



Metropolitan Transportation Authority

# March 2018

**MTA Board Action Items**



**MTA Board Meeting**  
**2 Broadway - 20th Floor Board Room**  
**New York, NY 10004**  
**Wednesday, 3/21/2018**  
**10:00 AM - 12:00 PM ET**

**1. PUBLIC COMMENT PERIOD**

**2. APPROVAL OF MINUTES**

**MTA Regular Board Minutes - February 22, 2018**

*MTA Regular Minutes - February 22, 2018 - Page 5*

**NYCT/MaBSTOA/SIRTOA/Bus Company Regular Board Minutes - February 22, 2018**

*NYCT/MaBSTOA/SIRTOA/BUS CO. Regular Minutes - February 22, 2018 - Page 11*

**MTA Metro-North Railroad Regular Board Minutes - February 22, 2018**

*Metro-North Regular Minutes - February 22, 2018 - Page 17*

**MTA Long Island Rail Road Regular Board Minutes - February 22, 2018**

*LIRR Regular Minutes - February 22, 2018 - Page 22*

**MTA Bridges & Tunnels Regular Board Minutes - February 22, 2018**

*B&T Regular Minutes - February 22, 2018 - Page 30*

**MTA Capital Construction Regular Board Minutes - February 22, 2018**

*MTACC Regular Minutes - February 22, 2018 - Page 35*

**3. COMMITTEE ON FINANCE**

**Action Item**

**i. 2017 Annual Procurement Report (Report Available in Director's Desk Document Center and mta.info)**

*2017 All Agency Annual Procurement Report (Full report Available in the Document Center and MTA.info) - Page 37*

**Information Item**

**i. MTA Prompt Payment Annual Report 2017**

*MTA Prompt Payment Annual Report 2017 - Page 38*

**MTAHQ Procurements Report**

*MTAHQ Procurement Report - Page 41*

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

**ii. Competitive**

*MTAHQ Competitive Procurements - Page 43*

**iii. Ratifications**

*MTAHQ Ratifications - Page 48*

**Real Estate Items**

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

*Real Estate Agenda and Staff Summaries - Page 56*

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

##### **NYCT Procurements**

*NYCT March Procurement Staff Summary and Resolution - Page 67*

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

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

*NYCT, MTACC Competitive Actions - Page 72*

##### **iii. Ratifications**

*NYCT Ratifications - Page 78*

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

##### **Action Item**

##### **i. Extension of Refund Period for Railroad Tickets**

*Extension of Refund Period of Railroad Tickets - Page 81*

##### **Metro-North Procurements**

*MNR Procurements - Page 83*

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

*MNR Non-Competitive Procurements - Page 87*

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

*MNR Competitive Procurements - Page 93*

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

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

##### **Action Item**

##### **i. Extension of Refund Period for Railroad Tickets**

*Extension of Refund Period for Railroad Tickets - Page 97*

##### **LIRR Procurements**

*LIRR Procurements - Page 100*

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

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

*LIRR Competitive - Page 104*

##### **iii. Ratifications**

*LIRR Ratifications - Page 113*

##### **LIRR MTACC Procurements (no items)**

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

##### **B&T Procurements (no items)**

#### **8. COMMITTEE ON CORPORATE GOVERNANCE**

## **Action Items**

### **i. Mission Statement and Performance Measurement Report**

*Staff Summary Mission Statement - Page 116*

### **ii. MTA By-Laws (By-Laws Available on mta.info)**

*MTA By-Laws - Page 117*

### **iii. Revisions to Committee Charters (Charters Available on mta.info)**

*Staff Summary-- Committee Charters - Page 126*

### **iv. Procurement Guidelines (Guidelines Available on mta.info)**

*Staff Summary Procurement Guidelines - Page 127*

### **v. Public Authorities Law Required Policies (Policies Available on mta.info)**

*Staff Summary Policies - Page 128*

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

Date of next meeting: April 25, 2018



**Metropolitan Transportation Authority  
Minutes of  
Regular Board Meeting  
2 Broadway  
New York, NY 10004  
February 22, 2018  
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. Peter Ward  
Hon. Carl Weisbrod**

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

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

**The following members were absent:**

**Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

Patrick Foye, President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Phillip Eng, Chief Operating Officer, Robert Foran, Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick, President, MTA Bus Operations, 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.**

Stephen Morello, Counselor to the Chairman, reminded the public speakers that comments are limited to two minutes and he indicated that a portable microphone was available to assist speakers who needed it.

The following twenty-nine (29) 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.

Peter Del Debbio, Bronx County of American Legion  
Christian Cobb, private citizen  
Mary Parisen, CURES  
Norbert Giesse, private citizen  
H.P. Schroer, private citizen /WWI Veteran  
C. Jones, private citizen  
Omar Vera, private citizen  
Mario Bucceri, President, United Transit Leadership Organization  
Joe Kennedy, United Transit Leadership Organization  
Steve Martini, United Transit Leadership Organization  
Colin Wright, Transit Center  
John Orcott, Transit Center  
Annie Simons, private citizen  
Phillip Plotch, private citizen  
Miriam Fisher, private citizen  
Carol Raffery, Build Up New York  
Ramona Ferrer, private citizen  
Mary Kaessinger, People's MTA  
Tony Murphy People's MTA  
Kevin Zang, private citizen  
Austin Lomax, private citizen  
Pedro Valdez-Rivera, Jr., private citizen  
Travis Ebby, Riders Alliance  
Stephanie Burgos-Veras, Senior Organizer, Riders Alliance  
George Bettman, Riders Alliance

Regular Board Meeting  
February 22, 2018

Jackie Cohen, Straphangers Campaign  
Malissa Estrella private citizen  
Linda Scott, Reliance Member  
Dana Goscott, private citizen

Chairman Lhota announced that a Bus Pension Working Group has been assembled to review matters relative to concerns raised by MTA Bus Managers, formerly employed by private bus companies, relating to their pensions. The Chairman stated that the work of this group is moving forward, and he noted that since these matters pertain to collective bargaining issues discussions relative to these matters will take place in Executive Session.

## **2. NYCT STATIONS PROGRAM UPDATE.**

Chairman Lhota invited Andrew Byford, President, NYCT, to provide an overview of the Stations Capital Program Update, which he presented at the Transit Committee meeting on Tuesday, February 20, 2018.

President Byford presented to the Board a summary on the progress and plans of the 2015-2019 Subway Stations Program, which included the key priorities of the Capital Program, State of Good Repair Investments, Enhanced Station Initiative, City-Sponsored Stations, Accessibility and Next Steps.

Following the presentation, Chairman Lhota invited Board discussion and questions concerning the NYCT Stations Capital Program Update. The details of the presentation and the Board's discussion relating thereto are included in the videotape of the meeting produced by the MTA and maintained in the MTA records.

## **3. CHAIRMAN'S REMARKS.**

Chairman Lhota announced the appointment of Catherine Rinaldi to the position of President of Metro-North Railroad. The Chairman stated that Ms. Rinaldi, who served as Metro-North's Acting President since July 2017 and previous to that she served as Metro-North's Executive Vice President, brings 15 years of dedicated service to the Agency. Chairman Lhota noted that Ms. Rinaldi is the first woman to ever serve in this position, and he congratulated Ms. Rinaldi on this well-deserved promotion.

Chairman Lhota announced the promotion of Helene Fromm to the position of Chief of Staff. The Chairman praised Ms. Fromm's service as MTA's Acting General Counsel and wished her well in her new position.

Chairman Lhota introduced and welcomed Thomas J. Quigley, who joined the agency this month as MTA's new General Counsel. Chairman Lhota state that Mr. Quigley is a nationally recognized litigator, who for over 25 years was a Partner at the Law Firm of Winston & Strawn, and who will bring to the MTA a wealth of experience in both litigation and administration.

Chairman Lhota, reporting on the progress of the Subway Action Plan, stated that once again the agency is seeing signs of stabilization in the subway station as a result of the Plan. The Chairman stated that between June 2017 and December 2017 major incidents went from 81 to 50, a 38% improvement, major signal incidents went from 25 to 23, an 8% improvement, and major track incidents went from 19 to 7, a 63% improvement. Chairman Lhota indicated that there are more statistics showing improvements, however, he stated that there is still a long way to go and he will not stop until New Yorkers feel the difference.

Chairman Lhota announced that last week MTA presented Medals of Excellence awards to thirty-four employees from NYCTA, SIRTOA and MTA Bus Company, honoring the employees for their extraordinary acts of bravery, heroism, compassion and distinguished public service.

4. **MINUTES.** Upon motion duly made and seconded, the Board approved the minutes of the Regular Board Meeting held on January 24, 2018.

5. **COMMITTEE ON FINANCE.**

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

1. **MTA 2018 Budget and 2018-2021 Financial Plan (Revised per February Financial Plan).** Adopted the 2018 Final Proposed Budget and Four-Year Financial Plan 2018-2021 (February Plan), including the 2017 Final Estimate and Plan Adjustments, and authorized the Budget and Plan adjustments, including MTA efficiency targets and policy actions, as set forth in the staff summary.
2. **2017 TBTA Operating Surplus.** Approved resolutions which (i) certify and transfer operating surplus to the MTA and NYCTA pursuant to Section 1219-a(2)(b) of the Public Authorities Law of the State of New York (“PAL”); (ii) transfer funds which represent 2017 investment income to the MTA pursuant to Section 569-c of the PAL; (iii) deduct funds from the operating revenues of the TBTA for its fiscal year ending December 31, 2018, which amount shall be paid into the Necessary Reconstruction Reserve established by the Authority by resolution adopted March 29, 1968; and (iv) advance the 2018 TBTA Surplus in accordance with the resolution.
3. **Mortgage Recording Tax – Escalation Payments to Dutchess, Orange and Rockland Counties.** Approved escalator payments to Dutchess, Orange and Rockland counties from available funds on deposit in the MRT-2 Corporate Transportation Account.

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.

Regular Board Meeting  
February 22, 2018

1. Art & Design (A&D) Projects at LIRR Station on the Port Jefferson Branch. Approved the award of an A&D competitive procurement contract to David McQueen to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the LIRR Port Jefferson Station.
2. A&D Project at NYCT Stations on the Sea Beach Line (N). Approved the award of competitive procurement contracts to Emilio Perez (18<sup>th</sup> Avenue, NYCT) and Sally Gil (Avenue U, NYCT) to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the specified stations.
3. The Hackett Group – Benchmarking Services Consulting – No. 15235. Approved the award of a competitive personal service contract with The Hackett Group for the procurement of benchmarking services to compare quality, efficiency and effectiveness of services delivered from the BSC against comparable information and metrics of well-managed shared service organizations performing services of a similar nature.
4. National Safety Council – All-Agency Employee Perception Survey Program – No. 900000000002561. Approved the award of a competitive personal services procurement contract to National Safety Council (NSC) to conduct an anonymous all-agency employee perception survey.
5. Various Contractors – Full Service Market Research Retainer. Approved the award of ten (10) competitive all-agency personal services procurement contracts (Abt Associates, Inc., Beta Research Corporation (WBE), Clarion Research, Inc. (WBE), ICF Macro, Inc., M. Davis and Company, Inc. (MBE), Penn, Schoen & Berland Associates, LLC, Resource System Group, Inc., Target Research Group, Inc., The Research Associates, Inc. (M/WBE), and Widener-Burrows & Associates, Inc. (WBE)) to provide quantitative market research services on an as-needed basis for a period of forty-eight (48) months beginning March 1, 2018.
6. Greystone & Co., Inc. – Tenant Management and Accounting Services – No. 7843-0100. Approved the award of a competitive professional services procurement contract to Greystone & Co., Inc. d/b/a Greystone Management Solutions to provide tenant management and accounting service for the MTA Real Estate Department.
7. TDX Construction Corporation – Construction Manager for MTAHQ Small Business Development Program – No. 10200. Approved the award of a competitive professional services procurement contract to TDX to provide mentoring and construction management services for the MTA's Small Business Development Program.
8. The McKissack Group – Independent Engineering Consultants – No. 15095-0100, AWO #1. Approved a modification to the Independent Engineering Consultant (IEC) contract with the McKissack Group to address the need for

additional funding for the monitoring and oversight services pursuant to requirements of the New York State Public Authorities Law 1263-4(b)

9. Willis of New York, Inc. – Insurance Broker Services – No. 900000000002086, S/A #1. Approved a modification to increase a competitive personal services contract with Willis of New York, Inc. to add the LIRR Expansion Project to the MTA Owner Controlled Insurance Program for the 2015-2019 Capital Plan.
10. Cambridge Systematics, Inc. (“Cambridge”) – Bus Customer Information System (“CIS”) Server Software, Hosting and Maintenance – No. 11084-0100, S/A #4. Approved the twenty-four (24) month competitive procurement contract extension with Cambridge for continued maintenance and improvements to the Bus CIS server subsystem.
11. Ratification of Various Contracts – Executive Order 168 (“E.O. 168”). In accordance with the emergency provisions in Article III(B)(1) of the All Agency General Contract Procurement Guidelines and Article III(C)(3) of the All Agency Service Contract Procurement Guidelines, the Board ratified various NYCT procurement contracts awarded pursuant to E.O. 168 and its extensions.

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

**Long Island Rail Road**

1. Lease with Joseph Klein Family LLC for land adjacent to the East Rockaway Station, westside of the right of way, north of Ocean Avenue (Val Map V1F/183) for use by LIRR as a passenger platform and shelter shed, Nassau County, N.Y.

Chairman Lhota announced that the next regularly scheduled Board meeting will be held on Wednesday, March 21, 2018 at 10:00 a.m.

Chairman Lhota reminded Board members of his lunch invitations to meet with small groups of Board members to continue discussions concerning enhancing communications between staff and Board member.

6. **ADJOURNMENT.** Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:50 p.m.

Respectfully submitted,

Victoria Clement  
Assistant Secretary

Regular Board Meeting  
February 22, 2018

**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, February 22, 2018  
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. Peter Ward  
Hon. Carl Weisbrod**

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

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

**The following members were absent:**

**Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman**

Patrick Foye, President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Phillip Eng, Chief Operating Officer, Robert Foran, Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President,

Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick, President, MTA Bus Operations, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

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

**2. PUBLIC COMMENT PERIOD**

There were twenty-nine (29) public speakers. The following speakers spoke on MTA NYC Transit/Staten Island Rapid Transit Operating Authority /MTA Bus Company matters during the public speakers session.

Peter Del Debbio, Bronx County of American Legion  
Christian Cobb, private citizen  
H.P. Schroer, private citizen /WWI Veteran  
C. Jones, private citizen  
Omar Vera, private citizen  
Mario Bucceri, President, United Transit Leadership Organization  
Joe Kennedy, United Transit Leadership Organization  
Steve Martini, United Transit Leadership Organization  
Colin Wright, Transit Center  
John Orcott, Transit Center  
Annie Simons, private citizen  
Phillip Plotch, private citizen  
Miriam Fisher, private citizen  
Carol Raffery, Build Up New York  
Ramona Ferrer, private citizen  
Mary Kaessinger, People's MTA  
Tony Murphy People's MTA  
Kevin Zang, private citizen  
Austin Lomax, private citizen  
Pedro Valdez-Rivera, Jr., private citizen  
Travis Ebby, Riders Alliance  
Stephanie Burgos-Veras, Senior Organizer, Riders Alliance  
George Bettman, Riders Alliance  
Jackie Cohen, Straphangers Campaign  
Malissa Estrella private citizen  
Linda Scott, Reliance Member  
Dana Goscott, private citizen

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.

**3. CHAIRMAN LHOTA'S COMMENTS**

Chairman Lhota announced that a Bus Pension Working Group has been assembled to review the concerns raised by MTA Bus managers formerly employed by private bus companies, relating to their pensions. The Chairman stated that the work of this group is moving forward, and noted



that these matters involve collective bargaining and will therefore be discussed in executive session and not in open session.

#### **4. NYCT STATIONS PROGRAM UPDATE**

Chairman Lhota invited Andrew Byford, President, MTA NYC Transit, to provide an overview of the Stations Capital Program Update, which he presented at the Transit Committee meeting on Tuesday, February 20, 2018.

President Byford presented to the Board a summary on the progress and plans of the 2015-2019 Subway Stations Program, which included the key priorities of the Stations Capital Program, State of Good Repair Investments, Enhanced Station Initiative (ESI), City-Sponsored Stations, Accessibility and Next Steps. President Byford noted that the Capital Program for stations included station accessibility, state of good repair and elevator/escalator replacements. President Byford emphasized that a fundamental purpose of the ESI is to conduct state of good repair work on stations in need, including making structural repairs, installing cameras and lighting, making platform edge improvements, and increasing the capacity in the fare control areas.

Following the presentation, Chairman Lhota invited Board discussion and questions concerning the NYCT Stations Capital Program Update. The details of the presentation and the Board's discussion relating thereto are included in the videotape of the meeting produced by the MTA and maintained in the MTA records.

#### **5. CHAIRMAN'S REMARKS**

Chairman Lhota announced the appointment of Catherine Rinaldi to the position of President of Metro-North Railroad. The Chairman stated that Ms. Rinaldi, who served as Metro-North's Acting President since July 2017 and previously as Metro-North's Executive Vice President, brings 15 years of dedicated service to the Agency. Chairman Lhota noted that Ms. Rinaldi is the first woman to ever serve in this position, and he congratulated Ms. Rinaldi on this well-deserved promotion.

Chairman Lhota announced the promotion of Helene Fromm to the position of Chief of Staff. The Chairman praised Ms. Fromm's service as MTA's Acting General Counsel and wished her well in her new position.

Chairman Lhota introduced and welcomed Thomas J. Quigley, who joined the agency this month as MTA's new General Counsel. Chairman Lhota stated that Mr. Quigley is a nationally recognized litigator, who for over 25 years was a partner at the law firm of Winston & Strawn, and who will bring to the MTA a wealth of experience in both litigation and administration.

Chairman Lhota reported on the progress of the Subway Action Plan, and stated that once again the agency is seeing signs of stabilization in the subways as a result of the Plan. The Chairman stated that between June 2017 and December 2017 major incidents went from 81 to 50, a 38% improvement, major signal incidents went from 25 to 23, an 8% improvement, and major track incidents went from 19 to 7, a 63% improvement. Chairman Lhota indicated that although there

are more statistics showing improvements, there is still a long way to go and he will not stop until New Yorkers feel a difference in the quality of subway service.

Chairman Lhota announced that last week (on February 9, 2018) MTA presented Medals of Excellence awards to thirty-four employees from NYCTA, SIRTOA and MTA Bus Company, honoring the employees for their extraordinary acts of bravery, heroism, compassion and distinguished public service.

Further details of Chairman Lhota's comments are set forth in the videotape of the meeting 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.

## **6. MINUTES**

Upon motion duly made and seconded, the Board unanimously approved the minutes of the meeting held on January 24, 2018, of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

## **7. COMMITTEE ON FINANCE**

### **Action Item:**

MTA 2018 Budget and 2018-2021 February Financial Plan: Upon motion duly made and seconded, the Board adopted the 2018 Final Proposed Budget and the Four Year Financial Plan 2018-2021, which included (i) approving the 2017 Final Estimate and Plan Adjustments (items below the baseline), and (ii) authorization of Budget and Plan adjustments, including MTA efficiency targets and policy actions, as set forth in the Staff Summary in the Board book (pp. 37-38 of the Board book). The Plan reflects a phase-in of the Subway Action Plan to match available funding.

### **Procurements:**

Competitive Procurements: Upon motion duly made and seconded, the Board approved a competitive procurement relating to MTA NYC Transit requiring a majority vote (Schedule F in the Agenda, concerning the A&D Project at NYCT Stations on the Sea Beach Line).

Ratifications: Upon motion duly made and seconded, the Board approved ratifications requiring a majority vote (Schedule K in the Agenda). These ratifications were made in accordance with the emergency provisions in Article III(B)(1) of the All Agency General Contract Procurement Guidelines and Article III(C)(3) of the All Agency Service Contract Procurement Guidelines and involved procurement actions awarded pursuant to Executive Order 168 ("E.O. 168") and its extensions.

Details of the above item 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.

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

**Procurements:**

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

During the Transit Committee presentation, Board Member Moerdler noted his recusal from the vote on Finance Committee Item #19, page 70 in the Board materials.

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

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

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

Ratifications: Upon motion duly made and seconded, the Board approved the ratifications requiring a majority vote (Schedule K in the Agenda).

Board member Vanterpool voted in opposition to both ratifications. Details of the Board members' comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records. Details of the above items are set forth in staff summaries, copies of which are on file with the records of the meeting of the Board of MTA NYC Transit /Staten Island Rapid Transit Operating Authority /MTA Bus Company.

Chairman Ferrer made a motion for the Board to re-consider the three competitive procurement items relating to the Enhanced Station Initiative for which the Board deferred its vote at the January Board meeting. Upon motion duly made and seconded, the Board approved the three proposed Enhanced Station Initiative procurements. Board Members Weisbrod, Trottenberg and Vanterpool voted in opposition to these items. Details of the Board members' comments with respect thereto are included in the videotape of the meeting produced by the MTA and maintained in MTA records.

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.

9. **ADJOURNMENT**

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:50 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  
Thursday February 22, 2018  
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. Peter Ward  
Hon. Carl Weisbrod

The following alternate non-voting members were also present:

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

The following members were absent:

Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

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

Chairman Lhota called the meeting to order.

1. Public Speakers:

There were 29 registered public speakers, none of whom spoke on Metro-North agenda items. Refer to the video recording of the meeting produced by the MTA and maintained in MTA records, and to the other agencies' minutes of this date, for the names of the speakers and the content of speakers' statements.

2. Chairman's Remarks:

Following a presentation and discussion concerning New York City Transit station improvements, Chairman Lhota announced changes in senior staff. He reported that Catherine Rinaldi, who has served as Acting President of Metro-North since July 2017, and previously was Metro-North's Executive Vice President, beginning in 2015, has been named as the sixth President of Metro-North. He noted that President Rinaldi is the first woman to serve in this role. He stated that President Rinaldi is the best person to continue the progress that Metro-North has made in renewing the railroad and enhancing the confidence of its customers. President Rinaldi brings 15 years of dedicated service to the MTA, has a disarmingly calm management style, a razor-sharp intellect, and an uncanny ability to break problems down into their component parts to quickly find a practical solution. President Rinaldi served as General Counsel for the MTA between 2003 and 2007 before taking on that role at the Long Island Rail Road through 2011. In 2011, she became Chief of Staff for the MTA, a position she held until 2015.

Chairman Lhota announced the appointment of Helene Fromm as MTA's Chief of Staff and Thomas Quigley as MTA General Counsel, noting their past accomplishments. Chairman Lhota provided an update on the Subway Action Plan and the operational results under the Plan. He reported that 34 employees received medals of excellence for bravery, heroism and going above and beyond the call of duty.

The details of Chairman Lhota's remarks are contained in the minutes of the other agencies of this date and in the video recording of this meeting, produced by the MTA and maintained in the MTA records, which recording includes discussion between Board member Ward and Chairman Lhota regarding MTA Bus pension issues and paratransit issues.

3. Approval of Minutes:

Upon motion duly made and seconded, the minutes of the Regular Board Meeting held on January 24, 2018 were approved.

4. Committee on Finance:

Action Items:

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

- MTA 2018 Budget and 2018-2021 February Financial Plan.

- Mortgage Recording Tax - Escalation Payments to Dutchess, Orange and Rockland Counties.

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

#### MTAHQ Procurements:

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

- Approval to award a competitively negotiated, personal services contract to National Safety Council in the not-to-exceed amount of \$669,750 to conduct an anonymous all-agency employee perception survey.
- Approval to award ten competitively negotiated, all-agency personal services contracts to provide quantitative market research services on an as-needed basis for a period of 48 months starting March 1, 2018 for a combined total not-to-exceed amount of \$20 million.
- Approval to award a competitively negotiated, professional services contract to TDX Construction Corporation in the not-to-exceed amount of \$43,058,640 to provide mentoring and construction management services for the MTA's Small Business Development Program.

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

#### 5. Committee on Metro-North Railroad:

##### Procurements:

On behalf of herself and the Metro-North Committee, Chair Metzger congratulated President Rinaldi. She noted that President Rinaldi functioned as Acting President since July of 2017. During the time that President Rinaldi was Acting President, the Committee worked with President Rinaldi and make progress on a number of issues. The Committee looks forward to continuing its work with President Rinaldi.

