



Metropolitan Transportation Authority

# March 2017

**MTA Board Action Items**



# MTA Board Meeting

2 Broadway - 20th Floor board Room, New York, N.Y. 10004

Wednesday, 3/22/2017  
10:00 AM - 12:00 PM ET

## 1. PUBLIC COMMENT PERIOD

## 2. APPROVAL OF MINUTES

### **MTA Regular Board Minutes - February 23, 2017**

*MTAHQ Minutes - February 23, 2017 - Page 5*

### **NYCT/MaBSTOA/SIR/Bus Company Regular Board Minutes - February 23, 2017**

*NYCTA Minutes - February 23, 2017 - Page 9*

### **MTA Metro-North Railroad Regular Board Minutes - February 23, 2017**

*Metro-North Minutes - February 23, 2017 - Page 13*

### **MTA Long Island Rail Road Regular Board Minutes - February 23, 2017**

*LIRR Minutes - February 23, 2017 - Page 18*

### **MTA Bridges & Tunnels Regular Board Minutes - February 23, 2017**

*TBTA Minutes - February 23, 2017 - Page 24*

### **MTA Capital Construction Regular Board Minutes - February 23, 2017**

*MTACC Minutes - February 23, 2017 - Page 30*

## 3. COMMITTEE ON FINANCE

### **Action Item**

#### **i. 2016 Annual Procurement Report (Report Available in Director's Desk Document Center and MTA.Info)**

*2016 Annual Procurement Report (Full Report Available in the Document Center and MTA.Info) - Page 33*

### **Information Item**

#### **i. MTA Prompt Payment Annual Report 2016**

*MTA Prompt Payment Annual Report 2016 - Page 34*

### **MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 40*

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

#### **ii. Competitive**

*MTAHQ Competitive Procurements - Page 42*

#### **iii. Ratifications (no items)**

### **Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 52*

#### **4. COMMITTEE ON NYCT & BUS**

##### **NYCT Procurements**

*NYCT March Procurement Staff Summary and Resolution - Page 77*

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

**ii. Competitive**

*NYCT, MTA Bus Competitive Actions - Page 81*

**iii. Ratifications**

*NYCT, MTACC Ratifications - Page 96*

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

##### **Metro-North Procurements**

*Procurements - Page 106*

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

**ii. Competitive**

*Competitive - Page 110*

**iii. Ratifications (no items)**

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

##### **LIRR Procurements**

*Procurements - Page 116*

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

**ii. Competitive**

*Competitive Procurements - Page 120*

**iii. Ratifications (no items)**

##### **LIRR MTACC Procurements**

*MTA CC Procurements - Page 122*

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

**ii. Competitive**

*MTA CC Competitive Procurements - Page 125*

**iii. Ratifications**

*MTA CC Ratifications - Page 127*

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

##### **BT Procurements**

*BT Procurements - Page 130*

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

**ii. Competitive**

*BT Competitive - Page 133*

**iii. Ratifications (no items)**

## **8. COMMITTEE ON CORPORATE GOVERNANCE**

### **Action Items**

#### **i. Mission Statement and Performance Measurement Report**

*Staff Summary Mission Statement - Page 153*

#### **ii. MTA Policies**

*Staff Summary Policies Required Board Approval - Page 154*

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

Date of next meeting: Wednesday, April 26, 2017

**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
Thursday, February 23, 2017  
10:00 a.m.**

**The following members were present:**

**Hon. Fernando Ferrer, Acting Chairman  
Hon. Ira Greenberg  
Hon. David Jones  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman**

**The following member was absent:**

**Hon. Carl V. Wortendyke**

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member Norman Brown, Board Member Vincent Tessitore, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giulietti, President, Metro-North Railroad, Donald Spero, President, TBTA, Stephen Vidal, Acting 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.

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.

Acting Chairman Ferrer called the meeting to order and welcomed everyone to the February Board meeting.

1. **PUBLIC SPEAKERS.** There were eighteen (18) public speakers. The following speakers addressed 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.

Assemblyman Jeffrey Dinowitz, NYS Assembly, District 81, Bronx, N.Y.  
Lizzette Fredericks, private citizen  
Kate Slevin, Regional Plan Association  
Jason Pineiro, Private Citizen  
Ellyn Shannon, PCAC  
Dimetri Diment, Rider's Alliance  
Jeanne Majors, Rider's Alliance  
Barbara Hochberg, Rider's Alliance  
Pedro Valdez Rivera, Rider's Alliance

2. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on January 25, 2017.

3. **COMMITTEE ON FINANCE.**

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

1. **Mortgage Recording Tax – Escalation Payments to Dutchess, Orange and Rockland Counties.** Approved escalator payments to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.
2. **2016 TBTA Operating Surplus.** Approved resolutions which (i) certify and transfer operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law of the State of New York (“PAL”); (ii) transfer funds representing 2016 investment income to the MTA pursuant to Section 569-c of the PAL; (iii) deduct monies from operating revenues of the TBTA for its fiscal year ending December 31, 2016, which amount shall be paid into the Necessary Reconstruction Reserve established by the Authority by resolution adopted March 29, 1968; and (iv) advance the 2017 TBTA Surplus as outlined in the resolution.

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

Regular Board Meeting  
February 23, 2017

1. Dell Marketing LP – VMware/AirWatch Enterprise License Agreement and Maintenance – No. 16425-0100. Approved the award of a competitive all-agency miscellaneous procurement contract to Dell Marketing LP for software and services providing virtualization, disaster recovery capabilities, cloud brokering, and enterprise mobility management for a period of five years from February 28, 2017 through February 28, 2022, including two option years.
  2. Various Contractors – All-Agency Employee Organization Development and Professional Training Programs – Nos. 15493-0100 thru -1600. Approved the award of sixteen (16) competitively negotiated all-agency contracts to provide organizational development, management development and professional training services for employees, as required, during a period of thirty-six (36) months from April 1, 2017 through March 31, 2020.
  3. Various Contractors – Veterinarian Services for MTA Police K9 Unit – Nos. 16078-0100 thru 0600. Approved the award of six (6) competitively negotiated contracts to provide as-needed veterinary services for the MTA Police Canine Unit, which currently consists of fifty (50) canines.
  4. Greystone Management Solutions – Tenant Management and Accounting Services – No. 10116-0100, S/A #4. Approved an amendment to a competitively negotiated MTAHQ personal services contract to provide Tenant Management and Accounting Services through October 31, 2017.
- C. **Real Estate Items**. Upon motion duly made and seconded, the Board approved the following real estate items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

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

1. Lease agreement with the Estate of Yawantraj Jain for a swing room for bus operators and dispatchers located at 96-09 Springfield Boulevard (subunit for retail store is 96-07 Springfield Boulevard, Queens, N.Y.

#### **Metro-North Railroad**

2. License agreement with Prospect Hill Realty, LLC for employee parking, in connection with the Prospect Hill Road Bridge Replacement Project, located at 50 Prospect Hill Road, Town of Southeast, Putnam County, N.Y.

#### **Triborough Bridge and Tunnel Authority**

License agreement with The General Services Administration, on behalf of the United States of America, for parking of federal government vehicles at TBTA's Battery Parking Garage located at 56-80 Greenwich Street, New York, N.Y.

Interim Executive Director Veronique Hakim addressed comments made during the public speaking session with regards to the \$65 million Payroll Mobility Tax (PMT) Refunding reductions. Ms. Hakim, refreshing points made in a report presented at the Finance Committee by Robert Foran, Chief Financial Officer, stated that the MTA will receive \$30 million more from the State this year, which is an unprecedented level of support. Ms. Hakim noted that over the last year State aid to the MTA has increased in terms of operating assistance and the MTA will not be required to make any fare and toll increase adjustments as a result.

The details of Interim Executive Director Hakim's and Board Members' comments are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records, and the other agencies' minutes of the meeting of this date.

4. **MTA 2015-2019 Capital Program Amendment.**

Craig Stewart, Senior Director, Capital Programs, presented an overview of the proposed amendments to the MTA 2015-2019 Capital Program.

Upon motion duly made and seconded, the Board approved amendments to add three station investment projects for \$399 million and offsetting changes in other projects in the New York City Transit and Long Island Rail Road portions of the MTA 2015-2019 Capital Program; and approved use of program surpluses from prior capital programs, for subsequent submission to the Capital Program Review Board (CPRB) for approval, as provided by statute.

The details of Mr. Stewart's presentation and Board Members' comments are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records, and the other agencies' minutes of the meeting of this date.

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 bargaining.

Upon motion duly made and seconded, the Board approved a recently negotiated collective bargaining agreement between MTA New York City Transit/MaBSTOA, MTA Bus Company, and the Transport Workers Union, Local 100.

Upon motion duly made and seconded, the public session resumed.

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

Respectively submitted,

Victoria Clement  
Assistant Secretary

Regular Board Meeting  
February 23, 2017

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

**2 Broadway  
New York, NY 10004**

**Wednesday, February 23, 2017  
10:00 a.m.**

**The following members were present:**

**Hon. Fernando Ferrer, Acting Chairman  
Hon. Ira Greenberg  
Hon. David Jones  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman**

**The following member was absent:**

**Hon. Carl V. Wortendyke**

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member Norman Brown, Board Member Vincent Tessitore, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giuliatti, President, Metro-North Railroad, Donald Spero, President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, Michael Horodniceanu, President, MTA Capital Construction, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

**1. ACTING CHAIRMAN FERRER CALLED THE MEETING TO ORDER**

**2. PUBLIC COMMENT PERIOD**

There were eighteen (18) public speakers. The following speakers spoke on MTA NYC Transit/Staten Island Rapid Transit Operating Authority /MTA Bus Company matters. Please 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.

Lizzette Fredericks, Private Citizen  
Mary Parisen, Cures  
Kate Slevin, Regional Plan Association  
Jason Pineiro, Private Citizen  
Ellen Shannon, PCAC  
Assemblyman Dinowitz, NYS Assembly  
Dimetri Diment, Rider's Alliance  
Barbara Hochberg, Rider's Alliance  
Jeanne Majors, Rider's Alliance  
Pedro Valdez Rivera, Rider's Alliance  
Jackie Cohen, Straphangers Campaign  
Gabiella Amari, Bklyn Ctr. for Independence For the Disabled  
Alexa Santory, Straphangers Campaign  
William Long, Rider's Alliance  
Cynthia Morales, Straphangers Campaign  
Paige Murray, Straphangers Campaign  
Steven Nakhwall, Straphangers Campaign  
Beth Childs, Rider's Alliance

**3. ACTING CHAIRMAN FERRER'S COMMENTS**

Details of Acting Chairman Ferrer'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 January 25, 2017.

**5. COMMITTEE ON FINANCE**

**Real Estate Action Item:**

Upon motion duly made and seconded, the Board approved a lease agreement with the Estate of Yawantraj Jain for a swing room for bus operators and dispatchers located at 96-09 Springfield Boulevard (subunit for retail store is 96-07 Springfield Boulevard, Queens, N.Y.).

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

**Procurements:**

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

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

**7. MTA 2015-2019 CAPITAL PROGRAM AMENDMENT**

Craig Stewart, Senior Director, Capital Programs, presented an overview of the proposed amendments to the MTA 2015-2019 Capital Program.

Upon motion duly made and seconded, the Board approved amendments to add three station investment projects for \$399 million and offsetting changes in other projects in the New York City Transit and Long Island Rail Road portions of the MTA 2015-2019 Capital Program; and approved use of program surpluses from prior capital programs, for subsequent submission to the Capital Program Review Board (CPRB) for approval, as provided by statute.

The details of Mr. Stewart's presentation and Board Members' comments are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records, and the other agencies' minutes of the meeting of this date.

**8. 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.

Upon motion duly made and seconded, the Board approved a recently negotiated collective bargaining agreement between MTA New York City Transit/MaBSTOA, MTA Bus Company, and the Transport Workers Union, Local 100.

Upon motion duly made and seconded, the public session resumed.

9. **ADJOURNMENT**

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

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

Minutes of the Regular Meeting  
Metro-North Commuter Railroad Company  
2 Broadway – 20<sup>th</sup> Floor  
New York, NY 10004  
Wednesday, February 23, 2017  
10:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Ira Greenberg  
Hon. David Jones  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman

The following member was absent:

Hon. Carl V. Wortendyke

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member Norman Brown, Board Member Vincent Tessitore, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giulietti, President, Metro-North Railroad, Donald Spero, President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, Michael Horodniceanu, President, MTA Capital Construction, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Acting Chairman Ferrer called the meeting to order.

1. Public Speakers:

There were 18 public speakers, none of whom spoke on Metro-North agenda items. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for the names of the speakers and the content of speakers' statements.

2. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting of January 25, 2017 were approved.

3. Committee on Finance:

Action Item:

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

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

Upon motion duly made and seconded, the Board approved the foregoing action item, the details of which are contained in the minutes of the MTA Board meeting held this day, a staff summary 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 bid, all-agency miscellaneous procurement contract to Dell Marketing LP for software and services providing virtualization, disaster recovery capabilities, cloud brokering, and enterprise mobility management for a period of five years from February 28, 2017 through February 28, 2022, including two option years, in an amount not to exceed \$14,027,149.
- Approval of the award of the above sixteen (16) competitively-negotiated, all-agency personal services contracts to provide organizational development, management development and professional training services for employees, as required, during a period of thirty-six (36) months from April 1, 2017 through March 31, 2020 in not-to-exceed amount of \$7,800,000 for the three year period.
- Approval of an amendment to a previously competitively negotiated MTA Headquarters personal services contract to Greystone Management Solutions to provide Tenant Management and Accounting Services through October 31, 2017, in the not-to-exceed amount of \$1,747,667.

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

- License agreement with Prospect Hill Realty, LLC for 32 parking spaces at Southeast, Putnam County.

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

#### 4. Interim Executive Director Hakim's Remarks:

Interim Executive Director Veronique Hakim addressed comments made during the public speaking session with regards to the \$65 million Payroll Mobility Tax (PMT) Refunding reductions. Ms. Hakim, refreshing points made in a report presented at the Finance Committee by Robert Foran, Chief Financial Officer, stated that the MTA will receive \$30 million more from the State this year, which is an unprecedented level of support. Ms. Hakim noted that over the last year State aid to the MTA has increased in terms of operating assistance and the MTA will not be required to make any fare and toll increase adjustments as a result.

The details of Interim Executive Director Hakim's and Board Members' comments are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records, and the other agencies' minutes of the meeting of this date.

#### 5. Committee on Metro-North Railroad:

The Board was presented with one action item:

- Approval for Metro-North to increase its per ticket subsidy for Westchester County Department of Transportation Bus and Shuttle UniTickets.

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

The Board was presented with one non-competitive procurement:

- Approval of a non-competitive negotiated miscellaneous service contract in the total not-to-exceed amount of \$7,828,160 to the firm, Bombardier Transportation Inc., for the installation of On Board Camera Kits for the MNR M-7 Fleet.

The Board was presented with the following competitive procurements:

- Approval to use the Request for Proposal (RFP) solicitation process to solicit a team of Architects/Engineers/Contractors to design and construct improvements under the Harmon Shop Replacement Program, Phase V-Stage 2.
- Approval to award a competitively solicited 20 month contract in the not-to-exceed amount of \$3,980,000 to the firm, Brandt Road Rail Corporation for the design, manufacture and delivery of one Powered Continuous Work Platform with a Steel Track Excavator.
- Approval to award a 12 month, competitively solicited miscellaneous service contract in the not-to-exceed amount of \$813,071 to Bowne Management Systems, Inc. to provide electronic GIS integration services to accurately measure property lines along Metro-North's right-of-way, stations, leases, yards, easements, encumbrances, and other real estate holdings for Metro-North to support business operations.

The Board was presented with the following ratifications:

- Ratification of an emergency purchase in the total amount of \$358,301 for five main line filter reactors for Metro-North's P32 Locomotives which currently have out-of-service locomotives awaiting these reactors.
- Ratification of an emergency agreement in the not-to-exceed amount of \$1,454,689 for engineering and design services for the Park Avenue Viaduct performed under the current Professional Services Contract No. 1000041940 for Engineering Services for the Inspection and Load Rating of All Under grade Bridges Located in NY State.

Upon motion duly made and seconded, the Board approved the foregoing procurement items. The details of the above item are contained in a staff summary filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records.

6. Capital Program Amendment:

- MTA 2015-2019 Capital Program Amendment.

Upon motion duly made and seconded, the Board approved MTA 2015-2019 Capital Program Amendment. The specifics are set forth in the staff summaries and documentation filed with the meeting materials and in the video recording of the meeting, produced by the MTA and maintained in MTA records, which recording contains Board member comments regarding the capital program amendment.

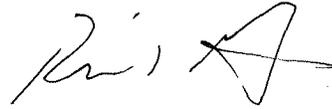
7. Executive Session:

Upon motion duly made and seconded, the Board convened an executive session pursuant to Section 105(1)(e) of the New York State Public Officers Law, to discuss matters relating to collective bargaining. Thereafter, upon motion duly made and seconded, the Board voted to reconvene in public session.

8. Adjournment:

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

Respectfully submitted,

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

Richard L. Gans  
Secretary

**Minutes of the Regular Board Meeting  
Long Island Rail Road Company  
2 Broadway  
New York, NY 10004  
Wednesday, February 23, 2017  
10:00 a.m.**

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Ira Greenberg  
Hon. David Jones  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman

The following members were absent:

Hon. Carl V. Wortendyke

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, James Henly, General Counsel MTA NYCT, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member Norman Brown, Board Member Vincent Tessitore, Darryl Irrick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giulietti, President, Metro-North Railroad, Donald Spero, President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, Michael Horodniceanu, President, MTA Capital Construction, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Acting Chairman Fernando Ferrer called the meeting to order.

1. Public Speakers:

Stephen Morello, Counselor to the Chairman, stated that there were seven (7) public speakers and he asked all speakers to keep to the two-minute time limit for comments, and to restrict their comments to matters on the meeting agenda. An additional eleven (11) public

speakers arrived after the meeting had commenced, bringing the total number of public speakers to eighteen (18).

Three (3) of the speakers commented on matters related to the Long Island Rail Road (LIRR).

Mary Parisen, from Civics United for Railroad Environmental Solutions (CURES), stated that the LIRR freight concession awarded to New York & Atlantic Railway (NYAR) was up for renewal, and that LIRR had the right not to renew it. She further stated that NYAR has had numerous accidents and was cited for unsafe practices. Ms. Parisen stated that she distributed a handout detailing damages owed by NYAR to LIRR and she wanted to know how much had been recovered and how much was still owed. She stated that she had submitted a Freedom of Information Law (FOIL) request and had been waiting six months for a reply. She described NYAR as a private company being subsidized by taxpayers and that it was time for LIRR to take back what it had bid out.

Kate Slevin from the Regional Plan Association (RPA) urged MTA to test out the Freedom Ticket on LIRR in Brooklyn and Queens. She stated that RPA supports this effort as an alternative to overcrowded buses and subways. She further stated that the Freedom Ticket was needed because LIRR's current fares are unaffordable for some New Yorkers, and that Freedom Ticket could help address the impacts of the L train shutdown.

Jason Pineiro, a private citizen, urged a comprehensive plan for the Freedom Ticket, and for extension of the Freedom Ticket to Metro-North to help people living in the Bronx. He stated that LIRR customers should not have preference over people in the Bronx where subway service is lacking.

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

2. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board meeting of January 25, 2017 were approved.

3. Committee on Finance:

Action Items

There were no action items presented to the Board which related to the Long Island Rail Road.

### Procurement Items

The Board was presented with four (4) procurement items recommended to it by the Committee on Finance, two (2) of which related to Long Island Rail Road:

- Dell Marketing LP, VMware/Airwatch Enterprise License Agreement and Maintenance Contract – To recommend that the Board approve the award of a competitively bid, all-agency miscellaneous procurement contract to Dell Marketing LP for software and services providing virtualization, disaster recovery capabilities, cloud brokering, and enterprise mobility management for a period of five years from February 28, 2017 through February 28, 2022, including two option years, in an amount not to exceed \$14,027,149 (the cost of the software and support is \$9,100,000 over a five year period).
- Personal Services Contracts – All Agency Employee Organization Development and Professional Training Programs: (1) Center for Strategy realization, LLC; (2) Contract Trainers, Inc.; (3) Corp Consulting Associates, Inc.; (4) Empire State Training Associates, Corp.; (5) French & Associates; (6) Gotham Culture, LLC; (7) IRP Limited Training as Interact; (8) Knowledge Architects, LLC; (9) Krieger Solutions, LLC; (10) Mind Gym USA, Inc.; (11) New Legends, Corp.; (12) Phillip Vassallo, ED.D.; (13) Scimia Consulting Group, Inc.; (14) Stephanie Twin, Ph.D.; (15) The Punch Point Group, LLC; (16) Thomas Coaching Company, Inc. – MTA HQ Procurement recommends that the Board approve the award of the above sixteen competitively-negotiated all-agency personal services contracts to provide organizational development, management development and professional training services for employees, as required, during a period of thirty six (36) months from April 1, 2017 through March 31, 2020 in a not-to-exceed amount of \$7,800,000 for the three year period.

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 summaries filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

### Real Estate Items

There were no real estate items presented to the Board that related to the Long Island Rail Road.

4. Long Island Rail Road Committee:

The Board was presented with two (2) procurement items related to LIRR, and one (1) procurement item related to MTA Capital Construction recommended to it by the Long Island Rail Road Committee:

- Frontier Industrial Corp. – Removal & Disposal of Obsolete Railcars & Miscellaneous Scrap – LIRR requests MTA Board approval to ride MTA Metro-North Railroad’s competitively negotiated, five-year miscellaneous service MTA Metro-North Railroad (MNR) Contract #2010-001-C with Frontier Industrial Corp, (Frontier) for the removal and disposal of (i) obsolete electric propelled passenger coaches and (ii) additional miscellaneous equipment and rolling stock, including but not limited to locomotives, flatcars, boxcars, and gondola cars. Under this contract, Frontier will provide removal and disposal services to LIRR in the not-to-exceed amount of \$1,725,000 for a period of 22 months through December 2018, to be coterminous with MNR’s contract.
- Kawasaki Railcar, Inc. – Closed Circuit Television (CCTV) – LIRR requests approval to award a contract modification to Kawasaki Railcar, Inc. (KRC), in a negotiated firm fixed amount of \$4,220,000 for an Enhanced Closed Circuit Television (CCTV) system to be designed and installed on LIRR’s M-9 Railcars, which are being designed and manufactured by Kawasaki at its facilities in Kobe, Japan.
- MTA Capital Construction - Modification to the GCT Concourse and Facilities Fit-Out (CM014B) contract to add the requirement to repair and replace deteriorated portions of existing structural steel at the Grand Central Terminal Express Level under 48<sup>th</sup> Street between Madison and Park Avenues, in the amount of \$1,078,222.

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 summaries filed with those minutes, and in the video recording of the meeting produced by the MTA and maintained in the MTA records.

The Board was also presented with two (2) ratifications related to MTA Capital Construction, recommended to it by the Long Island Rail Road Committee:

- Ratification of a modification to the General Engineering Consultant Services (98-0040-01R) contract to increase the amount allocated to Construction Phase Services by \$27,000,000.
- Ratification of a modification to the GCT Concourse and Facilities Fit-Out (CM014A) contract to provide for the operation and maintenance of the Breaker 52-F6 of the B30 Substation to provide temporary power for construction in the caverns and tunnels, in the amount of \$1,563,352.

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

5. Capital Program Amendment.

MTA Senior Director, Capital Programs Craig Stewart gave a presentation on the proposed MTA 2015-2019 Capital Program Amendment. Mr. Stewart noted that MTA is working on a comprehensive amendment to the 2010-2014 and 2015-2019 Capital Programs. However, in order not to delay certain important initiatives, it is proposed to add the following projects to the 2015-2019 Capital Program at this time:

- New York City Transit (NYCT) – Enhanced Station Package #3 – rehabilitation of four stations on the Eighth Avenue Line - \$129 Million;
- Long Island Rail Road – Improvements to 33<sup>rd</sup> Street Corridor, Penn Station - \$170 Million; and
- Long Island Rail Road – Contribution towards the Moynihan Station Project - \$100 Million.

Funding sources for these initiatives are:

- NYCT Grand Central Terminal Fan Plant – delayed so that environmental planning and community issues can be addressed - \$97 Million;
- NYCT Structural Painting on the Jamaica Line – moved due to a lack of track access on the J Line at this time due to work on the Bushwick Cut - \$32 Million;
- LIRR M-9 Fleet Expansion Project – An option for 54 cars will now be exercised in the 2020-2024 Capital Program - \$151 Million; and
- \$119.4 Million from prior capital programs from good bid savings and other surplus funds and efficiencies.

Board Member Andrew Albert asked how costs would increase on projects that would be deferred by virtue of the Capital Program amendment.

Senior Director Stewart responded that we know this is an issue but we do not have an estimate of possible increased cost.

Board Member Mitchell Pally asked whether the deferral on option cars under the M-9 contract would affect the expected delivery schedules for the base cars now in production and for the option cars.

Senior Director Stewart responded that it would not; what was proposed was simply a cash flow adjustment.

Mr. Pally stated that improvements to Penn Station were very much needed and he was glad to see that such improvements were finally moving ahead. He also stated that Moynihan Station will be of significant benefit to LIRR, customers and in the future Metro-North customers as well. For these reasons, he would vote in favor of the Capital Program Amendment.

Upon motion duly made and seconded, the Board approved the proposed MTA 2015-2019 Capital Program Amendment, 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 MTA and maintained in the MTA records.

6. Executive Session:

Acting Chairman Ferrer asked for a motion for the Board to convene in Executive Session under Section 105(1)(e) of the Public Officers Law, in order to discuss matters relating to Collective Bargaining.

Upon motion duly made and seconded, the Board voted to convene in Executive Session.

7. Adjournment:

Upon motion duly made and second, the Board voted to return to Public Session.

Acting Chairman Ferrer stated that the Board had voted to approve the new Collective Bargaining Agreement between New York City Transit and the MTA Bus Company, and Transit Workers Union, Local 100.

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

Respectfully submitted,



Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**February 23, 2017**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
February 23, 2017

Meeting Held at  
2 Broadway, 20<sup>th</sup> Floor  
New York, New York 10004

10:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Ira Greenberg  
Hon. David Jones  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. John Samuelsen  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman

The following members were absent:

Hon. Carl V. Wortendyke

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member Norman Brown, Board Member Vincent Tessitore, Darryl Irick, Acting President, New York City Transit, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giuliatti, President, Metro-North Railroad, Donald Spero, President, Triborough Bridge and Tunnel Authority, Stephen Vidal, Acting 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 Company, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

1. **Public Speakers**

There were eighteen (18) public speakers. None of the speakers specifically commented on issues regarding the Triborough Bridge and Tunnel Authority.

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

2. **Approval of the Minutes of the Regular Meeting January 25, 2017**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on January 25, 2017 were approved.

3. **Committee on Finance**

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

(a) Action Item:

- Transfer of the 2016 TBTA operating surplus as described in the Staff Summary and Resolution distributed at the Bridges and Tunnels and the Finance Committee meetings.

With regard to the \$65 million payroll mobility tax (PMT) refunding reduction, Interim Executive Director Hakim commented that the MTA will be getting \$30 million more from the State without having to adjust any toll or fare increases. Commissioner Vanterpool commented on the decrease in pledged and promised State funds of \$67 million and mentioned that the Board materials note that fares and tolls do not cover all the expenses of the MTA, they cover half of the operating costs and one-third of capital costs. Acting Chairman Ferrer commented that there will be no impact on fares, tolls or service and that there is a \$30 million increase in funding from New York State.

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

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

**Procurements**

Commissioner Moerdler stated that there are four (4) procurements totaling \$120.9 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

Commissioner Moerdler stated that there are four (4) competitive procurements totaling \$120.9 million.

**Competitive Procurements**

**Personal Service Contracts**

AECOM USA, Inc.	Contract No. PSC-16-2991A	\$60,000,000.00
Ammann & Whitney Consulting Engineers	Contract No. PSC-16-2991B	

Dewberry Engineers, Inc. Contract No. PSC-16-2991C

Gannett Fleming Engineers and Architects, P.C. Contract No. PSC-16-2991D

HAKS Engineers, Architects and Land Surveyors, P.C. Contract No. PSC-16-2991E

Hardesty & Hanover Construction Services, LLC Contract No. PSC-16-2991F

Henningson, Durham & Richardson Architectural and Engineering P.C. Contract No. PSC-16-2991G

HNTB Corporation Contract No. PSC-16-2991H

Jacobs Civil Consultants, Inc. Contract No. PSC-16-2991I

KS Engineers, P.C./COWI Contract No. PSC-16-2991J

Modjeski & Masters, Inc. Contract No. PSC-16-2991K

Parsons Transportation Group Contract No. PSC-16-2991L

Syska Hennessy Group Contract No. PSC-16-2991M

Thornton Tomasetti Inc. Contract No. PSC-16-2991N

T.Y. Lin International Engineering, Architecture, and Land Surveying, P.C./Hatch Mott MacDonald Group, Inc. Contract No. PSC-16-2991O

WSP/Parsons Brinckerhoff, Inc. Contract No. PSC-16-2991P

B&T is seeking Board approval under the All-Agency Service Contract Procurement Guidelines to award personal service contracts to the sixteen firms listed above.

**Modifications to Purchase & Public Works Contracts**

Kiska Construction, Inc. Contract No. MP-03/MP-16 \$14,295,000.00  
 B&T is seeking Board approval under the All Agency General Contract Procurement

Guidelines to amend a public works contract, Contract MP-03/MP-16 with Kiska Construction, Inc. (Kiska) to perform civil, structural and electrical infrastructure construction work for Open Road Tolling (ORT) at the Marine Parkway-Gil Hodges Memorial Bridge (MPB) and Cross Bay Veterans Memorial Bridge (CBB).

El Sol Contracting & Construction Corp./El Sol Limited Enterprises J.V.	Contract No. RK-65A B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works contract, Contract RK-65A, for the necessary civil, structural and electrical infrastructure construction work for Open Road Tolling (ORT) at the Bronx and Queens approaches to the Robert F. Kennedy Bridge.	\$23,100,000.00
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Tutor Perini Corp.	Contract No. VN-80B B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works contract, Contract VN-80B, for the necessary civil, structural and electrical infrastructure construction work for the initial phase (Phase 1) of Open Road Tolling (ORT) for both the Upper and Lower Levels within the Staten Island Plaza and Approach in the westbound direction at the Verrazano-Narrows Bridge.	\$23,500,000.00
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Commissioner Saul requested that a report be given to the Board at its next meeting regarding the costs associated with ORT construction and Mr. Spero agreed to do so.

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

### **Ratifications**

Commissioner Moerdler stated that there are no ratifications.

### **Walk-On Item: TBTA Contract QM-40S Judlau Contracting, Inc.**

Mr. Spero introduced a walk-on item regarding TBTA Contract QM-40S with Judlau Contracting, Inc. (Judlau). He requested Board approval of a \$1.9 million amendment to the contract even though there has been recent significant adverse information against Judlau on an MTA Capital Construction contract related to the Cortlandt Street Station. Interim Executive Director Hakim stated that she reached out to Judlau and has received a letter affirming Judlau's commitment to the MTA on all of its contracts.

Commissioner Schwartz asked what would happen if this item is not voted on at this meeting so that the Board could obtain more information. Mr. Spero responded that there is significant work being performed by Judlau at the Queens Midtown Tunnel related to the Governor's initiatives and, as such, the amendment needs to be approved so that the ongoing construction work including, among other things, tunnel restoration, gantry installations, toll booth demolition, repaving and regrading can continue. Commissioner Saul commented that he was concerned about contracts being given to contractors without proper bidding and the Board should take the time to look at where the MTA stands with extra work orders. Acting Chairman Ferrer commented that the ORT portion of the engagement with Judlau has been working well and Judlau has given the MTA assurances regarding their work going forward. Commissioner Moerdler stated that at the next TBTA Committee meeting a report will be given on the ORT expenditures.

