

# June 2017

## MTA Board Action Items



# MTA Board Meeting

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

Wednesday, 6/21/2017

10:00 AM - 12:00 PM ET

## 1. PUBLIC COMMENT PERIOD

## 2. APPROVAL OF MINUTES

### **MTA Special Board Meeting Minutes - April 3, 2017**

*MTA Special Board Meeting Minutes - April 3, 2017 - Page 5*

### **NYCT/MaBSTOA/SIRTOA/Bus Company Special Board Meeting Minutes - April 3, 2017**

*NYCT Special Board Meeting Minutes - April 3, 2017 - Page 8*

### **MTA Metro-North Railroad Special Board Meeting Minutes - April 3, 2017**

*Metro-North Special Board Meeting Minutes - April 3, 2017 - Page 10*

### **MTA Long Island Rail Road Special Board Meeting Minutes - April 3, 2017**

*LIRR Special Board Meeting Minutes - April 3, 2017 - Page 12*

### **MTA Bridges & Tunnels Special Board Meeting Minutes - April 3, 2017**

*TBTA Special Board Meeting Minutes - April 3, 2017 - Page 14*

### **MTA Regular Board Minutes - April 26, 2017**

*MTA Regular Minutes - April 26, 2017 - Page 17*

### **NYCT/MaBSTOA/SIR/Bus Company Regular Board Minutes - April 26, 2017**

*NYCT Regular Minutes - April 26, 2017 - Page 21*

### **MTA Metro-North Railroad Regular Board Minutes - April 26, 2017**

*Metro-North Regular Minutes - April 26, 2017 - Page 24*

### **MTA Long Island Rail Road Regular Board Minutes - April 26, 2017**

*LIRR Regular Minutes - April 26, 2017 - Page 28*

### **MTA Bridges & Tunnels Regular Board Minutes - April 26, 2017**

*TBTA Regular Minutes - April 26, 2017 - Page 36*

### **MTA Capital Construction Regular Board Minutes - April 26, 2017**

*MTACC Regular Minutes - April 26, 2017 - Page 42*

### **MTA Regular Board Minutes - May 24, 2017**

*MTA Regular Minutes - May 24, 2017 - Page 44*

### **NYCT/MaBSTOA/SIR/Bus Company Regular Board Minutes - May 24, 2017**

*NYCT Regular Minutes - May 24, 2017 - Page 50*

### **MTA Metro-North Railroad Regular Board Minutes - May 24, 2017**

*Metro-North Regular Minutes - May 24, 2017 - Page 55*

### **MTA Long Island Rail Road Regular Board Minutes - May 24, 2017**

*LIRR Regular Minutes - May 24, 2017 - Page 62*

### **MTA Bridges & Tunnels Regular Board Minutes - May 24, 2017**

**MTA Capital Construction Regular Board Minutes - May 24, 2017**

**3. COMMITTEE ON FINANCE**

**Action Items**

**i. Electricity Transmission Congestion Contracts**

*Electricity Transmission Congestion Contracts - Page 85*

**ii. Owner Controlled Insurance Program Budget**

*Approval of Owner Controlled Insurance Program Budget - Page 87*

**iii. 2017 State PWEF Assessment**

*2017 State PWEF Assessment - Page 90*

**MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 91*

**i. Non-Competitive**

*MTAHQ Non-Competitive Procurements - Page 93*

**ii. Competitive**

*MTAHQ Competitive Procurements - Page 96*

**iii. Ratifications (no items)**

**Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 99*

**4. COMMITTEE ON NYCT & BUS**

**NYCT Procurements**

*June Procurement Staff Summary and Resolution - Page 107*

**i. Non-Competitive**

*NYCT Non-Competitive Actions - Page 111*

**ii. Competitive**

*NYCT, MTA Bus Competitive Actions - Page 114*

**iii. Ratifications**

*NYCT, MTACC Ratifications - Page 124*

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

**Action Items**

**i. Metro-North Action Item**

**• Public Hearing for Proposed Service Changes**

*Public Hearing for Proposed Service Changes - Melrose and Tremont Stations - Page 128*

**ii. LIRR Action Item**

**• Amendment to Gateway Tunnel Agreement**

**Procurement Items**

- i. Metro-North Procurements (no items)**
- ii. LIRR Procurements Report (no items)**
- iii. MTACC Procurements Report**
  - MTA CC Procurements - Page 133*
  - **Non-Competitive (no items)**
  - **Competitive**
    - MTA CC Competitive - Page 136*
  - **Ratifications**
    - MTA CC Ratifications - Page 140*

**6. COMMITTEE ON MTA BRIDGES & TUNNELS OPERATIONS**

**BT Procurements**

*BT Procurements - June 2017 - Page 142*

- i. Non-Competitive (no items)**
- ii. Competitive**
  - BT Competitive - Page 145*
- iii. Ratifications (no items)**

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

**8. OTHER MTA BUSINESS**

**Action Item**

- i. MTA Comprehensive Transportation Plan-Truck Tolls**

*MTA Comprehensive Transportation Plan - Truck Tolls Staff Summary - Page 161*

**9. EXECUTIVE SESSION**

Date of next Board meeting: July 26, 2017

**Metropolitan Transportation Authority  
Minutes of  
Special Board Meeting  
2 Broadway  
New York, NY 10004  
April 3, 2017  
10:00 a.m.**

**The following members were present:**

**Hon. Fernando Ferrer, Acting Chairman  
Hon. David Jones  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Veronica Vanterpool  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

**The following members were absent:**

**Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. John Samuelson  
Hon. Polly Trottenberg  
Hon. James Vitiello  
Hon. Peter Ward**

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, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Donald Spero, President, TBTA, Craig Cipriano, Executive Vice 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.

1. **PUBLIC SPEAKERS.** There were no public speakers.
2. **CHAIRMAN'S REMARKS.** Acting Chairman Ferrer announced that this is a Special Board meeting, notice of which was duly provided to Board Members as required by the By-Laws, and that under the By-Laws, the matters under consideration are limited to those matters stated in the notice to Board members. Mr. Ferrer further stated that the Board will hear from the Committees on the contracts requiring 2/3 Board vote that were postponed at the March Board meeting.
3. **COMMITTEE ON NEW YORK CITY TRANSIT.**

**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, and in the NYCTA's minutes of the meeting of this date. Board member Veronica Vanterpool abstained from the vote on item #1 below.

Refer to the video recording of this meeting, produced by the MTA and maintained in the MTA records, and in the NYCT's minutes of the meeting of this date for the details of Board Members' discussion relating to Item # 1 below.

1. Judlau Construction Corp./TC Electric JV – Contract #P-36437. Approved the award of a competitive contract for the Canarsie Tunnel Rehabilitation and Core Capacity Improvement in the Boroughs of Manhattan and Brooklyn, a joint venture consisting of Judlau Contracting Inc. and TC Electric, LLC in the total amount of \$492M, for a duration of 43 months.
2. Skanska USA Civil Northeast, Inc. – Enhanced Station Initiative – Contract #A-36622B. Approved the award of a competitive contract for Package 2 of the Enhanced Station Initiative Program for the design and construction of improvements at 30<sup>th</sup> Avenue, Broadway, 36<sup>th</sup> Avenue, and 39<sup>th</sup> Avenue stations along the Astoria Line in the borough of Queens to Skanska USA Civil Northeast in the amount of \$149,680,000 and for a duration of 21 months.
3. Contractor to Be Determined – Contract # B-40669. Approved the issuance of a Request for Proposals ("RFP") pursuant to subdivision 4(g) of Section 1265-a of the Public Authorities Law in connection with the federally funded procurement of up to 53 low-floor 60-foot articulated diesel buses for MTA Bus Company.

4. **COMMITTEE ON METRO-NORTH RAILROAD.**

**Procurement Item.** Upon motion duly made and seconded, the Board voted to postpone the vote on the proposed contact with Ansaldo STS USA, Inc. until the regularly scheduled Board meeting held on April 26, 2017. Board member Lawrence Schwartz was absent for the vote.

The details of Board Members' discussion are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records, and in the Metro-North's minutes of the meeting of this date.

5. **COMMITTEE ON LONG ISLAND RAIL ROAD.**

**Procurement Item.** Upon motion duly made and seconded, the Board approved the following procurement item. The specifics are set forth in the staff summary and documentation filed with the meeting materials, and in the LIRR's minutes of the meeting of this date. Board member Lawrence Schwartz was absent for the vote.

1. Ansaldo STS USA, Inc. – Contract #6218. Approved the award of 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, which is part of the MTA/LIRR Super-Storm Sandy recover program (Project PNZD, Western Rail Yards).

6. **COMMITTEE ON BRIDGE & TUNNELS.**

**Procurement Item.** Upon motion duly made and seconded, the Board approved the following procurement item. The specifics are set forth in the staff summary and documentation filed with the meeting materials, and in B&T's minutes of the meeting of this date. Board member Lawrence Schwartz was absent for the vote.

1. Tutor Perini Corp. – Contract # HH-89. Approved the award of 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. for a period of 33 months at a cost of \$82,180,000.

7. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:26 a.m.

Respectively submitted,

Victoria Clement  
Assistant Secretary

Special Board Meeting  
April 3, 2017

**Minutes of the  
Special 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**

**Monday, April 3, 2017  
10:00 a.m.**

**The following members were present:**

**Hon. Fernando Ferrer, Acting Chairman  
Hon. David Jones  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Veronica Vanterpool  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

**The following members were absent:**

**Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. John Samuelson  
Hon. Polly Trottenberg  
Hon. James Vitiello  
Hon. Peter Ward**

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, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Donald Spero, President, TBTA, Craig Cipriano, Executive Vice 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 no public speakers.

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

Acting Chairman Ferrer announced that this is a Special Board meeting, notice of which was duly provided to Board Members as required by the By-Laws, and that under the By-Laws, the matters under consideration are limited to those matters stated in the notice to Board members. Mr. Ferrer further stated that the Board will hear from the Committees on the contracts requiring 2/3 Board vote that were postponed at the March Board meeting.

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

**Procurements:**

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

Board Member Veronica Vanterpool abstained from the vote on Schedule C, Item #1 (listed on pages 7-11 of the Board book), relating to the proposed award of a competitive contract for the Canarsie Tunnel Rehabilitation and Core Capacity Improvement in the boroughs of Manhattan and Brooklyn to Judlau/TC Electric JV. Details of the Board Members' comments relating to this item 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.

5. **ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:26 a.m.

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

Minutes of the Special Board Meeting  
Metro-North Commuter Railroad Company  
2 Broadway – 20<sup>th</sup> Floor  
New York, NY 10004  
Wednesday, April 3, 2017  
10:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. David Jones  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Veronica Vanterpool  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. John Samuelson  
Hon. Polly Trottenberg  
Hon. James Vitiello  
Hon. Peter Ward

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, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Donald Spero, President, TBTA, Craig Cipriano, Executive Vice 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 no public speakers.
2. Chairman's Remarks:

Acting Chairman Ferrer announced that this is a Special Board meeting, notice of which was duly provided to Board Members as required by the By-Laws, and that under the By-Laws the matters under consideration today are limited to those matters stated in the notice to Board members. Mr. Ferrer further stated that the Board will hear from the Committees on the contracts requiring 2/3 Board vote that were postponed at the March Board meeting.

3. Committee on Metro-North Railroad:

The Board was presented with one competitive procurement requiring Two-Thirds Vote:

- A competitively solicited 56 month contract in the amount of \$24,500,200 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.

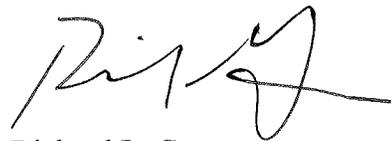
Upon motion duly made and seconded, the Board voted to table the vote on the proposed contact with Ansaldo STS USA, Inc., pending the provision of certain additional information concerning the proposal of the firm which was not selected to receive the award.

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, which recording contains discussion regarding the proposed contract with Ansaldo STS USA.

4. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:26 p.m.

Respectfully submitted,



Richard L. Gans  
Secretary

Minutes of the Special Board Meeting  
Long Island Rail Road Company  
2 Broadway  
New York, NY 10004  
Monday, April 3, 2017  
10:00 a.m.

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. David Jones  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Veronica Vanterpool  
Hon. Carl v. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. Charles G. Moerdler  
Hon. John Samuelson  
Hon. Polly Trottenberg  
Hon. James Vitiello  
Hon. Peter Ward

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Robert Foran, Chief Financial Officer, Board Member Andrew Albert, Board Member Norman Brown, Darryl Irrick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Donald Spero, President, TBTA, Craig Cipriano, Executive Vice 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. He stated that this was a Special Meeting of the Board, notice of which was given in accordance with the By-Laws, and that the agenda was restricted to matters set forth in such notice. The Special Meeting was being held to consider and vote on certain items requiring a Two-Thirds (2/3) Vote, which were postponed from the March regular meeting of the Board.

1. Public Speakers:

There were no public speakers.

2. Long Island Rail Road Committee:

The Board was presented with one (1) procurement item recommended to it by the Long Island Rail Road Committee:

Procurement Item

- Ansaldo STS USA, Inc. (ASTS) – Design/Furnish/Deliver Switch Machine Kits and Equipment- West Side Yard – Request 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).

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

3. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 10:26 a.m.

Respectfully submitted,



Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**April 3, 2017**

Minutes of the Special Meeting  
Triborough Bridge and Tunnel Authority  
April 3, 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. David Jones  
Hon. Charles G. Moerdler  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Veronica Vanterpool  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. Ira Greenberg  
Hon. Susan Metzger  
Hon. John Samuelsen  
Hon. Polly Trottenberg  
Hon. James Vitiello  
Hon. Peter Ward

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, Darryl Irick, Acting President, New York City Transit, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Donald Spero, President, Triborough Bridge and Tunnel Authority, Craig Cipriano, Executive Vice 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. **Acting Chairman Ferrer's Opening Remarks**

Acting Chairman Ferrer stated that this is a special Board meeting, notice of which was duly provided to Board Members as required by the by-laws. Under the by-laws, the matters under consideration are limited to those matters stated in the notice. The Committees will report on the contracts requiring a two-thirds Board vote that were postponed at our March Board meeting.

The details of Acting Chairman Ferrer's remarks 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.

2. **Public Speakers**

There were no public speakers.

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

**Procurements**

Commissioner Moerdler stated that there is one (1) competitive procurement totaling \$82.2 million.

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

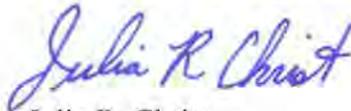
Tutor Perini Corp.	Contract HH-89 TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to award a competitively solicited public work contract for Design-Build Services for the Rehabilitation of Skewbacks, Viaduct Piers and Lower Level North Abutment at the Henry Hudson Bridge to Tutor Perini Corp.	\$82,180,000
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Upon a motion duly made and seconded, the Board approved the procurement recommended to it by the Committee for MTA Bridges and Tunnels Operations.

4. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 10:26 a.m.

Respectfully submitted,



Julia R. Christ  
Secretary

**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
April 26, 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. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

**The following members were absent:**

**Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Peter Ward**

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

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the Metropolitan Suburban Bus Authority, and the First

Mutual Transportation Assurance Company. Refer to the other agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

1. **PUBLIC SPEAKERS.** There were twelve (12) 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, content of speakers' statements and the names of the other speakers.

Murray Bodin, private citizen

Paul Carr, private citizen

Sara Kim, Representative of the Korean Community Services/Member of Coalition of Building Alcohol Ad-Free Transit (BAAFT)

Adrienne Abbate, Executive Director, Staten Island Partnership for Community Wellness

Cedric McClester, Chair Person/Project Coordinator, Forward South Bronx Coalition

Robert Pezzolesi, NYC Alcohol Policy Alliance

Louis Bailey, Community Organizer, WE ACT

Jason Pineiro, private citizen

Edwin Frank, private citizen

Angelo Ortiz, Inwood Academy for Leadership Charter School

2. **CHAIRMAN'S REMARKS.**

Acting Chairman Ferrer recognized the heroic actions of MTA Police Officer Daniel McDade, who on March 16, 2017 interceded in an incident involving EMT employee Yadira Arroyo, a 44 year-old mother of five and 14-year veteran of the FDNY, who was tragically killed that morning.

Officer McDade, who is assigned as a K-9 Officer, was driving on White Plains Road in the Bronx when he saw an EMT exit an ambulance in front of him. The Officer then watch as the ambulance careened wildly out of control, running over the EMT and crashing into other cars before the driver stumbled out of the vehicle. Officer McDade sprang into action, jumped out of his car and, working with two good Samaritans, the Officer subdued the man and quickly attended to the critically injured EMT.

Acting Chairman Ferrer commended Officer McDade for his bravery, heroism and for putting his life on the line every day to protect New York. On behalf of the Board and the MTA, the Chairman presented Officer McDade with a token of appreciation.

Acting Chairman Ferrer announced the retirement of Dr. Michael Horodniceanu, President of MTA Capital Construction, who is retiring in May after nearly ten years of overseeing some of the most ambitious MTA projects in a generation, culminating in the on-time opening of the first phase of the Second Avenue Subway. Acting Chairman Ferrer stated that Dr. Horodniceanu has a well-deserved reputation as a leader who thinks creatively to solve some of the thorniest engineering challenges. Acting Chairman Ferrer, on behalf of the entire MTA organization, thanked Dr. Horodniceanu for his service and wished him well in his retirement.

Dr. Horodniceanu thanked Acting Chairman Ferrer and the Board, and he noted that his last day at MTA is May 24, 2017.

Acting Chairman Ferrer noted that Earth Day took place this weekend and he highlighted the release of the MTA's Climate Adaptation Task Force's First Annual Resiliency Report. The Chairman stated that the Report reminds us that climate change is an urgent reality that must be confronted head-on. Acting Chairman Ferrer stated that the Report provides an overview of some of the 40-plus resiliency projects that MTA recently completed or that are ongoing in preparation for the future. The Report is available at [www.MTA.info/sustainability](http://www.MTA.info/sustainability), and hard copies of the Report are also available.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the regular Board meeting held on March 22, 2017.

4. **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. **Capital Markets-Based Reinsurance.** Approved a resolution authorizing placement of part of the First Mutual Transportation Assurance Company's ("FMTAC") property insurance program through a cat bond issuance and a capital markets-based online marketplace, as part of the continuing effort to reduce FMTAC's reinsurance portfolio costs and seek competitive solutions for its reinsurance needs.
2. **2016 Annual Investment Report and MTA All Agency Investment Guidelines.** Re-approved the Board adopted MTA All-Agency Investment Guidelines and MTA's submission of the 2016 Annual Investment Report, pursuant to Public Authorities Law Section 2925.

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. Board member Charles Moerdler abstained from the vote on item #1 below.

1. **PricewaterhouseCoopers LLC – Organizational Assessment Services – No. 90000000002029.** Approved the award of a competitively negotiated, personal services contract to PricewaterhouseCoopers LLC, riding NYS Contract No. C000422, for consulting services for a period of approximately six (6) months, from May 22, 2017 to November 30, 2017.
2. **Siemens Industry, Inc. – Comprehensive Energy Consulting Services – No. 16113-0100.** Approved the award of a competitively-negotiated, all-agency personal services contract to Siemens Industry, Inc. to provide energy consulting services for current and future energy projects.
3. **IBM - MTA Business Service Center PeopleSoft 9.2 Upgrade – No. 14049-0100, S/A #4.** Approved an amendment to a previously Board-approved, all-agency, competitively negotiated, personal services contract with IBM to provide for a

one-time PeopleSoft Upgrade Manager and People Tools update, which will overlap the move of the backup data center to Albany.

- 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.

**Long Island Rail Road**

1. License agreement with Floral Park – Bellerose Union Free School District of surplus property located at Creedmore Branch right-of-way between Tyson and Plainfield Avenues, Floral Park, N.Y. for parking and green space.
  2. Sale of surplus property to Coland Realty LLC of property located at Redfern Avenue, between Beach 11 Street and Doughty Boulevard, Far Rockaway, Queens, N.Y. (Block 15503, Lot 5).
  3. Sale of property to Normandy Real Estate Partners of property located at Bushwick freight yard, p/o Block 3056, Lot 32, Brooklyn, N.Y.
5. **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 resume proceedings in public session.

Acting Chairman Ferrer announced that the Board, upon motion duly made and seconded, approved an agreement between MTA Bridges and Tunnels and District Council 37, Local 1931, Triborough Bridge and Tunnel Maintainers.

6. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:20 a.m.

Respectively submitted,

Victoria Clement  
Assistant Secretary

Regular Board Meeting  
April 26, 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, April 26, 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. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

**The following members were absent:**

**Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Peter Ward**

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, Tim Mulligan, Acting 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 ten (10) 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.

Murray Bodin, Private Citizen

Paul Carr, Private Citizen

Sara Kim, Representative of the Korean Community Services/Member of Coalition of Building Alcohol Ad-Free Transit (BAAFT)

Adrienne Abbate, Executive Director, Staten Island Partnership for Community Wellness

Cedric McClester, Chair Person/Project Coordinator, Forward South Bronx Coalition

Robert Pezzolesi, NYC Alcohol Policy Alliance

Louis Bailey, Community Organizer, WE ACT

Jason Pineiro, Private Citizen

Edwin Frank, Private Citizen

Angelo Ortiz, Inwood Academy for Leadership Charter School

**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 March 22, 2017.

**5. 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 J in the Agenda). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

Competitive Procurements: Upon motion duly made and seconded, the Board approved the competitive procurements requiring a two-thirds vote (Schedule B in the Agenda) and a majority vote (Schedule I 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.

**6. 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 resume proceedings in public session.

**7. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:20 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, April 26, 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. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Peter Ward

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, Tim Mulligan, Acting 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 12 public speakers. Two speakers spoke on Metro-North matters.

Murray Bodin described Positive Train (PTC) control as an out-of-date technology, and spoke in favor of implementing a system similar to that which control driverless cars instead of PTC.

Edwin Frank discussed the affordable housing project in Chappaqua. He expressed his opinion that an additional safety study should be conducted to address the effect on the housing project should there be a train derailment.

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. Acting Chairman Ferrer's Remarks:

Acting Chairman Ferrer discussed the events that took place on March 16, 2017. On that day MTA Police Officer McDade, who is assigned as a Canine Officer, was driving on White Plains Road when he saw an EMT exit an ambulance in front of him. He then saw the ambulance careen wildly out of control, running over the EMT and crashing into other cars before the driver stumbled out of the vehicle. Officer McDade jumped out of his car and confronted the man at gunpoint. Working with two good Samaritans, he subdued the man, preventing any further threat to public safety. Officer McDade then attended to the critically injured EMT, Yadira Arroyo, a 44 year old mother of five and 14 year veteran of the FDNY, who was tragically killed that morning. Acting Chairman Ferrer presented Officer Daniel McDade with an award for his bravery, and heroism and putting his life on the line daily to protect New Yorkers and for representing all of his MTAPD colleagues who do the same.

Acting Chairman Ferrer spoke of the upcoming retirement of Michael Horodniceanu, President, MTA Capital Construction who has been President for approximately 10 years and oversaw some of the most ambitious MTA projects in a generation, including the on-time opening of the Second Avenue subway. Acting Chairman Ferrer thanked President Horodniceanu for his service and extended best wishes to President Horodniceanu and his family.

Acting Chairman Ferrer noted that Earth Day took place over the past weekend. He stated that one of best things that can be done to combat climate change is to ride public transportation. Acting Chairman Ferrer discussed the First Annual Resiliency Report of the MTA Climate Adaptation Task Force which states that climate change is an urgent reality that must be confronted head on. The report provides an overview of approximately 40 MTA resiliency projects that have been completed or are ongoing. The report is available at [www.MTA.info/sustainability](http://www.MTA.info/sustainability).

The details of Acting Chairman Ferrer's comments are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records.

3. Approval of Minutes:

Upon motion duly made and seconded, the members of the Board present approved the minutes of the Regular Board Meeting of March 22, 2017.

4. Committee on Finance:

Action Items:

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

- Capital Markets-Based Reinsurance – Approval to allow First Mutual Transportation Assurance Company (“FMTAC”) to undertake a capital markets-based reinsurance program by expanding FMTAC's current traditional capital markets-based reinsurance program to include catastrophe bond-based reinsurance transactions and collateralized note reinsurance transactions placed through a capital markets-based online marketplace.
- 2016 Annual Investment Report and MTA All Agency Investment Guidelines – To provide the MTA Board information on the MTA portfolio investment performance for the period 01/01/2016 to 12/31/2016, obtain Board approval of the MTA 2016 Annual Investment Report and obtain Board approval of the MTA All Agency Investment Guidelines.

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

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 to award of a competitively-negotiated, All-Agency personal services contract to Siemens Industry, Inc. to provide Energy Consulting Services for current and future energy projects. The contract will be for a period of thirty-six (36) months, with two (2) one-year options to be exercised at the Authority’s sole discretion, at a total cost not-to-exceed \$4,000,000.00.
- Approval of an amendment to a previously Board-approved, All-Agency, competitively negotiated, personal services contract with IBM in the not-to-exceed amount of \$1,200,000. The additional funds will provide for a one-time PeopleSoft Upgrade Manager (“PUM”) and People Tools update, which will overlap the move of the backup data center to Albany.

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.

5. Committee on Metro-North Railroad:

The Board was presented with two competitive procurements requiring Two-Thirds Vote:

- Approval to award a 20-month competitively solicited and negotiated design-build contract to the firm, Halmar International LLC, in the not-to-exceed amount of \$9,445,500, for the design and construction of the Prospect Hill Road Bridge located over the Harlem Line in the Metro-North Brewster Yard south of the Southeast train station.
- Approval to award a competitively solicited 56 month contract to Ansaldo STS USA, Inc. to perform application engineering and to fabricate and deliver pre-wired communications and signal houses and cases to be located in Connecticut from Greenwich to East Norwalk, in the amount of \$24,500,200, funded by the State of Connecticut.

Upon motion duly made and seconded, the Board approved the foregoing procurement items, the details of which are contained in staff summaries and reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records.

6. Executive Session:

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.

7. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:20 a.m.

Respectfully submitted,



Linda Montanino  
Assistant Secretary

**Minutes of the Regular Board Meeting  
Long Island Rail Road Company  
2 Broadway  
New York, NY 10004  
Wednesday, April 26, 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 Moerdler  
Hon. Mitchell H. Pally  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Peter Ward

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 Irrick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph Giulietti, President, Metro-North Railroad, Tim Mulligan, Acting 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 twelve (12) 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.

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

Murray Bodin, a private citizen, stated that he attended the Safety Committee meeting and was impressed by the work that was being pursued. He also stated that Positive Train Control (PTC) was no longer useful and recommended that MTA look at the positive stopping technology now deployed in automobiles for application to trains.

Mary Parisen, Chair of Civics United for Railroad Environmental Solutions (CURES) stated that she would be speaking about two issues. First, she asked that the Long Island Rail Road freight concession lease be rebid. She questioned why LIRR would renew a lease with New York & Atlantic (NYA) in light of NYA's egregious performance with derailments at Hicksville, Jamaica and Maspeth. She added that NYA was the subject of a Federal Railroad Administration (FRA) safety review and owed LIRR thousands of dollars for clean-ups of the derailments. She stated that she had filed Freedom of Information Law (FOIL) requests to determine the amounts owed by NYA to LIRR, and how much had been paid, but was not successful in getting this information. Second, Ms. Parisen stated that CURES is advocating for legislative funding for a new LIRR freight locomotive, and she was pleased to see that it was included in this year's budget. She added that any Request for Proposals (RFP) for new freight locomotives should specify the cleanest Tier IV technology. She also stated that neither Anacostia Rail Holdings nor NYA should be given any role in a new RFP; that NYA, in handling the RFP for the original new locomotives, had announced the winner before the RFP was even issued; that the winning locomotive was a prototype and cost \$250,000 more than a competitor's product; that the new PR20B's are reputed to have problems with fumes in the cab; and that this \$4-5 Million procurement was never advertised in the New York State Contract Reporter. She urged that any new RFP be open, clean and transparent.

Jason Pineiro, a private citizen, stated that it was a disgrace that people who live on Long Island have to deal with massive delays in LIRR service due to Amtrak. He stated that it was time the MTA took over ownership of Penn Station.

David Kapell, Executive Director of The Right Track for Long Island Coalition, spoke in favor of the environmental review of the proposed Third Track Project. He noted that he spoke on behalf of a coalition of 5,000 members, representing nearly 2 million Long Islanders. He stated that the Coalition was formed to educate the public about the benefits of the project, and to encourage public participation in the environmental review. He further stated that nearly 200 members of the Coalition testified at 12 public hearings on the Project. He commended the MTA and LIRR on making good on their promise of an unprecedented public outreach campaign. He commended, in particular, John McCarthy and Shams Tarek of the MTA, and Lisa Black of the Governor's Office, for their on-the-ground work with affected communities. He stated that the environmental review was very thorough and a great job of addressing community concerns. He described the project as transforming LIRR's main line corridor, making it much better than it is, with the result that everyone is a winner.

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. Recognition of MTA Police Officer Daniel McDade:

Acting Chairman Ferrer recognized the bravery and devotion to duty exhibited by MTA Police Officer Daniel McDade. Officer McDade, whose birthday was on March 16, was driving to Grand Central Terminal that day, where he is assigned as a K-9 officer. Officer McDade was stuck in traffic on the Bruckner Expressway, so he decided to try an alternate route along White Plains Road. He came upon a terrible scene that was unfolding. He saw an Emergency Medical Technician (EMT) exiting from an ambulance and then saw the ambulance careen wildly out of control, running over the EMT and crashing into other vehicles before the driver stumbled out of the ambulance. Officer McDade jumped out of his car and confronted the driver at gunpoint. Working with two good Samaritans, he was able to subdue the man, and then he attended to the injured EMT, who was a 44 year old mother of five. The EMT, a 14-year Fire Department veteran, was tragically killed that morning. We should all be grateful that Officer McDade was able to intercede and prevent any further threat to public safety. Acting Chairman Ferrer asked Officer McDade, his bride, and his canine partner, to come forward and join him, Interim Executive Director Veronique Hakim, MTA Police Chief Owen Monaghan, LIRR and Metro North Committee Chairs Mitchell Pally and Susan Metzger, and Metro North and LIRR Presidents Joseph Giulietti and Patrick Nowakowski, to receive an award recognizing his bravery.

3. Acting Chairman's Remarks:

Acting Chairman Ferrer noted that Dr. Michael Horodniceanu was retiring next month, after heading MTA Capital Construction for 10 years and overseeing many key capital projects such as the recent opening of the Second Avenue Subway. He stated that Dr. Horodniceanu thinks creatively and solves the thorniest challenges. He thanked Dr. Horodniceanu for his service and wished him, his bride and his family all the best in the future.

Acting Chairman Ferrer also noted that Earth Day occurs this weekend, and that one of the best ways you can help the environment is to ride public transportation every day. Every day is Earth Day at MTA. In keeping this theme, Acting Chairman Ferrer highlighted a report by MTA's Climate Adaptation Task Force. This report, its first annual Resiliency Report, reminds us that climate change is an urgent reality that we must confront head-on, with things like rising sea levels and more powerful storms threatening our coastal infrastructure. The Report also provides an overview of some of the 40+ resiliency projects MTA has completed or that are ongoing to prepare for the future. The report is available at [mta.info/sustainability](http://mta.info/sustainability) or you can request a hard copy.