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

- Approval to award a five-year non-competitive, negotiated miscellaneous procurement contract in the not-to-exceed amount of \$1,612,725 to SAFT America, Inc. (SAFT) for the purchase of SAFT batteries for MN railcar fleets.

- Approval to award a 10-month non-competitive, negotiated, miscellaneous service agreement in the total not-to-exceed amount of \$4,625,000 to the firm Bombardier Transportation Inc. for the installation of Positive Train Control and Onboard Camera Kits on the remaining 100 railcars in Metro-North's M-3 Fleet.

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

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

- Approval of a contract change order to the firm Sepsa North America, Inc. (Sepsa), in the amount of \$1,207,105, for the fabrication and delivery of 60 M-8 onboard camera kits to be installed by the car builder, Kawasaki Rail Car.

Upon motion duly made and seconded, the Board approved the foregoing procurement. The details of the above procurement are contained in a staff summary and report 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.

Board member Rechler stated that the briefing given at the joint Metro-North/LIRR meeting concerning Positive Train Control (PTC) was helpful. He appreciates the degree of urgency expressed by the railroads and the transparency of the briefing. Board member Rechler expressed concern over whether the railroads will meet the deadline for the implementation of PTC, noting that the railroads could face a penalty of \$27,000 per train per day if PTC is not implemented by the December 31, 2018 deadline. He stated that he is not confident that the Federal Railroad Administration (FRA) would waive the penalties should the railroads be close to but not able to fully implement PTC by the deadline. Board member Rechler is also concerned that Amtrak will not permit trains to use its tracks if PTC is not implemented by the deadline. He stated that the railroads need to determine what actions should be put in place in the event the deadline is not met. Chair Metzger noted that both railroad Committees share Board member Rechler's concerns. She noted that the railroad Committees will be briefed bi-monthly at the joint meetings to ensure that the Committees are aware of the issues faced by the railroads in the implementation of PTC. Chair Metzger stated that the briefings are important in that it informs the Committees of the items that are at risk and of the steps the railroads are taking to mitigate those risks. She noted that the railroad Committees will also individually focus on these items at the monthly meetings. Chair Metzger stated that the railroads are committed to becoming not only PTC compliant but PTC ready. Chairman Lhota agreed that the Board wants the railroads to be PTC ready which is a standard that is higher than required by the regulations. He asked the railroad presidents to keep the Board informed of the progress made on PTC implementation. Chairman Lhota noted that the PTC project is currently at the most tenuous part of the project – software development. Board member Glucksman stated that, after receiving the briefing, he is more confident that the railroads will meet the deadline for PTC implementation. However, he is not confident that PTC will be implemented by the deadline west of Hudson because that service relies on New Jersey Transit which has been criticized for lagging behind in the project to implement PTC.



6. Adjournment:

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Linda Montanino". The signature is written in a cursive, flowing style.

Linda Montanino  
Assistant Secretary

Feb 2018 Board Minutes-FINAL  
Legal/Corporate

**Minutes of the Regular Board Meeting  
Long Island Rail Road Company  
2 Broadway  
New York, NY 10004  
Wednesday, February 22, 2018  
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. Peter Ward  
Hon. Carl Weisbrod

The following alternate non-voting members were also present:

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

The following members were absent:

Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Patrick Foye, MTA President, Veronique Hakim, Managing Director, Janno Lieber, Chief Development Officer, Phillip Eng, Chief Operating Officer, Helene Fromm, Chief of Staff, Robert Foran, Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, NYCT, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick Fulton, President, TBTA, Darryl Irick, President,

MTA Bus Operations, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

Chairman Lhota called the meeting to order.

1. Public Speakers

Stephen Morello, Counselor to the Chairman, indicated that twenty eight (28) speakers had signed up to speak (a total of 29 speakers ultimately appeared and addressed the Board at the meeting). In light of the number of speakers, he asked that speakers limit their comments to two minutes and advised that a portable microphone was available to assist speakers who needed it.

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 an article was published in the New York Times on February 14, reporting on a lawsuit against New York & Atlantic Railway (“NYA”) alleging that NYA abused non-union railroad laborers who work on tracks and switches that MTA owns. She further stated that this casts a spotlight on NYA, pointing to a culture of exploitation and profiteering, and disregard for the communities it operates in. She commented that enough is enough, and that MTA should not have renewed the Transfer Agreement with NYA. She asked what MTA, the New York State Comptroller, the LIRR, the Brotherhood of Locomotive Engineers and Trainmen, and the Federal Railroad Administration were going to do to protect public workers from these greedy businessmen. Ms. Parisen stated that in 2016, an uncertified NYA engineer crashed a locomotive in Maspeth and that the Federal Railroad Administration reported that because NYA’s documentation and recordkeeping was so poor, it couldn’t determine if the train crew was properly qualified to operate the train. Thirty months later, the lawsuit alleges that NYA again ignored certifications, recordkeeping and training, and also failed to pay prevailing wages to its workers. Ms. Parisen further stated that in 2018, NYA employees with LIRR credentials are scared to work with contract engineers. Ms. Parisen asserted that during the first snow storm of this season, two day laborers went out on the LIRR main line to clear snow.

Norbert Giesse, also from CURES, cited to a letter from State Senator Boyle of Suffolk County on the procurement by LIRR of Tier IV work and freight locomotives. He asserted that line haul locomotives cost more to acquire and maintain, and that they cause higher levels of toxic emissions. He asked the Board to address the concerns raised by Senator Boyle, and to cause LIRR to amend its Request for Proposals. He stated that LIRR should require tractive effort studies before settling on the type of locomotives it will procure, should calculate the absolute minimum number of line haul locomotives it requires for special or infrequent operational needs, and should ensure open and fair competition for all manufacturers of prime movers.

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 a Bus Pension Working Group has been established to look into concerns raised by MTA Bus managers formerly employed by the private bus companies in Queens taken over by the MTA, relative to their pensions. The work of this group is moving forward and since it pertains to a collective bargaining issue, it will be discussed in Executive Session.

Chairman Lhota introduced NYCT President Andrew Byford, who gave a presentation on the \$4.3 billion 2015-2019 Subway Stations Program. He indicated that his key priorities are Buses, Accessibility, Motivation and Employee Engagement, and Subway Reliability, and that the Stations Program advances the last priority mentioned.

Chairman Lhota reported on several recent senior staff changes at the MTA. He noted that Catherine Rinaldi had been appointed as the 6<sup>th</sup> President of Metro-North Railroad. He further noted that Ms. Rinaldi had 15 years of MTA experience, including service as Chief of Staff during the Chairman's first tour of duty at the MTA. He praised Ms. Rinaldi's disarming and calm management style, and her razor sharp intellect.

Chairman Lhota noted that Helene Fromm had been promoted to serve as Chief of Staff, and praised her service as MTA Acting General Counsel. He also noted that Tom Quigley had joined the MTA as its new General Counsel, stating that Mr. Quigley is a nationally recognized litigator and had served as a partner at Winston & Strawn for 25 years.

Chairman Lhota reported on the progress of the Subway Action Plan, stating that he sees signs of stabilization in the subway system as a result of the Plan. He indicated that between June 2017 (a month before the Action Plan started) and December 2017, major incidents were down 38% and major track incidents were down 63%. Mr. Lhota added that while statistics are important, the real key is when New Yorkers start to feel the difference in subway service and that he won't be happy until New Yorkers feel the difference.

Finally, Chairman Lhota indicated that last week, MTA had awarded 34 medals of excellence to NYCT employees, including employees of the Staten Island Railway and MTA Bus, for heroism, bravery and public service.

3. Approval of Minutes

Chairman Lhota asked for a motion to approve the minutes of the Regular Board Meeting of January 24, 2018. Upon motion duly made and seconded, the minutes of the Regular Board Meeting of January 24, 2018 were approved.

4. Committee on Finance

### Action Items

The Board was presented with three (3) action items recommended to it by the Committee on Finance, one (1) of which was related to Long Island Rail Road:

- To secure MTA Board (i) adoption of the accompanying 2018 Final Proposed Budget and the Four-Year Financial Plan 2018-2021 ("February Plan" or "Plan"), which includes approving the 2017 Final Estimate and Plan Adjustments (items below the baseline), and (ii) authorization of Budget and Plan adjustments, including MTA efficiency targets and policy actions, as set forth in the Staff Summary.

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 twenty seven (27) procurement items recommended to it by the Committee on Finance, fifteen (15) of which related to Long Island Rail Road:

- **A&D Projects at one LIRR Station on the Port Jefferson Branch** – A&D to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively Negotiated – 26 Proposals – 16 Months – David McQueen, Port Jefferson Station- LIRR (\$350,000).

- **National Safety Council – All-Agency Employee Perception Survey Program – NTE \$669,750** – To recommend that the Board approve the award of a competitively negotiated, personal services contract to National Safety Council (NSC) to conduct an anonymous all-agency employee perception survey.
- **Various-Full Service Market Research Retainer- NTE \$20,000,000** – To recommend that the Board approve the award of ten competitively negotiated, all-agency personal services contracts to provide quantitative market research services on an as-needed basis for a period of forty eight (48) months starting March 1, 2018 for a combined total not to exceed \$20 million. The ten firms to be awarded such contracts are:
  1. Abt Associates, Inc.
  2. Beta Research Corporation (WBE)
  3. Clarion Research, Inc. (WBE)
  4. ICF Macro, Inc.
  5. M. Davis and Company, Inc. (MBE)
  6. Penn, Schoen & Berland Associates, LLC
  7. Resource System Group, Inc.

8. Target Research Group, Inc.
  9. The Research Associates, Inc. (M/WBE)
  10. Widener-Burrows & Associates, Inc. (WBE)
- **Greystone & Co., Inc. – Tenant Management and Accounting Services - NTE \$19,340,000** - To obtain Board approval to award a competitively negotiated, five-year professional services contract to Greystone & Co., d/b/a Greystone Management Solutions (Greystone) to provide tenant management and accounting service for the MTA Real Estate Department for an amount not to exceed \$19.34 million. Through this All-Agency contract, Greystone will continue to provide tenant lease compliance, enforcement, and tenant rent collection/accounting services for tenants managed throughout the MTA System by MTA Real Estate, except for tenants at Grand Central Terminal.
  - **The McKissack Group – Independent Engineering Consultants – NTE \$8,000,000** – To recommend that the Board approve a modification to the Independent Engineering Consultant (IEC) Contract with The McKissack Group to address the need for additional funding for monitoring and oversight services pursuant to the requirements of the New York State Public Authorities Law 1263-4(b).
  - **Willis of New York, Inc. – Insurance Broker Services - NTE \$1,408,318** – To recommend that the Board approve a modification to increase a competitively negotiated, personal services contract with Willis of New York, Inc. (Willis) in the amount not-to-exceed \$1,408,318 to add the Long Island Rail Road Expansion Project to the MTA Owner Controlled Insurance Program (OCIP) for the 2015-2019 Capital Plan.

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 one (1) real estate item recommended to it by the Committee on Finance, which item related to Long Island Rail Road:

- **Lease between Joseph Klein Family LLC and Long Island Rail Road** for LIRR shelter shed and platform encroachment near East Rockaway Station and Ocean Avenue.

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

Action Item

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

- **Amendment to Gateway Tunnel Agreement – Wheel Truing Machine, West Side Yard**

Board Member Andrew Albert asked where the other LIRR wheel truing machines are located. Long Island Rail Road President Patrick Nowakowski responded that they are located at Hillside and at the diesel facility in Jamaica.

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

Procurement Items

The Board was presented with three (3) procurement items recommended to it by the Long Island Rail Road Committee, consisting of two (2) non-competitive procurements, and one (1) competitive procurement:

Non Competitive:

- **Railware, Inc.** – LIRR requests MTA Board approval to award a Sole Source Miscellaneous Service contract to Railware, Inc. in the amount of \$249,025.05 to make software modifications to LIRR's Divide Tower Signal Control System in Hicksville, NY to incorporate the Main Line Second Track from Farmingdale to Ronkonkoma, into the existing SCADA System.
- **Progress Rail Locomotive** – LIRR requests MTA Board approval to exercise a contract option with Progress Rail Locomotive ("PRL") to extend the period of performance of PRL's contract by an additional two years through February 2020 and increase the funding by \$30,000,000.

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.

Competitive:

- **Loram Maintenance of Way, Inc.** – LIRR requests MTA Board approval of a change order to add \$1,000,000 to the Joint Agency (LIRR and MNR) Contract for Specialty Excavation Services needed by the LIRR Track Department.

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

Board Member Scott Rechler expressed his appreciation for the helpful report on the status of Positive Train Control (“PTC”), presented at the joint Metro-North/Long Island Rail Road Committee meeting. He also expressed appreciation for the sense of urgency shown by staff with respect to this matter, and for the transparency of the discussion. However, he remained concerned about whether MTA will have PTC completed by the December 2018 deadline, given that we are dependent on other parties to take certain actions in a timely manner. He also noted the possibility of penalties of up to \$27,000 per day being imposed if the deadline was missed. Mr. Rechler noted that while we do not think the federal government will seek to impose such fines, the federal government, contrary to expectations, recently announced it was taking away funding from the Gateway Tunnel Project. He cautioned against MTA becoming complacent and expecting leniency. He also noted that Amtrak had said that if New Jersey Transit (“NJT”) did not have PTC installed by the deadline, it would not allow NJT to operate on the Northeast Corridor. He recommended that in addition to working as hard as we can to meet the deadline, we should, on a parallel path, think about what mitigants we need to put in place, and what discussions we need to have, if for any reason we do not fully meet the deadline.

Board Member Susan Metzger responded, stating that for over a year, both MTA railroad committees have shared similar concerns. This is the reason why we set up a report by the railroads on PTC every two months, to ensure that the committees keep their eyes on this matter, and hopefully the full Board will get to see these presentations as well. She added that we are committed to being PTC compliant and PTC ready.

Chairman Lhota stated that our goal is to be PTC ready; being PTC compliant is something less than that. The railroads will report on their progress every other month, and if necessary, more often than that. The Chairman stated that he will ask Metro-North President Rinaldi and Long Island Rail Road President Nowakowski to keep the Board up-to-date on PTC.

Board Member Randolph Glucksman stated that he was not confident about PTC being completed on time for MTA’s West of Hudson service. He stressed that MTA needs to keep on top of NJT to complete PTC in a timely manner.



7. Adjournment

Chairman Lhota noted that the next full Board meeting would be held on March 21, 2018. The Chairman then asked for motion to adjourn the meeting.

Upon motion duly made and seconded, the Board voted to adjourn the meeting at 12:50 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark D. Hoffer". The signature is written in a cursive, slightly slanted style.

Mark D. Hoffer,  
Secretary

**TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY**

**BOARD MINUTES**

**February 22, 2018**

Minutes of the Regular Meeting  
Triborough Bridge and Tunnel Authority  
February 22, 2018

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. Peter Ward  
Hon. Carl Weisbrod

The following alternate non-voting members were also present:

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

The following members were absent:

Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Patrick Foye, President, Veronique Hakim, Managing Director, Helene Fromm, Chief of Staff, Janno Lieber, MTA Chief Development Officer, Phillip Eng, Chief Operating Officer, Robert Foran, Chief Financial Officer, Thomas J. Quigley, General Counsel, Andrew Byford, President, New York City Transit Authority, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick T. Fulton, President, Triborough Bridge and Tunnel Authority, Darryl Irick, President, MTA Bus Operations, and Stephen Morello, Counselor to the Chairman, also attended the meeting.

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

**1. Public Speakers**

There were 29 public speakers. None of the speakers specifically commented on issues regarding the Triborough Bridge and Tunnel Authority.

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

**2. Chairman Lhota's Opening Remarks**

Chairman Lhota opened his remarks by noting that the Board has assembled a Bus Pension Working Group. Andy Byford, President of New York City Transit delivered a presentation on the Subway Stations Program Update. Chairman Lhota also acknowledged changes to senior staff. Catherine Rinaldi has been appointed as President of Metro-North Railroad, Helene Fromm has been promoted to MTA Chief of Staff and Thomas Quigley has been hired as MTA General Counsel.

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 January 24, 2018**

Upon a motion duly made and seconded, the minutes of the Regular Board Meeting held on January 24, 2018 were approved.

**4. Committee on Finance**

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

(a) Action Item:

- Transfer of the 2017 TBTA operating surplus as described in the Staff Summary and Resolution distributed at the Bridges and Tunnels and Finance Committee meetings.

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

**Procurements**

Commissioner Moerdler stated that there are four (4) procurements totaling \$86 million.

**Non-Competitive Procurements**

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

**Competitive Procurements**

Commissioner Moerdler stated that there are four (4) competitive procurements totaling \$86 million.

**Personal Service Contracts**

	Contract No(s):	
Stantec Consulting	PSC-15-3005A	\$3,040,422.65
Services, Inc.		\$2,536,229.92
WSP USA, Inc.	PSC-15-3005B	
HAKS Engineers,	PSC-15-3005C	

Architects & Land		\$3,090,886.00
Surveyors, P.C.		<u>\$1,609,637.68</u>
AI Engineers, Inc.	PSC-15-3005D	\$10,277,176.25
	TBTA is seeking Board approval under the All Agency Service Contract Procurement Guidelines to award four personal service contracts for the 2018 Biennial Bridge Inspections at the: (I) Robert F. Kennedy Bridge: Main Line, (ii) Robert F. Kennedy Bridge (Approach Ramps & Lift Span), (iii) Verrazano-Narrows Bridge (Main Spans), and (iv) Verrazano-Narrows Bridge (Approach Ramps).	

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

Transcore, LP	Contract No. PSC-13-2949	\$73,011,502.00
	TBTA is seeking Board Approval in accordance with the All Agency Service Contract Procurement Guidelines to amend personal service Contract No. PSC-13-2949 with Transcore, LP for cashless tolling maintenance services at Authority toll facilities.	
JHK Engineering, P.C.	Contract No(s):	\$1,700,000.00
Henningson, Durham &	PSC-15-2980A	
Richardson Architecture &	PSC-15-2980B	
Engineering, P.C.	TBTA is seeking Board approval in accordance with the All Agency Service Contract Procurement Guidelines to modify two personal service contracts, PSC-15-2980A and PSC-15-2980B, for additional support and technical consulting services for Miscellaneous ITS Design at all of the Authority's facilities.	
EnviroMed Services, Inc.	Contract No. PSC-16-3002	\$970,593.11
	TBTA is seeking Board approval under the All Agency Service Contract Procurement Guidelines to amend personal service contract PSC-16-3002 in order to provide continued services for independent safety monitoring of ongoing TBTA construction projects.	

Commissioner Saul requested clarification regarding the Transcore contract which was originally \$7.9 million for work at the Henry Hudson Bridge and is now being modified for \$73 million. Commissioner Moerdler stated that extensive discussions took place prior to and during the Committee Meeting and the component parts were examined. He stated that if new technology arises, TBTA may terminate the

contract. He also stated that the original contract was adequately competitively bid and that the information regarding the contract modification was satisfactory.

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

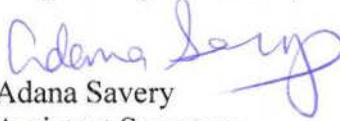
**Ratifications**

Commissioner Moerdler stated that there are no ratification.

**6. Adjournment**

Upon a motion duly made and seconded, the Board unanimously voted to adjourn the meeting at 12:50 p.m.

Respectfully submitted,

  
Adana Savery  
Assistant Secretary

**Regular Board Meeting  
MTA Capital Construction Company  
2 Broadway  
New York, NY 10004  
Thursday, February 22, 2018  
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. Peter Ward  
Hon. Carl Weisbrod

The following alternate non-voting members were also present:

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

The following members were absent:

Hon. James Vitiello  
Hon. Carl V. Wortendyke  
Hon. Neal Zuckerman

Patrick Foye, President, MTA, Veronique Hakim, Managing Director, MTA, Helene Fromm, Chief of Staff, MTA, Janno Lieber, Chief Development Officer, MTA, Phillip Eng, Chief Operating Officer, MTA, Robert Foran, Chief Financial Officer, MTA, Thomas J. Quigley, General Counsel, MTA, Andrew Byford, President, NYCT, Patrick Nowakowski, President, Long Island Rail Road, Catherine Rinaldi, President, Metro-North Railroad, Cedrick Fulton, President TBTA, Darryl Irick, President, MTA Bus Operations, Stephen Morello, Counselor to the Chairman, Evan Eisland, Sr. Vice President, General Counsel and Secretary, MTACC and David Cannon, Vice President, Chief Procurement Officer and Assistant Secretary, 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 twenty nine (29) public speakers, the names and remarks of the public speakers are contained in the minutes of the Regular Meeting of the Metropolitan Transportation Authority and in the minutes of the other agencies of this date.

## **Chairman's Remarks**

Chairman Lhota'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 Board Meeting of the Metropolitan Transportation Authority and the MTA Capital Construction Company held on January 24, 2018.

## **Committee on Finance**

### Action Item

Upon motion duly made and seconded, the Board (Board Members Jones and Weisbrod were not present for the vote) approved the following Action item:

- (i) Adoption of the accompanying 2018 Final Proposed Budget and the Four-Year Financial Plan 2018-2021 ("February Plan" or "Plan"), which includes approving the 2017 Final Estimate and Plan Adjustments (items below the baseline), and (ii) Authorization of Budget and Plan adjustments, including MTA efficiency targets and policy actions.

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.

### Procurement Items

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

1. Award of a ten competitively solicited and negotiated all-agency personal services contracts (15292-0100 through 1100) to provide quantitative market research services on an as needed basis for a combined total not to exceed \$20,000,000 and for a period of forty-eight months.
2. A modification to the Insurance Broker Services Contract (9000000000002086) to add the Long Island Rail Road Expansion Project to the MTA Owner Controlled Insurance Program (OCIP) for the 2015 – 2019 Capital Plan for the amount of \$1,408,318.

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.

## **Adjournment**

Upon motion duly made and seconded, the Board voted to adjourn the public meeting at 12:50 p.m.


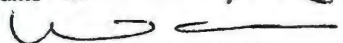
Respectfully submitted,



David K. Cannon  
Assistant Secretary



# Staff Summary

<b>Subject</b> 2017 Annual Procurement Report
<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> March 7, 2018
<b>Vendor Name</b> Various
<b>Contract Number</b> Various
<b>Contract Manager Name</b>
<b>Table of Contents Ref #</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance	3/19/18	X		
2	Board	3/21/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Chief Procurement Officer 	5	CFO 
2	Chief Compliance Officer		
3	General Counsel 		
4	Chief of Staff		

## Purpose:

To authorize the filing with the State of New York of the annual MTA All-Agency Procurement report for the period January 1, 2017- December 31, 2017 as required under Section 2879 of the Public Authorities Law ("PAL").

This report includes the following required material:


1. Contracts awarded in 2017 as prepared by each agency with payments made in 2017 as prepared by each agency and
2. Contracts awarded prior to 2017 as prepared by each agency with payments made in 2017 as prepared by each agency.

The report, which is being submitted separately, conforms to the format/content requirements of both PAL Section 2879 as well as the Public Authorities Reporting Information System (PARIS) overseen by the New York State Independent Authorities Budget Office. Once approved by the Corporate Governance Committee, the All-Agency Procurement Guidelines will be attached to the report prior to filing, as required by PAL Section 2879.

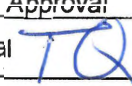


Many of the contracts on this list came before the Board during the course of the calendar year. The active contracts that were awarded prior to this calendar year were also included in the prior years' annual procurement reports, which have previously been reviewed by the Board.

# Staff Summary

Page 1 of 2

<b>Subject</b> MTA Prompt Payment Annual Report 2017						<b>Date</b> February 20 <sup>th</sup> , 2018			
<b>Department</b> Business Service Center						<b>Vendor Name</b>			
<b>Department Head Name</b> Wael Hibri						<b>Contract Number</b>			
<b>Department Head Signature</b> 						<b>Contract Manager Name</b>			
<b>Project Manager/Division Head</b> Jim Sirna						<b>Table of Contents Ref #</b>			

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
1	Finance Comm.	3/19/18		X		1	Legal 		
2	Board	3/21/18		X		2	Chief of Staff 		
						3	CFO 		

## Purpose:

To report to the Board the compliance by the MTA Business Service Center with the New York State Prompt Payment Legislation.

