



Metropolitan Transportation Authority

# July 2017

## MTA Board Action Items



# **MTA Board Meeting**

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

**Wednesday, 7/26/2017**

**10:00 AM - 12:00 PM ET**

## **1. PUBLIC COMMENT PERIOD**

## **2. APPROVAL OF MINUTES**

### **MTA Regular Board Minutes - June 21, 2017**

*MTA Regular Minutes - June 21, 2017 - Page 5*

### **NYCT/MaBSTOA/SIR/Bus Company Regular Board Minutes - June 21, 2017**

*NYCT Regular Minutes - June 21, 2017 - Page 12*

### **MTA Metro-North Railroad Regular Board Minutes - June 21, 2017**

*Metro-North Regular Minutes - June 21, 2017 - Page 16*

### **MTA Long Island Rail Road Regular Board Minutes - June 21, 2017**

*LIRR Regular Minutes - June 21, 2017 - Page 20*

### **MTA Bridges & Tunnels Regular Board Minutes - June 21, 2017**

*TBTA Regular Minutes - June 21, 2017 - Page 34*

### **MTA Capital Construction Regular Board Minutes - June 21, 2017**

*MTACC Regular Minutes - June 21, 2017 - Page 41*

## **3. COMMITTEE ON FINANCE**

### **MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 44*

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

#### **ii. Competitive**

*MTAHQ Competitive Procurements - Page 46*

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

### **Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 56*

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

### **Action Item**

#### **i. Lexington Avenue Subway Line Emergency Ventilation Plant**

*Lexington Avenue Subway Line Emergency Ventilation Plant - Page 77*

### **NYCT Procurements**

*NYCT July Procurement Staff Summary and Resolution - Page 91*

#### **i. Non-Competitive**

*NYCT Non-Competitive Actions - Page 95*

**ii. Competitive**

*NYCT Competitive Actions - Page 99*

**iii. Ratifications**

*MTACC Ratifications - Page 109*

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

**Metro-North Procurements**

*MNR Procurements - Page 112*

**i. Non-Competitive**

*MNR Non-Competitive Procurements - Page 116*

**ii. Competitive**

*MNR Competitive Procurements - Page 118*

**iii. Ratifications (no items)**

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

**Action Item**

**i. Moynihan Agreement (NYPA and NON-NYPA)**

*Moynihan Funding Agreement - Page 122*

**LIRR Procurements (no items)**

**LIRR MTACC Procurements**

*MTA CC Procurements - Page 125*

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

**ii. Competitive**

*MTA CC Competitive - Page 128*

**iii. Ratifications**

*MTA CC Ratifications - Page 130*

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

**BT Procurements**

*BT Procurements - Page 132*

**i. Non-Competitive**

*BT Non-Competitive - Page 135*

**ii. Competitive**

*BT Competitive - Page 138*

**iii. Ratifications (no items)**

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

**9. CFO PRESENTATION TO A JOINT SESSION OF THE BOARD & FINANCE COMMITTEE (Materials Distributed Separately)**

**2017 Mid-Year Forecast**

**2018 Preliminary Budget**

**July Financial Plan 2018-2021**

Date of next meeting: Wednesday, September 27, 2017

**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
June 21, 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. Scott Rechler  
Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

**The following members were absent:**

**Hon. Lawrence Schwartz**

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Board Member Andrew Albert, Board Member Randolph Glucksman, Board Member nominee Carl Weisbrod, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, Tim Mulligan, Acting President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, Steven LoPiano, VP, Paratransit Division of Buses, Janno Lieber, MTA Chief Development Officer, 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 SESSION.** There were twenty-nine (29) public speakers. The following speakers addressed matters 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.

Susan Dooha, CIDNY  
Mary Parisen, CURES  
Christopher McKay, COGOP  
Dahlia Codenberg, Building Alcohol Ad-Free Transit  
Thomas Powers, private citizen  
Diana Moll, private citizen  
John Raskin, Riders Alliance  
Victor Andrews, BCID  
Pedro Valdez Rivera, Jr., private citizen  
Raffucci Cassie, SANYS U.  
Kate Slevin, RPA  
Eman Rimawi, NYLPI  
Deborah Elliot-Bloodman, CIDNY/Self Advocate  
Joseph Perez, private citizen  
Lucia Marett, private citizen  
Ruth Lowenkron, NYLPI  
Valerie Joseph, BCID  
Jose Hernandez, United Spinal Association  
Michael Ring, private citizen  
Seana Cromitie, private citizen  
Jason Piniero, private Citizen  
Samantha Rauer, MFY Legal Services  
Tucker Salovaara, AAPAC  
Joe Rapport, BCID  
Robert Holden, Juniper Park Civic  
Dustin Jones, CIDNY  
Elizabeth Ramos, private citizen  
Clarita Bailong, private citizen  
John Provetto, private citizen

2. **CHAIRMAN'S REMARKS.**

Acting Chairman Ferrer thanks the public speakers for sharing their remarks.

Acting Chairman Ferrer announced that later in the meeting Interim Executive Director Veronique Hakim will provide a report on the mitigation plan for the Long Island Rail Road during the planned emergency repairs at Penn Station throughout the Summer, and the Agency's proposal to provide discounts for affected customers.

Regular Board Meeting  
June 21, 2017

Acting Chairman Ferrer introduced and welcomed three new MTA Board Members:

Scott Rechler, Chairman and CEO of RxR Realty. Mr. Rechler currently serves as Chairman of the Regional Plan Association, and has previously served as Vice Chairman of the Port Authority;

Randy Glucksman, who served for many years as Vice Chairman of the Permanent Citizens Advisory Committee to the MTA, and as Chairman of the Metro-North Railroad Commuter Council; and

Carl Weisbrod, nominated by Mayor Bill de Blasio and who is expected to be confirmed by the Senate in July, is a Senior Advisor at HR&A Advisors, Inc. and former Chair of the New York City Planning Commission.

Acting Chairman Ferrer, following up on comments and concerns expressed by users of and advocates for the Paratransit Services at last month's meeting, noted that at the conclusion of the May Board meeting he stated that he would have staff come back this month with a report on MTA's planned initiatives to improve Paratransit services. The Chairman stated that today's report is not only a response to customers' complaints last month, but in addition an update on program improvements that have been in the works for several months, some of which are now in place and others which are being tested.

Acting Chairman Ferrer referred to Interim Executive Director Veronique Hakim to address matters relating to subway delays.

Interim Executive Director Veronique Hakim stated that MTA understands that subway delays have been increasingly frustrating for New York City subway riders. However, the Interim Executive Director stated that MTA is conducting a top-to-bottom review and addressing the situation in a number of ways.

Interim Executive Director Hakim noted that MTA is making progress with its recent subway improvement plans, which was outlined in a report presented at the Transit Committee meeting on Monday. Through the Capital Program, the Interim Executive Director stated that MTA will commit more money and resources to the subway system's tracks, switches and signals, many of which date back to the 1930s.

Interim Executive Director Hakim briefly discussed the dynamics of the MTA's signal system, the efforts being made to improve the system through Communications-Based Train Control "CBTC", the efforts to improve customer communications, and the addition of new subway cars.

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

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the Special Board meeting held on April 3, 2017, the regular Board meeting held on April 26, 2017 and the regular Board meeting held on May 24, 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. Board Member Scott Rechler abstained from the vote on the action items below.

1. **Electricity Transmission Congestion Contracts.** Approved payment to New York Power Authority for the purchase of, on behalf of MTA, certain Historic Fixed Price Transmission Congestion Contracts (“HFPTCCs”) through the process mandated by the New York Independent System Operator; and delegated 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.
2. **Owner Controlled Insurance Program (“OCIP”).** Approved the establishment of a not-to-exceed budget of \$225 million and the execution of items necessary to finalize the procurement of an 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.
3. **2017 Public Work Enforcement Fund (“PWEF”) Assessment.** Authorized staff to remit the 2017 State assessment on behalf of the MTA and its constituent agencies for the PWEF, including the adjustment for the 2016 under payment, to the State Department of Labor.

**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.

1. **New York State Industries for the Disabled – Temporary Personnel Services – No. 16211-0100.** Approved the award of an all-agency, personal services contract to New York State Industries for the Disabled, 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.
2. **AFT Projects for Four (4) NYCT Subway Stations.** Approved the award of competitively-negotiated contracts with Firelei Baez, Christopher Wynter, Joyce Kozloff and Studio One to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at specified NYCT stations on the 8<sup>th</sup> Avenue Line.
3. **EB Jacobs, LLC – MTA Police Department (MTA PD) Promotion Examinations – No. 16243-0100.** Approved the award of a competitively negotiated, personal service contract to EB Jacobs, LLC to develop and, as needed, administer, a



MTA-specific, validate, job-related, fair, objective and reliable examination for MTA Police Officers applying for promotion to the ranks of Sergeant and Lieutenant for the MTA PD for a period of forty-eight (48) months from July 1, 2017 – through June 30, 2021.

4. Milliman, Inc. – Actuarial Consulting Services for Pension and Other Post-Employment Benefit Plans – No. 11088-0100, c/o #3. Approved a supplement to the previously Board-approved, competitively negotiated, personal services contract, to extend the period of performance from July 1, 2017 through December 31, 2017 for continue required actuarial services, as mandated by law for the pension plans covering various groups of employees of the MTA Agencies.

- 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

**Metro-North Railroad**

1. License agreement with Philipstown Depot Theatre Inc. for use and maintenance of property on the Hudson Line right-of-way adjacent to 10 Garrison's Landing, Garrison, NY.
2. Sublease with the Town of Fishkill for the construction, operation and maintenance of a multi-use trail along the Hudson Line, adjacent to the New York State Parks Breakneck Ridge Trail, N.Y.S. Route 9D and Metro-North's Breakneck Station.

**Long Island Rail Road**

3. License agreement with Levittown Fire District for parking on non-operating right-of-way, located adjacent to Levittown Fire House, Hickory Lane, Levittown, Nassau County, N.Y.
4. Temporary Park and Ride/Ferry services agreements to facilitate shuttle bus and ferry services to and from New York to mitigate Amtrak's emergency repairs at Penn Station.

5. **PARATRANSIT UPDATE PRESENTATION.**

Acting Chairman Ferrer introduced Steven LoPiano, Vice President, Paratransit, who presented an update on the Paratransit Program.

Copies of the Presentation: Paratransit – The Way Forward - were distributed to Board members. The details of the presentation and Board members' comments and questions with respect thereto are included in NYCT's Minutes of this date and included in the videotape of the meeting produced by the MTA and maintained in MTA records.

**6. LIRR MITIGATION PLANS FOR AMTRAK INFRASTRUCTURE REPAIR PROGRAM IN PENN STATION.**

Interim Executive Director Veronique Hakim presented to the Board MTA's plan to minimize the impact on LIRR customers and mitigate the adverse impact on the regional and State economy in the wake of Amtrak's emergency summer repairs at Penn Station.

The details of the presentation and Board members' comments and questions with respect thereto are included in LIRR's Minutes of this date and included in the videotape of the meeting produced by the MTA and maintained in MTA records.

**7. MTA OTHER BUSINESS.**

**A. MTA Comprehensive Transportation Plan – Truck Tolls Reduction Program.**

Acting Chairman Ferrer introduced Robert Foran, Chief Financial Officer, who discussed the Comprehensive Truck Toll Reduction Program, which is part of MTA's and LIRR's comprehensive transportation plan to mitigate the impact on customers, on the regional and on the State economy of Amtrak's emergency repair program this summer.

The details of the discussion and Board members' comments and questions with respect thereto are included in MTA B&T's minutes of this date and 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 adoption of the 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 may be deemed necessary or appropriate in connection 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. Board members Andrew Saul and Polly Trottenberg voted in opposition. Board members Neil Zuckerman, Peter Ward and Susan Metzger were not present for the vote.

**8. EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene an Executive Session, in accordance with Section 105(1)(e) to discuss matters relating to collective bargaining.

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

**9. PUBLIC SESSION RESUME.**

Acting Chairman Ferrer announced that upon motion duly made and seconded, the Board approved the following items. Board members Neil Zuckerman, Peter Ward and Susan Metzger were not present for the vote.

- (1) 2016-2019 Memorandum of Understanding (MOU) between MTA LIRR and a coalition of six (6) LIRR Unions;

- (2) Resolutions providing for MTA Pension Plan amendments to the following plans:  
MTA 20-Year Police Retirement Program of the MTA DB Plan; MaBSTOA Pension Plan; SIRTOA Pension Plan of the MTA DB Plan; and MTA DB Plan for MTA Bus Company.

10. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 2:05 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, June 21, 2017  
10:00 a.m.**

**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. Scott Rechler**

**Hon. John Samuelson**

**Hon. Andrew Saul**

**Hon. Polly Trottenberg**

**Hon. Veronica Vanterpool**

**Hon. James Vitiello**

**Hon. Peter Ward**

**Hon. Carl V. Wortendyke**

**Hon. Neal Zuckerman**

**The following member was absent:**

**Hon. Lawrence Schwartz**

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Board Member Andrew Albert, Board Member Randolph Glucksman, Board Member nominee Carl Weisbrod, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, Tim Mulligan, Acting President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, Steven LoPiano, VP, Paratransit Division of Buses, Janno Lieber, MTA Chief Development Officer, 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 twenty-nine (29) Public Speakers. The following speakers spoke on MTA NYC Transit/Staten Island Rapid Transit Operating Authority /MTA Bus Company matters during the public speakers session.

Susan Dooha, CIDNY  
Mary Parisen, CURES  
Christopher McKay, COGOP  
Dahlia Codenberg, Building Alcohol Ad-Free Transit  
Thomas Powers, private citizen  
Diana Moll, private citizen  
John Raskin, Riders Alliance  
Victor Andrews, BCID  
Pedro Valdez Rivera, Jr., private citizen  
Raffucci Cassie, SANYS U.  
Kate Slevin, RPA  
Eman Rimawi, NYLPI  
Deborah Elliot-Bloodman, CIDNY/Self Advocate  
Joseph Perez, private citizen  
Lucia Marett, private citizen  
Ruth Lowenkron, NYLPI  
Valerie Joseph, BCID  
Jose Hernandez, United Spinal Association  
Michael Ring, private citizen  
Seana Cromitie, private citizen  
Jason Pineiro, private citizen  
Samantha Rauer, MFY Legal Services  
Tucker Salovaara, AAAPAC  
Joe Rapport, BCID  
Robert Holden, Juniper Park Civic  
Dustin Jones, CIDNY  
Elizabeth Ramos, private citizen  
Clarita Bailong, private citizen  
John Provetto, 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.

#### **4. MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the special Board meeting held on April 3, 2017, the regular Board meeting held on April 26, 2017, and the regular Board meeting held on May 24, 2017, of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

#### **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 majority vote (Schedule E 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 (Schedules F, G and 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. PARATRANSIT UPDATE PRESENTATION**

Acting Chairman Ferrer introduced Steven LoPiano, Vice President, Paratransit, who presented an update on the Paratransit Program. Copies of the presentation: “Paratransit – The Way Forward” - were distributed to Board members.

Mr. LoPiano stated that he has heard the concerns of Paratransit customers, which include a call for more flexibility, reliability and transparency. Mr. LoPiano gave an overview of Paratransit operations, discussed issues with the current system, and shared some of the strategies for improving the system, which include expanding the use of e-hail services, improving broker (black car) and Access-a-Ride (AAR) service, upgrading GPS system for improved tracking, implementing a new scheduling system, and improving performance monitoring and operational transparency.

Further details of the presentation, and Board members' comments and questions with respect thereto, are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

**7. EXECUTIVE SESSION**

Upon motion duly made and seconded, the Board voted to convene an Executive Session in accordance with Section 105(1)(e) to discuss matters relating to collective bargaining.

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

**8. PUBLIC SESSION RESUMES**

Acting Chairman Ferrer announced that upon motion duly made and seconded, the Board approved the following item related to MTA NYC Transit/Staten Island Rapid Transit Operating Authority/MTA Bus Company. Board members Neil Zuckerman, Peter Ward and Susan Metzger were not present for the vote.

- (1) Resolutions providing for MTA Pension Plan amendments to the following plans:  
MTA 20-Year Police Retirement Program for the MTA DB Plan; MaBSTOA Pension Plan; SIRTOA MTA DB Plan; and MTA DB Plan for MTA Bus Company.

**9. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 2:05 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, June 21, 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. Scott Rechler  
Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. Lawrence Schwartz

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Board Member Andrew Albert, Board Member Randolph Glucksman, Board Member nominee Carl Weisbrod, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, Tim Mulligan, Acting President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, Steven LoPiano, VP, Paratransit Division of Buses, Janno Lieber, MTA Chief Development Officer, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Acting Chairman Ferrer called the meeting to order.

1. Public Speakers:

There were 29 public speakers, none of whom spoke on Metro-North agenda items. Refer to the video recording of the meeting produced by the MTA and maintained in MTA



records, and to the other agencies' minutes of this date, for the names of the speakers and the content of speakers' statements.

2. Acting Chairman Ferrer's Remarks:

Acting Chairman Ferrer thanked the public speakers for sharing their remarks.

Acting Chairman Ferrer introduced and welcomed three new MTA Board Members:

Scott Rechler, Chairman and CEO of RxR Realty. Mr. Rechler currently serves as Chairman of the Regional Plan Association, and has previously served as Vice Chairman of the Port Authority;

Randy Glucksman, who served for many years as Vice Chairman of the Permanent Citizens Advisory Committee to the MTA, and as Chairman of the Metro-North Railroad Commuter Council; and

Carl Weisbrod, nominated by Mayor Bill de Blasio and who is expected to be confirmed by the Senate in July, is a Senior Advisor at HR&A Advisors, Inc. and former Chair of the New York City Planning Commission.

The details of the Acting Chairman's remarks, including discussion with the Interim Executive Director regarding Paratransit Services and subway delays, 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 minutes of the Special Board Meeting held on April 3, 2017, the Regular Board Meeting held on April 26, 2017, and the Regular Board Meeting held on May 24, 2017 were approved.

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.

- Approval to MTA to authorize the New York Power Authority to purchase, on behalf of MTA, certain Historic Fixed Price Transmission Congestion Contracts through the process mandated by the New York Independent System Operator.
- Approval to establish a not-to-exceed budget of \$225 million and execute the items necessary to finalize the procurement of an Owner Controlled Insurance Program 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.

- Authorization of 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.

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 filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records. Board Member Scott Rechler abstained from the vote.

#### MTAHQ Procurements:

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

- Approval of an All-Agency, personal services contract to New York State Industries for the Disabled, 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.
- Approval of a supplement to the previously Board approved, competitively negotiated, personal services contract with Milliman, Inc. in the amount not to exceed \$500,000, along with a six month time extension from July 1, 2017, to continue required actuarial consulting services for pension and other post-employment benefit plans.

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

#### Real Estate:

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

- Approval of a 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.
- Approval of a 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.

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, staff summaries 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:

Action Item:

- Authorization to hold a public hearing with regard to permanent service changes at Melrose and Tremont stations on the Harlem Line.

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

6. Additional Agenda Items:

The Board discussed the Paratransit Update Presentation, LIRR Penn Mitigation Plan and the Truck Tolls Reduction Program.

7. Executive Session:

Upon motion duly made and seconded, the Board voted to convene an Executive Session, in accordance with Section 105(1)(e) to discuss matters relating to collective bargaining. No Metro-North matters were discussed. Thereafter, upon motion duly made and seconded, the Board voted to reconvene in public session.

8. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 2:05 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, June 21, 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. Scott Rechler  
Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. Lawrence Schwartz

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Board Member Andrew Albert, Board Member Randolph Glucksman, Board nominee Carl Weisbrod, Darryl Irrick, 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, Steven LoPiano, Vice President, Paratransit Division of Buses, Janno Liber, MTA Chief Development Officer, 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 twenty five (25) 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.

A total of twenty nine (29) speakers ultimately signed up to speak. Two (2) of the speakers commented on matters relating to the Long Island Rail Road (LIRR).

Mary Parisen, Chair of Civics United for Railroad Environmental Solutions (CURES), stated that she was there to speak on two topics. First, to note that \$128 Million was available through the New York State Department of Environmental Conservation (NYSDEC) from the Volkswagen Emissions Settlement, and that MTA/LIRR has an opportunity for 100% funding from this source to replace the Tier 0 freight locomotives currently used on the LIRR system. Ms. Parisen stated that in each Board Member's package, there is a copy of a letter from NYSDEC Commissioner Basil Seggos acknowledging that older locomotives are an air quality issue for NYSDEC. Ms. Parisen further stated that it was time for MTA/LIRR to advocate for this money to be used for such purpose. Ms. Parisen also stated that CURES is asking the MTA to help convene a community meeting in September with LIRR, the New York & Atlantic Railway (NYA), elected officials, and community representatives. The point of contact for such meeting is Congresswoman Grace Meng's office.

Robert Holden, President of the Juniper Park Civic Association and member of CURES, stated that in 1997, LIRR and MTA signed an agreement concerning solid waste shipments by rail, and that none of the promises under that agreement were being kept. He further stated that in 1998, LIRR and NYA signed an amendment to the Transfer Agreement that called for the establishment of a solid waste task force, but this was not done. He added that the Second Amendment to the Transfer Agreement called for no waste transfer stations in Queens, but there is one in Long Island City. He held up photos of an NYA train at a grade crossing and of railcars carrying solid waste and stated that NYA crossings should be protected by gates, and that the waste cars represent what neighborhoods are being forced to put up with, with the cars sometimes staying in place for several days. Mr. Holden described NYA as a rogue company and stated that the company should be investigated. He further stated that solid waste should be shipped in sealed containers, and complained about the transfer of cars on NYA, near backyards, taking place at 2-3AM in the morning.

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. Acting Chairman's Remarks:

Acting Chairman Fernando Ferrer thanked all of the public speakers for their remarks, and stated that later in the meeting, Interim Executive Director Veronique Hakim would detail the Mitigation Plan for LIRR service this summer due to the work at Penn Station, and the proposed fare discount for LIRR riders affected by the work.

Acting Chairman Ferrer welcomed three new Board members:

Scott Rechler, Chairman and CEO of RxR Realty. Mr. Rechler serves as Chairman of the Regional Plan Association and previously served as Vice-Chairman of the Port Authority of New York and New Jersey;

Randy Glucksman, who served for many years as Vice Chairman of the Permanent Citizens Advisory Committee to the MTA and serves as Chair of the Metro-North Commuter Council. Mr. Glucksman has more than 40 years of rail operating experience; and

Carl Weisbrod, an old friend who has a spectacular record of public service and who I know looks forward to serving the public on a more regional basis as a member of the Board.

Acting Chairman Ferrer followed up on an issue at last month's meeting, and indicated that staff had come back this month to describe the improvements MTA will be making to Access-A-Ride. He expressed the hope that users will be encouraged by the report and will continue to work with us to make the service better.

Interim Executive Director Hakim spoke about delays in the subway system and her directing that a top-to-bottom review be conducted about how MTA handles and responds to subway delays.

3. Approval of Minutes:

Acting Chairman Ferrer asked for a motion to approve the minutes of the Special Board Meeting of April 3, 2017, the Regular Board Meeting of April 26, 2017, and the Regular Board Meeting of May 24, 2017. Upon motion duly made and seconded, the minutes of the Special Board Meeting of April 3, 2017, the regular Board Meeting of April 26, 2017, and the Regular Board Meeting of May 24, 2017 were approved.

4. Committee on Finance:

Action Items

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

- 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) (TA'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 the Workers' Compensation and General Liability claims;
  - Entry by FMTA 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.
- To authorize actions related to the payment of the State assessment on the MTA and its constituent agencies for the Public Work Enforcement Fund for calendar 2017.

Upon motion duly made and seconded, the Board approved the foregoing action items, with Board Member Scott Rechler abstaining, 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 seven (7) procurement items recommended to it by the Committee on Finance, two (2) of which related to Long Island Rail Road:

- **New York State Industries for the Disabled – Temporary Personal Services Contract** – To recommend that the Board approve the award of an All-Agency, personal services contract to New York State Services for the disabled (NYSID), a New York State 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.
- **Milliman, Inc. – Multi-Agency Actuarial Consulting Services for Pension and Other Post-Employment Benefit Plans** - To recommend that the Board approve a supplement to the previously Board-approved, competitively negotiated, personal services contract in the amount not 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.

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

#### Real Estate Items

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:

- **Levittown Fire District** – License Agreement for parking on non-operating LIRR right of way located adjacent to the District's fire house.
- **Temporary Park and Ride Agreements** - Temporary parking agreements for free parking and free MTA and third party express bus service to and from New York during Amtrak emergency repairs.

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.

#### 5. Long Island Rail Road Committee:

##### Action Items

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

- **Amendment to Gateway Tunnel Agreement – Change Order to LIRR Wheel Truer Work** – 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 (“M of E”) Facility at West Side Yard (“WSY”), so as to increase the previously authorized not-to-exceed cost for such work by \$3.85 million, from \$9.5 million to a revised not-to-exceed cost of \$13.35 million.

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 Long Island Rail Road Committee, all of which related to MTA Capital Construction (MTACC):

- **Competitive Requests for proposals (Solicitation of Purchase and Public Work Contracts)** – To request and recommend that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate and that, pursuant to Section 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.
- **Miscellaneous Service Contracts - Independent Laboratory and Testing Services** – In accordance with 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.
- **Tutor Perini Corporation – Harold Structures Part 3 for the ESA Project** – 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 Rail Road track switches and signals from Jamaica Control Center.

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.

### 6. LIRR Mitigation Plan:

Interim Executive Director Hakim advised the Board that each Member had received a copy of a memo outlining LIRR’s Mitigation Plan to deal with the disruption caused by Amtrak’s emergency track repair work at Penn Station this summer. Ms. Hakim noted that the Plan called for

- LIRR maintaining Penn Station capacity during peak hours by adding new rush-hour trains and adding cars to existing trains;
- Encouraging the use of alternative LIRR Terminals (Atlantic Terminal and Hunterspoint Avenue) and three other stations in Brooklyn and Queens through the use of additional service and fare incentives;
- Creating a new bus and ferry network that's free to LIRR monthly and weekly ticketholders;
- Instituting half-price tolls on MTA crossings between 10PM – 5AM to alleviate congestion on roads, a matter which will be discussed in greater detail later; and
- Implementing aggressive awareness and outreach plans, including a website, printed materials and signage at stations to advise LIRR customers of all travel options. Ms. Hakim added that MTA was looking to recover the costs of the Mitigation Plan from Amtrak, and that MTA had just received a letter addressed to her and the Chairman, from the President and CEO of Amtrak, stating that Amtrak does not agree that it is responsible for such costs.

LIRR Committee Chair Mitchell H. Pally thanked MTA and LIRR staff for putting together a plan so quickly, which involved a lot of different issues and different entities. He stated he is hopeful that the plan will work, at least to a large degree. He added that, unfortunately, the work this summer is not the end of the Penn Station remedy; it's just the beginning. He thanked Nassau and Suffolk Counties for their cooperation in developing options for LIRR customers.

Mr. Pally stated that he did not believe the fare discount program goes far enough. The program is beneficial and will hopefully encourage people to go to places other than Penn Station, but this is not enough. The program, as created, tends to pit one Long Islander against another – one person who gets a discount because he can go to Atlantic Terminal or Hunterspoint Avenue, versus another one who cannot go there, for any one of a number of reasons. He further stated that he would have preferred a 15% reduction for everyone who takes LIRR trains in July and August. He requested that Interim Executive Director Hakim look at these issues and whether the plan was working or not, so that the Board would have an opportunity before the August monthly commutation tickets go on sale to rectify any inadequacies or inefficiencies in the rebate plan. He stated that all LIRR customers will be impacted by what's going on – directly or indirectly – and that all should share in the discount.

Interim Executive Director Hakim stated that the best she could do along these lines is to track ticket sales and report back to the Board.

Board Member Veronica Vanterpool stated that she felt a shift of legal resources to focus on recapturing payment from Amtrak is misguided. This is an issue of funding for Amtrak; it has not received sufficient funding from the federal government for 46 years. Ms. Vanterpool added that MTA has an obligation as a governmental agency to be sympathetic; we sometimes face the same issue of inadequate funding. She further added that the Governor's focus in May

was correct – asking the federal government to provide emergency funding to Amtrak. Ms. Vanterpool stated that on Friday, one of the national passenger advocacy groups is calling for a day of action on Amtrak funding, and she felt that our Congressional delegation should be doing the same

Board Member Andrew Albert stated that he agreed with Ms. Vanterpool on funding for Amtrak and noted that Amtrak could seek to withhold payments on the Metro-North line. He asked how Ticket Vending Machines will be reconfigured to give the discount. Interim Executive Director Hakim answered that the Zones were changed from 1 to 3 on the Brooklyn and Queens terminal stations. Mr. Albert then asked if LIRR would need to institute enhanced inspection of tickets west of Jamaica. Ms. Hakim responded in the affirmative.

Board Member Polly Trottenberg stated that she agreed with Ms. Vanterpool and that litigation against Amtrak would be a waste of time. She did not think MTA would be able to get any money out of Amtrak or that the federal government would be riding to the rescue; we have to accept the notion that we are going to be paying for this. She therefore asked for the price tag on the mitigation plan. Ms. Trottenberg also stated that she thought the measures being taken to address impacts on LIRR riders were fine, but noted that the subways are also subject to shutdowns and asked when some compensation would be afforded to New York City Transit riders and what our policy on this will be going forward. Interim Executive Director Hakim responded that MTA staff is pulling together the costs now. The costs will depend on the level of service we provide. As an example, we reserved 200 buses but if LIRR riders do not use them as expected, could we dial back buses based on their level of use? She added that the cost in any event would millions of dollars. She further added that Chief Financial Officer Robert Foran would be bringing forward in July an update to the Financial Plan which will have more details.