Upon a motion duly made and seconded, the Board approved the amendment to TBTA Contract QM-40S.

5. **MTA 2015-2019 Capital Program Amendment**

MTA Senior Director Capital Programs Craig Stewart distributed Staff Summary materials and discussed the proposed amendment to the MTA 2015-2019 Capital Program. Upon a motion duly made and seconded, the Board approved the amendment.

The details of the presentation 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.

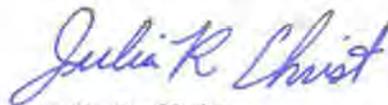
6. **Executive Session**

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 negotiations.

7. **Adjournment**

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

Respectfully submitted,



Julia R. Christ  
Secretary

**Regular Board Meeting**  
**MTA Capital Construction Company**  
**2 Broadway**  
**New York, NY 10004**  
**Thursday, February 23, 2017**  
**10:00 AM**

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Ira Greenberg  
Hon. David Jones  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Neal Zuckerman

The following member was absent:

Hon. Carl V. Wortendyke

Board Member Andrew Albert, Board Member Norman Brown, Board Member Ira Greenberg, Board Member Vincent Tessitore and Michael Horodniceanu, President, MTA Capital Construction Company also attended the meeting as did various other agency presidents and staff including Veronique Hakim, Interim Executive Director, MTA, Donna Evans, Chief of Staff, MTA, Helene Fromm, Acting General Counsel, MTA, Robert Foran, Chief Financial Officer, MTA, Stephen Morello, Counselor to the Chairman, MTA, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giulietti, President, Metro-North Railroad, Donald Spero, President, TBTA, Stephen Vidal, Acting President, MTA Bus Company and Evan M. Eisland, Sr. Vice President, General Counsel and 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.

Acting Chairman Ferrer called the meeting to order.

**Public Comment Period**

There were eighteen public speakers. The names and remarks of the speakers are contained in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority and in the minutes of the other agencies of this date.

**Approval of Minutes**

Upon motion duly made and seconded, the Board approved the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority and the MTA Capital Construction Company held on January 25, 2017.

## **Committee on Finance**

### Procurement

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

1. Award of a competitively bid, all-agency miscellaneous procurement contract (16425-0100) for software and services providing virtualization, disaster recovery capabilities, cloud brokering, and enterprise mobility management for a period of five years from February 28, 2017 through February 28, 2022, including two option years, in an amount not to exceed \$14,027,149.
2. Award of sixteen competitive-negotiated all-agency personal service contracts (15493-0100 thru 15493-1600) for organizational development, management development and professional services for employees, as required, during a period of thirty-six (36) months from April 1, 2017 through March 31, 2020 in not-to-exceed amount of \$7,800,000 for the three year period.

A copy of the Resolution and Staff Summaries for the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

## **Committee on NYCT and Bus**

### Procurement

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

A modification to the Consultant Construction Management Services contract (CM-1311) for the No. 7 Line Extension Project to extend the contract term 16 months (January 1, 2017 to April 30, 2018) for a cost of \$4,536,327.

A copy of the Resolution and Staff Summary for the above item is filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

## **Joint Committee on Metro North Railroad and Long Island Rail Road**

### Procurement

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

A modification to the GCT Concourse and Facilities Fit-Out contract (CM014B) for the East Side Access Project to add the requirement to repair and replace deteriorated portions of existing structural steel at the Grand Central Terminal Express Level under 48<sup>th</sup> Street between Madison Avenue and Park Avenue for the amount of \$1,078,222.

A copy of the Resolution and Staff Summary for the above item is filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

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

1. Ratification of a modification to the General Engineering Consultant Services (98-0040-01R) contract for the East Side Access Project to increase the amount allocated to Construction Phase Services by \$27,000,000.
2. Ratification of a modification to the GCT Concourse and Facilities Fit-Out (CM014A) contract for the East Side Access Project to provide for the operation and maintenance of the Breaker 52-F6 of the B30 Substation to provide temporary power for construction in the caverns and tunnels, in the amount of \$1,563,352.

A copy of the Resolutions and Staff Summaries for the above items are filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority of this date.

## **Executive Session**

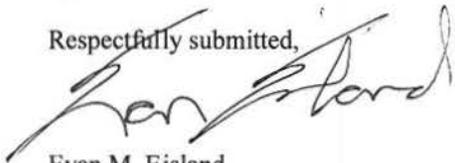
Upon motion duly made and seconded, the Board voted to convene into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

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

**Adjournment**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Evan Eisland", written in a cursive style.

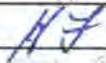
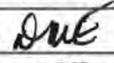
Evan M. Eisland  
Secretary

# Staff Summary

<b>Subject</b> 2016 Annual Procurement Report
<b>Department</b> MTA Business Service Center
<b>Department Head Name</b> Wael Hibri
<b>Department Head Signature</b> 
<b>Division Head Name</b> Procurement Directors

<b>Date</b> March 3, 2017
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/20/17	X		
2	Board	3/22/17	X		

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

**Purpose:**

To authorize the filing with the State of New York of the annual MTA All-Agency Procurement report for the period January 1, 2016 – December 31, 2016 as required under Section 2879 of the Public Authorities Law ("PAL").

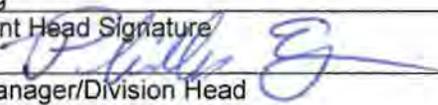
This report includes the following required material:

1. Contracts awarded in 2016 as prepared by each agency with payments made in 2016 as prepared by each agency and
2. Contracts awarded prior to 2016 as prepared by each agency with payments made in 2016 as prepared by each agency.

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

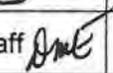
Many of the contracts on this list came before the Board during the course of the calendar year. The active contracts that were awarded prior to this calendar year were also included in the prior years' annual procurement reports, which have previously been reviewed by the Board.

# Staff Summary

Subject MTA Prompt Payment Annual Report 2016
Department Chief Operating Officer
Department Head Name Phillip Eng
Department Head Signature 
Project Manager/Division Head Wael Hibri

Date March 6 <sup>th</sup> , 2017
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Comm.	3/20/17			
2	Board	3/22/17			

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

**Purpose:**

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

**Discussion:**

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

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

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

For the current period, the total amount of prompt payment interest paid, Agency-wide is \$57,514 on a total invoice value paid of \$10,774,187,309. This is 8.7% decrease in the amount of prompt payment interest compared to the 2015 amount paid.

The principal reason for the late payments is as follows:

- 1) Public works (Capital) related invoices are approved in a capital system outside of the PeopleSoft environment. On occasion (0.0031%) invoices are not remitted timely to PeopleSoft for payment.

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

Enclosed is a copy of the Annual Prompt Payment Report for 2016, which will be filed by the MTA in accordance with the legislation requirement.

**MTA AND CONSTITUENT AGENCIES  
ANALYSIS OF 2016 TOTAL PAYMENTS**

	<b>TOTAL</b>	<b>TOTAL</b>	<b>NUMBER OF</b>	<b>VALUE OF</b>	<b>PERCENTAGE</b>	<b>PERCENTAGE</b>
	<b>NUMBER OF</b>	<b>VALUE OF</b>	<b>INTEREST</b>	<b>INTEREST</b>	<b>FOR NUMBER</b>	<b>FOR VALUE</b>
<b>AGENCY</b>	<b>INVOICES PAID</b>	<b>INVOICES PAID</b>	<b>INVOICES PAID</b>	<b>INVOICES PAID</b>	<b>OF INTEREST</b>	<b>OF INTEREST</b>
					<b>INVOICES PAID</b>	<b>INVOICES PAID</b>
LIRR	67,488	614,110,700	-	-	0.0000%	0.0000%
MNR	55,411	627,515,338	-	-	0.0000%	0.0000%
MTA	41,985	5,869,943,547	21	57,514	0.0500%	0.0010%
LIB	1,463	9,282,799	-	-	0.0000%	0.0000%
NYCTA	445,629	3,254,522,929	-	-	0.0000%	0.0000%
SIRTOA	2,552	21,701,140	-	-	0.0000%	0.0000%
B & T	8,616	160,467,752	-	-	0.0000%	0.0000%
BUS	62,963	216,643,103	-	-	0.0000%	0.0000%
<b>TOTALS</b>	<b>686,107</b>	<b>10,774,187,309</b>	<b>21</b>	<b>57,514</b>	<b>0.0031%</b>	<b>0.0005%</b>

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

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

<b>MTA AND CONSTITUENT AGENCIES ANALYSIS OF 2014 TOTAL PAYMENTS</b>						
<b>AGENCY</b>	<b>TOTAL NUMBER OF INVOICES PAID</b>	<b>TOTAL VALUE OF INVOICES PAID</b>	<b>NUMBER OF INTEREST INVOICES PAID</b>	<b>VALUE OF INTEREST INVOICES PAID</b>	<b>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</b>	<b>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</b>
LIRR	65,270	637,429,808	-	-	0.0000%	0.0000%
MNR	51,934	564,529,466	-	-	0.0000%	0.0000%
MTA	37,108	5,126,502,319	44	80,011	0.1186%	0.0016%
LIB	2,232	10,136,842	-	-	0.0000%	0.0000%
NYCTA	222,782	3,166,783,660	-	-	0.0000%	0.0000%
SIRTOA	2,903	13,704,655	-	-	0.0000%	0.0000%
B & T	9,400	159,047,875	-	-	0.0000%	0.0000%
BUS	62,233	182,398,455	-	-	0.0000%	0.0000%
<b>TOTALS</b>	<b>453,862</b>	<b>9,860,533,080</b>	<b>44</b>	<b>80,011</b>	<b>0.0097%</b>	<b>0.0008%</b>

<b>MTA AND CONSTITUENT AGENCIES ANALYSIS OF 2013 TOTAL PAYMENTS</b>						
<b>AGENCY</b>	<b>TOTAL NUMBER OF INVOICES PAID</b>	<b>TOTAL VALUE OF INVOICES PAID</b>	<b>NUMBER OF INTEREST INVOICES PAID</b>	<b>VALUE OF INTEREST INVOICES PAID</b>	<b>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</b>	<b>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</b>
LIRR	61,184	565,556,397	-	-	0.0000%	0.0000%
MNR	48,980	515,614,865	-	-	0.0000%	0.0000%
MTA	35,383	5,215,253,125	40	54,068	0.1130%	0.0010%
LIB	2,610	14,204,653	-	-	0.0000%	0.0000%
NYCTA	207,523	3,007,265,756	-	-	0.0000%	0.0000%
SIRTOA	2,793	15,391,092	-	-	0.0000%	0.0000%
B & T	8,548	101,980,089	-	-	0.0000%	0.0000%
BUS	53,481	172,748,169	-	-	0.0000%	0.0000%
<b>TOTALS</b>	<b>420,502</b>	<b>9,608,014,147</b>	<b>40</b>	<b>54,068</b>	<b>0.0095%</b>	<b>0.0006%</b>

<b>MTA AND CONSTITUENT AGENCIES ANALYSIS OF 2012 TOTAL PAYMENTS</b>						
<b>AGENCY</b>	<b>TOTAL NUMBER OF INVOICES PAID</b>	<b>TOTAL VALUE OF INVOICES PAID</b>	<b>NUMBER OF INTEREST INVOICES PAID</b>	<b>VALUE OF INTEREST INVOICES PAID</b>	<b>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</b>	<b>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</b>
LIRR	58,585	545,055,919	-	-	0.0000%	0.0000%
MNR	50,241	516,797,806	-	-	0.0000%	0.0000%
MTA	34,096	5,337,984,957	106	103,204	0.3109%	0.0019%
LIB	4,333	15,885,627	-	-	0.0000%	0.0000%
NYCTA	192,630	2,792,783,178	1	11,106	0.0005%	0.0004%
SIRTOA	1,450	8,803,844	-	-	0.0000%	0.0000%
B & T	9,476	88,776,621	-	-	0.0000%	0.0000%
BUS	48,753	143,155,892	-	-	0.0000%	0.0000%
<b>TOTALS</b>	<b>399,564</b>	<b>9,449,243,844</b>	<b>107</b>	<b>114,310</b>	<b>0.0268%</b>	<b>0.0012%</b>

<b>MTA AND CONSTITUENT AGENCIES ANALYSIS OF 2011 TOTAL PAYMENTS</b>						
<b>AGENCY</b>	<b>TOTAL NUMBER OF INVOICES PAID</b>	<b>TOTAL VALUE OF INVOICES PAID</b>	<b>NUMBER OF INTEREST INVOICES PAID</b>	<b>VALUE OF INTEREST INVOICES PAID</b>	<b>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</b>	<b>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</b>
LIRR	55,915	469,672,581	193	6,636	0.3452%	0.0014%
MNR	55,475	442,413,198	158	3,848	0.2848%	0.0009%
MTA	31,590	4,573,334,432	31	607	0.0981%	0.0000%
LIB	13,655	73,634,145	3	4.29	0.0220%	0.0000%
NYCTA	194,520	2,869,352,413	-	-	0.0000%	0.0000%
SIRTOA	455	581,052	-	-	0.0000%	0.0000%
B & T	9,238	95,215,104	57	1,650	0.6170%	0.0017%
BUS	49,284	115,563,716	28	18,424	0.0568%	0.0159%
<b>TOTALS</b>	<b>410,132</b>	<b>8,639,766,641</b>	<b>470</b>	<b>31,170</b>	<b>0.1146%</b>	<b>0.0004%</b>

**MTA AND CONSTITUENT AGENCIES  
ANALYSIS OF 2010 TOTAL PAYMENTS**

<u>AGENCY</u>	<u>TOTAL NUMBER OF INVOICES PAID</u>	<u>TOTAL VALUE OF INVOICES PAID</u>	<u>NUMBER OF INTEREST INVOICES PAID</u>	<u>VALUE OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR NUMBER OF INTEREST INVOICES PAID</u>	<u>PERCENTAGE FOR VALUE OF INTEREST INVOICES PAID</u>
LIRR	52,031	1,057,285,548	56	5,970	0.1076%	0.0006%
MNR	65,880	359,061,186	-	-	0.0000%	0.0000%
MTA	35,209	5,371,540,551	6	369	0.0170%	0.0000%
LIB	13,475	52,716,872	71	2278	0.5269%	0.0043%
NYCTA	86,623	1,059,400,000	512	32,667	0.5911%	0.0031%
SIRTOA	2,147	15,334,580	-	-	0.0000%	0.0000%
B & T	12,776	466,311,223	1	1	0.0078%	0.0000%
<b>TOTALS</b>	<b>268,141</b>	<b>8,381,649,960</b>	<b>646</b>	<b>41,285</b>	<b>0.2409%</b>	<b>0.0005%</b>

# Staff Summary

<b>Subject</b> Request for Authorization to Award Various Procurements
<b>Department</b> Executive
<b>Department Head Name</b> Phillip Eng
<b>Department Head Signature</b> 
<b>Division Head Name</b> Wael Hibri

<b>Date</b> March 15, 2017
<b>Vendor Name</b> Various
<b>Contract Number</b> Various
<b>Contract Manager Name</b> Various
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/20/2017	X		
2	Board	3/22/2017	X		

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

**PURPOSE:**

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

**DISCUSSION:**

**# of Actions    \$ Amount**

MTAHQ proposes to award Non-competitive procurements in the following categories:      None      None

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts	11	\$16,742,484.38
Schedule H: Modification to Personal Service/Miscellaneous Service Contracts	3	\$103,535,000.00
<b>SUBTOTAL</b>	<b>14</b>	<b>\$120,277,484.38</b>

MTAHQ presents the following procurement actions for Ratification:

	None	None
<b>TOTAL</b>	<b>14</b>	<b>\$120,277,484.38</b>

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

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

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, MARCH 2017**  
**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

- |           |   |                                       |                                      |
|-----------|---|---------------------------------------|--------------------------------------|
| <b>1.</b> | <b>Willis of New York, Inc.<br/>Insurance Broker Services<br/>Contract No. 90000000002086</b> | <b>\$7,433,725</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|-----------|---|---------------------------------------|--------------------------------------|

Competitively negotiated – 5 proposals – 96 months

To recommend that the Board approve: i) the authorization of MTA Risk and Insurance Management (“RIM”) to utilize Owner Controlled Insurance Program (“OCIP”) coverage and ii) the award of a competitively negotiated, personal services contract to Willis of New York, Inc. as the Broker of Record for the OCIP 2015-2019 Capital Program and Sandy Related Projects for a period of eight (8) years from April 1, 2017 to March 31, 2025 at a total cost not to exceed \$ 7,433,725 for the eight (8) year term of the contract which includes an 18 month runoff period. The OCIP and broker service contract will cover the balance of the 2015-2019 Capital Program and Sandy Related Projects for NYCT, LIRR, MNR and the Small Business Mentor Program (SBMP). This approval will permit the broker(s) to approach the insurance marketplace to acquire quotations for the coverage required under the terms of the Contract.

NYCT, LIRR, MNR and SBMP projects for the balance of the 2015 – 2019 Capital Program and Sandy Related Projects, expected to be awarded over the next three years, would be included in this OCIP. With an approximate listing of over 300 projects, construction values are estimated to be over \$2 billion. By combining all of these projects into one insurance program, the MTA benefits by maximizing its purchasing power. Other OCIP benefits include consistency and uniformity of insurance coverage, greater control of jobsite safety, and avoided costs of MTA protective liability insurance. With an estimated savings of 0.4%-3.5% of total contract cost over traditional contractor provided insurance, a \$2 billion OCIP program will generate a range of \$8-\$70 million in savings. As a result of negotiations, the original cost of \$9,136,225 proposed by Willis for the eight-year period was reduced to \$7,433,725, a negotiated savings of \$1,702,500 or 18.635%. The total eight year cost of \$7,433,725 is also lower than the costs proposed by AON). Willis total cost of \$7,433,725 and average hourly rate of \$109 compared favorably with the costs of the other short listed proposer (AON). Based on the negotiated savings and favorable cost comparison with the other short listed proposer, the negotiated cost of \$7,433,725 is deemed to be fair and reasonable.

- 2-10. AFT projects at nine NYCT Subway Stations on the Sea Beach Line** – AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively negotiated - 890 proposals - 24 months.

Olalekan Jeyifous, 8th Avenue - NYCT (\$210,000)

Competitively negotiated - 28 proposals - 24 months.

Rafael Lozano-Hemmer, Fort Hamilton Parkway - NYCT (\$330,000)

Competitively negotiated – Contract Extension - 24 months.

Andrea Dezsö, New Utrecht Avenue - NYCT (\$200,000)

Competitively negotiated - 890 proposals - 24 months.

Karen Margolis, 18th Avenue - NYCT (\$210,000)

**METROPOLITAN TRANSPORTATION AUTHORITY**  
**COMPETITIVE PROCUREMENTS**

Competitively negotiated - 890 proposals - 24 months.  
David Storey, 20th Avenue - NYCT (\$210,000)  
Competitively negotiated - 890 proposals - 24 months.  
Eamon Ore-Giron, Bay Parkway - NYCT (\$210,000)  
Competitively negotiated - 28 proposals - 24 months.  
Future Cities, Kings Highway - NYCT (\$230,000)  
Competitively negotiated - 28 proposals - 24 months.  
Future Cities, Avenue U - NYCT (\$230,000)  
Competitively negotiated - 890 proposals - 24 months.  
Maria Berrio, 86th Street - NYCT (\$210,000)

- 11. East Harlem Community Collaborators, JV** **\$7,268,759.38** Staff Summary Attached  
**Outreach Services for Phase II of Second** (not-to-exceed)  
**Avenue Subway Project**  
**Contract No. 16457-0100**

To recommend that the Board approve the award of a competitively negotiated, personal service contract to provide Outreach Services for Phase II of Second Avenue Subway Project for a period of 60 months from April 1, 2017 through March 31, 2022 to East Harlem Community Collaborators, JV, (a joint venture formed by Sam Schwartz Engineering D.P.C. and Spectrum Personal Communications Corp.) in the amount not to exceed \$7,268,759.38. Phase II of the Second Avenue Subway project requires the services of a vendor to staff, manage and maintain a Community Information Center (“CIC”) and conduct community outreach activities under the supervision of MTACC Public Affairs. East Harlem Community Collaborators, JV’s submitted an initial cost proposal in the amount of \$8,092,169.94. At the conclusion of Negotiations, MTA requested a Best and Final Offer (“BAFO”) from East Harlem Community Collaborators, JV. On March 9, 2017, East Harlem Community Collaborators, JV submitted their BAFO in the amount of \$7,268,759.38 which was accepted by MTA. The negotiated cost is \$823,410.56 or 10.17% lower than their initial cost proposal and is \$1,735,178.62 or 19.27% lower than MTACC engineer’s estimate of \$9,003,938. Based on the above the negotiated cost of \$7,268,759.38 is considered to be fair and reasonable.

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

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

- 12. Willdan Homeland Solutions, Inc.** **\$ 950,000**  
**Multi-Agency Security and Emergency** (Total)  
**Response Training Consulting Services**  
**Contract No. 13306-0100, c/o #3**

Base plus previous change order = \$2,620,000

To recommend that the Board approve an amendment to the previously Board-approved, competitively negotiated, personal services contract to increase the value of the current contract that is in effect from May 1, 2016 to April 30, 2018, the base contract is being increased by an additional \$950,000 from \$2,620,000 to \$3,570,000. The contract increase is fully funded through a 2016 Grant Award from the Department of Homeland Security. This grant is time-sensitive, and must be spent before the grant expiration date or the funds are forfeited. The additional contract value requested will be utilized to develop and fund continuing Security Awareness training for NYCT, MNR, LIRR and SIRT. This training will provide the front line employees with the skills to prevent or mitigate the effects of a terrorist threat or major incident

**METROPOLITAN TRANSPORTATION AUTHORITY**  
**COMPETITIVE PROCUREMENTS**

to the employees themselves, the riding public and the MTA systems. The training will be based on the “National Planning Scenarios” that are the basis of federal training and exercise regimen. Scenarios will include Terrorist Tactics, Identifying Suspicious Activity, Improvised Explosive Devices, and Active Shooter. Willdan Homeland Solutions, Inc. has the requisite experience and resources to perform the work. MTA HQ procurement prepares to release a new RFP for Security and Emergency Response Training Consulting Services in 2018. There are no changes to the present rates in the contract to complete this work, which is considered fair and reasonable.

- |  |                    |                                      |
|--|--------------------|--------------------------------------|
| <b>13. EyeMed Vision Care LLC</b>      | <b>\$5,485,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Vision Benefits</b>                 | <b>(Total)</b>     |                                      |
| <b>Contract No. 11089-0100, c/o #2</b> |                    |                                      |

Base plus previous change order = \$12,368,410  
To recommend that the Board approve an amendment to a previously Board-approved, competitively negotiated, all-agency personal services contract with EyeMed Vision Care LLC (“EyeMed”) to provide vision benefits for non-represented employees and some represented employees and retirees. The modification amends the contract to extend it for a period of twenty one months from April 1, 2017 to December 31, 2018. During this time period additional funding in the amount of \$5,485,000 is needed to continue to provide vision benefits. This extension allows the MTA to evaluate the benefits and prepare to implement a self-insured vision plan, assess its need for internal MTA administrative resources to manage a self-insured plan, and to prepare and execute a full RFP. . Originally EyeMed’s proposal was \$5,560,000 which was negotiated to \$5,485,000 providing savings of \$75,000 over the new contract extension period. MTA projects a 3% fixed increase over current rates for the duration of the extension in line with the projected industry increases.

- |  |                     |                                      |
|--|---------------------|--------------------------------------|
| <b>14. Metropolitan Life Insurance Company</b> | <b>\$97,100,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Dental Benefits</b>                         | <b>(Total)</b>      |                                      |
| <b>Contract No. 11089-0200, c/o #2</b>         |                     |                                      |

Base plus previous change order = \$163,226,040  
To recommend that the Board approve an amendment to a previously Board-approved, competitively negotiated, all-agency personal services contract with Metropolitan Life Insurance Company (“MetLife”) to provide dental benefits for non-represented employees and certain represented and retired employees. This modification amends to retroactively extend the contract for three (3) years from January 1, 2017 to December 31, 2019 for an additional cost of \$97,100,000. This extension will enable the MTA to prepare to implement a self-insured dental plan, assess the need for internal MTA administrative resources to manage the self-insured plan, and prepare and execute a full Request For Proposals (“RFP”). The original MetLife 3 year proposal was \$102,900,000 which was negotiated to \$97,100,000. As a result of negotiations, MTA will realize projected savings of \$5,800,000 over 3 year period compared to the original MetLife proposal. When compared to the previous contract spend MTA will realize \$18,100,000 over 3 years. Savings come from adjustments to the loss ratio that more accurately reflect the claims history of the MTA population.

As part of the extension, MTA will require MetLife to cover a dental claims/operational audit conducted by a benefits consultant, at a cost of \$35,000 to \$40,000. To help ensure that the MetLife premium is a fair representation of the actual cost of the claims, MetLife agreed to return portions of the premium based on a mutually agreed formula tied to a standard loss ratio, as a means to further adjust premium level in the event that experience is favorable during the three year period.

# Staff Summary

## Schedule F: Personal Service Contracts



<b>Item Number:</b>					
<b>Dept &amp; Dept Head Name:</b> Finance / Robert Foran					
<b>Division &amp; Division Head Name:</b> Risk and Insurance Management / Phyllis Rachmuth					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	Finance	3/20/17			
2	Board	3/22/17			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Procurement <i>(initials)</i>	4	DDCR <i>(initials)</i>		
2	Legal <i>HJ</i>	5	CFO <i>(initials)</i>		
3	Risk & Insurance Mgmt <i>(initials)</i>	6	Sr. Dir. Capital Programs <i>(initials)</i>		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name:</b> Willis of New York, Inc.	<b>Contract Number:</b> 90000000002086
<b>Description:</b> Insurance Broker Services	
<b>Total Amount:</b> \$7,433,725.00	
<b>Contract Term (including Options, if any):</b> Eight (8) Years	
<b>Option(s) Included in Total Amount?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source:</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative**

**I. PURPOSE/RECOMMENDATION**

To recommend that the Board approve: i) the authorization of MTA Risk and Insurance Management ("RIM") to utilize Owner Controlled Insurance Program ("OCIP") coverage and ii) the award of a competitively negotiated, personal services contract to Willis of New York, Inc. as the Broker of Record for the OCIP 2015-2019 Capital Program and Sandy Related Projects for a period of eight (8) years from April 1, 2017 to March 31, 2025 at a total cost not to exceed \$ 7,433,725 for the eight (8) year term of the contract which includes an 18 month runoff period. The OCIP and broker service contract will cover the balance of the 2015-2019 Capital Program and Sandy Related Projects for NYCT, LIRR, MNR and the Small Business Mentor Program (SBMP). This approval will permit the broker(s) to approach the insurance marketplace to acquire quotations for the coverage required under the terms of the Contract.

**II. DISCUSSION**

Over the years, OCIPs (a/k/a wrap-up insurance) have been successfully utilized on several agency capital projects. Completed programs include LIRR's Renovation of Penn Station, Main Line Electrification and Hillside/Holban Maintenance of Equipment, NYCT Stations 1998, MTA Two Broadway, LIRR's High Level Platform and Diesel Shops & Yards, NYCT's 63rd Street Connector Tunnel, Franklin Avenue Shuttle, NYCT Stations 1999 and MNR's Park Avenue Viaduct program. Programs in closeout include the NYCT 2000-2004 Capital Program Stations and Escalators/Elevators and Line Structures, and LIRR/MNR 2000-2004 Capital Program. Active OCIPs include the NYCT 2005-2009 Capital Program, LIRR/MNR 2005-2009 Capital Program, MTACC East Side Access, MTACC Second Avenue Subway and 2010-2014 Capital Program for NYCT, LIRR, MNR and SBMP.

Generally, OCIPs produce cost savings if projects are in excess of \$100 million and meet certain criteria such as a high percentage of labor cost when compared to total construction dollars. These savings have been demonstrated at the MTA. In September 2003, the MTA commissioned a study with Deloitte & Touche concerning the cost effectiveness of our most recent capital program OCIPs. The results showed that those OCIPs will save approximately 0.5% to 4% of the total contract cost. In May of 2016, MTA commissioned a follow up study with Ernst & Young that reaffirmed savings projections of 0.4% to 3.5% of the total contract cost. In addition to cost savings, OCIPs benefit the MTA by covering our capital construction projects with higher limits of insurance and uniform insurance coverage across all trades thereby better protecting the interests of the MTA.

NYCT, LIRR, MNR and SBMP projects for the balance of the 2015 – 2019 Capital Program and Sandy Related Projects, expected to be awarded over the next three years, would be included in this OCIP. With an approximate listing of over 300 projects, construction values are estimated to be over \$2 billion. By combining all of these projects into one insurance program, the MTA benefits by maximizing its purchasing power.

Other OCIP benefits include consistency and uniformity of insurance coverage, greater control of jobsite safety, and avoided costs of MTA protective liability insurance. With an estimated savings of 0.4%-3.5% of total contract cost over traditional contractor provided insurance, a \$2 billion OCIP program will generate a range of \$8-\$70 million in savings.

In accordance with the terms of the contract for this OCIP, each contractor and subcontractor of every tier working on the projects will be provided with a uniform Workers' Compensation, Commercial General Liability, Excess Liability and Builder's Risk Insurance policy. We anticipate that coverage will be provided for the entire term of the OCIP, estimated to be six (6) years, and will be non-cancelable except for non-payment of premium or non-compliance with serious safety recommendations.

A Request for Proposal(s) ("RFP") was publicly advertised and letters informing potential proposers of the RFP's availability were emailed to 20 firms, 8 of which were MBE/WBE firms. Five (5) proposals were received on November 1, 2016. A selection committee, comprised of representatives from MTA RIM, MTA Capital Program Management, NYCT Capital Program Management, MNR Capital Program Management and MTA DDCR, evaluated the proposals and recommended that three (3) firms (Willis, Marsh and AON) be invited to make oral presentations. Upon conclusion of the oral presentations, the selection committee determined two (2) (Willis and AON) to be the most qualified to perform the services required by the RFP.

The selection committee chose Willis based on the following considerations: a) They showed the best understanding of the program and offered flexibility in design and delivery; b) They were experienced with Small Business Mentor Programs; and c) Their proposed service plan and cost proposal was most in line with the expectations of the program manager.

As a result of negotiations, the original cost of \$9,136,225 proposed by Willis for the eight-year period was reduced to \$7,433,725, a negotiated savings of \$1,702,500 or 18.635%. Willis total cost of \$7,433,725 and average hourly rate of \$109 compared favorably with the costs of the other short listed proposer (AON). Based on the negotiated savings and favorable cost comparison with the other short listed proposer, the negotiated cost of \$7,433,725 is deemed to be fair and reasonable.

In connection with the review of the Contractor's responsibility pursuant to the All-Agency Responsibility Guidelines, the Contractor was found to be responsible notwithstanding significant adverse information and such responsibility finding was approved by the Interim Executive Director in consultation with the MTA Acting General Counsel.

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

MTA Department of Diversity and Civil Rights has assigned a 20% DBE goal. Willis of New York, Inc. has projected to exceed the goal. Willis of New York, Inc. has satisfied their previous MWBE requirements on a previous contract.

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

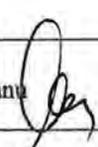
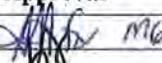
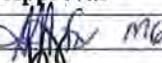
The total not-to-exceed cost of \$7,433,725 will be provided by the 2015-2019 Capital Program and Sandy Related Projects allocated over the agencies participating in the program. Specific funding sources and amounts will not be known until the remainder of the Capital Plan is authorized.

