WBE INFORMATION

The MTA Department of Diversity and Civil Rights has established goals of 10% MBE and 10% WBE for each of these contracts. All of the six consultants listed have achieved their previous MWBE goals on previous MTA contracts.

IV. IMPACT ON FUNDING

Funding will be established for each individual work order prior to their issuance.

V. ALTERNATIVES

Perform the work using in-house personnel. At this time, B&T lacks the sufficient available staff with the necessary expertise to perform all of the work in the specific tasks required under the scope of work.

Staff Summary

Item Number 2 (Final)					
Dept & Dept Head Name: Engineering and Construction, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering and Construction, Philip Swanton, P.E.					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	President	3/02/16			
2	MTA B&T Committee	3/21/16			
3	MTA Board	3/23/16			
Internal Approvals					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Executive Vice President <i>[Signature]</i>		
2	General Counsel <i>[Signature]</i>	5	President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>				

SUMMARY INFORMATION	
Vendor Name	Contract No.
A) WSP USA Corporation	PSC-15-2978A
B) Hardesty & Hanover, LLC	PSC-15-2978B
C) HNTB New York Engineering & Architecture, P.C.	PSC-15-2978C
D) Ammann & Whitney Consulting Engineers, P.C.	PSC-15-2978D
Description 2016 Biennial Bridge Inspection & Design of Miscellaneous Structural Repairs at the Robert F. Kennedy & Verrazano Narrows Bridges	
Total Amount PSC-15-2978A, \$2,967,937.38; PSC-15-2978B, \$2,820,090.00; PSC-15-2978C, \$3,003,355.37; PSC-15-2978D, \$1,550,520.00	
Contract Term (including Options, if any) Two years, nine months (through 12/31/18)	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to award four personal service contracts for the 2016 Biennial Bridge Inspections at the: (i) Robert F. Kennedy Bridge: Main Line (Contract PSC-15-2978A) to WSP USA Corporation (WSP), (ii) Robert F. Kennedy Bridge (Approach Ramps & Lift Span) (Contract PSC-15-2978B) to Hardesty & Hanover, LLC (H&H), (iii) Verrazano-Narrows Bridge (Main Span) (Contract PSC-15-2978C) to HNTB New York Engineering & Architecture, P.C. (HNTB), and (iv) Verrazano-Narrows Bridge (Approach Ramps) (Contract PSC-15-2978D) to Ammann & Whitney Consulting Engineers, P.C. (A&W). The negotiated contract amounts are: (A) \$2,967,937.38 (B) \$2,820,090.00 (C) \$3,003,355.37 (D) \$1,550,520.00. Each contract will be for a duration of approximately two years, nine months through December 31, 2018.

II DISCUSSION

B&T requires the services of four consultant firms to provide biennial bridge inspection and miscellaneous design services at the Robert F. Kennedy and Verrazano-Narrows Bridges. These inspections assist in our mission to keep B&T's assets in a state of good repair, and are required by the New York State Department of Transportation.

The requirements were publicly advertised. Ten firms submitted qualification information for review and evaluation by the selection committee. Seven firms were chosen to receive the RFP based on a review of those qualifications and all seven submitted proposals: Ammann & Whitney Consulting Engineers, P.C. (A&W); HAKS Engineers, Architects and Land Surveyors, P.C. (HAKS); Hardesty & Hanover, LLC (H&H); HNTB New York Engineering & Architecture, P.C.; Stantec Consulting Services, Inc. (SCS); Weidinger Associates, Inc. (WAI); and WSP USA Corporation (WSP). Subsequent to

Staff Summary

Surveyors, P.C. (HAKS); Hardesty & Hanover, LLC (H&H); HNTB New York Engineering & Architecture, P.C.; Stantec Consulting Services, Inc. (SCS); Weidlinger Associates, Inc. (WAI); and WSP USA Corporation (WSP). Subsequent to submitting proposals, two firms (HAKS and WAI) withdrew from the process. Proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, qualifications of the firm for specific personnel proposed and cost. Based on the committee's review of all submittals and its consideration of proposed costs, the committee selected WSP for Group A (Robert F. Kennedy Bridge: Main Line), H&H for Group B (Robert F. Kennedy Bridge: Approach Ramps & Lift Span), HNTB for Group C (Verrazano-Narrows Bridge: Main Span) and A&W for Group D (Verrazano-Narrows Bridge: Approach Ramps).

The Committee's selections were based on the following:

- WSP submitted a comprehensive, high-quality technical proposal for this group. They proposed a full inspection team with an excellent record of inspection experience on TBTA bridges and other area facilities.
- H&H demonstrated strong experience with lift span inspections, such as the Marine Parkway Bridge (NY) and the Benjamin Harrison Lift Bridge (VA) and proposed an inspection team with an excellent record of performance on prior biennial inspections.
- HNTB has a very knowledgeable inspection team with extensive experience and has demonstrated a strong record of performance for the Authority and other agencies on facility inspections.
- A&W has a proactive management team with a proven record of responsiveness to Authority needs.
- While the remaining firm (SCS) was technically qualified, it had comparably little experience with biennial inspections of this size.

The overall cost of the four recommended 2016 Biennial Contracts reflects an increase of 16.7% compared with the preceding 2014 Biennial Contracts (PSC-13-2944). This is generally due to the increased level of effort required due to new federal and state mandatory requirements. The tabulation below represents a summary of costs for the 2014 Biennial Contracts, and the costs proposed, estimated and negotiated for the recommended 2016 Biennial Contracts (all excluding allowances).

