



Metropolitan Transportation Authority

# April 2017

MTA Special Board Meeting  
Action Items



# **MTA Special Board Meeting**

**2 Broadway, 20th Floor Board Room**

**Monday, 4/3/2017**

**9:30 - 10:30 AM ET**

## **1. PUBLIC COMMENT PERIOD**

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

### **NYCT Procurements**

*NYCT Procurements Staff Summary and Resolution - Page 3*

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

#### **ii. Competitive**

*NYCTA Competitive Procurements - Page 7*

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

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

### **Metro-North Procurements**

*Metro-North Procurements Staff Summary & Resolution - Page 18*

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

#### **ii. Competitive**

*Metro-North Competitive Procurement - Page 21*

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

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

### **LIRR Procurements**

*LIRR Procurements Staff Summary & Resolution - Page 27*

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

#### **ii. Competitive**

*LIRR Competitive Procurement - Page 31*

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

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

### **BT Procurements**

*B&T Procurement Staff Summary & Resolution - Page 33*

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




#### **ii. Competitive**

*B&T Competitive Procurement - Page 36*

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

### PROCUREMENTS

The April 2017 Special Procurement Agenda includes 3 actions for a proposed expenditure of \$641.7M.

<b>Subject</b> Request for Authorization to Award Various Procurements						March 28, 2017			
<b>Department</b> Materiel – NYCT						<b>Department</b>			
<b>Department Head Name</b> Stephen M. Plochochi						<b>Department Head Name</b>			
<b>Department Head Signature</b> 						<b>Department Head Signature</b>			
<b>Project Manager Name</b> Rose Davis						<b>Internal Approvals</b>			
<b>Board Action</b>									
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>		<b>Approval</b>		<b>Approval</b>
1	Committee	3/20/17					President NYCT		President MTA Bus 3/29/17
2	Board	3/22/17					Executive VP	X	Subways
3	Special Board	4/3/17				X	Capital Prog. Management	X	Diversity/Civil Rights
							Law		
<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>	<b>Order</b>	<b>Approval</b>
<b><u>PURPOSE:</u></b>									
To obtain approval of the Board to award various contracts and purchase orders, and to inform the NYC Transit Committee of these procurement actions.									
<b><u>DISCUSSION:</u></b>									
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									

<b>NYC Transit proposes to award Competitive procurements in the following categories:</b>		
<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>SUBTOTAL</u>	<u>\$ 641.7 M</u>
<b>MTA Bus Company proposes to award Competitive procurements in the following categories:</b>		
<u>Procurements Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	1	\$ TBD M
	<u>SUBTOTAL</u>	<u>\$ TBD M</u>
	<u>TOTAL</u>	<u>\$ 641.7 M</u>
<b>MTA Capital Construction proposes to award Competitive procurements in the following categories: NONE</b>		
<b>NYC Transit proposes to award Ratifications in the following categories: NONE</b>		
<b>MTA Bus Company proposes to award Ratifications in the following categories: NONE</b>		
<b>MTA Capital Construction proposes to award Ratifications in the following categories: NONE</b>		
<p><b>COMPETITIVE BIDDING REQUIREMENTS:</b> 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.</p> <p><b>BUDGET IMPACT:</b> The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.</p> <p><b>RECOMMENDATION:</b> That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)</p>		

## **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**

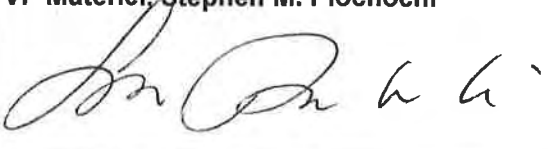
**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**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. Judlau Construction Corp./<br/>TC Electric JV<br/>Four Proposals – 43-month contract<br/>Contract# P-36437</b>  | <b>\$492,000,000</b> | <b><u>Staff Summary Attached</u></b> |
| <p>Canarsie Tunnel Rehabilitation and Core Capacity Improvements in the boroughs of Manhattan and Brooklyn.</p>   |                      |                                      |
| <b>2. Skanska USA Civil Northeast, Inc.<br/>Four Proposals–21-month contract<br/>Contract# A-36622B</b>   | <b>\$149,680,000</b> | <b><u>Staff Summary Attached</u></b> |
| <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> |                      |                                      |

# Staff Summary

<b>Item Number 1</b>				<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	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	EVP	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
4 X	DDCR	9	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 ("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. 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.