### **V. ALTERNATIVES**

Do not utilize OCIP Coverage - This alternative is not feasible. The alternative to an OCIP would be to require each and every contractor to purchase insurance coverage and provide the MTA with evidence of that insurance. Costs for insurance would be included in contract bids. Based on MTA's prior experience, insuring the program utilizing this method in lieu of an OCIP could cost an additional 0.4% to 4% in insurance premiums. OCIPs also provide for greater control over job site safety and assure that all contractors will have the proper insurance coverage in place for the term of the programs. Should an OCIP not be purchased, these assurances/benefits will be lost.

Perform service in-house - This alternative is neither feasible nor cost effective. MTA does not have the staff with the specialized expertise or experience to perform the necessary services.

**Staff Summary**

<b>Item Number 1</b>						<b>SUMMARY INFORMATION</b>					
<b>Agency Head Name:</b> MTA Capital Construction - Dr. Michael Horodniceanu 						<b>Vendor Name:</b> East Harlem Community Collaborators, JV				<b>Contract Number:</b> 16457-0100	
<b>Division and Division Head Name:</b> MTA Capital Construction – Public Affairs, Richard Mulieri						<b>Description</b> Outreach Services for Phase II of Second Avenue Subway Project					
<b>Board Reviews</b>						<b>Total Amount</b> \$7,268,759.38					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Contract Term</b> 5 Years					
1	Finance	3/20/17				<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A					
2	Board	3/22/17				<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
<b>Internal Approvals</b>						<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>			<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:					
1	Procurement 	3	DDCR  MG			<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:					
2	Legal 	4	CFO 								

**I. PURPOSE/RECOMMENDATION:**

To recommend that the Board approve the award of a competitively negotiated, personal service contract to provide Outreach Services for Phase II of Second Avenue Subway Project for a period of 60 months from April 1, 2017 through March 31, 2022 to East Harlem Community Collaborators, JV, (a joint venture formed by Spectrum Personal Communications Corp., a certified DBE and Sam Schwartz Engineering D.P.C.) in the amount not to exceed \$7,268,759.38.

**II. DISCUSSION:**

Phase II of the Second Avenue Subway project requires the services of a vendor to staff, manage and maintain a Community Information Center (“CIC”) and conduct community outreach activities under the supervision of MTACC Public Affairs. The work generally includes coordinating and assisting in the development of programming activities and events at the CIC; conducting tours, educational events and community meetings; assisting in the planning of meetings with local community leaders and groups; assisting in the preparation of presentations for Community Boards and elected officials; providing communications support to advise the community and officials of the project schedule and any associated disruptions to services and access and; providing graphic support for CIC Exhibits, promotional materials, way finding signage, public workshops and other printed materials as needed.

The Request for Proposal (“RFP”) was publicly advertised and a letter announcing the availability of the RFP and a Pre-Proposal conference was sent to 74 prospective firms of which 42 are DBE firms, 32 firms requested the RFP documents. Five proposals were received as a result of the RFP and was reviewed by the selection committee.

The selection committee comprised of representatives from MTA Marketing, MTA Construction Oversight, MTA Department of Diversity and Civil Rights (“DDCR”), and MTACC’s Public Affairs Departments evaluated and scored the technical proposals according to the established evaluation criteria. Based on the evaluation, the Selection Committee determined that the Technical Proposal submitted by East Harlem Community Collaborators, JV, was the only one that demonstrated a thorough understanding of the RFP requirements and scope of work and possessed the necessary experience. Since the Technical Proposals submitted by the other firms were not within a competitive range of the one submitted by East Harlem Community Collaborators, JV, they were removed from further consideration. The committee recommended that East Harlem Community Collaborators, JV be invited to provide the MTA with an oral presentation. Upon conclusion of the oral presentation, the selection committee determined East Harlem Community Collaborators, JV to be the most qualified firm to perform the services required by the RFP. Accordingly, MTA HQ Procurement commenced negotiations with East Harlem Community Collaborators, JV.

**Staff Summary**

East Harlem Community Collaborators, JV's submitted an initial cost proposal in the amount of \$8,092,169.94. At the conclusion of Negotiations, MTA requested a Best and Final Offer ("BAFO") from East Harlem Community Collaborators, JV. On March 9, 2017, East Harlem Community Collaborators, JV submitted their BAFO in the amount of \$7,268,759.38 which was accepted by MTA. The negotiated cost is \$823,410.56 or 10.17% lower than their initial cost proposal and is \$1,735,178.62 or 19.27% lower than MTACC engineer's estimate of \$9,003,938. Based on the above the negotiated cost of \$7,268,759.38 is considered to be fair and reasonable.

Responsibility checks were performed on East Harlem Community Collaborators, JV and no Significant Adverse Information as defined in the All Agency Responsibility Guidelines was found.

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

MTA Department of Diversity and Civil Rights has assigned a 20% DBE goal on this contract. East Harlem SAS Community Collaborators, JV have satisfactorily projected to fulfill the assigned goals. East Harlem SAS Community Collaborators, JV have 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:**

Funding is available in the 2015 - 19 Capital Program and it is anticipated that a portion of which will come from the Federal Transit Administration.

**V. ALTERNATIVES:**

There are no viable alternatives for procuring this work at this time. Based on the evaluation of the RFPs, East Harlem Community Collaborators, JV provided the overall highest rated technical proposal and a fair and reasonable price was negotiated.

# Staff Summary

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

Item Number:

Page 1 of 1

<b>Vendor Name (&amp; Location):</b> EyeMed Vision Care LLC	<b>Contract Number:</b> 10089-0100	<b>AWO/Modification #</b> 2
<b>Description:</b> Vision Benefits	<b>Original Amount:</b>	\$12,368,410
<b>Contract Term (including Options, if any):</b> April 1, 2017 through December 31, 2018	<b>Prior Modifications:</b>	\$ 0
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	\$ 0
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$12,368,410
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:C/O	<b>This Request:</b>	\$ 5,485,000
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	44.35%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Margaret M. Connor	<b>% of Modifications (including This Request) to Original Amount:</b>	44.35%

### DISCUSSION:

To recommend that the Board approve an amendment to a previously Board-approved, competitively negotiated, all-agency personal services contract with EyeMed Vision Care LLC (“EyeMed”) to provide vision benefits for non-represented employees and some represented employees and retirees. The modification amends the contract to extend it for a period of twenty one months from April 1, 2017 to December 31, 2018. During this time period additional funding in the amount of \$5,485,000 is needed to continue to provide vision benefits. This extension allows the MTA to evaluate the benefits and prepare to implement a self-insured vision plan, assess its need for internal MTA administrative resources to manage a self-insured plan, and to prepare and execute a full RFP.

Currently, the MTA offers a vision benefit plan to non-represented employees and retirees and certain represented employees and retirees. There are approximately 37,069 employees and retirees who participate. Coverage extends to eligible dependents of active employees and retirees. The MTA subsidizes the full cost of the vision plans. Participants are responsible for applicable co-payments and non-participating provider charges and the like, and for any services that are not covered by the insurance programs. Mercer Consulting has projected an industry-wide annual increase of 3.0% for vision coverage.

EyeMed provided several proposals that included 1 year, 2 year, 3 year and 4 year extensions. Mercer reviewed the proposals and analyzed EyeMed’s renewals based on historical plan’s claims utilization and EyeMed’s expected inflation factor. (Mercer uses their proprietary SMART (Specific, Measureable, Achievable, Realistic, Timely) tool combined with Mercer’s actuarial underwriting guidelines to develop all cost projections.)

After reviewing the proposals and extensive negotiations with EyeMed the recommendation is to execute the twenty one month extension to allow for sufficient time to research a self-insured vision plan option, including assessment of need for internal MTA administrative resources to manage the self-insured plans, and prepare and execute a full RFP process. Originally EyeMed’s proposal was \$5,560,000 which was negotiated to \$5,485,000 providing savings of \$75,000 over the new contract extension period. MTA projects a 3% fixed increase over current rates for the duration of the extension in line with the projected industry increases.

# Staff Summary

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

Item Number:

Page 1 of 1

<b>Vendor Name (&amp; Location):</b> Metropolitan Life Insurance Company	<b>Contract Number:</b> 10089-0200	<b>AWO/Modification #</b> 2
<b>Description:</b> Dental Benefits	<b>Original Amount:</b>	\$163,226,040
<b>Contract Term (including Options, if any):</b> January 1, 2017 through December 31, 2019	<b>Prior Modifications:</b>	\$ 0
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	\$ 0
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$163,226,040
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:C/O	<b>This Request:</b>	\$ 97,100,000
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	59%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Margaret M. Connor	<b>% of Modifications (including This Request) to Original Amount:</b>	59%

### DISCUSSION:

To recommend that the Board approve an amendment to a previously Board-approved, competitively negotiated, all-agency personal services contract with Metropolitan Life Insurance Company (“MetLife”) to provide dental benefits for non-represented employees and certain represented and retired employees. This modification amends to retroactively extend the contract for three (3) years from January 1, 2017 to December 31, 2019 for an additional cost of \$97,100,000. This extension will enable the MTA to prepare to implement a self-insured dental plan, assess the need for internal MTA administrative resources to manage the self-insured plan, and prepare and execute a full Request For Proposals (“RFP”).

Currently, the MTA offers a dental benefit plan to non-represented employees and retirees and certain represented employees and retirees. There are approximately 31,394 employees and retirees who participate. Coverage extends to eligible dependents of active employees and retirees. The MTA subsidizes the full cost of the dental plans. Participants are responsible for applicable deductibles, co-payments, non-participating provider charges, and for any other such costs and any services that are not covered by the insurance program. AON Consulting has projected an industry-wide annual increase of 4.0% for dental coverage.

Actual utilization of the benefits during the prior period showed that actual utilization was lower than projected, therefore the MTA asked MetLife for a commensurate adjustment of premiums. MetLife provided several proposals that included 1 year, 2 year, 3 year and 5 year extensions. MTA engaged AON to review analyze and advise the MTA on the proposals (AON used the AON Health Care Trend Survey to model the projected cost of the plans. The survey is industry accepted and widely utilized in the solicitation of dental providers by many large public and private employers).

After reviewing the proposals and extensive negotiations with MetLife the recommendation is to execute the 3-year extension to the contract since it provides the most per year savings to MTA while allowing time to implement a self-billing process and assessing a self-insured dental plan option and conduct an all-MTA RFP. The original MetLife 3 year proposal was \$102,900,000 which was negotiated to \$97,100,000. As a result of negotiations, MTA will realize projected savings of \$5,800,000 over 3 year period compared to the original MetLife proposal. When compared to the previous contract spend MTA will realize \$18,100,000 over 3 years. Savings come from adjustments to the loss ratio that more accurately reflect the claims history of the MTA population. (The loss ratio is the difference between the ratios of premiums paid to an insurance company and the claims settled by the company.)

As part of the extension, MTA will require MetLife to cover a dental claims/operational audit conducted by a benefits consultant, at a cost of \$35,000 to \$40,000. To help ensure that the MetLife premium is a fair representation of the actual cost of the claims, MetLife agreed to return portions of the premium based on a mutually agreed formula tied to a standard loss ratio, as a means to further adjust premium level in the event that experience is favorable during the three year period.

In connection with the review of the Contractor’s responsibility pursuant to the All-Agency Responsibility Guidelines, the Contractor was found to be responsible notwithstanding significant adverse information and such responsibility finding was approved by the Interim Executive Director in consultation with the MTA Acting General Counsel.

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**MARCH 2017**  
**MTA REAL ESTATE**  
**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**MTA NEW YORK CITY TRANSIT**

License agreement with Edison NY Parking LLC for short-term construction staging at 167 Essex Street, Manhattan

Acquisition of fee simple title from Gregory Hernandez for Myrtle Viaduct Reconstruction Project through eminent domain of property at Kings County Block: 3193; Lot: 12 a/k/a 13 Ditmars Street, Brooklyn

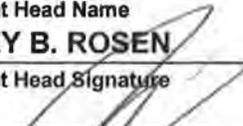
Modification of license agreement with Transit Wireless, LLC for additional services in support of MTA IT initiatives

**METROPOLITAN TRANSPORTATION AUTHORITY**

Funding agreement with Empire State Development related to Moynihan Station

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

# Staff Summary

Subject <b>LICENSE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>ARTURO ESPINOZA</b>

Date <b>MARCH 20, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/20/17	X		
2	Board	3/22/17	X		

Internal Approvals			
Order	Approval	Order	Approval
		1	Legal <i>HJ</i>
3	Chief of Staff <i>AME</i>		
2	Chief Financial Officer <i>ES</i>		

AGENCY: MTA New York City Transit ("NYCT")  
 LICENSOR: Edison NY Parking, LLC ("Edison Parking")  
 AFFECTED PROPERTY: 167 Essex Street, Manhattan  
 ACTIVITY: Staging area for construction  
 ACTION REQUESTED: Approval of terms  
 TERM: 6 months  
 SPACE: Approximately 855 square feet (10 parking spaces)  
 COMPENSATION: \$6,000.00 per month (\$600 per month, per parking space)

**COMMENTS:**

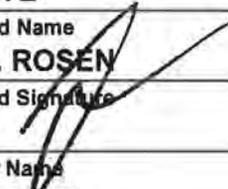
MTA New York City Transit is undertaking facade, roof, parapet and other repair work (the "Project Work") at its Stanton Substation located at 165 Essex Street (also known as County: New York; Block: 412; Lot: 70) in Manhattan. The Project Work requires use of space on five adjacent, privately-owned properties as a construction staging area because the substation structure is built out to the property line. The Affected Property is one of the five properties. It is owned by Edison NY Parking, LLC and operated as a commercial parking lot containing lifts to stack vehicles.

MTA Real Estate has entered into license agreements directly with the other four property owners pursuant to Policy #11, as modified November 12, 2013, for short-term construction access agreements. However, that policy limits the negotiated amount to \$2,000 per month.

An independent valuation of the parking area to be used by NYCT determined that commercial parking rates in the area range from \$450 to \$611 per month per space. Negotiations with Edison Parking resulted in a mutually agreed-upon compensation of \$600 per month per space.

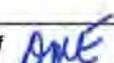
Based on the foregoing, MTA Real Estate requests authorization to enter into a license agreement with Edison NY Parking, LLC on the above-described terms and conditions.

# Staff Summary

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

Date <b>MARCH 20, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/20/2017	X		
2	Board	3/22/2017	X		

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

AGENCY: MTA New York City Transit ("NYCT")  
 PROJECT: Myrtle Viaduct Reconstruction Project  
 SELLER: Gregory Hernandez  
 LOCATION: Kings County Tax Block 3193, Lot 12 a/k/a 13 Ditmars Street (the "Property")  
 ACTION REQUESTED: Authorization to acquire fee simple title to the Property  
 COMPENSATION: \$1,300,000.00 plus owner's moving expenses and closing costs for a replacement home

**COMMENTS:**

In March 2016, the Board authorized MTA staff to commence the tenant relocation and property acquisition process in connection with permanent and temporary property interests that NYCT needs for the Myrtle Avenue Viaduct Reconstruction Project (the "Project"). The Project will replace an elevated segment of the Myrtle Avenue subway viaduct (the "Viaduct") in the Bushwick section of Brooklyn. (Copies of the March 2016 Staff Summary and Resolution are attached hereto.)

In October 2016, the Board approved a Determination and Findings under the Eminent Domain Procedure Law ("EDPL") that authorized MTA staff to proceed with the required property acquisitions by eminent domain, if necessary. (Copies of the October 2016 Staff Summary and Determination and Findings are attached.) Pursuant to that authorization, MTA Legal commenced a proceeding that resulted in our acquisition of the rights to temporarily occupy, during Project construction, the two vacant land parcels on each side of Block 3193. In December 2016, NYCT also awarded the construction contract for the Project. NYCT's contractors are occupying the two vacant sites and MTA Real Estate and its relocation consultant are actively engaged in securing agreements with all owners and tenants who must temporarily relocate by July 1, 2017 as a result of the Project.

In the EDPL Determination and Findings, we identified a Project-related need to permanently remove a kitchen on the first floor of the two-family home on the Property that extends into the Project construction zone. (Photos dating back to the Viaduct's original construction in 1913 show that the Viaduct was built over and around a then-existing structure on the Property that now houses the kitchen.) NYCT's contractor has advised NYCT that the kitchen must be removed before the projected July 1, 2017 temporary relocation date for residents because the contractor needs the space occupied by the kitchen for early access to the Viaduct and to perform micro-pile installation prior to demolishing the Viaduct. Although removing the existing kitchen can be done in a few days, reconstructing a replacement kitchen in another area of the home would be a significant task, requiring building modifications and loss of use of other living space on the first floor unit.

# Staff Summary

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

In our early public outreach with homeowners in the Project area and with elected and community officials, we anticipated the possibility that some owners, concerned about the potential Project-related impacts to their homes, might consider selling their homes rather than accepting our temporary relocation offers. Consequently, in our March 2016 Staff Summary, we requested and obtained Board approval to provide such homeowners the option of selling their homes to MTA in lieu of receiving temporary relocation assistance. It was understood, however, that such acquisitions would be consummated only upon a showing of special circumstances and upon the owner's request or approval.

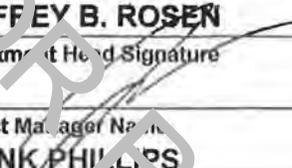
In this case, the Property owner's concerns about the impacts resulting from NYCT's permanent removal of the kitchen provided an impetus for a dialogue that resulted in a proposed agreement for MTA to purchase the Property for \$1,300,000. This amount is within the price range of comparable two-family homes currently on the market in the general vicinity of the Property based on a market analysis performed by MTA's real estate consultant. In addition to the purchase price for the Property, MTA also would pick up the cost to move the Property owner and all other residents of his two-family home (all of whom are the owner's family members) to a new home and compensate the owner for his reasonable closing costs to purchase the new home. These elements of additional compensation typically are paid by federal, state and city agencies when homes are purchased in connection with public projects. As part of the agreement, the owner also will allow NYCT's contractors to remove the existing kitchen prior to MTA's acquisition of the Property and will not require NYCT to replace the kitchen before the Owner and his family permanently relocate to a new home. NYCT's contractor has advised that the kitchen removal work, and the resealing of the exterior wall of the home after the kitchen is removed, can be performed safely in a few days while the home remains occupied.

In order to consummate MTA's acquisition of the Property in the most efficient and timely manner, and to effectively clear any potential Property boundary or other title issues, MTA Legal and the Property owner and his attorney have agreed that MTA will acquire the Property through eminent domain at the agreed-upon compensation. The amount of compensation provided in the agreement will be the full purchase price for the Property and it will be agreed that the owner will not have the right to file any additional compensation claims against MTA in the condemnation proceeding.

The proposed agreement to acquire the Property for the compensation and under the terms described above is fair and reasonable and in MTA's best interests. Possible delays to the Project will be avoided by having the kitchen removed and giving NYCT's contractor access to that area as soon as possible. By purchasing the Property, MTA also will save the costs it otherwise would have to pay to temporarily relocate the Property owner and his family for an anticipated duration of 10 months while heavy work on the Viaduct takes place and the cost to move them back after that work is completed. After the Property is surrendered to MTA, it will be available for use by NYCT or MTA for Project-related uses for the remaining duration of the Project. After the Project is completed, MTA if it so chooses will have the opportunity to sell the Property at market value, with or without replacing the kitchen, to recoup all or part of its acquisition costs and expenses.

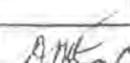
For all the foregoing reasons, Board approval is sought to acquire the Property for the compensation amount and in the manner described above.

# Staff Summary

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

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

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

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

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

PROJECT: Myrtle Viaduct Reconstruction Project

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

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

**COMMENTS:**

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

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

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

# Staff Summary



## FINANCE COMMITTEE MEETING

### Myrtle Viaduct Reconstruction Project (Cont'd.)

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

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

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

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

Address:	Block 3103 Lot #:
1178 Myrtle Avenue	1
1168 Myrtle Avenue	3
29 Ditmars Street	4
27 Ditmars Street	5
25 Ditmars Street	6
23 Ditmars Street	7
21 Ditmars Street	8
19 Ditmars Street	9
17 Ditmars Street	10
15 Ditmars Street	11
13 Ditmars Street	12
11 Ditmars Street	13
979 Broadway	17
977 Broadway	18
975 Broadway	20
971 Broadway	21
967 Broadway	22
1156 Myrtle Avenue	37
1158 Myrtle Avenue	38
973 Broadway	120
969 Broadway	121

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

# Staff Summary

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



## BOARD RESOLUTION

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

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

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

- Temporary relocations of residential and commercial occupants in properties adjacent to the Viaduct in Block 3193 for an estimated 6 to 10 months, but potentially longer.
- Because of the potentially long durations of the relocations, it is possible that some property owners may not wish to return or may wish to sell their properties while NYCT's work is underway. These properties consist of 7 homes, 2 commercial buildings and 2 vacant sites, one of which has approvals in place for a new residential development. Because it may be difficult if not impossible for owners to sell or develop their properties while NYCT's Viaduct Project is underway, property owners will have the option of selling their properties outright to MTA at fair market value or receiving fair rental value while they or their tenants are displaced. For property purchases, MTA would offer compensation at its highest approved appraisal and seek further Board approvals for any proposed purchases that exceed the amounts of MTA's appraisals. If MTA purchases any of these properties, MTA Real Estate will develop a plan to dispose of them at the highest achievable price after NYCT's Viaduct Project is completed.
- NYCT's existing property rights to maintain the Viaduct, which were obtained by NYCT's predecessors prior to the Viaduct's construction in the early 1900's, may need to be expanded to accommodate the anticipated demolition and reconstruction work as well as additional access rights across private properties during the Project and for future maintenance and repair of the new Viaduct.
- The properties that may be subject to the foregoing real estate related actions are as follows: Kings County Tax Block 3193, Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 20, 21, 22, 27, 38, 120, and 121 (the "Properties")

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

### **NOW, THEREFORE BE IT**

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

**This Resolution shall take effect immediately upon its adoption.**

# Staff Summary

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

Date <b>OCTOBER 26, 2016</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/26/2016			
2	Board	10/26/2016	X		

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

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

PROJECT: Myrtle Avenue Viaduct Reconstruction Project (the "Project")

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

ACTION REQUESTED: Approval of Determination and Finding under the New York Eminent Domain Procedure Law (the "EDPL") with respect to temporary residential relocations, temporary business closures and acquisition of property interests needed to facilitate the Project.

COMMENTS:

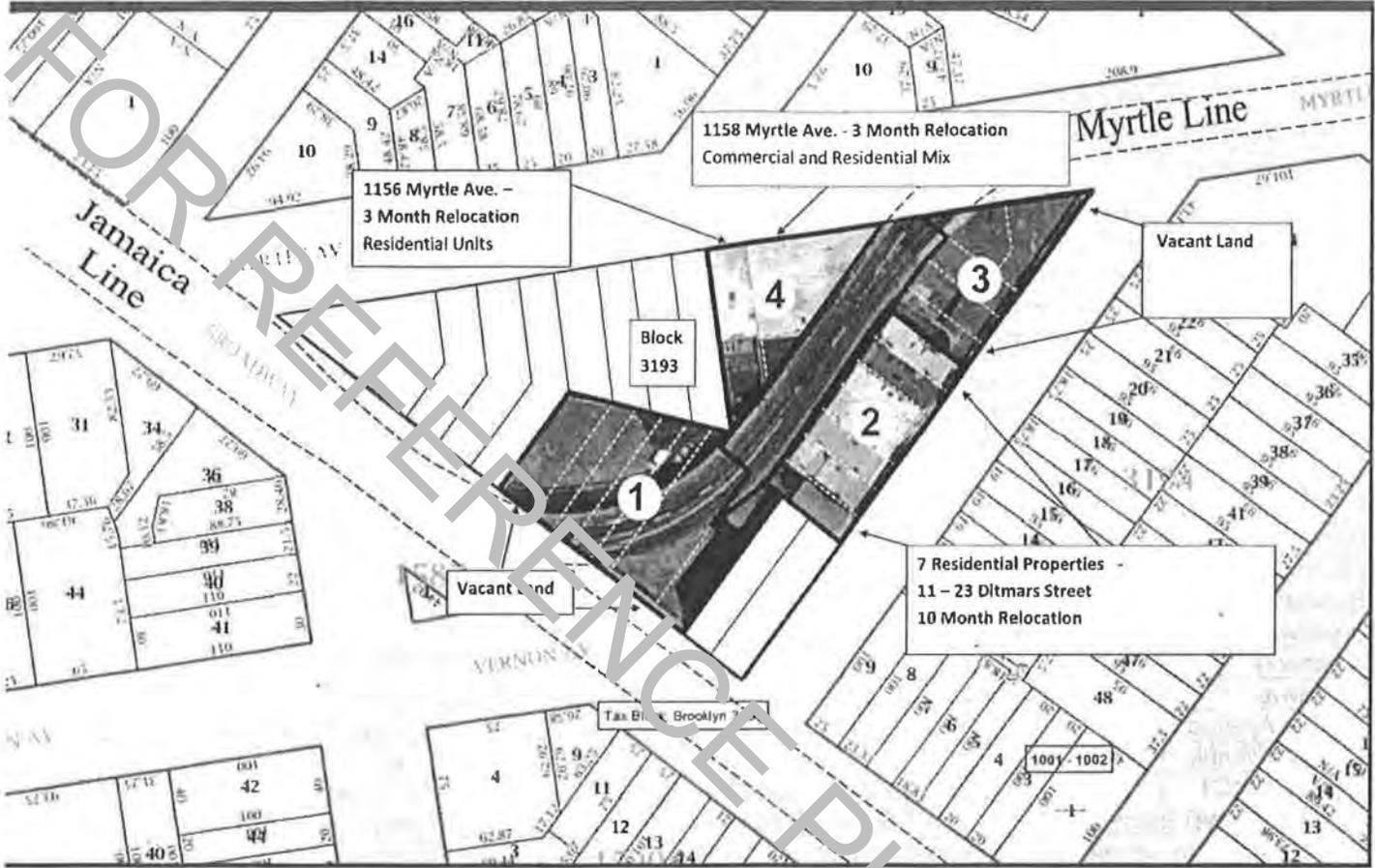
In March 2016, the MTA Finance Committee and MTA Board approved a Staff Summary authorizing MTA Real Estate to proceed with negotiations and preliminary steps in the eminent domain process to temporarily vacate occupied properties and acquire property interests needed to reconstruct the Myrtle Avenue Viaduct (the "Viaduct"), a 310 foot elevated, S-shaped viaduct segment located at the intersection of the Myrtle ("M") and Jamaica ("J" and "L") subway lines in Brooklyn. The Viaduct, which was built in 1913 and must be demolished and replaced with a new structure, is a critical link for subway customers to travel between Queens and Brooklyn because it is the only connection between the Myrtle Avenue and Jamaica Avenue lines. The Viaduct replacement and other rehabilitation work on the M Line must be completed as soon as possible so that the M train will be a fully functional travel alternative for "L" train riders while the Canarsie line tunnel is shut down for repairs. Because of the close proximity of the Viaduct to seven two-story residential buildings on Ditmars Street (located in Site 2 on the attached plan) and two residential/commercial buildings on Myrtle Avenue (located in Site 4 on the attached plan), those buildings must be vacated, as a safety measure, while the existing Viaduct is demolished and the new structure is installed. In Site 2, residents must be relocated temporarily for approximately ten months. In Site 4, residents must be relocated temporarily for about three months and three businesses must be closed for approximately three months.

Under the current schedule, NYCT will award the contract for replacing the Viaduct in early January 2017. Immediately thereafter, site mobilization will start under the Viaduct and on two privately-owned vacant sites (shown as Sites 1 and 3 on the attached plan). Sites 2 and 4 on the site plan must be vacated no later than June 1, 2017. MTA, through its relocation consultant as well as MTA Real Estate and Legal staff, has made concerted outreach efforts to the affected owners, residents and businesses and has reached agreement with over half of the sixty or so known residential tenants who must be relocated. While negotiations with all affected parties will continue in earnest, eminent domain must be utilized as a last resort to temporarily relocate residents, temporarily close three businesses, use and access work areas during construction, and modify existing easements to ensure future access to and maintenance of the new Viaduct.



# Staff Summary

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



# Staff Summary

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

 Metropolitan Transportation Authority

Page 4 of 7

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

Agency: Metropolitan Transportation Authority ("MTA")  
On behalf of its affiliate, New York City Transit Authority ("NYCT")

### PROJECT: MYRTLE AVENUE VIADUCT RECONSTRUCTION PROJECT

Regarding: (1) MTA's acquisition of temporary easements to temporarily relocate residents and temporarily close businesses and (2) MTA's modification of existing subway easements, all to support NYCT's proposed project ("Project") to demolish and reconstruct the Myrtle Avenue Viaduct (the "Viaduct"), located in Kings County Tax Block 3193 and bounded by Myrtle Avenue, Ditmars Street and Broadway in the Bushwick section of the Borough of Brooklyn, New York.

In accordance with Section 204 of the New York Eminent Domain Procedure Law ("EDPL"), the MTA Board hereby approves the acquisition of property interests described below by eminent domain, if necessary, and adopts the following statutory findings:

#### 1. EDPL Public Hearing.

On September 22, 2016, on prior notice duly given to the public and to the affected property owners, residents and businesses, MTA held an EDPL public hearing to inform the public and to receive the public's comments on the above-captioned actions to support the Myrtle Avenue Viaduct Reconstruction Project (the "Project"). All comments received during the public comment period have been reviewed, made part of the record and given due consideration.

#### 2. Location and Nature of Property Interests to be Acquired.

To facilitate the Project, MTA must acquire four separate types of property interests in private property, described as follows.

The first property interest that MTA must acquire is the right to temporarily displace certain residents and businesses in Block 3193. Because of the close proximity of residential and commercial properties to the work site, NYCT has determined that all occupants in properties adjacent to the Viaduct in Block 3193 must be vacated temporarily while Viaduct demolition and new construction work is underway. According to current estimates, there are approximately 10 residential and 3 commercial occupants on the block who will be displaced temporarily by the Project. The estimated durations for the temporary relocations are approximately three months for residents and the three businesses in the buildings on Myrtle Avenue and approximately 10 months for residents living in the homes on Ditmars Street. Under the current schedule, which is subject to change, all affected buildings must be vacated no later than June 1, 2017.

The second type of property interest that MTA must acquire is the right to temporarily occupy two separately owned vacant land parcels at either end of the Viaduct. One, located on the Broadway side of the Block, includes Lots 17, 18, 20, 120, 21, 121, and 22. The other such parcel is a triangle-shaped plot at the intersection of Myrtle Avenue and Ditmars Street that includes Lots 1, 3, 4, 5, and 6. NYCT and its contractors must occupy all these vacant sites for construction work and construction staging areas for an anticipated duration of 24 months. MTA must secure temporary use of these two vacant sites as soon as possible so that early work on the Project will not be delayed.

The third type of property interest that MTA must acquire is the right to permanently access the new Viaduct structure for future maintenance, repair and replacement. NYCT owns Lot 43, covering the portion of the Viaduct that is behind the rear yards of the residential properties on Ditmars Street. Some of these residential properties currently have easements to use the areas under the Viaduct as backyards to their homes. These easements must be modified to prohibit residents from erecting any improvements or storing any materials in Lot 43 that would interfere with NYCT's ability to access, maintain and perform work on the new Viaduct in the future. Across the vacant site on the Broadway side of the block, NYCT has permanent easement rights in Lots 18, 20, 120, 21 and 121 for constructing, reconstructing, operating, and repairing the Viaduct. MTA must modify those rights to more definitively secure its future needs for the new Viaduct. The dimensions of NYCT's existing easements



# Staff Summary

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

While interim repairs have been made, the Viaduct is past its useful life and must be demolished and replaced. The general scope of work includes demolishing and replacing the existing Viaduct structure and tracks. In addition, the mechanical, power, signal and communication components along the length of the Viaduct will be temporarily supported and reinstalled or removed and replaced.

