

# October 2017

## MTA Board Action Items



# MTA Board Meeting

[2 Broadway - 20th Floor Board Room](#)

Wednesday, 10/25/2017

10:00 AM - 12:00 PM ET

## 1. PUBLIC COMMENT PERIOD

## 2. APPROVAL OF MINUTES

### **MTA Regular Board Minutes - September 27, 2017**

*MTA Regular Minutes - September 27, 2017 - Page 5*

### **NYCT/MaBSTOA/SIRTOA/Bus Company Regular Board Minutes - September 27, 2017**

*NYCTA Regular Minutes - September 27, 2017 - Page 13*

### **MTA Metro-North Railroad Regular Board Minutes - September 27, 2017**

*Metro-North Regular Minutes - September 27, 2017 - Page 18*

### **MTA Long Island Rail Road Regular Board Minutes - September 27, 2017**

*LIRR Regular Minutes - September 27, 2017 - Page 24*

### **Triborough Bridge & Tunnel Authority Regular Board Minutes - September 27, 2017**

*TBTA Regular Minutes - September 27, 2017 - Page 37*

### **MTA Capital Construction Regular Board Minutes - September 27, 2017**

*MTACC Regular Minutes - September 27, 2017 - Page 42*

## 3. COMMITTEE ON FINANCE

### **Action Items**

#### **i. Resolution - Filing and Acceptance of Federal Funds**

*Resolution to Authorize the Execution, Filing and Acceptance of Federal Funds - Page 44*

### **MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 53*

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

#### **ii. Competitive**

*MTAHQ Competitive Procurements - Page 55*

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

### **Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 63*

## 4. COMMITTEE ON NYCT & BUS

### **Action Item**

#### **i. MTACC Second Avenue Subway Funds Transfer**

**NYCT & Bus Procurements Report**

*NYCT October Procurement Staff Summary and Resolution - Page 72*

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

**ii. Competitive**

*NYCT Competitive Actions - Page 76*

**iii. Ratifications**

*MTACC Ratifications - Page 90*

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

**MNR Procurements Report**

*MNR Procurements - Page 92*

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

**ii. Competitive**

*MNR Competitive Procurements - Page 96*

**iii. Ratification**

*MNR Ratifications - Page 112*

**LIRR Procurements Report**

*LIRR Procurements - Page 114*

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

**ii. Competitive**

*LIRR Competitive Procurements - Page 118*

**iii. Ratifications (no items)**

**MTACC Procurements Report**

*MTACC Procurements - Page 122*

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

**ii. Competitive**

*MTACC Competitive Procurements - Page 125*

**iii. Ratifications (no items)**

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

**B&T Procurements Report**

*BT Procurements - Page 130*

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

**ii. Competitive**

*BT Competitive - Page 133*

**iii. Ratifications (no items)**

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

## **8. OTHER MTA BUSINESS**

**Board Discussion on Alcohol Advertising**

## **9. EXECUTIVE SESSION**

Date of Next Meeting: Wednesday, November 15, 2017

**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
September 27, 2017  
10:00 a.m.**

**The following members were present:**

**Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
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. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

**The following alternate non-voting members were also present:**

Hon. Andrew Albert  
Hon. Randolph Glucksman  
Hon. Vincent Tessitore, Jr.

Patrick Foye, President, Veronique Hakim, Managing Director, Janno Lieber, MTA Chief Development Officer, Donna Evans, Chief of Staff, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Helene Fromm, Acting General Counsel, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President TBTA, Stephen Vidal, Acting President, MTA Bus Company, 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 fifty-three (53) registered public speakers. The following forty-eight (48) speakers commented during the public speakers session. 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.

Terrea Mitchell, Peoples Power Assembly  
Mary Kaessinger, Peoples MTA  
Queen Ester Branat, Adopt Community Network  
Ernest Walker, private citizen  
Christopher Taylor, Adopt Community Network  
Faiman Lee, private citizen  
Kevin Holmes, Adopt Community Network  
Dennis Stephens, Adopt Community Network  
Jerry Smith, Adopt Community Network  
Ellen Simon, 315 Tenant Association  
William Raudenbush, private citizen  
Ellen Shannon, PCAC  
Seth Rosenberg, TWU  
Tony Murphy, Peoples MTA  
Father Ed Chinery, Church of the Ascension  
Kylie Cortez, BAAFT  
Abraham Joseph, Church of Holy Name  
Nate Peters, Peoples MTA  
Jazmine Rivera, BAAFT  
Liz Padrick, E. 72<sup>nd</sup> Street Neighborhood Association  
Gail Benjamin, E. 72<sup>nd</sup> Street Neighborhood Association  
Kristen Strader, private citizen  
Marilyn Aguirre-Molina, CUNY  
Kenneth Podziba, Bike N.Y.  
Karen Overton, Bike N.Y.  
Mary Parrison, CURES  
John Mayer, CURES  
Mary Arnold, CURES  
Chris Prince, 72<sup>nd</sup> Street Neighborhood Association  
Omar Vera, private citizen  
Jason Piniero, private citizen  
Tamara Morgan, NY PLI  
Chris Pangilinan, Transit Center  
Marshal Wise, private citizen

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Aimee Ball, Coalition to Save Murray Hill  
Parce Ainsworth, Coalition to Save Murray Hill  
Bruce Podwal, Coalition to Save Murray Hill  
John Putnam, Coalition to Save Murray Hill  
Mary Brophy, Coalition to Save Murray Hill  
Harold Edwards, Coalition to Save Murray Hill  
John Chadwick, Coalition to Save Murray Hill  
Pedro Valder Rivera, Jr., private citizen  
Stephanie Burgos, Riders Alliance  
Austin Lomax, Riders Alliance  
Nancy Sharon, private citizen  
Fred Cohen, Coalition to Save Murray Hill  
Whitney Moore, private citizen  
Pierina Sanchez, private citizen

2. **CHAIRMAN'S REMARKS.**

Chairman Lhota welcomed everyone to the September Board meeting. The Chairman stated that much has happened over the past two months, and he will provide an update on some high-level MTA business.

Chairman Lhota, on behalf of the Board and the MTA staff, congratulated Jerome F. Page, Sr. Director, Public/Private Partnerships, on his retirement. Jerome Page joined the MTA in 1988 as Deputy General Counsel for Finance and Real Estate. Over the years, Mr. Page moved through the ranks, working on various high-level projects such as Transit Wireless, that resulted in cellular and Wi-Fi service in all 278 underground subway stations; he led the tax-advantaged asset leasing program, which leased more than \$3 billion of MTA assets to foreign investors; he worked with the Chief Financial Officer on many cost-saving and revenue initiatives; and Mr. Page served as lead attorney on the New Fare Payment System procurement. Chairman Lhota stated that Mr. Page has made tremendous contributions, not only to the MTA organization but also to the city, state and region. Chairman Lhota thanked Mr. Page for his services and wished him well in his retirement.

Chairman Lhota, noting some high-level changes to the management structure, announced that Veronique Hakim, who served as MTA Interim Executive Director, has been named Managing Director; and Patrick Foye, who previously served on the MTA Board and formerly as Executive Director of the Port Authority and President of PATH, has been appointed MTA President. The Chairman stated that Mr. Foye and Ms. Hakim have assumed day-to-day leadership of the MTA to ensure that the customers are always the first priority. Mr. Foye is leading key innovation and modernization initiatives and Ms. Hakim is responsible for the operations. Chairman Lhota announced that Janno Lieber, who was previously President of World Trade Center Properties, has been named MTA Chief Development Officer, leading MTA's key strategic capital initiatives focusing on increasing system capacity. The Chairman stated that Mr. Foye, Ms. Hakim and Mr. Lieber form the dynamic team needed at MTA at this time and said that this restructuring reflects MTA's commitment to an aggressive management for both day-to-day operations and long-term capital improvements.

Chairman Lhota commented on the LIRR performance this past summer after Amtrak outages at Penn Station, which disrupted LIRR service. The Chairman stated that LIRR, due to its management planning, exceeded its expectations and as a result the consensus is that summer services was not as bad as some feared. In July, 93.1 percent of LIRR's trains were on time, and in August, 93.8 percent of its trains were on time, which is the best performance record since September 2016. Chairman Lhota stated that the LIRR's rapid response to incidents, increased and improved coordination with Amtrak and New Jersey Transit, and effective communications with the customers attributed to the enhanced performance, which must become the railroad's new normal. The Chairman stated that he is pleased to report that the LIRR's on-time performance to-date is better than both July and August, which is a result of focus and management. Chairman Lhota stated that continued focus and enhanced management is one of his top priorities as Chairman, not just for the LIRR but for the entire system.

Chairman Lhota noted that in July MTA unveiled the Subway Action Plan to stabilize and modernize the subway system. The Chairman stated that the plan is ambitious, aggressive, and requires dedicated leadership ensuring operational excellence and long-term innovation, which is exactly what the team in the Office of the Chairman will provide. Implementation of the Plan's first phase has begun and includes the most aggressive preventative maintenance in the MTA's history. Chairman Lhota stated that immediately following the Board meeting, and as part of the plan, the agency will go live with a new online performance dashboard, providing more information to customers. The Chairman stated that before the new dashboard, the agency was measuring statistics from its perspective and operationally. However, in addition to operational statistics, the agency will begin recording statistics from the customers' perspective, measuring what they see, feel and experience in the system every day. Chairman Lhota stated that four new metrics for the dashboard have been created, which are updated monthly and follows international best practices. The new metrics include: i) tracking major incidents, which show the number of incidents that delay fifty or more trains each month; ii) capacity provided, which shows the percentage of trains that actually run on a line at its peak times compared to what is scheduled for that particular line; iii) customer wait time, which measures the time a customer waits for a train compared to the amount of time a customer should wait according to the schedule; and iv) train travel time, which shows exactly how much longer a customer is spending on the trains than they should be. Chairman Lhota stated that the new dashboard, together with all the steps being implemented through the Subway Action Plan, is making the MTA more modern, more resilient, more transparent, and more accountable, and helping to get the organization back on track.

Chairman Lhota stated that he is aware that there are concerns about the cost and budget implications of the Subway Action Plan. The Chairman reminded the Board that the implementation of the Plan is in response to an emergency situation in subway services, and was necessary in order to stabilize the system. The Chairman assured the Board that it will have an opportunity to review the plan's cost and its revenue sources in October.

Chairman Lhota provided a brief update on the MTA Genius Competition, reporting that the agency received over 400 submissions from twenty-three countries that focused on three areas of interest to the agency: signals, cars and communications. The Chairman

stated that a report on the process by which these submissions are being evaluated and an announcement of the finalist will be provided to the Board soon.

Chairman Lhota commented on last week's bus collision in Queens that killed three people. He expressed his condolences to the families and friends of those who died. In addition, the Chairman wished a speedy recovery to all those who were injured in the collision. Chairman Lhota specifically thank the MTA Bus Operator, Devon Bryan, who acted heroically to help customers off the bus, despite his own significant injuries.

Chairman Lhota, addressed issued surrounding a news article that was particularly concerning to Board members. The article implied that the MTA failed to complete safety testing at the Second Avenue Subway before its opening. The Chairman stated that nothing could be further from the truth. The Chairman stated that the article misleads the reader into thinking that the Federal Transportation Authority ("FTA") has a role in opening a subway station or a subway line, but the FTA does not have power or authority. Chairman Lhota stated that the FTA participated in safety reviews of the Second Avenue Subway before it opened, together with the New York State Public Transportation Safety Board - the State agency primarily responsible for overseeing safety at the MTA, and both agencies found that the new stations met safety readiness requirements at the time of opening. Chairman Lhota noted that an FTA spokesman provided a statement saying as much, but for some reason the news organization chose not to include the FTA's statement in the article. Chairman Lhota stated that on opening day, the Second Avenue Subway stations had state-of-the-art ventilation and smoke management systems, fire detection systems, CCTV, Public Address Systems, and fireproof pressurized emergency exit stairs. The Chairman noted that the stations are the safest stations in New York, and are as safe as any station worldwide.

Chairman Lhota, Managing Director Veronique Hakim and Chief Financial Officer Robert Foran addressed questions from the Board members relating to the budget, spending and the Committee and Board meeting protocol and procedures. The details of the Board's discussion with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

3. **MINUTES.** Upon motion duly made and seconded, the minutes of the Regular Board Meeting held on July 26, 2017 were approved, as amended to add the names of ten (10) speakers from the Coalition to Save Murray Hill who were present during the public speakers' session and inadvertently omitted from the list of speakers.
4. **COMMITTEE ON FINANCE.**
  - A. **Action Item.** Upon motion duly made and seconded, the Board approved the following action item. The specifics are set forth in the staff summary and documentation filed with the meeting materials.
    1. **Authorization of TBTA Notes and Bonds.** Approved the resolution and other necessary documentation to issue New Money Bond Anticipation Notes (BANs) and bonds to finance up to \$600 million of capital projects in the approved Bridges and Tunnel Capital Programs, as well as adoption of the annexed

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reimbursement resolution which is required by Federal tax law to preserve the ability to finance certain capital projects on a tax-exempt basis.

**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. Bentley Systems, Inc. – Bentley Systems Software Maintenance and Support – No. 90000000002280. Approved a five-year non-competitive, all-agency contract to provide continuous software licenses and support for CADD/BIM software and design software tools from October 1, 2017 through September 30, 2022.
2. Legend and White Animal Health Corporation – Supply and Delivery of Dog Food – No. 16141-2-0100. Approved a competitively negotiated purchase contract to supply and delivery dog food for the MTA Police Department-Canine Unit from October 1, 2017 to September 30, 2020.
3. Marsh USA, Inc. – All-Agency Master Broker Services – No. 16365. Approved a competitively negotiated, personal services contract for the procurement/maintenance of insurance, forensic accounting services with expertise to handle Federal Emergency Management Agency (FEMA) and insurance related claims, and for other miscellaneous services (Master Broker Services) in support of the MTA’s All-Agency Risk Management Program.
4. P&A Administrative Services, Inc. – Administrative & Record-Keeping Services for MTA Flexible Spending Account Plan (FSA) – No. 16308. Approved a competitively negotiated, all-agency personal services contract for administrative and record-keeping services in connection with operating the MTA Flexible Spending Account (FSA) program for a five-year period beginning January 1, 2018.
5. Various Contractors – Freelance Writing and Editorial Services – Nos. 16219-001 thru 007. Approved the award of seven (7) competitively negotiated, all-agency personal services contracts with Nelson Smith, Frank Communications, Diversity Marketing, Jill Davis, Lorraine Krehling, Driven Inbound and Griffin Communications to provide as-needed freelance writing and editorial services for the MTAHQ Marketing & Corporate Communications Department (M&CC) for a period of three years beginning October 1, 2017.
6. JPMorgan Chase N.A. (New York, New York) – Cash Management and Deposit Services – No. 07H9748A. Approved the modification exercising the option to extend the all-agency miscellaneous service contract for cash management, coin and currency processing, and customized lockbox services for two years from October 1, 2017 through September 30, 2019.
7. Prevost Car (US) Inc. – Purchase 31 Over-the-Road Express Buses – No. B40657. Approved modification #3 to Contract B40657 for the purchase of 31 over-the-

road express buses by MTA on behalf of the New York State Department of Transportation.

### **C. Real Estate Items.**

With respect to items #1 and #2 below, a motion was made by Board Member Vanterpool and seconded by Board Member Zuckerman to consider an amendment to the MTA advertising policy, to prohibit alcohol advertisements in the MTA system. Following a lengthy discussion by the Board, Board Member Schwartz proposed that Board Member Vanterpool withdraw her motion to amend the advertising policy to permit further consideration by the Board at the October Board meeting. In light of Board Member Schwartz' proposal, Board Member Vanterpool withdrew her motion to amend the policy.

Upon motion duly made and seconded the Board approved the real estate items listed below. Board Member Ferrer recused himself from the vote on items #1 and #2 below, as amended. Board Member Moerdler abstained from the vote on item #3 below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials. The details of the Board's discussion with respect to items #1 and #2 are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

#### **All-Agencies**

1. Award of an exclusive license agreement to Outfront, to place and sell digital and non-digital advertising in and on MTA subway stations and cars, commuter railroad stations and cars, and buses; and non-exclusive rights with respect to sponsorships and 'pop-up' retail, "e-tailing" and other "experiential advertising, and an extension of its existing advertising agreements until the effective date of the new license agreement.
2. Award of an exclusive license agreement to Outfront, to manage advertising on billboards along right-of-ways, on trestles and bridges, at depots and yards, and on the exterior walls or roofs of buildings, all on property owned or operated by one of the agencies, and an extension of its existing license agreements with respect to billboards until the effective date of the new license agreement; (Billboards include those that are owned by the agencies and those that are owned by various outdoor advertising companies that have previously been permitted to erect billboards on agency property.)

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

3. Lease agreement with Mack-Cali CW Realty Associates L.L.C., for temporary warehouse/storage space located at 101 Executive Boulevard (Block 18, Lot 4), Elmsford, N.Y.
4. Amendment of a permanent easement areas for construction, maintenance, operation and access to an electrical substation located in the Town/Village of Mount Kisco (Section 80.39, Block 2, Lot 1), N.Y.

**Long Island Rail Road**

5. Authorization to commence preliminary steps for the acquisition of permanent and temporary property interests to support the Penn Station Improvements Project and secure back of house space for LIRR and Metro-North Commuter Railroad.

**5. 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, pursuant to the New York State Public Officers Law.

Upon motion duly made and seconded, the Board approved the collective bargaining agreement between MTA Long Island Rail Road and the Brotherhood of Local Engineers and Trainmen and the International Brotherhood of Electrical Workers for the period covering December 16, 2016 through April 15, 2019.

6. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:40 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, September 27, 2017  
10:00 a.m.**

**The following members were present:**

**Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
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. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

**The following alternate non-voting members were also present:**

**Hon. Andrew Albert  
Hon. Randolph Glucksman  
Hon. Vincent Tessitore, Jr.**

Patrick Foye, President, Veronique Hakim, Managing Director, Janno Lieber, MTA Chief Development Officer, Donna Evans, Chief of Staff, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Helene Fromm, Acting General Counsel, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President TBTA, Stephen Vidal, Acting President, MTA Bus Company, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

**1. CHAIRMAN LHOTA CALLED THE MEETING TO ORDER**

**2. CHAIRMAN LHOTA'S COMMENTS**

Details of Chairman Lhota's comments are set forth in minutes recorded by the MTA, copies of which are on file with the records of the meeting of the Board of the MTA NYC Transit/Staten Island Rapid Transit Operating Authority/MTA Bus Company.

**3. PUBLIC COMMENT PERIOD**

There were forty-eight (48) 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.

Terrea Mitchell, Peoples Power Assembly  
Mary Kaessinger, Peoples MTA  
Queen Ester Branat, Adopt Community Network  
Ernest Walker, private citizen  
Christopher Taylor, Adopt Community Network  
Faiman Lee, private citizen  
Kevin Holmes, Adopt Community Network  
Dennis Stephens, Adopt Community Network  
Jerry Smith, Adopt Community Network  
Ellen Simon, 315 Tenant Association  
William Raudenbush, private citizen  
Ellen Shannon, PCAC  
Seth Rosenberg, TWU  
Tony Murphy, Peoples MTA  
Father Ed Chinery, Church of the Ascension  
Kylie Cortez, BAAFT  
Abraham Joseph, Church of Holy Name  
Nate Peters, Peoples MTA  
Jaszmine Rivera, BAAFT  
Liz Padrick, E. 72<sup>nd</sup> Street Neighborhood Association  
Gail Benjamin, E. 72<sup>nd</sup> Street Neighborhood Association  
Kristen Strader, private citizen  
Marilyn Aguirre-Molina, CUNY  
Kenneth Podziba, Bike N.Y.  
Karen Overton, Bike N.Y.  
Mary Parrison, CURES  
John Mayer, CURES  
Mary Arnold, CURES  
Chris Prince, 72<sup>nd</sup> Street Neighborhood Association  
Omar Vera, private citizen  
Jason Piniero, private citizen  
Tamara Morgan, NY PLI  
Chris Pangilinan, Transit Center  
Marshal Wise, private citizen

Aimee Ball, Coalition to Save Murray Hill  
Parce Ainsworth, Coalition to Save Murray Hill  
Bruce Podwal, Coalition to Save Murray Hill  
John Putnam, Coalition to Save Murray Hill  
Mary Brophy, Coalition to Save Murray Hill  
Harold Edwards, Coalition to Save Murray Hill  
John Chadwick, Coalition to Save Murray Hill  
Pedro Valder Rivera, Jr., private citizen  
Stephanie Burgos, Riders Alliance  
Austin Lomax, Riders Alliance  
Nancy Sharon, private citizen  
Fred Cohen, Coalition to Save Murray Hill  
Whitney Moore, private citizen  
Pierina Sanchez, 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 minutes of the meeting held on July 26, 2017 were amended to add the names of ten (10) public speakers from the Coalition to Save Murray Hill who were present during the public speakers' session and inadvertently omitted from the list of speakers. Upon motion duly made and seconded, the Board unanimously approved the minutes, as amended, of the meeting held on July 26, 2017 of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

#### **5. COMMITTEE ON FINANCE**

**Real Estate Item(s):** Upon motion duly made and seconded, the Board approved the award of the following to Outfront Media Group, LLC: (i) an exclusive license to place and sell digital and non-digital advertising in and on MTA subway stations and cars, commuter railroad stations and cars, and buses, and (ii) non-exclusive rights with respect to sponsorships and "pop-up" retail, "e-tailing" and other "experiential advertising".

A motion was made by Board Member Vanterpool and seconded by Board Member Zuckerman to consider an amendment to the MTA advertising policy, to prohibit alcohol advertisements in the MTA system. Following a lengthy discussion by the Board, Board Member Schwartz proposed that Board Member Vanterpool withdraw her motion to amend the advertising policy to permit further consideration by the Board at the October Board meeting. In light of Board Member Schwartz' proposal, Board Member Vanterpool withdrew her motion to amend the policy. Upon motion duly made and seconded, the Board approved the real estate item. Board Member Ferrer recused himself from the vote on this item.

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 the Board members' discussion and comments with respect to this item.

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

**Action Item:**

**Increase TAB Fine for Littering:** Upon motion duly made and seconded, the Board approved the proposed revised Schedule of Fines for violations of the Transit Rules of Conduct (described on pages 105-108 of the Board book), which raised the Transit Adjudication Board (TAB) fine for littering to \$100.

Board member David Jones voted in opposition to this item. Details of the above item are set forth in the staff summary, 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. Details of the Board members' comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

**Procurements:**

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

Chairman Ferrer noted that the procurement relating to the contract with Vicom Computer Services, Inc., presented at the Transit & Bus Committee meeting, was removed from the materials and was not presented for Board consideration.

**Additional Procurement - Enhanced Station Initiative- Package 3:** Chairman Ferrer asked Stephen Plochochi, SVP, Operations Support, to discuss a proposed award to Ecco III Enterprises, Inc., of the Enhanced Station Initiative- Package 3 (Improvements at 72<sup>nd</sup> Street, 86<sup>th</sup> Street, Cathedral Parkway (110<sup>th</sup> Street) and 163<sup>rd</sup> Street – Amsterdam Avenue Stations, 8<sup>th</sup> Avenue Line Manhattan), as described in a revised staff summary distributed to Board members.

Upon motion duly made and seconded, the Board deferred the vote on this item to permit further opportunity for review. Details of the presentation and the Board members' comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

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

7. **EXECUTIVE SESSION**

Upon motion duly made and seconded, the Board voted to convene an executive session in accordance with New York State Public Officers Law Section 105(1)(e) to discuss matters relating to collective bargaining.

8. **ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:40 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, September 27, 2017  
10:00 a.m.

The following members were present:

Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
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. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

Hon. Andrew Albert  
Hon. Randolph Glucksman  
Hon. Vincent Tessitore, Jr.

Patrick Foye, President, Veronique Hakim, Managing Director, Janno Lieber, MTA Chief Development Officer, Donna Evans, Chief of Staff, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Helene Fromm, Acting General Counsel, Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President TBTA, Stephen Vidal, Acting President, MTA Bus Company, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Chairman Lhota called the meeting to order.

1. Public Speakers:

There were 53 registered public speakers, 48 speakers commented during the public speakers session. None of the speakers 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. Chairman's Remarks:

Chairman Lhota welcomed everyone to the September Board meeting. The Chairman stated that much has happened over the past two months, and he will provide an update on some high-level MTA business.

Chairman Lhota, on behalf of the Board and the MTA staff, congratulated Jerome F. Page, Sr. Director, Public/Private Partnerships, on his retirement. Jerome Page joined the MTA in 1988 as Deputy General Counsel for Finance and Real Estate. Over the years, Mr. Page moved through the ranks, working on various high-level projects such as Transit Wireless, that resulted in cellular and Wi-Fi service in all 278 underground subway stations; he led the tax-advantaged asset leasing program, which leased more than \$3 billion of MTA assets to investors; he worked with the Chief Financial Officer on many cost-saving and revenue initiatives; and Mr. Page served as lead attorney on the New Fare Payment System procurement. Chairman Lhota stated that Mr. Page has made tremendous contributions, not only to the MTA organization but to the city, state and region. Chairman Lhota thanked Mr. Page for his service and wished him well in his retirement.

Chairman Lhota, noting some high-level changes to the management structure, announced that Veronique Hakim, who served as MTA Interim Executive Director, has been named Managing Director; and Patrick Foye, who previously served on the Board and formerly was Executive Director of the Port Authority and President of PATH, has been appointed MTA President. The Chairman stated that Mr. Foye and Ms. Hakim have assumed day-to-day leadership of the MTA to ensure that the customers are always the first priority. Mr. Foye is leading key innovation and modernization initiatives and Ms. Hakim is responsible for the day-to-day operations. Chairman Lhota announced that Janno Lieber, who was previously President of World Trade Center Properties, has been named MTA Chief Development Officer, leading MTA's key strategic capital initiatives focusing on increasing system capacity. The Chairman stated that Mr. Foye, Ms. Hakim and Mr. Lieber form the dynamic team needed at MTA at this time and he said that this restructuring reflects MTA's commitment to an aggressive management for both day-to-day operations and long-term capital improvements.

Chairman Lhota also discussed Long Island Rail Road summer service, the Subway Action Plan, the MTA Genius Competition, a bus collision that occurred last week in Queens that killed three people and a news article regarding the opening of the Second Avenue Subway.

Chairman Lhota, Managing Director Veronique Hakim and Chief Financial Officer Robert Foran addressed questions from the Board members relating to the budget, spending and

the Committee and Board meeting protocol and procedures. The details of Chairman Lhota's remarks and the Board's discussion are contained in the video recording of this meeting, produced by the MTA and maintained in the MTA records and in the minutes of the other agencies of this date.

3. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting held on July 26, 2017 were approved. The minutes of the Regular Board Meeting of the MTA were revised to include the 10 names of the public speakers from the Murray Hill Association group who were not included on the list of speakers.

4. Committee on Finance:

MTAHQ Procurements:

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

- Approval of a five-year non-competitive, all-agency contract with Bentley Systems, Inc., in the not-to-exceed amount of \$3,458,563.52, to provide continuous software licenses and support for CADD/BIM software and design software tools from October 1, 2017 through September 30, 2022.

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

- Approval of a competitively negotiated, personal services contract to Marsh USA, Inc., in the not-to-exceed amount of \$8,606,470, for the procurement/maintenance of insurance, forensic accounting services with expertise to handle Federal Emergency Management Agency and insurance related claims, and for other miscellaneous services (Master Broker Services) in support of the MTA's All-Agency Risk Management Program.
- Approval of a competitively negotiated, all-agency personal services contract to P&A Administrative Services, Inc., in the not-to-exceed amount of \$1,500,000, for administrative and record-keeping services in connection with operating the MTA Flexible Spending Account program.
- Approval of the award of seven (7) competitively negotiated, all-agency personal services contracts to provide as-needed freelance writing and editorial services for MTAHQ Marketing & Corporate Communications Department (M&CC) in the not-to-exceed amount of \$300,000.
- Approval of a modification to provide \$951,513 in additional funding to exercise an option to extend the All-Agency miscellaneous service contract for cash management, coin and currency processing, and customized lockbox services for two years, from October 1, 2017 through September 30, 2019.

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:

All-Agency Items:

- Approval to award an exclusive license agreement to Outfront, and an extension of the existing advertising agreement until the effective date of the new license agreement, to place and sell digital and non-digital advertising in and on MTA subway stations and cars, commuter railroad stations and cars, and buses; and non-exclusive rights with respect to sponsorships and ‘pop-up’ retail, “e-tailing” and other “experiential advertising.”
- Approval to award an exclusive license agreement to Outfront, and an extension of the existing advertising agreement until the effective date of the new license agreement, to manage advertising on billboards along right-of-ways, on trestles and bridges, at depots and yards, and on the exterior walls or roofs of buildings, all on property owned or operated by one of the agencies; and those that are owned by various outdoor advertising companies that have heretofore been permitted to erect billboards on Agency property.

With respect to the All-Agency Items above, a motion was made by Board member Vanterpool and seconded by Board Member Zuckerman to consider an amendment to the MTA advertising policy, to prohibit alcohol advertisements in the MTA system. Following a lengthy discussion by the Board, Board Member Schwartz proposed that Board Member Vanterpool withdraw her motion to amend the advertising policy to permit further consideration by the Board at the October Board meeting. In light of Board Member Schwartz’ proposal, Board Member Vanterpool withdrew her motion to amend the policy.

Upon motion duly made and seconded the Board approved the All-Agency real estate items listed above. Board member Ferrer recused himself from the vote, as amended. The details of the All-Agency items above are contained in the minutes of the MTA Board meeting held this day, staff summaries and documentation filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records, which recording includes discussion regarding the All-Agency items.