Group	2014 Contracts	2016 Contracts			Comparisons	
	Amount	B&T Estimate	Proposed	Negotiated	2016 Negotiated vs. 2014	2016 Negotiated vs. Estimate
A	\$1,939,843.00	\$2,396,000.00	\$2,442,383.38	\$2,217,937.38	14.3%	-7.43%
B	\$1,501,010.29	\$2,297,000.00	\$2,485,769.00	\$2,220,090.00	47.9%	-3.35%
C	\$1,940,830.99	\$2,350,000.00	\$2,087,286.12	\$2,053,355.37	5.8%	-12.62%
D	\$ 984,209.51	\$1,181,000.00	\$1,197,047.00	\$1,150,520.00	16.9%	-2.58%

All Groups have additional effort in the 2016 cycle, as compared to the 2014 cycle, for new roadway condition inspection and reporting, as well as implementation of new, more detailed federal reporting standards.

Additionally, Group B is higher (47.9%) than the 2014 contract due to the new task for expansion of the Authority's computerized biennial data information system, addition of a new structural health monitoring task at Piers 56 to 59 at the HRLS, and the addition of the diving inspection task at the HRLS per federal and state requirements.

Group D is also higher (16.9%) than the 2014 contract due to the new task for expansion of the Authority's computerized biennial data information system, and for performing the inspection and developing all required reports for a newly constructed ramp.

Based on the above, the negotiated amounts are considered fair and reasonable. A&W, H&H, HNTB and WSP are each considered to be responsible consultants.

Staff Summary

Summary of 2016 Proposed Contracts			
Group	<u>Negotiated Amount</u>	<u>Allowance</u>	<u>Contract Amount with Allowance</u>
A	\$2,217,937.38	\$750,000.00	\$ 2,967,937.38
B	\$2,220,090.00	\$600,000.00	\$ 2,820,090.00
C	\$2,053,355.37	\$950,000.00	\$ 3,003,355.37
D	\$1,150,520.00	\$400,000.00	\$ 1,550,520.00

The total amount for each contract will include the assigned allowances as shown in the table above. Services under these allowances are to provide support based on the results of the inspection and include: (i) interim or special inspections; (ii) spalling concrete removal supervision; (iii) sign gantries and light pole inspections; (iv) auxiliary design services for the repair of defective structural conditions; (v) preliminary studies and scope development for future capital improvement projects; (vi) auxiliary testing services for elements such as concrete cores, steel coupons, and cable wires and (vii) design of repairs for storm related damages. These services will be provided via work orders on an as-needed basis. The allowances are based on historical costs and will permit B&T to quickly respond to the needs of each facility.

III. D/M/WBE INFORMATION

The MTA Department of Diversity and Civil Rights has established goals of 15% MBE and 15% WBE for each of these contracts. A&W, H&H, HNTB and WSP have each achieved their MWDBE goals on previous MTA contracts.

IV. IMPACT ON FUNDING

Funding in the amount of \$10,341,902.75 is available in the Operating Budget under GFM-518, General Ledger #711101.

V. ALTERNATIVES

There are no recommended alternatives. B&T does not have the resources required to perform these New York State inspection requirements.

Schedule I: Modifications to Purchase and Public Works Contracts
Item Number: 5 (Final)

Vendor Name (& Location) EI Sol Contracting & Construction Corp. / EI Sol Limited Enterprises J.V. (Maspeth, NY)	Contract Number RK-65A	AWO/Modification # 5
Contract Title: Bronx Plaza/Structure Rehabilitation at the RFK Bridge	Original Amount: \$213,400,793.50	
Contract Term (including Options, if any) December 12, 2014 – June 11, 2019	Prior Modifications: \$1,505,679.50	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases: N/A	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount: \$214,906,473.00	
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request: \$1,937,000.00	
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: .98%	
Requesting Dept/Div & Dept/Div Head Name: Engineering & Construction, Joe Keane, P.E.	% of Modifications (including This Request) to Original Amount: 1.61%	

Discussion:

B&T is seeking the Board's approval under the All-Agency Procurement Guidelines to modify this contract with EI Sol Contracting & Construction Corp. / EI Sol Limited Enterprises J.V. (EI Sol) for additional work to remove and dispose of asbestos containing material in a negotiated amount of \$1,937,000.00.

The Contract as awarded includes: (i) replacement of the RFK bridge deck and some of the supporting superstructure elements of the Bronx Plaza to extend the service life another 50 years; (ii) partial replacement of bridge decks at 2 ramps (the Manhattan to Queens and the Queens to Manhattan ramps); (iii) reconstruction of the Bronx Toll Plaza to provide maximum flexibility for future advancements in toll collection technology; (iv) improved capacity, efficiency, and safety of the Bronx Toll Plaza; (v) bridge painting; and (vi) lead and asbestos abatement in isolated locations.

The Contract requires removal of asbestos containing material (ACM) along the longitudinal block joints within the project limits. During removal of block joints, it was determined that over time, parts of the block joint concrete that came in contact with the ACM had spalled and fallen onto the wood shielding below. After sampling and testing this concrete debris, it was determined that the debris must be removed and disposed of as ACM. The extra work to abate the additional ACM is associated with and integral with the Contract block joint removals and must precede the ongoing Contract demolition and painting operations which are schedule-critical.

EI Sol proposed \$2,009,124 for this work; the Engineer's estimate is \$1,956,292. Negotiations were conducted and the parties agreed to an amount of \$1,937,000, which is 1% below the estimate and is fair and reasonable. There is a significant amount of ACM which was not known and could not have been reasonably anticipated, and must be abated immediately in order not to cause costly delays to the project. In order not to impact the critical schedule, EI Sol was authorized to proceed with the first section of abatement in the amount of \$372,500 (for 500LF).

Funding for this amendment is available in the 2010-2014 Capital Program under Project D602RK65 Construction.