As part of the M line work, the 100 year old Fresh Pond Bridge in Ridgewood, Queens also must be demolished and replaced due to its deteriorated condition. The 55-foot long Fresh Pond Bridge is very important to maintaining reliable service on the M line because it not only links the Fresh Pond Road station to the Metropolitan Avenue terminal, but also provides access to the subway car storage yards that are critical to providing M line service.

While temporary, these two phases of work will require partial suspension of M line service at stations between Metropolitan Avenue and Myrtle Avenue from the summer of 2017 to the spring of 2018. Along with being critical to M line service, the M line work must be completed before NYCT begins Sandy Storm Recovery and Resiliency work in the L Line's Canarsie Tunnel. During the Canarsie Tunnel's reconstruction, the M line will become a key travel alternative. Therefore, it is necessary to start and complete work on the Myrtle Viaduct and Fresh Pond Bridge as soon as possible so that the more extensive work on the L line can start without delay.

Under its current schedule, NYCT anticipates awarding the construction contract for the Project by the end of this year. The demolition and replacement work for the Viaduct and Fresh Pond Bridge would start in July 2017 and be completed in April, 2018. Before the heavy duty demolition work starts on the Myrtle Viaduct, some early work would begin in January 2017, including the installation of micro-piles to support the new Viaduct structure.

#### **4. Reasons for Selecting the Location of Property Interests Needed for the Project.**

The Viaduct has deteriorated to the point that there simply is no other option than complete replacement, and undergoing this step will ensure a safe, more reliable experience for M line customers for decades to come. Rebuilding the Viaduct will require significant demolition work and construction with heavy equipment, including the use of cranes. With site constraints and the Project's worksite located inches away from the commercial properties on Myrtle Avenue and as close as 5 feet to some residences on Ditmars Street, it would be unsafe to perform the work without temporarily relocating the residents and temporarily closing the businesses in the adjacent buildings.

#### **5. Temporary Displacement and Relocation.**

MTA has been and remains committed to working with owners whose rental income will be affected temporarily, residents who must move temporarily and businesses that must be shut down temporarily while work on the viaduct is underway. MTA will provide monetary compensation to make owners, residents and businesses whole during this period of disruption and professional services to address their needs.

For temporarily displaced residents, MTA will provide temporary housing and coordinate the move at both ends, both to and from the temporary housing and cover their rent and utility payments at the displacement site while they are displaced by the Project. If a resident who will be temporarily displaced chooses to find his or her own accommodations, MTA will provide each occupied residential unit with a fixed sum per day based on what MTA would have spent for each day of displacement. MTA also will provide meal and incidental allowances to residents while they are displaced.

#### **6. General Effects of the Project on the Environment and Residents of the Local Community.**

The Project is exempt from the State Environmental Quality Review Act under Section 1266-c(11) of the Public Authorities Law because it involves a reconstruction of an existing transit facility on its existing site that will not change the general character of the existing transit use. Nonetheless, all work associated with demolishing and replacing the Viaduct will be conducted in accordance with all applicable standards and mitigation measures will be incorporated as practicable, together with a public outreach effort through the local community board.

# Staff Summary

## FINANCE COMMITTEE MEETING

Myrtle Viaduct Reconstruction Project (Cont'd)

NYCT's goal is to mitigate the impact of the disruption to M Line service as much as possible and restore full service as quickly as possible. The M line repairs are scheduled to be completed months before any full closure of the Canarsie Tunnel begins. This will insure that the M line can provide an alternative service to L line riders during the shutdown.

With respect to construction-related impacts, NYCT has procured an environmental screening report that evaluated the potential Project-related impacts and proposed mitigation measures that NYCT will adopt to insure that Project demolition and construction activities will not result in any significant environmental impacts to the community.

NYCT will work with the New York City Department of Transportation to develop a maintenance and protection of traffic plan to ensure that any temporary street lane closures or sidewalk impacts will be implemented in a way that minimizes impacts to the community and maintains reasonable access to private properties and community facilities.

Environmental protection and waste disposal protocols will be developed to protect workers and the community. All work to be performed will include removal methods and containment systems, as required, that will eliminate or minimize the risk of worker and community exposure to dust and debris generated by demolition work as well as disposal requirements that will conform to all applicable Federal, State and local laws and regulations.

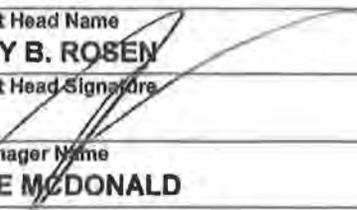
To protect and maintain air quality, mitigation measures will be implemented to reduce dust generated by demolition and excavation activities and emissions generated by construction related vehicles and equipment. Such measures will include dust controls and, where practicable, use of newer equipment, ultra-low sulfur fuel, tailpipe reduction technologies, replacement of diesel equipment with electric-powered equipment, and locating equipment away from construction boundaries when possible.

Noise and vibration from the Project will be monitored on an ongoing basis and NYCT will implement mitigation measures as practicable to address any public noise complaints. Reasonable noise mitigation may include the use of noise walls and acoustic blankets depending on the type of activity, equipment and location. Demolition activities related to the concrete deck and piers and steel superstructure and columns will be performed utilizing a concrete saw and shears, respectively. A small micro-pile drill rig is proposed to drill and install micro-piles for the new Viaduct structure's foundations. Vibrations typically generated by drilling are negligible, but due to the close proximity of older buildings to the drilling operation, adjacent properties will be carefully monitored to insure that no damage occurs and construction methods will be adjusted as necessary to reduce the potential for property damage.

With respect to operational impacts, the new Viaduct, when it is completed and put into service, will not result in any change in service, operations, or in the number of trains traveling on the M Line. The existing tracks will be replaced with low vibration tracks within the limits of the Viaduct structure, thereby reducing noise and vibration impacts to the neighboring properties and residents. Upon completion, the Project will result in more reliable service on the M line for decades to come.

**ANYONE SEEKING JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS MUST COMMENCE LEGAL ACTION IN ACCORDANCE WITH EDPL § 207 NO LATER THAN 30 DAYS AFTER MTA COMPLETES ITS TWO-DAY PUBLICATION OF THIS DOCUMENT, OR A SYNOPSIS THEREOF. UNDER EDPL §§ 207 AND 208, THE EXCLUSIVE VENUE FOR JUDICIAL REVIEW OF THE ABOVE DETERMINATION AND FINDINGS IS THE APPELLATE DIVISION OF THE SUPREME COURT, SECOND DEPARTMENT.**

# Staff Summary

Subject <b>MODIFICATION OF LICENSE AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>GEORGE McDONALD</b>

Date <b>MARCH 20, 2017</b>
Vendor Name <b>TRANSIT WIRELESS, LLC</b>
Contract Number
Contract Manager Name
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/20/17	x		
2	Board	3/22/17	x		

Internal Approvals			
Order	Approval	Order	Approval
1	MTA CIO 	5	President NYC 
2	MTA Legal 	6	COO 
3	MTA CFO 		
4	MTA Chief of Staff 		

**AGENCY:** NYCT New York City Transit ("NYCT")  
**LICENSEE:** Transit Wireless, LLC ("TW")  
**LOCATION:** NYCT Facilities  
**ACTIVITY:** Modification of TW license agreement with NYCT to include additional services in the form of dark fiber network services, fiber backhaul network services and associated support and maintenance services to provide data connectivity for a variety of applications and projects managed by MTA-IT, including Enterprise Asset Management (EAM), Alternative Desktop Solution (ADS), ITRAC, O365, wireless and video, at up to 274 NYCT facilities, including below-ground stations, above-ground stations, administration buildings and Department of Buses facilities, and for associated fiber backhaul connections.

- ACTION REQUESTED:**
- (1) Approve the engagement of TW to provide dark fiber, network services, fiber backhaul network services and associated support and maintenance services to provide data connectivity for a variety of applications and projects managed by MTA-IT, including EAM, Alternative Desktop Solution (ADS), ITRAC, O365, wireless and video, at up to 274 NYCT facilities, including below-ground stations, above-ground stations, administration buildings and Department of Buses facilities, and for associated fiber backhaul connections; and
  - (2) Authorize the Chairman and Chief Executive Officer of NYCT and his/her designees to execute and deliver agreements and other documents, including modifications and supplements thereto (collectively, the "TW Agreements"), and to take other actions as he/she may deem necessary, desirable or appropriate to implement the proposed additional services described herein.

**BACKGROUND:**  
 In 2007, following a request for proposals process, the Board approved the award of an exclusive license to TW to provide commercial cellular/PCS and Wi-Fi service in NYCT's underground stations; and in July 2012, the Board approved modifications to the license agreement with TW, as well as a form of direct agreement between TW's lenders and NYCT that facilitated TW's financing of its construction costs and refined the way in which the sublicensees of the TW network, primarily the cellular carriers and Wi-Fi providers, pay the various costs associated with their use of the TW network and how such revenues are split between TW and NYCT (collectively, the "Existing TW Agreements"). TW's majority owner (Broadcast Australia) is an investment and operating company that specializes in the broadcast and telecommunications fields and is majority owned by Canada's largest public pension fund.

TW completed the installation of its network in all underground stations in 2016. At each underground station, TW installs equipment and antennas to provide cellular and Wi-Fi coverage throughout the public areas. Such in-station equipment and antennas are linked

# Staff Summary

by fiber optic cables to TW trunk fiber optic cables running through the streets, which connect back to a base station hotel that houses the head-end equipment for TW, the carriers, other Wi-Fi providers and NYCT.

Taking advantage of TW's work in establishing the core TW network supporting cellular and Wi-Fi service in the NYCT underground stations, NYCT has exercised options under the Existing TW Agreements for TW to provide various additional services to NYCT. To date, four such options have been exercised: (1) the 4.9 GHz Wi-Fi network dedicated to NYCT operational applications including those related to safety and security (the "NYCT Dedicated Wi-Fi Network"); (2) Help Point installation support; (3) the use of elements of the TW network for New Fare Payments System communications connectivity (the "Station Fiber Network"); and (4) the B Division train arrival system (the "WTAS").

The NYCT Dedicated Wi-Fi Network and the Station Fiber Network were completed in parallel with the completion of the TW Network in the underground stations in 2016. The Help Point installation support was also completed in 2016. The WTAS is scheduled to be completed by the end of 2017.

## **DARK FIBER AND FIBER BACKHAUL NETWORK SERVICES:**

TW's communications network was designed to include excess fiber capacity to support additional future demand. There is available fiber capacity in TW's network in both the NYCT stations and in TW's fiber infrastructure in City streets which TW will license to MTA-IT to support various MTA telecommunications and data connectivity requirements. MTA-IT has concluded that there are no acceptable connectivity options using existing NYCT telecommunications networks. MTA-IT has also investigated other available third-party solutions (including Verizon, Light Tower, and Light Path) and has concluded that the total cost of the data connectivity provided by TW is substantially below all of the other third-party solutions.

In each location that MTA-IT identifies as requiring a fiber connection, TW will allocate a single pair of dark fiber which will connect from a specified demarcation point junction box in the applicable NYCT facility to the geographically applicable TW Base Station Hotel ("BSH"). MTA-IT will be responsible for installing the necessary connection from the TW junction box to the applicable MTA-IT equipment.

TW will provide space, power and conditioning for the MTA-IT head end equipment at the applicable TW BSH and extend the fiber pairs coming from each station to the assigned cabinet.

NYCT has identified 234 locations where such fiber pair connections are needed and will be installed as part of the base contract. In addition, NYCT will have the option, from time to time, to identify up to 40 additional locations for fiber pair connections.

TW will also provide fiber backhaul network services (i) from each of the five BSHs to 2 Broadway (9th Floor Data Center) and 130 Livingston (4th Floor Data Center) and (ii) to create a fiber ring between each of the five TW BSHs.

TW will also be responsible for maintenance and support of the fiber infrastructure.

In order to cost-effectively install the fiber connections, TW will be granted the right to install cables, conduits, boxes and other infrastructure on the NYCT above ground right of way. Unless and until MTA grants a broader right to use such cables, conduits, boxes and other infrastructure for other purposes pursuant to an expansion of the scope of TW's license, TW shall have no right to use such infrastructure for any purpose other than the provision of the dark fiber services described in this Staff Summary.

## **PRICE:**

The pricing for each fiber pair provided under this arrangement will be a monthly fee of \$2,500, which will be subject to an annual CPI escalation.

# Staff Summary



## Recurring Costs For Base Agreement (without CPI escalation)

Item	Quantity	Monthly Fee	Annual Fees	11 Year Initial Term Fees (without escalation)
<b>Subway Station Fiber Connection</b>	155	\$387,500	\$4,650,000	\$48,537,500
<b>Bus Depot Connection</b>	68	\$170,000	\$2,040,000	\$21,875,000
<b>Fiber Backhaul</b>	<u>11</u>	<u>\$2,500</u>	<u>\$330,000</u>	<u>3,630,000</u>
<b>TOTAL</b>	<b>234</b>	<b>\$557,000</b>	<b>\$6,690,000</b>	<b>\$74,042,000</b>

## Not-to-Exceed Recurring Costs for Optional Additional Installations (without CPI escalation)

Item	Quantity	Monthly Fee	Annual Fees	11 Year Initial Term Fees (without escalation)
<b>Up to 40 Optional Additional Connections</b>	40	\$100,000	\$1,200,000	\$13,200,000

**TERM:**

The initial term of this additional services agreement will be coterminous with the underlying TW License Agreement, which expires July 26, 2028, and will be renewable by NYCT for any renewal periods exercised by NYCT pursuant to the TW License Agreement.

**SCHEDULE:**

The construction duration is approximately 24 months from contract execution.

**IMPACT ON FUNDING:**

The monthly fees payable to TW are operating costs that will be included in NYCT's future operating budgets.

**M/WBE INFORMATION:**

There are no M/WBE goals for TW's core network installation because TW is a licensee under a Real Estate Department license installing its own network at its own cost, with a revenue share paid to NYCT. The dark fiber additional services that are described in this staff summary are the equivalent of purchasing a telecommunications commodity such as a data package through a fiber or cable connection from a telecom or cable company such as Verizon or Spectrum.

**ALTERNATIVES:**

NYCT could expand its own telecom network to support the additional connectivity requirements described in this staff summary but the cost and delay associated with that option make it infeasible. NYCT could also competitively procure data connectivity from other third party providers. However, MTA-IT has already consulted with various third party providers, and was informed that the comparative cost was at least 100% more than the cost proposed by TW. MTA-IT estimators have conducted a detailed review and comparison and are confident that TW's aggregate price for such work is below the pricing that could be achieved by going through a competitive procurement, primarily due to TW's embedded efficiencies, including the utilization of its existing infrastructure.

**RECOMMENDED ACTIONS:**

Because TW is uniquely capable of providing timely and cost effective dark fiber resources, including its base station hotels, and given that such support services are incidental to the overall character of the arrangement between NYCT and TW for the provision of cellular and Wi-Fi service to NYCT's customers, it is recommended that the Board adopt the attached Resolution, which authorizes the Chairman and Chief Executive Officer of NYCT and his/her designees to execute and deliver the TW Agreements and any other related documents and agreements, including modifications and supplements, and to take all other actions as he/she may deem necessary, desirable or appropriate to implement the proposed additional services on the terms and conditions set forth above.

**RESOLUTION**  
**BOARD OF THE NEW YORK CITY TRANSIT AUTHORITY**

WHEREAS, in 2007, following a request for proposal process, the Board of the New York City Transit Authority (“NYCT”) approved the award of a license agreement to Transit Wireless LLC (“TW”) that granted TW an exclusive license to provide commercial cellular/PCS and Wi-Fi service in NYCT’s 277 underground stations (the license agreement and other related documents between NYCT and TW, including modifications and supplements, collectively the “TW Agreements”);

WHEREAS, following Board approval in September 2011, the TW Agreements were modified to divide the construction of the remaining 271 stations (the “Full Build”) into seven discrete phases, to establish a Full Build construction period of 6 years, and to grant NYCT an option to wirelessly connect to the TW network to support certain of NYCT’s own operational applications, including Help Point and the New Fare Payments System (“NFPS”);

WHEREAS, following Board approval in July 2012, the existing TW Agreements were further modified to refine the way in which the sublicensees of the TW network, primarily the cellular carriers and Wi-Fi providers, pay the various costs associated with their use of the network and how such revenues are split between TW and NYCT, and to create a direct agreement between NYCT and TW’s lenders to facilitate TW’s financing of its construction costs;

WHEREAS, with Board approval, NYCT has entered into agreements with TW for the provision of additional services relating to the 4.9 GHz Wi-Fi network dedicated to NYCT operational applications including those related to safety and security, Help Point installation support, the use of elements of the TW network for NFPS communications connectivity, and the B Division train arrival system;

WHEREAS, data connectivity is needed for a variety of applications and projects managed by MTA-IT, including EAM, Alternative Desktop Solution (ADS), iTRAC, O365, wireless and video, at up to 274 NYCT facilities, including below-ground stations, above-ground stations, administration buildings and Department of Buses facilities, and MTA-IT has determined that there are significant efficiencies, cost savings and schedule accelerations that can be achieved if TW makes available dark fiber for such purposes and provided associated fiber backhaul connections; and

WHEREAS, to maximize cost and schedule efficiency, NYCT has requested that the Board agree to delegate to the NYCT Chairman and Chief Executive Officer and his/her designees the authority to finalize the scope, price and schedule details with respect to the dark fiber-related additional services and associated fiber backhauls that will be added to the TW Agreements in support of these connectivity requirements.

NOW THEREFORE, upon the recommendation of the Chairman and Chief Executive Officer of the NYCT, the Board of the NYCT resolves as follows:

1. The Chairman and Chief Executive Officer and his/her designees are hereby authorized to (a) finalize the scope, price and schedule details with respect to the additional services that will be added to the TW Agreements in connection with the provision and operation of the dark fiber and fiber backhaul that supports MTA-IT projects, such as EAM, Alternative Desktop Solution (ADS), iTRAC, O365, wireless and video, at up to 263 NYCT facilities, including below-ground stations, above-ground stations, administration buildings and Department of Buses facilities, and (b) execute and deliver the TW Agreements, and other necessary or appropriate agreements, documents, writings and other instruments, and to take any and all other necessary or appropriate steps as he/she may deem necessary, desirable or appropriate to implement the proposed additional services, and the other modifications to the TW Agreements, described in the Staff Summary to which this Resolution is attached.
2. The Chairman and Chief Executive Officer and his/her designees are hereby authorized to take any and all actions as may be required or necessary to satisfy applicable legal or regulatory requirements in connection with the foregoing actions.

# Staff Summary

<b>Subject</b> Approval of Funding Agreement for MTA 2015-2019 Capital Program Support of Moynihan Train Hall Development
<b>Department</b> Real Estate
<b>Department Head Name</b> Jeffrey Rosen
<b>Department Head Signature</b> 
<b>Project Manager Name</b>

<b>Date</b> March 22, 2017
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/20/17			
2	Board	3/22/17			

Internal Approvals			
Order	Approval	Order	Approval
1	Legal 	2	Sr. Dir Capital Programs 
3	CFO 	4	Chief of Staff 

## PURPOSE:

To obtain MTA Board approval to enter into a funding agreement with the New York State Urban Development Corporation D/B/A Empire State Development (“ESD”) substantially in the form attached to this staff summary with such changes as MTA staff may negotiate (the “Funding Agreement”) and to permit in accordance with such Funding Agreement the transfer to ESD of up to \$100 million to fulfill MTA’s 2015-2019 Capital Program commitment in support of the redevelopment of the James A. Farley Post Office Building (the “Building”) to include a new Moynihan Train Hall (the “Project”), which was approved by the Board on February 23, 2017 and submitted to the Capital Program Review Board (the “CPRB”) on February 27, 2017.

## BACKGROUND:

The Project will entail the redevelopment of the Building to include a world-class train hall to be shared by Amtrak, Long Island Rail Road and Metro-North Commuter Railroad (the “Train Hall”), as well as retail and office space. In addition to the lead project sponsor, ESD, the other key public sponsors of the Project are the Port Authority of New York and New Jersey, Amtrak, and MTA. The preferred developer-builder for the Project has been selected, and the parties are in the process of finalizing the definitive documentation pursuant to which (a) such developer-builder (the “Developer”) is to undertake the construction of the Train Hall for a fixed price and acquire the right to redevelop the balance of the Building, and (b) all of the private and public money required to complete the Train Hall, including a loan under the Transportation Infrastructure Financing Innovation Act (“TIFIA”) from the U.S. Department of Transportation, is to be fully committed.

## Staff Summary

In the meanwhile, the Developer has agreed to perform certain preliminary work between now and the date when such definitive documentation is executed (the “Interim Period”) and ESD has asked MTA and the Port Authority to participate in the funding of such preliminary work. As provided in the Funding Agreement, no more than \$40 million of MTA’s commitment will be funded before the balance of the Project funding is fully committed. The work planned to be performed during the Interim Period includes the following:

### Train Shed

- Survey, engineering for shielding, demolition to confirm location, size of steel framing, temporary utilities and utility relocation to access work
- Engineering & Survey at Yards C and E
- Test pits and/or other exploratory excavation to locate bedrock to support design of future work

### Train Hall

- Utility sealing off, demolition, support and relocations
- Architectural demolition
- Survey, inspections and demolition to confirm locations, size of steel framing
- Steel demo and lead abatement at main skylight trusses
- Demo at mid-block skylight (concrete and steel)
- Asbestos abatement
- Exterior restoration survey, scaffolding erection
- Column reinforcement for hoists/derricks

### General Provisions

- Site security
- Temporary power and lighting installation
- MOT setup
- Procurement of critical path subcontracts and suppliers
- Insurance
- 3<sup>rd</sup> Party QC
- Plans and temporary engineering
- Mobilization of craft shanties, storage containers

### **IMPACT ON FUNDING:**

The budget for this contract is dependent on the review and approval of the February 23, 2017 amendment to the MTA 2015-2019 Capital Program by the CPRB. Such amendment was submitted for review and approval on February 27, 2017, with approval anticipated by March 30, 2017. If the amendment is approved, this contract will be funded from the Long Island Rail Road’s

## Staff Summary

2015-2019 Capital Program within the Penn Station element (L-702-06) from monies added to such element for this specific purpose.

### **ALTERNATIVES:**

There are no viable alternatives. The agreement is necessary to support pending work with regional partners and to progress critical strategic improvements to MTA's network to continue to transform the customer experience at Penn Station and better meet the mobility needs of the region.

### **RECOMMENDATION:**

It is recommended that the Board approve the attached Funding Agreement and authorize such changes as MTA staff may negotiate.

# Staff Summary

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

Date <b>MARCH 20, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/20/17	X		
2	Board	3/22/17	X		

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

**Purpose:**

To obtain MTA Board approval of revised and updated 2017 MTA Real Estate Department Policies and Procedures for the Leasing-Out and Sale of Real Property (the "2017 Real Property Disposition Guidelines") and the 2017 All-Agency Guidelines for the Disposal of Personal Property (the "2017 Personal Property Disposition Guidelines"), each promulgated in accordance with Sections 2895-2897 of the New York Public Authorities Law (the "Property Disposition Law").

**Discussion:**

The Property Disposition Law requires that public authorities annually review and approve guidelines regarding the disposition of property. The 2017 Real Property Disposition Guidelines, prepared by the MTA Real Estate Department, are annexed as Attachment A to this staff summary. The 2017 Personal Property Disposition Guidelines, prepared by MTA Corporate Compliance in consultation with Agency procurement departments, are annexed as Attachment B to this staff summary. Attachment C to this Staff Summary contains a list of the Personal Property Disposition Contracting Officers, as required by the Property Disposition Law.

Real Property Disposition Guidelines

In March 2016, the MTA Board adopted the MTA Real Estate Department's current real property disposition guidelines, which (i) detailed MTA Real Estate's operative policies and procedures regarding the disposition of real property, consistent with the requirements of the Property Disposition Law, and (ii) designated the MTA Director of Real Estate as the Real Property Disposition Contracting Officer for the MTA and the MTA agencies.

The 2017 Real Property Disposition Guidelines (see Attachment A) are substantially the same as the 2016 guidelines approved by the Board and contain only minor technical changes and corrections, as well as attaching to it the current GCT Leasing Guidelines.

Personal Property Disposition Guidelines

In November 2016, the MTA Board adopted the current All-Agency Guidelines for the Disposal of Personal Property to provide a consistent set of personal property disposal policies and practice, which comply with the Property Disposition Law, across the MTA agencies.

# Staff Summary

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

The 2017 Personal Property Disposition Guidelines (see Attachment B) are the same as the 2016 guidelines.

### **Recommendation:**

It is recommended that the Board adopt the resolution attached to this Staff Summary approving the 2017 Real Property Guidelines and the 2017 Personal Property Guidelines, ratifying the appointment of the MTA Director of Real Estate as the Real Property Disposition Contracting Officer for the MTA and MTA Agencies, and designating the MTA and MTA agency staff members listed on Attachment C to this Staff Summary as the Contracting Officers for the MTA and MTA Agencies as the officers responsible for disposition of personal property.

## RESOLUTION

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

WHEREAS, the Boards of the Metropolitan Transportation Authority and its subsidiaries and affiliates (collectively, the “MTA Agencies”), in accordance with the requirements of the Property Disposition Law, have reviewed and by this resolution wish to approve the MTA Real Estate Department Policies and Procedures for the Leasing-Out and Sale of Real Property (the “2017 Real Property Guidelines”) and the MTA All-Agency Guidelines for the Disposal of Personal Property (the “2017 Personal Property Guidelines”) referred to in the Staff Summary to which this Resolution is attached (the “Staff Summary”) and to designate the MTA Director of Real Estate as the Real Property Disposition Contracting Office and to designate the MTA Agency staff persons listed in Attachment C to the Staff Summary as Personal Property Disposition Contracting Officers;

NOW THEREFORE, BE IT:

RESOLVED, that the 2017 Real Property Guidelines are hereby adopted in accordance with the requirements of the Property Disposition Law; and

RESOLVED, that the 2017 Personal Property Guidelines are hereby adopted in accordance with the requirements of the Property Disposition Law; and

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

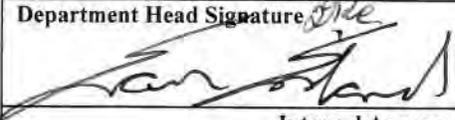
RESOLVED, that the persons listed on Attachment C to the Staff Summary are hereby designated as Personal Property Disposition Contracting Officers in accordance with the requirements of the Property Disposition Law.

Dated: March 22, 2017

## PROCUREMENTS

The Procurement Agenda this month includes 12 actions for a proposed expenditure of \$714.7M.

<b>Subject</b>	Request for Authorization to Award Various Procurements				
<b>Department</b>	Materiel – NYCT				
<b>Department Head Name</b>	Stephen M. Plochochi				
<b>Department Head Signature</b>					
<b>Project Manager Name</b>	Rose Davis				
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	3/20/17			
2	Board	3/22/17			

March 16, 2017			
<b>Department</b>			
Law and Procurement – MTACC			
<b>Department Head Name</b>			
Evan Eisland			
<b>Department Head Signature</b>			
			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President NYCT		President MTACC
	Executive VP		President MTA Bus
X	Capital Prog. Management	X	Subways
	Law	X	Diversity/Civil Rights

<b>Internal Approvals (cont.)</b>							
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>

**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 Noncompetitive procurements in the following categories: NONE**

**MTA Capital Construction proposes to award Noncompetitive procurements in the following categories: NONE**

**MTA Bus Company proposes to award Noncompetitive 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 C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	2	\$ 641.7 M
<u>Schedules Requiring Majority Vote:</u>		
Schedule F: Personal Service Contracts	2	\$ 60.6 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 1.9 M
SUBTOTAL	5	\$ 714.7 M

**MTA Bus Company 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
SUBTOTAL	1	\$ TBD M

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

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

<u>Schedules Requiring Majority Vote:</u>		
Schedule K: Ratification of Completed Procurement Actions	2	\$ 5.2 M
SUBTOTAL	2	\$ 5.2 M

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

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

<u>Schedules Requiring Majority Vote:</u>		
Schedule K: Ratification of Completed Procurement Actions	4	\$ 5.3 M
SUBTOTAL	4	\$ 5.3 M
TOTAL	12	\$ 714.7 M

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

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

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

## **BOARD RESOLUTION**

**WHEREAS**, in accordance with Section 1265-a and 1209 of the Public Authorities Law and the All-Agency Procurement Guidelines, the Board authorizes the award of certain noncompetitive 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 noncompetitive miscellaneous service and miscellaneous procurement contracts, certain change orders to purchase, public work, and miscellaneous service and miscellaneous procurement contracts, and certain budget adjustments to estimated quantity contracts; and

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

**MARCH 2017**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

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

(Staff Summaries required for items requiring Board approval.)

- |  |                             |   |
|--|-----------------------------|---|
| <p><b>1. Judlau Construction Corp./<br/>TC Electric JV<br/>Four Proposals – 43-month contract<br/>Contract# P-36437</b></p> <p>Canarsie Tunnel Rehabilitation and Core Capacity Improvements in the boroughs of Manhattan and Brooklyn.</p>                                    | <p><b>\$492,000,000</b></p> | <p><b><u>Staff Summary Attached</u></b></p> |
| <p><b>2. Skanska USA Civil Northeast, Inc.<br/>Four Proposals–21-month contract<br/>Contract# A-36622B</b></p> <p>Enhanced Station Initiative–Package 2 Improvements at the 30th Avenue, Broadway, 36th Avenue, and 39th Avenue stations along the Astoria Line in Queens.</p> | <p><b>\$149,680,000</b></p> | <p><b><u>Staff Summary Attached</u></b></p> |

**Procurements Requiring Majority Vote:**

**F. Personal Service Contracts**

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

- |  |  |   |
|--|--|---|
| <p><b>HNTB New York Engineering<br/>and Architecture, P.C.<br/>Jacobs Civil Consultants, Inc.<br/>Three Proposals–27-month contract<br/>Contract# CM-1059</b></p>  | <p><b>\$60,562,472 (Aggregate)</b></p> | <p><b><u>Staff Summary Attached</u></b></p> |
| <p><b>3. Contract# CM-1059</b></p>   | <p><b>\$33,287,959</b></p>             | <p>↓</p>                                    |
| <p><b>4. Contract# CM-1060</b></p> <p>Consultant Construction Management services for the Enhanced Station Initiative – Design and renovation of multiple stations in the boroughs of Brooklyn, Queens, Manhattan, the Bronx, and Staten Island.</p> | <p><b>\$27,274,513</b></p>             | <p>↓</p>                                    |

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

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

- |   |                           |   |
|---|---------------------------|---|
| <p><b>5. Parsons Transportation Group<br/>of New York, Inc.<br/>Contract# CM-1235.19</b></p> <p>Modification to the consultant contract for design and construction support services for the Communications Based Train Control/Auxiliary Wayside Signal System for the Second Avenue Subway and Flushing Line, in order to extend the contract term and increase the funding for the Flushing CBTC extended construction support closeout.</p> | <p><b>\$1,902,788</b></p> | <p><b><u>Staff Summary Attached</u></b></p> |
|---|---------------------------|---|

<b>Item Number</b> 1				<b>SUMMARY INFORMATION</b>	
<b>Department, Department Head Name</b> VP Materiel, Stephen M. Plochochi 				<b>Vendor Name</b> Judlau/TC Electric JV	<b>Contract No.</b> P-36437
<b>Internal Approvals</b>				<b>Description</b> Canarsie Tunnel Rehabilitation and Core Capacity Improvements in the boroughs of Manhattan and Brooklyn	
<b>Order</b>	<b>Approval</b>	<b>Date</b>	<b>Approval</b>	<b>Total Amount</b> \$492,000,000 (\$477M contract; \$15M acceleration)	
1 WD	Materiel	6 X	Subways	<b>Contract Term (including Options, if any)</b> 43 months	
2 X	Law	7 X	CFO	<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3 X	Budget	8 3/11/17	EVP	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4 X	DDCR	9 3/17/17	Acting President	<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
5 X	CPM			<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
				<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**PURPOSE:**

To obtain approval of the Board to award Contract P-36437, for, Canarsie Tunnel Rehabilitation and Core Capacity Improvement in the Boroughs of Manhattan and Brooklyn to Judlau/TC Electric JV, a joint venture consisting of Judlau Contracting Inc. and TC Electric, LLC (“Judlau/TC”) in the amount of \$477,000,000 and a duration of 43 months. The Board is also asked to approve an additional \$15,000,000 to be used for future potential incentive/acceleration payments, for a total amount of \$492M.