## Discussion:

The Prompt Payment Legislation, implemented in April, 1988 requires that the Authority must pay amounts due under its contracts within 30 days of the receipt of a proper invoice or the receipt of the goods or services, whichever is later. When payment of a proper invoice is delayed beyond the allotted time, the agency must pay interest at the rate set forth by the New York State Commission of Taxation and Finance which is currently at 8.0%, if such interest payment exceeds a ten dollars threshold.

Additionally, the Prompt Payment Legislation requires that the MTA issue an annual report within ninety days after each fiscal year. This report shall include the following:

- 1) A listing of the types of categories of contracts which the Authority entered into during the twelve month period covered by the report, together with a brief description of whether each such type or category of contract was subject to the prompt payment requirements promulgated by the Authority and, if not, the reasons why;
- 2) The total amount and number of interest payments made to vendors for contracts allocated to the type or category;
- 3) The number of interest "chargeable" days and the total number of days required to process each delayed/late contract vendor payment; and
- 4) A summary of the "principal" reasons why such delayed/late payments occurred.

For the current period, the total amount of prompt payment interest paid, Agency-wide is \$51,706 on a total invoice value paid of \$11,806,025,995. This is 10.1% decrease in the amount of prompt payment interest compared to the 2016 amount paid.

The principal reason for the late payments is as follows:

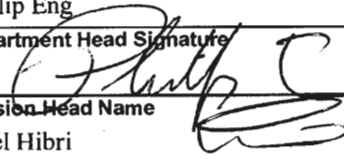
- 1) Public works (Capital) related invoices are approved in a capital system outside of the PeopleSoft environment. On occasion (0.0047%) invoices are not remitted timely to PeopleSoft for payment.

The Legislation requires the MTA to file the report with the State Comptroller, State Director of the Budget, the Chairman of the Senate Finance committee, and the Chairman of the Assembly Ways and Means Committee.

Enclosed is a copy of the Annual Prompt Payment Report for 2017, which will be filed by the MTA in accordance with the legislation requirement.

MTA AND CONSTITUENT AGENCIES ANALYSIS OF 2017 TOTAL PAYMENTS						
	TOTAL	TOTAL	NUMBER OF	VALUE OF	PERCENTAGE	PERCENTAGE
	NUMBER OF	VALUE OF	INTEREST	INTEREST	FOR NUMBER	FOR VALUE
	INVOICES PAID	INVOICES PAID	INVOICES PAID	INVOICES PAID	OF INTEREST	OF INTEREST
AGENCY	INVOICES PAID	INVOICES PAID	INVOICES PAID	INVOICES PAID	INVOICES PAID	INVOICES PAID
LIRR	47,139	679,198,385	-	-	0.0000%	0.0000%
MNR	51,482	607,837,528	-	-	0.0000%	0.0000%
MTA	44,489	6,716,423,997	21	51,706	0.0472%	0.0008%
LIB	1,149	6,699,369	-	-	0.0000%	0.0000%
NYCTA	234,289	3,362,085,581	-	-	0.0000%	0.0000%
SIRTOA	2,579	27,589,397	-	-	0.0000%	0.0000%
B & T	10,144	168,201,620	-	-	0.0000%	0.0000%
BUS	59,890	237,990,118	-	-	0.0000%	0.0000%
TOTALS	451,161	11,806,025,995	21	51,706	0.0047%	0.0004%
MTA AND CONSTITUENT AGENCIES ANALYSIS OF 2016 TOTAL PAYMENTS						
	TOTAL	TOTAL	NUMBER OF	VALUE OF	PERCENTAGE	PERCENTAGE
	NUMBER OF	VALUE OF	INTEREST	INTEREST	FOR NUMBER	FOR VALUE
	INVOICES PAID	INVOICES PAID	INVOICES PAID	INVOICES PAID	OF INTEREST	OF INTEREST
AGENCY	INVOICES PAID	INVOICES PAID	INVOICES PAID	INVOICES PAID	INVOICES PAID	INVOICES PAID
LIRR	67,488	614,110,700	-	-	0.0000%	0.0000%
MNR	55,411	627,515,338	-	-	0.0000%	0.0000%
MTA	41,985	5,869,943,547	21	57,514	0.0500%	0.0010%
LIB	1,463	9,282,799	-	-	0.0000%	0.0000%
NYCTA	445,629	3,254,522,929	-	-	0.0000%	0.0000%
SIRTOA	2,552	21,701,140	-	-	0.0000%	0.0000%
B & T	8,616	160,467,752	-	-	0.0000%	0.0000%
BUS	62,963	216,643,103	-	-	0.0000%	0.0000%
TOTALS	686,107	10,774,187,309	21	57,514	0.0031%	0.0005%

# Staff Summary

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

<b>Date</b>	March 7, 2018
<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	3/19/2018	X		
2	Board	3/21/2018	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:  
None

# of Actions   \$ Amount

MTAHQ proposes to award Competitive procurements in the following categories:

### Schedules Requiring Majority Vote

Schedule F: Personal Services Contracts	6	\$ 3,966,217
Schedule H: Modification to Personal Service/Miscellaneous Service Contracts	1	\$ 3,796,506
<b>SUBTOTAL</b>	<b>7</b>	<b>\$ 7,762,723</b>

MTAHQ presents the following procurement actions for Ratification:

Schedule K: Ratification of Completed Procurement Actions	10	\$ 94,698,511
<b>TOTAL</b>	<b>17</b>	<b>\$102,461,234</b>

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

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

## BOARD RESOLUTION

### METROPOLITAN TRANSPORTATION AUTHORITY

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

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

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

NOW, the Board resolves as follows:

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

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

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

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

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

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

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



**LIST OF PROCUREMENTS FOR BOARD APPROVAL, MARCH 2018**  
**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. A&D projects at one LIRR station on the Babylon Branch** · A&D to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the station specified below:

Competitively negotiated - 164 proposals - 16 months.  
Dan Funderburgh, Bellmore, LIRR (\$150,000)

- 2-3. A&D projects at two MNR Stations on the Harlem and New Haven Lines** – A&D to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the stations specified below:

Competitively negotiated – Contract Extensions - 18 months.  
Alison Saar, Harlem-125<sup>th</sup>, MNR (\$193,000)  
Bernard Greenwald, Port Chester, MNR (\$203,000)

- 4-5. A&D projects at two NYCT Subway Stations on the Grand Concourse Line** – A&D to provide technical design, fabrication, crating, storage, delivery and oversight of installation of materials at the stations specified below:

Competitively negotiated - 39 proposals - 16 months.  
Rico Gatson (Aunrico Gatson), 167th Street Station, NYCT (\$350,000)  
Roy Secord, 174-175th Street Station, NYCT (\$350,000)

- |  |                                       |                                      |
|--|---------------------------------------|--------------------------------------|
| <b>6. PricewaterhouseCoopers LLP<br/>Pension Phase II Independent Validation<br/>&amp; Verification (IV&amp;V)<br/>Contract No. 0009000004</b> | <b>\$2,720,217</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|--|---------------------------------------|--------------------------------------|

Competitively negotiated 2 proposals 30 months  
To obtain Board approval to award a competitively negotiated personal service contract to PricewaterhouseCoopers Public Sector, LLP (“PwC Public Sector”) for Independent Verification and Validation (“IV&V”) services for the Pension PeopleSoft Phase II Implementation to upgrade the MTA’s Financial and Human Resources Systems. Pricing is deemed fair and reasonable.

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

**H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services**

(Approvals/Staff Summaries required for substantial change orders and change orders that cause original contract to equal or exceed monetary or durational threshold required for Board approval.)

- |    |  |  |                                      |
|----|--|--|--------------------------------------|
| 7. | <b>HILO Equipment &amp; Services, LLC<br/>Preventive Maintenance On Material<br/>Handling Equipment<br/>Contract No. #060*10040, SA #3</b> | <b>\$ 3,796,506</b><br>(not-to-exceed) | <b><u>Staff Summary Attached</u></b> |
|----|--|--|--------------------------------------|

Base plus previous change orders = \$8,846,758

Board approval is requested for an amendment that will add funding to a previously Board-approved, multi-agency, competitively awarded contract with HILO Material Handling Group (HILO). This amendment will provide for continued preventive maintenance and remedial repairs of material handling equipment for LIRR, NYCT, and SIRTOA through January 31, 2020.



# Staff Summary

## Schedule F: Personal Service Contracts

<b>Item Number:</b> <b>Dept &amp; Dept Head Name:</b> Business Service Center (BSC) / Wael Hibri						<b>SUMMARY INFORMATION</b>	
<b>Division &amp; Division Head Name:</b> BSC Office of Enterprise Applications / Patricia Courtney						<b>Vendor Name:</b> PricewaterhouseCoopers Public Sector, LLP	
						<b>Contract Number:</b> 0009000004	
						<b>Description:</b> Pension Phase II Independent Validation & Verifications (IV&V)	
						<b>Total Amount:</b> \$2,720,217 (not to exceed)	
						<b>Contract Term (including Options, if any):</b> March 22, 2018 through September 22, 2020	
						<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: [e.g., Ride -- Contract]	
						<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	3/19/18	X		
2	Board	3/21/18	X		
<b>Internal Approvals</b>					
Order	Approval	Order	Approval		
1	Procurement	4	Legal		
2	Business Service Center	5	CFO		
3	DDCR				

**Narrative**

**I. PURPOSE/RECOMMENDATION**

To obtain Board approval to award a competitively negotiated personal service contract to PricewaterhouseCoopers Public Sector, LLP ("PwC Public Sector") for Independent Verification and Validation ("IV&V") services for the Pension PeopleSoft Phase II Implementation to upgrade the MTA's Financial and Human Resources Systems. The proposed contract is for a term of 30 months beginning on or about April 1, 2018 at a total cost not to exceed \$2,720,217.

**II. DISCUSSION**

In 2011, as part of the MTA Shared Services consolidation, MTA Headquarters PeopleSoft Human Capital Management ("HCM") system data was converted from multiple legacy systems and moved to the MTA Business Service Center (BSC). In the first of a two phase project, the defined benefits pension plans' systems and data for LIB, LIRR, MNR and MTAHQ were consolidated within the BSC system during 2015 and 2016 as part of the 9.2 PeopleSoft Upgrade. Beginning 2018, Phase II pension plans will be converted and merged into the HCM PeopleSoft Pension Module from a legacy GEAC system, along with data from multiple other sources.

The BSC will engage an implementation supplier to perform this complex Pension Phase II Implementation through another contract. Here, the MTA is seeking a Quality Assurance Consultant (QAC) to ensure that the upgrades performed by the MTA and its implementator meet best practice and cover all requirements for the additional MTA entities including:

1. Manhattan and Bronx Surface Transit Operation Authority (MaBSTOA) -- includes and New York City Transit retiree supplemental payments
2. Staten Island Rapid Transit Operating Authority (SIRTOA)
3. MTA Bus
4. The Long Island Rail Road Closed Plan (LIRR Closed) -- a "limited scope pension plan" with limited data needs that will be required to support annual actuary valuation processing.

The QAC will advise and assist the BSC PMO in the identification, establishment, implementation and compliance with applicable Federal, State and MTA rules, regulations and requirements. These services include IV&V for the packaged software implementation and development and application configurations.

The Request for Proposals (RFP) was publicly advertised in November 2017 and letters advising potential proposers of the RFP's availability was sent to thirty-eight suppliers of which six were minority/women-owned business enterprises. Although the RFP deadline was extended to encourage competition, only two firms submitted proposals. Procurement conducted outreach and determined that other RFP registrants did not submit proposals because they lacked the required expertise and experience in public sector pensions PeopleSoft IV&V. The two proposers were invited for oral presentations.

The Selection Committee was comprised of seven representatives from multiple departments and included directors and managers with expertise in pensions, retirement benefits and analysis, audit, PeopleSoft and enterprise applications and development. The suppliers' proposals were evaluated based on expertise and experience in pension PeopleSoft IV&V, the project approach, methodology, resourcing and price. The committee found that PwC Public Sector demonstrated superior experience with public sector pension PeopleSoft IV&V best practices and leadership. PWC Public Sector provided a detailed project approach, methodology and sufficient staffing with this expertise. The other supplier's proposal only addressed a portion of the work scope in their proposal, lacked the resources needed to complete deliverables successfully and failed to demonstrate sufficient expertise and experience in leading public sector pension IV&V project management and delivery.

### Contract Cost and Terms

As a result of negotiations, the original proposal of \$3,230,861 submitted by PwC Public Sector was reduced to \$2,720,217 for a savings of \$510,644 or 15.8%. The total fee of \$2,720,217 was approximately 8% lower than the internal business unit cost estimate. The proposed fully-loaded hourly rates ranged from \$130 for Analyst to \$399 for Project Partner levels. The rates are inclusive of any expenses and will remain fixed for the duration of the 30 month project. While offering a much lower price (\$1,021,104), the other proposal omitted critical elements of the work scope including pension PeopleSoft IV&V project management methodology, expertise and public sector experience, all suggesting a troubling lack of understanding of what it would take to complete the project. The selection committee additionally determined that, with only two individual consultants assigned there was simply insufficient capacity to complete the project. As a result of these analyses, the PwC Public Sector negotiated fee is favorable, along with their rates that were compared to the rates recently and competitively awarded on New York State Department of Budget contracts with comparable staffing positions, titles, grade levels and years' experience.

A responsibility review revealed no significant adverse information regarding the firm within the All-Agency Responsibility Guidelines.

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

The MTA Department of Diversity and Civil Rights (DDCR) has established 15% MBE, 15% WBE and 6% SDVOB goals on this contract. PricewaterhouseCoopers Public Sector, LLP submitted a MWBE utilization plan to achieve the 30% MWBE and 6% SDVOB goals on this contract. PricewaterhouseCoopers, LLP the parent which owns 99% of PricewaterhouseCoopers Public Sector, LLP has achieved its MWDBE goals on previously completed MTA contracts. There are no known procurements between the MTA and PricewaterhouseCoopers Public Sector, LLP.

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

The total cost for this contract will not exceed \$2,720,217. It will be funded by the MTA's operating budget.

### **V. ALTERNATIVES**

1. Perform services in-house. This alternative is not feasible, since performing this specialized project in-house would require full- and part-time employees, including associated overhead costs, which would not be cost effective. This project is managed best by an independent outside firm monitored closely by MTA staff. This alternative is not feasible or cost effective. MTA does not have staff with specialized expertise for these services.
2. Do not approve award. - This would severely curtail MTA's ability to have independent validation and verification to support the implementation of the Pension Phase II PeopleSoft upgrade. This alternative is not recommended.

# Staff Summary

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



<b>Vendor Name (&amp; Location):</b> HILO Equipment & Services, LLC / formerly Hilo Maintenance Systems Inc. (Ronkonkoma, N.Y.)		<b>Contract Number:</b> #060*10040	<b>AWO/Modification #</b> 3
<b>Description:</b> Preventive Maintenance on Material Handling Equipment.		<b>Original Amount:</b> \$8,846,758	
<b>Contract Term (including Options, if any):</b> February 1, 2015 – January 31, 2020		<b>Prior Modifications:</b> \$ 0	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b> \$	
<b>Procurement Type:</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		<b>Current Amount:</b> \$ 8,846,758	
<b>Solicitation Type:</b> <input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:		<b>This Request:</b> \$ 3,796,506	
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b> 42.9%	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> System-Wide Contracts Management - Jacqueline Vega, Senior Director		<b>% of Modifications (including This Request) to Original Amount:</b> 42.9%	

### DISCUSSION:

Board approval is requested for an amendment that will add funding in the amount of \$3,796,506 to a previously Board-approved, multi-agency, competitively awarded contract with HILO Material Handling Group (HILO). This amendment will provide for continued preventive maintenance and remedial repairs of material handling equipment for LIRR, NYCT, and SIRTOA through January 31, 2020.

The base contract was solicited through a Request for Proposals (RFP) and three proposers responded (HILO, Crown Lift Trucks, and Transervice Lease Corporation). Transervice withdrew its proposal due to their inability to meet the requirements outlined in the scope of work, and HILO was selected with prices that were overall 10.4% lower than those offered by Crown.

Since award of this contract in February 2015, various factors have increased expenditures including:

- Over 40% of NYCT's approximately 1,100 units are over 10 years old, or double the industry standard useful life, thus raising the average monthly bill rate for this equipment from \$57k to \$87k per month. We note, however, that the replacement costs for the aging equipment would be over \$14 million, so it is generally more cost effective to repair rather than replace this equipment.
- The contract allows for purchases of industrial batteries, a component of the contract that was infrequently used under the prior agreement, during which only 75 batteries were purchased over 5 years. Nearly twice as many batteries came due for replacement over the first 34 months of this contract. The standard expected life for a battery is five (5) years.
- The Department of Subways Division of Car Equipment's usage of this contract has more than doubled, from \$30K to \$62K monthly, due to increased use of repair services. Historically, DCE has performed a greater proportion of necessary repairs using in-house resources.
- NYC Transit has added 158 MHE units to its inventory since the award of this contract.

Two contract modifications have been approved to date but no funds were added because remaining funds were sufficient based on the average monthly spending at the time. The first modification reflected a contractually driven 2.74% increase fixed prices provided in the contract for the Top 100 High Usage Parts List, based on the Producers Price Index (PPI). The second modification was for LIRR to add a diesel engine in the maintenance and repair for the contract.

This modification additionally appends the current contract to add the Department of Buses/Support Fleet vehicles which was not part of the original award. The inventory list for this contract will be updated to include the material handling equipment currently utilized by the Department of Buses with an allocated amount of \$40,718.

The current minority goals for this contract are 20%, and DDCR is currently working with HILO to ensure that the goals for this contract are maintained. HILO will continue to utilize the billing rates established in the current contract. The additional funding only applies to NYCT. LIRR and SIRTOA do not require additional funding at this time.

**LIST OF PROCUREMENTS FOR BOARD APPROVAL, MARCH 2018**  
**PROCUREMENTS FOR RATIFICATION**

**METROPOLITAN TRANSPORTATION AUTHORITY**

*Procurements Requiring Majority Vote:*

**K. Ratifications of Completed Procurement Actions (Involving Schedules E-J)**


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

8-17.	<b>Various Executive Order 168</b>	<b>\$94,698,511</b>	<b><i><u>Staff Summary Attached</u></i></b>
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This is a request that the Board ratify procurement actions awarded pursuant to Executive Order 168 ("E.O. 168") and its extensions. The total estimated value for the ten actions is \$ 94,698,511. An action item for MTAHQ for \$1,500,000 and nine actions are for NYC Transit for a total amount of \$93,198,511. Eight of the nine NYCTA actions were competitive. Pricing for all seven actions was found to be fair and reasonable.

# Staff Summary

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

<b>Vendor Name (&amp; Location):</b> Various
<b>Description:</b> Ratification of Executive Order 168 Actions
<b>Contract Term (including Options, if any):</b> Various
<b>Option(s) included in Total</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Type:</b> <input type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive <input checked="" type="checkbox"/> Various
<b>Solicitation Type:</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Various
<b>Approval</b>
Office of the Chairman 

<b>Contract Number:</b> Various	<b>Renewal?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b>	\$ 94,698,511
<b>Funding Source:</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Chief Operating Officer, Phillip Eng	
<b>Contract Manager:</b> Chief Procurement Officer, David N. Ross	

### PURPOSE:

This is a request that the Board ratify procurement actions awarded pursuant to Executive Order 168 ("E.O. 168") and its extensions.

### DISCUSSION:

On June 29, 2017, Governor Andrew M. Cuomo issued Executive Order No. 168, in which he declared a disaster emergency as a result of continued failures of tracks, signals, switches and other transportation infrastructure on MTA rail and subway systems and resulting outages, derailments, and service disruptions that have had a deleterious effect on MTA customers and the regional and New York State economy. The Governor declared that significant and immediate action must be taken to assist in the repair of such transportation infrastructure, and in remediation of track outages and service disruptions. E.O. 168, as extended, provides for the temporary suspension of statutory provisions and any implementing rules, regulations and guidelines for purposes of awarding any contracts, leases, licenses, permits or other written agreements to mitigate the disaster emergency.

Since time is of the essence in addressing the disaster emergency, the procurement actions listed below were procured using E.O. 168. In accordance with the emergency provisions in Article III(B)(1) of the All Agency General Contract Procurement Guidelines and Article III(C)(3) of the All Agency Service Contract Procurement Guidelines, the E.O. 168 procurement actions listed below are being submitted to the Board for ratification. The total estimated value for the ten actions is \$ 94,698,511. One action is for MTAHQ for \$1,500,000 and nine actions are for NYC Transit for \$93,198,511. Eight of the nine NYC Transit actions were competitive.

Pricing for all ten actions was found to be fair and reasonable.

1.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	01/18/2018	WSP USA Inc. (New York, NY)	Emergency Consultant Construction Management (CCM) Services per Executive Order No. 168	CM-1599	\$50,000,000 (Est.)	Non-competitive Task Order

### Discussion:

WSP was awarded this Indefinite Quantity ("IQ") task-order based contract CM-1599 based on an estimated amount of \$50,000,000 on January 18, 2018 for their work under the Subway Action Plan ("SAP"). WSP was selected to perform a major portion of the Consultant Construction Management ("CCM") for designated work under the SAP. The CCM shall oversee the performance of construction contractors throughout the duration of the project including mobilization, commissioning, close-out activities, etc. during various efforts. As one of NYC Transit's major CCM

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

consultants, WSP's services were needed immediately to manage contractors performing critical electrical and signal work at various locations throughout the NYC Transit Subway. WSP has in-depth experience performing CCM on the complex Second Avenue Subway ("SAS") project, as well as its satisfactory performance on other similar projects. WSP's work on SAS involved overseeing complex installations including power, communications and signal work similar to the work being performed under the SAP. WSP, having worked on SAS, could be deployed to the work under the SAP thereby providing for a smooth and seamless transition. In addition, WSP has been awarded several current competitive IQ contracts to perform these types of services.

Payment for CCM services performed by WSP will be based on the titles and actual labor rates as certified by WSP and verified by NYC Transit. Negotiations were conducted and yielded lower overhead rates than MTA Audit has approved and are used on other current NYC Transit contracts with WSP. Listed below are three task orders that commenced in July 2017 that have been issued to WSP under CM-1599:

1. Task Order No. 1 (Emergency CCM Services for Signal Power Upgrades and Electrical Work) \$12,000,000. WSP will perform CCM and inspection services supporting Signal Power Upgrades, Automatic Transfer Panels (ATP) and replacement of associated electrical switches, conduits, and other infrastructure at various locations throughout NYC Transit's Subway system.

2. Task Order No. 2 (Power and Reliability Upgrades Associated with NYC Transit Signal Systems) \$14,500,000. WSP will perform CCM and inspection services for the Signal Relay Rooms (SRR) and Electrical Distribution Rooms' (EDR) power supply upgrades followed by CCM services and inspections of trackside equipment including interlockings.

3. Task Order No. 3 (System Wide Track Drainage Clean-Up) \$1,474,122. WSP will be engaged in coordination and planning services supporting the cleaning of drain lines between drain boxes throughout the NYC Transit Subway system. WSP will provide overall program and asset management while NYC Transit will retain other consultants for on-site inspections.

Additional task orders and revisions to existing tasks orders may be issued up to \$50,000,000.

In connection with a previous contract awarded to WSP, WSP was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Executive Director and Chief Executive Officer in consultation with the MTA General Counsel in March 2008. No new SAI has been found relating to WSP and WSP has been found to be responsible.

## 2.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	01/24/2018	HAKS Engineers, Architects, and Land Surveyors, P.C. (New York, NY)	Emergency Consultant Construction Management (CCM) Services per Executive Order No. 168	CM-1616	\$15,000,000 (Est.)	Informal Competition

### Discussion:

Clogged track drains contribute to signal malfunctions throughout the NYC Transit subway system which necessitates system-wide drain cleaning to mitigate the continuance of these service disruptions. Initially, WSP USA Inc. (WSP) was chosen to perform CCM and inspection services supporting the cleaning of drain lines. However, the scope, scale and urgency of this emergency project necessitated the expansion of the number of consultants supporting NYC Transit. HAKS was selected through an informal competitive process based on a review of proposals from consultants that had existing IQ contracts and had performed similar inspection services for the Sandy Program and that could mobilize staff that could be quickly deployed. Sharing this work among multiple consultants will mitigate potential delays in the performance and completion of the work required under the SAP. HAKS was awarded Contract CM-1616 based on an estimated amount of \$15,000,000 on January 24, 2018, for this work.