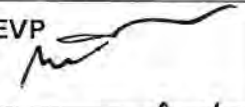
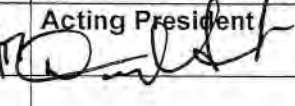
## **RECOMMENDATION**

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.

# Staff Summary

<b>Item Number 2</b>			
Department, Department Head Name: VP Materiel, Stephen M. Plochochi			
			
<b>Internal Approvals</b>			
<b>Order</b>	<b>Approval</b>	<b>Date</b>	<b>Approval</b>
1 X	Materiel	6 X	Subways
2 X	Law	7 X	CFO
3 X	Budget	8 3/14/17	EVP 
4 X	DDCR	9 3/15/17	Acting President 
5 X	CPM	10	

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> Skanska USA Civil Northeast, Inc.	<b>Contract No.</b> A-36622B
<b>Description</b> Enhanced Station Initiative—Package 2 Improvements at 30th Avenue, Broadway, 36th Avenue, and 39th Avenue Stations, Astoria Line Queens	
<b>Total Amount</b> \$149,680,000	
<b>Contract Term (including Options, if any)</b> 21 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 a contract for Package 2 of the Enhanced Station Initiative (“ESI”) Program 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 USA Civil Northeast (“Skanska”) in the amount of \$149,680,000 and a duration of 21 months.

In accordance with MTA policy regarding the use of design-build, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$150,000 to be paid to each unsuccessful proposer whose proposal met a defined standard. Accordingly, permission is also requested to pay a total stipend of \$450,000. This is the second of several construction contracts to be awarded under the ESI Program.

## DISCUSSION:

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. These enhancements will result in stations that are cleaner and brighter, and through the use of more intuitive way-finding and the inclusion of twenty-first century amenities such as Wi-Fi and cellular connectivity, will be easier to navigate. This program includes 31 preselected stations throughout all five boroughs. The work in Package 2 includes (1) design, (2) demolition/removals, (3) concrete and steel repairs, (4) upgraded electrical and communication systems including new perimeter intrusion detection closed-circuit TV cameras in control areas, (5) new mezzanine concrete floor slabs with granite floor tiles, (6) new glass and metal façade walls as well as glass barriers in the fare control areas, (7) new platform canopies and windscreens, (8) new signage and navigation systems providing information at street level, fare control areas, and platforms (dashboards and totems), (9) full and partial stair replacement including new street stair canopies, (10) new LED lighting throughout, (11) charging stations, benches, and leaning bars, and (12) contemporary art. Additionally, in order to emphasize the schedule as a critical component of the ESI Program, Package 2 includes early completion incentives for reductions to station closure (bypasses) durations as well as liquidated damages for extended durations resulting from contractor delays.

An Authorizing Resolution requesting the use of a two-step competitive Request for Proposal (“RFP”) procurement process was approved by the Board in April 2016. A request for letters of interest and qualification packages was advertised in May 2016, resulting in the submission of seven responses. The Step-1 qualification packages were evaluated against pre-established selection criteria addressing relevant experience, general responsibility, financial resources, and safety record.

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 USA Civil Northeast (“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 USA Civil Northeast Inc. ("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 USA Civil Northeast, Inc. in the amount of \$149,680,000 and a duration of 21 months.

**MARCH 2017**


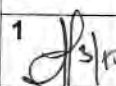
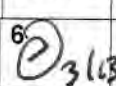

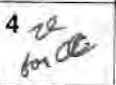
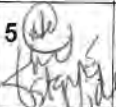
**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**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><br><b>Contract Term To Be Determined</b><br><b>Contract# B-40669</b> | <b>Cost To Be Determined</b> | <b><u>Staff Summary Attached</u></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 	EVP, NYCT
2 X	Law, MTABC	7 	Acting President, NYCT
3 X	Budget	8	
4 	EVP, MTABC	9	
5 	President, MTABC	10	

<b>SUMMARY INFORMATION</b>	
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.