In light of the extensive impact of this project on the surrounding communities and the goal to improve customer service, NYC Transit is desirous of undertaking new and creative ways to expedite the work. Therefore, the Board is also asked to authorize a streamlined change order approval process.

**DISCUSSION:**

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

The work under this contract will address the salt water damage caused by Superstorm Sandy in the tunnel to improve service and reliability for the riding public. The work in the tunnel will be completed during the closure of the tunnel between Brooklyn and Manhattan that is planned to begin in April 2019. During this closure, a vast amount of work must be accomplished and includes demolition and reconstruction of approximately 60,000 linear feet (LF) of duct banks, 14,400 LF of Track and track bed, 270,000 LF of cable ducts and associated cables, repair of 7,000 LF of concrete lining, and installation of tunnel lighting and fire systems. Resiliency measures will also be implemented to protect the tube, including construction of resilient cables and ducts and installation of a new discharge line. Additionally, extensive work will be performed prior to the tunnel work. Several “core capacity” improvements will increase operational efficiency and throughput, and improve accessibility and circulation. Station improvements at the 1<sup>st</sup> Avenue and Bedford Avenue Stations adjacent to the tunnel will include new stairways, and four ADA compliant elevators and other work to improve passenger flow. Construction of a new Avenue B substation, Circuit Breaker House and contact rail will address power requirements to improve service on the “L” line. Given the critical nature and impact of this project, contractual provisions were added to expedite demolition, encourage acceleration of the tunnel work, deter delays, facilitate payments, and enable traffic mitigation work, testing and commissioning of systems. Innovative construction means were introduced to facilitate the work.

An Authorizing Resolution requesting the use of a competitive Request for Proposal (“RFP”) procurement process was approved by the Board in March 2016. Selection was accomplished by use of a two-step RFP process in which the most qualified firms were selected to submit technical and cost proposals in Step 2. Due to the importance of the project, an interdepartmental Technical Advisory Committee was employed to evaluate the technical components of each proposal.

For Step 1, NYC Transit’s selection was based on relevant experience minimizing operational impact as well as experience performing work of similar size and scope, general responsibility to receive a contract award, and overall technical approach to meet and accelerate the critical project construction schedule. In response to NYC Transit’s advertisement, six Qualification Packages were received from the following firms: (1) Kiewit Infrastructure Co., (2) Judlau/TC, (3) Skanska USA Civil NE & L.K. Comstock, JV, (4) Tully Construction Co., (5) Tutor Perini Corp. and (6) Yonkers Contracting Co./John P. Picone, JV. The Selection Committee (“SC”) reviewed the submissions and recommended that all six firms move to Step 2. The firms demonstrated the ability to perform the project scope and satisfied the criteria set forth in Step 1.

For Step 2, proposers were evaluated based on their detailed technical proposal and approach, including acceleration of the project and minimizing outages, overall project cost, and other relevant matters. Criteria focused on management and construction approach including the ability to accelerate the critical project schedule, minimize operational impacts and outages, managing community impacts, experience of the project team, project innovations, proposer’s safety and quality and past performance. Technical proposals were received in response to the Step 2 RFP documents from four of the six short-listed firms: (1) Judlau/TC, (2) Skanska USA Civil NE & L.K. Comstock, JV, (3) Tully Construction Co., and (4) Tutor Perini Corp. Technical and cost proposals were received at staggered times to afford the prospective proposers additional time to develop pricing. Kiewit Infrastructure Co. did not propose, indicating that it intended to participate as a subcontractor. Yonkers Contracting Co./John P. Picone, JV did not propose, citing risk concerns by the bonding community. Following the Technical Advisory Committee and the SC’s review of technical proposals and observation of oral presentations, in accordance with the evaluation criteria, the firms were ranked technically.

Judlau/TC was technically ranked the highest. The Judlau/TC team has extensive past and on-going experience working together on NYC Transit Sandy projects of similar scope and complexity, including the reconstruction of the Montague Tunnel, Steinway Tunnel, and 53<sup>rd</sup> Street Tunnels. Its technical proposal applied the lessons learned from these projects to develop a construction method to lessen the community impact, as well as shorten the tunnel closure and overall project duration. Additionally, it proposes to exceed the DBE goal established for the contract. Skanska USA Civil NE & L.K. Comstock, JV was technically ranked second. Relying on its past experience with similar elements of work on other NYC Transit projects, this proposer’s technical approach utilized similar technology to facilitate phasing of the work, including staging of materials for installation. Both joint venture team members have extensive NYC Transit experience and records of successful performance. Tutor Perini Corporation was ranked third. It provided a sound construction schedule and was also recommended for negotiations based on its detailed approach to utility and excavation work and its subcontractors’ prior experience supporting NYC Transit stations work. Tutor Perini has extensive public and private construction experience and has shown the ability to accelerate work. Tully Construction Co. was ranked fourth, meeting the minimum requirements of the RFP.

Subsequent to the technical review, the SC reviewed pricing. The firms with their base proposal amounts were as follows (in alphabetical order): Judlau/TC (\$465,000,000), Skanska USA Civil NE & L.K. Comstock, JV (\$520,485,000), Tully Construction Co. (\$492,000,000) and Tutor Perini Corporation (\$496,880,000). Judlau/TC also submitted an alternate proposal which offered a reduced project duration valued at \$493,000,000. Three firms were chosen for negotiations based on their ability to expedite the project schedule, detailed technical approach, and prior experience performing similar work: Judlau/TC, Skanska USA Civil NE & L.K. Comstock, JV, and Tutor Perini Corporation. The firm not recommended for negotiations, Tully Construction Co., did not provide a technical approach that would ensure minimal impact to the community and acceleration of the work and therefore received the lowest technical ranking.

Negotiations were held with the three proposers focusing on (1) technical solutions, including acceleration to minimize the tunnel outage, (2) terms and conditions (for example, daily incentives to maximize acceleration, payment provisions to facilitate the work, and liquidated damages provisions), and (3) pricing. Discussions also focused on shortening the overall project duration of 46 months and minimizing the planned 18-month tunnel closure/service outage.

After negotiations, Best And Final Offers (“BAFO”) were received from all three firms. The base BAFO amounts were as follows: Judlau/TC (\$456,000,000), Skanska USA Civil NE & L.K. Comstock, JV (\$501,970,000), and Tutor Perini Corporation (\$497,180,000). All three proposers submitted alternate proposals examining various technical approaches to shortening the project duration. Judlau/TC submitted the most competitive alternate BAFO with the greatest reduction to the tunnel outage and project duration in the amount of \$477,000,000. Skanska USA Civil NE & L.K. Comstock, JV submitted three alternates ranging from \$506,470,000 - \$509,950,000. Tutor Perini’s alternate proposal was valued at \$510,080,000.

After a thorough review of the BAFOs submitted from each firm the SC unanimously selected Judlau/TC and recommended its alternate BAFO for award based on the selection criteria. Its Alternate BAFO of \$477,000,000 represented a \$16,000,000 (or 3.2%) reduction from its initial alternate proposal, reduced the tunnel outage from 18 months to 15 months, and reduced the project duration from 46 months to 43 months. Based on the foregoing, the SC determined that Judlau/TC's alternate BAFO provided the best value to NYC Transit. Judlau/TC provided a strong project team with extensive experience working together on projects of similar scope and complexity for NYC Transit, including the Sandy Recovery project for the reconstruction of the Montague Tunnel, Rehabilitation of the Steinway, Clark and 53<sup>rd</sup> Street Tunnels, the post-Sandy clean up and restoration of the Rockaway Line, and the Culver Line Rehabilitation. Judlau/TC's prior experience on similar projects affecting the surrounding community and ridership, evoked confidence in the SC that it would successfully complete the work. Its proposal clearly delineated a construction approach which minimized community impact and utilized other innovations to maximize its ability to perform the work and execute its acceleration plan. While the other proposers put forth technical proposals that creatively managed the scope and duration, the SC determined that Judlau/TC provided the most viable plan with the most opportunity to accelerate the project scope, while providing the most competitive price.

All BAFOs, including Judlau/TC's alternate BAFO of \$477,000,000, were determined to be fair and reasonable based on the competitive nature of the RFP and comparison to the revised in-house estimate of \$536,460,360. Judlau/TC's alternate BAFO is \$63,000,000, or 11.6%, below the revised in-house estimate. Its proposal represents cost savings ranging from \$20,000,000 to \$46,000,000 when compared to the other proposals received.

While there have been issues with Judlau Contracting Co.'s performance in the past and on other current MTA work, this project is more similar to its successful projects like the reconstruction of the Montague Tunnel, Rockaway Line Clean Up and Restoration and the Culver Line Rehabilitation. Bonds, financial and insurance approval are pending. No award will be made until all such approvals are received. Additionally, Judlau/TC Electric has certified that it is not on the list of firms debarred from obtaining an award under the Iran Energy Sector Divestment Law.

In connection with a previous contract awarded to Judlau, Judlau was found to be responsible notwithstanding significant adverse information 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 October 2013. In addition, as a result of the review of Judlau's responsibility since the prior contract award, new significant adverse information was identified and Judlau was found to be responsible notwithstanding such new significant adverse information and such responsibility finding was subsequently approved by the MTA Interim Executive Director in consultation with the MTA Acting General Counsel in March 2017. Following a background search and evaluation of Schedule J Responsibility Questionnaire by the Vendor Relations Unit, TC Electric has been found fully responsible.

Consistent with NYC Transit's objectives to expedite critical capital projects and improve customer service, NYC Transit also seeks to implement procedures to ensure that this project advances in a fast-tracked fashion similar to the expedited nature of Design Build projects. In order to assist MTA in achieving aggressive schedules for construction of certain Design-Build projects, Article VIII.B.3 was added to the All Agency General Contract Procurement Guidelines when the Board approved those Guidelines in June 2016. Under this provision, change orders for Design-Build contracts where the Board has previously declared that it is in the public interest to award the contract through a competitive RFP process and where the change order does not change the total contract price to exceed the project budgeted cost, including contingency, do not require Board approval. NYC Transit intends to utilize this provision for this contract in order to expedite the construction schedule. As part of this procurement action, the Board is asked to approve an Authorized Officer entering into any and all change orders where Board approval would otherwise be required and where such change order(s) do not change the total contract price to exceed the budgeted cost, including contingency. For the sake of transparency, all change orders over \$250,000 issued for this project will be reported to Capital Program Oversight Committee consistent with the procedures for change orders valued between \$250,000 - \$750,000.

### **M/W/DBE INFORMATION**

The MTA Department of Diversity and Civil Rights ("DDCR") established a DBE goal of 17% for this project. Award will not be made until DDCR approval is obtained. Judlau/TC Electric has submitted a utilization plan achieving the DBE goal. Judlau Contracting Inc. has achieved its M/W/DBE goals on previous MTA contracts. TC Electric LLC has not achieved its previous M/W/DBE goals on a previously completed MTA contract.

On Contract S-32761, Installation of ST (Station Time) Signal Aspects, Phase II, Lexington Avenue Line, in the Borough of Manhattan, TC Electric LLC received interim "Unsatisfactory" ratings regarding M/W/DBE compliance from DDCR for the evaluation period of October 2014 through April 2015. TC Electric only met 2% of its reduced DBE goal of 7% and DDCR believed that TC Electric failed to notify them in a timely manner, resulting in an unsatisfactory rating in the M/W/DBE Compliance category. However, TC Electric's final overall evaluation by CPM was "Satisfactory".

## **CAPITAL PROGRAM REPORTING**

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

## **IMPACT ON FUNDING**

This contract is funded by the FTA and the MTA and will be managed by NYC Transit under the MTA Capital Program. The contract will not be awarded until a WAR certificate is in place.

## **ALTERNATIVES**

Perform work with In-House forces. Not recommended as in-house forces do not have the resources to perform the scope of this project.

## **RECOMMENDATION**

That the Board approve the award of Contract P-36437, for Canarsie Tunnel Rehabilitation and Core Capacity Improvement in the Boroughs of Manhattan and Brooklyn to Judlau/TC Electric JV in the amount of \$477,000,000 and a duration of 43 months.

That the Board also approve an additional \$15,000,000 to be used for future potential incentive/acceleration payments, for a total amount of \$492M.

That, the Board also approve a streamlined change order approval process in light of the extensive impact of this project on the surrounding communities and the goal to improve customer service.



Five teams were selected: Citnalta-Forte, Joint Venture (“CFJV”); ECCO III Enterprises, Inc. (“ECCO III”); Judlau Contracting, Inc. (“Judlau”); Picone-Schiavone ESI, Joint Venture (“Picone-Schiavone”); and Skanska. Pursuant to the Authorizing Resolution, only these pre-qualified teams are eligible to propose on all ESI RFPs in Step 2.

The Package 2 RFP was issued on November 17, 2016. Package 2 required the submission of a base proposal assuming full station closures with a maximum contract duration of 21 months and also required the submission of alternate proposals assuming partial station closures with a maximum contract duration of 27 months. Technical Proposals were received on February 7, 2017, and corresponding cost proposals were received on February 14, 2017, to afford prospective proposers additional time to develop pricing. Proposals were received from four of the five teams appearing below in alphabetical order:

<u>PROPOSER</u>	<u>BASE PROPOSAL</u>	<u>ALTERNATE PROPOSAL</u>
ECCO III	\$232,167,000	\$232,167,000
Judlau	\$138,736,860	\$148,634,039
Picone-Schiavone	\$142,662,480	\$162,877,480*
Skanska	\$156,930,000	\$168,960,000

\* As proposed duration is one month longer than the maximum duration stated in the RFP, this proposal is non-compliant.

**Note:** CFJV was awarded Package 1 and did not submit a proposal for Package 2, electing to focus on advancing the Package 1 design.

All Proposals were evaluated by a Selection Committee (“SC”) utilizing pre-established selection criteria addressing the proposer’s design and construction approach; overall project schedule; team experience; project management, safety, quality, and M/WBE plans; qualifications and coordination of subcontractors; diversity practices; and other relevant matters. After technical factors, the overall project cost was considered. Supporting the SC evaluation was a Technical Advisory Subcommittee comprised of members from the Program Facilitator/Best Practices Consultant and various NYC Transit departments.

The SC reviewed the technical proposals, observed the oral presentations, and subsequently reviewed the price proposals submitted by each proposer. After review and consideration of all proposals, the SC recommended that Skanska and Picone-Schiavone be invited for negotiation of their base proposals. The SC did not recommend any of the required alternate proposals. Of the four alternate proposals submitted only two were considered viable. Neither offered a schedule and cost proposal meriting consideration over any of the selected base proposals.

Skanska was a unanimous selection with a technical proposal that earned them the highest technical score by each SC member. Its written proposal and oral presentation were the most complete and comprehensive of all four teams. They have assembled a very strong design and construction team assigning a dedicated design team for early work as well as for each bypass (2 stations each) and a dedicated construction team for each station. Skanska’s approach to an early critical activity associated with the construction of a new egress stair at the Broadway Station was thought to significantly mitigate the risk to the start of the first bypass and the project schedule.

Although not as strong as Skanska’s proposal, Picone-Schiavone was also a unanimous selection. They submitted a good written proposal that was supported by a very good oral presentation. Their proposal includes dedicated design teams for early deliverables and interim design (all four stations) and a dedicated final design team for the two stations in each bypass. Each station is also assigned a dedicated construction team. Picone-Schiavone’s approach to the new egress stair at the Broadway Station somewhat reduces the risk to the start of the first bypass and the project schedule.

ECCO III and Judlau were not selected for negotiations. ECCO III’s cost proposal was determined to be outside of the competitive range. Although Judlau proposed the lowest cost and comparable reductions to the bypass durations, their proposal was not as attractive as their approach to the new egress stair at the Broadway Station was determined to present the most schedule risk.

Negotiations were conducted with both firms and included discussions of schedule, commercial and contractual terms and conditions, and overall cost including pricing assumptions. At the conclusion of negotiations, both teams were requested to submit its Best and Final Offer (“BAFO”). BAFO requests included agreed-upon terms and conditions and pricing assumptions specific to each proposer. Skanska’s BAFO was \$149,680,000, which represented a reduction of \$7,250,000 (4.6%) from its initial proposal. Picone-Schiavone’s BAFO was \$146,632,800, which represented an increase of \$3,970,320 (2.8%) from its initial proposal.

The SC reviewed the BAFOs, discussed the increase to Picone-Schiavone’s proposal which appeared to be solely in their electrical costs and revisited the technical evaluations. The SC recommended Skanska for award, determining that its proposal offered the best overall value to NYC Transit based on the selection criteria. Skanska’s BAFO of \$149,680,000 is \$3,047,200 (2.1%) higher than the BAFO submitted by Picone-Schiavone which amounts to an additional \$761,800 per station. The SC determined that the overall strength of Skanska’s technical proposal and its construction approach, which offered an increased level of schedule certainty, offset

the additional cost per station. Skanska's BAFO is within 1% of the internal estimate and considered fair and reasonable. In addition, this review also considered Skanska's proposed savings of over \$1 million in authority-provided services and avoidance of incentive payments of nearly \$3.3 million associated with Skanska's total proposed reduction of 91 days to the station bypass durations.

Skanska's recent station experience includes projects such as: C-26505 for F/I Finishes and Systems on the Number 7 Line Extension (\$513.7M); A-36121 Fulton Center A/C Mezzanine Reconstruction and J/M/Z Vertical Circulation (\$120M), and A-36094 for Renewal of Three Stations on the Sea Beach Line (\$79.9M). This team's relevant design-build experience includes: A-36025 for the Fulton Center Dey St. Concourse Structural Box (\$161M) and MNR Harmon Shop Replacement, Phases III (\$284M) and V (\$245M).

In connection with a previous contract awarded to Skanska, Skanska 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 July 2011. No new SAI has been found relating to Skanska, and Skanska has been found to be responsible.

In connection with a previous contract awarded to AECOM, AECOM, the lead designer and a significant subcontractor to Skanska, was found to be responsible notwithstanding 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 May 2016. No new SAI has been found relating to AECOM, and AECOM has been found to be responsible.

In connection with a previous contract awarded to E-J Electric, E-J Electric, a significant subcontractor, was found to be responsible notwithstanding SAI pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the NYC Transit Acting President in March 2017. No new SAI has been found relating to E-J Electric, and E-J Electric has been found to be responsible.

#### **M/W/DBE INFORMATION:**

The MTA Department of Diversity and Civil Rights has established goals at 15% MBE and 15% WBE. Award will not be made until the Department of Diversity and Civil Rights' approval is obtained. Skanska has achieved its previous M/W/DBE goals on previous MTA contracts.

#### **CAPITAL PROGRAM REPORTING:**

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

#### **IMPACT ON FUNDING:**

This project is funded by the MTA and will be managed by NYC Transit under the MTA Capital Program. Funding is available through the 2015–2019 Station Component Program and other identified capital program savings.

#### **ALTERNATIVES:**

Perform the work using in-house personnel. Not recommended as in-house forces do not have the resources to perform the scope of this project.

#### **RECOMMENDATION:**

That the Board approve the award of a contract for Package 2 of the Enhanced Station Initiative for the Design and Construction of Improvements at the 30th Avenue, Broadway, 36th Avenue, and 39th Avenue stations along the Astoria Line in the Borough of Queens to Skanska in the amount of \$149,680,000 and a duration of 21 months.

# Staff Summary

<b>Item Number</b> 3-4			
<b>Department, Department Head Name</b> VP Materiel, Stephen M. Plochochi			
<b>Internal Approvals</b>			
Order	Approval	Date	Approval
1 X	Materiel	6 X	Subways
2 X	Law	7 X	CFO
3 X	Budget	8 3/14/17	EVP 
4 X	DDCR	9 3/14	Acting President 
5 X	CPM	10	

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> HNTB New York Engineering and Architecture, P.C. Jacobs Civil Consultants, Inc.	<b>Contract No.</b> CM-1059 CM-1060
<b>Description</b> Consultant Construction Management (CCM) Services for the Enhanced Station Initiative (Design and Renovation of Multiple Stations in the Boroughs of Brooklyn, Queens, Manhattan, the Bronx, and Staten Island)	
<b>Total Amount</b>	
Packages 1 and 2 to HNTB	\$33,287,959
Packages 3 and 4 to Jacobs	\$27,274,513
<b>Total Program Amount</b>	<b>\$60,562,472</b>
<b>Contract Term (including Options, if any)</b>	
27 months	
<b>Option(s) included in Total Amount?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Renewal?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Procurement Type</b>	
<input checked="" type="checkbox"/> Competitive	<input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b>	
<input checked="" type="checkbox"/> RFP	<input type="checkbox"/> Bid <input type="checkbox"/> Other:
<b>Funding Source</b>	
<input type="checkbox"/> Operating	<input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:

**PURPOSE:**

To obtain approval of the Board to award two competitively negotiated contracts, CM-1059 and CM-1060, each with a term of 27 months for Consultant Construction Management (“CCM”) services for the Enhanced Station Initiative (“ESI”) (Design and Renovation of Multiple Stations in the Boroughs of Brooklyn, Queens, Manhattan, the Bronx and Staten Island) subject to the availability of funding. CM-1059 will be awarded to HNTB New York Engineering and Architecture, P.C. (“HNTB”) for CCM services in support of ESI Packages 1 and 2 (for three and four stations respectively) in the combined estimated amount of \$33,287,959. CM-1060 will be awarded to Jacobs Civil Consultants, Inc. (“Jacobs”) for CCM services in support of ESI Packages 3 and 4 (for four and five stations respectively) in the combined estimated amount of \$27,274,513. Each contract allows NYC Transit to compete an option between both consultants for the award of approximately four additional packages. Award of the option(s) for the additional packages will be subject to Board approval.

**DISCUSSION:**

NYC Transit is seeking one or more experienced consultants to provide CCM services for the ESI Program. 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, which, together will result in stations that are cleaner and brighter. With the addition of improvements at the 7th and 8th Avenue Line stations at Penn Station, the program now includes 31 preselected stations located in all five boroughs. Work will be accomplished through the award of multiple design-build contract packages including several stations each. The CCM will provide a range of construction inspection and closeout services. Construction-related activities include ensuring that the project is on schedule and within budget, obtaining shop drawings and submittals, reviewing and processing change orders, performing inspections for quality and safety requirements, and providing construction oversight and inspections.

This Request for Proposal (“RFP”) required CCM services for a period of 27 months for a total of four ESI design and construction packages that include 16 stations in the boroughs of Brooklyn, Queens, and Manhattan. Services for the remaining stations, located in Brooklyn, Queens, the Bronx, and Staten Island, will be addressed by options.

A two-step RFP was utilized for this procurement. In Step 1, Qualification Packages were submitted by the following three firms: HNTB; Jacobs; and STV, Inc. and LiRo Engineers, Joint Venture, (“STV/LiRo”). As the ESI Program relies on the design-build method of construction procurement, many major engineering firms are on the design-build teams, and thus not eligible to participate in the program as the CCM. During Step 1, the Selection Committee (“SC”) reviewed the Qualification Packages against the pre-established evaluation criteria that included such items as project specific and general professional experience, financial stability and ability to successfully execute the work in relation to current contractual commitments and recommended that all three firms advance to Step 2.

The RFP provided the firms with titles, hours, and fixed out-of-pocket expenses to facilitate an equal price comparison and evaluation. Pricing was done by individual packages to facilitate making multiple awards based on the consultants’ staffing plans, which would allow NYC Transit the ability to obtain the best resources from more than one firm. Proposals were received and evaluated by the SC utilizing pre-established selection criteria addressing each proposer’s plan of approach, experience in relevant areas, experience of project team/key personnel, current workload of prime and sub-consultants, past performance on similar contracts, and proposer’s diversity practice and management. After review of the technical proposals, the SC invited all three firms for oral presentations. After the oral presentations, the SC recommended that negotiations be conducted with two firms: HNTB and Jacobs. HNTB and Jacobs were selected for negotiations because they both have the requisite CCM experience, addressed and met all of the requirements outlined in the selection criteria, and presented a clear understanding of the ESI Programs’ objectives in their oral presentations as it pertained to coordination of the work and package schedules. The SC did not recommend STV/LiRo for negotiations because its proposal lacked detailed information on the coordination of Packages 3 and 4.

After being selected for negotiations, HNTB and Jacobs’ cost proposals were opened and evaluated. Negotiations were conducted and focused on project schedule, hourly rates, overhead and profit. Additional titles for safety, quality, and a dedicated senior resident engineer for each package were added and increased the estimated hours by 12%. Standalone pricing per package was requested for the initial and Best and Final Offer (“BAFO”) Cost Proposal because it allowed NYC Transit to issue multiple awards as deemed necessary. At the conclusion of negotiations, the two firms submitted their BAFOs.

The tables below show a comparison of the two firms’ initial cost proposals and their BAFOs:

**Initial Cost Proposal**

	<b>Package 1</b>	<b>Package 2</b>	<b>Package 3</b>	<b>Package 4</b>	<b>Total</b>
<b>HNTB</b>	\$12,110,066	\$18,943,758	\$16,474,618	\$13,413,668	\$60,942,109
<b>Jacobs</b>	\$9,758,283	\$15,497,092	\$13,133,465	\$10,749,877	\$49,138,716

**BAFO Cost Proposal**

	<b>Package 1</b>	<b>Package 2</b>	<b>Package 3</b>	<b>Package 4</b>	<b>Total</b>
<b>HNTB</b>	\$11,973,191	\$21,314,768	\$17,722,901	\$14,256,712	\$65,267,572
<b>Jacobs</b>	\$10,346,205	\$18,003,158	\$14,677,390	\$12,597,123	\$55,623,876
<b>Final Estimate</b>	\$14,020,642	\$24,506,460	\$20,534,685	\$16,645,672	\$75,707,459

The SC determined that the resource requirements of the ESI Program are too great for any one CCM and voted unanimously to award contracts to HNTB and Jacobs. Both were deemed to have strong teams and expertise to perform the work, thus offering the best overall value to NYC Transit. HNTB was recommended by the SC to be awarded Packages 1 and 2 (\$33,287,959). HNTB was the highest-rated proposer and was best prepared to provide services in support of already-awarded Package 1 and soon-to-be awarded Package 2 based on its familiarity and experience on projects similar to ESI. Jacobs was recommended for award of Packages 3 and 4 (\$27,274,513), the design and construction of which will be solicited in the coming months. Jacobs will be brought on during the solicitation phases for the design and construction of Packages 3 and 4. Both Procurement and CPM concurred that both BAFOs were fair and reasonable based on the competitive nature of the RFP and comparison to the final revised in-house estimate of \$75,707,459.

HNTB is currently the CCM on NYC Transit Rehabilitation of the Sea Beach Line and have provided Architectural/Engineering Design Services for Federally Funded Miscellaneous Construction and Capital Security Project on a competitive task order basis. Reference checks with NYC Transit confirmed that HNTB’s CCM performance is satisfactory.

Jacobs is part of a Joint Venture with LiRo Engineering, Inc. providing CCM services on the East Side Access Project since January 2008. Jacobs is currently the CCM on the Canarsie Tunnel Rehabilitation and Core Capacity Improvement project. In addition, Jacobs is the current CCM for Long-Term Flood Mitigation for 17 Fan Plants and for the 148th Street Yard Resiliency Project. Jacobs has extensive experience with NYC Transit projects and is very familiar with NYC Transit's internal processes. Reference checks with MTA and NYC Transit substantiated that Jacobs' performance is satisfactory.

In connection with a previous contract awarded to Jacobs, Jacobs 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 May 2013. No new SAI has been found relating to Jacobs and Jacobs has been found to be responsible.

A current background check discovered no SAI within the meaning of the MTA All-Agency Responsibility Guidelines for HNTB.

**M/W/DBE:**

The MTA Department of Diversity and Civil Rights has established goals of 15% for MBE and 15% WBE for both contracts. Both HNTB and Jacobs have submitted plans to meet or exceed these goals. Award(s) will not be made until the Department of Diversity and Civil Rights' approval is obtained. Both HNTB and Jacobs have achieved their previous MWDBE goals on previous MTA contracts.

**IMPACT ON FUNDING:**

These contracts will be 100% MTA funded. Currently, funding is only available for CCM services in support of ESI Packages 1 and 2. Notices to Proceed for each package will not be issued until funding becomes available and WAR Certificates are received.

**ALTERNATIVES:**

None. Currently, NYC Transit lacks available in-house technical personnel to perform the specific tasks required under these two contracts.

**CAPITAL PROGRAM REPORTING:**

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

**RECOMMENDATION:**

It is recommended that the Board approve the award of Contract Nos. CM-1059 (HNTB) and CM-1060 (Jacobs) each with a term of 27 months for CCM Services in support of the ESI Program (Design and Renovation of Multiple Stations) subject to the availability of funding. CM-1059 will be awarded to HNTB for CCM services in support of ESI Packages 1 and 2 in the combined estimated amount of \$33,287,959. CM-1060 will be awarded to Jacobs for CCM services in support of ESI Packages 3 and 4 in the combined estimated amount of \$27,274,513.

Item Number: 5

<b>Vendor Name (Location)</b> Parsons Transportation Group of New York, Inc. (New York, New York)	
<b>Description:</b> Consultant Services for Design and Construction Support for the Communications-Based Train Control/Auxiliary Wayside Signal System for the Second Avenue Subway and Flushing Line	
<b>Contract Term (including Options, if any)</b> December 1, 2003–April 30, 2017	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Capital Program Management, John O’Grady	

<b>Contract Number</b>	<b>AWO/Mod. #:</b>
CM-1235	19
<b>Original Amount:</b>	\$ 4,090,298
<b>Option Amount:</b>	\$ 10,275,659
<b>Total Amount:</b>	\$ 14,365,957
<b>Prior Modifications:</b>	\$ 7,831,591
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 22,197,548
<b>This Request:</b>	\$ 1,902,788
<b>% of This Request to Current Amount:</b>	8.6%
<b>% of Modifications (including This Request) to Total Amount:</b>	67.8%

**Discussion:**

This modification is for continued technical support services during the construction phase of the Communications-Based Train Control (“CBTC”) system implementation on the Flushing line, and an extension of the contract by 19 months, from May 1, 2017 to November 30, 2018.

The base contract was for Parsons Transportation Group (“PTG”) to perform Preliminary Engineering (“PE”) for the CBTC/Auxiliary Wayside Signal system on the Second Avenue Subway (“SAS”) line and PE and Final Engineering for CBTC on the Flushing line. The contract had three Options: Option 1 – Final Design and Procurement Support for SAS; Option 2 – Technical Support During SAS Construction; and Option 3 – Technical Support During Flushing Construction. Only Option 3 has been exercised.

