



Metropolitan Transportation Authority

April 2016

MTA Board Action Items



MTA Board Meeting

Wednesday, 4/20/2016

10:00 AM - 12:00 PM ET

1. PUBLIC COMMENT PERIOD

2. APPROVAL OF MINUTES

MTA Regular Board Minutes - March 23, 2016

MTAHQ Minutes - March 23, 2016 - Page 5

NYCT/MaBSTOA/SIR/Bus Company Regular Board Minutes - March 23, 2016

NYCTA Minutes - March 23, 2016 - Page 9

MTA Metro-North Railroad Regular Board Minutes - March 23, 2016

MNR Minutes - March 23, 2016 - Page 13

MTA Long Island Rail Road Regular Board Minutes - March 23, 2016

LIRR Minutes - March 23, 2016 - Page 17

Triborough Bridge & Tunnel Authority Regular Board Minutes - March 23, 2016

TBTA Minutes - March 23, 2016 - Page 22

MTA Capital Construction Regular Board Minutes - March 23, 2016

MTACC Minutes - March 23, 2016 - Page 29

3. COMMITTEE ON FINANCE

Action Item

i. MTA 2015 Annual Investment Report

MTA 2015 Annual Investment Report Staff Summary - Page 32

Procurements Report

MTAHQ Procurement Report - Page 34

i. Non-Competitive (no items)

ii. Competitive

MTAHQ Competitive Procurements - Page 36

iii. Ratifications (no items)

Real Estate Items

i. Real Estate Agenda and Staff Summaries

Real Estate Agenda and Staff Summaries - Page 48

4. COMMITTEE ON NYCT & BUS

Procurements

NYCT April Procurement Staff Summary and Resolution - Page 52

i. Non-Competitive (None)

ii. Competitive

NYCT Competitive Actions - Page 56

iii. Ratifications (no items)

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

MNR Procurements Report

MNR Procurements - Page 63

i. Non-Competitive

MNR Non-Competitive Procurements - Page 67

ii. Competitive

MNR Competitive Procurements - Page 69

iii. Ratification (no items)

LIRR Procurements Report

LIRR Procurements - Page 78

i. Non-Competitive

LIRR Non-Competitive Procurements - Page 82

ii. Competitive

LIRR Competitive Procurements - Page 83

iii. Ratification (no items)

MTACC Procurements Report

MTA CC Procurements - Page 87

i. Non-Competitive (no items)

ii. Competitive

MTA CC Competitive Procurements - Page 90

iii. Ratification

MTA CC Ratifications - Page 95

6. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS

Procurements (no items)

i. Non-Competitive

ii. Competitive

iii. Ratifications

7. OTHER BUSINESS

Action Items

i. Safety Management Policy Directive

Safety Management Policy Directive - Page 97

ii. 2015-2019 Capital Program Resubmission

2015-2019 Capital Program Resubmission Staff Summary - Page 101

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

Date of next MTA Board meeting: May 25, 2016

**Metropolitan Transportation Authority
Minutes of
Regular Board Meeting
2 Broadway
New York, NY 10004
Wednesday, March 23, 2016
10:00 a.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke**

The following members were absent:

**Hon. John H. Banks, III
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Neal Zuckerman**

Donna Evans, Chief of Staff, Jerome F. Page, General Counsel, Board Member Andrew Albert, Board Member Norman Brown, 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 ten (10) 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.

Gene Russianoff, Straphangers Campaign
George Hakalis, Inst. for Rationale Urban Mobility
Ryan Carson, NYPIRG
Jordan Wouk, private citizen
Chelsea Yamada, Riders Alliance
Macartney Morris, Riders Alliance
Tolani Adeboye, Riders Alliance
Zachary Arcidiacono, Riders Alliance
Samuel Santaella, Riders Alliance
Robert Feldman, private citizen

2. **CHAIRMAN'S REMARKS.**

Chairman Prendergast expressed condolences to all of Belgium and the victims of yesterday's attacks. The Chairman emphasized the importance of being vigilant and alert while riding on the MTA system, which he said is a central component of the MTA's "See Something, Say Something" campaign that was relaunched on Monday. Chairman Prendergast said that the newly relaunched campaign incorporates real stories from real New Yorkers who have reported suspicious packages or activities, with an added tagline "New Yorkers Keep New Yorkers Safe" and, the Chairman encouraged everyone to watch the video online at mta.info.

Chairman Prendergast commented on the recent problems involving the 34th Street Hudson Yards Project that was briefly discussed at Monday's Transit Committee meeting and has been a topic of discussion in the media. The Chairman said that he has directed an Independent Engineer, who had no oversight of the project and no conflicts of interest, to do an in-depth review of the project in order to prevent these types of problems in the future. Chairman Prendergast said that the investigation is expected to last roughly one month, however he indicated that it is important that the investigation is thorough and therefore he cannot promise an exact timeframe. The Chairman said that the contractor is expected to rectify any problems and has agreed to pay for any and all necessary remedies. The Chairman assured the Board that he will report the results of the investigation as soon as it is available.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on February 24, 2016.

4. **COMMITTEE ON FINANCE.**

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

1. 2015 Annual Procurement Report. Authorized the filing with the State of New York the annual MTA All Agency Procurement report for the period of January 1, 2015 - December 31, 2015 as required under Section 2879 of the Public Authorities Law.

B. **Information Item.**

- 1 MTA Prompt Payment Annual Report 2015. The Board received the MTA Prompt Payment Annual Report that is required to be submitted to the State Comptroller, the State Director of the Budget, the Chairman of the Senate Finance Committee, and the Chairman of the Assembly Ways and Means Committee.

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

1. Sygma Technology/Infor. Approved 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 EAM Program previously approved by the Board.
2. Associated Fire Protection - Fire Suppression System Maintenance and Repair – No. 15274-0100. Approved the award of a competitively negotiated, miscellaneous service contract to perform fire suppression system maintenance and repair for the MTA Police at multiple MTAPD locations.
3. Pagones-O'Neill, Inc. – All-Agency Investigative Services – No. 13275-2200. Approval to add Pagones-O'Neill, Inc. to the previously MTA Board approved all-agency investigative services contract.
4. ABM Janitorial Services Northeast, Inc. – Custodial and Engineering Services – No. 12096-0100. Approved an amendment to a previously Board-approved competitively awarded, miscellaneous service contract with ABM Janitorial Services Northeast, Inc. for additional funding and the extension of the contract period of performance for seven months from April 1, 2016 to October 31, 2016.

D. **Real Estate Items.** Upon motion duly made and seconded, the Board approved the following real estate items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials. Board member Jeffrey Kay recused himself from the vote on Item # 3 below. Board member Jonathan Ballan abstained from the vote on items # 3 and 6 below.

New York City Transit Authority

1. Acquisition of property located adjacent to NYCTA Myrtle viaduct (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), in connection with the Myrtle Viaduct Reconstruction Project, Brooklyn, N.Y.
2. License agreement with Newsday LLC d/b/a amNew York and SB New York, Inc. d/b/a Metro for the installation of news racks for distribution of free papers at selected NYCT subway stations.
3. Reconfiguration of the entrances to the Jay Street/Metrotech Station on the A, C, F and R lines located within the building at 370 Jay Street, Brooklyn, N.Y.

Metropolitan Transportation Authority

4. Determination and Findings under the New York Eminent Domain Procedure Law to terminate the sublease held by Kura River Management Ltd. to a private garage for public parking in the basement of 2 Broadway and to take over the space for use by MTA.
 5. 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.
 6. Sale of excess zoning floor area to ERY Tenant LLC or affiliate c/o Related Companies LP of Eastern Rail Yard of the John D. Caemmerer West Side Yard bounded by 33rd and 31st Streets and 10th and 11th Avenue.
5. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an executive session in accordance with Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective negotiations. Upon motion duly made and seconded, the Board approved the new collective bargaining agreement between the MTA NYCTA and the Organization of Staff Analysts.

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

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

Respectively submitted,

Victoria Clement
Assistant Secretary

Regular Board Meeting
March 23, 2016

**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, March 23, 2016
10:00 a.m.**

The following members were present:

**Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke**

The following members were absent:

**Hon. John H. Banks, III
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Neal Zuckerman**

Donna Evans, Chief of Staff, Jerome F. Page, General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Veronique Hakim, President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giuliatti, 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

There were ten (10) public speakers who addressed MTA NYC Transit/MTA Bus Company issues.

The following speakers urged the Governor to provide funding for the MTA's Capital Plan:

Gene Russianoff, Straphangers Campaign
Ryan Carson, NYPIRG
Chelsea Yamada, Riders Alliance
Macartney Morris, Riders Alliance
Tolani Adeboye, Riders Alliance
Zachary Arcidiacono, Riders Alliance
Samuel Santaella, Riders Alliance
Robert Feldman, private citizen

George Haikalis, Inst. for Rationale Urban Mobility, urged the MTA to halt construction of its deep cavern station in connection with the LIRR East Side Access Project and instead link the 63rd tunnel to five existing platforms tracks at Grand Central Terminal.

Jordan Wouk, private citizen, expressed his concerns relating to assumptions being made about the sea levels in connection with the Second Avenue Subway project.

A video recording of the meeting produced by the MTA and maintained in MTA records provides more detailed content of speakers' statements.

3. CHAIRMAN PRENDERGAST'S COMMENTS

Details of Chairman Prendergast's comments are set forth in minutes recorded by the MTA, copies of which are on file with the records of the meeting of the Board of the MTA NYC Transit/Staten Island Rapid Transit Operating Authority/MTA Bus Company.

4. MINUTES

Upon motion duly made and seconded, the Board unanimously approved the minutes of the regular board meeting of MTA NYC Transit, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, and MTA Bus Company held on February 24, 2016.

5. COMMITTEE ON FINANCE

Real Estate Items:

MTA NYC Transit: Upon motion duly made and seconded, the Board approved the following: (1) the acquisition of property adjacent to MTA NYC Transit's Myrtle Viaduct, Block 3193 in Brooklyn, NY; (2) a license agreement with Newsday, LLC d/b/a amNew York and SB New York, Inc. d/b/a Metro for news racks at select MTA NYC Transit subway stations; and (3) the reconfiguration of entrances at 370 Jay Street, Brooklyn, NY.

Board Member Ballan abstained from and Board Member Kay recused himself from the vote concerning 370 Jay Street (item #3 listed above).

6. COMMITTEE ON TRANSIT & BUS OPERATIONS

MTA NYC Transit & MTA Bus Company

Action Items:

MTA Bus Company Proposed Rules of Conduct: Upon motion duly made and seconded, the Board approved the adoption of the MTA Bus Company's proposed Rules of Conduct, which are intended to promote safety, to facilitate the proper use of 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 MTA Bus systems.

Procurements:

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

Competitive Procurements: Upon motion duly made and seconded, the Board approved the competitive procurements requiring a two-thirds vote (Schedule B in the Agenda) and majority vote (Schedules F, H and J 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 Kay asked if any of the proposed procurements depended on capital funding from the State. MTA NYC Transit President Veronique Hakim and Chairman Prendergast responded that the items proposed for approval related to initiating the RFP process for such procurements and did not call for approval of the awards themselves. The video recording of the meeting produced by the MTA and maintained in MTA records provides more detailed content of the Board members' comments.

Ratifications: Upon motion duly made and seconded, the Board approved the ratifications requiring a majority vote (Schedule K in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority/MTA Bus Company.

7. EXECUTIVE SESSION

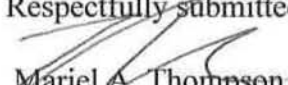
Upon motion duly made and seconded, the Board voted to convene an executive session in accordance with Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations. Upon motion duly made and seconded, the Board approved the new collective bargaining agreement between the MTA NYC Transit and the Organization of Staff Analysts.

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

8. ADJOURNMENT

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

Respectfully submitted,


Mariel A. Thompson
Assistant Secretary

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

Wednesday, March 23, 2016
10:00 a.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke

The following members were absent:

Hon. John H. Banks, III
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Neal Zuckerman

Board Member Andrew Albert, Board Member Norman Brown, 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, Richard Gans, Metro-North 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 10 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. Chairman's Opening Remarks:

Chairman Prendergast expressed his condolences to the victims and people of Belgium. He noted that the recent attacks are a reminder that we all must remain alert to potential terrorist attack. Chairman Prendergast noted that the MTA PD has enhanced the "See Something, Say Something" initiative to include a video of real stories from those who have made reports to the MTA PD.

3. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of February 24, 2016 were approved.

4. 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:

- Authorization to file the annual MTA All-Agency Procurement report for the period January 1, 2015 to December 31, 2015 with the State of New York.

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 a competitively negotiated, all-agency miscellaneous procurement contract with Sygma Technology/INFOR to purchase Enterprise Asset Management software and interim hosting services required to implement the next stage of MTA's Enterprise Asset Management program previously approved by the Board.
- Approval to add the firm of Pagones-O'Neill, Inc. to the previously MTA Board approved all-agency Investigative services contract.
- Approval of (1) an amendment to a previously Board-approved, competitively awarded, miscellaneous service contract with ABM Janitorial Services Northeast, Inc. for additional funding in the amount of \$5,600,000 and (2) to extend the contract period of performance for seven months from April 1, 2016 to October 31, 2016.

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:

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

- All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by Public Authorities Law Sections 2895-2897.

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, a staff summary and resolution filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

5. Committee on Metro-North Railroad:

Procurements:

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

- Approval of a non-competitive purchase contract for up to a three-year period with Ansaldo STS USA, Inc., the original equipment manufacturer of various cab signal replacement parts and components for Metro-North's M-7 railcars.

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

- Approval to use the competitive request for proposal process to solicit and evaluate proposals from prospective railcar manufacturers (MofW) for the design, manufacture, and delivery of one Powered Continuous Work Platform with a Steel Track Excavator.
- Approval of a 24-month competitively solicited RFP contract with the firm Plasser American Corporation to design, build and deliver two Catenary Maintenance Vehicles. The award includes authorization to exercise options to provide a single flat car on-track trailer and miscellaneous support systems (hydraulic, de-icing and degreaser). Plasser will also supply certain spare parts for the long term maintenance of the vehicles.
- Approval on behalf of Metro North and LIRR to award two individual five-year, competitively solicited, miscellaneous service contracts with East Coast Railroad Services (Metro-North) and National Waste Services (LIRR) for the on-going removal and lawful disposal of railroad ties and stubs throughout Metro-North's and LIRR's operating territories.
- Approval 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. for the planning and engineering services required to prepare a Major Investment Study (Alternatives Analysis) and Federal Environmental documentation for Metro-North's Penn Station Access project.

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.

6. Executive Session:

The Board, upon motion duly made and seconded, voted to convene into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations. No Metro-North matters were discussed. Upon motion duly made and seconded, the Board voted to reconvene in public session.

7. Adjournment:

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

Respectfully submitted,



Linda Montanino
Assistant Secretary

Mar 2016 Board Minutes-FINAL
Legal/Corporate

Minutes of the Regular Board Meeting
Long Island Rail Road Company
2 Broadway
New York, NY 10004
Wednesday, March 23, 2016
10:00 a.m.

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke

The following members were absent:

Hon. John H. Banks, III
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Neal Zuckerman

Donna Evans, Chief of Staff, Jerome F. Page, General Counsel, Board Member Andrew Albert, Board Member Norman Brown, 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 ten (10) public speakers. George Hakalis from the Institute For Rationale Urban Mobility spoke about the need to halt construction of the deep cavern station of the LIRR ESA project and to quickly advance a plan to link the 63rd street tunnel to existing platform

tracks at Grand Central Station. He also requested that the current plan to construct a new yard for midday storage of rail cars in Sunnyside Queens be scrapped.

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 February 24, 2016 were approved.

3. Committee on Finance:

Action Item:

The following action item was presented for approval:

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

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 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 approved by the Board. The cost of the software is \$10,701,985 and the cost of the maintenance over a ten year period is \$16,255,305 for a combined amount of \$26,957,290.
- Approval of a competitive solicitation for a contractor to perform Fire Suppression System Maintenance and repair for the MTA Police located at the following facilities: i) 420 Lexington Avenue, ii) 10 West Suffolk Avenue, Central Islip, NY and iii) 33-01 Northern Boulevard, Long Island City, NY, for 36 months in the not-to-exceed amount of \$199,943.

- Approval to add Pagones-O'Neill, Inc. at no additional cost as an additional firm to the previously MTA Board approved All Agency Investigative services contract.
- Approval of (i) 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.

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 items that relate to Long Island Rail Road:

- Approval of the All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by the Public Authorities Law Sections 2895-2897.
- Approval of sale of excess zoning floor area in the eastern rail yard at John D. Caemmerer West Side Yard in Manhattan for the amount of \$15,750,000.

Upon motion duly made and seconded, the Board, with the abstention of Board Member Jonathan A. Ballan on the Westside Yard matter, approved the foregoing Real Estate items, 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 Board was presented with the following non-competitive procurement item recommended to it by the Committee on Long Island Rail Road for approval:

- Non-Competitive Request for Proposal ("RFP") - 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 Center of track temperature; and (iii) provide spare parts and labor items not covered by warranty service.