<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 <i>Alfred Muir</i>				
<b>Department Head Signature</b>					
<b>Project Manager Name</b>					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	MTA Special Board Mtg.	4-3-17	X		

<b>Date</b> March 28, 2017			
<b>Vendor Name</b> Various			
<b>Contract Number</b> Various			
<b>Contract Manager Name</b> Various			
<b>Table of Contents Ref #</b>			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
X	President <i>CAR</i>		
X	Executive V.P. <i>CAB</i>	X	V.P. Capital Programs
X	Sr. V.P. Operations <i>JK</i>	X	V.P. & General Counsel <i>RLW</i>
X	VP Finance & IT <i>PP</i>		

<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/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

Schedules Requiring Two-Thirds Vote (or more, where noted)

NONE

Schedules Requiring Majority Vote

NONE

SUB TOTAL:

**MNR proposes to award competitive procurements in the following categories:**

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$24,500,200
• Ansaldo STS USA, Inc.		\$24,500,200

<u>Schedules Requiring Majority Vote</u>	NONE
--	------

SUB TOTAL:	1	\$24,500,200
------------	---	--------------

**MNR presents the following procurement actions for Ratification:**

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE
---	------

<u>Schedules Requiring Majority Vote</u>	NONE
--	------

SUB TOTAL:		
TOTAL:	1	\$24,500,200

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

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

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

**APRIL 3, 2017 SPECIAL BOARD MEETING**

**METRO-NORTH RAILROAD**

**LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**NONE**

**APRIL 3, 2017 SPECIAL BOARD MEETING**

## METRO-NORTH RAILROAD

## LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

**Schedules Requiring Two-Thirds Vote:**

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

**(Staff Summaries required for items requiring Board approval)**

- |    |  |              |                               |
|----|--|--------------|-------------------------------|
| 1. | Ansaldo STS USA, Inc.<br>Design & Furnish Pre-Wired Signal Houses & Cases from CP-229 (Greenwich, CT) to CP-243 (East Norwalk, CT) | \$24,500,200 | <u>Staff Summary Attached</u> |
|----|--|--------------|-------------------------------|

Approval is requested to award a competitively solicited (two proposals received) 56 month contract to Ansaldo STS USA, Inc. to perform application engineering/design prior to fabricating and delivering new pre-wired communications and signal houses and cases. These houses and cases will be located in Connecticut from Greenwich to East Norwalk and will be installed by MNR forces.

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 backup reliability equipment; providing MNR employee training on system servicing and maintenance and providing on-site field support during MNR's installation of the equipment. Further, these signal houses and cases will be compatible with and necessary to support the future PTC (Positive Train Control) system.

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”).

After considering the proposers' technical capability and price to provide the required services, the Selection Committee unanimously determined that Ansaldo STS USA, Inc. was the best qualified vendor to provide the required services. Additionally, Ansaldo has demonstrated their capability of providing the desired professional and quality services required based upon prior work performed under previous MNR contracts. Ansaldo's price of \$24,500,200 is 9.59% below the in-house estimate. MNR has found Ansaldo's cost proposal to be fair and reasonable for the level of effort anticipated for this project.

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.

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.

# Staff Summary

Item Number C					
Dept. & Dept. Head Name: <i>CSA/AM</i> Procurement & Material Management, Al Muir, Sr. Director					
Division & Division Head Name: <i>CRB</i> Executive Vice President, Catherine Rinaldi					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MTA Special Board Mtg.	4-3-17	x		
Internal Approvals					
Order	Approval	Order	Approval		
X	President <i>CRB</i>	X	Sr. V.P. Operations <i>JK</i>		
X	V.P. Finance & IT <i>CRB</i>		V.P. Planning		
X	V. P. Capital Programs <i>CRB</i>	X	V.P. & General Counsel <i>CRB</i>		

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 type="checkbox"/> No <input checked="" type="checkbox"/>	
Renewal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: 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.