Several modifications have been issued, including (1) design and technical support services for the CBTC Culver Test Track, (2) the exercise of Option 3 for technical support services on the Flushing CBTC construction effort, and (3) extension of the contract term to April 30, 2017, primarily due to delay in Flushing CBTC construction. This delay was due to various factors attributable to both the contractor and NYC Transit, which necessitated additional PTG technical support.

Under this modification, PTG will continue to provide technical support during construction and subsequent close-out services beyond Flushing CBTC substantial completion of on-site work, currently projected for November 2017. PTG’s continued technical support includes overseeing acceptance testing to ensure satisfactory CBTC operational service along the entire Flushing line, and also includes the review of test reports, safety reports, and as-built documents.

PTG’s initial proposal was in the amount of \$1,976,703. NYC Transit’s revised estimate was \$1,898,926. Negotiations with PTG resulted in a Best and Final Offer (“BAFO”) of \$1,902,788. PTG’s BAFO was deemed to be fair and reasonable.

**MARCH 2017**

**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.)

- |                                       |                              |                                      |
|---------------------------------------|------------------------------|--------------------------------------|
| <b>1. Contractor To Be Determined</b> | <b>Cost To Be Determined</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract Term To Be Determined</b> |                              |                                      |
| <b>Contract# B-40669</b>              |                              |                                      |
- RFP Authorizing Resolution for the purchase of up to 53 low-floor 60-foot articulated diesel buses.

# Staff Summary

Item Number 1			
Department, Department Head Name VP Materiel, Stephen M. Plochochi			
Internal Approvals			
Order	Approval	Date	Approval
1	Materiel	6/3/13	EVP, NYCT
2 X	Law, MTABC	7/3/14	Acting President, NYCT
3 X	Budget	8	
4 <i>for file</i>	EVP, MTABC	9	
5 <i>for file</i>	President, MTABC	10	

SUMMARY INFORMATION	
Vendor Name TBD	Contract No. B-40669
Description RFP Authorizing Resolution for purchase of up to 53 low-floor 60-foot articulated diesel buses	
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"/> Noncompetitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**PURPOSE:**

To request that the Board determine that competitive bidding is impractical or inappropriate for the federally funded procurement of up to 53 low-floor 60-foot articulated diesel buses for MTA Bus Company ("MTABC") and that it is in the public interest to issue a competitive Request for Proposals ("RFP") pursuant to subdivision 4(g) of Section 1265-a of the Public Authorities Law.

**DISCUSSION:**

Subdivision 4(g) of Section 1265-a of the Public Authorities Law permits MTABC to use a competitive RFP in lieu of competitive bidding to award a contract based on a formal evaluation of characteristics such as quality, delivery, and cost against stated selection criteria. MTABC is desirous of utilizing such a procedure with respect to the procurement of up to 53 low-floor 60-foot articulated diesel buses.

This procurement will be conducted by NYC Transit on behalf of MTABC. The RFP process will allow MTABC to select the proposal that offers the best overall value through negotiations and evaluation based on criteria that reflect the critical needs of the agency. Upon completion of the RFP process, NYC Transit intends to obtain Board approval for the actual contract award.

The 53 low-floor 60-foot articulated diesel buses will replace aging 40-foot diesel buses that have reached the end of their 12-year useful life. These buses represent an expansion of articulated bus operation and in some cases, an increase in service in order to meet peak-service requirements. Converting a route to articulated bus operation has an immediate impact on operating costs: Four 40-foot buses are replaced with three 60-foot articulated buses, resulting in a reduction in operator-related costs, fewer miles being driven, and a need for fewer buses to meet peak-service requirements. These buses will be operated out of depots in Queens.

By utilizing the RFP process, MTABC will be able to (1) weigh factors such as overall project price, delivery and overall quality of proposer and product; (2) negotiate specific contract terms, such as warranty and payment terms, (3) negotiate technical matters as deemed appropriate, and (4) include any other factors that MTABC deems relevant to its operation.

These buses will be outfitted with new features including improved driver visibility, pedestrian turn warning Wi-Fi, USB charging ports, automatic passenger counters, digital information screens and new branding.

# Staff Summary

**ALTERNATIVE:**

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

**IMPACT ON FUNDING:**

This procurement is funded under U7030201/SF02-2710. It is anticipated that this project will be 80% federally funded and 20% locally funded.

**RECOMMENDATION:**

It is recommended that the Board determine that competitive bidding is impractical or inappropriate for the federally funded procurement of up to 53 low-floor 60-foot articulated diesel buses for MTABC and that it is in the public interest to issue a competitive RFP pursuant to subdivision 4(g) of Section 1265-a of the Public Authorities Law.

MARCH 2017

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

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

1. **DAP-NDT, LLC** **\$1,423,888 (Est.)** Staff Summary Attached  
**Sole Source – One-year contract**  
**Contract# 140573**  
Declaration of an immediate operating need for ultrasonic rail flaw detection services.
  
2. **Judlau Contracting, Inc.** **\$3,800,000** Staff Summary Attached  
**Contract# A-37593.74**  
Modification to the contract for South Ferry Terminal Complex Rehabilitation, in order to build a permanent bikeway and perimeter walkway in Battery Park.

Item Number: 1

<b>Vendor Name (Location)</b> DAP-NDT, LLC (Ridgefield, Connecticut)	<b>Contract Number</b> 140573	<b>Renewal</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description</b> Ultrasonic Rail Flaw Detection Services	<b>Total Amount:</b> \$1,423,888 (Est.)	
<b>Contract Term (including Options, if any)</b> December 5, 2016–December 4, 2017	<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<b>Requesting Dept./Div., Dept./Div. Head</b> Department of Subways, Wynton Habersham	
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Noncompetitive		
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Immediate Operating Need		

**Discussion:**

It is requested that the Board ratify the declaration of an Immediate Operating Need (“ION”), approved by the Vice President, Materiel, waiving formal competitive bidding pursuant to Article III-A of the All-Agency Procurement Guidelines, and approve the award of a contract for ultrasonic rail flaw detection services to DAP-NDT, LLC (“DAP”) for one year, in effect from December 5, 2016 to December 4, 2017.

Ultrasonic rail testing is a process used to detect and verify internal flaws that can develop in rail, thereby facilitating preemptive track repairs. This service is provided by contractors trained in the use of specialized ultrasonic testing equipment. The Federal Railroad Administration (“FRA”) has promulgated Track Safety Standards for defect testing practices to ensure that such testing is completed on a regular basis. Although NYC Transit is not governed by these FRA regulations, it has adopted similar standards in order to promote the integrity of its mainline tracks.

NYC Transit’s Track Geometry Cars (“TGC”) TGC3 and TGC4 are equipped with the Dapco RTS-400 ultrasonic testing inspection (“RTS-400”) system developed by Dominic A. Pagano (“Pagano”), an inventor with decades of experience in the field. Pagano sold his ownership rights in this technology to Nordco Rail Services (“Nordco”). From 2012 to 2016, Nordco provided ultrasonic testing services to NYC Transit using this system. Although NYC Transit timely engaged Nordco in negotiations for a renewal of the contract, it became evident through ongoing discussions that Nordco was unable to meet the standard of performance NYC Transit expects for the operation, maintenance, and staffing requirements for ultrasonic testing using the RTS-400 system. The contract was therefore not renewed, and an ION was declared to secure a contract with DAP, an alternate provider of this service.

The market for this service is very limited. It is further constricted in that the few contractors engaged in ultrasonic rail testing do so using their own proprietary equipment. Procurement contacted five leading companies in the industry; none of the contractors surveyed could (1) offer equipment that would function in NYC Transit’s Track environment, (2) readily retrofit their equipment on NYC Transit’s TGC vehicles, or (3) operate NYC Transit’s RTS-400 system. Sperry Rail Service (“Sperry”) is currently under contract with NYC Transit to install its UT 1950 System on NYC Transit’s TGC2 car, and to provide related operational and maintenance support. However, Sperry has not yet completed the installation process, and the system has not been fully commissioned by NYC Transit.

Pagano has recently reentered the ultrasonic rail testing field through his company, DAP. As the developer of the RTS-400, Pagano has the requisite expertise to operate and maintain the RTS-400 installed on board NYC Transit’s TGC3 and TGC4 cars. Moreover, his company, DAP, is the only qualified contractor currently capable of doing so. DAP did not satisfy the financial qualification requirements, however under this contract, financial risk is minimized as payment is made after the provision of service. Taking this into account, an award to DAP was made based on a business decision.

The Scope of Work under this contract provides for 46 weeks of ultrasonic testing service utilizing a crew of five personnel, with provisions for overtime and weekend support. The initial proposal submitted by DAP was \$1,447,425. Following negotiations, which included discussions on market rates and ultrasonic testing schedules, DAP reduced its proposal by \$23,537, resulting in a final price of \$1,423,888. The Cost/Price Analysis Unit reviewed DAP’s proposal, current market conditions, and pricing from the most recent NYC Transit ultrasonic testing contracts. The final price was determined to be fair and reasonable.

During the term of this contract, NYC Transit anticipates entering into a longer-term contract with DAP, for which Board approval will be sought.

Item Number: 2

<b>Vendor Name (Location)</b> Judlau Contracting, Inc. (Flushing, New York)
<b>Description</b> South Ferry Terminal Complex Rehabilitation
<b>Contract Term (including Options, if any)</b> November 26, 2014–June 26, 2017
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Capital Program Management, John O’Grady

<b>Contract Number</b> A-37593	<b>AWO/Mod. #</b> 74
<b>Original Amount:</b>	\$ 193,800,000
<b>Prior Modifications:</b>	\$ 6,769,491
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 200,569,491
<b>This Request:</b>	\$ 3,800,000
<b>% of This Request to Current Amount:</b>	1.9%
<b>% of Modifications (including This Request) to Original Amount:</b>	5.5%

**Discussion:**

This retroactive modification is for building a bikeway and perimeter walkway in Battery Park.

Construction of the South Ferry Terminal Complex (“SFTC”) requires a staging area at Entrance 3 in Battery Park. The NYC Department of Parks and Recreation (“DPR”) issued a permit for a staging area at that location (and for staging areas on DPR property at the Bus Loop and at Entrances 1 and 2 in Peter Minuit Plaza). Upon completion of construction, the permit and the contract require the DPR properties to be restored to their original condition.

On August 25, 2014, DPR and NYC Transit reached an agreement that requires NYC Transit to complete portions of a DPR project in Battery Park. The DPR project consists of a new bikeway through the park and a new walkway on the perimeter of the park, inclusive of landscaping. Specifically, the agreement requires NYC Transit to complete those segments of the DPR project that are materially impeded by the SFTC staging area at Entrance 3. The agreement was reached too late for its requirements to be designed and included in the contract, for which bids were received on September 23, 2014.

This modification provides for the construction of a permanent bikeway, which will be completed after the contractor, Judlau Contracting, Inc. (“Judlau”), vacates the staging area at Entrance 3 and walkways around the perimeter of the park. The bikeway and walkways are designed by DPR. The work includes the furnishing and installation of paving and horticultural landscape materials, plumbing, and lighting. Some specialized paving materials will be provided by DPR.

Judlau’s proposal was \$4,518,762. NYC Transit’s revised estimate was \$3,493,379. Negotiations resulted in agreement on a lump-sum price of \$3,800,000. Savings of \$718,762 were achieved. The negotiated price was found to be fair and reasonable. On December 22, 2016, the SVP, Capital Program Management approved a retroactive waiver in order to mitigate delay and Judlau was directed to proceed.

In connection with a previous contract awarded to 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 October 2013. 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 MTA Interim Executive Director in consultation with the MTA Acting General Counsel in March 2017.

**MARCH 2017**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

- |  |   |   |
|--|---|---|
| <p><b>1. 86th Street Constructors, JV</b><br/> <b>Contract# C-26012.258</b></p>  | <p><b>\$1,020,732</b></p>   | <p><b><u>Staff Summary Attached</u></b></p>                               |
| <p>Modification to the contract for the construction of the Second Avenue Subway – 86th Street Station Finishes, in order to continue five months start-up/burn-in service for 13 escalators at the 86th Street Station.</p>   |   |   |
| <p><b>2. E.E. Cruz/Tully Construction Company, JV, LLC</b><br/> <b>Contract# C-26010.298</b></p>   | <p><b>\$1,020,732</b></p>   | <p><b><u>Staff Summary Attached</u></b></p>                               |
| <p>Modification to the contract for the Second Avenue Subway Route 132A – 96th Street Station Finishes, in order to continue five months start-up/burn-in service for nine escalators at 96th Street Station.</p>  |   |   |
| <p><b>Judlau Contracting, Inc.</b><br/> <b>3. Contract# C-26011.330</b><br/> <b>4. Contract# C-26011.331</b></p>   | <p><b>\$3,315,654 (Aggregate)</b><br/> <b>\$1,810,804</b><br/> <b>\$1,504,850</b></p> | <p><b><u>Staff Summary Attached</u></b><br/>         ↓<br/>         ↓</p> |
| <p>Modifications to the contract for the construction of the Second Avenue Subway – 72nd Street Station Finishes, in order to provide (1) continued start-up/burn-in for eleven elevators at 72nd, 86th, and 96th Street stations; and (2) continued start-up/burn-in for ten escalators at the 72nd Street station.</p> |   |   |

Item Number: 1

<b>Vendor Name (Location)</b> 86th Street Constructors, Joint Venture (New York, New York)
<b>Description</b> Second Avenue Subway Route 132A – 86th Street Station Finishes, Mechanical, Electrical, and Plumbing Systems
<b>Contract Term (including Options, if any)</b> June 12, 2013–May 31, 2016
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name</b> MTA Capital Construction, Dr. Michael Horodniceanu

<b>Contract Number</b> C-26012	<b>AWO/Mod. #</b> 258
<b>Original Amount:</b>	\$ 208,376,000
<b>Prior Modifications:</b>	\$ 30,809,581
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 239,185,581
<b>This Request:</b>	\$ 1,020,732
<b>% of This Request to Current Amount:</b>	0.4%
<b>% of Modifications (including This Request) to Original Amount:</b>	15.3%

**Discussion:**

This retroactive modification provides for five months of start-up/burn-in service for 13 escalators at 86th Street Station, from 10 p.m. January 30, 2017 to 10 p.m. June 30, 2017.

Work under the original contract includes (1) heating, ventilation, and air-conditioning work in the station and ancillaries, tunnel ventilation systems in the adjacent tunnels, (2) supply and installation of electrical medium voltage and 120-volt systems including electrical distribution in the station and adjacent tunnel areas, uninterruptable power supplies, lighting in the station and adjacent tunnels, (3) supply and installation of plumbing, including the fire suppression and track drainage systems, hot and cold water supply, storm drainage, and associated pump systems, (4) supply and installation of elevators and escalators in the station and entrances, (5) construction of the station platform and mezzanine levels, interior walls and rooms, and (6) restoration of Second Avenue’s surface and that of adjacent streets impacted by the construction.

Revenue service on the Second Avenue Subway line commenced on January 1, 2017. Lessons learned from recent experiences with opening new facilities informed NYC Transit that maintenance and repair issues may arise during the start-up/burn-in period. To resolve these issues as quickly as possible and minimize impact to the public, it is beneficial to have the original equipment manufacturers (“OEM”) and installers provide standby maintenance and repair during the first six months of revenue service.

A prior modification, No. 250, in the amount of in the amount of \$328,755, was initiated and negotiated with 86th Street Constructors, Joint Venture (“86th Street Constructors”) and its subcontractor to provide one month of enhanced escalator standby and maintenance service from 5 p.m. December 31, 2016 through 10 p.m. January 30, 2017.

Under this retroactive modification, KONE Corporation, the OEM and installer of escalators at 86th and 96th Street stations, will provide a minimum crew of two mechanics, to be shared between 86th and 96th Street stations, to troubleshoot, maintain, repair, and perform preventive maintenance on escalators and related equipment. All preventive maintenance will be performed at times that minimize inconvenience to customers.

To continue the escalator start-up/burn-in service from January 30, 2017, approval to process this modification on a retroactive basis was obtained from the MTA Capital Construction (“MTACC”) President. This modification will be funded by NYC Transit Operating Budget funds.

**Continued:**

The contractor submitted its proposal in the amount of \$1,144,989, for escalator maintenance for 86th Street Station. MTACC's revised in-house estimate was \$1,068,843. Negotiations were held directly with KONE for services at both 86th and 96th Street stations. In order to maximize efficiency, and contain cost, one team will cover both stations, instead of employing two parallel crews. After overall costs were agreed to with KONE, the markups were applied equally to the prime contractors for each location. Thus, the Additional Work Order cost is the same for both stations. Negotiations resulted in the agreed-upon lump-sum price of \$1,020,732. Based on analysis of CTJV's proposal and MTACC's estimate, both MTACC and Procurement find this price fair and reasonable.

In connection with a previous contract awarded to John P. Picone, Inc. ("Picone"), Picone 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 December 2014. No new SAI has been found relating to Picone, and Picone has been found to be responsible.

In connection with a previous contract awarded to Schiavone Construction Co. LLC ("Schiavone"), Schiavone was found to be responsible notwithstanding 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 December 2014. No new SAI has been found relating to Schiavone, and Schiavone has been found to be responsible.

Item Number: 2

<b>Vendor Name (Location)</b> E.E. Cruz/Tully Construction, Joint Venture LLC (New York, New York)
<b>Description</b> Second Avenue Subway Route 132A – 96th Street Finishes, Borough of Manhattan
<b>Contract Term (including Options, if any)</b> June 22, 2012–December 31, 2016
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name</b> MTA Capital Construction, Dr. Michael Horodniceanu

<b>Contract Number</b>	<b>AWO/Mod. #</b>
C-26010	298
<b>Original Amount:</b>	\$ 324,600,000
<b>Prior Modifications:</b>	\$ 59,170,233
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 383,770,233
<b>This Request:</b>	\$ 1,020,732
<b>% of This Request to Current Amount:</b>	0.3%
<b>% of Modifications (including This Request) to Original Amount:</b>	18.6%

**Discussion:**

This retroactive modification provides for continued start-up/burn-in service for the nine escalators at 96th Street Station from 10 p.m. January 30, 2017 to 10 p.m. June 30, 2017.

Work under the original contract includes (1) rehabilitation and retrofit of the existing 99th–105th Street Tunnel, (2) construction of invert slab benches in the newly constructed 87th–92nd Street tunnels and in the northern section of the 97th–99th Street Tunnel, (3) installation of mechanical systems including heating, ventilation, and air-conditioning, electrical medium voltage and 120-volt systems, (4) supply and installation of elevators and escalators in the station and entrances, (5) construction of the station platform, mezzanine levels, ancillaries and entrances, (6) restoration of Second Avenue’s surface and that of adjacent streets, and (7) removal of the temporary road deck installed in previous contracts.

Revenue service on the Second Avenue Subway line commenced on January 1, 2017. Lessons learned from recent experiences with opening new facilities informed NYC Transit that maintenance and repair issues may arise during the start-up/burn-in period. To resolve these issues as quickly as possible and minimize impact to the public, it is beneficial to have the original equipment manufacturers “OEM” and installers provide standby maintenance and repair during the first six months of revenue service.

A prior modification, No. 294, in the amount of \$328,755, was issued to the contractor, E. E. Cruz and Tully Construction Company, Joint Venture (“CTJV”), and its subcontractor to provide one month of enhanced escalator standby and maintenance service from 10 p.m. December 31, 2016 to 10 p.m. January 30, 2017.

Under this retroactive modification, KONE Corporation, the OEM and installer of escalators at 86th and 96th Street stations, will provide a minimum crew of two mechanics, to be shared between 86th and 96th Street stations, to troubleshoot, maintain, repair, and perform preventative maintenance on escalators and related equipment. All preventive maintenance will be performed at times that minimize inconvenience to the customers.

To continue the escalator start-up/burn in service from January 30, 2017, approval to process this modification on a retroactive basis was obtained from the MTA Capital Construction (“MTACC”) President. This modification will be funded by NYC Transit Operating budget funds.

**Continued:**

CTJV submitted its proposal in the amount of \$1,146,772, which was for 96th Street Station. MTACC's revised in-house estimate was \$1,068,843. Negotiations were held directly with KONE for service at both 86th and 96th Street stations. In order to maximize efficiency, and contain costs, one team will cover both stations, instead of having two parallel crews employed. After overall costs were agreed to with KONE, the markups were applied equally to the prime contractors for each location. Thus, the additional work order cost is the same for both stations. Negotiations resulted in the agreed-upon lump-sum price of \$1,020,732, which was found to be fair and reasonable.

Item Number: 3-4

<b>Vendor Name (Location)</b> Judlau Contracting, Inc. (College Point, New York)
<b>Description</b> Second Avenue Subway – 72nd Street Station finishes; mechanical, electrical, and plumbing systems; ancillary buildings and entrances
<b>Contract Term (including Options, if any)</b> February 14, 2013–November 13, 2015
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> MTA Capital Construction, Dr. Michael Horodniceanu

Contract Number	AWO/Mod. #
C-26011	330 and 331
<b>Original Amount:</b>	\$ 258,353,000
<b>Option 1:</b>	\$ 3,934,595
<b>Option 2:</b>	\$ 1,270,000
<b>Option 3:</b>	\$ 6,100,000
<b>Total Amount:</b>	\$ 269,657,595
<b>Prior Modifications:</b>	\$ 60,715,884
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 330,373,479
<b>This Request:</b>	
<b>Mod. 330: \$1,810,804</b>	\$ 3,315,654
<b>Mod. 331: \$1,504,850</b>	
<b>% of This Request to Current Amount:</b>	1.0%
<b>% of Modifications (including This Request) to Total Amount:</b>	23.8%

**Discussion:**

These retroactive modifications are for Judlau Contracting, Inc. (“Judlau”) and will provide (1) continued start-up/burn-in service for all elevators at 72nd, 86th, and 96th Street stations, and (2) continued start-up/burn-in service for all escalators at 72nd Street Station.

The original contract provides for the installation of mechanical systems, including (1) heating, ventilation, and air-conditioning work in the 72nd Street station and ancillaries, and tunnel ventilation systems in the adjacent tunnels, (2) supply and installation of electrical medium voltage and 120-volt systems including electrical distribution in the station and adjacent tunnels, (3) supply and installation of elevators and escalators in the station and entrances, (4) wall treatments, signage, stairs, handrails, guardrails, and (5) restoration of the surface of Second Avenue and adjacent streets impacted by construction.

**Modification 330**

This retroactive modification provides for continued start-up/burn-in service for all elevators within 72nd (seven elevators), 86th (two elevators), and 96th (two elevators) Street stations from 10 p.m. January 30, 2017 to 10 p.m. June 30, 2017. Revenue service on the Second Avenue Subway line commenced on January 1, 2017. Lessons learned from recent experiences with opening new facilities informed NYC Transit that maintenance and repair issues may arise during the start-up/burn-in period. To resolve these issues as quickly as possible and minimize impact to the public, it is beneficial to have the original equipment manufacturers “OEM” and installers provide standby maintenance and repair during the first six months of revenue service.

A previous modification, No. 326, in the amount of \$371,175, was issued to Judlau and its subcontractor to provide one month of enhanced elevator standby and maintenance service from 5 p.m. December 31, 2016 to 10 p.m. January 30, 2017.

Under this retroactive modification, USA Hoist Company, the original equipment manufacturer and installer of elevators at the 72nd, 86th, and 96th Street stations, will provide a crew of two mechanics to troubleshoot, maintain, repair, and perform preventive maintenance on elevators and related equipment. All preventive maintenance will be performed at times that minimize inconvenience to customers.

**Continued:**

To continue the elevator start-up/burn in service from January 30, 2017, approval to process this modification on a retroactive basis was obtained from the MTA Capital Construction (“MTACC”) President. This modification will be funded by NYC Transit Operating budget funds.

Judlau submitted its proposal in the amount of \$1,892,625, which included maintenance costs for the 72nd, 86th, and 96th Street stations, as specified in the original Request for Proposal (“RFP”). MTACC’s in-house estimate was \$1,670,681. Negotiations concluded on February 3, 2017, with an agreed-upon lump-sum price of \$1,810,804.

Based on the analysis of Judlau’s proposal and MTACC’s in-house estimate, the price is considered fair and reasonable. Savings of \$81,821 were achieved.

**Modification 331**

This retroactive modification provides for continued start-up/burn-in service for the ten escalators at 72nd Street Station from 10 p.m. January 30, 2017 to 10 p.m. June 30, 2017.

Revenue service on the Second Avenue Subway line commenced on January 1, 2017. Lessons learned from recent experiences with opening new facilities informed NYC Transit that maintenance and repair issues may arise during the start-up/burn-in period. To resolve these issues as quickly as possible and minimize impact to the public, it is beneficial to have the original equipment manufacturers “OEM” and installers provide standby maintenance and repair during the first six months of revenue service.

A previous modification, No. 325, in the amount of \$328,755, was issued to Judlau and its subcontractor to provide one month of enhanced escalator standby and maintenance service from 5 p.m. on December 31, 2016 to 10 p.m. on January 30, 2017.

Under this retroactive modification, Schindler USA, the Original Equipment Manufacturer and installer of escalators, will provide a crew of two mechanics to troubleshoot, maintain, repair, and perform preventive maintenance on elevators and related equipment. All preventive maintenance will be performed at times that minimize inconvenience to the customers.

To continue the escalator start-up/burn-in service from January 30, 2017, approval to process this modification on a retroactive basis was obtained from the MTACC President. This modification will be funded by NYC Transit Operating budget funds.

Judlau submitted its proposal in the amount of \$1,574,771. MTACC’s revised in-house estimate was \$1,600,125. Negotiations concluded on February 3, 2017, with an agreed-upon lump-sum price of \$1,504,850.

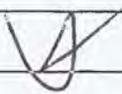
Based on the analysis of Judlau’s proposal and MTACC’s in-house estimate, the price is considered fair and reasonable. Savings of \$69,921 were achieved.

In connection with a previous contract awarded to 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 October 2013. 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 MTA Interim Executive Director in consultation with the MTA Acting General Counsel in March 2017.



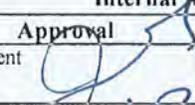
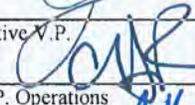
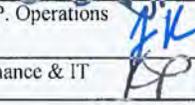
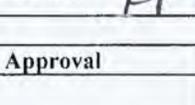
**Metro-North Railroad**

# **Procurements**

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

<b>Date</b>	March 8, 2017
<b>Vendor Name</b>	Various
<b>Contract Number</b>	Various
<b>Contract Manager Name</b>	Various
<b>Table of Contents Ref #</b>	

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	3-20-17	X		
2	MTA Board Mtg.	3-22-17	X		

Internal Approvals			
	Approval		Approval
X	President		
X	Executive V.P.		X V.P. Capital Programs
X	Sr. V.P. Operations		X V.P. & General Counsel
X	VP 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:**

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



## 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.



The Connecticut DOT recommended a 0% goal for subcontracting to Small/Minority Business Enterprises due to the lack of available certified firms in their database to provide the required manufacturing, related services and or other supplies. This procurement is to be funded 100% by the State of Connecticut Department of Transportation.

**Schedules 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. Langan Engineering, Environmental, Surveying & Landscape Architecture, DPC \$1,807,143 (not-to-exceed) Staff Summary Attached**

**Create Enhanced Drawing Visual Retrieval System for MNR's Capital Plan Room**

Approval is requested to award a competitively solicited (one proposal received) three year contract to the firm Langan Engineering, Environment, Surveying and Landscape Architecture, DPC (Langan) to create an enhanced Drawing Visual Retrieval System for MNR's Capital Plan Room. This new system will provide improved access for all MNR employees to the Capital Programs Department's as-built record drawings of all infrastructure assets including, but not limited to right-of-way, facilities, stations, track, signal, power, and Grand Central Terminal.

A work scope for this effort was developed by the Capital Engineering Department and a Request for Proposal was advertised in the New York State Contract Reporter, New York Post, El Diario and the Daily Challenge and posted on the MNR website. Of the ten requests received for this RFP, MNR received only one technical proposal from Langan for this RFP. Nine No Proposal Responses forms were received citing interest only as a subconsultant or indicating the work was not their specialty.

The Selection Committee comprised of members from the Capital Engineering and Procurement Departments met with the single proposer Langan to determine their understanding of the work scope and their capability to perform the work. Langan was found to be a knowledgeable vendor with a clear understanding of the project scope. The committee was satisfied that Langan could perform the necessary work. MNR completed a comprehensive responsibility review of Langan in connection with this award recommendation. There is no significant adverse information; therefore Langan has been determined to be a responsible vendor.

A cost proposal was received in the amount of \$2,133,462. Negotiations resulted in a savings of \$326,319 with an agreed upon contract amount not-to-exceed \$1,807,143. This amount is within 1% of MNR's in-house estimate of \$1,813,350. The not-to-exceed amount of \$1,807,143 for this project is to be funded by the MNR Capital Program.

# Staff Summary

Item Number C					
Dept. & Dept. Head Name: Procurement & Material Management, Al Muir, Sr. Director					
Division & Division Head Name: Executive Vice President, Catherine Rinaldi					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm. Mtg.	3-20-17	x		
2	MTA Board Mtg.	3-22-17	x		
Internal Approvals					
Order	Approval	Order	Approval		
X	President	X	Sr. V.P. Operations		
X	V.P. Finance & IT		V.P. Planning		
X	V. P. Capital Programs	X	V.P. & General Counsel		

SUMMARY INFORMATION	
Vendor Name Ansaldo STS USA, Inc.	Contract Number 70528
Description New Haven Line Pre-Wired Signal Houses and Cases for CP-229 to CP-243	
Total Amount \$ 24,500,200	
Contract Term (including Options, if any) 56 months	
Option(s) included in Total Amount? Yes <input checked="" type="checkbox"/> No	
Renewal? 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 Bid Other:	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: CDOT	

Narrative

**I. PURPOSE/RECOMMENDATION:**

To obtain MTA Board approval to award a contract to Ansaldo STS USA, Inc. to perform application engineering (design) prior to fabricating and delivering 18 new pre-wired communications and signal houses and 33 cases for the New Haven Line from CP-229 to CP-243. The period of performance for this contract is 56 months.

**II. DISCUSSION:**

This section of the existing wayside signal infrastructure has reached the end of its useful life. MNR has an immediate requirement to retain a vendor to perform application engineering and final design prior to fabricating and delivering new pre-wired signal houses and cases. These houses and cases will be installed by MNR forces at locations between Greenwich and East Norwalk, Connecticut. Further, these signal houses and cases will be compatible with the future PTC system.

The scope of work includes:

- Detailed engineering/design of all hardware, software, and system configuration requirements.
- Manufacturing and delivering signal equipment with software, control panels, computer engineering application package, portable diagnostic test set, training rack, and spare parts.
- Providing MNR employee training on system servicing and maintenance.
- Providing onsite field support during MNR's installation of the equipment.

On September 29, 2016, RFP No. 70528 was advertised in the New York State Contract Reporter, the New York Post and the Daily Challenge and posted on the MNR website. In addition, a direct outreach was made by MNR Procurement to prospective contractors. On November 18, 2016, two technical and cost proposals were received from Alstom Signaling (“Alstom”), and Ansaldo STS-USA; Inc. (“Ansaldo”).

The criteria for selection established in the RFP were as follows:

1. **Technical Capability:** Ability to provide technical services, equipment and systems as required in the RFP, including but not limited to quality and completeness of the required engineering, testing, training and documentation. Requirement to provide applicable licenses.
2. **Experience:** Identify previous work over the last ten years similar to the requirements of this RFP. Demonstrate qualifications and availability of key personnel, including a commitment that the key resources remain constant throughout the project, including sub consultant/subcontractor services.
3. **Cost:** Completeness and competitiveness of cost and price submittal.
4. **Project Plan:** Proposer's demonstrated ability to manage and coordinate the Work in the RFP.