Ms. Hakim stated that she did not completely go through the letter from Mr. Moorman but she did glance at the first page and got the gist of what Mr. Moorman was saying. Ms. Trottenberg stated that he was citing to certain federal legislation which he believes prohibits Amtrak from making the payments we would be seeking. Ms. Hakim responded by saying that MTA will go through the letter and also take into account the sentiments expressed here by the Board.

Board Member Andrew Saul stated that the plan is very professional but he had a concern about governance. He further stated that he understood it was within the Executive Director's prerogative to institute promotional changes and that of the LIRR President in terms of fares, but that before we go down this road we ought to understand what it entails. Mr. Saul expressed doubt that the 50% toll reduction would change the behavior of truckers or trucking companies, and in the end would result in a \$10 million revenue hit to the MTA. He stated that a program like this, involving multiple promotional changes, should be brought to the Board. He further expressed concern over the lack of a Chief Executive Officer at MTA, with Senate authorization, since January, and stated that this was creating many problems. He also stated that proposed changes to the Board structure were simply politics and expressed the need for a full time Executive Director. He urged the Governor to have an Executive Director confirmed to run MTA.

Board Member James Vitiello agreed with the recommendation that MTA not get into a fight with Amtrak; this risks our position being a political one, and not a practical one. He stated that MTA has disputes with many vendors, including situations which involve withholding of payments or litigation. However, he did not recall any instance in which MTA participated in a press release, ours or gubernatorial, concerning those issues. The agreements between the parties will determine whether or not there is valid claim. If there is a dispute about this, this country has a great adjudication system to work those issues out. However, when we try to address the issue in a public forum, we are taking a political position. He urged that the MTA reach out to Amtrak and ask "how can we help you?", rather than saying "we're not paying you." He stated that this situation leads into the politics of an Executive Director not being confirmed, and bills on changing the MTA Board structure. He further stated that this made no sense to him, and that the MTA should be independent and allowed to do its job.

Board Member Scott Rechler stated that the Governor recognized a transportation crisis and that business as usual will not work. He agreed with the comments about politics and calling for appointment of full time Executive Director, and stated that he believes the Governor fully agrees. He further stated that the Governor recognizes that MTA cannot simply continue to play by the same playbook; it doesn't work. MTA has a 20<sup>th</sup> Century system and needs to start thinking in terms of the 21<sup>st</sup> Century. Just as in the aftermath of Sandy, we need to rise to the occasion. The most important thing right now is for someone to be accountable. Appointed boards are opaque, and there is always a question of who is in charge. We are not elected, we are appointed; the public we serve cannot vote us out of office. The Governor cares about this and is willing to be accountable. Mr. Rechler stated that in such a situation he would say let the Governor take accountability and invest his expertise, political capital and energy in fixing something that is broken. Mr. Rechler applauded the proposed plan and it being put together so quickly. He concurred with Mr. Pally that this is more than just an issue for this summer. He urged that the plan be adjusted as we learn more, and stated that we need to be thoughtful about incentives. He further stated that that by offering reduced tolls between 10AM and 5PM, we give truckers a carrot; we should also give them a stick and say that tolls will go to 150% of normal if you come in during peak hours. He added that it was critical for the Interim Executive Director to reach out to the business community, which is panicked about getting employees and customers into the City. The business community could help by implementing flexible work hours, and we should coordinate with them to that end.

Board Member Charles Moerdler stated, further to Mr. Pally's comments, that we need to understand the basis of the discounts; it is to incentivize people to disembark and use the subways rather than facing increasing delays in an attempt to get to Penn Station. He does know whether it will work but it is part of plan put together by the Interim Executive Director and staff to address an emergency situation, not of their making, which will have a great impact on the City and State. He added that in his letter to the MTA, the President of Amtrak puts his finger on the cause of that emergency: insufficient investment by Amtrak at Penn Station for four decades. Mr. Moerdler stated that Long Islanders will have problems at every level this summer, and that employers will have problems at every level. He further stated that it didn't seem right that those responsible for the pain experienced by our customers and the costs to us, should get a free pass notwithstanding their negligence. He added that the federal government should give more money to Amtrak, but Amtrak has a responsibility that should be met. Mr. Moerdler stated that he agreed with Mr. Rechler, and that the Governor should be commended for stepping up to

the plate and accepting responsibility. He disagreed with the comments about “politics”. The Governor did not have to stand up, but he did and should be applauded for it.

Board nominee Carl Wesibrod stated that he had not seen the letter from Amtrak’s President. He noted that he had spent the last three years as Chair of the New York City Planning Commission, pushing for more of a sense of regionalism. He stated that being in an adversarial position with Amtrak would not promote regionalism, and would be a mistake. He expressed sympathy for the plight of LIRR riders, who are part of New York City’s work force, and are important to the City’s economic health. While he understood the intent behind the mitigation plan, he cautioned that it could be interpreted as setting a precedent for other outages, including the subway system, and urged consideration of what that means for the policy of the Board going forward.

Board Member Ira Greenberg urged caution about use of the word “crisis.” He stated that we have known for a long time that the East River tunnels that will eventually need to be shut down. We had hoped East Side Access would be ready to address the situation, but that appears not to be the case. Mr. Greenberg stated that Penn Station faces long term problems; as former Chairman Prendergast put it, “it’s like trying to put 10 pounds of something into a 5 pound bag.” Mr. Greenberg applauded LIRR President Nowakowski and LIRR staff on an excellent plan. He stated that, as to incentives, MTA should consider changes to the incentives to encourage riders from Southeast Queens to use LIRR. He agreed with Mr. Weisbrod that we need to take a regional approach and that a public battle with Amtrak would be a bad idea, noting that we are married to Amtrak and we have to make the best of it. He added that Penn Station is key to the Northeast, much more so than any other transportation facility, including JFK, Newark and LaGuardia.

Board Member Pally stated that he agreed that MTA’s financial position in this situation should not, by itself, be determinative of whether we give fare discounts or rebates. When we shut down a subway line, we should do the same thing. When we are not providing the service we said we would provide, we should give the people something back. This is not just an LIRR issue. The LIRR is the focus of today’s discussion, but it is broader question that the Board should discuss: giving back when we cannot provide the service we said we would provide.

Board Member Vitiello welcomed Board Member Rechler and stated his appreciation for Mr. Rechler’s comments. He further stated that this was the type of robust debate that has been lacking at the Board for some time. He asked Mr. Rechler to consider certain points: First, that the Governor in all practical respects runs the MTA, sets its priorities and determines its finances. He added that is not uncommon for the Board to find out about an MTA initiative through a press release from the Governor’s Office, which is then voted on and universally approved, so the structure of the Board is not an issue. Mr. Vitiello expressed concern that some of the priorities set for the organization appear to be based on what would be popular with public and this does not always comport with economic reality. The MTA has taken on a lot of projects that are both expensive and require a lot of management attention, such as the Second Avenue subway extension and cashless tolling, and this may have distracted us from some other pressing problems. Mr. Vitiello analogized this to adding an extension to a house while the roof needs repair and there’s water in the basement. Nonetheless, he appreciates the Governor taking a hands-on role. He feels this is a valid topic for debate as the Governor has a duty to the citizenry

and the Board has a fiduciary duty to the MTA and the two are different. Mr. Vitiello also stated that discounts are fair but we need to recognize that by discounting fares to some, we are effectively taking away dollars from others. He does not disagree with discounts in this circumstance but stressed that we need to be careful about when discounts are given.

Board Member Vanterpool stated that New York State's 325 public authorities were created for various reasons, including bonding authority. One of those reasons is to provide for autonomy and independence of the authorities, but we seem to have lost that at the MTA Board. The Governor absolutely has to take accountability for this. We are an economic engine for the State, and the State Legislature recognizes this by approving our Capital Programs and appropriating dedicated tax dollars to the MTA. So it would be incredibly negligent for any Governor not to acknowledge the MTA, its needs, and its challenges. Ms. Vanterpool stated that she attended a conference of transit agency board members from around the country, and she learned that of the agencies in attendance, this agency is the only one which does not hire its own CEO or General Manager, and that about 75% of the agencies represented at the conference appoint their own Chairperson. MTA does not do either. She stated that as an advocate for over 20 years, she has seen a shift of attention being paid to MTA from little attention to a great deal of attention, and that is welcome. What is not welcome is when the Board is neutered from making decisions on behalf of the public. We have not been able to make some key decisions, and there are many announcements and appointments coming out of the Governor's Office. Mr. Vanterpool stated that we have never seen the level of control that we are seeing now. The most important step to ensure accountability is to make sure we have a CEO in place, and we have been without one for six months. We need to refocus on the needs of the system. Ms. Vanterpool further stated that accountability means that the recent Capital Program Amendment should have been fully funded to allow us to address the subway system's needs without taking on a large amount of additional debt. She further stated that we need to discuss issues of refocus, independence and autonomy, and making sure that our decisions are on behalf of the public that we serve and are not caught up in a political process.

Board Member Rechler thanked Mr. Vitiello for his comments and stated he would be open-minded in considering them. With respect to Mr. Vitiello's comments on underfunding of the MTA, Mr. Rechler stated that the same issue arose at the Port Authority. Mr. Rechler further stated that in his view, the circumstance we are in is not a normal circumstance; we are in a crisis. Therefore, he believes, and the Governor believes, that a technocratic agency approach is not the way to go and that we need a strong leader at the forefront of the battle, with accountability, helping us solve a structural problem. As you know, and as the Governor has said, this is a problem that derives from decades of underfunding state of good repair. The more we can couple the senior elected official representing the public with helping us solve this problem in a responsible way, the better off we are. Mr. Rechler added that we are in a crisis and he has seen the Governor in times of crisis roll up his sleeves, push through obstacles and get things done. Mr. Rechler recognized the efforts of MTA employees in keeping the system running and acknowledged the critical need for a permanent leader of the agency. He encouraged the Interim Executive Director, in conducting her deep-dive review, to look outside the box and to bring in people who could suggest technology-based solutions to some of our problems.

Board Member Moerdler stated that the problems we are having with Amtrak are not of recent vintage. Amtrak's irresponsibility with respect to the tunnels has been a problem over the years. Amtrak's irresponsibility in terms of providing access for the East Side Access Project has been a problem over the years. Amtrak's conduct reflects hubris, not collegiality. Mr. Moerdler further stated that the pain that has been caused by Amtrak's gross neglect over a period of years is going to cost this agency, under the proposed mitigation plan, a fortune, and the question is who is going to pay for that at the end of the day. Do we increase fares to pay for that? Do we take away improvements from the subway? Or do we take away improvements from the paratransit system? Mr. Moerdler stated that he believes the answer to those questions should be no, and that the party who caused the problem due to its neglect should pay for it. He added that this not an issue of collegiality; Amtrak has been uncooperative for years in granting access for purposes of the East Side Access Project. Amtrak believes it is above reproach. As a final comment, Mr. Moerdler stated, with respect, that as a Board member, he does not feel neutered, and he never has.

7. MTA Comprehensive Transportation Plan - Truck Tolls:

MTA Chief Financial Officer Robert Foran presented the following action item for consideration by the Board:

- 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 reduction by 50 percent of the effective toll rates for trucks on Sunday through Thursday during the hours of 10p.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 s may be necessary, shall comply with outstanding agreements.

In response to a question from Board Member Albert, it was noted that trucks are not allowed on the Henry Hudson Bridge and the list of crossings covered by the Truck Toll Reduction Program will be corrected.

Board Member Pally asked how many trucks travel over the crossings during the hours the Truck Toll Reduction Program is in effect. MTA Bridges & Tunnels staff responded that approximately 6,000 vehicles per night travel during that period, yielding about \$6 million in toll revenue for the entire period the Program is in effect.

Board Member Vanterpool asked whether a variable pricing mechanism was considered instead of the 50% reduction in tolls for trucks. Chief Financial Officer Foran responded in the negative, stating that MTA staff tried to come up with something that would alter behavior; it is our best guess.

Ms. Vanterpool stated that we are being asked to provide authority for the Truck Toll Reduction Program but we were not asked as a Board to vote on the LIRR fare discount program. She further stated that she wanted to juxtapose those two situations, and she found it curious that the MTA Bridges & Tunnels President does not have authority to reduce tolls but

that the LIRR President, based on what she was told, has authority to impose promotional fares. MTA Chief Financial Officer Foran responded by noting that MTA Bridges & Tunnels cannot reduce tolls, so we are using MTA funds to subsidize the tolls for the trucks; otherwise, we would risk violating bond covenants. This is the same approach used in the Verrazano Bridge rebate program. Mr. Foran added that LIRR has the ability to make promotional fare adjustments. Board Member Vanterpool stated that she feels it is a stretch to call the LIRR fare discount a promotional fare.

Board Member Rechler stated that it would perhaps be better to impose a premium toll on trucks crossing during peak periods; this might be more effective. He also recommended working with the City on stronger enforcement of restrictions barring trucks from double-parking or using bus lanes during that period.

Board Member Moerdler stated that the concept is to incentivize truckers to use non-peak hours, and at the Port Authority, where his son served as a member of the Board, it was found that such incentives work. One of the things they found was that long haul truck drivers, who account for the trucks that travel at night, are the ones who play games like hiding their license plates. They are very toll-conscious.

Board Member David Jones stated that he was a litigator and he believes that litigating against Amtrak might mean 10 years' worth of work, costing more than it is worth. He further stated that perhaps East Side Access could be used as a chip in negotiating with Amtrak; you hurt us here, perhaps you can help us on East Side Access in a way that doesn't really cost you anything.

Acting Chairman Ferrer stated that he agreed with Mr. Jones; East Side Access is in play here and should be. Mr. Ferrer further stated that in case anyone thinks that Amtrak's proximity to the MTA system hasn't been to Amtrak's advantage in the hundreds of millions of dollars, then you are not paying attention. This has been going on a long time and it's a call to change the relationship, because the relationship is bad.

Board Member Trottenberg stated that perhaps Board Member Rechler is right about congestion pricing --- paying a premium toll during the peak. This might change what appears to be a money-loser into a money-maker. She also stated her agreement with the recommendation for stepped up truck enforcement, although she noted that the City relies on the New York City Police Department for truck enforcement and they have many competing demands, so she could not promise perfect enforcement.

Board Member Pally stated that perhaps the Board should discuss the Move New York Plan, which does some of the incentivizing we have been talking about and could add new revenue, allowing us to do more of the things we need to do.

Board Member Trottenberg stated that she also felt the Board should consider the Move New York program; she believes that premium pricing during peak hours would be better than toll reductions at night. Instead of MTA eating some of the costs of the Truck Toll Reduction Program, which she believes will happen, this may instead allow us to raise more revenue.



Board Member Rechler stated that he felt the Board should let the plan put together by the Interim Executive Director through, and then reflect on it and make changes if necessary.

Board Member Moerdler called the question on the motion before the Board with respect to this action item.

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.

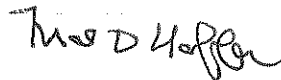
8. Executive Session:

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 2:05 P.M.

Respectfully submitted,



Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**June 21, 2017**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
June 21, 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. Scott Rechler  
Hon. John Samuelsen  
Hon. Andrew Saul  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. Lawrence Schwartz

Veronique Hakim, Interim Executive Director, Donna Evans, Chief of Staff, Helene Fromm, Acting General Counsel, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Board Member Andrew Albert, Board Member Randolph Glucksman, Board Member (as of July 2017) Carl Weisbrod, Darryl Irick, Acting President, New York City Transit, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, Tim Mulligan, Acting President, Triborough Bridge and Tunnel Authority, Stephen Vidal, Acting President, MTA Bus Company, Steven LoPiano, Vice President, Paratransit Division of Buses, Janno Lieber, MTA Chief Development Officer 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 29 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 introducing three (3) newly appointed Board Members – Scott Rechler, Chairman and CEO of RXR Realty; Randolph Glucksman, Chairman of the Metro-North Railroad Commuter Council and Carl Weisbrod, who has a spectacular record in public service. He also stated that there would be a report on Paratransit services and he discussed subway delays.

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 Minutes of the Special Meeting April 3, 2017 and the Regular Meetings April 26, 2017 and May 24, 2017**

Upon a motion duly made and seconded, the minutes of the Special Board Meeting held on April 3, 2017 and the Regular Board Meetings held on April 26, 2017 and May 24, 2017 were approved.

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

**4. Interim Executive Director Hakim's Remarks Regarding Long Island Railroad and Amtrak**

Interim Executive Director Hakim discussed the Long Island Railroad mitigation plans to deal with the Amtrak generated construction and service impacts. She stated, among other things, that half price tolls for trucks will be instituted between 10 p.m. and 5 a.m. to alleviate congestion on roadways. Commissioner Saul commented that he does not believe that trucking companies will reschedule their fleet to take advantage of the half price truck tolls and that it will just wind up costing the MTA more money. Commissioner Rechler stated that ORT and accelerated construction to remove the tollbooths have given customers greater access to bridges and tunnels and have increased capacity and he suggested that if trucks do use the facilities during peak hours then they should be assessed a 150% increase in the regular toll in order to change behavior. Commissioner Vitiello commented that while the popular view is that fares should not be raised without increasing service, the Board has undertaken expensive projects like Second Avenue Subway and ORT that may have been done at the expense of day-to-day maintenance.

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

**Procurements**

Commissioner Moerdler stated that there are eight (8) procurements totaling \$40 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

Commissioner Moerdler stated that there are eight (8) competitive procurements.

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

#### **Miscellaneous Procurement Contracts**

Vaisala, Inc.	Contract No. 16-MNT-2956 TBTA is seeking Board approval in accordance with the All Agency General Contract Procurement Guidelines to award a competitively solicited miscellaneous procurement contract to Design, Upgrade and Maintain a Roadway Weather Information System (RWIS).	\$3,566,609.00
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#### **Personal Service Contracts**

Ammann & Whitney/Parsons JV	Contract No. PSC-16-2999 TBTA 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).	\$1,367,570.00
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#### **Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services**

Jacobs Civil Consultants, Inc. Atkins, P.A. d/b/a Atkins Architecture and Engineering	Contract Nos. PSC-13-2941A PSC-13-2941B TBTA is seeking Board Approval in accordance with 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.	\$2,000,000.00
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#### **Modifications to Purchase and Public Works Contracts**

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 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	\$11,531,318.00
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and furnish and install additional fire standpipe insulation.

Judlau Contracting, Inc.	Contract No. QM-40S TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works 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.	\$9,800,000.00
Kiska Construction, Inc.	Contract No. MP-03/MP-16 TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works 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.	\$6,479,010.06
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 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.	\$3,665,502.00
Selex ES, Inc. (d/b/a ELSAG North America)	Contract No. PO 3000002520 TBTA 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.	\$1,626,235.00

## **Ratifications**

Commissioner Moerdler stated that there are no ratifications.

### **6. Presentation: Open Road Tolling (ORT) Procurement Update**

Joseph Keane, TBTA Vice President and Chief Engineer, Mildred Chua, TBTA Vice President and Chief Financial Officer and Brian Bajor, TBTA Acting Vice President and Chief Procurement Officer presented an update on ORT. Mr. Keane stated that as of June 15, 2017, ORT is operational at six (6) TBTA facilities (Henry Hudson Bridge, Hugh L. Carey Tunnel, Queens Midtown Tunnel, Cross Bay Veterans Memorial Bridge, Marine Parkway-Gil Hodges Memorial Bridge and the Robert F. Kennedy Bridge). He also discussed the updated ORT go-live schedules for the remaining facilities, Verrazano-Narrows, Throgs Neck and Bronx-Whitestone Bridges, as well as contract modifications and the change control process.

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.

### **7. Truck Toll Reduction Program**

MTA Chief Financial Officer Robert Foran discussed the truck toll reduction to mitigate the impacts on customers, the region and the State's economy. With regard to Amtrak's emergency repair program this summer, Mr. Foran stated that the MTA would provide funding to the TBTA so that, beginning July 9, 2017, the effective toll rates for trucks would be reduced by 50% Sundays through Thursdays from 10 p.m. to 5 a.m. at all TBTA facilities during the course of the Amtrak emergency repair program. The estimated cost is \$10 million and if MTA funds are not available or they have been depleted, the truck toll reduction will be discontinued. Commissioner Albert asked whether the Henry Hudson Bridge would be removed from the list because that facility does not have trucks. Mr. Foran responded yes. Commissioner Pally inquired as to how many trucks go over TBTA facilities from 10 p.m. to 5 a.m. and how much that is in tolls. Mr. Mulligan responded approximately 6,000 trucks travel across TBTA facilities overnight and because the tolls vary it is around \$6 million. Commissioner Vanterpool asked whether a variable pricing method was considered rather than just a 50% reduction for trucks and why the Board is being asked to vote on this discount when it has not been asked to vote on the Long Island Railroad discounts. Mr. Foran responded that variable pricing was not considered because the point was to come up with something significant enough to alter behavior to reduce truck traffic during peak hours and that this reduction is similar to how the rebates were handled at the Verrazano-Narrows Bridge and the Cross Bay Bridge through MTA funding because if TBTA were asked to fund these reductions it would violate its bond covenants. Commissioner Rechler suggested that perhaps a premium toll should be imposed on trucks that use TBTA facilities during peak hours and that stepped up law enforcement to address double parked trucks may change behavior. Commissioner Moerdler stated that this is to incentivize and shift truck traffic to nighttime hours to change traffic patterns and that on the Henry Hudson Bridge, TBTA actually made money through the conversion to ORT. Rather than considering an overnight discount, Commissioner Trottenberg concurred with Commissioner Rechler and questioned why consideration was not given to charging trucks premium tolls during peak hours since this reduction may cost the MTA around \$10 million. Commissioner Pally suggested that the Board discuss the Move New York Plan and congestion pricing but Commissioner Trottenberg stated that is under the purview of the Legislature.

The Board approved the Truck Toll Reduction Program and two (2) members voted in opposition (Commissioners Saul and 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 discussions and vote regarding this matter.

8. **Executive Session**

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

9. **Public Session**

Upon a motion duly made and seconded, the Board unanimously voted to reconvene in Public Session. The Board approved pension amendments to conform to legislative changes, collective bargaining obligations and to promote sound pension policy.

10. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 2:05 p.m.

Respectfully submitted,



Julia R. Christ  
Secretary



**Regular Board Meeting  
MTA Capital Construction Company  
2 Broadway  
New York, NY 10004  
Wednesday, June 21, 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. Scott Rechler  
Hon. John Samuelson  
Hon. Andrew Saul  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following members were absent:

Hon. Lawrence Schwartz

Board Member Andrew Albert, Board Member and Randolph Glucksman also attended the meeting as did various other agency presidents and staff including Veronique Hakim, Interim Executive Director, MTA, Janno Lieber, Chief Development Officer, MTA, Donna Evans, Chief of Staff, MTA, Helene Fromm, Acting General Counsel, MTA, Robert Foran, Chief Financial Officer, MTA, Philip Eng, Chief Operating Officer, MTA, Stephen Morello, Counselor to the Chairman MTA, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Joseph J. Giulietti, President, Metro-North Railroad, Tim Mulligan, Acting President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, Steven LoPiano, Vice President, Paratransit, NYCT, Evan M. 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.

#### **Public Comment Periods**

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

## **Approval of Minutes**

Upon motion duly made and seconded, the Board approved the minutes of the Regular Meetings of the Board of the Metropolitan Transportation Authority and the MTA Capital Construction Company held on April 26<sup>th</sup> and May 24<sup>th</sup>, 2017.

## **Committee on Finance**

### Procurement Item

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

Award of an All-Agency personal service Contract (16211-0100) to New York State Industries for the Disabled ("NYSID"), a New York State Preferred Source, to provide as-needed and short-term personnel services for a five year period in the not-to-exceed amount of \$36,750,000.

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 NYCT and Bus**

### Procurement Item

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

A modification to the Consultant Construction Management Services contract (CM-1338) for the Second Avenue Subway Project, Phase I for additional construction management services in the amount of \$30,701,298.

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

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

### Procurement Items

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

1. The adoption of a resolution and authorization to allow the Request For Proposal method be utilized to solicit Contract CS086, tunnel System Package 2, Signal Installation for the East Side Access Project.
2. Award of four competitively solicited and negotiated miscellaneous service contracts (PS851A – D) for independent testing and laboratory services for an aggregate not-to-exceed amount of \$3M and a contract term of five years.

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 item:

A modification to the Harold Structures Part 3 contract (CH057) for the East Side Access Project to furnish and install remote panels and to furnish additional materials to support control of certain Long Island Rail Road track switches and signals from the Jamaica Control Center in the amount of \$970,558.

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.

**Executive Session**

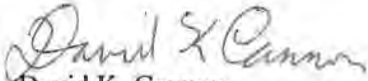
Upon motion duly made and seconded, the Board voted to convene into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

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 2:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David K. Cannon".

David K. Cannon  
Assistant Secretary

# 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> July 13, 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	7/24/2017	X		
2	Board	7/26/2017	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:

# of Actions	\$ Amount
None	None

MTAHQ proposes to award Competitive procurements in the following categories:

### Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts  
Schedule F: Personal Services Contracts

	1	\$224,988,670.85
	11	\$ 4,515,081.07
<b>SUBTOTAL</b>	<b>12</b>	<b>\$ 229,503,751.92</b>

MTAHQ presents the following procurement actions for Ratification:

	None	None
<b>TOTAL</b>	<b>12</b>	<b>\$ 229,503,751.92</b>

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

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

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

# **LIST OF PROCUREMENTS FOR BOARD APPROVAL, JULY 2017**

## **COMPETITIVE PROCUREMENTS**

### **METROPOLITAN TRANSPORTATION AUTHORITY**

#### *Procurements Requiring Majority Vote:*

#### **E. Miscellaneous Procurement Contracts**

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

- |   |  |                                      |
|---|--|--------------------------------------|
| <b>1. Sprague Operating Resources LLC<br/>Transportation and Heating Fuels &amp;<br/>Related Services<br/>Contract No. 16043-0000</b> | <b>\$224,988,670.85</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|---|--|--------------------------------------|

Competitively negotiated – 6 proposals – 36 months

To recommend the Board approve an award of a competitively-negotiated, All-Agency miscellaneous procurement contract to Sprague Operating Resources LLC (Sprague) to provide petroleum based transportation fuels (excluding bus fuel), heating fuels and related services. Sprague will provide E85 (ethanol); ULSK No. 1 (kerosene); unleaded gasoline; ULSD No. 2 (diesel, excluding revenue bus fuel); ULSD No. 2 (special specification for locomotive fuel); bio-diesel heating fuel; as needed tank maintenance and monitoring services and offsite retail fuel card services. 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 \$224,988,670.85.

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

**F. Personal Service Contracts**

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

- 2-8. **Executive Recruitment Services** **\$2,255,081.07** Staff Summary Attached  
**Contract No. 16359 – 001 thru 007** (not-to-exceed)  
a. **The Burgess Group – Corporate Recruiters International Inc.**  
b. **David Gomez & Associates International Co.**  
c. **Gilbert Tweed Associates, Inc.**  
d. **Harris Rand Lusk**  
e. **Infosys International, Inc.**  
f. **KMQ Enterprises, Inc. d/b/a Tailwind Associates**  
g. **Krauthamer & Associates**

Competitively negotiated – 14 proposals – 60 months

To recommend the Board approve the award of seven (7) competitively negotiated personal service contracts to provide executive recruitment services at a total cost not to exceed amount of \$2,255,081.07 for the term of five (5) years which includes two one year renewal options from August 1, 2017 to July 31, 2022. The recruitment firm will design a tailored and customized strategy which will take into account an agency's specific job description, requirements for the position and other relevant factors such as market conditions, the agency's relevant recruitment history and experience, outreach and diversity and geographic search. Executive level positions for which executive search services may be required include, but are not be limited to: positions such as agency Presidents, Executive to the Presidents, a Direct Report to an agency President, the Head of a Department or Division or a Direct Report to such position and in various functional areas throughout the MTA. The contracts are zero-based and will be utilized on an as-needed basis without any obligation to the MTA and its agencies to commit a minimum amount to any of the seven (7) firms. The fees are found to be fair and reasonable for all seven proposed awardees.

9. **Oliver Wyman Actuarial Consulting, Inc.** **\$1,740,000** Staff Summary Attached  
**Actuarial and Risk Management Consulting Services** (not-to-exceed)  
**Contract No. 16379-001**

Competitively negotiated – 6 proposals – 60 months

To obtain Board approval to award a competitively negotiated, personal services contract to Oliver Wyman Actuarial Consulting, Inc. (Oliver Wyman), to provide actuarial and risk management consulting services in connection with the self-insured programs of the MTA Agencies and programs insured through First Mutual Transportation Assurance Company (FMTAC), MTA's wholly-owned captive insurance company. The services to be performed by the consultant include: annual loss reserve analysis as required under GASB regulations, along with projection of cash payouts; actuarial analysis and statement of actuarial opinion for FMTAC; and general consulting and optional actuarial services as directed by the MTA's project manager. A review of the fully loaded rates were found to be fair and reasonable. The contract will be for a term of three (3) years with two one year renewal options from August 1, 2017 to July 31, 2022, at a total not to exceed \$1,740,000.00.