MTA Metro-North Railroad:

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 lease between Mack-Cali CW Realty Associates L.L.C., c/o Mack-Cali Realty Corporation and Metro North Railroad for Warehouse Space at 101 Executive Boulevard, Elmsford, NY.

- Acquisition of permanent easement from Oakwood Cemetery Association in support of Metro-North's Harlem Hudson Line Power Project in Mount Kisco, NY.

Upon motion duly made and seconded, the Board approved the foregoing real estate items. Board member Moerdler abstained from the vote on the Mack-Cali CW Realty Associates L.L.C. item. The details of the approved real estate items 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 Items:

The Board was presented with the following action items recommended to it by the Committee on MTA Metro-North Railroad.

- Adoption of a Resolution approving the permanent service change at Melrose and Tremont Stations on the Harlem Line in the Bronx to increase frequency during weekday, off-peak, and weekend times, from service every two hours to service every hour; AM Peak service to begin 90 minutes earlier and late night service to extend four hours later.
- Approval to enter into a contract to accept up to \$565,000 in a Congestion Mitigation/Air Quality (CMAQ) grant from the New York State Department of Transportation (NYSDOT) to support connecting services, covering the period from October 1, 2017 through September 30, 2018.

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

Procurements:

The Board was presented with the following non-competitive procurement recommended to it by the Committee on MTA Metro-North Railroad.

- Approval to award a 15-month, non-competitive and negotiated public works contracts to Balfour Beatty Infrastructure, Inc. in the not-to-exceed amount of \$1,500,000 to provide track undercutting services.

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

The Board was presented with the following ratifications recommended to it by the Committee on MTA Metro-North Railroad.

- Approval of a non-competitive procurement in the not to exceed amount of \$349,800 for the purchase of two hundred Grade H Axles for the Metro-North M-7 and M-8 fleet. This purchase will require scheduled deliveries to Metro-North property commencing in November 2017 through March 2018. Presently, the inventory of these axles is being depleted at as higher rate than anticipated and there is a critical need for delivery to keep the M-7 and M-8 fleets in service.
- Approval of a ratification in the total amount of \$1,202,982. Under Contract 1000044225 between Metro-North and New York Waterway, New York Waterway performs certain ferry related services on Metro-North's behalf on the Haverstraw-Ossining and Newburgh-Beacon routes with connections at Ossining and Beacon Metro-North train stations. The Haverstraw Ferry Dock has reached the end of its useful life and is in immediate need of replacement. New York Waterway has specific expertise procuring and managing similar dock replacement projects. The period of performance is two months and is funded through the Metro-North Operating Budget and the Village of Haverstraw.

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

7. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:40 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, September 27, 2017  
10:00 a.m.**

The following members were present:

Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
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. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Janno Lieber, Chief Development Officer, Donn Evans, Chief of Staff, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Helene Fromm, Acting General Counsel, Board Member Andrew Albert, Board Member Randolph Glucksman, Board Member Vincent Tessitore, Jr., Darryl Irrick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President, TBTA, Stephen Vidal, Acting President, MTA Bus Company, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Chairman Lhota called the meeting to order.

## 1. Public Speakers

Stephen Morello, Counselor to the Chairman, indicated that fifty (52) speakers had signed up to speak. He asked that speakers limit their comments to two minutes and also asked that if a group was in attendance planning to speak about the same topic, it would be appreciated if the group would designate one representative to speak on its behalf.

Only three (3) of the speakers commented on matters relating to the Long Island Rail Road:

Mary Parisen, Chair of Civics United for Railroad Environmental Solutions (CURES), stated that she had attended a conference yesterday convened by the United States Environmental Protection Agency, to speak about the success of the Northeast Diesel Collaborative. She noted that through a public/private partnership, Waste Management had purchased a Tier IV diesel from Knoxville Locomotive Works (KLW) with the help of the New York City Economic Development Corporation, utilizing \$1 Million of DERA funding, matched by \$1 Million of funds from Waste Management. She stated that she provided the Board with a handout showing how a Tier IV locomotive would yield greater emissions reductions over existing switch duty cycle locomotives. She further stated that in 2015, the Port Authority of New York and New Jersey purchased three similar locomotives from KLW, and that eliminating air pollution saves money.

John Mayer, a board member of CURES and a member of Queens Community Board 5, stated that all of the locomotives operated by the New York & Atlantic Railway (NYA) at Fresh Pond were switchers, and that because the work on NYA was yard work and work at restricted speeds, tractive power and not horsepower was the key. He further stated newer locomotives had more tractive power and that it was a fallacy that line haul locomotives, with higher horsepower were needed on the NYA. He commented that switcher locomotives will work fine on NYA, and that higher horsepower locomotives cause more pollution.

Mary Arnold, co-founder of CURES, stated that the MTA should insist on Tier IV locomotives and there are at least two options: Caterpillar has a certified Tier IV switcher, and the Port Authority's units, purchased from KLW, were performing well. She further stated that MTA/LIRR has a great case for accessing Volkswagen Settlement money as shown in a handout to the Board, and acquiring Tier IV locomotives would yield the most NOx removal for the dollars spent.

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. Chairman's Remarks

Chairman Lhota congratulated Jerome Page upon his retirement from the MTA after a remarkable 30-year career, noting that Mr. Page had served as General Counsel of the MTA, as

well as Senior Director of Public-Private Partnerships, and Director of Strategic Initiatives. He noted that Mr. Page has served as lead counsel on the MetroCard transaction and has also worked on many significant MTA initiatives such as Wi-Fi in all 270 subway stations, the tax advantage leasing program, and the new fare payment system. He thanked Mr. Page for his tremendous contributions and wished him well.

Chairman Lhota commented on the revised management structure at MTA, noting that Veronique Hakim would now be serving as Managing Director, overseeing day-to-day operations, and that Patrick Foye, who had previously served on the MTA Board, had become MTA President, with a focus on key innovation and modernization initiatives. Together, Ms. Hakim and Mr. Foye would be responsible for providing day-to-day leadership at the MTA. Chairman Lhota also noted that Ms. Hakim and Mr. Foye, together with Chief Development Officer Janno Lieber, would join him in the Office of Chairman, forming a dynamic team to help MTA's restructuring efforts.

Chairman Lhota also commented on the MTA's performance during the Summer of 2017, while Amtrak's Penn Station Work Program was underway. He stated that the consensus was that the Summer was not bad as had been feared, and that good planning was the key. LIRR achieved a 93.1% on time rate in July, and 93.8% in August, and that September would be even better. Chairman Lhota thanked LIRR's customers who were patient and took different routes to get to their destinations. He also noted that the enhanced level of planning which took place would become the new normal.

Chairman Lhota stated that the subway system handles 5.8 - 5.9 million customers per day and that in July, he had announced a Subway Action Plan to stabilize the deterioration in the subway system. He further stated that the Office of the Chairman was put together to implement the Plan, the first phase of which would be an aggressive preventive maintenance effort, and providing more information to customers. He also noted that a new performance Dashboard was being put into place, with information focused on the customer's perspective, such as wait times. This Dashboard would include four metrics: major incidents causing delays, capacity provided, and customer wait time on platforms and on trains. Metrics will be put out on a monthly basis.

Chairman Lhota indicated that the Plan was put in place to address an emergency which began earlier in the year and that he expected to bring the Plan, the budget for the Plan, and the revenue sources for the Plan to the Board at the October Board meeting. He also indicated that he would be reviewing with the Board the use of the Governor's Executive Order No. 168 to implement procurements more expeditiously. The Chairman advised the Board that MTA will not spend more money or hire more staff beyond what was set out in the existing budget approved by the Board last year.

Chairman Lhota noted that the MTA Genius Competition had attracted 438 submissions, covering 3 categories: signals, cars, and communications.

Chairman Lhota noted with sadness the terrible accident which occurred in Queens last week, where three people died. He expressed MTA's condolences to the families who lost loved ones and best wishes for a speedy recovery to those who were injured. He thanked the MTA bus

operator, Devon Bryan, who despite sustaining a broken collarbone, helped all 15 passengers off of his bus.

Finally, Chairman Lhota noted a newspaper article which appeared on Thursday, which troubled him along with a number of members of the Board. This article implied, incorrectly, that MTA failed to fully test the safety of the Second Avenue subway line before it was opened. He stated that the Federal Transit Administration and the Public Transportation Safety Board both participated in a safety review with MTA and found that the stations met all safety readiness requirements, and noted that the stations were equipped with state-of-the-art ventilation and fire suppression systems, CCTV, and public address systems.

Chairman Lhota indicated that the minutes of the July 2017 Board meeting would be revised to include the names of all 10 persons who appeared to speak on behalf of the Murray Hill Coalition.

### Discussion

Board Member James Vitiello asked the Chairman if the Subway Action Plan required additional funding, beyond the existing budget, and if so did the Chairman plan to introduce a motion to amend the budget as necessary at the October meeting. Chairman Lhota answered that he would do so in November, at the time the Financial Plan was presented to the Board, so that he could understand how much money MTA could expect from the State. He reiterated that he would not spend more money than what was set out in the existing approved budget.

Board Member Vitiello stated that this would suggest that when the Board passes the budget, only the bottom line matters; management can do what it wants and this is not the type of governance the Board wants. If we're going to start spending money on the Plan, we will clearly need additional funding. Chairman Lhota replied that he did not agree; most of what we are doing is to hire additional personnel, and MTA will not hire above the headcount that was approved. We are using open positions today to add personnel but there will come a point in time, either later or in 2018, when we will need to expand the headcount.

Board Member Vitiello asked whether it was safe to assume that we had not received any federal or State monies that were not included within our existing expectations. Chairman Lhota replied in the affirmative.

Board Member Vitiello asked whether actions were taken to advance the Subway Action Plan under Executive Order No. 168. Chairman Lhota replied in the affirmative. Mr. Vitiello asked that if such actions were material, would that require an amendment to the budget. Chief Financial Officer Robert Foran replied that the actual expenditures made don't exactly match the budget; we estimate expenses and we have a general reserve which we can use if expenses are greater than anticipated or fuel prices are higher than budgeted, or revenues are less than budgeted. We are using such reserve here to pay for important initiatives and thus we are not putting pressure on the operating budget. We will not make any commitments that are ongoing without a sustainable funding source.

Board Member Vitiello noted that Executive Order No. 168 relieves MTA from complying with certain procurement laws. He stated that our problem, historically, is not the ability to procure what we need but rather not having enough revenue, and the Executive Order exacerbates the problem because it allows us to spend more money than we have, faster. Mr. Vitiello stated that in his opinion, there are serious questions about the Executive Order's validity, and he questioned whether MTA management had the right to avail itself of the Executive Order, as opposed to the Board deciding to avail itself of the Executive Order. Mr. Vitiello also stated that if we plan to add substantial numbers of new employees under the next budget, we should have a discussion with our unions on potential cost saving measures.

Managing Director Veronique Hakim stated that she wanted to make clear that procurements advanced under the Executive Order thus far are consistent with the existing budget.

Board Member Vitiello indicated that he had great respect for the judgment of MTA senior management and was always willing to defer to senior management's expertise, but his problem with the Executive Order was one of governance, and potentially setting a precedent here that would be harmful to MTA in the future.

Board Member Veronica Vanterpool thanked Mr. Vitiello for his comments and stated that the Board did not have chance to discuss the Subway Action Plan. She also noted that she had questions about the Executive Order: the MTA is not an agency, and she wanted to know whether this type of Executive Order had ever been applied to another State authority. She stated that her biggest concern was that actions were being advanced under the Executive Order for sake of expediency and then they become opaque.

Board Member Vanterpool stated that inquiries had been made with the Authorities Budget Office as to whether the MTA Board was properly discharging its duties. She stated that while the MTA is very transparent with data, its decision-making process was not. She added that she was encouraged by questions being raised on this subject. She praised the new leadership structure but urged MTA leadership to look at the issue of governance and how you engage with the Board because a new day is coming on Board decision-making. She also urged MTA leadership to ensure that the Board Members are not blindsided in the press or asked to put their credentials and reputations on the line when making decisions, and that we continue to work for what is in the public's interest.

Chairman Lhota indicated he was in agreement with Ms. Vanterpool and he committed to being as open and transparent as possible. He noted that the Executive Order does not call the MTA an agency and that it expressly refers to the Public Authorities Law. Board Member Vitiello replied that the power to issue Executive Orders refers to agencies.

Board Member Polly Trottenberg stated that, as she understood the situation, spending for the Subway Action Plan for this year will come out of reserves, but when we reach 2018 that goes away. However, to the extent we are relying on City or State funds, the budget process for the City and State won't be completed until later on in the year. Ms. Trottenberg asked whether MTA has the legal authority to go beyond the budget if MTA does not have all of the necessary

revenues authorized. Ms. Trottenberg suggested presenting multiple scenarios for the Board to consider, such as a re-setting of priorities, and stated that her preference as a Board member was to be given more options, not simply a binary choice such as if the City doesn't pay for one half of the cost, we will scrap one half of the Plan.

Chairman Lhota stated that budgets always reference expected sums that aren't authorized yet. MTA, too, has done this, such as anticipating funds from fare increases that have not yet been approved. We have the power to do this and the City and the State have done this as well. The budget is a framework and the question becomes one of cash flow. Chairman Lhota added that he would be reluctant to spend cash flow that he is not confident the MTA will receive. He added that he was encouraged by conversations with the Executive branch and the State Legislature about funding for MTA's needs.

Board Member Trottenberg agreed that there were promising discussions in Albany but she wanted to have a better understanding of what we would do if those discussions do not bear fruit. Chief Financial Officer Foran stated that we can address the need in three ways: paying overtime to our employees, using outside contractors, or adding employees to do the work. The most efficient way, long term, is to add employees. But near term, it would not make sense to add more employees without a sustainable revenue source. Near term, we can address needs with overtime and third party contractors. Mr. Foran added that every budget is uncertain, and that is why we maintain reserves.

Managing Director Hakim stated, with respect to the suggestion about presenting scenarios, we are already attacking this by laying out priorities and when we come back to the Board in November, we will share the priorities with the Board which will inform further discussion on the budget. Board Member Trottenberg replied that when she referred to understanding various priorities, she was not thinking about priorities within the Subway Action Plan, but across the MTA. She asked whether, if the Plan was the highest priority, and there were insufficient funds for the Plan, the MTA would be prepared to make decisions on whether or not to advance other priorities across the agency in order to get the Plan done.

Chairman Lhota stated that he intended to keep prioritization of the Subway Action Plan within the Transit Authority and the Transit Authority's budget and not look to fund the Plan by taking resources from the railroads if there was insufficient funding. He added that he was not suggesting we cut 50% of one thing and then 50% of another thing; that's not good management. If we don't have sufficient funding for the Plan, there may be things that we simply cannot do, or that we need to stretch out over time.

Board Member Trottenberg stated that the Chairman is the Chairman of the entire MTA, and if the subway is considered the lifeblood of the whole region, she didn't understand why MTA would not look to prioritize other actions and take monies from other parts of the MTA, if necessary, to fund the Plan. Chairman Lhota replied that the MTA system as a whole, including the railroads and the bridges and tunnels, was vital to support the region's economy, and that he could not take a narrow view that would exclude other parts of the system.

Board Member Trottenberg stated she was not suggesting that we exclude other parts of the system but she noted, for example, that the Third Track project included building a number of parking structures and she wondered why we could not take some of that revenue to help support the Plan.

Board Member Lawrence Schwartz stated that we will review priorities and approve the new budget in December. He added that he was certain MTA is in discussions with the Governor's Office and the Division of the Budget since the State will be putting out its budget in January, and also in discussions with the Mayor's Office as the City will put out its budget in the Spring for adoption on July 1. In fairness to the Chairman, he has tried to answer the questions put to him and has assured the Board that the MTA is operating within its approved budget. He further stated that there was a crisis, and that the Chairman, the Governor, and MTA staff had expeditiously put together a plan to deal with that crisis. He commended the Chairman, the Governor and MTA staff for stepping up and trying to deal with the crisis in an expedited way.

Mr. Schwartz expressed his hope that the City will come up with additional money for the MTA and work in partnership with the Governor. He added that New York State has stepped up to the plate over the years in supporting the City, such as during the fiscal crisis, in funding the City University system, and taking over the Municipal Assistance Corporation (MAC) debt. He stated that the City and the State need to work together to address MTA's capital needs. We will all have the chance to discuss prioritization when the next budget comes out for discussion.

Board Member Andrew Albert stated that he understood Board Member Trottenberg's feelings about the subway situation being critical. He asked when the Board would receive advice on which Subway Action Plan initiatives are bearing fruit in terms of reducing delays and improving reliability. Chairman Lhota responded that the Board would be updated monthly, starting in October.

Board Member Andrew Saul stated that he felt it was important to take a historical view; he would like to know what the headcount was and what it is now. He added that he felt it was important to consider not only how many people we have but how they are managed. He asked for information about the number of employees 3 years ago, and 5 years ago, as compared to today, including number of people, amount of payroll, and overtime expenditures, for the MTA and its various divisions.

Board Member Scott Rechler commended the Chairman for his comments about transparency and added that MTA cannot take a business-as-usual approach during a time of crisis. MTA cannot be bound by historic bureaucratic procedures. He urged a more flexible procurement system and added that once we get past the crisis, we should focus on that. He also added that in terms of funding, we woefully underestimated the needs of the subway system and that is why we have a crisis now. He did not recommend "robbing Peter to pay Paul" but stressed the need to find a sustainable long-term funding source for the MTA.

Board Member Mitchell Pally stated that MTA spent considerable money during the Summer of 2017, to ensure LIRR service during Amtrak's Penn Station Work Program, and that MTA will need to carry funding forward because we can't go back in 2018 to what happened in

Penn Station in May and June of 2017. Mr. Pally reiterated his view that we cannot expect to continually raise fares to meet capital and operating needs. We have reached the point where we cannot charge customers more. Mr. Pally called on the State Legislature to hold a conversation with the MTA now about the proposed 2019 fare increase, and not wait until 2019.

Board Member Susan Metzger commented on the length of recent committee meetings and noted that she had talked with the Chairman about extending committee meetings to two days. She stated she was not certain that would work. She added that that the Board wants more information, faster and is protective of our governance system and expects others to be respectful of that. The Board is passionate about the budget and securing adequate funding for the system. She stated that we need a better way to talk to each other and more opportunities to talk to each other. While recent meetings might seem to be a bit more contentious, that was all part of good governance. She expressed disappointment about delays to the Diversity Committee meeting.

Chairman Lhota responded that he when was a City representative on the Board, committee meetings were held over two days, Friday and Monday, and when there were issues with Friday, such as holidays, meetings were held on Thursday. Hopefully we can find a way to improve how we talk to each other and provide the information that the Board needs

Board Member Rechler noted that at the Port Authority, certain items involved hundreds of pages of information, and that Pat Foye helped simplify matters by having a PowerPoint presentation on major issues. He suggested that this model could be adopted by the MTA.

Chairman Lhota responded, saying that the problem is that what's important to one Board member might not be important to another.

Board Member Trottenberg stated that it would be very helpful to have hundreds of pages of information distilled down to a digestible format focusing on key issues and she therefore supported what Board Member Rechler proposed.

Board Member Neal Zuckerman stated that problem is not contentiousness or voluminous documents. It's that the Board is being asked to make decisions on matters at the same time it is being presented with the facts concerning such matters. He stated that the solution is not running longer meetings but having the conversation about "what" precede the conversation about "whether", which could occur at a subsequent meeting; that's the problem – the Board does not get enough information up front.

Board Member Zuckerman also stated that he feels the Board should develop its own plan for sustainable funding for the MTA, rather than waiting on the Legislature to come up with something.

3. Approval of Minutes

Chairman Lhota asked for a motion to approve the minutes of the Regular Board Meeting of July 26, 2017, with a correction to add the names of the 10 persons who appeared on behalf of the Murray Hill Coalition. Upon motion duly made and seconded, the minutes of the Regular Board Meeting of July 26, 2017 were approved, as corrected.

4. Committee on Finance

Procurement Items

The Board was presented with seven (7) procurement items recommended to it by the Committee on Finance, five (5) of which related to Long Island Rail Road:

- **Bentley Systems, Inc. – Bentley Systems Software Maintenance and Support** - To recommend that the Board approve a five-year non-competitive, all-agency contract with Bentley Systems, Inc. to provide continuous software licenses and support for CADD/BIM software and design software tools from October 1, 2017 through September 30, 2022, in the not-to-exceed amount of \$3,458,563.52.
- **Marsh USA, Inc. – All-Agency Master Broker Services** – To obtain Board approval to award a competitively negotiated, personal services contract to Marsh USA, Inc. (Marsh) the incumbent, for the procurement/maintenance of insurance, forensic accounting services with expertise to handle Federal emergency Management Agency (FEMA) and insurance related claims, and for all other miscellaneous services (Master Broker Services) in support of the MTA's All Agency-Risk Management Program. The proposed five (5) year contract is for a total not to exceed \$8,606,470, including contingencies of \$1,500,000 for forensic accounting services and \$750,000 for unanticipated Master Broker Services.
- **P&A Administrative Services, Inc. – Administrative & Record-Keeping Services for MTA Flexible Spending Account (FAS)** - To recommend that the Board approve the award of a competitively negotiated, all-agency personal services contract to P&A Administrative Services, Inc. (P&A) for administrative and record-keeping services in connection with operating the MTA Flexible Spending Account (FSA) Program. The proposed contract will be for a period of five years starting January 1, 2018 for a total not-to-exceed amount of \$1,500,000.
- **Freelance Writing and Editorial Services** – To recommend that the Board approve the award of 7 competitively negotiated, all-agency personal services contracts to provide as needed freelance writing and editorial services for the MTA HQ Marketing & Corporate Communications Department (M&CC). The contracts will be for a period of three years starting on or about October 1, 2017 for a combined total not-to-exceed amount of \$300,000. The seven firms which will receive these contracts are:

- a. Nelson Smith
- b. Frank Communications
- c. Diversity Marketing
- d. Jill Davis
- e. Lorraine Krehling
- f. Driven Inbound
- g. Griffin Communications

- **JP Morgan Chase N.A. (New York, New York) – Cash Management and Deposit Services** – This modification is to exercise an option to extend the all-agency miscellaneous contract for cash management, coin and currency processing, and customized lockbox services for two years, from October 1, 2017 through September 30, 2019. This contract provides cash management and deposit services to all MTA agencies. The estimated expenditure for this option period is \$3,801,513. Approximately \$2,850,000 of the adjusted contract amount has not been expended; thus, additional funding of \$951,513 is requested.

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 five (5) real estate items recommended to it by the Committee on Finance, including a walk-in item at the Committee meeting. Three (3) of such items related to Long Island Rail Road:

- **OUTFRONT Media Group, LLC – All-Agencies - Award of the advertising concession for the subways, buses and the commuter railroads** – To request Board approval of the award to OUTFRONT Media Group, LLC (“Outfront”) of (i) an exclusive license to place and sell digital and non-digital advertising in and on MTA subway stations and cars, commuter railroad stations and cars, and buses, and (ii) non-exclusive rights with respect to sponsorships and “pop up” retail, “e-tailing; and other “experiential advertising” (collectively the “Concession”).  
Term: 10 years subject to extension for an additional 5 years at Outfront’s option in the absence of any uncured event of default.  
Compensation: As described in the Staff Summary filed with the Minutes of the meeting.
- **OUTFRONT Media Group, LLC – All-Agencies – Award of the billboard advertising concession for the subways, commuter railroads, bridges and tunnels** –To request Board authorization to award an exclusive license (collectively, the “Concession”) to OUTFRONT Media Group, LLC (“Outfront”) to manage advertising on billboards along rights-of-way, on trestles and bridges,

at depots and yards, and on the exterior walls or roofs of buildings, all on property owned or operated by NYCT, LIRR, Metro-North, or MTA Bridges & Tunnels (the "Agencies").

Term: 7 years, with the potential to extend by 3 years with Board approval depending on extent of capital expenditures.

Compensation: As described in the Staff Summary filed with the Minutes of the meeting.

- **Property Acquisition at One Penn Plaza** – Authorization to commence preliminary steps for acquisition of permanent and temporary property interests to support the Penn Station Improvements Project (the "Project") and to secure back of house space for LIRR and Metro-North Commuter Railroad.

Board Member Vanterpool asked, with respect to Outfront Media, whether MTA could ban alcohol advertising. Chairman Lhota stated that under the proposed agreement, we can at any time take away items.

Board Member Vanterpool made a motion, which was seconded, to consider an amendment to MTA's advertising policy banning revenue from alcohol advertisements.

Chairman Lhota stated that we have tried to get a sense of the Board on this issue, and there was a wide range of views. Some felt we were going down a slippery slope, and others stressed the strong testimony given by public speakers against alcohol advertising.

Board Member Charles Moerdler proposed amending Ms. Vanterpool's motion in order to address certain First Amendment issues by noting that public health and safety justified a ban because of the known harmful effects of alcohol advertising in lower income areas, and further noting what appeared to be a pattern by the alcohol industry in focusing on advertising in such areas, thus justifying a ban on the grounds of public health and safety.

Chairman Lhota stated that there were two resolutions – one as to whether there should be an amendment to the MTA advertising policy and second, what that amendment should be. He suggested taking these matters up seriatim.

Board Member Ira Greenberg asked whether the proposed ban, if approved, would apply across the MTA and include the commuter railroads. Chairman Lhota replied in the affirmative. Board Member Greenberg stated that he had received complaints about alcohol advertisements on Long Island Rail Road equipment from certain communities who did not appreciate it.

Board Member Schwartz stated that he wanted to avoid the precedent of spontaneous amendments to the advertising policy. Mr. Schwartz recommended taking 30 days to assess this issue and not accepting any additional alcohol advertisements in the interim.

Board Member Rechler stated that he agreed with Mr. Schwartz, and urged following good governance. He recommended gathering all pertinent information and then making a decision in October.

Board Member Vanterpool withdrew her proposed motion and stated her appreciation for Mr. Schwartz's suggestion.

Board Member Zuckerman commended Mr. Schwartz for his suggestion and urged that MTA keep to the 30-day time frame, as the Board has heard what public speakers have to say on this issue.

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. Vice Chairman Fernando Ferrer recused himself as to the two real estate items dealing with OUTFRONT Media Group, LLC.

5. Long Island Rail Road Committee

Procurement Items

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

- **Competitive RFP – Upgraded Signal System for the Babylon to Patchogue Segment of LIRR Montauk Branch** – LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public interest to use the Request for Proposal (RFP) process pursuant to Section 1265-a of the Public Authorities Law to award a contract to design and furnish an upgraded signal system for the Babylon to Patchogue segment of the LIRR Montauk Branch.
- **Competitive RFP – Signal Equipment for Beaver Interlocking and Johnson Avenue Yard** - LIRR requests MTA Board approval to adopt a resolution declaring that competitive bidding is impractical or inappropriate and that it is therefore in the public interest to use the Request for Proposal (RFP) process pursuant to Section 1265-a of the Public Authorities Law to award a contract to design, furnish and deliver manufactured signal equipment for the LIRR's new Beaver Interlocking and newly-signalized Johnson Avenue Yard, associated with the Jamaica Capacity Improvements project (PN-TU).

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.

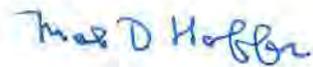
6. Executive Session

Chairman Lhota asked for a motion to move the meeting into Executive Session for purposes of discussing Collective Bargaining Agreements. Upon motion duly made and seconded, the Board meeting was moved into executive session.

7. Adjournment

Upon returning to the public session of the Board meeting, Chairman Lhota asked for a motion to adjourn the meeting. Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:40 P.M.

Respectfully submitted,



Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**September 27, 2017**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
September 27, 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. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
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. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Janno Lieber, MTA Chief Development Officer, Donna Evans, Chief of Staff, Robert Foran, Chief Financial Officer, Phillip Eng, Chief Operating Officer, Helene Fromm, Acting General Counsel, Board Member Andrew Albert, Board Member Randolph Glucksman, Board Member Vincent Tessitore, Jr., Darryl Irick, Acting President, New York City Transit Authority, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick T. Fulton, President Triborough Bridge and Tunnel Authority, Stephen Vidal, Acting President, MTA Bus Company, 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 48 public speakers. Kenneth Podziba, of Bike New York, commented on bicyclists being ticketed on the TBTA's Robert F. Kennedy (RFK) Bridge and stated that the MTA should adopt a "Share the Path" rule for cyclists and pedestrians to share the pedestrian walkways on TBTA bridges. He also requested that TBTA release the data regarding cyclists being a threat to pedestrians on the pedestrian walkways of TBTA facilities. Karen Overton, also of Bike New York, commented that the lack of functioning lights and sexual harassment of pedestrians who cross the RFK Bridge are concerns for women cyclists. She requested equal access for cyclists to bridge walkways.

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. Chairman Lhota's Opening Remarks**

Chairman Lhota opened his remarks by announcing that Jerome Page, Senior Director for Public Private Partnerships and a former MTA General Counsel, is retiring after a 30- year career with the MTA and thanked Mr. Page for his service. Chairman Lhota also announced the new management structure at the MTA. Veronique Hakim, who served as Interim Executive Director, is the Managing Director, Patrick Foye is MTA President and Mr. Foye, Ms. Hakim and Janno Lieber, Chief Development Officer, are part of the newly-created Office of the Chairman. Chairman Lhota commented on the summer performance of Long Island Rail Road (LIRR) which was disrupted due to Amtrak outages at Penn Station; the Subway Action Plan to stabilize and then modernize the subway system; and the MTA Genius Competition regarding submissions received from around the world to improve signals, cars and communications. Chairman Lhota expressed his condolences to the families and friends of those who died in a bus collision in Queens and wished a speedy recovery to all of those who were injured. . Finally, Chairman Lhota addressed a news article which implied that the MTA failed to complete testing at the Second Avenue subway before opening the line to the public. He stated that the FTA and the New York State Public Transportation Safety Board participated in safety reviews of the Second Avenue subway before it opened and that from opening day the stations were the safest stations in New York and as safe as any station worldwide.