The Selection Committee was comprised of members representing MNR's Procurement and Material Management Department and Maintenance of Way Department. The Committee evaluated the two proposals received in accordance with the selection criteria of the RFP and MNR's procedures. It was the unanimous decision of the Committee to select Ansaldo STS USA, Inc. (Ansaldo) as the recommended firm to perform the subject work. The Committee felt that Ansaldo had submitted an excellent proposal which demonstrated that they had the required technical ability and good experience doing this type of work. In addition, Ansaldo presented a detailed and organized project plan and their price of \$24,500,200 was 9.59% below the engineer's estimate.

MNR completed a Responsibility review of Ansaldo in connection with this award recommendation.

In connection with the review of the Contractor's responsibility pursuant to the All-Agency Responsibility Guidelines, the Contractor was found to be responsible notwithstanding significant adverse information and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel.

### **III. CONNECTICUT STATE FUNDED SBE/MBE SUBCONTRACTING REQUIREMENTS:**

The Connecticut DOT recommended a 0% goal for subcontracting to Small/Minority Business Enterprises due to the lack of available certified firms in their database to provide the required manufacturing, related services and or other supplies.

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

At this time, Board approval is requested in the amount of \$24,500,200. As noted above, this project is 100% funded by ConnDOT.

### **V. ALTERNATIVES:**

MNR and ConnDOT do not have the available in-house staff with both the expertise and experience to complete the full spectrum of design, engineering, and fabrication of this signal system.

# Staff Summary

Item Number F					
Dept & Dept Head Name: Procurement & Material Management, Al Muir, Sr. Director <i>AM</i>					
Division & Division Head Name: Executive Vice President- Catherine Rinaldi <i>CR</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	3-20-17	X		
2	MTA Board Mtg.	3-22-17	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President <i>AM</i>	X	V.P. & General Counsel <i>AM</i>		
X	Sr. V.P. Operations <i>AM</i>		V.P. Planning		
X	V.P. Finance & IT <i>AM</i>				
X	V. P. Capital Programs <i>AM</i>				

SUMMARY INFORMATION	
Vendor Name Langan Engineering, Environmental, Surveying & Landscaping Architecture, DPC	Contract Number 1000067441
Description Create Enhanced Drawing Visual Retrieval System for MNR's Capital Plan Room	
Total Amount \$1,807,143 (not-to-exceed)	
Contract Term (Including Options, if any) Three Years	
Option(s) included in Total Amount?	Yes <input checked="" type="checkbox"/> No
Renewal?	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:**

Approval is requested to award a three year competitively solicited contract (one proposal received) to the firm Langan Engineering, Environment, Surveying and Landscape Architecture, DPC (Langan) to create an enhanced Drawing Visual Retrieval System for MNR's Capital Plan Room. This new system will provide improved access for all MNR employees to the Capital Programs Department's as-built record drawings of all infrastructure assets including, but not limited to right-of-way, facilities, stations, track, signal, power, and Grand Central Terminal.

**II. DISCUSSION:**

MNR has produced, collected and stored a substantial number of plan drawings over its 30 year plus history. Some of these drawings, received from our predecessors, date back 100 years. These plan drawings range in material from linen blueprints, to paper, to aperture cards containing a microfilm image of the drawings. These drawings are stored in the Capital Plan Room in file drawers or in plastic bins for aperture cards. As a result, finding specific drawings has historically been a challenge unless the employee has institutional knowledge of the numerous keywords used to identify the area of interest that would help in narrowing the search.

Recently MNR undertook a major initiative to make these drawings easier for their employees, contractors and consultants to access. This initiative involved scanning and indexing approximately 75,000 GCT, Train Shed and Park Avenue drawings as well as approximately 120,000 non GCT drawings. The GCT drawings, while scanned, were neither indexed nor catalogued and are currently organized in file folders. The non-GCT drawings were scanned and indexed and are accessible via a web-based engine. An enterprise-wide Geographic Information System (GIS) mapping application was recently developed as a graphical front end for searching and accessing these plan drawings, but to date only key critical drawings such as valuation maps have been added to this GISD application. Through this project, MNR will have all of its Capital Plan Room drawings searchable and accessible by their employees via a secure interactive web-based GIS mapping application.

A work scope for this effort was developed by the Capital Engineering Department and a Request for Proposal was advertised in the New York State Contract Reporter, New York Post, El Diario and the Daily Challenge and posted on the MNR website. Of the ten requests received for this RFP, MNR received only one technical proposal from Langan for this RFP. Nine No Proposal Responses forms were received citing interest only as a sub consultant or indicating the work was not their specialty.

The Selection Committee comprised of members from the Capital Engineering and Procurement Departments met with the single proposer Langan to determine their understanding of the work scope and their capability to perform the work. Langan was found to be a knowledgeable vendor with a clear understanding of the project scope. The committee was satisfied that Langan could perform the necessary work. MNR completed a comprehensive responsibility review of Langan in connection with this award recommendation. There is no significant adverse information; therefore Langan has been determined to be a responsible vendor.

A cost proposal was received in the amount of \$2,133,462. Negotiations resulted in a savings of \$326,319 with an agreed upon contract amount not-to-exceed \$1,807,143. This amount is within 1% of MNR's in-house estimate of \$1,813,350.

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

The MTA Department of Diversity and Civil Rights has established a 15% MBE and 15% WBE goal for this contract. DDCR determined Langan has responded satisfactorily to the MBW/WBE submission requirements established for this contract.

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

Board approval is requested in the not-to-exceed amount of \$1,807,143. This project is to be funded by the MNR Capital Program.

### **V. ALTERNATIVES:**

MNR does not have the available in-house staff with both the technical expertise and experience to perform this work.

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**March 22, 2017**

# Staff Summary



<b>Subject : Request for Authorization to Award Various Procurements</b>						<b>Date</b> March 22, 2017			
Department <b>Procurement &amp; Logistics</b> <i>[Signature]</i>									
Department Head Name <b>Dennis L. Mahon, Chief Procurement &amp; Logistics Officer</b>									
Department Head Signature									
<b>Board Action</b>						<b>Internal Approvals</b>			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	3.20.17				1	President <i>[Signature]</i>		
2	MTA Board	3.22.17				2	Exec. Vice President		<i>[Signature]</i>

**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:**

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

**LIRR proposes to award Competitive Procurements in the following categories:**

Schedules Requiring Two-Thirds Vote

Schedule C: Competitive Requests for Proposals (Award of Purch & Pub Work Contracts)	1	\$325,851
SUBTOTAL	1	\$325,851

**LIRR proposes to award Ratifications in the following categories:**

	<u># of Actions</u>	<u>\$ Amount</u>
	None	
<b>TOTAL:</b>	<b><u>1</u></b>	<b><u>\$325,851</u></b>

**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.

Staff Summary



Item Number: 1					
Dept & Dept Head Name: Procurement & Logistics, Dennis Mahon Department Head Signature & Date: <i>[Signature]</i>					
Division & Division Head Name: Department of Program Management, Paul Dietlin Division Head Signature & Date: <i>[Signature]</i>					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee	3.20.17			
2	MTA Board	3.22.17			
Internal Approvals					
Order	Approval	Order	Approval		
6	President <i>[Signature]</i>	3	Sr. VP/Engineering <i>[Signature]</i>		
5	Executive VP <i>[Signature]</i>	2	VP & CFO <i>[Signature]</i>		
4	Sr. VP/Operations <i>[Signature]</i>	1	VP, Gen'l Counsel & Sec'y <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name Ansaldo STS USA, Inc. (ASTS)	Contract Number 6218
Description: Design/Furnish/Deliver Switch Machine Kits and Equipment – West Side Yard	
Total Amount \$325,851	
Contract Term (Including Options, if any) 450 consecutive 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 checked="" type="checkbox"/> Other: SANDY	

Narrative

**I. PURPOSE/RECOMMENDATION:**

The Long Island Rail Road (LIRR) requests MTA Board approval to award a Public Works contract to Ansaldo STS USA, Inc. in the amount of \$325,851 to Design, Furnish, and Deliver Switch Machine Kits and Equipment for LIRR’s West-Side Yard. This work is part of the MTA/LIRR Super-Storm Sandy recovery program (Project PNZD, Western Rail Yards). The switches at West-Side Yard were severely damaged as a result of Super-Storm Sandy in October 2012. LIRR requires the expertise of a contractor to design and manufacture Switch Machine components for rod mechanisms to move in a non-conventional way due to clearance issues.

**II. DISCUSSION:**

The contract requires Ansaldo STS USA, Inc. (ASTS) to design, manufacture and deliver ten (10) Switch Machine Layout Kits (machines are not included) to be installed by LIRR forces. The contract also requires submittals at 60% and 100% design completion.

The MTA Board granted an “omnibus” approval to use the “Request for Proposal” (RFP) method to solicit various Design-Build and other contracts in connection with post-Super Storm Sandy restoration, mitigation and resiliency initiatives (specifically citing the West-Side Yard, among others) at its November 2013 meeting. On June 14, 2016, LIRR publicly advertised the RFP for this project in the New York State Contract Reporter, N.Y. Post, and on the MTA website.

A single proposal was received from ASTS. Two other prospective proposers who expressed interest advised they could not satisfy the FRA requirements of the RFP. LIRR conducted a technical evaluation of the proposal submitted by ASTS. It was determined that ASTS demonstrated an acceptable approach to the work, utilized

## Staff Summary



effective means and methods, and met the RFP's experience requirements. Therefore, LIRR entered into negotiations with Ansaldo, addressing various cost-saving initiatives such as the frequency/location of progress meetings, reductions to labor costs and efficiencies with the required materials. As a result, ASTS reduced their labor and material costs by \$60,000, resulting in the final negotiated price of \$325,851. Accordingly, Ansaldo STS USA, Inc.'s proposal was deemed fair and reasonable.

In connection to previous awards to ASTS, they were found to be responsible notwithstanding adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility findings were approved by the LIRR President in consultation with LIRR General Counsel in December, 2015. In addition, since prior contract award, new significant adverse information was identified related to Hitachi LTD., the ultimate parent of ASTS' principal shareholder and ASTS was found to be responsible notwithstanding such new significant adverse information and such responsibility finding was subsequently approved by the MTA Interim Executive Officer in consultation with the MTA Acting General Counsel.

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

The MTA Department of Diversity and Civil Rights (DDCR) have established 0% DBE goals for this project.

Ansaldo STS USA, 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:**

This contract will be funded by the LIRR Capital Budget supported by federal Super Storm Sandy relief funding.

### **V. ALTERNATIVES:**

There are no alternatives, since LIRR does not have the ability to undertake the design and fabrication of these customized Switch Machine components with in-house forces.

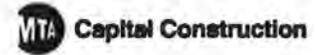
**LONG ISLAND RAIL ROAD COMMITTEE**

**MTA BOARD**

**PROCUREMENT PACKAGE**

**MARCH 2017**

**Staff Summary**



<b>Subject</b> Request for Authorization to Award Various Procurements					
<b>Department</b> Law and Procurement					
<b>Department Head Name</b> Evan M. Eisland					
<b>Department Head Signature</b> 					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Long Island Rail Road Joint Committee	3/20/17	X		
2	Board	3/22/17	X		

<b>Date:</b> March 8, 2017			
<b>Vendor Name</b> Various			
<b>Contract Number</b> Various			
<b>Contract Manager Name</b> Various			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
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:

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule I Modifications to Purchase and Public Work Contracts	1	\$ 3,000,000
SUBTOTAL	1	\$ 3,000,000

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

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule K Ratifications of Completed Procurement Actions	2	\$ 1,912,500
SUBTOTAL	2	\$ 1,912,500
TOTAL	3	\$ 4,912,500

**Budget Impact:**

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

**Recommendation:**

That the modification and ratifications 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.

March 2017

**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)

- |           |   |                     |                                      |
|-----------|---|---------------------|--------------------------------------|
| <b>1.</b> | <b>GCT Constructors Joint Venture<br/>Contract No. CM014B<br/>Modification No. 54</b> | <b>\$ 3,000,000</b> | <b><u>Staff Summary Attached</u></b> |
|-----------|---|---------------------|--------------------------------------|

In accordance with Article VIII of the All-Agency General Contract Guidelines, MTACC seeks Board approval to modify the contract to increase the amount of Payment Item No. 11A, Allowance for Utilities Not Identified in the Contract Documents.



March 2017

**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)**

2 & 3.	<b>Tutor Perini Corporation</b>	<b>\$ 1,912,500 (Aggregate)</b>	<b><u>Staff Summary Attached</u></b>
	<b>Contract No. CH057</b>		
	<b>Modification No. 18</b>	<b>\$ 960,000</b>	
	<b>Modification No. 20</b>	<b>\$ 952,500</b>	

In accordance with Article XI of the MTA All-Agency Service Contract Procurement Guidelines, MTACC request that the Board ratify modifications to the Contract for the demolition and removal of the foundation of old Signal Bridge 23 and the installation of a new foundation and new Signal Bridge 23 (Modification No. 18) and, for the construction of 710 feet of concrete ductbank, installation of a 625 foot action block retaining wall and installation of 10 electrical pull boxes (Modification No. 20)

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation (New Rochelle, NY)	<b>Contract Number</b> CH057	<b>AWO/Modification #s</b> 18 & 20
<b>Description</b> Harold Structures Part 3 for the ESA Project	<b>Original Amount:</b> \$ 53,352,586	
<b>Contract Term (including Options, if any)</b> 19 Months	<b>Prior Modifications:</b> \$ 4,343,050	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Exercised Options</b> \$ 8,680,000	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b> \$ 66,375,636	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>This Request</b> \$ 1,912,500	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b> 2.88%	
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> East Side Access, W. Goodrich, P.E.	<b>% of Modifications (including This Request) to Original Amount:</b> 30.5%	

**Discussion:**

The CH057 Contract includes construction of the Track D Approach Structure, 48th Street MM2 Bridge, and Retaining Walls 48-S2 and 39-S6, site grading, demolition of the existing G02 Substation, demolition of Signal Bridges 18 and 22, and installation of electrical, sewer and communication utilities, catenary structures and track work. In accordance with Article VIII of the All-Agency General Contract Guidelines, MTACC requests that the Board ratify the following contract modifications:

Modification No. 18

This Modification is for the demolition and removal of the foundation of old Signal Bridge 23 and the installation of a new foundation and Signal Bridge 23. New Signal Bridge 23 will carry the signals and infrastructure that communicates to the new H1/H2 Central Instrument Locations (H1/H2 CILs) which are part of the new signal infrastructure in Harold Interlocking. Activation of the new H1/H2 CILs will allow for the decommissioning of the existing Harold CIL and will clear space in the Harold Interlocking for construction of the B/C Tunnel Approach Structure. The B/C Tunnel Approach Structure is the final tunnel approach structure required for Revenue Service. MTACC was intending to perform this scope of work in another contract, but this Contractor was best suited to perform the work in time to meet the current scheduled need date of February 2017 because it was already mobilized and performing similar work at an adjacent location, and has the necessary experience and resources.

The Contractor submitted a cost proposal of \$1,209,037 for this work while the MTACC project estimate was \$1,136,594. Negotiations were held on January 27, 2017, and both parties agreed to a cost of \$960,000, which is considered fair and reasonable.

In order to not delay the installation of Signal Bridge 23, the President approved a retroactive memo and, on January 10, 2017, the Contractor was directed to proceed with the work up to the not-to-exceed amount of \$1,000,000. The installation of Signal Bridge 23 was completed on February 25, 2017.

Modification No. 20

This Modification is for the construction of 710 feet of concrete ductbank, installation of a 625 foot action block retaining wall and installation of 10 electrical pull boxes. The ductbank, retaining wall and pullboxes are required in order to install the signal trough and signal cables between the H2 and H3 Central Instrument Locations (“CILs”), which is a prerequisite for the pretesting of the H1/H2 CILs. The cables must be installed by May 2017 to start pre-testing and meet the scheduled H1/H2 CILs activation date of May 2018. If the pre-testing is not started by May 2017, the H1/H2 CILs will not be activated in May 2018. This will delay the construction of the B/C Tunnel Approach Structure, which is the final tunnel approach structure required for Revenue Service. The signal trough and cables were originally intended to be installed after completion of the Track A Approach Structure which would not have required the ductbank and retaining wall. However, delay to completion of the Track A Approach Structure necessitated this alternative plan.

The CH057 Contractor is best suited to construct the ductbank, and install the required pull boxes and retaining wall because it is mobilized on site, performing similar work, and has the experience and resources necessary to complete the work in the time required. In order to not delay the required pre-testing work, the President approved a retroactive memo and on January 12, 2017, the Contractor was directed to proceed with the work up to the not-to-exceed amount of \$1,000,000. The work is currently progressing on schedule.

The Contractor submitted a cost proposal of \$1,048,576 while the MTACC project estimate was \$1,090,050. Negotiations were held on February 14, 2017, and both parties agreed to a cost of \$952,500, which is considered fair and reasonable.

In connection with a previous contract awarded to Tutor Perini Corporation, TPC was found to be responsible notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility findings were approved by the MTA Interim Executive Director in consultation with the MTA Acting General Counsel in February 2017. No new SAI has been found relating to TPC and TPC has been found to be responsible.



# Bridges and Tunnels

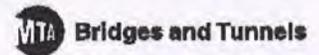
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## Procurements March 2017



# Staff Summary



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

<b>Date:</b> 03/03/2017
<b>Vendor Name:</b>
<b>Contract Number:</b>
<b>Contract Manager Name:</b>
<b>Table of Contents Ref #:</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	President	03/03/17			
2	MTA B&T Committee	03/20/17			
3	MTA Board	03/22/17			

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

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

**PURPOSE:**

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

**DISCUSSION:**

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

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

<u>Schedules Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase And Public Works Contracts)	1	\$82.180M

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule F: Personal Service Contracts	3	\$26.838M
Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts	2	\$4.485M
Schedule I: Modifications to Purchase and Public Works Contracts	2	\$37.461M

**SUBTOTAL** \$150.964M

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

**TOTAL** \$150.964M

**BUDGET IMPACT:**

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

**RECOMMENDATION:**

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

The legal name of MTA Bridges and Tunnels is Triborough Bridge and Tunnel Authority.

**MTA BRIDGES & TUNNELS**  
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

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

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

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

**NOW**, the Board resolves as follows:

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

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**MARCH 2017**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Two-Thirds Vote:**

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

- |                                      |                      |                                      |
|--------------------------------------|----------------------|--------------------------------------|
| <b>1. Tutor Perini Corp.</b>         | <b>\$ 82,180,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. HH-89</b>            |                      |                                      |
| 2yr, 9 mo. Contract- Competitive RFP |                      |                                      |

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to award a competitively solicited public work contract for Design/Build Services for the Rehabilitation of Skewbacks, Viaduct Piers and Lower Level North Abutment at the Henry Hudson Bridge to Tutor Perini Corp. (TPC).

**Procurements Requiring Majority Vote:**

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

- |  |                               |                                      |
|--|-------------------------------|--------------------------------------|
| <b>1. Hardesty &amp; Hanover, LLC</b>                            | <b>\$ 2,373,533.00</b>        | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. PSC-16-3000A</b>                                 |                               |                                      |
| <b>HAKS Engineers, Architects<br/>&amp; Land Surveyors, P.C.</b> | <b>\$ 2,038,963.00</b>        |                                      |
| <b>Contract No. PSC-16-3000B</b>                                 |                               |                                      |
| <b>HNTB New York Engineering<br/>and Architecture, P.C.</b>      | <b>\$ 1,971,358.00</b>        |                                      |
| <b>Contract No. PSC-16-3000C</b>                                 |                               |                                      |
| <b>WSP Parsons Brinkerhoff</b>                                   | <b><u>\$ 1,697,028.00</u></b> |                                      |
| <b>Contract No. PSC-16-3000D</b>                                 | <b>\$ 8,080,882.00</b>        |                                      |

2yr, 9mo. Contract- Competitive RFP

B&T is seeking Board approval under the All-Agency Service Contract Procurement Guidelines to award four personal service contracts for the 2017 Biennial Bridge Inspections at the: (i) Throgs Neck Bridge to Hardesty & Hanover, LLC (H&H), (ii) Bronx-Whitestone Bridge to HAKS Engineers, Architects & Land Surveyors, P.C. (HAKS), (iii) Marine Parkway/Cross Bay Bridges to HNTB New York Engineering and Architecture, P.C. (HNTB), and (iv) Henry Hudson & Queens-Midtown-Tunnel Approach Bridges to WSP|Parsons Brinkerhoff (WSP|PB).

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**MARCH 2017**

2. **EnviroMed Services., Inc.** \$ 1,939,963.98 Staff Summary Attached  
**Contract No. PSC-16-3002**

2yr Contract- Competitive RFP

B&T is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award a personal service contract to provide services for independent safety monitoring for ongoing B&T construction projects.

3. **AECOM USA, Inc.** \$ 1,543,753.37 Staff Summary Attached  
**Contract No. PSC-16-2997**

1yr, 6mo. Contract- Competitive RFP

B&T is seeking Board Approval under the All Agency Service Contract Procurement Guidelines to award a personal service contract for Design Services for Project AW-28, Strategic Plan for Service Life Extension of Suspension Bridges.

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

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

1. **WSP/URS a Joint Venture** \$ 2,957,064.66 Staff Summary Attached  
**Contract No. PSC-12-2906**

7yr, 3mo. Contract- Competitive RFP

B&T is seeking Board approval under the All-Agency Service Contract Procurement Guidelines to amend Contract PSC-12-2906, Design Services for Reconstruction of the Upper and Lower Level Toll Plazas and Southbound Approach at the Henry Hudson Bridge (HHB) for construction support services for Project HH-88B/HH-13A, Reconstruction of Upper and Lower Level Toll Plazas and Southbound Approach at Henry Hudson Bridge and Lighting Replacement at Northbound/Southbound Henry Hudson Parkways.

2. **Ammann & Whitney Consulting** \$ 1,528,424.00 Staff Summary Attached  
**Engineering, P.C.**  
**Contract No. PSC-13-2929**

6yr, 1mo. Contract- Competitive RFP

B&T is seeking Board approval in accordance with the All-Agency Service Contract Procurement Guidelines to amend Contract No. PSC-13-2929, Design and Design Services During Construction for Project HH-89, Retrofit /Repair of Skewbacks, Approach Concrete Piers and North Abutment at the Henry Hudson Bridge to provide design quality assurance services.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**MARCH 2017**

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

(Approvals/Staff Summaries required for individual change orders greater than \$750K. Approvals without Staff Summaries required for change orders greater than 15% of previous approved amount which are also at least \$250K)

- |                                     |                        |                                      |
|-------------------------------------|------------------------|--------------------------------------|
| <b>1. Halmar International, LLC</b> | <b>\$19,311,211.44</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. BW-14/BW-84C</b>    |                        |                                      |

3yr Contract- Competitive Bid

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend Contract BW-14/BW-84C for installation of the Open Road Tolling (ORT) system and associated civil, structural, electrical and demolition work at the Bronx-Whitestone Bridge.

- |   |                        |                                      |
|---|------------------------|--------------------------------------|
| <b>2. Schiavone Construction Co., LLC</b> | <b>\$18,149,300.00</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. TN-60</b>                 |                        |                                      |

2yr, 5mo. Contract- Competitive Bid

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public works contract (TN-60) to perform civil, structural and electrical infrastructure construction work for Open Road Tolling (ORT) at the Throgs Neck Bridge.

# Staff Summary

<b>Item Number 1 (Final)</b>					
<b>Dept. &amp; Dept. Head Name:</b> Engineering and Construction, Joe Keane, P.E., V.P. <i>Joe Keane</i>					
<b>Division &amp; Division Head Name:</b> Engineering and Construction, Walter Hickey, P.E.					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	President	3/3/17			
2	MTA B&T Committee	3/20/17			
3	MTA Board	3/22/17			
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
1	Chief Financial Officer <i>[Signature]</i>		Executive Vice President		
2	General Counsel	4	President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> Tutor Perini Corp.	<b>Contract Number</b> HH-89
<b>Description:</b> Design/Build Services for the Rehabilitation of Skewbacks, Viaduct Piers and Lower Level North Abutment at the Henry Hudson Bridge	
<b>Total Amount</b> \$82,180,000	
<b>Contract Term (including Options, if any)</b> 33 Months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative**
**I. PURPOSE/RECOMMENDATION**

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to award a competitively solicited public work contract for Design/Build Services for the reconstruction of the Arch Span Skewbacks, Viaduct Span Pedestal supports and Lower Level North Abutment at the Henry Hudson Bridge to Tutor Perini Corp. (TPC) for a period of 33 Months at a cost of \$82,180,000. The work is necessary to address deterioration of the existing bridge concrete foundation structures. In accordance with the MTA Design-Build Best Practice Guidance, and in order to enhance competition and defray proposal costs, this solicitation included stipends to be paid to each unsuccessful proposer in the amount of \$166,000 whose proposal met a defined standard. Accordingly, approval is also requested to pay stipends totaling \$664,000.

**II. DISCUSSION**

In November 2015, the Board authorized B&T to enter into a competitive Request for Proposal (RFP) process for design-build services for the reconstruction of the Arch Span Skewbacks, Viaduct Span Pedestal supports and Lower Level North Abutment at the Henry Hudson Bridge. The work requires the design and construction of retrofit/repair of the skewbacks, column pedestals, the lower level north abutment, and associated work at the Henry Hudson Bridge.

The service requirements were publicly advertised; eleven firms submitted qualification information and based on a review of their qualifications, five firms were deemed qualified to receive the RFP. All five firms submitted proposals: Halmar International LLC (\$71,710,609), Judlau Contracting Inc. (\$71,780,000), Kiewit Infrastructure Co. (\$97,475,000), Skanska

## Staff Summary

USA Civil Northeast Inc. (\$99,765,000), and Tutor Perini Corp. (\$83,680,000). The proposals were evaluated against established criteria set forth in the RFP, including proposed price, design-build technical approach, key personnel and management approach, and oral presentations.

In accordance with the MTA Design-Build Best Practice Guidance, Technical Proposals were evaluated by a Selection Committee (SC) prior to evaluation of the cost proposals. The Authority also contracted with a prominent bridge engineering consultant to provide a 'blind' review of each technical solution and prepare an evaluation of advantages and disadvantages of each solution along with ensuring each meets or exceeds the requirements of the RFP. This subject matter expert opinion was considered by the SC in their evaluation.

The committee recommended TPC as the highest rated firm based on several factors. The proposed design from TPC provides greater certainty of successful construction on the skewbacks as compared to the other proposers. TPC provided an innovative design which limits the amount of disturbance to the existing skewback concrete and avoids interference with existing steel elements within the concrete. The design and constructability of all major components of their proposed technical solution was more developed than that of the other proposals and included innovative details to ensure accurate installation of the new mini piles without interference between new and existing structural elements. TPC's proposal demonstrated successful past experience on similar projects and that of their proposed designer with load transfer applications of similar complexity. The proposed design also gave more consideration to future inspection and maintenance accessibility and was advantageous in that regard.

The committee found that upon detailed examination the technical solutions provided by the proposers other than TPC all had inherent design and constructability risks of varying degree, the outcome of which could not be known in advance of actual construction with certainty. If these risks were to develop during the construction or post construction period they could potentially compromise the structural integrity of the bridge, resulting in lengthy, costly, and complex corrective action.

Although Judlau and Halmar provided lower cost proposals, they proposed deep excavations next to the skewbacks which increased concerns with undermining and differential settlement of the existing foundations and the possibility of compromising the arch structure. Neither of these proposals addressed dewatering to the satisfaction of the SC. Additionally each of their technical solutions required significant temporary or permanent lane closures during the length of construction. The Kiewit and Skanska technical proposals were not fully compliant with RFP testing requirements and cost proposals were significantly higher.

TPC's proposal significantly exceeded those of the other proposers on technical merit, met all the requirements of the RFP, greatly mitigated the known risks associated with the project implementation as outlined in the RFP, and can be expected to be successfully constructed with a high degree of confidence and offered the best value overall as compared to the other proposers.

TPC submitted a proposal of \$83,680,000. Negotiations were conducted with TPC which included discussion on technical requirements, design assumptions, and construction approach. TPC offered reasonable explanations to back up costs such as the high complexity of the design, high risk of the construction process on a difficult site with low tolerance for variances and difficult access to the work areas. The parties agreed to \$82,180,000 which is 6.1% above the Engineer's estimate of \$77,123,104. The negotiated amount is deemed to be fair and reasonable as the estimate understated the level of effort for ongoing monitoring of the structural health system required by the scope of the RFP. Upon review of final technical score and the negotiated fee, the SC recommended the TPC team for award, determining that they proposed the best technical solution, and based on the reasons listed above, will provide the best value to the Authority.

In connection with a previous contract awarded to the Contractor, TPC was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding

## Staff Summary

was approved by the Interim MTA Chairman/CEO in consultation with the Acting MTA General Counsel on February 11, 2017. No new SAI has been found related to the Contractor and TPC has been found to be responsible.

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

MTA Department of Diversity and Civil Rights have assigned goals of 15% MBE and 15% WBE to this contract. Award will not be made until the Department of Diversity and Civil Rights' approval is obtained. Tutor Perini has achieved its previous MWDBE goals on previous MTA contracts.

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

Funding is available in the 2015–2019 Capital Program under Projects D701/HH89/D03524.

### **V. ALTERNATIVES**

There are no recommended alternatives. The Authority does not possess the resources required to perform these services.

# Staff Summary

<b>Item Number 2 (Final)</b>					
<b>Dept &amp; Dept Head Name:</b> Engineering and Construction, Joe Keane, P.E. <i>Joe Keane</i>					
<b>Division &amp; Division Head Name:</b> Engineering and Construction, Philip Swanton, P.E. <i>Philip Swanton</i>					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	2/27/17			
2	MTA B&T Committee	3/20/17			
3	MTA Board	3/22/17			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Executive Vice President		
2	General Counsel <i>[Signature]</i>	5	President <i>[Signature]</i>		
3	Chief Procurement Officer <i>[Signature]</i>				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> A) Hardesty & Hanover, LLC B) HAKS Engineers, Architects & Land Surveyors, P.C. C) HNTB New York Engineering and Architecture, P.C. D) WSP Parsons Brinkerhoff	<b>Contract No.</b> PSC-16-3000A PSC-16-3000B PSC-16-3000C PSC-16-3000D
<b>Description</b> 2017 Biennial Bridge Inspection & Design of Miscellaneous Structural Repairs at the Throgs Neck, Bronx Whitestone, Marine Parkway, Cross Bay, Henry Hudson & Queens-Midtown-Tunnel Approach Bridges	
<b>Total Amount</b> PSC-16-3000A, \$2,373,533.00; PSC-16-3000B, \$2,038,963.00; PSC-16-3000C, \$1,971,358.00; PSC-16-3000D, \$1,697,028.00	
<b>Contract Term (including Options, if any)</b> Two years, nine months (through 12/31/19)	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative**

**I. PURPOSE/RECOMMENDATION**

B&T is seeking Board approval under the All-Agency Service Contract Procurement Guidelines to award four personal service contracts for the 2017 Biennial Bridge Inspections at the: (i) Throgs Neck Bridge (Contract PSC-16-3000A) to Hardesty & Hanover, LLC (H&H), (ii) Bronx-Whitestone Bridge (Contract PSC-16-3000B) to HAKS Engineers, Architects & Land Surveyors, P.C. (HAKS), (iii) Marine Parkway/Cross Bay Bridges (Contract PSC-16-3000C) to HNTB New York Engineering and Architecture, P.C. (HNTB), and (iv) Henry Hudson & Queens-Midtown-Tunnel Approach Bridges (Contract PSC-16-3000D) to WSP|Parsons Brinkerhoff (WSP|PB). The negotiated contract amounts are: (A) \$2,373,533.00 (B) \$2,038,963.00 (C) \$1,971,358.00 and (D) \$1,697,028.00. Each contract will be for a duration of approximately two years, nine months through December 31, 2019.