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

- 10. New York State Technology Enterprise Corporation (NYSTEC)                      \$270,000**  
**Consulting Services for Livingston Plaza Data Center                      (not-to-exceed)**  
**Disaster Recovery**  
**Contract No. 900000000002240**

New York State Contract Ride PN20500 – 12 months

MTA seeks to ride New York State OGS Contract No. PN20500 to provide consulting services for data center disaster recovery for the Livingston Plaza Data Center (LPDC). Disaster recovery planning enables data center managers, hardware and software administrators, and user groups to proactively anticipate and mitigate the effects of disruptions. Furthermore, NYSTEC will provide business impact analysis, application recovery procedures, and a disaster recovery plan. Similarly, NYSTEC has provided these services to the MTA for the 2 Broadway Data Center. The LPDC is one of the major MTA data centers which hosts and serves as a backup facility for critical applications. The hourly rate from these services, which range from as low as \$94.64 to as high as \$254.83, is the same rate currently being paid by New York State, which is approximately 10% off of NYSTEC's commercial list pricing. The contract will be a twelve (12) month not to exceed \$270,000.

**11-12. AFT projects at two MNR Overhead Bridges on the New Haven Line –**

AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively negotiated - 132 proposals - 18 months.

Frances Gallardo, 14<sup>th</sup> Avenue Bridge – MNR (\$125,000)

Competitively negotiated - 132 proposals - 18 months.

Josué Guarionex Colon-Rosado, 3<sup>rd</sup> Avenue Bridge – MNR (\$125,000)



# Staff Summary

## Schedule E: Miscellaneous Procurement Contracts

Page 1 of 1

Item Number:

<b>Vendor Name (&amp; Location):</b> Sprague Operating Resources LLC	<b>Contract Number:</b> 16043-0000	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description:</b> Transportation and Heating Fuels and Related Services	<b>Total Amount:</b> \$224,988,670.85	
<b>Contract Term (including Options, if any):</b> 3 years, 2 1-year Options	<b>Funding Source:</b> X Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> X Yes <input type="checkbox"/> No	<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> MTA HQ Procurement, Senior Director, BSC	
<b>Procurement Type:</b> X Competitive <input type="checkbox"/> Non-competitive	<b>Contract Manager:</b> Marc Ian Rosen	
<b>Solicitation Type:</b> X RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		

### I. PURPOSE/RECOMMENDATION

To recommend the Board approve the award of a competitively-negotiated, All-Agency miscellaneous procurement contract to Sprague Operating Resources LLC (Sprague) to provide Petroleum Based Transportation and Heating Fuels and Related Services. 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 \$224,988,670.85.

### II. DISCUSSION

The supply and delivery of fuel, as well as the performance of related services is critical to the MTA's ability to function as a Transportation Authority. Approval of a contract with Sprague is being sought for the supply and delivery of petroleum-based transportation and heating fuels for the following fuel types and services:

- E85 (Ethanol)
- ULSK No. 1 (Kerosene)
- Unleaded Gasoline
- ULSD No. 2 (Diesel- with the exception of revenue Bus Fuel)
- ULSD No. 2, Special Spec (Locomotive Fuel)
- Bio-Diesel Heating Fuel
- As-Needed Tank Maintenance and Monitoring Services
- Offsite Retail Fuel Card Services

The MTA has in place 11 separate contracts with 6 vendors. Sprague is by far the MTA's largest provider of fuels with 93% of the MTA's 2015 spend paid to Sprague. The MTA's current contract with Sprague expires in August 31, 2017

A fuel RFP was issued and intended to optimize MTA fuel vendors and leverage fuel volumes across all agencies, rationalizing vendors and contracts for better value and benefits to allow the MTA and its agencies to better manage fuel procurement, delivery and payment. The RFP was publicly advertised and letters, informing potential proposers of the RFP's availability, were emailed to 35 firms. Six proposals were received on August 25, 2016. A selection committee comprised of representatives from all participating agencies (LIRR, MNR, TBTA, MTABC, and NYCT) recommended that three firms - Sprague, Global Montello Group, and United Metro Energy Corp. be invited to make oral presentations. Sprague's technical and cost proposal as well as oral presentation best demonstrated their ability to meet the MTA's unique requirements and their pricing was more favorable than that of the other proposers. The selection committee unanimously determined that Sprague is the most qualified firm to perform the services required by this RFP.

Bulk Fuel represents 94.58% of the total cost of the contract. Bulk Fuel per gallon cost consists of basis index price and differential price. The basis index price currently represents 87% of the total per gallon cost, therefore differential currently represents 13%. The price schedule in this contract is structured so that MTA has a fixed differential price over the term of 5 years, which is how much more per gallon it will cost to deliver the products to MTA locations. The differential includes cost of transportation,

fees, and profit. The differential is added to a published index price that reflects changes in the market. The index chosen is Argus NY Harbor assessment, which is calculated using market appropriate methodology based on every spot trade available over the entire trading day. The invoiced total cost to MTA for each fuel type will be calculated on a weekly basis by using the previous week's high-low average of the traded base index price Monday through Friday and adding the negotiated and agreed differential price per gallon.

As a result of negotiation with Sprague, first focusing on the bulk fuel delivery portion of the RFP, MTA Procurement was able to negotiate an estimated annual savings of approximately \$311,615 (or 5.46%) on differential cost across all fuel types and locations when compared to previous and active contracts for the same. Over the five (5) year term of this contract, that would amount to a total savings of approximately \$1,558,075 on the bulk delivery portion of the RFP.

MTA Procurement negotiated a savings of \$18 per hour for maintenance work performed on its tanks during overtime; saving 8.45% from the originally proposed hourly rate of \$213. The new rate of \$195 an hour, is \$5.57 (2.86%) more than the rate seen in a comparable and active repair contract held by NYCT. The hourly rate for repairs during normal hours is \$142, which is \$9.57 (6.31%) less than the rate seen in the aforementioned contract.

MTA Procurement also requested the use of fuel cards at offsite retail locations which will be provided at no additional cost to the MTA, and represents significant savings from the previous rates and contracts. The differential price per gallon paid under previous contracts would have amounted to approximately \$501,421.20 annually using future volume estimates. This cost has been eliminated under the new contract, saving the MTA approximately \$2,507,106 in differential cost over the five (5) year contract term when compared to previous contracts.

This award will not replace two existing contracts for Revenue Bus Fuel for New York City Transit- Department of Buses, and MTA Bus Company. The two contracts had been competitively awarded to Sprague for \$633,284,746 over their five (5) year term and approved by the Board in April of 2015, with an estimated annual spend of \$126,656,949. A decision had been made by Procurement in conjunction with the affected agencies to not exit these contracts, because: 1) they had been executed shortly prior to the solicitation for the consolidated all-agency fuel contract, and; 2) to give Procurement consolidation time to configure processes for critical revenue bus fuel delivery. The expiration date of the Bus Fuel agreement is 6/30/2020 which is nearly contemporaneous with the expiration date of this contract's base three (3) year term on 7/31/2020. MTA and the agencies will assess the opportunity to include all common and specialized vehicle fuels in the future solicitation.

In connection with the review of the Contractor's responsibility pursuant to the All-Agency Responsibility Guidelines, the Contractor was found to be responsible and qualified for the contract award.

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

MTA Department of Diversity and Civil Rights had determined that this Procurement would carry 0% goals for D/M/WBE.

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

This contract will be funded through Operating Funds in an amount not-to-exceed \$224,988,670.85.

### **V. ALTERNATIVES**

Do not provide the services: This alternative is not feasible, as the MTA requires fuel in order to fulfill its mission to transport and connect riders across the region the MTA serves. It is not feasible or cost effective to simply not provide the related services within this contract as we have received favorable pricing through their inclusion, and to not do so would damage the infrastructure through which fuel is stored and dispatched for MTA use.

Perform the related services in house: This alternative is not feasible. The MTA has neither the staff present nor the specialized expertise to fully provide these services.

Continue having services provided under active contracts: This alternative is not feasible, as the contracts for ULSD No. 2 and Gasoline expire August 31, 2017, and along with them, the related services being provided. This alternative is also not cost effective, because the MTA has received more favorable pricing for the other fuel types whose contracts are still active, as the result of volume consolidation.

# Staff Summary

## Schedule F: Personal Service Contracts

<b>Item Number:</b> <b>Dept. &amp; Dept. Head Name:</b> Labor Relations/Anita Miller <b>Division &amp; Division Head Name:</b> <i>Margaret McConer</i> Human Resources/Margaret Conner						<b>SUMMARY INFORMATION</b> <b>Vendor Name:</b> Various <b>Contract Number:</b> 16359 – 001 thru 007 <b>Description:</b> Executive Recruitment Services <b>Total Amount:</b> \$2,255,081.07 <b>Contract Term (including Options, if any):</b> Five (5) Years <b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>Renewal – two (2) one year renewals</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive <b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: <b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Board Reviews</b>							
Order	To	Date	Approval	Info	Other		
1	Finance	7/24/17	X				
2	Board	7/26/17	X				
<b>Internal Approvals</b>							
Order	Approval	Order	Approval				
1	Procurement <i>(initials)</i>	4	DDCR <i>(initials)</i>				
2	Legal <i>(initials)</i>	5	CFO <i>(initials)</i>				
3	Labor Relations <i>(initials)</i>						

### Narrative

#### I. PURPOSE/RECOMMENDATION

To recommend the Board approve the award of seven (7) competitively negotiated personal service contracts to provide executive recruitment services at a total cost not to exceed amount of \$2,255,081.07 for the term of five (5) years with two one year renewal options from August 1, 2017 to July 31, 2022. The contracts are zero-based and will be utilized on an as-needed basis without any obligation to the MTA and its agencies to commit a minimum amount to any of the seven (7) firms listed below:

1. The Burgess Group – Corporate Recruiters International Inc.	5. Infosys International, Inc.
2. David Gomez & Associates International Co.	6. KMQ Enterprises, Inc. d/b/a Tailwind Associates
3. Gilbert Tweed Associates, Inc.	7. Krauthamer & Associates
4. Harris Rand Lusk	

#### II. DISCUSSION

The selected consultants will provide executive recruitment services for MTA and its agencies on an as-needed basis. The recruitment needs in the aggregate and as to each MTA agency are not guaranteed and will depend upon actual need. Executive level positions for which executive search services may be required include, but may not be limited to: positions such as agency Presidents, Executive to the Presidents, a Direct Report to an agency President, the Head of a Department or Division or a Direct Report to such position, in functional areas throughout the MTA.

The selected consultants shall: develop an understanding of each agency's organizational requirements such as policies and procedures, culture, and job structures to effectively develop recruitment strategies and programs; properly and lawfully screen for relevant experience, skills, and educational/licensing requirements; and conduct initial interviews for the purpose of developing a pool of qualified candidates from which MTA may make selections. The selected consultants shall provide strategic recruitment guidance and recommendations to meet current recruitment goals, as well as develop and maintain ongoing recruitment activity as necessary to maintain a vibrant diversified database of potential candidates that meet the MTA's long-term projected goals and requirements.

The MTA expect the consultant(s) selected to recruit for a specific position will design a tailored and customized strategy that will take into account the agency's specific job description and requirements for the position, all relevant factors such as but not limited to market conditions, the agency's relevant recruitment history and experience, outreach and diversity, geographic search area such as regional, national and/or international and the consultant's body of knowledge, resources and experience.

# Staff Summary

## Schedule F: Personal Service Contracts

Contract No. 16359 – 001 thru 007

Page 2 of 2

An RFP was publicly advertised and letters informing potential proposers of the RFP's availability were emailed to 235 firms, 21 of which were MBE/WBE firms. Fourteen (14) proposals were received on January 17th. A Selection Committee, comprised of representatives from MTA Human Resources and Legal (employment counsel), evaluated the proposals and recommended seven firms as the most qualified to perform the services required in the RFP. The Committee chose the firms based on the following considerations: a) executive recruitment experience; b) qualifications of their personnel; and c) their proposed service plan and cost proposal.

The price schedule for the RFP required proposers to provide a retainer fee in which the Consultant is paid for a successful recruitment based on a percentage of the initial compensation of the successful candidate or any other method for determining the amount of the compensation to be paid. As a result of negotiations, the price schedule is tiered and allowed proposers to provide different percentages or a flat fee. As an added incentive to the fee structure, a descending price schedule was developed based on the number of candidates' successful placements. The fees negotiated by MTA range from 10% to 28%. Negotiated fees were found to be fair and reasonable for all seven proposed awardees based on a comparison to market rate fees for recruiting services and the previous MTA contract which ranged from 25% to 30%.

Three awardees, The Burgess Group, David Gomez, and Infosys International, are certified MBE's and KMQ Enterprises is a certified WBE.

In connection with the review of the consultants' responsibility pursuant to the All-Agency Responsibility Guidelines, the consultants were found to be responsible and qualified for contract award.

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

The MTA Department of Diversity and Civil Rights (DDCR) have established goals of 15% MBE and 15% WBE for the contract. Each of the vendors have projected to achieve the assigned goals. None of the vendors have completed any MTA contract with goals; therefore, no assessment of the firm's MWDBE performance can be determined at this time.

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

Funding for these contracts will be provided from the operating budget through Human Resources, and may be allocated as appropriate to the relevant MTA agency seeking recruitment services.

### **V. ALTERNATIVES**

None; the MTA does not have the staff with the specialized expertise or experience to recruit nationwide at the executive level.



# Staff Summary

## Schedule F: Personal Service Contracts

Item Number:						SUMMARY INFORMATION	
Dept. & Dept. Head Name: Office of the Chief Financial Officer/Robert Foran						Vendor Name: Oliver Wyman Actuarial Consulting, Inc.	
Division & Division Head Name: Risk & Insurance Management/Phyllis Rachmuth						Contract Number: 16379-001	
						Description: Actuarial and Risk Management Consulting Services	
						Total Amount: \$1,740,000.00	
Board Reviews						Contract Term (including Options, if any) Five (5) years	
Order	To	Date	Approval	Info	Other	Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
1	Finance	7/24/17	X			Renewal – two (2) one year renewals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2	Board	7/26/17	X			Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
						Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
						Funding Source: <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
Internal Approvals							
Order	Approval	Order	Approval				
1	Procurement <i>[Signature]</i>	3	Legal <i>[Signature]</i>				
2	DDCR <i>[Signature]</i>	4	CFO <i>[Signature]</i>				

### Narrative

#### I. PURPOSE/RECOMMENDATION:

To obtain Board approval to award a competitively negotiated, personal services contract to Oliver Wyman Actuarial Consulting, Inc. (Oliver Wyman), to provide actuarial and risk management consulting services in connection with the self-insured programs of the MTA Agencies and programs insured through First Mutual Transportation Assurance Company, MTA's wholly-owned captive insurance company. The contract will be for a term of three (3) years with two one year renewal options from August 1, 2017 to July 31, 2022, at a total cost not to exceed \$1,740,000.00.

#### II. DISCUSSION:

The MTA Risk and Insurance Management (RIM) Department is responsible for the administration of First Mutual Transportation Assurance Company (FMTAC), which is MTA's wholly owned captive insurance company. As part of its obligation to FMTAC, RIM is required to produce an independent financial risk of loss report in determining the correct financial posture of the insurance programs held within the captive in order to ensure their continued financial stability as well as their ability to meet present and expected future obligations (Article 70, Section 7003c of the NY Insurance Law). As in the past, the actuarial firm will provide detailed year-end loss reserve analysis for all the MTA agencies to meet their financial accounting obligations under Governmental Accounting Standards Board (GASB) Regulation #10. This financial information is contained in the footnotes of the Consolidated MTA Financials. As of 9/30/2016 this amount represented \$3.1 billion in MTA liabilities. In addition, MTA RIM has the responsibility for analyzing the need for either the proper placement of insurance or the establishment of risk financing arrangements for each of the operating agencies. This function requires periodic actuarial analysis and/or audit capabilities beyond the usual recurring tasks stated above. The services to be performed by the consultant include: annual loss reserve analysis as required under GASB regulation #10, along with projection of cash payouts; actuarial analysis and statement of actuarial opinion for the FMTAC; and general consulting and optional actuarial services as directed by the MTA's project manager.

MTA's current contract for actuarial and risk management consulting services will expire on July 31, 2017. In order to continue these essential services for the five year period commencing August 1, 2017, a competitive Request for Proposals (RFP) was publicly advertised and letters informing potential proposers of the availability of the RFP package were emailed to eleven (11) firms. The Office of Diversity and Civil Rights established goals of 0% MBE and 0% WBE for this contract. Six (6) proposals were received. A selection committee, comprised of representatives from MTA's Risk and Insurance Management, MTA Comptroller and NYCT Office of Management and Budget (OMB) evaluated the proposals and recommended MTA Procurement negotiate with the two firms found to be technically qualified (Milliman Inc. and Oliver Wyman). Based on the application of the selection criteria to the RFP (which included experience of the proposed staff, design and implementation approach and cost of services), the selection committee unanimously determined Oliver Wyman is the most qualified firm to perform the services required by this RFP.

# Staff Summary

## Schedule F: Personal Service Contracts

Contract No. 16379-001

Page 2 of 2

Oliver Wyman's proposal was for a total five-year cost of \$1,821,700. As a result of negotiations, the cost was reduced to \$1,740,000. A review of the fully loaded rates were found to be fair and reasonable. These rates are consistent with the rates currently paid by the MTA and will remain firm for the duration of this contract. Based on the above, the five-year cost of \$1,740,000 is deemed to be fair and reasonable.

In connection with a previous contract awarded to the Contractor's affiliate, Marsh USA Inc. ("Marsh"), Marsh 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 June 2012. No new SAI has been found relating to the Contractor and the Contractor has been found to be responsible.

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

The MTA Department of Diversity and Civil Rights (DDCR) assigned a zero goal to this contract due to insufficient availability of MWBE firms.

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

The total not-to-exceed cost of \$1,740,000 for the five-year contract will be funded through the Risk and Insurance Management Department.

### **IV. ALTERNATIVES:**

1. Do not contract for an Actuarial Consulting Contract. This alternative is not recommended. Failure to obtain these services would result in violation of State Department of Financial Service regulations, would undermine the financial stability of FMTAC, and result in unacceptable risks and consequences.
2. Perform services in-house. This alternative is not feasible. MTA does not have the staff with specialized expertise for these services.

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

**MTA NEW YORK CITY TRANSIT**

Easement agreement with Esplanade Gardens, Inc., to allow construction of a new floodwall at the 148th Street Yard, Manhattan

Acquisition of property located in basement and street level areas within Grand Hyatt Hotel, to enable expansion of the mezzanine at New York City Transit's Grand Central Station

**MTA METRO NORTH RAILROAD**

Lease with JP Morgan Chase for the operation of automated teller machines in Retail Space LC-35 in the dining concourse at Grand Central Terminal

Acquisition from Greentree Realty LLC of property adjacent to the Harmon Yard in Croton-on-Hudson, NY

**MTA LONG ISLAND RAIL ROAD**


License agreement with the Town of Riverhead for the use of the Riverhead Station Building and associated parking spaces and green areas by the Riverhead and Ambulance Corps., Riverhead, New York

Agreements with Pinelawn Cemetery for Pinelawn Station Improvements



# Staff Summary



Subject <b>EASEMENT AGREEMENT WITH ESPLANADE GARDENS, INC.</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>ARTURO ESPINOZA</b>

Date <b>July 24, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	7/24/17	X		
2	Board	7/26/17	X		

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

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

GRANTOR: Esplanade Gardens, Inc. ("Esplanade")

LOCATIONS: 700 Esplanade Gardens Plaza (Manhattan; Block: 1744; Lot: 1) and 2541 Adam C. Powell Jr. Blvd. (Manhattan; Block: 2016; Lot 50), together the "Property"

ACTION REQUESTED: Approval of terms

SPACE:

1. Temporary easement of 3,262 square feet (with duration of 6 months)
2. Temporary easement of 4,040 square feet (with duration of 8 months)
3. Temporary easement of 7,743 square feet (with duration of 18 months)
4. Permanent easements totaling 2,482 square feet
5. Permanent subsurface easements totaling 11,891 square feet

PRICE: \$2,150,000 (plus compensation for temporary parking for residents as described below)

## COMMENTS:

The attached staff summary and resolution dated September 21, 2015 authorized MTA Real Estate to acquire easement interests in land owned by Esplanade for the construction and maintenance of a new floodwall to protect the 148<sup>th</sup> Street Yard from future flooding (the "Project"). MTA Real Estate has finalized the acquisition maps, procured independent appraisals and negotiated an agreement with Esplanade for the above-referenced easement interests, the terms and conditions of which are outlined below.

The MTA's appraiser initially valued all easements at \$1,132,800, an amount that received approval from the Federal Transit Administration ("FTA"), the funding agent/authority for the Project. Subsequently, the MTA's appraiser applied time adjustments to that figure, which increased the total appraised value to \$1,317,800 as of May 2017.

After the MTA made a written offer in October 2016, Esplanade retained its own appraiser, who valued all easements at \$2,987,935. Following extensive negotiations, we have reached a tentative agreement to pay Esplanade the sum of \$2,150,000. This figure is slightly below the midpoint between Esplanade's appraised value and the MTA's time-adjusted appraised value.

# Staff Summary


## FINANCE COMMITTEE MEETING Esplanade Gardens, Inc. (Cont'd.)

In its budget for the Project (separate from and in addition to property acquisition costs) NYCT included \$750,000 to cover the estimated cost of paving an unused area of Esplanade's property along the Harlem River. This will provide temporary parking for Esplanade's residents whose regular parking spaces will be displaced during Project construction. But an agreement could not be reached with Esplanade on the scope of the work and other terms. Accordingly, NYCT has agreed to pay Esplanade such budgeted amount of \$750,000 to provide its own temporary parking accommodations. This brings the total compensation payable to Esplanade to \$2,900,000, consisting of \$2,150,000 for the easements and \$750,000 for the temporary parking accommodations.

The MTA's condemnation counsel has advised that the proposed settlement is fair and reasonable in relation to our potential exposure in a condemnation proceeding. Because the Project will receive discretionary federal money from Hurricane Sandy funding sources, there is a possibility that the FTA would not approve the Project for funding given the uncapped property acquisition cost and schedule risks associated with condemnation litigation. Such federal funding will cover 75% of the acquisition cost.

Based on the foregoing, MTA Real Estate requests authorization to proceed with the negotiated agreement on the above-described terms and conditions.

# Staff Summary

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

Date <b>SEPTEMBER 21, 2015</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	09/21/2015	X		
2	Board	09/24/2015	X		

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

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

LOCATION: 700 Esplanade Gardens Plaza (Manhattan block 1744, lot 1) and 2541 Adam C. Cowell Blvd. (Manhattan block 2016 lot 50), collectively referred to as the "Property"

ACTION REQUESTED: Authorization to commence preliminary steps for acquisition of permanent and temporary easements

## COMMENTS:

As part of a New York City Transit ("NYCT") flood mitigation project at NYCT's 148<sup>th</sup> Street Yard (the "Project"), which is part of MTA's overall Sandy Resiliency and Recovery efforts, a new floodwall needs to be constructed on adjacent private property belonging to Esplanade Gardens, Inc. ("Esplanade"), a high-rise residential coop complex. Permanent and temporary easements in the Property will be needed to construct and maintain the new wall, which will replace and expand an existing floodwall.

MTA Real Estate will endeavor to acquire the required easements in the Property via negotiation. If a negotiated agreement is not reached, MTA may be compelled to acquire the easements by eminent domain. In that event, we request authorization to begin taking preliminary steps, including holding a public hearing (the findings of which will be subject to Finance Committee and Board approval), to satisfy the requirements of the Eminent Domain Procedure Law in order to preserve MTA's rights and lessen the potential for future delays to the Project. Should a negotiated agreement for the required property rights be reached prior to the filing of condemnation papers with the court, the terms of such agreement will also be presented to the Finance Committee and Board for approval. The property acquisition will be subject to satisfactory completion of any necessary environmental reviews.

Based on the foregoing, MTA Real Estate requests approval to acquire permanent and temporary easements in the Property by negotiated agreement or eminent domain and to adopt the attached Resolution authorizing MTA to commence the proposed acquisition process.

## RESOLUTION

**WHEREAS**, MTA New York City Transit ("NYCT") is proposing a flood mitigation project at NYCT's 148<sup>th</sup> Street Yard in Manhattan that will require construction of a flood wall on adjacent private property (part of Manhattan block 1744 lot 1 and part of Manhattan block 2016 lot 50) (the "Subject Property");


**WHEREAS**, NYCT will require temporary easements totaling approximately 11,398 square feet during construction of the flood wall; permanent subsurface easements for the wall foundation and overlapping permanent, non-exclusive access easements for future access to the wall and its foundation for maintenance, repair, and reconstruction, each totaling approximately 10,977 square feet; and permanent easements of approximately 2,944 square feet to accommodate the new floodwall at and above surface level; and

**WHEREAS**, MTA Real Estate will procure independent appraisals of such temporary and permanent interests in the Subject Property and endeavor to negotiate a voluntary purchase of the easements from the Subject Property's owner, the terms of which will be subject to approval by the Board, but if negotiations are not successful, Board approval is hereby sought to initiate preliminary actions to acquire the necessary easements by eminent domain.

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

**RESOLVED**, that pursuant to Section 1267 of the Public Authorities Law, the chief executive officer of the MTA or such staff of the MTA as are designated by the chief executive officer, are authorized to proceed with the acquisition of temporary and permanent easements in the Subject Property, as described above, and to schedule and undertake such preliminary actions as may be required in accordance with the New York Eminent Domain Procedure Law in connection with such acquisition.

# Staff Summary

Subject <b>PROPERTY ACQUISITION AT GRAND HYATT HOTEL</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>HELENE CINQUE</b>

Date <b>JULY 24, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	7/24/17	X		
2	Board	7/27/17	X		

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

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

**PROPERTY:** Basement and street-level areas of the Grand Hyatt Hotel (the "Hotel"), located at 109 E. 42nd Street, New York, New York, a/k/a Manhattan Block 1280, Lot 30 (the "Property"), adjacent to NYCT's Grand Central / 42nd Street subway station (the "Station").

**OWNER:** New York State Empire State Development Corporation ("ESD"), subject to a reversion of fee title from ESD to the City of New York (the "City") on May 18, 2077.

**GROUND LESSEE:** Hyatt Equities, L.L.C. ("Hyatt")

**PROPERTY TO BE ACQUIRED:** Permanent acquisition of the following areas (collectively, the "Acquired Premises"): (1) 2,253 sq. ft. of basement level retail space that Hyatt previously subleased to its tenant, Strawberry Stores ("Strawberry"); (2) 294 sq. ft. of street level retail space in the former Strawberry space (3) 2,945 sq. ft. of Hotel back-of-house space located in the north side of the Hotel's basement ("Hyatt North"); and (4) 6,431 sq. ft. of basement retail space that Hyatt subleased to its tenant, Vanlex Stores, Inc. d/b/a Bolton's ("Bolton's"), which will be severed from Bolton's remaining retail space at the street and basement levels of the Hotel.

**COMPENSATION:** MTA to pay to Hyatt (1) \$13 million for Hyatt's interest in the Acquired Premises; (2) \$600,000, to compensate for Hyatt for rent abatement to be afforded to its retail tenant, Bolton's, in consideration of Bolton's surrender of a portion of the Acquired Premises; and (3) reimbursement for certain expenses as described below. No compensation will be paid to ESD or the City.

## NARRATIVE:

In January 2016, the MTA Board approved the attached Staff Summary authorizing MTA Real Estate to proceed with the acquisition, by negotiated agreement or eminent domain, of permanent and temporary interests in portions of the Property that are required to improve passenger circulation on, to and from the mezzanine level of the Station (the "Project"). In accordance with such January 2016 MTA Board approval, this Staff Summary requests approval of the terms of a negotiated agreement for acquisition of the Acquired Premises pursuant to the documents described below.

## FINANCE COMMITTEE MEETING

Page 2 of 2

### HYATT (Cont)

Most of the work required for the Project has been or will be undertaken and/or funded by One Vanderbilt LLC, the developer of the One Vanderbilt office building (the "Developer"). The Developer's contributions are being made in consideration of the special permit that it has received for its development project from the City of New York. The improvements for which the Developer has assumed responsibility include both "on-site" improvements in and under One Vanderbilt and "off-site" improvements in space owned, controlled or to be acquired by the MTA or NYCT, including the Acquired Premises. Pursuant to the Special Permit (a) the Developer is responsible for both the performance and the funding of all utility relocation and construction work relating to the off-site improvements, except for the structural girder modifications needed to expand NYCT's pedestrian mezzanine into Hyatt North (the "Girder Modifications"), which will be contracted for separately by NYCT and toward the cost of which the Developer will contribute \$10 million, and (b) the MTA will be responsible for all costs of acquiring the Acquired Premises. Funds for such acquisition have been provided for in MTA's 2015-2019 Capital Program.

