

Schedule I: Modifications to Purchase and Public Works Contracts

Item Number:

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| Vendor Name (& Location) Judlau Contracting, Inc, College Point, New York | Contract Number QM-40S | AWO/Modification # |
| Description Sandy Restoration and Mitigation and Projects QM-40/QM-18, Rehabilitation of the Tunnel and Manhattan Exit Plaza at the Queens Midtown Tunnel | Original Amount: | \$236,500,000.00 |
| Contract Term (including Options, if any) April 23, 2015 – July 9, 2018 | Prior Modifications: | \$31,895,605.78 |
| Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Prior Budgetary Increases: | \$0.00 |
| Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive | Current Amount: | \$ 268,395,605.78 |
| Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: | This Request: | \$1,993,320.00 |
| Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other: | % of This Request to Current Amount: | 0.74% |
| Requesting Dept/Div & Dept/Div Head Name: Engineering & Construction, Joe Keane, P.E. | % of Modifications (including This Request) to Original Amount: | 14.3% |

Discussion:

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend public work Contract QM-40S with Judlau Contracting, Inc. (Judlau) for: (i) modifications to the paving design for the QM-18 portion of the contract; and (ii) the demolition of the toll booths in the plaza in the negotiated amounts totaling \$1,993,320.

The Contract was awarded to Judlau in April 2015 in the amount of \$236,500,000 (inclusive of incentives totaling \$6,460,000) subsequent to a competitive RFP process and Board approval. The Scope of Work required the contractor to restore the Queens Midtown Tunnel (QMT) to a pre-storm state of good repair including system replacements as follows: tunnel electrical; lighting; communications; monitoring and control systems; mid-river pump room; tunnel structural and civil repairs; tunnel wall tile; ceiling panels; polymer panels; catwalk, curbs and gutters; and tunnel ventilation building rehabilitation as well as asbestos and incidental lead abatement and maintenance and protection of traffic. Additionally Project QM-18 includes the rehabilitation of the Manhattan Exit Plaza.

Judlau submitted a proposal for the new paving work in the amount totaling \$493,320. The Engineer's estimate is \$511,509.77. The paving work consists of a change to the material in the proposed amount of \$174,570 and a change to the quantity of pavement in the proposed amount of \$318,750. Negotiations resulted in B&T agreeing to the proposed amount of \$493,320 which is 3.6% below the Engineer's estimate. The negotiated amount is considered fair and reasonable. In order not to impact the schedule, Judlau was granted a verbal in the amount of \$76,705 on November 16, 2016 to start the first phase of this work.

On October 5, 2016, New York State Governor Cuomo announced the implementation of cashless all-electronic ORT tolling at all B&T facilities as part of the New York Crossings Project. As a result, on January 10, 2017, B&T implemented ORT at the QMT, subsequent to Board approval in October 2016. This requires removal of the existing toll booths and associated equipment that is no longer necessary.

The proposal submitted by Judlau for the toll booth demolition, including the concrete islands and overhead canopies, totaled \$1,800,000. The Engineer's estimate is \$1,387,554.26. Negotiations resulted in B&T and Judlau agreeing to the amount of \$1,500,000 which is 8.1% above the Engineer's estimate. The negotiated amount of \$1,500,000 is considered fair and reasonable based on the accelerated completion schedule for the Project. In order to meet the expedited timeline for this work, Judlau was granted a verbal in the amount of \$250,000 on January 12, 2017.

The funding for the proposed paving scope of work in the amount of \$493,320 is available in the 2010-2014 Capital Program (Project D601QM18).

Funding for the proposed toll booth demolition work in the amount of \$1,500,000 is available in the 2015-2019 Capital Program (Project D703AW65).

In connection with a previous contract awarded to the Judlau, Judlau was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel. In addition, as a result of the review of Judlau's responsibility since the prior contract award, new SAI was identified and Judlau was found to be responsible notwithstanding such new SAI and such responsibility finding was subsequently approved by the TBTA President in consultation with the TBTA General Counsel on February 21, 2017.