4. Approval of Minutes:

Acting Chairman Ferrer asked for a motion to approve the minutes of the Regular Board meeting of March 22, 2017. Upon motion duly made and seconded, the minutes of the Regular Board meeting of March 22, 2017 were approved.

5. Committee on Finance:

Action Items

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

- Pursuant to the requirements of Public Authorities Law Section 2925, provide the MTA Board information on the MTA portfolio investment performance for the period 01/01/2016 to 12/31/2016, obtain Board approval of the MTA 2016 Annual Investment Report and obtain Board approval of the MTA All-Agency Investment Guidelines (“Investment Guidelines or Guidelines”).

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

Procurement Items

The Board was presented with three (3) procurement items recommended to it by the Committee on Finance, two (2) of which related to Long Island Rail Road:

- **Siemens Industry, Inc. – Comprehensive Energy Consulting Services** – To recommend that the Board approve the award of a competitively-negotiated, All-Agency personal services contract to Siemens Industry, Inc. (Siemens) to provide Energy Consulting Services for current and future energy projects. The contract will be for a period of thirty-six (36) months, with two (2) one-year options to be exercised at the Authority’s sole discretion, at a total cost not-to-exceed \$4,000,000. Siemens is being sought for all-agency consulting services in the areas of electricity supply management support, fuel supply management support, energy sustainability support, and additional energy studies support.
- **IBM-MTA Business Service Center PeopleSoft 9.2 Upgrade** – To recommend the Board approve an amendment in the not-to-exceed amount of \$1,200,000 to a previously Board-approved, all-agency competitively negotiated personal services contract with IBM. The additional funds will provide for a one-time PeopleSoft Upgrade Manager (PUM) and People Tools update, which will overlap the move of the backup data center to Albany. The additional scope provides technical

support for a one time PUM and People Tools update and sets the framework for MTA to continuously update the application.

Upon motion duly made and seconded, the Board approved, with Board Member Moerdler abstaining, 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

The Board was presented with three (3) real estate items recommended to it by the Committee on Finance, all of which related to Long Island Rail Road:

- License to Floral Park – Bellerose Union Free School District to use approximately 35,400 square feet of real property along the Creedmoor Branch right-of-way between Tyson and Plainfield Avenues, Floral Park, for parking and green space. Term: 15 years, terminable on 60 days' notice. Compensation: \$1, payment waived.
- Sale to Coland Realty LLC of the fee interest in approximately 4,975 square feet of real property on Redfern Avenue between Beach 11 Street and Doughty Boulevard, Far Rockaway, Queens. Compensation: \$10,000 plus approximately \$400,000 in avoided costs relating to environmental remediation work.
- Sale to Normandy Real Estate Partners of the fee interest in approximately 2,816 square feet of unbuilt, paved land within the Bushwick Freight Yard, Brooklyn. Compensation: \$300,000.

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

### 6. Long Island Rail Road Committee:

#### Action Item:

The Board was presented with one (1) action item recommended to it by the Long Island Rail Road Committee:

- **Long Island Rail Road Expansion Project Environmental Findings** – The LIRR requests that the MTA Board adopt the SEQRA Findings Statement relating to the LIRR Expansion Project, included as Attachment I to the Action Item as set out in the Board Book. The Findings Statement has been prepared pursuant to the requirements of the State Environmental Quality Review Act (SEQRA), and

follows the release of a Final Environmental Impact Statement (FEIS) for the Project. The FEIS and the Findings Statement represent the culmination of a year-long environmental review to study the potential impacts of the Project and to incorporate environmental factors into the preliminary design and decision-making process.

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

Procurement Items:

The Board was presented with two (2) procurement items recommended to it by the Long Island Rail Road Committee:

- **Penn Station Critical Improvements – Design/Build** - LIRR requests Board approval to adopt a resolution that competitive bidding is impractical or inappropriate and that it is in the public’s best interest to use the Request for Proposal (“RFP”) procurement method pursuant to Section 1265-a of the Public Authorities Law to award a Design/Build construction contract for the Penn Station Improvements Project.
- **Request to use the RFP Process – Various Contracts** - LIRR requests Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is in the public’s best interest to use the RFP procurement method pursuant to Section 1265-a of the Public Authorities Law to award Design/Build construction contract packages for various station enhancement projects.

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

7. Board Discussion:

Chair of the Long Island Rail Road Committee Mitchell Pally stated that the last few weeks haven’t been easy for LIRR commuters and he requested the Interim Executive Director to update the Board on consultations with Amtrak. He stated that he was running out of words to describe the situation, which is intolerable and unacceptable.

Interim Executive Director Veronique Hakim stated that after the first week in April, where we suffered through a very bad week for LIRR and its customers, she and the Acting Chairman had sent a letter to Amtrak requesting an immediate explanation of and action on the circumstances. This was followed by a meeting two weeks ago, where she, the Acting Chairman, LIRR President Patrick Nowakowski and other senior management met with Amtrak,

and were advised that Amtrak was in the midst of an inspection of the tracks in Penn Station being undertaken by the Federal Railroad Administration (FRA).

Interim Executive Director Hakim stated that tomorrow, the Acting Chairman and I will be hearing a follow-up from Amtrak, and we expect and Amtrak has committed to provide us with a review of what they found, what repairs they are making, what their plans are, and -- while it is still too early to anticipate service impacts -- what the service impacts of Amtrak's plans might be. She further stated that Amtrak has committed to coordinating with us, and this is what we called for and what we expect. Amtrak has heard loud and clear the frustration expressed by us and by the members of the Board. The current situation is unacceptable. The safety of our customers and our crews is the top priority, and we need to know that we are running over safe infrastructure at Penn Station. We look forward to hearing the details of Amtrak's plans, and then service planners will need to look at those details to determine how to accomplish the work with the least possible impact on our customers. The Acting Chair and I expect a constructive dialog with Amtrak to continue, but something must be done because we've run out of words to describe the current situation.

Board Member Veronica Vanterpool thanked members of the Building Alcohol Ad- Free Transit Coalition for educating the Board about the impact of ads for alcoholic beverages. She asked MTA staff to provide the Board information on placement of advertisements throughout the MTA system, and the categories of advertisements so placed. She stated that the revenue from advertisements for alcoholic beverages could not be significant in terms of the overall MTA budget. She further stated that drug abuse is a problem in our younger communities and alcohol is a drug, which is why she has asked for this analysis.

Board Member Lawrence Schwartz asked, as a follow-up to the comments by LIRR Committee Chair Pally, that the Interim Executive Director get an assurance from Amtrak that no decisions will be made on work going forward until we fully understand what they are proposing and until the Governor of the State of New York has been briefed and has the opportunity to weigh in on Amtrak's plans. Mr. Schwartz added that he knows Tony Coscia, the Chairman of Amtrak, to be a professional and wanting to do the right thing, but the potential impacts here are significant. The safety of our riders is paramount but the work going forward needs to be done in a way that does not unduly inconvenience LIRR's customers who use LIRR to get to work every day. We need to be thorough about this, but we also need to be smart in terms of developing a long-term strategy that does not inconvenience the ridership.

Board Member James Vitiello stated that he had asked a question at the Long Island Rail Road Committee meeting the response to which was taken in certain quarters as suggesting a legal action against Amtrak. He further stated that his question was not intended to suggest that MTA take certain action against Amtrak, and he expressed the hope that the issues at Penn Station would be worked out collaboratively with Amtrak. Acting Chairman Ferrer added that this was his hope and expectation as well.

Board Member Susan Metzger stated that Metro-North's West of Hudson riders also come through Penn Station, so they have a stake in this issue as well

8. Executive Session:

Acting Chairman Ferrer asked for a motion to move the Board meeting into executive session, pursuant to Section 105(1)(e) of the Public Officers Law, to discuss matters relating to collective bargaining agreements. Upon motion duly made and seconded, the Board moved into executive session.

9. Adjournment:

Upon coming out of executive session and resuming the public session of the meeting, the Acting Chairman asked for a motion to adjourn the meeting. Upon motion duly made and seconded, the Board voted to adjourn the meeting at 11:20 a.m.

Respectfully submitted,



Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**April 26, 2017**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
April 26, 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. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. John Samuelsen  
Hon. Andrew Saul  
Hon. Peter Ward

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 Giulietti, President, Metro-North Railroad, Tim Mulligan, Acting 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 12 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. **Acting Chairman Ferrer's Opening Remarks**

Acting Chairman Ferrer opened his remarks by commending the actions of MTA Police K-9 Officer Daniel McDade who watched an EMT exit an ambulance and then saw the ambulance careen wildly out of control after it ran over the EMT and crashed into other vehicles. Officer McDade confronted the driver at gunpoint, subdued him and then attended to the critically injured EMT. Acting Chairman Ferrer also announced that after 10 years of heading up Capital Construction, President Michel Horodniceanu is retiring. Finally, in light of Earth Day, Acting Chairman Ferrer mentioned a report released by the MTA's Climate Adaptation Task Force that discusses MTA resiliency projects and the urgent reality of climate change with the dangers of rising sea levels and more powerful storms threatening coastal infrastructure.

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

3. **Approval of the Minutes of the Regular Meeting March 22, 2017**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on March 22, 2017 were approved.

4. **Committee on Finance**

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

(a) Action Item:

- Approval of the MTA 2016 Annual Investment Report and the MTA All Agency Investment Guidelines.

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.

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

**Procurements**

Commissioner Moerdler stated that there are 10 procurements totaling \$190.7 million.

**Non-Competitive Procurements**

Commissioner Moerdler stated that there is one (1) non-competitive procurement.

**Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded  
As Contracts for Services**

City of New York	Contract No. MOU-08-33 TBTA is seeking Board approval under the All Agency Service Contract Procurement Guidelines to increase funding under this non-competitive personal service agreement to provide Traffic Enforcement Agents (TEA's) to control traffic on City streets adjacent to construction projects for TBTA facilities on an as-needed basis.	\$7,000,000.00
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**Competitive Procurements**

Commissioner Moerdler stated that there are nine (9) competitive procurements totaling \$183.7 million.

**Personal Service Contracts**

Ammann & Whitney/ WSP Parsons Brinckerhoff JV	Contract No. PSC-16-2996 TBTA is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award a personal service contract for Design and Construction Support Services for Project RK-19/RK-70 Wind Retrofits and Miscellaneous Structural Repairs at the Robert F. Kennedy Bridge.	\$3,439,915.00
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**Modifications to Personal Service Contracts and Miscellaneous Service Contracts  
Awarded as Contracts for Services**

Conduent State and Local Solutions, Inc.	Contract No. PSC-05-2741 TBTA is seeking Board Approval under the All Agency Service Contract Procurement Guidelines to amend Personal Service Contract No. PSC-05-2741 to support the implementation of cashless Open Road Tolling (ORT) at six (6) remaining TBTA Toll Facilities.	\$150,730,274.00
WSP Sells/HNTB JV	Contract No. PSC-11-2865 TBTA is seeking Board Approval under the All Agency Service Contract Procurement Guidelines to amend personal service Contract No. PSC-11-2865 in order to add funding for design and construction support services for Project RK-65A, Bronx Plaza Structure Rehabilitation.	\$2,690,499.31

Parsons/GPI	Contract No. PSC-14-2956 TBTA is seeking Board Approval under the All Agency Service Contract Procurement Guidelines to amend personal service Contract No. PSC-14-2956 in order to add funding for design and construction support services for Project RK-23A, Reconstruction and Rehabilitation of the 125th Street Manhattan Approach Ramps to the RFK Bridge.	\$824,042.78
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**Modifications to Purchase and Public Works Contracts**

Tutor Perini Corp.	Contract No. VN-80B TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works contract for the necessary civil, structural and electrical infrastructure construction work for the second phase (Phase 2) of Open Road Tolling (ORT) for both Upper and Lower Levels within the Staten Island Plaza and Approach in the westbound direction at the Verrazano-Narrows Bridge.	\$13,725,000.00
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DeFoe Corp.	Contract No. RK-23A TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works contract for the necessary civil, structural and electrical infrastructure for Open Road Tolling (ORT) at the Manhattan approach to the Robert F. Kennedy Bridge.	\$6,042,780.00
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Tully Construction Co., Inc.	Contract No. BB-28S TBTA is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public works contract, Contract BB-28S for: (i) revisions to Project BB-54, Rehabilitation of the Brooklyn Plaza to align with the implementation of Open Road Tolling (ORT) and the demolition of the toll booths; (ii) furnish and install structural foundations and anchors for the upcoming architectural enhancements of the plazas and ORT gantries; (iii) ratify the authorization for the procurement of fabricated long lead time materials associated with the architectural fabrications and structural steel for the Morris Street Pedestrian Overpass (MSPO) and (iv) perform tunnel transition zone	\$4,241,583.00
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waterproofing at the Manhattan Blower Building (MBB), Brooklyn Ventilation Building (BVB) and at Woodhull Street.

John P. Picone, Inc.

Contract No. CB-99S/MP-03S

\$1,184,000.00

TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works Contract No. CB-99S/MP-03S, Design/Build Services for Replacement of Electrical and Mechanical Equipment at Marine Parkway Bridge (MPB) and Cross Bay Bridge (CBB) Facilities for necessary redesign and additional installation work.

El Sol Contracting and Construction Corp. / El Sol Ltd. Enterprises, JV

Contract No. VN-80C/VN-35

\$796,439.06

TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works contract, Contract VN-80C/VN-35 for interim reconciliation of contract items and additional new items of work.

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.

### **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 a matter related to collective bargaining.

### **7. Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 11:20 a.m.

Respectfully submitted,



Julia R. Christ  
Secretary

**Regular Board Meeting**  
**MTA Capital Construction Company**  
**2 Broadway**  
**New York, NY 10004**  
**Wednesday, April 26, 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. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Peter Ward

Board Member Andrew Albert, Board Member Norman Brown, 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, Tim Mulligan, Acting President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, Evan Eisland, Sr. Vice President, General Counsel and Secretary, MTA Capital Construction Company and, David Cannon, Chief Procurement Officer and Assistant Secretary, MTA Capital Construction Company.

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

Acting Chairman Ferrer called the meeting to order.

**Public Comment Period**

There were twelve 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.

**Acting Chairman's Remarks**

Acting Chairman Ferrer presented an award to MTA Police Officer Daniel McDade for his heroism and bravery. In addition, Acting Chairman Ferrer expressed his appreciation to Michael Horodniceanu, President of the MTA Capital Construction (who is retiring at the end of May) for his nearly ten years of dedicated service in overseeing some of the most ambitious MTA projects in a generation and cumulating in the on time opening of Phase I of the Second Avenue Subway Project.

### **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 March 22, 2017.

### **Committee on Finance**

#### Procurement Item

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

An Amendment to the all-agency Business Service Center PeopleSoft 9.2 Upgrade contract (14049-0100) for a one-time PeopleSoft Upgrade Manager and People Tools update in the amount not to exceed \$1,200,000.

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.

### **Committee on NYCT and Bus**

#### Procurement Items

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

A modification to the Fulton Street Transit Center Enclosure contract (A-36125) for the Fulton Center Project to resolve outstanding claims in the amount of \$3,400,000.

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:

A Modification to the 72nd Street Station Finishes, Mechanical, Electrical and Plumbing Systems, Ancillary Buildings and Entrances contract (C-26011) for the Second Avenue Subway Project to provide permanent and backup cooling for radio and communication rooms/closets in the amount of \$1,170,000.

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

### **Executive Session**

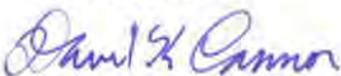
Upon motion duly made and seconded, the Board voted to convene into Executive Session pursuant to Section 105 (1) (e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

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 11:20 a.m.

Respectfully submitted,



David K. Cannon  
Assistant Secretary

**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
May 24, 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. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke**

**The following members were absent:**

**Hon. Charles G. Moerdler  
Hon. John Samuelson  
Hon. Neal Zuckerman**

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 Vincent Tessitore, Jr., Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Tim Mulligan, Acting 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 Boards of the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the Metropolitan Suburban Bus Authority, the Triborough Bridge and Tunnel Authority, the Long Island Rail Road, the Metro-North Commuter Railroad Company, the MTA Capital Construction Company, the MTA Bus Company, and the First Mutual Transportation Assurance Company.

Unless otherwise indicated, these minutes reflect items on the agenda of the Board of the Metropolitan Transportation Authority, the Metropolitan Suburban Bus Authority, and the First

Mutual Transportation Assurance Company. Refer to the other agencies' minutes of this date for items on the agendas of the Boards of the other agencies.

**1. CHAIRMAN'S REMARKS.**

Acting Chairman Ferrer expressed condolences, on behalf of the Board and the entire MTA family, to England and the victims of the Manchester attack. The Chairman asked for a moment of silence in honor of the victims of Manchester.

Acting Chairman Ferrer recognized the heroic actions of MTA Police Officers Desire Boker and Armando Hernandez, Metro-North Assistant Conductor, Charles Dolan, all of whom were present at the meeting, and Metro-North Conductor Sean Tedesco, who could not be at the meeting. The Chairman stated that the four MTA employees worked together to reunite a missing, non-verbal, autistic teen with his family. Acting Chairman Ferrer and Interim Executive Director Veronique Hakim thanked the MTA Police Officers and the Metro-North employees for their care, empathy and diligence in returning the teen home. The Chairman, on behalf of the entire MTA family and the riding public, presented each of the employees with plaques as a token of appreciation for their heroic actions and for the work that they do every day to keep the transit network running smoothly.

The details of the Chairman's remarks and the presentation are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records.

**2. PUBLIC SPEAKERS SESSION.**

There were forty-five (45) registered Public Speakers. Twenty-seven (27) speakers spoke during the public speakers sessions.

Following are the names of the twenty-five (25) Public Speakers who spoke during the first portion of the public speakers session.

Tony Murphy, Workers' World Party  
Teresa Gutierrez, Workers Defense Committee ("WDC")  
Taryn Fivek, WDC  
Faiquan Sells, WDC  
Nate Peters, WDC  
John Steffin, WDC  
Brittney Wilson, private citizen  
Allen Steven, private citizen  
Ronald Smith, private citizen  
Professor Jennifer Bartlett, Rise & Resist ("R & R")  
Jackie Goldenberg, R & R  
Pedro Valdez Rivera, Jr., Riders Alliance  
Evangelist Susanne Mendoza, Cosmopolitan Church  
Ed Frank, Chappaqua for Responsible Affordable Housing  
Linda Spellman, BCID  
Ian Christmer, Bond Secours Health System  
Diem Boyd, Lower East Side Dwellers

Christine Yearwood, Upstand  
Stephanie Catros, Upstand  
Masha Burina, Riders Alliance  
Stephanie Veras, Riders Alliance  
Mary Parisen, C.U.R.E.S  
Johnathan Boev, private citizen  
Gene Russianoff/Jaqi Cohen, Straphanger's Campaign  
Diana Moll, private citizen

Upon motion duly made and seconded, the Board voted to briefly suspend the Public Speakers' session to allow the Board to consider other matters on the agenda, and to resume the Public Speakers' session following the Board's review of the agenda items. Refer to Section 8, Resumption of Public Speakers Session, below for the names of the other two speakers. 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.

3. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an Executive Session, in accordance with Section 105(1)(d) of the New York State Public Officers Law, to discuss matters relating to proposed, pending or current litigation; and, Section 105(1)(h) to discuss matters relating to the proposed acquisition, sale or lease of real property.

Upon motion duly made and seconded, the Board voted to resume the public session.

Acting Chairman Ferrer announced that there are on-going internal discussions relating to proposed improvements to the Access-A-Ride program. The Chairman stated that the proposed plans to improve the Access-A-Ride Program will be fully discussed at next month's NYCT Committee meeting and the regular Board meeting to be held on June 19 and June 21, 2017, respectively.

4. **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. **Payroll Mobility Tax ("PMT") Tax Obligation Resolution for Submission to the Capital Program Review Board ("CPRB").** Approved a resolution authorizing the submission of the Draft Payroll Mobility Tax Obligation Resolution, Standard Resolution Provisions and Supplemental Resolution Provisions to the CPRB for approval. Upon approval by CPRB, the final set of the PMT credit documents, including any requested changes from the CPRB, will be resubmitted to the Finance Committee and the MTA Board for formal adoption.
2. **Legal Services for the MTA and its Subsidiaries and Affiliated Agencies.**  
Approved the execution of retainer agreements, based on a competitive Request for Proposal process, on behalf of the MTA and its affiliates and subsidiaries with the

Regular Board Meeting  
May 24, 2017

attorneys and law firms identified on Attachment A of the staff summary to provide legal services at competitive rates on an as-needed basis in specific areas of expertise where retention of outside counsel may be necessary.

**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. Board member Veronica Vanterpool abstained from the vote on item #2 below.

1. Oracle America, Inc. – All Agency Oracle Software/Hardware Support and Subscription Services. Approved the award of a consolidated all-agency umbrella amendment to various non-competitive, Board-approved, miscellaneous procurement contracts with Oracle America, Inc. for software/hardware support and subscription services for a period of thirty-six (36) months from May 30, 2017 to May 29, 2020.
2. CH2M Hill – Consulting Services – No. 900000000002143. Approved the award of a competitively-negotiated, multi-agency personal services contract to CH2M Hill to provide consulting services for development of Crew Dispatching & Timekeeping System for NYCT, LIRR and Metro-North.
3. Choice Distribution, Inc. – Hardware and Fastener Program. Approved an amendment to Metro-North Railroad’s previously Board-approved, multi-agency, competitively awarded, miscellaneous procurement contract with Choice Distribution, Inc. for supply of hardware and fasteners.
4. Carahsoft Technology Corporation, Inc. – IT Support and Services for MTA Beacon Countdown Clock Project – No. 16349-0100. Ratified the award of a miscellaneous procurement contract award to Carahsoft Technology Corporation, riding NYS Office of General Services Contract No. PT66623, for design, implementation and support of an open source content management system for the B – Division Countdown Clock initiative for a period of thirty months retroactively from October 2016 through April 2019.

**C. Information Item.**

1. 2016-2017 Station Maintenance Billing. The Board was advised of the submission of the station maintenance billings to New York City and the counties for the period of April 1, 2016 to March 31, 2017.

**D. Real Estate Items.** Upon motion duly made and seconded, the Board approved the following real estate items. The specifics are set forth in the staff summaries and documentation filed with the meeting materials. Acting Chairman Ferrer recused himself from the vote on item #4 below.

### **New York City Transit**

1. Lease with Jalal Mohsin Ahmed (or new legal entity to be formed) for the operation of a retail convenience store at Kings Highway Station (Brighton Line), Brooklyn, N.Y.

### **Metro-North Railroad**

2. License agreement with the County of Westchester for the operation and maintenance of a commuter parking facility located on the West side of the right-of-way at Metro-North's North White Plains Stations, N.Y.

### **Long Island Rail Road**

3. Resolution authorizing MTA and LIRR to enter into agreements necessary to effectuate Phase 2 of the Moynihan Station Development Project.

### **Metropolitan Transportation Authority**

4. Extension of advertising licenses with Outfront Media, Inc. and Intersection Design and Technology Inc.

## **5. COMMITTEE ON DIVERSITY.**

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

1. **Title VI Program Update.** Approved the MTA's 2017 consolidated Title VI Program update, in satisfaction of the requirements of the Federal Transit Administration ("FTA") Title VI Circular.

## **6. MTA OTHER BUSINESS.**

### **A. MTA 2010-2014 and 2015-2019 Capital Program Amendments.**

Acting Chairman Ferrer introduced Donald Spero, Deputy Chief Financial Officer, who presented details of the proposed MTA 2010-2014 Capital Program Amendment and 2015-2019 Capital Program Amendment, Stephanie DeLisle, Director of Capital Funding, who provided an overview of the Programs' funding, and Robert Foran, Chief Financial Officer, who discussed the Programs' financing.

Copies of the MTA 2010-2014 Capital Program Amendment and the 2015-2019 Capital Program Amendment were distributed to Board members.

Following the presentation, Acting Chairman Ferrer thanked Mr. Spero, Ms. DeLisle, and Mr. Foran and invited Board discussion concerning the proposed Capital Program Amendments. The details of the presentation on the proposed Capital Program

Regular Board Meeting  
May 24, 2017

Amendments and Board members' comments and questions with respect thereto are included in the video recording of the meeting produced by the MTA and maintained in MTA records.

Upon motion duly made and seconded, the Board approved the proposed MTA 2010-2014 Capital Program Amendment and the 2015-2019 Capital Program Amendment, and authorized the MTA to submit the portions of the Program Amendments to the Capital Program Review Board ("CPRB") for review and approval in accordance with Public Authorities Law Section 1269-b. Board members David Jones and Veronica Vanterpool voted in opposition. Board member Polly Trottenberg abstained from the vote.

7. **FIRST MUTUAL TRANSPORTATION ASSURANCE COMPANY (FMTAC)**. This meeting served as FMTAC's annual Board meeting. The Board was provided information concerning FMTAC's 2016 activities and operations.
8. **RESUMPTION OF PUBLIC SPEAKERS SESSION**. Upon motion duly made and seconded, the Board voted to resume the public speakers session. 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.

Alexis Batista, AARG  
Jason Piniero, private citizen

9. **ADJOURNMENT**. Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:00 p.m.

Respectively submitted,

Victoria Clement  
Assistant Secretary

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

**2 Broadway  
New York, NY 10004**

**Wednesday, May 24, 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. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke**

**The following members were absent:**

**Hon. Charles G. Moerdler  
Hon. John Samuelson  
Hon. Neal Zuckerman**

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 Vincent Tessitore, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Tim Mulligan, Acting 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. 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.

**3. PUBLIC COMMENT PERIOD**

There were forty-five (45) registered Public Speakers. Twenty-seven (27) speakers spoke during the public speakers sessions.

The following speakers spoke on MTA NYC Transit/Staten Island Rapid Transit Operating Authority /MTA Bus Company matters during the first portion of the public speakers session.

Tony Murphy, Workers' World Party  
Teresa Gutierrez, Workers Defense Committee ("WDC")  
Taryn Fivek, WDC  
Faiquan Sells, WDC  
Nate Peters, WDC  
John Steffin, WDC  
Brittney Wilson, private citizen  
Allen Steven, private citizen  
Ronald Smith, private citizen  
Professor Jennifer Bartlett, Rise & Resist ("R & R")  
Jackie Goldenberg, R & R  
Pedro Valdez Rivera, Jr., Riders Alliance  
Evangelist Susanne Mendoza, Cosmopolitan Church  
Ed Frank, Chappaqua for Responsible Affordable Housing  
Linda Spellman, BCID  
Ian Christmer, Bond Secours Health System  
Diem Boyd, Lower East Side Dwellers  
Christine Yearwood, Upstand  
Stephanie Catros, Upstand  
Masha Burina, Riders Alliance  
Stephanie Veras, Riders Alliance  
Mary Parisen, C.U.R.E.S  
Johnathan Boev, private citizen  
Gene Russianoff/Jaqi Cohen, Straphanger's Campaign  
Diana Moll, private citizen

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.

Upon motion duly made and seconded, the Board voted to briefly suspend the public speakers' session to allow the Board to consider other matters on the agenda, and to resume the public speakers' session following the Board's review of the agenda items. Refer to Section 9 below,

Resumption of Public Speakers Session, for the names of the other two speakers. 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 those speakers' statements.

#### **4. EXECUTIVE SESSION**

Upon motion duly made and seconded, the Board voted to convene an Executive Session in accordance with Section 105(1)(d) of the New York State Public Officers Law to discuss matters relating to proposed, pending or current litigation, and Section 105(1)(h) of the New York State Public Officers Law to discuss matters relating to the proposed acquisition, sale or lease of real property.

Upon motion duly made and seconded, the Board voted to resume the public session.

Acting Chairman Ferrer announced that there are on-going internal discussions relating to proposed improvements to the Access-A-Ride program. The Chairman stated that the proposed plans to improve the Access-A-Ride Program will be discussed fully at next month's NYCT Committee meeting and the Regular Board meeting held on June 19 and June 21, 2017, respectively.

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

##### **Action Item:**

Make Permanent X28 Weekend Service: Upon motion duly made and seconded, the Board approved a proposal to make X28 weekend service permanent.

##### **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). Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

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

#### **6. COMMITTEE ON FINANCE**

##### **Action Items:**

Legal Services for the MTA and its Subsidiaries and Affiliated Agencies: Upon motion duly made and seconded, the Board approved the execution of retainer agreements, based on a

competitive Request for Proposal process, on behalf of the MTA and its affiliates and subsidiaries with the attorneys and law firms identified on Attachment A of the staff summary to provide legal services at competitive rates on an as-needed basis in specific areas of expertise where retention of outside counsel may be necessary.

**Real Estate Items:**

MTA NYC Transit: Upon motion duly made and seconded, the Board approved a lease agreement with Jalal Mohsin Ahmed (or new legal entity to be formed) for the operation of a convenience store at Kings Highway Station (Brighton Line) Brooklyn, N.Y.

**7. COMMITTEE ON DIVERSITY.**

**Action Item:**

Title VI Program Update: Upon motion duly made and seconded, the Board approved the MTA's 2017 consolidated Title VI Program update, in satisfaction of the requirements of the Federal Transit Administration ("FTA") Title VI Circular. The specifics are set forth in the staff summary and documentation filed with the meeting materials.

**8. MTA OTHER BUSINESS.**

**A. MTA 2010-2014 and 2015-2019 Capital Program Amendments.**

Acting Chairman Ferrer introduced Donald Spero, Deputy Chief Financial Officer, who presented details of the proposed MTA 2010-2014 Capital Program Amendment and 2015-2019 Capital Program Amendment, Stephanie DeLisle, Director of Capital Funding, who provided an overview of the Programs' funding, and Robert Foran, Chief Financial Officer, who discussed the Programs' financing.

Copies of the MTA 2010-2014 Capital Program Amendment and the 2015-2019 Capital Program Amendment were distributed to Board members.

Following the presentation, Acting Chairman Ferrer thanked Mr. Spero, Ms. DeLisle, and Mr. Foran and invited Board discussion concerning the proposed Capital Program Amendments. The details of the presentation on the proposed Capital Program Amendments and Board members' comments and questions with respect thereto are included in the video recording of the meeting produced by the MTA and maintained in MTA records.

Upon motion duly made and seconded, the Board approved the proposed MTA 2010-2014 Capital Program Amendment and the 2015-2019 Capital Program Amendment, and authorized the MTA to submit the portions of the Program Amendments to the Capital Program Review Board ("CPRB") for review and approval in accordance with Public Authorities Law Section 1269-b. Board members David Jones and Veronica Vanterpool voted in opposition. Board member Polly Trottenberg abstained from the vote.

**9. RESUMPTION OF PUBLIC SPEAKERS SESSION.**

Upon motion duly made and seconded, the Board voted to resume the public speakers session. The following speakers addressed items relating to MTA NYC Transit/Staten Island Rapid Transit Operating Authority /MTA Bus Company.

Alexis Batista, AARG  
Jason Piniero, private citizen

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.

