



Metropolitan Transportation Authority

# November 2017

## MTA Board Action Items



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

**Wednesday, 11/15/2017**  
**10:00 AM - 12:00 PM ET**

**1. PUBLIC COMMENT PERIOD**

**2. APPROVAL OF MINUTES**

**MTA Regular Board Minutes - October 25, 2017**

*MTA Regular Minutes - October 25, 2017 - Page 4*

**NYCT/MaBSTOA/SIR/Bus Company Regular Board Minutes - October 25, 2017**

*NYCTA Regular Minutes - October 25, 2017 - Page 11*

**MTA Metro-North Railroad Regular Board Minutes - October 25, 2017**

*Metro-North Regular Minutes - October 25, 2017 - Page 17*

**MTA Long Island Rail Road Regular Board Minutes - October 25, 2017**

*LIRR Regular Minutes - October 25, 2017 - Page 25*

**MTA Bridges & Tunnels Regular Board Minutes - October 25, 2017**

*TBTA Regular Minutes - October 25, 2017 - Page 36*

**MTA Capital Construction Regular Board Minutes - October 25, 2017**

*MTACC Regular Minutes - October 25, 2017 - Page 40*

**3. COMMITTEE ON FINANCE**

**MTAHQ Procurements Report**

*MTAHQ Procurement Staff Summary and Resolution - Page 44*

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

**ii. Competitive**

*MTAHQ Competitive Procurements - Page 46*

**iii. Ratifications (no items)**

**Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 50*

**4. COMMITTEE ON NYCT & BUS**

**NYCT Procurements**

*NYCT November Procurement Staff Summary and Resolution - Page 60*

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

**ii. Competitive**

*NYCT Competitive Actions - Page 64*

**iii. Ratifications (no items)**

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

### **Metro-North Procurements**

*MNR Procurements - Page 72*

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

*Non-Competitive Procurements - Page 76*

#### **ii. Competitive**

*Competitive Procurements - Page 80*

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

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

### **LIRR Procurements**

*LIRR Procurements - Page 83*

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

#### **ii. LIRR Competitive**

*LIRR Competitive Procurements - Page 87*

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

**LIRR MTACC Procurements (no items)**

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

### **B&T Procurements**

*B&T Procurements - Page 90*

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

*B&T Non-Competitive - Page 93*

#### **ii. Competitive**

*B&T Competitive - Page 96*

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

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

## **9. CFO PRESENTATION ON MTA 2018 FINAL PROPOSED BUDGET AND NOVEMBER FINANCIAL PLAN 2018-2021 (Materials distributed separately)**

## **10. EXECUTIVE SESSION**

Date of next meeting: Wednesday, December 13, 2017

**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
October 25, 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 V. Wortendyke  
Hon. Neal Zuckerman**

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

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

**The following member was absent:**

**Hon. Carl Weisbrod**

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, Tim Mulligan, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick, 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.**

Chairman Lhota reminded the public and the Board of the rules and protocol for the public comment period, which he said will continue to be enforced. The Chairman stated that registration for the public comment period begins thirty (30) minutes prior to the start of the Board meeting. Registration should be done in person and all comments should address items on the Board's agenda. He stated that MTA will enforce the two minute public speaker time period and that speakers are not permitted to transfer their time to other speakers. The Chairman stated that speakers and observers are expected to maintain a certain decorum and that personal attacks and offensive comments are not permitted. The Chairman reiterated that the focus of the speakers' comments must be directly related to an agenda item. Chairman Lhota stated that the reason the law allows for a public comment period is for the public to provide information, comments and concerns to the Board for consideration in advance of the Board's approval of agenda items. The Chairman also stated that all public speakers must state the agenda item they intend to comment on prior to speaking.

The following thirty-two (32) 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.

Councilwoman Helen Rosenthal, NYC Council Member, 6<sup>th</sup> District  
Judy Richheimer, private citizen  
Councilman Daniel Drumm, NYC Council Member, 25<sup>th</sup> District  
Councilman Robert Cornegy, Jr. NYC Council Member, 36<sup>th</sup> District  
Cedric McClester, BAAFT

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H.P. Schroer, private citizen and WWII Veteran (accompanied by the following veterans: Kevin Bundts, US Marine, Veteran representing Councilman Bill Perkins, NYC Council Member, 9<sup>th</sup> District and Christopher Gorman, retired US Marine)

Jessica Quiason, Alliance for Greater NY

Liz Patrick, E. 72<sup>nd</sup> Street Neighborhood Association

Mary Parisen, CURES

Jenean Frans, Private Citizen

Tabitha Decker, Transit Center

Bradley Brashears, PCAC

Mary Kaessinger, People's MTA

Nate Chase, People's MTA

Julia Varughese, People's MTA

Edward Yood, Disability Pride NYC

Tony Murphy, People's MTA

Arthur Piccolo, Bowling Green Association

Pedro Valdez Rivera, Jr. Private Citizen

Councilman Ydanis Rodriguez, NYC Council Member, 10<sup>th</sup> District

Richard Thomas, Mayor, Mt. Vernon

Eman Rimawi, NYLPI

Hayley Richardson, Transit Center

Judy Safern, CIDNY

Omar Vera, Private Citizen

Bill Henderson, PCAC

Lolita Thompson, ADAPT Community

Louis Alzate, ATU

Ellen Shannon, PCAC

Jason Pinero, Private Citizen

Michael Lesane, ADAPT Community

Yshevia Sessoms, ADAPT Community

## **2. CHAIRMAN'S REMARKS.**

Chairman Lhota stated that he is pleased to announce that today the Board will be asked to vote on a contract to begin implementation of the New Fare Payment System. The contract is a huge step forward in the MTA's goal to be one of the most technologically advanced transit networks in the world, despite the fact it will always be one of the oldest networks in the world.

Chairman Lhota noted that Friday October 27, 2017 marks the 113<sup>th</sup> year since the opening of the subway system. The Chairman stated that when the MetroCard was first introduced in 1996 it revolutionized the transit system. Chairman Lhota stated that the MetroCard is more than twenty years old and it is time for something newer, easier, quicker, more convenient and technologically advanced, which he stated is exactly what the new fare payment system will be.

Chairman Lhota noted that there was an update on the Subway Action Plan ("Plan") at this month's Transit Committee meeting. The Chairman provided an overview of some key

points from the Plan for those Board Members who were not in attendance at that meeting. He explained that by implementing the Plan, Transit was able to reduce average response time for emergencies by half and hire more than 760 workers. He also stated that Transit hopes to hire at least 1,600 more employees. Chairman Lhota stated that the Plan is making our subway system more reliable, resilient, transparent and accountable, and it is helping to get the system back on track and that the progress will continue.

Chairman Lhota announced that Sunday, October 29<sup>th</sup> marks the fifth anniversary of Superstorm Sandy. The Chairman acknowledged the MTA and agency employees, who he stated were one of the brightest lights in the middle of one of the darkest times in the New York Metropolitan Area. The Chairman stated that the employees worked tirelessly around-the-clock to get the system up and running in two days when no one believed it was possible. The Chairman noted that the work done by the employees during the storm is emblematic of the work that can be done and is at the core of why he believes that the Subway Action Plan will work to get the system back on track.

3. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the Regular Board Meeting held on September 27, 2017.
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. **Board Authorization to File for and Accept Federal Grants.** Approved the resolution: (i) authorizing the filing of applications in request for Federal capital assistance for the balance of FFY 2017 and FFY 2018; (ii) authorizing the Chairman or any of his designees to make required certifications; and (iii) authorizing the acceptance of grants.
  - 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. **Cubic Transportation Systems, Inc. – New Fare Payment System – No. A-34024.** Approved the award of a competitively negotiated contract to Cubic Transportation Systems, Inc. to: (i) design/build, furnish, install, test, integrate and implement a New Fare Payment System (“NFPS”) for MTA New York City Transit, MTA Bus Company, Metro-North Railroad and Long Island Rail Road for a term of sixty-nine (69) months to substantial completion followed by seven years of base contract support services; (ii) exercise funds in the contract options for award with the base contract; and (iii) exercise, if needed, funds in contract options for bus equipment. The 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.

2. Bowery Residents' Committee, Inc. – Homeless Outreach and Case Management Services – No. 16415-0100. Approved a competitively negotiated personal service contract to administer the MTA's Homeless Outreach Services Program, also known as MTA/Connections Outreach, for four (4) years beginning on November 1, 2017. The contract will additionally provide the MTA with a two-year unilateral option to renew.
3. Various Contractors – AFT Projects. Approved competitively negotiated contracts with Alex Katz (57th Street Station (F)), Nancy Blum (28<sup>th</sup> Street Station (6)), and William Wegman (23<sup>rd</sup> Street Station (F,M)) to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the specified stations.

C. **Real Estate Items.** Upon motion duly made and seconded the Board approved the real estate items listed below. The specifics are set forth in the staff summaries and documentation filed with the meeting materials.

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

1. Grant of an easement to the Town of Amenia for the construction, operation and maintenance of a recreational trail along the right-of-way located on the west side of Metro-North's Harlem Line, Town of Amenia, County of Dutchess, N.Y.

#### **Triborough Bridge & Tunnel Authority**

2. Amendment to a license agreement with the Fire Department of the City of New York to extend the term of the agreement to operate and maintain one 48-strand fiber optic telecommunications cable, and one 30-pair copper telecommunications cable on conduits running across the Cross Bay Veteran's Memorial Bridge, Queens, N.Y..
3. Amendment to a license agreement with the New York City Police Department ("NYPD") to extend the term of the agreement to install, operate and maintain electronic equipment for NYPD's radio communications system on a portion of the North Tower of the Marine Parkway Gil Hodges Bridge, Brooklyn, N.Y.

#### **Long Island Rail Road**

4. Sale to 43-15 Dutch Kills Street L.L.C., an affiliate of Rockrose Development Corp., of surplus development rights associated with the property located at 43-19 Dutch Kills Street (Block 266, Lot 1), Long Island City, Queens, N.Y.

#### **Manhattan and Bronx Surface Transit Operating Authority**

5. Lease with 4240 Broadway L.P. for a swing room for bus operators and dispatchers located at 4248 Broadway, N.Y., N.Y.



## **5. OTHER MTA BUSINESS.**

Chairman Lhota stated that Board Member Vanterpool will lead the discussion on a matter discussed at last month's Board meeting and will introduce an item she proposed relating to the MTA Advertising Policy.

Board Member Vanterpool stated that at the September Board meeting she proposed modifications to the MTA's Advertising Policy to prohibit alcohol advertisements in the system, which she withdrew to allow the Board additional time to continue to discuss the matter. Ms. Vanterpool noted that today she will ask the Board to consider a proposed resolution to ban alcohol advertising effective January 1, 2018, with no new contracts for alcohol advertising to be entered into after today's date.

Upon motion duly made and seconded, the Board voted to open the discussion on the resolution.

Following the Board's discussion on the resolution, and upon motion duly made and seconded, the Board approved the resolution amending the MTA's Advertising Policy, effective January 1, 2018, to disallow advertisements of alcohol products by amending Section IV.B.10 to read as follows:

10. Promotes tobacco or any tobacco-related product or any alcohol product.

The amendment will not apply to any advertisement that promotes any alcohol products that was contracted for display on MTA property before the date of the resolution; and no additional advertisements that promote alcohol products will be contracted for display on MTA property as of the date of the resolution through the effective date of the amendment.

Board Member Vanterpool thanked the Chairman for his support and Acting General Counsel, Helene Fromm, and the legal team for their legal advice. In addition Ms. Vanterpool thanked the Board members for their guidance and support, and members of the public, particularly the Building Alcohol Ad-Free Transit (BAAFT) group.

The details of the Board members' discussion and comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

Board Member Jones proposed a discussion on the scope of the Governor's Executive Order No. 168 and its impact on the procurement process.

Chairman Lhota indicated that he intended to propose that the Board convene an Executive Session to discuss matters relating to collective bargaining and that he would welcome a discussion on the Governor's Executive Order during Executive Session.

Board Member Trottenberg expressed her opposition to a discussion relating to the Governor's Executive Order No. 168 in Executive Session since procurement matters were not generally discussed in Executive Session.

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Acting General Counsel Helene Fromm stated that discussion of the application of Executive Order No. 168 involved a discussion of legal issues that was exempt from the Open Meetings Law.

Comments followed from Board Members relating to the Governor's Executive Order No. 168 and its impact on the procurement process.

6. **EXECUTIVE SESSION.** Upon motion duly made and seconded, the Board voted to convene in Executive Session pursuant to Section 105(1)(e) of the New York State Public Officers Law to discuss matters relating to collective bargaining. Board Member Trottenberg voted in opposition.

Upon motion duly made and seconded, the Board approved resolutions providing for an amendment to the MTA Defined Benefit Pension Plan and amendments to the Long Island Rail Road Company Plan for Additional Pensions.

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

7. **PUBLIC SESSION RESUMED.**

The Chairman announced that during Executive Session the Board approved resolutions relating to the MTA Defined Benefit Pension Plan and the Long Island Rail Road Company Plan for Additional Pensions.

In addition, Chairman Lhota announced that the Board had a discussion on the Governor's Executive Order No. 168. The Chairman noted that the Governor's Executive Order is invoked with respect to the procurement process, and he further stated that the Executive Order suspends the powers of the Board and relieves the Board of its fiduciary responsibilities as it relates to the procurement process. However, Chairman Lhota stated that the Board intends to discuss this matter further.

8. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:20 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 October 25, 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 V. Wortendyke  
Hon. Neal Zuckerman**

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

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

**The following member was absent:**

**Hon. Carl Weisbrod**

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, Tim Mulligan, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick,

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/Manhattan and Bronx Surface Transit Operating Authority/Staten Island Rapid Transit Operating Authority/MTA Bus Company.

**3. PUBLIC COMMENT PERIOD**

Chairman Lhota reminded the public and the Board of the rules and protocol for the public comment period, which he said will continue to be enforced. The Chairman stated that registration for the public comment period begins thirty (30) minutes prior to the start of the Board meeting. Registration should be done in person and all comments should address items on the Board's agenda. He stated that MTA will enforce the two minute public speaker time period and that speakers are not permitted to transfer their time to other speakers. The Chairman stated that speakers and observers are expected to maintain a certain decorum and that personal attacks and offensive comments are not permitted. The Chairman reiterated that the focus of the speakers' comments must be directly related to an agenda item. Chairman Lhota stated that the reason the law allows for a public comment period is for the public to provide information, comments and concerns to the Board for consideration in advance of the Board's approval of agenda items. The Chairman also stated that all public speakers must state the agenda item they intend to comment on prior to speaking.

There were thirty-two (32) 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.

Councilwoman Helen Rosenthal, NYC Council Member, 6<sup>th</sup> District

Judy Richheimer, private citizen

Councilman Daniel Drumm, NYC Council Member, 25<sup>th</sup> District

Councilman Robert Cornegy, Jr. NYC Council Member, 36<sup>th</sup> District

Cedric McClester, BAAFT

H.P. Schroer, private citizen and WWII Veteran (accompanied by the following veterans: Kevin Bundts, US Marine, Veteran representing Councilman Bill Perkins, NYC Council Member, 9<sup>th</sup> District and Christopher Gorman, retired US Marine)

Jessica Quiason, Alliance for Greater NY

Liz Patrick, E. 72<sup>nd</sup> Street Neighborhood Association

Mary Parisen, CURES

Jenean Frans, Private Citizen

Tabitha Decker, Transit Center

Bradley Brashears, PCAC

Mary Kaessinger, People's MTA

Nate Chase, People's MTA  
Julia Varughese, People's MTA  
Edward Yood, Disability Pride NYC  
Tony Murphy, People's MTA  
Arthur Piccolo, Bowling Green Association  
Pedro Valdez Rivera, Jr. Private Citizen  
Councilman Ydanis Rodriguez, NYC Council Member, 10<sup>th</sup> District  
Richard Thomas, Mayor, Mt. Vernon  
Eman Rimawi, NYLPI  
Hayley Richardson, Transit Center  
Judy Safern, CIDNY  
Omar Vera, Private Citizen  
Bill Henderson, PCAC  
Lolita Thompson, ADAPT Community  
Louis Alzate, ATU  
Ellen Shannon, PCAC  
Jason Pinero, Private Citizen  
Michael Lesane, ADAPT Community  
Yshevia Sessoms, ADAPT Community

Please refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of the speakers' statements.

#### **4. MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the meeting held on September 27, 2017 of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

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

**Real Estate Items:** Upon motion duly made and seconded, the Board approved a lease agreement between 4240 Broadway L.P. and the Manhattan and Bronx Surface Transit Operating Authority for a Swing Room at 4248 Broadway, New York, NY.

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

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

**Budget Transfer from MTACC's Liability Reserve and Miscellaneous/Administration Funds into Phase 1 of the Second Avenue Subway Project:** Upon motion duly made and seconded, the Board approved the transfer of \$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 to support the Project's completion.