The Board was presented with the following competitive procurement items recommended to it by the Committee on Long Island Rail Road for approval:

- Competitive RFP – Approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public’s interest to use the competitive RFP method pursuant to Section 1265-a of the PAL to award a contract for the design, manufacture, test and delivery of two Work Locomotives to support LIRR’s East Side Access service to Grand Central Terminal.
- Competitive RFP - Approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public’s interest to use the competitive RFP procurement method pursuant to PAL Section 1265-a to award a contract for the design, manufacture, test and delivery of Electric Multiple Units to support LIRR’s East Side Access service to Grand Central Terminal.
- Competitive RFP – Approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public’s interest to use the competitive RFP procurement method pursuant to PAL 1265-a to award a Design/Build construction contract for the Post Avenue Bridge Replacement Project. The bridge replacement project is located on the LIRR’s Main Line in the Village of Westbury, Nassau County, New York.

The Board was presented with the following ratification item recommended to it by the Committee on Long Island Rail Road for approval:

- Ratification – MTA Board ratification of a Miscellaneous Service contract in the amount of \$50,178 to Advance Relocation and Storage, Inc. for moving services required to relocate LIRR’s Procurement and Logistic’s Department from 90-27 Sutphin Boulevard, Jamaica, NY to 347 Madison Avenue, NY, NY for the period of December 1, 2015 through January 6, 2016.

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, 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 Items:

There were no action items presented to the Board for approval.

Procurements:

There were no procurement items presented to the Board for approval.

5. Adjournment:

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

Respectfully submitted,

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

Stephen N. Papandon
Acting Secretary

TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

BOARD MINUTES

March 23, 2016

Minutes of the Regular Meeting
Triborough Bridge and Tunnel Authority
March 23, 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. Jonathan A. Ballan
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Jeffrey A. Kay
Hon. Susan Metzger
Hon. Charles G. Moerdler
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke

The following members were absent:

Hon. John H. Banks, III
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Neal Zuckerman

Donna Evans, Chief of Staff, Jerome F. Page, General Counsel, Board Member Andrew Albert, Board Member Norman Brown, Veronique Hakim, President, New York City Transit, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giulietti, 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 10 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. Chairman and Chief Executive Officer Prendergast's Opening Remarks

Chairman and CEO Prendergast opened his remarks by expressing deep sadness and his condolences to the people of Belgium and the victims of the recent terrorist attacks. He reminded people that they need to remain vigilant, be alert to the possibility of a terrorist attack on the MTA system and network and that everyone should work together to keep each other safe, which is a central component of the "If You See Something, Say Something" public safety campaign that was recently relaunched to include, among other things, a new tag line "New Yorkers Keep New York Safe." Chairman and CEO Prendergast also discussed the unacceptable conditions (water leaks and other problems) at the 34th Street Hudson Yards Subway Station and that the project's design and construction will be reviewed by the independent engineer.

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

3. Approval of the Minutes of the Regular Meeting February 24, 2016

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on February 24, 2016 were approved.

4. 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 for the annual MTA All-Agency Procurement Report for the period January 1, 2015 through December 31, 2015 as required by Public Authorities Law §2879.

5. Committee on MTA Bridges and Tunnels Operations

Procurements

Commissioner Cappelli stated that there are six (6) procurements totaling \$194.052 million.

Non-Competitive Procurements

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

Competitive Procurements

Commissioner Cappelli stated that there are six (6) competitive procurements totaling \$194.052 million.

Commissioner Cappelli stated that the Committee members who were present at the Committee Meeting considered and voted in favor of the procurements although a Committee Quorum was not present. Upon a motion duly made and seconded, the Board approved the procurements recommended to it by the Committee for MTA Bridges and Tunnels Operations.

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

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

Personal Service Contracts

Ammann & Whitney Consulting Engineers, P.C.	Contract No. PSC-15-2973A	\$36,000,000.00
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 Brinckerhoff, Inc.	Contract No. PSC-15-2973E	
STV Incorporated	Contract No. PSC-15-2973F	
	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.	
WSP USA Corporation	Contract No. PSC-15-2978A	\$2,967,937.38
Hardesty & Hanover, LLC	Contract No. PSC-15-2978B	\$2,820,090.00
HNTB New York	Contract No. PSC-15-2978C	\$3,003,355.37
Engineering & Architecture, PC		
Ammann & Whitney Consulting Engineers, P.C.	Contract No. PSC-15-2978D	<u>\$1,550,520.00</u>
	Provide biennial bridge inspection and miscellaneous design services at the Robert F. Kennedy and Verrazano-Narrows Bridges.	\$10,341,902.75
Elzly Technology Corporation	Contract No. PSC-15-2971	\$600,000.00
	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.

Miscellaneous Service Contracts

Longo Electrical-Mechanical, Inc.

Contract No. 14-MNT-2932

\$172,700.00

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 ranked as follows:

Bidders

Longo Electrical-Mechanical, Inc.

Walco Electric Company

K&G Power Systems

Premco Inc.

Bid Amount

\$172,700.00

\$174,406.25

\$199,850.00

\$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.

Modifications to Purchase & Public Works Contracts

El Sol Contracting & Construction Corp./El Sol Limited Enterprises J.V.	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.	\$1,937,000.00
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Ratifications

Commissioner Cappelli stated that there were no ratifications.

6. Executive Session

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

7. 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, March 23, 2016
10:00 AM**

The following members were present:

Hon. Thomas F. Prendergast, Chairman & CEO
Hon. Fernando Ferrer, Vice Chairman
Hon. Jonathan A. Ballan
Hon. Robert C. Bickford
Hon. Allen P. Cappelli
Hon. Jeffrey A. Kay
Hon. Charles G. Moerdler
Hon. Susan Metzger
Hon. John J. Molloy
Hon. Mitchell H. Pally
Hon. Polly Trottenberg
Hon. Carl V. Wortendyke

The following members were absent:

Hon. John H. Banks, III
Hon. Lawrence Schwartz
Hon. James L. Sedore, Jr.
Hon. Ed Watt
Hon. Neal Zuckerman

Board Member Andrew Albert, Board Member Norman Brown, 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 & 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 ten public speakers.

Gene Russianoff (Straphangers Campaign), Ryan Carson (NYPIRG), Chelsea Yamada (Riders Alliance), Macartney Morris (Riders Alliance), Tolani Adeboye (Riders Alliance), Zachary Arcidiacono (Riders Alliance), Samuel Santaella (Riders Alliance) and Robert Feldman (Private Citizen) spoke in support of a fully funded Capital Program.

George Haikalis (Institute of Rational Urban Mobility) requested that the MTA halt the construction of the East Side Access station under Grand Central Terminal and instead advance a plan to link the 63rd St. Tunnel to five existing platforms within Grand Central Terminal. In addition, he requested that the MTA drop its plan to construct a new midday storage yard in Sunnyside Queens.

Jordan Wouk (Private Citizen) requested that revisions be made to NYCT's Flood Resilient Design Guidelines and opined that if used for the design of Phase II of the Second Avenue Subway Project, the current guidelines would not adequately address the predicted rise in sea levels.

Chairman's Remarks

Chairman Prendergast expressed condolences to the people of Belgium following the terrorist attack on March 22, 2016. He reminded everyone to stay diligent and mentioned the recent re-launch of the "If you see something, say something" campaign.

Chairman Prendergast also spoke of the recent press coverage of the Number 7 Line 34th St. Hudson Yards Subway station. Chairman Prendergast reported that he has directed MTA's Independent Engineering Consultant ("IEC") to review the design, construction and construction management for the station and he will report their findings to the Board.

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 February 24, 2016.

Committee on Finance

Action Item

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

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

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 March 23, 2016.

Procurement

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

1. Award of a competitively negotiated, all-agency miscellaneous procurement contract (15030-0100) 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 for a period of ten years (April 1, 2016 through March 31, 2026) in the not-to-exceed amount of \$26,957,290.
2. The addition of the firm Pagones-O'Neill to the all-agency Investigative Services Contract (13275-2200).

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 March 23, 2016.

Committee on New York City Transit and Bus

Procurement

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

A Modification to the Second Avenue Subway Project's 96th Street Station Finishes contract (C-26010) to address additional surface restoration along Second Avenue for the amount of \$4M.

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 March 23, 2016.

Executive Session

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

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

Adjournment

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


Respectfully submitted,



David K. Cannon
Assistant Secretary




Staff Summary

Page 1 of 2

Subject 2015 Annual Investment Report and MTA All Agency Investment Guidelines
Department CFO/Treasury
Department Head Name Robert E. Foran
Department Head Signature 
Project Manager/Division Head Josiane P Codio

Date April 18, 2015
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	4/18			
2	Board	4/20			

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

Purpose:

Pursuant to the requirements of Public Authorities Law Section 2925, provide the MTA Board information on the MTA portfolio investment performance for the period 01/01/2015 to 12/31/2015, obtain Board approval of the MTA 2015 Annual Investment Report and obtain Board approval of the MTA All Agency Investment Guidelines ("Investment Guidelines or Guidelines").

Discussion:

Investment Performance Information

Investment Performance information is presented on the next page by types of funds and by bond resolution. Performance is based on book value.

MTA Annual Investment Report

The separate 2015 MTA Annual Investment Report contains the following additional information:

- The investment income record
- Commissions or other charges paid to each investment banker, broker, agent, dealer and advisor
- Investment Inventory
- Detail Transaction Report
- MTA All Agency Investment Guidelines

Recommendation(s):

It is recommended that the MTA Board re-approve the Board adopted Investment Guidelines and approve the MTA's submission of the 2015 Annual Investment Report.

**Metropolitan Transportation Authority
Investment Performance by Type of Fund
For the Period Jan. 1, 2015 to Dec. 31, 2015**

<u>Type of Fund</u>	<u>Net Earnings this Period</u>	<u>Average Daily Portfolio Balance</u>	<u>Net Portfolio Yield, 365-day Basis</u>
All Agency Investments	\$1,388,618	\$1,032,739,146	0.13%
MTA Special Assistance Fund	526,669	291,565,762	0.18%
TBTA Investments	224,237	129,826,560	0.17%
MTA Finance Fund	93,696	118,568,410	0.08%
MTA Transportation Resolution Funds	6,073,505	2,152,099,545	0.28%
State Service Contract Debt Service Fund	3,457	38,219,639	0.01%
MTA Dedicated Tax Fund Resolution Funds	253,353	356,022,846	0.07%
2 Broadway Certificates' Funds	16,184	18,652,802	0.09%
TBTA General Purpose Resolution Funds	251,761	357,004,185	0.07%
TBTA Subordinate Resolution Funds	53,160	48,400,221	0.11%
Other Restricted Funds	663,888	502,170,578	0.13%
Total	\$9,548,529	\$5,045,269,694	0.19%

Average Yield on 6 month Generic Treasury Bill (1/2/15 – 12/31/15)	0.16%
Average Yield on 12 month Generic Treasury Bill (1/2/15 – 12/31/15)	0.31%

Note: Table above only includes information on funds actively managed by MTA Treasury in accordance with the Board approved Investment Guidelines.

Does not include defeasance investments for tax benefit lease transactions or insurance set asides.

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, APRIL 2016
COMPETITIVE PROCUREMENTS

METROPOLITAN TRANSPORTATION AUTHORITY

Procurements Requiring Majority Vote:

F. Personal Service Contracts

Staff Summaries required for items greater than: \$100k Sole Source; \$250 other Non-Competitive, \$1 million Competitive

- | | | |
|-------------------------------------|---------------------|--------------------------------------|
| 1. Paymentech, LLC | \$29,000,000 | <u>Staff Summary Attached</u> |
| All-Agency Merchant Services | (not-to-exceed) | |
| Contract No. 15014-0100 | | |

Competitively negotiated – 30 proposals – 60 months

To recommend that the Board approve the award of a competitively negotiated, all-agency, personal services contract to Paymentech, LLC (“Paymentech”) for Merchant Services, which includes optional services, for a period of five (5) years with five one-year renewal options, to be exercised at MTA’s sole discretion, for a total amount not to exceed \$29 million, including \$6 million for optional services, for the ten-year period. Paymentech does business as “Chase Paymentech” and is the payment processing and merchant acquiring business of JPMorgan Chase & Co. and a wholly owned subsidiary of JPMorgan Chase Bank, N.A., a national bank. MTA’s merchant services provider processes the payment card (i.e., credit, debit, prepaid) and ACH transactions that primarily involve MTA’s customers’ payment of railroad, subway and bus fares and bridge and tunnel tolls. Based on negotiations, MTA’s price and contract history, and marketplace comparisons to other merchant services fees, the overall pricing from Paymentech is considered to be fair and reasonable. The new unit pricing for transaction processing starts at a price point lower than the current contract and it will decrease as volume grows. In the first five years, the new contract holds fees to the level of MTA’s 2015 processing fees, which were \$1.5 million on 142.4 million card transactions and 3.6 million ACH transactions, although transaction volume is expected to increase to an estimated 185 million card and 17 million ACH transactions during that time. Actual processing fees incurred will depend on the actual volume of transactions processed.

- | | | |
|-------------------------------------|-----------------------------|--------------------------------------|
| 2. CBRE, Inc. | \$28,213,442 (yr. 1) | <u>Staff Summary Attached</u> |
| Property Management Services | (not-to-exceed) | |
| Contract No. 15326-0100 | | |

Competitively negotiated – 4 proposals – 96 months

To recommend that the Board approve the award of an all agency, competitively negotiated, personal services contract to CBRE Inc. for property management services at: (i) 2 Broadway, New York, NY, (ii) 525 North Broadway, North White Plains, NY, (iii) The Jamaica Control Center, 141-41 94th Ave, Jamaica, NY, (iv) 420 Lexington Ave, New York, NY, (v) 48 East 50th Street, New York, NY and (vi) 33-01 Northern Blvd. Long Island City, NY, for an initial period of sixty months from May 1, 2016 to April 30, 2021 with two renewal options for a total of up to eight years, terminable at will by MTA. CBRE will manage all facets of the operation of the above-referenced properties -- including general maintenance, cleaning, security and safety, maintenance and operation of building systems, landscaping and capital project implementation – using a combination of personnel on its own payroll (“CBRE Personnel”), subcontractors procured by CBRE (“CBRE-Procured Subcontractors”) and contractors procured directly by MTA Procurement (“MTA-Procured Contractors”). Through negotiation, CBRE’s fees were negotiated down from the \$7,701,931 that CBRE initially proposed to \$6,016,295, a savings of \$1,685,637 or 22% over 8 years. Capital projects that require additional CBRE resources will be subject to a 3% fee, which was negotiated down from the 6% CBRE originally proposed. These

negotiated costs are considered fair and reasonable

METROPOLITAN TRANSPORTATION AUTHORITY
COMPETITIVE PROCUREMENTS

3. **Computerized Facility Integration, LLC** **\$500,000** **Staff Summary Attached**
All-Agency Office Space Management (not-to-exceed)
Consulting Services
Contract No. 15262-0100

Competitively negotiated – 3 proposals – 12 months

To recommend that the Board approve an all-agency, competitively negotiated, personal services contract with Computerized Facility Integration (CFI) to assess, plan and implement an MTA-wide automated office space management tool for a period of one year from May 30, 2016 to May 29 2017 in the not-to-exceed amount of \$500,000, which includes \$135,000 for contingencies. A space tracking system will support the planning and placing of new hires, tracking empty space when staff separate or take leave, and monitoring space decision making, etc. in a more efficient manner. Some of the major services to be provided includes: needs assessment/planning, project implementation planning, training planning, data migration strategy, implementation services, training and maintenance, etc. As a result of negotiations, the originally proposed hourly rates ranging from \$73 to \$169 were negotiated down to a range of \$73 to \$140, representing a reduction of 0% to 17%. There are no prior contracts for this service with which these rates can be compared, however, these rates are 16% to 20% lower than the Federal General Services Administration (GSA) rates ranging from \$87 to \$212. Based on the above negotiated savings, the not-to-exceed amount of \$500,000 which includes \$135,000 for contingencies 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)

4. **Source IT Technologies** **\$1,520,000** **Staff Summary Attached**
Property Management Services (not-to-exceed)
Contract No. 16105-0100

Ride NY State Competitive Contract No. PT65091– 24 months

To recommend that the Board approve an award of an all-agency, competitively solicited, miscellaneous service, contract with SourceIT Technologies riding New York State Contract No. PT65091 for onsite threat research services for a period of twenty-four months from May 2, 2016 through April 30, 2018 in the not-to-exceed amount of \$1,520,000. These IT experts will be responsible for monitoring emerging cyber threats, proactive modeling, threat validation and threat awareness communications. Three (3) responses were received in accordance with the NYS Contract, and SourceIT provided the lowest hourly rate of \$182.69. This rate is lower than the NYS price of \$229.69/hour. Based on this, the rates are considered fair and reasonable.