**10. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:00 p.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, May 24, 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. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke

The following members were absent:

Hon. Charles G. Moerdler  
Hon. John Samuelson  
Hon. Neal Zuckerman

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 Vincent Tessitore, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Tim Mulligan, Acting 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. Acting Chairman Ferrer's Remarks:

Acting Chairman Ferrer expressed condolences, on behalf of the Board and the entire MTA family, to England and the victims of the Manchester terror attack. The Chairman asked for a moment of silence in honor of the victims of Manchester.

Acting Chairman Ferrer recognized the heroic actions of MTA Police Officers Desire Boker and Armando Hernandez, Metro-North Assistant Conductor, Charles Dolan, all of whom were present at today's meeting; and Metro-North's Conductor Sean Tedesco, who could not be at today's meeting. The Chairman stated that the four MTA employees worked together to reunite a missing, non-verbal, autistic teen with his family. Acting Chairman Ferrer and Interim Executive Director Veronique Hakim thanked the MTA Police officers and the Metro-North employees for their care, empathy and diligence in returning the teen home. The Chairman, on behalf of the entire MTA family and the riding public, presented the employees with a plaques as a token of appreciation for their heroic actions and for the work that they do every day to keep the transit network running smoothly.

The details of the Chairman's remarks and the presentation are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records.

2. Public Speakers:

There were 45 registered public speakers; 27 speakers spoke during the public speakers sessions. Refer to the minutes of the MTA for the names of the public speakers who spoke during the first public speakers session. The following speaker commented on a Metro-North matter.

Edwin Frank of Chappaqua for Responsible Affordable Housing expressed his safety concerns with respect to a proposed 28 unit affordable housing complex in Chappaqua, New York.

Upon motion duly made and seconded, the Board voted to briefly suspend the Public Speakers' session to allow the Board to consider other matters on the agenda, and to resume the Public Speakers' session following the Board's review of the 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.

3. Executive Session:

Upon motion duly made and seconded, the Board voted to convene an Executive Session, in accordance with Section 105(1)(d) of the New York State Public Officers Law, to discuss matters relating to proposed, pending or current litigation; and, Section 105(1)(h) to discuss matters relating to proposed acquisition, sale or lease of real property.

Upon motion duly made and seconded, the Board voted to resume the public session.

Following the conclusion of the Executive Session, Acting Chairman Ferrer announced that there are on-going discussions regarding proposed improvements to the Access-A-Ride Program. A report will be given at the June Transit Committee and Board meetings.

The details of Acting Chairman Ferrer's comments are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records.

4. Committee on Metro-North Railroad:

The Board was presented with two non-competitive procurements:

- Approval for additional funding in the not to exceed amount of \$5,060,970 for a modification to an existing miscellaneous service contract with ARINC, Inc. (ARINC) to upgrade the current proprietary Supervisory Control and Data Acquisition (SCADA) system along with a five-year maintenance agreement.
- Approval for additional funding in the estimated amount of \$2,500,000 to an existing, negotiated and Board approved all-Agency agreement with NYSID for as-needed temporary personnel services.

The Board was presented with six competitive procurements:

- Approval to use the Request for Proposals (RFP) process to solicit and evaluate proposals from prospective contractors for supply, lease and delivery of an Automated Vehicle Location and Monitoring System (AVLM).
- Approval to use the Request for Proposals (RFP) process to solicit and evaluate proposals from prospective contractors to design and construct a portion of the Empire State Trail on Metro-North's Beacon Line. This procurement will be funded with monies set aside in the New York State Budget adopted in April, 2017.
- Approval to award a three-year competitively bid and negotiated public works joint procurement contract in the not-to-exceed amount of \$18,199,44 with Metro-North as lead agency (Metro-North \$7,500,00) and Long Island Rail Road (\$10,699,44) to the firm Loram Maintenance of Way, Inc. to provide a self-propelled specialty excavating equipment and personnel for use at various points along each Railroads' operating territory.
- Approval to award a competitively solicited and negotiated five-year personal service contract in the not-to-exceed amount of \$2,142,399 to the firm Bowery Residents' Committee, Inc. to operate Metro-North's Homeless Outreach Services Program at its outlying stations and along its Right-of-Way.
- Approval to award a five-year competitively-negotiated miscellaneous service contract in the not-to-exceed amount of \$3,929,197 to the firm Trapeze Software Group, Inc. to provide a Centralized Train Scheduling System which will be capable of developing and maintaining individual train schedules, crew schedules and equipment programs/schedules. This joint procurement with Metro-North as the lead Agency and the Long Island Rail Road is to purchase a new, unified and automated train, crew and Equipment Schedule Development Software System to provide all of the functions that are currently done manually in a labor intensive, time consuming process. This system is to be developed by a third-party and once tested and successful at Metro-North, an optional task is included to develop a similar specification for Long Island Rail Road.
- On behalf of Metro-North Railroad, Long Island Rail Road, and New York City Transit (NYCT) Paratransit, approval to extend a multi-agency miscellaneous service contract

for an additional two years (from July 31, 2017 - July 31, 2019) with Automotive Resources International (ARI) in the total not-to-exceed amount of \$19,100,000. ARI manages all aspects of vehicle repair approvals, recording repair details, payment of invoices from maintenance repair vendors who service MTA vehicles and the consolidation of monthly invoices for payment by each participating MTA agency.

In response to an objection raised by Board member Saul with respect to the proposed contract with Automotive Resources International, and following discussion with Board members and Interim Executive Director Hakim, the proposed contract extension with Automotive Resources International was amended to be a one year extension at the same contractual rates. Upon motion duly made and seconded, the Board approved the foregoing procurement items, as amended. The details of the above procurements are contained in staff summaries and reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records, which recording includes discussions regarding the procurements.

5. Committee on Finance:

Action Items:

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

- Finance Committee and MTA Board approval of a resolution authorizing the submission of the DRAFT Payroll Mobility Tax Obligation Resolution, Standard Resolution Provisions and Supplemental Resolution Provisions to the Capital Program Review Board (“CPRB”) for approval. Upon approval by the CPRB, the full set of credit documents will be resubmitted to the Finance Committee and the MTA Board for formal adoption.
- Approval to enter into retainer agreements, based on a competitive Request for Proposal process, on behalf of the MTA and its affiliates and subsidiaries, with the attorneys and law firms that will provide legal services at competitive rates on an as-needed basis in specific areas of expertise where retention of outside counsel may be necessary.

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

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 to award a consolidated all-agency umbrella amendment to various noncompetitive, Board-approved, miscellaneous procurement contracts with Oracle

America, Inc. (Oracle) for software/ hardware support and subscription services, in the not-to-exceed amount of \$25,789,062.00 for a period of thirty-six (36) months from May 30th, 2017 to May 29, 2020.

- Approval to award of a competitively-negotiated, multi-agency personal services contract with CH2M Hill to provide Consulting Services for development of Crew Dispatching & Timekeeping System for New York City Transit, Long Island Rail Road and Metro-North Railroad at a not-to-exceed amount of \$1.2M. The contract will be for a period of up to two (2) years and is utilizing a previously negotiated retainer contract established by Metro-North.
- Approval of an amendment to Metro North Railroad's previously Board-approved, multi-agency, competitively awarded, miscellaneous procurement contract with Choice Distribution, Inc. for the supply of hardware and fasteners. The amendment will: (i) exercise the 2<sup>nd</sup> year option of the approved two-year option from June 1, 2017 to May 31, 2018 and (ii) add additional funding in the not-to-exceed amount of \$12,899,411.

Upon motion duly made and seconded, the Board approved the foregoing procurement items. Board member Vanterpool abstained from the vote on the proposed contract with CH2M Hill. The details of the above items 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.

#### Information Item:

The Board was presented with the following information item that relates to Metro-North.

- 2016-2017 Station Maintenance Billing – The Board was provided with a summary of the station maintenance use and operations billing to the counties and New York City for the period April 1, 2016 through March 31, 2017.

The details of the above item are contained in the minutes of the MTA Board meeting held this day, a staff summary and report filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

#### Real Estate:

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

- Approval of a license agreement with the County of Westchester for operation and maintenance of a commuter parking facility at Metro-North's station in North White Plains, New York.

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.

6. Committee on Diversity:

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

- Approval of the 2017 Title VI Program – Document that demonstrates compliance with Federal Transit Administration Title VI requirements which ensure non-discrimination on the basis of race, color, national origin, minority or low-income status for MTA and its affiliated agencies and subsidiaries.

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

7. Other MTA Business:

MTA 2010-2014 and 2015-2019 Capital Program Amendments:

Acting Chairman Ferrer introduced Donald Spero, Deputy Chief Financial Officer, who presented details of the proposed MTA 2010-2014 Capital Program Amendment and 2015-2019 Capital Program Amendment, Stephanie DeLisle, Director of Capital Funding, who provided an overview of the Programs' funding, and Robert Foran, Chief Financial Officer, who discussed the Programs' financing.

Copies of the MTA 2010-2014 Capital Program Amendment and the 2015-2019 Capital Program Amendment were distributed to Board members.

Following the presentation, Acting Chairman Ferrer thanked Mr. Spero, Ms. DeLisle, and Mr. Foran and invited Board discussion concerning the proposed Capital Program Amendments. The details of the presentation on the proposed Capital Program Amendments and Board members' comments and questions with respect thereto are included in the video recording of the meeting produced by the MTA and maintained in MTA records.

Upon motion duly made and seconded, the Board approved the proposed MTA 2010-2014 Capital Program Amendment and the 2015-2019 Capital Program Amendment, and authorized the MTA to submit the portions of the Program Amendments to the Capital Program Review Board ("CPRB") for review and approval in accordance with Public Authorities Law Section 1269-b. Board members David Jones and Veronica Vanterpool voted in opposition. Board member Polly Trottenberg abstained from the vote.

8. Resumption of Public Comment Period:

Upon motion duly made and seconded, the Board voted to resume the public speakers session. No Metro-North matters were discussed. Refer to the minutes of the MTA for the names of the public speakers who spoke during the resumed public speakers session, 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.

9. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:00 p.m.

Respectfully submitted,



Linda Montanino  
Assistant Secretary

**Minutes of the Regular Board Meeting  
Long Island Rail Road Company  
2 Broadway  
New York, NY 10004  
Wednesday, May 24, 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. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke

The following members were absent:

Hon. Charles G. Moerdler  
Hon. John Samuelson  
Hon. Neal Zuckerman

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 Vincent Tessitore, Darryl Irrick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Tim Mulligan, Acting 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. Acting Chairman's Remarks

The Acting Chairman expressed his sadness and his condolences and those of the Board to the people of Manchester, United Kingdom. He added that we live in an uncertain place in an uncertain time.

Acting Chairman Ferrer recognized the work of MTA Police Officers Desire Bokor and Armando Hernandez, and Metro North Assistant Conductors Charles Dolan and Sean Tedesco, who could not be here today, who helped reunite a nonverbal autistic teen with his family. The conductors immediately recognized that a boy on a train who couldn't communicate and avoided eye contact should not have been travelling alone and needed help. They arranged for MTA Police Officers to meet the train at Stamford. Officers Bokor and Hernandez coaxed the boy off the train, got him to a safe place, and got him to hand over a key fob with vital information on it: an address in Queens and a phone number. They reached the boy's mother, who was in an NYPD police car patrolling the neighborhood, looking for the boy. The MTA Police Officers drove the boy to Queens and reunited him with his mother, whose brother, incidentally, is an MTA bus driver. Acting Chairman Ferrer asked Officers Bokor and Hernandez and Conductor Dolan to join him in front of the Board room for a presentation of plaques, and expressed the thanks of the Board and of the riding public for their dedication.

## 2. Public Speakers

Stephen Morello, Counselor to the Chairman, stated that there were twenty eight (28) public speakers who had signed up thus far. 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.

Two (2) of the speakers commented on matters related to the Long Island Rail Road (LIRR).

Mary Parisen, Chair of Civics United for Railroad Environmental Solutions (CURES) stated that she was there to ask what progress had been made in rebidding the LIRR's freight franchise. She stated that in November 2014, the New York & Atlantic Railway (NYA) had written to LIRR president Patrick Nowakowski, requesting a 10-year renewal of the franchise, which expired in April 2017. NYA stated that it was operating within the law and safely. Eight months later, in July 2015, an NYA train was involved in a collision with a tractor-trailer, after the train blew through 3 grade crossings. NYA cannot remedy the fact they were operating with an unqualified crew that was speeding at the time of this accident. Two months later, in September 2015, NYA was involved in a derailment at Hicksville, which inconvenienced thousands of LIRR commuters for several days. It was after this incident that President Nowakowski said there would be changes under the Transfer Agreement. The Federal Railroad Administration investigated NYA and issued them many violations. Ms. Parisen stated that CURES had been contacted by more than one ex-NYA employee who claimed that NYA followed unsafe labor practices. She further stated that NYA had to go. Ms. Parisen added that she requested information from the Board about what moneys had been paid back by NYA to LIRR for LIRR's clean-up of these accidents, but she had not received any information thus far. Finally, she stated that the Board packet included a letter from Congresswoman Grace Meng and Congressman Joseph Crowley, along with state elected officials, requesting that any future procurements for new freight locomotives specify Tier IV locomotives. She also noted the \$128 million New York State DEC / Volkswagen settlement money and that government entities are eligible for 100% funding for Tier Zero [sic] locomotives, and asked that this information be shared with STV, the consultant on the procurement of new freight locomotives.

Jonathan Boev, a member of the public, spoke about Amtrak's repair program at Penn Station this summer. He suggested that in the same way international airlines communicate with each other about flights, Amtrak, New Jersey Transit and LIRR communicate closely with each other and run trains from Long Island, say Ronkonkoma, to Philadelphia, to reduce the pressure on Penn Station. Mr. Boev also commented on bottlenecks along LIRR and Metro North main lines, especially where the main line splits and there is no electric power beyond that point. He recommended adding tracks at stations like Mineola and Huntington, so trains could wait for other, arriving trains and then take people to other destinations.

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.

### 3. Executive Session

Acting Chairman Ferrer noted that the Board had heard from approximately 25 speakers and there were another twenty-one speakers waiting to be heard. He asked for everyone's indulgence so that the Board could deal with other important business on the agenda, with the assurance that the Board would remain to hear every one of the individuals who were waiting to speak. He asked for a motion to move the Board meeting into executive session under Section 105(1)(d) of the Public Officers Law, to discuss a matter relating to pending current litigation and the acquisition of real property.

Upon motion duly made and seconded, the Board moved into executive session.

### 4. Resumption of Meeting

Upon coming out of executive session and resuming the public session of the meeting, Acting Chairman Ferrer noted that at the urging of several members of the Board, there had been extensive discussions about plans to improve Access-A-Ride and that these plans would be discussed fully and openly at the next meeting of the Board.

### 5. Committee on Finance

#### Action Items

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

- To obtain Finance Committee and MTA Board approval of the annexed resolution authorizing the submission of the DRAFT Payroll Mobility Tax Obligation resolution, Standard resolution Provisions and Supplemental Resolution Provisions to the Capital Program Review Board ("CPRB") for approval. Upon approval by the CPRB, the full set of credit documents will be resubmitted to the Finance Committee and the MTA Board for formal adoption.

- To obtain Board approval to enter into retainer agreements, based on a competitive Request for Proposal (RFP) process, on behalf of MTA and its affiliates and subsidiaries (collectively, MTA) with the attorneys and law firms identified on Attachment A. These firms and attorneys will provide legal services at competitive rates on an as-needed basis in specific areas of expertise where retention of outside counsel may be necessary.

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

### Procurement Items

The Board was presented with four (4) procurement items recommended to it by the Committee on Finance, three (3) of which related to Long Island Rail Road:

- **Oracle America, Inc. – All Agency Oracle Software/Hardware Support and Subscription Services** – Approval is requested to award a consolidated all-agency umbrella amendment to various non-competitive, Board-approved, miscellaneous procurement contracts with Oracle America, Inc. (Oracle) for software/hardware support and subscription services, in the amount of \$25,789,062.00 for a period of thirty six (36) months from May 30, 2017 to May 29, 2020.
- **Choice Distribution, Inc. – Hardware and Fastener Program** - To recommend that the Board approve an amendment to Metro-North Railroad’s previously Board-approved, multi-agency, competitively awarded, miscellaneous procurement contract with Choice Distribution, Inc. (Choice) for supply of hardware and fasteners. This amendment will: (i) exercise the 2<sup>nd</sup> year option of the approved two-year option from June 1, 2017 to May 31, 2018 and (ii) add additional funding in the not-to-exceed amount of \$12,899,411. The unit prices as established in the base contract will remain the same and are deemed fair and reasonable.
- **CH2M Hill – Consulting Services** – To recommend that the Board approve the award of a competitively-negotiated multi-agency personal services contract to CH2M Hill (“CH2M”) to provide Consulting Services for development of Crew Dispatching & Timekeeping system for New York City Transit (NYCT), Long Island Rail Road (LIRR) and Metro-North Railroad (MNR) at a not-to-exceed amount of \$1.2M. This contract will be for up to two (2) years and is utilizing a previously negotiated retainer contract established by Metro-North.

Upon motion duly made and seconded, the Board approved the foregoing procurement items, with Board Member Veronica Vanterpool abstaining on the third item, 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.

### Information Item

The Board was presented with an Information Item pertaining to the station maintenance billings to New York City and the counties for the period April 1, 2016 to March 31, 2017. The details of this item are contained in the minutes of the MTA Board meeting held this day, the staff summary filed with those minutes, and in the video recording of the meeting, produced by the MTA and maintained in MTA records

### Real Estate Items

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

- **Moynihan Train Hall Phase 2** – Obtain MTA Board approval to enter into various agreements to effectuate Phase 2 of the Moynihan Station Development Project (the “Project”), which will entail the redevelopment of the James A. Farley Post Office Building (the “Building”) to include a new world-class train hall to be shared by the National Railroad Passenger Corporation (“Amtrak”), the Long Island Rail Road and Metro-North Commuter Railroad (the “Train Hall”), as well as retail and office space.
- **Outfront Media, Inc. (“Outfront”) and Intersection Design and Technology Inc. (“Intersection”) – Extension of Licenses** - Pursuant to various licenses that are set to expire on June 30, 2017, (a) Outfront (as successor to CBS Outdoor Group Inc. and Van Wagner Transportation Advertising LLC) is currently licensed to sell advertising throughout MTA’s subway system, commuter rail and bus systems, including certain “On the Go” kiosks, and (b) Intersection (as successor to Control Group, Inc.) is currently licensed to sell advertising on certain other On the Go kiosks. At the MTA Board’s October 2016 meeting, the Board authorized the extension of the existing license agreements in favor of Outfront and Intersection (the “Existing License Agreements”) until June 30, 2017, in anticipation of completion of a Request for Proposals (“RFP”) process to select firms interested in entering into new license agreements to replace and take effect upon expiration of the Existing License Agreements. Although substantial progress has been made and the RFP process is close to completion, competitive contract negotiations with the finalists are ongoing and it would be contrary to MTA’s interests to present a recommendation to award to the Board until such negotiations have concluded. Therefore, to ensure uninterrupted ad sales, MTA Real Estate is seeking an additional Board authorization to extend the expiration date of the Existing License Agreements by up to three months, while reserving the right to terminate sooner upon not less than 30 days’ notice to the licensees. In addition, because of the seasonality of ad sales and the uncertainty in the market as to whether Outfront will be the successful concessionaire (and thus the remaining duration of its control over MTA advertising concessions), Outfront is at greater risk with respect to achieving the minimum annual guaranty with this latest extension. Therefore, the proposed

extension agreement will eliminate the minimum annual guarantee provision as of July 1, 2017 in the subway and bus/commuter rail related Existing License Agreements with Outfront during the extension period of those licenses. There is no minimum annual guarantee in the On the Go kiosk licenses with Outfront and Intersection.

Upon motion duly made and seconded, the Board approved the foregoing real estate items, with Acting Chairman Ferrer recusing himself on the second item noted above, 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.

## 6. Long Island Rail Road Committee

### Procurement Items

The Board was presented with eight (8) procurement items recommended to it by the Long Island Rail Road Committee, four (4) of which related to the LIRR and four (4) of which related to MTA Capital Construction (MTACC):

### Non-Competitive Procurements

- **Maryland Transit Administration – Non-Competitive Lease Agreement – Passenger Coach Cars** –LIRR seeks Board approval to award a non-competitive Inter-Governmental lease agreement with Maryland Transit Administration (MTA), a modal division of the Maryland Department of Transportation, for the lease of between 8-21 passenger coach cars in the Not to Exceed amount of \$4,159,700 covering a three year term (one year base plus two one-year options). These cars will be put into service during the summer months, in order to increase overall seating capacity on the Montauk branch.
- **Parsons Brinckerhoff/STV/Parsons Transportation Group Joint Venture – East Side Access General Engineering Consultant Services** – This Contract is for engineering, design and construction phase services for the East Side Access (ESA) project. In accordance with Article XI of the All-Agency General Contract Guidelines, MTACC seeks Board approval to modify the Contract to increase the Guaranteed Maximum Cost by \$937,113 in order to prepare final designs for work associated with the implementation of a Positive Train Control (PTC) system in the ESA tunnels.
- **Tutor Perini Corporation – Systems Facilities Package No. 1 for the East Side Access (ESA) Project - \$4,900,000** – The work under this Contract includes the design, procurement and installation of communication, fire detection, tunnel ventilation, facility power, signal power, tunnel lighting, and SCADA systems for the East Side Access Project. In accordance with Article VIII of all the All-Agency General Contract Guidelines, MTACC seeks Board approval to modify the

Contract to add the requirements to furnish and install permanent cable trough covers for the ESA tunnel benches. This is a scope and budget transfer.

Board Member Andrew Albert asked if the leased cars from Maryland Transit Administration would have LIRR's name on them. LIRR President Nowakowski responded in the negative.

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.

#### Competitive Procurements

- **Replacement of Meadowbrook Substation** – LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is in the public's best interest to use the Request for Proposal (RFP) procurement method pursuant to Section 1265-a of the Public Authorities Law to award a contract to replace the Meadowbrook Substation which is operating beyond its useful life.
- **Railroad Construction Company, Inc. – Design-Build Services for the Replacement of the Buckram Road Bridge** – Pursuant to a competitive Request for Proposal (RFP), Long Island Rail Road requests MTA Board approval to award a Firm Fixed Price contract to Railroad Construction Company, Inc. ("RCC"), in the amount of \$10,561,680.00 to provide Design-Build Services for Replacement of Buckram Road Bridge project.

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.

#### Ratifications

- **Plasser-American Corp. – Track Stabilizer** – Pursuant to a Declaration of Emergency approved by LIRR's President on February 28, 2017, waiving formal competitive bidding pursuant to Article III-A of the All-Agency Procurement Guidelines, Long Island Rail Road requests MTA Board ratification of a contract award Plasser-American Corporation (Plasser) for a Track Stabilizer in the total, Firm Fixed Price of \$1,297,387.00.
- **Parsons Brinckerhoff/STV/Parsons Transportation Group Joint Venture – East Side Access General Engineering Consultant Services** – This Contract is for engineering, design and construction phase services for the LIRR East Side Access (ESA) project. In accordance with Article XI of the MTA All-agency

Service Contract Guidelines, MTACC requests that the Board ratify a modification to the Contract to increase the Guaranteed Maximum Cost by \$1,819,778 in order to revise the final design of the Mid-Day Storage Yard (MDSY).

- **Harold Structures Joint Venture – Harold Structures Part 3A for the East Side Access Project - \$1,318,450** – This Contract is for the construction of a jacked shield tunnel, approach structures, pump station, direct fixation track and electric systems for the Westbound Bypass Structure to be located along the mainline tracks at F Interlocking and Harold Interlocking. Contract work also includes the installation of catenary and signal bridges along the Westbound Bypass alignment. In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC requests that the Board ratify a modification to remove obstructions interfering with the work and to revise the required support of excavation and excavation methodologies to protect existing structures.

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.

#### 7. Diversity Committee

The Board was presented with one (1) action recommended to it by the Committee on Diversity:

##### Action Item

- Obtain Board approval for the 2017 consolidated Title VI Program update.

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

#### 8. Capital Plan Amendments

Acting Chairman Ferrer introduced Deputy Chief Financial Officer Donald Spero, Director of Capital Funding Stephanie DeLisle, and Director of Capital Programs Stephen Berrang for a presentation on the Capital Plan Amendments before the Board today.

Deputy Chief Financial Officer Spero stated that the proposed amendment to the 2015-2019 Capital Program added almost \$3 billion to that Program. Major improvements include: Second Avenue Subway Phase 2, Enhanced Station initiative, new technology countdown clocks, Open road tolling (ORT), Additional clean energy buses, Customer amenities: Wi-Fi and USB, Additional ADA work, and LIRR Expansion.

Mr. Spero stressed that the three strategic objectives or building blocks of the Capital Program are: (1) Renew – protecting the safety, reliability and quality of existing MTA service; (2) Enhance – system and service improvements to help MTA better serve its customers; and (3) Expand – expanding the reach of the MTA network to enable MTA to deliver more extensive and resilient service. The proposed amendment to the 2015-2019 Capital Program would add funds for each category of projects: Renew – increasing funding from \$22.0 billion to \$22.7 billion; Enhance – increasing funding from \$2.6 billion to \$2.7 billion; and Expand – increasing funding from \$5.0 billion to \$7.1 billion.

Mr. Spero reviewed the history of CPRB capital programs and amendments thereto. Since 1981, there have been effectively 7 CPRB capital programs and 31 amendments.

Mr. Spero then reviewed the proposed components, as amended, of the Capital Program for each of the operating agencies:

- New York City Transit (NYCT) - \$16.7 billion, 90% of which is dedicated to Renew and 10% to Enhance. Major components include (among others) Buses - \$1.216 billion, reflecting an increase of \$196 million, to purchase new electric and hybrid electric buses; Subway Cars - \$1.728 billion with (a) a changed “mix”, increasing base order to 460 subway cars out of a total of 1,100 cars, and (b) reflecting a shift of \$1.23 billion in funding to align with actual delivery of cars; and Staten Island Railway - \$479 million, including an additional \$93 million for 75 new cars for the Staten Island Railway (SIR) fleet replacement and the enhanced stations initiative at Richmond Valley.
- Long Island Rail Road (LIRR) - \$3.0 billion, 80% of which is dedicated to Renew, and 20% to Enhance. Major components include (among others): Track Capacity - \$380 million, a decrease of \$78 million, with no impact on Jamaica Capacity Improvements Phase 1 construction and reflecting the progression of Phase 2 into the design phase; Rolling Stock - \$350 million, which maintains LIRR’s level of state of good repair investment in rolling stock (no change); and Signals/Communications - \$346 million, a decrease of \$33 million to shift signalization of the Ronkonkoma to Yaphank corridor to align with track access and to re-phase the Babylon Interlocking renewal.
- Metro-North Railroad (MNR) – \$2.4 billion, 94% of which is devoted to Renew, and 6% to Enhance. Major components include (among others): Rolling Stock - \$532 million, which maintains MNR’s level of state of good repair investment in rolling stock (no change); Shops/Yards - \$472 million, which maintains MNR’s level of state of good repair investment in shops and yards (no change); and Track - \$218 million, a decrease of \$22 million from savings in the state of good repair track program reflecting track work in Connecticut funded by CDOT.
- Bridges & Tunnels (B&T) - \$2.9 billion, 100% of which is dedicated to Renew. Major components include (among others): Roadways/Decks - \$828 million, a reduction of \$246 million due to no longer needing projects on toll plazas following ORT implementation; Toll Plazas/Traffic Management - \$625 million, an increase

of \$419 million, reflecting new open road tolling (ORT) investments including toll collection equipment and system at all crossings; and Structures - \$752 million, a decrease of \$52 million including favorable estimates for two Bronx Whitestone Bridge structure projects and other adjustments to incorporate open road tolling (ORT).

- MTA Capital Construction (MTACC) - \$7.1 billion, 100% of which is dedicated to Expand. Major components include (among others): Second Avenue Subway Phase 2 -\$1.735 billion, an increase of \$700 million for near-term 30% match per Full Funding Grant Agreement (FFGA) process; LIRR Expansion - \$1.5 billion for a new third track from Floral Park to Hicksville; and Grade Crossings - \$450 million, new work to be funded by New York State Department of Transportation.

Finally, Mr. Spero reviewed changes to the MTA 2010-2014 Capital Program. He then turned the presentation over to Chief Financial Officer Robert Foran and Director of Capital Funding Stephanie DeLisle for a presentation on funding for the Capital Program.

Ms. DeLisle stated that the approximately \$3 billion increase in the 2015-2019 Capital Program would be funded from the following sources: \$681 million from federal funds, including \$450 million in CMAQ funds from the New York State Department of Transportation; \$1.629 billion from MTA bonds; \$345 million from Pay-as-you-go Capital; \$130 million from State of New York Capital; \$13 million from other MTA sources; and \$84 million from Bridges & Tunnels Bonds and Pay-as-you-go Capital.

Ms. DeLisle then reviewed the 2010-2014 Capital Program, which decreases by approximately \$2.8 billion. The major changes include: \$283 million decrease in Federal Formula, Flexible and Misc.; \$1.257 billion increase in Federal New Starts; \$28 million decrease in Federal Security; \$16 million decrease in MTA Bus Federal Formula/Match; \$33 million decrease in City Capital Funds; \$931 million decrease in MTA Bonds; \$274 million increase in Other Funds; \$2.772 billion decrease in Hurricane Sandy Recovery Funds – Federal and Insurance Reimbursement; \$79 million decrease in Hurricane Sandy Recovery Funds – Storm Recovery/Mitigation Pay-as-you-go Capital; \$61 million decrease in Bridges and Tunnels Bonds; \$316 million decrease in B&T Hurricane Sandy Recovery Funds-Federal and Insurance Reimbursement; and \$209 million increase in B&T Hurricane Sandy Recovery Funds- B&T Bonds and Cash.

Chief Financial Officer Foran stated that the incremental funding for this Program derived from \$1.9 billion in debt and \$400 million in Pay-as-you-go Capital. This will not necessitate an increase in fares and tolls. The incremental funding was already embedded in our financial plan as identified in July, and will be funded by savings from debt service refinancings and other areas where we have been able to reduce our capital and operating costs.

Mr. Foran further stated that under the prior-approved Capital Program plus the proposed amendment, we will increase our net debt over the next 5 – 7 years by about \$5 billion, going from \$38 billion today to about \$42.5-43 billion. In terms of affordability, which is something the Board cares about, the percentage of debt to our total revenues will peak out at about 19% as compared

to 17% today. This will not put any pressure on fares and tolls and is already included in our financial plan.

Acting Chairman Ferrer then made a motion to approve the two Capital Program amendments described in the staff summaries presented to the Board, and to authorize MTA to submit such amendments to the CPRB for approval.

Board Member James Vitiello suggested that in subsequent conversations, MTA consider the imposition of a debt ceiling below the statutory cap, as the level of debt is concerning, but he added that he would vote yes.

Board Member Veronica Vanterpool stated that there were a lot of good projects contained within the amended Program; what is not good is the additional debt. There is \$1.9 or \$1.6 billion in additional debt that MTA has to absorb as a result of this Capital Program. She added that \$1.6 billion is the same amount as one year's worth of State funding contributed to this Capital Program, over a period of 5 years. While some of this money has come in from the State, some has not. The Governor has said that this money will come in after MTA has exhausted all of its other resources. We have reached the point where those resources have been exhausted.