In September 2016, the MTA Board approved an agreement to secure temporary occupancy of space in a portion of the street level and basement space that Hyatt subleased to Strawberry. Such space was needed to allow the Developer to proceed with utility relocation and other preliminary work required to install a new NYCT passenger elevator and reconfigure an existing NYCT subway entrance on Lexington Avenue. The remaining agreements needed to permit the off-site pedestrian circulation work to proceed, and for NYCT to have permanent control over the new transit space and facilities, are as follows:

Master Acquisition Agreement and Ancillary Documents. The Property, including the Acquired Premises, is owned by ESD and leased to Hyatt under a ground lease that expires on May 18, 2077, whereupon fee title to the Property will revert to the City. Accordingly, the MTA and NYCT will be entering into a Master Acquisition Agreement and related documents with ESD, the City and Hyatt, pursuant to which (a) ESD will convey to the MTA, without compensation, all of ESD's right, title and interest in and to the Acquired Premises; (b) the City will agree that, when ESD's fee interest in the Property (inclusive of the Acquired Premises) reverts to the City in 2077, the Acquired Premises will automatically be deemed covered by the City/NYCT Master Lease (which covers most of NYCT's operating property in the City of New York, including the Station); and (c) immediately prior to ESD's conveyance of the Acquired Premises to the MTA, Hyatt will modify its ground lease with ESD and release and surrender to ESD all of Hyatt's interests in the Acquired Premises, thus severing the Acquired Premises from the Hyatt ground lease. The MTA and Hyatt have agreed that the MTA will compensate Hyatt in the amount of \$13 million for Hyatt's interest in the Acquired Premises, a value that is supported by an independent appraisal that has been obtained by MTA Real Estate.

In an action related to the Master Acquisition Agreement, the MTA, in February 2017, served a notice of intent under the Eminent Domain Procedure Law ("EDPL") on Hyatt's subtenant, Bolton's, to secure control over portions of the Acquired Premises that Hyatt subleases to Bolton's. In June 2017, prior to the MTA's formal commencement of a court proceeding under the EDPL, the MTA and Hyatt negotiated agreements with Bolton's providing for Bolton's permanent surrender of portions of the Acquired Premises subleased by Bolton's and temporary surrender of other areas subleased by Bolton's that are needed temporarily for Project-related utility relocation work. In exchange for the surrendered space, Hyatt agreed to provide Bolton's with a rent abatement of \$750,000, \$600,000 of which will be reimbursed to Hyatt by the MTA as a payment in lieu of condemnation. At the same time, Hyatt granted a license, without additional compensation, to allow the MTA and the Developer, as MTA's sub-licensee, to gain temporary early access to the portion of the Acquired Premises in Bolton's basement pending the closing of the acquisition of the Acquired Premises, to enable the Developer to do some necessary preparatory work.

Design, Construction and Reimbursement Agreement – Girder Modifications. In January 2016, the MTA Board authorized an agreement by and among the MTA, NYCT, Hyatt, and the Developer whereby Hyatt would be reimbursed for its reasonable and necessary expenses in retaining (a) architects, engineers and other professionals to review, comment on and otherwise help develop plans for the Project; and (b) legal professionals to negotiate and assist in drafting implementing agreements. Under that agreement, which was subsequently negotiated and signed in March 2017, the Developer is responsible for reimbursing Hyatt for such expenses insofar as they relate to utility relocations and certain structural work, while NYCT is responsible for reimbursing Hyatt for such expenses insofar as they relate to property acquisitions. A similar agreement now is required by and among the MTA, NYCT and Hyatt that will relate to the Girder Modifications, the MTA's obligations under which will be subject to the Developer providing the aforementioned \$10 million contribution which will be paid to the MTA concurrently with the closing of the acquisition of the Acquired Premises.

# Staff Summary



Metropolitan Transportation Authority

## FINANCE COMMITTEE MEETING

Page 3 of 2

### HYATT (Cont)

Based on the foregoing, MTA Real Estate requests authorization to acquire the Acquired Premises from Hyatt, ESD and the City on the above-described terms and conditions.





# Staff Summary

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

<b>Date</b> <b>JANUARY 25, 2016</b>
<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 Committee	1/25/16	X		
2	Board	1/27/16	X		

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

AGENCY: New York City Transit ("NYCT")

PROPERTY: Basement and street-level areas of the Grand Hyatt Hotel, located at 109 E. 42nd Street, New York, New York, a/k/a Manhattan Block 1280, Lot 30 (the "Property"), adjacent to NYCT's Lexington Ave. Line / Grand Central-42nd Street station.

OWNER: New York State Empire State Development Corporation ("ESD")

LESSEE: Hyatt Equities, L.L.C. ("Hyatt")

ACTION REQUESTED: Authorization to (1) enter into an agreement with Hyatt to provide for reimbursement by NYCT of Hyatt's reasonable expenses relating to NYCT's proposed acquisition of interests in the Property and (2) commence preliminary steps to acquire such interests, in accordance with the attached Board resolution.

## COMMENTS:

In order to improve passenger circulation on, to and from the mezzanine level of the Grand Central subway station, NYCT has designed a series of projects that would open additional space on the mezzanine, add stairs from such mezzanine to each Lexington Avenue Line platform and widen one of the station's stairways, which exits onto Lexington Avenue near 42nd Street by incorporating space that currently comprises part of the basement of the Grand Hyatt Hotel (the "Projects"). The areas to be affected by the Projects are delineated on the attached station map.

To carry out the Projects, permanent and temporary interests in portions of the Grand Hyatt basement and certain ground floor retail space will need to be acquired from Hyatt, which operates the hotel under a long-term lease from ESD, as well as from ESD, as fee owner, and from the City of New York (the "City"), to which ESD's fee title will revert upon the expiration of such lease in 2077. Funds for such acquisitions have been provided for in the MTA's 2015-2019 Capital Program, while it has now been determined that the improvements themselves will be funded (and in large part performed) by SL Green Realty Corporation ("SLG"), in consideration of the special permit SLG has received from the City in connection with SLG's 1 Vanderbilt development project.



# Staff Summary

## FINANCE COMMITTEE MEETING Hyatt Equities, L.L.C. (Cont'd.)

### Hyatt Reimbursement Agreement

In order to facilitate planning for the Projects and secure the close coordination with Hyatt that will be needed to implement the Projects and mitigate impacts to the hotel and to subway station operations that could occur in the absence of a cooperative arrangement, the parties propose to enter into an agreement whereby Hyatt will be reimbursed for its reasonable and necessary expenses in retaining (a) architects, engineers and other professionals to review, comment on and otherwise help develop plans for the Projects and (b) legal professionals to negotiate and assist in drafting implementing agreements. SLG will be responsible for reimbursing Hyatt for such expenses insofar as they relate to utility relocations and certain structural work, while NYCT will be responsible for reimbursing Hyatt for such expenses insofar as they relate to property acquisitions.

### Property Acquisitions

When the property acquisition requirements for the Projects have been ascertained with sufficient certainty, MTA Real Estate will endeavor to acquire the required interests through negotiated agreements. However, if agreement cannot be reached with Hyatt, MTA may be compelled to acquire some or all of such interests from Hyatt through eminent domain. Consequently, MTA Real Estate hereby requests authorization to begin taking preliminary steps, including holding a public hearing under the Eminent Domain Procedure Law, in order to lessen the potential for future delays to the Projects. If a negotiated agreement for Hyatt's property interests is reached prior to the filing of condemnation papers with the court, the terms of such agreement will be presented to the Finance Committee and Board for approval.

### **BOARD RESOLUTION**

**WHEREAS**, pedestrian circulation improvements in the Lexington Avenue Subway Line's Grand Central – 42nd Street Station are needed (the "Project");

**WHEREAS**, the Project will require permanent and temporary acquisitions of basement and street-level areas of the Grand Hyatt Hotel, located at 109 E. 42nd Street, New York, New York (a/k/a Manhattan Block 1280, Lot 30) (the "Property");

**WHEREAS**, MTA Real Estate will seek to reach agreement to acquire the required property interests from the Property's long-term tenant, Hyatt Equities, L.L.C. ("Hyatt"), and the Property's owners, the New York State Empire State Development Corporation ("ESD") and the City of New York ("City") through negotiated agreements;

**WHEREAS**, if such a negotiated agreement cannot be concluded in a timely manner and at a reasonable price with Hyatt, acquisition of Hyatt's interests in the portions of the Property needed for the Project by means of eminent domain may be required.

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

**RESOLVED**, that in accordance with the Eminent Domain Procedure Law and Section 1267 of the Public Authorities Law, the Chairman or designated staff member is authorized to proceed with the acquisition by negotiated agreement (subject to further approval by the Finance Committee and Board of MTA of the material economic terms of such agreement) or eminent domain of permanent and temporary interests in the portions of the Property that are needed for the Project and to schedule and undertake such preliminary steps, including holding a public hearing, as may be required under the Eminent Domain Procedure Law in connection with such acquisitions.

This Resolution shall take effect immediately upon its adoption.

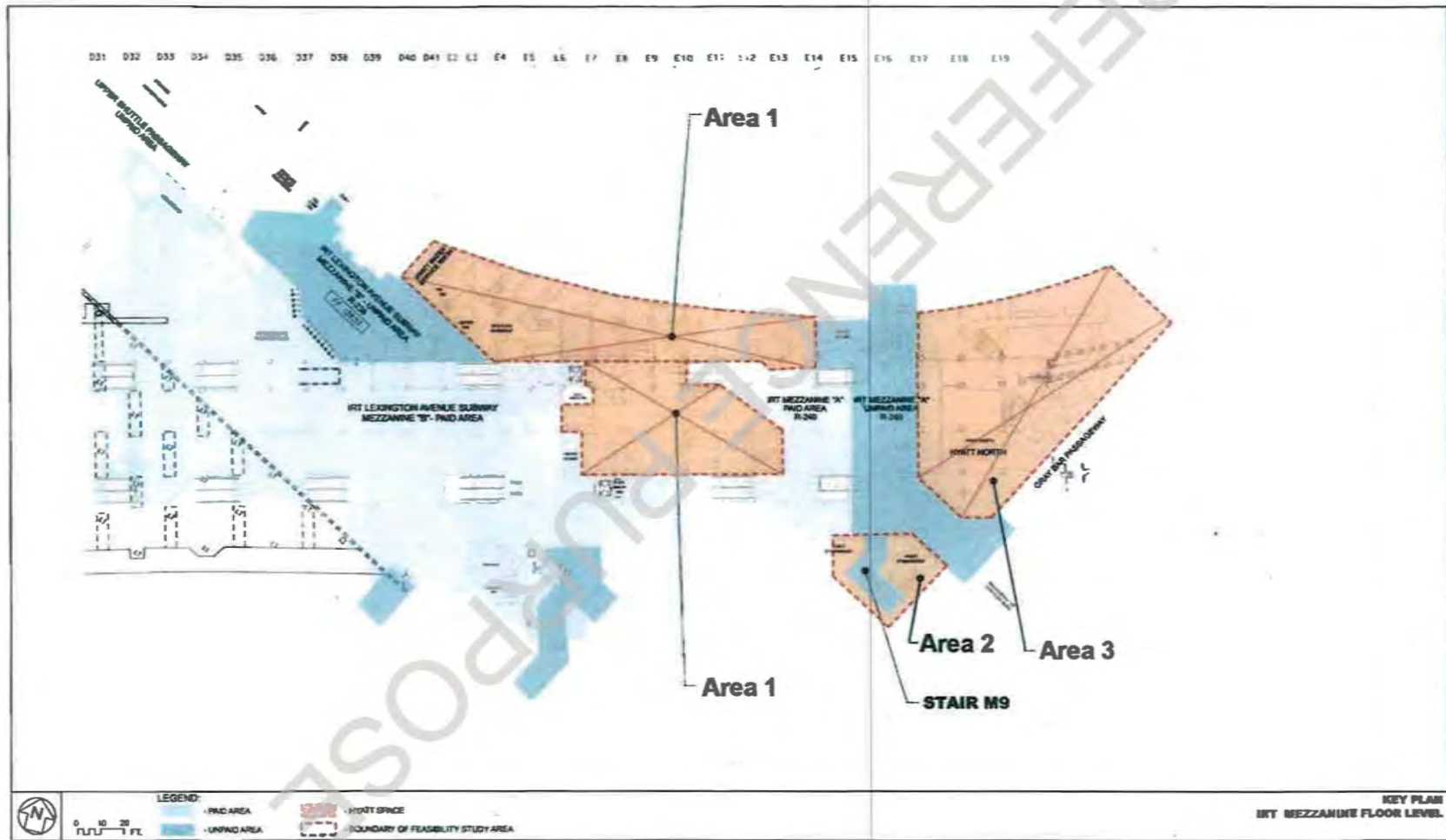



Figure No. 2

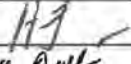
MAY 22, 2013

# Staff Summary

Subject <b>LEASE AGREEMENT WITH CHASE BANK</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>LEAH BASSKNIGHT</b>

Date <b>JULY 24, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	7/24/17			
2	Board	7/26/17			

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

AGENCY: MTA Metro-North Railroad ("Metro-North")  
 LESSEE: JP Morgan Chase ("Chase Bank")  
 LOCATION: GCT Dining Concourse Space LC-35  
 ACTIVITY: Automated Teller Machine ("ATM") Center  
 ACTION REQUESTED: Approval of terms  
 TERM: 5 years  
 SPACE: Approximately 403 square feet  
 COMPENSATION: Base Rent increasing annually by 3% as indicated below

Year	Annual Base Rent	\$PSF
1	\$250,000	\$620.34
2	\$257,500	\$638.95
3	\$265,225	\$658.12
4	\$273,182	\$677.87
5	\$281,377	\$698.20

MARKETING: \$12.00 per sq. ft. per year, increasing annually by 3% (uniform rate for GCT tenants)  
 TRASH: \$10.39 per sq. ft. per year, increasing annually by 3% (uniform rate for GCT tenants)  
 SECURITY: 3 months minimum rent  
 INSURANCE: Standard  
 CONSTRUCTION PERIOD: 60 days

**COMMENTS:**

In response to a recent MTA Request for Proposals ("RFP") for Retail Space LC-35, Grand Central Terminal, proposals were received from Chase Bank and Bank of America. In order to preserve this amenity for Metro-North Railroad passengers, the RFP for this lower level dining concourse space required the winning proposer to operate an ATM center with no less than four machines.

Per the Guidelines for Selection of Tenants for Grand Central Terminal approved by the MTA Board in November 2009, and recently amended in March, 2017, such proposals were independently evaluated by Newmark Grubb Knight Frank and Jones Lang LaSalle, and subsequently evaluated by the Director of GCT Development. When evaluating the proposals, two evaluation criteria were taken into account. Selection Criterion A, which accounts for 70% of the score, is designed to evaluate the direct economic value of a proposal. Selection Criterion B, which accounts for 30% of the score, is the evaluator's determination of a proposal's indirect economic benefit to the MTA.

As illustrated in the attached chart, Chase Bank's Unadjusted Guaranteed Rent Amount (i.e. the proposed guaranteed minimum rent, on a present value basis determined using a discount rate of 6%) and its Total Selection Criteria Score were both higher than those of the other proposer; and consequently a selection committee was not convened.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with Chase Bank on the above-described terms and conditions.

# Staff Summary

## JP Morgan Chase (Cont'd.)

### Grand Central Terminal Retail Leasing Evaluation Sheet

Evaluator: Leah Bassknight, Director GCT Development


Space: LC-35 (currently Chase)

Date: June 26, 2017

Scoring	A	B	C	D	E	F	G	H	I	J
	<u>Unadjusted Guaranteed Rent Amount</u>	<u>Guaranteed Rent Adjustment Factor*</u>	<u>Adjusted Guaranteed Rent Amount (A x B)</u>	<u>Unadjusted Percentage Rent Amount</u>	<u>Percentage Rent Adjustment Factor**</u>	<u>Adjusted Percentage Rent Amount (D x E)</u>	<u>Adjusted Total Rent Amount (C + F)</u>	<u>Selection Criterion A Score *** (0-70)</u>	<u>Selection Criterion B Score (0-30)</u>	<u>Total Selection Criterion Score (H + I)</u>
JP Morgan Chase	\$1,114,358	1	\$1,114,358	0	0	0	\$1,114,358	70.0	25	95
Bank of America, National Association	\$334,309	1	\$334,309	0	0	0	\$334,309	21.0	25	46
* Guaranteed Rent Adjustment Factor: from 1.00 (no uncertainty about A) to as low as 0.50 (great uncertainty about A); however may be as low as 0.00 per guidelines										
** Percentage Rent Adjustment Factor: as high as 0.50 (no uncertainty about D) to as low as zero (great uncertainty about D)										
*** Selection Criterion A Score: 70 multiplied by the ratio of the Adjusted Total Rent Amount for the proposer to the highest Adjusted Total Rent Amount (from column G)										

# Staff Summary



Subject <b>PROPERTY ACQUISITION IN CROTON-ON-HUDSON</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>JULY 24, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Committee	7/24/17		x	
2	Finance Committee	7/24/17	x		
3	Board	7/26/17	x		

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

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

SELLER: Greentree Realty LLC ("GTR")

LOCATION: 1A Croton Point Avenue, Croton on Hudson, NY aka 1 Albany Post Road, Croton on Hudson, NY Tax Map ID – Section 78.16, Block 2, Lots 1 & 2 (the "Property")

ACTIVITY: Authorization to acquire fee simple title to the Property, as-is

ACTION REQUESTED: Approval of terms

SPACE: 9.57± acres of land with improvements

COMPENSATION: \$5,600,000.00

## COMMENTS:

Metro-North seeks to purchase the Property, which is the only available parcel located adjacent to the Hudson Line and contiguous to Metro-North's overcrowded Harmon Yard facility (the "Yard"). This acquisition will support growth, operational resiliency and ease congestion in the Yard. Acquisition of the Property will also permit the consolidation of maintenance of way personnel, as well as parking and storage away from the Yard into a centralized and convenient headquarters. Moving maintenance of way personnel from the Yard to the Property has major strategic benefits for future Capital Program activities and goals because: 1) it allows for increasing car fleet storage, and 2) it allows for more shop space in the Yard as recommended by the Harmon Master Plan Study.

The Property is currently improved with a one-story gate house/office building with a gross building area ("GBA") of ±656 square feet; a one-story industrial building with a GBA of ±16,500 square; and a one-story 10-bay garage building and partial basement with a GBA of ±8,548 square feet. The Property also has an existing main line switch, which will enable Metro-North to transport and store rail-bound equipment on the Property, as well as stage maintenance activities without impacting Yard operations.

The Property was originally owned by the New York Central Railroad Company, which sold it in May 1962. Over the years the site has been used for various industrial business activities, most recently as the Metro-Enviro Waste Transfer Facility (used for transfer of construction and demolition debris). Metro-Enviro's use ceased in 2007 and the Property has remained vacant with no further activity.



# Staff Summary

## FINANCE COMMITTEE MEETING Greentree Realty LLC (Cont'd.)

During negotiations, GTR provided access to the Property and Metro-North's Environmental Compliance and Services Department undertook an Environmental Assessment performed by an independent environmental engineering firm and included: 1) a database search and review of environmental agency documents; 2) a meeting and records review with the local municipality; and 3) ground penetrating radar of the Property to identify all buried tanks, test pits and soil sampling. The Property has some contamination (normal for industrial use) and non-compliance with NYSDEC regulations that Metro-North intends to address promptly upon acquisition. MTA Legal has discussed regulatory compliance with NYSDEC. Based on the results of the Environmental Assessment, the cost to bring the site into environmental compliance is estimated to be \$108,000, and the asbestos abatement cost is estimated to be an additional \$100,000.

Such additional costs place the total cost of acquisition slightly higher than the fair market value ascribed to the Property by MTA Real Estate's independent appraiser, who valued the property at \$5,600,000 on the assumption that it is free from hazardous materials. However, MTA Real Estate believes the proposed purchase price is nonetheless favorable, given that:


1. the agreed sales price plus estimated environmental remediation costs are still within 4% of the appraised value;
2. the Property is essential for Metro-North's existing and future capital and operating plans, and there is no other available and usable land adjacent to the Yard; and
3. condemnation of the Property would allow the owner to litigate the value of the Property and would add to the acquisition cost.

Based on the foregoing, MTA Real Estate requests authorization to acquire the Property on the above terms and conditions.



# Staff Summary



Subject <b>AGREEMENTS WITH PINELAWN CEMETERY</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>STEPHEN BROWN</b>

Date <b>JULY 24, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	7/24/17	X		
2	Board	7/26/17	X		

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

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

LICENSOR/LANDLORD: Pinelawn Cemetery ("Pinelawn")

LOCATION: Pinelawn Station, Incorporated Village of Farmingdale (the "Station")

ACTIVITY:

1. Temporary construction licenses on Pinelawn property to construct (a) two platforms on the LIRR right of way at the Station and (b) a landscaped drop-off area with parking (the "Drop-Off Area")
2. Lease of the Drop-off Area

ACTION REQUESTED: Approval of terms

TERM:

1. Temporary construction licenses: the duration of the Project (as defined below)
2. Lease of the Drop-Off Area: 25 years

SPACE: 17,300 square feet for the Drop-Off Area

COMPENSATION: \$1.00, payment waived

## COMMENTS:

As part of its Main Line Second Track Project to build a second track and other improvements from Farmingdale to Ronkonkoma (the "Project"), the LIRR will be constructing two new platforms for the Station along with sidewalks and landscaping all within the LIRR's right of way. To build the new platforms, LIRR requires two temporary construction licenses across Pinelawn property to access the north and south sides of the right of way for staging and storage of material. In addition, Pinelawn is permitting the LIRR to construct the Drop-Off Area on Pinelawn Property which includes 7 parking spaces for LIRR customers on the south side of the tracks. Construction of the platforms will necessitate the demolition of the existing Pinelawn station building and the termination of an existing license agreement with Pinelawn for the building's maintenance.

Upon completion, the LIRR will lease from Pinelawn the Drop-Off Area for 25 years and will be responsible for maintaining it during the lease term. The Drop-Off Area will create safer and improved accessibility to the Station for LIRR customers. Pinelawn is agreeable to the licenses and the lease because LIRR customers at the Station are also visitors to the cemetery. The Drop-Off Area is an insubstantial addition to the contiguous LIRR right of way and is therefore exempt from compliance with certain provisions of the environmental conservation law.

# Staff Summary

## FINANCE COMMITTEE MEETING Pinelawn (Cont'd.)

Based on the foregoing, MTA Real Estate requests authorization to finalize negotiations and enter into an agreement with Pinelawn on the above terms and conditions.

# Staff Summary

Subject <b>LICENSE AGREEMENT WITH THE TOWN OF RIVERHEAD</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>DORRIE MASSARIA</b>

Date <b>JULY 24, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	7/24/17	X		
2	Board	7/26/17	X		

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

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

LICENSEE: The Town of Riverhead ("Town")

LOCATION: Riverhead Station Building, parking spaces and green areas, Riverhead, New York

ACTIVITY: Use of office space and four parking spaces for the Riverhead Ambulance Corps., and maintenance of green areas

ACTION REQUESTED: Approval of terms

TERM: Ten years

COMPENSATION: \$1, payment waived

COMMENTS:

The Town of Riverhead is requesting permission to use the Riverhead Station Building as office space for the Riverhead Ambulance Corps. In the past, several attempts have been made to publicly offer the building. However due to conditions that surround the station, including loitering and criminal activity, these attempts have been unsuccessful.

In a continuing effort to improve and provide healthy and safe conditions at the station and surrounding property, the Town, in conjunction with its Downtown Revitalization Program and for the benefit of the community and the LIRR, desires to occupy and provide a continuous presence at the station building.

The LIRR supports the proposed use by the Town, and to insure safe use of the station building has performed mold remediation and plumbing repairs in the basement; has replaced the heating system; and will repair the roof and repoint the bricks on the station building's columns. The LIRR will continue to use a communications room within the station building. The Town will be responsible, at its sole cost and expense, for the completion of all improvements required for its use and occupancy of the licensed areas, as well as the ongoing maintenance and repair of the station building, its four parking spaces and various green areas surrounding the building.

The license agreement will be terminable by the LIRR on 60 days' notice, for any or no reason and without any financial penalty, and as such is governed by the MTA Real Estate Department Policies and Procedures for the Licensing of Real Property. No request for proposals was required because the property is being licensed to the Town for municipal purposes.

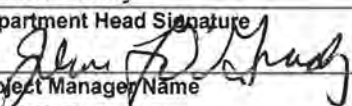
# Staff Summary

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

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






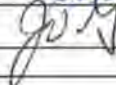
# Staff Summary

Page 1 of 3

<b>Subject</b> Lexington Avenue Subway Line Emergency Ventilation Plant
<b>Department</b> MTA NYCT
<b>Department Head Name</b> John O'Grady
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Emil F. Dul, P.E.

<b>Date</b>  July 10, 2017
<b>Vendor Name</b>
<b>Contract Number</b> D60579
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	NYCT Committee				
2	MTA Board				

Internal Approvals			
Order	Approval	Order	Approval
5	Acting MTA General Counsel	6	NYCT EVP 
2	Capital Planning & Budget 	7	Acting NYCT President 
1	Project Manager/CPM 	4	SVP, Subways 
3	SVP CPM 		

<b>Narrative</b>	
<b>AGENCY:</b>	METROPOLITAN TRANSPORTATION AUTHORITY NEW YORK CITY TRANSIT ("MTA NYCT"), as Lead Agency
<b>ACTION REQUESTED:</b>	<ul style="list-style-type: none"> <li>Adopt the Findings Statement for the MTA NYCT Lexington Avenue Subway Line Emergency Ventilation Plant Between 33rd Street/Park Avenue Station &amp; Grand Central Terminal/42nd Street Station, thus concluding the SEQRA environmental review.</li> </ul>
<b>FOUNDATIONAL INFORMATION:</b>	
<p>Pursuant to the State Environmental Quality Review Act ("SEQRA"), MTA NYCT as Lead Agency has completed a Final Environmental Impact Statement ("FEIS") for the Lexington Avenue Subway Line Emergency Ventilation Plant (EVP). The Preferred Alternative for the "Proposed Action" is an EVP located in the streetbed of northbound Park Avenue between East 36th and East 38th Streets in Murray Hill, Manhattan, New York. The area is a Federal, State and New York City -designated historic district with historic, landmarked buildings. The FEIS identifies and evaluates environmental impacts associated with the "Proposed Action."</p> <p>Most MTA NYCT emergency ventilation plant projects are not the subject of an EIS pursuant to SEQRA; and, in fact, this project would have been eligible for NYCT's exemption under the Public Authorities Law. However, in recognition of the fact that the community may have viewed the placement of an emergency ventilation plant in their neighborhood as a potential "impairment of neighborhood character" (6 NYCRR Part 617.7), the preparation of an EIS was determined by NYCT to be preferable.</p> <p>The SEQRA EIS process is one in which an agency takes a hard look at a proposed action by identifying and reviewing a reasonable array of alternatives, including the No Action alternative. The EIS process also assures that there is public involvement and interaction and solicitation of public comments. In order to assure that there would be input from</p>	



**Subject: Lexington Avenue Subway Line Emergency Ventilation Plant (Cont'd)**

the public at the earliest stages of review, NYCT also decided to engage in an optional scoping process which involved public meetings and the solicitation of public comments at the earliest stage of the project.

After the scoping process culminated in a Final Scoping Document, the Draft Environmental Impact Statement (DEIS) was prepared by MTA NYCT, a Public Hearing was held, additional public comments were received, reviewed and responded to by MTA NYCT, and an FEIS was prepared and issued to the public on July 5, 2017. The Notice of Completion and Notice of Availability of the FEIS was published in the NYSDEC Environmental Notice Bulletin on July 5, 2017, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law. The FEIS and related SEQRA documentation (i.e. Final Scoping Document, Draft Environmental Impact Statement) are available on the MTA website at:

<http://web.mta.info/mta/planning/>. This Staff Summary presents key information regarding this process and its outcome and identifies NYCT's Preferred Alternative, for which it seeks Board approval.

The need for this project resulted from the 1994 MTA NYCT comprehensive ventilation study that evaluated every NYCT subway tunnel section to determine the magnitude of requirements to comply with NFPA-130 for emergency ventilation. A hazard assessment was conducted to prioritize the locations that should be addressed considering engineering, construction, and economic factors. This priority index ranked MTA NYCT subway tunnel sections in order of priority from 1—as most critical for Fire-Life Safety through 252—as least critical. The Lexington Avenue Subway tunnel section being addressed herein, which is located between the 33rd Street/Park Avenue South Station and the Grand Central Terminal/42nd Street Station in Manhattan, has a priority index of 5.

It should be recognized that the 2015-2019 Capital Program established the “platform” for this EVP project. That program included this statement concerning necessary investments to be made:

*“...line equipment investments including...two fan plants on the Lexington and 6<sup>th</sup> Avenue lines, one new to protect an area that currently has no plants and one to replace an existing undersized unit.”*

The referenced “...area that currently has no plants...” is the Lexington Avenue Line tunnel segment under Park Avenue between the 33<sup>rd</sup> Street and 42<sup>nd</sup> Street Stations that is identified in the 1994 MTA NYCT comprehensive ventilation study and which is addressed in the FEIS.

In order to comply with SEQRA, MTA must adopt a Findings Statement for the environmental review process. The Findings Statement, which is annexed, considers the relevant environmental impacts and mitigation presented in the FEIS, weighs and balances them with social, economic and other considerations, and certifies that SEQRA requirements have been met.