The details of Chairman Lhota'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.

After Chairman Lhota's opening remarks the Board discussed various issues. With regard to the Subway Action Plan, Commissioner Trottenberg commented that the Rail Roads and TBTA should be part of the larger discussion related to prioritizing projects so that the Subway Action Plan can be funded. She also stated that while the TBTA Committee meetings are becoming more interesting, she suggested that the Committee members would benefit more from being given highlights of the most important issues that the Committee members need to know to make decisions. Chairman Lhota stated that the Committee members may have differing opinions as to what is important for them to know and he discussed with Commissioner Trottenberg, and the rest of the Board, TBTA's use of toll revenue to support mass transit.

## **3. Approval of Minutes of Regular Meeting July 26, 2017**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on July 26, 2017 were approved subject to correction to add the names of the public speakers from the Murray Hill Coalition who spoke at the July 26, 2017 meeting.

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

**4. Committee on Finance**

Upon a motion duly made and seconded, the Board approved the following recommended to it by the Committee on Finance:

(a) Action Item:

- Approve new money TBTA General Revenue and Subordinate Revenue Bonds and Bond Anticipation Notes and to provide for reimbursement for Federal tax purposes.

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

**Procurements**

Commissioner Moerdler stated that there are four (4) procurements totaling \$29.5 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

Commissioner Moerdler stated that there are four (4) 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.

**Competitive Procurements**

**Modifications to Purchase and Public Works Contracts**

Tutor Perini Corp.	Contract No. VN-80B TBTA is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public works contract for the remaining necessary civil, structural and electrical infrastructure construction work associated with Open Road Tolling (ORT) for both the Upper and Lower Levels within the Staten Island Plaza and Approach in the westbound direction at the Verrazano-Narrows Bridge.	\$15,850,375.70
Tully Construction Co., Inc.	Contract No. BB-28S TBTA is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public works contract to demolish and replace the Morris Street Pedestrian Overpass (MSPO). In April 2017 the Board authorized the procurement of long lead time materials in	\$10,325,000.00

the amount of \$1,650,000. The current request is for the approval of the remaining amount.

Halmar International, LLC	Contract No. BW14/BW-84C TBTA is seeking Board Approval under the All Agency General Contract Procurement Guidelines to amend a public works contract for revisions to the installation of the Open Road Tolling system at the Bronx-Whitestone Bridge.	\$1,898,486.77
Ahern Painting Contractors, Inc.	Contract No. VNM-379/380/383 TBTA is seeking Board approval under the All Agency General Contract Procurement Guidelines to amend a public works contract for interim reconciliation of contract items and additional new items of work which includes: (i) the replacement of two hatches and five hatch splashguards to ensure security and to reduce water intrusion; (ii) replacement of a bottom chord between stringers and (iii) replacement of permanent knee braces near the side span finger joints that have been flagged. Also, an increased quantity of spot surface cleaning and painting is required for deteriorated areas at existing bridge gantries.	\$1,377,456.25

### **Ratifications**

Commissioner Moerdler stated that there are no ratifications.

Commissioner Moerdler then stated that, in the interest of time, TBTA President Fulton would make himself available to the Board to answer questions that were posed at the MTA Bridges and Tunnels Committee Meeting on September 25, 2017.

### **6. Executive Session**

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

### **7. Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 1:40 p.m.

Respectfully submitted,

  
Adana Savery  
Assistant Secretary

**Regular Board Meeting**  
**MTA Capital Construction Company**  
**2 Broadway**  
**New York, NY 10004**  
**Wednesday, September 27, 2017**  
**10:00 AM**

The following members were present:

Hon. Joseph J. Lhota, Chairman  
Hon. Fernando Ferrer, Vice Chairman  
Hon. Norman E. Brown  
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. Andrew Saul  
Hon. Lawrence Schwartz  
Hon. Polly Trottenberg  
Hon. Veronica Vanterpool  
Hon. James Vitiello  
Hon. Peter Ward  
Hon. Carl Weisbrod  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Board Member Andrew Albert, Board Member Randolph Glucksman and Board Member Vincent Tessitore, Jr., also attended the meeting as did various other agency presidents and staff including Patrick Foye, President, MTA, Veronique Hakim, Managing Director, MTA, Janno Lieber, Chief Development Officer, MTA, Donna Evans, Chief of Staff, MTA, Robert Foran, Chief Financial Officer, MTA, Phillip Eng, Chief Operating Officer, MTA, Helene Fromm, Acting General Counsel, MTA, Stephen Morello, Counselor to the Chairman, MTA., Darryl Irick, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President TBTA, Stephen Vidal, Acting President, MTA Bus Company, 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.

Chairman Lhota called the meeting to order.

**Public Comment Periods**

There were forty eight (48) public speakers none of whom spoke on MTA Capital Construction matters. 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.

## **Chairman's Remarks**

The Chairman's remarks are noted in the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority held on this date.

## **Approval of Minutes**

Upon motion duly made and seconded, the Board approved the minutes of the Regular Meeting of the Board of the Metropolitan Transportation Authority as amended and the MTA Capital Construction Company held on July 26, 2017.

## **Committee on Finance**

### Procurement Items

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

Award of a five year non-competitive all-agency contract (900000000002280) for continuous software licenses and support for CADD/BIM software and design software tools from October 1, 2017 through September 30, 2022 for the not-to-exceed amount of \$3,458,563.52.

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

## **Committee on NYCT and Bus**

### Procurement Items

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

A Modification to the contract for the construction of a Station Entrance at Site P (Contract C-26512) for the No. 7 Line Extension Project to compensate the contractor for extra work associated with changes to the overbuild foundation shear wall at the Station Entrance at Site P; extend the Substantial Completion Date of the contract from April 13, 2016 to June 15, 2017; extend Milestone #3 (completion of the western portion of the structure) from February 13, 2016 to August 28, 2016 and; resolve a claim for impact costs associated with the extra work.

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**

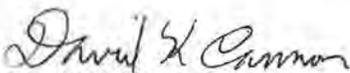
Upon motion duly made and seconded, the Board voted to convene into Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining negotiations.

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

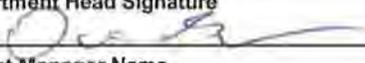
## **Adjournment**

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 1:40 p.m.

Respectfully submitted,

  
David K. Cannon  
Assistant Secretary

# Staff Summary

<b>Subject</b> Board Authorization to File for and Accept Federal Grants
<b>Department</b> Capital Programs
<b>Department Head Name</b> Donald Spero
<b>Department Head Signature</b> 
<b>Project Manager Name</b> Marc Albrecht

<b>Date</b> October 25, 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	App	Info	Other
1	Finance	10/23/2017	x		
2	Board	10/23/2017	x		

Internal Approvals			
Order	Approval	Order	Approval
1	Capital Programs 		
2	Government Relations 		
3	CFO 		
4	Legal 		
5	Chief of Staff 		

**Narrative**

**Purpose**  
To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal Year (FFY) 2017 and 2018.

**Discussion**  
Enclosed is a resolution for Board action prepared in conformance with past practices to:

- 1) Authorize filing of applications in request of Federal capital assistance for the balance of FFY 2017 and FFY 2018.
- 2) Authorize the Chairman or any of his designees to make required certifications.
- 3) Authorize acceptance of grants.

Projects authorized to be submitted for Federal funding are those referenced in the published Notice of Public Hearing and described in the MTA Description of Projects for FFY 2018. A copy of the resolution requesting MTA Board approval and the list of the projects are attached to this staff summary.

A Public Hearing inviting public comment on the projects proposed to be submitted for federal funding was held in accordance with FTA regulations on Tuesday, September 12, 2017 at the MTA, at which the Deputy Director of Grant Management read into the record the amounts of Federal funds and dollar amounts of work covered by the Notice.

A transcript of the hearing and written statements submitted in conjunction with the hearing are available on Director's Desk and the MTA website. 13 members of the public spoke at the public hearing and 7 people offered written and/or online comments. There were comments from speakers about accessibility at subway stations, on-time performance as well as comments about the proposed capital projects. In accordance with applicable federal requirements, MTA and agency staff have reviewed and considered all substantive public comments concerning the proposed program of capital projects for federal funding.

**Recommendation**  
It is recommended that the MTA Board approve the attached resolution in order to permit the filing and acceptance of Federal capital assistance for FFY 2017 and 2018.

**RESOLUTION ADOPTED AT A MEETING OF  
METROPOLITAN TRANSPORTATION AUTHORITY  
Wednesday, October 25, 2017**

**WHEREAS**, on and after August 17th, a Notice of Public Hearing on the projects to be considered for inclusion in applications to the United States Department of Transportation (USDOT) for Federal financial assistance under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under Title I of the Fixing America's Surface Transportation Act (FAST Act) was published in newspapers of general circulation (including newspapers oriented to minority communities) in the geographic area to be served thereby, which Notice contained a summary of the capital improvement program for the balance of federal fiscal year 2017 and federal fiscal year 2018 for the New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority, Long Island Rail Road, Metro-North Commuter Railroad, MTA Capital Construction Company, MTA Bus Company, Staten Island Rapid Transit Operating Authority; and

**WHEREAS**, the full program of projects, including descriptions of individual projects, for the balance of federal fiscal year 2017 and federal fiscal year 2018, was available to the public, as indicated in the notices published in newspapers, either by request or at public offices in the area served by the Metropolitan Transportation Authority (the "Authority"); and

**WHEREAS**, all of the principal elected officials of each general purpose unit of government within the service areas of the public transportation operators for whom assistance is being sought under the said project application were notified by mail of such application; and

**WHEREAS**, on Tuesday, September 12, 2017, the Public Hearing was conducted by the Authority affording to all concerned the opportunity to present their views, and to submit written statements concerning the projects, including consideration of the economic and social effects of the projects, their impact on the environment and their consistency with the goals and objectives of such urban planning as has been promulgated by the affected communities; and

**WHEREAS**, the members of the Authority have had an opportunity to review the testimony given at the said Public Hearing, and the statements submitted in connection therewith.

**NOW, THEREFORE, BE IT RESOLVED BY METROPOLITAN TRANSPORTATION AUTHORITY:**

1. The Chairman, or any of his designees, be and each of them hereby is, with respect to applications for grants for projects under Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit under Title I of FAST Act, authorized to certify to the United States Department of Transportation that the Authority has (a) afforded an adequate opportunity for a Public Hearing on the projects pursuant to

adequate prior notice, and has held such Hearing; (b) considered the economic and social effects of the projects and their impact on the environment, including requirements under the Clean Air Act, the Federal Water Pollution Control Act and other applicable federal environmental statutes, and their consistency with goals and objectives of such urban planning as has been promulgated by the affected communities; (c) found that the projects are consistent with the official plans for the comprehensive development of the urban area to be affected; and (d) found that the projects are in the best overall public interest taking into consideration the need for fast, safe and efficient public transportation services, and conservation of environment, historic sites and natural resources and the cost of eliminating or minimizing any adverse effects.

2. The Chairman, or any of his designees be, and each of them hereby is, authorized to deliver to the said department a copy of the published notices of and transcript of the said Hearing, including those written statements submitted in connection therewith, and to advise the said department (a) that it may consider the applications as the Authority's final applications, subject to such revisions as the Chairman, or his designees, may deem acceptable; (b) that the views, if any, concerning the projects of those principal elected officials of each general purpose unit of government within the service areas of the mass transportation operators for whom assistance is being sought under the said applications, are as set forth in the transcript of the said Public Hearing and those written statements submitted in connection therewith.
3. The Chairman, or any of his designees be, and each of them hereby is, authorized to execute and file applications and accept from the United States of America, on behalf of the Authority, grants of financial assistance under successor legislation to Section 5307, Section 5309, Section 5324, Section 5337, Section 5339 and Section 5340 of Title 49, Chapter 53, United States Code, as well as funds available for transit use under Title I of Fast Act (in such amounts as may become available) in connection with the projects upon such terms and conditions as the Chairman, or any of his designees, shall deem acceptable.

**CERTIFICATION**

The undersigned hereby certifies that she is the Assistant Secretary of Metropolitan Transportation Authority, a public benefit corporation of the State of New York, and that the foregoing is a true and correct copy of a resolution adopted at a meeting of the said Authority duly held on the 25<sup>th</sup> day of October 2017, at 2 Broadway, New York, New York at which meeting a quorum of the said Authority was present and acting throughout.

Victoria Clement  
Assistant Secretary

Dated: \_\_\_\_\_

**Proposed Program of Projects  
Federal Fiscal Year 2018**

ACEP ID/ Agency PIN	Program/Project Description	Estimated Federal Request(\$M)	Page
<b>NEW YORK CITY TRANSIT</b>			
<b>Bus Replacement</b>			
T7030206	Purchase 50 Express Buses	\$36.56	1
		<b>Subtotal</b>	
		<b>\$36.56</b>	
<b>Stations</b>			
T5041419	Intermodal: Rockaway Parkway / Canarsie	\$8.35	2
T7040701	Replace 11 Hydraulic Elevators / Various	41.40	3
T7040702	Replace 12 Traction Elevators / Broadway-7th Avenue	44.70	4
T7040703	Replace 8 Traction Elevators / Various	27.87	5
T7040704	Replace 6 Traction Elevators / 8 Avenue	24.30	6
T7040706	Replace 2 Escalators: Grand Central-42 Street / Lexington	13.26	7
T7041302	ADA: Astoria Boulevard / Astoria	30.65	8
T7041308	ADA: Chambers Street / Nassau Loop	29.12	9
T7041309	ADA: Greenpoint Avenue / Crosstown	21.79	10
T7041310	ADA: 59 Street / 4th Avenue	44.91	11
T7041311	ADA: Rockaway Parkway / Canarsie	6.09	12
		<b>Subtotal</b>	
		<b>\$292.44</b>	
<b>Track</b>			
T7050204	Mainline Track Replacement - 2018	\$176.96	13
T7050210	Continuous Welded Rail - 2018	35.85	14
T7050304	Mainline Switches - 2018	54.05	15
		<b>Subtotal</b>	
		<b>\$266.86</b>	
<b>Line Equipment</b>			
ET060312	Sandy Mitigation: Purchase of 4 Backup Generators for Pump Room	\$0.68	16
ET060317	Sandy Resiliency: Conversion of 2 Pump Trains	16.57	17
ET060319	Sandy Mitigation: Department of Buses Mobile Pumps and Generators	1.66	18
T7060506	Rehabilitate Forsyth St. Fan Plant	93.79	19
T7060508	Critical Pump Room Rehabilitation	22.02	20
		<b>Subtotal</b>	
		<b>\$134.72</b>	
<b>Line Structures</b>			
ET070309	Sandy Mitigation: Long-Term Flood Protection: Hammels Wye	\$2.57	21
T6070316	Priority Repairs: 4th Avenue (2010-2014)	29.34	22
T7070301	Elevated Structural Rehab: White Plains Road Line	19.52	23
T7070312	Overcoat: Portal to 164 Street / Jerome	10.32	24
T7070315	Overcoat: East New York Yard & Shop Leads And Loops	26.78	25
T7070316	Overcoat: Myrtle Line	37.90	26
T7070317	Overcoat: Flushing Line	27.45	27
T7070319	Line Structure Repair:(EPK, Culver, Brighton, BXC, BW)	240.58	28
T7070320	Structural Repair of Ventilators Between Stations/Concourse Line	10.00	29
T7070321	Priority Repairs: 4th Avenue (2015-2019)	40.00	30
		<b>Subtotal</b>	
		<b>\$444.46</b>	

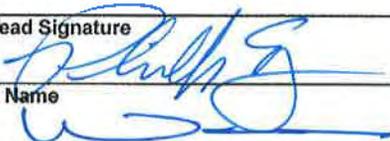
<b>ACEP ID/ Agency PIN</b>	<b>Program/Project Description</b>	<b>Estimated Federal Request(\$M)</b>	<b>Page</b>
<b>Signals and Communications</b>			
ET080207	Sandy Repairs: Signals 200 St - 207 St / 8th Avenue	\$43.24	31
T7080324	Code Cable Replacement / BW7	6.91	32
T7080325	Signal Room Fire Suppression, Phase 2	14.12	33
T7080333	Avenue X Interlocking: CBTC Culver	139.72	34
T7080334	Cable Messenger Brackets Replacement BRT	10.00	35
	<b>Subtotal</b>	<b>\$213.99</b>	
<b>Power</b>			
T7090201	Burnside Ave Substation Renewal - BXC	\$26.80	36
T7090202	Avenue Z Substation Renewal / CUL	34.60	37
T7090204	Rehabilitation of Substation Roof & Enclosure: Washington Heights / 8th	8.10	38
T7090206	Replace High Tension Switchgear at 10 Substations	50.04	39
T7090211	Two New Substations: Maspeth-Humboldt St and Harrison Pl / Canarsie	65.50	40
T7090401	Rehabilitation of Circuit Breaker House #586 / Culver Line	14.40	41
T7090407	Rehabilitation of Circuit Breaker House # 5 - 53rd Street	13.69	42
T7090411	Duct Reconstruction: Stanton Street Substation / 6th Avenue	12.75	43
T7090415	Reconstruction of Circuit Breaker House # 392 - Flushing River Bridge	7.65	44
	<b>Subtotal</b>	<b>\$233.53</b>	
<b>Shops</b>			
ET100307	Sandy Mitigation: Long Term Perimeter Protection- Coney Island Yard	\$516.00	45
ET100309	Sandy Mitigation: Long-Term Perimeter Protection, 148 St Yard	103.91	46
ET100310	Sandy Mitigation: Long-Term Perimeter Protection, 207 St Yard	174.08	47
ET100311	Sandy Mitigation: 148th Street Yard Portal	6.77	48
ET100312	Sandy Mitigation: 207th Street Yard Portal	23.11	49
T7100402	207 St Maintenance and Overhaul Shop Roof & Component Repair	60.00	50
T7100413	Yard Track Rehabilitation - 2018	2.27	51
T7100419	Yard Switches - 2018	3.70	52
T7100428	Rehabilitate Car Cleaning Facilities	1.48	53
	<b>Subtotal</b>	<b>\$891.32</b>	
<b>Depots</b>			
T5120312	Replace Roof at East New York Bus Depot	\$7.76	54
T7120307	Roof, Office: Fresh Pond Depot	25.00	55
T7120308	Paving: Manhattanville Depot [SBDP Tier2]	4.68	56
T7120311	Office Upgrade: Zerega Consolidated Maintenance Facility [SBDP2]	3.52	57
T7120408	Elevator Upgrades: Various Depots	13.99	58
T7120411	Oil-Water Separator: Casey Stengel Depot	6.62	59
	<b>Subtotal</b>	<b>\$61.57</b>	
<b>Staten Island Railway</b>			
ES070303	Sandy Mitigation: St. George	\$73.25	60
S7070110	Rehabilitation of Amboy Road Bridge - Staten Island Railway	5.14	61
	<b>Subtotal</b>	<b>\$78.39</b>	
<b>New York City Transit Total</b>		<b>\$2,653.84</b>	

ACEP ID/ Agency PIN	Program/Project Description	Estimated Federal Request(\$M)	Page
<b>LONG ISLAND RAILROAD</b>			
<b>Stations</b>			
L70204UN	Nostrand Avenue Station Rehabilitation	\$7.10	62
L70204UU	Mentor Allowance - Stations	22.00	63
L70205V1	Parking Rehabilitation	5.00	64
	<b>Subtotal</b>	<b>\$34.10</b>	
<b>Track</b>			
L70301WC	2017 Annual Track Program	\$15.00	65
L70301WD	2018 Annual Track Program	64.00	66
L70301WF	Right of Way Fencing	2.88	67
L70301WG	Construction Equipment - Phase I	2.60	68
L70301WH	Retaining Walls/Right of Way Projects	6.00	69
	<b>Subtotal</b>	<b>\$90.48</b>	
<b>Line Structures</b>			
L70401BQ	Buckram Road Bridge Replacement	\$4.90	70
L70401BR	Post Avenue Bridge Replacement	8.00	71
L70401BS	Bridge Waterproofing	7.50	72
L70401BU	Mentor Allowance - Line Structures	10.00	73
L70401C3	Lynbrook and Rockville Centre Renewals	9.00	74
	<b>Subtotal</b>	<b>\$39.40</b>	
<b>Communications and Signals</b>			
L70501SE	Communication Pole Line	\$6.30	75
L70502LN	Babylon to Patchogue	21.00	76
	<b>Subtotal</b>	<b>\$27.30</b>	
<b>Shops and Yards</b>			
L70604YJ	Mentor Allowance - Shops & Yards	\$23.00	77
L70604YW	Rehabilitation of Employee Facilities	4.00	78
	<b>Subtotal</b>	<b>\$27.00</b>	
<b>Power</b>			
L70701XA	Substation Replacements	\$38.80	79
L70701XC	Third Rail 2000 Million Cubic Meter (MCM) Cable	2.20	80
L70701XK	Signal Power Motor Generator Replacement	2.20	81
L70701XL	Direct Current (DC) Relay Controls Replacement	1.20	82
L70701XM	Signal Power Line Replacement	1.50	83
L70701XN	Power Pole Replacement	1.38	84
L70701XP	Atlantic Avenue Tunnel Lighting	7.50	85
L70701XS	Substation Renewals	27.35	86
	<b>Subtotal</b>	<b>\$82.13</b>	
<b>Miscellaneous</b>			
TRANTECH	Transit Technical Assistance	\$0.30	87
	<b>Subtotal</b>	<b>\$0.30</b>	
<b>Long Island Rail Road Total</b>		<b>\$300.71</b>	

ACEP ID/ Agency PIN	Program/Project Description	Estimated Federal Request(\$M)	Page
<b>METRO-NORTH RAILROAD</b>			
<b>Stations</b>			
M702-01-01	GCT Trainshed/Tunnel Structure	\$25.70	88
M702-01-02	Park Avenue Tunnel Fire and Life Safety Improvements	1.00	89
M702-01-08	Mentoring -Grand Central Terminal (GCT)	5.00	90
M702-02-02	Lower Harlem Line Station Improvements	30.50	91
M702-02-03	Upper Hudson Station Improvements	16.40	92
M702-02-04	Upper Harlem Station Improvements	20.50	93
M702-02-09	Mentoring Program - Stations	13.40	94
M702-03-01	Strategic Facilities -Upper Harlem Parking Improvements at Croton Falls	9.00	95
M702-03-02	Mentoring Program – Strategic Facilities	3.00	96
	<b>Subtotal</b>	<b>\$124.50</b>	
<b>Track and Structures</b>			
M703-01-04	Turnouts: Mainline/High Speed	\$14.00	97
M703-01-05	GCT Turnouts/Switch Renewal	4.70	98
M703-01-07	Rebuild Retaining Walls	5.40	99
M703-01-09	Purchase of M of W Equipment	5.50	100
M703-01-11	2018 Cyclical Track Program	24.70	101
M703-02-01	Overhead Bridge Program - East of Hudson	10.08	102
M703-02-03	Undergrade Bridge Rehab. - East of Hudson	36.70	103
M703-02-09	Harlem River Lift Bridge	8.60	104
M703-02-13	DC Substation/Signal House Roof Replacement	1.20	105
M703-02-15	Mentoring Program - Structures	3.00	106
M703-03-03	West of Hudson Undergrade Bridge Rehabilitation	8.10	107
M703-03-04	Moodna/Woodbury Viaduct (including timbers/walkways)	14.00	108
	<b>Subtotal</b>	<b>\$135.98</b>	
<b>Communication and Signals</b>			
M704-01-01	Network Infrastructure Replacement	\$4.60	109
M704-01-03	Positive Train Control - East of Hudson	37.30	110
	<b>Subtotal</b>	<b>\$41.90</b>	
<b>Power</b>			
M705-01-01	Replace Motor Alternators in Signal Substations	\$12.10	111
M705-01-02	Transformer Rehabilitation	4.20	112
M705-01-03	Replace AC Circuit Breaker/Switchgear	3.90	113
M705-01-04	Harlem and Hudson Power Rehabilitation	15.00	114
M705-01-05	Harlem and Hudson Power Improvements	9.50	115
M705-01-07	Third Rail Component Replacement	10.00	116
M705-01-08	Replace Third Rail Sectionalizing Switches	0.43	117
M705-01-10	Park Avenue Tunnel Alarm	12.00	118
M705-01-12	Mentoring Program - Power	3.00	119
	<b>Subtotal</b>	<b>\$70.13</b>	
<b>Shops and Yards</b>			
M706-01-05	Mentoring Program – Shops and Yards	\$10.00	120
	<b>Subtotal</b>	<b>\$10.00</b>	

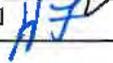
<b>ACEP ID/ Agency PIN</b>	<b>Program/Project Description</b>	<b>Estimated Federal Request(\$M)</b>	<b>Page</b>
<b>Miscellaneous</b>			
M708-01-10	Systemwide Security Initiatives	\$11.30	121
	<b>Subtotal</b>	<b>\$11.30</b>	
<b>Ferries</b>			
882218	Haverstraw-Ossining Ferry	\$1.90	122
882315	Newburg-Beacon Ferry	1.40	123
	<b>Subtotal</b>	<b>\$3.30</b>	
<b>Metro-North Rail Road Total</b>		<b>\$397.11</b>	
<b>MTA BUS</b>			
<b>Facilities</b>			
U7030218	JFK Windows and Office Improvements	\$2.40	124
	<b>Subtotal</b>	<b>\$2.40</b>	
<b>MTA Bus Total</b>		<b>\$2.40</b>	
<b>CAPITAL CONSTRUCTION COMPANY</b>			
<b>Miscellaneous</b>			
G7100104	Second Avenue Subway Phase 2 - Construction Management	\$50.00	125
G7100105	Second Avenue Subway Phase 2-Project Support	20.00	126
G7100107	Second Avenue Subway Phase 2 – Preliminary Construction Utilities	260.00	127
G7110103	Penn Station Access -Construction Management	16.10	128
G7110104	Penn Station Access –Track and Structures	237.60	129
G7110105	Penn Station Access-Communication and Signals	56.30	130
G7110106	Penn Station Access –Power	106.20	131
	<b>Subtotal</b>	<b>\$746.20</b>	
<b>MTA Capital Construction Company</b>		<b>\$746.20</b>	
<b>MTA GRAND TOTAL</b>		<b>\$4,100.26</b>	

# Staff Summary

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

<b>Date</b> October 11, 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	10/23/2017	X		
2	Board	10/25/2017	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

Schedules Requiring Majority Vote

Schedule E: Miscellaneous Procurement Contracts  
None

MTAHQ proposes to award Competitive procurements in the following categories:

Schedules Requiring Majority Vote

Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	1	\$	573,487,118
Schedule F: Personal Services Contracts	4	\$	3,168,872
<b>SUBTOTAL</b>	<b>5</b>	<b>\$</b>	<b>576,655,990</b>

MTAHQ presents the following procurement actions for Ratification:

None

**TOTAL**                      **5**                      **\$**                      **576,655,990**

**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, OCTOBER 2017**  
**COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

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

(Staff Summaries required for items requiring Board approval)

1. **Cubic Transportation Systems, Inc.** **\$573,487,118** **Staff Summary Attached**  
**New Fare Payment System** (not-to-exceed)  
**Contract No. A-34024**

Competitively Negotiated          6 proposals      22 years and 9 months  
To obtain Board approval to award competitively negotiated Contract A-34024 - New Fare Payment System to Cubic Transportation Systems, Inc. ("Cubic") to: (i) design/build, furnish, install, test, integrate and implement a New Fare Payment System ("NFPS") for MTA New York City Transit ("NYC Transit"), MTA Bus Company ("MTA Bus"), Metro-North Railroad ("MNR") and Long Island Rail Road ("LIRR") (MNR and LIRR are referred to collectively as the "Railroads") in the total amount of \$539,513,665 for a term of 69 months to Substantial Completion followed by seven years of base contract support services; (ii) to exercise \$14,314,174 in contract options for award with the base contract; and (iii) to exercise, if needed, \$19,659,279 in contract options for bus equipment. The total amount for Board approval is \$573,487,118. The price has been found to be fair and reasonable based on the competitive nature of the RFP and comparison to the in-house estimate. This design/build project will provide the MTA with a state-of-the-art, integrated, reliable and convenient fare payment system and improve the customer experience by replacing disparate legacy systems in use by NYC Transit, MTA Bus, and the Railroads with an integrated next generation system.

**F. Personal Service Contracts**

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

2. **Bowery Residents' Committee, Inc.** **\$2,118,872** **Staff Summary Attached**  
**Homeless Outreach and Case Management Services** (not-to-exceed)  
**Contract No. 16415-0100**

Competitively Negotiated          1 proposal      72 months  
To obtain approval from the Board to award a competitively negotiated, personal service contract to Bowery Residents' Committee, Inc. (BRC) to administer the MTA's Homeless Outreach Services Program, also known as MTA/Connections Outreach, for four (4) years beginning on November 1, 2017 in the total not to exceed amount of \$2,118,872 for the first twelve (12) months. The contract will additionally provide the MTA with a two-year unilateral option to renew. Funding estimates for subsequent years will be based upon the service needs of the two participating agencies (Metro-North Railroad and Long Island Rail Road), agency contributions, and Board-approved agency budgets.