Ms. Vanterpool expressed concern about the added debt. \$5 billion in additional debt is significant; in 4 years' time, we will be spending \$1 out of every \$5 on debt service. While it is said that the added debt won't impact fares and tolls, that is limited to the period of this Capital Program. We cannot predict what will occur in the "out years" beyond this Program. We do know that the added debt will mean that there will be \$1 less out of every \$5 going towards capital improvements that we need.

Ms. Vanterpool stated that the Capital Program has increased from \$29 billion in October 2014 to \$32.5 billion. It was called bloated when it was at \$29 billion. Some of the projects are very worthwhile but others do not justify the burdens we are assuming. Ms. Vanterpool stated that she will always support a larger Capital Program, but she did not think that MTA should be taking on additional debt. She felt the amount of debt was crushing and she would therefore vote no.

Board Member David Jones stated that he would be voting no. He further stated that the amended Capital Program had not been subject to rigorous public discussion and that while Mr. Foran stated that there would be no fare increase, the amended Capital Program will make it impossible for MTA to pursue capital improvements in other areas, and will preclude acceleration of efforts to address what the riding public is dealing with in terms of delay. He further stated that he would like to delay the vote for further public discussion, or he would vote no.

Board Member Andrew Saul stated that he felt we should worry about the level of debt being taken on. He added that we went through a period when interest rates fell until they hit rock bottom, but no one knows where rates will go – they are rising now. He further stated that MTA is facing a time bomb with \$5 billion in additional debt, and a substantial increase in carrying costs. He also cautioned that real property tax collections were subject to change and there have been dramatic swings in that. He stated that one way for this to be resolved is through the President's infrastructure program if it goes forward, but failing that it will fall on the City and the State and he does not believe that either the City or State can afford this.

Mr. Saul stated that we need to get value for our dollar in our procurements. He added that he was concerned to see so many sole source procurements, and that contractors were taking advantage of us. We need a top purchasing agent here, and a top construction person to watch these contracts as they go out.

Mr. Saul noted that we always amend our Capital Plans and there are good things in this amendment such as Third Track, but there are other items that are questionable. There are not enough dollars for station revitalization, especially in Westchester where the stations are showing signs of deterioration. Nonetheless, he stated that he would vote yes because it is the responsible thing to do.

Board Member Ira Greenberg stated that the amended Capital Program included some important items such as Third Track, which is important for Queens as well as for Nassau and Suffolk Counties, as it would allow reverse commuting from Queens.

Mr. Greenberg stated that his main concern was the level of debt being taken on. He noted that when we go through this Capital Program and come to the next Capital Program, we will need to ask where the money will come from. We'll need to identify a new funding source for the next Capital Program, as we will have bonded against all of our revenue. If governments don't start paying now for our increased capital costs, we will have a problem in 3-4 years. As long as everyone understand that, I think we should go ahead.

Board Member Mitchell Pally stated that he would vote yes. The Third Track project is very important, but it is only one piece of a very balanced program. Mr. Pally stated that while he comes from Suffolk County, he is an MTA Board member. His service goes beyond representing Suffolk County and he feels a responsibility to look after the needs of the system as a whole because it is all interrelated. As an example, the proposed Capital Program provides substantial benefits to the subway and bus systems in New York City. It's essential – if we don't move these people efficiently on a day-to-day basis, the system as a whole doesn't work.

Mr. Pally added that he understood the debt issue, but the proposed amendment is too important not to advance. We have a fiduciary duty to do what is right, and this amendment is right.

Board Member Andrew Albert stated that he agreed with most of what has been said. Yes, it is an expensive plan, and yes, our debt service is growing. Smarter procurements will help, but if we don't do some of the things in the Capital Program now, they will inevitably become more expensive in the future. We have a commitment from Interim Executive Director Hakim that the Board will get to review the elements of the Capital Programs at an earlier point in time, before they are formally presented. He recommended a yes vote.

Board Member Polly Trottenberg said that the City's biggest frustrations were not having enough time to fully understand the proposed amended Capital Program, and not providing enough of an opportunity for the press, the public and advocates to be part of the process. She added that as Board members, two of biggest responsibilities we have is to approve Capital Plans and to approve fare and toll increases. She noted that there had been some good discussions of ways to

have a better process going forward, but she did not feel comfortable that she fully understood the proposed Capital Plan and would therefore abstain.

Board Member Lawrence Schwartz stated that the Board adopted a Capital Budget. The Capital Plan is a roadmap – it is evolving and can change for many reasons. He further stated that he heard the Governor yesterday talk about leading the transit system into the 21<sup>st</sup> Century. He noted the Governor’s Genius Initiative and indicated that things may come out of it that the Board may wish to adopt via amendment. He further stated that the proposed amendment contained many good things and it would be unfair to our customers not to proceed.

Mr. Schwartz stated that people will always have the opportunity to provide input and to suggest changes, but we need to move forward. He expressed his support for the amended Capital Program and looked forward to its approval.

Board Member Carl Wortendyke stated that he would vote yes. All in all, with all of the moving parts we have to contend with, we should vote yes and look to the future.

Board Member Peter Ward stated that he would vote yes. Mass transit is the most important element supporting the economic system in this region, the economic center of gravity in our country. In other cities, such as in China, the level of investment in public transit so far outstrips ours that it’s remarkable. We need to spend more to make sure that New York City remains the economic center of gravity in the United States and one of the preeminent cities in the world.

Mr. Ward noted that at present the main sources of funding are federal dollars, fares, and bonds. If we want to remain the economic center of the country, we need to figure out how to spend more. This probably needs to come from taxes. Mr. Ward expressed his support for bonding, because there is no alternative at present, but we need to think about other ways to fund transit.

Board Member Susan Metzger stated that she had been on the Board for 12 years and had seen many ups and downs. Board members have always seen themselves as having responsibility for the needs of the region as a whole. We are one region with a consolidated MTA. She further stated that she was proud that the Board members could talk out their differences. Ms. Metzger added that while MTA has proven it can save some vast amounts of money, she believed we could save even more. She asked for that effort to continue --- that is what gains us the authority to be the Metropolitan Transportation Authority.

Upon motion duly made and seconded, the Board approved the proposed amendments to the 2010-2014 and 2015-1019 Capital Programs, with Board Members David Jones and Veronica Vanterpool voting no, and Board Member Polly Trottenberg abstaining. The details of such amendments 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.

9. Additional Public Speakers

The Board heard statements from two additional public speakers, neither of whom addressed matters relating to the LIRR.

10. Adjournment

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:00 p.m.

Respectfully submitted,

Handwritten signature of Mark D. Hoffer in black ink.

Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**May 24, 2017**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
May 24, 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. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke

The following members were absent:

Hon. Charles G. Moerdler  
Hon. John Samuelsen  
Hon. Neal Zuckerman

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 Vincent Tessitore, Darryl Irick, Acting President, New York City Transit, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Tim Mulligan, Acting 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. Acting Chairman Ferrer's Opening Remarks**

Acting Chairman Ferrer opened his remarks by expressing his deepest condolences to the victims and their families of the attacks in Manchester England and he requested a moment of silence. Acting Chairman Ferrer then commended the actions of two Metro-North Railroad conductors and MTA Police Officers who were involved in reuniting a non-verbal autistic teen, who was riding the train, with his mother.

The details of Acting Chairman Ferrer's remarks 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.

**2. Public Speakers**

There were 27 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.

**3. 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)(d) to discuss a matter regarding proposed, pending or current litigation and potential acquisition of real property.

**4. Public Session**

Upon a motion duly made and seconded, the Board unanimously voted to reconvene in Public Session.

**5. 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:

- Approves the MTA and its affiliates and subsidiaries to engage in retainer agreements for legal services.

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.

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

**Procurements**

Commissioner Pally stated that there are seven (7) procurements totaling \$26.46 million.

**Non-Competitive Procurements**

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

## **Competitive Procurements**

Commissioner Pally stated that there are seven (7) competitive procurements.

Commissioner Pally stated that the Committee members who were present at the Committee Meeting considered and voted in favor of the seven (7) procurements although a Committee Quorum was not present. Upon a motion duly made and seconded, the Board approved the procurements recommended to it by the Committee for MTA Bridges and Tunnels Operations. While Commissioner Saul expressed his support for Open Road Tolling (ORT), he stated that he was concerned that most of those procurements are being made on a non-bid, sole source basis. Commissioner Saul agreed to support the procurements but requested, and Acting Executive Director Hakim agreed, that at the June Board Meeting TBTA update its March 2017 presentation on ORT costs, which was around \$130 million in changes, in order to maintain control over the costs and the impact on the Capital Plan.

## **Personal Service Contracts**

Henningson Durham & Richardson, P.C.	Contract No. PSC-16-3003 TBTA is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award a competitively solicited personal service contract, Study for Project TN-55, Replacement of the Bronx and Queens Approach Viaducts and Structural Rehabilitation at the Throgs Neck Bridge to Henningson, Durham & Richardson, P.C. (HDR).	\$8,397,955.51
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## **Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services**

LiRo Engineers, Inc.	Contract No. PSC-15-2967 TBTA is seeking Board approval under the All Agency Service Contract Procurement Guidelines to amend Contract PSC-15-2967, Construction Administration and Inspection Services for Project TN-60, Dehumidification System for the Main Cable Splays and Elimination of Water Infiltration into the Anchorages at the Throgs Neck Bridge (TNB) for additional services and funding to support the implementation of Open Road Tolling (ORT) and other priority initiatives being performed under Project TN-60 at the TNB.	\$1,534,519.00
Greenman-Pedersen, Inc.	Contract No. PSC-15-2966 TBTA is seeking Board approval under the All Agency Service Contract Procurement Guidelines to amend Contract PSC-15-2966 in order to provide additional construction	\$1,197,480.44

administration and inspection services for Projects BW-14/BW-84C, Various Structural Repairs and Removal of Tuned Mass Damper and Inspection of Select Main Cable Panels at the Bronx-Whitestone Bridge (BWB) in connection with the implementation of Open Road Tolling (ORT) and other priority initiatives being performed under Projects BW-14/BW-84C at the BWB.

**Modifications to Purchase and Public Works Contracts**

Tully Construction Co. Inc.	<p>Contract No. BB-28S</p> <p>TBTA is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public work contract, Contract BB-28S, in order to: fabricate, furnish and install architectural enhancements that include tower structures to transform the plazas and coordinate with the new Open Road Tolling (ORT) gantries, related equipment and reconfigured roadway; and fabricate light beacon fixtures for remaining TBTA facilities.</p>	\$8,277,806.00
Kiska Construction, Inc.	<p>Contract No. MP-03/MP-16</p> <p>TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend public work Contract MP-03/MP-16 for long lead time fabrication and delivery of tower structures to transform the plazas' appearances and coordinate with the new Open Road Tolling (ORT) gantries, related equipment and reconfigured roadway for the Marine Parkway-Gil Hodges Memorial Bridge (MPB) and Cross Bay Veterans Memorial Bridge (CBB).</p>	\$3,500,000.00
Judlau Contracting, Inc.	<p>Contract No. QM-40S</p> <p>TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend public work Contract QM-40S for: (i) various civil, structural, electrical, architectural and temporary signage modifications to Project QM-40S, Sandy Restoration and Mitigation; (ii) additional ORT related plaza demolition and civil construction work; (iii) perform initial prototype architectural and lighting enhancements as well as additional plaza</p>	\$3,039,643.33

2 Saab Construction Inc.

Contract No. QMM-346

\$516,058.63

TBTA is seeking the Board's approval under the All Agency General Contract Procurement Guidelines to modify Contract QMM-346 for additional work associated with the restoration and cleaning of the Manhattan Exit Plaza Walls of the Queens Midtown Tunnel.

**Ratifications**

Commissioner Pally stated that there are no ratifications.

7. **Capital Plan Amendments Presentation**

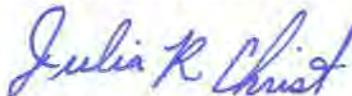
MTA Chief Financial Officer Robert Foran and staff presented and discussed two proposed 2015 through 2019 Capital Plan amendments. At the conclusion of the presentation, the Board approved the amendments. The Board also authorized the MTA to submit the non-TBTA Capital Plan amendments to the Capital Program Review Board by a vote of seven (7) in favor, two (2) opposed (Commissioners Jones and Vanterpool) and one (1) abstention (Commissioner Trottenberg).

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 details of the presentation, discussions and vote regarding this matter.

8. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 1:00 p.m.

Respectfully submitted,



Julia R. Christ  
Secretary

**Regular Board Meeting**  
**MTA Capital Construction Company**  
**2 Broadway**  
**New York, NY 10004**  
**Wednesday, May 24, 2017**  
**10:00 AM**

The following members were present:

Hon. Fernando Ferrer, Acting Chairman  
Hon. Ira Greenberg  
Hon. David Jones  
Hon. Susan Metzger  
Hon. John J. Molloy  
Hon. Mitchell H. Pally  
Hon. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke

The following members were absent:

Hon. Charles G. Moerdler  
Hon. John Samuelson  
Hon. Neal Zuckerman

Board Member Andrew Albert, 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, Donald Spero, Deputy Chief Financial Officer, MTA, Stephen Berrang, Director of Capital Programs, Stephanie DeLisle, Director, Capital Funding Management, MTA, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Executive Vice President, Metro-North Railroad, Tim Mulligan, Acting President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, Evan Eisland, Sr. Vice President, General Counsel and Secretary, MTA Capital Construction Company and, David Cannon, Chief Procurement Officer and Assistant Secretary, MTA Capital Construction Company.

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

Unless otherwise indicated, these minutes reflect items concerning the business of the MTA Capital Construction 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.

## **Acting Chairman's Remarks**

Acting Chairman Ferrer asked for a moment of silence for the victims of the attacks in Manchester England.

Acting Chairman Ferrer presented awards to MTA Police Officers Desire Boko and Armando Hernandez and to Metro North Railroad Assistant Conductor Charles Dolan and Conductor Sean Tedesco (not present) for their efforts to reunite a lost boy with his family.

## **Public Comment Periods**

There were 27 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.

## **Executive Session**

Upon motion duly made and seconded, the Board voted to convene into Executive Session pursuant to Section 105 (1) (d) of the New York State Public Officers Law to discuss matters relating to proposed, pending or current litigation and potential acquisition of real property.

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

## **Committee on Finance**

### Action Item

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

To enter into retainer agreements for legal services on behalf of the MTA and its affiliates and subsidiaries with specified attorneys and law firms.

A copy of the 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.

## **Committee on Long Island Rail Road**

### Procurement

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

1. A modification to the General Engineering Consultant contract (98-0040-01R) for the East Side Access Project to prepare final designs for work associated with the implementation of a Positive Train Control (PTC) system in the East Side Access tunnels in the amount of \$937,113.
2. A modification to the Systems Facilities Package No. 1 contract (CS179) for the East Side Access Project to add the requirement to furnish and install permanent cable trough covers for the ESA tunnel benches in the amount of \$4,900,000.

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.

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

1. A modification to the General Engineering Consultant contract (98-0040-01R) for the East Side Access Project to revise the final design of the Mid-Day Storage Yard in the amount of \$1,819,778.
2. A modification to the Harold Structures Part 3A contract (CH057A) for the East Side Access Project to remove obstructions interfering with the work and to revise the required support of excavation and excavation methodologies to protect existing structures in the amount of \$1,318,450.

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.

#### **Other MTA Business**

#### **2015 – 2019 Capital Program Amendment**

Robert Foran, Don Spero, Stephanie DeLisle and Stephen Berrang gave a presentation on the 2015-2019 and 2010-14 Capital Program Amendments. A discussion among the Board members followed.

The Board members remarks are more fully noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on this date.

#### Action Item

Upon motion duly made and seconded, the Board:

Approved the 2010-14 and 2015-2019 Capital Program Amendments and authorized the MTA to submit the Capital Program Review Board (CPRB) portion of both Capital Program Amendments to the CPRB for its review and approval, in accordance with New York State Public Authorities Law §1269-b.

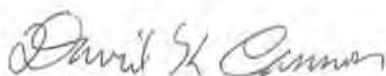
Board Members David Jones and Veronica Vanterpool voted in opposition and, Board Member Polly Trottenberg abstained from the vote.

A copy of the Staff Summary is filed with the records of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on this date.

#### **Adjournment**

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 1 p.m.

Respectfully submitted,

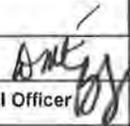
  
David K. Cannon  
Assistant Secretary

# Staff Summary

Subject <b>Electricity Transmission Congestion Contracts</b>
Department <b>Chief Financial Officer</b>
Department Head Name <b>Robert E. Foran</b>
Department Head Signature 
Project Manager Name <b>David Keller</b>

Date <b>June 19, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/19/17	X		
2	Board	6/21/17	X		

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

**Purpose:**

To obtain MTA Board approval for MTA to authorize the New York Power Authority ("NYPA") to purchase, on behalf of MTA, certain Historic Fixed Price Transmission Congestion Contracts ("HFPTCCs") through the process mandated by the New York Independent System Operator ("NYISO").

**Discussion:**

Pursuant to an energy supply agreement between MTA and NYPA entered into in 2005 and expiring at the end of 2017 (the "Long-Term Agreement"), NYPA provides the electric energy requirements for MTA and its agencies in the Consolidated Edison service territory. MTA is one of several governmental customers located in southeast New York served by NYPA and referred to as the New York City Governmental Customers ("NYCGCs"). As part of the portfolio of assets controlled by NYPA and made available to the NYCGCs are certain Grandfathered Transmission Congestion Contracts ("GFTCCs") that provide favorably priced rights to electric transmission facilities from Niagara and St. Lawrence in upstate New York to East Fishkill (the "Upper Path") and from East Fishkill to the Con Ed service territory (the "Lower Path").

The GFTCCs expire on December 31, 2017. Under the NYISO rules, upon the expiration of GFTCCs, the NYISO is required to offer the load serving entity owner of expiring GFTCCs an opportunity to purchase HFPTCCs, which are not as favorably priced as the HFPTCCs, but do provide some favorable transmission cost hedging benefits. The NYISO has offered NYPA 600 megawatts ("MWs") of HFPTCCs for both the Upper Path and the Lower Path. NYPA has allocated 178.447 MWs of such HFPTCCs to MTA. The 600 MW of HFPTCCs have been priced for the 2018 calendar year by the NYISO at \$38,049,777 for the Upper Path (\$61,506/MW for the 422MW Niagara portion of the Upper Path and \$67,944/MW for the 178MW St. Lawrence portion of the Upper Path) and \$3,985,476 for the Lower Path (\$6,642/MW for the 600 MW Lower Path), which translates to a cost to MTA of \$11,316,445 for the Upper Path and \$1,185,327 for the Lower Path. Under the NYISO's rules, NYPA must decide whether to fix the price of the HFPTCCs for ten years or for the first five years with a repricing for the sixth through tenth year. NYPA has not yet made that decision while awaiting input from all of the NYCGCs with rights to the HFPTCCs. In either case, MTA will have the right to purchase its allotment of HFPTCCs at the fixed price per MW described above for each of the next five calendar years and (a) in the event that NYPA elects the 10 year fixed period, MTA's option price will be fixed for all 10 years or (b) in the event NYPA elects the 5 year fixed price with repricing for years six through ten, MTA's option price will be fixed for five years and then be reset for years six through ten. In both cases, MTA is entitled to decide annually whether to continue to purchase its allotment of HFPTCCs, but any quantity that are not purchased in any year are no longer available for purchase in subsequent years.

By purchasing the HFPTCCs, MTA will obtain fixed pricing during 2018 for 178.447 MW of transmission capacity along the Upper Path and the Lower Path, which will be essentially equivalent to entering into a financial contract/hedge of these transmission rights. MTA will not necessarily use the transmission rights for itself. However, the parties actually using such transmission capacity will pay for such service based on tariffs established by the NYISO. If the tariffs paid for MTA's allocation exceed MTA's payment for such allocation, MTA's energy costs will be reduced, and if the tariffs paid for MTA's allocation are less than MTA's payment for such allocation, MTA will be required to pay the difference.

NYPA and MTA's energy consultant, Pace Global, have separately modeled the probability that the hedge will perform favorably and both are recommending that MTA make the purchase for 2018. Pace Global's market-based assessment is that there is a slightly better than 50% chance that the hedge will be favorable. But they note that their valuation is deterministic, is based on a relatively smooth projection of future upstate and NY City pricing differentials, and does not fully consider the effect of significant price volatility on transmission path values, which typically add a 5-10% premium on the option value. They also note that MTA would only be committing to a one-year hedge but would be leaving the option open for up to nine additional years, giving MTA the ability to reconsider the transmission hedge on an annual basis.

In addition to the probability of a favorable financial result, having a locked-in fixed price for transmission gives MTA greater flexibility in structuring its energy purchases to take advantage of price differentials associated with power generation in different parts of New York State.

MTA will continue to have the rights and benefits described herein with respect to its allocation of HFPTCCs even if MTA does not continue to contract with NYPA for its energy supply for 2018 and beyond.

#### **Budget Impact:**

The cost to MTA of securing the HFPTCC rights for 2018 will be \$12.2 million, which is to be paid during 2017. Factoring in this expense, the 2018 rights are projected to result in a favorable net impact to MTA of \$2.0 million.

#### **Recommendation:**

That the MTA Board approve the payment by MTA to NYPA of \$11,316,445 for a one year 178.447 MW allocation of the Upper Path HFPTCCs and \$1,185,327 for a one year 178.447 MW allocation of the Lower Path HFPTCCs and delegate authority to the Chief Financial Officer to determine annually whether to continue to purchase some or all of such HFPTCCs for the remaining nine years of the option.

# 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	6/19/17	X		
2	Board	6/21/17	X		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Legal <i>MF</i>	4	DDCR <i>MF</i>		
2	Risk and Insurance Management <i>MF</i>	5	CFO <i>MF</i>		
3	Deputy CFO <i>MF</i>				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name:</b> Willis of New York	<b>Contract Number:</b> 900000000002086
<b>Description:</b> Owner Controlled Insurance Program	
<b>Total Amount:</b> \$225,000,000	
<b>Contract Term (including Options, if any):</b> Six (6) 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 obtain MTA Board approval to establish a not-to-exceed budget of \$225 million and execute the following items necessary to finalize the procurement of an Owner Controlled Insurance Program (OCIP) for projects covering the balance of the 2015-2019 Capital Program and Sandy Related Projects for NYCT, LIRR, MNR and the Small Business Mentor Program (SBMP):

- Placement of the primary OCIP insurance policies with Starr Indemnity and Liability Company (Starr) and the Excess Liability policy with a consortium of London underwriters including Liberty Mutual Insurance Europe Limited, Aegis Casualty Consortium 9224, AIG Europe Limited, and Aspen 4711;
- Authorization to place the OCIP's Builder's Risk policy with Starr and Railroad Protective Liability policy with Westchester Fire Insurance Company;
- Entry by First Mutual Transportation Assurance Company (FMTAC) (MTA's Captive insurance company subsidiary) into an agreement with Starr establishing a collateral trust that secures MTA obligations to pay the self-insured portions of Workers' Compensation and General Liability claims;
- Entry by FMTAC into a service agreement with Helmsman Management Services for claims administration;
- Establishment of deductible reimbursement policies within FMTAC for payment of the self-insured portions of Workers' Compensation, General Liability, and Builder's Risk claims; and
- Allow FMTAC to manage the safety, claims and administrative expenses of the OCIP program.

**II. DISCUSSION**

On March 22, 2017 the MTA Board authorized MTA to utilize an OCIP for the balance of the 2015-2019 Capital Program and Sandy Related Projects and to award the OCIP broker services contract to Willis of New York. 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 at \$3.7 billion. By combining 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 estimated savings of 0.4%-3.5%, OCIP will generate a range of \$15-\$129.5 million in savings.

During the last sixty (60) days and in accordance with the terms of the broker services contract, Willis of New York and its subsidiary, Willis of London, have engaged domestic and international insurance markets to acquire competitive quotations for the various lines of coverage required for the Program. 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 coverage. Contractors working on LIRR and MNR projects will additionally be provided with Railroad Protective Liability coverage.

Coverage will be for the entire term of the OCIP, estimated to be six (6) years, and will be non-cancelable by the insurers except for non-payment of premium or non-compliance with serious safety recommendations. The OCIP primary coverage (Workers' Compensation/General Liability) will provide MTA and the contractors with limits of \$3 million per occurrence and \$6 million in the aggregate, subject to self-insured retentions of \$750,000 on the Workers' Compensation policy and \$1.5 million on the General Liability. Excess Liability will increase primary limits to \$100 million per occurrence and \$106 million in the aggregate.

Willis of NY marketed the primary insurance to seven (7) potential insurance carriers; Willis of London marketed the Excess Liability to sixteen (16) international insurance syndicates. Three (3) primary and seven (7) Excess Liability carriers responded with coverage quotations. Negotiations were conducted with carriers in an effort to obtain the broadest coverage terms and most favorable pricing available. Based on discussions surrounding the scope of the projects to be included in the OCIP, the safety controls to be put in place, and a thorough review of the quotations presented by the broker, Willis has recommended, and MTA Risk and Insurance Management (RIM) agrees, that Starr in conjunction with Helmsman claims services has provided the best quotation, at the lowest cost, for the OCIP primary insurance program and that the London Syndicates of Liberty Mutual Insurance Europe Limited, Aegis Casualty Consortium 9224, AIG Europe Limited, and Aspen 4711 have structured the best quotation for OCIP Excess Liability coverage.

For the 2015-2019 Capital Program OCIP, based on a thorough review of the scope of the projects to be included, the safety controls to be put in place, and discussions with the insurance company underwriters, MTA RIM expects the maximum aggregated premium, safety management and administrative cost to be approximately \$225 million, or just over 6% of total contract cost for covered projects. The insurance premium for the primary Workers' Compensation and General Liability coverage is based on loss experience. Starr has capped self-insured losses at a maximum of approximately \$172 million subject to final audited payroll. Based upon actuarial analysis of prior OCIP program losses, FMTAC will write a deductible reimbursement policy that limits the maximum loss exposure of the Capital Program to approximately \$115 million, reducing the maximum cost of the program by \$57 million.

As part of the insurance proposal from Starr, FMTAC will be required to enter into a trust agreement with the insurance company whereby the Captive will hold collateral of \$50.05 million to secure the insurance company against exposure to the self-insured layer of Workers' Compensation/General Liability claims. FMTAC will hold and invest the funds, with any interest earned being retained by the Captive. This transaction eliminates the need for a letter of credit or the posting of other security that would otherwise be required in order to place the policy. Based upon past experience and the financial strength of FMTAC, Starr has agreed to a security requirement of less than 30% of maximum losses.

It is also recommended that the Captive be authorized to manage the OCIP's claims, safety and administrative expenses, as has been done with past OCIPs. Helmsman Management Services LLC has been selected as the claims administrator and a loss fund of \$65 million will be established to pay losses and related claim costs within the self-insured retention. Safety services and administrative expenses will be funded by investment income on the funds held by the Captive over the life of the program. With a fair rate of return and minimal loss history, it is expected that FMTAC can fully fund these expenses.

Additionally, Builder's Risk coverage will be procured to protect MTA's interests in the property being constructed and Railroad Protective Liability will be procured for the LIRR and MNR projects to protect the assets and employees of the MTA railroads and to meet our obligations to protect the railroads that operate on the right of way. These policies will be procured within the aggregate OCIP maximum budget of \$225 million and based on past OCIP procurements of such policies, are anticipated to have a cost not to exceed \$15 million.

### **Recommendation:**

It is recommended that the MTA Board authorize MTA RIM to: (a) permit Willis of New York to place the primary OCIP policies with Starr, as described above; (b) permit Willis of London to place OCIP Excess Liability insurance policies with a consortium of underwriters including Liberty Mutual Insurance Europe Limited, Aegis Casualty Consortium 9224, AIG Europe Limited, and Aspen 4711, as described above; (c) permit Willis of NY to place an OCIP Railroad Protective Liability policy with Starr and OCIP Builder's Risk policy with Westchester Fire Insurance Company, within the budget constraints set forth above; and authorize FMTAC to (a) enter into a trust agreement with Starr to collateralize agency obligations under the primary OCIP policies, (b) hire Helmsman Management Services LLC as claims administrator, (c) issue deductible reimbursement policies to cover the exposures due to self-insured retentions, and (d) manage the safety, claims and administrative expenses of the OCIP program.

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

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

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

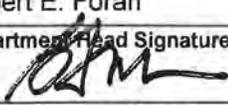
The total not-to-exceed cost of \$225,000,000 will be provided by the 2015-2019 Capital Program and Sandy Related Projects in the 2010-2014 Capital Program allocated over the agencies participating in the program.

### **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 3.5% 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>Subject</b> 2017 State PWEF Assessment
<b>Department</b> Chief Financial Officer
<b>Department Head Name</b> Robert E. Foran
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Douglas F. Johnson 

<b>Date</b> June 13, 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 Comm.	6/19	X		
2	Board	6/21	X		

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

**Purpose:** To authorize actions relating to the payment of the State assessment on the MTA and its constituent agencies for the Public Work Enforcement Fund for calendar 2017.

**Discussion:** Chapter 511 of the Laws of 1995, as amended, requires State agencies and authorities to pay to the State Comptroller an assessment based upon 1/10 of 1% of the value of public work (construction) contracts entered into (excluding rolling stock contracts). The assessments are deposited in the State Public Work Enforcement Fund to reimburse the State Department of Labor for its costs in enforcing the State's prevailing-wage law. The State and the MTA have entered into a simple annual estimate-and-settlement procedure agreement. Payments are made each year based upon the estimated amount of public works contracts, and are adjusted to reflect the actual experience from the prior year. The 2017 payment, therefore, is based upon a 2017 estimate and an adjustment for 2016.

Based on the actual average spending rates, it is assumed that in calendar year 2017, MTA's constituent agencies are projected to let \$3.802 billion worth of construction contracts, which is a \$1.034 billion increase in contract values from the actual 2016 level of \$2.768 billion. These calculations include commitments from the May 24th, 2017 Board approved 2015-2019 Capital Program Amendment as well as updated Superstorm Sandy estimates for 2010-2014.

In 2016, the estimated 2016 assessment of \$1,803,425 was less than the actual assessment of \$2,768,200 by \$964,775. This underpayment, when added to the estimated 2017 assessment of \$3,802,229 (and a prior year adjustment of \$4,007), requires a total payment of \$4,762,997.

**Financial Implications:** The 2017 MTAHQ Budget contains sufficient funds for this payment.

**Recommendation:** The Board should authorize staff to remit the 2017 assessment, including the adjustment for the 2016 underpayment, to the State Department of Labor.