METROPOLITAN TRANSPORTATION AUTHORITY

COMPETITIVE PROCUREMENTS

J. Modifications to Miscellaneous Procurement Contracts

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

- | | | | |
|-----------|---|--|--------------------------------------|
| 5. | Choice Distribution, Inc.
Hardware and Fastener Program
Contract No. Various, c/o #2 | \$12,360,000
(not-to-exceed) | <u>Staff Summary Attached</u> |
|-----------|---|--|--------------------------------------|

To recommend that the Board approve an amendment to MNR's previously Board-approved, multi-agency, competitively awarded, miscellaneous procurement contract with Choice Distribution, Inc. (Choice) for supply of hardware and fasteners. This amendment will: (i) exercise one year of the approved two-year option from May 31, 2016 to May 31, 2017 and (ii) add additional funding in the not-to-exceed amount of \$12,360,000. The Choice contract, and existing related contracts in the Hardware and Fasteners category have been selected for transition to management under MTAHQ Procurement in support of Procurement Consolidation. Exercising year one of the previously board approved two-year option will allow MTAHQ procurement to develop a Hardware and Fasteners category strategy, execute an all agency competitive RFP in the 2nd quarter of 2016, and transition to a new supplier(s), if required. Additionally, this amendment is required to add additional funds due to the unanticipated increased usage of hardware and fasteners required for new railroad cars, subway cars and buses, as well as the expansion of rail / subway shops and facilities' requirements. Since 2011, the Dept. of Bus has added 2309 new and different types/styles of buses to its fleet and are operating more buses that are past the 12 year replacement mark than anticipated. They have also implemented major improvements/expansions on its fleet such as driver's barriers and p-clamps replacements in order to be more reliable and improve operations. MNR has since added 405 M8 fleet railcars and LIRR's fleet of 836 M7 railcars have been coming out of warranties which impacts the contract spend. The unit prices as established in the base contract will remain the same and are deemed fair and reasonable.

Staff Summary

Schedule F: Personal Service Contracts

Item Number:					
Dept & Dept Head Name: Capital Programs/ C. Stewart					
Division & Division Head Name: Fare Payment Programs / Michael A. DeVitto					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance	4/18/2016	X		
2	Board	4/20/2016	X		
Internal Approvals					
Order	Approval	Order	Approval		
1	Procurement 	4	DDCR 		
2	Fare Payment Programs 	5	Legal 		
3	Capital Programs 	6	CFO 		

SUMMARY INFORMATION	
Vendor Name: Paymentech, LLC	Contract Number: 15014-01000
Description: All-Agency Merchant Services (electronic payment processing)	
Total Amount: \$29,000,000	
Contract Term (including Options, if any) May 1, 2016 to April 30, 2026	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: Gross Proceeds of settled transactions	

Narrative

I. PURPOSE/RECOMMENDATION:

To recommend that the Board approve the award of a competitively negotiated, all-agency, personal services contract to Paymentech, LLC ("Paymentech") for Merchant Services, which includes optional services, for a period of five (5) years with five one-year renewal options, to be exercised at MTA's sole discretion, for a total amount not to exceed \$29 million, including \$6 million for optional services, for the ten-year period. Paymentech does business as "Chase Paymentech" and is the payment processing and merchant acquiring business of JPMorgan Chase & Co. and a wholly owned subsidiary of JPMorgan Chase Bank, N.A., a national bank.

II. DISCUSSION

MTA's merchant services provider processes the payment card (i.e., credit, debit, prepaid) and ACH transactions that primarily involve MTA's customers' payment of railroad, subway and bus fares and bridge and tunnel tolls. Under this contract, the Contractor shall provide to MTA electronic payment processing services for payment cards, other electronic payment devices and stored accounts ("Merchant Services"). Services include, but are not limited to, providing: secure communication channels for processing card-based transactions (authorization; settlement and clearing), ACH transactions and chargebacks, least cost PIN Debit routing and other acceptance cost management services. Additional optional services, such as ACH Updater, Tokenization/Encryption, and Payment Gateway services for which pricing is fixed, and Transaction Aggregation, Fare Capping and Point-of-Sale Retail Network services for which pricing is subject to future negotiation, may be exercised at MTA's discretion. The Contractor shall also provide advice and support for MTA and its agencies, regarding current electronic payment operations and the development of future fare and toll payment systems that are more cost effective and technologically flexible than current systems, and provide new methods of delivering customer services.

This contract will be strategic and supportive of MTA's needs as MTA moves into developing and implementing new fare and toll payment systems. MTA will receive additional services, both financial and non-financial, beyond standard bank card transaction processing, because:

- The processing fees paid to the Merchant Services provider are a very small portion of the total cost of card acceptance, approximately 3% to 5% of total acceptance costs. Remaining card acceptance costs to MTA, comprised of Interchange fees (set by payment networks and paid to card issuers (banks) and Pass Through fees (set by and paid to the payment networks), are not the subject of the Merchant Services contract, except as transaction costs that are passed through by the Merchant Services provider to MTA. However, the Merchant Services provider can help MTA reduce these other costs of acceptance through analysis, advocacy, risk management, innovation and, in some instances, identification of the least cost routing for an individual transaction.
- Merchant Services providers have insight into a significant amount of data, existing and evolving technology, cyber-

security, and market trends, and can provide added value to MTA's merchant operations through analysis, risk management, advocacy and innovation.

A Request for Proposals (RFP) was publicly advertised, and Notices of the RFP advising potential proposers of the RFP's availability were mailed to over 25 firms, including 17 of the largest merchant services providers in the U.S. Over 30 firms requested the RFP. Seven merchant services proposals were received. The Selection Committee consisted of representatives from MTA Headquarters, Bridges & Tunnels, Long Island Rail Road, Metro-North Railroad and New York City Transit. The Selection Committee evaluated the proposals based on the criteria set forth in the RFP and recommended that five of the seven firms be invited to make oral presentations. Upon conclusion of orals presentations, two firms were shortlisted. Based on Paymentech's demonstrated experience and expertise, the Selection Committee determined that it is the most technically qualified and is best suited to provide the services identified in the RFP and that MTA should enter into negotiations with Paymentech.

Negotiations covering terms and conditions, service levels, and cost, were held with Paymentech.

- The new agreement comprehensively addresses the specific merchant service issues that are important to MTA, such as specific contractor responsibilities, risk allocation, and a service level agreement. MTA was able to negotiate a simpler and lower fee structure, reducing the number and types of per transaction fees in the pricing schedules. Also, MTA was able to negotiate a fee structure that reduces the unit processing cost to MTA as MTA's card volume grows ("volume pricing"), potentially reducing the primary processing fee by as much as 50% over time, and reduced cost for the Optional Services.
- MTA negotiated a contribution ("conversion credit") for MTA to apply towards its one-time conversion costs that will be charged by third parties to migrate MTA systems from the incumbent's platforms to Paymentech's platforms. Note that Paymentech is not charging MTA for any of Paymentech's conversion services.

Based on negotiations, MTA's price and contract history, and marketplace comparisons to other merchant services fees, the overall pricing from Paymentech is considered to be fair and reasonable. The new unit pricing for transaction processing starts at a price point lower than the current contract and it will decrease as volume grows. In the first five years, the new contract holds fees to the level of MTA's 2015 processing fees, which were \$1.5 million on 142.4 million card transactions and 3.6 million ACH transactions, although transaction volume is expected to increase to an estimated 185 million card and 17 million ACH transactions during that time. Actual processing fees incurred will depend on the actual volume of transactions processed.

MTA has conducted a responsibility review and other due diligence on Paymentech, LLC and has deemed it to be responsible.

III. D/M/WBE INFORMATION

MTA Department of Diversity and Civil Rights has assigned MWBE goals of 0% MBE and 0% WBE due to the lack of available NYS certified firms in the marketplace to provide the services.

IV. IMPACT ON FUNDING

This contract is funded by each agency from its respective annual fare and toll revenues. An MTA Agency incurs fees when customers use electronic payments to purchase fares and tolls and those fees are then netted from the gross revenues due from the contractor for those customer payments before the revenues are deposited in the Agency's account or paid from an offset account set up by the MTA Agency in the event there are not enough revenue settlements on a given day.

V. ALTERNATIVES

1. Renewal of Current Agreement pursuant to an existing option to renew for five years. This is not desirable in terms of cost and the terms and conditions. The new competitive RFP process, which included the incumbent as a proposer, resulted in better overall pricing and terms and conditions than the current agreement. In addition, by contracting with Paymentech, many MTA transactions will be processed through ChaseNet at a reduced cost that can't be achieved through any other proposer, including the incumbent.

2. Use of In-House Staff. This is not possible. Processing of credit/debit card transactions must be conducted through an entity that is certified within the payments industry for performing such services and meets several industry regulations for handling card transaction data. Thus, a contract with an independent provider is required.

3. Do not approve the award of any contract. This is not a feasible alternative. MTA and its agencies must be able to continue to accept credit and debit cards for the purchase of fares and tolls, and other incidental services. This capability is critical to current fare and toll collection operations as well as to the design and implementation of future fare and toll payment technologies.

Staff Summary

Schedule F: Personal Service Contracts

Item Number:					
Dept & Dept Head Name: Robert Foran, Executive					
Division & Division Head Name: Jeffrey Rosen, MTA Real Estate					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	Finance	4/18/2016	X		
2	Board	4/20/2016	X		
Internal Approvals					
Order	Approval	Order	Approval		
1	Procurement 	4	DDCR 		
2	Real Estate 	5	Legal 		
3	CFO 				

SUMMARY INFORMATION	
Vendor Name: CBRE Inc.	Contract Number: 15326-0100
Description: Property Management Services	
Total Amount: Not to exceed \$28,213,442 in Yr.1 (Subsequent funding to be approved by the Board)	
Contract Term (Including Options, if any) May 1, 2016 to April 30, 2024	
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:

To recommend that the Board approve the award of an all agency, competitively negotiated, personal services contract to CBRE Inc. for property management services at: (i) 2 Broadway, New York, NY, (ii) 525 North Broadway, North White Plains, NY, (iii) The Jamaica Control Center, 141-41 94th Ave, Jamaica, NY, (iv) 420 Lexington Ave, New York, NY, (v) 48 East 50th Street, New York, NY and (vi) 33-01 Northern Blvd. Long Island City, NY, for an initial period of sixty months from May 1, 2016 to April 30, 2021 with two renewal options for a total of up to eight years, terminable at will by MTA.

II. DISCUSSION

A competitive Request for Proposals (RFP) was publicly advertised and letters informing prospective proposers were sent to seven firms. Four proposals were received. A selection committee consisting of representatives from MTAHQ, Metro-North Rail Road, New York City Transit, MTAPD, and Long Island Rail Road evaluated the proposals and unanimously determined that all four firms were technically qualified and invited them in for oral presentations. At the conclusion of such oral presentations, the selection committee agreed that MTA Procurement should enter into negotiations with two short-listed firms (Jones Lang LaSalle & CBRE) and award the contract to whichever of such two firms offered the more advantageous financial terms, which proved to be CBRE. MTA has conducted a responsibility review and other due diligence on CBRE Inc. and has deemed it to be responsible for award.

CBRE will manage all facets of the operation of the above-referenced properties -- including general maintenance, cleaning, security and safety, maintenance and operation of building systems, landscaping and capital project implementation -- using a combination of personnel on its own payroll ("CBRE Personnel"), subcontractors procured by CBRE ("CBRE-Procured Subcontractors") and contractors procured directly by MTA Procurement ("MTA-Procured Contractors"). All subcontract procurement undertaken by CBRE will follow MTA-approved procurement processes and guidelines and be subject to oversight by MTA Real Estate and MTA Procurement.

The not-to exceed amount set forth above reflects the following categories of costs and expenses, consistent with the current Board-approved MTA operating budget:

CBRE Fees	\$ 686,813
CBRE Personnel	\$ 4,636,374
CBRE-Procured Subcontractors	\$22,890,255
Total Amount	\$28,213,442

In addition, CBRE will handle payments for utilities, budgeted for year 1 at \$6,987,171, and payments under MTA-Procured Contracts, budgeted for year 1 at \$16,236,101. Expenditures in subsequent contract years will be subject to MTA Board approval of the MTA Financial Plans for such years.

Through negotiation, CBRE's fees were negotiated down from the \$7,701,931 that CBRE initially proposed to \$6,016,295, a savings of \$1,685,637 or 22% over 8 years. Capital projects that require additional CBRE resources will be subject to a 3% fee, which was negotiated down from the 6% CBRE originally proposed. These negotiated costs are considered fair and reasonable.

The term of the new agreement is expected to begin on May 1, 2016 and to provide uninterrupted services during the transition from the current property manager.

CBRE will assimilate onto its own payroll, without mark-up, 18 unionized building engineer positions that are currently on the payroll of an MTA-Procured Contractor. This shift will save the MTA approximately \$3.5 million over the 8-year term of the contract. CBRE will also take responsibility for providing property management services at an MTA-owned pocket park located at 48 East 50th Street between Park and Madison Avenues. CBRE will use existing staffing to manage such location at no additional expense to MTA, saving the MTA approximately \$570,000 over the course of such 8-year term.

MTA has conducted a responsibility review and other due diligence on CBRE, Inc. and has deemed it to be responsible for award.

III. D/M/WBE INFORMATION

MTA Department of Diversity and Civil Rights have assigned goals of 15% MBE and 15% WBE. CBRE, Inc. has not completed any MTA contracts with goals; therefore no assessment of the firm's MWDBE performance can be determined at this time.

IV. IMPACT ON FUNDING

The funding for the first year of this contract is available in the MTA operating budget. Funding for the subsequent years will be based on Board-approved operating budgets for those years.

V. ALTERNATIVES

Perform the Services In-House: This alternative is not feasible. MTA does not possess the internal resources to provide the requisite property management services.

Staff Summary

Schedule F: Personal Service Contracts

Item Number:						SUMMARY INFORMATION																			
Dept & Dept Head Name: Business Service Center/Wael Hibri						Vendor Name: Computerized Facility Integration, LLC																			
Division & Division Head Name: MTA IT/Sidney Gellineau						Contract Number: 15262-01000																			
Board Reviews						Description: All-Agency Office Space Management Consulting Services																			
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Order</th> <th>To</th> <th>Date</th> <th>Approval</th> <th>Info</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Finance</td> <td>4/18/2016</td> <td>X</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td>Board</td> <td>4/20/2016</td> <td>X</td> <td></td> <td></td> </tr> </tbody> </table>						Order	To	Date	Approval	Info	Other	1	Finance	4/18/2016	X			2	Board	4/20/2016	X			Total Amount: \$500,000	
Order	To	Date	Approval	Info	Other																				
1	Finance	4/18/2016	X																						
2	Board	4/20/2016	X																						
Internal Approvals						Contact Term (Including Options, if any) May 30, 2016 to May 29 2017																			
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Order</th> <th>Approval</th> <th>Order</th> <th>Approval</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Procurement <i>(Signature)</i></td> <td>4</td> <td>DDCR <i>(Signature)</i></td> </tr> <tr> <td>2</td> <td>BSC <i>(Signature)</i></td> <td>5</td> <td>Legal <i>(Signature)</i></td> </tr> <tr> <td>3</td> <td>MTA IT <i>(Signature)</i></td> <td>6</td> <td>CFO <i>(Signature)</i></td> </tr> </tbody> </table>						Order	Approval	Order	Approval	1	Procurement <i>(Signature)</i>	4	DDCR <i>(Signature)</i>	2	BSC <i>(Signature)</i>	5	Legal <i>(Signature)</i>	3	MTA IT <i>(Signature)</i>	6	CFO <i>(Signature)</i>	Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Order	Approval	Order	Approval																						
1	Procurement <i>(Signature)</i>	4	DDCR <i>(Signature)</i>																						
2	BSC <i>(Signature)</i>	5	Legal <i>(Signature)</i>																						
3	MTA IT <i>(Signature)</i>	6	CFO <i>(Signature)</i>																						
						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 type="checkbox"/> Federal <input type="checkbox"/> Other:																			

Narrative

I. PURPOSE/RECOMMENDATION:

To recommend that the Board approve an all-agency, competitively negotiated, personal services contract with Computerized Facility Integration, LLC (CFI) to assess, plan and implement an MTA-wide automated office space management tool for a period of one year from May 30, 2016 to May 29 2017 in the not-to-exceed amount of \$500,000, which includes \$135,000 for contingencies.

II. DISCUSSION:

The MTA Real Estate Division, in conjunction with MTA Facility Management, Space Management and MTA Emergency Management Divisions, requires a system that will track and manage office space allocations and individual employee space assignments for all office-based employees. A space tracking system will support the planning and placing of new hires, tracking empty space when staff separate or take leave, and monitoring space decision making, etc. in a more efficient manner. Some of the major services to be provided includes: needs assessment/planning, project implementation planning, training planning, data migration strategy, implementation services, training and maintenance, etc.

In order to obtain these services, a Request for Proposal ("RFP") was publicly advertised and issued to twelve (12) firms. Three (3) proposals were received. The Selection Committee, comprised of representatives from MTA Headquarters, Bridges & Tunnels, Long Island Rail Road, Metro-North Railroad and New York City Transit, evaluated the proposals based on the criteria set forth in the RFP and recommended that all three firms be invited to make oral presentations. Upon conclusion of oral presentations, the Selection Committee determined that CFI is most technically qualified in both implementation of an office space management tool and project management services; the Committee recommended MTA Procurement to enter into negotiations with CFI.