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

To date, one task order, Task Order No.1, has been issued to HAKS under CM-1616. Under Task Order No.1, HAKS will oversee the cleaning of drain lines between drain boxes throughout the NYC Transit Subway system as well as video inspections of any blocked pipe segments.

Payment for CCM Services performed by HAKS will be based on the titles and actual labor rates as certified by HAKS and verified by NYC Transit. Negotiations were conducted and yielded lower overhead rates than MTA Audit has approved and are used on other current NYC Transit contracts with HAKS.

HAKS was directed to proceed with the work under Task Order No.1 on October 20, 2017. Task Order No. 1 was negotiated in the amount of \$5,345,792. Additional task orders or revisions to existing task orders may be issued up to \$15,000,000.

In connection with a previous contract awarded to HAKS, HAKS was found to be responsible notwithstanding significant adverse information (SAI) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and Chief Executive Officer in consultation with the MTA General Counsel in December 2016. No new SAI has been found relating to HAKS and HAKS has been found to be responsible.

3.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	02/05/2018	T.Y. Lin International Engineering & Architecture, P.C. (New York, NY)	Emergency Consultant Construction Management (CCM) Services per Executive Order No. 168	CM-1617	\$10,000,000 (Est.)	Informal Competition

### Discussion:

Clogged track drains contribute to signal malfunctions throughout the NYC Transit subway system which necessitates system-wide drain cleaning to mitigate the continuance of these service disruptions. Initially, WSP USA Inc. (WSP) was chosen to perform CCM and inspection services supporting the cleaning of drain lines. However, the scope, scale and urgency of this emergency project necessitated the expansion of the number of consultants supporting NYC Transit. T.Y. Lin was selected through an informal competitive process based on a review of proposals from consultants that had existing IQ contracts and had performed similar inspection services for the Sandy Program and that could mobilize staff that could be quickly deployed. T.Y. Lin was part of an existing pool of competitively selected CCM consultants. Sharing this work among multiple consultants will mitigate potential delays in the performance and completion of the work required under the SAP. T.Y. Lin was awarded contract CM-1617 based on an estimated amount of \$10,000,000 on February 5, 2018, for this work.

To date, one task order, Task Order No.1, has been issued to T.Y. Lin under CM-1617. Under Task Order No.1, T.Y. Lin will oversee the cleaning of drain lines between drain boxes throughout the NYC Transit Subway system as well as video inspections of any blocked pipe segments.

Payment for CCM Services performed by T.Y. Lin will be based on the titles and actual labor rates as certified by T.Y. Lin and verified by NYC Transit. Negotiations were conducted and yielded lower overhead rates than MTA Audit has approved and are used on other current NYC Transit contracts with T.Y. Lin.

T.Y. Lin was directed to proceed with the work under Task Order No.1 on October 20, 2017. Task Order No. 1 was negotiated in the amount of \$5,897,278. Additional task orders or revisions to existing task orders may be issued up to \$10,000,000.

# Staff Summary

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

4.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	02/02/2018	Richmond Elevator Company (Staten Island, NY)	Repair of elevators throughout the NYC Transit subway system.	6%19990	\$13,511,000 (Includes Option)	Informal Competition

### Discussion:

This is a contract for the repair of NYC Transit passenger facing elevators throughout the NYC Transit subway system. The contract is for a base two-year term, with a further one-year option exercisable at the discretion of NYC Transit. This solicitation was conducted under E.O. 168 and falls under the Subway Action Plan for optimizing elevator performance and availability, utilizing a third-party contractor to supplement in-house forces.

Pursuant to the contract, the contractor must provide at least eight dedicated mechanics that will be dispatched on a daily weekday basis by the Elevator and Escalator Division, to perform the elevator repair work required by NYC Transit. This requirement was solicited from five firms to secure competition. Each firm has either previously bid on other NYC Transit Elevator and Escalator projects, and/or currently has a contract with NYC Transit and has been deemed technically qualified by NYC Transit. Two companies responded to the solicitation. The lowest bid, submitted by Richmond Elevator Company in the amount of \$13,511,000, was 34.92% less than that of the second-lowest bidder, which was \$19,227,000. Based on effective price competition, Richmond Elevator Company's price is considered fair and reasonable.

5.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	02/13/2018	ArcelorMittal USA LLC (Steelton, PA)	100 lb. Rail, 39' Lengths, Six-month estimated quantity contract for 2,520 lengths.	6%20071	\$2,807,280 (Est.)	Informal Competition

### Discussion:

This six-month estimated quantity contract for the purchase of 2,520 lengths of 100 lb. rail was conducted utilizing E.O. 168. Track material has been identified under the Subway Action Plan and this rail is required to accelerate the installation and repair of track. Rail is used to form a continuous runway of track to carry rolling stock throughout the system.

The demands for track repair under the Subway Action Plan necessitate that NYC Transit have multiple sources of supply of rail. The ability to obtain rail from two manufacturers simultaneously will ensure adequate supply and back up in the event of disruption. There are two approved manufacturers that supply 100 lb. rail, Steel Dynamics, Inc. (SDI) and ArcelorMittal USA LLC. L.B. Foster Company (L.B. Foster) holds the current estimated quantity contract supplying rail manufactured by SDI.

In order to obtain rail from ArcelorMittal USA LLC, the other approved manufacturer, Procurement requested pricing from ArcelorMittal USA LLC and Atlantic Track & Turnout Co. (Atlantic), a stocking distributor for ArcelorMittal USA LLC. ArcelorMittal USA LLC quoted a unit price of \$1,114.00 which is 10.1% lower than the quoted unit price of \$1,239.00 from Atlantic. Additionally, Arcelor's unit price of \$1,114.00 is 2.8% lower than L.B. Foster's (vendor who holds the current contract) unit price of \$1,146.28. ArcelorMittal USA LLC's bid for this contract was determined to be fair and reasonable.



# Staff Summary

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

6.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	03/08/2018	Sherwood Electromotion (West Seneca, NY)	Overhaul of R160 Traction Motors	RFQ 178408	\$710,470 (Est.)	Informal Competition

### Discussion:

This three-year contract is for the overhaul of an estimated quantity of two hundred and fifty (250) R160 subway car traction motors. A traction motor is an electric motor used for propulsion of a subway car.

This requirement was solicited from three vendors to secure competition. Two vendors responded to the solicitation. Sherwood Electromotion Inc. (Sherwood) submitted a bid in the amount of \$710,470.23 which is 62% lower than the second-lowest bid. Sherwood's bid for this contract was determined to be fair and reasonable.

7. and 8.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	01/18/2018	Transit Design Group (Mississauga, Canada)	LED Lights	6%19866	\$296,375 (Est.)	Informal Competition
	01/18/2018	Transit Design Group (Mississauga, Canada)	Controllers for LED Lights	6%19867	\$480,290 (Est.)	
	Total				\$776,665(Est.)	

### Discussion:

These 15-Month Estimated Quantity Contracts are for the purchase of 11,855 48" Light Emitting Diode (LED) interior lights and 6,832 controllers being installed on 210 R142 and 862 R160 subway cars. The interior fluorescent lights currently installed on these R142 and R160 subway cars are being upgraded to LED lights. This material has been identified under the Subway Action Plan to support the number of cars undergoing the Division of Car Equipment's (DCE) Scheduled Maintenance System. LED lights have numerous benefits. LED lights provide improved visibility for passengers and LED technology is energy efficient. LED lights have a longer expected operating life than fluorescent lights, which will result in lower operating costs for NYC Transit. LED power consumption is 50-75% less than that of fluorescent lights. Even with lower power consumption, LED light intensity exceeds that of fluorescent lights by 80-100%. Additionally, LED lights are expected to last eight times longer than fluorescent lights.

R142 and R160 subway car fluorescent lights utilize a ballast to control power to the lights. For LED lights, an LED controller performs the function of, and replaces, the ballast.

In order to obtain this material in an expeditious manner, multiple vendors were solicited to secure competition and two vendors, Transit Design Group (TDG) and Matrix Railway responded to each solicitation.

### Contract #1 – LED Lights

TDG submitted a bid of \$25 each which is 72% lower than the bid of \$89.38 each submitted by the second bidder. Based on the presence of price competition, Procurement determined that the bid price submitted by TDG was fair and reasonable. TDG was awarded the contract based on best price and lead time.

TDG delivered 6,902 LED lights on February 1, 2018 and the balance of 4,953 will be released as needed to support DCE's production schedule.

## Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)

### Contract #2 – LED Controllers

TDG submitted a bid of \$70.30 each which is 20% lower than the bid of \$87.66 each submitted by the second bidder. Based on the presence of price competition, Procurement determined that the bid price submitted by TDG was fair and reasonable. TDG was awarded the contract based on best price and lead time.

TDG delivered 4,016 LED controllers on February 8, 2018 and the balance of 2,816 will be released as needed to support DCE's production schedule.

9.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
NYC Transit	01/16/2018	LED Smart (Edmonton, Canada)	LED Lights	6%19851	\$393,096 (Est.)	Informal Competition

### Discussion:

This 15-Month Estimated Quantity Contract is for the purchase of 5,280 48" Light Emitting Diode (LED) interior lights being installed on 100 R46 and 240 R62A subway cars. The interior fluorescent lights currently installed on these R46 and R62A subway cars are being upgraded to LED lights. This material has been identified under the Subway Action Plan to support the number of cars undergoing the Division of Car Equipment's (DCE) Scheduled Maintenance System. LED lights have numerous benefits. LED lights provide improved visibility for passengers and LED technology is energy efficient. LED lights have a longer expected operating life than fluorescent lights, which will result in lower operating costs for NYC Transit. LED power consumption is 50-75% less than that of fluorescent lights. Even with lower power consumption, LED light intensity exceeds that of fluorescent lights by 80-100%. Additionally, LED lights are expected to last eight times longer than fluorescent lights.

In order to obtain this material in an expeditious manner, multiple vendors were solicited in an attempt to secure competition but only one bid was received. LED Smart submitted a bid of \$74.45 each for a total of \$393,096. Procurement reviewed the purchasing history of a similar 48" LED light and LED Smart's price compared favorably. The above information supports the determination that the price is fair and reasonable.

LED Smart delivered 3,470 LED lights on January 31, 2018 and the balance of 1,810 LED lights will be released as needed to support DCE's production schedule.

10.

Agency	Award Date	Contractor	Description	Contract Number	Contract Amount	Solicitation Method
MTA HQ	9/29/2017	Parsons Transportation Group of New York, Inc.	Consultant Oversight, Design & Integration in Connection with MTA Subway Train Location and Control Systems	9%2444	\$1,500,000	Change Order

### Discussion:

A subway train project was initiated due to the MTA's initiative to evaluate and develop new technologies for train location and control systems that includes Ultra Wide Band (UWB) wireless sensor networks, wireless digital track switches and Communications Based Train Control (CBTC) systems.

Parsons was awarded a contract to perform the consultant oversight, design and integration services for the Subway Train Location and Control System Project in September 2017, by way of an informal competitive RFP. Said contract was included in the EO168 materials provided to the Board in October. The phase one scope of work consisted of two test areas within the New York City subway system for a proof of concept (POC). Phase two was always anticipated, but costs were not negotiated as this phase was contingent upon a successful Phase One POC. At the time

## **Schedule K: Ratification of Completed Procurement Actions (Involving Schedules E-J)**

the RFP was issued, MTAHQ notified all four proposers that we would award one phase at a time to determine if the technologies were viable options.

Due to the success of phase one, additional funds are now required to move forward with phase two. Phase two will include expanded regions along with production models of devices used and anchoring methods that will minimize impact of subway operation, which will include, but not be limited to robotic installation methods.

The overall project involves multiple specialty contractors and various MTA departments. Parsons is expected to assist MTA management with:

- General oversight of the overall project
- Evaluating Proposed Hardware and Software for suitability on this project
- Providing technical guidance and advice on all aspects of the project
- Identifying project milestones and developing testing & acceptance criteria
- Reviewing data analytics for accuracy and post-test validation
- Reviewing system components for meeting FCC and Federal CBTC safety requirements
- Producing periodic engineering and project progress reports

The cost for the phase one proof of concept was \$438,640. This increase of \$1,500,000 will raise the total cost to \$1,938,640. This cost is a not to exceed amount and all rates will remain the same as in the original contract. A review of these cost were found to be fair and reasonable.

**MARCH 2018**  
**MTA REAL ESTATE**  
**LIST OF REAL ESTATE ACTION ITEMS FOR BOARD APPROVAL**

**METROPOLITAN TRANSPORTATION COMPANY**

All-Agency Real Property Disposition Guidelines and All-Agency Personal Property Disposition Guidelines required by Public Authorities Law Sections 2895-2897

**(Available on Director's Desk Exhibit Book & MTA.INFO)**

Master License between County of Suffolk and the MTA Police Department for installation of antennas at various sites in Suffolk County, NY

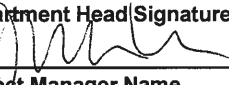
Consent to granting of a permanent easement by Midtown Trackage Ventures LLC to the City of New York for the installation, operation and maintenance of a water tunnel under MTA Metro-North's Hudson Line in the Town of Wappinger, NY

**MTA LONG ISLAND RAIL ROAD**

Expansion of the lease between DASO LLC and MTA LIRR for office space at 300 Old Country Road, Mineola, NY

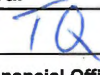

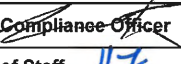

Permanent easement(s) from Suffolk County the installation of PSEG aerial power cables to MTA LIRR property, required for the Main Line Double Track Project, Ronkonkoma, NY

# Staff Summary

Subject <b>PROPERTY DISPOSITION GUIDELINES</b>
Department <b>REAL ESTATE / CORPORATE COMPLIANCE</b>
Department Head Name <b>JOHN N. LIEBER / LAMOND W. KEARSE</b>
Department Head Signature 
Project Manager Name <b>ALICIA BIGGS; NICOLE HOWARD</b>

Date <b>MARCH 19, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/19/18	X		
2	Board	3/21/18	X		

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

## Purpose:

To obtain MTA Board approval of the MTA Real Estate Department's Real Property Disposition Guidelines (the "2018 Real Property Disposition Guidelines") and the MTA's All-Agency Guidelines for the Disposal of Personal Property (the "2018 Personal Property Disposition Guidelines"), each adopted in accordance with Section 2896 of the Public Authorities Law.

## Discussion:

Section 2896 of the Public Authorities Law, enacted in 2005, required each public authority to adopt by resolution "comprehensive guidelines" that detail its "operative policy and instructions" regarding disposals of real and personal property, and designate a contracting officer responsible for complying with and enforcing the guidelines. Each year the statute requires each public authority's governing board to review and approve its guidelines. The proposed 2018 Real Property Disposition Guidelines, prepared by the MTA Real Estate Department, the proposed 2018 Personal Property Disposition Guidelines and the list of the Personal Property Disposition Contracting Officers, as prepared by MTA Corporate Compliance in consultation with MTA Agency procurement departments, are available for review in the Director's Desk Exhibit Book and on MTA.INFO.

### Real Property Disposition Guidelines

In March 2017, the MTA Board approved the MTA Real Estate Department's current real property disposition guidelines, which (i) detailed MTA Real Estate's policies and procedures for the disposal of real property, and (ii) designated the MTA Director of Real Estate as the Real Property Disposition Contracting Officer for the MTA and the MTA agencies.

The proposed 2018 Real Property Disposition Guidelines (see Attachment A) are substantially the same as those approved last year, but with several notable additions to reflect the appointment of the Chief Development Officer, who oversees the MTA Real Estate Department, as well as related organizational changes.

### Personal Property Disposition Guidelines

In March 2017, the MTA Board approved the current All-Agency Guidelines for the Disposal of Personal Property to provide a consistent set of personal property disposal policies and practice, across the MTA agencies.

# Staff Summary

## FINANCE COMMITTEE MEETING Property Disposition Guidelines (Cont'd.)

The proposed 2018 Personal Property Disposition Guidelines (see Attachment B) are substantially the same as the 2017 guidelines.

### **Recommendation:**

It is recommended that the Board adopt the resolution attached to this Staff Summary approving the 2018 Real Property Guidelines and the 2018 Personal Property Guidelines, designating the Chief Development Officer as the Real Property Disposition Contracting Officer for the MTA and MTA Agencies, and designating the MTA and MTA agency staff members listed on Attachment C of the Real Property Disposition Guidelines as the Contracting Officers for the MTA and MTA Agencies as the officers responsible for disposition of personal property.

## **RESOLUTION**

WHEREAS, the Public Authorities Law in Section 2896 requires annual review and approval of guidelines detailing a public authority's operative policy and instructions regarding the disposition of property and designating a contracting officer responsible for complying with and enforcing such disposition guidelines;

WHEREAS, the Boards of the Metropolitan Transportation Authority and its subsidiaries and affiliates (collectively, the "MTA Agencies"), have reviewed and by this resolution wish to approve the MTA Real Estate Department's Real Property Disposition Guidelines (the "2018 Real Property Disposition Guidelines") and the MTA All-Agency Guidelines for the Disposal of Personal Property (the "2018 Personal Property Guidelines") referred to in the Staff Summary to which this Resolution is attached (the "Staff Summary") and to designate the MTA Chief Development Officer as the Real Property Disposition Contracting Office and to designate the MTA Agency staff persons listed in Attachment C to the Staff Summary as Personal Property Disposition Contracting Officers;

NOW THEREFORE, BE IT:

RESOLVED, that the 2018 Real Property Disposition Guidelines are hereby approved; and

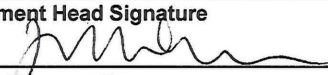
RESOLVED, that the 2018 Personal Property Guidelines are hereby approved; and

RESOLVED, that the MTA Chief Development Officer is hereby designated as the Real Property Disposition Contracting Officer for the MTA; and

RESOLVED, that the persons listed on Attachment C to the Staff Summary are hereby designated as Personal Property Disposition Contracting Officers.

Dated: March 21, 2018

# Staff Summary

Subject <b>MASTER LICENSE FOR MTA POLICE ANTENNAS</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>MICHAEL DANIELS</b>

Date <b>MARCH 19, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/19/18	X		
2	Board	3/21/18	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA"), on behalf of the MTA Police Department ("MTA PD")

LICENSOR: County of Suffolk

LOCATION: Various sites within the County of Suffolk, NY

ACTIVITY: Master license of property to facilitate the installation of antennas at strategic sites as part of MTA PD Radio Network expansion

ACTION REQUESTED: Approval of terms

TERM: 29 years for the Master License Agreement (the "MLA"); 5 years for each Site License Agreement ("SLA")

COMMENCEMENT: The MLA and each SLA will be effective upon full execution.

SPACE: Up to ten site locations on various County of Suffolk structures and facilities, each of which will require separate execution of an SLA by MTA.

BASE RENT: None

RENEWAL OPTION FOR SITE LICENSES: Four renewals of five (5) years each and one four-year renewal option. Renewals are automatic unless the Licensor is sent written notice of Licensee's intent to terminate six months prior to the end of the then current term. Maximum term is 29 years.

UTILITIES: Licensee is responsible for its usage by direct meter or sub-meter.

## COMMENTS:

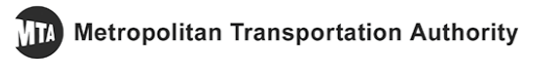
As part of a major upgrade of the entire MTA Police Radio Network, the MTAPD has entered into a memorandum of understanding with the Suffolk County Police Department ("SCPD") to work together to facilitate the installation of antennae at up to 10 sites. The County of Suffolk is requiring that this arrangement be memorialized in a formal MLA.

Both MTAPD and SCPD have determined that this arrangement would expand and improve the MTAPD communications network by enhancing coverage for ordinary and emergency responses in Suffolk Country. Also, MTAPD's installation of



# Staff Summary

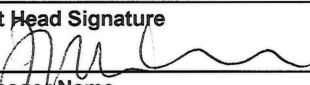
## FINANCE COMMITTEE MEETING MASTER LICENSE FOR MTA POLICE ANTENNAS (Cont'd.)



Page 2 of 2

Based on the foregoing, MTA Real Estate requests authorization to enter into the MLA and the separate SLAs to cover various sites on the above described terms and conditions.

# Staff Summary

Subject <b>CONSENT TO PERMANENT EASEMENT - WAPPINGER</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>ANTHONY CAMPBELL</b>

Date <b>MARCH 19, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/19/18	X		
2	Board	3/21/18	X		

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

AGENCY: Metropolitan Transportation Authority ("MTA")

GRANTOR: Midtown Trackage Ventures, LLC. ("Midtown")

LOCATION: Town of Wappinger, Section 6056, Block 01, Lot 032728

ACTIVITY: Consent to a permanent easement to facilitate construction, operation and maintenance of a subsurface water bypass tunnel

ACTION REQUESTED: Approval of Terms

SPACE: 14,424 square feet below Metro-North's Hudson Line, approximately 645 feet below surface at MP 63.5

COMPENSATION: \$4,450 (MTA - \$1,950.00, Midtown - \$2,500)

## COMMENTS:

In support of the City of New York's (the "City") *Water for the Future Program*, the New York City Department of Environmental Protection ("NYCDEP") has requested that MTA consent to Midtown Trackage Ventures, LLL ("Midtown") granting a permanent subsurface easement to the City in support of the construction of a Bypass Tunnel. The Bypass Tunnel will divert the flow of water around a leaking portion of the Rondout-West Branch Tunnel (the "RWBT"), ensuring a continued supply of clean, reliable and safe drinking water to over nine million NYC residents. The Bypass Tunnel will run east from underneath the Hudson River and will pass approximately 650 feet underneath Metro-North's Hudson Line at milepost 63.5 in the Town of Wappinger.

Metro-North has agreed to consent to the granting of this easement. It must be noted that since the property is part of the Amended and Restated Harlem-Hudson Lease Agreement (the "Lease"), and NYCDEP is requesting an easement, Midtown is the only party that can grant the easement, but MTA's consent is required since the land is leased to MTA.

An appraisal was completed and fair market value was determined to be \$1,950.00 for the easement. While the MTA is to receive the \$1,950.00 payment representing fair market value for the easement interest, NYCDEP offered \$2,500.00 to Midtown as reimbursement of Midtown's expenses related to the transaction. MTA Real Estate and Midtown addressed a similar situation in this fashion in connection with the Crane Road Bridge construction near the Bronx River Parkway several

# Staff Summary

## FINANCE COMMITTEE MEETING

### CONSENT TO PERMANENT EASEMENT - WAPPINGER (Cont'd.)



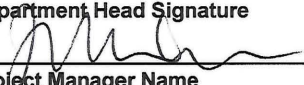
Metropolitan Transportation Authority

Page 2 of 2

years ago. In that case the parties determined that although the Lease does not directly address this type of transaction/activity, the parties would proceed pursuant to Section 9.03 of the Lease regarding condemnation of any property interests. Accordingly, Midtown would be entitled to receive reimbursement of its reasonable expenses and the balance of the "award" or "compensation" would go to MTA. In this current situation, that model works even better for the MTA because NYCDEP agreed to pay Midtown its costs separate from the appraised amount, which means that MTA receives the entire appraised amount as its compensation without deduction for Midtown's expenses. Additionally, using this method allowed the avoidance of NYCDEP using their condemnation authority.



Based on the foregoing, MTA Real Estate requests approval for MTA to consent to Midtown granting this permanent subsurface easement.

# Staff Summary

Subject <b>LEASE TO EXPAND MEDICAL UNIT OFFICE - MINEOLA</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>MICHAEL DANIELS</b>

Date <b>MARCH 19, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/19/18	X		
2	Board	3/21/18	X		

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

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

LANDLORD: DASO, LLC

LOCATION: 300 Old Country Road, Mineola, NY

ACTIVITY: Lease for the expansion of a Medical Unit office

ACTION REQUESTED: Approval of terms

TERM: Approximately five and half years from possession. The lease extension shall be co-terminus with the existing lease (May 20, 2024)

POSSESSION: Upon delivery of the space with Landlord's and LIRR's work substantially complete

SPACE: Approximately 3,000 rentable sq. ft.