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, OCTOBER 2017**  
**COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

- 3-5. AFT projects at three stations in Manhattan in the Enhanced Stations Initiative (ESI - Package 4) - 57 Street (F) and 23 Street (F,M) on the 6th Avenue Line and 28 Street (6) on the Lexington Avenue Line -**  
AFT to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively negotiated - 627 proposals - 24 months.

Alex Katz, 57 Street Station (F) - NYCT (\$350,000)

Nancy Blum, 28 Street Station (6) - NYCT (\$350,000)

William Wegman, 23 Street Station (F,M) - NYCT (350,000)

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

Item Number:					
Dept & Dept Head Name: Chief Operating Officer/Phillip Eng					
Division & Division Head Name: Fare Payment Programs/Alan Putre <i>Alan Putre</i>					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	Finance	10/23/17	X		
2	Board	10/25/17	X		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Procurement <i>[Signature]</i>	6	Acting President, NYCT <i>[Signature]</i>		
2	COO <i>[Signature]</i>	7	Acting President, MNR <i>[Signature]</i>		
3	Budget <i>[Signature]</i>	8	President, LIRR <i>[Signature]</i>		
4	DDCR <i>[Signature]</i>	9	President, MTA Bus <i>[Signature]</i>		
5	Legal <i>[Signature]</i>	10	President, MTA <i>[Signature]</i>		

<b>SUMMARY INFORMATION</b>	
Vendor Name: Cubic Transportation Systems, Inc.	Contract Number: A-34024
Description: New Fare Payment System	
Total Amount: \$573,487,118	
Contract Term (including Options, if any): 22 years & 9 months	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type: <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
Solicitation Type: <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source: <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**PURPOSE:**

To obtain Board approval to award competitively negotiated Contract A-34024 - New Fare Payment System to Cubic Transportation Systems, Inc. ("Cubic") to: (i) design/build, furnish, install, test, integrate and implement a New Fare Payment System ("NFPS") for MTA New York City Transit ("NYC Transit"), MTA Bus Company ("MTA Bus"), Metro-North Railroad ("MNR") and Long Island Rail Road ("LIRR") (MNR and LIRR are referred to collectively as the "Railroads") in the total amount of \$539,513,665 for a term of 69 months to Substantial Completion followed by seven years of base contract support services; (ii) to exercise \$14,314,174 in contract options for award with the base contract; and (iii) to exercise, if needed, \$19,659,279 in contract options for bus equipment. The total amount for Board approval is \$573,487,118. This contract includes additional options as discussed below that will be subject to future Board approval.

**DISCUSSION:**

This design/build project will provide the MTA with a state-of-the-art, integrated, reliable and convenient fare payment system and improve the customer experience by replacing disparate legacy systems in use by NYC Transit, MTA Bus, and the Railroads with an integrated next generation system. The NFPS will be an account-based, open payment system based on proven payment industry standards and open architecture principles, allowing customers to pay fares using diverse options, including mobile apps, digital wallets (e.g., Apple Pay, Android Pay, and Samsung Pay), contactless bank cards and MTA-issued contactless transit cards. The NFPS will provide customers with multiple 24/7 self-service options for managing their accounts and options to purchase and reload fare media online and at local retailers.

The base contract includes the following design and implementation phases:

- Phase 1: Development of core backend NFPS and initial launch of acceptance of contactless open payments using customer-furnished media (contactless bank cards and mobile phones with digital wallets) in some subway stations and buses (18 months).
- Phase 2: Completion of the roll-out of contactless acceptance to all subway stations and buses (35 months).
- Phase 3: Creation of robust retail sales and reload network for MTA-issued contactless transit cards and introduction of new NFPS all-agency mobile payment and ticketing app that has current Railroad eTix app functionality (39 months).
- Phase 4: Implementation of new vending machines for NYC Transit and the Railroads, and new Railroad ticket office machines (52 months).
- Phase 5: Completion of system implementation and full revenue system acceptance testing of the entire NFPS (56 months).

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

Acceptance of contactless payments in all subway stations and buses is accomplished in Phase 2, 35 months after award. From commencement through revenue acceptance testing in Phase 5, the NFPS and the legacy systems will operate side by side to support a smooth transition for MTA customers. Customers without smartphones or contactless bank cards will be able to use MTA-issued contactless transit cards in Phase 3 which is completed 39 months after award. Following successful implementation and testing, the legacy systems will be decommissioned and removed by NFPS Substantial Completion (month 69).

The base contract also includes seven years of system hosting and software support services following Substantial Completion for a total base contract duration of 12 years and nine months. The contract includes the following options:

- Two (2) five-year options for extended hosting and software support.
- Three (3) five-year options for call center and retail network services.<sup>1</sup>
- NFPS equipment for the Railroads such as vending machines and ticket office machines (these options will be funded under the next capital program, but to facilitate interoperability machine design will take place concurrently with NYC Transit).
- Three five-year options for extended maintenance services for the Railroads' NFPS equipment.<sup>1</sup>
- Select Bus Service (SBS) pilot during Phase 2 to allow for trials of on-board fare collection and all-door boarding.
- Optical bar code readers to facilitate single rides and mobile app features.
- Bus Equipment (antenna, driver control units, and router).
- Long-term parts provisioning – the contractor must provide parts and equipment at set prices for the useful life of the system.

Options for extended services, if exercised, will extend the contract duration for ten additional years after the 12 year and nine-month base contract term for a total contract term of 22 years and 9 months.

An Authorizing Resolution requesting the use of a competitive Request for Proposal (“RFP”) process for this procurement was approved by the Board in February 2015 to allow for consideration of factors other than price in order to secure the best value solution for the MTA. The RFP was advertised in April 2016, and six Proposals were submitted in July 2016. Technical Proposals were evaluated against the following evaluation criteria: (i) firm’s experience; (ii) team members’ experience; (iii) schedule and implementation; (iv) concept and design; (v) system integration, interoperability, and servicing; (vi) management approach and staffing; and (vii) diversity practices. Multiple committees were assembled to review proposals and provide guidance, including a multi-disciplinary Selection Committee (“SC”) and an Executive Committee which included the Presidents of the participating MTA agencies as well as senior MTA staff.

After its thorough review of the Technical Proposals, the SC determined that four of the six Proposers submitted Technical Proposals demonstrating relevant experience and qualifications that merited further consideration and, accordingly, voted to invite four Proposers to make oral presentations during the week of August 22, 2016. The four Proposers were Accenture, LLP (“Accenture”); Conduent Transport Solutions, Inc. (formerly Xerox Transport Solutions, Inc.) (“Conduent”); Cubic; and Scheidt & Bachmann USA, Inc. (“S&B”). Technical Proposals submitted by the remaining two Proposers, Boloro Global Limited (“Boloro”) and IPASS Metro LLC. (“IPASS”), failed to demonstrate relevant experience, qualifications and expertise required to accomplish the full scope of work on the scale required, and were eliminated from the further consideration. Boloro and IPASS were notified of their elimination. The SC's initial review was limited to Technical Proposals – the SC did not have access to the Price Proposals when determining which Proposers to invite to oral presentations.

Following oral presentations, the SC reviewed the Price Proposals and further evaluated the Technical Proposals based on the evaluation criteria and taking into consideration the information obtained through the oral presentations. Based on this review, the SC unanimously voted to invite Conduent, Cubic, and S&B to participate in negotiations. The SC unanimously considered Cubic’s Technical Proposal the superior submission, and each SC member scored Cubic's Technical Proposal considerably higher than Conduent and S&B on the technical criteria as Cubic demonstrated that it possessed superior relevant experience and greater experience and qualifications of its proposed team. Based on the technical criteria, Conduent ranked second and S&B ranked third, slightly below Conduent. Accenture was eliminated from further consideration based on the SC's unanimous conclusion that: (i) Accenture received the lowest technical rating as its experience with account-based fare payment systems and the experience of its team members were not commensurate with those of the other Proposers, and (ii) Accenture’s Price Proposal, at \$1,443,379,452, was the highest submitted.<sup>2</sup> Accenture was notified that it had been eliminated from further consideration.

<sup>1</sup> Note that the first of the of the three five-year options would be exercised during the base contract term.

<sup>2</sup>The Accenture pricing reported in this summary was adjusted to include (1) the extended value of commissions for the retail sales network based on the commission percentages proposed, and (2) \$136.5 million of software and services related to data center hosting that were not included in the total Price Proposal.

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

The initial Price Proposals submitted by the Proposers invited to negotiations were as follows:

	<b>Conduent</b>	<b>Cubic</b>	<b>S&amp;B</b>
<b>Base</b>	\$510,921,746	\$619,909,362	\$579,442,389
<b>Options</b>	\$539,072,961	\$804,242,593	\$644,283,103
<b>Total</b>	\$1,049,994,707	\$1,424,151,955	\$1,223,725,492

Note that the prices set out above: (i) do not include pricing for the detailed Railroad requirements, which were expanded during the procurement process (discussed below), and (ii) were, for evaluation purposes, adjusted by the MTA to include commissions paid by the MTA to retailers in the retail sales network, with the adjustment based on the Proposer-submitted commission percentages to be paid to such retailers.

Multiple negotiation sessions were held with the selected Proposers between November 15 and December 9, 2016. The negotiations focused on: (i) price; (ii) technical issues; and (iii) key contract issues such as liquidated damages, dispute resolution, warranty obligations, indemnification, and limits of liability.

During negotiations, the MTA concluded that it would be advantageous to expand the Railroad requirements included in the initial RFP, which would better allow the MTA to obtain competitive pricing and avoid the need for a subsequent change order to address the scope of the Railroads' needs. To this end, the RFP was revised so that Railroad-specific system design is included as part of the base award, and options are available for railroad vending machines, related equipment, and operating-funded maintenance services. The Railroad-specific options will be exercised once funding for the equipment becomes available in the next Capital Program.

The MTA requested Interim Proposals following the initial negotiations while the RFP was being updated to include the additional Railroad specifications. The MTA conducted negotiations addressing the Interim Proposals in May 2017. The MTA requested another set of Interim Proposals following its distribution of the updated RFP, and a final round of negotiations took place in August 2017 that addressed primarily pricing, the expanded Railroad specifications, and outstanding contract terms.

The negotiated contract includes liquidated damage provisions that motivate the contractor's compliance with the contract schedule. Liquidated damages are tied to specific deliverables, such as development of the core backend NFPS during Phase 1. The amount of liquidated damages increases based on the phase and deliverable at issue. Further, the MTA has the right to terminate the contract based on certain events of default and for convenience.

The MTA issued a request for Best and Final Offers ("BAFOs") on August 24, 2017. The BAFO request also included alternative contract language (priced separately) that the MTA could elect to accept or reject, including: (i) an alternative dispute resolution provision; (ii) a reduction of the liquidated damages cap; and (iii) the contractor's right to seek financial compensation due to extended MTA review periods of contractor-submissions. The BAFO request also sought final pricing for those Proposer-submitted Value Engineering Proposals that the MTA accepted.

The following pricing was submitted with the BAFOs (inclusive of the Railroads' requirements):

	<b>Conduent</b>	<b>Cubic</b>	<b>S&amp;B</b>
<b>Base</b>	\$496,653,264	\$539,513,665	\$559,623,508
<b>Options</b>	\$496,972,517	\$523,082,335	\$579,413,620
<b>Total</b>	\$993,625,781	\$1,062,596,000	\$1,139,037,129

Note that the prices set out above include: (i) the alternative contract language and Value Engineering Proposals that the MTA selected, and (ii) the retail sales commission paid by the MTA (as discussed above). The engineer's estimate is \$1,224.1 million.

The SC reviewed, scored, and ranked the BAFOs along with all relevant material provided during the procurement process in accordance with the evaluation criteria, among which the firm's experience, the team members' experience, and schedule and implementation were the most important criteria. Cubic maintained its considerable technical superiority over the other Proposers following the BAFO evaluation, Conduent's rank was lowered to third place, and S&B's rank raised to second place based largely on its competent showing during negotiations, particularly by its proposed lead engineer. The SC unanimously determined that Cubic is technically superior to S&B and Conduent. Each SC member scored Cubic considerably higher than S&B and Conduent on the technical criteria.

Of particular note, the SC determined that Cubic's relevant experience is greatly superior to that of the other Proposers. Cubic implemented service proven fare payment systems for the Chicago Transit Authority and Transport for London, both of which are account based systems that accept open payments. Neither S&B nor Conduent has implemented an account-based fare payment system that accepts open payments in revenue service. The SC also found that Cubic's proposed personnel displayed a command of the subject matter that was overall superior to that of the other proposer teams and determined that the experience and qualifications of Cubic's proposed personnel were overall superior. Cubic's team demonstrated an understanding of the complexities and challenges of the work which made the SC confident that Cubic will deliver a successful system within the required timeframe. Cubic's proposed open payment design is service-proven, unlike those of the other Proposers.

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

In accordance with the evaluation criteria in the RFP, the SC unanimously selected Cubic to be recommended for award. The SC took into consideration that Cubic's overall evaluated price for the base and options is \$69.0 million or 6.9% higher than Conduent's price, but determined that Cubic's pronounced technical superiority outweighed the price difference and that Cubic's Proposal constitutes the best value to the MTA. The SC had a far greater degree of confidence in a successful implementation by Cubic than in a successful implementation by Conduent. S&B was ranked technically above Conduent, but ranked technically considerably lower than Cubic and S&B's proposed price exceeded Cubic's proposed price by \$76.4 million (7.2%). Ultimately, the SC unanimously concluded that Cubic's Proposal presented the best value to the MTA, and the Executive Committee concurred with the SC's recommendation of Cubic for award.

Cubic's BAFO price of \$1,062,596,000 (including the base, options, alternative contract language, and Value Engineering Proposals) is \$161.5 million (13%) below the revised in-house estimate of \$1,224.1 million. Cubic's BAFO price is also \$361.6 million (25%) below its initial Price Proposal, despite the addition of requirements for the Railroads after receipt of initial proposals; had the Railroad requirements been included in the initial proposals, the decrease would have been in excess of \$450 million. The price has been found to be fair and reasonable based on the competitive nature of the RFP and comparison to the in-house estimate.

The total value of the base contract and all options, is \$880,096,000<sup>3</sup>. The amount sought for Board approval is \$573,487,118, which also excludes the cost of retail sales commissions. That amount also includes the following options: (i) SBS Pilot (\$1,201,638); (ii) the first five-year option for retail sales of fare media to distribute the MTA card at local retailers (\$11,491,930); (iii) optical barcode readers (\$1,620,606); and (iv) if needed and as approved by the Chief Procurement Officer, the following bus equipment: bus antennas, bus driver control units, and bus routers (\$19,659,279). The total value of options for which Board approval is requested is \$33,973,453.

In summary, the total amount sought for Board approval consists of \$539,513,665 for the base contract and \$33,973,453 in options, for a total of \$573,487,118.

A background search and review of documents submitted by Cubic disclosed no "significant adverse information" within the meaning of the All Agency Responsibility Guidelines. Having evaluated all available facts, Procurement finds Cubic to be fully responsible for award. Review of Cubic's financial condition is ongoing; no award will be made until this review is completed.

In connection with a previous contract, Five Star Electric ("Five Star"), a significant subcontractor, was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by MTA Chairman/CEO in consultation with the MTA General Counsel in October 2014. No new SAI has been found relating to Five Star and Five Star has been found to be responsible.

**D/M/WBE INFORMATION:**

The MTA Department of Diversity and Civil Rights has established goals at 4.5% MBE and 4% WBE due to the specialized requirements of this contract. Cubic submitted its utilization plan reflecting an overall goal of 10.6%, exceeding the overall goal of 8.5%. Cubic has achieved the M/W/DBE goals on previous MTA contracts.

**CAPITAL PROGRAM REPORTING:**

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

**IMPACT ON FUNDING:**

This project is funded by the MTA and will be managed by MTA Fare Payment Programs. The total of \$573.5 million for Board approval is funded as follows: \$480.8 million in capital and \$92.7 million in operating funding. Funding for the capital project is available through both the 2010–2014 and 2015–2019 Capital Programs. The base contract is funded as follows: \$457.5 million in capital funding and \$82.0 million in operating funding. The options are funded as follows: \$23.3 million in capital funding and \$10.7 million in operating funding. A portion of in-house support costs will be funded in the 2020–2024 Capital Program.

**ALTERNATIVES:**

Award to another Proposer. Not recommended for the reasons stated above.

**RECOMMENDATION:**

That the Board approve the award of competitively negotiated Contract A-34024 - New Fare Payment System to Cubic as described in the Purpose section above.

<sup>3</sup> \$880,096,000 is equal to Cubic's evaluated BAFO price of \$1,062,596,000 minus the \$182,500,000 in retail sales commissions that was included for evaluation purposes in all proposers' prices based on their proposed commission rates.

# Staff Summary

## Schedule F: Personal Service Contracts



<b>Item Number:</b>					
<b>Dept &amp; Dept Head Name:</b> Executive/Donna Evans					
<b>Division &amp; Division Head Name:</b> Operations Support/Cynthia Wilson					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	Finance	10/23/17	X		
2	Board	10/25/17	X		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Procurement	4	Legal		
2	Operations Support	5	CFO		
3	DDCR				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name:</b> Bowery Residents' Committee, Inc.	<b>Contract Number:</b> 16415-0100
<b>Description:</b> Homeless Outreach and Case Management Services	
<b>Total Amount:</b> \$2,118,872 (not-to-exceed for the first 12 months)	
<b>Contract Term (including Options, if any):</b> Six Years	
<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other	
<b>Funding Source:</b> <input type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other	

**Narrative**

**I. PURPOSE/RECOMMENDATION**

To obtain approval from the Board to award a competitively negotiated, personal service contract to Bowery Residents' Committee, Inc. (BRC) to administer the MTA's Homeless Outreach Services Program, also known as MTA/Connections Outreach, for four (4) years beginning on November 1, 2017 in the total not to exceed amount of \$2,118,872 for the first twelve (12) months. The contract will additionally provide the MTA with a two-year unilateral option to renew. Funding estimates for subsequent years will be based upon the service needs of the two participating agencies (Metro-North Railroad (MNR) and Long Island Rail Road (LIRR)), agency contributions, and Board-approved agency budgets.

**II. DISCUSSION**

Since 1992, MTA/Connections Outreach has directed homeless individuals who use the MTA system as a surrogate shelter to more appropriate environs off MTA property. MTA/Connections Outreach assists service resistant homeless persons that include the severely mentally ill, substance abusers and mentally ill chemical abusers, along with the medically needy and the elderly. In coordination with the selected vendor, the MTA Police conduct joint outreach sessions with program staff. MTA/Connections Outreach complements police efforts through the strategic deployment of personnel who respond to homeless conditions in terminals that continue to attract the most severe service-resistant individuals. For MNR, the program will maintain coverage for Grand Central Terminal and outlying stations in Manhattan and the Bronx. For LIRR, coverage will be provided for Penn Station and outlying stations in Brooklyn and Queens. Since the Program's inception, MTA/Connections Outreach workers have made over 422,200 contacts.

The MTA/Connections Outreach program maintains a focus consistent with the City's approach to expedite the placement of chronic homeless clients into permanent housing and/or long term transitional settings to promote their recovery and reintegration, collaborating extensively with the New York City Department of Homeless Services (DHS) and DHS contracted outreach providers who serve the homeless residing on the streets in all five boroughs. The existing contract, approved by the Board in February 2010, will expire on October 31, 2017.

This Request for Proposals (RFP) was publicly advertised and letters advising potential proposers were sent to nineteen social service providers. BRC, MTA's current provider, was the sole proposer. MTA Procurement contacted prospective vendors who did not propose. Those who responded said they could not provide services due to lack of experience, inability to meet the requirements and/or current workloads.

The selection committee, comprised of MTA Headquarters Operation Support, LIRR Station Operations, MNR Customer Service and Stations and MTA Police departments, concurred that Bowery Residents' Committee, Inc. provided effective service during their previous contract and that the proposal offered the relevant clinical experience, field outreach staff and services required to effectively address the homeless population encountered on MTA property. For the 2010 through 2017 contract period, over 202,200 contacts were made, and approximately 27,000 joint outreach sessions with Police were conducted. For 2012 through 2017, there were approximately 24,000 homeless clients served of which, 4,500 clients have taken advantage of a variety of services. Of the 24,000 homeless clients served since 2012, over 81% have not been observed by outreach teams as of 2017.

Bowery Resident's Committee is a nonprofit organization providing housing and services, including meals, detoxification, mental health and addiction services, health care, vocational rehabilitation, AIDS services, community education, and advocacy throughout the metropolitan area. In connection with the review of the Contractor's responsibility pursuant to the All-Agency Responsibility Guidelines, the Contractor has been found to be responsible for the contract award.

Bowery Residents' Committee, Inc. initially proposed \$2,035,124 for the first year of service. However, due to increased requirements by LIRR and MNR, the hours were increased, thus raising the first year aggregate cost to more than the originally estimated price. The new contract maximum is \$2,118,872 vis-a-vis the existing contract cost of \$1,950,775.

The aggregate of direct personnel and related fringe benefits costs represent 88% of contract costs. Salaries in the new contract are the same as provided for in the contract it will replace, except for one position that was adjusted to reflect market rates. These salaries are also in line with the levels paid under the separately awarded subway outreach contract funded jointly through MTA and DHS. The yearly budget and salaries will remain the same for years 1 through 3; year 4 salaries will be subject to a 2% escalation and there will be no escalation for the option period. Based on the foregoing, the proposed prices are considered to be fair and reasonable.

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

The MTA Department of Diversity and Civil Rights (DDCR) assigned no goals to this contract due to the lack of subcontracting opportunities. Bowery Residents' Committee, Inc. has NOT completed any MTA contract with MWBDE goals; therefore, no assessment of the firm's MBE/WBE and DBE performance can be determined at this time.

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

The Program budget will not exceed 2,118,872 for the first twelve (12) months. Program costs will be jointly funded by MNR and LIRR.

### **V. ALTERNATIVES**

1. Provide outreach services utilizing MTA personnel: This alternative is neither practical nor cost effective. The Authority does not have the resources or the trained personnel to perform these services.
2. Discontinue the Homeless Outreach Program: This is not a viable option. Program statistics indicate that the current MTA/Connections Outreach Program has been successful in meeting its goals to offer alternative resources for homeless people.

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

**MTA METRO NORTH RAILROAD**

Grant of easement to the Town of Amenia for the construction, operation and maintenance of a pedestrian trail along the Harlem Line from the Hamlet of Wassaic to the Wassaic Station in Amenia, NY

**MTA BRIDGES & TUNNELS**

Amendment to extend the term of a license agreement for FDNY telecommunications cables running across B&T's Cross Bay Bridge

Amendment to extend the term of a license agreement for NYPD radio equipment on B&T's Marine Parkway Gil Hodges Bridge

**MTA LONG ISLAND RAIL ROAD**

Sale of the surplus development rights associated with the Long Island Rail Road Property located at 43-19 Dutch Kills Street, Long Island City, Queens, Block: 266, Lot: 1

**MTA MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY**

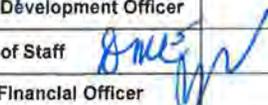
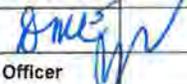
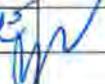
Lease between 4240 Broadway L.P. and Manhattan and Bronx Surface Transit Operating Authority for a Swing Room at 4248 Broadway, New York, NY

# Staff Summary

Subject <b>PERMANENT EASEMENT TO THE TOWN OF AMENIA</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>DAVID ROTH</b>

Date <b>OCTOBER 23, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/23/17	X		
2	Board	10/25/17	X		

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

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

GRANTEE: Town of Amenia (the "Town")

LOCATION: Right-of-way along the west side of Metro-North's Harlem line. Town of Amenia, County of Dutchess, State of New York

ACTIVITY: Grant of easement for the construction, operation and maintenance of a recreational trail

ACTION REQUESTED: Approval of terms

SPACE: Approximately 78,000 sq. ft. or 1.8 acres

COMPENSATION: \$1.00, fee waived

**COMMENTS:**

The Town has requested a permanent easement for a pedestrian path called the "Wassaic Trail to Train" along the west side of the Harlem Line right-of-way, which Metro-North owns, beginning in the Hamlet of Wassaic and running north three quarters of a mile to the Wassaic Station where it will connect with the existing terminus of the Harlem Valley Rail Trail. The Town is the lead sponsor of this locally administered, Federally funded project.

The fair market value of the easement as determined by MTA Real Estate's independent appraiser is \$91,800, which is less than \$100,000. As such, pursuant to Public Authorities Law Section 2897, disposition to a municipality may be by negotiation and no "explanatory statement" as to value is required. The easement agreement will provide that use and ownership of the easement will remain with the Town or another government entity.

Based on the foregoing, MTA Real Estate requests the authorization to grant a permanent easement to the Town of Amenia on the terms and condition above.

# Staff Summary

Subject <b>AMENDMENT TO LICENSE AGREEMENT-FDNY</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>GEORGE MCDONALD</b>

Date <b>OCTOBER 23, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/23/17	X		
2	Board	10/25/17	X		

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

AGENCY: MTA Bridges and Tunnels ("B&T")

LICENSEE: Fire Department of the City of New York ("FDNY")

LOCATION: Space within B&T's conduits running across the Cross Bay Veteran's Memorial Bridge, Queens, New York (the "Bridge")

ACTIVITY: Amendment to extend the term of a license agreement to operate and maintain one 48-strand fiber optic telecommunications cable, and one 30-pair copper telecommunications cable

ACTION REQUESTED: Approval of terms

TERM: Ten years commencing September 1, 2016

COMPENSATION: \$1, payment waived

**COMMENTS:**

In September 2006, B&T entered into a 10-year license agreement with the Fire Department of the City of New York to install, operate and maintain telecommunications cables within B&T's conduits running across the Bridge ("the License Agreement"). Since the telecommunications cables support a FDNY communications system that provides vital services to the City of New York, B&T has no objection to FDNY continuing its occupancy, and proposes to continue to waive compensation therefor. This agreement falls within the Board-approved Real Estate Department policy allowing for property to be licensed to municipalities for municipal purposes without issuance of an RFP.

Based on the foregoing, the Real Estate Department requests authorization to extend the License Agreement pursuant to the outlined terms and conditions.

# Staff Summary

Subject <b>AMENDMENT TO LICENSE AGREEMENT-NYPD</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>GEORGE MCDONALD</b>

Date <b>OCTOBER 23, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/23/17	X		
2	Board	10/25/17	X		

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

AGENCY: MTA Bridges and Tunnels ("B&T")

LICENSEE: New York City Police Department ("NYPD")

LOCATION: A portion of the North Tower of the Marine Parkway Gil Hodges Bridge, Brooklyn, NY (the "Bridge")

ACTIVITY: Amendment to extend the term of a license agreement to install, operate and maintain electronic equipment for NYPD's radio communications system

ACTION REQUESTED: Approval of terms

TERM: Ten (10) years commencing December 1, 2016

COMPENSATION: \$1, payment waived

**COMMENTS:**

In December 1996, B&T entered into a 10-year license agreement with the New York City Police Department to install, operate and maintain electronic equipment for NYPD's radio system in the North Tower of the Bridge (the "License Agreement"). In January 2007 the License Agreement was amended to extend the term from November 30, 2006 to November 30, 2016. This NYPD radio communications system is vital to the City of New York, and B&T has no objection to NYPD continuing its occupancy, and proposes to continue to waive compensation therefor. This agreement falls within the Board-approved Real Estate Department policy allowing for property to be licensed to municipalities for municipal purposes without issuance of an RFP.

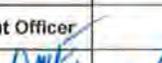
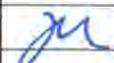
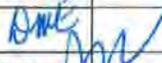
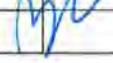
Based on the above, the Real Estate Department requests authorization to amend the License Agreement pursuant to the outlined terms and conditions.

# Staff Summary

Subject <b>SALE OF SURPLUS PROPERTY-LONG ISLAND CITY</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name

Date <b>OCTOBER 23, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/23/17	X		
2	Board	10/25/17	X		

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

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

BUYER: 43-15 Dutch Kills Street L.L.C., an affiliate of Rockrose Development Corp. ("Rockrose")

LOCATION: 43-19 Dutch Kills Street, Long Island City, Queens Block 266, Lot 1 (the "Subject Property")

ACTIVITY: Sale of 27,912± square feet of surplus development rights

ACTION REQUESTED: Approval of terms

COMPENSATION: \$2,512,080 (\$90 per square foot)

**COMMENTS:**

In April, 2017, MTA Real Estate issued an RFP for the sale of the 27,912± square feet of transferable development rights associated with the Subject Property (the "TDRs"). Rockrose, which owns the adjacent property, submitted the only proposal (Rockrose's proposal is attached to this memo).

Rockrose initially offered to acquire the TDRs for a price of \$1,674,720, or \$60 per square foot. After negotiation, Rockrose raised its offer to \$2,512,080, or \$90 per square foot, which represents fair market value as determined by MTA Real Estate's independent appraiser.

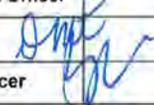
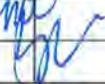
Based on the foregoing, MTA Real Estate requests authorization to enter into a purchase and sale agreement and zoning lot development agreement with 43-15 Dutch Kills Street L.L.C., or another affiliate of Rockrose Development Corp., on the terms and conditions described above.

# Staff Summary

Subject <b>LEASE WITH 4240 BROADWAY, L.P.</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>MICHAEL DANIELS</b>

Date <b>OCTOBER 23, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	10/23/17	X		
2	Board	10/25/17	X		

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

AGENCY: Manhattan and Bronx Surface Transit Operating Authority ("MaBSTOA")

LANDLORD: 4240 Broadway L.P.