Staff Summary

As a result of negotiations, the originally proposed hourly rates ranging from \$73 to \$169 were negotiated down to a range of \$73 to \$140, representing a reduction of 0% to 17%. There are no prior contracts for this service with which these rates can be compared, however, these rates are 16% to 20% lower than the Federal General Services Administration (GSA) rates ranging from \$87 to \$212. Based on the above negotiated savings, the not-to-exceed amount of \$500,000, which includes \$135,000 for contingencies, is deemed fair and reasonable. MTA has conducted a responsibility review and other due diligence on CFI and has deemed it to be responsible for award.

III. D/M/WBE INFORMATION:

MTA Department of Diversity and Civil Rights has assigned a 15% DBE goal to this contract. CFI has not completed any MTA contracts with goals; therefore no assessment of the firm's MWDBE performance can be determined at this time.

IV. IMPACT ON FUNDING:

The estimated spend over the one year contract term is \$500,000 which is funded by the MTA IT Operating Budget.

V. ALTERNATIVES:

Do not approve award of this contract. This is not practical. This will curtail MTA's ability to efficiently track office space requirements MTA wide.

Perform these services in-house. MTA does not have the staff or expertise to perform this service.

Staff Summary

Schedule G: Miscellaneous Service Contracts

Page 1 of 1

Item Number:

Vendor Name (& Location): SourceIT Technologies	Contract Number: 16105-0100	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Description: All-Agency Onsite Threat Research Services	Total Amount: \$1,520,000	
Contract Term (including Options, if any): May 2, 2016 to April 30, 2018	Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Requesting Dept./Div & Dept./Div. Head Name:	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Contract Manager: R. Matela	
Solicitation Type: <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: OGS Ride		

DISCUSSION:

To recommend that the Board approve an award of an all-agency, competitively solicited, miscellaneous service, contract with SourceIT Technologies riding New York State Contract No. PT65091 for onsite threat research services for a period of twenty-four months from May 2, 2016 through April 30, 2018 in the not-to-exceed amount of \$1,520,000.

MTA has recently faced multiple cyber threats resulting in loss of data. In an effort to restore, recover and mitigate future breaches, MTA requires on-site IT technical expert services. These IT experts will be responsible for monitoring emerging cyber threats, proactive modeling, threat validation and threat awareness communications. They will be accountable for all sources of technical data collection and analysis in order to produce a common operating picture of intrusion or threat related activity. This includes developing and maintaining new technical and non-technical sources of information, threat research, threat profile development, analysis, briefings, and warnings.

Three (3) responses were received in accordance with the NYS Contract, and SourceIT provided the lowest hourly rate of \$182.69. This rate is lower than the NYS price of \$229.69/hour. Based on this, the rates are considered fair and reasonable.

Staff Summary

Schedule J: Modifications to Miscellaneous Procurement Contracts

Item Number:

Page 1 of 1

Vendor Name (& Location): Choice Distribution, Inc.	Contract Number: Various	AWO/Modification # 2
Description: Hardware and Fastener Program	Original Amount:	\$ 40,258,495
Contract Term (including Options, if any): Five Year Base with Two Year Option	Prior Modifications:	\$ 15,320,000
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Prior Budgetary Increases:	\$
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Current Amount:	\$ 55,578,495
Solicitation Type: <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	This Request:	\$ 12,360,000
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%
Requesting Dept/Div & Dept/Div Head Name: BSC Procurement, Angel Barbosa, Chief Procurement Officer	% of Modifications (including This Request) to Original Amount:	69%

DISCUSSION:

To recommend that the Board approve an amendment to MNR's previously Board-approved, multi-agency, competitively awarded, miscellaneous procurement contract with Choice Distribution, Inc. (Choice) for supply of hardware and fasteners. This amendment will: (i) exercise one year of the approved two-year option from May 31, 2016 to May 31, 2017 and (ii) add additional funding in the not-to-exceed amount of \$12,360,000.

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

The Choice contract, and existing related contracts in the Hardware and Fasteners category have been selected for transition to management under MTAHQ Procurement in support of Procurement Consolidation. Exercising year one of the previously board approved two-year option will allow MTAHQ procurement to develop a Hardware and Fasteners category strategy, execute an all agency competitive RFP in the 2nd quarter of 2016, and transition to a new supplier(s), if required.

Additionally, this amendment is required to add additional funds due to the unanticipated increased usage of hardware and fasteners required for new railroad cars, subway cars and buses, as well as the expansion of rail / subway shops and facilities' requirements. Since 2011, the Dept. of Bus has added 2309 new and different types/styles of buses to its fleet and are operating more buses that are past the 12 year replacement mark than anticipated. They have also implemented major improvements/expansions on its fleet such as driver's barriers and p-clamps replacements in order to be more reliable and improve operations. MNR has since added 405 M8 fleet railcars and LIRR's fleet of 836 M7 railcars have been coming out of warranties which impacts the contract spend.

The unit prices as established in the base contract will remain the same and are deemed fair and reasonable.


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

MTA NEW YORK CITY TRANSIT

Sale of Surplus Development Rights Associated with the Second Avenue Subway Ancillary Facility Located at 1800 Second Avenue, Manhattan

Staff Summary

Subject SALE OF SURPLUS PROPERTY
Department REAL ESTATE
Department Head Name JEFFREY B. ROSEN
Department Head Signature 
Project Manager Name JOHN COYNE

Date APRIL 18, 2016
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	4/18/16	X		
2	Board	4/20/16	X		

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

AGENCY: New York City Transit ("NYCT")

BUYER: OHI Asset (NY) 2nd Avenue, LLC ("OHI")

LOCATION: 1800 Second Avenue, Manhattan, Block 1556, Lot 1 (the "Subject Property")

ACTIVITY: Sale of 13,079 square feet of transferable development rights (the "TDRs")

ACTION REQUESTED: Approval of terms

COMPENSATION: \$4,473,018 (\$342 per square foot)

COMMENTS:

The Subject Property was acquired by NYCT in April, 2007, for the construction of a ventilation facility serving the 96th Street Station of the Second Avenue Subway. When such ventilation facility is completed, approximately 15,000 square feet of the development rights that are currently assigned to the Subject Property under applicable New York City zoning regulations will remain unused (the "Surplus Development Rights").

OHI, which owns all of the properties surrounding the Subject Property, expressed interest in acquiring some or all of the Surplus Development Rights, which can be transferred to any adjoining property (but not otherwise) by means of a so-called "zoning lot merger" pursuant to such zoning regulations. As contemplated by the Public Authorities Law, MTA Real Estate issued a request for proposals, to which only OHI responded.

OHI intends to construct an approximately 200,000 square foot, as-of-right senior assisted living facility on its property, utilizing the TDRs together with the development rights that would otherwise be assigned to OHI's property under the applicable zoning.

OHI initially offered \$2.2 million for the TDRs. However, following negotiations, OHI has agreed to pay a total of \$4,473,018, or \$342 per square foot, which equals the appraised value of the TDRs as determined by an independent appraiser engaged by MTA Real Estate as required by the Public Authorities Law.

The transfer of the unused development rights under consideration has undergone an environmental assessment pursuant to the State Environmental Quality Review Act. Inasmuch as there will be no significant adverse environmental impact, a negative declaration has been issued.

Based on the foregoing, MTA Real Estate requests authorization to sell the TDRs to OHI on the foregoing terms.

NAME OF ACTION: TRANSFER OF DEVELOPMENT RIGHTS FOR THE MAPLEWOOD SENIOR LIVING PROJECT AT 1802, 1804-1806, 1808, AND 1810 SECOND AVENUE; AND 303 EAST 93RD STREET, NEW YORK, NEW YORK 10128

CLASSIFICATION OF ACTION: UNLISTED

NEGATIVE DECLARATION: Upon review of the information recorded on the Environmental Assessment Form dated 12/23/2015, together with its Attachments A, B and C (collectively, the "EA"), this action (the "Action") will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

NAME OF LEAD AGENCY: METROPOLITAN TRANSPORTATION AUTHORITY

NAME OF RESPONSIBLE OFFICER IN LEAD AGENCY: JEFFREY ROSEN

TITLE OF RESPONSIBLE OFFICER: DIRECTOR OF REAL ESTATE

SIGNATURE OF RESPONSIBLE OFFICER IN LEAD AGENCY: 3/21/2016

DATE:

SIGNATURE OF PREPARER: 

LAWRENCE C. JENKINS

SR. ENVIRONMENTAL COUNSEL-MTA

As fully described in Attachment A of the EA, the Action would entail the sale of approximately 21,000 square feet of unused development rights (air rights) from the MTA to the developer, OHI Asset (NY) 2nd Avenue, LLC. OHI would use the development rights in the construction of a 21 story (210 feet tall) senior care living facility at 1802, 1804-1806, 1808 and 1810 Second Avenue and 303 East 93rd Street (Block 1556, lots 1, 2, 3, 51, 52, and the western half of lot 5) in the Yorkville neighborhood of Manhattan.

The proposed senior care living facility would be comprised of approximately 212 dwelling units in a building of approximately 178,162 square feet of floor area. The MTA owns the "donor site" directly south of the project site at 1800 Second Avenue (block 1556, lot 1). The effect of the Action would be to increase the number of senior living units from 181 units (which could be provided "as of right" in a building of approximately 157,608 sq. ft. of floor area) to 212 units (in the proposed building, which would have approximately 178,162 sq. ft. of floor area). The additional floor area would not result in a taller building. The developer would add an adjoining 14 story (143 feet tall) segment to the east side of the main building.


The EA, which is incorporated in its entirety herein by reference, examined carefully whether the proposed action would have significant adverse environmental impacts in each of the relevant areas of environmental concern. As reflected in the EA, the addition of approximately 21,000 square feet of floor area to the building that would be constructed “as of right” in the absence of the Action would result in a structure of the same height, with only 38 additional senior living units. According to the EA, the modest increase in the bulk of the building, and of the number of units it would provide, would not result in significant adverse shadow, traffic, transportation, infrastructure, solid waste, construction, or air quality impacts. The proposed use is allowed under New York City zoning, and is compatible with existing land uses in the area. According to the EA, the project site has been affected by historic petroleum releases, so a remedial investigation will be performed by the project developer, and any required clean-up would be conducted in accordance with a remedial action work plan that is reviewed and approved by the New York State Department of Environmental Conservation. Such investigation and remedial activities would be performed either with the Action, or if the new building were to be constructed “as of right.” The New York State Division for Historic Preservation of the Office of Parks, Recreation, and Historic Preservation has determined that the proposed project would have no significant adverse effect on historic or cultural resources that are listed or eligible for listing on the State or National Registers of Historic Places.



Additionally, the height and bulk of the building proposed does not present any significant adverse urban design or visual resource impacts. There are a number of considerably taller buildings in the vicinity of the proposed project site. The area would, therefore, maintain its character of a mix of high rise and lower residential buildings upon completion of the proposed project.

This determination is made in light of the facts and circumstances set forth above, as well as those described in more detail in the EA.

PROCUREMENTS

The Procurement Agenda this month includes 12 actions for a proposed expenditure of \$2.2M.

Subject Request for Authorization to Award Various Procurements					
Department Materiel Division – NYCT					
Department Head Name Stephen M. Plochochi					
Department Head Signature 					
Project Manager Name Rose Davis					
Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	4/18/16			
2	Board	4/20/16			

April 11, 2016			
Department			
Department Head Name			
Department Head Signature			
Internal Approvals			
	Approval		Approval
	President NYCT		President MTACC
	Executive VP <i>ACTWV 4/11/16</i>		President MTA Bus
X	Capital Prog. Management	X	Subways
	Law	X	Diversity/Civil Rights

Internal Approvals (cont.)

Order	Approval	Order	Approval	Order	Approval	Order	Approval

PURPOSE:

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

DISCUSSION:

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

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

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

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

<u>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)	1	\$ TBD M
<u>Schedules Requiring Majority Vote:</u>			
Schedule F:	Personal Service Contracts	9	\$ 1.6 M
Schedule G:	Miscellaneous Service Contracts	2	\$ 0.6 M
SUBTOTAL		12	\$ 2.2 M
TOTAL		12	\$ 2.2 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: None****MTA Capital Construction proposes to award Ratifications in the following categories: None**

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.

APRIL 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
Contract Term To Be Determined
Contract# TBD
Competitive RFP Authorizing Resolution for the Enhanced Station Initiative for the improvement of 31 Stations in all five boroughs. | Cost To Be Determined | <u>Staff Summary Attached</u> |
|---|------------------------------|--------------------------------------|

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.)

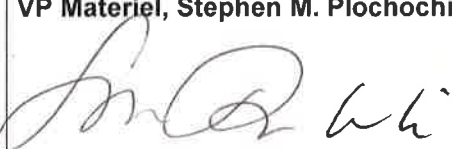
- | | | |
|---|-------------------------------------|--|
| 2. White Glove Placement, Inc.
3. MSI Systems Corp.
4. Penda Aiken, Inc.
5. SHC Services, Inc.
6. New Wave People, Inc.
7. Total Healthcare Staffing
8. Jennifer Temps, Inc.
9. IIT, Inc.
10. Nexus Staffing
Eighteen-month contract
Various Contract#s
Temporary medical staffing. | \$1,600,000 (Est. Aggregate) | <u>Staff Summary Attached</u>
↓
↓
↓
↓
↓
↓
↓
↓ |
|---|-------------------------------------|--|

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.)

- | | | |
|--|-------------------------|--------------------------------------|
| 11. Fremont Industrial Corp.
IFB# 77625
Inspection, certification and repair of fall protection systems. | \$431,560 (Est.) | <u>Staff Summary Attached</u> |
| 12. KS Engineers, PC.
RFQ# 122409
Vectorization of working drawings. | \$171,600 (Est.) | <u>Staff Summary Attached</u> |

Staff Summary

Item Number 1			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel	6	EVP (ACTING) 4/11/16
2 X	Law	7	President 4.13.16
3 X	Budget	8	
4 X	Subways	9	
5 X	CPM	10	

SUMMARY INFORMATION	
Vendor Name Competitive RFP Authorizing Resolution	Contract Nos. TBD
Description The Enhanced Station Initiative for the Improvement of 31 Stations in all Five Boroughs	
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 the award of contracts under the Enhanced Station Initiative (ESI) Program, and that, pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law, it is in the public interest to authorize NYC Transit to issue competitive Requests for Proposal (RFPs) in lieu of sealed competitive bids for some or all contracts for the improvement of 31 subway stations in all five boroughs under the ESI Program. This program 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. In keeping with this pursuit, and in the interest of more efficient and faster delivery of projects, NYC Transit intends to issue some, if not all, ESI improvement contracts pursuant to design-build methodology starting in 2016.

The ESI Program's focus is on improving the customer experience, the continued responsibility of providing a state of good repair in stations, and the development of underlying station aesthetics through design innovation. The program includes 31 pre-selected stations located in all five boroughs with a goal of contracting for and completing the work in all stations by December 2018 through the award of multiple contract packages. The work will include making the stations cleaner, brighter and easier to navigate, through a focus on more intuitive way-finding and will provide 21st century amenities such as Wi-Fi and cellular connectivity. This will involve architectural (including painting and signage), structural, electrical (including lighting, communications and technology) and mechanical work, as well as architectural and engineering services and surveying. In order to achieve this aggressive schedule, NYC Transit recommends utilizing the RFP process for some or all of the contract packages in order to evaluate factors other than cost. It is anticipated that contractors will also be provided, to the extent practicable, full access to these stations in order to complete the work as expeditiously as possible.

In addition, the MTA has retained an internationally known firm, Ove Arup & Partners, P.C. (Arup), as a Program Facilitator/Best Practices Consultant to develop the program's phasing plan, schedule, cost estimates and procurement strategy including determining how the stations will be divided into separate procurement packages as well as preparation of the solicitation packages. Arup is also responsible for recommending alternative procurement methods; however, the current plan is to solicit some or all procurement packages by two-step RFP. Although the packaging and procurement strategy for the entire program is still in development, the first package has been positively identified as a design-build.

Staff Summary

Under the design-build method, conceptual design documents along with the Owner's Project Requirements are prepared and form the basis for soliciting proposals to complete the design and perform the construction. The contract award includes overlapping design and construction responsibilities to a single contractor or joint proposer. In accordance with MTA policy regarding the use of design-build, it is NYC Transit's intent to pay a stipend to proposers that were not selected, yet provided proposals which meet a defined standard. This will be done in order to enhance competition and defray proposal costs.

Pursuant to the two-step RFP selection process, the most qualified proposers will be identified in Step 1 and selected to participate in Step 2. During Step 2, the selected proposers will receive a Request for Proposal including conceptual design documents, the Owner's Project Requirements and the proposed contract terms. As part of Step 2, prospective proposers will propose their design and construction approach and will be encouraged to provide alternate proposals with emphasis on minimizing service outages and accelerating the construction schedule.