BASE RENT (expansion space only):  
 1st year \$83,250.00 annum (\$27.75 RSF)  
 2nd year \$85,747.50 annum (\$28.58 RSF)  
 3rd year \$88,319.93 annum (\$29.44 RSF)  
 4th year \$90,969.52 annum (\$30.32 RSF)  
 5th year \$93,698.61 annum (\$31.23 RSF)  
Partial 6th year \$96,509.57 annum (\$32.17 RSF)

REAL PROPERTY TAXES: The LIRR will, as soon as possible following possession, exercise its tax exempt status. Until such time, it will be responsible for reimbursing the Landlord for 100% of taxes, currently approximately \$25,000.00 per annum (\$8.25 PSF).

ANNUAL RENT ESCALATION: Three percent per annum (3%)

RENT CONCESSION: One month free rent following the commencement date

RENEWAL OPTION: Two five (5) year renewal options with 180-days prior written notice

UTILITIES: Directly metered for electric and water

SERVICES: Landlord will provide HVAC repairs and maintenance at its expense and provide cleaning services at the LIRR's expense pursuant to LIRR's cleaning specifications

# Staff Summary

## FINANCE COMMITTEE MEETING

### LEASE TO EXPAND MEDICAL UNIT OFFICE - MINEOLA (Cont'd)

PARKING:	Five reserved parking spaces at no cost
LANDLORD'S WORK:	Landlord will, at its own expense, provide the initial painting, carpeting and VCT flooring throughout the entire premises. Landlord shall provide, at the LIRR's expense, alterations based upon the LIRR's preliminary plans and specifications.
MAINTENANCE AND REPAIRS:	The LIRR will be responsible for all non-structural repairs and maintenance within the leased premises.

#### COMMENTS:

The LIRR's main Medical Unit (6,200 rsf) has been in the location since 2010. Due to new Federal regulations requiring increased employee testing and examination, the LIRR needs additional space for staff office, examination rooms, Federal Department of Transportation dry testing bathrooms and candidate/employee waiting areas.

The LIRR requested to expand its existing location given that six years remain on the term. MTA Real Estate and LIRR staff toured other sites; however, those sites did not meet LIRR's needs.

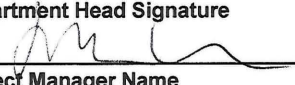
The lease for the expansion space shall be co-terminus with the existing lease which expires on May 20, 2024. Since the LIRR will be occupying an entire tax lot, the MTA will exercise its tax exempt status, a \$25,000.00 per year (\$8.00 RSF) saving.

MTA Real Estate prepared a market survey using CoStar, a leading industry database, in determining fair market rent.

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




# Staff Summary

Subject <b>ACQUISITION OF PERMANENT EASEMENTS IN SUFFOLK COUNTY – DEER PARK</b>
Department <b>REAL ESTATE</b>
Department Head Name <b>JOHN N. LIEBER</b>
Department Head Signature 
Project Manager Name <b>ALLEN LOGALBO</b>

Date <b>MARCH 19, 2018</b>
Vendor Name
Contract Number
Contract Manager Name
Table of Contents Ref. #

Board Action					
Order	To	Date	Approval	Info	Other
1	Finance Committee	3/19/18	X		
2	Board	3/21/18	X		

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

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

GRANTOR: Suffolk County

LOCATION: South side of Long Island Avenue, Deer Park, New York

ACTIVITY: Acquisition of permanent easements for the installation of aerial power cables in support of the Main Line Double Track Project

ACTION REQUESTED: Approval of Terms

SPACE: Aerial electrical cables

COMPENSATION: Payment Waived

## COMMENTS:

As part of the LIRR's Main Line Double Track Project, the LIRR requires permanent easements from Suffolk County to allow for the installation and maintenance of PSEG aerial power cables from Long Island Avenue, over County land, to three separate poles the on LIRR's right of way.

Currently, this portion of the line consists of a single electrified at-grade track for 12.6 miles of the 17.9 mile Ronkonkoma to Farmingdale corridor. Operation of a full double track will allow for more reliable LIRR Main Line service and faster recovery time following service disruptions. This will also allow for more frequent, half-hourly, mid-day service along the corridor.

As an alternative, the LIRR reviewed supplying power to these locations along its right of way from different entry points. However, due to the distances associated with these routes, the voltage drop would be too large and would not support the Project.

Based on the foregoing, MTA Real Estate requests authorization for the LIRR to enter into permanent easement agreements with the County of Suffolk, based on the above-referenced terms and conditions.

## Procurement

Steve Plochochi, Senior Vice President




Contractor preparing platform to receive new precast concrete platform panel on the Broadway Station platform on the Astoria Line as part of the Enhanced Station Initiative Program. (See Contract A-36622B, the final item in NYC Transit's March procurement package.)

### PROCUREMENTS

The Procurement Agenda this month includes 5 actions for a proposed expenditure of \$22.0M.



<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				
<b>Board Action</b>					
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>
1	Committee	3/19/18			
2	Board	3/21/18			

March 13, 2018			
<b>Department</b> Law and Procurement – MTACC			
<b>Department Head Name</b> Evan Eisland			
<b>Department Head Signature</b> 			
<b>Internal Approvals</b>			
	<b>Approval</b>		<b>Approval</b>
	President NYCT		President MTACC
	Executive VP		President MTA Bus
X	Capital Prog. Management	X	Subways
	Law		Diversity/Civil Rights

<b>Internal Approvals (cont.)</b>							
<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>

**PURPOSE:**

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

**DISCUSSION:**

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

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

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

<b>MTA Bus Company proposes to award Competitive procurements in the following categories: NONE</b>			
<b>NYC Transit proposes to award Competitive procurements in the following categories:</b>			
Schedule I: Modifications to Purchase and Public Work Contracts	1	\$	8.7 M
	<b>SUBTOTAL</b>		<b>\$ 8.7 M</b>
<b>MTA Capital Construction proposes to award Competitive procurements in the following categories:</b>			
Schedule H: Modifications to Personal/Miscellaneous Service Contracts	2	\$	4.6 M
	<b>SUBTOTAL</b>		<b>\$ 4.6 M</b>
<b>MTA Capital Construction proposes to award Ratifications in the following categories: NONE</b>			
<b>MTA Bus Company proposes to award Ratifications in the following categories: NONE</b>			
<b>NYC Transit proposes to award Ratifications in the following categories:</b>			
<u>Schedules Requiring Majority Vote:</u>			
Schedule K: Ratification of Completed Procurement Actions	2	\$	8.7 M
	<b>SUBTOTAL</b>		<b>\$ 8.7 M</b>
	<b>TOTAL</b>		<b>\$ 22.0 M</b>
<p><b>COMPETITIVE BIDDING REQUIREMENTS:</b> The procurement actions in Schedules A, B, C, and D are subject to the competitive bidding requirements of PAL 1209 or 1265-a relating to contracts for the purchase of goods or public work. Procurement actions in the remaining Schedules are not subject to these requirements.</p> <p><b>BUDGET IMPACT:</b> The purchases/contracts will result in obligating funds in the amounts listed. Funds are available in the current operating/capital budgets for this purpose.</p> <p><b>RECOMMENDATION:</b> That the purchases/contracts be approved as proposed. (Items are included in the resolution of approval at the beginning of the Procurement Section.)</p>			

## **BOARD RESOLUTION**

**WHEREAS**, in accordance with Section 1265-a and 1209 of the Public Authorities Law and the All-Agency 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.

**MARCH 2018**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

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

- |                                  |                    |                                      |
|----------------------------------|--------------------|--------------------------------------|
| 1. <b>Siemens Industry, Inc.</b> | <b>\$8,700,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# S-48004-1.11</b>    |                    |                                      |

Modification to the contract for signal system modernization for Communication-Based Train Control – Queens Boulevard Line, West Phase I, in order to provide Automatic Train Supervision equipment to extend the ATS system to cover additional subway lines of the B Division.

Item Number: 1

<b>Vendor Name (Location)</b> Siemens Industry, Inc.(New York, New York)	
<b>Description</b> Communications-Based Train Control, Queens Blvd. Line West Phase I	
<b>Contract Term (including Options, if any)</b> August 24, 2015–March 23, 2021	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive	
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Capital Program Management, John O'Grady	

Contract Number	AWO/Mod. #
S-48004-1	11
<b>Original Amount:</b>	\$ 156,172,932
<b>Prior Modifications:</b>	\$ 750,000
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 156,922,932
<b>This Request:</b>	\$ 8,700,000
<b>% of This Request to Current Amount:</b>	5.6%
<b>% of Modifications (including This Request) to Original Amount:</b>	6.1%

**Discussion**

This modification provides a Communications Based Train Control (“CBTC”) -ready Automatic Train Supervision (“ATS”) system for the A, B, C, D, G, J, S, W, and Z subway lines.

This contract is one of three interrelated contracts that together will provide a CBTC/ATS system for the Queens Boulevard Line (“QBL”) portion of Subways B Division. Under a competitive Request for Proposals (“RFP”) for project S-48004 (to furnish a CBTC system for QBL West Phase 1), the MTA Board approved the award of two contracts in the total amount of \$205,780,452. Pursuant to the Board’s approval, contract S-48004-1 was awarded to Siemens Industry, Inc. (“Siemens”) for \$156,172,932, and contract S-48004-2 was awarded to Thales Transport and Security, Inc. (“Thales”) for \$49,607,520. Subsequently, under competitive bidding, contract S-48005 was awarded to L.K. Comstock & Co. Inc. (“Comstock”) on December 22, 2016, in the amount of \$223,300,000. Under the overall project scope, Siemens and Thales furnish CBTC interoperable car-borne equipment, which NYC Transit in-house labor installs; Siemens and Thales furnish interoperable wayside equipment, which Comstock installs; Siemens furnishes the car-borne and wayside radio Data Communications System equipment, which is installed by NYC Transit in-house labor and by Comstock, respectively; and Siemens designs and furnishes CBTC/ATS software for the QBL portion of Subways B Division (comprised of the E, F, M, N, Q, and R lines). The Q train does not run on the QBL. The Q shares tracks with the N and R trains in Manhattan.

The ATS system automatically provides train locations to dispatchers at the Rail Control Center and field dispatcher offices, and dynamically updates the locations of trains in real-time as they move. ATS allows dispatchers to react more effectively and quickly to service disruptions. Also, ATS monitors schedule adherence and produces statistics for the public dashboard, as well as generating train arrival information for the Public Address / Customer Information system.

CBTC/ATS has the abovementioned functionality and benefits integrated with CBTC.

ATS deployment for Subways A Division is as follows:

1. ATS for all numbered lines was provided by Siemens under the ATS-A contract (2000–2008).
2. CBTC/ATS for the No. 7 line is in construction by Thales under the Flushing CBTC contract (2010–2018).

ATS deployment for Subways B Division is as follows:

1. CBTC/ATS for the L line was provided by Siemens under the Canarsie CBTC contract (1999–2006).
2. CBTC/ATS for the E, F, M, N, Q, and R lines is being provided by Siemens under the subject contract (2015–2021).
3. The A, B, C, D, G, J, S, W, and Z lines are still monitored and controlled through old-fashioned signal and master towers.

NYC Transit is currently soliciting an RFP for a large Integrated Service Information and Management system for Subways B Division (“ISIM-B”). The initial solicitation included a requirement that the contractor include the cost of designing and deploying a CBTC-ready ATS for the A, B, C, D, G, J, S, W, and Z lines. While this was intended to obtain competition for the ATS work, NYC Transit determined that this requirement actually had the effect of reducing competition, due to the fact that Siemens has more knowledge and experience in providing ATS for the NYC Transit subway system than any other firm.

Accordingly, NYC Transit determined that the better way to finish the deployment of CBTC-ready ATS for the balance of the Subways B Division is to utilize the rights to the CBTC/ATS software that NYC Transit has already secured in the subject contract. In addition to avoiding the cost of software licensing, a negotiated modification to this Siemens QBL will provide a uniform ATS platform across the entire B Division and deliver ATS functionality earlier than otherwise planned. On the present schedule, the ISIM-B contract will be awarded in 2018 and would provide CBTC-ready ATS no earlier than late 2022. However, a modification to the subject contract allows deployment of CBTC-ready ATS for the A, B, C, D, G, J, S, W, and Z lines concurrently with the deployment of CBTC/ATS for the E, F, M, N, Q, and R lines by March 2021.

Siemens’ proposal was \$9,915,487. NYC Transit’s revised estimate was \$8,580,831. Negotiations resulted in an agreed-upon lump-sum price of \$8,700,000. Savings of \$1,215,487 were achieved. The negotiated price was found to be fair and reasonable.

In connection with a previous contract awarded to Siemens, Siemens was found to be responsible notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and Chief Executive Officer in consultation with the MTA General Counsel in August 2016. No new SAI has been found relating to Siemens and Siemens has been found to be responsible.

**MARCH 2018**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

**H. Modifications to Personal Service Contracts and Miscellaneous Service Contracts Awarded as Contracts for Services**

(Approvals/Staff Summaries required for substantial change orders and change orders that cause the original contract to equal or exceed the monetary or durational threshold required for Board approval.)

- |   |                           |  |
|---|---------------------------|--|
| <p><b>1. Downtown Design Partnership</b></p> <p><b>Contract# PS850.17</b></p> <p>Modification to the contract for the Cortlandt Street Station Design Consultant Services project; in order to extend the term of the contract and provide additional funding for continued Construction Phase Services.</p>  | <p><b>\$1,380,000</b></p> | <p><b><u>Staff Summary Attached</u></b></p>                            |
| <p><b>2. Hill International, Inc.,</b></p> <p><b>LiRo Engineering, Inc.,</b></p> <p><b>Henningson, Durham &amp; Richardson</b></p> <p><b>Architecture and Engineering, P.C. JV</b></p> <p><b>Contract# CM-1311.18</b></p> <p>Modification to the contract for Consultant Construction Management Services for the No. 7 Subway Line Extension, in order to extend the term of the contract and provide continued Consultant Construction Management services.</p> | <p><b>\$3,191,604</b></p> | <p><b><u>Staff Summary Attached</u></b></p> <p>↓</p> <p>↓</p> <p>↓</p> |

Item Number: 1

<b>Vendor Name, Location</b> Downtown Design Partnership (New York, New York )	
<b>Description</b> Cortlandt Street Design Consultant Services	
<b>Contract Term (including Options, if any)</b> May 26, 2015–November 25, 2018	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> MTA Capital Construction, John N. Lieber	

<b>Contract Number</b> PS850	<b>AWO/Mod. #</b> 17
<b>Original Amount:</b> \$ 3,788,671	
<b>Prior Modifications:</b> \$ 2,331,273	
<b>Prior Budgetary Increases:</b> \$ 0	
<b>Current Amount:</b> \$ 6,119,944	
<b>This Request</b> \$ 1,380,000	
<b>% of This Request to Current Amount:</b> 22.5%	
<b>% of Modifications (including This Request) to Original Amount:</b> 98.0%	

**Discussion**

This modification extends the base contract for one year and provides additional funding for continued Construction Phase Services (“CPS”) through November 2019.

The base contract covers engineering, design, and construction phase services for the Cortlandt Street Station project.

This contract was originally solicited and awarded by the Port Authority of New York and New Jersey (“PANYNJ”), and awarded to Downtown Design Partnership (“DDP”), a partnership formed by AECOM, Domingo Gonzalez Associates, Parsons Transportation Group, and STV Incorporated, for the design of the Cortlandt Street Station located along the No. 1 line. On May 26, 2015, PANYNJ assigned the DDP design contract to the MTA. Upon assignment, NYC Transit reviewed the design and requested certain changes in order to comply with, among other items, specific NYC Transit standards.

Due to delays associated with developing and implementing the required design changes, and delays associated with the performance of the construction work, substantial completion (originally scheduled for February 2018) is now anticipated by December 2018, with Revenue Service beginning in October 2018. Accordingly, CPS is required during this extended period. Additional CPS will be required during the close-out phase, which is anticipated to be completed by November 2019. Therefore a one-year extension to the contract is required.

DDP’s cost proposal was for the amount of \$1,620,258 and MTACC’s estimate was for the amount of \$1,297,044. Negotiations were held and the parties agreed to the amount of \$1,380,000, which is deemed to be fair and reasonable.

In connection with a previous contract awarded to AECOM, AECOM was found to be responsible notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Managing Director in consultation with the MTA General Counsel in November 2017. No new SAI has been found relating to AECOM, and AECOM has been found to be responsible.





Item Number: 2

<b>Vendor Name (Location)</b> Hill International, Inc., LiRo Eng., Inc., and Henningson, Durham & Richardson, Architecture and Engineering, P.C., JV (New York, New York)	
<b>Description</b> Consultant Construction Management Services for the No. 7 Line Extension Project	
<b>Contract Term (including Options, if any)</b> April 23, 2007–April 30, 2018	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b>	<input 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:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> MTA Capital Construction, John N. Lieber	

Contract Number	AWO/Mod. #
CM-1311	18
<b>Original Amount:</b>	\$ 35,842,302
<b>Prior Modifications:</b>	\$ 30,880,774
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 66,723,076
<b>This Request:</b>	\$ 3,191,604
<b>% of This Request to Current Amount:</b>	4.8%
<b>% of Modifications (including This Request) to Original Amount:</b>	95.1%

**Discussion**

This modification will extend the contract term by 12 months, from May 1, 2018 to April 30, 2019, for continued Consultant Construction Management (“CCM”) services. This modification will be funded by Hudson Yards Development Corporation (“HYDC”).

The original contract is for CCM services for the No. 7 Subway Line Extension (“No. 7”) project. In April 2007, the contract for CCM services was awarded to Hill International, Inc.; LiRo Engineers, Inc.; and Henningson Durham & Richardson Architecture and Engineering P.C., Joint Venture (“HLH7”). Under this modification, HLH7 will continue to provide CCM services needed to oversee the completion of construction contract C-26512 (Site P). When completed, Site P will be a secondary entrance to the new 34th Street-Hudson Yard subway station. Site P Substantial Completion is currently planned for September 2018. The entrance is being built to accommodate the expected increase in peak passenger ridership due to the major population growth in the surrounding area.

This modification will extend CCM services through April 2019 to accommodate activities for the overall No. 7 project. The term of the CCM was to expire in April 2018 and CCM funding is projected to be exhausted in April 2018. The Board was advised in Modification No. 17 that remaining CCM closeout services would warrant an additional modification when more precise staffing projections could be made.

CCM staffing supplements MTA personnel and is increased or decreased commensurate with project needs. Currently staffing is at 16 full-time equivalent (“FTE”) employees. This modification contemplates an increase to 18 FTEs beginning in April 2018 for testing and commissioning activities. Thereafter, following Substantial Completion in the third quarter of 2018, CCM staffing levels will be reduced. Between January and April 2019 there will remain an estimated 8 FTEs for final closeout activities of Site P and all other aspects of the entire No. 7 project.

HLH7’s initial proposal was in the amount of \$3,335,943. MTA Capital Construction’s revised estimate was \$3,220,516. Negotiations with HLH7 resulted in a Best and Final Offer (“BAFO”) of \$3,191,604, or 4.3 percent lower than its initial proposal. HLH7’s BAFO of \$3,191,604 was deemed fair and reasonable.

**MARCH 2018**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

**Procurements Requiring Majority Vote:**

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

- |  |                    |                                      |
|--|--------------------|--------------------------------------|
| <b>1. Citnalta-Forte, JV</b>   | <b>\$4,000,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# A-36622A.7</b>  |                    |                                      |
| Modification to the contract for Enhanced Station Initiative–Package 1: Implementation of dynamic wayfinding at street entrances, fare control areas, and platforms at the Prospect Avenue, 53rd Street, and Bay Ridge Avenue stations.  |                    |                                      |
|  |                    |                                      |
| <b>2 Skanska USA Civil Northeast, Inc.</b>   | <b>\$4,650,000</b> | <b><u>Staff Summary Attached</u></b> |
| <b>Contract# A-36622B.9</b>  |                    |                                      |
| Modification to the contract for Enhanced Station Initiative–Package 2: Improvements at the 30th Avenue, Broadway, 36th Avenue, and 39th Avenue stations along the Astoria Line in Queens, in order to design, fabricate, furnish, and install platform precast panels at the 39th Avenue and Broadway stations. |                    |                                      |

**Item Number: 1**

<b>Vendor Name (Location)</b> Citnalta-Forte, Joint Venture (Bohemia, New York)	
<b>Description</b> Enhanced Station Initiative-Package 1 Improvements at Prospect Avenue, 53rd Street, and Bay Ridge Avenue Stations, 4th Avenue Line, Brooklyn	
<b>Contract Term (including Options, if any)</b> November 30, 2016–November 30, 2017	
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a	
<b>Procurement Type</b>	<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b>	<input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Capital Program Management, John O'Grady	

Contract Number	AWO/Mod. #
A-36622A	7
<b>Original Amount:</b>	\$ 72,121,000
<b>Prior Modifications:</b>	\$ 1,940,408
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 74,061,408
<b>This Request:</b>	\$ 4,000,000
<b>% of This Request to Current Amount:</b>	5.4%
<b>% of Modifications (including This Request) to Original Amount:</b>	8.2%

**Discussion**

This retroactive modification is for the implementation of dynamic wayfinding at street entrances, fare control areas, and platforms of the three stations included in the Enhanced Station Initiative (“ESI”) Program, Package 1: Prospect Avenue, 53rd Street, and Bay Ridge Avenue along the 4th Avenue line in Brooklyn.

The work in this Design-Build Package includes (1) design (2) demolition, (3) State-of-Good-Repair work including concrete and steel repairs, new platform edges and waterproofing, (4) upgraded electrical and communication systems, (5) wall repairs, new floors (granite), stair finishes, (6) glass barriers in the fare control areas, (7) new signage and navigation systems providing service information at street level, fare control areas, and platforms (dashboards), (8) new street entrance canopies, (9) LED lighting, (10) charging stations, benches and leaning bars, and (11) contemporary art.

The contract specifies that a total of 11 new street entrance totems, four control area dashboards, and 30 platform dashboards be installed at the three stations in this package, all with static wayfinding signage in enclosures that must be able to accommodate future digital signage. Dynamic wayfinding was not included in the base contract as the requirements and preliminary design could not be developed in time for contract award. The purpose of these information points is to facilitate customer trip planning and neighborhood orientation. In keeping with the ESI Program’s focus to improve the customer experience, dynamic wayfinding enables the communication of rotating content including real-time travel information to improve service for the customers at street level, fare control areas, and platform level. This modification includes design, procurement, configuration, installation, integration, and testing of digital signage and all associated hardware, cabling, and enclosures to be integrated into the station dashboards and entrance totems in order to introduce dynamic wayfinding to the three Package 1 stations.

In order to ensure the availability of the new wayfinding system in time to meet the station reopening dates for these first three ESI stations, it was necessary to direct the contractor to commence work. The SVP, Capital Program Management approved a Retroactive Waiver authorizing the start of work, and the contractor was directed to proceed. Approval was also subsequently obtained from the SVP, Operations Support, authorizing payment of up to \$2 million for fabrication costs incurred prior to approval of this modification.

Citnalta-Forte, Joint Venture (“CFJV”) submitted its proposal in the amount of \$4,777,518. The revised in-house estimate is in the amount of \$3,428,117. Negotiations resulted in an agreed-upon lump-sum price of \$4,000,000 which is considered acceptable. Savings of \$777,518 were achieved.

**Item Number: 2**

<b>Vendor Name (Location)</b> Skanska USA Civil Northeast Inc. (Queens, New York)
<b>Description</b> Enhanced Station Initiative—Package 2, Design and Construction of Improvements at the 30th Avenue, Broadway, 36th Avenue, and 39th Avenue Stations, Astoria, Queens Line
<b>Contract Term (including Options, if any)</b> April 14, 2017–January 11, 2019
<b>Option(s) included in Total Amt?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> n/a
<b>Procurement Type</b> <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Noncompetitive
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Modification
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept./Div., Dept./Div. Head Name:</b> Capital Program Management, John O'Grady

Contract Number	AWO/Mod. #
A-36622B	9
<b>Original Amount:</b>	\$ 149,680,000
<b>Prior Modifications:</b>	\$ 4,418,000
<b>Prior Budgetary Increases:</b>	\$ 0
<b>Current Amount:</b>	\$ 154,098,000
<b>This Request:</b>	\$ 4,650,000
<b>% of This Request to Current Amount:</b>	3.0%
<b>% of Modifications (including This Request) to Original Amount:</b>	6.0%

**Discussion**

This retroactive modification is for the design, fabrication, furnishing, and installation of precast concrete platform panels for the 39th Avenue and Broadway stations along the Astoria Line in Queens under the Enhanced Station Initiative (“ESI”) Program, Package 2.