LOCATION: 4248 Broadway, NY, NY, a retail and residential building.

USE: 24/7 swing room for bus operators and dispatchers.

ACTION REQUESTED: Approval of terms.

TERM: Ten years, with two additional five-year renewal options.

PREMISES: Approximately 500 square feet of space on the first floor of the building.

BASE RENT: Rent for the first year is \$62,500 annum/\$5,298.33 monthly, subject to annual increases of 3%, including for the two option periods.

RENT ABATEMENT: No rent is payable for the first sixty days of the lease term.

TAX ESCALATION: MaBSTOA will pay its proportionate share of the increase in real estate taxes over base year 2017/2018 or 2018, depending on the lease commencement date.

OPERATING ESCALATION: None

ELECTRICITY: Landlord, at its cost, will install a direct meter. MaBSTOA will arrange for service through a public utility company, and pay for its electricity consumption.

WATER & SEWER: Landlord, at its cost, will install a submeter. MaBSTOA will pay landlord for its water consumption.

HEAT & AIR CONDITIONING: Landlord, at its expense, will provide heat to the premises. MaBSTOA will be allowed to: (i) install and maintain an AC unit and maintain such unit at its expense, and (ii) install a supplemental electric heater at its option.

ALTERATIONS: Landlord, at its cost, will construct a demising wall to separate the premises from adjacent space in the building, and construct a kitchenette area with utility connections for hot and cold water and drainage, a countertop, sink and cabinets and ADA-compliant, unisex restroom in the premises, and paint the interior of the premises.

SNOW & ICE REMOVAL: Landlord's responsibility

# Staff Summary

## FINANCE COMMITTEE MEETING

### Lease Agreement with 4248 Broadway L.P. (Cont'd.)

#### COMMENTS:

The Premises will be utilized as a swing room (comfort/relief space) in compliance with MaBSTOA's current collective bargaining agreement. Such swing room will serve operators and dispatchers for a total of six bus lines (BX3, BX11, Bx13, Bx35, Bx36 and M5 from West Farms and Manhattanville Depots).

The Premises are ideal for such purpose, as they are located at the end, of these bus routes, which is the relief point for bus operators. Approximately 150 bus operators and dispatchers will use the Premises on a 24/7 basis.

Rent was determined to be fair market value through a survey conducted using CoStar, one of the real estate industry's leading market databases.

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

# Staff Summary

<b>Subject</b> Budget Transfer from MTACC's Liability Reserve and Miscellaneous/Administration Funds into Phase 1 of the Second Avenue Subway Project
<b>Department</b> MTA Capital Construction
<b>Department Head Name</b> Peter Kohner, SVP & Senior Advisor, MTACC
<b>Department Head Signature</b> 
<b>VP &amp; Deputy Program Exec. Name and Signature</b> Ronald Pezik, P.E., MTACC

<b>Date</b> October 23, 2017
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	NYCT & Bus Committee	10/23/2017			
2	Finance Committee	10/23/2017			
3	Board	10/25/2017			

Internal Approvals			
Order	Approval	Order	Approval
1	Executive Vice President & CFO 		
2	President 		

**PURPOSE:**

To seek Board approval to transfer \$150 Million from savings in MTA Capital Construction's (MTACC's) Liability Reserve and Miscellaneous/Administration funds to provide additional contingency for construction Additional Work Orders (AWOs), impact costs, claims and Soft Cost needs on Phase 1 of the Second Avenue Subway (SAS) Project to support the Project's completion.

**DISCUSSION:**

As the Second Avenue Subway Phase 1 Project transitions from Revenue Service to Project Completion, an analysis of the remaining costs to date has identified a potential need of \$150 Million based on current needs and projected schedule. To address this need, MTACC has identified two potential sources of funds under MTACC control: Liability Reserve (Real Estate & Other Needs) and Miscellaneous/Administration. SAS cost needs will be met in two parts. The first part is to transfer to SAS Phase 1 a total of \$121 Million to address current needs, which includes \$52 Million from Administration savings and \$69 Million from Liability Reserve in the 2010-2014 capital plan. The second part is to address future needs as they arise by creating \$29 Million SAS reserve Project in Administration in the 2015-2019 Capital Plan. The 2015-2019 Administrative project will be replenished in the 2020-2024 Capital Program, if needed.

Liability Reserve:

The original approval of the 2010-2014 Capital Plan established a Liability Reserve to address final court awards or settlements for real estate acquisitions associated with all of the mega projects. The current value of the Liability Reserve is \$173 Million. Currently, \$69 Million can be reallocated within the MTACC 2010-2014 Capital Plan to SAS Phase 1 to support the Project's completion, leaving \$59 Million in Liability Reserve. This project will be replenished, if needed.

Miscellaneous/Administration:

Miscellaneous/Administration funds administrative and miscellaneous engineering activities to support the various network expansion projects managed by MTACC. The current budget in the 2010-2014 Capital Plan is \$127 Million. Currently, we have identified additional cost savings of \$52 Million, which will be made available to SAS Phase 1.

To fund future SAS Phase 1 needs, MTACC will set aside \$29 Million in a newly created reserve project under 2015-2019 Administrative funds. This funding will be replenished in the 2020-2024 capital plan, if needed.

**ALTERNATIVES:**

There are no viable alternatives. This Budget Modification is critical to completing the remaining work on Phase 1 of the Second Avenue Subway Project to support the Project's completion.

**IMPACT ON FUNDING:**

The work will be funded in MTACC's 2010-2014 and 2015-2019 Capital Plans.

The current budget is \$4.451 Billion. This transfer of savings to the SAS Project represents an increase of 3.37% to the budget.

**RECOMMENDATION:**

MTACC recommends that the Board authorize MTACC to transfer \$69 Million from Liability Reserve and \$52 Million from Miscellaneous/ Administration, for a total of \$121 Million, to expand the Contingency and Soft Cost Budgets within the SAS Phase 1 Project in the MTACC 2010-2014 Capital Plan. An additional reserve of \$29 Million will be set aside in the 2015-2019 Administrative funding. These funds would be utilized to support the Project's completion.

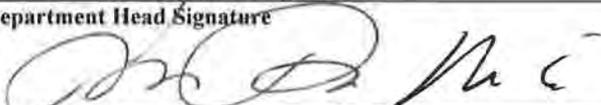
## PROCUREMENTS

The Procurement Agenda this month includes 9 actions for a proposed expenditure of \$398.4M.

**Subject** Request for Authorization to Award Various Procurements

**Department** Materiel – NYCT

**Department Head Name** Stephen M. Plochochi

**Department Head Signature**  


**Project Manager Name** Rose Davis

October 17, 2017

**Department** Law and Procurement – MTACC

**Department Head Name** Evan Eisland

**Department Head Signature**  
  
 Internal Approvals

Board Action					
Order	To	Date	Approval	Info	Other
1	Committee	10/23/17			
2	Board	10/25/17			

Approval		Approval	
	President NYCT		President MTACC 
	Executive VP	SUG DT	President MTA Bus
X	Capital Prog. Management	X	Subways
	Law	X	Diversity/Civil Rights

Internal Approvals (cont.)							
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: NONE**

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

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

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

<u>Procurements Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule C: Competitive Requests for Proposals (Award of Purchase and Public Work Contracts)	2	\$ 130.7 M
<u>Schedules Requiring Majority Vote:</u>		
Schedule G: Miscellaneous Service Contracts	1	\$ .4 M
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	1	\$ 50.5 M
Schedule I: Modifications to Purchase and Public Works Contracts	4	\$ 212.6 M
SUBTOTAL	8	\$ 394.2 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	1	\$ 4.2 M
SUBTOTAL	1	\$ 4.2 M
TOTAL	9	\$ 398.4 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.

**OCTOBER 2017**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two-Thirds Vote:**

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

- |    |   |                            |                               |
|----|---|----------------------------|-------------------------------|
| 1. | <b>Trillium CNG</b><br><b>Three Proposals – 87-month contract</b><br><b>RFP# 155145</b><br>Operation and maintenance of compressed natural gas (CNG) fueling facilities for NYC Transit’s Department of Buses and MTA Bus Company.  | <b>\$19,513,034 (Est.)</b> | <u>Staff Summary Attached</u> |
| 2. | <b>ECCO III Enterprises, Inc.</b><br><b>Four Proposals – 13.5-month contract</b><br><b>Contract# A-36622C</b><br>Enhanced Station Initiative–Package 3, Improvements at 72nd Street, 86th Street, Cathedral Parkway (110th Street) and 163rd Street – Amsterdam Avenue Stations, 8th Avenue Line. | <b>\$111,190,000</b>       | <u>Staff Summary Attached</u> |

**Procurements Requiring Majority Vote:**

**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.)

- |    |  |                         |                               |
|----|--|-------------------------|-------------------------------|
| 3. | <b>Bureau Veritas North America, Inc.</b><br><b>72-month contract</b><br><b>SSE# 173147</b><br>Provide garment and footwear testing, consulting, and social compliance services. | <b>\$409,025 (Est.)</b> | <u>Staff Summary Attached</u> |
|----|--|-------------------------|-------------------------------|

**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.)

- |    |   |                            |                               |
|----|---|----------------------------|-------------------------------|
| 4. | <b>Global Contact Services</b><br><b>RFQ# 6994.2</b><br>Modification to the contract for the operation of the Paratransit Call Center; in order to exercise the option to extend the contract term. | <b>\$50,524,940 (Est.)</b> | <u>Staff Summary Attached</u> |
|----|---|----------------------------|-------------------------------|

**OCTOBER 2017**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote cont.:**

**I. Modifications to Purchase and Public Work Contracts**

(Staff Summaries required for individual change orders greater than \$250K. Approval without Staff Summary required for change orders greater than 15% of the adjusted contract amount which are also at least \$50K.)

<p><b>Nova Bus LFS, a Division of Prevost Car (US), Inc. New Flyer of America, Inc.</b></p>	<p><b>\$150,146,444 (Aggregate)</b></p>	<p><b><u>Staff Summary Attached</u></b></p>
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5. **Contract# B-40660-1.2 (Nova Bus)**      **\$60,028,995**

6. **Contract# B-40660-2.2 (New Flyer)**      **\$90,117,449**

Modification to the contracts for the purchase and delivery of 231 low-floor 60-foot articulated diesel buses with an option to purchase up to 300 additional buses; in order to exercise the competitive run-off option for the purchase of 180 low-floor 60-foot articulated diesel buses and related items.

<p>7. <b>TC Electric, LLC Contract# P-36445.1</b></p>	<p><b>\$955,000</b></p>	<p><b><u>Staff Summary Attached</u></b></p>
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Modification to the contract for Clark Street Tube; in order to provide for spalled concrete repair on tracks between Hoyt and Nevins Street stations.

<p>8. <b>Vicom Computer Services Contract# 9347.9</b></p>	<p><b>\$61,500,000 (Est.)</b></p>	<p><b><u>Staff Summary Attached</u></b></p>
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Modification to the All-Agency contract to design, furnish, and install data communications hardware, software, and a comprehensive enterprise management system for NYC Transit Network Infrastructure Upgrade; in order to add funding for additional purchases of core network hardware with maintenance services and extend the period during which MTA purchases core network hardware by two years and the period during which maintenance services for purchased equipment are provided by two years.

# Staff Summary

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

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> Trillium CNG	<b>Contract No.</b> RFP 155145
<b>Description</b> Operations and Maintenance of CNG Fueling Facilities for NYC Transit DOB and MTABC	
<b>Total Amount</b> \$19,513,034 (Est.)	
<b>Contract Term (including Options, if any)</b> 87 months with a 36-month option	
<b>Option(s) included in Total Amt?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Renewal?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b>	
<input checked="" type="checkbox"/> Competitive	<input type="checkbox"/> Non-competitive
<b>Solicitation Type</b>	
<input checked="" type="checkbox"/> RFP	<input type="checkbox"/> Bid <input type="checkbox"/> Other:
<b>Funding Source</b>	
<input checked="" type="checkbox"/> Operating	<input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:

**PURPOSE:**

To obtain approval of the Board to award a competitively negotiated contract in the estimated amount of \$19,513,034 to Trillium CNG (“Trillium”) for the operation and maintenance of compressed natural gas fueling facilities for NYC Transit Department of Buses (“DOB”) and MTA Bus Company (“MTABC”) for an 87-month period. This contract includes a 36-month option that, if determined to be in the Authority’s best interest, will be exercised through a future Board action.

**DISCUSSION:**

DOB and MTABC currently operate six compressed natural gas (“CNG”) fueling facilities: four fast-fill facilities exist at depots that operate CNG-fueled buses (Jackie Gleason and West Farms are operated by DOB, College Point and Spring Creek are operated by MTABC); and two slow-fill facilities exist at Zerega Avenue and Grand Avenue maintenance facilities (both operated by DOB) that are used primarily for defueling buses. Combined, these depots service a fleet of approximately 745 CNG-fueled buses daily. Prior to this procurement, each facility was operated and managed under various independent contracts and scopes of work. All of these contracts were held by Trillium Management LLC, now Trillium CNG. This procurement represents the first time all CNG fueling facilities will be managed under a single contract with a comprehensive scope of work.

Under this contract, the contractor is responsible for the entire maintenance and operation of each of the CNG facilities from the point where the natural gas enters the facility, through the compression stages, and up to the point where the compressed gas is dispensed at the fueling stations. DOB and MTABC employees’ role in the operation of the facilities is limited to supervisory oversight and fueling the buses. The supply of natural gas is outside the scope of this contract and is obtained from the utilities. The responsibilities of the Contractor include performing routine inspections and preventive maintenance in order for all equipment to work at peak performance and in compliance with performance specifications. The contractor is also responsible for providing remedial maintenance when any facility components are malfunctioning or inoperable including all electrical, electronic or mechanical adjustments, troubleshooting, alignment, and replacement parts and assemblies.

Due to the unique technical nature of the CNG facilities and the need to correctly manage the inherent high pressure of the fueling system, it was determined that using a competitive Request for Proposal (“RFP”) process would be best in considering factors beyond cost in awarding an appropriate contract. This RFP contained the following evaluation criteria, listed in order of relative importance in evaluating proposals: (1) overall technical qualification of the proposer, (2) quality and thoroughness of proposer’s plan, (3) overall project pricing, and (4) other relevant matters.

For fast-fill facilities, it was requested that price proposals include per-term charges for operation and maintenance services at various volume stratifications to include preventive maintenance and repair work on an as-needed basis, and pricing for both labor and materials for potential task orders to perform major upgrades. For slow-fill facilities, it was requested that price proposals include costs for both labor and materials to perform scheduled inspections and as-needed repairs, and both labor and materials for potential task orders to perform major upgrades. The price proposal portion of the RFP was composed of a uniform price schedule for each fast-fill facility, and a uniform price schedule for each slow-fill facility. Proposers were allowed to submit alternate proposals.

NYC Transit received proposals from Trillium, Clean Energy, and Preferred Services LLC. After an initial review of the proposals by the Selection Committee, Trillium and Clean Energy were invited for oral presentations, and then for negotiations. After reviewing Preferred Services' proposal, it was deemed lacking in technical expertise and experience to adequately meet the evaluation criteria.

Negotiations were held to clarify minor issues of contract interpretation, make minor alterations to the contract specifications, and to seek a reduction in pricing. Following negotiations, Trillium and Clean Energy submitted Best and Final Offers ("BAFO"). Trillium also submitted an alternate BAFO. The BAFO pricing for the 87-month period is as follows\*:

<u>Proposer</u>	<u>Total Price</u>
Trillium (Alternate)	\$19,487,600
Trillium (Compliant)	\$20,178,935
Clean Energy (Compliant)	\$20,413,294

\*The figures presented here are as-proposed and unescalated. In order to determine the award amount, the base proposal was evaluated using estimated escalation on the portion of the contract subject to escalation pricing, compounded over the contract term. The escalation is tied to the Consumer Price Index for All Urban Customers, Selected Areas – New York, Northern New Jersey, and Long Island, as published by the US Bureau of Labor Statistics.

In its deliberations, the Selection Committee initially focused on the technical merits of the two proposers. Each proposer was deemed to be technically qualified to perform the contract, and subsequently the Committee evaluated the two proposers as technically equivalent. As a result, as outlined in the evaluation criteria, price was used as a determining factor to select the winning proposer. Trillium offered the lowest compliant price proposal, but it also offered an alternate price proposal that offered even more advantageous pricing. Trillium's alternate proposal offered a single, all-inclusive monthly price for throughput at all six facilities, and that price would not be subject to escalation over the base contract term. In effect, that means that approximately 90% of the contract value would not be subject to escalation over its term. This offer allows DOB and MTABC to leverage its high volume of CNG throughput across all six facilities, eliminates much of the originally anticipated escalation over the contract term, and substantially simplifies and streamlines contract administration for both the contractor and DOB and MTABC.

A pricing analysis revealed Trillium's offer on this procurement is approximately 19.9% lower than the pricing on the current contract. Trillium's unescalated BAFO of \$19,487,600 is \$2,620,238 or 12.0% below Trillium's initial proposal of \$22,107,838 and is \$925,694 or 4.5% lower than Clean Energy's BAFO of \$20,413,294. The pricing offered by Trillium has been found fair and reasonable.

A background search and review of the documents submitted by Trillium has disclosed no "significant adverse information" within the meaning of the Responsibility Guidelines. A review of Trillium's financial statements has found that there is reasonable assurance that it is financially qualified to perform the work under this contract. Trillium has been found to be responsible.

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

Based on the scope of work and lack of subcontracting opportunities, no MBE/WBE goals were established for this contract.

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

Funds are available in DOB and MTABC's budget under Account No. 71135, Function No. 630.

#### **ALTERNATIVES:**

None. NYC Transit and MTABC do not possess the in-house expertise to operate and maintain their CNG fueling facilities, requiring a technically qualified and experienced contractor to operate the facilities safely and efficiently.

#### **RECOMMENDATION:**

It is recommended that the Board approve the award of this competitively negotiated contract in the estimated amount of \$19,513,034 to Trillium for the operation and maintenance of compressed natural gas fueling facilities for DOB and MTABC for an 87-month period. This contract includes a 36-month option that, if determined to be in the Authority's best interest, will be exercised through a future Board action.

# Staff Summary

<b>Item Number</b> 2			
<b>Division, 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 <i>WD</i>	Materiel	6 <i>X</i>	Subways
2 <i>X</i>	Law	7 <i>[Signature]</i>	Acting EVP
3 <i>X</i>	Budget	8 <i>[Signature]</i>	Acting President
4 <i>X</i>	DDCR		
5 <i>X</i>	CPM		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> ECCO III Enterprises, Inc.	<b>Contract No.</b> A-36622C
<b>Description</b> Enhanced Station Initiative—Package 3 Improvements at 72nd Street, 86th Street, Cathedral Parkway (110th Street) and 163rd Street – Amsterdam Avenue Stations, 8th Avenue Line Manhattan	
<b>Total Amount</b> \$111,190,000	
<b>Contract Term (including Options, if any)</b> 13.5 months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b>	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b>	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b>	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**PURPOSE:**

To obtain approval of the Board to award a contract for Package 3 of the Enhanced Station Initiative (“ESI”) for the design and construction of improvements at the 72nd Street, 86th Street, Cathedral Parkway (110th Street), and 163rd Street stations along the 8th Avenue Line in the borough of Manhattan to ECCO III Enterprises, Inc. (“ECCO III”) in the amount of \$111,190,000 and a duration of 13.5 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 \$100,000 to be paid to each unsuccessful proposer whose proposal met a defined standard. Accordingly, permission is also requested to pay a total stipend of \$300,000. This is the third of several construction contracts to be awarded under the ESI Program.

**DISCUSSION:**

The ESI Program’s focus is on improving the customer experience, the continued responsibility of providing a State of Good Repair (“SoGR”) in stations, and the development of underlying station aesthetics through design innovation. These enhancements will result in stations that are cleaner and brighter, and through the use of more intuitive way-finding and the inclusion of twenty-first century amenities such as Wi-Fi and cellular connectivity, will be easier to navigate. This program includes 31 preselected stations throughout all five boroughs. The work in Package 3 includes (1) design, (2) demolition/removals, (3) SoGR work including concrete and steel repairs, new platform edges, and waterproofing, (4) upgraded electrical and communication systems including new closed-circuit TV cameras in control areas, (5) glass barriers in the fare control areas, (6) new signage and navigation systems providing information at street level, fare control areas, and platforms (dashboards and totems), (7) enhanced street entrances, (8) new LED lighting and illuminated handrails, (9) charging stations, benches, and leaning bars, and (10) contemporary art. Additionally, in order to emphasize the schedule as a critical component of the ESI Program, Package 3 includes early completion incentives for reductions to station closure (bypasses) durations as well as liquidated damages for extended durations resulting from contractor delays.

An Authorizing Resolution requesting the use of a two-step competitive Request for Proposal (“RFP”) procurement process was approved by the Board in April 2016. A request for letters of interest and qualification packages was advertised in May 2016, resulting in the submission of seven responses on June 21, 2016. The Step-1 qualification packages were evaluated against preestablished selection criteria addressing relevant experience, general responsibility, financial resources, and safety record.

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

The Package 3 RFP was issued on May 24, 2017. Proposals were received on August 15, 2017 from CFJV – \$121,601,489; ECCO III – \$105,884,992; Judlau – \$103,970,233; and Picone-Schiavone – \$156,897,000. The internal estimate is \$91,597,634. Skanska chose not to propose on Package 3 as the firm decided to focus its full attention on Package 2 which was awarded to them on April 14, 2017.

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

The SC reviewed the technical proposals and subsequently reviewed the price proposals submitted by each proposer. After review and consideration of all proposals, the SC recommended that ECCO III and Judlau be invited for negotiations. Both were unanimous selections as each submitted strong technical proposals including the most competitive schedule improvements.

ECCO III’s proposal was considered the most complete and comprehensive of all four teams considering a five-month design period before the start of the first station bypass. ECCO III proposed a staggered approach with the first station bypass starting approximately five months after award and each subsequent station closing at one-month intervals. ECCO III proposed a combined reduction of 153 days for the four station bypasses. Their Cost Proposal was within 16% of the internal estimate. The SC determined that none of the alternates proposed by ECCO III merited further consideration.

Judlau submitted a very strong technical proposal which also considered a five-month design period with its first station bypass also starting approximately five months after award. However, Judlau proposed to close the three remaining stations simultaneously, approximately 1½ months after the start of the first station bypass and reopen all four stations on the same day. Judlau proposed a combined reduction of 173 days for the four station bypasses as well as a reduction to the maximum contract duration from 14 months to 12 months. Judlau's Cost Proposal was within 14% of the internal estimate. Judlau proposed no alternates.

CFJV and Picone-Schiavone were not selected for negotiations. CFJV’s technical proposal was determined to be the least preferred of the four proposals and its Cost Proposal was nearly 33% (or +\$30M) more than the internal estimate. Picone-Schiavone submitted a strong technical proposal but offered the least schedule improvements of the four proposals. Its Cost Proposal was more than 71% (or +\$65M) over the internal estimate.

Prior to negotiations and as a result of a recent field walk through of the Package 3 stations, it was determined that replacement of electrical equipment at the 72nd and 86th Street stations is necessary due to their existing condition. Considering the late addition of this work to the project scope, it was determined that an allowance of \$3 million would be included in the contract. Accordingly, the internal estimate was increased to \$94,597,634.

Negotiations were conducted with both firms and included discussions of schedule and overall cost including pricing assumptions. At the conclusion of negotiations, both teams were requested to submit their Best and Final Offer (“BAFO”). BAFOs were received on August 29, 2017. Judlau’s BAFO was \$105,770,233, which represents a reduction of \$1,200,000 (1.1%) from its initial proposal after adjusting for the new allowance item. Judlau also proposed additional improvements to its schedule, including reducing its combined bypass durations by an additional 17 days to 190 days. ECCO III’s BAFO was \$113,190,000, which represents an increase of \$4,305,008 (4%) from its initial proposal after adjusting for the new allowance item. ECCO III offered no additional improvements to its proposed schedule.

The SC reviewed the BAFOs, discussed the schedule improvements proposed by Judlau as well as the increase to ECCO III’s proposal, and revisited the technical evaluations. The SC unanimously recommended Judlau for award, determining that its proposal offered the best overall value to NYC Transit based on the selection criteria. Judlau’s BAFO of \$105,770,233 was \$11,172,599 (11.8%) greater than the revised estimate and was considered fair and reasonable. This review also considered proposed savings in authority-provided services as well as avoidance of incentive payments associated with the reduced bypass durations proposed by both teams.

On September 25, 2017, the recommendation for award to Judlau was presented to the NYC Transit Committee. The NYC Transit Committee, citing ongoing performance issues on MTACC's project for the Reconstruction of the Cortlandt St #1 Line Station, rejected the recommendation and the NYC Transit Committee requested that NYC Transit consider an agreement with the next preferred proposer, ECCO III, and determine whether such recommendation could be brought to the September Board.

# Staff Summary

On September 25, 2017, ECCO III was contacted by Senior Procurement staff and requested to revisit its BAFO, and consider whether any additional schedule improvements could be made or price concession offered. On September 26, 2017, ECCO III responded submitting a revised BAFO reflecting a reduction of \$2 million along with schedule improvements including reducing the overall contract duration from 14 months to 13.5 months and further reducing their bypass durations by an additional 28 days. ECCO III's final proposal includes a cost of \$111,190,000, a total duration of 13.5 months, and a combined reduction of 181 days for the four station bypasses. This is comparable to Judlau's proposed total reduction. In fact, with the additional reductions proposed by ECCO III, two of the four stations have shorter durations than what was proposed by Judlau. The Selection Committee reconvened on the afternoon of September 26 and was notified of the NYC Transit Committee's decision as well as the improvements to ECCO III's BAFO. The Selection Committee unanimously recommended ECCO III for award, determining that its proposal offered the best overall value to NYC Transit based on the selection criteria relative to the proposals of CFJV and Picone-Schiavone. ECCO III has a significantly better bypass schedule and its final proposal of \$111,190,000 is \$10,411,489 (9.4%) below the initial proposal submitted by CFJV and \$45,707,000 (41.1%) below the initial proposal submitted by Picone-Schiavone. ECCO III's final proposal is considered fair and reasonable.

On September 27, 2017, this contract was presented for approval at the September Board meeting, at which time members of the Board requested more time to review and consider the recommended award. Procurement sought to obtain additional concessions beyond the prior cost and schedule reductions, but despite further efforts, they were not attainable. Nevertheless, the proposed \$111,190,000 award amount is still approximately \$10,000,000 lower than the next proposal received, and with a significantly better bypass schedule. The difference in pricing between Judlau and ECCO III can be largely attributed to the strength of ECCO III's design and construction approach, and project management plan. These are the elements that resulted in ECCO III being the most technically preferred proposer.

In addition, a question was raised at the September Board meeting as to why the ECCO III proposed award amount was approximately \$5.3 million more than its initial proposal. As indicated above, \$3 million of this increase is attributed to the added allowance for replacement of electrical equipment at the 72nd and 86th Street stations. The balance of the increase by ECCO III resulted from a final insurance premium quotation that was greater than they originally had projected.

ECCO III's prior relevant experience includes several design/build projects for Metro-North Railroad, including the contract for Rehabilitation of 9 Hudson Line Stations & the Yonkers Viaduct (\$62.1M), a contract for the Harmon Shop Replacement, Phase III (\$70.5M); and a contract for the Rehabilitation of 5 Mid-Harlem Stations (\$17M). As a result of the recent notice of ECCO III's selection, insurance approvals are pending. Financial approval of ECCO III has been received, as well as approval of its bonds. Additionally, ECCO III has certified that it is not on the list of firms debarred from obtaining an award under the Iran Energy Sector Divestment Law.

A background check performed by the Division of Materiel pursuant to the All-Agency Responsibility Guidelines, revealed no Significant Adverse Information within the meaning of the All-Agency Responsibility Guidelines related to ECCO III Enterprises, Inc.

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

The MTA Department of Diversity and Civil Rights ("DDCR") has established goals at 15% MBE and 15% WBE. DDCR is awaiting the submission of ECCO III's M/WBE Utilization Plan. ECCO III indicated in its original proposal that it intended to achieve overall 30% M/WBE participation. A revised plan will be submitted that reflects the final contract amount. An award will not be made until DDCR approval is obtained. ECCO III has achieved the M/W/DBE goals on previous MTA contracts.

## **CAPITAL PROGRAM REPORTING:**

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

## **IMPACT ON FUNDING:**

This project is funded by the MTA and will be managed by NYC Transit under the MTA Capital Program. Funding is available through the 2015–2019 ESI Program.

## **ALTERNATIVES:**

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

## **RECOMMENDATION:**

That the Board approve the award of a contract for Package 3 of the Enhanced Station Initiative for the Design and Construction of Improvements at the 72nd Street, 86th Street, Cathedral Parkway (110th Street), and 163rd Street stations along the 8th Avenue Line in the Borough of Manhattan to ECCO III Enterprises, Inc. in the amount of \$111,190,000 and a duration of 13.5 months.



**Item Number: 4**

<b>Vendor Name (Location)</b> Global Contact Services (Salisbury, North Carolina)	
<b>Description</b> Operation of the Paratransit Call Center	
<b>Contract Term (including Options, if any)</b> January 1, 2013–December 31, 2017	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input 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, Darryl C. Irick	

<b>Contract Number</b> RFQ 6994	<b>AWO/Mod. #</b> 2
<b>Original Amount:</b>	\$ 152,900,016
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 152,900,016
<b>This Request:</b>	\$ 50,524,940 (Est.)
<b>% of This Request to Current Amount:</b>	33%
<b>% of Modifications (including This Request) to Original Amount:</b>	33%

**Discussion:**

This modification will exercise the option to extend the term of Contract RFP6994 for up to two additional years with Global Contact Services (“GCS”) for the continued operation of the Paratransit Call Center which includes processing trip requests for customers of Access-A-Ride (“AAR”) through advance and same day reservations, addressing service delivery issues, and providing customer information on trip status to Paratransit registrants on a 24/7 basis in compliance with the Americans with Disabilities Act (“ADA”).