While cost will remain an important selection criterion, given the complex and aggressive nature of this program, 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, and other relevant matters to determine which proposal offers the best overall value. In addition, the RFP process will allow NYC Transit greater flexibility than would 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.

NYC Transit anticipates that the work to be performed across all 31 stations will be substantially similar and so, taking into consideration the associated schedule constraints, proposers which are qualified under Step 1 will be invited to propose on subsequent RFP packages which may also include opportunities for the evaluation of revised proposer teams.

ALTERNATIVES:

The use of the 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.

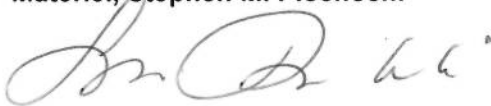
IMPACT ON FUNDING:

Funding is identified in the proposed revised 2015-2019 Program now pending MTA Board approval. Additional funding will be identified with future program savings. Awards will be subject to approval of the revised 2015-2019 Capital Program by the MTA Board and subsequently by the NYS 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 competitive Requests for Proposals (RFPs) for the improvement of 31 Stations in the Bronx, Brooklyn, Manhattan, Queens and Staten Island under the Enhanced Station Initiative Program.

Staff Summary

Item Number 2-10			
Division & Division Head Name: VP Materiel, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel SJS	6	EVP (ACTING) MPC 4/11/16
2 X	Law	7 4.13.16	President RAH
3 X	Budget	8	
4 4/14/16 ALM	MTA Employee Relations and Administration	9	
5 X	DDCR	10	

SUMMARY INFORMATION	
Vendor Name(s) Various Contractors	Contract Nos. Various
Description Temporary Medical Staffing	
Total Amount \$1,600,000 (Aggregate)	
Contract Term (including Options, if any) 18 months (approximate)	
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 type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Piggyback	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

PURPOSE:

To obtain approval from the Board to award nine personal and miscellaneous service contracts for Temporary Medical Staffing utilizing various New York State Office of General Services (OGS) contracts with a total estimated aggregate budget of \$1,600,000. Five of the nine firms are certified MBEs, WBEs, or both.

DISCUSSION:

MTA Occupational Health Services requires temporary medical personnel to augment permanent staff in NYC Transit's Medical Assessment Centers (MACs). These personnel will include Physicians, Psychologists, Registered Nurses, Laboratory Technicians and Medical Data Entry Clerks. The OGS contracts will be utilized on an as-needed basis with no minimum guarantee of any assignments.

Work performed at the MACs includes conducting pre-employment physicals, examining employees to determine their fitness for duty and various other health related services. These personnel may be required to perform various medical-related services, which may include: medical examination of employees and candidates for employment, taking medical histories, recommending appropriate work disposition of employees, performing diagnostic testing (i.e., vision, hearing, electrocardiogram), administering flu vaccines for NYC Transit's influenza vaccination program, performing urine collections for drug testing and data entry of medical records.

The contracts will be awarded pursuant to the All-Agency Guidelines for the Procurement of Services, Article XIV, Paragraph D, which states that an Authority may contract for a service available through an existing contract between a contractor and the State of New York or the City of New York or another Authority.

NYC Transit will utilize existing OGS contracts with the firms listed below. The contract terms are October 25, 2012 – October 24, 2017. These contracts were competitively solicited by RFP and were awarded on the basis of best value. The contract terms were reviewed and found to be acceptable. Five of the nine awardees are certified MBEs, WBEs, or both as shown below. For each category of temporary medical staff, except for Laboratory Technicians, three contracts were awarded. One contractor was designated as the primary, one as the secondary and one as the tertiary. OGS awarded only one contract for Laboratory Technicians. OGS procedures require agencies utilizing these contracts to solicit resumes first from the primary contractor.

Staff Summary

If no acceptable resumes are obtained from the primary contractor, resumes are solicited from the secondary contractor and so on until an acceptable candidate is identified.

<u>Contractor</u>	<u>Location</u>	<u>Contract No.</u>	<u>Category of Medical Staff</u>
• White Glove Placement, Inc.	Brooklyn, NY 11206	(PS65942)	General Practitioners and Registered Nurses (Primary)
• MSI Systems Corp	Florham, NJ 07932	(PS65929)	General Practitioners and Registered Nurses (Secondary)
• Penda Aiken, Inc. (MBE/WBE)	Brooklyn, NY 11217	(PS65934)	General Practitioners and Registered Nurses (Tertiary)
• SHC Services, Inc.	Park City, UT 84098	(PS65937)	Psychologists (Primary)
• New Wave People, Inc.	Princeton, NJ 08542	(PS65931)	Psychologists / Laboratory Technicians (Secondary) (Primary)
• Total Healthcare Staffing (WBE)	Bellmore, NY 11710	(PS65940)	Psychologists (Tertiary)
• Jennifer Temps, Inc. (MBE/WBE)	New York, NY 10038	(PS65921)	Medical Data Entry Clerks (Primary)
• IIT, Inc. (MBE)	Huntington Station, NY 11746	(PS65919)	Medical Data Entry Clerks (Secondary)
• Nexus Staffing (MBE)	Mineola, NY 11501	(PS65932)	Medical Data Entry Clerks (Tertiary)

Use of the referenced contracts is the most efficient manner in which to procure the needed services. The labor rates have been found to be fair and reasonable.

M/W/DBE INFORMATION:

The MTA Department of Diversity and Civil Rights (DDCR) has assigned M/WBE goals of 0% MBE and 0% WBE due to lack of subcontracting opportunities for M/WBEs and because NYS OGS assigned goals of 0% MBE and 0% WBE.

IMPACT ON FUNDING:

Funds are available in the Division of Human Resources' Operating Budget under Responsibility Center 7134, General Ledger Account number 712402, Function Number 900.

ALTERNATIVES:

None recommended. There is no reason to believe that conducting a separate solicitation would yield more favorable results.

RECOMMENDATION:

That the Board approve the award of nine personal and miscellaneous service contracts as described in the Purpose section.

Schedule G: Miscellaneous Service Contracts

Item Number: 11

Vendor Name (& Location) Fremont Industrial Corp. (Westbury, NY)		Contract Number IFB 77625	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Description Inspection, Certification and Repair of fall protection systems		Total Amount: \$431,560 (Est.)	
Contract Term (including Options, if any) Five years		Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a		Requesting Dept/Div & Dept/Div Head Name: Department of Buses/MTA Bus Company, Darryl C. Irick	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive			
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:			

Discussion:

This five-year estimated quantity contract requires the contractor to perform on-site inspection, certification and as-needed maintenance and repair services to approximately 221 fall protection systems of various manufacturers located at 24 bus depots and maintenance facilities for the Department of Buses (DOB) and MTA Bus Company. The Occupational Safety and Health Administration requires that fall protection systems are to be inspected periodically by a competent person to determine the systems are in a safe operating condition, and that a documented record of inspections be maintained.

The fall protection systems are utilized as personal protection devices designed to safely arrest falls from dangerous heights, preventing potential serious injury or death to the user. The user is securely strapped into a full body harness with a self-retracting lanyard that is tethered to a horizontally mounted lifeline or a beam, anchored to a secure fixed structure. A trolley connected to the lanyard allows the user to safely traverse the roof of the bus. The contractor is required to: 1) be certified by the system manufacturers as both professionally and technically qualified to perform inspections and maintenance repairs to the equipment; and/or 2) be judged technically qualified by DOB Engineering in accordance with technical requirements set forth in the contract. To be technically qualified, the contractor must have at least five years of experience in the fall protection industry and employ the services of a NYS-licensed professional engineer to certify the service reports on any inspection, maintenance or repair.

Despite Procurement's extensive outreach to the marketplace to increase competition, only one bid was received from Fremont Industrial Corp. (Fremont) the incumbent on the existing contract. Bids were expected from two other vendors; however, one declined to bid because it determined that its geographic location in relation to the location of the work-sites would considerably increase its bid prices. The other vendor stated that its pricing would not be competitive.

This contract has a five-year term while the previous contract had a three-year term; a comparison was made of years 1-3 of both contracts, which indicated that Fremont's offer on this solicitation is approximately 31% below the pricing on the previous contract. This was due in part to changes made to the technical requirements of the bid that administratively streamlined the inspection documentation process. The offer on years 4-5 of the contract represent an increase of approximately 5% over the offer on years 1-3. The pricing offered by Fremont has been found fair and reasonable.

Schedule G: Miscellaneous Service Contracts

Item Number: 12

Vendor Name (& Location) KS Engineers, PC (Newark, NJ)	Contract Number RFQ 122409	Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Description Vectorization of working drawings	Total Amount: \$171,600 (Est.)	
Contract Term (including Options, if any) May 7, 2016 – May 6, 2021	Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	Requesting Dept/Div & Dept/Div Head Name: MTA IT, Sidney Gellineau	
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: Discretionary Bid		

Discussion:

This contract is for the vectorization of working drawings in the estimated amount of \$171,600 for five years. KS Engineers, PC (KSE) is a certified Minority-owned Business Enterprise. This solicitation utilized discretionary procurement procedures under Public Authorities Law 2879(b)(3)(i) that allows awards of up to \$200,000 to be made to certified Minority, or Women-Owned Business Enterprises (MWBs) or small businesses using a streamlined competitive process. This contract was competed among MWBs and small businesses.

Vectorization is the process of transforming bitmap images to vector drawings. A bitmap image is formed from pixels, like pictures obtained from scanning. The bitmap image has a limited amount of detail, depending on the image size and resolution. When a bitmap image is magnified to a high degree, the individual pixels become visible, smooth lines become jagged and the details of the image become distorted. In comparison, a vector drawing is stored as a collection of geometric objects, such as lines and curves, which are drawn between specific coordinates. Magnification of a vector drawing will reveal details more accurately than a bitmap image. Vector drawings are used when accuracy is extremely important, such as engineering drawings. The contractor will perform the vectorization services on bitmap files and hard copy drawings that belong to NYC Transit's Department of Capital Program Management.

Nine bids were received. KSE submitted the lowest responsive and responsible bid of \$171,600, which is 9.45% lower than the second lowest bid. The price for this contract has increased by approximately 3.0% per year above the price for the existing contract.



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	

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	4-18-16	X		
2	MTA Board Mtg.	4-20-16	X		

Date	April 8, 2016
Vendor Name	Various
Contract Number	Various
Contract Manager Name	Various
Table of Contents Ref #	

Internal Approvals			
	Approval		Approval
X	President 	X	V.P. Capital Programs 
X	Executive V.P. 	X	V.P. & General Counsel 
X	Sr. V.P. Operations 	X	V.P. Planning 
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	1	\$1,302,136
• Monogram Train LLC \$1,302,136		

Schedules Requiring Majority Vote

NONE

SUB TOTAL: 1 \$1,302,136

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 (Solicitation of Purchase and Public Work Contracts)	2	\$11,882,000
• Ensco Rail, Inc.		\$11,882,000
• Request for RFP Process		TBD
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	2	\$472,224
• Cintas Corporation		\$221,364
• Northeast Work Safety Boat, LLC		\$250,860
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$500,000
• Raul V. Bravo and Associates		\$500,000
SUB TOTAL:	5	\$12,854,224

MNR presents the following procurement actions for Ratification:

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE
<u>Schedules Requiring Majority Vote</u>	NONE
SUB TOTAL:	
TOTAL:	6
	\$14,156,360

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.

APRIL 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. Monogram Train, LLC \$1,302,136 (not-to-exceed) Staff Summary Attached
Purchase of OEM Monogram Systems Toilet Replacement Parts

Approval is requested to award a non-competitive purchase contract for up to a three year period to Monogram Train LLC (“Monogram”). This is a joint procurement with Metro-North Railroad (MNR) (acting as the lead Agency) and the Long Island Rail Road (LIRR) (“the Railroads”). Monogram is the Original Equipment Manufacturer (OEM) for the supply of various toilet replacement parts and components for MNR’s M-2, M-3, M-8 and Coach Car fleets and LIRR’s C-3 fleet. 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: valves, timers, switches, air cylinders bowls; which are essential to maintaining the toilet systems on the Railroads’ fleets and rail cars.

This is a requirement-based purchase agreement and the Railroads are 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. Monogram will be required to maintain tooling manufacturing capabilities necessary to produce the parts for the duration of the 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, and El Diario and posted on the MNR website, which did not yield interest from other sources.

A review of the quoted pricing reflects an increase of approximately 0.31% over 2012 pricing. Based on the Producer Price Index (PPI) for this time period which revealed an increase of 2.99%, Monogram’s pricing is found to be fair and reasonable.

The purchase agreement will have fixed pricing for the three year term. The total not to exceed for the three year period is \$1,302,136 (MNR = \$512,729 & LIRR = \$789,407) and is to be funded by each Agency’s Operating Budget.

Schedule A: Non-Competitive Purchases and Public Work Contracts

Item Number: A

Vendor Name (& Location) Monogram Train LLC
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 9745-A	Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Total Amount: \$1,302,136 (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: Nina Laney – Assistant Director, Operations Procurement	

Discussion:

Approval is requested to award a non-competitive purchase contract for up to a three year period to Monogram Train LLC (“Monogram”). This is a joint procurement with Metro-North Railroad (MNR) (acting as the lead Agency) and the Long Island Rail Road (LIRR) (“the Railroads”). Monogram is the Original Equipment Manufacturer (OEM) for the supply of various toilet replacement parts and components for MNR’s M-2, M-3, M-8 and Coach Car fleets and LIRR’s C-3 fleet. 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: valves, timers, switches, air cylinders bowls; which are essential to maintaining the toilet systems on the Railroads’ fleets and rail cars.

This is a requirement-based purchase agreement and the Railroads are 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. Monogram will be required to maintain tooling manufacturing capabilities necessary to produce the parts for the duration of the 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, and El Diario and posted on the MNR website, which did not yield interest from other sources.

A review of the quoted pricing reflects an increase of approximately 0.31% over 2012 pricing. Based on the Producer Price Index (PPI) for this time period which revealed an increase of 2.99%, Monogram’s pricing is found to be fair and reasonable.

The purchase agreement will have fixed pricing for the three year term. The total not to exceed for the three year period is \$1,302,136 (MNR = \$512,729 & LIRR = \$789,407) and is to be funded by each Agency’s Operating Budget.

APRIL 2016

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

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)

- | | | |
|---|-------------------------------------|--------------------------------------|
| 1. Ensco Rail, Inc. | \$11,882,000 (not-to-exceed) | <u>Staff Summary Attached</u> |
| Design, Build and Deliver Track Geometry Vehicle (TGV) | | |

Approval is requested to award a 24 month competitively solicited RFP (two proposals received) to the firm, Ensco Rail, Inc. (Ensco), to design, build and deliver a Track Geometry Vehicle (TGV).

The TGV is an automated track inspection vehicle used to test several geometric parameters of the track without obstructing normal railroad operations. Some of the parameters generally measured include: position, curvature, alignment of the track, smoothness, and the cross-level of the two rails. The vehicle uses a variety of sensors, measuring systems, and data management systems to create a profile of the track being inspected. Historically, many track inspections were done by inspectors walking and visually inspecting every section of track which was extremely hazardous and ineffective. Other more complex inspections were performed by third party contractors who operated their vehicles on MNR territory during off hours providing data feedback to the Railroad. However, costs have increased due to advancements in TGV proprietary technology and industry specialization and scheduling of inspections has become increasingly difficult due to contractors outside commitments.

Based on findings by the MTA's Blue Ribbon Panel, the Federal Railroad Administration (FRA) and the National Transportation Safety Board (NTSB), this procurement will enable MNR to improve track inspections by: performing routine maintenance on the right-of-way with in-house forces who will be fully trained to operate the equipment, documenting defects for planning track work and making required repairs to mitigate potential and adverse conditions along the right-of-way that may negatively impact service and the safety of its customers. Additionally, it will allow MNR to take advantage of the advancements in technology and create its own Automated Track Inspection Program (ATIP) to ensure compliance with Federal Track Safety Standards (FTSS). The new TGV will be maintained by MNR's Maintenance of Way Track and Structures Department.

MNR received Board approval to use the Request for Proposal (RFP) process for this procurement at the April 2015 MTA Board meeting. On July 23rd 2015, RFP No. 9601-A was advertised in the New York State Contract Reporter, Railway Age, Progressive Railroad, and posted on the MNR website. On October 8th 2015, three technical and cost proposals were received from the firms: Plasser American Corporation, Ensco Rail and Mermec, Inc.

Accordingly, it is recommended that the Board approve the selection of Ensco Rail, Inc. to design, build and deliver a Track Geometry Vehicle (TGV). Ensco's final BAFO cost of \$11,882,000 is within 1.39% of the Engineer's estimate and \$883,000 less than their initial proposal. In addition, Ensco's final price

was \$1,618,000 (11.99%) lower than the next lowest proposer (Plasser). This price is considered fair and reasonable. This procurement is to be funded by MNR's Operating Budget

2. Request to Use RFP Process **TBD**

Staff Summary Attached

Customer Service Initiatives (CSI) projects

Request for MTA Board approval to use the Request for Proposal (RFP) process to solicit and evaluate proposals from prospective design/build firms for several Customer Service Initiatives (CSI).