Work in this Design-Build Package includes (1) design, (2) demolition, (3) State-of-Good-Repair work including concrete and steel repairs, and full and partial stair replacement including new street stair canopies, (4) new platform canopies and windscreens, (5) upgraded electrical and communication systems including new closed-circuit TV cameras in control areas, (6) new signage and navigation systems providing service information located at street level (totems), fare control and platform (dashboards) areas, (7) new mezzanine concrete floor slabs with granite floor tiles, (8) new glass and metal façade walls and glass barriers in the fare control areas, (9) charging stations, benches and leaning bars, and (10) contemporary art.

The contract requires concrete repair to address the defects in most of the existing precast concrete platform panels with minimal replacement of full panels at the 30th and 36th Avenue stations and no replacement of full panels at the 39th Avenue and Broadway stations. Each station includes two platforms, and each platform includes approximately 103 precast concrete panels. Field inspection of the existing platform panels at the 39th Avenue and Broadway stations conducted by the Design-Build team after award revealed the condition of many panels to be so deteriorated that full replacement rather than repair is warranted in order to achieve a State of Good Repair. The Design-Build team’s field condition survey identified a total of 112 of approximately 412 panels (approximately 27 percent) at both stations requiring replacement.

Work under this modification includes (1) engineering, design, fabrication, and installation of 112 new precast concrete platform panels, (2) installation and removal of temporary support of the windscreen, and (3) temporary platform deck and rubbing board. Modification No. 1 included the replacement of 88 panels at the 30th and 36th Avenue stations at a cost of \$4,350,000.

Due to the long lead time associated with the fabrication of the precast panels, and in order to mitigate possible schedule impacts, the SVP Capital Program Management approved a Retroactive Waiver authorizing the start of work, and the contractor was directed to proceed.

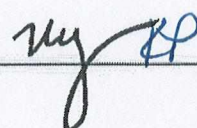
Skanska submitted its proposal in the amount of \$5,836,157. The in-house estimate is \$4,294,230. Negotiations resulted in the agreed-upon lump-sum price of \$4,650,000. Savings of \$1,186,157 were achieved. Procurement finds this price to be fair and reasonable.

In connection with a previous contract awarded to Skanska, Skanska was found to be responsible notwithstanding significant adverse information (“SAI”) pursuant to the All-Agency Responsibility Guidelines and such responsibility finding was approved by the MTA Chairman and Chief Executive Officer in consultation with the MTA General Counsel in November 2014. No new SAI has been found relating to Skanska and Skanska has been found to be responsible.

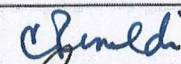
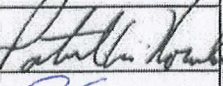

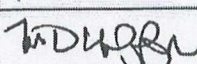




## Staff Summary

<b>Subject</b> Extension of Refund Period of Railroad Tickets Pursuant to Newly Adopted Public Authorities Law Section 1266-k	<b>Date</b> March 19, 2018
<b>Department</b> MNR and LIRR Finance Departments	<b>Vendor Name</b>
<b>Department Head Name</b> Kim Porcelain – MNR/Mark Young - LIRR	<b>Contract Number</b>
<b>Department Head Signature</b> 	<b>Contract Manager Name</b>
<b>Project Manager Name</b>	<b>Table of Contents Ref#</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Committee	3/19	X		
2	LIRR Committee	3/19	X		
3	Finance Committee	3/19	X		
4	MTA Board	3/21	X		

Internal Approvals			
Order	Approval	Date	Approval
2	MNR President	3/12/18	
4	LIRR President	3/9/18	
1	MNR General Counsel	3/8/18	
3	LIRR General Counsel	3/7/18	

**Purpose and Recommendation:** To obtain approval to revise fare policy applicable to the MTA Commuter Railroads (Metro-North and LIRR) to extend the refund period for unused portions of one-way, round trip and ten trip tickets for an additional two year period, to bring the Railroads into compliance with a recent amendment to the Public Authorities Law.

**Discussion:** In December, 2017, the new PAL §1266-k became effective, which provides:

Notwithstanding any other provision of law to the contrary, the authority shall, within ninety days of the effective date of this section, establish an expired fare transfer policy that may be amended from time to time. *Such policy shall provide any person who purchases a fare the ability to transfer any remaining balance for two years after such fare is deemed expired.*

This law expires and is deemed repealed on December 31, 2022.

NYC Transit customers currently have the ability to transfer remaining balances in a manner that is compliant with the statute. However, the Railroads' ticket media do not allow for a similar fare balance transfer mechanism. In order to best comply with the requirements of the statute, the Railroads are recommending that fare policy be amended to extend the period during which customers can obtain refunds for unused tickets other than time-based tickets (i.e., weeklies and monthlies).

Currently, Commuter Railroad one-ways and round trips are valid for 60 days, and the unused portions of such tickets are refundable for the same 60 day period. Ten trips are valid and refundable for 6 months. In order to best comply with the requirements of the law, Metro-North and LIRR recommend that the period during which a refund can be obtained be extended for an additional two years. Miscellaneous other ticket types (e.g., group sales) would be similarly extended. The existing administrative fee of \$10 per transaction (not per ticket) will be applied to all refunds.





## Staff Summary

Page 2 of 2

The extended refund period would not be applicable to time-based tickets because in those cases the customer purchased unlimited rides for a set period of time, and there is no way to assess unused value at the end of the week or month. This is consistent with NYC Transit's policy with respect to their time-based instruments. The Railroads would continue to process refund requests for monthlies and weeklies made during their validity period as per existing policy.

With respect to mobile tickets, there needs to be further investigation with the Mobile Ticketing vendor about the feasibility of programming a Self-Service Refund of Expired Tickets (not already activated) and/or Exchange feature. The Railroads will seek a permanent solution for this issue with the vendor.

Upon approval of this policy change, the Railroads will act diligently to implement the new policy and inform customers of the change.

**Alternatives:** The Railroads must comply as best as possible with the new statutory requirements. The Railroads do not have the facilities or systems in place to handle this requirement in an alternative fashion.

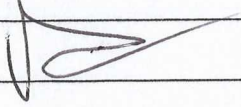
**Budget Impact:** There will be an impact to revenues which is difficult to quantify at this time, but it is expected to be minimal. It is unknown how many unused, expired tickets are retained by customers beyond the current refund periods.



**Metro-North Railroad**

# **Procurements**



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

<b>Date</b>	March 6, 2018
<b>Vendor Name</b>	Various
<b>Contract Number</b>	Various
<b>Contract Manager Name</b>	Various
<b>Table of Contents Ref #</b>	

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Comm. Mtg.	3-19-18	X		
2	MTA Board Mtg.	3-21-18	X		

Internal Approvals			
	Approval		Approval
X	President 	X	V.P. Capital Programs 
X	Sr. V.P. Operations 		
X	V.P. & General Counsel 		
X	V.P. 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:**

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>		<u># of Actions</u>	<u>\$ Amount</u>
Schedule A: Non-Competitive Purchases and Public Work Contracts		1	\$20,516,723
• Jamaica Bearings Company, Inc.	\$20,516,723		
<u>Schedules Requiring Majority Vote</u>			
Schedule H: Modifications to Personal/Miscellaneous Service Contracts		1	\$1,000,000
• Dayton T. Brown	\$1,000,000		
SUB TOTAL:		2	\$21,516,723



**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>
<u>Schedules Requiring Majority Vote</u>		
Schedule G: Miscellaneous Service Contracts	2	\$15,000,000
• ETS Contracting, Inc.		\$7,500,000
• WRS Environmental Services		\$7,500,000
SUB TOTAL:	2	\$15,000,000

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

<u>Schedules Requiring Two-Thirds Vote (or more, where noted)</u>	NONE
<u>Schedules Requiring Majority Vote</u>	NONE
SUB TOTAL:	
TOTAL:	4      \$36,516,723

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.





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

Item Number: A

<b>Vendor Name (&amp; Location)</b> Jamaica Bearings Company, Inc.
<b>Description</b> Purchase of Journal Bearings for MNR Railcar Fleet
<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>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: Sole Source

<b>Contract Number</b> 1- 80216 & I-80217	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b>	\$20,516,723 (not-to-exceed)
<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	
<b>Contract Manager:</b> Omar Messado, Assistant Deputy Director, P&MM	

## Discussion:

Approval is requested to award a five-year non-competitive, negotiated miscellaneous procurement in the not to exceed amount of \$20,516,723 to Jamaica Bearings Company, Inc. ("Jamaica") for the purchase of journal bearings and bearing components on an as-needed basis for MNR M-3, M-7, M-8 & Coach railcar fleet. Journal bearings are large axle mounted bearings allowing the axle to rotate as the wheel turns. The Original Equipment Manufacturer (OEM) of these bearings, Timken Company, does not sell its bearings direct to end users. Jamaica is the only approved Timken authorized Timken supplier for the New York City Region.

MNR negotiated fixed unit prices for the first two years of this agreement with unit price adjustments in the third and fifth year of the agreement. Those adjustments will be made per the Producer Price index (PPI). A comparative price analysis of the previous contract for these Timken bearings found that Jamaica's proposed unit cost average increased by 2.57% per year. The final agreed upon unit prices are deemed to be fair and reasonable. The total not to exceed amount of \$20,516,723 will be established as a contract release and will be issued on an as-needed basis.

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

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

The total for the five-year term is not to exceed \$20,516,723 and is to be funded by the MNR Operating Budget.

#### **H. Modifications to Personal /Miscellaneous Service Contracts**

(Approvals/Staff Summaries required for substantial change orders and change orders that cause the original contract to equal or exceed the monetary or durational threshold required for Board approval)

##### **2. Dayton T. Brown                      \$1,000,000 Engineering Support Services for Positive Train Control (PTC)**

**Staff Summary Attached**

Approval is requested for additional funding in the not to exceed amount of \$1,000,000 to the firm, Dayton T. Brown, Inc. (DTB), to provide engineering services required to prepare documentation (including the Revenue Service Demonstration (RSD) Report) to satisfy Federal Railroad Administration (FRA) requirements for Positive Train Control (PTC) certification on the new Advanced Civil Speed Enforcement System (ACES). This funding will be added to the current 36-month contract providing engineering services required to meet an urgent need to support Positive Train Control (PTC) 220MHz Radio Frequency testing with no anticipated schedule impacts.

There will be extensive reporting and documentation requirements that must be satisfied in order for MNR to meet its PTC-related obligations. Adding to the complexity of these tasks is the fact that FRA is still defining its expectations in this regard. MNR must submit, and FRA must approve, an RSD application demonstrating that the railroad is ready to begin this critical compliance step. Once the FRA approves MNR's RSD application and MNR starts running trains with PTC in its pilot segment (Tarrytown to Croton-Harmon on the Hudson Line), there are extensive data collection and reporting requirements, including monthly reporting to the FRA. In addition, MNR is required to submit a safety plan to the FRA for approval. Drafting these reports and plans, and tracking the significant data that will be generated during these activities including populating and maintaining the relevant databases, is a huge administrative undertaking, and MNR requires third party assistance to prepare the requisite documentation that will support MNR's successful completion of RSD and implementation of PTC. DTB will assist in developing the RSD application and develop an RSD Report and Safety Plan that is in compliance with the FRA requirements from 49 CFR Part 236.1005 (Requirements for PTC Systems) and 49 CFR Part 236.1015 (PTC Safety Plan requirements). DTB will incorporate changes and engineering updates in the RSD to include PTC installation and testing activities on the Railroad's right-of-way. DTB will be responsible for three tasks as follows and a fourth task on an as needed basis:

- (1) Development and integration of an RSD application and RSD Report;
- (2) Review, comment and assimilation of the safety plan and make recommendations based on the requirements as defined in 49 CFR Part 236.1015;
- (3) DTB will serve as the central repository for the monthly FRA report generation and dissemination to manage the source data and report deliverables (Content Hosting);
- (4) Engineering support on as needed basis

As indicated in the original non-competitive award to DTB in November 2017, DTB has all the necessary experience in providing engineering support in both heavy rail and transit environments. It is the only company available in the North-East region, and the only qualified company with available resources to immediately support this vital effort. As an extension of MNR staff, DTB will be used to help mitigate risk and resolve system performance issues on the remaining technical milestones. DTB has proven experience in the development of similar reports required by the Federal Railroad Administration and other regulators, and has produced reports, maintenance documentation and operator manuals for various rail clients, including ABB Traction/Adtranz, Baltimore MTA, Metropolitan Transportation Authority (New York City Transit – Subway), New Jersey Transit (NJT) and Southeastern Pennsylvania Transportation Authority (SEPTA). DTB has also worked with clients in the



aviation industry who are subject to rigorous test plan requirements. This expertise will be invaluable to MNR in the successful completion of the Railroad's final RSD documentation to the FRA.

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).

MNR will receive the benefit of pricing negotiated by the U.S. General Services Administration (GSA) under its contract GS-230-0038K. Tasks 1-3 are proposed in the not to exceed amount of \$725,000, Task 4 General Engineering Support is proposed in the not to exceed amount of \$275,000. The total not to exceed amount of \$1,000,000 is to be funded by MNR's Operating Budget.

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

Item Number: H

Page 1 of 2

<b>Vendor Name (&amp; Location)</b> Dayton T. Brown, Inc.		<b>Contract Number:</b> 88157	<b>AWO/Modification #</b> 1
<b>Description</b> Engineering Support Services for Positive Train Control (PTC)		<b>Original Amount:</b>	\$500,000
<b>Contract Term (including Options, if any)</b> 36 Months		<b>Prior Modifications:</b>	\$0
<b>Option(s) included in Total Amount?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>Prior Budgetary Increases:</b>	\$0
<b>Procurement Type</b> <input type="checkbox"/> Competitive <input checked="" type="checkbox"/> Non-competitive		<b>Current Amount:</b>	\$500,000
<b>Solicitation Type</b> <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Sole Source		<b>This Request:</b>	\$1,000,000 (not to exceed)
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:		<b>% of This Request to Current Amount:</b>	200%
<b>Requesting Dept./Div. &amp; Dept./Div. Head Name:</b> Procurement & Material Management, Al Muir, Sr. Director		<b>% of Modifications (including This Request) to Original Amount:</b>	200%

Approval is requested for additional funding in the not to exceed amount of \$1,000,000 to the firm, Dayton T. Brown, Inc. (DTB), to provide engineering services required to prepare documentation (including the Revenue Service Demonstration (RSD) Report) to satisfy Federal Railroad Administration (FRA) requirements for Positive Train Control (PTC) certification on the new Advanced Civil Speed Enforcement System (ACSES). This funding will be added to the current 36-month contract providing engineering services required to meet an urgent need to support Positive Train Control (PTC) 220MHz Radio Frequency testing with no anticipated schedule impacts.

There will be extensive reporting and documentation requirements that must be satisfied in order for MNR to meet its PTC-related obligations. Adding to the complexity of these tasks is the fact that FRA is still defining its expectations in this regard. MNR must submit, and FRA must approve, an RSD application demonstrating that the railroad is ready to begin this critical compliance step. Once the FRA approves MNR's RSD application and MNR starts running trains with PTC in its pilot segment (Tarrytown to Croton-Harmon on the Hudson Line), there are extensive data collection and reporting requirements, including monthly reporting to the FRA. In addition, MNR is required to submit a safety plan to the FRA for approval. Drafting these reports and plans, and tracking the significant data that will be generated during these activities including populating and maintaining the relevant databases, is a huge administrative undertaking, and MNR requires third party assistance to prepare the requisite documentation that will support MNR's successful completion of RSD and implementation of PTC. DTB will assist in developing the RSD application and develop an RSD Report and Safety Plan that is in compliance with the FRA requirements from 49 CFR Part 236.1005 (Requirements for PTC Systems) and 49 CFR Part 236.1015 (PTC Safety Plan requirements). DTB will incorporate changes and engineering updates in the RSD to include PTC installation and testing activities on the Railroad's right-of-way. DTB will be responsible for three tasks as follows and a fourth task on an as needed basis:

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

also worked with clients in the aviation industry who are subject to rigorous test plan requirements. This expertise will be invaluable to MNR in the successful completion of the Railroad's final RSD documentation to the FRA.

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).

MNR will receive the benefit of pricing negotiated by the U.S. General Services Administration (GSA) under its contract GS-230-0038K. Tasks 1-3 are proposed in the not to exceed amount of \$725,000, Task 4 General Engineering Support is proposed in the not to exceed amount of \$275,000. The total not to exceed amount of \$1,000,000 is to be funded by MNR's Operating Budget.



**MARCH 2018**

**METRO-NORTH RAILROAD**

**LIST OF 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. ETS Contracting, Inc. \$7,500,000  
WRS Environmental Services \$7,500,000

**Staff Summary Attached**

**Asbestos Removal & Other Environmental Remediation Services**

Approval is requested to award two competitively solicited, five-year miscellaneous service contracts (RFP process, five proposals received), in the not to exceed amount of \$15,000,000 to ETS Contracting, Inc. (ETS) (\$7,500,000) and WRS Environmental Services (WRS) (\$7,500,000) to perform on-call system-wide asbestos, lead, and hazardous material abatement services on an as-needed, task order basis.

MNR's System Safety Department requires two contractors to: (a) abate lead, asbestos, and hazardous material from interior and exterior structures; (b) prepare filings, variance requests, and work plans for regulatory agency (DEC and EPA) review/approval; and (c) contain, test, and label waste for transport. On-call waste removal services are required throughout MNR's territory in both New York State and the State of Connecticut.

The objective for contracting with two contractors is to obtain competitive pricing for identified tasks, while maintaining a prequalified source for quick response remediation services. The two contractors, ETS and WRS received the highest-ranking scores based on the criteria for selection in the RFP and recommended for contract award.

A Request for Proposal (RFP), dated October 4, 2017, was prepared and advertised in the New York State Contract Reporter, the New York Post, Daily Challenge, El Diario and posted on MNR's website. On October 26, 2017, technical and cost proposals were received from ETS Contracting, Inc., International Asbestos Removal Inc., PAL Environmental Services, Pinnacle Environmental and WRS Environmental Services.

The criteria for contractor selection established in the RFP is as follows:

1. Cost
2. Project Plan, understanding of the workscope requirements and schedule.
3. Past experience with similar projects.
4. Confidence level, commitment of relevant resources to the project.

The Selection Committee was comprised of members representing the following departments: MNR's Procurement and Material Management, System Safety and Maintenance of Way (MoW). The

Committee evaluated the five proposals received in accordance with the selection criteria of the RFP. As a result of the evaluation, the Committee selected ETS Contracting, Inc. and WRS Environmental Services based on the ranking of their overall scores. ETS and WRS are experienced and qualified with providing abatement services in New York State and the State of Connecticut. All contract personnel performing these services must possess current NYDOL and CTDOL asbestos handling licenses.

Proposers provided unit prices for various tasks and units of measure historically performed under these types of agreements. The actual distribution of work to the two vendors will be based upon operational requirements, vendor capacity and proposed cost, with the goal of meeting service requirements. As this Board Authorization shall not guarantee any one vendor a fixed amount of work, the overall budget may be reallocated as necessary to ensure the most efficient and timely remediation services. The pricing submitted by ETS and WRS are the two lowest priced firms with the three non-selected firms averaging 6.53% higher in proposed pricing. ETS's proposed unit pricing is 1.1% below WRS's proposed unit pricing. Based on the evaluation of all costs submitted by ETS and WRS, their pricing is deemed fair and reasonable for the level of service expected to be provided.

MNR completed a responsibility review of ETS Contracting Inc. and WRS Environmental Services as defined in the All Agency Responsibility Guidelines in connection with this award recommendation, which yielded no significant adverse information (SAI).

Board approval is requested for two awards in the not to exceed amount of \$15,000,000 (\$7.5M each) for a duration of five years and is to be funded by the MNR Operating, Capital Budgets and by CDOT on a task-by-task basis.



## Schedule G: Miscellaneous Service Contracts

Item Number G					
Dept. & Dept. Head Name: Procurement & Material Management, Al Muir, Sr. Director.					
Division & Division Head Name:					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	M-N Comm.Mtg.	3-19-18	X		
2	MTA Board Mtg.	3-21-18	X		
Internal Approvals					
Order	Approval	Order	Approval		
X	President <i>CAR</i>	X	Sr. V.P. Operations <i>JK</i>		
X	V.P. Finance & IT <i>KT</i>	X	V.P. & General Counsel <i>FLV</i>		
X	V.P. Capital Programs				

<b>SUMMARY INFORMATION</b>	
<b>Vendor Name</b> ETS Contracting, Inc. WRS Environmental Services	<b>Contract Number</b> 1000094748 1000099124
<b>Description</b> Asbestos Removal & Other Environmental Remediation Services	
<b>Total Amount</b> \$15,000,000 (not-to-exceed) (ETS Contracting Inc. - \$7,500,000, WRS Environmental Services \$7,500,000)	
<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 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 checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Other: CDOT	

### Narrative

#### I. PURPOSE/RECOMMENDATION:

Approval is requested to award two competitively solicited, five-year miscellaneous service contracts (RFP process, five proposals received), in the not to exceed amount of \$15,000,000 to ETS Contracting, Inc. (ETS) (\$7,500,000) and WRS Environmental Services (WRS) (\$7,500,000) to perform on-call system-wide asbestos, lead, and hazardous material abatement services on an as-needed, task order basis.

#### II. DISCUSSION:

MNR's System Safety Department requires two contractors to: (a) abate lead, asbestos, and hazardous material from interior and exterior structures; (b) prepare filings, variance requests, and work plans for regulatory agency (DEC and EPA) review/approval; and (c) contain, test, and label waste for transport. On-call waste removal services are required throughout MNR's territory in both New York State and the State of Connecticut.

The objective for contracting with two contractors is to obtain competitive pricing for identified tasks, while maintaining a prequalified source for quick response remediation services. The two contractors, ETS and WRS received the highest-ranking scores based on the criteria for selection in the RFP and recommended for contract award.

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4. Confidence level, commitment of relevant resources to the project.

The Selection Committee was comprised of members representing the following departments: MNR's Procurement and Material Management, System Safety and Maintenance of Way (MoW). The Committee evaluated the five proposals received in accordance with the selection criteria of the RFP. As a result of the evaluation, the Committee selected ETS Contracting, Inc. and WRS Environmental Services based on the ranking of their overall scores. ETS and WRS are experienced and qualified with providing abatement services in New York State and the State of Connecticut. All contract personnel performing these services must possess current NYDOL and CTDOL asbestos handling licenses.

Proposers provided unit prices for various tasks and units of measure historically performed under these types of agreements. The actual distribution of work to the two vendors will be based upon operational requirements, vendor capacity and proposed cost, with the goal of meeting service requirements. As this Board Authorization shall not guarantee any one vendor a fixed amount of work, the overall budget may be reallocated as necessary to ensure the most efficient and timely remediation services. The pricing submitted by ETS and WRS are the two lowest priced firms with the three non-selected firms averaging 6.53% higher in proposed pricing. ETS's proposed unit pricing is 1.1% below WRS's proposed unit pricing. Based on the evaluation of all costs submitted by ETS and WRS, their pricing is deemed fair and reasonable for the level of service expected to be provided.

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

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

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

The MTA Department of Diversity and Civil Rights (DDCR) is reviewing the goal requirements for these contracts. No awards will be issued without DDCR concurrence.

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

Board approval is requested for two awards in the not to exceed amount of \$15,000,000 (\$7.5M each) for a duration of five years and is to be funded by the MNR Operating, Capital Budgets and by CDOT on a task-by-task basis.

### **V. ALTERNATIVES:**

MNR does not have the available in-house staff who possess NYDOL and CTDOL asbestos handling licenses and experience to complete the full spectrum of lead, asbestos, and hazardous material abatement.