**APRIL 3, 2017 SPECIAL BOARD MEETING**

**METRO-NORTH RAILROAD**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**NONE**

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**April 3, 2017**

# Staff Summary



Subject : Request for Authorization to Award Various Procurements						Date April 3, 2017			
Department Procurement & Logistics <i>[Signature]</i>									
Department Head Name Dennis L. Mahon, Chief Procurement & Logistics Officer									
Department Head Signature									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	4.3.17				1	President <i>[Signature]</i>		
2	MTA Board	4.3.17				2	Exec. Vice President		<i>END</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:

# of Actions	\$ Amount
None	

LIRR proposes to award Competitive Procurements in the following categories:

# of Actions	\$ Amount
--------------	-----------

### Schedules Requiring Two-Thirds Vote

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

LIRR proposes to award Ratifications in the following categories:

# of Actions	\$ Amount
None	

<b>TOTAL:</b>	<b>1</b>	<b>\$325,851</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.



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

## Staff Summary



Long Island Rail Road

Page 1 of 2

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	4.3.17			
2	MTA Board	4.3.17			
Internal Approvals					
Order	Approval	Order	Approval		
5	President <i>[Signature]</i>	3	Sr. VP/Engineering <i>[Signature]</i>		
5	Executive VP <i>[Signature]</i>	2	VP & CFO <i>[Signature]</i>		
4	Sr. VP/Operations <i>[Signature]</i>	1	VP, Gen'l Counsel & Sec'y <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Ansaldo STS USA, Inc. (ASTS)	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.





# Bridges and Tunnels

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## Procurements April 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 <i>MMT</i>
<b>Department Head Signature</b>	
<b>Project Manager Name</b>	Various

<b>Date</b>	03/23/2017
<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	04/03/17			

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

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Chief Financial Officer <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:

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

**SUBTOTAL** \$82.180M

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

**TOTAL** \$82.180M

## 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**  
**APRIL 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><br><b>Contract No. HH-89</b><br><br>2yr, 9 mo. Contract- Competitive RFP | <b>\$ 82,180,000</b> | <b><u>Staff Summary Attached</u></b> |
|---|----------------------|--------------------------------------|

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).



# Staff Summary

Page 1 of 3

<b>Item Number</b>						<b>SUMMARY INFORMATION</b>																															
<b>Dept. &amp; Dept. Head Name:</b> Engineering and Construction, Joe Keane, P.E., V.P. <i>Joe Keane</i>						<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;"><b>Vendor Name</b> Tutor Perini Corp.</td> <td style="width: 30%; padding: 5px;"><b>Contract Number</b> HH-89</td> </tr> </table>		<b>Vendor Name</b> Tutor Perini Corp.	<b>Contract Number</b> HH-89																												
<b>Vendor Name</b> Tutor Perini Corp.	<b>Contract Number</b> HH-89																																				
<b>Division &amp; Division Head Name:</b> Engineering and Construction, Walter Hickey, P.E.						<b>Description:</b> Design/Build Services for the Rehabilitation of Skewbacks, Viaduct Piers and Lower Level North Abutment at the Henry Hudson Bridge																															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="6">Board Reviews</th></tr> <tr> <th>Order</th><th>To</th><th>Date</th><th>Approval</th><th>Info</th><th>Other</th></tr> <tr> <td>1</td><td>President</td><td>3/3/17</td><td></td><td></td><td></td></tr> <tr> <td>2</td><td>MTA B&amp;T Committee</td><td>3/20/17</td><td></td><td></td><td></td></tr> <tr> <td>3</td><td>MTA Board</td><td>3/22/17</td><td></td><td></td><td></td></tr> </table>						Board Reviews						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>Total Amount</b> \$82,180,000	
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Internal Approvals																																					
Order	Approval	Order	Approval																																		
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>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

(rev. 4/07/10)



## 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.