MNR is pursuing an aggressive design-build program in the 2015-2019 timeframe, which promises efficient and faster delivery of projects, while achieving best value benefits. MNR intends to improve customer communications in Grand Central Terminal (GCT) and at outlying passenger stations through the rollout of the CSI. These initiatives enhance the customer experience by providing improved real time information, improving security measures at stations, streamlining maintenance of elevators/escalators and making the public address and visual information system displays ADA compliant.

Approval to use the RFP process is requested for these projects:

- Grand Central Terminal Customer Improvements
- Outlying Station Customer Improvements
- Node House Power Upgrades
- Headend Security Equipment
- Elevator and Escalator Management System
- Train Information Displays in Grand Central Terminal

In order to ensure the selection of the contractor with the necessary experience and expertise it is in the public interest to use the RFP process to properly evaluate the technical capabilities of prospective proposers. The contractor will be selected based on an evaluation of technical capability, past performance, organization resources, and cost. These procurements will be funded by the 2015-2019 MNR Capital Program and MTA Security funding.

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	MNR Comm. Mtg.	4-18-16	X		
2	MTA Board Mtg.	4-20-16	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President				
X	Sr. V.P. Operations	X	V.P. Planning		
X	V.P. Finance & IT	X	V.P. & General Counsel		
X	V.P. Capital Programs				

SUMMARY INFORMATION	
Vendor Name Ensco Rail, Inc.	Contract Number 9601-A
Description Purchase of Track Geometry Vehicle (TGV)	
Total Amount \$11,882,000	
Contract Term (including Options, if any) 24 Months	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

Narrative

I. PURPOSE/RECOMMENDATION:

To obtain MTA Board approval to award a contract to the firm, Ensco Rail, Inc. (Ensco). The procurement consists of design, build and delivery of a Track Geometry Vehicle (TGV).

II. DISCUSSION:

The TGV is an automated track inspection vehicle on a rail transport system used to test several geometric parameters of the track without obstructing normal railroad operations. Some of the parameters generally measured include: position, curvature, alignment of the track, smoothness, and the cross-level of the two rails. The vehicle uses a variety of sensors, measuring systems, and data management systems to create a profile of the track being inspected.

Track inspections were historically performed by inspectors walking the railroad and visually inspecting every section of track, a potentially hazardous task done during daily in-service operational conditions. It was also manpower intensive, and inspectors were limited in the amount of track they could inspect on a given day. These risks and costs were later mitigated when TGVs emerged in the late 1970s. MNR, which does not own or operate a TGV, has historically conducted its track geometry inspections via a third party contractor. However, costs have increased due to advancements in TGV proprietary technology and industry specialization and scheduling of inspections has become increasingly difficult due to contractors' outside commitments.

Based on findings by the MTA's Blue Ribbon Panel, the Federal Railroad Administration (FRA) and the National Transportation Safety Board (NTSB), this procurement will enable MNR to improve track inspections by: performing routine maintenance on the right-of-way with in-house forces who will be fully trained to operate the equipment, documenting defects for planning track work and making required repairs to mitigate potential and adverse conditions along the right-of-way that may negatively impact service and the safety of its customers. Additionally, it will allow MNR to take advantage of the advancements in technology and create its own Automated Track Inspection Program (ATIP) to ensure compliance with Federal Track Safety Standards (FTSS). The new TGV will be maintained by MNR's Maintenance of Way Track and Structures Department.

Staff Summary

MTA Board meeting.

On July 23rd 2016, RFP No. 9601-A was advertised publically in the New York State Contract Reporter, Railway Age, Progressive Railroading, and posted on the MNR website. On October 8th 2015, three technical and cost proposals were received from the firms Ensco Rail, Inc., Mermec, Inc., and Plasser American Corporation.

A Selection Committee comprised of five members representing MNR's M of W Track and Structures, Maintenance of Equipment (M of E) 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 are 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 two firms were selected to participate in Phase 2 and asked to provide full Technical and Commercial proposals:

1. Plasser American Corporation
2. Ensco Rail, Inc.

After reviewing the Phase 2 proposals, the Selection Committee agreed that although both contractors could perform the scope of work as provided in the contract and their proposals met the requirement of the RFP, Ensco provided the best value to MNR. Ensco's Best and Final Offer (BAFO) cost is \$1,618,000, 11.99% lower than the Plasser proposal. After a detailed review of the M of W Track and Structures' estimated costs for the level of work required under this RFP, Ensco's proposal was within 1.39% of the estimated budget and \$833,000 less than their initial proposal. Further, Ensco was able to demonstrate to the committee and MNR senior management their ability to successfully complete all requirements within the 24 month schedule. Accordingly, it is recommended that the Board approve the selection of Ensco Rail, Inc. for the design, build and delivery of a TGV.

III. D/M/WBE INFORMATION:

The MTA Department of Diversity and Civil Rights canvassed the industry to determine if there were any minority or women owned businesses that were qualified to submit a proposal for this highly specialized equipment. There were none; accordingly, DDCR has established a 0% MBE and 0% WBE goal for this contract. The NYS Department of Economic Development shall be notified of this award.

IV. IMPACT ON FUNDING:

The total cost for this procurement effort is not to exceed \$11,882,000. This contract will be funded by MNR's Operating Budget.

V. ALTERNATIVES:

MNR does not have the manufacturing capability to design, build and deliver this unique vehicle.

Staff Summary

Item Number B					
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	MNR Comm. Mtg.	4-18-16	x		
2	MTA Board Mtg.	4-20-16	x		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	V.P. & General Counsel		
X	Sr. V.P. Operations	X	V.P. Planning		
X	V.P. Finance & IT				
X	V.P. Capital Programs				

SUMMARY INFORMATION	
Vendor Name TBD	Contract Number Various
Description Request to use the RFP Process- Various Contracts for the Customer Service Initiatives Project	
Total Amount TBD	
Contract Term (including Options, if any) Various	
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:	

Narrative

I. PURPOSE/RECOMMENDATION

Metro-North Railroad (MNR) is seeking Board approval under the All Agency Procurement Guidelines to enter into a competitive Request for Proposal (RFP) process for Design/Build Services in lieu of sealed competitive bids for contracts supporting the Customer Service Initiatives Project.

II. BACKGROUND & DISCUSSION

MTA Metro-North intends to improve the customer experience in Grand Central Terminal and at outlying passenger stations through the rollout of a number of Customer Service Initiatives (CSI). These initiatives will provide improved real time information, improve security measures at stations, streamline maintenance of elevators/escalators and make public address and visual information system displays ADA compliant.

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 for the below-listed contracts to properly evaluate the technical capabilities of prospective proposers. The Contractors will be selected based on an evaluation of technical capability, past performance, organization resources, and cost. MNR requests that the Board approve a resolution authorizing MNR to use the competitive RFP process to award Design/Build contracts for the following capital projects:

Contract No. 58050 – Outlying Station Customer Improvements

This contract will include a new Public Address System, Visual Information System, elevator and escalator management system, and increased security measures such as video surveillance, remote passenger assistance and restrictive access to key areas. Work will be initially performed at Harlem-125th Street, Mount Vernon East, Pelham, New Rochelle, Larchmont, Mamaroneck, Harrison and Rye with a subsequent phase to include the following stations: Morris Heights, Riverdale, Melrose, Tremont, Port Chester, Crestwood, North White Plains and Spuyten Duyvil. Options for work at other stations along the Lower Hudson, Mid-Hudson and Lower Harlem Lines will be included and awarded if funding is available.

Contract No. 58049 - Node House Power Upgrades

This contract will include rectifiers, batteries and distribution to support new technology for the fiber optic network backbone system.

Contract No. 58051 – Head-end Security Equipment

This contract will provide for the design and installation of a fully functional Video Management System. The system supports the Security Command Center to monitor video surveillance and physical access throughout MNR property. The new equipment will be integrated to work with existing cameras at Grand Central Terminal and outlying stations and will tie into the Physical Security Information Management System and CDOT Video Management System.

Contract No. 58028 - Train Information Displays in Grand Central Terminal

This contract will provide for the design of replacement technology and installation of the passenger information displays which consists of the Gate Boards and the Main Concourse Big Board. The displays must conform to the current historic signage approved by the State Historical Preservation Office (SHPO), and the technology will be integrated with the back office for Public Address and Visual Information systems.

Contract No. 58016 – Grand Central Terminal Customer Improvements

This contract will include a build-out of the existing equipment room to accommodate back office equipment obtained under the Head-end Security Equipment contract. The contract will also replace the existing public address system and provide all supporting infrastructure to new passenger displays.

Contract No. 58036 – Elevator and Escalator Management System

This contract will allow for remote monitoring and diagnostics for elevators located in GCT and stations throughout MNR territory.

III. D/M/WBE INFORMATION

MTA DDCR will be consulted in order to establish MBE/WBE goals for these contracts.

IV. IMPACT ON FUNDING

These procurements will be funded by the 2015-2019 MNR Capital Program and MTA Security funding.

V. ALTERNATIVES

MNR does not have the available in-house design or construction ability to complete the scope of the specified work; therefore there are no recommended alternative approaches.

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. Cintas Corporation \$221,364 (not-to-exceed)

Uniform Rental Services at Various Locations throughout the MNR Territory

Approval is requested to award a five year (three years base with option for two additional years), competitively solicited (one bid received), miscellaneous service contract to Cintas Corporation for uniform rental services at various locations throughout Metro-North's territory.

Cintas shall provide uniform rental, pick up, cleaning, and delivery services at the following MNR station employees: Yonkers, Croton-Harmon, Poughkeepsie, 125th St. Harlem, Fordham, North White Plains, Brewster, Mount Vernon East, New Rochelle, Harrison, Port Chester, Stamford, Bridgeport and New Haven. The required services shall include the supplying of uniforms for approximately 80 Custodians and 30 TVM Technicians for a total of 110 employees.

Cintas was the sole responsive and responsible bidder. A price comparison shows that Cintas is 19.6% below MNR's estimate for these services and their price is deemed fair and reasonable. At this time, MNR requests Board approval of \$221,364 for the full five year contract amount, but shall initially award \$132,818 for the first three years. This procurement is to be funded by the MNR Operating Budget.

4. Northeast Work Safety Boat, LLC \$250,860 (not-to-exceed)

Safety Boat Service – Cos Cob Bridge

Approval is requested to award a two year, competitively solicited (one bid received), miscellaneous service contract in the amount of \$250,860 to Northeast Work Safety Boat LLC ("Northeast").

Northeast will provide safety boat services in support of repairs to the Cos Cob Bridge over the Mianus River in Greenwich, Connecticut. All repair work will be performed by MNR personnel. The scope of work includes supplying a lifesaving skiff with a qualified operator for monitoring MNR's personnel during bridge repairs, in accordance with Occupational Safety and Health Administration ("O.S.H.A") guidelines. The skiff is equipped with all O.S.H.A. and Coast Guard required equipment. MNR does not have in-house capability to perform this work. Northeast was the sole responsive and responsible bidder of this service. A price comparison shows that Northeast is 2% higher than the engineer's estimate for this project and is considered fair and reasonable. This procurement is to be funded by the MNR 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)

5. Raul V. Bravo and Associates \$500,000 (not-to-exceed)

Engineering and Inspection Support Services – Overhaul of Seven GP35 Locomotives

Approval is requested for additional funding in the amount of \$500,000 and an 18 month time extension for engineering and inspection support services for the overhaul of seven GP35 Locomotives previously awarded in March 2014 to Raul V. Bravo & Associates, Inc. (“RVBA”). The contract’s remaining available funds are not sufficient for completing the anticipated future tasks and it is not anticipated that the contractor will be able to complete those tasks within the original time frame.

The subject engineering and inspection services were competitively solicited to consulting firms pre-approved under the 2009-2014 General Engineering Consultant Services program. In response to a Request for Proposal (“RFP”), RVBA was selected for award and a 27 month contract was executed in the not to exceed amount of \$1,075,356. The purpose of this project is to provide engineering and inspection support services for the GP35 Overhaul Program. The scope of work consists of monitoring the overhaul development, reviewing and commenting on all submittals. This includes but is not limited to: specified components and assembly of the locomotives, specific equipment design areas, and acceptance testing of the locomotives, supervision and inspection of all aspects of the overhaul and related activities performed by Brookville Equipment Corporation (“BEC”), the GP35 Overhaul Contractor, as well as change order evaluation.

RVBA’s effort during the design and overhaul process was increased to support MNR’s monitoring of BEC. In addition, MNR requested that RVBA commit additional resources during the overhaul effort to manage and help facilitate corrective actions encountered by BEC with the implementation of some new technology items. The GP35 overhaul program currently is behind schedule and the last locomotive is anticipated to be delivered to MNR in September 2017. Liquidated damages will be used to offset some of these additional costs.

At this time, MNR is requesting Board approval for an additional \$500,000 as well as an 18 month time extension (December 2017) to RVBA’s Engineering and Inspection Support Services contract. The additional funding will be provided by the MNR Operating Budget.

Schedule H: Modifications to Personal Service and Miscellaneous Service Contracts

Item Number: H

Vendor Name (& Location) Raul V. Bravo & Associates, Inc.
Description Engineering and Inspection Support Svcs. – Overhaul of Seven GP35 Locomotives
Contract Term (including Options, if any) 27 months
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 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:
Requesting Dept./Div. & Dept./Div. Head Name: Procurement & Material Management, Al Muir, Sr. Director

Contract Number 01-430	AWO/Modification # 1
Original Amount:	\$1,075,356
Prior Modifications:	\$0.00
Prior Budgetary Increases:	\$0.00
Current Amount:	\$1,075,356
This Request:	\$500,000
% of This Request to Current Amount:	47%
% of Modifications (including This Request) to Original Amount:	47%

Discussion:

Approval is requested for additional funding in the amount of \$500,000 and an 18 month time extension for engineering and inspection support services for the overhaul of seven GP35 Locomotives previously awarded in March 2014 to Raul V. Bravo & Associates, Inc. ("RVBA"). The contract's remaining available funds are not sufficient for completing the anticipated future tasks, and it is not anticipated that the contractor will be able to complete those tasks within the original time frame.

The subject engineering and inspection services were competitively solicited to consulting firms pre-approved under the 2009-2014 General Engineering Consultant Services program. In response to a Request for Proposal ("RFP"), RVBA was selected for award and a 27 month contract was executed in the not to exceed amount of \$1,075,356. The purpose of this project is to provide engineering and inspection support services for the GP35 Overhaul Program. The scope of work consists of monitoring the overhaul development, reviewing and commenting on all submittals. This includes but is not limited to: specified components and assembly of the locomotives, specific equipment design areas, and acceptance testing of the locomotives, supervision and inspection of all aspects of the overhaul and related activities performed by Brookville Equipment Corporation ("BEC"), the GP35 Overhaul Contractor, as well as change order evaluation.

RVBA's effort during the design and overhaul process was increased to support MNR's monitoring of BEC. In addition, MNR requested that RVBA commit additional resources during the overhaul effort to manage and help facilitate corrective actions encountered by BEC with the implementation of some new technology items. The GP35 overhaul program currently is behind schedule and the last locomotive is anticipated to be delivered to MNR in September 2017. Liquidated damages will be used to offset these additional costs.

At this time, MNR is requesting Board approval for an additional \$500,000 as well as an 18 month time extension (December 2017) to RVBA's Engineering and Inspection Support Services contract. The additional funding will be provided by the MNR Operating Budget.

LONG ISLAND RAIL ROAD

PROCUREMENTS

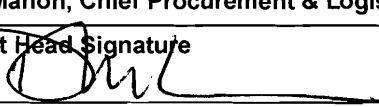


FOR

BOARD ACTION

April 20, 2016



Staff Summary

Subject : Request for Authorization to Award Various Procurements						Date April 20, 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	4.18.16				X	President 		
2	MTA Board	4.20.16				X	Exec VP 		

PURPOSE:

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

DISCUSSION:

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

Schedules Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$60,000
SUBTOTAL:	1	\$60,000

LIRR proposes to award Competitive Procurements in the following categories:

Schedules Requiring Two-Thirds Vote

Schedule B: Competitive Requests for Proposals (Award)

	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$TBD
SUBTOTAL:	1	\$TBD

Schedules Requiring Majority Vote

Schedule F: Personal Service Contracts

	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$37,348
SUBTOTAL:	1	\$37,348

LIRR proposes to award Ratifications in the following categories:

<u># of Actions</u>	<u>\$ Amount</u>
None	

TOTAL: 3 \$97,348

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.