**BACKGROUND:**

The environmental review for the Proposed Action began on May 18, 2016, when MTA NYCT established itself as the Lead Agency for SEQRA purposes. MTA NYCT issued a Positive Declaration pursuant to SEQRA for the Proposed Action, thereby requiring an Environmental Impact Statement under SEQRA. Optional Public Scoping was performed and included a Scoping Meeting on June 16, 2016. A Draft EIS was prepared and issued to the public on March 15, 2017. A public hearing on the Draft EIS was held on April 5, 2017. The public comment period on the Draft EIS closed on April 28, 2017. Over 100 commenters, including elected officials, neighborhood organizations, CB6 and individual residents of the community provided input.

The Draft EIS addressed engineering, economic, and environmental matters, and sought to identify that alternative that meets the project's purpose, need, goals and objectives, while minimizing, in aggregate, its significant adverse impacts. Included in the Draft EIS were the following environmental impact areas as related to both construction and operation

**Subject: Lexington Avenue Subway Line Emergency Ventilation Plant (Cont'd)**

of the EVP: transportation (traffic, parking, pedestrians, transit); air quality; noise and vibration; historic and cultural resources; social and economic conditions; natural resources; contaminated and hazardous materials; infrastructure, energy and solid waste; safety and security; cumulative effects; irretrievable and irreversible commitment of resources; unavoidable adverse impacts; growth inducing aspects of the proposed project; and coordination and outreach.

In addition to the matters noted above, the FEIS provided responses to the public's comments on the Draft EIS and assessed public concerns regarding several issues, including, but not limited to: potential impacts to the historic district and buildings; potential impacts on transportation (traffic, parking, pedestrians and transit); the desire to protect neighborhood character; tree removal; vibration; air quality; etc. Among the over 100 commenters were NYS Senator T. Avella, NYS Assemblyman R. Gottfried, NYS Assemblyman D. Quart, Legal Counsel for the Archdiocese of NY, Murray Hill Neighborhood Association and Manhattan Community Board 6.

Beyond the public's comments regarding the various environmental impact categories mandated by SEQRA for review of a particular project, the public was seemingly unified in their comments in also challenging the basic premise that there is any legitimate need for an EVP. This public misconception included one or more of the following beliefs articulated by the public: that because there hadn't been a record of a fire occurring in this particular location, there would not be a need for any EVP at this location; that the MTA NYCT 1994 ventilation study was obsolete, despite the fact that the study was based on the immutable characteristics of the subway's physical structure which has not changed since its construction over 100 years ago; that because the construction of the ESA project at the corner of 37<sup>th</sup> Street and Park Avenue South posed a number of problems for the neighborhood, any additional MTA projects (such as the EVP) could engender similar negative results; and, finally, that the recent "slide" of funding for this project from the 2015-2019 Capital Program to the beginning of the next capital program meant that both the need for the project and all of the analytical work done on the project was somehow diminished in its significance, or at least was in question, due to this minor delay. MTA NYCT took great pains to diligently and substantively address each and every comment made regarding all areas of concern, including those that challenged the need for this EVP.

Notwithstanding the foregoing identified commenter concerns, Manhattan CB 6 ultimately passed a resolution that provided, in pertinent part, that *"CB6 accepts the need to reduce potential dangers to NYCT subway riders by enabling ventilation between East 42<sup>nd</sup> Street and East 34<sup>th</sup> Street..."*; and requesting that *"MTA in conjunction with NYCT, NYC Department of Transportation (DOT), and other relevant city and state agencies, organize a 'command center' to oversee, coordinate, and disseminate information about this proposed project, ESA, QMT rehabilitation, and any other major projects affecting this area"*.

The FEIS was made available to the Executive Director and Board Members in advance of the Committee meeting.

**RECOMMENDATION:**

That the MTA Board take the following action:

- Adopt the Findings Statement for the MTA NYCT Lexington Avenue Subway Line Emergency Ventilation Plant Between 33rd Street/Park Avenue Station & Grand Central Terminal/42nd Street Station, thus concluding the SEQRA environmental review.

## FINDINGS STATEMENT

### State Environmental Quality Review Act (SEQRA)

This Findings Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations promulgated at 6 NYCRR Part 617.

**Lead Agency:** Metropolitan Transportation Authority New York City Transit (“MTA NYCT”)

**Name of Proposed Action:** Proposed Emergency Ventilation Plant for the Lexington Avenue Subway Line between 33rd Street/Park Avenue Station and the Grand Central Terminal/42nd Street Station [EVP]

**SEQRA Classification:** Type 1 Action

#### **Description and Location of Proposed Action:**

The purpose of the Proposed Action is to build and operate a system to provide emergency mechanical ventilation to the Lexington Avenue Subway Line tunnels between the 33rd Street/Park Avenue Station and Grand Central /42nd Street Station. The Proposed Action is necessary in order to provide a tenable environment along the egress route for the emergency evacuation of subway passengers, emergency responders, and MTA employees during a fire/smoke condition in the tunnel. The Proposed Action also provides an opportunity to bring the tunnel segment into substantial compliance with NFPA standards.

It should be noted that the Proposed EVP is part of an ongoing program. In 1994, MTA NYCT initiated its subway ventilation improvement program after it completed a comprehensive ventilation study that evaluated every subway tunnel section in NYC to determine the magnitude of requirements to comply with NFPA-130 for emergency ventilation<sup>1</sup>. A hazard assessment was also conducted to prioritize the locations that should be addressed first considering engineering, construction, and economic factors. This priority index ranked each MTA NYCT subway tunnel section in order of priority from 1—as most critical for Fire-Life Safety—to 252—least critical, and, since then, there has been an ongoing program of rehabilitating, expanding, and constructing new fan (or ventilation) plants throughout the system. The Lexington Avenue Subway tunnel section being addressed herein, which is located under Park Avenue between the East 33<sup>rd</sup> Street/Park Avenue and Grand Central/42<sup>nd</sup> Street Stations, has a priority index of 5.

#### **I. INTRODUCTION**

This Findings Statement for the Lexington Avenue Subway Line Emergency Ventilation Plant (the “Proposed Action”) sets forth the MTA’s findings with respect to the environmental impacts of the Proposed Action, based on the Final Environmental Impact Statement (FEIS) prepared and accepted by MTA NYCT as Lead Agency, as well as the related documents and public comments received

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<sup>1</sup> NFPA 130 “*Fixed Guideway Transit and Passenger Rail Systems*” guidelines were developed in the mid-1980s for use as a basis for designing subway systems worldwide: NFPA 130 does not mandate that existing systems comply with these ventilation requirements. However, even though not required to comply with NFPA 130 *per se*, MTA NYCT has applied the standard to its system where possible.



during the environmental review process. This Findings Statement also certifies that the Lead Agency has met the applicable requirements of 6 NYCRR Part 617 in reviewing the Proposed Action, including, but not limited to:

- Establishing the MTA NYCT as Lead Agency;
- Issuing a Positive Declaration on **May 18, 2016**;
- Issuing a Draft Scoping Document on **May 18, 2016**;
- Holding a Public Meeting on the Draft Scoping Document on **June 16, 2016**;
- Issuing a Final Scoping Document on **February 18, 2017**;
- Causing the preparation of the Draft Environmental Impact Statement (DEIS);
- Accepting the DEIS for public review and comment on **March 15, 2017**;
- Holding a Public Hearing on the DEIS on **April 5, 2017**;
- Receiving public comments on the DEIS within the prescribed period after the close of the Public Hearing;
- Causing the preparation of the Final Environmental Impact Statement (FEIS); and
- Accepting the FEIS and filing a Notice of Completion and a Notice of Availability with NYSDEC and issued to the public on July 5, 2017.

## **II. NATURE AND EXTENT OF POTENTIAL IMPACTS OF THE PROPOSED EVP**

### *A. Potential Permanent Impacts of the EVP:*

EVP projects do not usually have significant adverse environmental impacts after they are completed, and are in operation. In fact, operation level EVP activities are limited to:

- the response to fire/smoke emergencies; and,
- the routine monthly inspection and testing of the equipment

The one impact which will extend beyond the construction period of the EVP is the loss of some mature street trees along Park Avenue. This is an unavoidable impact of the EVP project.

However, where it is feasible to do so, some of these trees will be replaced under a formula set forth by the NYCDPR.

### *B. Potential Construction Impacts of the EVP:*

The construction of an EVP as discussed herein is performed in four (4) basic stages:

- Stage 1 – mobilization and site preparation (to be completed within 12 or 18 months after start of construction)
- Stage 2 – excavation (to be completed approximately 18 to 24 months after start of construction)
- Stage 3 – concrete pours of chambers and plenum (to be completed approximately 30 to 36 months after start of construction)
- Stage 4 – installation of fans (to be completed approximately 48 to 54 months after start of construction)

The different stages of construction would have different impacts, and not all impacts are expected to last for the entire stage, nor be continuous when they occur.

It can be expected that the first stage, “Stage 1”, would involve mobilization and site preparation (including erection of staging fencing), removal of the streetbed, supporting or relocating utilities,

installation of Support-of-Excavation (SOE), and decking the street and would be accomplished in approximately 12 to 18 months. However, some utility reconstruction may occur up to about 24 months after construction begins. During Stage 1, pedestrians could expect noise from jackhammers, concrete saws, loaders and backhoes, trucks, generators, and welders, among other equipment. At some point during this period, residents and visitors to buildings on the east side of Park Avenue would likely experience periods of inconvenience reaching buildings. However, these impacts would not be experienced at any one point along the construction zone over the entire period. Depending on what NYCDOT permits, traffic and parking would be restricted at times. However, at least one travel lane on cross-town streets (East 37th Street would be open for traffic) and at least 5 feet of sidewalk would remain unobstructed. Two travel lanes of northbound Park Avenue would remain open. Travel lanes on southbound Park Avenue would be minimally affected by construction.

During Stage 2, construction noise levels would decrease considerably, construction equipment would be largely under the decking, and the neighborhood would more resemble the pre-construction conditions.

At Stage 3 of construction, installation of sidewalk vents would likely occur and pedestrians may expect periods of inconvenience reaching their destinations.

During Stage 4, the fans would be installed, and the ventilation plant would be “fitted out”. At this time, construction would again move back to the surface. Equipment required for these tasks include backhoes, front-end loaders, concrete trucks and dump trucks, pavers, generators, and compactors which could produce noise equivalent to that in Stage 1 of construction.

Concerning construction related traffic impacts: During peak travel periods, a minimum of two travel lanes on NB Park Avenue would be provided. However, the traffic analysis for the Preferred Alternative (12) indicates that a significant traffic impact would occur during construction working hours at the eastbound East 38th Street approach to Lexington Avenue because of the increase in truck trips. However, this impact, with consultation with NYCDOT, could be mitigated by a minor shift in traffic signal timing.

Concerning construction related pedestrian impacts: Management and Protection of Traffic (MPT) plans developed for the Preferred Alternative (12) would include provision for the maintenance of pedestrian and vehicular traffic, as related to sidewalks and crosswalks, pedestrian control, and transit service. The east sidewalk on Park Avenue’s may be narrowed to a minimum width of 5 feet during construction. Also, during the construction stages with peak trucking activity, the east crosswalk of Park Avenue and East 38<sup>th</sup> Street would experience up to four additional truck turns through the crosswalks during the peak hours.

There would be no significant impacts on the Park Avenue sidewalks, corners, and crosswalks during the construction phase because none of the elements would deteriorate below mid-Level of Service D conditions.

Concerning construction related air quality impacts: Increases in both mobile and stationary source emissions of carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>), and particulate matter less than 10 microns in diameter (PM<sub>10</sub>) would not result in any exceedances of the National Ambient Air Quality Standards (NAAQS) or the NYSDEC *de minimis* impact criteria at any of the studied sensitive receptors. In order to predict worst case future conditions, potential impacts related to the EVP were analyzed for the peak period of

construction emissions (2020) for on-site stationary sources. Compliance assurance can be implemented by MTA NYC Transit through the Construction Environmental Protection Plan (CEPP).

Concerning construction related noise impacts: Contractors are required to comply with the NYCDEP 2007 Noise Code Construction Noise Regulation requirements including the requirement to develop a noise mitigation plan to reduce construction generated noise to the extent practicable.

Concerning construction related vibration impacts: Contractors are required to meet the NYCT Contract 2F—Maintenance, Support and Restoration of Buildings and 2FF Vibration monitoring specifications. Moreover, concerning historic resources, the contractor must comply with the requirements of the New York City Department of Buildings (NYCDOB) construction guidance for historical structures, “Technical Policy and Procedure Notice #10/88”, pursuant to the strict language in the construction contract.

Concerning construction related impacts to archeological resources: The Proposed Action could potentially have an impact on archaeological resources related to the seventeenth- through nineteenth-century Murray Hill farm and the potential to encounter undocumented mid-nineteenth- to twentieth-century building vaults beneath the sidewalks on Park Avenue. These potential impacts would be addressed through a formal consultation process and, if indicated, the development of a cultural resources management plan that could include archaeological field investigations and/or monitoring.

Concerning construction related impacts to historical resources: The Preferred Alternative (12) is located in the Murray Hill Historic District (Expansion), recognized at the state and federal levels (S/NR), and also located, in part, in the City (NYCLPC) designated Murray Hill Historic District. The Preferred Alternative does not contain any contributing structures to these historic districts within its footprint, but is within 90 feet of contributing structures. One is an individually listed NYCL and S/NR structure which is immediately adjacent to the Preferred Alternative, the Adelaide L.T. Douglas House at 57 Park Avenue; and, the other is an individually listed NYCL and S/NR-eligible structure within 90 feet of the Preferred Alternative, the Union League Club at 48 Park Avenue.

The potential effects of construction activities to the NYCL and/or S/NR Murray Hill Historic Districts are related to construction vibrations that could potentially damage buildings. MTA NYCT would use vibration control measures to minimize, to the extent feasible, the vibration levels in all neighborhoods near the construction site. Measures may include developing and implementing a vibration-monitoring program during highly disruptive construction activities, such as drilling, to ensure that historic structures would not be damaged. Furthermore, the Proposed Action would comply with applicable NYCLPC and NYCDOB guidelines, and would include the development of a CEPP prior to construction activities. This would be submitted to NYCLPC and NYSHPO for review and approval.

Concerning construction related impacts to community character and cultural resources: The Murray Hill study area is a stable, built-out, residential community with limited opportunities for further large-scale residential development and associated changes to population. Overall, conditions in the area provide for a neighborhood steadied by a well-established residential character and enlivened by small-scale restaurants and retail establishments serving local residents as well as tourists, workers, and visitors from other parts of the City. Community facilities such as schools, day care centers, libraries, cultural institutions, consulates, and houses of worship are located within the area as well as some public open space. Because the EVP would be located under the streetbed and the only visible components would be sidewalk grates and an access hatch, no significant operational effects on community character are expected. Trees that would require

removal would be replaced as per the requirements of NYCDPR. Project-related construction activities, however, may affect local business activity, aesthetic conditions, and traffic and pedestrian circulation patterns, in addition to the habits and quality of life enjoyed by local residents. Therefore, special emphasis has been given in the FEIS to potential effects on community character during construction of the facility.

EVP construction activities would not cause lasting changes to land use, and are not subject to zoning or similar development policies, although implementation of the proposed project would be consistent with local public policy in OneNYC. Adverse, short-term construction effects would be likely in the form of temporary disruption to local businesses, institutions and residential buildings; however, traffic and pedestrian access would be maintained, and potential air quality, noise, and vibration impacts would be mitigated (principally through the requirements that would be imposed by MTA NYCT on their construction contractors through the project construction specification and a project-specific CEPP. Construction effects to local businesses, institutions and residences may result from the combination of dust, noise, vibration, and visual impacts, potentially making shopping, dining, or walking in the immediate area uncomfortable. Notwithstanding these temporary effects, no permanent displacement of businesses, institutions or residents is expected to result from construction.

Approximately 40 construction-related jobs and additional secondary jobs would be created throughout the estimated 4.5 year construction period. Retail businesses in the area of construction would likely be disrupted as related to temporary pedestrian and loading access. "Pass-by attractor" retail establishments would experience the greatest impact on patronage. Landlords or building management on the east side of Park Avenue may find it difficult to lease or sell vacant space to new tenants because of the reduced visual character and reduced areas for vehicular and pedestrian travel adjacent to the buildings. In addition to these socioeconomic impacts, community facilities located along the construction area would also be affected by reduced access and potential noise, vibration, and air quality impacts. Site-specific maintenance and protection of traffic measures would be implemented during construction to mitigate these impacts.

Because there is potential for significant, adverse noise impacts during construction, mitigation measures would be incorporated into the CEPP to minimize these adverse impacts. Potential vibration during construction would be mitigated to levels below those capable of causing damage. Potential air quality impacts would also be fully mitigated. The traffic analyses for the Preferred Alternative (12) indicates that a significant traffic impact would occur during construction working hours at the eastbound East 38th Street approach to Lexington Avenue because of the increase in truck trips. These impacts could, however, be mitigated by a minor shift in traffic signal timing at East 38th Street. MTA NYCT will work with NYCDOT, which has been informed of this project, to develop a MPT plan that would monitor and minimize these impacts. Visual resources and urban design, or the general aesthetic quality within the immediate construction area, would also be adversely impacted by the introduction of construction equipment and physical barriers around the construction area. Removal of mature street trees from Park would further alter the visual character of the east side of the avenue in the study area.

Concerning construction related tree removal impacts: The impact of removing 10 trees during construction would be mitigated by replacing as many of these trees as possible according to the requirements of NYCDPR. The NYC Tree Valuation protocol used by NYCDPR to mitigate loss of street trees determines the number of trees necessary to replace the tree removed based on its size (as measured by the basal area, a cross sectional area of the trunk) and then adjusted for its condition, species, and location. The removal of trees in the Murray Hill neighborhood will impact

the vista views looking along Park Avenue from near the site of the proposed EVP and these impacts would be mitigated to the extent practicable as described above.

Concerning construction related social and economic impacts: The social and economic impact analysis of the EVP takes into account mitigation measures that would be part of the project's CEPP, and would be implemented as part of the EVP's construction activity to avoid or minimize adverse effects on social and economic conditions. They include the following:

- Coordination with Manhattan Community Boards 5 and 6 and other entities to minimize residential and retail impacts during construction of the EVP. Such coordination is a requirement of MTA NYCT's usual community outreach programs through its Government/Community Relations Department.
- Adherence to the mitigation measures committed to in the FEIS to minimize and/or avoid the potential significant, adverse impacts of the proposed project, which are described in detail in the relevant FEIS chapters.
- Provision of appropriate signage for affected businesses and amenities to maintain their visibility when obscured as a result of construction activities associated with the EVP. In addition to these mitigation measures, which are specifically tailored to business and economic interests, potential effects would also be proactively addressed through mitigation measures that are intended to avoid or minimize effects on pedestrian and vehicular access and circulation, noise and vibration, air quality, and historic and cultural resources; all of which may indirectly affect economic and business interests. Discussions of the relevant mitigation measures are presented in the technical chapters of the FEIS addressing the related resources.
- MTA NYCT would maintain diligent open communications with local businesses and work with them to develop mitigation strategies as necessary. Provided that business owners are fully informed of the project schedule and the scope of activities that will occur at all phases of the schedule, they may be able to prepare their business strategies accordingly (e.g., notify medical patients of sidewalk conditions). Similarly, MTA NYCT may be better able to manage nuances of the construction schedule as construction progresses in order to preclude or reduce impacts. For example, the construction activities creating effects that would be most disruptive to the services and events at the Church of Our Saviour may be scheduled for periods when such services or events are either less likely, or, when they are not scheduled to occur.
- MTA NYCT would also initiate communication with local business owners to learn of any specific impacts that business owners experience, so that MTA NYCT may be able to make specific changes to prevent or reduce such impacts as construction is underway. While communication may not prevent impacts, its goal would be to lessen such impacts wherever possible.
- Measures to mitigate the potential significant traffic impact on Park Avenue and/or the side streets during evenings and weekends, if it occurs, could include: use of variable message signs to advise motorists of the construction activity in the area and encourage the use of alternate routes, the use of other public information methods, and potential changes in the means and methods used in construction. These mitigation measures would be further developed during MPT planning with NYCDOT during planning, design, and construction of the proposed project.

### III. FINDINGS

The relevant environmental impacts, facts, and conclusions disclosed in the FEIS and its related documents, and the rationale for these findings and subsequent agency decisions, are set forth in the FEIS. These include MTA NYCT's (Lead Agency) review of the Proposed Action's environmental impacts, the ability of the Proposed Action to satisfy the project purpose and need, the environmental impacts of the alternatives to the Proposed Action, the ability or inability of alternatives to meet the project purpose and need, including the No Action Alternative, the public comments received on the Draft Scoping document and the DEIS, and the Lead Agency's response to the public comments.

The process initiated with the identification of 13 alternative sites (located in the streetbed) which were identified in the Draft Scoping Document.

Based on the reasons and conclusions set forth in the FEIS and its related documents, MTA NYCT has concluded that Candidate Alternative 12 is the Preferred Alternative which, in aggregate, based on engineering, economic and environmental factors, provides the greatest potential to minimize significant adverse effects/impacts during construction and operation of the Proposed Action. Preferred Alternative 12 is located in the streetbed of the northbound lanes of Park Avenue between East 36<sup>th</sup> Street and East 38<sup>th</sup> Street. This Preferred Alternative meets the purpose and need of the Proposed Project, and satisfies its goals and objectives. The Preferred Alternative would have a beneficial effect in that it would increase Fire-Life Safety in the NYC Subway System, and would comply with NFPA 130, the industry standard.

MTA NYCT also finds that this Proposed EVP complies with the NYS Smart Growth Infrastructure Policy Act of 2010.

### IV. EIS METHODOLOGY

MTA has adopted EIS methodologies for analysis of the various impact categories that are referenced herein and throughout the FEIS, which are generally considered to be the most appropriate technical analysis methods and guidelines for environmental impact assessment of projects to be built in New York City that are subject to SEQRA.

#### Analysis Years

In the DEIS and FEIS, MTA NYCT chose to analyze the various **alternatives and their impact categories both during 2019, a construction year analysis, as well as for 2024**, which is the year that the plant should be in operation. As mentioned above, there would be few, if any, environmental impacts from the operation of an emergency ventilation plant because, by its very nature, it only operates during an emergency fire/smoke condition, and during routine monthly maintenance of the fans. The construction of such plants, however, can produce adverse impacts, albeit temporary.

#### Comparative Evaluation of Alternatives and Summary

Thirteen (13) Alternatives, two (2) option alternatives (a reconfiguration of two alternatives) and the No Action Alternative were examined in the Environmental Impact Statement (EIS) analysis. [Note: a preliminary analysis in the form of an Alternative Analysis/Feasibility Evaluation was performed during the Scoping for the EIS process]. The alternatives were evaluated for engineering feasibility (constructability) and economic viability, in addition to environmental impacts.

The 13 alternatives were located in the streetbed: between East 36th to East 39th Streets on the side streets east and west of Park Avenue; and, on northbound (NB) Park Avenue. This area

generally presents the ideal locations for locating an EVP. The fluid dynamics of air movement and mechanical ventilation indicate that, in a uniform tunnel segment, the ideal emergency ventilation location from a mechanical ventilation perspective is, nominally, the midpoint of the tunnel segment between stations. The siting of the Alternatives as explained in the FEIS, would be in the vicinity of the geographical midpoint between the two stations, to be as effective as possible. However, the subway tunnel segment in this section is not uniform; it splits into several branches (including one to the northwest serving the Shuttle) as it approaches Grand Central. This results in shifting the ventilation “centroid” farther north from the geographical midpoint to a position nominally at East 38th Street. The EVP could be located away from that “ideal,” but the fan capacity, size of the structure, and project cost would increase as the plant is moved away from the “ideal,” towards either station.

During the Scoping and DEIS process, in addition to assessing at the 13 Alternatives identified, evaluations of alternatives located south of East 36th Street or north of East 40th Street, in the NYCDOT Park Avenue Taxi Tunnel, at the site of the ESA facility, and potential above ground locations were also evaluated, and found not to be feasible.

Alternatives located south of East 36<sup>th</sup> Street or north of East 40<sup>th</sup> Street would need a fan capacity substantially greater than 500,000 cubic feet per minute. To achieve greater capacity, the EVP would require additional fans, a larger “footprint” (to house the fans), increased cost and produce greater construction impacts. These alternatives were less effective in terms of engineering, economic and environmental considerations, or a combination of these factors.

Concerning the potential use of the NYCDOT Taxi Tunnel on Park Avenue, MTA NYCT initially recognized that the tunnel could potentially provide an opportunity. However, MTA NYCT’s approach to site selection analysis is such that the ultimate objective is to minimize the potential for adverse effect/impact of its projects. As such, MTA NYCT recognized: the valuable transportation resource that the tunnel provides; the fact that there is a 3-year rehabilitation project underway to improve structural, electrical, mechanical, and fire protection elements of the tunnel; and that other opportunities exist in the street bed to locate an EVP. Thus, MTA NYCT avoided considering the tunnel.

Regarding the use of the East Side Access (ESA) facility for subway tunnel ventilation, the design basis, construction, operation, and control features of the ESA and those of the EVP proposed for the Lexington Avenue Subway line are different. A ventilation system designed for use in the ESA tunnel cannot be used for the Lexington Avenue subway tunnel. There is no connection in design, construction and/or operation and maintenance between the proposed Lexington Avenue EVP project and the ESA project, or to any other system. MTA NYCT requires full control of any system it designs, constructs and/or operates to assure the availability, security and functionality of the system at all times. Thus, MTA NYCT avoided considering ESA.

Regarding constructing an **above-grade EVP** adjacent to Park Avenue between East 33rd and East 42nd Streets, there are no suitable vacant properties in the vicinity of the subject Lexington Avenue Subway Line tunnels to support an above-grade EVP. An above-grade EVP in the area would involve substantial acquisition of existing commercial or residential property for MTA NYCT use. Therefore, MTA NYCT would only consider an above-grade option if all below-grade options were not feasible.

From among the 13 alternatives identified in the Scoping process, two Candidate Alternatives, 11 and 12, were identified for further evaluation. After the Final Scoping Document and Alternatives Analysis/Feasibility Evaluation were issued, MTA NYCT identified two options related to Alternatives 11 and 12 that it judged offered the potential to further reduce EVP facility presence on Park

Avenue by placing elements of the EVP on side streets during the DEIS; these options are referred to as Alternatives 11A and 12A.

The EIS evaluated the Proposed Action for potential environmental impact categories (generally related to construction impacts); transportation (traffic, parking, pedestrian and transit); air quality; noise and vibration; historical and cultural resources; social and economic conditions (community facilities and services, open space/parkland and recreational facilities, community character, urban design, visual resources, environmental justice and public health); natural resources; contaminated and hazardous materials; infrastructure, energy and solid waste; safety and security; cumulative effects; irretrievable and irreversible commitments of resources; unavoidable adverse impacts; and growth inducing aspects of the proposed action. The No Action Alternative was included for consideration pursuant to 6NYCRR Part 617.9(b)(5)(v), but it did not meet the Project's purpose and need or goals and objectives.

Alternatives 11, 11A, 12 and 12A were all feasible, within appropriate economic constraints, and also presented the greatest opportunity to minimize environmental impacts. However, differences among the four in terms of environmental effects/impacts were judged by MTA NYCT to exist, principally as related to construction effects/impacts, and required further evaluation in order to determine the Preferred Alternative. Thus, MTA NYCT performed additional analysis to further distinguish among the four.

Upon receipt of public comments on the DEIS, those were analyzed and responded to in the FEIS. Also, the DEIS material was updated to reflect, as appropriate, the public comments and MTA NYCT responses, and this was also presented in the FEIS.

As mentioned above, the No Action Alternative was determined to not fulfill the purpose and need, nor the goals and objectives, and was, therefore, not included in the comparative analysis. The results of the comparative analysis was that Alternative 12 was identified as the Preferred Alternative because it fulfills the purpose, need, goals and objectives, and will best be able to minimize significant adverse environmental impacts.

## **V. PUBLIC COMMENTS**

Following the publication of the DEIS, the public review process generated comments relevant to the selection of an alternative. Analysis of the public comments on the DEIS, indicates that 107 individuals remarked on the DEIS, including: three (3) elected officials or their representative; three (3) organizational representatives; one (1) Community Board and one hundred (100) individuals/residents. MTA NYCT responded to all of the comments in the FEIS.

Among other matters, the FEIS provides responses to the public's comments on the DEIS and assesses public concerns regarding several issues, including, but not limited to: potential impacts to the historic district and buildings; potential impacts on traffic and transportation; the desire to protect neighborhood character; tree removal; vibration; air quality; etc. Additionally, extensive and consistent comments were received and responded to by MTA NYCT concerning: *the fundamental need* for any EVP; the *current applicability* of the 1994 MTA NYCT study as a foundation for the need



for the Proposed Project (over 20 years<sup>2</sup> later); MTA NYCT's *ability to manage* the EVP construction that would minimize environmental impacts (e.g. traffic, noise, air quality, vibration tree removal, etc.); and, the concern that the EVP, *when considered along with the continuing East Side Access construction*, would significantly and adversely affect the environs of the community.