Board members Veronica Vanterpool, Andrew Saul and David Jones voted in opposition to this action item.

Please refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of the Board members' discussion and comments related to this item.

### **Procurements:**

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

Board Member Veronica Vanterpool and Andrew Saul voted in opposition to the procurement item relating to the award of the Enhanced Station Initiative–Package 3 to ECCO III Enterprises, Inc. (described on pages 80-82 of the Board book). Please refer to the video recording of the meeting produced by the MTA and maintained in MTA records for the content of the Board members' discussion and comments related to this item.

**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. OTHER MTA BUSINESS**

Chairman Lhota invited Board Member Vanterpool to lead a discussion on a matter brought up at prior Board meetings and to introduce a resolution relating to the MTA Advertising Policy.

Board Member Vanterpool stated that at the September Board meeting she proposed modifications to the MTA's Advertising Policy to prohibit alcohol advertisements in the system, which she withdrew to allow the Board additional time to continue to discuss the matter. Ms. Vanterpool noted that today she will ask the Board to consider a proposed resolution to ban alcohol advertising effective January 1, 2018, with no new contracts for alcohol advertising to be entered into after today's date.

Upon motion duly made and seconded, the Board voted to open the discussion on the resolution.

Following the Board's discussion on the resolution, and upon motion duly made and seconded, the Board approved a resolution amending the MTA's Advertising Policy, effective January 1, 2018, to disallow advertisements of alcohol products by amending Section IV.B.10 to read as follows:

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The amendment will not apply to any advertisement that promotes any alcohol products that was contracted for display on MTA property before the date of the resolution; and no additional advertisements that promote alcohol products will be contracted for display on MTA property as of the date of the resolution through the effective date of the amendment.

Board Member Vanterpool thanked the Chairman for his support and Acting General Counsel, Helene Fromm, and the legal team for their legal advice. In addition Ms. Vanterpool thanked the Board members for their guidance and support, and members of the public, particularly the Building Alcohol Ad-Free Transit (BAAFT) group.

The details of the Board members' discussion and comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

Board Member Jones proposed a discussion on the scope of the Governor's Executive Order No. 168 and its impact on the procurement process.

Chairman Lhota indicated that he intended to propose that the Board convene an Executive Session to discuss matters relating to collective bargaining and that he would welcome a discussion on the Governor's Executive Order during Executive Session.

Board Member Trottenberg expressed her opposition to a discussion relating to the Governor's Executive Order No. 168 in Executive Session since procurement matters were not generally discussed in Executive Session.

Acting General Counsel Helene Fromm stated that discussion of the application of Executive Order No. 168 involved a discussion of legal issues that was exempt from the Open Meetings Law.

Comments followed from Board Members relating to the Governor's Executive Order No. 168 and its impact on the procurement process.

## **8. EXECUTIVE SESSION**

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

Upon motion duly made and seconded, the Board approved resolutions providing for an amendment to the MTA Defined Benefit Pension Plan and amendments to the Long Island Rail Road Company Plan for Additional Pensions.

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

## **9. PUBLIC SESSION RESUMED**

The Chairman announced that during Executive Session the Board approved resolutions relating to the MTA Defined Benefit Pension Plan and the Long Island Rail Road Company Plan for Additional Pensions.

In addition, Chairman Lhota announced that the Board had a discussion on the Governor's Executive Order No. 168. The Chairman noted that the Governor's Executive Order is invoked

with respect to the procurement process, and he further stated that the Executive Order suspends the powers of the Board and relieves the Board of its fiduciary responsibilities as it relates to the procurement process. However, Chairman Lhota stated that the Board intends to discuss this matter further.

**10. ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:20 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, October 25, 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 V. Wortendyke  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

The following member was absent:

Hon. Carl Weisbrod

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, Tim Mulligan, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick, President, MTA Bus Company, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Chairman Lhota called the meeting to order.

1. Chairman's Opening Statement:

Chairman Lhota reminded the public and the Board of the rules and protocol for the public comment period, which he said will continue to be enforced. The Chairman stated that registration for the public comment period begins 30 minutes prior to the start of the Board meeting. Registration should be done in person and all comments should address items on the Board's agenda. He stated that MTA will enforce the two-minute public speaker time period and that speakers are not permitted to transfer their time to other speakers. The Chairman stated that speakers and observers are expected to maintain a certain decorum and that personal attacks and offensive comments are not permitted. The Chairman reiterated that the focus of the speakers' comments must be directly related to an agenda item. Chairman Lhota stated that the reason the law allows for a public comment period is for the public to provide information, comments and concerns to the Board for consideration in advance of the Board's approval of agenda items. The Chairman also stated that all public speakers must state the agenda item they intend to comment on prior to speaking.

2. Public Speakers:

There were 32 registered public speakers, none of whom spoke on Metro-North agenda items. The following speakers spoke on matters referencing Metro-North:

Julia Varughese of People's MTA commented on the cost of Metro-North and subway fares and accessibility. She noted that when she travels to work during peak hours, her roundtrip fare is \$26. She stated that some cannot afford this fare. She further stated that Metro-North needs more morning peak trains as passengers are left standing each morning. She suggested that fares be eliminated with the cost of fares coming from the budget.

Richard Thomas, Mayor of the City of Mt. Vernon noted that the City borders New York City and has two Metro-North commuter lines. He thanked the Governor for making transit a priority. He asked that the Board remember Mt. Vernon when implementing new infrastructure projects. Mayor Thomas stated that Mt. Vernon was bisected by the railroad in 1893 and asked the Board to consider a 1901 project to cover the railroad cut in Mt. Vernon. He stated that Mt. Vernon is seeking a partnership with MTA with respect to new systems and provided the Board with a plan to cover the cap that was being considered by MTA in 1976.

William Henderson of PCAC commented on remediation after Super Storm Sandy which occurred five years ago. He thanked the MTA and the agencies for the progress it made in restoring the system with minimal disruption to riders.

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

3. Chairman's Remarks:

Chairman Lhota welcomed everyone to the October Board meeting. He stated that he is pleased to announce that the Board would be voting on the first contract to begin implementing the new fare payment system on the subway, Metro-North and Long Island Rail Road. Chairman Lhota stated that this is the first step in the MTA's goal to be one of the most technologically advanced transit systems in the world.

Chairman Lhota also discussed the Subway Action Plan. The Chairman noted that October 29, 2017 is the fifth anniversary of Super Storm Sandy, stating that the workers of Metro-North and the other agencies were the brightest light in the darkest moment in the New York metropolitan area, working tirelessly to get the system back up and running. He stated that this is emblematic of the work that can be done at the MTA.

The details of Chairman Lhota's remarks 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.

4. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting held on September 27, 2017 were approved.

5. Committee on Finance:

Action Item:

- Board approval of a resolution: (i) authorizing the filing of applications in request for Federal capital assistance for the balance of FFY 2017 and FFY 2018; (ii) authorizing the Chairman or any of his designees to make required certifications; and (iii) authorizing the acceptance of grants.

MTAHQ Procurements:

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

- Approval to award a competitively negotiated contract to Cubic Transportation Systems, Inc. in the not-to-exceed amount of \$573,487,118 to: (i) design/build, furnish, install, test, integrate and implement a New Fare Payment System for MTA New York City Transit, MTA Bus Company, Metro-North Railroad and Long Island Rail Road 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; and (iii) to exercise, if needed, \$19,659,279 in contract options for bus equipment.
- Approval to award a competitively negotiated, personal service contract to Bowery Residents' Committee, Inc. in the not-to-exceed amount of \$2,118,872 for the first

twelve months to administer the MTA's Homeless Outreach Services Program, also known as MTA/Connections Outreach, for four years beginning on November 1, 2017. 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.

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

Real Estate:

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

- 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, New York.

Upon motion duly made and seconded the Board approved the real estate item listed above. The details of the approved real estate item are contained in the minutes of the MTA Board meeting held this day, a staff summary filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

6. Committee on NYCT & Bus:

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

- Modification to a purchase and public works contract to add funding in the estimated amount of \$61.5 million for additional purchases of core network hardware with maintenance services to the Network Infrastructure Upgrade contract with Vicom Computer Services, Inc. and to 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).

Upon motion duly made and seconded the Board approved the above procurement. The details of the approved procurement are contained in the minutes of the meeting of the Committee on NYCT & Bus held this day, a staff summary filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

7. Committee on Metro-North Railroad:

Procurements:

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

- Approval to award a 24-month competitively solicited and negotiated design-build contract in the not-to-exceed amount of \$30,800,000 to Halmar Transportation Systems, LLC to complete the design and construction of a new cable plant to support audio-visual systems and infrastructure in Grand Central Terminal.
- Approval to award a competitively solicited and negotiated 32-month contract in the not-to-exceed amount of \$8,389,829 to Ford Audio-Video Systems, LLC to design and construct the Visual Display System in Grand Central Terminal.
- Approval to award a 37-month competitively solicited and negotiated design-build contract in the not-to-exceed amount of \$68,882,100 to Mass Electric Construction LLC to perform the design and construction services for security, audio-visual and facility enhancements at various Metro-North stations.
- Approval to award a 33-month competitively solicited and negotiated apparatus contract in the not-to-exceed amount of \$15,893,146 to Signet Electronic Systems, Inc. to design, furnish, install, test and integrate a new Public Address and Visual Information System (PANIS) central control which will replace the current PANIS, as well as develop a new Real Time Train Database System. This contract is an integral part of the multi-part, multi-phase Customer Service Initiative in Grand Central Terminal (GCT), and other outlying passenger stations and facilities.

Board member Metzger reported that all Committee members who were present at the October Committee meeting considered the procurements and voted in favor of the actions. However, a quorum was not present. She moved the items for a vote.

Board member Zuckerman noted that the Board has been properly occupied with the needs of the subway system and the sizeable projects taking place on the Long Island Rail Road. He stated that there have been no such activities taking place in Metro-North's northern suburban counties. He stated that he accepts that different parts of the system need attention at different times. He stated that, thanks to Acting President Rinaldi, the Board will be voting on a change to the communications systems initiative contract to add one station to each of the four northern counties to that contract. He noted that in the next few months there will be additional requests for the northern suburban counties, including a functioning Positive Train Control system that must work and be done by the December 31, 2018 deadline. He noted that the northern counties will also be seeking improvements to neglected stations as part of the enhanced station initiative and will continue to work on a fairer and flatter pricing at the edges of the system. He noted that the riders in these counties pay \$5,000 to \$6,000 a year to commute, making them the best customers who should not pay the most and get the least.

Board member Saul commented on the Mass Electric Construction, LLC contract, noting that he has been a party to discussions at the September Committee and via a telephone conference but nothing has changed with the bid. He expressed concern and will vote against giving an

approximate \$70 million contract to the only company that submitted a bid on a design/build contract. Board member Metzger noted that the Metro-North Committee had prolonged discussions regarding these procurements over the past month. The Committee has also had discussions regarding the Customer Service Initiative during the time period of the last two Capital Plans. She further noted that Acting President Rinaldi has worked with the Committee and understands the Committee's concerns. Metro-North attempted to get the best that it could for the money it had and she would like to call a vote. Board member Pally noted that the conversation regarding this project has been thorough, very interesting and he fully understood the needs of the northern counties for additional stations. He is very pleased that the additional stations were added to the procurements. He stated that this is a major enhancement to the Metro-North system and, with the addition of the four stations in the northern counties, he supports the initiative. Board member Moerdler stated that, to correct the record, the proposed contract for design and construction services for security, audio-visual and facility enhancements at various Metro-North stations was publically bid out and there was only one proposer.

Upon motion duly made and seconded, the Board approved the foregoing procurements. Board member Saul voted in opposition to the proposed contract with Mass Electric Construction, LLC. The details of the above procurements are contained in staff summaries and reports filed with the records of this meeting and in the video recording of the meeting produced by the MTA and maintained in the MTA records, which recording includes discussion regarding the procurements.

#### Ratifications:

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

- Approval of a non-competitive procurements in the combined not-to-exceed amount of \$185,591 to Circuit Breaker Sales NE, Inc. (\$89,741) and Robert L. Gerosa, Inc. (\$95,850) to perform 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 Metro-North's north and south Harlem main lines.

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.

#### 8. Other MTA Business:

Chairman Lhota stated that Board Member Vanterpool will lead the discussion on a matter discussed at last month's Board meeting and will introduce an item she proposed relating to the MTA Advertising Policy.

Board Member Vanterpool stated that at the September Board meeting she proposed modifications to the MTA's Advertising Policy to prohibit alcohol advertisements in the system, which she withdrew to allow the Board additional time to continue to discuss the matter. Ms.

Vanterpool noted that today she will ask the Board to consider a proposed resolution to ban alcohol advertising effective January 1, 2018, with no new contracts for alcohol advertising to be entered into after today's date.

Upon motion duly made and seconded, the Board voted to open the discussion on the resolution.

It was noted that Metro-North cannot guarantee that railcars used for Metro-North service that are owned by the State of Connecticut and by New Jersey Transit will not have advertisements for alcohol and alcohol products. Chairman Lhota noted that the Connecticut Department of Transportation ("CDOT") has indicated that, to defer the cost of 10 café cars CDOT is purchasing, it wants to brand the inside of and wrap those cars with alcohol advertisements. It was noted that some issues concerning New Jersey Transit and CDOT will have to be addressed in the implementation of this resolution, including with respect to rail cars owned or operated by these entities. Metro-North does not have control over stations that are in the State of Connecticut which are controlled by CDOT. It was further noted the resolution only pertains to MTA property. Acting President Rinaldi will hold discussions with New Jersey Transit and CDOT regarding these issues and report on the results of these discussions to the Metro-North Committee.

Following the Board's discussion on the resolution, upon motion duly made and seconded, the Board approved the resolution that amends Section IV.B.10 of the MTA's Advertising Policy, effective January 1, 2018, to disallow advertisements that promote tobacco or any tobacco-related product. The amendment does not apply to any advertisement that promotes alcohol products that was contracted for display on MTA property before the date of this resolution. No additional advertisements that promote alcohol products will be contracted for display on MTA property as of the date of this resolution through the effective date of the amendment.

The details of the approved resolution are contained in the minutes of the MTA Board meeting held this day, a resolution filed with those minutes and in the video recording of the meeting, produced by the MTA and maintained in MTA records.

9. 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 and other matters. Board member Trottenberg voted on opposition. No Metro-North matters were discussed. Thereafter, upon motion duly made and seconded, the Board voted to reconvene in public session.

10. Public Session Resumed:

The Chairman announced that during Executive Session the Board approved resolutions relating to the MTA Defined Benefit Pension Plan and the Long Island Rail Road Company Plan for Additional Pensions.

In addition, Chairman Lhota announced that the Board had a discussion on the Governor's Executive Order No. 168. The Chairman noted that the Governor's Executive Order is invoked with respect to the procurement process, and he further stated that the Executive Order suspends the powers of the Board and relieves the Board of its fiduciary responsibilities as it relates to the procurement process. However, Chairman Lhota stated that the Board intends to discuss this matter further.

11. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:20 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda Montanino". The signature is fluid and cursive, with the first name "Linda" and last name "Montanino" clearly distinguishable.

Linda Montanino  
Assistant Secretary

Oct. 2017 Board Minutes-FINAL  
Legal/Corporate



**Minutes of the Regular Board Meeting  
Long Island Rail Road Company  
2 Broadway  
New York, NY 10004  
Wednesday, October 25, 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 V. Wortendyke  
Hon. Neal Zuckerman

The following member was absent:

Hon. Carl Weisbrod

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 John Samuelson, Board Member Vincent Tessitore, Jr., Tim Mulligan, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President, TBTA, Darryl Irick, President, MTA Bus Company, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Chairman Lhota called the meeting to order, and reviewed certain rules pertaining to public speakers. He noted that registration to speak would be open for a period of 30 minutes prior to the meeting; that registration to speak must be done in person; that comments should be limited to matters on the agenda for the meeting; that speakers would be limited to a two minute time

limit, which would be enforced; that unused time cannot be transferred to another speaker; and that speakers were asked to maintain decorum and to refrain from personal attacks.

## 1. Public Speakers

Stephen Morello, Counselor to the Chairman, indicated that thirty two (32) speakers had signed up to speak. In light of the number of speakers, he asked that speakers limit their comments to two minutes and advised that a blinking light would come on after 90 seconds, alerting the speaker that he/she had 30 seconds left.