# Staff Summary

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

<b>Date</b> June 9, 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	6/19/2017	X		
2	Board	6/21/2017	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:**

**MTAHQ proposes to award Non-competitive procurements in the following categories:**

	<u># of Actions</u>	<u>\$ Amount</u>
Schedule F: Personal Services Contracts	1	\$36,750,000.00
<b>SUBTOTAL</b>	1	\$36,750,000.00

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

Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts	5	\$ 1,525,000.00
Schedule H: Modification to Personal Service/Miscellaneous Service Contracts	1	\$ 500,000.00
<b>SUBTOTAL</b>	6	\$ 38,775,000.00

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

Schedule K: Ratification of Completed Procurement Actions	None	None
<b>TOTAL</b>	7	\$ 38,775,000.00

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

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

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, JUNE 2017**  
**NON-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. New York State Industries for the Disabled<br/>Temporary Personnel Services<br/>Contract No. 16211-0100</b> | <b>\$36,750,000</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|---|--|--------------------------------------|

Preferred Source – 60 months

To recommend that the Board approve the award of an All-Agency, personal services contract to New York State Industries for the Disabled (NYSID), a New York State Preferred Source, to provide as-needed temporary personnel services for a period of five years effective January 1, 2017 through December 31, 2021 in a not-to-exceed amount of \$34,750,000. Under the State Finance Law, a contract award to a preferred source provider such as NYSID is expressly exempt from New York State Statutory competitive procurement requirements provided, (i) it is capable of providing the service in the form, function and utility required and (ii) the price offered is as close to the prevailing market prices as is practicable. NYSID meets these requirements. The MTA All-Agency scope of services includes personnel to support office and administrative functions, passenger counting, customer surveys, and railcar temperature measurement programs. The current contract rates from our existing NYSID agreement will remain the same for years 1-3 of our new agreement, except for titles that will be adjusted to be aligned with the New York State minimum wage rate schedule; and years 4 and 5 will be subject to escalation of 2.5%. The new contract rates are consistent with billable rates for similar titles charged to other agencies and are deemed fair and reasonable.

# Staff Summary

## Schedule F: Personal Service Contracts

<b>Item Number:</b>					
<b>Dept &amp; Dept Head Name:</b> Executive/Phillip Eng					
<b>Division &amp; Division Head Name:</b> Business Service Center/Wael Hibri					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	Finance	6/19/2017	X		
2	Board	6/21/2017	X		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Procurement <i>RFI</i>	4	DDCR <i>MM</i>		
2	CFO <i>08</i>	5	Legal <i>17</i>		
3	Chief Operating Officer <i>6/23/17</i>				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name:</b> New York State Industries for the Disabled	<b>Contract Number:</b> 16211-0100
<b>Description:</b> Temporary Personnel Services	
<b>Total Amount:</b> \$36,750,000	
<b>Contract Term (including Options, if any)</b> Five Years (10/1/2017 thru 09/30/2022)	
<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 type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
<b>Solicitation Type:</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Preferred Source	
<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**

To award an All-Agency, five (5)-year personal service contract to New York State Industries for the Disabled (NYSID), a New York State Preferred Source, to provide as-needed and short-term personnel services effective October 1, 2017 through September 30, 2022 in the not-to-exceed amount of \$36,750,000.

**II. DISCUSSION**

This contract is being awarded to NYSID in accordance with Section 162 of the New York State Finance Law which states that preferred sources shall be granted the right to provide services to New York State Agencies in order to advance social and economic goals. Under the State Finance Law, a contract award to a preferred source provider such as NYSID is expressly exempt from New York State Statutory competitive procurement requirements provided, (i) it is capable of providing the service in the form, function and utility required and (ii) the price offered is as close to the prevailing market prices as is practicable. NYSID meets these requirements.

The MTA All-Agency scope of services includes personnel to support office and administrative functions, passenger counting, customer surveys, and railcar temperature measurement programs.

- Office and administrative support is needed to supplement staff during periods of high production and as replacement for long-term employee absences and vacancies to staff divisions involved. Titles include Administrative Assistant, Compensation Analyst, Revenue Control Specialist, Legal Secretary, Paralegal, and Accountant.
- Field workers are needed to conduct manual passenger counting and customer surveys on-board trains, at terminals, and at outlying stations. The survey results are integral to scheduling and operations planning, as well as in the analysis, and reporting of ridership trends and revenue forecasts.

# Staff Summary

## Schedule F: Personal Service Contracts



Contract No. 16211-0100

- Field surveyors are also needed to monitor, record, and document internal rail car temperatures. As a measure of HVAC system effectiveness, temperature readings are recorded on designated revenue train cars throughout the summer season. Survey results are used to ensure the rolling stock HVAC systems are maintained in a state of good repair, to identify and fix problems, and improve and maintain customer service objectives.

MTA has conducted a responsibility review and other due diligence with regard to NYSID and has deemed them to be responsible for award.

Based on negotiations, the current contract rates from our existing NYSID agreement will remain the same for years 1-3 of our new agreement except for titles that will be adjusted to be aligned with the New York State minimum wage rate schedule; and years 4 and 5 will be subject to escalation of 2.5%. The new contract rates are consistent with billable rates for similar titles charged to other agencies and are deemed fair and reasonable.

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

In accordance with the New York Finance Law, Section 162, the MTA is offering New York State Industries for the Disabled (NYSID) this contract as a Preferred Source to supply persons who qualify to perform temporary personnel functions in accordance with the MTA's requirements. As such, the MTA Department of Diversity and Civil Rights has determined there are no M/WBE goals assigned to this contract.

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

Services are rendered on as-needed, as-requested task basis and are not guaranteed. Individual task(s) and funding are approved within each agency prior to any service request. MTA and all participating Agencies do not guarantee any level of work to be performed under this contract. The total multi-agency estimate for this contract is not-to-exceed \$36,750,000. This procurement is to be funded by each Agency's Operating Budget.

### **V. ALTERNATIVES**

Not approve award of this contract. This is not a practical alternative - MTA and its subsidiary agencies do not have the personnel to perform this work when required. The alternative of hiring permanent MTA employees to perform as-needed and short-term work would greatly exceed the cost of this contract.

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, JUNE 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

**2-5. AFT projects at four NYCT Subway Stations on the 8<sup>th</sup> Avenue Line** – AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

- Competitively negotiated - 627 proposals - 24 months  
Firelei Baez, 163 St.- Amsterdam Ave - NYCT (\$350,000)
- Competitively negotiated - 627 proposals - 24 months  
Christopher Wynter - NYCT (\$350,000)
- Competitively negotiated - 627 proposals - 24 months  
Joyce Kozloff, 86<sup>th</sup> St. - NYCT (\$350,000)
- Competitively negotiated - 627 proposals - 24 months  
Studio One, 72<sup>nd</sup> St. - NYCT (\$350,000)

**6. EB Jacobs, LLC.**

<b>Develop and Administer MTA PD Examinations for Promotion to the Ranks of Sergeant and Lieutenant</b>	<b>\$125,000.00</b>
<b>Contract No. 16243-0100</b>	<b>(not-to-exceed)</b>

Competitively negotiated - 18 proposals - 48 months  
To recommend that the Board approve the award of a competitively negotiated, personal service contract to EB Jacobs, LLC in a not to exceed amount of \$125,000, including a 15% contingency, to develop and, as needed, administer, a MTA-specific, validated, job-related, fair, objective and reliable examination for MTA Police Officers applying for promotion to the ranks of Sergeant and Lieutenant for the MTA Police Department (“MTA PD”) for a period of forty-eight (48) months from July 1, 2017 through June 30, 2021.

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

**H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts**

(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.)

- |   |                        |
|---|------------------------|
| <b>7. Milliman, Inc.</b>  | <b>\$ 500,000</b>      |
| <b>Multi-Agency Actuarial Consulting Services for Pension and Other Post-Employment Benefit Plans</b> | <b>(not-to-exceed)</b> |
| <b>Contract No. . 11088-0100, c/o #3</b>  |                        |

Base plus previous change orders = \$2,977,979

To recommend that the Board approve a supplement to the previously Board-approved, competitively negotiated, personal services contract in the amount not to exceed \$500,000, along with a six month time extension to Milliman Inc. This supplement is needed to extend the period of performance from July 1, 2017; through December 31, 2017 to continue required actuarial services, as mandated by law for the pension plans covering various groups of employees of the MTA Agencies. In addition, we are adding a special project service to recalculate retirement benefits. Rates charged by Milliman will remain the same for this additional work and are considered fair and reasonable. Fees charged for actuarial services will be paid through the Pension Plan Trust Funds and participating Agencies' operating budgets. MTA HQ procurement plans to release a new RFP for Actuarial Consulting Services for Pension and Other Post-Employment Benefit Plans to be awarded by the end of 2017.

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

**MTA METRO NORTH RAILROAD**

License agreement with Philipstown Depot Theater Inc. for use and maintenance of property on the Hudson Line adjacent to the former Garrison station building in Garrison, New York

Sublease with the Town of Fishkill for the construction, operation and maintenance of a pedestrian trail along the Hudson Line adjacent to the Breakneck Station in Fishkill, New York

**MTA LONG ISLAND RAIL ROAD**

License agreement with Levittown Fire District for parking on non-operating right-of-way in Levittown

Temporary parking agreements to facilitate shuttle bus service to and from New York during Amtrak emergency repairs

# 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>ANTHONY CAMPBELL</b>

Date <b>JUNE 19, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	6/19/17		X	
2	Finance Committee	6/19/17	X		
3	Board	6/21/17	X		

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

AGENCY: MTA Metro-North Commuter Railroad Company ("Metro-North")

LICENSEE: Philipstown Depot Theatre Inc. ("PDT")

LOCATION: Hudson Line right-of-way adjacent to 10 Garrison's Landing, Garrison, NY 10524 ("the Property")

PROPERTY: Approximately 4,500 square feet

ACTION REQUESTED: Approval of terms

TERM: 5 years with two 5 year options thereafter

TERMINATION: Terminable at will upon 60 days' notice, without compensation

COMPENSATION: \$100.00 annually plus performance of \$63,339 in surface, drainage and lighting improvements

**COMMENTS:**

The Philipstown Depot Theatre Inc. is community-based performing arts center that connects families and individuals in the Hudson River Valley with affordable theater, music and films. PDT is the current tenant of the former Garrison Station building ("the Building"), which was sold in 1962 by Metro-North's predecessor to Garrison Landing Association. PDT has requested authorization to use and make improvements to the former platform area behind the Building that is controlled by Metro-North pursuant to the Harlem-Hudson lease. The Property is situated at the rear of the Building and is not accessible for use by any other entity. PDT proposes to use it as an outdoor plaza ancillary to its use of the Building.

The Property currently consists of uneven and broken concrete and is not used by Metro-North. PDT will resurface the Property, improve its drainage and install new lighting around its perimeter, at a cost to PDT of approximately \$63,339. This project will address potential slip/trip/fall issues at the Property and Metro-North will benefit from the improvements, maintenance, insurance and indemnification provided by PDT.

In accordance with MTA Real Estate's Policies and Procedures for the Licensing of Real Property, no request for proposals is required for two reasons, first, because (apart from Metro-North) only a single adjacent owner can make use of the Property and, in addition, because it is to be licensed to a nonprofit for beautification purposes. Additionally, the license agreement will be terminable by Metro-North on 60 days' notice, with or without cause, for any or no reason and without repayment of any unamortized tenant improvement costs or any other financial penalty.

# Staff Summary

## FINANCE COMMITTEE MEETING Phillipstown Depot Theatre Inc. (Cont'd.)

MTA Real Estate's independent consultant has estimated the fair market rental value of the Property to be \$4,500 annually. The compensation is slightly below estimated fair market rental value over the proposed 15 year term (assuming that both renewal options are exercised and the license agreement is not sooner terminated), but is acceptable recognizing that such fair market rental value may not be obtainable in the case of a license subject to termination on short notice as described above.

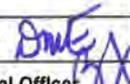
Based on the foregoing, MTA Real Estate requests authorization to enter into a license with PDT on the above-described terms and conditions.

# Staff Summary

Subject <b>SUBLEASE</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>DAVID ROTH</b>

Date <b>JUNE 19, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Metro-North Committee	6/19/17		X	
2	Finance Committee	6/19/17	X		
3	Board	6/21/17	X		

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

AGENCY: MTA Metro-North Commuter Railroad Company ("Metro-North")

SUBLESSEE: Town of Fishkill (the "Town")

LOCATION: Hudson Line adjacent to the New York State Parks Breakneck Ridge Trail, New York State Route 9D and Metro-North's Breakneck Station.

USE: Construction, operation and maintenance of a multi-use recreational trail

SPACE: 3.15± acres

ACTION REQUESTED: Approval of terms

TERM: 257 years, to expire February 27, 2274, one day prior to expiration of MTA's lease of the Harlem and Hudson Lines. (The Town's funding is predicated upon it receiving a long term sublease versus a license)

TERMINATION: Should Metro-North require the Location for a transportation or other corporate purpose the sublease will be terminable upon not less than 60 days' prior written notice to the Town

ASSIGNMENT: The Town may not transfer or assign the sublease to any private entity

APPRAISED VALUE: \$8,400.00 (valued as a sale of the fee interest)

COMPENSATION: Construction of two new mini high-level platforms and appurtenances to subsequently be maintained by Metro-North, the cost of which is estimated to be \$200,000

**COMMENTS:**

The Town has requested use of a portion of Metro-North's property to construct, operate and maintain a multi-use trail of approximately three-quarters of a mile (the "Trail"), located between New York State Route 9D and Metro North's Hudson Line. The Trail will run from the New York State Parks' Breakneck Ridge Trailhead, located proximate to the Route 9D tunnel, north to the pedestrian overpass that provides access to the inbound side of Metro-North's Breakneck Ridge Station. The Trail is referred to by the parties as the "Breakneck Connector" and is the first segment to be constructed of the proposed 7-mile Hudson Highlands Fjord Trail (the "Fjord Trail"). The Fjord Trail will start at the Village of Cold Spring and end in the City of Beacon. Metro-North has been working with the Town and other sponsors of the Trail to progress its development in a way that encourages security and safety, and protects Metro-North's interests. The other segments of the Fjord Trail are still in the planning stages and design concepts have not yet been presented to Metro-North for review or comment.

# Staff Summary

## FINANCE COMMITTEE MEETING Town of Fishkill (Cont'd.)

Breakneck Ridge has drawn a growing number of visitors each year. A majority of such visitors drive to Breakneck Ridge and struggle with the limited available parking capacity. However, convenient location of the Metro-North station provides an attractive alternative to driving and as a result, Metro-North has experienced an increased number passengers each year to its Breakneck Ridge Station. Metro-North has increased the frequency of weekend service to the station to accommodate the demand.

Currently, boarding passengers use low-level platforms, requiring conductors to open a trap and expose stairs used to access the platforms. A dirt path connects the station's outbound platform to Route 9D, while a pedestrian overpass connects passengers from the inbound platform to another dirt path that leads to Route 9D. From there, visitors use a combination of informal pathways and the shoulder area of Route 9D to get to and from the Breakneck Ridge Trailhead. This arrangement poses a safety risk, as does the current use of makeshift parking areas on Metro-North's property that fronts Route 9D.

The Trail will provide a direct connection from the trailhead to the station in a manner that is separate and protected from vehicular traffic on Route 9D. In addition, fencing will be placed along all at-grade portions of the Trail (and where the path is elevated, the Trail will have a railing) to discourage trespassing onto Metro-North's right-of-way. The current low-level platforms on Metro-North Property will be replaced with mini high-level platforms with ADA accessible ramps. A newly designed parking lot for visitor and emergency vehicle parking will be constructed so it maintains an existing Metro-North access point for maintenance vehicles. Along Route 9D, formalized parallel parking spaces will be created, as well as safety measures for visitors crossing the road. And a "welcome center" will be built at the trailhead and new trailhead information signs will be installed. The Town may issue permit(s), subject to Metro-North's approval, for mobile vendor(s) to provide limited customer amenities such as food and drink at the Trail.

The Town, through its own bidding process, will procure a construction firm to construct the two new mini high-level platforms and appurtenances, as described above, and to fund its estimated \$200,000 construction cost. The Town will also be responsible for the long-term operation and maintenance of the Trail; however, Metro-North will own and be responsible for the maintenance of the mini high-level platforms post-construction.

The fair market value of the Trail (as though a fee interest were being transferred) as determined by MTA Real Estate's independent appraiser is less than \$15,000 and, therefore, pursuant to Public Authorities Law Section 2897, disposition of the same may be by negotiation and no "explanatory statement" is required.

Based on the foregoing, MTA Real Estate requests authorization to enter into a sublease with the Town on the above-described terms and conditions.

# 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>ROBERT GOLDBERG</b>

Date <b>JUNE 19, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/19/17	X		
2	Board	6/21/17	X		

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

AGENCY: MTA Long Island Rail Road Company ("LIRR")

LICENSEE: Levittown Fire District ("District")

LOCATION: Adjacent to Levittown Fire House, Hickory Lane, Levittown, Nassau County, NY

ACTIVITY: Parking

ACTION REQUESTED: Approval of terms

TERM: 5 years

SPACE: Approximately 7,020 s/f

COMPENSATION: \$1 payment waived

**COMMENTS:**  
 The Board of Fire Commissioners/Levittown Fire District has requested to renew its occupancy of the non-operating LIRR ROW located adjacent to the District's Fire House. The property is used for parking of its vehicles and occasional fund-raising events for support of the Fire Department. The property has very limited use except for the Fire Department, particularly since it has LIPA high tension towers situated on it.

The District will be responsible for maintaining the site, thus eliminating any LIRR responsibilities and will provide the required insurance and indemnification, at its sole cost and expense. LIRR, LIPA and other third parties will have access to the property for the purposes of installing and maintaining existing and future aerial and underground utilities.

The District was established under a resolution with the Town of Hempstead in 1950. It is funded by taxpayer dollars and is under the mandated New York State 2% tax cap limiting the amount of money by which it can increase its budget in any given year. This limits their funding to pay for use of the property. Additionally, members are volunteers who provide vital life-saving services on a 24 hour, seven days a week basis to the community.

The license agreement is terminable by LIRR on 60 days notice, with or without cause, for any or no reason and without payment of any unamortized licensee improvement costs or any other financial penalty. As such it is governed by the MTA Real Estate Department Policies and Procedures for the Licensing of Real Property. No request for proposals is required because the property is being licensed to the Levittown Fire District which is an extension of the local municipality, the Town of Hempstead.

Based on the forgoing, MTA Real Estate requests authorization to enter into a license agreement with the Levittown Fire District on the above described terms and conditions.

# Staff Summary

Subject <b>TEMPORARY PARK AND RIDE AGREEMENTS</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>MICHAEL DANIELS</b>

Date <b>JUNE 19, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	6/19/17			
2	Board	6/21/17			

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

AGENCIES: MTA Long Island Rail Road and MTA New York City Transit  
 OWNERS: Various (see chart)  
 LOCATIONS: Various (see chart)  
 ACTIVITY: Park & Ride / Ferry services to mitigate Amtrak work at Penn Station  
 ACTION REQUESTED: Approval of terms  
 TERM: July 1<sup>st</sup> through September 30<sup>th</sup> 2017  
 SPACE: Various parking lots (see chart)  
 COMPENSATIO: See chart

LOCATION	OWNER	FEE	TERM
North Hempstead Beach Park	Town of North Hempstead	\$15,800.00	7/1- 8/31
Nassau Coliseum	Nassau Events Center	\$25,000.00	7/1- 9/5
Roosevelt Field	The Retail Property Trust	\$20,000.00	7/1- 9/5
Bethpage State Park	NY State Parks	\$11,000.00	7/1- 9/5
Belmont Park	New York Racing Association	Fees waived	7/1- 9/5
Valley Stream LIRR Station/Field #19 Non-resident Commuter Parking	Village of Valley Stream	Fees waived	7/1- 9/5
Melville P&R Ext.49	County of Nassau on behalf of NYS Department of Transportation	Fees waived	7/1- 9/5
Rockville Centre	Nassau County	Fees waived	7/1- 9/30

# Staff Summary

## FINANCE COMMITTEE MEETING TEMPORARY PARK AND RIDE AGREEMENTS

Ferry parking lot, terminal building and two ferry landings	Glen Cove IDA / City Glen Cove	Fees waived	7/1- 9/5
---	--------------------------------	-------------	----------

### COMMENTS:

In response to anticipated service interruptions caused by Amtrak's emergency repair work at Penn Station during the months of July and August, 2017, the MTA and the LIRR have developed a multi-pronged mitigation plan to minimize the impact on LIRR customers, including the potential for overcrowded conditions, and to mitigate the adverse impact on business and commerce and the New York State economy. This plan will provide LIRR customers with the option of using alternative means of transportation to and from New York City from various "park-n-ride" locations (noted above) for free parking and free MTA and third party express bus service. In addition, as part of this plan, the MTA and the LIRR have secured permission to use a parking lot, ferry terminal and landings in the City of Glen Cove to provide customers with free parking and ferry service to and from New York City.

To effectuate the plan, the LIRR is entering into agreements with the municipalities and private owners set forth in the chart above. The license agreements may be terminated by the LIRR on not less than 10 days' prior notice without a rebate of license fees in several cases. Those license agreements that are with public entities may be revoked and terminated by the licensors upon not less than 15 days' prior notice other than in emergencies.

It is contemplated that the license agreements (still under final negotiations) will require the LIRR to indemnify and hold the licensors and related parties harmless for damages, claims and losses resulting from the LIRR's use of the licensed premises except to the extent caused by the negligence or willful misconduct of the indemnified party.

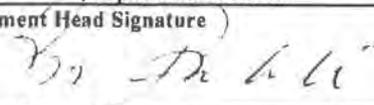
The exception to these agreements is the Rockville Center location, which provides for crew access to a building for rest rooms, overnight parking of employee vehicles and parking of MTA buses on a 24 hour basis on weekdays only. Its September 30, 2017 expiration date is for contingency purposes.

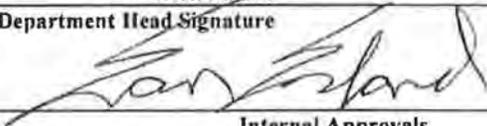
The MTA and the LIRR intend to seek reimbursement from Amtrak of all costs.

Based on the foregoing, MTA Real Estate requests authorization to finalize negotiations and enter into agreements substantially on the above terms and conditions.

## PROCUREMENTS

The Procurement Agenda this month includes 8 actions for a proposed expenditure of \$78.5M.

<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	6/19/17			
2	Board	6/21/17			

June 9, 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	X	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:

Schedules Requiring Majority Vote:

Schedule E: Miscellaneous Procurement Contracts	1	\$	2.5 M
• Michelin North America, Inc.	\$	2.5 M	
<b>SUBTOTAL</b>	<b>1</b>	<b>\$</b>	<b>2.5 M</b>

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 B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	2	\$ TBD M
<u>Schedules Requiring Majority Vote:</u>		
Schedule F: Personal Service Contracts	1	\$ 40.1 M
Schedule G: Miscellaneous Service Contracts	1	\$ 0.9 M
	SUBTOTAL	4      \$ 41.0 M
<b>MTA Bus Company proposes to award Competitive procurements in the following categories:</b>		
<u>Schedules Requiring Majority Vote:</u>		
Schedule I: Modifications to Purchase and Public Works Contracts	1	\$ 3.1 M
	SUBTOTAL	1      \$ 3.1 M
<b>MTA Capital Construction proposes to award Competitive procurements in the following categories: None</b>		
<b>MTA Bus Company proposes to award Ratifications in the following categories: None</b>		
<b>NYC Transit proposes to award Ratifications in the following categories:</b>		
<u>Schedules Requiring Majority Vote:</u>		
Schedule K: Ratification of Completed Procurement Actions	1	\$ 1.2 M
	SUBTOTAL	1      \$ 1.2 M
<b>MTA Capital Construction proposes to award Ratifications in the following categories:</b>		
<u>Schedules Requiring Majority Vote:</u>		
Schedule K: Ratification of Completed Procurement Actions	1	\$ 30.7 M
	SUBTOTAL	1      \$ 30.7 M
	TOTAL	8      \$ 78.5 M
<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.		
<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.		
<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.)		

## **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.

JUNE 2017

LIST OF NONCOMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Majority Vote:

E. Miscellaneous Procurement Contracts

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

- |  |                           |                               |
|--|---------------------------|-------------------------------|
| 1. <b>Michelin North America, Inc.</b><br>24-month contract<br>RFQ# 129206 | <b>\$2,482,200 (Est.)</b> | <u>Staff Summary Attached</u> |
|--|---------------------------|-------------------------------|
- Test and evaluation agreement for the leasing of tires for revenue vehicles.

**Schedule E: Miscellaneous Procurement Contracts**



**Item Number:** 1

<b>Vendor Name (Location)</b> Michelin North America, Inc. (Greenville, South Carolina)
<b>Description</b> Leasing of Revenue Vehicle Tires
<b>Contract Term (including Options, if any)</b> 24 months
<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 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: Test and Evaluate

<b>Contract Number</b> RFQ 129206	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$2,482,200 (Est.)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Department of Buses, Stephen A. Vidal	

**Discussion:**

It is requested that the Board declare competitive bidding impractical or inappropriate pursuant to Public Authorities Law, Section 1209, Subdivision 9(d) to test and evaluate a new product and technology, evaluate the service and reliability of said product, and approve the award of a test and evaluate miscellaneous procurement to expire September 30, 2019, to Michelin North America, Inc. (“Michelin”) for the leasing of revenue vehicle tires in the estimated amount of \$2,482,200. Michelin will be required to furnish tires on a lease basis, provide depot-based labor and material to service these tires, and to paint wheels through the term of the contract.

New York City Transit’s Department of Buses (“DOB”) and MTA Bus Company (“MTABC”) currently lease tires for their revenue vehicles from The Goodyear Tire & Rubber Company (“Goodyear”) under Contract 07E9693. This contract will expire September 30, 2019. A Request for Proposal (“RFP”) will be solicited for a renewal contract in late 2018. In order to enhance competition as much as possible for this RFP, Procurement and DOB engaged in an extensive industry outreach to identify parties interested in proposing on the upcoming RFP including companies within the tire industry. The outreach also included municipalities and operating authorities that purchase or lease tires for their buses.

In addition to the incumbent Goodyear, two companies presently expressed interest in participating in the competitive RFP. Both companies, in order to conduct due diligence to be able to participate in a competitive solicitation, indicated the need to test their tires in the NYC Transit duty cycle. This strategy offers advantages to NYC Transit and the potential proposer. First, it allows DOB to evaluate alternate products available from the industry on a trial basis to test performance characteristics, while at the same time enhancing NYC Transit’s opportunity to promote competition. Second, it gives a potential proposer actual operational experience resulting in the ability to offer a better-informed proposal on the upcoming RFP. Pursuant to that outreach, DOB is requesting that a Test and Evaluation Agreement be entered into with Michelin. The other potential proposer took material exceptions to several of the terms and conditions of this agreement, including responsible disposal of scrap tires. Additionally, the potential proposer required the ability to terminate the agreement unilaterally at any time. Its intransigence precluded it from participating in a test and evaluation at this time.

Under this agreement, Michelin will replace Goodyear for leasing and operating tires at two depots: Castleton in Staten Island and Mother Clare Hale in Manhattan. These locations were selected because in combination they operate a wide cross section of the bus fleet, including low-floor 40-foot buses, articulated buses, and high-floor over-the-road buses. This allows for the testing of a breadth of products, including standard and traction tires. Traction tires are composed of a softer rubber compound than a standard transit tire and are produced with a tread pattern designed to have a larger contact patch with the road in snow conditions, thus providing more traction than a standard transit tire in such conditions. Upon contract award, scheduled for September 2017, Michelin will replace the tire-servicing equipment as well as the tire inventory at each of the testing locations. Michelin plans to complete this conversion process within the first week of operations, at which time the evaluation period will commence. Goodyear will relocate its tire inventory to other locations within the system to be mounted on other buses.

Michelin will provide two full-time, fully trained service personnel (one for each depot), and wheel rim painting services utilizing the same specifications included in the current contract with Goodyear. The overall terms and conditions of this agreement are similar to the current contract with Goodyear.

The pricing for the agreement is comprised of three components: tire leasing, tire servicing, and wheel rim painting. Tire leasing is comprised of a rate per mile per tire; the tire servicing is a monthly labor rate per person; and wheel rim painting is a fixed price per rim. An analysis of the pricing offered by Michelin shows that it is 20.5% lower than the current pricing on the Goodyear contract, and 14.7% below DOB's in-house estimate. Procurement finds this price to be fair and reasonable.

Michelin is located in South Carolina, a Discriminatory Jurisdiction as identified within the New York State Omnibus Procurement Act of 1992 ("OPA"). A Discriminatory Jurisdiction is a jurisdiction that utilizes a preference mechanism to the detriment of business concerns outside of the Discriminatory Jurisdiction competing against business concerns located within that jurisdiction. OPA has a provision permitting award of contracts to businesses located in Discriminatory Jurisdictions when it is deemed to be in New York State's best interest to do so, provided that a waiver is granted. Pursuant to that provision, based upon the limited competition that exists within the marketplace the MTA Interim Executive Director has granted a waiver.

Having evaluated all the available facts, Procurement finds the proposal to be responsive, and the proposer responsible. DOB concurs with this determination and recommends award.

This contract is subject to review and approval of the Office of the New York State Comptroller, and award will not be made prior to its approval.

JUNE 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# R-32443</b>                                 | <b>Cost To Be Determined</b> | <b><u>Staff Summary Attached</u></b> |
| RFP Authorizing Resolution for the conversion of four R110A passenger cars into two pump cars and two generator cars.                      |                              |                                      |
| <b>2. Contractor To Be Determined</b><br><b>Contract Term To Be Determined</b><br><b>Contract# R-34255</b>                                 | <b>Cost To Be Determined</b> | <b><u>Staff Summary Attached</u></b> |
| RFP Authorizing Resolution for the purchase of 35 diesel locomotives with an option to purchase up to an additional 35 Diesel Locomotives. |                              |                                      |

Procurements Requiring Majority Vote:

**F. Personal Service Contracts**

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

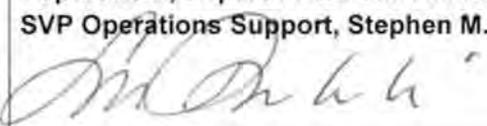
- |  |                            |                                      |
|--|----------------------------|--------------------------------------|
| <b>3. WSP USA, Inc.</b><br><b>Four Proposals–60-month contract</b><br><b>RFP# 112438</b> | <b>\$40,145,843 (Est.)</b> | <b><u>Staff Summary Attached</u></b> |
| Worldwide Technical Inspection Services.   |                            |                                      |

**G. Miscellaneous Service Contracts**

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Noncompetitive; \$1M RFP; No Staff Summary required if sealed bid procurement.)

- |   |                  |                                      |
|---|------------------|--------------------------------------|
| <b>4. Geneva World Wide, Inc.</b><br><b>11-month contract</b><br><b>Contract# 18205</b> | <b>\$850,984</b> | <b><u>Staff Summary Attached</u></b> |
| Written language translation services.  |                  |                                      |

# Staff Summary

Item Number 1			
Department, Department Head Name: SVP Operations Support, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Order	Approval
1	Materiel	6	President
2 X	Law	7	
3 X	Budget	8	
4 X	Subways	9	
5	EVP	10	

<b>SUMMARY INFORMATION</b>	
Vendor Name RFP Authorizing Resolution	Contract No. R-32443
Description Conversion of Four R110A Passenger Cars into Two Pump Cars and Two Generator Cars	
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 type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**PURPOSE:**

To request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for a procurement that will provide for the conversion of four retired R110A passenger cars into two pump cars and two generator cars, and that it is in the public interest to issue a competitive request for proposals ("RFP") pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law.