APRIL 2016

MTA LONG ISLAND RAIL ROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote

Schedule G: Miscellaneous Service Contracts

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

- | | | |
|-----------|--|-----------------------------------|
| 1. | New York State Industries
For the Disabled (NYSID)
Three-Year Contract
Contract No. TBD | \$60,000
Not-to-Exceed |
|-----------|--|-----------------------------------|

LIRR requests MTA Board approval to award a New York State Preferred Source, three-year term, Miscellaneous Services contract to the New York State Industries for the Disabled (“NYSID”) to provide direct mail services in support of LIRR’s Public Affairs Department in the not-to-exceed amount of \$60,000. The services include the sorting, collating, folding, insertion, labeling and delivery of bulk LIRR mailings to a United States Post Office location identified by LIRR. The renewal contract is being awarded to NYSID in accordance with Section 162 of the New York State Finance Law (“State Finance Law”), which states preferred sources shall be granted the right to provide services to New York State Agencies in order to advance social and economic goals. Under the State Finance Law, a preferred source provider such as NYSID is expressly exempt from New York statutory competitive procurement requirements provided (i) it is capable of providing the service in the form, function and utility required by the LIRR and (ii) the price offered is as close to the prevailing market prices as practical, but in no event greater than 15% above the prevailing market price. NYSID’s submitted pricing represents a 1.2% per year increase over the current LIRR contract rates, and in accordance with State Finance Law has been approved by the New York State Commissioner of General Services. NYSID’s rates are therefore considered to be fair & reasonable. Funding will be provided through the LIRR’s Operating Budget.

APRIL 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 | <i><u>Staff Summary Attached</u></i> |
| | Competitive RFP | | |
| | Contract No. TBD | | |

LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is 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 Buckram Road Bridge Replacement Project. The bridge replacement project is located on the Long Island Rail Road's Oyster Bay Branch, in Locust Valley, Nassau County, New York.

Procurements Requiring Majority Vote

Schedule F: Personal Service Contracts

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

- | | | |
|----|--|----------------------|
| 3. | American Systems Registrar | \$37,347.50 |
| | Three-Year Contract | Not-to-Exceed |
| | Contract No. 04000000000000001222 | |

LIRR requests MTA Board approval to award a competitively bid, three-year, Personal Service contract to American Systems Registrar ("ASR") in the not-to-exceed amount of \$37,347.50, to perform ISO 9001:2008 compliance audits and certification renewals for LIRR's Engineering Department. An independent ISO 9001 assessor approved by the American National Standards Institute (ANSI) and the American Society of Quality (ASQ) and the National Accreditation Board (ANAB) must conduct this certification process. The assessor performs audits on organizations in accordance with the rules established by the ISO9001 Registrar Board to determine if good business practices and effective management controls are being utilized. Prior to soliciting a competitive bid, LIRR reached out to MTA sister agencies to identify if a similar contract existed that could be piggybacked, and to determine if any of the agencies wanted to join this procurement. No other agency had a similar contract, or expressed interest in joining this solicitation. LIRR reached out to 34 WBE/MBE firms on 01/06/16 as

part of a Discretionary Procurement outreach, and received no responses from any of the firms. LIRR then proceeded to advertise the bid in the New York State Contract Reporter on 02/03/16, the New York Post on 02/04/16, and on the MTA website. The bid price schedule required the contractor to provide the number of days required for the work, and was based on the total aggregate of daily rates for recertification assessment audits, travel per diem, and annual recertification fees during the three-year term. LIRR received four bids with pricing as follows: the incumbent, American Systems Registrars (“ASR”) - \$37,347.50; National Quality Assurance, USA (“NQA-USA”) - \$48,325; Underwriters Laboratories, Inc. (“UL”) - \$58,200; and Bureau Veritas Certification of America, Inc. (“Bureau Veritas”) - \$62,070. Although ASR’s bid price of \$37,347.50 includes rates that are 22.93 % higher than current contract rates, ASR held pricing for these rates for a six-year period from 2010 to 2016. In addition, ASR’s current bid price includes rates that are 29.41% less than the second lowest bidder NQA-USA. ASR’s pricing is therefore considered fair & reasonable. Funding for the contract is included in LIRR’s Operating Budget.

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

Staff Summary



Item Number: 2						SUMMARY INFORMATION	
Dept/Dept Head Name: Procurement & Logistics, Dennis Mahon Department Head Signature & Date <i>[Signature]</i>						Vendor Name TBD	
Division/Division Head Name: Program Management, Richard Oakley Division Head Signature & Date <i>[Signature]</i> 4/11/16						Contract Number TBD	
						Description Design Build Services for Buckram Road 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:	
Board Reviews							
Order	To	Date	Approval	Info	Other		
1	LI Committee	4.18.16	X				
2	MTA Board	4.20.16	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	Gen'l Counsel & Sec'y <i>[Signature]</i>				

Narrative:

I. PURPOSE/RECOMMENDATION

LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is 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 Buckram Road Bridge Replacement Project. The bridge replacement project is located on the Long Island Rail Road's Oyster Bay Branch, in Locust Valley, Nassau County, New York.

II. DISCUSSION

The scope of work for this project consists of the replacement of the existing Buckram Road Bridge. The bridge is located between the Locust Valley and Oyster Bay stations and was built in 1889. It has three (3) spans with a total bridge length of approximately 134 feet. The bridge is open deck and consists of one (1) through plate girder span and two (2) deck plate girder spans. The track is within a 6 degree 15 minute curve with a timetable speed of 30 mph in this area. When the bridge was constructed in 1889, the vehicular traffic below was significantly different than what it is today. With the current vertical clearance posted at 10'-1", bridge strikes by vehicles have been a common occurrence at this location which impacts LIRR operations on this Branch. The replacement bridge will be raised to 14ft. above the roadway to address the vehicle strike issue while also bringing the structure back to a State of Good Repair. The project will also reduce the number of spans, resulting in a new single-span ballasted deck bridge which will reduce overall maintenance cost.

Staff Summary



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 of construction and to encourage the selected proposer to identify innovative construction methods to minimize impacts to the project schedule, LIRR operations, and the surrounding community. Furthermore, the competitive RFP procurement method allows the LIRR to evaluate contractors based on technical capability, experience, and completion schedule as well as their approach to key components of the project such as site constraints, access issues, staging areas, and bridge removal/replacement.

Additionally, the RFP process gives the Railroad the ability to negotiate and evaluate terms other than price alone, such as past performance, working on similar types of projects, work experience in a railroad environment, qualifications of key personnel, and safety record.

III. D/M/WBE INFORMATION

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

IV. IMPACT ON FUNDING

This Design/Build contract will be funded by LIRR's proposed 2015 to 2019 Capital Program. However contract award will not be approved until the 2015-2019 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 during the procurement process, thereby preventing the LIRR from being able to negotiate improvements to the construction schedule and incorporate more efficient means and methods for construction.

METRO-NORTH AND LONG ISLAND RAILROAD

JOINT COMMITTEE

MTA BOARD

PROCUREMENT PACKAGE

APRIL 2016

Staff Summary



Subject Request for Authorization to Award Various Procurements					
Department Law and Procurement					
Department Head Name Evan M. Eisland					
Department Head Signature 					
Board Action					
Order	To	Date	Approval	Info	Other
1	Metro North and Long Island Rail Road Joint Committee	4/18/16	X		
2	Board	4/20/16	X		

Date: April 8, 2016			
Vendor Name Various			
Contract Number Various			
Contract Manager Name Various			
Internal Approvals			
	Approval		Approval
4	President 	3	Executive Vice President
2	Vice President, Program Controls 	1	Chief Procurement Officer

PURPOSE

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

DISCUSSION

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

Schedules Requiring Majority Vote:

Schedule I Modifications to Purchase and Public Work Contracts

	# of Actions	\$ Amount
	2	\$ 48,609,934
SUBTOTAL	2	\$ 48,609,934

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

Schedules Requiring Majority Vote:

Schedule K Ratification of Completed Procurement Actions

	# of Actions	\$ Amount
	1	\$ 1,498,000
SUBTOTAL	1	\$ 1,498,000
TOTAL	3	\$ 50,107,934

Budget Impact:

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

Recommendation:

That the modifications be approved as proposed. (The items are included in the resolution of approval at the beginning of the Procurement Section.)

MTA Capital Construction Company

BOARD RESOLUTION

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

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

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

NOW, the Board resolves as follows:

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

APRIL 2016

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**Procurements Requiring Majority Vote:****Schedule I. Modifications To Purchase and Public Work Contracts**

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

- | | | | |
|----|--|----------------------|--------------------------------------|
| 1. | Frontier Kemper Constructors, Inc.
Contract No. CM006
Modification No. 24 | \$ 25,422,629 | <u>Staff Summary Attached</u> |
|----|--|----------------------|--------------------------------------|

In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC requests the Board approve a modification to incorporate changes to the contract drawings and specifications, to compensate the contractor for those changes and to resolve claims arising from differing site conditions.

- | | | | |
|----|--|----------------------|--------------------------------------|
| 2. | Tutor Perini Corporation
Contract No. CQ032
Modification No. 77 | \$ 23,187,305 | <u>Staff Summary Attached</u> |
|----|--|----------------------|--------------------------------------|

In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC is requesting that the Board approve a modification to incorporate changes to the contract drawings and specifications and to compensate the contractor for those changes and for Impact Costs arising from Compensable Delays under the Contract.

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number: 1

Page 1 of 2

Vendor Name (& Location) Frontier Kemper Constructors Inc. (Pelham, NY)	Contract Number CM006	AWO/Modification # 24
Description Manhattan North Structures for the East Side Access Project		
Contract Term (including Options, if any) 32 Months	Original Amount:	\$ 294,201,750
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Prior Modifications:	\$ 30,375,621
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Prior Budgetary Increases:	\$ 0
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	Current Amount:	\$ 324,577,371
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	This Request	\$ 25,422,629
Requesting Dept/Div & Dept/Div Head Name: East Side Access/W. Goodrich, P.E.	% of This Request to Current Amount:	7.8%
	% of Modifications (including This Request) to Original Amount:	19%

Discussion:

The scope of work of this Contract includes construction of permanent structural concrete lining, interior structures, and fit-out of the caverns and tunnels beneath and to the north of the existing Grand Central Terminal for the East Side Access Project (“ESA”). In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC requests the Board approve a modification to incorporate changes to the contract drawings and specifications, to compensate the contractor for those changes and to resolve claims arising from differing site conditions.

At the existing Second Avenue ventilation facility for the 63rd Street Tunnel, the contract requires that the Contractor demolish an existing slab and remove conduit and asbestos containing material prior to completing required rehabilitation work. The Contractor discovered the concrete slab was thicker than reflected in historical records. This difference required the Contractor to alter its means and methods for removing the concrete, the conduit and the asbestos containing materials. The Contractor submitted a “differing site condition claim” for its increased costs associated with this work. This Modification resolves that claim.

The contract requires that the Contractor replace the drainage systems at three other existing facilities where the historical records also do not accurately reflect the site conditions. The Contractor seeks compensation for these differing site conditions as well as a number of other smaller claims. This Modification resolves these matters too.

The contract requires that the Contractor construct the final concrete liner in the tunnels and caverns that were excavated under two previous contracts. In a typical tunnel excavation project the as-built tunnel alignment deviates from the design alignment in certain locations. Because the CM006 contract documents were prepared before the tunnels and caverns were completed, they were based on the design alignment. A survey of the as-built tunnels and caverns was therefore required to determine whether deviations in the alignment required adjustments to the positioning of the tunnel liner to maintain sufficient clearances for trains and equipment. In certain instances, particularly around curves and where the tunnels meet the caverns or other facilities, adjustment to the positioning of the concrete liner is required.

The Contractor claims that the as-built location of the tunnels and caverns constituted a “differing site condition” and that the delay in receiving final survey information and direction to proceed based on that information caused delays and out of sequence work causing the Contractor to raise staffing levels far beyond its initial plan. This Modification resolves the Contractor’s entire tunnel alignment claim, adds clarification to the Contract drawings with regard to the alignment and adjusts the schedule.

This Modification also includes a scope transfer from Contract CM013 to furnish and install pull box door assemblies. This work was removed from CM013 because of design concerns that were not resolved in time to complete the work as part of the CM013 contract. This Modification also includes some additional items that were resolved concurrently, including, among other things, the construction of a drainage slab and the replenishment of an allowance item required to upgrade certain temporary equipment such as ventilation fans.

As this Contractor is a wholly owned subsidiary of Tutor Perini Corporation (TPC), this Modification also adds a provision to the contract that requires the Contractor to coordinate its work and schedule with three related contracts also held by TPC or its affiliates, Contract CS179 (Systems), Contract CM007 (Cavern Finishes and Track) and Contract CQ032 (Plaza Substation and Queens Structures). This Modification also adds a provision to the contract that requires the Contractor to hold the MTA harmless for delays resulting from contractor caused delays to any of the other three TPC Contracts. In addition, the CM007 Contractor is required to maintain a composite schedule to manage and coordinate interfaces between these three contracts. This Modification adds the requirement that this Contractor support that composite schedule. This Modification also deletes contract milestones which were intended to establish a date for turnover of certain areas and access routes to the CM007 and CS179 Contracts. MTACC has removed corresponding access restraints from the other TPC contracts to enable TPC to coordinate its contracts and share access to more efficiently manage all of the work.

The Contractor submitted proposals which sought a net contract increase of approximately \$54,964,755 while MTACC's independent cost assessments of each of the issues resulted in a net contract increase of approximately \$20,378,177. The parties met on several occasions to discuss the merits of their respective positions and ultimately agreed to a net lump sum increase in the amount of \$25,422,629 which is considered to be fair and reasonable. This Modification recognizes a delay to Substantial Completion from December 1, 2016 to June 1, 2017 and resolves any claim for Impact Costs associated with that time extension. There is no effect to the overall ESA Project Schedule. Funding is available through contract and program contingency.

Schedule I: Modifications to Purchase and Public Work Contracts
Item Number: 2

Page 1 of 2

Vendor Name (& Location) Tutor Perini Corporation (New Rochelle, NY)	Contract Number CQ032	AWO/Modification # 77
Description Plaza Substation and Queens Structures for the East Side Access Project		
Contract Term (including Options, if any) 1,793 Days	Original Amount:	\$ 147,377,000
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Prior Modifications:	\$ 88,988,691
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	Prior Budgetary Increases:	\$ 0
Solicitation Type <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	Current Amount:	\$ 236,365,691
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	This Request	\$ 23,187,305
Requesting Dept/Div & Dept/Div Head Name: East Side Access/W. Goodrich, P.E.	% of This Request to Current Amount:	9.8%
	% of Modifications (including This Request) to Original Amount:	76.1%

Discussion:

The work under this Contract is for the structural and architectural rehabilitation of existing facilities along the 63rd Street Tunnel alignment as well as the construction of the Plaza Interlocking and Facility Power Substation B10 for the East Side Access (ESA) Project. In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC is requesting that the Board approve a modification to incorporate changes to the contract drawings and specifications and to compensate the contractor for those changes and for Impact Costs arising from Compensable Delays under the Contract.

The CQ032 Contract Work in the Queens Plaza has experienced significant delays arising from a variety of factors. Initially, access to portions of the work-site was delayed by the work of Contract CQ039, which experienced difficulties achieving the frozen arch condition required to complete the tunnel under Northern Boulevard. Moreover, apparent design errors and omissions caused delays in the completion of the Plaza Interlocking Structure as well as delays in completing the mechanical, electrical, HVAC and fire suppression systems in the Yard Services Building. Additionally, the discovery of certain organic materials in the soil under the Yard Services Building, which required additional structural analysis and ultimately the installation of timber piles for additional support, caused further contract delays. These and other related issues resulted in delays to Substantial Completion of 755 calendar days of which 581 calendar days qualify as Compensable Delays for which the Contractor is entitled to Impact Costs in accordance with the Contract. This Modification will compensate the Contractor for such Impact Costs and will establish a new Substantial Completion date of September 6, 2016 and a Final Completion date of December 4, 2016.

This Modification also addresses a variety of other open issues including additional waterproofing where the work of this contractor ties in with existing structures. The Modification addresses changes arising from apparent design errors and omissions required to meet fire safety and building code requirements and to address certain structural and architectural issues. It adds the installation of cable pull boxes in the Yard Lead Tunnel duct bench to facilitate cable installation, and resolves other open issues. This Modification also includes credits for certain work removed from the Contract.

In addition, this Modification adds a requirement to the contract that the Contractor coordinate its work with related contracts also held by Tutor Perini Corporation ("TPC") or its affiliates, Contract CS179 (Systems), Contract CM007 (Cavern Finishes and Track) and CM006 (Manhattan North Structures). This Modification also adds a provision to the contract that requires the Contractor to hold the MTA harmless for delays resulting from contractor caused delays to any of the other three TPC Contracts. Modifications to CS179 and CM006 will include similar and related provisions.

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number 2

Page 2 of 2

The Contractor submitted proposals which sought a net Contract increase of approximately \$34,172,458 while MTACC's independent cost assessments of each of the issues resulted in a net Contract increase of approximately \$16,960,408. The parties met on several occasions to discuss the merits of their respective positions and ultimately agreed to a net lump sum increase in the amount of \$23,187,305 which is considered to be fair and reasonable. There is no effect to the overall ESA Project Schedule. Funding is available through contract and program contingency.

To the extent that part of this modification is the result of design errors and omission, MTACC intends to seek compensation for any resulting damages from the designer.