Only two (2) of the speakers commented on matters relating to the Long Island Rail Road (“LIRR”):

Mary Parisen, Chair of Civics United for Railroad Environmental Solutions (CURES), stated that this week, Anacostia Rail Holdings and New York & Atlantic Railway (“NYA”) had announced that the Transfer Agreement between LIRR and NYA had been renewed for ten years, and that she was shocked by this news. She stated that NYA had shown contempt for public health and safety, posing an ongoing risk to the MTA and to LIRR. She further stated that on October 11, 2017, CURES reported to MTA that NYA crews, undisciplined and unsupervised, were using trains to visit a local Seven-Eleven, idling next to homes at 3AM and 6AM, and emitting toxic emissions and waking residents with loud noises. She asserted that NYA transports mixed solid wastes, in violation of the Second Amendment to the Transfer Agreement. This waste is transported on open gondola cars, resulting in odors and leachate. Finally, she stated that LIRR could access 100% funding from the VW Settlement and use the money to purchase Tier IV locomotives for use in freight service on LIRR’s system.

Bradley Brashears, Member of the Permanent Citizens Advisory Committee to the MTA, spoke in support of rapid implementation of the Freedom Ticket pilot program, stating that it is low hanging fruit and a measure that would lead to increased ridership and revenue. It would provide residents of Southeast Queens with low-cost service to Atlantic Terminal and fill over 10,000 empty seats each day. Mr. Brashears stated that a bus/subway journey from Southeast Queens to lower Manhattan today could take 2 hours and that Freedom Ticket would reduce travel time by 1 hour each way. He urged the adoption and marketing of a pilot program for Freedom Ticket, with a report back to the Board in six months to ensure transparency.

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 stated that he was pleased to announce that the Board would be voting on the first contract for the new fare payment system, which would be a huge step for the MTA and its goal to be one of the most technologically advanced transportation systems in the world. The new fare payment system would combine subways, LIRR and Metro North.

Chairman Lhota also announced that Friday was the 113<sup>th</sup> anniversary of the opening of the subway system; and that Metro Card was introduced 25 years ago. While MetroCard was something new and quicker, it was now time for something more advanced.

Chairman Lhota stated that the Subway Action Plan had been discussed at Monday's Transit Committee meeting and is proceeding; that 760 workers had been hired; and that MTA hopes to hire 1,600 workers. The Plan is making us more reliable and more resilient, and it will continue.

Finally, Chairman Lhota indicated that Sunday was the fifth anniversary of Superstorm Sandy and that work of MTA employees was one of the brightest lights in one of the darkest times the region had faced. He noted that the tireless work of MTA employees in restoring service was emblematic of the type of work that can be done at the MTA.

Board Member Vincent Tessitore, Jr., noted the recent completion, by LIRR, of the Post Avenue Bridge Replacement Project, and noted that LIRR track workers rose to the occasion to reduce the time for completion of the Project and get service restored.

### 3. Approval of Minutes

Chairman Lhota asked for a motion to approve the minutes of the Regular Board Meeting of September 27, 2017. Upon motion duly made and seconded, the minutes of the Regular Board Meeting of September 27, 2017 were approved.

### 4. Committee on Finance

#### Action Item

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

- **Board Authorization to File for and Accept Federal Grants** – To secure MTA Board approval to file for and accept Federal grants for Federal Fiscal year (FFY) 2017 and 2018.

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

#### Procurement Items

The Board was presented with five (5) procurement items recommended to it by the Committee on Finance, two (2) of which related to Long Island Rail Road:

- **Cubic Transportation Systems, Inc. – New Fare Payment System** - 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.
- **Bowery Residents' Committee, Inc. – Homeless Outreach and Case Management Services** – 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 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.

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, one (1) of which related to the Long Island Rail Road:

- **Sale of Surplus Property – Long Island City** - Sale of 27,912 square feet, more or less, of surplus development rights associated with 43-19 Dutch Kills Street, Long Island City, Queens, Block 266, Lot 1, to 43-19 Dutch Kills Street L.L.C., an affiliate of Rockrose Development Corp. The purchase price is \$2,512,080, or \$90 per square foot, which represents fair market value as determined by MTA Real Estate's independent appraiser.

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

5. Long Island Rail Road Committee

Procurement Items

Board Member Susan Metzger, Chair of the Metro-North Committee, stated that a Joint Meeting of the Metro-North Railroad Committee and the Long Island Rail Road Committee was held on Monday, October 23, 2017 and, although a quorum was not present, recommended a total of seventeen (17) procurements for approval by the Board, fifteen (15) of which were competitive procurements --- four (4) for Metro-North, two (2) for Long Island Rail Road, and nine (9) for MTA Capital Construction. There were two (2) ratifications for Metro-North.

A total of ten (10) procurement items related to the Long Island Rail Road, two (2) for Long Island Rail Road, and eight (8) for MTA Capital Construction, as follows:

Long Island Rail Road

- **Railroad Construction Company & AMCC Corp. JV - Morris Park Locomotive Shop & Employee Facility – Design-Build** – 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.
- **Staples Marketing LLC, D/B/A/ Affirm – Two Year Contract** – LIRR requests Board approval to award a two-year Personal Services Contract in the a 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.

MTA Capital Construction

- **Various Contractors – Contract Nos. MC852A-MC852H – Three Years and Two Year Option** – 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 basis 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.

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. Other Business

Board Member Veronica Vanterpool stated that she had proposed a resolution at the last meeting to modify MTA's advertising policy to ban alcohol advertisements. She subsequently withdrew that proposed resolution to allow MTA additional time to study the issue.

Board Member Vanterpool stated that today, after working in concert with MTA's legal team, she would like to introduce a resolution barring alcohol advertising, effective January 1, 2018, with no new contracts for alcohol advertising to be entered into after today.

Chairman Lhota stated that a vote of the Board was needed first, to open discussion on such resolution. Upon motion duly made and seconded, the Board approved opening discussion of such resolution.

Board Member Lawrence Schwartz asked two questions: First, would current contracts for alcohol advertisements be honored until their expiration date? Second, what was the definition of alcohol products? Mr. Schwartz noted that products such as cough medicine contain alcohol.

Acting General Counsel Helene Fromm responded, noting that Paragraph 2 of the proposed resolution provides that it will not have any effect on advertisements that have already been contracted for, including ones that are on display now and ones that would continue to be displayed through the end of the year. She added that alcohol products were defined as alcoholic beverages that are consumed. Chairman Lhota added that, in laymen's terms, the products in question are beer, wine and spirits.

Board Member Andrew Albert asked if the new advertising contract with OUTFRONT would give MTA an opportunity to make up the \$2.3 Million in advertising revenue that would be lost on account of the proposed ban.

Chairman Lhota responded, stating that as previously discussed with the Board, MTA believes that the lost revenue can be made up in a few years.

Board Member Metzger stated that Metro-North has special issues of concern: It contracts for services from New Jersey Transit ("NJT") and provides services under contract for the State of Connecticut. Sometimes cars on trains operated by NJT for Metro-North, and by Metro-North for the State of Connecticut, contain cars that are not owned by the MTA. Ms. Metzger stated that she therefore did not believe MTA could guaranty that there would be no alcohol advertisements on those trains. She asked for time to work these matters out with NJT and the State of Connecticut.

Chairman Lhota responded, noting his understanding that neither State (New Jersey or Connecticut) had asked for alcohol advertisements, but that Connecticut has expressed an interest in "wrapping" their cars, which they have never done before, and that the Governor of Connecticut has expressed a desire to resume the sale of alcoholic beverages on trains.

Board Member Metzger warned that if we cannot use NJT cars on West of Hudson trains, we may have short consists, and stated that she was always supportive of having Metro-North trains and cars on West of Hudson service but that doesn't always work.

Acting Metro-North President Catherine Rinaldi clarified that, with respect to Connecticut, the unusual case we are talking about is Connecticut pursuing the purchase, at its own expense, of up to 10 café cars. They are in the process of developing a prototype café car, and that based upon the Board-approved purchase of additional M-8 cars, they have the option to convert up to an additional 9 cars as café cars. To defray some of the cost of the 10 café cars, Connecticut has expressed an interest in branding the inside of those cars with the names of alcohol beverage vendors and potentially wrapping the exterior of the cars in the same way. She noted that stations in Connecticut are under the control of the Connecticut Department of Transportation ("CDOT"), and that MTA does not control these stations. Therefore, whatever we adopt today would not affect those stations.

Chairman Lhota stated that this resolution only pertains to MTA property. Mr. Lhota added that there would need to be further conversations with the Board and with CDOT about a carve-out for Connecticut because he was not sure, based on the sentiment of the Board, that there was a desire to sell alcoholic beverages on Metro-North trains, at least in the State of New York.

Board Member Metzger stated that if the resolution is limited to MTA property, the ban would not apply to NJT trains which might be part of our consist and they would be excluded.

Acting Metro-North President Rinaldi stated that she did not believe we control the advertising on NJT trains. Chairman Lhota agreed.

Board Member James Vitiello asked whether MTA owns the cars used on the New Haven line.

Chairman Lhota responded that cars with the Connecticut state seal were purchased and are owned by Connecticut.

Board Member Vitiello asked if Connecticut controls the advertising on those cars and keeps the revenue. Chairman Lhota responded, stating that Connecticut is interested in wrapping the new ten cars, but that the construct we have is that advertising is set by MTA and MTA keeps the revenue.

Board Member Charles Moerdler stated that he felt issues such as these could be dealt with by implementing rules and regulations, and that what we are concerned with here today is the principle.

Chairman Lhota stated that what is being considered today is whether there should be a ban on alcohol advertising on MTA property. The issue of what to do about Connecticut would be separate discussion.

Board Member Neal Zuckerman thanked Board Member Vanterpool for raising this issue and noted that this is proof advocacy works --- the MTA Board does listen to concerns raised by the public. He added that this is not a subway issue alone, noting that his 15-year old daughter, during a rail commute today to high school, noticed a Bourbon ad on the train and asked why the distillery was asking her to buy Bourbon.

Board Member Randolph Glucksman asked whether in West of Hudson, where MTA only owns 65 cars, the advertising company could be instructed not to place alcohol ads in MTA's cars.

Acting Metro-North President Rinaldi stated that this needed to be looked into but her initial reaction was probably not. She added that she wanted to look more closely into the intricacies of the relationship with NJT and with CDOT.

Chairman Lhota added that the resolution applies to assets that are completely owned by MTA. Rules and regulations will be adopted to deal with other situations and there will be an opportunity to look at this again.

Board Member Metzger proposed for the Metro-North Committee that after Metro-North works with New Jersey and Connecticut to understand and deal these issues, Acting President Rinaldi should report back to the Committee on what has been discussed and resolved.

Metro-North Acting President Rinaldi responded, stating she would absolutely do so, and noted that CDOT Commissioner Redeker had asked to come down and address the Metro-North Committee on these subjects.



Board Member Metzger stated that Commissioner Redeker was always welcome to appear before the Committee.

Board Member Mitchell Pally thanked Board Member Vanterpool for raising this issue, and stated that he hoped the Board would go further and deal with the CDOT cars and whether the MTA itself should be in the business of selling alcohol. He expressed the hope that we can get to these issues soon. He stated that the proposed resolution does not reflect the full concerns we have about the effects of alcohol on our clientele, but he would support it.

Board Member Ira Greenberg stated that he wanted to make sure the proposed resolution applied to ads on the outside of cars, such as when LIRR double-decker cars had outside advertisements from Heineken, which certain communities did not appreciate.

Upon motion duly made and second, the Board approved the resolution proposed by Ms. Vanterpool.

Board Member Vanterpool thanked Chairman Lhota for his support and thanked Acting General Counsel Helene Fromm and the MTA legal team for their thorough research. She also thanked the other Board Members for their legal expertise and thanked members of the public, especially Building Alcohol Ad-Free Transit (BAAFT), for their well-documented research.

Board Member David Jones stated that he wanted, at some point, to have a discussion of scope and duration of the Governor's Executive Order No. 168, and in particular its impact on procurements.

Chairman Lhota responded, stating that he was about to make a motion to move the meeting into Executive Session to discuss a collective bargaining agreement, and that he would be pleased to have a discussion there about this issue.

Board Member Polly Trottenberg asked why this matter had to be discussed in Executive Session. We usually discuss personnel matters in Executive Session, not procurement issues.

Chairman Lhota responded that legal issues, as well as labor relations issues, were discussed in Executive Session.

Board Member Trottenberg stated that this did not include procurement issues. She asked if there was a legal issue involved.

Acting General Counsel Fromm stated that discussion of the application of Executive Order No. 168 involved a discussion of legal issues that were exempt from the Open Meetings Law.

Scott Rechler asked for a review, by a subcommittee of the Board and MTA staff, of the MTA procurement systems and how they could be made more efficient, and how we could make our dollars go further.

Chairman Lhota responded by stating that he and Chief Development Officer Janne Lieber, and President Patrick Foye had already started discussing this issue, and the costs of our capital projects.

Board Member John Samuelson stated that in connection with the cost of capital projects in New York, Council Member Helen Rosenthal had talked about adopting best practices from around the world. However, it is unfair to compare New York City to the rest of the world. In other cities around the world, certain costs that are built into Project Labor Agreements in New York City are instead carried by the government, such as national health care, national retirement, and paid family leave. If you are going to compare, you need to make sure there is a level playing field and not simply cherry pick certain items that may increase costs in New York City.

Chairman Lhota indicated that he had prepared a letter to Council Members Rosenthal and Rodriguez, who appeared before the Board and spoke about this issue, and the letter incorporated the point that Board Member Samuelson had made. Chairman Lhota agreed to send a copy of the letter to the Members of the Board.

7. Executive Session

Chairman Lhota asked for a motion to move the meeting into Executive Session for purposes of discussing Collective Bargaining Agreements under Section 105(1)(e) of the New York State Public Officers Law. Upon motion duly made and seconded, with Board Member Trottenberg voting in the negative, the Board voted to move the meeting into Executive Session.

8. Adjournment

Upon returning to the public session of the Board meeting, Chairman Lhota stated that the Board had discussed in Executive Session a pension plan amendment involving the optional purchase by certain MTA employees of credit for military service, and other changes that do not affect benefits. In addition, the Board had a robust discussion of Executive Order No. 168. He further stated that when Executive Order No. 168 is invoked with respect to a procurement, the powers of the Board are suspended, and he believes that the Board is relieved of any fiduciary

responsibility for any procurement that is advanced under such Executive Order. He added that more discussion on this subject will follow.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 1:20 P.M.

Respectfully submitted,



Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**October 25, 2017**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
October 25, 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 V. Wortendyke  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

The following member was absent:

Hon. Carl Weisbrod

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, Tim Mulligan, 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, Darryl Irick, 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 32 public speakers. Council Member Ydanis Rodriguez commented that the MTA should look to various methods of raising revenue to update the transit system including tolling bridges that are used to access Midtown Manhattan. Omar Vera commented that he hopes Chairman Lhota will reconsider his opposition to extending the 7 subway line into New Jersey since commuters coming into New York City would benefit from having more affordable access than having to pay \$15 tolls.

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 discussed the technologically-advanced new fare payment system and stated that October 27, 2017 marks the 113<sup>th</sup> year since the New York City Transit subway system was opened. He also stated that October 29, 2017 will be the fifth anniversary of Superstorm Sandy and due to the hard work and efforts of MTA employees, subway service was resumed after only two days.

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.

**3. Approval of Minutes of Regular Meeting September 27, 2017**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on September 27, 2017 were approved.

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

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

**Procurements**

Commissioner Moerdler stated that there is one (1) procurement totaling \$1.74 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

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

Upon a motion duly made and seconded, the Board approved the procurement 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	\$1,740,928.91
	TBTA 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.

**Ratifications**

Commissioner Moerdler stated that there are no ratifications.

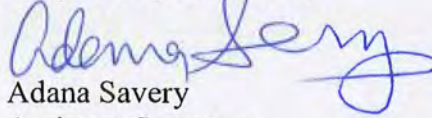
6. **Executive Session**

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

7. **Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 1:20 p.m.

Respectfully submitted,



Adana Savery  
Assistant Secretary

**Regular Board Meeting  
MTA Capital Construction Company  
2 Broadway  
New York, NY 10004  
Wednesday, October 25, 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 V. Wortendyke  
Hon. Neal Zuckerman

The following alternate non-voting members were also present:

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

The following member was absent:

Hon. Carl Weisbrod

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, Tim Mulligan, Acting President, NYCTA, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, Acting President, Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick, President, MTA Bus Company, Evan Eisland, Sr. Vice President, General Counsel and Secretary, MTACC, David Cannon, Chief Procurement Officer and Assistant Secretary, MTACC, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

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 thirty two (32) 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 September 22, 2017.

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

#### Action Item

Vice Chairman and NYCT and Bus Committee Chair Ferrer made a motion that the Board approve the following Action Item:

The transfer of \$150M from savings in MTA Capital Construction's Liability Reserve and Miscellaneous/Administration funds to provide additional contingency for construction Additional Work Orders, impact costs, claims and Soft Cost needs on Phase I of the Second Avenue Subway Project to support the Project's completion.

The motion was seconded and a discussion ensued.