**DISCUSSION:**

NYC Transit is desirous of utilizing the RFP process to solicit proposals and award a contract for the conversion of four R110A cars into two pump cars and two generator cars. The Contractor will also recondition eight NYC Transit trucks to be used with these pump and generator cars. Subdivision 9(f) of Section 1209 of the Public Authorities Law permits the Board to adopt a resolution declaring that competitive bidding is impractical or inappropriate because it is in the public interest to award a contract pursuant to an RFP. The purchase of the ten R110A cars was authorized by the Board in November 1989, and the ten cars entered service in mid-1993 as prototypes to test new technology (such as new propulsion and communications systems). They were never intended for long-term passenger service and were removed from service in the late 1990s.

The RFP process will allow NYC Transit to arrive at the best overall proposal through negotiations and evaluation based on criteria that reflect the critical needs of the agency. By utilizing the RFP process, NYC Transit will be able to (1) weigh factors such as overall quality of the proposer's technical qualifications and proposal, (2) negotiate specific contract terms, such as warranty and payment terms, delivery schedule, and overall project cost and value to NYC Transit, (3) negotiate technical matters as deemed appropriate, and (4) include any other factors that NYC Transit deems relevant to its operation.

In preparation for this RFP, NYC Transit conducted an outreach effort by advertising a request for expressions of interest. As a result, several interested companies have been identified and are expected to participate in this RFP. Upon completion of the RFP process, NYC Transit intends to obtain Board approval for the actual contract award.

NYC Transit's subway system includes 14 under-river tunnels (also referred to as tubes due to their cylindrical construction) that enable interborough travel, and also house critical equipment required for the system to function properly. During Superstorm Sandy, under-river tubes in the NYC Transit system were flooded, causing extensive damage to the tunnel and right-of-way equipment such as signal communications equipment, tunnel lighting, track, switches, and ties. At that time, NYC Transit had three pump trains that were utilized

# Staff Summary

as part of the recovery efforts. These trains are each made up of one pump car, and three hose and reach cars. Because these pump trains are not self-propelled, a NYC Transit diesel locomotive is used to move them into flooded areas. Although flood resiliency measures have been undertaken by NYC Transit since Superstorm Sandy, there remains a need for pump trains.

As part of NYC Transit's future storm preparedness efforts and to increase its pumping capacity, after Superstorm Sandy, NYC Transit designed and built two pump trains (designated R32442) using in-house forces by converting NYC Transit R110A cars and existing flatcars to create these trains. Each R32442 pump train is configured in a four-car consist as follows: three hose and reach cars (converted R110A cars) and one pump car (a converted flatcar) that contains two diesel-driven pumps. One of the hose and reach cars in each consist contains a generator to power the ancillary equipment on the cars. Because the R32442 pump trains also are not self-propelled, a NYC Transit diesel locomotive is used to move them into flooded areas.

Under this current R32443 project, the pump and generator cars shall be configured from four R110A cars and eight NYC Transit trucks. These pump cars will contain pumps to remove water at a higher rate and volume than the R32442 pump trains. Each generator car will contain a diesel generator powerful enough to power all of the equipment in the entire R32443 consist (pump car, three hose and reach cars and generator car). The three hose and reach cars that will be part of each R32443 consist will be taken from each R32442 consist. The pump cars from the R32442 consist will be kept in reserve to backup and supplement, if necessary, the R32443 pump trains. As is the case with the other pump trains, a NYC Transit diesel locomotive will be used to move the R32443 pump trains into flooded areas.

NYC Transit's intention is to provide a pump train fleet that will be fitted with greater capacity pumping equipment. These two R32443 pump cars and generator cars will be added to NYC Transit's existing pump train fleet, thereby ensuring the availability of pump trains that can be used in emergency conditions impacting subway service, such as flooding due to water main breaks, to mitigate the effects of flooding on the system's infrastructure.

## **IMPACT ON FUNDING:**

Funding for the conversion of four R110A passenger cars into two pump cars and two generator cars is available under Planning No. MW10-0930, Project PSE No. R32443, Primary MTA Project No. ET0603-17.

## **ALTERNATIVES:**

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

## **RECOMMENDATION:**

It is recommended that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for the conversion of four R110A passenger cars into two pump cars and two generator cars, and that it is in the public interest to issue a competitive request for proposals pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law.

# Staff Summary

Item Number <b>2</b>			
Department, Department Head Name: SVP Operations Support, Stephen M. Plochochi			
			
<b>Internal Approvals</b>			
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1	Material	6	President
2	Law		
3	Budget		
4	Subways		
5	EVP		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> RFP Authorizing Resolution	<b>Contract No.</b> R-34255
<b>Description</b> RFP Authorizing Resolution for the purchase of 35 diesel locomotives with an option to purchase up to an additional 35 Diesel Locomotives.	
<b>Total Amount</b> TBD	
<b>Contract Term (including Options, if any)</b> TBD	
<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 request that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for a procurement that will provide for the purchase of 35 diesel locomotives with an option to purchase up to an additional 35 diesel locomotives, and that it is in the public interest to issue a competitive request for proposals (“RFP”) pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law.

**DISCUSSION:**

NYC Transit is desirous of utilizing the RFP process to solicit proposals and award a contract for the purchase of 35 diesel locomotives with an option to purchase up to an additional 35 diesel locomotives. Subdivision 9(f) of Section 1209 of the Public Authorities Law permits the Board to adopt a resolution declaring that competitive bidding is impractical or inappropriate because it is in the public interest to award a contract pursuant to an RFP.

The RFP process will allow NYC Transit to arrive at the best overall proposal through negotiations and evaluation based on criteria that reflect the critical needs of the agency. By utilizing the RFP process, NYC Transit will be able to (1) weigh factors such as the overall quality of the proposer’s technical qualifications and proposal, (2) negotiate specific contract terms, such as warranty and payment terms, delivery schedule, and overall project cost and value to NYC Transit, (3) negotiate technical matters as deemed appropriate, and (4) include any other factors that NYC Transit deems relevant to its operation.

In preparation for this RFP, NYC Transit conducted an outreach effort by advertising a request for expressions of interest. Several companies have been identified and are expected to participate in this RFP. Upon completion of the RFP process, NYC Transit intends to obtain Board approval for the actual contract award.

This procurement is for the replacement of 65 R37, R41, R43, R47, R52, R77, and R77E locomotives in the NYC Transit fleet, as well as the purchase of five additional locomotives for fleet growth. The 65 locomotives to be replaced have either exceeded or will soon reach the end of their useful life of 35 years. Locomotives are required to enable NYC Transit to support its own work requirements, such as supporting the in-house track construction and maintenance programs by transporting flatcars bearing materials to, and debris from, the work sites, and to provide support for work performed within the transit system by outside contractors.

## Staff Summary

In addition to flatcars, locomotives transport various other work cars throughout the transit system. For example, locomotives are used to move pump trains into flooded areas and snow throwers to areas that require snow removal.

### **IMPACT ON FUNDING:**

Funding for the purchase of 35 diesel locomotives is available under Planning No. MW10-1516, Project PSE No. R34255, Primary MTA Project No. T71302-11. Funding for up to 35 additional diesel locomotives will be made available in the next Capital Plan.

### **ALTERNATIVES:**

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

### **RECOMMENDATION:**

It is recommended that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for the purchase of 35 diesel locomotives with an option to purchase up to an additional 35 diesel locomotives, and that it is in the public interest to issue a competitive request for proposals pursuant to Subdivision 9(f) of Section 1209 of the Public Authorities Law.

# Staff Summary

Item Number 3			
Department, Department Head Name: SVP Operations Support, Stephen M. Plochochi			
<i>[Handwritten signature]</i>			
<b>Internal Approvals</b>			
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1 <i>STS</i>	Material	6	President <i>[Signature]</i>
2 X	Law		
3 X	Budget		
4 X	DDCR		
5 <i>[Signature]</i>	EVP		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> WSP USA Inc.	<b>Contract No.</b> RFP 112438
<b>Description</b> Consultant for Worldwide Technical Inspection Services	
<b>Total Amount</b> \$40,145,843	
<b>Contract Term (including Options, if any)</b> 60 Months	
<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"/> Noncompetitive	
<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:	

**PURPOSE:**

To obtain approval from the Board to award a five-year competitively negotiated contract to WSP USA Inc. ("WSP")<sup>1</sup> to provide worldwide technical inspection services in the estimated amount of \$40,145,843.

**DISCUSSION:**

NYC Transit requires a consultant to perform in-plant inspections of materials throughout the world before those materials are shipped, and to supply inspectors with multidisciplinary expertise that is not available in-house and who are required to travel throughout the United States and abroad. The inspections are required to ensure that materials and supplies purchased by NYC Transit, as well as those provided by contractors for capital projects, adhere to NYC Transit's specifications. In addition to in-plant inspections, WSP will develop inspection protocols (detailed scripts for determining whether materials comply with the specification requirements), perform quality audits of production processes, and prepare reports documenting and detailing compliance or noncompliance with material specifications. The types of material inspected under this contract include safety-sensitive materials and equipment such as (1) specially fabricated track work materials, (2) rails, railroad ties, and related products, (3) structural steel and other fabricated steel pieces, (4) electrical products, (5) signal and communications equipment, (6) paints and chemicals, and (7) other miscellaneous materials.

Prior to advertising the RFP, the Procurement team engaged in an extensive outreach effort to engineering firms, inspection firms, and nationally recognized testing laboratories. A Request for Proposal ("RFP") was advertised in August 2016 with selection criteria that included the relevant experience of the proposer's assigned personnel in providing material inspections and quality/technical audit services, relevant experience of the proposer with contracts of similar size and scope, proposer's transition plan, proposer's applicable resources and staff of qualified, available inspectors for the project, proposer's demonstrated understanding of the Scope of Work, the proposer's project management team, and overall project cost. Fourteen firms obtained the solicitation and 12 firms attended the pre-proposal conference. On October 13, 2016, four proposals were received from: HAKS Engineers, Architects and Land Surveyors, P.C. ("HAKS"); Intertek Technical Services, Inc. ("Intertek"); WorleyParsons of New York (doing business as "Advisian"), and WSP.

The Selection Committee ("SC") reviewed the proposals and recommended that all four proposers be invited for oral presentations.

<sup>1</sup> The proposed awardee initially proposed under the name Parsons Brinckerhoff, Inc. ("PB"). After receipt of proposals, PB changed its name to WSP USA Inc.

# Staff Summary

Following oral presentations, in accordance with the evaluation criteria in the RFP, the SC recommended that Advisian and WSP be invited to negotiations. HAKS was not invited to negotiations primarily because it was unable to demonstrate sufficient experience of assigned personnel, including inspectors and the project management team. Intertek was not invited to negotiations because it was not able to provide inspectors with sufficient experience in adequate numbers and it did not demonstrate a thorough understanding of the scope of work.

Advisian was invited to negotiations due to the strength of its transition plan, its understanding of the scope of work, and its project management team. WSP was invited to negotiations because of its experience, the experience of its assigned personnel, and its understanding of the scope of work.

Negotiations with Advisian and WSP focused on pricing and contractual terms and conditions.

Following negotiations, Best and Final Offers (“BAFOs”) were requested, which were received on May 8, 2017. The results are summarized below:

Proposer	Initial Proposal	BAFO
WSP	\$42,373,833	\$40,145,843
Advisian	\$41,889,343	\$41,335,704

After reviewing the BAFOs, in accordance with the evaluation criteria in the RFP, the SC unanimously recommended WSP for award. WSP was unanimously determined to be the highest technically ranked proposer because it excelled with regard to the relevant experience of its assigned personnel in providing material inspections and quality/technical audit services and its experience performing inspections under the current Worldwide Technical Inspection Services contract, depth of resources to perform inspections, project management team, mastery of the scope of work and lower overall cost. WSP holds the current Worldwide Technical Inspection Services contract and has performed well. WSP has performed inspection services for various public agencies. References were provided and reference checks were performed for WSP and all were positive.

WSP’s BAFO was \$1.2 million less than Advisian’s BAFO. Through negotiations, savings of \$2.2 million (5%) were achieved vis-à-vis WSP’s initial proposal. The rates for this contract have increased on average 1.8% per year from the rates in the current contract. This compares favorably with the 3.5% current annual rate of increase in the Producer Price Index for engineering services. The final price has been found to be fair and reasonable based on the competitive nature of the RFP.

In connection with a previous contract awarded to PB<sup>2</sup>, PB 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 Executive Director and Chief Executive Officer in consultation with the MTA General Counsel in March 2008. No new SAI has been found relating to PB or WSP and PB and WSP have been found to be responsible.

**D/M/WBE INFORMATION:**

The MTA Department of Diversity and Civil Rights (“DDCR”) has established goals of 15% MBE and 15% WBE for this contract. DDCR has approved the M/WBE utilization plan for WSP. WSP has achieved its M/W/DBE goals on previous MTA contracts.

**IMPACT ON FUNDING:**

Funding (non-reimbursable and reimbursable) is available in Materiel’s operating budget under RC 7820, General Ledger number 712542 and Function 880.

**ALTERNATIVE:**

None recommended. NYC Transit lacks staff with the necessary qualifications to perform these services.

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<sup>2</sup> WSP acquired PB in October 2014. The SAI discussed in this paragraph pertained to PB and occurred prior to its acquisition by WSP.

**Schedule G: Miscellaneous Service Contracts**



**Item Number:** 4

<b>Vendor Name (Location)</b> Geneva World Wide, Inc. (New York, New York)
<b>Description</b> Written Translation Services for Paratransit
<b>Contract Term (including Options, if any)</b> July 1, 2017–June 2, 2018
<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: Piggyback NYS DCAS contract

<b>Contract Number</b> 18205	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount (including options):</b> \$850,984	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name</b> Department of Buses, Stephen A. Vidal	

**Discussion:**

Approval of the Board is requested to piggyback the New York City Department of Citywide Administrative Services (“DCAS”) contract to award an estimated quantity contract for written language translation services for Paratransit for the period of July 1, 2017 to June 2, 2018, to Geneva World Wide, Inc. (“Geneva”).

The contract will be awarded pursuant to the All-Agency Service Contract Procurement Guidelines, Article XII - Miscellaneous, Paragraph H, which states that an Authority may contract for a service available through an existing contract between a contractor and the State of New York or the City of New York or another Authority. The best course of action and the most favorable pricing would be found by piggybacking an existing city or state contract, as pricing was based on far greater quantities of work than that of NYC Transit alone. Upon review of the DCAS and NYS Office of General Services contracts for written language translation services, Procurement determined that the DCAS contract had more favorable pricing. The contract will utilize existing DCAS Contract MMA1 857-20136200826, which was competitively solicited and whose pricing and other commercial terms specified in the contract have been deemed satisfactory.

Pursuant to Title VI of the Civil Rights Act and the Federal Transit Administration’s Title VI guidance, Paratransit provides to Limited English Proficient (“LEP”) individuals translations of certain written documents pertaining to the Paratransit services. Paratransit requested that this contract be put in place to provide written translations of information, communications, and documents distributed to LEP applicants and customers in their preferred language, including those documents which contain information on how to obtain or use Access-A-Ride services. These documents will be translated in a template format allowing them to be utilized again. This contract will also be utilized to translate documents related to Paratransit eligibility, services, and appeals submitted by LEP applicants and customers into English and, as required, to translate Paratransit’s replies into the source language. The DCAS contract provides written translation in 173 languages, which are separated into three tiers, and pricing is based on the number of words translated and by tier. Tier 1 is comprised of the six most frequently used languages in New York City including Chinese (Cantonese/Mandarin), French/Haitian Creole, Italian, Korean, Russian, and Spanish. Tier 2 is comprised of the 72 next frequently used languages, and Tier 3 is comprised of 95 rarely used languages, called “esoteric.”

Following the rules of the DCAS procurement, NYC Transit conducted a competitive mini-bid between the two awardees of the DCAS contract: Geneva; and Language Line Services, Inc. (“Language Line”). Geneva submitted the lowest pricing, resulting in a total bid amount of \$850,984 versus Language Line’s bid of \$932,157. Geneva’s pricing was found to be fair and reasonable.

The DCAS contract has a contract option not to exceed three years, which would extend the contract from June 2018 through June 2021. Should DCAS opt to exercise its option, Paratransit and Procurement will reevaluate the requirements for written translation services and perform a market survey to determine whether it is beneficial to continue piggybacking the DCAS contract. If it is deemed beneficial, Board approval to extend the term and fund the extension period for this contract will be sought at that time.



**Schedule I: Modifications to Purchase and Public Work Contracts**
**Item Number: 1**

<b>Vendor Name (Location)</b> New Flyer America, Inc. (St. Cloud, Minnesota)
<b>Description</b> Furnish and deliver 74 low-floor 40-foot CNG buses with an option to purchase up to 30 additional buses
<b>Contract Term (including Options, if any)</b> December 30, 2011–December 31, 2024
<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 type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> MTA Bus Company, Stephen A. Vidal

<b>Contract Number</b> B-40647A	<b>AWO/Mod. #</b> 3
<b>Original Amount:</b>	\$ 31,588,939
<b>Prior Modifications:</b>	\$ 6,130,795
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 37,719,734
<b>This Request:</b>	\$ 3,147,699
<b>% of This Request to Current Amount:</b>	8.4%
<b>% of Modifications (including This Request) to Original Amount:</b>	29.4%

**Discussion:**

It is requested that the Board approve the award of this modification to incorporate three new technologies on 89 low-floor 40-foot CNG buses previously purchased from New Flyer America, Inc. (“New Flyer”) for MTA Bus Company. The total estimated amount of this modification is \$3,147,699.

The original contract, approved by the December 2011 Board, was awarded by NYC Transit on behalf of MTA Bus Company (“MTABC”) on December 30, 2011, to Daimler Buses North America, Inc. (“DBNA”) as a result of a federally funded, competitively solicited RFP for the purchase of 74 low-floor 40-foot CNG buses with an option to purchase up to 30 additional buses. The contract contained an option clause, whereby option buses could be ordered for up to five years post award.

On April 25, 2012, DBNA announced that it planned to stop production of transit buses and exit the transit bus manufacturing industry in North America. Subsequent to discussions between DBNA, NYC Transit, and MTABC, it was determined that it was in the best interest of all parties to assign the contract to New Flyer, the second-lowest proposer from the original solicitation. Modification No. 1 was awarded on July 12, 2012, in order to incorporate changes to the contract language, reflecting a credit of \$229,400, which was acceptable to all parties and helped facilitate the assignment of Contract B40647 from DBNA to New Flyer (B40647A) on July 25, 2012. Delivery of the 74 buses was completed in December 2012.

Modification No. 2, approved by the November 2012 Board, was awarded December 18, 2012, to exercise the contract’s option and purchase an additional 15 low-floor 40-foot CNG buses for MTABC for a total amount of \$6,360,195. Delivery of the 15 buses was completed in March 2013.

Under this modification, New Flyer will furnish and install three new technologies on the 89 CNG buses purchased under this contract: (1) Digital Information Screens (“DIS”) designed to provide audio/visual route and next stop information, planned and unplanned service advisories, as well as geographic specific advertising on screens throughout the bus, (2) Customer-Facing Wi-Fi (“Wi-Fi”), and (3) Automated Passenger Counters (“APC”) to accurately track boarding/alighting of passengers.

New Flyer submitted a proposal in December 2016. Negotiations were then conducted, the Statement of Work was updated to include one wide-screen monitor per bus to provide more space for customer-facing information, and the terms and conditions were finalized. Subsequent to these negotiations, New Flyer submitted its final price of \$3,147,699 on May 17, 2017. This final price is \$33,354 (1.0%) less than DOB’s estimate of \$3,181,053 and has been deemed fair and reasonable by the Cost/Price Analysis Unit, based on the results of a cost audit performed by MTA Audit Services.

The installation of DIS, Wi-Fi and APC will begin in September 2017 and is expected to be completed in February 2018.

JUNE 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.)

- |  |                    |                                      |
|--|--------------------|--------------------------------------|
| <b>1. J-Track LLC</b>  | <b>\$1,200,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# A-37615.10</b>  |                    |                                      |
| Modification to the contract to furnish and install stairwell flood protection devices; in order to furnish and install a Stairwell Flex-Gate flood mitigation device. |                    |                                      |

Item Number: 1

<b>Vendor Name (Location)</b> J-Track LLC (College Point, New York)
<b>Description</b> Furnish and install stairwell flood protection devices
<b>Contract Term (including Options, if any)</b> March 11, 2015–September 11, 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-37615	<b>AWO/Mod. #</b> 10
<b>Original Amount:</b>	\$ 11,322,920
<b>Prior Modifications:</b>	\$ 1,671,623
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 12,994,543
<b>This Request:</b>	\$ 1,200,000
<b>% of This Request to Current Amount:</b>	9.2%
<b>% of Modifications (including This Request) to Original Amount:</b>	25.4%

**Discussion:**

This retroactive modification is for furnishing and installing a Stairwell Flex-Gate (“Flex-Gate”) flood mitigation device at the Bowling Green Station head house in Manhattan.

The original contract provides for furnishing and installing Flex-Gate flood mitigation devices at 23 stairwell entrances to six stations in Manhattan: Canal Street along the 7th Avenue, 8th Avenue, Lexington Avenue, and Broadway lines; Franklin Street along the 7th Avenue Line; and 145th Street along the Lenox Line. The Flex-Gate, manufactured by ILC Dover, allows the deployment of a tension fabric cover over the stairwell entrance in the event of a potential flooding situation.

This modification provides for the installation of a Flex-Gate at the stairwell entrance in the historic head house of the Bowling Green Station in Manhattan. Various types of flood mitigation devices were considered for this structure but were rejected because its installation would require unacceptable alteration to both the structure and surrounding sidewalks. The Flex-Gate design was eventually selected as the most acceptable stair flood mitigation device, however the selection and subsequent custom design for this historic location was not completed until after the contract was awarded.

The additional work includes: site preparation; custom design and fabrication; construction barricades; signage relocation; and installation. The work at the Bowling Green Station head house is more difficult and costly than the work at the other stations because the stairwell at the Bowling Green head house is twice as wide as the stairwells at the other stations, and therefore must be designed and constructed to hold twice the water weight. The Flex-Gate must then be installed indoors within the head house, with more difficult access and constricted working conditions. Installation is performed outdoors at the other locations.

J-Track’s proposal was \$1,404,171. NYC Transit’s revised estimate was \$1,155,974. Negotiations resulted in agreement on a lump-sum price of \$1,200,000. Savings of \$204,171 were achieved. The negotiated price was found to be fair and reasonable.

On November 30, 2016, the SVP, Capital Program Management approved a retroactive waiver and J-Track was directed to proceed.

In connection with a previous contract awarded to J-Track, J-Track 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 & Chief Executive Officer in consultation with the MTA General Counsel in July 2012. No new SAI has been found relating to J-Track, and J-Track has been found to be responsible.

JUNE 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. WSP USA Inc.  | \$30,701,298 | <u>Staff Summary Attached</u> |
| Contract# CM-1338.29   |              |                               |
| Modification to the contract for Consultant Construction Management services on the Second Avenue Subway Project, Phase 1, in order to provide additional Consultant Construction Management services. |              |                               |

Schedule K: Ratification of Completed Procurement Actions

Item Number: 1

<b>Vendor Name (Location)</b> WSP USA Inc. (New York, New York)
<b>Description</b> Consultant Construction Management Services for the Second Avenue Subway Project, Phase1
<b>Contract Term (including Options, if any)</b> May 31, 2007–December 31, 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 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:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> MTA Capital Construction, John N. Lieber

<b>Contract Number</b> CM-1338	<b>AWO/Mod. #</b> 29
<b>Original Amount:</b>	\$ 80,940,647
<b>Prior Modifications:</b>	\$ 89,545,278
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 170,485,925
<b>This Request:</b>	\$ 30,701,298
<b>% of This Request to Current Amount:</b>	18%
<b>% of Modifications (including This Request) to Original Amount:</b>	148.6%

**Discussion:**

This retroactive modification is for additional Consultant Construction Management (“CCM”) services for Phase 1 of the Second Avenue Subway (“SAS”) Project.

The CCM contract was awarded to Parsons Brinckerhoff (“PB”), now known as WSP USA Inc., (“WSP”) in May 2007. Initially, six construction contracts were planned for Phase I of the SAS project. It was subsequently decided by MTA Capital Construction (“MTACC”) to increase the number of contracts from six to ten in order to provide for smaller construction packages, which would in turn enhance competition and receive more favorable pricing. CCM services under this contract include the monitoring/managing of all construction activities such as (1) coordination with contractors and other agencies, (2) full-time on-site inspections and reporting non-conformances, (3) ensuring adherence to environmental specifications, (4) reviewing contractor submittals, and (5) performing administrative, payment, and scheduling services. Additional CCM services necessitated by the increased number of construction contracts and additional staffing support in newly identified areas were previously approved by the Board under Modifications 15 and 21. The Board also approved an extension of the contract term by an additional 36 months from December 28, 2014, to December 31, 2017.

During the second quarter of 2016, the SAS contractors began construction acceleration to achieve revenue service. In order to support this effort, CCM services were increased. In order to meet the deadline, contractors worked around the clock at the stations, at street level and in the tunnel. Accordingly, WSP performed CCM services by providing inspection staff to monitor all activities and assure that contract specifications were followed.

Under this modification, WSP will also provide CCM services to support post-revenue service construction work in the nonpublic areas, inspect completion of punch-list items, and perform closeout services. The projected staffing support under this modification ranges from approximately 130 FTEs per month in January 2017, gradually decreasing to 31 FTEs by December 31, 2017.

The contract budget was exhausted by early October 2016 due to the accelerated construction work. Retroactive memos, effective October 2016, were approved by the MTACC President to continue work pending negotiations and award of this modification. WSP’s initial proposal was in the amount of \$35,117,566. MTACC’s revised estimate was \$30,728,297. Negotiations with WSP resulted in a Best and Final Offer (“BAFO”) of \$30,701,298 or 12.6% lower than its initial proposal. WSP’s BAFO of \$30,701,298 was deemed fair and reasonable, and reflects \$4,416,268 in negotiated savings. WSP’s performance under this contract is being evaluated and to the extent that it is determined that credits are due back to the MTA they will be offset against future payments.

In connection with a previous contract awarded to PB<sup>1</sup>, PB 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 Executive Director and Chief Executive Officer in consultation with the MTA General Counsel in March 2008. No new SAI has been found relating to PB or WSP and PB and WSP have been found to be responsible.

<sup>1</sup> WSP acquired PB in October 2014. The SAI discussed in this paragraph pertained to PB and occurred prior to its acquisition by WSP.



# Metro-North Railroad

## **ACTION ITEMS**

# Staff Summary

<b>Subject</b> Public Hearing for Proposed Service Changes
<b>Department</b> Operations Planning & Analysis
<b>Department Head Name</b> J. McCormack
<b>Department Head Signature</b> 
<b>Project Manager Name</b> B. Cornelius

<b>Date</b> June 6, 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	M-N Comm. Mtg.	6/19	X		
2	MTA Fin. Comm.	6/19	X		
3	MTA Board Mtg.	6/21	X		

Internal Approvals			
Order	Approval	Order	Approval
6	President		VP Capital Programs
5	Executive VP		Engr/Const
1	VP Planning		Project Reporting
	Gov't. Relations	2	General Counsel

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval
	Sr. VP Operations	4	VP Financial Admin		Budget		Controller
	VP Labor Relations		VP Human Resources		Personnel		Other

## Narrative

### Purpose:

To authorize a public hearing with regard to proposed permanent service changes at Harlem Line stations in the Bronx, to be effective in October 2017.

### Discussion:

Under the requirements of the Board approved process for major service changes, MNR is required to conduct a public hearing prior to implementation of any service change that represents a change in frequency of service greater than 25% to any station on a given day.

During a routine review of service characteristics MNR determined that service at Melrose and Tremont stations on the Harlem Line may not meet the needs of the community. Metro-North implemented a pilot program to increase service frequency during weekday off-peak and weekend times, from service every two hours to service at the stations every hour. This service change would increase the frequency of service by more than 25% on certain days of the week at these stations. Three criteria were evaluated under the pilot program: overall effect on train operations/reliability and infrastructure maintenance; Title VI implications; and effect upon ridership at the two stations. MNR has determined that the increased service frequency has had no significant negative effect on train operations, reliability, or infrastructure maintenance, and that the service increase addresses a condition that would have been viewed as a Title VI deficiency. MNR plans to finalize the ridership evaluation during July, 2017. Given that the preponderance of criteria have been met and that we believe the ridership criteria is likely to be met, MNR has determined the pilot program is a success and should be made permanent.

### Recommendation:

That the Board authorize a public hearing with regard to proposed permanent service changes at Harlem Line stations in the Bronx, to be effective in October 2017.



# Long Island Rail Road

**ACTION**

**ITEMS**

# Staff Summary



Subject <b>AMENDMENT TO GATEWAY TUNNEL AGREEMENT – Change Order to LIRR WHEEL TRUER WORK</b>
Department <b>LIRR ESA/SPECIAL PROJECT&amp; MAINTENANCE OF EQUIPMENT DEPARTMENTS</b>
Department Head Name <b>A. Hezarkhani / C. Daly</b>
Department Head Signature 
Project Manager Name <b>G. EHRHARDT / Eric Carlson</b>

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

Board Action					
Order	To	Date	Approval	Info	Other
1	LIRR Committee		X		
1	Finance Committee		X		
2	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
1	President	5	CFO
2	Sr. VP - Operations		
3	Sr. VP - Engineering		
4	VP & General Counsel		

## PURPOSE AND RECOMMENDATION:

That the Board grant approval authorizing the execution of an amendment to the Gateway Tunnel Agreement with Amtrak for the design, manufacture and installation of a new tandem wheel truing machine in the re-built Maintenance of Equipment (“MoE”) Facility at West Side Yard (“WSY”), so as to increase the previously authorized not-exceed cost for such work by \$3.85 million, from \$ 9.5 million to a revised not-to-exceed cost of \$13.35 million.

## DISCUSSION:

In April 2013, the Board approved a Staff Summary and Resolution which authorized LIRR to enter into a Gateway Tunnel Agreement with Amtrak, pursuant to which Amtrak would construct a concrete Tunnel Casing beneath the Eastern Rail Yard (ERY) portion of the LIRR’s WSY so as to preserve a future subsurface right-of-way for Amtrak’s proposed Gateway Tunnel. In order to allow for the construction of the Tunnel Casing, Amtrak was permitted to partially demolish and then rebuild LIRR’s existing MoE Facility in the ERY, at Amtrak’s expense. While Amtrak was responsible for ensuring that the new facility could be used to replicate the same maintenance functions performed at the existing facility, it was not responsible for replacing major items of shop equipment located in the facility. The existing MoE Facility contained a milling-type single wheel truing machine, which was used to correct flat spots on train wheels and restore the wheels to serviceable condition. This machine, which was purchased in 1983, had exceeded its useful life and was not functioning efficiently. In order to obtain a new machine in the most cost effective and shortest possible time frame, LIRR sought and obtained Board approval, in March 2015, to execute an amendment to the Gateway Tunnel Agreement, pursuant to which LIRR contracted with Amtrak, as part of such agreement, to design, manufacture and install a new tandem wheel truing machine (“collectively, the “Wheel Truer Work”), at a total not-to-exceed cost of \$9.5 million.