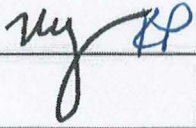
# Long Island Rail Road

**ACTION**


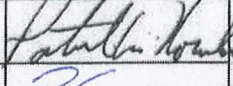
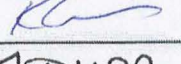
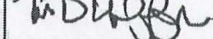
**ITEMS**



## Staff Summary

<b>Subject</b> Extension of Refund Period of Railroad Tickets Pursuant to Newly Adopted Public Authorities Law Section 1266-k	<b>Date</b> March 19, 2018
<b>Department</b> MNR and LIRR Finance Departments	<b>Vendor Name</b>
<b>Department Head Name</b> Kim Porcelain – MNR/Mark Young - LIRR	<b>Contract Number</b>
<b>Department Head Signature</b> 	<b>Contract Manager Name</b>
<b>Project Manager Name</b>	<b>Table of Contents Ref#</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	MNR Committee	3/19	X		
2	LIRR Committee	3/19	X		
3	Finance Committee	3/19	X		
4	MTA Board	3/21	X		

Internal Approvals			
Order	Approval	Date	Approval
2	MNR President	3/12/18	
4	LIRR President	3/9/18	
1	MNR General Counsel	3/8/18	
3	LIRR General Counsel	3/7/18	

**Purpose and Recommendation:** To obtain approval to revise fare policy applicable to the MTA Commuter Railroads (Metro-North and LIRR) to extend the refund period for unused portions of one-way, round trip and ten trip tickets for an additional two year period, to bring the Railroads into compliance with a recent amendment to the Public Authorities Law.

**Discussion:** In December, 2017, the new PAL §1266-k became effective, which provides:

Notwithstanding any other provision of law to the contrary, the authority shall, within ninety days of the effective date of this section, establish an expired fare transfer policy that may be amended from time to time. *Such policy shall provide any person who purchases a fare the ability to transfer any remaining balance for two years after such fare is deemed expired.*

This law expires and is deemed repealed on December 31, 2022.

NYC Transit customers currently have the ability to transfer remaining balances in a manner that is compliant with the statute. However, the Railroads' ticket media do not allow for a similar fare balance transfer mechanism. In order to best comply with the requirements of the statute, the Railroads are recommending that fare policy be amended to extend the period during which customers can obtain refunds for unused tickets other than time-based tickets (i.e., weeklies and monthlies).

Currently, Commuter Railroad one-ways and round trips are valid for 60 days, and the unused portions of such tickets are refundable for the same 60 day period. Ten trips are valid and refundable for 6 months. In order to best comply with the requirements of the law, Metro-North and LIRR recommend that the period during which a refund can be obtained be extended for an additional two years. Miscellaneous other ticket types (e.g., group sales) would be similarly extended. The existing administrative fee of \$10 per transaction (not per ticket) will be applied to all refunds.





## Staff Summary

Page 2 of 2

The extended refund period would not be applicable to time-based tickets because in those cases the customer purchased unlimited rides for a set period of time, and there is no way to assess unused value at the end of the week or month. This is consistent with NYC Transit's policy with respect to their time-based instruments. The Railroads would continue to process refund requests for monthlies and weeklies made during their validity period as per existing policy.

With respect to mobile tickets, there needs to be further investigation with the Mobile Ticketing vendor about the feasibility of programming a Self-Service Refund of Expired Tickets (not already activated) and/or Exchange feature. The Railroads will seek a permanent solution for this issue with the vendor.

Upon approval of this policy change, the Railroads will act diligently to implement the new policy and inform customers of the change.

**Alternatives:** The Railroads must comply as best as possible with the new statutory requirements. The Railroads do not have the facilities or systems in place to handle this requirement in an alternative fashion.

**Budget Impact:** There will be an impact to revenues which is difficult to quantify at this time, but it is expected to be minimal. It is unknown how many unused, expired tickets are retained by customers beyond the current refund periods.

**LONG ISLAND RAIL ROAD**

**PROCUREMENTS**

**FOR**

**BOARD ACTION**

**March 21, 2018**



# Staff Summary



<b>Subject : Request for Authorization to Award Various Procurements</b>						<b>Date</b> March 21, 2018			
<b>Department</b> Procurement and Logistics									
<b>Department Head Name</b> Dennis L. Mahon, Chief Procurement and Logistics Officer									
<b>Department Head Signature</b> 									
<b>Board Action</b>						<b>Internal Approvals</b>			
<b>Order</b>	<b>To</b>	<b>Date</b>	<b>Approval</b>	<b>Info</b>	<b>Other</b>	<b>Order</b>	<b>Approval</b>	<b>Order</b>	<b>Approval</b>
1	LI Committee	3.19.18				2	President		
2	MTA Board	3.21.18				1	Executive VP		

## PURPOSE:

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

## DISCUSSION:

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

None

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

### Schedules Requiring Two-Thirds Vote

Schedule C:	Competitive Requests for Proposals (Award)	1	\$13,400,000
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### Schedules Requiring Majority Vote

Schedule G:	Miscellaneous Service Contracts	1	\$5,000,000
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Schedule I:	Modifications to Purchase and Public Work	1	\$3,102,008
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<b>SUBTOTAL:</b>		<u>3</u>	<u>\$21,502,008</u>
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**LIRR proposes to award Ratifications in the following categories:**      # of Actions      \$ Amount

### Schedules Requiring Majority Vote

Schedule D:	Ratification of Completed Procurement Actions	1	\$9,873,192.50
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<b>SUBTOTAL:</b>		<u>1</u>	<u>\$9,873,192.50</u>
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<b>TOTAL:</b>		<u>4</u>	<u>\$31,375,200.50</u>
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**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.

**MARCH 2018**

**MTA LONG ISLAND RAIL ROAD**

**LIST OF COMPETITIVE PROCUREMENTS FOR BOARD APPROVAL**

*Procurements Requiring Two-Thirds Vote*

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

(Staff Summaries only required for items requiring Board approval)

- |    |  |                     |                                      |
|----|--|---------------------|--------------------------------------|
| 1. | <b>Forte Construction Corp.<br/>Competitive RFP<br/>Contract No. 6289B</b> | <b>\$13,400,000</b> | <i><u>Staff Summary Attached</u></i> |
|----|--|---------------------|--------------------------------------|

LIRR requests MTA Board approval to award a contract to Forte Construction Corp. to perform the design and construction services to complete the station renovation, including amenities, at Northport Station and provide station amenities at five additional station locations. A previous MTA Board application was submitted and approved for an award to Citnalta/Scalamandre for 8 other LIRR stations. The proposed contract for station improvements is part of the LIRR's Capital Program and will improve and upgrade the customer experience.

*Procurements Requiring Majority Vote*

**Schedule G: Miscellaneous Service Contracts**

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

- |    |  |                                      |                                      |
|----|--|--------------------------------------|--------------------------------------|
| 2. | <b>AB Oil Service<br/>Island Pump &amp; Tank<br/>Competitive RFP<br/>Contract No. 6287</b> | <b>\$5,000,000<br/>Not-to-Exceed</b> | <i><u>Staff Summary Attached</u></i> |
|----|--|--------------------------------------|--------------------------------------|

LIRR requests MTA Board approval to award blanket contracts to AB Oil Service ("AB Oil") and Island Pump & Tank (IP&T), for hazardous and non-hazardous waste removal and disposal services from various LIRR locations on an on call basis for a period of five (5) years from Notice of Award. The firms will be awarded separate contracts for the services in the aggregate not-to-exceed amount of \$5,000,000. Under the contracts, LIRR will order services on an as-needed basis, and LIRR will not be obligated to purchase any minimum amount. Each firm will be called out using established LIRR protocols based on costs and available resources.

Procurements Requiring Majority Vote

**Schedule I: Modifications to Purchase and Public Work Contracts**

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

- |    |                              |                    |                               |
|----|------------------------------|--------------------|-------------------------------|
| 3. | <b>L.K. Comstock</b>         | <b>\$3,102,008</b> | <u>Staff Summary Attached</u> |
|    | <b>Contract Modification</b> |                    |                               |
|    | <b>Contract No. 6257</b>     |                    |                               |

LIRR requests MTA Board approval to award a contract modification to L.K. Comstock in the amount of \$3,102,008 to provide design and construction of all civil and electrical infrastructure support work required for two new Motor Generator (MG) Buildings at Deer Park and Ronkonkoma, as well as similar work for one new Motor Generator Set at Bethpage for the new second track – Farmingdale to Ronkonkoma on LIRR’s Ronkonkoma Branch project. The estimated period of performance is six months from Notice of Award. The MG Buildings and sets themselves will be provided under a separate contract.

## Staff Summary



Page 1 of 3

Item Number: 1					
Dept & Dept Head Name: Procurement & Logistics, Dennis Mahon					
Department Head Signature & Date					
Division & Division Head Name: Department of Program Management – Paul Dietlin					
Division Head Signature & Date					
Board Reviews					
Order	To	Date	Approval	Info	Other
1	LI Committee	3.19.18			
2	MTA Board	3.21.18			
Internal Approvals					
Order	Approval	Order	Approval		
6	President	3	SVP Engineering		
5	Executive VP	2	VP and CFO		
4	SVP Operations	1	VP/Gen'l Counsel & Sec'y		

SUMMARY INFORMATION	
Vendor Name	Contract Number
Forte Construction Corp.	6289B
Description Station Improvements at Six LIRR Stations	
Total Amount	
\$13,400,000	
Contract Term (including Options, if any)	
269 calendar days	
Options(s) included in Total Amount:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Renewal?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Procurement Type	
<input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-Competitive	
Solicitation Type	
<input checked="" type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> Other:	
Funding Source	
<input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	

## Narrative

I. PURPOSE/RECOMMENDATION:

LIRR requests MTA Board approval to award a contract to Forte Construction Corp. to perform the design and construction services to complete the station renovation, including amenities, at Northport Station and provide station amenities at five additional station locations. A previous MTA Board application was submitted and approved for an award to Citnalta/Scalamandre for 8 other LIRR stations. The proposed contract for station improvements is part of the LIRR's Capital Program and will improve and upgrade the customer experience.

II. DISCUSSION:

The LIRR requires the services of a design/build contractor to provide design, engineering, and construction services for station improvements at six stations. The overall project goal is to enhance the appearance, function, safety and the customer's experience at each of these stations. Each station has unique elements; the below items describe overall scope but may not apply to each individual station.

This contract will require the contractor to provide Design/Build Services at LIRR's Northport Station for Station Building Renovation.

- Station Renovation work includes new floor, wall, and ceiling finishes, new doors and windows, new ADA compliant restrooms, new lighting, communications systems, HVAC systems, signage, benches, and information screens. Exterior renovation includes new pavers, painting, brick masonry, lighting, digital and static signage, corporate signage, bird deterrents, selective roof repair/replacement, and art.

## **Staff Summary**

The contractor shall also provide Design/Build Services for amenities at LIRR's Great Neck, Valley Stream, Northport, Baldwin, Bayside, and Ronkonkoma (6 Stations).

- Amenities include free customer Wi-Fi, charge ports, CCTV cameras, totems, trash receptacles, and digital LED information screens (dashboards)

At its April 2017 meeting, the MTA Board approved the use of a two-step "Request for Proposal" method to procure this design-build contract. A Step 1 Request for Proposals (RFP) was prepared and advertised in the New York State Contract Reporter and LIRR's website to develop and pre-qualify a short list of firms. 21 firms picked up Step 1 RFP Packages but on 9/9/17, only 6 firms submitted a formal proposal for pre-qualification. Step 1 pre-qualification criteria were as follows:

- 1) Record of performance on past projects;
- 2) Demonstrated experience of proposer and design / build team;
- 3) Proposer's demonstrated financial capability;
- 4) Diversity practices

The LIRR's three person Technical Evaluation Committee (TEC) comprised of members of LIRR's Department of Program Management, Engineering and Stations departments determined that all 6 firms were technically competent and therefore, should be asked to develop and submit Step 2 proposals. Those firms were: Aurora/LoDuca JV, Lipsky Enterprises Inc., Forte Inc., Railroad Construction Company (RCC), Citnalta/Scalamandre JV, and E.E. Cruz & Company.

Step 2 RFP Packages were sent to each of the six aforementioned, pre-qualified firms. A total of 8 addenda were issued to answer vendor queries, and revise the specs and renderings. On December 15, 2017, proposals were received from four of the six pre-qualified firms. On 01/24/18, the MTA Board approved Citnalta/Scalamandre JV as the awardee for the first group of station improvements.

On December 21, 2017, a second RFP for the second group of station improvements were sent to the same six pre-qualified firms. A total of 6 addenda were issued to answer vendor queries, and revise the specs and cost proposal sheet. On February 1, 2018, proposals were received from two of the six pre-qualified firms (E.E. Cruz and Forte). Both firms were invited in for oral presentations of their proposals and, following discussions, both firms were instructed to submit revised proposals based on Station renovation work at Northport Station, and amenities at all 6 stations.

Upon receipt of revised proposals from both firms, and based upon applying the below Step 2 evaluation criteria, Forte was determined to have submitted a proposal offering "best value" to the LIRR in terms of total cost, schedule and technical qualifications:

- 1) Planning & scheduling;
- 2) Technical approach to the work;
- 3) Demonstrated experience of proposer / design – build team;
- 4) Cost

## Staff Summary



Long Island Rail Road

Page 3 of 3

In terms of cost, the awardee's total cost was evaluated in conjunction with the LIRR's internal estimate. The awardee's total proposed cost of \$13,400,000 is 6% less than the LIRR's internal estimate of \$14,224,763 and 8% less than E.E. Cruz's price of \$14,465,000, and it is therefore deemed fair and reasonable.

A responsibility review of the awardee firm was conducted whereby no adverse or significant adverse information was found. In addition, a financial review of the awardee firm by LIRR's Capital Accounting Department yielded favorable results.

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

The MTA Department of Diversity and Civil Rights (DDCR) has established MBE WBE and SDVOB goals for this procurement at 15% MBE, 15% WBE and 6% SDVOB respectively, and is awaiting the submission of Forte's final MBE/WBE/SDVOB Utilization Plan. An award will not be made until DDCR approval of the MBE/WBE/SDVOB utilization plan is obtained.

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

Funding for this contract is included in LIRR's Capital Budget.

### **V. ALTERNATIVES:**

The alternative is for LIRR not to progress these station improvements. Additionally, LIRR does not have the ability to fully undertake the design build services for these station improvements with in-house forces.



## Schedule G: Miscellaneous Service Contracts

### Staff Summary



Item Number: 2

<b>Vendor Name (&amp; Location)</b> AB Oil Service (Bohemia, NY) Island Pump & Tank (East Northport, NY)
<b>Description</b> Hazardous & Non-Hazardous Waste Removal & Disposal
<b>Contract Term (including Options, if any)</b> April 1, 2018 – March 31, 2023
<b>Option(s) included in Total Amount?</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>Contact Number</b> 6287	<b>Renewal?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total Amount:</b> \$5,000,000 Not To Exceed	
<b>Funding Source</b> <input checked="" type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Corporate Safety –Environmental Planning & Compliance L. Ebbighausen	
<b>Contract Manager:</b> Richard Mack	

#### Discussion:

LIRR requests MTA Board approval to award blanket contracts to AB Oil Service (“AB Oil”) and Island Pump & Tank (IP&T), for hazardous and non-hazardous waste removal and disposal services from various LIRR locations on an on call basis for a period of five (5) years from Notice of Award. The firms will be awarded separate contracts for the services in the aggregate not-to-exceed amount of \$5,000,000. Under the contracts, LIRR will order services on an as-needed basis, and LIRR will not be obligated to purchase any minimum amount. Each firm will be called out using established use LIRR protocols based on costs and available resources.

The awards are made pursuant to a Competitive Request for Proposal (RFP) process to afford LIRR the ability to evaluate criteria such as contractor experience, resources, technical expertise, safety record, as well as price. The RFP was advertised in the New York State Contract Reporter, New York Post, and on the MTA Website on 9/14/17. Copies of the RFP were mailed to twenty-eight (28) companies. In response to the RFP, four proposals were received from the following firms; AB Oil, ACV Environmental, IP&T, and Clean Harbors. Due to the diverse and complex nature of the work, LIRR has historically retained multiple contractors for the different services. Additionally, because each firm may provide a specified service at differing prices, awarding contracts to multiple firms will be cost effective.

Based on an evaluation conducted by a Technical Evaluation Committee, two firms, AB Oil and IP&T, were deemed qualified and responsible. They all carry Part 364 hazardous and non-hazardous waste transporter permits for their equipment to transport hazardous and non-hazardous waste, as well as Part 360 Solid Waste Management Facility permits. Their employees’ certificates and other OSHA training certificates were provided, in addition to a comprehensive list of proposed and specialized equipment and material owned or leased including evidence of the age of the equipment as well as current road equipment registration and titles.

LIRR’s not to exceed value of \$5,000,000.00 is based on estimates of the frequency and nature of specific events requiring waste removal that will be encountered over the five-year life of the contract. The proposed prices were used for evaluation purposes only. However, the proposed unit prices for each category of Work will become the basis of cost for the contract. Work will be authorized on an “on-call, as required” basis and will be awarded to the firm determined from the contract prices that can perform the work at the lowest aggregate cost. In this regard, if it cannot be reasonably determined by the contracts’ unit prices which of the

## **Staff Summary**



firms can provide the overall lowest cost, an informal competitive process will be used among the firms to insure that the Work is awarded to the lowest priced firm. Since the work will be defined on an as needed basis, LIRR will award two separate Indefinite Quantity Contracts in equal NTE amounts to the two firms. As work is authorized to each firm, LIRR may be required to reallocate the authorized funds among the two firms, depending on which firm can adequately and timely perform the work at the lowest cost and as required and determined by actual usage.

The negotiated prices offered for the most utilized items in the proposals were on average 4% higher than prices in our current contracts, which is reasonable based on industry market of 3% escalation per year. These increases are due to a number of factors. Collection, treatment, and waste material costs have increased since 2010. EPA fines for violations have increased due to the 2015 Inflation Adjustment Act and new requirements from NYSDEC for disposal of hazardous materials have been established. All these factors have played a major role in the proposed cost by all vendors. LIRR has determined that the prices offered are fair and reasonable.

Funding for these contracts is included in either LIRR's Operating and/or Capital Budgets, depending upon the nature of the work.

## Staff Summary



<b>Item Number:</b> 3
<b>Vendor Name (&amp; Location)</b> L.K. Comstock and Company, Inc.
<b>Description</b> Main Line Second Track Phase II
<b>Contract Term (including Options, if any)</b> 572 consecutive calendar days
<b>Option(s) included in Total Amount?</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 type="checkbox"/> RFP <input type="checkbox"/> Bid <input checked="" type="checkbox"/> Other: Change Order
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Program Management, Paul Dietlin

SUMMARY INFORMATION	
<b>Contact Number</b> 6257	<b>AWO/Modification #</b> #2
<b>Original Amount:</b>	\$66,530,000
<b>Prior Modifications:</b>	7/27/17 No cost
<b>Prior Budgetary Increases:</b>	
<b>Current Amount:</b>	\$66,530,000
<b>This Request:</b>	\$3,102,008 NTE
<b>% of This Request to Current Amount:</b>	4.67%
<b>% of Modifications (including This Request) to Original Amount:</b>	4.67%

**I. PURPOSE/RECOMMENDATION**

LIRR requests MTA Board approval to award a contract modification to L.K. Comstock in the amount of \$3,102,008 to provide design and construction of all civil and electrical infrastructure support work required for two new Motor Generator (MG) Buildings at Deer Park and Ronkonkoma, as well as similar work for one new Motor Generator Set at Bethpage for the new second track – Farmingdale to Ronkonkoma on LIRR's Ronkonkoma Branch project. The estimated period of performance is six months from Notice of Award. The MG Buildings and sets themselves will be provided under a separate contract.

**II. DISCUSSION**

This change order is a modification to Contract #6257 with L.K. Comstock for the Design-Build Track and Systems Installation for the new second track on the Main Line Ronkonkoma Branch.

To support the LIRR's Main Line Second Track project, LIRR requires upgraded signal MG capacity to provide additional signal power to support the additional loads created by this new Main Line Second Track service. The existing system as is cannot provide sufficient power to run multiple trains at one time through the new second track area and with the necessary operating redundancies to all of the new signal components that will be installed for the Main Line Second Track. Upgrading the existing MGs along the Main Line Second Track will allow for proper signal power and reliability to commission and operate the new Second Track system.

During the analysis of the final signal design of the project, the design-builder analyzed the cutover plan of the new two track system for Main Line Second Track as well as the load on the current system. At that time, the design-builder determined that the existing signal power system needs to be upgraded to allow for functionality and reliability of the new two track system. Accordingly, the three (3) signal power MGs along the Main Line Second Track (at Bethpage, Deer Park, and Ronkonkoma) require an upgrade. This will result in an increase in the LIRR's operational flexibility and mitigate overcrowding and/or cancellation of trains if an operational issue occurs. Additionally, signal power system capacity MG upgrades will prevent low voltage conditions that could result in potential damage to the electrical/signal equipment and impact reliability of service to LIRR customers.

## Staff Summary



Under the proposed change order, L.K. Comstock will be responsible for providing the civil and electrical infrastructure support for the MG Buildings and sets. L.K. Comstock will also provide necessary design services and construction work including the following: foundations, site conduits, cable, fencing, abatement, grounding, and utility work required for two new MG Buildings at Deer Park & Ronkonkoma, as well as installation of conduits, and miscellaneous civil work for one new MG at Bethpage.

The negotiated price for L.K. Comstock's scope of work is NTE \$3,102,008, which is 14.5% less than LIRR's internal estimate of \$3,630,993. Accordingly, LIRR deems the price fair and reasonable.

LIRR conducted another responsibility review of L.K. Comstock and determined that the firm remains a responsible contractor.

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

The MTA Department of Diversity and Civil Rights has established MBE/WBE goals of 15%/15% for this contract.

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

This change order will be funded by the LIRR 2015-2019 Capital Budget.

### **V. ALTERNATIVES**

The only other alternative to achieving the design and construction work for the MG upgrade work would be for LIRR to solicit proposals for this work from other contractors. Contracting with another contractor would not be in the best interest of the LIRR for the following reasons: (a) LIRR would lose the benefit of L.K. Comstock's existing knowledge of the project gained so far through their design and construction work and the associated related costs savings from that knowledge; (b) there would be significant duplication of effort in utilizing a new contractor who is unfamiliar with the project since that new contractor would have to mobilize to the area, become familiar with the project including the many technical issues that L.K. Comstock is already familiar with; and (c) the increased time resulting from the learning curve of a new contractor would adversely impact the completion schedule of this fast track project.

**MARCH 2018**

**MTA LONG ISLAND RAIL ROAD**

**LIST OF RATIFICATIONS FOR BOARD APPROVAL**

*Procurements Requiring Majority Vote*

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

(Ratifications are to be briefly summarized with staff summaries attached only for unusually large or especially significant items)

- 4. Power Resources International      \$9,873,192.50      *Staff Summary Attached***  
**Competitive/Emergency**  
**Contract No. 6305**

It is requested that the Board formally ratify the “Declaration of Emergency,” made by the Chief Procurement and Logistics Officer, waiving formal competitive bidding pursuant to Article III Paragraph B 1 of the All Agency Procurement Guidelines and Section 1265-a of the Public Authorities Law subsection 4(a), and approve award of a contract to Power Resources International (PRI) for Main Line Second Track Motor Generator (MG) upgrades. The estimated period of performance is 475 consecutive calendar days from the Notice of Award.

## Schedule D: Ratification of Completed Procurement Actions

### Staff Summary



Long Island Rail Road

Page 1 of 2

Item Number: 4

<b>Vendor Name (&amp; Location)</b> Power Resources International (New York)
<b>Description</b> Main Line Second Track Motor Generator Replacements
<b>Contract Term (including Options, if any)</b> 475 consecutive calendar days
<b>Option(s) included in Total Amount?</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 type="checkbox"/> RFP <input checked="" type="checkbox"/> Bid <input type="checkbox"/> Other:

<b>Contact Number</b> 6305	<b>Renewal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Total Amount:</b> \$9,873,192.50	
<b>Funding Source</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input type="checkbox"/> Federal <input type="checkbox"/> Other:	
<b>Requesting Dept/Div &amp; Dept/Div Head Name:</b> Department of Program Management, Paul Dietlin	
<b>Contract Manager:</b> Joseph Famiglietti	

### Discussion:

It is requested that the Board formally ratify the “Declaration of Emergency,” made by the Chief Procurement and Logistics Officer, waiving formal competitive bidding pursuant to Article III Paragraph B 1 of the All Agency Procurement Guidelines and Section 1265-a of the Public Authorities Law subsection 4(a), and approve award of a contract to Power Resources International (PRI) for Main Line Second Track Motor Generator (MG) upgrades. The estimated period of performance is 475 consecutive calendar days from the Notice of Award.