Board Member Saul asked whether rushing to open the Second Avenue Subway ("SAS") contributed to the additional soft costs. Chairman Lhota noted that Chief Development Officer ("CDO") Janno Lieber had provided a memorandum to the Board members that contained additional information about the costs. CDO Lieber added that there are punch list items and other work being completed which require input and oversight from design and construction management professionals which comprise most of the soft costs. Board Member Saul requested a more detailed explanation of the costs.

Board Member Vanterpool asked how the numbers were developed. CDO Lieber stated that the projected costs were the project team's best estimate and that MTACC is proposing to use funds derived from savings in other areas, such as Real Estate acquisitions, to pay for them.

Board Member Vitiello noted that even with this Action, the total cost of the SAS project is anticipated to have gone over budget by just over 3%. CDO Lieber added that the budget will end up at \$4.6B which is 3% over the Board approved budget and is below the budget set by the Federal Transit Administration's Full Funding Grant Agreement.

Board Member Saul requested the breakdown of the costs associated with this Action prior to a vote on the Action. Chairman Lhota stated that the Chair of the Committee was not willing to table the motion. Discussion ended and the vote was held and the motion was approved. Board Members Jones, Saul and Vanterpool voted against the measure.

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

After the vote, Board Member Trottenberg commented that the memo did not contain sufficient detail and that the information should have been provided before they were asked to vote. Chairman Lhota stated that additional information would be provided and encouraged more Board members to come to the briefings and Committee meetings that are held.

Commissioner Jones commented about the amount of material provided and urged that the information be made available sooner to provide more time for review. Chairman Lhota stated that the materials will be provided as expeditiously as possible.

Vice Chairman Ferrer commented that the Action item had been discussed in a robust way at various Committee meetings and during Board briefings.

#### Procurement Item

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

A Modification to contract CM-1188 - Preliminary and Final Engineering Services for Second Avenue Subway Phase 1 to extend the contract duration for an additional nine month period for the not-to-exceed price of \$4,156,506.

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

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

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

1. Award of eight competitively solicited public work contracts (MC852A – MC852H) to provide miscellaneous construction services on an as-needed basis to support the East Side Access Project for a not-to-exceed amount of \$50M.
2. Award of a Modification to the East Side Access Project's GCT Concourse and Facilities Fit-out contract (CM014B) to construct a rigging frame and lifting platforms to provide for access to two existing Metro-North Railroad transformers.

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

#### **Other MTA Business**

Commissioner Jones requested that the Board take up a discussion on scope and duration of the Governor's Executive Order ("EO") 168. Chairman Lhota stated that he was about to move to convene into Executive Session to discuss collective bargaining and, among other things, the EO. Board Member Trottenberg asked why the discussion of the EO would take place in Executive Session. Acting General Counsel Fromm stated that the discussion of the application of the EO would include privileged legal issues.

Board Member Rechler recommended that a subcommittee of the Board and Staff be formed to focus on the high cost of contracts and procurements. Chairman Lhota stated that he is already discussing that issue with President Foye and CDO Lieber.

Board Member Samuelson commented that it was unfair to compare construction costs in New York with other cities like London and Paris because, among things, New York labor agreements include health care and retirement benefits that are not included in labor agreements in those other cities. Chairman Lhota stated that he has prepared a letter to New York City Councilwoman Helen Rosenthal and Councilman Daniel Drumm addressing the issues associated with comparing construction costs in New York with such costs in other cities, including those issues mentioned by Board Member Samuelson.

### **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. Board Member Trottenberg voted against the motion.

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

Chairman Lhota stated that there was a robust discussion on EO 168. He stated that the powers of the Board including their fiduciary responsibilities are suspended in connection with any procurements processed under the EO and that will be more discussion on this issue as we moved forward.

### **Adjournment**

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 1:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "David K. Cannon".

David K. Cannon  
Assistant Secretary

# Staff Summary



Metropolitan Transportation Authority

Page 1 of 1

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

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	11/13/17	X		
2	Board	11/15/17	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 F: Personal Services Contracts

	3	\$	15,018,573.60
<b>SUBTOTAL</b>	<b>3</b>	<b>\$</b>	<b>15,018,573.60</b>

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

None

<b>TOTAL</b>	<b>3</b>	<b>\$</b>	<b>15,018,573.60</b>
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**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, NOVEMBER 2017**  
**COMPETITIVE PROCUREMENTS**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**F. Personal Service Contracts**

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

**1. AFT projects at one MNR Overhead Bridge on the New Haven Line - -**

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

Competitively negotiated - 132 proposals - 18 months.

Mark Fox, 6<sup>th</sup> Avenue Bridge – MNR (\$125,000)

**2. AFT projects at one LIRR station on the Ronkonkoma Branch - -**

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

Competitively negotiated - 10 proposals - 14 months.

Mary Judge, Wyandanch Station – LIRR (\$138,052.60)

**3. CorVel Healthcare Corporation**

**\$14,755,521** *Staff Summary Attached*

**All-Agency Medical Bill Review and Payment Services** (not-to-exceed)

**Contract No. 16014-0100**

Competitively Negotiated 3 proposal 96 months

To obtain Board approval for the award of a competitively negotiated, personal service contract to CorVel Healthcare Corporation (CorVel) to provide medical bill review and payment, Medicare Secondary Payer (MSP), third party administration claims and related services for five years with an option to extend for a three years. The MTA requires a contractor to reduce and pay medical bills based on State schedules and negotiated usual and customary reviews, as well as nurse and physician reviews of large or unusual bills. These reviews result in additional savings to the MTA. The total contract amount of \$14,755,521 for the eight-year period is considered fair and reasonable.

## Staff Summary

### Schedule F: Personal Service Contracts



Page 1 of 2

<b>Item Number:</b> <b>Dept &amp; Dept Head Name:</b> CFO/Bob Foran <b>Division &amp; Division Head Name:</b> Risk & Insurance Management/P. Rachmuth						<b>SUMMARY INFORMATION</b> <b>Vendor Name:</b> CorVel Healthcare Corporation <b>Contract Number:</b> 16014-0100 <b>Description:</b> All-Agency Medical Bill Review and Payment Services <b>Total Amount:</b> \$14,755,521 <b>Contract Term (Including Options, If any)</b> January 1, 2018 thru December 31, 2025 <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 <input type="checkbox"/> Non-competitive <b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other: <b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Board Reviews</b>							
Order	To	Date	Approval	Info	Other		
1	Finance	11/13/17	X				
2	Board	11/15/17	X				
<b>Internal Approvals</b>							
Order	Approval	Order	Approval				
1	Procurement	4	DDCR				
2	Risk & Insur. Mgmt	5	CFO				
3	Legal						

#### Narrative

#### I. PURPOSE/RECOMMENDATION

To recommend that the Board approve the award of a competitively negotiated, personal service contract to CorVel Healthcare Corporation (CorVel) to provide medical bill review and payment, Medicare Secondary Payer (MSP), third party administration claims and related services for five years beginning January 2018 for \$8,383,819 with the MTA option to extend for a three-years for \$5,030,291. The eight year total cost is \$13,414,110 plus a 10% contingency in the amount of \$1,341,411 for other related services for a total of \$14,755,521.

#### II. DISCUSSION

MTA and its agencies pay medical expenses for employees injured on duty and no fault medical expenses for customers and third parties injured in motor vehicle accidents involving MTA vehicles. MTA and its agencies are legally required to pay these medical bills on behalf of employees and customers under the Workers' Compensation and No Fault laws, as applicable. Pursuant to these laws, healthcare providers agree to accept pre-determined fees for specific medical services rendered based on State fee schedules. Medical expenses incurred due to on-duty injuries to employees of the commuter railroads may be recoverable under the Federal Employers Liability Act (FELA), and the commuter railroads pay such medical expenses pursuant to labor agreements and practices. Healthcare provider fees are monitored and negotiated by CorVel to insure that the MTA pays reasonable and customary rates.

These medical bills are routinely submitted by providers in excess of the scheduled allowable amounts. The MTA requires a contractor to reduce and pay medical bills based on State schedules and negotiated usual and customary reviews, as well as nurse and physician reviews of large or unusual bills. These reviews result in additional savings to the MTA. In addition, the contractor provides and administers the mandatory pharmacy, diagnostic testing and durable medical equipment programs, and acts as the MTA's reporting agent for all Medicare Secondary Payer (MSP) reporting. Additionally, the contractor provides third party administration claims services for Workers' Compensation, no-fault, general and auto liability claims, and maintains an automated central repository for accident and claims-related data.

The expiring contract started in 2009, and over 1.1 million medical billings worth about \$740 million were reviewed. During that period, savings of over \$413 million have been realized, or about 56% of total billings. Based on the success of this program, a continuation of services was sought through a competitive Request for Proposal (RFP).

The RFP was publicly advertised, letters advising potential proposers of the RFP's availability were sent to nine firms and three proposals were received. The selection committee consisted of senior managers from MTA Headquarters, Metro-North Railroad and LIRR Safety, Claims and Investigations Departments, MTA Bus, NYC Transit's Law Department and MTA Bridges and Tunnels. Proposals were evaluated based on relevant experience, qualifications, and capabilities of the specific team to be assigned to the MTA account; prior experience, preferably including public transportation industry or comparable client involving accounts of similar size and volume involving workers' compensation, FELA and no fault claims; overall responsiveness and demonstration of understanding of requirements; diversity practices and cost. The Committee recommended that two firms be invited to give an oral presentation.

CorVel, the incumbent, was ultimately determined to be the most technically qualified and offered the most favorable pricing.

CorVel's services under the existing contract have been considered to be effective. CorVel will continue to provide the MTA with savings through their imaging and pharmacy networks, ensuring reduced rates for pharmaceuticals, and provide savings through their review of medical treatment requests in the Workers' Compensation arena. Their review process has proven effective for both controlling costs and ensuring that claimants receive medical treatment they actually need. CorVel provides MTA with favorable durable medical equipment rates and assists in negotiating favorable prices for home health care as required for Workers' Compensation claimants. 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.

CorVel's proposed price for review and evaluation of medical claims was reduced from \$3.95 per bill to \$3.25. Based on all MTA agency claims for 2016, the estimated full contract amount is \$13,414,110, about \$941,000 less than originally proposed, and 13% less than the second most technically qualified proposer's cost for the same group of services. CorVel has stated they are offering the MTA their most favorable customer pricing. While the current estimated contract amount for the eight-year contract is about \$13.4 million, a 10% contingency funding of \$1,341,411 is proposed to cover nurse case review management, diagnostic services, durable equipment, return to work coordination services, and as-needed home health care and medical transportation services. Based on the above, the total contract amount of \$14,755,521 for the eight-year period is considered fair and reasonable.

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

The MTA Department of Diversity and Civil Rights (DDCR) did not assign MWBE goals to this contracts due to the insufficient number of available MWBE firms that were able to evaluate medical claims for reimbursement of medical expenses, including prescriptions, and perform Medicare Secondary Reporting Services. CorVel Healthcare Corporation has not completed any MTA contracts with goals; therefore, no assessment of the firm's MWDBE performance can be determined at this time.

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

The total cost for this contract for the eight year period, including option years, is in the amount not to exceed \$14,755,521. This contract will be funded from each agency's operating budget.

### **V. ALTERNATIVES**

1. Do not Approve Award of the Contract. This is not recommended. Failure to provide this review service would prohibit MTA from benefiting from the additional savings afforded by Preferred Provider networks on medical bills as well as efficiencies resulting from uniform review and payment practices that will include industry best practices for evaluating and paying medical bills.
2. Perform the Services In-house. This alternative is neither practical nor cost effective. If these services are performed in-house, MTA would not benefit from the additional cost savings opportunities afforded by Preferred Provider network.



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

**MTA METRO NORTH RAILROAD**

Lease with the Town of Bedford for the Bedford Hills Station Building in Bedford, NY

License agreement with CTM Media Group for the placement of promotional brochures within bus schedule racks at five Metro-North stations in Westchester County

Permit with Premium Outlet Partners, L.P., for use of a portion of Metro-North's Harriman Station parking facility

**MTA NEW YORK CITY TRANSIT**

License agreement with Bais Esther Chana, Inc. for the operation of a play area on a portion of unused NYCT right-of-way, Brooklyn, NY

**MTA LONG ISLAND RAILROAD**

Exchange of property rights with the Village of Freeport

License agreement with CTM Media Group for the placement of promotional brochure racks at Penn Station (Combined with the Metro-North Action Item)

# Staff Summary

Subject <b>LEASE AGREEMENT FOR THE BEDFORD HILLS STATION BUILDING</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>ALICIA BIGGS</b>

Date <b>NOVEMBER 13, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/13/17	X		
2	Board	11/15/17	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")  
 LESSEE: Town of Bedford (the "Town")  
 LOCATION: Bedford Hills Station, Harlem Line, Westchester County  
 ACTIVITY: Town governmental offices and other community-based uses  
 ACTION REQUESTED: Approval of Terms  
 TERM: 25 Years  
 SPACE: Bedford Hills Station Building (+/-1,860 square feet) along with 9 adjacent parking spaces  
 COMPENSATION: One Dollar, Payment Waived

## COMMENTS:

The Town of Bedford has requested a new lease for the Bedford Hills Station Building, which it has leased since 1975. Throughout, Metro-North customers enjoyed unrestricted access to the waiting and restroom functions (there is no ticket office). The current lease ran for 25 years and expired on September 30, 2015. The Town is currently a month-to-month tenant.

Entering into a new lease will allow Metro-North to continue to realize cost avoidance associated with ongoing maintenance and repairs. The Town has agreed, at its cost, to replace the roof and remove associated asbestos.

Last year, the Town completed a renovation of the interior space, approved by the New York State Historic Preservation Office, at a cost of approximately \$80,000. The new lease will require the Town to continue day-to-day maintenance and undertake capital improvements. The Town is exploring several sources of grants to fund these improvements, including the Federal Transit Administration, and other Federal departments. A long term lease is a prerequisite to applying for and securing such funding.

The lease will allow the Town to use the station building only for municipal purposes and non-profit, community-based events so long as the uses do not impact the customer waiting area or restrooms for Metro-North's customers. The lease will require the Station Building and parking spaces to remain under the control and use of the Town or another public entity.

# Staff Summary


## FINANCE COMMITTEE MEETING LEASE WITH THE TOWN OF BEDFORD

A 2017 appraisal determined that a lease for this building is valued at \$63,600 per annum or \$34.19 per square foot. However the benefit derived from the Town's willingness to assume the necessary capital expenditures is an inducement for Metro-North to enter into this agreement.

Based on the foregoing, MTA Real Estate requests authorization to enter into a lease agreement with the Town of Bedford based upon the above described terms and conditions.



# Staff Summary

Subject <b>LICENSE AGREEMENT FOR BROCHURE RACKS IN STATION BUILDINGS</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>ALICIA BIGGS</b>

Date <b>NOVEMBER 13, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/13/17	X		
2	Board	11/15/17	X		

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

AGENCIES: MTA Metro-North Railroad ("Metro-North") and MTA Long Island Rail Road ("LIRR")

LICENSEE: CTM Media Group, Inc. ("CTM")

LOCATION: Five Metro-North Stations in Westchester County and Penn Station

ACTIVITY: Placement of promotional brochure racks at five Metro-North Stations and Penn Station

ACTION REQUESTED: Approval of Terms

TERM: Month-to-Month

COMPENSATION: In exchange for the privilege of displaying these promotional brochures, Licensee has agreed to distribute the NYC Getaway Guides, Long Island Getaway Brochures, Milepost customer newsletters, TrainTalk customer newsletters, Hudson Valley Getaway Guides and MTA System Maps through their NYC Hotels and NYC Region Local & Recreation Program. The NYC Subway Map and MTA regional map will also be displayed on ExploreBoard digital interactive touch-screens at over 55 locations within the NYC region.

## COMMENTS:

In September 2015, MTA entered into a pilot agreement with CTM for the placement of promotional brochure racks within five Metro-North station buildings in Westchester County. In exchange, CTM agreed to distribute Metro-North's NYC Getaway Guides and Hudson Valley Getaway Guides along with the other promotional brochures CTM offers. In addition, CTM agreed to display a digital file of the NYC Subway Map on its ExploreBoard digital interactive touch-screens. Due to the success of the pilot program, Metro-North has elected to continue this distribution arrangement. The estimated cost benefit to Metro-North for CTM's promotional advertising is \$33,450 annually.

Similarly, the LIRR has requested that CTM promote LIRR Deals & Getaways in exchange for the privilege to place brochure racks within Penn Station in locations approved by the LIRR. The terms of the LIRR's agreement with CTM will be similar to that of Metro-North's. Both agreements will be month-to-month, terminable at will by either party upon 30 days' prior written notice.

Based on the foregoing, MTA Real Estate requests authorization to enter into two license agreements with CTM Media Group: one for Metro-North and one for the LIRR based upon the above-described terms and conditions.