Among the over 100 commenters were:

- NYS Senator T. Avella
- NYS Assemblyman R. Gottfried
- NYS Assemblyman D. Quart
- Legal Counsel for the Archdiocese of NY
- Murray Hill Neighborhood Association
- Manhattan Community Board 6

Notwithstanding the foregoing identified commenter concerns, MTA NYCT believes that it is particularly important that it be recognized that Manhattan CB 6 has, nevertheless, expressed confidence in MTA NYCT by stating the following:

*"Resolved, that CB6 accepts the need to reduce potential dangers to NYCT subway riders by enabling ventilation between East 42nd Street and East 34th Street..."; and,*

*"Resolved, that MTA in conjunction with NYCT, NYC Department of Transportation (DOT), and other relevant city and state agencies, organize a "command center" to oversee, coordinate, and disseminate information about this proposed project, ESA, QMT rehabilitation, and any other major projects affecting this area".*

Lastly, it should be recognized that the 2015-2019 Capital Program established the "platform" for this EVP project when MTA proposed its MTA Capital Program 2015-2019 to the MTA Board. That proposed program included this statement:

*"...line equipment investments including...two fan plants on the Lexington and 6th Avenue lines, one new to protect an area that currently has no plants and one to replace an existing undersized unit."*

The referenced Lexington Avenue Line area "that currently has no plants" is the tunnel segment under Park Avenue between 33rd Street and 42nd Street that is identified in the 1994 MTA NYCT comprehensive ventilation study and which is addressed in the FEIS.

## **VI. IDENTIFICATION OF THE PREFERRED ALTERNATIVE**

As mentioned above, and based upon MTA NYCT's analyses in the DEIS, the public comments that MTA NYCT received and analyzed, input from public agencies, and information given in the Responses to Comments and throughout this FEIS, MTA NYCT believes that *Alternative 12* is preferred from among the array of alternatives evaluated to meet the stated purpose, need, goals

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<sup>2</sup> In brief, the 1994 Ventilation Study Report is not used for design or analysis of any particular EVP; it is used as a guide within MTA NYCT to continue to improve Fire-Life Safety conditions in the subway tunnels. Hence, the 1994 report cannot be considered obsolete, because it is not used as the basis of the design of any individual project, but instead relates to the immutable characteristics of MTA NYCT's legacy infrastructure, and the relative need to address Fire-Life Safety issues therein. For the review of this project an EIS was performed to assess environmental impacts of the various project alternatives and MTA NYCT's decision was based on information from both the 1994 study and the current field conditions and environmental impact categories, using engineering concepts that are constructible, and taking into account a budget that is feasible.

and objectives for this project. MTA NYCT believes that to be the case because *Alternative 12, the Preferred Alternative*, located in the streetbed of the northbound lanes of Park Avenue between East 36<sup>th</sup> Street and East 38<sup>th</sup> Street, is feasible, economical and *provides the best opportunity from among all alternatives considered, to minimize potential adverse environmental impacts due to construction and operation.*

## **VII. SUMMARY**

Fundamentally, and in summary, no significant adverse environmental effects are expected from the operation of any of the four alternatives evaluated in the FEIS. However, in terms of temporary construction impacts, *the potential to minimize adverse environmental effects/impacts* is greatest with Alternative 12 from among all of the alternatives considered, and it was therefore chosen as the Preferred Alternative.



The above Findings Statement was approved and adopted by the Board of Directors of MTA NYCT on July 26, 2017.

By: \_\_\_\_\_

CORPORATE SECRETARY

### PROCUREMENTS

The Procurement Agenda this month includes 8 actions for a proposed expenditure of \$74.1M.

<b>Subject</b> Request for Authorization to Award Various Procurements						July 17, 2017					
<b>Department</b> Materiel – NYCT						<b>Department</b> Law and Procurement – MTACC					
<b>Department Head Name</b> Stephen M. Plochochi						<b>Department Head Name</b> Evan Eisland					
<b>Department Head Signature</b> 						<b>Department Head Signature</b> 					
<b>Project Manager Name</b> Rose Davis						<b>Internal Approvals</b>					
<b>Board Action</b>											
Order	To	Date	Approval	Info	Other						
1	Committee	7/24/17									
2	Board	7/26/17									
<b>Internal Approvals (cont.)</b>											
Order	Approval	Order	Approval	Order	Approval	Order	Approval	Order	Approval	Order	Approval

**PURPOSE:**

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

**DISCUSSION:**

**NYC Transit proposes to award Noncompetitive procurements in the following categories:**

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule E: Miscellaneous Procurement Contracts • <b>New Flyer of America, Inc.</b> \$      4.9M	1	\$      4.9 M
Schedule G: Miscellaneous Service Contracts • <b>Verifone Transportation Systems</b> \$      11.6M	1	11.6 M
<b>SUBTOTAL</b>	2	\$      16.5 M

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

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

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

<u>Procurements Requiring Two-Thirds Vote:</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule B:	Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	1	\$ TBD M
Schedule C:	Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$ 39.6 M
<u>Schedules Requiring Majority Vote:</u>			
Schedule H:	Modifications to Personal/Miscellaneous Service Contracts	2	\$ 15.8 M
SUBTOTAL		4	\$ 55.4 M

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

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

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

**NYC Transit proposes to award Ratifications in the following categories: NONE**

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

Schedules Requiring Majority Vote:

Schedule K:	Ratification of Completed Procurement Actions	2	\$ 2.2 M
SUBTOTAL		2	\$ 2.2 M
TOTAL		8	\$ 74.1 M

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

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

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

## **BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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

**JULY 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. **New Flyer of America, Inc.** **\$4,917,496 (Est.)** **Staff Summary Attached**  
**36-month contract**  
**RFQ# 137174**

Test and evaluation agreement for the leasing of five low-floor 40-foot all-electric buses, two en route charging stations, and one depot charging unit.

**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.)

2. **Verifone Transportation Systems** **\$11,627,562 (Est.)** **Staff Summary Attached**  
**12-month contract**  
**Contract# SSE 36327**

Pilot contract for E-Hail services.

Item Number: 1

<b>Vendor Name (Location)</b> New Flyer of America, Inc. (St. Cloud, Minnesota)	<b>Contract Number</b> RFQ 137174	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description</b> Lease of five low-floor 40-foot all-electric buses	<b>Total Amount:</b> \$4,917,496 (Est.)	
<b>Contract Term (including Options, if any)</b> November 1, 2017–December 31, 2020	<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	<b>Requesting Dept./Div., Dept./Div. Head Name:</b>  Department of Buses, Stephen A. Vidal	
<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		

**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 three-year lease of five low-floor 40-foot all-electric buses (“AEB”), two en route charging stations, and one depot charging unit from New Flyer of America, Inc. (“New Flyer”) in the estimated amount of \$4,917,496. This procurement will allow the introduction of all-electric propulsion buses through an in-service test/demonstration.

AEBs offer zero tail-pipe emissions and reductions in noise typically emitted from buses. AEB technology also has the potential to lower lifecycle costs compared to fossil-fueled buses. Significant improvements in AEB technology in the last 10 years have led to additional suppliers offering AEB capabilities and supporting charging infrastructure.

The NYC Transit bus duty cycle is the optimal environment for maximizing the benefits available from an all-electric propulsion system. AEBs utilize an electric motor to power the drivetrain; electricity is supplied to the motor from a battery pack that must be charged via an external charging source either in the depot or en route. This propulsion system achieves reductions in total energy usage by reusing energy that is normally wasted in braking (regenerative braking).

NYC Transit’s current bus fleet meets the existing state and federal emissions requirements, however, this test and evaluation program offers NYC Transit the opportunity to achieve additional reductions in greenhouse gas emissions.

A Request for Information for new buses utilizing various propulsion systems was advertised on the MTA website as well as the New York State Contract Reporter and the following trade publications: *Passenger Transport*, *Metro Magazine*, *Mass Transit*, *National Bus Trader*, and *Bus Ride*. After an extensive outreach, including contacting companies identified by the Department of Buses (“DOB”), Procurement received responses from 13 companies, four of which (BYD Motors, Inc.; New Flyer; Nova Bus, a division of Prevost Car (US), Inc.; and Proterra, Inc.) have capabilities of building AEBs. All four companies were invited to give oral presentations. Each was given the opportunity to provide an overview of its AEB and charging systems, and answer questions from a panel of MTA personnel that included representatives from DOB and Procurement.

After the final review of the presentations from the four bus manufacturers, NYC Transit determined that New Flyer and Proterra were technically superior, and chose to move forward with a test and evaluation contract in the form of a three-year lease of five low-floor 40-foot AEBs from New Flyer. A test and evaluation contract in the form of a three-year lease of five low-floor 40-foot AEBs from Proterra was approved by the April 2017 Board.

The five New Flyer buses will operate on the M42 bus route out of the Michael J Quill bus depot in Manhattan. They will primarily utilize two en route charging stations; one will be located on East 41st Street between the FDR Drive and 1st Avenue and the other will be located west of 12th Avenue between 42nd and 43rd streets (next to Pier 83). Additionally, one depot charging unit will be installed in the depot for maintenance charging.

Delivery of all five buses, and installation of two en route charging stations and one depot charging unit are scheduled for completion in December 2017. 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 this approval. This delivery schedule is based on the assumption that Notice of Award will be issued on or before November 1, 2017.



New Flyer submitted its initial proposal for a total amount of \$6,641,016. Through negotiation, the price was reduced to \$4,917,496, representing a total savings of \$1,723,519, or 25.95%. The total contract award of \$4,917,496 will consist of \$2,254,169 for the five buses (\$450,834 bus); \$2,349,979 to furnish and install the two en route charging stations; \$140,368 to furnish and install one depot charging unit; \$36,917 for manuals and diagnostic tools; and \$136,063 for an estimated quantity of training. The pricing for the charging stations and depot charging unit includes an option to remove the equipment at the end of the lease. The final price has been deemed fair and reasonable by the Cost Price Analysis Unit based on the results of a cost audit conducted by MTA Audit Services.

These buses will be outfitted with new features including pedestrian turn warning systems, Wi-Fi, USB charging ports, automatic passenger counters, and new branding.

**Item Number: 2**

<b>Vendor Name (Location)</b> Verifone Transportation Systems, Inc. (Long Island City, New York)
<b>Description</b> Pilot contract for E-Hail services for Paratransit
<b>Contract Term (including Options, if any)</b> November 1, 2017–October 31, 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 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 Evaluation

<b>Contract Number</b> SSE 36327	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> \$11,627,562 (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:**

NYC Transit is interested in learning whether Transportation Network Connectivity (“TNC”) and E-Hail technology companies can be utilized to electronically disseminate paratransit trips to NYC Taxi and Limousine Commission (“TLC”) licensed drivers through the use of web-based applications. NYC Transit is requesting approval to award a pilot contract to Verifone Transportation Systems (“Verifone”), a California-based E-Hail provider (with an office in Queens, New York), to conduct a one-year Test and Evaluation program.

Access-A-Ride (“AAR”) service is provided through dedicated and non-dedicated service providers (i.e., Primary Carriers and Broker Car Service, Voucher Car Service or Taxicab companies, respectively) for the provision of ambulatory and nonambulatory trips. It is anticipated that the test and evaluation program will (1) deliver improved customer service to AAR customers, (2) provide additional transportation capacity and more diverse travel options, and (3) reduce out-of-pocket expenses for customers utilizing taxicab services.

TNC and E-Hail providers are technology companies, working with the for-hire vehicle (“FHV”) industry, that have developed web-based applications that are intended to match individuals who are in need of transportation with licensed drivers located within the individual’s immediate geographical area (typically no more than fifteen minutes away). TNC companies dispatch trips to drivers who are using personal vehicles to perform the trip, while E-Hail companies dispatch trips to yellow and green medallion taxicabs in New York City. Neither TNC nor E-Hail companies directly employ drivers.

Under this pilot program, Paratransit will book trips through Verifone, utilizing Verifone’s web-based application to electronically disseminate AAR trips to approximately 13,500 New York City TLC licensed yellow and green taxicabs that currently have Verifone’s mobile data terminals installed. This would allow for the broadening of Paratransit’s multimodal transportation model. It is also anticipated that through this pilot, AAR customers will ultimately experience increased flexibility in booking and managing their trips through the direct use of the web-based application.

This pilot contract, to be awarded to Verifone, is for an estimated \$11,627,562. Additional TNC and/or E-Hail companies are expected to participate in the program, at which time separate Board approval will be sought for each. Pricing is based on a fixed price per trip based on distance. The estimated average price per trip is \$35.91, which is a savings of approximately \$32.80 (or 47.7%) when compared to the average cost of \$68.71 for a Primary Carrier trip. This totals approximately \$9,911,176 in savings over the 12-month pilot period with Verifone.

This pilot contract is subject to review and approval of the Office of the New York State Comptroller and award will not be made prior to this approval. Commencement of revenue service is based on the assumption that Notice of Award will be issued on or before November 1, 2017.

**JULY 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.)

- |    |   |  |
|----|---|--|
| 1. | <b>Contractor To Be Determined</b><br><b>Contract Term To Be Determined</b><br><b>Contract# TBD</b> | <b>Cost To Be Determined</b><br><br><b><u>Staff Summary Attached</u></b> |
|----|---|--|
- RFP Authorizing Resolution for the purchase of a Real-Time Scheduling and Dispatch System and an Automatic Vehicle Location Monitoring System.

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





- |    |  |   |
|----|--|---|
| 2. | <b>L. K. Comstock &amp; Company, Inc.</b><br><b>Nine Proposals–39-month contract</b><br><b>Contract# P-36699</b> | <b>\$39,600,000</b><br><br><b><u>Staff Summary Attached</u></b> |
|----|--|---|
- Design and construction of a new substation at Harrison Place – Canarsie Line in the borough of Brooklyn.

**Procurements Requiring Majority Vote:**

**H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services**  
(Approvals/Staff Summaries required for substantial change orders and change orders that cause the original contract to equal or exceed the monetary or durational threshold required for Board approval.)

- |    |  |  |
|----|--|--|
| 3. | <b>Global Traffic Technologies, LLC</b><br><b>Contract# B-62010A.3</b> | <b>\$9,994,351</b><br><br><b><u>Staff Summary Attached</u></b> |
|----|--|--|
- Modification to the contract for the installation of Transit Signal Priority systems, in order develop and install Transit Signal Priority software for the remaining fleet.
- |    |  |  |
|----|--|--|
| 4. | <b>International Business Machines Corp. (IBM)</b><br><b>Contract# 03A8602-1.122</b> | <b>\$5,854,252</b><br><br><b><u>Staff Summary Attached</u></b> |
|----|--|--|
- Modification to the contract to provide Data Center IT Support Services, in order to set up, configure, and install (1) primary PeopleSoft servers and related equipment, (2) disaster recovery equipment, and (3) a new tapeless backup system, as well as the migration of the disaster recovery site to a New York State data center in Albany.

# Staff Summary

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

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> RFP Authorizing Resolution	<b>Contract No.</b> TBD
<b>Description</b> RFP Authorizing Resolution for the purchase of a real-time scheduling and dispatch system and an automatic vehicle location monitoring system for Paratransit	
<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 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 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, maintenance, and support of a real-time scheduling and dispatch system; and an automatic vehicle location monitoring ("AVLM") system for Paratransit, and that it is in the public interest to issue a competitive request for proposals ("RFP") pursuant to Public Authorities Law, Section 1209, Subdivision 9(f).

## DISCUSSION:

NYC Transit is desirous of utilizing the RFP process to solicit proposals and award a contract(s) that will either enhance and/or replace Paratransit's existing scheduling software engine for Paratransit trips called Adaptive Decision Engine for Passenger Transportation ("ADEPT"), a product of StrataGen Systems, Inc., and the AVLM system, a product of Init Innovations in Transportation. Public Authorities Law, Section 1209, Subdivision 9(f) 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 and will allow for the submission of proposals for the real-time scheduling and dispatch system, the AVLM system, or both the real-time scheduling and dispatch system as well as the AVLM system. As such, award may result in separate contracts to two different vendors, one providing for the real-time scheduling and dispatch system and the other for the AVLM system, or one contract award to a single vendor providing both systems. Proposals will be evaluated to determine the advantages of having a single contract award versus having separate contract awards. Further, 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(s), (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. A number of companies provide both systems while others provide them separately. Upon completion of the RFP process, NYC Transit intends to obtain Board approval for the actual contract(s) award.

## Staff Summary

Page 2 of 2

The ADEPT software engine provides Paratransit with a scheduling system that is flexible and enables the booking of paratransit trips for eligible customers in advance of a trip request or for same-day requests. ADEPT uses proprietary algorithms to batch trips together, optimize routes and produce daily manifests, for scheduling and dispatching trips. ADEPT interfaces with other systems such as AVLMS to form a fully integrated suite of technology systems. Paratransit has utilized ADEPT since 2001 as the scheduling software program for paratransit trip-scheduling challenges. ADEPT scheduling software has been adapted over the years to accommodate the current scheduling requirement of NYC Transit's 25,000 trips per day or greater (up to 50,000 trips per day).

AVLMS utilizes several technologies including Global Positioning System (GPS) and Mobile Data Terminals (MDTs), to remotely monitor vehicle location and feed this information to ADEPT in order to provide computer-aided dispatching information for Paratransit's Command Center personnel. The ADEPT and AVLMS systems have been adapted to communicate and share information, facilitate trip scheduling, and provide vehicle location information to maximize productivity in order to support the largest Paratransit operation in the nation.

### **IMPACT ON FUNDING:**

Both capital and operating funds will be utilized for these projects. Funding is available under Project Planning No. SF03-2470/MTA Project No. T70302015 as part of the approved 2015–2019 Capital Program. Funding for system maintenance is available in the Division of Paratransit's Operating Budget under RC No. 3042, Function No. 120, with Account No. 709102.

### **ALTERNATIVE:**



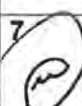

Issue a competitive Invitation for Bid. Not recommended given the complexity of this procurement and the advantages discussed above offered by the RFP process.

### **RECOMMENDATION:**

It is recommended that the Board adopt a resolution declaring that competitive bidding is impractical or inappropriate for a procurement that will provide for the purchase, maintenance, and support of a real-time scheduling and dispatch system, and the automatic vehicle location monitoring system for Paratransit, and that it is in the public interest to issue a competitive request for proposals pursuant to Public Authorities Law, Section 1209, Subdivision 9(f).



# Staff Summary

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

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> L.K. Comstock & Company, Inc.	<b>Contract No.</b> P-36699
<b>Description</b> Design and Construction of a New Substation at Harrison Place Canarsie Line (BMT) in the Borough of Brooklyn	
<b>Total Amount</b> \$39,600,000	
<b>Contract Term (including Options, if any)</b> 39 months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE:

To obtain Board approval to award a contract for the Design and Construction of a New Substation at Harrison Place, Canarsie Line (BMT) in the Borough of Brooklyn to L.K. Comstock & Company, Inc. ("L.K. Comstock") in the amount of \$39,600,000 with a term of 39 months.

In accordance with MTA policy regarding the use of design-build, and to enhance competition and defray proposal costs, this solicitation includes a stipend of \$70,000 to be paid to each unsuccessful proposer whose proposal met a defined standard. Accordingly, permission is also requested to pay a total stipend of \$210,000.

## DISCUSSION:

NYC Transit is pursuing a more streamlined design and construction strategy for certain types of capital projects, as well as alternate project delivery and procurement methods to achieve overall best value and approach for NYC Transit and the public. As a result, this project is part of a design-build program within the 2015–2019 timeframe that promises efficient and faster delivery of projects while achieving best value benefits. The purpose of this project is to design and construct a new belowground substation on the Canarsie Line at Harrison Place.

Since 2006, when Communication-Based Train Control ("CBTC") became fully operational along the full length of the Canarsie Line, the number of trains per hour ("TPH") has increased. However, as part of NYC Transit's efforts to improve service through CBTC to address the increased ridership, three additional power substations are required in order to increase the number of TPH. This substation represents one of the three additional substations required for the Canarsie Line and will be constructed in parallel with the overall closure for the Sandy Project, allowing service to be restored and improved after the Canarsie Tunnel reopens. The remaining two substations, one in Brooklyn and the other in Manhattan, were procured under separate procurements. To coincide with the construction of these two substations, the duration of this project was shortened by three months during the solicitation process. All three substations are part of the Core Capacity Improvement Projects, which will increase throughput capacity along the Canarsie Line. Additionally, this contract contains provisions for incentives for project acceleration to be negotiated in the future.

This underground substation will measure approximately 3,800 square feet with an excavation depth of 30 feet, and be accessible by street-level hatches and a door at the level of the adjacent tunnel and tracks. The work under this contract includes support of excavation, de-watering, and steel framing to secure a watertight underground structure that will be outfitted with various electrical, mechanical, and communication equipment that are part of the electrical and distribution system for the third rail, which provides traction power to the trains.

# Staff Summary

An Authorizing Resolution requesting the use of a two-step competitive Request for Proposals (“RFP”) procurement process was approved by the Board. Selection was accomplished by use of a two-step RFP process in which the most qualified firms were selected to submit technical and cost proposals in Step 2.

For Step 1, NYC Transit’s selection was based on preestablished selection criteria, addressing relevant experience, general responsibility, financial resources, and safety record. In response to NYC Transit’s advertisement, Qualification Packages were received from nine firms and their design team consultant. The Selection Committee (“SC”) reviewed the submissions and recommended the following four firms to be shortlisted to receive an RFP in Step 2: (1) Halmar International (“Halmar”), (2) L.K. Comstock, (3) Mass. Electric Construction Company (“Mass. Electric”), and (4) John P. Picone, Inc. (“Picone”). These proposers, including design team consultants, had the most relevant experience and key personnel to best perform this project. The remaining five firms, (1) EIC Associates, Inc., (2) Judlau/TC Electric, Joint Venture, (3) Skanska USA Civil Northeast, Inc., (4) Tully Construction Co. Inc., and (5) Tutor Perini Corporation were not selected, as their experience and/or proposed approach were deemed not in the competitive range of the four selected firms.

For Step 2, proposers and their design team consultants were evaluated based on preestablished selection criteria addressing the proposer’s (1) detailed design and construction approach, (2) overall project schedule, (3) team experience, project management, (4) safety, quality, and DBE plans, (5) qualifications and coordination of subcontractors, and (6) other relevant matters. Technical proposals were received in response to Step 2 RFP documents from the short-listed firms. Supporting the SC evaluation was a Technical Advisory Committee (“TAC”) comprised of members from various NYC Transit divisions. Members of the TAC reviewed technical components that fell within their specific area of expertise, including any alternate/value engineering proposals. Following the TAC and the SC’s review of technical proposals and observation of oral presentations, in accordance with the evaluation criteria, the firms were ranked technically.

L.K. Comstock was technically ranked the highest, having submitted the most complete and comprehensive proposal of all four firms. They assembled a strong design and construction team with extensive experience in DC traction power, and design experience involving underground structures and support of excavation.

Mass. Electric was technically ranked second, as its technical approach demonstrated a strong understanding of the project requirements and relevant experience in key areas. Picone was ranked third, as it possessed relevant substation construction experience as well as experience in all types of excavation, support, and waterproofing systems. Halmar was ranked fourth, meeting the minimum requirements of the RFP.

Subsequent to the technical review, the SC reviewed pricing. The firms and their base proposal amounts were as follows (in alphabetical order): Halmar (\$47,850,000), L.K. Comstock (\$39,900,000), Mass. Electric (\$69,500,000), and Picone (\$45,464,089). L.K. Comstock submitted four alternate designs, which were considered not feasible by the TAC. Two firms, L.K. Comstock and Picone, were chosen for negotiations based on their detailed technical approach, prior experience performing similar work, and pricing. The firms not selected for negotiations, Halmar and Mass. Electric, respectively, did not present as strong of a technical approach as the other firms selected or were out of the competitive range with respect to pricing.

Negotiations were conducted with the two firms and included discussion on technical assumptions, terms and conditions, and overall cost. After negotiations, Best and Final Offers (“BAFO”) were received from the two firms: L.K. Comstock (\$39,600,000) and Picone (\$43,549,000). Upon review of each firm’s technical rating and its BAFO, the SC unanimously selected L.K. Comstock for award as its proposal was ranked the highest technically and was also the lowest in cost. L.K. Comstock’s pricing represented a \$300,000 or 1% reduction from its initial proposal and was lower than the in-house estimate. L.K. Comstock’s BAFO was also 9% lower than its competitor and is considered to be fair and reasonable by Procurement based on the competitive nature of the RFP and comparison to the in-house estimate. Based on the foregoing, the SC determined that L.K. Comstock provided the best value to NYC Transit.

L.K. Comstock’s past experience includes performing similar work for NYC Transit under the Second Avenue Subway and the No. 7 Subway Line Extension, both of which included several substations and supervisory control and data acquisition (SCADA) related work. L.K. Comstock has also performed similar work under the East 180th Street Yard project, which involved the distribution of traction power and working within an active transit environment.

In connection with a previous contract awarded to L.K. Comstock, L.K. Comstock 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 February 2016. No new SAI has been found relating to L.K. Comstock, and L.K. Comstock has been found to be responsible.

## Staff Summary

In connection with a previous contract, Moretrench, a significant subcontractor, was found to be responsible notwithstanding SAI pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in February 2014. In addition, as a result of the review of Moretrench's responsibility since the prior contract award, new SAI was identified and Moretrench, a significant subcontractor to L.K. Comstock, was found to be responsible notwithstanding such new SAI and such responsibility finding was subsequently approved by the Acting President of NYC Transit in July 2017.

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

The MTA Department of Diversity and Civil Rights has established goals at 17% DBE. L.K. Comstock has submitted its DBE Utilization plan meeting the established DBE goals. Award will not be made until the Department of Diversity and Civil Rights' approval is obtained. L.K. Comstock has achieved its previous M/W/DBE goals on previous MTA contracts.

### **CAPITAL PROGRAM REPORTING:**

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

### **IMPACT ON FUNDING:**

This project will be funded by the Federal Transit Administration and the MTA, and managed by NYC Transit under the MTA Capital Program. The contract will not be awarded until a WAR Certificate is received. The stipends will be funded by the MTA.

### **ALTERNATIVES:**

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

### **RECOMMENDATION:**

That the Board approve the award of a contract for the Design and Construction of a New Substation at Harrison Place, Canarsie Line (BMT), in the Borough of Brooklyn to L.K. Comstock in the amount of \$39,600,000 and a duration of 39 months, and the stipend total of \$210,000 to the unsuccessful Step-2 proposers.





Item Number: 3

<b>Vendor Name (Location)</b> Global Traffic Technologies, LLC (St. Paul, Minnesota)	
<b>Description</b>  Transit Signal Priority Pilot Program	
<b>Contract Term (including Options, if any)</b> October 8, 2012–March 19, 2020	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Department of Buses, Stephan A. Vidal	

Contract Number	AWO/Mod. #
B-62010A	3
<b>Original Amount:</b>	\$ 481,980
<b>Option Amount:</b>	\$ 923,800
<b>Total Amount:</b>	\$ 1,405,780
<b>Prior Modifications:</b>	\$ 87,865
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 1,493,645
<b>This Request:</b>	\$ 9,994,351
<b>% of This Request to Current Amount:</b>	669.1%
<b>% of Modifications (including This Request) to Total Amount:</b>	717.2%

**Discussion:**

This modification will allow Global Traffic Technologies (“GTT”) to modify its Transit Signal Priority (“TSP”) software application for installation on NYC Transit and MTA Bus Company buses equipped with on-board computers.

The base contract, approved by the Board in September 2012, was the result of a competitive Request for Proposal (“RFP”) procurement in which the Selection Committee voted unanimously to recommend the award of this contract to GTT based on its superior technical ranking and offering the best overall value to NYC Transit. The contract was structured to initiate a two-phase TSP project, with Phase 1 equipping 48 articulated buses operating on the M15 Select Bus Service (“SBS”) corridor. Phase 2 of the project consisted of an option to expand the pilot program to equip up to an additional 200 buses. To date, 178 of these Phase 2 TSP systems have been installed on SBS buses operating on the Bx41, B46, B44, S79, M60, and Q44 routes. Installations on the remaining 22 buses are scheduled to be completed in September 2017.

This contract is also part of a project through which NYC Department of Transportation (“DOT”) is deploying a centralized TSP system in New York City, the aim of which is to improve both bus service reliability and on-time performance through the prioritization of green traffic signals for buses. There are two types of TSP system architecture: (1) centralized, where all priority requests are sent to a centralized system where decisions are made for TSP-enabled intersections throughout the system, and (2) distributed, where all priority decisions are made by computers located at each TSP-enabled intersection. The benefits of a centralized TSP system include lower infrastructure costs, and the ability to employ and modify various traffic strategies for prioritizing requests across the system.

As part of this centralized TSP project, DOT has equipped all traffic signals citywide (approximately 12,000) with specialized traffic signal controllers and created a Traffic Management Center to facilitate the management of traffic signals via messages submitted by TSP-equipped vehicles. NYC Transit has equipped buses with TSP computers and installed a centralized TSP server to manage the flow of information between the MTA and DOT.

After substantial deployment of Phase 2, studies were conducted by DOT and NYC Transit. The overall conclusion of the studies was that TSP reduced the amount of time buses were stopped at red lights and reduced route durations across all routes and time periods. The successes of the studies indicate that TSP is a viable long-term solution to improve bus service.



This modification will implement Phase 3 of the project. The original strategy for Phase 3 was to conduct an RFP to equip an additional 1,100 buses with TSP using a hardware and software approach similar to the one utilized under Phases 1 and 2. The revised Phase 3 strategy calls for deploying TSP to the remaining fleet by installing a TSP application onto computers which are already installed on 60% of the MTA's bus fleet and are now included on all new bus deliveries. The approach will allow the MTA to accelerate the deployment of TSP while strategically utilizing existing on-board technology which is already installed on its buses.