APRIL 2016

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

- | | | | |
|----|--|---------------------|--------------------------------------|
| 3. | Tutor Perini Corporation
Contract No. CS179
Modification No. 12 | \$ 1,498,000 | <u>Staff Summary Attached</u> |
|----|--|---------------------|--------------------------------------|

In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC requests that the Board ratify a contract modification to implement repairs and upgrades to prevent water infiltration into the Vernon Boulevard Ventilation Facility.

Item Number 3

Vendor Name (& Location) Tutor Perini Corporation (New Rochelle, New York)	
Description Systems Facilities Package No. 1 for the East Side Access Project	
Contract Term (including Options, if any) 75 Months	
Option(s) included in Total Amount?	<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 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: East Side Access, W. Goodrich, P.E.	

Contract Number	AWO/Modification
CS179	12
Original Amount:	\$ 333,588,000
Prior Modifications:	\$ 4,873,334
Exercised Options:	\$ 120,991,283
Current Amount:	\$ 459,452,617
This Request	\$ 1,498,000
% of This Request to Current Amount:	0.3%
% of Modifications (including This Request) to Original Amount:	1.9%

Discussion:

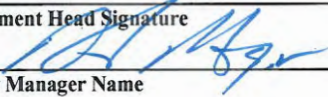
This Contract provides the systems for the East Side Access (ESA) project, including fire detection, tunnel ventilation, facility power, signal power, tunnel lighting and SCADA systems. In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC requests that the Board ratify a contract modification to implement repairs and upgrades to prevent water infiltration into the Vernon Boulevard Ventilation Facility.

The Vernon Boulevard Ventilation Facility was constructed in the 1970's. Now, during rain events, water is infiltrating the facility in various locations, including the rooms that will house the Traction Power Substation ("TPSS") and Facility Power Substation ("FPSS") for ESA. This Modification implements repairs and upgrades addressing the water infiltration issues and implements post-Sandy hardening and resiliency measures. The repairs and upgrades include replacement of equipment hatches and personnel exit hatches located in the roof of the TPSS and the FPSS and installation of new water tight submarine quality doors from the facility to the ventilation shaft. The deteriorated doors and hatches are located at grade level and are the primary source of water infiltration. The Contractor will construct these access points to comply with post-Sandy designated elevations and design. In addition, the Contractor's repairs and upgrades will include installation of a permanent sump pump at the TPSS room, resealing of pipe openings in the exterior walls of the TPSS, and repair of existing surfaces damaged by the water infiltration. The repairs also include grout injection in the floor slab of the TPSS room.

The Contractor submitted a cost proposal in the amount of \$1,928,041 for this work, while MTACC's project estimate was \$1,423,576. Negotiations were held parties agreed to a cost of \$1,498,000 which is considered to be fair and reasonable. There is no time impact associated with this modification to substantial completion.

In an attempt to eliminate the time impacts resulting from this Work, in September 2015 the MTACC President authorized the Contractor to proceed with a limited scope of the work for a not-to-exceed amount of \$575,000. Based on the work performed thus far, it is apparent that additional measures, beyond injection grouting, will be required to stop the water infiltration through the floor. Accordingly, the General Engineering Consultant is developing supplemental measures to address this condition which will be added to this contract by a future modification.

Staff Summary

Subject	Safety Management Policy Directive
Department	Chief Safety Officer
Department Head Name	David Mayer
Department Head Signature	
Project Manager Name	Anne Kirsch

Date	April 20, 2016
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	Safety	04/20/16	X		
2	Board	04/20/16	X		

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

Purpose:

To obtain Board approval of revisions to the Safety Management Policy Directive.

Discussion:

The Safety Management Policy Directive has been reviewed by MTA's Chief Safety Officer as well as the Chief Safety Officers for each of the MTA's affiliated and subsidiary agencies, the agency Presidents, and the Chairman and Chief Executive Officer (functioning in his capacity as CEO). Based upon that review, several substantive revisions to the Policy are proposed. These substantive revisions would (1) establish the foundation of the MTA's Safety Management System (SMS) by specifying the MTA's safety objectives and organizational structures, (2) require reporting of near misses and close calls; (3) establishing the role of the MTA Safety Council; and (4) would require training to build and maintain meaningful safety leadership skills.

Recommendation:

It is recommended that the Board approve the proposed revisions to the Safety Management Policy Directive.

ALL AGENCY POLICY DIRECTIVE

SAFETY MANAGEMENT

The Metropolitan Transportation Authority ("MTA") is dedicated to delivering safe public transportation via our subways, buses, trains, as well as our bridges and tunnels. The MTA is equally committed to providing a safe environment for our customers, employees, contractors, and the general public.

This policy directive establishes the foundation of the MTA's Safety Management System (SMS) by specifying the MTA's safety objectives and organizational structures. This policy directive also defines roles and responsibilities for the management of safety throughout the MTA. An SMS is the formal, top-down, organization-wide, data-driven approach to managing safety risk and assuring the effectiveness of safety risk mitigations. It includes systematic policies, procedures, and practices for the management of safety risk. SMS is a continual process that reduces risk and prevents incidents.

We manage safety as an important and valuable business process. We are committed to implementing, maintaining and continually improving our processes to ensure that all our activities are supported by an appropriate allocation of resources and aimed at achieving the highest level of safety performance. The MTA will only be strengthened by continuing to ensure safety excellence as an integral part of everything we do. There is no task we need to perform that cannot be accomplished safely. We strive to make our rules and procedures represent the best and safest work practices; we follow both the letter and spirit of our rules. The MTA also strives to create an environment in which employees routinely identify safety hazards and risks so they can be eliminated or mitigated. We use the commonly accepted principles of hazard identification and risk management to eliminate and/or mitigate safety risks, and we inspect and audit to ensure that our procedures and mitigation strategies are working as intended.

We must not ignore, circumvent, or take shortcuts. When someone is unsure of the proper course of action, he or she must not be afraid to stop and ask someone who knows. If a fellow employee asks for guidance, it must be provided. When someone does something incorrectly, he or she must disclose the mistake. Some unsafe acts are so serious that they cannot be tolerated, and we treat these according to well established labor agreements and procedures. Otherwise, when it comes to safety we draw a line between honest mistakes and deliberate noncompliance. This allows us to manage honest mistakes through constructive criticism and education and build a culture of trust and continual improvement.

Accidents and incidents are preventable and do not occur at random; they are preceded by precursors (events, behaviors, and conditions) that were ingredients of the recipe for such events, and they expose aspects of our safety programs and operating practices that need continual improvement. Our objective is to prevent all incidents from happening and to assure that all "near misses" and "close calls" are reported and studied.

All AGENCY POLICY DIRECTIVE

SAFETY MANAGEMENT (Continued)

Organizational culture is a system of shared assumptions, values and beliefs that govern how people behave. Creating an organizational culture that allows us to learn from incidents is critical to the success of our SMS, and the honest acknowledgement of mistakes is an opportunity to learn and thus increase the safety of our organization. When studying incidents, it is important that we focus on identifying the causes of the incident, rather than focusing solely on the individual or individuals who were involved. This allows us to do something about those causes, strengthen our defenses, and prevent a similar incident from happening again. The issue of guilt or blame is of less importance unless there has been an intentional act or negligent or reckless behavior.

To learn from incidents, it is essential that they be reported. It is also important to report all hazards and safety concerns so they can be addressed. Through cooperation and communication we will continue to enhance the safety of our employees and the public. Safety is the responsibility of every employee throughout the MTA. All levels of management and all front line employees are accountable for the delivery of this highest level of safety performance, starting with the Chief Executive Officer ("CEO") of the MTA. In fulfilling their ultimate responsibility for safety, the Presidents of the MTA operating agencies must instill this commitment to safety throughout their organizations. The CEO is the accountable executive for the MTA, and each of the agency presidents is the accountable executive for his or her agency. The ultimate accountability for safety performance rests with these executives (who may delegate the authority to manage safety, but not their responsibility to ensure safety).

The activities and work of the MTA is governed by its Board of Directors. The Board oversees the safety activities of the MTA, primarily through the Board's Safety Committee.

The MTA Chief Safety Officer ("CSO") reports directly to the CEO, and likewise, at each MTA agency, the agency CSO reports to the President of that agency. Collectively, the MTA CSO and agency CSOs comprise the MTA Safety Council. Working with the Safety Council, the MTA CSO is authorized to establish and maintain the MTA SMS. This will provide the framework of the SMS along with SMS program documents applicable to the MTA as a whole. Working with their respective leadership teams, the agency CSOs are authorized to issue SMS program documents for their agencies, within the established SMS framework. The collection of all of these elements comprises the MTA SMS.

Safety will always be the focal point for stewarding our one trillion dollar asset. As such, SMS and Enterprise Asset Management (EAM) are closely connected. EAM systems and processes provide enhanced opportunities to ensure that inspections, maintenance, and repairs are performed in a timely manner; predict, monitor, and improve safety performance; reduce risk; and foster continuous improvement.

All AGENCY POLICY DIRECTIVE

SAFETY MANAGEMENT (Continued)

Consistent with the principals of EAM and foundational in SMS, safety is an integral part of all capital program decision-making. The MTA Chief Safety Officer ("CSO") will participate in the five-year capital program decision-making process, along with other relevant organizational departments, to ensure that the proposed program achieves the highest levels of safety across the MTA. Any updates or changes to the capital program must be reviewed by the respective agency CSOs as well as the MTA CSO.

Each CSO will ensure that his or her agency develops and maintains a current safety goals statement. These goal statements will be high-level, global, generic, and non-quantifiable statements regarding conceptual safety achievements to be accomplished by organizations that will drive the objectives of the MTA's SMS and ensure that we remain appropriately focused on achieving and delivering safety in all of our activities.

The entire MTA, and in particular its senior leaders, are committed to developing, implementing, and continually improving strategies, management systems, and processes to ensure that all our activities are delivered with the highest level of safety, and meeting or exceeding national and industry standards. We are deploying all necessary resources to accomplish this goal. Senior management will hold all employees accountable for safety performance. Each of us will be expected to accept responsibility and accountability for our own behavior and actions. Safety performance will be an important part of our management and employee evaluation system, where applicable.

Management will provide the necessary training to build and maintain meaningful safety leadership skills, and involve relevant staff in the decision-making process. Management is committed to encouraging employees to report safety issues without reprisal. All employees are expected to openly communicate information about safety incidents and hazards and share lessons learned. Each of us will act in the best interest of the safety of our fellow employees, customers, and the general public.

Before any work is done, we ensure that each employee is aware of safety standards and processes, as well as his/her personal responsibilities toward safety. We recognize and reward excellent safety performance. Safe performance is everyone's responsibility at every level and at the heart of the MTA culture.

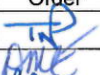



This Policy Directive is to be posted in prominent locations throughout MTA facilities.

Thomas F. Prendergast
Chairman and Chief Executive Officer

Staff Summary

Page 1 of 2

Subject 2015-2019 Capital Program Resubmission	Date April 20, 2016
Department Administration	Vendor Name
Department Head Name Craig Stewart	Contract Number
Department Head Signature 	Contract Manager Name
Project Manager/Division Head Stephen Berrang  Stephanie DeLisle 	Table of Contents Ref #

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Board	04/20				4	Chairman/CEO		
						3	Chief of Staff		
						2	Chief Financial Officer		
						1	Legal		

Purpose:

To request MTA Board approval of the proposed revised \$29.5 billion MTA 2015-2019 Capital Program and to authorize the Chairman/CEO to submit the \$26.6 billion Capital Program Review Board (CPRB) portion of the Capital Program to the CPRB for its review and approval, in accordance with Public Authorities Law § 1269-b.

Discussion:

Background: The original \$32.0 billion MTA 2015-2019 Capital Program, including \$29 billion for CPRB agencies and \$3 billion for the self-funded B&T plan, was approved by the MTA Board in September 2014. The \$29 billion plan was subsequently submitted to the CPRB in October 2014. That Program was vetoed by the CPRB without prejudice in October 2014. In preparation for its resubmission, the MTA and agency staff responded to Governor Cuomo's challenge to reduce the Program's cost by 6 to 8 percent. A refocused 2015-2019 Capital Program that included \$29.0 billion for the MTA's 2015-2019 Capital Program, of which \$2.85 billion was self-funded by B&T and \$26.1 billion of which would require review and approval of the CPRB, was approved by the MTA Board in October 2015. Discussions were immediately undertaken with stakeholders, including the Legislature, which continued into the State budget process, to ensure the revised plan met their concerns.

2015-2019 Resubmission: Limited changes to the plan are being proposed by the MTA in collaboration with several key stakeholders. The proposed revised 2015-2019 Capital Program now includes \$500 million in proposed New Starts funding for Second Avenue Subway's Phase (SAS) 2, increasing the project's funding allocation in the proposed revised Program to \$1.035 billion. This proposed federal funding is subject to further discussion with the Federal Transit Administration, and subject to future provision of additional local funding for SAS 2, as required for the New Starts application process. The proposed revised Program also includes changes to advance station enhancement work and MTA work at the Long Island Rail Road Mets-Willets station in support of regional mobility initiatives. These limited changes do not affect agency overall allocations approved by the Board in October 2015. No other changes have been made to the plan that was approved by the MTA Board in October 2015. The proposed revised Capital Program includes the following three sections:

CPRB Core Program: \$21.6 billion

Investments that renew and enhance the networks of New York City Transit, the Long Island Rail Road, Metro-North Railroad, and the MTA Bus Company. Highlights include:

- Station enhancements and regional mobility improvements;
- Replacing subway, bus, and commuter railroad fleets;
- Completing Positive Train Control for the two commuter railroads;
- Continuing the rollout of Communications Based Train Control signaling for the subway;
- Continuing investments promoting safety and reliability of critical systems, including track, signals, and power;
- Making state of good repair investments in commuter railroad line structures, including bridges and viaducts;
- Investing to support expanded Select Bus Service on key routes along the network;

- Continuing to invest in “contactless” fare payment technology;
- Continuing the development of real-time train information on the subway;
- Completing the rollout of Help Point intercoms to all subway stations;
- Completing the Long Island Rail Road Double Track project on the Ronkonkoma branch;
- Completing the Metro-North Railroad Harmon Shop Replacement.

CPRB Network Expansion Program: \$5.0 billion

Investments that expand the MTA network by continuing two ongoing “mega” projects and launching a third project:

- Completing the MTA’s fiscal commitment to East Side Access;
- Commencing Phase 2 of the Second Avenue Subway to extend the new line from 96th to 125th Streets;
- Expansion of Metro-North’s New Haven Line service into Penn Station, providing added system resiliency and constructing four new stations in the Bronx.

Bridges and Tunnels Program (non-CPRB): \$2.9 billion

Investments that renew and enhance the seven bridges and two tunnels of the Bridges and Tunnels network. This portion of the Program is not subject to CPRB review. Highlights include:

- Replacing the suspended span deck and rehabilitating the approach viaducts at the Throgs Neck Bridge;
- Replacing various approach decks and ramps at the Verrazano-Narrows Bridge;
- Reconstructing toll plazas at the Henry Hudson Bridge in support of Open Road Tolling;
- Constructing a new ramp connecting the Robert F. Kennedy Bridge with the northbound Harlem River Drive.

This proposed 2015-2019 Capital Program also reflects an ongoing commitment to improving Capital Program investment strategies and business practices, including:

- Continuing to build on the successes of the MTA’s Small Business Development Program;
- Updating design standards to be more resilient by incorporating lessons learned from Superstorm Sandy;
- Expanding component replacement programs that quickly target critical renewal needs;
- Improving investment planning and transparency, including: “Gates” reviews at key stages to make sure projects remain on track to deliver intended benefits at the lowest cost; Capital Program Dashboard reporting; and data-driven Enterprise Asset Management practices.

Impacts on Funding:

The proposed revised 2015-2019 Capital Program includes several projected funding sources, including:

- State of New York Capital: \$8.3 billion;
- Federal formula, flexible, and miscellaneous: \$6.4 billion;
- Federal New Starts: \$0.5 billion;
- City of New York Capital: \$2.5 billion;
- MTA bonds and PAYGO: \$7.7 billion, including \$0.2 billion in bond proceeds generated by savings due to low-interest federal RRIF loan;
- B&T bonds and PAYGO: \$2.9 billion;
- MTA local funds, including asset sales/leases, bonds and PAYGO: \$1.2 billion.

In combination, these sources amount to \$29.5 billion.

Alternatives:

Approving the proposed Capital Program as revised is critical to enabling the MTA to renew, enhance, and expand its network to meet the mobility needs of the region. A reduced program would prohibit the MTA from keeping pace with state of good repair renewal needs, adversely impacting the MTA’s ability to continue delivering safe and reliable service. It would further compromise the MTA’s ability to make the MTA system more resilient, and to deliver enhancement and expansion projects that address the evolving needs of MTA customers and the region.

Recommendation:

That the MTA Board approves the revised \$29.5 billion 2015-2019 Capital Program and authorizes the Chairman/CEO to submit the \$26.6 billion CPRB portion of the 2015-2019 Capital Program to the CPRB for its review and approval.