# Staff Summary

Subject <b>PERMIT AGREEMENT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>ANTHONY CAMPBELL</b>

Date <b>NOVEMBER 13, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/13/17	X		
2	Board	11/15/17	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")  
 PERMITTEE: Premium Outlet Partners, L.P. ("Premium")  
 LOCATION: Harriman Station parking facility, Harriman, New York (the "Parking Facility")  
 ACTIVITY: Parking for Permittee's employees  
 TERM: Four days - Thursday November 23 through Sunday, November 26, 2017  
 SPACE: Up to 700 spaces at the Harriman station parking facility  
 FEE: \$9,184.00

## COMMENTS:


Premium owns and operates Woodbury Common, a shopping center in Harriman, New York. Premium has requested that Metro-North permit Premium to use up to 700 parking spaces in the Metro-North Harriman Station parking lot for employee parking during Premium's 2017 Thanksgiving weekend shopping event. Metro-North does not routinely charge a parking fee for commuter holiday and weekend parking, and therefore the lot is normally underutilized during these times.

MTA Policy #26 – All Agency Policy for Short-Term Agreements with For-Profit Entities ("Policy #26") authorizes MTA Real Estate to permit for-profit entities to use MTA Agency (in this case, Metro-North) property for periods not to exceed 72 hours provided the commercial entity is charged a base fee per space of \$3.28. Examples of the uses expressly authorized by Policy #26 include use of a commuter parking lot for parking of employees of an adjacent business during a holiday period (typically not longer than 3 days), however, because the Thanksgiving holiday period is for 4 days, rather than 3, it will extend beyond the 72 hour limit. For this reason MTA Board approval is being sought. Premium will be charged the rate of \$3.28 per space per day, which fee is consistent with the MTA Policy. Additionally, and consistent with MTA Real Estate practice, Premium will be required to provide appropriate insurance coverage and indemnifications, comply with Metro-North's operating requirements, and cleanup the permitted area after the event. The form of permit will be approved by MTA Legal.

Based on the forgoing, MTA Real Estate requests authorization for Metro-North to enter into a permit agreement with Premium as described above.



# Staff Summary

<b>Subject</b> <b>LICENSE AGREEMENT WITH BAYIS ESTER CHANA SCHOOL - BROOKLYN</b>
<b>Department</b> <b>REAL ESTATE</b>
<b>Department Head Name</b> <b>JEFFREY B. ROSEN</b>
<b>Department Head Signature</b> 
<b>Project Manager Name</b> <b>ARTURO ESPINOZA</b>

<b>Date</b> <b>NOVEMBER 13, 2017</b>
<b>Vendor Name</b>
<b>Contract Number</b>
<b>Contract Manager Name</b>
<b>Table of Contents Ref. #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/13/17	X		
2	Board	11/15/17	X		

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

**AGENCY:** MTA New York City Transit ("NYCT")  
**LICENSEE:** Bayis Ester Chana, Inc. ("Bayis Ester")  
**LOCATION:** Open right of way behind 39<sup>th</sup> Street, Brooklyn (Portion of Kings County Block 5582 Lots 2 and 7), NYCT Right-of-Way (the "Property")  
**ACTIVITY:** Recreation area for a school  
**ACTION REQUESTED:** Approval of terms  
**TERM:** 5 years, terminable at will by NYCT upon 60 days' notice  
**SPACE:** Approximately 4,000 square feet  
**COMPENSATION:**

License Year	Annual Compensation	PSF	Escalation
1	\$10,001.00	\$2.50	--
2	\$10,301.03	\$2.58	3%
3	\$10,610.06	\$2.65	3%
4	\$10,928.36	\$2.73	3%
5	\$11,256.21	\$2.81	3%

## COMMENTS:

The subject parcel is located behind and just east of the Bayis Ester Chana School. It is an unused portion of NYCT's right of way which is approximately 4,000 square feet in size.

The Property was publicly offered via a Request for Proposals for a 5-year license term. Two proposals were received by the two adjacent private owners, including Bayis Esther. Their offers are summarized in the chart below:

Proposer Name	Present Value at 7%
Bayis Ester Chana School	\$43,368
Muro Enterprises, LLC	\$37,726

# Staff Summary

## FINANCE COMMITTEE MEETING Bayis Ester Chana (Cont'd.)

Bayis Ester submitted the highest offer and the amount exceeds the independent valuation of vacant, unimproved land in this area which was determined to be \$2.00 PSF. The school currently occupies, as a play area, a 4,900 square foot area just west of and contiguous to the Property. This occupancy is pursuant to a license awarded in July, 2012 per the attached staff summary.

The current license, which expires October 31, 2022, will be terminated and replaced with a new one and will incorporate both the current licensed area and the Property. Under the terms of the new license, the existing play area will be enlarged to incorporate the Property and Bayis Ester will fence the combined properties according to NYCT specifications.

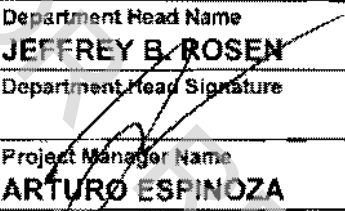
The aggregate compensation incorporating both the existing Bayis Ester's licensed area and the Property is detailed in the table below:

License Year	Aggregate Compensation	Aggregate PSF
1	\$22,763.82	\$2.56
2	\$23,701.99	\$2.66
3	\$24,681.06	\$2.77
4	\$25,702.91	\$2.89
5	\$26,769.49	\$3.01

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






# Staff Summary

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

Date <b>JULY 23, 2012</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	7/23/12	X		
2	Board	7/25/12	X		

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

AGENCY: MTA New York City Transit ("NYCT")  
 LICENSEE: Bayis Ester Chana, Inc. ("Bayis Ester")  
 LOCATION: Vacant land, BMT Right-of-Way, Part of Brooklyn Block 5582, Lots 2 and 7, adjacent to 945 39<sup>th</sup> Street, Brooklyn, NY (the "Property")  
 ACTIVITY: Recreation area for a school  
 ACTION REQUESTED: Approval of terms  
 TERM: Ten years, terminable at will by NYCT upon 60 days' notice.  
 SPACE: Approximately 4,900 square feet

COMPENSATION:	Year	Annual Compensation	Monthly	PSF	% increase
	1	\$10,000.00	\$833.33	\$2.07	N/A
	2	\$10,500.00	\$875.00	\$2.18	5%
	3	\$11,025.00	\$918.75	\$2.28	5%
	4	\$11,576.25	\$964.69	\$2.40	5%
	5	\$12,155.06	\$1,012.92	\$2.52	5%
	6	\$12,762.82	\$1,063.57	\$2.65	5%
	7	\$13,400.96	\$1,116.75	\$2.78	5%
	8	\$14,071.00	\$1,172.58	\$2.92	5%
	9	\$14,774.55	\$1,231.21	\$3.06	5%
	10	\$15,513.28	\$1,292.77	\$3.22	5%

## COMMENTS

Congregation Sanz of Lakewood owns a building adjacent to the Property, (an unused strip of land associated with NYCT's 38<sup>th</sup> Street Yard), where it operates a primary school and childcare facility through Bayis Ester. Bayis Ester proposes to use the Property as a playground.

The Property is located directly behind Bayis Ester's school building, with no direct access from the street. The building housing the school is the only privately-owned real estate directly adjacent to the Property. Nearby property owners, however, could access the Property were they also allowed to use other portions of NYCT's right-of-way. Therefore, a request for proposals (RFP) for the licensing of the Property was issued and the neighboring owners notified thereof. Bayis Ester was the sole respondent to the RFP.

# Staff Summary

## FINANCE COMMITTEE MEETING

### Bayis Ester Chana, Inc. (Cont'd.)

Page 2 of 2

Bayis Ester will be responsible for the construction of a masonry wall, leaving a 3' buffer between such wall and the existing fence that is on the side of the property that faces the NYCT operating right-of-way, and for installing a 6' fence along the borderlines of the Property perpendicular to the right-of-way. Plans for these and any additional installations to support the playground use such as paving and drainage will be subject to NYCT review and approval. Appropriate conditions on use, maintenance, insurance, and an agreement to indemnify NYCT would be obtained from Bayis Esther as part of the license agreement

Based upon the foregoing, MTA Real Estate Department requests authorization to enter into a license agreement with Bayis Ester on the above-described terms and conditions.

# Staff Summary

Subject <b>EXCHANGE OF DEED RESTRICTIONS - FREEPORT</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JEFFREY B. ROSEN</b>
Department Head Signature 
Project Manager Name <b>JOHN COYNE</b>

Date <b>NOVEMBER 13, 2017</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	11/13/17	X		
2	Board	11/15/17	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")

COUNTERPARTY: Incorporated Village of Freeport (the "Village")

LOCATION: 1) A portion of Section 55 Block 111 Lot 2 on the Land and Tax Map of Nassau County (the "Development Parcel"), and  
2) A portion of Section 55 Block 491 Lot 347 on the Land and Tax Map of Nassau County (the "Village Owned Parcel").

ACTIVITY: Release of certain deed covenants from LIRR property and the encumbrance of Village property with identical deed covenants

ACTION REQUESTED: Approval of terms

CONSIDERATION: Replacement in kind

## COMMENTS:

The Village of Freeport intends to develop a multifamily housing project on property it owns located south of the Freeport Station which includes the Development Parcel. The Development Parcel covers land that is currently occupied by 45 commuter parking spaces.

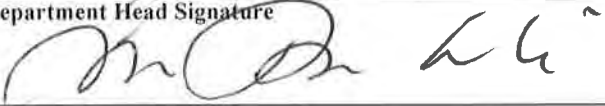



LIRR sold the Development Parcel to the Village in 1963, but included in the deed a restriction that the property be used for commuter parking. In order to facilitate the Village's development, the LIRR has agreed to release this restriction from the property covering these 45 parking spaces in return for the Village creating 45 new commuter parking spaces on the Village Owned Parcel.

The Village, in turn, has agreed to encumber the Village Owned Parcel with deed restrictions comparable to those the LIRR will release on the Development Parcel. The value of the deed restrictions being released on the Development Parcel and the deed restrictions being imposed on the Village Owned Parcel are equivalent in value as determined by MTA Real Estate's independent appraiser.

Based on the foregoing, MTA Real Estate requests authorization for LIRR to release the deed restrictions on the Development Parcel and encumber the Village Owned Parcel with comparable deed restrictions.

### PROCUREMENTS

The Procurement Agenda this month includes 11 actions for a proposed expenditure of \$105.0M.

<b>Subject</b> Request for Authorization to Award Various Procurements <b>Department</b> Materiel – NYCT <b>Department Head Name</b> Stephen M. Plochochi <b>Department Head Signature</b>  <b>Project Manager Name</b> Rose Davis <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="6">Board Action</th></tr> <tr> <th>Order</th><th>To</th><th>Date</th><th>Approval</th><th>Info</th><th>Other</th></tr> <tr> <td>1</td><td>Committee</td><td>11/13/17</td><td></td><td></td><td></td></tr> <tr> <td>2</td><td>Board</td><td>11/15/17</td><td></td><td></td><td></td></tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>						Board Action						Order	To	Date	Approval	Info	Other	1	Committee	11/13/17				2	Board	11/15/17																November 7, 2017 <b>Department</b> <b>Department Head Name</b> <b>Department Head Signature</b>  <div style="text-align: center;"><b>Internal Approvals</b></div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th><th>Approval</th><th></th><th>Approval</th></tr> <tr> <td></td><td>President NYCT</td><td></td><td>President MTACC</td></tr> <tr> <td></td><td>Executive VP</td><td></td><td>President MTA Bus</td></tr> <tr> <td>X</td><td>Capital Prog. Management</td><td>X</td><td>Subways</td></tr> <tr> <td></td><td>Law</td><td>X</td><td>Diversity/Civil Rights</td></tr> </table> <div style="text-align: center;"><b>Internal Approvals (cont.)</b></div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Order</th><th>Approval</th><th>Order</th><th>Approval</th><th>Order</th><th>Approval</th><th>Order</th><th>Approval</th></tr> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>					Approval		Approval		President NYCT		President MTACC		Executive VP		President MTA Bus	X	Capital Prog. Management	X	Subways		Law	X	Diversity/Civil Rights	Order	Approval	Order	Approval	Order	Approval	Order	Approval								
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<p><b><u>PURPOSE:</u></b></p> <p>To obtain approval of the Board to award various contracts and purchase orders, and to inform the NYC Transit Committee of these procurement actions.</p> <p><b><u>DISCUSSION:</u></b></p> <p>NYC Transit proposes to award Noncompetitive procurements in the following categories: NONE</p> <p>MTA Capital Construction proposes to award Noncompetitive procurements in the following categories: NONE</p> <p>MTA Bus Company proposes to award Noncompetitive procurements in the following categories: NONE</p>																																																																																	

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

<u>Procurements Requiring Two-Thirds Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	2	\$ TBD M
<u>Schedules Requiring Majority Vote:</u>		
Schedule F: Personal Service Contracts	9	\$ 105.0 M
SUBTOTAL	11	\$ 105.0 M
TOTAL	11	\$ 105.0 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**

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

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

**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 General Contract Procurement Guidelines, the Board authorizes the award of certain noncompetitive purchase and public work contracts, and the solicitation and award of requests for proposals in regard to purchase and public work contracts; and

**WHEREAS**, in accordance with the All-Agency Service Contract Procurement Guidelines and General Contract 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 Service Contract Procurement Guidelines, 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.

**NOVEMBER 2017**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Two-Thirds Vote:**

**B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)**

(Staff Summaries required for items estimated to be greater than \$1M.)

**Contractors To Be Determined**                      **Cost To Be Determined**                      **Staff Summary Attached**

**Contract Term To Be Determined**

**1-2. Contract Numbers To Be Determined**

RFP Authorizing Resolution for indefinite quantity asbestos abatement contractors.

**Procurements Requiring Majority Vote:**

**F. Personal Service Contracts**

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

**3. WSP USA, Inc.                      \$5,000,000 (Est.)                      Staff Summary Attached**

**Three Proposals – 60-month contract**

**Contract# CM-1058**

Indefinite Quantity Functional Planning and Conceptual Engineering services for miscellaneous capital projects.

**4. AECOM USA, Inc.                      \$100,000,000 (Est. Aggregate)                      Staff Summary Attached**

**5. Ove Arup & Partners, P.C.**

**6. IBI Group Gruzen Samton/Hardesty & Hanover, Joint Venture**

**7. Henningson, Durham & Richardson Architecture and Engineering, P.C.**

**8. HNTB New York Engineering and Architecture, P.C.**

**9. Jacobs Civil Consultants, Inc.**

**10. Parsons/WSP USA A&E, Joint Venture**

**11. STV, Inc.**

**Eleven Proposals – Five-year contracts**





**Contracts CM-1568/69/70/71/72/73/74/75**

Indefinite Quantity Architectural/Engineering Design Services for Miscellaneous Federally Funded Construction and Security projects.

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# Staff Summary

Item Number 1-2			
Division, Department Head Name: SVP Operations Support, Stephen M. Plochochi			
			
Internal Approvals			
Order	Approval	Order	Approval
1 	Materiel	6 	Acting President
2 X	Law		
3 X	Budget		
4 X	OSS		
5 	EVP		

SUMMARY INFORMATION	
Vendor Name	Contract Nos.
RFP Authorizing Resolution	TBD
Description	
IQ Asbestos Abatement Contractors	
Total Amount	
\$TBD	
Contract Term (including Options, if any)	
Three years, plus a one-year option	
Option(s) included in Total Amount?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Renewal?	<input checked="" type="checkbox"/> Yes <input 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 type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE:

To request that the Board determine that competitive bidding is impractical or inappropriate and that it is in the public interest to issue a competitive Request for Proposals ("RFP") pursuant to subdivision 9(f) of Section 1209 of the Public Authorities Law, for procurement of two contractors to perform Indefinite Quantity ("IQ") asbestos abatement at various NYC Transit facilities. The two contracts will have a three-year duration plus an unfunded option for one additional year. These will be zero-dollar based contracts with no minimum guarantee of any assignments.

## DISCUSSION:

The Office of System Safety ("OSS") recognizes that asbestos discovered in MTA NYC Transit facilities represents a risk to the health and safety of the general public as well as NYC Transit employees. In order to minimize that risk, OSS has had qualified contractors on call for abatement if asbestos is found on NYC Transit sites. These contracts are proposed to replace the previous asbestos abatement contracts, which expire in September 2018.

Past experience has shown that NYC Transit is better able to find qualified asbestos abatement contractors via a competitive RFP versus the bidding process. This allows NYC Transit to evaluate proposers based on their technical qualifications rather than primarily on cost. As a result, the Board has approved the award of these contracts through the competitive RFP process for many years.

To provide an efficient best value award process, a one-step RFP is recommended. Firms will be notified by advertisement and will be provided with the RFP package, which contains specifications, terms and conditions, evaluation criteria, and price proposal format. Selection criteria will be based on qualifications, experience, staffing, project management, and unit prices. The two selected firms will each be awarded one IQ contract.