To support the LIRR's Main Line Second Track project, the LIRR requires upgraded signal motor generator capacity to provide additional signal power to support the additional loads created by this new service. This is in support of the LIRR's fast-tracked Design-Build New Second Track between Farmingdale and Ronkonkoma Project. Currently, this area consists of a single electrified at-grade track, with limited passing sidings. The total length of the corridor is 17.9 miles, with single track segments totaling 12.6 miles. Operation of a full Second Track will allow for more reliable LIRR Main Line service and faster recovery for the Farmingdale to Ronkonkoma segment of the LIRR. The completion of the Second Track is the key to improving service reliability and on-time performance and allow for increased capacity on the corridor. Without having the Second Track system operational, the LIRR does not have the operational flexibility and redundancy to provide improved passenger service.

During the analysis of the final signal design, performed as the design-builder of the signal system progressed the final design, and analysis of the cutover plan of the new two track system for Main Line Second Track, as well as analysis of the load on the current system, it was determined that the existing signal power system needs to be upgraded to allow for functionality and reliability of the new two track system. Three (3) signal power motor generators along the Main Line Second Track corridor (at Bethpage, Deer Park, and Ronkonkoma) require upgrade. This will result in an increase in the LIRR's operational flexibility and mitigate overcrowding and/or cancellation of trains if an operational issue occurs. Additionally, signal power system capacity MG upgrades will prevent low voltage conditions at equipment that could result in potential damage to the effected electrical/signal equipment and impact reliability of service to LIRR customers.

## **Staff Summary**



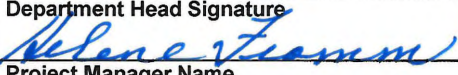
Manufacturing of the MGs had to begin by March 1, 2018, in order to ensure coordination of the overall work completion and schedule of the full Second Track project. Full open competitive procurement for this equipment would add 4 to 6 months to the process and create potential impacts as mentioned above. Therefore limited competitive bidding was undertaken, under a “Declaration of Emergency.”




Three firms that have previously supplied this kind of equipment to LIRR were asked to bid. One bid was received, from PRI, in the amount of \$9,873,192.50, which is 3% less than the LIRR estimate, and is deemed to be fair and reasonable. The other two bidders declined to bid, citing the accelerated schedule of the work to be completed.

The contract has 5% combined MBE/WBE goals assigned to it by the MTA Department of Diversity and Civil Rights.

PRI has been reviewed and determined to be a responsible vendor.  
Funding for the contract is included in LIRR’s 2015 – 2019 Capital Program.

# Staff Summary

<b>Subject</b> <b>Mission Statement, Measurements, and Performance Indicators Report</b>	<b>Date</b> <b>March 21, 2018</b>
<b>Department</b> <b>Chief of Staff</b>	<b>Vendor Name</b> <b>N/A</b>
<b>Department Head Name</b> <b>Helene Fromm</b>	<b>Contract Number</b> <b>N/A</b>
<b>Department Head Signature</b> 	<b>Contract Manager Name</b> <b>N/A</b>
<b>Project Manager Name</b> <b>Lamond W. Kearse</b>	<b>Table of Contents Ref #</b>

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
	Corporate Governance	3/19/18				1	Chief of Staff 		
	Board	3/21/18				2	Legal 		
						3	Chief Compliance Officer 		

## Purpose:

To obtain Board approval of the MTA's Mission Statement and to authorize submission of the annexed 2017 Mission Statement, Measurements, and Performance Indicators Report (the "Report") to the Independent Authorities Budget Office ("ABO").

## Discussion:

Section 1269-f and Section 2824-a of the Public Authorities Law require MTA to annually reexamine its mission statement, reassess its stakeholders and selected performance measurement indicators, and to submit a report based on the performance indicator results from the previous year.

The MTA and its Board engage in oversight of agency operating performance throughout the year. The Board, through its transit, rail and bridge/tunnel operating committees, closely monitors agency operating performance. Each operating agency reports its most recent performance data in posted monthly reports and in committee books distributed in advance of public MTA operating committee meetings, which are conducted at least eleven times a year. At these public meetings, operating agency results are reviewed and discussed by Board members and agency senior staff. In addition, presentations focused on particular areas of performance are made by the agency staff to the Board operating committees periodically through the year, in accordance with the work plan schedule of each operating committee. The MTA website also contains a "Performance Dashboard" for each of the MTA operating agencies, updated monthly, summarizing the agencies' leading performance measurements.

The Report compiles the MTA Mission Statement, Stakeholder Assessment and the performance measurements from 2017. The operating agencies have each submitted, within the Report, a summary that evaluates agency performance on the applicable indicators in the past year.

## Recommendation:

It is recommended that the MTA Board approve the annexed Report and authorize submission of such Report as required by Section 1269-f and Section 2824-a of the Public Authorities Law to the ABO.



## BY-LAWS METROPOLITAN TRANSPORTATION AUTHORITY

### ARTICLE 1. OFFICES

The principal office of the Metropolitan Transportation Authority (the "Authority") shall be located in the City of New York, County of New York. The Authority may have such other offices as the board may designate or as the business of the Authority may require from time to time.

### ARTICLE II. THE BOARD

**Section 1. General Affairs.** The business and affairs of the Authority shall be managed by its board.

**Section 2. Number, Tenure and Qualifications.** The Authority ("the board" or "the board of the Authority") as used herein shall consist of all of those persons who from time to time hold office as ~~Board Chair~~chairman or members of the Metropolitan Transportation Authority pursuant to §1263 of the Public Authorities Law of the State of New York. Each member shall hold office for the term established by law and until his or her successor shall have been appointed and qualified. Members shall meet all requirements of law respecting their qualification for office.

**Section 3. Regular Meetings.** Regular meetings of the board shall be held without other notice than these by-laws at 10:00 A.M. on the fourth Wednesday of each month except that there shall be no regular meeting in the month of August and except that in the months of November and December the regular meetings shall be held on the third Wednesday of the month. The board may provide by resolution for the time and place for the holding of additional regular meetings without other notice than such resolution. The chairman may adjust the date and time of any regular meeting by written notice provided to members at least forty-eight hours prior to such adjusted date and time. Such written notice shall be provided to members by the same means required by Section 4(b) of Article II of these by-laws for delivery of notice to members of special meetings.

**Section 4. Special Meetings.** (a) Special meetings of the board may be called by the ~~chairman~~Board Chair or, in his or her absence or in case of his or her disability, a vice chairman. In addition, a special meeting of the board shall be called by the secretary or in his or her absence by an assistant secretary upon the request of any two members. The person or persons authorized to call special meetings of the board may fix the time and any place within the City of New York as the place for holding any special meeting of the board called or requested by them.

(b) Written notice of each special meeting shall be given by the ~~chairman~~Board Chair or secretary or by an assistant secretary, specifying the time and place of the meeting. Such notice shall be addressed to each member at the member's postal address on record with the Authority and deposited with the U.S. Postal Service at least forty-eight hours prior to the time fixed for such meeting, and in addition, sent by facsimile or email to each member having a facsimile number or email address on record with the Authority at least forty-eight hours prior to the time fixed for such special meeting. Such notice shall state the purpose of such meeting, and no business other than that stated in the notice shall be transacted at such special meeting unless every member of the Authority then in office is present, and it is unanimously agreed to consider matters other than those specifically provided for in the notice of such meeting. Notwithstanding the foregoing, in the event of an emergency the ~~chairman~~Board Chair may call a special meeting without advance notice and by means other than the delivery of a writing to the members.

**Section 5. Open Meetings.** All meetings of the board shall be conducted in compliance with the provisions of the Open Meetings Law, being Chapter 511 of the Laws of 1976, as amended, and with all rules and regulations promulgated thereunder.

**Section 6. Quorum.** A majority of the whole number of voting members of the board as defined in §1263 (1) (a) of the Public Authorities Law of the State of New York then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the Authority. Those members of the board appointed upon the recommendation of the chief executive officers of Dutchess, Orange, Putnam and Rockland counties (the "Hudson Valley Member" or "Hudson Valley Members") shall be considered to be a single member, and the presence of that member for purposes of determining a quorum shall be ascertained pursuant to section 10 of this article. Except as otherwise specified by law, for the transaction of any business or exercise of any power of the Authority, the Authority shall have power to act by a majority of the voting members of the board present at any meeting at which a quorum is in attendance with the ~~chairman~~Board Chair having one additional vote in the event of a tie vote. For purposes of determining a tie vote, an abstention shall be counted as a vote against a motion. If a meeting is validly called but a quorum is not present, a majority of the members of the board then present may adjourn the meeting from time to time without further notice.

**Section 7. Attendance at Meetings.** (a) Any one or more members of the board or of a committee thereof may attend a meeting of such board or committee by means of a conference telephone or similar communications equipment allowing all persons attending the meeting to hear each other at the same time; however, attendance by such means shall not constitute presence at a meeting for the purposes of section 6, section 8 or section 10 of this Article.

(b) Notwithstanding the provisions of Section 7(a), a member's attendance by means of videoconferencing shall constitute presence at a meeting for any purposes of this Article, *provided* (i) the public notice given for such a meeting of such board or committee states that videoconferencing would be used to conduct the meeting and identifies each location at which members may attend the meeting; and (ii) at each such location, opportunity for public attendance at the meeting is provided.

**Section 8. Presumption of Assent.** A member of the board who is present at a meeting of the board at which action on any matter is taken shall be presumed to have assented to the action taken unless ~~his~~his or her abstention or dissent is stated at the meeting, which dissent or abstention shall be duly entered in the minutes of the meeting.

### **Section 9. Committees.**

(a) The ~~chairman~~Board Chair may establish one or more committees of the board, each committee to consist of one or more of the members and each of which committees shall have and may exercise the powers conferred upon it by the ~~chairman~~Board Chair. Such committees shall have such names as shall be given them by the ~~chairman~~Board Chair. The ~~chairman~~Board Chair shall also establish such committees of the board as shall be mandated by law.

(b) Once a year the ~~chairman~~Board Chair shall invite, in writing, input from the board regarding the composition of board committees.

(c) The ~~chairman~~Board Chair shall notify the board in writing of any changes to committee assignments.

(d) Except in an emergency, the ~~chairman~~Board Chair and each board member shall be given advance written notice of the time and place of any meeting of any committee of the board.

### **Section 10. Quorum and Voting for members of the Board from the counties of Dutchess, Orange, Putnam and Rockland.**

(a) The Hudson Valley Members shall be considered to be a single member. For the purposes of determining a quorum, such single voting member shall be considered present if one or more Hudson Valley Members is present.

(b) The single collective vote of the Hudson Valley Members shall be determined as follows:

(i) if at least three Hudson Valley Members are then in office: (A) if one such member is present, the single collective vote shall be recognized; (B) if two or more such members are present but only one such member votes, the

single collective vote shall be recognized as the vote of such member; (C) if two or more such members are present and two or more such members vote, the majority vote shall be recognized as the single collective vote; and (D) if two or more such members are present and two or more of such members vote but no majority is achieved, the single collective vote shall not be recognized; and

(ii) if two or one Hudson Valley Member(s) are then in office: (A) if one such member is present, the single collective vote shall be recognized as the vote of such voting member; (B) if two such members are present but only one such member votes, the single collective vote shall be recognized as the vote of such voting member; and (C) if two such members are present and both vote, only a unanimous vote shall be recognized as the single collective vote.

To evidence the single collective vote, each such member that is present may be polled as to ~~his~~his or her vote and such poll shall be recorded in the minutes.

### ARTICLE III. OFFICERS

**Section 1. Number.** The officers of the Authority shall be a ~~chairman~~Board Chair, one or more vice chair~~men~~ (the number and exact designation thereof and the separate functions to be determined by the board if there is more than one), an executive director, if one is appointed by the ~~chairman~~Board Chair, a counsel, other senior officials (the number and exact designation thereof and the separate functions to be determined by the ~~chairman~~Board Chair), and a secretary. The ~~chairman~~Board Chair shall be appointed and shall serve as provided by law. The vice chairmen shall be appointed by the board, upon recommendation by the ~~Chairman~~Board Chair, and shall serve at its pleasure. The executive director, if one is appointed by the ~~chairman~~Board Chair, shall serve at the pleasure of the ~~chairman~~Board Chair. Other senior officials, the counsel, and the secretary shall be appointed by the ~~chairman~~Board Chair and shall serve at the pleasure of the ~~chairman~~Board Chair. Such other officials or employees as may be deemed necessary may be appointed by the ~~chairman~~Board Chair, and each shall serve at the pleasure of the ~~chairman~~Board Chair.

**Section 2. ~~Chairman~~Board Chair.** (a) The ~~chairman~~Board Chair shall serve as the ~~chairman~~Board Chair of the board of the Authority and as the chief executive officer of the Authority. The ~~chairman~~Board Chair shall be responsible for providing leadership to the board as it oversees the management of the Authority. The ~~chairman~~Board Chair shall preside at all meetings of the board. The ~~chairman~~Board Chair may delegate any or all of his or her powers relating to the leadership of the board to a vice-chair~~man~~. In the event of a tie vote, the ~~chairman~~Board Chair may cast an additional vote.

(b) The ~~chairman~~Board Chair shall also serve as the chief executive officer of the Authority. As chief executive officer of the Authority, the ~~chairman~~Board Chair

shall be responsible for the discharge of the executive and administrative functions and powers of the Authority.

**Section 3. The Vice Chairman.** In the event of the ~~chairman~~Board Chair's death or inability to act, or in the event the position of ~~chairman~~Board Chair is for any other reason vacant, a vice chairman designated by the board shall perform the duties of the ~~chairman~~Board Chair and when so acting, shall have all the powers of and be subject to all the restrictions upon the ~~chairman~~Board Chair. Such powers and duties shall terminate upon the appointment by the Governor of a successor ~~chairman~~Board Chair as provided by law or upon the cessation of the ~~chairman~~Board Chair's inability to act.

**Section 4. Such Other Officials and Employees.** The ~~chairman~~Board Chair may, in his or her judgment, appoint such other officials and employees, including an executive director, as shall in his or her judgment be needed to discharge the executive and administrative functions and powers of the ~~of the~~ Authority. The ~~chairman~~Board Chair may delegate such of his or her powers relating to the discharge of the executive and administrative functions, including the administration and day to day operations of the Authority as the ~~chairman~~Board Chair may deem appropriate to such other officials and employees.

**Section 5. The Agency Presidents.** The presidents of the subsidiary and affiliate agencies of the Authority are primarily responsible for the general management and operation of their agencies.

**Section 6. The Secretary.** The secretary shall keep the minutes of the proceedings of the board, see that all notices are duly given as required by law, be custodian of the corporate records and of the seal of the Authority, see to it that the seal of the Authority is affixed to all documents the execution of which on behalf of the Authority under its seal is duly authorized, and in general shall perform all duties incident to the office of secretary. The ~~chairman~~Board Chair may appoint one or more assistant secretaries who may perform the duties of the secretary in the event of the absence, disability or incapacity of the secretary.

**Section 7. Salaries.** The salaries fixed by the ~~chairman~~Board Chair for those officers and employees appointed by the ~~chairman~~Board Chair shall at all times be within the amounts budgeted therefore by the board.

#### **ARTICLE IV. CONTRACTS, LOANS, CHECKS AND DEPOSITS**

**Section 1. Contracts.** The board may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Authority, and such authority may be general or confined to specific instances.

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**Section 2. Loans.** No loans shall be contracted on behalf of the Authority and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the board. Such authority may be general or confined to specific instances.

**Section 3. Checks, Drafts, etc.** All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Authority shall be signed by such officer or officers, agent or agents of the Authority and in such manner as shall from time to time be determined by resolution of the board.

**Section 4. Deposits.** All funds of the Authority not otherwise employed shall be deposited from time to time to the credit of the Authority in such banks, trust companies or other depositories as the board may select.



## **ARTICLE V. FISCAL YEAR**

The fiscal year of the Authority shall begin on the first day of January and end on the thirty-first day of December in each year.

## **ARTICLE VI. CORPORATE SEAL**

The board shall provide a corporate seal which shall be circular in form and shall have inscribed thereon the name of the Authority and the words "Corporate Seal".

## **ARTICLE VII. INDEMNIFICATION**

The Authority shall save harmless and indemnify any person (or his or her estate) who shall have served as a member, officer or employee of the Authority or of a subsidiary of the Authority against financial loss, including punitive damages, or litigation expense incurred in connection with any claim, demand, suit, action or proceeding, whether civil or criminal, or the defense thereof, and arising out of (a) any transaction of the Authority or of a subsidiary of the Authority, or (b) any act or failure to act by any such member, officer or employee while engaged in the discharge of his or her duties on behalf of the Authority or its subsidiaries, or the discharge of his or her duties as a fiduciary of a benefit plan for Authority employees or employees of a subsidiary of the Authority. In the event any such claim, demand, suit, action or proceeding shall occur, such member, officer or employee shall be saved harmless and indemnified as herein provided unless such individual is determined by the Authority or its designee not to have acted, in good faith, for a purpose which he or she reasonably believed to be in the best interests of the Authority or of its subsidiaries or affiliates, and, in criminal actions or proceedings, in addition, not to have had reasonable cause to believe that his or her conduct was lawful. The provisions of this Article shall inure only to the members, officers and employees of the Authority or of its subsidiaries, and to their estates, shall not enlarge or diminish the rights of any other party, and shall not impair, limit or modify the rights and obligations of any insurer under any policy of insurance. The foregoing shall be conditional on (a) the prompt delivery to the Authority of a copy of the summons, complaint, process, notice, demand or pleading commencing any such claim, demand, suit, action or proceeding; and, in civil cases only, (b) a contemporaneous offer to name counsel to the Authority as counsel to the member, officer or employee in the defense of such claim, demand, suit, action or proceeding; (c) the full cooperation of the member, officer or employee, in the event the offer is accepted, in making of such defense; and (d) an agreement that the Authority may enter into a settlement on behalf of the member, officer or employee. If the Authority or its designee determines that the defense shall not be provided by counsel for the Authority because of a conflict of interests or other grounds warranting separate counsel, the member, officer or employee may select another attorney and the Authority shall pay reasonable attorney's fees and



expenses incurred by or on behalf of such member, officer or employee represented by outside counsel. The Authority's payment of such fees and expenses may be conditioned upon the member, officer or employee's agreement that more than one member, officer or employee shall be represented by the same counsel. The provisions of Section 18 of the Public Officers Law relating to defense and indemnification shall supplement and be available in addition to the provisions of this Article; provided, however, that in the event of any conflict between the substantive provisions of this Article and those of Section 18 of the Public Officers Law, the provisions that afford the greater protection to such members, officers and employees shall control. In the event that the ~~chairman~~Board Chair or other member requests indemnification under this by-law, the counsel for the Authority shall review and act upon such request; provided that if upon review, the counsel believes that the facts and circumstances warrant denial of such request or raise serious question as to whether the requestor is entitled to indemnification under the by-law, such request shall be submitted to the board for determination. In the event that an officer or employee, other than the ~~chairman~~Board Chair, requests indemnification under this by-law, the counsel for the Authority shall review and act upon such request; provided that if upon review, the counsel believes that the facts and circumstances warrant denial of such request or raise serious question as to whether the requestor may be entitled to indemnification under the by-law, such request shall be submitted to the ~~chairman~~Board Chair or his or her designee for determination. The provisions of this Article replace and supersede the provisions of the prior Article VII governing Indemnification, and govern any claim, demand, suit, action or proceeding that is pending as of the date of the adoption of this Article.

#### Article VIII. Governing Documents: Order of Precedence

In case of any conflict between or among governing documents and/or statutory provisions, the following order of precedence applies:


- Statutes;
- Articles of Incorporation;
- By-Laws;
- Committee Charters; and
- Governance Guidelines.

## ARTICLE ~~IXVIII~~. AMENDMENTS

These by-laws may be altered, amended or repealed and new by-laws may be adopted by the board at any regular or special meeting as to which the nature of the proposed alterations, amendments or repeals have been sent in writing to the members of the board together with the notice of meeting if it is a special meeting or if at a regular meeting at least seventy-two hours in advance of such regular meeting.

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# Staff Summary

Subject <b>Revisions to Committee Charters</b>
Department <b>Corporate Compliance</b>
Department Head Name <b>Lamond W. Kears</b>
Department Head Signature 
Project Manager Name <b>Lamond W. Kears</b>

Date <b>March 21, 2018</b>
Vendor Name <b>N/A</b>
Contract Number <b>N/A</b>
Contract Manager Name <b>N/A</b>
Table of Contents Ref #

Board Action					
Order	To	Date	Approval	Info	Other
1	Corporate Governance	03/19/18			
2	Board	03/21/18			

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

## Purpose:

To seek Board approval of proposed non-substantive revisions to the each MTA Committee Charter in an effort to provide consistency and additional clarity. Copies of the Charters with the proposed revisions are provided with this staff summary.

## Discussion:

MTA staff and Board Members have amended the MTA Committee Charters several times since the Charters were first adopted and created new Charters as Committees were created. As a result, staff identified some unintended variations and outdated references.


The proposed non-substantive revisions to the Charters eliminate unintended variations and update references to positions that no longer exist at the MTA. These changes ensure: (1) each charter requires the Committee to create an annual work plan; (2) the Committee head is referred to as the Chairperson; and (3) titles conform to the current MTA Organizational Struture.

In addition, the staff revised the Audit Committee charter to clarify Board voting requirements for retaining outside advisors.

## Recommendation:

It is recommended that the Board adopt the revisions to each of the Committee Charters.

# Staff Summary

<b>Subject</b> All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services	<b>Date</b> March 21, 2018
<b>Department</b> Corporate Compliance	<b>Vendor Name</b> N/A
<b>Department Head Name</b> Lamond W. Kears, Chief Compliance Officer	<b>Contract Number</b> N/A
<b>Department Head Signature</b> 	<b>Contract Manager Name</b> N/A
<b>Project Manager Name</b> Lamond W. Kears	<b>Table of Contents Ref #</b> N/A

Board Action						Internal Approvals			
Order	To	Date	Approval	Info	Other	Order	Approval	Order	Approval
	Corporate Governance	03/19/18				1	Chief Compliance Officer		
	Board	03/21/18				2	Legal		
						3	Chief of Staff		

## Purpose:

To obtain Board approval of the MTA's All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.

## Discussion:

Public Authorities Law Section 2879 requires the MTA to annually review and approve its All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services. These guidelines were last approved by the Board at its December 13, 2017 meeting.

There are no proposed revisions to either guidelines.

## Recommendation:

It is recommended that the MTA Board approve the annexed All Agency Procurement Guidelines and All Agency Guidelines for Procurement of Services.

# Staff Summary

Subject
<b>Public Authorities Law Required Policies</b>
Department
<b>Corporate Compliance</b>
Department Head Name
<b>Lamond W. Kearse</b>
Department Head Signature

Project Manager Name
<b>Lamond W. Kearse</b>

Date
<b>March 21, 2018</b>
Vendor Name
<b>N/A</b>
Contract Number
<b>N/A</b>
Contract Manager Name
<b>N/A</b>
Table of Contents Ref #
<b>N/A</b>

Board Action					
Order	To	Date	Approval	Info	Other
1	Governance	03/19/18	X		
2	Board	03/21/18	X		

Internal Approvals			
Order	Approval	Order	Approval
1	Corporate Compliance 		
2	Legal 		
3	Chief of Staff 		

## Purpose:

To obtain Board approval for revisions to certain existing policies of the MTA and its Agencies, in order to comply with Public Authorities Law Section 2824 ("PAL 2824").

## Discussion:

PAL 2824 requires the MTA Board to, among other things, establish policies regarding travel, the payment of salary, compensation and reimbursements, and rules for the time and attendance of the chief executive and management. The MTA and its Agencies have existing policies addressing the above subject areas.

Most of these policies are All-Agency Policy Directives; others are agency-specific. Because PAL 2824 requires formal Board adoption of these enumerated policies, an exhibit book has been prepared that includes the relevant policies for your review.

The policies in the exhibit book are new or revisions to existing policies which have been approved by their respective Agencies and are being presented to the Board for its review and approval.

## Recommendation:

It is recommended that the Board approve the policies contained in the exhibit book.