## **Staff Summary**

The price of the Wheel Truer Work was based in part on conceptual plans and specifications that were not detailed design documents, and on allowance items, to expedite the work. This decision was necessitated by the long lead time for the Wheel Truer Machine and the need to secure shop space with the supplier for its manufacture. The amendment to the Gateway Tunnel Agreement authorized by the Board and covering the Wheel Truer Work specifically acknowledged that plans and specifications had not been developed for the scope of work related to the new concrete pit for the wheel truing machine, including location, structural details, underground piping and utilities.

Because of unanticipated site conditions, which upon excavation for the pit to house the Wheel Truer Machine revealed 1) a high water table that requires continuous dewatering until completion of pit construction and 2) unstable soil requiring additional concrete work for the pit construction, both items which were not identified in the original scope of work, additional work has been required and the projected cost of installing the new wheel truing machine has increased. In addition, costs have increased due to changes to the waterproofing system, ensuring a dry installation of the new machine, along with increased storage costs in Germany, where the new machine was manufactured and where it is being held pending readiness of the site where it is to be installed. Based on negotiations with Amtrak and its contractor, the increase in cost is estimated to be approximately \$3.85 million in the aggregate, including additional design costs, contractor work, inspection costs, and management fees.

These additional costs are consistent with LIRR estimates and will be subject to audit and verification. LIRR has reviewed these costs and believes they are fair and reasonable. Only agreed-upon, actual costs will be paid.

### **ALTERNATIVE:**

There are no acceptable alternatives regarding the installation of the new tandem wheel truer, as the original outmoded wheel truer has been removed, the new tandem wheel truer manufactured, and the pit where it will be installed excavated.

### **BUDGET IMPACTS:**

Project will be funded within the MTA 2015 – 2019 Capital Program.

**METRO NORTH AND LONG ISLAND RAIL ROAD  
JOINT COMMITTEE**

**MTA BOARD**

**PROCUREMENT PACKAGE**

**JUNE 2017**

<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> 					
Board Action					
Order	To	Date	Approval	Info	Other
1	MNR & LIRR Joint Committee	6/19/17	X		
2	Board	6/21/17	X		

<b>Date:</b> June 15, 2017			
<b>Vendor Name</b> Various			
<b>Contract Number</b> Various			
<b>Contract Manager Name</b> Various			
Internal Approvals			
	Approval		Approval
4	President	3	Executive Vice President
2	Vice President, Program Controls	1	Chief Procurement Officer

**PURPOSE**

To obtain the approval of the Board to award various contracts and a modification and, to inform the Metro North and Long Island Rail Road Joint Committee of these procurement actions.

**DISCUSSION**

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

Schedules Requiring Two-Thirds Vote:

Schedule B Competitive Request for Proposals (Solicitation)

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

Schedules Requiring Majority Vote:

Schedule G Miscellaneous Service Contracts

	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$ 3,000,000
SUBTOTAL	1	\$ 3,000,000

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

Schedules Requiring Majority Vote:

Schedule K Ratifications of Completed Procurement Actions

	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$ 970,558
SUBTOTAL	1	\$ 970,558
TOTAL	3	\$ 3,970,558

**Competitive Bidding Requirements**

The procurement action in Schedule B is subject to the competitive bidding requirements of the Public Authorities Law 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 approval of the contracts and ratification of the modification 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 contracts and ratification of a modification 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.

June 2017

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two-Thirds Vote:**

**Schedule B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)  
(Staff Summaries required for all items estimated to be greater than \$1M)**

- |    |  |                               |                                      |
|----|--|-------------------------------|--------------------------------------|
| 1. | <b>Contractor to be Determined<br/>Contract Term To Be Determined<br/>Contract No. CS086</b> | <b>Costs To Be Determined</b> | <b><u>Staff Summary Attached</u></b> |
|----|--|-------------------------------|--------------------------------------|

To request and recommend that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article III B (6) of the All Agency General Contract Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposal ("RFP") for Contract CS086, Tunnel System Package 2, Signal Installation for the East Side Access Project.

**Procurements Requiring Majority Vote:**

**Schedule G. Miscellaneous Service Contracts  
(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP; No Staff Summary required if sealed bid procurement.)**

- |    |  |                                     |                                      |
|----|--|-------------------------------------|--------------------------------------|
| 2. | <b>Various Firms<br/>5 Year Term<br/>Contract Nos. PS851A – PS851D</b> | <b>NTE \$ 3,000,000 (Aggregate)</b> | <b><u>Staff Summary Attached</u></b> |
|----|--|-------------------------------------|--------------------------------------|

In accordance with Article X (B) of the All Agency Service Contract Procurement Guidelines, MTACC requests Board approval to award four competitively solicited and negotiated contracts to provide independent testing and laboratory services.

**Schedule B: Competitive Requests for Proposals  
Staff Summary**



<b>Item Number:</b> 1						<b>SUMMARY INFORMATION</b>	
<b>Dept &amp; Dept Head Name:</b> Law & Procurement, E. Eisland						<b>Vendor Name</b>	<b>Contract Number</b>
<i>E. Eisland</i>						RFP Authorizing Resolution	CS086
<b>Division &amp; Division Head Name:</b> Procurement, D. Cannon						<b>Description</b>	
<i>D. Cannon</i>						Tunnels Systems Package 2, Signal Installation for the ESA Project	
<b>Board Reviews</b>						<b>Total Amount</b>	
						N/A	
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Contract Term (including Options, if any)</b>	
1	MNR & LI Committee		X			To Be Determined	
2	Board		X			<b>Option(s) included in Total Amount?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
						<b>Renewal?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Internal Approvals</b>						<b>Procurement Type</b>	
						<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
						<b>Solicitation Type</b>	
1	Executive Vice President		2	President		<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:	

**I. PURPOSE/RECOMMENDATION**

To request and recommend that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article IIIB (6) of the All Agency General Contract Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposal ("RFP") for Contract CS086, Tunnel System Package 2, Signal Installation for the East Side Access Project.

**II. DISCUSSION**

The work under this contract is for the installation of Federal Railroad Administration compliant signal equipment procured under a separate Contract (VS086). The installation work shall take place in the East Side Access ("ESA") Tunnels.

Based on review and analysis, MTACC has determined that access to the work site, productivity of the work force and coordination with adjacent contractors are major risks under this Contract. The high level of risk could translate into a high level of contingency reflected in the prices that will be received when the Contract is solicited. The access and coordination required by each contractor to facilitate the best price for the work depends on site access, each contractor's planned sequence of performance, technical approaches to the work and other anticipated means and methods. Procurement through the RFP process mitigates the risks as it will allow the MTA the opportunity to work through access, coordination and other perceived risks with each contractor in an effort to achieve the lowest price possible for the work. The RFP process will also permit MTACC to evaluate the relative benefits of alternative technical proposals and weigh alternatives that are in the best interest of the MTA.

The RFP process will require the interested firms to submit technical and cost proposals, which will include their technical approach, qualifications, experience, schedule and overall costs. The technical and cost proposals will be evaluated against MTACC's established criteria and based on the results, negotiations on technical and commercial issues, schedule and costs will be held with one or more firms. At the conclusion of negotiations, a Best and Final Offer ("BAFO") will be requested. Award will be made to the responsible firm whose BAFO offers the best value to the MTA.

**II. IMPACT ON FUNDING**

Funding for this Contract will be from the Capital Program.

**III. ALTERNATIVES**

The use of a sealed bid process in which factors other than cost cannot be considered is not recommended as it does not provide a means to evaluate different technical matters or to consider or negotiate alternative proposals to achieve the overall best value to the MTA.

Schedule G Miscellaneous Service Contracts

<b>Item Number</b> 2					
<b>Dept &amp; Dept Head Name:</b> Program Controls, Ray Schaeffer,					
<b>Division and Division Head Name:</b> Quality Division, Ehambaran Sundaresan					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	MNR and LIRR Joint Committee	6/19/17	X		
2	Board	6/21/17	X		
Internal Approvals					
Order	Approval	Order	Approval		
2	Sr. Vice President & General Counsel	4	President		
1	Chief Procurement Officer	3	Executive Vice President		

SUMMARY INFORMATION	
<b>Vendor Names</b> Various	<b>Contract Number</b> PS851A – PS851D
<b>Description</b> Independent Testing and Laboratory Services on an As-Needed Basis	
<b>Total Amount</b> Not To Exceed \$ 3,000,000 (Aggregate)	
<b>Contract Term</b> Five Years	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<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 checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**I. PURPOSE/RECOMMENDATION:**

Pursuant to Article X (B) of the All Agency Service Contract Procurement Guidelines, MTACC requests Board approval to award competitively solicited and negotiated Contracts PS851A through PS851D to provide independent testing and laboratory services for an amount not to exceed \$3,000,000 (aggregate) and a term of five years to the following firms:

1. Distinct Engineering Solutions, Inc. P.C.
2. HAKS Construction Management Land Surveying
3. MT Group
4. Tectonic Engineering & Surveying Consultants, P.C.

**II. DISCUSSION:**

MTACC requires independent testing and laboratory services to support MTACC construction projects on an as-needed basis. The required services include testing such as field density tests, proctor tests, gradation tests, ultrasonic tests and compressive strengths tests and inspections such as batch plant inspections, and American Welding Society (AWS) and American Society of Non-Destructive Testing (ASNT) certified inspections. MTACC requests Board approval to enter into four such contracts in order to increase the available resources that will be available. MTACC intends to issue "Task Orders" against the base contracts based upon identified needs. The Task Orders will be either competitively solicited, rotated among the pool of consultants, or awarded based on particular skills, resources and requirements as determined by MTACC's Chief Procurement Officer.

The Request for Proposal was advertised on March 14, 2016. The advertisement appeared in the New York State Contract Reporter, the New York Post, Engineering News-Record, Minority Commerce Weekly and on the MTA Website. A total of five firms requested the RFP documents and on April 29, 2016 proposals were received from the following firms:

Schedule G Miscellaneous Service Contracts

Item No. 2

1. Distinct Engineering Solutions, Inc. P.C.
2. Haider Engineering P.C.
3. HAKS Construction Management Land Surveying
4. MT Group
5. Tectonic Engineering & Surveying Consultants, P.C.

The Selection Committee for this Contract consisted of representatives from MTACC's Procurement Division and Program Controls Department. The selection committee evaluated the technical proposals against the following criteria:

1. Testing Capabilities
2. Experience
3. Plan of Approach
4. Past Performance
5. DBE Participation
6. Current Work Load

After evaluating and then scoring the technical evaluations, the Selection Committee determined that the proposals received from four of the five firms were within the competitive range. They are:

1. Distinct Engineering Solutions, Inc. P.C.
2. HAKS Construction Management Land Surveying
3. MT Group
4. Tectonic Engineering & Surveying Consultants, P.C.

The selection committee only opened the costs proposals of the four entities in the competitive range and negotiations were held with all four firms as to their various rates. Upon completion of negotiations the cost proposals were evaluated and the selection committee determined that the rates of all four entities are fair and reasonable and that MTACC should enter into contracts with all four. The total award will be for an aggregate not-to-exceed amount of \$3,000,000

In connection with a previous contract awarded to HAKS Construction Management Land Surveying, the company 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 December 2016. No new SAI has been found relating to HAKS. In connection with the review of the other three entities, no significant adverse information was found and they were all found to be responsible.

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

This Contract is federally funded and is therefore covered by the regulation promulgated by the U.S Department of Transportation at 49 CFR Part 26. The Department of Diversity and Civil Rights (DDCR) reviewed the requirements of the Contract and after undertaking a thorough analysis determined a goal of 17% for this contract due to the nature of the work and the availability of DBE contractors able to perform the work.

Each firm submitted a DBE Utilization Plan indicating they will meet the 17% DBE goal on the Contract. DDCR has reviewed and approved all four DBE Utilization Plans.

None of the firms have experience with MTA contracts with D/M/WBE so no evaluation can be made on their performance in meeting D/M/WBE goals. Please note, however, that HAKS Construction Management Land Surveying is a certified DBE and MBE firm.

**IV. IMPACT ON FUNDING:**

Funding is available in the Capital Program and a portion of which will come from the Federal Transit Administration (FTA).

**V. ALTERNATIVES:**

MTACC does not have the resources or facilities to provide these types of services. The four selected firms have the experience, capabilities and facilities to perform this work.

June 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)**

- |    |   |            |                               |
|----|---|------------|-------------------------------|
| 3. | Tutor Perini Corporation<br>Contract No. CH057<br>Modification No. 24 | \$ 970,558 | <u>Staff Summary Attached</u> |
|----|---|------------|-------------------------------|

In accordance with Article VIII of the All-Agency General Contract Guidelines, MTACC is requesting the Board ratify a modification to the contract to furnish and install remote panels and to furnish additional materials to support control of certain Long Island Railroad track switches and signals from Jamaica Control Center.

**Item Number: 3**

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corporation (New Rochelle, NY)	<b>Contract Number</b> CH057	<b>AWO/Modification #</b> 24
<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>	\$ 6,518,586
<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>	\$ 68,551,172
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>This Request</b>	\$ 970,558
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	1.4%
<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>	14%

**Discussion:**

This Contract is for the 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 catenary structures, track work, sewers, and electrical and communication utilities. In accordance with Article VIII of the All-Agency General Contract Guidelines, MTACC is requesting the Board ratify a modification to the contract to furnish and install remote panels and to furnish additional materials to support control of certain Long Island Railroad track switches and signals from Jamaica Control Center.

As presented in previous contract modifications, the separation of Long Island Railroad and Amtrak signal power was a change to the original East Side Access design and the subject of an errors and omissions claim against the designer. As a result of the change in design, the work required to achieve signal power separation and the associated work related to control of track switches and signals in the Harold Interlocking has been added to various East Side Access contracts by modifications. This modification will require the Contractor to install the remote panels that will allow for control of certain Long Island Railroad track switches and signals from the Jamaica Control Center. In addition, under this modification, the Contractor will furnish disconnect switches, conduit, cable and other necessary equipment and material to connect the signal infrastructure to be installed by Long Island Railroad forces.

The Contractor submitted a cost proposal of \$1,065,660 while the MTACC project estimate was \$952,227. Negotiations were held on April 12, 2017, and both parties agreed to a cost of \$970,558, which is considered fair and reasonable.

In order to complete this added work without delay to the Substantial Completion date for this Contract, the MTACC President signed a Retroactive Authorization Memorandum and on May 9, 2017, the Contractor was directed to proceed with the work for the agreed upon price of \$970,558.

In connection with a previous contract awarded to Tutor Perini Corporation (TPC), TPC 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 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 was has been found to be responsible.



# Bridges and Tunnels

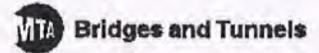
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## Procurements June 2017



# 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> 06/02/2017
<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	06/02/2017	<i>[Signature]</i>		
2	MTA B&T Committee	06/19/2017	<i>[Signature]</i>		
3	MTA Board	06/21/2017			

Internal Approvals			
Order	Approval	Order	Approval
	President		VP Operations
	Executive Vice President	<i>[Signature]</i>	VP & Chief Engineer
	SVP & General Counsel		VP & Chief Procurement Officer <i>BB</i>
	VP & Chief Financial Officer	<i>[Signature]</i>	

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

**PURPOSE:**

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

**DISCUSSION:**

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

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

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule E: Miscellaneous Procurement Contracts	1	\$ 3.567M
Schedule F: Personal Service Contracts	1	\$ 1.368M
Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts	1	\$ 2.000M
Schedule I: Modifications to Purchase and Public Works Contracts	5	\$ 33.102M
<b>SUBTOTAL</b>	<b>8</b>	<b>\$ 40.037M</b>

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

<b>TOTAL</b>	<b>8</b>	<b>\$ 40.037M</b>
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**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**  
**JUNE 2017**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

**E: Miscellaneous Procurement Contracts**

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

- |                                 |                        |                                      |
|---------------------------------|------------------------|--------------------------------------|
| <b>1. Vaisala, Inc.</b>         | <b>\$ 3,566,609.00</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. 16-MNT-2956</b> |                        |                                      |

6 yrs, Competitive RFP

B&T is seeking Board approval in accordance with the All Agency General Contract Procurement Guidelines to award a competitively solicited miscellaneous procurement contract in order to Design, Upgrade and Maintain a Roadway Weather Information System (RWIS).

**F: Personal Service Contracts**

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

- |   |                        |                                      |
|---|------------------------|--------------------------------------|
| <b>1. Ammann &amp; Whitney / Parsons JV</b> | <b>\$ 1,367,570.00</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. PSC-16-2999</b>             |                        |                                      |

5 yrs, 6 mo. 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 Design and Construction Support Services for RK-20 Main Bridge Cable Inspection and Rehabilitation at the Robert F. Kennedy Bridge (RFK).

**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)

- |   |                        |                                      |
|---|------------------------|--------------------------------------|
| <b>1. Jacobs Civil Consultants, Inc.</b>                      |                        |                                      |
| <b>Atkins, P.A. d/b/a Atkins Architecture and Engineering</b> | <b>\$ 2,000,000.00</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract Nos. PSC-13-2941A</b>                             |                        |                                      |
| <b>PSC-13-2941B</b>   |                        |                                      |

3 yrs, 2 mo. Contract- Competitive RFP

B&T is seeking Board Approval in accordance the All Agency Service Contract Procurement Guidelines to amend the personal service contracts in order to provide additional support and technical consulting services in toll collection and toll violation enforcement at all of the Authority's facilities.

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 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)

1. **Tully Construction Co., Inc.** **\$ 11,531,318.00** **Staff Summary Attached**  
**Contract No. BB-28S**

3 yrs, 3mo. Contract- Competitive RFP

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public work contract, Contract BB-28S, with Tully Construction Co., Inc. (Tully) to: furnish and install electrical and LED lighting upgrades at the Manhattan and Brooklyn Plazas to modernize the plazas and coordinate with the new Open Road Tolling (ORT) gantries and furnish and install additional fire standpipe insulation.

2. **Judlau Contracting, Inc.** **\$ 9,800,000.00** **Staff Summary Attached**  
**Contract No. QM-40S**

3 yrs. 2 mo Contract- Competitive RFP

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend public work contract to fabricate, furnish and install architectural enhancements that include tower structures to modernize the plazas and coordinate with the new Open Road Tolling (ORT) gantries; and provide paving services.

3. **Kiska Construction, Inc.** **\$ 6,479,010.06** **Staff Summary Attached**  
**Contract No. MP-03/MP 16**

2 yrs. 11 mo Contract- Competitive Bid

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend public work contract for long lead time LED lighting materials to modernize the plazas' appearances, including the new towers to coordinate with the Open Road Tolling (ORT) gantries and related equipment for the Marine Parkway-Gil Hodges Memorial Bridge (MPB) and Cross Bay Veterans Memorial Bridge (CBB) and to purchase two (2) transformers for the rehabilitation of the MPB lift span.

4. **DeFoe Corp.** **\$ 3,665,502.00** **Staff Summary Attached**  
**Contract No. RK-23A**

2 yrs., 11 mo. Contract- Competitive Bid

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public works contract to install foundations, paint gantry pipes, fiber optic integration and fabricate, furnish and install tower structures as architectural enhancements of the Open Road Tolling (ORT) gantries at the Manhattan Plaza of the RFK Bridge.

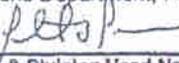
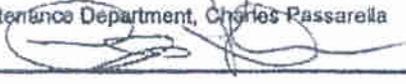
**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JUNE 2017**

5. **Selex ES, Inc. (d/b/a ELSAG North America)**      **\$ 1,626,235.00**      **Staff Summary Attached**  
**Contract No. PO 3000002520**

4 yrs, 11 mo. Contract- Competitive Ride NYSOGS

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a purchase contract to continue the procurement of Selex's proprietary advanced License Plate Recognition System (LPRS) to strengthen safety, security and law enforcement efforts in accordance with the terms and conditions of the New York State Office of General Services (NYSOGS) Contract PC66814.

# Staff Summary

Item Number 1 (Final)					
Dept & Dept Head Name: Operations Department, Patrick Parisi 					
Division & Division Head Name: Maintenance Department, Charles Passarella 					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President				
2	MTA B&T Committee				
3	MTA Board				
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Maintenance Officer 	4	Chief Procurement Officer		
2	VP & Chief Financial Officer 	5	Executive Vice President 		
3	VP & General Counsel	6	President 		

<b>SUMMARY INFORMATION</b>	
Vendor Name Vaisala, Inc.	Contract Number 16-MNT-2956
Description Design, Upgrade and Maintain Roadway Weather Information System (RWIS)	
Total Amount \$3,566,609	
Contract Term (Including Options, If any) Six (6) years	
Option(s) included in Total Amount? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input checked="" 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 in accordance with the All-Agency Procurement Guidelines to award a competitively solicited miscellaneous procurement contract, Contract 16-MNT-2956 to Vaisala, Inc., located at 194 South Taylor Avenue, Louisville, CO 80027 to Design, Upgrade and Maintain a Roadway Weather Information System (RWIS) in the amount of \$3,566,609 over a period of six (6) years.

**II. DISCUSSION**

B&T requires the services of an experienced firm to upgrade and modify the existing Weather Recording System equipment located at the Verrazano-Narrows, Robert F. Kennedy (Manhattan, Bronx & Queens spans), Bronx-Whitestone, Throgs Neck, Henry Hudson, Cross Bay and Marine Park Bridges. The RWIS helps to ensure customer safety by providing information on the type and amounts of precipitation, wind speed and temperature to enable real-time evaluation of roadway conditions. Operations personnel use the system to monitor weather conditions and maintain safe roadways. The RWIS system is essential to the Authority's efforts to meet its critically important customer and employee safety goals.

The requirements were publicly advertised. Eight hundred and seventeen (817) firms were sent letters. Nine (9) firms requested a copy of the solicitation and proposals were received from one (1) firm Vaisala, Inc. After review, the selection

After review, the selection committee deemed the proposal technically sufficient and recommended that the Authority conduct negotiations with Vaisala. Vaisala demonstrated that their firm possess a significant level of experience and knowledge on the RWIS system and is the incumbent contractor for the existing RWIS system at TBTA and has always performed satisfactorily.

The Authority conducted a market survey to ascertain the limited response from the marketplace. Vendors requesting the RFP were contacted and questioned. The survey disclosed two main reasons: (i) the number of firms that perform this type of RWIS work is limited and (ii) most firms that showed an interest in the project only wanted to perform the design work. Visalia, was the only firm that expressed interest in performing the design, installation and maintenance of the system. It also noted that Visalia's has contracts with Port Authority of NYNJ, South Jersey Transportation Authority and New Jersey DOT for RWIS systems. Therefore, the Authority sees no benefits to resolicit the RFP.

Vaisala submitted a proposal in the amount of \$3,566,609. The project manager's estimate is \$3,349,861. The proposal is 6.08% above the estimate and is considered to be fair and reasonable. The contract contains two two-year options that may be exercised and funded at a later time.

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

The MTA DDCR has established M/WBE goals of 0% and 0%, respectively, for the contract due to insufficient availability of M/WBE firms in the marketplace.

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

Funding in the amount of \$2,728,841 is available in the Capital Budget under D603AW35.

Funding in the amount of \$837,768 is available in the Operating Budget under GL #713131.

### **V. ALTERNATIVES**

There are no recommended alternatives. The Authority does not possess the resources required to perform these services.

# Staff Summary

Item Number 2 (Final)					
Dept & Dept Head Name: Engineering & Construction, Joe Keane P.E. <i>Joe Keane</i>					
Division & Division Head Name: Engineering & Construction, Walter Hickey, P.E.					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	6/2/17	<i>W</i>		
2	MTA B&T Committee	6/19/17			
3	MTA Board	6/21/17			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>Sub for mc</i>	4	Chief of Staff		
2	General Counsel <i>mmt</i>	5	Executive Vice President <i>AP</i>		
3	Chief Procurement Officer <i>BB</i>	6	President <i>W</i>		

SUMMARY INFORMATION	
Vendor Name Ammann & Whitney / Parsons JV	Contract Number PSC-16-2999
Description Design and Construction Support Services for RK-20 Main Bridge Cable Inspection and Rehabilitation at the Robert F. Kennedy Bridge	
Total Amount \$1,367,570.00	
Contract Term (including Options, if any) Five (5) Years, 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**

**PURPOSE/RECOMMENDATION**

B&T is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award a personal service contract to provide Design and Construction Support Services for RK-20 Main Bridge Cable Inspection and Rehabilitation at the Robert F. Kennedy Bridge (RFK) to Ammann & Whitney / Parsons JV (AWPJV) in the agreed upon amount of \$1,367,570.00 for a duration of five (5) years, six (6) months.

**DISCUSSION**

B&T requires the services of an engineering consultant to provide design and construction support services for RK-20 Main Bridge Cable Inspection and Rehabilitation at the RFK Bridge. The Contract requires the Consultant to inspect, select and test main cable wires to determine the condition and strength of the bridge main cable wires in accordance with the industry guidelines. The consultant will prepare plans and specifications for the in-depth inspections; provide field services and laboratory testing of cable wire specimens; perform analysis and modeling to determine the cable wires strength and condition and prepare a final report.

The service requirements were publicly advertised and three (3) firms submitted qualification information. All three (3) firms were chosen to receive the Request For Proposal (RFP) based on a review of their qualifications and the three (3) firms submitted proposals: AWPJV \$1,399,321.00; AECOM USA, Inc. \$964,685.00; and Modjeski and Masters, Inc. \$1,160,016.98. 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 unanimously selected AWPJV based on: (a) demonstrated extensive experience with cable

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## Staff Summary

inspection and strength evaluation projects; (b) AWPJV provided an in-depth description of their technical approach during the oral presentations which demonstrated their superior understanding of the project and the related issues; (c) this JV team recommended specific modifications to the current industry guideline (NCHRP 534) to more accurately assess and model the existing cable condition and evaluate the cable strength; (d) their highly qualified team of engineers and inspectors has better knowledge and understanding of the site specific live load on the RFK bridge that would be critical for an accurate determination of the strength of the main cable.

AWPJV submitted a cost proposal in the amount of \$1,399,321.00. The Engineer's estimate is \$2,190,000.00. Negotiations resulted in B&T and AWPJV agreeing to a cost totaling \$1,367,570.00, which is 38% below the estimate and is considered fair and reasonable. AWPJV is considered to be a responsible consultant. All three proposing firms—AWPJV, AECOM USA, Inc. (AECOM) and Modjeski & Masters, Inc. provided cost proposals based on their understanding of the scope of work, past experience, and offered their best and competitive prices. However, AWPJV's proposed manhours most realistically reflect the anticipated level of effort needed to complete the main cable inspection and cable strength modeling tasks.

In connection with a previous contract awarded to the Louis Berger Group, Inc. (LBG), LBG was found to be responsible not withstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and Chief Executive Officer on November 12, 2015 in consultation with the MTA General Counsel. On May 23, 2017, the Authority was notified that Ammann & Whitney Consulting Engineers, Inc. (A&W) would be integrated into Louis Berger U.S., which is a member of the LBG family of corporations. As a result, the significant adverse information which related to LBG was now identified as applying to A&W and therefore constituted new significant adverse information for A&W. A&W was found to be responsible notwithstanding such new significant adverse information and the award of the Contract is subject to the approval of such responsibility finding by the Interim Executive Director in consultation with the Acting MTA General Counsel.

### **D/M/WBE INFORMATION**

MTA Department of Diversity and Civil Rights have assigned goals of 15% MBE and 15% WBE on this contract. Ammann and Whitney and Parsons Transportation Group have achieved their M/WDBE goals on recent substantially completed MTA Contracts.

### **IMPACT ON FUNDING**

Funding is available in the 2015-2019 Capital Program under D701RK-20, Task #D03608 in the amount of \$1,367,570.

### **ALTERNATIVES**

There are no recommended alternatives. B&T does not have the resources needed to perform these services.

**Schedule H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts**
**Item Number: 3 (Final)**

<b>Vendor Name (&amp; Location)</b> Jacobs Civil Consultants, Inc. Atkins, P.A. dba Atkins Architecture and Engineering		<b>Contract Number</b> PSC-13-2941A, PSC-13-2941B	<b>AWO/Modification</b>
<b>Description</b> Miscellaneous Toll Collection Consultant Support Services On An As-Needed Basis		<b>Original Amount:</b>	\$3,000,000
<b>Contract Term (including Options, if any)</b> September 30, 2013 – November 30, 2016		<b>Prior Modifications:</b>	\$0.00
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input 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>	\$3,000,000
<b>Solicitation Type</b>	<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$2,000,000
<b>Funding Source</b>		<b>% of This Request to Current Amount:</b>	60%
<input checked="" 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>	60%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Operations Dept., Toll System Maintenance Div., Patrick Parisi			

**Discussion**

B&T is seeking Board Approval in accordance the All-Agency Guidelines for Procurement of Services to amend a personal service Contract No.'s PSC-13-2941A with Jacobs Civil Consultants, Inc. (JCCI) and PSC-13-2941B with Atkins, P.A. dba Atkins Architecture and Engineering (Atkins) for additional work in the not-to exceed amount of \$2,000,000 to provide support and technical consulting services in toll collection and toll violation enforcement at all of the Authority's facilities. The contracts were competitively awarded to Jacobs in December 2014 and to Atkins in June 2014 for duration of four (4) years to provide support services for Toll Collection at all B&T facilities.

The Consulting Services under this project include various tasks designed to (i) ensure that the Authority's toll collection and violation enforcement systems are robust, accurate, reliable and maintainable, (ii) develop plans to improve, modernize, and replace toll system components when necessary, (iii) assist in the development of toll marketing strategies based on toll technology information, and (iv) study and propose means and methods to protect privacy and comply with all applicable laws and regulations.

When this Contract was first formulated, it included support services for the implementation of Open Road Tolling (ORT) at the Henry Hudson Bridge and All Electronic Tolling (AET) at the Cross Bay and Marine Parkway Bridges. With the expansion of ORT to all Authority facilities as part of the New York Crossings initiative, there is a significant increase in support services needed to protect B&T's revenue stream. To address this need, an additional amount not to exceed \$2,000,000 is required to enable JCCI and Atkins to continue to support B&T's ORT implementation for the Robert F. Kennedy Bridge, Verrazano Narrows Bridge, Bronx-Whitestone Bridge, and Throgs Neck Bridge. Work will be performed on an as-needed basis at the competitively procured rates. Funds are available under the 2015-2019 Capital Program, project D703AW63.

In connection with previous contracts awarded to the JCCI and Atkins. JCCI 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 on May 19, 2013. In addition, Atkins 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 on February 1, 2016. No new SAI has been found related to either consultants and both have been found responsible.