Following the competitive solicitation of Request for Proposal (“RFP”) 6994 for the operation of the Paratransit Call Center, the Board approved the award of this miscellaneous service, estimated quantity contract in November 2012 with a five-year base term and an option to extend the contract for up to two additional years. This contract was awarded to GCS for an estimated \$153 million, effective January 1, 2013. Pricing for the option period was negotiated at the time of award.

The costs paid under this contract include management salaries, hourly personnel wages, fringe benefits, overhead, and profit. Procurement conducted a market survey to determine if the negotiated rates for the option period were still advantageous to the Authority. The market survey revealed that GCS’s rates continue to be the most competitive. Of the responses received, the next lowest total cost to operate the AAR Call Center was 17.17% higher in year one and 5.61% higher in year two than the amount that is projected to be paid to GCS during the option period. GCS’s rates for the option period are deemed fair and reasonable.

GCS is a leader in call center operations and currently operates on- and off-site call centers for companies such as American Express, Wells Fargo, Lexis Nexis, City Colleges of Chicago, and the Massachusetts Bay Transportation Authority’s (“MBTA”) Paratransit Division to include the scheduling and dispatching of paratransit trips. Throughout the base term of this contract, GCS employed training and cross-training strategies, and developed efficiencies that yielded significant cost savings to the Authority. In exercising GCS’s option, it is anticipated that the Authority will realize an additional \$8.8 million in savings.

The estimated expenditure for exercising this option is \$75.9 million. Due to the efficiencies provided by GCS during the base years, approximately \$25.4 million will remain in the contract at the end of the base term. Therefore only \$50.5 million is required to cover costs for the option period.

Item Number: 5-6

<b>Vendor Name (Location)</b> Nova Bus, a Division on Prevost Car (US) Inc. (Plattsburgh, New York) New Flyer of America, Inc. (St Cloud, Minnesota)
<b>Description</b> Purchase of 231 low-floor 60-foot articulated diesel buses with an option to purchase up to 300 additional buses
<b>Contract Term (including Options, if any)</b> March 24, 2016–March 31, 2023
<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 type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Department of Buses, Darryl C. Irick

<b>Contract Number</b> B-40660-1 (Nova Bus) B-40660-2 (New Flyer)	<b>AWO/Mod. #</b> 2 2
<b>Original Amount:</b> \$74,986,729 (Nova Bus) \$109,937,596 (New Flyer)	\$ 184,924,325 (Est.)
<b>Prior Modifications:</b>	\$
<b>Prior Budgetary Increases:</b>	\$
<b>Current Amount:</b>	\$ 184,924,325
<b>This Request:</b> B-40660-1: \$60,028,995 (Est.) B-40660-2: \$90,117,449 (Est.)	\$ 150,146,444 (Est.)
<b>% of This Request to Current Amount:</b>	81.2%
<b>% of Modifications (including This Request) to Original Amount:</b>	81.2%

**Discussion:**

These modifications are for the purchase of 180 low-floor 60-foot articulated diesel buses and related items such as spare parts, special tools and equipment, diagnostic testing, technical documentation, and training for NYC Transit Department of Buses (“DOB”); 108 buses from New Flyer of America, Inc. (“New Flyer”), in the estimated amount of \$90,117,449; and 72 buses from Nova Bus, a Division on Prevost Car (US) Inc. (“Nova Bus”), in the estimated amount of \$60,028,995, for a combined total estimated award amount of \$150,146,444.

These modifications will utilize the competitive run-off option procedure (through which both New Flyer and Nova Bus competed by submitting proposals for the option buses) as approved by the Board in November 2015. It should be noted that Procurement reached out to the marketplace and confirmed that no other bus manufacturers have an interest in qualifying a low-floor 60-foot articulated diesel bus at this time. Pursuant to the statutory framework, the selection criteria included: Overall Project Cost, New York State Content, Overall Quality of Proposer and Product including delivery, and Other Relevant Matters. Selection Committee members were drawn from NYC Transit - Department of Buses, Procurement, and Operations Planning.

The base contract (B-40660) was a competitively solicited and negotiated Request for Proposal (“RFP”) for the purchase of 231 low-floor 60-foot articulated diesel buses to replace buses that were beyond their 12-year service life. The solicitation included an option to purchase up to 300 additional buses, which could be ordered via a competitive run-off process if the base contract was split between the two competing bus manufacturers. The contractors who won the base award would then compete by submitting proposals for the option buses. The original RFP resulted in a split award approved by the November 2015 Board: (1) Contract B-40660-1 was awarded to Nova Bus for 92 low-floor 60-foot articulated diesel buses in the amount of \$74,986,729, and (2) Contract B-40660-2 was awarded to New Flyer for 139 low-floor 60-foot articulated diesel buses in the amount of \$109,937,596.

Delivery of the 231 buses began in January 2017 and is scheduled to be completed in March 2018.

The competitive run-off process for these 180 buses was initiated in June 2017, and proposals were received in July 2017. While the original option quantity was for 300 buses, the Capital Plan has been amended and the funding for the remaining 120 buses will be utilized for other bus requirements. These buses will be used to replace both 40- and 60-foot buses beyond their 12-year service life. Oral presentations and negotiations were conducted on a series of dates spanning from July 2017 through August 2017. Negotiations centered on (1) the current performance of each bus manufacturer’s low-floor 60-foot articulated diesel bus fleets currently operating in New York City, (2) pricing, delivery, and alternate proposals, and (3) exceptions/deviations/clarifications to the technical specifications, and the terms and conditions.

As part of the negotiation process, Procurement requested that both New Flyer and Nova Bus review their proposed delivery schedules to accommodate NYC Transit's need for delivery of buses to enhance service in connection with the Canarsie Tunnel "L-Train" shutdown. Subsequent to these negotiations, Best and Final Offers ("BAFOs") were requested.

The Selection Committee reviewed the two fully compliant BAFOs in accordance with the evaluation criteria and unanimously recommended a 60/40 split award with 108 buses to be awarded to New Flyer, and 72 buses to be awarded to Nova Bus. New Flyer's BAFO offered the best overall value with its lower price, higher technical evaluation, and significantly better delivery schedule, which outweighed Nova Bus's higher New York State Content.

In addition to its fully compliant BAFO, Nova Bus submitted an alternate BAFO that offered an accelerated delivery schedule (beginning 77 weeks earlier than its fully compliant BAFO; September 2018 instead of March 2020) and significantly lower price (approximately \$30,000 per bus). It should be noted that Nova Bus's alternate BAFO meets the technical specifications of the buses being delivered under the base contract and also includes the new branding as well as all of the safety (driver visibility improvements) and customer-facing technological (digital information screens, pedestrian turn warning, Wi-Fi, USB charging ports, automatic passenger counters, etc.) improvements found in the technical specifications for the fully compliant option buses. However, Nova Bus's alternate BAFO does not include mechanical/industrial improvements, which would have required significant engineering hours resulting in a delayed delivery schedule. After a thorough review of the BAFOs, DOB has decided to take advantage of the alternate BAFO offered by Nova Bus due to the urgent need for buses.

The award to New Flyer will consist of (1) \$88,556,976 (\$819,972 per bus) for the 108 buses, (2) \$505,644 for qualification testing, diagnostic tools, and manuals, (3) \$643,542 for an estimated quantity of training and an engine/transmission mock-up for training, and (4) \$411,287 for capital spares for a total estimated award amount of \$90,117,449, which is \$481,135, or 0.53% below New Flyer's initial proposal for 108 option buses of \$90,598,584.

The award to Nova Bus based on its alternate BAFO will consist of (1) \$58,774,680 (\$816,315 per bus) for the 72 diesel buses, (2) \$270,798 for qualification testing, diagnostic tools, and manuals, (3) \$574,175 for an estimated quantity of training, and (4) \$409,342 for capital spares for a total estimated award amount of \$60,028,995, which is \$3,951,810, or 6.18% below Nova Bus' initial fully compliant proposal for 72 option buses of \$63,980,805.

The combined total estimated award amount of \$150,146,444 results in a total savings of \$4,432,944, or 2.87% below the initial pricing received from both bus manufacturers. The final weighted average unit price per diesel bus of \$818,509 is \$59,589 or 6.79% below DOB's estimate of \$878,098. Procurement, DOB, and the Cost/Price Analysis Unit have determined the final prices to be fair and reasonable.

New Flyer will build four pilot buses in July 2018, to be used for configuration audit and qualification testing to expedite delivery of its production buses; Nova Bus will utilize production buses from the base order that will be delivered in 2018 to satisfy the pre-production requirements therefore no additional testing will be required for these buses. The combined delivery of the production buses is scheduled to begin in September 2018 and be completed in September 2019, for an overall delivery period of approximately 95 weeks from Notice of Award. New Flyer will deliver between December 2018 and September 2019, while Nova Bus will deliver between September 2018 and March 2019. The previously mentioned delivery schedules are based on the assumption that Notice of Award will be issued on or before December 1, 2017.

This split award is anticipated to result in the delivery and acceptance of buses in a more expeditious timeframe, which shortens the delivery schedule by up to 22 weeks versus an award to a single manufacturer. This expedited delivery schedule will enable NYC Transit to enhance the bus service provided in connection with the Canarsie Tunnel "L-Train" shutdown. Additionally, a split award will continue to foster price and technological competition, and allow DOB to mitigate potential performance and supply risks between two manufacturers instead of relying on only one bus manufacturer for an order of this size.

This modification will not be subject to prior approval by the OSC as Executive Order 168 has been invoked to expedite the award of these contracts to ensure that the previously mentioned delivery schedules are achieved.

Both New Flyer and Nova Bus have met the MWBE goals established in their base contracts and will continue to collaboratively work with NYC Transit in order to maximize the goals attained under this procurement and to establish an expanded MWBE supplier base for future procurements.

New Flyer has committed to meeting the New York State Content of 22.64%, and Nova Bus has committed to meeting the New York State Content of 29.76%. The total combined New York State Content for these modifications will be \$38,347,603, which represents 25.49% of the total award.

Item Number: 7

<b>Vendor Name (Location)</b> TC Electric, LLC (College Point, New York)	
<b>Description</b> Clark Street Tube Rehabilitation	
<b>Contract Term (including Options, if any)</b> September 22, 2016–January 22, 2019	
<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 type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Capital Program Management, John O’Grady	

<b>Contract Number</b> P-36445	<b>AWO/Mod. #</b> 1
<b>Original Amount:</b>	\$ 63,526,000
<b>Prior Modifications:</b>	\$ 0
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 63,526,000
<b>This Request:</b>	\$ 955,000
<b>% of This Request to Current Amount:</b>	1.6%
<b>% of Modifications (including This Request) to Original Amount:</b>	1.6%

**Discussion:**

This modification provides for the repair of spalled ceiling concrete from Hoyt to Nevins Street stations. The substantial completion date of January 22, 2019, remains unchanged.

The original contract, awarded to TC Electric, LLC (“TC”) and funded by a Federal Transit Administration Sandy Recovery grant, covers the replacement of equipment, systems, and structures in-kind. The scope of work in the tube between the Wall Street Station in Manhattan and the Clark Street Station in Brooklyn includes replacement of electrical cables, refurbishment of pump rooms, painting and testing of fire standpipe, coating of exposed cast-iron tube segments and the repair of concrete such as dry cracks, active leaks, delamination, and spalls. The scope of work in the tunnel from the Hoyt Street to Nevins Street stations in Brooklyn is the removal and replacement of vent plant control cable.

This modification provides for the repair of spalled concrete in the ceiling in the tunnel from the Hoyt Street to Nevins Street stations. Constructed approximately the year 1915, the ceiling has since deteriorated. This modification will provide for the replacement of approximately 5,000 square feet of unsound concrete and corroded rebar. The scope of work includes removal of loose, unsound concrete; splicing of new rebar (where existing rebar has lost more than 20% of its original section); coating of existing steel; and application of a bonding agent to existing sound concrete. In some locations the concrete must be placed by hand; in other locations it is placed using a concrete pump. This work was planned for inclusion in a future locally-funded contract for line structure component repairs on the Eastern Parkway Line in Brooklyn, which is in the design phase for award in 2018. However, the component repairs required from Hoyt to Nevins Street stations are limited to the concrete ceiling repair and can be performed during the diversions of service provided for the subject contract. Accordingly, NYC Transit decided to add this concrete repair to the contract with TC, in order to avoid service interruptions and customer inconvenience in 2018. The additional work will be performed by the DBE subcontractor.

TC submitted its proposal in the amount of \$1,344,980. The in-house estimate was \$1,070,000. Negotiations resulted in an agreed-upon lump-sum price of \$955,000. Savings of \$389,980 were achieved. The price has been found fair and reasonable.

In connection with a previous contract awarded to TC Electric, TC Electric 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 Interim Executive Director in consultation with the MTA Acting General Counsel in April 2017. No new SAI has been found relating to TC Electric and TC Electric has been found to be responsible.

Separate local funding will be provided.

Item Number: 8

<b>Vendor Name (Location)</b> Vicom Computer Services (Farmingdale, New York)	
<b>Description</b> Network Infrastructure Upgrade	
<b>Contract Term (including Options, if any)</b> November 3, 2014–November 2, 2025	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> MTA-BSC, Wael Hibri	

<b>Contract Number</b> 9347	<b>AWO/Mod. #</b> 9
<b>Original Amount:</b>	\$ 30,640,539
<b>Prior Modifications:</b>	\$ 2,984,590
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 33,625,129
<b>This Request:</b>	\$ \$61,500,000 (Est.)
<b>% of This Request to Current Amount:</b>	182.9%
<b>% of Modifications (including This Request) to Original Amount:</b>	210.5%

**Discussion:**

This modification will add funding for additional purchases of core network hardware with maintenance services to the Network Infrastructure Upgrade contract with Vicom Computer Services, Inc. (“Vicom”), and extend the period during which MTA purchases core network hardware by two years (November 3, 2017–November 2, 2019), and the period during which maintenance services for purchased equipment are provided by two years (November 3, 2025–November 2, 2027).

This competitively negotiated contract was approved by the Board in October 2014. The contract work is to design, furnish, install and maintain core network hardware (including routers, switches, and wireless LANs), software, and a comprehensive enterprise management system for a network infrastructure upgrade at three NYC Transit core data center locations, six concentrator locations, 58 major facilities, and approximately 250 smaller remote network locations throughout NYC Transit. The base contract also includes estimated purchases of core network hardware, maintenance, and professional services for all MTA Agencies. The contract provides one year of enhanced warranty and a seven-year maintenance agreement for hardware and software support for each piece of hardware purchased. By combining the maintenance with the initial purchase decision, NYC Transit sought to leverage its purchasing power and avoid future noncompetitive maintenance contracts by employing life cycle costing analysis with the initial acquisition.

While the original Request for Proposal (“RFP”) was in progress, the process of consolidating the IT departments of the various MTA agencies into MTA-IT had begun. During the consolidation, Procurement proposed a strategy whereby all MTA agencies would utilize this contract to satisfy upcoming demands for core network devices. Therefore, the contract was structured to include an estimated quantity portion to reflect the requirements for all MTA agencies over a three-year period to provide MTA with future access to very competitive volume discount pricing based on the future needs of all MTA agencies.

Since an MTA-wide IT data communication strategy that fully described the direction for the data networks had not been completed, and additional time would be required to assess the condition of the networks across all MTA agencies and the need for upgrades to those networks, the estimated quantity portion of the contract was provisionally budgeted at a conservative \$10.5 million. The successful proposer, Vicom, offered core network hardware manufactured by Cisco Systems, Inc. (“Cisco”), which was competitively selected for the NYC Transit network infrastructure upgrade and for the MTA-wide estimated quantity portion.

(Continued)

It is now estimated that an additional \$61.5 million of core network equipment and maintenance on that equipment is needed, due in part to the need to replace the core network environments for Bridges & Tunnels (“B&T”), Long Island Rail Road (“LIRR”), and Metro-North Railroad (“MNR”), and to support new mission critical initiatives such as: Open Road Tolling; the Beacon and iTrac projects, which will provide real-time train arrival information for NYC Transit’s B-division lines; the New Fare Payment System; On-Board Security Video for certain LIRR and MNR railcars; the B&T Security Camera project; the Bus Camera Security System project; and the extension of MTA-IT’s data network to hundreds of new locations to support Enterprise Asset Management. MTA is now part of the digital world which has increased its reliance on data communications and dramatically expanded its network bandwidth needs. A high quality, flexible and technically advanced network must be put in place now to allow MTA to roll out future mission critical projects of the sort cited above under extremely tight time frames in order to address the needs of our customers.

MTA-IT has determined that in order to modernize its network to support the mission critical initiatives listed above, it is optimal to standardize the core network hardware using one manufacturer’s equipment. This standardization eliminates interoperability issues between equipment from different manufacturers, decreases the amount of troubleshooting required to resolve issues, and reduces the mean time to repair problems. Standardizing the core network components increases network security, simplifies network management, and reduces network support costs by an amount estimated to exceed \$4 million per year. In addition to the new initiatives listed above, the MTA-IT network supports existing mission critical applications, which include the MetroCard system, HASTUS software (used for planning bus and subway schedules), RSMIS (subway maintenance management system), SPEAR (bus maintenance management system), Maximo (asset management for LIRR), payroll and timekeeping systems, and enterprise e-mail.

Approximately \$35.5 million (58%) of the \$61.5 million price for this modification is for core network hardware with maintenance to complete the upgrade and standardization of the MTA-IT network that was begun under the base contract. Approximately \$26 million (42%) is for the same type of hardware with maintenance for separate, operational networks at NYC Transit and Metro-North Railroad (“MNR”). NYC Transit’s operational network supports such mission critical applications as Automated Train Supervision, Communications-Based Train Control, the Police Radio system, and the Emergency Booth Communication system. MNR’s operational network supports mission critical applications including the signal system, the Supervisory Control and Data Acquisition system that controls the traction power system, radios used by train personnel and roadway workers, the Police Radio system, security cameras, the ticket vending machines, and the future Positive Train Control system.

Cisco is the only leading manufacturer of core network hardware that markets the full range of core network hardware, i.e., both data center networking hardware and wired and wireless LAN access hardware. Cisco has by far the highest market share for core network hardware with revenue more than five times that of its nearest competitor and is the market leader for core network hardware. The other manufacturers whose core network hardware was considered in the original RFP have entered bankruptcy or are selling off large portions of their core network hardware business.

Under this modification, MTA will continue to receive the same extremely favorable discounts on purchases of Cisco core network hardware and maintenance for the purchased hardware that were established competitively in the original RFP. Gartner Inc., a leading information technology consultant, has advised NYC Transit that these discounts remain extremely competitive in today’s market. Further, Cisco has provided a written statement that no other US customer receives higher discounts on equipment purchases and maintenance. Nevertheless, NYC Transit negotiated an additional 15% discount for the professional services to be provided under this contract, which represents a savings of approximately \$450,000. Based on the forgoing, the price has been found to be fair and reasonable. This modification will add \$61,500,000 in funding to this contract in order to continue to leverage the very attractive competitive pricing established under this contract for an additional two years through November 30, 2019. This includes approximately \$31 million in purchases of core network hardware, approximately \$28 million in maintenance services, and approximately \$2.5 million in professional services.

A purchase of data communication hardware in the amount of \$825,000 for Wi-Fi equipment to avoid delays to MNR’s Harmon Shop Rehabilitation project was made prior to approval of this modification. It is requested that the Board ratify this purchase.

In connection with a previous contract, Cisco, a significant subcontractor, was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such finding was approved by the NYC Transit President in September 2014. No new SAI has been found relating to Cisco and Cisco has been found to be responsible.

OCTOBER 2017

LIST OF RATIFICATIONS FOR BOARD APPROVAL

*Procurements Requiring Majority Vote:*

**K. Ratification of Completed Procurement Actions (Involving Schedule E-J)**

(Staff Summaries required for items requiring Board approval.)

- |  |                   |                                      |
|--|-------------------|--------------------------------------|
| 1. AECOM*Arup, JV  | \$4,156,506 (NTE) | <u><i>Staff Summary Attached</i></u> |
| Contract# CM-1188.122  |                   |                                      |
| Modification to the contract for Preliminary and Final Engineering Services for the Second Avenue Subway Phase I, in order to provide additional consultant support and to extend the contract term. |                   |                                      |

**Schedule K: Ratification of Completed Procurement Actions**



**Item Number: 1**

<b>Vendor Name, Location</b> AECOM*Arup, Joint Venture (New York, New York)
<b>Description</b> Preliminary and Final Engineering Services for the Second Avenue Subway Project, Phase 1
<b>Contract Term (including Options, if any)</b> December 20, 2001–March 31, 2017
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source(s)</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> MTA Capital Construction, John N. Lieber

<b>Contract Number</b> CM-1188	<b>AWO/Mod. #:</b> 122
<b>Original Amount:</b>	\$ 200,478,227
<b>Option Amount:</b>	\$ 137,061,887
<b>Total Amount:</b>	\$ 337,540,114
<b>Prior Modifications:</b>	\$ 111,028,175
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 448,568,289
<b>This Request:</b>	\$ 4,156,506 (NTE)
<b>% of This Request to Current Amount:</b>	0.9%
<b>% of Modifications (including This Request) to Total Amount:</b>	34.1%

**Discussion:**

This retroactive modification is for additional Consultant Support During Construction (“CSDC”) for Phase 1 of the Second Avenue Subway (“SAS”) Project, and to extend the contract duration for an additional nine months (April 1, 2017–December 31, 2017).

In November 2001, the MTA Board approved the competitive award of Contract CM-1188 to AECOM\*Arup, Joint Venture (“AAJV”) to provide Preliminary Engineering for the entire SAS corridor for a duration of 72 months with an option for the completion of Final Design and CSDC on the Phase 1 segment. Modification No. 19 exercised the option and increased the contract term by 72 months. Subsequent modifications added a total of 39 months to the contract term.

CSDC services under the original contract include (1) review of submittals, requests for information, waiver requests, nonconformance reports, (2) information technology services to support the Construction Management System (“CMS”), (3) specialty technical services to support the SAS MTA Capital Construction (“MTACC”) Program Office in managing communication and system integration issues, (4) the preparation and submittal of various reports to federal and state agencies, and (5) closeout services, which include assisting the Consultant Construction Management (“CCM”) team in reviewing as-built systems, commenting on the contractor’s potential claims and disputes, reviewing outstanding revised and resubmitted submittals, and maintaining the Electronic Data Management System and CMS.

Under this modification, AAJV will provide post-revenue CSDC services and subsequent closeout activities through December 31, 2017. Although revenue service commenced on December 31, 2016, numerous design tasks that require AAJV support remain, including (1) design drawings for remaining utility and street restoration work, (2) design drawings necessary for the integration of electrical and mechanical systems in the stations with the fire alarm system as well as remote centers via the Supervisory Control and Data Acquisition system, including follow-on technical support, (3) design drawings necessary to capture punch list items, (4) additional design tasks resulting from various changes requested during construction, (5) technical support for submittal reviews, requests for information from contractors, nonconformance reports from field inspectors, and (6) assistance in the resolution of claims and disputes.

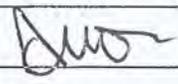
In order to continue services, retroactive approval was received from the MTACC President to continue work pending negotiations and award of this modification. AAJV’s initial proposal was in the amount of \$4,379,335. MTACC’s revised estimate was \$4,200,152. Negotiations with AAJV resulted in a Best and Final Offer (“BAFO”) of \$4,156,506 or 5.1% lower than its initial proposal. The BAFO reflects \$1.6 million for retro work from April through July 2017 and approximately \$2.6 million for the remaining work performed through the end of 2017. AAJV’s BAFO of \$4,156,506 was deemed fair and reasonable, and reflects \$222,829 in negotiated savings.

In connection with a previous contract awarded to AECOM, AECOM 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 Acting NYC Transit President in consultation with the MTA General Counsel in May 2017. No new SAI has been found relating to AECOM and AECOM has been found to be responsible.



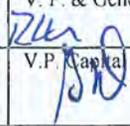
**Metro-North Railroad**

# **Procurements**

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

<b>Date</b>	October 12, 2017
<b>Vendor Name</b>	Various
<b>Contract Number</b>	Various
<b>Contract Manager Name</b>	Various
<b>Table of Contents Ref #</b>	

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	10-23-17	X		
2	MTA Board Mtg.	10-25-17	X		

Internal Approvals			
	Approval		Approval
X	Acting President 	X	V. P. & General Counsel 
X	Executive V.P.	X	V.P. Capital Programs 
X	Sr. V.P. Operations 		
X	VP Finance & IT 		

Internal Approvals (cont.)							
Order	Approval	Order	Approval	Order	Approval	Order	Approval

**PURPOSE:**

To obtain approval of the Board to award various contracts/contract modifications and purchase orders, and to inform the MTA Metro-North Railroad Committee of these procurement actions.

**DISCUSSION:**

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

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

**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)	4	\$123,965,075
• Halmar Transportation Systems, LLC		\$30,800,000
• Ford Audio-Video Systems, LLC		\$8,389,829
• Mass. Electric Construction Company, LLC		\$68,882,100
• Signet Electronic Systems, Inc.		\$15,893,146
 <u>Schedules Requiring Majority Vote</u>	 <u>NONE</u>	
SUB TOTAL:	4	\$123,965,075

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

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>		
Schedule K: Ratification of Completed Procurement Actions	2	\$185,591
• Circuit Breaker Sales NE, Inc.		\$89,741
• Robert L. Gerosa, Inc.		\$95,850
SUB TOTAL:	2	\$185,591
TOTAL:	6	\$124,150,666

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.

OCTOBER 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. Halmar Transportation Systems, LLC \$30,800,000 (not-to-exceed) Staff Summary Attached  
Design & Construction Services for New Cable Plant to Support Audio-Visual & Facility  
Enhancements in GCT**

Approval is requested to award a 24-month competitively solicited and negotiated design-build contract (RFP process; 2 proposals received; 2 short-listed) to Halmar Transportation Systems, LLC (Halmar) to complete the design and construction of a new cable plant to support audio-visual systems and infrastructure in Grand Central Terminal (GCT). This contract is an integral part of the multi-part, multi-phase Customer Service Initiative (CSI) in Grand Central Terminal (GCT), at outlying passenger stations, and at other MNR facilities, which is being implemented in a coordinated manner to improve and upgrade the level of information being provided to MNR customers.

The "Cable Plant" refers to the conduit and cable infrastructure that the Design-Builder will install throughout Grand Central Terminal to support the various systems and devices to be installed as a part of the Customer Service Initiative (e.g. – GCT Big Boards, Gate Boards, etc.)

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

The Selection Committee evaluated two proposals and short-listed both design-build teams. Halmar's proposal was technically superior and was also the lowest cost of the two firms. The other proposer, Mass Electric was 10% higher than Halmar's proposed pricing. Through negotiation, Halmar subsequently agreed to a reduced not-to-exceed contract value of \$30,800,000, which is considered fair and reasonable. The Committee unanimously determined that Halmar was the best qualified and provided the best value to perform these design and construction services.

MNR completed a responsibility review of Halmar as defined in the All Agency Responsibility Guidelines in connection with this award recommendation, which yielded no significant adverse information (SAI). A responsibility review was completed on all subcontractors whose scope of work was proposed to be in excess of \$1,000,000. No significant adverse information was found during those reviews.

The MTA Department of Diversity and Civil Rights (DDCR) established a 10% M/WBE goal for this project. Halmar's pre-award M/WBE submittal package is currently under review by DDCR. The contract will not be awarded until DDCR requirements have been satisfied.

Accordingly, it is recommended that the Board approve the selection of Halmar Transportation Systems, LLC for the design and construction for a new cable plant to support audio-visual systems and infrastructure in Grand Central Terminal (GCT) in the not to exceed amount of \$30,800,000 for a period of performance of 24 months. This procurement is to be funded by the MNR 2015- 2019 Capital Program.

**2. Ford Audio-Video Systems, LLC      \$8,389,829 (not-to-exceed)      Staff Summary Attached**  
**Design and Construction Services for the Visual Display System in Grand Central Terminal**

Approval is requested to award a competitively solicited and negotiated 32-month contract (RFP process, 5 proposals received; 2 short-listed) to Ford Audio-Video Systems, LLC (Ford AV) to design and construct the Visual Display System in Grand Central Terminal. This contract is an integral part of the multi-part, multi-phase Customer Service Initiative (CSI) in Grand Central Terminal (GCT), at outlying passenger stations, and at other MNR facilities, which is being implemented in a coordinated manner to improve and upgrade the level of information being provided to MNR customers.

The scope of this work includes the removal of the existing Grand Central Terminal Big Board and Gate Boards, and designing, furnishing and installing a new Big Board and Gate Boards at GCT. The historic frames housing the Big Board and Gate Boards will remain as is and will not be replaced, in order to maintain the historical appearance.

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

The Selection Committee evaluated five proposals and short-listed two qualified design-build teams, Ford Audio-Video Systems, LLC and VCA Global. The Committee unanimously determined that Ford AV's as the best qualified to perform these services. Ford AV's cost proposal was the lowest of the shortlisted firms and the firm submitted a detailed and compliant proposal which demonstrated that they had the required technical ability and experience to perform this type of work. The final negotiated cost is deemed to be fair and reasonable.