The Department of Buses ("DOB") and Procurement conducted market research which indicated that GTT is the preeminent provider of centralized TSP in North America. By modifying this contract, the MTA will be able to deploy GTT's centralized TSP software application on an expedited basis equating to at least one year earlier than would have been possible if a solicitation for a third-party software application were conducted and another vendor was chosen. This savings is due to the fact that the GTT TSP application is already proven to work in New York City and is certified by DOT to meet its operating requirements, which include stringent timing protocols. As a result, NYC Transit will be able to begin deploying the GTT TSP application onto buses as early as first quarter 2018. In contrast, conducting a solicitation for a third-party TSP application would have resulted in the deployment of the new TSP application being delayed at least one year until first quarter 2019.

Negotiations were conducted with GTT that centered on the scope of work, software maintenance, warranty, and terms and conditions. Procurement was able to successfully negotiate a final price of \$9,994,351 which includes \$6,031,586 for the purchase and installation of the software application on up to 6,000 buses and \$3,962,765 for software maintenance and support through 2024. This final price is \$3,064,149 (23.5%) below DOB's estimate of \$13,058,500 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.

**Item Number: 4**

<b>Vendor Name (Location)</b> International Business Machines Corp. (Albany, New York)	
<b>Description</b> Data Center IT Support Services	
<b>Contract Term (including Options, if any)</b> February 1, 2005–May 31, 2018	
<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-IT, Sidney Gellineau	

Contract Number	ASWO/Mod. #:
03A8602-1	122
<b>Original Amount:</b>	\$ 65,228,757
<b>Option Amount:</b>	\$ 35,711,692
<b>Total Amount:</b>	\$ 100,940,449
<b>Prior Modifications:</b>	\$ 85,674,405
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 186,614,854
<b>This request:</b>	\$ 5,854,252
<b>% of This Request to Current Amount:</b>	3.1%
<b>% of Modifications (including This Request) to Total Amount:</b>	90.7%

**Discussion:**

This modification is for International Business Machines Corporation's ("IBM") support for three interrelated projects involving MTA's PeopleSoft systems, including the migration of the disaster recovery site to a New York State data center in Albany. Under this modification, IBM will set up, configure, install and test (1) primary PeopleSoft servers and related equipment, (2) disaster recovery equipment, and (3) a new tapeless backup system. In addition, IBM will migrate the existing PeopleSoft application program code to the new equipment. IBM is responsible for overall project management, integration of all new systems with existing systems, proper implementation of security firewalls, and for testing of the integration and firewalls. In addition to these tasks, IBM will provide support personnel for this effort consisting of three database administrators, two PeopleSoft system administrators, and one PeopleSoft portal administrator. This modification requires IBM to complete its work and have the new PeopleSoft system ready to go live within six months from notice to proceed.

The BSC PeopleSoft environment runs payroll, human resources, procurement, and all financial functions (including general ledger functions, other accounting functions and banking transactions) for all MTA agencies. The current primary PeopleSoft servers and other hardware, which are located in MTA's main data center, have reached the end of their useful lives and are in need of replacement. The PeopleSoft disaster recovery servers and related hardware have also reached the end of their useful lives and are also in need of replacement. Both the primary and disaster recovery equipment will be replaced with new equipment that has been engineered to run the PeopleSoft applications and Oracle database more efficiently. The new equipment is being procured separately and competitively by MTA, who will own the equipment. The current tape-based backup system will be replaced with a more modern tapeless backup system that will store the backed-up data in multiple locations. This will reduce the time required to recover in the event of a disaster, and will increase redundancy and resiliency. The disaster recovery facility is currently located at an MTA data center in Brooklyn. The disaster recovery facility will be migrated to the aforementioned Albany data center, which will provide additional geographic separation of the primary and disaster recovery facilities and thus improve overall resiliency of the PeopleSoft environment.

The base contract provided Data Center IT services for centralized MTA-wide mainframe and midrange server processing for all MTA agencies including the Business Service Center ("BSC"), and included a two-year option. The Board approved the exercise of the option in modified form, including a one-year contract extension in the amount of \$35,711,692. Subsequently, the Board approved a five-year extension to this contract (June 1, 2013–May 31, 2018). The scope of work for that extension, which is still in effect, includes (1) the migration of mainframe and midrange processing from IBM's data center to MTA's data centers, (2) replacement of the mainframe, (3) a new automated tape library, and (4) a new virtual tape server.



The five-year extension was necessary because the data center scope was in flux, which would have adversely affected a competitive Request for Proposal.

IBM submitted an adjusted proposal in the amount of \$6,074,353. Through negotiations, savings of \$220,101 were obtained. The final price of \$5,854,252 has been found to be fair and reasonable.

In connection with a previous contract awarded to IBM, IBM 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 July 2016. No new SAI has been found relating to IBM, and IBM has been found to be responsible.

**JULY 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>E.E. Cruz/Tully Construction Company, JV</b>		<b>\$2,151,000 (Aggregate)</b>	<b><u>Staff Summary Attached</u></b>
1.	<b>Contract# C-26010.226</b>	<b>\$852,000</b>	↓
2.	<b>Contract# C-26010.240</b>	<b>\$1,299,000</b>	↓
Modifications to the contract for the Second Avenue Subway Route 132A – 96th Street Station Finishes, in order to remove and replace sidewalks with tinted cement and relocate sidewalk shed at 96th Street and Second Avenue; finishes, in order to resolve a claim.			

## Schedule K: Ratification of Completed Procurement Actions

Item Number: 1-2

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

Contract Number	AWO/Mod. #
C-26010	226 and 240
<b>Original Amount:</b>	\$ 324,600,000
<b>Prior Modifications:</b>	\$ 62,821,755
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 387,421,755
<b>This Request:</b> Mod 226: \$852,000 Mod 240: \$1,299,000	\$ 2,151,000
<b>% of This Request to Current Amount:</b>	0.6%
<b>% of Modifications (including This Request) to Original Amount:</b>	20.0%

### Discussion:

These retroactive modifications are for E.E. Cruz/Tully Construction Company, Joint Venture, LLC (“CTJV”), and will provide for (1) the removal and replacement of sidewalks with tinted concrete, and alteration and reinstallation of the two sidewalk sheds, and (2) the re-phasing of the east side utility work required to complete the work at the 96th Street station along the Second Avenue Subway line.

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

### Modification 226

This retroactive modification provides for (1) the removal of sidewalks at three block-long locations, and replacing them with tinted concrete, and (2) alteration/removal and reinstallation of sidewalk sheds at two locations on Second Avenue.

The contractor, CTJV, is required to restore all sidewalks impacted by construction in the vicinity of the 96th Street subway station in accordance with New York City Department of Transportation (“DOT”) standards, which require the use of non-tinted concrete in front of residential buildings. After the contractor had begun sidewalk restoration using non-tinted concrete, three building owners objected on the basis that their sidewalks, pre-construction, had been tinted. Following discussions between the MTA and DOT, a consensus was reached to restore the sidewalks with tinted concrete. Accordingly, this modification provides for the removal of the partially restored non-tinted concrete sidewalks in the vicinity of these buildings and the restoration of the sidewalks with tinted concrete.

Regarding the alteration and re-installation of the sidewalk shed at 96th Street and 2nd Avenue, New York City Department of Buildings Local Law 11 requires building owners to install sidewalk sheds while performing work on the building’s exterior façade and/or parapet work in an effort to protect pedestrians from falling debris. The sheds at two locations on Second Avenue were installed after the contract was awarded, and were interfering with the sidewalk restoration work required by the contract. As a result, CTJV had to alter/remove these sheds during the sidewalk restoration work and fully restore the sheds after the work was completed.

Work under this modification includes (1) removal and replacement of approximately 8,500 square feet of sidewalk, (2) tinting of approximately 23,600 square feet of concrete, (3) alteration/removal and re-installation of two sidewalk sheds, and (4) Maintenance and Protection of Traffic for access to the properties affected by removal and replacement of concrete sidewalks and alteration/removal and reinstallation of sidewalk sheds.

CTJV submitted its proposal in the amount of \$1,371,039. MTACC's revised estimate was \$781,131. Negotiations resulted in the agreed-upon lump-sum price of \$825,000. Savings of \$546,039 were achieved. The negotiated price was found to be fair and reasonable.

Retroactive authorization to proceed with this work was obtained from the MTACC Program Executive (SAS) on October 3, 2016.

**Modification 240**

This retroactive modification is for the re-phasing of the east side utility work required to complete the work at the 96th Street station along the Second Avenue Subway line.

In order to maintain traffic on Second Avenue during construction, the utility work between 91st and 99th streets was scheduled to be performed in two stages. The utility work to be performed along the east side of Second Avenue was to be performed first with the vehicular traffic running along the west side. On completion of the utility work on the east side, CTJV was to backfill and pave the road and then switch the utility work to the west side of Second Avenue.

At the same time that the utility work was proceeding along the east side of Second Avenue, the 96th Street Station was being prepared for the switchover from temporary to permanent electrical power. One of the last steps in converting power from temporary to permanent involved construction of two electrical manholes on the west side of Second Avenue between 91st and 99th streets and performance of work within the manholes.

Because the switchover from temporary to permanent electrical power was on the critical path for revenue service by the end of 2016, and because the first stage of the utility work (i.e. the work on the east side) was not yet complete, MTA Capital Construction directed CTJV to temporarily restore traffic on the east side of the roadway in order to construct the two electrical manholes and make the connections within the manholes. After all of the utility work was completed on the west side of Second Avenue, CTJV restored the west side and redirected traffic away from the east side so that the utility work on the east side could be completed.

This modification compensates CTJV for restoring the east side of Second Avenue to its condition prior to the move to the west side of the street. The work includes (1) backfilling, installation of temporary roadwork, (2) removal and disposal of temporary roadwork, (3) excavation and removal of backfill materials, and (4) all Maintenance and Protection of Traffic work associated with the additional work.

CTJV submitted its proposal in the amount of \$1,566,647. MTACC's estimate was \$1,306,724. Negotiations resulted in the agreed-upon lump-sum price of \$1,299,000. Savings of \$267,647 were achieved. The negotiated price was found to be fair and reasonable.



**Metro-North Railroad**

# **Procurements**



SUB TOTAL	1	\$1,008,746
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**MNR proposes to award competitive procurements in the following categories:**

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$8,750,000
• John Civetta & Sons, Inc. \$8,750,000		

Schedules Requiring Majority Vote NONE

SUB TOTAL: 1 \$8,750,000

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

Schedules Requiring Two-Thirds Vote (or more, where noted) NONE

Schedules Requiring Majority Vote NONE

SUB TOTAL:  
TOTAL: 2 \$9,758,746

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

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

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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



JULY 2017

METRO-NORTH RAILROAD

LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

**A. Non-Competitive Purchases and Public Work Contracts**

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

**1. Railtech Boutet, Inc. \$1,008,746**

**Staff Summary Attached**

**Purchase of Rail Welding Kits and Supplies**

Approval is requested to award a non-competitive five year purchase contract to Railtech Boutet Inc. ("Railtech"), for specialized field rail welding kits and related supplies used to weld and connect various weighted running rail (119lb, 127lb, 132lb and 136lb) as required by MNR's Track Department.

Railtech Boutet, Inc. is the Original Equipment Manufacturer (OEM) for welding kit assemblies which are uniquely compatible with MNR's inventory of welding-related equipment (field weld kits, mold clamps, smokeless crucibles, plate base, pre-mixed packing sand and igniters) to support and maintain the operation of the Railroad. The materials included in this agreement have been fully reviewed to ensure that they reflect only those materials that cannot be acquired from other sources. This is a requirements-based contract and does not obligate MNR to a fixed quantity or dollar amount, as all material will be purchased on an as needed basis.

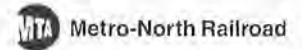
In requesting Board authorization, MNR has complied with the public advertisement requirements of PAL§ 1265-a (3) and PAL§ 1265-a (4) (b) and with MTA All-agency General Contract Procurement for the procurement of sole source items. An advertisement notice was placed in the New York State Contract Reporter, New York Post, El Diario and the Daily Challenge and was posted on the MNR website which did not yield interest from other sources.

MNR completed a responsibility review of Railtech Boutet, Inc. as defined in the All Agency Responsibility Guidelines which yielded no significant adverse information (SAI).

A review of the quoted pricing reflects an average annual increase of approximately 2.8% since 2013 and as a result, Railtech's pricing is deemed fair and reasonable.

This contract will have fixed pricing for years one through three of the contract term with a 2% increase for years four and five. The total not to exceed amount for the five year period is \$1,008,746. This procurement is to be funded by MNR's Operating Budget.

## Schedule A: Non-Competitive Purchases and Public Work Contracts



Item Number: A

<b>Vendor Name (&amp; Location)</b> Railtech Boutet, Inc., Napoleon, OH		<b>Contract Number</b> 1-80078		<b>Renewal?</b> Yes   X No	
<b>Description</b> Rail Welding Kits and Supplies		<b>Total Amount:</b> \$1,008,746			
<b>Contract Term (including Options, if any)</b> Five Years		<b>Funding Source</b> X Operating   Capital   Federal   Other:			
<b>Option(s) included in Total Amount?</b> Yes   X No		<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director			
<b>Procurement Type</b> Competitive      X Non-competitive		<b>Contract Manager:</b> Christopher Sefcik			
<b>Solicitation Type</b> RFP   Bid   X Other: Sole Source					

### Discussion:

Approval is requested to award a non-competitive five year purchase contract to Railtech Boutet Inc. ("Railtech"), for specialized field rail welding kits and related supplies used to weld and connect various weighted running rail (119lb, 127lb, 132lb and 136lb) as required by MNR's Track Department. Railtech Boutet, Inc. is the Original Equipment Manufacturer (OEM) for welding kit assemblies which are uniquely compatible with MNR's inventory of welding-related equipment (field weld kits, mold clamps, smokeless crucibles, plate base, pre-mixed packing sand and igniters) to support and maintain the operation of the Railroad. The materials included in this agreement have been fully reviewed to ensure that they reflect only those materials that cannot be acquired from other sources. This is a requirements-based contract and does not obligate MNR to a fixed quantity or dollar amount, as all material will be purchased on an as needed basis. This contract will eliminate the need and expense of individual advertising prospective procurements and will reduce administrative costs and possible procurement lead times.

In requesting Board authorization, MNR has complied with the public advertisement requirements of PAL§ 1265-a (3) and PAL§ 1265-a (4) (b) and with MTA All-agency General Contract Procurement for the procurement of sole source items. An advertisement notice was placed in the New York State Contract Reporter, New York Post, El Diario and the Daily Challenge and was posted on the MNR website which did not yield interest from other sources.

MNR completed a responsibility review of Railtech Boutet, Inc., as that term is defined in the All Agency Responsibility Guidelines, which yielded no significant adverse information (SAI).

A review of the quoted pricing reflects an average annual increase of 2.8% since 2013. Based on this, Railtech's pricing is deemed fair and reasonable.

This contract will have fixed pricing for years one through three of the contract term with a 2% increase for years four and five. The total not to exceed amount for the five year period is \$1,008,746. This procurement is to be funded by MNR's Operating Budget.

The MTA Department of Diversity and Civil Rights has reviewed this contract and found that due to insufficient availability of MWBE firms in the marketplace, no M/WBE goals would be assigned

JULY 2017

METRO-NORTH RAILROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Schedules Requiring Two-Thirds Vote:

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

1. **John Civetta & Sons, Inc.**                      **\$8,750,000 (not to exceed)**                      **Staff Summary Attached**  
**Design-Build 14<sup>th</sup> Ave Bridge Replacement Mt. Vernon, NY**

Approval is requested to award a 15 month competitively solicited and negotiated design-build (DB) contract (RFP process, six proposals received; 3 short-listed) to the firm, John Civetta & Sons Inc.(Civetta) for the design and construction for the complete replacement of the 14<sup>th</sup> Ave Bridge located over the New Haven Line in Mt Vernon, NY.

MNR complied with MTA All-Agency Procurement Guidelines and a notice for the Request for Proposal was publicly advertised in the New York State Contract Reporter, New York Post, El Diario and the Daily Challenge and posted on the MNR website.

The Selection Committee evaluated six proposals and short listed three firms. The Committee unanimously determined that Civetta was the best qualified to perform the services. Civetta's cost proposal was the lowest of the participating shortlisted firms and not only offered the lowest proposal price but proposed viable design alternatives and construction concepts that were deemed to be well engineered, time/labor efficient, and compliant with the intent of the preliminary design.

MNR completed a responsibility review of John Civetta & Sons, Inc. as defined in the All Agency Responsibility Guidelines in connection with this award recommendation, which yielded no significant adverse information (SAI).

Accordingly, it is recommended that the Board approve the selection of Civetta for the design and construction for the complete replacement of the 14<sup>th</sup> Avenue Bridge located over the New Haven Line in Mt. Vernon in the not to exceed amount of \$8,750,000 for a period of performance of 15 months This procurement is to be federally funded and is part of the MTA 2015- 2019 Capital Program.



# Staff Summary

June 5, 2017

Item Number C					
Dept & Dept Head Name: Procurement and Material Management, Al Muir-Sr. Director					
Division & Division Head Name: Executive Vice President, Catherine Rinaldi					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	7-24-17	x		
2	MTA Board Mtg.	7-26-17	x		
Internal Approvals					
Order	Approval	Order	Approval		
	President				
	V.P. Operations	x	V.P. Finance & IT		
x	V.P. & General Counsel	x	V.P. Capital Programs		

SUMMARY INFORMATION	
Vendor Name John Civetta & Sons Inc.	Contract Number 10000071479
Description Design-Build 14 <sup>th</sup> Ave Bridge Replacement, Mt. Vernon, NY	
Total Amount \$8,750,000	
Contract Term (Including Options, if any) 15 months	
Option(s) included in Total Amount? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Renewal? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Procurement Type <input checked="" type="checkbox"/> Competitive Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP Bid Other:	
Funding Source Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION:

Approval is requested to award a 15 month competitively solicited and negotiated design-build (DB) contract (RFP process, six proposals received; 3 short-listed) to John Civetta & Sons Inc. to design and construct the complete replacement of the 14<sup>th</sup> Ave Bridge located over the New Haven Line in Mt Vernon, NY.

### II. DISCUSSION:

This project, entitled, "Design-Build Superstructure Replacement of the 14th Avenue Bridge, Mt Vernon, NY," provides for replacement of the existing single span two lane roadway bridge (with pedestrian sidewalks on both sides) over the New Haven Line (NH13.10). The bridge location is in the City of Mount Vernon in Westchester County on 14th Avenue, between New Haven Railroad Street to West 1st Street. The area surrounding the bridge is residential on the north end and commercial on the south end.

The bridge is a simply supported single span steel pony truss structure on masonry abutments. The bridge was originally built in 1894 and currently carries a Con Edison Gas Main on the east curb and a City of Mount Vernon Water Main on the west curb.

The major elements of the Design-Build contract include:

- Design, drawings and specifications for a new Bridge Superstructure.
- Temporary safety barriers and signage, lights, etc.
- Demolition and removal of bridge, partial abutments, roadway approaches and clearing and grubbing. Excavation for and re-routing of utility removal and re-installation.
- Construction of new Bridge superstructure including but not limited to the construction and installation of bridge superstructure, rehabilitation of abutment tops, relocating and/or installing water and utilities including communications, signals, and power.
- Install new roadway approaches, sidewalk, striping, signage, guide rails, fencing, retaining walls, grading and drainage.
- Site restoration.



# Staff Summary

In July 2016, the Board approved use of the RFP process for this project. A Request for Proposal (RFP), dated January 25, 2017, was prepared and advertised in the New York State Contract Reporter, New York Post, El Dario, Daily Challenge and posted on MNR's website. On March 7, 2017, proposals containing qualifications from six design-build teams were received.

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

## PHASE 1

1. Past experience and performance on similar projects:
  - (a) Design-Build Projects, including experience of the proposers working together as a Design-Build Team
  - (b) Bridge Construction Experience.
2. Qualifications and experience of the Design-Build team, including key personnel and Subcontractor/Sub-consultant resources, with an emphasis on the demonstrated commitment of the Proposer to provide such resources for the entire life of the project.
3. Proposer's demonstrated capability and financial resources to perform the work in the time projected.

## PHASE 2A

The following criteria, listed in relative order of importance, were to be used to evaluate the Proposal:

1. Confidence level, commitment of relevant resources to the project including the qualifications and experience of key personnel, team qualifications and reliability to perform the Services including Subcontractor Services
2. Demonstrated understanding of the Work Scope requirements, including but not limited to the quality and completeness of the Work Plan and any required submissions
3. Quality and Innovativeness of Design
4. Proposed Staging Plan and Schedule

## PHASE 2B

Cost - Final Selection will be based on a combination of Technical and Price Scoring with cost having the most significant weight.

The Selection Committee was comprised of members representing MNR's Procurement and Material Management, Capital Engineering, M of W Track & Structures and Construction Management Departments. The Committee evaluated all six Phase 1 proposals received in accordance with the selection criteria of the RFP and MNR's procedures. Three firms were shortlisted as a result of the Selection Committee meeting (Halmar International LLC, John Civetta & Sons, Inc. and Defoe Corp). Two of the three short-listed firms submitted technical proposals, including cost. Defoe Corp was not timely in their responses and was unable to provide a cost proposal for Phase 2A/2B and therefore was not considered further for this project. The Committee evaluated the Phase 2A & 2B proposals and following evaluations, both firms were deemed to be technically competent, capable, and compliant with the contract terms and conditions and preliminary design.

Final prices (inclusive of allowance items) were submitted. Gross sum proposal prices were received in the following amounts: 1) Halmar International LLC at \$9,769,593; 2) John Civetta & Sons, Inc. at \$8,750,000. In accordance with the criteria for selection, the Selection Committee unanimously recommended contract award to John Civetta & Sons Inc. They not only offered the lowest proposal price but proposed viable design alternatives and construction concepts that were deemed to be well engineered, time/labor efficient, and compliant with the intent of the preliminary design.

John Civetta & Sons Inc has extensive experience in major construction within the right-of-way of many MTA subsidiaries, including the Manhattan West Platform Project, Dyer Ave Bridge Deck Replacement Western approach of Penn Station, and currently they are performing two rock slope remediation projects for MNR, East and West of Hudson. Civetta was also the prime contractor for the Grand Central Terminal Security Bollard Project and is also currently providing all foundation work for the One Vanderbilt Avenue Project.



# Staff Summary

MNR completed a responsibility review of John Civetta & Sons, Inc. as defined in the All Agency Responsibility Guidelines in connection with this award recommendation, which yielded no significant adverse information (SAI).

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

The MTA Department of Diversity and Civil Rights (DDCR) established 20% DBE goal for this project. Civetta's pre award DBE submittal package is currently under review by DDCR and the contract will not be awarded until DDCR requirements have been satisfied.

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

Board approval is requested in the not to exceed amount of \$8,750,000. This procurement is to be federally funded and is part of the MTA 2010-2014 Capital Program.

### **V. ALTERNATIVES:**

MNR does not have the available in-house staff with both the expertise and capability to perform the required design and construction services as specified



# Long Island Rail Road

**ACTION**

**ITEMS**

# Staff Summary



<b>Subject</b> Moynihan Phase 1 Funding Agreement and New York Power Authority Energy Services Program Agreement
<b>Department</b> Finance / General Counsel
<b>Department Head Name</b> Mark Young / Mark Hoffer
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Francis Landers / Roberta Pedersen

<b>Date</b> July 19, 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	LIRR Committee		X		
1	Finance Committee		X		
2	Board		X		

Internal Approvals			
Order	Approval	Order	Approval
1	President		
2	Executive VP		
3	VP - Mgmt. & Finance		
4	VP & General Counsel		

## PURPOSE AND RECOMMENDATION:

To obtain Board authorization for the Metropolitan Transportation Authority ("MTA") and the MTA Long Island Rail Road ("LIRR") (jointly, the "MTA Parties") to enter into (i) a Funding Agreement with the New York State Urban Development Corporation d/b/a Empire State Development Corporation ("ESD") whereby they would fund the final elements of the Phase 1 West End Concourse Enhancements work (the "WEC Enhancements") including interior finishes such as cladding and detailing, exterior finishes such as signage and lighting, and the design and installation of energy efficient LED lighting and displays (the "LED Element"); and (ii) a Customer Installation Commitment ("CIC") under the MTA Energy Services Program Agreement with the New York Power Authority ("NYPA") to fund the LED Element of the WEC Enhancements.

## DISCUSSION:

ESD acquired ownership of the Farley Building from the United States Postal Service in March 2007 to facilitate the redevelopment of the Farley Building to accommodate a combination of transportation, public, commercial and other facilities including the creation of the new Moynihan Train Hall, an intermodal transportation facility ("Moynihan Train Hall"). The Moynihan Train Hall will be located on the west side of 8<sup>th</sup> Avenue between 31<sup>st</sup> and 33<sup>rd</sup> Streets in Manhattan physically connected to the existing Pennsylvania Station located between 7<sup>th</sup> & 8<sup>th</sup> Avenues in Manhattan between 31<sup>st</sup> and 33<sup>rd</sup> Streets. The Moynihan Train Hall is part of a two-phased project: (i) Phase 1, which is substantially complete and consists of the expansion of the WEC underneath the Farley Building, carried out by ESD subsidiary Moynihan Station Development Corporation ("MSDC") through a contract with Skanska USA Civil Northeast, Inc.; and (ii) Phase 2, the redevelopment of Moynihan Train Hall pursuant to a Development Agreement between ESD and Moynihan Train Hall Developer LLC (the "Developer") entered on June 15, 2017.

## Staff Summary

On June 29, 2012, the MTA Parties and ESD entered a Phase 1 Force Account and Construction License Agreement, which covered the design and construction of the new expanded WEC. Specific work included improved customer circulation, new stairs, elevators and escalators, and the relocation and protection of building systems. The agreements covering this work defined the MTA's maximum contribution to the project at \$35.5 million, which was included in the MTA Five-Year Capital Program.

The WEC Enhancements are substantially complete and the Concourse opened to the public on June 15, 2017. Completion of the WEC Enhancements, other than the LED Element, cost an additional \$10.7 million, which per the proposed Funding Agreement, would be funded by the MTA Parties from the MTA Capital Plan. MTA would make a payment in full to ESD.

The LED Element included the installation of energy efficient LED lighting and displays. Per the Funding Agreement, the MTA Parties are proposing to fund this work pursuant to the Energy Services Program Agreement with NYPA, which the Board approved in 2005 ("Master Agreement") to facilitate energy savings and energy efficiency projects at MTA facilities. Under these agreements, the LIRR would receive a loan from NYPA by executing a CIC under the Master Agreement. NYPA would pay the loan proceeds directly to ESD to pay for the installation of the LED Element, and the LIRR would repay the loan to NYPA over a 10-year period. The total 10-year cost of the NYPA loan would be approximately \$23 million (inclusive of interest and fees) and would be paid monthly out of the LIRR's Operating Budget. The LED lighting and displays are energy efficient, however, the MTA parties do not anticipate any net cost savings as a result of their installation. Therefore, Board Approval is required. The MTA Parties seek authorization to enter the CIC with NYPA under the Master Agreement.

### **ALTERNATIVE:**

The MTA parties could forego NYPA financing for the LED lighting and display work, and fund the LED Element of the work out of the Capital Plan in lieu of the Operating Budget.

### **BUDGET IMPACTS:**

The LIRR has identified resources within its existing Capital Program to cover the non-NYPA portion of these costs. A new project will be created within the 2015-2019 Capital program for this initiative. The cost to repay the NYPA loan is included in the July 2017 Financial Plan.

**LONG ISLAND RAIL ROAD  
COMMITTEE**

**MTA BOARD**

**PROCUREMENT PACKAGE**

**JULY 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	7/24/17	X		
2	Board	7/26/17	X		

<b>Date:</b> July 13, 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 modifications and, to inform the Long Island Rail Road Committee of these procurement actions.

**DISCUSSION**

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

**Schedules Requiring Majority Vote:**

Schedule I Modification to Purchase or Public Work Contract

	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$ 884,000
<b>SUBTOTAL</b>	1	\$ 884,000

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	\$ 2,004,800
<b>SUBTOTAL</b>	1	\$ 2,004,800
<b>TOTAL</b>	2	\$ 2,888,800

**Budget Impact:**

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

**MTA Capital Construction Company**

**BOARD RESOLUTION**

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

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

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

NOW, the Board resolves as follows:

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

July 2017

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

**Schedule I. Modification To Purchase and Public Work Contracts**

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

- |    |   |                   |                                      |
|----|---|-------------------|--------------------------------------|
| 1. | <b>GCT Constructors Joint Venture<br/>Contract No. CM014B<br/>Modification No. 85</b> | <b>\$ 884,000</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|-------------------|--------------------------------------|

In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC seeks Board approval to modify the Contract to reconfigure and resize new HVAC ducts; relocate affected utilities and modify the affected portions of the new ceiling and Air Handling Units (AHUs)..