**Schedule I: Modifications to Purchase and Public Works Contracts**
**Item Number: 4 (Final)**

<b>Vendor Name (&amp; Location)</b> Tully Construction Co., Inc., Flushing, New York	<b>Contract Number</b> BB-28S	<b>AWO/Modification #</b>
<b>Description</b> Sandy Restoration and Project BB-28/BB-54, Rehabilitation of the Tunnel and Brooklyn Plaza at the Hugh L. Carey Tunnel	<b>Original Amount:</b>	\$282,454,276.12
<b>Contract Term (including Options, if any)</b> December 12, 2014 – March 31, 2018	<b>Prior Modifications:</b>	\$42,943,836.91
<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>	\$320,650,325.03
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$11,531,318.00
<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>	3.6%
<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>	17.6%

**Discussion:**  
B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public work contract, Contract BB-28S, with Tully Construction Co., Inc. (Tully) to: furnish and install electrical and LED lighting upgrades to modernize the Manhattan and Brooklyn Plazas in coordination with the new Open Road Tolling (ORT) gantries and furnish and install additional tunnel fire standpipe insulation in the negotiated amount totaling \$11,531,318, which includes the ratification of funding in the amount totaling \$2,750,000.

The Contract was awarded to Tully in December 2014 in the amount of \$282,454,276.12 subsequent to a competitive RFP process and Board approval. The Scope of Work required to restore the Hugh L. Carey Tunnel (HCT) to a pre-storm state of good repair includes system replacements as follows: tunnel pumping; electrical; lighting; communications, monitoring and control systems; tunnel structural and civil repairs; tunnel wall tile, ceiling panels, polymer panels, curbs and gutters; and tunnel ventilation building rehabilitation as well as asbestos and incidental lead abatement; and maintenance and protection of traffic. Also, Capital Program Projects BB-28, Ph. II and BB-54 scopes include fire line replacements and rehabilitation of the Brooklyn Plaza. To date, prior modifications totaling \$42,943,836.91 have been approved, inclusive of ORT related amendments totaling \$14,721,722.82. B&T is accelerating the substantial completion of the Project, which is currently scheduled for March 31, 2018.

As part of the New York Crossings initiative, B&T is embarking on full implementation of cashless all-electronic ORT at B&T facilities. The implementation required 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 were performed by others. Additionally, architectural enhancements that include foundations, tower structures, mesh, beacon light fixtures and LED lighting upgrades, which are complementary and integral to the plaza modernization and the ORT gantry system have commenced in order to complete the transformation of the B&T tunnel plazas. Similar improvements are being implemented at all other B&T facilities in order to modernize the toll plazas in concert with the delivery of ORT. The remaining work for related ORT and other toll plaza improvement initiatives is being finalized and shall be presented to the Board for approval in subsequent procurement actions.

In order to complete the modernization and architectural transformation of the Manhattan and Brooklyn Plazas, LED lighting and electrical power distribution upgrades have been initiated. The work includes power distribution upgrades to the Manhattan and Brooklyn Plazas, which includes underground civil construction work and the installation of LED lighting on the plaza walls, the newly installed towers and the ORT gantry. Tully submitted proposals in the amount totaling \$11,166,497.68, inclusive of additional civil construction and support activities. The estimates total \$8,853,841. Negotiations resulted in B&T and Tully agreeing to an amount totaling \$10,204,118 (inclusive of an allowance in the amount of \$1,500,000 for additional modifications and design revisions). The negotiated amount is considered fair and reasonable. The estimates did not completely account for the impacts associated with limited site access, the complexities of performing the tower and plaza wall electrical installations, and the work being performed during nights and continuously on weekends at premium time.

The quantity for Item 15085.1-Plumbing Piping Insulation has overrun its current quantity by 3,060 Linear Feet. The insulation is for the tunnel fire standpipe system to ensure certain areas are not susceptible to freezing conditions during the winter months. Tully submitted a proposal in the amount of \$1,548,874.97. The Engineer's estimate is \$721,919.04. Negotiations resulted in the Authority and Tully agreeing to an amount totaling \$1,327,200, which is considered fair and reasonable. The estimate did not account for the shop fabrication time required to form the stainless steel cladding material, sufficient plumbing support necessary for insulation demolition and removal and replacement of the standpipe clamps at the locations to be insulated.

The negotiated total amount of the amendment is \$11,531,318 and is considered fair and reasonable.

Funding for the tower and wall LED lighting and support in the amount of \$10,204,118 is available in the 2015 - 2019 Capital Program under Project D703HC63 Task D04012 (Gateway Towers). Funding for the additional piping insulation in the amount of \$1,137,250 is available in the 2010 – 2014 Capital Program under Project D602BB28, Task D02562.

## Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: 5 (Final)

<b>Vendor Name (&amp; Location)</b> Judlau Contracting, Inc, College Point, New York	<b>Contract Number</b> QM-40S	<b>AWO/Modification #</b>
<b>Description</b> Sandy Restoration and Mitigation and Projects QM-40/QM-18, Rehabilitation of the Tunnel and Manhattan Exit Plaza at the Queens Midtown Tunnel	<b>Original Amount:</b>	\$236,500,000.00
<b>Contract Term (including Options, if any)</b> April 23, 2015 – July 9, 2018	<b>Prior Modifications:</b>	\$39,512,696.73
<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>	\$ 276,012,696.73
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$9,800,000.00
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>% of This Request to Current Amount:</b>	3.6%
<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>	20.9%

### Discussion:

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend public work Contract QM-40S with Judlau Contracting, Inc. (Judlau) to fabricate, furnish and install architectural enhancements that include tower structures to modernize the plazas and coordinate with the new Open Road Tolling (ORT) gantries; and provide paving services in the negotiated amount totaling \$9,800,000, which includes the ratification of funding in the amount totaling \$2,400,000.

The Contract was awarded to Judlau in April 2015 in the amount of \$236,500,000 (inclusive of incentives totaling \$6,460,000) subsequent to a competitive RFP process and Board approval. The Scope of Work required the contractor to restore the Queens Midtown Tunnel (QMT) to a pre-storm state of good repair including system replacements as follows: tunnel electrical; lighting; communications; monitoring and control systems; mid-river pump room; tunnel structural and civil repairs; tunnel wall tile; ceiling panels; polymer panels; catwalk, curbs and gutters; and tunnel ventilation building rehabilitation as well as asbestos and incidental lead abatement and maintenance and protection of traffic. Additionally Project QM-18 includes the rehabilitation of the Manhattan Exit Plaza. To date, prior modifications totaling \$39,512,696.73 have been approved, inclusive of ORT amendments totaling \$10,954,000. B&T is accelerating the substantial completion of the Project, which is now scheduled for July 9, 2018.

As part of the New York Crossings initiative, B&T is embarking on full implementation of cashless all-electronic ORT at B&T facilities. The implementation required 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 were performed by others. Additionally, architectural enhancements that include: foundations; tower structures; mesh; beacon light fixtures and LED lighting upgrades, which are complementary and integral to the plaza modernization and the ORT gantry system have commenced in order to complete the transformation of the B&T tunnel plazas. Similar improvements are being implemented at all other B&T facilities in order to modernize the toll plazas in concert with the delivery of ORT. The remaining work for related ORT and other toll plaza improvement initiatives are being finalized and shall be presented to the Board for approval in subsequent procurement actions.

The plaza modernization work included in this amendment is for the fabrication and installation of foundations, tower structures, mesh and installation of beacon light fixtures (provided by others); additionally milling and permanent paving for the Queens Plaza is included in this request. Judlau submitted proposals totaling \$11,280,000. The estimates total \$9,022,305.72. Negotiations resulted in B&T and Judlau agreeing to an amount totaling \$9,800,000 which includes allowances for \$2,500,000 for architectural enhancements as part for the tower structures and \$750,000 for utility relocation and restoration. The negotiated amount is 8.6% above the estimate and is considered fair and reasonable based on the accelerated completion schedule and risks associated with performing the Work in an expedited manner. In order to meet the expedited schedule for this work, B&T authorized Judlau to commence the work and B&T seeking ratification in the amount of \$2,400,000.

The funding for this work in the amount of \$7,900,000 is available in the 2015-2019 Capital Program, under Project D703QM63, Task D04015 (Gateway Towers) and \$1,900,000 under Major Maintenance Project R701QM40, Task R03052.

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

## Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: 6 (Final)

<b>Vendor Name (&amp; Location)</b> Kiska Construction, Inc., Long Island City, New York	<b>Contract Number</b> MP-03/MP-16	<b>AWO/Modification #</b>
<b>Description</b> Electrical and Mechanical Rehabilitation, Friction Mitigation, Miscellaneous Steel Repairs, Painting and Fire Standpipe Installation at the Marine Parkway-Gil Hodges Memorial Bridge	<b>Original Amount:</b>	\$98,500,000.00
<b>Contract Term (including Options, if any)</b> December 11, 2015 – December 10, 2018	<b>Prior Modifications:</b>	\$18,968,199.74
<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>	\$117,468,199.74
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b> \$6,479,010.06 MPB-\$3,290,111.01 CBB-\$3,188,899.05	
<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>	5.5%
<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>	25.8%

### Discussion:

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend public work Contract MP-03/MP-16 with Kiska Construction, Inc. (Kiska) for long lead time LED lighting materials to modernize the plazas' appearances, including the new towers to coordinate with the Open Road Tolling (ORT) gantries and related equipment for the Marine Parkway-Gil Hodges Memorial Bridge (MPB) and Cross Bay Veterans Memorial Bridge (CBB) and to purchase two (2) transformers for the rehabilitation of the MPB lift span. The amendment is in the agreed amount totaling \$6,479,010.06, which includes the ratification of funding in the amount totaling \$2,250,000.

The Contract was awarded to Kiska in December 2015 in the amount of \$98,500,000 subsequent to competitive bidding with a duration of three (3) years. The Scope of Work requires the following: replacement of lift span motors and drives, PLCs, droop cables and barrier gates; other lift span electrical upgrades; mechanical replacements and upgrades for the machinery room; installation of new auxiliary counterweight ropes; installation of new fire line system and hydrants; architectural upgrades and repairs; various structural steel and grid deck repairs; furnish and install structural health monitoring system; rope socket enhancements; abatement of asbestos and lead containing materials; painting; and maintenance and protection of traffic. Four amendments totaling \$18,968,199.74 have been issued, inclusive of \$17,795,000 for phased ORT, civil, structural, electrical and toll booth demolition work at the MPB and CBB.

As part of the New York Crossings initiative, B&T is embarking on full implementation of cashless all-electronic ORT at B&T facilities. The implementation required 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 were performed by others. Additionally, architectural enhancements that include foundations, tower structures, mesh, beacon light fixtures and LED lighting upgrades, which are complementary and integral to the plaza modernization and the ORT gantry system have commenced in order to complete the transformation of the B&T bridge plazas. Similar improvements are being implemented at all other B&T facilities in order to modernize the toll plazas in concert with the delivery of ORT. The remaining work for related ORT and other toll plaza improvement initiatives is being finalized and shall be presented to the Board for approval in subsequent procurement actions.

Long lead time LED electrical and architectural materials to modernize the plazas and for the new towers at the MPB and CBB require the expedited placement of material orders and deposits to ensure timely delivery in order to meet the installation schedules. This request includes the procurement of two new transformers required for the lift span rehabilitation at the MPB. Kiska submitted a proposals and quotations in the amount of \$4,479,010.06. The Engineering estimates is \$4,580,790.99. Negotiations resulted in B&T accepting Kiska's proposals totaling \$4,479,010.06, which is 2.2% below the estimate and is fair and reasonable. Additionally, B&T is requesting an allowance of \$2,000,000 (\$1,000,000 per facility) to commence tower and related LED lighting electrical installations. The total amendment amount is \$6,479,010.06.

Funding in the amount of \$6,479,010.06 is available in the 2015-2019 Capital Program under Projects D703/MP63/D04024 (\$3,188,890.04), Project D703/CB63/D04027 (3,188,890.05) and Project D604/MP03/D03310 (\$101,211.97).

(rev. 3/16/07)

**Schedule I: Modifications to Purchase and Public Works Contracts**
**Item Number: 7 (Final)**

<b>Vendor Name (&amp; Location)</b> DeFoe Corp., Mount Vernon, NY	<b>Contract Number</b> RK-23A	<b>AWO/Modification</b>
<b>Description</b> Reconstruction and Rehabilitation of the 125 <sup>th</sup> Street Manhattan Approach Ramps to the RFK Bridge	<b>Original Amount:</b>	\$68,300,000.70
<b>Contract Term (including Options, if any)</b> December 22, 2014 – December 21, 2017	<b>Prior Modifications:</b>	\$31,618,556.83
<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</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$99,918,557.53
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$3,665,502.00
<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>	3.7%
<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>	51.7%

**Discussion:**

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public works contract, Contract RK-23A, with DeFoe Corp. (DeFoe) to: install foundations, paint gantry pipes, fiber optic integration and fabricate, furnish and install tower structures as architectural enhancements of the Open Road Tolling (ORT) gantries at the Manhattan Plaza of the RFK Bridge in the negotiated amount of \$3,665,502.00.

The Contract was awarded to DeFoe in December 2014 in the amount of \$68,300,000.70 (inclusive of an incentive totaling \$1,165,440.00) subsequent to a competitive sealed bid process. The Scope of Work required replacing the on and off-bound ramps from 125<sup>th</sup> Street in Manhattan to the RFK Bridge, inclusive of maintenance and protection of traffic and incidental lead abatement. Previous amendments totaling \$31,618,556.83 have been issued for changed field conditions, the construction phase for ORT implementation and extension of the ORT gantries across both travel directions for future two-way tolling operation, associated strengthening of the steel superstructure to support the wider gantry and roadway restoration at the Manhattan approach to the RFK Harlem River Lift Span Bridge.

As part of the New York Crossings initiative B&T is embarking on full implementation of cashless all-electronic ORT at B&T facilities which requires necessary civil, structural and electrical infrastructure construction work that will enable the installation of E-ZPass tag readers and cameras, to be installed under a separate contract along with related software and integration services. In addition, portions of the steel reinforced concrete roadway are being replaced to avoid interferences with ORT functionality and to maintain the roadway in a state of good repair. In addition toll booths will be demolished in order to move to a fully open road tolling environment. Architectural enhancements at the RFK will include towers at the gantry legs and architectural mesh installed above the gantries that are intended to enhance the appearance of the ORT gantry system. Similar improvements are being implemented at all other B&T facilities in order to modernize the toll plazas in concert with the delivery of ORT.

This proposed Amendment is for:

- (i) The Manhattan Plaza architectural work including fabrication and installation of tower structures, painting of ORT gantry pipes and fiber optic integration at the Manhattan approach to the RFK. The remaining work for the Manhattan ORT is currently in design development, will include electrical and other related two-way tolling operation work and will be submitted to the Board for approval in future procurement action(s). DeFoe submitted proposals totaling \$2,438,670 for these ORT enhancements. Negotiations resulted in B&T and DeFoe agreeing to the negotiated amount totaling \$2,400,000, which is 0.66% above the Engineer's estimate of \$2,384,250 and is fair and reasonable.

(ii) Foundations and anchors for the architectural enhancements required for the Bronx Plaza installation. This work requires: installation of thirty mini caissons, removal and re-installation of existing retaining wall, core drilling the existing sidewalk slab and installation of rock anchors. In order to meet the current schedule for completion of this work verbal authorization was given on May 9, 2017 in the amount of \$500,000 for DeFoe to begin preliminary foundation work. DeFoe submitted proposals totaling \$1,424,500. Discussions resulted in B&T and DeFoe agreeing to the negotiated amount totaling \$1,265,502, 7.1% above the Engineer's estimate of \$1,181,168.24. The estimates did not account for work being performed during nights and continuously on weekends at premium time, which increased the pricing for the installation and construction work.

The negotiated total amount of the amendment is \$3,665,502.00 and is considered fair and reasonable.

Funding for the proposed amendment is available under the 2015-2019 Capital Program for ORT architectural work at the Manhattan approach to the RFK in the amount of \$2,400,000.00 (Project D703/RK63/D04018) and for the civil work at the Bronx plaza in the amount of \$1,265,502 (Project D703/RK63/D040074).

**Schedule I: Modifications to Purchase and Public Works Contracts**
**Item Number: 8 (Final)**

<b>Vendor Name (&amp; Location)</b> Selex ES, Inc. (dba ELSAG North America) (Greensboro, NC)	<b>Contract Number</b> PO 3000002520	<b>AWO/Modification #</b> 1
<b>Description</b> ELSAG License Plate Recognition System	<b>Original Amount:</b>	\$3,738,545.00
<b>Contract Term (including Options, if any)</b> October 28, 2016 – October 27, 2021	<b>Prior Modifications:</b>	\$0.00
<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>	\$3,738,545.00
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Ride NYSOGS	<b>This Request:</b>	\$1,626,235.00
<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%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Internal Security, Donald Look	<b>% of Modifications (including This Request) to Original Amount:</b>	44%

**Discussion:**

B&T is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a purchase contract PO 3000002520 with Selex ES, Inc. - dba ELSAG North America – (Selex) to continue the procurement of Selex's proprietary advanced License Plate Recognition System (LPRS) to strengthen safety, security and law enforcement efforts in the amount of \$1,626,235 in accordance with the terms and conditions of the New York State Office of General Services (NYSOGS) Contract PC66814.

The contract was awarded to Selex in October 2016 for acquiring a license plate recognition system which includes: cameras, hardware, software and other auxiliary equipment together with configuration/installation, testing, training and maintenance in the amount of \$3,738,545. The LPRS is deployed at B&T facilities on ORT gantries.

As part of the New York Crossings initiative, B&T is embarking on full implementation of cashless all-electronic ORT at B&T facilities. The implementation requires necessary civil, structural and electrical infrastructure construction work to install ORT gantries and the installation of E-ZPass tag readers, cameras, and system software and integration. Additionally safety, security and plaza modernization enhancement initiatives have commenced at B&T's bridge and tunnel facilities.

The proposed amendment for additional funding of \$1,626,235 is needed to cover unforeseen additional expenses as well as to accommodate for field conditions experienced during installation. The unforeseen additional expenses include: servers and equipment needed by MTAIT for the rapid implementation of the project; engineering and field support hours for customized reporting and other fine-tuning; customer integration work to supply law enforcement access to images and data from the TBTA License Plate Reader (LPR) System; and required licensing not allotted for in the first estimate. The additional field condition accommodations include: field cabling length changes in response to design reconfigurations and a \$500,000 contingency fund for changes resulting from architectural enhancements.

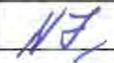
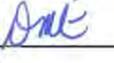
Selex's proposed cost is in accordance with NYSOGS discount of 35% off catalog/list price as well as an additional negotiated 10% discount for a total discount of 45%. The amount of \$1,626,235 inclusive of the \$500,000 contingency fund is considered fair and reasonable.

Funding is available under the Operating Budget GL#714220.

# Staff Summary

<b>Subject</b> MTA Comprehensive Transportation Plan—Truck Tolls
<b>Department</b> Finance
<b>Department Head Name</b> Robert E. Foran, Chief Financial Officer
<b>Department Head Signature</b> 

<b>Date</b> June 21, 2017
<b>Table of Contents Ref #</b>

Order	To	Board Action				Internal Approvals			
		Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Board.	6/21/17	X			1	Legal		
2						2	Chief of Staff		
3									

**PURPOSE:**

To adopt, in response to Amtrak’s emergency repair program at New York’s Penn Station during July and August 2017, the annexed resolution delegating authority to the MTA Interim Executive Director to take such actions as may be necessary or appropriate in connection with the reduction by 50 percent of the effective toll rates for trucks on Sunday through Thursday during the hours from 10 p.m. to 5 a.m. the following day on all bridge and tunnel facilities of the Triborough Bridge and Tunnel Authority (“TBTA”), provided that the TBTA, subject to such agreements with third parties as may be necessary, shall comply with outstanding agreements.

**DISCUSSION:**

In response to the anticipated service interruptions caused by Amtrak’s emergency repair work at New York’s Penn Station, which is scheduled to proceed during the period from July 10, 2017 to September 1, 2017 (the “Amtrak repair period”), the MTA and LIRR have developed a comprehensive transportation plan to minimize the impact on LIRR customers, including the potential for overcrowded conditions, and to mitigate the adverse impact on business and commerce and the New York State economy (the “Mitigation Plan”). The key elements of the Mitigation Plan include the provision of alternative transportation options, including bus and ferry service, and mitigation of an anticipated increase in traffic during the peak hours.

Accordingly, to reduce highway traffic during peak hours, the MTA will provide funding to TBTA so that, beginning Sunday July 9, 2017, the effective toll rates for trucks would be reduced by 50 percent on Sunday through Thursday during the hours from 10 p.m. to 5 a.m. the following day on all bridges and tunnels of TBTA during the Amtrak repair period, provided that the TBTA, subject to such agreements with third parties as may be necessary, shall comply with outstanding agreements (the “Truck Toll Reduction Program” or “Program”). Such third-party agreements would include the agreement by MTA to fund the Truck Toll Reduction Program.

The Truck Toll Reduction Program will be in effect during the Amtrak repair period on the Henry Hudson

Bridge, Bronx-Whitestone Bridge, Throgs Neck Bridge, Robert F. Kennedy Bridge, Queens-Midtown Tunnel, Hugh L. Carey Tunnel, Verrazano-Narrows Bridge, Marine Parkway-Gil Hodges Memorial Bridge, and Cross Bay Veterans Memorial Bridge. The Program may be earlier terminated in the discretion of the MTA if it is deemed to be unnecessary for the implementation of the Mitigation Plan.

Using MTA funds to implement the Truck Toll Reduction Program to mitigate the anticipated increase in traffic during peak hours will further the Mitigation Plan in a manner consistent with the MTA's mandate of providing a seamless transportation network for the region and the MTA's statutory purposes to develop and implement a unified transportation policy for the MTA transportation district. The Truck Toll Reduction Program would thereby facilitate regional mobility and travel to points beyond during the Amtrak repair period and support regional business and commerce and the New York State economy during this emergency.

## **FINANCIAL IMPACT:**

The Truck Toll Program would be funded by MTA funds. The projected cost to MTA cannot be determined with certainty until the Mitigation Plan is in effect. However, based on traffic information maintained by TBTA, it is estimated that such costs would not exceed \$10 million. Funding for the costs of the Truck Toll Reduction Program would come from available MTA funds that may be used for such purpose and such funds shall be remitted to the TBTA. In the event that MTA funds are not available or are depleted, the Truck Toll Reduction Program will not be implemented or will be discontinued and trucks traveling on TBTA facilities on Sunday through Thursday during the hours from 10 p.m. to 5 a.m. during the course of the Amtrak repair period will be charged the otherwise applicable toll. The MTA intends to seek reimbursement from Amtrak of all such funds expended on the Truck Toll Reduction Program.

## **RECOMMENDATION:**

It is recommended that the Board adopt the attached resolution authorizing the MTA Interim Executive Director, in consultation with the Acting President or newly appointed President of TBTA and other appropriate officers of the MTA and TBTA, to take such actions as she may deem necessary or appropriate in connection with the proposed Truck Toll Reduction Program, and to make such changes, alterations, modifications, and revisions to the procedures for implementing the Truck Toll Reduction Program as are not inconsistent with the resolution.

## RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY and TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY

WHEREAS, the Metropolitan Transportation Authority ("MTA") has a mandate of providing a seamless transportation network for the region and a statutory purpose to develop and implement a unified transportation policy for the metropolitan commuter transportation district (the "MCTD") served by the MTA's subsidiaries and affiliates; and

WHEREAS, in response to the anticipated service interruptions caused by the emergency repair program of the National Railroad Passenger Corporation ("Amtrak") at New York's Pennsylvania Station, which is scheduled to proceed during the period from July 10, 2017 to September 1, 2017 (the "Amtrak repair period"), the MTA and the Long Island Rail Road ("LIRR") have developed a comprehensive transportation plan to minimize the impact on LIRR customers, including the potential for overcrowded conditions, and to mitigate the adverse impact on regional business and commerce and the New York State economy during this emergency situation (the "Mitigation Plan"); and

WHEREAS, the key elements of the Mitigation Plan include the provision of alternative transportation options, including bus and ferry service, and mitigation of an anticipated increase in traffic during peak periods; and

WHEREAS, to reduce highway traffic during peak hours, the Mitigation Plan includes a proposal to provide MTA funding to the Triborough Bridge and Tunnel Authority ("TBTA") so that the effective toll rates for trucks would be reduced by 50 percent on Sunday through Thursday during the hours from 10 p.m. to 5 a.m. the following day during the Amtrak repair period on all bridges and tunnels of the TBTA, which include the Henry Hudson Bridge, Bronx-Whitestone Bridge, Throgs Neck Bridge, Robert F. Kennedy Bridge, Queens-Midtown Tunnel, Hugh L. Carey Tunnel, Verrazano-Narrows Bridge, Marine Parkway-Gil Hodges Memorial Bridge, and Cross Bay Veterans Memorial Bridge (the "Truck Toll Reduction Program"); and

WHEREAS, the MTA finds, determines and declares that the Truck Toll Program together with MTA funding to TBTA will allow implementation in a manner that would not materially or adversely affect the rights of TBTA bondholders and would help reduce highway traffic during peak hours by providing an incentive for trucks to travel at off-peak hours during the Amtrak repair period, thereby furthering the public interest in a unified and efficient mass transportation policy in the MCTD; and

WHEREAS, the MTA finds, determines and declares that the Truck Toll Reduction Program providing for an effective 50 percent reduction in the toll rates charged to trucks using TBTA facilities on Sunday through Monday from 10:00 p.m. to 5:00 a.m. during the Amtrak repair period, together with MTA funding to TBTA, will allow

implementation, in a manner that would not materially or adversely affect the rights of TBTA bondholders, by reducing such anticipated increase in traffic during peak hours, would facilitate regional mobility and travel to points beyond and support regional business and commerce and the New York State economy; and

WHEREAS, the MTA finds, determines and declares that the Truck Toll Reduction Program, as outlined in Exhibit A, for the foregoing reasons would be consistent with MTA's mandate of providing a seamless transportation network in the MCTD and the MTA's statutory purpose to develop and implement a unified mass transportation policy for the MCTD, provided that the TBTA, subject to such agreements with third parties as may be necessary, shall comply with outstanding agreements; and

WHEREAS, implementation and continuation of the Truck Toll Reduction Program would be dependent upon having sufficient funds to do so; and

WHEREAS, the MTA would seek reimbursement from Amtrak for any MTA funds expended on the Truck Toll Reduction Program;

NOW, THEREFORE BE IT RESOLVED, that:

1. In furtherance of MTA's mandate of providing a seamless transportation network for the region and MTA's statutory purpose to develop and implement a unified transportation policy, the Interim Executive Director of the MTA, in consultation with the Acting President or newly appointed President of the TBTA and other appropriate officers of the MTA and TBTA, is hereby delegated authority to take such actions as she may deem necessary or appropriate to implement the proposed Truck Toll Reduction Program substantially as described in Exhibit A, provided that the TBTA, subject to such agreements with third parties as may be necessary, shall comply with outstanding agreements;

2. Funding for the costs of the Truck Toll Reduction Program would come from available MTA funds that may be used for such purpose and such funds shall be remitted to the TBTA. In the event that appropriate MTA funds are not available or are depleted, the Truck Toll Reduction Program will not be implemented or will be discontinued and trucks traveling on TBTA facilities on Sunday through Thursday during the hours from 10 p.m. to 5 a.m. during the course of the Amtrak repair period, or any extension thereof, will be charged the otherwise applicable toll; and

3. The Interim Executive Director of the MTA, in consultation with the Acting President or newly appointed President of TBTA and other appropriate officers of the MTA and TBTA, is further authorized to extend the Truck Toll Reduction Program if deemed necessary to facilitate the Mitigation Plan in the event that Amtrak repair period is extended; and

4. The Interim Executive Director of the MTA, in consultation with the Acting President or newly appointed President of the TBTA and other appropriate officers of the

MTA and TBTA, is further authorized to make such changes, alterations, modifications, and revisions to the procedures for implementing the Truck Toll Reduction Program as are not inconsistent with this Resolution.

Date: June 21, 2017

## Exhibit A

Proposed Operating Elements of the Truck Toll Reduction Program, which is a key component of the MTA and LIRR's Comprehensive Transportation Plan (the "Mitigation Plan") to Minimize the Impacts of the Amtrak Emergency Repair Program at New York's Penn Station Between July 10, 2017 and September 1, 2017 (the "Amtrak repair period")

1. Under the Truck Toll Reduction Program, the MTA will provide funding to the Triborough Bridge and Tunnel Authority ("TBTA") so that the effective toll rates for trucks would be reduced by 50 percent on Sunday through Thursday during the hours from 10 p.m. to 5 a.m. the following day on all bridges and tunnels of TBTA during the Amtrak repair period, provided that the TBTA, subject to such agreements with third parties as may be necessary, shall comply with outstanding agreements.

2. Funding for the costs of the Truck Toll Reduction Program would come from appropriate MTA funds and such funds shall be remitted to the TBTA.

3. MTA would deposit monies to fund the Truck Toll Reduction Program prior to the start of the Truck Toll Reduction Program and such MTA funds would be drawn down as needed. In the event that the Amtrak repair period is extended and the MTA Interim Executive Director, in consultation with the Acting President or newly appointed President of TBTA and other appropriate officers of the MTA and TBTA, extends the duration of the Truck Toll Reduction Program for such extended Amtrak repair period, MTA would deposit with TBTA monies to fund the extended Truck Toll Reduction Program prior to the start of the extended Amtrak repair period.

3. At the beginning of the Truck Toll Reduction Program or of any extension thereof, TBTA would increase its liability for the Truck Toll Reduction Program by the amount transferred from the MTA. At least monthly, TBTA would draw down on the liability for the Truck Toll Reduction Program as needed based on the number of truck crossings during the period from 10 p.m. to 5 a.m. The draw down amount would be added to TBTA toll revenues. If, in the judgment of the TBTA during the course of the Truck Toll Reduction Program, such MTA funds were likely to be less than the amount of the reductions during the Amtrak repair period or any extension thereof, TBTA could request supplemental funds of MTA, but the provision of such funds would be subject to regular MTA budget procedures, including Board approval when required.

3. In the event that MTA funds are not available or are depleted and MTA funds are not on deposit with TBTA, at the time and in the amount necessary to effectuate the Truck Toll Reduction Program, the Truck Toll Reduction Program will not be implemented or will be discontinued and trucks traveling on TBTA facilities on Sunday through Thursday during the hours from 10 p.m. to 5 a.m. during the course of the Amtrak repair period will be charged the otherwise applicable toll.

3. The MTA intends to seek reimbursement from Amtrak of all such funds expended on the Truck Toll Reduction Program.

4. The Truck Toll Reduction Program would be effective as of July 9, 2017 at 10 p.m.
5. The Interim Executive Director of the MTA, in consultation with the Acting President or newly appointed President of TBTA and other appropriate officers of the MTA and TBTA, is authorized to extend the Truck Toll Reduction Program if deemed necessary to facilitate the Mitigation Plan in the event that the Amtrak repair program is extended.
6. The Interim Executive Director of the MTA, in consultation with the Acting President or newly appointed President of TBTA and other appropriate officers of the MTA and TBTA, is further authorized to make such changes, alterations, modifications, and revisions to the procedures for implementing the Truck Toll Reduction Program consistent with the Resolution of the Board, dated June 21, 2017, implementing the Truck Toll Reduction Program.