The two contracts will be for three years with an estimated aggregate total and an option for one additional year. This will provide NYC Transit flexibility in assigning work based on price, contractor staff availability at the time of assignment, and performance on current and prior assignments under these contracts. The intent is to assure that NYC Transit will be able to respond rapidly and effectively to asbestos abatement requirements while prudently managing these contracts.

As specific projects are developed, the unit prices will be applied, and the firm with the lowest price for that specific work will receive the Work Order, unless NYC Transit determines that the contractor has too much work to perform adequately, or that one of the selected contractors is uniquely qualified to perform a specific project. Additionally, NYC Transit will have the right to consider the contractor's performance on prior Work Orders under this contract as one of the criteria for the assignment of new projects. Since both of the firms will already be qualified and unit prices established, the Work Order award process will be shortened considerably. A similar procedure was used for the current contracts providing these services to OSS, and has proven to be successful in issuing Work Orders in an expeditious manner.

## **IMPACT ON FUNDING:**

Two contracts will be awarded and funding for these contracts is available from the operating budget.


## **ALTERNATIVES:**

To solicit firms to provide OSS indefinite quantity asbestos abatement services by formal competitive bidding (Invitation for Bid). This is not recommended as the RFP process will ensure a more efficient and best value award to firms with proven track records to perform this work safely and in accordance with all requirements of law and regulations.

## **RECOMMENDATION:**

That the Board determine that competitive bidding is impractical or inappropriate and that it is in the public interest to issue a competitive RFP, pursuant to subdivision 9(f) of Section 1209 of the Public Authorities Law, for procurement of two contractors to perform IQ asbestos abatement at various NYC Transit facilities. The two contracts will have a three-year duration with an unfunded option for one additional year. These will be zero-dollar based contracts with no minimum guarantee of any assignments.

# Staff Summary

<b>Item Number 3</b>			
<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	Materiel	6	EVP
2 X	Law	7	Acting President
3 X	Budget		
4 X	DDCR		
5 X	CPM		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract No.</b>
WSP USA, Inc.	CM-1058
<b>Description</b> IQ Functional Planning and Conceptual Engineering Services for Miscellaneous Capital Projects	
<b>Total Amount</b> \$5,000,000 (Estimated)	
<b>Contract Term (including Options, if any)</b> Five 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"/> 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 Board approval to award a competitively negotiated consultant contract, CM-1058, to WSP USA, Inc. ("WSP") to provide Indefinite Quantity Functional Planning and Conceptual Engineering Services for Miscellaneous Capital Projects over a 60-month period for a total estimated amount of \$5,000,000.

## DISCUSSION:

NYC Transit is seeking to retain an Indefinite Quantity ("IQ") Engineering Consultant to provide Functional Planning and Conceptual Engineering services for the Office of the Executive Vice President's Division of Capital Planning and Budget ("CP&B"). These services provide the building blocks and information necessary to guide NYC Transit on how to approach projects relative to its technical, time, and budgetary choices by addressing the following primary areas: transportation planning, industrial engineering, facilities planning and design, transit operations planning and analysis, feasibility studies, design studies, conceptual scopes of work, alternative analysis, cost benefit analysis, and preliminary cost estimates. The work will be awarded and performed on an as-needed basis via Task Order.

A two-step solicitation was advertised in various publications and direct notices were sent to potential providers. The following four firms submitted Step 1 Qualification Packages: Hatch Associates Consultants, Inc. ("Hatch"); Rossenwasser / Grossman Consulting Engineers, P.C. ("RWG"); WSP; and Stantec Consulting Services, Inc. ("Stantec"). Each package consisted of a Federal Form SF330, a Schedule J Responsibility Questionnaire, and a qualification statement. The Selection Committee ("SC") reviewed the submittals and, based on the firms relevant qualifications and experience, recommended the following three firms to advance to Step 2 and receive the Request for Proposal ("RFP"): Hatch, Stantec, and WSP. RWG was not recommended because it lacked sufficient qualifications and experience in functional planning and conceptual engineering.

An RFP was issued to the short-listed firms, and proposals were subsequently received from all the firms. The SC reviewed the written technical proposals in accordance with the established evaluation criteria, which included the proposer's plan of approach, relevant experience, current workload of key personnel, diversity practices, and past performance on similar projects. Oral presentations were also conducted with the three respondents to the RFP.

After oral presentations, WSP and Stantec were selected for negotiations based on the knowledge and experience of the teams proposed. Both firms were considered the most qualified to perform the work when evaluated in accordance with the established evaluation criteria, based primarily on their current and past planning experience in both transit and non-transit arenas. Hatch's proposal did not demonstrate sufficient relevant transit experience. WSP, the incumbent consultant, was unanimously rated technically highest.

The RFP provided proposers with projected hours, out-of-pocket expenses, and specific titles to facilitate equal price comparison and evaluation between the firms. The initial cost proposals, based on 46,000 total hours for the five-year contract, were as follows: WSP – \$6,189,149 and Stantec – \$6,370,475. The in-house estimate was \$4,998,633. Price negotiations were conducted with both firms, with discussions mainly focusing on direct labor rates, fixed fees, and escalation. Prices were negotiated to levels consistent with the cost/price objective and competitive price range for the project. In addition, the overhead rates were negotiated in accordance with MTA Audit recommendations.

BAFOs were received as follows: WSP – \$5,815,833 and Stantec – \$5,639,953. The revised in-house estimate is \$5,244,311. WSP's BAFO of \$5,815,833 is \$175,880 or 3.1% higher than Stantec. Overall, WSP is \$571,522 or 10.9% higher than the in-house estimate. Notwithstanding WSP's higher price, the SC voted unanimously to recommend award of the contract to WSP. Technical factors were the most important criteria and WSP has proven its extensive experience in providing similar services to NYC Transit over the years. The SC determined that WSP's knowledge, experience, and the technical approach to the scope of work offsets the relatively minimal price difference over the course of the contract, which may be further mitigated based on the actual amount of work awarded.

WSP's BAFO is considered "fair and reasonable" by CP&B and Procurement based on the pricing received, negotiations, and competitive nature of the RFP. WSP's rates include an annualized escalation of 2.4% from the current CM-1050 rates.

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

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

The Department of Diversity and Civil Rights ("DDCR") has established goals of 15% MBE and 15% WBE. The M/WBE Utilization Plan has been submitted to DDCR for approval. These contracts will not be awarded until the requirements are satisfied. WSP has achieved its D/M/WBE goals on its previous MTA contracts.

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

This contract will be funded with 100% MTA funds provided on a task order basis by the individual capital project requiring these services. Task orders will not be issued until an approved War Certificate is received.

#### **ALTERNATIVES:**

Perform the work using in-house personnel. Currently, NYC Transit lacks available in-house technical personnel to perform the specific tasks required under the scope of work for this contract.

#### **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.

#### **RECOMMENDATION:**

That the Board approve to award a competitively negotiated consultant contract, CM-1058, to WSP to provide Indefinite Quantity Functional Planning and Conceptual Engineering Services for Miscellaneous Capital Projects over a 60-month period for a total estimated amount of \$5,000,000.

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<sup>1</sup>WSP acquired Parsons Brinckerhoff in 2014 and changed its name in 2017. The SAI discussed in this paragraph pertained to Parsons Brinckerhoff and occurred prior to its acquisition by WSP.

# Staff Summary



<b>Item Number</b> 4-11			
<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	Materiel	6	EVP
2 X	Law	7	Acting President
3 X	Budget		
4 X	DDCR		
5 X	CPM		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract No.</b>
Various (see list below)	CM-1568 to CM-1575
<b>Description</b> IQ Architectural/Engineering Design Services for Miscellaneous Federally Funded Construction and Security Projects	
<b>Total Amount</b> \$100,000,000 (estimated aggregate)	
<b>Contract Term (including Options, if any)</b> Five 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"/> Noncompetitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:	

## PURPOSE

To obtain Board approval to award eight competitively solicited consultant contracts for Indefinite Quantity ("IQ") Architectural/Engineering ("A/E") Design Services for Miscellaneous Federally Funded Construction and Security Projects within a total estimated aggregate budget of \$100 million over a five-year contract term. The recommended awardees are as follows:

### Consultant Firms

1. AECOM USA, Inc. ("AECOM")
2. Ove Arup & Partners, P.C. ("Arup")
3. IBI Group Gruzen Samton/Hardesty & Hanover, Joint Venture ("IBI/H&H")
4. Henningson, Durham & Richardson Architecture and Engineering, P.C. ("HDR")
5. HNTB New York Engineering and Architecture, PC ("HNTB")
6. Jacobs Civil Consultants, Inc. ("Jacobs")
7. Parsons/WSP USA A&E, Joint Venture ("Parsons/WSP")
8. STV Inc. ("STV")

### Contract No.

CM-1568  
CM-1569  
CM-1570  
CM-1571  
CM-1572  
CM-1573  
CM-1574  
CM-1575

## DISCUSSION:

The IQ A/E consultants will provide design services on an as-needed task order basis for NYC Transit, Metropolitan Transportation Authority Bus Company ("MTABC"), and Metropolitan Transportation Authority Capital Construction ("MTACC"). The major disciplines required include architectural, electrical, communications engineering, specification development, cost estimating, scheduling for various construction projects, and security initiatives. Task orders will typically be competed and will not exceed \$5,000,000 without prior authorization from NYC Transit Division of Materiel and will be utilized up to the total estimated aggregate cost of \$100 million. These contracts are zero-dollar based with no minimum guarantee of any assignments and will replace the four contracts currently in place for these services, which are scheduled to expire 4th Quarter 2017.

The consultants were selected via a qualifications based two-step procurement established by the federal Brooks Act. Under the Brooks Act, contracts for A/E services are negotiated with the consultant that is determined to be most preferred technically by the Selection Committee ("SC") after evaluation of the consultant's qualifications and technical proposals.

Price is not a consideration in the selection or ranking. Cost proposals remain sealed until the conclusion of the technical evaluations, and only the cost proposal(s) for the most preferred proposer(s) is/are opened and considered for negotiations. Since eight awards are planned under this procurement, negotiations were conducted with the eight most technically preferred firms.

Step 1 – In response to NYC Transit’s advertisements, 22 consultant firms submitted Step 1 Qualification Packages. The SC reviewed the Step 1 Qualification submittals, which consisted of a Letter of Interest, SF-330 Forms, Schedule J (Responsibility Questionnaire), and Qualification Statement. The SC reviewed the submissions and recommended the following 11 consultant firms to receive the Request for Proposal (“RFP”) for this solicitation: AECOM, Arup, Dewberry, HAKS Engineers, HDR, IBI/H&H, HNTB, Jacobs, Parsons/WSP, Stantec, and STV. The 11 not selected generally did not have as much experience, or were not as strong technically.

Step 2 – In response to the RFP, technical and cost proposals were submitted by the 11 short-listed firms. The SC reviewed and evaluated the written technical proposals and participated in the oral presentations with all 11 firms. Subsequently, the SC recommended the following eight firms for contract negotiations: AECOM, Arup, IBI/H&H, HDR, HNTB, Jacobs, Parsons/WSP, and STV.

Three firms (Dewberry, HAKS Engineers, and Stantec) were not selected for negotiations. Their technical proposals and oral presentations did not adequately demonstrate their knowledge, experience, and capability to perform the diverse range of work required.

The in-house estimate was \$12,484,850 for each of the eight firms based on the \$100 million aggregate budget, including an allowance of \$1,400,000 for out-of-pocket expenses. The cost proposals were based on predetermined labor titles, hours, and the out-of-pocket allowance. Price negotiations were held with each proposer and focused on the proposer’s hourly rates, fixed fees, and overhead rates for prime and sub-consultants adjusted per MTA Audit recommendations.

Following is a comparison of the initial cost proposals from the eight firms and their Best and Final Offers (“BAFOs”):

	<b>AECOM</b>	<b>ARUP</b>	<b>IBI / H&amp;H</b>	<b>HDR</b>	<b>HNTB</b>	<b>Jacobs</b>	<b>Parsons/WSP</b>	<b>STV</b>
Initial Proposal	\$13,346,953	\$14,030,902	\$13,312,131	\$12,454,566	\$12,582,615	\$11,414,781	\$11,776,001	\$11,309,117
<b>BAFO</b>	<b>\$12,738,729</b>	<b>\$13,172,212</b>	<b>\$12,285,864</b>	<b>\$12,123,835</b>	<b>\$12,191,033</b>	<b>\$11,190,490</b>	<b>\$12,204,157</b>	<b>\$10,933,511</b>

All BAFOs were within the competitive range of the in-house estimate and found to be fair and reasonable based on the RFP requirements.

In connection with prior contracts awarded to AECOM, WSP’s predecessor Parsons Brinckerhoff<sup>1</sup>, Jacobs<sup>2</sup>, and Gannett (a significant subcontractor), each of these companies was previously found to be responsible notwithstanding significant adverse information, pursuant to the all agency responsibility guidelines, and such responsibility findings were approved by the MTA. No new SAI has been found relating to these companies and each has been found to be responsible. Details are set forth below in the footnote.<sup>3</sup>

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

The MTA Department of Diversity and Civil Rights has established DBE Goals of 20% for this project. DBE Utilization Plans have been submitted to DDCR for approval. Goal achievement history on the firms is also pending from DDCR. These contracts will not be awarded until the requirements are satisfied.

<sup>1</sup>WSP acquired Parsons Brinckerhoff in 2014 and changed its name in 2017. The SAI discussed in this paragraph pertained to Parsons Brinckerhoff and occurred prior to its acquisition by WSP.

<sup>2</sup>For transparency to the Board, please note that Jacobs has entered into a Definitive Agreement in August 2017 to acquire CH2M.

In connection with a previous contract awarded to CH2M, CH2M was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in December 2013. No new SAI has been found relating to CH2M and CH2M has been found to be responsible.

<sup>3</sup>In connection with a previous contract awarded to AECOM, AECOM 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 Managing Director in consultation with the MTA General Counsel in November 2017. In connection with a previous contract awarded to Parsons Brinckerhoff, WSP 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 Executive Director/CEO in consultation with the MTA General Counsel in March 2008. In connection with a previous contract awarded to Jacobs, Jacobs 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 Deputy General Counsel in April 2013. In connection with a previous contract, Gannett, a significant subcontractor, was found to be responsible notwithstanding SAI pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in October 2010.

## **ALTERNATIVES:**

Perform the work using in-house personnel. At this time, CPM lacks available staff with the expertise necessary to perform the specific tasks required under the scope of work for these projects.

## **CAPITAL PROGRAM REPORTING:**

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

## **IMPACT ON FUNDING:**

The cost of these contracts will be funded with FTA funds. A WAR Certificate will be issued for each Task Order prior to award.

## **RECOMMENDATION:**

That the Board approve the award of eight competitively solicited consultant contracts for Indefinite Quantity Architectural/ Engineering Design Services for Miscellaneous Federally Funded Construction and Security Projects to AECOM, Arup, IBI/H&H, HDR, HNTB, Jacobs, Parsons/WSP, and STV within a total estimated aggregate budget of \$100 million over a five-year contract term.





**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>					
Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	11-13-17	X		
2	MTA Board Mtg.	11-15-17	X		

<b>Date</b> November 3, 2017			
<b>Vendor Name</b> Various			
<b>Contract Number</b> Various			
<b>Contract Manager Name</b> Various			
<b>Table of Contents Ref #</b>			
Internal Approvals			
	Approval		Approval
X	Acting President		
X	Executive V.P.	X	V.P. Capital Programs
X	Sr. V.P. Operations	X	V.P. & General Counsel
X	VP Finance & IT		

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

**PURPOSE:**

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

**DISCUSSION:**

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

	# of Actions	\$ Amount
<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE	
<u>Schedules Requiring Majority Vote</u>	1	\$500,000
Schedule G    Miscellaneous Service Contracts		
•    Dayton T. Brown, Inc.		\$500,000
SUB TOTAL:		1            \$500,000

**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 B: Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)	1	TBD
• Request to Use RFP Process		TBD

<u>Schedules Requiring Majority Vote</u>	NONE
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SUB TOTAL:	1	TBD
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**MNR presents the following procurement actions for Ratification:**

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	
Schedule D: Ratification of Completed Procurement Actions	NONE

<u>Schedules Requiring Majority Vote</u>	
Schedule K: Ratification of Completed Procurement Actions	NONE

SUB TOTAL:	
TOTAL:	2      \$500,000

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.



**NOVEMBER 2017**

**METRO-NORTH RAILROAD**

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

**Schedules Requiring Majority Vote:**

**G. Miscellaneous Service Contracts**

(Staff Summaries required for all items greater than: \$100K Sole Source; \$250K Other Non-Competitive; \$1M RFP; No Staff Summary required if Sealed Bid Procurement.)