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

DDCR minority participation goals of 15% MBE and 15% WBE submitted by Ford AV is currently under review and the contract will not be awarded until this requirement is satisfied.

Accordingly, it is recommended that the Board approve the selection of Ford AV for the design and construction of the Visual Display System in Grand Central Terminal in the not to exceed amount of \$8,389,829 for a period of performance of 32 months. This procurement is to be funded by the MNR 2015-2019 Capital Program.

**3. Mass. Electric Construction Company, LLC \$68,882,100 (not-to-exceed) Staff Summary Attached  
Design & Construction Services for the Security, Audio-Visual, and Facility Enhancements at  
Various Metro-North Stations**

Approval is requested to award a 37-month competitively solicited and negotiated design-build contract (RFP process; 1 proposal received) to Mass Electric Construction LLC (MEC) to perform the design and construction services for security, audio-visual and facility enhancements at various Metro-North stations. This contract is an integral part of the multi-part, multi-phase Customer Service Initiative (CSI) Projects in Grand Central Terminal (GCT) and outlying passenger stations and at other MNR facilities. These enhancements are being implemented to improve and upgrade the level and quality of information being provided to MNR customers.

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

The Selection Committee evaluated the single proposal received from MEC and determined that the proposed design-build team was highly qualified to perform the subject design and construction services. In an effort to ensure MNR was receiving fair and reasonable pricing for this project, MNR and MEC collaboratively worked to determine where cost saving and efficiencies could be achieved. After completing this review process, MEC agreed to a contract value of \$68,882,100, which is considered fair and reasonable due to the extensive review of cost saving alternatives and negotiations that were conducted.

In connection with previous contracts awarded to the Contractor, the Contractor 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. No new SAI has been found relating to the Contractor and the Contractor has been found to be responsible. A responsibility review was completed on all subcontractors whose scope of work was proposed to be in excess of \$1,000,000. No significant adverse information was found as a result of those reviews.

The MTA Department of Diversity and Civil Rights (DDCR) established a 15%MBE and 15% WBE goal for this project. MEC's pre award M/WBE submittal package is currently under review by DDCR. The contract will not be awarded until DDCR requirements have been satisfied.

Accordingly, it is recommended that the Board approve the selection of MEC for the design and construction services for security, audio-visual and facility enhancements at various Metro-North stations in the not to exceed amount of \$68,882,100 for a period of performance of 37 months. This procurement is to be funded by the MNR 2015- 2019 Capital Program.

**4. Signet Electronic Systems, Inc. \$15,893,146 (not-to-exceed) Staff Summary Attached  
Public Address and Visual Information System /Head End & Real-Time Data**

Approval is requested to award a 33-month competitively solicited and negotiated apparatus contract (RFP process; two proposals received; two short-listed) to Signet Electronic Systems, Inc. (Signet) to design, furnish, install, test and integrate a new Public Address and Visual Information System (PA/VIS) central control which will replace the current PA/VIS, as well as develop a new Real Time Train Database System (RTTDS). This contract is an integral part of the multi-part, multi-phase Customer

Service Initiative (CSI) in Grand Central Terminal (GCT), and other outlying passenger stations and facilities. The various CSI projects are being implemented in a coordinated manner to improve and upgrade the level and quality of information being provided to MNR customers.

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

The Selection Committee evaluated two proposals (Signet and B&C Transit, Inc. (B&C)) and short-listed both design-build teams. Signet's proposal was technically superior and was also the lowest cost of the two firms. Through negotiation, Signet agreed to a contract value of \$15,893,146 which is considered fair and reasonable. The Committee unanimously determined that Signet was the best qualified and provided the best value to perform these design and construction services.

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

The MTA Department of Diversity and Civil Rights (DDCR) established a 15% MBE and 15%WBE goal for this project. Signet's pre award M/WBE submittal package is currently under review by DDCR. The contract will not be awarded until DDCR requirements have been satisfied.

Accordingly, it is recommended that the Board approve the selection of Signet Electronic Inc., to design, furnish, install, test and integrate a new Public Address, Visual Information System (PA/VIS) and Real Time Train Database System (RTTDS) in the amount of \$15,893,146 (\$14,845,675 not-to-exceed – (Capital) \$1, 1047,471 five year maintenance – (Operating)) for a period of performance of 33 months (excluding maintenance term). This procurement is to be funded by the 2015-2019 Capital Program and MNR's Operating Budget.

# Staff Summary

<b>Item Number</b> C					
<b>Dept &amp; Dept Head Name:</b> Procurement and Material Management, Al Muir-Sr. Director					
<b>Division &amp; Division Head Name:</b> Executive Vice President, Catherine Rinaldi					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	10-23-17	x		
2	MTA Board Mtg.	10-25-17	x		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
x	Acting President <i>CAS</i>				
x	Sr. V.P. Operations <i>ML</i>	x	V.P. Finance & IT		
x	V.P & General Counsel <i>RLG</i>	x	V. P. Capital Programs <i>JSD</i>		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> Halmar Transportation Systems, LLC	<b>Contract Number</b> 1000058016
<b>Description</b> Design & Construction Services for New Cable Plant to Support Audio-Visual & Facility Enhancements in GCT	
<b>Total Amount</b> \$30,800,000 (not-to-exceed)	
<b>Contract Term (including Options, if any)</b> 24 months	
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive      Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP      Bid      Other:	
<b>Funding Source</b> Operating <input checked="" type="checkbox"/> Capital      Federal      Other:	

**Narrative**

**I. PURPOSE/RECOMMENDATION:**

Approval is requested to award a 24-month competitively solicited and negotiated design-build contract (RFP process; 2 proposals received; 2 short-listed) to Halmar Transportation Systems, LLC (Halmar) to complete the design and construction of a new cable plant to support audio-visual systems and infrastructure in Grand Central Terminal (GCT). This contract is an integral part of the multi-part, multi-phase Customer Service Initiative (CSI) in Grand Central Terminal (GCT), at outlying passenger stations, and at other MNR facilities, which is being implemented in a coordinated manner to improve and upgrade the level of information being provided to MNR customers.

**II. DISCUSSION:**

MNR currently utilizes several systems to provide audio and visual information for its customers within GCT and at the outlying passenger stations. The current systems are at the end of their useful life and, in some cases, no longer provide a sufficient level of customer information. The CSI projects will enhance customer experience and improve operations with a system-wide upgrade of the public address, visual information and video surveillance/access control systems at MNR stations and facilities throughout New York and Connecticut. A new Public Address (PA) and Visual Information System (VIS) system will be deployed with redundant central control systems located in multiple facilities to ensure a high state of reliability.

The subject contract primarily addresses communications systems and infrastructure in GCT but is related to the other CSI projects. The "Cable Plant" refers to the conduit and cable infrastructure that the Design-Builder will install throughout Grand Central Terminal to support the various systems and devices to be installed as a part of the Customer Service Initiative (e.g. – GCT Big Boards, Gate Boards, etc.).

# Staff Summary

The major elements of the subject contract include:

- Renovating the Customer Service Equipment Room.
- Furnishing and installing conduits and cable infrastructure throughout GCT to support multiple systems and devices.
- Furnishing and installing new displays and monitors in GCT.
- Supplementing and replacing the existing GCT PA System in GCT.
- Upgrading and renovating the overall existing PA/VIS located within GCT.
- Coordinating with the proposed Design-BUILDER, Ford Audio-Video Systems, LLC, as to the location for each display's data and power circuit for the replacements of the "Big Boards" and Gate Boards and other monitors within Grand Central Terminal.

In April 2016, the Board approved use of the Request for Proposal (RFP) process. An RFP, dated November 23, 2016, 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 January 10, 2017, MNR received RFP Phase 1 proposals containing technical qualifications from two design-build teams led respectively by Halmar and Mass. Electric Construction Co. (MEC). The Phase 1 criteria for selection established in the RFP are as follows:

1. Past experience and performance on similar projects
  - a. Design-Build project, including experience of the proposers working together as a design-build team
  - b. Active passenger terminals, rail stations, electrical/communication installations
2. Qualifications and experience of the design-build team, including key personnel and subcontractor/subconsultant 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 projects

The Selection Committee was comprised of members representing MNR's Procurement and Material Management, Capital Engineering, M of W Communications and Signals, M of W Engineering, and Customer Service and Stations Departments. The Selection Committee met on January 24, 2017 to review the received proposals in accordance with the Phase 1 selection criteria of the RFP and MNR's procedures. The Selection Committee determined that both design-build teams were technically competent and, therefore, should be shortlisted to develop and submit Phase 2 proposals.

On April 18, 2017, MNR received from the two design-build teams Phase 2 proposals containing additional technical details and project costs. They were submitted as follows: Halmar at \$37,965,000; and MEC at \$42,366,000. Because the proposed project cost exceeded the project budget, the Selection Committee invited each design-build team to provide a presentation of their respective technical approaches and also clarify their cost proposals in an attempt to evaluate possible cost savings.

Subsequent to the design-build team's presentations, MNR issued a revised costing sheet to both teams that included both a reduction and revision of scope in order to optimize possible cost savings. On June 5, 2017, MNR received the revised costing sheets from both firms as follows: Halmar at \$29,205,457; and MEC at \$32,416,000.

The Selection Committee then met on June 7, 2017 to evaluate the design-build teams based on the Phase 2 selection criteria; which is as follows:

1. Cost
2. 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
3. Demonstrated understanding of the work scope requirements, including but not limited to the quality and

# Staff Summary

- completeness of the work plan and any required submissions
- 4. Quality and innovativeness of design
- 5. Proposed staging plan and schedule
- 6. Diversity practices – Evaluation of the diversity practices of the proposer

In accordance with the Phase 2 selection criteria, the Selection Committee unanimously recommended that the contract be awarded to Halmar. In addition to offering the lowest proposal price, Halmar provided 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. Halmar's design-build team, which includes ARINC, Systra, and Verde Electric, has a very strong history of executing systems integration solutions for complex communication projects similar to the scope of work under this contract. In addition to the more favorable pricing, the systems integration capabilities differentiated Halmar's proposal from the other design-build team's submission. Mass Electric did not provide a systems integrator.

MNR's project management team along with Halmar carefully reviewed Halmar's proposed values for each costed element of work and recommended that several scope items either be eliminated or included in the base scope. Halmar revised their final proposal to reflect these agreements at the not-to-exceed amount of \$30,800,000. The agreed upon not-to-exceed contract value is considered fair and reasonable.

MNR completed a responsibility review of Halmar as defined in the All Agency Responsibility Guidelines in connection with this award recommendation which yielded no significant adverse information (SAI). A responsibility review was completed on all subcontractors whose scope of work was proposed to be in excess of \$1,000,000. No significant adverse information was found during those reviews.

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

The MTA Department of Diversity and Civil Rights (DDCR) established a 10% M/WBE goal for this project. Halmar's pre-award M/WBE submittal package is currently under review by DDCR. 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 \$30,800,000. This procurement is to be funded by the MNR 2015-2019 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.

# Staff Summary

<b>Item Number</b> C					
<b>Dept &amp; Dept Head Name:</b> Procurement and Material Management, Al Muir-Sr. Director					
<b>Division &amp; Division Head Name:</b> Executive Vice President, Catherine Rinaldi					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	10-23-17	X		
2	MTA Board Mtg.	10-25-17	X		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
X	Acting President <i>AM</i>				
X	Sr. V.P. Operations <i>JK</i>	X	V.P. Finance & IT		<i>KP</i>
X	V.P & General Counsel <i>RL</i>	X	V. P. Capital Programs <i>BR</i>		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> Ford Audio-Video Systems, LLC	<b>Contract Number</b> 1000058028
<b>Description</b> Design and Construction Services for the Visual Display System in Grand Central Terminal	
<b>Total Amount</b> \$8,389,829 (not-to-exceed)	
<b>Contract Term (including Options, if any)</b> 32 months	
<b>Option(s) included in Total Amount?</b>	Yes    X    No
<b>Renewal?</b>	Yes    X    No
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP                      Bid                      Other:	
<b>Funding Source</b> Operating    X    Capital                      Federal                      Other:	

**Narrative**

**I. PURPOSE/RECOMMENDATION:**

Approval is requested to award a competitively solicited and negotiated 32-month contract (RFP process, five proposals received; two short-listed) to Ford Audio-Video Systems, LLC (“Ford AV”) to design and construct the Visual Display System in Grand Central Terminal. This contract is an integral part of the multi-part, multi-phase Customer Service Initiative (CSI) in Grand Central Terminal (GCT), at outlying passenger stations, and at other MNR facilities, which is being implemented in a coordinated manner to improve and upgrade the level of information being provided to MNR customers.

**II. DISCUSSION:**

The Grand Central Terminal ‘Big Board’, which serves as the primary departure information board in the Main Concourse, was installed in 1998 as part of the rehabilitation of Grand Central Terminal. The Big Board includes three displays for the New Haven Line, two for the Harlem Line, one for the Hudson Line for displaying train departure schedules, and two Information Boards which show additional notes on delayed trains and other service advisories. The existing 96 Gate Board enclosures are original and unique to Grand Central Terminal, installed when the building was completed in 1913. These historic cases were fully restored in the late 1990s and incorporated the use of LCD technology. This modular LCD technology used within the displays is inflexible and difficult to read from many angles and requires upgrade to more current LED technology to better serve our customers. The historic frames housing the Big Boards and Gate Boards will remain as is and will not be replaced.

The major elements of the scope of work include:

- Removing of existing hardware components of the Big Boards and Gate Boards.
- Designing, furnishing and installing complete and operational hardware for the Big Boards and Gate Boards
- Coordinating with the other CSI design build teams (i.e. Halmar International who is concurrently being proposed to provide the cable plant in Grand Central Terminal, which will provide power and data to the displays; Signet Electronic Systems Inc. who is concurrently being proposed to furnish and install a new Public Address and Visual Information System (PA/VIS) for MNR and will be providing equipment that is required for the new Big Boards and Gate Boards to work with the new PA/VIS system)
- Testing and commissioning of all infrastructure, cabling, display equipment and systems

# Staff Summary

In April 2016, the Board approved use of the RFP process. A Request for Proposal (RFP), dated January 19, 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 April 7, 2017, five technical proposals including costs were received from ANC, Ford Audio-Video Systems LLC., Panasonic Enterprise Solutions, SNA Displays, and VCA Global (VCA).

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

1. **Technical Capability:** Ability to provide technical services, equipment and systems as required in the RFP, including but not limited to quality and completeness of the required engineering, testing, training and documentation. Demonstrated capability to furnish and install LED video wall of comparable size project
2. **Cost:** Completeness and competitiveness of cost and price submittal
3. **Experience:** Identified previous work over the last ten years similar to the requirements of this RFP. Demonstrated qualifications and availability of key personnel, including a commitment that the key resources remain constant throughout the project, including subconsultant/subcontractor services. Demonstrated work experience with electrical subcontractors
4. **Project Plan:** Proposer's demonstrated ability to manage and coordinate the work in the RFP
5. **Diversity Practices –** Evaluation of the diversity practices of the Proposer. MTA Standard Diversity Practices Questionnaire

The Selection Committee was comprised of members representing MNR's Procurement and Material Management, Capital Engineering, GCT Maintenance of Way, Communications and Signal, and Customer Service Departments. The Committee evaluated all five proposals received in accordance with the selection criteria of the RFP. Two firms were shortlisted as a result of the Selection Committee meeting: Ford AV and VCA Global. The Committee invited the two design-build teams to prepare presentations to expand on their submitted technical proposals, answer questions and provide clarifications to their technical approach.

Cost proposals were received on April 7, 2017 from the two short-listed firms as follows: Ford AV at \$8,575,829 and VCA at \$10,360,522. After a complete review of the full proposals, MNR requested a Best and Final Offer price which was submitted on May 31, 2017: Ford AV, \$8,389,829 and VCA, \$9,350,522. Ford AV offered the lowest proposal price of the two shortlisted firms and the Committee found that the firm had submitted an excellent and compliant proposal which demonstrated the required technical ability and experience to perform this type of work. In accordance with the criteria for selection, the Selection Committee unanimously recommended contract award to Ford AV in the amount of \$8,389,829 which is deemed fair and reasonable. MNR did not pursue a long term maintenance agreement with Ford as it is believed that those services can be competitively solicited in the future.

MNR completed a responsibility review of Ford AV 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 15% MBE and 15% WBE goals for this project. Ford AV's pre award MWBE 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 \$8,389,829. This procurement is to be funded by the MNR 2015-2019 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.

# Staff Summary

<b>Item Number</b> C					
<b>Dept &amp; Dept Head Name:</b> Procurement and Material Management, Al Muir-Sr. Director					
<b>Division &amp; Division Head Name:</b> Executive Vice President, Catherine Rinaldi					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	10-23-17	x		
2	MTA Board Mtg.	10-25-17	x		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
x	Acting President <i>CR</i>				
x	Sr. V.P. Operations <i>RL</i>	x	V.P. Finance & IT <i>KP</i>		
x	V.P & General Counsel <i>RLC</i>	x	V. P. Capital Programs <i>AK</i>		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> Mass Electric Construction LLC	<b>Contract Number</b> 10000058050
<b>Description</b> Design and Construction Services for the Security, Audio-Visual and Facility Enhancements at Various Metro-North Stations	
<b>Total Amount</b> \$68,882,100 (not-to-exceed)	
<b>Contract Term (including Options, if any)</b> 37 months	
<b>Option(s) included in Total Amount?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Renewal?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<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> Operating <input type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other: <input type="checkbox"/>	

**Narrative**

**I. PURPOSE/RECOMMENDATION:**

Approval is requested to award a 37-month competitively solicited and negotiated design-build contract (RFP process; 1 proposal received) to Mass Electric Construction LLC (MEC) to complete the design and construction services for security, audio-visual and facility enhancements at various MNR stations. This contract is an integral part of the multi-part, multi-phase Customer Service Initiative (CSI) in Grand Central Terminal (GCT), at outlying passenger stations, and at other MNR facilities, which is being implemented to improve and upgrade the level of information being provided to MNR customers.

**II. DISCUSSION:**

MNR currently utilizes several systems to provide audio and visual information for its customers within GCT and at the outlying passenger stations. The current systems are at the end of their useful life, and in some cases, do not provide a sufficient level of service information for our customers. The CSI projects will enhance the customer experience and improve operations with a system-wide upgrade of the public address, visual information and video surveillance/access control systems at MNR stations and facilities throughout New York and Connecticut. A new Public Address (PA) and Visual Information System (VIS) system will be deployed with redundant central control systems located in multiple facilities to ensure a high state of reliability. The subject contract addresses communications systems and infrastructure in outlying stations but is inter-related to the other CSI projects. It achieves the goal to centralize video surveillance and storage of video, provides needed replacement of communication equipment for increased capacity, provides needed replacement of legacy public address equipment required to keep stations PA in a state of good repair and leverages existing infrastructure such as previously installed variable message signs. The original scope of work was developed to provide these upgrades at thirty five Metro-North stations over a period of five years with the expectation that these upgrades would be rolled out at other Metro-North stations in the future.

The major elements of the subject contract include:

- Design, furnish, install, construct, and test communication cabinets and associated equipment to establish a connection between MNR's Fiber Optic Network, PA/VIS Network and Security Network.
- Design, furnish and install equipment, conduits and cables to supplement and replace the existing or establish a new Fiber Optic, Public Address (PA) / Visual Information System (VIS) and Security network within a station.
- Design, furnish and install conduit, cable and equipment to supplement and modify the existing systems at a station, and, where applicable, the installation of a new system.
- Installation of MNR provided equipment including Cameras, Video Recording Systems, Platform Displays (PD), Station Control Units (SCU), Digital Signal Processors (DSP), Amplifiers and Ambient Microphones coordinated by the other design-build teams.
- Renovations to the NWP C&S – Security Head End Room.
- Testing of complete station operations with all devices installed.
- Design, furnish and install Wi-Fi

A Request for Proposals (RFP), dated January 19, 2017, was prepared and advertised in the New York State Contract Reporter, New York Post, El Diaro, Daily Challenge and posted on MNR's website.

On March 1, 2017, MNR received Phase 1 proposals containing technical qualifications from MEC. The Phase 1 criteria for selection established in the RFP are as follows:

1. Past experience and performance on similar projects
  - a. Design-Build project, including experience of the proposers working together as a design-build team
  - b. Active passenger terminals, rail stations, electrical/communication installations
2. Qualifications and experience of the design-build team, including key personnel and subcontractor/subconsultant 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 projects

The Selection Committee was comprised of members representing MNR's Capital Engineering, M of W Communications and Signals, Security, Customer Service and Stations Departments, and Procurement and Materials Management. The Selection Committee met on March 7, 2017 to review the received proposal in accordance with the Phase 1 selection criteria of the RFP and MNR's procedures. The Selection Committee determined that the sole design-build team was technically competent and, therefore, should develop and submit Phase 2 proposals.

On June 9, 2017, MNR received the Phase 2 proposal containing additional technical information and cost proposals in the form of proposal worksheet from MEC. The initial gross sum proposal price, inclusive of options, was \$159,000,000. The gross sum proposal amount from MEC exceeded the project budget.

Metro-North's internal review determined that the difference between the estimate and the actual bid was attributable to three main reasons: The nature of this work, which is electrical, is not typically in the area of expertise of contractors who would perform as a lead in a design-build project thus significantly reducing competition, the substantive risks associated with a design-build project, and the perceived risks of coordinating with several projects outside of the contractor's control. The Selection Committee in consultation with key MNR leadership recommended proceeding with significant scope-reduction measures because of the acceptable technical quality of the proposal, the need to replace the infrastructure to support coinciding projects, the need to validate the installation of equipment furnished under coinciding projects for future projects for the remaining stations, and the opportunity to improve customer satisfaction at select locations in the most expeditious manner. In an attempt to better understand the variances between MNR's estimate and MEC's proposed

# Staff Summary

pricing the Selection Committee invited MEC to a preliminary scope discussion meeting. Based upon the insights gained at that meeting the committee elected to revise the scope of the contract from thirty-five (35) station to sixteen (16) stations (Port Chester, Rye, Harrison, Mamaroneck, Larchmont, New Rochelle, Pelham, Mt. Vernon East, Tremont, Melrose, Harlem 125<sup>th</sup> St., Morris Heights, Spuyten Duyvil, Riverdale, Tarrytown, and Ossining). MNR also clarified means and method for installation that the contractor priced in for integration of existing platform signs. Track outage and site availability were also clarified to provide the contractor the maximum amount of time to complete the contract work in the most efficient manner.

In a revised cost proposal dated July 20, 2017, MEC revised their price to \$55,976,000 for the 16 station and certain option items.

Prior to the negotiation meeting with MEC, the selection committee evaluated the firm based on the Phase 2 selection criteria contained in the RFP, which is as follows:

1. Cost
2. 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
3. Demonstrated understanding of the work scope requirements, including but not limited to the quality and completeness of the work plan and any required submissions
4. Quality and innovativeness of design
5. Proposed staging plan and schedule
6. Diversity practices – Evaluation of the diversity practices of the proposer

A subsequent negotiation meeting was held on July 28, 2017 where additional concessions were requested from MEC. MEC made a final offer of \$54,200,000 which MNR deemed to be fair and reasonable for the reduced scope of work. This negotiated cost was in line with a similar, recently completed real time station project in Stamford CT.

In addition to the base work noted above, MNR is currently developing the work scopes for four additional stations: Poughkeepsie, Southeast, Nanuet and Harriman. Preliminary pricing has been included in the not to exceed amount of \$10,682,100. The final contract pricing for these stations will be negotiated and finalized when the design is in sufficient detail to ensure fair and reasonable pricing. Wi-Fi shall be designed, furnished and installed at all twenty stations at the not to exceed amount of \$4,000,000.

In connection with previous contracts awarded to the Contractor, the Contractor 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. No new SAI has been found relating to the Contractor and the Contractor has been found to be responsible. A responsibility review was completed on all subcontractors whose scope of work was proposed to be in excess of \$1,000,000. No adverse information was found as a result of those reviews.

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

The MTA Department of Diversity and Civil Rights (DDCR) established a 15% MBE and 15% WBE goal for this project. MEC's pre award M/WBE submittal package is currently under review by DDCR. 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 \$ 68,882,100. This procurement is to be state funded and is part of the MNR 2015-2019 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

## Staff Summary

construction services as specified. Moreover, resoliciting this scope of work would adversely impact other CSI projects as well as the ongoing MTA solicitation of a new advertising concessionaire (as installation of digital screens to be used in part to generate advertising revenue would be significantly delayed if this contract is not awarded at this time). Metro-North will use lessons learned from this procurement to increase the prospects for competition when the work for the remaining stations is procured.

# Staff Summary

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.	10-23-17	x		
2	MTA Board Mtg.	10-25-17	x		
Internal Approvals					
Order	Approval	Order	Approval		
x	Acting President <i>AS</i>				
x	Sr. V.P. Operations <i>AL</i>	x	V.P. Finance & IT <i>JP</i>		
x	V.P & General Counsel <i>RLC</i>	x	V. Hospital Programs <i>JKR</i>		

SUMMARY INFORMATION	
Vendor Name Signet Electronic Systems, Inc.	Contract Number 58018
Description Public Address and Visual Information System /Head End & Real-Time Data	
Total Amount = \$15,893,146 \$14,845,675 (not-to-exceed) – (Capital) \$1,1047,471 five year maintenance – (Operating)	
Contract Term (including Options, if any) 33 months	
Option(s) included in Total Amount?	x Yes No
Renewal?	Yes x No
Procurement Type x Competitive Non-competitive	
Solicitation Type x RFP Bid Other:	
Funding Source Operating x Capital Federal Other:	

Narrative

**I. PURPOSE/RECOMMENDATION:**

Approval is requested to award a 33-month competitively solicited and negotiated apparatus contract (RFP process; two proposals received; two short-listed) to Signet Electronic Systems, Inc. (Signet) to design, furnish, install, test and integrate a new Public Address and Visual Information System (PA/VIS) central control which will replace the current PA/VIS, as well as develop a new Real Time Train Database System (RTTDS). This contract is an integral part of the multi-part, multi-phase Customer Service Initiative (CSI) in Grand Central Terminal (GCT), and other outlying passenger stations and facilities. The various CSI projects are being implemented in a coordinated manner to improve and upgrade the level and quality of information being provided to MNR customers.

**II. DISCUSSION:**

MNR currently utilizes several systems to provide audio and visual information for its customers within GCT and at the outlying passenger stations. The current systems are at the end of their useful life and, in some cases, no longer provide sufficient level of service information to our customers. The CSI projects will enhance customer experience and improve operations with a system-wide upgrade of the public address, visual information and video surveillance/access control systems at MNR stations and facilities throughout New York and Connecticut. A new PA/VIS system will be deployed with redundant central control systems located in multiple facilities to ensure a high state of reliability and redundancy.

The subject apparatus contract to design, furnish, install, test and integrate a new PA/VIS system and develop a new RTTDS includes the following major elements:

- Integrating the existing GCT PA/VIS control systems with systems at outlying stations. This system will communicate with the legacy equipment at all passenger stations and new systems installed under this project.
- Developing an algorithm to provide accurate predictions regarding train arrival status and provide automatic estimated time of arrival to customers at stations (RTTDS).
- Installing synchronous visual display of audio with text messages to convey the same or equivalent message to be Americans with Disabilities Act (ADA) compliant and generating audio and visual announcements in English and Spanish (PA/VIS).

# Staff Summary

In April 2016, the Board approved use of the RFP process. A Request for Proposals (RFP), dated November 23, 2016, was prepared and advertised in the New York State Contract Reporter, New York Post, El Dario, Daily Challenge and posted on MNR's website.

The selection criteria established in the RFP are as follows:

1. Cost
2. 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
3. Demonstrated understanding of the work scope requirements, including but not limited to the quality and completeness of the work plan and any required submissions
4. Quality and innovativeness of design
5. Proposed staging plan and schedule
6. Diversity practices – Evaluation of the diversity practices of the proposer

The Selection Committee was comprised of members representing MNR's Procurement and Material Management, Capital Engineering, M of W Communications and Signals, Customer Service and Stations Departments. The Selection Committee met in March 2017 to review the initial technical and cost proposals received from two firms, Signet and B&C Transit, Inc. (B&C). The Selection Committee determined that both firms should be shortlisted and invited to MNR for oral presentations.

Following the presentations, the Committee met to discuss the proposals and subsequently provided the vendors with written clarifications of the scope of work and new proposal sheets which reflected those changes. Scope revisions were necessary as the initial cost proposals from both teams exceeded MNR's original project budget. The revised proposal sheet requested a base package of 16 stations, two enhanced stations and five options. Further, a long term maintenance and support agreement was requested in order to achieve best possible pricing while the project was being competitively negotiated. Pricing was requested at five year intervals with three options to extend an additional five years for a total of up to 20 years at the Railroad's sole discretion.

The bid items are as follows:

Base 16 stations	Port Chester, Rye, Harrison, Mamaroneck, Larchmont, New Rochelle, Pelham, Mt. Vernon East, Tremont, Melrose, Harlem 125 St. Morris Heights, Spuyten Duyvil, Riverdale, Tarrytown, and Ossining.
Enhanced Stations	Crestwood and White Plains
Option 1	Mid-Hudson Line (Hastings-on-the-Hudson to Croton-Harmon)
Option 2	Mid to Lower Hudson (Greystone to Yankees/E.153rd St. Station)
Option 3	Scarsdale and Hartsdale
Option 4	New Haven Union Station
Option 5	All remaining stations

In May 2017, MNR received the revised costing sheets from both firms as follows; Signet's price for all work excluding the maintenance contract was \$14,845,675, as compared to B&C at \$14,246,300; B&C was also \$774,514.53 lower for the first 5 year maintenance term. While B&C's overall cost was slightly lower (approximately 4%), the Selection Committee determined that Signet's technical proposal was clearly superior.