## Item Number: 1

<b>Vendor Name (&amp; Location)</b> GCT Constructors Joint Venture (Secaucus, NJ)	<b>Contract Number</b> CM014B	<b>AWO/Modification #</b> 85
<b>Description</b> GCT Concourse and Facilities Fit-Out for the ESA Project		
<b>Contract Term (including Options, if any)</b> 1,726 Days	<b>Original Amount:</b>	\$ 404,622,096
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<b>Prior Modifications:</b>	\$ 12,946,260
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Prior Budgetary Increases:</b>	\$ -0-
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>Current Amount:</b>	\$ 441,846,260
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	<b>This Request</b>	\$ 884,000
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> East Side Access, W. Goodrich	<b>% of This Request to Current Amount:</b>	.2%
	<b>% of Modifications (including This Request) to Original Amount:</b>	3.4%

**Discussion:**

This Contract is for the architectural, structural, mechanical and electrical fit-out of the Long Island Rail Road ("LIRR") Concourse, within Grand Central Terminal ("GCT"). The work includes construction of the vertical circulation elements connecting the LIRR Concourse to the Grand Central Terminal Caverns below and Metro North Concourse above for the East Side Access ("ESA") Project. In accordance with Article IX of the All-Agency Procurement Guidelines, MTACC seeks Board approval to modify the Contract to reconfigure and resize new HVAC ducts; relocate affected utilities and modify the affected portions of the new ceiling and Air Handling Units (AHUs).

The CM014B Contractor is currently constructing the future ESA concourse within GCT's former Madison Yard, which was utilized by Metro-North for the storage of train sets. After award of the CM014B Contract, a survey of the Madison Yard existing conditions was inserted into the Building Information Modeling ("BIM") model, which resulted in the identification of several conflicts between the designed HVAC ducts and existing elements of Madison Yard. The existing conditions that conflicted with the designed HVAC ducts were not depicted in the CM014B Contract Documents. The Designer has now revised the Contract Drawings to eliminate the conflicts by reconfiguring and resizing of the affected ducts; revising affected portions of new piping for plumbing and fire sprinklers, AHUs, and affected portions of the new ceiling plan.

The Contractor submitted a cost proposal of \$1,395,321 while the MTACC project estimate was \$1,016,077. Negotiations were held, and the parties agreed to a cost of \$884,000 which is considered fair and reasonable.

This item was identified as resulting from a potential design error or omission and a claim was asserted against the designer of record which has now been resolved.

In connection with previous contracts awarded to the joint venture partners which form GCT Constructors Joint Venture, both John P. Picone Inc. ("JPP") and Schiavone Construction Company, LLC ("Schiavone") were found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility findings were approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in December 2014. No new SAI has been found relating to JPP or Schiavone and they have both been found to be responsible.

July 2017

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

- |    |   |                     |                                      |
|----|---|---------------------|--------------------------------------|
| 2. | <b>Parsons Brinckerhoff/STV/Parsons<br/>Transportation Group, Joint Venture<br/>Contract No. 98-0040-01R<br/>Modification No. 127</b> | <b>\$ 2,004,800</b> | <b><u>Staff Summary Attached</u></b> |
|----|---|---------------------|--------------------------------------|

In accordance with Article XI of the MTA All-Agency Service Contract Procurement Guidelines, MTACC request that the Board ratify a modification to the Contract in order to create a new construction contract package to be designated Contract CH057D - Harold Track Work Part 3.

**Item Number: 2**

<b>Vendor Name (&amp; Location)</b> Parsons Brinckerhoff/STV/Parsons Transportation Group, JV (NY, NY)	<b>Contract Number</b> 98-0040-01R	<b>AWO/Modification #</b> 127
<b>Description</b> East Side Access General Engineering Consultant Services	<b>Original Amount:</b>	\$ 140,000,000
<b>Contract Term (including Options, if any)</b> December 2017	<b>Prior Modifications:</b>	\$ 339,061,416
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<b>Prior Budgetary Increases:</b>	\$ -0-
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	<b>Current Amount:</b>	\$ 479,061,416
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	<b>This Request</b>	\$ 2,004,800
<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>	0.4%
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> East Side Access, W. Goodrich	<b>% of Modifications (including This Request) to Original Amount:</b>	244%

**Discussion:**

This Contract is for engineering, design and construction phase services for the East Side Access (ESA) project. In accordance with Article XI of the MTA All-Agency Service Contract Procurement Guidelines, MTACC requests that the Board ratify a modification to the Contract to increase the Guaranteed Maximum Cost by \$2,004,800 in order to create a new construction contract package to be designated Contract CH057D - Harold Track Work Part 3. This package will consist of work taken from existing LIRR force account packages FHL02, FHL03 and FHL04 and unexercised options from existing third party construction contract CH057, and is expected to be awarded during the first quarter of 2018.

The main scope of the new CH057D package is the Northeast Quadrant (NEQ) track work program. Construction of the track elements to be included in CH057D is critical to both the start of construction work at Tunnel B/C Approach by the future CH058A contractor, and the completion and tie-in of Tunnels A, B/C and D by LIRR forces. Completion of the construction work in Contract CH057D is also necessary to avoid delay to the timely completion of Integrated System Testing (IST) in the new ESA Tunnels and the commencement of revenue service. This work cannot commence, however, until the final cutovers of the remaining five Central Instrument Locations (H1, H2, H5, H6 and H30) are completed, which is scheduled for May 2018. Moreover, in order to permit the timely retirement and demolition of the existing Harold signal system and the subsequent commencement of construction of the Tunnel B/C Approach Structure under the CH058A contract, this work must be completed by the end of November of 2018.

Because the volume of track work that must be completed in this limited period requires more Force Account resources than LIRR will have available, LIRR has agreed to have some of the track work performed by a third party contractor. Accordingly, this work will be removed from the three Force Account packages and transferred into CH057D. In addition, under this Modification the GEC will create option packages for the work that LIRR currently intends to self-perform so that if LIRR resources are not available to perform this work in time to meet the schedule, the options can be exercised and the CH057D contractor can be directed to perform the work.

As noted above, the new CH057D package will also include three unexercised options from the CH057 contract. The work in these options cannot be performed until the new Main Line 2 track is placed in service and that is currently scheduled for July 24, 2017. Substantial Completion of the CH057 contract was declared on June 30, 2017 and the options were not exercised.

The Consultant submitted a cost proposal of \$2,185,458 for this modification while the MTACC estimate is \$1,893,355. Negotiations were held and the parties agreed to a cost of \$2,004,800 which is considered fair and reasonable. In order to maintain the current solicitation schedule for Contract CH057D, the President approved a retroactive memorandum and on March 17, 2017, the Consultant was directed to proceed with the work up to a not-to-exceed amount of \$200,000. A subsequent authorization dated June 8, 2017 increased the not-to-exceed amount to \$650,000.

In connection with previous contracts awarded to Parsons Brinckerhoff and STV, both members of the Consultant joint venture, those consultants were found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility findings were approved by the MTA Chairman/CEO in consultation with the MTA General Counsel (with regard to Parsons Brinckerhoff in January 2007 and with regard to STV in May 2008). No new SAI has been found relating to these Consultants and they have both been found to be responsible.



# Bridges and Tunnels

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## Procurements July 2017



# Staff Summary

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

<b>Date</b> 07/07/2017
<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	07/07/2017			
2	MTA B&T Committee	07/24/2017			
3	MTA Board	07/26/2017			

Internal Approvals			
Order	Approval	Order	Approval
	President		VP Operations
	Executive Vice President		VP & Chief Engineer
	SVP & General Counsel		VP & Chief Procurement Officer
	VP & Chief Financial Officer		

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:

<u>Schedules Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts	1	\$ 23.000M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 23.000M</b>

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 H: Modifications to Personal Service Contracts and Miscellaneous Service Contracts	1	\$ 2.000M
Schedule I: Modifications to Purchase and Public Works Contracts	3	\$ 11.800M
<b>SUBTOTAL</b>	<b>4</b>	<b>\$ 13.800M</b>

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

<b>TOTAL</b>	<b>5</b>	<b>\$ 36.800M</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 NON- COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**JULY 2017**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Two-Thirds Vote:**

**A: Non-Competitive Purchases and Public Work Contracts**

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

- |  |                         |                                      |
|--|-------------------------|--------------------------------------|
| <b>1. New York State Department of<br/>Transportation<br/>Contract No. MOU-17-71</b> | <b>\$ 23,000,000.00</b> | <b><u>Staff Summary Attached</u></b> |
|--|-------------------------|--------------------------------------|

Non-Competitive- Other

B&T is seeking approval under the All Agency Procurement Guidelines to enter into an Agreement (Memorandum of Understanding) with the New York State Department of Transportation (NYSDOT) for the reconstruction and maintenance of Ramp RC connecting the southbound Bruckner Expressway with the Bronx approach to the Robert F. Kennedy Bridge.



# Staff Summary

Page 1 of 2

<b>Item Number 1 (Final)</b>					
<b>Dept &amp; Dept Head Name:</b> Engineering and Construction Joe Keane <i>Joe Keane</i>					
<b>Division &amp; Division Head Name:</b> Walter Hickey <i>Walter Hickey</i>					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	President	7/7/17			
2	MTA B&T Committee	7/24/17			
3	MTA Board	7/26/17			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Chief Financial Officer <i>John</i>	4	Executive Vice President <i>John</i>		
2	SVP & General Counsel <i>mmt</i>		President <i>ET 7/13</i>		
3	VP & Chief Procurement Officer				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> New York State Department of Transportation	<b>Contract Number</b> MOU-17-71
<b>Description</b> Memorandum of Understanding for Rehabilitation and Maintenance of Ramp RC, Connecting RFK to the Bruckner Expressway	
<b>Total Amount</b> <div style="text-align: right;">\$23,000,000.00</div>	
<b>Contract Term (including Options, if any)</b>	
<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 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:	
<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

TBTA is seeking approval under the All-Agency Procurement Guidelines to enter in to an Agreement (Memorandum of Understanding), designated as MOU-17-71, with New York State Department of Transportation (NYSDOT) for reconstruction of and for maintenance of Ramp RC connecting the southbound Bruckner Expressway with the Bronx approach to the Robert F. Kennedy Bridge. The Agreement defines the scope of the work, which will be completed in conjunction with NYSDOT's upcoming Bruckner Expressway Project and which is proposed to be jointly funded by TBTA and NYSDOT.

### II. DISCUSSION

The New York State Department of Transportation (NYSDOT) is scheduled to award a Design-Build Contract later in 2017 to reconstruct a portion of the Bruckner Expressway (I-278) that extends from the intersection with the RFK Bridge approach to E.141st Street. This project will also include the off ramps from the RFK to the Major Deegan Expressway and the Bruckner Expressway. The costs of reconstruction of these ramps will be borne by NYSDOT. There has been extensive discussion between the TBTA and NYSDOT with respect to jurisdiction over and the ownership of Ramp RC which connects the southbound Bruckner Expressway to the RFK Bridge. The structure is currently jointly maintained by TBTA and NYSDOT. This proposed Memorandum of Understanding defines the scope of work and associated costs to be paid by TBTA for the reconstruction of the ramp and for future maintenance responsibility for the ramp. A similar agreement was executed in 1993 when Ramp RC was last rehabilitated.

Ramp RC is a 2-lane ramp connecting the Bruckner Expressway to the RFK Bridge. The scope of work for Ramp RC has been developed by NYSDOT with input from TBTA and includes i) removal and replacement of the concrete deck, barriers and bridge railing with a new concrete deck and barriers that conform with current standards; ii) removal and replacement of all steel bearings with elastomeric bearings; iii) localized repair of cracks and spalls in the existing piers; and iv) sandblasting and painting of structural steel as necessary per NYSDOT standards.

11/19/17 [722/141]



## Staff Summary

TBTA and NYSDOT agree that it is in the interest of both parties as well as the traveling public that Ramp RC be reconstructed to current standards. It is also agreed that to minimize disruption to the traveling public and maximize efficiency of the NYSDOT's Bruckner Project, the ramp reconstruction should be performed in conjunction with the upcoming Bruckner Expressway project.

Under this proposed agreement, NYSDOT will solicit a design-build contract to include the TBTA Work. TBTA and NYSDOT agreed to an estimated cost of the work of \$18,709,262 with contingencies of \$4,209,738. Upon Board approval and execution of the MOU, TBTA will deposit with the State Comptroller, in a project escrow, \$18,709,262 which shall be applied to cover TBTA's share of the costs of soliciting and completing the TBTA reconstruction Work.

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

This agreement is not subject to the establishment of goals by the Department of Diversity and Civil Rights (DDCR). All NYSDOT projects are subject to state and federal D/M/WBE participation requirements.

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

Funding for this agreement is available in the 2010-2014 Capital Budget under Project D602RKXD.

### **V. ALTERNATIVES**

The following three alternatives were considered:

- i) Continue to maintain the ramp until ramp ownership is resolved and major reconstruction can no longer be deferred. This is not a viable option because it exposes the Authority to recurring and increasing maintenance costs with significant impacts to the traveling public;
- ii) Perform the ramp reconstruction under a new project. This is not a viable option because jurisdiction over the ramp is disputed; and
- iii) Complete the ramp reconstruction via NYSDOT's project. This is the recommended option because doing the work with NYSDOT is cost effective and will minimize the impact on the traveling public.

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

**Procurements Requiring Majority Vote:**

**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 Parsons Brinckerhoff, Inc.</b>	<b>\$ 2,000,000.00</b>	<b><u>Staff Summary Attached</u></b>
<b>AECOM, USA, Inc.</b>		

**Contract Nos. PSC-14-2953A  
PSC-14-2953B**

5 yr. Contract- Competitive RFP

B&T is seeking Board Approval in accordance with the All Agency Service Contract Procurement Guidelines to amend personal service contracts to provide environmental review of future possible changes in toll policy at B&T facilities.

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

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

<b>1. El Sol Contracting &amp; Contracting Corp./El Sol Limited Enterprises J.V.</b>	<b>\$ 8,117,816.00</b>	<b><u>Staff Summary Attached</u></b>
<b>Contract No. RK-65A</b>		

4 yrs, 6mo. Contract- Competitive Bid

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public works contract for additional civil, structural and electrical infrastructure construction work related to Open Road Tolling (ORT) at the Bronx and Queens approaches to the Robert F. Kennedy Bridge.

<b>2. Tutor Perini Corp.</b>	<b>\$ 3,261,708.42</b>	<b><u>Staff Summary Attached</u></b>
<b>Contract No. VN-80B</b>		

5 yr. Contract - Competitive Bid

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to modify this contract for interim reconciliation of contract items and additional new items of work. These items include: (i) Milling of the Staten Island Approach; (ii) Removal and Replacement of the Lower Roadway Finger Joints and Removal and Replacement of Lower Roadway Bearings at the Brooklyn Tower; and (iii) an allowance for Horizontal Jacking Labor required for Lower Level Finger Joint and Bearing Replacement.

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

- |                                    |                      |                                      |
|------------------------------------|----------------------|--------------------------------------|
| 3. <b>2 Saab Construction Inc.</b> | <b>\$ 420,903.46</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. QMM-346</b>        |                      |                                      |

1 yr. Contract - Competitive Bid

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to modify this contract to include labor, material and equipment necessary to provide masonry work to the Manhattan Entrance Plaza Walls and to power wash the Queens Portal of the Queens Midtown Tunnel.

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

Item Number: 1 (Final)

<b>Vendor Name (&amp; Location)</b> Parsons Brinckerhoff, Inc. New York, NY AECOM, USA, Inc. New York, NY	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"><b>Contract Number:</b></td> <td style="width: 30%;"><b>AWO/Modification #</b></td> </tr> <tr> <td>PSC-14-2953A</td> <td></td> </tr> <tr> <td>PSC-14-2953B</td> <td></td> </tr> </table>	<b>Contract Number:</b>	<b>AWO/Modification #</b>	PSC-14-2953A		PSC-14-2953B									
<b>Contract Number:</b>	<b>AWO/Modification #</b>														
PSC-14-2953A															
PSC-14-2953B															
<b>Description:</b> Professional Services As Needed for an Environmental Review of TBTA's Toll Related Actions															
<b>Contract Term (including Options, if any)</b> August 5, 2014 – August 4, 2019 January 15, 2015 – January 14, 2019															
<b>Option(s) included in Total amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No															
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive															
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:															
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:															
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Planning and Budget, Mildred Chua, Chief Financial Officer															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;"><b>Original Amount:</b></td> <td style="width: 30%; text-align: right;">\$ 1,500,000</td> </tr> <tr> <td><b>Prior Modifications:</b></td> <td style="text-align: right;">\$ 450,000</td> </tr> <tr> <td><b>Prior Budgetary Increases:</b></td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td><b>Current Amount:</b></td> <td style="text-align: right;">\$ 1,950,000</td> </tr> <tr> <td><b>This Request:</b></td> <td style="text-align: right;">\$ 2,000,000</td> </tr> <tr> <td><b>% of This Request to Current Amount:</b></td> <td style="text-align: right;">102%</td> </tr> <tr> <td><b>% of Modifications (including This Request) to Original Amount:</b></td> <td style="text-align: right;">163%</td> </tr> </table>		<b>Original Amount:</b>	\$ 1,500,000	<b>Prior Modifications:</b>	\$ 450,000	<b>Prior Budgetary Increases:</b>	\$ 0.00	<b>Current Amount:</b>	\$ 1,950,000	<b>This Request:</b>	\$ 2,000,000	<b>% of This Request to Current Amount:</b>	102%	<b>% of Modifications (including This Request) to Original Amount:</b>	163%
<b>Original Amount:</b>	\$ 1,500,000														
<b>Prior Modifications:</b>	\$ 450,000														
<b>Prior Budgetary Increases:</b>	\$ 0.00														
<b>Current Amount:</b>	\$ 1,950,000														
<b>This Request:</b>	\$ 2,000,000														
<b>% of This Request to Current Amount:</b>	102%														
<b>% of Modifications (including This Request) to Original Amount:</b>	163%														
<b>Discussion:</b> <p>B&amp;T is seeking Board Approval in accordance the All-Agency Guidelines for Procurement of Services to amend a personal service Contract No PSC-14-2953A with Parsons Brinckerhoff, Inc. (PB) and PSC-14-2953B with AECOM USA, INC. (AECOM) for additional services in the amount of \$2,000,000 to provide environmental review of future possible changes in toll policy at B&amp;T facilities. This contract was competitively awarded to PB in August 2014 and to AECOM in January 2015 for five (5) years to assist in environmental reviews at all B&amp;T facilities. Amendments 1 and 2 increased the contract value by \$450,000.</p> <p>The Consultant will conduct and produce comprehensive, coordinated environmental analyses including environmental assessments and environmental impact statements in compliance with the New York State Environmental Quality Review Act (SEQRA) or the National Environmental Policy Act (NEPA) or both, as directed by the Project Manager. These environmental reviews will be used to support possible future changes in toll policy at B&amp;T facilities, including but not limited to: changes of crossing charges, or the introduction of new toll discount/rebate plans, any of which could affect the general environment. The required services will be assigned on an as-needed basis through the issuance of work orders which will be negotiated separately using the labor, overhead and profit rates. Funds are available in the amount of \$2,000,000 is available in the Operating Budget under GL Code 712516.</p> <p>In connection with previous contracts awarded to PB and AECOM. PB was found responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility findings was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel on March 25<sup>th</sup>, 2008. No new SAI has been found relating to PBI. In addition AECOM was found to be responsible notwithstanding significant adverse information (SAI) pursuant to All-Agency Responsibility Guidelines and such responsibility findings was approved by the Chairman and Chief Executive officer in consultation with Metro-North Railroad's Vice President and General Counsel on May 10<sup>th</sup>, 2016. No new SAI has been found relating to AECOM.</p>															

## Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: 1 (Final)

<b>Vendor Name (&amp; Location)</b> El Sol Contracting & Construction Corp. / El Sol Limited Enterprises J.V. (Maspeth, NY)	<b>Contract Number</b> RK-65A	<b>AWO/Modification #</b>
<b>Description</b> Bronx Plaza/Structure Rehabilitation at the RFK Bridge	<b>Original Amount:</b>	\$213,400,793.50
<b>Contract Term (including Options, if any)</b> December 12, 2014 – June 11, 2019	<b>Prior Modifications:</b>	\$28,281,794.81
<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>	\$241,682,588.31
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:	<b>This Request:</b>	\$8,117,816.00
<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>	3.4%
<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>	17.1%

### Discussion:

B&T is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public works contract, Contract RK-65A, with El Sol Contracting / El Sol Limited Enterprises, JV. (El Sol) for additional civil, structural and electrical infrastructure construction work related to Open Road Tolling (ORT) at the Bronx and Queens approaches to the Robert F. Kennedy Bridge and the modification of existing contract unit price items in the negotiated amount of \$8,117,816.

The Contract was awarded to El Sol in December 2014 in the amount of \$213,400,793.50 (inclusive of incentives totaling \$2,975,000) subsequent to a competitive sealed bid process. The Contract as awarded includes: (i) replacement of the bridge deck and some of the supporting superstructure elements of the Bronx Plaza to extend the service life another 50 years; (ii) partial replacement of bridge decks at the Manhattan-to-Queens ramp and the Queens-to-Manhattan ramp; (iii) reconstruction of the Bronx Toll Plaza to provide maximum flexibility for future advancements in toll collection technology; (iv) improved capacity, efficiency, and safety of the Bronx Toll Plaza; (v) bridge painting; and (vi) lead and asbestos abatement in isolated locations.

As part of the New York Crossings initiative B&T is embarking on full implementation of cashless all-electronic Open Road Tolling (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.

Under previous amendments ORT infrastructure at the Queens and Bronx approaches to the RFK Bridge was added to the contract and portions of the base contract work were accelerated to mitigate the impact of the work on the traveling public. Under this proposed amendment, the following items of work are now required and/or will be accelerated: i) sawcutting and grooving deck; ii) barrier slip forming (half and full sections; iii) temporary supports for new deck overhang; iv) deep haunches; v) asbestos wire abatement; and vi) existing monument restoration. Additionally, the unit price for treatment and discharge of contaminated groundwater estimated quantity overrun was renegotiated.

El Sol submitted a cost proposal of \$12,685,271.95 for the extra work related to new items, acceleration, monument restoration and the item overrun. Negotiations resulted in B&T and El Sol agreeing to the amount of \$10,823,855, which is .98% above the Engineer's estimate of \$10,718,909.02 and is considered fair and reasonable. Additionally, the change to toll collection methodology results in the deletion of some Contract Work. Twenty contract unit price items are reduced or deleted completely for an aggregate credit of (\$2,706,039) and a net change to the Contract of \$8,117,816.

Funding for the proposed extra work and item overruns at the RFK in the net amount of \$8,185,005 is available in the 2010-2014 Capital Program (Project D703/RK65/D02699) and in Major Maintenance Program under Project RKM-372 in the amount of \$1,482,225 (GL711101); credit for deleted paint work in the amount of \$1,549,414 will be credited to Project D02709.

## Schedule I: Modifications to Purchase and Public Works Contracts

**Item Number:** 2 (Final)

<b>Vendor Name (&amp; Location)</b> Tutor Perini Corp.		<b>Contract Number</b> VN-80B	<b>AWO/Modification #</b>
<b>Contract Title:</b> Replacement of the Upper Level Roadway Deck Suspension Span at the Verrazano-Narrows Bridge			
<b>Contract Term (including Options, if any)</b> November 29, 2012 – November 28, 2017		<b>Original Amount:</b> \$235,728,000.00	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Modifications:</b> \$45,935,694.71	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Prior Budgetary Increases:</b> N/A	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>Current Amount:</b> \$281,663,694.71	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>This Request:</b> \$3,261,708.42	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.		<b>% of This Request to Current Amount:</b> 1.2%	
		<b>% of Modifications (including This Request) to Original Amount:</b> 20.9%	

### Discussion:

B&T is seeking the Board's approval under the All-Agency Procurement Guidelines to modify this contract with Tutor Perini Corp. (TPC) for interim reconciliation of contract items and additional new items of work in a negotiated net amount totaling \$3,261,708.42.

As the contract work progresses, there are items that were underutilized or exceeded contract quantities that require reconciliation. Among those items underutilized are: construction signs, temporary concrete barrier, overhead sign structures and movement of the moveable median barrier system. Proposed credits to existing items totaled \$1,271,385.59. Among the items that exceeded contract quantities are: removal of roadway deck on suspended spans, removal of maintenance walkways, concrete for full depth repairs, and armored joint system. TPC proposed increases to existing items totaled \$1,235,954.55 which were deemed acceptable.

In addition to those reconciliations, the Engineer determined that various new items of work are required at this time including: (i) Milling of the Staten Island Approach roadway; (ii) Removal and Replacement of the Lower Roadway Finger Joints and Removal and Replacement of Lower Level Roadway Bearings at the Brooklyn Tower; and (iii) an allowance for work associated with restoring the joint assembly to its correct position.

In order for traffic to utilize the reversible 7<sup>th</sup> lane on the Upper Level that is being added as part of the new orthotropic deck system under VN-80B, modifications to the Staten Island Approach were incorporated into the Contract including removal of the median barrier, replacement of roadway slabs, reconfiguration of the eastbound and westbound curbs to widen the traveled roadway, new drainage, and new and enhanced lighting. To accommodate those modifications milling of the Staten Island Approach is required to tie-in to the existing roadway.

During the 2016 Biennial inspection, it was discovered that the Brooklyn tower main span lower level finger joints were deteriorated. The finger joints are original construction and have been in service for over fifty years and are showing signs of corrosion. This created a condition which required immediate intervention by the Authority and on-site contractor, TPC. Under the first phase of work the Contractor was requested to perform these urgent repairs to free joints that had locked in place. TPC had the skilled workforce already on-site and the ability to organize a crew quickly to expedite the repair and ensure the proper serviceability of the bridge was maintained. As contractor costs for these urgent repairs for freeing of the joints have not been submitted yet, this first phase of work will be negotiated and Contractor will be reimbursed under a future amendment in a not-to-exceed allowance amount of \$1,500,000.

Under the second phase of the joint and bearing work to be performed, the Contractor will provide labor and material required for rehabilitation of the Brooklyn lower level tower span which includes replacement of main span tower joints and bearings along with the necessary work involved to physically reset the entire lower level tower span finger joint system using hydraulic jacks (horizontal and vertically). An allowance of \$100,000 was recommended and agreed upon for horizontal jacking labor due to the unknowns involved with this work. In addition, eight spare finger plates will be fabricated to be used as spares for future replacement needs at the Staten Island Tower, which was determined to be in the Authority's best interest.

Overall, TPC proposed \$3,520,557.73 for the above new items of work (which does not include urgent repair work for freeing the joints); the Engineer estimates for those items totaled \$3,386,606.11. Based on comparison to those estimates, the negotiated amount of \$3,297,139.46 is 2.6% below the estimate. When the increase and decreases to existing items is added to the amount for new items the overall net increase of \$3,261,708.42 to the contract is considered fair and reasonable.

Funding for this amendment is available in the 2010-2014 Capital Program under Project D602VN80 Construction, Phase II Deck VN80B.

In connection with a previous contract awarded to the Contractor, TPC was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel on February 11, 2017. No new SAI has been found related to the Contractor and TPC has been found to be responsible.

## Schedule I: Modifications to Purchase and Public Works Contracts

Item Number: 3 (Final)

<b>Vendor Name (&amp; Location)</b> 2 Saab Construction Inc., Brooklyn, NY		<b>Contract Number</b> QMM-346	<b>AWO/Modification #</b>
<b>Contract Title</b> Queens Plaza Wall Restoration and Emergency Garage Envelope Repair at the Queens Midtown Tunnel Facility		<b>Original Amount:</b> \$1,268,243.13	
<b>Contract Term (including Options, if any)</b> August 9, 2016 – August 8, 2017		<b>Prior Modifications:</b> \$495,498.04	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> N/A	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$1,763,741.17	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$420,903.46	
<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> 23.9%	
<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> 72.3%	

### Discussion:

B&T is seeking the Board's approval under the All-Agency General Contract Procurement Guidelines to modify this contract with 2 Saab Construction Inc. to include the labor, material and equipment necessary to provide masonry work to the Manhattan Entrance Plaza Walls and to power wash the Queens Portal of the Queens Midtown Tunnel in the amount of \$420,903.46.

On August 9, 2016, Contract QMM-346 was awarded to 2 Saab Construction Inc. (2 Saab) under the Small Business Mentoring Program for furnishing all manpower, equipment and material necessary for the Restoration of the Queens Plaza Wall and Emergency Garage Envelope Repair at the Queens Midtown Tunnel Facility for a duration of twelve (12) months, in an amount not-to-exceed \$1,268,243.13.

B&T determined that the conditions of the Manhattan Entrance Plaza Walls are far more deteriorated than anticipated and are in need of immediate repair. The original contract quantities required repair of a large portion of the Plaza Walls. However, as the contractor commenced work, it was determined that 100% of the Walls required restoration. In addition, the QM-40 construction and the removal of VMS signs resulted in the Queens Plaza Portal Entrance Walls collecting an excessive amount of dirt. In order to maintain the location in a state of good repair, a thorough cleaning of the Portal Walls is necessary to remove any accumulated excess dirt.

2 Saab submitted a proposal in the amount of \$420,903.46. The Engineer's estimate is \$421,493.03. The proposed amount is 0.14% below the estimate and is considered fair and reasonable. 2 Saab was granted authorization to proceed in the not-to-exceed amount of \$100,000 to begin the work required to repair the Manhattan Entrance Plaza Walls.

Funding for this amendment is available in the 2017 Major Maintenance Programs under Project R706AW94 / R03173.