**1. Dayton T. Brown, Inc.      \$500,000 (not-to-exceed)      Staff Summary Attached**  
**Engineering Support Services - 220 MHz Radio Frequency Testing for Positive Train Control**

Approval is requested to award a non-competitive, miscellaneous service agreement in the total not-to-exceed amount of \$500,000 to the firm, Dayton T. Brown, Inc. (DTB), to provide engineering services required to meet an urgent need to support Positive Train Control (PTC) 220MHz Radio Frequency testing. The term of the contract will be up to 42 months, to cover both pre-implementation PTC services and to provide support during the initial phases of PTC operations.

One of the requirements of a functioning and compliant PTC system is providing for interoperability between different railroads operating on the same tracks. The PTC system that Metro-North is implementing, known as Advanced Civil Speed Enforcement System (or ACSES II) must be interoperable with the system being deployed by freight railroads, which is the Interoperable Electronic Train Management System (I-ETMS).

The requirement for interoperability extends to radio communications. The PTC communications network consists of three types of radios: locomotive radios, wayside radios and 75-watt base radios. I-ETMS uses a radio network known as Interoperable Train Control Radio (ITCR) that operates from 217.6 – 222 MHz using 25-kilohertz channels. Metro-North's PTC system operated within an adjacent band of spectrum and our radio are designed to be interoperable with ITCR system. However, testing and certification is required to ensure such interoperability and the mitigation of any potential interference issues.

At this time Metro-North does not have sufficient in-house resources to adequately support this testing and certification effort, which includes environmental testing, qualification testing, subsystem analysis and modeling to determine appropriate performance parameters, as well defining test and demonstration methods. In order to mitigate risk and maintain project schedules, the hiring of an outside resource as an extension of staff and to provide additional engineering expertise has been identified as an urgent immediate need.

DTB, based in Bohemia, New York, has exceptional qualifications in providing PTC radio frequency (RF) compliance testing and certification. DTB has experience in providing engineering support in both heavy rail and transit environments and is the only such company available in the North-East region, and the only qualified company with available resources to immediately support this vital effort. In addition to providing all of the required engineering support needs, DTB can identify and help to mitigate system performance issues.

MNR completed a responsibility review of Dayton T Brown as defined in the All Agency Responsibility Guidelines in connection with this award recommendation, which yielded no significant adverse information (SAI). There are no known MWBE participation opportunities as DTB is the only authorized provider of these services in the North-East region.

Metro-North will receive the benefit of pricing negotiated by the U.S. General Services Administration (GSA) under its contract GS-230-0038K. This procurement is to be funded by MNR's Operating Budget.

## Schedule G: Miscellaneous Service Contracts

Item Number: G

Page 1 of 2

<b>Vendor Name (&amp; Location)</b> Dayton T. Brown, Inc.
<b>Description</b> Engineering Support Services - 220 MHz Radio Frequency Testing for Positive Train Control
<b>Contract Term (including Options, if any)</b> Eighteen Months
<b>Option(s) included in Total Amount?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Non-competitive

<b>Contract Number</b> 88157	<b>AWO/Modification #</b>
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Total Amount:</b>	Not-to-exceed \$500,000
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director	

Contract Manager: Zulma I. Rosario (212) 340-3023

### Discussion:

Approval is requested to award a non-competitive, miscellaneous service agreement in the total not-to-exceed amount of \$500,000 to the firm, Dayton T. Brown, Inc. (DTB), to provide engineering services required to meet an urgent need to support Positive Train Control (PTC) 220MHz Radio Frequency testing. The term of the contract will be up to 42 months, to cover both pre-implementation PTC services and to provide support during the initial phases of PTC operations.

One of the requirements of a functioning and compliant PTC system is providing for interoperability between different railroads operating on the same tracks. The PTC system that Metro-North is implementing, known as Advanced Civil Speed Enforcement System (or ACSES II) must be interoperable with the system being deployed by freight railroads, which is the Interoperable Electronic Train Management System (I-ETMS).

The requirement for interoperability extends to radio communications. The PTC communications network consists of three types of radios: locomotive radios, wayside radios and 75-watt base radios. I-ETMS uses a radio network known as Interoperable Train Control Radio (ITCR) that operates from 217.6 – 222 MHz using 25-kilohertz channels. Metro-North's PTC system operated within an adjacent band of spectrum and our radio are designed to be interoperable with ITCR system. However, testing and certification is required to ensure such interoperability and the mitigation of any potential interference issues.

At this time Metro-North does not have sufficient in-house resources to adequately support this testing and certification effort, which includes environmental testing, qualification testing, subsystem analysis and modeling to determine appropriate performance parameters, as well defining test and demonstration methods. In order to mitigate risk and maintain project schedules, the hiring of an outside resource as an extension of staff and to provide additional engineering expertise has been identified as an urgent immediate need.

DTB, based in Bohemia, New York, has exceptional qualifications in providing PTC radio frequency (RF) compliance testing and certification. DTB has experience in providing engineering support in both heavy rail and transit environments and is the only such company available in the North-East region, and the only qualified company with available resources to immediately support this vital effort. In addition to providing all of the required engineering support needs, DTB can identify and help to mitigate system performance issues.

## Schedule G: Miscellaneous Service Contracts

MNR completed a responsibility review of Dayton T Brown as defined in the All Agency Responsibility Guidelines in connection with this award recommendation, which yielded no significant adverse information (SAI). There are no known MWBE participation opportunities as DTB is the only authorized provider of these services in the North-East region.

Metro-North will receive the benefit of pricing negotiated by the U.S. General Services Administration (GSA) under its contract GS-230-0038K. This procurement is to be funded by MNR's Operating Budget.

**NOVEMBER 2017**

**METRO-NORTH RAILROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Schedules Requiring Two-Thirds Vote:**

**B. Competitive Requests for Proposals (Solicitation of Purchase and Public Work Contracts)**

(Staff Summaries only required for items estimated to be greater than \$1 million)

<b>1. Request to use the RFP Process</b>	<b>TBD</b>	<b><u>Staff Summary Attached</u></b>
<b>For the Rehabilitation of and Improvements to Outlying Stations</b>		

MTA Metro-North Railroad (Metro-North) requests that the Board adopt a resolution declaring that competitive, sealed bidding is impractical or inappropriate and that it is therefore in the public interest to use the competitive Request for Proposal (RFP) process, pursuant to Public Authorities Law Section 1265-a, to solicit Design/Build Services for the for the Rehabilitation of, and Improvements to Outlying Stations.

Through its efforts implementing the Enhanced Station Initiative and the Customer Service Initiative, Metro-North is developing new standards focused on improving the customer's experience at stations. These improvements, which serve functional and aesthetic purposes, include improved entrances, lighting, amenities, communications and new technology. Certain outlying stations require remedial work to bring them into a better state of good repair.

Currently, Metro-North has identified Beacon and Southeast Stations as two stations that would benefit from the implementation of such improvements. Metro-North is also in the process of identifying other stations which, as funding and operational constraints allow, will most benefit from similar scopes of work.

The RFP process generally is used to solicit Design/Build contracts because the contract documents are not sufficiently complete to utilize a formal competitive bidding solicitation. Also, the RFP process will give Metro-North the ability to evaluate terms other than price alone, such as technical approach, contractor and design professional qualifications and past performance. The RFP process also provides the ability to negotiate key terms and to solicit improved technical and schedule requirements.

Metro-North will not solicit for any of this work without first informing Committee members of the selection of included stations, in addition to Beacon and Southeast. Additionally, Metro-North will internally validate the decision to solicit all such work as a Design/Build project and provide information to Committee members about this process before proceeding. Finally, if the Board approves of this action, then the subsequent award of a contract after completion of the RFP process will be separately brought to the Board for approval.

MTA DDCR will be consulted in order to establish MBE/WBE goals for these contracts. These procurements will be funded by the 2015-2019 MNR Capital Program.



# Staff Summary

<b>Item Number</b> B					
<b>Dept. &amp; Dept. Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director					
<b>Division &amp; Division Head Name:</b>  Executive Vice President, Catherine Rinaldi					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	MNR Comm. Mtg.	11-13-17	x		
2	MTA Board Mtg.	11-15-17	x		
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
X	Acting President	X	V.P. & General Counsel		
X	Sr. V.P. Operations		V.P. Planning		
X	V.P. Finance & IT				
X	V.P. Capital Programs				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> TBD	<b>Contract Number</b> Various
<b>Description</b>  Request to use the RFP Process-to solicit the Rehabilitation of, and Improvements to Outlying Stations	
<b>Total Amount</b> TBD	
<b>Contract Term (including Options, if any)</b> Various	
<b>Option(s) included in Total Amount?</b> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

MTA Metro-North Railroad (Metro-North) requests that the Board adopt a resolution declaring that competitive, sealed bidding is impractical or inappropriate and that it is therefore in the public interest to use the competitive Request for Proposal (RFP) process, pursuant to Public Authorities Law Section 1265-a, to solicit the Rehabilitation of, and Improvements to Outlying Stations.

### II. BACKGROUND & DISCUSSION

Through its efforts implementing the Enhanced Station Initiative and the Customer Service Initiative, Metro-North is developing new standards focused on improving the customer's experience at stations. These improvements, which serve functional and aesthetic purposes, include improved entrances, lighting, amenities, communications and new technology. Certain outlying stations require remedial work to bring them into a better state of good repair.

Currently, Metro-North has identified Beacon and Southeast Stations as two stations that would benefit from the implementation of such improvements. Metro-North is also in the process of identifying other stations which, as funding and operational constraints allow, will most benefit from similar scopes of work.

The RFP process generally is used to solicit Design/Build contracts because the contract documents are not sufficiently complete to utilize a formal competitive bidding solicitation. Also, the RFP process will give Metro-North the ability to evaluate terms other than price alone, such as technical approach, contractor and design professional qualifications and past performance. The RFP process also provides the ability to negotiate key terms and to solicit improved technical and schedule requirements.

Metro-North will not solicit for any of this work without first informing Committee members of the selection of included stations, in addition to Beacon and Southeast. Additionally, Metro-North will internally validate the decision to solicit all such work as a Design/Build project and provide information to Committee members about

# Staff Summary

this process before proceeding. Finally, if the Board approves of this action, then the subsequent award of a contract after completion of the RFP process will be separately brought to the Board for approval.

## III. D/M/WBE INFORMATION

MTA DDCR will be consulted in order to establish MBE/WBE goals for these contracts.

## IV. IMPACT ON FUNDING

These procurements will be funded by the 2015-2019 MNR Capital Program and potentially the 2020-2024 Capital Program

## V. ALTERNATIVES

The alternative is to use the sealed competitive bidding process. Subject to further analysis and review (as referenced above), this alternative is not recommended, as it would require Metro-North to first obtain 100% designs of the work to be implemented, thereby losing the advantages of Design/Build construction. Also, Metro-North would lose the ability to negotiate improvements to the project schedule and to incorporate more efficient means and methods for project delivery.

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**November 15, 2017**



# Staff Summary



Long Island Rail Road

Subject : Request for Authorization to Award Various Procurements						Date November 15, 2017			
Department Procurement and Logistics									
Department Head Name Dennis L. Mahon, Chief Procurement and Logistics Officer									
Department Head Signature 									
Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	LI Committee	11.13.17				1	President		
2	MTA Board	11.15.17				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 F:      Personal Service Contracts

	1	\$1,377,643
SUBTOTAL:	1	\$1,377,643

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

None

**TOTAL:                      1                      \$1,377,643**

**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.

**NOVEMBER 2017**

**MTA LONG ISLAND RAIL ROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

*Procurements Requiring Majority Vote*

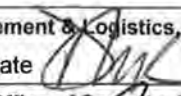
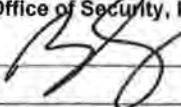
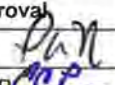





**Schedule F: Personal Service Contracts**

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

- |           |                                    |                      |
|-----------|------------------------------------|----------------------|
| <b>1.</b> | <b>Strategic Planning Partners</b> | <b>\$1,377,643</b>   |
|           | <b>Competitive RFP</b>             | <b>Not-to-Exceed</b> |
|           | <b>Contract No. 6271</b>           |                      |

Long Island Rail Road requests MTA Board approval to award a competitively solicited Personal Service contract to Strategic Planning Partners (“SPP”) for the development of protocols for Security Sensitive Information (SSI) and for Security Control Officer Consultants for various LIRR locations for all existing/proposed LIRR projects containing a Security/SSI component for a period of two years, plus a one-year option, in the total not-to-exceed amount of \$1,377,643.

## Staff Summary

Item Number: 1					
Dept & Dept. Head Name: Procurement & Logistics, Dennis Mahon					
Department Head Signature & Date 					
Division & Division Head Name: Office of Security, Robert Murphy					
Division Head Signature & Date 					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee	11.13.17			
2	MTA Board	11.15.17			
Internal Approvals					
Order	Approval	Order	Approval		
6	President 	3	SVP Engineering 		
5	Executive VP 	2	VP & CFO 		
4	SVP Operations 	1	VP Gen Counsel & Sec'y 		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Strategic Planning Partners	6271
Description	
Security Sensitive Information Consultants	
Total Amount	
\$1,377,643 NTE	
Contract Term (including Options, if any)	
December 1, 2017 – November 30, 2020	
Options(s) included in Total Amount: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Renewal? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

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

Long Island Rail Road requests MTA Board approval to award a competitively solicited Personal Service contract to Strategic Planning Partners ("SPP") for the development of protocols for Security Sensitive Information (SSI) and for Security Control Officer Consultants for various LIRR locations for all existing/proposed LIRR projects containing a Security/SSI component for a period of two years, plus a one-year option, in the total not to exceed amount of \$1,377,643.00.

**II. DISCUSSION:**

The consultant will act as the liaison between the LIRR Office of Security and LIRR internal departments (i.e. Procurement, Project Management, IT, Operating Departments, etc.) and external parties throughout the life of a project to provide subject matter expertise, ensure compliance, and provide guidance and recommendations. Consultant staffing will be in direct proportion with project lifecycle and will expand or contract commensurate with project needs. Project requirements, plans and schedules will need to be reviewed to ensure the highest security and safety standards identified in the Program are incorporated and maintained. The full time, on-site consultants will facilitate all security matters which includes overseeing the development of procedures for the classification and distribution of security sensitive information, and thereafter, ensure that such distribution is in accordance with prescribed protocols, in order to maintain confidentiality of the information on a need to know basis, at determined security levels. This also includes records management and maintenance of the database of all non-disclosure related documents, as well as all records pertaining to access, preservation, use, reproduction, disposal and transmission of all materials containing MTA Security Sensitive information. The consultant shall report on progress, non-conformance issues, and incidents having either actual or potential impact to the security of confidential information and its maintenance.

In response to LIRR's RFP, which was advertised in the NYS Contract Reporter, MTA website, and the NY Post on June 22, 2017, four (4) firms submitted Technical and Cost proposals on July 28, 2017 as follows: AECOM, \$1,980,716.25; QED, \$1,743,189.44; Seamless Communications, \$1,522,400.00, SPP, \$1,458,555.00.



## Staff Summary

On August 22, 2017, LIRR's Technical Evaluation Committee ("TEC") met to evaluate the four (4) technical proposals using the following evaluation criteria: Experience of the Proposer; Experience and Qualification of key personnel; and Technical Approach. At the conclusion of the technical evaluation, the TEC unanimously agreed that SPP was the most technically qualified firm to perform the work, as their proposal met the majority of LIRR's requirements. SPP has familiarity with MTA/LIRR projects and requirements, having provided similar services on the West Side Yard Overbuild project. SPP also has prior anti-terrorism threat assessment experience with a large law enforcement agency. Further, SPP displayed extensive experience and knowledge in the development, review, and implementation of plans, documents, and security drawings and protocols as they relate to SSI requirements.

On October 3, 2017, a teleconference was held with SPP to review their cost proposal. Based on MTA Audit's review of the proposed rates, SPP agreed to reduce its Overhead Rate by 10%. SPP's proposed direct hourly rate was reviewed in accordance with the NYS Department of Labor Employment and Wage data applicable to the proposed Occupational titles within the NYC region and was found to be within range. It was also noted that SPP's proposed burdened labor rates were 24% less than the number two ranked firm. Negotiations yielded an overall contract price reduction of \$80,912.00, from \$1,458,355.00 to \$1,377,643.00 (\$909,351.00 for the base years and \$468,292 for the option year), or a 5.55% saving from the initial proposed amount. The two-year base contract negotiated amount of \$909,351.00 is 5% less than the LIRR's internal cost estimate of \$959,806.98 and is therefore deemed fair and reasonable.

In connection with the responsibility review, SPP was found to be responsible with no significant adverse information pursuant to the All-Agency Responsibility Guidelines.

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

The MTA Department of Diversity and Civil Rights established a 0%/0% M/WBE goals for this procurement.