The Selection Committee unanimously recommended that the contract be awarded to Signet. Signet provided viable design alternatives and concepts that were deemed to be well engineered, time/labor efficient, and compliant with the intent of the preliminary design. Signet's team also demonstrated the capacity and willingness to perform systems integration work under this contract with other, related CSI projects. MNR's project management team found this to be highly

# Staff Summary

valuable given the complex, interrelated nature of the CSI projects. Signet's team, which includes Penta has a strong history of executing systems integration solutions for complex communication projects similar to the scope of work under this contract.

At this time, Metro-North recommends awarding the base contract for 18 stations including the enhanced stations and option 4 (New Haven Union Station) in the amount of \$10,302,515. The total proposed contract value is considered fair and reasonable. The design and development costs for this project are primarily reflected in the base cost. For that reason, the option pricing for the remaining stations is also considered fair and reasonable as the pricing reflects primarily material costs. Metro-North will exercise these options in the event additional funding is identified. In addition, Metro-North recommends that the maintenance contract, which would be funded by the MNR operating budget, be approved.

MNR completed a responsibility review of Signet Electronic Systems, Inc. as defined in the All Agency Responsibility Guidelines in connection with this award recommendation which yielded no significant adverse information (SAI). A responsibility review was completed on all subcontractors whose scope of work was proposed to be in excess of \$1,000,000. No significant adverse information was found during those reviews.

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

The MTA Department of Diversity and Civil Rights (DDCR) established a 15% MBE and 15%WBE goal for this project. Signet's pre-award M/WBE submittal package is currently under review by DDCR. The contract will not be awarded until DDCR requirements have been satisfied.

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

Board approval is requested in the amount of \$15,893,146. The initial award is recommended in the amount of \$10,302,515 which includes the base 18 stations, including the enhanced stations and option 4. MNR reserves the right to elect the options in the amount of \$4,543,160 within the 33 month contract period. In addition, MNR is also requesting a not to exceed amount of \$1,047,471 for 5 years of maintenance cost be approved at this time. These services are to be provided on an as needed basis, as well as scheduled maintenance. This procurement is to be funded by the 2015-2019 Capital Program and MNR's operating budget (maintenance)

### **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.

OCTOBER 2017

METRO-NORTH RAILROAD

LIST OF RATIFICATIONS FOR BOARD APPROVAL

Schedules Requiring Majority Vote:

**K. Ratification of Completed Procurement Actions**

(Staff Summaries required for unusually large or complex items which otherwise would require Board approval)

1. **Circuit Breaker Sales NE, Inc. - \$89,741**

2. **Robert L. Gerosa, Inc. - \$95,850**

**Emergency Bus Duct Repair and Rigging Services \$185,591 (not-to-exceed)**

Noncompetitive procurement for emergency bus duct repair and rigging services at Metro-North Railroad's Harlem Line B-7 Tremont Substation. The bus duct connects two traction power transformers to the rectifier. The transformers and associated components are in place to supply the voltage necessary for MNR's north and south Harlem main lines.

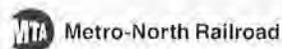
This procurement is being presented as ratification due to the immediate need for replacement services to restore the substation to full operational capacity. When one of the transformers fails, the existing transformer must carry the electrical wattage for both main lines. Failure of the remaining transformer will affect railroad operations on the Harlem Line which could result in jeopardizing the safety of operations on the Harlem line.

Circuit Breaker Sales NE, Inc. who has the necessary specialized technical capability of working with high energy systems will provide all labor, materials and engineering to repair, replace, remanufacture and recertify for service four runs of the XL-U 1,000 volt, 2,000 amp indoor/outdoor bus duct. Robert L. Gerosa, Inc. who has the necessary specialized rigging capability to perform this complex work will provide: iron worker riggers, operating engineers, crane equipment, rigging gear and tools. The scope of work includes: 1) removal of the failed transformer to a staging area within MNR's North White Plains Yard and: 2) relocation of a spare transformer located at MNR's Substation B-23 North White Plains Yard to MNR's B-7 Tremont Substation.

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

The total cost for the emergency bus duct repair and rigging services is \$185,591 (Circuit Breaker Sales - \$89,741 & Robert L. Gerosa, Inc. - \$95,850) and is deemed fair and reasonable as it is 9% lower than MNR's in-house estimate. This procurement is to be funded by MNR's Operating Budget.

**Schedule K: Ratification**



Item Number: K

<b>Vendor Name (&amp; Location)</b> Circuit Breaker Sales NE Inc. Robert L. Gerosa, Inc.	
<b>Description</b> Bus Duct Repair and Rigging Services	
<b>Contract Term (including Options, if any)</b> Immediate	
<b>Option(s) included in Total Amount?</b>	Yes    × No
<b>Procurement Type</b> Competitive    × Non-competitive	
<b>Solicitation Type</b> RFP <input type="checkbox"/> Bid    × Other:	

<b>Contract Number</b> 1000093428 1000093786	<b>AWO/Modification #</b>
<b>Renewal?</b>	Yes    × No
<b>Total Amount:</b>	\$89,741 <u>\$95,850</u> \$185,591
<b>Funding Source</b> × Operating    Capital    Federal    Other:	
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director	

**Discussion:**

Noncompetitive procurement for emergency bus duct repair and rigging services at Metro-North Railroad’s Harlem Line B-7 Tremont Substation. The bus duct connects two traction power transformers to the rectifier. The transformers and associated components are in place to supply the voltage necessary for MNR’s north and south Harlem main lines.

This procurement is being presented as ratification due to the immediate need for replacement services to restore the substation to full operational capacity. When one of the transformers fails, the existing transformer must carry the electrical wattage for both main lines. Failure of the remaining transformer will affect railroad operations on the Harlem Line which could result in jeopardizing the safety of operations on the Harlem line.

Circuit Breaker Sales NE, Inc. who has the necessary specialized technical capability of working with high energy systems will provide all labor, materials and engineering to repair, replace, remanufacture and recertify for service four runs of the XL-U 1,000 volt, 2,000 amp indoor/outdoor bus duct. Robert L. Gerosa, Inc. who has the necessary specialized rigging capability to perform this complex work will provide: iron worker riggers, operating engineers, crane equipment, rigging gear and tools. The scope of work includes: 1) removal of the failed transformer to a staging area within MNR’s North White Plains Yard and: 2) relocation of a spare transformer located at MNR’s Substation B-23 North White Plains Yard to MNR’s B-7 Tremont Substation.

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

The total cost for the emergency bus duct repair and rigging services is \$185,591 (Circuit Breaker Sales - \$89,741 & Robert L. Gerosa, Inc. - \$95,850) and is deemed fair and reasonable as it is 9% lower than MNR’s in-house estimate. This procurement is to be funded by MNR’s Operating Budget.

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**October 25, 2017**

# Staff Summary



Subject : Request for Authorization to Award Various Procurements						Date October 25, 2017				
Department Procurement and Logistics 										
Department Head Name Dennis L. Mahon, Chief Procurement and Logistics Officer										
Department Head Signature										
<b>Board Action</b>						<b>Internal Approvals</b>				
Order	To	Date	Approval	Info	Other	Order	Approval		Order	Approval
1	LI Committee	10.23.17				1	President			
2	MTA Board	10.25.17				2	Executive VP			

**PURPOSE:**

To obtain approval of the Board to award various contracts and purchase orders, and to inform the Long Island Rail Road Committee of these procurement actions.

**DISCUSSION:**

LIRR proposes to award **Non-Competitive Procurements** in the following categories:      # of Actions      \$ Amount

None

LIRR proposes to award **Competitive Procurements** in the following categories:      # of Actions      \$ Amount

Schedules Requiring Two-Thirds Vote

Schedule C:      Competitive Requests for Proposals (Award)	2	\$90,159,236
<b>SUBTOTAL:</b>	2	\$90,159,236

LIRR proposes to award **Ratifications** in the following categories:      # of Actions      \$ Amount

None

**TOTAL:**                      **2**                      **\$90,159,236**

**BUDGET IMPACT:**

The purchases/contracts will result in obligating LIRR operating and capital funds in the amounts listed. Funds are available in the current operating budget for this purpose.

**RECOMMENDATION:**

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

## METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

1. As to each purchase and public work contract set forth in the annexed Schedule A, the Board declares competitive bidding to be impractical or inappropriate for the reasons specified therein and authorizes the execution of each such contract.
2. As to each request for proposals (for purchase and public work contracts) set forth in Schedule B for which it is deemed in the public interest to obtain authorization to solicit competitive proposals through a publicly advertised RFP for the reasons specified therein the Board declares it to be impractical or inappropriate to utilize a procurement process inviting sealed bids with award to the lowest responsive/responsible bidder.
3. As to each request for proposals (for purchase and public work contracts) set forth in Schedule C for which a recommendation is made to award the contract, the Board authorizes the execution of said contract.
4. The Board ratifies each action taken set forth in Schedule D for which ratification is requested.
5. The Board authorizes the execution of each of the following for which Board authorization is required: i) the miscellaneous procurement contracts set forth in Schedule E; ii) the personal service contracts set forth in Schedule F; iii) the miscellaneous service contracts set forth in Schedule G; iv) the modifications to personal/miscellaneous service contracts set forth in Schedule H; v) the contract modifications to purchase and public work contracts set forth in Schedule I; and vi) the modifications to miscellaneous procurement contracts set forth in Schedule J.
6. The Board ratifies each action taken set forth in Schedule K for which ratification is requested.

OCTOBER 2017

MTA LONG ISLAND RAIL ROAD

LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL

Procurements Requiring Two-Thirds Vote

**Schedule C: Competitive Request for Proposals (Award of Purchase and Public Work Contracts)**

(Staff Summaries only required for items requiring Board approval)

- 1. Railroad Construction Company & AMCC Corp. JV**                      **\$89,859,236**                      Staff Summary Attached  
**Competitive RFP**  
**Contract No. 6241**

LIRR requests MTA Board approval to award a firm fixed price contract to Railroad Construction Company and AMCC Corp., a joint venture, in the amount of \$89,859,236 to provide design-build services for the Morris Park Locomotive Shop and Employee Facility project (the “Contract”). The proposed award of the Contract is being made pursuant to a competitive Request for Proposals process.

Procurements Requiring Majority Vote

**Schedule F: Personal Service Contracts**

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

- 2. Staples Marketing LLC. D/B/A Affirm**                      **\$300,000**  
**Two-Year Contract**    **Not-to-Exceed**  
**Contract No. 6277**

LIRR requests Board approval to award a two-year Personal Services Contract in the not-to-exceed amount of \$300,000 to Staples Marketing LLC d/b/a Affirm (“Affirm”) for development and implementation of a Marketing program to increase public transit usage in Nassau County through year-long campaigns, including outreach to employers for tax-free commutation benefits, Car Free Day Long Island, disseminate transportation related information to targeted age groups (college students, senior citizens) and through canvassing train stations and communities. This contract is fully funded by a two-year Federal Congestion Mitigation and Air Quality Improvement (CMAQ) grant that has been awarded to MTA to invest in projects in Nassau County to reduce air pollutants from personal transportation, such as automobiles. In response to LIRR’s RFP, which was advertised in the NYS Contract Reporter and the NY Post on August 3, 2017, LIRR received one proposal from the incumbent, Affirm in the amount of \$300,000. Thirteen other respondents declined to propose, citing reasons

including a lack of expertise, the project being outside of their area of interest, and size/scope of project not appropriate for the firm. Affirm has been providing these services over the past three contracts to the satisfaction of the LIRR and is therefore deemed qualified. MTA Audit took no exceptions to Affirm's cost proposal, which is commensurate with the LIRR's estimate. Labor rates have increased 3% since 2012, overhead is unchanged and profit was decreased by 2% through negotiations. Affirm's price is therefore fair and reasonable. The Grant Agreement will fully fund the \$300,000 2-year contract total.

Staff Summary



Item Number:					
Dept & Dept Head Name: Procurement & Logistics, Dennis Mahon					
Department Head Signature & Date <i>[Signature]</i> 10/11/17					
Division & Division Head Name: Department of Program Management - Paul Dietlin					
Division Head Signature & Date <i>[Signature]</i> 10/11/17					
<b>Board Reviews</b>					
Order	To	Date	Approval	Info	Other
1	LI Committee	10.23.17			
2	MTA Board	10.25.17			
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
6	President <i>[Signature]</i>	3	Sr. VP/Engineering <i>[Signature]</i>		
5	Executive VP <i>[Signature]</i>	2	VP/CFO <i>[Signature]</i>		
4	Sr. VP/Operations <i>[Signature]</i>	1	VP/Gen'l Counsel & Sec'y <i>[Signature]</i>		

SUMMARY INFORMATION	
Vendor Name Railroad Construction Co and AMCC Corp (joint venture)	Contract Number 6241
Description: Morris Park Locomotive Shop & Employee Facility - Design-Build	
Total Amount \$89,859,236.00 (lump sum)	
Contract Term (including Options, if any) 660 days	
Options(s) included in Total Amount:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

**Narrative**

**I. PURPOSE/RECOMMENDATION:**

LIRR requests MTA Board approval to award a firm fixed price contract to Railroad Construction Company ("RCC") and AMCC Corp ("AMCC"), a joint venture ("RCC/AMCC JV"), in the amount of \$89,859,236.00 to provide design-build services for the Morris Park Locomotive Shop and Employee Facility project (the "Contract"). The proposed award of the Contract is being made pursuant to a competitive Request for Proposals process.

**II. DISCUSSION:**

LIRR requires the services of a design-build contractor to provide design, engineering, and construction services for the design and construction of a new locomotive repair shop and employee facility. The new repair shop will replace the current 125 year old Morris Park Shop. The maintenance tracks, undercar pits, and crane facilities of the shop are too short to accommodate the length of the newer (circa 1998) LIRR passenger locomotives and all future fleets. The existing lighting is inadequate, site drainage poor and the roof has suffered severe deterioration despite state of good repair efforts. In addition, maintenance parts for the cranes are no longer readily available and need to be scavenged or handcrafted. Damage to the shop became so significant that in 2008, the former Back Shop was demolished.

The new shop facility will be equipped to maintain LIRR's current fleet of diesel locomotives used in revenue service and the current fleet of diesel work locomotives. Customer service will be enhanced through better locomotive reliability and on-time performance. In addition, the shop is congruent with LIRR's diesel fleet maintenance strategy and will work in coordination with activities at the adjacent Richmond Hill facility.

## Staff Summary

At its July 2016 meeting, the MTA Board approved the use of the Request for Proposals (“RFP”) method to procure the design-build services for the new Morris Park Locomotive Shop and Employee Facility. On April 13, 2017, an RFP was publicly advertised. Addenda 1 through 14 were issued to answer vendor queries and extend the due date of proposals. The basis for award was best value to LIRR.

On July 17, 2017, Proposals were submitted by three firms: Skanska USA Civil (“Skanska”), Silverite Construction (“Silverite), and RCC/AMCC JV. LIRR then requested that all three firms clarify and expand upon their technical proposals and LIRR conducted supplemental oral presentations with each proposer. On August 23, 2017, the LIRR Technical Evaluation Committee (“TEC”) met individually with each of the three firms to hear each firm’s oral presentation, discuss and further evaluate the firm’s technical capability and identify proposal items that each firm may wish to consider in their best and final offer (BAFO). At the end of each presentation, each firm was directed to submit a BAFO addressing technical as well as cost components that together would constitute the best value to LIRR.

Silverite’s BAFO revised its schedule to reduce project substantial completion from the 720 calendar days from award set forth in the RFP to 675 calendar days. Silverite’s BAFO also increased their proposed cost from \$109,300,000.00 to \$ 120,032,242.00, which clearly placed Silverite outside of the competitive range. Skanska’s BAFO revised its schedule to reduce project substantial completion to 660 calendar days and also reduced its proposed cost from an initial \$95,770,000 to \$93,750,000. RCC/AMCC JV’s BAFO revised its schedule to reduce project substantial completion to 660 calendar days and also significantly reduced its proposed cost from an initial cost of \$92,139,236 to \$89,859,236. RCC/AMCC JV’s revised BAFO cost is \$9,322,293 (or 9.39%) below LIRR’s internal estimate. Accordingly, LIRR has deemed RCC/AMCC JV’s cost to be fair and reasonable. Both RCC/AMCC JV and Skanska demonstrated expertise and knowledge in advancing a project of this type. However, as a result of a conflict of interest discovered late in the procurement, Skanska’s proposal was not given further consideration. LIRR was then left with RCC/AMCC JV’s proposal that clearly offers a savings to LIRR of \$3,890,764. As a result of these savings, together with technical and cost factors considered, LIRR determined the RCC/AMCC JV proposal to be the best overall value to the LIRR for the project.

A responsibility review was conducted of RCC and AMCC, individually, and no significant adverse information was found. RCC and AMCC are therefore deemed responsible.

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

The MTA Department of Diversity and Civil Rights (DDCR) has established MBE and WBE goals for this procurement at 15% and 15%, respectively. DDCR is awaiting the submission of RCC/AMCC final MBE/WBE Utilization Plan. An award will not be made until DDCR approval of the MBE/WBE utilization plan is obtained. Railroad Construction Company, Inc. has achieved its MBE/WBE or DBE goals on previous MTA Contracts. AMCC Corp., Inc. has NOT completed any MTA contract; therefore, no assessment of the firm’s MBE/WBE and DBE performance can be determined at this time.

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

This contract will be funded by the LIRR Capital Budget.

### **V. ALTERNATIVES:**

LIRR does not have the ability to undertake the design build services for the construction of the Morris Park Locomotive Shop & Employee Facility with in-house forces.

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

**MTA BOARD**

**PROCUREMENT PACKAGE**

**OCTOBER 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> 					
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	MNR & LIRR Joint Committee	10/23/17	X		
2	Board	10/25/17	X		

<b>Date:</b> October 16, 2017			
<b>Vendor Name</b> Various			
<b>Contract Number</b> Various			
<b>Contract Manager Name</b> Various			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
4	President	3	Executive Vice President
2	Vice President, Program Control	1	Chief Procurement Officer

**PURPOSE**

To obtain the approval of the Board to award various contracts and a modification 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 categories:

Schedules Two-Thirds Vote:

Schedule C Competitive Requests for Proposals (Award of a Purchase or Public Work Contract)	<u># of Actions</u>	<u>\$ Amount</u>
	8	\$ 50,000,000
<b>SUBTOTAL</b>	<b>8</b>	<b>\$ 50,000,000</b>

Schedules Requiring Majority Vote:

Schedule I Modification to Purchase or Public Work Contract	<u># of Actions</u>	<u>\$ Amount</u>
	1	\$ 1,600,000
<b>SUBTOTAL</b>	<b>1</b>	<b>\$ 1,600,000</b>

<b>TOTAL</b>	<b>9</b>	<b>\$ 51,600,000</b>
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**Competitive Bidding Requirements**

The procurement actions in Schedule C are subject to the competitive bidding requirements of PAL 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.

**Budget Impact:**

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

**Recommendation:**

That the contracts and 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.

October 2017

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two-Thirds Vote:**

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

- 1 - 8.      Various Contractors                      NTE \$50,000,000 (Aggregate)      Staff Summary Attached  
Contract Nos. MC852A – MC852H  
Three Years and Two Year Option

In accordance with Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article III(B)(6) of the All Agency General Contract Procurement Guidelines, MTACC seeks Board approval to award competitively solicited miscellaneous construction service contracts to eight firms to provide services on an as-needed bases in support of the East Side Access Project.

**Procurements Requiring Two-Thirds 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)

9.            GCT Constructors Joint Venture                      \$ 1,600,00                      Staff Summary Attached  
Contract No. CM014B  
Modification No. 85

In accordance with Article VIII of the All-Agency General Contract Procurement Guidelines, MTACC seeks Board approval to modify the contract to add the requirement to construct a rigging frame and lifting platform to provide for access to two Metro North Railroad (MNR) transformers.

Staff Summary

Item Numbers 1 - 8					
Dept & Dept Head Name: East Side Access, W Goodrich <i>[Signature]</i>					
Division & Division Head Name: Harold Construction/M.Kaleda <i>[Signature]</i>					
<b>Board Reviews</b>					
Orde	To	Date	Approval	Info	Other
1	MNR & LIRR Joint Committee	10/23/17	X		
2	Board	10/25/17	X		
<b>Internal Approvals</b>					
Orde	Approval	Order	Approval		
1	Br. Vice President & General Counsel <i>[Signature]</i>	5	President <i>[Signature]</i>		
2	Vice President, Program Controls <i>[Signature]</i>	4	Executive Vice President & CFO <i>[Signature]</i>		
1	Chief Procurement Officer <i>[Signature]</i>				

<b>SUMMARY INFORMATION</b>	
Vendor Name Various	Contract Number MC852A - MC852H
Description Miscellaneous Construction Services On an As-Needed Basis for the East Side Access Project	
Total Amount \$50,000,000 Aggregate	
Contract Term Three Years and a Two Year Option	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Renewal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
Solicitation Type <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

**I. PURPOSE/RECOMMENDATION:**

To obtain Board approval to award competitively solicited miscellaneous construction service Contracts MC852A through MC852H to the following firms in the aggregate, not-to exceed amount, of \$50 Million:

1. El Sol Construction Corporation/ES II Enterprise, Joint Venture
2. Forte Construction Corporation
3. LK Comstock & Company, Inc.
4. J-Track LLC
5. Railroad Construction Company, Inc.
6. Restani Construction Corporation
7. Tutor Perini Corporation
8. Union Paving and Construction Company, Inc./Tracks Unlimited LLC, Joint Venture

These contracts are to provide services on an as-needed bases in support of the East Side Access Project ("ESA"). These are zero dollar based contracts and do not obligate MTACC to commit any minimum dollar amount. The term of each contract is three years with an option to extend for an additional two years.

**II. DISCUSSION:**

This contract will facilitate the award of work on expedited basis, predominantly in the Harold Interlocking, to take advantage of Long Island Railroad and Amtrak resources that become available and address other expedited needs that may arise. In connection with the ESA work in the Harold Interlocking, certain scopes of work have been deleted from contract packages for various reasons, but predominantly because Railroad resources were or will not be available to support the work to support the contract schedule. Traditionally, these deleted scopes of work were added to other contract packages by change order, when Railroad resources became available. The downside to that approach is that the change orders were negotiated rather than competitively bid and, in some cases, impacted the schedules of existing contract.

**Staff Summary**

Item Numbers 1 - 8

The creation of this contract will, in certain circumstances, allow MTACC to competitively bid these scope transfers on an expedited basis when Railroad resources become available without impacting the schedules of existing contracts. The contractors selected through this RFP process demonstrate experience and ability in areas such as general construction, demolition, site excavation, structural steel repairs, plumbing, installation of catenary, tracks, signals and switches and roadway repairs. As specific scopes of work are identified, the selected contractors will be invited to bid on those scopes and the work will be awarded to the lowest bidders by task orders. Funds from the aggregate contract amount will be allocated to individual task orders to pay contractors for the work they perform.

In January 2017, the Board adopted a resolution declaring that competitive bidding was impractical or inappropriate and that, pursuant to Subdivision 4(f) of Section 1265-a of the Public Authorities Law and Article III(B)(6) of the All Agency General Contract Procurement Guidelines, it is in the public interest to issue a competitive Request for Proposal ("RFP") to obtain On-Call Miscellaneous Construction Services for the East Side Access Project.

The requirements were advertised in the New York Post, the New York State Contract Reporter, Minority Commerce Weekly, and the Engineering News Record. In addition, 61 firms were sent invitations to propose. Seventeen (17) firms requested a copy of the RFP. On August 10, 2017, proposals were received from the following eight firms:

1. El Sol Construction Corporation/ES II Enterprise, Joint Venture
2. Forte Construction Corporation
3. LK Comstock & Company, Inc.
4. J-Track LLC
5. Railroad Construction Company, Inc.
6. Restani Construction Corporation
7. Tutor Perini Corporation
8. Union Paving and Construction Company, Inc./Tracks Unlimited LLC, Joint Venture

The Selection Committee for this Contract consisted of representatives from MTACC's Procurement Division and the East Side Access Project. The selection committee evaluated the technical proposals of each of the proposers and determined that all eight proposers had the required technical capabilities and experience, acceptable performance history and safety records and recommended that MTACC enter into on-call contracts with each of them.

The request for authorization to proceed with this RFP sought a not-to-exceed aggregate limit for these contracts of \$25M. This request seeks authorization to increase that amount to \$50 Million in order to include track work that would benefit from the expedited nature of the on-call process. Specifically, the work required to complete the final track realignments in Harold Interlocking and create the site for the B/C Tunnel Approach structure must start by the spring of 2018 and finish within the calendar year 2018 to maintain the current forecast for East Side Access Revenue Service in December 2022.

In connection with a previous contract awarded to LK Comstock & Company, Inc. (Comstock), Comstock 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 February 2016. No new SAI has been found relating to Comstock and Comstock was found to be responsible.

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

In connection with a review of J-Track, no significant adverse information was found and they were found to be responsible. Please note that prior to August 2016, J-Track was affiliated with Judlau Contracting Inc. ("Judlau") but that is no longer the case. Judlau has had SAI but not in connection with J-Track.

In connection with the review of the other proposers, no significant adverse information was found and they were all found to be responsible.

**Staff Summary**

Item Numbers 1 - 8

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

This Contract is federally funded and is therefore is governed by the regulation promulgated by the U.S Department of Transportation at 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. The Department of Diversity and Civil Rights reviewed the requirements of the Contract and after undertaking a thorough analysis established a goal of 20% for this contract based on the nature of the work and the availability of Disadvantaged Business Enterprises capable of performing the work. All of the Proposers have pledged to meet the 20% goal.

In connection with past experience meeting D/M/WBE goals, El Sol Construction Corporation, ES II Enterprise, Forte Construction Corporation, LK Comstock & Company, Inc., J-Track LLC, Railroad Construction Company, Inc., Restani Construction Corporation and Tutor Perini Corporation have achieved their goals on prior contracts. Union Paving and Construction Company, Inc. and Tracks Unlimited LLC have no performance history with D/M/WBE goals on MTA Contracts.

**V. IMPACT ON FUNDING**

Funding for these contracts is available in the MTA Capital Program.

**VI. ALTERNATIVES**

The alternative would be to separately procure contracts for each of the anticipated tasks which would delay completion of those tasks and impact the ESA schedule.





# Bridges and Tunnels

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## Procurements October 2017



# Staff Summary

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

<b>Date</b> 10/12/2017
<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	10/12/2017			
2	MTA B&T Committee	10/23/2017			
3	MTA Board	10/25/2017			

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

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

**PURPOSE:**

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

**DISCUSSION:**

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

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

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule I: Modifications to Purchase and Public Works Contracts	1	\$1.741M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$1.741M</b>

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

<b>TOTAL</b>	<b>1</b>	<b>\$1.741M</b>
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**BUDGET IMPACT:**

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

**RECOMMENDATION:**

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

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

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

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

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

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

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

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

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

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

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

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

- |  |                       |                                      |
|--|-----------------------|--------------------------------------|
| 1. <b>Tutor Perini Corp.</b><br><b>Contract No. VN-80B</b> | <b>\$1,740,928.91</b> | <b><u>Staff Summary Attached</u></b> |
| 5 yr. Contract- Competitive Bid                            |                       |                                      |

B&T is seeking the Board's approval under the All Agency General Contract Procurement Guidelines to modify Contract VN-80B for work associated with unlocking the Lower Level Roadway finger joints.

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

**Item Number: 1 (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>	\$65,047,778.83
<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>	\$300,775,778.83
<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>	\$1,740,928.91
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Engineering & Construction, Joe Keane, P.E.	<b>% of This Request to Current Amount:</b>	0.6%
	<b>% of Modifications (including This Request) to Original Amount:</b>	28.3%

**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 work associated with unlocking the Lower Level Roadway finger joints in an amount of \$1,740,928.91.

As the Board was notified in July 2017, during the 2016 Biennial inspection, it was discovered that the Brooklyn tower main span lower level finger joints were not performing as designed. The finger joints are original construction and have been in service for almost fifty years and showed signs of corrosion. This created a yellow flag 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 since they had the skilled workforce already on-site and ability to organize a crew quickly to expedite the repair in order to ensure the proper serviceability of the bridge was maintained. The work scope included: (i) providing temporary bearing plate extensions adjacent to the existing twenty-four (24) bearings for the Lower Roadway; (ii) providing bearing extension brackets; (iii) unlocking the Lower Level Roadway's Main Span finger joints by cleaning and sawcutting the interface between each finger; (iv) decoupling the finger joints by removing each joint assembly and replacing it with a refurbished joint assembly salvaged from Contract work on the Upper Level; (v) cleaning the Staten Island Tower Lower Roadway Main Span and Side Span finger joints and (vi) removing temporary sand drums and installing temporary concrete barriers at the finger joint locations on the lower level at both the Staten Island & Brooklyn Towers.

We stated in the July Board item that these urgent repairs for freeing of the joints would be performed under a future amendment initially estimated at \$1,500,000, but at that time not all subcontractor costs associated with this work were fully known. TPC submitted a final cost which totaled \$1,740,928.91. The Engineer's estimate is \$1,750,591.53. Based on comparison to the estimate the proposed amendment amount of \$1,740,928.91 is determined to be fair and reasonable.

Funding for this amendment is available in the 2010-2014 Capital Program under Project D602VN80 Construction, Phase II Deck (Task D02783).

In connection with a previous contract awarded to the Contractor, TPC (not their subsidiaries or affiliates) 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.