**II DISCUSSION**

B&T requires the services of four consultant firms to provide biennial bridge inspection and miscellaneous design services at the: Throgs Neck, Bronx Whitestone, Marine Parkway, Cross Bay, Henry Hudson & Queens-Midtown-Tunnel Approach Bridges. These inspections assist in our mission to keep B&T's assets in a state of good repair, and are required by the New York State Department of Transportation.

The requirements were publicly advertised. Nine firms submitted qualification information for review and evaluation by the selection committee. Seven firms: AECOM, USA, Inc. (AECOM); Ammann & Whitney Consulting Engineers, P.C. (A&W); HAKS Engineers, Architects and Land Surveyors, P.C. (HAKS); Hardesty & Hanover, LLC (H&H); HNTB New York

# Staff Summary

Engineering & Architecture, P.C. (HNTB)' Stantec Consulting Services, Inc. (Stantec); and WSP|Parsons Brinkerhoff (WSP|PB) were chosen to receive the RFP based on a review of those qualifications and six of those firms submitted proposals (all but Stantec, which withdrew because of competing priorities). The proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project, qualifications of the firm for specific personnel proposed and cost. Based on the committee's review of all submittals and its consideration of proposed costs, the committee selected H&H for Group A (Throgs Neck Bridge), HAKS for Group B (Bronx-Whitestone Bridge), HNTB for Group C (Cross Bay/Marine Parkway Bridges) and WSP|PB for Group D (Henry Hudson and QMT Approach Bridges).

The Committee's selections were based on the following:

- A. Throgs Neck Bridge** – H&H submitted a superior comprehensive technical proposal for this group and provided additional supporting details during its oral presentation. The firms also displayed a clear understanding of the process and unique needs of TBTA and the facilities for which they were selected.
- B. Bronx-Whitestone Bridge** – HAKS has a Project Manager who has significant experience performing Biennials for the Authority at various Facilities, a large staff to complete inspection in a timely manner and a clear understanding of the process and needs unique to TBTA and the facilities for which they were selected.
- C. Marine Parkway/Cross Bay Bridges** – HNTB has a strong mechanical/electrical team for inspecting the elevator, lift span and mechanical drive systems and a proactive management history on previous biennial inspections. It also has demonstrated recent experience with truss and lift-span bridges and recent relevant experience with bridge inspection software.
- D. Henry Hudson & Queens-Midtown Tunnel Approach Bridges** – WSP|PB had a well-tailored technical proposal and meets the Authority's inspection requirements. In addition, their past responsiveness along with their in-depth knowledge of the Authority's requirements will be beneficial assets to Authority.

While the other two firms were technically qualified, Ammann & Whitney currently has insufficient staff, compared to other firms, to perform the workload at the Authority, which may impact their effectiveness if awarded work under the 2017 Biennials. AECOM lacked some details during their presentation in regards to the elements based inspection system. In addition, it appears they may have underestimated the level of effort required for the inspection, calling their understanding of it into question.

The overall cost of the four recommended 2017 Biennial Contracts reflects an increase of 7.42% compared with the preceding 2015 Biennial Contracts (PSC-14-2963). This is generally due to the increased level of effort required to calculate the Special Hauling Vehicle Load Ratings (for vehicles exceeding NYS weight limit regulations) and to comply with new National Bridge Element Inspection System requirements. The following represents a summary of costs for the 2015 Biennial Contracts, and the costs proposed, estimated and negotiated for the recommended 2017 Biennial Contracts (all excluding allowances).

Group	2015 Contracts	2017 Contracts			Comparisons	
	Amount	B&T Estimate	Proposed	Negotiated	2017 Negotiated vs. 2015	2017 Negotiated vs. Estimate
A	\$1,544,489.00	\$2,336,663.00	\$1,899,429.00	\$1,673,533.00	+8.4%	-28.4%
B	\$1,116,726.00	\$1,569,018.00	\$1,994,955.00	\$1,538,963.00	+37.8%	-1.9%
C	\$1,437,888.00	\$1,615,257.00	\$1,734,508.00	\$1,671,358.00	+16.2%	+3.5%
D	\$1,715,441.00	\$1,408,025.00	\$1,450,432.00	\$1,397,028.00	-18.6%	-0.6%

\* All costs above exclude allowances.

H&H's negotiated cost for Group A (TNB) is 8.4% higher than the previous contract cycle. This is attributable to the addition of three additional tasks at this facility for diving inspection (which were not required in the previous cycle) and the development of a computerized BDIS and asset management system for the Cross Island Parkway On-Ramp and wearing surface condition inspection report. The negotiated price is 28.4% less than the Estimate. This is due to the Estimate's assumption of higher wage and overhead rates than what the selected consultant and its proposed sub-consultants use.

# Staff Summary

HAKS's negotiated cost for Group B (BWB) is 37.8% higher than the previous cycle. This is attributable to the addition of three tasks which were not required in the previous cycle, including fathometric survey, diving inspections and preparation of a wearing surface condition and inspection report.

HNTB's negotiated cost for Group C (CBB & MPB) is 16.2% higher than the same tasks under the previous cycle. This is attributable to the addition of two tasks which were not required in the previous cycle, which are the development of computerized bridge inspection software and asset management system at the CBB and wearing surface condition inspection report.

WSP|PB's negotiated cost for Group D (HHB & QMT Approaches) is 18.6% less than what was negotiated in the previous cycle. This is primarily due to the omission of the previous cycle's significant task for development of facility specific bridge inspection software. Migrating to the new bridge inspection software is an initiative being pursued among various bridge authorities and was initially implemented at the HHB and has subsequently been instituted at the other Authority facilities.

Based on the above, and when compared to the Estimate, the negotiated amounts are considered fair and reasonable. H&H and HNTB are each considered to be responsible consultants.

In connection with a previous contract awarded to the Consultant, HAKS was found to be responsible notwithstanding significant adverse information 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 on January 12<sup>th</sup>, 2017. No new SAI has been found relating to the consultant and HAKS has been found to be responsible.

In connection with a previous contract awarded to the Consultant, WSP|Parsons Brinkerhoff, Inc. was found to be responsible notwithstanding significant adverse information 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 on March 25<sup>th</sup>, 2008. No new SAI has been found relating to the consultant and WSP|Parsons Brinkerhoff, Inc has been found to be responsible.

<b>Summary of 2017 Proposed Contracts</b>			
<b>Group</b>	<b>Negotiated Amount</b>	<b>Allowance</b>	<b>Contract Amount with Allowance</b>
A	\$1,673,533.00	\$700,000.00	\$2,373,533.00
B	\$1,538,963.00	\$500,000.00	\$2,038,963.00
C	\$1,671,358.00	\$300,000.00	\$1,971,358.00
D	\$1,397,028.00	\$300,000.00	\$1,697,028.00

The total amount for each contract will include the assigned allowances as shown in the table above. Services under these allowances are to provide support based on the results of the inspection and include: (i) interim or special inspections; (ii) spalling concrete removal supervision; (iii) sign gantries and light pole inspections; (iv) auxiliary design services for the repair of defective structural conditions; (v) preliminary design investigations toward alternative solutions; and (vi) auxiliary testing services for elements such as concrete cores, steel coupons, and cable wires. These services will be provided via work orders on an as-needed basis. The allowances are based on historical costs and will permit B&T to quickly respond to the needs of each facility. The services being performed under the allowances will typically be performed at the rates negotiated for overhead and profit.

### III. D/M/WBE INFORMATION

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

### IV. IMPACT ON FUNDING

## Staff Summary

Funding in the amount of \$8,080,882 is available in the Operating Budget under GFM-521, General Ledger #711101.

### V. ALTERNATIVES

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

# Staff Summary

<b>Item Number 3 (Final)</b>					
<b>Dept &amp; Dept Head Name:</b> Engineering & Construction, Joe Keane P.E. <i>Joe Keane</i>					
<b>Division &amp; Division Head Name:</b> Engineering & Construction, Aris Stathopoulos, P.E.					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	2/27/17			
2	MTA B&T Committee	3/20/17			
3	MTA Board	3/22/17			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Chief of Staff		
2	General Counsel <i>[Signature]</i>	5	Executive Vice President		
3	Chief Procurement Officer <i>[Signature]</i>	6	President <i>[Signature]</i>		

SUMMARY INFORMATION	
<b>Vendor Name</b> EnviroMed Services, Inc., Meriden CT	<b>Contract Number</b> PSC-16-3002
<b>Description</b> Independent Safety Monitor for Ongoing Authority Construction Projects	
<b>Total Amount</b> \$1,939,963.98	
<b>Contract Term (including Options, if any)</b> Two (2) Years	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award a personal service contract to provide services for independent safety monitoring for ongoing B&T construction projects to the incumbent EnviroMed Services, Inc. (EnviroMed) for a period of two (2) years at a cost of \$1,939,963.98.

### DISCUSSION

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

The service requirements were publicly advertised and seven (7) firms submitted qualification information. Four (4) firms were chosen to receive the RFP based on a review of those qualifications and four (4) firms submitted proposals: Creative Environment Solutions (CES); EnviroMed Services, Inc. (EnviroMed); Safety Dynamics, LLC (Safety Dynamics); and Total Safety Consulting LLC (Total Safety). The proposals were evaluated against established criteria set forth in the RFP including an understanding of the technical requirements and expertise, qualifications of proposed personnel, oral presentations and cost. The Selection Committee selected the incumbent EnviroMed based on: their demonstrated knowledge concerning project safety; their reliable performance on the current contract; their team of qualified personnel and the most advantageous cost proposal. The cost proposals ranged from \$1,939,963.98 to \$3,147,343.58.

## Staff Summary

EnviroMed submitted the lowest cost proposal in the amount of \$1,939,963.98. The Engineer's estimate is \$2,603,307.43. Negotiations resulted in B&T and EnviroMed agreeing to a cost totaling \$1,939,963.98, which is 25% below the estimate and is considered fair and reasonable. EnviroMed is deemed to be a responsible consultant.

### D/M/WBE INFORMATION

MTA Department of Diversity and Civil Rights have assigned goals of 15% MBE and 15% WBE. Enviromed Services Inc. has satisfactorily achieved the assigned goals. Enviromed Services Inc. has achieved its previous MWDBE goals on previous MTA contracts.

### IMPACT ON FUNDING

Funding is available in the Operating Budget under GES-239 in the amount of \$1,939,963.98.

### ALTERNATIVES

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

# Staff Summary

Item Number 4 (Final)					
Dept & Dept Head Name: Engineering & Construction Department, Joe Keane, P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering & Construction Department, Aris Stathopoulos, P.E. <i>Aris Stathopoulos</i>					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	3/3/17			
2	MTA B&T Committee	3/20/17			
3	MTA Board	3/22/17			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>[Signature]</i>	4	Executive Vice President		
2	General Counsel <i>[Signature]</i>	5	President <i>DS</i>		
3	Chief Procurement Officer <i>[Signature]</i>				

<b>SUMMARY INFORMATION</b>	
Vendor Name AECOM USA, Inc.	Contract Number PSC-16-2997
Description: Design Services for Project AW-28, Strategic Plan for Service Life Extension of Suspension Bridges	
Total Amount \$1,543,753.37	
Contract Term (including Options, if any) One (1) Year, Six (6) 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 type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative**

**I. PURPOSE/RECOMMENDATION**

B&T is seeking Board approval under the All-Agency Guidelines for Procurement of Services to award a personal service contract for Design Services for Project AW-28, Strategic Plan for Service Life Extension of Suspension Bridges to AECOM USA, Inc. (AECOM) in the agreed amount of \$1,543,753.37 for a duration of one (1) year, six (6) months.

**II. DISCUSSION**

B&T requires the services of an engineering consultant firm to provide professional engineering services and expertise to assist B&T in developing an overall strategy to extend the service life of B&T suspension bridges. The study will examine strategies that include, but are not be limited to, strengthening, reconstruction or replacement of key suspension elements. The overall life extension strategies for the main cables are to consider both short-term maintenance alternatives as well as long-term capital intensive strategies, in a logical, prioritized sequence to maximize the overall service life at B&T's suspension bridge facilities.

The service requirements were publicly advertised. Four (4) firms submitted qualification information for review and evaluation by the selection committee and all four firms were chosen to receive the Request For Proposal (RFP). The firms are: AECOM, Parsons Transportation Group of New York, Ammann & Whitney, and Buckland & Taylor|COWI and Thornton Tomasetti/Weidlinger Corporation, Joint Venture. The proposals were evaluated against established criteria set forth in the RFP, including technical work proposed, depth of understanding of the project, qualifications of the firm for specific personnel proposed and cost.

(rev. 1/22/14)

## Staff Summary

The selection committee recommended that negotiations be conducted with AECOM. AECOM was the only consultant that demonstrated a complete understanding of the project requirements. AECOM proposed a holistic risk based approach for inspection of the bridges and identification of needs to be addressed to extend the service life of the suspension systems, identify possible mitigation strategies, and evaluate and prioritize on a program wide level. AECOM's proposed project staff experience is unique when compared with the experience of other proposers. The AECOM team features project program leadership as well as significant project level involvement by highly qualified suspension bridge engineers. These individuals bring to the project practical experience but also the knowledge and vision of former suspension bridge owners. Also, AECOM submitted the lowest cost proposal and their total man-hours are within 3.1% of the Engineer's Estimate.

The proposals ranged from \$1,543,753.37 to \$2,797,241.31. AECOM submitted a cost proposal in the amount of \$1,543,753.37. The Engineer's estimate is \$2,235,435.36. Negotiations resulted in B&T accepting AECOM's proposal in the amount totaling \$1,543,753.37, which is approximately 31% lower than the estimate which is considered most advantageous to B&T and is fair and reasonable.

In connection with a previous contract awarded to the Consultant, AECOM USA, Inc. was found to be responsible notwithstanding significant adverse information 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 on May 25<sup>th</sup>, 2016. No new SAI has been found relating to the consultant and AECOM USA, Inc. has been found to be responsible.

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

The MTA Department of Diversity and Civil Rights has established goals of 15% MBE and 15% WBE for this contract. AECOM has achieved their M/WBE goals on previous MTA contracts.

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

Funding is available in the 2015-2019 Capital Program under Project AW-28, Strategic Plan for Service Life Extension of Suspension Bridges.

### **V. ALTERNATIVES**

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

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

Item Number: 5 (Final)

<b>Vendor Name (&amp; Location)</b> WSP/URS a Joint Venture, Briarcliff Manor, NY	<b>Contract Number</b> PSC-12-2906	<b>AWO/Modification#</b> 7
<b>Description</b> Design Services for Reconstruction of the Upper and Lower Level Toll Plazas and Southbound Approach at the Henry Hudson Bridge	<b>Original Amount:</b>	\$7,193,724.52
<b>Contract Term (including Options, if any)</b> January 4, 2013 – April 3, 2020	<b>Prior Modifications:</b>	\$2,942,564.60
<b>Option(s) included in Total Amount</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$10,136,289.12
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$2,957,064.66
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	29.2%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.	<b>% of Modifications (including This Request) to Original Amount:</b>	82.0%

### Discussion:

B&T is seeking Board approval under the All-Agency Service Contract Procurement Guidelines to amend Contract PSC-12-2906, Design Services for Reconstruction of the Upper and Lower Level Toll Plazas and Southbound Approach at the Henry Hudson Bridge (HHB) with WSP/URS a Joint Venture (W/U) for construction support services (CSS) for Project HH-88B/HH-13A, Reconstruction of Upper and Lower Level Toll Plazas and Southbound Approach at Henry Hudson Bridge and Lighting Replacement at Northbound/Southbound Henry Hudson Parkways, in the amount of \$2,957,064.66.

Contract PSC-12-2906 was awarded pursuant to Board approval in December, 2012 with the proviso that design services during construction would be presented at a later date for Board approval. Designs are now complete and the levels of effort during construction can be more accurately estimated. The engineering services required during construction include reviews of shop drawings, requests for information, catalog cuts, calculations, meeting attendance and unanticipated design efforts. W/U submitted a proposal totaling \$2,994,337. The negotiated amount of \$2,957,064.66 is 7.0% below the Engineer's estimate of \$3,180,000 and is deemed fair and reasonable. Funding is available in the 2015-2019 Capital Program under Projects HH-88B CSS (TaskD03794 \$2,663,014.3) and HH-13A CSS (Task D03781 \$294,050.36).

In connection with a previous contract awarded to the Consultant, URS Corporation was found to be responsible notwithstanding significant adverse information 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 on September 10th, 2013. No new SAI has been found relating to the consultant and URS Corporation has been found to be responsible.

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

Item Number: 6 (Final)

<b>Vendor Name (&amp; Location)</b> Ammann & Whitney Consulting Engineering, P.C.		<b>Contract Number</b> PSC-13-2929	<b>AWO/Modification</b> 4
<b>Description</b> Design and Design Services During Construction for Project HH-89, Retrofit/Repair of Skewbacks, Approach Concrete Piers and North Abutment at the Henry Hudson Bridge		<b>Original Amount:</b> \$4,075,700.00	
<b>Contract Term (including Options, if any)</b> December 11, 2013 – January 10, 2020		<b>Prior Modifications:</b> \$607,461.00	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$0.00	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b> \$4,683,161.00	
<b>Solicitation Type</b>	<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b> \$1,528,424.00	
<b>Funding Source</b>		<b>% of This Request to Current Amount:</b> 32.6%	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of Modifications (including This Request) to Original Amount:</b> 52.4%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> VP and Chief Engineer, Joe Keane			

**Discussion**

B&T is seeking Board approval in accordance with the All-Agency Service Contract Procurement Guidelines to amend Contract No. PSC-13-2929, Design and Design Services During Construction for Project HH-89, Retrofit /Repair of Skewbacks, Approach Concrete Piers and North Abutment at the Henry Hudson Bridge with Ammann & Whitney Consulting Engineering, P.C. (A&W) to provide design quality assurance oversight services in the negotiated amount of \$1,528,424.00.

This Contract was awarded to A&W in December 2013 on a competitive basis in the amount of \$4,075,700.00 and for a duration of seventy-three months to provide design services for Project HH-89, Retrofit /Repair of Skewbacks, Approach Concrete Piers and North Abutment at the Henry Hudson Bridge. Under previous amendments services were increased to perform additional field investigations and to convert the project to a design-build solicitation.

Under this proposed amendment A&W's scope will be expanded to include the required Design Quality Assurance Oversight Services (DQAOS) for design-build project HH-89. The DQAOS tasks shall include, but not be limited to: (1) Reviewing D/B compliance with all Contract requirements; (2) Attend meetings and provide technical staff on an as needed basis; (3) Document Review: provide detailed review of critical, structural and geotechnical plans, calculations and assumptions along with verifying that the concepts appear consistent with the contract requirements; (4) Review shop drawings for critical/structural elements; (5) Monitor As-Built documentation.

A&W's Design Quality Assurance team are intimately familiar with the site and previous testing, preliminary design investigations and third party requirements. Extending their current contract allows A&W to leverage their existing knowledge of the bridge systems and maintain a continuity of their services and is deemed to be the most advantageous means of providing best value design quality oversight services for this project.

A&W submitted an initial proposal totaling \$1,798,882 for this additional effort. Based on discussion of the anticipated level of effort for the required work, A&W submitted a revised proposal of \$1,528,424 which is 1.9% above the Engineer's estimate of \$1,500,000 and is deemed to be fair and reasonable.

Funding is available in the 2015-2019 Capital Program under Project D701/HH89/D03523.

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

Item Number: 7 (Final)

<b>Vendor Name (&amp; Location)</b> Halmar International, LLC, Nanuet, New York	<b>Contract Number</b> BW14/BW-84C	<b>AWO/Modification #</b>
<b>Description</b> Various Structural Repairs and Removal of the Tuned Mass Damper and Inspection of Select Main Cable Panels at the Bronx-Whitestone Bridge	<b>Original Amount:</b>	\$53,941,711.99
<b>Contract Term (including Options, if any)</b> December 31, 2015 – December 31, 2018	<b>Prior Modifications:</b>	\$ 721,175.14
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	\$0.00
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$54,662,887.13
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$19,311,211.44
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	34.1%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.	<b>% of Modifications (including This Request) to Original Amount:</b>	40.9%

### Discussion:

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend Contract BW-14/BW-84C with Halmar International, LLC (Halmar) for installation of the Open Road Tolling (ORT) system and associated civil, structural, electrical and demolition work at the Bronx-Whitestone Bridge in the negotiated amount totaling \$19,311,211.44.

The Contract was awarded to Halmar in December 2015 in the amount of \$53,941,711.99 subsequent to competitive bidding with a duration of three (3) years. The Scope of Work requires the following: removal of the tuned mass damper (TMD); removal of cross over platform for service to TMD; miscellaneous repairs, cable wedging and inspection between bands and also at bands after removal and three suspender replacements (including testing of cable wires and suspender ropes); painting of all exposed surfaces of both cables, all exposed surfaces of all suspenders and stay cables, all interior surfaces of both towers including bases as well as painting of interior faces of girders (splash zone) including stiffeners and floorbeams. Two amendments have been issued totaling \$721,174.14.

On October 5, 2016, New York State Governor Cuomo announced the implementation of cashless all-electronic ORT for adoption at all B&T facilities as part of the New York Crossings Project to be completed at all facilities by no later than December 2017. This has been identified as a major priority of the MTA and the State of New York. The goals for the ORT implementation are to reduce customer travel time, reduce congestion at B&T's facilities, as well as reduction of vehicular exhaust emissions caused by idling traffic. Efficiencies realized by amending Contract BW-14/BW-84C include mobilization cost savings, early commitment for long lead items, enhanced coordination and overall reduction of project schedule.

B&T determined that the most reliable means to accomplish the expedited implementation of ORT at the BWB is to amend Contract BW-14/BW-84C. As a result, B&T is embarking on the Work in an expedited manner that includes necessary civil, structural and electrical infrastructure construction work to install ORT gantries prior to the installation of E-ZPass tag readers, cameras, system software and integration that is to be performed under a separate contract. The Work also includes demolition and of the toll booths and roadway restoration. An initial ORT amendment for long lead time items and preliminary work at the BWB has been executed in the amount of \$2,029,885.44 and B&T is requesting its ratification along with approval of the remaining work in the negotiated amount totaling \$17,281,326.00.

Halmar submitted a proposal for the remaining ORT infrastructure work total \$17,822,136.37. The Engineer's estimate totals \$18,486,999.64. Negotiations resulted in B&T and Halmar agreeing to the amount totaling \$17,281,326.00, which includes an allowance of \$1,500,000 for unforeseen conditions and unanticipated work due to the expedited design and potential scope modifications for the ORT program. The negotiated amount totaling \$17,281,326.00 is 6.5% below the estimate and is fair and reasonable. B&T requests approval in the amount totaling \$19,311,211.44 (\$17,281,326.00 + \$2,029,885.44), inclusive of the amount for ratification. A subsequent request for Board approval shall be submitted in the near future for additional remaining work related to ORT.

Funding for the proposed ORT civil, structural and electrical infrastructure work in the total amount of \$19,311,211.44 is available in the 2015-2019 Capital Program (Project D703/AW65). Funds are being reallocated in the 2015-2019 Capital Program to establish Project D703BW63. This action modifies B&T's 2015-2019 Capital Program to reflect this new project. This is in line with the strategy for funding the ORT initiatives through a combination of efficiencies generated from other projects including existing toll plaza work that did not assume open road tolling as the means of toll collection. No critical state of good repair work is affected as a result of these programmatic changes.

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

Item Number: 8 (Final)

<b>Vendor Name (&amp; Location)</b> Schiavone Construction Co., LLC, Secaucus, NJ	<b>Contract Number</b> TN-60	<b>AWO/Modification #</b>
<b>Description</b> Dehumidification System at the Main Cable Splays and Elimination of Water Infiltration into the Anchorages at the Throgs Neck Bridge	<b>Original Amount:</b>	\$47,414,881.00
<b>Contract Term (including Options, if any)</b> December 24, 2015 – May 23, 2018	<b>Prior Modifications:</b>	\$64,900.00
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Prior Budgetary Increases:</b>	\$0.00
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$47,479,781.00
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$18,149,300
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	38.2%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.	<b>% of Modifications (including This Request) to Original Amount:</b>	38.4%

### Discussion:

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works Contract TN-60 with Schiavone Construction Co., LLC (Schiavone) to perform civil, structural and electrical infrastructure construction work for Open Road Tolling (ORT) at the Throgs Neck Bridge (TNB) in the negotiated amount totaling \$18,149,300.

Pursuant to competitive bidding, the subject Contract was awarded to Schiavone in December 2015 in the amount of \$47,414,881 for a duration of two (2) years, six (6) months. The Scope of Work requires the following: construction of four (4) new dehumidification enclosures (one around each of the main cable splays); construction of four (4) new desiccant dehumidification systems including redundant equipment; provide anchorage electrical modification plus additional lighting, receptacles and exhaust fans; replacement of the existing reinforced concrete sidewalk at the anchorages; construction of new entrances into the anchorages at the roadway level, new catwalks within the anchorages and access stairways and ladders within the anchorages; furnish and install fire standpipe system at the Queens approach; replace the entire anchorage lighting system; abatement of asbestos and lead containing materials; painting and maintenance and protection of traffic. Two amendments totaling \$64,900 have been issued.

On October 5, 2016, New York State Governor Cuomo announced the implementation of cashless all-electronic ORT for adoption at all B&T facilities as part of the New York Crossings Project to be completed at all facilities by no later than December 2017. This has been identified as a major priority of the MTA and the State of New York. The goals for the ORT implementation are to reduce customer travel time, congestion at B&T's facilities and vehicular exhaust emissions caused by idling traffic.

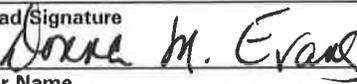
B&T determined the most reliable means to accomplish the expedited implementation of ORT at the TNB is to amend Contract TN-60. Efficiencies realized by amending Contract TN-60 include mobilization cost savings, early commitment for long lead items, enhanced coordination and overall reduction of project schedule and risk. As a result, B&T is embarking on the Work in an expedited manner that includes necessary civil, structural and electrical infrastructure construction work to install ORT gantries prior to the installation of E-ZPass tag readers, cameras, system software and integration that is to be performed under a separate contract. The Work also includes demolition of the toll booths and roadway restoration. An initial ORT amendment for long lead items and preliminary work at the TNB in the amount of \$2,000,000 has been issued and B&T is requesting its ratification along with approval of the remaining work in the negotiated amount (including allowance) totaling \$16,149,300.

Schiavone proposed an amount totaling \$18,613,041 for the ORT infrastructure work at the TNB, The Engineer's estimate totals \$17,895,707.87. Negotiations resulted in B&T and Schiavone agreeing to the amount of \$18,149,300, which includes an allowance of \$1,500,000 for unforeseen conditions and unanticipated work due to the expedited design and potential scope modifications for the ORT program. The negotiated amount totaling \$18,149,300 is 1.4% higher than the Engineer's estimate and is fair and reasonable.

Funding for the proposed ORT civil, structural and electrical infrastructure work at the TNB in the amount of \$18,149,300 is available in the 2015-2019 Capital Program (Project D703/AW65). Funds are being reallocated in the 2015-2019 Capital Program to establish Project D703TN63 (\$16,649,300 + \$1,500,000). This action modifies B&T's 2015-2019 Capital Program to reflect this new project. This is in line with the strategy for funding the ORT initiatives through a combination of efficiencies generated from other projects including existing toll plaza work that did not assume open road tolling as the means of toll collection. No critical state of good repair work is affected as a result of these programmatic changes to reflect these new projects.

In connection with a previous contract award to the Contractor, Schiavone was found to be responsible notwithstanding previous significant adverse information (SAI) pursuant to the All-Agency Responsibility Guideline and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in December 2014. No new SAI has been found to be related to the Contractor and Schiavone has been found to be responsible.

# Staff Summary

<b>Subject</b> Mission Statement, Measurements, and Performance Indicators Report
<b>Department</b> Chief of Staff
<b>Department Head Name</b> Donna Evans
<b>Department Head/Signature</b> 
<b>Project Manager Name</b>

<b>Date</b> March 22, 2017
<b>Vendor Name</b> N/A
<b>Contract Number</b> N/A
<b>Contract Manager Name</b> N/A
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
	Corporate Governance	3/20/2017			
	Board	3/22/2017			

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

**Purpose:**

To obtain Board approval of the MTA’s Mission Statement and to authorize submission of the annexed 2016 Mission Statement, Measurements, and Performance Indicators Report (the “Report”) to the Independent Authorities Budget Office (“ABO”).

**Discussion:**

Section 1269-f and Section 2824-a of the Public Authorities Law require MTA annually to reexamine its mission statement, reassess its stakeholders, and selected performance measurement indicators and to submit a report based on the performance indicator results from the previous year.

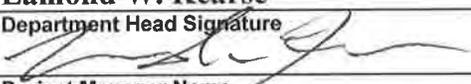
The MTA and its Board engage in oversight of agency operating performance throughout the year. The Board, through its transit, rail and bridge/tunnel operating committees, closely monitors agency operating performance. Each operating agency reports its most recent performance data in posted monthly reports and in committee books distributed in advance of public MTA operating committee meetings, which are conducted at least eleven times a year. At these public meetings, operating agency results are reviewed and discussed by Board members and agency senior staff. In addition, presentations focused on particular areas of performance are made by the agency staff to the Board operating committees periodically through the year, in accordance with the work plan schedule of each operating committee. The MTA website also contains a “Performance Dashboard” for each of the MTA operating agencies, updated monthly, summarizing the agencies’ leading performance measurements.

The Report compiles the MTA Mission Statement, Stakeholder Assessment and the performance measurements from 2016. The operating agencies have each submitted, within the Report, a summary that evaluates agency performance on the applicable indicators in the past year.

**Recommendation:**

It is recommended that the MTA Board approve the annexed Report and authorize submission of such Report as required by Section 1269-f and Section 2824-a of the Public Authorities Law to the ABO.

# Staff Summary

Subject <b>Policies Requiring Board Approval</b>
Department <b>Corporate Compliance</b>
Department Head Name <b>Lamond W. Kears</b>
Department Head Signature 
Project Manager Name <b>Lamond W. Kears</b>

Date <b>March 22, 2017</b>
Vendor Name <b>N/A</b>
Contract Number <b>N/A</b>
Contract Manager Name <b>N/A</b>
Table of Contents Ref # <b>N/A</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	03/20/2017	X		
2	Board	03/22/2017	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Legal 		
2	Corporate Compliance 		
3	Chief of Staff 		

**Purpose:**

To obtain Board approval for revisions to certain existing policies of the MTA and its Agencies, in order to comply with New York State and Federal laws and regulations.

**Discussion:**

PAL 2824 requires the MTA Board to, among other things, establish policies regarding travel, the payment of salary, compensation and reimbursements, and rules for the time and attendance of the chief executive and management. The MTA and its Agencies have existing policies addressing the above subject areas.

Most of these policies are All-Agency Policy Directives; others are agency-specific. Because PAL 2824 requires formal Board adoption of these enumerated policies, an exhibit book has been prepared that includes the relevant policies for your review.

In addition, the drug and alcohol policies of MTA and its constituent Agencies are governed by a variety of laws and regulations, including but not limited to, the Drug Free Workplace Act, the Federal Transit Administration regulation entitled Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations, and the Federal Railroad Administration regulation entitled Control of Alcohol and Drug use. An exhibit book has been prepared that includes the relevant policies for your review.

The policies in the exhibit book are new or revisions to existing policies which have been approved by headquarters, or their respective Agencies. These policies are being presented to the Board for its review and approval.

**Recommendation:**

It is recommended that the Board approve the policies contained in the exhibit book.