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

Funding for this project is included in the LIRR's Operating Budget.

### **V. ALTERNATIVES:**

LIRR does not have the available in-house staff with both the expertise and capability to develop the required security sensitive information procedures for the classification, distribution, management and maintenance of confidential information in a security sensitive system.



# Bridges and Tunnels

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## Procurements November 2017



# Staff Summary

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

<b>Date</b>	11/02/2017
<b>Vendor Name</b>	
<b>Contract Number</b>	
<b>Contract Manager Name</b>	
<b>Table of Contents Ref #</b>	

Board Action					
Order	To	Date	Approval	Info	Other
1	President	11/02/2017			
2	MTA B&T Committee	11/13/2017			
3	MTA Board	11/15/2017			

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

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

## PURPOSE:

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

## DISCUSSION:

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

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule E: Miscellaneous Procurement Contracts	1	\$0.549M
<b>SUBTOTAL</b>	<b>1</b>	<b>\$0.549M</b>

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

<u>Schedules Requiring Majority Vote:</u>	<u># of Actions</u>	<u>\$ Amount</u>
Schedule F: Personal Service Contracts	2	\$6.166M
<b>SUBTOTAL</b>	<b>2</b>	<b>\$6.166M</b>

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

<b>TOTAL</b>	<b>3</b>	<b>\$6.715M</b>
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## BUDGET IMPACT:

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

## RECOMMENDATION:

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

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

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

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

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

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

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

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

**LIST OF NON-COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**  
**NOVEMBER 2017**

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

**E: Miscellaneous Procurement Contracts**

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

- |                                   |                     |                                      |
|-----------------------------------|---------------------|--------------------------------------|
| <b>1. RapidToll Systems, Inc.</b> | <b>\$548,858.00</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract No. 17-OPS-2965</b>   |                     |                                      |

1 yr. Contract- Non-Competitive Other

B&T is seeking Board approval in accordance with the All-Agency Procurement Guidelines to award this non-competitive miscellaneous procurement contract, Contract 17-OPS-2965, to RapidToll Systems, Inc. to install and maintain a video-based audit system (Data Logger) to monitor the performance of its new open road Cashless Tolling system and to ensure that B&T's \$1.9 billion revenue stream is properly accounted for.



# Staff Summary

Page 1 of 2

<b>Item Number 1 (Final)</b>						<b>SUMMARY INFORMATION</b>	
<b>Dept &amp; Dept Head Name:</b>  Maintenance Department, Patrick Parisi						<b>Vendor Name</b>  RapidToll Systems, Inc.	<b>Contract Number</b>  17-OPS-2965
<b>Division &amp; Division Head Name:</b>  Director, Toll Operations, Joseph Gugliero						<b>Description</b> Install and Maintain a Data Logger System – Agency Wide	
<b>Board Reviews</b>						<b>Total Amount</b> \$548,858	
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Contract Term (Including Options, If any)</b> One (1) year	
1	President					<b>Option(s) Included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2	MTA B&T Committee					<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3	MTA Board					<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive	
<b>Internal Approvals</b>						<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other:	
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:			
1	VP Maintenance CP for Parisi	4	Chief Procurement Officer BB				
2	VP & Chief Financial Officer MAG for MLC	5	Executive Vice President AR				
3	VP & General Counsel MAG	6	President [Signature]				

## I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval in accordance with the All-Agency Procurement Guidelines to award this non-competitive miscellaneous procurement contract, Contract 17-OPS-2965, to RapidToll Systems, Inc., located at 1404 Stoneyview Court, Plano, TX 75093 to Install and Maintain a Data Logger, which is a video-based audit system, in the amount of \$548,858 for a period of one year.

## II. DISCUSSION

B&T is seeking to move forward with a sole source procurement with RapidToll Systems Inc. for the installation and maintenance of a video-based audit system (Data Logger) to monitor the performance of its new open road Cashless Tolling system and thus aid in the protection of B&T's \$1.9 billion revenue stream.

The selection of RapidToll for such services occurred after consultation with industry experts and B&T's performance of an independent search within the transportation and tolling industry to determine if products meeting B&T's Cashless Tolling audit needs were commercially available. It was subsequently determined that RapidToll Systems Inc. was the only company within the industry providing such a product. In order to assess the Data Logger system's capability to audit a high-speed and high-volume Cashless Tolling system of B&T's size, a Data Logger system was purchased and installed on a pilot basis at the Verrazano-Narrows Bridge. To date, the pilot has been very successful. It is estimated that the use of the Data Logger system enables 8-10 times the number of transactions to be audited in a given timeframe than the video audit tool historically utilized by B&T. Therefore, B&T is implementing the Data Logger system at all of the remaining B&T facilities.



# Staff Summary

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The Data Logger system is comprised of strategically placed video cameras and associated servers at each B&T tolling zone. The system contains unique and efficient audit features that allow B&T to:

1. Perform high-volume system audits from a medium that is independent of B&T's tolling system, thus ensuring audit integrity and accuracy and the availability of audit video in cases of Cashless Tolling system outages.
2. Measure the Cashless Tolling system contractor's compliance with contractually mandated performance requirements.
3. Assess and recover lost revenue damages associated with failure to meet the contract's performance standards and other revenue-related incidents arising from the contractor's failure to meet contractually agreed upon response and repair time requirements.
4. Identify system-related problems that cannot be detected through tools and reports available through B&T's Cashless Tolling system.

The Data Logger System was custom-designed specifically for electronic toll collection and open road Cashless Tolling systems. This system has widely been used with system integrators, consultants and toll Authorities in the United States. Only RapidToll Systems provides this unique system and there is no comparable product that is commercially available within the tolling industry. Prior to the implementation of Cashless Tolling, B&T has successfully used the Data Logger System over the years to help with testing and operating its legacy E-ZPass system. While B&T's open road Cashless Tolling system has maximum redundancy and an assortment of audit-based tools, it is imperative that B&T expand the use of this video-based system to all B&T's facilities as soon as possible to provide audit capabilities independent of the Cashless Tolling System for the protection of B&T's \$1.9 billion revenue stream.

RapidToll submitted a proposal in the amount of \$548,858. The estimate is \$583,500. B&T agreed with the proposal amount which is 5.9% below the estimate and is considered to be fair and reasonable.

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

The MTA DDCR has established M/WBE goals of 0% and 0%, respectively, for the contract.

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

Funding in the amount of \$548,858 is available in the Operating Budget under GL #176585.

### **V. ALTERNATIVES**

There are no recommended alternatives. The Authority does not possess the resources required to perform these services nor have we found a comparable product in the market place.

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

**MTA BRIDGES & TUNNELS**

**Procurements Requiring Majority Vote:**

**F: Personal Service Contracts**

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

- |  |                       |                                      |
|--|-----------------------|--------------------------------------|
| <b>1. WSP USA, Inc.</b><br><b>Contract No. PSC-16-2990</b> | <b>\$4,414,813.25</b> | <b><u>Staff Summary Attached</u></b> |
|--|-----------------------|--------------------------------------|

3 yr., 10 month Contract- Competitive RFP

B&T is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award a personal service contract for the Quality Oversight and Administration for Design-Build Project BW-39/RK-60, Installation of an Integrated Electronic Security System and Fire Alarm and Detection System at the Bronx Whitestone and Robert F. Kennedy Bridge Facilities to WSP USA, Inc. (WSP USA).

- |   |                       |                                      |
|---|-----------------------|--------------------------------------|
| <b>2. GPI/Parsons RK-22 JV</b><br><b>Contract No. PSC-17-3004</b> | <b>\$1,751,005.87</b> | <b><u>Staff Summary Attached</u></b> |
|---|-----------------------|--------------------------------------|

1 yr., 9 month Contract- Competitive RFP

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract to GPI/Parsons RK-22 JV, of Babylon, New York, for Construction Administration and Inspection Services for Project RK-22, Interim Repairs to the FDR Ramps of the Robert F. Kennedy Bridge.



# Staff Summary

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<b>Item Number 1 (Final)</b>					
<b>Dept &amp; Dept Head Name:</b> Engineering & Construction Department, Joe Keane, V.P., P.E.					
<b>Division &amp; Division Head Name:</b> Engineering & Construction Department, Aris Stathopoulos, P.E.					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	President	10/27/17			
2	MTA B&T Committee	11/12/17			
3	MTA Board	11/15/17			
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
1	Chief Financial Officer	4	Executive Vice President		
2	General Counsel	5	President		
3	Chief Procurement Officer				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b>	<b>Contract Number</b>
WSP USA, Inc.	PSC-16-2990
<b>Description:</b> Quality Oversight and Administration for Design-Build Project BW-39/RK-60, Installation of an Integrated Electronic Security System and Fire Alarm and Detection System at the Bronx Whitestone and Robert F. Kennedy Bridge Facilities	
<b>Total Amount</b> \$4,414,813.25	
<b>Contract Term (including Options, if any)</b> Three (3) Years, Ten (10) months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award a personal service contract for the Quality Oversight and Administration for Design-Build Project BW-39/RK-60, Installation of an Integrated Electronic Security System and Fire Alarm and Detection System at the Bronx Whitestone and Robert F. Kennedy Bridge Facilities to WSP USA, Inc. (WSP USA) in the negotiated amount totaling \$4,414,813.25 for a duration of three (3) years, ten (10) months.

### II. DISCUSSION

B&T requires the services of an engineering consultant firm to provide professional engineering services and expertise to assist B&T in providing quality oversight and administration for Design-Build Project BW-39/RK-60, Installation of an Integrated Electronic Security System and Fire Alarm and Detection System at the Bronx Whitestone and Robert F. Kennedy Bridge Facilities. The selected Consultant's services shall include, but not be limited to, providing quality oversight of designs in development prior to submission for formal review and project administration services.

The service requirements were publicly advertised. Five (5) firms submitted qualification information for review and evaluation by the selection committee and all five firms were chosen to receive the Request for Proposal (RFP). The firms are: DVS, a division of Ross & Baruzzini, Inc. (DVS); HAKS Engineers, Architects and Land Surveyors, P.C. (HAKS); Jensen Hughes, LiRo Engineers and WSP|Parsons Brinckerhoff (n/k/a WSP USA). The proposals were evaluated against

## Staff Summary

established criteria set forth in the RFP, including technical work proposed, depth of understanding of the Project, qualifications of the firm for specific personnel proposed and cost.

Although all 5 firms were eligible to receive the RFP package, 3 firms advised B&T that they would not submit proposals for reasons as follows: LiRo's current work load and commitments prevent them from providing sufficient resources to adequately staff the Project; DVS and Jensen Hughes stated they had limited in-house quality management staffing and decided not to propose. The remaining two (2) firms, HAKS and WSP USA, submitted proposals which were reviewed and evaluated by the selection committee.

The selection committee unanimously recommended that negotiations be conducted with WSP USA due to their demonstrated thorough understanding of the BW-39/RK-60 scope and B&T's expectations for the quality oversight and administration responsibilities. WSP USA has similar design-build quality experience as well as construction and integration of electronic security systems and fiber optic communication cables. Furthermore, WSP USA has hands-on experience in development of design-build specifications and procedures. HAKS demonstrated limited experience providing quality oversight and administration services for design-build technology projects. Also, HAKS did not demonstrate the security and systems experience required in the RFP to oversee the BW-39/RK-60 project as compared to WSP USA.

WSP proposal is in the amount of \$4,958,642.33. HAKS proposal totaled \$4,267,070.34. The Engineer's estimate is \$4,553,207.36. Negotiations resulted in B&T and WSP USA agreeing to the amount totaling \$4,414,813.25, which is approximately 3% below the estimate and demonstrates a strong understanding of the Project requirements. The negotiated amount is considered most advantageous to B&T and is fair and reasonable.

Parsons Brinckerhoff, Inc. is a wholly owned subsidiary of WSP USA. In connection with a previously awarded contract, Parsons Brinckerhoff, Inc. was found to be responsible notwithstanding significant adverse information pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel on March 25th, 2008. No new SAI has been found relating to Parsons Brinckerhoff, Inc., and likewise WSP USA, and therefore both have been found to be responsible.

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

The MTA Department of Diversity and Civil Rights has established goals of 15% MBE and 15% WBE for this contract. WSP USA has achieved their M/WBE goals on previous MTA contracts.

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

Funding is available in the 2015-2019 Capital Program under Project BW-39, Task D03559 (\$1,816,242.55) and RK-60, Task D03648 (\$2,598,570.70).

### **V. ALTERNATIVES**

There are no recommended alternatives. B&T does not possess the resources required to perform these services.

<b>Item Number 2 (Final)</b>					
<b>Dept &amp; Dept Head Name:</b> Engineering & Construction, Joe Keane, P.E.					
<b>Division &amp; Division Head Name:</b> Engineering and Construction, Walter Hickey, P.E.					
<b>Board Reviews</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	President	10/27/17			
2	MTA B&T Committee	11/12/17			
3	MTA Board	11/15/17			
<b>Internal Approvals</b>					
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>		
1	Chief Procurement Officer	4	Chief Financial Officer		
2	Vice President, Administration	5	SVP & General Counsel		
3	Director, Strategic Initiatives	6	President		

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> GPI/Parsons RK-22 JV	<b>Contract Number</b> PSC-17-3004
<b>Description</b> Construction Administration and Inspection Services for RK-22, Interim Repairs to the FDR Ramps of the Robert F. Kennedy Bridge	
<b>Total Amount</b> \$1,751,005.87	
<b>Contract Term (including Options, if any)</b> Twenty-one months	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive	
<b>Solicitation Type</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative:

### I. PURPOSE/RECOMMENDATION

B&T is seeking Board approval under the All Agency Guidelines for Procurement of Services to award a personal service contract to GPI/Parsons RK-22 JV, of Babylon, New York, for Construction Administration and Inspection Services for Project RK-22, Interim Repairs to the FDR Ramps of the Robert F. Kennedy Bridge, in the amount of \$1,751,005.87 and for a duration twenty-one months.

### II. DISCUSSION

B&T requires the services of a consultant to provide construction administration and inspection services for Project RK-22 as described above. The work includes but is not limited to performing restoration work for the on- and off-bound ramps from FDR Drive to the RFK Bridge.

The service requirements were publicly advertised. Thirteen firms submitted qualification information for review and evaluation by the selection committee. Three firms were chosen to receive the RFP based on a review of those qualifications. All three firms submitted proposals: AECOM USA, Inc., \$2,345,349.89; GPI/Parsons RK-22 JV (GPI/Parsons), \$1,751,005.87; and Louis Berger U. S., Inc., \$3,127,346.05. The proposals were evaluated against established criteria set forth in the RFP including technical work proposed, depth of understanding of the project and qualifications of the firm for specific personnel proposed. All three firms were invited for oral presentations. Based on the detailed review of all submittals and its consideration of proposed costs, the selection committee recommended GPI/Parsons as the highest rated proposer.

The committee selected GPI/Parsons based on (i) a highly qualified team with experience that includes construction inspection services on a similar recent project at the 125<sup>th</sup> St. ramps of the RFK Bridge; (ii) the Consultant's thorough understanding of contract requirements during construction; (iii) a project specific presentation highlighting safety, security and community relations; (iv) its substantial experience in connection with staged bridgework and Maintenance and Protection of Traffic as will be constructed under this project; and (v) a competitive cost proposal that includes the lowest cost proposed.

Although others proposed qualified teams, the selection committee felt GPI/Parsons provided the strongest proposal for the project. Other proposers did not demonstrate as proactive an approach to the Work in the areas of traffic control and concrete repair management and proposed significantly higher cost.

GPI/Parsons submitted a proposal of \$1,751,005.87 which is 13.74% below the Engineer's revised estimate of \$2,030,000.00 and is fair and reasonable. The variance is attributed to projected efficiencies in coordination with the Consultant's ongoing work at the Facility. Parsons GPI RK-22 JV is a joint venture of Greenman-Pedersen, Inc. and Parsons Transportation Group. Greenman-Pedersen, Inc. was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guideline and such responsibility finding was approved by the MTA Chairman/CEO in consultation with the MTA General Counsel in December 2014. Parsons Transportation Group and Parsons GPI RK-22 JV were found to be responsible pursuant to the All-Agency Responsibility Guidelines.

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

The MTA Department of Diversity and Civil Rights has established goals of 15% MBE, 15% WBE and 6% Service Disabled Veteran Owned Business (SDVOB) for this contract. Parsons Transportation Group and Greenman Pedersen, Inc. JV have achieved their M/WBE goals on previous MTA contracts. SDVOB goals have never been assigned to prior contracts of Parsons Transportation Group or Greenman Pedersen, Inc. JV and, as such, neither firm has any record of performance in this diversity category.

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

Funding in the amount of \$1,751,005.87 is available under Project RK-22 in the 2015-2019 Capital Budget.

### **V. ALTERNATIVES**

There are no recommended alternatives. B&T does not possess the resources required to perform these services.